

City of West Buechel
Meeting Minutes of Regular Council Meeting
April 12, 2016

Mayor Richards called the meeting to order, welcomed all the guests, City Council, Police Officers, and the city attorney, Casey McCall. City resident Brenda Moore led us in prayer and Chief Sharp led us in the Pledge of Allegiance.

Mayor Richards announced that there were representatives from a number of the City's businesses who were present for the introduction of an Ordinance which will affect them; therefore, that Ordinance would be addressed first as a courtesy to those guests.

The mayor asked the clerk to take roll call; Councilwoman Mosely - present; Councilman Mattingly - present; Councilwoman Crawford - present; Councilwoman Bierbaum - present; Councilman Crawford - present; Councilman Clark - present.

**FIRST READING OF ORDINANCE TO DEFUND THE POLICE DEPARTMENT
INTRODUCED BY COUNCILMAN MATTINGLY**

Councilman Mattingly stated that due to his findings of the last two days, it will not be necessary to present this Ordinance. He has learned that there is an on-going investigation causing him to withdraw this Ordinance. Mayor Richards asked him to state the facts of the investigation. He stated that he is currently under a gag order and he cannot say anything. Mayor asked him by whom, and he stated that he could not say so. Mayor Richards stated that Councilman Mattingly has chosen to withdraw this Ordinance

Councilwoman Bierbaum asked for and was granted the floor. She stated that there have been several times when members of the Council have gathered causing a quorum and City business being discussed. Further, she stated that Councilman Mattingly has introduced this Ordinance today, yet just last month he was praising and supporting the police department and talking about how their budget needed to be increased. She stated that her opinion is that Councilman Mattingly has overstepped his authority as a member of this Council by interfering in matters of the City where he has no authority.

Mayor Richards ended this discussion stating it is improper for an open meeting. He then apologized to the guests who had taken time to attend the meeting in support of the police

department because of this Ordinance being on the Agenda. He gave them an opportunity to speak, but none chose to do so.

FIRST READING OF ORDINANCE TO ENGAGE IN BUSINESS WITH ACCOUNT TEMPS INTRODUCED BY COUNCILMAN CLARK

Mayor Richards stated that now he is unwillingly addressing Councilman Clark's introduction of an Ordinance for the City to use the services of Account Temps for assistance on the City's financial accounting; only allowing this because representatives from Account Temps are present. Further, he stated that he advised Councilman Clark in the meeting of last month that he had no authority to engage in business with this company, and that he has already made other decisions for assistance in that area. He gave the floor to Councilman Clark.

Councilman Clark explained that in an effort to comply with one of the recommendations of the State Audit, he has asked Account Temps to give a presentation of their services. Mayor Richards advised that he was not going to allow him to educate on this matter, but only present his Ordinance; because he had advised him previously not to do this because as the Mayor he has already taken care of this matter. Councilman Clark read the proposed Ordinance, then introduced the guests from Account Temps. Mayor Richards again stated this matter has already been settled and there would be no presentation.

Councilwoman Bierbaum asked for and was granted the floor. She stated that she would like to know what service Account Temps could offer. After a short presentation, she asked them how much their service would cost, and they stated it would be around \$58 to \$65 per hour.

Councilwoman Bierbaum stated that the Mayor has hired a CPA and the costs for his services is half that amount. And that she is not willing to duplicate a service as this would be.

Mayor Richards granted the floor to Councilman Crawford. He stated that at the last meeting, had stated his desire to not employ the Mayor's choice for this purpose, and he thanked the Account Temps guests for their attendance.

Mayor Richards asked the clerk to take a straw vote on the Ordinance. Councilman Clark - yea; Councilman Crawford - yea; Councilwoman Bierbaum - nay; Councilwoman Crawford - yea; Councilman Mattingly - yea; Councilwoman Mosely - nay. The vote is four to two and the yeas have it. The Ordinance will go on the Agenda next month for a second reading.

A resident, Kim, was granted the floor to make comments on this matter. She stated that the it would be fruitless for the City to engage the services of Account Temps when they will receive assistance from a Certified Public Accountant for half the cost. Addressing Councilman Clark, she asked why he would bring in another firm rather than using the same source from the past? Has this person stolen, lied, or done anything wrong to warrant him not being utilized for a service he has provided to the City for many years? Councilman's Clark's response was that his personal

dislike for this person, that being Jonathan Smith. Further, Kim stated she would like to see this Council move forward positively, which is the reason for her attendance at this meeting, along with the fact that Councilman Mattingly's proposed Ordinance to defund the police department is terrifying to her.

CHECK REGISTER APPROVAL

Mayor Richards asked for questions and/or discussions on the check register. There were a few questions which were answered by the Mayor and City Clerk. Councilman Crawford asked that it be a part of the record that he does not approve the check registered for the reason of overspending of the budget. On the issue of overspending, Mayor Richards advised that he has changed the company who provides insurance coverage to the City, resulting in an annual savings of more than \$60,000. Councilwoman Bierbaum made a motion to approve the check register, motion was seconded by Councilwoman Mosely, check register approved.

MINUTES APPROVAL

Mayor Richards asked if the Council had any questions and/or comments on the minutes from the last meeting on March 8, 2016, there was none. Councilwoman Mosely made a motion that the minutes be approved, motion was seconded by Councilwoman Bierbaum, minutes approved.

RESOLUTION FOR THE CITY TO ENGAGE WITH KLC TO BECOME A CERTIFIED CITY OF ETHICS INTRODUCED BY COUNCILWOMAN MOSELY

Mayor Richards stated that Councilwoman Mosely has introduced a Resolution for the City to participate in a program offered by the KLC in which elected officials and others of a city are educated and trained on their Code of Ethics. He asked the clerk to explain, which she did. The Clerk then read the Resolution, then took a roll call vote. Councilman Clark - yea; Councilman Crawford - yea; Councilwoman Bierbaum - yea; Councilwoman Crawford - yea; Councilman Mattingly - yea; Councilwoman Mosely - yea; Resolution passed unanimously.

FINANCIAL OVERSIGHT FROM A MEMBER OF THE COUNCIL

Mayor Richards introduced a new policy, stating he was doing so in order to comply with the recommendations from the State Auditor's Office and their audit findings. Due to the fact that Councilwoman Mosely is already appointed as the alternate signing authority on bank accounts, she has been chosen to fill this roll. Any and all financial transactions concerning the Mayor, that

being payments made to him or to any others on his behalf solely pertaining to him, will need the approval of Councilwoman Mosely prior to the payment being made. Councilwoman Mosely accepted the appointment. For the record, Councilman Clark stated that he would prefer the oversight be performed by a committee. Councilman Crawford stated "I say no", and Councilwoman Crawford stated she would also prefer a committee.

FIRST READING OF ORDINANCE TO RESTRICT ACCEPTANCE OF CASH PAYMENTS INTRODUCED BY COUNCILMAN CLARK

Councilman Clark introduced an Ordinance which will make cash not an allowable form of payment to the City. Councilman Clark read the Ordinance. On this Mayor Richards advised that the City has put safeguards in place by purchasing a safe for the keeping of cash payments. Said safe requires two keys to open and the keys are held by Chief Sharp and Clerk Richards who open the safe together, count the cash, and record the amount in a cash log. Further, he advised that there have been customers in the past who have elected to not pay their citations only due to the fact that their cash payment has been refused. There was a brief discussion, then the Mayor asked for motion, second, a straw vote. Motion made by Councilman Clark, seconded by Councilman Crawford. Councilman Clark - yea; Councilman Crawford - yea; Councilwoman Bierbaum - nay; Councilwoman Crawford - yea; Councilman Mattingly - yea; Councilwoman Mosely - nay. The vote is four to two, they yeas have it. Second reading of this Ordinance will be at the next regular meeting.

Mayor Richards called a recess for a short break, afterwhitch the meeting resumed.

FIRST READING OF ORDINANCE TO REDUCE THE SALARY OF THE CLERK/TREASURER INTRODUCED BY COUNCILMAN CLARK

Councilman Clark introduced an Ordinance to set the salary of the Clerk/Treasurer at \$20 per hour, he read the Ordinance, and then gave his explanation and reasoning, which included his statement that he was basing this Ordinance upon policies written the the current Policy and Procedures of the City. Mayor Richards stated that that edition of the policies is nine years old and the clerk is currently working on having it updated. Motion made by Councilman Clark, seconded by Councilman Crawford. Councilman Clark - yea; Councilman Crawford - yea; Councilwoman Bierbaum - nay; Councilwoman Crawford - yea; Councilman Mattingly - nay; Councilwoman Mosely - nay. The vote is three to three, tied. In his tie-breaking authority, Mayor Richards voted nay - the nays have it. Second reading of this Ordinance will be at the next regular meeting.

FIRST READING OF ORDINANCE TO REDUCE THE SALARY OF THE CITY COUNCIL INTRODUCED BY COUNCILMAN CLARK

Councilman Clark introduced and read an Ordinance to reduce the salary of the members of the Council to \$350 per month with no health insurance benefits being provided and paid for by the City. Mayor Richards advised that his research on health insurance indicates making changes at this time would not be beneficial. Councilman Crawford stated that he would not support this Ordinance. Councilwoman Bierbaum stated that she desires to cancel her insurance provided to her by the City, and stated her support of this Ordinance. She then made comments on the City's current policy and Ordinance on per diem payments, advising she would be introducing new legislation on this matter at the next meeting. Councilman Clark withdrew the proposed Ordinance. Councilwoman Bierbaum made a motion to put the proposed Ordinance back on the table and asked for a straw vote. Mayor Richards asked the clerk to take a straw vote. Councilman Clark - yea; Councilman Crawford - nay; Councilwoman Bierbaum - yea; Councilwoman Crawford - nay; Councilman Mattingly - nay; Councilwoman Mosely - yea. The vote is three to three, tied. If necessary, the mayor will exercise his tie-breaking authority on the second reading. Second reading of this Ordinance will be at the next regular meeting.

RESOLUTION FOR RESPECT FOR LAW AND ORDER INTRODUCED BY COUNCILMAN CLARK

Councilman Clark introduced a Resolution for respect for law and order. Councilman Clark read his Resolution. He then stated that the City Clerk had overpaid the members of the Council by paying them an extra check in the year of 2015, then he read the rest of the document. Mayor Richards stated that due to lack of proper notice of this Resolution, he is tabling it until the next regular Council meeting. Council McCall stated that if any member of the Council or audience, any resident, or anyone has any proof of any laws being broken, he encourages them to go to law enforcement with that evidence.

Mayor Richards asked the clerk to explain the fact that the Council received 13 checks in 2015. She explained this is due to the Mayor making the change that they would be paid at the beginning of each month rather than the end. So they did receive 13 checks in 2015, but they would only receive 11 checks in 2016 if they are not re-elected.

Mayor Richards then stated that the City is moving towards becoming completely transparent online due to the fact that the clerk's time is being wasted on open records requests in many instances. He gave the example that one resident made a request then failed to pick up the requested documents when he discovered the fee was over \$40.

Mayor Richards stated he has learned that one or more of the members of the Council had shared the information contained in their monthly council meeting packet with a resident. He asked the

city attorney to advise if unapproved minutes should be shared with the public. Attorney McCall advised that his opinion is that it is not illegal but it is bad practice as it hurts the City in their compliance in that if the minutes have not been approved, they are not yet public record but rather a working document. Mayor Richards then asked the members of the Council to not distribute information contained in their meeting packets until after the meeting.

Councilwoman Bierbaum asked for and was granted the floor. She stated that she has received information that a member of the Council has been going door-to-door discussing Officer Todd Walls and his criminal record. She stated her opinion is defamation of character in that Mr. Walls' record has been expunged and this action by that member is creating a liability for the City. She then addressed Councilman Clark stating that she and others in the City believe in second chances. She asked him to recall that when he discharged a firearm killing his family pet, he would have been charged with a felony had he not been on the Council, as she was told this by the responding police officer. Councilman Clark asked for the floor to respond to Councilwoman Bierbaum. On advise of the city attorney, the Mayor refused his request on this subject.

The meeting became out of order at that time. Mayor Richards stated that he has set out guidelines and rules of the council meetings and distributed same to all members and asked that they read the rules and follow and respect them.

POLICE DEPARTMENT REPORT

The Mayor asked Chief Sharp to give his monthly report. Chief Sharp stated that all members have a copy of his report which they can review at their leisure. He then stated that as the Chief, he has put in place an awards program and the department held their annual awards banquet in the previous month. Each officer received a meritorious award including an award plaque and ribbons for their uniform. Speciality awards were given to the following: Officer Brad Mitchell received the Officer of the Year Award; Officer Brian Fortwengler received the Chief's Award of Achievement; Officer Eric Brown received the Rookie of the Year award; Officer Jason Hairgrove received the Traffic Award; Officer Chris Thomas received the Officer Appreciation award; Mayor Richards received a Leadership and Dedication Award; Clerk Kim Richards received an Appreciation Award. He then asked for the Council's support in changing the Ordinance on fire lanes, explaining the current need for this change. Our fine for parking in a fire lane is \$25 and he recommends that this be revised to make the fine amount \$100. He asked that a member introduce an Ordinance for this change.

advised that there were a couple of inaccuracies on his report and apologized for that error. He went over his monthly report before the Council. Mayor Richards asked the Chief to read the Code Enforcement Report as well, which Chief Sharp did.

Councilwoman Bierbaum was granted the floor. She stated that she has received calls from several residents previously regarding them receiving parking citations for parking their vehicle in their front yard. She then advised them to park at the City Hall parking lot when the need arises. She has recently received second calls from the same residents who stated they follow her advice, parked at City Hall, and now have received a citation for doing so. She investigated the matter and discovered that the Code Enforcement Officer had been directed by a member of the Council to issue citations to those who park in the City Hall lot. She expressed her dissatisfaction with the fact that the member had done that, stating the members of the Council have no authority to direct any employee to perform any duty. Councilman Clark stated that he wanted it to be clear that he was not the member who had done this. Councilman Mattingly was granted the floor and stated that it is his opinion that nobody should be allowed to park their vehicles on City property. Councilwoman Bierbaum responded by stating that residents are taxpayers which affords them the right to utilize City parking lots for their personal use as long as it does not interfere with City business/parking.

Councilwoman Mosely was granted the floor. She advised that she has investigated this parking issue and how it is handled in other small cities. The City of Jeffersontown has established their lot as a Safe Place available to residents for personal use when safety could be a concern; the area is under complete and constant video surveillance and very well lit. Mayor Richards advised that he was aware of the issue of the member directing the Code Enforcement Officer to issue certain citations, and he has discussed this with that Officer and advised him that he is not to follow any directions given to him by members of the Council, or any other person, but only to follow his directions. He has also directed the Officer to discontinue issuance of citations to vehicles parked on City lots.

CLOSING OF THE MEETING

Motion was made by Councilwoman Bierbaum to close the meeting, seconded by Councilman Crawford, with all of the council in agreement, the meeting was adjourned.


5-10-14

Date


MAYOR RICK RICHARDS

5/10/14

Date


KIM RICHARDS, CITY CLERK/TREASURER