

City of West Buechel
Meeting Minutes of Regular Council Meeting
June 14, 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; there were none. Motion to approve the Minutes was made by Councilwoman Bierbaum, and seconded by Councilwoman Mosely - Minutes approved.

Without recognition by the Chair, Councilman Clark made a Motion to accept the Minutes of the special meeting of June 9, 2016. Mayor Richards denied his Motion, advising Mr. Clark that he was given a legal option from the City attorney, Casey McCall, not to hold said meeting as his stated purpose did not meet statutory requirements. Therefore, Mayor Richards denied recognition of Councilman Clark's minutes.

CHECK REGISTER APPROVAL

~~Mayor Richards asked for questions and/or discussions on the check register. Questions were presented by Councilman Clark, Councilman Crawford, and Councilman Mattingly, all of which were answered and/or explained by the Mayor and the City Clerk. Motion was made by Councilwoman Mosely to accept the check register, and seconded by Councilwoman Bierbaum, check register approved.~~

Councilman Clark asked for and was granted the floor. He address the City's Revenue for the past year, pointing out that Revenue is substantially lower than previous years and asked if there is a plan addressing this loss. Mayor Richards answered stating that this revenue deficiency is due to

the City's changing the gross receipts tax to net receipts tax several years back. He advised that this change results in approximately 4.8 million dollars in lost revenue since the change was made. Therefore, Councilwoman Mosely and Bierbaum are in the process of preparing legislation to change back to gross receipts tax and will be better prepared to present and discuss this in detail in the near future, possibly next month. Councilwoman Bierbaum added that her plan is to make this change to gross receipts tax and then possibly being able to make reductions in occupation tax, property tax or insurance fees tax due to the large increase gross receipts tax will bring.

In this discussion, Councilman Clark condemned the Mayor for what he believes to be over-spending for the past year. Mayor Richards responded that all monies spent by his administration have been necessary and for the good and benefit of the City. Further, he stated that in February, 2016, he provided a draft of budget for the Council to use as a guide for them to prepare and pass a 2016-2017 budget ordinance prior to July 1, 2016. He stated that none of the members have made any effort to, or even mentioned in open meeting, preparing or passing a new budget, therefore failing to perform their primary statutory duty. Rather, some members have spent their time of public service attempting to perform duties assigned to the Mayor by statute rather than their own duties.

RECOGNITION OF VOLUNTEERS AND EMPLOYEE SERVICE

Mayor Richards gave recognition to and presented appreciation awards (distributed by Chief Sharp) to Jeanie Arthur, Deanna Vance, Janie Mosely and Wayne Mosely. The awards were to give recognition to and express appreciation for their dedication and service to the Community Center, the City's youth, and the citizens of the City, namely in their recent fund-raising car wash event, which was very successful.

POLICE DEPARTMENT REPORT

Chief Sharp present his monthly report to the Council.

FIRST READING OF CODE OF ETHICS ORDINANCE

Mayor Richards asked Clerk Richards to explain the Code of Ethics Ordinance introduced by Councilwoman Mosely. Clerk Richards explained that in connection with the City's participation in the KLC's Certified City of Ethics program, the Council needed to update their existing Code of Ethics which is very out-dated. The Ordinance presented is a model written by KLC. Mayor Richards asked the clerk to take a straw vote: Councilman Clark - abstain; Councilman Crawford - nay; Councilwoman Bierbaum - yea; Councilwoman Crawford - nay; Councilman Mattingly -

nay; Councilwoman Mosely - yea. The vote is four to two in favor of the nays. Attorney McCall asked for and was granted the floor. He advised that at present, the City is not in compliance with state laws on this issue. Therefore, he strongly advised the Council to approve and pass this Ordinance upon second reading. Members Councilman Clark and Councilwoman Crawford stated they have not yet read the proposed Ordinance, resulting in their negative vote. Councilwoman Bierbaum responded that the members are given their monthly meeting packets 4 days in advance of the meeting so that they can review the agenda items and be prepared to vote on the issues at the meeting. The council will participate in the training session scheduled for June 28 on this issue and the second reading of the Ordinance will be in the July meeting.

SECOND READING OF ORDINANCE TO SET THE FINE IMPOSED FOR VIOLATION OF PARKING ORDINANCE

The Ordinance was introduced by Councilwoman Mosely to set the fine for violation of the parking Ordinance, mainly parking in a fire lane offense. Comments were made on the issue by Councilwoman Mosely, Councilwoman Bierbaum, and Councilman Mattingly. Councilwoman Mosely asked Clerk Richards to read the proposed Ordinance into records, which she did. Motion to pass this Ordinance was made by Councilwoman Mosely and seconded by Councilwoman Bierbaum. Mayor Richards asked the clerk to take a roll call vote: Councilman Clark - nay; Councilman Crawford - nay; Councilwoman Bierbaum - yea; Councilwoman Crawford - nay; Councilman Mattingly - nay; Councilwoman Mosely - yea. The vote is four to two in favor of the nays, the nays have it. Motion to pass this Ordinance has died for lack of support.

FIRST READING OF ORDINANCE TO GRANT COMMUNICATIONS FRANCHISE AND AUTHORIZATION OF EXECUTION OF FRANCHISE AGREEMENT

The Ordinance is introduced by Councilwoman Bierbaum for the City to grant a communications franchise to Google and to authorize the Mayor to execute a franchise agreement for this purpose. The Mayor directed Clerk Richards to read the Ordinance, which she did. Motion was made to accept and pass this Ordinance by Councilwoman Bierbaum and seconded by Councilman Crawford. Mayor Richards asked for any objections, and there were none. Second reading of the Ordinance will be in the July meeting.

OPEN FLOOR FOR RESIDENTS AND GUESTS

Mayor Richards opened the floor for any questions or comments by guests, and John Campbell was granted the floor. He asked Attorney McCall to state the reason for no recognition of the

Minutes of the so-called special meeting. Mr. McCall advised that the purpose of this meeting did not meet statutory requirements for a special meeting nor did it conform with the Attorney General's opinion on this matter. Further, he stated that statute prohibits holding a special meeting to address prior legislative issues brought before the Council. Councilwoman Bierbaum referred to KRS 61.823, noting that it specifies that in order for a special meeting to be valid, all members must be notified of said meeting. She asked fellow members to state which one had given her and Councilwoman Mosely proper notice of this meeting; none acknowledged doing so. Therefore, her opinion is that failure of proper notification makes said meeting invalid and void. Attorney McCall again advised that the law does not allow some members to call a special meeting to discuss legislation which has been before the Council in open meeting for six months in a row. He stated that the members who participated in this so-called special meeting opened the City of West Buechel to a lawsuit by residents for violation of state statutes.

Mr. Campell then made comments on the issue of modifying the existing Ordinance on gross/net receipts tax, and there was a brief discussion on this matter.

Wayne Mosely was granted the floor and expressed his dissatisfaction of the members who voted no on the fire lane ordinance.

Mary Campbell was granted the floor. She addressed the vacancy on the Board of Ethics. Mayor Richards advised that he has made a proposed appointment for Brenda Moore as a member and Billy Hill as an alternate member, doing so within the appropriate 60 day period. He advised that the official approval and appointment would be done in the July meeting, allowing an opportunity of questions on this issue to be addressed in the ethics training scheduled for June 28.

CLOSING OF THE MEETING

Mayor Richards asked for a Motion to adjourn. Motion was made by Councilman Mattingly and seconded by Councilwoman Mosely; meeting adjourned.

7/12/2016

Date



MAYOR RICK RICHARDS

7/12/2016

Date



KIM RICHARDS, CITY CLERK/TREASURER