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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

FEBRUARY 18, 2013

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4 MAYOR EBERLE: I will call the regular
5 monthly meeting -- February 18th, 2013, meeting of
6 the City of Prospect, Kentucky City Council to
7 order.

8 I do see in the back that we have a Boy Scout
9 troop, and if you would like to -- who wants to tell
10 about your troop and what you're doing here
11 tonight, because I -- I didn't get an advance on it.
12 Boy, and I'll -- everybody's looking at each other.
13 There we go. You're not a Boy Scout. That's
14 okay. Looks -- yeah. Looks like you're a. . .

15 MR. SPEAKER: Maybe a Girl Scout
16 troop.

17 MS. SPEAKER: This is Troop 109 out of
18 St. Francis Church, and they are working --

19 MAYOR EBERLE: Good.

20 MS. SPEAKER: -- on the
21 Communications merit badge, which is an Eagle
22 required badge, and one of the requirements is to
23 attend a public meeting.

24 MAYOR EBERLE: Okay. Well, great.
25 We're very, very happy to have you, and I know

1 Troop 109 has been active.

2 Stuart, can you -- do you know -- with some
3 Eagle projects, I know at least one or two --

4 COUNCIL MEMBER MILES: Yes.

5 MAYOR EBERLE: -- that we have done in
6 the city, and I -- I was at -- a couple of years ago,
7 I believe, was it the 50th anniversary of your -- of
8 your troop at St. Francis?

9 MR. SPEAKER: Longer than that. I was
10 Assistant Scoutmaster in 1946.

11 [laughter]

12 MAYOR EBERLE: Well, I thought it was
13 some -- some Eagle -- yeah. Might have been the
14 75th. Okay.

15 COUNCIL MEMBER TUCCI: He must
16 have known Lord Baden-Powell personally.

17 MAYOR EBERLE: Troop 109; okay.
18 Welcome, and I hope you enjoy the meeting, and if
19 you have any questions afterwards, certainly feel
20 free to come back -- or, come up to myself or any
21 of the council members and we'll be glad to talk to
22 you about how City Council meetings go usually
23 and how this one might compare, so. . .

24 First item on the agenda -- and by the way, I
25 assume everybody has agendas. We have copies

1 of the agenda in the back, as well as the minutes
2 and the ordinance we're considering tonight.

3 First item on the agenda is approval of the
4 minutes of the regular City Council meeting of
5 January 14th, 2013. Those minutes were
6 distributed earlier today, and I will entertain a
7 motion that --

8 COUNCIL MEMBER BRAB: So moved.

9 MAYOR EBERLE: Bill Brab.

10 COUNCIL MEMBER MILES: Second.

11 MAYOR EBERLE: And Stuart Miles. Any
12 discussion on those minutes?

13 COUNCIL MEMBERS: [no response]

14 MAYOR EBERLE: Hearing none, I'll call
15 for a vote of approval by saying "aye."

16 COUNCIL MEMBERS: Aye.

17 MAYOR EBERLE: And by -- disapproval
18 by nay.

19 COUNCIL MEMBERS: [no response]

20 MAYOR EBERLE: Okay. We have
21 adopted the minutes of the January 14th meeting.

22 Speaking of meetings, by my count, this is my
23 103rd. I haven't missed one since I was a council
24 member. That's counting when I was a council
25 member and -- for two years, and my tenure as

1 mayor, and five special meetings, which are
2 always fun.

3 But at any rate, this is my 103rd meeting, and
4 I -- I think many of you are aware that I have
5 decided to retire. And after considerable thought
6 and consultation with friends, family, and
7 physicians, I have concluded that I am no longer
8 able to dedicate the time and energies that I view
9 as necessary to fulfill my obligations as an active
10 full-time mayor for the City of Prospect.

11 I was first elected to City Council in November
12 2004. In 2006, I retired, for the first time, from
13 the practice of law. In November of that year I
14 was elected mayor. In November of 2010, I was
15 re-elected -- re-elected to my second term.

16 I have truly enjoyed my years of service to the
17 city and will genuinely miss the day-to-day
18 interaction with the staff and the citizens. It's
19 indeed been a joyous ride, and it's been an honor
20 and a privilege to serve the city that I love, but
21 I've made the decision to embrace retirement once
22 again. I've given council notice that my last day
23 will be March 9th.

24 As can you tell from my voice, it was a very
25 difficult decision, but I think it's the best decision

1 for myself and my family. I will remain active as a
2 concerned citizen and hope to be able to continue
3 to serve the City of Prospect and Metro Louisville
4 in any way I'm able.

5 Finally, I want to thank many people that
6 provided support and counsel to me over the
7 years, particularly our City Council, and those who
8 lead our boards, commissions, and committees.
9 And to mention but a few: Evan Comer, who's the
10 chair of our Code Enforcement Board; Lee Tucci,
11 who is chair of our Forestation Board; Susan
12 Nicholson, former chair of our Ethics Commission,
13 now John Embry, who is the chair of our Ethics
14 Commission; Linda Wardell, chair of our Parks and
15 Recreation Committee; Tom Wills, chair of our
16 Library Committee, who has recently resigned, and
17 to our dedicated city staff, who have done and will
18 continue to do everything necessary to make
19 Prospect a place where we can all feel proud to be
20 associated.

21 Those thanks to City Administrator Ann
22 Simms; Police Chief Jeff Sherrard; director of
23 parks maintenance and technology, Ron Cundiff;
24 clerk for finance, Debra Skaggs; clerk for
25 administration, Holly LeVold, who is holding down

1 the back door; police clerk, Jill Vidito; police
2 lieutenant and now assistant police chief -- did he
3 show up, Jeff?

4 POLICE CHIEF SHERRARD: He was on a
5 conference call upstairs.

6 MAYOR EBERLE: Okay. Todd Shaw, and
7 all of our dedicated police officers. These people
8 make Prospect not only a pleasant, but a safe
9 place to live and raise our families.

10 Next item on the agenda is the mayor's report,
11 and that was -- that was the initial part of it.

12 The -- another part that did not make the
13 agenda that I need to mention is that we have
14 established a committee to study regulation of
15 nuisance conditions.

16 Jeff Stovall -- is Jeff here tonight? Jeff
17 Stovall is -- is -- has agreed to chair that
18 committee. The members are Evan Comer,
19 representing Code Enforcement; Frank Fulcher, as
20 a citizen representative; Stuart Miles as a council
21 representative; Mike Scott, as a council many
22 representative; and both Chief Sherrard and
23 Assistant Chief Todd Shaw, in as much as they are
24 on the frontline of Code Enforcement, so. . .

25 That committee has not yet met, and I don't

1 think Jeff has sent out anything. He hasn't said
2 anything to me, but that committee will be -- will
3 be formulated to study -- nuisance conditions are
4 found in several portions of the Code of
5 Ordinances.

6 The -- the main -- I think it's Chapter 92,
7 covers things -- everything from noise to tall grass
8 to conditions of property, so they will have their
9 work cut out for them, and I hope they're able to
10 provide us with some -- some reports that might
11 result in ordinance changes.

12 Financial update: End of January, we have
13 collected 75% of our budgeted revenues. 52.2% of
14 our budgeted expenses have been dispersed.

15 Transportation and roads: We always have
16 something on that. The -- we have several road
17 closures simultaneously going on on River Road,
18 and you may have -- if you've taken River Road
19 recently, you've seen the warnings. Basically,
20 from February 25th, or something. . .

21 CHIEF SHERRARD: [nods head]

22 CITY ADMINISTRATOR SIMMS: Yes.

23 MAYOR EBERLE: At any rate, River
24 Road is going to be very, very difficult to travel
25 between Wolf Pen and where it meets 42 up here,

1 so. . . Part of that is East End bridge utility
2 locations by LG&E, and part of it is the MSD force
3 main project, so we have two projects that are
4 impacting River Road which will make it very
5 difficult. We will try to keep you updated through
6 email blasts as we get information on that.

7 MR. SIMON: Todd, it's actually from
8 Transylvania Beach --

9 MAYOR EBERLE: Okay.

10 MR. SIMON: -- to the bridge.

11 MAYOR EBERLE: To. . .

12 MR. SIMON: Transylvania Beach Road --

13 MAYOR EBERLE: Okay.

14 MR. SIMON: -- to -- to the bridge.

15 MAYOR EBERLE: Okay.

16 MR. SIMON: It has to shut -- you can't
17 get across the bridge, so it affects you -- what
18 happens is, you come all the way down, at the very
19 last minute you can't -- you see you can't, and
20 so. . .

21 MAYOR EBERLE: It's -- it's going to be
22 difficult for sure. Thank you.

23 The -- on February 6th, the former city
24 engineer for the old City of Louisville and longtime
25 friend of the City of Prospect, Mark Adams, and

1 Ann Simms, our city administrator, and I met with
2 Matt Bullock and his -- his assistant to discuss
3 the -- the June 2012 plan to widen U.S. 42.

4 I think it's fair to say -- and -- and Mark
5 had -- had come up with a -- a plan that would
6 allow the widening, but save all but maybe one or
7 two trees on the side of the road. Is -- yeah, I
8 think we had a couple of them.

9 They were fairly receptive, and the meeting
10 was very cordial. We, I think, are now in a
11 position where they are committed to coming up
12 with an alternative plan. That plan, because it
13 would involve more expenditures by the state, may
14 have to wait until the next budget cycle. But, at
15 any rate, for now we still have our trees and we
16 are in contact with them.

17 Forestation Board update: Is Lee here? Oh,
18 there you -- well, okay. Sit in the front and be
19 ignored. We have -- we identified, what, four --

20 COUNCIL MEMBER TUCCI: Five tree --

21 MAYOR EBERLE: -- haz -- five
22 hazardous trees?

23 COUNCIL MEMBER TUCCI: That's
24 correct.

25 MAYOR EBERLE: Two were -- have been

1 removed; at least two.

2 COUNCIL MEMBER TUCCI: Yes.

3 MAYOR EBERLE: And -- so we are
4 moving along in that. We have not heard on our
5 Tree City USA, or our growth award yet. Should
6 hear on that soon. And there is a state-wide tree
7 board seminar. It's in Louisville this year on
8 Friday. and I'm going, and I think some other
9 members of the -- of the tree -- the Forestation
10 Board are going.

11 So, Lee, anything else?

12 COUNCIL MEMBER TUCCI: Yes, I do.

13 MAYOR EBERLE: Okay.

14 COUNCIL MEMBER TUCCI: I'd like to
15 say a few things about our mayor. We're very
16 sorry to lose this mayor.

17 Prospect has always had beautiful trees, but
18 it took Todd's vision to understand it's very
19 important to preserve these trees. He initiated the
20 effort to create the Forestation Board and work
21 with the council in 2007 and 8 to develop the
22 ordinance supporting the city's forestation
23 program.

24 Since the Forestation Board was formed, Todd
25 has been very active as an informed participant in

1 our meetings and forums [phonetic], and we meet
2 at night. His efforts have resulted in many, many
3 positives. One was an approved tree list for our
4 streets; a complete inventory of all our street
5 median trees of some 1500 trees; protection of our
6 ash trees from emerald ash borer. These are the
7 trees on the streets and medians. A program to
8 remove dead and hazardous trees.

9 And we just, as Todd mentioned, took out two
10 more trees, and there are three more on the list
11 that I think will be going soon. A new planting of
12 trees, and education of residents in tree selection
13 and care, primarily through the newsletter, but
14 also through brochures that were prepared in the
15 city offices.

16 And these efforts have been recognized by the
17 Arbor Day Foundation, which has designated
18 Prospect as a tree city, but also named Todd
19 champion of trees. This was a national award in
20 2011. And Metro mayor, Greg Fischer, has also
21 recognized Todd's capabilities and expertise and
22 has appointed him to the Metro tree advisory
23 commission.

24 So, on behalf of all the members of the
25 Forestation Board and all the residents, I'd like to

1 say, thank you very much, Todd.

2 [applause]

3 MAYOR EBERLE: Thank you, Lee. I do
4 appreciate that. And I do plan to stay active.
5 Maybe I'll come to the Forestation Board meetings
6 and just pester you-guys.

7 COUNCIL MEMBER TUCCI: Please do.
8 That would be wonderful, actually. That'd be
9 great.

10 MAYOR EBERLE: I -- I do appreciate
11 your comments. I was afraid that's what it was
12 going to be.

13 [laughter]

14 MAYOR EBERLE: Code Enforcement
15 Board update: February 27th, is their next
16 meeting. I do know that they will need to be
17 electing officers. I don't think we have any -- any
18 pending appeals to the Code Enforcement Board,
19 but we will be electing officers that night.

20 Parks and Recreation Advisory Committee:
21 We do have two new Eagle projects: a boardwalk
22 connecting -- sort of connecting Little Hunting
23 Creek Park with Putney Pond & Woodlands, which
24 will be an extension of -- of the boardwalk that's
25 now in place. We're building it in sections. And

1 bike racks, for those who can ride bikes and not
2 contribute to congestion and pollution to get to the
3 parks at the Fox Valley Drive trail head, which will
4 take some of the parking pressure off of there,
5 hopefully. And also at Harrods Creek.

6 And, Stuart, do you -- do you have any. . . I
7 know the -- the stairs at Harrods Creek Park
8 are. . .

9 COUNCIL MEMBER MILES: Completed.
10 They completed them today.

11 MAYOR EBERLE: Completed them.

12 COUNCIL MEMBER MILES: And they
13 have to put in the cedar handrail, which they'll
14 start on Monday, but they're beautiful, they're
15 easily accessible, and they're going to open that
16 park up to a whole new range of citizens who
17 had -- and -- and just as kind of a exclamation
18 point, where they needed -- I'm a fairly fit guy,
19 and the guy doing the job is a fairly fit guy, and
20 we were trying to walk down to the bottom of where
21 the stairs will go, and we both almost fell down.

22 So they were desperately needed, and they're
23 really going to make a huge difference in both the
24 appearance of the park and -- and opening it up
25 to -- to pretty much everybody who's remotely

1 mobile in getting around.

2 And that should be done by -- not -- not by
3 this -- so by -- in two weeks that should be done
4 and -- and opened back up. We're not going to
5 open the stairs until the handrail is done.

6 MAYOR EBERLE: That's good news.

7 And we weren't sure whether the weather would
8 cooperate.

9 COUNCIL MEMBER MILES: Yeah.

10 MAYOR EBERLE: But apparently it did
11 enough to --

12 COUNCIL MEMBER MILES: Yep.

13 MAYOR EBERLE: And I -- I have not
14 been able to walk it, but I've seen a photograph,
15 and it looks every bit as good, if not better, than
16 the -- than the -- than --

17 COUNCIL MEMBER MILES: Yes.

18 MAYOR EBERLE: -- the stairs we had to
19 put in over at Putney.

20 COUNCIL MEMBER MILES: M-hm.

21 MAYOR EBERLE: Linda, do you have
22 anything else?

23 MS. WARDELL: Well, just a little bit
24 more.

25 MAYOR EBERLE: Okay. Linda Wardell,

1 the chair of the Parks and Recreation Committee.

2 MS. WARDELL: I would -- I would like to
3 echo Lee's comments about how supportive our
4 mayor has been of everything that we've been
5 trying to do with parks and recreation, and I just
6 so appreciate that.

7 I got a call tonight from Lynn Granger, who
8 told me that he has, as of today, two more scouts
9 that want to do Eagle projects in Prospect parks.

10 MAYOR EBERLE: Oh, okay.

11 MS. WARDELL: So, within the next
12 season, which would be between now and the end
13 of the year, we now have four potential Eagle
14 projects, and I think the next two scouts will be
15 continuing the boardwalk along Little Hunting
16 Creek Park, so --

17 MAYOR EBERLE: Well, great.

18 MS. WARDELL: -- I think we continue to
19 be a wonderful resource for the Boy Scouts, and
20 there is nothing better that can happen to Prospect
21 than having these Boy Scouts do all these
22 wonderful projects at no cost to us, except for
23 those of us who want to support them, and we need
24 to support them. But it's -- it's just a testament to
25 what we're trying to do to foster, you know, a lot

1 of public engagement and also improve our city
2 and -- and the natural areas that we enjoy.

3 So thank you. And thank you for your support.

4 MAYOR EBERLE: Well, thank you, Linda.
5 We appreciate it.

6 Scouts, were you listening? Do we have any
7 Life scouts back there? Raise your --
8 [hand raised]

9 MAYOR EBERLE: There's one. Okay.
10 There's our next E -- there's our next Eagle.

11 MS. SPEAKER: He's ready for -- there's
12 more [phonetic] back there.

13 MAYOR EBERLE: Yeah, he's getting
14 close.

15 Another item -- well, excuse me.

16 Library Committee update: I was saddened to
17 receive Tom Wills' resignation as library chair for
18 health reasons. And ss -- but we are getting -- the
19 books are coming for the spring book sale.

20 COUNCIL MEMBER LEONARD: Yes they
21 are.

22 MAYOR EBERLE: At a rabid pace.

23 COUNCIL MEMBER LEONARD: Yeah.

24 We have a new volunteer who's in the audience
25 today, Carol Warner.

1 MAYOR EBERLE: Okay. Great. Yeah.

2 COUNCIL MEMBER LEONARD: And she
3 has been keeping things looking tidy with the help
4 of your staff.

5 MAYOR EBERLE: Good. Okay. Thanks,
6 Carol. There you are. Okay.

7 One item that was not on the agenda under
8 the mayor's report, but warrants some mention is
9 the fact that the Kroger Company is having a
10 meeting tomorrow night at 7:00 at First Baptist
11 Church, which is the -- it's the only church, really,
12 in Prospect, it's right next to Walgreens -- at 7:00.

13 They have a proposal to build a -- to -- to --
14 for a zoning change which would allow the
15 construction of a gas station essentially across
16 the street from the shopping center, across from
17 the Bristol and Smithfield Greene, around that
18 empty lot, which I'm sure you're all familiar with.

19 That lot is not within the City of Prospect, but
20 our citizens' comments are -- are relevant to the
21 proposed zoning change, because any -- any
22 adjoining landowner gets a notice, and we -- we
23 are an abutting landowner to that property. In
24 fact, we own -- own -- we have jurisdiction of the
25 right-of-way on that side, but not the parcel back

1 in there, as Grover can tell you about it. We tried.

2 CITY ATTORNEY POTTS: Right.

3 COUNCIL MEMBER LEONARD: What
4 does that actually mean?

5 CITY ATTORNEY POTTS: Hm?

6 COUNCIL MEMBER LEONARD: In terms
7 of the right-of-way what, actually, does that mean?

8 CITY ATTORNEY POTTS: Well, we own
9 the right-of-way; the street.

10 COUNCIL MEMBER LEONARD: Okay.

11 CITY ATTORNEY POTTS: We -- we own
12 that.

13 COUNCIL MEMBER LEONARD: So, do we
14 have any easements into the property at all?

15 MAYOR EBERLE: [shakes head]

16 COUNCIL MEMBER LEONARD: No.

17 CITY ATTORNEY POTTS: No, I don't
18 think so.

19 COUNCIL MEMBER LEONARD: Just the
20 street itself.

21 CITY ATTORNEY POTTS: Just the
22 street.

23 CITY ADMINISTRATOR SIMMS: I don't
24 think so. I think there's a little sliver there
25 because of how the road turnarounds --

1 CITY ATTORNEY POTTS: That may be --

2 CITY ADMINISTRATOR SIMMS: -- so you
3 have --

4 CITY ATTORNEY POTTS: -- may be --

5 CITY ADMINISTRATOR SIMMS: But if
6 not, it's certainly not a major --

7 CITY ATTORNEY POTTS: Right.

8 CITY ADMINISTRATOR SIMMS: -- mon --
9 territory.

10 CITY ATTORNEY POTTS: The
11 jurisdiction in that is with Louisville Metro.

12 MAYOR EBERLE: Louisville Metro --

13 CITY ADMINISTRATOR SIMMS: I
14 understand.

15 MAYOR EBERLE: -- Planning & Zoning.

16 COUNCIL MEMBER MILES: I think
17 something we all have to remember is that we have
18 dual citizenship. We are all residents of Louisville
19 Metro. We all pay taxes to Louisville Metro. So
20 we have as much say at these meetings as
21 anybody. We also happen to be members of --
22 residents of Prospect, but I think our voice should
23 be heard as much, if not more than anybody else.

24 CITY ADMINISTRATOR SIMMS: I agree.

25 MAYOR EBERLE: This meeting tomorrow

1 is a meeting called by Kroger. It is not a
2 governmental meeting. There will not be any
3 decisions made or testimony taken with regards to
4 the zoning change.

5 he first thing that will have to happen is the
6 zoning change, and, as Stuart pointed out, unlike
7 the zoning change that was necessary for the
8 expansion of the Kroger, that came to us, because
9 we -- because that's within our city limits and we
10 sat as a quasi-judicial body in -- in acting on
11 those proposed form district changes and zone
12 changes.

13 That will not be the case here, but there will
14 be hearings and meetings with Louisville Metro
15 Planning & Zoning, so -- both with regards to the
16 zone change and any plan that is -- is put before
17 them. So this is probably the first of several
18 meetings.

19 Again, it is a meeting called by Kroger; 7:00
20 tomorrow. So I do not know if there will be a
21 section where there will be public comment or
22 whether they're going to set it up where you just
23 circle the room and go to different stations. Be
24 advised.

25 Finally, I'm pleased to note -- and this is

1 something that we -- we're -- we're very pleased
2 and proud to do, and that's transfer the title of
3 assistant chief of police to Todd Shaw. And there
4 he is, protecting us.

5 [applause]

6 MAYOR EBERLE: Todd is the second in
7 command and is here for the late shifts, so he
8 performs many of the duties that are otherwise
9 performed by -- by a chief, so we thought it --
10 and -- and the fact that the rank -- his rank of
11 lieutenant is not fully descriptive of what he -- of
12 where he sits within the departmental structure.
13 Obviously that's -- that's Lieutenant Shaw's rank.
14 But -- so we were pleased to do that.

15 Jeff and I talked about it, Chief -- Chief
16 Sherrard and I talked about it, and -- so, welcome.
17 We have -- same guy, new title.

18 Which is a perfect segue into our police
19 report.

20 CHIEF SHERRARD: We'll go over the
21 numbers first.

22 The house checks were virtually the same as
23 they were for the same period last year. The
24 citations, if you noticed, they're way up in
25 comparison to prior year.

1 The reason for that is that we are applying for
2 state grant moneys for traffic enforcement
3 programs, safety grants, like "Click it or Ticket"
4 programs that you see statewide. You see them
5 advertised.

6 We've applied for some of those funds, and
7 you have to turn in some statistical data to them
8 that shows that you can generate speeding
9 enforcement, ticket citations, things of that nature
10 before they would even grant you that application.

11 So what they've done is we've stepped up
12 traffic enforcement along U.S. 42 to help reduce
13 the speed, and, obviously, that's where the -- the
14 overwhelming majority of all of our accidents
15 occur, so this is an effort to reduce accidents, to
16 reduce speed, and also to help with the safety
17 belt -- increase the wearing of safety belts, so
18 that's why you see that those numbers go up, and
19 they will steadily go up.

20 But those grants, they basically allow us to go
21 out and they will work on overtime, but that's
22 funded entirely by state money and doesn't come
23 out of the city coffers to do that, so. . .

24 Let's see. The arrests are, for the most part,
25 similar. Reports were down. Calls for service

1 were way up. I don't exactly know why, but they
2 more than doubled for the month compared to the
3 same month last year. And also, officer-initiated
4 activity was up 71% over the prior year. That's --
5 I don't know. We could probably just call that a
6 statistical anomaly, because we only go when
7 we're called and then they -- they generate over
8 activities

9 Burglar alarms were -- were up, double for the
10 month; however, what this tells me is that last
11 years they were way down, because we normally
12 get 30, 32 for a month, and last year, during
13 January, they only had 20, so they were just
14 really, really low for last January. So it looks like
15 we did a lot more for this month, but we really
16 didn't.

17 In terms of the other part of the report, at the
18 end of the month last year we underwent an audit
19 through the Kentucky League of Cities. They have
20 a law enforcement division where they come in and
21 they -- they look at where you are in terms of how
22 you're doing things. They review your policy
23 manuals to see where we are and whether or not
24 we are conforming to state and national standards.

25 There were some areas that -- that we had

1 identified some time ago that we were lacking, and
2 we were already in the process of taking steps and
3 had already rewritten a great deal of those. In
4 particular Lieutenant Shaw -- or, actually,
5 Assistant Chief Shaw now -- had taken steps, and
6 then in most cases we've actually rewritten
7 policies.

8 We haven't had a chance to implement all of
9 them because we're putting them all together at
10 the same time. We were able to show the -- the
11 rater all this information that we've been compiling
12 and they were very satisfied with that.

13 The reason it's -- that we want to have a
14 really good score on that is because that's what
15 gives the city their insurance rates, their liability
16 rates. The better we score, the lower your
17 insurance rates are. And ultimately we want to
18 move towards accreditation.

19 Most of the smaller agencies all seek state
20 accreditation, and if do you that, then that even
21 puts you at the next level, and -- and then that
22 really can reduce our rates. So, all of this, in the
23 long run, can be a cost-saving measure for us.
24 It's a matter of us getting a lot of things down
25 further on paper.

1 And then for the accreditation process, if we
2 have the policy manual completely in place and we
3 are conforming to state and national standards,
4 the matter of accreditation will just be very few
5 minor corrections and then we would be good to
6 go, because we know that these policies will
7 already be acceptable, because they were part of
8 writing them to begin with. So we'll -- we'll be in
9 very good shape with that. So we're very
10 encouraged by all -- all of that that's occurred.

11 We had one felony report for the month. As it
12 turns out, prosecution is going to be declined on
13 that because that was probably a child involved,
14 and so, I think they're not going to prosecute their
15 own child, so. . .

16 Inci -- arrests, we had three DUI arrests and
17 one arrest for driving on suspended license, and it
18 was a basic traffic stop.

19 Code Enforcement, we had several complaints,
20 but they were all resolved by an officer merely
21 going by the house, pointing out the complaint,
22 and they were in compliance at that point.

23 The burglary that we had back in The Landings
24 on December 10th, I've reported a couple times on
25 it, they have made an arrest in that case; a James

1 McGuffin and a Brandon Cheatham. At that point,
2 back in December, we said Cheatham was a
3 suspect, well, he's now a defendant, and -- and
4 also a -- his sister-in-law, Jennifer Cheatham, was
5 arrested because she's the one that was the
6 sucker that went and attempted to pawn the
7 jewelry. So she was the one that got caught with
8 her hand in the cookie jar, so. . . A lot of the
9 jewelry from that case has been recovered, and
10 three people have been charged in that.

11 On Super Bowl Sunday, in the evening, shortly
12 after the ballgame ended, we had some vandalism
13 to 17 to 18 yards over in the Sutherland, where
14 some idiot was driving through yards, did some
15 damage to yards there.

16 Also, he went over into Hunting Creek. He got
17 two or three yards there and a couple of the
18 surrounding properties not on the golf course, but
19 a part of the country club property. Fortunately,
20 the ground was cold enough that they didn't get
21 very deep and a lot of it was superficial

22 We are following up a few leads, but I was
23 running some computer things, and my leads are
24 so heavy right now they've got to narrow them
25 down, so. . . I think 16,000's too many to run

1 down.

2 [laughter]

3 MAYOR EBERLE: That's a lot of
4 warrants.

5 COUNCIL MEMBER TUCCI: It's scary
6 that there are that many idiots around.

7 CHIEF SHERRARD: I think maybe I
8 didn't narrow down the question far enough. So
9 after I rephrase the question, I'm re-running my
10 request.

11 But that's all.

12 MAYOR EBERLE: Any questions of Chief
13 Sherrard?

14 COUNCIL MEMBER SCOTT: Chief, I
15 have one question. In reference to the Kentucky
16 League of Cities and the inspection that they --

17 CHIEF SHERRARD: Yes, sir.

18 COUNCIL MEMBER SCOTT: --
19 performed, or audit, or whatever we're going to
20 call it, any idea how long the processes is before
21 maybe we can get the upgrade to reduce the cost
22 of the insurance?

23 CHIEF SHERRARD: It usually takes --
24 after we get this in order, it may take us probably
25 a year.

1 COUNCIL MEMBER SCOTT: Okay.

2 CHIEF SHERRARD: A year to year and a
3 half.

4 COUNCIL MEMBER SCOTT: Thank you.

5 MAYOR EBERLE: I just want to
6 personally thank Chief Sherrard and Assistant
7 Chief Shaw. It's been a pleasure to work with
8 them. Just about a year with the chief, and less
9 an year with -- with the assistant chief.

10 But soon after they were on-board, they put
11 their heads together and accreditation was -- was
12 a goal. And that is an important goal for the
13 department. Not only for -- for insurance
14 purposes, but getting grants, and -- and -- and --
15 not to mention the fact that an educational process
16 occurs with the -- with the officers, and I think
17 they take great -- great pride, so. . .

18 CHIEF SHERRARD: And more
19 importantly, it's the right thing to do. Everybody's
20 doing --

21 MAYOR EBERLE: Right.

22 CHIEF SHERRARD: -- things up to a
23 national standard, and these are tried and true
24 custom practices that every police officer should
25 be doing.

1 MAYOR EBERLE: And I -- I feel very,
2 very good about the police department, and any --
3 anybody in the city, or who has contact with our
4 department, can be proud.

5 Comments from citizens. Holly, did we get
6 a -- a sign-up sheet?

7 MS. LEVOLD: No one signed in

8 COUNCIL MEMBER TUCCI: Todd,
9 before you do that, can I jump in as a --

10 MAYOR EBERLE: Sure.

11 COUNCIL MEMBER TUCCI: -- comment
12 from also a citizen?

13 MAYOR EBERLE: You're a citizen.

14 COUNCIL MEMBER TUCCI: Guess so. I
15 guess I qualify.

16 MAYOR EBERLE: Last I checked.

17 COUNCIL MEMBER TUCCI: Along with
18 being named champion of trees, Lee's got that --
19 Lee mentioned, Todd has gotten other county and
20 state-wide and national awards.

21 In 2011 he got the Peyton Hoge Public Service
22 Award from the Jefferson County League of Cities.
23 He also was selected the Kentucky Elected Official
24 of the Year by the Kentucky state League of Cities.
25 When you think of the number of elected officials

1 there are in Kentucky, when you are the person
2 who gets that award, that -- that says a lot.

3 Sometimes we don't notice, you know, that
4 idea of the prophet being without honor in his own
5 country. Sometimes we take for granted things
6 that other people will get, and say, "That's pretty
7 extraordinary."

8 Here at home in Prospect, Todd's kept the city
9 running pretty smoothly. It's kind of like, you
10 know, when you wake up in the morning you never
11 say, "Gee, I don't have a toothache." You don't
12 think -- you know, you only notice that you've got
13 a tooth when it hurts, otherwise it's just morning.

14 So, we never think about these things. The
15 grass gets mowed, flowers get planted, you know,
16 roads are plowed and salted, banners are hung,
17 garbage gets collect, police respond promptly and
18 effectively. And we don't think at all about it
19 because it's just another day in Prospect.

20 Todd doesn't drive the snow plow and he
21 doesn't ride shotgun, but he sets the tone. He
22 hires the employees; he conveys the expectations
23 of superior performance to everyone who works for
24 the city.

25 He's done this while steering the city through

1 the same economic crisis that has occurred all
2 over the country, and he did that and was able to
3 maintain the core services that we all appreciate.
4 And he did that while our revenues were
5 diminishing. In some cases some revenues just
6 plain disappeared. So that's a considerable
7 juggling accomplishment to manage that, which he
8 did.

9 So, I think for most people in Prospect, while
10 you might have felt the economic winds blowing in
11 other areas, it seemed like nothing had gone
12 wrong at all in Prospect, but that didn't just
13 happen. It happened because of his leadership
14 and I his skinflintiness, frankly

15 Those are all day-to-day accomplishments, but
16 Todd also has looked ahead to Prospect's future.
17 As -- as Lee said, he's preserved our trees, tree
18 canopy; he's added and preserved our park lands.
19 He's also -- and he's made those things accessible
20 to people.

21 The park lands were -- were there; the trees
22 were there. He's worked to make them accessible
23 to people, as we heard tonight with the stairway
24 that is going in, and he's done that not only for us,
25 these generations, but that's -- that's that

1 forward-looking thing of this is something that will
2 be there for future generations.

3 And that's a terrific accomplishment, you
4 know. A lot of us are sort of just getting through
5 the day, and that's an accomplishment on -- in
6 itself, but Todd has moved beyond that and moved
7 the city beyond that.

8 All of that really adds up to that old fashioned
9 word that -- all of us who belong to a church, you
10 hear this word about stewardship, this is
11 stewardship. This is what Todd has done. He's
12 maintained and improved Prospect's infrastructure,
13 its services, its finances, and he has left the city
14 better than he found it.

15 Thanks, Todd.

16 [applause]

17 MAYOR EBERLE: Thank you.

18 [applause]

19 COUNCIL MEMBER MILES: And Todd,
20 I -- I -- can I have my moment?

21 MAYOR EBERLE: Three minute limits.

22 COUNCIL MEMBER MILES: Well, first of
23 all, I'd like to echo everything that Sandy said.

24 When Peggy and I first moved to Prospect,
25 gosh, eight, nine years ago now, I'm starting to

1 lose track, two of the first people we met were
2 Todd and Harriet. And this is before Todd was on
3 the City Council. And we met them because we
4 were all walkers and we -- we walked around our
5 city. And some of the first people that I met in
6 Prospect were people I met that way.

7 And right when I met Todd, he -- he shared
8 with me he was thinking of running for council, and
9 he did successfully, and after getting on, he
10 encouraged me to run, and I -- I probably wouldn't
11 be here had Todd not done that. Don't hold that
12 against him.

13 [laughter]

14 COUNCIL MEMBER MILES: But he has
15 been a great inspiration for me. He has been a
16 great partner in our mutual passion for parks and
17 trees and you think -- you know, people think
18 about trees and -- and maybe kiddingly call people
19 tree huggers and think they're nice, great things.

20 There's an article that I have put back there
21 in the Courier-Journal that was put out about a
22 week ago, and it was a study done looking at the
23 effect of the emerald ash borer on communities.,
24 and what they found was that in communities just
25 like ours, affluent communities, kind of set outside

1 of cities, a marketable change in health and life
2 span as these trees die.

3 And so, you might think, "Gee, it's nice that
4 Todd has led our city into saving the ash trees
5 and -- and saving all these trees, but there's been
6 found a direct relationship between these trees we
7 think are pretty and -- and how long we live and
8 the quality of our life.

9 And -- so think about that, you know, a year
10 from now, five years from now, ten years from now
11 when there are very few ash trees in this country,
12 in our city we'll have at least a nice canopy in the
13 areas close to the street, not -- not deep in the
14 woods.

15 But -- but I -- I -- Todd, you've done a great
16 job, you've been a great friend and partner, and
17 I'm deeply going to miss you.

18 MAYOR EBERLE: Well, I will miss all of
19 you.

20 COUNCIL MEMBER MILES: You're not
21 dying --

22 MAYOR EBERLE: Appreciate it.

23 COUNCIL MEMBER MILES: -- or
24 anything, but I'm just going to miss you so much.

25 MAYOR EBERLE: Yeah, I'll be around.

1 MR. SIMON: May I give a short one.

2 MAYOR EBERLE: Yes, Mr. Simon

3 MR. SIMON: Alan Simon, 6212 Deep
4 Cove Court.

5 I'm probably the only council person who
6 served under three elected mayors. Okay? And I
7 can tell you, he is the easiest guy to work with out
8 of the three, and that -- that's a compliment to his
9 personality. And I think, you know, he's been
10 great. And, Todd, good work, buddy. Appreciate
11 it.

12 MAYOR EBERLE: Thank you, Alan.

13 [applause]

14 MAYOR EBERLE: I'm not sure whether
15 that was comments from citizens or unfinished
16 business.

17 [laughter]

18 MAYOR EBERLE: We did not have any --
19 anything introduced at the January meeting and,
20 therefore, nothing was scheduled under unfinished
21 business, but if someone has something they'd like
22 to bring up, we could -- we could discuss that.

23 Hearing no -- no comment under unfinished
24 business, we do have one item under new
25 business. Sandy Tucci had contacted me with

1 regards to an ordinance that she wanted to
2 introduce regarding insurance companies' license
3 fees, or the insurance premium tax.

4 First reading -- there are copies in the back.
5 Essentially -- well, I'll let Sandy explain it, and
6 also give it the first reading, if you will

7 COUNCIL MEMBER TUCCI: Okay. How
8 much of this do I have to read?

9 MAYOR EBERLE: Only from, "Now
10 therefore."

11 COUNCIL MEMBER TUCCI: Okay.

12 MAYOR EBERLE: Well, the title --

13 MR. SPEAKER: the title and -- and
14 "Now, therefore."

15 COUNCIL MEMBER TUCCI: Okay. Now,
16 I'll preface this by saying that I think what we --
17 what aim for in this city is the -- the Goldilocks
18 effect; you know, not too hot, not tool cold, just
19 right. The same thing with taxes.

20 You know, in your -- our personal lives, the --
21 the basic mo -- mode -- modus [phonetic] is pile up
22 as much money as you possibly can. That's --
23 that's what people do.

24 That's not necessarily what a city should do.
25 A city should have enough money. And of course

1 we all have different notions of what constitutes
2 "enough," but last year it was clear to many of us
3 that we do not have enough, and we raised the
4 insurance premium tax to catch up with shortfalls
5 that had gone on for many years. It worked very
6 well.

7 Therefore, this year, what I would like to do is
8 scale that back some. Not all the way, but scale it
9 back a little, because we don't need more than
10 what we -- last year did fine; we don't need to do
11 as fine next year.

12 So, therefore, [reads] City of Prospect
13 Ordinance Number 525, Series 2013, an Ordinance
14 Amending Chapter 113 of the Code of Ordinances
15 of the City of Prospect Relating to Insurance
16 Company License Fees.

17 [reads] Now, therefore, be it ordained by the
18 City of Prospect, Kentucky: Section 1: Chapter
19 113, Section 113.03 of the Code of Ordinances of
20 the City of Prospect hereby amended by deleting
21 the following stricken language and inserting the
22 following underlined language so as to read as
23 follows:

24 13.03 Amount of Fee for Companies Issuing
25 Policies Other than Life Insurance.

1 The license fee imposed upon each insurance
2 company which issues any insurance policy which
3 is not a life insurance policy shall be 7.0% of the
4 premiums actually collected within each calendar
5 quarter by reason of the issuance of those policies
6 on risks located within the corporate limits of the
7 city on those classes of business which that
8 company is authorized to transact, less all the
9 premiums returned to policyholders. Any license
10 fee or tax imposed upon premium receipts shall not
11 include premiums received for insuring employers
12 against liability or personal injuries to their
13 employees, or death caused thereby, under the
14 provisions of the Workers' Compensation Act, and
15 shall not include premiums received on policies of
16 group health insurance provided for state
17 employees under KRS 18A.225(2) and 18A.228 for
18 the premium paid to any state employee benefit
19 fund created pursuant to KRS 18A.

20 Section 2: This Ordinance shall be effective
21 from and after its passage, approval, and
22 publication as required by law.

23 MAYOR EBERLE: Thank you. We'll --
24 that will be placed on the March me -- March 18th
25 meeting for a second reading.

1 Any other new business?

2 [no response]

3 MAYOR EBERLE: Any need for an exe --
4 oh.

5 COUNCIL MEMBER BRAB: Question?

6 MAYOR EBERLE: Yeah.

7 COUNCIL MEMBER BRAB: Sandy, could
8 you give us a size of that? How much that half a
9 percent reduction in fee will reduce the actual
10 taxes for all business?

11 COUNCIL MEMBER MILES: Yeah. I did
12 an analysis of that and, according to my figures, it
13 would be approximately \$72,110.

14 MAYOR EBERLE: Okay.

15 COUNCIL MEMBER BRAB: Of the total
16 about a million, two-forty-eight.

17 MAYOR EBERLE: 48 sounds --

18 COUNCIL MEMBER MILES: Yeah.

19 COUNCIL MEMBER BRAB: Thank you.

20 COUNCIL MEMBER TUCCI: I think it's
21 the sort of thing that's reasonable to look at every
22 year.

23 MAYOR EBERLE: Right.

24 COUNCIL MEMBER TUCCI: I also think
25 that, particularly, going into a period of time when

1 there will be a new mayor, we want to be sure that
2 whoever is the mayor, doesn't feel breathing down
3 his or her neck. They need to know that the
4 payroll of -- can I make a payroll? So that's why I
5 sort of erred on the side of conservatism in how
6 much to reduce the premium this year.

7 COUNCIL MEMBER MILES: And can I
8 agree with Sandy, it's something else to look on
9 the other side of the ledger, in looking at the half
10 percent, is that our property taxes actually
11 dropped 4-1/2% last year from the year before, so
12 we're still not sure what's going on with our
13 property tax, and I think it would be a safe thing to
14 not make any big moves until both of these taxes
15 have a chance to settle out and we can see a trend
16 that gives us some confidence what it's really
17 going to do from one group to the next.

18 MAYOR EBERLE: The property tax is
19 much easier to predict, but we're always running a
20 quarter behind on the insurance premium tax, so
21 what is coming in on a cash basis can -- if you
22 look at -- at what one quarter is, you can, very,
23 very roughly, multiply that by four and -- and get
24 what you -- but we did do a study a while back
25 showing which will quarters were less for whatever

1 reason. We get, as our deputy clerk for finance
2 can tell you, we get requests for refunds, and so,
3 the -- the final figure each year is really not clear
4 until the audit, and so. . .

5 But this is -- I also might note, as -- as you
6 follow this, I won't be presiding, but I know there
7 is an effort on the part of Louisville Metro --

8 MR. SPEAKER: M-hm.

9 MAYOR EBERLE: -- to raise the
10 insurances premium debt. They are at 5. Oldham
11 County, over the hill, is at 10. They've been at 10
12 for many years. We're currently at 7-1/2.

13 The thing to keep in mind, if Metro goes to 6,
14 all of the suburban cities will go to 6, because if --
15 if they're -- if you have a suburban city that's at 5,
16 and Metro goes to 6, you still get 5, Metro gets 1.
17 If you -- and so -- and that's what happened the
18 last time that Metro raised theirs, so. . .

19 That is in the offing. It was -- it was
20 targeted. They wanted to ear mark it for housing,
21 and they got an opinion from the city attorney or
22 county attorney --

23 CITY ATTORNEY POTTS: [nods head]

24 MAYOR EBERLE: -- that said that. . .

25 CITY ATTORNEY POTTS: It couldn't -- it

1 had to go to the general fund.

2 MAYOR EBERLE: It has to go into the
3 general fund, which is the case. We -- we cannot
4 ear mark anything from the insurance premium.
5 But as -- as you look at that and consider it, it --
6 it might be interesting to watch and see what
7 Metro does.

8 COUNCIL MEMBER BRAB: Is there any
9 rebate to Metro from the property tax as a re --

10 MAYOR EBERLE: We --

11 COUNCIL MEMBER BRAB: We collect 21
12 cents per hundred, which is the current ordinance
13 rate.

14 MAYOR EBERLE: Right.

15 COUNCIL MEMBER BRAB: Is there
16 anything rebated to Metro from that?

17 MAYOR EBERLE: Well, no, but -- but
18 you'd pay your Metro tax, too.

19 MS. SPEAKER: We pay a county tax.

20 COUNCIL MEMBER BRAB: I understand,
21 but we keep all that, so no matter what --

22 MAYOR EBERLE: Oh, right, yeah.

23 COUNCIL MEMBER BRAB: -- Metro
24 decides, we control --

25 MAYOR EBERLE: Right.

1 COUNCIL MEMBER BRAB: -- our own
2 destiny with that.

3 MR. SPEAKER: Correct.

4 MAYOR EBERLE: With -- with -- with
5 ours, yes.

6 COUNCIL MEMBER BRAB: Is our
7 property [phonetic].

8 MAYOR EBERLE: You do it like -- yeah,
9 you pay a Metro tax and then you'd pay it, yeah.

10 COUNCIL MEMBER BRAB: Okay. Just
11 personally speaking, I'm in support of what
12 Sandy's trying to do here. I think the goal -- the
13 goal [phonetic] is to purchase the right thing, but I
14 put out an email to people that I had on my
15 campaign list, about 120 people, and I think long
16 term that the city should think about, and we
17 should have a long-range plan for this, that we
18 reduce the insurance tax gradually, and we're
19 bound by terms of 100 days prior to the fiscal
20 year, or June 1, or something --

21 MAYOR EBERLE: July 1.

22 COUNCIL MEMBER BRAB: -- like that,
23 that we have to do every year, that's why Sandy's
24 introducing it now, but we reduce the insurance
25 tax gradually, and like dollar amount, add that

1 back to property taxes, because there's no trans --
2 there's no transfer of the property tax ever to
3 Metro. We control our own destiny there.

4 And the other factor is, is there's nothing
5 coming out of Washington that I've seen from
6 anybody that will affect the deductibility of
7 property taxes for our citizens, so, it's not a
8 one-on-one, it's actually -- it would actually turn
9 out to be a savings on this loan [phonetic], but we
10 do control our own destiny, so. . . It's something I
11 think that we should consider as a council for the
12 long run and -- and use it to fund the long-range
13 plan.

14 COUNCIL MEMBER MILES: And -- and --

15 COUNCIL MEMBER BRAB: Just a side
16 note.

17 COUNCIL MEMBER MILES: And, Bill, I --
18 I can't argue with the logic of that, but the only
19 thing I would add is that -- and you've been in
20 business, and -- and you know it's great to have a
21 big client, but if all of your resources come from
22 one client, and in this case if they only come from
23 one tax, then any change in that tax directs you
24 dramatically, and right now we have two main
25 sources of revenue that don't necessarily move

1 and lock step with each other, so if one were to
2 drastically fall, the other wouldn't necessarily
3 drastically fall.

4 So I -- I agree with you that -- I -- I don't see
5 a problem with moving some of that from one to
6 the other, but I still think you would want to keep
7 at least a large chunk of it in the insurance
8 premium tax to give us --

9 COUNCIL MEMBER BRAB: There's no
10 ques --

11 COUNCIL MEMBER MILES: -- was
12 vulnerable.

13 COUNCIL MEMBER BRAB: There's
14 number question about it. Just my thought would
15 be here, Metro moves to 6?

16 MAYOR EBERLE: Yeah.

17 COUNCIL MEMBER BRAB: In the future,
18 we start moving our insurance tax down to 6 and
19 move that corresponding dollar amount over to the
20 property tax, because it benefits every citizen with
21 a tax deductibility.

22 Same dollars out of pocket, but net dollars is
23 less. So just a thought I had, and -- and the
24 comments I got back from quite a few of the people
25 that I sent the email out to were very positive in

1 that direction, but just something to think about.

2 MAYOR EBERLE: We will have Council
3 Member Tucci's ordinance on for a second
4 reading --

5 COUNCIL MEMBER BRAB: Re-screening
6 [phonetic].

7 MAYOR EBERLE: -- March 18th. That
8 would be the next regular meeting. Which, the --
9 the 100 day rule. You have to have your rate --
10 any change in your rate has to be communicated
11 to the Department of Insurance 100 days before
12 July 1st, which is the date that that rate goes into
13 effect.

14 It's easily understood that if we have 500 --
15 almost 500 cities, municipalities, virtually all of
16 them impose the insurance premium tax. If they
17 all changed it every month, the insurance com -- I
18 mean, it's -- it's a difficult tax to administer to
19 begin with, but it -- it would be just totally un --
20 unable to be dealt with if that were the case

21 COUNCIL MEMBER TUCCI: Much as
22 we --

23 MAYOR EBERLE: That's the 100 days.

24 COUNCIL MEMBER TUCCI: -- like the
25 concept of making insurance companies suffer.

1 MAYOR EBERLE: Right. But the --
2 the -- so, in that 100 days you have to have it in
3 that 100 days, the Department of Insurance
4 gathers that information and puts it to -- and --
5 and sends it out to all insurances companies
6 licensed to do business in the state of Kentucky.

7 Just a brief explanation of the 100 days and
8 why we're under that gun. I will point out that
9 wi -- that will give us I think five or six days to get
10 it, but we can do it --

11 MR. SPEAKER: We're okay.

12 MAYOR EBERLE: -- if -- if --

13 COUNCIL MEMBER TUCCI: We're just
14 going to --

15 MAYOR EBERLE: -- if it passes at the
16 March meeting.

17 No identified need for executive session. If
18 we have no other business to cover.

19 CITY ATTORNEY POTTS: Well, I think
20 it's probably appropriate --

21 MAYOR EBERLE: Oh.

22 CITY ATTORNEY POTTS: -- to discuss
23 the selection of --

24 MAYOR EBERLE: Okay.

25 CITY ATTORNEY POTTS: -- a new

1 mayor.

2 MAYOR EBERLE: You're right. Okay.

3 CITY ATTORNEY POTTS: While it would
4 seem, since Todd has provided his resignation
5 effective March the 9th, that that would be the date
6 from which we count 30 days, okay, in order to
7 have the council elect a new mayor. That's really
8 not how the statute works. His resignation would
9 be for purposes of replacing the mayor effective
10 on March the 18th, which is the next council
11 meeting.

12 MAYOR EBERLE: The statute says the
13 next regular.

14 CITY ATTORNEY POTTS: Next regular --

15 MAYOR EBERLE: So you can't call a
16 special --

17 CITY ATTORNEY POTTS: Next regular
18 council meeting after the date set in his letter.
19 So, under the statute, the city has -- the City
20 Council has, because they are the body that will
21 select the next mayor, City Council has 30 days
22 from March 18th in which to select that person to
23 be the mayor.

24 And there's not a whole lot of other things
25 that -- that are -- are provided in the statute, but I

1 think everybody just needs to be aware of the fact
2 them between March 18th and April 17th, this
3 council will need to select a mayor. If it is not
4 done within those 30 days, then you have lost the
5 privilege of selecting your mayor and the governor
6 appoints a mayor.

7 COUNCIL MEMBER TUCCI: To -- to that
8 end, I'd -- I'd like to suggest that, obviously I
9 forget what the -- how would you have to be to be
10 mayor. Would any Fowler boys be -- be eligible?

11 MAYOR EBERLE: 21. We just changed
12 it.

13 COUNCIL MEMBER TUCCI: Is it -- is
14 it -- 21; okay. Okay.

15 MAYOR EBERLE: To conform with the
16 state sta -- we didn't have much choice.

17 COUNCIL MEMBER TUCCI: So -- so any
18 resident of Prospect who's 21 years or older is,
19 you know, theoretically eligible, and anyone who is
20 interested, I think, should submit a resume to City
21 Council probably by, what, Monday, March 4th,
22 something like that?

23 That would give the council ample time to look
24 things over. And that should be enough time for
25 anybody who's interested to get something

1 together, so that we're working from -- from some
2 facts not just --

3 COUNCIL MEMBER LEONARD: I think
4 that makes a lot of sense. I think some kind of
5 structured approach to the whole thing makes a lot
6 of sense. If the resume is submitted to the
7 council -- and I, for want of any day, I think
8 March 4 sounds fine, I think it should be done in a
9 sealed envelope, and I think the envelopes should
10 all be opened at the same time by a council
11 member, or by all of the council -- whatever

12 COUNCIL MEMBER TUCCI: M-hm.
13 Sounds like the Academy Awards.

14 COUNCIL MEMBER LEONARD: Yeah, it
15 does.

16 MAYOR EBERLE: I'm not quite sure
17 why --

18 CHIEF SHERRARD: I've got
19 Pricewaterhouse --

20 MAYOR EBERLE: My thought would be
21 that they could send it to the -- to City Hall --

22 COUNCIL MEMBER LEONARD: I think
23 they could --

24 MAYOR EBERLE: -- and --

25 COUNCIL MEMBER LEONARD: -- send it

1 to City Hall. I don't think anybody should open
2 them until after the time has passed.

3 MAYOR EBERLE: I was going to say I
4 could -- we could distribute them, but --

5 COUNCIL MEMBER LEONARD: Yeah. It
6 would -- I wouldn't --

7 MAYOR EBERLE: -- that's fine.

8 COUNCIL MEMBER LEONARD: I -- you
9 could distribute them after March 4th, if that's the
10 date that's selected.

11 MAYOR EBERLE: Okay.

12 COUNCIL MEMBER LEONARD: In other
13 words, I don't think they should be opened as they
14 come in, is what I'm saying.

15 CHIEF SHERRARD: That is a Monday.

16 MAYOR EBERLE: Yeah, March 4th --

17 CHIEF SHERRARD: It is a Monday.

18 MAYOR EBERLE: -- is a Monday.

19 COUNCIL MEMBER LEONARD: Okay.

20 COUNCIL MEMBER BRAB: I just have
21 one question. We've faced this as a city and a
22 council --

23 THE REPORTER: I'm sorry, Mr. Brab.

24 COUNCIL MEMBER BRAB: We faced
25 this, as a city and a council, in the recent past

1 with the passing of Mayor Falk. What was the
2 process so the residents and all of us know, and I
3 think Joe Kehlbeck could chime in on that, Ann,
4 you could chime in on that, what was the process
5 used the last time we had the City Council select
6 an interim mayor?

7 COUNCIL MEMBER SIMMS: I think,
8 Alan, you were part of that.

9 MAYOR EBERLE: Well, essentially --

10 MR. SIMON: The council --

11 MAYOR EBERLE: Votes.

12 MR. SIMON: -- talked and they ca -- they
13 came up with Joe's name and asked Joe to run,
14 basically.

15 MAYOR EBERLE: Well, what -- but the --
16 the ordinances provide for a majority vote of the
17 council.

18 MR. SIMON: Right.

19 MAYOR EBERLE: If someone from the
20 council is the candidate, that person cannot vote
21 for themselves. And the mayor, in this -- in this
22 case would -- the ordinance says the mayor cannot
23 vote. Now that's not going to be a problem.

24 COUNCIL MEMBER TUCCI: Relevant.

25 MAYOR EBERLE: Although I think it's

1 arguable that you could elect someone at --
2 certainly the 30 days is the outside limit. I mean,
3 I don't -- you don't want to wait until the 29th day,
4 but I think March 4th, or -- or earlier date, and I
5 don't know, maybe Grover wants to opine whether
6 you could -- now -- well, whether you could elect a
7 mayor prior to the vacancy officially occurring.

8 COUNCIL MEMBER LEONARD: No, but
9 we don't have to. If the resumes come in --

10 MAYOR EBERLE: No, I'm not --

11 COUNCIL MEMBER LEONARD: -- on
12 those dates --

13 MAYOR EBERLE: I'm just talking --

14 COUNCIL MEMBER LEONARD: But
15 they -- they need time to be looked at and
16 evaluated. I think we need time to decide if we're
17 going to do interviews, if that's necessary and --
18 for whatever reason. And the outside date is the
19 April meeting. So we do have time to get these
20 things done.

21 MAYOR EBERLE: Well, yeah, 30 days
22 after March 18th.

23 COUNCIL MEMBER LEONARD: After the
24 regular meeting in March.

25 MAYOR EBERLE: March 18 --

1 COUNCIL MEMBER LEONARD: Uh-huh.

2 MAYOR EBERLE: -- yeah. Whatever that
3 would be, yeah.

4 COUNCIL MEMBER BRAB: Also,
5 anything that happens with any kind of council
6 meetings, we must be very -- our council members
7 speaking about anything, looking at the -- we have
8 to be very careful about opening -- open meeting
9 requirements.

10 CITY ATTORNEY POTTS: Right. If -- if
11 a majority of the council -- and that would be a
12 quorum, which is four of this six-person council, if
13 you are together discussing this, it's got to be an
14 open meeting, it's got to be properly advertised,
15 posted, et cetera.

16 One thing you may want to consider doing
17 tonight, and that is that there will need to be
18 someone of you who will be the chair of the
19 meeting in March, because Todd will not be in this
20 role, and the ordinances provide that you will elect
21 one of your own to chair the meeting.

22 COUNCIL MEMBER MILES: Well, I
23 nominate Councilwoman Tucci.

24 MAYOR EBERLE: As our senior --

25 COUNCIL MEMBER MILES: Senior

1 council member.

2 MAYOR EBERLE: -- longest serving.

3 COUNCIL MEMBER TUCCI: He's rubbing
4 that in.

5 MAYOR EBERLE: You know, longest
6 serving.

7 MS. SPEAKER: That was not well stated.

8 COUNCIL MEMBER TUCCI: That was
9 [phonetic] abuse, you know. It's terrible.

10 MAYOR EBERLE: Longest serving
11 member.

12 CITY ATTORNEY POTTS: Yeah, she can,
13 but she just can't vote on it. That's correct.

14 MR. SPEAKER: I'm just saying, your
15 ordinance, if you're in the honorary position --

16 CITY ATTORNEY POTTS: You -- you
17 can't vote on the ordinance, but that's okay.

18 COUNCIL MEMBER TUCCI: I think
19 probably that motion will pass, I'm guessing,
20 informally, up and down the council here, and you
21 won't need my vote.

22 COUNCIL MEMBER LEONARD: Can she
23 table it if it looks like it's in trouble?

24 CITY ATTORNEY POTTS: She can table
25 it.

1 COUNCIL MEMBER LEONARD: Okay.

2 COUNCIL MEMBER TUCCI: That would
3 push it too far, though. That would be --

4 COUNCIL MEMBER MILES: We can have
5 a special meeting after the mayor is selected.

6 COUNCIL MEMBER LEONARD: That's
7 right.

8 MAYOR EBERLE: It does say "regular
9 meeting," and I think that that would -- I think you
10 have to look -- I'm sure there was some discussion
11 in the legislative history about the fact that the
12 word "regular" is in there rather than "special."

13 MR. SPEAKER: I guess the question is
14 how many people you get --

15 MAYOR EBERLE: To -- probably to
16 prevent a bang, bang, bang, you know.

17 COUNCIL MEMBER LEONARD: I guess
18 one other question that comes up in regard to the
19 mayorship is how do we let people know? I mean,
20 we have a --

21 MAYOR EBERLE: Well, the --

22 COUNCIL MEMBER LEONARD: -- lovely
23 audience tonight, but are we going to put
24 something in the newsletter?

25 MAYOR EBERLE: Yeah, it'll be on the

1 front page of the --

2 COUNCIL MEMBER LEONARD: Okay.

3 MAYOR EBERLE: -- newsletter.

4 COUNCIL MEMBER LEONARD: With a

5 date --

6 MAYOR EBERLE: We will have it by the
7 end of the week.

8 CITY ATTORNEY POTTS: Before we
9 move on, do we have a second for Ms. Tucci
10 being --

11 COUNCIL MEMBER BRAB: Second.

12 CITY ATTORNEY POTTS: Second?

13 MS. SPEAKER: Second.

14 CITY ATTORNEY POTTS: You need to
15 call for a vote on that.

16 MAYOR EBERLE: Right; okay.

17 COUNCIL MEMBER TUCCI: What are we
18 calling for a vote on?

19 MAYOR EBERLE: Can she vote?

20 CITY ATTORNEY POTTS: She cannot
21 vote.

22 MAYOR EBERLE: Okay. I'll start with
23 Council Member Miles.

24 COUNCIL MEMBER MILES: Yes, or here,
25 or whatever the. . .

1 COUNCIL MEMBER BRAB: Yes.

2 COUNCIL MEMBER BOWLING: Yes.

3 COUNCIL MEMBER SCOTT: Yes.

4 COUNCIL MEMBER LEONARD: Yes.

5 MAYOR EBERLE: Okay. Do we need a
6 motion for. . .

7 COUNCIL MEMBER TUCCI: I have
8 another question.

9 MAYOR EBERLE: I can just do it
10 informally, Sandy.

11 COUNCIL MEMBER TUCCI: Yeah, I just
12 got some -- some prompting from the police chief
13 that is really relevant, which is that should we
14 consider background checks for candidates, for
15 perspective candidates?

16 MAYOR EBERLE: There are regulations
17 as to what background checks --

18 COUNCIL MEMBER TUCCI: Of course --

19 MAYOR EBERLE: -- what you can --

20 COUNCIL MEMBER TUCCI: -- everybody
21 who --

22 MAYOR EBERLE: -- what you can do --

23 COUNCIL MEMBER TUCCI: -- serves on
24 council --

25 MAYOR EBERLE: -- anymore. You know,

1 you --

2 COUNCIL MEMBER TUCCI: -- serves
3 without a background check. I mean --

4 MAYOR EBERLE: -- You can't do it
5 because --

6 COUNCIL MEMBER TUCCI: -- you don't
7 know.

8 MAYOR EBERLE: You can't do it
9 because you -- you'd -- you'd like to find a way to
10 really dislike your neighbor.

11 COUNCIL MEMBER TUCCI: No.

12 MAYOR EBERLE: All right? So, I don't
13 know.

14 COUNCIL MEMBER LEONARD: I think
15 that --

16 MAYOR EBERLE: I mean, I don't --

17 COUNCIL MEMBER LEONARD: --
18 depends, truthfully. If we're looking at a Prospect
19 resident whose been here any significant length of
20 time --

21 COUNCIL MEMBER TUCCI: We probably
22 already --

23 COUNCIL MEMBER LEONARD: We're
24 probably okay not doing it.

25 MAYOR EBERLE: I'm not -- I'm --

1 COUNCIL MEMBER LEONARD: We've
2 got somebody whipped in last month maybe we
3 should think about.

4 COUNCIL MEMBER TUCCI: Well, but --
5 but practically speaking, somebody who whipped in
6 last month we probably would not choose, so the --
7 that might be --

8 COUNCIL MEMBER LEONARD: Possibly
9 not.

10 COUNCIL MEMBER TUCCI: -- irrelevant.

11 COUNCIL MEMBER LEONARD: It
12 might -- that's true.

13 COUNCIL MEMBER BRAB: I think we
14 should have the same requirements for everybody.

15 COUNCIL MEMBER TUCCI: Exactly.

16 MR. SPEAKER: Yeah.

17 MAYOR EBERLE: Right. It has to be the
18 same requirements for everybody.

19 COUNCIL MEMBER TUCCI: But -- but
20 none of -- but none of us passed a background
21 check when we ran for council.

22 COUNCIL MEMBER LEONARD: That's
23 true.

24 MAYOR EBERLE: Right. And --

25 COUNCIL MEMBER BRAB: That's my

1 point.

2 COUNCIL MEMBER TUCCI: Yeah. Yeah.

3 COUNCIL MEMBER MILES: I don't think
4 we should raise the bar higher than if somebody
5 were to be ran for office as mayor.

6 MAYOR EBERLE: I think you could you
7 argue --

8 COUNCIL MEMBER LEONARD: That's
9 good point, that really is.

10 MAYOR EBERLE: -- that the ordinance
11 and the state law providing qualifications for a
12 mayor of a third-class city are the only
13 qualifications you can require. I mean, if you find
14 a bankruptcy in somebody's history, if you find a
15 divorce, or if you find multiple traffic arrests, I'm
16 not sure that that -- are you going to start a -- are
17 you going to establish a standard as to what
18 disqualifies you, because I don't think you can do
19 that.

20 COUNCIL MEMBER TUCCI: I already
21 thought as we were --

22 COUNCIL MEMBER BRAB: Half the
23 assembly in Frankfort would be gone.

24 MAYOR EBERLE: So I think that's a
25 slippery slope.

1 COUNCIL MEMBER TUCCI: Yeah.

2 MR. SPEAKER: Here, here.

3 MAYOR EBERLE: But with the approval
4 of council I will use that December -- I mean,
5 March 4th thing.

6 COUNCIL MEMBER LEONARD: March 4th
7 at 5:00, or 6:30.

8 MAYOR EBERLE: Well, close of
9 business, which is --

10 COUNCIL MEMBER LEONARD: Close of
11 business.

12 MAYOR EBERLE: Well, that's a Monday.
13 Do you want to change it then, because it's 6:30

14 COUNCIL MEMBER LEONARD: It doesn't
15 matter. Just pick 5:00.

16 COUNCIL MEMBER BRAB: I think that if
17 we have these it's just a point, and then it's a --
18 it's a very important issue for the city and
19 residents. I believe we need to establish council
20 process we want, and it should be in writing,
21 however we do that, at the next council meeting.
22 How the selection process is going to be handled.

23 MAYOR EBERLE: But for now I'm going
24 to put an article in the newsletter that says March
25 4th at 5:00, and then we'll hold them and you-guys

1 can have a meeting whenever you want. That --
2 that can be a special meeting.

3 COUNCIL MEMBER BRAB: Yeah. I just
4 think we need to have a --

5 MR. SPEAKER: I -- I think that's an
6 excellent idea, because it could be chaotic.

7 MAYOR EBERLE: Well, I don't think it
8 needs to be, but it. . .

9 COUNCIL MEMBER LEONARD: Well, but
10 it isn't really chaotic. I mean, I think all of us
11 separately need to evaluate whatever we get, and
12 then separately peach candidate would be voted
13 on, period. I mean, I -- I can't see -- whoev --
14 whatever name comes out.

15 MAYOR EBERLE: Yeah. Well, if -- if
16 you're -- if the -- if the envelopes are going to
17 remain closed and not distributed --

18 COUNCIL MEMBER LEONARD: No, no,
19 until after 5:00 on the 4th.

20 MAYOR EBERLE: But don't you -- di --
21 don't you want to open them together? Is that the
22 idea? So you're going to have to call a --

23 COUNCIL MEMBER LEONARD: Not
24 necessarily.

25 MAYOR EBERLE: You're going to have

1 to -- you're going to have call --

2 COUNCIL MEMBER LEONARD: No.

3 MAYOR EBERLE: -- a special meeting.

4 COUNCIL MEMBER LEONARD: I don't
5 want to open them together, because I really want
6 time to really go over them.

7 COUNCIL MEMBER TUCCI: I think,
8 though, Sandra, perhaps you just misspoke --

9 MAYOR EBERLE: I don't understand.

10 COUNCIL MEMBER TUCCI: -- when we
11 vote on them separately. That would mean if we
12 had ten candidates --

13 COUNCIL MEMBER LEONARD: I -- right.

14 COUNCIL MEMBER TUCCI: -- we would
15 have ten votes.

16 COUNCIL MEMBER LEONARD: I did
17 misspeak.

18 COUNCIL MEMBER TUCCI: You've got
19 all ten, and then you vote once.

20 COUNCIL MEMBER LEONARD: Yeah, I --
21 I would see somebody coming up and saying, "I
22 like Joe Schmidlap the best," and somebody else is
23 either going to second that or not.

24 MAYOR EBERLE: Well, the process
25 we're talking about is not bound by any legal --

1 any statutes or ordinances, it is -- it is an attempt
2 to have an orderly process and have a -- have a
3 cut-off date, and, quite honestly, it -- it's to get
4 the information to you, to the council. If we don't
5 follow that procedure, I mean, I -- I don't -- I don't
6 think it should be a written procedure.

7 Then -- then you get yourself in a situation if
8 something happens that it didn't happen exactly
9 what -- you know, then someone can challenge it
10 and you're going to be here forever, so. . . But
11 I'm -- I'm fine on us -- March 4th, and we'll hold
12 them.

13 CITY ATTORNEY POTTS: Well, I think --
14 I think at -- at March 4th at 6:30, I think that the
15 mayor, who will still be the mayor that day, and
16 the city administrator should open the envelopes
17 and provide a copy of each resume to each
18 member --

19 MAYOR EBERLE: Each council --

20 CITY ATTORNEY POTTS: -- of the
21 council.

22 COUNCIL MEMBER LEONARD: M-hm.

23 COUNCIL MEMBER TUCCI: M-hm.

24 MAYOR EBERLE: I mean that's. . .

25 Well, I -- I can handle --

1 CITY ATTORNEY POTTS: You will
2 have -- you will then have two weeks to review
3 those --

4 MAYOR EBERLE: We can hand deliver
5 them.

6 CITY ATTORNEY POTTS: -- before you
7 have your next council meeting --

8 COUNCIL MEMBER LEONARD: That's
9 true.

10 CITY ATTORNEY POTTS: -- and at that
11 council meeting then you can decide what process
12 or procedure you want to go through to determine
13 from those submissions will be your next mayor.

14 COUNCIL MEMBER TUCCI: So the next
15 council meeting will not be the meeting at which
16 we select a mayor.

17 CITY ATTORNEY POTTS: That is
18 correct.

19 COUNCIL MEMBER TUCCI: Okay.

20 MAYOR EBERLE: It'll be -- it will be --
21 the next regular council meeting will be the council
22 meeting at which the 30 days starts to toll.

23 COUNCIL MEMBER TUCCI: M-hm.

24 COUNCIL MEMBER BOWLING: If we
25 wanted to have a special meeting between when we

1 got the resumes and -- and the March -- the
2 regular meeting, what -- what's the time period for
3 posting?

4 CITY ATTORNEY POTTS: Three days.

5 COUNCIL MEMBER BOWLING: Three
6 days? Okay.

7 MR. SPEAKER: Three days?

8 MAYOR EBERLE: No; 24 hours.

9 MR. SPEAKER: 24 hours; okay.

10 MAYOR EBERLE: Unless it's different
11 from a special, but the normal open -- open
12 meetings act is 24.

13 COUNCIL MEMBER LEONARD: Who do
14 we notify when we do that?

15 CITY ADMINISTRATOR SIMMS: The
16 press.

17 COUNCIL MEMBER LEONARD: The
18 press?

19 CITY ADMINISTRATOR SIMMS: You --

20 COUNCIL MEMBER LEONARD: We post
21 it outside.

22 CITY ADMINISTRATOR SIMMS: M-hm.

23 MAYOR EBERLE: Yeah.

24 COUNCIL MEMBER LEONARD: And who
25 else?

1 MAYOR EBERLE: It's just -- it's -- yeah.

2 CITY ADMINISTRATOR SIMMS: It's
3 pretty simple, really. Not a very difficult thing to
4 do.

5 COUNCIL MEMBER LEONARD: How do
6 we let citizens know?

7 COUNCIL MEMBER TUCCI: With an
8 email blast.

9 CITY ADMINISTRATOR SIMMS: Well,
10 that -- I mean, that is not easy.

11 MAYOR EBERLE: Well, a lot of the -- a
12 lot of the meetings are in the calendar, but, yeah,
13 the --

14 CITY ADMINISTRATOR SIMMS: The
15 special ones --

16 MAYOR EBERLE: -- the statute
17 requires -- yeah.

18 COUNCIL MEMBER MILES: I have two
19 questions. In -- so Councilwoman Tucci will reside
20 over the next council meeting.

21 COUNCIL MEMBER BRAB: Preside.

22 COUNCIL MEMBER MILES: Preside.

23 COUNCIL MEMBER BRAB: She cannot
24 live here.

25 [laughter]

1 COUNCIL MEMBER MILES: Preside over
2 the next council meeting.

3 COUNCIL MEMBER LEONARD: Now,
4 Todd lived here, that's why he go the --

5 COUNCIL MEMBER MILES: That's right.
6 Exactly. That's what I'm thinking.

7 And -- but that will not be the council meeting
8 where we make the decision.

9 CITY ATTORNEY POTTS: That is
10 correct.

11 COUNCIL MEMBER MILES: Okay. So, at
12 that meeting we will decide who will preside over
13 the council meeting for which a mayor will be
14 selected.

15 CITY ATTORNEY POTTS: Or Ms. Tucci
16 is -- would be -- could be continued and --

17 COUNCIL MEMBER MILES: Okay.

18 COUNCIL MEMBER TUCCI: But if I were,
19 then I would have lost my --

20 COUNCIL MEMBER MILES: That's my
21 next questions.

22 COUNCIL MEMBER TUCCI: -- power to
23 even vote.

24 CITY ATTORNEY POTTS: To vote for
25 yourself.

1 COUNCIL MEMBER MILES: Right. Or to
2 vote for anybody.

3 COUNCIL MEMBER TUCCI: Or to vote
4 for anybody.

5 MAYOR EBERLE: No, no. I don't
6 think. . .

7 MS. SPEAKER: No, because I --

8 MAYOR EBERLE: No. Because it's the
9 mayor that can't --

10 MS. SPEAKER: Right.

11 MAYOR EBERLE: -- do that. You would
12 be a presiding officer.

13 COUNCIL MEMBER TUCCI: Okay.

14 MAYOR EBERLE: You're different.

15 COUNCIL MEMBER LEONARD: In fact,
16 there's something in --

17 MAYOR EBERLE: Chairing the committee
18 as a whole.

19 COUNCIL MEMBER LEONARD: -- that
20 says that you --

21 COUNCIL MEMBER TUCCI: Yes.

22 COUNCIL MEMBER LEONARD: -- could
23 vote. There is.

24 MS. SPEAKER: She's right.

25 MAYOR EBERLE: Well, I mean, if you

1 can't vote, let her resign right now.

2 CITY ATTORNEY POTTS: And -- and if
3 there are any members of the City Council who
4 want to be considered for this, you're going to
5 have to go through the same process --

6 MAYOR EBERLE: Oh, well. . .

7 CITY ATTORNEY POTTS: -- by
8 submitting your resume by the -- 6:30 on the --
9 March the 4th.

10 COUNCIL MEMBER LEONARD: And
11 could not violent for yourself, but could vote for
12 others.

13 CITY ATTORNEY POTTS: That's correct.

14 MAYOR EBERLE: Yes.

15 COUNCIL MEMBER TUCCI: Right.

16 MAYOR EBERLE: That's correct. And
17 the mayor cannot, but in this case that's -- that's
18 moot.

19 CITY ATTORNEY POTTS: It's a
20 non-issue because you're not there, so there is no
21 mayor.

22 COUNCIL MEMBER MILES: Yeah. My
23 second question, and it's -- it's a request, and I
24 know no one would do this, but I just need to say
25 it, but if we do decide to have a special meeting to

1 select the mayor, that we make sure that all the
2 council members could attend that meeting
3 whenever it would be. Agreed?

4 MAYOR EBERLE: Okay. I see what
5 you're saying.

6 COUNCIL MEMBER BRAB: I would
7 suggest to the council that we do set a special
8 meeting in between the March and the April
9 meeting, because we may not come out of that
10 special meeting with a consensus, so we don't
11 want to come up against it and have a big ten-hour
12 meeting on the 19th, or the ei -- whatever it is, the
13 18th, and we're up against a time limit. I think we
14 should try and have a special meeting so we have
15 adequate time to discuss if necessary.

16 COUNCIL MEMBER TUCCI: This is like
17 the problem the Card -- the College of Cardinals is
18 having.

19 COUNCIL MEMBER BRAB: Exactly.

20 CITY ATTORNEY POTTS: It is.

21 COUNCIL MEMBER LEONARD: Except
22 we don't have a chimney.

23 COUNCIL MEMBER BRAB: We'll use
24 green smoke.

25 COUNCIL MEMBER TUCCI: Green

1 smoke. Okay.

2 [laughter]

3 COUNCIL MEMBER SCOTT: Burn a tree.

4 COUNCIL MEMBER BRAB: Does that --
5 does that make sense to the council, we have a
6 special meeting in between the March and the April
7 regular-scheduled meeting that everybody is able
8 to attend?

9 COUNCIL MEMBER TUCCI: Sure.

10 COUNCIL MEMBER MILES: How -- I'm
11 starting to think how we could coordinate that. I
12 guess --

13 CITY ADMINISTRATOR SIMMS: Would
14 you want it that night of the council meeting? In
15 public you could decide what night it was going to
16 be.

17 COUNCIL MEMBER TUCCI: There you
18 go.

19 COUNCIL MEMBER MILES: Everybody
20 bring your calendars to the next council meeting
21 and we can decide at that. . .

22 CITY ADMINISTRATOR SIMMS: I think
23 it's important.

24 MAYOR EBERLE: Now, I'm thinking that
25 on March 18th, what the council is really doing is

1 confirming the vacancy. But that's a -- could you
2 vote then? I'm not saying that's a good idea, but
3 could -- could you vote then, and have -- and then
4 have the mayor be -- take office?

5 COUNCIL MEMBER LEONARD: You
6 could vote then. The only --

7 MAYOR EBERLE: Because --

8 COUNCIL MEMBER LEONARD: -- issue
9 is whether we've decided.

10 MAYOR EBERLE: Right. I understand
11 that.

12 COUNCIL MEMBER LEONARD: Which is
13 what Bill's saying.

14 MAYOR EBERLE: But I was thinking I
15 heard somebody say that you can't make the
16 decision on March the 18th. I think you could make
17 the decision --

18 COUNCIL MEMBER MILES: Right.

19 MAYOR EBERLE: -- from -- anytime from
20 March 18th on out.

21 COUNCIL MEMBER LEONARD: Any --
22 actually --

23 MAYOR EBERLE: Well, and until --

24 COUNCIL MEMBER LEONARD: --
25 anytime after --

1 MAYOR EBERLE: -- 30 days --

2 COUNCIL MEMBER LEONARD: -- March
3 4th time period.

4 MAYOR EBERLE: Okay.

5 COUNCIL MEMBER MILES: And one last
6 question: I'm assuming that the city administrator,
7 after the mayor leaves, would re -- would run the
8 city in the mayors absence, and is there anything
9 that as a -- as a group --

10 MAYOR EBERLE: I mean, I could do
11 that --

12 COUNCIL MEMBER MILES: -- that we
13 need to do around that?

14 MAYOR EBERLE: I issued an executive
15 order to that effect when I had my surgery. And --
16 and, so, I could do that again. And that -- and
17 that would -- well, the order would say until --
18 until a new mayor is selected. Or until an
19 intervening executive order is -- well, no, that
20 couldn't happen, because you wouldn't have a
21 mayor.

22 [laughter]

23 COUNCIL MEMBER LEONARD: No, but
24 we could go --

25 MAYOR EBERLE: On a lighter note, we

1 do --

2 COUNCIL MEMBER LEONARD: -- could
3 we go ahead and do something that would allow
4 her to do that in this interim period of time?

5 MAYOR EBERLE: Pardon?

6 COUNCIL MEMBER LEONARD: In other
7 words, since you can't -- you wouldn't be around to
8 do an executive order, could we do something --

9 MAYOR EBERLE: No, I -- I can do right
10 now. I can do it.

11 COUNCIL MEMBER LEONARD: Right;
12 but -- but your period ends on your date of
13 resignation. Couldn't we do something to extend it
14 until a new mayor is appointed?

15 COUNCIL MEMBER MILES: I think it
16 would -- it would --

17 MR. SPEAKER: His executive order, I
18 think, is still going to be valid.

19 COUNCIL MEMBER LEONARD: Okay.

20 MAYOR EBERLE: Right.

21 COUNCIL MEMBER LEONARD: Even
22 though he's no longer in operation?

23 MAYOR EBERLE: Right. No, it wouldn't
24 expire. You know, just like, you know.

25 COUNCIL MEMBER LEONARD: Not like a

1 power of attorney, huh?

2 COUNCIL MEMBER TUCCI: No. It's
3 like -- just like when --

4 MAYOR EBERLE: Well, just like when --

5 COUNCIL MEMBER TUCCI: -- when
6 Truman integrated the -- the armed services,
7 that -- that didn't go away when he left office. The
8 integration --

9 COUNCIL MEMBER LEONARD: No, but
10 like a --

11 COUNCIL MEMBER TUCCI: -- continued.

12 COUNCIL MEMBER LEONARD: -- Power
13 of attorney does go away when the person --

14 COUNCIL MEMBER TUCCI: Yeah, but
15 this is --

16 COUNCIL MEMBER LEONARD: -- doing
17 it dies.

18 COUNCIL MEMBER TUCCI: -- an
19 executive order rather than a power of attorney.

20 MAYOR EBERLE: Well -- well, just like
21 when --

22 COUNCIL MEMBER LEONARD: Yeah, I
23 see what you're saying.

24 MAYOR EBERLE: -- the -- when the --
25 when the former mayor passed away, any executive

1 order that he had issued --

2 COUNCIL MEMBER LEONARD: Was still
3 in effect.

4 MAYOR EBERLE: -- was still in effect.
5 Now, you -- you -- you can put a --

6 MR. SPEAKER: And they can reject it or
7 save it.

8 MAYOR EBERLE: Yeah. Well, yeah,
9 you -- you can -- you can put a sunset in the
10 executive order.

11 CITY ATTORNEY POTTS: Right.

12 MAYOR EBERLE: Or you can put, you
13 know -- and --

14 CITY ATTORNEY POTTS: Until the new
15 mayor's elected.

16 MAYOR EBERLE: That's probably
17 unwise, but you could. I think it ought to just go
18 until -- because what you're trying to do is have
19 someone who can sign things until your new Mayor
20 gets in.

21 We do have -- we did revise this brochure if
22 anyone here -- the residents got from the city. It
23 used to be the newcomers guide, and then I
24 decided that -- that there's a lot of information in
25 there that we can't assume that you're not -- just

1 because you're -- you're not a newcomer that --
2 that you're kept up on -- and so, that's a kind of
3 a -- we -- we've updated that with the new council
4 members.

5 And also the Birds of Prospect brochure,
6 which is on the back. Thanks to Carol and Paul
7 McAllister, who are now residing in Columbia,
8 Missouri, so. . .

9 I will entertain -- I will entertain a motion to
10 adjourn

11 COUNCIL MEMBER BRAB: So moved.

12 COUNCIL MEMBER LEONARD: Second.

13 MAYOR EBERLE: Brab and Leonard.

14 Those in favor signify by saying "aye."

15 COUNCIL MEMBERS: Aye.

16 MAYOR EBERLE: Opposed by "nay."

17 COUNCIL MEMBERS: [no response]

18 MAYOR EBERLE: And we are adjourned.

19 [WHEREUPON, the City Council Meeting
20 concludes at 8:18 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

GIVEN under my hand and Notarial seal this
_____ day of _____, 2013.

.

My Commission Expires: Notary Public

.

AUGUST 27, 2013 .

.

Notary ID: 402347

.

.

<u>WORD INDEX</u>			
< \$ > \$72,110 40:13	2013 1:23 2:3, 5 4:5 38:13 82:17, 21 21 43:11 50:11, 14, 18 24 68:8, 9, 12 25th 8:20 27 82:21 27th 13:15 29th 54:3	< 7 > 7.0 39:3 7:00 18:10, 12 21:19 71 24:4 7-1 42:12 75 8:13 75th 3:14	add 44:25 45:19 added 32:18 adds 33:8 adequate 73:15 adjoining 18:22 adjourn 80:10 adjourned 80:18 administer 47:18 administration 6:25 Administrator 6:21 8:22 10:1 19:23 20:2, 5, 8, 13, 24 66:16 68:15, 19, 22 69:2, 9, 14 74:13, 22 76:6 adopted 4:21 advance 2:11 advertised 23:5 55:14 advised 21:24 advisory 12:22 13:20 affect 45:6 affluent 34:25 afraid 13:11 agencies 25:19 agenda 3:24 4:1, 3 7:10, 13 18:7 agendas 3:25 ago 3:6 25:1 33:25 34:22 agree 20:24 41:8 46:4 agreed 7:17 73:3 ahead 32:16 77:3 aim 37:17 Alan 36:3, 12 53:8 alarms 24:9 allow 10:6 18:14 23:20 77:3 alternative 10:12 amended 38:20 Amending 38:14 Amount 38:24 44:25 46:19
< 1 > 1 38:18 42:16 44:20, 21 10 42:11, 11 100 44:19 47:9, 11, 23 48:2, 3, 7 103rd 4:23 5:3 109 2:17 3:1, 17 10th 26:24 113 38:14, 19 113.03 38:19 120 44:15 13.03 38:24 14th 4:5, 21 1500 12:5 16,000's 27:25 17 27:13 17th 50:2 18 1:23 2:3 27:13 54:25 18A 39:19 18A.225 39:17 18A.228 39:17 18th 2:5 39:24 47:7 49:10, 22 50:2 54:22 73:13 74:25 75:16, 20 1946 3:10 19th 73:12 1st 47:12	< 3 > 30 24:12 49:6, 21 50:4 54:2, 21 67:22 76:1 32 24:12 < 4 > 4 51:8 402347 82:23 4-1 41:11 42 8:25 10:3 23:12 48 40:17 4th 50:21 52:9, 16 54:4 63:5, 6, 25 64:19 66:11, 14 72:9 76:3	< 8 > 8 11:21 8:18 80:20 < 9 > 92 8:6 9th 5:23 49:5 < A > able 5:8 6:2, 4 8:9 15:14 25:10 32:2 74:7 absence 76:8 abuse 56:9 abutting 18:23 Academy 51:13 acceptable 26:7 accessible 14:15 32:19, 22 accidents 23:14, 15 accomplishment 32:7 33:3, 5 accomplishments 32:15 accreditation 25:18, 20 26:1, 4 29:11 accurate 82:9 Act 39:14 68:12 acting 21:10 active 3:1 5:9 6:1 11:25 13:4 activities 24:8 activity 24:4 actual 40:9 Adams 9:25	
< 2 > 2 39:17, 20 41:11 42:12 20 24:13 2004 5:12 2006 5:12 2007 11:21 2010 5:14 2011 12:20 30:21 2012 10:3	< 5 > 5 42:10, 15, 16 5:00 63:7, 15, 25 64:19 500 47:14, 15 50th 3:7 52.2 8:13 525 38:13 < 6 > 6 42:13, 14, 16 46:15, 18 6:30 63:7, 13 66:14 72:8 6212 36:3 6th 9:23		

ample 50:23
analysis 40:12
Ann 6:21 10:1
 53:3
anniversary 3:7
anomaly 24:6
anybody 20:21, 23
 30:3 45:6 50:25
 52:1 71:2, 4
anymore 59:25
anytime 75:19, 25
apparently 15:10
appeals 13:18
appearance 14:24
applause 13:2
 22:5 33:16, 18
 36:13
application 23:10
applied 23:6
applying 23:1
appointed 12:22
 77:14
appoints 50:6
appreciate 13:4, 10
 16:6 17:5 32:3
 35:22 36:10
approach 51:5
appropriate 48:20
approval 4:3, 15
 39:21 63:3
approved 12:3
approximately
 40:13
April 50:2 54:19
 73:8 74:6
Arbor 12:17
areas 17:2 24:25
 32:11 35:13
arguable 54:1
argue 45:18 62:7
armed 78:6
arrest 26:17, 25
arrested 27:5
arrests 23:24
 26:16, 16 62:15
article 34:20 63:24

ash 12:6, 6 34:23
 35:4, 11
asked 53:13
assembly 62:23
Assistant 3:10 7:2,
 23 10:2 22:3 25:5
 29:6, 9
associated 6:20
assume 3:25 79:25
assuming 76:6
attempt 66:1
attempted 27:6
attend 2:23 73:2
 74:8
ATTORNEY 19:2, 5,
 8, 11, 17, 21 20:1, 4,
 7, 10 42:21, 22, 23,
 25 48:19, 22, 25
 49:3, 14, 17 55:10
 56:12, 16, 24 58:8,
 12, 14, 20 66:13, 20
 67:1, 6, 10, 17 68:4
 70:9, 15, 24 72:2, 7,
 13, 19 73:20 78:1,
 13, 19 79:11, 14
attorneys 82:13
audience 17:24
 57:23
audit 24:18 28:19
 42:4
AUGUST 82:21
authorized 39:8
award 11:5 12:19
 30:22 31:2
awards 30:20
 51:13
aware 5:4 50:1
aye 4:15, 16 80:14,
 15
< B >
back 2:8 3:20 4:1
 7:1 15:4 17:7, 12
 18:25 26:23 27:2
 34:20 37:4 38:8, 9

41:24 45:1 46:24
 80:6
background 59:14,
 17 60:3 61:20
Baden-Powell 3:16
badge 2:21, 22
ballgame 27:12
bang 57:16, 16, 16
bankruptcy 62:14
banners 31:16
Baptist 18:10
bar 62:4
basic 26:18 37:21
Basically 8:19
 23:20 53:14
basis 41:21
Beach 9:8, 12
beautiful 11:17
 14:14
behalf 12:24
believe 3:7 63:19
belong 33:9
belt 23:17
belts 23:17
benefit 39:18
benefits 46:20
best 5:25
best, 65:22
better 15:15 16:20
 25:16 33:14
beyond 33:6, 7
big 41:14 45:21
 73:11
bike 14:1
bikes 14:1
Bill 4:9 45:17
Bill's 75:13
Birds 80:5
bit 15:15, 23
blast 69:8
blasts 9:6
blowing 32:10
Board 6:10, 11
 10:17 11:7, 10, 20,
 24 12:25 13:5, 15,

18
boards 6:8
boardwalk 13:21,
 24 16:15
body 21:10 49:20
book 17:19
books 17:19
borer 12:6 34:23
bottom 14:20
bound 44:19 65:25
Bowl 27:11
BOWLING 59:2
 67:24 68:5
Boy 2:8, 12, 13
 16:19, 21
boys 50:10
BRAB 4:8, 9 40:5,
 7, 15, 19 43:8, 11,
 15, 20, 23 44:1, 6,
 10, 22 45:15 46:9,
 13, 17 47:5 52:20,
 23, 24 55:4 58:11
 59:1 61:13, 25
 62:22 63:16 64:3
 69:21, 23 73:6, 19,
 23 74:4 80:11, 13
Brandon 27:1
breathing 41:2
bridge 9:1, 10, 14,
 17
brief 48:7
bring 36:22 74:20
Bristol 18:17
brochure 79:21
 80:5
brochures 12:14
buddy 36:10
budget 10:14
budgeted 8:13, 14
build 18:13
building 13:25
Bullock 10:2
Burglar 24:9
burglary 26:23
Burn 74:3

business 36:16, 21,
24, 25 39:7 40:1,
10 45:20 48:6, 18
63:9, 11

< C >

ca 53:12

calendar 39:4

69:12

calendars 74:20

call 2:4 4:14 7:5

16:7 24:5 28:20

34:18 49:15 58:15

64:22 65:1

called 21:1, 19

24:7

calling 58:18

Calls 23:25

campaign 44:15

candidate 53:20

64:12

candidates 59:14,

15 65:12

canopy 32:18

35:12

capabilities 12:21

caption 82:8

Card 73:17

Cardinals 73:17

care 12:13

careful 55:8

Carol 17:25 18:6

80:6

case 21:13 26:25

27:9 43:3 45:22

47:20 53:22 72:17

cases 25:6 32:5

cash 41:21

catch 38:4

caught 27:7

caused 39:13

cedar 14:13

center 18:16

cents 43:12

certainly 3:19

20:6 54:2

CERTIFICATE 82:1

certify 82:5, 11

cetera 55:15

chair 6:10, 11, 12,

13, 14, 15 7:17

16:1 17:17 55:18,

21

Chairing 71:17

challenge 66:9

champion 12:19

30:18

chance 25:8 41:15

change 18:14, 21

21:4, 6, 7, 16 35:1

45:23 47:10 63:13

changed 47:17

50:11

changes 8:11

21:11, 12

chaotic 64:6, 10

Chapter 8:6 38:14,

18

charged 27:10

Cheatham 27:1, 2, 4

check 60:3 61:21

checked 30:16

checks 22:22

59:14, 17

Chief 6:22 7:2, 4,

22, 23 8:21 22:3, 9,

15, 15, 20 25:5

28:7, 12, 14, 17, 23

29:2, 6, 7, 8, 9, 18,

22 51:18 52:15, 17

59:12

child 26:13, 15

chime 53:3, 4

chimney 73:22

choice 50:16

choose 61:6

chunk 46:7

Church 2:18 18:11,

11 33:9

circle 21:23

citations 22:24

23:9

Cities 24:19 28:16

30:22, 24 35:1

42:14 47:15

citizen 6:2 7:20

30:12, 13 46:20

citizens 5:18

14:16 18:20 30:5

36:15 45:7 69:6

citizenship 20:18

CITY 1:4, 13 2:1, 2,

6, 6 3:6, 22 4:4

5:10, 11, 17, 20 6:3,

7, 17, 21 8:22 9:23,

24, 25 10:1 11:5

12:15, 18 17:1

18:19 19:2, 5, 8, 11,

17, 21, 23 20:1, 2, 4,

5, 7, 8, 10, 13, 24

21:9 23:23 25:15

30:3 31:8, 24, 25

33:7, 13 34:3, 5

35:4, 12 37:17, 24,

25 38:12, 15, 18, 20

39:7 42:15, 21, 23,

25 44:16 48:19, 22,

25 49:3, 14, 17, 19,

19, 21 50:20 51:21

52:1, 21, 25 53:5

55:10 56:12, 16, 24

58:8, 12, 14, 20

62:12 63:18 66:13,

16, 20 67:1, 6, 10,

17 68:4, 15, 19, 22

69:2, 9, 14 70:9, 15,

24 72:2, 3, 7, 13, 19

73:20 74:13, 22

76:6, 8 79:11, 14,

22 80:19

city's 11:22

classes 39:7

clear 38:2 42:3

clerk 6:24, 24 7:1

42:1

Click 23:3

client 45:21, 22

close 17:14 35:13

63:8, 10

closed 64:17

closures 8:17

club 27:19

Code 6:10 7:19,

24 8:4 13:14, 18

26:19 38:14, 19

coffers 23:23

cold 27:20 37:18

collect 31:17 43:11

collected 8:13 39:4

College 73:17

Columbia 80:7

com 47:17

come 3:20, 20

9:18 10:5 13:5

23:22 24:20 45:21,

22 52:14 54:9

73:9, 11

Comer 6:9 7:18

comes 57:18 64:14

coming 10:11

17:19 41:21 45:5

65:21

command 22:7

comment 21:21

30:11 36:23

comments 13:11

16:3 18:20 30:5

36:15 46:24

Commission 6:12,

14 12:23 82:19

commissions 6:8

committed 10:11

Committee 6:15, 16

7:14, 18, 25 8:2

13:20 16:1 17:16

71:17

committees 6:8

communicated

47:10

Communications

2:21

<p>communities 34:23, 24, 25</p> <p>companies 37:2 38:24 47:25 48:5</p> <p>Company 18:9 38:16 39:2, 8</p> <p>compare 3:23</p> <p>compared 24:2</p> <p>comparison 22:25</p> <p>Compensation 39:14</p> <p>compiling 25:11</p> <p>complaint 26:21</p> <p>complaints 26:19</p> <p>complete 12:4</p> <p>Completed 14:9, 10, 11</p> <p>completely 26:2</p> <p>compliance 26:22</p> <p>compliment 36:8</p> <p>computer 27:23</p> <p>concept 47:25</p> <p>concerned 6:2</p> <p>concluded 5:7</p> <p>concludes 80:20</p> <p>conditions 7:15 8:3, 8</p> <p>conference 7:5</p> <p>confidence 41:16</p> <p>confirming 75:1</p> <p>conform 50:15</p> <p>conforming 24:24 26:3</p> <p>congestion 14:2</p> <p>connecting 13:22, 22</p> <p>consensus 73:10</p> <p>conservatism 41:5</p> <p>consider 43:5 45:11 55:16 59:14</p> <p>considerable 5:5 32:6</p> <p>considered 72:4</p> <p>considering 4:2</p> <p>constitutes 38:1</p>	<p>82:9</p> <p>construction 18:15</p> <p>consultation 5:6</p> <p>contact 10:16 30:3</p> <p>contacted 36:25</p> <p>continue 6:2, 18 16:18</p> <p>continued 70:16 78:11</p> <p>continuing 16:15</p> <p>contribute 14:2</p> <p>control 43:24 45:3, 10</p> <p>conveys 31:22</p> <p>cookie 27:8</p> <p>cooperate 15:8</p> <p>coordinate 74:11</p> <p>copies 3:25 37:4</p> <p>copy 66:17</p> <p>cordial 10:10</p> <p>core 32:3</p> <p>corporate 39:6</p> <p>correct 10:24 44:3 56:13 67:18 70:10 72:13, 16</p> <p>corrections 26:5</p> <p>corresponding 46:19</p> <p>cost 16:22 28:21</p> <p>cost-saving 25:23</p> <p>counc 51:11</p> <p>COUNCIL 1:13 2:2, 6 3:4, 15, 21, 22 4:4, 8, 10, 13, 16, 19, 23, 24 5:11, 22 6:7 7:20, 21 10:20, 23 11:2, 12, 14, 21 13:7 14:9, 12 15:9, 12, 17, 20 17:20, 23 18:2 19:3, 6, 10, 13, 16, 19 20:16 28:5, 14, 18 29:1, 4 30:8, 11, 14, 17 33:19, 22 34:3, 8, 14 35:20, 23 36:5 37:7, 11, 15 40:5, 7, 11, 15,</p>	<p>18, 19, 20, 24 41:7 43:8, 11, 15, 20, 23 44:1, 6, 10, 22 45:11, 14, 15, 17 46:9, 11, 13, 17 47:2, 5, 21, 24 48:13 49:7, 10, 18, 20, 21 50:3, 7, 13, 17, 21, 23 51:3, 7, 10, 12, 14, 22, 25 52:5, 8, 12, 19, 20, 22, 24, 25 53:5, 7, 10, 17, 20, 24 54:8, 11, 14, 23 55:1, 4, 5, 6, 11, 12, 22, 25 56:1, 3, 8, 18, 20, 22 57:1, 2, 4, 6, 17, 22 58:2, 4, 11, 17, 23, 24 59:1, 2, 3, 4, 7, 11, 18, 20, 23, 24 60:2, 6, 11, 14, 17, 21, 23 61:1, 4, 8, 10, 11, 13, 15, 19, 21, 22, 25 62:2, 3, 8, 20, 22 63:1, 4, 6, 10, 14, 16, 19, 21 64:3, 9, 18, 23 65:2, 4, 7, 10, 13, 14, 16, 18, 20 66:4, 19, 21, 22, 23 67:7, 8, 11, 14, 15, 19, 21, 21, 23, 24 68:5, 13, 17, 20, 24 69:5, 7, 18, 20, 21, 22, 23 70:1, 2, 3, 5, 7, 11, 13, 17, 18, 20, 22 71:1, 3, 13, 15, 19, 21, 22 72:3, 10, 15, 22 73:2, 6, 7, 16, 19, 21, 23, 25 74:3, 4, 5, 9, 10, 14, 17, 19, 20, 25 75:5, 8, 12, 18, 21, 24 76:2, 5, 12, 23 77:2, 6, 11, 15, 19, 21, 25 78:2, 5, 9, 11, 12, 14, 16, 18, 22</p>	<p>79:2 80:3, 11, 12, 15, 17, 19</p> <p>Councilwoman 55:23 69:19</p> <p>counsel 6:6</p> <p>count 4:22 49:6</p> <p>counting 4:24</p> <p>country 27:19 31:5 32:2 35:11</p> <p>county 30:19, 22 42:11, 22 43:19</p> <p>couple 3:6 10:8 26:24 27:17</p> <p>Courier-Journal 34:21</p> <p>course 27:18 37:25 59:18</p> <p>Court 36:4</p> <p>Cove 36:4</p> <p>cover 48:18</p> <p>covers 8:7</p> <p>create 11:20</p> <p>created 39:19</p> <p>Creek 13:23 14:5, 7 16:16 27:16</p> <p>crisis 32:1</p> <p>Cundiff 6:23</p> <p>current 43:12</p> <p>currently 42:12</p> <p>custom 29:24</p> <p>cut 8:9</p> <p>cut-off 66:3</p> <p>cycle 10:14</p> <p>< D ></p> <p>damage 27:15</p> <p>data 23:7</p> <p>date 47:12 49:5, 18 52:10 54:4, 18 58:5 66:3 77:12 81:2 82:7</p> <p>dates 54:12</p> <p>day 5:22 12:17 31:19 33:5 47:9 51:7 54:3 66:15 82:17</p>
--	--	--	---

days 44:19 47:11,
 23 48:2, 3, 7, 9
 49:6, 21 50:4 54:2,
 21 67:22 68:4, 6, 7
 76:1
day-to-day 5:17
 32:15
dead 12:8
deal 25:3
dealt 47:20
death 39:13
Debra 6:24
debt 42:10
December 26:24
 27:2 63:4
decide 54:16
 67:11 70:12 72:25
 74:15, 21
decided 5:5 75:9
 79:24
decides 43:24
decision 5:21, 25,
 25 70:8 75:16, 17
decisions 21:3
declined 26:12
dedicate 5:8
dedicated 6:17 7:7
deductibility 45:6
 46:21
deep 27:21 35:13
 36:3
deeply 35:17
defendant 27:3
deleting 38:20
deliver 67:4
department 29:13
 30:2, 4 47:11 48:3
departmental 22:12
depends 60:18
deputy 42:1
descriptive 22:11
designated 12:17
desperately 14:22
destiny 44:2 45:3,
 10

determine 67:12
develop 11:21
di 64:20
die 35:2
dies 78:17
difference 14:23
different 21:23
 38:1 68:10 71:14
difficult 5:25 8:24
 9:5, 22 47:18 69:3
diminishing 32:5
direct 35:6
direction 47:1
director 6:22
directs 45:23
disappeared 32:6
disapproval 4:17
discuss 10:2
 36:22 48:22 73:15
discussing 55:13
discussion 4:12
 57:10
dislike 60:10
dispersed 8:14
disqualifies 62:18
distribute 52:4, 9
distributed 4:6
 64:17
district 21:11
division 24:20
divorce 62:15
doing 2:10 14:19
 24:22 29:20, 25
 55:16 60:24 74:25
 78:16
dollar 44:25 46:19
dollars 46:22, 22
door 7:1
double 24:9
doubled 24:2
dramatically 45:24
drastically 46:2, 3
Drive 14:3 31:20
driving 26:17
 27:14

dropped 41:11
dual 20:18
DUI 26:16
duties 22:8
dying 35:21

< E >
Eagle 2:21 3:3, 13
 13:21 16:9, 13
 17:10
ear 42:20 43:4
earlier 4:6 54:4
easements 19:14
easier 41:19
easiest 36:7
easily 14:15 47:14
East 9:1
easy 69:10
EBERLE 2:4, 19, 24
 3:5, 12, 17 4:9, 11,
 14, 17, 20 7:6 8:23
 9:9, 11, 13, 15, 21
 10:21, 25 11:3, 13
 13:3, 10, 14 14:11
 15:6, 10, 13, 18, 21,
 25 16:10, 17 17:4,
 9, 13, 22 18:1, 5
 19:15 20:12, 15, 25
 22:6 28:3, 12 29:5,
 21 30:1, 10, 13, 16
 33:17, 21 35:18, 22,
 25 36:2, 12, 14, 18
 37:9, 12 39:23
 40:3, 6, 14, 17, 23
 41:18 42:9, 24
 43:2, 10, 14, 17, 22,
 25 44:4, 8, 21
 46:16 47:2, 7, 23
 48:1, 12, 15, 21, 24
 49:2, 12, 15 50:11,
 15 51:16, 20, 24
 52:3, 7, 11, 16, 18
 53:9, 11, 15, 19, 25
 54:10, 13, 21, 25
 55:2, 24 56:2, 5, 10
 57:8, 15, 21, 25

58:3, 6, 16, 19, 22
 59:5, 9, 16, 19, 22,
 25 60:4, 8, 12, 16,
 25 61:17, 24 62:6,
 10, 24 63:3, 8, 12,
 23 64:7, 15, 20, 25
 65:3, 9, 24 66:19,
 24 67:4, 20 68:8,
 10, 23 69:1, 11, 16
 71:5, 8, 11, 14, 17,
 25 72:6, 14, 16
 73:4 74:24 75:7,
 10, 14, 19, 23 76:1,
 4, 10, 14, 25 77:5, 9,
 20, 23 78:4, 20, 24
 79:4, 8, 12, 16
 80:13, 16, 18
echo 16:3 33:23
economic 32:1, 10
education 12:12
educational 29:15
effect 34:23 37:18
 47:13 76:15 79:3,
 4
effective 39:20
 49:5, 9
effectively 31:18
effort 11:20 23:15
 42:7
efforts 12:2, 16
ei 73:12
eight 33:25
either 65:23
elect 49:7 54:1, 6
 55:20
elected 5:11, 14
 30:23, 25 36:6
 79:15
electing 13:17, 19
eligible 50:10, 19
email 9:6 44:14
 46:25 69:8
embrace 5:21
Embry 6:13
emerald 12:6
 34:23

employee 39:18
 82:12
employees 31:22
 39:13, 17
employers 39:11
empty 18:18
encouraged 26:10
 34:10
ended 27:12
ends 77:12
energies 5:8
Enforcement 6:10
 7:19, 24 13:14, 18
 23:2, 9, 12 24:20
 26:19
engagement 17:1
engineer 9:24
enjoy 3:18 17:2
enjoyed 5:16
enough, 38:2
entertain 4:6 80:9,
 9
entirely 23:22
envelope 51:9
envelopes 51:9
 64:16 66:16
erred 41:5
essentially 18:15
 37:5 53:9
establish 62:17
 63:19
established 7:14
et 55:15
Ethics 6:12, 13
evaluate 64:11
evaluated 54:16
Evan 6:9 7:18
evening 27:11
everybody 3:25
 14:25 50:1 59:20
 61:14, 18 74:7, 19
everybody's 2:12
 29:19
exactly 24:1 61:15
 66:8 70:6 73:19

excellent 64:6
exclamation 14:17
excuse 17:15
exe 40:3
executive 48:17
 76:14, 19 77:8, 17
 78:19, 25 79:10
expansion 21:8
expectations 31:22
expenditures 10:13
expenses 8:14
expertise 12:21
expire 77:24
Expires 82:19
explain 37:5
explanation 48:7
extend 77:13
extension 13:24
extraordinary 31:7

< F >

faced 52:21, 24
fact 18:9, 24 22:10
 29:15 50:1 57:11
 71:15
factor 45:4
facts 51:2
fair 10:4
fairly 10:9 14:18,
 19
Falk 53:1
fall 46:2, 3
familiar 18:18
families 7:9
family 5:6 6:1
far 28:8 57:3
fashioned 33:8
favor 80:14
FEBRUARY 1:23
 2:3, 5 8:20 9:23
 13:15
Fee 38:24 39:1, 10
 40:9
feel 3:19 6:19
 30:1 41:2

fees 37:3 38:16
fell 14:21
felony 26:11
felt 32:10
figure 42:3
figures 40:12
final 42:3
Finally 6:5 21:25
finance 6:24 42:1
finances 33:13
Financial 8:12
 82:14
find 60:9 62:13, 14,
 15
fine 38:10, 11 51:8
 52:7 66:11
First 3:24 4:3
 5:11, 12 18:10
 21:5, 17 22:21
 33:22, 24 34:1, 5
 37:4, 6
fiscal 44:19
Fischer 12:20
fit 14:18, 19
five 5:1 10:20, 21
 35:10 48:9
flowers 31:15
follow 42:6 66:5
following 27:22
 38:21, 22
follows 38:23
force 9:2
foregoing 82:5, 9
Forestation 6:11
 10:17 11:9, 20, 22,
 24 12:25 13:5
forever 66:10
forget 50:9
form 21:11 81:7
formed 11:24
former 6:12 9:23
 78:25
formulated 8:3
Fortunately 27:19
forums 12:1

forward-looking
 33:1
foster 16:25
found 8:4 33:14
 34:24 35:6
Foundation 12:17
four 10:19 16:13
 41:23 55:12
Fowler 50:10
Fox 14:3
Francis 2:18 3:8
Frank 7:19
Frankfort 62:23
frankly 32:14
free 3:20
Friday 11:8
friend 9:25 35:16
friends 5:6
front 10:18 58:1
frontline 7:24
Fulcher 7:19
fulfill 5:9
full-time 5:10
fully 22:11
fun 5:2
fund 39:19 43:1, 3
 45:12
funded 23:22
funds 23:6
further 25:25 82:11
future 32:16 33:2
 46:17

 < G >
garbage 31:17
gas 18:15
gathers 48:4
Gee 31:11 35:3
general 43:1, 3
generate 23:8 24:7
generations 32:25
 33:2
genuinely 5:17
getting 15:1 17:13,
 18 25:24 29:14

<p>33:4 34:9 Girl 2:15 give 36:1 37:6 40:8 46:8 48:9 50:23 given 5:22 82:16 gives 25:15 41:16 glad 3:21 go 2:13 3:22 14:21 21:23 22:20 23:18, 19, 20 24:6 26:6 42:14 43:1, 2 65:6 67:12 70:4 72:5 74:18 76:24 77:3 78:7, 13 79:17 goal 29:12, 12 44:12, 13 goes 42:13, 16 47:12 going 8:17, 24 9:21 11:8, 10 12:11 13:12 14:15, 23 15:4 21:22 26:12, 14, 21 28:19 32:24 35:17, 24 40:25 41:12, 17 48:14 52:3 53:23 54:17 57:23 62:16, 17 63:22, 23 64:16, 22, 25 65:1, 23 66:10 72:4 74:15 77:18 Goldilocks 37:17 golf 27:18 Good 2:19 15:6, 15 18:5 25:14 26:5, 9 30:2 36:10 62:9 75:2 gosh 33:25 gotten 30:19 governmental 21:2 governor 50:5 gradually 44:18, 25 Granger 16:7</p>	<p>grant 23:2, 10 granted 31:5 grants 23:3, 20 29:14 grass 8:7 31:15 great 2:24 13:9 16:17 18:1 25:3 29:17, 17 34:15, 16, 19 35:15, 16 36:10 45:20 green 73:24, 25 Greene 18:17 Greg 12:20 ground 27:20 group 39:16 41:17 76:9 Grover 19:1 54:5 growth 11:5 Guess 30:14, 15 57:13, 17 74:12 guessing 56:19 guide 79:23 gun 48:8 guy 14:18, 19, 19 22:17 36:7</p> <p>< H > half 29:3 40:8 41:9 62:22 Hall 51:21 52:1 hand 17:8 27:8 67:4 82:16 handle 66:25 handled 63:22 handrail 14:13 15:5 happen 16:20 20:21 21:5 32:13 66:8 76:20 happened 32:13 42:17 happens 9:18 55:5 66:8 happy 2:25 Harriet 34:2</p>	<p>Harrods 14:5, 7 haz 10:21 hazardous 10:22 12:8 head 8:21 14:3 19:15 42:23 heads 29:11 health 17:18 35:1 39:16 hear 11:6 33:10 heard 11:4 20:23 32:23 75:15 Hearing 4:14 36:23 81:5 hearings 21:14 heavy 27:24 held 82:7 help 18:3 23:12, 16 hereof 81:4 82:8 higher 62:4 hill 42:11 hires 31:22 history 57:11 62:14 Hm 19:5 Hoge 30:21 hold 34:11 63:25 66:11 holding 6:25 Holly 6:25 30:5 home 31:8 honestly 66:3 honor 5:19 31:4 honorary 56:15 hope 3:18 6:2 8:9 hopefully 14:5 hot 37:18 hours 68:8, 9 house 22:22 26:21 housing 42:20 huge 14:23 huggers 34:19 huh 78:1 hundred 43:12 hung 31:16</p>	<p>Hunting 13:22 16:15 27:16 hurts 31:13</p> <p>< I > ID 82:23 idea 28:20 31:4 64:6, 22 75:2 identified 10:19 25:1 48:17 idiot 27:14 idiots 28:6 ignored 10:19 impacting 9:4 implement 25:8 important 11:19 29:12 63:18 74:23 importantly 29:19 impose 47:16 imposed 39:1, 10 improve 17:1 improved 33:12 Inci 26:16 include 39:11, 15 increase 23:17 informally 56:20 59:10 information 9:6 25:11 48:4 66:4 79:24 informed 11:25 infrastructure 33:12 initial 7:11 initiated 11:19 injuries 39:12 inserting 38:21 inspection 28:16 inspiration 34:15 insurance 25:15, 17 28:22 29:13 37:2, 3 38:4, 15, 25 39:1, 2, 3, 16 41:20 43:4 44:18, 24 46:7, 18 47:11, 16, 17, 25 48:3</p>
--	---	--	--

insurances 42:10
 48:5
insuring 39:11
integrated 78:6
integration 78:8
interaction 5:18
interest 82:14
interested 50:20, 25
interesting 43:6
interim 53:6 77:4
intervening 76:19
interviews 54:17
introduce 37:2
introduced 36:19
introducing 44:24
inventory 12:4
involve 10:13
involved 26:13
irrelevant 61:10
issuance 39:5
issue 63:18 75:8
issued 76:14 79:1
issues 39:2
Issuing 38:24
item 3:24 4:3
 7:10 17:15 18:7
 36:24
it'll 57:25 67:20
its 33:13, 13 39:21

< J >

James 26:25
January 4:5, 21
 8:12 24:13, 14
 36:19
jar 27:8
Jeff 6:22 7:3, 16,
 16, 16 8:1 22:15
Jefferson 30:22
Jennifer 27:4
jewelry 27:7, 9
Jill 7:1
job 14:19 35:16
Joe 53:3, 13 65:22
Joe's 53:13

John 6:13
joyous 5:19
juggling 32:7
July 44:21 47:12
jump 30:9
June 10:3 44:20
jurisdiction 18:24
 20:11

< K >

keep 9:5 42:13
 43:21 46:6
keeping 18:3
Kehlbeck 53:3
KENTUCKY 1:6
 2:1, 6 24:19 28:15
 30:23, 24 31:1
 38:18 48:6 82:2, 4
kept 31:8 80:2
kiddingly 34:18
kind 14:17 31:9
 34:25 51:4 55:5
 80:2
KITHCART 82:3
know 2:25 3:2, 3
 13:16 14:7 16:25
 21:20 24:1, 5 26:6
 31:3, 10, 12, 15
 33:4 34:17 35:9
 36:9 37:18, 20
 41:3 42:6 45:20
 50:19 53:2 54:5
 56:5, 9 57:16, 19
 59:25 60:7, 13
 66:9 69:6 72:24
 77:24, 24 79:13
known 3:16
Kroger 18:9 21:1,
 8, 19
KRS 39:17, 19

< L >

lacking 25:1
Landings 26:23
landowner 18:22,

23
lands 32:18, 21
language 38:21, 22
large 46:7 82:2, 4
late 22:7
laughter 3:11
 13:13 28:2 34:13
 36:17 69:25 74:2
 76:22
law 5:13 24:20
 39:22 62:11
lead 6:8
leadership 32:13
leads 27:22, 23
League 24:19
 28:16 30:22, 24
leaves 76:7
led 35:4
ledger 41:9
Lee 6:10 10:17
 11:11 13:3 30:19
 32:17
Lee's 16:3 30:18
left 33:13 78:7
legal 65:25
legislative 57:11
length 60:19
LEONARD 17:20,
 23 18:2 19:3, 6, 10,
 13, 16, 19 51:3, 14,
 22, 25 52:5, 8, 12,
 19 54:8, 11, 14, 23
 55:1 56:22 57:1, 6,
 17, 22 58:2, 4 59:4
 60:14, 17, 23 61:1,
 8, 11, 22 62:8 63:6,
 10, 14 64:9, 18, 23
 65:2, 4, 13, 16, 20
 66:22 67:8 68:13,
 17, 20, 24 69:5
 70:3 71:15, 19, 22
 72:10 73:21 75:5,
 8, 12, 21, 24 76:2,
 23 77:2, 6, 11, 19,
 21, 25 78:9, 12, 16,

22 79:2 80:12, 13
letter 49:18
level 25:21
LeVold 6:25 30:7
LG 9:2
liability 25:15
 39:12
Library 6:16 17:16,
 17
license 26:17 37:2
 38:16 39:1, 9
licensed 48:6
lieutenant 7:2
 22:11, 13 25:4
Life 17:7 35:1, 8
 38:25 39:3
lighter 76:25
limit 54:2 73:13
limits 21:9 33:21
 39:6
Linda 6:14 15:21,
 25 17:4
list 12:3, 10 44:15
listening 17:6
Little 13:22 15:23
 16:15 19:24 38:9
live 7:9 35:7
 69:24
lived 70:4
lives 37:20
loan 45:9
located 39:6
locations 9:2
lock 46:1
logic 45:18
long 25:23 28:20
 35:7 44:15 45:12
Longer 3:9 5:7
 77:22
longest 56:2, 5, 10
long-range 44:17
 45:12
longtime 9:24
look 24:21 40:21
 41:8, 22 43:5

50:23 57:10
looked 32:16 54:15
looking 2:12 18:3
 34:22 41:9 55:7
 60:18
Looks 2:14, 14
 15:15 24:14 56:23
Lord 3:16
lose 11:16 34:1
lost 50:4 70:19
lot 16:25 18:18, 19
 24:15 25:24 27:8,
 21 28:3 31:2 33:4
 49:24 51:4, 5
 69:11, 12 79:24
Louisville 6:3 9:24
 11:7 20:11, 12, 18,
 19 21:14 42:7
love 5:20
lovely 57:22
low 24:14
lower 25:16
Lynn 16:7

< M >

main 8:6 9:3
 45:24
maintain 32:3
maintained 33:12
maintenance 6:23
major 20:6
majority 23:14
 53:16 55:11
making 47:25
manage 32:7
manual 26:2
manuals 24:23
March 5:23 39:24,
 24 47:7 48:16
 49:5, 10, 22 50:2,
 21 51:8 52:9, 16
 54:4, 22, 24, 25
 55:19 63:5, 6, 24
 66:11, 14 68:1
 72:9 73:8 74:6, 25
 75:16, 20 76:2

Mark 9:25 10:4
 42:20 43:4
marketable 35:1
MARY 82:3
Matt 10:2
matter 25:24 26:4
 43:21 63:15 81:2
 82:6, 15
MAYOR 2:4, 19, 24
 3:5, 12, 17 4:9, 11,
 14, 17, 20 5:1, 10,
 14 7:6 8:23 9:9,
 11, 13, 15, 21 10:21,
 25 11:3, 13, 15, 16
 12:20 13:3, 10, 14
 14:11 15:6, 10, 13,
 18, 21, 25 16:4, 10,
 17 17:4, 9, 13, 22
 18:1, 5 19:15
 20:12, 15, 25 22:6
 28:3, 12 29:5, 21
 30:1, 10, 13, 16
 33:17, 21 35:18, 22,
 25 36:2, 12, 14, 18
 37:9, 12 39:23
 40:3, 6, 14, 17, 23
 41:1, 2, 18 42:9, 24
 43:2, 10, 14, 17, 22,
 25 44:4, 8, 21
 46:16 47:2, 7, 23
 48:1, 12, 15, 21, 24
 49:1, 2, 7, 9, 12, 15,
 21, 23 50:3, 5, 6, 10,
 11, 15 51:16, 20, 24
 52:3, 7, 11, 16, 18
 53:1, 6, 9, 11, 15, 19,
 21, 22, 25 54:7, 10,
 13, 21, 25 55:2, 24
 56:2, 5, 10 57:5, 8,
 15, 21, 25 58:3, 6,
 16, 19, 22 59:5, 9,
 16, 19, 22, 25 60:4,
 8, 12, 16, 25 61:17,
 24 62:5, 6, 10, 12,
 24 63:3, 8, 12, 23
 64:7, 15, 20, 25

65:3, 9, 24 66:15,
 15, 19, 24 67:4, 13,
 16, 20 68:8, 10, 23
 69:1, 11, 16 70:13
 71:5, 8, 9, 11, 14, 17,
 25 72:6, 14, 16, 17,
 21 73:1, 4 74:24
 75:4, 7, 10, 14, 19,
 23 76:1, 4, 7, 10, 14,
 18, 21, 25 77:5, 9,
 14, 20, 23 78:4, 20,
 24, 25 79:4, 8, 12,
 16, 19 80:13, 16, 18
mayors 36:6 76:8
mayor's 7:10 18:8
 79:15
mayorship 57:19
McAllister 80:7
McGuffin 27:1
mean 19:4, 7
 47:18 54:2 57:19
 60:3, 16 62:13
 63:4 64:10, 13
 65:11 66:5, 24
 69:10 71:25 76:10
means 82:6
measure 25:23
mechanical 82:6
median 12:5
medians 12:7
meet 12:1
MEETING 1:13 2:2,
 5, 5, 23 3:18 4:4,
 21 5:3 10:9 13:16
 18:10 20:25 21:1,
 2, 19 36:19 39:25
 47:8 48:16 49:11,
 18 54:19, 24 55:8,
 14, 19, 21 57:5
 63:21 64:1, 2 65:3
 67:7, 11, 15, 15, 21,
 22, 25 68:2 69:20
 70:2, 7, 12, 13
 72:25 73:2, 8, 9, 10,
 12, 14 74:6, 7, 14,

20 80:19 81:2
meeting, 57:9
meetings 3:22
 4:22 5:1 12:1
 13:5 20:20 21:14,
 18 55:6 68:12
 69:12
meets 8:25
MEMBER 3:4, 15
 4:8, 10, 24, 25
 10:20, 23 11:2, 12,
 14 13:7 14:9, 12
 15:9, 12, 17, 20
 17:20, 23 18:2
 19:3, 6, 10, 13, 16,
 19 20:16 28:5, 14,
 18 29:1, 4 30:8, 11,
 14, 17 33:19, 22
 34:14 35:20, 23
 37:7, 11, 15 40:5, 7,
 11, 15, 18, 19, 20, 24
 41:7 43:8, 11, 15,
 20, 23 44:1, 6, 10,
 22 45:14, 15, 17
 46:9, 11, 13, 17
 47:3, 5, 21, 24
 48:13 50:7, 13, 17
 51:3, 11, 12, 14, 22,
 25 52:5, 8, 12, 19,
 20, 24 53:7, 24
 54:8, 11, 14, 23
 55:1, 4, 22, 25 56:1,
 3, 8, 11, 18, 22 57:1,
 2, 4, 6, 17, 22 58:2,
 4, 11, 17, 23, 24
 59:1, 2, 3, 4, 7, 11,
 18, 20, 23 60:2, 6,
 11, 14, 17, 21, 23
 61:1, 4, 8, 10, 11, 13,
 15, 19, 22, 25 62:2,
 3, 8, 20, 22 63:1, 6,
 10, 14, 16 64:3, 9,
 18, 23 65:2, 4, 7, 10,
 13, 14, 16, 18, 20
 66:18, 22, 23 67:8,
 14, 19, 23, 24 68:5,

13, 17, 20, 24 69:5,
7, 18, 21, 22, 23
70:1, 3, 5, 11, 17, 18,
20, 22 71:1, 3, 13,
15, 19, 21, 22 72:10,
15, 22 73:6, 16, 19,
21, 23, 25 74:3, 4, 9,
10, 17, 19 75:5, 8,
12, 18, 21, 24 76:2,
5, 12, 23 77:2, 6, 11,
15, 19, 21, 25 78:2,
5, 9, 11, 12, 14, 16,
18, 22 79:2 80:11,
12
members 3:21
4:13, 16, 19 7:18
11:9 12:24 20:21
55:6 72:3 73:2
80:4, 15, 17
mention 6:9 7:13
18:8 29:15
mentioned 12:9
30:19
merely 26:20
merit 2:21
met 7:25 10:1
34:1, 3, 5, 6, 7
Metro 6:3 12:20,
22 20:11, 12, 19, 19
21:14 42:7, 13, 16,
16, 18 43:7, 9, 16,
18, 23 44:9 45:3
46:15
M-hm 15:20 42:8
51:12 66:22, 23
67:23 68:22
Mike 7:21
MILES 3:4 4:10,
11 7:20 14:9, 12
15:9, 12, 17, 20
20:16 33:19, 22
34:14 35:20, 23
40:11, 18 41:7
45:14, 17 46:11
55:22, 25 57:4
58:23, 24 62:3

69:18, 22 70:1, 5,
11, 17, 20 71:1
72:22 74:10, 19
75:18 76:5, 12
77:15
million 40:16
mind 42:13
minor 26:5
minute 9:19 33:21
minutes 4:1, 4, 5,
12, 21
missed 4:23
Missouri 80:8
misspeak 65:17
misspoke 65:8
mo 37:21
mobile 15:1
mode 37:21
modus 37:21
moment 33:20
mon 20:8
Monday 14:14
50:21 52:15, 17, 18
63:12
money 23:22
37:22, 25
moneys 23:2
month 24:2, 3, 10,
12, 15, 18 26:11
47:17 61:2, 6
monthly 2:5
moot 72:18
morning 31:10, 13
motion 4:7 56:19
59:6 80:9
move 25:18 45:25
46:19 58:9
moved 4:8 33:6, 6,
24 80:11
moves 41:14 46:15
moving 11:4 46:5,
18
mowed 31:15
MSD 9:2
multiple 62:15
multiply 41:23

municipalities
47:15
mutual 34:16

< N >
name 53:13 64:14
named 12:18 30:18
narrow 27:24 28:8
national 12:19
24:24 26:3 29:23
30:20
natural 17:2
nature 23:9
nay 4:18 80:16
necessarily 37:24
45:25 46:2 64:24
necessary 5:9
6:18 21:7 54:17
73:15
neck 41:3
need 7:13 13:16
16:23 38:9, 10
40:3 41:3 48:17
50:3 54:15, 16
55:17 56:21 58:14
59:5 63:19 64:4,
11 72:24 76:13
needed 14:18, 22
needs 50:1 64:8
neighbor 60:10
net 46:22
never 31:10, 14
new 12:11 13:21
14:16 17:24 22:17
36:24 40:1 41:1
48:25 49:7 76:18
77:14 79:14, 19
80:3
newcomer 80:1
newcomers 79:23
news 15:6
newsletter 12:13
57:24 58:3 63:24
nice 34:19 35:3, 12
Nicholson 6:12

night 12:2 13:19
18:10 74:14, 15
nine 33:25
nods 8:21 42:23
noise 8:7
nominate 55:23
non-issue 72:20
normal 68:11
normally 24:11
Notarial 82:16
Notary 82:3, 19, 23
note 21:25 42:5
45:16 76:25
notice 5:22 18:22
31:3, 12
noticed 22:24
notify 68:14
notions 38:1
November 5:11, 13,
14
nuisance 7:15 8:3
number 30:25
38:13 46:14
numbers 22:21
23:18

< O >
obligations 5:9
Obviously 22:13
23:13 50:8
occur 23:15
occurred 26:10
32:1
occurring 54:7
occurs 29:16
office 62:5 75:4
78:7
officer 26:20
29:24 71:12
officer-initiated
24:3
officers 7:7 13:17,
19 29:16
offices 12:15
Official 30:23

officially 54:7
officials 30:25
offing 42:19
Oh 10:17 16:10
 40:4 43:22 48:21
 72:6
okay 2:14, 24 3:14,
 17 4:20 7:6 9:9,
 13, 15 10:18 11:13
 15:25 16:10 17:9
 18:1, 5, 6 19:10
 29:1 36:6 37:7, 11,
 15 40:14 44:10
 48:11, 24 49:2, 6
 50:14, 14 52:11, 19
 56:17 57:1 58:2,
 16, 22 59:5 60:24
 67:19 68:6, 9
 70:11, 17 71:13
 73:4 74:1 76:4
 77:19
old 9:24 33:8
older 50:18
Oldham 42:10
on-board 29:10
once 5:21 65:19
one-on-one 45:8
ones 69:15
open 14:15 15:5
 52:1 55:8, 14
 64:21 65:5 66:16
 68:11, 11
opened 15:4
 51:10 52:13
opening 14:24
 55:8
operation 77:22
opine 54:5
opinion 42:21
Opposed 80:16
ordained 38:17
order 2:7 28:24
 49:6 76:15, 17, 19
 77:8, 17 78:19
 79:1, 10
orderly 66:2

ordinance 4:2
 8:11 11:22 37:1
 38:13, 13 39:20
 43:12 47:3 53:22
 56:15, 17 62:10
Ordinances 8:5
 38:14, 19 53:16
 55:20 66:1
ought 79:17
outcome 82:14
outside 34:25
 54:2, 18 68:21
overtime 23:21
overwhelming
 23:14

< P >
p.m 80:20
pace 17:22
page 58:1 81:3
paid 39:18
paper 25:25
parcel 18:25
Pardon 77:5
Park 13:23 14:7,
 16, 24 16:16 32:18,
 21
parking 14:4
Parks 6:14, 23
 13:20 14:3 16:1, 5,
 9 34:16
part 7:11, 12 9:1,
 2 23:24 24:17
 26:7 27:19 42:7
 53:8
participant 11:25
particular 25:4
particularly 6:7
 40:25
parties 82:12, 13
partner 34:16
 35:16
pass 56:19
passage 39:21
passed 52:2 61:20

78:25
passes 48:15
passing 53:1
passion 34:16
Paul 80:6
pawn 27:6
pay 20:19 43:18,
 19 44:9, 9
payroll 41:4, 4
peach 64:12
Peggy 33:24
Pen 8:25
pending 13:18
people 6:5 7:7
 27:10 31:6 32:9,
 20, 23 34:1, 5, 6, 17,
 18 37:23 44:14, 15
 46:24 57:14, 19
percent 40:9 41:10
perfect 22:18
performance 31:23
performed 22:9
 28:19
performs 22:8
period 22:23
 40:25 64:13 68:2
 76:3 77:4, 12
person 31:1 36:5
 49:22 53:20 78:13
personal 37:20
 39:12
personality 36:9
personally 3:16
 29:6 44:11
perspective 59:15
pester 13:6
Peyton 30:21
phonetic 12:1
 17:12 37:21 44:7,
 13 45:9 47:6 56:9
photograph 15:14
physicians 5:7
pick 63:15
pile 37:21

place 6:19 7:9
 13:25 26:2 81:3
 82:7
placed 39:24
plain 32:6
plan 10:3, 5, 12, 12
 13:4 21:16 44:17
 45:13
Planning 20:15
 21:15
planted 31:15
planting 12:11
pleasant 7:8
Please 13:7
pleased 21:25
 22:1, 14
pleasure 29:7
plow 31:20
plowed 31:16
pocket 46:22
point 14:18 26:22
 27:1 48:8 62:1, 9
 63:17
pointed 21:6
pointing 26:21
Police 6:22 7:1, 1,
 2, 4, 7 22:3, 18
 29:24 30:2 31:17
 59:12
policies 25:7 26:6
 38:25 39:5, 15
policy 24:22 26:2
 39:2, 3
policyholders 39:9
pollution 14:2
Pond 13:23
portions 8:4
position 10:11
 56:15
positive 46:25
positives 12:3
possibly 37:22
 61:8
post 68:20
posted 55:15

posting 68:3
potential 16:13
POTTS 19:2, 5, 8,
 11, 17, 21 20:1, 4, 7,
 10 42:23, 25 48:19,
 22, 25 49:3, 14, 17
 55:10 56:12, 16, 24
 58:8, 12, 14, 20
 66:13, 20 67:1, 6,
 10, 17 68:4 70:9,
 15, 24 72:2, 7, 13,
 19 73:20 79:11, 14
power 70:22 78:1,
 12, 19
practically 61:5
practice 5:13
practices 29:24
predict 41:19
preface 37:16
premium 37:3
 38:4 39:10, 18
 41:6, 20 42:10
 43:4 46:8 47:16
premiums 39:4, 9,
 11, 15
prepared 12:14
preserve 11:19
preserved 32:17, 18
Preside 69:21, 22
 70:1, 12
presiding 42:6
 71:12
press 68:16, 18
pressure 14:4
pretty 14:25 31:6,
 9 35:7 69:3
prevent 57:16
Pricewaterhouse
 51:19
pride 29:17
primarily 12:13
prior 22:25 24:4
 44:19 54:7
privilege 5:20 50:5
probably 21:17
 24:5 26:13 28:24

34:10 36:5 48:20
 50:21 56:19 57:15
 60:21, 24 61:6
 79:16
problem 46:5
 53:23 73:17
procedure 66:5, 6
 67:12
process 25:2 26:1
 29:15 53:2, 4
 63:20, 22 65:24
 66:2 67:11 72:5
processes 28:20
program 11:23
 12:7
programs 23:3, 4
project 9:3
projects 3:3 9:3
 13:21 16:9, 14, 22
prompting 59:12
promptly 31:17
properly 55:14
properties 27:18
property 8:8 18:23
 19:14 27:19 41:10,
 13, 18 43:9 44:7
 45:1, 2, 7 46:20
prophet 31:4
proposal 18:13
proposed 18:21
 21:11
prosecute 26:14
prosecution 26:12
PROSPECT 1:6
 2:1, 6 5:10 6:3, 19
 7:8 9:25 11:17
 12:18 16:9, 20
 18:12, 19 20:22
 31:8, 19 32:9, 12
 33:24 34:6 38:12,
 15, 18, 20 50:18
 60:18 80:5
Prospect's 32:16
 33:12
protecting 22:4
protection 12:5

proud 6:19 22:2
 30:4
provide 8:10
 53:16 55:20 66:17
provided 6:6
 39:16 49:4, 25
providing 62:11
provisions 39:14
public 2:23 17:1
 21:21 30:21 74:15
 82:4, 19
publication 39:22
purchase 44:13
purposes 29:14
 49:9
pursuant 39:19
push 57:3
put 14:13 15:19
 21:16 29:10 34:20,
 21 44:14 57:23
 63:24 79:5, 9, 12
Putney 13:23
 15:19
puts 25:21 48:4
putting 25:9

< Q >
qualifications
 62:11, 13
qualify 30:15
quality 35:8
quarter 39:5 41:20,
 22
quarters 41:25
quasi-judicial 21:10
ques 46:10
question 28:8, 9,
 15 40:5 46:14
 52:21 57:13, 18
 59:8 72:23 76:6
questions 3:19
 28:12 69:19 70:21
quite 46:24 51:16
 66:3
quorum 55:12

< R >
rabid 17:22
racks 14:1
raise 7:9 17:7
 42:9 62:4
raised 17:8 38:3
 42:18
ran 61:21 62:5
range 14:16
rank 22:10, 10, 13
rate 5:3 8:23
 10:15 43:13 47:9,
 10, 12
rater 25:11
rates 25:15, 16, 17,
 22
read 37:8 38:22
reading 37:4, 6
 39:25 47:4
reads 38:12, 17
ready 17:11
really 14:23 18:11
 24:14, 14, 15 25:14,
 22 33:8 41:16
 42:3 49:7 59:13
 60:10 62:9 64:10
 65:5, 6 69:3 74:25
reason 23:1 25:13
 39:5 42:1 54:18
reasonable 40:21
reasons 17:18
rebate 43:9
rebated 43:16
receipts 39:10
receive 17:17
received 39:11, 15
receptive 10:9
recognized 12:16,
 21
recovered 27:9
Recreation 6:15
 13:20 16:1, 5
reduce 23:12, 15,
 16 25:22 28:21

40:9 41:6 44:18,
24
reduced 81:6
reduction 40:9
re-elected 5:15, 15
reference 28:15
refunds 42:2
regard 57:18
regarding 37:2
regards 21:3, 15
37:1
regular 2:4 4:4
47:8 49:13, 14, 17
54:24 57:8, 12
67:21 68:2
regular-scheduled
74:7
regulation 7:14
regulations 59:16
reject 79:6
related 82:11, 12
Relating 38:15
relationship 35:6
relevant 18:20
53:24 59:13
remain 6:1 64:17
remember 20:17
remotely 14:25
remove 12:8
removed 11:1
rephrase 28:9
replacing 49:9
report 7:10 18:8
22:19 24:17 26:11
reported 26:24
82:5
REPORTER 52:23
81:6 82:1
reports 8:10 23:25
representative 7:20,
21, 22
representing 7:19
82:13
request 28:10
72:23

requested 81:5
requests 42:2
require 62:13
required 2:22
39:22
requirements 2:22
55:9 61:14, 18
requires 69:17
re-running 28:9
Re-screening 47:5
reside 69:19
resident 50:18
60:19
residents 12:12, 25
20:18, 22 53:2
63:19 79:22
residing 80:7
resign 72:1
resignation 17:17
49:4, 8 77:13
resigned 6:16
resolved 26:20
resource 16:19
resources 45:21
respond 31:17
response 4:13, 19
40:2 80:17
result 8:11
resulted 12:2
resume 50:20
51:6 66:17 72:8
resumes 54:9 68:1
retire 5:5
retired 5:12
retirement 5:21
returned 39:9
revenue 45:25
revenues 8:13
32:4, 5
review 24:22 67:2
revise 79:21
rewritten 25:3, 6
ride 5:19 14:1
31:21
right 18:12 19:2
20:7 27:24 29:19,

21 34:7 37:19
40:23 43:14, 22, 25
44:13 45:24 48:1
49:2 53:18 55:10
57:7 58:16 60:12
61:17, 24 65:13
70:5 71:1, 10, 24
72:1, 15 75:10, 18
77:9, 11, 20, 23
79:11
right-of-way 18:25
19:7, 9
risks 39:6
River 8:17, 18, 23
9:4
road 8:16, 17, 18,
24 9:4, 12 10:7
19:25
roads 8:15 31:16
role 55:20
Ron 6:23
room 21:23
ROSE 82:3
roughly 41:23
RPR 82:3
rubbing 56:3
rule 47:9
run 25:23 27:25
34:10 45:12 53:13
76:7
running 27:23
31:9 34:8 41:19

< S >
saddened 17:16
safe 7:8 41:13
safety 23:3, 16, 17
sale 17:19
salted 31:16
Sandra 65:8
Sandy 33:23
36:25 37:5 40:7
41:8 59:10
Sandy's 44:12, 23
sat 21:10

satisfied 25:12
save 10:6 79:7
saving 35:4, 5
savings 45:9
saying 4:15 37:16
52:14 56:14 65:21
73:5 75:2, 13
78:23 80:14
says 31:2 49:12
53:22 63:24 71:20
scale 38:8, 8
scary 28:5
scheduled 36:20
Schmidlap 65:22
score 25:14, 16
Scott 7:21 28:14,
18 29:1, 4 59:3
74:3
Scout 2:8, 13, 15
Scoutmaster 3:10
scouts 16:8, 14, 19,
21 17:6, 7
seal 82:16
sealed 51:9
season 16:12
Second 4:10 5:15
22:6 39:25 47:3
58:9, 11, 12, 13
65:23 72:23 80:12
section 21:21
38:18, 19 39:20
sections 13:25
see 2:8 9:19 23:4,
4, 18, 24 24:23
41:15 43:6 46:4
64:13 65:21 73:4
78:23
seek 25:19
seen 8:19 15:14
45:5
segue 22:18
select 49:21, 22
50:3 53:5 67:16
73:1

selected 30:23
 52:10 57:5 70:14
 76:18
selecting 50:5
selection 12:12
 48:23 63:22
seminar 11:7
send 51:21, 25
sends 48:5
senior 55:24, 25
sense 51:4, 6 74:5
sent 8:1 46:25
separately 64:11,
 12 65:11
Series 38:13
serve 5:20 6:3
served 36:6
serves 59:23 60:2
service 5:16 23:25
 30:21
services 32:3
 33:13 78:6
serving 56:2, 6, 10
session 48:17
set 21:22 34:25
 49:18 73:7 81:3
 82:8
sets 31:21
settle 41:15
shakes 19:15
shape 26:9
shared 34:7
Shaw 7:6, 23 22:3
 25:4, 5 29:7
Shaw's 22:13
sheet 30:6
Sherrard 6:22 7:4,
 22 8:21 22:16, 20
 28:7, 13, 17, 23
 29:2, 6, 18, 22
 51:18 52:15, 17
shifts 22:7
shopping 18:16
short 36:1
shortfalls 38:4

shortly 27:11
shotgun 31:21
show 7:3 25:10
showing 41:25
shows 23:8
shut 9:16
side 10:7 18:25
 41:5, 9 45:15
sign 79:19
signed 30:7
significant 60:19
signify 80:14
sign-up 30:6
similar 23:25
Simms 6:22 8:22
 10:1 19:23 20:2, 5,
 8, 13, 24 53:7
 68:15, 19, 22 69:2,
 9, 14 74:13, 22
SIMON 9:7, 10, 12,
 14, 16 36:1, 2, 3, 3
 53:10, 12, 18
simple 69:3
simultaneously
 8:17
sir 28:17
sister-in-law 27:4
Sit 10:18
sits 22:12
situation 66:7
six 48:9
six-person 55:12
size 40:8
Skaggs 6:24
skinflintiness 32:14
slippery 62:25
sliver 19:24
slope 62:25
smaller 25:19
Smithfield 18:17
smoke 73:24 74:1
smoothly 31:9
snow 31:20
somebody 61:2, 5
 62:4 65:21, 22

75:15
somebody's 62:14
soon 11:6 12:11
 29:10
sorry 11:16 52:23
sort 13:22 33:4
 40:21 41:5
sounds 40:17
 51:8, 13
sources 45:25
span 35:2
SPEAKER 2:15, 17,
 20 3:9 17:11
 37:13 42:8 43:19
 44:3 48:11 56:7,
 14 57:13 58:13
 61:16 63:2 64:5
 68:7, 9 71:7, 10, 24
 77:17 79:6
Speaking 4:22
 44:11 55:7 61:5
special 5:1 49:16
 57:5, 12 64:2 65:3
 67:25 68:11 69:15
 72:25 73:7, 10, 14
 74:6
speed 23:13, 16
speeding 23:8
spring 17:19
ss 17:18
St 2:18 3:8
sta 50:16
staff 5:18 6:17
 18:4
stairs 14:7, 21
 15:5, 18
stairway 32:23
standard 29:23
 62:17
standards 24:24
 26:3
start 14:14 46:18
 58:22 62:16
starting 33:25
 74:11
starts 67:22

state 10:13 23:2,
 22 24:24 25:19
 26:3 30:24 39:16,
 18 48:6 50:16
 62:11 82:2, 4
stated 56:7
statewide 23:4
state-wide 11:6
 30:20
station 18:15
stations 21:23
statistical 23:7
 24:6
statute 49:8, 12, 19,
 25 69:16
statutes 66:1
stay 13:4
steadily 23:19
steering 31:25
stenographic 82:6
step 46:1
stepped 23:11
steps 25:2, 5
stewardship 33:10,
 11
stop 26:18
Stovall 7:16, 17
street 12:4 18:16
 19:9, 20, 22 35:13
streets 12:4, 7
stricken 38:21
structure 22:12
structured 51:5
Stuart 3:2 4:11
 7:20 14:6 21:6
study 7:14 8:3
 34:22 41:24
submissions 67:13
submit 50:20
submitted 51:6
submitting 72:8
suburban 42:14, 15
successfully 34:9
sucker 27:6
suffer 47:25

<p>suggest 50:8 73:7 Sunday 27:11 sunset 79:9 Super 27:11 superficial 27:21 superior 31:23 support 6:6 16:23, 24 17:3 44:11 supporting 11:22 supportive 16:3 sure 9:22 15:7 18:18 30:10 36:14 41:1, 12 51:16 57:10 62:16 73:1 74:9 surgery 76:15 surrounding 27:18 Susan 6:11 suspect 27:3 suspended 26:17 Sutherland 27:13</p> <p>< T ></p> <p>table 56:23, 24 take 14:4 28:24 29:17 31:5 75:4 taken 8:18 21:3 25:5 81:6 takes 28:23 talk 3:21 talked 22:15, 16 53:12 talking 54:13 65:25 tall 8:7 targeted 42:20 tax 37:3 38:4 39:10 41:13, 18, 20 43:9, 18, 19 44:9, 18, 25 45:2, 23, 23 46:8, 18, 20, 21 47:16, 18 taxes 20:19 37:19 40:10 41:10, 14 45:1, 7 technology 6:23</p>	<p>tell 2:9 5:24 19:1 36:7 42:2 tells 24:10 ten 35:10 65:12, 15, 19 ten-hour 73:11 tenure 4:25 term 5:15 44:16 terms 19:6 24:17, 21 44:19 terrible 56:9 terrific 33:3 territory 20:9 testament 16:24 testimony 21:3 thank 6:5 9:22 13:1, 3 17:3, 3, 4 29:4, 6 33:17 36:12 39:23 40:19 thanks 6:21 18:5 33:15 80:6 That'd 13:8 theirs 42:18 theoretically 50:19 thing 21:5 29:19 33:1 37:19 40:21 41:13 42:13 44:13 45:19 51:5 55:16 63:5 69:3 things 8:7 11:15 18:3 23:9 24:22 25:24 27:23 29:22 31:5, 14 32:19 34:19 49:24 50:24 54:20 79:19 think 5:4, 25 8:1, 6 10:4, 8, 10 11:8 12:11 13:17 16:14, 18 19:18, 24, 24 20:16, 22 26:14 27:25 28:7 29:16 30:25 31:12, 14, 18 32:9 34:17, 17, 19 35:3, 7, 9 36:9 37:16 40:20, 24 41:13 44:12, 15, 16</p>	<p>45:11 46:6 47:1 48:9, 19 50:1, 20 51:3, 4, 7, 8, 9, 22 52:1, 13 53:3, 7, 25 54:4, 16 56:18 57:9, 9 60:14 61:3, 13 62:3, 6, 18, 24 63:16 64:4, 5, 7, 10 65:7 66:6, 13, 14, 14 71:6 73:13 74:11, 22 75:16 77:15, 18 79:17 thinking 34:8 70:6 74:24 75:14 third-class 62:12 thought 3:12 5:5 22:9 46:14, 23 51:20 62:21 three 12:10 26:16 27:10, 17 33:21 36:6, 8 68:4, 5, 7 Ticket 23:3, 9 tidy 18:3 time 5:8, 12 25:1, 10 40:25 42:18 50:23, 24 51:10 52:2 53:5 54:15, 16, 19 60:20 65:6 68:2 73:13, 15 76:3 77:4 81:3 82:7 times 26:24 title 22:2, 17 37:12, 13 81:3 today 4:6 14:10 16:8 17:25 Todd 7:6, 23 9:7 11:24 12:9, 18 13:1 22:3, 6 30:8, 19 31:20 32:16 33:6, 11, 15, 19 34:2, 2, 7, 11 35:4, 15 36:10 49:4 55:19 70:4 Todd's 11:18</p>	<p>12:21 31:8 told 16:8 toll 67:22 Tom 6:15 17:17 tomorrow 18:10 20:25 21:20 tone 31:21 tonight 2:11 4:2 7:16 16:7 32:23 55:17 57:23 tool 37:18 tooth 31:13 toothache 31:11 total 40:15 totally 47:19 track 34:1 traffic 23:2, 12 26:18 62:15 trail 14:3 trans 45:1 transact 39:8 transcript 82:10 transfer 22:2 45:2 Transportation 8:15 Transylvania 9:8, 12 travel 8:24 tree 10:20 11:5, 6, 9 12:3, 12, 18, 22 32:17 34:19 74:3 trees 10:7, 15, 22 11:17, 19 12:5, 5, 6, 7, 8, 10, 12, 19 30:18 32:17, 21 34:17, 18 35:2, 4, 5, 6, 11 trend 41:15 tried 19:1 29:23 troop 2:9, 10, 16, 17 3:1, 8, 17 trouble 56:23 true 29:23 61:12, 23 67:9 82:9 truly 5:16 Truman 78:6</p>
--	--	--	--

truthfully 60:18
try 9:5 73:14
trying 14:20 16:5,
 25 44:12 79:18
TUCCI 3:15 6:10
 10:20, 23 11:2, 12,
 14 13:7 28:5 30:8,
 11, 14, 17 36:25
 37:7, 11, 15 40:20,
 24 47:21, 24 48:13
 50:7, 13, 17 51:12
 53:24 55:23 56:3,
 8, 18 57:2 58:9, 17
 59:7, 11, 18, 20, 23
 60:2, 6, 11, 21 61:4,
 10, 15, 19 62:2, 20
 63:1 65:7, 10, 14,
 18 66:23 67:14, 19,
 23 69:7, 19 70:15,
 18, 22 71:3, 13, 21
 72:15 73:16, 25
 74:9, 17 78:2, 5, 11,
 14, 18
Tucci's 47:3
turn 23:7 45:8
turnarounds 19:25
turns 26:12
two 3:3 4:25 9:3
 10:7, 25 11:1 12:9
 13:21 15:3 16:8,
 14 27:17 34:1
 45:24 67:2 69:18
two-forty-eight
 40:16
typewritten 81:7

< U >

U.S 10:3 23:12
Uh-huh 55:1
ultimately 25:17
un 47:19
unable 47:20
underlined 38:22
understand 11:18
 20:14 43:20 65:9

75:10
understood 47:14
underwent 24:18
unfinished 36:15,
 20, 23
unwise 79:17
update 8:12 10:17
 13:15 17:16
updated 9:5 80:3
upgrade 28:21
upstairs 7:5
USA 11:5
use 45:12 63:4
 73:23
usually 3:22 28:23
utility 9:1

< V >

vacancy 54:7 75:1
valid 77:18
Valley 14:3
vandalism 27:12
Vidito 7:1
view 5:8
violent 72:11
virtually 22:22
 47:15
vision 11:18
voice 5:24 20:22
volunteer 17:24
vote 4:15 53:16,
 20, 23 56:13, 17, 21
 58:15, 18, 19, 21
 65:11, 19 70:23, 24
 71:2, 3, 23 72:1, 11
 75:2, 3, 6
voted 64:12
Votes 53:11 65:15
vulnerable 46:12

< W >

wait 10:14 54:3
wake 31:10
Walgreens 18:12
walk 14:20 15:14

walked 34:4
walkers 34:4
want 6:5 16:9, 23
 25:13, 17 29:5
 41:1 46:6 51:7
 54:3 55:16 63:13,
 20 64:1, 21 65:5, 5
 67:12 72:4 73:11
 74:14
wanted 37:1 42:20
 67:25
wants 2:9 54:5
Wardell 6:14
 15:23, 25 16:2, 11,
 18
Warner 17:25
warnings 8:19
warrants 18:8 28:4
Washington 45:5
watch 43:6
way 3:24 6:4
 9:18 22:24 24:1,
 11 34:6 38:8 60:9
wearing 23:17
weather 15:7
week 34:22 58:7
weeks 15:3 67:2
Welcome 3:18
 22:16
Well 2:24 3:12
 4:1 10:18 15:23
 16:17 17:4, 15
 19:8 27:3 33:22
 35:18 37:5, 12
 38:6 43:17 48:19
 53:9, 15 54:6, 21
 55:22 56:7 57:21
 61:4 63:8, 12 64:7,
 9, 15 65:24 66:13,
 25 69:9, 11 71:25
 72:6 75:23 76:17,
 19 78:4, 20, 20
 79:8
went 27:6, 16
We're 2:25 4:2
 11:15 13:25 15:4

16:25 22:1, 1 24:7
 25:9 26:9 28:19
 41:12, 19 42:12
 44:18 48:8, 11, 13
 51:1 54:16 60:18,
 23 65:25 73:13
we've 16:4 23:6,
 11 25:6, 11 52:21
 61:1 75:9 80:3
whipped 61:2, 5
whoev 64:13
wi 48:9
widen 10:3
widening 10:6
Wills 6:15 17:17
winds 32:10
Wolf 8:25
wonderful 13:8
 16:19, 22
Woodlands 13:23
woods 35:14
word 33:9, 10
 57:12
words 52:13 77:7
work 8:9 11:20
 23:21 29:7 36:7,
 10
worked 32:22 38:5
Workers 39:14
working 2:18 51:1
works 31:23 49:8
writing 26:8 63:20
written 66:6
wrong 32:12

< Y >

yards 27:13, 14, 15,
 17
yeah 2:14 3:13
 10:7 15:9 17:13,
 23 18:1 35:25
 40:6, 11, 18 43:22
 44:8, 9 46:16
 51:14 52:5, 16
 54:21 55:2, 3
 56:12 57:25 59:11

61:16 62:2, 2 63:1
64:3, 15 65:20
68:23 69:1, 12, 17
72:22 78:14, 22
79:8, 8
year 5:13 11:7
16:13 22:23, 25
24:3, 4, 12, 18
28:25 29:2, 2, 8, 9
30:24 35:9 38:2, 7,
10, 11 40:22 41:6,
11, 11 42:3 44:20,
23
years 3:6 4:25
5:16 6:7 24:11
33:25 35:10, 10
38:5 42:12 50:18
Yep 15:12
you-guys 13:6
63:25

< Z >
zone 21:11, 16
zoning 18:14, 21
20:15 21:4, 6, 7, 15