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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

MARCH 19, 2012

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4 MAYOR EBERLE: Welcome everyone.

5 This is the March Madness edition of the Ci -- the
6 Prospect City Council meeting. Our regular
7 meeting, March 19, 2012, of the Prospect City
8 Council. And I have called the meeting to order.

9 The agenda is in the back. We also have
10 some handouts in the back. One of them was a --
11 a late entry. But as we move through the agenda,
12 we'll point out what is in -- in the back, and if you
13 haven't gotten copies, Holly can make extra ones,
14 if we run out, but I think we're going to be okay.

15 We do have two special orders tonight. We
16 are pleased and honored to have the new director
17 of Metro Planning and Design Services, Phil Bills,
18 here. And -- and also another special order, not
19 so unfamiliar to us, Kroger Company and -- and
20 Danny Lethco and Glenn Price.

21 First -- and I -- and we do not have any -- any
22 ordinances. And -- and I do not, at this point,
23 anticipate a need for an executive session.

24 CITY ATTORNEY POTTS: [nods head]

25 MAYOR EBERLE: With that summary,

1 we'll move to the first agenda item, which is
2 approval of the Minutes for the Regular City
3 Council Meeting of February 20th. Those -- a hard
4 copy are in your binders, and we did send out an
5 electronic link earlier today. I'll entertain a
6 motion that they be approved -- and -- and -- or
7 adopted as written or if there's any changes.

8 COUNCIL MEMBER SCOTT: I -- Todd,
9 excuse me, but I noted in reading through that this
10 afternoon, when you e-mailed them out, that there
11 was one section talked about about River Road and
12 42 and the water buildup. It's --

13 MAYOR EBERLE: Right.

14 COUNCIL MEMBER SCOTT: Here it is,
15 under "New Business" --

16 MAYOR EBERLE: Right.

17 COUNCIL MEMBER SCOTT: --
18 "Councilman Mike Scott expressed concern. . ."
19 That wasn't me. I don't know who on the council
20 brought --

21 COUNCIL MEMBER SIMON: That --

22 COUNCIL MEMBER SCOTT: -- that up.

23 COUNCIL MEMBER SIMON: -- was me.

24 COUNCIL MEMBER SCOTT: Okay. I just
25 thought --

1 COUNCIL MEMBER SIMON: Yeah.

2 COUNCIL MEMBER SCOTT: -- we ought

3 to --

4 MAYOR EBERLE: Oh, okay.

5 COUNCIL MEMBER SCOTT: -- get that
6 corrected.

7 COUNCIL MEMBER SIMON: Yeah.

8 MAYOR EBERLE: Okay.

9 COUNCIL MEMBER SIMON: I had talked
10 about the -- and we'll talk about that again
11 tonight.

12 COUNCIL MEMBER SCOTT: Okay.

13 MAYOR EBERLE: Okay. I -- I apologize
14 for that.

15 COUNCIL MEMBER SCOTT: No problem.

16 MAYOR EBERLE: And with that
17 correction, which is on the third page, under "New
18 Business," it says: "Council Member Mike Scott. .
19 ." and we will substitute that with "Council Member
20 Alan Simon."

21 COUNCIL MEMBER SIMON: Move to --

22 MAYOR EBERLE: A motion --

23 COUNCIL MEMBER SIMON: -- correct it.

24 MAYOR EBERLE: -- to accept the
25 minutes, as amended.

1 COUNCIL MEMBER SIMON: So moved,
2 with the correction.

3 MAYOR EBERLE: Simon.

4 We have a second?

5 COUNCIL MEMBER LEONARD: Second.

6 COUNCIL MEMBER SCOTT: Second.

7 MAYOR EBERLE: Those in favor, signify
8 by saying "aye."

9 COUNCIL MEMBERS: Aye.

10 MAYOR EBERLE: Opposed, say "no."

11 COUNCIL MEMBERS: [no response]

12 MAYOR EBERLE: And we have adopted
13 our -- our Council minutes. We'll make sure we'll
14 get that changed. I'm sure I won't forget.

15 Mayor's Report. The main activity of the last
16 several weeks has been centered around the police
17 department. And I want to, first off, thank Larry
18 Johnson, who has been serving as our Acting
19 Police Chief, and he'll give the police report
20 tonight.

21 Larry ha - holds the rank of Captain and has
22 been with the City of Prospect and our police
23 department for --

24 CAPTAIN JOHNSON: 32 years.

25 MAYOR EBERLE: 32?

1 COUNCIL MEMBER SIMON: He's
2 ancient.

3 MAYOR EBERLE: Yeah. Just -- just a
4 kid. He served as Acting Police Chief once before.
5 And he has done an admirable job while we
6 conduct the search for a new chief.

7 I'm very pleased to announce that we have
8 selected a new chief. He has accepted our offer.
9 He will be formally sworn in at the April meeting.
10 And I have -- and I actually did a -- an office
11 swearing in on March 15th; so he is the -- he is
12 officially able to act as Police Chief, so. . . And
13 his name is Jeffrey Scott Sherrard. He has
14 considerable experience with the old City of
15 Louisville and their police department, and then
16 after a merger. And I believe, I want to say, 27
17 years, total?

18 CAPTAIN JOHNSON: I think that's right.

19 MAYOR EBERLE: And 19 of those in
20 command positions. He holds a bachelor's degree
21 from Uni -- University of Louisville in Police
22 Administration. And, as he likes to say, he comes
23 from a family of police officers. His mother had
24 five sons and there was only one that failed to --
25 to comply with the joining a police force, so. . .

1 COUNCIL MEMBER TUCCI: There's one
2 in every family.

3 MAYOR EBERLE: There's -- yeah, the
4 black sheep.

5 But I think you'll -- you'll enjoy meeting him.
6 His -- he has been in briefly. He'll be in and out
7 again this week. And the beginning of next week
8 will be his first full day, which will also be our
9 March Police Department Meeting. So he will be
10 formally introduced to the officers at that point.
11 I'm sure all the officers will have a chance to at
12 least meet him in -- in advance of that. But we're
13 looking forward to that.

14 I wanted to thank the members of the
15 interview committee and the search committee who
16 gave up two full days, and I'm sure some time at
17 home pouring over applications. We had 21
18 applications; we conducted 7 interviews, 3 second
19 interviews, and they narrowed it down to two
20 names, which they gave to me.

21 And that committee, we had Council Member
22 Loretta Ertle and John Embry, if you'll raise your
23 hand back -- out there, he's a member of our
24 Ethics Commission. He sat in; Larry sat in; Ann
25 sat in; and -- and I sat in. So it was, I think, at

1 least during my tenure, we've made some good
2 selections. I think this was probably one of the
3 most important and one of the most difficult ones
4 for hires that we have -- we have been able to
5 make, so. . .

6 We also will be conducting a -- a -- a search
7 for second in command. And as many of -- as -- I
8 think -- well, it was in the newsletter. Lieutenant
9 Dennis Wine has also retired. And after Chief
10 Sherrard is -- is hard at work, we will consider
11 what we want to do with regards to the second in
12 command. But that -- then that shall be coming --
13 that should be coming up fairly soon.

14 Not to mention the fact that Officer Larry
15 Johnson is also going to be retiring later this
16 month. So we're going -- we'll have our hands full
17 making adjustments in the police department.

18 But I do want to thank the members of the
19 committee. John, in particular, had to take off
20 vacation days. Loretta was not feeling well, at
21 least, in the last round of interviews, had a bad
22 cold, so. . . But we got it done.

23 Financial Update. Just to summarize, right
24 now, at the end of eight months, we have 82% of
25 our revenues, budgeted revenues have been

1 received. At this point 67% of our expenses have
2 been dispersed, and we'll have more. That'll come
3 into focus as we get our next quarter of monies in
4 from the insurance premium tax. Things seem to
5 be in -- in fairly good shape at this point.

6 Forestation Board Update. I know the Chair
7 Lee Tucci is here. We have -- have received
8 official notice of Tree City USA re-certification.
9 It's for the fourth year in a row. That is given by
10 the Arbor Day Foundation in -- in conjunction with
11 the National Association of State Foresters and
12 the Department of Agriculture Forest Service.

13 I want to thank our committee for pulling us
14 through and -- and making sure that we qualified
15 again for that -- for that award.

16 We're working on the be 2012 Annual
17 Forestation Plan, should -- which should be ready
18 by the April meeting; is that right, Lee?

19 MR. TUCCI: Yes --

20 MAYOR EBERLE: Okay.

21 MR. TUCCI: -- that's correct.

22 MAYOR EBERLE: For the Council to
23 consider. So that should be on time.

24 We're planning -- now that the -- well, as soon
25 as the -- things dry out a little bit, we'll be

1 removing somewhere around 25 stumps that have
2 accumulated over the -- the past year and a half.
3 And we'll be cleaning those up. And also, either
4 planting in those same locales or -- and -- and
5 also finding additional locations to plant trees
6 in -- in public areas.

7 The -- one thing I do want to mention, we do
8 not have jurisdiction over private property. But as
9 Lee can tell you, we -- we -- we still -- we -- we do
10 have some sway on -- with regards to aesthetics in
11 forestation. And many of you will probably
12 remember before the leaves fell off the trees,
13 there have been for several years, two dead trees
14 in the Dairy Queen parking lo -- or Dairy -- Dairy
15 Queen parcel across street. We asked them to --
16 to please consider removing them. And I want to
17 thank them; they voluntarily removed those --
18 those trees. Makes it much more attractive.

19 Anything else the -- that you can think of?

20 MR. TUCCI: [no audible response]

21 MAYOR EBERLE: Okay. Forestation
22 Board.

23 Parks and Recreation. Boy, they are busy
24 scheduling things. And I'll just run through these.

25 Sunday, March 25th, the Early Spring Bird

1 Walk. Paul McAllister will lead that along the
2 Harrods Creek Trail.

3 Sunday, April 1st, Spring Wildflower Walk.
4 Jacqueline McRale [phonetic] will be heading that
5 up. And that's going to be at Putney Pond and
6 Woodlands starting at 1:00 on that Sunday.

7 Saturday, April 14th, Garlic Mustard Pull.
8 That's always a -- a -- a fun time. Linda Wardell
9 will be had -- heading that up. That's a Saturday
10 from 9 to noon at the Fox Valley Drive entrance to
11 Putney Pond.

12 Sunday, April 22nd, Harrods Creek Birthday
13 Paddle to benefit the Kentucky Waterways
14 Alliance, and the committee is participating in
15 that. It will be on Harrods -- along Harrods Creek
16 and will feature canoes and kayaks.

17 Sunday, May 27th, is the Late Spring Bird
18 Walk. Again, Paul McAllister will be leading that.
19 That's from 8:30 until noon.

20 And finally, Saturday, June 2nd, Harrods Creek
21 Trail Open House, which will be the -- which will
22 coincide with National Trails Day. And I think -- I
23 know Stuart will be one of the trail guides --

24 COUNCIL MEMBER MILES: M-hm.

25 MAYOR EBERLE: -- or will be involved

1 with that.

2 And, anything else, Stuart? You -- you've met
3 with some Boy Scouts, the Eagle Scout candidates
4 this afternoon I know.

5 COUNCIL MEMBER MILES: Yes. I met
6 with two Eagle Scout candidates, and we walked
7 over to Putney Pond and Woodlands property and
8 are looking to [phonetic] a boardwalk in a marshy
9 area that we have and also doing possibly
10 benches. And they're very eager to get started.
11 So, hopefully, we can get two new projects going
12 back there.

13 And then we've continued to do work on the
14 Harrods Creek Trail, making it more accessible
15 and a little less muddier in places. So we're --
16 have a systematic way of getting that all neatened
17 up for the mushy spring we're having. But it's --
18 every time I go, I see more new people, meet more
19 new people, and they all seem to really like it. So
20 it looks like it's working out well.

21 MAYOR EBERLE: I'm also told by your
22 wife, as a matter of fact, that the wild flowers are
23 in full force, given the early spring that we have
24 on the Harrods Creek Trail, and I'm sure Putney
25 Pond as well.

1 COUNCIL MEMBER MILES: Yeah. We --

2 MAYOR EBERLE: So. . .

3 COUNCIL MEMBER MILES: -- we walked
4 it Sunday, and she found ten different variety of
5 wild flowers. And they're all -- she went back and
6 identified them. They're all Kentucky native wild
7 flowers. They don't seem to be invasive. Except
8 for the garlic mustard.

9 MAYOR EBERLE: The garlic mustard.
10 Which will -- will --

11 COUNCIL MEMBER MILES: But they
12 really are --

13 COUNCIL MEMBER TUCCI: They're
14 probably --

15 COUNCIL MEMBER MILES: -- they
16 really --

17 COUNCIL MEMBER TUCCI: -- native,
18 too.

19 COUNCIL MEMBER MILES: -- they really
20 are beautiful. And this is just -- if you haven't
21 been there, this is a perfect time to go check it out
22 for the first time. Because the -- the foliage
23 starting to come out, the wild flowers are in bloom,
24 and it's just really, really nice.

25 COUNCIL MEMBER TUCCI: Even along

1 Little Hunting Creek Park here --

2 MAYOR EBERLE: Right.

3 COUNCIL MEMBER TUCCI: -- we've just
4 got a blanket of --

5 COUNCIL MEMBER MILES: Daffodils.

6 COUNCIL MEMBER TUCCI: -- bright,
7 waxy yellow flowers. They're just beautiful.

8 COUNCIL MEMBER MILES: That's where
9 the boardwalk's going is right through there.

10 COUNCIL MEMBER TUCCI: Yeah.

11 COUNCIL MEMBER MILES: So it's going
12 to be a lovely little walk every spring.

13 COUNCIL MEMBER TUCCI: Beautiful.

14 MAYOR EBERLE: And I urge to you get
15 out and also to participate in some of the events
16 that the -- that the committee has been working
17 on.

18 We have put signage in each of our four
19 parks. And we are adjusting some of the locations
20 and the heights of those. We met with
21 representatives from Fox Harbor yesterday and
22 also we're going to move, I guess, both of the
23 picnic tables somewhat and make some
24 adjustments in that. But all the parks have been --
25 have received signage.

1 The next item is the MSD force main.

2 COUNCIL MEMBER TUCCI: Library
3 Committee.

4 MAYOR EBERLE: Oh, okay. Yeah. Well,
5 yeah. I -- I rearranged it online.

6 COUNCIL MEMBER TUCCI: Oh. I'm
7 sorry.

8 MAYOR EBERLE: But at any rate. . .
9 Library Committee update.

10 COUNCIL MEMBER LEONARD: I just
11 wanted to -- some of you know my husband's had a
12 series of medical issues with cancer, so I have not
13 spent my normal time upstairs in the library.

14 And the same couple who are leading the bird
15 walk are -- have also -- the McAllisters, done a
16 fantastic job of keeping things going upstairs.
17 You'd never know there was any fewer number of
18 hours spent by other volunteers up there, they've
19 done so well.

20 All of the books and all of the CDs have come
21 in from the money that we raised from the last
22 book sale. And boxes and boxes are coming in for
23 the next book sale. So I really want to you thank
24 everybody.

25 MAYOR EBERLE: Good. And as a

1 reminder the book sale is Friday and Saturday,
2 May 18th and 19th. And do we have it 9 to 5 again
3 both days, I believe?

4 COUNCIL MEMBER LEONARD: 9 to 5.
5 That -- that works very well.

6 MAYOR EBERLE: Yeah.

7 COUNCIL MEMBER LEONARD: It really
8 does.

9 MAYOR EBERLE: It -- and it's easy to
10 remember, too --

11 COUNCIL MEMBER LEONARD: M-hm.

12 MAYOR EBERLE: -- so. . .

13 MSD Force Main Project. The easement of
14 purchase has been approved and it was approved
15 at our last Council meeting.

16 The MSD board was to have met on the 12th of
17 this month, but they did not get it on the agenda.
18 They will be meeting the 26th. I think they meet
19 every two weeks. So we anticipate that the MSD
20 board will also be endorse the easement purchase,
21 and that -- that will allow us to move ahead or
22 allow MSD to move ahead with the -- with the force
23 main project, particularly with regards to the
24 Harrods Creek area.

25 Also, MSD River Road Interceptor Project. I'll

1 remind everyone that we -- that they will be
2 making a cut through Timber Ridge Drive between
3 US 42 and -- and River Road, closer to the Bristol
4 area there. We are told that there will be only
5 momentarial -- momentary interruptions there.
6 They'll do one lane at a time. But there will be
7 some traffic holdups there. Probably looking at
8 that in the next two weeks.

9 MS. SIMMS: Yes.

10 MAYOR EBERLE: The next two weeks
11 [phonetic]?

12 MS. SIMMS: M-hm.

13 COUNCIL MEMBER MILES: I --

14 MAYOR EBERLE: Go ahead.

15 COUNCIL MEMBER MILES: -- I was
16 going to comment on MSD and -- and this joint
17 project, but I don't want to jinx it, so I'll wait until
18 they pass it.

19 [laughter]

20 COUNCIL MEMBER MILES: I'll comment
21 on it next month. But I was hoping they would've
22 passed it on the 12th and I could talk about how we
23 worked things out and how exciting the project will
24 be. But, again, not to jinx it, I'll wait until they
25 pass it and then we can gush about it at that point

1 in time.

2 MAYOR EBERLE: And I do want to thank
3 Stuart Miles and Grover for heading up the
4 negotiations on that. I think we came up -- we --
5 can we say very well, at least that much?

6 COUNCIL MEMBER MILES: Yes.

7 MAYOR EBERLE: Okay. And I -- and I
8 think -- and I'm -- and I'm advised by Steve Emly
9 with -- the chief engineer at MSD, that he doesn't
10 see any problem. And so, hopefully, we can gush
11 in April.

12 I have asked MSD and the water company to
13 re-pave Timber Ridge from the Bristol to River
14 Road after the cut is made. And it's somewhat
15 fortuitous that the new -- well, the -- the executive
16 director of the water company and the interim
17 director of -- of MSD are one and the same right
18 now.

19 So I've been -- I've -- I've written a letter, I
20 think I included it in your packets, requesting that.
21 So, hopefully, we'll be able to get that paved. It's
22 a -- it -- it's an area that we didn't pave this year
23 in our paving because we anticipated that we could
24 get it done by the water company and MSD when
25 this happened, so, hopefully --

1 COUNCIL MEMBER SIMON: When they
2 started talking about that project, when they were
3 moving all the dirt and stuff out at that time, we
4 had representatives here --

5 MAYOR EBERLE: Right.

6 COUNCIL MEMBER SIMON: -- and we
7 asked them the question: Were they responsible
8 because of all the heavy trucks are going across
9 that --

10 MAYOR EBERLE: Right.

11 COUNCIL MEMBER SIMON: -- were they
12 going to be able to maintain that road. At that
13 point in time they basically told us that --

14 MAYOR EBERLE: Maybe.

15 COUNCIL MEMBER SIMON: -- maybe.

16 MAYOR EBERLE: We'll see what --

17 COUNCIL MEMBER SIMON: You know,
18 they're putting a lot of trucks on our roads and
19 then maybe. But -- so this is a good move.

20 MAYOR EBERLE: Real quickly, and this
21 is something I forgot to put on the agenda but was
22 reminded of today, the Metro Mayor Fischer's
23 Week of Service is Sunday, April 15th through
24 Sunday, April 22nd. And if you go to their website,
25 and, in fact, you can just Google week probab --

1 well, you can go to Metro Louisville and I'm sure
2 there's a link to Week of Service or
3 www.mygiveaday, all one word, mygiveaday.com.
4 They are asking that anybody that does community
5 work, including, I'm -- I'm sure if we have a trail
6 event, that a -- a trail work -- work day, in --
7 during that week, they would like us to report that.
8 And they're trying to get a -- a number of -- a -- a
9 set number of hours that -- or of community
10 service in all parts of the city. So I'd be nice --

11 COUNCIL MEMBER LEONARD: Does it
12 have to be just outdoors?

13 MAYOR EBERLE: Pardon?

14 COUNCIL MEMBER LEONARD: Does it
15 just have to be outdoors?

16 MAYOR EBERLE: No.

17 COUNCIL MEMBER LEONARD: Because
18 we [points upstairs] --

19 MAYOR EBERLE: Yeah. Yeah. I
20 mean --

21 COUNCIL MEMBER LEONARD: -- we
22 have a lot.

23 MAYOR EBERLE: -- it could be --

24 COUNCIL MEMBER LEONARD: I mean,
25 we --

1 MAYOR EBERLE: -- something with
2 regards to the library.

3 COUNCIL MEMBER LEONARD: Okay.
4 I'll get you numbers.

5 MAYOR EBERLE: Yeah. Some people
6 are painting community organizations inside.

7 COUNCIL MEMBER LEONARD: M-hm.

8 MAYOR EBERLE: You know, painting the
9 walls and that kind of stuff.

10 COUNCIL MEMBER LEONARD: Well, we
11 have at least ten hours a week upstairs.

12 MAYOR EBERLE: Yeah. We ought to --
13 we ought to --

14 COUNCIL MEMBER LEONARD: We ought
15 to put it in.

16 MAYOR EBERLE: Yeah.

17 COUNCIL MEMBER LEONARD: Okay.

18 MAYOR EBERLE: We'll let them know
19 we're --

20 COUNCIL MEMBER MILES: What was
21 those dates again?

22 MAYOR EBERLE: Sunday, April 15th
23 through Sunday, April 22nd. So those -- those two
24 weekends and the week in-between.

25 Finally, in the back of your materials, I'll note

1 a commendation for -- that was received with
2 regards to Officer Elgin Price. And it has to do
3 with, I think, something we discussed or one of
4 the -- the residents here discussed at our February
5 meeting. A good outcome with regards to a theft
6 investigation on the part of Officer Price.

7 And finally, in appreciation for Rumpke.
8 Michael Sweeten's not here, is he? Okay. I think
9 I sent it to him. And one of their employees went
10 above and beyond to help someone load some
11 things in, so -- but I'll call your -- commend those
12 to you.

13 That's it with the Mayor's Report. Unless we
14 have any questions?

15 COUNCIL MEMBERS: [no audible
16 response]

17 MAYOR EBERLE: I will turn it over, for
18 the police report, to Larry Johnson, Captain --

19 CAPTAIN JOHNSON: And --

20 MAYOR EBERLE: -- Johnson.

21 CAPTAIN JOHNSON: -- we also have
22 another letter in the back commending Marianne
23 Haverlin on transporting a, you know, lady to the
24 hospital. Her husband was transported EMS and
25 she couldn't drive for medical reasons, so she did

1 take her over there. And they wrote a letter on
2 that.

3 The other two officers that I want to commend
4 is Officer Mike Thomas and Officer Elgin Price for
5 working a lot of hours on the background checks
6 for the new chief, which took a lot of time. And
7 both of them did an excellent job on that.

8 MAYOR EBERLE: We got three binders
9 for the background checks for -- for three checks
10 we did. And they are, like, that thick.

11 CAPTAIN JOHNSON: A lot of
12 information. A lot of information.

13 Do you-all have anything else and I'll try to
14 answer?

15 MAYOR EBERLE: Do you want to go over
16 the -- we got the -- we have the statistical report
17 in the binders.

18 CAPTAIN JOHNSON: Yeah.

19 MAYOR EBERLE: Anything unusual --

20 CAPTAIN JOHNSON: No.

21 MAYOR EBERLE: -- Larry?

22 CAPTAIN JOHNSON: Nothing unusual. I
23 think citations are up. Calls for service are down
24 so far for the -- from -- from last year's.

25 MAYOR EBERLE: Now the monthly

1 departmental meeting will be, as I said, the
2 twenty --

3 CAPTAIN JOHNSON: Sixth.

4 MAYOR EBERLE: -- sixth. A week from
5 today.

6 CAPTAIN JOHNSON: Yeah. That's true.

7 MAYOR EBERLE: And the -- and that will
8 be dedicated to getting to know the new chief --

9 CAPTAIN JOHNSON: New chief.

10 MAYOR EBERLE: -- so. . .

11 Have there been any Eighth Division meetings
12 that any officers have attended.

13 CAPTAIN JOHNSON: Marianne attends
14 those. But I think theirs -- there hasn't been
15 another one. I think they were seeing who's going
16 to host the next one at this time.

17 MAYOR EBERLE: Any questions of
18 Captain Johnson?

19 COUNCIL MEMBERS: [no audible
20 response]

21 MAYOR EBERLE: Well, we are ready to
22 move to our first special order. And we're -- as I
23 indicated, we're very pleased to have the new
24 director of Metro Planning & Design Services,
25 Phillip Bills. And I know he has a -- a schematic

1 of the -- of our zoning overview on the wall back
2 there or on the side wall. And we have extra
3 copies up here that I will. . . There's one. If you
4 want to follow along.

5 Thank you, Director, for coming to hold forth
6 [phonetic].

7 MR. BILLS: Thank you very much, Mayor
8 Eberle.

9 Ladies and gentlemen of the council, I'm now,
10 I guess, beginning my fourth -- about my fourth
11 month in the position and it's getting -- kind of
12 getting used to being back at the planning
13 commission. I actually started my planning career
14 there 40 years ago this month, so. . . Back -- way
15 back when.

16 I had a -- a lot of -- I learned a lot when I was
17 there the first time, and then I spent a lot of time
18 out in the private sector for several years. And
19 it's a great opportunity to come back and work with
20 the planning commission and -- and -- and the --
21 and all the cities in the -- in the county.

22 It's -- one -- one thing that I had thought of
23 before I even got back here was that I wanted to
24 go around and meet with all the second and third
25 and fourth class cities to kind of develop a line of

1 communication. I don't think there's been one for
2 a long time. And one of the things I've been able
3 to do is provide each city a copy of their zoning
4 map of their city. And you -- you have two of them
5 there. And for the -- everybody in the audience,
6 there's the one out here.

7 And I think it's just something would be -- be
8 very helpful to the cities. We can update this
9 every year or -- or, you know, depending on what
10 kind of change -- changes you have in your -- in
11 your city about the -- related to your zoning map.
12 We can provide additional copies.

13 When you look at the -- the bottom there, your
14 city logo is a little fuzzy. So we'll try to get that
15 fixed up and get it back to you. It's -- probably
16 needs something that's got a little better quality
17 on the computer digitally.

18 You know, again, I do wanted to respond
19 and -- and help out the city whenever -- whenever
20 you want. You know, we can provide staff to come
21 out any time you have any questions or I'd -- I'd
22 be happy to answer any questions that you might
23 have.

24 If you ever have any questions about training
25 and Planning -- Planning Commission issues, we

1 could provide that information, too. We do have
2 periodic training sessions at the Planning
3 Commission for planning commissions or staff, and
4 you're certainly welcome to attend those. I can
5 add you to our e-mail list so you can see -- get
6 information in that regard. Requirements from --
7 in KRS for planning commissioners and staff to
8 have a certain number of hours every year and
9 training outside of the -- their efforts there.

10 As you know, we had a -- an audit of the
11 Planning Commissioners shortly after Mayor
12 Fischer came in. And we're in the process of
13 implementing some of those issues right now that
14 the Planning Commission staff is working on it.
15 And we have a -- a group of other folks outside of
16 the Planning Commission that are helping to work
17 on that also.

18 Also, part of it was the updates in the Land
19 Development Code. And I e-mailed -- I think I
20 e-mailed Grover a -- a copy of the Phase 1 of the
21 Land Development Code updates. There are a lot
22 of things that were fairly simple; definitions,
23 con -- we found conflicts in the code. And on
24 May -- Mar -- March 29th there's going to be a
25 public hearing on those revisions, which would be

1 held at the Planning Commission. And all the
2 information will be sent out to you. And again,
3 Grover already has copy of -- of a list of those.
4 There's quite a -- quite a few pages that would --
5 that'll be helpful.

6 We're getting ready to start Phase 2 of that.
7 And there's a -- a number of issues that -- that
8 we've cited that are problems with the Land
9 Development Code that we're going to try to fix,
10 change up -- change and just provide a little bit
11 better code. There's -- there's just some problems
12 in it that we want to cure and get rid of.

13 The Comprehensive Plan for the county is
14 due -- according to KRS, it has to be updated
15 every five years, and that will be due in June of
16 next year, June of 2013. So we're getting ready
17 to start working on that. This one will probably be
18 a fairly simple update, dealing more with the data
19 and so on like that. But then we'll -- shortly after
20 that, we'll probably look at maybe a major update
21 because Cornerstone 2020 is starting to get a
22 little age on it right now.

23 There are -- the Mayor did send me some
24 information on the different proposals or changes
25 that you have I think pending in -- in that part of

1 the code that you've adopted so far. So we're --
2 I've been looking at those.

3 There's -- a number of the small cities have
4 not adopted the most current part of the code, and
5 that's -- some of them are still operating under of
6 the previous code, the one that was existent prior
7 to 2004. And -- and one of those -- Indian Hills is
8 getting -- they're going to drop that one and adopt
9 the new one here sometime soon, so. . .

10 I'd be happy to answer any questions that you
11 might have. I have looked at the information the
12 Mayor sent me in kind of a quick scan this
13 afternoon. I'd be happy to answer any questions.

14 CITY ATTORNEY POTTS: Welcome back.

15 MAYOR EBERLE: Yes.

16 MR. BILLS: Thank you.

17 COUNCIL MEMBER TUCCI: Yeah.

18 COUNCIL MEMBER MILES: And I want to
19 thank Mr. Bills, when I was chairing the Prospect
20 Green 2010, he was very helpful to our committee,
21 giving his time and giving us some advice on trail
22 locations and what have you. So I -- I want to
23 thank you --

24 MR. BILLS: Thank you.

25 COUNCIL MEMBER MILES: -- for that

1 work in the past with us.

2 MR. BILLS: That was when I was in my --
3 in my previous life.

4 COUNCIL MEMBER MILES: In his
5 previous life.

6 COUNCIL MEMBER TUCCI: And in his --

7 MAYOR EBERLE: And the --

8 COUNCIL MEMBER TUCCI: -- extra
9 curricular life he's --

10 MAYOR EBERLE: -- trails have become a
11 reality now.

12 MR. BILLS: Yeah. Again, if -- you know,
13 if there's any questions, I'd be happy to answer
14 them.

15 MAYOR EBERLE: I think we're going to
16 be considering -- I don't know in -- in detail to
17 the -- probably not in any detail tonight, but the
18 conditional use permits. Could you kind of put
19 that in a -- in the perspective as to how that fits
20 into the overall --

21 MR. BILLS: Well --

22 MAYOR EBERLE: -- Land Development
23 Code?

24 MR. BILLS: -- the conditional use
25 permits are typically land uses which don't

1 necessary fit in any one classification. Like, they
2 may not fit in a residential zone but they're not
3 appropriate maybe in the -- in the industrial zone
4 either.

5 So the conditional-use permit is kind of a
6 special type use that can be -- you know, it really
7 fits almost anywhere sometimes. And so they'll --
8 you know, there's -- there's quite a wide range of
9 them. And -- and as you see, there's a --
10 there's -- I mean, a lot of -- a lot of different uses
11 that -- that are appropriate. You know, in one way
12 or another, it's almost anywhere.

13 And so it's an -- but, what they do, the
14 conditional uses also require maybe special design
15 features to be looked at, maybe additional
16 landscaping to help buffer the use, even though
17 it's little different, so. . . But you -- you do have
18 a -- a number of them that I see that you want to
19 eliminate from the con -- conditional use section
20 as it applies to -- to Prospect.

21 MAYOR EBERLE: So each zoning
22 classification permits some conditional uses.

23 MR. BILLS: Right.

24 MAYOR EBERLE: Unless we -- and we
25 can -- if -- if we do nothing, we will accept that --

1 MR. BILLS: Yeah.

2 MAYOR EBERLE: -- as we -- okay.

3 MR. BILLS: And some of them -- you
4 know, there's some that require, for example, well,
5 let's just take the M3 industrial district. If you
6 want to have a salvage yard or a -- or a junkyard,
7 it has to be in the M3 with a conditional use. It --
8 you know, it's not appropriate in any other zone
9 but it's required there.

10 Some of them -- some uses are permitted in
11 all zones with a conditional use permit. So there's
12 a -- just a number of different things.

13 CITY ATTORNEY POTTS: We --

14 COUNCIL MEMBER TUCCI: But the
15 city --

16 CITY ATTORNEY POTTS: -- we have
17 the --

18 COUNCIL MEMBER TUCCI: I'm sorry.

19 CITY ATTORNEY POTTS: Go ahead.

20 COUNCIL MEMBER TUCCI: I'm sorry.

21 CITY ATTORNEY POTTS: We have the
22 2004 --

23 MR. BILLS: 2004.

24 CITY ATTORNEY POTTS: -- code --

25 MAYOR EBERLE: Right.

1 CITY ATTORNEY POTTS: -- that we
2 adopted it in January of 06 --

3 MAYOR EBERLE: 06, yeah.

4 MR. BILLS: M-hm.

5 CITY ATTORNEY POTTS: -- with a lot of
6 exclusions --

7 MR. BILLS: Yes.

8 CITY ATTORNEY POTTS: -- including
9 certain zoning districts --

10 MR. BILLS: Right.

11 CITY ATTORNEY POTTS: -- that we
12 don't have. We don't have any industrial zoning
13 districts here.

14 MR. BILLS: M-hm.

15 CITY ATTORNEY POTTS: So the same
16 way is true with respect to conditional uses, in
17 that, we went through and picked out conditional
18 uses that we didn't want to have --

19 MR. BILLS: M-hm.

20 CITY ATTORNEY POTTS: -- in any zones
21 and so excluded all of those. And that's kind of
22 how we did by exclusion; we established the -- the
23 land --

24 MR. BILLS: And again, I think, you
25 know, there's some more that are proposed to be

1 added with the current information --

2 CITY ATTORNEY POTTS: Right.

3 MR. BILLS: -- that the mayor sent me
4 today --

5 CITY ATTORNEY POTTS: Right.

6 MR. BILLS: -- so. . .

7 COUNCIL MEMBER MILES: So there are
8 some uses you wouldn't necessarily need to list if
9 they are only allowed in zoning that we've
10 already --

11 CITY ATTORNEY POTTS: Right.

12 MAYOR EBERLE: Right.

13 CITY ATTORNEY POTTS: If you -- if
14 you -- yeah. You wouldn't have to list anything,
15 for example, in the -- in the M1, 2 or 3 zoning
16 districts --

17 COUNCIL MEMBER MILES: Right.

18 CITY ATTORNEY POTTS: -- because we
19 don't have them.

20 COUNCIL MEMBER MILES: Right.

21 MR. BILLS: Yeah.

22 COUNCIL MEMBER SIMON: Back then, it
23 was Lonnie, myself, and Grover, went -- went
24 through those old -- we went through all the
25 zoning, the C1, the C2s, the residential, and we

1 pulled out what we didn't want to have in the City
2 of Prospect --

3 MAYOR EBERLE: Right.

4 COUNCIL MEMBER SIMON: -- and we
5 excluded all those.

6 MAYOR EBERLE: And we're -- and we're
7 about to embark on that same process again.
8 And -- and after you amend the Metro Code, I
9 guess we'll -- we'll look at it again.

10 MR. BILLS: Yeah. You might -- you
11 know, maybe the changes that you want to make,
12 you might want to wait until after this hearing on
13 the 29th and -- so maybe you can do them all --

14 MAYOR EBERLE: At the same time.

15 MR. BILLS: -- at one time together.

16 MAYOR EBERLE: Make it more
17 confusing.

18 MR. BILLS: Yeah. That way, you know,
19 you wouldn't have to do it twice.

20 COUNCIL MEMBER MILES: What are
21 accessory apartments?

22 MR. BILLS: Accessory --

23 MAYOR EBERLE: Accessory uses?

24 MR. BILLS: There's accessory
25 apartments, and those sometimes are -- they're --

1 if you have a -- in -- it was kind of set up largely
2 for -- in the urban area, you know, like in Old
3 Louisville or places like that, where you may have
4 a garage at the --

5 CITY ATTORNEY POTTS: Carriage
6 house.

7 MR. BILLS: -- rear that has a second
8 floor on it --

9 COUNCIL MEMBER MILES: M-hm.

10 MR. BILLS: -- that -- that -- where --
11 where there could be a --

12 COUNCIL MEMBER MILES: Okay.

13 MR. BILLS: -- an apartment up there.

14 Sometimes -- there's couple of definitions,
15 one, that deals with -- you know, if you have a son
16 or a daughter that comes back home and wants to
17 live kind of independently but don't have to pay a
18 rent.

19 [laughter]

20 MR. BILLS: And -- and that can -- you
21 know, they can live in an -- in a situation like that.

22 COUNCIL MEMBER MILES: Gotcha.

23 Okay.

24 MR. BILLS: You know, it's -- it is a
25 separate living unit with bathroom, kitchen, and so

1 on.

2 COUNCIL MEMBER MILES: And it's
3 usually detached from the main house?

4 MR. BILLS: There's both. I've seen both
5 of them somewhere. You know, like be in the
6 basement with separate entrance.

7 COUNCIL MEMBER MILES: Gotcha.

8 MR. BILLS: But also at -- in a garage at
9 the rear. Over a garage at the rear. So. . . Okay.

10 MAYOR EBERLE: Any other questions?

11 COUNCIL MEMBERS: [no audible
12 response]

13 MAYOR EBERLE: Comments?

14 COUNCIL MEMBER MILES: Thank you.

15 MR. BILLS: All right. Thank you.

16 COUNCIL MEMBER TUCCI: Thank you.

17 MAYOR EBERLE: Thank you. Thank
18 you, Director, we appreciate it.

19 The second special order is a -- maybe we can
20 get -- get that -- it's a little too close [phonetic].

21 Kroger Company, Danny Lethco is here. And
22 most of us are familiar with Danny from his
23 previous appeary -- appearances.

24 Also Glenn Price is here, and we've -- we've
25 had the opportunity to get to know Glenn over the

1 past -- over the past year with regards to the
2 Kroger Company plan.

3 That plan has now gone to the Metro Land
4 Development and Transportation Committee, and
5 from that committee to the full Metro -- Louisville
6 Metro Planning Commission, and it has been
7 approved. And I think we are ready to examine
8 what has been approved by the Planning
9 Commission.

10 So I will turn it over to -- to. . .

11 Danny, you want to go first? Danny --

12 CITY ATTORNEY POTTS: Before --

13 MAYOR EBERLE: -- Lethco.

14 CITY ATTORNEY POTTS: -- before we
15 do that --

16 MAYOR EBERLE: And -- okay.

17 CITY ATTORNEY POTTS: -- let me -- let
18 me make sure everybody is on the same page here.

19 Originally, when Kroger came to us with this
20 request, we said we want to hear what you have to
21 say.

22 Subsequently, we passed Ordinance 516,
23 which allowed for Kroger to do what they've done.
24 And that is to go to the Planning Commission and
25 to the LD&T Committee and file an application,

1 which, in part, deals with a re -- dealt with a
2 re-zoning on a piece of property that is not part of
3 the City of Prospect, but is on Carslaw within
4 Louisville Metro.

5 They also made a request to expand the
6 Village Center Form District, which 516 -- our
7 Ordinance 516 now allows. And they have made a
8 request for three landscape waivers as part of
9 their application.

10 And so they are in the second stage of what
11 we've asked them to do. They -- or the third stage
12 now. They came to us, told us what they were
13 doing. We passed 516, which would allow them to
14 go to the Planning Commission and to the Land
15 Development Code.

16 They've successfully been approved by the
17 Land Develop -- by the Land Development and
18 Transportation Committee and the Planning
19 Commission, and those organizations have made
20 recommendations back to the City of Prospect to
21 approve the expansion of the Kroger store and
22 recom -- and recommend approval, also, of the
23 three waivers for landscape buffering.

24 So that's kind of -- sets the stage on where
25 we are now. We are now, for the first time,

1 considering the actual plan that has been approved
2 by both Land Development and Transportation
3 Committee and the Louisville Metro Planning
4 Commission and has been recommended by those
5 agencies back us to. So if there's any
6 questions --

7 MAYOR EBERLE: And --

8 CITY ATTORNEY POTTS: -- before we
9 proceed?

10 MAYOR EBERLE: -- just for a -- a -- a
11 further point of information, we -- we just received
12 this afternoon three, four documents --

13 CITY ATTORNEY POTTS: [nods head]

14 MAYOR EBERLE: -- in the form of
15 resolutions. Those are attached together. There
16 are several copies back there in the back. If we
17 run out, Holly can make more. And I did put those
18 at each of your locations. It deals with the actual
19 expansion of the footprint and the waivers with
20 regards to the east, the west, and the south
21 borders of -- of -- of a parcel that Kroger -- the
22 shopping center parcel.

23 So, with that, I guess we will -- are you -- we
24 ready to --

25 CITY ATTORNEY POTTS: M-hm.

1 MAYOR EBERLE: -- to go ahead?

2 Danny, do you have notes on what. . .

3 We probably need to kill the. . .

4 John, can you get -- I think it's the far. . .

5 Yeah. That one.

6 Well, do you still have enough light, Danny?

7 MR. LETHCO: Oh, yeah.

8 MAYOR EBERLE: Okay.

9 MR. LETHCO: Thank you.

10 MAYOR EBERLE: Thank you, John.

11 MR. LETHCO: Danny Lethco,
12 address,1600 Ormsby Station Court, Louisville,
13 40223. Thank you for allowing us to come to
14 speak before you today. It seems like it's been a
15 long time since I --

16 COUNCIL MEMBER SIMON: It has --

17 MR. LETHCO: -- was out here.

18 COUNCIL MEMBER SIMON: -- been.

19 MR. LETHCO: Did everybody enjoy the
20 mild winter?

21 Mr. Miles apparently did. He's got a tan. All
22 the rest of us are still white, but. . .

23 COUNCIL MEMBER MILES: Just got a
24 white shirt on.

25 MR. LETHCO: But thank you -- thanks

1 for letting us come before you tonight.

2 And as you -- as you have all -- were hearing,
3 we've been busy since the last time we were here
4 meeting with a lot of Metro people, Phil and his
5 people, to -- to try to get approval of what we need
6 to -- to go forward with our expansion.

7 Basically, what I'll start with is the
8 development plan that many of you have seen. I
9 do see a couple of faces that I don't recognize.
10 So I guess I'll take a couple of extra minutes as
11 we go through this just to explain exactly what
12 we've done with the site plans in case somebody
13 has not seen it before. So that's what we'll try to
14 do, if I can work this thing correctly.

15 Basically what -- this is the site plan of the
16 Kroger store. We are planning on expanding the
17 store. If you're facing the store, to the left, all
18 the way over to our Wine and Spirits store, which
19 is over here on this side right now. And so,
20 basically, we'll take out those shops to the left.
21 Those two tenants will relocate over to this side of
22 the center. And -- and so we'll expand both out
23 the back and to the side of the -- of the store.

24 What was referred to earlier to as far as after
25 a piec -- a parcel that needed to be re-zoned,

1 there's a one-acre parcel that the very corner of
2 this expansion goes into that needed to be
3 re-zoned. We had a conditional use, as what
4 somebody mentioned earlier, was just for parking.
5 And so that will go away and this will actually be
6 re-zoned for -- for commercial use, which will
7 allow us to expand our store the way we would like
8 to.

9 We've also created an additional entrance on
10 to Timber Ridge Drive that will help with some of
11 the congestion that happens over here with this,
12 the one entrance to the shopping center. This will
13 be landscaped, very well designed, sidewalks,
14 some back racks, a lot of issues going on right
15 here, just to make the -- the shopping center a -- a
16 lot prettier, I guess, is the best word I can come
17 up with. And -- and really -- really some nice
18 additions that we're -- we're planning on putting in
19 here.

20 In your proposal you will notice there's some
21 bike lanes that have been added to Timber Ridge
22 Drive on both sides that will provide for bikes to
23 be able to travel that easier.

24 There's a sidewalk that will be connected in
25 front of the -- that ends right now behind the

1 McDonald's that'll be connected along this area
2 here and over to Carslaw Court.

3 We're also taking out one shop space to the
4 left right now, that is the Sam Meyers Cleaners.
5 They will slide over a little bit, will allow us to
6 have a pharmacy drive-thru through here.

7 And probably the bel -- all those items that
8 I've mentioned so far that we've had on the plan
9 before, one of the major items that we've added to
10 the plan, there was some -- some -- a neighbor
11 that was concerned with not enough screening
12 along Carslaw Court, and so we've added a huge
13 row of trees, evergreens, along this to -- to shield
14 this from Carslaw Court.

15 And then -- and so really to show you little bit
16 better, is a color plan that -- that shows all of the
17 greenery and then the trees and everything that
18 we've added here, trees along the residential, the
19 home that -- that sits in here and -- and all along
20 through here, as well as this -- some additional
21 areas. And again, the -- the middle entrances has
22 been landscaped quite a bit.

23 Just to show you a little bit better on the tree
24 issue is this is along Carslaw Court, heavily treed
25 to shield truck traffic and things like that from --

1 this parcel behind, across the street, has not been
2 developed yet; it's vacant. But if it was
3 developed, this would definitely help screen this
4 area back here.

5 As far as the elevations are concerned, ex --
6 existing elevations, we tried to carry that theme
7 all the way across, the shop space, as far as ex --
8 expansion of the store.

9 So, basically, over where -- kind of where the
10 pharmacy entrance, I'll call it right now "the
11 secondary entrance," that will be a large entrance
12 just like the -- the main entrance is now with some
13 steeples and stuff over the top of it to kind of draw
14 attention to that.

15 And so those are kind of the major items that
16 go along with the plans of what we would like to --
17 to have approved.

18 And the waivers and things like that that were
19 mentioned before, I'm going to ask Mr. Price to
20 talk about those, because those are more of a -- a
21 legal-type issue and I think he's better at that than
22 I am.

23 And so we can stop here and ask me
24 questions. Is that what you'd like to do, Mr. --

25 MAYOR EBERLE: [no audible response]

1 MR. LETHCO: Okay.

2 MAYOR EBERLE: Yeah.

3 MR. LETHCO: And can I go backwards on
4 whatever we want to do on that, too, so. . .

5 COUNCIL MEMBER SIMON: I have one
6 question. When we're going back where traffic is
7 coming out of the center onto Carslaw Court.

8 MR. SPEAKER: Let's see. How do I go
9 back.

10 MAYOR EBERLE: Ye -- right. Yeah. Up.
11 Up a little.

12 COUNCIL MEMBER ERTEL: There.

13 COUNCIL MEMBER SIMON: Right there.
14 Right there.

15 COUNCIL MEMBER ERTEL: Yeah.

16 COUNCIL MEMBER SIMON: The next
17 one. But -- that --

18 MR. LETHCO: You want the color one
19 or --

20 COUNCIL MEMBER ERTEL: No.

21 MR. LETHCO: -- do you want that one?

22 COUNCIL MEMBER SIMON: Back up.

23 Back.

24 COUNCIL MEMBER ERTEL: Back. Back.

25 COUNCIL MEMBER MILES: One more.

1 COUNCIL MEMBER SIMON: One more

2 COUNCIL MEMBER MILES: One back --

3 one more to the --

4 MR. LETHCO: Okay. My bad.

5 COUNCIL MEMBER MILES: -- larger
6 one.

7 MR. LETHCO: I thought you wanted
8 the --

9 COUNCIL MEMBER MILES: No. The
10 other way.

11 MAYOR EBERLE: There you go.

12 MR. LETHCO: Okay.

13 COUNCIL MEMBER SIMON: Where we're
14 seeing traffic coming out of the center onto to
15 Carslaw Court.

16 MR. LETHCO: Right here?

17 COUNCIL MEMBER SIMON: Right.

18 MR. LETHCO: Yes.

19 COUNCIL MEMBER SIMON: Carslaw
20 Court is a nondedicated street.

21 MR. LETHCO: Yes, sir.

22 COUNCIL MEMBER SIMON: Nobody
23 maintains it. Who's going to maintain that street
24 when you're putting traffic onto it and it gets ruts
25 in the roads, you've got semis on it, who's going

1 to maintain that road?

2 MR. LETHCO: Mr. Simon, who fixes it
3 now? Doesn't the county --

4 COUNCIL MEMBER SIMON: I --

5 MR. LETHCO: -- isn't the county
6 responsible for it?

7 COUNCIL MEMBER SIMON: It's a
8 nondedicated street.

9 MR. LETHCO: Somebody has to fix it. I
10 mean, it just doesn't go --

11 COUNCIL MEMBER LEONARD: There's
12 some trucks going on to it now.

13 MR. LETHCO: -- it just doesn't go
14 unfixed.

15 COUNCIL MEMBER SIMON: Well, that --
16 that's not -- that -- that -- that street does not
17 meet county standards.

18 MR. SPEAKER: That's a Metro road.

19 MAYOR EBERLE: With regards to width,
20 I know --

21 MR. LETHCO: I'm --

22 MAYOR EBERLE: -- it doesn't, but. . .

23 COUNCIL MEMBER SIMON: Right. So --

24 MR. LETHCO: I'm being told --

25 MAYOR EBERLE: Somebody --

1 MR. LETHCO: -- it's a Metro road --

2 COUNCIL MEMBER SIMON: I mean,
3 I'm -- I'm just concerned -- I mean, I think bringing
4 traffic out onto that road and bring it to -- by the
5 Convenient there is a dangerous intersection, and
6 we're bringing a lot of traffic out to a spot there
7 where there's no light.

8 COUNCIL MEMBER ERTEL: M-hm.
9 That's true.

10 COUNCIL MEMBER SIMON: But I'm
11 concerned about when that road gets in disarray,
12 who's going to maintain it. It's not the City of
13 Prospect. And it's -- and it doesn't meet county
14 standards. So the county cannot legally take care
15 of it, can they?

16 MR. PRICE: Yes.

17 COUNCIL MEMBER SIMON: They can?
18 Okay.

19 I -- I mean, I just me -- I just don't want to
20 see that road get in a -- in a mess there and we
21 have a problem with it because nobody is
22 maintaining it.

23 I mean, that -- that street was not meant to be
24 a -- a cut through street. That was actually a
25 court at one time; that's why it was named Carslaw

1 Court. And they opened it up at River Road. It
2 didn't use to go all the way through to River Road;
3 it was a private court. And the residents on that
4 street used to pave -- take care of the pavement of
5 that street.

6 So I -- I'm just asking that question because
7 I'm concerned about traffic coming out and coming
8 by Convenient right there where there's no light
9 and it's a dangerous intersection. I'm sure the
10 chief can tell you we have a lot of issues right
11 there. So I'm just concerned about safety there.

12 MR. LETHCO: I understand.

13 MR. PRICE: I -- I might be able to
14 answer that a little bit because I understand that
15 that's a legitimate concern that you have.

16 If you could put that one -- that larger --
17 yeah.

18 MR. LETHCO: Here, I got -- I can point.

19 MR. PRICE: Okay.

20 MR. LETHCO: What do you want to point
21 at? Just touch the front one.

22 MR. PRICE: Now I think you're making a
23 good -- a good point, Mr. Simon. Because, you
24 know, once Carslaw Court became not really a
25 court but a road that has access as Timber Ridge

1 does on both 42 and on River Road, you've got cut
2 through traffic. And what -- what -- what happened
3 here now is that since the -- since coming through
4 this area, right in through there, a customer -- a
5 pharmacy customer, for example, can come
6 through there and can come out onto Carslaw
7 Court.

8 I think what will happen is that somebody
9 coming out on Carslaw, heading to 42, will do so
10 only if they can take a right-hand turn. And the
11 reason for that is because if you come through this
12 area, you can still come right around and get back
13 on Timber Woo -- Wood [sic].

14 If you want to get out on 42 and make a left,
15 and by coming out to Timber Wood you'd be able to
16 do that at the light. So by and large, Carslaw
17 Co -- Court should not experience any sort of
18 dramatic addition of -- of the traffic it -- that it
19 now carries.

20 COUNCIL MEMBER SIMON: Well, I'm
21 still saying we're -- but you're still bringing semis
22 out through there; correct?

23 MR. PRICE: I don't think so.

24 MAYOR EBERLE: Not too --

25 COUNCIL MEMBER SIMON: At that --

1 that -- that's where the -- that's where the semis
2 are coming in, isn't it?

3 MR. LETHCO: Well, I'm not going to say
4 that won't happen because we, of course, have
5 independent semis as well as Kroger semis. So
6 sometimes they kind of choose their own way. But
7 that is not the -- the -- the design. I mean, they --
8 they have other ways to -- to get in and out. And
9 most of the time they -- they come down --

10 COUNCIL MEMBER SIMON: I mean, I
11 have --

12 MR. LETHCO: -- through here.

13 COUNCIL MEMBER SIMON: -- I have no
14 problem with the project other than that stop right
15 there. And I think because of Carlaw Court being
16 a nondedicated street, it doesn't meet county
17 standard, you're bringing excess traffic on the
18 street. And who's going to maintain it?

19 MR. LETHCO: Mr. Simon, basically, if --
20 all I can tell you is, if that street gets potholes in
21 it and we've got traffic on it, our customer is going
22 to call us. They're going to as -- they don't care if
23 it's -- doesn't belong to Kroger or not; that's
24 whose name is on that store, and that's who they
25 expect to get it fixed. I mean, that happens every

1 day. That's part of my job. They call me and we
2 call who is ever responsible and we try to get it
3 fixed. Or sometimes we put cold patch and
4 everything in it ourselves.

5 COUNCIL MEMBER SIMON: I know but a
6 cold patch doesn't last long. I mean --

7 MR. LETHCO: I understand.

8 COUNCIL MEMBER SIMON: -- if there's
9 a major --

10 MR. LETHCO: I'm just --

11 COUNCIL MEMBER SIMON: -- if there's
12 a major re-paving, who's going to take care of it?
13 I mean, who's it fall on?

14 MR. PRICE: I -- as I understand it,
15 we're -- we'll -- we'll be adjourning this and then
16 there will be a second meeting at some point.

17 MAYOR EBERLE: Yeah.

18 MR. PRICE: We'll verify this, but we've
19 been advised earlier, although, I don't have
20 anything in writing, and that's why I think that we
21 should verify it, that the road is, in fact, a Metro
22 road. But there has been enough issue that's been
23 brought up about Carslaw that I think we ought to
24 check it and get --

25 COUNCIL MEMBER SIMON: I mean,

1 because it --

2 MR. PRICE: -- more information.

3 COUNCIL MEMBER SIMON: -- if it -- if
4 it's really a -- if it -- if it's not a -- if it's a true
5 nondedicated street, then that creates a problem.

6 MAYOR EBERLE: We can -- and --

7 MR. PRICE: Well, it would create a
8 maintenance problem, I think you're right.

9 MAYOR EBERLE: You can -- yeah. And
10 I -- I'm -- I'm -- I'm --

11 COUNCIL MEMBER SIMON: I just want
12 to --

13 MAYOR EBERLE: Especially --

14 COUNCIL MEMBER SIMON: -- I want to
15 take care of that before the problem happens is all
16 I'm concerned about.

17 MR. PRICE: I understand.

18 COUNCIL MEMBER SIMON: I have no
19 problem with the project, but I just think that's an
20 area that's -- that's really gray of the whole thing.

21 MR. PRICE: Okay.

22 MAYOR EBERLE: And I'm very happy to
23 hear Mr. Lethco's comment that all the people that
24 see the potholes there and will call the Kroger.

25 MR. LETHCO: They do. They do.

1 COUNCIL MEMBER ERTEL: Want to --

2 MAYOR EBERLE: Do you --

3 COUNCIL MEMBER ERTEL: -- give out --

4 MAYOR EBERLE: -- guarantee that?

5 COUNCIL MEMBER ERTEL: -- your

6 phone number?

7 MR. LETHCO: I -- I get them every --

8 every day, Mayor Eberle.

9 MAYOR EBERLE: My home phone is in

10 the book. Is yours?

11 MR. LETHCO: Okay. Both of us will get

12 it. Okay.

13 MAYOR EBERLE: No. But a couple of

14 questions that I had. On the extra entrance --

15 MR. LETHCO: Yes, sir.

16 MAYOR EBERLE: -- you said there's --

17 would be some landscaping in there. Would

18 there -- would -- would there be trees in there?

19 Would it increase the tree canopy or are we talking

20 shrubbery or do you have a plan specifically?

21 MR. LETHCO: I'm going ask Scott

22 Hannah with Heritage Engineering; he's kind of --

23 MAYOR EBERLE: Okay.

24 MR. LETHCO: -- designed that for us.

25 So, if you don't mind letting me let him address

1 that.

2 MR. HANNAH: Scott Hannah, Heritage
3 Engineering. I don't know if I -- do I need to state
4 my address?

5 MAYOR EBERLE: [no audible response]

6 MR. HANNAH: 642 South 4th Street,
7 Louisville, Kentucky 40202.

8 There is trees. We have several. And it's
9 kind of hard to see. We didn't zoom in there. But
10 we have several landscape beds with medium size
11 trees in it. And we -- and we've got -- we've been
12 working on this for a while, Danny and I have, but
13 some -- some bike rack areas and even some
14 bench areas for folks to sit in. So we're trying to
15 kind of give it a -- a --

16 MAYOR EBERLE: Park?

17 MR. HANNAH: -- a park-like feel in a
18 very small area. We don't have a lot of area to
19 work with, but we're trying our best. So there's --
20 you know, down towards the store, right above
21 those handicapped spaces, we're adding some
22 medium size trees as well as -- as -- towards
23 Timber Ridge. So, yes, sir, to answer your
24 question.

25 MAYOR EBERLE: By "medium size"

1 trees, do you have any -- any example or. . . I
2 know Lee Tucci's tree board is here, but. . .

3 MR. HANNAH: I -- you know, if I had it
4 to -- to do, I'd probably throw, like, a little bell
5 hawthorn in there.

6 MAYOR EBERLE: Yeah.

7 MR. HANNAH: That's -- that's a medium
8 size tree that I like to use.

9 MAYOR EBERLE: Yeah.

10 COUNCIL MEMBER TUCCI: I have a
11 question that actually my husband could probably
12 deal with better than I, which is that we have
13 seen, in some places, obviously, you plant a nice
14 tree and then it -- it has nowhere to go because
15 it -- it doesn't get enough water, you know,
16 because you're blocked with all of that asphalt.

17 And in some places, just in a little strip that
18 runs along that median they plant -- they put in a
19 more porous kind of block so that you -- you end
20 up with getting, you know, another foot of -- on
21 each side of the median that water can drain into
22 and then get down to feed those roots.

23 It's the sort of thing that's hard to do after
24 the fact. It's like all kinds of remodeling; if you
25 do it from the get-go, it's easy. If first you pave

1 it, then you have to dig it up, then it's expensive.

2 I think Republic Bank -- am I right, Lee -- has
3 something --

4 MR. TUCCI: That's --

5 COUNCIL MEMBER TUCCI: -- like that.

6 MR. TUCCI: -- correct.

7 COUNCIL MEMBER TUCCI: Yeah.

8 MR. TUCCI: There -- there's ways of
9 increasing the porosity of the area immediately
10 around the trees so they get sufficient water. It's
11 quite important if you're going to have trees
12 survive on a long term basis. And it also keeps
13 your overall cost down because you won't have to
14 worry about replacing that tree after it died after
15 two years.

16 MAYOR EBERLE: For the reporter, Ms.
17 Kithcart, that's Lee Tucci.

18 MR. TUCCI: If go out at Republic Bank
19 off of the -- the Gene Snyder, part of their parking
20 lot is made up of little blocks instead of solid
21 surface with about a half-inch between the blocks.
22 That's so water can go down in there. And that's
23 where they also have trees, right around the edge
24 of their lot.

25 MR. HANNAH: Yeah. They -- they -- I

1 am actually Republic's engineer and -- and
2 landscape architect as well. I dot -- did not work
3 on that specific project. But they were preserving
4 some existing trees and they did a real nice job
5 there.

6 MR. TUCCI: M-hm.

7 MR. HANNAH: I wasn't planning on any
8 major improve -- or infrastructure for the new
9 trees that I plant because I don't -- I think a --
10 like, a little bell hawthorn does pretty well in an
11 urban setting. But it's something I can look into.

12 COUNCIL MEMBER TUCCI: I'd
13 appreciate it.

14 MR. HANNAH: Okay. Thank you.

15 MR. LETHCO: I wrote it down.

16 COUNCIL MEMBER MILES: And, Mr.
17 Lethco, the bike trail striping along Timber Ridge,
18 is that envision going from 42 to River Road?

19 MR. LETHCO: The whole --

20 MR. HANNAH: I can --

21 MR. LETHCO: The whole --

22 MR. HANNAH: -- answer that. Yes.

23 MR. LETHCO: -- way.

24 MR. HANNAH: Yeah.

25 COUNCIL MEMBER MILES: And is that

1 something that Kroger is going to do?

2 MR. HANNAH: Yes.

3 MR. LETHCO: That's on our plan --

4 COUNCIL MEMBER MILES: Okay.

5 MR. LETHCO: -- yes.

6 COUNCIL MEMBER MILES: And then how
7 wide will it be? I mean, four feet on each side?

8 MR. LETHCO: Yes.

9 MR. HANNAH: 4, 14 -- yeah, it's 4 feet
10 on each side, so your lanes are 14 feet.

11 MR. LETHCO: And it's actually in your
12 ordinance.

13 COUNCIL MEMBER MILES: Okay.

14 Great.

15 The other question is, and I can't remember,
16 I've tried to look over my notes, and I didn't have
17 time to look through. You've -- you've been here
18 so many times, to look through all the minutes that
19 we've had on this topic. But --

20 MR. LETHCO: Unless --

21 COUNCIL MEMBER MILES: -- at one --

22 MR. LETHCO: -- you've got --

23 COUNCIL MEMBER MILES: -- point in
24 time --

25 MR. LETHCO: -- insomnia, that would be

1 a bad idea.

2 COUNCIL MEMBER MILES: Yeah.

3 Somebody -- somebody brought up the question of
4 electric car charging stations. And -- and I had
5 asked you about that, if it was in the plan. And I
6 didn't -- I didn't know if you had said it or
7 somebody had said it, and -- and I understand that
8 that's something that isn't in the plan. And I -- I
9 get that. And I'm not going to suggest that you
10 have to do that at this point in time.

11 But I didn't know what you guys were doing on
12 the front of the store electricity-wise, and if that
13 was something that you could wi -- if you were
14 doing something where you could maybe put the
15 infrastructure for that and then down the road, if
16 that's something you wanted to do.

17 Similar to her suggestion about it costs more
18 to rip it out and put the blocks in. That if that was
19 something that your customers wanted you to do,
20 and it was something that was a -- a need and a
21 convenience, that it would make it cheaper and
22 more probable for you to do it?

23 MR. LETHCO: Mr. Miles, currently we're
24 kind of keeping our finger on the pulse on that.
25 We have a national engineer that's been involved

1 with some tests with the government because the
2 government has offered grants to be able to do
3 that. But as it turns out, the grants don't really
4 pay for a whole lot.

5 But it's really a -- an individual charging
6 station that would be installed, the ones that we're
7 looking at currently. And -- and so we -- there are
8 no plans on this particular plan right now to -- to
9 put any charging stations in. But it is something
10 that -- that, you know, we're -- we are -- we're
11 pro-active green. And -- and so we're trying to do
12 a lot of things like that to -- for the future.

13 I'm -- I'm tempted with \$4 a gallon gas to go
14 get me a Volt myself. So, you know, we und -- we
15 understand that.

16 And I just saw something in the paper this
17 weekend where there was a section of road out in
18 California --

19 COUNCIL MEMBER MILES: Right.

20 MR. LETHCO: -- that was --

21 COUNCIL MEMBER ERTEL: Oregon,
22 yeah.

23 MR. LETHCO: -- actually --

24 COUNCIL MEMBER TUCCI: Yeah.

25 MR. LETHCO: -- named Electric --

1 Electric Road or something.

2 COUNCIL MEMBER ERTEL: Uh-huh.

3 MR. LETHCO: And --

4 COUNCIL MEMBER MILES: I know

5 Walgreens, I think, is doing a lot of their stores

6 and --

7 MR. LETHCO: And we --

8 COUNCIL MEMBER MILES: -- so --

9 MR. LETHCO: -- we have --

10 COUNCIL MEMBER MILES: -- they're

11 progressive.

12 MR. LETHCO: -- we have stores in

13 California.

14 COUNCIL MEMBER MILES: Right.

15 MR. LETHCO: And so that's kind of the
16 way things progress. Things start out there and
17 go -- come this way.

18 So, again, we're -- we're keeping our finger
19 on the pulse and -- and looking at it, but there
20 is -- it is not planned in this right now. And we
21 are not doing anything to make it easier to do that
22 in the future. Because, again, it's a -- they're
23 charging stations that you install. We'd hook them
24 into our existing electricity and -- and go with it at
25 that time.

1 COUNCIL MEMBER MILES: And that was
2 my question. I didn't know if you had the existing
3 electricity out there to do it or if you were going to
4 be running wire out there anyway. You -- you
5 know, it would cost you pennies on the dollar to do
6 it now versus having to come back and retrench
7 your parking lot and --

8 MR. LETHCO: The smart thing would be
9 to put them next to light posts.

10 COUNCIL MEMBER MILES: Right.

11 MR. LETHCO: And that's what the plan
12 will be.

13 COUNCIL MEMBER MILES: Okay.
14 Thanks.

15 COUNCIL MEMBER ERTEL: I have a
16 question.

17 MR. LETHCO: Yes.

18 COUNCIL MEMBER ERTEL: I have asked
19 this before but circumstances and schematics have
20 changed since then. So I just wanted to get an
21 idea, with the new entrance into the center and
22 with the landscaping going to be part of that, how
23 will that affect the re-stripping of the of the parking
24 spaces; will they be smaller or just fewer with the
25 same size or. . .

1 MR. LETHCO: I -- I'm going to let Scott
2 address this again, because he's -- he's been
3 intimately designing this area. I think we've -- we
4 might have changed some -- you know, some
5 widths of some parking behind some retail and
6 things like that. But I'm hearing we're not
7 condensing the parking size.

8 MR. HANNAH: We -- we -- there's a --
9 basically we are -- we are lo -- in this exact area
10 we're losing a -- a -- some spaces in this area, of
11 course.

12 So we are -- we do have a -- a -- a small loss
13 of parking. And I don't know that number off the
14 tope of my head in the front of the line. But once
15 we got rid of the fuel station, if we -- you know, we
16 were -- we were really happy with the parking, so
17 we weren't as con -- concerned about that. But we
18 did lose a few.

19 COUNCIL MEMBER ERTEL: So you just
20 lost a few, but you haven't condensed the others
21 or made them smaller?

22 MR. HANNAH: No. No. I've changed
23 some -- to -- to get this -- this walk in here, I
24 have -- I have reworked some parking in so -- in
25 this area, so they are slightly smaller in this area.

1 They still meet minimum standards, 24-foot drive
2 lane and 18-foot path -- or 18-foot long space.
3 Right now they've got some pretty big drive lanes
4 in there.

5 COUNCIL MEMBER ERTEL: And how
6 wide?

7 MR. HANNAH: They're nine feet.

8 COUNCIL MEMBER ERTEL: Nine feet.
9 How does that compare to where -- what they are
10 now?

11 MR. HANNAH: They're -- some of them
12 are -- they're nine and nine and a half out there.
13 They aren't exactly consistent.

14 COUNCIL MEMBER ERTEL: Oh. So
15 that's --

16 MR. HANNAH: Yeah. They -- I think
17 they -- overall they were designed to be nine and a
18 half.

19 COUNCIL MEMBER MILES: So some of
20 them will lose six inches on --

21 COUNCIL MEMBER ERTEL: Six inches.

22 MR. HANNAH: Yeah.

23 COUNCIL MEMBER MILES: -- three --

24 MR. HANNAH: You lose a little width in
25 your drive lane in -- in -- in this -- on this -- just

1 this row right here.

2 COUNCIL MEMBER MILES: Okay.

3 MR. HANNAH: This -- this area right
4 here.

5 MAYOR EBERLE: But we would not lose
6 as many spaces had -- as we would have had we
7 had the fueling --

8 MR. HANNAH: No.

9 MAYOR EBERLE: -- fueling --

10 MR. HANNAH: It's like -- it --

11 MAYOR EBERLE: -- station?

12 MR. HANNAH: -- it -- it's like 40.

13 MAYOR EBERLE: Yeah.

14 MR. HANNAH: Yeah. I would've lost 40
15 more spaces. Yes. That's just off the top of my
16 head. But it's something like that.

17 MR. LETHCO: I was going to say 50,
18 so. . .

19 MR. HANNAH: Yeah.

20 MAYOR EBERLE: Is there any --

21 COUNCIL MEMBER TUCCI: There's a
22 question out there.

23 MR. SPEAKER: There's a question Mr. --

24 MAYOR EBERLE: No. We'll -- we'll hold
25 that for --

1 COUNCIL MEMBER TUCCI: Okay.

2 MAYOR EBERLE: -- citizen comment.

3 COUNCIL MEMBER TUCCI: Okay.

4 MAYOR EBERLE: Is there any -- is there
5 any way to work around taking the drive-thru back
6 into the -- to parking area? Because that is right
7 where we wanted to build the shared use path that
8 we adopt -- that we adopted as a City Council in
9 2008 in our mobility plan for a shared use plats --
10 plats to -- to connect all the shopping areas in our
11 commercial district.

12 Could you -- and I guess the second question
13 would be: Wouldn't it be possible to -- to come
14 through the drive-thru and go out the back on the
15 other -- other side there?

16 MR. LETHCO: Go that way?

17 MAYOR EBERLE: Yeah. Right. Arou --
18 around like that.

19 MR. LETHCO: Yes, you could.

20 MAYOR EBERLE: And -- and I -- you
21 know, I al -- also realize that -- well, and we've
22 raised questions -- or Alan -- or Con -- Congre --
23 Councilman Simon has raised issues about
24 Carslaw, so there's -- there is that i -- there is
25 that way to go out. Or you could swing through the

1 back there.

2 COUNCIL MEMBER LEONARD: Isn't
3 there room for both?

4 MR. LETHCO: I -- yes. I -- Mayor, I'm --
5 I'm going to -- I'm going to say we could. And
6 we -- we don't have to bring customers out. We
7 did that because of Mr. Simon and other people's
8 concern ab -- about Carslaw. We -- we designed it
9 that way. When we first presented it to our
10 landlord, he didn't like it.

11 MAYOR EBERLE: Yeah.

12 MR. LETHCO: And -- and so -- but I
13 think you can still do your sidewalk and -- and --
14 and not be impacted by us coming through there.

15 MAYOR EBERLE: And it would --

16 MR. PRICE: Well --

17 MAYOR EBERLE: -- have to be on
18 McDonald's land.

19 MR. PRICE: Yeah. But you're --
20 you're -- you're talking about two different
21 recommendations of the Prospect mobility study I
22 think. One has to do with a -- a pedestrian
23 connection and one has to do with the -- a
24 vehicular connection.

25 MAYOR EBERLE: No. No. It's only -- it

1 was a shared use map.

2 MR. PRICE: Well, but both are high
3 priority recommendations of the mobility study.
4 The median recommendation is the bike lanes,
5 which we're doing.

6 MAYOR EBERLE: There's shared use
7 right there. Yeah.

8 MR. PRICE: Now on the -- on the -- on
9 the pedestrian pathway, what we show is the
10 sidewalk coming straight through here and then
11 straight -- let me get closer.

12 MR. LETHCO: Under the canopy.

13 MR. PRICE: It come -- it comes right
14 here, comes up here --

15 MAYOR EBERLE: Right.

16 MR. PRICE: -- it crosses, goes into the
17 front of the shopping center right over here,
18 straight over to McDonald's par -- existing --
19 existing terminus of McDonald's parking lot.

20 MAYOR EBERLE: And -- and -- and
21 through the pharmacy drive-thru. You have to go
22 through the pharmacy drive-thru.

23 MR. PRICE: You do have to -- you do
24 have to cross the pavement -- or the --

25 MAYOR EBERLE: Right.

1 MR. PRICE: -- the -- as you would to
2 have cross pavement here or here.

3 MAYOR EBERLE: I guess my question is:
4 Couldn't it be brought and go out by the Bristol?

5 MR. PRICE: Around here?

6 MAYOR EBERLE: Yeah.

7 COUNCIL MEMBER LEONARD: But why?

8 MR. PRICE: I don't -- well --

9 MR. HANNAH: But --

10 MR. LETHCO: But most customers are
11 probably not going to that.

12 MR. HANNAH: You talking sidewalk or
13 you talking cars?

14 MAYOR EBERLE: No. I'm just talking
15 about a way to preserve the -- the mobility study.

16 MR. LETHCO: I -- I -- my personal
17 opinion, again, and I -- and I -- we've looked at
18 that and talked about it and that's why we came up
19 with the -- with the sidewalk design through here,
20 is that McDonald's u -- sidewalk already exists. It
21 stops at the edge of their property.

22 So you don't to have do anything with
23 McDonald's, it doesn't appear. It's -- it's the car
24 wash and Circle K that needs to be contacted and
25 added to that existing sidewalk.

1 MAYOR EBERLE: Right. That -- it --
2 the -- the plan was to go -- yeah --

3 MR. LETHCO: And we're not --

4 MAYOR EBERLE: -- behind --

5 MR. LETHCO: -- disrupting --

6 MAYOR EBERLE: -- Circle K.

7 MR. LETHCO: -- anything with the
8 McDonald's sidewalk. We're just tying in the
9 sidewalk in front of our retail in -- you know,
10 that's in the retail shopping center.

11 MAYOR EBERLE: But you -- but you
12 don't think that you could take it out by the
13 Bristol; is that correct?

14 MR. HANNAH: The -- the drive-thru
15 traffic could absolutely go out by the --

16 MR. LETHCO: They can go out that way.

17 MR. HANNAH: That's -- that's -- I mean,
18 we were trying to reduce the -- the use on
19 Carslaw.

20 MAYOR EBERLE: Yeah.

21 MR. HANNAH: Give them an option to go
22 around.

23 MAYOR EBERLE: Well, that would get
24 them back onto Timber Ridge. And if you came out
25 on Carslaw and turned right, it gets you back out

1 on 42.

2 MR. HANNAH: Correct.

3 MR. PRICE: Well, the only thing that I'm
4 sa -- the only thing I'm saying is that the mobility
5 study spe -- specifically says the 300-foot long
6 pedestrian access would extent from Carslaw
7 Cart -- Court behind Circle K to the existing
8 sidewalk adja -- adjacent to McDonald's. So we
9 thought it was very specifically what we were
10 doing to -- to satisfy it.

11 COUNCIL MEMBER MILES: Well, what --
12 what is the width?

13 MR. PRICE: Is it four- or five-foot?

14 MR. HANNAH: It's a pedestrian
15 sidewalk.

16 MR. PRICE: Which is --

17 MR. HANNAH: It's not a multi-use path.

18 COUNCIL MEMBER MILES: Right.

19 MR. HANNAH: It's four feet.

20 COUNCIL MEMBER MILES: It's four
21 feet?

22 MR. HANNAH: Yeah.

23 COUNCIL MEMBER MILES: Is there
24 any --

25 MR. HANNAH: Or sidewalks on -- public

1 right-of-ways are five feet.

2 COUNCIL MEMBER MILES: Is there any
3 room to make it wider, to make it six or eight feet?

4 MAYOR EBERLE: I think eight --

5 MR. HANNAH: Yeah. I could make it --

6 MAYOR EBERLE: -- eight foot --

7 MR. HANNAH: -- six to eight --

8 MAYOR EBERLE: -- is the --

9 MR. HANNAH: -- but I would -- I mean, I
10 would hate to -- if you had a -- well, you know, it's
11 just a -- be a little confusing if you're on a bike to
12 do that. That would be my only -- if you were a
13 real -- what you-guys in your -- you were -- you
14 were looking at a real pedestrian use, and if we
15 did make that straight line. . .

16 MAYOR EBERLE: Well, it would be a
17 shared use, which would include two bicycles
18 passing each other.

19 MR. HANNAH: Yeah.

20 MAYOR EBERLE: In opposite directions.

21 MR. SPEAKER: The front one. The big
22 one.

23 MR. HANNAH: I mean, if we have a
24 straight line -- you know, somehow get an
25 easement from these folks, you could do a ni --

1 you know, a nicer, straight line pass.

2 MAYOR EBERLE: Right. It would --
3 that's where -- yeah.

4 MR. HANNAH: Yeah. But they -- you
5 know, honestly, and they eventually kind of lose --
6 once you get to McDonald's, you're going to use
7 that --

8 MS. SPEAKER: Anyway.

9 MR. HANNAH: -- multi-use pass, unless
10 we find a way to extend it along Re -- Republic's
11 property.

12 So -- but we could make this a six-foot path,
13 easily, and still have room under the canopy.

14 THE REPORTER: I'm sorry --

15 MR. LETHCO: And we really --

16 THE REPORTER: -- under the what?

17 MR. LETHCO: -- were trying to
18 incorporate your mobility plan --

19 MR. HANNAH: Six-foot.

20 MR. LETHCO: -- into our plan --

21 COUNCIL MEMBER MILES: Well, I
22 appreciate that.

23 MR. LETHCO: -- so we could --

24 MAYOR EBERLE: Yeah.

25 MR. LETHCO: -- didn't have to get other

1 property owners' approvals is what --

2 MAYOR EBERLE: Right.

3 MR. LETHCO: -- we were trying to do.

4 COUNCIL MEMBER MILES: Well, yeah, I
5 appreciate that.

6 MR. PRICE: So is the six-footer
7 something we should right down on our notes?

8 COUNCIL MEMBER MILES: Yeah. I
9 mean --

10 MAYOR EBERLE: I would --

11 COUNCIL MEMBER MILES: -- more is
12 better.

13 MAYOR EBERLE: -- say at least.

14 MR. LETHCO: Okay.

15 COUNCIL MEMBER MILES: Yeah. More
16 is better.

17 MAYOR EBERLE: I think the standard for
18 a shared use path is a minimum of eight.

19 COUNCIL MEMBER MILES: Right.

20 MAYOR EBERLE: Yeah. And they --

21 MR. HANNAH: I'll come look at it.

22 MAYOR EBERLE: -- some of the
23 standards are 14-foot.

24 COUNCIL MEMBER MILES: Right.

25 MAYOR EBERLE: But that's -- that's not

1 going to happen.

2 COUNCIL MEMBER MILES: But the wider
3 it is, the -- the more use it'll get, the safer it is.

4 MR. PRICE: Yeah.

5 COUNCIL MEMBER MILES: Especially
6 when you're going to have cars driving, you know,
7 out of the --

8 MAYOR EBERLE: Drive-thru.

9 COUNCIL MEMBER MILES: -- drive-thru
10 and whatnot.

11 MR. LETHCO: Okay.

12 MR. PRICE: Okay. Waivers.

13 MR. SPEAKER: Are you through?

14 MR. PRICE: No. I'm okay. Joyce, could
15 you put up that exhibit that's got the -- yeah.
16 Exactly. Okay. Stop. Go back.

17 These -- there are a total of four waivers.
18 One, that one right there, the blue one, that's from
19 the City of Louisville, and the Planning
20 Commission granted that one. So I won't talk
21 about that one. Although, that's the -- that's the
22 waiver that is adjacent to the single-family house
23 that Danny was talking about. And there's a
24 screen wall that is being placed there.

25 All of the waivers are justified because at the

1 time that the shopping center was built in the year
2 2000, it wa -- it was built under a prior Land
3 Development Code that did not impose the strict
4 perimeter landscaping requirements -- or the
5 stricter land -- landscape -- or perimeter
6 landscaping requirements that we now have today.

7 So on the north side here, we have what I --
8 what we call Number 2. In fact, Grover has a list
9 of these things the way -- the way they -- that they
10 were adopted. And, essentially, this is a -- there's
11 a -- typically -- if you're adjacent an R5A
12 development, which is multi-family, Smithfield
13 Greene, you would have to have a 25-foot
14 perimeter landscape buffer area.

15 However, there is an 8-foot brick wall that
16 extends along the -- up -- basically the entire
17 length of that -- of what -- where you see
18 Number 2 on that drawing. Which pro -- is -- which
19 is protective of the -- the Smithfield Greene
20 residents.

21 And for those two reasons, among others, the
22 fact that it's in -- conforming with the
23 Comprehensive Plan and so forth, that waiver was
24 recommended unanimously by the Planning
25 Commission as being justified.

1 The third one, which is Number 3, this is
2 adjacent to the OR1 portion of the car wash
3 property. You know, the car wash property, which
4 is a -- which is -- abuts us, is C1 in the front and
5 OR1 in back.

6 The OR1 portion is not developed; it has -- I
7 think it's basically a tree or it's -- it -- it's
8 basically in its natural state. That is the area that
9 the mobility study calls for as a -- as a future
10 cut-through towards an access direct -- where's
11 that. . .

12 MR. LETHCO: The big button on the end.

13 MR. PRICE: . . .was -- an -- an access
14 directly through -- sorry my hand's shaking, but
15 it's right there, directly in through on the southern
16 most access point of the shopping center.

17 So, once again, the planning -- because we
18 had pre -- this circumstance had pre-existed, the
19 adoption of the more restrictive landscape code,
20 would would've required a 15-foot landscape buffer
21 because it's adjacent to an office zone as opposed
22 to a low density multi-family zone in the -- in the
23 Case Number 2, the Planning Commission, once
24 again, unanimously recommended that we could do
25 without that because, otherwise, that existing

1 drive would have to come up.

2 COUNCIL MEMBER MILES: Is the 15
3 feet the height?

4 MR. LETHCO: No.

5 MR. PRICE: No. It's the width.

6 COUNCIL MEMBER MILES: Width.
7 Width.

8 MR. PRICE: The width. Yeah. It --
9 we're -- it -- in all of these waivers we are only
10 talking about widths. There are no height -- height
11 variances -- or waivers.

12 And lastly, Number 4, that is along the Timber
13 Ridge Drive frontage. The regulations now say
14 that you cannot have easements in a -- and you
15 cannot overlap a landscape buffer area with
16 easements by more than 50% of the easements.
17 And these -- these underlie 100% of -- of that
18 frontage on the -- of the -- of the landscape buffer
19 area that's on the frontage of the Timber Ridge
20 Drive apartment property.

21 Now, once again, you know, it -- it was built
22 at a time when we didn't have these more
23 restrictive requirements. It does not impact
24 anybody because the adjoining property owners
25 across Timber Ridge Drive are office -- offices,

1 basically, the -- the -- all these different two-story
2 townhouse-type offices that are on the opposite
3 side of the street.

4 And then lastly -- do you -- do you have any
5 questions about those waivers at all?

6 COUNCIL MEMBER LEONARD: If
7 Number 4 --

8 MR. PRICE: Yes, ma'am.

9 COUNCIL MEMBER LEONARD: -- were
10 to -- to meet current standards, what would be
11 different?

12 MR. PRICE: It would require that the --
13 that the buffer area extend substantially further
14 back and would impinge on the shopping center's
15 ability to provide adequate parking.

16 COUNCIL MEMBER LEONARD: Okay.
17 Thank you.

18 MR. HANNAH: I would just move the
19 easement then.

20 MR. PRICE: Huh?

21 MR. HANNAH: I can -- I can answer that
22 question.

23 MR. PRICE: Okay.

24 MR. HANNAH: I -- I wouldn't design an
25 easement. I would move the easement mostly

1 likely. And that would handle it. I -- that's how
2 I'd do it today. 15-foot buffer; only in half the
3 easement in that buffer.

4 MR. PRICE: But you can't

5 MR. HANNAH: If it were --

6 MR. PRICE: -- dig them up today.

7 MR. HANNAH: Yeah. I know. I'm just
8 saying, but if -- if it were --
9 today I would still have 15 feet.

10 MR. PRICE: Oh.

11 MR. HANNAH: That's what I'm saying.

12 MR. PRICE: All right.

13 MR. HANNAH: I would just move the
14 easement to answer your question.

15 MAYOR EBERLE: Just for a point of
16 order for everyone, the -- the three waivers that
17 are in the document in the -- in the rear of the
18 room and that have been distributed to us are 2, 3
19 and 4.

20 MR. PRICE: Correct.

21 MAYOR EBERLE: Number 1 is not in --
22 in those documents. And -- and, as you say, that's
23 already been approved, it's not in the City of
24 Prospect.

25 MR. PRICE: [nods head]

1 Now, the -- the last item is the -- I guess, it's
2 the -- how do you say this -- I didn't -- I never
3 took French in high school, so it's the piece de
4 resistance or whatever, you know, the -- the
5 Village Center Form District expansion criteria.

6 COUNCIL MEMBER MILES: Or the coup
7 de grace?

8 MR. PRICE: Huh?

9 COUNCIL MEMBER MILES: Or the coup
10 de grace?

11 MR. PRICE: Yeah, the coup de grace.
12 The coup de grace. There were -- as -- well, we
13 were going through the different requirements that
14 we have to fulfill to meet that ordinance to be -- to
15 be eligible for your approval. And I realized how
16 many different details of that ordinance -- or
17 that -- the 516 Ordinance we had to comply with in
18 order to basically get teed up.

19 First of all, the -- the construction had to be
20 over 70,000 square feet, and that had to exist
21 prior to the time that the Prospect Land and
22 Development Code was adopted in the year 2006.
23 So we -- we were able to meet that criteria
24 because, in fact, it was built in the year 2000.

25 Secondly, the proposed expansion has to

1 con -- conform with the Comprehensive Plan and
2 with the Prospect Land Development Code. In this
3 case it does, assuming that the Council agrees
4 that the waivers should be approved, and in that
5 case it would meet both the intent and the
6 Prospect Land Development Code.

7 Next, we -- whatever expansion we propose
8 must be contiguous with the existing building; it
9 can't be set out at a -- at a -- a satellite location
10 or an independent location. It must be contiguous
11 with an ex -- with the existing building. And the
12 expansion cannot exceed 37% of the square
13 footage that existed in the year 2000 -- or the --
14 the year 2006.

15 So, you'll recall that one City Council Meeting
16 where we were running back and forth, fortunately,
17 had the help of a CPA, helping Grover and me
18 figure out if our calculators were right to make
19 sure that -- that the proposed expansion was less
20 than 37%, and fortunately, it was.

21 And so, the -- the criteria, essentially, are --
22 are these: That we conform with the
23 Comprehensive Plan and, I guess, we'll all get a
24 Coke or a cup of coffee when the clerk has to read
25 this, because it's several pages worth of stuff

1 here.

2 But one we get through the Comprehensive
3 Plan, the -- the key to this ordinance that -- that
4 was the be -- unique to Prospect was -- was
5 Categor -- was Item B.

6 Item B basically says that an application has
7 to be consistent with any locally adopted codes,
8 studies, and particularly what -- what you were
9 going forwar -- going for was in con -- conformity
10 with the Prospect mobility study.

11 And, in fact, there are three recommendations
12 in the Prospect mobility study that directly -- or
13 indirectly impinge on what we're proposing. The
14 first we've just talked about, which is the access
15 lanes, you know, from -- going from Carslaw Court
16 over to McDonald's sidewalk.

17 We complied with that, although, there may be
18 a way to expand on that by increasing the width of
19 that and -- or -- or -- and/or, you know, having a
20 second access point, I suppose, going out the back
21 end of the shopping center. But that's in Danny
22 and Scott's good hands at this point.

23 Secondly, there is a -- there's a high priority
24 project, which is not quite on our property, but I
25 mentioned this earlier, we've -- we talked about it,

1 right there, you can see that. A vehicular access
2 point leading behind McDonald's, going out to
3 Timber Ridge Drive. And I know one of the high
4 priority recommendations of the Prospect mobility
5 study is to be able to cut a -- a road right through
6 this property here, this adjacent property, to
7 connect up with that.

8 There's nothing about this development plan
9 that would keep that from occurring at such time
10 as the negotiations for those property owners were
11 fruitful and you were ready to construct that road.

12 The third recommendation, which was a
13 medium priority recommendation, we've just
14 talked about, too. And that is creating a four-foot
15 bike lanes on both sides of Timber Ridge Drive,
16 extending all the way from 42 to River Road.

17 So I believe that we've -- we've -- we've done
18 our doggone best to conform to the Prospect
19 mobility study, both in this letter and the intent of
20 what it's trying to accomplish to build alternative
21 transportation modes for pedestrians and
22 bicyclists. It's already -- or this area is already
23 well-served by transit facilities; you've got several
24 transit routes that run right out here to -- to
25 Prospect and right along here on 42.

1 So you've got all the elements. You've got,
2 you know, normal vehicular traffic that we're all
3 cursed with at the moment with our \$4 gas; we've
4 got bicycle transportation availabilities here;
5 we've got bike racks on the site; we've got
6 transpor -- we've got pedestrian access to the
7 site. I think we now have come to the 21st century
8 idea of what this plan ought to look like.

9 And then lastly, the resultant -- this is Item C.
10 The resultant building, after the addition, is in
11 keeping with the Village Center Form District
12 because the intent of the Village Center Form
13 District is to provide goods and services to nearby
14 residents, which is, of course, we're a grocery
15 store who wants to be located so that its
16 customers can come and get, you know, quick -- a
17 quick bottle of milk or -- or -- or quick -- have
18 quick and easy access to perishable items that
19 they get, you know, either -- you know, when
20 you're planning a big dinner party at your house or
21 when you just want to run home and get the
22 asparagus for dinner tonight.

23 And the building design will re -- will maintain
24 its traditional character. In fact, the binding
25 elements that were approved by the Planning

1 Commission, which you-all will have to take a look
2 at and -- and either agree to, not agree to, or add
3 on to. But the binding elements so far say that the
4 architecture must be approved by the City of
5 Prospect.

6 So all in all, I think that we -- at least we
7 hope that we have met all the statements,
8 requirements, standards, and guidelines in hopes
9 that what Ordinance 216 sought to do, we've done.

10 And I'd happy to any answer any que -- any
11 questions.

12 MAYOR EBERLE: Anybody have any
13 questions or comments?

14 COUNCIL MEMBERS: [no response]

15 MAYOR EBERLE: If -- if not, our next
16 agenda item is comments from citizens and the
17 public. So if you -- if you-all can stay here. I --

18 MR. PRICE: Sure.

19 MAYOR EBERLE: -- I'm -- I'm thinking
20 that maybe some of the -- of -- of the audience
21 may have questions.

22 MR. LETHCO: And, Mayor, I want to add
23 and just to put up the ones that -- that are being
24 voted on. I took the one --

25 MAYOR EBERLE: Okay.

1 MR. LETHCO: -- one off, so. . .

2 MR. PRICE: Thank you.

3 MR. FULCHER: Frank Fulcher, Wythe
4 Hill Circle --

5 THE REPORTER: I'm sorry, sir, I didn't
6 catch your name.

7 MR. FULCHER: Frank Fulcher, Wythe
8 Hill Circle, Prospect.

9 Question: On -- on the -- the plan relative to
10 parking --

11 MAYOR EBERLE: Need a --

12 MR. FULCHER: -- there was --

13 MAYOR EBERLE: -- different slide.

14 MR. FULCHER: -- there was a lot of
15 discussion early on about parking. In the rear,
16 towards Carslaw Court, there's a significant
17 number of parking places. Are those intended for
18 employees or is there -- is there customer
19 availability to the store from that side?

20 MR. PRICE: You -- you still have an
21 access, like, right across from the condominiums.
22 You can walk through here. So people can park in
23 this and use this. And -- and a lot of times it's --
24 it's more of the retail parking than it is the Kroger
25 parking. That is why it was designed. But really

1 why it was put there was to meet parking codes
2 when the shopping center was built.

3 MR. FULCHER: I understand. Would the
4 current intent -- Kroger's current intent would be
5 to have employee parking in the back and -- or
6 not?

7 MR. PRICE: Well, that's typically what
8 you expect.

9 MR. FULCHER: Yeah. Well, that's --
10 that's why I asked the question.

11 MR. PRICE: Yeah.

12 MR. FULCHER: I mean, since that --
13 there was no design intent to -- to have access --
14 employee access from the back and its customer
15 access from the front or just general access
16 everywhere?

17 MR. LETHCO: As far as the grocery
18 industry is concerned, we cannot allow our
19 employees to enter and exit out the back of the
20 building to park, because they usually take stuff
21 with them. And -- and so -- I -- I'm not trying to
22 be funny --

23 MR. FULCHER: No. No. I understand.

24 MR. LETHCO: -- it's true. And -- and --
25 and so that -- that's -- that's why they don't park

1 back there.

2 MR. FULCHER: Thank you. That
3 answers my question.

4 MAYOR EBERLE: And in -- in -- in that
5 regard, wouldn't the employee, if they -- if the
6 employee were to park in the -- in the back part,
7 which is currently the loading area, wouldn't they
8 have to come through -- couldn't they be requested
9 to walk through that pathway and -- and, in fact,
10 enter and exit from the front?

11 MR. PRICE: Absolutely.

12 MAYOR EBERLE: So that way -- and I --
13 I'm -- I'm -- I would assume that all of the tenants
14 could require their respective employees to u --
15 utilize the spaces in the back rather than taking
16 customer spaces, assuming that's -- that -- that
17 reference means, you know, the employees in the
18 back and customer spaces retained in the front.

19 MR. PRICE: They're not --

20 MAYOR EBERLE: It -- it would be --

21 MR. PRICE: -- marked --

22 MAYOR EBERLE: -- it would be up --

23 MR. PRICE: -- "E" and "C."

24 MAYOR EBERLE: -- to the tenant; right?

25 COUNCIL MEMBER SIMON: Question:

1 How many employees does Kroger have on a shift?
2 Roughly?

3 COUNCIL MEMBER MILES: I assume the
4 expansion --

5 MR. LETHCO: I like round numbers, 100.

6 COUNCIL MEMBER SIMON: What I'm
7 saying, you know, if it's 50 employees, that's 50
8 parking places.

9 MR. LETHCO: Right.

10 COUNCIL MEMBER SIMON: And they'd
11 probably have at least that many. So --

12 MR. LETHCO: I would ask if there's a
13 parking issue now?

14 COUNCIL MEMBER SIMON: What I'm
15 saying --

16 MR. LETHCO: Do you have trouble
17 finding a parking --

18 MS. SPEAKER: Yes.

19 MR. LETHCO: -- place? Because that's
20 not what our intent is.

21 MR. SPEAKER: No.

22 MS. SPEAKER: Yes.

23 COUNCIL MEMBER SIMON: We have at
24 times during certain areas. What I'm thinking is,
25 you've got Kroger with, say, 40 people, okay. How

1 many other businesses have you got there that
2 may have 4 or 5 employees of 10 or 12 places, so
3 now we've got 100 -- 100 -- 100 places taken up by
4 employee parking. I had to deal with this in our
5 center over here. My landlord actually had to buy
6 property behind the center to take care of the
7 parking because if parking is only in the front, we
8 would have no parking for -- for -- for our -- our --
9 our -- people who want to come to our stores. So
10 he had to put additional parking in the back, and
11 we're required to park in the back.

12 MR. LETHCO: Well, and -- and that is
13 one reason why we have striped this. This is
14 currently not striped. And so we striped this so
15 those employees can park in the rear of this retail
16 so they're not taking up parking spaces --

17 COUNCIL MEMBER SIMON: I'm saying --
18 because it's -- it's just not Kroger, it's all the
19 employees parking. So --

20 MR. LETHCO: Right.

21 COUNCIL MEMBER SIMON: -- you know,
22 you take all -- you know, what's the Bristol got?
23 The Bristol's probably got 25, 30 employees. You
24 know, it's a restaurant; they've probably got, you
25 know, 10, 15 people back in the -- in -- in -- in

1 the -- in -- back in the back, not counting their
2 bartenders and their waitresses.

3 So what I'm looking at is that you -- you've
4 got a lot of -- of parking places going for
5 employees as opposed to patrons coming in. I
6 don't -- I don't know what those numbers are.
7 That's why I think the back parking, if it was lit
8 properly and had access, it would be easier for
9 them to use it. Nobody wants to go in the back of
10 a place where it's dark.

11 MR. LETHCO: We have a excellent store
12 manager at this store.

13 COUNCIL MEMBER SIMON: Yeah.

14 MAYOR EBERLE: M-hm.

15 MR. LETHCO: And I will address that
16 with him personally.

17 COUNCIL MEMBER SIMON: Okay.

18 MAYOR EBERLE: Okay.

19 COUNCIL MEMBER SIMON: I just think
20 that that could create a problem. I mean, around
21 Christmastime, there was a major parking problem
22 in front.

23 MR. LETHCO: Oh, that -- yeah. That's
24 our busiest time.

25 COUNCIL MEMBER SIMON: You know --

1 you know, and around the holidays there's major
2 parking problem [phonetic]. But if those
3 employees would be in the back, there wouldn't
4 have been a parking problem.

5 MR. LETHCO: Right.

6 CITY ATTORNEY POTTS: There are 613
7 parking spaces shown on the plan.

8 COUNCIL MEMBER SIMON: Okay.
9 Thanks. Okay.

10 MR. LETHCO: Thank you.

11 COUNCIL MEMBER MILES: And, Mr.
12 Lethco, that -- you know, if -- if this were done
13 and, you know, people went and the parking
14 actually was better, I think that would help the
15 success of your store immensely.

16 MR. LETHCO: Absolutely.

17 MAYOR EBERLE: Go ahead.

18 MR. SCHMIDT: Thank you. My name is
19 Luke Schmidt, 6316 Innisbrook Drive. Appreciate
20 the opportunity to speak here tonight.

21 I think -- I -- I've had the chance to attend
22 most all of these meetings going back to, I guess,
23 April or March of last year. And, first of all, I
24 think Kroger is really to be congratulated for
25 listening to all of the input from both the Council

1 as well as the citizens about this plan.

2 And it really does seem to me, in looking at
3 this, that they have tried to address virtually all of
4 the issues that were raised. And while there's
5 probably never going to be a quote, unquote,
6 perfect plan that every single person is going to
7 like, every single bit of, it seems to me now that
8 we're awfully close, if not close enough.

9 And I would certainly encourage the Council --
10 I -- I think it's pretty clear the majority of the
11 citizens want this to happen, they want the new
12 jobs, they want the enhanced store. And I would
13 like to encourage the Council to get on with this
14 process as quickly as possible. Let's approve it,
15 and let's move on and approve this plan.

16 Thank you.

17 [applause]

18 MAYOR EBERLE: Any other comments
19 from -- oh.

20 COUNCIL MEMBER TUCCI: I'd just like
21 to say that, in general, you know, the -- all of
22 those things, adages that we learned in elementary
23 school, like haste makes waste, this has been a
24 long, slow process. The mills of the gods grind
25 slowly, but they grind exceedingly fine.

1 I think had we just taken the plan, how ever
2 nice it was, that Danny brought to us all that time
3 ago, and said, Great. Now we'll go for it, we
4 wouldn't be as pleased and our citizens wouldn't
5 be as pleased, as this slow, tedious process. We
6 only meet once a month. So when you make a
7 change, it -- it -- it takes a while to get there.

8 And we had -- throughout this we had three
9 different factions. And there was no way to make
10 everybody happy. We had some people that -- just
11 as we had some people who really liked the
12 one-lane bridge, we had some people who really
13 like a small store, and they like the idea that it --
14 that it was so small that people wouldn't want to
15 come from LaGrange to shop here.

16 So we had that faction. We had people who
17 wanted a gas station, and we had people who did
18 not want one. So our -- our job as a Council is to
19 do the best we can to accommodate a lot of
20 conflicting ideas.

21 I'm pleased with where we have gotten to. We
22 could not -- had we done, you know, the -- the first
23 draft, taken that as our final draft, we wouldn't
24 have something so good.

25 MR. SPEAKER: That's very true.

1 MAYOR EBERLE: Thank you. I'll --

2 COUNCIL MEMBER TUCCI: Right.

3 MAYOR EBERLE: -- I -- I certainly echo
4 those comments. And as Mr. Schmidt indicated, it
5 has been a long -- a long road. And -- but I think
6 it's been a very deliberative process.

7 And, as you say, the mill is -- is finally ground
8 and it's exceedingly fine. But I do think we
9 have -- we will never accomplish something that
10 everybody totally likes, as Mr. Schmidt indicated.
11 But I think we have -- we've been very deliberative
12 since last -- since December of 2011 -- no, 2010.

13 MR. SPEAKER: 10.

14 MAYOR EBERLE: 2010. We're coming
15 up on a long time.

16 But if -- you also have to understand that we
17 did have a two-step process which was often
18 blurred.

19 The first thing that we had to do was decide
20 whether we want to change our form district and
21 the method. That has been done.

22 The -- the second phase was you going down
23 to Metro. That has been done.

24 And we hope to be able to move this along. I
25 would suggest and maybe get the opinion of be our

1 legal counsel that we post the resolutions on
2 our -- on our website and schedule them for --
3 those resolutions for consideration at the April
4 meeting.

5 CITY ATTORNEY POTTS: [nods head]

6 MAYOR EBERLE: And those take -- they
7 do not require two readings, so we do want to
8 make every effort to get the substance of those
9 available to anyone who wants to look at them.
10 We will have a month?

11 MS. SIMMS: [nods head] M-hm.

12 MAYOR EBERLE: And we can -- we can
13 look at those resolutions and either adopt or
14 decline those resolutions at the -- at the April
15 meeting.

16 And we do have -- and I'm sorry, to hold forth
17 when -- in the public comment section.

18 MS. EMBRY: Thank you, Mayor. My
19 name is Carolyn Embry. I live with my husband,
20 John, at 8008 Weyanoke Court. And my comments
21 are not relative to the Kro -- Kroger project. So I
22 would be happy to defer to anyone else who
23 wanted to speak on that issue before I make my
24 comments.

25 AUDIENCE: [no response]

1 MS. EMBRY: Anyone?

2 MR. PRICE: I just have a question: Will
3 you want us to make another presentation at April
4 meeting? Or do --

5 MAYOR EBERLE: I -- I think --

6 MR. PRICE: -- do we just answer --

7 CITY ATTORNEY POTTS: I think --

8 MR. PRICE: -- questions?

9 CITY ATTORNEY POTTS: -- you ought to
10 be here --

11 MAYOR EBERLE: You ought to be here.

12 CITY ATTORNEY POTTS: -- in case
13 there are --

14 MAYOR EBERLE: Yeah.

15 MR. PRICE: Oh. Can we --

16 CITY ATTORNEY POTTS: -- comments
17 from --

18 MR. PRICE: We just answer --

19 CITY ATTORNEY POTTS: -- citizens.

20 MR. PRICE: -- questions?

21 MAYOR EBERLE: Right.

22 COUNCIL MEMBER MILES: Have your
23 cameras and everything ready for demonstrative.

24 MR. PRICE: All right.

25 CITY ATTORNEY POTTS: And -- and we

1 will also post on the website the minutes of the
2 Planning Commission from February the 16th, which
3 were the time that those recommendations were
4 approved.

5 And -- and that includes in those -- those
6 minutes, language with respect to Prospect's
7 approval of the architectural elements, ta-dah,
8 ta-dah, ta-dah.

9 So everything is -- is there in the Planning
10 Commission Minutes and it's been incorporated to
11 a great extent into what resolutions that we're
12 going to be passing or -- or not passing, whatever
13 that happens to be. Hopefully passing.

14 MR. LETHCO: When I looked at the
15 calendar today I was a little bit confusing. Will
16 that be the 16th?

17 MAYOR EBERLE: M-hm.

18 MR. LETHCO: Okay.

19 MAYOR EBERLE: April 16th.

20 MR. LETHCO: There were five Thursdays
21 in the month, so I was kind of confused as to which
22 one it would be.

23 MAYOR EBERLE: And I -- yeah. I -- I
24 would -- I would agree that you ought to be
25 present.

1 Now, if -- if you change the plan, again, then
2 I -- I think you need to be able to throw it up on
3 the screen. But if it's -- if it's not changed, I
4 don't -- you know, I don't know that you'd have to
5 prepare a presentation.

6 COUNCIL MEMBER MILES: And then we
7 have some outstanding questions about who
8 maintains Cars -- Carslaw Court and whether you
9 can make that path eight feet wide. So that would
10 be helpful to know as well.

11 MR. PRICE: Have that written down.

12 MAYOR EBERLE: And you may want to
13 be able to throw the overall plan on the screen
14 just for. . . So -- and my apologies to Carolyn.

15 MS. EMBRY: That's -- that's fine. Thank
16 you.

17 Mayor and Members of the Council, again, my
18 name is Carolyn Embry. And I just wanted to
19 comment briefly on Prospect's beautiful hiking
20 trails. I'm fond of telling friends that the most
21 exciting thing that happened to me in the last year
22 is the birth of my granddaughter and the second
23 most exciting thing is the Harrods Creek hiking
24 trail.

25 COUNCIL MEMBER MILES: That's --

1 that's high praise. Thank you for that.

2 MS. EMBRY: It's -- I would say it rivals
3 any hiking trail within a 40- to 50-mile radius, and
4 I've hiked a lot of trails in the area. So it's
5 something to be very proud of.

6 And it's beautiful in all seasons, but as the
7 Mayor mentioned, the woods right now are just
8 resplendent with spring wild flowers.

9 And I'll have to say, though, I hiked the trail
10 on Saturday, and I counted 21 different species --

11 COUNCIL MEMBER MILES: Wow.

12 MS. EMBRY: -- which I came home and --
13 and logged. So it's like an Easter egg hunt.

14 And I would encourage everyone to take a hike
15 and bring a child, if you have a young person,
16 because it's a wonderful way to introduce children
17 to nature and the love of nature and to teach the
18 wilderness ethic of take only photos, leave only
19 footprints.

20 So the hiking trails are really something that
21 Prospect should be very proud of because they're
22 truly among the city's crown jewels. And they're
23 just a treasure that we can enjoy and appreciate
24 for many years to come.

25 And I would just like to say thank you. And I

1 know there are many people who have been
2 involved in the planning and execution of this
3 project. You know, the -- the people who had the
4 vision in the first place, and the Mayor and City
5 Council for approving it, the people who mapped
6 and built the trails, and now those who are
7 maintaining them.

8 And I know there are too many people to name
9 individually, but -- but I can't help but want to pay
10 special tribute to Stuart Miles and his wife, Susan
11 Nicholson, Linda Wardell, the Boy Scouts and just
12 all those involved. You've certainly made me very
13 happy.

14 And whenever I hike the trail, and -- and I
15 hike it at various times of the day, I always see
16 other happy faces. So, thank you very much.

17 COUNCIL MEMBER MILES: Thank you
18 very much.

19 MAYOR EBERLE: Thank you.

20 COUNCIL MEMBER MILES: I'll tell my
21 wife game on in the wild flower counting.

22 MS. EMBRY: Yeah. Tell her to call me.

23 COUNCIL MEMBER SIMON: What's --
24 what's amazing, when you're back on the trails,
25 you could be in Bernheim Forest. You just -- it

1 just -- it's -- it --

2 MS. EMBRY: Oh, you're right.

3 COUNCIL MEMBER SIMON: -- you
4 don't -- you -- you don't -- you don't know you're
5 in the city. It -- it -- it's -- it's such -- such a
6 forest. It's so beautiful back there.

7 MAYOR EBERLE: And we certainly
8 appreciate those -- those comments. And many,
9 many people have worked hard with the -- with the
10 vision. And I will say the -- the -- the vision is not
11 over. When the -- after the force main goes in, we
12 will also have paddling access and some parking
13 down near the Harrods Creek Trail for those who
14 want to canoe and -- and kayak. So the -- the
15 story continues. Thank you.

16 MS. KOHNHORST: Hi. My name is Sarah
17 Kohnhorst [phonetic]; I live at 6209 Deep Creek
18 Court. And I just want to say ditto on what
19 Carolyn said. Because I really am excited about
20 the -- the great trails and they are something to
21 really be proud of. They're fabulous. So that's it.
22 Thanks.

23 COUNCIL MEMBER MILES: Thank you.

24 MAYOR EBERLE: Thank you.

25 COUNCIL MEMBER TUCCI: Thank you.

1 MAYOR EBERLE: Other comments from
2 citizens or the public?

3 AUDIENCE: [no response]

4 MAYOR EBERLE: Our ne -- on hearing
5 none, I will have turn to the only item that we have
6 on New Business. And -- and I don't know if we've
7 had enough time to fully digest the document that I
8 circulated with regards to conditional use permits
9 and updating us on the codes, but -- on the Land
10 Development Code as presented currently by
11 Metro.

12 But in light of Mr. Bills' suggestion that that's
13 going to be further updated, we may want to defer
14 comment. Yeah. I think -- and also to avoid any
15 confusion with other things that we're working on
16 with regards to land use.

17 COUNCIL MEMBER SIMON: Some new
18 business.

19 MAYOR EBERLE: Yes.

20 COUNCIL MEMBER SIMON: I've been
21 getting a number of complaints from residents, and
22 I actually have been going home that way, Hunting
23 Creek Drive, the medians are full of weeds; there's
24 no grass; there's ruts; there's standing water.
25 Those medians never looked that way ten years

1 ago.

2 I think when we sit down at our budget
3 committee, we need to try to find some money to
4 upgrade what's going on there, if we can. It's not
5 in the budget now.

6 But if -- if you go and really look closely,
7 there's more weeds than grass growing; there's
8 dirt; there's areas where the hill is like this. And
9 there's dirt here and then the road and there's
10 nothing and water stands there.

11 MAYOR EBERLE: Yeah.

12 COUNCIL MEMBER SIMON: It's pretty
13 ugly compared to what it used to look like. I think
14 we need to start upgrading it a little bit. I mean,
15 those are the entrances to our community, and
16 they don't look like what they used to.

17 I think on 42 we have a lot of trash right now;
18 we have a lot of standing water. In those areas, I
19 know it's the highway department. But it doesn't
20 look like it used to look. And I think we need to
21 get on top of that and, you know, be proud of our
22 community. It doesn't look like it used to look.

23 And the people who live in Hunting Creek
24 know when they go in there it doesn't look the
25 same, and that's where I'm getting the complaints

1 from.

2 COUNCIL MEMBER MILES: And -- and I
3 concur with what Alan says. And I think there's a
4 similar issue going up Fox Harbor Road, where we
5 had all that ice storm damage and it pulled down
6 several trees. And again, that's juxtaposed to
7 what the resident across Fox Harbor has done with
8 the magnificent landscaping.

9 And -- and again, these are entrances to our
10 neighborhoods. And I think that they set the tone
11 for the neighborhoods. And also, there's a lot of
12 people trying to sell their houses, and this is
13 people's first impression of these areas. And --
14 and I think it goes a long way --

15 COUNCIL MEMBER SIMON: I just
16 encourage the Council just to drive those areas
17 and ta -- and seriously get out and take a look at
18 them and what they look like. I mean, we go in
19 and out. We just -- we have tunnel vision because
20 we're just going back and forth. But if you really
21 look at it, it's not pretty. It's not pretty. And I
22 think Edwards needs to be -- I mean, they can at
23 least spray to kill the weeds.

24 MS. SIMMS: They've already begun that.

25 COUNCIL MEMBER SIMON: Okay. Well,

1 there's still a lot of weeds there. But I think we
2 need -- we need to take a look at it because it -- I
3 just think it -- it -- it -- it -- it -- it's -- it's a black
4 mark on the city. And I don't like to see that. I
5 mean, I -- I take pride in our city, and I think we
6 need to take pride in our city. And we've got to
7 find some money in the budget to take care of that.

8 MAYOR EBERLE: And we can take that
9 into consideration in budget preparation --

10 COUNCIL MEMBER SIMON: Okay.

11 MAYOR EBERLE: -- and as well as
12 attack it from Edwards. I don't -- there's standing
13 water in there continuously now, especially in the
14 lower parts. We did take some trees out last --
15 last year. And we'll take those stumps out. And
16 we'll need to put maybe sycamore trees in there,
17 given the fact that the water stands there
18 [phonetic].

19 MR. SPEAKER: Or -- or weeping willows.

20 MS. SPEAKER: Willows, right.

21 MAYOR EBERLE: Or weeping willows,
22 yeah. No. They're not --

23 COUNCIL MEMBER SIMON: Or river
24 birches.

25 MAYOR EBERLE: They're not good --

1 COUNCIL MEMBER SIMON: River
2 birches will work. They -- they have wet feet.

3 MAYOR EBERLE: But we can attack it
4 from the budget end as well as what we can do
5 about it. And just with --

6 COUNCIL MEMBER SIMON: Well, we're
7 talking about these beautiful pristine parks we've
8 got. But, you know, the main -- the main thing is
9 when you drive in Prospect to buy a house, you
10 pull in that entrance, if it's not pretty, you may
11 turn around and just pull back out. And I think
12 that's important. It's the first impression.

13 COUNCIL MEMBER MILES: And these
14 things are just normal wear and tear. I mean, it's
15 not like anything was done wrong. I just think
16 it's --

17 COUNCIL MEMBER SIMON: Right.

18 COUNCIL MEMBER MILES: -- the
19 natural --

20 COUNCIL MEMBER SIMON: It's extra
21 heat.

22 COUNCIL MEMBER MILES: Right.

23 COUNCIL MEMBER SIMON: -- there's --
24 there's no -- there's -- we don't have sprinklers in
25 those areas. So, you know, when it gets -- we

1 have drought, stuff's going to die. But we need to
2 come back next year and reseed or whatever we
3 need to do to bring it -- try to bring it back.

4 COUNCIL MEMBER TUCCI: After a
5 certain length of time we often need a facelift.

6 COUNCIL MEMBER SIMON: Yes.

7 COUNCIL MEMBER ERTEL: And I think
8 our first line of attack would be Edwards. Because
9 if they have done a great job in the past, then they
10 need to keep up what they were doing. And I think
11 that that's more important than looking for
12 something else in the budget.

13 COUNCIL MEMBER SIMON: That was
14 constructive criticism. Not destructive criticism.

15 MAYOR EBERLE: Absolutely.

16 COUNCIL MEMBER ERTEL: Right.

17 COUNCIL MEMBER SIMON: Okay.

18 THE REPORTER: I'm sorry. That was
19 what?

20 COUNCIL MEMBER SIMON:
21 Constructive -- constructive criticism.

22 THE REPORTER: Oh, okay.

23 MAYOR EBERLE: Constructive.

24 COUNCIL MEMBER MILES: He's making
25 up words.

1 MAYOR EBERLE: Well-known phrase.

2 Any other comments from Council?

3 COUNCIL MEMBERS: [no audible
4 response]

5 MAYOR EBERLE: Or -- or members of
6 the public?

7 MR. LETHCO: May I ask one more
8 question?

9 MAYOR EBERLE: Sure. Danny Lethco.

10 MR. LETHCO: I came today to -- kind of
11 prepared to ask for a special session for the
12 voting on this. So I kind of understand the
13 process will go to April 16th and that it will be
14 voted on at that time; is that -- is that --

15 MAYOR EBERLE: We will --

16 MR. LETHCO: -- the plan?

17 MAYOR EBERLE: -- put it -- we -- yeah.
18 I plan to put it on the agenda, unless there's any
19 objection.

20 MR. LETHCO: Okay. We've got -- we've
21 got -- we've got some tenants we've got to move.
22 We're trying to make some plans. So that's --
23 that's kind of what -- why I'm asking.

24 MAYOR EBERLE: Yeah. I -- I would
25 think -- and it takes one reading for our resolution.

1 Ordinance takes two. But I want to avoid a -- a --
2 a special meeting because they're very expensive.

3 You know, we have --

4 MR. LETHCO: I understand.

5 MAYOR EBERLE: We love the court
6 reporter, but. . .

7 MR. LETHCO: Thank you.

8 COUNCIL MEMBER MILES: Mr. Lethco --

9 MR. LETHCO: Yes.

10 COUNCIL MEMBER MILES: -- I have a
11 have question. To -- first of all, a comment. I
12 want to thank you for incorporating the bike racks
13 and the benches. You weren't required to do that,
14 and I want you to know that I appreciate your
15 going above and beyond what you had to do to
16 make it a quality project. So I appreciate that.

17 Assuming it passes, because I don't want to
18 make any assumptions, it passes in the next --

19 MR. LETHCO: Don't jinx it, like you
20 said --

21 COUNCIL MEMBER MILES: Right.

22 MR. LETHCO: -- a minute ago.

23 COUNCIL MEMBER MILES: Exactly.

24 MR. LETHCO: Right. Yeah.

25 COUNCIL MEMBER MILES: And I don't

1 want to run afoul, but I need some decision before
2 we get back.

3 When would you start construction and when
4 would you anticipate the project being completed?

5 MR. LETHCO: The way everything is
6 planned right now, the landlord is to turn over the
7 empty space to us, where the existing tenants are,
8 no later than August 1st. And we're standing there
9 waiting on him at that point, if we don't have it
10 before.

11 COUNCIL MEMBER MILES: Okay.

12 MR. LETHCO: Now, because it is a
13 remodel, the way we will -- the way that we
14 normally construct something like this, is we'll
15 tear down the retail shop to the left and we'll build
16 the new space. We'll put everything in that before
17 we start tearing up the existing store.

18 COUNCIL MEMBER MILES: M-hm.

19 MR. LETHCO: And -- but it -- if -- I'm
20 going to guess that it's going to take about a year.

21 COUNCIL MEMBER MILES: Okay. Yeah.

22 MR. LETHCO: To get all that done. I'm
23 going to say a 52-week process.

24 COUNCIL MEMBER MILES: And will
25 there be a lot of disruption to your customers

1 during this time.

2 MR. LETHCO: It helps -- the way that
3 we've designed that, in opening up the new section
4 first, it -- it causes less of an un -- interruption.
5 But the customer will come in and stuff where it
6 used to be will be in a different place.

7 COUNCIL MEMBER MILES: Right.

8 MR. LETHCO: And they'll have to find it.
9 And we'll have people -- that's -- that's our
10 people's be -- biggest job at that point is to be the
11 guide that customer looking for that product.

12 COUNCIL MEMBER MILES: Okay.

13 MR. LETHCO: And we'll have maps.
14 We'll have signs. The -- the store I shop at right
15 now is going through a major remodel. And so I've
16 been through this, right now. And so it -- it's --
17 it's a -- all we can do is ask for your patience.
18 But, yes, it will -- there'll be some disruption
19 because you won't be able to find what you're
20 looking for.

21 COUNCIL MEMBER SIMON: And the --

22 MR. LETHCO: And we'll --

23 COUNCIL MEMBER SIMON: --

24 construction --

25 MR. LETHCO: -- help you --

1 COUNCIL MEMBER SIMON: -- people --

2 MR. LETHCO: -- do that.

3 COUNCIL MEMBER SIMON: -- will park
4 in the back; right?

5 MR. LETHCO: I said I would talk to them
6 about it, Alan, and I will.

7 MAYOR EBERLE: With that, I'll entertain
8 a motion to adjourn, unless we have any further
9 business.

10 COUNCIL MEMBER SIMON: So moved.

11 COUNCIL MEMBER ERTEL: Second.

12 MAYOR EBERLE: Simon and Ertel.

13 In favor by "aye."

14 COUNCIL MEMBERS: Aye.

15 MAYOR EBERLE: Opposed by "no."

16 COUNCIL MEMBERS: [no response]

17 MAYOR EBERLE: We're adjourned.

18 [WHEREUPON, the City Council Meeting
19 concludes at 8:47 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

I, ROSE MARY KITHCART, RPR, Notary
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I further certify that I am not related to any of
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AUGUST 27, 2013 .

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