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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

DECEMBER 9, 2013

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4 MAYOR EVANS: Okay. The regular city
5 council meeting for the City of Prospect, Kentucky,
6 for December 9th, 2013, will come to order, please.
7 The record should show that all the council
8 members are present except for Councilman Stuart
9 Miles.

10 On the agenda, such as it is, the first order of
11 business says, "Approval of Minutes." There has
12 been a change to that. The minutes which were
13 sent out are not correct. The reason relates to
14 something someone said a minute ago about our
15 clock.

16 Now, why would that be? Well, when they
17 came to fix the clock, there were power surges
18 which affected Holly's computer which caused the
19 minutes that came out of that computer to be
20 incorrect.

21 We closed city hall at 2:00 Friday afternoon
22 because of the weather. So for all of these
23 reasons, what was in the packet are not the
24 minutes that we should consider approving and will
25 lay that over until the next meeting.

1 Okay. We have been pressing to have the
2 clock fixed because it's embarrassing to have the
3 city hall clock always incorrect.

4 COUNCIL MEMBER TUCCI: Well, twice a
5 day it's right.

6 MR. SPEAKER: Twice a day --

7 MR. SPEAKER: Sure.

8 MAYOR EVANS: Huh?

9 COUNCIL MEMBER TUCCI: No, it's not
10 even that, because it is working.

11 MS. SPEAKER: M-hm.

12 COUNCIL MEMBER TUCCI: It just --

13 MAYOR EVANS: It works. It's just not
14 set correctly, and we can't set it. So -- well, it is
15 not symbolic.

16 The painting has been done for the year. The
17 outside areas were done over Thanksgiving. They
18 did a great job, in my opinion. The carpets have
19 been cleaned. So, while we have a malfunctioning
20 clock, we do have a nice interior once again.

21 Let's see. We don't have the November
22 financials as of today from Mountjoy Chilton
23 Medley. Again, that's because this meeting in
24 December occurs a -- a week earlier than our
25 meetings typically occur. And so there were no

1 financials in the packets because we don't have
2 them, but according to one of our watchdogs who
3 is present tonight, apparently we're okay at the
4 moment; is that right, Joe?

5 MR. KEHLBECK: Right.

6 MAYOR EVANS: Thank you. I have been
7 talking with a few people, Carol Fulcher being one
8 of them, about getting a group together to put
9 together a 40th anniversary book for the city.

10 Our 40th anniversary is in 2014. I found a
11 book done by the club nine years ago, almost ten,
12 be ten next year, that they put out on their 40th
13 anniversary, and I looked at all the names on the
14 front page, and with Carol's help I'm going to
15 contact some of them and try to put a group
16 together to talk about doing the same thing for the
17 city.

18 Along those lines, the mayor's advisory
19 committee will meet again on January 14th, a
20 Tuesday.

21 Let's see. What else? The salt storage. I
22 don't know how many of you are aware of what it
23 looks like from some of our residents' houses.
24 This is what it looks like. It's white and it's ugly,
25 and in trying to figure out how to cure that without

1 moving it all completely, what we're looking at
2 right now is recovering it. It was covered in
3 white -- in a material that will not paint, it will not
4 die. So what we're looking at is recovering it in
5 something like olive green or olive drab or a rattan
6 color, something that won't just shout at you when
7 you -- when you look at it. So, that's something
8 we're working on.

9 At some point tonight, this is the last thing on
10 my agenda list, I think the council wants to
11 discuss various matters that have been suggested
12 in emails and so forth. Before we get to that, why
13 don't we take the committee reports and the police
14 report and then we can move into that. And we
15 could start with the Parks' update. Is someone
16 here to present that, because Stuart's not here?

17 CITY ADMINISTRATOR SIMMS: Can I
18 talk about the right-of-way issue that Bill and I --
19 remember, you said I should be the one to bring up
20 the right-of-way issue. Maybe now [phonetic]?

21 MAYOR EVANS: Go ahead.

22 CITY ADMINISTRATOR SIMMS: We've
23 done some groundwork, and Bill contacted some
24 people. I contacted some people. We now know
25 where the right-of-way line is on this side of 42,

1 and it goes with the telephone-pole line. We have
2 been assured that, yes, the State of Kentucky is
3 responsible. That responsibility is carried out by
4 Metro Louisville. There will be cleanup.

5 Anything of course behind the telephone-pole
6 line, that's owner responsibility, but we -- we have
7 looked also at the water, the way-too-much-water
8 area, where you enter Hunting Creek. That will be
9 either MSD, or it will be the state. I'm hoping to
10 get a meeting between the two of them so we can
11 get somewhat a permanent solution, as permanent
12 as anything can be with that much water, but they
13 have assured us that they will be cleaning their
14 area. Anything within the state of -- right of way,
15 dead wood, anything else, will be removed and will
16 be cleaned up this spring at some point.

17 And I thank Bill for helping me with the --
18 some of the contacts. That's it.

19 COUNCIL MEMBER FULCHER: Ann, I got
20 a question. That's great, because it -- it's behind
21 my property obviously --

22 CITY ADMINISTRATOR SIMMS: Yes.

23 COUNCIL MEMBER FULCHER: -- but
24 the -- noticing where those telephone lines are,
25 there's a lot of mature trees on -- on the street

1 side.

2 CITY ADMINISTRATOR SIMMS: Right.

3 COUNCIL MEMBER FULCHER: Well,
4 what's going to be done with those? Are they -- I
5 hope they're going to --

6 CITY ADMINISTRATOR SIMMS: Well, I --
7 they --

8 COUNCIL MEMBER FULCHER: -- be
9 left --

10 CITY ADMINISTRATOR SIMMS: -- didn't
11 say --

12 COUNCIL MEMBER FULCHER: -- intact.

13 CITY ADMINISTRATOR SIMMS: -- they'd
14 cut all the trees down. They said they'd clean it
15 up.

16 COUNCIL MEMBER FULCHER: Okay. All
17 right.

18 CITY ADMINISTRATOR SIMMS: Yeah.
19 They -- they didn't talk about chopping everything.

20 COUNCIL MEMBER FULCHER: Right. I
21 was just --

22 COUNCIL MEMBER BRAB: I would -- I
23 would think that once they start that process that
24 it would be very good for whoever the homeowners
25 are or some city council representatives to be

1 there. You notice the area past Hunting Creek
2 Drive, the exit lane of Hunting Creek Drive on the
3 right. What they did was is they went up to the
4 telephone-pole line and cleaned it all out and
5 reseeded or sodded or whatever they did, but they
6 left the trees in there --

7 MR. SPEAKER: Yeah.

8 COUNCIL MEMBER BRAB: -- and it
9 looks very attractive.

10 Some of the other places that we have there's
11 some pretty junky trees, but, you know, I would
12 think it would be, you know, expeditious for the
13 homeowners or city council representatives when
14 they do come out to look at that and save as many
15 trees as we can, that are good trees.

16 COUNCIL MEMBER LEONARD: What
17 about our tree committee?

18 COUNCIL MEMBER BRAB: Well, if Lee
19 can -- if Lee can join us, that would be great.
20 They will probably come some -- sometime in the
21 first week of January when it's like 40 below zero
22 and snowing like crazy. So, whoever wants to
23 join, come on ahead.

24 COUNCIL MEMBER LEONARD: What was
25 the issue that precipitated this?

1 COUNCIL MEMBER BRAB: Drainage,
2 lots of drainage issue, lots of garbage laying in
3 there, people throwing cans and whatnot out there,
4 and -- and quite honestly, if you start up at Timber
5 Ridge and go to the other end and go to Covered
6 Bridge Road, it looks totally different in a lot of
7 different places, and we -- before we could do
8 anything we had to find out whose responsibility it
9 was.

10 And we ran it through Senator Ernie Harris
11 and the state transportation people all the way
12 back to Metro and got the contract, and so now we
13 know who's who and what's what.

14 COUNCIL MEMBER LEONARD: Okay.
15 But this is not a new issue. So, is -- is it worse
16 now than it's been?

17 COUNCIL MEMBER BRAB: Yes.

18 COUNCIL MEMBER LEONARD: Okay.

19 COUNCIL MEMBER BRAB: The other
20 thing is, nobody took responsibility for it before --

21 COUNCIL MEMBER LEONARD: Well, I
22 thought --

23 COUNCIL MEMBER BRAB: -- taken it
24 down [phonetic].

25 COUNCIL MEMBER LEONARD: -- we

1 actually cleaned it up because we knew that the
2 state would only do it at a less frequent rate than
3 what we were interested in. So, it was my
4 impression that in the past we have cleaned it up.

5 COUNCIL MEMBER BRAB: Well, it -- it's
6 actually Metro, and there's a process for doing
7 that and it's pretty simple. So, we knew how to do
8 that, I'll tell you.

9 MAYOR EVANS: Okay. Back to the
10 Parks Committee. Is there a representative of that
11 committee here that wants to report tonight? I
12 don't see anyone, so no.

13 Mr. Tucci, any Forestation Committee -- any
14 report?

15 MR. TUCCI: I've prepared a summary or
16 overview of the Forestation Board activities
17 through the year, and I'll just pass this out. If
18 you'll take one and pass it along.

19 All right. I'll go over this briefly for the
20 benefit of the others. There were a few handouts
21 on the back table.

22 So, in calendar year 2013 we distributed 68
23 trees to residents. That was on our Arborfest at
24 the end of October. We protected 49 ash trees --
25 medium-sized ash trees. That was a big project

1 that was done by Bob Ray, actually. We planted
2 10 trees on city land, and they're enumerated
3 here. We got Gator Bags, which are basically
4 watering devices for the new trees, so that they
5 would have water available in -- in the dry periods.

6 We inventoried 60-some trees that are on the
7 city line of Rose Island Road. We haven't taken
8 any program for those trees except to account for
9 them, but it's possible we will next year. There's
10 several large ash trees among the -- among those
11 down there, so they would need to be treated.

12 We had two articles about tree care in the --
13 in the newsletter. There's an ongoing program to
14 remove dead trees from streets and those become
15 the responsibility of the property owner unless
16 we're in the medians, and then there's dead trees
17 on city lands in the medians and in -- at the
18 entrance to -- property in front of Fox Harbor Road
19 area.

20 We hired a new consulting arborist. She's
21 worked out very well, and we had some questions
22 about sidewalk-tree interactions. We entered
23 those, and a couple of us attended the Anchorage
24 Tree Board event earlier this year. When we first
25 started the tree board we had a meeting with the

1 Anchorage Tree Board. We got a lot of guidance
2 and help from them, and we still have somewhat of
3 a ongoing dialogue between ourselves and the
4 Anchorage people.

5 And we're working now to take more trees out
6 along bri -- or Bridgepointe Boulevard and some
7 work on the Fox Harbor median, which is going to
8 be paid for by a private donor, and we're filing for
9 Tree City recertification. We've been a Tree City
10 since 2008, and we want to continue that.

11 Any questions?

12 MAYOR EVANS: All right. Thank you.

13 MR. TUCCI: Welcome.

14 MAYOR EVANS: Sandra, do you want to
15 give a report on the library?

16 COUNCIL MEMBER LEONARD: Things
17 are going very nicely. We finally cleaned up after
18 the book sale and everything is gone, and we're up
19 to 24 regular volunteers with the addition of Mr.
20 Simpson out here, who's going to start assisting
21 us in selecting nonfiction books.

22 MR. SPEAKER: Hear, hear.

23 COUNCIL MEMBER LEONARD: And
24 that's it.

25 MR. SPEAKER: Thank you.

1 MR. SPEAKER: I heard you say you like
2 history.

3 COUNCIL MEMBER BRAB: [nods head]

4 MAYOR EVANS: Website Committee, Joe
5 Kehlbeck.

6 MR. KEHLBECK: I'll make this short.
7 We met for an hour and a half this afternoon, and
8 we're still collecting data. And also, after looking
9 at what websites do we want to bring into our
10 website so that people can go to those sites and
11 be able to pull it up, a la like the chamber of
12 commerce, the fire department, and the city
13 downtown, Code Red, some of those things that
14 we're looking at incorporating in.

15 So, it's still -- it's moving along, not as fast
16 as we'd like, but it's getting there, and it will be
17 inclusive.

18 MAYOR EVANS: Any questions to Joe?
19 All right. Chief, you're up.

20 CHIEF SHERRARD: Okay. Regarding the
21 statistics: House checks, about the same as they
22 were last year, just very slightly above.

23 Citations, although considerably more than
24 last year, it's very consistent with what we've had.
25 About the last three months they're consistently

1 running in the -- the mid to upper forties for the
2 month.

3 Let's see. The reports, I'll get to those in a
4 moment. That number here looks very low, but in
5 the last several weeks it's gone up considerably,
6 and we'll talk about that.

7 There were a total of 12 arrests for the month,
8 6 of which were DUI, none of which were Prospect
9 residents. They were all locals coming in and out;
10 thank goodness.

11 Let's see. The calls for service were pretty
12 much the same. Officer-initiated runs were up a
13 little bit. The alarms were up a little bit.

14 Let's see. For the felony reports, I briefly
15 talked about the one at the last meeting where we
16 had a break-in over in Sutherland. As it turned
17 out, the resident came home as one of the
18 suspects was walking across the property.

19 It turns out that that was the same person that
20 was involved in a few burglaries down in the Indian
21 Hills neighborhood. That person has been
22 arrested, and ironically, what got him caught was,
23 he gave somebody the finger when he was driving
24 a unique stolen car.

25 Yeah. He -- he broke -- he broke -- he broke

1 into a house, sees the car keys to this car, I won't
2 name the car, but it's a rather unique car, he's out
3 on Highway 42, happens to come up into traffic,
4 not exactly sure how to operate this car, so the
5 guy behind him honks his horn like, you know,
6 "Green means go," and the guy looks up behind
7 him and gives him the finger.

8 As it turns out, later in the day they put out a
9 pickup in Indian Hills on this unique car that's
10 missing, and the guy says, "Hey, I saw that guy.
11 He flipped me off, and then he went into the drug
12 store."

13 So, they got video of him. They had -- they
14 had this guy's picture up within three to four
15 hours. He was already under arrest because a
16 previous detective in another department saw the
17 same picture. So, if you happen to steal your car,
18 keep your hands to yourself. Road -- road rage is
19 a bad thing.

20 But anyway, our resident was able to recover
21 their property already. They're -- when they
22 executed the search warrant they found a whole
23 van load full of property from a number of other
24 burglaries elsewhere, and so our resident was able
25 to recover most of their property so far.

1 We have been getting clobbered with thefts
2 from automobiles over about the last three weeks.
3 I think we've got at least 20, and not everybody --
4 I'm confident not everybody is reporting these,
5 because in a lot of cases they're not actually
6 taking anything. They are only entering unlocked
7 cars. There's been no forced entry in anything.
8 Nothing's been broken. Just going around in
9 subdivisions.

10 It makes no difference whether you're parked
11 on the street, if you're in the driveway, even if it's
12 a driveway that is hidden behind the home, they
13 will walk all the way back and if the door is open,
14 they'll go in it and they're just taking the little
15 loose things that you can carry.

16 If somebody's leaving a phone, a camera,
17 computer, or in many cases it just may be loose
18 change, and that's the only thing that's being
19 taken. In some cases, nothing. Rifle through the
20 glove box, look through papers, and then they're in
21 and out in just a matter of seconds, but we've had
22 at least 20 of them, and they've hit every one of
23 our subdivisions but just a few a night and mostly
24 on the weekends, Saturday, Sunday, Monday.

25 So, if we could just remind everybody to lock

1 their cars, we would be a much better place and
2 keep your stuff in your house.

3 I think that's all I have.

4 COUNCIL MEMBER FULCHER: Chief, a
5 question. Did -- what was the result of -- you said
6 there were three young guys that you picked up
7 doing this --

8 CITY ATTORNEY POTTS: Tall guys. Tall
9 guys.

10 COUNCIL MEMBER FULCHER: Tall guys.

11 CHIEF SHERRARD: Yeah.

12 COUNCIL MEMBER FULCHER: Tall guys.

13 Yeah, two. What -- what -- how is that. . .

14 CHIEF SHERRARD: They're in juvenile
15 court. They had a court date this morning, I
16 believe, but we don't know the results of that yet
17 because the officer was off today. I know that
18 they were discussing some resolution where
19 perhaps all of them would perform some public
20 service that -- in Prospect. They were all
21 juveniles, so put them to work.

22 COUNCIL MEMBER FULCHER: Give them
23 to -- give them to Stuart.

24 CHIEF SHERRARD: Actually, I think
25 that's already been discussed. I don't know if

1 he -- I don't think --

2 MR. SPEAKER: January.

3 CHIEF SHERRARD: I don't think he
4 knows it, but --

5 MR. SPEAKER: Sure, he does. He does.

6 CHIEF SHERRARD: He does? All right.
7 He does know it.

8 MR. SPEAKER: In January.

9 COUNCIL MEMBER BOWLING: Can they
10 do paving?

11 CHIEF SHERRARD: I don't know what
12 they can do. I'm not exactly sure what their skill
13 set is other than general thievery.

14 MR. SPEAKER: Yeah.

15 MS. SPEAKER: Yeah.

16 CHIEF SHERRARD: Sticky fingers.
17 Whatever requires sticky fingers.

18 MR. SPEAKER: Do you have it?

19 MR. SPEAKER: Yes. Yes, I do.
20 Actually, they're right here.

21 MR. SPEAKER: Can you find these for
22 everyone?

23 MS. SPEAKER: Yes, I do.

24 MR. SPEAKER: Okay.

25 MAYOR EVANS: I want to jump to

1 unfinished business, and your agenda says [reads]
2 second reading of Ordinance 529, Series 2013, but
3 it has been changed. So we are going to pass
4 around -- Ann, are these okay?

5 CITY ADMINISTRATOR SIMMS: Yes, go
6 ahead with them. They don't have a number, so
7 that designates that --

8 MAYOR EVANS: The revised.

9 CITY ADMINISTRATOR SIMMS: -- it's a
10 new one.

11 MAYOR EVANS: It's Ordinance -- will it
12 again be 529?

13 CITY ADMINISTRATOR SIMMS: Yes, it
14 will still be 529.

15 MAYOR EVANS: Okay. You can write
16 that in. And would anyone like to give this a first
17 reading?

18 COUNCIL MEMBER FULCHER: Before we
19 do that, I -- I've -- you've got -- all gotten my
20 emails relative to the procedure associated with
21 this thing. I've -- I've spoken to every council
22 member today on maybe tabling the first reading of
23 this until the next meeting so we all have an
24 opportunity to go through it and do a more global
25 approach to updating and modernizing this entire

1 Chapter 73. There's some other parts of that
2 ordinance that just no longer apply.

3 So, as oppo -- as opposed to just dealing with
4 just the ATV issue, which I support, but there are
5 some other things in it that perhaps we should be
6 looking at and do it all at once.

7 MAYOR EVANS: Well, you've heard -- all
8 heard what Mr. Fulcher says, and if that is the
9 sentiment of the council, then this will lay over
10 until the next meeting, and if anyone disagrees, he
11 or she can say so now.

12 COUNCIL MEMBER TUCCI: I'd ask that
13 you somehow or other publish -- if we're going to
14 look at all of 73, it would be nice to have it not
15 just for council members but for anybody who is on
16 our city mailing list. If we're going to look at the
17 entire ordinance, it would be nice for everybody to
18 have a chance to look at it before the next
19 meeting. Does that make sense to anybody?

20 COUNCIL MEMBER LEONARD: Yeah, I
21 think that's a good idea --

22 COUNCIL MEMBER FULCHER: Sure.

23 COUNCIL MEMBER LEONARD: -- yeah.

24 COUNCIL MEMBER FULCHER: Sure.

25 It's not even a full page, so it's --

1 COUNCIL MEMBER TUCCI: Yeah.

2 COUNCIL MEMBER FULCHER: -- it's
3 relatively easy to deal with.

4 MS. SPEAKER: Do we --

5 CITY ATTORNEY POTTS: Yeah. And the
6 only change that was made in this one is, of
7 course, to add -- to add bicycles to the ATVs, but
8 obviously, if you want to look at the whole thing,
9 you know, that's the only change that this
10 particular draft made.

11 COUNCIL MEMBER LEONARD: But do --

12 CITY ATTORNEY POTTS: Now --

13 COUNCIL MEMBER LEONARD: -- do we
14 have play lots and tot lots?

15 COUNCIL MEMBER FULCHER: Yeah,
16 I'd -- that would be something I would recommend
17 excluding, because that's just no longer -- we just
18 don't have that particular item any more than we
19 have an Empire State Building. You know, we can
20 exclude it from -- from those things.

21 Everything -- we characterize all those -- even
22 Sandy and I talked today about some of these
23 smaller pieces of property. If they revert to the
24 city, they would be considered parks and not a
25 play lot or a tot lot. So, that is an archaic term or

1 a term that was used in 1974, but should be able
2 to wipe out that paragraph as meaningless type of
3 what I'm talking about relative to, but. . .

4 Another concern I ha -- I had with this when I
5 was talking to Stuart and the rest of the council
6 today is -- and I asked the chief, you know, does
7 he have an oppor -- opportunity to review these
8 things relative to enforceability and, you know,
9 some are easy and some are a little more difficult,
10 but if we -- we should be -- we should be cognizant
11 of the issues we're placing before the police
12 department in the way we write these things, and
13 that's -- was another part of my question.

14 If he has -- if the chief had not had an
15 opportunity to -- to -- to even look at it and
16 comment relative to that part of it, then I think we
17 ought to re -- take the time to do it right and
18 complete.

19 COUNCIL MEMBER LEONARD: When you
20 consider that, would you consider the fact that my
21 husband's in a motorized wheelchair --

22 THE REPORTER: I'm sorry. Would you
23 consider the --

24 COUNCIL MEMBER LEONARD: The fact
25 that my husband is in a motorized wheelchair, and

1 if we're not careful, he's not going to be able to go
2 out of the house.

3 MS. SPEAKER: M-hm.

4 COUNCIL MEMBER FULCHER: Well,
5 that's right. The -- and there -- there are
6 additional issues that -- my grandkids break this
7 ordinance. I mean, it says no bicycle riding on the
8 street. Now, I mean, are we going to enforce no
9 bicycle riding on a cul-de-sac or a dead end? I
10 mean, the -- the reasonableness of some of these
11 things needs to be at least discussed. So --

12 MS. SPEAKER: That's good.

13 COUNCIL MEMBER FULCHER: I mean,
14 that's part and parcel of what I discussed with
15 Stuart and some of the others today.

16 COUNCIL MEMBER TUCCI: I think there
17 are two things that -- that I would think about.
18 One is -- and this is one of those things that in
19 a -- a small city like Prospect with the kind of
20 police department that we have can do the
21 selective kind of enforcement.

22 I think, in theory, golf carts can only be
23 driven on golf courses, not from my house to the
24 country club, but nobody -- the police don't usually
25 do anything about that unless they see eight little

1 kids without any supervision all crowded on the
2 golf cart careering around, but that's one of those
3 things that we -- we've got but we don't enforce,
4 and I'm not sure how -- how good it is to have laws
5 that are honored and breached. So, that's one
6 consideration.

7 And the other thing I'm wondering about is,
8 right now as it stands, let -- let's pretend this isn't
9 even here. If a resident noticed somebody roaring
10 around one of the parks on a motorized vehicle of
11 some kind and ripping up trails, do you have some
12 way to -- you must have something you can write
13 up to -- to stop them that has nothing to do with
14 this like --

15 COUNCIL MEMBER BRAB: They don't --

16 COUNCIL MEMBER TUCCI: -- like too
17 much --

18 COUNCIL MEMBER BRAB: -- have an
19 ATV.

20 COUNCIL MEMBER TUCCI: -- noise with
21 their motor or something?

22 CHIEF SHERRARD: There's really not a
23 whole lot.

24 COUNCIL MEMBER BRAB: You don't
25 have an ATV to get down to them.

1 CHIEF SHERRARD: No, we -- no, we
2 don't have any way to get to them other than --

3 COUNCIL MEMBER BRAB: That's --

4 CHIEF SHERRARD: -- on foot.

5 COUNCIL MEMBER BRAB: That's the
6 point.

7 COUNCIL MEMBER TUCCI: Yeah. Yeah.

8 CHIEF SHERRARD: Other than on foot.

9 COUNCIL MEMBER TUCCI: Yeah.

10 CHIEF SHERRARD: So. . .

11 MAYOR EVANS: Well, there goes the
12 police budget.

13 COUNCIL MEMBER TUCCI: Yeah. That's
14 what I was thinking. I --

15 MR. SPEAKER: Hang gliders.

16 COUNCIL MEMBER TUCCI: I can see
17 somebody back there with eyes lit up already.

18 MR. SPEAKER: He can wrap it around
19 the tree. I don't want to do that.

20 MR. SPEAKER: Yeah.

21 LIEUTENANT SHAW: Like Barney Fife,
22 I'll have my motorcycle and side --

23 MR. SPEAKER: Sidecar.

24 CHIEF SHERRARD: I've seen him drive a
25 car. I don't want him near a motorcycle.

1 MAYOR EVANS: Anything else about
2 this --

3 COUNCIL MEMBER BRAB: So, we're
4 ta --

5 MAYOR EVANS: -- particular --

6 COUNCIL MEMBER BRAB: -- we're
7 tabling this.

8 MAYOR EVANS: -- proposed ordinance?
9 We're going to set it over to the next meeting.

10 All right. I think the next thing that's not
11 specified in the agenda is whether the council has
12 any other matter it wants to discuss tonight. Just
13 throw it open to the council.

14 COUNCIL MEMBER FULCHER: I'd -- I'd
15 like to say something also. I'd like the chief to
16 thank Joe for including me and -- and the rest of
17 the council on her report that you -- or her
18 detailed report of phone calls into the police
19 department. I -- I find that very informative --

20 CHIEF SHERRARD: Oh, okay.

21 COUNCIL MEMBER FULCHER: -- and --

22 COUNCIL MEMBER LEONARD: Did we --
23 some of us didn't get it.

24 COUNCIL MEMBER FULCHER: Well, I
25 thi -- I -- she sent a note to me that said she was

1 sending it to everyone, and I think she forgot to,
2 you know, include it as an attachment.

3 CHIEF SHERRARD: Which report?

4 COUNCIL MEMBER FULCHER: This is a
5 law -- the log.

6 CHIEF SHERRARD: Okay.

7 COUNCIL MEMBER FULCHER: She
8 sends it to me. She -- she had said that you had
9 approved sending it to the council and --

10 CHIEF SHERRARD: I think she sent that
11 to the Code Enforcement.

12 COUNCIL MEMBER FULCHER: The one
13 she sends to Code Enforcement; that's --

14 CHIEF SHERRARD: Oh, okay.

15 COUNCIL MEMBER FULCHER: -- that's
16 right. So --

17 COUNCIL MEMBER LEONARD: So, are
18 you going to send it to all of us, then?

19 CHIEF SHERRARD: Yes. She had just
20 asked me about it --

21 COUNCIL MEMBER LEONARD: Okay.

22 CHIEF SHERRARD: -- this morning when
23 I came down here.

24 COUNCIL MEMBER FULCHER: Yeah.
25 She said she'd send it --

1 CHIEF SHERRARD: So, you'll --

2 COUNCIL MEMBER FULCHER: -- but I
3 think she forgot to attach --

4 CHIEF SHERRARD: -- you'll eventually
5 get it.

6 COUNCIL MEMBER FULCHER: -- it, but
7 thank her for -- for us, because it's informative.

8 MAYOR EVANS: At the last meeting
9 when we talked about the amendment to Prospect's
10 ordinance prohibiting discharging firearms, we had
11 our City Attorney Grover sitting next to me give his
12 opinion on the matter of whether we were required
13 by state law or not to make that amendment.

14 And I asked Grover if he would ask for the
15 opinion of the Kentucky Attorney General in the
16 matter, and thereafter Grover drafted a letter
17 requesting that opinion.

18 And at the request of several members of the
19 council, I distributed that draft among all the
20 members of the council. And I have had -- I'm not
21 sure the exact number, but let's say four council
22 members comment that they didn't like the letter.
23 And -- in -- in fact, one of them came down and sat
24 across the desk from me and went over it line by
25 line. And that's fine.

1 And so, I witness back to Grover and I said,
2 "Here's the situation, and here's what I've
3 learned."

4 And so, I asked Grover to take a second try at
5 drafting that letter, which he now has done, and it
6 has just been distributed among members of the
7 council, and that's where that matter sits. That's
8 really all I have to tell.

9 COUNCIL MEMBER BRAB: So, the -- so,
10 Mayor, the question is: Do you want the council to
11 review this, because this is the first time we've
12 seen it and then --

13 MAYOR EVANS: It is the --

14 COUNCIL MEMBER BRAB: -- come back
15 to coun --

16 MAYOR EVANS: -- first time you've seen
17 it, and let me know what you think.

18 COUNCIL MEMBER BRAB: Tonight or
19 when?

20 MAYOR EVANS: Whenever it's --

21 COUNCIL MEMBER BRAB: Okay. So --

22 MAYOR EVANS: -- it's -- you can do it
23 tonight, or you can do it tomorrow, or you can do it
24 whenever.

25 COUNCIL MEMBER BRAB: Okay.

1 MAYOR EVANS: You might want to talk
2 with each other. You might want to consider a -- I
3 am -- I am trying very hard to accommodate to the
4 thoughts of six people, which is not easy, but I'm
5 trying. But there comes a point when we have to
6 move forward somehow.

7 COUNCIL MEMBER FULCHER: Mr.
8 Mayor, I have a question for Grover. I went online
9 at -- to -- to look at this KRS 65.87 --

10 CITY ATTORNEY POTTS: M-hm.

11 COUNCIL MEMBER FULCHER: -- and
12 what I came up with is not -- was an amended --
13 amendment in April of -- of 2012 which
14 significantly changes what is included in here.

15 CITY ATTORNEY POTTS: No. You --
16 you've got the wrong thing. The one that was
17 passed was effective July of 2012, and that's
18 what's set out in here. You had the bill as
19 opposed to the statute that was ultimately passed
20 by the legislature.

21 COUNCIL MEMBER FULCHER: So, the
22 [reads] Includes, but not limited to. . .

23 CITY ATTORNEY POTTS: Right. It's --
24 is --

25 COUNCIL MEMBER FULCHER: Is no

1 longer in there --

2 CITY ATTORNEY POTTS: Correct.

3 COUNCIL MEMBER FULCHER: -- is that
4 correct?

5 CITY ATTORNEY POTTS: Correct.

6 COUNCIL MEMBER FULCHER: Okay.

7 CITY ATTORNEY POTTS: And -- and
8 sometimes that -- I mean, that happens during the
9 process of the time a bill is introduced until the
10 time the statute is passed, and the language that's
11 in the letter is the language that's in the statute.

12 COUNCIL MEMBER FULCHER: Okay.

13 Thank you.

14 MAYOR EVANS: I don't want to state the
15 obvious, but I guess I will. It seems to me that
16 what is in front of the council on this is a two-step
17 matter. And Step Number 1, it seems to me, is
18 whether Kentucky state law requires Prospect to
19 amend its ordinance pros -- prohibiting discharge
20 of firearms in the city or not. If it does prohibit
21 that ordinance as it's written, then the council
22 knows that that's the law and acts accordingly, it
23 seems to me.

24 If it does not require Prospect to amend its
25 ordinance, it is still a legislative matter whether

1 Prospect decides that it should amend its
2 ordinance. That's always true.

3 So, those are the steps that I see, and we're
4 at Step 1, which is what legally is the council
5 either required or not required to do. That's what
6 we're trying to determine with this request to the
7 Attorney General.

8 MR. SPEAKER: I've got --

9 MAYOR EVANS: That may be obvious,
10 but I just wanted to kind of review the bag
11 [phonetic].

12 COUNCIL MEMBER BOWLING: I do have
13 one quick question. Are we going to include in
14 the -- the part from our city newsletter where we --
15 you know, we say, [reads] Posted: No Hunting?

16 And the reason I ask that is because in
17 Grover's opinion here he says, [reads] Since the
18 hunting amendment relates to hunting and not to
19 the discharge of weapons or firearms. . .

20 But of course, in our newsletter, you know, we
21 say, [reads] Posted: There's no hunting due to
22 our -- no discharge, and then they -- they tell you
23 to, you know, call the Prospect Police or Fish &
24 Wildlife if you see anybody doing that. So, I would
25 certainly think that we can't say that this has to do

1 with -- doesn't have to do with hunting and just the
2 discharge of -- of firearms and weapons.

3 So, I think this is, you know, pretty
4 self-explanatory and it's something we need to
5 include if -- if we are going to submit this to the
6 AG.

7 CITY ATTORNEY POTTS: I -- I don't
8 know why you would include that, because the --
9 whatever the law is, the law is, and that really
10 doesn't change it.

11 COUNCIL MEMBER BOWLING: Well, I
12 mean, you -- you could say that, but you're --
13 you're also saying that -- you know, as you and I
14 discussed, I mean, you said that the -- Prospect
15 can no longer tell people they -- they can't hunt on
16 their own land, but we're doing that here, and
17 we're even saying, [reads] If you see anybody in
18 Prospect hunting, call the police.

19 So, regardless of what the law is, I mean,
20 we're -- I mean, certainly -- certainly an ordinance
21 isn't the only way a city can prohibit something. I
22 mean, if -- if you're having your law enforcement --
23 I'm -- I'm sure there -- I'm sure we're not asking
24 those people to -- to call the police department
25 just to go out there and see them. I mean,

1 obviously, there's going to be legal action taken.
2 So, I -- you know, I think that's -- you know, just
3 my opinion. I think that's pretty relevant in the
4 discussion.

5 MAYOR EVANS: All I can say is that at
6 the time that came out this issue had not been
7 brought up.

8 COUNCIL MEMBER BOWLING: Right. I
9 understand.

10 MAYOR EVANS: And in fact, I probably
11 saw that before it went out. Never even occurred
12 to me that the issue that we're talking about now
13 was addressed in that thing.

14 COUNCIL MEMBER BOWLING: Right.

15 MAYOR EVANS: It could clearly be that
16 what is said in there is just a mistake, it's just
17 wrong. As Grover says, it doesn't change what the
18 law is. So, that's -- that's all I know how to tell
19 you.

20 COUNCIL MEMBER BOWLING: Right.
21 No, I under -- I understand that. I think that, you
22 know, in -- in talking, I think we've all agreed that
23 the one question we're going to ask or wanting the
24 Attorney General to ask is: Does Prospect
25 regulate or prohibit hunting with the -- with the no

1 discharge?

2 And in here it says -- I mean, it says it word
3 for word, you know, and -- and it says in here,
4 [reads] We'd like to remind all our residents that
5 the discharge of any weapon, whether on public or
6 private land, inside the city limits is strictly
7 prohibited. This includes, you know, firearms and
8 archery. If you observe anyone hunting within --
9 anywhere in the city, please call.

10 You know, so I would think our -- our
11 newsletter would certainly be relevant, you know,
12 since that's the -- that's the question we're putting
13 to the Attorney General, Does Prospect prohibit
14 hunting? We've all agreed that we can't prohibit it
15 anymore, so the question that we're putting to the
16 AG is: Does Prospect prohibit hunting? And I
17 think that our city newsletter that says -- you
18 know, I think it's relevant.

19 CITY ATTORNEY POTTS: Yeah, but --
20 but the city newsletter isn't what the law is. I
21 mean, we've sat out on the first page --

22 COUNCIL MEMBER BOWLING: Right.

23 CITY ATTORNEY POTTS: -- what
24 Prospect's law is, and Prospect's law is: It shall
25 be unlawful to use a firearm within the city of

1 Louisville --

2 COUNCIL MEMBER BOWLING: Right.

3 CITY ATTORNEY POTTS: -- or the city
4 of -- of Prospect.

5 COUNCIL MEMBER BOWLING: Right.

6 CITY ATTORNEY POTTS: So, I mean,
7 I -- I don't know how much clearer you can say it
8 than whatever the -- the -- the ordinance is. I
9 mean. . .

10 COUNCIL MEMBER TUCCI: Every now
11 and then in the city newsletter I tell people not to
12 read a book because it's junk, but we don't go out
13 and arrest people who check out the book anyhow.
14 So, the things that occur in the newsletter do not
15 have the weight of the law.

16 COUNCIL MEMBER BOWLING: Well, but
17 when you --

18 COUNCIL MEMBER TUCCI: Though --

19 COUNCIL MEMBER BOWLING: --
20 speci --

21 COUNCIL MEMBER TUCCI: -- I -- I wish
22 they did.

23 COUNCIL MEMBER BOWLING: Right.

24 COUNCIL MEMBER TUCCI: I would like
25 to do so.

1 COUNCIL MEMBER BOWLING: But when
2 you specifically ask the residents if -- if -- if they
3 see that to call the police, you know, and give the
4 phone number, I think that's a little bit different,
5 but you know --

6 MAYOR EVANS: Well --

7 COUNCIL MEMBER BOWLING: -- that's
8 just my opinion.

9 MAYOR EVANS: Let me weigh in a little
10 bit. Grover's first draft of the request to the AG
11 raised objections from you, from Frank. Who else?

12 COUNCIL MEMBER BRAB: Me.

13 MAYOR EVANS: From Bill. Thank you,
14 Bill.

15 COUNCIL MEMBER BRAB: That's
16 correct.

17 MAYOR EVANS: And I don't remember
18 what -- if it was Sandra or not. I think Sandra may
19 have agreed with Frank. And the objection,
20 generally speaking, was that it said too much.
21 It -- and I'm sure you remember as well as
22 anybody, it recited what your view was, your
23 opinion, and why, what you've argued, and it
24 recited what Grover -- Grover's opinion was and
25 why.

1 And when Frank came down to see me one
2 afternoon, maybe it was Thursday, and we visited
3 for 45 minutes and we walked through Grover's
4 letter line by line, and basically what Frank was
5 saying is: We don't need all this. You know, we
6 don't need to know what Grover said. We don't
7 need to know what Rob said. We can just take that
8 out.

9 COUNCIL MEMBER BOWLING: Right.

10 MAYOR EVANS: So, I communicated all
11 that to Grover. Now, it seems to me that we go
12 one way or the other. Either we put in a bare
13 bones, here's what the ordinance says, here's
14 what the Constitution says, here's what the
15 statutes of Kentucky say, here are the questions.
16 Or we put all the other stuff in, in which case, as
17 far as I can see, that's fair game, too.

18 So, I -- I'm just saying let's do one or the
19 other, whatever it is.

20 COUNCIL MEMBER BRAB: So, what
21 you're asking, Mayor, is just for us to come back
22 to you with markups on this?

23 MAYOR EVANS: Yeah.

24 COUNCIL MEMBER BRAB: Okay.

25 COUNCIL MEMBER FULCHER: I have

1 a -- I have another question, Mr. Mayor. I had
2 requested that -- that -- in Paragraph 136.05 --

3 MAYOR EVANS: Isn't that --

4 COUNCIL MEMBER FULCHER: -- also --

5 MAYOR EVANS: Isn't that address in
6 here?

7 COUNCIL MEMBER FULCHER: No.

8 CITY ATTORNEY POTTS: Yeah, it is.

9 COUNCIL MEMBER FULCHER: Oh, is it?

10 CITY ATTORNEY POTTS: M-hm. At the
11 end, Page 3. It's right before -- right above the
12 dark -- the -- the questions. 136.05(b)?

13 COUNCIL MEMBER BRAB: Yeah, but
14 that -- that's --

15 COUNCIL MEMBER FULCHER: Okay.

16 But that's --

17 COUNCIL MEMBER BRAB: -- that's --
18 that's not a question.

19 COUNCIL MEMBER FULCHER: Yeah.

20 The question is: Why is it -- why is it not included
21 in its entirety?

22 Because the one word in here, I think, is a
23 direct --

24 CITY ATTORNEY POTTS: Well, I think
25 we have to -- I think we have to amend the statute

1 where it talks about caring -- carrying.

2 COUNCIL MEMBER FULCHER: Carrying;
3 yeah.

4 CITY ATTORNEY POTTS: Oh, yeah,
5 absolutely.

6 COUNCIL MEMBER FULCHER: Okay.

7 CITY ATTORNEY POTTS: Yeah. I -- I
8 mean, that's not an --

9 COUNCIL MEMBER FULCHER: But --

10 CITY ATTORNEY POTTS: -- issue.

11 COUNCIL MEMBER FULCHER: But -- oh,
12 that's not? Oh, okay. I thought we were going to
13 have a comprehensive --

14 CITY ATTORNEY POTTS: Well --

15 COUNCIL MEMBER FULCHER: -- look at
16 this thing as opposed to a selective phraseology.

17 CITY ATTORNEY POTTS: No. What --
18 what we -- what we're talking about -- the question
19 that's -- that's being asked is to make sure that in
20 136.05(b) the City of Prospect still has the power
21 to prohibit hunting on public land.

22 COUNCIL MEMBER FULCHER: Okay. I
23 understand that.

24 CITY ATTORNEY POTTS: The idea of
25 carrying, I think you're absolutely right. That's in

1 the statute. You -- you can't restrict that.

2 COUNCIL MEMBER FULCHER: So, it has
3 to be changed at least to that --

4 CITY ATTORNEY POTTS: Yeah.

5 COUNCIL MEMBER FULCHER: -- degree.

6 CITY ATTORNEY POTTS: Correct.

7 COUNCIL MEMBER FULCHER: Okay.

8 MAYOR EVANS: Anybody else?

9 CITY ATTORNEY POTTS: But I don't
10 think we need to ask the AG about it. I mean, I
11 think it's --

12 COUNCIL MEMBER FULCHER: Okay. All
13 right.

14 CITY ATTORNEY POTTS: -- statute.

15 COUNCIL MEMBER FULCHER: That's
16 fine. I agree with that.

17 CITY ATTORNEY POTTS: Yeah.

18 COUNCIL MEMBER FULCHER: I mean --
19 I mean, it's black and white --

20 CITY ATTORNEY POTTS: Yeah.

21 COUNCIL MEMBER FULCHER: -- issue.

22 MAYOR EVANS: Okay. Comments from
23 citizens? Anyone?

24 This says at the bottom, "Executive Session,"
25 but I don't know what for. I don't have anything

1 that needs an executive session. Do any of you?

2 MAYOR EVANS: If not, I think we're
3 done.

4 COUNCIL MEMBER BRAB: Just one
5 question, Mayor. This has -- does have some time
6 sensitivity, the response from council on, I
7 believe, Grover's -- your -- your latest letter here.

8 MS. SPEAKER: That's the draft.

9 MR. SPEAKER: The draft?

10 COUNCIL MEMBER BRAB: The draft;
11 yes. Excuse me. This does have some time
12 sensitivity, because we're also coming up to the
13 Christmas holidays.

14 MAYOR EVANS: M-hm.

15 COUNCIL MEMBER BRAB: Is there a
16 time frame you want replies on this back to you
17 by?

18 MAYOR EVANS: We don't meet again
19 until the third Monday in January, so I think we
20 have lot of time.

21 COUNCIL MEMBER BRAB: Okay. So,
22 that's by the next council meeting.

23 MAYOR EVANS: Between now and then,
24 yes --

25 CITY ADMINISTRATOR SIMMS: Second

1 mon -- we meet the second Monday --

2 CITY ATTORNEY POTTS: Because

3 Martin Luther King's --

4 CITY ADMINISTRATOR SIMMS: Right.

5 We will meet the second Monday in January, the
6 13th, I think it is.

7 COUNCIL MEMBER BRAB: Do -- do you
8 know the date offhand, Ann?

9 MR. SPEAKER: 13.

10 COUNCIL MEMBER BRAB: Excuse me?

11 MR. SPEAKER: 13th.

12 COUNCIL MEMBER BRAB: Thank you.

13 COUNCIL MEMBER FULCHER: Mr.

14 Mayor, there's a -- there was an agenda item on
15 a -- something to do with the ABC. Is that going to
16 be tabled until we have a chance to review it?

17 CITY ATTORNEY POTTS: Right. That --
18 that's -- that's a -- that's an extensive revision.
19 It's mandated by the statute, and so we are -- Cliff
20 is in the process of finishing that up.

21 MAYOR EVANS: It was not in your
22 packet because we didn't have it to put in the
23 packet.

24 CITY ADMINISTRATOR SIMMS: I didn't
25 get it --

1 COUNCIL MEMBER FULCHER: Okay.

2 CITY ADMINISTRATOR SIMMS: -- until
3 after --

4 COUNCIL MEMBER FULCHER: Okay.

5 CITY ADMINISTRATOR SIMMS: --
6 6:00 --

7 COUNCIL MEMBER FULCHER: That's
8 fine. It was just --

9 CITY ADMINISTRATOR SIMMS: -- and I
10 have it to give to all of you so you can review it
11 and have it in plenty of --

12 COUNCIL MEMBER FULCHER: After the
13 meeting?

14 CITY ADMINISTRATOR SIMMS: -- time.
15 Well, I have it here --

16 COUNCIL MEMBER FULCHER: Oh, okay.

17 CITY ADMINISTRATOR SIMMS: -- so I'll
18 pass it out.

19 COUNCIL MEMBER FULCHER:
20 Wonderful.

21 CITY ADMINISTRATOR SIMMS: That's
22 why we brought it in, so I hope I bring enough.

23 MAYOR EVANS: Yeah. Getting ready for
24 this meeting was a little unusual due to the
25 weather. We let everybody go home at 2:00.

1 Holly's computer malfunctioned. We didn't have
2 the revised ordinance, et cetera, et cetera, et
3 cetera. We did the best we could.

4 COUNCIL MEMBER TUCCI: For a while
5 there I thought you were building a municipal
6 swimming pool in front of the city hall there, you
7 know.

8 CITY ADMINISTRATOR SIMMS: We
9 questioned it.

10 COUNCIL MEMBER LEONARD: I, for
11 one, am grateful if this is going to be on the
12 agenda next time that we're getting it now, and I
13 wonder if we could try to set that as a goal for the
14 future.

15 MAYOR EVANS: Sure.

16 COUNCIL MEMBER LEONARD: Where we
17 could look at drafts before they're actually on the
18 agenda as an action item.

19 MAYOR EVANS: I think that's a good
20 idea. Anyone else?

21 COUNCIL MEMBER FULCHER: I think --
22 I think it's an excellent idea.

23 MAYOR EVANS: I do, too.

24 COUNCIL MEMBER BRAB: Move to
25 adjourn.

1 MAYOR EVANS: Second?
2 COUNCIL MEMBER FULCHER: Second.
3 MAYOR EVANS: All in favor?
4 COUNCIL MEMBERS: Aye.
5 MAYOR EVANS: Meeting is adjourned.

6 [WHEREUPON, the City Council Meeting
7 concludes at 7:45 p.m.]

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1 CERTIFICATE OF REPORTER

2 STATE OF KENTUCKY AT LARGE:

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

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

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

18 .

19 My Commission Expires: Notary Public

20 .

21 AUGUST 27, 2017 .

22 .

23 Notary ID: 494347

24 .

25 .

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