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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

APRIL 21, 2014

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3 APRIL 21, 2014

4 MAYOR EVANS: There's a satellite in
5 the sky that tells me it's 7:00, and that's what the
6 clock on the wall says, too. So welcome to the
7 city council meeting for April 2014, the city
8 council of Prospect, Kentucky.

9 All the council members are present. I
10 believe everybody has had the opportunity to get a
11 copy of the agenda. We have a busy meeting
12 tonight. I'm going to move a couple of things
13 around maybe.

14 You can't hear me; can you?

15 MS. SPEAKER: Not very well. If we
16 rustle out papers, it's a little light.

17 MAYOR EVANS: Well, don't do that.
18 Can you hear me now? Can you?

19 COUNCIL MEMBER BRAB: Yes.

20 MAYOR EVANS: Okay. Is the Judge
21 Candidate Tara Hagerty in the audience at this
22 point? She was going to come and speak to us.
23 Since she's not here, I guess she'll have to wait
24 until the end of the meeting, if at all.

25 I'm going to ask for approval of the minutes of

1 the regular council meeting on March 17th and the
2 special council meeting on March 24th, if anyone
3 would care to make a motion to that effect.

4 COUNCIL MEMBER BRAB: So moved.

5 COUNCIL MEMBER BOWLING: Second.

6 MAYOR EVANS: Moved and seconded.

7 All in favor, say "aye."

8 ALL MEMBERS: Aye.

9 MAYOR EVANS: All opposed? The ayes
10 have it, minutes are approved. Okay.

11 With so many of you here, I really hate to do
12 this, but there's a reason for it. We need to have
13 a brief executive session to discuss personnel
14 matters that will relate to other things as we move
15 into the agenda. So I'll ask if anyone would care
16 to move to do that?

17 COUNCIL MEMBER BRAB: So moved.

18 COUNCIL MEMBER BOWLING: Second.

19 MAYOR EVANS: All -- all in favor?

20 COUNCIL MEMBERS: Aye.

21 MAYOR EVANS: All opposed? All right.

22 We will go into executive session. We'll go
23 upstairs to the library. We'll try to keep it short,
24 so you can all just sit.

25 COUNCIL MEMBER BRAB: Mayor?

1 MAYOR EVANS: Yes, sir.

2 COUNCIL MEMBER BRAB: What do we
3 need to take with us?

4 MAYOR EVANS: I would take your --
5 your -- your binder with you, please.

6 [WHEREUPON, a brief recess is taken.]

7 MAYOR EVANS: We're back in open
8 session. In closed session, we discussed various
9 personnel matters. We took no action, and we will
10 move on into the next item on the agenda, which is
11 Mayor's update on city matters.

12 One thing that I just did was to create a new
13 committee called the Beautification and
14 Landscaping Committee. You could probably call
15 it a lot of things, but my idea there is that, as I
16 look around, we have a lot of good maintenance
17 going on, but it seems to me that getting together
18 the presidents of the various neighborhood
19 associations or their nominees to talk about what
20 we could do to make the city a more attractive
21 place is a pretty good idea, and that's what that's
22 all about.

23 Currently, I have representatives who are
24 signed up, including John Simpson has agreed to
25 be on it. I'm looking around to see who else is

1 here.

2 COUNCIL MEMBER TUCCI: Loretta.

3 MAYOR EVANS: Loretta's here; right.

4 Loretta Ertel from Sutherland, she's the landscape
5 chairman over there.

6 Another committee that is underway and is
7 well underway is the History Book Committee, and
8 they are putting together a book about the history
9 of our city. This is our 40th anniversary, as you
10 know, and Sandra Leonard is playing the lead role
11 in -- in that.

12 I gave the council in their packets this time
13 and made available where you came in some
14 budget proposals for the coming year, and this
15 might be the time for members of the council to
16 ask questions or discuss or however they want to
17 handle it. Anybody in the audience want to
18 address anything in the proposed budget?

19 COUNCIL MEMBER BRAB: Mayor, I
20 just -- I'll jump in here real quick, start things off.
21 Everybody's shy tonight. We got the amended
22 budget as -- as you and I, this morning, already
23 talked about, there's several -- there's some
24 changed figures in the pensions, health insurance,
25 and workmen's comp.

1 Those figures were updated. I take Holly in
2 the second -- the amendment we got?

3 MAYOR EVANS: Yes, that's right.

4 COUNCIL MEMBER BRAB: And they're --
5 that reflects the change, one of the changes in the
6 reduction into allocated reserves from that to
7 139,000 --

8 MAYOR EVANS: That's correct.

9 COUNCIL MEMBER BRAB: -- to 99,000.

10 MAYOR EVANS: That's correct.

11 COUNCIL MEMBER BRAB: I do have -- I
12 do have a question of the chief, if I may.

13 MAYOR EVANS: Okay.

14 COUNCIL MEMBER BRAB: Chief
15 Sherrard. In the budget -- bear with me a second
16 here. You had salary -- or not sal --

17 MAYOR EVANS: For your information,
18 the police budget is laid out on Page 9 of this set
19 of work papers.

20 COUNCIL MEMBER BRAB: Under --
21 under this year's budget actual, which is 327,
22 which would be 9 of the 12 months --

23 CHIEF SHERRARD: Okay.

24 COUNCIL MEMBER BRAB: -- okay, we're
25 at 308,2 -- 308,259, and the proposed budget for

1 2014-2015, the salary line is 487,457, and that is
2 the total that you've got in the sheet on the back,
3 which is the detail attached to this.

4 Were there officers added, or what is the
5 difference? Because the 3 -- 308,259, if we
6 annualize that, would come in significantly lower
7 than the 487; would be 30- to \$40,000 less. That's
8 not reflective of the 1-1/2% raise. That was only
9 \$6,000.

10 Did we have any kind of timing issues with
11 officers leaving, adding, deleting, or something
12 like that? Because to me that's a -- that's a fairly
13 significant increase in just base salaries.

14 CHIEF SHERRARD: The only one that
15 could possibly change for the salary part are the
16 part-time officers, but that one, I believe, was
17 budgeted in at Hardy at 99 hours a month, and
18 Johnson at 48 hours a month, and I know that we
19 didn't go over for Johnson, because that was a
20 Social Security issue for him if he got above that
21 figure. And for Hardy, we never got over 99 hours.

22 COUNCIL MEMBER BRAB: Okay.

23 CHIEF SHERRARD: So I'm not exactly
24 sure where that difference could have come in.

25 COUNCIL MEMBER BRAB: Well, just to

1 give you the figures --

2 CHIEF SHERRARD: Okay.

3 COUNCIL MEMBER BRAB: -- if I took
4 the 308,259 and annualized it, it would be
5 411,000.

6 CHIEF SHERRARD: Okay.

7 COUNCIL MEMBER BRAB: And the
8 proposed budget is 480,000. That's a \$77,000
9 increase where the 1-1/2% increase only amounts
10 to about 7200. So that's -- I guess that's too big
11 a variance for me. If you could look at that and
12 just --

13 CHIEF SHERRARD: Yeah, because we
14 want --

15 COUNCIL MEMBER BRAB: -- I'd
16 appreciate it.

17 CHIEF SHERRARD: -- add anything. The
18 only possibility might be later in the year if
19 Johnson retires and we had somebody that came in
20 closer to the 90 hours as opposed to the 48, but
21 we didn't -- we didn't put that in as a part of that
22 budget, so I don't know where that figure came
23 from. Yeah, we'll look --

24 COUNCIL MEMBER BRAB: You see --

25 CHIEF SHERRARD: We'll look at that.

1 COUNCIL MEMBER BRAB: You see
2 where I'm going?

3 CHIEF SHERRARD: Yeah.

4 COUNCIL MEMBER BRAB: It's -- it's too
5 far above --

6 CHIEF SHERRARD: Right.

7 COUNCIL MEMBER BRAB: -- a run to --

8 CHIEF SHERRARD: I'm not exactly sure
9 how that came out that way.

10 MAYOR EVANS: Jeff, can I ask a
11 question on that point?

12 CHIEF SHERRARD: Yeah.

13 MAYOR EVANS: I'm looking at Page 4,
14 police -- police department salaries --

15 CHIEF SHERRARD: Yeah, that's the one
16 I'm looking --

17 MAYOR EVANS: -- and budgets, salaries
18 police.

19 CHIEF SHERRARD: All right.

20 MAYOR EVANS: Ran it all the way down.
21 This is the -- this is the set of numbers that Bill
22 was just talking with; okay? Is Jill Vidito in there?

23 CHIEF SHERRARD: That I don't know.

24 That might be where the confusion is is that
25 she's --

1 COUNCIL MEMBER BRAB: It's thirty --
2 she could be 30 of the 77.

3 CHIEF SHERRARD: And at various times
4 for whatever reason, she gets moved back and
5 forth in and out of that figure. I don't exactly
6 know why.

7 COUNCIL MEMBER TUCCI: She has the
8 same seat, but somehow she shifts; yeah.

9 CHIEF SHERRARD: Right.

10 COUNCIL MEMBER LEONARD: One of
11 the things I found when I was working on police
12 salaries was that you include the uniform
13 allowance. The budget doesn't have it in that
14 same area. It's down lower in another area. So it
15 could be there are a couple of different things that
16 contribute to that.

17 MAYOR EVANS: The reason I asked
18 about Jill is on Page 9 she is included. You -- you
19 get a total of all the officers --

20 CHIEF SHERRARD: Okay.

21 MAYOR EVANS: -- of 449 and change,
22 and then you add in Jill at 30,3, and you come up
23 with your 479. So your total for the officers here
24 is 449,4, and if you do the proration of the actual,
25 the 308 --

1 COUNCIL MEMBER BRAB: It's 411.

2 MAYOR EVANS: -- it's 411. It's 411?

3 COUNCIL MEMBER BRAB: Yeah. That's
4 what I'm saying. It's still off even though --

5 MAYOR EVANS: It's still off --

6 COUNCIL MEMBER BRAB: Yeah.

7 MAYOR EVANS: -- but it's not off as
8 much.

9 COUNCIL MEMBER BRAB: Yeah. It's
10 just something that -- for clarification, if you
11 could, too.

12 CHIEF SHERRARD: Okay.

13 COUNCIL MEMBER BRAB: Second point
14 I -- I found, Mayor, was was had under paving,
15 street maintenance and --

16 MAYOR EVANS: What line are you on,
17 Bill?

18 COUNCIL MEMBER BRAB: We are on
19 5522. I don't -- I don't -- this is not paginated, so
20 I apologize. It's Count Number 5522 --

21 MAYOR EVANS: Well, I apologize,
22 because it should have been.

23 MR. SPEAKER: It's in the top left.

24 COUNCIL MEMBER BOWLING: Page 6,
25 top left.

1 COUNCIL MEMBER BRAB: Page 6. I
2 apologize. Page 6.

3 COUNCIL MEMBER BOWLING: Top left.

4 COUNCIL MEMBER BRAB: If you look at
5 the Account 4 -- 541, which is maintenance, which
6 is paving, street maintenance and repair and
7 existing sign main -- sign replacement and repair.

8 MAYOR EVANS: Yes.

9 COUNCIL MEMBER BRAB: That number
10 is 60,000.

11 MAYOR EVANS: I'm not seeing 60.

12 COUNCIL MEMBER BRAB: The total.

13 COUNCIL MEMBER TUCCI: The total.

14 COUNCIL MEMBER LEONARD: Total.

15 MAYOR EVANS: Oh, yeah. Okay.

16 COUNCIL MEMBER BRAB: That total is
17 60.

18 MAYOR EVANS: Yeah.

19 COUNCIL MEMBER BRAB: Yet we had
20 an ordinance for first reading on the table tonight
21 that shows use of the road fund is 100,000.

22 MAYOR EVANS: That's correct.

23 COUNCIL MEMBER BRAB: So --

24 THE REPORTER: I'm sorry. Shows
25 what?

1 COUNCIL MEMBER BRAB: Shows --

2 MAYOR EVANS: 100,000.

3 COUNCIL MEMBER BRAB: -- 100,000 in
4 the ordinance for first reading tonight. So I'm just
5 trying to -- trying to find out what the -- why the
6 difference between the two. Where's the other
7 40,000, or is that made up of something else?
8 Because we had a line item also in here for snow
9 removal of 60,000, so I'm trying to figure out
10 where the -- the other 40,000 is.

11 MAYOR EVANS: Other 40,000?

12 COUNCIL MEMBER BRAB: Well, paving,
13 maintenance and repairs is 60,000, and the use of
14 the ordinance for the road fund is 100,000.

15 MAYOR EVANS: Right.

16 COUNCIL MEMBER BRAB: So what's the
17 other 40,000 for in the ordinance?

18 COUNCIL MEMBER MILES: I think it's in
19 addition to.

20 COUNCIL MEMBER BRAB: Huh?

21 COUNCIL MEMBER MILES: I think it's in
22 addition to.

23 COUNCIL MEMBER BRAB: Yeah, but
24 what's it for? That's my question.

25 CITY ADMINISTRATOR SIMMS: Would

1 that -- would that be summer school?

2 MAYOR EVANS: The ordinance asking
3 for thousands as a use of [phonetic].

4 CITY ADMINISTRATOR SIMMS: It's
5 potentially for paving. We do not know how bad
6 the streets were this winter, how badly they were
7 damaged, and we could easily go well over
8 \$100,000 in paving to get the city streets in good
9 shape.

10 COUNCIL MEMBER BRAB: I -- I don't
11 dis -- you know, I don't disagree with you, but I'm
12 just saying if we're going to put it in the budget --

13 CITY ADMINISTRATOR SIMMS: Well, I
14 think we put -- we're going to do a road aid budget
15 and take 100,000 out of there.

16 MAYOR EVANS: I did that, because
17 originally it was all in the general budget, and I
18 got to poking around a little bit with those that
19 know more than I do at this point and found out
20 that we have more than \$400,000 --

21 COUNCIL MEMBER BRAB: Yeah.

22 MAYOR EVANS: -- stored up in the road
23 maintenance budget. It's a restricted budget. We
24 can only spend it for roads. We get an additional
25 more than 100,000 every year, so I said, my God,

1 why are we spending all of this money out of the
2 general budget and not out of the road budget?

3 So, at that point, we decided just to move
4 \$100,000 from the general budget to the road
5 budget, and that's why we came up with only
6 \$60,000.

7 COUNCIL MEMBER BOWLING: Can't we
8 also use it for snow removal?

9 MAYOR EVANS: Yeah.

10 CITY ADMINISTRATOR SIMMS: We can.

11 COUNCIL MEMBER BOWLING: Are -- are
12 we using that?

13 MAYOR EVANS: If we -- if we go over
14 60,000, we will. We could -- Rob, we could use --
15 we could do all of it with the road money.

16 COUNCIL MEMBER BOWLING: Right.

17 MAYOR EVANS: You know.

18 COUNCIL MEMBER BOWLING: Sure.

19 COUNCIL MEMBER BRAB: So -- so --

20 MAYOR EVANS: So whatever -- whatever
21 the council wants to do, we can do all the paving
22 and all the snow removal out of the road budget if
23 we want to.

24 COUNCIL MEMBER BOWLING: Yeah. I
25 would definitely think that would be something

1 we'd want to do.

2 COUNCIL MEMBER FULCHER: Are you
3 saying -- Mr. Mayor, are you saying that you
4 anticipate spending 160,000?

5 MR. SPEAKER: That's my guess.

6 COUNCIL MEMBER BOWLING: Yes.

7 MAYOR EVANS: Yeah, that's what I'm
8 saying.

9 COUNCIL MEMBER TUCCI: Yes. Yeah.

10 COUNCIL MEMBER MILES: Yes. That
11 was my understanding.

12 MAYOR EVANS: I hope I'm wrong, but --
13 but --

14 COUNCIL MEMBER MILES: Yeah. And
15 that's -- and if you look what we traditionally did,
16 that's then what we've done, spent about that
17 amount. It's just, instead of it all coming out of
18 our budget, we're taking 100,000 of it and pulling
19 it out of an allocated reserve just for road work.

20 COUNCIL MEMBER FULCHER: Why --
21 why would we not take 160,000 out of the allocated
22 funds?

23 COUNCIL MEMBER BOWLING: Right.
24 Why are we using our general dollars instead of
25 the -- the allocated dollars that we can't use for

1 anything else? That's -- you know, that's
2 perplexing.

3 MAYOR EVANS: And I -- and I've already
4 said we can take it all out of the road fund if that
5 is what the council would like to do. We've got
6 over 400,000 in there.

7 COUNCIL MEMBER BOWLING: Right.

8 MAYOR EVANS: We get more than
9 100,000 every year.

10 COUNCIL MEMBER BOWLING: Right. It
11 keeps building up.

12 MAYOR EVANS: Right.

13 COUNCIL MEMBER BOWLING: We can't
14 use it for anything else.

15 MAYOR EVANS: That's right.

16 COUNCIL MEMBER BOWLING: You
17 know.

18 COUNCIL MEMBER BRAB: We should --
19 we should -- my point would be, and you've picked
20 up on it, I would take 160,000 out of the road
21 budget, leave the general fund alone, because
22 those unallocated reserves can be used for
23 anything.

24 MAYOR EVANS: Yes.

25 COUNCIL MEMBER BRAB: And they're

1 not restricted; correct? So that would be my only
2 point. That's why I was confused on that.

3 MAYOR EVANS: Is that the sense of the
4 council? Because --

5 COUNCIL MEMBER LEONARD:
6 Actually --

7 MAYOR EVANS: -- if it is, that's what
8 we'll do.

9 COUNCIL MEMBER LEONARD: -- I think
10 that makes a lot of sense. I asked the same
11 question a couple of years ago, and the answer
12 was that the amount coming into the road aid fund,
13 in great part, in the past was not predictable, but I
14 think now if we looked back over the last, let's
15 say, four years anyway, we'd find some kind of an
16 average.

17 On the other hand, what was happening with
18 the road aid fund was it was decreasing, and we
19 couldn't necessarily anticipate at budget time how
20 much it would increase by the amount of reserves
21 we've got this year that what Mr. Brab presented,
22 it makes sense.

23 COUNCIL MEMBER MILES: And I see no
24 problem with that doing it this one time, but I --
25 again, I could see why you wouldn't want to do it

1 every year.

2 COUNCIL MEMBER LEONARD: I agree.

3 COUNCIL MEMBER MILES: Because --

4 COUNCIL MEMBER TUCCI: Well, one
5 reason you wouldn't want to do it every year is
6 because the city is 40 years old. So, as we all
7 know, I mean, I've replaced entire driveways, you
8 can seal them or coat them or do whatever for a
9 certain length of time, and then you call in the
10 guys with the jackhammers and start from scratch.

11 So there's a good argument for taking 160,000
12 out this year, but that doesn't necessarily mean
13 that next year's budget, you would want to do the
14 same thing over again.

15 COUNCIL MEMBER MILES: Because I
16 could see a situation where, if we had an
17 unexpected big road project come up, even though
18 it's the same thing whether we took it out of this
19 road fund allocated fund or we took it out of our
20 reserves, I think people are much more sensitive if
21 we took a big bunch of money out of our reserves
22 than if we did out of \$200,000 or \$300,000 sitting
23 in -- in a road fund for that purpose.

24 So, again, I'm not disagreeing, but I can see
25 why there's a thought into not just draining that

1 entire deal, you know, going forward.

2 COUNCIL MEMBER BOWLING: Yeah. I
3 don't -- I don't necessarily think we should drain
4 it, but I -- you know, I think when you have -- you
5 have earmarked funds --

6 COUNCIL MEMBER MILES: I don't
7 disagree with you.

8 COUNCIL MEMBER BOWLING: Right.

9 COUNCIL MEMBER MILES: I think this
10 year that's a perfectly reasonable thing --

11 COUNCIL MEMBER BOWLING: Yeah.

12 COUNCIL MEMBER FULCHER: \$100,000
13 sitting there, I mean, you know. . .

14 COUNCIL MEMBER BOWLING: Yeah. I
15 think -- I think anything we spend on paving or
16 snow removal should come out of that account
17 since it's restricted.

18 COUNCIL MEMBER MILES: Right.

19 COUNCIL MEMBER BOWLING: Our
20 general dollars, of course, you know, aren't
21 restricted, they're good for anything. So I would
22 think anytime you would do paving or snow removal
23 it would come out of that account.

24 MAYOR EVANS: And that's what we'll
25 do, and I think this is great, and I am glad that

1 what we have labored to present to you has
2 stimulated these questions and these opinions and
3 directions, because that's -- that's our job is to
4 give you the bricks -- the straw to make bricks
5 with, and that's what you're doing.

6 COUNCIL MEMBER BRAB: I think, you
7 know, I want to compliment whoever prepared this,
8 because this presentation is over -- it shows
9 multiple years. I thought --

10 MAYOR EVANS: It was four of us.

11 COUNCIL MEMBER BRAB: That's
12 terrific. Well, then, kudos to the other folks.

13 MAYOR EVANS: It was Julia and Holly
14 and Ann and me.

15 CITY ADMINISTRATOR SIMMS: Well,
16 that's certainly more information than we have
17 ever received in a lump [phonetic] before.

18 COUNCIL MEMBER BRAB: Yeah.

19 CITY ADMINISTRATOR SIMMS: It's
20 really helpful.

21 MAYOR EVANS: Thank you.

22 COUNCIL MEMBER BRAB: The other
23 thing I'd like to bring up is -- we've talked about
24 this in the other previous council meetings, but the
25 mowing -- on Page 6 again, 5541 and 5550, 51,

1 which are "mowing/spraying/mulching" is one
2 category, and "landscaping/planting" is the other.
3 Those are fairly large and significant dollars. I
4 think they're contractual dollars.

5 MAYOR EVANS: They are.

6 COUNCIL MEMBER BRAB: Are we -- and
7 you made a point I believe last meeting, Mayor,
8 that you've already been able to reduce some of
9 the costs, and then I think it's reflected in this
10 compared to last year.

11 MAYOR EVANS: Yeah, but that was just
12 one item, and it was not an unimportant item, and I
13 might call attention to the work that they did
14 around the city hall just -- just today. It looks
15 much better.

16 The point I want to make is, though, that I did
17 not want to shake that tree. When we were still
18 getting ice storms and all that kind of stuff and
19 that continued right up until the beginning of April,
20 and now we're at April 21st, and now it looks like
21 spring has finally arrived, and guess what, we
22 have Derby coming at us the beginning of May. So
23 I didn't want to do it then.

24 Here's what I would like to do. Councilman
25 Bowling raised this at the last meeting, and it was

1 a good point, and Bill Brab has spoken to me about
2 it and made good points, and I would like to ask
3 Rob, and with due deference to Bill, I'd like to ask
4 Stuart to join with me in sitting down and studying
5 the contract that was put in place a year ago, little
6 over a year ago, and sort of master it, if you will,
7 and then decide what step we want to take next.

8 Is that suitable to both of you?

9 COUNCIL MEMBER BRAB: Be happy to.

10 COUNCIL MEMBER BOWLING: Yeah, be
11 happy to.

12 MAYOR EVANS: Okay. Great.

13 COUNCIL MEMBER FULCHER: Well, I
14 have a question along those lines. The -- this
15 \$50,000 in beautification would seem to tie into
16 what you were just discussing relative to the
17 landscaping, et cetera.

18 What -- now, Stuart has done a good job with
19 putting -- putting together a wish list that -- that
20 identifies his -- his needs for the parks, the
21 Forestation Committee has. I realize you don't
22 have a Beautification Committee yet, but there's
23 got to be a general idea of what \$50,000 is
24 intended to do.

25 MAYOR EVANS: As I pointed out in my

1 message, there is not, because we haven't even
2 had a meeting. This is just something in my head.
3 I am asking for some money.

4 As I pointed out, I have no idea whether that's
5 too much or too little. As I look down 42, it occurs
6 to me that it could really use some beautifying,
7 some landscaping. That's just one example.

8 I get calls from residents saying, you know,
9 "We can't get done on -- on the public lands what
10 we would like to get done." And they've been kind
11 of pushed away by saying, well, we don't do that;
12 okay?

13 All I want to do, Frank, is I want to get these
14 folks together and got some ideas about what they
15 would like to see done, and the \$50,000 is just as
16 arbitrary a number as you can imagine. I just
17 threw a dart at the wall, and you can give me
18 nothing, or you can give me 12,000, or you can
19 give me 20,000 or whatever.

20 COUNCIL MEMBER LEONARD: Would
21 you be willing to come back with your
22 recommendations --

23 MAYOR EVANS: I'd be glad to come
24 back --

25 COUNCIL MEMBER LEONARD: -- before

1 you spend it?

2 MAYOR EVANS: Yeah, but I -- I just
3 thought since we're doing the budget right now,
4 maybe in May we can look at it again, but I just
5 put it on there to stimulate this conversation.

6 COUNCIL MEMBER TUCCI: Well, you
7 know, a budget is -- is a plan. You know, we all
8 know that. You know, when you sort of think about
9 what you're going to spend for the year, you know
10 what the kids' tuition is going to be, and a number
11 of things like that, and that's your plan, there are
12 always surprises.

13 Sometimes you're lucky, the kid doesn't need
14 braces, "Wait, wait. We're all right." Sometimes,
15 instead, the roof leaks. So this -- the city budget
16 is the same way, so we've got some money in there
17 that we may not spend at all.

18 Every year we have categories that at the end
19 of the year we have not spent out all that money
20 because we got lucky or we got approved, and we
21 probably have some other categories where we ran
22 out and we had to shift things around, because
23 this is a plan, and if the mayor and the council
24 were that good at forecasting, we would be making
25 our Derby bets right now and cleaning up.

1 COUNCIL MEMBER BRAB: Amen.

2 COUNCIL MEMBER TUCCI: They're
3 going to be -- so, looking at this as a prudent plan
4 and because, as you all know who are looking at
5 this, you see we based it largely on past
6 experience. You can look at this and say, well,
7 this is a reasonable guess at what is going to
8 happen coming up. Some things are totally
9 predictable, salary, for instance, and others are --
10 this is -- this is our -- our -- our best guess.

11 MAYOR EVANS: I think that number is
12 high for this coming year.

13 COUNCIL MEMBER FULCHER: Well, my
14 point to -- to Sandy is --

15 MAYOR EVANS: But if it's high, I won't
16 spend it.

17 COUNCIL MEMBER FULCHER: My point
18 to Sandy is what we asked Stuart to do relative to
19 the parks, you know, I don't think anybody up here
20 has any -- any objection to the money that's been
21 spent on the parks. He's done a -- he's done a
22 good job with it, but when we asked Stuart to come
23 up with a list of -- list of projects, it was still a
24 prediction, a guess, guesstimate, whatever you
25 want to call it, and what Sandra just said I think is

1 perfectly okay.

2 If 50,000 is a number and we all acknowledge
3 that it's a blue sky number, then before it's spent
4 or before it's mailed, before it's spent, we'd like --
5 like to come back -- have you come back and say,
6 okay, here it is, here's our game plan for --

7 COUNCIL MEMBER BRAB: May I make a
8 suggestion?

9 MAYOR EVANS: I -- I will -- promise you
10 exactly that. I won't spend a nickel of it without
11 coming and giving you a plan.

12 COUNCIL MEMBER BRAB: May I make a
13 suggestion? I don't know why the city has just a
14 reticence, has -- it's almost like it's taboo to
15 amending a budget. I mean, in business and every
16 other thing I've ever been involved in, we ad -- we
17 adjusted our amended budgets based on business
18 conditions, personnel, and all sorts of other
19 factors many times during the year to be more
20 accurate.

21 I mean, here we have a committee that
22 hasn't -- and I'm not saying 50,000 shouldn't be
23 the number, but I'm saying here we have a
24 committee that hasn't even met yet, we have no
25 projects, and we're sitting here saying, let's

1 allocate \$50,000.

2 I would -- I would personally feel more
3 comfortable with putting some placeholder number
4 in there like \$10,000, and when the committee
5 comes back, do an amended budget, because there
6 may be a couple of other line items we want to
7 change, and -- and we can amend the budget five
8 times if we wanted within the next year.

9 So similar -- similar number on Page 3 is
10 community celebrations. There's \$45,000 in there
11 for community celebrations. Now, this year we've
12 spent 24,000. Previous budget we spent 19,000.
13 Why have we got 45? And I'm not -- and I'm not
14 arguing.

15 CITY ADMINISTRATOR SIMMS: Do you
16 want to know why?

17 COUNCIL MEMBER BRAB: Sure.

18 MAYOR EVANS: I think he would like to
19 know why.

20 CITY ADMINISTRATOR SIMMS: Because
21 the last two years we have not really had the 4th of
22 July celebration. It was impossible to have
23 because of rain. So all we really had those two
24 years was the fireworks. We're hoping this year
25 that somebody will see that we have good weather.

1 COUNCIL MEMBER BRAB: So that --
2 that --

3 CITY ADMINISTRATOR SIMMS: That
4 includes --

5 COUNCIL MEMBER BRAB: -- that's
6 another \$21,000 over -- that's how much that is?

7 CITY ADMINISTRATOR SIMMS: Yeah, it
8 is.

9 COUNCIL MEMBER MILES: And it's the
10 most popular thing we do short of keeping people
11 from getting killed.

12 MR. SPEAKER: You don't want to do
13 that.

14 COUNCIL MEMBER MILES: I'd like to
15 chime in, and I agree with what everybody has said
16 on -- I think the Beautification -- Beautification
17 Committee is much needed. I love our city, but I
18 can really see where it's kind of worn out,
19 especially in some of the older areas, but I think
20 the number needs to be big enough -- we're asking
21 a lot of people in this community to -- to serve on
22 this thing, and I think to really get the kind of
23 involvement and get people excited, I think they
24 need to see a commitment on behalf of the city
25 council that if they come up with a good plan and

1 they bring it to us and we agree to it, we're going
2 to put up some serious money.

3 And -- and trust me, you can spend \$50,000
4 wisely but quickly on a city our size in -- in doing
5 some quality landscaping. So I -- I'm comfortable
6 with what Frank said is that let -- let's say, okay,
7 this is -- this is a place you -- you could go, we're
8 willing to go to this -- doesn't mean we're going to
9 go there, but you've got to come back and show us
10 what you want to do, and if we think it's great,
11 we're willing to go to 50,000. It doesn't mean we
12 will, but if you -- you knock it out of the park,
13 that's a place we could go.

14 COUNCIL MEMBER LEONARD: And if we
15 go to 60,000 --

16 COUNCIL MEMBER MILES: Right.
17 Exactly.

18 COUNCIL MEMBER LEONARD: -- then
19 we have to amend the budget.

20 COUNCIL MEMBER MILES: Then we
21 have to amend the budget. So I see no harm in
22 doing that. And, Bill, the only difference I see in
23 amending budgets, and I do that in business all
24 the time, is -- is that it costs us money as a city to
25 amend the budget, because there are certain

1 procedures we have to go through -- is that
2 correct, Ann? Every time we amend the budget we
3 have to post things and --

4 CITY ADMINISTRATOR SIMMS: We have
5 to publish it.

6 COUNCIL MEMBER MILES: Right.

7 CITY ADMINISTRATOR SIMMS: And
8 we're going to a new way of publishing it, because
9 it has become -- we -- we've managed to come to
10 the level which the state will let us mail it out.

11 COUNCIL MEMBER MILES: Okay.

12 MAYOR EVANS: We haven't asked to
13 amend this year's budget, because we don't need
14 to. And the coming year's budget, if we need to
15 amend it, we'll ask to amend it.

16 The \$50,000, do what you will. I will
17 undertake not to spend any money until I've
18 presented council a plan, but that doesn't mean
19 you should give me \$50,000 to spend. You know,
20 do whatever seems appropriate to you-all.

21 COUNCIL MEMBER LEONARD: Actually,
22 we haven't given it to you. We've said we'll put it
23 in the budget, but you have to come back to --

24 MAYOR EVANS: Well, it was an
25 expression.

1 COUNCIL MEMBER LEONARD: Okay.

2 COUNCIL MEMBER TUCCI: Well, and --
3 and also, you know, you've asked some very good
4 people to put in a lot of time on this, and if you
5 tell them that you can't -- and we're going to give
6 you \$10,000 to do it, people are going to say --

7 COUNCIL MEMBER BRAB: That's not
8 what we're saying.

9 COUNCIL MEMBER TUCCI: On a -- on a
10 good morning, I could do that at Frank Otte's by
11 myself.

12 COUNCIL MEMBER LEONARD: Wow,
13 you're amazing.

14 COUNCIL MEMBER TUCCI: I -- I said I
15 could, I could. But at any rate, you have to
16 encourage them to -- with the thought that if you
17 come up with a good plan there will be money to
18 implement that plan, and that's a -- maybe a
19 reason to leave it as it is.

20 Not necessarily to spend it, but just as sort of
21 a guarantor to the people that we're asking to
22 spend a lot of their time on it that we're serious
23 about it, and when they come up with a proposal,
24 we will back that proposal.

25 MAYOR EVANS: What else?

1 COUNCIL MEMBER BOWLING: I've got a
2 quick question since we're on the same page,
3 5541, the mowing, spraying and mulching, we've
4 got budgeted 172,000 last year, but we only
5 actually spent 101,000 on that.

6 COUNCIL MEMBER BRAB: That's nine
7 months, Rob. That's nine months -- if you
8 annualize 101 --

9 THE REPORTER: I'm sorry, Mr. Brab.
10 I'm --

11 COUNCIL MEMBER BOWLING: The 101
12 is annualized completely?

13 THE REPORTER: -- not catching you.

14 COUNCIL MEMBER BOWLING: But -- but
15 we don't spend anything on mowing, spraying and
16 mulching those last three months.

17 MAYOR EVANS: I'm sorry, Rob. What --
18 what line are you on? 5541?

19 COUNCIL MEMBER BOWLING: 5541.

20 MAYOR EVANS: Okay.

21 COUNCIL MEMBER MILES: I think -- I
22 think we do mow a lot in May and June; right?

23 COUNCIL MEMBER TUCCI: Yeah, the --
24 those are the spring months.

25 MAYOR EVANS: Yeah. The grass wasn't

1 growing in February.

2 COUNCIL MEMBER TUCCI: Yeah, but
3 it's -- it will be growing, is growing.

4 CITY ADMINISTRATOR SIMMS: That's --
5 that's basically an annualized payment for the
6 contract. We pay 1/12th of it.

7 COUNCIL MEMBER BRAB: It would be
8 one -- would be 135,00 annualized.

9 COUNCIL MEMBER BOWLING: 135?

10 COUNCIL MEMBER BRAB: Right.

11 COUNCIL MEMBER BOWLING: So we're
12 still 40,000 high on our budget amount.

13 COUNCIL MEMBER BRAB: Well, you
14 haven't even --

15 COUNCIL MEMBER BOWLING: Yeah.

16 COUNCIL MEMBER BRAB: -- voted
17 approvals [phonetic].

18 MAYOR EVANS: Well, Ann, what are you
19 saying? Are you saying this number is wrong, this
20 actual figure is wrong?

21 CITY ADMINISTRATOR SIMMS: No.

22 MAYOR EVANS: But you're saying we
23 spend -- it's -- it's annual -- we do it 12 -- every
24 12 -- every month we do 1/12th of it?

25 CITY ADMINISTRATOR SIMMS: Practical

1 maintenance, I believe every month they get a
2 certain amount of money. I'll be glad to look that
3 up, but that was for a long time -- I'm sorry. I -- I
4 want to check it before I --

5 MAYOR EVANS: Okay. We'll come back
6 to you on that.

7 COUNCIL MEMBER MILES: And it
8 actually should come in less, because the mayor
9 renegotiated the mulch price.

10 COUNCIL MEMBER BOWLING: Right.

11 COUNCIL MEMBER MILES: Again, I
12 don't know how much of that is mulch, but that --

13 COUNCIL MEMBER BOWLING: Right.

14 COUNCIL MEMBER MILES: -- it could be
15 a significant number. I mean --

16 COUNCIL MEMBER BOWLING: Yeah, it
17 would be.

18 COUNCIL MEMBER MILES: -- it dropped
19 by 70% or something.

20 COUNCIL MEMBER BOWLING: Sure.

21 That would be --

22 COUNCIL MEMBER MILES: So that could
23 explain some of the difference we're seeing.

24 MAYOR EVANS: Yeah. I watched them
25 the day as they were doing the mulching, and, you

1 know, it's not just the price of the bag of mulch.
2 They're weeding, they're removing old mulch.
3 So -- but, yeah, that's -- that's what happened.
4 Anything else?

5 COUNCIL MEMBER FULCHER: There's
6 still -- to Rob's point, there's still -- Ann, are you
7 going to check that? There's still --

8 CITY ADMINISTRATOR SIMMS: I'm
9 going to check that.

10 COUNCIL MEMBER FULCHER: -- 30- or
11 \$40,000.

12 CITY ADMINISTRATOR SIMMS: I will
13 have to check it. I want -- I want to go back
14 through my list and check --

15 COUNCIL MEMBER FULCHER: Right.

16 COUNCIL MEMBER BOWLING: Yeah.
17 There's still about \$40,000 difference in -- in our
18 number this year because the lower mulch should
19 be, you know, significantly lower, so that's going
20 to even raise that. So, you know, we're probably
21 talking about \$50,000 difference.

22 MAYOR EVANS: Okay. What else?

23 Well, we're going to go back to the drawing board
24 and take all these matters up with each other and
25 present you with a new and improved proposed

1 budget based on all your comments and desires,
2 and we will get that out to you as soon as we can.

3 COUNCIL MEMBER TUCCI: Then how
4 does that schedule work? Do we --

5 MAYOR EVANS: Well, you'll have --
6 you'll have the regular May meeting to do what
7 we -- to look at what we present to you --

8 COUNCIL MEMBER TUCCI: So when do
9 we -- when do we have the first reading?

10 MAYOR EVANS: Going to have the first
11 reading at the May meeting.

12 COUNCIL MEMBER TUCCI: At the May
13 meeting.

14 MAYOR EVANS: Now, if you don't do
15 that, then we're --

16 COUNCIL MEMBER TUCCI: Then we're
17 in trouble. I understand.

18 MAYOR EVANS: -- under a little crunch.

19 COUNCIL MEMBER TUCCI: Right. Or
20 could we have the first reading now and then
21 amend it, or does that still push it into June
22 anyway?

23 MR. SPEAKER: It still --

24 MAYOR EVANS: It's still going to be
25 amended --

1 COUNCIL MEMBER TUCCI: Once you
2 amend it, it still pushes it; okay.

3 COUNCIL MEMBER MILES: So, if we
4 come back next time and we don't make any major
5 changes, then we can do a first reading, but what
6 if we come back and we make some major
7 changes? Then we have to have a special
8 meeting?

9 COUNCIL MEMBER TUCCI: Right.

10 MR. SPEAKER: You could.

11 CITY ATTORNEY POTTS: Unless you
12 make the major changes during the course of your
13 May meeting. In other words, they could -- they
14 could come back with a -- a changed recommended
15 budget. You could before you have your first
16 reading make additional changes in that budget so
17 that your first reading has the changes in it.

18 COUNCIL MEMBER MILES: Gotcha. All
19 right.

20 COUNCIL MEMBER TUCCI: So,
21 hypothetically, we could even sit here tonight,
22 scratch out old numbers, put in new numbers, Bill
23 would add them all up for us, and then you could
24 have the first reading?

25 MAYOR EVANS: Hypothetically --

1 hypothetically, but not really, because --

2 COUNCIL MEMBER MILES: I don't think
3 that would be prudent.

4 MAYOR EVANS: -- there are a couple
5 things we need to go back and look at.

6 Okay then. It is time for committee reports,
7 and the first is parks and public lands.

8 MS. WARDELL: I'm Linda Wardell, chair
9 of the committee.

10 And the first thing I'd like to report is that we
11 had our first wildflower walk in early April, and we
12 had 11 members of our community join us for that
13 walk, and even though it was early in April and
14 we've had a cool spring, there were wildflowers
15 there, so it was very successful.

16 We have a second wildflower walk this coming
17 Saturday at 10:00 at Harrods Creek Park, and,
18 once again, Jacqueline McGrail, our resident
19 expert in wildflowers, will be leading -- leading the
20 walk, and if you haven't had a chance to meet
21 Jacqueline, you really should.

22 She is extremely knowledgeable, and also has
23 been very generous with people that are interested
24 in incorporating native plants in their yards. She
25 has done this in her own yard, and she has offered

1 to provide advice and her expertise to anyone in
2 the community that's interested.

3 So, if you have a question for Jacqueline, she
4 has said, send -- send it to Linda, and Linda will
5 forward your email to me, or she's also given me
6 the -- her permission to give out her phone
7 number. So just something to think about.

8 The other thing that we're working on now that
9 it's spring again is to finish up the improvements
10 in the newer portions of the Harrods Creek Trail.
11 Stuart has been working very hard with some
12 young men to get that completed, and I think he's
13 almost done.

14 We're also -- the -- one of the little foot
15 bridges that was approved by council is in
16 progress. I'm not quite sure where that is. The
17 weather has had an impact on that. But the real
18 exciting thing is that we have ordered permanent
19 trail markers, and Ron told me I can do a little
20 show and tell. This is what they're going to look
21 like. We'll have appropriate -- arrows going in
22 appropriate directions.

23 We've divided the trails in Harrods Creek Park
24 into four different colored groups, so there's a red
25 trail and a blue trail and a -- I don't know, an

1 orange trail, I think, and a green trail, and it will
2 make it easier for our community members to
3 navigate the trails without getting lost, and one of
4 our plans down the road is to have some boy
5 scouts put in some mile markers. So we'll have,
6 when this project is done, not only easy to see
7 trail markers, but also an idea of the mileage
8 markers along the way.

9 So we're real excited about that. We are
10 scheduling a trail open house for the Harrods
11 Creek Trail on Saturday, May 31st. So save the
12 date, and come out and hike a trail. That's all I've
13 got.

14 MAYOR EVANS: Thank you, Linda. Any
15 questions? Mr. Tucci, Forestation Board.

16 MR. TUCCI: You may have seen the new
17 flag flying over city hall showing our tree city
18 recertification for this year, and all the council
19 people received our proposed forestation plan for
20 fi -- for calendar year 2014. If you have any
21 questions on that, I'd be happy to discuss it.

22 The mayor is going to report that he's
23 nominating a new member of the Forestation Board
24 to replace Cathy Wallace who resigned. In the last
25 few days, we have finalized agreement with Bob

1 Ray Company to do emerald ash borer treatment
2 for our medium size and smaller trees, and I would
3 like to note that Bob Ray is going to extend the
4 city price to any residents who want their own
5 privately-owned ash trees treated.

6 That would be \$8 per diameter inch. Trees
7 measure about 4-1/2 feet above the ground,
8 measure the diameter. It will cost \$80 to treat
9 that tree. That treatment will last about two
10 years. There's also -- willing to treat smaller
11 trees which are less than 5-1/2 inches in diameter.
12 Those trees require a different type of treatment,
13 they cost less, but only last a year.

14 In any case, there will be an article in the
15 Prospect newsletter advising residents if they're
16 interested in having their own trees treated to
17 contact the Bob Ray Company before the middle of
18 May.

19 Some other activities been going on, a few
20 weeks ago we had our consultant, Andrea Hanlon,
21 meet with John Hancock Place residents. They
22 have problems with spruce trees along Westover,
23 and I think probably this Friday she'll be meeting
24 with the mayor and Herb Shoehall [phonetic],
25 whose on our board, to discuss appropriate trees

1 and other plantings for the salt storage area which
2 has always been a matter of concern for people
3 living in the area.

4 Another thing that's happened is you might
5 have noticed that the Fox Harbor median has been
6 upgraded. That was done with private donated
7 funds and labor. It looks very nice.

8 And there's been a cherry tree replaced on
9 Hunting Creek Drive that was taken out by a
10 vehicle that apparently went off the road when the
11 snow or ice was that. That's been redone by
12 Hillards [phonetic], and it seems like all the trees
13 we planted last year, which are around a dozen
14 trees, are all doing real well coming up this
15 spring.

16 MAYOR EVANS: Lee, don't you have a
17 forestation plan that you'd like the council to
18 adopt?

19 MR. TUCCI: Yes. Yes, it was
20 distributed, I believe.

21 MAYOR EVANS: It was distributed in the
22 packets, and this might be the time to ask if
23 anyone who's on the council would care to move
24 for adoption of that plan?

25 COUNCIL MEMBER TUCCI: I guess it

1 would maybe be appropriate for me to move the
2 adoptions and take care of peace in the family.

3 MR. SPEAKER: Yes, absolutely.

4 MAYOR EVANS: Either that or a conflict.
5 I'm not sure.

6 COUNCIL MEMBER LEONARD: Sandra,
7 where is it in the -- oh, okay. I've got it. It's an
8 email.

9 COUNCIL MEMBER FULCHER: I,
10 personally, would like to just have some time to
11 read it.

12 COUNCIL MEMBER BRAB: Just a
13 question I have on this, Lee.

14 MR. TUCCI: Sure.

15 COUNCIL MEMBER BRAB: It looks
16 like -- and I'm looking at your email.

17 MR. TUCCI: Yeah.

18 COUNCIL MEMBER BRAB: Not in -- not
19 in detail.

20 MR. TUCCI: That's the budget as
21 distinguished from the forestation plan; right.

22 COUNCIL MEMBER BRAB: Okay. Well,
23 the -- I've got Stuart's stuff attached here.
24 Anyway, Number 1 on your email, purchase,
25 planting and maintenance of trees in the MSD

1 area --

2 MR. TUCCI: Right.

3 COUNCIL MEMBER BRAB: -- we've got
4 25,000, I believe, is that correct, towards the --

5 MR. TUCCI: We --

6 COUNCIL MEMBER MILES: Oh, no.

7 We -- we have -- we have 37 from MSD, and then
8 we've got another 5,000 that still have schools
9 [phonetic] that had to be taken.

10 COUNCIL MEMBER BRAB: Okay. So we
11 have 42.

12 COUNCIL MEMBER MILES: Yes.

13 COUNCIL MEMBER BRAB: So that --
14 that's -- this covers this 35?

15 MR. TUCCI: The 35 would come out of
16 the 42.

17 COUNCIL MEMBER BRAB: Yeah. We put
18 that in restricted funds?

19 COUNCIL MEMBER MILES: Right. Yeah.

20 MR. TUCCI: Right. And --

21 COUNCIL MEMBER BRAB: Okay.

22 MR. TUCCI: And when -- when MSD
23 finishes the project, the last thing they're going to
24 do is take out a pumping station, and so I tried to
25 reserve 7,000 for planting around that area, which

1 might not happen for another year or maybe even
2 longer.

3 COUNCIL MEMBER BRAB: So -- so,
4 basically, of budget money?

5 MR. TUCCI: Yeah.

6 COUNCIL MEMBER BRAB: What you're
7 asking for is Number 2 [phonetic], which is 20,000.

8 MR. TUCCI: Budget money, I put --

9 COUNCIL MEMBER BRAB: Right. It's
10 20,770?

11 COUNCIL MEMBER TUCCI: Yeah.

12 COUNCIL MEMBER BRAB: Right. That's
13 the total?

14 COUNCIL MEMBER TUCCI: Yeah.

15 COUNCIL MEMBER LEONARD: Is -- is
16 any of this included in the budget now?

17 COUNCIL MEMBER BRAB: No.

18 COUNCIL MEMBER MILES: Let's find it.

19 COUNCIL MEMBER BRAB: No.

20 COUNCIL MEMBER MILES: Tree
21 maintenance stump removal.

22 MR. TUCCI: It's broken up into two or
23 three pieces.

24 COUNCIL MEMBER BRAB: We have 8300
25 tree maintenance stump removal, and -- and public

1 tree planting is 16,900.

2 MR. TUCCI: Yeah. Plus a consultant is
3 22 -- \$2200.

4 MAYOR EVANS: We -- we put that in
5 just --

6 COUNCIL MEMBER BRAB: Arbor
7 services?

8 COUNCIL MEMBER TUCCI: Yeah.

9 COUNCIL MEMBER LEONARD: So it --
10 so the dollars are actually now in the budget, and
11 what we're approving is the plan, is that correct,
12 not the dollars?

13 MR. TUCCI: Right.

14 MAYOR EVANS: You haven't approved
15 the dollars yet, because they're in the budget.

16 COUNCIL MEMBER LEONARD: In the
17 budget; correct. Okay. So the amount is not
18 what's important, it's what we're doing that we're
19 voting?

20 COUNCIL MEMBER MILES: Right.

21 MR. TUCCI: I have an extra copy of that
22 forestation plan if anybody needs it.

23 COUNCIL MEMBER BRAB: I'm confused.
24 I'm sorry. How do you approve the plan and not
25 approve the dollars?

1 COUNCIL MEMBER LEONARD: Well, the
2 concept's --

3 MR. TUCCI: The -- the plan --

4 COUNCIL MEMBER LEONARD: The plan
5 isn't all [phonetic] concepts.

6 MR. TUCCI: The plan that is a concept,
7 it actually had no dollars in it.

8 COUNCIL MEMBER LEONARD: That's
9 correct.

10 COUNCIL MEMBER BRAB: Okay.

11 MR. SPEAKER: Why would it need
12 approval?

13 COUNCIL MEMBER BRAB: So it's a
14 blank check.

15 MR. TUCCI: I think it's in the ordinance.
16 We have to spend forestation plan --

17 COUNCIL MEMBER TUCCI: It's a part of
18 the -- the ordinance that established the
19 Forestation Board that they should do that.

20 COUNCIL MEMBER MILES: And I would
21 love to give anybody on the council a tour of where
22 these trees are going to go and to see the path
23 that MSD is creating, and -- and also answer any
24 questions you have about, you know, plans for the
25 park in this area.

1 COUNCIL MEMBER LEONARD: Stuart,
2 I'm not sure having you point to 25 different holes
3 that are going to be in the ground is going to
4 make --

5 COUNCIL MEMBER MILES: No, no, no.
6 Just -- just to show you the general area --

7 COUNCIL MEMBER LEONARD: I see.

8 COUNCIL MEMBER MILES: -- of where
9 it's going to go. It's a very large area. That
10 seems like a big number, but it's almost a mile
11 long linearly. So, you know, it's -- it will quickly
12 eat up. It will -- these trees will have an impact,
13 but it's not like they're going to be on top of each
14 other. They will be selectively planted in clusters
15 to have most impact.

16 MR. TUCCI: There was, like, 700 trees
17 taken out, and the park put in 2- or 300 trees.
18 Again, we're still --

19 COUNCIL MEMBER LEONARD: Plant the
20 other ones.

21 MR. SPEAKER: Yeah.

22 MR. TUCCI: They're better trees.

23 COUNCIL MEMBER LEONARD: I actually
24 have read this. I'd like to move approval.

25 COUNCIL MEMBER MILES: Okay. I

1 second it.

2 MAYOR EVANS: Moved and second. Is
3 there any further discussion of this? If not, we'll
4 take a vote. All in favor of approving the 2014
5 forestation plan, say "aye."

6 COUNCIL MEMBERS: Aye.

7 MAYOR EVANS: All opposed? The ayes
8 have it, and the plan is adopted for 2014. No
9 money for it. It's a plan.

10 Next? Sandra, the next item is the Library
11 Committee update. Would you care to do that?

12 COUNCIL MEMBER LEONARD:

13 Certainly. The Library Committee met today. We
14 have a book sale coming up May -- Friday, May 16th
15 and Saturday, May 17th. We'll be glad to take any
16 donations you want to give us.

17 We are probably going to be supplementing
18 our children's book catalogue with the proceeds
19 from this. We have a whole bunch of new
20 volunteers this year, and many of them are going
21 to be part of the reconstituted Library Committee.

22 Our people, a lot of them over time, we get
23 older and older, as you can tell from my hair, and
24 we move out of town. So it was time for us to add
25 a lot of new people, and they're wonderful. We're

1 very happy, and we hope you'll come to the book
2 sale. It's 9 to 5 both of those days. That's it.

3 MAYOR EVANS: Thank you. Would you
4 care to continue with website report?

5 COUNCIL MEMBER LEONARD: The
6 website report, the website is actually going along
7 really well. Couple of things that we're working
8 on, we're down to the point where we can actually
9 list on a piece of paper what's left.

10 We're working on a map which will allow you
11 to go and find out what subdivision you're in,
12 whether it's in Prospect, because 40059 is much
13 bigger than the city, and one of the questions that
14 we all deal with often is, do I live in the City of
15 Prospect. Well, it's my mailing address. And so
16 the website will have that on there. That's --
17 that's probably 3/4 done right now and looking
18 good.

19 We have -- thanks to Holly the ordinances are
20 being loaded onto the website, and she's
21 probably -- she said she might even be finished by
22 the end of this week. Two of the important things
23 for us for doing this was to get the ordinance on
24 there which are not on the old website to get the
25 financial records on there.

1 The mayor asked us to go slowly on the
2 financial records because of the -- all of the work
3 that's gone into the budget. So that has not been
4 done yet except conceptually. The actual
5 programming has not been done.

6 And then, finally, we're working on what we
7 call the opt-in page, and that is fairly -- we're --
8 we've got a draft of that. It's coming fairly close.
9 You're going to be able to go on this website and
10 tell us what you want to know about. For example,
11 the people on the Library Committee might want to
12 know if there's a library meeting, but they might
13 not care about a parks meeting and vice versa.

14 You're going to be able to opt in to what
15 notifications you want to get from the city, and
16 that's coming along very well right now, too.
17 Everything that we are legally required to notify
18 you of will be on the opt-in page, and you can tell
19 us whether you care or not, which will include
20 things like newsletters, the agendas.

21 So we won't blast you with everything that you
22 don't want. Now, you can also tell us you want all
23 of that, too. So that will also allow us to notify
24 you not just by email, which is our only vehicle
25 right now, we can notify you on your telephone, we

1 can text you. So it -- it's -- it's coming along
2 really well, and it's beginning to look really good.

3 MAYOR EVANS: Thank you. Frank,
4 Environmental Services Review Committee.

5 COUNCIL MEMBER FULCHER: We had a
6 meeting last week, and two of the projects are
7 moving along. The paper shredding happened over
8 the weekend and was very well received and
9 attended. There was about 5 ton -- about 5 tons of
10 paper was -- was collected.

11 Now, we need to get a little feedback from
12 the -- from the shredder on whether that's
13 commercially viable or something of an ongoing
14 service we can -- we can offer the residents, but,
15 tentatively, we are scheduling another one in
16 October.

17 Now, because this was a unique situation very
18 close to tax time when a lot of people go through
19 their records and get rid of old papers, we don't
20 know whether it's an -- an anomaly or not.

21 So, if we have one in -- in October, which
22 we're going to try to schedule with a book sale,
23 that should tell the tale, but I think it's a great
24 service, and people appreciated it, it was well
25 attended, and I think Paula Hammer and Holly did

1 a great job, too.

2 Drug drop, another -- another item that
3 residents have asked for information on. There is
4 one coming up, which -- in April 26th, which is just
5 around the corner, at 10:00, LaGrange Fire
6 Department. Now, there will be an email blast
7 from Ron with the infor -- with the information that
8 is pertinent.

9 So we've covered that. And I believe Warner
10 [phonetic] did a -- did a great job and found that
11 nobody wants to deal with drugs. You know, it's --
12 it's hard -- apparently, the Oldham County
13 Sheriff's Department, though, is very active in
14 this, so we -- it looks like we'll be relying on them.
15 And the service that we provide to our residents is
16 keeping them informed -- informed of where and
17 when these things are available.

18 It's a very detailed protocol. The DEA
19 specifies that it's kind of not something you can do
20 down the -- down the street. So, anyway, drug
21 drop's coming up.

22 There was a question asked about Type 1
23 recyclables, which are the see-through containers
24 that you get grapes or strawberries and that type
25 of thing in, which normally would show as a Type 1

1 plastic. The question was, since they're not
2 shown on a recyclables list, can they be put into
3 recycling, and the answer came back, yes, it can.

4 Apparently, that's a very volatile market, so
5 the -- Rumpke can sell those if they have market
6 conditions correct. If they don't, they just throw
7 them in with the 4 to 7s, so they are still recycled
8 but not as -- not as a premium plastic.

9 Another item that was discussed, and the
10 committee recommends that the city assume
11 responsibility for removal of large carcasses of
12 wildlife on people's property. Ron tells me there's
13 only eight or nine instances a year that he's aware
14 of.

15 The city picks them up if -- if they're on
16 public property, but since we have -- we've taken a
17 position as a community that these are -- these are
18 also residents that we tolerate and support,
19 then -- and then we undertake some sort of
20 obligation if something happens that the city
21 considers that solid waste and deals with it. It
22 may -- may be a line item in the budget.

23 MAYOR EVANS: It could be part of the
24 beautification.

25 COUNCIL MEMBER LEONARD: It could.

1 COUNCIL MEMBER FULCHER: It could.

2 COUNCIL MEMBER LEONARD: One of
3 the things we didn't have a clue was how much
4 we're talking about. We -- we didn't know how
5 much it costs. We thought it might be --

6 MAYOR EVANS: Did you find out?

7 COUNCIL MEMBER LEONARD: We
8 thought it might be about \$200, but we didn't
9 know.

10 COUNCIL MEMBER FULCHER: Ron --
11 Ron speculated 2- to 3,000 in a year.

12 COUNCIL MEMBER LEONARD: Does that
13 feel right?

14 COUNCIL MEMBER BOWLING: Yeah.
15 That's not including 42, though. The state handles
16 that.

17 COUNCIL MEMBER BOWLING: Yes.

18 COUNCIL MEMBER LEONARD: The state
19 handles that.

20 CHIEF SHERRARD: The state handles it,
21 too.

22 COUNCIL MEMBER FULCHER: And it
23 doesn't -- and -- and it doesn't include the stuff
24 that we do ordinarily now. I don't know where that
25 money comes from.

1 MR. SPEAKER: Right.

2 COUNCIL MEMBER FULCHER: But
3 this -- this is on private property, and it saves the
4 residents from -- if a deer drop -- deer drops dead
5 in your front yard, you don't have to drag him in
6 the street.

7 CHIEF SHERRARD: Or drag him out to
8 42.

9 COUNCIL MEMBER MILES: Or leave him
10 for the buzzards.

11 COUNCIL MEMBER LEONARD: So that
12 was mentioned, too.

13 COUNCIL MEMBER FULCHER: Another
14 item --

15 MAYOR EVANS: People have a weird
16 sense of humor.

17 COUNCIL MEMBER FULCHER: -- Section
18 51, which is the -- which is the section dealing
19 with garbage collection, pickup, if you read this,
20 there's nothing in this that really is of any value,
21 and the committee felt that, with the exception of
22 moving -- there's two paragraphs on animal waste,
23 moving that into the animals ordinance in toto, just
24 pick it up, and doing that --

25 MAYOR EVANS: I'm not -- I'm not with

1 you.

2 COUNCIL MEMBER FULCHER:

3 Eliminating -- eliminating -- pulling two paragraphs
4 out of it, and then eliminating that ordinance,
5 because there's nothing in there that we do or
6 don't do; it's just an extraneous piece of
7 literature. That's the committee's decision.

8 COUNCIL MEMBER LEONARD: Actually,
9 we have to sit there and look at it. There were a
10 couple of things we didn't know a lot about. Like,
11 I'm supposed to find out why our ordinance says
12 that the city owns the recycling trash containers.

13 As a city person that they want my ugly old
14 trash container? I mean, we -- we didn't
15 understand why there was an ordinance that
16 literally says that.

17 COUNCIL MEMBER MILES: Because I
18 think the city bought them.

19 MS. SPEAKER: The city does buy them
20 and --

21 COUNCIL MEMBER FULCHER: There's
22 no ordinance that says the city owns the police
23 cars.

24 COUNCIL MEMBER MILES: But we don't
25 give the police cars to the residents to take home.

1 THE REPORTER: I'm sorry, Mr. Miles?

2 COUNCIL MEMBER FULCHER: We give
3 them to the police to take home.

4 MAYOR EVANS: All right. I think
5 we've --

6 COUNCIL MEMBER MILES: I said we
7 don't give the police cars to the residents to take
8 home.

9 MAYOR EVANS: -- beat that to death.
10 Let's move on.

11 COUNCIL MEMBER FULCHER: And the
12 question, Grover, when you -- when you take a
13 paragraph out of one section and move it into
14 another section without changing it, what is --
15 what procedurally is required?

16 CITY ATTORNEY POTTS: Well, you --
17 there is a question of whether or not you have to
18 amend an ordinance. I'm not sure that you do,
19 because the way the ordinances are set up in a
20 compilation, that's a compilation that's not done
21 by the city, but it's done by the publisher of the
22 ordinance book.

23 And so, as long as it's be an established
24 ordinance, I think the argument can be made that
25 you don't need to re-establish it; you simply direct

1 the person who is -- is doing the compilation to put
2 it in section such-and-such as opposed to the
3 section that it's in. Now, you would have to --
4 have to have an ordinance that would eliminate the
5 sections that you don't want.

6 COUNCIL MEMBER FULCHER: Okay.

7 MAYOR EVANS: Okay?

8 COUNCIL MEMBER FULCHER: Okay.

9 Thank you. That's it.

10 MAYOR EVANS: All right. And finally,
11 Jeff, Nuisance -- the Nuisance Committee -- the
12 nuisance ordinance writer.

13 MR. STOVALL: Yes.

14 MAYOR EVANS: Yeah.

15 MR. STOVALL: Good evening.

16 MAYOR EVANS: Thank you for your hard
17 work.

18 MR. STOVALL: Jeff Stovall. I'm the --
19 I'm the chair of the Nuisance Ordinance Review
20 Committee.

21 I believe back in October was the last time
22 this was -- issue was before the committee, and --
23 or the council, and Frank gave a first reading.
24 Since that time, we were recharged. There was
25 some concern over the fact that the definition of

1 nuisance was a little bit too broad.

2 We took some comments from citizens, as well
3 as from the city attorney, came up with a revised
4 definition under 92.01, which actually blue-lined
5 here, which has been distributed. We struck out
6 Subparagraphs B and C. B was offends decency,
7 and C was is offensive to the senses. Therefore,
8 we have pared down a little bit the actual
9 definition of a nuisance under 92.01.

10 The prior definition of a nuisance was public
11 nui -- was a public nuisance, which obviously does
12 not work. So we tried to pare that down taking
13 into consideration comments we've received since
14 October.

15 I do have one correction in 92.03(A),
16 dangerous buildings and adjoining streets. Second
17 to last line should read "house or structure or by
18 fire or falling." We should take out "of the party."
19 I don't know how that got in here. Strike "of the
20 party," and it should be "thereof."

21 Moving to the second page, F, storage of
22 explosives, we entered the caveat with respect to
23 licensed contractors, which I think is appropriate.
24 Small change to weeds or grass in I, we just added
25 the word "city." Keeping with G, weeds or grass,

1 we added in Subsection III, "no greater than 4
2 inches."

3 In big I, trees and shrubbery, we added at a
4 minimum branches should be vertically trimmed to
5 provide clearance from the road -- from the road
6 bed of at least 13 feet 6 inches, which I believe is
7 the legal height for trucks and vans.

8 In K, operation of heavy equipment, we added
9 "or other appropriate jurisdiction." And looking, I
10 guess, at Page 4 on proposed amendments to
11 90.17, we added "tethered, restrained and/or on a
12 leash at all times."

13 The committee had a sense of discussion with
14 respect to the few, quote, problem areas within the
15 city, and a proposal to add lan -- language and --
16 for sec -- second or subsequent violations that
17 maybe adds more teeth to the penalties. For some
18 reason, the version that I emailed did not make its
19 way to this proposal.

20 What we would -- what we would -- the
21 committee would propose to add would read,
22 "whoever violates any provision of this chapter
23 shall be fined," and strike out "not less than 25,
24 no more than 500 per person per action," and
25 insert "in accordance with Section 10.99."

1 So those are the changes that we have made
2 since October. I'd be happy to answer any
3 questions.

4 MAYOR EVANS: When there is a housing
5 lot and it's in severe disrepair, no one would
6 argue -- let's -- let's assume it's a fact that no one
7 would say that it's anything other than a nuisance,
8 okay, under -- under your statute; okay?

9 Do we have the ability after notifying the
10 owner that he's in violation to give him X number
11 of days, failing which instead of just citing him
12 and bringing him before the Code Enforcement
13 Board and maybe fining him some money, giving
14 the city the authority to go on the property and fix
15 it?

16 Because we have that situation in various
17 neighborhoods, and I'm told I don't dare go on to
18 the person's property to repair a broken piece of
19 sidewalk or to remove a dead Christmas tree that's
20 been laying there since, presumably, Christmas
21 and stuff like that, we can't do it.

22 And -- and I don't know -- maybe Grover can
23 comment, but if there's some way that either I
24 already have it and don't know it or I can get the
25 authority to remedy the situation.

1 MR. STOVALL: That's a good question,
2 and that is actually addressed in this packet. I
3 guess it would be the --

4 MR. SPEAKER: We looked at that
5 specific --

6 MR. STOVALL: -- fourth page, Section
7 92.07, vacant structures, homes and lots, and I
8 believe that the -- the caveat would be that if it
9 poses an immediate danger to the health, safety,
10 repose, or peaceful occupancy, we could possibly
11 enter onto the property to correct that if it is
12 deemed or appears to be an abandoned structure
13 or home at that time.

14 MAYOR EVANS: I didn't get 92.07 in
15 my --

16 COUNCIL MEMBER TUCCI: It's on the
17 back.

18 COUNCIL MEMBER LEONARD: What if
19 the property is not abandoned?

20 COUNCIL MEMBER TUCCI: Yeah. What
21 if somebody is living in the house and it looks like
22 Tobacco Road? Then what?

23 MR. STOVALL: Well, that would -- if
24 they fail to answer, then I -- then they would be
25 back to the increased penalties section in 92.99,

1 which means that you could fine them up to \$50,
2 \$100, \$250.

3 COUNCIL MEMBER MILES: Per day of
4 the offense?

5 MR. STOVALL: For each violation.

6 COUNCIL MEMBER LEONARD:

7 Actually --

8 CHIEF SHERRARD: Minimally.

9 COUNCIL MEMBER LEONARD: -- my
10 question is: Is that --

11 CHIEF SHERRARD: Could be 500 a day.

12 COUNCIL MEMBER LEONARD: --
13 process in here anywhere where there's
14 notification and a term to rectify the situation, and
15 then it is rectified and you charge the person?

16 MR. STOVALL: It is my understanding
17 that we have a process in place.

18 COUNCIL MEMBER LEONARD: But -- but
19 there's nothing in here.

20 MR. STOVALL: That's correct. This --

21 COUNCIL MEMBER LEONARD: Okay.

22 MR. STOVALL: We were charged with
23 just the nuisance ordinance itself.

24 MR. SPEAKER: My understanding,
25 Sandra, is we put a -- we put a lien on the

1 person's property.

2 COUNCIL MEMBER BRAB: If my
3 understanding is correct, Jeff, unless it's a safety,
4 public safety hazard --

5 MR. STOVALL: Imminent.

6 COUNCIL MEMBER BRAB: -- an
7 imminent public safety hazard --

8 MR. STOVALL: Correct.

9 COUNCIL MEMBER BRAB: -- the city
10 does not have the right, regardless of how we
11 write it, to go on any private property and remedy
12 the situation. We only have the ability to notify
13 and to fine; is that correct?

14 MR. STOVALL: That's correct, unless it
15 is imminent.

16 COUNCIL MEMBER BRAB: Unless it's a
17 danger to public safety?

18 MR. STOVALL: Correct.

19 COUNCIL MEMBER LEONARD: So the
20 sidewalk might be an imminent danger, but the
21 Christmas tree in the backyard isn't; is that --

22 MR. SPEAKER: Unless it draws rats or
23 vermin and -- and could lead to some kind of
24 health hazard.

25 MR. STOVALL: Any other questions?

1 COUNCIL MEMBER BRAB: Jeff, you and
2 I have spoken by email and back and forth a
3 couple times.

4 MR. STOVALL: Yes.

5 COUNCIL MEMBER BRAB: I think you-all
6 have done a terrific job on this updating it,
7 because our current ordinances are kind of
8 nonexistent, hand -- you know, handcuff the
9 chief -- no pun intended -- to really go out and --
10 and do things to -- to correct or remedy these
11 situations, and you have changed 92.01. I think
12 that there were six sections there, and you and --
13 you and I spoke on the phone, and I did email --
14 email you my comments.

15 I have an issue still with portions of B and
16 portions of D being too vague, because they're
17 open to interpretation. One person's comfortable
18 enjoyment of life is somebody else's pain in the
19 neck; okay? Depends on what kind of music you
20 like, depends on if you have a bunch of dogs,
21 whatever.

22 So I guess the question is is -- my feeling is
23 is they're so vague, do we really need this section
24 at all to allow the city and the police department
25 and whoever if we have a code enforcement officer

1 assigned to do that in the future, do we really
2 need this section at all to address 99% of the
3 issues we face in the city with high grass, rundown
4 properties, stuff laying around, et cetera, et
5 cetera?

6 And -- and from my discussions with the police
7 department and others, we really don't need --
8 well, let me put it this way. I'm not going to put
9 words in their mouth. It's very vague.

10 MR. STOVALL: M-hm.

11 COUNCIL MEMBER BRAB: And it's
12 just -- first call is going to go to the chief --

13 CHIEF SHERRARD: Right.

14 COUNCIL MEMBER BRAB: -- or the
15 police department. If I -- if I'm upset with a
16 neighbor under this --

17 CHIEF SHERRARD: And I'll interject
18 where I think D is, not to -- not to interrupt you,
19 but where D was coming from I think from the
20 committee, and this is common in a lot of cities,
21 because when we're reviewing it --

22 COUNCIL MEMBER BRAB: Right.

23 CHIEF SHERRARD: -- this is the exact
24 verbiage that was used elsewhere. But this one
25 was intended as the catch-all for the properties

1 that it's not exactly -- we -- we didn't have
2 anything specific. Like, they're cutting the grass,
3 and they're doing some of the other things, but the
4 shutters are falling off the house, they haven't
5 painted the thing, and it just looks like hell, and
6 there's nothing on there, there's nothing specific
7 in there that you can do anything about.

8 COUNCIL MEMBER BRAB: Okay.

9 CHIEF SHERRARD: And this was
10 intended that the property is getting so rundown
11 that it is destroying the property values of the
12 people that are trying to sell their homes on the
13 other side. That was the catch-all that was used
14 that at least you have something to address those
15 properties. Not that there's a lot of them.

16 COUNCIL MEMBER MILES: Well said.

17 CHIEF SHERRARD: But the ones -- but,
18 you know, they're -- they're cutting the grass,
19 they're doing something basic, but you may have
20 some where the shutters are falling down, and, you
21 know, you've got some where the gutters are
22 hanging off. It not a safety issue, but -- and then
23 they haven't painted the thing in -- in ages, and --
24 and it just looks like -- looks like hell.

25 COUNCIL MEMBER BRAB: And you and I

1 discussed that.

2 CHIEF SHERRARD: Right.

3 COUNCIL MEMBER BRAB: So, again --

4 CHIEF SHERRARD: But I think that was
5 the -- that's the intention I think of that one is
6 that's the catch-all --

7 MR. STOVALL: It is.

8 CHIEF SHERRARD: -- if you don't have
9 anything else and it's -- they're just letting them
10 rundown, and it's destroying property values of the
11 people that are in that area.

12 MR. STOVALL: And -- and

13 COUNCIL MEMBER BRAB: They just --
14 and just make D read, "tends to depreciate the
15 value of the property of others."

16 CITY ATTORNEY POTTS: I think if you --
17 if you really just took out the essentially interferes
18 with the comfortable -- once you take that out, you
19 could leave in the "peaceful enjoyment of
20 property," or "tends to depreciate the value of
21 property levels."

22 MR. STOVALL: And -- and --

23 COUNCIL MEMBER BRAB: What I'm
24 trying to avoid here is we're writing a law, and
25 what I don't want to create is a lawyer's retirement

1 fund.

2 MR. STOVALL: And, Bill, if I could
3 address your comments, we did speak about this,
4 and we definitely took your comments into
5 consideration. My answer I guess would be -- or
6 the committee's answer would be twofold.

7 One, hopefully, we have citizens in this city
8 that are reasonable. I understand there might not
9 be some citizens that are reasonable, but that's
10 your first safe -- safeguard.

11 Your second safeguard is you call out the
12 chief, and he comes out and he says, "That doesn't
13 look like it would be anything to warrant me citing
14 you for this." But even if he does, then you have
15 the third safeguard of the Code Enforcement Board
16 when you go before and they say, "Is this really a
17 nuisance in this catch-all?"

18 My second answer to that would be, you're
19 looking at it from a subjective standpoint. This is
20 a reasonable person under the law -- and Grover
21 can talk to you about that -- this is an objective --
22 you need to look at this objectively from a
23 reasonable person's standpoint.

24 So, if you have outlandish complaint about
25 something, I would hope, one, that there are

1 enough safeguards in place where we could be
2 reasonable; and, two, when this is eventually
3 going to come before a board, it would be looked
4 at through the reasonable person's standard
5 objectively.

6 COUNCIL MEMBER BRAB: I understand.

7 COUNCIL MEMBER MILES: And those
8 were the safeties in place that would make me feel
9 comfortable with that language, because it is
10 impossible to write it to any specification. We
11 would be there for ten years writing out every
12 permutation of that. But I hear you, Bill, but --

13 MR. STOVALL: I do, too. I do, too.

14 COUNCIL MEMBER MILES: And -- and --
15 and what I would suggest is we -- we enact this,
16 and if it does become a problem, we can come
17 back and we change it if -- if -- if we do find abuse
18 or we do find that it -- it leads to unintended
19 problems, but I think these problems are really
20 serious.

21 I have a lot of people calling me trying to sell
22 houses who have neighbors who have rundown
23 property, and they -- they feel really powerless.
24 They have the -- the world's largest investment,
25 and some knucklehead down the street who isn't

1 taking care of their house could be the difference
2 between them going bankrupt or not, you know,
3 and I think -- I think we need to have this in our
4 back pocket to protect those people.

5 COUNCIL MEMBER BRAB: That's a little
6 extreme, but -- and I -- I -- the only thing I'd like
7 to point out is I'd like to be the on record saying,
8 as Grover said, the same thing, suggested that --
9 that we take out the first sentence of the first part
10 of D. The sentence really interferes with the
11 comfortable enjoyment of life and property, and
12 leave the rest of D as it is.

13 MR. STOVALL: And -- and it's my --

14 COUNCIL MEMBER BRAB: It's to the --

15 MR. STOVALL: -- understanding that
16 there's going to be one more pass through the city
17 attorney for the --

18 MR. SPEAKER: It has -- has to be put
19 into form of an ordinance with all of the stuff taken
20 out and changed there will another pass where you
21 can say something [phonetic].

22 COUNCIL MEMBER TUCCI: I really
23 appreciate your efforts, though, because there
24 are --

25 COUNCIL MEMBER BRAB: Yeah, you did

1 a great job.

2 COUNCIL MEMBER TUCCI: I think
3 everyone here can think of one or two homes in an
4 entire subdivision, not lots of homes, where you
5 really have recalcitrant people, and they -- they
6 aren't embarrassed by the fact that their house
7 does not meet community standards, it meets their
8 standards, and you need to have some sort of
9 mechanism to -- to work with those people. And I
10 trust our -- our police to be reasonable people and
11 to be really reluctant to the unreasonable.

12 COUNCIL MEMBER FULCHER: Now, I
13 think Jeff did -- Stuart and I were on the
14 committee. I think Jeff did an excellent job as
15 chair, and I want to point out that one of the
16 guiding principles in this was to make this
17 enforceable.

18 Whereas, you know, you hear a lot these days
19 about, do we -- do we have a -- an ordinance
20 problem, or do we have an enforcement problem?
21 You know, I have a lot of people come up to me
22 and say, you know, we've got a lot of ordinances,
23 but we don't seem to get around to enforcing them.

24 So what we've tried to do was work with the
25 police such that these words allow them to enforce

1 what is codified, if, in fact, it does get there
2 [phonetic].

3 COUNCIL MEMBER BOWLING: Jeff, I'd
4 like to make one comment.

5 MR. STOVALL: Sure.

6 COUNCIL MEMBER BOWLING: I guess
7 the -- the status now is that, you know, we -- we
8 can't go on anybody's property unless it -- you
9 know, there -- there's a -- poses a hazard. Most
10 of this, you know, is not going to be able to
11 happen under those regulations.

12 I've got rental property in Lexington that I've
13 closed on, and there are actually weedlings on
14 there where when I bought the property, the City of
15 Lexington had mowed the grass and of course put
16 a lien on there. I actually had a neighbor up
17 there, too, that I had to go to the city, and I called
18 them within two days, they came out there and
19 mowed. So I know they're doing it up there.

20 So the question would be: Why can they do
21 that and we can't? You know, is it -- is it
22 something, you know, within the county here, or is
23 it -- I mean, could -- could we --

24 CITY ATTORNEY POTTS: You can do
25 that.

1 COUNCIL MEMBER BOWLING: Okay. I
2 was going to say, is it something that we can do?
3 Because without that, this isn't -- this doesn't
4 mean a lot. You-guys put a lot of work, and it's
5 great if it's enforceable.

6 So I would like to recommend that -- that we,
7 as Prospect, allow the correct wordage to allow us
8 to -- to implement these things.

9 COUNCIL MEMBER LEONARD: Why
10 don't we look at Lexington's ordinance.

11 MR. STOVALL: Okay.

12 COUNCIL MEMBER MILES: Yeah. That
13 would be great.

14 THE REPORTER: I'm sorry. Ms.
15 Leonard, what did you say?

16 COUNCIL MEMBER LEONARD: I said
17 why don't we look at Lexington's ordinance.

18 THE REPORTER: Thank you.

19 COUNCIL MEMBER MILES: Great job,
20 Jeff.

21 CITY ATTORNEY POTTS: Yeah. Why --
22 just before Rob had raised a point. Weeds, for
23 example, are something different. That's a fairly
24 easily identifiable condition, and it's fairly easy to
25 say, "well, I've got -- the grass hasn't been cut,

1 and I've got a foot and a half high bunch of weeds
2 and stuff," and you can go in and under the
3 authority of the ordinance do that and put a lien on
4 it.

5 When you expand that into, well, I'm going to
6 hang this -- this drooping gutter, that gets into a
7 whole different area. But clearly, for safety
8 purposes, health purposes, you can do the weed
9 things, and weedlings are very common in
10 Jefferson County --

11 COUNCIL MEMBER BOWLING: Right.

12 CITY ATTORNEY POTTS: -- just like
13 they are in Fayette County.

14 COUNCIL MEMBER BOWLING: Okay.

15 We have -- we have -- in our ordinance now, we
16 have the ability to do that as far as weeds go.

17 CITY ATTORNEY POTTS: Do we -- have
18 we done that? I know we do that -- we do other
19 things, but do we do weedlings?

20 MS. LEVOLD: I'm not sure about that.

21 CITY ATTORNEY POTTS: Okay.

22 COUNCIL MEMBER TUCCI: We do --
23 certainly do grass.

24 CITY ATTORNEY POTTS: Well, but I
25 mean -- but where we charge back.

1 COUNCIL MEMBER BOWLING: Right.

2 CITY ATTORNEY POTTS: So --

3 COUNCIL MEMBER TUCCI: Yeah, where
4 you charge back.

5 CITY ATTORNEY POTTS: -- the answer
6 is, yes, you can do that.

7 CITY ADMINISTRATOR SIMMS: Yes, we
8 have.

9 CITY ATTORNEY POTTS: We have; okay.

10 COUNCIL MEMBER LEONARD: But it's
11 not a routine behavior.

12 MR. SPEAKER: It's been a long time.

13 CHIEF SHERRARD: Let's be honest,
14 most of the people are compliant with it, and you
15 go through and they're cutting the grass, or at
16 some point we get ahold of the property owner and
17 they get to where they do it, and it doesn't come
18 back.

19 COUNCIL MEMBER MILES: It's mainly
20 the -- the property owners that are banks --

21 CHIEF SHERRARD: You know, some
22 stuff that fell into foreclosure and it's a matter of
23 getting a hold of the right institution --

24 COUNCIL MEMBER BOWLING: Right.

25 CHIEF SHERRARD: -- and you finally --

1 once you get that number and you can get a hold
2 of somebody, I mean, we can generally get
3 somebody out there within the week.

4 COUNCIL MEMBER BOWLING: Right.

5 CHIEF SHERRARD: And -- and then,
6 once that happens, then it -- then it works out.
7 It's just a matter of finding the right bank --

8 COUNCIL MEMBER BOWLING: Right.

9 And, you know, something else on these, you
10 know, I went back and tracked some of this, and,
11 you know, about 95% of all these problems that we
12 have are on rentals, you know, which, you know, it
13 brings up an interesting point that, you know,
14 we're -- we're spending a lot of time on nuisance
15 and stuff that is -- you know, is encompassed
16 completely by one sector, you know, that maybe we
17 take a look at.

18 I don't -- you know, I don't know if we need to
19 completely get rid of them, but I -- possibly
20 make -- I don't know. If -- if it would be legal to
21 allow, maybe make anybody that rents within the
22 City of Prospect to provide a deposit or something,
23 something like that, is that -- is that --

24 CITY ATTORNEY POTTS: I don't think it
25 would be legal.

1 COUNCIL MEMBER BOWLING: That
2 wouldn't be legal?

3 CITY ATTORNEY POTTS: No.

4 COUNCIL MEMBER BOWLING: Okay.

5 COUNCIL MEMBER MILES: I have lots of
6 great ideas that aren't legal, so. . .

7 COUNCIL MEMBER BOWLING: Yeah.
8 So -- but that would certainly get rid of a lot of our
9 problems if we -- if we address, you know, that,
10 because that's -- you know, when I've looked at --
11 gone back and looked at all the -- the nuisance
12 ordinances, you know, they're -- the addresses are
13 rentals, so. . .

14 MR. STOVALL: All right. Thank you very
15 much.

16 MAYOR EVANS: Thanks, Jeff.

17 COUNCIL MEMBER BRAB: Thanks, Jeff.

18 MAYOR EVANS: Chief, you are --

19 CHIEF SHERRARD: I'm next.

20 MAYOR EVANS: -- speaking. Go right
21 ahead.

22 CHIEF SHERRARD: Okay. House checks
23 were down about 17% compared to the same period
24 last year. And we've noticed that there weren't
25 nearly as many people that were traveling this

1 year. During the spring breaks, house checks
2 were way down. I don't know what the -- that is all
3 about, but. . .

4 Citations were up considerably over last year,
5 up 36%. Total charges are up 30%. Accident
6 reports about the same. Let's see. All the other
7 reports were about the same.

8 Officer-initiated runs were up 14%. Dispatch
9 runs were pretty close to the same. Arrests for
10 the month, we had a total of ten arrests, seven of
11 those were DUI, one was for a suspended license,
12 one was a service of a bench warrant, and then
13 other one was for possession of marijuana. That
14 was one of the occupants that was in a car with
15 somebody that was arrested for DUI.

16 Under the Code Enforcement, no citations
17 were issued for the month, but we did work on a
18 number of issues. There was a fence that was a
19 problem in Hunting Creek that was taken down.
20 That was actually removed by the city.

21 We had an RV that was parked in Hunting
22 Creek. That was an issue for a few days. They
23 obtained a permit, and then they left. They were
24 visiting from Florida. It's actually, the owner of
25 the home, he has residency in both states.

1 The fallen tree that we have over in Fox
2 Harbor, I know that's been an eyesore for a
3 number of people. I'll just update you on what
4 that situation is. The homeowner, there's a tree
5 that basically broke and fell, and it's laying on top
6 of the edge of the roof.

7 The homeowner is having just nightmares with
8 their insurance company, and they were told by the
9 insurance company if they did all this on their own
10 and had it removed and did that, they weren't
11 going to pay the claim, so we've talked with this
12 lady back and forth for weeks trying to get it
13 resolved. She's supposed to have both a tree
14 removal company and a roofer there supposed to
15 be done in the first part of this week.

16 Now, I went by earlier tonight before I came
17 here, it's not been touched yet, but when Jill
18 talked to her, I think it was last Friday, and she
19 said that it's supposed to be resolved early this
20 week. She's as every bit as frustrated as we are
21 with the situation, and she even was telling us
22 which insurance not to buy, and I've already
23 forgotten which one it was. She said it's an
24 absolute -- an absolute disaster. She says don't
25 ever deal with them.

1 COUNCIL MEMBER FULCHER: Is that --
2 was going up Hunting Creek Drive --

3 CHIEF SHERRARD: It's on Rockingham.

4 COUNCIL MEMBER LEONARD:
5 Rockingham.

6 CHIEF SHERRARD: It's on Rockingham
7 on -- on the right.

8 COUNCIL MEMBER FULCHER: There's
9 another one right as you start up --

10 CHIEF SHERRARD: She's got a -- she's
11 got a tarp laying on it, and the tree's still laying
12 on it, and she was told not to touch it, not to have
13 it removed, because they're debating on how much
14 they want to pay on the claim as it relates to the
15 roof and everything. It's just a disaster for her
16 and for everybody that lives up there,
17 unfortunately, but there is light at the end of the
18 tunnel. Hopefully, it's not attached to a train.

19 Let's see. On felony reports, we had a -- a
20 resident that had a couple of watches that were
21 stolen. That was by a contractor. Actually, when
22 they contacted the people, they ended up returning
23 the watches, and they refused to prosecute. So he
24 got all of his property back.

25 Identity theft, there was one that was reported

1 in March. I'll tell you, we've had at least three
2 more reported this month. There is a huge
3 problem right now, and it's not just in Prospect,
4 it's all throughout the country, on the income tax
5 scam.

6 People are getting a hold of social security
7 numbers and filing income taxes -- income returns,
8 and then when you go to legitimately file your
9 return, the IRS says, no, we've already had your
10 claim -- your return has already been filed. And
11 it's so bad this year based on what they had last
12 year, the IRS has put -- has put an additional
13 3,000 investigators just to handle that particular
14 type of fraud, and they've trained 35,000 others to
15 handle it.

16 I mean, it's into the multiple hundred
17 thousand frauds that they've already had, and it's
18 just on insurance claims, and they suspect that it's
19 just a matter of somebody -- they either breach the
20 database someplace, they've got your Social
21 Security number and your name, and based on
22 that, somebody can file an income tax in your
23 name, have it sent to whatever location, and
24 already draw a check.

25 And they're sending in fraudulent, you know,

1 payroll information, W-2s and everything with that
2 information that they have, and it's already hit at
3 least four of our people, and it's pretty tough.
4 And we've had two other cases where they've
5 opened up credit in someone's name and -- the
6 cable company in North Carolina, someone opened
7 up a cable for Insight cable, or Time Warner now,
8 in North Carolina.

9 Let's see. Also had another incidence of
10 someone that was missing some jewelry, but they
11 last saw it a year ago, so we don't really have any
12 leads to go on, so. . . We did have one
13 misdemeanor report that involved two Kroger
14 employees. That resulted in a warrant being taken
15 for one employee, for the other we eventually
16 executed that warrant. I think that's it.

17 COUNCIL MEMBER LEONARD: Actually,
18 just really quickly, I'd like to thank the chief.
19 When my husband died a couple of weeks ago, I
20 called 228-COPS. Two of his officers, Haverlin
21 and Price, showed up and the chief himself showed
22 up, and I have to honestly say, for a dreadful
23 morning, the presence of the police was so
24 calming that by the time EMS and the coroner and
25 everybody else had left, it wasn't the worst day of

1 my life. Thank you.

2 CHIEF SHERRARD: Sorry that we had to
3 be there, but I'm glad we were there.

4 COUNCIL MEMBER LEONARD: Well, we
5 were glad you were.

6 COUNCIL MEMBER FULCHER: In -- in a
7 very similar situation, the -- the gentleman that
8 died on the street in front of my son's house, he
9 was very complimentary about how your officers,
10 female officers, handled that situation. He asked
11 me to make sure that you heard that.

12 CHIEF SHERRARD: I'll let them know.
13 Thank you.

14 MAYOR EVANS: All right. Moving on. I
15 would like to call your attention to the Ordinance
16 531, Series 2014, and ask -- it's in the packets --
17 if anyone on the council would like to move its
18 adoption? This is a first reading, by the way.

19 COUNCIL MEMBER BRAB: So moved.

20 COUNCIL MEMBER MILES: Second.

21 MAYOR EVANS: Grover, don't we have
22 to read --

23 COUNCIL MEMBER LEONARD: We have
24 to read it.

25 CITY ATTORNEY POTTS: You just have

1 to read the title. Correct.

2 MAYOR EVANS: Bill, would you read
3 title of it in there?

4 COUNCIL MEMBER BRAB: This is City
5 of Prospect, "Ordinance 531, Series 2014: An
6 ordinance relating to the amendment and
7 modification of Chapter 114 of the code of
8 ordinance of the City of Prospect."

9 MAYOR EVANS: That's all we have to
10 do?

11 CITY ATTORNEY POTTS: That's it.

12 MAYOR EVANS: Okay. The next things
13 on the agenda, I'm going to, for obvious reasons,
14 skip over, the budget ordinance, the municipal
15 road budget ordinance, and similarly the ad
16 valorem tax rate ordinance until the next meeting,
17 give us a chance to react and adopt the comments
18 and observations that we heard tonight relating to
19 those things, which brings us to an ordinance that
20 Council Member Leonard would like to introduce.

21 COUNCIL MEMBER LEONARD: Do you
22 want me to read it?

23 MAYOR EVANS: The floor is yours.

24 COUNCIL MEMBER LEONARD: City of
25 Prospect, "Ordinance Number 535, Series 2014:

1 An ordinance relating to the amendment and
2 modification of Chapter 31.21 of the code of
3 ordinances of the City of Prospect."

4 Just very briefly, I have proposed this
5 because one of my very real concerns is the salary
6 that we are paying our mayor. The Kentucky
7 Constitution Section 161 only allows us to look at
8 the salaries paid to elected officials prior to an
9 election.

10 In other words, elected officials -- and I agree
11 with this -- cannot have their salaries increased
12 during their terms of office. It can only be done
13 prior to an election with implementation after the
14 election, and, as we all know, we've got an
15 election coming up in November.

16 So my proposal has nothing to do with any
17 current incumbent in the mayor's position. It has
18 to do with the fact that our mayor is currently paid
19 \$48,000. 13 employees of the city after the budget
20 is in effect will be paid more money -- no, wait.
21 Let me go back. 7 out of 13 employees, full-time
22 employees, will be paid more money than the
23 mayor.

24 It's my perception that the person who's in
25 charge should make the most money. Now, one of

1 the counter arguments to that is that the mayor's
2 job is not full-time. I have been around city hall,
3 like many others have, for a long time, and I
4 believe this mayor and I believe our last mayor
5 both worked more than full-time.

6 We have 11 committee, we've got all kinds of
7 events on nights and weekends, and I, as a
8 resident, want my mayor to go to those things. I
9 think that a conscientious mayor in the city is
10 working more than 40 hours a week. So I don't
11 personally think that the part-time argument works
12 very well.

13 If I look at who gets paid more money, there
14 are five people in the police department making
15 more than our money -- than our mayor, but we
16 expect our mayor to be in charge of the police
17 department. There are two people currently, or
18 three depending on how you want to count the
19 changes that are occurring right now, in the
20 administration who make more money than our
21 mayor, and I, personally, don't think that that's
22 appropriate.

23 The mayor's salary was set politically a
24 number of years ago, and it has not changed since
25 then in any meaningful fashion, and I really

1 wanted to bring this up not because I particularly
2 want any individual human being present at this
3 table to make more money.

4 Rob Bowling and John Evans are both running
5 for mayor in the next election. This has nothing to
6 do in my mind with either one of them; it has to do
7 with the city paying for value, and I think that we
8 expect things from our mayor that we are not
9 paying for.

10 MAYOR EVANS: All right. Any other
11 comment?

12 COUNCIL MEMBER BRAB: Yeah. I'd
13 just like to weigh in on this, because what I like to
14 try and do when we look at taxpayer funds -- and
15 this in no way represents any comment on the
16 qualities, the hard work, diligence, anything of any
17 person sitting at this desk or any future person
18 sitting at this desk or any past person.

19 But I -- Frank Fulcher from the Kentucky
20 League of Cities got a spreadsheet from that group
21 which involves all of the cities in the state, and
22 what he asked for was basically information on
23 mayors of council-type cities. It didn't matter
24 really what city classification, whether it was a
25 third class, fourth class, or fifth class city, didn't

1 make any difference, but populations in those
2 cities between 5,000 and 10,000 people; okay?

3 So we got that data, and it was pretty garbled,
4 but when I got it all cleaned up, there were 29
5 cities that fit that description. So 29 cities in
6 the -- in the State of Kentucky were populations
7 of 5,000 to 10,000 people and were mayor,
8 council-type city governments. And when you look
9 at those cities -- pull all my information out here.

10 COUNCIL MEMBER TUCCI: Is this. . .

11 COUNCIL MEMBER BRAB: Yeah, here it
12 is.

13 COUNCIL MEMBER TUCCI: And there's
14 the notes.

15 COUNCIL MEMBER BRAB: There were
16 five cities that had mayor -- both mayors, city
17 administrators and city clerks, because it's really
18 dealing with, is -- is to run the city government
19 you have three positions there; okay? And they
20 were Elsmere, northern Kentucky, Fort Wright,
21 northern Kentucky, Lebanon, which is just south of
22 us here I believe on 55.

23 COUNCIL MEMBER MILES: It's near --
24 yeah, it's in the -- near Springfield.

25 COUNCIL MEMBER BRAB: Near

1 Spring -- near Springfield; yeah. And Ludlow,
2 Kentucky, which is also in northern Kentucky.
3 These cities had mayors, city clerks and city
4 administrators.

5 The -- the total compensation of all those
6 cities, if we made no changes to the current
7 compensation structure of the mayor, and there's
8 some proposals that will be made later in the
9 meeting tonight the mayor I believe is going to
10 make as far as nominations, and go through with
11 those changes, even without that and without
12 raising the mayor's salary, we would be the
13 highest in total salary cost of those three people
14 of all of the cities that had this structure in the
15 State of Kentucky.

16 Some of these cities have not only police
17 departments but have fire and EMS departments in
18 addition to, so lots of employees. In fact, the
19 biggest one of that is the City of Lebanon, which
20 has a police department that has 23 people on it,
21 17 officers, 5 dispatch, 2 clerks, 1 records person,
22 plus a chief and an assistant chief, so it's 25
23 people. And -- and their total cost in salaries is
24 \$112,000.

25 What Ms. Leonard is proposing that we would

1 do is put it somewhere up around \$150,000. I'm
2 just talking about the three people, mayor, city
3 administrator, city clerk. My feeling is is that
4 what we should do is -- I like to look at other
5 cities, look at best practices, see how they
6 organize things. That's what I did my entire life in
7 business.

8 And -- and truthfully, whether one person that
9 is a salary person in administration or on a police
10 department or whatever makes more than the
11 person in charge of that department, I don't see
12 that that's relevant. In truth, I don't see that's
13 relevant.

14 I, for instance, had people reporting to me
15 while I was in business that made more than I did.
16 That's just the way it is; okay? So I think that the
17 current compensation we have for the mayor is
18 adequate.

19 I think that what the mayor is proposing to do
20 with some restructuring of the city administrator
21 job and the finance position and the city clerk's
22 position, I think that is exactly the right thing to
23 do, and I think it's more a decision with how the
24 mayor wants to administrate the city and how he
25 doles out the responsibilities that are associated

1 with those positions. If we have a mayor that's
2 full-time, maybe we don't need the other two
3 positions or both positions.

4 I don't know. But I -- my personal feeling is,
5 and I'll go on record on that, I don't think we need
6 three full-time positions and raise the
7 compensation of the mayor to make up for that.

8 COUNCIL MEMBER TUCCI: I'd like to
9 speak, too. I think looking at numbers is a useful
10 thing to do. It's also -- we all know that we're --
11 when we look at those five cities that Bill has --
12 has referenced, not one of them is anything like
13 the City of Prospect.

14 So, in that sense, we do do things differently
15 because we're a different kind of city. I always
16 think Prospect is sort of like a swan, you know.
17 Most of the time, everything just works, and so it
18 looks like no problem. It's so easy. But we all
19 know that swans underneath are paddling like mad
20 to look so serene. There's a lot of paddling like
21 mad that goes on in running the City of Prospect
22 that makes it look so good.

23 So, looking at other cities is fine, but if we
24 were to look at those other cities as places to live,
25 as well as what -- the salaries people made, I'm

1 not sure that we would all say, oh, let's pick
2 ourselves up and move to Lebanon. We would do
3 that if things were equal, but they're obviously
4 not.

5 Salaries are really a difficult thing. You
6 know, there's the amount of money that I think
7 people are really worth. Like, personally, having
8 known middle school children intimately, they were
9 blood relatives, I think any middle school teacher
10 should get a starting salary of \$200,000, and then
11 escalate it up depending upon what the kids are
12 like.

13 COUNCIL MEMBER MILES: And a
14 guaranteed spot in heaven.

15 COUNCIL MEMBER TUCCI: Yeah, right
16 in and no delays. But in -- in actual fact, we don't
17 pay middle school teachers \$200,000 a year,
18 though, they surely do earn it. So numbers are
19 kind of irrelevant.

20 As it happened, there was an article in the
21 newspaper, New York Times, a few days ago, and
22 the Mayor of New York City gets \$225,000 a year.
23 Now, that's really not very much money. I know he
24 gets a house, and he probably gets a driver, but
25 still New York City is awfully big.

1 The Mayor of Louisville, who does not get a
2 house, makes \$110,000 a year. So cities make
3 different decisions about what they want to pay
4 people. I think this is a full-time job.

5 The people that we have had most recently,
6 Mayor Eberle, and we'll forget that little interim
7 mayor who was just the placeholder for -- for a
8 little while, and now John, are in that -- that sort
9 of special category where they've reached a point
10 in life where this salary is a supplement, they
11 don't have to send people to college on it, they
12 don't have to pay their mortgages on it.

13 On the other hand, they work very hard, and
14 they deserve to get compensated, and you get a
15 certain quality of person who is giving up playing
16 golf or going to Florida for the winter to do a job
17 here. I -- I don't know what a perfect salary is,
18 but I think this city has run well in the last --
19 under the terms of the last -- last mayor and this
20 current mayor with the salary that we have been
21 paying them, and I'm kind of comfortable staying
22 at that place. But I understand there are all
23 different ways to -- to look at that -- that number.

24 MR. SPEAKER: I -- I would like to add --
25 and I want to appreciate Bill doing research, and I

1 think you always need to do that kind of due
2 diligence when we look at a question like this, and
3 I just agree with Sandy. I think it's -- and it's not
4 Bill's fault.

5 I think it's limited in that there's only a small
6 pool of cities to compare it to, and they're just
7 vastly different, and I'm not saying they're worse,
8 they're just different than -- than Prospect. I
9 think -- and I -- I mean this in a nice way, I think
10 we're -- we're higher maintenance than most other
11 citizens in Springfield. I think we expect a lot
12 more.

13 And -- and I know that whenever I interact
14 with our city staff -- and I -- I recommend you try
15 that. I want you to come interact with our city
16 staff and then go interact with some City of
17 Louisville staff that do the same thing, and tell me
18 if you don't see a stark difference.

19 You know, we get what we pay for, and we
20 probably pay a little more for all these people,
21 but that's because we're mostly professional,
22 college-educated people, we don't have a lot of
23 time, and when we call and deal with the city we
24 want to do it right the first time.

25 So I'm -- I'm really comfortable with -- with

1 where we're at with the salaries, and I'm -- I -- I
2 appreciate everything that -- that Sandra says,
3 and -- and I'm really on the fence on the issue. I
4 could go either way.

5 COUNCIL MEMBER LEONARD: Actually,
6 I did do research. I started -- years ago I did
7 wage and salary surveys, and I thought, well,
8 okay, I can do this, but after I'd gotten through
9 four similarly -- similarly situated cities in terms
10 of population, I wasn't finding a pattern, and I
11 couldn't even take job titles and add them
12 together, because, for example, city clerk, we're
13 required by law to have a city clerk.

14 Some people, like what we did in the past, we
15 put that job title on Ann Simms. She performed
16 both of those functions, city administrator and city
17 clerk. Some of the lower-level functions of city
18 clerks were being performed by people that
19 wouldn't have been added in to Bill's category of
20 three job titles.

21 And so I came away from that realizing that I
22 agree with Sandy and Stuart. I think we need to
23 do whatever we think is right for us here and make
24 that decision. The only reason that I selected the
25 \$70,000 is not because I'm 100% wedded to it. It

1 is simply because that is the allowable amount
2 right now under Kentucky law.

3 What I really think is that we need to pay our
4 mayor more money than the people the mayor
5 supervises. It isn't that I think we need to pay him
6 that particular amount of money, because what will
7 happen is, if we don't take action now, the
8 disparity will get worse. We won't be able to do
9 anything during the four-year term of office that
10 our next mayor holds.

11 So here we are five years out. In five years
12 almost everybody who works here full-time will
13 make more money than our mayor, and I still
14 personally feel that's inappropriate. I also think
15 what it does, it inhibits our recruitment of people
16 for mayor. It forces us to only get people running
17 for mayor who can afford to do this job, and I think
18 we need to think about that.

19 We've just been through a very difficult period
20 of selecting a mayor, and I do think that there
21 were a number of people in our community who
22 might be very good mayors but couldn't afford to
23 do it because they couldn't send the children
24 through school on what we're paying them. So I
25 think there are a lot of issues here, and I

1 appreciate the fact that we don't all have to agree,
2 but I think we all need to think about it.

3 COUNCIL MEMBER FULCHER: I'd like to
4 weigh in, also. I'm considerably at odds with --
5 with Sandra. I -- I have personal experience. We
6 have a brother who is a city manager, the
7 equivalent of Ann Simms' job in Pennsylvania.
8 Same size city, same budget, same police force
9 essentially.

10 And it's a -- a mayor who receives no -- no
11 money. It's like a [phonetic] form of government.
12 It's -- it's not a council, it's a borough, it's a
13 borough council, but the -- the council president
14 is -- is de facto mayor, has many of the same
15 responsibilities, which is signing contracts,
16 supervising police chief and the -- and the city
17 administrator.

18 I think that having a full-time mayor right now
19 is probably essential to us, because we're going
20 through a lot of changes that I think are very
21 positive, but as we go forward, I see that -- the
22 role of the mayor as being one of part-time
23 executive.

24 Analogy would be a chairman of the board
25 versus a, you know, chief operating officer, the

1 chief operating officer being Ann's job. I see
2 significant duplication of effort potential in having
3 a very highly paid full-time mayor and a -- and an
4 administrator, city administrator at essentially the
5 same level doing the same type of job.

6 Now, John's doing an excellent job. I think
7 that, you know, looking for candidates to run our
8 city over the long haul, as we saw, you know, when
9 we were looking for a mayor here recently, there's
10 no short -- there's no shortage of qualified
11 candidates. There may be one group that -- that,
12 because of time constraints or salary constraints,
13 it just doesn't make -- doesn't fit, but there's
14 another group that it would.

15 So I think we're blessed there. I feel that
16 over time -- my -- my opinion is not -- is probably
17 diametrically opposed to Sandra. Over the next
18 four years I would like to see us reduce the salary
19 of the mayor to 24,000 a year, guarantee it's a
20 part-time job, have the administrator grow into a
21 professional position that manages our city under
22 the general guidance of the mayor and proceed on
23 the budget basis that we're faced with now.

24 So I -- I don't support a change, can't support
25 a change in the mayor's salary right now. I think

1 that the budget we're presented with where the
2 status quo for the mayor I think is more than
3 adequate, and I know that most of you out there
4 realize that the mayor -- the mayor really reports
5 to no one. He has no boss except the voters every
6 four years.

7 And to -- if we were to say, pay a mayor
8 \$100,000, if he didn't -- even if he didn't show up
9 for work whenever he felt like it, we would -- give
10 us very little control over that situation. So, you
11 know, that's a -- how far fetched that is, I don't
12 have any idea, but it is a reality.

13 COUNCIL MEMBER LEONARD: But, you
14 know, the counter argument to that -- and I hear
15 what you're saying. The counter argument is by
16 having the highest paid person the mayor, if the
17 residents don't like that person, they can vote
18 them out of office.

19 With all of the things that are coming about
20 with employment law and with the contracts that
21 we read about daily in the Courier-Journal with
22 them paying off people, like, U of L was this week,
23 there are arguments that the mayor is more
24 vulnerable employee to the will of the residents
25 than a higher person.

1 COUNCIL MEMBER TUCCI: I -- I agree
2 with you absolutely on that, on that score. A --
3 the city manager -- that -- that form of government
4 looked like a really good idea to good government
5 types a couple of decades ago, and you see fewer
6 and fewer cities that are now set up with city
7 managers, partly because, while you really could
8 get rid of a terrible city manager, one can imagine
9 outrageous things that a city manager could do in
10 public that would get him fired, but --

11 COUNCIL MEMBER MILES: Or her.

12 COUNCIL MEMBER TUCCI: Or her fired.
13 But just plain inadequate? Very, very hard to get
14 rid of those people. They're just -- you can't
15 really make a case, and then you're -- you're stuck
16 in a way that you're not stuck with an elected
17 official.

18 COUNCIL MEMBER MILES: Well, I think
19 we have plenty of time to debate changing the
20 system of government between now and --

21 COUNCIL MEMBER LEONARD: Actually,
22 it has to be done -- I've forgotten the date.

23 CITY ATTORNEY POTTS: It has to be
24 done by the first Monday in May as far as the --
25 the increase in salary. Once -- if -- if you don't do

1 that, then you're correct, you can't do that during
2 the term of the mayor's office.

3 COUNCIL MEMBER LEONARD: Right.

4 COUNCIL MEMBER FULCHER: Could you
5 reduce it, or does that only apply to raising it?
6 You can't change it?

7 COUNCIL MEMBER LEONARD: You can't
8 change it.

9 CITY ATTORNEY POTTS: You can't
10 change it.

11 COUNCIL MEMBER LEONARD: Right.

12 CITY ATTORNEY POTTS: Now, let me --
13 let me qualify that. What this ordinance -- what
14 the current ordinance does and what this
15 ordinance does, it's just using different amounts,
16 it says that you can't have a -- that you have
17 established a maximum. It does not say that you
18 have to have that as the rate that you pay the
19 mayor.

20 MR. SPEAKER: Could you change that
21 from year to year?

22 CITY ATTORNEY POTTS: Well --

23 COUNCIL MEMBER LEONARD: That's
24 part of --

25 CITY ATTORNEY POTTS: -- that's the

1 question.

2 COUNCIL MEMBER LEONARD: -- what
3 our problem is.

4 CITY ATTORNEY POTTS: That's the
5 question.

6 COUNCIL MEMBER LEONARD: Because
7 the -- Mayor Eberle's salary rose -- remember the
8 rubber money argument? Mayor Eberle's salary
9 rose the allowable rubber money amount.

10 However, Ken Corey was here last time. He
11 did not increase it by the rubber money amount, so
12 it has not increased for the preceding budget year.
13 There is nothing written in that deals with it. It
14 makes it look like an annual -- or it makes it look
15 like we can only do it during the period of time
16 that we're allowed before an election.

17 COUNCIL MEMBER MILES: Yeah. I
18 don't think it's fair to any mayor who puts
19 themselves out to run for office and gets elected
20 to change their salary down.

21 COUNCIL MEMBER LEONARD: Yeah.

22 And -- and I don't --

23 COUNCIL MEMBER MILES: That's just
24 wrong.

25 COUNCIL MEMBER LEONARD: I don't

1 think we can do that. I don't think anyone wants
2 to do that.

3 CITY ATTORNEY POTTS: Just to clarify
4 where we are, the mayor asked Councilman
5 Leonard to read that. There was no motion to
6 adopt the ordinance, and there was no second.

7 So, if -- if the -- it is the pleasure of the
8 council to move this to a point where it could be
9 considered, then you do have to have a motion to
10 approve the ordinance and a second.

11 COUNCIL MEMBER LEONARD: Okay.
12 I'll make the motion to approve the ordinance.

13 MAYOR EVANS: Is there a second?
14 Then the motion dies for lack of a second.

15 While we're on the subject, it seems to me I'm
16 jumping a little bit around in the agenda, once
17 again, that this is a good time for me to ask the
18 council to approve my nomination of two very good
19 workers, Holly LeVold and Julia Clore, Holly to be
20 the chief administrative officer, and Julia to
21 become the city clerk, which also will encompass
22 her present duties as the financial deputy
23 administrator.

24 I am moving that they be appointed to those
25 positions, that the council approve my nomination

1 to take effect not now but upon Ann Simms'
2 retirement, which is scheduled to be June the 30th.
3 So I present Ms. LeVold, Mrs. Clore to the council,
4 and nominate them for those two positions.

5 COUNCIL MEMBER BRAB: I second -- or
6 I --

7 COUNCIL MEMBER LEONARD: You first.

8 COUNCIL MEMBER BRAB: -- move we
9 approve.

10 COUNCIL MEMBER LEONARD: Second.

11 COUNCIL MEMBER MILES: Second.

12 MAYOR EVANS: All in favor?

13 COUNCIL MEMBERS: Aye.

14 MAYOR EVANS: Any opposed? It's
15 unanimous. Congratulations. Thank you.

16 And I just want to add that working with Holly
17 and with Julia, I have total confidence in their
18 abilities and their dedication. I think they will be
19 a great team, and I congratulate the City of
20 Prospect on having them. They will be sworn in
21 when it's time for them to take office.

22 Now, we're almost there. We have
23 nominations -- let's see here. I'm missing
24 something.

25 MR. SPEAKER: Code Enforcement

1 Board.

2 MAYOR EVANS: It's the Code
3 Enforcement Board, and they're -- I don't -- I don't
4 have the names in front of me, though. Here we
5 are. Yeah. It's in the Municipal Order Number 1,
6 Series, 2014, which reads, "An order consenting to
7 the nominations of the mayor for citizens of the
8 city to serve on the City of Prospect Code
9 Enforcement Board and affixing terms of office
10 thereto."

11 And alternate board member James Nicolaus
12 is nominated to become a regular board member
13 for the remainder of the three-year term of former
14 regular board member Jim Dantin through January
15 2015, and Terry Chambers is hereby nominated to
16 serve as an alternate board member for the
17 three -- for the term three years through January
18 2017.

19 Is there a motion to do so?

20 COUNCIL MEMBER BOWLING: Move we
21 accept.

22 MR. SPEAKER: We have to read it.

23 MAYOR EVANS: Is there a second?

24 COUNCIL MEMBER BRAB: Second. He's
25 already read it.

1 MAYOR EVANS: I've already read it. All
2 in favor?

3 COUNCIL MEMBERS: Aye.

4 MAYOR EVANS: All opposed? The ayes
5 have it, and the nominations are approved.
6 There's one further down the page --

7 THE REPORTER: I'm sorry. Can you-all
8 tell me who exactly --

9 MS. SPEAKER: Here.

10 THE REPORTER: -- made the -- no.
11 Who -- who said --

12 COUNCIL MEMBER BOWLING: I -- I
13 made the motion.

14 THE REPORTER: Thank you.

15 COUNCIL MEMBER BOWLING: I think
16 Bill seconded it.

17 COUNCIL MEMBER BRAB: I seconded.

18 THE REPORTER: Thank you. Okay. You
19 kind of joined together there. I'm sorry.

20 MAYOR EVANS: Next is Municipal Order
21 Number 2, Series 2014, reads, "An order
22 consenting to the nominations of the mayor for
23 citizens of the city to serve on the City of
24 Prospect Forestation Board affixing terms of office
25 thereto."

1 The mayor has nominated Connie Kuhn to
2 serve on the Forestation Board beginning May 1st,
3 2014. So is there a motion to approve that
4 nomination?

5 COUNCIL MEMBER BRAB: I --

6 COUNCIL MEMBER TUCCI: So moved.

7 COUNCIL MEMBER BRAB: -- make the
8 motion. So moved.

9 COUNCIL MEMBER FULCHER: Second.

10 MAYOR EVANS: It's been moved and
11 seconded. All in favor?

12 COUNCIL MEMBERS: Aye.

13 MAYOR EVANS: All opposed? The ayes
14 have it, and Ms. Kuhn is thereby a member of the
15 Forestation Board.

16 CITY ATTORNEY POTTS: And just so the
17 record is correct, that is for a term through May of
18 2017.

19 MAYOR EVANS: Yes. Thank you. Any
20 unfinished business? Any comments from
21 citizens? Yes, John.

22 MR. AVERY: Real quickly. My name is
23 John Avery. I live at 8008 Weyanoke Court here in
24 Prospect.

25 Just expressing concern at -- at some of the

1 mess the Louisville Water Company has left,
2 particularly in Hunting Creek when they have
3 installed, I guess, anodes for corrosion protection
4 on their water lines. In my case, it's been allowed
5 to erode out, they fixed it once, seeded and straw,
6 it's eroded again.

7 Their equipment left big tracks in the front
8 yard, and I'm sure I'm not the only one. Ann
9 Simms has been working with a representative of
10 the Louisville Water Company who is dismayed
11 because his contractor is not coming back and
12 fixing things, as I understand it, and I am, too.

13 And -- and all I'm doing here is just sort of
14 putting it on the record that I, personally, don't
15 think the Louisville Water Company is doing a very
16 good job. This is maybe their contractor, but it is
17 their responsibility. The city is doing what they
18 can do, and I'm sure other residents are probably
19 trying to do it, too.

20 That's all I have, Mayor. Thank you.

21 MAYOR EVANS: Thank you, John. I
22 agree with all -- all that you said, and it's very
23 frustrating. Joe?

24 MR. KEHLBECK: I have to spend a
25 minute. Joe Kehlbeck, 7812 Cedar Ridge Court.

1 I would just like to say that I've come here to
2 these meetings for about four years now. I've
3 missed one. And in that four-year period, all I can
4 say is thank you very much for the citizens who
5 come here and participate in the council and the
6 conduct of the council on the budget.

7 It's just so neat and different than what we've
8 been going through for the last few years, and I'd
9 just like to say thank you.

10 COUNCIL MEMBER MILES: Thank you
11 for your attendance, Joe.

12 MAYOR EVANS: Thank you very much,
13 Joe. Anybody else? If not, we'll have a motion to
14 adjourn.

15 COUNCIL MEMBER BRAB: So moved.

16 COUNCIL MEMBER BOWLING: Second.

17 MAYOR EVANS: All in favor?

18 COUNCIL MEMBERS: Aye.

19 [WHEREUPON, the City Council Meeting
20 concludes at 9:21 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 _____, 2014.

.

My Commission Expires: Notary Public

.

AUGUST 27, 2017 .

.

Notary ID: 494347

.

.

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