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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

MAY 21, 2012

1 CITY OF PROSPECT, KENTUCKY
2 CITY COUNCIL MEETING
3 MAY 21, 2012

4 MAYOR EBERLE: Welcome, everyone.
5 We are called to order for the regular May meeting
6 of the City of Prospect City Council May 21st,
7 2012. We have a -- a relatively short agenda
8 tonight. The only things -- the only action items
9 that we have are on first reading.

10 But I -- I do want to -- to call your attention to
11 the three budget ordinances that I finished
12 yesterday, I think, finally, and the bud -- budget
13 message, which I finished definitely. Well, I
14 finished this morning. And all of those documents
15 are on the back, including the budget -- budget
16 message. Is that right, Holly?

17 HOLLY: [no audible response]

18 MAYOR EBERLE: Okay. And -- and also,
19 the minutes. So, for those of you in the audience,
20 if you don't have those, raise your -- just go to the
21 back and Holly can distribute those to you.

22 The -- the first order of business is the
23 approval of the minutes of the regular city council
24 meeting of April 16th. You have those. They are in
25 your binder, and there are copies in the back.

1 COUNCIL MEMBER MILES: I have a
2 correction.

3 MAYOR EBERLE: Correction; right.

4 COUNCIL MEMBER MILES: And that's on
5 the last page under Authorization of the Mayor to
6 Enter into the Agreement the Sale of Easements to
7 Metropolitan Sewer District.

8 And at the bottom of the first paragraph, the
9 second to last sentence says, "MSD will also
10 provide moneys to be dedicated to tree
11 replacement. . ." And that should indicate that the
12 moneys for the tree replacement are included in
13 the 108,743; they're not in addition to.

14 MAYOR EBERLE: So, at the -- at the end
15 of the -- well, the -- the next to the last sentence,
16 "MSD will also provide moneys to be dedicated to
17 tree replacement for replanting of trees after
18 construction of the main" -- "the force main is
19 complete," which is included in the \$108,743.

20 COUNCIL MEMBER MILES: I think that
21 will fix it.

22 MAYOR EBERLE: Okay.

23 MR. SPEAKER: So moved as amended.

24 MAYOR EBERLE: Second?

25 COUNCIL MEMBER MILES: Second.

1 MAYOR EBERLE: Discussion? Those in
2 favor signify by saying "aye."

3 COUNCIL MEMBERS: "Aye."

4 MAYOR EBERLE: Opposed by "no."
5 Okay. We have adopted the minutes.

6 The next item is the mayor's report, and I will
7 begin the mayor's report by -- with reference to
8 the budget message. Rather than read the budget
9 message to you, I will just highlight some of the --
10 the features of this year's budget proposal.

11 We have copies of the budget message in the
12 back. It will also be published in the newsletter,
13 which will -- which should be out by the end of
14 next week. And the budget documents will be
15 posted on the website as we consider them
16 tonight.

17 But I'm -- I'm pleased to say that this was --
18 this was a budget that was not developed in the
19 face of declining revenues. We have probably
20 restored ourselves to a position that we have not
21 had since 2007, my first budget, and immediately
22 after the passage of that budget, we entered a
23 recessionary period which affected many of our
24 revenues.

25 This budget will allow us to pursue some of

1 the -- the things that we have put off for the last
2 four or five years, including things like paving and
3 general maintenance, as -- as well as several
4 initiatives that I'll -- I'll mention later.

5 It is a balanced budget, and with the -- in the
6 amount of \$3,054,700. And for the second year in
7 a row, the budget provides for an addition to our
8 reserved funds. In years prior to that, we had
9 drawn upon the reserves funds after the annual
10 audit showing that we -- our revenues and -- and
11 our disbursements had a -- had a negative value.

12 The budgeted amount to be re -- returned to
13 reserve funds this year is \$68,957. The budget
14 recognizes that, despite increasing demands on
15 our staff, we have not added any additional
16 personnel positions, and do not plan any personnel
17 positions, which means that our current staff and
18 the -- and their -- and the positions they occupy
19 entail additional work and additional dedication for
20 our staff.

21 And in -- in light of that, I -- the budget
22 includes a 2-1/2% merit salary increase for our
23 employees.

24 It is the -- the budget is a conservative
25 approach for the city given our current revenues,

1 but also our increasing costs, many of which we
2 have little control over, and -- and particularly in
3 the area of health insurance, utilities, motor fuels,
4 and state-man -- mandated pension contributions.

5 As I indicated, the budget includes several
6 areas for which we have lack funds for in -- in
7 recent years. These -- among these are the
8 repaving of roadways needed to be restored,
9 construction of a shared use path -- use path to
10 city hall through Little Hunting Creek Park. It will
11 connect the parking lot with Fox Harbor, and -- and
12 give access to city hall without having to get on
13 U.S. 42, and generally provide improved
14 connectivity for all of our residents.

15 Striping along several roadways will
16 encourage alternative transportation used for
17 walkers and bicyclists and -- and ensure their
18 safety. We have draining -- drainage problems, as
19 Alan knows and has pointed out on Hunting Creek
20 Boulevard, which has decimated a lot of the
21 vegetation around there. We will -- we will resolve
22 the drainage problems, and also replant in that
23 area.

24 I believe the forestation board voted to
25 remove the beech tree tonight; did they not?

1 MS. SIMMS: They did.

2 MAYOR EBERLE: Okay. And that will
3 be -- that will be another thing that we'll be --
4 we'll be taking care of in Hunting Creek entrance
5 area.

6 We have had many requests by our employees
7 to clean up the -- the appearance of city hall
8 through repainting and carpet cleaning. We have
9 put that off for many years, and we plan to do that.

10 The -- the budget includes additional moneys
11 for tree plantings in public areas to replace trees
12 that we've lost in wind storms and ice storms over
13 the last three, four years. And one final note, we
14 have budgeted and will be conducting a restoration
15 of the fireworks for the 4th of July celebration this
16 year.

17 The -- the one thing that is not noted in the
18 budget report and should be noted is the fact that
19 we have no conventional or bonded indebtedness
20 which allows us to operate straight --
21 straightforwardly and not have to be concerned
22 about bond ratings and -- and debt service.

23 That is a -- as our auditors and accountants
24 have -- have pointed out, is an enviable position,
25 and we're -- we're hopeful that we'll be able to

1 continue that. Although if -- if we did find in
2 future years some need for bonded indebtedness,
3 the council would vote on -- on anything in that
4 regard, so. . .

5 Finally, the purpose of the budget this year is
6 to ensure Prospect maintains its status as a
7 vibrant and progressive city, retains its ability to
8 ensure a high quality of life for all of our
9 residents, and remains a safe, attractive place to
10 live, do business, and raise our families. And
11 again, a -- a more detailed analysis and -- and a
12 copy of the budget message is at the back and will
13 be published in the newsletter.

14 The remainder of the mayor's report: First
15 off, the current fiscal year financial update, we
16 have received 86% of our budgeted revenues for
17 this fiscal year, and disbursed 80% of our
18 expenses, budgeted expenses, and we're 83%
19 through the fiscal year. So we are -- we are very
20 close on line on that, and I -- I believe we will be
21 able to, in the end, restore some of the reserve
22 funds that we have budgeted for the -- well, we'll
23 cover that after the audit, so. . .

24 Forestation board update, I was not able to
25 attend the forestation board meeting that just --

1 just happened just before the council meeting. I
2 don't know if Lee or Ann -- you were there; weren't
3 you?

4 MS. SIMMS: I was there.

5 MAYOR EBERLE: Anything to report on
6 that?

7 MR. TUCCI: Yes. When we replaced
8 the --

9 MAYOR EBERLE: Yeah. Lee Tucci.

10 MR. TUCCI: When we replace the beech
11 tree, we're going to get five bids to get the lowest
12 possible cost. And we're looking at replacing that
13 tree with a Dutch resistant disease elm, a new elm
14 which had been recommended by the State Board
15 of Forestry, Peter Barber.

16 And we also voted to plant two flowering
17 cherry trees further up on Hunting Creek Drive
18 where there's fairly large medians with no trees in
19 them. And we'll also be planting probably three or
20 four trees in the Fox Harbor/Little Hunting Creek
21 Park area. All the planting take place in the fall,
22 best time for trees.

23 MAYOR EBERLE: Finally planting rather
24 than cutting down.

25 MR. TUCCI: Yeah. We like to plant,

1 don't like to cut.

2 MAYOR EBERLE: That's right. I, also,
3 note the Parks and Recreation Advisory Committee
4 met immediately before the council meeting. And,
5 Stuart, or, Linda Wardell, I don't know if you want
6 to give us an update on -- on anything with
7 transpired in that meeting.

8 MS. WARDELL: Do you want to --

9 COUNCIL MEMBER MILES: Sure. Sure.

10 MS. WARDELL: -- talk about the C-J
11 and --

12 COUNCIL MEMBER MILES: Yes. We --
13 we talked about three or four main items. First
14 was our open house for the Harrods Creek Park,
15 which is June 2nd, and that's from 10 to noon, and
16 that's on Montero Drive. And if you need
17 directions, we can give you a map. I think
18 everybody should have gotten a map in their new --
19 their last newsletter, but if you've lost it, we can
20 give you another.

21 And we will have a table set up where people
22 showing up can get information about the trail, get
23 a map. And if you don't want to walk on the trail,
24 they can kind of give you the highlights. If you
25 want to hike the trail, we'll have volunteers along

1 the trail that will kind of inform you about certain
2 aspects of the trail.

3 I'll be down on the trail talking to people
4 about the MSD pipeline and what that's going to
5 mean to the trail and some of the things that we're
6 going to get out of that deal with MSD. And it will
7 be a great opportunity to educate people on the
8 dos and don'ts of the trails, not to get on private
9 property and people who live next to the trail
10 and -- and to stay on the trail, those kinds of
11 things.

12 So it should be a great event. We also talked
13 about an article that the Courier-Journal is going
14 to write on the trail for the neighborhood section
15 next Wednesday. And I met with a -- a reporter
16 from the Courier today and a photographer, and we
17 hiked the entire trail, and they took hundreds of
18 pictures, and talked to residents who were using
19 the trail. So I look forward to having a really nice,
20 positive article from the C-J on the trail.

21 We talked about upcoming Eagle Scout
22 projects, and we have an Eagle Scout lined up to
23 do five benches. And we're looking at having two
24 of the benches be at the trailhead at the Harrod's
25 Creek Park. Two being at Little Hunting Creek

1 Park, and one being -- where was the fifth one
2 going to go, Linda?

3 MS. WARDELL: I think somewhere along
4 the upper part --

5 COUNCIL MEMBER MILES: Oh, yes.

6 MS. WARDELL: -- portion of the Harrods
7 Creek Trail.

8 COUNCIL MEMBER MILES: One on the
9 upper portion of the Harrods Creek Trail. So a
10 great meeting, a lot of exciting stuff happening,
11 and we look forward to our opening celebration
12 June 2nd. Cross your fingers for good weather.

13 MAYOR EBERLE: Yes. Right.
14 Definitely. It's decidely outdoors, yes.

15 MS. WARDELL: Yes.

16 MAYOR EBERLE: So -- also, that
17 coincides with National Trails Day, which we added
18 to our calendar this year, and hopefully, we'll
19 continue to be able to celebrate National Trails
20 Day in -- in some fashion, so. . .

21 COUNCIL MEMBER MILES: And it will
22 also be my 50th birthday, so. . .

23 MAYOR EBERLE: And that one -- that
24 one didn't get on the calendar.

25 COUNCIL MEMBER MILES: Half a

1 century old. Hey.

2 COUNCIL MEMBER TUCCI: What a baby.

3 COUNCIL MEMBER MILES: Most of the
4 trees are older than me, so. . .

5 COUNCIL MEMBER SIMON: Just from
6 what I hear across the street people coming in,
7 just the people just love the trails, that they
8 just -- they're just ecstatic about them. So, if
9 anybody hasn't been there yet, they -- you need to
10 probably go, but I'm hearing just nothing but
11 positive stuff completely.

12 MAYOR EBERLE: Right. I -- I -- I
13 haven't heard anything but just praise for -- for all
14 of the things that we've done with our --

15 COUNCIL MEMBER SIMON: One guy was
16 being facetious, he says to me, he goes, "How
17 dare you preserve green in Prospect."

18 MAYOR EBERLE: Yeah. Also, May 27th,
19 which is --

20 MS. SPEAKER: Sunday.

21 MR. SPEAKER: Sunday.

22 MAYOR EBERLE: Huh?

23 MS. SPEAKER: Sunday.

24 MAYOR EBERLE: Is that Monday?

25 MR. SPEAKER: No. No, the 22nd is on

1 Sunday.

2 MR. SPEAKER: Sunday.

3 MAYOR EBERLE: Sunday; yeah. May
4 27th is Sunday; right? Is the late spring bird walk
5 with Paul and Carol McAllister leading it, so. . .

6 And again, they pretty much go out regardless
7 of the weather. So, if you're interested in that,
8 there's a notice on the -- on the bulletin board
9 out -- outside.

10 I should note that we have a new bulletin
11 board which is much larger and can hold things
12 that we haven't had, so. . . But I commend that to
13 you, as well.

14 A lot of activity with regards to the library.
15 We have had -- we just got it in, and I don't know
16 if Sandra -- \$770.75 was got today. And we
17 continue to sell books --

18 COUNCIL MEMBER LEONARD: At least
19 through the end of the week.

20 MAYOR EBERLE: Through the end of the
21 week?

22 COUNCIL MEMBER LEONARD: Yeah, it's
23 been really good. But, you know, you were talking
24 about the McAllisters. Whenever he comes to
25 volunteer to shelve things, he's got his binoculars,

1 I know where he's going afterwards.

2 MAYOR EBERLE: And we want -- I want
3 to thank Council Member Leonard for -- for all of
4 her work on the -- on the book sale this year. We
5 also had people sorting and -- and planning the
6 book sale, and also staffing the sale during the
7 time Paul and Carol McAllister, of course.

8 COUNCIL MEMBER LEONARD: Council
9 Member Tucci.

10 MAYOR EBERLE: And Council Member
11 Tucci, Ruth O'Daniel, Tom Wills, Eve Herzfeld, and
12 Megan [phonetic] Leonard. So we appreciate the
13 work they do on that. That raises money, and it --
14 and it's -- I was surprised that we got as much as
15 we did.

16 COUNCIL MEMBER LEONARD: We
17 actually got a lot.

18 MAYOR EBERLE: Yeah.

19 COUNCIL MEMBER LEONARD: And
20 what -- what we tend to buy are books for our
21 children's collections, because they can't come
22 through the lease, and they also don't have the
23 same kind of shelf life as like a best seller or
24 something like that.

25 We buy Kentucky authors. We're beginning to

1 develop a very nice collection of books about
2 Kentucky flora and fauna. So, if you're ever doing
3 some research, start with us first, because a lot of
4 those books that are available in Barnes & Noble
5 are here upstairs as we bought them.

6 And then we also get audio books, which are
7 beginning to -- lots of people now come in before
8 they go on vacation and stock up on audio books.

9 MAYOR EBERLE: Are we reducing the
10 prices this week?

11 COUNCIL MEMBER LEONARD: Yes, as
12 of today.

13 MAYOR EBERLE: Okay. So everything
14 is half price.

15 COUNCIL MEMBER LEONARD: Half
16 price.

17 MAYOR EBERLE: So, if you can stop
18 by --

19 COUNCIL MEMBER LEONARD: That
20 means our most expensive books are \$1.50.

21 MAYOR EBERLE: Through the rest of the
22 week, at least; right? Through Friday?

23 COUNCIL MEMBER LEONARD: Uh-huh.

24 MAYOR EBERLE: There's some real
25 bargains up there. There's plenty left.

1 COUNCIL MEMBER LEONARD: M-hm.

2 MAYOR EBERLE: So get them before you
3 have to buy them from the bookstore.

4 COUNCIL MEMBER LEONARD: More
5 expenses locations.

6 MAYOR EBERLE: Yeah.

7 COUNCIL MEMBER TUCCI: The nice
8 thing about our book sale patrons is that we really,
9 really recycle, because after you pick up your bag
10 of books for summer, then you bring them in in the
11 fall to sell again, and so we kind of hustle the
12 same book three or four times before it finally
13 disintegrates. It's -- so, when we sell a book for
14 50 cents, if we sell it five times, it adds up, you
15 know.

16 COUNCIL MEMBER LEONARD: In
17 addition to that, we've got them so programmed
18 they now bring their own bookbags to take their
19 things away. That's really neat.

20 MR. SPEAKER: That's great.

21 MAYOR EBERLE: But we did very well
22 again, so I -- and we will -- we have the fall book
23 sale on the calendar, it's in October, late October.

24 COUNCIL MEMBER LEONARD: It's the
25 weekend before Halloween.

1 MAYOR EBERLE: Yeah. Okay. The
2 police department second in command hiring, we
3 have been working diligently on that. Chief
4 Sherrard, myself, and Ann Simms have interviewed
5 on -- on two different occasions.

6 We'll be continuing to interview later this
7 week, and hopefully, be able to make a -- an
8 announcement at or near the end of the month as
9 to a selection for the lieutenant and the second in
10 command. Well, second in command. May or may
11 not be rank of lieutenant, but, at any rate,
12 we'll. . . So that is -- that is going on well. And
13 again, that is the replacement of the recently
14 retired Lieutenant Dennis Wine, so. . .

15 I should also note a couple of things about
16 the -- about the police department that we were
17 pleased with, and Chief Sherrard may want to
18 comment additionally on this, but we had an audit
19 by the Kentucky Justice and Public Safety Cabinet,
20 and we were determined to be in full compliance.
21 This was a compliance audit for KLEFPF, KLEFPF,
22 as we call it, which is the Kentucky Law
23 Enforcement -- I don't know, either.

24 CHIEF SHERRARD: Professional Fund,
25 or something like that.

1 MAYOR EBERLE: Foundation Program

2 Fund, I think is what it is.

3 CHIEF SHERRARD: Something like that.

4 I don't know. It's always been KLEFPF.

5 MAYOR EBERLE: And POPS, which

6 stands for the Peace -- Peace Officer Professional

7 Standards. And TPS, which is the

8 Telecommunicator Professional Standards that,

9 with the state of Kentucky, looks to in accrediting

10 and -- and assuring that all police departments are

11 in compliance. So we were pleased to receive

12 that.

13 We also received a notice today from

14 Kentucky League of Cities Insurance Services that

15 we -- and we got a check with it for our -- our

16 safety grants again this year.

17 CHIEF SHERRARD: Right. It was an

18 in-car video camera that they reimbursed us for --

19 MAYOR EBERLE: Right.

20 CHIEF SHERRARD: -- for the last car

21 that -- that was purchased, Officer Timmons'

22 vehicle.

23 MAYOR EBERLE: Okay. Which is about

24 \$2200?

25 CHIEF SHERRARD: \$2200.

1 MAYOR EBERLE: And with that, we can
2 segue into the police department report.

3 CHIEF SHERRARD: Okay.

4 MAYOR EBERLE: Chief Sherrard.

5 CHIEF SHERRARD: Just comparing
6 numbers from this year to last year, sometimes it's
7 a little difficult to do because, being one officer
8 down with, you know, Larry Johnson retiring, and
9 when you have such a small department, if one
10 person is missing, the -- the numbers really can
11 skew themselves, but, for the most part, they're
12 fairly consistent.

13 Citations pretty much were about the same
14 from this year compared to last year. It was 17
15 versus 18. Accident reports for the same month
16 this year are up compared to last year; however,
17 the offense reports that we took are down. So
18 they actually balanced each other out evenly.
19 They both turned out to 14 for -- for both years,
20 so. . .

21 What did drop fairly significantly, I'd say,
22 would be the calls for service. And this seems like
23 an anomaly to me, I don't know, but the burglar
24 alarms for -- for this year have dropped sig --
25 rather significantly. They -- they dropped less

1 than half of what you had last year.

2 There were 54 burglar alarms last year, there
3 were only 24 this year during the same month.

4 And that almost makes up the entire difference for
5 the -- the calls for service from last year to this
6 year within just a few. So whether the alarms are
7 that much better, there are fewer false alarms, I
8 don't know.

9 A lot of alarms are storm-related. I mean,
10 usually whenever a -- a thunderstorm hits, a lot of
11 them, they trigger alarms. They have gotten a lot
12 better, but it used to be when you had a power
13 surge, it always triggered alarms.

14 Years ago when I rode in Louisville Metro, I
15 mean, whenever a thunderstorm hit, I mean, you
16 could literally spend your entire day like up in
17 Lake Forest and Hurstbourne and -- and you would
18 never make your way out, because it would just be
19 one right after the next. So it's good to know that
20 alarms have gotten a lot better, so. . .

21 MAYOR EBERLE: Saves the false calls.

22 CHIEF SHERRARD: It does, it saves the
23 false calls. There's a couple of things that I -- I
24 guess I probably need to report on just regards to
25 incident reports.

1 There's some of the usual things that we've
2 been seeing with regards to graffiti. The one that
3 I reported on last month from the Krogers where
4 we thought we had the -- the video surveillance, it
5 turns out that the system that they had taped over
6 itself. If you don't get to it within a certain
7 amount of time, depending on what system they
8 have, some of them will recycle in just a matter of
9 a couple days, some of them will get you an entire
10 week.

11 This one had just taped over, like, 12 hours
12 before they got to it. So we did not get video of
13 the people that did that one. There's been a
14 couple of other incidents of graffiti, just the
15 spraying, but there's never any significant pattern
16 to it. It's not the same people, because the
17 tagging is completely different. There was some
18 up in Bridgepointe on one particular night, it was
19 over spring break.

20 So that's probably not too concerning in the
21 fact that it's not an ongoing thing, it was just one
22 night, it was brief, they captured it -- actually,
23 Officer Thomas caught it on just routine patrol.
24 They did a couple of stop signs, and they also did
25 the clubhouse door. Now, that one's -- you know,

1 that's obviously more significant.

2 This morning they -- they spray painted some
3 shrubs over in Innisbrook. Obviously, that's
4 already being taken care of in terms of cleaning
5 that up, but on that one there's no, like, gang
6 affiliation to it. I went to a meeting last week with
7 the command over in LMPD in the 8th Division,
8 checked with some of their gang people.

9 There's nothing in the terminology that was
10 used to lead you to believe that it's any significant
11 gang or anything like that. It all just seems
12 random. In other words, kids probably playing
13 around. There's -- there's nothing in the lingo
14 that caused them any concern, or that it tied on to
15 something that they're working elsewhere.

16 One incident that was of concern that's
17 already been cleared up, we had a domestic
18 violence call on April 29th late at night, 11:45 p.m.
19 Many of you probably already know about this. It
20 was on Wycliffe. A female was assaulted, the
21 police respond.

22 When they get there, the lady had been -- had
23 been beaten. It was a domestic situation. This
24 was someone she had been dating for a couple of
25 months. What is significant was the man that did

1 this, he's a Cuban man in his 30s, he had a rather
2 significant criminal history to the point he had
3 prior sexual assaults, kidnappings, drug charges,
4 and burglaries.

5 He was apprehended later the next day. He
6 was taken in. Our officers followed up with the
7 female victim, took her to the hospital, conducted
8 the interviews, stayed with her, actually,
9 throughout the night, the following day following
10 up with her making sure that all her needs were
11 met.

12 And a detective from a domestic violence unit
13 was called in from LMPD to also help. Warrants
14 were taken, the guy was picked up, and he stayed
15 in custody. And actually, they already had a
16 preliminary hearing. He pled guilty at the hearing,
17 and has already taken a sentence, which is
18 absolutely unheard of. The guy, actually, has
19 already taken his prison sentence, so at least he
20 won't be over in the Sutherland anytime soon. So
21 that we can all be thankful for.

22 We were all ready to send out the e-mail blast
23 on that, and already found out he had already been
24 picked up. So there wasn't any reason to send it
25 out, because we already knew he was in custody

1 and that that was taken care of.

2 Another thing that -- we had a theft that was
3 significant. A -- a man was living with his uncle,
4 had stolen a credit card from him, a -- and rang up
5 \$2500 worth of charges on a Home Depot account,
6 and has since already pawned every bit of it.

7 So Officer Price has followed up on that.
8 They've done a really good job with it. They
9 retained all the records, they got surveillance
10 pictures of him. They've already taken warrants
11 for him. He's a cocaine -- or, not cocaine, he's a
12 heroin addict.

13 Not that that's all that significant. One is just
14 as bad as the other. But, anyway, so that's
15 already cleared up. That was an in-house thing.
16 That's not like you've got somebody that's out and
17 about.

18 At the meeting last week with the 8th Division,
19 they did want to make us aware of a -- an
20 individual. He's not hit anywhere in Prospect, but
21 he does target affluent areas and -- and
22 neighborhoods, usually \$300,000 homes and
23 above. He's a burglar, he usually works at night,
24 and he just find -- looks for homes that are left
25 unlocked, looks for sliding glass doors that are

1 left unlocked.

2 People that would be vulnerable would be
3 people that go jogging early in the morning that
4 will leave a door unlocked just for a couple
5 minutes. The guy goes in, and will take something
6 just as easy as one credit card out of a wallet
7 where he'll go in and out and you won't know he's
8 even been in there. He may take a few dollars out
9 of a wallet, take one single credit card out of a
10 series of credit cards out of somebody's purse.

11 So you won't know about it until sometime
12 down the road where he's already hit five or six
13 different places. And he may not take the main
14 credit card. Like, if you've got a Visa card, he
15 may take something like a Kohl's card or
16 something.

17 So, I mean, he's been driving them nuts, but
18 he's not hit anywhere necessarily close to us.
19 He's done Lake Forest, he's done Owl Creek and
20 some of the other places like that. But just as a
21 reminder for everybody, even if you're just going
22 to step out for just a couple of minutes to lock up
23 everything, because you could be a victim for
24 somebody like that.

25 He does work with an accomplice. They

1 basically park on a court, and then he waits for
2 him and calls him and they come and pick him up.
3 Whatever he can just carry in his hands is all he'll
4 ever take, jump in the car, and then they leave.

5 COUNCIL MEMBER LEONARD: Do we
6 know what he looks like?

7 CHIEF SHERRARD: I do have a picture
8 of him upstairs. He's been picked up a number of
9 different times. I'm drawing a blank on his name
10 right now, because I didn't bring down his
11 photograph. He's been picked up a series of
12 times.

13 In terms of a vehicle, it won't -- that won't
14 make a difference, because he's had different
15 people drive for him, and it's not his car.
16 Actually, he drives a maroon BMW 5, the little
17 crossover car.

18 COUNCIL MEMBER TUCCI: Crime pays
19 sometimes.

20 CHIEF SHERRARD: I guess. It's not
21 brand new.

22 MAYOR EBERLE: Can we confiscate that
23 if we arrest him?

24 CHIEF SHERRARD: If he were ever in it,
25 we could. I think there's going to be a long line of

1 people in line to try to seize that one, so. . .

2 Regarding code enforcement, the one house
3 up at the 9242, obviously, they did cut the grass,
4 they did cut the tree down, however, they left
5 some logs there. I've been somewhat lenient on
6 them just because of all the other road
7 construction that's in front of the house that it's --
8 I -- I think that it's a little bit difficult for us to
9 really press the issue when there's all this
10 construction out in front where they've laid pipes
11 and everything in their front yard.

12 I think it -- it would be bad on our part to go
13 in there and say, "Look, you've got to get the logs
14 out," "but what about the 42 pipes that are laying
15 in my front yard." So, when all that is cleared
16 away, then we'll make sure that that gets cleaned
17 up once and for all. That's all I have.

18 COUNCIL MEMBER SCOTT: Chief, I just
19 have a quick question. One thing that --

20 CHIEF SHERRARD: Yes, sir.

21 COUNCIL MEMBER SCOTT: -- kind of
22 peaked my interest. There was a -- a note here,
23 "On April 26th of Prospect resident reported a
24 family member staying in the resident's home while
25 the resident was away and did sign and cash the

1 resident's payroll check without permission or
2 authority to do so. The resident also stated that
3 the family member took \$200 from the resident's
4 home at the same time."

5 Now, what will happen on a case like that?

6 CHIEF SHERRARD: That's the guy that
7 also took the credit card.

8 COUNCIL MEMBER SCOTT: Oh, is it?

9 CHIEF SHERRARD: That's the same guy.

10 COUNCIL MEMBER SCOTT: Same --

11 same --

12 CHIEF SHERRARD: Warrants are
13 outstanding for him and the guy that he was
14 dating -- or not the guy -- I'm sorry. Talk about a
15 Freudian slip. His girlfriend, the guy's girlfriend
16 was with him, and they're on videotape actually
17 working together at the Home Depot picking up
18 stuff and then going to the pawn shop. And then,
19 you know, you leave your thumbprint and all that.
20 So, actually, they will get two offenders out of that
21 case.

22 COUNCIL MEMBER SCOTT: Okay.

23 Great. Thank you.

24 MAYOR EBERLE: And among the regular
25 duties of protecting the city, tomorrow you'll be

1 having someone directing traffic at the polling
2 places on 42, not --

3 CHIEF SHERRARD: Yes.

4 MAYOR EBERLE: -- not at the --

5 CHIEF SHERRARD: Correct. Monitoring
6 that to see if the 10% turnout is going to generate
7 enough traffic to --

8 MAYOR EBERLE: Yeah. I'm not sure
9 there's going to be a whole lot of traffic, but we
10 do -- we do try to make sure that people can get in
11 and out of there --

12 CHIEF SHERRARD: Officer Haverlin's on
13 duty. She's aware of it. She's going to be out
14 there monitoring both spots and --

15 MAYOR EBERLE: She's good with
16 traffic, I'll tell you.

17 COUNCIL MEMBER LEONARD: Having
18 worked at -- I'm not this particular election, but
19 I've worked at the fire station a number of times.
20 Having you there makes a huge difference. I think
21 sometimes people even vote because they know
22 they're going to be able to get in and out.

23 CHIEF SHERRARD: We'll be there.

24 MAYOR EBERLE: Maybe we'll get it up
25 to 12%.

1 CHIEF SHERRARD: Come one, come all.

2 MAYOR EBERLE: That's right. Any
3 other comments with regards to the police report?
4 Again, we're very pleased to have Chief Sherrard
5 with us. He's -- he's -- he's taken charge in a --
6 in a very nice fashion, and it's a pleasure to work
7 with him, so. . .

8 We have -- the next item is comments from
9 citizens and the public, and I don't know if we had
10 any -- do we have a sign-in?

11 MS. SPEAKER: M-hm.

12 MAYOR EBERLE: But we can entertain
13 comments from any citizens who would like to
14 address the council.

15 MS. CLARK: Copier is broke. You'll
16 have to share this one. Sorry.

17 MR. FULCHER: Frank Fulcher, Wythe
18 Hill Circle, Prospect. This may be a little late,
19 but, Chief, I see in your report where you have
20 talked to a number of people relative to tall grass
21 in -- in their yards, and I thank you very much for
22 doing that.

23 I talked to -- to Ann Simms on Friday, because
24 we have a recurring problem on Wythe Hill Circle.
25 We have two or three properties that just have

1 absentee owners that -- one property is probably
2 characterized as derelict. I mean, it's -- it's
3 unoccupied.

4 From the information we have, it's
5 unoccupiable because of the black-mold problem.
6 And they -- they just happened to cut the grass
7 today, but it looks like a mown hay field with
8 windrows and the -- the whole deal. So overgrown
9 bushes, weeds. And I don't -- don't know what
10 recourse we -- we actually have relative to that
11 type of thing in the neighborhood.

12 Now, there's one going up Hunting Creek
13 Drive, the -- where Dave Winterton used to live,
14 has got a sign the bank owns it, I understand after
15 talking to Ann, where the -- where a rock wall has
16 fallen in. Now, we've spent a -- spent a lot of time
17 and money relative to parks and trees, et cetera
18 on the -- on the premise that we want to maintain
19 value with our properties. Logically, that would
20 extend to your neighbors maintaining their
21 property, as well as individuals maintaining their
22 own.

23 So I'm -- I'm asking -- I see that you've done
24 some -- something, and feel very good about that,
25 but it's the third time this year that we've -- that

1 neighbors have been to city hall relative to that
2 single property.

3 CHIEF SHERRARD: I believe that's the
4 one we sent the citation. We actually sent a
5 citation to them on Friday, because I took it over
6 to the post office personally, and we did it
7 certified mail. And when I went to the post office,
8 they said that the -- the box, although not closed,
9 was be -- everything was being forwarded. So it's
10 already been forwarded to the -- I guess to the --

11 MAYOR EBERLE: The owner of the box.

12 CHIEF SHERRARD: -- to the own -- to
13 the owner of the box. And they would have re -- I
14 guess they probably would get it today.

15 MR. FULCHER: Well, it's been cut today.
16 But I mean, they -- they sent somebody in and they
17 just cut it down to the absolute minimum. I mean,
18 it's still trashy vacant property. And, you know,
19 I'm looking for a way to have recurring offenses --
20 you know, it's got to be some trigger relative
21 through some -- something that -- that causes
22 these -- these people to do the right thing.

23 COUNCIL MEMBER TUCCI: It -- it's
24 difficult, Frank. In Fox Harbor, we had a property
25 like that, and while the grass was cut, the

1 shrubbery had sort of turned into -- you know, you
2 needed a machette. We don't have a -- we have an
3 ordinance that says how high your grass can be,
4 we don't have one that says you have to trim your
5 shrubbery. I'm not sure how you come up with an
6 ordinance that gets that -- that picky.

7 MR. FULCHER: You know, it's funny --

8 COUNCIL MEMBER TUCCI: You know,
9 how you make that next leap to, you know,
10 trimming the hedges kind of thing.

11 MR. FULCHER: Right. That -- that's --
12 that's too subjective, I think, for maybe a -- maybe
13 an ordinance. But --

14 COUNCIL MEMBER TUCCI: Yeah. Yeah.

15 MR. FULCHER: -- my point is, and I
16 talked to Ann about this, is where -- where you
17 have a situation where, you know, this is three
18 years going, and, you know, every year there's two
19 or three trips down to city hall and two or three
20 letters go out to the same individual, and it's just
21 recurring, that there ought to be some punitive
22 method of dealing with that. And I'm just
23 requesting that you look into it.

24 CHIEF SHERRARD: Well, I'm
25 comfortable enough that if we spot the same

1 property again, we just re-issue a citation, we
2 don't even mess with the additional letters.

3 MAYOR EBERLE: Right. And the
4 citation --

5 CHIEF SHERRARD: I mean, if we know
6 that the other process has run its course and that
7 we're going to have a repeat violator, I don't know
8 that we want to continue to, you know, to beat a
9 dead horse by sending a letter. Just issue the
10 citations, and then at some point, if you don't get
11 compliance, then --

12 COUNCIL MEMBER LEONARD: What's
13 the penalty attached to a citation?

14 CHIEF SHERRARD: That's for the code
15 enforcement board. Can be, what, 25 to --

16 MAYOR EBERLE: It --

17 CHIEF SHERRARD: -- up to 500; right?

18 MAYOR EBERLE: It varies depending on
19 the -- and I don't know what it is for tall grass,
20 which is really our entre into -- into treating things
21 like you're describing, except for the -- like, you
22 know, the retaining walls and that kind of thing.

23 Unless they're a danger to the public, we can't
24 really do much, and it's unfortunate. But what we
25 can do, and -- and we're -- as Chief Sherrard has

1 indicated, we -- we do cite. If they don't come in
2 and pay the fine, then that case goes before the
3 code enforcement board, and they can look at the
4 data, the citation, and fine them, if it's \$25 -- and
5 most all of the ordinance says -- say at each --
6 each day of violation is a separate violation. So,
7 if it's 20 days, you know, times \$25.

8 Now, you know, then we have people that --
9 that say, fine, and they don't pay. And all we can
10 do then is put a lien on their property that when it
11 is sold we get not only the fine money, but also
12 any money that we've spent cutting the grass
13 through our contract. And -- and they will bill
14 some -- you know, Edward [phonetic] will bill
15 separately so we can keep track of how much
16 money we spent on -- on -- on properties that
17 weren't maintained. So --

18 COUNCIL MEMBER SIMON: On the
19 property on Hunting Creek Drive, I've been talking
20 to Ann about that piece of property, walls coming
21 down and stuff, that's owned by a bank; correct?

22 MS. SIMMS: It's owned by a bank.

23 COUNCIL MEMBER SIMON: Well, let's
24 do this: Let's put a letter, a -- a thing in the
25 newsletter saying the bank owns that piece of

1 property, it will look like crap, and just shame the
2 bank in our newsletter --

3 MR. FULCHER: What bank is --

4 COUNCIL MEMBER SIMON: -- with
5 factual stuff.

6 MR. FULCHER: What bank is it?

7 MS. SIMMS: I can't tell you offhand.

8 COUNCIL MEMBER SIMON: I think you
9 can do this --

10 MAYOR EBERLE: I thought it was Wells
11 Fargo.

12 COUNCIL MEMBER SCOTT: Alan, I --
13 Alan, I agree with you. I think we ought to be
14 more proactive in this, and let the people that are
15 just ignoring us, the bank or whoever it may be,
16 let's put them right out there in black and white --

17 COUNCIL MEMBER SIMON: And give
18 them the bad publicity.

19 COUNCIL MEMBER SCOTT: Right.

20 COUNCIL MEMBER SIMON: And once
21 that happens, stuff will stop.

22 COUNCIL MEMBER SCOTT: And another
23 thing that --

24 COUNCIL MEMBER LEONARD: I don't
25 think it would. I don't think Wells Fargo would

1 care.

2 COUNCIL MEMBER SCOTT: They may
3 care more than you think, but if we had a more
4 aggressive way of -- of -- of responding to the
5 homeowners that have this problem next to them or
6 across the street, then we -- then we -- you know,
7 hey, if we can put a lien on them, we go out and
8 cut it, put a lien on it, as long as we're following
9 the law, I'm all for it. And then they'll know --
10 they'll know we're aggressive.

11 COUNCIL MEMBER SIMON: Right.

12 But --

13 COUNCIL MEMBER SCOTT: But if you're
14 doing this letter, and then didn't hear back from
15 the letter, and we'll give them another 30 days.
16 And -- and that just doesn't work. These people
17 aren't going to respond to that kind of stuff.

18 COUNCIL MEMBER SIMON: I mean,
19 Grover will have to be the person to lead on that,
20 what we can do, what we can't do, legal.

21 COUNCIL MEMBER LEONARD: Well,
22 it's -- it's my understanding in Sutherland that, on
23 a number of occasions, we've gone and cut grass
24 and then put a lien.

25 MAYOR EBERLE: Oh, yeah.

1 COUNCIL MEMBER MILES: I think at
2 some point you -- you just -- it has to be a
3 graduated fine to where it -- it just the -- the price
4 approx per [phonetic] goes up to where they're
5 going to do something about it. And I think, at
6 some point, you just have to start cutting the grass
7 regularly so it doesn't turn into a hay field to
8 where when you cut it, it -- it looks almost as bad
9 as before you did it.

10 MR. FULCHER: They meet the letter of
11 the law, but certainly not the spirit.

12 MAYOR EBERLE: Right.

13 COUNCIL MEMBER ERTEL: Chief
14 Sherrard had said that, with the code enforcement
15 board, the fine's going to be anywhere from \$25 to
16 \$500. And I think the code enforcement board
17 should know the repeat offenders, that if that's the
18 case, then don't give them 25 or \$50, make it
19 significant, and --

20 MAYOR EBERLE: Right.

21 COUNCIL MEMBER ERTEL: -- maybe
22 that will get their attention.

23 MAYOR EBERLE: Right.

24 COUNCIL MEMBER ERTEL: And then, if
25 it doesn't, then you get that much more back from

1 when the --

2 CHIEF SHERRARD: Well, it's my
3 understanding on the address in question this has
4 gone back for, what, three years now?

5 MAYOR EBERLE: Oh, yeah. At least,
6 yeah.

7 CHIEF SHERRARD: About three. And
8 they do keep records of that particular address.
9 And that's why Officer Haverlin came to me the
10 other day, she says, "Look, I don't want to mess
11 with any letters on this, I just want to go ahead
12 and cite them." I said, "Well, have at it."

13 MR. FULCHER: Yeah, she had been out
14 there earlier --

15 CHIEF SHERRARD: Right.

16 MR. FULCHER: -- a complaint by another
17 resident, probably my wife, but. . .

18 COUNCIL MEMBER MILES: My guess is
19 most of these are properties that the bank owns or
20 somebody --

21 MAYOR EBERLE: People have walked
22 away from them.

23 COUNCIL MEMBER MILES: -- walked
24 away from. And we're not talking about somebody
25 who just went on vacation and --

1 MAYOR EBERLE: No, no, no.

2 COUNCIL MEMBER MILES: -- forgot to
3 cut the grass.

4 MAYOR EBERLE: That's -- no.

5 COUNCIL MEMBER MILES: I mean, we
6 all understand that. But you're right. Serial
7 offenders -- it's like we had a problem with dog
8 barking where a guy traveled on business, and he
9 would just leave his dog outside, and it would bark
10 incessantly, and he would just pay the fine,
11 because it was cheaper than taking his dog to the
12 kennel.

13 And -- and I think we changed that to where
14 the first offense it was one, the second, the third,
15 where you just can't, you know, it's cheaper to pay
16 the fine than have somebody come cut your grass.

17 MR. FULCHER: Okay. Well, thank you
18 very much. I appreciate you're being aggressive
19 so far this year in that.

20 MAYOR EBERLE: It's not over, I'm sure.

21 CHIEF SHERRARD: We won't run out of
22 tickets. They're like Dorito's, we'll get more.

23 MR. BENCH: Good evening. I'm Herb
24 Bench, and I live at 6503 Gunpowder Lane. I had
25 a very pleasant meeting with the chief this

1 morning, and I appreciate your hospitality, sir.

2 CHIEF SHERRARD: You're welcome.

3 MR. BENCH: Same issue, but different.

4 People live in this house. It's 6410 Gunpowder
5 Lane. It's been an issue for a number of years
6 now. The place is a derelict mess.

7 This week there was a car, a beat up, old car
8 out there for five days, despite our ordinance
9 about cars being in the street. There was a throw
10 away commode in the front yard for three days.
11 The neighbor next door went over and complained;
12 they put it on their porch; still there.

13 Now, this property is a plight to our
14 community. I like the fact our budget is improving.
15 I love the fact that we're growing trees and our
16 community is growing in -- in its beauty and its
17 value, but we can't let these sort of things erode
18 what Prospect and Hunting Creek's all about.

19 I think, in this particular case, just police
20 being there, police taking some kind of action,
21 being aware of what's going on over there is going
22 to force these people to do something, because
23 they just don't care. The place is a mess.

24 And I don't know what else to do. Nobody
25 else in our neighborhood knows what to do.

1 Hopefully, you, the mayor, and the city council will
2 help to us do something about resolving this
3 problem. Thank you.

4 COUNCIL MEMBER MILES: What do
5 you -- what do you think the source of the problem
6 is?

7 MR. BENCH: I think they're druggies. I
8 think they -- I think they smoke crack cocaine or
9 use meth or whatever they do in there. There's
10 ten people living in that house. Some guy lives in
11 the garage, there's trash cars around all over the
12 place. They just don't care.

13 MAYOR EBERLE: Yeah. We've had
14 continuing problems with them parking on -- well,
15 half on the street --

16 MR. BENCH: Yeah.

17 MAYOR EBERLE: -- and half on their --

18 MR. BENCH: Yeah. I'm the one that
19 probably complains on -- the one that has the
20 complaint about it.

21 MAYOR EBERLE: Yeah. We -- we --

22 MR. BENCH: But if you just go up and
23 look at the place, you can tell it's terrible.

24 COUNCIL MEMBER MILES: I -- I know
25 which one. I -- I run up that street, and I know

1 about it.

2 COUNCIL MEMBER SIMON: We have --
3 we have a thing in Prospect that doesn't allow
4 multi-use housing for people.

5 MR. BENCH: Right.

6 COUNCIL MEMBER SIMON: And I -- I
7 mean, that may be the way to get them out of
8 there, because they've got multi-families living in
9 there, and we don't allow that in the City of
10 Prospect. I think that's -- I don't know if that's --
11 we took that out of our zoning code.

12 COUNCIL MEMBER LEONARD: You can
13 have multi-families.

14 MAYOR EBERLE: Yeah, you can have
15 multi-families.

16 COUNCIL MEMBER TUCCI: But they
17 can't live in the garage.

18 MR. BENCH: Right.

19 COUNCIL MEMBER SIMON: They can't --
20 yeah.

21 MR. BENCH: Well, there's a guy living in
22 the garage there, folks. I can tell you that.

23 COUNCIL MEMBER SCOTT: There is a
24 guy living in the garage?

25 MR. BENCH: Well. . .

1 COUNCIL MEMBER TUCCI: That's why
2 you need the toilet on the porch for.

3 MR. BENCH: I don't know, but -- but --I
4 mean, what -- we need to do something. I mean, I
5 just -- well, honestly, I just think the police
6 attention to them constantly being in their face --

7 MR. SPEAKER: Yeah.

8 MR. BENCH: I don't mean that in the
9 sense "in their face" as much as just being
10 attentive to what the problems are.

11 MR. SPEAKER: Right.

12 MR. BENCH: It's going to force them to
13 have to do something. I mean, it -- it just can't
14 continue. The neighborhood is -- how would you
15 like to be a real estate agent trying to sell a house
16 in this neighborhood and drive by that thing.

17 COUNCIL MEMBER MILES: Oh, that's
18 horrible.

19 MR. BENCH: I mean, I live across the
20 street from it.

21 COUNCIL MEMBER MILES: Yeah. Yeah,
22 that's horrible.

23 MAYOR EBERLE: And -- and -- and we
24 have on numerous occasions contacted those folks
25 over the years, and they will comply for a little

1 while, and then they're back at it, so. . .

2 MR. BENCH: They go right back to it.
3 They don't scare. Yeah.

4 COUNCIL MEMBER SIMON: Who actually
5 owns the house?

6 MAYOR EBERLE: I don't know.

7 COUNCIL MEMBER SIMON: I mean,
8 would contacting the people that really own the
9 house and letting the kids live there.

10 MR. BENCH: Well, I think --

11 MR. SPEAKER: Well, the kid -- the kids
12 own it.

13 MR. BENCH: They own the house.

14 MR. SPEAKER: The kids own it.

15 MR. BENCH: As a matter of fact, I think
16 one of the ladies is in healthcare somewhere at
17 the hospital. Unbelievable. I mean --

18 COUNCIL MEMBER SIMMS: I think
19 you're right.

20 MR. BENCH: I -- I just don't want to cast
21 aspersions against other individuals, but the fact
22 of the matter is, it's a problem for our community.
23 I've got to tell you.

24 MR. SPEAKER: It's been that way for a
25 number of years. I know exactly how --

1 MR. BENCH: Can we do something about
2 it?

3 MR. SPEAKER: Yeah.

4 MR. BENCH: You know, it's gotten to the
5 point where something going to have to happen.

6 CHIEF SHERRARD: Was the car already
7 moved by tonight? They were supposed to have
8 it --

9 COUNCIL MEMBER SIMON: It was.
10 Thank you -- thank you, Chief. But that's been
11 since Thursday, you know.

12 CHIEF SHERRARD: Right.

13 COUNCIL MEMBER SIMON: So --

14 MS. SPEAKER: Why don't you-all take
15 the license plate number down?

16 CHIEF SHERRARD: I don't need to take
17 the license plate.

18 MS. SPEAKER: Well, then he can run it
19 and see if he's got any outstanding warrants on
20 any of them.

21 COUNCIL MEMBER SIMON: I'm sure
22 they'll do that when they're up there, I would --

23 MS. SPEAKER: Can't you, Chief?

24 CHIEF SHERRARD: Yeah, the car
25 belonged there.

1 MS. SPEAKER: You can run a plate --

2 CHIEF SHERRARD: The car that -- in
3 question --

4 MS. SPEAKER: -- and see who it belongs
5 to.

6 CHIEF SHERRARD: The car in question
7 actually belonged there, but. . . They owned it.

8 MAYOR EBERLE: Thank you.

9 COUNCIL MEMBER MILES: Thank you.
10 I'm very sorry. I know it's frustrating.

11 MR. SPEAKER: I'm sure we can do
12 something about it.

13 COUNCIL MEMBER SIMON: I mean, if --
14 if you can get a bunch of complaints coming in, the
15 police can keep going up there every other night
16 and just knocking on the door. And I think --

17 MR. BENCH: I'm sure I can get the
18 neighbors to keep calling --

19 COUNCIL MEMBER SIMON: -- if they're
20 doing something like that and complaints --

21 MR. BENCH: -- but I don't think he wants
22 to hear from me every day.

23 COUNCIL MEMBER SIMON: I'm -- I think
24 that repetitive stuff with the police going there
25 maybe periodically may straighten it up a little bit,

1 because they don't know when you're going to
2 show up again.

3 MR. BENCH: I agree. I think police
4 presence there will make a lot of difference.

5 COUNCIL MEMBER SIMON: Yeah. Yeah.
6 Just -- you know, if there's any illegal activity
7 going on inside, they'll probably stop if the police
8 show up there three times a week.

9 MR. BENCH: I don't think every time a
10 policeman goes up there you're going to find
11 something that's an incident of some sort, a dog
12 that's running loose, I mean, just the kids, I mean,
13 the whole thing. But let's start from the
14 beginning. Thank you very much.

15 MAYOR EBERLE: And I do -- I do
16 appreciate the efforts that code enforcement, that
17 our --

18 MR. SPEAKER: Yes.

19 MAYOR EBERLE: -- our police
20 department conducts. I can tell you that LMPD
21 does not like to and won't be involving themselves
22 in any code enforcement, so. . .

23 MR. SPEAKER: I'll second that.

24 MAYOR EBERLE: We -- we do have -- we
25 -- we do have a source for that, and some officers

1 are better at it than others, but we -- we certainly
2 have the resources to -- to monitor some of those
3 spots that are especially chronic.

4 MR. SPEAKER: Well, this one is chronic.

5 MAYOR EBERLE: And -- yeah.

6 COUNCIL MEMBER SIMON: And
7 poisonous. And poisonous.

8 MR. SPEAKER: Well, it is. It is. It is to
9 the community, honestly.

10 MAYOR EBERLE: Any other comments
11 from citizens or members of the public?

12 If not, we have the three budget ordinances.
13 These are the traditional ordinances that we
14 introduce each year, or have, at least, while I've
15 been mayor, and I think before that. Yeah. So
16 the -- the ordinances are 518, 519 and 520.

17 518 is the ordinance establishing the budget
18 for the general fund of the City of Prospect. It's
19 the -- it's the most detailed one.

20 519 is the ordinance that we have establishing
21 a budget for the municipal road aid fund. The
22 municipal road aid fund is a separately budgeted
23 and separate -- and separate account for the city,
24 all the moneys that we receive, and they are
25 deposited in the municipal road aid fund are

1 received from the state, and those funds have
2 to be spent on roads or road-related,
3 transportation-related things.

4 So that is a separate -- that is a separate
5 budget, operates outside of the general fund to the
6 city.

7 COUNCIL MEMBER LEONARD: How do
8 they calculate how much we receive?

9 MAYOR EBERLE: It's -- it's based on the
10 gasoline -- percentage of return on the gasoline
11 proceeds. We get, generally, about \$9,000 a
12 month. It -- you know, it varies, but in recent -- I
13 think all -- all this year it's been around \$9,000.

14 COUNCIL MEMBER LEONARD: And do
15 we -- I was asking somebody in another city, and
16 their perception was that the money didn't come in
17 until it was spent. And I said, "Well, I don't think
18 it's that way in Prospect."

19 MAYOR EBERLE: Yeah. It's not a
20 reimbursement.

21 MS. SIMMS: That's not true at all.

22 MAYOR EBERLE: We're supposed to
23 spend it within two years of receipt. So, as those
24 moneys roll in, the clock starts on all those
25 moneys. But I can tell you. . .

1 MS. SIMMS: That was checking.

2 MAYOR EBERLE: If -- and we -- I think
3 we do pretty well in -- in -- in rotating the moneys
4 out, but there are -- I've talked to mayors that
5 have said, "We haven't spend anything out of our
6 road fund for 15 years." So, technically, the -- the
7 state can take their money back, so. . .

8 COUNCIL MEMBER LEONARD: Why
9 would we -- we've budgeted in the -- I've noticed
10 in the budget the 150,000 for paving. Why would
11 we spend our 150 and not spend this first?

12 MAYOR EBERLE: We -- well, what we
13 do is usually use a blend. Like, for this year, we
14 are -- our -- our paving was two hundred and some
15 thousand --

16 COUNCIL MEMBER LEONARD: M-hm.

17 MAYOR EBERLE: -- and we took 85,000
18 out of the operating fund, and then -- and then the
19 remainder came out of the road aid fund. The
20 majority of it came out of the road aid fund.

21 COUNCIL MEMBER TUCCI: That
22 includes salt, too, so we have good years and bad
23 years --

24 MAYOR EBERLE: We can spend it on
25 salt.

1 COUNCIL MEMBER TUCCI: -- depending
2 on weather.

3 MAYOR EBERLE: Yeah.

4 COUNCIL MEMBER TUCCI: And the
5 other -- the other --

6 MAYOR EBERLE: We've tapped it for
7 salt before.

8 COUNCIL MEMBER LEONARD: Will it do
9 plowing --

10 MS. SIMMS: Yes.

11 COUNCIL MEMBER LEONARD: -- or
12 anything like. . . It will?

13 MAYOR EBERLE: Oh, yeah. Any --
14 yeah, any road maintenance. Of course, paving
15 obviously, but. . .

16 MS. SIMMS: Street signs.

17 MAYOR EBERLE: Street -- street
18 cleaning, no.

19 MS. SPEAKER: We don't --

20 MAYOR EBERLE: That comes out of
21 the -- that comes out of the operating budget, and
22 that's not qualifying. But any --

23 COUNCIL MEMBER SIMON: Repair and
24 maintenance.

25 MAYOR EBERLE: Repair and

1 maintenance; yeah.

2 COUNCIL MEMBER TUCCI: The tricky
3 thing about the fund is that it's based on the gas
4 tax.

5 COUNCIL MEMBER MILES: Right.

6 COUNCIL MEMBER TUCCI: And as we
7 have more fuel-efficient cars, the amount of
8 revenue the state gets goes down, which means
9 the amount of money that we get goes down. So
10 it's, you know, never let a good deed go
11 unpunished. We all bought fuel-efficient cars, and
12 so they cut our allowance.

13 MAYOR EBERLE: And Ordinance 520 is
14 the ordinance establishing ad valorem tax rate for
15 the City of Prospect. That is the ad valorem to the
16 value of real estate in the city. It is, and has
17 been for many years, 21-1/4 cents per 100 -- or
18 \$100 of assessed valuation. And that ordinance
19 is -- it continues at 21.5. There's no change in
20 that, so. . .

21 COUNCIL MEMBER SIMON: And that tax
22 has actually dropped twice since I've been on the
23 council. We've actually lowered that -- that -- that
24 rate twice since I've been on the council.

25 MAYOR EBERLE: So I will entertain a

1 first reading for Ordinance Number 518.

2 COUNCIL MEMBER SIMON: "City of
3 Prospect Ordinance 518, Series 2012, An
4 Ordinance Establishing a Budget for the General
5 Fund of the City of Prospect for the Fiscal Year
6 Beginning July 1, 2012 and Ending June 30, 2013."

7 You want me to --

8 MAYOR EBERLE: Yeah. Yeah. Grover
9 said we need to read the whole thing, so. . .

10 COUNCIL MEMBER SIMON: [reads] Be it
11 Ordained By the City of Prospect, Kentucky:
12 Section 1: The Budget of General Fund of the City
13 of Prospect for the Fiscal Year Beginning --
14 Beginning July 1, 2012 and ending June, 2013
15 shall be as follows: Total Revenues: \$3 thou --
16 54,700 --

17 MS. SPEAKER: 3 -- 3 million.

18 MR. SPEAKER: 3 million.

19 COUNCIL MEMBER SIMON: It should be
20 \$3,054,700.

21 MR. SPEAKER: Each one.

22 COUNCIL MEMBER SIMON: Those -- all
23 of it? Okay. Okay. "Ad Valorem Property Tax
24 1,705,000, Utility Taxes 4,000, Insurance Premium
25 Tax 1,150,000, Liquor License Tax 11,000, Permits

1 6,000, Cable Television Franchise Fee 35,500,
2 Bank Deposit Tax 35,500" --
3 COUNCIL MEMBER TUCCI: 53,500.
4 COUNCIL MEMBER SIMON: --"53,500,
5 Business License \$8500, Community Events
6 Contributions 11,000, Library Contributions \$2600,
7 LGEA Grants \$350, KLEFPF Grant 37,000, Base
8 Court Revenue 17,000, Interest Income \$2500, Tax
9 Record Request 1600, Miscellaneous Revenues
10 8700, City of Prospect Use Permits \$4,500,
11 Total" --
12 MS. SPEAKER: 450.
13 COUNCIL MEMBER SIMON: "\$450, Total
14 Revenues 3,054,700. Expenditures, General
15 Government, Salaries and Benefits \$354,027,
16 Professional Services \$127,000, Maintenance
17 Repairs 47,900, Travel and Training 3,900,
18 Utilities 131,660, Postage \$7,950, Rental and
19 Leasing \$2,762, Insurance \$12,550, Materials and
20 Supplies \$6,650, Information \$54,229, Capital
21 Outlay \$2,000, Total Government" -- "Total
22 General Government is \$750,528.
23 "Police Department, Salaries and Benefits
24 \$813,000.18" -- "\$813,018, Professional Services
25 \$2800, Travel, Training and Reimbursement

1 \$12,525, Insurance \$19,000, Materials and
2 Supplies \$66,750, Capital Outlay 42,000, Total
3 Police Department \$956,093.

4 "Public Works, Solid Waste \$686,532, Streets
5 and Signage \$161,500, Professional Services
6 \$500, Contractual Maintenance \$372,790, MSD
7 Assessment \$57,800. Public Works total
8 \$1,779" --

9 MS. SPEAKER: 2 --

10 COUNCIL MEMBER SIMON: "\$1,279,122.

11 Transfers, Transfer to Unallocated Reserves
12 \$68,957, Total Transfers \$68,957. Total
13 Expenditures \$3,054,700.

14 "Section 2: This Ordinance shall be effective
15 from and after its passage, approval and
16 publication by law is required. First reading this
17 21st day of May, 2012. Passed on Second Reading
18 this day June, 2012 by a vote of aye and nay of
19 the City Council. Approved. And Mayor Todd
20 Eberle, Ann Simms, City Clerk."

21 MAYOR EBERLE: You did read it all.

22 Even the stuff that's yet to come. And we do not
23 need a second. That introduces the budget. I
24 would entertain a reading of Ordinance 519, if
25 anyone wants to do that.

1 COUNCIL MEMBER LEONARD: I'll do
2 that. Mike Scott and I have got some concerns in
3 regard to the budget. Not necessarily in regard to
4 any of the numbers or any of the things that are
5 there, but in regard to the fact that we don't know
6 any more than what you just heard, because we're
7 not privy to the process that the budget is created
8 from. I realize that's bad English.

9 Anyway, so we got this same document that
10 you're looking at about 24 to 48 hours ago. And
11 that's all we've got. We don't know any more, we
12 don't know what the components of the document
13 are made up of.

14 And I think that it's been done this way for
15 many, many years, but our concern is that maybe
16 we're getting sophisticated enough, large enough
17 in Prospect that just because we did something for
18 many years is not necessarily the way we should
19 be doing it in the future. We put our thoughts in
20 writing, and we -- would you like to --

21 COUNCIL MEMBER SCOTT: Sure. And
22 I'd just like to say, as well, that, in order to -- you
23 know, we're all elected officials here, we're all on
24 city council, we all want to do a good job for the
25 residents of Prospect. And when you're receiving

1 this kind of information on Sunday afternoon, and
2 you've got to sit at a meeting here Monday
3 evening, Number 1, you can't ask an intelligent
4 question, because you have -- you don't have all
5 the detail. And so it's -- it's impossible to do that.

6 Now, next month, we'll -- we'll have a month
7 now to really try to go through these things and
8 really look at it perhaps to make some motions for
9 amendments to this budget, which I'm sure we will
10 do. And at all times, and everyone on this council
11 I know feels the same way, we're here to serve the
12 people of Prospect.

13 But we feel in this memo here that we're
14 passing out up here to council members, and we'll
15 have some if you-all are interested in having a
16 copy, is three things we kind of focused on was
17 transparency, timeliness, and teamwork. And let
18 me pass this down. We have one copy that is
19 signed for the mayor, and then the others you-all
20 can get a copy of.

21 And we're doing this in the spirit of teamwork
22 and cooperation, and hopefully, maybe we all can
23 think about it. In the future, we could maybe try
24 to do a better job of -- of getting this information
25 out and to all of us so we can digest it and -- and

1 do a thoughtful analysis and make
2 recommendations appropriately.

3 Anything else?

4 COUNCIL MEMBER LEONARD: Well, the
5 detail is -- is we don't have any detail, either. Not
6 only is it not timely, but we've got the same
7 document that you've got. It doesn't tell us -- for
8 example, I'm sure we have wonderful employees,
9 but looking at that document doesn't tell you how
10 many.

11 You know, it's -- and I think from, at least, my
12 prior experiences in managing things, that
13 sometimes you have to look at the detail in when
14 you're putting together numbers. And when we're
15 getting up to a \$3 million budget, I think that's
16 significant, and I think we need to do a good job
17 for the City of Prospect.

18 MAYOR EBERLE: I will note that
19 everyone, including both of you, received every
20 line item. So you have much, much more material
21 than is shown in the ordinance. The ordinance
22 does not have a lot.

23 COUNCIL MEMBER LEONARD: I
24 understand. So this was not -- not public --

25 MAYOR EBERLE: You also -- you also

1 have access to every check that has been written
2 under every line item, and that is -- that's kept
3 in -- in -- in a public -- in -- in the city council,
4 you can -- and you can see that, and people do.

5 COUNCIL MEMBER LEONARD: No, I do.
6 And I do look at it, but --

7 MAYOR EBERLE: Well, let -- let --

8 COUNCIL MEMBER LEONARD: -- there
9 were very broad categories in there.

10 MAYOR EBERLE: -- let -- let me finish.
11 So you do -- and timely. I have -- I have been
12 here most -- for about two weeks straight, and --
13 and Ann has worked in getting the very latest and
14 most accurate information that we can with regards
15 to pensions, healthcare. And these things come in
16 late, and some of it we don't have.

17 And there's a method to each of it. If you
18 want to ask me a question about how I arrived at a
19 particular figure, you know I'll be -- you know,
20 you're in here a lot, and --

21 COUNCIL MEMBER LEONARD: Okay.

22 MAYOR EBERLE: -- all you have to do is
23 ask. We can also -- we -- and we will next week
24 distribute the employee salary sheets, and you can
25 look at those --

1 COUNCIL MEMBER SCOTT: Yeah. We
2 just don't know what this --

3 MAYOR EBERLE: Right.

4 COUNCIL MEMBER SCOTT: You know,
5 you want to give everyone a 2-1/2% raise, from
6 what point, we don't know --

7 MAYOR EBERLE: Yeah.

8 COUNCIL MEMBER SCOTT: -- what --
9 what salary is right now.

10 MAYOR EBERLE: And then -- and -- and
11 we'll distribute those --

12 COUNCIL MEMBER SCOTT: Should have
13 a total.

14 MAYOR EBERLE: -- we'll distribute
15 those to everyone.

16 COUNCIL MEMBER SCOTT: Yeah. We
17 have a total of -- but what's the total?

18 MAYOR EBERLE: No. We'll -- we'll give
19 you --

20 COUNCIL MEMBER SCOTT: Detail.
21 Yeah.

22 COUNCIL MEMBER LEONARD: Yeah.

23 MAYOR EBERLE: We'll -- we'll give
24 you --

25 COUNCIL MEMBER SCOTT: The police

1 department is eight hundred and some thousand
2 dollars, but, you know, you need the detail. And --

3 MAYOR EBERLE: And we'll -- we'll get
4 that to you tomorrow.

5 COUNCIL MEMBER SCOTT: And now
6 we're going to have 30 days to digest it and make
7 some comments or recommendations.

8 MAYOR EBERLE: Certainly.

9 COUNCIL MEMBER SCOTT: Like the
10 audit. The audit was completed October 26th. I
11 sat in the December meeting, it's the first time I
12 saw the audit report. We didn't get it until
13 December.

14 MAYOR EBERLE: Well, but -- but, Mike,
15 the city didn't -- they left here in October, but they
16 did not release the audit to us until December.

17 COUNCIL MEMBER SCOTT: No. That
18 report was dated October 26th.

19 MAYOR EBERLE: Well, that was their
20 internal. So, you know, I -- I -- I do take
21 exception. I think we're very transparent. We're
22 more transparent than any other suburban city that
23 I know of. The information is there, it just has to
24 be accessed.

25 COUNCIL MEMBER SIMON: That's why

1 you have a first and second reading, so you've got
2 a month to analyze everything that's there. And
3 you -- you'll get a copy of this. Will they get a
4 copy of this?

5 MAYOR EBERLE: Yeah, we can -- yeah,
6 we can get --

7 COUNCIL MEMBER SCOTT: I don't -- I
8 don't have a copy of that.

9 COUNCIL MEMBER SIMON: No, I'm
10 saying you -- you should get a copy of that --

11 COUNCIL MEMBER SCOTT: It was not --
12 it was not in our packet.

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

15 COUNCIL MEMBER SCOTT: It was not
16 in our packet. I -- I assume the budget committee
17 is privy to it, but we are not privy to it.

18 MAYOR EBERLE: Okay. Well, we'll --
19 we'll address those issues and -- and get back.
20 But I will entertain a reading of Ordinance Number
21 519. You want to do the municipal road aid?

22 MS. SPEAKER: I have a question. As a
23 citizen taxpayer of Prospect, am I going to get a
24 copy of this, too, or is it only the --

25 MAYOR EBERLE: We can give you a line

1 item; sure.

2 MS. SPEAKER: Okay. I'd like to see it.

3 MAYOR EBERLE: There's -- there's
4 several hundred line items.

5 MS. SPEAKER: You know, you can lump
6 figures together, which is very easily done, but I
7 would like to know how you arrived at those
8 figures.

9 MAYOR EBERLE: Sure.

10 MS. SPEAKER: Thank you.

11 MAYOR EBERLE: If you want, we can
12 give you -- I think there's a -- Holly, in the back is
13 there not a -- is there a line item thing in the
14 back?

15 MS. CLARK: I didn't see it.

16 MAYOR EBERLE: But if you -- if you --
17 we can get that to you tomorrow.

18 MS. SPEAKER: Thank you, Mayor.

19 MAYOR EBERLE: Uh-huh. Ordinance
20 519, anybody want to read the municipal roadway?

21 COUNCIL MEMBER TUCCI: "City of
22 Prospect Ordinance Number 519, Series 2012, An
23 Ordinance Establishing a Budget for the Municipal
24 Road Aid Fund of the City of Prospect for the
25 Fiscal Year Beginning July 1, 2012 and Ending

1 June 30, 2013." Do we need to read --

2 MR. POTTS: Yes.

3 COUNCIL MEMBER TUCCI: -- all of this,
4 as well? Okay.

5 "Be it Ordained by the City of Prospect,
6 Kentucky: Section 1: The Budget for the
7 Municipal Road Aid Fund of the City of Prospect
8 for the Fiscal Year Beginning July 1, 2012 and
9 ending June 30, 2013 shall be as follows:
10 Estimated Balance July 1, 2012 \$294,899,
11 Estimated Increases to Fund 92,000. Total
12 Available for Appropriation 386,899. Estimated
13 Expenditures, Road Construction Paving 100,000.
14 Estimated Ending Balance June 30," two hundred --
15 "2013, 286,899.

16 "Section 2: This Ordinance shall be effective
17 from and after its passage, approval and
18 publication as required by law."

19 MR. POTTS: That's where you need to --

20 COUNCIL MEMBER TUCCI: Okay.

21 MR. POTTS: That's -- that's all -- stop
22 there.

23 MAYOR EBERLE: Okay. Ordinance
24 Number 519 is duly introduced. And I will
25 entertain a -- a reading of Ordinance Number 520.

1 COUNCIL MEMBER ERTEL: "City of
2 Prospect Ordinance Number 520, Series 2012, An
3 Ordinance Establishing an Ad Valorem Tax Rate
4 for the City of Prospect. Be it Ordained by the
5 City of Prospect, Kentucky: Section 1: An ad
6 valorem tax is hereby levied and fixed at the rate
7 of \$21.25 on each \$100 of all real estate property
8 within the corporate limits of the City of Prospect,
9 as assessed for taxation and subject to taxation by
10 said City under assessment as of January 1 of
11 each year.

12 "Section 2: Said ad valorem taxes shall be
13 due and payable, including interest and penalty
14 pursuant to Ordinance 113, Series 1983, until paid
15 in full.

16 "Section 3: The proceeds of such taxes,
17 penalties and interest are to be placed in the
18 General Fund of the City of Prospect and are to be
19 used for the general operation expenses of said
20 City, including but not limited to purchase of City
21 supplies, safety and security, health and
22 sanitation, recreation and welfare, improvement
23 and maintenance of streets, management and
24 maintenance of trees and public lands, garbage
25 collection, street lights and expenses thereof,

1 other expenses for operation of the City and all
2 necessary and proper municipal functions as may
3 be ordained and resolved by the City Council.

4 "Section 4: This ordinance shall be effective
5 from and after its passage, approval and
6 publication as required by law."

7 MR. POTTS: That's where you need to
8 finish.

9 MAYOR EBERLE: That's fine. Okay.
10 And Prospect Ordinance Number 520, Series 2012
11 has now been introduced. We have no other action
12 items on the agenda.

13 The next category is unfinished business. Do
14 we have any -- any unfinished business? Hearing
15 none, I believe we have no need --

16 MR. POTTS: Correct.

17 MAYOR EBERLE: -- to adjourn to
18 executive session. And if we have no further
19 business, I would entertain a motion to adjourn.

20 COUNCIL MEMBER SIMON: So moved.

21 COUNCIL MEMBER TUCCI: Second.

22 MAYOR EBERLE: Simon.

23 COUNCIL MEMBER TUCCI: And Tucci.

24 MS. SPEAKER: Tucci.

25 MAYOR EBERLE: Oh, Tucci. Okay.

1 Simon and Tucci. Those in favor, signify by saying
2 "aye."

3 COUNCIL MEMBERS: Aye.

4 MAYOR EBERLE: Opposed by "nay." We
5 are adjourned.

6 [WHEREUPON, the City Council Meeting
7 concludes at 8:14 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

.

My Commission Expires: _____ Notary Public

.

SEPTEMBER 27, 2012 _____.

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WORD INDEX

< \$ >

\$1,279,122 57:10
\$1,779 57:8
\$1.50 16:20
\$100 54:18 67:7
\$108,743 3:19
\$12,525 57:1
\$12,550 56:19
\$127,000 56:16
\$161,500 57:5
\$19,000 57:1
\$2,000 56:21
\$2,762 56:19
\$200 29:3
\$21.25 67:7
\$2200 19:24, 25
\$25 36:4, 7 39:15
\$2500 25:5 56:8
\$2600 56:6
\$2800 56:25
\$294,899 66:10
\$3 55:15 60:15
\$3,054,700 5:6
 55:20 57:13
\$300,000 25:22
\$350 56:7
\$354,027 56:15
\$372,790 57:6
\$4,500 56:10
\$450 56:13
\$50 39:18
\$500 39:16 57:6
\$54,229 56:20
\$57,800 57:7
\$6,650 56:20
\$66,750 57:2
\$68,957 5:13
 57:12, 12
\$686,532 57:4
\$7,950 56:18
\$750,528 56:22
\$770.75 14:16
\$813,000.18 56:24

\$813,018 56:24
\$8500 56:5
\$9,000 51:11, 13
\$956,093 57:3

< 1 >

1 55:6, 12, 14 59:3
 65:25 66:6, 8, 10
 67:5, 10
1,150,000 55:25
1,705,000 55:24
10 10:15 30:6
100 54:17
100,000 66:13
108,743 3:13
11,000 55:25 56:6
11:45 23:18
113 67:14
12 22:11 30:25
131,660 56:18
14 20:19
15 52:6
150 52:11
150,000 52:10
1600 56:9
16th 2:24
17 20:14
17,000 56:8
18 20:15
1983 67:14

< 2 >

2 5:22 57:9, 14
 62:5 66:16 67:12
20 36:7
2007 4:21
2012 1:23 2:3, 7
 55:3, 6, 14 57:17,
 18 65:22, 25 66:8,
 10 67:2 68:10
 71:16, 20
2013 55:6, 14 66:1,
 9, 15
21 1:23 2:3
2-1 5:22 62:5

21.5 54:19
21-1 54:17
21st 2:6 57:17
22nd 13:25
24 21:3 58:10
25 35:15 39:18
26th 28:23 63:10,
 18
27 71:20
27th 13:18 14:4
286,899 66:15
29th 23:18
2nd 10:15 12:12

< 3 >

3 55:17, 17, 18
 67:16
3,054,700 56:14
3,900 56:17
30 38:15 55:6
 63:6 66:1, 9
30, 66:14
30s 24:1
35,500 56:1, 2
37,000 56:7
386,899 66:12

< 4 >

4 54:17 68:4
4,000 55:24
42 6:13 28:14
 30:2
42,000 57:2
450 56:12
47,900 56:17
48 58:10
4th 7:15

< 5 >

5 27:16
50 17:14
500 35:17
50th 12:22
518 50:16, 17 55:1,
 3

519 50:16, 20
 57:24 64:21 65:20,
 22 66:24
520 50:16 54:13
 66:25 67:2 68:10
53,500 56:3, 4
54 21:2
54,700 55:16

< 6 >

6,000 56:1
6410 42:4
6503 41:24

< 8 >

8:14 69:7
80 8:17
83 8:18
85,000 52:17
86 8:16
8700 56:10
8th 23:7 25:18

< 9 >

92,000 66:11
9242 28:3

< A >

ability 8:7
able 7:25 8:21, 24
 12:19 18:7 30:22
absentee 32:1
absolute 33:17
absolutely 24:18
access 6:12 61:1
accessed 63:24
Accident 20:15
accomplice 26:25
account 25:5
 50:23
accountants 7:23
accrediting 19:9
accurate 61:14
 71:9
action 2:8 42:20

68:11
activity 14:14 49:6
ad 54:14, 15 55:23
 67:3, 5, 12
added 5:15 12:17
addict 25:12
addition 3:13 5:7
 17:17
additional 5:15, 19,
 19 7:10 35:2
additionally 18:18
address 31:14
 40:3, 8 64:19
adds 17:14
adjourn 68:17, 19
adjourned 69:5
adopted 4:5
Advisory 10:3
affiliation 23:6
affluent 25:21
afternoon 59:1
agenda 2:7 68:12
agent 45:15
aggressive 38:4,
 10 41:18
ago 21:14 58:10
agree 37:13 49:3
Agreement 3:6
ahead 40:11
aid 50:21, 22, 25
 52:19, 20 64:21
 65:24 66:7
Alan 6:19 37:12,
 13
alarms 20:24 21:2,
 6, 7, 9, 11, 13, 20
allow 4:25 44:3, 9
allowance 54:12
allows 7:20
alternative 6:16
amended 3:23
amendments 59:9
amount 5:6, 12
 22:7 54:7, 9
analysis 8:11 60:1
analyze 64:2

Ann 9:2 18:4
 31:23 32:15 34:16
 36:20 57:20 61:13
announcement 18:8
annual 5:9
anomaly 20:23
anybody 13:9
 65:20
anytime 24:20
anyway 25:14 58:9
appearance 7:7
appreciate 15:12
 41:18 42:1 49:16
apprehended 24:5
approach 5:25
appropriately 60:2
Appropriation
 66:12
approval 2:23
 57:15 66:17 68:5
Approved 57:19
approx 39:4
April 2:24 23:18
 28:23
area 6:3, 23 7:5
 9:21
areas 6:6 7:11
 25:21
arrest 27:23
arrived 61:18 65:7
article 11:13, 20
asking 32:23 51:15
aspects 11:2
aspersions 46:21
assaulted 23:20
assaults 24:3
assessed 54:18
 67:9
Assessment 57:7
 67:10
assume 64:16
assuring 19:10
attached 35:13
attend 8:25
attention 2:10

39:22 45:6
attentive 45:10
attorneys 71:12
attractive 8:9
audible 2:17
audience 2:19
audio 16:6, 8
audit 5:10 8:23
 18:18, 21 63:10, 10,
 12, 16
auditors 7:23
authority 29:2
Authorization 3:5
authors 15:25
available 16:4
 66:12
aware 25:19 30:13
 42:21
aye 4:2, 3 57:18
 69:2, 3

< B >
baby 13:2
back 2:15, 21, 25
 4:12 8:12 38:14
 39:25 40:4 46:1, 2
 52:7 64:19 65:12,
 14
bad 25:14 28:12
 37:18 39:8 52:22
 58:8
bag 17:9
Balance 66:10, 14
balanced 5:5 20:18
bank 32:14 36:21,
 22, 25 37:2, 3, 6, 15
 40:19 56:2
Barber 9:15
bargains 16:25
bark 41:9
barking 41:8
Barnes 16:4
Base 56:7
based 51:9 54:3
basically 27:1

beat 35:8 42:7
beaten 23:23
beauty 42:16
beech 6:25 9:10
beginning 15:25
 16:7 49:14 55:6,
 13, 14 65:25 66:8
believe 6:24 8:20
 23:10 33:3 68:15
belonged 47:25
 48:7
belongs 48:4
BENCH 41:23, 24
 42:3 43:7, 16, 18,
 22 44:5, 18, 21, 25
 45:3, 8, 12, 19 46:2,
 10, 13, 15, 20 47:1,
 4 48:17, 21 49:3, 9
benches 11:23, 24
Benefits 56:15, 23
best 9:22 15:23
better 21:7, 12, 20
 50:1 59:24
bicyclists 6:17
bids 9:11
bill 36:13, 14
binder 2:25
binoculars 14:25
bird 14:4
birthday 12:22
bit 25:6 28:8
 48:25
black 37:16
black-mold 32:5
blank 27:9
blast 24:22
blend 52:13
BMW 27:16
board 6:24 8:24,
 25 9:14 14:8, 11
 35:15 36:3 39:15,
 16
bond 7:22
bonded 7:19 8:2
book 15:4, 6 17:8,

12, 13, 22
bookbags 17:18
books 14:17 15:20
 16:1, 4, 6, 8, 20
 17:10
bookstore 17:3
bottom 3:8
bought 16:5 54:11
Boulevard 6:20
box 33:8, 11, 13
brand 27:21
break 22:19
Bridgepointe 22:18
brief 22:22
bring 17:10, 18
 27:10
broad 61:9
broke 31:15
bud 2:12
budget 2:11, 12, 15,
 15 4:8, 8, 10, 11, 14,
 18, 21, 22, 25 5:5, 7,
 13, 21, 24 6:5 7:10,
 18 8:5, 12 42:14
 50:12, 17, 21 51:5
 52:10 53:21 55:4,
 12 57:23 58:3, 7
 59:9 60:15 64:16
 65:23 66:6
budgeted 5:12
 7:14 8:16, 18, 22
 50:22 52:9
bulletin 14:8, 10
bunch 48:14
burglar 20:23 21:2
 25:23
burglaries 24:4
bushes 32:9
business 2:22
 8:10 41:8 56:5
 68:13, 14, 19
buy 15:20, 25 17:3

< C >
Cabinet 18:19

Cable 56:1
calculate 51:8
calendar 12:18, 24
 17:23
call 2:10 18:22
 23:18
called 2:5 24:13
calling 48:18
calls 20:22 21:5,
 21, 23 27:2
camera 19:18
Capital 56:20 57:2
caption 71:8
captured 22:22
car 19:20 27:4, 15,
 17 42:7, 7 47:6, 24
 48:2, 6
card 25:4 26:6, 9,
 14, 14, 15 29:7
cards 26:10
care 7:4 23:4
 25:1 38:1, 3 42:23
 43:12
Carol 14:5 15:7
CAROLA 71:3
carpet 7:8
carry 27:3
cars 42:9 43:11
 54:7, 11
case 29:5, 21 36:2
 39:18 42:19
cash 28:25
cast 46:20
categories 61:9
category 68:13
caught 22:23
caused 23:14
causes 33:21
celebrate 12:19
celebration 7:15
 12:11
cents 17:14 54:17
century 13:1
certain 11:1 22:6
certainly 39:11

50:1 63:8
CERTIFICATE 71:1
certified 33:7
certify 71:4, 10
cetera 32:17
change 54:19
changed 41:13
characterized 32:2
charge 31:5
charges 24:3 25:5
cheaper 41:11, 15
check 19:15 29:1
 61:1
checked 23:8
checking 52:1
cherry 9:17
Chief 18:3, 17, 24
 19:3, 17, 20, 25
 20:3, 4, 5 21:22
 27:7, 20, 24 28:18,
 20 29:6, 9, 12 30:3,
 5, 12, 23 31:1, 4, 19
 33:3, 12 34:24
 35:5, 14, 17, 25
 39:13 40:2, 7, 15
 41:21, 25 42:2
 47:6, 10, 12, 16, 23,
 24 48:2, 6
children's 15:21
chronic 50:3, 4
Circle 31:18, 24
citation 33:4, 5
 35:1, 4, 13 36:4
Citations 20:13
 35:10
cite 36:1 40:12
Cities 19:14
citizen 64:23
citizens 31:9, 13
 50:11
CITY 1:4, 13 2:1, 2,
 6, 6, 23 5:25 6:10,
 12 7:7 8:7 29:25
 33:1 34:19 43:1
 44:9 50:18, 23
 51:6, 15 54:15, 16

55:2, 5, 11, 12
 56:10 57:19, 20
 58:24 60:17 61:3
 63:15, 22 65:21, 24
 66:5, 7 67:1, 4, 5, 8,
 10, 18, 20, 20 68:1,
 3 69:6
C-J 10:10 11:20
CLARK 31:15
 65:15
clean 7:7
cleaned 28:16
cleaning 7:8 23:4
 53:18
cleared 23:17
 25:15 28:15
Clerk 57:20
clock 51:24
close 8:20 26:18
closed 33:8
clubhouse 22:25
cocaine 25:11, 11
 43:8
code 28:2 35:14
 36:3 39:14, 16
 44:11 49:16, 22
coincides 12:17
collection 16:1
 67:25
collections 15:21
come 15:21 16:7
 27:2 31:1, 1 34:5
 36:1 41:16 51:16
 57:22 61:15
comes 14:24
 53:20, 21
comfortable 34:25
coming 13:6
 36:20 48:14
command 18:2, 10,
 10 23:7
commend 14:12
comment 18:18
comments 31:3, 8,
 13 50:10 63:7
Commission 71:18

<p>Committee 10:3 64:16 commode 42:10 community 42:14, 16 46:22 50:9 56:5 compared 20:14, 16 comparing 20:5 complained 42:11 complains 43:19 complaint 40:16 43:20 complaints 48:14, 20 complete, 3:19 completed 63:10 completely 13:11 22:17 compliance 18:20, 21 19:11 35:11 comply 45:25 components 58:12 concern 23:14, 16 58:15 concerned 7:21 concerning 22:20 concerns 58:2 concludes 69:7 conducted 24:7 conducting 7:14 conducts 49:20 confiscate 27:22 connect 6:11 connectivity 6:14 conservative 5:24 consider 4:15 consistent 20:12 constantly 45:6 constitutes 71:8 construction 3:18 6:9 28:7, 10 66:13 contacted 45:24 contacting 46:8 continue 8:1 12:19 14:17 35:8</p>	<p>45:14 continues 54:19 continuing 18:6 43:14 contract 36:13 Contractual 57:6 contributions 6:4 56:6, 6 control 6:2 conventional 7:19 cooperation 59:22 Copier 31:15 copies 2:25 4:11 copy 8:12 59:16, 18, 20 64:3, 4, 8, 10, 24 corporate 67:8 Correct 30:5 36:21 68:16 correction 3:2, 3 cost 9:12 costs 6:1 COUNCIL 1:13 2:2, 6, 23 3:1, 4, 20, 25 4:3 8:3 9:1 10:4, 9, 12 12:5, 8, 21, 25 13:2, 3, 5, 15 14:18, 22 15:3, 8, 8, 10, 16, 19 16:11, 15, 19, 23 17:1, 4, 7, 16, 24 27:5, 18 28:18, 21 29:8, 10, 22 30:17 31:14 33:23 34:8, 14 35:12 36:18, 23 37:4, 8, 12, 17, 19, 20, 22, 24 38:2, 11, 13, 18, 21 39:1, 13, 21, 24 40:18, 23 41:2, 5 43:1, 4, 24 44:2, 6, 12, 16, 19, 23 45:1, 17, 21 46:4, 7, 18 47:9, 13, 21 48:9, 13, 19, 23 49:5 50:6 51:7, 14 52:8, 16, 21 53:1, 4, 8, 11, 23 54:2, 5, 6,</p>	<p>21, 23, 24 55:2, 10, 19, 22 56:3, 4, 13 57:10, 19 58:1, 21, 24 59:10, 14 60:4, 23 61:3, 5, 8, 21 62:1, 4, 8, 12, 16, 20, 22, 25 63:5, 9, 17, 25 64:7, 9, 11, 15 65:21 66:3, 20 67:1 68:3, 20, 21, 23 69:3, 6 couple 18:15 21:23 22:9, 14, 24 23:24 26:4, 22 Courier 11:16 Courier-Journal 11:13 course 15:7 35:6 53:14 court 27:1 56:8 cover 8:23 crack 43:8 crap 37:1 created 58:7 credit 25:4 26:6, 9, 10, 14 29:7 Creek 6:10, 19 7:4 9:17, 20 10:14 11:25, 25 12:7, 9 26:19 32:12 36:19 Creek's 42:18 Crime 27:18 criminal 24:2 Cross 12:12 crossover 27:17 Cuban 24:1 current 5:17, 25 8:15 custody 24:15, 25 cut 10:1 28:3, 4 32:6 33:15, 17, 25 38:8, 23 39:8 41:3, 16 54:12 cutting 9:24 36:12 39:6</p>	<p>< D > danger 35:23 dare 13:17 data 36:4 date 70:2 71:7 dated 63:18 dating 23:24 29:14 Dave 32:13 Day 12:17, 20 21:16 24:5, 9 36:6 40:10 48:22 57:17, 18 71:16 days 22:9 36:7 38:15 42:8, 10 63:6 dead 35:9 deal 11:6 32:8 dealing 34:22 debt 7:22 December 63:11, 13, 16 decidely 12:14 decimated 6:20 declining 4:19 dedicated 3:10, 16 dedication 5:19 deed 54:10 definitely 2:13 12:14 demands 5:14 Dennis 18:14 department 18:2, 16 20:2, 9 49:20 56:23 57:3 63:1 departments 19:10 depending 22:7 35:18 53:1 Deposit 56:2 deposited 50:25 Depot 25:5 29:17 derelict 32:2 42:6 describing 35:21 despite 5:14 42:8 detail 59:5 60:5, 5,</p>
---	---	--	--

13 62:20 63:2
detailed 8:11 50:19
detective 24:12
determined 18:20
develop 16:1
developed 4:18
difference 21:4
 27:14 30:20 49:4
different 18:5
 22:17 26:13 27:9,
 14 42:3
difficult 20:7 28:8
 33:24
digest 59:25 63:6
diligently 18:3
directing 30:1
directions 10:17
disbursed 8:17
disbursements 5:11
Discussion 4:1
disease 9:13
disintegrates 17:13
distribute 2:21
 61:24 62:11, 14
District 3:7
Division 23:7
 25:18
document 58:9, 12
 60:7, 9
documents 2:14
 4:14
dog 41:7, 9, 11
 49:11
doing 16:2 31:22
 38:14 48:20 58:19
 59:21
dollars 26:8 63:2
domestic 23:17, 23
 24:12
don'ts 11:8
door 22:25 26:4
 42:11 48:16
doors 25:25
Dorito's 41:22
dos 11:8

drainage 6:18, 22
draining 6:18
drawing 27:9
drawn 5:9
Drive 9:17 10:16
 27:15 32:13 36:19
 45:16
drives 27:16
driving 26:17
drop 20:21
dropped 20:24, 25
 54:22
drug 24:3
druggies 43:7
due 67:13
duly 66:24
Dutch 9:13
duties 29:25
duty 30:13

< E >

Eagle 11:21, 22
earlier 40:14
early 26:3
Easements 3:6
easily 65:6
easy 26:6
EBERLE 2:4, 18
 3:3, 14, 22, 24 4:1,
 4 7:2 9:5, 9, 23
 10:2 12:13, 16, 23
 13:12, 18, 22, 24
 14:3, 20 15:2, 10,
 18 16:9, 13, 17, 21,
 24 17:2, 6, 21 18:1
 19:1, 5, 19, 23 20:1,
 4 21:21 27:22
 29:24 30:4, 8, 15,
 24 31:2, 12 33:11
 35:3, 16, 18 37:10
 38:25 39:12, 20, 23
 40:5, 21 41:1, 4, 20
 43:13, 17, 21 44:14
 45:23 46:6 48:8
 49:15, 19, 24 50:5,
 10 51:9, 19, 22

52:2, 12, 17, 24
 53:3, 6, 13, 17, 20,
 25 54:13, 25 55:8
 57:20, 21 60:18, 25
 61:7, 10, 22 62:3, 7,
 10, 14, 18, 23 63:3,
 8, 14, 19 64:5, 18,
 25 65:3, 9, 11, 16,
 19 66:23 68:9, 17,
 22, 25 69:4
ecstatic 13:8
educate 11:7
Edward 36:14
effective 57:14
 66:16 68:4
efforts 49:16
eight 63:1
either 18:23 60:5
elected 58:23
election 30:18
elm 9:13, 13
e-mail 24:22
employee 61:24
 71:11
employees 5:23
 7:6 60:8
encourage 6:16
Enforcement 18:23
 28:2 35:15 36:3
 39:14, 16 49:16, 22
English 58:8
ensure 6:17 8:6, 8
entail 5:19
Enter 3:6
entered 4:22
entertain 31:12
 54:25 57:24 64:20
 66:25 68:19
entire 11:17 21:4,
 16 22:9
entrance 7:4
entre 35:20
enviable 7:24
erode 42:17
ERTEL 39:13, 21,

24 67:1
especially 50:3
establishing 50:17,
 20 54:14 55:4
 65:23 67:3
estate 45:15 54:16
 67:7
Estimated 66:10,
 11, 12, 14
et 32:17
Eve 15:11
evening 41:23 59:3
evenly 20:18
event 11:12
Events 56:5
everybody 10:18
 26:21
exactly 46:25
example 60:8
exception 63:21
exciting 12:10
executive 68:18
Expenditures
 56:14 57:13 66:13
expenses 8:18, 18
 17:5 67:19, 25
 68:1
expensive 16:20
experiences 60:12
Expires 71:18
extend 32:20

< F >

face 4:19 45:6, 9
facetious 13:16
fact 7:18 22:21
 42:14, 15 46:15, 21
 58:5
factual 37:5
fairly 9:18 20:12,
 21
fall 9:21 17:11, 22
fallen 32:16
false 21:7, 21, 23
families 8:10

family 28:24 29:3
far 41:19
Fargo 37:11, 25
fashion 12:20 31:6
fauna 16:2
favor 4:2 69:1
features 4:10
Fee 56:1
feel 32:24 59:13
feels 59:11
female 23:20 24:7
fewer 21:7
field 32:7 39:7
fifth 12:1
figure 61:19
figures 65:6, 8
final 7:13
finally 2:12 8:5
 9:23 17:12
financial 8:15
 71:13
find 8:1 25:24
 49:10
fine 36:2, 4, 9, 11
 39:3 41:10, 16
 68:9
fine's 39:15
fingers 12:12
finish 61:10 68:8
finished 2:11, 13,
 14
fire 30:19
fireworks 7:15
first 2:9, 22 3:8
 4:21 8:14 10:13
 16:3 41:14 52:11
 55:1 57:16 63:11
 64:1
fiscal 8:15, 17, 19
 55:5, 13 65:25
 66:8
five 5:2 9:11
 11:23 17:14 26:12
 42:8
fix 3:21

fixed 67:6
flora 16:2
flowering 9:16
focused 59:16
folks 44:22 45:24
followed 24:6 25:7
following 24:9, 9
 38:8
follows 55:15 66:9
force 3:18 42:22
 45:12
foregoing 71:5, 8
Forest 21:17 26:19
forestation 6:24
 8:24, 25
Forestry 9:15
forgot 41:2
form 70:7
forward 11:19
 12:11
forwarded 33:9, 10
found 24:23
Foundation 19:1
four 5:2 7:13
 9:20 10:13 17:12
Fox 6:11 9:20
 33:24
Franchise 56:1
Frank 31:17 33:24
Freudian 29:15
Friday 16:22
 31:23 33:5
front 28:7, 10, 11,
 15 42:10
frustrating 48:10
fuel-efficient 54:7,
 11
fuels 6:3
Fulcher 31:17, 17
 33:15 34:7, 11, 15
 37:3, 6 39:10
 40:13, 16 41:17
full 18:20 67:15
functions 68:2
Fund 18:24 19:2
 50:18, 21, 22, 25

51:5 52:6, 18, 19,
 20 54:3 55:5, 12
 65:24 66:7, 11
 67:18
funds 5:8, 9, 13
 6:6 8:22 51:1
funny 34:7
further 9:17 68:18
 71:10
future 8:2 58:19
 59:23

< G >

gang 23:5, 8, 11
garage 43:11
 44:17, 22, 24
garbage 67:24
gas 54:3
gasoline 51:10, 10
general 5:3 50:18
 51:5 55:4, 12
 56:14, 22 67:18, 19
generally 6:13
 51:11
generate 30:6
getting 58:16
 59:24 60:15 61:13
girlfriend 29:15, 15
give 6:12 10:6, 17,
 20, 24 37:17 38:15
 39:18 62:5, 18, 23
 64:25 65:12
given 5:25 71:15
glass 25:25
go 2:20 12:2
 13:10 14:6 16:8
 26:3, 7 28:12
 34:20 38:7 40:11
 43:22 46:2 54:10
 59:7
goes 13:16 26:5
 36:2 39:4 49:10
 54:8, 9
going 9:11 11:4, 6,
 13 12:2 15:1
 18:12 26:21 27:25

29:18 30:6, 9, 13,
 22 32:12 34:18
 35:7 38:17 39:5,
 15 42:21, 21 45:12
 47:5 48:15, 24
 49:1, 7, 10 63:6
 64:23
good 12:12 14:23
 21:19 25:8 30:15
 32:24 41:23 52:22
 54:10 58:24 60:16
gotten 10:18
 21:11, 20 47:4
Government 56:15,
 21, 22
graduated 39:3
graffiti 22:2, 14
Grant 56:7
grants 19:16 56:7
grass 28:3 31:20
 32:6 33:25 34:3
 35:19 36:12 38:23
 39:6 41:3, 16
great 11:7, 12
 12:10 17:20 29:23
green 13:17
Grover 38:19 55:8
growing 42:15, 16
guess 21:24 27:20
 33:10, 14 40:18
guilty 24:16
Gunpowder 41:24
 42:4
guy 13:15 24:14,
 18 26:5 29:6, 9, 13,
 14 41:8 43:10
 44:21, 24
guy's 29:15

< H >

Half 12:25 16:14,
 15 21:1 43:15, 17
hall 6:10, 12 7:7
 33:1 34:19
Halloween 17:25

hand 71:15
hands 27:3
happen 29:5 47:5
happened 9:1 32:6
happening 12:10
happens 37:21
Harbor 6:11 9:20
 33:24
Harrods 10:14
 12:6, 9
Harrod's 11:24
Haverlin 40:9
Haverlin's 30:12
hay 32:7 39:7
health 6:3 67:21
healthcare 46:16
 61:15
hear 13:6 38:14
 48:22
heard 13:13 58:6
hearing 13:10
 24:16, 16 68:14
 70:5
hedges 34:10
held 71:6
he'll 26:7 27:3
help 24:13 43:2
Herb 41:23
hereof 70:4 71:8
heroin 25:12
Herzfeld 15:11
Hey 13:1 38:7
high 8:8 34:3
highlight 4:9
highlights 10:24
hike 10:25
hiked 11:17
Hill 31:18, 24
hiring 18:2
history 24:2
hit 21:15 25:20
 26:12, 18
hits 21:10
hold 14:11
Holly 2:16, 17, 21
 65:12

Home 25:5 28:24
 29:4, 17
homeowners 38:5
homes 25:22, 24
honestly 45:5 50:9
hopeful 7:25
hopefully 12:18
 18:7 43:1 59:22
horrible 45:18, 22
horse 35:9
hospital 24:7
 46:17
hospitality 42:1
hours 22:11 58:10
house 10:14 28:2,
 7 42:4 43:10
 45:15 46:5, 9, 13
housing 44:4
huge 30:20
Huh 13:22
hundred 52:14
 63:1 65:4 66:14
hundreds 11:17
Hunting 6:10, 19
 7:4 9:17, 20 11:25
 32:12 36:19 42:18
Hurstbourne 21:17
hustle 17:11

< I >

ice 7:12
ignoring 37:15
illegal 49:6
immediately 4:21
 10:4
impossible 59:5
improved 6:13
improvement 67:22
improving 42:14
in-car 19:18
incessantly 41:10
incident 21:25
 23:16 49:11
incidents 22:14
included 3:12, 19

includes 5:22 6:5
 7:10 52:22
including 2:15 5:2
 60:19 67:13, 20
Income 56:8
increase 5:22
Increases 66:11
increasing 5:14
 6:1
indebtedness 7:19
 8:2
indicate 3:11
indicated 6:5 36:1
individual 25:20
 34:20
individuals 32:21
 46:21
inform 11:1
information 10:22
 32:4 56:20 59:1,
 24 61:14 63:23
in-house 25:15
initiatives 5:4
Innisbrook 23:3
inside 49:7
insurance 6:3
 19:14 55:24 56:19
 57:1
intelligent 59:3
interest 28:22
 56:8 67:13, 17
 71:13
interested 14:7
 59:15
internal 63:20
interview 18:6
interviewed 18:4
interviews 24:8
introduce 50:14
introduced 66:24
 68:11
introduces 57:23
involving 49:21
issue 28:9 35:9
 42:3, 5
issues 64:19

item 4:6 31:8
 60:20 61:2 65:1,
 13
items 2:8 10:13
 65:4 68:12
its 8:6, 7 35:6
 42:16, 16 57:15
 66:17 68:5
 < J >
January 67:10
job 25:8 58:24
 59:24 60:16
jogging 26:3
Johnson 20:8
July 7:15 55:6, 14
 65:25 66:8, 10
jump 27:4
June 10:15 12:12
 55:6, 14 57:18
 66:1, 9, 14
Justice 18:19

< K >

keep 36:15 40:8
 48:15, 18
kennel 41:12
KENTUCKY 1:6
 2:1 15:25 16:2
 18:19, 22 19:9, 14
 55:11 66:6 67:5
 71:2, 4
kept 61:2
kid 46:11
kidnappings 24:3
kids 23:12 46:9,
 11, 14 49:12
kind 10:24 11:1
 15:23 17:11 28:21
 34:10 35:22 38:17
 42:20 59:1, 16
kinds 11:10
KLEFPF 18:21, 21
 19:4 56:7
knew 24:25
knocking 48:16

know 9:2 10:5
14:15, 23 15:1
17:15 18:23 19:4
20:8, 23 21:8, 19
22:25 23:19 26:7,
11 27:6 29:19
30:21 31:9 32:9
33:18, 20 34:1, 7, 8,
9, 17, 18 35:5, 7, 8,
19, 22 36:7, 8, 14
38:6, 9, 10 39:17
41:15 42:24 43:24,
25 44:10 45:3
46:6, 25 47:4, 11
48:10 49:1, 6
51:12 54:10 58:5,
11, 12, 23 59:11
60:11 61:19, 19
62:2, 4, 6 63:2, 20,
23 65:5, 7
knows 6:19 42:25
Kohl's 26:15
Krogers 22:3

< L >

lack 6:6
ladies 46:16
lady 23:22
laid 28:10
Lake 21:17 26:19
lands 67:24
Lane 41:24 42:5
large 9:18 58:16
71:2, 4
larger 14:11
Larry 20:8
late 14:4 17:23
23:18 31:18 61:16
latest 61:13
Law 18:22 38:9
39:11 57:16 66:18
68:6
laying 28:14
lead 23:10 38:19
leading 14:5

League 19:14
leap 34:9
lease 15:22
Leasing 56:19
leave 26:4 27:4
29:19 41:9
Lee 9:2, 9
left 16:25 25:24
26:1 28:4 63:15
legal 38:20
lenient 28:5
LEONARD 14:18,
22 15:3, 8, 12, 16,
19 16:11, 15, 19, 23
17:1, 4, 16, 24 27:5
30:17 35:12 37:24
38:21 44:12 51:7,
14 52:8, 16 53:8,
11 58:1 60:4, 23
61:5, 8, 21 62:22
letter 35:9 36:24
38:14, 15 39:10
letters 34:20 35:2
40:11
letting 46:9
levied 67:6
LGEA 56:7
library 14:14 56:6
license 47:15, 17
55:25 56:5
lien 36:10 38:7, 8,
24
lieutenant 18:9, 11,
14
life 8:8 15:23
light 5:21
lights 67:25
limited 67:20
limits 67:8
Linda 10:5 12:2
line 8:20 27:25
28:1 60:20 61:2
64:25 65:4, 13
lined 11:22
lingo 23:13

Liquor 55:25
literally 21:16
little 6:2, 10 9:20
11:25 20:7 27:16
28:8 31:18 45:25
48:25
live 8:10 11:9
32:13 41:24 42:4
44:17 45:19 46:9
lives 43:10
living 25:3 43:10
44:8, 21, 24
LMPD 23:7 24:13
49:20
locations 17:5
lock 26:22
Logically 32:19
logs 28:5, 13
long 27:25 38:8
look 11:19 12:11
28:13 34:23 36:3
37:1 40:10 43:23
59:8 60:13 61:6,
25
looking 9:12
11:23 33:19 58:10
60:9
looks 19:9 25:24,
25 27:6 32:7 39:8
loose 49:12
lost 7:12 10:19
lot 6:11, 20 12:10
14:14 15:17 16:3
21:9, 10, 11, 20
30:9 32:16 49:4
60:22 61:20
lots 16:7
Louisville 21:14
love 13:7 42:15
lowered 54:23
lowest 9:11
lump 65:5

< M >
machette 34:2
mail 33:7

main 3:18, 18
10:13 26:13
maintain 32:18
maintained 36:17
maintaining 32:20,
21
maintains 8:6
maintenance 5:3
53:14, 24 54:1
56:16 57:6 67:23,
24
majority 52:20
making 24:10
man 23:25 24:1
25:3
management 67:23
managing 60:12
mandated 6:4
map 10:17, 18, 23
maroon 27:16
material 60:20
Materials 56:19
57:1
matter 22:8 46:15,
22 70:2 71:6, 14
MAYOR 2:4, 18
3:3, 5, 14, 22, 24
4:1, 4 7:2 9:5, 9,
23 10:2 12:13, 16,
23 13:12, 18, 22, 24
14:3, 20 15:2, 10,
18 16:9, 13, 17, 21,
24 17:2, 6, 21 18:1
19:1, 5, 19, 23 20:1,
4 21:21 27:22
29:24 30:4, 8, 15,
24 31:2, 12 33:11
35:3, 16, 18 37:10
38:25 39:12, 20, 23
40:5, 21 41:1, 4, 20
43:1, 13, 17, 21
44:14 45:23 46:6
48:8 49:15, 19, 24
50:5, 10, 15 51:9,
19, 22 52:2, 12, 17,
24 53:3, 6, 13, 17,

20, 25 54:13, 25
 55:8 57:19, 21
 59:19 60:18, 25
 61:7, 10, 22 62:3, 7,
 10, 14, 18, 23 63:3,
 8, 14, 19 64:5, 18,
 25 65:3, 9, 11, 16,
 18, 19 66:23 68:9,
 17, 22, 25 69:4
mayors 52:4
mayor's 4:6, 7 8:14
McAllister 14:5
 15:7
McAllisters 14:24
mean 11:5 21:9,
 15, 15 26:17 32:2
 33:16, 17 35:5
 38:18 41:5 44:7
 45:4, 4, 8, 13, 19
 46:7, 17 48:13
 49:12, 12
means 5:17 16:20
 54:8 71:6
mechanical 71:6
medians 9:18
meet 39:10
MEETING 1:13 2:2,
 5, 24 8:25 9:1
 10:4, 7 12:10 23:6
 25:18 41:25 59:2
 63:11 69:6 70:2
Megan 15:12
MEMBER 3:1, 4, 20,
 25 10:9, 12 12:5, 8,
 21, 25 13:2, 3, 5, 15
 14:18, 22 15:3, 8, 9,
 10, 16, 19 16:11, 15,
 19, 23 17:1, 4, 7, 16,
 24 27:5, 18 28:18,
 21, 24 29:3, 8, 10,
 22 30:17 33:23
 34:8, 14 35:12
 36:18, 23 37:4, 8,
 12, 17, 19, 20, 22, 24
 38:2, 11, 13, 18, 21
 39:1, 13, 21, 24

40:18, 23 41:2, 5
 43:4, 24 44:2, 6, 12,
 16, 19, 23 45:1, 17,
 21 46:4, 7, 18 47:9,
 13, 21 48:9, 13, 19,
 23 49:5 50:6 51:7,
 14 52:8, 16, 21
 53:1, 4, 8, 11, 23
 54:2, 5, 6, 21 55:2,
 10, 19, 22 56:3, 4,
 13 57:10 58:1, 21
 60:4, 23 61:5, 8, 21
 62:1, 4, 8, 12, 16, 20,
 22, 25 63:5, 9, 17,
 25 64:7, 9, 11, 15
 65:21 66:3, 20
 67:1 68:20, 21, 23
MEMBERS 4:3
 50:11 59:14 69:3
memo 59:13
mention 5:4
merit 5:22
mess 35:2 40:10
 42:6, 23
message 2:13, 16
 4:8, 9, 11 8:12
met 10:4 11:15
 24:11
meth 43:9
method 34:22
 61:17
Metro 21:14
Metropolitan 3:7
M-hm 17:1 31:11
 52:16
Mike 58:2 63:14
MILES 3:1, 4, 20,
 25 10:9, 12 12:5, 8,
 21, 25 13:3 39:1
 40:18, 23 41:2, 5
 43:4, 24 45:17, 21
 48:9 54:5
million 55:17, 18
 60:15
minimum 33:17

minutes 2:19, 23
 4:5 26:5, 22
Miscellaneous 56:9
missing 20:10
Monday 13:24 59:2
money 15:13
 32:17 36:11, 12, 16
 51:16 52:7 54:9
moneys 3:10, 12,
 16 7:10 50:24
 51:24, 25 52:3
monitor 50:2
Monitoring 30:5, 14
Montero 10:16
month 18:8 20:15
 21:3 22:3 51:12
 59:6, 6 64:2
months 23:25
morning 2:14 23:2
 26:3 42:1
motion 68:19
motions 59:8
motor 6:3
moved 3:23 47:7
 68:20
mown 32:7
MSD 3:9, 16 11:4,
 6 57:6
multi-families 44:8,
 13, 15
multi-use 44:4
municipal 50:21,
 22, 25 64:21 65:20,
 23 66:7 68:2

< N >
name 27:9
National 12:17, 19
nay 57:18 69:4
near 18:8
neat 17:19
necessarily 26:18
 58:3, 18
necessary 68:2
need 8:2 10:16
 13:9 21:24 45:2, 4

47:16 55:9 57:23
 60:16 63:2 66:1,
 19 68:7, 15
needed 6:8 34:2
needs 24:10
negative 5:11
neighbor 42:11
neighborhood
 11:14 32:11 42:25
 45:14, 16
neighborhoods
 25:22
neighbors 32:20
 33:1 48:18
never 21:18 22:15
 54:10
new 9:13 10:18
 14:10 27:21
newsletter 4:12
 8:13 10:19 36:25
 37:2
nice 11:19 16:1
 17:7 31:6
night 22:18, 22
 23:18 24:9 25:23
 48:15
Noble 16:4
noon 10:15
Notarial 71:15
Notary 71:3, 18
note 7:13 10:3
 14:10 18:15 28:22
 60:18
noted 7:17, 18
notice 14:8 19:13
noticed 52:9
number 27:8
 30:19 31:20 38:23
 42:5 46:25 47:15
 55:1 59:3 64:20
 65:22 66:24, 25
 67:2 68:10
numbers 20:6, 10
 58:4 60:14
numerous 45:24

nuts 26:17

< O >

obviously 23:1, 3
28:3 53:15

occasions 18:5
38:23 45:24

occupy 5:18

October 17:23, 23
63:10, 15, 18

O'Daniel 15:11

offenders 29:20
39:17 41:7

offense 20:17
41:14

offenses 33:19

offhand 37:7

office 33:6, 7

Officer 19:6, 21

20:7 22:23 25:7
30:12 40:9

officers 24:6 49:25

officials 58:23

off-the-record 64:13

Oh 12:5 29:8

38:25 40:5 45:17
53:13 68:25

Okay 2:18 3:22

4:5 7:2 16:13
18:1 19:23 20:3

29:22 41:17 55:23,
23 61:21 64:18

65:2 66:4, 20, 23
68:9, 25

old 13:1 42:7

older 13:4

once 28:17 37:20

one's 22:25

ongoing 22:21

open 10:14

opening 12:11

operate 7:20

operates 51:5

operating 52:18
53:21

operation 67:19
68:1

opportunity 11:7

Opposed 4:4 69:4

Ordained 55:11

66:5 67:4 68:3

order 2:5, 22 58:22

ordinance 34:3, 6,
13 36:5 42:8

50:17, 20 54:13, 14,
18 55:1, 3, 4 57:14,

24 60:21, 21 64:20
65:19, 22, 23 66:16,

23, 25 67:2, 3, 14
68:4, 10

ordinances 2:11

50:12, 13, 16

ought 34:21 37:13

out, 28:14

outcome 71:13

outdoors 12:14

Outlay 56:21 57:2

outside 14:9 41:9

51:5

outstanding 29:13

47:19

overgrown 32:8

Owl 26:19

owned 36:21, 22

48:7

owner 33:11, 13

owners 32:1

owns 32:14 36:25

40:19 46:5

< P >

p.m 23:18 69:7

packet 64:12, 16

page 3:5 70:3

paid 67:14

painted 23:2

paragraph 3:8

Park 6:10 9:21

10:14 11:25 12:1

27:1

parking 6:11 43:14

Parks 10:3 32:17

part 12:4 20:11
28:12

particular 22:18

30:18 40:8 42:19
61:19

particularly 6:2

parties 71:11, 12

pass 59:18

passage 4:22

57:15 66:17 68:5

Passed 57:17

passing 59:14

path 6:9, 9

patrol 22:23

patrons 17:8

pattern 22:15

Paul 14:5 15:7

paving 5:2 52:10,

14 53:14 66:13

pawn 29:18

pawned 25:6

pay 36:2, 9 41:10,

15

payable 67:13

payroll 29:1

pays 27:18

Peace 19:6, 6

peaked 28:22

penalties 67:17

penalty 35:13

67:13

pension 6:4

pensions 61:15

people 10:21 11:3,

7, 9 13:6, 7 15:5

16:7 22:13, 16

23:8 26:2, 3 27:15

28:1 30:10, 21

31:20 33:22 36:8

37:14 38:16 40:21

42:4, 22 43:10

44:4 46:8 59:12

61:4

percentage 51:10

perception 51:16

period 4:23

periodically 48:25

permission 29:1

Permits 55:25

56:10

person 20:10

38:19

personally 33:6

personnel 5:16, 16

Peter 9:15

phonetic 15:12

36:14 39:4

photograph 27:11

photographer 11:16

pick 17:9 27:2

picked 24:14, 24

27:8, 11

picking 29:17

picky 34:6

picture 27:7

pictures 11:18

25:10

piece 36:20, 25

pipeline 11:4

pipes 28:10, 14

place 8:9 9:21

42:6, 23 43:12, 23

70:3 71:7

placed 67:17

places 26:13, 20

30:2

plan 5:16 7:9

planning 15:5

plant 9:16, 25

planting 9:19, 21,

23

plantings 7:11

plate 47:15, 17

48:1

playing 23:12

pleasant 41:25

pleased 4:17

18:17 19:11 31:4

pleasure 31:6
pled 24:16
plenty 16:25
plight 42:13
plowing 53:9
point 24:2 34:15
 35:10 39:2, 6 47:5
 62:6
pointed 6:19 7:24
poisonous 50:7, 7
police 18:2, 16
 19:10 20:2 23:21
 31:3 42:19, 20
 45:5 48:15, 24
 49:3, 7, 19 56:23
 57:3 62:25
policeman 49:10
polling 30:1
POPS 19:5
porch 42:12 45:2
portion 12:6, 9
position 4:20 7:24
positions 5:16, 17,
 18
positive 11:20
 13:11
possible 9:12
post 33:6, 7
Postage 56:18
posted 4:15
POTTS 66:2, 19, 21
 68:7, 16
power 21:12
praise 13:13
preliminary 24:16
premise 32:18
Premium 55:24
presence 49:4
preserve 13:17
press 28:9
pretty 14:6 20:13
 52:3
price 16:14, 16
 25:7 39:3
prices 16:10

prior 5:8 24:3
 60:12
prison 24:19
private 11:8
privy 58:7 64:17,
 17
proactive 37:14
probably 4:19
 9:19 13:10 21:24
 22:20 23:12, 19
 32:1 33:14 40:17
 43:19 49:7
problem 31:24
 32:5 38:5 41:7
 43:3, 5 46:22
problems 6:18, 22
 43:14 45:10
proceeds 51:11
 67:16
process 35:6 58:7
Professional 18:24
 19:6, 8 56:16, 24
 57:5
Program 19:1
programmed 17:17
progressive 8:7
projects 11:22
proper 68:2
properties 31:25
 32:19 36:16 40:19
property 11:9 32:1,
 21 33:2, 18, 24
 35:1 36:10, 19, 20
 37:1 42:13 55:23
 67:7
proposal 4:10
PROSPECT 1:6
 2:1, 6 8:6 13:17
 25:20 28:23 31:18
 42:18 44:3, 10
 50:18 51:18 54:15
 55:3, 5, 11, 13
 56:10 58:17, 25
 59:12 60:17 64:23
 65:22, 24 66:5, 7

67:2, 4, 5, 8, 18
 68:10
protecting 29:25
provide 3:10, 16
 6:13
provides 5:7
public 7:11 18:19
 31:9 35:23 50:11
 57:4, 7 60:24 61:3
 67:24 71:3, 18
publication 57:16
 66:18 68:6
publicity 37:18
published 4:12
 8:13
punitive 34:21
purchase 67:20
purchased 19:21
purpose 8:5
purse 26:10
pursuant 67:14
pursue 4:25
put 5:1 7:9 36:10,
 24 37:16 38:7, 8,
 24 42:12 58:19
putting 60:14

< Q >

qualifying 53:22
quality 8:8
question 28:19
 40:3 48:3, 6 59:4
 61:18 64:22
quick 28:19

< R >

raise 2:20 8:10
 62:5
raises 15:13
random 23:12
rang 25:4
rank 18:11
rate 18:11 54:14,
 24 67:3, 6
ratings 7:22

read 4:8 55:9
 57:21 65:20 66:1
reading 2:9 55:1
 57:16, 17, 24 64:1,
 20 66:25
reads 55:10
ready 24:22
real 16:24 45:15
 54:16 67:7
realize 58:8
really 11:19 14:23
 17:8, 9, 19 20:10
 25:8 28:9 35:20,
 24 46:8 59:7, 8
reason 24:24
receipt 51:23
receive 19:11
 50:24 51:8
received 8:16
 19:13 51:1 60:19
receiving 58:25
recessionary 4:23
recognizes 5:14
recommendations
 60:2 63:7
recommended 9:14
Record 56:9
records 25:9 40:8
recourse 32:10
Recreation 10:3
 67:22
recurring 31:24
 33:19 34:21
recycle 17:9 22:8
reduced 70:6
reducing 16:9
reference 4:7
regard 8:4 58:3, 3,
 5
Regarding 28:2
regardless 14:6
regards 14:14
 21:24 22:2 31:3
 61:14
regular 2:5, 23

<p>29:24 regularly 39:7 reimbursed 19:18 reimbursement 51:20 56:25 re-issue 35:1 related 71:10, 11 relative 31:20 32:10, 17 33:1, 20 relatively 2:7 release 63:16 remainder 8:14 52:19 remains 8:9 remarks 64:13 reminder 26:21 remove 6:25 Rental 56:18 repainting 7:8 Repair 53:23, 25 Repairs 56:17 repaving 6:8 repeat 35:7 39:17 repetitive 48:24 replace 7:11 9:10 replaced 9:7 replacement 3:11, 12, 17 18:13 replacing 9:12 replant 6:22 replanting 3:17 report 4:6, 7 7:18 8:14 9:5 20:2 21:24 31:3, 19 63:12, 18 reported 22:3 28:23 71:5 reporter 11:15 70:6 71:1 reports 20:15, 17 21:25 representing 71:12 Request 56:9 requested 70:5 requesting 34:23 requests 7:6</p>	<p>required 57:16 66:18 68:6 research 16:3 reserve 5:13 8:21 reserved 5:8 reserves 5:9 57:11 resident 28:23, 25 29:2 40:17 residents 6:14 8:9 11:18 58:25 resident's 28:24 29:1, 3 resistant 9:13 resolve 6:21 resolved 68:3 resolving 43:2 resources 50:2 respond 23:21 38:17 responding 38:4 response 2:17 rest 16:21 restoration 7:14 restore 8:21 restored 4:20 6:8 retained 25:9 retaining 35:22 retains 8:7 retired 18:14 retiring 20:8 return 51:10 returned 5:12 revenue 54:8 56:8 revenues 4:19, 24 5:10, 25 8:16 55:15 56:9, 14 right 2:16 3:3 10:2 12:13 13:12 14:4 16:22 19:17, 19 21:19 27:10 31:2 33:22 34:11 35:3, 17 37:16, 19 38:11 39:12, 20, 23 40:15 41:6 44:5, 18 45:11 46:2, 19 47:12 54:5 62:3, 9</p>	<p>road 26:12 28:6 50:21, 22, 25 52:6, 19, 20 53:14 64:21 65:24 66:7, 13 road-related 51:2 roads 51:2 roadway 65:20 roadways 6:8, 15 rock 32:15 rode 21:14 roll 51:24 rotating 52:3 routine 22:23 row 5:7 run 35:6 41:21 43:25 47:18 48:1 running 49:12 Ruth 15:11</p> <p>< S > safe 8:9 safety 6:18 18:19 19:16 67:21 Salaries 56:15, 23 salary 5:22 61:24 62:9 Sale 3:6 15:4, 6, 6 17:8, 23 salt 52:22, 25 53:7 Sandra 14:16 sanitation 67:22 sat 63:11 Saves 21:21, 22 saw 63:12 saying 4:2 36:25 64:10 69:1 says 3:9 13:16 34:3, 4 36:5 40:10 scare 46:3 SCOTT 28:18, 21 29:8, 10, 22 37:12, 19, 22 38:2, 13 44:23 58:2, 21 62:1, 4, 8, 12, 16, 20, 25 63:5, 9, 17 64:7,</p>	<p>11, 15 Scout 11:21, 22 seal 71:15 second 3:9, 24, 25 5:6 18:2, 9, 10 41:14 49:23 57:17, 23 64:1 68:21 section 11:14 55:12 57:14 66:6, 16 67:5, 12, 16 68:4 security 67:21 see 30:6 31:19 32:23 47:19 48:4 61:4 65:2, 15 seeing 22:2 segue 20:2 seize 28:1 selection 18:9 sell 14:17 17:11, 13, 14 45:15 seller 15:23 send 24:22, 24 sending 35:9 sense 45:9 sent 33:4, 4, 16 sentence 3:9, 15 24:17, 19 separate 36:6 50:23, 23 51:4, 4 separately 36:15 50:22 SEPTEMBER 71:20 Serial 41:6 series 26:10 27:11 55:3 65:22 67:2, 14 68:10 serve 59:11 service 7:22 20:22 21:5 Services 19:14 56:16, 24 57:5 session 68:18 set 10:21 70:3 71:7</p>
---	---	--	---

Sewer 3:7
sexual 24:3
shame 37:1
share 31:16
shared 6:9
sheets 61:24
shelf 15:23
shelve 14:25
Sherrard 18:4, 17, 24 19:3, 17, 20, 25 20:3, 4, 5 21:22 27:7, 20, 24 28:20 29:6, 9, 12 30:3, 5, 12, 23 31:1, 4 33:3, 12 34:24 35:5, 14, 17, 25 39:14 40:2, 7, 15 41:21 42:2 47:6, 12, 16, 24 48:2, 6
shop 29:18
short 2:7
show 49:2, 8
showing 5:10 10:22
shown 60:21
shrubbery 34:1, 5
shrubs 23:3
sig 20:24
sign 28:25 32:14
Signage 57:5
signed 59:19
significant 22:15 23:1, 10, 25 24:2 25:3, 13 39:19 60:16
significantly 20:21, 25
signify 4:2 69:1
sign-in 31:10
signs 22:24 53:16
SIMMS 7:1 9:4 18:4 31:23 36:22 37:7 46:18 51:21 52:1 53:10, 16 57:20

SIMON 13:5, 15 36:18, 23 37:4, 8, 17, 20 38:11, 18 44:2, 6, 19 46:4, 7 47:9, 13, 21 48:13, 19, 23 49:5 50:6 53:23 54:21 55:2, 10, 19, 22 56:4, 13 57:10 63:25 64:9 68:20, 22 69:1
single 26:9 33:2
sir 28:20 42:1
sit 59:2
situation 23:23 34:17
six 26:12
skew 20:11
sliding 25:25
slip 29:15
small 20:9
smoke 43:8
sold 36:11
Solid 57:4
somebody 25:16 26:24 33:16 40:20, 24 41:16 51:15
somebody's 26:10
somewhat 28:5
soon 24:20
sophisticated 58:16
sorry 29:14 31:16 48:10
sort 34:1 42:17 49:11
sorting 15:5
source 43:5 49:25
SPEAKER 3:23 13:20, 21, 23, 25 14:2 17:20 31:11 45:7, 11 46:11, 14, 24 47:3, 14, 18, 23 48:1, 4, 11 49:18, 23 50:4, 8 53:19 55:17, 18, 21 56:12 57:9 64:22 65:2, 5, 10, 18 68:24

spend 21:16 51:23 52:5, 11, 11, 24
spent 32:16, 16 36:12, 16 51:2, 17
spirit 39:11 59:21
spot 34:25
spots 30:14 50:3
spray 23:2
spraying 22:15
spring 14:4 22:19
staff 5:15, 17, 20
staffing 15:6
Standards 19:7, 8
stands 19:6
start 16:3 39:6 49:13
starts 51:24
State 9:14 19:9 51:1 52:7 54:8 71:2, 4
stated 29:2
state-man 6:4
station 30:19
status 8:6
stay 11:10
stayed 24:8, 14
staying 28:24
stenographic 71:5
step 26:22
stock 16:8
stolen 25:4
stop 16:17 22:24 37:21 49:7 66:21
storm-related 21:9
storms 7:12, 12
straight 7:20 61:12
straighten 48:25
straightforwardly 7:21
street 13:6 38:6 42:9 43:15, 25 45:20 53:16, 17, 17 67:25
Streets 57:4 67:23
STRIJEK 71:3

Striping 6:15
Stuart 10:5
stuff 12:10 13:11 29:18 36:21 37:5, 21 38:17 48:24 57:22
subject 67:9
subjective 34:12
suburban 63:22
summer 17:10
Sunday 13:20, 21, 23 14:1, 2, 3, 4 59:1
Supplies 56:20 57:2 67:21
supposed 47:7 51:22
Sure 10:9, 9 24:10 28:16 30:8, 10 34:5 41:20 47:21 48:11, 17 58:21 59:9 60:8 65:1, 9
surge 21:13
surprised 15:14
surveillance 22:4 25:9
Sutherland 24:20 38:22
system 22:5, 7

< T >
table 10:21
tagging 22:17
take 9:21 17:18 26:5, 8, 9, 13, 15 27:4 47:14, 16 52:7 63:20
taken 23:4 24:6, 14, 17, 19 25:1, 10 31:5 70:6
talk 10:10 29:14
talked 10:13 11:12, 18, 21 31:20, 23 34:16 52:4
talking 11:3 14:23

32:15 36:19 40:24
tall 31:20 35:19
taped 22:5, 11
tapped 53:6
target 25:21
tax 54:4, 14, 21
 55:23, 25, 25 56:2,
 8 67:3, 6
taxation 67:9, 9
Taxes 55:24 67:12,
 16
taxpayer 64:23
teamwork 59:17, 21
technically 52:6
Telecommunicator
 19:8
Television 56:1
tell 30:16 37:7
 43:23 44:22 46:23
 49:20 51:25 60:7,
 9
ten 43:10
tend 15:20
terminology 23:9
terms 23:4 27:13
terrible 43:23
thank 15:3 29:23
 31:21 41:17 43:3
 47:10, 10 48:8, 9
 49:14 65:10, 18
thankful 24:21
theft 25:2
thereof 67:25
thing 7:3, 17 17:8
 22:21 25:2, 15
 28:19 32:11 33:22
 34:10 35:22 36:24
 37:23 44:3 45:16
 49:13 54:3 55:9
 65:13
things 2:8 5:1, 2
 11:5, 11 13:14
 14:11, 25 17:19
 18:15 21:23 22:1
 35:20 42:17 51:3

58:4 59:7, 16
 60:12 61:15
think 2:12 3:20
 10:17 12:3 19:2
 27:25 28:8, 12
 30:20 34:12 37:8,
 13, 25, 25 38:3
 39:1, 5, 16 41:13
 42:19 43:5, 7, 8, 8
 44:10 45:5 46:10,
 15, 18 48:16, 21, 23
 49:3, 9 50:15
 51:13, 17 52:2
 58:14 59:23 60:11,
 15, 16 63:21 65:12
third 32:25 41:14
Thomas 22:23
thou 55:15
thought 22:4 37:10
thoughtful 60:1
thoughts 58:19
thousand 52:15
 63:1
three 2:11 7:13
 9:19 10:13 17:12
 31:25 34:17, 19, 19
 40:4, 7 42:10 49:8
 50:12 59:16
throw 42:9
thumbprint 29:19
thunderstorm
 21:10, 15
Thursday 47:11
tickets 41:22
tied 23:14
time 9:22 15:7
 22:7 29:4 32:16,
 25 49:9 63:11
 70:3 71:7
timeliness 59:17
timely 60:6 61:11
times 17:12, 14
 27:9, 12 30:19
 36:7 49:8 59:10
Timmons 19:21
title 70:3

today 11:16 14:16
 16:12 19:13 32:7
 33:14, 15
Todd 57:19
toilet 45:2
Tom 15:11
tomorrow 29:25
 63:4 65:17
tonight 2:8 4:16
 6:25 47:7
Total 55:15 56:11,
 13, 21, 21 57:2, 7,
 12, 12 62:13, 17, 17
 66:11
TPS 19:7
track 36:15
traditional 50:13
traffic 30:1, 7, 9, 16
trail 10:22, 23, 25
 11:1, 2, 3, 5, 9, 10,
 14, 17, 19, 20 12:7,
 9
trailhead 11:24
trails 11:8 12:17,
 19 13:7
Training 56:17, 25
transcript 71:9
Transfer 57:11
Transfers 57:11, 12
transparency 59:17
transparent 63:21,
 22
transpired 10:7
transportation 6:16
transportation-relate
d 51:3
trash 43:11
trashy 33:18
Travel 56:17, 25
traveled 41:8
treating 35:20
tree 3:10, 12, 17
 6:25 7:11 9:11, 13
 28:4
trees 3:17 7:11
 9:17, 18, 20, 22

13:4 32:17 42:15
 67:24
tricky 54:2
trigger 21:11 33:20
triggered 21:13
trim 34:4
trimming 34:10
trips 34:19
true 51:21 71:9
try 28:1 30:10
 59:7, 23
trying 45:15
TUCCI 9:7, 9, 10,
 25 13:2 15:9, 11
 17:7 27:18 33:23
 34:8, 14 44:16
 45:1 52:21 53:1, 4
 54:2, 6 56:3 65:21
 66:3, 20 68:21, 23,
 23, 24, 25 69:1
turn 39:7
turned 20:19 34:1
turnout 30:6
turns 22:5
twice 54:22, 24
two 9:16 11:23, 25
 18:5 29:20 31:25
 34:18, 19 51:23
 52:14 61:12 66:14
type 32:11
typewritten 70:7

< U >
U.S 6:13
Uh-huh 16:23
 65:19
Unallocated 57:11
Unbelievable 46:17
uncle 25:3
understand 32:14
 41:6 60:24
understanding
 38:22 40:3
unfinished 68:13,
 14

unfortunate 35:24
unheard 24:18
unit 24:12
unlocked 25:25
 26:1, 4
unoccupiable 32:5
unoccupied 32:3
unpunished 54:11
upcoming 11:21
update 8:15, 24
 10:6
upper 12:4, 9
upstairs 16:5 27:8
use 6:9, 9 43:9
 52:13 56:10
usual 22:1
usually 21:10
 25:22, 23 52:13
utilities 6:3 56:18
Utility 55:24

< V >
vacant 33:18
vacation 16:8
 40:25
valorem 54:14, 15
 55:23 67:3, 6, 12
valuation 54:18
value 5:11 32:19
 42:17 54:16
varies 35:18 51:12
vegetation 6:21
vehicle 19:22
 27:13
versus 20:15
vibrant 8:7
victim 24:7 26:23
video 19:18 22:4,
 12
videotape 29:16
violation 36:6, 6
violator 35:7
violence 23:18
 24:12
Visa 26:14

volunteer 14:25
volunteers 10:25
vote 8:3 30:21
 57:18
voted 6:24 9:16
vulnerable 26:2

< W >
waits 27:1
walk 10:23 14:4
walked 40:21, 23
walkers 6:17
wall 32:15
wallet 26:6, 9
walls 35:22 36:20
want 2:10 10:5, 8,
 23, 25 15:2, 2
 18:17 25:19 32:18
 35:8 40:10, 11
 46:20 55:7 58:24
 61:18 62:5 64:21
 65:11, 20
wants 48:21 57:25
Wardell 10:5, 8, 10
 12:3, 6, 15
Warrants 24:13
 25:10 29:12 47:19
Waste 57:4
way 21:18 33:19
 38:4 44:7 46:24
 51:18 58:14, 18
 59:11
weather 12:12
 14:7 53:2
website 4:15
Wednesday 11:15
weeds 32:9
week 4:14 14:19,
 21 16:10, 22 18:7
 22:10 23:6 25:18
 42:7 49:8 61:23
weekend 17:25
weeks 61:12
Welcome 2:4 42:2
welfare 67:22

Well 2:13 3:15
 5:3 8:22 14:13
 17:21 18:10, 12
 32:21 33:15 34:24
 36:23 38:21 40:2,
 12 41:17 43:14
 44:21, 25 45:5
 46:10, 11 47:18
 50:4, 8 51:17 52:3,
 12 58:22 60:4
 61:7 63:14, 19
 64:18 66:4
Wells 37:10, 25
went 23:6 33:7
 40:25 42:11
we're 7:25, 25
 8:18 9:11, 12 11:5,
 23 15:25 31:4
 35:7, 25 38:8, 10
 40:24 42:15 51:22
 58:6, 16, 23, 23
 59:11, 13, 21 60:14
 63:6, 21, 21
we've 7:12 13:14
 17:17 22:1 32:16,
 25 36:12 38:23
 43:13 52:9 53:6
 54:23 58:11 60:6
white 37:16
wife 40:17
Wills 15:11
wind 7:12
windrows 32:8
Wine 18:14
Winterton 32:13
wonderful 60:8
words 23:12
work 5:19 15:4, 13
 26:25 31:6 38:16
worked 30:18, 19
 61:13
working 18:3
 23:15 29:17
works 25:23 57:4,
 7

worth 25:5
write 11:14
writing 58:20
written 61:1
Wycliffe 23:20
Wythe 31:17, 24

< Y >
yard 28:11, 15
 42:10
yards 31:21
Yeah 9:9, 25 13:18
 14:3, 22 15:18
 17:6 18:1 30:8
 34:14, 14 38:25
 40:5, 6, 13 43:13,
 16, 18, 21 44:14, 20
 45:7, 21, 21 46:3
 47:3, 24 49:5, 5
 50:5, 15 51:19
 53:3, 13, 14 54:1
 55:8, 8 62:1, 7, 16,
 21, 22 64:5, 5
year 5:6, 13 7:16
 8:5, 15, 17, 19
 12:18 15:4 19:16
 20:6, 6, 14, 14, 16,
 16, 24 21:1, 2, 3, 5,
 6 32:25 34:18
 41:19 50:14 51:13
 52:13 55:5, 13
 65:25 66:8 67:11
years 5:2, 8 6:7
 7:9, 13 8:2 20:19
 21:14 34:18 40:4
 42:5 45:25 46:25
 51:23 52:6, 22, 23
 54:17 58:15, 18
year's 4:10
yesterday 2:12
you-all 47:14
 59:15, 19

< Z >
zoning 44:11