

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Via VideoConference**  
**November 24, 2020**  
**5:30 P.M.**

**ITEM I.**

**CALL TO ORDER**

- A. Judge/Executive Gary W. Moore Called to Order the meeting of the Boone County Fiscal Court.
- B. Commissioner Jesse Brewer presented the Invocation and the Pledge to the Flag.

Judge Moore asked the Fiscal Court Clerk to read into the Minutes the Notice for the Virtual Meeting: The Boone County Fiscal Court, pursuant to KRS 61.826 and OAG 20-05, will conduct its regularly scheduled meeting as a virtual Meeting. The meeting may be attended by the public by viewing the video teleconference on the County's home page at <https://boonecounty.viebit.com/index.php?folder=ALL> or via Spectrum CATV on Channel 203 and via FiOptics on Channel 831.

Members of the Court Present:

Gary W. Moore, County Judge/Executive  
Cathy H. Flaig, Commissioner, District 1  
Charles E. Kenner, Commissioner, District 2  
Jesse A. Brewer, Commissioner, District 3  
Robert Neace, County Attorney

Members of the Staff Present:

Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Matthew H. Webster, Assistant County Administrator  
Robert Franxman, County Engineer  
Benjamin T. Reece, Treasurer  
Lori Zombek, Director of Human Resources - absent  
Sharon Burcham, Fiscal Court Clerk

**ITEM II.**

**APPROVAL OF MINUTES**

A. Judge Moore presented the Minutes from the November 10<sup>th</sup>, 2020 Fiscal Court Meeting for approval. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Minutes from the November 10<sup>th</sup>, 2020 Fiscal Court Meeting. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM III.**

**PRESENTATIONS**

**Hearing of Budget Amendments**

Judge Moore asked the Fiscal Court Clerk to read into the Minutes the Notice of the Hearing of Budget Amendments: The Boone County Fiscal Court will hold a public hearing on Tuesday, November 24<sup>th</sup>, 2020, beginning at 5:30 p.m., for the purpose of hearing comments on the proposed budget amendment to the FY 2021 County Budget (All Funds). There are no proposed amendments regarding the use of LGEA funds and County Road Aid funds. Due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic the County is encouraging residents to submit their comments in writing in advance of the meeting to the attention of the County Administrator @ [yearlywine@boonecountky.org](mailto:yearlywine@boonecountky.org). All interested persons and organizations are hereby notified that a copy of the County's proposed FY 2021 Budget (All Funds) amendments are available for inspection on our website at [www.boonecountky.org](http://www.boonecountky.org). Any individual requiring a special accommodation to participate in said Public Hearing should contact the County in advance of the hearing at (859) 334-3571.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
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**November 24, 2020**  
**5:30 P.M.**

Jeff Earlywine, County Administrator, reviewed formal Budget Amendments using a power point presentation amending the 2021 Budget. Changes were made for Federal Funding for the Pandemic; Fund 96-the Utility Development fund and Mid-year Operation/Capital Projects adjustments. The County received no inquiries from the public regarding the Budget Amendment. After questions and discussion Judge Moore closed the Hearing.

**ITEM IV.**

**PERSONNEL MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF CONNER RAY, TO THE SEASONAL POSITION OF MAINTENANCE FOR THE BOONE COUNTY PARKS DEPARTMENT. Lana Vines of Human Resources, presented the candidate. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SHELDON HIGH TO THE FULL-TIME POSITION OF PUBLIC WORKS LABORER FOR THE PUBLIC WORKS DEPARTMENT. Lana Vines of Human Resources, presented the candidate. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, JUDGE EXECUTIVE, OF BOUBACAR DIALLO, TO THE POSITION OF ASSISTED HOUSING DIRECTOR FOR THE BOONE COUNTY FISCAL COURT. Jeff Earlywine, County Administrator, presented the candidate. Judge Moore thanked Ruth Tanner for all her great work as AH Director. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM V.**

**ORDINANCES**

A. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. A: First Reading of AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, AMENDING THE FISCAL YEAR 2020-2021 ALL FUNDS BUDGET ENACTED BY ORDINANCE NO. 2020-13 ADOPTED JUNE 23, 2020. Judge Moore asked if there were any questions pertaining to the Amendment. Jeff Earlywine, County Administrator, stated the Amendments would be sent to the Department of Local Government for processing and thanked Ben Reece, Treasurer, for his work on the amendments. Judge Moore stated the Second Reading will be December 22, 2020.

**ITEM VI.**

**JUDGE'S REPORT**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF RICHARD GERWE AND THE APPOINTMENTS OF MARY ALICE GRUDEN AND ADAM HOWARD TO THE TAX BOARD ADVISORY ON AGING. Judge Moore stated these are two new members. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
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**5:30 P.M.**

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RE-APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF PAUL DONALDSON AND THE APPOINTMENT OF LISA ANGLIN TO THE BOONE COUNTY EXTENSION DISTRICT BOARD. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item VI. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF KATIE NOLAN TO THE SANITATION DISTRICT NO. 1 BOARD OF DIRECTORS. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING AS SURPLUS RADIOS AND MISCELLANEOUS EQUIPMENT FROM THE BOONE COUNTY JAIL. Matthew Webster, Assistant County Attorney, stated the system is no longer active for these radios and the radios are no longer used by jail employees. Commissioner Brewer asked a question, Matthew Webster responded. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING 4 CDM 1250 VHF MOBILE RADIOS AS SURPLUS AND DONATING THEM TO PENDLETON COUNTY EMERGENCY MANAGEMENT AND 1 PM1500 VHF MOBILE RADIO AS SURPLUS AND DONATING TO GALLATIN COUNTY EMERGENCY MANAGEMENT FROM THE BOONE COUNTY EMERGENCY MANAGEMENT DEPARTMENT. Matthew Webster, Assistant County Administrator, stated these are mobile radios from the Emergency Management Department. They can be used by neighboring counties. Commissioner Kenner moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT DECLARING UHF MOBILE RADIOS, MICROPHONES AND SPEAKERS AS SURPLUS ITEMS FROM THE BOONE COUNTY SHERIFF'S DEPARTMENT. Matthew Webster, Assistant County Administrator, stated this is legacy equipment no longer needed by the Sheriff's Department and will be put up for auction. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING AND SANCTIONING AN EXECUTIVE ORDER TEMPORARILY RESCINDING A PROVISION OF THE COUNTY'S ADMINISTRATIVE CODE AND TEMPORARILY AUTHORIZING THE USE OF EMERGENCY SICK LEAVE. Jeff Earlywine, County Administrator, stated the Court's approval is needed for an Executive Order recently issued by the Judge/executive related to the pandemic and sick leave/vacation time. Commissioner Brewer asked a question, Jeff Earlywine responded. Commissioner Flaig moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
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**November 24, 2020**  
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E. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID FOR CONSTRUCTION OF THE FROGTOWN ROAD SIDEWALKS TO JEFFERSON CONTRACTING, LLC. AT THE BID PRICE OF \$381,591.50. Rob Franxman, County Engineer, stated we rejected bids on October 13<sup>th</sup> and 4 new bids were received that met all qualifications. The County will received \$257,333 in federal grant money. The project is estimated to be completed by July 31, 2021. Commissioner Brewer asked a question, Rob Franxman responded. Commissioner Flaig asked a question, Rob Franxman responded. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

F. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. F: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE KENTUCKY TRANSPORTATION CABINET AND BOONE COUNTY FISCAL COURT AUTHORIZING REIMBURSABLE FUNDING FOR CONSTRUCTION TO CONNECT EXISTING SECTIONS OF FIRST FINANCIAL DRIVE IN UN-INCORPORATED BOONE COUNTY. Jeff Earlywine, County Administrator, explained this is a Memorandum of Agreement between Kentucky Transportation Cabinet and Boone County to connect the middle of First Financial Drive. KYTC wants to lease office space for a Real ID Office. This will grant multiple ways in and out of the property. The property owner has agreed to donate the Right of Way. The State will provide \$250,000 and the County will match with \$250,000. Commissioner Brewer asked a question, Jeff Earlywine responded. Commissioner Flaig moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

G. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. G: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST TO VACATE STREET RIGHT-OF-WAY ON A SEGMENT OF VESPER LANE IN PETERSBURG, UNINCORPORATED BOONE COUNTY, KENTUCKY AS RECOMMENDED BY THE VIEWING COMMITTEE. Judge Moore stated the property owners in this area want to address the Court and asked if the Resolution could be Tabled until all questions are resolved. Commissioner Flaig moved to TABLE the Resolution, Commissioner Brewer seconded the Motion to TABLE the Resolution. Judge Moore called for a vote on the motion to TABLE, ALL PRESENT VOTING - AYE 4-0.

H. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. H: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING CHANGE ORDER #1 IN THE AMOUNT OF \$118,127.20 AND PROJECT CLOSEOUT RELATING TO THE LONGBRANCH ROAD WIDENING PROJECT. Rob Franxman, County Engineer, stated this is the final invoice and closeout of supplemental overruns for the Longbranch Road widening project of additional asphalt costs, movement of waterlines, removal of trees, and regrading of a driveway. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Resolution Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

I. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. I: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF RURAL AND MUNICIPAL AID FOR THE BRIDGE REPLACEMENT ON PEEL ROAD IN BOONE COUNTY, KENTUCKY. Rob Franxman, County Engineer, stated this project is listed in the Budget Amendment. Property owners asked the County to assess the culvert on Peel Road and Engineers found the beams of the bridge were rusted through. The County asked for the 80/20 Bridge Funding Program and the State allowed \$80,000 for the project. Estimated costs of the repairs will be \$400,000. Commissioner Brewer

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Via VideoConference**  
**November 24, 2020**  
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asked a question, Rob Franxman responded. Commissioner Brewer moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

J. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. J: A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE RENAMING OF A SECTION OF RYLE ROAD TO SOUTH RYLE ROAD LOCATED IN BOONE COUNTY, KENTUCKY. Matthew Webster, County Administrator, commented that since the closure of Ryle Road, there are two unconnected roads with the same name. To minimize disruption of emergency services, we are renaming the south end to South Ryle Road. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

K. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. K: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT, AUTHORIZING THE ANNUAL ADJUSTMENT OF PAYMENT STANDARDS TO BE USED BY THE BOONE COUNTY ASSISTED HOUSING DEPARTMENT FOR THE CALENDAR YEAR 2021. Ruth Tanner, Director of Assisted Housing, stated this is for approval of pay standards to HUD for fair market rents for calendar year 2021. Commissioner Brewer asked a question, Ruth Tanner responded. Commissioner Brewer moved, seconded by Commissioner Flaig, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

L. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. L: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT, DECLARING AS SURPLUS PROPERTY AN EMERGENCY GENERATOR AND AUTHORIZING THE TRANSFER OF THIS EQUIPMENT, WITHOUT COMPENSATION, TO THE BOONE COUNTY SCHOOL DISTRICT. Matthew Webster, Assistant County Administrator, stated due to the new radio project the Walton tower will be de-commissioned. The emergency generator at that site will no longer be necessary. The School Board has asked for the generator as they use the tower to communicate with bus drivers. Commissioner Flaig moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

M. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. M: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE WAIVER OF CERTAIN ALCOHOLIC BEVERAGE RENEWAL FEES FOR THE PERIOD DECEMBER 1, 2020 TO NOVEMBER 30, 2021 IN BOONE COUNTY, KENTUCKY. Judge Moore stated that due to the Covid pandemic there has been an impact to industry. This will grant relief to small businesses of restaurants and bars waiving the ABC fees for 2021. They will be required to renew their licenses but the fee is waived. Package carryout is not included. Jeff Earlywine, County Administrator, commented total fees for 2020 were \$82,747 and the County will waive \$57,485. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM VIII.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Reports dated November 24<sup>th</sup>, 2020 and a pre-paid Invoice Report dated November 20<sup>th</sup>, 2020. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

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B. Judge Moore presented the Golf Invoice Reports dated November 24<sup>th</sup>, 2020 and a pre-paid Golf Invoice Report dated November 20<sup>th</sup>, 2020. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Golf Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 4-0.

**ITEM IX.** **OLD BUSINESS**

A. Judge Moore asked if there was any Old Business to come before the Court. Jeff Earlywine, County Administrator, asked to report on the Special Session Court Meeting that was held for the Cities of Union and Walton. The City of Union did not adopt our resolution and the City of Walton also declined the County's Resolution. There will be no re-designation of CARES Act funding from the cities to the County.

**ITEM X.** **NEW BUSINESS**

A. Judge Moore asked if there was any New Business to come before the Court, none presented.

**ITEM XI.** **ADJOURNMENT**

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Flaig moved, seconded by Commissioner Brewer, to adjourn the meeting. ALL PRESENT VOTING - AYE 4-0.

NEXT FISCAL COURT MEETING – Tuesday, December 8<sup>th</sup>, 2020 at **8:30 A.M.**

**CLERK CERTIFICATION**

The Fiscal Court Clerk does hereby certify that this is a true and accurate record of the actions taken during the Boone County Fiscal Court meeting of November 24<sup>th</sup>, 2020.

  
\_\_\_\_\_  
Fiscal Court Clerk

Date: 8 Dec 2020

**ANNOUNCEMENTS:**