August 11, 2014

The Common Council of the City of Glasgow, KY met in regular session on Monday the 11th day of August, 2014 at 7:00 p.m. in the Council Chambers with the following persons present:

HONORABLE MAYOR: Rhonda Trautman
COUNCIL MEMBERS: Harold Armstrong  
Dick Doty  
Brad Groce  
Stacy Hammer - absent  
Wendell Honeycutt  
Jim Marion - absent  
James Neal  
Freddie Norris  
Karalee Oldenkamp  
Sheila Oliver  
Joe Trigg  
Marlin Witcher

There being a quorum present, the Mayor declared the meeting open for business.

Pledge of Allegiance

Council Member Norris opened the meeting with a prayer.

MINUTES OF COUNCIL MEETING ON 7-28-14

MOTION was made by Council Member Groce for the approval and adoption of the 8-11-14 Council Meeting minutes
SECOND was by Council Member Witcher
VOTE unanimous approval of the Council present

ORDINANCE NO. 2854
ORDINANCE AMENDING GLASGOW ZONING ORDINANCE, RE-ZONING THE PROPERTY LOCATED AT 620 FEET WEST FROM THE VETERANS OUTER LOOP AND COLUMBIA AVENUE INTERSECTION, CONTAINING 5.80 TOTAL ACRES, MORE OR LESS, FROM R-1 (LOW DENSITY RESIDENTIAL) DISTRICT TO B-2 (GENERAL BUSINESS) DISTRICT

A proposed ordinance was presented for the second time and caused to be read for the second time.

MOTION was made by Council Member Armstrong for the approval and adoption of the ordinance
SECOND was by Council Member Doty
VOTE Yes – 10  No – 0  AB – 0

Armstrong –yes
Doty –yes
Groce –yes
Honeycutt –yes
Neal – yes
Norris -yes
Oldenkamp -yes
Oliver–yes
Trigg -yes
Witcher –yes
Announcements:

Council Member Honeycutt gave the following report from the Planning and Development Committee:

The Planning and Development Committee met regarding the dog park. It was the recommendation of the committee that they recommend the project to the entire Council. They requested the city attorney review the memorandum of understanding and approve it first. They expect it to be on the next meeting agenda.

No meeting of the regular scheduled Planning and Development Committee is scheduled.

DISCIPLINARY HEARING

Be it noted for the record, Traci Peppers, attorney for Sgt. Jarrod Steele, requested to postpone the hearing. Her request was denied.

MAYOR TRAUTMAN BEGAN WITH THE FOLLOWING STATEMENT: THE OFFICER BEFORE US HAS REQUESTED THAT THE HEARING BE OPEN. GIVEN THE NATURE OF THE TESTIMONY THAT WILL BE PRESENTING, I MUST WARN THE AUDIENCE BOTH PRESENT AND WATCHING ON TV THAT THERE WILL BE LANGUAGE THAT WILL BE CONSIDERED INAPPROPRIATE.

If in closed session instruct all parties to leave the hearing room.

Mayor Trautman stated the purpose of this meeting is to conduct a disciplinary hearing for Sgt. Jarrod Steele of the Glasgow Police Department. She said we will invoke the rule that every person expected to testify will leave the hearing and wait in the conference room in the Building Inspector’s Office.

MAYOR TRAUTMAN GAVE THE FOLLOWING WITNESS INSTRUCTIONS PRIOR TO DISMISSING THEM

1. WITNESSES ARE TO NOT DISCUSS THE CASE AT ANYTIME WITH OTHERS DURING THE HEARING.
2. THERE WILL BE NO TEXTING, CELL PHONES OR PERSONAL COMMUNICATION OF ANY TYPE ALLOWED.

THE MAYOR STATED FOR THE RECORD, THIS HEARING IS BEING RECORDED BY VIDEO FOR TRANSFER TO TRANSCRIPT.

MAYOR TRAUTMAN SAID:

- The purpose of this hearing is to consider charges brought forth by myself, as Mayor of the City of Glasgow by way of requirements of KRS 95.450 and KRS 15.520 related to recent actions on the part of Sgt. Jarrod Steele. For the record, Sgt. Steele is before this body as a result of charges filed by me formally on August 5th, 2014 at 10 p.m. and an additional charged filed on 8/6/14. These charges were preferred against Sgt. Steele as a result of an Internal Affairs investigation and citizens’ complaints filed against Sgt. Steele.

- Under the requirements of KRS 95.450 Section 2 the Mayor shall, whenever probable cause appears, prefer charges against any member whom he/she believes guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made. Under the requirements of KRS 15.520 (1) (e) any charge involving violation of any local unit of government rule or regulation shall be made in writing with sufficient specificity as to fully inform
the officer of the nature and circumstances of the alleged violation so he may properly defend himself.

- Sgt. Steele is currently suspended without pay per KRS 95.450 (5). The Council has a copy of the Statement of Charges in your packets.

- Specific details of actions leading the Mayor’s office to prefer charges related to Sgt. Steele are outlined in the packet along with supporting documentation. In order for Sgt. Steele to be personally served notice of the charges as required by KRS 15.520 and also KRS 95.450 the process was carried out when Sgt. Steele reported to work on Aug 5th as required by the Bill of Rights (KRS 15.520) and department policy. His attorney Ms. Peppers received the additional charge #7 filed on 8/6/14.

- For the record, Sgt. Steele was provided with a complete copy of this information when he was served with the charges on Wed. Aug 5th at 10 p.m. with Chief Turcotte, Lt. Col. Duff and Major Eddie Lindsey present. The meeting was recorded and we have a signed statement by Sgt. Steele that he was in receipt of the documents.

- During that meeting, Sgt. Steele was given the opportunity to waive his rights to a hearing and accept the recommended action. Sgt. Steele chose to request a hearing before city council as he is allowed under KRS 95.450 and KRS 15.520.

- At that time, he was presented with a Notice of Hearing scheduled for Aug. 11th, 2014 at 7 p.m. in the Glasgow City Council Chambers. A copy of the Notice of Hearing is included in your packet.

- Charges against Sgt. Steele are included in your packet and include violations of SOP 101.0, SOP 128.0, violation of personnel manual section 6-12.8 all filed under KRS 95.450 and two citizen complaints filed under KRS 15.520. Due to the nature of the charges, all processes up to this point and for this hearing abide by the language and requirements of both KRS 15.520 and KRS 95.450. KRS 15.520 related to charges involving a citizen’s complaint and provide the officer with certain rights with respect to this process.

HEARING PROCEDURES WERE READ/PRESENTED BY CITY ATTORNEY BEN ROGERS

- Given this is an administrative hearing and not a court of law, the testimony and questioning in this hearing will follow the rules set by myself, the hearing officer as defined by KRS.

- Any statements or questioning outside of or not directly related to the charges will not be allowed. Under the requirements of KRS 95.450 SECTION (3) the hearing shall be confined to the matters related to the issues presented.

- The sole question being considered here tonight is “Did Sgt. Steele violate the included policies and does the City Council sustain the citizen complaints filed under KRS 15.520 as outlined by Charges #1- #7.” No discussion of other events or circumstances outside of these charges will be allowed. No witnesses without firsthand knowledge about charges 1-7 shall be allowed to testify.

CITY ATTORNEY BEN ROGERS READ THE CHARGES

THE CASE BEGAN WITH:

- Mr. Ben Rogers, City Attorney, being present as legal representation for the City and presented the case for the Police Department.
Sgt. Steele’s attorney, Traci Peppers was called upon to state his name, address and purpose at this meeting for the record.

Mr. Rogers began with his opening statement on behalf of the City’s case.

Each witness was called, sworn in, cross examined and redirected if necessary.

Mayor Trautman asked Sgt. Steele’s attorney Traci Peppers to begin his case with opening statement, proceed to presentation of witnesses and then present closing arguments if necessary.

FOLLOWING EVIDENCE PRESENTED, MAYOR TRAUTMAN ASKED THE COUNCIL TO CONSIDER THE CHARGES.

Mayor Trautman stated the Council now would have the opportunity to go into executive session for discussion of the charges and evidence presented. The Council retired into executive session at 10:30 p.m. Upon returning to open session at 11:33 p.m., the Mayor asked the council to present finding of facts on the charges (counts 1-6) and to present any disciplinary action recommended based on the finding of facts. She also ask for the finding of facts will be presented by motion for each Count with the Council voting by roll call on each count.

FINDINGS OF FACT

Mayor Trautman asked to proceed to the finding of fact on each charge and to present in the form of a motion.

Mayor Trautman asked the Clerk to record the votes.

**CHARGE #1: Violation of SOP #101.0 Code of Ethics IV: Personal Conduct**¹

**Violation of SOP #101.0 Sub Section B:**

Ethical Conduct: The Department will maintain the highest standard of integrity by never violating the community’s trust. All departmental employees must recognize that they are held to a higher standard than the private citizen because, in addition to representing the Department, they also represent the law enforcement profession and their local government. Conduct, on and off duty, must be ethical conduct.

**Violation of SOP #101.0 Sub Section C:**

All Sworn Officers Shall Abide by the Law Enforcement Code of Ethics.

**Violation of SOP #101.0 Sub Section X:**

Conduct Unbecoming of an Officer: The conduct of a public employee, on and off duty, reflects upon the Department. Employees must avoid illegal/dishonest conduct and any violation of Code of Ethics which might discredit themselves or adversely affect the morale, operations or efficiency of the Department.

Council Member Armstrong stated the Council found Sergeant Steele guilty on Charge #1.
CHARGE #2: Violation of SOP #128.0 Domestic Misconduct/Personal Crisis

Violation of SOP #128.0 Section A:

Domestic Misconduct: The agency defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the agency by the involved employee and other members of the agency. A domestic relationship involves any employee who is or has been married to the other party, involves any member of the employee’s household, who is living or has lived with the other party, has a child with the other party or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion or criminal act against a party within this form of domestic relationship.

Violation of SOP #128.0 Section C:

Service of Court Papers: Any documents from a judicial proceeding which are designed to assist in ameliorating the domestic misconduct or curtailing specific actions by the parties involved in the domestic misconduct.

Council Member Armstrong stated the Council found Sergeant Steele guilty on Charge #2.

CHARGE #3: VIOLATION SOP 101.0 Code of Ethics - Sub Section XI:

 Courtesy: Effective law enforcement depends on a high degree of cooperation between the Department and the Public. While the urgency of a situation might preclude ordinary social amenities, discourtesy under any circumstances is indefensible. Employees shall be courteous and civil to the public and others, avoiding harsh, violent, profane or insolent language or manner and shall maintain objective attitudes regardless of provocation.

Council Member Armstrong stated the Council found Sergeant Steele guilty on Charge #3.

CHARGE #4: VIOLATION City Personnel Manual Section 6-12.8

Social Networking Websites: Unless authorized as part of their official job duties, employees should refrain from making any statements or posts on personal websites, blogs or social media/network sites (e.g. Facebook, Twitter, My Space) that could be interpreted as representative of the City, especially information that could be considered critical, confidential or incorrect.

When an employee uses personal or social websites, he is prohibited from representing himself as an authorized representative of the City or from portraying the City in a negative manner. Employees shall respect the privacy of others and refrain from posting photos, opinions, videos or other information which may portray other employees, the City, citizens or those in business relationships with the City in a negative manner.

Employees are reminded that information posted on personal websites can be viewed by citizens. Employees are expected to be respectful and avoid disparaging remarks or images of others. Employees may not use the City seal on a personal website and shall not link any personal websites to the City’s website or social network pages. These restrictions apply not only to employees’ personal websites but to postings one might make on other websites including personal websites of non-employees.

1 Note SOP #128.0 was revised by the Glasgow City Council on June 25th. Charges outlined fall under the version of SOP#128 that existed prior to the update. A copy of SOP 128.0 is included as ITEM #4 in List of Attachments.
Council Member Armstrong stated the Council found Sergeant Steele guilty on Charge #4.

**CHARGE #5**: Resulting from a Citizen Complaint Filed by Chris Brown on June 11th, 2014. VIOLATION SOP #101.0 Code of Ethics IV: Personal Conduct and the various subsections of this SOP. See attached copy of SOP #101.0 Code of Ethics.

Council Member Armstrong stated the Council found Sergeant Steele guilty on Charge #5.

**CHARGE #6**: Resulting from a Citizen Complaint Filed by Chris Brown on July 30th, 2014. VIOLATION SOP #101.0 Code of Ethics IV: Personal Conduct and the various subsections of this SOP. See attached copy of SOP #101.0 Code of Ethics.

Council Member Armstrong stated the Council was undecided and could not make a decision on Charge #6.

**CHARGE #7**: VIOLATION SOP #109.0 Commanding and Insubordinate Conduct.

SOP #109.0 (A): Insubordination. No member shall at any time be insubordinate or irrespective to any member. Members shall treat commanding officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with one another. When on duty and particularly in the presence of others, officers will be referred to by rank. Members shall not use derogatory or critical language regarding an order or instructions issued by a commanding officer.

Council Member Armstrong stated the Council found Sergeant Steele guilty on Charge #7.

The Mayor stated:

Pursuant to KRS 95.450 (6) the legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments or by dismissal from the service. Penalty shall be based on cumulative basis of guilt.

What is the finding of this body with respect to disciplinary action related to COUNT #1 through #6 of the charges as considered?

Council Member Armstrong stated, in the form of motion, the Council has found Sergeant Steele is guilty on Charge #1; the Council has found that Sergeant Steele is guilty on Charge #2; we have made a motion that Sergeant Steele is guilty on Charge #3; there’s also a motion as guilty on Charge #4; a motion that he’s found guilty on Charge #5; and we were undecided, could not make a decision on Charge #6; on Charge #7, he’s found guilty.

MOTION was made by Council Member Armstrong
SECOND was by Council Member Honeycutt
VOTE Yes – 9 No – 1 AB – 0
The Clerk will record the vote. Within 7 days an audio recording of findings will be certified by the Clerk.

Mayor Trautman asked with the finding of facts, how does the Council rule on the disciplinary actions?

MOTION was made by Council Member Armstrong for the punishment for Sergeant Steele to be termination
SECOND was made by Council Member Witcher
VOTE Yes – 8 No – 2 AB – 0

I, Tommie S. Birge, City Clerk for the City of Glasgow, Kentucky do hereby certify the votes in this transcript of findings are hereby recorded, on this the 22nd day of August, 2014.