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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

JULY 29, 2013

1 CITY OF PROSPECT, KENTUCKY
2 CITY COUNCIL MEETING
3 JULY 29, 2013

4 COUNCIL MEMBER TUCCI: Special
5 council meeting of the Prospect City Council will
6 come to order. The only order of businesses this
7 evening is to elect a mayor to fill the unexpired
8 mayoral term which will expire on December 31,
9 2014.

10 Grover, want to speak to procedures at all?

11 MR. POTTS: Well, we have six people
12 who have submitted their names for consideration.
13 One of whom is a council member, Mr. Brab here.
14 The others are Joseph Casey, Evan Comer, John
15 Evans, Tom Gates, and John Vandertoll.

16 What is your pleasure about any discussions
17 concerning any of the persons who have submitted
18 interest, or do you want to just go ahead and vote?
19 We have not established a procedure with respect
20 to that.

21 COUNCIL MEMBER LEONARD: I think
22 they all did a good job of providing us with --

23 MR. POTTS: With information.

24 COUNCIL MEMBER LEONARD: And I
25 think it's available to everybody in the audience

1 also.

2 MR. POTTS: Okay.

3 COUNCIL MEMBER LEONARD: No. The
4 only thing in terms of a procedure we haven't
5 established one, and I wondered if we shouldn't
6 use something that would randomize our approach
7 to the names.

8 MR. POTTS: The only thing I did was did
9 it in alphabetical order, and certainly we can --
10 can change that as far as the method of
11 approaching and determining who is voted on first
12 and then in order, so. . .

13 COUNCIL MEMBER TUCCI: Does
14 anybody else feel the need to randomize?

15 COUNCIL MEMBER MILES: I think it
16 gets us to the -- I mean, I don't think it's
17 important, because we're not -- we don't stop if we
18 get to somebody?

19 MR. POTTS: Right.

20 COUNCIL MEMBER TUCCI: Right, we
21 keep going anyway.

22 COUNCIL MEMBER MILES: And so, I -- I
23 don't thing it -- I mean, I -- I can kind of see
24 where it might make a difference, but I -- I don't
25 feel super strongly about it. If the group did, then

1 I can be persuaded.

2 COUNCIL MEMBER LEONARD: Not if we
3 wanted -- if we voted everybody, that's --

4 MR. POTTS: Yeah. I mean --

5 COUNCIL MEMBER LEONARD: -- just
6 fine.

7 COUNCIL MEMBER TUCCI: Yeah.

8 COUNCIL MEMBER LEONARD: Which is
9 what you just said.

10 COUNCIL MEMBER TUCCI: Right. Yeah.

11 COUNCIL MEMBER BOWLING: Grover, I
12 do have one procedural question, is --

13 MR. POTTS: Sure.

14 COUNCIL MEMBER BOWLING: -- is
15 we've decided that it -- it does take three votes.

16 MR. POTTS: Correct.

17 COUNCIL MEMBER BOWLING: If -- if all
18 the candidates were voted on and one of them got
19 three and one of them got four, what would -- what
20 would be the decision?

21 MR. POTTS: The decision would be four.

22 COUNCIL MEMBER BOWLING: So the
23 person with four would become the --

24 MR. POTTS: Correct.

25 COUNCIL MEMBER BOWLING: -- mayor,

1 it would not be a runoff at that point.

2 MR. POTTS: Correct.

3 COUNCIL MEMBER BOWLING: Okay.

4 COUNCIL MEMBER LEONARD: What if
5 two got three? Then it would be a runoff?

6 MR. POTTS: Yeah. And the others would
7 be eliminated, so it would be a two-person runoff.

8 COUNCIL MEMBER LEONARD: Okay.

9 Are we --

10 MR. POTTS: Any. . .

11 COUNCIL MEMBER TUCCI: Any other
12 questions?

13 COUNCIL MEMBERS: [no response]

14 MR. POTTS: Okay. Now, Mr. Brab, you
15 cannot vote for yourself.

16 COUNCIL MEMBER BRAB: Understood.

17 COUNCIL MEMBER TUCCI: So let's
18 begin with Bill Brab and start with you, Sandra.

19 COUNCIL MEMBER LEONARD: No.

20 COUNCIL MEMBER BOWLING: Yes.

21 COUNCIL MEMBER TUCCI: No.

22 COUNCIL MEMBER MILES: No.

23 COUNCIL MEMBER TUCCI: Joseph
24 Casey. Starting with you, Stu [phonetic].

25 COUNCIL MEMBER MILES: No.

1 COUNCIL MEMBER BRAB: No.
2 COUNCIL MEMBER TUCCI: No.
3 COUNCIL MEMBER BOWLING: No.
4 COUNCIL MEMBER LEONARD: No.
5 COUNCIL MEMBER TUCCI: Evan Comer.

6 Starting with you, Sandra.

7 COUNCIL MEMBER LEONARD: No.
8 COUNCIL MEMBER BOWLING: No.
9 COUNCIL MEMBER TUCCI: No.
10 COUNCIL MEMBER BRAB: No.
11 COUNCIL MEMBER MILES: Yes.
12 COUNCIL MEMBER TUCCI: John Evans.

13 Starting with you, Sandra.

14 COUNCIL MEMBER LEONARD: Yes.
15 COUNCIL MEMBER BOWLING: Yes.
16 COUNCIL MEMBER TUCCI: Yes.
17 COUNCIL MEMBER BRAB: Yes.
18 COUNCIL MEMBER MILES: Yes.
19 COUNCIL MEMBER TUCCI: We'll

20 continue.

21 MR. POTTS: Yeah.
22 COUNCIL MEMBER TUCCI: Tom Gates.
23 COUNCIL MEMBER MILES: No.
24 COUNCIL MEMBER BRAB: No.
25 COUNCIL MEMBER TUCCI: No.

1 COUNCIL MEMBER BOWLING: No.

2 COUNCIL MEMBER LEONARD: No.

3 COUNCIL MEMBER TUCCI: And John
4 Vandertoll. Starting with you, Sandra.

5 COUNCIL MEMBER LEONARD: No.

6 COUNCIL MEMBER BOWLING: No.

7 COUNCIL MEMBER TUCCI: No.

8 COUNCIL MEMBER BRAB: No.

9 COUNCIL MEMBER MILES: No.

10 COUNCIL MEMBER TUCCI: I think it's
11 pretty clear.

12 MR. POTTS: Yes. It is a unanimous vote
13 for John Evans. Congratulations.

14 [applause]

15 COUNCIL MEMBER TUCCI: John, please
16 come up. I can't wait to give this to you.

17 And we have someone here who knows how to
18 swear you in. I hope you have not fought a duel
19 recently. I think we're -- I think we're in; you
20 know.

21 MR. EVANS: I haven't fought a duel.

22 COUNCIL MEMBER TUCCI: Good.

23 MR. POTTS: Why don't you come on up
24 here, because you will chair the meeting once this
25 formality is addressed.

1 MR. POTTS: If you will raise your right
2 hand and repeat after me.

3 I do solemnly swear. . .

4 MR. EVANS: I do solemnly swear. . .

5 MR. POTTS: That I will support the
6 constitution of the United States. . .

7 MR. EVANS: That I will support the
8 constitution of the United States. . .

9 MR. POTTS: And the constitution of this
10 Commonwealth. . .

11 MR. EVANS: And the constitution of this
12 Commonwealth. . .

13 MR. POTTS: And be faithful and true to
14 the Commonwealth of Kentucky. . .

15 MR. EVANS: And be faithful and true to
16 the Commonwealth of Kentucky. . .

17 MR. POTTS: So long as I continue a
18 citizen thereof. . .

19 MR. EVANS: So long as I continue a
20 citizen thereof. . .

21 MR. POTTS: And that I will faithfully
22 execute. . .

23 MR. EVANS: And that I will faithfully
24 execute. . .

25 MR. POTTS: To the best of my

1 ability . . .

2 MR. EVANS: To the best of my
3 ability. . .

4 MR. POTTS: The office of the Mayor of
5 Prospect, Kentucky. . .

6 MR. EVANS: The office of the Mayor of
7 Prospect, Kentucky. . .

8 MR. POTTS: According to law.

9 MR. EVANS: According to law.

10 MR. POTTS: And I do further solemnly
11 swear. . .

12 MR. EVANS: And I do further solemnly
13 swear. . .

14 MR. POTTS: That since the adoption of
15 the present constitution. . .

16 MR. EVANS: That since the adoption of
17 the present constitution. . .

18 MR. POTTS: I, being a citizen of this
19 state. . .

20 MR. EVANS: I, being a citizen of this
21 state. . .

22 MR. POTTS: Have not fought a duel with
23 deadly weapons. . .

24 MR. EVANS: Have not fought a duel with
25 deadly weapons. . .

1 MR. POTTS: Within this state nor out of
2 it.

3 MR. EVANS: Within this state nor out of
4 it.

5 MR. POTTS: Nor have I sent or accepted
6 a challenge to fight a duel. . .

7 MR. EVANS: Nor have I sent or accepted
8 a challenge to fight a duel. . .

9 MR. POTTS: With deadly weapons. . .

10 MR. EVANS: With deadly weapons. . .

11 MR. POTTS: Nor have I acted as a
12 second. . .

13 MR. EVANS: Nor have I acted as a
14 second. . .

15 MR. POTTS: In carrying a challenge. . .

16 MR. EVANS: In carrying a challenge. . .

17 MR. POTTS: Nor aided nor assisted any
18 person. . .

19 MR. EVANS: Nor aided nor assisted any
20 person. . .

21 MR. POTTS: Thus offering, so help me
22 God.

23 MR. EVANS: Thus offering, so help me
24 me God.

25 MR. POTTS: Amen.

1 [applause]

2 COUNCIL MEMBER BRAB: There you go,
3 Mayor. Go ahead.

4 MAYOR EVANS: Years ago I was elected
5 to the city council, I think it was in 92, and I had
6 some legal business out in Nevada that kept me
7 out there for weeks.

8 And I had to be sworn in within 30 days, and
9 the lawyer I was working with was friends with a
10 justice on the Nevada Supreme Court, so we went
11 to his home and he swore me in, administering the
12 oath that you just heard. And at the conclusion of
13 it he expressed his regret that we didn't have
14 duels anymore.

15 Seriously, I want to express my appreciation
16 and thanks to the city council for it's expression of
17 confidence in me. I want to say to all of you that I
18 will do my best to serve Prospect as mayor for the
19 remaining 17 months of this mayoral term.

20 And I also want to say that I want, and
21 probably need, your support and your input and
22 your advice.

23 And my door will always be open. So, please,
24 freely come and tell me what's on your mind,
25 whether it's here at a city council meeting or

1 whether it's on a Tuesday or a Thursday or what
2 have you.

3 All right. Having done that, I think we're
4 through with our business.

5 COUNCIL MEMBER LEONARD: We need
6 to establish a procedure for placing -- or re --
7 getting a city council member.

8 We had talked about it, but I don't think we
9 had completed the timeline.

10 COUNCIL MEMBER BOWLING: Can we
11 do that in a special meeting?

12 MAYOR EVANS: Can't -- this meeting
13 wasn't called for that.

14 MR. POTTS: Not that. But I think you
15 could certainly -- the mayor could, with your input,
16 put out a notice to people who are interested in --
17 in becoming candidates for the vacant council
18 position, and -- and certainly we can set another
19 special meeting a week from now, or, whatever you
20 want to do, remembering that -- that Mike died on
21 the 12th of July, so that by the 11th of August we
22 need to fill that position.

23 COUNCIL MEMBER LEONARD: I think at
24 the last meeting we did talk about sending out a
25 notice tomorrow.

1 MR. POTTS: Yeah, we did.

2 COUNCIL MEMBER LEONARD: What we
3 didn't do was select the deadline --

4 MR. POTTS: Right.

5 COUNCIL MEMBER LEONARD: -- for
6 receiving the information.

7 MR. POTTS: Well, I mean, I think that
8 can be something administratively that the mayor's
9 office can do.

10 MAYOR EVANS: We'll turn our attention
11 to that in the morning.

12 MR. POTTS: Right.

13 MAYOR EVANS: And, you know, as long
14 as you do that --

15 MR. POTTS: Track [phonetic] somebody
16 four or five days, then that -- that will certainly --
17 you know, that's what you did with the mayor.

18 COUNCIL MEMBER LEONARD: We had
19 tentatively talked about having it being this Friday
20 at 3:30.

21 MR. POTTS: Right. Right. And then,
22 you know, I don't know that that would be a
23 problem with -- with doing it that way and then
24 having the special meeting next Monday.

25 COUNCIL MEMBER LEONARD: Monday.

1 MS. SIMMS: Monday at 6.

2 MR. POTTS: At 6, I believe --

3 COUNCIL MEMBER MILES: 6:00, yes.

4 MR. POTTS: -- is what Stuart had said
5 would be --

6 COUNCIL MEMBER TUCCI: Fine.

7 MAYOR EVANS: But we're not discussing
8 it; right?

9 MR. POTTS: We're not going to make the
10 decision.

11 MAYOR EVANS: I mean tonight.

12 MR. POTTS: No. No, we're not going to
13 discuss it tonight, but that's already been
14 established at the regular meeting.

15 MAYOR EVANS: I understand.

16 MR. POTTS: And so, we can -- we can --
17 you can take action on it after you review the
18 minutes.

19 MAYOR EVANS: Grover, I was just
20 making fun of the fact that you already had
21 discussion.

22 Is there anything else to properly come before
23 this special meeting?

24 COUNCIL MEMBER TUCCI: Just the
25 motion for adjournment.

1 COUNCIL MEMBER MILES: I want to
2 thank everybody for showing up tonight. I'm sorry
3 it was so short, but I think that's a really good
4 thing, so ,I appreciate you taking the time to come
5 out and participate in -- in our governmental
6 processes here.

7 MAYOR EVANS: All right. Is there a
8 second?

9 COUNCIL MEMBER LEONARD: Second.

10 COUNCIL MEMBER BRAB: Second.

11 MAYOR EVANS: All in favor?

12 COUNCIL MEMBERS: Aye.

13 MAYOR EVANS: Meeting's adjourned.

14 [WHEREUPON, the Special City Council Meeting
15 concludes at 6:15 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

.

My Commission Expires: Notary Public

.

AUGUST 27, 2013

.

Notary ID: 402347

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