

City of West Buechel

Meeting Minutes of Regular Council Meeting

January 10, 2017

Mayor Richards called the meeting to order, welcomed all the guests, City Council, Police Officers, and the City Attorney, Casey McCall. Mayor Richards stated for the record that three members of the Council, Toby Clark, Clara Crawford, and Loy Crawford, have failed to file with the clerk, an Affidavit as proof that they have properly taken the Oath of Office. He asked each of them who administered their Oath of Office, and all three stated it was Tom Fox. He asked that these members immediately file the proper paperwork on this matter. Mayor Richards then asked Councilwoman Moore to lead us in a prayer. Chief Sharp then led the Pledge of Allegiance. The Mayor welcomed the new members of the Council, Councilman Joe Spencer and Councilwoman Brenda Kay Moore.

Mayor Richards asked the clerk to take roll call. Present are Councilwoman Clara Crawford, Councilman Toby Clark, Councilman Loy Crawford, Councilwoman Janie Mosely, Councilwoman Brenda Kay Moore, and Councilman Joe Spencer.

MINUTES APPROVAL

Mayor Richards asked if the Council had any questions and/or comments on the minutes from the last meeting on December 13, 2016; there were none. Mayor Richards asked for a Motion to approve the minutes. Motion was made by Councilwoman Moore and seconded by Councilwoman Mosely - Minutes approved.

CHECK REGISTER APPROVAL

Mayor Richards asked for questions and/or discussions on the check register; Councilwoman Mosely made an inquiry which the Mayor answered. Motion was made by Councilwoman Mosely to approve the check register and seconded by Councilwoman Moore - check register approved.

FIRST READING OF ORDINANCE REVISING NET RECEIPTS TAX TO GROSS RECEIPTS TAX

Councilwoman Mosely introduced an Ordinance, Number 269, Series 2017, to change the net receipts tax to a gross receipts tax. Attorney McCall stated that the Ordinance remains the same as the last time it was introduced, with the exception that the tax amount is now .25% rather than 1%. Councilwoman Mosely requested a stave vote on the Ordinance. The Clerk took a roll call vote as follows: Councilwoman Mosely - yea; Councilwoman Moore - yea; Councilwoman Crawford - nay; Councilman Spencer - nay; Councilman Crawford - nay; Councilman Clark - nay. The vote is four to two against in favor of the nays.

POLICE DEPARTMENT REPORT

Chief Sharp presented his department's monthly report. The Chief announced that the department had served a search warrant where large amounts of cocaine, marijuana, and heroin were seized, as well as cash amounting over \$3,000. He will petition the Court to have that money forfeited to the police department. He also announced that this month at WalMart, Officer Heather Loeser saved a woman's life who had overdosed on heroin. She administered CPR and successfully revived her.

GROSS RECEIPTS ORDINANCE DISCUSSION

Councilwoman Moore requested the floor to comment on the proposed Gross Receipts Ordinance. She stated that she is deeply saddened that the members who voted against the Ordinance have betrayed this City's residents. Further, she does not understand what reason they could possibly have to oppose the Ordinance; but they are standing in the way of progress for the City. She stated that Kentucky Revised Statutes order the members of this Council to provide sufficient revenue for the operations of the City, which they are refusing to do and ultimately breaking the law. Mayor Richards stated that if this Council does not do something to increase revenues, City services to the residents will have to be cut out or cut back significantly, Councilman Clark stated his opposition to Councilwoman Moore's remark regarding and using the word "betrayal".

Councilman Crawford stated that he had several issues/documents which he wanted to present to the Council. Mayor Richards advised him that due to the facts that his documents are rather lengthy, and that he did not distribute them to the other members in advance to allow them time for review before the meeting, the items could not be presented at this meeting but at the next meeting so that everyone has an opportunity for review. Attorney McCall further added that any member can introduce any legislation at any time. However, it is not good practice to not allow the other members an opportunity for review prior to the meeting. In addition, he stated that he

would advise the Mayor to not allow any discussion on any item presented at the time of the meeting without advanced notice to the other members.

Attorney McCall then addressed concerns expressed by Councilman Clark and Councilman Crawford regarding the Mayor over-spending the budget. He stated that this Council's primary function is to adopt a budget, which they have not done. Therefore, the Mayor has no guidelines or restrictions on spending. Further, if they are concerned about what is being spent, they need to successfully perform their statutory duty to adopt a budget in accordance with Kentucky Revised Statutes. If the Council were to do that, and then the Mayor spent over the budget, he assured them he would then address the issue. But as it stands, there has not been any over-spending by this Administration.

Mayor Richards made the point that every month this Council sees every penny spent and approves that spending in the form of the check register. Only one time has the register not been approved, which was due to a legal payment and non-disclosure. His point being that if there is over-spending happening, the Council is well aware of it and is approving it on a monthly basis.

There was then discussion regarding getting all together to properly prepare a budget. Mayor Richards advised that he would provide a budget proposal in next month's council meeting packet.

COUNCILMAN CRAWFORD INTRODUCTION OF NEW LEGISLATION

Councilman Crawford introduced and summarized several Ordinances, Municipal Orders, etc. but did not provide copies prior to the meeting (titles and specifics are unknown and unstated). Mayor Richards allowed him to summarize, but did not allow any discussion on the matters until the other members have had an opportunity for review. The matters will be discussed at the next month's meeting.

OPEN FLOOR FOR RESIDENTS AND GUESTS

Rose Shouse asked that Sharon Fowler be allowed to use the Community Center one day per week for bible study. Mayor Richards did not give approval for this due to the center being occupied by residents on a daily basis. She may rent the center on a Saturday or Sunday, but not through the week.

Liz Bierbaum addressed Councilman Clark, Councilman Crawford, and Councilwoman Crawford regarding a Municipal Order they mailed to her which hired Tom Fox as a council employee. She advised that she was not allowed to take part in voting on the Order, and neither was Councilwoman Mosely. What this means is that the three of them created a less-than-quorum outside of the regular council meeting and voted on an Order in private rather than in an open

meeting, and excluded some members of the governing body from the vote. Due to this action taken by the three members, she intends to file ethics charges against them with the Ethics Board. She stated that these members are creating havoc and chaos in the City; now that she is no longer sitting on the Council, she intends to "show what jackasses they are".

Kim Richards addressed the Council and advised that the budget they adopted for fiscal year 2015-2016 is null and void, according to Kentucky Revised Statutes, because it was not adopted prior to July 1. Further, she stated that this Council is accountable to the people who elected them, and she intends to make sure they are held responsible for their actions and non-actions.

CLOSING OF THE MEETING

Mayor Richards asked for a Motion to adjourn. Councilwoman Moore made a Motion to adjourn. The Motion was seconded by Councilman Clark; meeting adjourned.

2/14/2017

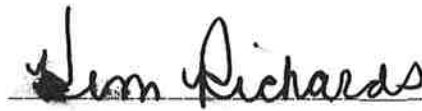
Date



MAYOR RICK RICHARDS

2/14/2017

Date



KIM RICHARDS, CITY CLERK/TREASURER