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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

APRIL 16, 2012

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4 MAYOR EBERLE: Welcome, everyone, to
5 the April 2012 Regular City Council Meeting of the
6 City of Prospect, Kentucky. We have a fairly
7 lengthy agenda tonight, and a varied agenda, so I
8 will try to be as brief as possible on the Mayor's
9 Report.

10 But the first item of business is the approval
11 of the minutes for the Regular City Council
12 Meeting of March 19th, 2012. Those were
13 distributed electronically earlier this morning and,
14 also, you have those in your -- in your packets.

15 I would entertain a motion that they be
16 accepted as written or as we may have any
17 corrections.

18 COUNCIL MEMBER SIMON: So moved.

19 COUNCIL MEMBER ERTEL: Second.

20 MAYOR EBERLE: Simon and Ertel.

21 Discussion?

22 COUNCIL MEMBERS: [no audible
23 response]

24 MAYOR EBERLE: Those in favor, signify
25 by saying "Aye."

1 COUNCIL MEMBERS: Aye.

2 MAYOR EBERLE: Opposed by "No."

3 COUNCIL MEMBERS: [no audible
4 response]

5 MAYOR EBERLE: And we have adopted
6 the March Minutes. The -- and there are copies in
7 the back, by the way, for -- for those in the
8 audience.

9 Mayor's Report, right now we have financials
10 that reflect, from our accountants, 83-1/2% of the
11 revenues budgeted have been received and 70% of
12 the expenses have been disbursed. And we should
13 have -- or I will -- we will have a budget message
14 and a -- a -- a budget prepared in time for the --
15 for consideration at the May meeting.

16 The Forestation Board met last week, and they
17 did not take any particular actions, although they
18 had, prior to that meeting, ap -- knocked out their
19 2012 Forestation Plan and amendment, so that --
20 that's an annual plan that they develop on -- and
21 are required to do so by ordinance. That is on the
22 agenda for consideration tonight, so -- and there
23 are copies in the back for those of you who would
24 like to look -- also -- I also have those in your --
25 in your packets.

1 Other things with the Forestation Board, we
2 are poised to remove about 25, 26 tree stumps.
3 That should be done in the next week. And after
4 that, we will look to those locations and other
5 locations for plantings of new trees.

6 Friday, April 20th is the Louisville Arbor Day
7 Festival at Shawnee Park, and Prospect will be
8 recognized, along with other Tree City U.S.A.
9 cities on that day.

10 Parks & Recreation Advisory Committee, I can
11 run through a series of dates for you real quickly.
12 And I know we have -- that -- that committee just
13 met. And our liaison, Stuart Miles, and the -- the
14 chair, Linda Wardell, are here, so they may want
15 to add a little.

16 We had a -- a garlic/mustard pull scheduled
17 for Saturday morning, and a few people met and
18 got dowsed, but we -- we salvaged the -- the effort
19 on Sunday morning. Linda Wardell was -- was
20 back out on Sunday morning. And we are making
21 a -- a real dent in -- in getting that invasive out
22 of -- out of both Putney Pond and also Harrods
23 Creek Park.

24 Sunday, April 22nd is Earth Day, and Stuart
25 Miles will be leading a -- another garlic/mustard --

1 mustard pull along Harrods Creek. That's also the
2 Earth Paddle Day, and the -- and the City and the
3 Advisory Committee are working with the Kentucky
4 Waterways Alliance and will be participating in
5 that.

6 Sunday, May 27th is our next bird walk, that
7 morning, and it will -- it's the late spring bird
8 walk, so there should be similar migratory birds
9 available for that.

10 Saturday, June 2nd is the open house at the
11 Harrods Creek Trail, and I know the -- the
12 committee is making plans for that.

13 So Stuart or Linda, do you have any. . .

14 COUNCIL MEMBER MILES: No.

15 MAYOR EBERLE: Okay. Library
16 Committee, I know they're starting to sort upstairs
17 for the library book sale that is coming up. Mark
18 your calendars for Saturday -- Friday and
19 Saturday, May 18th and 19th, from 9 to 5 each day
20 at the library here at City Hall on the second floor.
21 Donations are always welcome up to and during
22 the sale.

23 Sandra, do you --

24 COUNCIL MEMBER LEONARD: We're
25 taking -- we're getting, and so we're taking, in

1 addition to books, both paperback and hard cover,
2 we're taking videos and audio books. And we've
3 also had a donation of children's games, so we'll
4 take those, too.

5 MAYOR EBERLE: Yeah, any library
6 media, and that's an expanding area right now,
7 "library media."

8 COUNCIL MEMBER LEONARD: Sure.

9 MAYOR EBERLE: So, certainly, we'll
10 take those donations. And patronize the sale. It
11 looks like we'll have as many books and other
12 things as we've --

13 COUNCIL MEMBER LEONARD: It does.
14 It really does.

15 MAYOR EBERLE: -- as we've always
16 had.

17 COUNCIL MEMBER LEONARD: People
18 have been donating since during the last sale, so
19 that's great.

20 MAYOR EBERLE: All right. We have --
21 as I noted at the last council meeting, at the
22 March meeting, we have a new police chief. And
23 we are also advertising for a second in command,
24 which would fill the slot formally held by
25 Lieutenant Dennis Wine. Those -- the -- the ad is

1 in. The applications are due May 7th.

2 Metropolitan Sewer District Force Main
3 Project is moving along. We have a resolution on
4 that tonight which would allow me to sign the
5 documents. The -- as you know -- or as -- as you
6 may recall, at the March meeting the council
7 accepted the offer from MSD for the permanent as
8 well as the construction easement, and also some
9 mitigation in -- in other areas.

10 After we accepted that offer, it was -- it --
11 it -- it was confirmed by the MSD Board of
12 Directors on March 26th, and tonight we have a
13 resolution of which we'll -- I -- I have received
14 some documents that need to be signed, so we'll
15 have a resolution for that later on the agenda.

16 While we -- and any -- any questions on
17 anything?

18 COUNCIL MEMBERS: [no audible
19 response]

20 MAYOR EBERLE: I -- while I have
21 already sworn in our chief of police, I would like to
22 introduce our chief. If you will stand and I'll
23 stand, because we're going to have a little -- do
24 a -- a formal swearing in. This is --

25 POLICE CHIEF SHERRARD: Where are

1 we -- want to do this? Here?

2 MAYOR EBERLE: Yeah, you can do it
3 right there.

4 POLICE CHIEF SHERRARD: Okay.

5 MAYOR EBERLE: This is Jeffrey
6 Sherrard. And I think many of you have -- have
7 had a chance to meet him and talk to him. He's
8 been on board since -- well, actually, your first
9 full day was when?

10 POLICE CHIEF SHERRARD: It was 26th,
11 March 26th.

12 MAYOR EBERLE: Yeah. And, actually,
13 in and around the -- the building, a little bit before
14 that.

15 POLICE CHIEF SHERRARD: Yeah,
16 before that, March 15th.

17 MAYOR EBERLE: The formal swearing in
18 is -- is just that. It is a formality. And I did do
19 a -- a personal swearing in on the 26th, on his first
20 full day of -- of work.

21 So I will ask you to raise your right hand.

22 POLICE CHIEF SHERRARD: All right.

23 MAYOR EBERLE: I -- state your name --

24 POLICE CHIEF SHERRARD: I, Jeff
25 Sherrard --

1 MAYOR EBERLE: -- do solemnly swear
2 or affirm --

3 POLICE CHIEF SHERRARD: -- do
4 solemnly swear or affirm --

5 MAYOR EBERLE: -- that I will support
6 the Constitution of the United States --

7 POLICE CHIEF SHERRARD: -- that I will
8 support the Constitution of the United States --

9 MAYOR EBERLE: -- and the Constitution
10 of this Commonwealth.

11 POLICE CHIEF SHERRARD: -- and the
12 Constitution of this Commonwealth.

13 MAYOR EBERLE: And be faithful and
14 true to the Commonwealth of Kentucky --

15 POLICE CHIEF SHERRARD: And be
16 faithful and true to the Commonwealth of
17 Kentucky --

18 MAYOR EBERLE: -- so long as I
19 continue a citizen thereof.

20 POLICE CHIEF SHERRARD: -- so long
21 as I continue a citizen thereof.

22 MAYOR EBERLE: And that I will
23 faithfully execute to the best of my ability --

24 POLICE CHIEF SHERRARD: And that I
25 will continually, faithfully ex --- repeat that one,

1 please.

2 MAYOR EBERLE: I will faithfully execute
3 to the best of my ability --

4 POLICE CHIEF SHERRARD: I will
5 faithfully execute to the best of my ability --

6 MAYOR EBERLE: -- the office of Chief
7 of Police for the City of Prospect, Kentucky --

8 POLICE CHIEF SHERRARD: -- the office
9 of Chief of Police for the City of Prospect,
10 Kentucky --

11 MAYOR EBERLE: -- according to law.

12 POLICE CHIEF SHERRARD: -- according
13 to law.

14 MAYOR EBERLE: And I further solemnly
15 swear or affirm --

16 POLICE CHIEF SHERRARD: And I
17 further solemnly swear or affirm --

18 MAYOR EBERLE: -- that since the
19 adoption of the present Constitution --

20 POLICE CHIEF SHERRARD: -- that since
21 the adoption of the present Constitution --

22 MAYOR EBERLE: -- I, being a citizen of
23 this state --

24 POLICE CHIEF SHERRARD: -- I, being a
25 citizen of this state --

1 MAYOR EBERLE: -- have not fought a
2 duel with deadly weapons --

3 POLICE CHIEF SHERRARD: -- have not
4 fought a duel with deadly weapons --

5 MAYOR EBERLE: -- within this stare or
6 out of it --

7 POLICE CHIEF SHERRARD: -- within
8 this state or out of it. --

9 MAYOR EBERLE: -- nor have I sent of
10 accepted a challenge --

11 POLICE CHIEF SHERRARD: -- nor have I
12 sent of accepted a challenge --

13 MAYOR EBERLE: -- to fight a duel with
14 deadly weapons --

15 POLICE CHIEF SHERRARD: -- to fight a
16 duel with deadly weapons --

17 MAYOR EBERLE: -- nor have I acted as
18 a second in carrying a challenge --

19 POLICE CHIEF SHERRARD: -- nor have I
20 sent or acted as a second in -- try that one again.

21 MAYOR EBERLE: In carrying a
22 challenge --

23 POLICE CHIEF SHERRARD: -- in
24 carrying a challenge --

25 MAYOR EBERLE: -- nor aided or

1 assisted any person thus offending --

2 POLICE CHIEF SHERRARD: -- nor aiding
3 or assisting a person thus offending --

4 MAYOR EBERLE: -- so help me God.

5 POLICE CHIEF SHERRARD: -- so help
6 me God.

7 MAYOR EBERLE: Welcome aboard.

8 [applause]

9 POLICE CHIEF SHERRARD: Every other
10 one I took before and throughout the years, all I
11 had to do was say "I do."

12 [laughter]

13 MAYOR EBERLE: And he did ask me to
14 do that tonight, but I -- I put him through it. Well,
15 we -- we certainly have enjoyed --

16 COUNCIL MEMBER SIMON: Welcome
17 aboard.

18 POLICE CHIEF SHERRARD: Thanks.

19 MAYOR EBERLE: -- the efforts you've
20 made so far. Things are going smoothly. And I
21 just want to -- to thank the -- I think we have
22 members of our -- of our interview and selection
23 committee. I know John Embry is here, Loretta,
24 and Ann was on there. Larry Johnson, who was
25 the -- represented the police department on that.

1 Larry's not here tonight. I want to thank them.

2 And welcome to the city, and now you can give
3 the police report.

4 POLICE CHIEF SHERRARD: Doesn't
5 have anything to do with duels, thank God.

6 MAYOR EBERLE: We hope not.

7 POLICE CHIEF SHERRARD: I'll be brief
8 since we have a long agenda.

9 Regarding statistical data, there's really
10 nothing that stands out compared to previous
11 years or a comparison of the same month in the
12 previous year. Citations are up this year
13 compared to last year.

14 There was a slight decline in calls for service
15 for March compared to the previous year, which
16 actually would surprise me considering how warm
17 the month would be. Normally when it's warm,
18 calls for service go up. That does seem odd to
19 me.

20 For the month of March, the last couple of
21 weeks of March we had four separate incidents
22 where we had thefts from autos. And in each of
23 those cases, it was always a car that was left
24 unlocked. So, again, that's going to continue to a
25 problem.

1 I saw, that in previous months, that had been
2 an issue. And there was no rhyme or reason to the
3 location. It -- it occurred in various spots
4 throughout Prospect. So it's a crime of
5 opportunity, that someone's just going around and
6 sees a car in the driveway; checks the door; and if
7 it was unlocked, then they would just rifle through
8 and get what they can.

9 There was really nothing of tremendous
10 significance that was taken, but just something
11 real quick. So I would assume that it's going to be
12 children involved in it. No suspects on that.

13 We did have, on the night of the Final Four,
14 some graffiti or some tagging that occurred in the
15 rear of the Walgreens and the -- the back side of
16 Kroger's there in the Prospect Village Center
17 along the lines of the -- the dumpsters, things of
18 that nature.

19 However, Officer Haverlin was working on
20 that, and on Friday they were able to narrow down
21 a time frame on that. And we believe that we may
22 have some video surveillance that will have a
23 small time frame in which you may be able to
24 capture some suspects on that. So we're pretty
25 hopeful on that.

1 And, also, working with 8th Division, in picking
2 up the nicknames, because everyone they tag with
3 a nickname, so it's a recurrent name that's
4 actually used on this, and since then, they've
5 already painted over it, which is what you would
6 ask the proprietors to do. So we're hopeful that
7 we'll get something out of that.

8 In regards to the -- the code enforcement, the
9 case that -- from the meeting on March 28th, there
10 in the 9900 block of 42, where a certified letter
11 was sent out, since then it did spark a number of
12 calls, which we were hopeful that it would do.
13 That is supposed to be cleared up this week.

14 I spoke to the lady about an hour and a half
15 ago, and she's already hired a crew. And
16 depending on when the weather is, they hope to
17 get that property cleared up this week; and, also,
18 they're going to make long-term plans for the rest
19 of the month.

20 The problem is she lives out of town, and
21 she's caring for -- it's her 84-year-old mother that
22 owns the property. Even though it's in an estate
23 with three different people, she's going to be
24 responsible for it. So she's making -- she lives
25 out of town. She's making the arrangements for

1 that property to be cleared up for the summer.

2 Also, on -- on my first day we had an officer's
3 meeting with all of the patrolman. And, basically,
4 at -- at that meeting, I just introduced myself,
5 although they'd already met me coming in and out,
6 but just to let them know what my expectations
7 would be and how -- that I run things, how I treat
8 people, how I would expect them to treat each
9 other and also the citizens of Prospect.

10 So, hopefully, everybody's on the same sheet
11 of music. And that's all from my report, and I just
12 look forward to working here for many years to
13 come.

14 MAYOR EBERLE: We look forward to it.

15 POLICE CHIEF SHERRARD: And I'm
16 going to stay away from that duel thing so I don't
17 ever have to talk about it again.

18 MAYOR EBERLE: They are illegal. Any
19 comments? Questions?

20 COUNCIL MEMBER ERTEL: Just happy
21 to have you onboard.

22 POLICE CHIEF SHERRARD: Thank you.

23 MAYOR EBERLE: Thank you, Chief.

24 This is something that -- and I -- I apologize
25 because I did talk to Fire Chief Tyler briefly about

1 it when -- in fact, it was, I think, when I went down
2 to -- to introduce the police chef to the fire chief.
3 And police -- I mean, Fire Chief Kevin Tyler
4 indicated that they have somewhat of an
5 announcement to make tonight about new services
6 that you're able to provide; is that -- is that
7 correct, Kevin?

8 FIRE CHIEF TYLER: That's close.

9 MAYOR EBERLE: Okay.

10 FIRE CHIEF TYLER: Yes, sir.

11 MAYOR EBERLE: And I think we have
12 Major Dell Marstiller here, as well.

13 MAJOR MARSTILLER: Yes, you do.

14 MAYOR EBERLE: So I will turn it over to
15 them. This is a special order that they have a
16 preparation -- they're got a -- you have a slide
17 show; right?

18 FIRE CHIEF TYLER: Yes, sir.

19 MAYOR EBERLE: Okay. Holly, do you
20 want to -- or John Embry.

21 [WHEREUPON, off-the-record remarks are
22 made.]

23 FIRE CHIEF TYLER: First of all, I'd like
24 to thank you for taking the time out to put us on
25 the agenda. Congratulations to Jeff. I look

1 forward to working with you, and --

2 POLICE CHIEF SHERRARD: Thank you.

3 Same here.

4 FIRE CHIEF TYLER: -- thank you-all for
5 having the time for us to speak with you today.

6 Excuse me. First of all, what -- the reason
7 we're here today is to educate you about your fire
8 department. Your Harrods Creek Fire Protection
9 District is your fire department in Prospect.

10 We're going to be adding a number of different
11 services that will be available that I'm calling a
12 Community Involvement Program. Under the
13 Community Involvement Program, we have some
14 things that we'd like to accomplish, and one thing
15 is we'd -- we'd like to start with an effort to teach
16 everyone that lives and/or works in our district to
17 be certified in CPR.

18 The department will provide that service free
19 of charge. The only charge that is attached to that
20 is a \$20 fee for the books. Our first class starts
21 April the 28th, Saturday, and it's limited to 12
22 participants, which the class is full. So this will
23 be ongoing from April the 28th forever, hopefully,
24 so that we can reach everyone's -- in the
25 community to be trained in CPR.

1 Another thing -- item I want to talk about real
2 quick is what we call our Engine Company -- ALS
3 Engine Companies. You-all have the luxury of
4 actually being the only fire district that was
5 provided with advanced life support service; that
6 is, you had paramedics, trained people riding on
7 the engine companies.

8 That was suspended approximately, what's it
9 been now, six months ago -- six months ago by the
10 state, because the past administration, when he
11 entered into that memo of understanding, it was
12 for a temporary agreement between Louisville
13 Metro EMS and the State of Kentucky.

14 We have since moved forward and obtained
15 our CON so that we can provide this service to you
16 again, which is -- the best thing about it is -- is
17 that we're an outlying area in Jefferson County, so
18 there are no Louisville Metro EMS transport
19 services located in it.

20 They strategically placed each ambulance
21 according to the run volume throughout the county.
22 Well, our run volume doesn't dictate that we have
23 one assigned to us, so we took the effort to add
24 that service back to the community so that we will
25 be safe.

1 Now, advanced life support, you ask what it
2 is, real quickly: It's able -- that the paramedics
3 are able to, (1) deliver a shot to you
4 automatically -- not automatically defibrillator,
5 with a defibrillator; and also -- they can also what
6 we call push drugs. So if you're having a cardiac
7 event or any other emergency, you can get the
8 same -- almost the same intervention that you
9 would in emergency.

10 Moving forward to our Community Involvement
11 Program, we -- another item that we're going to do
12 this fall is we're going re-institute our smoke
13 detector program. In the past three, five years
14 we've gone door to door, and we put smoke
15 detectors in your house.

16 Well, we're going to add another facet to that.
17 We want to put CO detectors in your house. We
18 want you to know when your furnace is not working
19 properly. You've supposed to get it checked twice
20 a year; but if you don't, we want you to be safe.

21 So you're going to see us out in the
22 community coming door to door offering you a
23 smoke detector. If you already have a smoke
24 detector, which most of you do, we're going to be
25 offering CO detectors because we want you to be

1 safe.

2 In addition to that, when we come to your
3 house and speak with you, we're going to ask you
4 if you'd like to schedule a home escape program,
5 that is, where the firefighters will come in and
6 walk through your home, if you'll allow us to, and
7 show you how to get out your house alive.

8 Contrary to belief, you don't always wake up
9 when smoke detectors go off. You don't always
10 wake up when there's a fire in your house. We
11 want our citizens to be safe. We want you to be
12 able to escape. So that's another service that
13 we're offering with our Community Risk Program.

14 Do you have anything else?

15 MAJOR MARSTILLER: Just that the
16 health care -- for providing CPR for health care
17 personnel, they have to have that every year.
18 We've had requests for it, so we're going to offer
19 that every quarter, also. So, again, that's going to
20 be another service for health care workers out
21 here to have that CPR instruction, which they
22 have, and teachers at schools.

23 FIRE CHIEF TYLER: The program that
24 we're going to show is approximately 16 minutes,
25 and it's to educate you, the residents, and the

1 council members on actually how your department
2 came about, how it operates, and what we are. A
3 lot of people think, well, I know how Harrods Creek
4 Fire Department operates. It's a volunteer fire
5 department, and they come when we call them.

6 We're actually a combination fire
7 department, which means we have volunteers and a
8 career staff. Due to the volume of the incidents
9 and the -- the rise and rate of the incidents, we've
10 had to add additional staff, and our -- actually,
11 volunteer ranks have actually diminished some.

12 So I want everyone to know that, (1) we're a
13 part of the community with you, and I pledge today
14 to the members of the council to extent that we
15 would like to become part of your Internet
16 program, so that when you, the citizens, logon to
17 it, you can find your police department, you-all
18 should be able to find your fire department, even
19 though we're not affiliated, per se, with the city as
20 the city doesn't pay our salaries. You do through
21 taxes.

22 So we want to be affiliated with that so that
23 when you click on, you can find emergency
24 services and learn a number of different things.
25 So we're going to be working with the mayor and

1 the council on that.

2 This program -- I'll stop talking and let the
3 program run. It's 16-minutes long. It kind of
4 explains to you about the fire department, how it
5 came about, and how we operate. And if you have
6 any questions after it, I'll entertain them for a
7 couple minutes.

8 MAYOR EBERLE: I'll ask -- Dell, do you
9 want to close our furnace door over there --

10 MAJOR MARSTILLER: Yes, sir.

11 MAYOR EBERLE: -- for esthetic
12 purposes? And -- and John can get the lights, and
13 then we'll. . .

14 [WHEREUPON, video is played]

15 [applause]

16 MAYOR EBERLE: Thank you.

17 FIRE CHIEF TYLER: Any questions?

18 COUNCIL MEMBER SIMON: I have a
19 question.

20 FIRE CHIEF TYLER: Yes, sir.

21 COUNCIL MEMBER SIMON: There was a
22 controversy that went on up -- with the Lyndon Fire
23 Department for charging retail businesses an
24 inspection of \$100, and that was just sprung on
25 those people. Is there any thought process of

1 doing it to the business people in Prospect?

2 FIRE CHIEF TYLER: You know, my
3 thought process is, no, we're not we're not --

4 COUNCIL MEMBER SIMON: Okay.

5 FIRE CHIEF TYLER: -- we're not going
6 to do it. Part of my philosophy is we -- we already
7 pay taxes, and a lot of the things that a fire
8 department already does you shouldn't have to pay
9 for.

10 Lyndon is -- is doing whatever they can. They
11 find themselves more financially challenged that
12 than we do, and they're doing anything they can to
13 vase revenue, but there's no thought on the table
14 on my watch to charge --

15 COUNCIL MEMBER SIMON: Okay.

16 FIRE CHIEF TYLER: -- the businesses
17 for --

18 COUNCIL MEMBER SIMON: I mean, it
19 was -- it was a huge controversy, Grover, and I
20 think it's -- it's probably going to be an issue with
21 the -- with the volunteer fire departments as --
22 as -- as the shortfalls happen, and it's just-- I
23 just -- it's just a thought process.

24 FIRE CHIEF TYLER: Not only that, just
25 to clarify, because it talked about cost recovery,

1 we do go out to get cost recovery for people who
2 are nonresidents of our department, but it's also
3 only -- we also only go after the insurance
4 companies. So if someone outside of our district
5 has an accident and we submit cost recovery, and
6 let's say they don't have insurance or their
7 insurance company refuses to pay, we don't go
8 after them. It's done. It's sort of soft bill.

9 COUNCIL MEMBER SIMON: Thank you.

10 FIRE CHIEF TYLER: Yes, ma'am.

11 MS. SPEAKER: I was curious when and
12 by what procedure the property owners are elected
13 to that board.

14 FIRE CHIEF TYLER: The property
15 owners have a term of three years, and, actually,
16 we have an election coming up this June because
17 we have one property owner vacancy and we have
18 one appointed vacancy.

19 So a property owner, if you'd like to stop in, I
20 can give you more detail; but, in a nutshell,
21 property owner, you come in, you sign up that
22 you -- for nomination. And you don't have to be
23 nominated by someone. You can nominate
24 yourself, and that you'd like to run for property
25 owner on the Board of Harrods Creek.

1 If anyone wants any particulars, you can give
2 me a call and I'll get you the paperwork and all the
3 particulars to follow through on that. If you're
4 looking at this year, we're going to need that in by
5 May 1st.

6 MS. SPEAKER: Thank you.

7 FIRE CHIEF TYLER: Very simple
8 process.

9 MAYOR EBERLE: Is that on the
10 November ballot, then, or how did -- how is that
11 election --

12 FIRE CHIEF TYLER: No, that election is
13 only -- is advertised in the Courier-Journal.

14 MAYOR EBERLE: Okay.

15 FIRE CHIEF TYLER: And it's set up
16 [phonetic] by Chapter 75. We have to advertise it
17 in the most conspicuous publication there is, which
18 is the Courier-Journal, on their highest days.
19 Typically, it's on a Wednesday, but it's not tied to
20 the -- the ballot in November.

21 COUNCIL MEMBER SCOTT: Chief, I
22 have a question. And thank you very much for
23 coming here and presenting that.

24 There was one thing you mentioned was an
25 error, and apparently there's a rating system for --

1 for homes and insurance. And -- and what is our
2 rating here?

3 FIRE CHIEF TYLER: Our rating is a
4 Class 3 --

5 COUNCIL MEMBER SCOTT: A 3.

6 FIRE CHIEF TYLER: -- which is the best
7 rating that you can get for homes. A Class 2, if we
8 had manufacturing in our district --

9 COUNCIL MEMBER SCOTT: Okay.

10 FIRE CHIEF TYLER: -- would help their
11 rating out, but you're at the best rating can you
12 get, both as a business owner and as a property
13 owner.

14 COUNCIL MEMBER SCOTT: Okay.
15 Thank you.

16 FIRE CHIEF TYLER: You're welcome.

17 COUNCIL MEMBER ERTEL: I have a
18 question. It concerns the -- the CO detectors.

19 FIRE CHIEF TYLER: Uh-huh.

20 COUNCIL MEMBER ERTEL: Is that a
21 total separate entity, or does it have the capability
22 of being integrated in the alarm system; and, if so,
23 is that our responsibility? Do you do that?

24 FIRE CHIEF TYLER: Do you want to take
25 that one?

1 MAJOR MARSTILLER: CO detectors can
2 be incorporated in your smoke detectors. It can
3 be -- if you have an alarm system, it can be
4 incorporated into that; however, there is a
5 separate detector that we put up for that, and it
6 would come to your alarm company.

7 But on the whole, most CO detectors are
8 independent of that. They plug into the wall;
9 basically monitor the air is all they really do.

10 COUNCIL MEMBER ERTEL: That's good.
11 So people who don't have an alarm system, that
12 would be great for them.

13 MAJOR MARSTILLER: Yeah.

14 FIRE CHIEF TYLER: Yes.

15 COUNCIL MEMBER ERTEL: Okay.

16 Thank you.

17 MAJOR MARSTILLER: You're very
18 welcome.

19 FIRE CHIEF TYLER: Thank you.

20 MAYOR EBERLE: Thank you. Appreciate
21 Chief Kevin Tyler and Major Dell Marstiller. We
22 have a very good relationship with them, and we're
23 in pretty constant communication.

24 As we move through the remainder of the
25 agenda, I would like to -- to somewhat hybridize

1 what we had -- what we've done before. And we
2 can start with comments from citizens in -- in
3 general comments, if we have any.

4 We have two major areas that we -- we have
5 special orders and res -- resolutions pending, one
6 with regards to waivers with -- and -- and the --
7 and the square footage -- excuse me. Let me back
8 up.

9 The -- the -- the Kroger expansion in Prospect
10 Village Shopping Center confirming the square
11 footage. We have three resolutions regarding the
12 landscape waivers, both the west, the east, and
13 the south. And we also have a -- a final resolution
14 approving a detailed district development plan,
15 which we have. It's re -- that's Resolution
16 Number 5. And all of those resolutions are in the
17 back.

18 After we consider these, we have a -- a
19 resolution which provides a waiver for the
20 construction of sidewalks and that is in the
21 Prospect Point Shopping Center. I would like to
22 kind of wrap around the -- the citizen com -- well,
23 first, we'll start with the council; then we'll get the
24 citizen on each one of those serially so that we're
25 not confusing all of the comments.

1 Finally, there is a -- a -- a final resolution
2 with regards to the sale of the -- or the sale and
3 purchase of the permanent and construction
4 easements, and we can also take comments on that
5 separately.

6 So what we will do -- and I know Attorney
7 Glenn Price is here, Danny Lethco from Kroger is
8 here, and Scott Hannah from Heritage Engineering
9 is here. I would -- I would think that it might be
10 appropriate for one of you three, or if you want to
11 tag team, to make your presentation now; and then
12 we'll have council questions followed by public
13 questions.

14 MS. SPEAKER: Mr. Mayor, Danny will do
15 our talking.

16 MR. LETHCO: That means it should be
17 shorter. I'm just kidding.

18 Basically -- well, Danny Lethco, 1600 Ormsby
19 Station Court, Louisville 202 -- 40223.

20 What we're presenting tonight, we had the
21 first reading of the -- the ordinances that we
22 needed passed last time.

23 MAYOR EBERLE: Resolutions.

24 MR. LETHCO: Resolutions, sorry. And
25 we had a couple questions that were asked that

1 we've tried to address in between time. And -- and
2 so, basically, what -- what I want to do tonight
3 is -- is talk about those and present the -- the
4 resolutions and present the development plan, and
5 then -- then we can do the comments and
6 everything from there.

7 But, basically, a couple of things that -- that
8 we -- were addressed. Mr. Simon was concerned
9 about Carslaw Court and the maintenance of that,
10 and we contacted the Metro, the city, about that,
11 Jennifer Pomizar [phonetic], I believe is the way
12 you pronounce her name, with Louisville Metro
13 government; and she did indicate that that is a
14 dedicated street and it is their responsibility for
15 maintaining it.

16 And so that's the way we'll approach it in the
17 future when you get calls and when I get calls,
18 and -- and so --

19 MAYOR EBERLE: We'll remember that.

20 MR. LETHCO: -- we'll go from there.

21 I'm sorry to see that Ms. Tucci isn't here.
22 One of the things that we also addressed, and I
23 believe her husband brought up, was they wanted
24 some pervious concrete. Am I saying that right?

25 MR. HANNAH: Something that allows

1 some better drainage.

2 MR. LETHCO: Some better drainage for
3 the plants and things that we will install, and we
4 have included that in our plan. So two of those
5 things have -- have been addressed, and -- and --
6 and I'll point those out on -- on -- on the plans.
7 So if you'll bring that up for me, I can do that.

8 Basically, right -- right in this area, right in
9 here where we were -- the new entrance into the
10 shopping center, that is where the -- the pervious
11 concrete will be added to -- to help the drainage of
12 the -- that plants that -- that -- and bushes, et
13 cetera, that will be planted.

14 The -- as far as some -- some other ish --
15 things, I think, that I pointed out last ta -- time,
16 we have added a lot of trees along the back side of
17 the property because of some neighbors that --
18 a -- a specific neighbor had brought that up that
19 wanted to -- to block the back of the car -- the
20 back of the store from -- from this property back
21 here, so we've added that.

22 And -- and then in addition to that, in trying to
23 help the city with their mobility plan, one thing
24 that Mr. Miles brought up last time, we had put in
25 a 4-foot sidewalk here, but we've actually

1 expanded that to 8 feet.

2 COUNCIL MEMBER MILES: Oh, great.

3 MR. LETHCO: And -- and -- and so we're
4 adding that 8 feet, and running it along the
5 property line of the shopping center so that we
6 would not have to obtain permission from both the
7 car -- the car wash property owner and the
8 Circle K property owner.

9 And I was on the phone with the McDonald's
10 owner today, Mr. Stratton, and he is fine with what
11 we're proposing to do with connecting to the
12 existing sidewalk on -- on the McDonald's property
13 to allow this if that's what you-all want us to do.
14 And -- and so that -- he -- he was excited about it
15 actually. And so that's -- that's what this plan
16 shows.

17 And -- and so those are the -- the things that
18 we've tried to address since the -- the last
19 meeting. If there's anything else that I need to
20 discuss we can do that. Glenn and I are here.
21 Scott's here. We're all one big happy family by
22 now, so, you know, let's -- whatever we need to --
23 to do. Yes, sir.

24 COUNCIL MEMBER MILES: Will the
25 surface of that be concrete?

1 MR. LETHCO: It's actually pavement;
2 isn't it?

3 MR. HANNAH: Well, and we -- that's
4 what I was -- I was thinking asphalt.

5 COUNCIL MEMBER MILES: Okay.

6 MAYOR EBERLE: Yeah, that's -- yeah.

7 COUNCIL MEMBER MILES: I think that
8 was my question; okay.

9 COUNCIL MEMBER ERTEL: And that will
10 correlate well with our mobility study --

11 MR. LETHCO: That's what we tried --

12 COUNCIL MEMBER ERTEL: -- plans.

13 MR. LETHCO: -- to accomplish, Ms.
14 Ertel. And -- and -- and, again, we're somewhat
15 flexible with that. We -- we tried to address the
16 concerns and the -- and what the mobility plan
17 addressed, and that's -- that's why we've done it
18 this way.

19 MAYOR EBERLE: I would think the -- the
20 8-foot would -- would go a long ways to that rather
21 than a 4-foot sidewalk --

22 MR. LETHCO: I agree.

23 MAYOR EBERLE: -- because the -- the
24 idea of our connectivity issues would -- would seek
25 to allow two bicycles to pass each other --

1 MR. LETHCO: Sure.

2 MAYOR EBERLE: -- going in opposite
3 directions, which I -- an 8-foot path will
4 accommodate that barely, but, yeah but it's -- a
5 4-foot sidewalk would not.

6 COUNCIL MEMBER MILES: And if we --
7 I'm not sure if we want -- would want that. We'd
8 have to talk about it. If we thought it would be
9 helpful to put a stripe down the middle of that, is
10 that something that you-guys would be willing to
11 do.

12 MR. LETHCO: Sure.

13 COUNCIL MEMBER MILES: Okay.

14 MR. PRICE: I only had one short thing to
15 add, and that is that the last thing on your agenda,
16 Kroger involves the approval of the detailed
17 district development plan. The plan that you see
18 up on the screen is, obviously, a slightly modified
19 detailed plan from the one that the Planning
20 Commission had, so I guess we ought to tender
21 this into the record at this point --

22 MAYOR EBERLE: Sure.

23 MR. PRICE: -- so that you have the
24 option to approve that plan.

25 MAYOR EBERLE: And I would ask, I

1 think, at this point: The copies of the resolution
2 that we have made, is that -- does that reflect -- I
3 think I put Danny's -- the -- the -- the last one you
4 sent me.

5 MR. LETHCO: Okay. I -- I didn't look,
6 but we can.

7 MAYOR EBERLE: Okay. But I think what
8 we can do with this and with that explanation, if
9 we need to reattach it to the original resolution,
10 that -- and -- and I added that resolution just to
11 clarify exactly what was happening, yeah, so. . .

12 Scott, did you want to do anything, or --

13 COUNCIL MEMBER MILES: I have one
14 quick question.

15 MAYOR EBERLE: Yeah, go ahead.

16 COUNCIL MEMBER MILES: Where the
17 multiuse trail meets Carslaw, will there be a
18 sidewalk cut that will, you know, meet -- meet --
19 come down to the street that would make it
20 handicap accessible?

21 MR. HANNAH: Scott Hannah, Heritage
22 Engineering, 603 North Shore, Jeffersonville,
23 Indiana 47130.

24 You know, that's a detail we can work out.
25 I'm -- I'm planning -- really, I guess you don't

1 really have any plans over here yet, so I would
2 think that we would -- we would circle out, and we
3 would have a -- kind of a larger handicapped area,
4 and that would allow a connection to the Carslaw
5 Court sidewalk, which is a -- a 6-foot sidewalk,
6 and then -- and then to over here, but not build
7 that -- you know, not to put any crosswalks or
8 controlled --

9 COUNCIL MEMBER MILES: Right.

10 MR. HANNAH: -- intersections there.

11 COUNCIL MEMBER MILES: Right.

12 MR. HANNAH: But would have the
13 opportunity later if you-guys came back through.

14 COUNCIL MEMBER MILES: Right. And
15 there's a -- there is or will be a sidewalk -- a
16 6-foot sidewalk on the Carslaw from 42 down to
17 there?

18 MR HANNAH: No, it's actually right --
19 behind our property. It's -- it's right here.

20 COUNCIL MEMBER MILES: Right, but
21 does that go -- does that continue up to 42 or not?

22 MR. HANNAH: No, because that's the
23 ga -- that's the gas station.

24 COUNCIL MEMBER MILES: Okay.

25 MAYOR EBERLE: Because that's not

1 their property.

2 COUNCIL MEMBER LEONARD: That's
3 not their property.

4 COUNCIL MEMBER MILES: Gotcha.
5 Right, right. I didn't know if -- I had forgot if
6 there was --

7 MR. HANNAH: But in -- in the study,
8 there's a -- I mean, there's mention -- it makes
9 mention of a crossing through this area.

10 COUNCIL MEMBER ERTEL: Vehicular
11 crossing.

12 MR. HANNAH: No, a pedestrian
13 crossing, actually. The connection was in this
14 point originally, or in this area per the study.

15 COUNCIL MEMBER MILES: Okay. Well,
16 I appreciate that, putting that cut in.

17 MR. PRICE: This meets the -- the
18 mobility studies goals on the -- that pedestrian
19 connection in -- in -- in the other goals that we
20 talked about last month with -- with regard to the
21 bike connections on. . .

22 MAYOR EBERLE: Any other questions by
23 members of the council?

24 COUNCIL MEMBERS: [no audible
25 response]

1 MAYOR EBERLE: And we will ac -- at
2 this point, accept any comments or questions from
3 members of the public.

4 THE AUDIENCE: [no audible response]

5 MAYOR EBERLE: If we have none, I
6 think we're ready to move through the waivers.
7 And I will rely on the two attorneys who negotiated
8 the language of the waivers.

9 Do you -- should we -- why don't we explain
10 and vote on them serially? That's probably --
11 that's going to be much less confusing. Do you --
12 Glenn, do you want to address Resolution --

13 COUNCIL MEMBER LEONARD: Could I
14 ask that instead of --

15 MAYOR EBERLE: -- Number 1?

16 COUNCIL MEMBER LEONARD: -- just
17 using the language of the waivers, which is
18 magnificent, but for those of us who --

19 MR. PRICE: Talk plain English.

20 COUNCIL MEMBER LEONARD: -- haven't
21 been -- please?

22 MAYOR EBERLE: That's -- that's what --
23 that's what we're asking.

24 COUNCIL MEMBER MILES: Does that
25 cost extra?

1 MR. PRICE: I can -- I can try.

2 MAYOR EBERLE: And just so we're not
3 that intimidated, if you -- especially with
4 Resolution Number 1, I consulted with the city
5 attorney. We -- as we introduce these, all we need
6 to do is read the title and the "Now, Therefore."
7 We don't have to go through all the "Where As,"
8 unless, Loretta, you'd like to do that. I
9 remember --

10 COUNCIL MEMBER LEONARD: The voice
11 of experience.

12 MAYOR EBERLE: Yes, the voice of
13 experience. You've served that well several times.
14 So, Glenn, if you want to talk about
15 Resolution Number 1, which is the expansion in --
16 in footprint.

17 MR. PRICE: Sure. And let's see, so
18 after I talk about it, then, what, Ann reads it in --
19 Ann reads the --

20 MAYOR EBERLE: Or should we read it --

21 MR. PRICE: Whoever reads the summary
22 and --

23 MAYOR EBERLE: Yeah, why don't we
24 read it first?

25 MR. PRICE: Okay.

1 COUNCIL MEMBER SIMON: [reads] A
2 resolution related to the expansion of the
3 existing footprint of the nonresidential structure in
4 the Prospect Village Shopping Center from
5 119,544-square feet to 159,900-square feet and
6 within the Village Center Form District sitted at
7 1509 [sic] Timber Ridge Drive, Block 3304, Lot 1,
8 in the City of Prospect, Kentucky.

9 CITY ATTORNEY POTTS: And then go to
10 the last page and read Section 1.

11 COUNCIL MEMBER SIMON: [reads]
12 Section 1: That the proposed expansion of the
13 structure containing the Kroger grocery store in
14 the Prospect Village Shopping Center from one
15 thousand -- wait a minute, excuse me,
16 119,544-square feet to 159,900-square feet and
17 located at 5907 Timber Ridge Drive, Block 3304,
18 Lot 1, is hereby approved.

19 MAYOR EBERLE: And Section 2, as well.

20 COUNCIL MEMBER SIMON: [reads]
21 Section 2: This resolution shall take effect from
22 and after its passage, signing and publication as
23 required by law.

24 MR. PRICE: Okay. This is -- basically,
25 you will -- everybody will recall what we spent

1 months and months talking about, which was how
2 you can take the Village Center Form District in
3 certain circumstances, expand nonresidential uses
4 that would be considered nonconforming as to the
5 ordinance that is beyond maximum, and the city
6 fi -- adopted unanimously the provision of -- of
7 a -- of an ordinance that changed the text from --
8 of the -- the zoning regulations in Prospect to
9 allow that under certain circumstances.

10 And there are a number of requirements that
11 an applicant would have to meet in order to comply
12 with that ordinance and be available to have it
13 voted on. And that's where we are. I can go
14 through each one of those, but I don't think you
15 want me to because there's a lot of them.

16 But we have complied with every single one of
17 them, and they're all in the findings of fact that
18 the Planning Commission adopted, and I have them
19 with me, and I can read them, if you'd like -- like
20 me to read them.

21 COUNCIL MEMBERS: [no audible
22 response]

23 MAYOR EBERLE: Hearing no response,
24 we'll accept a -- we'll accept a -- a second and --

25 COUNCIL MEMBER ERTEL: Second.

1 MAYOR EBERLE: Loretta Ertel seconds.

2 Any -- any additional discussion among the
3 council?

4 COUNCIL MEMBER MILES: Grover, I
5 know you've been in contact and have looked all
6 this over, and everything meets your approval?

7 CITY ATTORNEY POTTS: Yes.

8 COUNCIL MEMBER MILES: Okay.

9 MAYOR EBERLE: Any further
10 discussion?

11 COUNCIL MEMBERS: [no audible
12 response]

13 MAYOR EBERLE: Hearing none, I will
14 call for the vote on Resolution Number 1. And
15 we'll start with Council Member Leonard.

16 COUNCIL MEMBER LEONARD: Yes.

17 COUNCIL MEMBER SCOTT: Yes.

18 COUNCIL MEMBER ERTEL: Yes.

19 COUNCIL MEMBER MILES: Yes.

20 COUNCIL MEMBER SIMON: Yes.

21 MAYOR EBERLE: And that has been
22 adopted.

23 Alan, do you want to continue to -- to read, or
24 do you want to pass that on?

25 COUNCIL MEMBER SIMON: Okay.

1 MAYOR EBERLE: Resolution Number --

2 COUNCIL MEMBER SIMON: [reads] City
3 of Prospect, Resolution Number 2, Series 2012, a
4 resolution regarding a waiver of Prospect Land
5 Development Code Chapter 10, 10.2.4/Table
6 10.2.3, to omit the required 25-foot west
7 landscaping buff -- buffer area, in parentheses,
8 LBA, within the Prospect Village Shopping Center
9 located at 5907 Timber Ridge Drive, Block 3304,
10 Lot 1, in the City of Prospect, Kentucky.

11 MR. PRICE: Okay. This --

12 MAYOR EBERLE: One more.

13 COUNCIL MEMBER SIMON: [reads]

14 Section 1 --

15 MR. PRICE: Sorry.

16 COUNCIL MEMBER SIMON: -- [reads]
17 that the waiver of Prospect Land Development
18 Code 10.2.1/Table 10.2.3 to omit the 25-foot
19 required west landscaping buffer area, in
20 parentheses, LBA, within the Prospect Village
21 Shopping Center located at 5907 Timber Ridge
22 Drive, Block 3304, Lot 1, Prospect, Kentucky is
23 hereby approved.

24 [reads] Section 2: This resolution shall take
25 effect from and after its passage, signing and

1 publication as required by law.

2 MAYOR EBERLE: Do we have any
3 comments from members of the public?

4 [no audible response]

5 MAYOR EBERLE: And then I will call on
6 Mr. Price again to show where that --

7 MR. PRICE: Okay. The Prospect
8 Village --

9 MAYOR EBERLE: -- waiver --

10 MR. PRICE: -- Shopping Center was built
11 in the year 2000, which is about six years prior to
12 the adoption of the Land Development Code by the
13 City of Prospect. At the time the shopping center
14 was built, it was governed by another code that,
15 as -- as you might imagine, had a more liberal or a
16 less stringent landscaping requirement.

17 The -- the current code has more restrictive
18 and more -- and it requires more landscaping than
19 it -- it required applicant -- zoning applicants to
20 provide prior to the adoptive date. So -- and
21 that -- that not only applies to this requested
22 waiver, but the other two, as well.

23 This one is the wa -- is the landscaping that
24 runs alongside the -- what is the front of the
25 shopping center on Timber Ridge, and it's less

1 than what is the 25-foot minimum now required.
2 It's -- it's about -- actually, about half of that.

3 And because we're dealing with an existing
4 situation, what are we going to do? I mean, you
5 either, you know, take out a whole row of parking,
6 or you, you know, look at what you've got. So
7 that's -- that's the -- the purpose of that request.

8 MAYOR EBERLE: It's currently 12-1/2 it
9 would remain 12-1/2.

10 MR. PRICE: Yes, sir. Yeah, there would
11 be nothing that's -- nothing here is proposed to
12 decrease what is currently there.

13 MAYOR EBERLE: Entertain a second?

14 COUNCIL MEMBER ERTEL: Second.

15 MAYOR EBERLE: Ertel seconds.

16 Discussion among the council?

17 COUNCIL MEMBERS: [no audible
18 response]

19 MAYOR EBERLE: Hearing none, I will
20 entertain a -- a -- a vote. And we'll start with
21 Council Member Simon.

22 COUNCIL MEMBER SIMON: Yes.

23 COUNCIL MEMBER MILES: Yes.

24 COUNCIL MEMBER ERTEL: Yes.

25 COUNCIL MEMBER SCOTT: Yes.

1 COUNCIL MEMBER LEONARD: Yes.

2 MAYOR EBERLE: And we have adopted
3 Resolution Number 2.

4 Alan, do you want to take a breather? Stuart,
5 do you want to --

6 COUNCIL MEMBER SIMON: Okay.

7 MAYOR EBERLE: -- try it?

8 COUNCIL MEMBER MILES: Sure.

9 Number 3, [reads] City of Prospect Resolution
10 Number 2, Series 2012 --

11 MR. PRICE: Resolution Number 3.

12 COUNCIL MEMBER MILES: Oh, excuse
13 me. 3. This isn't very good. I screw it up the
14 first line.

15 [reads] A Series 2012, a resolution regarding
16 a waiver of Prospect Land Development Code
17 Chapter 10, 10.2.4/Table 10.2.3 to omit the 15-foot
18 required east landscape buffer area, parentheses,
19 LBA, abutting an OR-1 zoned property within the
20 proper -- the Prospect Village Shopping Center
21 located at 5907 Timber Ridge Drive, Block 3304,
22 Lot 1, in the City of Prospect, Kentucky.

23 [reads] Section 1: That the waiver of the
24 Prospect Land Development Code, 10.2.4/Table
25 10.2.3, to omit the 15-foot required east landscape

1 buffer area, parentheses, LBA, abutting OR-1
2 zoned property within the Prospect Village
3 Shopping Center located at 5907 Timber Ridge
4 Drive, Block 3304, Lot 1, Prospect, Kentucky is
5 hereby approved.

6 [reads] Section 2: All ordinances, or parts of
7 ordinances, resolutions or parts of resolutions, in
8 conflict with this resolution are hereby repealed.

9 [reads] Section 3: This resolution shall take
10 effect from and after its passage, signing and
11 publication as required by law.

12 MAYOR EBERLE: Any comments or
13 questions from the members of the public?

14 MR. PRICE: Don't you want to know what
15 the English version is?

16 MAYOR EBERLE: Yes.

17 MR. PRICE: Oh, okay.

18 COUNCIL MEMBER LEONARD: Actually,
19 just where is it?

20 MAYOR EBERLE: And -- and --

21 MR. PRICE: Oh, okay.

22 MAYOR EBERLE: -- you're -- you're on
23 now; yeah. This would be at the bottom of the
24 picture; is that correct?

25 MR. PRICE: Yeah. The -- the car wash

1 property is right here, this long one right here.
2 When the car wash property was zoned, only the
3 front half was zoned commercial, and the back
4 half, which is vacant, remained OR-1. When you
5 use commercial --

6 CITY ATTORNEY POTTS: That's office
7 residential.

8 MR. PRICE: Yeah, when -- when the --
9 when the property -- the commercial property abuts
10 the OR-1, there's a 15-foot requirement. Not --
11 and the -- the reason for the waiver request is that
12 we don't have any space for that 15-feet for what
13 we're doing back there in the corner with -- with
14 the drive and the sidewalk and so forth, but it also
15 wouldn't benefit anybody, because it -- it's just
16 basically vacant land right there. And, I mean,
17 there's nobody there to benefit some provision of
18 screening.

19 MAYOR EBERLE: Entertain a motion
20 or -- or a second from a member of the council?

21 COUNCIL MEMBER SCOTT: I'll second
22 it.

23 MAYOR EBERLE: Okay. Scott.
24 Discussion among members of the council?

25 COUNCIL MEMBERS: [no audible

1 response]

2 MAYOR EBERLE: Hearing none, we will
3 start with Counsel Member Leonard, again.

4 COUNCIL MEMBER LEONARD: Yes.

5 COUNCIL MEMBER SCOTT: Yes.

6 COUNCIL MEMBER ERTEL: Yes.

7 COUNCIL MEMBER MILES: Yes.

8 COUNCIL MEMBER SIMON: Yes.

9 MAYOR EBERLE: And we have adopted
10 Resolution Number 3.

11 Resolution Number 4, Stuart, do you want to
12 give it a try again?

13 COUNCIL MEMBER MILES: Are you
14 implying I didn't get it right that last time?

15 MAYOR EBERLE: Well, it's -- it's
16 different ones.

17 COUNCIL MEMBER MILES: [reads] City
18 of Prospect Resolution Number 4, Series 2012, a
19 resolution regarding a waiver of Prospect Land
20 Development Code Chapter 10, 10.4.4.B to allow
21 existing easements to overlap with the required
22 south landscape buffer area, parentheses, LBA, by
23 more than 50 -- 50% within the Prospect Village
24 Shopping Center located at 5907 Timber Ridge
25 Drive, Block 3304, Lot 1, in the City of Prospect,

1 Kentucky.

2 [reads] Section 2 [sic]: That the waiver of
3 the Prospect Land Development Code, Chapter 10,
4 10.4.4.B for existing easements to overlap with
5 required south landscape buffer area,
6 parentheses, LBA, by more than 50% within
7 Prospect Village Center located at 5907 Timber
8 Ridge Drive, Block 3304, Lot 1, Prospect, Kentucky
9 is hereby approved.

10 [reads] Section 2: All ordinances, or parts of
11 ordinances, resolutions or parts of resolutions in
12 conflict with this resolution are hereby repealed.

13 [reads] Section 3: This resolution shall take
14 effect from and after its passage, signing and
15 publication as required -- required by law.

16 COUNCIL MEMBER SIMON:

17 Clarification. Where it says Block 3304, Lot 1,
18 there's no close parentheses.

19 COUNCIL MEMBER MILES: Correct.

20 COUNCIL MEMBER SIMON: So do we
21 need to have a closed parentheses there?

22 CITY ATTORNEY POTTS: Doesn't
23 matter.

24 COUNCIL MEMBER SIMON: Okay. I -- I
25 just wanted to be dotting Is and crossing Ts.

1 COUNCIL MEMBER LEONARD: There's
2 one in front of "Block" but then there's nothing
3 that closes that.

4 MAYOR EBERLE: Oh, on the title?
5 Okay.

6 CITY ATTORNEY POTTS: Doesn't
7 matter.

8 COUNCIL MEMBER SIMON: I just -- I
9 just wanted to be sure.

10 MR. PRICE: Okay. And, Ms. Leonard,
11 for -- for -- I think most of the city council is
12 interested in plantings and green, as I've learned
13 over my months of coming to these meetings. This
14 is kind of an interesting one. It's a new
15 requirement that came out in the new code.

16 And, basically, it's this: Whenever you have a
17 perimeter landscape requirement, a strip of land
18 that's dedicated to basically a green area, what
19 the -- what the regulation says is don't put utilities
20 in that strip more than 50% of the width of the
21 strip; don't -- in other words, don't put utilities
22 covering more than 50% of that width in that area.

23 The reason being that if the -- if you have to
24 get in the service utilities, for example, if they're
25 underground pipes or -- or lines or whatnot.

1 COUNCIL MEMBER LEONARD: You tear
2 up all your trees.

3 MR. PRICE: You tear up the landscape.

4 COUNCIL MEMBER LEONARD: Uh-huh.

5 MR. PRICE: Well, unfortunately, you
6 know, this was built, once again, prior to the
7 adoption of the code which had that requirement in
8 it. And we're already way over the 50%.

9 So it -- it's, once again, an existing
10 circumstance. It will not affect the -- the layout
11 of -- of the landscaping or the look of the center.
12 And, in fact, if -- if any digging ever has to get up
13 in there, Kroger or Helm Enterprises will put it
14 back just the way it was.

15 COUNCIL MEMBER LEONARD: And
16 where are we talking about?

17 MR. PRICE: I'm sorry.

18 COUNCIL MEMBER LEONARD: Where is
19 it on the map?

20 MR. PRICE: Oh, I'm sorry.

21 MAYOR EBERLE: On the McDonald's
22 side?

23 MR. PRICE: No, it's all -- here's Timber
24 Ridge. It's all on here. This is -- this the 50%.
25 Oh, yeah, there you go.

1 COUNCIL MEMBER LEONARD: And 2
2 was not Timber Ridge. 2 was the house -- the
3 housing development.

4 CITY ATTORNEY POTTS: Yeah, you --
5 you had said that 2 was along Timber Ridge, but 2
6 is actually the --

7 COUNCIL MEMBER LEONARD: The
8 housing development.

9 CITY ATTORNEY POTTS: -- the one that
10 is --

11 MR. PRICE: Oh, okay, on Stonefield -- I
12 mean, Smith -- Smithfield Green.

13 COUNCIL MEMBER LEONARD: Maybe we
14 ought to take another vote since our records
15 inaccurately reflect our recollection.

16 CITY ATTORNEY POTTS: We can do
17 that. Again, it's a resolution, but we can -- we can
18 certainly do that.

19 MAYOR EBERLE: So we're reconsidering
20 Number 2.

21 COUNCIL MEMBER LEONARD: Correct.

22 CITY ATTORNEY POTTS: Well, let's vote
23 on Number 4 first, and then let's go back and
24 reconsider Number 2; okay?

25 COUNCIL MEMBER MILES: What kind of

1 utilities are buried under that?

2 MR. SPEAKER: What kind of utilities
3 along Timber Ridge. It's a -- it's a 15-foot electric
4 easement --

5 COUNCIL MEMBER MILES: Okay.

6 MR. SPEAKER: And there's 20 foot of
7 landscape strip there, and there's also a -- a small
8 waterline that runs along that area, but, actually,
9 most of that easement is in the asphalt.

10 COUNCIL MEMBER MILES: Okay. So
11 it's -- basically it's electrical.

12 MR. SPEAKER: Yeah, it's underground
13 electric. I've seen them pull lines through there.
14 They have a manhole on one end, and they just
15 pull lines through.

16 COUNCIL MEMBER MILES: So not quite
17 as likely is a waterline or a sewer line that would
18 have to be dug up.

19 MR. SPEAKER: No, no. Act -- no, they
20 actually -- they have pull boxes --

21 COUNCIL MEMBERS: Gotcha.

22 MR. SPEAKER: -- and they pull them
23 right through.

24 COUNCIL MEMBER MILES: All right.

25 MAYOR EBERLE: Any comments,

1 questions from members of the public?

2 THE AUDIENCE: [no audible response]

3 MAYOR EBERLE: We seconded this one?

4 COUNCIL MEMBER ERTEL: Second.

5 CITY ATTORNEY POTTS: Now, this is a
6 vote on 4. We're going to go back and vote on 2,
7 but this is a vote on 4.

8 MAYOR EBERLE: Seconded by Ertel.

9 Discussion among members of the council?

10 COUNCIL MEMBERS: [no audible
11 response]

12 MAYOR EBERLE: Hearing none, I will
13 entertain a vote, starting with Council Member
14 Simon.

15 COUNCIL MEMBER SIMON: Yes.

16 COUNCIL MEMBER MILES: Yes.

17 COUNCIL MEMBER ERTEL: Yes.

18 COUNCIL MEMBER SCOTT: Yes.

19 COUNCIL MEMBER LEONARD: Yes.

20 MAYOR EBERLE: And, again, the
21 Resolution Number 4 is adopted unanimously.

22 We have a request to reconsider Resolution
23 Number 2.

24 CITY ATTORNEY POTTS: I don't think
25 we need to read it again.

1 MAYOR EBERLE: I think if -- if we have
2 an explanation from Mr. Price as to -- because the
3 reading was correct, and -- and --

4 COUNCIL MEMBER LEONARD: Correct.
5 It was our --

6 MAYOR EBERLE: Are we -- are we okay
7 with that?

8 COUNCIL MEMBER LEONARD: It was
9 our comprehension of the area that he was
10 discussing.

11 MAYOR EBERLE: So would someone like
12 to make a motion for a reconsideration?

13 COUNCIL MEMBER SIMON: So moved.

14 MAYOR EBERLE: Simon.

15 COUNCIL MEMBER LEONARD: Second.

16 MAYOR EBERLE: Second Leonard. And
17 a -- a little bit of a clarification and a
18 re-explanation.

19 MR. PRICE: Yeah, I apologize for my
20 error, first, but when I looked at it, when it said
21 the western side, to me that's Timber Ridge. So
22 I -- I didn't -- I don't know how -- why that's the
23 western -- why that's referred --

24 CITY ATTORNEY POTTS: Because the
25 ri -- river is not east/west.

1 MR. PRICE: That's a good reason. I'll
2 take --

3 MAYOR EBERLE: Let's not get into that.

4 MR. PRICE: All right. Anyhow, we're
5 talk -- we're talking about where it shows here,
6 which is adjacent to the Smithfield Green
7 condominiums, which is the back end of the
8 shopping center.

9 COUNCIL MEMBER MILES: And there's
10 already a big brick wall there.

11 MR. PRICE: There is already -- I believe
12 it's a -- an 8-foot or higher brick wall right there.

13 COUNCIL MEMBER MILES: So can you
14 plan -- paint a mural on that side?

15 MR. PRICE: Well, you can, or --
16 you-guys. . .

17 MAYOR EBERLE: And, again, that -- that
18 buffer involved what, Mr. Price?

19 MR. PRICE: The buffer what?

20 MAYOR EBERLE: The --

21 CITY ATTORNEY POTTS: What was the
22 buffer that was required, the LBA?

23 MAYOR EBERLE: 15, I believe.

24 MR. PRICE: Oh, I think it's 15 feet. The
25 table --

1 CITY ATTORNEY POTTS: 25 foot.

2 MR. PRICE: We're going to omit the
3 whole thing.

4 MAYOR EBERLE: 25-foot buffer and. . .

5 CITY ATTORNEY POTTS: Like a 10-foot
6 wall or an 8-foot wall provides the buffer.

7 COUNCIL MEMBER LEONARD: Right.

8 MAYOR EBERLE: And -- and -- and
9 that -- and that lies within that -- the existing
10 buffer; correct?

11 MR. PRICE: It does.

12 MAYOR EBERLE: Both sides of the wall.

13 MR. PRICE: Yeah, it does.

14 MAYOR EBERLE: Any comments or
15 discussion from members of the public?

16 THE AUDIENCE: [no audible response]

17 MAYOR EBERLE: And comments or
18 discussions from members of the council?

19 COUNCIL MEMBERS: [no audible
20 response]

21 MAYOR EBERLE: We'll start on the vote
22 with Council Member Simon.

23 COUNCIL MEMBER SIMON: Yes.

24 COUNCIL MEMBER MILES: Yes.

25 COUNCIL MEMBER ERTEL: Yes.

1 COUNCIL MEMBER SCOTT: Yes.

2 COUNCIL MEMBER LEONARD: Yes.

3 MAYOR EBERLE: We have adopted a
4 clarified Resolution Number 2, and that puts us to
5 Resolution Number 5. Council Member Leonard, do
6 you want to take a shot at that?

7 COUNCIL MEMBER LEONARD: [reads]
8 City of Prospect Resolution Number 5, Series
9 2012, a resolution approving a revised detailed
10 district development plan proposed by Kroger
11 Company and the owner of Prospect Village
12 Shopping Center with plan attached.

13 MAYOR EBERLE: Section 1, 2, and 3.

14 COUNCIL MEMBER LEONARD: [reads]
15 Section 1 of the revised district development plan
16 approved on February 16th, 2012 by the Louisville
17 Metro Planning Commission and submitted to the
18 Prospect City Council is hereby adopted as shown
19 in Exhibit A attached hereto; and Section 2: All
20 ordinances, or parts of ordinances, resolutions or
21 parts of resolutions, in conflict with this resolution
22 are hereby appealed [sic]; and Section 3: This
23 resolution shall take effect from and after its
24 passage, signing and publication as required by
25 law.

1 CITY ATTORNEY POTTS: And the only
2 change to that is that the revised district
3 development plan as approved on February 16,
4 2012, and as amended and tendered this 16th day
5 of April 2012.

6 MAYOR EBERLE: As amended and
7 tendered to the Prospect City Council. And, again,
8 we can confirm that we have -- on the -- on the
9 copies back there, that we have this. . .

10 CITY ATTORNEY POTTS: Yes.

11 MAYOR EBERLE: Okay. Comments by
12 members of the public?

13 THE AUDIENCE: [no audible response]

14 MAYOR EBERLE: Explanation by Mr.
15 Price. I think --

16 MR. PRICE: That was kind of
17 self-explanatory, I think.

18 MAYOR EBERLE: The -- the attachment;
19 okay.

20 COUNCIL MEMBER ERTEL: Second.

21 MAYOR EBERLE: We have a second by
22 Council Member Ertel.

23 Discussion among the council?

24 COUNCIL MEMBERS: [no audible
25 response]

1 MAYOR EBERLE: Hearing none, we will
2 start with Council Member Leonard on a vote.

3 COUNCIL MEMBER LEONARD: Yes.

4 COUNCIL MEMBER SCOTT: Yes.

5 COUNCIL MEMBER ERTEL: Yes.

6 COUNCIL MEMBER MILES: Yes.

7 COUNCIL MEMBER SIMON: Yes.

8 MAYOR EBERLE: And we have adopted
9 all five resolutions unanimously.

10 I appreciate the -- the-- the patience of the
11 Kroger Company and the Shopping Center and the
12 public and the council. I think we have a -- an
13 excellent -- we've had an excellent dialogue. It
14 has taken maybe longer than some -- an --
15 anticipated, but it was certainly a deliberative
16 process. And I congratulate everyone who has --
17 who's made an effort to bring this to fru -- fruition.

18 We hope -- we hope that it's a good thing for
19 the entire city and it's -- all -- all of its residences
20 and the commercial areas.

21 COUNCIL MEMBER LEONARD: I think
22 one of the things our citizens would like to know
23 is: When's it going to start to happen?

24 MR. PRICE: That's a Danny question.

25 MR. LETHCO: The space -- the retail

1 shop space is supposed to be turned over to us in
2 August, and, hopefully, you'll see some demo of
3 that right after that. So we're -- we're ready to
4 start running.

5 COUNCIL MEMBER SIMON: About how
6 long do you expect the transition to take?

7 MR. LETHCO: About a year.

8 MAYOR EBERLE: I think that's what you
9 had talked about earlier, the year from. . .

10 MR. PRICE: Mr. Mayor and ladies and
11 gentlemen of the council, you know, we've spent a
12 lot -- a lot of time together and a long time -- or --
13 or -- and it's been a long time, but we've made
14 some good friends. And thank you so much for
15 your positive response, and we appreciate it.
16 [applause]

17 MAYOR EBERLE: Shifting gears a little
18 bit, and I -- I thank Mike Carpenter and Jim Lehrer
19 for being patient. They are in the back. And we
20 have before us a -- a Resolution Number 6, which
21 relates to recommendations of the Land
22 Development and Transportation Committee of the
23 Louisville Metro Planning Commission with regards
24 to a building addition to Brownsboro Hardware at
25 Prospect Point Shopping Center.

1 That -- and I know we have counsel for Mr.
2 Carpenter and Mr. Lehrer. Deborah Bilitski is
3 here.

4 And I will just briefly say that with the
5 approval of that by the Land and Development
6 Transportation Committee, there -- it was required
7 that there be a -- a waiver with regards to
8 sidewalks, and I'll let that be explained by Ms.
9 Bilitski --

10 MS. BILITSKI: Sure.

11 MAYOR EBERLE: -- if she will.

12 MS. BILITSKI: Thank you very much.

13 For the record, my name is Deborah Bilitski. My
14 address is 500 West Jefferson Street, Suite 2800,
15 Louisville, Kentucky 40202.

16 And I'm here today representing Warben, Inc.,
17 and Mr. Carpenter is here representing and --

18 MR. LEHRER: Jim Lehrer with --

19 MS. BILITSKI: -- Jim Lehrer, as well.

20 Okay. Good.

21 And I have a few --

22 MAYOR EBERLE: Do you want to put

23 it --

24 MS. BILITSKI: Yeah.

25 MAYOR EBERLE: You can just put it

1 over the --

2 MS. BILITSKI: Well, if -- if they'll let me
3 use their easel.

4 MAYOR EBERLE: Sure.

5 MS. BILITSKI: I don't know if you can
6 see it, though. It's so --

7 MAYOR EBERLE: No, that's -- that's --
8 that's a city easel.

9 MS. BILITSKI: It's tiny. Can you hear
10 me back here, too, if I stand here?

11 Just to orient you: This is River Road right
12 here and Highway 42. The -- the portion of the
13 property that we're talking about here is directly
14 adjacent to the Brownsboro Hardware building.
15 This is very -- I colored it, I'm glad I did, right
16 before I left the office, because I just always like
17 a little color.

18 And so it's a very small addition to the
19 existing shopping center there that is being
20 proposed. It's a 2400-square foot greenhouse
21 addition to the Brownsboro Hardware. And overall,
22 on this por -- just on this portion of the site, it --
23 it's only a 2.4% expansion. It's 2400-square feet.

24 We were required to get a development plan
25 approved, and as part of that, too, we also need to

1 ask for a sidewalk waiver and a Land Development
2 Code waiver to not provide a pedestrian
3 connection through the parking lot to the main
4 building.

5 As I mentioned, it's only a 2.4% expansion of
6 the whole entire -- the building size or square
7 footage on this portion of the site. And, typically,
8 this type of a small addition, which is going -- is a
9 proposed greenhouse addition, it's typical of what
10 you would see at any sort of hardware or home
11 improvement store.

12 It is -- this would typically be considered a --
13 an accessory use; however, in Prospect, in your
14 Development Code, one of the nuances is that
15 you've struck the accessory uses from the C-1
16 zoning district. And the effect of that was,
17 intentional or unintentionally, to eliminate or
18 delete accessory uses from the C-2 zoning district,
19 as well. And this property is in the C-2 zoning
20 district.

21 If it were considered an accessory use, we
22 would not be here asking you for waivers, because
23 for accessory uses you do not need to -- doesn't
24 kick in the sidewalk and pedestrian connection
25 requirements, but it's -- so just a little bit of a

1 unique nuance to your code. Because it's in the
2 Village Center Form District, we had to come here
3 today -- go to LD&T, and then come here today to
4 get your approval for some waivers.

5 COUNCIL MEMBER LEONARD: I'm a
6 little bit confused.

7 MS. BILITSKI: Yes, ma'am.

8 COUNCIL MEMBER LEONARD: If it's an
9 accessory use and if our code doesn't allow it,
10 then how did we get to the point of sidewalks?

11 MS. BILITSKI: Well, how -- you're
12 saying why -- why is it even allowed?

13 COUNCIL MEMBER LEONARD: Yeah,
14 let's start there.

15 MS. BILITSKI: Well, it is allowed as part
16 of the greenhouse -- I mean, excuse me, as part of
17 the hardware store. It's -- it's considered just
18 incidental to the -- to the hardware store. It's like
19 a greenhouse-type use which is allowed, you know,
20 as an incident --

21 COUNCIL MEMBER LEONARD: But it's
22 not an accessory use.

23 MS. BILITSKI: We -- well, typically,
24 Planning Commission would have considered it an
25 accessory use, but because you don't list

1 necessary uses in your code as a permitted use in
2 C-1 and, therefore, C-2, it can't fall in that
3 definition. It's got to fall into the normal just
4 retail use since there's no exception for accessory
5 uses in Prospect. Did that clarify --

6 COUNCIL MEMBER LEONARD: No, it
7 actually made it worse.

8 MS. BILITSKI: Okay.

9 MAYOR EBERLE: Actually, I -- I think we
10 distributed the letter from our council --

11 MS. BILITSKI: I see.

12 MAYOR EBERLE: -- and we have had
13 independent counsel, and -- and the determination
14 that we received from independent counsel,
15 because our city attorney also has Warben as a
16 client, so Mr. Whitty's [phonetic] letter referred to
17 the fact that the -- a -- a retail nursery --

18 MS. BILITSKI: It's a permitted use;
19 correct.

20 MAYOR EBERLE: -- situation would be a
21 permitted use.

22 MS. BILITSKI: Yeah.

23 COUNCIL MEMBER LEONARD: I guess
24 the only thing I'm concerned about: I've heard for
25 many years that prior to the time I was on the city

1 council, that all of these things were struck and,
2 therefore, you couldn't have them in Prospect.
3 And now I'm hearing but you can.

4 Do you know what I'm saying? I'm concerned
5 that all of the other things that were struck --

6 COUNCIL MEMBER SIMON: Well, I think
7 it's on an individual basis. You know, line
8 [phonetic] I looked at -- at -- at the zoning codes,
9 and looked to see, you know, these are things we
10 don't want in this thing, and we excluded them.

11 So it has to come back to us to make that
12 decision. They just can't carte blanche do it.

13 COUNCIL MEMBER LEONARD: Okay.
14 But then what's in front of us is not just
15 sidewalks --

16 MS. BILITSKI: No.

17 COUNCIL MEMBER LEONARD: -- it's
18 that actual use.

19 CITY ATTORNEY POTTS: No, it is. It's
20 just --

21 MS. BILITSKI: No, the actual use is a --
22 is a retail nursery or it's considered as just part of
23 the hardware store. It could fall under either one,
24 both of which are permitted uses in the C-2 zoning
25 district in Prospect. That is -- that's for sure.

1 The -- the only issue -- and I'm sorry. I didn't
2 mean to -- to complicate it by saying this, was that
3 because you don't have accessory uses in your
4 code, we can't get the benefit of that exclusion for
5 accessory uses of kicking in this -- this sidewalk --

6 COUNCIL MEMBERS: Sidewalk.

7 MS. BILITSKI: -- and pedestrian
8 connections. It is -- it is certainly a permitted use
9 under the listing of retail nursery or even as part
10 of the hardware store.

11 COUNCIL MEMBER MILES: So what I'm
12 hearing is it's just what you're --

13 MS. BILITSKI: Does that make sense?

14 COUNCIL MEMBER MILES: -- calling it.
15 You could have called it an accessory use, which
16 is something a step down from what you're having
17 to call it now.

18 MS. BILITSKI: Well, an accessory use is
19 nothing more than just a use that is customarily
20 found in association with. It's defined as
21 subordinate to, on the same site, and customarily
22 found in association with the principal use.

23 COUNCIL MEMBER MILES: Uh-huh.

24 MS. BILITSKI: It -- there -- there isn't
25 one term -- one type of use that's accessory. It's

1 just sort of a general term that's used to define
2 kind of uses that are accessory to the principal
3 use.

4 And, initially, that was what we had thought
5 this would fall within; and then, upon further
6 evaluation, we learned that accessory uses are
7 just not allowed in Prospect in C-1 and, therefore,
8 not allowed in C-2. So we couldn't fall within that.
9 So we had to fall back to what the principal use is,
10 which is retail nursery/hardware store.

11 COUNCIL MEMBER MILES: And by doing
12 that, that brings in the --

13 MS. BILITSKI: Now we have to -- now --
14 any small addition to a building now is going to
15 kick in these requirements, so we're here today to
16 sort of ask for your -- for you to apply some
17 discretion in this situation because of the very,
18 very small nature of this addition and the
19 requirements that are technically kicked in from
20 the development code.

21 COUNCIL MEMBER LEONARD: How
22 large is the addition?

23 MS. BILITSKI: It's 2400-square feet.

24 COUNCIL MEMBER LEONARD: I know,
25 but how wide and how long?

1 MS. BILITSKI: It's approximately
2 24-by-100, give or take a little. It's --

3 COUNCIL MEMBER LEONARD: 24 feet?

4 COUNCIL MEMBER SIMON: So it's going
5 to come back --

6 MS. BILITSKI: Yes.

7 COUNCIL MEMBER SIMON: -- 24 feet
8 from -- from the --

9 MS. BILITSKI: It'll come side --

10 COUNCIL MEMBER SIMON: -- from
11 the --

12 MS. BILITSKI: Yeah, here --

13 COUNCIL MEMBER SIMON: Well, now,
14 wait a minute. There's a -- there's a -- a brick
15 wall that's there. Is it from the brick wall out, or
16 is it from the actual building out?

17 MR. CARPENTER: The building out.

18 COUNCIL MEMBER SIMON: The building
19 out? Okay.

20 MS. BILITSKI: Yeah, it's coming out
21 from the building.

22 COUNCIL MEMBER SIMON: Okay.

23 MS. BILITSKI: It's standing straight out.

24 COUNCIL MEMBER SIMON: Okay.

25 MS. BILITSKI: And then back 100 feet.

1 It doesn't even go the whole depth of the building.

2 COUNCIL MEMBER SIMON: Okay.

3 MAYOR EBERLE: Currently, there is a
4 fence back there that -- and I -- I know --

5 MR. CARPENTER: It's going to come
6 down.

7 MAYOR EBERLE: Yeah. So it -- would --
8 would it be essentially the same width as -- as the
9 fence but come farther forward? Is that --

10 MR. CARPENTER: Have you-all seen the
11 structure?

12 CITY ATTORNEY POTTS: Mike -- Mike,
13 give your name and address.

14 MR. CARPENTER: It's Michael
15 Carpenter, 7418 Cedar Bluff Court, Prospect,
16 Kentucky 40059.

17 Do you mind if I hand this to you?

18 COUNCIL MEMBER MILES: Sure. Where
19 would the sidewalk need to be?

20 MS. BILITSKI: That -- it would -- it's --
21 it's -- actually would be required to be installed
22 along the entire U.S. 42 frontage and the entire
23 River Road frontage. Essentially, it's about 1625
24 linear feet of sidewalk.

25 MR. CARPENTER: Here's what we're

1 proposing. The -- the existing -- the existing
2 fence is about 12 feet. It's coming down. The
3 building is about 190-feet deep. This is going
4 114 feet.

5 If you look at the second picture that doesn't
6 have the greenhouse, this green area, that's where
7 we stop. That's the door that leads into the back
8 part of the hardware store where the propane
9 tanks are.

10 COUNCIL MEMBER LEONARD: What
11 happens to this driveway that everybody uses?

12 MR. CARPENTER: It's plenty wide
13 enough to take it right now. It's -- it's more than
14 sufficient.

15 COUNCIL MEMBER LEONARD: Two cars
16 could pass.

17 MR. CARPENTER: Oh, much, much more.

18 COUNCIL MEMBER LEONARD: Are you
19 going to take out the parking?

20 MR. CARPENTER: That was used for a
21 service stop -- a service area.

22 MS. BILITSKI: No parking is going to be
23 removed at all. The parking stays the same.

24 MAYOR EBERLE: Well, are you -- are
25 you going to take those two or three spaces that

1 are at the -- currently at the front end?

2 MS. BILITSKI: Yeah.

3 MR. CARPENTER: But none along
4 the. . .

5 COUNCIL MEMBER ERTEL: I was under
6 the impression, in reading through this, that it
7 would be more like a garden center at Lowe's, but
8 this looks like an actual greenhouse. So are you
9 going to have, like, the plants and -- or -- or is it
10 going to be more like a garden center or. . .

11 MR. LEHRER: Jim Lehrer with
12 Brownsboro Hardware, 3910 Lime Kiln Lane,
13 Louisville, Kentucky 40222.

14 It is -- we are going to sell green goods.
15 We're not going to be growing anything. There will
16 be -- what I would envision inside would be pots
17 and fertilizer and plants and sprinklers and hose
18 and that sort of thing. That would all encompass
19 green goods.

20 In the fall, we'd probably have pumpkins and
21 mums and that sort of thing, and then at
22 Christmastime we'd have artificial trees and that
23 sort of thing.

24 COUNCIL MEMBER ERTEL: Okay. So
25 this -- this looks like a greenhouse mainly for the

1 clientele for their comfort rather than actually
2 growing.

3 COUNCIL MEMBER LEONARD: Well,
4 except --

5 MR. LEHRER: Correct, it's just --

6 COUNCIL MEMBER LEONARD: -- it's
7 equipped.

8 MR. LEHRER: It's a retail -- it's -- it's to
9 allow plants to survive until they're sold.

10 COUNCIL MEMBER ERTEL: Okay.

11 COUNCIL MEMBER SIMON: The mulch
12 that's all stacked up, would that be all inside the
13 greenhouse now, or --

14 MR. LEHRER: There won't be enough
15 room inside the greenhouse for all of the mulch,
16 but behind -- behind the -- because the
17 greenhouse doesn't go the whole length of our part
18 of the building, it will be kind of behind it, you
19 know, so --

20 COUNCIL MEMBER SIMON: Now when I
21 go over there, it's all on this side of the parking
22 lot across from the building. So it's going to go
23 be -- behind the back of this one now. So it --

24 MR. LEHRER: Correct.

25 COUNCIL MEMBER SIMON: -- it won't --

1 it won't be sitting over in here like it is now.

2 MR. LEHRER: No.

3 COUNCIL MEMBER SIMON: Okay. Good.

4 MR. CARPENTER: We would prefer it not
5 to be.

6 COUNCIL MEMBER SIMON: Okay. Okay.

7 COUNCIL MEMBER SCOTT: I -- I have a
8 question. Going back to little bit to the accessory
9 use --

10 MS. BILITSKI: Sure.

11 COUNCIL MEMBER SCOTT: -- can you
12 give me a couple of examples, I know this is one
13 example --

14 MS. BILITSKI: Uh-huh.

15 COUNCIL MEMBER SCOTT: -- of
16 accessory use, in reference to retail
17 establishments or businesses?

18 MS. BILITSKI: Uh-huh. Well, the one
19 that comes to mind, and it's not a retail
20 establishment, but many day care -- I mean many
21 churches have day care centers that are
22 considered accessory, and other types of
23 activities. You'll see a lot of -- a lot of accessory
24 uses associated with churches.

25 CITY ATTORNEY POTTS: Like a service

1 station that has a car wash. The car wash is an
2 accessory use.

3 MS. BILITSKI: Uh-huh.

4 COUNCIL MEMBER SCOTT: Okay. All
5 right.

6 MS. BILITSKI: Yeah. It's anything that
7 you might typically find in association with
8 principal use. And I'm sorry I'm drawing a blank.

9 COUNCIL MEMBER SCOTT: Like an ATM
10 machine --

11 MS. BILITSKI: Yes, absolutely.

12 COUNCIL MEMBER SCOTT: -- or
13 something like that.

14 MS. BILITSKI: Absolutely that.

15 COUNCIL MEMBER SCOTT: All right. A
16 follow-up question would be: What the -- I guess,
17 Mr. Carpenter, for you: You reference sidewalks.
18 Is -- is there just a big objection from the
19 developer not to have a sidewalk along the front of
20 this?

21 MR. CARPENTER: No, that they wanted
22 us to put sidewalks --

23 MS. BILITSKI: Yeah.

24 MR. CARPENTER: -- down River Road
25 and then all across 42 to the -- in the Dairy

1 Queen. We don't know where the widening of 42 is
2 going to be. We assume some of it's going to come
3 on our side of the highway. We need a turn lane
4 desperately or the acceleration lane, so if we put
5 them in, we may tear them out.

6 MS. BILITSKI: There are two -- two
7 things --

8 COUNCIL MEMBER SCOTT: But -- but
9 they wouldn't be by this greenhouse.

10 MR. CARPENTER: No, it -- it's across
11 the front and -- and -- and down River Road --

12 COUNCIL MEMBER SCOTT: So --

13 MS. BILITSKI: Yeah.

14 MR. CARPENTER: -- which is a pretty
15 lengthy area.

16 MS. BILITSKI: I'll show you. I was
17 getting ready to talk about that. The -- and I'm
18 sorry it's so small and hard to see. But -- yes,
19 that'd be great.

20 The requirement for sidewalks actually would
21 require sidewalks all the way down River Road and
22 all way across U.S. Highway 42. Approximately
23 1600-linear feet of sidewalk would be required just
24 because of this little addition, which we think is
25 disproportional to what -- what the addition is

1 being proposed here.

2 In addition to what -- what Mike said, which --
3 he was mentioning the planned improvements to 42
4 to widen and add a center turn lane, which may or
5 may not include a sidewalk by KTC as part of that.
6 And if we put one in, it could end up being in the
7 wrong place at this point.

8 Also, the Louisville Loop Trail is proposed to
9 come right down along our frontage, so it makes --
10 there -- really no need, would make no sense, and
11 we wouldn't have any room, really, to construct a
12 sidewalk in addition to that.

13 So we think the pedestrian connectivity is
14 really going to be there. And, also, you know, if --
15 if any of that falls through, if there's ever a major
16 redevelopment of this -- this site, like you're
17 seeing over on the other site right before us, that
18 would be the time that would, I think, be more
19 appropriate to look at doing some major
20 improvements if they haven't already been done,
21 which I think you'll find that they -- that they
22 have -- that they will have.

23 MR. CARPENTER: Also, the Highway
24 Department plans to take the jog out of River
25 Road. If you know where those large trees are

1 next to Java, that's state land. They're going to
2 take it straight out to a T. I -- I've heard they
3 could do that next year. They could do that the
4 following year. It's a funding issue.

5 COUNCIL MEMBER SCOTT: Well, my
6 concern was when you're talking sidewalks, I'm
7 thinking here -- here's the proposed building.
8 What -- where's these sidewalks? What -- where's
9 the issue here?

10 MS. BILITSKI: Yeah, right.

11 COUNCIL MEMBER SCOTT: They really
12 are nowhere near here.

13 MS. BILITSKI: No. No.

14 MAYOR EBERLE: And far be it for me
15 to -- to -- to denigrate a sidewalk system, but
16 this -- these two sidewalks, River Road and 42,
17 would not provide any access to the front of any
18 commercial --

19 MR. CARPENTER: No.

20 MAYOR EBERLE: And -- and it -- it
21 would be essentially a -- a sidewalk running along
22 the back and in some -- especially on River Road,
23 the delivery doors.

24 MR. CARPENTER: Sidewalk to nowhere,
25 really.

1 MAYOR EBERLE: Right. No, the
2 mobility study asks that the -- the shopping -- that
3 the shopping areas along here have passage
4 between them, which they don't now. There's
5 fences and walls. And the mobility study would
6 show -- well, it does -- it does have a crosswalk
7 across River Road that goes -- it -- to Sedgewick,
8 but other than that, the idea is to get to, at -- at
9 least from Subway to Dairy Queen.

10 Once you're at Dairy Queen and once you're
11 at Subway, you are in the other shopping centers.
12 And the -- the thrust of the mobility study, at least
13 within that -- within the -- in the village center
14 area, is -- is to get some passage -- shared-use
15 pass preferred between the two big shopping
16 areas.

17 And there's a lot of barriers in between, so --

18 MR. CARPENTER: When they had -- the
19 state had the display of the new deceleration lane
20 at the firehouse, one of the plans took all of our
21 green area. I mean, we had to build a retaining
22 wall, basically, for our parking.

23 So until that's determined, there's really no
24 reason to construct sidewalks out there. We have
25 sidewalks on the interior for pedestrian traffic.

1 COUNCIL MEMBER SIMON: How -- if --
2 if this spot were -- if you look at the original
3 building right there, people come this way and turn
4 to go that way, and people are coming straight and
5 going that way.

6 Now it'll be -- extend the -- the view out a
7 little bit. It cuts off what you can see coming in
8 from River Road, as you're looking -- put maybe a
9 yield sign or something as people are coming this
10 way to stop?

11 MR. CARPENTER: We can certainly do
12 that. I mean, that -- that --

13 COUNCIL MEMBER SIMON: I'm just
14 thinking -- you know, I'm -- I'm thinking people are
15 going this way, coming this way, and there's --

16 MR. CARPENTER: Yeah.

17 COUNCIL MEMBER SIMON: -- and
18 they're just -- they're just going. And I see that
19 all the time there.

20 MR. CARPENTER: yeah.

21 COUNCIL MEMBER SIMON: And now the
22 view's going to be cut back some, so people are
23 not going to be able to see what's going on over
24 here.

25 MR. CARPENTER: Well, the building's

1 going to actually sit back a little bit. But you're
2 right. If we could incorporate something, maybe
3 we can get with the chief and talk about how we
4 can do that. That is a dangerous area because
5 people are coming from all different ways.

6 COUNCIL MEMBER SIMON: And -- and
7 you might want to strike this to put lanes, you
8 know, cars going both ways. Right now it's just
9 haphazard. Everybody's just going all different
10 directions. I'm just looking for a safety aspect
11 here.

12 MR. CARPENTER: I -- I agree with you.

13 COUNCIL MEMBER SIMON: Okay.

14 MR. CARPENTER: I don't have any
15 problem with that all. And beyond the middle of
16 the structure -- this is a standalone structure. It'll
17 have a foundation and a brick wall, but the actual
18 unit will sit on it. It's going to be flashed, so it
19 can go away if the hardware store goes away.

20 But the other thing that -- we're going to have
21 a trench down the middle so they can water the
22 plants. We're going to have to do some drainage
23 all the way back to the catch basin by the
24 dumpster back there. So we could certainly look
25 at -- when we're doing the paving work there,

1 incorporate some kind of striping [phonetic].

2 COUNCIL MEMBER SIMON: Safety
3 issue.

4 COUNCIL MEMBER MILES: How long will
5 the construction take?

6 MR. CARPENTER: It'll probably take us
7 30 days, 45 days to put the -- our structure up,
8 and then Nexus will come in and erect the gla --
9 glass area. Jim, what do you think on that?

10 MR. LEHRER: Yeah, it -- it -- we would
11 hope to start around June and hopefully be
12 finished by August.

13 MR. CARPENTER: It won't take long.

14 COUNCIL MEMBER MILES: And during
15 that construction, you're not gong to be blocking --
16 because a lot of people use that access off of --

17 MR. CARPENTER: No, sir.

18 COUNCIL MEMBER MILES: -- of River
19 Road. You will not be blocking that access while
20 doing construction.

21 MR. CARPENTER: No, sir. It's a wide
22 area, because Winn-Dixie took all their deliveries
23 there.

24 The other thing that we're going to look at
25 doing is drop some ballers [phonetic] around so

1 that people will get it. So it -- we will probably
2 put up some kind of coning or fencing system to
3 keep out of that area when they're coming out of
4 the center.

5 COUNCIL MEMBER MILES: Okay.

6 MAYOR EBERLE: You could, I assume,
7 do the striping before you even start construction
8 to -- to get that -- to get a safe traffic pattern.

9 MR. CARPENTER: Well, we could
10 temporarily, and then -- then --

11 MAYOR EBERLE: Yeah. I mean, that --
12 yeah, I mean, that wouldn't be hard.

13 MR. CARPENTER: Obviously, we -- we
14 don't want to do anything that's going to be an
15 inconvenience to our customer base or his
16 customer base. It'll be a quick process. How long
17 does it take the ordinance to. . .

18 MR. SPEAKER: It's at 60 days to get the
19 actual structure.

20 MAYOR EBERLE: One at a time, but I
21 think we have Council Member Leonard.

22 COUNCIL MEMBER LEONARD: I'm a
23 huge fan of green things, and I'll probably be one
24 of your best customers; but my question's related
25 to: There is a perception of our citizenry that we

1 have some control over --

2 MAYOR EBERLE: Listen, we -- we need
3 to have -- Council Member Leonard is -- has the
4 floor.

5 COUNCIL MEMBER LEONARD: There is
6 a perception on the part of our residents that we
7 have some control over construction and design of
8 the things that are going into Prospect, and yet
9 the only issue relating to this is sidewalks. I
10 guess I'd like a quick definition of what our role is
11 in regard to that.

12 MAYOR EBERLE: Well, the -- the
13 opinion that we received said that it would -- this
14 was a -- was permissible. We do not have a
15 permit.

16 Actually, you were moving toward a permit, I
17 think, because you -- you wrote us a check, and
18 that check expired and we sent it back to you. And
19 you will -- you will be submitting in the -- in the
20 normal course of -- of -- of once -- once you get
21 the waiver, you'll be submitting a detailed plan; is
22 that correct? Yeah. As long as that plan fits --
23 you know, it doesn't violate any of our ordinances,
24 we would, in the normal course, approve that plan.

25 MR. CARPENTER: We have an engineer

1 doing the drainage. You'll have to go downtown
2 and get the draining approved. We're pricing right
3 now the structures and everything.

4 So, yeah, you'll have a complete detailed set
5 of plans.

6 COUNCIL MEMBER LEONARD: So --

7 MAYOR EBERLE: So, I mean, it would
8 just be like -- it would be the -- the normal permit
9 process, and maybe the city attorney --

10 COUNCIL MEMBER LEONARD: Which
11 would not come --

12 MAYOR EBERLE: -- wants to comment
13 on that.

14 COUNCIL MEMBER LEONARD: -- come
15 before the council.

16 MAYOR EBERLE: No.

17 COUNCIL MEMBER SCOTT: The issue --
18 the issue before us right now is to accept this
19 resolution reference to the sidewalk issue.

20 MAYOR EBERLE: Correct; yeah.

21 COUNCIL MEMBER SCOTT: Okay.

22 COUNCIL MEMBER SIMON: Question: Is
23 only plants going in here, only greenery going in
24 here, other than the -- you know, the stuff that's
25 related, like the -- the -- the potting soils and that

1 type of thing? We're not going to have grills or
2 stuff like that sitting in there.

3 MR. LEHRER: There could be, like, patio
4 furniture in there.

5 COUNCIL MEMBER SIMON: Okay.

6 MR. LEHRER: Anything -- I mean,
7 anything lawn and garden that you'd find in
8 someone's back patio.

9 COUNCIL MEMBER SIMON: My concern
10 was that we -- I didn't want to go in there and see,
11 you know, 50 grills sitting in a greenhouse. That
12 was just my consider -- because I just thought if
13 this is going to be for plants basically --

14 MR. LEHRER: It's -- it's a retail garden
15 center and all things related to a retail garden
16 center.

17 COUNCIL MEMBER SIMON: Okay, okay,
18 okay.

19 MR. CARPENTER: And, hopefully, a
20 vegetable, mini palms [phonetic], if we can talk
21 him into it.

22 MR. LEHRER: One step at a time.

23 MR. CARPENTER: Yeah.

24 COUNCIL MEMBER ERTEL: Just a
25 personal concern: Are you going to retain the

1 propane refilling station?

2 MR. LEHRER: Yes.

3 MAYOR EBERLE: And that will be --

4 MR. LEHRER: That will be moved back
5 near the dumpster. We've already gotten approval
6 from the fire marshal as to where that needs to go
7 and so on.

8 MAYOR EBERLE: Because that needs to
9 be fenced; right?

10 MR. LEHRER: Correct.

11 MAYOR EBERLE: Yeah.

12 COUNCIL MEMBER MILES: So I'm
13 guessing, with this expansion, that's telling us
14 that business has been good since you moved to
15 Prospect.

16 MR. LEHRER: We've -- we've enjoyed
17 our stay in Prospect so far; yes.

18 COUNCIL MEMBER MILES: All right.
19 That's good.

20 MAYOR EBERLE: Any other gen --
21 general discussion among council? Any -- any
22 comments or questions from the --

23 MR. KEHLBECK: I just -- I just have
24 one.

25 MAYOR EBERLE: You need to go to the

1 podium. State your name and address.

2 MR. KEHLBECK: Joe Kehlbeck, 7812
3 Cedar Ridge Court, Prospect.

4 And the only question I have is on the
5 entrance. You know, the only entrance into the
6 new area is from within the store.

7 MR. LEHRER: No, there will be --
8 seasonally, we will have a door open to the
9 greenhouse in the front.

10 MR. KEHLBECK: Okay.

11 MR. LEHRER: If you look on that
12 picture, there's a doorway in the front.

13 MR. SPEAKER: All I've got is this map,
14 but there will be an entryway here that we will --
15 just because of staffing and seasonality of that
16 business, in -- in the springtime, that will be open,
17 and there'll be a register that you can check out of
18 the -- out of the garden center and go right out the
19 front.

20 MAYOR EBERLE: Also, you'll be able
21 to -- to go along the --

22 MR. SPEAKER: Either way.

23 MAYOR EBERLE: -- side doors.

24 MR. SPEAKER: Yeah, there will be --
25 there will be two -- two opening from the existing

1 hardware store into the garden center.

2 MR. SPEAKER: And the one external.

3 MR. SPEAKER: And -- and one public
4 access external, there'll be a -- a garage door on
5 one side and a door in the back to go to that
6 fenced-in area.

7 MAYOR EBERLE: Any other comments or
8 questions from members of the public?

9 MR. HENRY: I have one. Joe Henry,
10 8513 Westover Drive.

11 Does this building run from the front of the
12 store back, or does it extend out over to the
13 sidewalk, the sidewalk running in front of your
14 store?

15 MR. LEHRER: No, it'd be flush with the
16 front of the existing building.

17 MR. HENRY: Okay, thank you.

18 MR. CARPENTER: And, again, it's only
19 going to run back probably 70% of the depth of the
20 entire hardware store.

21 MAYOR EBERLE: Any other comments or
22 questions from members of the public?

23 MS. BILITSKI: Mr. Mayor, I do have one
24 point of clarification on the resolution. There --
25 there needs to be added, if you don't mind, a

1 Section 3 relating to the approval of the revised
2 detailed district development plan which was
3 amended from this ordinance.

4 I would propose that you add a -- a new
5 Section 3 to read that the revised detailed district
6 development plan approved by the Land
7 Development and Transportation Committee of the
8 Planning Commission on March 8th, 2012 in Case
9 Number 17053 for the Prospect Point Shopping
10 Center at 9509-9547 U.S. Highway 42 is hereby
11 approved. It's just omitted from the. . .

12 MAYOR EBERLE: You're suggesting that
13 we change existing Section 3 and make that
14 Section 4.

15 MS. BILITSKI: Yes; correct.

16 MAYOR EBERLE: Okay.

17 CITY ATTORNEY POTTS: The same
18 section that we had for the detailed district
19 development plan for Prospect Village; in other
20 words, it'll basically parrot that language.

21 MS. BILITSKI: We -- we would be happy
22 to --

23 MAYOR EBERLE: And you have that --
24 you -- you read it. We have it on the record, but
25 you -- you -- you have that written out?

1 MS. BILITSKI: I -- I -- yes.

2 MAYOR EBERLE: You can provide us
3 with that to --

4 MS. BILITSKI: I can provide you with
5 that; yes.

6 MAYOR EBERLE: And can --

7 MS. BILITSKI: Happy to do that.

8 MAYOR EBERLE: -- and -- and can
9 you --

10 MS. BILITSKI: First thing in the
11 morning.

12 MAYOR EBERLE: We will entertain a
13 first reading of this, and we will let you read in the
14 record the new Section 3; and then whoever reads
15 it here will read the current Section 3 as
16 Section 4. Does that make sense?

17 COUNCIL MEMBER ERTEL: Uh-huh.
18 And, Grover, you're agreeable to this new
19 Section 3?

20 CITY ATTORNEY POTTS: And, again,
21 remember, I represent Warben, also. So --

22 MAYOR EBERLE: Right.

23 CITY ATTORNEY POTTS: -- but this --
24 this is just an administrative function on the
25 resolution.

1 MAYOR EBERLE: Okay.

2 COUNCIL MEMBER LEONARD: Can I ask
3 one other question? When we went through all
4 the discussion in regard to Kroger about the
5 expansion and their size, you brought up a number
6 of questions about Prospect Point. How large can
7 the other shopping centers expand and still be in
8 compliance what -- with whatever laws exist
9 regarding their size?

10 CITY ATTORNEY POTTS: Well, the --
11 the --

12 COUNCIL MEMBER LEONARD: Yeah,
13 it's -- it's not about Brownsboro. It's just --

14 CITY ATTORNEY POTTS: Prospect
15 Village Shopping Center, the reason that that had
16 to be -- expansion of that center was that there --
17 it applies to centers that have -- that were
18 constructed prior to the time that this ordinance
19 took effect, and ours took effect in 2006, and that
20 exceeded 70,000-square feet in a single structure.

21 COUNCIL MEMBER LEONARD: Okay.

22 MAYOR EBERLE: Remember the --

23 COUNCIL MEMBER LEONARD: Right, I
24 remember.

25 MAYOR EBERLE: -- roof -- yeah.

1 CITY ATTORNEY POTTS: And so the --
2 there isn't any set formula as to how they can --
3 we have adopted that says you can go 35%, I think
4 is what we --

5 COUNCIL MEMBER ERTEL: 37.

6 CITY ATTORNEY POTTS: 37%, whatever
7 it was, in order to do that with Kroger, but it's on
8 a case-by-case basis. There's no --

9 COUNCIL MEMBER LEONARD: Right,
10 but my question is: How large, for example, could
11 Prospect Point get? How much could they expand?

12 CITY ATTORNEY POTTS: Well, I'm not --
13 I'm not sure --

14 COUNCIL MEMBER LEONARD: And
15 asking another way: What would limit their
16 expansion?

17 CITY ATTORNEY POTTS: Parking.

18 COUNCIL MEMBER LEONARD: Parking;
19 okay.

20 COUNCIL MEMBER SIMON: Yeah, you'd
21 have to have so much parking per square footage,
22 and if you don't have that space, you can't expand.

23 COUNCIL MEMBER LEONARD: So those
24 requirements in regard to parking are -- are not
25 ones that we've implemented. They're the ones

1 that are coming from Metro.

2 CITY ATTORNEY POTTS: No, they're --
3 they're the ones that are in the planning --

4 MAYOR EBERLE: We've adopted them.

5 COUNCIL MEMBER LEONARD: So we've
6 adopted it; right. Okay.

7 CITY ATTORNEY POTTS: They're in the
8 Land Development Code as we have adopted it.

9 COUNCIL MEMBER LEONARD: Okay.

10 CITY ATTORNEY POTTS: They were
11 initiated in the Land Development Code as
12 approved by Metro.

13 MAYOR EBERLE: Even though the total
14 square footage between the two shopping centers,
15 thee -- the -- the total retail space may be
16 somewhat similar, if you recall, we had to amend
17 our form district --

18 COUNCIL MEMBER LEONARD: Right.

19 MAYOR EBERLE: -- to accommodate
20 there, because it was all under one roof.

21 COUNCIL MEMBER LEONARD: Right.

22 MAYOR EBERLE: And at Prospect Point,
23 it is not under one roof. It's -- it's an L-shape and
24 then a -- another.

25 COUNCIL MEMBER LEONARD: Right.

1 MAYOR EBERLE: So if -- if those were
2 connected, I -- we'd have to come under our new --
3 our new square footage. I would say this being
4 part of the L-shape, you know, the hardware store,
5 around post office, and then Panda Express or
6 whatever is back --

7 COUNCIL MEMBER LEONARD: Right.

8 MAYOR EBERLE: -- Dr. Kasden or
9 whatever --

10 COUNCIL MEMBER LEONARD: Uh-huh.

11 MAYOR EBERLE: -- that that portion
12 could come under the total square feet if -- but I --
13 you'd have to take more parking spaces --

14 CITY ATTORNEY POTTS: But we don't
15 have space.

16 COUNCIL MEMBER LEONARD: Yeah.

17 MAYOR EBERLE: -- then you could do
18 it --

19 COUNCIL MEMBER LEONARD: And there
20 aren't --

21 MAYOR EBERLE: -- in order to --

22 COUNCIL MEMBER LEONARD: Right.

23 MAYOR EBERLE: -- in order to expand --

24 COUNCIL MEMBER LEONARD: I
25 understand.

1 MAYOR EBERLE: -- in order to expand
2 that portion that much.

3 MR. CARPENTER: Right. We're -- we're
4 happy with our footprint.

5 Can I ask you a question, Mr. Mayor? We --
6 we wanted -- we got a six-day lead time on the
7 Nexus unit that's gong to sit on our foundations.
8 When will this be approved?

9 CITY ATTORNEY POTTS: Today.

10 MR. CARPENTER: It will be approved
11 today? Okay. Great.

12 MAYOR EBERLE: Either -- well, it will
13 be either be approved or -- or denied.

14 MR. CARPENTER: Right.

15 MS. BILITSKI: We're being optimistic.

16 MR. CARPENTER: Thank you.

17 COUNCIL MEMBER MILES: One quick
18 question: So this two per -- 2.5% expansion --

19 MS. BILITSKI: Yes.

20 COUNCIL MEMBER MILES: -- of this
21 building --

22 MS. BILITSKI: Yes.

23 COUNCIL MEMBER MILES: -- is not big
24 enough to trigger extra parking.

25 MS. BILITSKI: It -- there was enough.

1 There's a minimum and maximum parking --

2 COUNCIL MEMBERS: Uh-huh.

3 MS. BILITSKI: -- set forth in the code,
4 and it still fell within that. It -- it -- I think it
5 would have required -- well, let me tell you. I
6 don't want to guess.

7 The minimum and max -- minimum's 379
8 spaces, maximum's 564, and provided is 473, so
9 there's a -- there's plenty of leeway --

10 COUNCIL MEMBER MILES: You have a
11 buffer in there.

12 MS. BILITSKI: -- in between there; yeah.

13 COUNCIL MEMBER MILES: Okay.

14 MS. BILITSKI: Yeah.

15 COUNCIL MEMBER MILES: Okay.

16 MAYOR EBERLE: Any other comments
17 from the members of the public? Questions?

18 MR. HENRY: Okay. Again, Joe Henry,
19 8513 Westover Drive. Pardon me just a second.

20 MS. BILITSKI: Sure.

21 MR. HENRY: I'm questioning this glass
22 building, the -- the greenhouse. You said this is
23 front of the building. What you're -- what I'm
24 asking is the sidewalk that runs in front of his
25 store, does the store -- does the glass building

1 come all the way out that sidewalk. Is it all -- is it
2 back to the offset, is what I'm trying to ask you?

3 MR. SPEAKER: Yeah, this is an artist
4 rendering, and it's a little -- you're right. It's a
5 little confusing. It's really set back, so that the
6 sidewalk would walk all the way in the front.

7 MR. HENRY: Okay.

8 MR. SPEAKER: So if you -- if you -- if
9 today this is the hardware store, and here's the
10 entrance to the hardware store today, the
11 greenhouse will be like this --

12 MR. HENRY: Okay. Now --

13 MR. SPEAKER: -- and then that sidewalk
14 will be like that.

15 MR. HENRY: So you will extend the
16 sidewalk.

17 MR. SPEAKER: I -- that's the plan as I
18 under -- that -- well, the -- yeah, that walkway
19 area will be extended; yes.

20 MR. CARPENTER: Okay. It'll be -- it'll
21 be part of the project.

22 MR. HENRY: All right. Thank you.

23 MS. RIGGS: Elsa Riggs, 6521 Harrods
24 View Circle. I have a --

25 THE REPORTER: I'm sorry. Can you --

1 could -- didn't hear you. Say your name again.

2 MS. RIGGS: Elsa Riggs --

3 THE REPORTER: Thank you.

4 MS. RIGGS: -- 6521 Harrods View Circle.

5 Is this a prefab structure?

6 MR. LEHRER: I'm not sure what the
7 definition of pre -- it's -- it's custom made.

8 MS. RIGGS: It's custom made.

9 MR. LEHRER: Yes.

10 MS. RIGGS: How much merchandise are
11 you going to keep out on that sidewalk?

12 MR. LEHRER: In the front?

13 MS. RIGGS: Uh-huh. You've got -- it
14 looks like, from the artist's rendering, you're going
15 to display your merchandise out on the sidewalk.
16 How are people going to walk?

17 MR. LEHRER: I believe that there's -- I
18 don't know how wide that sidewalk is in the front.
19 I believe it's --

20 MR. CARPENTER: I think it's about 8
21 feet.

22 MR. LEHRER: -- 8 feet. We may have
23 some plantings out front, just so people realize
24 what this structure is and --

25 MS. RIGGS: Okay.

1 MR. LEHRER: -- what goes in there.

2 But, certainly, we wouldn't want to impede
3 anybody's getting in and out.

4 MS. RIGGS: Well, I think people
5 shouldn't walk on the street. They should walk on
6 the sidewalk. Thank you.

7 MR. LEHRER: Right.

8 MAYOR EBERLE: Any other public
9 comment, questions?

10 THE AUDIENCE: [no audible response]

11 MAYOR EBERLE: Any other general
12 discussion, points of information on -- by members
13 of the council?

14 COUNCIL MEMBER SIMON: I -- I -- one
15 more question: What kind -- is there going to be
16 lighting in there where that's going to be lit up at
17 night?

18 MR. LEHRER: There will be lighting in
19 there for when the store is open. It's obviously
20 dark out and whatnot. There will probably be some
21 security lighting in there.

22 COUNCIL MEMBER SIMON: So, I mean,
23 at night it's not going to be just lit up like --

24 MR. LEHRER: No, it's not going to be --

25 COUNCIL MEMBER SIMON: Okay.

1 MR. LEHRER: Right.

2 COUNCIL MEMBER SIMON: Okay.

3 MAYOR EBERLE: And it's down lighting?

4 MR. LEHRER: Correct.

5 MAYOR EBERLE: It's all down.

6 COUNCIL MEMBER SIMON: Okay.

7 MAYOR EBERLE: I think that ha -- that's
8 a requirement; right? So we wouldn't -- we
9 wouldn't grant the permit showing anything other
10 than down lighting.

11 COUNCIL MEMBER SCOTT: Have -- have
12 you had any feedback from your neighbors, like the
13 restaurant and the party store and those folks?
14 Have they talked to you about it or do they know
15 about it or. . .

16 MR. LEHRER: I believe they know about
17 it.

18 MR. CARPENTER: Yeah, they know
19 about it. Everybody's fine with it. We think it's
20 going to be a nice addition. It's something that
21 Prospect doesn't have. It's -- we have -- we have
22 no issues with other tenants on it.

23 COUNCIL MEMBER SCOTT: Okay, thank
24 you.

25 MAYOR EBERLE: I'll entertain a -- a --

1 a -- or a first read of the -- of Resolution
2 Number 7.

3 COUNCIL MEMBER SIMON: So moved.

4 A resolution authorizing --

5 MAYOR EBERLE: Hold on. Number 6.

6 COUNCIL MEMBER SIMON: [reads] A
7 resolution regarding waivers of Section 5.1
8 point -- excuse me, 5.8.1 and Section 5.9.2.A.1.b.i
9 of the Prospect Land Development Code to not
10 construct sidewalks and pedestrian connection
11 within the Prospect Point Shopping Center located
12 at 9509 to 9547 U.S. Highway 42 in the City of
13 Prospect, Kentucky, in parentheses, Case Number
14 17053.

15 MAYOR EBERLE: And Section 1, flip it
16 over to the next page.

17 COUNCIL MEMBER SIMON: [reads]
18 Section 1: That waiver of Prospect Land
19 Development Code Section 5.8.1 to not construct
20 sidewalks along U.S. Highway 42 and River Road
21 within the -- the Prospect Point Shopping Center
22 located at 9509 to 9547 U.S. Highway 42,
23 Prospect, Kentucky is hereby approved.

24 [reads] Section 2: That the waiver of
25 Prospect Land Development Code Section 5.9

1 point -- 5.9.2.A.1.b.i to provide a pedestrian
2 connection from U.S. Highway 42 to the main
3 building within the Prospect Point Shopping Center
4 located at 9509 to 9547 U.S. Highway 42,
5 Prospect, Kentucky is hereby approved.

6 MAYOR EBERLE: And now we have Ms.
7 Bilitski will read the new Section 3.

8 MS. BILITSKI:: And you wanted that to
9 mirror exactly what was in the other ordinance;
10 okay. [reads] Section 3: That the revised District
11 Development Plan approved on March 8th, 2012, by
12 the Land Development and Transportation
13 Committee of the Louisville Metro Planning
14 Commission and submitted to the Prospect City
15 Council is hereby adopted as shown in Exhibit A --
16 which I will hand to you momentarily -- or it's
17 actually this -- attached hereto.

18 CITY ATTORNEY POTTS: Okay. And
19 then you do --

20 COUNCIL MEMBER SIMON: [reads]
21 Section 4: This resolution shall take effect from
22 and after its passage, signing the pub -- and
23 publication as required by law.

24 MAYOR EBERLE: Do we have a second?

25 COUNCIL MEMBER ERTEL: Second.

1 MAYOR EBERLE: Ertel second.

2 Discussion?

3 COUNCIL MEMBERS: [no audible
4 response]

5 MAYOR EBERLE: With no further
6 discussion, we will start with Council Member
7 Simon.

8 COUNCIL MEMBER SIMON: Yes.

9 COUNCIL MEMBER MILES: Yes.

10 COUNCIL MEMBER ERTEL: Yes.

11 COUNCIL MEMBER SCOTT: No.

12 COUNCIL MEMBER LEONARD: Yes.

13 MAYOR EBERLE: And passes sec --

14 Resolution Number 6, four to one.

15 The next item on the agenda, I think we're --

16 MS. BILITSKI: Thank you very much.

17 MAYOR EBERLE: Thank you.

18 MS. BILITSKI: I'm making sure you were
19 finished with me.

20 MAYOR EBERLE: And we'll look forward
21 to getting that new language.

22 The next item on the agenda -- agenda is a
23 consideration of authorization to enter into
24 agreements for the sale of easements in real
25 estate. This pertains to the negotiated settlement

1 that we have achieved with the Metropolitan Sewer
2 District.

3 We approved their offer, if you recall, after
4 discussion in executive session. We returned to
5 open session, discussed the offer -- offer in open
6 session, and accepted their offer at the May 19th
7 meeting, May 19th? Or, no, March 19th.

8 Since that time, the Metropolitan Sewer
9 District Board has met. They met on March 26th,
10 and they ob -- they accepted our accept -- they
11 confirmed our acceptance of -- of -- of their offer.

12 I have now received documents from the
13 Metropolitan Sewer District that they have asked
14 me to sign, and I felt that was appropriate that we
15 enact a resolution authorizing me to -- to formally
16 enter into those -- those agreements. It is the
17 general agreement and also a certificate of
18 easement that I -- that I would need to sign.

19 COUNCIL MEMBER LEONARD: And
20 there's been no change in any of the terms or
21 conditions.

22 CITY ATTORNEY POTTS: And we -- and
23 we can go through those, if you would like. It may
24 be --

25 COUNCIL MEMBER LEONARD: People

1 might like to know what they are.

2 CITY ATTORNEY POTTS: Okay. There
3 is approximately 2 acres that will be taken for a
4 20-foot-wide permanent sewer easement. The
5 actual square footage is 89,261-square feet of
6 permanent easement.

7 We will still -- the City of Prospect will own
8 that property, but the easement will be granted to
9 the Metropolitan Sewer District so that they can
10 put their sewer within that permanent easement.
11 And for that, they are paying Prospect \$35,860.61.

12 In addition, they are acquiring a temporary
13 easement of 25 feet on each side of the permanent
14 easement during the course of their construction,
15 and that easement, once construction is
16 completed, will go away. And for that, they are
17 paying \$48,382.44 for a period not to exceed two
18 years, which is the estimated outside construction
19 time for the installation of that sewer.

20 They are -- as a result of taking both of these
21 easements, there will be approximately 9 acres
22 that will need to be cleared for both the permanent
23 easement and the construction easement, and they
24 were going to contribute \$37,000 to the City of
25 Prospect for the cost of reforest -- reforestation of

1 that area over which the easement will be
2 constructed.

3 They're going to deactivate the plant that's
4 located off of Montero Drive. And as part of their
5 compensation to the City of Prospect, they'll
6 repair and resurface the access road from Montero
7 Drive to the existing sewer facility.

8 Once they take that sewer facility down, they
9 will construct an approximately 75-foot-by-75-foot
10 parking lot on that site. They will leave the
11 existing structure; that is, a small brick building
12 that's adjacent to their facility. They will leave
13 that.

14 They are going to -- in the area where the
15 sewer line is going to be constructed, they are
16 going to regrade the limits of that disturbed area
17 to try and elevate a 10-foot wide and, perhaps up
18 to 24-foot -- 24 inches, rather, high berm within
19 the flood plain so as to allow for the construction
20 in the future of a pathway along that berm.

21 That's outside of their construction
22 requirements for the sewer. And so as a result of
23 that, the estimated cost of that, which is estimated
24 at \$8,000, will be deducted from the amount that
25 they will pay to the city. They have the standard

1 erosion protection and a one-year warrantee
2 during -- that the contractor will be responsible for
3 for repairs.

4 As I said, the lagoon will be de --
5 decommissioned within 180 days after the new
6 system is up and running and the flow has been
7 diverted from it. That 75-foot-by-75-foot parking
8 lot that will be where that lagoon is located now is
9 going to be gravel. It's not going to be, at this
10 point, anyway, asphalt. We can do that at our own
11 money if we wanted to, but we think asphalt is --
12 or the -- the gravel is an appropriate surface.

13 COUNCIL MEMBER MILES: Can I just
14 correct you there? The -- the -- the parking lot's
15 going to be where the current parking lot is now.

16 CITY ATTORNEY POTTS: I'm sorry,
17 where the current parking lot, not the lagoon;
18 right.

19 COUNCIL MEMBER MILES: Yeah.

20 CITY ATTORNEY POTTS: There will be
21 some stream crossings that will be required in
22 order for them to put in the sewer system. We're
23 going to be allowed to use those stream crossings
24 in the event that we want to construct a light
25 bridge that will be a permanent bridge after the --

1 the sewer line is -- is installed.

2 And they will -- on the disturbed areas, in
3 addition to putting in the -- the -- or getting the
4 money for the tree replacement, they will seed and
5 straw utilizing native -- native seed mix per their
6 standards.

7 The only other kind of oddity here is that
8 there is a -- an existing heron rookery that's on
9 Harrods Creek that's near where this construction
10 is going to be. They have had continuing
11 conversations with the Department of Natural
12 Resources, and they're going to make all
13 reasonable efforts to minimize any disruption of
14 the -- of the rookery.

15 At the end of the day, with what work they're
16 going to be doing outside of what they would have
17 normally done, the City of Prospect will get
18 \$108,743.05, and MSD will have its contractor
19 \$12,500 worth of additional work.

20 So the total, if you wanted to try to do that, is
21 about 121,000-some-odd dollars that MSD is going
22 to provide to us as a result of the taking.

23 COUNCIL MEMBER LEONARD: Actually,
24 I'd like to thank Council Member Miles and City
25 Attorney Grover Potts. This was a very

1 complicated issue, and it was one that our
2 fledgling parks department cares passionately
3 about. And I think that they've both done a
4 fantastic job.

5 COUNCIL MEMBER SIMON: Ditto.

6 MAYOR EBERLE: Second that.

7 COUNCIL MEMBER SIMON: Ditto.

8 MAYOR EBERLE: Right. It took awhile,
9 yeah, so -- and there were a lot of issues as -- as
10 City Attorney Potts has -- has reviewed for us.

11 COUNCIL MEMBER SIMON: Again, if
12 nobody's walked that area with the new park that's
13 down there, it's actually magnificent, if you
14 haven't been down through the -- the Harrods
15 Creek Park.

16 MAYOR EBERLE: And aside from the --
17 the disturbance that will occur during
18 construction, the end result will be even better.
19 We will have -- we'll have a true, very accessible,
20 and usable natural area, a second one, to go with
21 Putney Pond, so. . .

22 COUNCIL MEMBER MILES: I had -- back
23 when I lived in Butchertown, I was on the
24 neighborhood association, and I worked with MSD
25 to create a park and a bike trail along Bear Grass

1 Creek. And that was an example of what I knew
2 MSD was capable of, and they were a good partner
3 in this.

4 They really brainstormed with us of how we
5 can maximize what could be seen as a negative
6 thing. Obviously, losing trees is -- is a bad thing,
7 and worked with them to see how we could get
8 some synergy with them having all that equipment
9 back there and what they're doing.

10 And it's really going to take a trail we have
11 now, which is a lovely trail, but make it one that is
12 less prone to flooding, that will get the viewer up
13 a little higher to be able to see the creek better,
14 and -- which will -- when we're done, will have a
15 planned forest.

16 Right now, most of the trees that'll be taken
17 are box elders, which are of kind of thought of as
18 garbage trees. And we're going to have a -- a lot
19 money to put really nice trees in there and have
20 our forestation committee do a planned park,
21 something, I think, which will rival what they're
22 doing at Floyds Fork.

23 So I really commend MSD for what they've
24 done. I think that when this is done, this is going
25 to take something that's a -- is really a beautiful

1 park and make it even better. It's going to make it
2 more accessible to people that we have in our city
3 who might be handicapped or might be -- have
4 inability with mobility because they'll be able to
5 have parking close to it. And I'm -- I'm real
6 excited about it.

7 MAYOR EBERLE: Any other inquiries or
8 comments from members of the council?

9 COUNCIL MEMBERS: [no audible
10 response]

11 MAYOR EBERLE: Any comments from the
12 members of the public?

13 MR. FULKER: Frank Fulker, 6914 Wythe
14 Hill Circle.

15 Two questions: Where is it? You know, I've
16 heard all this. Where is it?

17 MAYOR EBERLE: Well, it's a huge sign
18 on Montero.

19 MS. SPEAKER: It's where that little sign
20 is.

21 MR. FULKER: Well, that's -- that's fine.

22 COUNCIL MEMBER MILES: Here, Frank.
23 Here you go. We'll give you a map.

24 MR. FULKER: Okay. Thank you.

25 COUNCIL MEMBER MILES: In fact, I'd

1 be happy to give you a personal tour, if you'd like
2 to have me show it to you.

3 COUNCIL MEMBER SIMON: He's talking
4 the sewer line.

5 COUNCIL MEMBER MILES: Oh, the
6 sewer line or the park?

7 MR. FULKER: Yeah. No, the sewer line.

8 COUNCIL MEMBER MILES: Okay. Have
9 you been in the park?

10 MR. FULKER: Yeah, I've lived here 31
11 years. I've been all over this place.

12 COUNCIL MEMBER MILES: Okay. But
13 have you been in --

14 MR. FULKER: No, not since the trails
15 have been developed.

16 COUNCIL MEMBER MILES: Okay.

17 MR. FULKER: But I know -- I know where
18 the -- I know where the -- the sewer plant is.

19 COUNCIL MEMBER MILES: Right. It's --

20 MR. FULKER: I'm just wondering
21 whether it's coming up through Hunting Creek Golf
22 Course or --

23 COUNCIL MEMBER MILES: It goes --

24 MR. FULKER: -- across the creek or --

25 COUNCIL MEMBER MILES: No, it goes --

1 it parallels the creek, all along the creek, up the
2 creek, all that property we own, and then it
3 crosses over the creek. There's a finger of land
4 that comes down, and it just crosses over the
5 creek and goes over to the other side of the creek
6 in Oldham County.

7 MR. FULKER: And there's a pumping
8 station over there or something.

9 COUNCIL MEMBER MILES: It is -- if
10 you've ever gone up I-71 towards Lexington?

11 MAYOR EBERLE: Not -- not 71 to
12 Lexington.

13 COUNCIL MEMBER MILES: Or excuse
14 me. 71 to Cincinnati, there's a pumping station on
15 your right about three miles up 71, and that's
16 where the pipe line's leading to.

17 MR. FULKER: Okay. Now, what -- and
18 this may depart a little from -- from the specific
19 issue, but the plans for the other plant shutdown,
20 the one that's, you know, proximate to my house,
21 which is the close one right down Happy Hollow
22 Road.

23 COUNCIL MEMBER MILES: Right.

24 MR. FULKER: What -- what are --

25 CITY ATTORNEY POTTS: Those will all

1 be shut down, as well.

2 COUNCIL MEMBER MILES: Right,
3 they're all --

4 MR. FULKER: Is there -- is there a time
5 frame for that?

6 COUNCIL MEMBER MILES: I believe
7 they have to have everything done -- they have a
8 consent decree that everything has to be done by
9 two -- by the end of 2015. But from talking to
10 them, they want to get it done -- they don't want to
11 be -- because they have huge penalties they have
12 to pay, and they have to show progress, that
13 they're -- they're moving towards that.

14 So my impression is -- is that they want to
15 have all of this done by 2014.

16 MR. FULKER: Thank you.

17 MAYOR EBERLE: I'll entertain a -- a -- a
18 reading of Resolution Number 7. Anybody want to
19 volunteer?

20 COUNCIL MEMBER SCOTT: I think
21 Stuart out to read it.

22 COUNCIL MEMBER MILES: And, again,
23 the same, I just read the beginning and then --

24 MAYOR EBERLE: Right, the title and
25 the --

1 COUNCIL MEMBER MILES: Gotcha.

2 MAYOR EBERLE: -- and the operative --
3 yeah.

4 COUNCIL MEMBER MILES: All right.

5 [reads] City of Prospect Resolution Number 7,
6 series 2012, a resolution authorizing the Mayor of
7 the City of Prospect to enter into an agreement
8 relating to the sale of permanent and temporary
9 easements on city-owned lands to the Louisville
10 and Jefferson County Metropolitan Sewer District.

11 [reads] Now, therefore, be it resolved by the
12 City Council of the City of Prospect that the City
13 of Prospect hereby authorizes the Mayor of the
14 City of Prospect to enter into an agreement for the
15 sale of permanent and temporary easements, to
16 execute related documents, and to take any other
17 actions necessary to finalize the sale of the er --
18 a -- aforementioned easement agreements here --
19 here -- heretofore approved by the City Council of
20 the City of Prospect.

21 [reads] Read, passed and adopted at
22 Prospect, Kentucky this 16th day of April 2012.

23 MAYOR EBERLE: Do we have a second?

24 COUNCIL MEMBER SIMON: Second.

25 MAYOR EBERLE: Simon. Further

1 discussion?

2 COUNCIL MEMBERS: [no audible
3 response]

4 MAYOR EBERLE: We'll start with
5 Council Member Leonard.

6 COUNCIL MEMBER LEONARD: Yes.

7 COUNCIL MEMBER SCOTT: Yes.

8 COUNCIL MEMBER MILES: Yes.

9 COUNCIL MEMBER SIMON: Yes.

10 COUNCIL MEMBER ERTEL: Yes.

11 MAYOR EBERLE: And we have
12 unanimously adopted that.

13 The final -- well, the next item on the agenda
14 is new business. This is the Prospect Forestation
15 Board's 2012 Forestation Plan -- Plan, which has
16 been distributed. It bears some similarities, but it
17 has been updated and expanded a bit.

18 This would be their fourth forestation plan. It
19 is the document that they -- they use as a guide to
20 accomplish what they can with the funds available
21 throughout the year. And I'll open -- open for a
22 motion to confirm --

23 COUNCIL MEMBER SIMON: So moved.

24 MAYOR EBERLE: -- their plan. Simon.

25 COUNCIL MEMBER MILES: Second.

1 MAYOR EBERLE: And second by Miles.

2 Any discussion?

3 COUNCIL MEMBERS: [no audible
4 response]

5 MAYOR EBERLE: Yeah, I will -- I will
6 plan -- yes, it has been now signed, and -- and --
7 and, in fact -- yes. We have Forestation Board
8 Member Christy Kramer is here.

9 And any -- any discussion?

10 COUNCIL MEMBERS: [no audible
11 response]

12 MAYOR EBERLE: I'll start with Council
13 Member Simon.

14 COUNCIL MEMBER SIMON: Yes.

15 COUNCIL MEMBER MILES: Yes.

16 COUNCIL MEMBER ERTEL: Yes.

17 COUNCIL MEMBER SCOTT: Yes.

18 COUNCIL MEMBER LEONARD: Yes.

19 MAYOR EBERLE: Okay. We have
20 confirmed their plan for 2012, and -- and I'll -- I'll
21 thank Christy Kramer. We don't have any other
22 members that are -- the chair is -- is out of town,
23 Lee Tucci, but we appreciate Christy Kramer being
24 here, a Forestation Board member.

25 Any unfinished business?

1 COUNCIL MEMBERS: [no audible
2 response]

3 MAYOR EBERLE: And we did not -- the
4 next item, we did not see a specific need for an
5 executive session at the time of the agenda
6 preparation, and I assume that's still the case.

7 CITY ATTORNEY POTTS: Correct.

8 MAYOR EBERLE: And unless we have
9 any other matters, I will entertain a motion to
10 adjourn.

11 COUNCIL MEMBER ERTEL: So moved.

12 COUNCIL MEMBER LEONARD: Second.

13 MAYOR EBERLE: Ertel/Leonard. Those
14 in favor, by "Aye."

15 COUNCIL MEMBERS: Aye.

16 MAYOR EBERLE: Opposed by "no."

17 COUNCIL MEMBERS: [no audible
18 response]

19 MAYOR EBERLE: And we are adjourned
20 at 9:17.

21 [WHEREUPON, the City Council Meeting
22 concludes at 9:17 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

I, CAROLA G. STRIJEK, Notary Public for the State of Kentucky at Large, do hereby certify that the foregoing was reported by stenographic and mechanical means, which matter was held on the date, and at the time and place set out in the caption hereof and that the foregoing constitutes a true and accurate transcript of same.

I further certify that I am not related to any of the parties, nor am I an employee of or related to any of the attorneys representing the parties, and I have no financial interest in the outcome of this matter.

GIVEN under my hand and Notarial seal this _____ day of _____, 2012.

.

My Commission Expires: _____ Notary Public

.

SEPTEMBER 27, 2012 _____.

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