

CITY OF BARDSTOWN
SPECIAL COUNCIL MEETING MINUTES
04-12-2017
10:00 A.M.

The City Council met in a special session in the Nelson County Justice Center, Courtroom B, 200 Nelson County Plaza, Bardstown KY, with the following Councilmen:

Councilman Joe Buckman
Councilman Kecia Copeland
Councilman J. Richard Heaton
Councilman John Kelley
Councilman William S. Sheckles
Councilman Roland E. Williams

Councilman Heaton, as Presiding Officer, called the meeting to order and announced that the Council would go into Closed Session before the end of the meeting pursuant to KRS 61.810(1)(f) discussions or hearing which might lead to the discipline or dismissal of an individual employee namely, Mayor John Royalty, without restricting that employee's right to a public hearing if requested pursuant to the council's investigation and KRS 61.810(1)(j) deliberations of judicial or quasi-judicial body regarding individual adjudications, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present. Namely for the council to consider the evidence at the mayor potential removal hearing in order to decide whether the mayor should be removed from office and any other matters that may arise from and be concerned with such discussions or possible decision.

He introduced former Judge Douglas George, who would act as the hearing officer for the proceedings. Judge George asked those in the audience, who had been called to testify, to leave the courtroom.

Scott Crosbie and Eric Eaton, with Mattmiller and Crosbie, PLLC, represented the Bardstown City Council. Doug Hubbard and Jason Floyd, with Fulton Hubbard and Hubbard represented Mayor John Royalty.

Fire Captain Todd Spalding and citizen Ken Ables were called by Mr. Scott Crosbie to give testimony prior to the noon break.

IT Supervisor Brandon Brewer began his testimony at 12:54pm. **COUNCILMAN WILLIAMS MOVED TO RECESS THE MEETING AT 2:30PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.**

COUNCILMAN BUCKMAN MOVED TO RESUME THE MEETING AT 2:43PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0.

IT Supervisor Brewer's testimony was continued, with a brief interruption to accommodate the urgency for former Councilman Francis Lydian to testify. Mr. Lydian had recently had surgery and was not feeling well. **COUNCILMAN WILLIAMS MOVED TO RECESS THE MEETING AT 4:05PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.**

COUNCILMAN KELLEY MOVED TO RESUME THE MEETING AT 4:13PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

City Clerk Bryant and City Attorney Butler were then called to testify individually. Mr. Scott Crosbie called no further witnesses and announced the conclusion of their case. Hearing Officer George announced the conclusion of testimony for the day and that the hearing would continue on Thursday, April 13, 2017, at 9:00am in Courtroom A of the Justice Center. **COUNCILMAN KELLEY MOVED TO RECESS THE MEETING AT 6:40PM WITH A CONTINUANCE FOR THURSDAY, APRIL 13, 2017 AT 9:00AM. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.**

04-13-2017
9:00 A.M.

The City Council continued the special session in the Nelson County Justice Center, Courtroom A, 200 Nelson County Plaza, Bardstown KY, with the following Councilmen:

Councilman Joe Buckman
Councilman Kecia Copeland
Councilman J. Richard Heaton
Councilman John Kelley
Councilman William S. Sheckles
Councilman Roland E. Williams

COUNCILMAN SHECKLES MOVED TO RESUME THE MEETING AT 9:00AM. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0.

Former City Councilman Bill Buckman and former City Attorney Bruce Reynolds were called to testify for the defense. **COUNCILMAN WILLIAMS MOVED TO RECESS THE MEETING AT 10:25AM. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0.**

COUNCILMAN SHECKLES MOVED TO RESUME THE MEETING AT 10:35PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0.

Mayor John Royalty was called to testify. **COUNCILMAN WILLIAMS MOVED TO RECESS THE MEETING AT 11:42AM. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.**

COUNCILMAN KELLEY MOVED TO RESUME THE MEETING AT 11:52AM. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.

The testimony of Mayor John Royalty continued. The defense announced that no additional witnesses would be called. **COUNCILMAN BUCKMAN MOVED TO RECESS THE MEETING FOR LUNCH AT 1:20PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.**

COUNCILMAN SHECKLES MOVED TO RESUME THE MEETING AT 2:20PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 5 TO 0. Councilman Kelley arrived at 2:23pm.

Hearing Officer George addressed the Council with the following instructions based on the evidence that was provided during the hearing.

“In order to remove Mayor Royalty, the City Council may do so by a unanimous vote after finding that he has committed misconduct. There are three charges that I am instructing you based on the proof that you can make that finding. You do not have to make that finding on all three; you can do it on one of those charges. The first charge is that there must be substantial evidence that Mayor John Royalty improperly used city personnel and equipment to access, review and obtain copies of private email communications of Councilmember Kecia Copeland and that such action was an unauthorized exercise of his official function as Mayor of the City of Bardstown and constitutes misconduct. The second charge is that there must be substantial evidence that Mayor John Royalty disseminated the private email communications of Councilmember Kecia Copeland to a third party in violation of Councilmember Kecia Copeland’s privacy rights and that such action constitutes misconduct. The third charge is that there must be substantial evidence that Mayor John Royalty ordered a city employee to lie to the City Council in order to obtain their iPads under false pretenses and in order to gain unauthorized access to their personal email accounts and that such action was taken without proper authority and constitutes misconduct.”

Hearing Officer George then allowed 15 minutes each for closing statements from Attorneys Scott Crosbie and Jason Floyd in that order.

At 3:28pm, **COUNCILMAN KELLEY MOVED TO GO INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(F) DISCUSSIONS OR HEARING WHICH MIGHT LEAD TO THE DISCIPLINE OR DISMISSAL OF AN INDIVIDUAL EMPLOYEE NAMELY, MAYOR JOHN ROYALTY, WITHOUT RESTRICTING THAT EMPLOYEE’S RIGHT TO A PUBLIC HEARING IF REQUESTED PURSUANT TO THE COUNCIL’S INVESTIGATION AND KRS 61.810(1)(J) DELIBERATIONS OF JUDICIAL OR QUASI-JUDICIAL BODY REGARDING INDIVIDUAL ADJUDICATIONS, AT WHICH NEITHER THE PERSON INVOLVED, HIS REPRESENTATIVES, NOR ANY OTHER INDIVIDUAL NOT A MEMBER OF THE AGENCY’S GOVERNING BODY OR STAFF IS PRESENT. NAMELY FOR THE COUNCIL TO CONSIDER THE EVIDENCE AT THE MAYOR POTENTIAL REMOVAL HEARING IN ORDER TO DECIDE WHETHER THE MAYOR SHOULD BE REMOVED FROM OFFICE AND ANY OTHER MATTERS THAT MAY ARISE FROM AND BE CONCERNED WITH SUCH DISCUSSIONS OR POSSIBLE DECISION. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.**

The Council then exited Courtroom A for deliberations. Hearing Officer Douglas George and City Council Attorneys Scott Crosbie and Eric Eaton left the meeting and did not return. The Council returned to Courtroom A.

COUNCILMAN SHECKLES MOVED TO COME OUT OF THE CLOSED SESSION AT 5:35PM AND CONTINUE WITH THE SPECIAL MEETING. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

COUNCILMAN KELLEY MOVED TO SHOW THE FINDINGS THAT THERE IS SUBSTANTIAL EVIDENCE THAT MAYOR JOHN ROYALTY IMPROPERLY USED CITY PERSONNEL AND EQUIPMENT TO ACCESS, REVIEW AND OBTAIN COPIES OF PRIVATE EMAIL COMMUNICATIONS OF COUNCILMAN KECIA COPELAND AND THAT SUCH ACTION WAS AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTION AS MAYOR OF THE CITY OF BARDSTOWN AND CONSTITUTES MISCONDUCT. THE SUBSTANTIAL EVIDENCE IS CONTAINED IN THE TESTIMONY AND RECORD, BUT ALSO WE ARE RELYING ON THE FOLLOWING SUBSTANTIAL EVIDENCE. MAYOR ROYALTY DIRECTED BRANDON BREWER TO ACCESS COUNCILMAN KECIA COPELAND’S PRIVATE EMAIL COMMUNICATIONS WHILE ON CITY PAYROLL. BRANDON BREWER USED CITY EQUIPMENT TO PRINT EMAILS AT MAYOR JOHN ROYALTY’S DIRECTION. COUNCILMAN KECIA COPELAND DID NOT AUTHORIZE SUCH ACCESS. THE TESTIMONY OF TIM BUTLER AND BRUCE REYNOLDS PROVIDED THAT MAYOR JOHN ROYALTY HAD NO AUTHORITY TO ACCESS OR PRINT THESE EMAILS IN ANY CAPACITY. IT WAS IMPROPER USE OF CITY PERSONNEL AND EQUIPMENT TO PRINT THE EMAILS BECAUSE MAYOR ROYALTY HAD NO RIGHT TO ACCESS THESE EMAILS. WE FIND THAT THESE ACTIONS CONSTITUTE MISCONDUCT.

NUMBER 2. WE FIND THAT THERE IS SUBSTANTIAL EVIDENCE THAT MAYOR JOHN ROYALTY DISSEMINATED THE PRIVATE EMAIL COMMUNICATIONS OF COUNCILMAN KECIA COPELAND IN VIOLATION OF COUNCILMAN KECIA COPELAND'S PRIVACY RIGHTS AND THAT SUCH ACTION CONSTITUTES MISCONDUCT. THE SUBSTANTIAL EVIDENCE IS CONTAINED IN THE TESTIMONY, EXHIBITS AND RECORD, BUT ALSO WE ARE RELYING ON THE FOLLOWING SUBSTANTIAL EVIDENCE. THAT MAYOR ROYALTY ACCESSED COUNCILMAN KECIA COPELAND'S PRIVATE EMAILS AND PRIVATE EMAIL ACCOUNT HIMSELF AND BY HIS DIRECTION TO BRANDON BREWER. WE FIND THAT KEN ABLES TESTIFIED THAT MAYOR ROYALTY SHOWED AND/OR READ TO HIM AN EMAIL FROM COUNCILMAN KECIA COPELAND TO THE LOUISVILLE MEDIA. IN ROYALTY'S EXHIBIT #21 ARE EMAILS THAT MAYOR ROYALTY OBTAINED FROM COUNCILMAN KECIA COPELAND'S PRIVATE EMAIL ACCOUNTS TOGETHER WITH AND IN HIS DIRECTION TO BRANDON BREWER. THERE ARE SEVERAL EMAILS IN EXHIBIT #21 THAT ARE TO WLKY TV WHICH IS CONSISTENT WITH THE TESTIMONY OF KEN ABLES. THERE WAS NO OTHER EXPLANATION THAT WAS GIVEN BY MAYOR JOHN ROYALTY AS TO WHY HE HAD THIS EMAIL THAT WAS READ TO KEN ABLES. WE FIND THAT THESE ACTIONS CONSTITUTE MISCONDUCT.

NUMBER 3. WE FIND THAT THERE IS SUBSTANTIAL EVIDENCE THAT MAYOR JOHN ROYALTY ORDERED A CITY EMPLOYEE TO LIE TO THE CITY COUNCIL IN ORDER TO OBTAIN THEIR IPADS UNDER FALSE PRETENSES AND IN ORDER TO GAIN UNAUTHORIZED ACCESS TO THEIR EMAIL ACCOUNTS AND THAT SUCH ACTION WAS TAKEN WITHOUT PROPER AUTHORITY AND CONSTITUTES MISCONDUCT. THE SUBSTANTIAL EVIDENCE IS CONTAINED IN THE TESTIMONY AND EXHIBITS PRODUCED, SPECIFICALLY THE FOLLOWING SUBSTANTIAL EVIDENCE. MAYOR JOHN ROYALTY TOLD IT SUPERVISOR BRANDON BREWER TO MISREPRESENT OR LIE TO THE CITY COUNCIL ABOUT THE REASON TO BRINGING IPADS TO CITY HALL WHEN THE ACTUAL REASON WAS TO EXAMINE THE IPADS FOR PERSONAL USE. MAYOR JOHN ROYALTY NEVER TOLD BRANDON BREWER TO PERFORM UPDATES BEFORE OR AFTER RECEIPT OF THE IPADS. THE ONLY INVOLVEMENT BY MAYOR JOHN ROYALTY WITH THE IPADS WAS TO ORDER A REPORT ON PERSONAL USE AND HIS VIEWING OF COUNCILMAN KECIA COPELAND'S IPAD. WE FIND SUBSTANTIAL EVIDENCE OF FALSE PRETENSES. COUNCILMAN KECIA COPELAND NEVER AUTHORIZED SUCH ACCESS. MAYOR JOHN ROYALTY OBTAINED THE IPADS AND ACCESSED PRIVATE EMAILS OF COUNCILMAN KECIA COPELAND THAT WAS NOT DISPUTED. THE MANNER IN WHICH MAYOR JOHN ROYALTY ACCESSED COUNCILMAN KECIA COPELAND'S EMAIL ACCOUNT WAS WITHOUT PROPER AUTHORITY ACCORDING TO THE TESTIMONY OF TIM BUTLER AND BRUCE REYNOLDS. WE FIND THAT THESE ITEMS CONSTITUTE MISCONDUCT AS WELL.

I MOVE, PURSUANT TO KRS 83A.040(9) THAT THE ABOVE FINDINGS BE ADOPTED AND BASED ON THE FOREGOING FINDINGS THAT MAYOR JOHN ROYALTY BE REMOVED AS MAYOR OF THE CITY OF BARDSTOWN. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS. PRESIDING OFFICER HEATON CALLED FOR AN INDIVIDUAL VOTE:

COUNCILMAN SHECKLES - AYE
COUNCILMAN KELLEY - AYE
COUNCILMAN WILLIAMS - AYE
COUNCILMAN BUCKMAN - AYE
COUNCILMAN COPELAND - AYE
COUNCILMAN HEATON - AYE

THE MOTION CARRIED.

SPECIAL MEETING ANNOUNCEMENT

COUNCILMAN SHECKLES MOVED TO CALL A SPECIAL MEETING OF THE COUNCIL FOR TUESDAY, APRIL 18, 2017 AT 5:00PM IN THE COUNCIL CHAMBERS. THE PURPOSE OF THE MEETING WILL BE TO APPOINT A NEW MAYOR TO FINISH THE UNEXPIRED TERM OF JOHN ROYALTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

Presiding Officer Heaton then offered an opportunity for John Royalty to come to City Hall on Friday, April 14, 2017, at 7:00am to retrieve all personal items and to return keys and city property in his possession. Police Chief Uram, Larry Hamilton and a Council member would meet Mr. Royalty at that time.

ADJOURNMENT

COUNCILMAN SHECKLES MOVED TO ADJOURN THE MEETING AT 5:45PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

Councilman J. Richard Heaton, Presiding Officer

ATTEST:

