

*City of West Buechel*  
*Meeting Minutes of Regular Council Meeting*  
*February 14, 2017*

Mayor Richards called the meeting to order, welcomed all the guests, City Council, Police Officers, and the City Attorney, Casey McCall. The Mayor asked Councilwoman Moore to lead us in a prayer. Chief Sharp then led the Pledge of Allegiance.

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 January 10, 2017, there were none. The Mayor 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. Motion was made by Councilwoman Mosely to approve the check register and seconded by Councilwoman Moore - check register approved.

#### **POLICE DEPARTMENT REPORT**

Chief Sharp presented his department's monthly report. The Chief acknowledged Officer Heather Loeser for her outstanding service - particularly her successful efforts at Wal-Mart in reviving a woman from death due to a heroin overdose. Officer Loeser also responded to an incident at Wal-Mart last month where she successfully apprehended a suspect and confiscated large amounts of drugs and cash, which we will petition to court for forfeiture.

## **COMMUNITY CENTER REPORT**

Liz Bierbaum gave her report on the Community Center. She stated that when she first started at the center, there were approximately 8 children who participated in the homework tutoring program; now there are 14 participating. She announced that she will be circulating a monthly newsletter and if anyone wished to make an entry in it they should see her after the meeting. Also, she stated that all the children who frequent the center now have library cards and she has been taking them on fieldtrips to the library. She is working on organizing some fund raisers such as selling Krispy Kreme donuts and some others. She intends to continue the Kentucky Kingdom program this year, but she wants the participants to earn most the money necessary to purchase the season passes rather than the City paying for them 100%. Bonnie Manning, a guest, gave Ms. Bierbaum praise for her work at the center. She stated that her grandson comes home from school, changes his clothes, then goes directly to the center to do his homework. She is very thankful to Liz because the study groups offer an incentive to the kids as they actually enjoy doing their homework at the center.

## **SECOND 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 in January, this is second reading of that Ordinance. Councilman Clark asked for the floor and stated that he has a different version of how the tax should be implemented and asked that he have a first reading on that. However, he did not present a written Ordinance. Attorney McCall advised that since there was already an Ordinance on the table and up for second reading, that is the Ordinance to be discussed at this time. Changes can be made between the first and second readings. Councilman Clark explained his version of the taxation, which is that there would be a \$10 Million exemption, resulting in only the large businesses of the City paying and excluding all of the small businesses which would pay nothing. He stated he has consulted with the staff attorney at KLC, and he has advised him that should we adopt an Ordinance with his proposal, we would be monetarily liable for unfair taxation and unequal protection and could possibly be sued. He stated that he is willing to pass such an Ordinance and take the chance that no businesses would pursue lawsuits. City Attorney McCall stated that he agrees with the KLC attorney in that passing Councilman Clarks version of the ordinance would be a liability. There was an unorganized discussion on the matter, with many participants voicing their opinions. The Mayor asked Jon Smith, our staff CPA for his comments. He stated that this tax is absolutely necessary, and that the plan that Councilman Clark has proposed will not result in nearly enough revenue for the City to continue to operate as is. The consequences of not adopting Councilwoman Mosely's plan will ultimately be that services provided to residents and businesses will be stopped. Some of the cutbacks will be closing the

police department or reducing it to part-time and discontinuing the City's payment for waste collection for the residents.

Mayor Richards stated that he appreciates the work of the members and their willingness to debate this issue in an attempt to resolve the matter and adopt an ordinance. With the two very different versions at hand, he stated that he is tabling the matter until next month and asked that all of the members seriously review the impact data prepared by Jon Smith and Kim Richards. Jon Smith will be available to meet with any of them at their request. Also, he asked Kim Richards, the City Clerk/Treasurer, to be available to meet with Councilman Clark and to give him any and all information and documentation he requests in order to give him a true understanding of the City's current finance status. Kim Richards stated that would absolutely do so and Mr. Clark only needs to call and ask for an appointment. Councilwoman Mosely made a motion to table the Ordinance, and it was seconded by Councilwoman Moore; the matter is tabled.

#### **FIRST READING OF AN ORDINANCE IMPOSING A TAX ON INSURANCE PREMIUMS**

Councilman Crawford introduced an Ordinance imposing a tax on insurance premiums. Councilman Clark read the Ordinance. This Ordinance would reduce the current tax we impose on insurance premiums from 10% to 5%. Councilwoman Moore stated that if we were to reduce our tax to 5%, the companies would continue to pay 10%, and the extra 5% we were no longer imposing would be paid to Louisville Metro. Councilman Crawford made a Motion to adopt the Ordinance on the table. The Mayor took a roll call straw vote; it was as follows: Councilman Crawford - yea; Councilman Clark - abstain; Councilman Spencer - yea; Councilwoman Crawford - yea; Councilwoman Moore - nay; Councilwoman Mosely - nay. The vote is four to two in favor of the Ordinance. Second reading will be next month.

#### **FIRST READING OF AN ORDINANCE ON COUNCIL EMPLOYEE JOB CLASSIFICATION**

Councilman Crawford introduced an Ordinance establishing a job classification for the position of clerk to the council. He read a summary of the Ordinance. Councilman Clark summarized it as Ordinance to establish the job position of a clerk to the city council. He feels this is necessary because he believes there is over \$200,000 missing and nobody can tell him where it is. Mayor Richards stated that Mr. Clark's statements are false, and that he, just a few minutes ago, offered a meeting to Mr. Clark with the Treasurer to resolve whatever issue he believes there to be. He strongly suggested that Mr. Clark make that meeting and get this resolved. Councilman Crawford made a Motion to adopt the Ordinance; Councilman Clark seconded the Motion. Councilman Crawford asked for a straw vote, which the Clerk took as follows: Councilman Crawford - yea;

Councilman Clark - yea; Councilman Spencer - yea; Councilwoman Crawford - yea; Councilwoman Moore - nay; Councilwoman Mosely - nay. The vote is four to two in favor of the Ordinance. Second reading will be next month.

**MUNICIPAL ORDER TO EMPLOYEE AN ATTORNEY TO THE COUNCIL  
INTRODUCED BY COUNCILMAN CRAWFORD**

Councilman Crawford read a summary of the Order, which is for the City to employ an independent attorney to the Council. Mayor Richards stated that should the Council pass this order, he will issue an Executive Order making it null and void. Councilman Crawford asked for a vote on the order. The Clerk took a vote as follows: Councilman Crawford - yea; Councilman Clark - yea; Councilman Spencer - yea; Councilwoman Crawford - yea; Councilwoman Moore - nay; Councilwoman Mosely - nay. The vote is four to two in favor of the Order; Order passed.

**MUNICIPAL ORDER TO EMPLOYEE TOM FOX AS A CLERK TO THE COUNCIL  
INTRODUCED BY COUNCILMAN CRAWFORD**

Councilman Crawford read a summary of the Order, which is for the City to employ Tom Fox as a Clerk to the Council at a salary of \$25.00 per hour. Mayor Richards stated that should the Council pass this order, he will issue an Executive Order making it null and void. Councilman Crawford asked for a vote on the order. The Clerk took a vote as follows: Councilman Crawford - yea; Councilman Clark - yea; Councilman Spencer - yea; Councilwoman Crawford - yea; Councilwoman Moore - nay; Councilwoman Mosely - nay. The vote is four to two in favor of the Order; Order passed.

**MUNICIPAL ORDER ON CASH ACCOUNTING INTRODUCED BY COUNCILMAN  
CRAWFORD**

Councilman Crawford read a summary of the Order, which Orders Mayor Rick Richards and City Clerk, Kim Richards to submit a written verified accounting on all cash collected and expended for 01/01/2015 to 12/31/2016. Crawford asked for a vote on the order. The Clerk took a vote as follows: Councilman Crawford - yea; Councilman Clark - yea; Councilman Spencer - yea; Councilwoman Crawford - yea; Councilwoman Moore - nay; Councilwoman Mosely - nay. The vote is four to two in favor of the Order; Order passed.

## **MUNICIPAL ORDER FOR FUNDS SEQUESTRATION INTRODUCED BY COUNCILMAN CRAWFORD**

Councilman Crawford read a summary of the Order, which Orders sequester all revenue collected from insurance license and tax premiums and to prosecute all employees who collected and expended such funds, as well as all council members who voted for previous ordinances which, in his opinion, failed to state a purpose for the monies to be collected. Councilman Clark read the Order. Councilman Crawford asked for a vote on the order. The Clerk took a vote as follows: Councilman Crawford - yea; Councilman Clark - yea; Councilman Spencer - yea; Councilwoman Crawford - yea; Councilwoman Moore - nay; Councilwoman Mosely - nay. The vote is four to two in favor of the Order; Order passed.

Councilwoman Moore addressed Councilman Crawford and asked him to give her his definition of a Municipal Order. He stated “. . . it is an Order for the Council that is less-acting than an Ordinance and it is enforceable, and it's to carry out the actions and the thoughts of the City Council, the majority”.

## **EXECUTIVE ORDER**

Mayor Richard issued an Executive Order No. 001, Series 2017, which orders that any and all Municipal Orders enacted by the City Council on February 14, 2017, are hereby repealed and deemed null and void.

## **OPEN FLOOR FOR RESIDENTS AND GUESTS**

Sharon Fowler was given the floor and asked if she could retrieve the remainder of her personal items which she left at the Police Department building. Mayor Richards advised that he would ask Jerry Chamberlain to turn over any items which belong to her. He asked the Clerk to give Ms. Fowler Jerry's phone number, which she did.

Wayne Weaver was given the floor. He represents the Buechel Baptist Church. Mr. Weaver advised that he has had another break-in at the church and the workers at the church are becoming scared to even be in the building. He asked the Mayor to recommend a company to install necessary security precautions, and for any help the City could provide on this problem. Mayor Richards advised that he will contact Mr. Weaver to discuss the matter.

Mary Campbell asked for verification of the members of the Board of Ethics. The Mayor stated they are Vivian Reidner and herself. Since the third member's seat is vacant and the Mayor did not make an appointment. Ms. Campbell stated that Billy Hill was the alternate member and, therefore, the Board appoints him to the vacancy - there are no appointed alternates.

Bonnie Manning took the floor and again expressed her appreciation to Liz Bierbaum's work at the Community Cener, stating she is making a big difference with the children. Also, she has heard it said that if the gross receipts tax is not implemented, the police department may have to close. She appealed to the Council to do whatever they must do to ensure the department remains in tact, as our City will be overtaken with drugs, graffiti, and other crimes. She stated that our City remains a good and safe place to live all because of our police department. Also, she does not want the City to stop paying for the resident's waste pickup.

Rose Shouse stated her dissatisfaction with the Council for not yet adopting the gross receipts tax ordinance. She urged the Council to do the right thing and come together and pass this ordinance.

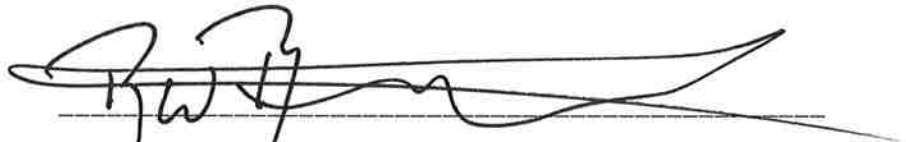
Councilwoman Moore asked Councilwoman Crawford, Councilman Clark, and Councilman Crawford for their paperwork complying with Oath of Office Statutes. Councilman Clark stated that he as filed it downtown, not being specific as to where downtown is. The City Clerk asked him and the other to please comply with statutes and file the documents with the Clerk of the City of West Buechel. Councilwoman Moore asked that it be a matter of record that these members have not yet complied as of this date.

#### CLOSING OF THE MEETING

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


3/14/2017

Date

  
MAYOR RICK RICHARDS

3/14/2017

Date

  
KIM RICHARDS, CITY CLERK/TREASURER