

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
December 6, 2011
5:30 P.M.

11 DEC 22 AM 9:15

KEVIN BROWN
BOONE COUNTY CLERK

ITEM I.

CALL TO ORDER

Judge Gary W. Moore called to order the meeting of the Boone County Fiscal Court.

Present: Gary W. Moore, County Judge/Executive
(Absent) Matt Dedden, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Charlie Walton, Commissioner, District 3
Robert Neace, County Attorney

Staff: Ben Reece, Finance Director
Les Hill, Sheriff's Department
Greg Sketch, County Engineer
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Lisa Buerkley, Assistant County Administrator
Daphne Kornblum, Fiscal Court Clerk

ITEM II.

APPROVAL OF MINUTES

Commissioner Walton moved, seconded by Commissioner Kenner, to approve the Minutes from the meeting of November 15, 2011. Judge Moore called for a vote on the motion, MOTION PASSES (3-0).

ITEM III.

PRESENTATIONS

None at this time.

ITEM IV.

PERSONNEL MATTERS

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-165, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPOINTING MELISSA GRANDSTAFF TO THE POSITION OF SOLID WASTE TECHNICIAN IN THE PUBLIC WORKS DEPARTMENT. Lisa Buerkley, Assistant County Administrator made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

ITEM V.

ORDINANCES

None at this time.

ITEM VI.

JUDGE'S REPORT

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-166, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING BUTCH WAINSCOTT AND BRIDGET STRIKER TO THE BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD. Judge Moore made comments. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-167, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING JEREMY KLEIER, AND MARY DICKERSON TO THE NORTHERN KENTUCKY SOLID WASTE MANAGEMENT'S TECHNICAL

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ADVISORY COMMITTEE. Judge Moore made comments. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-168, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING VARIOUS MEMBERS TO THE CENTRAL PARK ARBORETUM ADVISORY COUNCIL. Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-169, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, APPOINTING ERIC SEIBEL TO FULFILL THE UNFINISHED TERM OF JASON MATTHEWS ON THE POINT PLEASANT FIRE PROTECTION DISTRICT BOARD. Judge Moore made comments. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-170, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE ACTION OF GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, RE-APPOINTING CAROLINE WELTZER TO THE TAX ADVISORY BOARD, MENTAL HEALTH. Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

ITEM VII.

ADMINISTRATIVE MATTERS

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-171, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AFFIRMING THE DESIGNATION OF THE BOONE COUNTY PUBLIC SAFETY COMMUNICATION CENTER (PSCC) AS A DEPARTMENT OF THE COUNTY. Jeff Earlywine and Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-172, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE HIRING OF ALL PERSONNEL EMPLOYED BY THE BOONE COUNTY PUBLIC SAFETY COMMUNICATION CENTER (PSCC) AS OF JANUARY 1, 2012. Jeff Earlywine made comments. Judge Moore asked a question to which Jeff Earlywine responded. Commissioner Walton asked a question to which Jeff Earlywine responded. Judge Moore asked another question to which Jeff Earlywine responded. Commissioner Walton asked a question to which Jeff Earlywine and Judge Moore responded. Jeff Smith, citizen, asked a question to which Jeff Earlywine and Judge Moore responded. Jerome Sties, citizen, asked a question to which Lisa Buerkley and Judge Moore responded. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-173, A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A RURAL SECONDARY PROGRAM AGREEMENT BETWEEN THE FISCAL COURT AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF RURAL AND MUNICIPAL AID, AND ACCEPTING ALL ROADS AND STREETS REFERRED TO THEREIN AS BEING A PART OF THE COUNTY ROAD SYSTEM. Judge Moore and Lisa Buerkley made comments. Commissioner Walton

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moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-174, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AWARDING THE BID TO PURCHASE A NEW ONE TON FORD F550 DUMP TRUCK WITH A SNOW PLOW FROM PETERBILT OF CINCINNATI. Greg Sketch, County Engineer and Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-175, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RIGHT-OF-WAY VACATION OF A PORTION OF UNNAMED, UNIMPROVED DEDICATED RIGHT-OF-WAY IN THE KIRBY HEIGHTS SUBDIVISION, SECTION 3. Greg Sketch made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-176, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE ACCEPTANCE OF A PRIVATE STREET, MAIDEN COURT, WITHIN THE RESERVES AT STEEPLECHASE DEVELOPMENT, INTO THE COUNTY ROAD MAINTENANCE SYSTEM UPON CERTAIN CONDITIONS. Greg Sketch made comments. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-177, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE-EXECUTIVE, TO MAKE APPLICATION FOR AND, UPON APPROVAL, TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS), TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THE PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT. Jeff Earlywine made comments. Jerome Sties, citizen, asked a question to which Jeff Earlywine responded. Commissioner Walton moved, seconded by Commissioner Kenner, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-178, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING GARY W. MOORE, COUNTY JUDGE-EXECUTIVE, TO EXECUTE A SIX-MONTH EXTENSION OF THE EXISTING CATV FRANCHISE AGREEMENT WITH INSIGHT COMMUNICATIONS. Jeff Earlywine and Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-179, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT SELECTING VIOX AND VIOX ENGINEERING AS THE PREFERRED FIRM FOR THE SURVEY SERVICES FOR THE GUNPOWDER CREEK LAND PRESERVATION PROJECT. Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

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Judge Moore asked the Fiscal Court Clerk to read into the record Resolution 11-180, A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING RECEIPT AND ACCEPTANCE OF THE APPRAISAL AND AUTHORIZING JUDGE/EXECUTIVE GARY W. MOORE TO PROCEED WITH NEGOTIATIONS WITH THE PROPERTY OWNER OF 9223 CAMP ERNST ROAD, UNION, KY FOR THE GUNPOWDER CREEK LAND PRESERVATION PROJECT. Judge Moore made comments. Commissioner Kenner moved, seconded by Commissioner Walton, to approve the resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING 3-0.

ITEM VIII.

FISCAL MATTERS

Commissioner Kenner moved, seconded by Commissioner Walton, to approve Invoice Report (12-6-11) and pre-paid invoice report dated (11-18-11) and (12-1-11). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

Commissioner Walton moved, seconded by Commissioner Kenner to approve Golf Course Invoice Report (12-6-11) and pre-paid Golf Course invoice report dated (11-18-11) and (12-1-11). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

Commissioner Kenner moved, seconded by Commissioner Walton to approve the Monthly Financial Report and Interfund Transfer for October. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (3-0).

ITEM VIII.

OLD BUSINESS

None at this time.

ITEM IX.

NEW BUSINESS

Judge Moore acknowledged Jerry They's retirement after 34 ½ years with the Golf Course and thanked him for his years of service. Commissioner Walton reminded everyone about Pearl Harbor Remembrance Day and to keep Military personnel in our prayers.

ITEM XI.

ADJOURNMENT

Commissioner Walton moved, seconded by Commissioner Kenner, to adjourn the meeting, ALL PRESENT VOTING AYE (3-0).

CLERK CERTIFICATION

I, Daphne Kornblum, having been 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 6, 2011.

Daphne Kornblum

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Fiscal Court Clerk

Date:

12/2/11

Resolution Of The Boone County Fiscal Court

Resolution No. 11-175

A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE RIGHT-OF-WAY VACATION OF A PORTION OF UNNAMED, UNIMPROVED DEDICATED RIGHT-OF-WAY IN THE KIRBY HEIGHTS SUBDIVISION, SECTION 3.

NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION I

That Boone County Fiscal Court hereby grants the right-of-way vacation of a portion of unnamed, unimproved dedicated right-of-way in the Kirby Heights Subdivision, Section 3, per the following conditions:

1. The length of right-of-way of a the portion of the unnamed, unimproved right-of-way in the Kirby Heights Subdivision, Section 3 as described in the above legal description be vacated to the adjoining properties per the Kentucky Revised Statutes.
2. Quick claim deeds are prepared by the Boone County Attorney with legal descriptions provided by the Boone County Engineer. A general utility easement will be placed over the vacated area.
3. The Boone County Judge/Executive is authorized to sign the deeds.

SECTION II

That this Resolution is hereby approved and adopted in Open Session of the Boone County Fiscal Court this 6th day of December, 2011. A copy of the memo dated, November 28, 2011 from the Viewing Committee and a memo dated, November 15, 2011 are attached hereto as Exhibit "1".

Gary W. Moore
Boone County Judge/Executive

Attest:

Daphne Kornblum
Fiscal Court Clerk

GARY W. MOORE
County Judge-Executive



VII-E
(Exh. "1")
GREGORY V. SKETCH, PE, PLS
County Engineer

JEFFREY S. EARLYWINE
County Administrator

PUBLIC WORKS DEPARTMENT

www.BooneCountyKy.org

5645 Idlewild Road
Burlington, KY 41005
(859) 334-3600
Fax (859) 334-3598

RECEIVED: JSE
11/28/11
(FOR 12/16 P.C.
MR. AGENDA)

MEMORANDUM

TO: Gary Moore, County Judge/Executive
Matt Dedden, Commissioner, District 1
Charlie Kenner, Commissioner, District 2
Charlie Walton, Commissioner, District 3

FROM: Viewing Committee

RE: **Proposed Right-of-Way Vacation of a Portion of an Unnamed,
Unimproved Dedicated Right-of-Way in the Kirby Heights
Subdivision, Section 3**

DATE: November 28, 2011

The Kirby Heights Subdivision is located in Un-Incorporated Boone County off Big Bone Church Road. The streets within the subdivision were not named on the original dedication plat, but Kirby Lane and Forest View Drive are now the names of the improved right-of-ways that the County maintains. There remains an unnamed, unimproved right-of-way in which a portion is being requested to be vacated. The Boone County Fiscal Court authorized the appointment of a Viewing Committee to make a recommendation on the request and the Committee inspected the site on November 8, 2011. The request is for the following description.

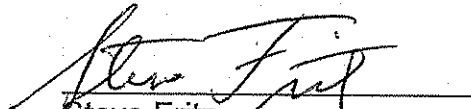
Legal Description – Portion of an Unnamed Right-of-Way in the Kirby Heights Subdivision, Section 3

Being a portion of a 50 feet wide non-maintained, unnamed dedicated County road right-of-way located in the Kirby Heights Subdivision, Section 3 in Un-Incorporated Boone County, Kentucky; being all of the said right-of-way that adjoins Lots 1, 2, 3, 4, 20, 19, 5, 6, 7, Tract B, and a portion of Lot 9 as shown on the plat of the Kirby Heights Subdivision, Section 3 as shown and recorded in Plat Book 4, Page 35 of the Boone County Clerk's Office, Burlington, Kentucky, being approximately 500 feet in length.

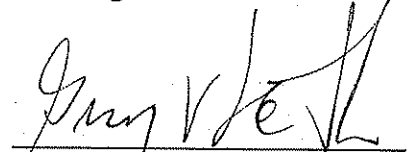
It is the recommendation of the Viewing Committee that the proposal for the vacation of the two above described right-of-ways be granted per the following conditions:

1. The length of right-of-way of a portion of the unnamed, unimproved right-of-way in the Kirby Heights Subdivision, Section 3 as described in the above legal description be vacated to the adjoining properties per the Kentucky Revised Statutes.
2. Quit claim deeds are prepared by the Boone County Attorney with legal descriptions provided by the Boone County Engineer. A general utility easement will be placed over the vacated area.
3. The Boone County Judge/Executive is authorized to sign the deeds.

Respectfully,


Steve Fritz
Viewing Committee Member


Kenneth Crooker
Public Services Supervisor


Gregory V. Sketch, PE, PLS
Boone County Engineer

c: Jeff Earlywine, County Administrator
Sherri Neu, Executive Assistant

COUNTY ENGINEER MEMO
RIGHT-OF-WAY DESCRIPTION

TO: Sheri Neu, Executive Assistant

FROM: Greg Sketch, PE, PLS

DATE: November 15, 2011

Below is the description that should be used for the legal advertisement in the November 24, 2011 edition of the Boone County Recorder for the vacation of an un-named dedicated right-of-way off Kirby Lane. Also listed are the names and addresses of the adjoining owners that should be notified for the public hearing to be held at the Fiscal Court December 6, 2011 meeting.

Legal Description – Portion of an Unnamed Right-of-Way

Being a portion of a 50 feet wide non-maintained, unnamed dedicated County road right-of-way located in the Kirby Heights Subdivision, Section 3 in Un-Incorporated Boone County, Kentucky; being all of the said right-of-way that adjoins Lots 1, 2, 3, 4, 20, 19, 5, 6, 7, Tract B, and a portion of Lot 9 as shown on the plat of the Kirby Heights Subdivision, Section 3 as shown and recorded in Plat Book 4, Page 35 of the Boone County Clerk's Office, Burlington, Kentucky, being approximately 500 feet in length.

Adjoining Owners

J. W. Margrave
10993 Kirby Lane
Union, KY 41091

Jimmie W. McCane
10991 Kirby Lane
Union, KY 41091

Kevin & Jada Marcum
10995 Kirby Lane
Union, KY 41091

Thank You

c: Jeff Earlywine, County Administrator
Lisa Buerkley, Assistant County Administrator