

City of West Buechel
Meeting Minutes of Regular Council Meeting
May 10, 2016

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

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.

MINUTES APPROVAL

Mayor Richards asked if the Council had any questions and/or comments on the minutes from the last meeting on May 10, 2016. Councilwoman Crawford took the floor and stated that she wanted the Minutes to be edited because it is her opinion that some written statements contained therein are gossip, and she wanted those statements removed. Further, she asked the City Clerk to explain several written parts where statements were made which she considers to be gossip. Kim Richards responded to Councilwoman that she has written those statements because those statements were made, but not made by her but council members. City Attorney McCall advised that the Minutes must be written according to the exact happenings and statements and could not be edited to delete parts upon request of a member of the Council. Councilwoman Crawford continued to insist that certain parts of the Minutes pertained to issues which happened in the past and have been settled and requested that statements pertaining to such be omitted from the Minutes because she does not feel it is city business. Mayor Richards confirmed Attorney McCall's response and stated to Mrs. Crawford that these statements which she considers to be gossip are written on the Minutes because they were made by members of the Council; and reaffirmed that the Minutes would not be edited. Councilwoman Mosely made a Motion to approve the Minutes as written, Motion seconded by Councilwoman Bierbaum, Minutes approved.

Councilman Mattingly requested and was granted the floor, granted only for comments on the Minutes. He stated that he was displeased that in the prior month's meeting, he asked that he be allowed to introduce a new ordinance to defund the police department, and many people knew about the proposed ordinance prior to the meeting. Also, he stated that nine police officers have been terminated since January, 2015, and he believes bad judgment is being used. Then he

became angry with Councilwoman Bierbaum, the issue not being stated. Councilwoman Bierbaum said she is aware of the matter he is referring to and agreed to meet with him after the meeting for discussion.

CHECK REGISTER APPROVAL

Mayor Richards asked for questions and/or discussions on the check register. Councilman Clark stated he has a question regarding the quarterly reports, and the Mayor advised the issue at hand is the check register. Councilwoman Crawford questioned payment made to an attorney other than Casey McCall, and Mr. McCall explained that was for legal services regarding former employees. Motion was made by Councilwoman Bierbaum to accept the check register, Motion seconded by Councilwoman Mosely, check register approved.

SECOND READING OF ORDINANCE REGARDING COUNCIL COMPENSATION

The Ordinance was introduced by Councilman Clark in the previous month. Councilwoman Mosely questioned the introduction of this time due to the fact that it could not take effect until 2019. Councilman Crawford affirmed the point stating that the next Council could make changes to this before it becomes effective, causing an unnecessary expense of publishing at this time. Mayor Richards asked Councilman Clark if he wished to withdraw the Ordinance, he did not. Councilwoman Bierbaum read the proposed Ordinance and made a Motion to pass the Ordinance as written, Mayor Richards asked for a second. There being none, the Ordinance dies.

SECOND READING OF ORDINANCE TO LOWER THE SALARY OF THE CITY CLERK/TREASURER

The Ordinance was introduced by Councilman Clark in the previous month. Councilman Clark read the Ordinance, then made a Motion to pass the Ordinance as written; Councilman Crawford seconded the Motion. Councilwoman Mosely took the floor and asked Councilman Clark to produce the Ordinance which permits the Council to set the salary of the City Clerk/Treasurer. Councilman Clark read from the Code of Ordinance, then gave his explanation and reasoning for introducing the Ordinance. Councilwoman Mosely stated her opinion that Kentucky Revised Statutes are clear that setting the salary for this employee is the sole responsibility of the Executive Authority. She then asked Councilman Clark to state why he is insistant on lowering the salary of the City Clerk, and only the City Clerk, and not doing so for any other employees of the City. Councilman Clark's response was "If we can't even change one person, how can we go on and change the whole thing". Further, he stated that his motivation for introducing this Ordinance and singling out the City Clerk is because he is not in agreement that the Mayor allows her to vary her

work schedule, stating "because she doesn't show up for work on a regular basis". Councilwoman Mosely stated that she had many hours of interaction with the Clerk in the previous week; Councilwoman Bierbaum stated she worked along with the Clerk for 11 ½ hours the previous week; and other examples of the Clerk's regular basis work were given. Councilwoman Mosely yielded the floor to Brenda Moore to explain her position and opinion of what and how the City Clerk's salary should be set and maintained, and Ms. Moore did so, and a discussion followed among members a Ms. Moore. Mayor Richards halted the discussion and asked for a Motion. Motion was made by Councilman Clark to pass the Ordinance as written, and seconded by Councilman Crawford. Mayor asked the Clerk to take a roll call vote: Councilman Clark - yea; Councilman Crawford - yea; Councilwoman Bierbaum - nay; Councilwoman Crawford - yea; Councilman Mattingly - abstained; Councilwoman Mosely - nay. The vote is four to two, the yeas have it. Ordinance passed, and the Mayor announced his intention to veto the Ordinance by proper procedure.

SECOND READING OF ORDINANCE RESTRICTING ACCEPTANCE OF CASH PAYMENTS

The Ordinance was introduced by Councilman Clark in the previous month. Councilman Clark read the Ordinance, then made a Motion to pass the Ordinance as written; Councilman Mattingly seconded, and the Mayor asked for a roll call vote. Councilman Clark - yea; Councilman Crawford - absent; Councilwoman Bierbaum - nay; Councilwoman Crawford - absent; Councilman Mattingly - yea; Councilwoman Mosely - nay. The vote is tied two to two, Mayor Richards broke the tie with is vote of nay. The nays have it , Ordinance rejected.

SECOND READING OF ORDINANCE TO PAY FUNDS TO ACCOUNT TEMPS FOR FINANCIAL SERVICES

The Ordinance was introduced by Councilman Clark in the previous month. Councilman Clark read the Ordinance, then made a Motion to pass the Ordinance as written; Councilman Crawford seconded, and the Mayor asked for a roll call vote. Councilman Clark - yea; Councilman Crawford - yea; Councilwoman Bierbaum - nay; Councilwoman Crawford - yea; Councilman Mattingly - nay; Councilwoman Mosely - nay. The vote is tied three to three, Mayor Richards broke the tie with is vote of nay. The nays have it , Ordinance rejected.

RESOLUTION FOR RESPECT FOR LAW AND ORDER INTRODUCED BY COUNCILMAN CLARK

Mayor Richards gave Attorney McCall the floor for advice on this matter. Mr. McCall stated that he strongly advises the Council not to vote in favor of this Resolution as it contains speculation, but does not state any facts or evidence. Further, he advised that if any member has any evidence of any malfeasance performed by any part of this Administration, that they should report that to law enforcement, and to not do so would be a federal crime. And passing this Resolution would have a delictorious effect on the City. Councilman Clark read the Resolution, then made a Motion to pass the Resolution, Councilman Crawford seconded the Motion. Councilwoman Bierbaum took the floor and stated that any member who votes in favor of this Resolution is liabling the City to lawsuit, and stated that "anybody who votes for this is an idiot". Addressing Attorney McCall, she asked if passing this Resolution would able any taxpaying resident to bring a successful civil suit against the City; Mr. McCall stated that is possible. The Mayor asked for a roll call vote. Councilman Clark - yea; Councilman Crawford - yea; Councilwoman Bierbaum - nay; Councilwoman Crawford - yea; Councilman Mattingly - nay; Councilwoman Mosely - nay. The vote is tied three to three, Mayor Richards broke the tie with is vote of nay. The nays have it , Resolution rejected.

FIRST READING OF ORDINANCE TO SET THE FINE IMPOSED FOR VIOLATION PARKING ORDNANCES

Councilwoman Mosely instrduced an Ordinance to impose a fine of \$100.00 for first violations of parking Ordinances, etc. , specifically a fire lane. Attorney McCall stated that the Ordinance was prepared mirroring the Statues on this matter, and then read the proposed Ordinance. There was a brief discussion discussing the language used in the proposal. . Motion made by Councilwoman Mosely, seconded by Councilwoman Bierbaum. Mayor asked for a roll call straw vote: Councilman Clark - abstain; Councilman Crawford - nay; Councilwoman Bierbaum - yeay; Councilwoman Crawford - nay; Councilman Mattingly - nay; Councilwoman Mosely - yea. The vote is four to two nay. Ordinance will be presented for the second reading next month.

Councilman Clark had a question regarding the quarterly financail report provided to them in this month's packet. Mayor Richards referred his question to Jonathan Smith to respond, and he did so.

CLOSING OF THE MEETING

Chief Sharp announced that it has been broadcasted that severe weather is going to occur in our area in a few minutes. Therefore, Mayor Richards asked for a Motion to adjourn. Motion to adjourn made by Councilwoman Bierbaum and seconded by Councilman Crawford - Meeting adjourned.

6-14-16


Date



MAYOR RICK RICHARDS

6/14/2016

Date



KIM RICHARDS, CITY CLERK/TREASURER