

MINUTES
BRECKINRIDGE COUNTY FISCAL COURT
Regular Meeting
Monday, November 24, 2008
6:00 P.M.

RE: Call to Order

After leading in the Pledge of Allegiance and a word of prayer, Judge Powers called to order the regular meeting of the Breckinridge County Fiscal Court at 6:00 p.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
Bradley Butler, County Attorney
Justin Magness, Sheriff's Deputy

Staff: Sherrie Ashley, Fiscal Court Clerk
Odessa Hobbs, Judge/Executive Assistant
Randi Flood, County Treasurer
Ernie Nix, Road Department Foreman

Absent: Charlie Hay, Magistrate, District 3
Todd Pate, County Sheriff

RE: Minutes – November 10, 2008

Esquire Henning moved, seconded by Esquire Moore, to approve the November 10th Minutes as submitted by Fiscal Court Clerk, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

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. Hammad Allan addressed the Court about a waterline license for the Ova Wright Road. Mr. Allan explained that he had purchased property located on the Ova Wright Road and was requesting a waterline license from the Court in order to provide water to his livestock. Mr. Allan stated that he had approximately 400 head of livestock and needed water for the animals. He further added that plumber, Randall Sheroan was hired to install the waterlines and handle the project.

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Judge Powers stated the waterline license should have been requested and granted before the waterline was installed. Judge Powers stated that the Court would discuss the matter further in order to resolve the problem.

Mr. Kenneth Hager addressed the Court about the waterline project on the Ova Wright Road. He stated that Mr. Allan was informed not to install the line prior to receiving the permit. He added that his neighbors thought Mr. Allan should be fined for installing the waterlines prior to receiving the waterline licenses.

Judge Powers stated that the issue would be discussed later, during this meeting. Also, he added that after inspection of the project on November 11th, the landowners were informed to stop the project until the proper procedures were met. However, the installation of the waterlines resumed and was completed.

Mr. Hager further stated that the ordinance pertaining to live stock containment needed to be address as well. County Attorney, Bradley Butler stated that the problem with the live stock was a law enforcement issue and not the responsibility of the Court. Judge Powers thanked Mr. Hager for his comments and concerns.

Mr. Ray Atkinson addressed the Court about a Nuisance Ordinance. He explained to the Court that the property adjacent to his was unsightly, and the landowner refused to address the problem. Mr. Atkinson submitted pictures to the Court of the property located in the Raffo Villa Subdivision and asked for assistance with this matter.

Judge Powers stated that the Court did not have a Nuisance Ordinance in place and could not address this problem without one. He explained that a Nuisance Ordinance was being worked on but not completed at this time. He recommended contacting the Health Department since this could be a health hazard. He further added that he would investigate this matter and thanked Mr. Atkinson for his comments and concerns.

RE: Transfers

Esquire Moore moved, seconded by Esquire Gedling, to approve the November 24, 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-112408"

RE: Claims

Esquire Henning moved, seconded by Esquire Robinson, to approve the November 20, 2008 Claims as submitted by County Treasurer, Randi Flood and Judge/Executive's Assistant, Odessa Hobbs.

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Esquire Gedling inquired about the claim on page one of three of the general fund to Kentuckians for Better? Judge Powers explained that the vendor's name did not completely print; the claim was to the Kentuckians for Better Transportation for membership dues. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "B-112408"

OLD BUSINESS

RE: Bid, Cloverport Area VFD

Judge Powers explained that the bid received on the Cloverport Area VFD's 1967 Jeep was tabled at the last meeting. Esquire Gedling moved, seconded by Esquire O'Donoghue to remove the bid from the table. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

Subsequent to discussion, Esquire Gedling moved, seconded by Esquire O'Donoghue, to approve the bid submitted by John Newton in the amount of \$685.00 for the Cloverport Area VFD's 1967 Jeep. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "C-112408"

RE: Ordinance No. 111008, County Personnel Policy

Esquire Robinson moved, seconded by Esquire Moore, to approve second 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 "D-112408"

RE: Resolution No. 112408, Rural Secondary Emergency Agreement

Esquire O'Donoghue moved, seconded by Esquire Gedling, to approve Resolution No. 112408, a resolution adopting and approving the execution of a Rural Secondary Emergency Agreement between the Breckinridge County Fiscal Court and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "E-112408"

RE: Health Insurance Discussion

Judge Powers explained that the Breckinridge County Fiscal Court had advertised for employee health insurance quotes. Judge Powers opened and stated the two quotes submitted for the employee health insurance:

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Shane Cox Insurance, Inc

Humana renewal quote, Coverage Type: Employee (only), \$386.30; Employee & Spouse, \$772.62; Employee & Child(ren), \$733.98; and Employee & Family, \$1,236.18. Exhibit "F-112408"

Worth Insurance Group

United Healthcare quote, Coverage Type: Employee (only), \$338.02; Employee & Spouse, \$709.84; Employee & Child(ren), \$642.24; and Employee & Family, \$1,081.66. Exhibit "G-112408"

Subsequent to discussion, Judge Powers stated that Anthem has not released their quotes; therefore, Anthem quotes would be accepted once completed and submitted. He further explained that the court would review all quotes submitted including any quotes submitted at the next regular meeting before a final decision was made.

NEW BUSINESS

RE: Waterline License, Ova Wright Road

Judge Powers explained that Mr. Allan was requesting the court to grant a waterline license agreement for the Ova Wright Road. However, several issues needed to be addressed. The waterline was already installed on the county right of way, prior to receiving a waterline license from the Court. There was damage to the right of way as well as the road. Were the requirements for installing a waterline on the county right of way met? Judge Powers stated that although the Court was willing to grant Mr. Allan the license, due to the circumstances the Court could not at this time.

Esquire Henning added that the City of Hardinsburg would not install a water meter until an easement from the landowner who owned the property where the meter would be installed was obtained.

Subsequent to lengthy explanation, Judge Powers offered to speak with Mr. Allan's plumber. He asked County Attorney, Bradley Butler if Mr. Allan should hire an attorney. County Attorney, Bradley Butler stated that he recommended that everyone hire an attorney. He further stated that Mr. Allan should consider hiring an attorney, who could help him understand the process and advise him on the procedures.

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Mr. Allan submitted documentation to the Court; however, it was not the correct documents. Once again, Judge Powers explained to Mr. Allan that he did not have the correct documentation. Judge/Executive Assistant, Odessa Hobbs offered to assist Mr. Allan. Judge Powers stated again that the Court was willing to grant Mr. Allan the license, but due to the circumstances could not at this time.

Subsequent to discussion, Esquire Moore moved, seconded by Esquire O'Donoghue, to table this issue until the next meeting. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

RE: Waterline License, Kiper Road

Judge Powers informed the Court that Craig Taylor was requesting a waterline license for .16 of a mile of Kiper Road from Calvert Church Road. Esquire O'Donoghue moved, seconded by Esquire Moore, to approve the Waterline License Agreement 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). Exhibit "H-112408"

RE: Electrical Line License, Clark Barr Lane

Judge Powers explained that an underground electrical service to cross Clark Barr Lane was requested. He further added that Meade County RECC had approved the installation of the service. Subsequent to explanation, Esquire O'Donoghue moved, seconded by Esquire Gedling, to approve the Electrical Line License Agreement, and to authorize Judge/Executive, Ray Powers to sign and execute any and all documents on behalf of the Court. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "I-112408"

RE: Personnel, Executive Session

Judge Powers entertained a motion to adjourn to Executive Session to discuss the promoting of personnel to the Assistant Road Foreman position. Esquire Moore moved, seconded by Esquire Robinson. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

RE: Executive Session, Adjournment

Esquire Gedling moved, seconded by Esquire Henning, to adjourn the Executive Session with no further discussion to come before it. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

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RE: Assistant Road Foreman

Judge Powers stated that the issue discussed during the Executive Session was for promoting an employee to the Assistant Road Foreman position. He added that he had interviewed three applicants for the position.

Judge Powers appointed Phil Sutton as the Assistant Road Foreman at a salary of \$32,500.00. Judge Powers stated that this was a salary exempt position involving some computer skills for purchasing, as well as a working position. Also, this position has a 90 day probationary period, requires three (3) years of road building experience and completion of the state exams. The Assistant Road Foreman position has the same requirements as the Road Foreman position.

Esquire Gedling moved, seconded by Esquire O'Donoghue, to appoint Phil Sutton as the Assistant Road Foreman. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

RE: Treasurer's Report

Esquire Henning moved, seconded by Esquire Robinson, to approve the Treasurer's Report as explained and submitted by County Treasurer, Randi Flood. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).
Exhibit "J-112408"

RE: Road Foreman's Report

Road Foreman, Ernie Nix informed the Court that the road department staff was finished with chipping and sealing for the season. The equipment was winterized along with other miscellaneous maintenance. Judge Powers added that the road department staff was trained to use the total patcher and since that time had completed some repairs to the Richard Moore, Tar Springs and Teller Haycraft Roads. Also, he had requested KACO to address the salt delivery issue since they were in charge of the reverse action.

Esquire Gedling inquired "Do we not have salt yet"? Judge Powers stated "no". Judge Powers added that several places did not have any salt at this time. Esquire Robinson inquired if a grader was working in the 4th District. Foreman Nix stated that two graders were in the 4th District. Esquire Robinson explained that he had received a complaint from a resident who lived on the McDonald Lane because the lane was not graded and needed more rock. Foreman Nix stated that he thought the road was graded and rocked, and he would check the road. Esquire Robinson moved, seconded by Esquire Moore, to approve the Road Foreman's Report as explained by Road Foreman, Ernie Nix. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0).

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RE: Road Viewing Report's

Judge Powers stated that the Court could adopt the following roads, approved by the road viewing committee into the county maintenance system, pending recommendations, deeds of conveyance and all other requirements.

Harper Henderson: Esquire Gedling moved, seconded by Esquire Henning, to adopt two tenths (2/10) of a miles of the Harper Henderson Road into the county maintenance system, pending all requirements. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "L-111008" Court Order Book 26, Page 556

Russelburg Lane: Esquire Gedling moved, seconded by Esquire Robinson, to adopt three tenths (3/10) of a mile of the Russelburg Lane into the county maintenance system, pending all requirements. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "L-111008" Court Order Book 26, Page 557

Carter Lane: Esquire Gedling moved, seconded by Esquire Moore, to adopt one tenth (1/10) of a mile of the Carter Lane into the county maintenance system, pending all requirements. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (6-0). Exhibit "L-111008" Court Order Book 26, Page 558

Tanglewood Road: Judge Powers stated that although two miles of Tanglewood Road was recommended by the road reviewing committee, Tanglewood did not comply with Ordinance No. 062804, an ordinance relating to specifications and minimum requirements for proposed county roads. Exhibit "L-111008" Court Order Book 26, Page 559

Judge Powers added that the following roads were not recommended by the road viewing committee for adoption into the county maintenance system:

Darlene Bennett: Exhibit "L-111008" Court Order Book 26, Page 560

Aldridge Lane: Exhibit "L-111008" Court Order Book 26, Page 561

Mary's Lane: Exhibit "L-111008" Court Order Book 26, Page 562

RE: Road Viewing Committee

Esquire Robinson inquired if the vacant position on the road viewing committee had been filled. Judge Powers stated that he had not appointed anyone at this time.

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RE: Relocation, Courthouse Annex

Esquire Gedling inquired if a decision had been made on relocating the Courthouse Annex Staff. Judge Powers stated not at this time.

RE: Executive Order

Judge Powers read the Executive Order which was signed on Friday, November 21, 2008 pertaining to the local option election. Exhibit "K-112408"

RE: Courthouse Generator

Esquire Robinson inquired if the new generator was installed and operational. Judge Powers stated that the generator was installed but not operational.

RE: Adjournment

Esquire Robinson moved, seconded by Esquire Moore, to adjourn this meeting at 7:35 p.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 24, 2008.

Sherrie L. Ashley, Fiscal Court Clerk

Date: November 26, 2008