

**MINUTES**  
**BRECKINRIDGE COUNTY FISCAL COURT**  
**Regular Meeting**  
**Monday, March 9, 2009**  
**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 regular meeting 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  
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, County Sheriff

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

**RE: Minutes – February 23, 2009**

Esquire Hay moved, seconded by Esquire Moore, to approve the February 23<sup>rd</sup> Minutes as submitted by Fiscal Court Clerk, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**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.

Ms. Beveline Philpot addressed the court about the conditions of Look Out Loop during the ice storm. She stated that the residents were unable to travel in or out of Look Out Loop for seven days and there was still a lot of debris that needed to be removed. She requested assistance with clearing the debris from the road's right of way. Judge Powers stated that twelve seasonal workers had been hired to assist with clearing debris from the county right of ways. Ms. Philpot added that the McDaniels Volunteer Fire Department assisted the residents with clearing some debris from the road and the residents greatly appreciated their help.

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Mr. John Vorbrink addressed the court about the hill on Look Out Loop. He asked if there were any plans to repair the hill. Judge Powers stated not at this time. The county was working on the debris removal.

**RE: Transfers**

Esquire Henning moved, seconded by Esquire Hay, to approve the March 9, 2009 Transfers as submitted by County Treasurer, Randi Flood. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "A-030909"

**RE: Claims**

Esquire Hay moved, seconded by Esquire Henning, to approve the March 5, 2009 Claims as submitted by Judge/Executive Assistant, Odessa Hobbs. Esquire O'Donoghue inquired about a claim on page one of five in the road fund to BJ & T Welding and Repair in the amount of \$10,000.00. Judge Powers stated that it was for the purchase of a chipper.

Esquire Gedling inquired about a claim on page one of three in the general fund to J. Scott Wise and Co. in the amount of \$1,100.00. Judge Powers stated that it was for the appraisal of the property located in the industrial park.

Esquire Robinson inquired about a claim on page one of five in the road fund to Central Salt in the amount of \$7,205.22. Judge Powers added that the county's remaining allotment was approximately 100 tons. Subsequent to discussion, Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "B-030909"

**NEW BUSINESS**

**RE: 2008 Clerk's Excess Fees**

Judge Powers opened the floor to County Clerk, Jill Irwin who explained the Statement of Receipts, Disbursements and Excess Fees for 2008. Clerk Irwin informed the court that \$60,000.00 of the revenues received in the Clerk's office was from the state and based on population. A census is scheduled to be conducted next year and once Breckinridge County's population reaches twenty thousand, the county will no longer qualify for the state's additional funding which will have a drastic effect on the amount of excess fees at the end of the year.

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Subsequent to discussion, Esquire Moore moved, seconded by Esquire Gedling, to accept the 2008 Excess Fees in the amount of \$130,788.55 pending final audit. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).  
Exhibit "C-030909"

**RE: 2008 Sheriff's Excess Fees**

Judge Powers opened the floor to County Sheriff, Todd Pate who explained the Annual Settlement for 2008. Sheriff Pate requested that the court allow the Sheriff's office to retain the excess fees in the amount of \$5,773.95 for operational expense for 2009. Subsequent to discussion, Esquire Robinson moved, seconded by Esquire Hay, to accept the 2008 Excess Fees in the amount of \$5,773.95 pending final audit. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).  
Exhibit "D-030909"

Esquire Hay moved, seconded by Esquire O'Donoghue, to reimburse the Sheriff's office for the 2008 Excess Fees in the amount of \$5,773.95 from the FY Budget 2009-2010. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).  
Sheriff Pate thanked the court.

**RE: Rural Secondary Roads**

Patti Dunaway, a representative from the Department of Transportation explained how the Rural Secondary Program was funded and how the money was allocated to the counties. She submitted and explained the Rural Secondary Recommended Improvements for fiscal year 2009-2010. She further explained that for the FY 2009-2010, Breckinridge County would receive \$1,303,676.00 for improvements to rural secondary roads. The Department of Transportation recommends the roads for improvement, but the Office of Governmental Relations would make the final decision to approve or to make changes to the recommendations.

Subsequent to discussion, Esquire Hay moved, seconded by Esquire Robinson, to accept the Rural Secondary Recommended Improvements for the FY 2009-2010 as submitted by the Transportation Department. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "E-030909"

**RE: Treasurer's Report**

Esquire Moore moved, seconded by Esquire Gedling, to approve the March 9<sup>th</sup> Treasurer's Report as submitted and explained by County Treasurer, Randi Flood. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).  
Exhibit "F-030909"

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**RE: Road Foreman's Report**

Road Foreman, Ernie Nix stated that the road department staff was working on the storm cleanup project, grading and rocking when the weather permitted. He added that the road department had been using dense grade rock on the county roads for the past two years which once compressed, hardens like concrete and last much longer than 57 rocks. The seasonal crews are chipping and hauling the chips to the airport, but are not picking up brush. However, residents and state contractors are still hauling brush to the fairgrounds.

Judge Powers stated that at least 10% of the county right of ways have been cleared. He further added that it took 2 weeks to clear approximately 4 to 5 miles of debris from the Roff McCoy Road which was in the worst condition. Subsequent to discussion, Esquire Hay 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 (7-0).

**RE: Animal Shelter Report**

Judge Powers informed the Court that from January 1<sup>st</sup> to December 31<sup>st</sup> of 2008, Animal Control Officer, Mike Picente had impounded a total of 836 dogs, 54 cats, and 2 others for a total of 892 impounds. He further added that from the 892 total impounds 46.2% had been adopted, fostered, or reclaimed and the remaining 53.7% had been euthanized for behavioral or physical complications. Judge Powers stated that the county does not take cats, however these were emergency situations.

Esquire Henning inquired about what the county could do to address the cat population problem. Judge Powers stated that the problem had been investigated but changes would have to be made to the ordinance as well as to the facility. Subsequent to discussion, Esquire Hay moved, seconded by Esquire Robinson, to accept the Animal Shelter Report for 2008 as submitted by Animal Control Officer, Mike Picente. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "G-030909"

**RE: Executive Session, Personnel**

Judge Powers entertained a motion to convene to Executive Session to discuss personnel. Esquire Moore moved, seconded by Esquire Hay. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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**RE: Executive Session, Adjournment**

Esquire Hay moved, seconded by Esquire Robinson, 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 (7-0).

**RE: Personnel**

Judge Powers explained that due to the ice storm and other problems, the Road Foreman, Ernie Nix and Assistant Road Foreman, Phil Sutton have not been able to use their vacation time. He further added that neither would be able to take time off from work before their anniversary dates. Unfortunately, last year the Road Foreman lost 20 vacation days and with the changes to the personnel policy county employees' loss vacation time not taken before their anniversary date.

Therefore, Judge Powers entertained a motion, to make a one time pay adjustment to reimburse the Foreman and Assistant Foreman for unused vacation time. Esquire Hay moved, seconded by Esquire Moore. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Adjournment**

Esquire Hay moved, seconded by Esquire Gedling, to adjourn this meeting at 11:17 a.m. with no further business to come before it. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**Clerk Certification**

I, Sherrie L. 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 March 9, 2009.

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Sherrie L. Ashley, Fiscal Court Clerk

Date: March 13, 2009