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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

DECEMBER 10, 2012

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4 MAYOR EBERLE: Welcome, everyone, to
5 the December 10th, 2012 Regular City Council
6 Meeting of the City of Prospect, Kentucky, and I
7 will -- and I call the meeting to order.

8 We have a -- several items on the agenda
9 tonight, and there are materials in the back for --
10 as -- as far as the agenda, and minutes, and also
11 our copy of our end-of-November accountant's
12 report, not the auditors, but the accountant's
13 report, which we got about 4:30.

14 So -- so there's copies back there if anyone
15 wants to look. And if -- Holly will be back there to
16 make copies if -- if we run out, but I think we're
17 probably going to be okay.

18 The first item on the agenda is approval of
19 minutes for the Regular City Council Meeting of
20 November 12th.

21 COUNCIL MEMBER SIMON: So moved.

22 MAYOR EBERLE: This was distributed in
23 your packets. We have a motion to adopt as
24 written. Second?

25 COUNCIL MEMBER TUCCI: Second.

1 MAYOR EBERLE: Simon and Tucci.

2 Those in favor, signify by saying "aye."

3 COUNCIL MEMBER MILES: Aye.

4 MAYOR EBERLE: Opposed, by "no."

5 COUNCIL MEMBER MILES: [no audible
6 response]

7 MAYOR EBERLE: And we have adopted
8 those minutes.

9 The Mayor's Report, the financial update, the
10 end of November, I did a quick calculation when
11 those came in this afternoon. We have for this
12 fiscal year, the end of five months, collected 74%
13 of our revenues which were budgeted, and we have
14 expended 38% of our -- of our budgeted expenses.

15 We will be -- we -- I distributed the audit
16 about three and a half weeks ago, right after the
17 November meeting; and we will be hearing from
18 Bill Talley in a moment, our auditor, who will give
19 an oral presentation on the 2011/2012 fiscal year
20 audit, so. . .

21 Transportation and roads, we've got quite a
22 bit going on. I have not heard anything from the --
23 from the -- our legislators or -- particularly
24 interested in a response from the Transportation
25 Cabinet with regards to the widening of 42. You

1 will recall, we passed a resolution several months
2 ago to oppose the June 2012 plan which they had
3 presented to us, and we're hoping that they will
4 come up with some alternatives. We have
5 suggested some alternatives, but I think when we
6 get alternatives, we will ask for public hearings on
7 that. And we'll be able to get word out to the -- to
8 the citizens on that, so that we'll be able to
9 participate.

10 Closure of Timber Ridge Drive, it keeps
11 moving up. We started with November 15th, I
12 think --

13 CITY ADMINISTRATOR SIMMS: Yes, we
14 did.

15 MAYOR EBERLE: -- didn't we? And then
16 it was, "Well, it's not going to be then, and it's
17 going to be somewhat beyond that." And then we
18 got December 18th.

19 Well, we now hear that it's going to be beyond
20 December 18th, because it was this time some type
21 of electrical --

22 CITY ADMINISTRATOR SIMMS: Yes.

23 MAYOR EBERLE: -- is that -- yeah. Ann
24 was -- the City Administrator was talking to them
25 today, so probably not going to be using it for --

1 for -- for Christmas visits at any length.

2 Paving and striping is complete for the fall.

3 We've gotten some good comments about our

4 striping of Hunting Creek Boulevard and

5 Sutherland Farm Road, the entrance road into

6 Innisbrook, and I've seen people using them.

7 I've also seen people follow cars that --

8 vehicles that are going down those roads, and I --

9 I -- I sense that there's a -- a more -- they --

10 they're more careful even if there's not anybody in

11 the pedestrian bike lanes.

12 COUNCIL MEMBER SIMON: They have a

13 calming effect.

14 MAYOR EBERLE: Yeah. So --

15 COUNCIL MEMBER LEONARD: Can I --

16 people have asked me why we striped Timber

17 Ridge.

18 MAYOR EBERLE: Timber Ridge?

19 COUNCIL MEMBER LEONARD: Yeah.

20 MAYOR EBERLE: We didn't.

21 COUNCIL MEMBER LEONARD: We

22 didn't.

23 COUNCIL MEMBER MILES: Kroger did it.

24 That was part of --

25 COUNCIL MEMBER LEONARD: Kroger

1 did it.

2 MAYOR EBERLE: Kroger did that. Yeah,
3 that was part of their agreement, that they were
4 going to stripe that. Now, they were -- I think they
5 were going to strip all the way to River Road.

6 COUNCIL MEMBER LEONARD: Well, I'm
7 sure --

8 COUNCIL MEMBER MILES: They will --

9 COUNCIL MEMBER LEONARD: -- they
10 will, but --

11 MAYOR EBERLE: But-- but that --
12 that'll --

13 COUNCIL MEMBER LEONARD: You know
14 what, it -- it can't even be completed on one side
15 of the road --

16 MAYOR EBERLE: Right.

17 COUNCIL MEMBER LEONARD: --
18 because of all the turns.

19 MAYOR EBERLE: Yeah.

20 COUNCIL MEMBER LEONARD: And
21 people are tell -- sell -- saying to me, "That is
22 really silly."

23 MAYOR EBERLE: Yeah. Well, we can --
24 obviously, they're not going to be able to go all --
25 all the way off to River Road, but --

1 COUNCIL MEMBER LEONARD: But they
2 can't even go to 42. The striping ends before all
3 of the road separates to go on to 42.

4 MAYOR EBERLE: Sure. Well, you can
5 send -- send comments to me, and I can forward it
6 to them or -- I guess we're still dealing with Danny
7 West [phonetic]? I don't know.

8 COUNCIL MEMBER LEONARD: I don't
9 know. I -- these people I -- probably just like
10 expressing the fact that it's silly, and the
11 inference, when they're talking to me, is that we're
12 wasting taxpayer money. So I'll tell them --

13 MAYOR EBERLE: No.

14 COUNCIL MEMBER LEONARD: -- it's
15 Kroger's.

16 MAYOR EBERLE: No, tell them we're
17 not. We -- we only striped Hunting Creek
18 Boulevard on both sides in and out; and then
19 Sutherland Farm Road.

20 COUNCIL MEMBER MILES: But it -- I
21 think it has the same effect of slowing traffic --

22 MAYOR EBERLE: Right.

23 COUNCIL MEMBER MILES: -- on that
24 road. Even though you don't have a dedicated
25 bike lane all the way to 42, it does slow the traffic

1 down.

2 COUNCIL MEMBER LEONARD: It pushes
3 you closer to the center of the traffic.

4 COUNCIL MEMBER MILES: Right.

5 COUNCIL MEMBER LEONARD: I mean,
6 it --

7 MAYOR EBERLE: Yeah.

8 COUNCIL MEMBER LEONARD: -- It
9 makes the lane smaller.

10 COUNCIL MEMBER MILES: Right.

11 COUNCIL MEMBER LEONARD: That's --

12 COUNCIL MEMBER MILES: It slows the
13 traffic.

14 MAYOR EBERLE: Which -- which it
15 would -- yeah, probably --

16 COUNCIL MEMBER LEONARD: I'm
17 sure -- I'm sure it does.

18 COUNCIL MEMBER SCOTT: Being that I
19 live in Hunting Creek, I have a lot of neighbors
20 that use that road daily, and their -- their
21 comments in the Hunting Creek section was it's
22 kind of a striping that goes nowhere, because it
23 ends at the country club, and they've never seen
24 but maybe a dozen bikers on Hunting Creek -- the
25 entrance to Hunting Creek over the years. And

1 mostly it's used by walkers or people that own golf
2 carts.

3 MAYOR EBERLE: Uh-huh. Yeah, it's
4 wide enough for golf carts, and -- and I think, you
5 know, obviously, people aren't going to use until
6 they exist. So hopefully in the spring we'll get a
7 lot more use out of them.

8 COUNCIL MEMBER SCOTT: Todd, what
9 was the cost on that for the striping the city did?

10 MAYOR EBERLE: \$4400.

11 COUNCIL MEMBER SCOTT: Okay.

12 COUNCIL MEMBER SIMON: We had a
13 meeting at the fire house. Was it the fire house --
14 fire house?

15 CITY ADMINISTRATOR SIMMS: Uh-huh.

16 COUNCIL MEMBER SIMON: And --

17 CITY ADMINISTRATOR SIMMS: It was.

18 COUNCIL MEMBER SIMON: -- on the
19 connectivity of the city, and the residents
20 overwhelmingly wanted that.

21 MAYOR EBERLE: And -- and that -- that
22 striping is in the -- those -- those are -- those are
23 both in the mobility plan that we adopted in 2008.
24 They were both priorities in the -- in the mobility
25 and connectivity plans.

1 So we're -- as we get moneys, we're checking
2 some of those things off, so. . .

3 COUNCIL MEMBER TUCCI: Sometimes it
4 takes so long to get from the plan that we all sit
5 and say this is a great idea to actually having the
6 cash to do it; you say --

7 MAYOR EBERLE: Right.

8 COUNCIL MEMBER TUCCI: -- I forgot all
9 about that --

10 MAYOR EBERLE: Well -- and it's --

11 COUNCIL MEMBER TUCCI: -- but it was
12 there.

13 MAYOR EBERLE: -- yeah, and it's my
14 goal to -- to -- to accomplish as many of those --
15 there were 21, I think, recommendations on that,
16 but at any rate, rather than having it be a nice
17 report and having it sit on the shelf, I'm -- I'm --
18 I'm pleased that we're able to accomplish these
19 things as -- as money just coming [phonetic]. And
20 that -- and it was in -- it was in the -- it was in the
21 budget for that.

22 Access Road, we still have -- and I didn't
23 check today. Did anybody check to see if the pole
24 had been moved?

25 COUNCIL MEMBER MILES: I did not

1 check.

2 MAYOR EBERLE: Okay. The utility pole
3 is become larger than life, but as soon as that is --
4 it is completed, they will put in at least some rock
5 and close off -- rock on the access road so that --
6 so that the -- that two people can -- the -- the
7 citizens in the Smith Greenfields [sic] can use it.
8 And they will close the one-lane road over the --
9 over the dam and the spillway. So -- but we're --
10 we're working against the closure of the asphalt
11 plants right now.

12 COUNCIL MEMBER SIMON: You --
13 you're going to have a lot of utility people hate
14 you closing that road. They go there for lunch.
15 LG&E go there.

16 MAYOR EBERLE: Well, I mean, they can
17 still get in.

18 COUNCIL MEMBER SIMON: They park
19 right on that little road. They park there. They
20 eat lunch. That -- that's where they hang out.
21 When that goes, they're going to be really upset.

22 MAYOR EBERLE: On the one-lane road,
23 you mean.

24 COUNCIL MEMBER SIMON: Oh, yeah.
25 They park back there and eat. They do it all the

1 time. Oh, yeah.

2 MAYOR EBERLE: Okay.

3 COUNCIL MEMBER LEONARD: You
4 know, the minutes indicated that Mike Scott and I
5 asked about the access road and the funding, and I
6 spent a fair amount of time and went back and took
7 a look. And I still have questions. They tend to
8 relate to the fact that I cannot find where we voted
9 to fund the access road this year out of the road
10 fund.

11 I can look in different things. The early
12 documents that we've got at home on the budget
13 don't have the road fund on it at all. The detail
14 that we were given when we requested don't have
15 the road fund under it at all.

16 So then I said to myself, okay, maybe the
17 communication was not in numbers. Maybe it was
18 in words. So I took a look at what's required in
19 the Mayor's Budget Message, and it says that it
20 needs to be -- it needs to show differences from
21 what you had the year before, and it needs to tell
22 you the things that are different that you're voting
23 on than what you voted on before.

24 To the best of my recollection, we have never
25 used road fund money since I've been on this

1 council for new construction of a major road.

2 MAYOR EBERLE: Right, we haven't.

3 COUNCIL MEMBER LEONARD: Okay. So
4 then I said, okay, fine.

5 MAYOR EBERLE: I don't think. I --

6 COUNCIL MEMBER LEONARD: I don't --

7 CITY ADMINISTRATOR SIMMS: We have
8 not.

9 COUNCIL MEMBER LEONARD: I don't --
10 not since I've been here.

11 CITY ADMINISTRATOR SIMMS: Right.

12 COUNCIL MEMBER LEONARD: Okay.

13 And -- and it's supposed to -- the Budget Message
14 should explain important features of the activities
15 anticipated in the budget and any major changes in
16 fiscal policy. Well, I don't know if that's a change
17 in fiscal policy, but I know if we presume what we
18 did before is what's in the budget this year, that
19 there was certainly not a communication there in --
20 I didn't see it.

21 So then I went and I got the Budget Message
22 itself, and it says, [reads] It's an operations
23 budget and does not include extensive capital
24 expenditure. If necessary or appropriate to
25 depose additional capital expenditures in the

1 course of the year, City Council will consider them
2 separately.

3 So then I looked at the capital expenditures
4 that are talked about in here, and it said there are
5 several projects. [reads] Repaving of roadways in
6 need of restoration; construction of a shared-use
7 path to City Hall through Little Hunting Creek
8 Park; striping along roadways; drainage problems
9 on Hunting Creek Boulevard; repainting of various
10 locations in City Hall; new tree plantings in public
11 areas; and the restoration of fireworks.

12 I didn't find anything in here that said we
13 were going to spend all of the money that we were
14 going to spend out of the road fund this year on
15 the access road to Putney Pond.

16 MAYOR EBERLE: Well, what the --
17 what -- the road fund, we get that money from the
18 state, and we have two mon -- yeah, we have two
19 years to spend it from the time that we get it. We
20 can spend it on any road repair, new road,
21 repaving, and even salt.

22 CITY ADMINISTRATOR SIMMS: Salt --

23 MAYOR EBERLE: It's kind of our
24 wildcard on salt. If we have a -- an extremely
25 difficult winter, we can take money out of the road

1 aid fund. And I think one or --

2 CITY ADMINISTRATOR SIMMS: We

3 have --

4 MAYOR EBERLE: -- two years we did.

5 CITY ADMINISTRATOR SIMMS: Yes, we

6 have.

7 MAYOR EBERLE: But it is a separate --

8 it is a separate budget. It is not the operations

9 budget. And we get money and -- and -- and we

10 vote on that road aid fund --

11 COUNCIL MEMBER LEONARD: I

12 understand. My --

13 MAYOR EBERLE: -- which we do --

14 COUNCIL MEMBER LEONARD: -- my --

15 MAYOR EBERLE: Let -- let -- well, let

16 me --

17 COUNCIL MEMBER LEONARD: --

18 concern is not --

19 MAYOR EBERLE: Let me -- let me --

20 COUNCIL MEMBER LEONARD: -- that we

21 didn't vote on it --

22 MAYOR EBERLE: -- respond.

23 COUNCIL MEMBER LEONARD: We did,

24 and it was unanimous, but I think it was unanimous

25 because we didn't know what we were voting on.

1 MAYOR EBERLE: Well, if -- it is like a
2 large line item, and it can be spent on roads and --
3 but -- but if we need salt, I -- I do not bring that in
4 front --

5 COUNCIL MEMBER LEONARD: I --

6 MAYOR EBERLE: -- of the council.

7 COUNCIL MEMBER LEONARD: -- I
8 understand that.

9 MAYOR EBERLE: And, also, the
10 council --

11 COUNCIL MEMBER LEONARD: It's
12 taking --

13 MAYOR EBERLE: -- the council --

14 COUNCIL MEMBER TUCCI: One at a
15 time, please. Some of us have hearing difficulty.
16 So if we could let one person finish before the
17 other person interrupts, that would help.

18 MAYOR EBERLE: But the -- we don't --
19 when we do roads, we piggyback on -- Ann
20 piggybacks on the -- on the Metro contract.

21 CITY ADMINISTRATOR SIMMS: The
22 metro contract.

23 MAYOR EBERLE: And that is usually --
24 or has been in recent years with Flynn Brothers.

25 CITY ADMINISTRATOR SIMMS: Yes.

1 MAYOR EBERLE: And you go out with
2 Flynn Brothers. I think I've gone once, but I --
3 generally, you go out with him. He looks at the
4 roads, and he tells us where -- where we need to
5 do repairs and whether they need to be fall
6 repairs.

7 COUNCIL MEMBER LEONARD: That's --
8 that's where I'm coming from. Citizens --

9 MAYOR EBERLE: Yeah, well --

10 COUNCIL MEMBER LEONARD: -- are
11 coming to me --

12 MAYOR EBERLE: -- but we don't run
13 those --

14 COUNCIL MEMBER LEONARD: I
15 understand.

16 MAYOR EBERLE: We don't run those by
17 the council. I -- that's correct.

18 COUNCIL MEMBER LEONARD: But
19 citizens are coming to me, and they say, "Why are
20 you building that road? My street needs
21 repaving."

22 And I thought when I was voting for that road
23 fund expenditure, because I will agree I voted for
24 it, I thought we were going to use that money for
25 paving, or at least a predominance of that money

1 for paving.

2 MAYOR EBERLE: Yeah. Well, we can
3 use it for new roads, and we can -- and I think
4 that --

5 COUNCIL MEMBER LEONARD: But I
6 think that it should --

7 MAYOR EBERLE: -- was mentioned when
8 we --

9 COUNCIL MEMBER LEONARD: -- be a
10 group activity to decide --

11 MAYOR EBERLE: -- approved the plan.

12 COUNCIL MEMBER LEONARD: -- at
13 least in general what we're going to do with it.

14 COUNCIL MEMBER SCOTT: Yeah.
15 That's why I raised the question at a prior
16 meeting. I don't ever remember voting on this
17 access road, and you said, "We did," and you
18 would let me know when we did that. And I haven't
19 heard back.

20 So I've prepared an open records request that
21 I'll pass out here tonight asking for particulars
22 concerning this access road.

23 MAYOR EBERLE: Okay.

24 COUNCIL MEMBER SCOTT: Okay.

25 MAYOR EBERLE: Sure. Any other

1 comments on the roads?

2 COUNCIL MEMBER MILES: [no audible
3 response]

4 MAYOR EBERLE: Forestation Board
5 update, we had a meeting, and our chair is here. I
6 don't know if he has anything he wants to add, but
7 we did -- did approve a -- a change in the
8 signature tree at the Hunting Creek entrance. We
9 had a hazardous tree assessment, which we're still
10 mulling over, but we did have an arborist come out
11 and look at several trees that were causing us
12 concern that might result in possible damage to
13 per -- or dangers to persons or property.

14 We are working on the Tree City Application
15 renew -- for renewal, and also it looks like we'll
16 probably be able -- have a good chance of getting
17 a growth award from the Arbor Day Association or
18 the National Association of Foresters.

19 Next meeting there is January 7th, and, Lee,
20 do you have anything else?

21 MR. TUCCI: You've pretty well covered
22 it.

23 MAYOR EBERLE: Okay. Code
24 Enforcement Board update, Chief Sherrard may
25 have some things under his report, but we have no

1 pending appeals that I'm aware of right now.

2 CHIEF SHERRARD: Correct.

3 MAYOR EBERLE: And there is no
4 December meeting, So the next appeals would be
5 in January.

6 Parks and Recreation Advisory Committee, we
7 are going with the fencing over the spillway at
8 Putney -- Putney Pond, and we have been talking
9 to Linda Wardell and Stuart. I think Stuart wants
10 to address some of those things later tonight, as
11 well.

12 We're looking at some invasive species
13 removal. One will be a demonstration project,
14 which will not require any expenditures, from --
15 through EcoTech. And we're also looking to the
16 na -- well, Olmsted Conservancy, and they're
17 interested in -- in assisting in -- in invasive
18 species removal.

19 And I might point out that we are moving
20 ahead with the Friends of Prospect Parks, not for
21 profit. I don't know if Linda has any updates on
22 that, but we're -- we're working on that. And --

23 COUNCIL MEMBER LEONARD: When we
24 work on that, are we going to bring that back to
25 the council so we have an idea of what's going on?

1 MAYOR EBERLE: Well, the council
2 wouldn't vote on it, because this is a -- is a group,
3 but the council certainly will -- willing, you know,
4 to look at the --

5 COUNCIL MEMBER LEONARD: I'm more
6 interested in --

7 MAYOR EBERLE: -- Articles of
8 Incorpor--

9 COUNCIL MEMBER LEONARD: -- how
10 the interrelationship will proceed in the future.

11 MAYOR EBERLE: Okay.

12 COUNCIL MEMBER LEONARD: Just --
13 just as radical example, let's say they raised
14 money and wanted to build a purple gazebo near
15 Putney Pond. We have some obligation as council
16 members --

17 MAYOR EBERLE: We would have to
18 approve --

19 COUNCIL MEMBER LEONARD: -- to
20 say --

21 COUNCIL MEMBER MILES: Oh, yeah.
22 You'd have --

23 COUNCIL MEMBER LEONARD: Right.

24 MAYOR EBERLE: Right.

25 COUNCIL MEMBER MILES: You have --

1 it's -- it's just like when the Boy Scouts do a
2 project now, the city has to approve that Eagle
3 Scout project.

4 COUNCIL MEMBER LEONARD: Okay, but
5 we don't see it. I mean, we're not getting to
6 approve an Eagle Scout project.

7 MAYOR EBERLE: If you want to -- if you
8 want to approve them, that's fine.

9 COUNCIL MEMBER LEONARD: I -- I
10 don't have so much trouble with approving it. I
11 want -- I want citizens to have input before
12 something is done, and I want us to know it before
13 the fact rather than after the fact.

14 COUNCIL MEMBER MILES: Uh-huh. And
15 that's how it's worked. The -- the Parks and
16 Recreation Committee's made up of citizens of
17 Prospect, and -- and that committee meets with the
18 Scouts and --

19 COUNCIL MEMBER LEONARD: But
20 see --

21 COUNCIL MEMBER MILES: -- approves
22 the project.

23 COUNCIL MEMBER LEONARD: -- if that
24 is -- is that committee going to be the same people
25 that are on the nonprofit board?

1 COUNCIL MEMBER MILES: Some.

2 MAYOR EBERLE: Some may be.

3 COUNCIL MEMBER MILES: Some, but
4 not all.

5 COUNCIL MEMBER LEONARD: How will
6 people get onto the board?

7 COUNCIL MEMBER MILES: The board --
8 well, the board is a separate entity from the city.

9 COUNCIL MEMBER LEONARD: I know,
10 but how will they get -- how will people get onto
11 that board?

12 COUNCIL MEMBER MILES: That board
13 will invite them.

14 COUNCIL MEMBER TUCCI: Probably
15 help if they gave some money.

16 COUNCIL MEMBER MILES: Yeah.

17 COUNCIL MEMBER LEONARD: Well,
18 that's fine.

19 COUNCIL MEMBER MILES: Everybody
20 who's going to be on the board is going to give
21 money to get the board start --

22 COUNCIL MEMBER LEONARD: But, see,
23 if that board is -- are the members of the current
24 advisory committee?

25 COUNCIL MEMBER MILES: Uh-huh.

1 COUNCIL MEMBER LEONARD: That
2 advisory committee is appointed by the mayor. If
3 the mayor does the primary number of
4 appointments, then we're back to the open
5 meetings act requirements.

6 COUNCIL MEMBER SCOTT: That's right.

7 MAYOR EBERLE: Oh, we -- we -- we --

8 COUNCIL MEMBER LEONARD: I -- I
9 know of the advisory committee we do, but, see,
10 that's why I'm interested in a presentation as to
11 how the coordination between all these bodies and
12 how the money is going to flow --

13 COUNCIL MEMBER TUCCI: Wouldn't
14 they simply --

15 COUNCIL MEMBER LEONARD: --
16 through this.

17 COUNCIL MEMBER TUCCI: -- be people
18 who happen to be wearing two hats? In other
19 words, if they were on the -- the --

20 COUNCIL MEMBER LEONARD: It
21 depends --

22 COUNCIL MEMBER TUCCI: -- early
23 independent advisory committee, that -- and they
24 also happen to be on a -- a city-appointed
25 committee, that would be happenstance and --

1 and --

2 COUNCIL MEMBER LEONARD: No, it --
3 it probably would go back and be an open meetings
4 act --

5 COUNCIL MEMBER MILES: Well, you'd
6 have to --

7 COUNCIL MEMBER LEONARD: --
8 requirement.

9 COUNCIL MEMBER MILES: -- quorum,
10 first of all. You'd have to have a quorum of your
11 Parks and Recreation Committee to make up the
12 other board. That's -- I don't believe that's --

13 COUNCIL MEMBER LEONARD: See, I --

14 COUNCIL MEMBER MILES: -- going to
15 happen.

16 COUNCIL MEMBER LEONARD: -- I think
17 we needed to look into. . .

18 COUNCIL MEMBER MILES: Well, first of
19 all, I -- you know, I can't speak for the group, but
20 I'm speaking for myself. I would have no problem
21 having the council vote on it, because we would
22 only want to do things the city would want. So
23 that's --

24 COUNCIL MEMBER LEONARD: Yeah, I
25 understand that.

1 COUNCIL MEMBER MILES: -- not a --

2 COUNCIL MEMBER LEONARD: I -- I'll
3 tell you where I'm coming from. I'm coming from
4 potential liability issues that come on down the
5 line.

6 COUNCIL MEMBER MILES: Sure.

7 COUNCIL MEMBER LEONARD: I'm
8 coming from experience where every public agency
9 in California set up their own nonprofit after Prop.
10 13 passed, and there was some serious
11 coordination issues, legal issues.

12 COUNCIL MEMBER MILES: No. And,
13 again, I can't speak for everybody, but, obviously,
14 those are all things that we would want the city to
15 approve it. They would obviously be projects that
16 would be done using, you know, contractors with
17 liability insurance and all of that.

18 COUNCIL MEMBER LEONARD: I'm not --
19 it's -- it's not --

20 MAYOR EBERLE: We can get --

21 COUNCIL MEMBER LEONARD: -- it's
22 more --

23 MAYOR EBERLE: -- legal opinion on it.

24 COUNCIL MEMBER MILES: Yeah.

25 COUNCIL MEMBER LEONARD: Yeah,

1 that would be fine.

2 COUNCIL MEMBER MILES: But that's --
3 but those are all, obviously, things that we would
4 be -- have to be worked out and -- and --

5 COUNCIL MEMBER LEONARD: Well,
6 that's why before it gets --

7 COUNCIL MEMBER MILES: I think it's --
8 I don't want to --

9 COUNCIL MEMBER LEONARD: --
10 established --

11 COUNCIL MEMBER MILES: -- waste
12 my -- I don't want to waste my time and money
13 putting together an entity to raise money where
14 the city doesn't want it.

15 COUNCIL MEMBER LEONARD: I under --
16 I -- I have no trouble with that. What I have
17 trouble with is that I think that the coordination
18 should take place in advance, not after the fact,
19 because I do think there are potential pitfalls
20 involved --

21 COUNCIL MEMBER MILES: Uh-huh.
22 There certainly --

23 COUNCIL MEMBER LEONARD: -- that
24 can be ironed out --

25 COUNCIL MEMBER MILES: Yes,

1 absolutely.

2 COUNCIL MEMBER LEONARD: -- without
3 any question.

4 COUNCIL MEMBER MILES: Absolutely.

5 MAYOR EBERLE: And we'll have updates
6 on that. And, again, this is in the -- in the talking
7 phases and the initial organization phases. And
8 we are looking -- I -- I think the -- the advisory
9 committee is looking at the not-for-profit as a -- as
10 a -- as a -- means to raise funds for something
11 that the advisory committee and -- and the council,
12 too, can -- can approve what --

13 COUNCIL MEMBER MILES: Right.

14 MAYOR EBERLE: -- you -- you know.

15 COUNCIL MEMBER MILES: And the
16 major reason is -- is that there's a lot of entities
17 that don't give money to cities.

18 COUNCIL MEMBER LEONARD: Right, I
19 understand that.

20 COUNCIL MEMBER MILES: They only
21 give them to nonprofits. So there's a -- a huge
22 amount of money that we can't go after because we
23 don't have this kind of --

24 COUNCIL MEMBER LEONARD: No, I --
25 and -- and I support that. I really --

1 COUNCIL MEMBER MILES: Right.

2 COUNCIL MEMBER LEONARD: I mean, I
3 appreciate the fact that we use those things --

4 COUNCIL MEMBER MILES: Right.

5 COUNCIL MEMBER LEONARD: -- but I
6 also think that it has to be carefully thought
7 through.

8 COUNCIL MEMBER MILES: Uh-huh.
9 Absolutely.

10 MAYOR EBERLE: All right. Library
11 Committee update, we have not had any meetings,
12 but I have appointed Tom Wills as the new chair.
13 Tom was the -- was a member of the committee,
14 has been for several years. And most of you may
15 remember him not as a Library Committee member,
16 but he was the weatherman for WAVE 3 for many
17 years, so. . .

18 But at any rate, he will be taking over filling
19 the -- the chair position that Paul McAllister held
20 for several years, and -- and Paul is moving out of
21 the city, so we needed a new library chair.

22 Last item on the agenda is council member
23 transitions. And, as you know, we -- we will be
24 welcoming two new members to the council at the
25 January meeting, actually, on January 1st we'll be

1 swearing in, and we have two members who are
2 retiring.

3 And I want to take a moment to express my
4 appreciation for the service that they have given
5 to the council. Loretta Ertel was elected first in
6 2006 and served six years, and I worked with her
7 when I was a council member on the -- well, I know
8 you were a liaison to the Code Enforcement Board,
9 but before that I think we both served on the
10 Ordinance Review Board, which was laboriously
11 entertaining as we moved through the entire --

12 COUNCIL MEMBER ERTEL:

13 Understatement is the right word.

14 MAYOR EBERLE: And that -- that was in
15 2003/2004, so it didn't take two years, but I think
16 it took a good --

17 COUNCIL MEMBER ERTEL: It took a
18 long time.

19 MAYOR EBERLE: It -- it took a 12-month
20 period over those -- over those two years. She
21 was the council representative on the Disaster
22 Response Committee, which then became the
23 Emergency Preparedness Committee in 2005 and
24 2007, and she's -- has served as a mem -- member
25 of the Mayor's Advisory Committee.

1 And we -- we know that she is a registered
2 nurse, so we're going to have to find some medical
3 services that. . .

4 COUNCIL MEMBER ERTEL: Only for
5 neonates.

6 MAYOR EBERLE: Right. And also
7 involved in corporate management in healthcare,
8 and -- and retired from both of those, and now
9 retired from city council or soon to be. And we
10 certainly appreciate Loretta's work.

11 Alan -- what -- what -- what can we say, Alan?
12 You -- you probably can tell me better than I -- I
13 can tell it, but first elected in 1990; is that
14 correct?

15 COUNCIL MEMBER SIMON: 90, 91.

16 MAYOR EBERLE: Well, probably elected
17 in 90

18 COUNCIL MEMBER SIMON: Right.

19 MAYOR EBERLE: Start serving in --

20 COUNCIL MEMBER SIMON: Right.

21 MAYOR EBERLE: -- 91. So that's
22 essentially 22 years, you know, 4th of July since
23 it's inception.

24 COUNCIL MEMBER SIMON: 20 years.

25 MAYOR EBERLE: Twenty years. We will

1 miss you greatly in that regard.

2 Alan received Prospect's Craigmyle Public
3 Service Award in 1997, and he has been a tireless
4 advocate for our Code Enforcement and the
5 watchdog on our sign ordinances. And --

6 COUNCIL MEMBER SIMON: Town crier.

7 MAYOR EBERLE: That's right. A lot of
8 the land use and regulatory issues, so. . .

9 Losing a registered pharmacist, but he'll still
10 be across the street here. And Alan's been a
11 longstanding member of the business community,
12 and -- and will remain so.

13 And what I have are two plaques to express
14 our appreciation, if I can find them, to -- to
15 celebrate your -- both of your many -- many years
16 of dedicated service. And Prospect will stand and
17 build upon the foundations that you so graciously
18 provided to us over the years.

19 So I don't know if we -- we'll go ladies' first,
20 Loretta. Do you want to come over? [reads] City
21 of Prospect, Kentucky 2012 Recognition Award
22 presented to Loretta Ertel in appreciation of your
23 dedicated service to the city, council member
24 January 1st, 2007 --

25 Do you remember that?

1 COUNCIL MEMBER ERTEL: I do.

2 MAYOR EBERLE: -- [reads] to December
3 31st, 2012.

4 COUNCIL MEMBER ERTEL: Thank you
5 very much.

6 MAYOR EBERLE: Thank you.
7 [applause]

8 MAYOR EBERLE: Alan, [reads] City of
9 Prospect, Kentucky 2012 Recognition Award
10 presented to Alan Simon in appreciation of your
11 dedicated service to the city, council member
12 January 1st, 1992 through December 31st, 2012.
13 [applause]

14 MAYOR EBERLE: Thank you. And. . .

15 COUNCIL MEMBER ERTEL: Can I -- I
16 would just like to say that I love the city of
17 Prospect, and I have been honored in representing
18 the city of Prospect by being on the city council
19 for the past six years. So thank you very much for
20 the recognition.

21 COUNCIL MEMBER SIMON: Twenty-two
22 years, I've seen a lot of good happen in Prospect
23 for 22 years. I expect more to happen good in the
24 next 22 years, and I'll be there watching every
25 second of it.

1 [laughter]

2 MAYOR EBERLE: All you have to do is
3 look out your window.

4 COUNCIL MEMBER SIMON: I used -- I
5 used to clock the mayor in and out every day.

6 MAYOR EBERLE: Yeah, Sandy.

7 COUNCIL MEMBER TUCCI: I just wanted
8 to add, because I've been here a long time and
9 have known these two people for such a long time,
10 you know, it's the time of year when -- when we
11 were kids, we figured that if we were very good or
12 even if we were only occasionally good, we would
13 get our wishes.

14 If -- if that were still true for me, what I would
15 wish for would be an eight-member city council
16 that would take care of the -- the new people that I
17 expect will, you know, bring new perspectives
18 and -- and talent to -- and dedication to the city
19 on -- in the same measure that Loretta and Alan
20 have for all these years.

21 One of the things that we lose when we lose
22 council people, whether they retire, they move, or
23 whatever, is that institutional memory, you know.
24 And we're all familiar with that, you know, places
25 where we've worked where at -- somebody just

1 remembers how you get the Christmas party
2 organized. And when -- when she leaves, it all
3 falls apart, you know, because she's the only one
4 who remembered how you did it.

5 So there's a tremendous amount of
6 institutional memory that is leaving, and that --
7 that's a very valuable thing. And it -- it can't be
8 replaced. I mean, it just goes. Those -- those
9 people -- tho -- those memories are -- are sort of
10 gone.

11 Everything that Todd said is -- is absolutely
12 true. I was thinking about both of them today,
13 and, certainly, part of that institutional memory is
14 all the details that go into the 4th of July. Anybody
15 who's even planned a -- a little party remembers
16 all the details that you have to get right or there's
17 no ice when it's time to put it in the punch bowl.

18 The minutia that is involved in the 4th of July
19 is carried in Alan's head. He never wrote it down.

20 CITY ADMINISTRATOR SIMMS: That's
21 true.

22 COUNCIL MEMBER TUCCI: It's difficult.
23 And I was thinking about Loretta, and there's no
24 way to put this -- not -- I'm trying to think of a -- a
25 way to say that it won't be sound bad, but along

1 with --

2 [laughter]

3 COUNCIL MEMBER ERTEL: Wait a
4 minute.

5 COUNCIL MEMBER TUCCI: -- along with
6 the other things that -- that Todd has listed is --
7 and don't take this the wrong way, but Loretta has
8 been very interested in police affairs. She's been
9 involved with the police.

10 COUNCIL MEMBER ERTEL: Wait a
11 minute.

12 MAYOR EBERLE: Strike that from the
13 record.

14 COUNCIL MEMBER TUCCI: But I -- but
15 I -- but I think all of us understand that that's
16 another place where she has brought some --
17 some -- some interest and some expertise that
18 some of the others of us don't have.

19 So that -- they'll both be missed personally as
20 individuals, but they'll also be missed because of
21 all they've contributed to the city.

22 COUNCIL MEMBER SIMON: Thank you.

23 COUNCIL MEMBER ERTEL: Thank you
24 very much.

25 COUNCIL MEMBER MILES: And I would

1 just like to add to that, that I -- Loretta and I are
2 of the same class. We came out at the same time.
3 And so I'm obviously sad to see her leave.

4 We started out doing the Kentucky League of
5 Cities training together.

6 COUNCIL MEMBER ERTEL: We did.

7 COUNCIL MEMBER MILES: And -- which
8 I highly recommend for our new members because
9 it's a great way to jumpstart you into how this
10 works. And just the amount of time and energy
11 she's put into her job is -- is impressive, and I'm
12 going to deeply miss having her up here with us.

13 COUNCIL MEMBER ERTEL: Thank you.

14 COUNCIL MEMBER MILES: And same
15 with Alan. Alan helped me to learn how to be a
16 council member, and there's a lot to this job if you
17 take it seriously. And Alan has been a great
18 mentor, and I -- and I will miss him deeply. And
19 there's some serious shoes that are going to need
20 to be filled.

21 I think people just think things like 4th of July
22 just happen, and they don't realize that it takes
23 somebody giving up their nights and weekends for
24 weeks and weeks, if not months, before the event.
25 And I hope that, you know, we'll be able to have

1 somebody step into their shoes and -- and attempt
2 to replicate what Alan has done for the past 20
3 years.

4 COUNCIL MEMBER SIMON: Thank you.

5 COUNCIL MEMBER MILES: You're
6 welcome.

7 MAYOR EBERLE: Job well done. Thank
8 you.

9 I will put in a plug for the Kentucky League of
10 Cities and the Jefferson County League of Cities.
11 We -- our city has been active in both of those
12 organizations over the years, and we benefit
13 greatly. We certainly get more than we give to
14 those organizations.

15 And I do know both Rob Bowling and Bill Brab,
16 you both went to the -- the -- the -- the first one,
17 at any rate, the half day. So we are -- we are
18 tapping --

19 COUNCIL MEMBER LEONARD: Are we
20 automatically members of the Jefferson County
21 one? We don't get anything from them.

22 MAYOR EBERLE: Well, we're -- we're --
23 we're -- we're members as a city, just like we are
24 at Kentucky League of Cities.

25 COUNCIL MEMBER LEONARD: Well,

1 Kentucky League of Cities --

2 MAYOR EBERLE: So if they have an
3 event that you want to go to, you know, you can
4 get the member price or whatever.

5 COUNCIL MEMBER LEONARD: No, my
6 question was the opposite. The Kentucky League
7 of Cities does a very good job of sending us
8 magazines and -- and email updates and
9 everything --

10 MAYOR EBERLE: Uh-huh.

11 COUNCIL MEMBER LEONARD: -- and
12 that's how we know about their events. Does
13 Jefferson County do anything like that? Do they
14 do workshops?

15 MAYOR EBERLE: They don't send to all
16 council members. They -- they have a monthly
17 meeting, and they have an annual dinner. They
18 have a website with that -- which -- which is
19 posted, and I -- I can get you that. If -- if you just
20 Google --

21 COUNCIL MEMBER LEONARD: Probably
22 Google it.

23 MAYOR EBERLE: -- Jefferson County --
24 well, you need to put Kentucky in there, because
25 Birmingham, Alabama is Jefferson County.

1 COUNCIL MEMBER LEONARD: Okay.

2 MAYOR EBERLE: You can well imagine,
3 there are --

4 COUNCIL MEMBER LEONARD: Okay.

5 MAYOR EBERLE: -- there is more than
6 one Jefferson County in the United States, so --
7 but at any rate -- yeah. And on that website -- in
8 fact, I helped to get it set up about -- do you
9 remember doing that? At any rate, you can get to
10 the -- to the other cities websites, too, so it's a
11 convenient website.

12 They are not anywhere near as well funded
13 or -- or -- or highly organized as the Kentucky
14 League of Cities. They have one part-time person
15 that -- Jack Well is -- is the executive director,
16 so -- and -- and I'm the vice president, so, this
17 year, so. . .

18 At any rate, both are good organizations, and
19 we are tapping into them. So we look to -- to have
20 a -- a -- a great year coming up, and we will have
21 everyone sworn in January 1st. And our January
22 meeting is January 14th, I think, after that, the
23 first meeting in January.

24 COUNCIL MEMBER LEONARD: What
25 time is the swearing in?

1 MAYOR EBERLE: Noon.

2 The next item is a special order presentation
3 of the independent audit for 2011/2012 fiscal year.
4 Bill Talley, who has worked on our -- our finances
5 and our audits for several years, is -- is ready to
6 address some of the high points of the audit.

7 You -- you have one -- I guess I sent them out
8 about three and a half weeks ago, so hopefully
9 that will help us as we follow along with Bill's
10 comments, so Bill.

11 MR. TALLEY: Thank you, Mr. Mayor. I'm
12 Bill Talley. I'm with Richardson, Pennington &
13 Skinner, and I'll be presenting the audit report for
14 June 30th, 2012.

15 If you will turn to Page 3, I'll go over the
16 audit process. And this is -- Page 3 is the
17 Independent Auditor's Report, which gives you an
18 overview of what we did in conducting the audit.

19 The first paragraph tells you what was
20 audited, what financial statements were audited.
21 It goes over to the financial statements for the
22 responsibility of the City of Prospect and our
23 responsibilities to express an opinion on these
24 financial statements.

25 The second paragraph tells you how we

1 conducted our audit using generally-accepted
2 auditing standards. It tells you that the audit
3 process includes testing of the records. We don't
4 test all the records. We provide reasonable
5 assurance that these financial statements are
6 fairly presented.

7 The last -- the third paragraph is the
8 important one, which is we have given you our
9 opinion, which is a clean opinion, which means
10 that we did not find anything materially
11 misrepresented in the financial statement. We
12 found them fairly presented.

13 If you turn to Page 5, that is your statement in
14 assets, which is basically your assets and
15 liabilities. At the top it goes to current assets.
16 You've got cash, investments, certificates of
17 deposit. You -- then you come up with receivables
18 for insurance, property taxes, and other
19 receivables. And you've got prepaid insurance.

20 Coming down to total current assets for this
21 year of \$1,933,643 -- \$641. Excuse me. Last year
22 that amount was 1,528,963. So you can see you're
23 up substantially in your total current assets from
24 this year to next. Also, if you look at your cash
25 investments and certificates of deposit, they are

1 up about \$370,000 compared to last year.

2 Going on down, you've got noncurrent assets,
3 which is your restricted cash; your capital assets,
4 which are land and depreciable buildings,
5 property, and equipment. Coming down to total
6 noncurrent assets of 2,746,032 and total assets of
7 4,679,673.

8 Next is your lia -- current liabilities, which is
9 128468. You've got your compensated as --
10 absences, which is your total noncurrent
11 liabilities, which is 62,725, coming down to total
12 liabilities of 191193.

13 Then you've got your net assets, which is
14 basically your total assets less your liabilities,
15 which is 4,488,480, compared to last year which
16 was 4,014,911. So it's up about 400,000, a little
17 bit over that. Coming down to total liabilities and
18 net assets, which is 4,679,673.

19 If you turn to Page 6, which is your statement
20 of activity, if you look, you've got your expenses
21 at the top, you've got your program revenues in
22 the middle, and your general revenues at the
23 bottom. Your total expenses in the middle of the
24 page for this year were 2,759,849, compared to
25 last year was 2,852,101.

1 Next in that far left-hand column is the net
2 program expense -- oh, it -- which has your capital
3 grants of 46,827 and your other grants of 166202;
4 coming down to your net program expenses of
5 2,546,820.

6 Then at the bottom you've got your property
7 taxes. You've got your license fees. You've got
8 other fees, contributions, and miscellaneous.
9 You've got the gain on the sale of property. Your
10 total general revenues were 3,020,389.

11 Coming down to a change in net assets of
12 473569, which is just the difference between your
13 expenses and your income. Last year it was a
14 negative 54,734.

15 Coming down, if you look at the bottom, your
16 net assets ending are 4,488,480, which, if you
17 look back on Page 5, it comes down to your net
18 assets -- total net assets at the bottom of page,
19 4,488,480.

20 All right. If you turn to Page 7, this is your
21 assets on the cash -- cash method of accounting.
22 They call it fund statement. This is the same as
23 the previous statement, except that it does not
24 include your capital assets and your long-term
25 liability.

1 So if you come down to the bottom on the far
2 right -- right-hand side, you've got total liabilities
3 of fund mil -- fund balance of 2,229,751, giving
4 you total fund equity of 2,101,283. Then since
5 these statements are on a cash balance, we've got
6 to convert them back to the accrual basis, which
7 we -- we did on the previous financial statements.

8 So you add back your capital assets, which is
9 2,449,922, and you add back your compensated
10 ab -- absences -- or you subtract them, which is
11 62,725, and, again, you come down to your net
12 assets of governmental activities of 4,488,480,
13 which goes back to Page 5; runs [phonetic] into
14 that. So all this is doing is converting the old
15 fund statements into the new accrual statement.

16 On the next page we do the same thing, but
17 this is with the state of activities, with your
18 revenues and expenditures. If you look down at
19 the bottom of the page, your net change in fund
20 balance of 303023. We add back the -- we
21 subtract the capital outlay and the depreciation
22 expense, come down to a difference of 170938.

23 We also do the cap -- com -- change in
24 compensated absence, which is one -- \$1,392.

25 And you come down to your change in net assets of

1 473569, which, again, ties back into your
2 statement of activities.

3 So that's basically the financial statements in
4 a nutshell, going over both the same of net -- net
5 assets, which is on the accrual basis of
6 accounting, and the fund balance, which is on the
7 modified accrual basis of accounting. So, again,
8 I'd point out to you your cash balance is up
9 substantially and your increase in net assets is up
10 400,000 over the year before.

11 I will be happy to answer any questions.

12 COUNCIL MEMBER SIMON: The city's in
13 good financial shape, then.

14 MR. TALLEY: What's that?

15 COUNCIL MEMBER SIMON: The city's in
16 good financial shape, then.

17 MR. TALLEY: Oh, yes, yes. If you can
18 look -- again, you can look and see that, on Page
19 5, your total net assets is 4,488,480, which is
20 basically your ownership of your assets. So you
21 have very little debt and a lot of ownership in
22 those assets, so that's good.

23 COUNCIL MEMBER SIMON: Do we have
24 enough in reserves according to what your-all
25 accounting things would be?

1 MR. TALLEY: Well, you know, that's up
2 to every -- that's up to whatever --

3 COUNCIL MEMBER SIMON: Do we have
4 more than most cities have?

5 THE REPORTER: Yeah, I would say, as
6 far as your current assets versus your liabilities,
7 you're in -- yeah. You don't see that too often.
8 It's as good of shape as you're in, but, again,
9 it's -- it's up to the -- the governing body to
10 determine that. It's not -- I'm just the accountant.

11 COUNCIL MEMBER TUCCI: I -- I just
12 have -- I just want to -- I'm pretty sure I know what
13 I'm looking at, but I want to clarify it. And that's
14 back on Page 5 down under net assets, the item on
15 landscaping, that's -- that's the money that we
16 received from MSD.

17 MR. TALLEY: Yes.

18 COUNCIL MEMBER TUCCI: And that's
19 dedicated to --

20 MR. TALLEY: Right.

21 COUNCIL MEMBER TUCCI: -- that -- that
22 has -- that's restricted, then. We can't sort of fold
23 that into buying, you know, toner for the copying
24 machine. That has to go back into --

25 MR. TALLEY: You -- you are

1 restricted --

2 COUNCIL MEMBER TUCCI: Basically
3 restoring that --

4 MR. TALLEY: -- by whatever that --

5 COUNCIL MEMBER TUCCI: -- are; yeah.

6 MR. TALLEY: -- whatever your
7 agreement with -- is with --

8 COUNCIL MEMBER TUCCI: Yeah.

9 MR. TALLEY: -- them.

10 COUNCIL MEMBER TUCCI: Thank you.

11 MR. TALLEY: Yes, you can't do anything
12 else with it.

13 COUNCIL MEMBER TUCCI: I was --

14 COUNCIL MEMBER LEONARD: We did
15 not vote to restrict that money. We talked about
16 it, but we never voted to restrict it.

17 MAYOR EBERLE: I mean, we received it
18 for specific purposes, and the auditor, you know,
19 put it in as a restricted --

20 COUNCIL MEMBER LEONARD: We
21 talked about --

22 MAYOR EBERLE: -- restricted --

23 COUNCIL MEMBER LEONARD: --
24 restricting it.

25 MAYOR EBERLE: Just like street

1 maintenance is the -- that's 296,000. That's the
2 municipal road aid, which we cannot spend that
3 money.

4 We -- we really can't decide not to -- to spend
5 out those moneys on other things.

6 COUNCIL MEMBER LEONARD: M-hm.

7 MAYOR EBERLE: You know, I --

8 MR. SPEAKER: Is it -- now, it's my
9 understanding that was part of the agreement.

10 MAYOR EBERLE: Right, right.

11 CITY ADMINISTRATOR SIMMS: It was
12 when they needed that, when -- when we
13 exchanged. And we had a contract whereby they
14 could go through, and they paid -- the state paid
15 us a certain amount for different things.

16 COUNCIL MEMBER LEONARD: Well,
17 they paid us for tree planting and whatnot, but
18 there was --

19 CITY ADMINISTRATOR SIMMS: Right.

20 COUNCIL MEMBER LEONARD: -- money
21 over and above that that we talked about
22 restricting, because there were those of us on the
23 council who thought it would be a nice idea to
24 restrict it, but we never did take a vote to restrict
25 it.

1 MAYOR EBERLE: Well, I mean, that's
2 the way the auditor saw it, is -- is -- is a
3 restricted --

4 MR. TALLEY: Well, my understanding
5 was --

6 MAYOR EBERLE: Just like the municipal
7 road aid was a restricted --

8 MR. TALLEY: -- is that your agreement
9 was, and I haven't looked at it in a while, that you
10 had to spend it on these items. That you couldn't
11 spend it for anything else.

12 COUNCIL MEMBER LEONARD: Then
13 maybe we better take a look at the agreement.

14 COUNCIL MEMBER MILES: Well, I won't
15 speak for myself. I -- I was under -- you know, I
16 was under the impression that's what it -- the
17 consensus of the group was.

18 COUNCIL MEMBER LEONARD: It was,
19 but we never voted on it, because we did discuss
20 it, and I think you and I both wanted it --

21 COUNCIL MEMBER MILES: Right.

22 COUNCIL MEMBER LEONARD: -- to be
23 restricted.

24 COUNCIL MEMBER MILES: Yeah.

25 COUNCIL MEMBER LEONARD: And we

1 were -- we never did vote on it. We were never --
2 that never came to a vote.

3 COUNCIL MEMBER TUCCI: Is that
4 something that need --

5 MAYOR EBERLE: We could do that.

6 COUNCIL MEMBER TUCCI: -- that needs
7 to be voted or is that --

8 MAYOR EBERLE: Just -- just confirming
9 the auditors --

10 COUNCIL MEMBER TUCCI: -- can -- can
11 that just be an -- a sense of the council? When
12 we -- when we meet, for instance, privately
13 because they're matters of litigation or whatever,
14 we don't necessarily take votes --

15 CITY ATTORNEY POTTS: We don't --

16 COUNCIL MEMBER TUCCI: -- but act --
17 but act --

18 CITY ATTORNEY POTTS: -- take -- we
19 don't take a vote.

20 COUNCIL MEMBER TUCCI: We don't
21 take votes, but -- but act -- but action follows as a
22 result of our conversation. And then that's -- in
23 that sense, I -- I would think that our general
24 conversation about -- since that was a financial --
25 financial dealings that we were concerned with and

1 negotiations that we were concerned with, that our
2 general sense was -- if not binding, was sort of in
3 the way we have always sort of operated.

4 And it seems like a -- it's difficult. There are
5 some things that you -- it would be silly to have in
6 a public meeting. For instance, if we had a union,
7 and the union was threatening to go on strike, it
8 would be foolish for council to have an open
9 meeting talking about how much we would give in
10 to the union. So there are meetings that have to
11 take place privately for specific purposes.

12 And counsel is right. We don't vote on them,
13 but we certainly arrive at a consensus, a feeling,
14 of what should happen and what most -- what the
15 council wants to have happen or believe should
16 happen.

17 COUNCIL MEMBER LEONARD: I think we
18 need to go back and take a look at what we agreed
19 to in the contract and what did happen at the
20 counsel meeting.

21 COUNCIL MEMBER MILES: Well, I think
22 in an abundance of -- of caution, I see no problem
23 with -- because my recollection was -- I felt
24 everybody had the same thought that you and I
25 did, Sandra, or most of us.

1 THE REPORTER: Mr. Miles, can you. . .

2 COUNCIL MEMBER MILES: Sure.

3 THE REPORTER: Thank you.

4 COUNCIL MEMBER MILES: Sorry.

5 THE REPORTER: You're speaking real --
6 thank you.

7 COUNCIL MEMBER MILES: That there
8 was at least a consensus on that going into
9 allocated reserves. So I say we just take a vote
10 on it right now, so that we can get put this matter
11 to bed.

12 COUNCIL MEMBER LEONARD: I don't
13 think we should vote on it until we've gone back
14 and done some research.

15 COUNCIL MEMBER MILES: Well, I mean,
16 we don't have to do research on what our desire
17 is.

18 COUNCIL MEMBER LEONARD: No.

19 COUNCIL MEMBER MILES: Well, no,
20 but, I mean I mean, you -- I don't think we need to
21 do research on what our desire for the use of that
22 money is.

23 COUNCIL MEMBER SCOTT: Well, I -- I,
24 for one, would like to revisit it and see it in front
25 of me, and then be glad to vote on it when it's on

1 the agenda for the next meeting, if it's going to be
2 on the agenda. If Todd wants to put it the agenda,
3 then that --

4 MAYOR EBERLE: No, if -- if you want it,
5 we can --

6 COUNCIL MEMBER SCOTT: Yeah.

7 MAYOR EBERLE: But we can distribute
8 the -- the -- the -- the settlement; right? I mean,
9 we can do that.

10 COUNCIL MEMBER LEONARD: Yeah, the
11 settlement, we probably all should to take a look
12 at the transcript from the meeting.

13 COUNCIL MEMBER MILES: Well -- but I
14 guess my point is -- well, regardless of what the
15 agreement said, I think the consensus was that's
16 what we wanted to use the money for. And so I --
17 I -- I'm not sure what the proper -- I would say we
18 vote on it tonight, and -- and --

19 MAYOR EBERLE: Take a vote on that --

20 COUNCIL MEMBER MILES: -- confirm it;
21 yeah.

22 MAYOR EBERLE: Are you making that
23 motion?

24 COUNCIL MEMBER LEONARD: Well, I
25 had a --

1 COUNCIL MEMBER MILES: I make a
2 motion that we vote tonight to confirm that the
3 \$108,000 goes into allocated reserves for Prospect
4 Park.

5 COUNCIL MEMBER SIMON: Second.

6 MAYOR EBERLE: Any further discussion,
7 that we're -- whether we want to confirm it tonight
8 or we want to --

9 CITY ATTORNEY POTTS: That's what it
10 is, whether or not you want to confirm it tonight.

11 MAYOR EBERLE: Right.

12 CITY ATTORNEY POTTS: That's the only
13 thing that's important.

14 MAYOR EBERLE: Right.

15 COUNCIL MEMBER LEONARD: How can
16 we confirm it when it didn't take place?

17 CITY ATTORNEY POTTS: You're --
18 you're voting on it tonight.

19 MAYOR EBERLE: Right.

20 CITY ATTORNEY POTTS: It appears in
21 the audit as a restricted fund. And what I take the
22 motion to be is to confirm that the \$108,743 are
23 restricted funds available only for landscaping --

24 MAYOR EBERLE: Landscaping is the
25 broad term.

1 COUNCIL MEMBER MILES: Broad term.

2 MAYOR EBERLE: Trees and --

3 CITY ATTORNEY POTTS: Right.

4 MAYOR EBERLE: Yeah.

5 CITY ATTORNEY POTTS: I mean, I think
6 that's what -- I think that's what the motion is.

7 MAYOR EBERLE: Right.

8 COUNCIL MEMBER ERTEL: I'm -- I'm
9 just concerned that -- and I -- and I have no
10 problem with -- with confirming tonight, but if
11 legally or in the agreement it was stated that
12 that's what the intentions were, the restrictions,
13 then it seems kind of redundant to vote on it.

14 COUNCIL MEMBER MILES: But the --

15 COUNCIL MEMBER LEONARD: See, I
16 don't think MSD can impose that restriction on it.
17 I think they could give us money for -- for tree
18 activity, and expect that we would go ahead and do
19 it, but there's a whole bunch of that money that's
20 not related to specific claims, like planting trees.

21 COUNCIL MEMBER MILES: But I see no
22 downside to, again, and in abundance of caution,
23 just making a vote. And it's -- again, it -- if it's
24 redundant, it's redundant, and there's no harm, no
25 foul.

1 COUNCIL MEMBER ERTEL: True.

2 COUNCIL MEMBER TUCCI: Call the
3 question.

4 MAYOR EBERLE: That's a debatable
5 motion, isn't it, to call the question?

6 CITY ATTORNEY POTTS: Call the
7 question; yeah.

8 THE REPORTER: Mr. Potts, could you
9 repeat what you --

10 CITY ATTORNEY POTTS: Yes. "Call the
11 question" is a debatable motion.

12 THE REPORTER: Thank you.

13 MAYOR EBERLE: Any discussion on the
14 call of the question?

15 COUNCIL MEMBER SCOTT: I -- I have
16 concern that the council is going to change next
17 month. There's going to be two new members that
18 are going to be with us for the next two years. I
19 think it would be more prudent to let them have an
20 opportunity to study this issue, and for them to
21 have a weigh-in on how they feel about it. I just
22 don't think we should be voting about it tonight.

23 COUNCIL MEMBER MILES: And I think
24 this is an issue that this council dealt with. This
25 council decided to make the sale. And it was, I

1 think, a perception of most, it no -- maybe not all,
2 most of the council members that that's what that
3 money was going to be spent for. So I think it's
4 perfectly appropriate for this council to affirm that
5 that was their intent.

6 MAYOR EBERLE: Any other discussion?

7 COUNCIL MEMBER SIMON: I would
8 agree with that.

9 MAYOR EBERLE: We are on the call of
10 the question. I'll take a roll call vote, starting
11 with --

12 COUNCIL MEMBER TUCCI: Yes.

13 COUNCIL MEMBER SIMON: Yes.

14 COUNCIL MEMBER MILES: Yes.

15 COUNCIL MEMBER ERTEL: Yes.

16 COUNCIL MEMBER SCOTT: No.

17 COUNCIL MEMBER LEONARD: No.

18 MAYOR EBERLE: The question has been
19 called. And do we have further discussion after a
20 vote --

21 CITY ATTORNEY POTTS: No.

22 MAYOR EBERLE: -- on the call of the
23 question?

24 COUNCIL MEMBER MILES: [no audible
25 response]

1 MAYOR EBERLE: So I'll start with
2 Council Member Leonard.

3 COUNCIL MEMBER LEONARD: What am
4 I voting on now?

5 COUNCIL MEMBER ERTEL: Right. What
6 are we voting on?

7 MAYOR EBERLE: To confirm --

8 COUNCIL MEMBER ERTEL: Oh.

9 MAYOR EBERLE: We're on the original
10 motion. We just -- our -- our first vote was to call
11 the question.

12 COUNCIL MEMBER LEONARD: And have
13 the second one is to vote on the question itself.

14 MAYOR EBERLE: Correct; right.

15 COUNCIL MEMBER LEONARD: No.

16 COUNCIL MEMBER SCOTT: No.

17 COUNCIL MEMBER ERTEL: Yes.

18 COUNCIL MEMBER MILES: Yes.

19 COUNCIL MEMBER SIMON: Yes.

20 COUNCIL MEMBER TUCCI: Yes.

21 MAYOR EBERLE: Okay. So we've
22 confirmed the 108,743 as an allocated reserve,
23 somewhat redundant, because we are -- on the
24 advice of our -- of our audit, that that -- that it
25 would appear that that should be an out --

1 restricted reserves.

2 MR. TALLEY: The agreement would be
3 the controlling --

4 MAYOR EBERLE: Right; right. The
5 agreement would -- would --

6 COUNCIL MEMBER LEONARD: See,
7 that's why I think we should look at it.

8 MAYOR EBERLE: And I can -- I can get
9 that a -- we can get that agreement out there, if
10 we want.

11 So any other questions of Mr. Talley?

12 COUNCIL MEMBER LEONARD: I --

13 MAYOR EBERLE: Okay.

14 COUNCIL MEMBER LEONARD: Just a
15 couple.

16 MR. TALLEY: Sure.

17 COUNCIL MEMBER LEONARD: People --
18 I appreciate getting this early. That has really
19 helped a lot, but it has also generated questions.
20 And in regard to some of the questions, some of
21 them seem to relate to the purpose of the audit
22 and the role of the auditor.

23 So what -- what in your mind is the purpose of
24 the audit?

25 MR. TALLEY: The purpose of the audit is

1 to look at the financial statements that were given
2 to us, and make sure that they are fairly presented
3 as -- as they were given. And maybe I can tell you
4 a little bit about the process we do.

5 We take the monthly financial statements from
6 Mountjoy and start with that, and they are on the
7 cash basis. Then we go through, look at the
8 records. We tie down the cash balances. We look
9 at any additions to the equipment and property.

10 We confirm what's on the balance sheet. We
11 look at some of the expenses to make sure that
12 they are correct and that they are actual expenses
13 for this period.

14 We try to look and see if there are any
15 payables that have not been paid or not properly
16 accounted for in this period.

17 COUNCIL MEMBER LEONARD: How do
18 you do that?

19 MR. TALLEY: Well, we -- for payables,
20 we would do a payables test, which would mean we
21 would look at checks that were written in July and
22 have a cutoff, and any check that was over that
23 cutoff we would look -- they would have to give us
24 an invoice. And on that invoice, it would tell us
25 what the date was.

1 If it was from June 30th, we would -- for June
2 30th or before, we would look at that invoice; and
3 then we would go look at the accounts payable that
4 is listed in that -- in the financial statements. If
5 it's on there, then we -- we're fine. If it's not,
6 then we will make an adjustment for that and put it
7 on the financial statements.

8 But the purpose of the audit is -- is in that
9 third paragraph on Page 5. I'm sorry, on Page 3,
10 which is we are giving an opinion on your financial
11 statements as to if they are fairly presented.

12 COUNCIL MEMBER LEONARD: Okay. So
13 essentially you're looking at the financial records
14 and making sure with what you're given that
15 they're accurate.

16 MR. TALLEY: That they're fairly
17 presented.

18 COUNCIL MEMBER LEONARD: Right.

19 MR. TALLEY: There may be small
20 material things that --

21 COUNCIL MEMBER LEONARD: Okay.

22 MR. TALLEY: Because we do not look at
23 every transaction that takes place.

24 COUNCIL MEMBER LEONARD: Do you
25 go back to see whether or not management is

1 doing anything effective in regard to the
2 expenditure of moneys? In other words, do you go
3 beyond the adding and subtracting and the looking
4 at the papers? Do you make any kind of
5 qualitative judgments?

6 MR. TALLEY: If we were -- basically,
7 we're just looking at your expenditures and your
8 revenue coming in. We're not looking at the
9 effectiveness of what the expenses were.

10 Now, if we saw something that looked out of
11 line or something that looked like it wasn't
12 approved or any expenditure that looked like there
13 was something wrong with it, yes, we would be
14 looking for that.

15 COUNCIL MEMBER LEONARD: How do
16 you determine whether something's approved or
17 not?

18 MR. TALLEY: Well, if we look at an
19 expense, we'll look at the invoice. We'll look at
20 the authorization on that invoices. We can even
21 look at the minutes, occasionally, to see if
22 there's -- if they've been approved by the city
23 council. We do things like that to make sure that
24 it's gone through the proper. . .

25 COUNCIL MEMBER LEONARD: In the

1 event for the -- for example, that some budget item
2 was higher than what had been approved in the
3 budget, do you make any judgement in regard to
4 that?

5 MR. TALLEY: We don't -- well, it's -- it's
6 reported in the audit report as an over or under.

7 COUNCIL MEMBER LEONARD: Right.

8 MR. TALLEY: So we are -- we are giving
9 you the information to say on this item you were
10 over budget on or this item you were under budget,
11 but as far as -- we're just reporting to you what
12 actually happened.

13 MAYOR EBERLE: On an accrual.

14 MR. TALLEY: On an accrual.

15 MAYOR EBERLE: You're -- you're
16 shifting from cash and modified cash to the
17 accrual --

18 MR. TALLEY: Well, there's two sets of
19 statements. There's one on the accrual, which is
20 your -- your first two statements, and one on the
21 modified, which doesn't include some of the -- like
22 capital assets and -- and some of the long-term
23 payables.

24 COUNCIL MEMBER LEONARD: That's
25 perfectly in [phonetic]. How do you value, for

1 example, Putney Pond?

2 MR. TALLEY: We would use the --
3 whatever you paid for it.

4 COUNCIL MEMBER LEONARD: Whatever
5 we paid for it. Do you add whatever we are doing
6 to it?

7 MR. TALLEY: Yes, any expenditure that
8 was improvements or -- yes, we would have.

9 COUNCIL MEMBER LEONARD: So the
10 value that is in our records for Putney Pond, as an
11 example, may bear no relationship to the value of
12 that property on the open market; is that accurate?

13 MR. TALLEY: That -- that's -- that's
14 accurate; yes. We are just using -- if you paid --
15 let's say you paid 800,000 for something. Heck,
16 the fair market value of it could be a million five,
17 but under our cost accounting, that's how we
18 account for this on historical costs. So, yes,
19 that's correct.

20 COUNCIL MEMBER LEONARD: Are there
21 any other assets, other than Putney Pond, that are
22 being valued that way?

23 MR. TALLEY: Your buildings, things like
24 that, would be. Any of your capital assets that are
25 on the books are valued at cost.

1 Now, like your cash and your investments, like
2 your money market funds, we get that right off the
3 statement. So it's -- it's --

4 COUNCIL MEMBER LEONARD: That's --

5 MR. TALLEY: -- valued right off the
6 statement, so --

7 COUNCIL MEMBER LEONARD: Uh-huh.

8 MR. TALLEY: But, yes, that's -- that's
9 true. On those, like a Putney Pond, it would not
10 be pure market value. It would be at cost.

11 COUNCIL MEMBER LEONARD: Okay.
12 Are -- we keep using words like the "road fund, the
13 restrictive road fund." Is there a separate bank
14 account for that fund?

15 MR. TALLEY: I -- I think there is; yes.

16 MAYOR EBERLE: Yeah, there is.

17 MR. TALLEY: Right -- right off the top of
18 my head, actually.

19 COUNCIL MEMBER LEONARD: But
20 there's no separate account for reserves.

21 MR. TALLEY: No, there would not be.
22 The reserves are just basically -- all that comes
23 under your net assets, your ownership in the
24 assets.

25 COUNCIL MEMBER LEONARD: So it's,

1 basically --

2 MR. TALLEY: And that's just -- and
3 that's just --

4 COUNCIL MEMBER LEONARD: -- a
5 calculation.

6 MR. TALLEY: -- divided up -- yes, it is.

7 COUNCIL MEMBER LEONARD: Correct.

8 MR. TALLEY: Yeah.

9 COUNCIL MEMBER LEONARD: Okay. In
10 terms of the accounts receivable, how long would
11 we carry those on the book, and how do we know
12 when to write them off?

13 MR. TALLEY: Usually they're over 90
14 days or so.

15 COUNCIL MEMBER LEONARD: So I think
16 it's 62,000. That would be all fairly recent.

17 MR. TALLEY: It should -- yes, yes.

18 COUNCIL MEMBER LEONARD: Okay.

19 MR. TALLEY: Any accounts receivable
20 we're showing -- yes, they would be. Some of the
21 things are what you collected in the next -- like
22 July and -- and August, so you've actually
23 collected some of these.

24 COUNCIL MEMBER LEONARD: Well,
25 that's about it. I thank you very much. I

1 appreciate it.

2 MR. TALLEY: Sure. And, as usual, if
3 you have any questions, feel free to call me, and
4 come in and talk to me. I'll be happy to sit down
5 with you. Thank you.

6 COUNCIL MEMBER MILES: I have a
7 quick question.

8 MR. TALLEY: Sure.

9 COUNCIL MEMBER MILES: Back to the
10 value that you attributed to something. So you're
11 attributing the value of this building to what we
12 paid for this building when we built it.

13 MR. TALLEY: Exactly.

14 COUNCIL MEMBER MILES: And that was
15 how many years ago?

16 COUNCIL MEMBER LEONARD: Well,
17 what -- plus all of the money we've put into it.

18 COUNCIL MEMBER MILES: Right.

19 MAYOR EBERLE: Right, because it
20 was -- the old -- we're in the old building. The
21 new building is -- yeah. So they were built in
22 different years.

23 COUNCIL MEMBER SIMON: This is part
24 of the old building.

25 CITY ATTORNEY POTTS: And they're --

1 they're listed in --

2 MAYOR EBERLE: Part of the old
3 building.

4 CITY ATTORNEY POTTS: They're listed
5 separately on the audit.

6 COUNCIL MEMBER MILES: My point is
7 this building was built how many years ago?

8 MR. TALLEY: Oh, I couldn't tell -- I'm --
9 I couldn't tell you.

10 CITY ADMINISTRATOR SIMMS: The
11 original one I believe was about 1974, and the
12 addition was completed I think in 2000 or 2001 --

13 COUNCIL MEMBER MILES: Right.

14 CITY ADMINISTRATOR SIMMS: -- one of
15 those two.

16 COUNCIL MEMBER MILES: My point is
17 that the actual value of the building could be way
18 more given it was built --

19 MR. TALLEY: Oh, yes, yes.

20 COUNCIL MEMBER MILES: -- 20 years
21 ago than --

22 MR. TALLEY: Yes.

23 COUNCIL MEMBER MILES: So our actual
24 assets are actually probably way more than what is
25 reflected on this statement.

1 MR. TALLEY: It's -- it would be the fair
2 market value, which is what somebody --

3 COUNCIL MEMBER MILES: Gotcha.

4 MR. TALLEY: -- would give you for it.
5 Yes, that's -- that could -- it's very possible.

6 MAYOR EBERLE: Any other questions?

7 CITY ATTORNEY POTTS: We need a
8 motion to approve the audit.

9 MAYOR EBERLE: We need a motion to
10 approve. I'll entertain a motion to approve the
11 2011/2012 audit.

12 COUNCIL MEMBER ERTEL: So moved.

13 COUNCIL MEMBER MILES: Second.

14 MAYOR EBERLE: Loretta Ertel and
15 Stuart Miles. Any discussion?

16 COUNCIL MEMBER MILES: [no audible
17 response]

18 MAYOR EBERLE: Hearing none, I'll start
19 with Council Member Tucci.

20 COUNCIL MEMBER TUCCI: Yes.

21 COUNCIL MEMBER SIMON: Yes.

22 COUNCIL MEMBER MILES: Yes.

23 COUNCIL MEMBER ERTEL: Yes.

24 COUNCIL MEMBER SCOTT: Yes.

25 COUNCIL MEMBER LEONARD: Yes.

1 MAYOR EBERLE: Okay. Thank you, Bill.

2 MR. TALLEY: Thank you-all.

3 MAYOR EBERLE: As always, we
4 appreciate your -- your availability for questions
5 and --

6 MR. TALLEY: Absolutely.

7 MAYOR EBERLE: -- and I know it's --
8 it's an -- it's an involved process.

9 Next item on the agenda is the police report.
10 Oh, yeah, people are passing down Craigmyle
11 Award nominations. If anybody brought them
12 tonight, you have to pass them down here.

13 Police Chief Jeff Sherrard with the police
14 report.

15 CHIEF SHERRARD: Okay. I'll be brief
16 since we're running a little bit late. In terms of
17 numbers, the citations were down from the same
18 reporting period last year, although the overall
19 charges were about the same. So we -- we wrote
20 more for less, I guess you could say. More charges
21 for less citations all together.

22 Most of the other items are about the same.
23 The injury accidents, the noninjury accidents, all
24 about the same. Reports -- the reports are
25 deceiving, because last year everything was done

1 in an incident-report basis, and also the month of
2 November last year was when all the car break-ins
3 occurred. There was, like, 30 of them in the one
4 month.

5 When I was going back through the reports
6 today, I saw where they just absolutely tore up the
7 Sutherland on just a two- or three-week period
8 back in November of last year, so there were 30
9 reports taken during that month last year, but -- I
10 understand that they were all cleared up, but,
11 again, there was only just a handful of them this
12 month.

13 There were more arrests this month. The
14 dispatch runs were up a little bit, about 21%
15 increase over last year. Officer run's about the
16 same. Burglar alarms are exactly the same.

17 Regarding codes enforcement, there were two
18 code enforcement citations that were issued last
19 month. They both were for soliciting door to door.
20 The same company that had been here earlier in
21 the summer, we thought we had got rid of them. I
22 think it's Butcher's Pride.

23 MAYOR EBERLE: Oh, yeah.

24 CHIEF SHERRARD: Not to be confused
25 with the --

1 MAYOR EBERLE: Not Butcher's --

2 CHIEF SHERRARD: -- the legitimate
3 guys across the street, but this is Butcher's Pride.
4 They're from out in the state. And, anyway, they
5 were issued two citations, and they actually did
6 come in and pay the -- the fines. So we didn't
7 meet for the Code Enforcement Board.

8 For the month, the arrests, there was one
9 relatively significant arrest. About 3:00 in the
10 morning, a car was stopped leaving a subdivision
11 in Prospect. There was an underage female in the
12 car along with an adult male. As it turned out,
13 they probably should not have been together at
14 that time, because the parents were unaware that
15 she was with him.

16 He subsequently was arrested for unlawful
17 transaction with a minor. As it turned out, there
18 was some relationship; that she'd been on an
19 athletic team and he had been a coach for them.

20 Obviously, they denied any type of other
21 inappropriate activity that evening; however, we
22 were concerned enough about it. There were
23 enough red flags that we have -- had passed that
24 along to Crimes Against Children Unit. And it's my
25 understanding they have opened a case.

1 What that means, I don't know at this point,
2 but they have followed up with it. There is a
3 detective that's assigned to that case.

4 There was one DUI arrest. That was for a
5 nonresident.

6 Regarding the reports, nothing overly
7 significant there; however, we did get called on
8 November 13th to check on the war -- welfare of a
9 resident. They hadn't seen this lady, the
10 neighbors hadn't, for several days. Her coworkers
11 were concerned. She didn't show up at work.

12 We were able to touch base with the
13 neighbors. One of them had a key. When we
14 entered the home, we found the -- the lady
15 deceased in her room. She'd been there,
16 obviously, for probably about three days;
17 apparently died of natural causes. She was
18 elderly.

19 She had complained to friends and coworkers
20 the week before that she had been feeling very ill,
21 similar to along the line of food -- she thought
22 food poisoning, but she had been to a function
23 with other people. None of them reported getting
24 sick, but she was ill shortly after that.

25 We did have one air conditioner that was

1 stolen from one of the businesses along 42. An
2 officer was just on patrol in the late shift; was
3 driving behind the building, and noticed that
4 something as amiss; found parts to the air
5 conditioner where somebody had taken it for scrap.

6 Let's see. And probably the most pressing
7 matter that we have is in the -- the last five days
8 we've had two legitimate break-ins. We've sent
9 out -- and I'm sure some of you have already
10 received it, the -- the email alerts that we've sent
11 out.

12 One of our break-ins occurred in Fox Harbor;
13 the other in the Landings. Both of these occurred
14 in broad daylight. It appears as though that the
15 suspects are going along through the subdivision,
16 knocking on doors. If no one answers, that's when
17 they would make entry.

18 We've had a couple of cases already where
19 someone has knocked on the door, and a resident
20 was able to see somebody; and then they made up
21 a story like, "I was here to cut your grass." "Well,
22 I didn't call anybody to cut my grass," and then the
23 guy just jumps in a car and leaves.

24 We've had two -- two of those cases.
25 Unfortunate for us, both of the times that they've

1 been seen, we did not get a call as it occurred.
2 One we got the call much later in the evening.
3 This occurred at almost 10:00 in the morning. We
4 didn't get the call until 5 or 6 that night.

5 And one that occurred today, when we had a
6 break-in in the Landings today, the same thing
7 happened. The guy knocks on the door. A
8 resident answers. The guy just basically sees the
9 resident coming to the door, turns aro0und, and
10 levers.

11 He did not report that. It wasn't until we were
12 called when the resident came home and sees the
13 break-in, that he sees the police cars over there
14 and says, "Hey, by the way, I saw this."

15 So that's why we sent out the email blast
16 today, because we want -- if anybody sees
17 anything along those lines or if somebody shows
18 up at your doorstep and knocks on the door, we
19 want to you call the police immediately.

20 I will tell you that Oldham County has also
21 had something similar occur. We may possibly
22 have a suspect. They were still on the process
23 when I came down from the meeting of sorting
24 some things out.

25 They do have a vehicle -- or they had a

1 vehicle stopped earlier today. It matches sort of
2 the description that we have. We've got either a
3 blue or green pick-up, older, and possibly may
4 have a trailer involved on it, but that's all we
5 have.

6 MAYOR EBERLE: Thank you, Chief. Are
7 there any --

8 COUNCIL MEMBER SCOTT: I've got
9 one --

10 MAYOR EBERLE: -- questions or
11 comments for --

12 COUNCIL MEMBER SCOTT: -- I've got --
13 I've got one -- one comment. Just in benefit for
14 the folks that are nice enough to come here
15 tonight, I had sent an email to the chief this
16 week -- earlier this week and to the mayor and the
17 other council member.

18 My neighbor behind me had a deer that was ill
19 or had real problems, and I called the police a
20 couple of weeks ago. And they came out very
21 promptly, and they had to put the deer down.

22 And the issue was that they had to do it with a
23 pistol, and it took six shots in about 20 minutes.
24 And both officers told me that really what they
25 need is a -- a rifle. And I said, "Well, I'm glad

1 you're telling me that, because I'll communicate
2 with the department and talk to the chief and see
3 what -- what can be done."

4 Has there been any -- anything in that area?

5 CHIEF SHERRARD: Other than still
6 looking into the matter --

7 COUNCIL MEMBER SCOTT: Yeah.

8 CHIEF SHERRARD: -- the most prudent
9 thing would be a -- just using a regular shotgun
10 with a deer slug. The prob --

11 COUNCIL MEMBER SCOTT: Which --
12 which we don't have right now.

13 CHIEF SHERRARD: We do not have right
14 now. The relative --

15 COUNCIL MEMBER SCOTT: Okay.

16 CHIEF SHERRARD: In the scheme of
17 things, they're relatively inexpensive in terms of
18 weapons. But whenever you put something like
19 that in somebody's hands, you have to train them
20 in it. They have to qualify in it. So it's -- it's not
21 something that you just go out and buy one and
22 say, okay, now you can do it.

23 COUNCIL MEMBER SCOTT: Okay.

24 Well --

25 CHIEF SHERRARD: So we would actually

1 have to set up a -- a range of fire for them to go
2 through all that, through qualifications, and then
3 show that they're proficient with it, because the
4 last thing you'd want to do is put a shotgun in the
5 hands of somebody that's not done it or perhap -- I
6 mean, because that's -- that's a heck of a round
7 coming down range if you don't hit what you're
8 shooting at.

9 So -- so for liability purposes, before we go
10 putting a shotgun in somebody's hand, or a rifle,
11 for that matter -- the thing that concerns me about
12 a rifle is say you've got something -- a -- a -- a
13 deer or something that's up against something
14 concrete. You know, a rifle round, I mean, they'll
15 pass right through it, and then it's like the
16 Energizer Bunny. I mean, you ought to see a
17 house after the SWAT team's been through there.
18 I mean, these hou -- the rounds go zinging through
19 the house. So that -- that really concerns me.

20 COUNCIL MEMBER SCOTT: Okay. So
21 keep --

22 CHIEF SHERRARD: But a deer -- deer
23 slug --

24 COUNCIL MEMBER SCOTT: -- keep us
25 posted. You can keep us posted.

1 CHIEF SHERRARD: Deer slug's nice,
2 sle -- or nice, heavy, and slow.

3 COUNCIL MEMBER SCOTT: Okay. Very
4 good. Thank you.

5 CHIEF SHERRARD: Okay.

6 COUNCIL MEMBER MILES: What would
7 the estimated cost be for the training? Would
8 everybody have to be trained, or could you just --

9 CHIEF SHERRARD: Yes, because
10 anybody could possibly be called to that, so -- it's
11 not ex -- ex -- overly expensive to do. It's a
12 matter of getting range time to do it, and just
13 multiple boxes of shells for each person to show
14 that they're proficient.

15 And you would also have to put different
16 rounds in it. For the most part, a police shotgun,
17 you carry buckshot in it.

18 COUNCIL MEMBER MILES: Uh-huh.

19 CHIEF SHERRARD: But you would put
20 the deer slug in it specifically for that. And then
21 they would give them some distant shot.

22 It's not overly-lengthy qualification process,
23 because everybody, when they go through regular
24 qualifications in the state of Kentucky, they do put
25 a shotgun in your hand and you have to qualify at

1 that point. This would be a matter --

2 COUNCIL MEMBER MILES: Okay.

3 CHIEF SHERRARD: -- of -- of
4 recertification to get re-acclimated with the gun.
5 You -- you have to go through the safety course on
6 how to load it, unload it, you know, they call
7 loader safe, all that stuff.

8 COUNCIL MEMBER MILES: And would
9 you have just a deer gun or would you have a
10 handful of guns? I mean --

11 CHIEF SHERRARD: We probably should
12 prob -- have maybe three of them, because they
13 could just check them out.

14 COUNCIL MEMBER MILES: M-hm.

15 CHIEF SHERRARD: That's what they
16 used to do in the old days of patrol, is that you
17 would check out your shotgun before you went out
18 instead of buying one for everyone -- everybody.

19 COUNCIL MEMBER MILES: Okay.

20 CHIEF SHERRARD: One thing I do have
21 concerns of, we have SUVs. If you don't have
22 locked mechanisms in the back, if somebody
23 breaks into one -- since they are take-home cars,
24 if somebody breaks into the back of an SUV, now
25 they have a rifle at their disposal.

1 COUNCIL MEMBER MILES: M-hm.

2 CHIEF SHERRARD: And that's the last
3 thing you want, so. . .

4 I'd much rather we have them locked up
5 upstairs and --

6 COUNCIL MEMBER MILES: Yeah.

7 CHIEF SHERRARD: -- you check them
8 out with -- during the shift, and then they just
9 check them back in; or if you went into putting
10 locking mounts in the cars, now you're talking
11 about a very significant expense.

12 COUNCIL MEMBER MILES: Right.

13 COUNCIL MEMBER ERTEL: Good old
14 days Andy Griffith just gave Barney the one bullet,
15 you know?

16 CHIEF SHERRARD: Yeah.

17 COUNCIL MEMBER SCOTT: Thank you,
18 Chief.

19 CHIEF SHERRARD: You're welcome.

20 MAYOR EBERLE: Any other questions,
21 comments for the chief? And we also have
22 Lieutenant Todd Shaw in the back. I don't know if
23 has any --

24 CHIEF SHERRARD: Well, he's a crappy
25 shot. He's probably the one that took six shots.

1 MAYOR EBERLE: Yeah. Yeah, you have
2 to aim it.

3 OFFICER SHAW: No, I'm -- Fish and
4 Wildlife uses a .22 pistol, so I think it's a matter
5 of a training issue more than -- more than --

6 MAYOR EBERLE: Yeah. Right, yeah,
7 location on the -- yeah.

8 OFFICER SHAW: Yeah, I mean, the
9 location. It's -- it's not the weapon.

10 MAYOR EBERLE: Okay. Any other
11 comments? Thank you, Chief. Always appreciate
12 your detailed reports and your candor with regards
13 to the needs and the -- the activities of the police
14 department.

15 Next item on the agenda is our Comments from
16 Citizens and the Public. And we have four people
17 who have signed in. And I'll remind you to come to
18 the podium, state your name and address, and try
19 to limit -- try to limit it to three minutes, if you
20 can.

21 MS. NICHOLSON: Good evening. My
22 name is Susan Nicholson, 6801 Gunpowder Lane.

23 And my comments, I guess, are, Chief
24 Sherrard, a follow-up to the recent burglaries. A
25 couple of years ago, it's probably been three or

1 four, a Block Watch started I know in Fox Harbor,
2 and I don't know about the other subdivisions, but
3 it really hasn't been very active. And our
4 neighborhood association is very interested in kind
5 of re-energizing that.

6 I think -- it was real helpful to have your
7 email come out, and we went ahead -- I know I
8 sent out to the -- the people in the several houses
9 on either side of me, but we're interested on
10 re-energizing a Block Watch, if you think that's
11 something that would help?

12 CHIEF SHERRARD: Sure.

13 MS. NICHOLSON: I know it would help
14 with communication, so we just wondering --

15 CHIEF SHERRARD: Sure. Absolutely,

16 MS. NICHOLSON: -- what next steps
17 would be on that?

18 CHIEF SHERRARD: Just contacting me.
19 We'll set up meeting.

20 MS. NICHOLSON: Okay.

21 CHIEF SHERRARD: We'll set up a
22 meeting, and I'll come out and meet the people
23 that you want for your Black Watch captain.

24 MS. NICHOLSON: Thank you.

25 COUNCIL MEMBER ERTEL: Susan, in

1 Sutherland, about ten years ago I remember I was
2 with the person who started the Block Watch. And
3 it's a different person now. Right now it's Betty
4 Brewer, if you want to contact her.

5 But originally it was, you know, a different
6 group, but they met with the police department;
7 talked about what they needed to do. And they've
8 been very active. We have an email blast that
9 goes out to everyone, not -- so we have not just
10 the city, but the Sutherland email blast.

11 COUNCIL MEMBER LEONARD: Actually,
12 Betty Brewer is very good.

13 CHIEF SHERRARD: Yeah, theirs is very
14 active; very organized, very active.

15 COUNCIL MEMBER ERTEL: Right. I
16 guess, yeah, we --

17 CHIEF SHERRARD: I'd go to them for
18 information.

19 MAYOR EBERLE: Yeah, Betty -- Betty's
20 on top of it. Thank you, Susan.

21 MR. BENCH: Good evening. I'm Herb
22 Bench, and I live at 6503 Gunpowder. And I'm
23 back again for my favorite topic: The house at
24 6510 Gunpowder.

25 A couple of ordinances, one about derelict

1 cars sitting in driveways. I was here earlier this
2 fall, and mentioned that house has had a car in the
3 driveway for several weeks. Well, that car's still
4 there. It's generating more, so, Chief, I would like
5 to have somebody -- I reported it to one of the
6 officers up on the street --

7 CHIEF SHERRARD: Okay.

8 MR. BENCH: -- a couple weeks ago. I'd
9 like to have somebody at least stop by and take a
10 look and see what you think about the violations of
11 the ordinance in regards to that car --

12 CHIEF SHERRARD: Okay.

13 MR. BENCH: -- as possible.

14 And Number 2, there's a new ordinance that,
15 thank you, this councilman sent to me regarding
16 that building materials left over from construction
17 work. I guess you would call it "construction
18 work." I have no idea what they're doing there,
19 but it's a bunch of crap still laying around in that
20 yard. And it looks like it could have been
21 construction work. So I'd appreciate it if
22 somebody went and see if that --

23 CHIEF SHERRARD: Yeah, I think the
24 meter's running on that one with the -- in terms of
25 the stuff that's in the yard, because I've been by

1 personally a couple of times, and it hasn't moved.

2 MR. BENCH: You know, I appreciate
3 what -- the action you-guys have taken, but -- it's
4 going to be a long road, but please don't give up
5 on this place. It's -- and --

6 CHIEF SHERRARD: Okay.

7 MR. BENCH: -- and I've got to tell you,
8 since I've taken an active interest in this, you
9 can -- all of my neighbors call me and thank me, or
10 if I see them on the street, they say, "Thank you
11 very much for being a voice for us up there."

12 So there's a great deal of interest in the
13 community. We're trying to get that property
14 straightened around, so every action you can take
15 will be appreciated.

16 CHIEF SHERRARD: Okay.

17 MR. BENCH: Thank you.

18 COUNCIL MEMBER MILES: And thank
19 you for your time in dealing with the issue. I know
20 it's important for people to step up and --

21 MR. BENCH: It's -- it's just -- it's just
22 the neighborhood, the whole thing. It's just
23 something that needs to be addressed by the city
24 to get this thing taken care of.

25 COUNCIL MEMBER MILES: It's been

1 going on a long time.

2 MR. BENCH: Yes, it has. Thank you.

3 MAYOR EBERLE: Thank you.

4 MR. KEHLBECK: I'm back in town. Joe
5 Kehlbeck at 7812 Cedar Ridge Court.

6 I'm here this evening for a couple of reasons.

7 (1) I really want to thank in particular
8 Councilwoman Ertel and Councilman Simon on the
9 excellent job that's been take -- they've worked
10 on. And you've really done a fantastic job.

11 If I could put into words what the mayor said
12 and what other people said here about your
13 contributions, all I can say is second what you --
14 they would have said, too, because I really
15 appreciate it.

16 As far as the council, I'd like to also say --
17 say thank you. Over the past two years, we've had
18 quite a few incidents where people participated
19 more than we've ever had them participate. And I
20 think the Kroger situation and all the back and
21 forth and discussions on Kroger, and how that has
22 worked out to I think the satisfaction of at least
23 more than 50% of the people.

24 And I recently have been using this exit that
25 was put in at the shopping center. That's great,

1 because you can get out of there and not get tied
2 up at the corner at the bank on that major
3 intersection. So that's a real plus, but the council
4 did a -- a fine job on the Kroger.

5 We also had some other issues that come
6 up -- came up over the years, and I appreciate
7 that. And I'd like to thank all the citizens of
8 Prospect for now participating. It was pretty
9 boring in the early stages when Joe, Henry, and
10 John and I sat at the meeting and nobody else was
11 here, and now we've got people that are
12 participating.

13 And we've worked on this for two years and
14 these activities, and I really look on the election
15 as being one that is really the wish of the people.
16 If you look, we typically had a straight line, six
17 people, maybe one like we had the year -- two
18 years ago. This time we not only had six, but we
19 had five other people who had an interest in
20 participating in the city activities. So that's a real
21 plus.

22 And then if you look at the election results, I
23 looked at those, and that's very interesting,
24 because we had 35% more votes made in this
25 election than 2010. And what also is interesting is

1 when you look at it, the guy at the bottom of the
2 pot was Rob, who came in first, which means that
3 people really looked at that ballot to make the
4 decision that they wanted to make as to who they
5 would like to have on the council. So those are
6 real pluses.

7 A negative, Alan -- I mean, not Alan. Stuart,
8 let me say that I heard this conversation going on,
9 and I'm really for the parks, but I'm against the
10 parks. And I can't be both --

11 COUNCIL MEMBER MILES: Now, why
12 doesn't that surprise me, Joe?

13 MR. KEHLBECK: But, you know, that if
14 you really look at it, what we're doing as a city is
15 focusing on the parks.

16 COUNCIL MEMBER MILES: Uh-huh.

17 MR. KEHLBECK: And we will have,
18 between 335,000 from the state and what the city's
19 putting up, roughly \$1 million into the parks. And
20 at the same time, our -- we're not getting out
21 communications to the people. The Internet
22 situation in the city is pretty bad. It's -- it hasn't
23 really -- it's an antique compared to other cities in
24 the way of reporting things to the cities, getting
25 messages out to the residents, keeping track of

1 what -- keeping track of ordinances. Just -- it's
2 just we're way, way behind.

3 And if you go and look about -- go to the
4 city -- the Metro and look at their website, you'll
5 see -- I don't think we can do as -- everything that
6 the Metro has, but they have one that's
7 transparency, which is fantastic. You just go in
8 there and you go through, and you want to find out
9 how much we bought -- the city bought from
10 Boland-Maloney, you can find out exactly how
11 much on what day.

12 And those are the kinds of things that need to
13 be conveyed to residents so that there is a
14 communication ongoing, that people can use the
15 Internet. We really -- we haven't scratched the
16 surface on the use of the Internet as a
17 communication tool or a means of fiscal
18 management, and it'd like to have you to really
19 think about that rather than -- as I say, Alan -- or
20 Stuart, putting \$1 million in the park --

21 COUNCIL MEMBER MILES: I'm the
22 good-looking one.

23 MR. KEHLBECK: Yeah, but I -- I really
24 think that it's time to take a second look at where
25 we're putting the money and try and put some into

1 improving the mec -- the Internet ability and the
2 communications and the systems within the city.
3 Thank you.

4 COUNCIL MEMBER SIMON: Joe --

5 MR. KEHLBECK: Yes.

6 COUNCIL MEMBER SIMON: -- I'll say
7 one thing about -- about the parks: They'll be
8 here 1,000 years from now. We won't. And the
9 Internet may not be here, but that land will be
10 here.

11 MR. KEHLBECK: Oh, that's why I'm for
12 it, Alan. And I'm also saying --

13 COUNCIL MEMBER MILES: And, Joe, I
14 don't -- I don't see them as being mutually
15 exclusive.

16 MR. KEHLBECK: -- we -- we focused --

17 COUNCIL MEMBER MILES: I agree with
18 you that -- that, you know, we can -- you know, you
19 can always do more in terms of -- of the Internet
20 and -- and our -- and what the city does, and,
21 obviously, you can't compare us to Louisville
22 because their Internet -- Internet budget is
23 probably more than our entire budget.

24 And -- and there's some things, because of
25 the size of Louisville and the number of citizens

1 that they --

2 MR. KEHLBECK: Oh, I'm not comparing
3 you it.

4 COUNCIL MEMBER MILES: Well, I'm just
5 saying, but -- yeah, I'm not disagreeing with you
6 that there's always things we could do to -- to
7 make our -- our accessibility through the Internet
8 better, but I don't think they're mutually exclusive.
9 I think you can do things for parks and you can do
10 things to upgrade our Internet connectivity.

11 COUNCIL MEMBER SIMON: The other
12 thing is -- is that we can have all the Internet stuff
13 we want, but if the residents don't sign up, like
14 the -- a lot of them -- a lot of them haven't, you
15 can't communicate with them.

16 MR. KEHLBECK: Well, I think you can --
17 if there's a reason -- you know, well, we're getting
18 way off the subject, but, basically, I'm
19 communicating with 300 people now. I shouldn't
20 be doing that. I should have -- the city should be
21 doing that kind of communication on an ongoing --

22 COUNCIL MEMBER SIMON: Give us your
23 list.

24 MAYOR EBERLE: And we'd love to have
25 your list, and you won't -- you won't give it to us.

1 COUNCIL MEMBER SIMON: Gives your
2 list, you know.

3 MR. KEHLBECK: No, I -- I'm -- I'm
4 serious, though

5 COUNCIL MEMBER SIMON: Well, you
6 got us quashed up. Give us your list and we'll be
7 glad to communicate.

8 MR. KEHLBECK: Well, were you going to
9 communicate using it?

10 COUNCIL MEMBER SIMON: I'm not
11 going be. You -- you-guys are going to be doing it
12 next time to, but we have nobody to communicate
13 with -- you've got the list. You refuse to give it to
14 anybody.

15 MR. KEHLBECK: You've got a list of
16 600; haven't you?

17 MS. SPEAKER: You've got the taxpayer
18 list; don't you?

19 COUNCIL MEMBER SIMON: We don't
20 have the email.

21 COUNCIL MEMBER MILES: They don't
22 have their emails on there.

23 COUNCIL MEMBER SIMON: We don't
24 have their emails.

25 MR. KEHLBECK; And if there was

1 something --

2 MS. SPEAKER: Send them a letter.

3 COUNCIL MEMBER ERTEL: We send
4 them a listing every month.

5 MAYOR EBERLE: We do, every month.

6 COUNCIL MEMBER ERTEL: Every
7 newsletter.

8 COUNCIL MEMBER SIMON: Every
9 newsletter goes out every month to every resident.

10 MAYOR EBERLE: You can sign up on the
11 website.

12 MS. SPEAKER: He cannot give you his
13 email list. That's an invasion of privacy.

14 MAYOR EBERLE: Okay.

15 COUNCIL MEMBER MILES: Well, what
16 Joe can do is Joe can -- can -- yeah, I think you've
17 even done this, Joe. And --

18 MR. KEHLBECK: Pardon?

19 COUNCIL MEMBER MILES: I think
20 you've done this, but it's worth doing it again. It's
21 just reminding everybody on your list they can --
22 give them the email address --

23 MR. KEHLBECK: I will.

24 COUNCIL MEMBER MILES: -- where they
25 can sign up.

1 MR. KEHLBECK: I'll do that.

2 COUNCIL MEMBER MILES: Yeah.

3 MR. KEHLBECK: But my list is a blind
4 copy, which I --

5 COUNCIL MEMBER MILES: I understand.

6 MR. KEHLBECK: -- really appreciate --
7 the people have asked me not to --

8 COUNCIL MEMBER MILES: I understand
9 that.

10 MR. KEHLBECK: -- distribute it.

11 COUNCIL MEMBER MILES: I have the
12 same list of my -- my --

13 MS. SPEAKER: Well, it's just a fact. I
14 mean, I didn't make it up. It's the law.

15 MAYOR EBERLE: Well, thank you, Joe.
16 We'll -- we need to move on.

17 MR. KEHLBECK: Okay. But all -- all I'm
18 saying is I really appreciate the job the council
19 has done, and let's look forward, take a good to
20 look at the future. That's the important --

21 COUNCIL MEMBER MILES: Thank you,
22 Joe.

23 COUNCIL MEMBER TUCCI: You know,
24 Joe, just sort of by -- this is a sidebar issue, but
25 you know how say in the Army, you know, there's a

1 certain percent that will never get the word no
2 matter what you do.

3 We were talking to a Fox Har -- -- not a Fox
4 Harbor, a Prospect resident of 27 years. This is
5 somebody with an advanced degree. So she's
6 never moved. She's gotten the same, you know,
7 monthly newsletter for as long as they've been
8 being sent out. She had no idea there was such a
9 thing as a Forestation Board.

10 So while I agree with all of the business about
11 transparency, we have a lot of people that, unless
12 we went and, like, knocked on their door and then
13 made an appointment to talk to them, would remain
14 happily ignorant of everything that's happening,
15 you know.

16 MR. KEHLBECK: I -- I don't disagree
17 with you, Sandra.

18 COUNCIL MEMBER TUCCI: Yeah, yeah.
19 It's --

20 MR. KEHLBECK: But I think we can get
21 to more in the way of getting -- using the tools
22 that are available on the Internet today. Thank
23 you.

24 COUNCIL MEMBER MILES: Thank you,
25 Joe.

1 COUNCIL MEMBER LEONARD: You
2 know, while you're sitting down before the next
3 citizen stands up, I understand that Kroger bought
4 the shopping center that they're in last week.

5 COUNCIL MEMBER MILES: Wow.

6 COUNCIL MEMBER SIMON: No.

7 MAYOR EBERLE: Yeah, there --

8 COUNCIL MEMBER LEONARD: No?

9 MAYOR EBERLE: -- there was some talk
10 of it. I thought --

11 COUNCIL MEMBER SIMON: I -- I heard
12 it was an out-of-town investor.

13 CITY ATTORNEY POTTS: It's an investor
14 from --

15 COUNCIL MEMBER LEONARD: The
16 out-of-town --

17 CITY ATTORNEY POTTS: -- from
18 Cincinnati --

19 COUNCIL MEMBER LEONARD: Okay.

20 CITY ATTORNEY POTTS: -- which
21 happens to be where Kroger is located, but I don't
22 believe it is Kroger.

23 COUNCIL MEMBER LEONARD:
24 Somebody told me that that investor situation fell
25 through at the 11th hour, and within three days that

1 Kroger had walked in and just --

2 CITY ATTORNEY POTTS: That's -- that's
3 a possibility.

4 MAYOR EBERLE: Could be, yeah.

5 COUNCIL MEMBER LEONARD: Yeah.

6 MAYOR EBERLE: We haven't heard that.

7 COUNCIL MEMBER LEONARD: That was
8 the scuttlebutt from the people who pay rent over
9 there.

10 MAYOR EBERLE: As -- as a -- as a --
11 just a -- kind of a footnote, we do make every
12 effort to get as much information out to the
13 residents and provide responses to inquiries from
14 residents.

15 And I've served on the board of the Jefferson
16 County League of Cities, which represents 83
17 suburban cities. And I -- you know, all I can do is
18 tell you anecdotally: I go to meetings, and all
19 they talk about is how wonderful Prospect
20 communicates with their -- and -- and this -- this
21 is -- this is what happens. You can take it for
22 what it's worth.

23 But we have, at least at this point, and I'm not
24 saying we couldn't improve it, but we have the
25 reputation for being the most communicative with

1 our residents of any of the 83 suburban cities. We
2 are -- very, very, very few of them have
3 newsletters. A lot of them have quarterly
4 newsletters. A lot of them have every other
5 month, which you don't mail them out every month.

6 And we -- we spend a lot of time trying to get
7 good information, well-written newsletters. So
8 we -- we do make the effort, and we will continue
9 to try to -- to make more efforts, but I will -- I will
10 tell you that we have the reputation for being the
11 most effective.

12 And I'm -- and I'm talking about Metro.
13 Actually, I find Metro kind of confusing sometimes
14 and hard to use, but at any rate -- so Frank
15 Fulcher.

16 MR. FULCHER: Frank Fulcher, 6914
17 Wythe Hill Circle.

18 Gee, this is a -- this is a great lead-in for --
19 for what I'm up to here. Speaking of
20 communication, last -- last meeting I -- I had a
21 question and made a recommendation that
22 someone look into additional striping on -- on the
23 turn lanes in -- in two separate things. And I'd --
24 I'd like to hear a little communication back this
25 way about what's going on.

1 MAYOR EBERLE: Chief Sherrard's
2 checked it out. You -- you some comparisons
3 and --

4 CHIEF SHERRARD: I went to -- actually,
5 they're -- they're --

6 MAYOR EBERLE: -- you can just call him
7 or he can tell you right now, I guess.

8 CHIEF SHERRARD: Yeah, they're --
9 they're pretty rare to find one set that's up the
10 way that this one would be set up. I went all up
11 and down 22, Westport, looking in different
12 shopping centers, and I finally found one exit at
13 the Summit that does exactly the way that -- that
14 you were talking about this one.

15 And I pulled up the overhead photograph.
16 This one, actually, is already striped out with two
17 line -- two lanes to be able to it.

18 MR. FULCHER: You mean at Timber
19 Ridge.

20 CHIEF SHERRARD: At Timber Ridge.
21 That's the one --

22 MR. FULCHER: It has one -- one --

23 CHIEF SHERRARD: It's one -- one --

24 MR. FULCHER: -- one more little arrow
25 and --

1 CHIEF SHERRARD: Yeah, just changing
2 that center lane arrow to where it goes either
3 straight across to Timber Ridge --

4 MR. FULCHER: Yeah, yeah.

5 CHIEF SHERRARD: -- or turns left to go
6 east on 42.

7 MR. FULCHER: So -- well, I appreciate
8 that. You've given it some thought, but is there
9 any conclusion been reached? I mean, we did --
10 we've spent a lot of money on -- on painting roads.
11 I'd love to get, you know, an arrow here.

12 CHIEF SHERRARD: Well, I don't -- that
13 wouldn't be -- necessarily be our decision to make.
14 I mean, that's a city -- that's a Metro road, Timber
15 Ridge is. That would have to get approval through
16 them and make sure that it meets with all their
17 approval. And so that -- that would be the next
18 step in that.

19 MR. FULCHER: Okay.

20 MAYOR EBERLE: Well, we have done a
21 pretty --

22 CHIEF SHERRARD: I'll -- I'll --

23 MAYOR EBERLE: -- exhaustive search to
24 find a similar --

25 CHIEF SHERRARD: Right, because

1 there's really not that many. A lot of them do
2 exactly they way that this one does, that even
3 though they're set up with three lanes, they just go
4 one, one, and one; one straight across, one to the
5 left, one to the right.

6 But there is one at the Summit that does
7 exactly what you're talking about. It le -- actually,
8 it's the one that leads across to get to the
9 Kroger's. It has a -- a center lane/left turn, and it
10 actually has the dotted curve painted in where it
11 designates the turning lanes, where you have two
12 full lanes in which to turn left.

13 And this one is already set up that way, so I
14 don't know that it would take anything other than
15 someone else's approval and a little bit of spray
16 paint --

17 MR. FULCHER: Okay. Well --

18 CHIEF SHERRARD: -- to make it happen.

19 MR. FULCHER: -- the ques --

20 CHIEF SHERRARD: But it's not going to
21 be me.

22 MR. FULCHER: -- the question, I guess,
23 is -- is it a good idea. If it's a good idea, we can
24 follow through on it. If it's -- if -- you know, if we
25 say, okay. Well, if it's really not something we

1 want to do, I'd like to hear that, also. So, I mean,
2 it's -- it's kind of --

3 CHIEF SHERRARD: Well, what Metro
4 may want to do is come out and survey it, and --
5 and they may -- they would probably put the meter
6 on it to see the number of cars coming and going.

7 MR. FULCHER: How -- how would we get
8 that initiated?

9 CHIEF SHERRARD: I would just -- I
10 would ask them. I could inquire.

11 MR. FULCHER: Would you do that?

12 CHIEF SHERRARD: And -- and we may
13 be able to do it through the state or one of them --
14 they're pretty easy to -- to deal with when it comes
15 to metering that.

16 Back during the -- back during the Ryder Cup,
17 I contacted them on getting a bunch of streets
18 metered to see how traffic flow went, and they
19 were very easy to work with. So I'll try to make
20 some phone calls and see if somebody will do it.

21 MR. FULCHER: That's -- that's what I
22 was looking for, is some follow up.

23 MAYOR EBERLE: That's probably the
24 best way to make the decision rather than a
25 referendum or something.

1 MR. FULCHER: No, I but --

2 MAYOR EBERLE: But -- yeah.

3 MR. FULCHER: You know, we've lived
4 with it -- you know, we can live with it. It's just
5 easier.

6 The second -- the second item is, again,
7 follow up. On the -- on the ordinance -- tightening
8 up the ordinance or broadening it, maybe, on the
9 nuisance ordinance. It now says 7 inches of
10 grass, but we were looking at a lot of different -- a
11 lot of different ordinances from other -- other
12 areas that already have language in -- in some --
13 reputed of some -- maybe not so good.

14 That seems to be language, and I'd like to
15 also get a commitment that somebody's looking at
16 it. It's going to be the ordinance forum, because
17 I -- my feeling is that the spirit of -- and the
18 consensus of the council and chief was, yes, it's
19 something we need to do, but we have -- need
20 somebody to do it, so. . .

21 MAYOR EBERLE: I think -- well --

22 COUNCIL MEMBER ERTEL: I had --

23 MAYOR EBERLE: -- it won't be -- won't
24 be Alan or Loretta, but the -- the two new council
25 members and -- and the four incumbent council

1 members can certainly propose something that we
2 could consider.

3 MR. FULCHER: So it's -- it's -- get
4 initiated through a -- a singular council member; is
5 that right?

6 MAYOR EBERLE: Right. I mean, either
7 the council decides as a group, you know,
8 generally about something or -- you know, I -- you
9 know, I -- I can't introduce it, but a council
10 member can.

11 MR. FULCHER: Well, I -- I thought we
12 had -- you know, honestly, I thought we had, you
13 know, crossed that hurdle, that --

14 COUNCIL MEMBER ERTEL: I had talked
15 about doing that, Frank, last -- at the last
16 meeting, and I intended to meet with Chief
17 Sherrard and go over, you know, some ordinances
18 from other cities and whatever; and then, of
19 course, you know, time ran out and now I've run
20 out.

21 So -- so I won't be able to follow through.

22 MR. FULCHER: Okay. I guess we -- we
23 just to --

24 MAYOR EBERLE: We -- we have --

25 MR. FULCHER: -- somebody to pick up

1 the ball, then.

2 MAYOR EBERLE: Yeah.

3 COUNCIL MEMBER MILES: Well, Frank,
4 I'll be happy to work with Mike on it. Mike, will
5 you work with me?

6 COUNCIL MEMBER SCOTT: I'd be glad
7 to.

8 MR. FULCHER: The chief -- as noted
9 last time, Stuart, you weren't here. The -- I gave
10 the chief a pile, half dozen, from other -- other
11 cities.

12 CHIEF SHERRARD: And they're kind of
13 all running together now. I mean --

14 MR. FULCHER: So, you realize, you
15 know, It's a plagiarism issue. You can just --

16 MAYOR EBERLE: And we all --

17 COUNCIL MEMBER MILES: It's
18 plagiarized big time. Don't worry about it.

19 MR. FULCHER: And -- and one other new
20 issue, I noticed at my own personal property, that
21 I get much more recycled trash than normal trash.
22 And I think -- I think we need to start thinking
23 about exactly what are the pros and cons of
24 additional recycle and maybe cutting back on
25 the -- the standard garbage or do two --

1 MAYOR EBERLE: Or the size of the
2 recycling.

3 MR. FULCHER: Yeah, I mean, if we're --
4 if we're environmentally -- if we're environmentally
5 responsible, and we can recycle more, the
6 restriction right now seems to be the size of the
7 recycle containers.

8 MAYOR EBERLE: Yeah. Right. We can
9 make adjustments.

10 MR. FULCHER: The mayor, big article on
11 Sunday, was -- he wants bigger.

12 COUNCIL MEMBER LEONARD: Yeah.

13 MR. FULCHER: But if -- if we get
14 somebody to look at or talk to -- talk to our -- our
15 garbage hauler about what the -- the demographics
16 of the garbage of recycling versus --

17 COUNCIL MEMBER ERTEL: You know,
18 extra recycle bins are available from the city. And
19 if you have filled two bins, they will pick them up
20 under the contract now.

21 MAYOR EBERLE: Yeah. We --

22 MR. FULCHER: That's your -- that's
23 your --

24 MAYOR EBERLE: Yeah, they'll pick --
25 they'll pick up more than one.

1 COUNCIL MEMBER SIMON: I've got two
2 that get picked up.

3 COUNCIL MEMBER ERTEL: I have two.

4 CITY ADMINISTRATOR SIMMS: The
5 extra bins are -- I think, Holly, are extra bins \$12
6 now?

7 MS. LEVOLD: 12.50.

8 COUNCIL MEMBER MILES: And, Frank?
9 Frank, I -- I may have some info for you, because
10 we recycle more than we have garbage. And I
11 actually have a huge garbage can that I put my
12 recycling in. The only problem is I have to drag
13 that to the street. They won't take my recycling
14 container and drag it to the street.

15 So you can get any size you want that isn't a
16 standard recycle bin, but you have to take it to the
17 street and bring it back instead of having them do
18 the back door pickup. I mean, that's something I
19 would like to have changed.

20 MR. FULCHER: Oh, I know. I
21 understood. I understood you could -- they'd pick
22 up one at your back door.

23 COUNCIL MEMBER LEONARD: No,
24 they'll -- they'll pick up all kinds of extras.

25 MR. FULCHER: If you had two, would

1 they al --

2 COUNCIL MEMBER MILES: So if it's -- if
3 it's not in a standard recycle --

4 MR. FULCHER: It's in a standard --
5 standard recycling.

6 COUNCIL MEMBER MILES: Right, and
7 I'm saying if you want to get a big, huge garbage
8 can and fill it with recycling, you can do that.

9 MAYOR EBERLE: I think yard waste
10 goes to --

11 COUNCIL MEMBER LEONARD: Do you
12 label it?

13 COUNCIL MEMBER ERTEL: Frank, you
14 also -- Frank, you also can put them in the plastic
15 bags and have them on top of the --

16 MAYOR EBERLE: Yeah.

17 COUNCIL MEMBER ERTEL: -- the green
18 recycle, but if you don't label it, the garbage
19 people will pick that up, so. . .

20 MAYOR EBERLE: Okay. The next item is
21 unfinished business, and I don't know where we're
22 at on Ordinance 524, which we have amended at
23 one point. And I listed it as on our second
24 reading.

25 I'll remind you that the conditional use -- uses

1 that are listed there, as -- as we consider any
2 amendments to the ordinance as it now exists, if
3 you want to allow a conditional-use application for
4 a particular conditional use, you would need to
5 strike it from the list, because this is the list of
6 unapproved.

7 COUNCIL MEMBER LEONARD: I went
8 back and took a look at it, and I looked at all the
9 definitions, and I have to honestly say: I'm
10 eternally grateful to those of you who did this
11 because I still don't understand it.

12 COUNCIL MEMBER SIMON: Well,
13 basically, the thing of it is -- is that we're
14 excluding this. They can't be in Prospect. The
15 council can come back and allow something if they
16 want to, but, at this point in time, Planning &
17 Zoning could never recommend anything that's on
18 here for the City of Prospect to consider because
19 it doesn't exist. That's all this says.

20 COUNCIL MEMBER LEONARD: But --

21 COUNCIL MEMBER SIMON: If a -- if a
22 future council wanted to come in and say, "We
23 want mini warehouses," they can put it right back
24 in the -- in -- into the zoning code if they want to
25 do that.

1 COUNCIL MEMBER LEONARD: I
2 understand, but it isn't quite that simple, is it?

3 CITY ATTORNEY POTTS: Yes, it is.

4 COUNCIL MEMBER SIMON: Yeah, very
5 simple. What we're saying right now is that we
6 don't want outdoor paintball ranges. We don't
7 want --

8 COUNCIL MEMBER LEONARD: Yeah,
9 but -- but then --

10 COUNCIL MEMBER SIMON: -- we don't
11 want all that kind of stuff. So if somebody comes
12 with a good plan and we've three or four months to
13 do it, we can always change -- you can always
14 change this.

15 COUNCIL MEMBER LEONARD: Okay, but
16 then something like athletics facilities, I tried to
17 look that up and see -- does that mean that Fox
18 Harbor can't have a tennis court? And I couldn't
19 come up with an answer to that question.

20 COUNCIL MEMBER MILES: That's the
21 only one that I had past respects to, that -- that --

22 MAYOR EBERLE: For tennis courts?

23 COUNCIL MEMBER LEONARD: That
24 was -- no.

25 COUNCIL MEMBER MILES: No, no, just

1 athletic facilities.

2 COUNCIL MEMBER LEONARD: Just
3 athletic facilities.

4 MAYOR EBERLE: Just generally.

5 COUNCIL MEMBER MILES: Yeah. I
6 mean, I didn't see any problem with this is you
7 decide for a soccer field or --

8 COUNCIL MEMBER LEONARD: No, me
9 either.

10 COUNCIL MEMBER MILES: -- some
11 pub -- you know, I mean --

12 COUNCIL MEMBER TUCCI: And in that --

13 COUNCIL MEMBER MILES: -- all these
14 others are --

15 COUNCIL MEMBER TUCCI: -- in that
16 case, though, that would be the city putting it in.
17 We're really talking about someone else putting
18 a -- for instance, a miniature golf course.

19 MAYOR EBERLE: Right, like it would
20 be -- and I would guess it might apply to
21 residential areas; right? I mean, like a football
22 stadium --

23 CITY ATTORNEY POTTS: You know, I
24 don't-- I haven't looked at the definition. Did you
25 look at the definition of "athletic facility"?

1 COUNCIL MEMBER LEONARD: No, it
2 wasn't helpful to me at all.

3 CITY ATTORNEY POTTS: Okay.

4 COUNCIL MEMBER LEONARD: A lot
5 of -- "athletic facilities" had no definition. When I
6 looked at the graph thing where they've got the
7 checkmarks on the back, they're only allowed in
8 commercial and industrial --

9 MAYOR EBERLE: Right.

10 COUNCIL MEMBER LEONARD: --
11 facilities.

12 CITY ATTORNEY POTTS: We have --

13 MAYOR EBERLE: Right.

14 CITY ATTORNEY POTTS: -- no industrial
15 areas.

16 COUNCIL MEMBER LEONARD: No, but
17 we do have commercial and we do have --

18 COUNCIL MEMBER SIMON: But
19 they're -- they're filled.

20 COUNCIL MEMBER LEONARD: -- and we
21 do have athletic facilities in them.

22 COUNCIL MEMBER SIMON: They're
23 filled.

24 COUNCIL MEMBER LEONARD: No,
25 but -- but -- no, they're not necessarily filled.

1 Something --

2 COUNCIL MEMBER SIMON: Do you think
3 Prospect Point's going to sell that land and put a
4 soccer field on it?

5 COUNCIL MEMBER LEONARD: No, but --
6 no, but -- no, athletic facilities don't necessarily
7 have to be.

8 COUNCIL MEMBER TUCCI: You could
9 put in handball court --

10 COUNCIL MEMBER LEONARD: There's
11 no definition.

12 COUNCIL MEMBER TUCCI: -- and indoor
13 handball court.

14 COUNCIL MEMBER LEONARD: It's --
15 that's --

16 MAYOR EBERLE: Yeah.

17 COUNCIL MEMBER LEONARD: Yeah.

18 COUNCIL MEMBER TUCCI: Yeah. And
19 there would be room in -- you know, somewhere in
20 one of these -- but -- but I think what we're really
21 talking about is commercial.

22 If a miracle occurred and the Fox Harbor
23 Neighborhood Association actually ever had any
24 money, we still probably couldn't put in a tennis
25 court because we don't have any room, but it --

1 but --

2 COUNCIL MEMBER MILES: Assuming
3 that they --

4 COUNCIL MEMBER TUCCI: -- but -- but
5 that would be a -- a -- a civic sort of thing. The
6 city -- the city would decide to put it in --

7 COUNCIL MEMBER LEONARD: No, but
8 they can do commercial ones --

9 COUNCIL MEMBER TUCCI: -- and we
10 can do that.

11 COUNCIL MEMBER LEONARD: -- too.
12 We have them. I mean, what is Snap Fitness?
13 What are some of these other things?

14 COUNCIL MEMBER SIMON: They're
15 grandfathered.

16 COUNCIL MEMBER LEONARD: and yet
17 there was no definition.

18 COUNCIL MEMBER SIMON: They're
19 grandfathered.

20 COUNCIL MEMBER LEONARD: Okay, but
21 what if one of them goes bankrupt and it wasn't
22 to -- Subway wants to close and one goes in there.
23 Are we saying that can't happen? Because all of
24 our buildings over time have different uses.
25 Something that was a plumbing shop one day might

1 end up being a restaurant the next day.

2 CITY ATTORNEY POTTS: I don't think a
3 workout facility would be an athletic --

4 MAYOR EBERLE: Athletic --

5 COUNCIL MEMBER LEONARD: I don't
6 either, but I could not find a definition.

7 MAYOR EBERLE: Well -- and that -- that
8 is a problem, as you -- as you know. As you get
9 into it, there are -- there are undefined terms.

10 COUNCIL MEMBER SCOTT: Are we going
11 to vote on this tonight?

12 CITY ATTORNEY POTTS: It's on for a
13 second --

14 MAYOR EBERLE: It's on for a second
15 reading.

16 CITY ATTORNEY POTTS: -- reading but
17 that doesn't mean you have to vote on it.

18 MAYOR EBERLE: Now, if you -- if we
19 amend it, it go -- it puts it back to a first --

20 COUNCIL MEMBER SCOTT: Right, right.

21 MAYOR EBERLE: -- reading, because
22 any amendment, I -- I would rule, is substantive
23 when -- if we -- because we really haven't -- we
24 haven't -- this has been around for, what, ten
25 months.

1 COUNCIL MEMBER LEONARD: It's been
2 a long time.

3 COUNCIL MEMBER TUCCI: I have a
4 question.

5 COUNCIL MEMBER LEONARD: My other
6 two areas --

7 COUNCIL MEMBER TUCCI: I -- I -- I
8 have question. If we put it over to next month,
9 then don't we have a brand-new council and we
10 aren't -- aren't we back at square one? Can we
11 carry over -- a resolution that this present council
12 has started, can it be ended by the next council?

13 MAYOR EBERLE: Sure.

14 COUNCIL MEMBER LEONARD: Sure.

15 CITY ATTORNEY POTTS: I think so.

16 MAYOR EBERLE: Yeah, it could be
17 amended.

18 COUNCIL MEMBER LEONARD: My other
19 two ones that you said you had questions were
20 multifamily dwellings, because we have them now,
21 does that mean we could never have another
22 apartment building go up or a condo building go
23 up?

24 COUNCIL MEMBER SIMON: What they're
25 talking about multifamily would be what I

1 construed to be, when I looked at it --

2 COUNCIL MEMBER LEONARD: I know,
3 but it -- it doesn't say that. It does not say that.

4 COUNCIL MEMBER SIMON: Well, I -- I
5 know. It -- I agree, it doesn't, but as long as -- as
6 long as you exclude it, you can always come back
7 and revisit it and see what the parameters are --

8 COUNCIL MEMBER TUCCI: And allow it
9 back -- allow it.

10 COUNCIL MEMBER SIMON: -- and allow
11 it back.

12 COUNCIL MEMBER LEONARD: Yeah, I
13 don't --

14 COUNCIL MEMBER SIMON: This way --
15 what -- what happens -- what happens if a Mexican
16 buys a house and puts 15 people in it?

17 CITY ATTORNEY POTTS: Don't say that.
18 That was a bad example.

19 COUNCIL MEMBER SIMON: Okay.

20 COUNCIL MEMBER LEONARD: Okay.
21 My other -- my other area of concern is off-street
22 parking. I don't -- I couldn't come up with
23 something -- does that mean that some other area
24 in a shopping center could not be made into
25 parking? I don't know. I mean, those are my

1 questions. And I couldn't --

2 MAYOR EBERLE: Well, I think what we
3 need to do is -- is -- is -- is gravitate towards
4 amending. And if you stri -- if -- if you strike --
5 again, if you strike, you would allow it. And --

6 COUNCIL MEMBER LEONARD: Or we
7 need to have --

8 MAYOR EBERLE: -- if you strike it from
9 here --

10 COUNCIL MEMBER LEONARD: --
11 definitions maybe --

12 MAYOR EBERLE: -- we need to have a
13 motion --

14 COUNCIL MEMBER LEONARD: -- that do
15 what we --

16 MAYOR EBERLE: -- to adopt as is.
17 We --

18 CITY ATTORNEY POTTS: Then you
19 can --

20 MAYOR EBERLE: -- need to amend or --

21 CITY ATTORNEY POTTS: -- you can --

22 MAYOR EBERLE: -- we need to table.

23 CITY ATTORNEY POTTS: You can do
24 what -- what Council Member Leonard suggested,
25 and that is you can adopt your own definition and

1 put it in the definition section.

2 MAYOR EBERLE: Right --

3 COUNCIL MEMBER LEONARD: Yeah.

4 MAYOR EBERLE: -- which we did with --

5 COUNCIL MEMBER LEONARD: With

6 retailers.

7 MAYOR EBERLE: -- retailers.

8 CITY ATTORNEY POTTS: Right.

9 COUNCIL MEMBER LEONARD: Exactly.

10 CITY ATTORNEY POTTS: Yeah, so you

11 can do that assuming --

12 COUNCIL MEMBER LEONARD: Because

13 I guess one of my concerns is I don't want to

14 freeze our commercial areas into what they are

15 now for the next 20 years. I hope they'll be

16 dynamic, alive, do things that will look better than

17 what they are, move and change configurations of

18 buildings.

19 And somehow, to some extent, I'm -- I'm -- I'm

20 a little worried that this freeze is what we've got

21 now for the next whatever.

22 MAYOR EBERLE: Well, because we can

23 always come back and -- and --

24 CITY ATTORNEY POTTS: Well -- and --

25 and --

1 MAYOR EBERLE: -- amend this again
2 tomorrow.

3 CITY ATTORNEY POTTS: It can be
4 amended. There's no time periods. And as --
5 even as -- as Alan said, if there were a -- someone
6 who had a project and who wanted to -- to do this
7 and they couldn't because of how this was worded,
8 they could present that project and you could look
9 at it. And you could determine to make --

10 COUNCIL MEMBER LEONARD: Except
11 that that tends not to happen.

12 MAYOR EBERLE: You can amend the --
13 the --

14 COUNCIL MEMBER LEONARD: This
15 tends to have a chilling effect. It really does.

16 COUNCIL MEMBER TUCCI: Actually,
17 thinking back, there have been a number of times
18 when it has -- has worked exactly the way we're --
19 we're -- we're talking about it.

20 One time we had that little tiny building, and
21 somebody wanted to put in some kind of business,
22 this is on 42, where there would have been a
23 constant in and out traffic when we already had so
24 much in and out traffic along there. And,
25 essentially, we disallowed that -- that change;

1 when later on we had another proposal that didn't
2 put so much traffic on the road, again, somebody
3 came and proposed it, and it went through.

4 So, you know, when somebody has a good idea
5 for something that would -- a business that they
6 think will work, they come to -- to council and they
7 ask; and if it sounds reasonable, council says
8 yeah. We've made mistakes and said "yes" when
9 we should have said "no" and vice versa, but these
10 things do -- believe me, if somebody wants to start
11 a business or a realtor want -- has a client that he
12 wants to put into a property, they show up.

13 COUNCIL MEMBER SIMON: All this is
14 doing is protecting the city from somebody
15 downtown saying this is what you -- what -- what
16 you're going to get. You can always change it.

17 COUNCIL MEMBER LEONARD: I think,
18 then --

19 COUNCIL MEMBER SIMON: You have the
20 zoning powers in Prospect, and we fought for this
21 for 22 years. Don't give up that zoning power.

22 COUNCIL MEMBER LEONARD: I think
23 that was one vote --

24 COUNCIL MEMBER SIMON: It's
25 extremely important.

1 COUNCIL MEMBER LEONARD: -- I would
2 like to know, and I'd -- I have done this: I would
3 like to know which ones have definitions and which
4 ones don't. And if there are only a couple that
5 don't, I would like to include a definition.

6 THE REPORTER: I'm sorry. You'd have
7 to what, Ms. Leonard?

8 COUNCIL MEMBER LEONARD: If -- if
9 they -- if there are only a few that don't have
10 definitions, then I'd like to include them.

11 COUNCIL MEMBER MILES: What if
12 there's a bunch that don't have definitions?

13 COUNCIL MEMBER LEONARD: Then I'm
14 wrong.

15 COUNCIL MEMBER MILES: I'm not
16 saying be right or wrong, but --

17 COUNCIL MEMBER LEONARD: Yeah.

18 COUNCIL MEMBER MILES: -- then you
19 would pass it if it was --

20 COUNCIL MEMBER LEONARD: Yeah, I --
21 I probably would have to.

22 COUNCIL MEMBER MILES: Okay.

23 MAYOR EBERLE: Do you want to
24 develop definitions on that basis?

25 COUNCIL MEMBER LEONARD: Well, if --

1 CITY ATTORNEY POTTS: No, she just
2 wants to check and see if --

3 COUNCIL MEMBER LEONARD: I want to
4 check --

5 CITY ATTORNEY POTTS: -- they're
6 existing in the --

7 COUNCIL MEMBER LEONARD: -- and
8 see what -- yeah.

9 CITY ATTORNEY POTTS: -- in the Land
10 Development Code.

11 COUNCIL MEMBER LEONARD: And if --
12 for example, if -- if it's only athletic facilities,
13 which is the one I looked at -- because I also
14 looked up home occupations, because I know a fair
15 number of people who do work out of their homes
16 here, and I wanted to make sure that we weren't
17 going to -- even people on the city council, to tell
18 you you could no longer earn a living. And there
19 is. There are definitions for that.

20 MAYOR EBERLE: Right.

21 COUNCIL MEMBER SIMON: We had a
22 person who was running a -- a rug business out of
23 their basement and had traffic going in and out all
24 day long, and that's what we try to prevent from
25 occurring.

1 COUNCIL MEMBER LEONARD: Well --
2 and that's what --

3 MAYOR EBERLE: We -- we need a --

4 COUNCIL MEMBER LEONARD: -- I
5 wanted to make sure, that there was a definition
6 that did that, because I agree with you.

7 MAYOR EBERLE: Yeah.

8 COUNCIL MEMBER MILES: Somebody
9 who's not doing retail business out of a residential
10 home, obviously, no reason to --

11 COUNCIL MEMBER LEONARD: No, it's
12 not quite that. You probably could have had two
13 or three employees and let them park in front of
14 your house.

15 MAYOR EBERLE: But -- but it wouldn't
16 pro -- prohibit conduct of a business over the
17 Internet on that definition.

18 COUNCIL MEMBER LEONARD: No, and
19 it wouldn't -- no.

20 COUNCIL MEMBER SIMON: On an
21 insurance agent, you know, doing his insurance
22 out of his home, I mean, that's -- we're -- we're
23 talking about major traffic coming in and out --

24 COUNCIL MEMBER LEONARD: Right,
25 but that's --

1 COUNCIL MEMBER SIMON: --

2 constantly.

3 COUNCIL MEMBER LEONARD: --

4 because there really is a definition in the --

5 MAYOR EBERLE: Right. Yeah, I agree,
6 but many of them are not defined.

7 COUNCIL MEMBERS: My only concern
8 is -- I know Alan has put a -- a lot of work into
9 this, and I do agree it's important. And I just
10 don't want to keep kicking it down the road until
11 we end up with one of these, you know, being here
12 and we all thought, gee, how did that happen,
13 where we kept pushing it -- you know. I don't want
14 the -- what's the -- perfect to be the enemy of the
15 good or sufficient, so --

16 COUNCIL MEMBER SIMON: A prime
17 example is -- is that the hardware guy came to us
18 to allow him to put that spot over here. We
19 allowed that, and there was -- there was nothing
20 that was here. We had to approve it. And we
21 changed stuff for him to be able to do that on an
22 individual basis.

23 And all we're saying here is you have -- if you
24 want to change something that's on here, you
25 better come to us on an individual basis with --

1 Planning & Zoning cannot recommend it to us.
2 Why should we spend all our time and money to go
3 through a public hearing for something we don't
4 want?

5 COUNCIL MEMBER TUCCI: Can we -- if
6 we were to vote on this tonight, could we come
7 back in January and add definitions?

8 CITY ATTORNEY POTTS: Sure. You
9 could also amend it again. You have to --

10 COUNCIL MEMBER TUCCI: And so we
11 could amend it again. So on that basis, could we
12 move it through, crossing our fingers that no dire
13 thing is going to happen over Christmas? There
14 aren't that many businesses that's open. We'll be
15 meeting on, what, January, 10 or 12 --

16 MAYOR EBERLE: 14.

17 COUNCIL MEMBER TUCCI: -- and it --
18 14, whatever, and at that point we could put in the
19 definitions that --

20 CITY ATTORNEY POTTS: Uh-huh.

21 COUNCIL MEMBER TUCCI: -- that we
22 want to put in.

23 COUNCIL MEMBER MILES: Yeah, I think
24 it's reasonable, and then that'll give Sandra a
25 month to find the definitions that she wants to

1 add --

2 COUNCIL MEMBER LEONARD: Well --

3 COUNCIL MEMBER MILES: -- and

4 anybody else who wants to do that.

5 COUNCIL MEMBER LEONARD: -- look

6 at -- look at the word "institutions," you know, it --

7 it's. . .

8 COUNCIL MEMBER MILES: And if you

9 come across some where it's -- it's just really

10 problematic, and -- then those can ones that we

11 can strike.

12 MAYOR EBERLE: Or the --

13 COUNCIL MEMBER MILES: But, I mean,

14 I think -- I think we agree on 95% of these. I --

15 you know, I think we're just talking about a

16 handful. So instead of holding up the whole thing

17 to tweak a handful, why don't we pass it not --

18 COUNCIL MEMBER LEONARD: See, I

19 don't know that that's true.

20 COUNCIL MEMBER SCOTT: I don't think

21 we have a good-enough handle on it in its entirety

22 to -- to vote on it.

23 COUNCIL MEMBER SIMON: You know,

24 I've been on this thing for 22 years. I'm -- I've

25 gone through this for -- for months and months and

1 months and investigating, and I'm sitting here -- if
2 you-guys want to open up the city to what we tried
3 for 22 years to prevent from happening, so do it,
4 but you'll suffer the consequences; okay?

5 When we had zoning issues out here, we had
6 2- and 300 people coming to meetings, not 20 or
7 30; okay?

8 COUNCIL MEMBER TUCCI: This is --

9 COUNCIL MEMBER SIMON: This is to
10 protect the City of Prospect. If you don't want to
11 do that, then you-guys don't belong here.

12 COUNCIL MEMBER TUCCI: The -- the --
13 the -- the default option is that we accept the
14 Metro government's definitions, and that's
15 something that I think everyone here is agreed we
16 don't want.

17 COUNCIL MEMBER LEONARD: Oh, we
18 already are just by the way --

19 MAYOR EBERLE: We are.

20 COUNCIL MEMBER LEONARD: -- we're
21 enacting it.

22 MAYOR EBERLE: If there are.

23 COUNCIL MEMBER LEONARD: If there
24 are any --

25 MAYOR EBERLE: Yeah.

1 COUNCIL MEMBER LEONARD: -- we
2 have accepted them. That's exactly what this
3 does.

4 COUNCIL MEMBER TUCCI: That's why
5 we have this list of what we're not accepting.

6 COUNCIL MEMBER LEONARD: But the
7 definitions of those are in the Metro --

8 CITY ATTORNEY POTTS: It -- it doesn't
9 matter if you're not accepting them.

10 COUNCIL MEMBER SIMON: If we're not
11 accepting, then what -- who cares what the
12 definition is?

13 COUNCIL MEMBER TUCCI: If we're not
14 accepting it.

15 COUNCIL MEMBER SIMON: If you're not
16 accepting it. You can go back and later on look at
17 the ones you want to accept and put the definitions
18 in them. So let's just get rid of it right now and --
19 and take care of the situation. Don't leave
20 yourself vulnerable.

21 MAYOR EBERLE: Again, I think we need
22 to have a motion to adopt as is or a motion to
23 table it.

24 COUNCIL MEMBER SIMON: I so move
25 we -- we agree to adopt it.

1 COUNCIL MEMBER TUCCI: I'll second
2 it.

3 MAYOR EBERLE: Simon and Tucci. Now
4 I guess we can discuss; right? Any other
5 discussion?

6 COUNCIL MEMBER MILES: I have a -- I
7 have a question for Grover. If somebody --
8 because I know we have -- I think we have a riding
9 academy and we have a marina --

10 COUNCIL MEMBER LEONARD: And we
11 have commercial accounts [phonetic].

12 COUNCIL MEMBER MILES: Right, but
13 they're all grandfathered in; that's my point.

14 COUNCIL MEMBER LEONARD: But that
15 means if they're gone, we don't have another one.

16 COUNCIL MEMBER MILES: I think it
17 means at that point in time if somebody wanted to
18 do another one, they could come to council and
19 request --

20 COUNCIL MEMBER SIMON: And to be
21 sure that they're putting an academy in properly,
22 that what they're putting in is what we want them
23 to do in the proper way, rather than just saying it's
24 here, you can do it. Once it's in there, they can
25 come in and do it because it's there.

1 Now we can come and say if you want to do
2 this, tell us how it's going to be done. If we like
3 what you'll do, we'll open it up for you. If not,
4 we're not going to open it up. That's the
5 perfection.

6 COUNCIL MEMBER MILES: Yeah. Yeah,
7 I think the marina's a great example, but that
8 marina has struggled. It has -- and I think all of
9 us -- most of us think it's been a real eyesore in
10 terms of what is --

11 THE REPORTER: Mr. Miles, can you --

12 COUNCIL MEMBER MILES: -- going on
13 down there. I'm so sorry. I'm getting over a cold,
14 and my -- my throats a little sore.

15 I said that I think a great example of what
16 Alan is talking about is the marina, which I -- I
17 think most of us agree has been -- you know, has
18 not been the kind of marina that most people would
19 want.

20 And that would be an opportunity that if it
21 went under, we would have some leverage in
22 ensuring that, if another marina went in, it would
23 be done properly, and it -- and -- and it wouldn't
24 be something that would be an eyesore for the
25 residents of the harbor and the condos around it

1 who bought the -- those -- the --

2 COUNCIL MEMBER SIMON: You've got
3 \$30,000 homes in the water, is what you've got.

4 COUNCIL MEMBER TUCCI: I think that
5 one way -- and sometimes it's interesting to just
6 sort of stand in a different place. To a certain
7 extent, we're making an effort to sort of protect
8 the kind of place Prospect is.

9 We're also -- in doing something like this, we
10 are protecting the existing businesses who are
11 here because they, you know -- one thing -- one
12 good thing, like Lady Bug, attracts another good
13 business, you know, and so you sort of get a sort
14 of synergetic thing going there.

15 So in making sure that, you know, the -- the
16 pole dancer doesn't come in right next door to
17 Lady Bug, we're doing Lady Bug a favor. We're
18 helping the existing businesses by keeping the
19 kind of businesses in Prospect that -- that they
20 want to have here.

21 We can always -- assuming a really classy
22 pole dancer group arrives, I suppose we could --
23 they could come in and talk to us and we could
24 make an exception, but I think that would mean
25 that all the women on council would have to be off

1 council, but if -- I can imagine this happening.

2 COUNCIL MEMBER SIMON: A prime
3 example, bed and breakfast inns, I have no
4 problem with bed -- bed and breakfast inns, but
5 suppose someone turned my house into one where
6 I am? If Planning & Zoning allows that, I could do
7 it. The city would --

8 COUNCIL MEMBER LEONARD: No,
9 because you can't --

10 COUNCIL MEMBER SIMON: -- have to
11 vote for it --

12 COUNCIL MEMBER LEONARD: -- have a
13 commercial --

14 COUNCIL MEMBER SIMON: Well, no, but
15 the city would have to vote for it, but why would
16 we have to spend our time and effort when nobody
17 wants me to have a bed and breakfast in my
18 neighborhood? If somebody comes with a bed and
19 breakfast option in a commercial area, you can
20 change this; okay?

21 I mean, tomorrow I could do to my house and
22 have a bed -- bed and breakfast in my home right
23 tomorrow.

24 COUNCIL MEMBER LEONARD: No, you
25 can't.

1 COUNCIL MEMBER SIMON: Well, if --
2 Planning & Zoning could recommend it to the city
3 of Prospect, and you-all would have to sit -- you
4 would have to sit in -- in judgement of it; is that
5 right, Go -- Grover?

6 MAYOR EBERLE: Yeah, we'd have to --

7 CITY ATTORNEY POTTS: That's right.

8 COUNCIL MEMBER SIMON: You'd have
9 to sit in judgement, have to spend your time and
10 money and have an attorney there to go over the
11 whole thing and be there. Sorry, Grover, but
12 that's -- you know, that -- that's expensive.

13 So I'm just saying -- is that we put this in, you
14 can always change it, but right now what this does,
15 excludes all this stuff so we don't have to worry
16 about it and it has to come to us on an individual
17 basis. We'll make a decision on it.

18 Protect the zoning of this city. The city of
19 Prospect is great for 22 years because we control
20 our own destiny. Never let somebody else control
21 your destiny. That would d be the worse mistake
22 you'll ever make, and I'll leave you with that --
23 those words as a past council member. Control
24 your destiny.

25 MAYOR EBERLE: Well, we have a -- a

1 motion --

2 CITY ATTORNEY POTTS: I have one --

3 MAYOR EBERLE: Okay.

4 CITY ATTORNEY POTTS: -- one

5 comment to what Councilman --Councilwoman

6 Leonard said. An existing business that is

7 operating here, even if it would shut down, there

8 are certain nonconforming rights by law that are

9 associated with that particular property.

10 COUNCIL MEMBER LEONARD: Correct.

11 CITY ATTORNEY POTTS: And if a

12 similar --

13 COUNCIL MEMBER LEONARD: Like the

14 sign over here --

15 CITY ATTORNEY POTTS: -- if a

16 similar --

17 COUNCIL MEMBER LEONARD: -- is that

18 right?

19 CITY ATTORNEY POTTS: -- business

20 came in within a year after the first one closed and

21 established what would be, in all material

22 aspects --

23 COUNCIL MEMBER LEONARD: A similar.

24 CITY ATTORNEY POTTS: -- a similar

25 business --

1 COUNCIL MEMBER LEONARD: Right.

2 CITY ATTORNEY POTTS: -- then they
3 would have nonconforming rights, and this wouldn't
4 apply to it.

5 COUNCIL MEMBER LEONARD: But if --
6 if a -- the Kroger shopping center is a classic
7 example. If the athletic facility closed where it is
8 and -- and wanted -- somebody wanted to open one
9 at the other end of that big, long building, this
10 would preclude that happening.

11 CITY ATTORNEY POTTS: If that -- if an
12 athletic facility.

13 COUNCIL MEMBER LEONARD: Correct.

14 COUNCIL MEMBER SIMON: An athletic
15 facility, I -- I took it to be football field, basket
16 ball --

17 COUNCIL MEMBER LEONARD: No, it
18 doesn't say that. There's no definition.

19 COUNCIL MEMBER SIMON: Well -- but --
20 but you have to think about athletic facility; okay?
21 We're talking about an athletic facility. That's a
22 broad term.

23 COUNCIL MEMBER LEONARD: And
24 that's why I'm saying: If that's really what we
25 mean, I think we need to say it.

1 COUNCIL MEMBER SIMON: Well, you
2 can't --

3 COUNCIL MEMBER SCOTT: It's not tied
4 down. This stuff is not tied down.

5 COUNCIL MEMBER LEONARD: That's
6 right.

7 COUNCIL MEMBER SIMON: Well -- but
8 you still have the right to do it.

9 COUNCIL MEMBER TUCCI: Well, that's
10 interesting --

11 COUNCIL MEMBER SIMON: You -- you
12 have the right to tie it down.

13 COUNCIL MEMBER SCOTT: I -- I don't
14 like voting on things where -- where it's not tied
15 down. I mean, we've got time to -- to do a better
16 job.

17 COUNCIL MEMBER TUCCI: I just have
18 a -- a question here, that the -- these are -- some
19 of the things we're talking about are actually gyms
20 that are not athletic facilities. That -- there is a
21 sort of different definition of it which they're --
22 they're ranked. Thanks, Chief.

23 COUNCIL MEMBER SIMON: I mean, do a
24 better job? We've had this for three months now,
25 and -- and nobody has done anything.

1 COUNCIL MEMBER TUCCI: Yeah, I think
2 that's the point. We're saying we should do a
3 better job --

4 COUNCIL MEMBER SIMON: We -- we
5 can't do it all -- we can't --

6 COUNCIL MEMBER TUCCI: -- but -- but
7 who has been doing a better job?

8 COUNCIL MEMBER SCOTT: We had --
9 we had Kroger's for a year.

10 MAYOR EBERLE: Well, we've had this --
11 this for over a year now.

12 COUNCIL MEMBER SIMON: I've spent
13 over -- I spent over a year myself with this with
14 the mayor; okay? And I went through that whole
15 thing.

16 And what we're trying to do is protect the
17 zoning powers of the city of Prospect. If you want
18 to give those up, you live with it.

19 COUNCIL MEMBER TUCCI: We can vote
20 on it --

21 COUNCIL MEMBER SIMON: Let me tell
22 you something: The city of Prospect and
23 Anchorage has the most restrictive ordinances,
24 and who are the two most popular cities in
25 Prospect? Who are the hottest because we have

1 restrictions, zoning restrictions? You don't want a
2 St. Matthews.

3 You look at any city -- and the city of
4 Prospect has a major thoroughfare coming through
5 it. You don't see signs on the road. You see how
6 clean and pristine this city is, and that's because
7 of the stuff we've left -- we -- we've blocked out of
8 here.

9 You don't see the stuff on -- on a highway that
10 you see everywhere else in the city -- in other
11 parts of the city. Just go up to Holiday Manor and
12 look around at all the signs sitting everywhere.
13 You don't see them around Prospect.

14 Do you want to protect your property values?
15 Let this stuff go and watch what happens to your
16 property values.

17 MAYOR EBERLE: Let me ask Grover --

18 COUNCIL MEMBER SIMON: We're not
19 saying that this is -- can never happen. We're just
20 saying we don't want it now. Come to us with a
21 plan. And if it -- if it fits, we'll -- we'll -- you-all
22 will approve it.

23 COUNCIL MEMBER SCOTT: Alan, I am
24 not personally disagreeing with you. What I'm
25 saying is: What's in front of us is just not a

1 finished product, and we need to do a little more
2 work on it. And that's what I'm saying.

3 COUNCIL MEMBER SIMON: You can --
4 you can -- you can do a little bit of work on it, but
5 you --

6 COUNCIL MEMBER SCOTT: Yeah.

7 COUNCIL MEMBER SIMON: -- can still
8 get it passed first in the interim. Why leave
9 yourself vulnerable? You can always change this.
10 Why leave yourself vulnerable?

11 What happens tomorrow if -- if a piece of
12 property -- well, there's no other property. Yeah,
13 there is another property. Hanger Voss's farm
14 [phonetic] in the city of Prospect, huge land. They
15 could put all kind of stuff on that property.

16 COUNCIL MEMBER LEONARD: No, they
17 can't. I don't think they can.

18 COUNCIL MEMBER TUCCI: No, they
19 can't. They put it in easement.

20 COUNCIL MEMBER SIMON: Oh, there's
21 a 99-year --

22 COUNCIL MEMBER TUCCI: Yeah, yeah.

23 COUNCIL MEMBER SIMON: But I was
24 saying that -- that they could do something like
25 that. That's what would happen if you had

1 something like that, but -- what, they've got a
2 99-year --

3 COUNCIL MEMBER LEONARD: No,
4 because it was zoned to be a farm. They can only
5 do the things that a farm can do. They would have
6 to come to us with any change from that zoning.

7 COUNCIL MEMBER SIMON: Exactly.

8 COUNCIL MEMBER TUCCI: Exactly.

9 COUNCIL MEMBER SIMON: Exactly.

10 COUNCIL MEMBER LEONARD: No, no.

11 Anything --

12 COUNCIL MEMBER SIMON: Exactly.

13 COUNCIL MEMBER LEONARD: -- not

14 just this stuff.

15 MAYOR EBERLE: Let me suggest that we
16 take into consideration the fact that we will have
17 two new council members joining the council at the
18 next meeting, and that it may behoove them to
19 study the -- the -- the -- the Metro Land
20 Development Code, the 2004 code. And it -- it may
21 behoove us to all look at it again, and possibly
22 consider it in 2013.

23 On the other hand, I -- I -- I think it -- it's --
24 it's easily argued that you could adopt this now
25 and then the 2013, when -- when the -- when that

1 council comes in, they could reexamine and -- and
2 they can change it.

3 But I -- I mean, I think we've herds the
4 arguments --

5 COUNCIL MEMBER LEONARD: But
6 that's -- that's predicated on the fact that in the
7 next month with Christmas in the middle of it,
8 some funeral home is going to come in and try to --
9 to build here. And that's -- that's something -- I
10 mean, that's just not going to happen.

11 COUNCIL MEMBER TUCCI: What --
12 what -- what I'm concerned with is we're talking
13 about things that we want to see happen and more
14 examination of this. Do we want to have in
15 January a -- a public workshop that isn't a council
16 meeting but that is open to everybody, where all
17 the council members come and we just beat our
18 brains out over all the definitions and all of that;
19 or are we just going to keep on saying,
20 indefinitely, well, I'm still not sure and I'm still
21 not sure I understand or we really should do more
22 about this, without anybody actually taking the
23 steps to do something about it?

24 COUNCIL MEMBER MILES: And that's
25 my concern, is that -- is that we're just going to

1 kick it down. If I thought next meeting everybody
2 who had a concern about this would do their due
3 diligence and look into what they're uncomfortable
4 about and be prepared to make suggestions that
5 they think need to be made, then I -- then -- then
6 I'm comfortable waiting one meeting.

7 My concern is that isn't going to happen.
8 We're going to be sitting in the same place a
9 month from now and do nothing, and then we'll be
10 sitting in the same place a month from then and do
11 nothing. And it's not going to happen. And that's
12 where I'm talking about having the -- the good
13 be -- the enemy be the perfect of the good [sic].

14 I -- I agree, there are a few things that give
15 me pause, but the vast majority of these I think
16 are no-brainers.

17 COUNCIL MEMBER LEONARD: The vast
18 majority of these are already in our ordinances.
19 It's only the blue ones.

20 COUNCIL MEMBERS: Right. I'm saying
21 the vast majority of the blue ones.

22 COUNCIL MEMBER LEONARD: The vast
23 majority of the blue ones, the issues relate,
24 basically, I think, to athletic facilities, multifamily
25 dwellings, and off-street parking.

1 COUNCIL MEMBER TUCCI: Who will
2 write the definitions?

3 COUNCIL MEMBER LEONARD: Well, I --
4 the only one I looked up with -- for that was -- out
5 of those three was the athletic facilities. I will be
6 happy to come back and look at the others and see
7 if there are definitions and if they're usable.

8 COUNCIL MEMBER TUCCI: Well, we
9 already know that the athletic facilities --

10 COUNCIL MEMBER LEONARD: Is -- is
11 an issue.

12 COUNCIL MEMBER TUCCI: -- is an -- is
13 an issue.

14 COUNCIL MEMBER LEONARD: Okay.

15 COUNCIL MEMBER TUCCI: I'm not a
16 lawyer. I'm not the person who should -- I can edit
17 anything you want to write, but I can't write it. I
18 need somebody else to define what that is.

19 MAYOR EBERLE: Well, aren't we going
20 to have to determine which of these are defined,
21 and provide that -- the -- provide the definitions
22 that we would be adopting from Metro, and then
23 al -- and -- and, thus, also identifying the ones
24 that aren't defined? So maybe we're not going to
25 do it all in January, but if -- if we're concerned

1 about definitions, we need to --

2 COUNCIL MEMBER LEONARD: Mike and
3 I will do that. We will go through and look up each
4 one of these; see if there is a definition; and if
5 there is, bring it to the council meeting in January.

6 MAYOR EBERLE: Okay.

7 COUNCIL MEMBER LEONARD: And so at
8 least we will have narrowed it to the few that are
9 at issue.

10 COUNCIL MEMBER MILES: Now, listen,
11 you can't take all his time, because he's got to
12 help me figure out this grass thing.

13 COUNCIL MEMBER LEONARD: I know.
14 I know.

15 COUNCIL MEMBER MILES: So -- so
16 you've got to share him.

17 MAYOR EBERLE: We have a -- we
18 have --

19 COUNCIL MEMBER LEONARD: It
20 sounds --

21 MAYOR EBERLE: -- a motion and a
22 second, and we either vote on that or decide to go
23 in a different direction, but that would be at the --
24 at the decision of the person that made the motion
25 and the person that seconded it, which I think

1 was --

2 CITY ATTORNEY POTTS: Simon and
3 Tucci.

4 MAYOR EBERLE: -- Simon and Tucci.

5 COUNCIL MEMBER SIMON: I think we
6 ought to get it on the books and make it an
7 adjustment, change, or however you want, but I
8 want to -- I -- I think it needs to be on the books,
9 personally.

10 MAYOR EBERLE: I'm not sure where
11 we're at.

12 CITY ATTORNEY POTTS: Well, he's not
13 withdrawing his motion, so you go to vote on the
14 motion.

15 MAYOR EBERLE: Okay. Is everybody
16 comfortable calling the question?

17 CITY ATTORNEY POTTS: You don't need
18 to do that.

19 MAYOR EBERLE: Well, or taking the
20 vote --

21 CITY ATTORNEY POTTS: Taking the
22 vote --

23 MAYOR EBERLE: -- if -- if we're done.

24 CITY ATTORNEY POTTS: You're done
25 discussing it.

1 MAYOR EBERLE: Start with Council
2 Member Leonard.

3 COUNCIL MEMBER LEONARD: No.

4 COUNCIL MEMBER SCOTT: No.

5 COUNCIL MEMBER ERTEL: Yes.

6 COUNCIL MEMBER MILES: Yes.

7 COUNCIL MEMBER SIMON: Yes.

8 COUNCIL MEMBER TUCCI: Yes.

9 MAYOR EBERLE: Okay. We will -- this
10 will be adopted. And we can continue to -- to
11 examine this if there are -- in --- in determining
12 the definitions. At least we have something in
13 place to work, and if you want to go ahead and --
14 and continue to pull those definitions, we can
15 raise questions about whether we want to amend
16 them -- give it our own definition or accept the
17 Metro definition or strike it, which would allow it,
18 so --

19 COUNCIL MEMBER TUCCI: Yeah, I
20 mean, that'll work.

21 MAYOR EBERLE: We're -- we're -- we're
22 going to do some examination of the definitions,
23 I -- I would anticipate. Certainly, if you could do
24 that?

25 COUNCIL MEMBER LEONARD: I think --

1 MAYOR EBERLE: But as -- as of now,
2 we -- we have adopted this 524.

3 COUNCIL MEMBER MILES: And after
4 Sandra and Mike do their work, we will be in a --
5 you know, we'll be in the place that they want to
6 be after they've done that work. And they'll be
7 ready at the next meeting, and then we can --

8 MAYOR EBERLE: Right.

9 COUNCIL MEMBER MILES: -- proceed
10 with making those changes and -- and being where
11 everybody's comfortable and happy with that.

12 MAYOR EBERLE: New business, I think
13 Stuart was not here -- was not able to attend the
14 November meeting, and he had at the time sent
15 a -- a -- some proposals that had been made by
16 Third Rock Consultants with regards to a -- the
17 construction of a fence over the spillway, which I
18 think has a -- a safety issue involved with it, the --
19 the spillway at Putney Pond.

20 And, actually, I was -- was telling Stuart that
21 there -- there's money in the operating budget for
22 that, so we can go ahead and with one.

23 The -- a second proposal was stone steps in a
24 stream crossing construction services -- or,
25 services -- yeah, it does say "services," but it's

1 stone steps in a stream crossing construction in
2 here. It's Creek Park, \$3700. That could be --
3 come out of operations.

4 A third one would be stone steps and
5 construction at Harrods Creek Park, which would --
6 which would allow a stairway and a handrail
7 similar to the handrail at -- at Putney Pond, to get
8 to the lower area on the -- on the trail. There
9 was -- there is not enough money in the operating
10 budget -- budget for that. And, again, that was
11 12,500.

12 And the fourth one is a -- is -- is a completion
13 of the boardwalk, which is partially completed, at
14 Putney Pond, but it would -- this would involve a --
15 a bridge over Little Harrods Creek and would
16 connect the parking lot that -- that the --

17 COUNCIL MEMBER MILES: No, this is a
18 diff -- that's -- this is a different one. The one
19 here is the one that would go over the wetlands
20 connecting Putney Pond to Little Hunting Creek
21 Park.

22 MAYOR EBERLE: Okay. Again, and that
23 we did not have money in the operating budget for
24 that, and -- and that would also require a -- a bid
25 since it's over \$20,000.

1 COUNCIL MEMBER MILES: And I
2 apologize. I had given Todd all this information in
3 anticipation of coming to last month's meeting, go
4 over it, and I had a -- a -- a work emergency that
5 required me to go out of town at the last minute.

6 So I'm -- I'm sorry that I wasn't here to
7 explain these, and that's what I wanted to do, was
8 go over each of these projects with you and kind of
9 give you a background of it and -- and the thinking
10 behind it.

11 The first is the fence at which -- it goes over
12 the spillway. The spillway right now is a road, and
13 there has been a fence that goes over the spillway
14 that keeps getting knocked down. And it's a good
15 10-foot drop on one side and 15-foot drop on the
16 other.

17 And we are going to complete this road, and
18 the thing that had kept us from putting a fence up
19 there was it would just get knocked down again by
20 cars going over the spillway. So once we close
21 that road, any railing we put up won't be subject to
22 being knocked down.

23 This is a safety issue. And it's something
24 that -- that, in my opinion, has to be done to
25 protect the public.

1 MAYOR EBERLE: And that's -- and
2 that's a \$1,280 --

3 COUNCIL MEMBER MILES: And -- and --

4 MAYOR EBERLE: -- and I've --

5 COUNCIL MEMBER MILES: I'm with you.

6 And --

7 MAYOR EBERLE: -- already told you
8 that --

9 COUNCIL MEMBER MILES: -- and Todd's
10 approved that one.

11 The second is -- there are two projects at --
12 at Harrods Creek Park. When we had the open
13 house, we had about 80 folks show up, and the
14 vast majority of those people were over 60 years
15 old.

16 And to a person, they loved Harrods Creek
17 Park, but they all had the same complaint. And
18 I've also had numerous people email me and, when
19 I've hiked on the trails, had the same complaint,
20 which is for older folks, the top of the trail, it's
21 a -- if you haven't been, there's a very steep
22 elevation drop from the beginning of the trail down
23 to about the first, I'm great at corporal distances,
24 50 yar -- 50 to 70 yards. It's -- it's almost straight
25 down.

1 And we attempted, with our volunteers, to put
2 a switchback in as best we could. We have a
3 limited amount of -- of space we owned at the
4 beginning, but that switchback still poses
5 problems for older folks.

6 And so they -- they -- they -- they love the
7 park, but they really can't get down there. And --
8 or if they do, they'd feel uncomfortable, or they
9 can't do it when it's raining because it gets very
10 slick because it's mud.

11 And so the -- the first project -- the -- the
12 bigger project, and I'll do them in sequence as
13 you're going down the hill, would be to put a stone
14 staircase with a handrail like we have at Putney
15 Pond, which will allow people, older folks and
16 people with mobility issues, to get down to the
17 trail -- because once you get to a certain point,
18 the trail is fairly level, it's fairly accessible, and
19 most people, once they get to that point, they're --
20 their goal would be doing the rest of the trail.

21 If you're familiar with the trail, it goes down a
22 slight grade and you cross a stream. And once
23 you cross that stream -- we've put bridges in at all
24 the other stream crossings so you can easily cross
25 those streams. This stream, fortunately or

1 unfortunately, is -- is so big it would be cost
2 prohibitive to put a bridge across it. But you don't
3 need to because it is a dry stream except for a
4 small part in the middle, and all we really need is
5 on the banks to have three or four steps going
6 down, and then having a level area across the
7 stream with rocks.

8 And the good news on this project is -- is that
9 the building material would come from the stream,
10 that the stream is loaded with large pieces of
11 creek stone. So all they would be doing would be
12 taking our creek stone and moving it around, using
13 a small, mini little backhoe to cut into the -- the --
14 the stream side on both sides, lay these rocks.

15 And -- and between the combination of the
16 stairs we would put in at the top and the smaller
17 stream -- stream crossing, it would make a huge
18 difference and open this trail up to many, many
19 more residents, mostly older residents who, at that
20 point, then could -- can manage the rest of this
21 trail. And so those are those two projects.

22 I think that this park is -- is wildly popular. I
23 think it's -- it's -- it's gotten great -- just great
24 reviews. And I think the -- the money that we have
25 gotten from MSD is the perfect -- this is the

1 perfect kind of project to improve that park,
2 improve accessability to that park, and to improve
3 the quality of life for our residents.

4 My understanding from the conversation that
5 happened last time, and Grover can correct me, is
6 that -- that the money in this allocated reserves is
7 something that is at the discretion of the executive
8 branch of government to use as they see fit for
9 these types of projects.

10 What I would like to do, though, because I'd
11 like to get the -- I think it's always best if you can
12 get the council's input, is for the council to vote
13 on -- the -- the -- the first of these two projects
14 the mayor is already doing out of the budget for
15 parks. For the larger staircase, I would like the
16 council to take a vote and show the council's
17 perspective on the mayor doing the \$12,500
18 project.

19 And I will tell you that Third Rock has done
20 numerous projects for us. They're a -- a quality
21 company. They are -- specialize in working in
22 fragile eco-environments. They did the bridge.
23 They did the stone staircase.

24 And they do quality work, and they stand
25 behind it. They came back with us and did a

1 walkthrough two years after they built the bridge,
2 and they said, "There's something about this
3 bridge. It's perfectly fine, but I'm going to have
4 my guys come in here and tweak this, because we
5 like our work to be perfect." And -- and it's
6 something I never would have noticed, but they
7 noticed it.

8 And they're gotten to come in on their dime
9 and -- and make it right, and that's the kind of
10 company that -- that I like to do business with;
11 people who stand behind the work they do.

12 So I would like to ask that the council --
13 what's the proper verbiage?

14 CITY ATTORNEY POTTS: Recommend.

15 COUNCIL MEMBER MILES: Recommend
16 to the council --

17 CITY ATTORNEY POTTS: That the
18 council recommend that the mayor that \$12,500 of
19 the restricted \$108,000 allocation to be spent on a
20 project to do whatever this project's --

21 COUNCIL MEMBERS: Right, to -- to do
22 the staircase from the beginning of the trail at --
23 as described in the Third Rock proposal for the
24 steps.

25 CITY ATTORNEY POTTS: And that was

1 in the form of a motion.

2 COUNCIL MEMBER MILES: Yes.

3 CITY ATTORNEY POTTS: Okay.

4 COUNCIL MEMBER SIMON: I'll second
5 and get it on the table.

6 MAYOR EBERLE: Discussion.

7 COUNCIL MEMBER SCOTT: So this
8 would be for a \$12,500 expenditure.

9 COUNCIL MEMBER MILES: Yes.

10 COUNCIL MEMBER SCOTT: Okay.

11 MAYOR EBERLE: Out of the allocated
12 reserve that's --

13 COUNCIL MEMBER SCOTT: All right.

14 And -- and -- and maybe I didn't follow it correctly.
15 The 3700 is -- already been taken care of.

16 MAYOR EBERLE: Well, we have moneys
17 in the operating budget to do the -- the fence
18 along the spillway, which I -- I -- I -- I think is --
19 is well spent. Our liability insurer will -- I'm sure
20 would agree.

21 And we also have moneys in the -- in the
22 operating budget for -- on parks and public lands
23 to do this -- the stone steps ste -- stream
24 crossing, not the stairway. The -- the stairway is
25 the 12-5.

1 COUNCIL MEMBERS: Right, the 12-5.

2 MAYOR EBERLE: Okay. My thought, and
3 I know Linda Wardell was here, I -- I think because
4 the -- if -- if we spent the moneys out of the
5 operating budget for the -- for the -- the -- for
6 those fence and the stream crossing, that exhausts
7 it for the year.

8 So I would look to the Parks and Recreation
9 Advisory Committee and advise them that, okay,
10 you know, we're going to buy -- we're going to
11 spend this discretionary money. It's in the
12 operating budget. We can do it, but then you're
13 not going to spend anything else until the new
14 budget comes in in July 1st --

15 COUNCIL MEMBER SCOTT: We should --

16 MAYOR EBERLE: -- 2013.

17 COUNCIL MEMBER SCOTT: Right.

18 Right, but you -- you -- you have an approved
19 budget and you have the moneys that you can --

20 MAYOR EBERLE: Yeah. I mean, I -- I --
21 well, I can go ahead and do that right now --

22 COUNCIL MEMBER SCOTT: -- without
23 going -- right.

24 MAYOR EBERLE: -- but I want -- I would
25 want the -- the -- the Parks and Recreation

1 Advisory Committee to realize --

2 COUNCIL MEMBER LEONARD: That
3 that's it.

4 MAYOR EBERLE: -- that -- es --
5 especially the -- I -- I -- I -- I see, just as an
6 administrator, that we need to put the fence up
7 there on that spillway. We can have -- there is a
8 pipe fence now. If you lean --

9 COUNCIL MEMBER LEONARD: Yeah, we
10 were just there.

11 MAYOR EBERLE: -- on it, you -- yeah, I
12 mean, we -- we -- and that road is going to be
13 closed off. It's not so bad driving over it, but if
14 somebody leaned on that --

15 COUNCIL MEMBER LEONARD: Yeah,
16 they'd fall in.

17 MAYOR EBERLE: -- or looked over --
18 and within the next month, that road will -- there
19 will be removable ballard -- ballards [sic] put in
20 there, and that will make that road a -- a
21 shared-use path.

22 COUNCIL MEMBER SCOTT: Okay. But
23 the only item we're talking about right now is the
24 12-5.

25 MAYOR EBERLE: As I understand, that's

1 what Stuart's --

2 COUNCIL MEMBER SCOTT: Okay. And
3 you're not addressing the 44,000 --

4 CITY ATTORNEY POTTS: The 44,000
5 requires a bid because it's over 20.

6 COUNCIL MEMBER MILES: Right.

7 MAYOR EBERLE: Yeah. That would
8 have to be --

9 COUNCIL MEMBER SCOTT: And it will
10 have to get council approval; wouldn't it?

11 MAYOR EBERLE: Oh, yeah.

12 COUNCIL MEMBER MILES: The 44,000.

13 MAYOR EBERLE: Oh, yeah. Oh, yeah.

14 COUNCIL MEMBER SCOTT: Okay.

15 COUNCIL MEMBER MILES: Well, no.

16 COUNCIL MEMBER SCOTT: No.

17 COUNCIL MEMBER MILES: No, if it
18 came out of the allocated reserves, it wouldn't,
19 would it?

20 CITY ATTORNEY POTTS: No.

21 COUNCIL MEMBER LEONARD: See,
22 that's the problem I've got. We didn't ever vote
23 before this to put those in special reserves.

24 COUNCIL MEMBER MILES: Well, I'm not
25 asking to --

1 COUNCIL MEMBER LEONARD: Then
2 tonight --

3 COUNCIL MEMBERS: I'm not asking to
4 do the 44,000.

5 COUNCIL MEMBER LEONARD: -- we
6 end up taking -- I understand. We end up taking
7 that vote; then we're going to spend money out of
8 it by telling him to spend the 12,000. We have
9 provided absolutely no opportunity for citizens
10 input into any of this.

11 MAYOR EBERLE: Well, I think with the
12 motion is a recommendation, so --

13 COUNCIL MEMBER LEONARD: But the
14 recommendation then says, okay, Todd, go ahead
15 and spend that 12,500.

16 MAYOR EBERLE: It -- well, it would
17 allow me to spend it out of the 108.

18 COUNCIL MEMBER LEONARD: That's
19 exactly --

20 MAYOR EBERLE: Would it -- it would be
21 permissive.

22 COUNCIL MEMBER LEONARD: -- my
23 point.

24 MAYOR EBERLE: Yeah.

25 COUNCIL MEMBER LEONARD: And we

1 have not provided any opportunity --

2 MAYOR EBERLE: Well, I mean, I -- I
3 under -- I understand. You know, that's an
4 argument, but --

5 COUNCIL MEMBERS: But didn't this
6 come up --

7 MAYOR EBERLE: -- I'm just trying to say
8 what we're --

9 COUNCIL MEMBERS: -- didn't this come
10 up in the last meeting? Didn't you discuss these
11 projects in last meeting?

12 COUNCIL MEMBER LEONARD: But what
13 we said was that there was no money that had
14 been set aside in the budget for any of these
15 projects.

16 COUNCIL MEMBER MILES: But the -- the
17 projects were discussed.

18 COUNCIL MEMBER LEONARD: Not
19 individually.

20 COUNCIL MEMBER SCOTT: Not in
21 deal --

22 COUNCIL MEMBER LEONARD: No.

23 COUNCIL MEMBER SCOTT: -- not in
24 great detail, no --

25 COUNCIL MEMBER MILES: Okay.

1 COUNCIL MEMBER SCOTT: -- but we
2 were shown; yes.

3 COUNCIL MEMBER LEONARD: The
4 documents were given to us.

5 MAYOR EBERLE: These, by the way, are
6 revised documents that are in --

7 COUNCIL MEMBER LEONARD: Oh,
8 they're not the same.

9 MAYOR EBERLE: Really, the -- the
10 numbers are the same. There was some
11 discrepancies in -- in verbiage and that kind of
12 stuff, but, at any rate, you -- you may want to toss
13 the old ones.

14 COUNCIL MEMBER LEONARD: Okay.

15 COUNCIL MEMBER TUCCI: Getting back
16 to the -- the 12-5 number that we're -- we're
17 looking at, it seems to me the -- the analogy is,
18 you know, if you -- you build a house and -- but
19 you forget to put the steps up to the front door,
20 and so you've got a stepladder leaning up there,
21 which means that you're more agile family
22 members can come to visit, but your mother-in-law
23 can't. What's the problem? There could be an
24 argument for, perhaps, doing that.

25 COUNCIL MEMBER MILES: For the

1 record, I love my mother-in-law.

2 COUNCIL MEMBER TUCCI: So what we
3 have is -- is sort of -- you know, we're just turning
4 it upside down. You know, instead of, you know,
5 going up the steps to get into this house that is all
6 complete except for access to the front door, we
7 have a park that is all complete except for access
8 to actually get into the park.

9 COUNCIL MEMBER LEONARD: I don't
10 know. I'm very mature, and I went down it. Now, I
11 would agree that something could make it better.
12 No question.

13 COUNCIL MEMBER TUCCI: Yeah. Yeah.

14 COUNCIL MEMBER LEONARD: What I
15 have trouble with is there was a great deal of
16 discussion by residents in regard to transparency
17 in the last election. I had my ear bent, as I'm sure
18 the rest of you did.

19 I think this is a very nontransparent action.

20 COUNCIL MEMBER ERTEL: I -- I -- I see
21 what you're saying, but I -- I don't believe it's a
22 nontransparent action, because the moneys, that
23 \$108,000, is to be spent for specific things, which
24 part of that would be this.

25 COUNCIL MEMBER LEONARD: But that

1 happened tonight. That vote happened tonight.

2 COUNCIL MEMBER ERTEL: It happened
3 tonight, but it was -- as you said, was understood
4 previously.

5 COUNCIL MEMBER LEONARD: Only --
6 not by the residents of Prospect. All of the
7 documentation didn't go out saying we had done
8 something like that. There was no vote taken until
9 tonight.

10 COUNCIL MEMBER MILES: Well, my
11 understanding was that at the last meeting it
12 was -- conclusion was that it was an allocated --

13 COUNCIL MEMBER LEONARD: No, in
14 fact, ex -- exactly the opposite was said. That it
15 was not allocated. That it was unallocated.

16 COUNCIL MEMBER TUCCI: I -- I guess
17 I'm confused about the terms. I'm very clear that
18 what we decided in December was that --

19 COUNCIL MEMBER MILES: November.

20 COUNCIL MEMBER TUCCI: -- \$108,000
21 was restricted to park --

22 MAYOR EBERLE: Parks.

23 COUNCIL MEMBER TUCCI: -- parks, and
24 those were restricted funds. And the reason that
25 nobody saw them in the proposed budget was

1 because that was an operating budget, and the
2 \$108,000 was outside of that operating budget.

3 That's -- that's my recollection. I see heads
4 nodding that other people remember it that way, as
5 well.

6 COUNCIL MEMBER ERTEL: Right. And I
7 don't -- I don't like frivolous spending. I -- I don't
8 like it at home. Well, maybe for shoes or
9 something, but --

10 MAYOR EBERLE: Well --

11 COUNCIL MEMBER ERTEL: -- it -- it's --
12 it's not what I think is a good plan for the city, but
13 I don't consider something that is a safety factor
14 as frivolous. I think it would be -- it would just be
15 a disservice to the city and to the residents who
16 want to enjoy the parks, that after we have this
17 beautiful park not to enable them to be able to use
18 it.

19 So I -- it makes sense that we should put that
20 in as a safety factor and accessible --
21 accessibility factor. I mean, it makes sense to
22 me. That's what the money is restricted for,
23 according to the agreements, according our
24 interpretation previously.

25 COUNCIL MEMBER LEONARD: How

1 much of the 108,000 is tied up in things like
2 planting trees that we've agreed to do?

3 CITY ATTORNEY POTTS: 37,000.

4 MAYOR EBERLE: 37. Further
5 discussion?

6 COUNCIL MEMBERS: [no audible
7 response]

8 MAYOR EBERLE: To restate the motion
9 would be to recommend to the mayor that the --
10 the -- the project for the stone steps and railing
11 construction be paid out of the allocated reserve
12 for parks --

13 COUNCIL MEMBER MILES: Yes.

14 MAYOR EBERLE: Is that correct?

15 COUNCIL MEMBER MILES: That's
16 correct.

17 MAYOR EBERLE: Start with Council
18 Member Tucci.

19 COUNCIL MEMBER TUCCI: Yes.

20 COUNCIL MEMBER SIMON: Yes.

21 COUNCIL MEMBER MILES: Yes.

22 COUNCIL MEMBER ERTEL: Yes.

23 COUNCIL MEMBER SCOTT: No.

24 COUNCIL MEMBER LEONARD: No.

25 MAYOR EBERLE: Okay. So we will --

1 we'll take that recommendation barring -- I do -- I
2 do think we ought to allow the -- this is a
3 recommendation to me, so I -- I think what I -- in
4 follow up to this before we actually do this, I
5 would like to run it by Parks and Recreation, and
6 also let them know, that if we spend this other
7 amount on the stream crossing, that they will
8 exhaust Parks and Recreation moneys.

9 COUNCIL MEMBER LEONARD: Yeah,
10 it'll be gone. We'll have nothing left.

11 MAYOR EBERLE: It -- it'll be gone
12 until --

13 COUNCIL MEMBER LEONARD: That's
14 right.

15 MAYOR EBERLE: -- until a new budget
16 and -- and whatever that budget is then.

17 COUNCIL MEMBER LEONARD: Uh-huh.

18 COUNCIL MEMBER MILES: Well, we
19 gave Loretta and Alan their moneys worth for their
20 last meeting.

21 COUNCIL MEMBER SCOTT: I have one
22 other item if we're still talking about new
23 business, is -- is that appropriate here?

24 MAYOR EBERLE: Oh, sure, sure.

25 COUNCIL MEMBER SCOTT: Okay.

1 MAYOR EBERLE: Yeah, that's -- we're
2 still in new business.

3 COUNCIL MEMBER SCOTT: As we talked
4 earlier, and I'll make this short, folks, because
5 you've been very patient, four of us went to the
6 Kentucky League of Cities meeting this past
7 week -- or last week, and they were really good in
8 informing us kind of what the mayor's
9 responsibilities are and what the council's
10 responsibility is.

11 And -- and, Chief, I'm not picking on you, but
12 I'm using you as an example.

13 CHIEF SHERRARD: Okay.

14 COUNCIL MEMBER SCOTT: When we --

15 COUNCIL MEMBER TUCCI: Never pick
16 on the police chief.

17 MAYOR EBERLE: No.

18 COUNCIL MEMBER TUCCI: I think
19 that's -- that's --

20 COUNCIL MEMBER SCOTT: No. No, and
21 I -- I can't -- I think the world of the chief. I think
22 he's doing a great guy. Unfortunately, he's my
23 best example and he's sitting right here.

24 When -- when Todd went out to interview and
25 talk to prospective candidates for the chief's job,

1 he -- he made a selection, and I think he made a
2 very fine selection; and he then appointed Chief
3 Sherrard to his position.

4 And at the -- at the -- the meeting with the
5 Kentucky League of Cities, they say that's fine.
6 The mayor and the coun -- and the mayor council
7 plan is to appoint and al -- and then get council
8 approval for any nonelected positions. And we
9 never approved that. And it's KRS 83A.0802.

10 And I just -- the reason I'm bringing this up is
11 I think we need to be mindful of that procedure --

12 MAYOR EBERLE: Would you like to make
13 a motion that we hire Chief Sherrard?

14 COUNCIL MEMBER SCOTT: I -- we
15 certainly can.

16 MAYOR EBERLE: Okay.

17 COUNCIL MEMBER SCOTT: And I think
18 it'll be a unanimous vote in his favor --

19 MAYOR EBERLE: Well --

20 COUNCIL MEMBER SCOTT: But, I mean,
21 I'm just saying, Todd, that we need to do things
22 the way they should be done.

23 MAYOR EBERLE: It's my understanding
24 that that had to do with the city attorney, but I
25 wasn't aware -- I -- I --

1 CITY ATTORNEY POTTS: The -- without
2 the statute in front of you.

3 MAYOR EBERLE: Yeah.

4 COUNCIL MEMBER LEONARD: The --
5 the -- when it -- when they talked, it probably in
6 this city is the police chief and Ann Simms'
7 position. I don't know enough about what the
8 lieutenant does to know if that would be included,
9 also, but they used police chief as an example.

10 MAYOR EBERLE: This would be
11 nonelected appointed officials.

12 COUNCIL MEMBER LEONARD: Of
13 nonelected --

14 MAYOR EBERLE: Right.

15 COUNCIL MEMBER LEONARD: --
16 officers is the point.

17 COUNCIL MEMBER SCOTT: Right.

18 MAYOR EBERLE: Right.

19 COUNCIL MEMBER LEONARD: Right.

20 MAYOR EBERLE: And when I came in,
21 we made -- I made those positions. Ann's position
22 and the chief's position, who was not in it at the
23 time, I made those executive positions.

24 And -- and at that time, the -- they were not --
25 I think it clarified the fact that they were executive

1 positions and did not get compensation of -- for
2 overtime, which --

3 COUNCIL MEMBER LEONARD: Which
4 probably --

5 MAYOR EBERLE: -- which was
6 something I thought needed to be addressed.

7 COUNCIL MEMBER LEONARD: But -- I
8 think that's good, but that probably also reinforces
9 the fact they're nonelected officers --

10 MAYOR EBERLE: Right. Exactly.

11 COUNCIL MEMBER LEONARD: --
12 because they are functioning at that level.

13 MAYOR EBERLE: Right. I'll entertain a
14 motion to appoint --

15 CITY ATTORNEY POTTS: No, to
16 approve.

17 MAYOR EBERLE: -- to approve the --

18 CITY ATTORNEY POTTS: Appointment.

19 MAYOR EBERLE: -- appointment of Chief
20 Jeff Sherrard as the chief of police.

21 COUNCIL MEMBER SCOTT: I'll -- I'll
22 second that motion.

23 MAYOR EBERLE: Oh, I -- I can't make
24 it. I'll entertain it. You've already --

25 COUNCIL MEMBER SCOTT: I'll -- I'll

1 make that motion.

2 COUNCIL MEMBER TUCCI: Second.

3 MAYOR EBERLE: Second; okay.

4 And starting with Sandy Tucci.

5 COUNCIL MEMBER TUCCI: Yes.

6 COUNCIL MEMBER SIMON: Yes.

7 COUNCIL MEMBER MILES: Yes.

8 COUNCIL MEMBER ERTEL: Hm. Yes.

9 COUNCIL MEMBER SCOTT: Yes.

10 COUNCIL MEMBER LEONARD: Yes.

11 COUNCIL MEMBER MILES: And we

12 ended on a unanimous vote.

13 MAYOR EBERLE: There you go. Let the
14 record show, last vote --

15 COUNCIL MEMBER TUCCI: Happy
16 holidays, everybody.

17 MAYOR EBERLE: -- taken -- well, I -- I
18 assume the last vote. Any other new business?

19 COUNCIL MEMBERS: [no audible
20 response]

21 MAYOR EBERLE: Hearing none, I'll
22 entertain a motion to -- to adjourn.

23 COUNCIL MEMBER SIMON: So moved.

24 COUNCIL MEMBER ERTEL: Second.

25 COUNCIL MEMBER MILES: I -- I have

1 one last thing to say. I look forward to serving
2 with our new council members in the new year.

3 MAYOR EBERLE: Those in favor, "aye"?

4 COUNCIL MEMBERS: Aye.

5 MAYOR EBERLE: Opposed?

6 COUNCIL MEMBERS: [no audible
7 response]

8 [WHEREUPON, the City Council Meeting
9 concludes at 9:34 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 _____, 2012.

.

My Commission Expires: Notary Public

.

AUGUST 27, 2013 .

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Notary ID: 402347

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