

REQUEST OF BOONE COUNTY FISCAL COURT TO EXAMINE A
ZONING MAP AMENDMENT ON A ±350 ACRE SITE
OWNED BY BOB AND ED HEIMANN LOCATED
AT THE NORTHWEST QUADRANT OF I-275 AND KY 237, BOONE COUNTY, KENTUCKY

OCTOBER 25, 1989

The Boone County Fiscal Court, on October 3, 1989, produced a resolution requesting the Boone County Planning Commission to conduct a public hearing and examine industrial zoning on the ±350 acre Heimann property. The property owners, Bob and Ed Heimann have agreed to the request of the Court and have asked that the existing zoning of Commercial Interchange (C-4), Suburban Residential One (SR-1), and Rural Suburban Estate (RSE) be changed to Industrial One (I-1). The resolution submitted by the Fiscal Court to the Planning Commission contains five reasons for making the request, and is attached to this report. This resolution refers to the March, 1989 request for Industrial Two (I-2) zoning on a ±100 acre portion of the property. The current request is to consider the industrial zoning in order to make the site readily suitable for future light industrial development at an important location in Boone County. No development plans or specific uses have been defined for the ±350 acre site, however, there have been several developers interested in developing the property. The site is currently being used for residential and agricultural purposes. A residential structure and a collection of barns exist on the ±350 acre site.

SURROUNDING LAND USES AND ZONING

The existing land uses and zoning surrounding the site includes the following:

A. Land Uses

- North - Agriculture and Woodland
- South - Public/Institutional (I-275) and Industrial (Litton)
- East - Low Density Residential, Agriculture, and developing industrial (SouthPark)
- West - Agriculture and low density residential on Graves Road

B. Zoning

- North - Suburban Residential One (SR-1)
- South - Industrial One (I-1)
- East - Commercial Two (C-2) and Industrial One (I-1) (SouthPark)
- West - Suburban Residential One (SR-1) and Rural Suburban Estate (RSE)

CHARACTERISTICS OF THE SITE

The ±350 acre site has approximately 3,400 feet of frontage on North Bend Road and approximately 900 feet of frontage on Graves Road. Visibility of the site from I-275 is partially restricted by the I-275 westbound entrance ramp, the I-275 southbound exit ramp to KY 237 and the bridge itself. Maximum visibility occurs opposite of the newly constructed Litton Industries office building and toward Graves Road.

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The site contains a prominent overhead electric transmission line. Many lakes or ponds exist on the site. The site is characterized by major drainage swales and is situated generally lower than its surroundings. The highest points on the ±350 acre site are along North Bend Road, Graves Road, and where the existing residence and barns are located. Soils present include two types of Rossmoyne Silt Loam (RsB and RsC) usually found on 0 to 12 percent slopes and Jessup Silt Loam (JeD), which usually appears on 12-20 percent slopes. Sand Run Creek begins on this site.

TRANSPORTATION NETWORK

The Access Management Regulations classify North Bend Road (KY 237) as a Class I Collector. The two-lane roadway is important due to the amount of traffic it will eventually handle. North Bend Road is the only roadway that provides access to a large portion of developable land north of I-275 and south of the Ohio River. With the continued growth in Boone County the traffic demand on North Bend Road will increase tremendously. As such KY 237 is very important to providing service for the future development of this portion of Boone County.

The SouthPark Development, to the east, includes additional lane construction on the east side of North Bend Road. A project now being designed, however, would include the lowering of the existing rise in North Bend Road at the entrance to SouthPark. This project has been expanded to include the widening of North Bend Road to Tanner Road.

Because of the lengthy 3,400 feet of road frontage on North Bend Road, location of access to development on the Heimann property is very important. Staff believes that the main entrance to the development on the ±350 acre site should be opposite SouthPark Drive. A secondary entrance could occur opposite Tanner Road.

The traffic consultant firm representing the Heimanns - Pflum, Klausmeier and Gehrum - has submitted some traffic analysis that examines a third access point opposite Kilgore Place. Some general trip generation for logical development of the ±350 acre site and level of service analysis for the potential Kilgore Place entrance have also been submitted. This data indicates that an access drive opposite Kilgore Place could work, but would require careful attention to design and amount of service. It is important to note that this data is based upon a manufacturing park composed mostly of large users. The exact name of the type of I-1 development is not known at this time. A schematic drawing of the proposed and anticipated road improvements to North Bend Road is attached to this report. Staff concerns on access and improvements are described later in the report.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan depicts the ±350 acre site as Commercial (C) near the interchange, Medium Density Residential (MDR) near Tanner Road, Low Density Residential (LDR) along Graves Road, and Rural Lands (RL) on the western portion.

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Pages B-15 and B-16 of the Business Activity Element discuss future economic development in the area.

"Areas of Future Industrial Activity

The I-275 and KY 237 interchange will experience limited industrial growth to its south although the area north of the interchange should retain its residential character with some commercial activity. Besides offering locational advantages of the two highways, this area is only minutes from the airport. As the northern part of the County experiences manufacturing growth along I-275, the income levels of the work force should rise. This will accompany a continuing decrease in agricultural activity and an increase in nearby residential land use.

To the east of the airport, the Mineola-Circleport-KY 236 area will be an area of great industrial growth in the County. High-tech industry and airport related services should be encouraged at the I-275 interchanges and in the runway clear zones east and north of the airport."

Pages L-12 and L-13 of the Land Use Element address overall development of the area.

"North of I-275 along KY 237, light industrial or highway commercial development should occur only within a few hundred feet of the interstate. The balance of this area should become a residential area. Both Graves Road and KY 237 will experience medium density residential growth in the form of small scale subdivisions. The western portion of Tanners Road will remain in a medium density residential character."

The Goals and Objectives of the Land Use Element are relevant because of this request's potential impact on the growth patterns of the surrounding area.

"Goal:

To ensure quality development of the County's residential, commercial, industrial, recreational, and agricultural interests that (1) are adequately supported by required public facilities and services, (2) are located and designed according to acceptable standards, and (3) meet the current and future needs of County residents.

Objectives:

2. Land use shall occur first where infrastructure systems exist which are suited to accommodate such use would be logically extended or are provided as part of the development.
3. Land use growth shall occur both adjacent to existing centers of development and in the creation of new communities.

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4. There shall be a hierarchy of land uses, specialized to create centers of intense use, with less intense use occurring outward from those centers."

Several objectives of the Business Activity Element pertain to this request.

Goal:

To provide appropriate locations for industries or businesses compatible with others located in the County.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Industrial

1. Industrial shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.
2. Industrial development shall be encouraged to be located near railroads, highways, airports and or the Ohio River. New industrial park sites shall be located primarily near limited access highways throughout the community for convenience, advertising, and economic advantages.
3. Amenity for industrial uses and a favorable relationship with adjoining uses should be fostered by means of design. Industrial nuisances such as smoke, dust, noise, and odor should be controlled.
4. Provisions should be made for proper control of industrial uses which have processes or make products which could be hazardous to human life and property. (Examples of such products are explosives and flammable or corrosive chemicals).

Several objectives of the Public Facilities and Services Element are important to the Hebron-Francisville area.

2. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban forms. Such systems shall not be so oversized or otherwise over-built that they may commit an area, consciously or unconsciously, to a development pattern which is not desired or selected.
3. Priorities for growth within any individual infrastructure system shall be as the opportunity allows for funding or construction, provided no one system over-builds or commits excessive urban growth.
4. Individual sewer, water, school, and fire jurisdictions shall be integrated and coordinated on the basis of county-wide cohesive service areas and networks.

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In conclusion, the Comprehensive Plan suggests limiting commercial or industrial uses near the interchange in order to minimize the impact upon the existing and planned or future residential development patterns. Equally important is the design or layout of any proposed commercial or industrial use and its impact on the community. Adequate buffering or transition of land uses would be necessary to protect the future, significant residential area north of I-275. An important point to consider in discussing utilities is that major water and sewer improvements generally will not happen unless major developments take place in an area.

STAFF CONCERNS

1. This request, if approved, would have a profound impact on the future development of the North River Area of Boone County. This area of Boone County is envisioned as a major residential corridor and is beginning to develop that character now. Two important land use issues are apparent when considering industrial development north of I-275: a) the size of the proposed industrial area, and, 2) the type of separation between the industrial and adjacent residential property.

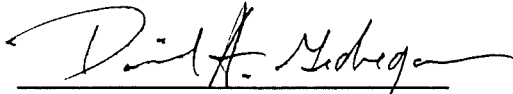
Staff believes that development of the entire Heimann property as industrial, commits adjacent property on Graves Road and North Bend Road to development other than Low Density Residential because of visual and property value impacts. Staff reconnaissance of the site topography indicated that any development on the Heimann property will be readily visible from properties along Graves Road, even with the significant tree stands along Sand Run Creek. Conventional buffering, such as stands of evergreen trees, can be employed on the north edge of the site and along North Bend Road, however, to separate industrial and residential land uses along the west property line would require preserving tree stands throughout the western half of the Heimann property to soften the visual impact. The request includes an approximately 40 acre area fronting on Graves Road which needs to be discussed as to its impacts on existing residences and the future development of that corridor. An attached drawing prepared by staff indicates what could be necessary to buffer industrial development of the Heimann property in order to maintain the overall residential character of the areas north and west of the site. Sensitive treatment of the North Bend Road and Graves Road frontage, including buffering, setbacks, and control of signage, would also be necessary to soften visual impacts on these residential corridors.

2. Road Connections - Staff believes that industrial or commercial development of the Heimann property should include a through-road connection between SouthPark Drive and Graves Road. Such a connection would make developable lands in the Graves Road and Williams Road areas accessible to the KY 237 interchange, and avoid additional impact on the poor condition of portions of Graves Road.

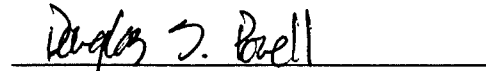
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3. Traffic and Site Access - The location of access to North Bend Road is crucial to future level of service of that important roadway. Staff believes that any access that occurs opposite Kilgore Place should be minor and serve only portions of the site indirectly. This location is also not appropriate for truck traffic because of the travel speed on North Bend Road, the proximity of the westbound I-275 exit ramp, and the weaving movements that would occur at this location. Great care should be taken in the design of any access at this location to limit the amount, type, and times of traffic using the potential access.
 4. Public Services - Should the Heimann property develop as industrial uses, public sanitary sewer service will be necessary, and improvements to the public water system may be needed at I-275. These services would occur as a result of major development on the site, and could benefit the entire North Bend Area. Based on previous record, fire protection needs for ±350 acres of developed industrial uses would exceed the existing capability of the Hebron Fire District.
 5. Joseph Graves Cemetery - There appears to be a cemetery located on the ±350 acre site. An effort should be made to preserve it by properly maintaining it with adequate access and security, or removing it in accordance with State law.

CONCLUSION

The Boone County Planning Commission shall evaluate this request in accordance with the criteria necessary to make a Zoning Map Amendment as outlined in Article 3 of the Boone County Zoning Regulations. Special consideration shall be given to the impact of potential industrial development on the community, the extent of the industrial zoning line, and buffering of industrial uses from the important North River residential development area. If the Boone County Planning Commission and the Boone County Fiscal Court approve this request, the Future Land Use Map would need to be amended.

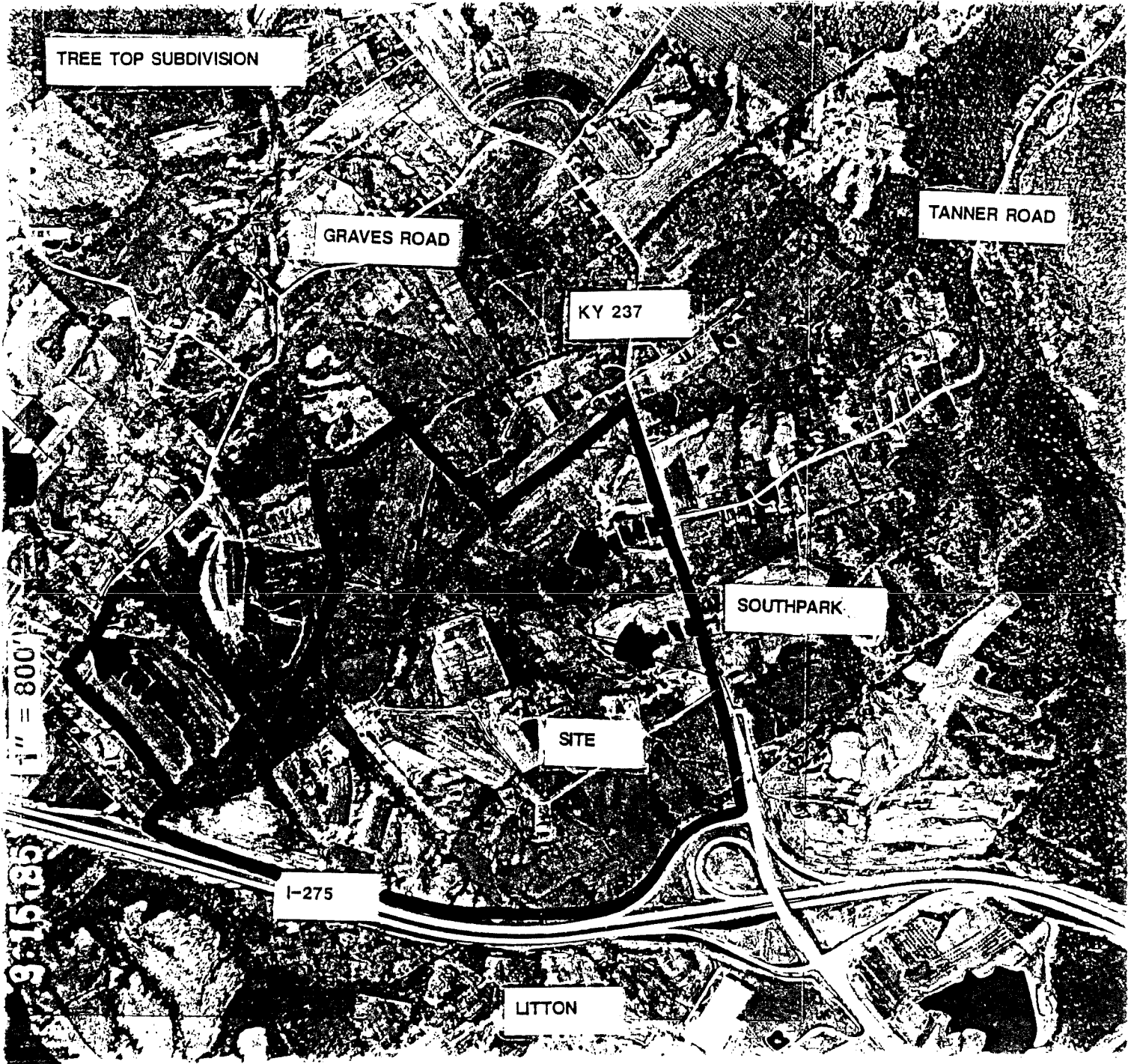


David A. Geohegan
Planner / Plans Examiner III



Douglas S. Powell
Transportation Planner

DAG/DSP:jdh



TREE TOP SUBDIVISION

GRAVES ROAD

TANNER ROAD

KY 237

SOUTHPARK

SITE

I-275

LITTON

1" = 800'

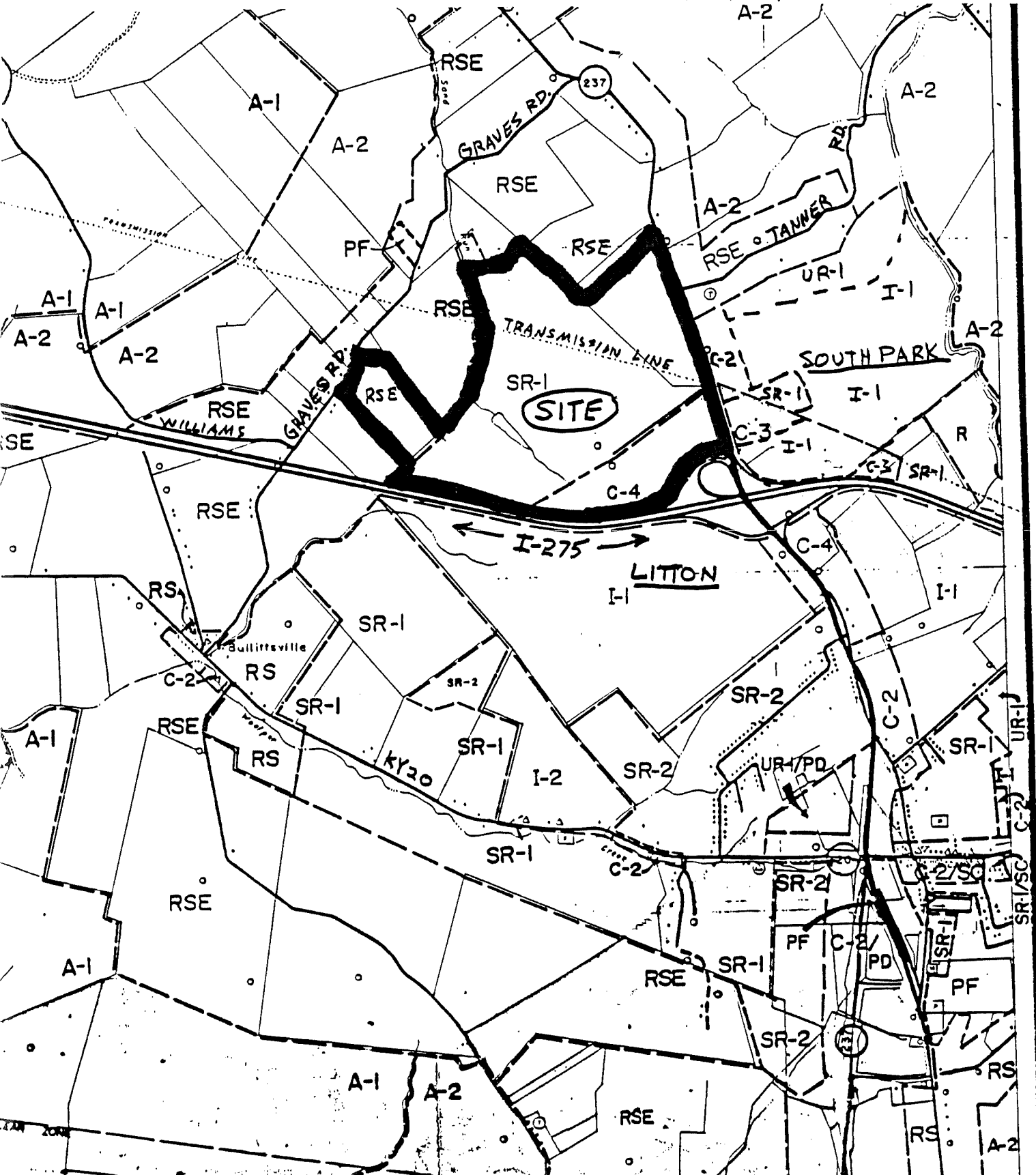
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HEIMANN PROPERTY

SURROUNDING ZONING OCT. '89

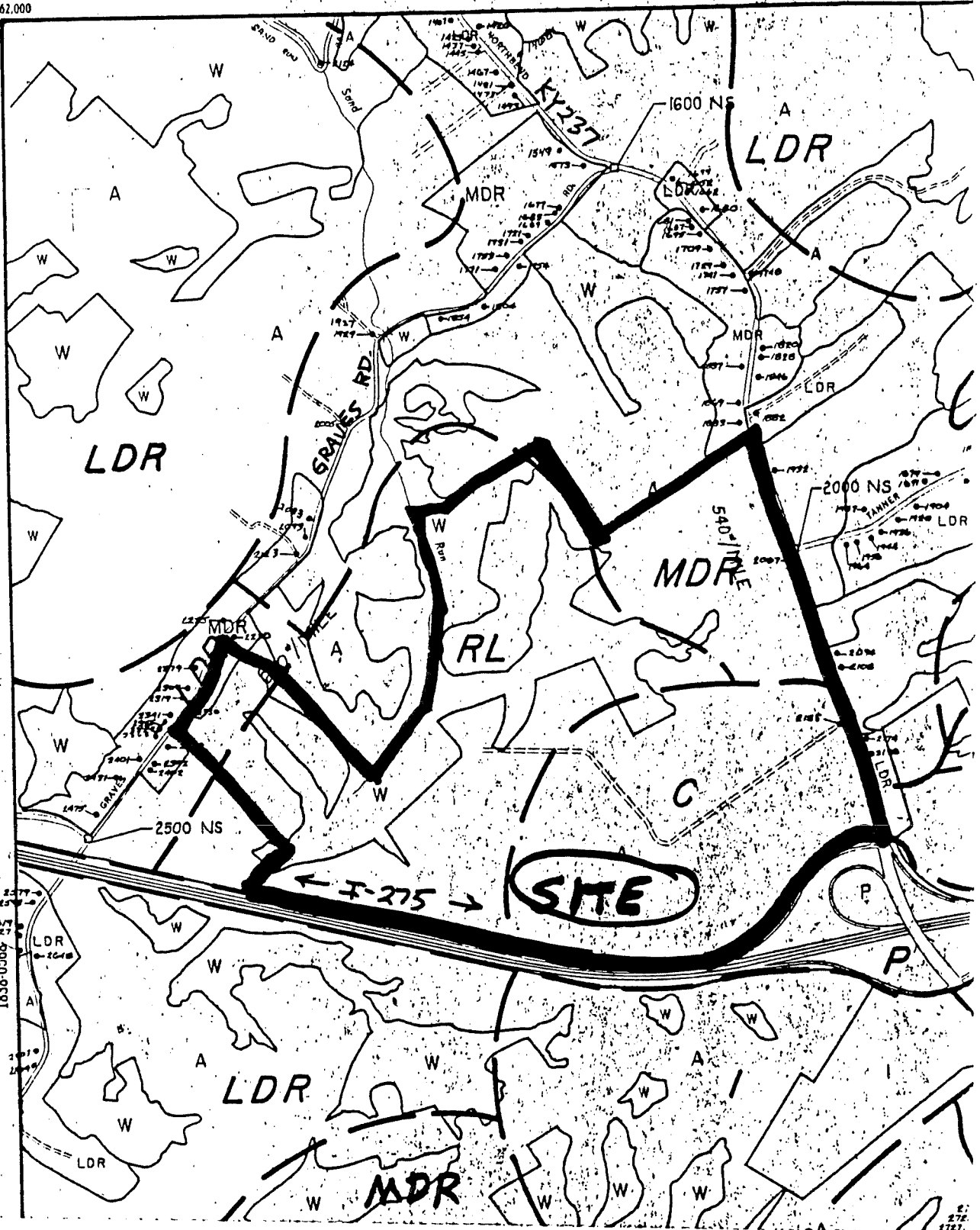


1 inch = 2,000 Ft.



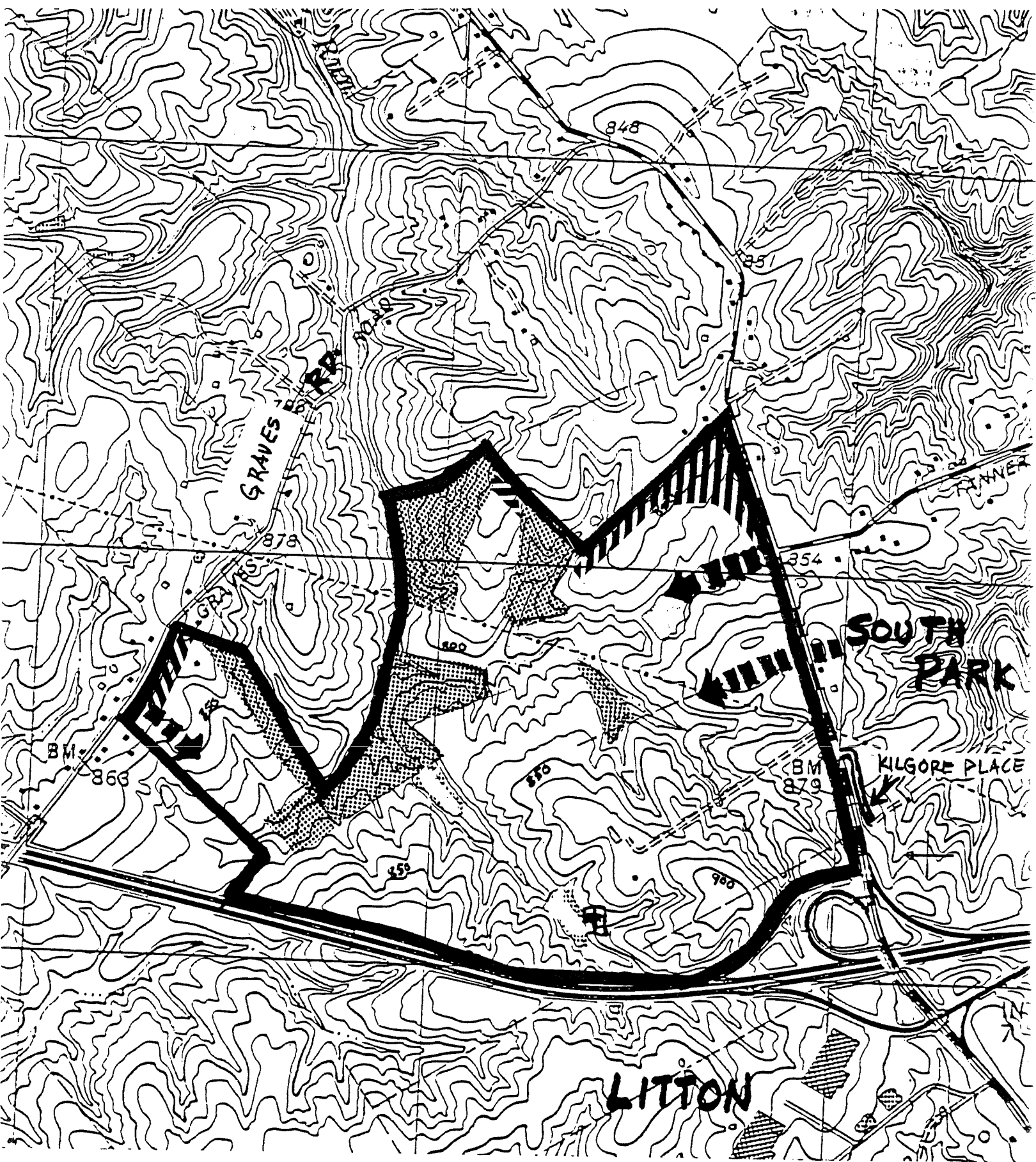
1862-0568

E1,862,000
N584,000



1986 FUTURE LAND USE MAP





SUGGESTED BUFFER FOR POTENTIAL INDUSTRIAL DEVELOPMENT

SCALE
1 inch = approx. 900ft.



EXISTING WOODLAND TO BREAK UP VISUAL IMPACT



CONVENTIONAL BUFFER INCLUDING NEW PLANTINGS AND/OR BERMS

BOONE COUNTY PLANNING COMMISSION

Public Hearings

October 25, 1989
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 P.M.. Following an explanation of the Public Hearing process, he introduced the first item on the Agenda:

1. Applicant: The Boone County Fiscal Court
Request: Zoning Map Amendment

The request of The Boone County Fiscal Court to consider rezoning a 350-acre (approx.) site owned by Bob and Ed Heimann located north of I-275 and west of North Bend Road, Boone County, Kentucky. The Zoning Map Amendment request is to change the current zoning of Commercial Interchange (C-4), Suburban Residential One (SR-1), and Rural Suburban Estates (RSE) to Industrial One (I-1).

Staff Member, Dave Geohegan, presented the first part of the Staff Report which included a slide presentation (see Staff Report). He advised that Judge Ferguson was present in regard to this request.

Judge Ferguson advised that at the last meeting of the Fiscal Court, a motion was made to request that the Planning Commission advise the court as to whether I-1 zoning is the best use of this land and to see what is in the best interest of the public. The owners are willing to sell the property and there are many buyers available. The Heimann's have indicated that the value of the property is the same to them whether or not the zoning is changed. They have inquired of the court as to the best use of the property to benefit the community and the county. The Fiscal Court is inclined to believe that I-1 zoning would be the best use of the property. Due to the SouthPark development and interest in the remaining property, the state has committed about \$177,000 for road improvements -- which is one-half of the engineer's estimate of the cost to improve North Bend Road. The improvements went only to the SouthPark area and the Fiscal Court would like to see the road improvements go all the way to Tanner Road. The hump in the road will be taken out. The project should begin shortly.

Judge Ferguson stated that there is a great need for sewer service to the area. With industrial use, companies will put up capital to help in the cost of this improvement, which would not normally come from residential development. He added that industrial users have a greater water volume

and pressure requirement for fire protection than is needed by a residential community and industrial users must pay the difference to increase the availability of water. It is contemplated to build a 16" line to tap into the 12" line already in place. There is an 8" line serving the 12" line. A 16" line can deliver four million gallons of water per day and the entire county only uses two million gallons per day.

Judge Ferguson stated that there are also greater tax benefits to the community with industrial use. Payroll taxes generate more revenue to the county than property taxes. There would be payroll taxes coming in from industrial use, but there would not be the pressure on the school system as there would be from residential development. There would also be less traffic volume with industrial use than with multi-family and/or commercial activities. They would like the Planning Commission to study this point.

Judge Ferguson stated that the Northern Kentucky Economic Development Group, known as Tri-Ed, has had more inquiries on this piece of property for industrial development than any other piece of property in Northern Kentucky. Its outstanding location adds to its attractiveness. Judge Ferguson offered to answer any questions.

Chairman Viox asked if there was anyone present who wished to ask questions of Judge Ferguson.

Mr. Paul Edgerman questioned the uses allowed by C-1 Zoning.

Mr. Newton stated that he believed Mr. Edgerman meant I-1 zoning, to which Mr. Edgerman agreed. Mr. Newton advised that these are light industry uses and a list is available. He noted that Industrial Two zoning is the heavier activity. Industrial One is the lightest of industrial activities. Judge Ferguson added that I-1 Zoning does not allow noise or pollution impact on the area. Mr. Newton stated that Mineola Circleport III is an example of I-1 development.

Ms. Shirley Miller of North Bend Road questioned who voted in favor of the resolution. She stated that Mr. Robinson was not present and Mr. Raverty voted against it. She stated that the roadway improvements were already planned and questioned if they would be affected by this zone change.

Mr. Newton advised that the improvements are approved and a contractor selected. Judge Ferguson added that the only affect of this zone change might be that the road improvement would be extended to Tanner Road. He stated that they are expanding upon the improvements that SouthPark agreed to make. Mr. Newton noted that the Staff Report indicates that other improvements may be necessary if the area is developed industrially.

Mr. Don Parker of Parlor Grove stated that this is a scatter-gun approach and it is normally the owner that requests a zone change and submits a plan to show what will be developed.

Judge Ferguson advised that the road improvements brought the Fiscal Court into action as they saw that the road improvements should be extended. He stated that it is lawful and in order for the Fiscal Court to request the zone change. The approach they have taken is to request a study to consider a zone change. They do not know which of the 350 acres should be I-1 and would like advice from the Commission. The Court believes that I-1 use is the best use for a greater portion of the land as an impetus to bring about infrastructure improvements.

Mr. Newton stated that the Commission is looking at all of the property in total and if there is input at the Staff or Committee level that some of the land is not appropriate for industrial use, the Staff and Committee Reports will reflect that back to the Commission.

Mr. Newton stated that this is one of the three ways in which property is rezoned. Rezoning can be a request of the Fiscal Court or legislative body, the owner, or the Planning Commission. The majority of the zoning is done by the Fiscal Court through the Comprehensive Plan process. Mr. Newton reviewed the rezoning procedures.

Mr. Parker asked if the public will have another opportunity for input, such as another public hearing.

Mr. Newton discussed the public hearing process and advised that there may or may not be another public hearing. He noted that there is consideration of whether items that come up in a recommendation have been discussed at the public hearing.

Mr. Koch questioned the number of employees on the sites, the size of the sites, the exits, the location of buffer zones, the location and type of commercial uses, if there will be commercial use and what type, where the employees will go for lunch, if there will be traffic congestion at the interchange considered, and the height of the buildings.

Judge Ferguson stated that they would like to find out the answers to these questions. He noted that SouthPark offers commercial uses that might be of service. Chairman Viox noted that some of these questions may be answered in the Staff Report.

Mr. Koch added that water is important and questioned how it would affect the Graves property.

Mr. Mills stated that they do not have all of the information they want and this item requires more detailed study before a decision is made. He stated that there is a need for additional hearings.

Mr. Newton advised that this is currently a piece of property with one property owner. If the Court and the Commission can get the owner to agree to conditions on the property in regard to items such as buffer, signage, access, etc., those conditions will attach to the property and any developer would have to work within those guidelines.

Mr. Bob Tuffensam questioned the payment of the fees for this zone change.

Mr. Newton advised that the Planning Commission is funded by the legislative units and fees paid by developers. There is no fee attached to this request, but the Planning Commission receives a contribution every year from the legislative units.

Mr. Tuffensam questioned the specific value to Boone County in this zone change.

Judge Ferguson advised that this would need to be studied. One prospective industrial user was a \$400 million construction project beginning with about 400 employees. The tax guide would indicate what the \$400 million would generate in revenues to the county and what 400 employees would generate in property taxes. This user was interested in the entire tract. It has not been determined that it is in the public's best interest to have one user for the entire tract. It may be more appropriate to have half a dozen users so that the economy would not be dependent upon one major user. Judge Ferguson stated that he prefers the diversification. The \$400 million and 400 employees could be used as a guideline for determining the value of the property.

Mr. Tuffensam stated that he did not want to see the entire tract zoned I-1 as there is a need for commercial services to serve the people living out there. He stated that there needs to be a planned development mixed use.

Chairman Viox advised that part of the development across the road is multi-family and commercial. The commercial services are being provided. He noted that the developers were present and asked for their comments.

Mr. Schleper stated that there are two commercial sites totalling eight acres.

Mr. Tuffensam stated that in order to get into the development, you would have to cross a four-lane highway when turning left. Chairman Viox advised that this problem has been addressed in other locations.

Mr. Harry Wilthy questioned when the road construction would occur on KY. 237.

Judge Ferguson stated that it should have started two weeks ago. The contract is signed and completion is expected by November 15.

Mr. Wilthy questioned if there was any consideration of the people to the north getting in and out without going around Graves Road.

Judge Ferguson stated that the Fiscal Court has asked Harvey Pelley to address this problem.

Mr. Harvey Pelley advised that it is in the bid specification that traffic has to be maintained through the construction area at all times for emergency equipment. He was charged by the Fiscal Court to get the residents through the area. Mr. Pelley stated that Bob Heimann has given him permission to construct a temporary turnaround. He indicated the location of the turnaround on the model. He stated that this temporary bypass will be marked in accord with the uniform traffic manual. It will be a gravel roadway and will need to be traveled at 15 MPH to 20 MPH. Judge Ferguson added that the detour will be provided at the county's expense. The state will not provide this.

At this time, Mr. Geohegan completed the Staff Report which included review of a model of the site as provided by the applicant and schematic sketches of potential access intersections (see Staff Report).

Chairman Viox asked if there were any further comments or questions.

In response to a question from Mr. Koch, Mr. Geohegan advised that the steepest topography on the site is near the creek area and he indicated where trees may need to remain on the site as buffer.

Mr. Paul Edgeman questioned what is planned for Graves Road.

Mr. Geohegan advised that the connection to Graves Road is sufficient to be a major arterial. He added that the connector road would be to get people in and out of the area west of Graves Road, not on and off Graves Road. The concept would be to have an alternate to Graves Road and this would probably occur where Williams Road intersects.

Mrs. Shirley Miller questioned the access and stacking of semi's.

Mr. Geohegan reviewed the schematic sketches for her and advised that truck traffic would most likely have to use the main entrance across from SouthPark with no access at Kilgore Place.

Mrs. Miller quoted from the land use plan and stated that if this is passed, then there is no provision for anything other than industrial use. She requested that it not all be I-1 Zoning, but that there be commercial and residential included at the north end.

In response to questions from Mr. Tuffensam, Mr. Newton advised that the request is to consider rezoning the 350 acres. He stated that the request from the Fiscal Court is to examine rezoning the entire property I-1, but the Commission can delete some of the acreage if the rezoning would not be appropriate to I-1 for all the acreage.

Chairman Viox asked if the Staff had computed what kind of traffic there would be if the current zoning were used. Mr. Geohegan stated that they did not make this analysis. He commented that if 250 acres were developed SR-1, assuming four units per acre, there could be approximately 1,000 residential units.

Mr. Lonny Fields of Parlor Grove stated that the 1986 Comprehensive Plan recommended that business enterprise be kept near the interchange. He questioned why the Commission would consider departing from this.

Mr. Newton advised that the Commission is in the process of looking at all of Boone County as part of the Comprehensive Plan Update process to evaluate what has happened since the last plan update which would cause the plan to be incorrect.

Mr. Mike Cassidy questioned how the residents know what is going to happen down the road in regard to development. He questioned how drastic a change is appropriate and how the residents could feel comfortable.

Mr. Newton advised that people are never comfortable with change. The Fiscal Court recognizes that this is a departure from the Comprehensive Plan and are asking the Commission whether or not this change makes sense and, if it does, how can the effect on the surrounding community be minimized.

Mr. Moore commented that this is almost a request to study this particular area, which is something the Commission needs to do. He stated that the right time for this study is before a developer comes in with a plan.

In response to comments from Mr. Barnett and Mr. Neltner, Judge Ferguson advised that they do need an immediate response from the Commission as the Heimann's are being asked to contribute substantial money for the road improvements. In order to invest that money, they need to know if the people interested in the property will be able to use it. He stated that there are ready industrial buyers, but not other users.

Mr. Moore stated that the public needs an opportunity to respond to the report of the Planning Commission.

Mr. Pelley stated that they can see the tax base for the Hebron Fire District increasing about 300% by the development on this site. They are currently a volunteer fire department, but with this tax base, a volunteer/paid or paid fire department could be a reality.

Mrs. Miller stated that this is not a request for a zone change.

Chairman Viox stated that it is a zone change request and the Commission will make a recommendation to the Fiscal Court.

Mrs. Miller asked if they could be assured there will not be tax abatements to these developers so that the tax dollars are not received.

Judge Ferguson advised that the law prohibits tax abatements except in industrial bond matches.

Mr. Tuffensam stated that the people in the area need places to eat and community services. He requested where commercial development exists and where it is planned.

Mr. Newton advised that in addition to SouthPark, there is property zoned C-3 north of the interstate and all the property fronting on the east side of KY 237 to KY 20 is C-2 and C-4 but not yet developed.

Mr. Parker stated that this carte blanche zoning takes the restrictions off the property and appears to be an attempt to short change the zoning process. The plan developed by the Heimann brothers included grocery shops and other franchises and it is not true that there is no interest in the property for these uses.

Mr. Koch questioned if there will be I-1 zoning from KY 237 to Graves Road and Mr. Newton advised that there will be an open forum tomorrow at Conner to discuss this area.

Mr. Koch stated that they do not yet have that information and will not have an opportunity for further input.


Mr. Newton stated that this request deals with a specific piece of property and that the open forum tomorrow evening looks at the entire northern portion of Boone County. Mr. Newton assured those present that they could attend the open forum and be part of the process. Mr. Newton reviewed the rezoning process.

Chairman Viox stated that the meeting this evening was advertised as a public hearing and a sign posted on the property.

Judge Ferguson stated that this matter will go to the Fiscal Court and there will be two readings. It is likely that they will have a public hearing.

There being no further discussion, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on November 1, 1989 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

November 1, 1989

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
*Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman
* arrived during Agenda Item #2

COMMISSION MEMBERS NOT PRESENT:

Mr. Charles Moore

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Business Meeting of October 18, 1989 and the Public Hearings of October 25, 1989. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Burch moved that they be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

Mr. Jones moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of the bills which have been paid. Mr. McMillian seconded the motion and it carried unanimously.

REPORTS:

Chairman Viox noted that the Zoning Enforcement Officer's Report, the Building Inspector's Report, and the Record of Convenience Plats had been distributed for the Commission members to review.

There being no discussion of the reports, Chairman Viox proceeded to the items on the Agenda:

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Text Amendment

The request of the Technical Committee of the Boone County Planning Commission for a Zoning Text Amendment to Article 19 of the Boone County Zoning Regulations. Various sections of the current sign code are being evaluated for possible text amendments.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request until the November 15, 1989 Business Meeting (see Committee Report).

There being no discussion, Mr. Collins moved that the request be deferred until the November 15, 1989 Business Meeting based on the Committee Report. Mr. Jones seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Boone County Fiscal Court to consider rezoning a 350-acre (approx.) site owned by Bob and Ed Heiman located north of I-275 and west of North Bend Road, Boone County, Kentucky. The Zoning Map Amendment request is to change the current zoning of Commercial Interchange (C-4), Suburban Residential One (SR-1), and Rural Suburban Estates (RSE) to Industrial One (I-1).

Chairman Viox read the following letters:

- from The Boone County Businessmen's Association, Inc. stating that they want the property rezoned to Industrial to increase the tax base, to create new jobs, and to bring utilities to the area.

- from the Graves stating that they have no objection to the rezoning of the property to I-1, but that restrictions should apply in regard to buffer, water runoff, recreational areas, and the drive to Graves Road.
- from Fred W. Weghe, an adjoining property owner, stating that he is not opposed to the rezoning provided there is proper buffer and setbacks, and that adjacent properties be considered for I-1 zoning.

(The above letters are on file in the Staff Office for anyone who may wish to read them.)

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the zone change based on the findings of fact, but subject to conditions (see Committee Report). He advised that there was an amendment to the conditions just prior to the Business Meeting to which the owners would need to indicate their verbal agreement.

Mr. Bob Heiman and Mr. Ed Heiman stated that they would agree to the conditions.

Mr. Sharp moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report, including the conditions. Mr. Jones seconded the motion.

Mr. DeLong questioned who was to provide for the curb cuts and improvements on KY 237.

Mr. Newton advised that they are either in place, or it would be up to the property owner to make the improvements. Counselor Wilson advised that it does not matter who pays for the improvements -- the property owner must arrange for them by whatever means he can.

Mr. DeLong questioned if there could be an active as well as passive recreational area. Mr. Newton advised that the Committee Report did not address this point.

Mr. Neltner stated that he is not opposed to the industrial development, but does not feel that the first access point is appropriate. He stated that the conditions are generic and when there is a specific use known, the Commission may want to have additional input, but will not have that opportunity without a Planned Development Overlay. He stated that he did not feel this would be an imposition on the developer, but they are apparently not agreeable.

At this time, the Chairman asked for a roll call vote on the motion made by Mr. Sharp, which found Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Rush, Mr. Sharp, Mrs. Smith, and Chairman Viox in favor. Mr. Neltner was opposed. The motion carried.

DRAFT 11/89
3:00

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Carol Smith, Committee Chairwoman

DATE: November 1, 1989

RE: Request of Boone County Fiscal Court to consider rezoning a \pm 350 acre site owned by Bob and Ed Heimann. The property is located north of I-275 and west of KY 237 (North Bend Rd.), Boone County, Kentucky. The Zoning Map Amendment request is to change the current zoning of Commercial Interchange (C-4), Suburban Residential One (SR-1) and Rural Suburban Estates (RSE) to Industrial One (I-1).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the October 25, 1989 Public Hearing, recommend that the zoning of the \pm 350 acre Heimann property be changed to I-1. The Zoning Map Amendment is based upon the following findings of fact, and subject to the following conditions. These conditions agreed upon by the property owner insure that the property will develop in a orderly manner and not adversely impact the surrounding area.

Findings of Fact

1. The existing zoning of Commercial Interchange (C-4), Suburban Residential One (SR-1) and Rural Suburban Estates (RSE) is inappropriate due to the following reasons: The C-4 zone is situated close to the interchange, not having adequate frontage along KY 237 to provide for safe access. The only option would be to have access to the commercial developments through a residential district. Development of the SR-1 zone would create a substantial impact upon public water, sanitary sewer, fire protection and local schools, without providing for the tax base to provide for these necessary services. Developing this property as residential, would preclude further employment development north of I-275. The SR-1 and RSE zoning areas are also inadequate for residential development due to the combination of the noise impact of I-275, and a major electrical transmission line running through the property.

The I-1 zoning is appropriate for the site due to the following reasons: Industrial development of this \pm 350 acre site will enable planned improvements to public infrastructure in the area. Major public water and sanitary sewer improvements, as discussed at the October 25, 1989 Public Hearing, will occur as the result of industrial development of this property. These improvements will not only serve this site, but will benefit the surrounding area. The industrial development of this property will provide needed tax revenue for local emergency services, which again will benefit the surrounding area. The roadway improvements scheduled for KY 237 will be expanded to Tanner Road, providing a better roadway to serve the north river area of Boone County.

2. There have been major changes to the area not foreseen in the 1986 Boone County Comprehensive Plan. The property located across KY 237 is being developed as a mixed use park, the majority of the uses being industrial. The Southpark Development will change the nature of the area from residential and highway oriented commercial to industrial, consistent with overall growth patterns in Boone County and nearby airport. The Business Activity Element encourages 'high-tech industry and airport related services' to be developed at the I-275 interchanges. In addition, the roadway will be upgraded, the rise will be reduced enabling industrial traffic to safely enter and exit the site.
3. In general the north river area of Boone County has experienced more development and different types of development than anticipated in the 1986 Boone County Comprehensive Plan. The Rivershore Farms, Tree Top and Parlor Grove developments exemplifies the significant residential interest for this area, at densities and scales not foreseen. The Committee believes that the increase in residential development in the north river area should be balanced by business development that provides for new employment and increased revenues. In addition, this request provides the opportunity to establish an appropriate limit of non-residential development north of I-275 given the following conditions:

The property owner is being asked to agree to the following conditions to provide general guidelines for the appropriate development of the ± 350 acre site. As a matter of clarification, these conditions are placed on the property regardless of ownership or ultimate development of the property.

1. Access to the site will be limited to three curb cuts onto KY 237 across from, Tanner Rd., Southpark Dr. and approximately Kilgore Pl. The major entrance to the property will be at the Southpark Dr. intersection, that will be upgraded to provide for a dual left-turn lanes at the northbound approach. At the other two entrances, single left turn-lanes will also need to be provided. Right-turn deceleration lanes will be installed at all entrances along KY 237.
2. The developer of the property will be required to submit a detailed traffic study as part of approval of the Preliminary Development Plat. The intent is to insure that traffic using the entrance across from Kilgore Place will not adversely impact the level of service of KY 237. In order to meet this objective, the amount of land and/or type and number of uses for the property directly served by this access point will be limited.
3. A connector roadway shall be constructed through the property, beginning at the intersection of KY 237 and Southpark Dr. and ending at Graves Road. This roadway will be two lanes in width, widening at major intersections, and will have restricted curb cuts and no parking. The design of the roadway will include earthen berms parallel to parking and building areas. This roadway shall be extended to Graves Road when the development of the property reaches Sand Run Creek. However, the developer of the property may construct the roadway any time prior to that stage.

4. The developer shall provide an access right-of-way to the property to the north, along KY 237. The intent is to provide for access to future development to the north, regardless of the type of land use that eventually occurs on that property.
5. The development of the site shall be of a light industrial/office park nature, and shall be identifiable as a single entity. Some Industrial-1 uses are not consistent with the light industrial/office character, and would increase the potential traffic impacts on KY 237. The following I-1 classifications shall not be permitted on this site: #34. Motor freight terminals, public warehousing (self storage), freight garaging and equipment maintenance; #37. Equipment rental and leasing services including automobiles and trucks; #41. Truck stops. After the development of some industrial uses on the property, commercial services at a local scale may be appropriate between Tanner Road and SouthPark Drive. These commercial uses should front on KY 237 for a depth of approximately 400 feet and have access to both the Tanner Road extension and SouthPark Drive extension.
6. Buffering of the industrial uses proposed for the site shall include the existing tree stands exhibited in the 10/25/89 Staff Report. In addition, a 100 foot visual barrier shall be constructed between the industrial uses and the residential areas; as long as those areas remain residentially zoned. If earthen berms are utilized along Graves Rd. and KY 237, the 100 foot width requirement may be varied where appropriate. Specifically, the northeast corner of the property should be buffered in accordance to the exhibit contained in the Staff Report, due to the potential visual impact of the development to the residential areas along KY 237. The staff exhibit on buffering is incorporated into this Committee report.
7. All signs within the development shall be building-mounted or monument type. All roof equipment and loading dock areas shall be sufficiently screened from public view; particular care should be taken in areas visible from KY 237 and I-275. *ALL STRUCTURES DEVELOPED ON THE ±350 ACRE SITE SHALL UNDERGO DESIGN REVIEW AT SITE PLAN REVIEW STAGE*
8. Development of the site shall occur only after agreement is reached with the Boone County Water and Sewer District to provide adequate public sanitary sewerage for the property. In addition, industrial development must be accompanied by new water line improvements at I-275, as discussed in the 10/25/89 Public Hearing.
9. The existing cemetery located on the site shall be adequately protected or appropriately removed prior to any development of the property.
10. A pedestrian travel network shall be designed throughout the development where appropriate, and should especially provide access in and out of any commercial or office areas.
11. Passive recreation opportunities shall occur in some of the remaining wooded areas on the western portion of the site. This shall be accomplished through dedication of property to Boone County or private construction of pathway facilities.

12. At such time that the connector road (Condition 2) is completed through to Graves Road, the property owner will cooperate with the local fire district to determine the need for a satellite fire station. If it is determined that such a facility is needed and will be build in a defined time frame, the property owner in conjunction with the Planning Commission shall locate and dedicate a one-acre parcel for such use.

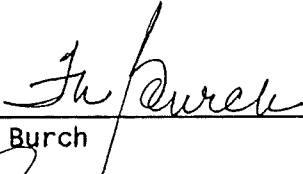
In conclusion, the Committee believes that development of the site in accordance with this report will provides a suitable land use, that will not adversely impact the surrounding area.



Carol Smith, Committee Chairwoman



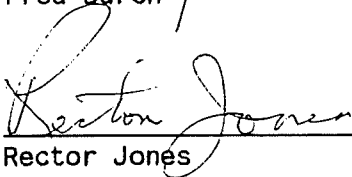
Larry Barnett



Fred Burch



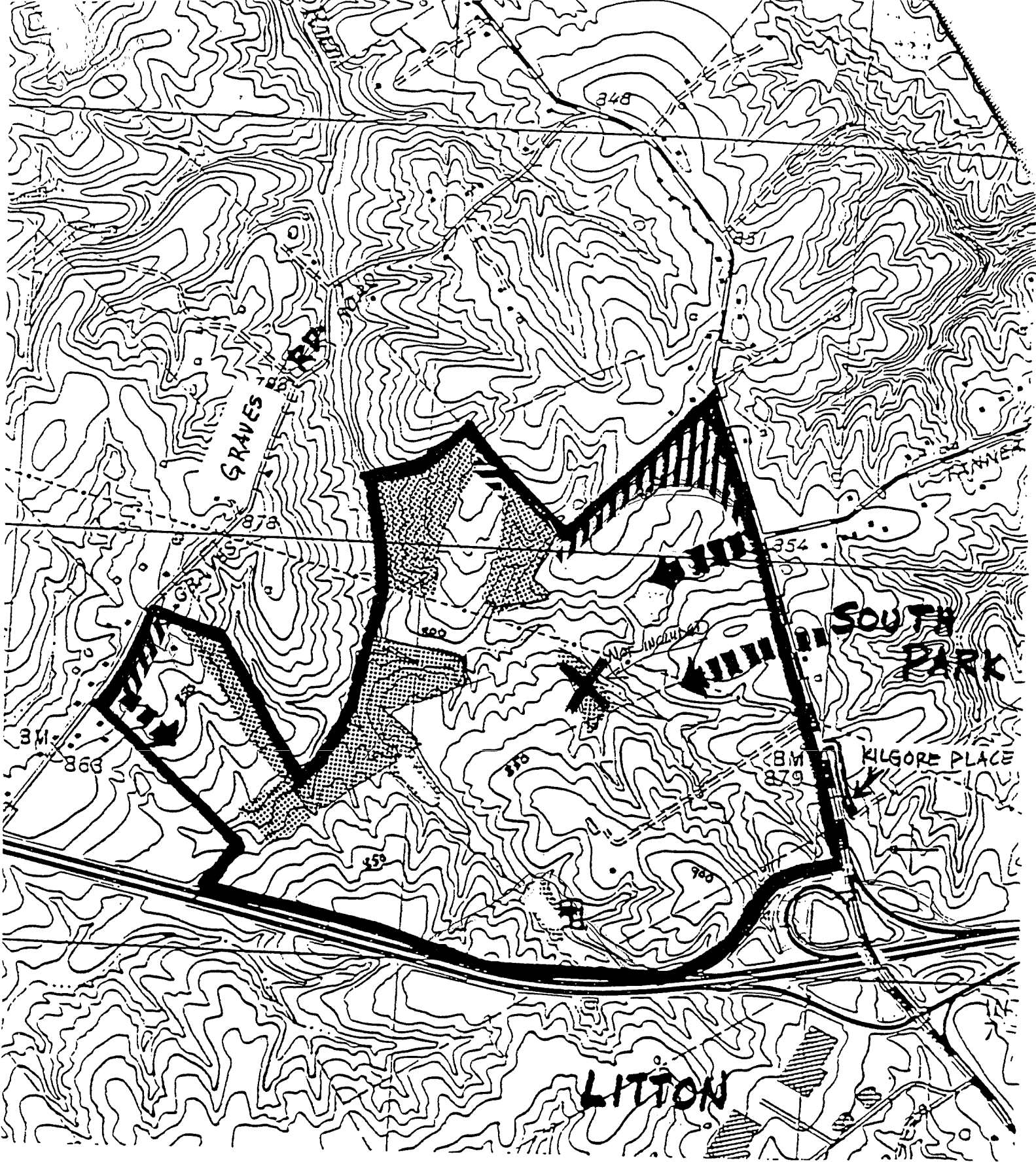
Phil Damstrom



Rector Jones

Barry Neltner




BN:jdj



SUGGESTED BUFFER FOR POTENTIAL INDUSTRIAL DEVELOPMENT

SCALE
1 inch = approx. 900 ft.



-  EXISTING WOODLAND TO BREAK UP VISUAL IMPACT - DELETE
-  AREA MARKED WITH "X" FOR COMMITTEE REPORT PURPOSES
-  CONVENTIONAL BUFFER INCLUDING NEW PLANTINGS AND/OR BERRIES

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BOB SMITH - HEALTH DEPT. REQUEST

Judge Ferguson recognized Mr. Bob Smith, who was present before the court representing Dr. Lee Hess of the local Board of Health. Mr. Smith requested that the Fiscal Court support action, via a letter or resolution, of the District Board of Health to introduce legislation through the state legislators which would permit the Northern Kentucky Health District to become an independent entity. Mr. Smith stated that the Northern Kentucky Health District, comprised of the four counties of Boone, Kenton, Campbell and Grant, is the second largest metropolitan area in the state and the board believes it would be advantageous for everyone if they were to establish their own compensation plan, to appoint local district board members and to simply have a better handle on day to day operations.

Mr. Smith said the disadvantages relate primarily to the possibility of the loss of discretionary funds, however, he said that is estimated to be approximately one percent (1%) of the budget. Mr. Smith further stated there would be some additional cost as a result of becoming independent. Mr. Smith stated that the advantages certainly outweigh the disadvantages.

Commissioner Robinson moved, seconded by Commissioner Raverty, to approved support the action of the Board of Health as stated above. Judge Ferguson called for a vote on the action, ALL VOTED AYE.

TAX COMMITTEE RECOMMENDATIONS

Judge Ferguson recognized Carol Marck, Coordinator of the Northern Kentucky Area Development District, relative to the recommendations of the Tax Committee.

Commissioner Davis moved, seconded by Commissioner Raverty, to approve the following Tax Committee recommendations:

1. To allocate up to \$13,597 of Mental Health funds to the Juvenile Department to hire a full time counselor for the remainder of the current fiscal year.
2. To allocate up to \$2,000 of Aging funds for the purchase of a piano and other musical items in order to implement a music program at the Boone County Senior Citizens Center.
3. To implement a two (2) year application cycle in conjunction with Campbell and Kenton Counties.

Commissioner Robinson stated that he was in favor of recommendations 2 and 3, however, he was not favor of recommendation 1, as he did not think Mental Health funds should be used to pay the salary for the full time counselor for the Juvenile Department.

Judge Ferguson called for a vote on the motion. Commissioner Raverty voted AYE, Commissioner Robinson voted NO on recommendation 1, Commissioner Davis voted AYE and Judge Ferguson's vote to reflect the will of the majority. Motion carried.

PUBLIC HEARING SOLID WASTE

Judge Ferguson declared a Public Hearing in session at 3:35 P.M. relative to a Solid Waste Ordinance, an ordinance pertaining to public health, safety, and welfare; regulating storage, collection, transportation, processing and disposal of solid waste; providing for collection and disposal of solid waste; providing a penalty for violation of the provisions of this ordinance; and repealing all ordinances in conflict herewith.

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Judge Ferguson recognized Mr. Bill Appleby, Director of Disaster & Emergency Services in Boone County. Mr. Appleby explained that the ordinance called for mandatory pick up throughout the county, that the ordinance further provided definitions of various terms, (i.e. approved incinerator, solid waste, hazardous waste, solid waste disposal, etc.), and the ordinance expounded on solid waste collection, solid waste disposal, transportation of solid waste and service charge.

Mr. Cliff Martinez, resident of Boone County, addressed the court and encouraged them to take a leadership role in the issue of solid waste.

Mr. Bernie Bruggeman, owner of Bavarian Trucking, and Mr. Bruce Wilcox, General Manager of Rumpke, came before the court to express their concerns as to whether there would be only one designated land fill, whether they would be permitted to truck waste in and out of county, as well as in and out of state and maintaining a competitive market for same.

A lengthy discussion followed and it was agreed that the County Attorney should research to see if new contracts allow the waste to be hauled out of state or even out of county, and status of preexisting contracts if ordinance is adopted. It was further agreed that more clarification was needed relative to fees, whether there could be more than one hauler and whether there could be more than one land fill. The court referred the ordinance to the County Attorney for a rewrite. Judge Ferguson declared the Public Hearing closed at 4:00 P.M.

Commissioner Davis moved, seconded by Commissioner Raverty, to table first reading of the Solid Waste Ordinance and place it the agenda of December 19th for first reading. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

PUBLIC HEARING - ORDINANCE 920.189 - HEIMANN

Judge Ferguson declared a Public Hearing in session at 4:05 P.M. relative to Ordinance 920.189, an ordinance of the Boone County Fiscal Court requesting a zoning map amendment to the Boone County Kentucky Zoning Map, such map amendment being a zone change from Commercial Interchange (C-4), Suburban Residential One (SR-1), and Rural Suburban Estates (RSE) to Industrial One (I-1) for a 35 acre site generally located North of I-275 and West of Kentucky 237 (North Bend Road), Boone County, Kentucky, being requested by Bob and Ed Heimann (Owners) and recommended for approval by the Boone County Planning Commission via Resolution R-41-89.

Judge Ferguson recognized Gerald Newton, Director of Planning & Zoning. Mr. Newton stated the Planning & Zoning Commission was asked through a resolution, and in conversations with Judge Ferguson, to look at the parcel of property in question. He further stated that Tri Ed had been asked to show this particular piece of property to many industrial users, all wanting to use the property for industrial purposes and questioning why it had ever been zoned residential as it seemed somewhat apparent that it should be interstate commercial zoned since it is by the interstate. Mr. Newton reiterated all of the conditions as set forth in the Committee Report. Mr. Newton said the commission welcomed the opportunity to set guidelines on the property rather than review a specific plan and stated it would be his wish to be involved in the planning stages of any development of this magnitude.

Mr. Robert Laughlin, senior Vice President of Industrial Developments International, appeared before the court, stating that the company also owns and is developing the Airport Exchange

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Business Park which borders on the north side of I-275 at Mineola Pike in Hebron. Mr. Laughlin said the firm expects to build a similar development on the Heimann property maintaining a controlled business park with a completely planned environment.

Mr. Bill Graves, adjacent property owner to the Heimann property, appeared before the court to state that he had no objection to the property being zone Industrial One (I-1).

Commissioners Robinson and Raverty expressed concerns that the court would be setting a bad precedent, since the request for the zone change came from the fiscal court rather than through the developer.

Judge Ferguson declared the Public Hearing closed at 4:45 P.M.

Commissioner Robinson made a motion, however, he withdrew the motion for purposes of discussion.

After a lengthy discussion, Commissioner Robinson moved, seconded by Commissioner Raverty, to postpone action on Ordinance 920.189 requesting that Condition #5 be more specific, until the meeting of December 19th.

Judge Ferguson said the matter has been before the fiscal court for several weeks, and that he felt the commissioners have had ample time to consider the issue.

Commissioner Robinson stated he did not want to vote on the matter as he had not yet made up his mind.

Judge Ferguson called for a vote on the motion, Commissioner Robinson voted AYE, Commissioners Raverty and Davis voted AYE, which they indicated was a courtesy to Commissioner Robinson, and Judge Ferguson voted NO. Motion carried.

INDUSTRIAL REVENUE BOND ORDINANCE B-11-21-89-01

Judge Ferguson declared a Public Hearing open at 5:00 P.M. relative to the industrial revenue bonds in the amount of \$3,250,000.00 in order to assist Multi-Color Corporation in the financing of costs of manufacturing facilities and asked if there was any one present, as there was no response Judge Ferguson declared the Public Hearing closed at 5:05 P.M.

Commissioner Davis moved, seconded by Commissioner Raverty, to approve Ordinance No. B-11-21-89-01, an ordinance authorizing the issuance of \$3,250,000 Industrial Building Revenue Bonds of the County of Boone, Kentucky, in order to assist Multi-Color Corporation in the financing of costs of manufacturing facilities; providing for the pledge of revenues for the payment of said bonds; authorizing a loan agreement with respect to the proceeds derived from the sale of said bonds; authorizing a trust indenture appropriate for the protection and disposition of such revenues and further to secure the payment of said bonds; and authorizing other matters in connection therewith. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. (Exhibit "A")

ITEM V.

ORDINANCES & RESOLUTIONS

ORDINANCE 840.2E - ANIMAL CONTROL

Judge Ferguson reconvened in open court at 5:30 P.M. and presented for first reading Ordinance 840.2E relative to Animal Control. Judge Ferguson called upon Elizabeth Blincoe, Assistant County Attorney to explain the change(s) in the ordinance. Ms. Blincoe advised the definition of a day was clarified as being a twenty four (24) hour period and the ordinance provides that a

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cat shall be kept for a minimum period of three (3) days before it is euthanized.

Commissioner Davis moved, seconded by Commissioner Raverty, to approve on first reading ordinance 840.2E, an ordinance relating to amending Ordinance 840.2D to provide for the care, treatment, handling and population control of animals within Boone County and to provide for the disposition of stray animals found in Boone County. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

HEBRON FIRE DISTRICT

Judge Ferguson called for a recess of the Boone County Fiscal Court to enter a meeting of the Boone County Kentucky Public Properties Corporation to authorize that the Hebron Fire Protection District borrow funds from Kalf to construct the new Hebron fire house. (See Public Properties minutes)

ORDINANCE 920.190 - PAVING REQUIREMENTS
FOR OFF STREET PARKING & LOADING AREAS

The court reconvened in open session and Commissioner Davis moved, seconded by Commissioner Raverty, to approve on first reading Ordinance 920.190, an ordinance of the Boone County Fiscal Court adopting an amendment to the Boone County Zoning Regulations and such amendment being a change to Article 18, Section 1812 regarding paving requirements for off street parking and loading areas.

Commissioner Robinson requested that the thickness of the concrete or asphalt be specified. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

ORDINANCE 920.191 - ELECTRONIC MESSAGE BOARDS

Commissioner Raverty moved, seconded by Commissioner Davis, to approve on first reading Ordinance 920.191, an ordinance of the Boone County Fiscal Court adopting an amendment to the Boone County Zoning Regulations and such amendment being a change to article 19, Section 1902 and an addition of Section 1945 which would allow "Electronic Message Boards Containing Flashing or Animated Intermittent Lights". Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

ITEM IV.

JUDGE'S REPORT

Upon the recommendation of Judge Ferguson, the following appointments or reappointments were made to the respective boards:

POLICE MERIT BOARD

Commissioner Raverty moved, seconded by Commissioner Davis, to approve the reappointment of Charles Rawlings to the Police Merit Board. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

BOONE COUNTY PLANNING & ZONING COMMISSION

Commissioner Raverty moved, seconded by Commissioner to appoint Thurman Owens to the Boone County Planning & Zoning Commission. Judge Ferguson advised this appointment was necessary due to the resignation of Charlie Moore and called for a vote on the motion, ALL VOTED AYE.

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Commissioner Davis moved, seconded by Commissioner Raverty, to approve the reappointment of Carol Smith to the Boone County Planning & Zoning Commission. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Davis moved, seconded by Commissioner Raverty, to approve the reappointment of Bill Viox to the Boone County Planning & Zoning Commission. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

MENTAL HEALTH COMMITTEE - RESIGNATION

The Fiscal Court acknowledged the resignation of Elaine Carroll from the Mental Health Committee.

COUNCIL ON AGING

Commissioner Raverty moved, seconded by Commissioner Davis, to approve the reappointment of Virginia Roeding to the Council on Aging. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

POINT PLEASANT FIRE PROTECTION DISTRICT

Commissioner Davis moved, seconded by Commissioner Raverty, to approve the reappointment of Judy Darnell to the Point Pleasant Fire Protection District. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

HISTORIC PRESERVATION BOARD

Commissioner Davis moved, seconded by Commissioner Raverty, to approve the reappointment of Don Clare to the Historic Preservation Board. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Davis moved, seconded by Commissioner Raverty, to approve the reappointment of William Conrad to the Historic Preservation Board. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Davis moved, seconded by Commissioner Raverty, to approve the reappointment of Brenda Hartman to the Historic Preservation Board. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Raverty moved, seconded by Commissioner Davis, to approve the reappointment of Carolyn Nixon to the Historic Preservation Board. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Judge Ferguson advised that he had received a letter from Larry L. Arnett, Director of the Division of Veterans Affairs, Department of Military Affairs, relative to the bonus for Kentucky Vietnam Era Veterans. Mr. Arnett stated in his letter that there were approximately 2,190 Vietnam Veterans residing in Boone County, but as of October 11, 1989, only 527 (24%) had applied for the bonus. Mr. Arnett requested the court's assistance in making all the veterans aware of the bonus program. Judge Ferguson advised that staff would place an ad in the local paper, The Boone County Recorder.

ITEM VI.

OLD BUSINESS

ZIG/ZAG ROAD/KY 18

Mr. Martin advised that previously he had presented a contract with the Kentucky Department of Transportation relative to a turn lane off Kentucky 18 off Zig Zag Road and at that time the court had

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deferred the matter until this meeting, Mr. Martin stated that he had spoken with Joe Kearnes, Department of Transportation, and Mr. Kearnes had advised that he was not aware of any road in the six year plan relative to Kentucky 18, Zig Zag Road and airport property. The court agreed that it might be wise to wait and see if a road was being proposed and directed Bob Martin to respond in writing to the state that it was too late in the construction season to take on this project.

ITEM VII.

ADMINISTRATIVE UPDATES

Judge Ferguson advised there were no administrative updates at this time.

ITEM VIII.

DEPARTMENTAL INFORMATION

ANIMAL SHELTER

Commissioner Robinson advised that he had received a call from someone who had contacted the Animal Shelter and could not get the necessary information as Helen was not present and, therefore, the files could not be accessed. Commissioner Robinson requested that staff check into this matter to see if files can be accessed when Helen is not there.

INTERSECTION OF MAHER ROAD & TONYA DRIVE

Mr. Pelley advised the court that he and Commissioner Davis had visited the site at the intersection of Maher Road and Tonya Drive to check out the request for a guardrail made by Mr. Gary Mulligan. Mr. Pelley stated that having reviewed the situation, he was of the opinion (as was Commissioner Davis) that a guard rail could be more of a hazard and could possibly cause more damage to an automobile than by allowing an auto to continue across the road. However, Mr. Pelley informed the court that he had directed the sign crew to check Tonya and Maher to determine what new traffic or street signs might need to be installed and had advised Mr. Mulligan accordingly.

ITEM IX.

NEW BUSINESS

Mr. Martin requested approval to bid a 4 Wheel Drive Truck for the Police Department and advised that it was in the budget. Commissioner Davis moved, seconded by Commissioner Raverty, to approve.

Commissioner Robinson questioned if the bid could be restricted to American made and Assistant County Attorney Liz Blincoe responded this could cause some technical problems, however, she said it could be made a consideration in awarding the bid.

Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

ITEM X.

PERSONNEL MATTERS

Ms. Marilyn Young, Personnel Director, requested approval to hire Mary Rose and Melissa Feldhaus as part time Child Care Workers at Maplewood. Commissioner Raverty moved, seconded by Commissioner Davis. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

At the request of Ms. Young, Commissioner Davis moved, seconded by Commissioner Raverty, to hire Beverly Roland as a Case Worker in the Juvenile Department, this position being funded through the Mental Health Tax funds. Judge Ferguson called for a vote on the motion, Commissioner Raverty voted AYE, Commissioner Robinson voted NO stating that Mental Health Tax funds should not be used for this position, and Judge Ferguson's vote to reflect the will of the majority. Motion carried.

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ITEM XI.

FISCAL MATTERS

Commissioner Davis moved, seconded by Commissioner Raverty, to approve Fiscal Court Order #8. Judge Ferguson called for a vote on the motion. ALL VOTED AYE. (Exhibit "B")

Commissioner Davis moved to approve the invoice report, seconded by Commissioner Robinson with the stipulation that the fees relative to the incoming commissioners be deferred until it is clarified by the County Attorney as to the legality of paying expenses prior to their taking office. Commissioner Davis agreed to the amendment and Judge Ferguson called for a vote on the motion. Commissioner Raverty voted AYE with an ABSTENTION on the RMO of Kentucky, Commissioner Robinson voted AYE, Commissioner Davis voted AYE and Judge Ferguson voted AYE. (Exhibit "C")

ITEM XII.

ADJOURNMENT

Commissioner Davis moved, seconded by Commissioner Raverty, to adjourn the meeting. ALL VOTED AYE.

CLERK'S CERTIFICATION

I, Carolyn A. Rudicill, having been duly appointed to the office of Fiscal Court Clerk, do hereby certify that this is a true and accurate record of the actions taken by the Boone County Fiscal Court at the meeting of December 5, 1989.

SIGNED:

Date: _____

Carolyn A. Rudicill
Clerk of the Fiscal Court
County of Boone