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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

JANUARY 9, 2012

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4 MAYOR EBERLE: Welcome, everyone.

5 This is the regular January meeting. We move it
6 up a week in January because we are not to meet
7 on a -- on a holiday, and the -- often, the third
8 Monday in January is Martin Luther King Day.

9 So we are a -- a week earlier this month than
10 we are in the next month. In February, we will
11 return to the third Monday, which I think in
12 February the 20th.

13 The first item on the agenda is approval of
14 minutes for the Regular City Council Meeting of
15 December 12. The -- the copies of those minutes
16 are in the back, and they were distributed
17 electronically to everyone on Sunday, I think;
18 wasn't it? I think I sent them out on Sunday.

19 So I'll entertain a motion that they be adopted
20 as either written or do we have any discussion on
21 change?

22 COUNCIL MEMBER SIMON: So moved as
23 written.

24 COUNCIL MEMBER ERTEL: Second.

25 MAYOR EBERLE: Simon and Ertel.

1 Those in -- in favor, signify by saying "aye."

2 COUNCIL MEMBERS: Aye.

3 MAYOR EBERLE: And opposed by "no."

4 COUNCIL MEMBERS: [no audible
5 response]

6 MAYOR EBERLE: Okay. We have
7 adopted the December 12th minutes.

8 I'll try to be relatively brief on the Mayor's
9 Report since we have a football game at 8:30, so
10 we don't want to -- everybody to miss that. The
11 financial update, we do not have the accountant's
12 records. Normally we get them about the 10th or
13 11th of the month. We did not -- we have not
14 received them yet.

15 They will reflect the audit on when we -- when
16 we -- when we do get them, and I will distribute
17 them as -- as soon as they are received from
18 Mountjoy Chilton Medley, which should be in the
19 next ten days. It might take them a little longer
20 because they have the audit adjustments to work
21 on.

22 Parks and Recreation Advisory Committee
23 update, they just met here, 5:30 to 6:30. And I
24 may have announced it last time at the December
25 meeting, but we have raised enough money for the

1 boardwalk. And the news is -- and I don't know if
2 Stuart wants to comment on it, but the -- the -- the
3 timber, the cedar, for the boardwalk, you might be
4 able to smell it if we had the windows open, is
5 underneath -- underneath the portico here. So
6 it's --

7 COUNCIL MEMBER MILES: Guarded by
8 the police.

9 MAYOR EBERLE: Guarded by the -- yes,
10 24 hours a day.

11 COUNCIL MEMBER MILES: That's right.

12 MAYOR EBERLE: And do you want to say
13 anything about what -- the possible start date for
14 that and --

15 COUNCIL MEMBER MILES: Yes.
16 Actually, Jack Frauhammer [phonetic], who's won
17 the bid to do the project, who's a Prospect
18 resident, he lives in Fox Harbor, I met him down
19 there today, and they have started construction.
20 And he hopes to have it done by the end of the
21 week so that people can enjoy it this weekend.

22 And --

23 MAYOR EBERLE: Pretty good.

24 COUNCIL MEMBER MILES: -- I've -- I've
25 created the new trail that's going to connect it to

1 the back part of the pond, so it's -- it'll be ready
2 to go hopefully by Friday. So get out there and --
3 and join.

4 And if you contributed, I want to thank you.
5 And if you can get your contributions in by the end
6 of the week, I'm sure Jack's going to want us to
7 pay him as soon as it gets done.

8 MAYOR EBERLE: Yeah. We do have a
9 few pledges out, so if you've pledged -- and -- and
10 we did send a -- a reminder letter out, but it'll
11 become a reality. And the -- the piers are in right
12 now; is that correct?

13 COUNCIL MEMBER MILES: Yes; uh-huh.

14 MAYOR EBERLE: And so what we have
15 to do is put the -- the decking on the top of those
16 piers so the. . .

17 The -- the committee -- I don't really have my
18 notes from the committee, but what -- they did
19 review a new parks brochure, which Ron Cundiff
20 has come up with. It will include Harrods Creek
21 Trail and Harrods Creek Park. The -- there are
22 maps for both of them. It's an 11-by-17 brochure.

23 I put -- those are -- tho -- those are not final.
24 Those are -- those need edit, but I -- I did give
25 everyone in the back of your packets a -- a copy of

1 the -- of the rough draft of -- of that parks
2 brochure, which I think is the -- is the --

3 COUNCIL MEMBER MILES: Yeah, Ron
4 did a super great job on that. It's -- it's -- it's a
5 one-stop shop for our residents that can see all
6 the parks and the trail maps, and a little blurb
7 on -- about the park. And it's going to be a great
8 asset, also something that we can use to give to
9 real estate agents to help us sell our homes. So I
10 think it's going to be a -- a real benefit.

11 MAYOR EBERLE: Right. We have a
12 packet of -- of various things, including the parks
13 brochures, that we give to the real estate agent for
14 each sign that comes up --

15 COUNCIL MEMBERS: Uh-huh.

16 MAYOR EBERLE: -- so. . .

17 COUNCIL MEMBER ERTEL: I'd like to
18 say something, too, about the Harrods Creek Trail.
19 I've been rather remiss in visiting the trail, so
20 yesterday my husband and my little 4-pound dog
21 and I made the trip around, thanks to Stuart and
22 his wife Peggy.

23 And I have to say: I was very, very
24 impressed. All the bridges were just remarkable.
25 There's still a few large trees that are blocking

1 some of the trail, but there are plans to get rid of
2 those, but overall it's just beautiful. And this is in
3 the winter when there are no leaves on the trees.
4 So in the summer, when it's full bloom, I'm sure
5 it's going to be even more breathtaking.

6 COUNCIL MEMBER SIMON: I also
7 went --

8 COUNCIL MEMBER ERTLE: It's very
9 nice.

10 COUNCIL MEMBER SIMON: -- with my
11 wife. We walked it, and I think this was about 70
12 acres.

13 COUNCIL MEMBER MILES: Yes, 70 or 80
14 acres.

15 COUNCIL MEMBER SIMON: Yeah. So
16 we'll be -- between Harrods Creek and Putney's
17 [sic] Pond now, we have almost 100 acres of forest
18 with trails in the City of Prospect. That's huge.
19 That's absolutely huge.

20 MS. SPEAKER: Is applause in order for
21 that?

22 [applause]

23 COUNCIL MEMBER SIMON: I mean,
24 communities would die to have that.

25 MAYOR EBERLE: One -- and I'm sorry,

1 Alan. I didn't mean to interrupt.

2 COUNCIL MEMBER SIMON: It's okay.

3 MAYOR EBERLE: One thing that the
4 committee did decide, June 2nd, and it's marked on
5 your Prospect calendars, is National Trails Day.
6 It's a Saturday. And the -- the committee and --
7 and volunteers assisting them will be giving tours
8 of the trails for those who hadn't been on it by that
9 time. But that will be a trail open house on -- on
10 Saturday, June 2nd to commemorate Trails Day
11 that's -- which is a national -- a -- a
12 nationally-observed day, so. . .

13 Anything else? I can't remember that we've --
14 we're -- we're working on some more Boy Scout
15 projects.

16 COUNCIL MEMBER SIMON: Yeah, the --
17 the sewer treatment plant --

18 MAYOR EBERLE: Yes.

19 COUNCIL MEMBER SIMON: -- when that
20 disappears --

21 MAYOR EBERLE: Uh-huh.

22 COUNCIL MEMBER SIMON: -- all that
23 land is going to become ours; correct?

24 COUNCIL MEMBER MILES: Right.

25 MAYOR EBERLE: Right.

1 COUNCIL MEMBER SIMON: Okay.

2 COUNCIL MEMBER MILES: Right. And
3 all of that will be removed, all the sewer treatment
4 plant.

5 COUNCIL MEMBER SIMON: And we have
6 to fill the holes in with dirt.

7 COUNCIL MEMBER MILES: No, they'll
8 do --

9 MAYOR EBERLE: They'll do it.

10 COUNCIL MEMBER SIMON: They're
11 going to do that.

12 MAYOR EBERLE: No, they're going to do
13 everything.

14 COUNCIL MEMBER MILES: They're
15 going to grade it, seed it. It's just going to be
16 good to go when we get it.

17 MAYOR EBERLE: And they're going to
18 give us the little house, the -- there's a brick
19 house there by the treatment house that has a -- a
20 fence around it now, but -- that will be saved, but
21 other than that, they'll grade everything.

22 And they're -- also push a path from where
23 the -- the sewer treatment plant is now to the
24 creek, so we'll have that part of Hunting Creek --
25 or no, not Hunting Creek --

1 COUNCIL MEMBER SIMON: Harrods
2 Creek.

3 MAYOR EBERLE: Harrods Creek Park
4 will -- will provide paddling access to Harrods
5 Creek.

6 COUNCIL MEMBER SIMON: We can
7 launch in there then.

8 MAYOR EBERLE: And -- and we'll be
9 able to launch in there.

10 COUNCIL MEMBER SIMON: Wonderful.
11 It'll be absolutely just wonderful.

12 MAYOR EBERLE: Yeah, so -- yeah, all
13 those things will -- will happen probably within the
14 next 20 to 24 months.

15 COUNCIL MEMBER SIMON: The best
16 part of that property is --

17 MAYOR EBERLE: By that time it'll all be
18 done, but --

19 COUNCIL MEMBER SIMON: -- we didn't
20 pay for that. That was deeded to the City, that
21 property; correct?

22 COUNCIL MEMBER MILES: Yes.

23 MAYOR EBERLE: Well --

24 CITY ATTORNEY POTTS: Hadn't been
25 yet.

1 MAYOR EBERLE: It hadn't been yet.

2 COUNCIL MEMBER SIMON: Okay.

3 MAYOR EBERLE: But the agreement is
4 that they will sell it to us for \$1, so --

5 COUNCIL MEMBER ERTLE: Oh, I like
6 that.

7 MAYOR EBERLE: We're starting the --
8 starting the fund-raising now.

9 COUNCIL MEMBER SIMON: Sold.

10 CHIEF WILSON: Yeah.

11 COUNCIL MEMBER SIMON: Sold.

12 COUNCIL MEMBER MILES: Considering
13 they bought it from us for a million two, that's a
14 pretty good deal.

15 MAYOR EBERLE: Anyway -- but that's
16 the -- that is the plan, and -- and it will happen,
17 and it's just a time -- a -- a -- question of time
18 frame, so that's all good news.

19 Forestation Board did not meet this month, but
20 we will get our Tree City U.S.A. re-application in.
21 Later this week it has to be in, so. . .

22 And I don't see Lee Tucci, but there's really
23 no -- no news since they did not have a -- a
24 January meeting, but they will have a February one
25 the week before. It'll be the -- February 13th, the

1 week before council meeting.

2 Library Committee update, we're looking at
3 the Baker and Taylor contract, which is our book
4 lease contract. And we may have a meeting next
5 Wednesday to discuss that, but I -- I'll let
6 Sandra -- I don't think we're looking at a whole lot
7 of change there, so. . .

8 COUNCIL MEMBER LEONARD: No,
9 we've -- they've given us very good service this
10 year, so we're quite happy.

11 We're also taking a little bit of a look at some
12 of the -- our procedures kind of developed over
13 time, and one of the things that people are doing,
14 and we want to encourage it, is telling us what new
15 books other people in the city might like to read.
16 And Holly and I have been working on trying to
17 give that whole process feedback at different
18 points of it, so that people know that we
19 appreciate their input. Anyway, it's coming along
20 very well.

21 MAYOR EBERLE: Yeah. So if you have
22 suggestions, there's a -- Holly, do you have one of
23 those sheets at the front desk, don't you, for book
24 suggestions?

25 MS. CLARK: [no audible response]

1 MAYOR EBERLE: There's also one on
2 the -- on the table in the library.

3 COUNCIL MEMBER LEONARD: There --
4 yeah, there's a couple upstairs. And we have to
5 kind of use some guidelines because we're so tiny.
6 For example, if you came up with a book that was
7 20 years old, we probably wouldn't go ahead and
8 buy it because our people tend to renew
9 best-selling books. But we've gotten a fair number
10 of -- of authors that we might not be reading in
11 Prospect through recommendations of some of
12 our -- our folks here.

13 MAYOR EBERLE: Right. So -- yeah,
14 certainly make the recommendations, and we will
15 certainly free -- be -- feel free to either buy it or
16 not buy it.

17 COUNCIL MEMBER LEONARD:
18 Including --

19 MAYOR EBERLE: But we want to hear
20 from --

21 COUNCIL MEMBER LEONARD: -- Ms.
22 Tucci, who is strong at recommending really good
23 books.

24 MAYOR EBERLE: And provides all our
25 book reviews for the newsletter.

1 COUNCIL MEMBER LEONARD: Uh-huh.

2 MAYOR EBERLE: Concerts at Cowley
3 Park, this year we had three. This next year we
4 will have two that are scheduled on the calendar.
5 We'll have a spring and a fall.

6 We may fill in some others. They can be
7 publicized and operated without a whole lot of
8 cost. Basically, it's writing a check to the band.

9 And on June 10th, we won't have to mail the
10 check because Ron Cundiff's band, One Card Shy,
11 will be playing. So we can just hand deliver it.
12 And -- and I talked to him today. He's got his
13 sound people worked up, so that'll be fun.

14 The other one is in the fall, and we don't have
15 any -- anybody lined up for that, but we're looking
16 forward to Ron and his band on that Sunday.

17 City Hall generator, it was -- it was delivered
18 and put in place at the December meeting. It is
19 now operational. Congratulations to Ann Simms.
20 And it will cycle every Monday for --

21 CITY ADMINISTRATOR SIMMS: 15
22 minutes.

23 MAYOR EBERLE: -- 15 minutes to make
24 sure that it's still operational.

25 CITY ADMINISTRATOR SIMMS: Right.

1 MAYOR EBERLE: And it won't interrupt
2 anything here at City Hall except for maybe a little
3 noise, but -- so it's -- it's -- it -- it is operational.
4 We're -- we're ready for bad weather, which
5 probably means we won't have any.

6 COUNCIL MEMBER SIMON: So if we
7 have bad weather, can we bring our -- our -- our
8 sleeping bags and stay in here where it's warm?

9 MAYOR EBERLE: Yes.

10 COUNCIL MEMBER SIMON: Okay. Camp
11 out at City Hall.

12 MAYOR EBERLE: \$20 a night. You've
13 got to pay for the diesel fuel.

14 COUNCIL MEMBER MILES: That's fair. I
15 would have paid that on a couple storms.
16 [WHEREUPON, off-the-record remarks are
17 made.]

18 MAYOR EBERLE: We -- there are a
19 couple things that -- on the Mayor's Report that
20 I -- that did not make the printed agenda, and I'll
21 mention briefly. One is the supplemental
22 environmental study for the Ohio River Bridges
23 Pro -- Project. There has been some
24 communication with regards to that.

25 We are in -- I should say Ann, in particular --

1 Ann Simms, in particular, is in constant contact
2 with Jack Sacksteder. And we -- Ann, I don't know
3 if you want to make any comments on that or where
4 we are on the -- on -- with regards to the Bridges
5 Project.

6 CITY ADMINISTRATOR SIMMS: Well,
7 unless there's any really pertinent question, I
8 would say that if we hear from people in the
9 community this month, John Sacksteder, who is the
10 manager of the Bridges Project here in Kentucky,
11 he's located in Louisville, would be happy to
12 answer questions at a council meeting if there
13 were enough people that really felt like they
14 wanted to hear those answers.

15 So if somebody would want to let me know that
16 they would like somebody like that to come, we can
17 arrange if. He's offered to be here.

18 MAYOR EBERLE: We could either do it
19 at a council meeting or we could have a special
20 meeting. It's just easier to -- maybe, to -- I mean,
21 I don't think he needs that much time that we'd
22 need to --

23 CITY ADMINISTRATOR SIMMS: No.

24 MAYOR EBERLE: -- schedule a special
25 meeting.

1 CITY ADMINISTRATOR SIMMS: I don't
2 think so, especially I --

3 MAYOR EBERLE: But he has agreed to --

4 CITY ADMINISTRATOR SIMMS: -- think
5 that would be idea.

6 MAYOR EBERLE: Yeah, yeah.

7 CITY ADMINISTRATOR SIMMS: And if he
8 just even would do a brief overview, those of us
9 who have gone to meetings for --

10 MAYOR EBERLE: Yeah.

11 CITY ADMINISTRATOR SIMMS: -- what
12 feels like decades really take for granted what we
13 know. And it's only when we talk to someone else
14 that we realize that they don't have the benefit of
15 watching a million slide presentations and
16 everything else. And -- and they're not boring.
17 They really aren't. Some of them are quite
18 interesting.

19 MAYOR EBERLE: So we'll try to line Mr.
20 Sacksteder up for the February meeting, if
21 that's -- if that works for him. If not, hopefully
22 March would.

23 I've also been in contact with the new director
24 for Planning and Zoning, Phil Bills, and he is
25 willing to come and talk a little bit about the

1 planning process. He is the new director, and
2 we'll look for him either -- well, probably February
3 or March. We probably wouldn't have both of them
4 the same night, but. . .

5 So we'll have Mr. Bills come and discuss that.
6 It's often a -- a complicated process, as I know Mr.
7 Price in the back can testify to.

8 The -- the MSD River Road Interceptor
9 Project, which is the -- the force main that will --
10 that will proceed to the current treatment plant
11 and not part of, necessarily, the Harrods Creek
12 Project, that would -- they will have a meeting
13 here to explain what that will involve with the City
14 of -- of Prospect.

15 It does not cross any private property. It
16 will -- it will cross the road. It will cross Timber
17 Ridge, so Timber Ridge will be torn up; they'll lay
18 it through there. And then -- and I don't think --
19 what we're told, that it -- it really -- it -- it'll stop
20 traffic for bits of time, but it won't be down for a
21 day or a week or anything like that.

22 COUNCIL MEMBER LEONARD: Will this
23 cause them to have to resurface all of Timber
24 Ridge?

25 MAYOR EBERLE: Well, between them

1 and the water company, that's -- that's what I'm
2 going for. So they will definitely have to resurface
3 what they've got, and -- so, yeah, right, that'll --
4 that'll be part of the -- or what we'll be trying to
5 work with on them.

6 And I encourage you to -- to come -- to come
7 to that meeting and ask that question to reinforce
8 our concerns. That meeting is January 23rd here in
9 City Hall in this -- in this room from 5 to 6:30. So
10 it's not our meeting, but we're facilitated -- we're
11 facilitating it by providing the -- the location.

12 Finally, our Ethics Commission forms for
13 elected officials, appointed officials, all
14 employees -- who am I leaving out? We have the
15 chair of the Ethics Commission here. I think that's
16 it, but they're due March 1st.

17 And I -- I put the -- the forms with -- in your
18 packets, and for others we'll -- we'll distribute
19 them for the staff at the staff meeting tomorrow
20 morning. And, again, those are due March 1st.

21 The information to be provided on that is
22 information as of December 31st, 2011, so it's --
23 it's -- it's -- it's where you were at on the last day
24 of the -- of the year 2011.

25 COUNCIL MEMBER MILES: Mayor, I

1 have a question.

2 MAYOR EBERLE: Sure.

3 COUNCIL MEMBER MILES: And -- and I
4 think we're both in the same position: If -- if no
5 information is changed, do you have to complete a
6 whole other form, or can you just write "ditto"?

7 MAYOR EBERLE: No, because -- no,
8 we. . .

9 COUNCIL MEMBER LEONARD: That's an
10 excellent question.

11 MAYOR EBERLE: They're not
12 particularly --

13 COUNCIL MEMBER MILES: Because it's
14 such an all-consuming process to fill the same
15 form out again with the same exact information.

16 MAYOR EBERLE: Well, if you didn't
17 keep a copy, you can get one from -- from Ms.
18 Nicholson there.

19 COUNCIL MEMBER MILES: Okay.

20 MAYOR EBERLE: So -- but, yes, I -- you
21 need to com -- complete a new form and sign it.

22 MS. NICHOLSON: You can Xerox a copy,
23 your last year's --

24 COUNCIL MEMBER MILES: Okay.

25 MS. NICHOLSON: -- and just insert it.

1 That would work.

2 COUNCIL MEMBER MILES: All right.

3 Just change the date, just Whiteout and put in a
4 new date?

5 MS. NICHOLSON: I don't -- Mayor, I
6 don't believe we made any changes --

7 MAYOR EBERLE: It's not hard to fill
8 those forms out. In fact, Mr. McDaniel has
9 recently filled one out.

10 Okay. So get those to Ms. Nicholson before
11 March 1st. And your Ethics Commission meeting is
12 March 7th or so, and so if you don't have them in
13 by then, you will -- you'll get a letter; yeah.

14 Our next item of business -- next item of
15 business is the Beach Craigmyle Public Service
16 Award. This is an award that is -- is given
17 annually, has been since 1990. So this is the 23rd
18 year that the award has been given. And the
19 give -- the-- the award was named after Beach
20 Craigmyle, who was a mayor, not the first mayor,
21 but one of the early mayors, who was established
22 and was the first recipient of the award. His first
23 name is Beach, or was; yes. Okay.

24 And the award is to recognize outstanding
25 public service commitments to the City of

1 Prospect. Normally, I -- well -- and -- and these
2 nominations are, I'll remind you, submitted by --
3 by members of the council; and then from those
4 nominations, I select a -- a -- a recipient.

5 Normally, I am able to have a partner in
6 crime, and the recipient, I -- I contact the spouse,
7 and I get information on the spouse. And -- and
8 that -- that was particularly difficult this year
9 because we have two recipients, and -- and they're
10 married to each other.

11 So -- and I have been able to convince them
12 to attend tonight's meeting. Susan Nich --
13 Nicholson.

14 [applause]

15 MAYOR EBERLE: I'll have to say that
16 this is the -- this is the first time we've had a --
17 we've had two -- more than one person be
18 nominated and -- and receive the award, but this is
19 the first time that we've ever had a -- a husband
20 and wife win the award.

21 So -- but I will just -- when Ann, as you can
22 tell, is -- is poised to -- to get the -- to get the
23 photos for the newsletter. Susan, for those of you
24 who you don't know her -- know her, is a CPA, and
25 worked many years as the chief financial officer of

1 the Community Foundation of Louisville; and has
2 fairly recently joined her husband Nick in
3 retirement.

4 Nick worked for Jefferson County Public
5 Schools for many, many years. Nick was a -- a
6 native -- we -- we wished we could claim him as a
7 native of Prospect, but he was -- he was born
8 before Prospect was a city, so he had -- so he -- it
9 was only 34 years ago.

10 MR. SPEAKER: In all fairness, I think
11 everybody in this room was born before Prospect
12 was. . .

13 MAYOR EBERLE: Native Anchorage,
14 Kentucky, though. Good choice. Susan's a native
15 of Cedar Rapids, Iowa. And as we noted, she had
16 chaired the Prospect Ethics Commission for many
17 years. She's served as treasurer of the Fox
18 Harbor Neigh -- Neighborhood Association for
19 many years, and that's what she got for being a
20 CPA; headed up the Fox Harbor Picnic for many
21 years, except I think one year I had to go get the
22 chicken.

23 Nick, as I indicated, with the Jefferson County
24 Public Schools for many years. If you look out
25 your window in the morning, he walks the

1 neighborhoods. And you can probably see Nick not
2 only walking, but if he sees anything, he'll pick up
3 trash. So -- and in his retirement, he's really
4 benefitted the City; maintains the Fox Harbor
5 entrance, cleaning and trimming the knockout
6 roses, among other things.

7 But most of all, their involvement has -- has
8 been with forestation and parks. And Stuart can
9 attest to that. They -- early on, they participated
10 in the tree inventory. I think maybe Susan was
11 working, but I know Nick was in -- involved in
12 the -- in the tree inventory that we did for the
13 entire city for the public areas; removal of
14 invasive species. He's probably still got some
15 poison ivy from that.

16 And the park activities, I don't -- I don't know
17 how many trail-work weekends we've had, but I --
18 Stuart, you could tell me whether --

19 COUNCIL MEMBER MILES: We've --

20 MAYOR EBERLE: -- you think they've --

21 COUNCIL MEMBER MILES: -- we've

22 had --

23 MAYOR EBERLE: -- missed any of them.

24 COUNCIL MEMBER MILES: -- at least

25 ten. I -- I don't think they've missed a one.

1 MAYOR EBERLE: Yeah.

2 COUNCIL MEMBER MILES: I think
3 they're the only people who have made all of them,
4 ex -- except for myself. And -- and let me tell
5 you-guys: It -- it is hard work.

6 MAYOR EBERLE: It is.

7 COUNCIL MEMBER MILES: It's -- it's
8 been 90 degrees and 100% humidity, they're out
9 there. It's a cold December day, they're out there.
10 The last time they showed up, and I said,
11 "Okay, see that -- that, you know, half-a-mile long
12 stretch of bamboo? I need to you cut through
13 that." And they came back and it was done.

14 And they -- they never complain, and they
15 have the best attitude. And -- and we're very,
16 very blessed to have them as residents of this
17 city.

18 MAYOR EBERLE: And there's -- and
19 there's very seldom a -- a -- a council meeting
20 when they're -- they're not in attendance, either as
21 the official recorder for the Fox Harbor
22 Neighborhood Association, or just on their general
23 interest. So we -- we greatly appreciate the work
24 of both of them. They're a package.

25 And their plaque, which we will give them here

1 momentarily, reads, [reads] City of Prospect,
2 Kentucky, 2010, Craigmyle Public Service Award
3 presented to Susan Nicholson and Nick Nicholson
4 in appreciation for their dedicated service to the
5 City of Prospect and the parks and public lands.

6 So. . .

7 [applause]

8 MAYOR EBERLE: Photo op.

9 MS. NICHOLSON: We are not dressed for
10 this at all.

11 MAYOR EBERLE: Did we fool you?

12 MS. NICHOLSON: Yes, you did.

13 COUNCIL MEMBER ERTLE: By her
14 expression, I would say yes.

15 MAYOR EBERLE: Really? Okay.

16 COUNCIL MEMBER MILES: You still
17 have to come help.

18 [WHEREUPON, off-the-record remarks are
19 made.]

20 MAYOR EBERLE: I did tell Susan that
21 we needed some support for other things, and --
22 and, I thought this will be the one meeting they
23 don't show up to, so. . .

24 COUNCIL MEMBER SIMON: They were
25 on the trail Sunday, too. And it was a beautiful

1 day down there. Sunday was just -- it couldn't
2 have been better day for walking that trail. It was
3 just cool enough to keep you warm.

4 MAYOR EBERLE: And they will both
5 have speeches at the February meeting, so. . .

6 Police report. Marvin had hoped to be here
7 tonight, and he got called away at the last minute.
8 So I have Marvin Wilson listed, but it's Lieutenant
9 Dennis Wine with the monthly police report. But
10 Marvin is back and -- and -- and is -- is at work
11 every day, so we will hope to be able -- be able to
12 have him in February, but right now, pressed into
13 service at the last minute is Dennis.

14 LIEUTENANT WINE: I was definitely
15 hoping he was going to be here. I was going
16 through a dermatology procedure, so if I look like
17 a monster, I'm not. It's just about halfway through
18 the procedure, so. . .

19 Anyway, we had a very light month. We only
20 had two incident reports. One involving a leaving
21 the scene of an accident over here at Stock Yards
22 Bank. And then the second one we had a -- a
23 vehicle that was broken into, however, nothing
24 was taken. And that was over at Kroger's on
25 December 17th. If you-all remember, last month we

1 had approximately 25 vehicles that got -- they
2 were broken into or doors was left unlocked and
3 people got into them.

4 Of course, with that light activity, we're
5 always proud of -- proud of it, and hope it stays
6 like that.

7 Is there any questions as far as the report
8 from the council?

9 MAYOR EBERLE: Yeah, the written
10 report in front of you. And there are --

11 COUNCIL MEMBER TUCCI: I tribute the
12 good behavior to the fact that everybody knew
13 Santa Clause was keeping track then. There's
14 probably a dip in December every year, I would
15 think.

16 MAYOR EBERLE: And there are written
17 reports on the back table there, also. You can
18 pick those up.

19 LIEUTENANT WINE: We did have two
20 juveniles that were arrested for possession of
21 marijuana over in the Sutherland. That happened
22 on December 2nd. I guess it's good to know they
23 weren't Prospect residents, but they were there
24 visiting -- trying to visit one of the residents when
25 they got stopped by one of the officers, and were

1 found to be in possession of marijuana.

2 COUNCIL MEMBER TUCCI: Did that
3 crime wave, you know, of the previous month, that
4 sort of blew through -- not through Prospect, but
5 through surrounding areas, has that just blown all
6 the way out or. . .

7 LIEUTENANT WINE: We -- we don't have
8 anything at this point. We're -- as mentioned
9 last month, Oldham County, as well as the
10 8th Division --

11 COUNCIL MEMBER TUCCI: Uh-huh;
12 yeah, yeah.

13 LIEUTENANT WINE: -- was also involved
14 with -- we don't have any leads in it at this point
15 in time.

16 COUNCIL MEMBER TUCCI: And is it
17 continuing, or has it stopped?

18 LIEUTENANT WINE: Not that I know of.
19 I think it's --

20 COUNCIL MEMBER TUCCI: Yeah.

21 LIEUTENANT WINE: -- it's gotten kind of
22 quiet.

23 MAYOR EBERLE: Yeah.

24 LIEUTENANT WINE: Sometimes when
25 you have a situation like this, I mean, they'll go

1 through. They get lucky. They -- they score.
2 They go into hiding or maybe another area. But
3 right now we're not being hit, and I haven't heard
4 anything from Oldham County or the 8th Division.

5 Also, we had our first departmental meeting
6 on December 21st. It was attended by Chief
7 Wilson, the Mayor, Ann, and several other officers,
8 as well as myself. We plan on doing these on a
9 monthly basis. The next one's going to be
10 scheduled on the 26th of this month.

11 The purpose is, basically, just to share
12 information between the shifts and the officers
13 within the department as a whole to improve the
14 professionalism of the department through updates
15 on the law and whatever the best practices in law
16 enforcement would be.

17 We also plan on doing quarterly meetings with
18 other agencies, such as Greymoor and Devondale,
19 Indian Hills, North field, Oldham County, and the
20 8th division. And this is where we'll share
21 information, if there's any leads or anything, like,
22 on the instances we had last month with car
23 break-ins. We all will be working together on that.

24 We also hope for this next meeting for Mike
25 Thomas to do a presentation on identity theft.

1 That's also one of the things we -- we look forward
2 to each month, is for an officer to give some type
3 of presentation on something they've learned at
4 one of their training classes.

5 Code enforcement's also very light this month.
6 I think we had three instances with just some dogs
7 running loose, and we were able to take care of
8 that.

9 We continue the empher -- emphasizing the
10 officers' need for law enforce -- the enforcement
11 of these ordinances. As I stated before, it's not
12 our goal to issue a lot of citations, but just try to
13 change the behavior, you know, of the residents.

14 And whenever we can do the verbal warnings
15 and meet with people in person and try to
16 accomplish, you know, what we're hoping to
17 accomplish as far as the ordinance, it seems to
18 work out pretty good. We feel like the officers
19 have been doing a real good job towards the code
20 enforcement within the City of Prospect.

21 We also have been working with -- with this
22 house-for-sale list and the contractors list. Any
23 time a house goes up for sale, we contact the
24 Realtor and make them aware of the ordinance as
25 far as the real estate sign ordinance.

1 And then the contractors list, you know, they
2 have 30 days after the -- the project is completed
3 to remove their sign. So we try, to you know, stay
4 on top of that and remove the signs -- or have
5 them remove them for us at the end of 30 days.

6 We also are expecting our next new Escape.
7 It's -- it has arrived. It's being painted, and we're
8 hoping to have it on the street -- the street within
9 two weeks.

10 MAYOR EBERLE: Dennis, you might want
11 to note that the Escape doesn't have anything to
12 do with incarceration. It is -- it's our new -- that's
13 our Ford hybrid.

14 LIEUTENANT WINE: Right.

15 MAYOR EBERLE: Yeah; okay.

16 LIEUTENANT WINE: I'm sorry. Ford
17 Escape. Of course, this has been -- was ordered
18 since July, and there's been a hold up. Not
19 anything that we did or didn't do. Apparently,
20 Ford manufactures -- must have to have so many
21 before they even put them on the assembly line, so
22 we're hoping to have it, you know, on the road and
23 operational within two weeks.

24 COUNCIL MEMBER LEONARD: Do we
25 have any idea how much money we may have saved

1 last year with the ones we've got in operation?

2 MAYOR EBERLE: Marvin might be able
3 to get a -- a -- a per -- like a -- a mileage. The --
4 the total cost was skewed somewhat, and it may be
5 it -- and it was not caught by the audit last year.
6 So comparing the total fuel costs is -- is somewhat
7 problematic, because we get it from the fire -- we
8 get the gas from the fire house.

9 COUNCIL MEMBER LEONARD: Uh-huh.

10 MAYOR EBERLE: And they -- they are to
11 bill us every month, but they went, what was it,
12 Lieutenant, maybe four or five months where
13 they -- they -- they couldn't bill us because of
14 some --

15 LIEUTENANT WINE: Right.

16 MAYOR EBERLE: -- snafu down there.
17 So -- but I think we could get mileage
18 differences --

19 COUNCIL MEMBER LEONARD:

20 Actually --

21 MAYOR EBERLE: -- for sure.

22 COUNCIL MEMBER LEONARD: -- part of
23 my motivation was the article in today's newspaper
24 about the school buses. I was --

25 MAYOR EBERLE: Right.

1 COUNCIL MEMBER LEONARD: -- I was
2 actually appalled because the buses cost twice as
3 much, but they're only getting roughly 1 to 1.5
4 gallons more -- or miles more per gallon.

5 MAYOR EBERLE: Right.

6 COUNCIL MEMBER LEONARD: And I was
7 thinking, you know, the numbers don't work. It's a
8 little bit like Solyndra, you know. As long as
9 you're going to sell it for less than what you --
10 costs to manufacture, it doesn't make sense.

11 And so the hybrid buses didn't make any
12 sense to me at all, and I was hoping ours were not
13 like that.

14 COUNCIL MEMBER SIMON: I think the
15 Crown Vic is, like, 12, 13 miles to -- to a gallon,
16 the -- the big rigger [phonetic] Crown Vics. So I'm
17 sure these things are about -- at least 20 miles --

18 MAYOR EBERLE: Yeah, I think we were
19 getting --

20 COUNCIL MEMBER SIMON: Yeah, at 20,
21 so we're -- you know, that's a savings. As long as
22 they're able to use that consistently.

23 COUNCIL MEMBER LEONARD: But you
24 pay more for the vehicle --

25 COUNCIL MEMBER SIMON: Right;

1 exactly.

2 COUNCIL MEMBER LEONARD: -- so --

3 MAYOR EBERLE: No, it -- no, they're
4 about the same price.

5 COUNCIL MEMBER LEONARD:

6 They're -- they're about the same?

7 MAYOR EBERLE: They're about the
8 same price.

9 COUNCIL MEMBER LEONARD: Now, I'd
10 be -- I'd be interested --

11 LIEUTENANT WINE: Unfortunately, this
12 is the last year they're -- they're making the -- the
13 Hybrid Escapes, so --

14 MAYOR EBERLE: Right, and --

15 LIEUTENANT WINE: -- last year was the
16 last year, the 2012 model, so I guess we'll be back
17 to --

18 MAYOR EBERLE: They're making an
19 EcoBoost engine we'll have to look at, which
20 apparently saves on gas. I don't understand it
21 particularly, how it functions, but it saves on gas,
22 and should approximate what we would get with the
23 hybrid. But we haven't decided whether we'll --
24 we'll buy one of those.

25 COUNCIL MEMBER LEONARD: Actually,

1 that sounded very impressive. I had no idea what
2 you were talking about.

3 MAYOR EBERLE: What, EcoBoost?

4 COUNCIL MEMBER LEONARD: Yeah.

5 MAYOR EBERLE: I have -- no, I mean,
6 that's what they call it. I have -- I have no idea,
7 either, so. . .

8 But they're -- they're not going to make the
9 hybrid in the edge any -- I mean, in the -- yeah, in
10 the Escape next year, and they haven't made the
11 Crown Vic for two years. So we're dwindling on --
12 the ne -- the next most highly-used police vehicle
13 is the Chevy Malibu -- no, Chevy Impala. I'm
14 sorry.

15 LIEUTENANT WINE: They are supposed
16 to be coming back with a -- I guess a replacement
17 for the Crown Vic called a Police Interceptor, but I
18 don't know a whole lot about that and the cost
19 factor and whether or not it would be -- I -- I doubt
20 it would be a hybrid.

21 MAYOR EBERLE: I would be --

22 LIEUTENANT WINE: Yeah.

23 MAYOR EBERLE: -- very surprised if
24 they made a hybrid out of a --

25 COUNCIL MEMBER SIMON: The one

1 thing about the hybrid that's good is that if for
2 some reason you can't get gas, they still run for a
3 while, yeah, but at least you're running.

4 COUNCIL MEMBER MILES: The other
5 thing is when you stop, the engine isn't running,
6 which is for police cars, I would think, there are
7 many times where you're stopping --

8 LIEUTENANT WINE: You -- you can
9 definitely sneak up on somebody if you're going at
10 a slow rate of speed, you know, just in general,
11 when you can't hear it [phonetic].

12 And if you check the back of your binders,
13 we've got a commendation letter for Officer
14 Marianne Haverlin. She was instrumental in
15 making an arrest on a wanted subject.

16 MAYOR EBERLE: Actually, we added
17 another one later this -- this afternoon, a
18 commendation also for Officer Pat Timmons. I -- I
19 snuck that one in. It was sent to me, Dennis, if
20 you know about that one.

21 LIEUTENANT WINE: We definitely enjoy
22 receiving them and reading, you know, good works
23 of our officers.

24 MAYOR EBERLE: Any questions or
25 comments for Lieutenant Wine? Additional

1 questions or comments?

2 COUNCIL MEMBER SIMON: I just want
3 to say I appreciate, and we appreciate, the police
4 Department because we have a good police
5 department. And it's wonderful.

6 MAYOR EBERLE: Thank you. I second
7 that.

8 The next item of business is comments from
9 citizens, and we did have a specific request in
10 advance from Kroger Corporation. Daniel
11 Lethco -- and I don't know if, Danny, you are going
12 to make the presentation or whether you're going
13 to do it jointly with -- with Mr. Price or -- or
14 anyone else. And I -- did I see you have some
15 slides?

16 MR. LETHCO: It's just a couple.

17 MAYOR EBERLE: Okay. Holly, do you
18 want to get the back lights? And people in the
19 audience will necessarily have to turn around,
20 stretch around. And I assume, maybe one of the
21 slides may -- may be your revised proposal.

22 MR. LETHCO: That's really all I'm going
23 to talk about.

24 MAYOR EBERLE: Okay. And that was
25 sent to all the council members electronically.

1 And -- and in the back of your binders, I -- I do
2 have a [sic] 8-1/2-11, which doesn't do it justice.

3 MR. LETHCO: That's why we thought this
4 would be easier.

5 [WHEREUPON, off-the-record remarks are
6 made.]

7 [WHEREUPON, a slide presentation begins.]

8 MR. LETHCO: I'm Danny Lethco. I'm --
9 it's L-e-t-h-c-o. Our office is at 1600 Ormsby
10 Station Court, Louisville 40223.

11 And really, we just wanted to point out some
12 things as far as the site plan is concerned that we
13 will be going forward with provided the ordinance
14 is approved tonight. And the main thing that we
15 want to point out is there is no longer a fuel
16 station right there in the corner, and that we know
17 that's been one of the things that have been in our
18 way to -- to getting this done. And so that has
19 been removed.

20 However, we really feel like the -- the best
21 thing to still do is -- there had been some
22 concerns about traffic in this entrance and exit
23 here, so we are -- still want to provide the middle
24 entrance into the shopping center. And this is
25 kind of what our focal point will be, and then --

1 then you can just see the green space that we --
2 that'll be involved in the center is what we've
3 added to that:

4 Jonas [phonetic], if you'll go to the plan
5 that -- that I sent to everybody, the next one.
6 Basically, what we've added in this area is
7 landscaping, seating, bike racks, just try to -- to
8 be -- provide a focal point at -- into this main
9 entrance; sidewalk all the way from Timber Ridge
10 Drive all the way down to the -- to the front of it.

11 The dark areas along Timber Ridge Drive are
12 bike paths, which is -- is something that people
13 have -- have been wanting; and -- and then just
14 the -- the -- some of the more red areas are
15 some -- just the way the parking is -- is aligned
16 along the back side of the retail to provide better
17 access.

18 And then even though we're not doing the fuel
19 station, we're going to go ahead and make some
20 parking improvements here in the back that,
21 because we're adding a sidewalk back here, there
22 will be a fence separating this -- this property over
23 here. And so we just wanted to just make all the
24 improvements while we were at it.

25 One of the other things that -- that we are

1 doing or we ha -- are actually showing is a
2 sidewalk along here. There -- there will be a
3 pharmacy drive-thru right here on this side of the
4 store. There will be a -- an -- a sidewalk built
5 from that area over to Carslaw Court.

6 The mobility study that the City had done was
7 asking for a -- a connection point. There's already
8 a sidewalk behind the McDonald's property, and
9 it -- that sidewalk was continued back behind the
10 car wash and behind the Circle K store, and then
11 con -- connected to Carslaw Court.

12 That's probably the best solution, and -- and
13 that's what we would suggest happening. But
14 while we were drawing, we thought, well, we'll go
15 ahead and throw this in there; and then if you-guys
16 want to -- want to do this one over here, then
17 that's probably the best solution to the problem --
18 or suggestion.

19 And so that -- that's just kind of some
20 highlights as far as the -- the site plan is
21 concerned going forward, and -- and I did try to
22 get that to you-all early so you can look at it.
23 And -- and as the next time we come forward, then
24 if you want to -- you've got my e-mail. If you want
25 to give me any suggestions, any comments, any

1 concerns or whatever, it'd be great to be able to
2 do it that way.

3 But provided that the -- the ordinance is
4 approved tonight, I think the way I understand
5 what happens is -- is that the -- the mayor will
6 sign the ordinance, and then Ms. Simms will get
7 the ordinance to the Courier-Journal, who would
8 then put it in the Courier at -- which will be posted
9 publicly, like, ten days from tonight. So it'll be
10 like the 18th that it would be posted; and then we
11 would file with Metro Louisville with that plan on
12 1/19 the very next day.

13 And so if all those things happen the way
14 they're supposed to, then we would probably be
15 back before you at your March meeting to present
16 this plan so that you could -- so we could actually
17 get approval for it.

18 [WHEREUPON, slide presentation concludes.]

19 MR. KEHLBECK: I have question --

20 MAYOR EBERLE: Can you -- can you --

21 CITY ATTORNEY POTTS: Joe, can you
22 go up to the --

23 MAYOR EBERLE: Yeah.

24 CITY ATTORNEY POTTS: -- mic?

25 MR. KEHLBECK: I'd like to ask Danny

1 if -- just ask a couple of questions. We've had
2 some meetings, on this, on the Court, and with
3 the -- this is Joe Kehlbeck, 7812 Cedar Ridge
4 Court.

5 When you pick up prescription drugs, will
6 there be a drive-thru from Carslaw Court?

7 MR. LETHCO: There is still a
8 cut-through, yes, on the -- on this particular plat;
9 yes.

10 MR. KEHLBECK: Yeah, okay.

11 MR. LETHCO: It's -- it's -- it's shown --
12 you basically take out -- take out the Sam Meyers
13 location. They're going to slide over to the left.
14 And -- and so they'll be a cut-through right here
15 where you can drive through.

16 And you can get to Carslaw Court, or you can
17 come right back in this driveway and come right
18 back into the center.

19 MR. KEHLBECK: Okay. Thank you.

20 COUNCIL MEMBER ERTEL: I have a
21 question. Just out of curiosity, the parking spaces
22 behind the structure I'm assuming are going to be
23 for employees because there won't be an entrance
24 from the rear; is that correct?

25 MR. LETHCO: That's correct.

1 COUNCIL MEMBER ERTLE: Okay.

2 MR. LETHCO: You still have -- you do
3 have a cut-through from like -- that when the
4 condos were built, there is still a cut-through
5 through the shop space right here.

6 MAYOR EBERLE: Right.

7 MR. LETHCO: So you can still get
8 through without having to walk all the way around
9 the store.

10 COUNCIL MEMBER ERTEL: Okay.

11 Thank you.

12 MR. SPEAKER: I'd like to speak if you're
13 through.

14 MAYOR EBERLE: Is that it? Is that it?
15 And -- and anybody that's with any -- need to
16 chime in? Mr. Price? Anybody?

17 I think -- I think the only comment that I would
18 have is that it's my understanding, and maybe
19 Grover wants to address it, that the -- the
20 predaseten -- preda -- preda -- the --

21 CITY ATTORNEY POTTS: Precatory.

22 MAYOR EBERLE: -- precatory --

23 CITY ATTORNEY POTTS: Documents.

24 MAYOR EBERLE: -- documents that we
25 would need in order to fulfill the settlement

1 agreement that was proposed and described last --
2 or last meeting with regards to 516 are in place,
3 and -- and we need to --

4 CITY ATTORNEY POTTS: He has fax
5 copies, and I'll have originals tomorrow.

6 MAYOR EBERLE: Right, we've got the
7 fax one right now.

8 COUNCIL MEMBER MILES: I -- I have a
9 question. The -- the bike trail you've described, is
10 it a paved bike trail or a striped bike trail or --

11 MR. LETHCO: It's striped --

12 COUNCIL MEMBER MILES: Okay.

13 MR. LETHCO: -- Stuart. It's -- it's --
14 it's just -- it's -- the asphalt is already there, and
15 it's striped --

16 COUNCIL MEMBER MILES: Uh-huh.

17 MR. LETHCO: -- to show the -- the
18 difference.

19 COUNCIL MEMBER MILES: And that's
20 something that Kroger is proposing doing?

21 MR. LETHCO: It's -- it's on the plan, you
22 know.

23 COUNCIL MEMBER MILES: Okay.

24 MR. LETHCO: We just tried to put
25 everything in there that's been discussed. And --

1 and, again, like what I would say, this -- this
2 would make more sense with the sidewalk for the
3 City to do, but, you know, we're -- we'll work with
4 you --

5 COUNCIL MEMBER MILES: Okay.

6 MR. LETHCO: -- on any of it.

7 MAYOR EBERLE: Appreciate that.

8 CITY ATTORNEY POTTS: This thing --
9 one of these things that just never goes away;
10 okay? Mr. Price, do you want to come up to the
11 microphone?

12 MR. PRICE: I better. I've got my
13 calculator and my flashlight, too.

14 CITY ATTORNEY POTTS: Okay. Good.
15 Glenn and I went out of the meeting during
16 Lieutenant Wine's report, because in reviewing
17 this plan, which has been reduced considerably,
18 while the percent of increase is shown as 26%,
19 when I eyeballed those numbers, it appeared to me
20 that it was greater than 30%, which was
21 problematic because we have 30% in our
22 ordinance.

23 And it appears that -- Glenn used his
24 calculator, that the percentage of increase is
25 35%. It goes from 117,654-square feet to

1 159,900-square feet, which is an increase of
2 greater than 30%. And our ordinance right now
3 says 30% because we thought we were dealing with
4 a 105,000-square-foot store and a 70,000-square
5 foot store, so. . .

6 COUNCIL MEMBER MILES: So the actual
7 size isn't bigger. It's just the calculation we did
8 on percentage just wasn't correct, or is the actual
9 size bigger than originally proposed?

10 CITY ATTORNEY POTTS: I don't know.
11 Danny will have to answer that question. Is the --

12 MR. LETHCO: I'm sorry.

13 CITY ATTORNEY POTTS: Stuart had a
14 question as to whether the size of the store was
15 bigger than you had actually proposed.

16 MR. LETHCO: No.

17 COUNCIL MEMBER MILES: So it's just
18 the -- the math on --

19 MR. LETHCO: Yes.

20 MAYOR EBERLE: The percentage of the
21 to --

22 COUNCIL MEMBER LEONARD: On the
23 percentage.

24 COUNCIL MEMBER MILES: The
25 percentage; okay.

1 MR. PRICE: Yeah, Now, the -- I've, once
2 again, never been known for my math skills, and I
3 certainly don't know how to operate this calculator
4 very well, but it looks, to me, that the difference
5 is -- it looks like 35.14% greater --

6 CITY ATTORNEY POTTS: Okay.

7 MR. PRICE: Okay.

8 CITY ATTORNEY POTTS: Right.

9 MAYOR EBERLE: So the amendment
10 would have to be --

11 COUNCIL MEMBER LEONARD: So we --
12 we amended it --

13 MAYOR EBERLE: -- 36.

14 COUNCIL MEMBER LEONARD: -- to 36.

15 MAYOR EBERLE: Yeah.

16 MR. LETHCO: Susan, can you verify
17 that?

18 MR. SPEAKER: Somebody should verify
19 it, but I think it's -- I've done it twice now, of
20 course.

21 COUNCIL MEMBER MILES: So -- so
22 what -- give me the numbers again.

23 MR. PRICE: Okay. What I've got, I -- I
24 did a ratio where 117,654-square feet is 100%. So
25 117,654 over 100 equals 159,900 over X.

1 [WHEREUPON, off-the-record remarks are
2 made.]

3 CITY ATTORNEY POTTS: 135.9, so 136
4 would get it.

5 MR. PRICE: Did you come up with the
6 same number?

7 CITY ATTORNEY POTTS: 135.9, so
8 35.9%.

9 COUNCIL MEMBER MILES: I -- I would
10 suggest, if we're going to do this, that we make it
11 37 --

12 CITY ATTORNEY POTTS: It's 37.

13 COUNCIL MEMBER MILES: -- so we
14 don't have to --

15 MAYOR EBERLE: We don't want to do
16 this again.

17 COUNCIL MEMBER MILES: -- have to do
18 this again.

19 COUNCIL MEMBER LEONARD: Okay, but
20 if we're saying that the only increase is the
21 increase of the size of the Kroger store by itself,
22 and if the increase, the way it was initially
23 calculated, was 30%, right, the Kroger store is a
24 component of the larger, and it doesn't make
25 sense that the percent would be higher.

1 COUNCIL MEMBER MILES: I think it was
2 a math error.

3 COUNCIL MEMBER LEONARD: You think
4 the math error was from the get-go.

5 COUNCIL MEMBER MILES: Right. He
6 was just --

7 COUNCIL MEMBER LEONARD: Okay.

8 COUNCIL MEMBER MILES: -- trying to
9 calculate the percent.

10 MR. PRICE: But the store has not
11 increased --

12 COUNCIL MEMBER LEONARD: I
13 understand. That -- believe me. I think we need
14 to amend this so it never has to be amended again.

15 Well, that's not a significant change, then,
16 because there is no real change. It's just
17 correcting a mistake.

18 MAYOR EBERLE: Right.

19 COUNCIL MEMBER LEONARD: The
20 intent is not different.

21 MAYOR EBERLE: Well, given -- given
22 the hundreds of e-mails that we have had on this
23 and the concern and some of the
24 misunderstandings, I hate to say it, but I think
25 that's a substantive change.

1 It is a key change in the -- in the Form
2 District. It's one percentage versus another, and
3 the percentage is stated in the ordinance.

4 COUNCIL MEMBER LEONARD: Uh-huh.

5 COUNCIL MEMBER SIMON: So we're
6 back to first reading again.

7 MAYOR EBERLE: Well, if we're -- we're
8 amending it --

9 COUNCIL MEMBER SIMON: Okay.

10 MAYOR EBERLE: -- regardless of
11 whether -- but I think -- I -- I -- I -- I would -- I -- I
12 think -- well, I think it's substantive.

13 COUNCIL MEMBER MILES: Well -- well,
14 if it is, I'd like to suggest that we do a special
15 meeting --

16 MAYOR EBERLE: We could do that.

17 COUNCIL MEMBER MILES: -- to get this
18 done. I'm -- and I'm leaving on vacation on the
19 19th. I'll be gone until the end of January. And
20 so --

21 COUNCIL MEMBER LEONARD: Is there a
22 time frame if we call a special meeting? Could we
23 have one --

24 MAYOR EBERLE: Twenty -- we have to --

25 CITY ATTORNEY POTTS: We have to

1 have --

2 MAYOR EBERLE: -- 24-hours notice.

3 CITY ATTORNEY POTTS: -- 24-hours
4 notice -- 24-hours notice.

5 COUNCIL MEMBER LEONARD: Okay. So
6 we could have one on Friday. I just thought as --
7 to get it done.

8 MAYOR EBERLE: You know, we wouldn't
9 have to meet at -- at 7:00 at night. If it's a
10 special meeting, we can pick --

11 COUNCIL MEMBER LEONARD: Uh-huh.

12 MAYOR EBERLE: -- when we want to do.
13 We could -- that would be a problem for --

14 COUNCIL MEMBER SIMON: Yeah.

15 MAYOR EBERLE: -- Mr. Simon.

16 COUNCIL MEMBER LEONARD: Well --

17 COUNCIL MEMBER TUCCI: Could we
18 meet at Mr. Simon's? Do we have to meet at City
19 Hall?

20 MAYOR EBERLE: No, we don't have to
21 meet at City Hall, but it has to be a convenient
22 place that can hold -- yeah.

23 COUNCIL MEMBER LEONARD: That's
24 not an irrational solution.

25 COUNCIL MEMBER SIMON: Well, it

1 might make some people happy if I didn't get to
2 vote anyway, so. . .

3 MAYOR EBERLE: Oh, there' s probably
4 Attorney General's opinions. Alan, what time do
5 you open in the morning?

6 COUNCIL MEMBER SIMON: I open at 9.

7 MAYOR EBERLE: 8:00.

8 COUNCIL MEMBER LEONARD: On Friday
9 morning.

10 COUNCIL MEMBER SIMON: I can do
11 that.

12 COUNCIL MEMBER LEONARD: 8:30.

13 MAYOR EBERLE: Well, yeah --

14 COUNCIL MEMBER SIMON: It -- it's not
15 going to take that long to --

16 MAYOR EBERLE: Probably won't take
17 long but --

18 COUNCIL MEMBER LEONARD: And if it
19 does, we're in real trouble.

20 MR. LETHCO: Can I ask a question?
21 This -- this is really to Ms. Simms. If we have the
22 meeting on -- or "we." If you have a meeting on
23 Friday, would the -- and if the ordinance were
24 adopted and the mayor signed it that day, could
25 the ordinance still be published by the Courier by

1 the following Wednesday?

2 MAYOR EBERLE: We may have an
3 answer to that from --

4 CITY ADMINISTRATOR SIMMS: We'll
5 have to find that out tomorrow. We'll have to ask
6 that question.

7 MR. LETHCO: Okay.

8 CITY ADMINISTRATOR SIMMS: We'll
9 call and ask.

10 MS. HAGEDORN: It might be difficult.

11 MR. LETHCO: That's is the Classified
12 Department probably.

13 MS. HAGEDORN: Yeah, our deadlines
14 are kind of -- I don't know. It might be difficult.
15 We usually publish that in --

16 MAYOR EBERLE: This -- for the
17 record --

18 MS. HAGEDORN: -- the neighborhood
19 section.

20 MAYOR EBERLE: -- this is Emily
21 Hagedorn with the Courier-Journal.

22 COUNCIL MEMBER LEONARD: Well, we
23 don't have to do it Friday now that we're getting so
24 flexible. I mean, today is Monday; 24 hours is
25 Wednesday.

1 COUNCIL MEMBER ERTEL: So we would
2 not have to first reading again if we amended that
3 37?

4 MAYOR EBERLE: Well, we would
5 amend --

6 COUNCIL MEMBER LEONARD: I would
7 be today.

8 MAYOR EBERLE: -- it today.

9 COUNCIL MEMBER LEONARD: Today.

10 MAYOR EBERLE: And second reading
11 would be later this week.

12 COUNCIL MEMBER ERTLE: I see.

13 MAYOR EBERLE: I mean, I think -- I -- I
14 think we can all agree that it -- that it was in error
15 in calculation, but I -- I, for one, if you look at
16 it -- if an appellate court looked at it, I think they
17 would say -- or -- or a trial court or appellate
18 court, I think they would say it's substantive.

19 MR. SPEAKER: Yeah, it's a 50/50
20 question, but it'd be --

21 MAYOR EBERLE: It's a substantive
22 change and --

23 COUNCIL MEMBER ERTLE: Right.

24 MAYOR EBERLE: -- not to take that risk.

25 COUNCIL MEMBER ERTLE: Right.

1 COUNCIL MEMBER MILES: Well, can
2 everybody do Wednesday morning at 8?

3 COUNCIL MEMBER LEONARD: 8:30.

4 COUNCIL MEMBER MILES: 8:30?

5 MAYOR EBERLE: Yeah; okay.

6 MR. LETHCO: I don't want you to meet
7 on Friday the 13th.

8 MAYOR EBERLE: Oh, is that the 13th?
9 [WHEREUPON, off-the-record remarks are
10 made.]

11 COUNCIL MEMBER LEONARD: And are
12 we going to do it here or at Mr. Simon's?

13 COUNCIL MEMBER SIMON: We can do it
14 here. I'm all --

15 MAYOR EBERLE: No, he --

16 COUNCIL MEMBER LEONARD: I mean --
17 okay.

18 MAYOR EBERLE: Yeah, we -- we're
19 doing it before he opens.

20 For the -- for the record, Mr. Simon has to
21 hire somebody to -- to -- to cover his store at his
22 own expense, so he -- he'd have to --

23 COUNCIL MEMBER SIMON: Either that
24 or -- or close it.

25 MAYOR EBERLE: Or close the store,

1 so -- and I don't think 8:30 is a -- is a -- is a
2 burden to anyone. Is that. . .

3 COUNCIL MEMBER TUCCI: No.

4 MAYOR EBERLE: Okay.

5 COUNCIL MEMBER SIMON: We can come
6 here at 8 and bring -- and -- and order breakfast
7 in.

8 MAYOR EBERLE: I keep a better
9 calendar in my office. If I can do this?

10 COUNCIL MEMBER MILES: I think
11 Kroger's been very patient and. . .

12 COUNCIL MEMBER LEONARD: I agree
13 with you.

14 [WHEREUPON, off-the-record remarks are
15 made.]

16 MAYOR EBERLE: I don't have anything
17 for January 11th on my --

18 COUNCIL MEMBER LEONARD: So
19 Wednesday. It's better than the 13th.

20 MAYOR EBERLE: Yeah, that's true. And
21 we can't do it -- we can't do it next month. Can't
22 keep it over a week.

23 COUNCIL MEMBER LEONARD: So
24 Wednesday at 8:30 at City Hall for the second
25 reading.

1 MAYOR EBERLE: Is that okay with
2 everybody?

3 COUNCIL MEMBER MILES: Wednesday
4 at 8:30? Yes, that works.

5 MR. PRICE: Thank you very much.

6 MAYOR EBERLE: Thank you, Mr. Price.

7 Okay. We will get -- notice by e-mail blast
8 is -- does not satisfy the legal requirement. The
9 only re -- legal requirement we have is posting it
10 in -- in the lobby, so -- but we will put it on the
11 e-mail blast just --

12 COUNCIL MEMBER LEONARD: Okay. So
13 we do need to amend it. And rather than --

14 MAYOR EBERLE: Yes.

15 COUNCIL MEMBER LEONARD: -- picking
16 a percent, can we amend it to accommodate the
17 size of the Kroger expansion that was initially
18 proposed by Kroger last March? In other words,
19 what I'm trying to do is give somebody time
20 tomorrow to sit there with the calculator without
21 picking a number today.

22 COUNCIL MEMBER SIMON: You want to
23 say square footage as -- as opposed to
24 percentage.

25 COUNCIL MEMBER LEONARD: That

1 would work; sure.

2 MAYOR EBERLE: Do we have that
3 figure? Is that a riskier figure?

4 COUNCIL MEMBER LEONARD: Well, no,
5 it's the intent of the square footage, not the actual
6 square footage.

7 COUNCIL MEMBER MILES: I think the
8 reason we went to square footage was because --

9 COUNCIL MEMBER LEONARD: No.

10 COUNCIL MEMBER SIMON: Percent, you
11 mean.

12 COUNCIL MEMBER MILES: -- percentage
13 --

14 COUNCIL MEMBER LEONARD: Right.

15 COUNCIL MEMBER MILES: -- was that
16 it -- it is -- I think it's cleaner.

17 MAYOR EBERLE: Yeah.

18 COUNCIL MEMBER MILES: And it is --

19 COUNCIL MEMBER LEONARD: Oh, it is.

20 COUNCIL MEMBER MILES: -- it is -- I
21 think we have capture -- we're -- it's only
22 capturing this area, but if somehow it isn't, it --
23 you don't have something that's really small being
24 exploded into --

25 COUNCIL MEMBER LEONARD: Well, I

1 agree with you.

2 COUNCIL MEMBER MILES: -- hundreds
3 of --

4 COUNCIL MEMBER LEONARD: And I
5 wouldn't want us to come up with the ordinance
6 that didn't have the percentage. I just hate us --
7 to have us pick something and then have somebody
8 sit there with a calculator tomorrow.

9 MAYOR EBERLE: Well, we -- is that --
10 would everyone be amenable to Thursday morning
11 at 8:30? That gives us an --

12 COUNCIL MEMBER LEONARD: Well, that
13 doesn't change --

14 MAYOR EBERLE: -- deal with the
15 calculator.

16 COUNCIL MEMBER LEONARD: Well --
17 but -- no, it's -- it's tonight's amendment that I'm
18 worried about, not -- not --

19 COUNCIL MEMBER ERTEL: What about
20 Susan?

21 MS. NICHOLSON: If somebody gives me
22 the current and the -- the two numbers, I'll verify
23 it.

24 COUNCIL MEMBER ERTLE: Good.

25 COUNCIL MEMBER LEONARD: Oh,

1 Susan, thank you.

2 COUNCIL MEMBER ERTLE: This will be
3 good. This will be good.

4 COUNCIL MEMBER LEONARD: You have
5 earned part of your award again.

6 MAYOR EBERLE: Have we got those?

7 COUNCIL MEMBER MILES: Why don't we
8 have the two attorneys silt down with Susan and --

9 COUNCIL MEMBER LEONARD: That's a
10 good idea.

11 COUNCIL MEMBER MILES: -- real
12 quickly powwow --

13 COUNCIL MEMBER LEONARD: And
14 Danny.

15 COUNCIL MEMBER MILES: -- on that.

16 COUNCIL MEMBER TUCCI: Meanwhile,
17 we've got these other appointments that we --

18 MAYOR EBERLE: Yeah, we --

19 COUNCIL MEMBER TUCCI: -- that we
20 could just --

21 MAYOR EBERLE: -- we -- we -- we could
22 dispense with some other matters, and we will not
23 need the city attorney for the -- for those matters.

24 CITY ATTORNEY POTTS: Okay.

25 MAYOR EBERLE: And, again, it comes

1 up late in the -- in the meeting anyway, so --
2 unfinished business, we can amend it.

3 COUNCIL MEMBER TUCCI: It made you
4 feel like they'll open the new Kroger's at the same
5 time they open the new bridge, that we can have a
6 dual celebration.

7 COUNCIL MEMBER LEONARD: And
8 that'll be when we finish our appointments.

9 COUNCIL MEMBER TUCCI: Did you see
10 the number of amendments and tables and. . .
11 [WHEREUPON, off-the-record remarks are
12 made.]

13 MAYOR EBERLE: We're discussing
14 whether we need to read the whole thing.

15 COUNCIL MEMBER ERTLE: Which is
16 Section 1, Number B --

17 MAYOR EBERLE: That's okay. That's --

18 COUNCIL MEMBER ERTLE: -- Number 2.

19 MAYOR EBERLE: -- that's -- if that's our
20 worst problem, then we -- we've got. I can see we
21 don't have a volunteer.

22 COUNCIL MEMBER ERTLE: We have all
23 done it.

24 MAYOR EBERLE: Yeah, that's true.

25 And -- and -- and Council Member Tucci --

1 COUNCIL MEMBER TUCCI: Ertel -- Ertel
2 and Tucci have done their part.

3 MAYOR EBERLE: Okay. Any other
4 comments from citizens?

5 MR. KEHLBECK: I'd like to make some
6 comments this evening, and actually in support of
7 what Kroger is doing, but the importance of tying
8 the City in with that.

9 Right now we have a major traffic problem
10 going into the village and out of the village down
11 there. And I'm not a traffic engineer, but I throw
12 some questions out.

13 What -- what happens today is people leaving
14 the village make the left-hand turn to get in line to
15 get to the light. And that light only lets through
16 [phonetic] X number of cars, and then it backs up.
17 And then there's somebody comes off 42 going into
18 the village, and wants to make that sharp left turn,
19 and they sit there. And the whole thing just bogs
20 down.

21 And I'm -- two suggestions. I don't know
22 whether we can do this as -- but why not have two
23 lanes making a left-hand turn rather than just the
24 one; and the other is stopping people from making
25 that left-hand turn into that drive -- that entrance

1 just as you pull into the village?

2 Because you -- that traffic is horrible through
3 there, and there needs to be some kind of a traffic
4 flow. And I'm real pleased to see that Kroger is
5 putting that one driveway in there that will help
6 alleviate that, but, in the meantime, I would
7 appreciate your looking at whether we can make
8 that a two-lane left turn coming out of Timber
9 Ridge to help move that traffic through, because it
10 really backs up.

11 COUNCIL MEMBER SIMON: The other
12 problem you have is when you're -- when you're
13 coming -- if you want to go straight through to
14 River Road, people stack, and they stack in the
15 corner and block the actual road because they try
16 to pull out and there's nobody moving. So they're
17 blocking -- you -- you know, you -- you've seen it
18 before. They actually block so you can't go
19 straight.

20 MR. KEHLBECK: Right.

21 COUNCIL MEMBER SIMON: And so I
22 think what -- that opening will make a big
23 difference for that.

24 MR. KEHLBECK: Yeah, that'll help. But
25 in the meantime, if we could look at maybe two

1 turn -- two left-turn lanes there, that would really
2 help because it bogs down and ties up traffic.

3 MAYOR EBERLE: See if there's space.

4 MR. KEHLBECK: The other part of this
5 is that we, as a city, have been trying to get U.S.
6 42 expanded, changed, to at -- at least put another
7 lane through. This has been going on for five
8 years -- six years now, I guess, and we've been
9 kicking this around.

10 We have a senator who is -- a Republican
11 senator who's head of the transportation part, and
12 we've got a -- Bob --

13 MAYOR EBERLE: DeWeese.

14 MR. KEHLBECK: What is it?

15 MAYOR EBERLE: DeWeese.

16 MR. KEHLBECK: DeWeese, yes, our
17 representative, and we are not getting anything
18 done. We're just sitting here with no action.

19 And at the same time, they're sitting -- you
20 come out and you get the newspaper from the
21 Courier, and their putting in new roads and they're
22 putting in sidewalks all over the place. And we sit
23 here.

24 All I'm saying, Mr. Mayor, what can we do as a
25 citizen to help kick somebody to get the thing

1 going?

2 MAYOR EBERLE: Well, you can write the
3 Department of -- the Transportation Cabinet. It is
4 in the six-year road plan.

5 MR. KEHLBECK: It was in it --

6 MAYOR EBERLE: We don't -- it -- it is
7 not in our budget, and so there is -- it -- it's -- it's
8 just where it -- it lies in the priorities.

9 The last time we talked to the Transportation
10 Cabinet, I thought they said that they would be
11 conducting the purchase of right-of-ways this year
12 some time; right?

13 CITY ADMINISTRATOR SIMMS: They
14 hope to begin it this year --

15 MAYOR EBERLE: Yeah.

16 CITY ADMINISTRATOR SIMMS: -- but
17 that will not be quick.

18 MR. KEHLBECK: But so much of this --
19 you know, the short period of time I was the
20 mayor, we had a group of five people come in and
21 tell us how they were going to do something. It
22 was going to be done in three months.

23 MAYOR EBERLE: Oh, yeah.

24 MR. KEHLBECK: And here we are six
25 years later --

1 COUNCIL MEMBER ERTLE: And then the
2 economy. . .

3 MR. KEHLBECK: -- and we're still
4 kicking it down the road.

5 MAYOR EBERLE: Well -- and it's -- it --
6 it -- you know, it has to do with state funding, you
7 know. It is not anything we're going to pay
8 anything for ex -- except we -- well, no, we
9 won't --

10 MR. KEHLBECK: Well, why did they
11 build a new road and not give us the funds to do
12 something here to alleviate our problem?

13 MAYOR EBERLE: Well, the --

14 MR. KEHLBECK: You know, who --

15 MAYOR EBERLE: -- answer to that lies
16 somewhere.

17 MR. KEHLBECK: -- is the guy that we
18 have to go after? Maybe we need an "occupy" or
19 something kind of group to go after it, but we need
20 to get something done, you know. And it's just
21 kicked around.

22 We also -- we have the Carslaw Court thing
23 that's going to come up when we have this set up.
24 So there's a real need to do something and do it
25 now. And I'd just like to know who should I call or

1 who should I write to or who should I go visit or
2 should --

3 MAYOR EBERLE: Well --

4 MR. KEHLBECK: -- we go as a group --

5 MAYOR EBERLE: -- we can --

6 MR. KEHLBECK: -- go visit them.

7 MAYOR EBERLE: -- we can get,
8 probably, Brian Meade. He would be the best
9 person, but I'll -- I'll -- I'll -- we'll be able to get
10 you that information.

11 MR. KEHLBECK: Okay.

12 COUNCIL MEMBER TUCCI: You know,
13 part of the -- part of the problem is that because
14 we have more fuel-efficient cars, the revenue from
15 the gas tax does not flow into the Department of
16 Transportation anymore. That's really set by how
17 many gallons of gas are sold, and there aren't as
18 many sold anymore.

19 The Department of Transportation doesn't get
20 as much money as it did when we were all driving
21 Crown Vic equivalents at 12 miles per gallon. It --
22 it's a funny tax thing that doesn't move the way --
23 when \$4 gas or 29 cents a gallon doesn't change
24 anything.

25 MR. KEHLBECK: But, Sandra, somebody

1 is making decisions, and we've got to get that
2 decision-maker to make it here --

3 COUNCIL MEMBER TUCCI: To make it
4 here --

5 MR. KEHLBECK: -- not over on some
6 side street.

7 COUNCIL MEMBER TUCCI: -- rather
8 than over there. I agree with you.

9 MR. KEHLBECK: That's politics. That's
10 politics; right. Maybe we need to throw the
11 Republicans out and put two Democrats in, then
12 we'll maybe get something done.

13 COUNCIL MEMBER MILES: Joe, why
14 don't you run?

15 MR. KEHLBECK: No, I'm -- serious. I --
16 I think that really is going -- especially with the
17 fellows from Kroger putting in -- looking for more
18 customers. There will be more traffic. There's
19 going to -- they're going to develop more out in
20 Oldham County.

21 And we just can't sit here as a city and kick
22 this down the road and kick it down the road and
23 kick it down the road with all kinds of excuses.
24 We really need to get -- who is the decision-maker,
25 and we ought to go after them.

1 COUNCIL MEMBER MILES: Joe, and I'm
2 very excited because the final plat I saw had a
3 10-foot wide multiuse path on this side of 42 --

4 MAYOR EBERLE: Right.

5 COUNCIL MEMBER MILES: -- that I
6 fought really hard for and was really excited, and
7 then they -- it all -- they -- they just went away
8 and never came back so.

9 MAYOR EBERLE: Right.

10 COUNCIL MEMBER MILES: So. . .

11 MR. KEHLBECK: I know there was a lot
12 of effort put in on -- I guess went to Indianapolis
13 looking at turns and turnarounds and all that, and
14 here we sit with the same darn thing year after
15 year after year, and nothing being done.

16 MAYOR EBERLE: Well, we'll -- we'll --
17 we'll -- we will contact them, Joe, and I'll give you
18 the -- the name of the person to contact. And
19 it's -- it's -- it's -- it's something that, you know,
20 is -- is pretty much out of our hands except for
21 writing letters and --

22 MR. KEHLBECK: Well, I appreciate that,
23 but --

24 MAYOR EBERLE: -- and if you keep
25 them -- do that.

1 MR. KEHLBECK: -- there's somebody
2 who's making that decision, and we need to know
3 who that guy is --

4 MAYOR EBERLE: And we --

5 MR. KEHLBECK: -- or that lady.

6 MAYOR EBERLE: -- we can give you his
7 name.

8 MR. KEHLBECK: -- and really go after
9 them. And I'd be happy to do that.

10 MAYOR EBERLE: I'll be glad to do that.

11 MR. KEHLBECK: I'm not afraid to.

12 MAYOR EBERLE: Believe me, glad to --
13 glad to do it.

14 COUNCIL MEMBER MILES: Thank you,
15 Joe.

16 MAYOR EBERLE: Thank you, Joe.

17 Any other citizen comments, public comments?

18 THE AUDIENCE: [no audible response]

19 MAYOR EBERLE: The next item of
20 business, there are three municipal orders. One is
21 consenting to a nomination of folks to serve on the
22 City of Prospect Code Enforcement Board. These
23 are additional terms for Members Evan Comer,
24 James Dantin, and Mike Grannon. There are
25 copies of that

1 municipal order, which is Municipal Order Number
2 1 Series 2012, copies in the back.

3 Municipal Order Number 2 Series 2012 is a --
4 an appointment to a -- for a new member, an
5 alternate member of the Code Enforcement Board,
6 and that is Jim Nicolaus. Jim was the chair of
7 the -- well, you were the original chair, and then
8 when you were elected to council, we -- we -- Jim
9 took that over, emergency preparedness. He
10 served on the Mayor's Advisory Council for a --
11 quite a while. He was on the --

12 COUNCIL MEMBER ERTLE: Ordinance.

13 MAYOR EBERLE: Yeah, the Ordinance
14 Review Commission. So -- and he has -- has
15 agreed to -- to serve as an alternate member to
16 the Code Enforcement Board.

17 The third Municipal Order, Number 3 Series
18 2012, is a -- an additional term for a member of
19 the Forestation Board. Christina Kramer was
20 appointed to fill an unexpired term, and that
21 unexpired term has now lapsed. And she has
22 agreed to serve a full term on the Forestation
23 Board.

24 We can take these individually or collectively,
25 I would guess; is that correct?

1 CITY ATTORNEY POTTS: Uh-huh.

2 MAYOR EBERLE: So I'll entertain a
3 motion.

4 COUNCIL MEMBER SIMON: I -- I mo -- I
5 move that we do them together.

6 COUNCIL MEMBER ERTEL: Collective.

7 COUNCIL MEMBER LEONARD: Right.

8 MAYOR EBERLE: Okay.

9 COUNCIL MEMBER MILES: Second.

10 MAYOR EBERLE: And was that a
11 second?

12 COUNCIL MEMBER MILES: Yes.

13 MAYOR EBERLE: In any rate, Simon
14 and --

15 COUNCIL MEMBER ERTLE: Miles.

16 MAYOR EBERLE: Okay; Miles. And any
17 discussion?

18 COUNCIL MEMBER MILES: Just
19 appreciate them giving up their time to. . .

20 MAYOR EBERLE: That's right. They're
21 all -- they're all good people, and they've all been
22 active. The -- the reappointed members have all
23 been active members and have consistently
24 attended.

25 The question is, before us, to take them

1 collectively, which's been moved and seconded.
2 Those in favor indicate by -- sig -- signify by
3 saying "aye."

4 COUNCIL MEMBERS: Aye.

5 MAYOR EBERLE: Opposed by "no."

6 COUNCIL MEMBERS: [no audible
7 response]

8 MAYOR EBERLE: Okay. We have that.

9 Are we done?

10 CITY ATTORNEY POTTS: We're done.

11 MAYOR EBERLE: Actually, the -- on
12 unfinished business, we did not officially pass a
13 resolution for the -- the acceptance of the audit
14 last time. I'm advised by the city attorney that we
15 may not necessarily have to officially adopt it, but
16 it was delivered to us at the December meeting,
17 and we've had time to look over it.

18 I would entertain a motion that we accept the
19 audit for the fiscal year 2010/2011.

20 COUNCIL MEMBER MILES: I make a
21 motion that we --

22 COUNCIL MEMBER LEONARD: Before
23 we do that, could we -- I don't know what that
24 means. What are we accepting?

25 MAYOR EBERLE: Well, we don't really --

1 COUNCIL MEMBER LEONARD: Okay.

2 CITY ATTORNEY POTTS: All we are
3 doing is saying that this is the official audit of the
4 City of Prospect.

5 COUNCIL MEMBER LEONARD: And
6 we're not dealing with any of the individual
7 content --

8 CITY ATTORNEY POTTS: Correct.

9 COUNCIL MEMBER LEONARD: -- with it.
10 Okay.

11 CITY ATTORNEY POTTS: Correct.

12 COUNCIL MEMBER LEONARD: Fine.

13 MAYOR EBERLE: We have a motion by
14 Miles.

15 COUNCIL MEMBER ERTLE: Second.

16 MAYOR EBERLE: Second by Ertel. Any
17 discussion?

18 COUNCIL MEMBERS: [no audible
19 response]

20 MAYOR EBERLE: Those in favor signify
21 by saying "aye."

22 COUNCIL MEMBERS: Aye.

23 MAYOR EBERLE: Opposed by "no."

24 COUNCIL MEMBERS: [no audible
25 response]

1 MAYOR EBERLE: Okay. We have --
2 as -- as I indicated, the city attorney told me we
3 didn't really think we needed to do that. We
4 looked back, and we have done it in the past. So
5 just, you know, for proper form, we will continue to
6 do that.

7 The second reading of Ordinance 516, 2011,
8 an ordinance relating to the amendment and
9 modification of Chapter 5 of the Land Development
10 Code for all of Jefferson County as enacted by the
11 City of Prospect as we discussed needs
12 amendment of

13 CITY ATTORNEY POTTS: 37%.

14 MAYOR EBERLE: Do we need to read
15 the. . .

16 CITY ATTORNEY POTTS: Since that's
17 the only change, even though it's a significant
18 change, I think that we don't need to go
19 through. . .

20 MAYOR EBERLE: Do you want to read
21 the sentence?

22 CITY ATTORNEY POTTS: Yeah, we can
23 read the sentence.

24 MAYOR EBERLE: It would be -- for those
25 of you who have copies, and, if you don't, there

1 are -- there are copies in the back.

2 This ordinance was -- was lifted from the table
3 and amended at the December 12th meeting. And
4 on -- in Section 1, which appears on Page 2,
5 Section 1, the description of Village Centers would
6 be D-2, and it would be the first full sentence; is
7 that correct?

8 CITY ATTORNEY POTTS: Correct.

9 MAYOR EBERLE: Would anyone like to
10 read that first for us?

11 COUNCIL MEMBER SIMON: Pre-existing
12 structures. Nonresidential structures constructed
13 prior to January 9, 2006, the date of the adoption
14 of Village Center Form District in Prospect, and
15 exceeding 70,000-square feet in area on the first
16 floor may have square footage of footprint existing
17 January 9, 2006 ex -- expanded up to a maximum
18 of an additional 37% of said existing footprint
19 upon recommendation of the Planning Commission
20 and approval the City Council, provided, however,
21 such expansion shall be allowed solely to existing
22 construction footprint construction prior to the
23 effective date of the Village Center Form District
24 as set forth in the Prospect Land Development
25 Code.

1 MAYOR EBERLE: Now, that is read as --
2 as the amendment is proposed. And I will take
3 Alan's reading of that as the first reading of that
4 amendment. It does not need a second.

5 CITY ATTORNEY POTTS: Correct.

6 MAYOR EBERLE: So we'll --

7 COUNCIL MEMBER SIMON: Wednesday
8 at 8:30.

9 MAYOR EBERLE: I -- I will -- I -- I will
10 ask if anyone has any questions about the
11 procedure that we're conducting, either among the
12 council or among the -- among the citizens and
13 public.

14 [no audible response]

15 MAYOR EBERLE: Hearing none, I will --

16 COUNCIL MEMBER MILES: Will the --

17 MAYOR EBERLE: Okay.

18 COUNCIL MEMBER MILES: -- Mayor's
19 Office contact Council Member Scott to let him
20 know --

21 MAYOR EBERLE: Right.

22 COUNCIL MEMBER MILES: -- about the
23 meeting?

24 MAYOR EBERLE: Right. We saw no
25 need for an executive session at the time of the

1 agenda preparation, and I assume that we have
2 none.

3 COUNCIL MEMBER LEONARD: I vote we
4 adjourn.

5 MAYOR EBERLE: Motion to adjourn by --

6 COUNCIL MEMBER SIMON: Second.

7 MAYOR EBERLE: -- by Leonard, and
8 seconded by Simon.

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

10 COUNCIL MEMBERS: Aye.

11 MAYOR EBERLE: Opposed by "no."

12 COUNCIL MEMBERS: [no audible
13 response]

14 MAYOR EBERLE: And we will see you
15 bright and early Thursday morning -- Wednesday
16 morning.

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

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

.

My Commission Expires: Notary Public

.

SEPTEMBER 27, 2012 _____.

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