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CITY OF  
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

APRIL 15, 2013

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2 CITY COUNCIL MEETING  
3 APRIL 15, 2013

4 MAYOR COREY: Ken Corey, the new old  
5 mayor, and you-folks are here to see the maiden  
6 voyage.

7 I'm going to call to order the city council  
8 meeting of April 15th, 2013, hoping for peace and  
9 prosperity to Prospect, Kentucky.

10 COUNCIL MEMBER MILES: Amen.

11 MAYOR COREY: First, we do not need  
12 a -- a motion on opening a meeting, Mr. Counsel;  
13 is that correct?

14 CITY ATTORNEY POTTS: That's correct.

15 MAYOR COREY: First order of business  
16 is approval of the minutes for March 11th, March  
17 18th, March 26th, and March 27th.

18 COUNCIL MEMBER TUCCI: I have one  
19 correction to make.

20 MAYOR COREY: Yes, ma'am.

21 COUNCIL MEMBER TUCCI: This is for  
22 the March 18th meeting. It -- under the Forestation  
23 committee, it was actually not Council Member  
24 Tucci who made those announcements. It was  
25 Forestation Board Chairman Lee Tucci.

1 MAYOR COREY: Oh.

2 COUNCIL MEMBER TUCCI: Got to give  
3 credit to --

4 MAYOR COREY: You can't tell --

5 COUNCIL MEMBER TUCCI: -- where  
6 credit is due.

7 MAYOR COREY: -- those Tuccis apart.

8 COUNCIL MEMBER TUCCI: That's right.  
9 That's right, you know.

10 MAYOR COREY: They're all beautiful.

11 COUNCIL MEMBER TUCCI: Yeah.

12 MAYOR COREY: All right. We'll put Lee  
13 down as having made that.

14 For March 11th, March 18th, 26th, and 27, any  
15 other corrections, Council?

16 COUNCIL MEMBERS: [no audible  
17 response]

18 MAYOR COREY: Okay. Do I hear a  
19 motion to approve those minutes?

20 COUNCIL MEMBER BRAB: So moved.

21 COUNCIL MEMBER SCOTT: Second.

22 MAYOR COREY: So ordered.

23 Committee reports. We have a representative  
24 of Parks and Recreation here; yes, ma'am. And we  
25 will go through the normal drill of name and

1 number, so name and address and position,  
2 please.

3 MS. WARDELL: Okay. Linda Wardell,  
4 7910 Sutherland Farm Road, and I chair the  
5 Prospect Parks and Recreation Advisory  
6 Committee.

7 Spring is here, and the committee has been  
8 quite active already. We had a wildflower walk on  
9 March 23rd attended by nine residents and one dog  
10 on a leash in the park.

11 Unfortunately, we were a little bit early for  
12 the wildflower, so we got to see what the  
13 vegetation looks like, and we got to see photos of  
14 what the flowers will look like when they bloom.  
15 The walk was led by Jacquelyn McGrail, who is a  
16 resident of Prospect and an excellent tour guide.

17 We're having a second wildflower walk this  
18 Saturday, 10:00, at Harrods Creek Park on Montero  
19 Drive. Once again, it will be led by Jacquelyn  
20 McGrail. And if you have an hour or so to spend, I  
21 would highly recommend that you attend the walk.

22 She recommends comfortable walking shoes,  
23 and also advises to bring a walking stick, just to  
24 help with balance where there are some steep  
25 places in the trail. And just come and enjoy.

1       A -- a week from Saturday, also at 10:00 at  
2 Harrods Creek Park, we are having our third  
3 annual garlic mustard pull. This is an invasive  
4 plant that is very prolific in our parks, and we are  
5 trying every year to pull up more and more of it to  
6 let the native plants once again populate those  
7 areas.

8       It's a plant that's very easy to pull. It's very  
9 easy to identify. And it's a family-friendly event,  
10 so little kids can get in there and pull with the  
11 best of us. So bring your children, friends,  
12 neighbors, whatever.

13       We've had a couple of work days with  
14 volunteers from the city. We cleaned up the  
15 roadway along Little Hunting Creek Park right  
16 along Fox Harbor Drive, and we also spent one  
17 day cleaning up some of the vegetation that had  
18 been cut down, mostly invasives, around Putney  
19 Pond; just cleared that -- the sticks and rubble  
20 from that area, moved it back into the woods where  
21 it can be compost.

22       We had one more Boy Scout project, Eagle  
23 project, completed in Little Hunting Creek Park,  
24 another segment of our boardwalk through an area  
25 that becomes muddy when there's rain.

1       And we have two more Boy Scouts that are in  
2       the process of writing up their projects for our  
3       approval. One will put bike racks in the trail  
4       heads, and the other one will build another  
5       segment of the boardwalk.

6       And the last thing I have to mention is that  
7       we're having some planting of native plants done  
8       at the trail head of Harrods Creek Park. If you've  
9       been down Montero Drive, you know we built the  
10      new stone stairway through the -- the beginning  
11      steep portion of the park. And right at the trail  
12      head there was an area that kind of got torn up  
13      with equipment.

14      And we thought that if we put a few native  
15      plants in that area it would encourage people to  
16      stay on the trail and not make a new trail. It'll  
17      beau -- beautify the area around the benches right  
18      at the trail head.

19      So that's what Parks and Recreation is doing.  
20      Thank you.

21                COUNCIL MEMBER SCOTT: Thank you.

22                MAYOR COREY: Questions from the  
23      council or comments?

24                COUNCIL MEMBERS: [no audible  
25      response]

1           MAYOR COREY: Thank you. Next item  
2 on the agenda, Forestation Board. Everybody  
3 knows Lee Tucci. I'll give his name. You can give  
4 your address and position.

5           MR. TUCCI: 7301 Fox Bluff Place. I'm  
6 chairman of the Prospect Forestation Board.

7           First, a great report from Linda. Thank you  
8 very much for all that work.

9           I have two items. (1) We prepared our annual  
10 forestation plan, and it's been signed off by the  
11 members. It will be forwarded to the council  
12 before the end of the month.

13          Secondly, today we were able to get six trees  
14 planted, two "hally jolivettes" cherry trees on the  
15 Hunting Creek Boulevard median towards the upper  
16 end. These are pretty good-sized trees. They're  
17 taller than I am.

18          The "hally jolivette" is supposed to be the  
19 very best of the cherries, relatively easy to  
20 maintain; has about two weeks of flowers; and has  
21 an expected life of over 40 years. They're also of  
22 the size that should not overgrow the road at any  
23 point. Maximum wood is about 15 feet.

24          Secondly, in the very upper end of the Little  
25 Hunting Creek Park area, just before you get to

1 the housing area, there was some dead trees and  
2 stumps. Now we've planted today two redbuds and  
3 two -- I -- I -- I can't think right now.

4 COUNCIL MEMBER TUCCI: Dogwoods.

5 MR. TUCCI: Dogwood, thank you; yes.  
6 Got some in my yard, actually. And -- and those  
7 also -- the -- the redbuds are already blooming. If  
8 you drive up along, they'll be on your right-hand  
9 side. You'll see them.

10 COUNCIL MEMBER SCOTT: Thank you.

11 MAYOR COREY: Thank you. Questions  
12 or comments, Council?

13 COUNCIL MEMBER MILES: Those trees  
14 are beautiful. Great specimens you picked out.

15 MAYOR COREY: We appreciate your  
16 work, Lee. Thank you.

17 Code Enforcement, anybody from Code  
18 Enforcement here?

19 COUNCIL MEMBERS: [no audible  
20 response]

21 MAYOR COREY: Well, I reckon  
22 everything's up to code.

23 Library committee.

24 COUNCIL MEMBER LEONARD: There is  
25 no chair currently of the library committee. We

1 are in the process right now -- we've had a number  
2 of things transpire in the last four to six months in  
3 regard to losing members to mother nature, to  
4 medical illnesses, and all that kind of thing.

5 So we're in the process right now of training  
6 some new volunteers. I've trained four who look  
7 like they're doing a fantastic job. I've got another  
8 person coping in on Wednesday. That will  
9 actually, in the long run, give us more really  
10 trained people than we've had before, which is  
11 great.

12 The book sale is coming up. It is May 17th and  
13 18th. That's a Friday and a Saturday. Both days  
14 will be 9 to 5, like they've been in the past.

15 And the -- the people donated during the last  
16 book sale for this book sale. So please bring in  
17 more. We'll always take more, but it's going to be  
18 a very big book sale.

19 MAYOR COREY: All right. Council, any  
20 questions or comments?

21 COUNCIL MEMBERS: [no audible  
22 response]

23 MAYOR COREY: Chief Sherrard, the  
24 monthly police report.

25 CHIEF SHERRARD: Okay. Just as it

1 relates to stats for the month, our house checks  
2 were up significantly from the same period last  
3 year. 2,266 compared to 1664 last year, an  
4 increase of about 33%.

5 The moving citations, speeding tickets, and  
6 the like, were nearly doubled from the same period  
7 last year: 51 versus 24. And, also, the total  
8 number of charges as it relates to all citations  
9 more than doubled, from 69 versus 25.

10 Accident reports, other offense reports, things  
11 of that nature, they were all roughly the same.  
12 Our dispatch runs were the same. This is the first  
13 month that we didn't have a significant increase.

14 Officer initiated runs were up significantly,  
15 281 in -- over 160 from last year.

16 Regarding Code Enforcements, I will touch on  
17 that a little bit.

18 MAYOR COREY: Please.

19 CHIEF SHERRARD: There were no Code  
20 Enforcement citations that were issued in March;  
21 however, there have already been three issued in  
22 April; one for a dog violation, where a dog that's  
23 repeatedly been out and about, not on a leash,  
24 was -- they finally cited the owner for that. She  
25 did not pay the fine, so that will go before the

1 Code Enforcement Board next week on the 24th.

2 And, also, two solicitors that were selling  
3 magazines door to door, we got numerous calls on  
4 it. Finally got them. Two different people were  
5 cited, one of which was someone out of South  
6 Carolina that had an NCIC warrant on him, but they  
7 didn't extradite him.

8 It was a fraud case. I don't know what the  
9 fraud was about, but, you know as well as I do,  
10 they're not going to extradite on something like  
11 that.

12 There is a meeting next week of the ad hoc  
13 committee to -- to study the nuisance ordinance.  
14 That's next Monday, the 22nd, at 5:30.

15 Regarding reports, there were two felony  
16 reports that were taken. One of the residents  
17 reported she had numerous items taken from her  
18 home, including clothes, jewelry, art, things of  
19 that nature.

20 The person that was involved in that was  
21 someone who formerly had access to the home  
22 codes, things of that nature, so they -- it was an  
23 acquaintance. It's going to be a warrant case.

24 We've dealt with both the suspect and the  
25 victim on numerous occasions, and it's an odd

1 story. Just put it that way. The warrant clerk is  
2 not going to issue a warrant. I think if you read  
3 between the lines, you'll understand what that  
4 means.

5 Also, there was a resident that had an  
6 ex-girlfriend steal a checkbook and then wrote a  
7 check on that account. Obviously, she skipped  
8 town on that.

9 The other reports, there's really nothing  
10 significant to report. There were five DUI arrests  
11 made for the month; one assault, four from a  
12 domestic. That case actually was not in the City  
13 of Prospect. It was on the borderline, but the City  
14 of Louisville was tied up, so we made that run for  
15 them on Wolf Pen Branch and made an arrest in  
16 that case; then there were two warrant arrests that  
17 were made for the month.

18 Just something that's coming up: We did get  
19 a -- a mini grant from the Kentucky Highway  
20 Safety. The first aspect of that will be the Click It  
21 or Ticket Program. The period of time that will be  
22 affected by that is May 20th through June -- June  
23 2nd. So that's the time that we will be participating  
24 in the Click It or Ticket Program as a part of the  
25 grant.

1 And then following that, from June 2nd to  
2 September 2nd, we will be participating in the  
3 Impaired Driving Grant. And that's all I have.

4 MAYOR COREY: Okay. Thank you.  
5 Council, questions or comments?

6 COUNCIL MEMBER SCOTT: I -- I have  
7 one quick question, Chief. On the injury  
8 accidents, I noted there were three this month and  
9 there were none last year --

10 CHIEF SHERRARD: Okay.

11 COUNCIL MEMBER SCOTT: -- in the  
12 month. Anything unusual about that?

13 CHIEF SHERRARD: No, they were all  
14 very minor.

15 COUNCIL MEMBER SCOTT: Okay.

16 CHIEF SHERRARD: All very minor.

17 COUNCIL MEMBER SCOTT: All right.

18 Thank you.

19 MAYOR COREY: Thank you.

20 COUNCIL MEMBER MILES: Chief, what  
21 kind of dog was it that finally got written up?

22 LIEUTENANT SHAW: A small white mix,  
23 like a Pit Bull. It was deaf, too. Couldn't hear.

24 CHIEF SHERRARD: The dog was deaf?

25 LIEUTENANT SHAW: Cute dog.

1 CHIEF SHERRARD: It was the one on  
2 Gunpowder. I thought it was a big dog that was  
3 finally written.

4 LIEUTENANT SHAW: She had two big  
5 dogs.

6 CHIEF SHERRARD: Oh, okay.

7 LIEUTENANT SHAW: She had one little  
8 dog.

9 CHIEF SHERRARD: Two big dogs and  
10 one small dog. Apparently it was the dog -- the  
11 smaller dog that was involved.

12 COUNCIL MEMBER MILES: What -- is  
13 this -- were the other dogs Great Danes?

14 LIEUTENANT SHAW: Yes.

15 CHIEF SHERRARD: I'm sorry.

16 COUNCIL MEMBER MILES: The other  
17 dogs are Great Danes.

18 CHIEF SHERRARD: Yes.

19 LIEUTENANT SHAW: Yes.

20 COUNCIL MEMBERS: Okay. Yeah.

21 That's what i thought. Okay.

22 MAYOR COREY: Council, other  
23 questions or comments to the chief or the  
24 lieutenant?

25 COUNCIL MEMBERS: [no audible

1 response]

2 MAYOR COREY: All righty. Thank you,  
3 gentlemen.

4 Well, that was a pretty easy maiden voyage  
5 for me, committee reports and the police report.  
6 We now come to the portion of the agenda,  
7 comments from citizens. And I will editorialize  
8 and say: Hopefully pleasant comments. Do we  
9 have any comments from citizens? Yes, Mr.  
10 Simon.

11 MR. SIMON: Alan Simon, 6412 Deep  
12 Cove Court.

13 I'm somewhat concerned about the Kroger gas  
14 station they're proposing across from the Bristol.  
15 I don't think Timber Ridge Drive can handle the  
16 traffic it's going to bring as a destination point to  
17 that spot.

18 That road is maintained by the City of  
19 Prospect. You're going to have people outside the  
20 City of Prospect coming through Prospect, using  
21 that road, which is going to put an unfair burden  
22 on our residents to pay for that road maintenance.  
23 That road will not be able to handle the traffic.

24 I have a business at Lime Kiln Lane, and  
25 during the Kroger zoning thing were dealing with,

1 people were asking my daughter, "When are we  
2 getting the gas station in Prospect? We're tired of  
3 driving to Westport Road and redeeming our gas  
4 points."

5 So I think the city can go on record as being  
6 opposed to that total project. I think you have  
7 residents across the street from Smithhill Greens  
8 who weren't planning on looking at a gas station.

9 And so I think the City of Prospect needs to  
10 look at that very seriously, because that can  
11 create a -- remember when -- when -- when River  
12 Road was closed from -- from the Pros -- from --  
13 from the Helm Center to River Road, all that traffic  
14 you saw backed up on Timber Ridge Drive, that's  
15 what you're going to see every day with a gas  
16 station there.

17 That road cannot handle that traffic. Just a  
18 point [phonetic]. Thank you.

19 MAYOR COREY: Thank you.

20 COUNCIL MEMBER LEONARD: Excuse  
21 me. I asked several months ago of our other  
22 mayor. He told me that street was not maintained  
23 by the city.

24 CITY ADMINISTRATOR SIMMS: Okay.  
25 There's -- there are two streets involved. The

1 street off which it will actually be built --

2 COUNCIL MEMBER LEONARD: That  
3 little stub.

4 CITY ADMINISTRATOR SIMMS: Yeah,  
5 that little stub is not maintained by Prospect.  
6 Timber Ridge, where all the traffic is going to be,  
7 is maintained by the city.

8 COUNCIL MEMBER LEONARD: Then why  
9 are we waiting for somebody else to fill those  
10 potholes?

11 CITY ADMINISTRATOR SIMMS: Because  
12 Todd Eberle managed to get the water company.  
13 They had did this huge --

14 COUNCIL MEMBER LEONARD: That's  
15 right.

16 CITY ADMINISTRATOR SIMMS: -- and  
17 it's very expensive. And they have agreed that  
18 this spring, coming, I believe, very soon, they will  
19 redo the repaving of that and save the city quite a  
20 sum of money.

21 COUNCIL MEMBER LEONARD: Are they  
22 going to repave the entire street or just that  
23 portion down near the project?

24 CITY ADMINISTRATOR SIMMS: A very  
25 good-sized portion.

1           MAYOR COREY: Based upon the letter I  
2 read from them, they will come from River Road up  
3 to that stub road --

4           COUNCIL MEMBER LEONARD: M-hm.

5           MAYOR COREY: -- a good ways  
6 [phonetic], and then they will resurface the rest of  
7 it down to 42. Now, that's what I read in the  
8 letter. I haven't spoken to anybody.

9           And you-folks who signed in, please forgive  
10 me. I hadn't gotten the sign-in sheet when I made  
11 the call for citizen comments. First is Mr.  
12 Kehlbeck.

13           MR. KEHLBECK: Yes. Joe Kehlbeck,  
14 7812 Cedar Ridge Court, Prospect.

15           And all I would like to say is thank God we  
16 have you.

17           MAYOR COREY: Well, thank you, sir.  
18 My wife's sitting behind you. I hope she seconds  
19 the motion.

20 [laughter]

21           MAYOR COREY: John Herzfeld.

22           MR. HERZFELD: 6705 Wild Fox Lane.

23           I'm here to -- as the representative from the  
24 Chamber of Commerce to con -- help the hardware  
25 store because they want to put a logo on their --

1 on their outside building. And I think it's -- it --  
2 it's im -- it's imperative that these small  
3 businesses get to brand their business. They --  
4 they spend money to do that. And I would like to  
5 see that they are able to put the sign on there that  
6 they -- that they have asked for. And that's my  
7 story.

8 MAYOR COREY: Just to shed a little  
9 light on that, and then I'll ask for questions or  
10 comments from the council. I don't think, and I'll  
11 have to ask our council here, that the mayor had  
12 the ability to say "Yes." I think a variance has to  
13 be a council vote.

14 So I -- I don't know that Mayer Eberle, by  
15 saying "no," did anything wrong. He has to bring it  
16 to the council. Am I --

17 CITY ATTORNEY POTTS: That's correct.

18 MAYOR COREY: -- correct on that?

19 And so the mayor, when asked for a variance,  
20 can't just say, "Sure. Go ahead." And so I know  
21 that he has -- and I don't know what his personal  
22 feeling is on it, but -- I know that he's gotten some  
23 criticism, but he had no choice. And is the owner  
24 here tonight?

25 COUNCIL MEMBER BRAB: Yeah, he is.

1 MR. LEHRER: Yeah.

2 MAYOR COREY: Oh, okay.

3 COUNCIL MEMBER BRAB: He's the next  
4 one on the list; yeah.

5 MR. LEHRER: I'm next on your list.

6 MR. HERZFELD: Well, it's important for  
7 small businesses to be able to brand their  
8 business, and I appreciate the --

9 MAYOR COREY: Yes, sir.

10 MR. HERZFELD: -- the opportunity.  
11 Thank you.

12 MAYOR COREY: Any questions or  
13 comments from council?

14 COUNCIL MEMBERS: [no audible  
15 response]

16 MAYOR COREY: Yes, sir. You're Jim  
17 Lehrer.

18 MR. LEHRER: I am.

19 MAYOR COREY: And you are Brownsboro  
20 Hardware.

21 MR. LEHRER: I am.

22 MAYOR COREY: Come right in.

23 MR. LEHRER: Thank you.

24 MAYOR COREY: Now, are you asking for  
25 a variance now? Can we take it if he is?

1 CITY ATTORNEY POTTS: [nods head]

2 MR. LEHRER: I'm Jim Lehrer with  
3 Brownsboro Hardware & Paint, 9521 U.S. Highway  
4 42.

5 And I was here last month. You had a lot on  
6 your plate at that time, so I put packets together  
7 for everybody. We had some family issues that I  
8 didn't get these to you sooner. I apologize. So if  
9 I may just hand these out real quick?

10 It's a bit repetitive to what we kind of talked  
11 about last time, but. . .

12 MAYOR COREY: When did we talk and it  
13 last time? I wasn't here.

14 MR. LEHRER: At the last city council  
15 meeting.

16 COUNCIL MEMBERS: A month ago,  
17 regular meeting.

18 MAYOR COREY: Okay.

19 MR. LEHRER: I came up and spoke to  
20 the -- to the issue.

21 And so the -- the letter I wrote was -- we kind  
22 of took a look at the ordinance in some detail.  
23 And in the letter, [reads] Dear Prospect City  
24 Council, we would like to put up a nonilluminated  
25 sign, our logo, on the new garden center at

1 9521 U.S. Highway 42.

2 We feel under the sign regulation, our request  
3 could fall under the window sign. As a result, it  
4 could be approved without variance. And so as  
5 you look at the ordinance on Page 32, the  
6 ordinance allows you one of each type of sign  
7 listed, a maximum of four.

8 And I'm reading at Page 32, the right-hand  
9 column under Section B about halfway down,  
10 Item 1. So we already have a wall or marquee sign  
11 on the front in channel letters.

12 And then, you know, a window sign, if you go  
13 to the next page, 33, temporary or permanent  
14 maximum number of square footage, area allowed  
15 for temporary permit signage based on the  
16 following floor space criteria, and this falls under  
17 that as well, under the 60-square feet allowed.

18 And so then you go to read what is a window  
19 sign, and I direct to you Page 29 on the right-hand  
20 side of that page. [reads] Window sign, a graphic  
21 applied, painted, or affixed to or in the window of  
22 a building. A window sign may be temporary or  
23 permanent.

24 So if you look in the packet that I handed to  
25 you, the -- the first picture is an artist rendering

1 of that sign; and then it is a little deceptive. It --  
2 it looks like it might be out in front of this -- of the  
3 building, but it's actually going to be attached to  
4 the glass window.

5 COUNCIL MEMBER SCOTT: Inside or  
6 outside?

7 MR. LEHRER: Outside.

8 COUNCIL MEMBER SCOTT: Outside.

9 MR. LEHRER: Outside is the intent.  
10 And, again nonilluminated, so it's not flashing  
11 lights or neon lights or anything crazy. It's just  
12 our logo as shown on that picture.

13 So the second paragraph of my letter, [reads]  
14 If the sign does not meet the specifications under  
15 the regulations, then we would request a variance  
16 for our logo sign. Attached you will see several  
17 other retailers in the City of Prospect with multiple  
18 signs.

19 [reads] When we came to Prospect over two  
20 years ago, we requested from the city council a  
21 variance to get our logo on the front of our space.  
22 After several attempts, we ran out time to pursue  
23 our logo on the front of the building, and we ended  
24 up with the sign that we currently have with the  
25 channel letters. Here's an opportunity to get a

1 nonilluminated logo in place to help us market our  
2 brand.

3 In a side note, it was interesting. We had  
4 Reed Gaden [phonetic] out here on Saturday. We  
5 were cooking in front of the -- the hardware store,  
6 and we had a great crowd.

7 And what -- what shocked me was how many  
8 people commented that they didn't know that this  
9 was a Brownsboro Hardware store; that the two  
10 stores were related, because as we talked about it  
11 on TV -- now, we normally do those TV shots up at  
12 the other store because we have more inventory  
13 and more grills and all that sort of thing.

14 And so, because of Reed's schedule, we  
15 decided to move it down here, but it really hit  
16 home to me this weekend how branding is so  
17 important to get that logo and get that message  
18 out to the consumer, that it's -- it's one entity.

19 Last paragraph, [reads] We feel we have been  
20 a good corporate citizen of Prospect and provide a  
21 retail shop for local residents. We would like to  
22 be a long-term player in this market, and with your  
23 help we can accomplish that.

24 MAYOR COREY: Does Mr. Lehrer need to  
25 make a formal application for a variance issue, or

1 does it just come up at business here?

2 CITY ATTORNEY POTTS: I think it can  
3 be either. The -- the ordinance is not specific on  
4 that.

5 MAYOR COREY: Uh-huh. What's the  
6 pleasure of the council? Questions or comments --

7 COUNCIL MEMBER SCOTT: Yeah, I  
8 have --

9 MAYOR COREY: -- or some other --

10 COUNCIL MEMBER SCOTT: -- a  
11 question, if I may.

12 MAYOR COREY: Certainly.

13 MR. LEHRER: Uh-huh.

14 COUNCIL MEMBER SCOTT: Jim, I -- I  
15 read through our sign regulations and standards  
16 later this afternoon, and my question to you is: Do  
17 you feel, based on what you've presented us here,  
18 that you really don't need a variance; that it  
19 com -- it complies with the sign regulation  
20 standards as written?

21 MR. LEHRER: Well, again, as we studied  
22 it, I feel as you read through what a window sign  
23 is --

24 COUNCIL MEMBER SCOTT: Uh-huh.

25 MR. LEHRER: -- it would fall under that

1 definition.

2 COUNCIL MEMBER SCOTT: That  
3 definition. And then it also satisfies the square  
4 footage --

5 MR. LEHRER: Correct.

6 COUNCIL MEMBER SCOTT: --  
7 requirement.

8 MR. LEHRER: Yeah, the sign is under  
9 the 60-square feet.

10 COUNCIL MEMBER SCOTT: Okay. So,  
11 Ann, let me ask you this since you've had all the  
12 experience that you've had: Do you think this  
13 request is one that -- that needs a variance or --  
14 or not?

15 CITY ADMINISTRATOR SIMMS: To me,  
16 once -- and I'll -- and I'll explain why --

17 COUNCIL MEMBER SCOTT: Yeah.

18 CITY ADMINISTRATOR SIMMS: -- where  
19 I'm coming from. Once a mayor has, in good faith  
20 turned it down, I think the cleanest way to be able  
21 to give him a permit is to say "yes" if you-all feel  
22 that way -- the majority feels that way, grant the  
23 variance, and then there's no point at which that  
24 feels ill at ease.

25 I am totally with all of you if you want to

1 review the sign ordinance, but, for now, once it  
2 was turned down, I would prefer the variance, but I  
3 will defer to the attorneys and council [phonetic].

4 COUNCIL MEMBER LEONARD: But it  
5 was turned down because at that time the issue  
6 hadn't come up with the window sign. If tomorrow  
7 he were to bring it in and ask for a window sign,  
8 would it be granted?

9 CITY ADMINISTRATOR SIMMS: I would  
10 think she would grant it, but I can't -- I can't  
11 guarantee it, but she'd come to me and ask. But I  
12 understand the question, and I understand the  
13 logic; yes.

14 COUNCIL MEMBER LEONARD: The  
15 reason I'm saying that, in all honesty, is I have  
16 trouble with us granting variances. They come --

17 THE REPORTER: I'm sorry. You're  
18 having trouble with what?

19 COUNCIL MEMBER LEONARD: I have  
20 trouble with us granting variances.

21 THE REPORTER: Thank you.

22 COUNCIL MEMBER LEONARD: They  
23 come back and kick us in the -- in the future very  
24 often.

25 COUNCIL MEMBER MILES: Could the

1 council as a body look at this and decide if we  
2 think this meets the criteria of a window sign, and  
3 dispatch with this tonight? I don't know if that's  
4 an option.

5 It's not a variance, but it's just the four of us  
6 look at it -- at least four of us look at it and say,  
7 "I think it's a window sign, and it meets with --  
8 with our regulations," then could we just let him do  
9 his sign?

10 COUNCIL MEMBER LEONARD: That's  
11 why I've asked: What -- what -- what have we  
12 called window signs in the past?

13 COUNCIL MEMBER BOWLING: It  
14 appears from the ordinances that our power is  
15 vested once the mayor has made a decision.  
16 That's what it looks like to me if you read through  
17 that. I don't know. You proba -- probably be able  
18 to answer that.

19 MAYOR COREY: Well, I think that Mayor  
20 Eberle said "no" to a variance, and properly so.

21 CITY ADMINISTRATOR SIMMS: No, he  
22 said "no" to the sign.

23 MR. LEHRER: We filed a sign permit --

24 MAYOR COREY: Uh-huh.

25 CITY ADMINISTRATOR SIMMS: And

1 so --

2 MR. LEHRER: -- and that got denied.

3 CITY ATTORNEY POTTS: But it wasn't --  
4 who denied it? It was denied by your staff or --

5 CITY ADMINISTRATOR SIMMS: It was  
6 denied by Deb after she asked Todd whether she  
7 should grant it or not. So Todd turned it down.  
8 He said, "No" -- as I recall, she said he said, "No,  
9 that would be two signs to the same place."

10 COUNCIL MEMBER LEONARD: But -- but  
11 we didn't ask for a window sign.

12 MR. LEHRER: Correct.

13 CITY ADMINISTRATOR SIMMS: No, he  
14 did not.

15 MR. LEHRER: Right.

16 MAYOR COREY: Well --

17 COUNCIL MEMBER BOWLING: And I  
18 think in the paperwork, I think he advised your  
19 next step would be to get a variance. I think I  
20 read that.

21 MAYOR COREY: Okay. I'm the mayor  
22 now, and so -- I am if I'm legal, Lawyer, setting  
23 aside the "No," and I want advice and consent from  
24 the council. As mayor, I can't grant a variance.

25 CITY ATTORNEY POTTS: Correct.

1           MAYOR COREY: Only the council can  
2 grant a variance, but as far --

3           COUNCIL MEMBER LEONARD: But he  
4 can come in --

5           MAYOR COREY: -- as a window sign --

6           COUNCIL MEMBER LEONARD: Right.

7           MAYOR COREY: -- I want advice and  
8 consent from the counsel.

9           COUNCIL MEMBER LEONARD: I think he  
10 needs to file for a window sign.

11          MR. LEHRER: Okay.

12          COUNCIL MEMBER BOWLING: Let me --  
13 I don't have a problem with the variance just for  
14 one reason. I think it was the December meeting  
15 that former Councilman Simon had said that --  
16 that, generally, our approach to zoning and  
17 signage was to be as restrictive as possible;  
18 and -- and then if we want to, we can -- you know,  
19 we -- you can never go back, but you can go  
20 forward.

21          And -- and I think if you look at our signage  
22 regulations, it is very restrictive. And I think this  
23 is the right process, that occasionally somebody  
24 will come here and ask us for something that  
25 maybe deviates a little bit, maybe it doesn't.

1       And I think, in this situation, I -- I think that,  
2       you knew, it's reasonable and appropriate and --  
3       and aesthetically pleasing and -- not to mention  
4       that -- that -- like John said, you know, small  
5       businesses here need to be able to brand  
6       themselves.

7       I would think that the council tonight could  
8       vote for variancing, but that's just my opinion.

9               COUNCIL MEMBER SCOTT: Yeah, the  
10       only -- the only other suggestion would be we  
11       wouldn't have to use the word "variance."

12              COUNCIL MEMBERS: Right.

13              COUNCIL MEMBER SCOTT: We could  
14       just vote, like Stuart suggested, are we in favor  
15       of him making an application for a window --

16              COUNCIL MEMBER LEONARD: A  
17       window --

18              COUNCIL MEMBER SCOTT: -- sign.  
19       Bring it -- bring it into city hall, and -- and we can  
20       vote tonight that you're going to get your approval.

21              MR. LEHRER: I'll bring it in tomorrow.

22              COUNCIL MEMBER SCOTT: Yeah.

23              COUNCIL MEMBER BRAB: I think that's  
24       the cleanest way.

25              COUNCIL MEMBER SCOTT: Right, right.

1 Stuart, do you want to make motion?

2 COUNCIL MEMBER MILES: Yeah, I make  
3 a motion that the council -- gosh, I -- we've never  
4 done one like this before.

5 COUNCIL MEMBER LEONARD: Well, how  
6 about that he recom -- that we recommend he bring  
7 in a request for a window sign?

8 COUNCIL MEMBER BRAB: Can I take a  
9 shot at it?

10 COUNCIL MEMBER MILES: Go for it.

11 COUNCIL MEMBER BRAB: I recommend  
12 to the council -- I make a motion to the council  
13 that once the application for a window sign is put  
14 in tomorrow, that we are approving it tonight  
15 before you bring it in. How's that?

16 COUNCIL MEMBER SCOTT: I second it.

17 MAYOR COREY: Well, we've all seen  
18 what it is in the drawings. We got the sign --

19 COUNCIL MEMBER TUCCI: Well, instead  
20 of being retroactive we're being proactive.

21 CITY ATTORNEY POTTS: Let -- let me  
22 try.

23 COUNCIL MEMBER BRAB: Proactive

24 COUNCIL MEMBER TUCCI: Proactive.

25 MAYOR COREY: All right. I'm going to

1 turn it over to the lawyer --

2 CITY ATTORNEY POTTS: Let me -- let  
3 me try --

4 MAYOR COREY: -- as our mouthpiece.

5 CITY ATTORNEY POTTS: -- to rephrase  
6 your motion.

7 COUNCIL MEMBER BRAB: Perfect.

8 Perfect. However you want to do it.

9 CITY ATTORNEY POTTS: That the City  
10 of Prospect will entertain an application for a  
11 window sign for the Brownsboro Hardware store as  
12 specified in a sign permit application to be filed on  
13 April 16th, the sign being the same sign as  
14 previously --

15 MR. LEHRER: Submitted.

16 CITY ATTORNEY POTTS: -- submitted.

17 Okay?

18 MAYOR COREY: Any motion second?

19 COUNCIL MEMBER SCOTT: Second.

20 MAYOR COREY: Any further discussion,  
21 Council?

22 COUNCIL MEMBERS: [no audible  
23 response]

24 MAYOR COREY: All in favor?

25 COUNCIL MEMBERS: Aye.

1 MAYOR COREY: Any opposed?

2 MAYOR COREY: [no audible response]

3 MAYOR COREY: Carry.

4 MR. LEHRER; Thank you.

5 MAYOR COREY: Thank you, sir.

6 Okay. Any unfinished business, members of  
7 the council?

8 COUNCIL MEMBERS: [no audible  
9 response]

10 MAYOR COREY: The next order of  
11 business is new business. Now, I don't know  
12 whether to call it new business or I'll -- talk to our  
13 lawyer lately -- or later about -- I wanted to put on  
14 here a Mayor's Comments and then later on a  
15 Council Comment, but we can do the same thing  
16 under new business, I reckon. We're not  
17 conducting business, taking no votes, because we  
18 would have to put that on the agenda ahead of  
19 time.

20 I've been here a week, and I have seen Ann  
21 and Debbie and Holly and Ron and the Chief's  
22 people -- I attended a police meeting, folks, we've  
23 got a bargain in these few people with the amount  
24 of work that they put out compared to, for  
25 example, St. Matthews. What have they got, 115

1 employees, something?

2 They -- they put out the grass fires, the  
3 socio -- sociological grass fires all day long.  
4 Phone rings, rings, rings, rings, rings. People  
5 walking in with all sorts of complaints, some  
6 legitimate, some not so much, but they really,  
7 really, really do a wonderful job. And we're  
8 getting a -- we're getting a great bargain in these  
9 people.

10 They don't complain. They eat lunch back  
11 here. And if something comes up, they run out  
12 there to take care of it. It's really quite gratifying  
13 to go watch them some time.

14 Now, to me, the announcement of the century,  
15 and that is that Ann is staying --  
16 [applause]

17 COUNCIL MEMBERS: -- continuing with  
18 the old mayor and the new job. Personally, I'm  
19 frugal. I want a consensus if I spend any money.  
20 I don't care if it's in last year's budget or not. If  
21 it's going to be much, and I'm saying over a couple  
22 thousand dollars, I'm going to talk it over with you  
23 all.

24 I also want total openness. Whatever we do,  
25 we'll do in this room with everybody here.

1 Do you remember the ladies that used to run  
2 Windy Hills, the mayor and city treasurer? They  
3 ran the place for years and years and years. I  
4 used to swear in their councils. And when they  
5 retired, I can't remember the amount of money that  
6 that little city had.

7 Now, Stuart brought me some numbers that  
8 had, oh, the Association of Local Governments  
9 or --

10 COUNCIL MEMBER MILES: Right.

11 MAYOR COREY: -- something like that,  
12 that said, "You ought to keep at least 5% of your  
13 budget or a month's expenses in reserve." And  
14 that maybe we'd kick it up to 10 or 15; and if you  
15 went over that, you were doing something wrong. I  
16 don't necessarily think that.

17 We never know when there's going to be a  
18 snowstorm. We never know when there's going to  
19 be a wind storm. We never know -- well, we do  
20 know now that we'll get to this down the road some  
21 place whether we're going to need a new car  
22 approved, but that's my position.

23 And I'm going to have to talk to Mr. Potts  
24 about if we run into that sort of situation, whether  
25 or not we call a special meeting and get your

1 opinions, because I can't do it by calling you on  
2 the phone or --

3 CITY ATTORNEY POTTS: Correct.

4 MAYOR COREY: -- saying, "What do you  
5 think about this, that, or the other?" But I'm -- I'm  
6 not going to spend much money. You know, if  
7 something needs fixing, we'll fix it. I mean, we've  
8 got air conditioners and toilets, and we have to  
9 take care of those.

10 Ron fixes everything, including computers.  
11 And now the poor guy, very happily and jollily, is  
12 going out and digging up bramble bushes and  
13 helping with trees. I mean, he -- that man's really  
14 being spread thin, but he's doing it almost as if he  
15 enjoys it. I really commend him on that.

16 Issue on the Kroger zoning, if we, as the  
17 elected officials of Prospect, I don't know, but I've  
18 heard that they're going to have a zoning meeting  
19 on that. If we want to object, we can send  
20 somebody down there, if you-all agree. If you  
21 don't want to object, we can not send someone  
22 down there.

23 COUNCIL MEMBER LEONARD: Are --  
24 are we talking about the gas station?

25 MAYOR COREY: Yes, ma'am.

1 COUNCIL MEMBER LEONARD: Okay.

2 MAYOR COREY: I think we will need a  
3 special meeting to go over the budget. I think that  
4 all of us need to be together and sit down line by  
5 line with this stuff, rather than me giving you a  
6 copy, which is somewhat ambiguous, and we say,  
7 okay, take this home, Rob, and read it, and come  
8 back and say "yes" or "no." I think -- I think we  
9 need to -- to look at it as a group. And I'll be  
10 open for dates.

11 Those resolutions up on the wall, very nice  
12 resolutions. I think we need one for Mayor Eberle.  
13 I think the council is what decides those things,  
14 and I think it's by vote, but lots of good folks up  
15 there.

16 You've all gotten copies of the potential  
17 budget; is that correct?

18 COUNCIL MEMBER LEONARD: [shakes  
19 head]

20 COUNCIL MEMBER SCOTT: No.

21 COUNCIL MEMBER TUCCI: No.

22 CITY ADMINISTRATOR SIMMS: It's up  
23 to -- what we have is through March; and then --  
24 so I have a column over there, so when we all get  
25 together, there could be different numbers written

1 in or you can write notes at the end. We have  
2 made no proposals on --

3 MAYOR COREY: Okay. My plea to the  
4 council is look that over; talk amongst ourselves.  
5 What do you need? What do you want? And can  
6 we do that without asking for comments? Because  
7 we -- we've got work to do. We have to -- I mean,  
8 can we do --

9 CITY ATTORNEY POTTS: No, you --

10 MAYOR COREY: -- it openly?

11 CITY ATTORNEY POTTS: You can  
12 distribute a proposed budget --

13 MAYOR COREY: Uh-huh.

14 CITY ATTORNEY POTTS: -- and then  
15 work on it, as long as it's -- when it's approved,  
16 it's approved in open session.

17 MAYOR COREY: Okay. So, Joe --

18 MR. KEHLBECK: Yes.

19 MAYOR COREY: -- wonderful guy, while  
20 we're doing it, we're not going to entertain  
21 questions. One that -- one -- once it's presented,  
22 ask away, because right now we're just trying to  
23 cobble something. And, Alan, too. You know,  
24 right now, whenever we have this special meeting  
25 it's just for me and these folks to get an idea of

1 what we need and what we've got.

2 Any comments from the council?

3 COUNCIL MEMBERS: [no audible  
4 response]

5 MAYOR COREY: We have no need for an  
6 executive session.

7 COUNCIL MEMBER BRAB: I --

8 MAYOR COREY: Yes, sir.

9 COUNCIL MEMBER BRAB: If you -- if  
10 you'd like a meeting on that, Mr. Mayor, anybody  
11 out of town or cannot make a special meeting in  
12 the next three weeks prior --

13 MAYOR COREY: When we have --

14 COUNCIL MEMBER BRAB: -- to the next  
15 council meeting? Any dates --

16 CITY ADMINISTRATOR SIMMS: Well --

17 COUNCIL MEMBER BRAB: -- not good  
18 for anyone?

19 CITY ADMINISTRATOR SIMMS: Yeah,  
20 we -- we will -- we have all the information. We  
21 have -- Deb and I will get it all together, and we'll  
22 come in with the information.

23 You used to call it tools for making a budget,  
24 Sandra. If you tell me what the tools are, I'll be  
25 sure the tools are here; and then we will bring it

1 in, and. . .

2 COUNCIL MEMBER BRAB: Could --  
3 could we just all get back to Ann in email just  
4 saying, "These are dates that don't work for us"?

5 CITY ADMINISTRATOR SIMMS: Sure.

6 COUNCIL MEMBER BRAB: So --

7 COUNCIL MEMBER LEONARD: Actually,  
8 I don't have any more.

9 CITY ADMINISTRATOR SIMMS: Oh.

10 COUNCIL MEMBER LEONARD: I think --  
11 really, I think this is the most important thing  
12 we're going to do in the next year.

13 MAYOR COREY: Right.

14 COUNCIL MEMBER BRAB: Absolutely.  
15 Yeah, absolutely. Yeah. So if we just state that  
16 everybody's going to get an email back to Ann,  
17 then. . .

18 CITY ADMINISTRATOR SIMMS: Email  
19 me the dates you can't make it.

20 MAYOR COREY: Cannot.

21 CITY ADMINISTRATOR SIMMS: Right;  
22 cannot.

23 COUNCIL MEMBER MILES: Ann, are we  
24 doing this in the evening, I'm assuming?

25 CITY ADMINISTRATOR SIMMS: Well, I

1 would think so, because some of -- some people  
2 can't get here during the day.

3 COUNCIL MEMBER MILES: Right. Well,  
4 I just -- I mean, keeping in mind dates that --

5 CITY ADMINISTRATOR SIMMS: Oh.

6 COUNCIL MEMBER MILES: -- you know,  
7 aren't available.

8 CITY ADMINISTRATOR SIMMS: Okay. I  
9 see what you mean.

10 COUNCIL MEMBERS: So are we talking,  
11 like, 6:30, 7:00?

12 COUNCIL MEMBER LEONARD: I think we  
13 should.

14 MAYOR COREY: Your pleasure.

15 COUNCIL MEMBER MILES: Okay.

16 COUNCIL MEMBER LEONARD: Because  
17 that way, people, if want to come and observe  
18 us --

19 COUNCIL MEMBER MILES: Right.

20 COUNCIL MEMBER LEONARD: -- can do  
21 it.

22 CITY ADMINISTRATOR SIMMS: They  
23 just won't be speaking; right?

24 CITY ATTORNEY POTTS: Correct.

25 CITY ADMINISTRATOR SIMMS: Okay.

1 COUNCIL MEMBER BRAB: Special  
2 session, no comment.

3 MAYOR COREY: And I'm starting a new  
4 deal here, and we're having an Employee of the  
5 Month. The mayor doesn't need that nice parking  
6 space down there, so the Employee of the Month  
7 gets that parking space for the month and gets a  
8 small token of my appreciation, not the city's, in a  
9 way of -- now, get this. Based upon the Metro  
10 problems, a Kroger gift card, but --

11 MR. SPEAKER: For gasoline, Mr. Mayor.

12 MAYOR COREY: Holly, back in the  
13 corner today, is April's Employee of the Month.  
14 Thank you, dear.  
15 [applause]

16 MAYOR COREY: I'll entertain a motion,  
17 folks.

18 COUNCIL MEMBER BRAB: I move that  
19 we adjourn.

20 COUNCIL MEMBER MILES: Second.

21 MAYOR COREY: Any objection?

22 COUNCIL MEMBERS: [no audible  
23 response]

24 MAYOR COREY: So ordered. Thank  
25 you-all.

1 [WHEREUPON, the City Council Meeting  
2 concludes at 7:37 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

I, ROSE MARY KITHCART, RPR, 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 \_\_\_\_\_, 2013.

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My Commission Expires: Notary Public

.

AUGUST 27, 2013 .

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Notary ID: 402347

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