

**MINUTES**  
**BRECKINRIDGE COUNTY FISCAL COURT**  
**Tax Rate Hearing/Regular Meeting**  
**Monday, September 14, 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 Tax Rate 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  
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  
Bruce Anthony, Sheriff's Department

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

**RE: Tax Rate Public Hearing**

Judge Powers explained that the tax rates would remain the same as last year at 11.2% for real property per \$100.00 of assessed value. Judge Powers opened the floor to the public for comments regarding the proposed tax rates.

Since no comments were made, Esquire Henning moved, seconded by Esquire Gedling, to adjourn the Tax Rate Public Hearing. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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

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

**RE: Minutes – August 24, 2009**

Esquire Moore moved, seconded by Esquire Robinson, to approve the August 24<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).

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**RE: Welcome Guests**

Mr. Bill Taul addressed the Court regarding when a decision would be made as to whether Hickory Ridge Road was a county or private road. Mr. Taul stated that this had been ongoing for years and after someone accused him of having three men with guns standing at the gate he wanted an answer. Judge Powers stated that he had discussed the issue with Mr. Pape and that he wanted to consult with the other property owners. Judge Powers added that he had been to archives himself to review previous Court minutes and to look at county road maps. Mr. Taul inquired about the sign at the gate and asked if the County put the sign up there or did someone put the sign up illegally. Judge Powers stated that this had taken place in a previous office and that he could not find an order that placed the sign at the gate.

Esquire Gedling stated that this issue needed to be taken care of and that if the road was County then we needed to maintain it and if the road was in deed private then put up a gate. Judge Powers stated that some issues had come up that may establish Hickory Ridge Road as a County road. Judge Powers further added that this was the reason that he wanted to discuss the issue with the other landowners and that they may have documentation that may help. Esquire Gedling inquired about where County Attorney, Bradley Butler was at on this matter.

County Attorney, Bradley Butler stated that some of the landowners believed that part of the road was County and that part was private and that the order that he found only changed the maintenance of the road and did not take the road off the county road system properly. Attorney Butler added that if the road was not taken off the county road system properly then it was still a County road. Esquire O'Donoghue inquired if the road was on the county road map. Attorney Butler stated yes it was on the county road map from 1991. Esquire O'Donoghue stated then the road is County. Attorney Butler stated no not necessarily and added that Mr. Pape came to the Fiscal Court meeting to have the road changed and the court modified the road but did not take the road out of the county road system. Attorney Butler explained that the county maintenance map was wrong and that the map was altered but that the Court took no action.

Judge Powers explained that in 1991 the road was on the county road map. Esquire O'Donoghue inquired if it was in the minutes. Judge Powers stated yes but that we can not find any documentation other than the maintenance was removed and in this case it was still a county road.

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Attorney Butler stated that this was the reason that he wanted to discuss this with all the other landowners to see if there was another court date they may have attended and that there may have been but we have not been able to locate due to the court minutes not being indexed where you can find specifics. Judge Powers stated that he understands that Mr. Taul wants something done about this issue and that we are not sure at this point and that we are going to do our best to get the issue resolved. Judge Powers thanked Mr. Taul for his comments and concerns.

**RE: New Budget Line Item, Voting Machines**

Subsequent to discussion, Esquire Henning moved, seconded by Esquire Moore, to approve the new budget line item: 01-8099-7370, Voting Machines. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Transfers**

Subsequent to discussion, Esquire Moore moved, seconded by Esquire Robinson, to approve the September 14<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-091409"

**RE: Claims**

Esquire Robinson moved, seconded by Esquire Henning, to approve the September 14<sup>th</sup> Claims and one additional claim as submitted by Finance Officer, Odessa Hobbs. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "B-091409"

**OLD BUSINESS**

**RE: County Road Garage**

Subsequent to discussion, Judge Powers entertained a motion to table the County Road Garage discussion until the next Fiscal Court meeting to allow time for review of the new County Road Garage proposed plans. Esquire Hay moved, seconded by Esquire Gedling. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**NEW BUSINESS**

**RE: 2009 Property Tax Rates**

Judge Powers explained that the property tax rates would remain the same as last year at 11.2% for real property and 13.1% for personal property per \$100.00 of assessed value.

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Subsequent to discussion, Esquire Gedling moved, seconded by Esquire Robinson to approve the 2009 tax rates. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "C-091409"

**RE: Personnel, Executive Session**

Esquire Gedling moved, seconded by Esquire O'Donoghue, to convene to Executive Session to discuss hiring of County Road Department Employees. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Executive Session, Adjournment**

Esquire Robinson 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 VERBALLY VOTING AYE (7-0).

**RE: Hiring: County Road Department Employees**

Judge Powers made a motion to hire Tracy Drane as a full time Equipment Operator at an hourly rate of \$11.15 and Esquire Moore seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

Judge Powers made a motion to hire Doug Carman as a full time Equipment Operator at an hourly rate of \$11.15 and Esquire Hay seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

Judge Powers entertained a motion to hire Jeff Jarboe as a full time Equipment Operator at an hourly rate of \$11.15. Esquire Gedling moved, seconded by Esquire O'Donoghue. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

Judge Powers made a motion to hire Connie Horsley as full time Road Department Office Manager and Inventory Control Specialist at an hourly rate of \$10.00 and Esquire Moore seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Bids, Harned VFD Fire Truck**

Judge Powers opened and stated the amount of each of the two bids for the Harned VFD 1970 Model C855 VIN # C85LVG82943 Fire Truck. Dale Brown submitted a bid in the amount of \$351.00 and Jesse Pile submitted a bid in the amount of \$278.00. Subsequent to discussion, Esquire O'Donoghue moved, seconded by Esquire Moore, to accept the

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bid submitted by Dale Brown in the amount of \$351.00. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: McDaniels VFD Surplus**

Esquire O'Donoghue moved, seconded by Esquire Henning, to declare the McDaniels VFD 1998 Ford Crown Victoria VIN # 2FAFP71W9WX139917 as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

Esquire O'Donoghue moved, seconded by Esquire Henning, to declare the McDaniels VFD 1979 Model LN 700 VIN # N71CVFG5779 fire truck as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: Bids, Surplus Computers & Equipment**

Judge Powers explained to the court that we had not received any bids on the advertised surplus computers and equipment. Subsequent to discussion, Esquire Henning moved, seconded by Esquire Gedling, to declare the surplus computers and equipment as salvage. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

**RE: County Clerk's 2008 Audit**

Esquire Moore moved, seconded by Esquire Henning, to approve the County Clerk's December 31, 2008 Year End Audit as submitted by County Clerk, Jill Irwin. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).  
Exhibit "D-091409"

**RE: Treasurer's Report**

Esquire O'Donoghue moved, seconded by Esquire Gedling, to approve the September 14<sup>th</sup> Treasurer's Report as submitted and explained by County Treasurer, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).  
Exhibit "E-091409"

**RE: Road Foreman's Report**

Road Foreman, Ernie Nix explained that the road department staff was blacktopping and running graders. Foreman Nix thanked the Court for the additional personnel and stated that this would be a big help. Foreman Nix stated that both bush hogs were being repaired and added that the clutch went out in the oil distributor and that they were able to use the one that was recently purchased. 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).

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**RE: Fire Dues Ordinance**

Judge Powers explained to the Court that County Attorney, Bradley Butler had prepared a proposed rough draft copy of the Fire Dues Ordinance for the Court members to review.

**RE: Insurance Premium Tax**

Esquire Hay made a motion to have County Attorney, Bradley Butler prepare the documents to remove the Local Government Insurance Premium Tax Ordinance and Esquire Gedling seconded. Judge Powers called for a vote on the motion, ESQUIRES O'DONOGHUE, ROBINSON, HAY, AND GEDLING VOTING AYE AND JUDGE POWERS, ESQUIRES MOORE, HENNING VOTING NAY (4-3). Motion carried.

**RE: Adjournment**

Esquire Henning moved, seconded by Esquire O'Donoghue, to adjourn this meeting at 11:25 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, 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 September 14, 2009.

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Kathina Bell, Fiscal Court Clerk

Date: September 24, 2009