

**LUDLOW SPECIAL COUNCIL MEETING**  
**MINUTES**

**February 4, 2016**

Mayor Kenneth Wynn called the meeting to order followed by the Pledge of Allegiance. Laurie Sparks called the roll, which showed the following council members present: Josh Boone, Bill Mullins, Dan Ashcraft, Michele Cartwright, Bill Whiteley, and Tom Amann.

*ALSO ATTENDING:* City Attorney Jeff Otis, Attorney Fred Johnson, City Administrator Elishia Chamberlain, City Clerk Laurie Sparks, and Police Chief Scott Smith

**CITIZENS WISHING TO ADDRESS MAYOR AND COUNCIL**

Cindy Powell, on behalf of Ludlow Youth Football (LYF), advised that she appreciated the possibility of the dismissal of the City's case against LYF at the meeting tonight.

**UNFINISHED BUSINESS**

**Second Reading of Ordinance 2016-2**

**Motion by Ms. Cartwright, second by Mr. Ashcraft, to call up Ordinance 2016-2 An Ordinance Creating the City of Ludlow, Kentucky Appeals Board for City Sticker Citations for a second reading.** Mr. Boone suggested examining the budget and considering alternative methods of collecting the revenue, such as placing it on the tax bill for more effective enforcement. **Following a reading by Mr. Otis and roll call vote, motion carried: all ayes.**

**NEW BUSINESS**

**Vote to Cancel the Regular Business Council Meeting in February**

**Motion by Mr. Mullins, second by Ms. Cartwright, to cancel the regular business council meeting scheduled for February 11, 2016, due to lack of a quorum. Following a voice vote, motion carried: all ayes.**

**Resolution 2016-3**

Mr. Otis advised that due to scheduling conflicts, his law partner, Fred Johnson, had been working on the issue with the LYF case and would address Council. **Motion by Mr. Amann, second by Mr. Whiteley, to approve Resolution 2016-3 A Resolution of the Ludlow City Council to Dismiss with Prejudice at the Cost of the City of Ludlow, the Petition for Injunction Filed by the City of Ludlow Against the Ludlow Youth Football, Inc. in the Kenton Circuit Court, First Division, Case No. 15-CI-2252.** Mr. Amann distributed copies of the resolution along with a copy of the Petition for Injunction, the Answer and Counterclaim from LYF, and an email exchange with the City's Accountant David Baker. Mr. Amann explained the legal terms in the Resolution advising that "dismiss with prejudice" means the City couldn't re-file the petition and "at the cost of the City of Ludlow" refers to the approximate cost the City has spent to date, including cost to file the petition and for the sheriff to serve the court papers.

Mr. Amann discussed his conversation with Mr. Baker regarding the documents requested in the Petition for Injunction filed by the City. Mr. Amann suggested that since the City budgeted \$8,000.00 for fireworks and only wrote a check to Vito's Fireworks for \$6,000.00, the City should send a check for an additional \$2,000.00 check to Vito's Fireworks and request that Vito's write the refund check back to LYF. After discussion, Mr. Amann then suggested that if the City spent \$1,500.00 on services for the fireworks festival, the City should write a check for the remaining \$500.00 that was budgeted to Vito's Fireworks and request Vito's send the refund to LYF. Mr. Amann expressed hope that by Council passing Resolution 2016-3 to dismiss the lawsuit, they could come to an agreement with LYF and LYF would dismiss their counterclaim.

Discussion on LYF's non-profit status. Discussion on the reason for Mr. Baker's request of the records from LYF. Discussion on how payment of the fireworks has been handled over the past several years. Mr. Johnson advised that according to KRS 92.340, individuals who approve the expenditure of the funds could be held personally liable. Mr. Amann advised that if Council is sued, he would represent each member of council to the fullest at no cost.

Mr. Johnson advised that Council needs to know the ramifications of passing Resolution 2016-3. Mr. Johnson advised that while the term "expense" in the resolution refers to the City's cost in filing the lawsuit, it could also include LYF's claimed attorney fees, which were approximately \$5,400.00 when he last inquired. Mr. Johnson advised that changing the term "expense" to "cost" isn't specific enough. Mr. Johnson advised Council that dismissing the lawsuit "with prejudice" could leave them open to a counterclaim without being able to defend themselves. **After further discussion, motion by Mr. Amann, second by Mr. Whiteley, to amend Resolution 2016-3 to delete the fifth Whereas section and to substitute the word "cost" for "expense" in Section I. Following a roll call vote, motion carried: all ayes.**

Mr. Whiteley inquired why Council is voting to dismiss the lawsuit when Council wasn't aware of the filing of the lawsuit. Mr. Johnson advised that Mr. Amann drafted and proposed Resolution 2016-3. On behalf of the City, Mr. Johnson strongly urged Council not to pass the resolution. Further discussion about the correspondence regarding the lawsuit.

**Motion by Mr. Amann, second by Mr. Boone, to pass Resolution 2016-3 as amended by removing the fifth Whereas and substituting "cost" for "expenses" in Section I on page two. Following a roll call vote of three ayes (Mr. Boone, Mr. Whiteley, Mr. Amann) and three nays (Mr. Ashcraft, Mr. Mullins, Ms. Ashcraft), Mayor Wynn cast the tie-breaking vote. Upon a vote from Mayor Wynn of "no", motion failed.**

**Motion by Mr. Boone, second by Mr. Mullins, to adjourn the meeting at 7:55 p.m. Motion carried, all ayes.**

Respectfully submitted,

\_\_\_\_\_  
Laurie Sparks, City Clerk

Attest: \_\_\_\_\_  
Kenneth Wynn, Mayor