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CITY OF  
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

JULY 16, 2012

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4 MAYOR EBERLE: I will call to order the  
5 July 16th Regular City Council meeting of the City  
6 of Prospect, Kentucky.

7 And never let it be said that I -- that I can't  
8 stand council meetings because I'm going to stand  
9 throughout this one. As most of you know, I've  
10 been gone for about 2-1/2 weeks and I had surgery  
11 and I can -- I can stand and I can lie down, but I'm  
12 not -- I'm supposed to limit my sitting, so if you'll  
13 bear with me.

14 And I didn't want to miss the meeting. By my  
15 calculation it's my 96th meeting, consecutive  
16 meeting, so I wanted to keep that record.

17 But I do want to thank Ann Simms, who served  
18 under an executive order while I was -- while I was  
19 away, and we have rescinded that executive order,  
20 so, I'm sorry.

21 We do have a -- a few items on the agenda  
22 tonight. We have a political candidate, and, as --  
23 as we know, we're getting close to the -- the filing  
24 deadlines are -- are approaching and we wanted to  
25 hear from him.

1       Also, Steve Emly will be here for the  
2 Metropolitan Sewer District to give us an update  
3 on the Force Main Project and the Interceptor  
4 Project for MSD.

5       And what we will do is, I -- I know some of you  
6 have questions of Steve, and we will take -- after  
7 Steve's bries -- brief presentation, we will allow  
8 people to come to the podium and -- and -- and ask  
9 questions that relate to the MSD project, and then  
10 we will -- anything that doesn't relate to that, we'll  
11 take under the general citizen comments, which  
12 will be after the police report, if that makes sense.  
13 That way we can tie that up and Steve can --  
14 can -- can go home and have dinner.

15       First item on the agenda is approval of the  
16 minutes of the June 18th, 2012 Regular City  
17 Council meeting. Those were distributed this  
18 morning electronically and they are in your file, in  
19 your binders, and I would entertain a motion that  
20 they be adopted as written, or if there's any  
21 comments, as amended.

22               COUNCIL MEMBER SIMON:    So moved.

23               COUNCIL MEMBER TUCCI:    Second

24               MAYOR EBERLE:    Simon and Tucci; in  
25 favor -- all in favor signify by saying "aye."

1 COUNCIL MEMBERS: Aye.

2 MAYOR EBERLE: And opposed by "nay."

3 COUNCIL MEMBERS: [no response]

4 MAYOR EBERLE: Okay. We have the --  
5 next item is -- we have Tim Martin here, and Tim is  
6 a candidate for the 16th District City Council,  
7 Metro Council seat, and he is going to give us a  
8 brief summary of his ideas and his background, so,  
9 Tim.

10 MR. MARTIN: Thank you, Mayor. Thank  
11 y'all for giving me the opportunity to come here  
12 tonight. I spoke to Mayor Eberle at a Jefferson  
13 League of Cities and asked him for the opportunity  
14 to come here, and he graciously granted me that  
15 opportunity.

16 My name is Tim Martin. I am a candidate for  
17 Metro Council District 16, running against the  
18 incumbent, Kelly Downard.

19 I really just wanted to tell you-all a little bit  
20 about my background and not to get in --  
21 necessarily into any particular ideas and issues  
22 here tonight, but I am a lifelong resident of  
23 Louisville. I grew up here; went to high school;  
24 graduated from Bishop David out in the south end.  
25 I graduated from the University of Louisville with a

1 degree in accounting in 1978; became been a bond  
2 underwriter for an insurance company. I went to  
3 law school at night; graduated from the University  
4 of Louisville Law School in 1984.

5 Since then I have served as a prosecutor in  
6 the county attorney's office, where I've worked on  
7 both the civil and the criminal staff. I then went  
8 into private practice and have had a private  
9 practice since 1988.

10 I served 22 years in the military; retired  
11 lieutenant colonel. Spent one year serving in  
12 support of Operation Iraq Freedom. I was a  
13 defense attorney; represented solders in court  
14 martials.

15 I've served on numerous boards in public  
16 service here in the Comm -- in Jefferson County.  
17 Most recently I've been on parish council at St.  
18 Albert the Great. Currently serve on the en -- on  
19 the board of an entity known as Custom Quality  
20 Services, which provides employment to  
21 disabled -- physically and mentally disabled  
22 individuals.

23 I've also served on the St. Matthews Little  
24 League Board of Directors, and spent numerous  
25 years coaching various kids' sports here in

1     Louisville.

2         I have also, in addition to that, served -- been  
3     elected six terms to the city council for the City of  
4     Northfield. I appreciate your meeting facilities  
5     here. We could only hope to have such a nice  
6     facility in Northfield. But I've enjoyed that quite  
7     well.

8         I felt that it was time for me to move on to  
9     hopefully a bigger and better office than that, and  
10    that's one of the reasons why I'm moving --  
11    running for Metro Council. I have a differ to serve  
12    this city, to see that it get improved, to the best of  
13    my abilities.

14         I will also see to it that he the smaller cities,  
15    such as Prospect, Northfield, and all these smaller  
16    cities, are taken care of through the Metro Council  
17    if I'm elected.

18         So, I'm here tonight to introduce myself and  
19    I'll be seeking your support this fall.

20                 MAYOR EBERLE: Thank you, Tim.

21                 COUNCIL MEMBER MILES: Thank you  
22    very much.

23                 COUNCIL MEMBER SIMON: Thank you.

24                 MR. MARTIN: Thank you.

25                 MAYOR EBERLE: Yes, we're off and

1 running into the election season.

2 We had -- at our June meeting we had some  
3 comments with regards to the MSD Force Main  
4 Project, particularly in the Harrods Creek Park  
5 area, and Steve Emly, at that -- at -- at that -- was  
6 unable to attend that meeting, but has graciously  
7 agreed to come and give us an update for -- for  
8 the -- for our July meeting, and he will advise us, I  
9 think, some of their time frames and -- and where  
10 we're at now and where they hope to be in the near  
11 future. Steve.

12 MR. EMLY: Thank you, Mayor. I  
13 appreciate at the opportunity to come up and give  
14 the council an update on the status of our  
15 projects. We have a lot going on in the Harrods  
16 Creek/Prospect area right now, as most of you  
17 probably know from our previous visits to the  
18 council.

19 One of the requirements -- one of the projects  
20 required in our federal consent decree wi -- with  
21 the government is to eliminate the five existing  
22 package treatment plants in the -- in the Prospect  
23 area. So the series of projects that we're -- we've  
24 been talking about for several years now, and will  
25 be talking about through 2015, are all related to

1 that federal consent decree. We have an  
2 obligation to have those five plants out of service  
3 by the end of -- end of 2015.

4 We are pretty aggressively attacking that  
5 schedule, and right now are -- are ahead of  
6 schedule on those project. Want to spend a little  
7 time talking about the overall schedule of the -- of  
8 the projects as a whole, and I know this was of  
9 some concern, particularly about how it affects the  
10 Prospect park, so just a -- just a little -- a little  
11 bit of a 10,000-foot version of what's going on.

12 We have about seven different contracts that  
13 will -- that will have to be built in order to  
14 eliminate these package plants and build the  
15 interceptors, pump stations, and force mains  
16 required to pick up and convey those flows to our  
17 Hite Creek treatment plant.

18 One of those projects is currently under  
19 construction. It's -- it's called the River Road  
20 interceptor. It runs, basically, in -- from the  
21 marina off of River Road and goes up just to the  
22 other side of Timber Ridge Drive. It's not one of  
23 the -- it's one of the projects that we had  
24 construction ready, we had shovel ready, so we  
25 put that into the ground first. It's actually going

1 to be a dry sewer until some of these other  
2 projects are -- are complete and then it will go  
3 into service.

4 We're moving pretty rapidly through some --  
5 some real estate acquisitions. We're -- we're  
6 pretty well through design on most of these  
7 projects and spend a lot of time on real estate  
8 fees and acquisitions. We have acquired the site  
9 for Regional Harrods Creek Pump Station, which is  
10 lo -- located just to the -- the rear of the Ken Karl  
11 subdivision, so we've -- we've acquired several  
12 critical pieces of property, that being one of them.

13 The next contract that will be let for  
14 construction is called 1A of the River Road  
15 Interceptor. It is, essentially, a -- a pretty short  
16 job, but a very difficult job to build. It,  
17 essentially, consists of a tunnel that goes from the  
18 Harrods Creek side of -- of Harrods Creek, crosses  
19 under Harrods Creek, crosses under 42, crosses  
20 under Harrods Creek for a second time. So, it's  
21 only about 1200 feet of pipe, but it's a very  
22 difficult construction, a very expensive  
23 construction.

24 We're hoping to minimize disruption to the  
25 woods on each side of 42 coming into the City of

1 Prospect, just because we recognize that that's  
2 kind of a -- a signature entrance to the -- to the  
3 city. We're trying to minimize the clearing that we  
4 have to do through there.

5 In addition, we have to tunnel under Harrods  
6 Creek and under 42 anyway, so we're trying to find  
7 a way to make that one continuous tunnel, so we'll  
8 go down one side of Harrods Creek, go trenchless  
9 under Harrods Creek/42, Harrods Cre -- Creek  
10 again, pop up on the other side, and we hope you  
11 know -- you'll never know that we've been there for  
12 that construction.

13 After that we'll award the actual contract for  
14 the Harrods Creek pump station, so that pump  
15 station will probably take about 2-1/2 years to  
16 build, from advertising to completion, so that'll be  
17 later this year or early 2013 when that contract is  
18 awarded. It's a very large pumping station. The  
19 wet well for that pump station's about 80-feet  
20 deep, so it's one of our larger and deeper  
21 facilities.

22 That pump station's job is really to collect all  
23 of the sewage from theses five package treatment  
24 plants and pump that sewage to our Hite Creek  
25 treatment plant, one of our six regional plants in

1 the county. Once that -- once that flow is removed  
2 from the package plants, taken to the pump  
3 station, we'll be able to demolish those five  
4 existing package plants.

5 The portions of the -- of the -- of the contract  
6 that go up along Harrods Creek on the east side of  
7 U.S. 42 and Harrods Creek, there's two pe --  
8 there's two large contracts that involve large  
9 diameter gravity interceptors, and there's a -- a  
10 force main that will be continuously laid through --  
11 along that entire alignment as well.

12 We're actively in easement negotiations on  
13 several parcels related to the interceptor in the  
14 force main. As most of you know, we have  
15 successfully negotiated in requiring the easement  
16 across the ci -- the park that the City of Prospect  
17 owns, and we're very happy to have a good  
18 working relationship with the city, and I think we  
19 did a good job and I think everybody came out of  
20 that agreement, at least to -- to this point with  
21 smiles on their face, shaking hands, and I think --  
22 I think we had a win/win there.

23 We've had a couple of -- we've actually had  
24 dozens of meetings, but there's a couple of  
25 meetings I want to offer that you-all might want to

1 take a look at.

2 As part of our public outreach that is required  
3 by EPA, they had requested a year or so ago that  
4 we take a more aggressive stance in trying to  
5 engage the public in -- in some of these projects.  
6 As a result, we've had two projects -- two public  
7 meetings that specifically addressed the process  
8 of elimination projects. Both of those were  
9 videotaped and are available on our Project WIN  
10 website.

11 If you go to our home page, which is  
12 [www.msdlouky.org](http://www.msdlouky.org), in the top left-hand corner  
13 you'll see -- or the top right-hand corner, you'll  
14 see a link to the Project WIN website.

15 Project WIN website is, basically, our consent  
16 decree website. It's where you can go and get the  
17 information about any -- any of our consent decree  
18 la -- related work, and all of the public meetings  
19 that we do related to these consent decree  
20 projects are videotaped and there for you to take a  
21 look at if you want to.

22 They're kind of long, they're technical, they're  
23 kind of boring, but if you're interested, I would  
24 offer to come present to the counsel. I'm happy to  
25 do that, but it's kind -- it's kind of a dull

1 presentation, so. . .

2 Ann came to our last one at the Harrods Creek  
3 Fire Department, which turned -- turned out to be a  
4 pretty lively discussion, so, if I was going to pick  
5 one of the two, I would watched that one.

6 I -- I want to spend a minute just addressing  
7 some of the recent issues that have come up in  
8 relation to Harrods Creek Park and the work that  
9 we've been doing back on the property owned by  
10 the City of Prospect, and talk about a few -- few of  
11 those issues, and then I'll be glad to open it up for  
12 questions.

13 Some recent concerns about how we're going  
14 to access construction equipment to that project  
15 that runs through that park, and we have made a  
16 commitment to the city that we are going to -- the  
17 only point that we're able to access that area is  
18 actually through the entrance to our Hunting Creek  
19 South treatment plant, which is on Montero Drive,  
20 so. . .

21 There -- there's actually only three places  
22 we'll -- where we'll be able to access this work  
23 area all the way from 42 until we cross Harrods  
24 Creek at the other end of -- if the Prospect  
25 property, and that entrance off Montero Drive will

1 be one of them. There will not be any construction  
2 access that comes through Star Point Circle [sic]  
3 or any other residential piece of Harrods Creek.

4 The three places that we're -- that we're  
5 accessing are Montero Drive; there is also a  
6 dead-end stub street, and I failed to write down  
7 or remember the name of it, but it's public  
8 right-of-way that dead ends into one of the  
9 properties that we're going to have easements on.  
10 That will be the second access point. The third  
11 access point will actually be through the  
12 Woodlands of Harrods Creek Con -- Condominiums.

13 So those will be the only three places that  
14 we're planning to access construction equipment  
15 to this -- to this sewers, and it's probably about  
16 9,000 feet of sewers that we're talking about  
17 installing here, both gravity sewers and force  
18 main.

19 Spend a little bit of time just talking about  
20 trees. Trees are something that we deal with, as  
21 far as land acquisitions, is by far the most  
22 contentious issue that we deal with. Spent a lot of  
23 time with the City of Prospect, through that  
24 negotiation, talking about trees: How we handle  
25 the clearings; how we handle compensations of

1 trees.

2 I don't want to get into specifics about the  
3 acquisition of -- of individual parcels tonight. I'll  
4 be happy to talk to you offline if you've got an  
5 easement acquisition issue of your own, but I don't  
6 want to talk about that as -- as a group.

7 But, in general, on the -- on the Harrods  
8 Creek end of the job, particularly in behind the  
9 Woodlands, where we're building both a gravity  
10 sewer and a force main. This gravity sewer is a  
11 42-inch diameter pipe, and it's about 40-feet deep.

12 So, if you can imagine the excavation required  
13 to install a pipe of that size and that depth and the  
14 amount of clearing that you need to do in order to  
15 do that, so. . . At the U.S. 42 end of the project,  
16 what you'll see is a -- is a very wide swath of  
17 vegetation that's cleared in order for us to be able  
18 to install these facilities.

19 That gets us up to the Timberlake treatment  
20 plant, and then up to the Hunting Creek South  
21 treatment plant. At that point, the gravity  
22 interceptors stop and we're -- and we just have a  
23 pressure pipe, a force main, so that's the pipe  
24 that's laid across the -- the Prospect-owned  
25 property, that -- that particular force main.

1 Force mains are -- again, they're un -- under  
2 pressure. They don't have to be buried - buried at  
3 a specific depth, we just have to maintain a  
4 certain cover over the top of them, but they can go  
5 up and down with the -- with the lay of the land,  
6 so, typically the -- the disturbance lattices are  
7 smaller, with the clearing that we have to do to  
8 install those facilities is much -- is much smaller.

9 The overall impact -- impact of the property is  
10 much smaller, so, if -- if there -- if there is one  
11 good thing about the Prospect property, is that  
12 we're not clearing as wide a swath on that property  
13 as we are on some of the other properties a little  
14 further downstream.

15 We -- we have spent a lot of time address the  
16 herons that have the -- the rookery down on  
17 Harrods Creek, and our alignment obviously gets  
18 us within 1500 feet the Fish and Wildlife says that  
19 you should try to maintain between them and your  
20 work area, so we're working with them to establish  
21 a schedule that we'll be doing all of the clearing  
22 and all the construction activities when the herons  
23 aren't in their nests.

24 So that's essentially how we're planning on  
25 addressing that. We're having continuous

1 discussions with them about who pulls the trigger  
2 on when we can start in the fall, who pulls the  
3 trigger on when we need to stop in the spring, and  
4 we'll get -- we'll get some more information to the  
5 city as we get a little further along with that.

6 I think those are probably the key issues that  
7 I wanted to hit on tonight, and I'll be happy to  
8 answer any other questions that the council or  
9 anyone has.

10 COUNCIL MEMBER SIMON: How wide  
11 are the easements going to be?

12 MR. EMLY: I'm sorry?

13 COUNCIL MEMBER SIMON: How wide  
14 are the easements going to be?

15 MR. EMLY: Again, it depends on where  
16 you are. The easements that we have across  
17 the -- the Prospect-owned property I think is a  
18 65-foot-wide easement. That's from temporary to  
19 temporary.

20 As you get a little fur -- further downstream,  
21 and you're dealing with a large-diameter gravity  
22 sewer, some of those easements are approaching  
23 200-feet wide. Now that's -- that's temporary and  
24 permanent easements, so. . .

25 COUNCIL MEMBER SIMON: Are you

1 taking all the trees out of those easements?

2 MR. EMLY: Anything that is located  
3 within those temporary easements will be cleared.

4 MR. SPEAKER: That's correct.

5 MR. SPEAKER: They have -- they have  
6 adjusted their easements based upon a walk  
7 through the property so that we've tried to  
8 maneuver as best they can around the trees.

9 MR. EMLY: Yeah, and, again, in the case  
10 of the Prospect property, where we just have the  
11 force main, we have the flexibility to meander that  
12 pipe both horizontally and vertically, just because  
13 of the nature of that facility.

14 Once you're dealing with the gravity  
15 interceptor sewers, gravity sewers, by their  
16 nature, are laid on a flat grade, you have to  
17 maintain a constant grade, so the name of the  
18 game with gravity sewers is try to keep them as --  
19 as high as can you and as flat as you can so that  
20 you're not driving the depth of that sewer down,  
21 because the deeper we go, obviously the more  
22 expensive it is.

23 And, along the same lines, with gravity  
24 sewers, you're going to pick the shortest route.  
25 The shortest route is going to minimize your

1 construction costs and it can really result in  
2 some -- some substantial savings when dealing  
3 with costs of the project.

4 So we have much more flexibility on width of  
5 easements with force main than we do the gravity  
6 sewers.

7 MAYOR EBERLE: If anybody has any  
8 questions, Steve will stand aside and -- and if you  
9 can come to the podium and state your name and  
10 address for the -- for -- so the court reporter has  
11 the record, and then Steve's -- Steve can respond.

12 MR. YOUNG: John Young, 8125 Montero  
13 Drive. Do you have a -- an estimate of the number  
14 of trees that you will remove, and then after these  
15 trees are removed and the -- and the project is  
16 completed, do you replace trees, or once the trees  
17 are gone they're just gone?

18 MR. EMLY: I do not have an estimate on  
19 the total number of trees that will be taken by  
20 these series of projects. We do get to that level  
21 of detail with individual property owners.

22 We have done a pretty substantial tree  
23 inventory along this entire line, so if we're -- if  
24 we're -- if we're acquiring easement from you, one  
25 of the first things you'll see from us is a survey

1 that shows the limits of the temporary and  
2 permanent easement, and an inventory of the size  
3 and species of all trees located within that. So  
4 that will be certain -- one of our cer -- one of our  
5 discussion points as we go through the  
6 negotiations.

7 MSD is not in the business particularly of  
8 planting trees. That's not our -- that's not what  
9 we do every day. It's not what we're good at. So  
10 as part of our acquisition, we try, as best we can,  
11 to compensate owners for some value related to  
12 trees. Tying a value to trees, as Stuart and Todd  
13 can attest to, with any other property owner that  
14 we've negotiated with, is a very difficult thing to  
15 do.

16 The process that we use is basically the  
17 services of an appraiser. The -- the job of tan  
18 appraiser in relation to an easement is to value  
19 the property prior to the taking of the easement,  
20 value the property after the taking of the  
21 easement. The difference between those two  
22 numbers is what they recommend to us that we  
23 offer you as fair market value for that easement.

24 Different properties, depending on how they're  
25 vegetated, how the vegetation may add value to

1 that property, appraisers look at those things  
2 differently, and it's really a -- a property-specific  
3 evaluation that they do. So we do compensate  
4 owners for some value of trees. Now, that is not a  
5 re -- a replacement cost. You're not going to go  
6 out and replace the trees that we cut down, but we  
7 pay you for the easement.

8 But it's a -- it's a rather subjective evaluation  
9 that an appraisal -- an appraiser does. And,  
10 again, I think the folks at Prospect that we've  
11 dealt with would -- after seeing the first appraisal  
12 that we had done on the -- on the -- the park  
13 property, I mean, it was -- it was an eye opening  
14 experience for everybody, so. . .

15 We don't rely strictly on these appraisals, but  
16 it really is the -- the starting point for those  
17 discussions with these owners.

18 CITY ATTORNEY POTTS: And --

19 MAYOR EBERLE: Mr. Potts, yeah.

20 CITY ATTORNEY POTTS: -- in Prospect,  
21 we not only negotiated a -- a number for the value  
22 of the easement, we were able to negotiate an  
23 additional sum for our tree replacement of  
24 \$37,000 --

25 COUNCIL MEMBER MILES: Yes.

1 CITY ATTORNEY POTTS: -- in addition  
2 to the amount of the easement, so MSD was very  
3 forthright. We twisted arms a bit, but we all came  
4 to an agreement.

5 And, again, we wouldn't -- we're not able to  
6 replace every tree that's taken out, but with the  
7 amount of the -- of the settlement and -- and  
8 including the additional \$37,000, there's going to  
9 be a significant sum that's available for replanting  
10 trees.

11 COUNCIL MEMBER MILES: And, also,  
12 with the case of Prospect, many of the trees are  
13 taken down along the creek, and most are box  
14 elders, and it -- which is not, in -- in the tree  
15 world, some of the higher quality trees.

16 So we'll be able to replace those with higher  
17 quality oaks, chestnuts, and they -- MSD is  
18 working with us, because we don't you have the  
19 big gravity that we have forced one.

20 We're working with them, and have identify  
21 clusters of high-value trees to try and move this  
22 way and that way in a few areas to keep as many  
23 of those high-value trees as we can. And that's  
24 more up in the higher part of the property.

25 But, you know, we've -- we've walked the

1 property with Steve now. He and I walked it again  
2 this morning. He met me at 7:30 this morning and  
3 we walked it again just to make sure we're all on  
4 the same page in terms of where the easements  
5 are going to go, and we were.

6 And -- so we have -- we have met I think at  
7 least three times and walked this property. And --  
8 so I think we've got a really good relationship and  
9 I feel very comfortable moving forward with them.

10 COUNCIL MEMBER TUCCI: Also, the  
11 Forestation Board chairman has worked with the  
12 state forester to come up with a recommendation  
13 for fruit trees and nut trees, so that what we put in  
14 will sort of maybe keep some of the credit critters  
15 off my back porch and keep them down there where  
16 they're planting the trees.

17 COUNCIL MEMBER SIMON: On some  
18 of -- some of the property on this side of the  
19 creek, you're coming on this side of the creek  
20 through there, on the Wolf Pen side, across, on  
21 the lower end there's absolutely no trees --

22 MS. SPEAKER: Right.

23 COUNCIL MEMBER SIMON: -- in some  
24 areas. Did you look at that area? Instead of  
25 having them cut down trees and doing all along

1 and stuff, just going across where there's --  
2 there's no trees? Would that be cost effective?

3 MR. EMLY: We looked at probably a  
4 dozen different alignments, and -- and we'll be  
5 happy to -- to share any of those alignments  
6 with -- with the council or the public. We spent  
7 probably a full year evaluating options for the  
8 alignments of the gravity sewers and of the force  
9 main, and the critical thing here is the location of  
10 the existing plants.

11 All the plants -- all the existing plants are on  
12 this side of Harrods Creek. Crossing Harrods  
13 Creek, as I mentioned earlier, is a very difficult  
14 and expensive thing to do.

15 COUNCIL MEMBER SIMON: You already  
16 said you were crossing it a couple of times though.

17 MR. EMLY: Yeah, we are crossing it  
18 twice, but, again, to -- to introduce two or possibly  
19 three additional crossings in order to avoid trees  
20 is ro -- really not a very cost effective way to --

21 COUNCIL MEMBER SIMON: Well, I'm  
22 saying, if you come through with the easements  
23 and have to pay a le -- the people whose houses  
24 you're coming through, take the trees down, it may  
25 be more cost effective to go across where there's

1 no trees and stuff to take down.

2 MR. EMLY: Well, I will just add, also,  
3 that -- that the alignment that we've selected goes  
4 through a majority of land where MSD has existing  
5 sewer and drainage rights. Those -- those are  
6 properties where we don't have to acquire these  
7 rights, we ha -- we currently have the rights, so we  
8 really selected a line that would minimize the  
9 number of parcels that we have to acquire  
10 easements from.

11 MAYOR EBERLE: And some of those are  
12 in -- in the corporate limits of the City of Prospect  
13 and others aren't.

14 MR. EMLY: Yes.

15 MAYOR EBERLE: Right; so. . . Yes?

16 MS. SIMON: So you're telling --

17 MAYOR EBERLE: Can -- can you --

18 MS. SIMON: Oh.

19 MAYOR EBERLE: -- come and state your  
20 name and. . .

21 MS. SIMON: Hi. I have 216 feet of  
22 Harrods Creek at the back of my property, but --  
23 you have to excuse me. I've ben in New Orleans  
24 for a week and I got sick down there, but  
25 anyway. . .

1 But the way my property runs from the creek,  
2 it's flat. And then I have -- I'm the only one on  
3 the creek that has a shelf that rises before I get to  
4 another plateau. It is those trees in that shelf  
5 that keeps me from being in the flood plain that  
6 allows me not -- not -- not to have to carry flood  
7 insurance.

8 You're saying that trench on the back of my  
9 property is going to be 65-foot wide? Is that what  
10 you're telling me, up at the upper end of the  
11 creek?

12 MR. EMLY: We would need to look  
13 exactly where you are on that alignment.

14 MS. SIMON: We're at Lot 150 there.

15 MR. STONE: Steve?

16 MAYOR EBERLE: Sir, if you're going --  
17 if you're going to --

18 MS. SIMON: Well, Jim St --

19 MAYOR EBERLE: -- make a comment,  
20 you need to come and -- and --

21 MS. SIMON: Come here, Jim.

22 MAYOR EBERLE: -- and sta --

23 MR. STONE: No -- I -- I'm --

24 MAYOR EBERLE: Yeah.

25 MR. STONE: -- trying to help. . .

1 MS. SIMON: That's okay. That's Jim  
2 Stone. My bad.

3 MR. STONE: Steve -- Steve, you've met  
4 with me, Jim Stone.

5 MR. EMLY: Okay. Jim, good to see you.

6 MR. STONE: 6100 Deep Creek Drive; Jim  
7 Stone. And he's -- he's been to my property and  
8 surveyed it and so forth. And the Simons are one  
9 house --

10 MR. EMLY: Upstream.

11 MR. STONE: -- upstream from me and --

12 MR. EMLY: Okay.

13 MR. STONE: -- a gentleman by the name  
14 of "Duck," is in between us.

15 MR. EMLY: Okay.

16 MR. STONE: Need to save the small fries  
17 [phonetic], so I just thought I'd put --

18 MR. EMLY: Okay.

19 MR. STONE: That's all I wanted to say.  
20 Just to declare about it.

21 MS. SIMON: Just wanted to put a  
22 perspective where I am.

23 MR. EMLY: Yeah. Well, that helps.

24 MS. SIMON: Because I'm worried about  
25 65 feet from the creek is --

1 MR. EMLY: Right.

2 MS. SIMON: -- put -- is going to -- I  
3 mean, it's going to change the whole terrain and it  
4 floods a lot, which is -- I mean, as it stands right  
5 now, the edge of my decking sits on the  
6 100-year-flood plain.

7 MR. EMLY: Okay.

8 MS. SIMON: So, when you change that,  
9 it's going to change the way the whole water table  
10 is. I've never flooded back there because of this  
11 plateau and -- and the way my land lays.

12 MR. EMLY: None -- none of the work that  
13 we're doing anywhere in this water treatment is  
14 going to affect the elevation of the 100-year-flood  
15 plain, or affect your -- your home's going over the  
16 building to that flood plain. The elevation of the  
17 100-year-flood plain will be the same after we're  
18 done as it is today.

19 MS. SIMON: So what you're telling me is  
20 65 feet won't come onto my rise and take -- and  
21 take my shelf that I have that comes straight up  
22 like 5 foot. You're not going to be digging into  
23 that.

24 MR. EMLY: I -- I don't have the  
25 information here to tell you that tonight --

1 MS. SIMON: Right.

2 MR. EMLY: -- but what I was saying is:  
3 Regardless of where that shelf is in relation to  
4 your deck, the elevation -- we're not going to take  
5 your deck, obviously.

6 MS. SIMON: Obviously.

7 MR. EMLY: And the elevation of that  
8 flood plain is not going to change as a result of  
9 the work that we do, so we'll make sure that when  
10 we get done the pro -- the land is graded back to  
11 something that's sustainable and maintainable.  
12 And, again, the -- the elevation of that flood  
13 plain's not going to change.

14 MS. SIMON: Okay. 65 feet across; is  
15 that what you're saying over there? Is it 65 feet,  
16 Jim?

17 MR. EMLY: Now, remem --

18 MR. STONE: Steve, you -- whatever you  
19 told me.

20 MR. EMLY: Yeah, there -- it's probably  
21 actually wider than that in there.

22 MR. STONE: It is 10-foot deep.

23 MR. EMLY: We had a gravity sewer and a  
24 force main.

25 MR. STONE: My part was 75 of water.

1 MS. SIMON: So, I'm just up two lots --

2 MR. STONE: About 1300 feet.

3 MS. SIMON: -- towards the --

4 MR. EMLY: Again, the -- the width of our  
5 disturbance rally has nothing to do with the  
6 elevation of the 100-year-flood plain. The  
7 elevation of the 100-year-flood plain --

8 MS. SIMON: Well, I know that, but I'm --

9 MR. EMLY: -- is determined by --

10 MS. SIMON: -- talking about the water  
11 where you're taking all my trees which keeps my  
12 soil in, so it is going to change. Anytime --

13 MR. EMLY: It could --

14 MS. SIMON: Anytime you take roots out  
15 of the ground which keeps me from -- keeps me --  
16 keeps my ground intact when the water comes, it's  
17 going to change.

18 MR. EMLY: There -- there -- there very  
19 well could be some erosion concerns as a result of  
20 what we're doing, yes. Diff -- different issue, but,  
21 yes, there -- there could be --

22 MS. SIMON: Yeah.

23 MR. EMLY: -- some of those issues.

24 We'll have to deal with it when we come across it.

25 MAYOR EBERLE: Penelope.

1 THE REPORTER: Ma'am, I'm sorry, I  
2 don't think you said your name.

3 MS. SIMON: Anita Simon [phonetic].

4 THE REPORTER: Thank you.

5 MS. MORTON: I'm Penelope Morton,  
6 9110 West Highway 42. I met you at the meeting  
7 we had at our house, And one of my questions at  
8 that time was: What is --

9 MR. EMLY: Right.

10 MS. MORTON: -- the GPS location where  
11 you're going to cross the creek up there by the  
12 heron roost?

13 MR. EMLY: Okay.

14 MS. MORTON: And I never have gotten  
15 an answer on that. Do you know that now?

16 MR. EMLY: I don't have the -- I don't  
17 carry lat -- latitudes and longitudes around in my  
18 head.

19 MS. MORTON: Okay.

20 MR. EMLY: But we do have a -- we do  
21 have a map as a result of that meeting. We did  
22 produce that map, and I think we sent it to. . .

23 MS. MORTON: No, you didn't send it to  
24 me.

25 MR. EMLY: Okay. We have -- we have

1 that exhib -- I know Fish & Wildlife has seen it,  
2 because they have -- they followed up as a result  
3 of that meeting as well.

4 MS. MORTON: Okay.

5 MR. EMLY: So, we'd -- we'll be happy to  
6 give that to you.

7 MS. MORTON: Will the City Hall have it?

8 MR. EMLY: I'm not aware that --  
9 whether -- whether they do or not.

10 MAYOR EBERLE: I don't think we have  
11 the -- the GPS site that --

12 MS. MORTON: Okay. Well, I -- I would I  
13 would like somebody to give me that, and the  
14 another thing I'd like to do is to be able to look at  
15 an inventory of the actual trees, since you've  
16 already negotiated the easement with the city.

17 And my reason I ask this is my concern is over  
18 the Sycamores.

19 The herons roost in Sycamores and I would  
20 like to get a count of how many large Sycamores  
21 are coming down. I'd like to know where you're  
22 going to cross. I -- I know you say it's 1500 feet  
23 from the rookery.

24 MR. EMLY: No, it is -- it is less than  
25 1500 feet from the rookery.

1 MS. MORTON: Well, I thought 1500 feet  
2 is what Fish & Wildlife said to stay that far away.

3 MR. EMLY: They did. If you were going  
4 to work while the herons were in their nest --

5 MS. MORTON: Right.

6 MR. EMLY: -- they recommend you stay  
7 1500 feet, but we are not 1500 feet away, which is  
8 why we're adjusting our scheduled so that we're  
9 working when they're not in their nest.

10 MS. MORTON: And, so, you have  
11 changed those dates? Because before you were  
12 going to start working in, like, February.

13 MR. EMLY: We -- we are going to adjust  
14 our schedules so that we are not working within  
15 that --

16 MS. MORTON: Right.

17 MR. EMLY: -- 1500 foot range while the  
18 birds are in their nest.

19 MS. MORTON: Okay. But Fish & Wildlife  
20 had told you dates --

21 MR. EMLY: M-hm.

22 MS. MORTON: -- which, we, as residents  
23 know that those herons start building those nest at  
24 the end of January, and Fish & Wildlife had said,  
25 "Oh, they don't really get in their nests until

1 March," but they start building them before that.

2 So I just want that to be at public record.

3 MR. EMLY: Wa -- was it your husband  
4 that you mentioned at the last meeting who was  
5 the -- you mentioned a bird -- a bird --

6 MS. MORTON: The bird man.

7 MR. EMLY: -- the bird man.

8 MS. MORTON: Yes, the bird man.

9 MR. EMLY: Okay.

10 MS. MORTON: He's not my husband --

11 MR. EMLY: Okay.

12 MS. MORTON: -- but he is a bird man.

13 MR. EMLY: Well we are following up  
14 with, I think, the bird man, and if I -- if I --

15 MS. MORTON: That's good.

16 MR. EMLY: -- if I remember correctly,  
17 he's associated with a large group off birds  
18 watchers.

19 MS. MORTON: The Beckham Bird Club.

20 MR. EMLY: Okay. And the Beckham Bird  
21 Club has actually been out there, the best I can  
22 remember, and they are going to help us --

23 MS. MORTON: Good.

24 MR. EMLY: -- establish the dates when  
25 we're coming in and --

1 MS. MORTON: All right.

2 MR. EMLY: -- going out.

3 MS. MORTON: Thank you. Okay. So,  
4 now all I want is a tree inventory and the GPS  
5 location.

6 MAYOR EBERLE: We do have that tree  
7 inventory somewhere.

8 MS. MORTON: Okay.

9 MAYOR EBERLE: Given that I --

10 MS. MORTON: Thank you very much.

11 MAYOR EBERLE: -- I got a note.

12 COUNCIL MEMBER MILES: Penelope,  
13 the easement are -- within Prospect property is off  
14 of the creek, and, so, there are few, if any -

15 MS. SPEAKER: Well, I don't --

16 MR. EMLY: I don't remember any.

17 COUNCIL MEMBER MILES: Yeah. I  
18 don't think --

19 MAYOR EBERLE: I don't think there are  
20 hardly --

21 COUNCIL MEMBER MILES: -- there are  
22 any --

23 MAYOR EBERLE: -- any Sycamores --

24 COUNCIL MEMBER MILES: -- Sycamores  
25 that are -- are taken.

1 MS. MORTON: Good. I hope --

2 COUNCIL MEMBER MILES: Yes.

3 MS. MORTON: -- so.

4 COUNCIL MEMBER MILES: Yes..

5 MS. WHITE: I would like to ask a  
6 question. You're spending all this mon -- oh, I  
7 didn't introduce myself. Elzer White [phonetic],  
8 6541 Harrods View Circle.

9 Are you going to do anything about the  
10 sewage treatment plant that's on the golf course at  
11 Hunting Creek?

12 MR. EMLY: Yes. Hunting --

13 MS. WHITE: What are you go --

14 MR. EMLY: -- Creek --

15 MS. WHITE: What are you going to do  
16 about it?

17 MR. EMLY: The Hunting Creek North  
18 treatment plant is one of the five that has to be  
19 eliminated by the same date, the end of 2015. So  
20 it is one of the plants to be eliminated with these  
21 series of projects.

22 MS. WHITE: I'm absolutely thrilled.

23 MR. EMLY: Okay.

24 MS. WHITE: Because it smells.

25 MR. EMLY: They all do that.

1 THE REPORTER: I'm not -- I'm having  
2 trouble hearing you. You -- I didn't catch a couple  
3 of your last questions.

4 MS. WHITE: I wanted to know if they're  
5 doing anything about the sewage treatment plant in  
6 Hunting Creek that's on the golf course between  
7 hole four -- 14 and 15. It's an eye sore. It  
8 smells. And who is going to pay for this all?

9 MR. EMLY: Well, you -- you, as rate  
10 payers, are paying for everything. None of -- none  
11 of these projects are subsidized by the federal  
12 government at all. It's a -- it's an unfunded  
13 federal mandate that has required MSD to have to  
14 do these projects in the county. So MSD is  
15 performing the work. All of the funding for these  
16 projects comes from our rate payers, so anyone --

17 MS. WHITE: And how much is it going to  
18 cost?

19 MR. EMLY: This particular group of  
20 projects, the fi -- the -- the pro -- the series of  
21 projects that will el -- eliminate the five Prospect  
22 plants is about \$42 million worth of investments.

23 MS. WHITE: How much is my rates --  
24 how much is the rate -- the rates going up?

25 MR. EMLY: Well, they're about to go up

1 another 6-1/2%. Our fiscal year starts July 1st.

2 MS. WHITE: Don't laugh at me, Joe, you  
3 got me started in this thing

4 MR. EMLY: MSD, like the water  
5 company, typically has a -- some type of rate  
6 increase annually, so, we are projecting the rate  
7 that -- that is supposed to be approved by our  
8 board by the end of this month is -- is a 6-1/2%  
9 rate increase.

10 That rate has already been across the street  
11 to Metro Council board. They don't get to vote on  
12 it, but it had to be presented to them, so 6-1/2%  
13 for -- for fiscal year 2013, we are projecting from  
14 here on out that we're going to see rate -- rate  
15 increases lower than that in the future.

16 MS. WHITE: I'm going to hold you to  
17 that.

18 MR. EMLY: Everybody else is, too.

19 MAYOR EBERLE: Any other questions  
20 for --

21 MS. WHITE: Thank you very much. I  
22 appreciate your time.

23 MAYOR EBERLE: Any other questions  
24 for Steve from the audience or the council?

25 MR. SPEAKER: Jim Stone.

1           MAYOR EBERLE: Jim Stone, yeah.

2           MR. STONE: Jim Stone. Another  
3 question for Steve.

4           My neighbor between myself and the side  
5 owner, which is Mr. Steele --

6           MR. EMLY: M-hm.

7           MR. STONE: -- who I refer to as "Duck,"  
8 he's sitting very close to the creek, and his deck  
9 comes almost straight down. It's very narrow  
10 through there. I've been there many times, as  
11 recently as yesterday, and what -- what -- what's  
12 that easement do going through there that you're  
13 chocking down from 65, 75 feet on my property to  
14 his property?

15           MR. EMLY: I don't recall exactly what  
16 our easement is through there, but when we --  
17 when we run across things like that, we have two  
18 options.

19           MR. STONE: But he joins my property.

20           MR. EMLY: Gotcha.

21           MR. STONE: Yeah. On that Hite Creek  
22 side.

23           MR. EMLY: Gotcha.

24           MR. STONE: Okay.

25           MR. EMLY: We -- we have two options:

1 We can either restrict the temporary easement so  
2 that it doesn't include his deck. If it is an issue  
3 that causes such a constructability problem for us,  
4 it's really unbuildable without impacting the deck,  
5 you know, the removal and replacement of -- of the  
6 deck or a portion of that deck could be part of our  
7 discussion with that owner. I don't recall any  
8 decks that are so close that we were going to --  
9 going to need to take them down though.

10 MR. STONE: You might have 50 feet in  
11 here on the ground. I haven't had a --

12 MR. EMLY: Yeah.

13 MR. STONE: it's -- it's close on the  
14 easement, you know. I don't know how far back  
15 you-guys had this -- or, I was told at one time,  
16 before you wanted use of this. I thought it was  
17 50 feet set back from the creek's edge and I'm not  
18 sure if that still holds or not.

19 MR. EMLY: Yes.

20 MR. STONE: I mean, if you step back 50  
21 feet from the creek on that property, his house will  
22 be not only the deck, but. . .

23 MR. EMLY: Okay.

24 COUNCIL MEMBER SCOTT: Mr. Emly, I  
25 just have a question.

1 MR. EMLY: Yeah.

2 COUNCIL MEMBER SCOTT: You  
3 mentioned that there's five regional plants or  
4 facilities.

5 MR. EMLY: Six.

6 COUNCIL MEMBER SCOTT: Six?

7 MR. EMLY: Yes, sir.

8 COUNCIL MEMBER SCOTT: And all of  
9 this work is going to feed into the Hite Creek  
10 plant?

11 MR. EMLY: That's correct.

12 COUNCIL MEMBER SCOTT: Where is  
13 that located?

14 MR. EMLY: It's-- it's near -- it's on Hitt  
15 Lane. If you're going out 71, the Hite Creek  
16 facility is the one that you see on your right just  
17 before you leave the county line.

18 COUNCIL MEMBER SCOTT: Just before  
19 you leave Jefferson County?

20 MR. EMLY: Yes.

21 COUNCIL MEMBER SCOTT: Okay.

22 MAYOR EBERLE: Any other questions or  
23 comments for Mr. Emly?

24 [no response]

25 MAYOR EBERLE: And we appreciate it.

1 MR. EMLY: Thank you.

2 MR. SPEAKER: Thank you for coming.

3 MAYOR EBERLE: On a warm night.

4 Thank you, Steve. Steve is the director of  
5 engineering now currently with MSD.

6 MR. EMLY: Interim.

7 CITY ATTORNEY POTTS: Interim.

8 MR. EMLY: You mean interim.

9 MAYOR EBERLE: Oh, okay. Yeah.

10 That's supposedly an operative phrase, yeah.

11 Somewhat comforting at times, yeah. But we  
12 really appreciate your -- your taking the time to  
13 come out and explain that.

14 I know it's difficult to remember each parcel  
15 and -- and -- and where it is and exactly what's  
16 going to happen, but we appreciate your -- your  
17 updating us -- and we look forward to getting it all  
18 done, as I know you do.

19 COUNCIL MEMBER MILES: Yeah. And I  
20 want to, again, thank Steve. He's had a very long  
21 day, because he and I were walking on the trail at  
22 7:30 this morning, so I appreciate him meeting  
23 with me that early when he was going to come here  
24 and meet with us again.

25 MAYOR EBERLE: Next item on the

1 agenda is the Mayor's report, and I will try to be  
2 relatively brief.

3 We -- as you know, the -- the 4th of July  
4 celebration went well, but we did run into a snare  
5 with the fireworks having to be cancelled, and it  
6 was in a clause that we had with our my  
7 pyrotechnics contract for unsafe weather  
8 conditions, and I was -- I was on my back, so I'll  
9 let Ann kind of update you as to how the 4th went  
10 and anything you want to say about the -- the  
11 fireworks and where we're at on that.

12 MS. SIMMS: Well, I think everybody to  
13 know -- deserves to know exactly how the  
14 cancellation of the fireworks came about.

15 On Monday, about noon, the president of the  
16 country club and I met, and certainly we had  
17 concerns, because we knew it was very dry  
18 weather. We got on a conference call with the fire  
19 department, and they said we are not worried  
20 about the kind of fireworks you-all are having  
21 because it's all very controlled and it's  
22 professional, that their biggest concern was  
23 people -- when they were talking about fireworks,  
24 is people going out and buying them and setting  
25 them off in back yards and having them land near

1 houses or anything.

2 We talked to the fire department that day.

3 Obviously we -- we felt -- we both felt very good  
4 about it, we said, okay, we've done everything we  
5 can do. They did say they couldn't get the pumper  
6 truck down near we -- where we had fireworks, but  
7 they did assure us, no matter what, there would be  
8 fire protection available from the fire house and  
9 that would not be a problem. They could control  
10 it.

11 So we -- we went ahead, and we thought this  
12 was a good thing. By Wednesday at 4:00, or close  
13 to 4:00, I received a call from the people that were  
14 going to set off the fireworks. He said, "Look, it is  
15 very, very dry up here right in the area where I  
16 want to set off fireworks. We really need water."

17 He was afraid that should he set fireworks off  
18 and even one spark fly, he was afraid that spark  
19 could set -- set off a fire on the golf course, a  
20 grass fire, and they are notably very, very difficult  
21 to control.

22 At that point I did consult with our fire  
23 department, I contacted that country club, and we  
24 came to the conclusion that, as hard as it was to  
25 say it to people, we couldn't set fireworks off if we

1 were risking a fire.

2 It came as a great surprise that late that day.  
3 Our own police chief had been there the day  
4 before, and when they picked up the grass and all  
5 it still had a damp feel.

6 But I went with the statement of the  
7 professional that said that if a spire -- if a fire  
8 spark drops, we could set off a huge fire, and we  
9 cancelled the fireworks. We're sorry we had to do  
10 it, but safety came first.

11 MAYOR EBERLE: Some cities, I know --  
12 well, Woodford County, Scott County, Fayette  
13 County, Lexington, put a total ban in.

14 MS. SIMMS: M-hm.

15 MAYOR EBERLE: So, unfortunately,  
16 the -- the contract that we had did not allow us any  
17 alternative, so we rushed Ron back here. Didn't  
18 Ron come -- he -- he left the -- the -- the --

19 MS. SIMMS: He left the --

20 MAYOR EBERLE: -- the celebration --

21 MS. SIMMS: -- celebration --

22 MAYOR EBERLE: -- so we could get --

23 MS. SIMMS: -- to fire off an e-mail.

24 MAYOR EBERLE: -- so we could get an  
25 e-mail blast out, but. . . And we're continuing to

1 work with Pyrotechnic Display, Inc. with regards to  
2 the remainder on that contract.

3 CITY ADMINISTRATOR SIMMS: We will.

4 And I should add to that, when the country -- when  
5 I spoke to the country club, they had the ability --  
6 we had to go right immediately from the parade to  
7 the -- to the gazebo area and raise the flag. They  
8 did, very willingly, post signs cancelling the  
9 fireworks before we could actually get Ron down  
10 here and get the e-mail out. So they worked very  
11 well with us --

12 MAYOR EBERLE: And they --

13 MS. SIMMS: -- in that case.

14 MAYOR EBERLE: He announced from  
15 the. . .

16 COUNCIL MEMBER SIMON: M-hm.

17 MAYOR EBERLE: And Simon was the  
18 grand marshal this year.

19 MS. SIMMS: He was.

20 COUNCIL MEMBER SCOTT: Was there  
21 any cost to the city since we cancelled that with --

22 MS. SIMMS: Oh, yeah.

23 COUNCIL MEMBER SCOTT: -- our  
24 contract?

25 MS. SIMMS: Yes; indeed.

1 COUNCIL MEMBER SCOTT: What was  
2 that?

3 MS. SIMMS: Well, if we totally cancel it,  
4 we pay 40% of the contract, which the total  
5 contract is \$18,000. So we would pay -- I think I  
6 came up with \$7200. That would be what it would  
7 cost. If we go ahead and schedule it within the  
8 next six months, which we are allowed to do, then  
9 it would cost us an extra \$2700, because they  
10 came, they set up, and that -- that's all according  
11 to contract, what we would pay.

12 COUNCIL MEMBER SCOTT: Thank you.

13 MAYOR EBERLE: Speaking of this  
14 Cowley Park, is that a good segue?

15 We had a successful Cowley Park concert for  
16 those of you who were able to attend, and our  
17 director of maintenance, Ron Cundiff, is the front  
18 man for the band, One Card Shy.

19 Our next concert at Cowley Park is September  
20 23rd, that's a Sunday, from 4 to 6, and we have a  
21 jazz group, and I don't have their name right now,  
22 but I do know that it's made up largely of  
23 musicians from the Louisville Orchestra, which is  
24 back on the beat [phonetic] now, so. . . So be  
25 sure to mark that date.

1 COUNCIL MEMBER SIMON: Todd?

2 MAYOR EBERLE: Yeah?

3 COUNCIL MEMBER SIMON: May I?

4 You -- you jumped back -- I want to say something  
5 about 4th of July if I could.

6 MAYOR EBERLE: Oh, I'm sorry.

7 COUNCIL MEMBER SIMON: Okay. It  
8 was extremely hot day, and I know some people  
9 were upset that this council approved a raise for  
10 employees. They were in 100 degree  
11 temperatures, not being with their families on  
12 4th of July, so that our residents could have a nice  
13 4th of July celebration.

14 That's why I voted to give them a raise. They  
15 went above and beyond in that heat. They were  
16 there all day long. I was with them all day long.  
17 It was rough out there. So I just wanted to say  
18 thank you to our police department and all the  
19 employees for putting that on for us. Thank you,  
20 guys. I appreciate it.

21 MAYOR EBERLE: And I appreciated your  
22 being the grand marshal and the committee chair  
23 again this year. 20 -- 20 years; is that right?

24 COUNCIL MEMBER SIMON: Be 22 years.

25 MAYOR EBERLE: 22; okay.

1 COUNCIL MEMBER TUCCI: You just  
2 don't show your age, that's all.

3 COUNCIL MEMBER SIMON: Get out of  
4 here.

5 MAYOR EBERLE: The immediate past  
6 fiscal year we -- we do have our -- our accountants  
7 cash basis figures in, which I distributed, and they  
8 reflect 98.5% of our revenues. Bu -- budgeted  
9 revenues have been received, and 93.7% of our  
10 budgeted expenditures dispersed. And, again, this  
11 will have to be -- this will be amended at the -- at  
12 the end of the audit, so. . . But it looks like  
13 we're -- we're pretty much on track to where we --  
14 where we had ourselves budgeted for this -- this  
15 year.

16 Code enforcement board met on the 27th of  
17 June, and we had a tall grass citation, which was  
18 confirmed. And I don't know -- under the police  
19 Report Chief Sherrard may want to -- to mention  
20 that.

21 Forestation board update: They had  
22 approved, I believe, in not this most recent  
23 meeting, but the meeting before the removal of the  
24 beech tree, and we put that out, not for formal  
25 bids, but we did put the -- the contract out for all

1 people who have licenses to work on city trees.  
2 Limbwalkers [sic] was the low bid, and the tree is  
3 gone. I haven't been over there today, but the --  
4 the stump has not been removed, and I believe  
5 the -- I don't see -- oh, there's Lee. Lee, do you  
6 have anything else on the Forestation --

7 MR. TUCCI: Right. I -- I --

8 MAYOR EBERLE: -- board? Planting  
9 this fall, yeah. Lee Tucci.

10 MR. TUCCI: Just address the -- the  
11 beech tree stump. The contract calls for the  
12 removal of the stump and the clearing of the land  
13 and some grass seeding, and then se -- in a  
14 separate project we'll put a new tree there in the  
15 fall. We'll be planting several trees, including a  
16 tree there.

17 I -- I want to talk a little bit about the MSD  
18 project and address some of the issues that were  
19 raised.

20 First of all, MSD prepared two possible routes  
21 through the Harrods Creek Park, which I'm talking  
22 about. They marked -- or identified every tree  
23 they will take out on either route, and they gave us  
24 a choice of those routes, and we picked the route  
25 that would do the least amount of damage to the

1 trees, and the net result will be there will be about  
2 900 trees coming out. They're mostly box elders.  
3 I -- I did a tabulation by species, I just don't recall  
4 the numbers penalty, but I should be able to send  
5 it to you. It would be real good off of the force  
6 main for information to support now [phonetic].  
7 Okay.

8 And as was mentioned, we already had a plan  
9 from the state forester, Robert Bean, as to how to  
10 upgrade the trees in that area, and while we will  
11 be losing some good large trees, there's no way  
12 getting around it, we will be replacing the less  
13 desirable trees and pine trees, box elders  
14 particularly, with better species that will have  
15 increased value over the long term.

16 Those are the -- the main points from the  
17 Forestation Board viewpoint.

18 Separately I just wanted to mention that we  
19 have in progress a -- a re-survey of all the streets  
20 and -- and median trees in the city. There's  
21 something like 1700 trees that we have tabulated  
22 by size and species, and state, condition. This  
23 was all done, originally, four years ago, and we  
24 had a quickie update a couple years ago after the  
25 wind storm came through and ice storm did so

1 much damage.

2 We're re-surveying now, and there's quite a  
3 few volunteers I want to mention. This is a fair  
4 amount of work for each set of volunteers, because  
5 they have to deal with 2- or 300 trees and figure  
6 out what is this tree? Is this the one that's  
7 supposed to be here four years ago? Is this a new  
8 tree? Did someone take out that tree? That  
9 happens and -- or people plant trees, even though  
10 they're supposed to get permission. They plant  
11 them anyhow.

12 But in any case, we have a good group of  
13 volunteers. We have Randy and Pat Holub; we  
14 have Nick and Sue Nicholson; we have Paul and  
15 Carol McAllister; and Linda Knox, who's on the  
16 Forestation Board; Christy Kramer's on the  
17 Forestation Board; Brandy Colton [phonetic]; Kathy  
18 Walsh [phonetic], who's on the Forestation Board;  
19 and another volunteer, Jane Martin [phonetic].

20 Our work is roughly about half through at  
21 time. Our target is to get all the trees tabulated  
22 by about the end of July. There will be some  
23 analysis and reformatting of the data probably  
24 around the middle of fall [phonetic].

25 That's all.

1 MR. SPEAKER: Thank you.

2 MAYOR EBERLE: Thank you, Lee.

3 Parks and recreation, we -- I don't know that  
4 we have had a lot of activity. We've been working  
5 with the Kentucky Heritage Land Conservation  
6 Fund on paperwork and reports and that type of  
7 thing. The benches we talked about are in place.  
8 That was last meeting.

9 Linda, do you have anything else that. . .

10 MS. WARDELL: The only thing I would  
11 add -- Linda Wardell. We had a -- a meeting this  
12 week, and we had two more Boy Scouts come and  
13 present projects to be done. And one of them will  
14 be an information kiosk at Harrods Creek Park,  
15 and I think he said -- maybe Stuart remembers -- I  
16 think his target date for that is September.

17 COUNCIL MEMBER MILES: That's a hard  
18 date, because he turns 18.

19 MS. WARDELL: Yeah. About -- he --  
20 he's trying to get it done two weeks before he  
21 turns 18.

22 MAYOR EBERLE: And he has to get it  
23 done --

24 COUNCIL MEMBER MILES: So it will be  
25 done by September.

1 MS. WARDELL: And the other project  
2 will be starting a little boardwalk along Little  
3 Hunting Creek Park on the other side of Little  
4 Hunting Creek, where it's a very boggy area.

5 I know it's an area that the McAllisters like to  
6 do birding in, because it's a great place to bird,  
7 but a lot of times it's too wet to actually get in  
8 there very deeply. So that's the beginning of what  
9 we hope will be a series of boardwalk projects that  
10 will allow people to walk into that are when it's  
11 wet, so. . .

12 And I think that's about it for now.

13 MAYOR EBERLE: That's great news  
14 about the kiosk, because we -- because we've  
15 needed a place to post rules for use of that  
16 property, so. . .

17 Library committee. We have damage, water  
18 damage up there, but we saved -- I don't think we  
19 really lost any books, did we?

20 MS. SPEAKER: No. It didn't look like it.

21 MS. SPEAKER: What caused the water  
22 damage?

23 MAYOR EBERLE: Air conditioning  
24 system.

25 COUNCIL MEMBER ERTEL: Hail?

1 MAYOR EBERLE: Pardon?

2 COUNCIL MEMBER ERTEL: Hail

3 damage?

4 MAYOR EBERLE: No. The -- it -- it goes  
5 quite a while, and the record-breaking heat, I  
6 guess, caused it finally to back up, and it -- it  
7 wasn't proper -- the -- the water that's taken out  
8 of the air by the air conditioner didn't have  
9 anyplace to go --

10 MR. SPEAKER: Drain --

11 MAYOR EBERLE: -- and it's right  
12 outside my office and Ann's office, is a -- is a  
13 major one. We've had blowers going, and then --

14 MS. SPEAKER: And they took them --

15 MAYOR EBERLE: That one side of the  
16 library there, too.

17 MS. SPEAKER: Yeah. It looks like the  
18 Cs and the Ds in fiction.

19 MS. SPEAKER: Exactly.

20 MAYOR EBERLE: They're all there,  
21 they're just --

22 MS. SPEAKER: They are.

23 MAYOR EBERLE: -- not -- yeah.  
24 They're just --

25 MS. SPEAKER: They're just kind of --

1 COUNCIL MEMBER TUCCI: There are a  
2 lot of other good writers in other -- in the  
3 alphabet.

4 MS. SIMMS: The air conditioner that  
5 overflowed was the air conditioner right behind  
6 the -- the wall there, that's the one -- so that's  
7 why it came out, got the floor wet, and what the  
8 floor wouldn't absorb it just came right on  
9 downstairs. But they have taken out the dryers as  
10 of this morning. Now we have some drywall to  
11 repair.

12 MAYOR EBERLE: And -- and repainting  
13 and whatever. These were unbudgeted items

14 MS. SIMMS: Well, there will be -- that --  
15 a lot of it is covered by insurance, but,  
16 unfortunately, it's two separate instances, one in  
17 the -- up above the police department, and then  
18 the next week, or two weeks later, the -- the one  
19 behind the library. So we will have to pay our --

20 MS. SPEAKER: Deductible.

21 MS. SIMMS: -- deductible and hopefully  
22 it'll all be finished soon.

23 COUNCIL MEMBER ERTEL: Do you have  
24 to be conscious of Legionnaire's disease? Do you  
25 remember that's where that started in New York,

1 from air conditioning units?

2 MS. SPEAKER: Uh-huh.

3 COUNCIL MEMBER ERTEL: The leakage.

4 MAYOR EBERLE: That one ha -- I  
5 don't -- I haven't.

6 COUNCIL MEMBER ERTEL: The --

7 MS. SIMMS: They ca -- well, they ca --  
8 when they came in --

9 MAYOR EBERLE: They had ServePro  
10 come in.

11 MS. SIMMS: -- they tested for mold and  
12 all of those various things

13 COUNCIL MEMBER SIMON: Mold would  
14 be the issue.

15 MS. SIMMS: They thought they really  
16 needed to look it -- look at, and they sprayed  
17 everything for mold so that it would be public  
18 health.

19 MS. SPEAKER: Okay.

20 MS. SIMMS: They -- they told me that, I  
21 mean, before I even asked, so. . .

22 MAYOR EBERLE: Anything else on  
23 library?

24 [no response]

25 MAYOR EBERLE: My least favored topic

1 right now is with the widening of 42. We did get  
2 an article in the new newsletter that I wrote and --  
3 and got it in just -- just before I left, but on the  
4 back there is a copy -- yeah. Ms. Simon is holding  
5 it up.

6 There is a copy if anyone wants to look at it.  
7 That's a copy showing, in sequence, from the --  
8 the west end to the -- to the east end of that -- of  
9 that project.

10 When they came with that proposal and  
11 showed it to me, Ann -- Ann said that my eyes  
12 turned gray. That was an odd comment, but, at  
13 any rate. We stood out here and we were looking  
14 where -- where they would be taking the  
15 right-of-way and it all comes from this side, from  
16 the City Hall side.

17 And it would be essentially take every -- every  
18 tree along here. It would destroy, to my -- to my  
19 way of thinking, Little Hunting Creek Park. I  
20 mean, it just really wouldn't. . . It would -- it  
21 would come very, very close to the front of -- of --  
22 of City Hall. All the trees in front of City Hall  
23 would be gone.

24 I expressed immediate concern to -- well,  
25 yeah, but immediate concern to the -- to the

1 people at -- at the Transportation Cabinet. I think  
2 they -- they understood my concerns.

3 And, then, I also contacted our state  
4 representative, Bob DeWeese, and our state  
5 senator, Ernie Harris, who happens to be chair of  
6 the Senate Transportation Committee, and -- and  
7 Kelly Downard. But the -- the -- the quick  
8 response from Representative DeWeese and  
9 Senator Harris was that they -- they understood  
10 our concerns and hopefully we'll be able to work  
11 something out.

12 But for the -- for -- for the time being, you can  
13 look at -- at-- at those documents back there.  
14 Unfortunately, it's a series of 11-by-17 sheets,  
15 which is really not able to be faxed out in any --  
16 or -- or sent electronically very easily in a format  
17 that you could actually read it, but. . .

18 The final decision has not been made, and  
19 the final comments from the city have not been  
20 heard, so. . .

21 MS. SIMMS: That's right.

22 COUNCIL MEMBER LEONARD: Where --  
23 where does the cut start?

24 MAYOR EBERLE: It starts --

25 COUNCIL MEMBER LEONARD: Where

1 they're taking land?

2 MAYOR EBERLE: Between the Harrods  
3 Creek Bridge and -- and Timber Ridge on 42.

4 COUNCIL MEMBER LEONARD: So they  
5 are homeowners --

6 MAYOR EBERLE: Now, that's actually on  
7 the other side of --

8 COUNCIL MEMBER TUCCI: Yeah, there  
9 are homeowners, too.

10 MAYOR EBERLE: Oh, yeah. All of the --  
11 and now Penelope's not here any longer. Now,  
12 every -- every -- everybody -- well, and it would  
13 also involve some -- some taking of trees near the  
14 marina, and then on the other side all -- all the  
15 way up, and then up to River Road.

16 COUNCIL MEMBER LEONARD: Right.

17 MAYOR EBERLE: Which would --

18 COUNCIL MEMBER SIMON: Is it because  
19 all the utilities are on the other side of the street  
20 that they would have to move, is that why they're  
21 looking at this side of the street?

22 COUNCIL MEMBER LEONARD: I mean, it  
23 looks -- yeah.

24 MAYOR EBERLE: Anyway, it's a -- it -- it  
25 was a -- a situation that I found to be somewhat

1 alarming, to say the least.

2 COUNCIL MEMBER TUCCI: But it's very  
3 easy to e-mail Ernie Harris and Bob DeWeese. We  
4 all know how to e-mail. And, you know, all they do  
5 is count. So, if your dog wants to sends an e-mail,  
6 I would encourage him to do so. But it's  
7 disappointing, because we've been working on this  
8 probably for --

9 MS. SPEAKER: Oh --

10 COUNCIL MEMBER TUCCI: -- 10 or 15  
11 years.

12 MS. SPEAKER: Easily

13 COUNCIL MEMBER TUCCI: The first  
14 time the transportation people came to us, they  
15 showed us this beautiful picture of what a lovely  
16 job they did of widening a road through the horse  
17 country around Lexington without damaging,  
18 apparently, a single thoroughbred or a single  
19 fence somehow, and they assured us that they  
20 were that kind of thoughtful department that  
21 understood the natural beauty of Prospect and  
22 wanted to maintain it. Their Pinocchio noses were  
23 growing out as they spoke.

24 Anyhow, I would encourage you to e-mail  
25 them. If it doesn't do any good, at least your

1 conscious is clear that you didn't just lie down and  
2 let the highway department blacktop right over  
3 you.

4 COUNCIL MEMBER SIMON: E-mail  
5 blasts work sometimes.

6 COUNCIL MEMBER LEONARD: And it  
7 also -- I mean, they -- they listened to us, and we  
8 were hoping to gain from the project, not lose from  
9 it. We were talking about planted medians.

10 MS. SPEAKER: M-hm.

11 COUNCIL MEMBER LEONARD: We were  
12 talking about multi-use pathways. We even  
13 talked -- we didn't think we'd get it, but we talked  
14 about burying utility lines.

15 MAYOR EBERLE: And that -- that, in the  
16 back there, the -- on the easel is what we came up  
17 with and -- and I -- I think what Council Member  
18 Leonard is referring to. When we -- when we held  
19 up that and -- and we -- and we looked at one of  
20 the -- was it -- weren't there three options --

21 MR. SPEAKER: Yes.

22 MAYOR EBERLE: -- under the  
23 requirement?

24 COUNCIL MEMBER LEONARD: M-hm.

25 MAYOR EBERLE: There was one of

1 the -- one of the options that was very, very, very  
2 similar to that. And the current proposal is -- is --  
3 is not at all similar to that, so. . .

4 But I -- I don't want to be an alarmist, but I --  
5 I -- I think it is fair to say, and I know Linda  
6 Wardell, with the Parks and Recreation Advisory  
7 Committee, and Lee Tucci, with the Forestation  
8 Board, are taking it very seriously as well, so. . .

9 But we don't really have a -- a situation now  
10 where we are looking at another public hearing,  
11 although that might be the case --

12 MS. SIMMS: M-hm.

13 MAYOR EBERLE: -- in the next couple of  
14 wee -- couple of months.

15 MR. SPEAKER: And when is the final  
16 decision supposed to be made; the date?

17 MAYOR EBERLE: We don't have a dated.

18 MR. SPEAKER: Okay.

19 MS. WHITE: How wide are they going to  
20 make it, Mr. Mayor?

21 MAYOR EBERLE: It depends on the  
22 slopes. Like right here, because the road is up  
23 high, in order to add another -- another lane, they  
24 have to build out and then level off, which would  
25 take all the trees out -- off the road.

1 MS. WHITE: Well, we happen to -- to just  
2 like it just fine. What's the reason for them  
3 widening the road?

4 MAYOR EBERLE: Well, it's -- it's to add  
5 a -- it's to add a turn lane, so. . .

6 MS. WHITE: Well, I mean people stop  
7 and put their turn signal on and turn left, go right,  
8 or whatever they want to.

9 COUNCIL MEMBER TUCCI: But it's a --

10 MS. WHITE: How difficult is that?

11 COUNCIL MEMBER TUCCI: But it's a  
12 state road and the state does what it does. This is  
13 not our project, this is the state highway  
14 department deciding, for instance, that they would  
15 like to move traffic more rapidly through Prospect.  
16 We'd like to slow it down.

17 MS. WHITE: Think it moves through it  
18 very rapidly already.

19 COUNCIL MEMBER TUCCI: When we --

20 MAYOR EBERLE: Well, we will --

21 COUNCIL MEMBER TUCCI: -- asked  
22 them, they -- they wanted, actually, to raise the  
23 speed limit to 55 miles an hour, because they  
24 didn't think it went fast enough.

25 COUNCIL MEMBER MILES: These are

1 the same folks who changed our traffic signals,  
2 which were working just great for us.

3 MS. WHITE: Oh, it's the state folks.

4 MS. SPEAKER: Yeah, it's the same folks  
5 that --

6 MR. SPEAKER: And it's all about -- it's  
7 all about getting the people --

8 MS. SPEAKER: I know.

9 MR. SPEAKER: -- in Oldham County  
10 home --

11 MS. WHITE: I know, it's the same folks  
12 that threw me out of my house because they're  
13 going to build a bridge.

14 COUNCIL MEMBER SIMON: You ne --  
15 you just need to come sit in my store for one  
16 month and look out the window and watch how  
17 many times people get hit. Almost happened -- if  
18 you're not paying attention, people turning,  
19 rear-ending people. That whole strip through  
20 there is a nightmare.

21 MAYOR EBERLE: Well, this is not  
22 anything --

23 MS. WHITE: I moved out here when we  
24 didn't have a turn lane on Wolf Pen Branch Road  
25 and I never got hit in 20 years.

1 COUNCIL MEMBER SIMON: Well, but  
2 you've got -- you've got three times the  
3 population --

4 MR. SPEAKER: And how long have these  
5 roads --

6 COUNCIL MEMBER SIMON: -- of Oldham  
7 County coming through here now.

8 MR. SPEAKER: -- needed to be --

9 MS. WHITE: We're going to have the  
10 bridge. And this traffic is --

11 COUNCIL MEMBER SIMON: It'll help --  
12 it'll help traffic coming through --

13 MAYOR EBERLE: We will --

14 COUNCIL MEMBER SIMON: -- 42.

15 MAYOR EBERLE: This isn't anything  
16 that's going to happen tomorrow. We -- I just  
17 wanted you to be aware of it. And we did an  
18 article in the newsletter.

19 We will continue to work with it. It's -- it's --  
20 it's not going to happen fast, and, if anything, we  
21 have considerably slowed it -- slowed down the  
22 process, and they will come back to us.

23 They said that they -- they might have  
24 alternatives, so we will -- we -- all we'll do is let  
25 you know, and we will work toward having public --

1 public meetings to -- to show any alternatives and  
2 allow them to take comments.

3 One last thing, and Chief Sherrard may want  
4 to -- to -- to comment on this as well, but we did  
5 hire an additional part-time police officer, who --  
6 when do they swear him in, Monday>

7 CHIEF SHERRARD: We swore him in last  
8 Friday.

9 MAYOR EBERLE: Last Friday. John  
10 Steven Hardy. He has a -- a career of over 20  
11 years. He worked for the U of L campus police,  
12 the state police, Jeffersontown, and then the  
13 county, and then, after merger, LMPD, where he  
14 retired as -- with the rank of the sergeant. He is  
15 part-time, and will share the open posi -- the  
16 vacant position that we have budgeted and -- with  
17 Larry -- Officer Larry Johnson, who's coming back  
18 after he -- he's retired.

19 And, with that, segue, we'll move to the police  
20 report.

21 CHIEF SHERRARD: Okay. I'll try to be  
22 quick.

23 Regarding the numbers situation, just as  
24 looking down under that traffic activity, under the  
25 All Other, you can see that the 24, that's

1 abnormally high compared to previous years.  
2 That's just a result of a number of charges placed  
3 against a few juveniles as it relates to some  
4 misdemeanor activity regarding some graffiti that  
5 we've been having problems with.

6 So those were multiple charges on some  
7 juveniles, and it shows up under the All Other  
8 categories under citations. So that's why it's  
9 there. And when you places multiple charges on  
10 somebody, even though it's one individual on one  
11 citation, because there's multiple offenses, that's  
12 why it's showing up. That number is high. It's  
13 actually just affecting a few people, but multiple  
14 charges, that's why that number looks higher.

15 We have had an increase in traffic activity, or  
16 we've asked for an increase in traffic enforcement,  
17 and most of that manifests itself with written and  
18 verbal warnings, that's why those numbers are  
19 higher.

20 You see that number is 78, compared to  
21 previous years. That -- that's an increase along --  
22 enforcement along both 42 and also in Hunting  
23 Creek Subdivision due to a complaint that we've  
24 received on traffic in that area.

25 Down to the report section, you'll notice that

1 the -- the incident reports are higher. That's as a  
2 result of, again, we had problems with some  
3 graffiti, and, also, there was one particular  
4 incident where we had four reports  
5 back-to-back-to-back. However, the juvenile was  
6 caught in that situation, so they were all  
7 immediately cleared.

8 So that number goes up real high and spikes,  
9 but they were immediately arrested. So those  
10 numbers look worse than they are.

11 Let's see. Under Arrests, they're higher, but  
12 four of those were DUI arrests; there are two  
13 juveniles. Again, that would have related to the  
14 graffiti.

15 And the other juvenile that had the four  
16 incidents back-to-back, he was intoxicated, broke  
17 into some cars, and then tried to break into a  
18 house, all within a few minutes. He was captured  
19 at the time, and then wanted to fight with the  
20 officer at -- at the -- the time of his arrest. So  
21 that cleared up a number of cases, cleared up a  
22 number of those reports.

23 For the month, the dispatch runs were up 17%.  
24 The officer initiated runs were up 19%. Majority of  
25 that's related to the fact that they've increased

1 their traffic activity.

2 Again, related to the -- on Page 2, regarding  
3 the misdemeanor reports, you'll see that on the  
4 top one, the June 9th, that's related to the  
5 teenagers that were caught tagging behind a  
6 dumpster by the Circle K.

7 As a result of that, they were caught in the  
8 act. They admitted to a -- a large amount of the  
9 graffiti that we've had, and, since that day, it has  
10 just dropped off tremendously. So, thank  
11 goodness that may slow down or -- or stop for a  
12 while, because they -- they were killing us for the  
13 previous two months.

14 One felony report was related to the -- the  
15 country club. Someone broke into the maintenance  
16 shed and stole one of the power tools out of there.

17 The other report is the most significant. This  
18 is the one that made the local news. We were  
19 patched on June 25th to a -- to a home-invasion  
20 robbery in progress.

21 The caller was a teenage son -- teenage to  
22 20-year-old son that was involved in the house.  
23 He overhears a disturbance in the house,  
24 something breaking, and then hears someone say,  
25 "I'm going to kill you." He escapes, calls police,

1 calls 911. They relay that information to our  
2 officers. Lieutenant Shaw was involved, also  
3 Harold Proffitt.

4 They're provided information as they're en  
5 route. They're there within two minutes. At that  
6 time they meet with the son, who's next door on  
7 the golf course. This happens in the 7300 block of  
8 Hunting Creek.

9 They are able to ascertain that the two  
10 offenders are still in the home, along with the  
11 victim, who, at this point has already been bound  
12 with duct tape, his hands and feet.

13 They are able to see movement inside the  
14 house. They make verbal contact with him. One  
15 of the offenders panics, cuts off the duct tape in a  
16 rush. In the process of doing so, ends up cutting  
17 the victim, both in his hands and his feet.

18 At that point, they, again, make contact with  
19 him. They release the victim. He comes out to  
20 police, and within just a few moments both of the  
21 offenders surrender.

22 I'm extremely proud of their performance on  
23 that night. That situation could have turned into  
24 something drastically worse. At the time that the  
25 victim is in there and they initially see the police,

1 the -- one of the man [sic] with the gun, and they  
2 were armed with a pistol, he states that he's going  
3 to shoot him, he's going to shoot the police, and  
4 then he's going to shoot himself, and this all  
5 occurs within just a matter of moments.

6 So, for them to have been able to take swift  
7 action like that, I think if you resolve that  
8 situation peacefully, and, again, I'm very proud of  
9 them. I think they should be commended for that.  
10 They've already had a -- they were charged, both  
11 of the men, with kidnapping, robbery and assault.

12 One of the men had known the homeowner  
13 approximately a year in advance. He was over  
14 there on a pretense to do some work in the home.  
15 This was not a case of a resident being just picked  
16 out at random. This was -- they were there at a  
17 specific house for a specific reason. This was not  
18 a case of just somebody just -- a -- a random  
19 victim.

20 They've already had a preliminary hearing,  
21 and they've been held over for the Grand Jury the  
22 first week of August, so they found probable cause  
23 for that

24 Down to the -- the other incidents. For the  
25 night of June 10th, that's when I told you that the

1 juvenile broke into the number of cars and  
2 attempted to break into a house. He was found at  
3 the scene. He had a number of things in his  
4 pocket that would indicated that he's just either  
5 broken into cars or was about to do that. The  
6 usual burglary tools in his pockets, that type of  
7 stuff.

8 Let's see. The arrests on the back are self  
9 explanatory. A number of DUI arrests.

10 Under Code Enforcement, there was nothing  
11 new in terms of issuing citations for Code  
12 Enforcement, but we did have a hearing in June for  
13 a -- for a prior citation that was issued in May. A  
14 heavy fine was assessed in that case, but, as it  
15 turns out after the fact, that home was sold. So I  
16 don't think that we're ever going to be able to  
17 recover that, because a lien was never placed on  
18 that property in time, so we'll probably not be able  
19 to recover that.

20 However, it looks like the new homeowners  
21 have already made numerous attempts to clean up  
22 that you property. Let's hope that that continues.

23 Just echoing what the mayor said with regards  
24 to the new hire. Officer Steve Hardy. He's a  
25 28-year veteran of the police department. He's

1     been around for a long time.  He's a quality  
2     individual.  I worked with him for a few years at  
3     Louisville Metro, and we are getting both a quality  
4     police officer and a quality individual.

5     And that's all I have.

6             COUNCIL MEMBER MILES:  Chief, were  
7     the juveniles arrested, were they residents of  
8     Prospect?

9             CHIEF SHERRARD:  No.  One was close  
10    by, lived right off River Road.  Probably a par 5  
11    away from living in Prospect, and the other one  
12    lived over in Norton Commons.

13            COUNCIL MEMBER MILES:  And what  
14    were they -- they just chose to hang out here?  I  
15    mean, what was the -- the one in Norton Commons,  
16    what brought him --

17            CHIEF SHERRARD:  He was visiting  
18    the -- the other kid that lived -- I mean, within  
19    walking distance from here, just right off River  
20    Road, over by the park.

21            MAYOR EBERLE:  If they're not too  
22    nasty, we would like to get community service,  
23    because --

24            CHIEF SHERRARD:  And that case is still  
25    pending in Juvenile Court.  That takes forever.

1 COUNCIL MEMBER SCOTT: Chief, I just  
2 have one quick question.

3 Last month there was a report of jewelry theft  
4 by contractor working in a home. Has there been  
5 any outcome with that or --

6 CHIEF SHERRARD: That's still pending.  
7 They -- they -- all the information has been turned  
8 over to the Commonwealth's attorney and they're  
9 still evaluating the process. I would anticipate  
10 there's going to be an indictment in that case.

11 COUNCIL MEMBER SCOTT: Okay.

12 CHIEF SHERRARD: How quickly that  
13 comes, I don't know. Sometimes the wheels of  
14 justice move pretty slow. But they're -- that  
15 contractor will be charged.

16 COUNCIL MEMBER SCOTT: Thank you.

17 MAYOR EBERLE: Other questions or  
18 comments?

19 [no response]

20 MAYOR EBERLE: I want to -- I was able  
21 to attend the most recent police department  
22 departmental meeting, and I want to commend  
23 Chief Sherrard and, particularly, Lieutenant Shaw.

24 We -- it was a very productive meeting, and  
25 Lieutenant Shaw is going to be working with

1 standardizing, if that's a -- a good over -- overall  
2 term for -- for the -- the types of reporting that we  
3 do of -- of our -- of our incidents, and, so, we will  
4 probably -- and it's the Ken -- it's the Kentucky. . .

5 LIEUTENANT SHAW: Incident-based  
6 reporting system.

7 MAYOR EBERLE: All right. Which will --

8 LIEUTENANT SHAW: KYIBRS.

9 MAYOR EBERLE: KYIBRS, yeah.

10 LIEUTENANT SHAW: We -- hopefully,  
11 within a year, we'll be fully digital. Everything  
12 will be computerized instead of killing trees.

13 MAYOR EBERLE: Right. And we -- we  
14 won't have any handwriting, just typo problems.  
15 And we're -- but we're making some -- I think some  
16 important advancements in that in using the MDTs,  
17 the mobile data, the computers in the police cars.  
18 And, also, looking at some additional training  
19 structures that -- that we haven't had in -- in  
20 recent times, so. . .

21 COUNCIL MEMBER SIMON: Again, I  
22 want to appreciate our police department and  
23 your-always dedication in keeping us safe. I  
24 really appreciate that.

25 COUNCIL MEMBER ERTEL: Hear, hear.

1           LIEUTENANT SHAW: Just tell the  
2 officers when you see them on the street. If you  
3 see the officers, go up to them and pat them on  
4 the back. That means a whole lot

5           COUNCIL MEMBER SIMON: We need to  
6 do more of that.

7           MAYOR EBERLE: And a -- and, again,  
8 Lieutenant Shaw's and Officer Harold Proffitt's  
9 quick response and professional handling of the  
10 incident where the -- actually they were charged  
11 with kidnapping, I guess.

12           LIEUTENANT SHAW: Yes.

13           MAYOR EBERLE: That -- that Chief  
14 Sherrard talked about. We have issued -- or Chief  
15 Sherrard has issued a written commendation for  
16 Lieutenant Shaw and for Harold Proffitt. Harold  
17 got pretty excited about it.

18           LIEUTENANT SHAW: The Marine Corps  
19 kicked in action.

20           MAYOR EBERLE: He said -- he said, "I  
21 was a little afraid, but," he said, "I -- I really  
22 enjoyed that." So. . .

23           LIEUTENANT SHAW: His hat never came  
24 off.

25           MAYOR EBERLE: It seldom does. Okay

1 Next, we will return to citizen comments, and,  
2 again, we have citizen comments with regard to  
3 the MSD. We will now turn to any general  
4 comments from citizens and the public. And,  
5 again, we ask that you come to the podium and  
6 state your name and address for your comments.  
7 Any -- anybody have any comments they want to  
8 make?

9 MS. SAUER: My name is Kathy Sauer.  
10 8015 Ashdowne Court. And I just want to reiterate  
11 my thanks to everybody that's worked on the parks  
12 program. We just really love it. We've been using  
13 it at least once a week, and especially during the  
14 summer when it's so hot. It was about the only  
15 place to go walking, and my husband and I walk  
16 every day. But it's -- it's really added to life here  
17 in Prospect, and I just wanted to thank everybody.

18 MAYOR EBERLE: Thank you, Ms. Sauer.

19 COUNCIL MEMBER TUCCI: Thank you.

20 MAYOR EBERLE: As I recall, aren't  
21 you -- aren't you the -- the individuals who were  
22 thinking about moving out of Prospect?

23 MS. SAUER: Right. Well, we were -- you  
24 know, we're getting to that age. We're empty  
25 nesters and we thought we'll buy a house that's

1 maybe, you know, closer to Louisville, but now, I  
2 mean, we would -- we will look here first, because  
3 we think that just having that here and within  
4 walking distance, it's -- it's just such a benefit.

5 And, also, I mentioned the fact that we saw a  
6 lot of kids and family's with young kids, and to me  
7 that's, you know, to model that kind of behavior is  
8 really important and makes us all healthier for our  
9 future.

10 MAYOR EBERLE: Thank you.

11 MR. GLAZER: Hi. Mark Glazer, 8310  
12 Star Point Court. And I would like to ask the city  
13 council to consider banning or restricting fireworks  
14 by private citizens, because on July 3rd and 4th, in  
15 our neighborhood, they were getting more bang for  
16 their buck with whatever they were shooting up in  
17 the air.

18 And you-all cancelled fireworks because it  
19 was so dry, but my neighbors are not afraid of  
20 that, and some of them went in their backyards,  
21 which adjoin the woods, and on both sides of the  
22 peninsula, both sides we have the woods, and they  
23 were just shooting them up. They didn't care.

24 So I'd like to you consider that, either  
25 banning or restricting them somehow

1 COUNCIL MEMBER SIMON: Did you  
2 contact the police?

3 MR. GLAZER: Yes.

4 COUNCIL MEMBER SIMON: Okay.

5 MAYOR EBERLE: Well, I don't know that  
6 the police could actually do anything without an  
7 ordinance that would prevent it.

8 COUNCIL MEMBER SIMON: I thought the  
9 fireworks were against the law, certain fireworks.

10 MAYOR EBERLE: Oh, well, depending on  
11 the type of fireworks?

12 COUNCIL MEMBER SIMON: Yes.

13 MAYOR EBERLE: Yeah. Okay.

14 MR. SPEAKER: Well, they constantly  
15 have changed the law about that.

16 MAYOR EBERLE: But -- yeah.

17 COUNCIL MEMBER MILES: Well, last  
18 night about 11:00, at the end of Fox Harbor, it  
19 sounded like World War III last night.

20 COUNCIL MEMBER TUCCI: From our  
21 end, too, yes.

22 COUNCIL MEMBER MILES: Yeah. And  
23 it's not anywhere near the 4th of July.

24 COUNCIL MEMBER TUCCI: Yeah.

25 COUNCIL MEMBER MILES: So it -- it. . .

1 I was trying to figure out what the celebration was  
2 about.

3 LIEUTENANT SHAW: They must have got  
4 their fireworks on sale that were left over.

5 COUNCIL MEMBER MILES: That must  
6 have been it. I mean, they went on for, like, 25  
7 minutes.

8 MAYOR EBERLE: Well, there wasn't our  
9 pyrotechnics guy, I'll tell you that.

10 MS. NICHOLSON: Hi. I'm Susan  
11 Nicholson, 6801 Gunpowder Lane, and I just  
12 wanted to give a thank you to our Forestation  
13 Board, particularly Lee Tucci. As he mentioned,  
14 there's a group out updating the survey, and my  
15 husband, Nick, and I, for the first time said, "Sure,  
16 we'll try that."

17 The work that was done to create that  
18 inventory is mind boggling. Through the how many  
19 hundred thousands? 1700 trees?

20 MR. TUCCI: 1700.

21 MS. NICHOLSON: You've got to look at  
22 the tree; at that point in time they have to measure  
23 the tree, and they're not all white pines and  
24 maples and oaks. They're -- you've got to look  
25 through a book and try to figure out what they are.

1 So I just wanted to thank the counsel's support of  
2 that Forestation Board, and particularly thank Lee  
3 and the members of that board.

4 MAYOR EBERLE: Thank you for  
5 volunteering to -- to upgrade it. Yeah. Or update  
6 it, I should say.

7 COUNCIL MEMBER MILES: And I also  
8 want to give the Forestation Board a thank you.  
9 And I don't know what's going to happen with this  
10 issue with widening of 42, but I can't think of a  
11 city in a better position to stand up tall and say  
12 you can't take our trees because of what we've put  
13 in terms of money and resources of our citizens.  
14 You know, we're a very unique city, and -- and  
15 hopefully that'll give us a little extra oomph in  
16 making that argument.

17 MAYOR EBERLE: We'll need it.

18 COUNCIL MEMBER LEONARD: Do we  
19 have an inventory of the trees that they were  
20 taking?

21 MAYOR EBERLE: No.

22 COUNCIL MEMBER LEONARD: Well, it's  
23 getting close.

24 MAYOR EBERLE: We -- they -- well,  
25 what they all -- what they show is a -- is a

1 construction line, and anything -- any tree. But as  
2 far as counting them, no.

3 COUNCIL MEMBER LEONARD: I would  
4 imagine, though, most of them are in the survey,  
5 except for the homeowners.

6 MR. SPEAKER: They're on the survey.

7 MAYOR EBERLE: Oh, yeah, they are on  
8 survey. Yeah, the -- the ones in the park are.  
9 Now, the ones in front of -- well, it would take  
10 trees in front of the Lavins, the Dickersons -- is it  
11 Dickerson?

12 MS. SPEAKER: Dickinson.

13 MAYOR EBERLE: Dickinson, Penelope  
14 Morton. You know, tho -- those would not be on  
15 the inventory, but everything right here -- it  
16 would -- it would essentially take all of the mature  
17 trees that you see out this window

18 COUNCIL MEMBER LEONARD: Will it  
19 also take all of the trees at the entrances to the  
20 subdivisions?

21 MAYOR EBERLE: Quite a few, and the  
22 Fox Harbor --

23 COUNCIL MEMBER LEONARD: See  
24 those are --

25 MAYOR EBERLE: -- monument would

1 have --

2 COUNCIL MEMBER LEONARD: -- those  
3 are all --

4 MAYOR EBERLE: -- would have to be  
5 torn down; yeah. And it's already been torn down  
6 once.

7 Any other comments?

8 MR. YOUNG: John Young, 8125 Montero  
9 Drive. I'd assume you do the trees that you also  
10 do the city -- city right-of-way of shrubs and --

11 MR. TUCCI: Yeah.

12 MR. YOUNG: There's a number of dead  
13 and dying --

14 MR. TUCCI: We do trees, not shrubs.

15 MAYOR EBERLE: Not shrubs.

16 MR. YOUNG: Okay. Well, there's a  
17 number of dead and dying shrubs up the median  
18 into Hunting Creek.

19 MAYOR EBERLE: Yeah, there's about  
20 15.

21 MR. YOUNG: Yeah, there's a very -- and  
22 it looks like there's more dying. There's a couple  
23 of trees. Is that issue going to be addressed?

24 MAYOR EBERLE: It's on Ron's to do list.

25 MR. CUNDIFF: We've already --

1 MAYOR EBERLE: We've got --

2 MR. CUNDIFF: -- we've already  
3 addressed that. I said that the -- the entrance  
4 coming into Hunting Creek looks awful compared to  
5 the way it used to look.

6 MR. YOUNG: Okay.

7 MAYOR EBERLE: And we're -- there's  
8 also a tree, it's a water maple, that we hoped  
9 would -- would -- would look better this year and  
10 we're going to take it out.

11 MR. YOUNG: Okay.

12 MAYOR EBERLE: And that's -- that's not  
13 going to be done on a contract, it's just as soon as  
14 Ron can get to it.

15 MR. CUNDIFF: Right.

16 MAYOR EBERLE: And he doesn't even  
17 need a work report, it's just. . . But, yeah. It is.

18 MR. YOUNG: Okay.

19 MAYOR EBERLE: And replantings won't  
20 happen until the fall.

21 MR. CUNDIFF: Right. And there'll be --

22 MAYOR EBERLE: And that'll -- that will  
23 be the --

24 MR. CUNDIFF: -- there'll be two cherry  
25 trees planted on a -- a vacant -- a median on

1 Hunting Creek Drive towards the upper end.

2 MAYOR EBERLE: Okay. Any other  
3 comments? Questions?

4 [no response]

5 MAYOR EBERLE: If not, the unfinished  
6 business, we have Ordinance Number 521, which I  
7 will remind everyone is a -- is an ordinance that  
8 we had in order to come in compliance with a  
9 recently passed state law that re -- that requires  
10 that cities of our class, the mayor's minimum age  
11 is 21. Currently it's 25. We would reduce that to  
12 21 to comply with the state standard.

13 And qualifications for a member of the  
14 counsel, we currently require the -- a member of  
15 the council to be 21. The state has reduced that  
16 to 18.

17 Do we need to read the entire. . .

18 MR. SPEAKER: I thought we read it the  
19 first time, didn't we?

20 MAYOR EBERLE: We did, but I think we  
21 may re -- need to read it begin. Allen, you did it  
22 the last time.

23 CITY ATTORNEY POTTS: We don't need  
24 to read the whereas portion. You just need read --

25 MAYOR EBERLE: Just the titles --

1 COUNCIL MEMBER SIMON: Oh, the --  
2 Section 1 and Section 2.

3 MAYOR EBERLE: Just the -- yeah, just  
4 the title and be it --

5 COUNCIL MEMBER SIMON: City of  
6 Prospect Ordinance Number 521, Series 2012. An  
7 ordinance to name the code of ordinance of the  
8 City of Prospect concerning eligibility to hold the  
9 Office of Mayor and city council member.

10 Section 1. Chapter 31, Section 31.21(D) in  
11 parentheses of the code of ordinance of City of  
12 Prospect is hereby amended by deleting the  
13 following stricken language and inserting the  
14 following underlined language so as to read as  
15 follows:

16 Section B, Qualifications: The Mayor shall be  
17 at least -- stricken 25, added 21 years of age;  
18 shall be qualified vote of the city, and shall reside  
19 in the city throughout his or her term of the office.

20 Section 2, Chapter 32, Section 32.01(B):  
21 Code Warrants of City of Prospect is hereby  
22 amended by deleting the following stricken  
23 language and inserting the following underlying  
24 language so it will be read as follows:

25 Section B, Qualifications: A member shall be

1 at least -- stricken 21, added 18 years of age; be a  
2 qualified voter in the city; and shall reside in the  
3 city throughout his or her term of office.

4 Section 3: This order shall be effective from  
5 the -- from and after its passage, approval and  
6 qualification required by law.

7 MAYOR EBERLE: That gives us a second  
8 reading of Ordinance Number 521, Series 2012.

9 And -- and I'll entertain any discussions,  
10 comments from the council.

11 [no response]

12 MAYOR EBERLE: Hearing none, we'll  
13 start with Council Member Leonard.

14 COUNCIL MEMBER LEONARD: Yes.

15 COUNCIL MEMBER SCOTT: Yes.

16 COUNCIL MEMBER ERTEL: Yes.

17 COUNCIL MEMBER MILES: Yes.

18 COUNCIL MEMBER SCOTT: Yes.

19 COUNCIL MEMBER TUCCI: Yes.

20 MAYOR EBERLE: Okay. And we have  
21 successfully --

22 COUNCIL MEMBER LEONARD: Now, I --  
23 I think we're lucky. If anybody read today's  
24 newspaper, there's a cat who is a mayor in a town.  
25 We're not there are yet.

1           MAYOR EBERLE: There's some degree  
2 of frustration there I think.

3           MR. SPEAKER: I hope he ha -- hope it  
4 has nine lives.

5           COUNCIL MEMBER LEONARD: I know.

6           COUNCIL MEMBER MILES: 15-year-old  
7 cat.

8           MAYOR EBERLE: I was unaware of the  
9 details.

10          COUNCIL MEMBER TUCCI: Just  
11 something -- before we adjourn, I just had  
12 something. I thought we moved to new business.

13          MAYOR EBERLE: Sure, go ahead.

14          COUNCIL MEMBER TUCCI: You know, a  
15 couple of years ago we talked about adding  
16 something to our re -- building requirements for  
17 large tracts of land, thinking that they might end  
18 up turning into subdivisions, and wanting to have  
19 some controls over not cutting down big trees.  
20 This seems to be, you know, the Smokey the Bear  
21 night or something.

22          But, at any rate, when we brought it up, the  
23 real estate market was so dead we thought, well,  
24 you know, who -- these tracts will never sell and  
25 there will never be another house built in the

1 whole United States.

2 The market's picking up a little bit now. I  
3 think we should at least look at that again. It's  
4 better to do those things in advance and -- and  
5 have it in place so a prospective developer knows,  
6 you know, what the parameters are of what he can  
7 and can't do.

8 I know that there is a county ordinance, but  
9 it's a very weak one, and, so, I don't think we can  
10 rely on that. I think we should think about it being  
11 somewhat more restrictive so that we can be sure  
12 that the quality of any new subdivisions that might  
13 come into the city are the quality that we -- we  
14 would like to see.

15 COUNCIL MEMBER MILES: Yeah, shortly  
16 after Mr. Cox bought that property down on 42 and  
17 clear cut all the trees, I was really concerned by  
18 that, and this was, again, before everything kind  
19 of went down the drain. And things are picking up.

20 But I -- I did write an ordinance that -- I did  
21 research and found other communities, and I  
22 actually went and met with the Forestation  
23 Committee and got their input and made changes  
24 based on their recommendation.

25 So I do have an ordinance ready to be looked

1 at for the rest of the group to get input, so we  
2 wouldn't be starting from scratch. There actually  
3 is one that's been written. Grover assisted me in  
4 that and is -- is lined up to take it to the next step  
5 in terms of getting comments from citizens and --  
6 and from the council.

7 But I think it is a really good idea, because  
8 the -- the model is what Cox did, which is to come  
9 through -- it used to be when they built our  
10 subdivision, you know, they worked around the  
11 trees, but they don't do that anymore. They just  
12 come and they clear cut everything and they mow  
13 it down, and then you end up with just this  
14 godawful mess, and then -- and heaven forbid the  
15 contractor go under in the middle of it, and then  
16 you're really left with a mess.

17 And -- and I interviewed residents who live  
18 next door to where that took place, and they were  
19 drastically impacted by those trees being removed,  
20 and -- in terms of wind, and dust, and -- and what  
21 have you, and sound and noise. They could never  
22 hear 42 before, now they can hear it, so. . .

23 I do think it's a real serious issue now that  
24 things are getting better, which is great.

25 MAYOR EBERLE: I know the -- well,

1 Metro is -- is, right now, reviewing the land  
2 development code, which deals with that, and I've  
3 been involved in some of the things, too, the  
4 Jefferson County League of Cities.

5 Currently the land development code meetings  
6 are -- are somewhat dominated by the developers,  
7 and that's a concern, I know, that oth -- I've --  
8 I've had other members express to me.

9 The other thing is, there is a Louisville Metro  
10 Tree Advisory Commission, which I was appointed  
11 to and we -- and I've -- on the committee to draft  
12 a -- a tree ordinance. Metro does not have a tree  
13 ordinance. The only thing they have that deals  
14 with trees is the land development code.

15 MS. SPEAKER: Okay.

16 MAYOR EBERLE: And there's a very real  
17 possibility that the Metro ordinance could even be  
18 stronger than ours. So, but, yeah, we'll -- we can  
19 pull that -- that other ordinance, too, on. . . The  
20 last -- the last area that I know was even  
21 mentioned for development was there off Wolf Pen.

22 COUNCIL MEMBER MILES: And I have  
23 one more thing to add.

24 MAYOR EBERLE: Sure; yes.

25 COUNCIL MEMBER MILES: I'm -- I'm

1     sorry I was unable to attend last month's council  
2     meeting, and I just want to go on the record as  
3     saying -- because I did miss the vote on the  
4     budget, and I don't want to be silent.  People made  
5     a choice on both sides and I -- I wanted to state  
6     that had I been here -- I can't retroactively go and  
7     vote for it, but, on the record, I would I have voted  
8     for the budget.

9             MAYOR EBERLE:  Any other -- any other  
10     new business?

11     [no response]

12             MAYOR EBERLE:  And we have no need  
13     for an executive session.

14             CITY ATTORNEY POTTS:  Correct.

15             MAYOR EBERLE:  And I will entertain a  
16     motion to adjourn.

17             COUNCIL MEMBER ERTEL:  So moved

18             COUNCIL MEMBER SIMON:  Second.

19             MAYOR EBERLE:  Ertle; Simon.  Those in  
20     favor, with an "aye."

21             COUNCIL MEMBERS:  Aye.

22             MAYOR EBERLE:  All opposed by no.

23     [no response]

24             MAYOR EBERLE:  Thank you everyone.

25     [WHEREUPON, the City Council Meeting

1 concludes at 8:31 p.m.]  
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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

.

My Commission Expires: Notary Public

.

AUGUST 27, 2013 .

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Notary ID: 402347

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