

**MINUTES**  
**BRECKINRIDGE COUNTY FISCAL COURT**  
**Public Hearing / Regular Meeting**  
**Monday, November 10, 2008**  
**10:00 A.M.**

**RE: Call to Order**

After leading in the Pledge of Allegiance and a word of prayer, Judge Powers called to order the Public Hearing of the Breckinridge County Fiscal Court at 10:00 a.m. at the Courthouse Annex.

Present: Ray Powers, County Judge/Executive  
James Henning, Magistrate, District 1  
Danny Gedling, Magistrate, District 2  
Ronnie Robinson, Magistrate, District 4  
Sam Moore, Magistrate, District 5  
Joe O'Donoghue, Magistrate, District 6  
Todd Pate, County Sheriff  
Bradley Butler, County Attorney

Staff: Sherrie Ashley, Fiscal Court Clerk  
Randi Flood, County Treasurer  
Ernie Nix, Road Department Foreman

Absent: Charlie Hay, Magistrate, District 3

**RE: Public Hearing, Laura's Lane**

Judge Powers explained that the Fiscal Court had advertised for a Public Hearing for the purpose of removing Laura's Lane from the county maintenance system. Judge Powers opened the floor to the public for comments.

Since no comments were made, Esquire Robinson moved, seconded by Esquire Moore, to adjourn the Public Hearing. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

**RE: Call to Order, Regular Meeting**

Judge Powers called to order the regular meeting of the Breckinridge County Fiscal Court with all members present except Esquire Hay.

**RE: Minutes – October 27, 2008**

Esquire Henning moved, seconded by Esquire Robinson, to approve the October 27<sup>th</sup> Minutes as submitted by Fiscal Court Clerk, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

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**RE: Welcome of Guests and Comments**

After welcoming the guests who were present at the Fiscal Court Meeting, Judge Powers opened the floor to the guests who had signed the guest comment sheet.

Mr. Dave Schoenbachler addressed the court about his position on the Road Viewing Committee for the past year. He stated that he was resigning from the committee because he did not agree with the specifications and minimum requirements for accepting a road into the county maintenance system as stated in Ordinance No. 062804.

Mr. Schoenbachler explained that residents living in a subdivision must asphalt their road at their own expense, as stated in Section II (d) of Ordinance No. 062804, in order to be accepted into the county maintenance system. He further stated that an Ordinance should require the developers of the subdivisions to be responsible to asphalt the road at their expense prior to selling the parcels. He added that in his opinion the Ordinance was not fair to all county residents.

Subsequent to lengthy discussion, pertaining to Ordinance No. 062804, Judge Powers stated that it was with regret that Mr. Schoenbachler's resignation was accepted by the Court. He thanked Mr. Schoenbachler for his comments.

Mr. Walt Beasley, a representative from the Ohio County Water District, addressed the court about the waterline project in the Falls of Rough Area which was currently under construction. He further added that he would update the Fiscal Court on a regular basis and thanked the Court for their assistance with this project. Judge Powers stated that this project was implemented and approved by the prior administration. He thanked Mr. Beasley for the update.

Mr. Wesley Tate stated that he appreciated the Court opening the meeting with the Pledge of Allegiance and a prayer. He also explained that if a developer promises that a subdivision road can/will be accepted into the county maintenance system after five years, he can be charged with false advertisement. Mr. Tate added that he was waiting on the bids. Judge Powers thanked Mr. Tate for his comments.

**RE: Transfers**

Esquire O'Donoghue moved, seconded by Esquire Moore, to approve the October 27, 2008 Transfers as submitted by County Treasurer, Randi Flood. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "A-111008"

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**RE: Claims**

Esquire Robinson moved, seconded by Esquire Moore, to approve the November 6, 2008 Claims as submitted by County Treasurer, Randi Flood and Judge/Executive's Assistant, Odessa Hobbs. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "B-111008"

**OLD BUSINESS**

**RE: Laura's Lane**

Esquire Robinson moved, seconded by Esquire Gedling, to remove Laura's Lane from the county maintenance system as November 10, 2008. Esquire Robinson inquired if the landowner could place a gate across the lane since it was removed from the county maintenance system. County Attorney, Bradley Butler stated that once a road is removed from the county maintenance system, it becomes a public road. He further added that the landowner should contact his office for the legalities pertaining to this issue. Subsequent to discussion, Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

**RE: Bids, McDaniel's VFD**

Judge Powers opened and stated the following amounts of each of the bids submitted on the McDaniel's VFD vehicles:

1977 Ford, F612 Truck (Chassis Only):

Joe O'Donoghue, \$1,626.00 and Wesley Tate, \$1,020.00. Esquire Henning moved, seconded by Esquire Moore, to approve the bid submitted by Joe O'Donoghue in the amount of \$1,626.00. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE; ESQUIRE O'DONOGHUE ABSTAINED (5-0). Exhibit "C/D-111008"

1974 Oren, 1250 GPM Pumper Truck:

Since no bids were submitted for the 1974 Oren, Esquire Henning moved, seconded by Esquire O'Donoghue, to declare the 1974 Oren as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

1998 Ford, Crown Vic:

Patricia Filbin-Martinez, \$400.00. Subsequent to discussion, Esquire O'Donoghue moved, seconded by Esquire Gedling, to reject the bid submitted by Patricia Filbin-Martinez in the amount of \$400.00. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "E-111008"

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1997 Ford, E350 McCoy Miller Ambulance:

Since a trade-in allowance was submitted instead of a bid, Esquire O'Donoghue moved, seconded by Esquire Robinson, to declare the 1997 Ford, E350 as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

Exhibit "F-111008"

2002 Ford, E350 Braun Ambulance:

Since a trade-in allowance was submitted instead of a bid, Esquire O'Donoghue moved, seconded by Esquire Gedling, to declare the 2002 Ford, F350 as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

Exhibit "F-111008"

**RE: Bid, Cloverport Area VFD**

Judge Powers opened and stated the following amount of the bid received on the Cloverport Area VFD's 1967 Jeep: John Newton, \$685.00. Subsequent to discussion, Esquire Gedling moved, seconded by Esquire Henning, to table this bid until the next regular meeting. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

**RE: MOA - State Historic Preservation Grant, Judge Joseph Holt Property**

Subsequent to discussion, Esquire Henning moved, seconded by Esquire Moore, to approve the Memorandum of Agreement between, the Kentucky Heritage Council (KHC) and the Breckinridge County Fiscal Court (Grantee) and to authorize Judge/Executive, Ray Powers to sign and execute any and all documents on behalf of the Court. The KHC shall award to Grantee an amount not to exceed One Hundred and Fifty-Eight Thousand Dollars (\$158,000.00). This award shall be applied toward the acquisition of the Judge Joseph Holt House and approximately 20 acres more or less of real property. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

Exhibit "G-111008"

**RE: Ordinance No. 111008, Personnel Policy**

Subsequent to explanation, Esquire Robinson moved, seconded by Esquire Moore, to approve the Breckinridge County Personnel Policy. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

Esquire Henning moved, seconded by Esquire Robinson, to approve First Reading of Ordinance No. 111008, an ordinance relating to the Breckinridge County Fiscal Court Personnel Policy. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "H-111008"

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**NEW BUSINESS**

**RE: Proclamation, Taking Interest in Our Future / Ask a Kid about School**

Judge Powers read the Proclamation, a proclamation proclaiming the week of November 16-22, 2008 be "Taking Interest in Our Future / Ask a Kid about School. Gear Up Coordinator, Julie Monarch and Superintendent, Janet Minks were present to accept the proclamation. Exhibit "I-111008"

Mrs. Monarch addressed the court and explained the student dropout prevention campaign. She added that the goal of this campaign was to encourage community involvement in student's lives. The anticipated result was that students relate to community members and want to achieve higher academic mastery out of a perceived obligation to their community. Mrs. Monarch thanked the Court for their involvement and support with this campaign.

**RE: Resolution No. 111008, Illegal Open Dump Grant**

Subsequent to explanation, Esquire Henning moved, seconded by Esquire O'Donoghue, to approve Resolution No. 111008, a resolution of the County of Breckinridge, Kentucky authorizing the approval of the Illegal Open Dump Grant application and authorizing the signature of all related documents. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "J-111008"

**RE: Waterline Licenses, Clover Lane**

Subsequent to discussion, Esquire Gedling moved, seconded by Esquire Moore, to grant the Waterline Licenses Agreement for Clover Lane and to authorize Judge/Executive, Ray Powers to sign and execute any and all documents on behalf of the Court once completed by County Attorney, Bradley Butler. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

**RE: Betty Lane**

Judge Powers explained that when Betty Lane was accepted into the county maintenance system the precise length was not recorded accurately in the minutes. However, the entire length of Betty Lane was deeded to the county at that time. Subsequent to discussion, Esquire Robinson moved, seconded by Esquire Moore, to accept the additional 2/10 (two tenths) of a mile of Betty Lane into the county maintenance system. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

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**RE: Treasurer's Report**

Esquire Robinson moved, seconded by Esquire Henning, to approve the Treasurer's Report for November 10, 2008 as submitted and explained by County Treasurer, Randi Flood. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "K-111008"

**RE: Road Foreman's Report**

Road Foreman, Ernie Nix informed the court that the road department staff had been chipping and sealing roads for the past two weeks. Also, the road department staff had delivered and picked-up all of the voting machines. Esquire O'Donoghue inquired if the road salt had been delivered. Judge Powers explained that the salt had been ordered, but delivery had been canceled twice. Judge Powers further stated that the total patcher training was scheduled for Friday. Road Foreman Nix added that the road department staff had finished chipping and sealing in the 4<sup>th</sup> District. Esquires Robinson and Moore thanked Foreman Nix for all the work completed in their districts.

Subsequent to discussion, Esquire Robinson moved, seconded by Esquire O'Donoghue, to approve the Road Foreman's Report. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

**RE: Road Viewing Reports**

Judge Powers stated that the Road Viewing Committee had completed inspecting the following roads: Harper Henderson, Russelburg Lane, Carter Lane, Tanglewood, Darlene Bennett, Aldridge Lane and Mary's Lane. Judge Powers entertained a motion, to accept the Road Viewing Committee reports. Esquire Henning moved, seconded by Esquire Gedling. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "L-111008"

**RE: Public Safety Answering Point (PSAP), Geo-Spatial Audit**

Judge Powers announced that the Commercial Mobile Radio Service Board (CMRS) was pleased to inform us that our Public Safety Answering Point (PSAP) passed the Geo-Spatial Audit. He further added that the CMRS thanked the Breckinridge County 911 Director, Kay Brown for her hard work and commitment to the project.

**RE: Additional Funding**

Judge Powers explained that early in the year the county was notified that the truck registration pre-approved revenues had been reduced by approximately \$63,000.00. However, on November 5<sup>th</sup> Governor, Steven Beshear announced a one time emergency payment in the amount of \$43,610.00 to be paid to the county.

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Judge Powers added that the emergency payment decreased the amount of loss truck registration revenues to approximately \$19,000.00.

**RE: Adjournment**

Esquire O'Donoghue moved, seconded by Esquire Henning, to adjourn this meeting at 11:15 a.m. with no further business to come before it. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

**Clerk Certification**

I, Sherrie Ashley, 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 Breckinridge County Fiscal Court at the meeting of November 10, 2008

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Sherrie L. Ashley, Fiscal Court Clerk

Date: November 13, 2008