

CITY OF
PROSPECT, KENTUCKY

SPECIAL
CITY COUNCIL
MEETING

JUNE 22, 2013

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COUNCIL MEMBER LEONARD: Since we have nobody to chair our meeting tonight, I'd like to make a motion that we defer to Sandy Tucci again. She did a great job the last time we needed somebody.

COUNCIL MEMBER BOWLING: Second.

COUNCIL MEMBER MILES: Third.

COUNCIL MEMBER BRAB: Fourth.

[laughter]

COUNCIL MEMBER LEONARD: Is that okay with you, Ms. Tucci?

COUNCIL MEMBER TUCCI: That's all right. You-all understand, I only do this on a temporary basis.

COUNCIL MEMBER BRAB: All right. Get out the glue.

[laughter]

COUNCIL MEMBER TUCCI: I spent my whole life sneaking into the back row in every classroom so I could pass notes, I -- not running up to the front, you know, so this is -- this is not my natural place.

Before we begin, I think we all understand that this meeting was deferred a week because of the untimely death of our Council Member Mike Scott. And before we begin, I think it would be appropriate to have a minute of silence while we all remember him.

[WHEREUPON, a minute of silence is observed.]

COUNCIL MEMBER TUCCI: And our first order of business would -- will be approval of the minutes of the City Council Meeting of June 17th, 2013. Do I hear a motion for approval?

COUNCIL MEMBER BRAB: So moved.

COUNCIL MEMBER TUCCI: Second?

COUNCIL MEMBER BOWLING: Second.

COUNCIL MEMBER TUCCI: All in favor?

COUNCIL MEMBERS: Aye.

COUNCIL MEMBER TUCCI: So approved.

Committee reports, Park and Recreation.

COUNCIL MEMBER MILES: I have great news. Linda Wardell could not be here tonight, so I will be reading the report.

CITY ATTORNEY POTTS: That's the great news?

COUNCIL MEMBER MILES: That's -- well, no, that's not the great news.

CITY ATTORNEY POTTS: Okay.

COUNCIL MEMBER MILES: Although she is going on vacation, so that's good news for her.

The road to Putney Pond is completed finally, and it looks beautiful.

COUNCIL MEMBER TUCCI: It looks so beautiful.

COUNCIL MEMBER MILES: Really did a really nice job. The bollards are supposed to be installed this week. And once that's done, the fence over the spillway will be able to be installed. So things, hopefully, will happen quite rapidly.

We also have two Eagle Scout projects that I believe are -- either have been approved or in the process of being approved. One will be bike racks at both Harrods Creek Park, Putney Pond, and Woodlands; and the other will be an extension of the boardwalk right off of Fox Harbor Road coming off the trail into Little Hunting Creek Park. So that'll -- and those should happen within the next couple of months.

I've given the trail crews a break here recently because of the heat, and I think those are all the major things going on with Parks and Recreation at this time, although the -- they will --

we have signed a contract for the steps that we approved last time, and they should start, I think, working on those Wednesday or Thursday and progress with that.

And I don't know -- is it on the agenda about the handrail? Is that -- or should I talk about that now?

CITY ADMINISTRATOR SIMMS: No. You can talk -- you can talk about it now because I didn't put it on. It's a special thing.

COUNCIL MEMBER MILES: Okay.

CITY ADMINISTRATOR SIMMS: It's just part of your report --

COUNCIL MEMBER MILES: Sure.

CITY ADMINISTRATOR SIMMS: -- I would think.

COUNCIL MEMBER MILES: Well, we -- we all approved -- we had a bid without the handrail, and I think everybody agreed that it would be a good idea to have a handrail. And so I went out and had them give us a bid on that.

And I have a bid on that, but we felt it'd be best for you-guys to approve the additional work to that, because we didn't have a dollar amount on that. And so they -- to put -- there would be a

handrail on both sides. It's incredi -- as you can imagine, it's a creek bed. It's incredibly rocky, so it's going to be really difficult.

They're going to have to get some machinery in there to -- to dig the holes. And you can't just go in with a post hole digger or an auger, because it's very rocky in that area.

And so it's -- the -- and we're using the cedar, and we use the cedar because it has a longer life expectancy than the treated lumber. So the cost of putting handrails, supplies, and labor is going to be \$2,000, and that'll be in addition to the cost of putting in the steps across the creek.

And Ann has the additional bid or proposal for that. She signed the interim proposal for the actual steps across, but we would need to give her the okay, just to make it comfortable -- we know we -- we agreed on it in principle, but we didn't have a dollar amount.

COUNCIL MEMBER LEONARD: What account would it come out of?

THE REPORTER: I'm sorry. It's --

COUNCIL MEMBER LEONARD: I'm sorry.

What account would it come --

THE REPORTER: Thank you.

COUNCIL MEMBER LEONARD: -- out of?

COUNCIL MEMBER MILES: I believe we said it would come out of Parks and Recreation, was my understanding.

COUNCIL MEMBER BRAB: I would think.

COUNCIL MEMBER MILES: Yes.

COUNCIL MEMBER BRAB: Okay.

MR. SPEAKER: \$75,000?

MR. SPEAKER: We got an amendment and everything [phonetic].

COUNCIL MEMBER MILES: Right. And we -- we had a talk about amending that, but I -- my understanding is we have enough right now for that -- both of those to be approved.

COUNCIL MEMBER BRAB: Can you make sure that the audience knows --

COUNCIL MEMBER TUCCI: Do we need to put that the form of a motion or --

COUNCIL MEMBER BRAB: -- that that's for the Harrods Creek project?

COUNCIL MEMBER MILES: Right, and I -- I apologize. For those who weren't -- and I apologize. I'm speaking as if you were here at the last meeting.

At Harrods Creek Park, the trail, we had just

put in a -- a stairway from the road and a very steep part at the beginning; and then as that trail goes down, it crosses a creek. And right now it's difficult to cross that creek, because it's a -- it's a steep kind of muddy embankment on both sides .

And so the council approved putting stone steps on both sides and then a stone pathway across the creek bed. And the creek bed is dry about 90% of the time. And even when it rains, it does -- a -- a lot of water does come through this creek bed. And so this crossing will work almost year-round.

When we talked about it, we decided it would be a good idea to also add handrails where those steps are, because the whole point of doing this is to open the trail up to people who maybe have not as much mobility as other folks. And it's -- and it's not just older folks, but -- but, you know, we have an aging population in Prospect, and so it's to open up to older folks.

And we thought it would be a good idea to also have a handrail just to error on the side of caution. We hadn't got a bid for a handrail, but everybody, in principle, agreed it would be good to add that.

So I went out and got a bid for adding the handrail. So that's what we're talking about. Anybody have any questions on that?

THE AUDIENCE: [no audible response]

COUNCIL MEMBER TUCCI: I'd like to say that Stu is the -- the soul of attack, because he made that whole speech about older people who are not very good at climbing down over rock without even glancing in my direction. And we all know who he had in mind, but it was really a lot of self-restraint on your part, Stu, to hold back there.

I think we need a motion to -- to that effect to make everybody more comfortable about any spending money, that there's ample money in the budget and in that category to take care of it.

COUNCIL MEMBER LEONARD: I move.

COUNCIL MEMBER BRAB: Second.

COUNCIL MEMBER TUCCI: Do we need to call a roll because this is money? If we do -- we'll start with you, Stu. I think I know how you're going to vote.

COUNCIL MEMBER MILES: Yes.

COUNCIL MEMBER BRAB: Yes.

COUNCIL MEMBER BOWLING: Yes.

COUNCIL MEMBER LEONARD: Yes.

COUNCIL MEMBER TUCCI: And yes;
okay. The motion stands approved.

Forestation Board.

MS. KRAMER: Yes, Christy Kramer with the Forestation Board. And we have completed our EAB treatment, which was the secondary treatment of trees of a certain dimension, against the Emerald Ash Borer. And that went as expected and -- and smoothly. We are monitoring to health of several public trees currently in the Prospect area brought to our attention usually by residents.

And we have a new issue we're examining. A resident had contacted us about a concern that a tree root was upheaving the sidewalk. And, of course, we've all seen sidewalks like that, but we don't really have a policy on that, and it concerns the health of the tree whether it's appropriate to cut such tree roots.

So we've been in contact with Peter Barber with State Forestation Board with guidelines about to what extent you can cut tree roots without endangering the life of the tree. And -- and I was actually surprised at how much you can actually cut tree roots.

And it might take a couple years for the tree

to rebound totally, but -- but we're working on setting up some guidelines for that, because that will come up, and we want to be consistent with it.

COUNCIL MEMBER MILES: And -- and just to share with you, in working with MSD and the pipeline and the cuts that they made for the pipeline, what we found out is similar to you, that as long as you cut it with a chain saw and you make it a clean cut -- you don't -- you don't just use the backhoe, or whatever, to make the cut, it makes a really big difference.

MS. KRAMER: Okay.

COUNCIL MEMBER MILES: So, I mean, that's what we -- but we also learned that you can lose a lot of a root on one side and -- and not threaten the tree.

MS. KRAMER: Okay. Yeah, we'll take a look at what to cut.

COUNCIL MEMBER TUCCI: Let's see.
Code Enforcement Board.

CHIEF SHERRARD: I'll just speak to -- there are currently no cases spending before the board, nor were -- were there last month. So we have no outstanding citations at this time.

COUNCIL MEMBER TUCCI: We are such

a well-behaved city.

COUNCIL MEMBER BOWLING: Give it time.

COUNCIL MEMBER TUCCI: You have children growing up, and you think --

COUNCIL MEMBER BOWLING: That's right. That's right.

COUNCIL MEMBER TUCCI: -- will be adding to this? Right. Yeah.

COUNCIL MEMBER MILES: They're going to fall in their father's footsteps.

COUNCIL MEMBER TUCCI: And the Library Committee.

COUNCIL MEMBER LEONARD: We started something new about three or four months ago, and it's -- I -- really working out well. And one of the participants is in the room and just spoke, Ms. Kramer.

We ended up setting up three tag teams: Monday, Wednesday, and Friday. There are two people on each of those days, and they come in and shelve and tidy up things, and actually do a lot of labor that, over the years, the McAllisters and I did, and we know how much work it is.

They talk to each other. If one can come in

and the other can't, they make their own arrangements. And I'm really impressed with all the six people who are doing, because it truly been a blessing. With the McAllisters gone, there really wasn't anybody, and these six people really stepped in, and are doing a better job, I think, than I did before when I did it.

COUNCIL MEMBER TUCCI: Police Report.

CHIEF SHERRARD: Okay. I know you've got a lot going on tonight, so I'll be brief.

Let's see. The house checks are up about 300 over this time last year, so more -- more people are using the House Watch Program. Citations, there's really nothing out of the ordinary there.

Down to calls for service, the dispatch runs are about 25% over the same period last year. I think we can still attribute part of that to the fact that we're having people, when they call in upstairs, in the past they would just send an officer from upstairs. We're making sure that it goes through the dispatch center, because that's much easier for us to track down the road for calls for service.

Officer-initiated runs are up about 11%. In

terms of reports, we did have six felony reports for the month. Four of those were burglary reports. Two of those four were for homes that were unlocked.

And the only thing that was taken in one home was an iPad. It was just something very quick. And in the other house, it was a -- someone just took off with a set of golf clubs from an open garage.

Another burglary was related to, we believe, a contractor who was in -- involved in a home for some people that were out of town for two weeks; left a contractor there. They stoled [sic] numerous televisions, but that was the only thing that was taken, even though they had full access to the home. That's a little unusual.

And we had another burglary where there was limited access. I won't get into it too much, but we know who'd be able to -- to have done that, just because of -- there's only one or two people that could have done it, so we won't get into that.

MS. SPEAKER: Can you tell us where these happened, or is that something that we don't publish and --

CHIEF SHERRARD: Let's see. We don't

normally publish it in here. Let's see. One of the burglaries was in -- let's see. Two in -- well, two of them in Sutherland, one of which was the unlocked home. The other one involved the contractor.

Let's see. The one with limited access, that's going to be up in the apartments in Hunting Creek. And then the last one is, well, let's see, off the top of my head -- I'm trying to think of the street. I think that's in Fox Harbor that involved a -- the garage that was left unlocked.

MS. SPEAKER: Thank you. Is that possible to put that in future reports, or is this -- you don't do it because we don't want to make people nervous; but yet it would be nice to find out --

CHIEF SHERRARD: Yeah, there's some -- we'll try to release some of that information that we can. There's other thing -- like the one with the limited access, I'm not going to release --

MS. SPEAKER: Right.

CHIEF SHERRARD: -- hardly anything at all on that because --

COUNCIL MEMBER TUCCI: Well, I think

you have privacy issues --

CHIEF SHERRARD: Yeah.

COUNCIL MEMBER TUCCI: -- there.

CHIEF SHERRARD: Yeah. There's --
sure. I mean, we can release, like, a subdivision
or something like that, but --

MS. SPEAKER: Right.

CHIEF SHERRARD: -- but I'm not going
to say 6600 block of Wyndham or something --

MR. SPEAKER: Right.

CHIEF SHERRARD: -- because that
would be too specific.

MS. SPEAKER: Thank you.

CHIEF SHERRARD: Let's see. Other
than that, let's see, we -- we did get the new
weapons out on the street, the ones that we
purchased. We function tested all the weapons
with ammunition. Everything was fine. So
they're -- they were issued to all the officers after
the 4th of July. And, let's see, that's about it.

COUNCIL MEMBER TUCCI: Okay. All
right. Comments from citizens. I'll ask you to
state your name, and, also, because of -- we have
a -- an unusual agenda tonight, to be brief in your
comment, if you have any.

THE AUDIENCE: [no audible response]

COUNCIL MEMBER TUCCI: No one?

COUNCIL MEMBER LEONARD: That was pretty brief.

COUNCIL MEMBER TUCCI: That was pretty brief; yeah. Okay.

Well, the next item of business is not a surprise to anyone, but it is something that we regret and we must deal with, which is the resignation of Ken Corey as our mayor. We appreciate his service to the city in the brief time he was here.

It kind of illustrates that the job of being a mayor is a difficult one. And even somebody as super competent as Ken Corey can sort of say this is -- this is big-bite work to -- to try to chew on, and he decided it was more than he wanted to do. It's -- it's more than just waiving this around and having fun.

So now we have to deal with finding some other -- I'm not going to say sucker.

[laughter]

COUNCIL MEMBER LEONARD: That's good.

COUNCIL MEMBER TUCCI: No,

seriously. We really need to deal with finding somebody else who will take on the job of being mayor of the city for the -- until the next mayoral election.

So I think our task as a council, and some of you will remember, that it is the council that chooses the -- the mayor. So while I'm sure you're all interested, the decision is one that the council itself makes as to what our procedure will be.

So you can just eavesdrop while we talk about that. Anybody?

COUNCIL MEMBER LEONARD: Actually, before we quite get there --

COUNCIL MEMBER TUCCI: Uh-huh.

COUNCIL MEMBER LEONARD: -- two things. Number 1, I think we should accept the resignation.

COUNCIL MEMBER TUCCI: Oh.

COUNCIL MEMBER MILES: If we don't, does -- does he --

COUNCIL MEMBER TUCCI: If we -- yes. If we --

COUNCIL MEMBER MILES: -- have to come back? I never thought of that.

COUNCIL MEMBER TUCCI: There's a

thought.

COUNCIL MEMBER LEONARD: I think that we want to go on record that it was accepted at this meeting on July 22nd.

COUNCIL MEMBER TUCCI: With regret.

COUNCIL MEMBER MILES: With regret.

COUNCIL MEMBER LEONARD: Exactly; yeah.

COUNCIL MEMBER TUCCI: I think that's the consensus and --

COUNCIL MEMBER MILES: Yeah.

COUNCIL MEMBER TUCCI: -- we'll reflect that in the minutes.

Grover, do you want to speak to this?

CITY ATTORNEY POTTS: Well, as you recall from our last situation when we replaced Todd Eberle, who had resigned, we went through a procedure whereby we requested that interested individuals express their interest in that position, and a -- a number of people expressed that interest.

Now, that was a decision that you made. The statutes do not require that. You, as a council, can determine however you want in what manner you will find a replacement for Mr. Corey. So you can

determine that you will seek additional candidates, or you can, amongst yourselves, determine a -- a candidte without any outside input.

The constriction that you have is that the statute, as you will recall from our last situation, requires that you take action within 30 days of the effective date of the resignation. And while Ken's letter was dated July the 1st, it does not become effective under the statute until the next regular or special meeting of the city council.

So you would have, based upon today's date, until August the 21st -- or 20th, I guess it would be, in order to make that determination. So you actually -- I don't want to mix these up, but you have a shorter period of time with respect to Mike Scott, because, obviously, his untimely demise started the 30-day clock running on the 12th of -- of July, so -- but I -- I suggest that you probably -- it's probably more appropriate to go ahead and select the -- the mayor's -- the mayor as your first selection process, because you may have two different processes --

COUNCIL MEMBER MILES: Uh-huh.

CITY ATTORNEY POTTS: -- for selecting a replacement councilman -- council person.

COUNCIL MEMBER LEONARD: Well --
thank you. One of the things that people came to
me when we got the resignation and asked was,
"Why can't we vote on it?" And I talked to Ann
Simms, and I know she's looked into it.

And there's a reason why we can't go to the
population and ask them to vote. Do you want to
tell them what you found out?

CITY ADMINISTRATOR SIMMS: Well,
yes. I called the Board of Elections, and it's
spoken to in the statutes --

CITY ATTORNEY POTTS: Yeah. The
statute --

CITY ADMINISTRATOR SIMMS: -- that --

CITY ATTORNEY POTTS: -- requires
that -- that -- that you -- the -- the election of a
mayor is statutorily ordered, and it's only done in
even years. And so the next general election,
which will occur in November of 14, is the first
opportunity that you will have for the electorate to
elect a mayor.

COUNCIL MEMBER LEONARD: Thank
you.

COUNCIL MEMBER TUCCI: I think the
fact that it's -- so the analogy that I would make is

some of -- a lot of you remember back in the early days of the United States, Senators were chosen by the state legislatures rather than by the general electorate, but the argument was --

CITY ATTORNEY POTTS: You weren't around then, were you?

COUNCIL MEMBER TUCCI: Almost.
Almost.

[laughter]

COUNCIL MEMBER TUCCI: I -- my -- my grandmother told me about it. She was a suffragette.

But at -- but at any rate, it was, in a way, a democratic process, because the state legislatures had been elected. They were elected people, and then they made the choice.

So in that sense, when you have the elected council making the choice, they're sort of acting as surrogates for the general population. That's another argument going with the mayor first, because everybody here was not appointed, but was elected.

COUNCIL MEMBER BOWLING: Grover, a quick question. If -- if we were to do the -- the mayor first, and let's say we were to select

someone on the council since there's -- there's --
there's only --

CITY ATTORNEY POTTS: Five.

COUNCIL MEMBER BOWLING: -- there's
five of us, and that would make four.

CITY ATTORNEY POTTS: Right.

COUNCIL MEMBER BOWLING: If it were
a two to two vote, would -- would the mayor be
able to -- to --

CITY ATTORNEY POTTS: That's correct.
And that's a statute that -- that particularly
provides that the mayor may participate in council
proceedings but shall not have a vote, except that
he may cast the deciding vote in case of a tie.

COUNCIL MEMBER BOWLING: Okay.

COUNCIL MEMBER MILES: Or she.

CITY ATTORNEY POTTS: Huh?

COUNCIL MEMBER TUCCI: Or she; he or
she.

CITY ATTORNEY POTTS: Well, it says
"he" In this statute. And there's a general
provision, it said "he" shall be read as "she" also.

COUNCIL MEMBER MILES: I didn't want
them to think we were limiting who was --

CITY ATTORNEY POTTS: No, no.

COUNCIL MEMBER MILES: -- or something.

COUNCIL MEMBER LEONARD: Thank you.

COUNCIL MEMBER BRAB: And in this case -- particular case, so the audience is clear, the last time that we had went through this procedure with Judge Corey, we actually went to the Attorney General because of the difference by voting for outside parties versus council parties. This time, because there's only five people on the council, three votes shall carry in either case.

Now, if a council person is up for appointment, that council person can't vote. So that -- there would be three of the four remaining council to carry, but in both cases, so there's no confusion, it's three votes.

CITY ATTORNEY POTTS: Unless it's two to two, and the mayor breaks it, so it's three votes.

COUNCIL MEMBER BRAB: I'm just saying for appointment of the --

COUNCIL MEMBER TUCCI: For the appointment of mayor.

COUNCIL MEMBER MILES: Yeah. The

mayor --

COUNCIL MEMBER BRAB: Right.

COUNCIL MEMBER MILES: -- in this case, we don't have mayor to break the tie.

COUNCIL MEMBER TUCCI: So I guess the question is, in some ways, do we go back in a way to what we did previously, which is open the possibility to any resident of Prospect who would like to be considered? That's one way.

Obviously, we can do anything, including just putting everybody's name in a hat and pulling one out if we had a big enough hat.

COUNCIL MEMBER LEONARD:

Actually --

COUNCIL MEMBER BRAB: Well, I might -- I might make a -- I might give it -- everybody a thought and consideration. We had, I believe, five or six, maybe seven resumes submitted the last time we went through this.

I think a non -- if we would have a nonpartisan or a noninvolved -- I shouldn't say "involved," but somebody not on the council who were to call those six or seven people and say, "Are you interested" --

COUNCIL MEMBER TUCCI: Uh-huh.

COUNCIL MEMBER BRAB: -- I think you might find some people would drop, some people would say, "Yes, I'm still interested."

COUNCIL MEMBER LEONARD: Uh-huh.

COUNCIL MEMBER BRAB: We already have their resumes. We've already gone through it.

And at that point -- from that point you could also say, "Fine, next Friday, this week, whatever, anybody else that wants to put their name in the hat."

COUNCIL MEMBER LEONARD: Yeah, I -- I think -- I -- I agree with you. I think that starting from scratch all over again probably isn't productive, and notwithstanding the legal requirements for this mayor, I would hope this person would commit to be here until the next election.

COUNCIL MEMBER BRAB: That --

COUNCIL MEMBER MILES: Yeah, I think that would need to be a prerequisite --

COUNCIL MEMBER TUCCI: Yeah.

COUNCIL MEMBER MILES: -- that everybody --

CITY ATTORNEY POTTS: It -- it may

get --

COUNCIL MEMBER MILES: -- answer that question on the record.

CITY ATTORNEY POTTS: -- but you can't -- you can't hold --

COUNCIL MEMBER TUCCI: You can't require it.

CITY ATTORNEY POTTS: -- anyone to that.

COUNCIL MEMBER MILES: No, I -- I -- I know you can't hold them to it, but just so there's no misunderstanding of what the expectation is.

COUNCIL MEMBER TUCCI: We don't want to have to change that door in to a revolving one. The expense --

COUNCIL MEMBER MILES: Yes.

COUNCIL MEMBER TUCCI: -- would be outrageous.

COUNCIL MEMBER BRAB: So I -- so my question for the council would be that we already have these resumes.

COUNCIL MEMBER TUCCI: Uh-huh.

COUNCIL MEMBER BRAB: I -- I would -- if the council is agreeable, I would have Ann Simms, she could make a call to these other folks

that have already submitted their resumes from the previous time, you know, we've done this; find out yea or nay if they wish to be considered again. Anybody else could put their name by Friday of this week. Is that enough time?

COUNCIL MEMBER LEONARD: As long as -- I -- I'll tell you my problem is not the length of time. My problem is the announcement. If we're --

COUNCIL MEMBER BRAB: Right.

COUNCIL MEMBER LEONARD: -- going to make it Friday, I absolutely have no trouble with that, I don't want an eblast to go out Friday morning.

COUNCIL MEMBER BRAB: Well, the only thing --

COUNCIL MEMBER LEONARD: It needs to go out tomorrow.

COUNCIL MEMBER BRAB: -- I'm particular worried about, Sandra, is -- is we've got a -- do we wait until the next --

COUNCIL MEMBER LEONARD: No.

COUNCIL MEMBER BRAB: I think we need to --

COUNCIL MEMBER LEONARD: I think

Friday -- Friday is fine, but --

COUNCIL MEMBER BRAB: I think we
need to get --

COUNCIL MEMBER LEONARD: -- I think
the eblast needs to go --

COUNCIL MEMBER BRAB: -- going on
the next special sessions.

COUNCIL MEMBER LEONARD: -- out
tomorrow.

COUNCIL MEMBER BRAB: Huh?

COUNCIL MEMBER LEONARD: I think
the eblast needs to go out tomorrow. The last time
that isn't what happened. It went out right before
the due date, and then the due date was extended.

COUNCIL MEMBER BRAB: So if we get
an eblast out my tomorrow --

COUNCIL MEMBER LEONARD: I -- I
think Friday's good.

COUNCIL MEMBER BRAB: -- about
anybody else interested.

COUNCIL MEMBER LEONARD: And it's
not just Friday. It's the close of business, so it's
3:30 --

COUNCIL MEMBER BRAB: 5:00.

COUNCIL MEMBER LEONARD: No, 3:30.

COUNCIL MEMBER TUCCI: 3:30.

COUNCIL MEMBER BRAB: 3 -- excuse
me, 3:30. Is that all right?

COUNCIL MEMBER LEONARD: M-hm.

COUNCIL MEMBER MILES: And I don't
mean to throw a fly in the ointment, but I think last
time we also mailed something to people. It's just
not everybody gets the email blast, and I don't
want to limit it to people who happened to get the
email blast. But, yeah, I don't want to put a fly in
the --

CITY ADMINISTRATOR SIMMS: I don't
remember that we --

COUNCIL MEMBER LEONARD: We didn't
mail --

CITY ADMINISTRATOR SIMMS: -- mailed
something.

COUNCIL MEMBER LEONARD: No, we
didn't.

COUNCIL MEMBER MILES: We didn't
mail anything? Okay. Well, I --

CITY ADMINISTRATOR SIMMS: That
would be a huge mailing.

COUNCIL MEMBER MILES: -- I missed --
then I misunderstood.

CITY ADMINISTRATOR SIMMS: It's expensive.

COUNCIL MEMBER MILES: Okay. That's fine. If that's what we did last time and we agreed on it --

COUNCIL MEMBER BOWLING: Well, we did --

COUNCIL MEMBER LEONARD: Well --

COUNCIL MEMBER BOWLING: -- we did wait until --

CITY ATTORNEY POTTS: It was part of the newsletter; wasn't it?

COUNCIL MEMBER BOWLING: It's part of the newsletter.

CITY ADMINISTRATOR SIMMS: That was -- yeah, we did that, and I, really, in all honesty, am not sure I can get a newsletter out that quick.

COUNCIL MEMBER MILES: Yeah.

COUNCIL MEMBER BOWLING: I don't -- I don't think that's necessary. I -- I think it's been -- it's such a short time, everybody knows kind of what's going on.

People that are interested I think know. I don't think we have to do anything more than an

email blast. I think that's appropriate.

COUNCIL MEMBER MILES: I'm fine.

COUNCIL MEMBER BRAB: Friday the
26th at 3:30.

COUNCIL MEMBER TUCCI: And then
when shall we meet again?

COUNCIL MEMBER LEONARD: Monday.

COUNCIL MEMBER TUCCI: Monday.

COUNCIL MEMBER BRAB: Because we
have a -- I think, if everybody is agreeable to that,
it would be my proposal that we meet again next
Monday, because we are up against a -- a tighter
time constraint --

COUNCIL MEMBER TUCCI: Yes, we are.

COUNCIL MEMBER BRAB: -- in
replacing our, you know, dearly departed Mike
Scott.

COUNCIL MEMBER MILES: Can I make a
request? Can we make it 6:00 next Monday? Is
there a reason we have to start at --

COUNCIL MEMBER BRAB: It's a special
session, so we can.

COUNCIL MEMBER MILES: Yeah. Okay,
because I have -- I have a commitment that
evening that I -- I mean, it's not going to end the

world, but if it doesn't anybody else. . .

COUNCIL MEMBER LEONARD: Actually, I couldn't do it this time. I think I'm okay next Monday.

COUNCIL MEMBER TUCCI: Is that -- so 6:00 works for everyone.

COUNCIL MEMBER BRAB: 6 p.m.

COUNCIL MEMBER TUCCI: 6 p.m. July 29th, we will have a -- another session. And in that session, I hope that we will select a good mayor for Prospect.

And having dealt with that, then the next step is the council member replacement procedure.

Shall we --

COUNCIL MEMBER LEONARD: Actually, it's -- we don't have anything for that.

COUNCIL MEMBER TUCCI: Uh-huh.

COUNCIL MEMBER LEONARD: And is there a reason why we couldn't trigger interest at the same time as with the other one? I'm not saying that we talk about it next Monday, I'm just saying that we warned [phonetic] people who are interested in their information if they are interested.

CITY ADMINISTRATOR SIMMS: In the

same e -- email blast. Is that what --

COUNCIL MEMBER LEONARD: No, or even another one, but, I mean, not wait until next Monday to trigger it, I guess, is what --

CITY ADMINISTRATOR SIMMS: Oh, I --

COUNCIL MEMBER LEONARD: -- my point it.

CITY ADMINISTRATOR SIMMS: -- I see what you mean. Two emails.

COUNCIL MEMBER LEONARD: Yeah, that's fine.

COUNCIL MEMBER MILES: I -- I -- oh, I'm sorry. Go ahead, Bill.

COUNCIL MEMBER BRAB: I -- I just make one suggestion. I -- I think we shouldn't confuse the two, confuse people with the two.

COUNCIL MEMBER LEONARD: I agree.

COUNCIL MEMBER BRAB: I think we should do the mayor's position first, get the email blast out with interest, and have the special session next week. We're only going to deal with one subject in the special session. I believe --

COUNCIL MEMBER LEONARD: Okay.

COUNCIL MEMBER BRAB: -- that's all we can do.

COUNCIL MEMBER LEONARD: But then
I want us --

COUNCIL MEMBER BRAB: And then
we --

COUNCIL MEMBER LEONARD: -- to --

COUNCIL MEMBER BRAB: --
immediately can do an email blast next Tuesday,
which would --

COUNCIL MEMBER LEONARD: Okay.

COUNCIL MEMBER BRAB: -- the 30th.

COUNCIL MEMBER LEONARD: That's
fine.

COUNCIL MEMBER BRAB: And have a
special session --

COUNCIL MEMBER LEONARD: The week
following --

COUNCIL MEMBER TUCCI: Then --

COUNCIL MEMBER LEONARD: --
because we only --

COUNCIL MEMBER TUCCI: -- then --

COUNCIL MEMBER LEONARD: -- have
until August 10th on that one.

COUNCIL MEMBER BRAB: No, we don't
have until the next regular meeting; correct?

COUNCIL MEMBER TUCCI: But I -- but

I --

COUNCIL MEMBER LEONARD: We really don't.

COUNCIL MEMBER TUCCI: -- but I think that changes it from looking like --

COUNCIL MEMBER LEONARD: I agree.

COUNCIL MEMBER TUCCI: -- being the council member is the consolation prize for not -- you know, it's -- it's a -- it's a separate --

COUNCIL MEMBER BRAB: We need to --

COUNCIL MEMBER TUCCI: -- position with a separate --

COUNCIL MEMBER BRAB: We need to deal with it separately.

COUNCIL MEMBER TUCCI: -- deal --

CITY ATTORNEY POTTS: And -- and the reality is, you may have to fill two council positions.

COUNCIL MEMBER TUCCI: Yes. Yes.

COUNCIL MEMBER BRAB: So -- so does everybody agree with that, the Monday -- or Tuesday, July 30th we do an email blast for the --

COUNCIL MEMBER TUCCI: Yeah.

COUNCIL MEMBER BRAB: -- for the council position?

COUNCIL MEMBER TUCCI: And then --

COUNCIL MEMBER BRAB: Special session, whatever that following --

COUNCIL MEMBER TUCCI: Monday would be --

COUNCIL MEMBER BRAB: -- the 5th.

COUNCIL MEMBER TUCCI: -- the 5th.

Boy, that makes it -- well, we do it on the 5th; and then, if we need to, we do it on the 7th and the 9th. And, you know, there's --

COUNCIL MEMBER LEONARD: Actually, it's -- it -- isn't the trigger date the 10th, which is a Saturday?

COUNCIL MEMBER TUCCI: Yeah.

COUNCIL MEMBER LEONARD: Does that change anything about the --

CITY ATTORNEY POTTS: That pushes it out to the next --

COUNCIL MEMBER LEONARD: Monday.

CITY ATTORNEY POTTS: -- Monday.

COUNCIL MEMBER MILES: The only thing I would add is that I know we set up kind of a process for mayor, and I just don't want -- I don't know if we have not decided a process for council. I just want to make it clear that we're not saying

the process for mayor, that we decided is going to be the same for council. We're not saying that. We're just saying we're --

CITY ATTORNEY POTTS: Well, the notification process --

COUNCIL MEMBER MILES: The notification --

CITY ATTORNEY POTTS: -- is going to be the same.

COUNCIL MEMBER MILES: But not the -- not the choosing.

CITY ATTORNEY POTTS: Correct.

COUNCIL MEMBER MILES: Okay.

COUNCIL MEMBER TUCCI: And the notification process, our -- you know, we're a young city. We don't have that much experience, but in the past our experience has been that if there were an election, and there were, let's say, seven candidates up, then the seventh person would have lost the election; but that person would be invited to then, you know, come onto the council to replace that -- that -- that absent -- you know, if we had one who moved, you know, the various reasons why you have a vacancy on this council.

That has the advantage of saying here, here are -- here is a person or persons who have put their names forward. They have garnered some votes, a fair number of votes in the case of this council, because there aren't that many people in Prospect. The -- the difference sometimes is pretty marginal, you know.

Did you have a fight with your neighbor or not? He either voted for you or he didn't, and that was -- that was two votes.

So that's another way to look at it, is for the mayoral position is different from the council position. We don't have much of a tradition for the mayor, though, unfortunately, we're getting one.

COUNCIL MEMBER BRAB: Right.

COUNCIL MEMBER TUCCI: We do have a past tradition on council. That doesn't mean we have to do it that way, but that's the way we have done it.

COUNCIL MEMBER LEONARD: Would -- would you be adverse to giving Ann Simms another burden to call people who are on that election list so that we know if there's interest with them?

COUNCIL MEMBER BRAB: Well, we could do that, too.

COUNCIL MEMBER MILES: Yeah.

COUNCIL MEMBER BRAB: I -- I think --
I think in that -- in that particular instance,
because there really isn't a guideline or
precedent, I think that we should select the best
person, or persons may be the case, for the
replacement council regardless of where they come
from. That's our job is to put the best people on.
I just -- I think that's what we should stick with.

MR. KEHLBECK: Can I say something?

COUNCIL MEMBER TUCCI: Sure. Go
ahead.

MR. KEHLBECK: A point of order, I
guess. There are -- the -- when you say an "email
blast," there are 2,165 homes or something like
that that get a tax bill. Between us, Bill's got a
list of, what, 200?

COUNCIL MEMBER BRAB: 250.

MR. KEHLBECK: I've got a list 300, and
you've got a list of how many now?

CITY ADMINISTRATOR SIMMS: Well
over 500.

MR. KEHLBECK: We're not going to
get --

CITY ADMINISTRATOR SIMMS: We're

still not --

MR. KEHLBECK: -- a blast out.

COUNCIL MEMBER TUCCI: And you --
you obviously have some duplication there.

MR. KEHLBECK: Yes. Let's see. Your
bla -- how many are on your list?

COUNCIL MEMBER LEONARD: 500.

CITY ADMINISTRATOR SIMMS: 500.

MR. KEHLBECK: So you've got 500 --

CITY ADMINISTRATOR SIMMS: We're --
we're backed up to --

MR. KEHLBECK: -- out of the 2200
homes.

CITY ADMINISTRATOR SIMMS: Well,
then I don't know how to reach each an every one
of them.

MR. KEHLBECK: All -- all I'm saying is
it's not a blast. We're going to get 500 people,
like, knowledge of the fact that there's a council
seat and a mayor's seat.

COUNCIL MEMBER LEONARD: But we
are going to get, probably, the people who are
more interested. And there's no reason why you
and Bill can't send the same information out.

close as we can to notifying interested --

COUNCIL MEMBER BRAB: And it's --

COUNCIL MEMBER LEONARD: --

parties.

COUNCIL MEMBER BRAB: -- and it's it been in the neighborhood section of the newspapers. It's published about the resignation of Mayor Corey and Mike's untimely passing. I'm sure there will be other stories on it, so it's not like it's not known in Prospect.

COUNCIL MEMBER MILES: And if people were interested, I mean, I think they know when someone resigns or passes, a position opens. And so I don't think it's going to be a surprise to anybody we would be looking in short order to replace the people who are absent.

CITY ATTORNEY POTTS: Emily, can you get something in on Wednesday?

MS. EMILY: Not this one. It can go in the regular paper, so. . .

CITY ATTORNEY POTTS: Okay.

COUNCIL MEMBER TUCCI: The U.S. Army would tell you that there's a certain percentage that never gets the word, even if you go up and knock on their door and make a singing

telegram, so. . .

COUNCIL MEMBER BRAB: And, Joe, if you'll send it out with your list, I'll send it out with my list. That'll give us almost 1,000 people of the 2100.

COUNCIL MEMBER LEONARD: Well, there's some duplication. We can also use the neighborhood watch. I've got my whole street on there, but they're not on -- some -- most of them are not on these other lists. So that would pick up a few more.

MR. SPEAKER: Put it on the website.

COUNCIL MEMBER TUCCI: Yes.

MR. SPEAKER: Do we --

THE REPORTER: You know, people aren't saying names --

COUNCIL MEMBER TUCCI: Yes, if you would give --

THE REPORTER: -- so we're going to have a lot of --

COUNCIL MEMBER TUCCI: -- give your name and address, please, for the --

THE REPORTER: -- people from the audience. I'm sorry.

MR. DANTIN: Jim Dantin 5519 Timber

Ridge Drive.

Does the city, I believe, has a sign that they've used for library sales and other things?

CITY ADMINISTRATOR SIMMS: We can make one.

MR. DANTIN: Can we just put a sign out, hey, this is getting ready to happen? If you need to know about it, contact the city hall? It's -- that's not very elegant, but at least that's more than the email.

COUNCIL MEMBER BRAB: We could put it on the website, too.

MR. DANTIN: If they're not getting email, they're not going to go to the website.

COUNCIL MEMBER TUCCI: They're not reading our website.

MR. DANTIN: I'm looking for the nontech approach --

COUNCIL MEMBER TUCCI: Yeah. Yeah.

MR. DANTIN: -- even though I'm a tech person, there's a nontech group that. . .

COUNCIL MEMBER LEONARD: The only trouble with the nontech approach is that it goes way beyond Prospect. I mean, we -- we got a lot of people going through we weeded out who are

not going to be able to be qualified.

COUNCIL MEMBER MILES: Something else I think we could do, if we have that contact information, is notify the presidents of the neighborhood associations and homeowner's associations, because I think they -- and -- and the -- and in the homeowner's association, I would think they have everybody's email. And in the -- in the neighborhood associations, I think they have lots of people's emails. So that would be another way to -- to get it across.

COUNCIL MEMBER TUCCI: I think, practically speaking, or at least speaking for myself, I really wouldn't want a mayor or a council person, someone who is so unclued in to what's going on in Prospect that they don't know that we need a mayor or we need a council person.

So I'm not too worried if there are some people who don't get the word, because they are exactly the people you really don't want here in terms of making decisions for the city.

COUNCIL MEMBER MILES: I would just like --

COUNCIL MEMBER TUCCI: Is there someone else that -- who would like to speak

here? I don't want to miss anyone. Anyone else who. . .

CITY ATTORNEY POTTS: Did we confirm August the 5th as the -- a special meeting?

COUNCIL MEMBER BRAB: For the council --

COUNCIL MEMBER TUCCI: For the council person --

CITY ATTORNEY POTTS: For the council vacancy.

COUNCIL MEMBER LEONARD: At 6:00.

COUNCIL MEMBER MILES: At 6:00; yes.

CITY ATTORNEY POTTS: All right.

COUNCIL MEMBER TUCCI: So we have the 29th at 6:00, and also the 5th at 6.

CITY ATTORNEY POTTS: Are you -- are you -- both Mondays at 6.

COUNCIL MEMBER BRAB: Two -- two successive Mondays at 6.

COUNCIL MEMBER MILES: Yeah, two successive Mondays at 6.

I -- I would just like to add to what Bill said with the caveat. I agree we shouldn't be bound by the results of the last election, but, that being said, I think unless we had a good reason not to

pick somebody on that list, because I think, again, they put themselves out there, they've been voted on; I -- I -- I think that's -- I think that's important information to consider.

COUNCIL MEMBER BRAB: Sure.

Absolutely.

COUNCIL MEMBER MILES: But I agree.

It's not -- we -- we don't have to be bound by it.

CITY ADMINISTRATOR SIMMS: So I call each of those people --

COUNCIL MEMBER BRAB: Yes.

CITY ADMINISTRATOR SIMMS: -- and ask them? Okay. Just wanted to be sure.

COUNCIL MEMBER MILES: Right, see if they're interested.

CITY ADMINISTRATOR SIMMS: I will call --

COUNCIL MEMBER BRAB: Right.

CITY ADMINISTRATOR SIMMS: -- I will call each and every one of the coun -- of the people who ran for council --

COUNCIL MEMBER BRAB: Right.

CITY ADMINISTRATOR SIMMS: -- that did not get elected, and ask them if they're interested this time.

COUNCIL MEMBER MILES: Yes.

CITY ADMINISTRATOR SIMMS: Okay.

All right.

COUNCIL MEMBER BRAB: We have yet to determine the council replacement procedure. We can use -- if we get ten people to submit their names, we can use the same voting procedures for the mayor --

COUNCIL MEMBER LEONARD: You know, I think we ought to talk about that. We --

COUNCIL MEMBER TUCCI: When we have a mayor.

COUNCIL MEMBER LEONARD: Yeah, I -- well, and even with the mayor.

COUNCIL MEMBER TUCCI: yeah.

COUNCIL MEMBER LEONARD: That did not tend to work all that well last time. Is -- are we sure that that's exactly what we want to do this time?

COUNCIL MEMBER MILES: Well, I think in the interest --

COUNCIL MEMBER LEONARD: I don't have trouble with it. I just want to make sure we all understand what we're doing.

COUNCIL MEMBER BRAB: Okay. I think

the problem you have, Sandra, is -- is if we open it up, people submit indications of interest. You have to have an elimination procedure or a voting procedure however you do that, because you're not -- cannot preclude anyone. You must vote on everybody, am I correct --

CITY ATTORNEY POTTS: Correct.

COUNCIL MEMBER BRAB: -- that puts an indication in. So I don't know --

COUNCIL MEMBER LEONARD: So if we get 30. . .

COUNCIL MEMBER BRAB: But the point is -- is you can't preclude them.

COUNCIL MEMBER MILES: Yeah. I -- I mean, I think the ones we kind of got through the -- the first pass, I think it -- it worked well, but I just think no matter what you do, it's just -- you know, it's going to be --

CITY ATTORNEY POTTS: You have to.

COUNCIL MEMBER MILES: You have to do it. There's just no easy way -- in a democracy, there's no easy way to -- it's not the best, but it's the -- what -- the best we have.

COUNCIL MEMBER TUCCI: Putin knows how to do it, but --

COUNCIL MEMBER MILES: Right.

Right.

COUNCIL MEMBER TUCCI: -- but do you want to --

COUNCIL MEMBER MILES: There could be a simpler way, but --

COUNCIL MEMBER TUCCI: Yeah.

COUNCIL MEMBER MILES: -- probably it wouldn't be the most democratic way, so. . .

COUNCIL MEMBER LEONARD: But it didn't work the last time.

COUNCIL MEMBER BOWLING: By the end of the day, it's -- it's got to play out.

COUNCIL MEMBER MILES: Right.

COUNCIL MEMBER BOWLING: And that's kind of -- you know, how it happened last time.

COUNCIL MEMBER MILES: Right.

COUNCIL MEMBER BOWLING: We can talk about it all we want, but it's got to play out.

COUNCIL MEMBER MILES: Right.

CITY ADMINISTRATOR SIMMS: So when I call each of these individuals, do I ask them each for a resume?

COUNCIL MEMBER LEONARD: Well, I

think we need to first know if they're interested.
If they are interested -- let me say it another way.

Anybody who's interested, I think we have to have some background on them. We have to have some clue of what -- we have to have some reason to show why [phonetic] we're not picking somebody. So they have to tell us something about themselves.

CITY ADMINISTRATOR SIMMS:

Something new, not just -- I just want to be sure I'm --

COUNCIL MEMBER LEONARD: Oh, you mean could they bring in their campaign literature?

CITY ADMINISTRATOR SIMMS: I --

COUNCIL MEMBER LEONARD: Hopefully they've done something since then.

CITY ADMINISTRATOR SIMMS: I just want to --

COUNCIL MEMBER MILES: Well, I mean -- I mean, personally speaking, I -- I don't think there's any -- I think I know about everybody who ran last time. I think half of them are sitting in the room and --and. . .

MR. SPEAKER: 75%.

COUNCIL MEMBER MILES: 75% of them

are sitting in the room.

COUNCIL MEMBER BRAB: Yes.

COUNCIL MEMBER MILES: No, no.

50%. Okay. Don't make me do math on the fly. But -- but I think -- I mean, I think, personally speaking, I don't want to make them have to do anything. I -- I know they're all good people, you know.

COUNCIL MEMBER LEONARD: Well, but you have to -- you can't set a different standard for this person walking by and the people on the list. We have to do the same thing for everybody.

I mean, I understand what you're saying, but then we're giving them favored treatment over the person that Bill talks about who's just walking in.

COUNCIL MEMBER MILES: I mean, I've already said I'm -- I'm -- I believe that the people who went through the election and were voted on, in my mind, do get preferential treatment. I'm saying I shouldn't be bound by it, but I'm -- I'm admitting I'm going to weigh that heavily in my decision.

COUNCIL MEMBER TUCCI: They've already --

COUNCIL MEMBER MILES: Right.

COUNCIL MEMBER TUCCI: -- put themselves forward and -- and --

COUNCIL MEMBER MILES: Right. But I'm not saying it can't be anybody else.

COUNCIL MEMBER TUCCI: It's not -- it's not a pleasant thing to just sort of stand up and say humiliate me by not voting for me. It's not any -- it's not any fun. People that have done it have done something. Win or lose, it's not any -- it's -- it's not fun.

So -- and we know who they are, but I -- and I think anybody else who is interested in being a council member, I -- they should be interested in selling himself or herself. It's in their own self-interest to say, you know, here I am and here's what I've done.

COUNCIL MEMBER MILES: So I guess, I mean, we can invite people to send in a resume, and I will read anything anybody wants to put in front of me, but I'm just saying, personally, unless there's something special that the people who run think I don't know about them, you know, I -- I talk to all of them and I know them and I've worked with most of them, so. . .

COUNCIL MEMBER TUCCI: Is this

something we need to resolve right now? Where is the compromise? What -- I'd like to get this settled now. Our other alternative is to wait until with --

COUNCIL MEMBER MILES: Let's just that a resume --

COUNCIL MEMBER TUCCI: -- with luck -- yeah.

COUNCIL MEMBER BRAB: Everybody -- everybody sends a resume.

COUNCIL MEMBER TUCCI: Yeah.

COUNCIL MEMBER MILES: Everybody sends a resume --

COUNCIL MEMBER TUCCI: Everybody sends a resume.

COUNCIL MEMBER MILES: -- just to keep it simple.

COUNCIL MEMBER LEONARD: Yeah, and it doesn't have to be extensive. I mean, that's not the purpose.

COUNCIL MEMBER TUCCI: Okay. So then we've taken care of those items, and the next one should be really easy. We're going to allow an interlocal agreement with Oldham County. Do we need to find any. . .

CITY ATTORNEY POTTS: I didn't see it in mine, but maybe in yours.

COUNCIL MEMBER TUCCI: No, it's not in mine, either. It's in the packet, but it isn't in the. . .

CITY ATTORNEY POTTS: And -- and this is an agreement that allows -- it's a --

COUNCIL MEMBER TUCCI: Here it is.

CITY ATTORNEY POTTS: -- it's a two-way agreement between the -- Oldham County operating through its police department and the City of Prospect operating through its police department to allow both departments to exercise authority in the jurisdiction.

As many of you know, a portion of Prospect is actually located in Oldham County. And while the current situation has -- has not risen to have any problems associated with it, it's apparent that we probably need to have a -- an interlocal agreement between the two -- between this municipality and the County of Oldham supporting what's already in practice being done, and that is mutual assistance between the two police departments.

So that's what it is. This agreement will need a resolution. And the new mayor, whomever he or

she may be, will execute that once it's -- once that person is elected.

And then the Oldham County court, their magistrates or whatever they are in Oldham County, I don't know whether they're -- what they are, they will vote on it, also, and the county judge will -- county judge executive will execute it.

And then we need to send it to Frankfort, and it needs to be blessed by the Department of Local Government.

COUNCIL MEMBER TUCCI: Wow.

CITY ATTORNEY POTTS: -- in Frankfort.

So it's not going to be one of these things that's going to occur and be signed, sealed, and delivered in any short order. So it can -- it can wait until the new mayor is appointed here, so. . .

COUNCIL MEMBER TUCCI: Mercifully, the United Nations doesn't have --

CITY ATTORNEY POTTS: Mercifully, the United Nations does not have to approve this, but it will -- it -- the -- the purpose is -- is to simply protect our police department and our city --

COUNCIL MEMBER TUCCI: Absolutely.

CITY ATTORNEY POTTS: -- as well as Oldham County and the Oldham County Police

Department when these two departments are interacting.

COUNCIL MEMBER TUCCI: Uh-huh.

Uh-huh. So we need someone to introduce this resolution. Anybody?

COUNCIL MEMBER BRAB: How much --

CITY ATTORNEY POTTS: You just need the resolution.

COUNCIL MEMBER BRAB: Oh, just the resolution. [reads] The City of Prospect, Resolution Number 1, Series 2013, a resolution approving the execution of an interlocal agreement for law enforcement services between the City of Prospect, Kentucky, acting by and through the City of Prospect Police Department, and Oldham County, Kentucky acting and through the Oldham County Police Department.

CITY ATTORNEY POTTS: And that's all you need to read for that --

COUNCIL MEMBER TUCCI: Okay.

CITY ATTORNEY POTTS: -- because it's just a resolution.

COUNCIL MEMBER TUCCI: And then do we just approve that?

CITY ATTORNEY POTTS: You just need

to vote on it.

COUNCIL MEMBER TUCCI: Okay.

COUNCIL MEMBER LEONARD: Yes.

COUNCIL MEMBER BOWLING: Yes.

COUNCIL MEMBER TUCCI: Yes.

COUNCIL MEMBER BRAB: Yes.

COUNCIL MEMBER MILES: Yes.

COUNCIL MEMBER TUCCI: That was
easy. Resolution adopted; okay.

The next thing, and, unfortunately, the next
thing is rescheduling the fireworks. Excuse me.
Before that -- yeah, yeah, rescheduled the
fireworks. Ann?

CITY ADMINISTRATOR SIMMS: Well,
since we had to cancel them due to rain, and I
listened, I think, to a fair number of people, we
don't want it on a school night. We want to give
ourselves the possibility that if it rains one day, to
do it the following day.

It occurred to me that we might try to set it up
on the Friday of Labor Day weekend, so we have
Friday, Saturday, or Sunday. Surely, one of those
days will be nice enough for us to shoot off
fireworks.

[laughter]

COUNCIL MEMBER BOWLING: The only thing I would say to that, as I told you, is that the overwhelming amount of feedback I have was -- was don't do it again on a school night. We -- we've got that, but that Saturday is home games for U of L and U of K.

CHIEF SHERRARD: Act -- actually --

CITY ADMINISTRATOR SIMMS: Oh, that's important.

CHIEF SHERRARD: -- U of L's on Sunday. Ken -- Kentucky is playing, I think, at Western Ken -- actually, in Nashville -- in Nashville on Saturday evening. Louisville is playing Sunday afternoon at 3:30.

COUNCIL MEMBER BOWLING: Yeah, so just FYI.

COUNCIL MEMBER MILES: Well, I sug -- I suggest August 28th. It just happens to be my daughter's birthday.

[laughter]

COUNCIL MEMBER BRAB: So you can say you did it.

MAYOR COREY: So I can say that I did it for her. Okay. Okay.

COUNCIL MEMBER BOWLING: So if we

set up for that Friday, Saturday, Sunday, I mean, ideally, if it went on Friday, that would be ideal, but, if not, then we've got some dates that might issues.

COUNCIL MEMBER TUCCI: Well --

COUNCIL MEMBER MILES: Well -- and I understand picking Labor Day weekend, but I also know a lot of people go out of town on Labor Day weekend. And so what if we did it either the weekend before or after? That way more people might be in town, and we wouldn't have the conflict -- I don't know if we have the conflict with the ball game --

CHIEF SHERRARD: Well, I will tell you the weekend before, the Sunday is Ironman. August 29th is Ironman.

COUNCIL MEMBER MILES: But that really wouldn't affect the fireworks, would it? They'd be done on --

CHIEF SHERRARD: Well, during the afternoon, no, because they're still rolling in on bikes at 5:30, 5:00.

COUNCIL MEMBER MILES: Are we talking just about the fireworks or --

COUNCIL MEMBER TUCCI: We're just

talking about fireworks, not about --

COUNCIL MEMBER MILES: Right.

COUNCIL MEMBER TUCCI: -- the
whole --

COUNCIL MEMBER MILES: Right.

COUNCIL MEMBER TUCCI: -- parade or
anything.

COUNCIL MEMBER MILES: And
fireworks don't go off until --

CHIEF SHERRARD: So you're -- no
parade or anything like that.

COUNCIL MEMBER TUCCI: No parade or
anything.

CHIEF SHERRARD: You're just talking
about fireworks.

COUNCIL MEMBER TUCCI: Just
fireworks.

COUNCIL MEMBER MILES: Yes.

COUNCIL MEMBER LEONARD: August
29th is a Wednesday.

CHIEF SHERRARD: 25th.

COUNCIL MEMBER LEONARD: Oh.

CHIEF SHERRARD: That would be if --
that would be if it rolled to the Sunday --

COUNCIL MEMBER LEONARD: That's

my --

CHIEF SHERRARD: -- and not the 24th.

COUNCIL MEMBER LEONARD: Sandy
Gucci's birthday.

COUNCIL MEMBER BOWLING: If we did
it on a -- a nonholiday weekend, we would only
schedule it for Friday and Saturday; correct?

CITY ATTORNEY POTTS: Oh, yeah,
because it's --

COUNCIL MEMBER BOWLING: Yeah.

CITY ATTORNEY POTTS: -- school.

COUNCIL MEMBER BOWLING: So we
wouldn't have to worry about the Sunday. We'd
just to it Friday and Saturday.

CITY ADMINISTRATOR SIMMS: Or we
can look at moving it into October. I don't care.

COUNCIL MEMBER LEONARD: That
could be.

COUNCIL MEMBER TUCCI: But -- but
the second weekend in September, that gives you
the advantage, you know. You aren't setting off
the fireworks at 10:00 at night.

COUNCIL MEMBER LEONARD: Yeah.

COUNCIL MEMBER TUCCI: You know,
if -- if we're doing it largely for little kids, it's --

it's nice to get that off a little earlier and. . .

Yes?

MR. BENCH: Hi, I'm Herb Bench. I live out on Gunpowder. Why don't we just save the money and do it next year?

COUNCIL MEMBER TUCCI: We've already spent the money.

MR. BENCH: Oh, you already paid them.

COUNCIL MEMBER TUCCI: Yeah.

[laughter]

MR. BENCH: Why did you -- why did you already pay them?

COUNCIL MEMBER TUCCI: We're going to have fireworks.

COUNCIL MEMBER BRAB: Well, I -- I think, Rob, that it -- you know, you're been involved with it. I think we leave it to Rob and Ann to pick the best date.

COUNCIL MEMBER MILES: Yeah, I'm -- I'm -- I really as --

COUNCIL MEMBER BRAB: As -- as long as we get good notification out, I mean. . .

COUNCIL MEMBER MILES: If you took the time to put it together, I think you'd get a -- a stronger vote on this than that, so. . .

COUNCIL MEMBER BOWLING: Okay.

COUNCIL MEMBER TUCCI: Okay. We --

CITY ADMINISTRATOR SIMMS: We'll figure it out.

COUNCIL MEMBER BOWLING: We'll figure it out.

COUNCIL MEMBER TUCCI: -- we just punted that one.

COUNCIL MEMBER MILES: And just to explain to those why did we pay in advance, because that's the only way you can get these people. You know, they -- there's only so many days people buy fireworks and -- so they say, you know, you've got to pay us in advance or you don't get to do it.

CITY ADMINISTRATOR SIMMS: We didn't actually pay in advance. We signed a contract, but we're --

COUNCIL MEMBER MILES: Right.

CITY ADMINISTRATOR SIMMS: -- bound by that contract.

COUNCIL MEMBER MILES: We're obligated.

COUNCIL MEMBER TUCCI: So, you know, yeah, that's the way it's going to be.

And I don't think there's any unfinished business, except moving onto a report from Councilman Brab.

COUNCIL MEMBER BRAB: On the bridge update, we have been meeting and we will meet -- and when I say "we," it's the Chief, Ann, and I are meeting with representatives of WBC, and I think that will expand to also include Jacobs Engineering and some other members of the construction team, about every two weeks.

In fact, our next meeting is scheduled August 15th, I believe, something like that. No, August 5th, actually.

CITY ADMINISTRATOR SIMMS: It is August 5th.

COUNCIL MEMBER BRAB: Yeah, August 5th. What we have found out is two things. There are still con -- problems with the timing of the lights along 42, particularly at the intersection of 841.

And WBC and Jacobs, which is the traffic engineering people, are going to work with Jefferson County to retime those lights, because there's been some complaints of backups in that area either coming off of 841 trying to turn right or

left onto 42, or actually at the -- at the intersection, and things are backing all the way up the hill past Wolf Pen Branch. So we're going to get the lights retimed; okay?

The second thing under consideration is the right-hand turn lane that was eliminated from eastbound 42 onto 841, we're looking to reinstate that, and -- which -- which is -- always happens. When you eliminate a right-hand turn lane, the person that's first in line at the stoplight is going straight, and everybody behind is turning right.

So we're going to look at reinstating that right-hand turn lane, because right now the traffic is backing up so that folks trying to turn right off of Wolf Pen Road onto 42 are not getting a chance to turn right, and there's all this road rage that's going on with people blocking the intersection and whatnot.

So they're un -- under consideration there. That should speed up traffic, too.

The other thing that we talked about at length was the actual turn -- right-hand turn on 841 onto 42. There is a utility pole that sits very close to that corner. So what we've asked them to do is move that utility pole further back into the

construction site or eastbound, so they can widen the radius on that right-hand turn lane, so people can make the right-hand turn ease -- easier, in an easier fashion onto 42, and so trucks will have a bigger radius to make the turn.

Stunningly to me, there are a lot of drivers in Kentucky that don't know you can turn right on a red light, and they sit there and sit there. And I just --

COUNCIL MEMBER LEONARD: But that's because they came from some place else. When I first came here, I thought what are they doing? Because there are lots of other places where you can't do that.

COUNCIL MEMBER BRAB: But we're going to put signage out there that says come to a full stop, and then you may turn right for all of those who don't know that. So that should speed some flow around that corner, too.

We have the -- and if you've noticed it that we've had the street sweeper running up and down 42 from the construction site and on 841 to try and keep the road as clean as possible.

And then the final thing, and Grover's reading it right now, we have -- now have a memorandum

of agreement with WBC. We have a draft of a memorandum agreement that we've got to review which will cover all of their warranties and responsibilities of -- of the East End Bridge Project to maintain our roads in the proper fashion and put them in -- back to where they were when they first started this project.

So we're trying to cover all bases. Sandy's more optimistic on this than I am, but we'll get past this.

And it -- the other thing is -- one other thing I want to mention. If you've noticed the blasting schedules, everybody on the emails that the blasting schedule goes off, what they've done -- what they said initially was the blasting would occur between 9 a.m. and 3 p.m., which is away from rush hour.

What they have decided now and after input from a lot of people, it's just -- they are going to cluster the blasts. They're going to put them together in a very short time frame to reduce the amount of -- re -- reduce the number of stops that must be done, require -- you know, are required to be done with blasting.

And, Chief, you were out and got stopped in

one that was ten minutes.

CHIEF SHERRARD: Ten minutes is the longest.

COUNCIL MEMBER BRAB: Yeah, the longest it's been out there. The average of the stopping for all of the blasts has been seven minutes, so they're getting better about it.

So hopefully we can get it down to under seven minutes, but I've talked to a lot of people, and a lot of people are just avoiding coming through Prospect between 1:30 and 2:30, which, you know, that's the best they can do because you're not going to run into anything.

But most of the blasts you'll see -- like this whole week's schedule I think were all between 2:30 and 2:37, or something like that. They're going to continue to do that and try and help us.

COUNCIL MEMBER MILES: Has anybody here heard the blasts? Are they --

COUNCIL MEMBER BRAB: I did.

COUNCIL MEMBER MILES: Yeah, are they -- are they loud?

COUNCIL MEMBER BRAB: I was up there, and it just -- it's just the -- it's just like a muffle.

MR. SPEAKER: It's a muffle.

COUNCIL MEMBER LEONARD: Yeah, it's
a not a big noise.

COUNCIL MEMBER BRAB: It's not a big
noise.

CHIEF SHERRARD: If you hear it,
they're -- if you hear it, they've done something
wrong. That's what they told us. If you hear it,
something's wrong. So -- so I hope nobody hears
it.

[laughter]

COUNCIL MEMBER BRAB: And the
Chief -- the Chief has diligently been noted that if
rocks and dirt are falling off the trucks, he's now
got all his new guns and his ammunition. We'll
shoot out tires.

CHIEF SHERRARD: Yeah. There has
been a -- a few incidents where we've had some of
the large rocks that have made their way into the
roadway.

We did have a resident in Bridgepointe that
hit a large boulder that had rolled into the road we
assume from a truck, and struck it, blew the tire
out, damaged the rim on the car. They've been in
contact with INDOT to get a replacement.

Two other incidents where we've had those in the roadway. An Oldham County resident called the police and said that they had a rock that fell off a truck, bounced up, and hit the hood of their car. We never saw that. Again, they reported that to Oldham County and not to us. We heard about it after the fact.

Immediately we notified them, and the -- the -- the engineer -- or the manager in charge of -- of -- of the -- the scene up there, and advised him of -- of those particular incidents, and that they need to more closely monitor the loading of the trucks, because either, (a) they're overloading the trucks because they're all equipped with tarps, or, (b) they're not always putting the tarps on there.

But their other alternative was -- I told them that if we see any of their trucks out there without the tarps on there, that they would be cited for that. And all the officers are now equipped with the -- the appropriate statute. We looked up the one that we think is most appropriate.

And for that statute to kick in, that -- they have to travel at least one mile with that load. Well, by the time we got past Kroger's, it's 1.2

miles, so we turned around and said, well, we don't have to go any further, so. . .

COUNCIL MEMBER MILES: Now, can we, if we choose, make a stricter statute or amend -- it wouldn't be a statute. It would be a --

COUNCIL MEMBER LEONARD:
Ordinance.

COUNCIL MEMBER MILES: -- ordinance.

CHIEF SHERRARD: I don't know about that.

COUNCIL MEMBER BOWLING: On the transportation issues, I don't believe we can.

CITY ATTORNEY POTTS: That's an interesting question.

COUNCIL MEMBER MILES: well, a challenge, Grover.

CHIEF SHERRARD: But we don't even -- to -- for that -- that statute to apply, we don't even have to see anything fall off of that truck. Under Part 2 of that statute, the fact that they are traveling longer than a mile with a load that is uncovered is a citable offense, or if we see something fall off the truck that they didn't properly secure is a citable offense.

Now, Assistant Chief Shaw went up Friday and

sat up there, and actually, at some point, somebody said, "Is there a problem?" And he said, "Well, as a matter of fact, there has been a problem."

So he got up there with one of the supervisors as they were loading the trucks, and he told them about what we've been experiencing. So he said when he was up there they didn't overload anything, and they were putting the tarps across, but every one of these truckers, they're all independent, and so they run into some of the same problems that we have.

I do really think that they are trying to -- to educate all of the truckers to do the right thing, because they -- they realize, in the long run, that any time that they're off the road, it's costing them money, too. So I -- I think that they're more than willing to work with us on that point.

COUNCIL MEMBER MILES: Can we park one of our nonfunctioning cruisers with an inflatable patrolman along the --
[laughter]

COUNCIL MEMBER MILES: Just so they think they're being constantly monitored.

COUNCIL MEMBER LEONARD: Actually,

you've had a pretty high profile. Every time I've driven along, I've seen somebody out there watching something.

COUNCIL MEMBER BRAB: One other --

CHIEF SHERRARD: Yeah.

COUNCIL MEMBER BRAB: -- one other thing real quick on the traffic. I -- I finally tracked down, after many, many phone calls and many, many different departments, who is in charge of the emergency routing on I-71.

As you all know, I-71, when there's an accident on I-71, everything goes right in front of the city hall and through 42. I finally got to the chief engineer of the Transportation Cabinet, and I pleaded our case. And I think -- I did it eloquently. I didn't yell at him.

And he said, "Look," he said, "we can't change anything, because there's no alternative route. So live with it." So that was the answer from our wonderful Transportation Cabinet.

If there is an accident, they're still going to come through here. And we informed WBC and the East End Bridges Project to that, and their answer was, "Well, that'll just be a lost day of construction." So I said, "Well, as long as you-all

understand you're going to have major gridlock here and, you know, it's going to be a big problem. You're going to hear about it." But they really just said, "Nothing we can do."

So we've had no luck on that at all.

COUNCIL MEMBER MILES: Bill, thank you for taking that on.

COUNCIL MEMBER BRAB: Oh, that's okay.

COUNCIL MEMBER TUCCI: Jim, you wanted to say something?

MR. DANTIN: Yeah. Jim Dantin, again. On the trucks and the routing, two questions: The truckers, when they turn right onto 42, eventually they have to get into the left-hand lane to turn left.

I've observed a couple of the trucks that are -- they're kind of in the right-hand lane, and they're waiting kind of to the last minute before they get to the left. And it seemed to have traffic confused. You know, the people know the truck has to get over there, so nobody was trying to pass them.

Is there some way we can encourage them to get in the left-hand lane right away, and then

normal traffic can be going by --

COUNCIL MEMBER BRAB: Good point.

MR. DANTIN: -- on the right?

COUNCIL MEMBER BRAB: We'll -- we'll bring it up at the next meeting. That's a good point.

MR. DANTIN: And then the second question: The work done by the Louisville Water Company, do we have any -- is -- is that a temporary/permanent repair, or is that the best it's going to get?

CHIEF SHERRARD: I think they're finished.

CITY ADMINISTRATOR SIMMS: I think they --

CHIEF SHERRARD: I think they're finished.

MR. DANTIN: Well, that is the worst, roughest piece of blacktop, I think, in the county as new construction blacktop. And I think there should be a -- a complaint, or whatever, filed that that's really not acceptable repair work.

COUNCIL MEMBER BRAB: I -- I --

MR. DANTIN: It's horribly rough.

COUNCIL MEMBER BRAB: -- I -- yeah, I

spoke with them, and I think the only way we're going to get any kind of help with that is -- is that they were going to have to get the state of Kentucky of the feds involved, because that is a federal highway. And if they haven't met their standards, then, you know, that's a -- that's a different issue, so. . .

But we, as a city, really can't do much MORE.

MR. DANTIN: Well, I -- I do realize it's a state -- or a federal --

COUNCIL MEMBER BRAB: Yeah, but I -- I will bring that -- I will bring that up with the Transportation --

CHIEF SHERRARD: Tom Wright, the District 5 manager for Louisville, was on top of that project to begin. He was dealing with my construction on that. So if that's not to his satisfaction, he can make them completely redo the whole thing.

COUNCIL MEMBER BRAB: What's his name?

MR. DANTIN: Yeah, I think that's the point --

CHIEF SHERRARD: Tom Wright. We deal with him. He's fantastic.

COUNCIL MEMBER BRAB: R-i-g-h-t.

CHIEF SHERRARD: W-r-i-g-h-t.

COUNCIL MEMBER BRAB: Yeah. Okay.

CHIEF SHERRARD: That's correct.

COUNCIL MEMBER BRAB: And -- and
I'll -- I'll call him.

CHIEF SHERRARD: Yeah, Tom Wright.
Great guy. He'll come out and get you --

COUNCIL MEMBER BRAB: We'll follow
up on that for you, Jim.

MR. DANTIN: Thank you.

COUNCIL MEMBER TUCCI: Okay. We
have -- I believe we've gotten to the end of an
unusual meeting that started on a -- a sad note,
continues to be a part of our council, but I think
we accomplished a lot. If there's no further --

COUNCIL MEMBER LEONARD: Actually,
one more --

COUNCIL MEMBER TUCCI: --
business --

COUNCIL MEMBER LEONARD: -- one
more thing.

COUNCIL MEMBER TUCCI: One more
thing? Okay.

COUNCIL MEMBER LEONARD: Is there

any reason why we cannot, at this meeting, appoint Ms. Tucci to head our next special meetings?

CITY ATTORNEY POTTS: I'm sorry.
What was the question?

COUNCIL MEMBER LEONARD: Until we get a mayor, is there any reason why we can't have vote to have her --

CITY ATTORNEY POTTS: You may.
You -- you may have her continue, if she will.

COUNCIL MEMBER LEONARD: Correct.
Would you, Ms. Tucci?

COUNCIL MEMBER TUCCI: I will do that, yes.

COUNCIL MEMBER LEONARD: Thank you.

COUNCIL MEMBER MILES: I second that. All in favor?

COUNCIL MEMBERS: Aye.

COUNCIL MEMBER MILES: Aye.

COUNCIL MEMBER TUCCI: And my gig at the comedy club, I'll be there.

[laughter]

COUNCIL MEMBER TUCCI: Anyhow --

COUNCIL MEMBER BOWLING: I have

one quick comment.

COUNCIL MEMBER TUCCI: Yes.

COUNCIL MEMBER BOWLING: I'm sorry.

I was asked, Hunting Creek Country Club had the city meet this weekend, over 4,000 people. And they asked me to thank the police department. They said they went way above and beyond what they were asked to do.

Said in the 30 years that they -- they do it every seven years. They said it was greatly appreciated work that our police department did.

CHIEF SHERRARD: Quite welcome.

COUNCIL MEMBER BRAB: Great job.

COUNCIL MEMBER TUCCI: Do I hear a motion for adjournment?

COUNCIL MEMBER BOWLING: So moved.

COUNCIL MEMBER MILES: Second.

COUNCIL MEMBER TUCCI: All in favor?

COUNCIL MEMBERS: Aye.

COUNCIL MEMBER TUCCI: Adjourned.

[WHEREUPON, the City Council Meeting concludes at 8:07 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

.

My Commission Expires: Notary Public

.

AUGUST 27, 2013

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Notary ID: 402347

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