

**MINUTES**  
**BRECKINRIDGE COUNTY FISCAL COURT**  
**Regular Meeting**  
**Monday, October 26, 2009**  
**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  
Charlie Hay, Magistrate, District 3  
Ronnie Robinson, Magistrate, District 4  
Sam Moore, Magistrate, District 5  
Joe O'Donoghue, Magistrate, District 6  
Bradley Butler, County Attorney  
Todd Pate, Sheriff

Staff: Kathina Bell, Fiscal Court Clerk  
Sherrie Ashley, County Treasurer  
Odessa Hobbs, Finance Officer  
Michelle Valora, Finance Officer  
Ernie Nix, Road Foreman

**RE: Minutes – October 12, 2009**

Esquire Henning moved, seconded by Esquire Moore, to approve the October 12<sup>th</sup> Minutes as submitted by Fiscal Court Clerk, Kathina Bell. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Welcome Guests**

After welcoming the guests who were present at the Fiscal Court Meeting; however, no one had signed the guest comment sheet.

**RE: Transfers**

Esquire O'Donoghue moved, seconded by Esquire Robinson, to approve the October 26<sup>th</sup> Transfers as submitted by County Treasurer, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "A-102609"

**RE: Claims**

Esquire Moore moved, seconded by Esquire Hay, to approve the claims, corrected claim and one additional claim as submitted by Finance Officer, Odessa Hobbs. Subsequent to discussion, Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "B-102609"

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**OLD BUSINESS**

**RE: Fire Dues Ordinance**

Judge Powers explained to the Court that changes had been made to the fire dues ordinance and a clean copy had been given to each of you at the beginning of the meeting. County Attorney, Bradley Butler explained each change to the fire dues ordinance that the Court had requested.

Judge Powers explained that the Court had requested a Town Hall meeting at the last Court meeting and the date would be November 2<sup>nd</sup> @ 6:00 P.M. for the purpose of discussion of the ordinance relating to the fire dues on the property tax bill and no action would be taken at the meeting. Subsequent to discussion, Esquire Moore moved, seconded by Esquire Henning, to table the fire dues ordinance discussion until the next regular meeting. Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES MOORE AND HENNING VOTING AYE AND ESQUIRES O'DONOGHUE, ROBINSON, HAY AND GEDLING VOTING NAY (3-4). Motion failed.

Esquire Hay voiced concerns to do away with the ordinance and the county could subsidize the fire departments from the general fund with each fire department receiving \$5,000 and added that Meade County subsidized three of their fire departments with each receiving \$8,000. Judge Powers stated that personally he does not feel those funds would be sufficient and neither does each fire department and explained that they're in financial trouble now and that this would only lead to residents not paying and included that with the ordinance each individual had the option to opt-out. Esquire Hay asked Judge Powers if there was a particular reason he did not agree with the subsidization of the fire departments from the general fund. Judge Powers stated that there were several reasons one being where would the county get the funds, secondly it would hurt the fire departments and \$5,000 would not suit one firefighter and personally he felt this was a "slap in the face."

Esquire Henning voiced concerns that at some point something would need to be done. Judge Powers agreed and added that with the fire dues ordinance all fire departments would be required to submit an annual budget, three years of financial statements and there was a clause in the ordinance that states none of the fire dues collected shall be used for salaries or salary related expenses and stated that firefighters do more than fight fires and one example of their financial problems was due to the January ice storm and they are currently waiting on FEMA reimbursements.

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Esquire Robinson inquired if the fire chiefs felt the ordinance would increase funding to each fire district. Webster Fire Chief, John Hobbs stated yes and added that Hardin County's fire dues increased from 43% to 70%. Esquire Gedling inquired about the amount of fire dues Webster VFD had collected last year. John Hobbs stated \$10,500 which was about 49%.

Esquire Hay asked Judge Powers why it was not his plan to have a Town Hall meeting in every district. Judge Powers stated that time was an issue and that you can't discuss this effectively without a clean ordinance and added that this was not requested in the last meeting and voiced concerns that he would like the commitment to hold a public meeting.

Esquire Henning stated that three or four fire departments in the county were in bad shape and could possibly close and ask "what do we do just leave that part of the county without fire service" and explained that this was just one question that should be addressed if the fire departments did close. Esquire Robinson stated that residents in his district felt that Fiscal Court was forcing them to pay a fire due and some residents didn't even understand how fire dues were expended and that the fire departments need to make the public aware that you are buying more than chrome lug nuts for trucks and that there was a lack of communication between the fire departments and the citizens they represented.

Subsequent to lengthy discussion, Esquire O'Donoghue moved, seconded by Esquire Hay, to have first reading of the Fire Dues Ordinance. Judge Powers called for a vote on the motion, ESQUIRES O'DONOGHUE, ROBINSON, HAY AND GEDLING VOTING AYE AND JUDGE POWERS, ESQUIRES MOORE AND HENNING VOTING NAY (4-3). Motion carried.

Subsequent to explanation, Judge Powers made a motion, to approve to approve 1<sup>st</sup> Reading of the Fire Dues Ordinance and Esquire Henning seconded. Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES MOORE AND HENNING VOTING AYE AND ESQUIRES O'DONOGHUE, ROBINSON, HAY AND GEDLING VOTING NAY (3-4). 1<sup>ST</sup> Reading did not pass.

Judge Powers informed the Court that the Town Hall Meeting for the discussion of the Fire Dues Ordinance which had been previously scheduled for Monday November 2<sup>nd</sup> at 6:00 P.M. has been cancelled.

**NEW BUSINESS**

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**RE: Resolution 2009-1026, Lodiburg-Raymond Road**

Subsequent to explanation by Judge Powers, Esquire Hay moved, seconded by Esquire Moore, to approve Resolution No. 2009-1026, a resolution adopting and approving the execution of an agreement between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways and Breckinridge County to resurface Lodiburg-Raymond Road (CR 1080) beginning at the intersection of KY 477 and extending westerly for 0.6 miles and the Department agrees to reimburse the County up to \$63,850 for completion of work under the obligations of said agreement and to authorize Judge Executive, Ray Powers to sign any and all documents on behalf of the Court. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "C-102609"

**RE: LTADD Contract: Kentucky Infrastructure Authority HB 406/608 Program**

Subsequent to explanation by Judge Powers, Esquire Hay moved, seconded by Esquire Gedling, to approve the Professional Services Contract for the Kentucky Infrastructure Authority HB 406/608 Program for the construction and expansion of certain additions to the facilities of the City of Hardinsburg water system. This agreement for professional services is by and between the Breckinridge County Fiscal Court and the Commonwealth of Kentucky and to authorize Judge Executive, Ray Powers to sign any and all documents on behalf of the Court. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "D-102609"

**RE: Waterline License: Lynn Stull Lane**

Subsequent to discussion, Esquire Hay moved, seconded by Esquire Gedling, to grant the Waterline License Agreement for the Lynn Stull Lane and to authorize Judge Executive, Ray Powers to sign and execute the agreement once completed by County Attorney, Bradley Butler. Judge Powers called for a vote on the motion, ALL PRESENT VERBALLY VOTING AYE (7-0).

**RE: Waterline License: Williams Lane**

Subsequent to discussion, Esquire Hay moved, seconded by Esquire Robinson, to grant the Waterline License Agreement for the Williams Lane and to authorize Judge Executive, Ray Powers to sign and execute the agreement once completed by County Attorney, Bradley Butler. Judge Powers called for a vote on the motion, ALL PRESENT VERBALLY VOTING AYE (7-0).

**RE: Waterline License: N. Riverbend Road**

Subsequent to discussion, Esquire O'Donoghue moved, seconded by Esquire Moore, to grant the Waterline License Agreement for the N. Riverbend Road and to authorize Judge/Executive, Ray Powers to sign and execute the agreement once completed by

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County Attorney, Bradley Butler. Judge Powers called for a vote on the motion, ALL PRESENT VERBALLY VOTING AYE (7-0).

**RE: Bids, McDaniels VFD**

Judge Powers opened and stated the amount of each of the four bids for the McDaniels VFD 1979 Ford LN700 Fire Truck VIN # N71CVFG5779. Friedell Hinton submitted a bid in the amount of \$2001.00, David O'Donoghue submitted a bid in the amount of \$1201.00, Edgar (Eddie) Moore submitted a bid in the amount of \$805.00 and Ricky Bennett submitted a bid in the amount of \$812.25. Subsequent to discussion, Esquire O'Donoghue moved, seconded by Esquire Hay, to accept the bid submitted by Friedell Hinton in the amount of \$2001.00. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Stephensport VFD, surplus**

Esquire Hay moved, seconded by Esquire Robinson, to declare the Stephensport VFD 1966 Ford F800 Pump Truck VIN # F80FU878892 and a 1976 Ford F615E Tank Truck VIN # F61EVC50651 as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Treasurer's Report**

Esquire Robinson moved, seconded by Esquire Hay, to approve the October 26<sup>th</sup> Treasurer's Report as submitted and explained by County Treasurer, Sherrie Ashley. Sherrie Ashley stated to the Court "I was not present for the audit exit conference; I read it and was instructed to sign off." Subsequent to discussion, Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "E-102609"

**RE: Road Foreman's Report**

Road Foreman, Ernie Nix explained that the road department staff was grading and blacktopping roads and had trimmed trees during the rain. Foreman Nix explained to the Court to keep in mind that we have three Mack Trucks with over 300,000 miles. Esquire O'Donoghue inquired if these Mack Trucks were the best we have had. Foreman Nix stated that they were not the best due to the new emissions control system and explained that the truck must be pulled over for approximately fifteen minutes to burn off carbon build up. Esquire O'Donoghue inquired if the trucks were covered under warranty. Foreman Nix stated yes.

Esquire Gedling inquired as to how the county could justify this. Judge Powers explained that in the budget there was \$200,000 appropriated as revenue from the sale of the Mack trucks and if not sold you do not necessarily have that revenue in your

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equipment line item and added that we only have \$100,000 that was expendable for equipment.

Esquire Robinson inquired about the cost to trade. Foreman Nix stated that we auction the Mack trucks. Judge Powers stated that the cost was about \$8,000 to \$9,000 per truck. Esquire Gedling inquired when we would receive the contract. Judge Powers stated that he had spoken with him last week and he was working on it. Subsequent to discussion, Esquire Hay moved, seconded by Esquire O'Donoghue, 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 (7-0).

**RE: Hickory Ridge Road**

Judge Powers explained to the Court that in review of eighteen years of Court records and discussing with County Attorney, Bradley Butler documentation was not found that Hickory Ridge Road was removed from the County Road System correctly. Judge Powers further explained that due to the road not being removed correctly it was still a county road and added that the gate was now open. Subsequent to discussion, Esquire Gedling moved, seconded by Esquire Hay, to start and to continue maintenance on Hickory Ridge Road. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Meador Lane Acceptance**

Esquire Robinson moved, seconded by Esquire Hay, to authorize Judge Executive Ray Powers to sign the deed and to approve the acceptance of 7/10<sup>th</sup> of a mile of Meador Lane into the County Maintenance System. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Road Viewing Committee**

Esquire O'Donoghue moved, seconded by Esquire Hay, to request the road viewing committee to inspect 1200 ft of Mitchell Hockenberry Lane off of Cobblers Knobb Lane. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: County Road Ordinance**

Esquire Henning made a motion for County Attorney, Bradley Butler to prepare an amendment to Ordinance # 062804, an ordinance relating to specifications and minimum requirements for proposed county roads to include the addition of two (2) inches of rock for a total of eight (8) inches and to remove from the ordinance the two (2) inch blacktop requirement for the acceptance of subdivision roads into the County Road System and Esquire Hay seconded. Subsequent to discussion, Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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**RE: Adjournment**

Esquire O'Donoghue moved, seconded by Esquire Gedling, to adjourn this meeting at 7:25 p.m. with no further business to come before it. Judge Powers called for a vote on the motion, ALL PRESENT VERBALLY VOTING AYE (7-0).

**Clerk Certification**

I, Kathina Bell, 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 October 26, 2009.

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Kathina Bell, Fiscal Court Clerk

Date: November 5, 2009