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CITY OF  
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

MAY 19, 2014

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3 MAY 19, 2014  
4

5 MAYOR EVANS: Folks, while we're  
6 waiting to start, just to save time, we have a  
7 guest, Judge Eric Haner, who I told could speak to  
8 us for one minute and 15 seconds, or something  
9 like that. He's a candidate for election.

10 Eric, the floor is yours.

11 JUDGE HANER: Thank you very much,  
12 Mayor, for inviting me here.

13 Good evening, everyone. My name is Eric  
14 Haner. I am a district court judge here in  
15 Jefferson County. And tomorrow is Election Day,  
16 and so I have election.

17 I was actually one of the last district court  
18 judges to get a race. I got two opponents filed on  
19 the last day, which gave me a primary, and I've  
20 been out every night since talking to lots of fine  
21 folks all over the county.

22 And this is my last before the election  
23 tomorrow, and I don't know if I'm happy or sad. I  
24 can't decide yet, but. . .

25 Anyway, I just want to tell you a little bit

1 about myself. Before becoming a judge, I was a  
2 practicing attorney for 20 years. I practiced law in  
3 the state and federal court, Kentucky and Indiana.

4 I have a lot of trial experience as the -- I have  
5 the most trial experience in my race, and probably  
6 among most of the judges in district court. And  
7 that's really important that you elect judges that  
8 have trial experience, because district court is a  
9 trial court.

10 I do a trial about every six weeks. And it's  
11 important to have qualified judges who have trial  
12 experience, and that would be me.

13 Also, I'm a little bit unique because I'm also a  
14 business owner. I have -- me and some -- and  
15 business investors redeveloped the old Kentucky  
16 Theater building down on South Fourth Street;  
17 made it into the Marketplace Restaurant. And  
18 there's some retail businesses there, as well.

19 So I have some business experience, which is  
20 a little bit different for judges, but it's good to --  
21 brings a unique perspective to the bench because  
22 we deal with real-world issues and real-world  
23 problems. And it's important to have a little bit of  
24 business perspective to know how things happen in  
25 the real world at district court.

1 I've received almost every single endorsement  
2 in my race, as a judge's endorsement's important  
3 because we run countywide. So it's really hard to  
4 reach everyone, so we rely upon endorsements to  
5 help get our word out.

6 And I would appreciate having your  
7 endorsement tomorrow on May 20th, and go to the  
8 poles and -- and vote for judges. I know it's not  
9 the most exciting race in the world, but they are  
10 important that you know who your judges are.

11 Judges will be on the second page. I'm the  
12 last name on the ballot. I have a little card I'll  
13 pass around. You can keep it with you. And if you  
14 feel so inclined, tell your friends, family,  
15 neighbors, and strangers to vote for Judge Haner.

16 Thank you very much. I'm Eric Haner, District  
17 Court Judge. Thank you. I appreciate it, Mayor.

18 MAYOR EVANS: Thank you.

19 JUDGE HANER: Thank you-all.

20 [applause]

21 MAYOR EVANS: I see it's 7:00, and our  
22 legal counsel is here. So why don't we get started  
23 with May Council Meeting, May 19th, 2014? All of  
24 the council members are present.

25 The first item on the agenda is the minutes of

1 the last regular city council meeting on April 21.  
2 Have the council members reviewed and is anyone  
3 prepared to make a motion either to approve or to  
4 amend?

5 COUNCIL MEMBER BOWLING: Move to  
6 approve.

7 COUNCIL MEMBER FULCHER: Second.

8 MAYOR EVANS: Moved and seconded.

9 Any discussion?

10 [no audible response]

11 MAYOR EVANS: If none, all in favor say  
12 "aye."

13 COUNCIL MEMBERS: Aye.

14 MAYOR EVANS: All opposed.

15 COUNCIL MEMBERS: [no audible  
16 response]

17 MAYOR EVANS: The minutes are  
18 approved.

19 The next item is the Mayor's update on city  
20 matters. We have a full agenda. I'll try to be  
21 brief.

22 If you look around the outside of City Hall, I  
23 think you'll notice some real improvements in the  
24 appearance, including that the wooden stairs that  
25 go up to the second floor in the back have all been

1 freshly stained. It looks so much better.

2 We've got -- the big dirt pile out front has  
3 been fixed and sodded. We have flowers, so that's  
4 some -- one thing we've been up to.

5 The new committee on Landscaping and  
6 Beautification had its first meeting Wednesday  
7 before last. I want to tell you who the members of  
8 that committee are. As soon as I can find that  
9 piece of paper, then I'll tell you.

10 All right. The committee voted the  
11 chairperson should be Jacqueline McGrail from  
12 Hunting Creek. Other members are David Warner  
13 from Bridgepointe; Sharon Schmidt from  
14 Innisbrook; Loretta Ertel from Sutherland; Nick  
15 Nicholson from Fox Harbor; John Simpson, who's  
16 here tonight, from Harrods Landings; Councilman  
17 Frank Fulcher; Councilwoman Sandra Leonard;  
18 Sherry Weir from the Estates of Hunting Creek;  
19 Evan Comer from the Estates of the Landings; and  
20 Gordon Regan who is from the Smithfield Green.

21 And we discussed what we wanted to  
22 accomplish. We set a couple of priorities. Our  
23 first priority is to make more beautiful, as a  
24 general proposition, Highway 42. It is the  
25 entrance to Hunting Creek. It's our front door, and

1 we figured that should take first priority.

2 A second priority that I suggested, and that  
3 they seemed to go along with, was to do some work  
4 on Hunting Creek Drive. I'm not going to go into a  
5 lot of detail, but there's some reasons that I think  
6 Hunting Creek Drive needs some serious attention.

7 Just along those lines, Brian Lavin with NTS  
8 put me in touch with NTS's landscape man, his guy  
9 in charge. His name is Tony Higgins. And I've  
10 spoken with him, I've met him.

11 And he's coming here at 2:00 tomorrow to  
12 meet with me and a couple other members of the  
13 committee. And the purpose of that is just to get  
14 his -- his advice. He's an expert.

15 Another thing that is going on, I'm just  
16 touching on these things, is the History Book  
17 Committee. The work is proceeding along.

18 Sandra, could you give us a quick update on  
19 that since you were at the last meeting?

20 COUNCIL MEMBER LEONARD: The  
21 History Book Committee is -- is finally beginning  
22 to gel. We're still looking for volunteers who  
23 either like to write or like to do research or like to  
24 talk to people who have lived in Prospect for a  
25 long time.

1       The group is enlarging slowly. I've gotten  
2 what I counted last time, but we had three new  
3 members at the last meeting. So if you volunteer  
4 now, you're not going to miss anything.

5       There are interviews that are going on right  
6 now with people who lived, one of them in  
7 Prospect, since 1972. And we've got -- we're all --  
8 we've all learned how to use a drop box so that we  
9 can put whatever we learn into something so that  
10 it's shared by all of the other members of the  
11 committee, because we don't want -- we don't have  
12 a million years to do this, and we don't want to do  
13 the same thing somebody else has done, but it's a  
14 lot of fun.

15       It's been exciting, and I've learned all kinds  
16 of things I never knew before, like once city hall  
17 was painted what colors?

18               MAYOR EVANS: Oh, back in the late  
19 '70s/early '80s it was in a 100-year-old frame  
20 house that sat on a little hill, which is right next to  
21 where Five Star is now. And it was a two-story  
22 frame house, and Joe Snowden owned it.

23       And it was painted a very bright color of blue,  
24 and the trim was purple. And I always accused  
25 Joe of having gotten a deal on paint, and that's

1 why, but it was -- it was a beautiful thing.

2 I just wanted to add to Sandra's report that  
3 some of the members of the History Book  
4 Committee are Sandy Bowen, Catherine McGrath,  
5 Beulah Rogers, Susan Glazer, Jenny Puckett,  
6 Carol Warner, Barbara Hopewell, Sandra, and I'm  
7 sure I've missed two or three new ones.

8 COUNCIL MEMBER LEONARD: Yes, the  
9 new ones are not on there.

10 MAYOR EVANS: All right.

11 COUNCIL MEMBER LEONARD: And  
12 we're looking for a picture right now of that city  
13 hall. Very bright.

14 MAYOR EVANS: And I know I have one.  
15 I just haven't dug it out.

16 Next, MSD has been out here this past month  
17 at our request. They have fixed the sinkhole and  
18 drainage problem on Westover at Cowley Park.

19 That had been there for a long time. You  
20 probably saw the cones and the thing, but that's --  
21 that's gone now. It's presumably growing grass.

22 They have investigated issues at my request  
23 out on Star Point Court and Harrods View Circle.  
24 Behind some of the houses, the land falls away to  
25 Harrods Creek, and the water rushes down there

1 big time. So they went out and looked at that, and  
2 basically said they weren't going to do anything.

3 They currently are working on drainage  
4 problems at U.S. 42 and the Hunting Creek  
5 entrance. Bill Brab has been after them about  
6 that. We've been after them about that.

7 And they came out, and they said they were  
8 going to fix it. Now -- so we'll see if they fix it.

9 Metro Public Works is clearing brush and  
10 trimming trees along 42 between Prospect Point  
11 and U.S. 42. This also is thanks to Bill Brab. We  
12 piled on, I think, right after he got started with it.  
13 So, in any event, they're out here and they're --  
14 they're doing it, and they were doing it today.

15 In other news, we have two new part-time  
16 receptionists. Nancy Corey, who started last  
17 week, Nancy is retired. She started working in --  
18 at GE -- did you hear that, Joe, at GE as a  
19 secretary, and she taught MS Office software  
20 classes for 15 years.

21 She is one of our 20-hour-a-week part-time  
22 receptionists. I believe she's here Tuesdays,  
23 Wednesdays, and Thursdays, Wednesdays half a  
24 day.

25 Laura Taylor recently moved here from

1 Virginia; lives in Goshen. She has a BA degree, a  
2 master's in medieval history in case you want to  
3 chat about that when you come. And she has  
4 worked for several college libraries.

5 And she's here Mondays and Fridays and half  
6 a day Wednesday. So we're glad to have them  
7 here.

8 Finally, I wanted to just bring to the council's  
9 attention a -- a letter I got from Glen Lanning, who  
10 is the president of the Homeowners Estates of the  
11 Estates of Hunting Creek -- I didn't say that right,  
12 Homeowners Association of the Estates of Hunting  
13 Creek, Glen Lanning.

14 And this letter is asking the city to install  
15 some lights at the entrance off of Covered Bridge  
16 Road into the estates where there are no lights.  
17 And he has a quote for those lights, which amounts  
18 to twelve hundred and sixty dollars -- \$1262 for  
19 those lights.

20 And I would like to point out that we do put  
21 lights at various entrances, such as Bridgepointe  
22 or Hunting Creek itself. And if you have no  
23 objection, I will go ahead and put some lights at  
24 that entrance to the estates for \$1262. E.

25 COUNCIL MEMBER FULCHER: What --

1 what kind of lights?

2 MAYOR EVANS: The kind of lights that  
3 sit down on the ground and shine light up on the  
4 brick wall that says that this is the entrance to the  
5 Estates of Hunting Creek. I'll be glad to show you  
6 the --

7 COUNCIL MEMBER FULCHER: Well,  
8 that's fine. I -- I just wondered whether if it was  
9 going to be a --

10 COUNCIL MEMBER MILES: Free --

11 COUNCIL MEMBER FULCHER: --  
12 freestanding pole or --

13 MAYOR EVANS: No. No, the things  
14 down on the ground that shoot up.

15 COUNCIL MEMBER BOWLING: A couple  
16 meetings ago we had had a -- an actual homeowner  
17 that was requesting one.

18 MAYOR EVANS: Yes.

19 COUNCIL MEMBER BOWLING: And I  
20 made the suggestion we go back to them and ask  
21 them if they'd be interested in maybe splitting the  
22 cost. Did we ever do anything with it?

23 MAYOR EVANS: Did we ever do anything  
24 with that?

25 CITY ADMINISTRATOR SIMMS: We had

1 talked to him. He wasn't sure that he -- I think he  
2 was hoping, certainly, that we would come up with  
3 all of it, and I think there had been enough  
4 discussion here that led him to believe that  
5 possibly. . .

6 COUNCIL MEMBER BOWLING: So we  
7 haven't done anything on that.

8 CITY ADMINISTRATOR SIMMS: We have  
9 not put in a light.

10 COUNCIL MEMBER BOWLING: All right.  
11 Gotcha. All right.

12 MAYOR EVANS: Okay. That's my report.  
13 Are there any questions? I'm open.

14 [no audible response]

15 MAYOR EVANS: If not, we'll move on in  
16 the agenda. And the next item is -- well, the  
17 Mayor's report says Budget matters, but I think  
18 we'll address that when we get into discussing the  
19 proposed budget for the coming year later in the  
20 meeting.

21 So then the next item is a report from the  
22 Parks and Public Lands Committee.

23 COUNCIL MEMBER MILES: I'll be doing  
24 that today with regards to the review.

25 MAYOR EVANS: Stuart.

1           COUNCIL MEMBER MILES: We've had  
2 several things going on in the last month with our  
3 parks in Prospect. The first is -- is that we have  
4 completed a bridge and a new section of trail in  
5 Harrods Creek Park. Over the winter we added  
6 about two miles of new hiking trail, and there was  
7 a ravine that needed to be crossed. And we had a  
8 bridge built this winter, and that bridge is  
9 complete.

10         Ron has been putting up signs that we have  
11 purchased for the park, and so now people will be  
12 -- easily be able to find their way through the  
13 park. And it will correspond with a new map that  
14 we will put out.

15         This is the new map. It's a much larger map.  
16 The trails are color-coded now, so there will be a  
17 blue trail, a red trail, a green trail, and an orange  
18 trail. And so you'll easily be able to find your way  
19 around the park.

20         We are working on getting an Eagle Scout for  
21 an Eagle Scout project to put in mile markers, 1/10  
22 of a mile marker, so when you're hiking on the  
23 trails you'll know how far you've gone and how far  
24 it is. And that is a perfect Eagle Scout project, so  
25 we're working to find an Eagle Scout to take that

1 on.

2 We'll be having an open house for Harrods  
3 Creek Part May 31st at 10 a.m. at the trail head on  
4 Montero. And we will have -- we have 15  
5 volunteers that will be stationed along the trail to  
6 show you certain areas of interest; to point out --  
7 there's a section of trail that MSD is working to  
8 complete this summer that goes along Harrods  
9 Creek. They'll point that out to you, kind of  
10 explain to you how that will work into the trail  
11 system.

12 So if you haven't been to this park, this is an  
13 excellent opportunity to kind of walk through it  
14 and -- and have somebody kind of point out all the  
15 points of interest. If you would like to do the  
16 whole park, I recommend you get there at 10  
17 because, like I said, it's four miles of trails, a  
18 little bit of hills here and there; but I think you'll  
19 enjoy it.

20 Everything we've been doing is to increase  
21 access to the park to a wider range of hikers. And  
22 we will continue to add bridges and do things to  
23 make it so that people with almost any ability can  
24 who move them -- themselves around by walking  
25 can at least enjoy some of this park during the

1 year.

2 Let's see what I haven't mentioned here. We  
3 have an Eagle Scout who's just taken on a new  
4 project at Putney Ponds [sic] and Woodlands. We  
5 just repaved the walking path along Putney Pond,  
6 and this Scout is going to build a picnic area with  
7 three picnic benches right next to the pond. And  
8 he should have that completed this summer, so  
9 that'll really go in nicely with the work that the  
10 city has done back there.

11 And, Mayor, I want to add to what you had  
12 mentioned about MSD and -- and the runoff going  
13 into the park. I had met with them before, and  
14 while they would not be willing to do any kind of  
15 major construction to fix the problem, we are going  
16 to do a test project.

17 And I spoke to Steve Emly today, who's the  
18 head engineer of MSD, and we're going to use  
19 something called willow spikes. And these have  
20 been successfully used to stabilize banks and  
21 streams and where construction is being done.

22 And these are spikes made from live roots of  
23 willow trees. And you spike them into the -- the  
24 side where the erosion is -- and these are very  
25 rapidly growing plants. And what -- when they

1 work correctly, they help stabilize where the  
2 erosion is happening.

3 And so we're going to get some willow spikes  
4 from them. And I'm going to get volunteers in  
5 some of the really badly washed-out areas to do a  
6 test project and see if these willow spikes will  
7 actually work to at least mitigate the problem that  
8 we have behind several homes back there.

9 I believe that's all I have at this point. We  
10 hope to have the new section that MSD is working  
11 on this summer along Harrods Creek done by the  
12 fall, and we will probably have another open house  
13 when that is done.

14 Again, I encourage you. This new section of  
15 trail we've opened up in Harrods Creek Park on the  
16 back section goes right along the stream. It is  
17 absolutely breathtaking, and it is well worth a  
18 walk. Thank you, Mayor.

19 MAYOR EVANS: Thank you, sir.

20 Next, is there anyone here from the  
21 Forestation Board? Come on up.

22 MS KRAMER: Hi. I'm Christy Kramer  
23 with the Forestation Board. And just to give you  
24 an update on what we're currently working on, we  
25 are now starting treatment for the emerald ash

1 borer for about 61 different public ash trees. That  
2 could begin this week. At least a dozen different  
3 residents did contact Bob Ray to get the same rate  
4 that the city negotiated to get their ash trees  
5 treated, as well.

6 Our consulting arborist, Andrea Hamlyn, will  
7 be developing a screen for the salt storage area of  
8 shrubs and trees. So she's working on that plan  
9 right now to make that area more palatable to  
10 nearby neighbors.

11 We're planting yellow root on Bridgepointe  
12 Boulevard to replace a pine that died. We're  
13 replacing a sick silver maple along Hunting Creek  
14 Drive in the median. And we're also looking at  
15 planting a -- another couple of trees along Hunting  
16 Creek Drive and on Putney Lane, as well, where  
17 there's a big green space.

18 All trees will be planted in the fall, and we are  
19 also looking at trimming, very shortly, trees along  
20 Fox Meadow Way that are overhanging. And --  
21 trucks and buses have been hitting those, and  
22 we've been asked to do something about that.

23 So that's pretty much it. Does anybody have  
24 any questions?

25 COUNCIL MEMBER FULCHER: What --

1 what are you going to do about the overhanging  
2 trees?

3 MS. KRAMER: We're going to trim them  
4 according to our -- we have, like, guidelines for  
5 trimming the trees.

6 COUNCIL MEMBER FULCHER: And they  
7 are what?

8 MS. KRAMER: It's like -- well, it's all  
9 laid out in our ordinance, but it's, like, to a certain  
10 height.

11 COUNCIL MEMBER FULCHER: It's 8 feet  
12 in the ordinance, but the trucks go 13-6. So  
13 there -- there's a conflict --

14 MS. KRAMER: A variance.

15 COUNCIL MEMBER FULCHER: -- on  
16 height. I would suggest that you go to 13-6.

17 MS. KRAMER: Okay, I'll look at that,  
18 13-6.

19 COUNCIL MEMBER FULCHER: Yes.

20 MS. KRAMER: We'll look at that.

21 MR. FELLER: Okay.

22 MS. KRAMER: All right.

23 MAYOR EVANS: Anybody else?

24 [no audible response]

25 MAYOR EVANS: The report on the

1 Library Committee, Sandra.

2 COUNCIL MEMBER LEONARD: The bulk  
3 of the library sale is -- has been completed,  
4 although we've got the books upstairs for the next  
5 two weeks at half price. And with the proceeds,  
6 we've already ordered approximately 150 books,  
7 regular paper books, and about 50 audio books.  
8 So, by all means, we'd appreciate it if you would  
9 buy a little bit more so we can pay for them.

10 MAYOR EVANS: Are you done?

11 COUNCIL MEMBER LEONARD: Done.

12 MAYOR EVANS: Good. It was a really  
13 successful book sale that went Friday and  
14 Saturday, and I saw a lot of it in operation, which I  
15 had never seen before. It was quite impressive.

16 And you're still on, Sandra, because the next  
17 one is the Website Committee.

18 COUNCIL MEMBER LEONARD: The  
19 website is going well. They're working right now.  
20 The opt-in front [phonetic] page is about 80%  
21 completed. And the financial records are the last  
22 major component, and that is well underway. So  
23 the -- the website's coming along very well.

24 MAYOR EVANS: Any questions on that?

25 [no audible response]

1           MAYOR EVANS: All right. Frank, the  
2 Environmental Services Review Committee.

3           COUNCIL MEMBER FULCHER: We were  
4 unable to meet this past month, so we've -- we've  
5 deferred to next month's meeting. There are  
6 two -- two action items that are included in the  
7 budget, which are the subject of large-animal  
8 carcass removal and the potential for additional  
9 recycle containers.

10          It's -- these are issues that are before the  
11 committee. They have -- the mayor's put some  
12 money in the budget for these in the event that  
13 we -- we come up with a plan for it, but, other than  
14 that, we're good.

15          MAYOR EVANS: Thank you.

16          There's an item here for Nuisance Ordinance  
17 Review Committee update and proposed changes.  
18 Now, I had an email from Jeff Stovall saying that  
19 he would not be here tonight, and I don't know if  
20 there is someone from his committee who is here.  
21 I don't see that person, so I guess not.

22          We do have in the packet --

23          COUNCIL MEMBER LEONARD: Frank.

24          MAYOR EVANS: Frank, are you on that  
25 committee?

1 COUNCIL MEMBER FULCHER: Sandra.

2 COUNCIL MEMBER LEONARD: No, no.

3 Go ahead.

4 COUNCIL MEMBER FULCHER: Okay. I

5 am. Ann is.

6 CITY ADMINISTRATOR SIMMS: I'm not  
7 prepared to --

8 COUNCIL MEMBER FULCHER: Todd is.

9 COUNCIL MEMBER MILES: I am.

10 COUNCIL MEMBER FULCHER: Stuart is;  
11 yes. Well, I -- I -- Mayor, just a -- just a comment.  
12 I think that Jeff felt that he had met the charge of  
13 the --

14 MAYOR EVANS: Yeah.

15 COUNCIL MEMBER FULCHER: --  
16 committee --

17 MAYOR EVANS: Yeah.

18 COUNCIL MEMBER FULCHER: -- that  
19 they presented his finding or the committee's  
20 documentation to -- to the council for their review.  
21 So I -- I -- I really think that Jeff needs to be -- to  
22 be here for us to -- you know, as a council to  
23 pursue what we're about on it.

24 MAYOR EVANS: And we all have that;  
25 and then, as I understood it, Frank, you had made

1 your own proposal which differs from his; is that  
2 correct?

3 COUNCIL MEMBER FULCHER: What I  
4 did was take the -- the bulk of the committee's  
5 recommendation and put them in a -- put them into  
6 the form and -- and format, which, of course, Holly  
7 helped, that would allow us to put it in the form of  
8 an ordinance.

9 And several -- several of the, oh, sentences  
10 or paragraphs that were included in the  
11 committee's recommendations had been changed  
12 somewhat. And that is going to be the subject of a  
13 discussion this evening.

14 MAYOR EVANS: No -- no time like the  
15 present. Let's discuss it. Do you want to make a  
16 motion of some sort?

17 COUNCIL MEMBER FULCHER: I don't --  
18 not at this time. I don't think first reading is  
19 appropriate right now; however, there -- there  
20 have been questions raised relative to some  
21 potential conflicts and definitions. And a  
22 suggestion has been made that we look at the  
23 first -- first section, which is. . .

24 COUNCIL MEMBER BOWLING: It's  
25 92.01.

1 COUNCIL MEMBER FULCHER: 92.01,  
2 Definitions; that if we -- if the definition of a  
3 nuisance is just expunged and we keep the rubbish  
4 and scrap metal in the Definition section, then the  
5 ordinance flows, because we have definition -- we  
6 have definitions of -- certain conditions are  
7 declared a nuisance, which, in effect, is a  
8 definition.

9 So I think that's -- should be the basis for the  
10 initial discussion. If people would -- I -- I like --  
11 I'd like that approach, because there's no --  
12 there's no conflict with understanding with what  
13 we're trying to accomplish with this particular  
14 ordinance.

15 COUNCIL MEMBER TUCCI: I -- I -- I  
16 guess I'm not following. Does that mean that the  
17 only thing that would constitute a nuisance would  
18 be a property that had either accumulated rubbish  
19 or scrap metal?

20 COUNCIL MEMBER FULCHER: No. If  
21 you look at ninety -- was it 92.03? It defines in --  
22 in the pre -- preamble. . .

23 COUNCIL MEMBER BRAB: Here's a  
24 backup, Sandy.

25 COUNCIL MEMBER TUCCI: Yeah.

1 COUNCIL MEMBER BRAB: This -- this  
2 one has it.

3 COUNCIL MEMBER TUCCI: Thank you.  
4 Oh, okay.

5 COUNCIL MEMBER FULCHER: We had  
6 three --

7 COUNCIL MEMBER TUCCI: I see it;  
8 okay.

9 COUNCIL MEMBER FULCHER: It -- it  
10 should. . .

11 COUNCIL MEMBER TUCCI: [examines  
12 document] Thank you.

13 COUNCIL MEMBER FULCHER: Does that  
14 answer your question?

15 COUNCIL MEMBER TUCCI: Yes.

16 COUNCIL MEMBER FULCHER: Okay.

17 COUNCIL MEMBER MILES: I have a  
18 question. Lieutenant Shaw, do you think this will  
19 work for what you need?

20 LIEUTENANT SHAW: Well, I think 92.03  
21 is -- gives you a more definitive breakdown of what  
22 the nuisance is going to be. I would have to defer  
23 to the attorney.

24 I think 92.01 is just a basic definition. It  
25 looks like 03 breaks it down more definitive, so I -

1 - I don't think that it would hinder us in any way.

2 COUNCIL MEMBER MILES: Is that -- I  
3 know the reason that 92.01 was originally included  
4 is -- is that they're just -- you can't enumerate  
5 everything, and there are so many things that --

6 LIEUTENANT SHAW: Right.

7 COUNCIL MEMBER MILES: -- defy  
8 definition, because (a) they're -- they're  
9 undefinable, you know, like many things that are  
10 faced in -- in the law. Pornography would be one.

11 COUNCIL MEMBER TUCCI: Yeah, I know  
12 it when I see it.

13 COUNCIL MEMBER MILES: I know it  
14 when I see it. And -- and things that we can't  
15 imagine as we sit here today, but you will face.

16 And so I think that was the thinking about  
17 having something a little more sweeping, was that  
18 it would give you the ability, when you come  
19 across something that isn't enumerated, to deal  
20 with it.

21 Now, if you think what is laid out in 92.03  
22 meets that, you're the one who -- who has to deal  
23 with it on a day-to-day basis, and I will defer to  
24 you.

25 LIEUTENANT SHAW: I think the toughest

1 thing on sweeping definitions is what offends me  
2 might not offend you; and then you ask every --  
3 every other one, and it might not offend some and  
4 it might offend others.

5 The toughest thing on enforcement of -- of  
6 laws or even an ordinance is, you know, they're --  
7 they're general guidelines. Any time you start  
8 specifically breaking it down, it makes it easier for  
9 us to enforce --

10 COUNCIL MEMBER MILES: Right.

11 LIEUTENANT SHAW: -- but if you've got  
12 a general guideline that says speeding is illegal --

13 COUNCIL MEMBER MILES: Right.

14 LIEUTENANT SHAW: -- well, 45 miles an  
15 hour is the speed limit. 46 is illegal.

16 COUNCIL MEMBER MILES: Right.

17 LIEUTENANT SHAW: Do we enforce 46?  
18 Probably not, because we would be hanging from  
19 the highest tree. So that's the tough thing when  
20 you leave it open for us, is the discretion, you  
21 know.

22 COUNCIL MEMBER MILES: Right.

23 LIEUTENANT SHAW: Who -- who sees it  
24 as nuisance; who did -- who doesn't, you know.

25 I -- a resident might fall -- I might look at it and I

1 think, "Nothing wrong with that," but that resident  
2 is offended because I didn't enforce it.

3 COUNCIL MEMBER MILES: Right.

4 LIEUTENANT SHAW: So 92.03 kind of  
5 starts narrowing it down and, you know, it -- as  
6 with any law, it can change over time. If we see  
7 something, you know, next year that has been  
8 problematic and we need to add to 92.03 and  
9 define it out, and that's what the -- the wishes of  
10 the whole council and the -- the support of the  
11 community, I think that makes sense.

12 COUNCIL MEMBER MILES: Yeah.

13 Well --

14 COUNCIL MEMBER LEONARD: Actually,  
15 it was not -- the definition is an addition. All it  
16 said before was that a nuisance was a public  
17 nuisance. All the other stuff that's underlined is  
18 what the committee is proposing to add.

19 And now I believe what I'm hearing is that the  
20 committee is proposing to delete their additions.

21 COUNCIL MEMBER MILES: Well, the  
22 committee isn't proposing to delete the additions.

23 COUNCIL MEMBER FULCHER: No, the  
24 committee isn't.

25 COUNCIL MEMBER MILES: Frank is

1 proposing.

2 COUNCIL MEMBER LEONARD: Okay.

3 COUNCIL MEMBER MILES: A member of  
4 the committee is proposing.

5 COUNCIL MEMBER LEONARD: I gotcha.

6 COUNCIL MEMBER MILES: I don't think  
7 Jeff changed his mind, and I didn't change my  
8 mind.

9 COUNCIL MEMBER LEONARD: Okay.

10 COUNCIL MEMBER MILES: I can't spoke  
11 for the Lieutenant or the Chief.

12 And for those of you who haven't been here,  
13 kind of followed this, we've been working on this  
14 for about a year. This came up because several  
15 times we have had citizens, and lots of citizens,  
16 upset with a particular property owner, something  
17 they either are doing or not doing with their  
18 property that affects the value of everybody's  
19 property.

20 And it isn't something that is defined in our --  
21 our nuisance ordinance because it's just kind of  
22 quirky. And so we thought, well, let's get together  
23 and -- and see how we can deal with this.

24 And -- and how the process works is either the  
25 police see a violation or someone calls to the

1 police's attention a violation. They go, they look  
2 at it, and they make a determination, just like if  
3 somebody calls about a dark -- barking dog, is the  
4 dog's barking a nuisance.

5 And then if they think it is, they usually will  
6 give a warning, because we don't like to -- to  
7 ticket people unless we have to, hoping that the  
8 behavior will change. Sometimes the behavior  
9 doesn't change, and so then a citation is issued.

10 If that happens, that doesn't mean the person  
11 has been convicted. What it means is it goes to  
12 the next level, and it goes to the court -- the --  
13 the Code Enforcement Board.

14 The Code Enforcement Board is chosen by the  
15 city council. It's made up of citizens of Prospect.  
16 They meet as-needed. And the city -- these  
17 citizens representing the city decide if they think  
18 an ordinance has been violated.

19 And if they think it's been violated, then they  
20 will impose a fine or do some type of remedy to try  
21 and either fix the problem or fix the behavior. And  
22 so that's how the process works.

23 And so the -- in -- in meeting over the past  
24 year, our thinking was if we were able to make the  
25 -- the definition of a nuisance a little more broader

1 that gave the police and the Code Enforcement  
2 Board the ability in the situations where there was  
3 something that was bothering everybody, or most  
4 everybody, but we really couldn't do anything  
5 about it, it would give the Code Enforcement Board  
6 ultimately -- because it doesn't matter what the  
7 police think even if they think it's a violation, that  
8 the Code Enforcement board -- Board actually  
9 decides that. And then that's -- if we've done our  
10 job in picking a good board, they represent the  
11 citizens of Prospect.

12 So that's kind of where we're at. And I  
13 think -- and -- and I can't speak for everybody, but  
14 some people are uncomfortable with how broad the  
15 defini -- definition is, and they're worried that that  
16 will somehow lead to maybe an -- an overambitious  
17 police force or -- or overambitious neighbors who  
18 are, you know, maybe picking on things that -- that  
19 aren't a problem.

20 And I understand that, and -- and I see where  
21 they're coming from. And it really is a -- a tough  
22 call, because on one hand you have people's  
23 legitimate right to have their property values  
24 protected when, unfortunately, neighbors -- and  
25 most of the time it is people who don't live in the

1 houses. Most of the time it is absentee owners,  
2 banks, or people who are renting the properties  
3 who don't have the investment in the city that we  
4 all do. You know, they don't live here every day.

5 And so that's kind of my take on -- on where  
6 we're at today. Frank, do you differ in view?

7 COUNCIL MEMBER FULCHER: No, I -- I  
8 think that's -- you stated it very well, Stuart.

9 The -- the one other thing I would add is that  
10 we -- one of the primary drivers in the nuisance  
11 ordinance was enforceability, because a lot of  
12 questions arose, people asking questions of the  
13 council, "Do we have a -- an ordinance problem, or  
14 do we have an enforcement problem?"

15 And that's the way we -- that's what -- the way  
16 we started with the committee; with -- with the  
17 Chief and -- and Todd. And they said there are  
18 some difficulties in the way the current ordinance  
19 is written relative to the ability to enforce them.  
20 We understand what you need, and we're agreeing  
21 with you on maintaining property values and all the  
22 other items that Stuart just enumerated.

23 So what I've done is take what the committee  
24 has done, and I was a part of the committee and I  
25 support the broadness of it; however, we still are

1 faced with the potential for unintended  
2 consequences. And I think that there's potential  
3 for conflict with the definition of nuisance and  
4 then 92.03 also defining nuisances.

5 And my own -- my personal feeling on this is I  
6 would like to see us get the nuisance ordin -- this  
7 nuisance ordinance in place, because, as Todd  
8 pointed out, we certainly can amend it at any  
9 point, but it -- it is, I think, head and shoulders  
10 better than what exists now, and it -- and confirm  
11 that it is much more enforceable in this form than  
12 what we have now; is -- is that correct?

13 LIEUTENANT SHAW: Yeah, there are --  
14 there have been several issues arise that were not  
15 addressed at all, and this is going to address some  
16 of them. The hardest thing is -- is can we always  
17 address everything that comes up, and, you know,  
18 the answer to that is probably no.

19 COUNCIL MEMBER FULCHER: Probably  
20 not.

21 LIEUTENANT SHAW: There's no way.

22 COUNCIL MEMBER FULCHER: Sure.

23 Yeah, so --

24 MAYOR EVANS: Well, I -- I -- I have  
25 some -- I want to weigh in at this point, because

1 there are people in the audience tonight who have  
2 come to me about problems with adjoining  
3 property. And this ordinance, as proposed, would  
4 give me the tools to address those problems.

5 There is such a problem down on Star Point  
6 Court. The house is vacant. The tenants, when  
7 they moved out, did some damage. The garage  
8 door is wide open.

9 The fence around the pool is delapidated.  
10 The pool itself has water in it, but it's just  
11 stagnant. And it is, in my judgement, definitely  
12 depreciating the property value of other people.

13 The landlord is nowhere around. This would  
14 give me the ability to correct those problems and  
15 send him a bill.

16 The same thing is true with another property  
17 on Montero Drive, and I could go on and on.

18 If you read the -- the last part of this, 92.07,  
19 "if it was perceived by the city," okay, in the final  
20 analysis at the moment, that's me, "that a property  
21 is vacant," okay, the one on Star Point Court is  
22 vacant, "condition of the property" -- it says  
23 "and/or the condition of the property is an  
24 immediate danger to the health, safety, repose or  
25 peaceful occupancy of others" -- well, there it is.

1       And then it says I can fix it and send them a  
2 bill. And that's exactly what I want to do.

3       There is a piece of broken sidewalk over in  
4 Innisbrook. Lee Schmidt was talking to me. He's  
5 the president of the Innisbrook Association. I've  
6 known about it for three months.

7       We finally tracked down who owns the  
8 property just a week or so ago. PNC Bank. So  
9 you deal with people in Pittsburgh; okay?

10       This says I can go fix it. Up until now, on  
11 the -- if this is enacted, I couldn't do that. So  
12 that's my input on -- on this. I like it.

13               COUNCIL MEMBER LEONARD: So --  
14 so --

15               LIEUTENANT SHAW: And ninety -- and  
16 92.07 is probably the area that is our -- our  
17 biggest problem out there.

18               MAYOR EVANS: Yeah.

19               LIEUTENANT SHAW: Most of the other  
20 complaints, when we contact the resident or  
21 whomever -- the -- the renter or whomever is  
22 there, most of that is taken care of quickly.

23               MAYOR EVANS: Yeah, they fix it.

24               LIEUTENANT SHAW: Our biggest  
25 problems are the vacant structures, and that's --

1 92.07 should take of that completely.

2 COUNCIL MEMBER LEONARD: So the  
3 biggest -- the biggest point in favor of the changes  
4 from your end is that section --

5 LIEUTENANT SHAW: Nine -- yeah --

6 COUNCIL MEMBER LEONARD: -- is that  
7 correct?

8 LIEUTENANT SHAW: -- 92.07 helps us  
9 immensely, because the -- the problems that we  
10 have -- the biggest issues with are that vacant.  
11 We had --

12 COUNCIL MEMBER LEONARD: Okay.

13 LIEUTENANT SHAW: -- another one up  
14 in Fox Harbor -- Ann, help me with the address --  
15 last years, the swimming pool in the back?

16 CITY ADMINISTRATOR SIMMS: I can't  
17 remember.

18 LIEUTENANT SHAW: Can't remember.  
19 Well, we had on last year. You know, people just  
20 flat moved out, and we had a swimming pool that  
21 was half full of water and half full of mosquitoes  
22 and half full of nasty, the weeds were up to here.  
23 And we couldn't immediately go in and do  
24 anything.

25 COUNCIL MEMBER LEONARD: But do --

1           LIEUTENANT SHAW: 92.07 --

2           COUNCIL MEMBER LEONARD: -- do we  
3 send --

4           LIEUTENANT SHAW: -- is going to allow  
5 the mayor to direct a vendor to go in there and  
6 take care of that problem.

7           COUNCIL MEMBER LEONARD: Do we  
8 send a letter to these people when we see that?

9           LIEUTENANT SHAW: On -- on the vacant  
10 houses and foreclosures and things of that nature,  
11 it can take weeks --

12           MAYOR EVANS: Months.

13           LIEUTENANT SHAW: -- to find out who  
14 the --

15           COUNCIL MEMBER LEONARD: No, I --  
16 it -- that isn't -- that isn't my point. I want them  
17 to be put on notice somehow.

18           LIEUTENANT SHAW: Yes, we do, but  
19 it --

20           COUNCIL MEMBER LEONARD: Okay.

21           LIEUTENANT SHAW: -- but it's weeks  
22 and months before we find out who it is to even  
23 send them a letter, but the health and safety issue  
24 is our biggest problem.

25           COUNCIL MEMBER LEONARD: We can

1 send it to last owners on the tax rolls; can't we?

2 LIEUTENANT SHAW: Not always  
3 necessarily, because sometimes in a foreclosure  
4 they will sell at the courthouse steps --

5 COUNCIL MEMBER LEONARD: Right.

6 LIEUTENANT SHAW: -- but then the  
7 bank doesn't transfer because they don't want to  
8 pay that transfer fee. So it kind of lies in limbo  
9 there as to who actually owns it.

10 We send it to you, and you say, "Well, the  
11 bank took it six months ago and it sold at public  
12 auction. And the bank bought back."

13 COUNCIL MEMBER LEONARD: So, then,  
14 what are we going to do in cases like that? File a  
15 lien?

16 LIEUTENANT SHAW: Well, that would be  
17 cases where the mayor can look at it and say,  
18 "This is a significant problem. We are going to fix  
19 it now." And then we file a lien --

20 COUNCIL MEMBER LEONARD: Okay.

21 LIEUTENANT SHAW: -- and recoup our  
22 money in that -- in that avenue.

23 COUNCIL MEMBER LEONARD: Okay.

24 LIEUTENANT SHAW: But tho -- that --  
25 that section is the biggest problems we have

1 today, because just the -- the -- the grass growing  
2 or something stacked up, usually that can be taken  
3 care of quickly, because either they've been on  
4 vacation or there's something wrong or somebody's  
5 sick. And that's usually remedied very fast. The  
6 vacant structures and foreclosures are our biggest  
7 problems.

8 COUNCIL MEMBER LEONARD: I don't  
9 have trouble with the proposal, but I do have  
10 trouble with some of the verbiage that's in here,  
11 and I'd like us to retain the concept of a public  
12 nuisance, because we aren't -- we have not  
13 deleted the sec -- the section from KRS on private  
14 nuisances, and we really are only regulating public  
15 nuisances. We're not regulating private ones.

16 COUNCIL MEMBER BOWLING: Well, let  
17 me say something here, correct a little bit. In the  
18 discussions we've -- we've all been through the  
19 goal here, the whole thing, the only thing that --  
20 that we're talking about is the small -- the 92.01,  
21 the -- the -- just the -- where it says Nuisance and  
22 then A, B, C. That's the only thing that -- that's --  
23 that's been in contention.

24 And -- and two things --

25 MR. SPEAKER: Can that be taken off?

1 MS. SPEAKER: Is D being taken out?

2 COUNCIL MEMBER BOWLING: I'm sorry.

3 MS. SPEAKER: D, [reads] Essentially  
4 interferes with comfortable enjoyment of life and  
5 property --

6 MAYOR EVANS: No, that's in there as C.

7 COUNCIL MEMBER BOWLING: Yeah,  
8 that's C. Is that D on your-all's?

9 MS. SPEAKER: Uh-huh, or maybe I  
10 don't.

11 COUNCIL MEMBER LEONARD: Part of D  
12 is. . .

13 COUNCIL MEMBER MILES: Yeah, this  
14 one shows D being stricken.

15 COUNCIL MEMBER FULCHER: That's --  
16 that's an obsolete --

17 COUNCIL MEMBER BOWLING: Yeah,  
18 that's an obsolete one. Yeah, D is -- D is gone.

19 COUNCIL MEMBER BRAB: This one's  
20 stricken on.

21 COUNCIL MEMBER BOWLING: Yeah.  
22 Yeah, the D is gone.

23 COUNCIL MEMBER FULCHER: The  
24 highlighted section of D is, not -- Holly, are the  
25 highlighted --

1 MS. CLARK: What?

2 COUNCIL MEMBER FULCHER: Are they  
3 back here, the ones --

4 MS. CLARK: Yeah, they're all back here.

5 COUNCIL MEMBER FULCHER: Okay.

6 This is -- this is -- the ones that are highlighted  
7 are the -- the operative document now.

8 [WHEREUPON, an off-the-record discussion is  
9 held.]

10 COUNCIL MEMBER BOWLING: So -- so,  
11 anyway, back to -- back to my point: The only  
12 thing in contention is the 92.01, and it's the  
13 definition of nuisance. It's the A, B, C.

14 A couple -- a couple reasons that some of us  
15 have an issue with that, first of all, if you read all  
16 of the other definitions and -- and everything else  
17 that's in the ordinance, we think it takes care of  
18 all our existing problems now. And -- and the  
19 problem that we have with this is -- is -- you know,  
20 there's two sides to this.

21 The -- the Assistant Chief and I had a meeting  
22 this week about a -- a-- an issue in -- in the city  
23 where you're not allowed to have trailers or boats  
24 in your driveway, and -- which -- you know, which  
25 is a -- is a -- is a great ordinance, but we have

1 a -- a resident who's calling in when -- when  
2 people are putting mulch down, when -- when they  
3 bring their boat in on Friday night because they're  
4 going fishing Saturday morning, when people are  
5 building decks, and they're spending a lot of time  
6 on it.

7 And -- and so there -- there's two sides to  
8 this. There's any time somebody calls in, the  
9 police have to go out. And, you know, you would  
10 like to give the benefit of the doubt to everybody  
11 in Prospect, but, unfortunately, there's people  
12 that -- that don't always have the best of  
13 intentions.

14 And so there's two sides to this. And so the  
15 issue is that we think that the -- that the -- the  
16 initial definition there just opens it up to such a  
17 degree that it's going to cause problems when we  
18 really don't need that. Everything else in here  
19 corrects all the issues that we've been talking  
20 about: The abandoned properties; the yards, the  
21 tall grass, people that aren't taking care of their  
22 properties.

23 So -- so that is the reasons that several  
24 others want to exclude that portion of it. From our  
25 discussions that we've had over the last few

1 meetings I think we're all on board on the other  
2 ones. I don't want to speak for everybody else,  
3 but, from what I can tell, that is the -- the crux  
4 of -- of the argument, is -- is just that portion.

5 COUNCIL MEMBER MILES: And -- and, Rob,  
6 I -- you know, I don't want to be the perfect -- be  
7 the enemy of the good here, and I'm -- you know,  
8 I've -- if that's what the council believes, but I've  
9 had numerous calls about a house on Fox Harbor  
10 where they started to put siding up, and there's  
11 paper dangling, and it's been there for two years.

12 Show me in this ordinance, if you take out the  
13 definition, where that would be captured --

14 COUNCIL MEMBER BOWLING: Uh-huh.

15 COUNCIL MEMBER MILES: -- and  
16 something can be done about it?

17 COUNCIL MEMBER LEONARD: I agree  
18 with you. I -- I think that we have a lot of specific  
19 things in here, but I agree; there needs to be  
20 something that's broad that allows things like that  
21 to be caught.

22 COUNCIL MEMBER MILES: And, again,  
23 I understand everybody's concern. And -- and  
24 that's -- it's a tough choice, because on the one  
25 hand we want to be able to protect our residents'

1 property values, but, on the other, you know, we  
2 don't want to encroach upon -- I'm not sure if it's  
3 civil liberties, but, I mean, we don't want to create  
4 a situation where people can be harassed by  
5 someone and -- and have this ordinance used  
6 against them.

7 Now, one thing that does protect people from  
8 that is, yes, it would involve the police being  
9 called; but the police are our first line of deciding  
10 whether or not somebody's being ridiculous.  
11 And -- and I'm sure, Lieutenant Shaw, you deal  
12 with that already every day.

13 LIEUTENANT SHAW: You're --

14 COUNCIL MEMBER MILES: People say --

15 LIEUTENANT SHAW: -- correct.

16 COUNCIL MEMBER MILES: -- come --

17 COUNCIL MEMBER TUCCI: You get  
18 some ridiculous calls?

19 COUNCIL MEMBER MILES: This --

20 COUNCIL MEMBER TUCCI: Really?

21 COUNCIL MEMBER MILES: You know,  
22 this is a huge problem. And you look at it and you  
23 go, "No, I don't think so." And that's where it  
24 ends. It never makes it to the Code Enforcement  
25 Board. It stops with you or your police officers,

1 that's kind of a -- a layer of protection.

2 Now it would mean maybe you getting a few  
3 more calls, you know, and that could be the  
4 balance; but -- but, again, I -- I -- I'm not  
5 disagreeing with your concern --

6 COUNCIL MEMBER BOWLING: Right.

7 COUNCIL MEMBER MILES: -- you know.

8 Where I sit, the problem outweighs the concerns,  
9 you know --

10 COUNCIL MEMBER BOWLING: Right.

11 COUNCIL MEMBER MILES: -- the --

12 the -- and maybe where you sit, the concern  
13 outweighs the problem. And that's kind of where  
14 we're at.

15 COUNCIL MEMBER BOWLING: Right.

16 No, I understand. I -- a suggestion would be on  
17 92.07, just remove "vacant." You know, we could  
18 remove "vacant," and then, you know, it says, "If it  
19 is perceived by the city that a property," and then  
20 you -- you remove that. I mean, this -- that should  
21 be -- that should --

22 COUNCIL MEMBER BRAB: What is --

23 okay.

24 COUNCIL MEMBER BOWLING: This --

25 this should -- should apply whether it's vacant or

1 not, I mean, if a house is, you know, delapidated  
2 and -- and all these other things --

3 COUNCIL MEMBER MILES: Okay.

4 COUNCIL MEMBER BOWLING: --

5 whether it's vacant or not --

6 COUNCIL MEMBER TUCCI: Yeah, that  
7 makes sense.

8 MAYOR EVANS: And that's -- that's why  
9 it says, "and/or."

10 COUNCIL MEMBER BOWLING: Yeah.

11 COUNCIL MEMBER TUCCI: And/or;  
12 yeah.

13 COUNCIL MEMBER BOWLING: So. . .

14 COUNCIL MEMBER TUCCI: I think with  
15 a -- we need to bear in mind, then, the Prospect  
16 police are not the gestapo, so I have a fair amount  
17 of confidence, a great deal of confidence, that  
18 they -- they respond as reasonable people. So our  
19 first line of defense is the fact that we really do  
20 have a good police force that has good judgement.

21 If -- if we have a person who's having a  
22 whacko day and doesn't use good judgement, then  
23 our second line of defense is a citizen-appointed  
24 review board that corrects that.

25 I think we have a lot of -- a lot of places

1 where the possibility of somebody getting out of  
2 line is blocked by the quality of the employees and  
3 the citizens of the city. The chances that we'll get  
4 past that I think are pretty are remote, remote  
5 enough I'm willing to -- to gamble.

6 COUNCIL MEMBER LEONARD: Yeah, I  
7 agree.

8 COUNCIL MEMBER FULCHER: What -- if  
9 I may, and this has no force of law or anything, but  
10 if -- if the -- if the first reading were presented  
11 tonight as is, how many -- how many people would  
12 go for it here?

13 MR. SPEAKER: I -- I think I would.

14 COUNCIL MEMBER TUCCI: Which --

15 COUNCIL MEMBER FULCHER: As --  
16 as --

17 COUNCIL MEMBER TUCCI: We have two  
18 sets here, and I --

19 COUNCIL MEMBER FULCHER: No, I --  
20 this one.

21 COUNCIL MEMBER TUCCI: Are we  
22 talking about the part that is all marked in  
23 yellow --

24 COUNCIL MEMBER MILES: Yes.

25 COUNCIL MEMBER TUCCI: -- or the part

1 that precedes it?

2 COUNCIL MEMBER MILES: The yellow  
3 on.

4 COUNCIL MEMBER FULCHER: The one  
5 in -- the one in yellow --

6 COUNCIL MEMBER TUCCI: Okay, the  
7 yellow part.

8 COUNCIL MEMBER FULCHER: -- is in  
9 the form of the --

10 COUNCIL MEMBER TUCCI: Okay. All  
11 right.

12 COUNCIL MEMBER FULCHER: --  
13 proposed ordinance.

14 COUNCIL MEMBER LEONARD: I don't --  
15 I don't have trouble with any of the concepts.  
16 I'd like a little of the language to get cleaned up,  
17 like your -- the business with the -- the -- but the  
18 con -- I have no trouble with any of the concepts  
19 that are in here.

20 COUNCIL MEMBER MILES: So, Sandra,  
21 for you if just some minor language tweaking --

22 COUNCIL MEMBER LEONARD: [nods  
23 head]

24 COUNCIL MEMBER MILES: -- you would  
25 be comfortable with it.

1 COUNCIL MEMBER LEONARD: M-hm; I  
2 would.

3 COUNCIL MEMBER TUCCI: Well, with  
4 the "vacant," that's immediately followed, as  
5 John's pointed out, by "and/or," which takes care  
6 of the fact that it could be an occupied property.

7 COUNCIL MEMBER LEONARD: Yeah, but  
8 there's -- there's no reason why there can't --

9 CITY ADMINISTRATOR SIMMS: Then it  
10 shouldn't be titled "vacant."

11 COUNCIL MEMBER LEONARD: Yeah.

12 COUNCIL MEMBER BOWLING: With the  
13 name of the ord -- the name of, you know, 92.07 is  
14 Vacant Structures, Home and Lots. That's -- you  
15 know. . .

16 COUNCIL MEMBER LEONARD: Well, I --  
17 and, for example, I think that thing on trees and  
18 shrubs could be cleaned up slightly. The idea is  
19 absolutely fine, but I think that it's confusing to  
20 me.

21 MR. ASHBURNER: And I just want to --

22 COUNCIL MEMBER LEONARD: Well,  
23 basically, what --

24 MR. ASHBURNER: -- clarify one thing.  
25 It -- "and/or" will be construed as "or," just "or."

1 COUNCIL MEMBER MILES: Right.

2 COUNCIL MEMBER LEONARD: That's  
3 okay.

4 MR. ASHBURNER: So --

5 COUNCIL MEMBER MILES: Correct.

6 MR. ASHBURNER: -- keep that in mind.

7 COUNCIL MEMBER BRAB: Well, the  
8 title -- the title just needs to be gone [phonetic].

9 COUNCIL MEMBER MILES: So I -- I --  
10 my preference would be to pass it as it is. If  
11 Sandra's tweaks are really just language tweaks,  
12 they don't substantively change it -- you know, I  
13 would have to see them, but --

14 COUNCIL MEMBER LEONARD: Yeah, I  
15 don't think we should vote on anything --

16 COUNCIL MEMBER MILES: No, no, no,  
17 no.

18 COUNCIL MEMBER LEONARD: -- before  
19 it's cleaned.

20 COUNCIL MEMBER MILES: But I'm just  
21 saying that would be my preference. If -- you  
22 know, if -- if -- if it could pass that way. You  
23 know, if it couldn't, you know, I -- I'm not saying  
24 that Rob's idea isn't a bad one. And -- and that  
25 would be kind of my --

1 COUNCIL MEMBER LEONARD: Well, we  
2 could --

3 COUNCIL MEMBER MILES: -- fallback  
4 position.

5 COUNCIL MEMBER LEONARD: -- only go  
6 to a first reading, so we wouldn't be voting tonight  
7 anyway.

8 COUNCIL MEMBER MILES: Right.

9 COUNCIL MEMBER LEONARD: And at  
10 the next meeting, if there are no major things --

11 COUNCIL MEMBER MILES: Right.

12 COUNCIL MEMBER LEONARD: -- we  
13 could clean it up and pass a completed ordinance.

14 COUNCIL MEMBER MILES: Right, if your  
15 changes -- is that --

16 COUNCIL MEMBER LEONARD: Well, I  
17 don't want to change it. I really think there is  
18 some areas where it's not that clear.

19 [WHEREUPON, off-the-record remarks are  
20 made.]

21 MAYOR EVANS: Are you going -- are you  
22 going to do a first reading, Sandra? Is that what  
23 you're saying?

24 COUNCIL MEMBER LEONARD: I -- I  
25 would not do a first reading. I would have a clean

1 one and do the first reading next time. That's  
2 what I would do.

3 COUNCIL MEMBER FULCHER: A le --  
4 legal question here. The -- the tilts of that 07 --

5 MR. ASHBURNER: Yes.

6 COUNCIL MEMBER FULCHER: -- does  
7 that limit what the -- what it applies to?

8 MR. ASHBURNER: No, I don't -- I don't  
9 think it would. I think, you know, the area you're  
10 talking about, the property being vacant, it  
11 might -- if you're looking to clean up language,  
12 and I can be so bold, I would say a structure is  
13 vacant, a property or structure there in the city,  
14 you have unvariably open lots. And so --

15 COUNCIL MEMBER FULCHER: But we're  
16 reading it to include the type of situation that  
17 Stuart mentioned on the Fox Harbor, where it's -- a  
18 house has been occupied but incomplete.

19 MAYOR EVANS: No, it's lived in.

20 COUNCIL MEMBER FULCHER: It's lived  
21 in. That's -- that's what I'm saying. Is there -- do  
22 we -- would we have to modify the title --

23 COUNCIL MEMBER LEONARD: Yes.

24 COUNCIL MEMBER FULCHER: -- to  
25 make it apply to that situation?

1           LIEUTENANT SHAW: Yeah, I would not  
2 feel comfortable citing the house he's talking  
3 about under 92.07 because it's not a -- an  
4 immediate danger, it's not a health and safety, and  
5 it doesn't repose or peaceful occupancy of others.

6           It is a -- it is a situation where they have  
7 siding on it, wooden -- wooden siding, and they  
8 haven't put the end boards on the siding. So the  
9 insulation is flopping on the outside. So it -- it  
10 doesn't fall under any of the immediate danger  
11 stuff.

12           MAYOR EVANS: No, but it interferes  
13 with Councilwoman Tucci's repose as she clearly  
14 pointed out to me --

15           COUNCIL MEMBER TUCCI: Oh, I toss  
16 and turn every night.

17           MAYOR EVANS: -- two months ago --

18           COUNCIL MEMBER TUCCI: Every night.

19           MAYOR EVANS: -- by an email.

20           LIEUTENANT SHAW: So that -- that's --  
21 that would be, to me, the difficult part is those  
22 small things where 92.07 seems to hit more em --  
23 you know, emergency things. Something is  
24 definitely wrong. We've got to take action to clean  
25 it up.

1           COUNCIL MEMBER FULCHER:  If -- if --  
2  if we were to -- to move or attends to depreciate  
3  the value of the property of others into that 92.07  
4  after retitling it.

5           COUNCIL MEMBER LEONARD:  No, you  
6  need it in both places.  You -- you've got -- we  
7  really need to do a clean ordinance and bring it  
8  for -- it needs to go in both places, because --  
9  Stuart's point is still valid.  There still needs to be  
10 some broad thing somewhere.

11          LIEUTENANT SHAW:  So you're saying  
12 leave the definition of the nuisances in in the  
13 beginning.

14          COUNCIL MEMBER LEONARD:  Well --  
15 and then clean up this final thing --

16          MAYOR EVANS:  Citizens should  
17 comment.

18          COUNCIL MEMBER LEONARD:  -- to  
19 accommodate --

20          LIEUTENANT SHAW:  Yeah.

21          COUNCIL MEMBER LEONARD:  -- the  
22 concerns.

23          MAYOR EVANS:  Ma'am.

24          MS. TRACY:  Yes.  On the -- going back  
25 to the --

1           LIEUTENANT SHAW: State your name  
2 and address, please.

3           MS. TRACY: Barbara Tracy, 7 Riding  
4 Ridge Road.

5           On the noise ordinance under E, it was  
6 apparently taken from the Jefferson County laws.  
7 I propose that we take on the Kentucky laws, what  
8 it says. And I don't have all -- enough copies.

9           MAYOR EVANS: Would like to speak  
10 from the lectern into the microphone?

11           COUNCIL MEMBER MILES: And I  
12 apologize. We have a lot going on on 42 when  
13 you're talking about noise.

14           MS. TRACY: Yeah, WE -- we know a lot  
15 about noise. Let me tell you, But this is taken  
16 from the Jefferson County laws on noise. I  
17 suggest that we do what the state of Kentucky  
18 says. And it's very short, and I'd like to read it.

19           [reads] No person shall emit beyond  
20 boundaries of his property or from any moving  
21 vehicle any noise that unreasonably interferes with  
22 the enjoyment of life or any lawful business or  
23 activity in contravention of any rule or regulation  
24 adopted by the Cabinet. The legislature finds and  
25 declares that excessive noise is a hazard --

1 serious hazard to the public, health, and wel --  
2 wel -- welfare, and quality of life.

3 [reads] A substantial body of science and  
4 technology exists by which excessive noise can be  
5 a -- substantially abated. Each person has the  
6 right to an environment free from noise that  
7 jeopardizes his health, welfare, or degrades the  
8 quality of life, or lowers property value. It is the  
9 policy of the state to promote an environment for  
10 all people free from noise that jeopardizes their  
11 health and welfare or degrades the quality of life.

12 I think that is more appropriate than just  
13 using the Jefferson County law.

14 COUNCIL MEMBER MILES: And what do  
15 you think is deficient in the Jefferson County that  
16 is captured in the state's?

17 MS. TRACY: This one talks about  
18 property values --

19 COUNCIL MEMBER MILES: Okay.

20 MS. TRACY: -- which is very important.

21 COUNCIL MEMBER LEONARD: So if we  
22 added "property values," would that meet your  
23 requirements?

24 MS. TRACY: Well, I think it's saying  
25 there is an exception in there. And in Jefferson

1 County rule, it's an exception --

2 COUNCIL MEMBER LEONARD: And you  
3 don't like the exception --

4 MS. TRACY: I don't like --

5 COUNCIL MEMBER LEONARD: -- is  
6 that --

7 MS. TRACY: -- the exception.

8 COUNCIL MEMBER MILES: Thank you.  
9 Well, my -- my only concern, Sandra, is I have no  
10 problem if some minor tweaking needs to take  
11 place for language or what have you, but what I --  
12 what I'm concerned about is this thing just keeps  
13 getting kicked down the road, and we never pass  
14 it. And that's where, you know, the appropriate  
15 will be the enemy of the good, you know.

16 I -- I personally think it's good, and my  
17 preference would be -- it's some -- you -- if you  
18 need some minor tweaking to make you  
19 comfortable to pass it, then -- and we do it. Next  
20 meeting will be first reading, that's fine, but my  
21 preference would --

22 COUNCIL MEMBER TUCCI: If they're --  
23 if they're minor, then we should be able to --

24 COUNCIL MEMBER MILES: If they're  
25 minor --

1 COUNCIL MEMBER TUCCI: -- make  
2 those --

3 COUNCIL MEMBER MILES: -- we should  
4 be able to do a first reading now and make it --

5 COUNCIL MEMBER TUCCI: Fix it -- and  
6 fix it and finalize it in June.

7 COUNCIL MEMBER MILES: And then --  
8 and then once it's in place, we can still come back  
9 and make changes line by line, or what have you;  
10 but we'll have this language in here, now, the  
11 mayor can use with properties and problems that  
12 we're dealing with today. So that's my suggestion.

13 MR. ASHBURNER: And, again, this -- I  
14 don't mean to interject myself in the merits of the  
15 debate at all, but it is always my advice to have an  
16 ordinance that is in final form and is not --

17 THE REPORTER: I'm sorry.

18 MR. ASHBURNER: I'm sorry.

19 THE REPORTER: You need -- something  
20 went by just as you said --

21 MR. ASHBURNER: Okay.

22 THE REPORTER: -- to have an ordinance  
23 that --

24 MR. ASHBURNER: An ordinance that is  
25 in final form. And I understand from the

1 discussion earlier that there was a report from the  
2 committee. There was also, Councilman Fulcher,  
3 your amendments that might differ from what the  
4 committee provided.

5 And we've had two versions in front of us, so I  
6 think it might be wise to at least evaluate those  
7 prior to a first reading and ensure that the  
8 changes actually are minor, as you've said.

9 COUNCIL MEMBER MILES: Right.

10 COUNCIL MEMBER BOWLING: And  
11 Stuart, I don't think there's any danger of it not  
12 passing. I mean, I think it's going to pass.

13 COUNCIL MEMBER MILES: Right.

14 COUNCIL MEMBER BOWLING: I think  
15 it's just a matter of -- you know, I think we're  
16 tweaking a few things. I --

17 COUNCIL MEMBER MILES: Oh, no, no.

18 Yeah.

19 COUNCIL MEMBER BOWLING: Yeah.

20 COUNCIL MEMBER MILES: I do, too, but  
21 I just don't want it --

22 COUNCIL MEMBER BOWLING: Right.

23 COUNCIL MEMBER MILES: Because we  
24 have people who are calling the mayor --

25 COUNCIL MEMBER BOWLING: Sure.

1 No, absolutely.

2 COUNCIL MEMBER MILES: -- with  
3 problems.

4 COUNCIL MEMBER BOWLING: Yeah.  
5 And that's where all --

6 COUNCIL MEMBER MILES: And --

7 COUNCIL MEMBER BOWLING: -- all this  
8 started. You know, that's why we gave --

9 COUNCIL MEMBER MILES: Right.

10 COUNCIL MEMBER BOWLING: -- the  
11 committee -- you know, because we do have a  
12 problem with that, and we haven't been able to  
13 address it, you know. So I think we're just trying  
14 to come up with the best way to -- to -- to do that.

15 MAYOR EVANS: Well, I have the  
16 impression that we're finished discussing the  
17 nuisance ordinance proposals for tonight. So with  
18 that objection, we'll move to the next item on the  
19 agenda, which is Frank Fulcher's desire to  
20 relocate sections of Chapter 51.

21 COUNCIL MEMBER FULCHER: Okay.  
22 I -- I move that Section 51.03 titled Collection and  
23 Sanitary Disposal of Animal Waste be removed  
24 from Chapter 51 and relocated in its entirety to  
25 Chapter 90 as a new section, 90.10. Essentially,

1 what this does is -- is move an animal issue into  
2 an animal ordinance. Second?

3 MAYOR EVANS: Okay. This is an  
4 ordinance -- Frank, I'm not -- I'm -- I'm with you  
5 on what you want to do with this ordinance change  
6 is --

7 COUNCIL MEMBER FULCHER: Grover  
8 said that it is strictly an administrative procedure.  
9 If it doesn't change the location within the  
10 ordinance code, then you don't need to go through  
11 the ordinance revision process. It's just moving  
12 this set of words from page so-and-so to page  
13 so-and-so. It still reads --

14 COUNCIL MEMBER LEONARD: But I --  
15 but I think that the -- the actual words need to be  
16 in front of the council.

17 COUNCIL MEMBER MILES: I -- I heard  
18 him the way from Frank heard him, which was all  
19 we're doing is when you pass an ordinance, where  
20 that false inside of our code -- codification is  
21 determined by administrative people, I guess. And  
22 we're just moving it from one place to another, but  
23 we're not changing --

24 COUNCIL MEMBER TUCCI: Thank you.

25 COUNCIL MEMBER MILES: -- the

1 language. It's just when you go to look it up, it's  
2 just in a more intuitive spot.

3 COUNCIL MEMBER BOWLING: Yeah, I --  
4 I think it's add and change it or delete it. That's  
5 the three things that take place that you have to --  
6 and -- and nothing's being added, changed, or  
7 deleted.

8 COUNCIL MEMBER MILES: Right.

9 COUNCIL MEMBER BOWLING: So --

10 COUNCIL MEMBER MILES: It's being  
11 moved.

12 COUNCIL MEMBER BOWLING: It's just  
13 being moved. So I --

14 COUNCIL MEMBER MILES: Right. So if  
15 somebody wants to go, "Gosh, there's a dead deer  
16 here."

17 COUNCIL MEMBER BOWLING: Right.

18 COUNCIL MEMBER MILES: "Where do I  
19 look that up" --

20 COUNCIL MEMBER BOWLING: Right.

21 COUNCIL MEMBER MILES: -- it falls  
22 some place where you can reasonably find it.

23 COUNCIL MEMBER BOWLING: Right.

24 MAYOR EVANS: I've lost track. Has that  
25 motion been seconded?

1 COUNCIL MEMBER BOWLING: Second.

2 COUNCIL MEMBER LEONARD: I still  
3 think the words -- that -- I mean, right now all I've  
4 got -- and I -- all I've got is this number. I think  
5 the actual words that are getting moved we at  
6 least should look at. How do we know that this is  
7 a great idea?

8 MR. ASHBURNER: If you'd like, I can  
9 read the -- the sections that -- that Councilman  
10 Fulcher's talking about.

11 COUNCIL MEMBER LEONARD: Okay.

12 COUNCIL MEMBER FULCHER: I brought  
13 them with me.

14 MR. ASHBURNER: This is Collection and  
15 Sanitary Disposal of Animal Waste, right, 51.03?  
16 Subsection -- would you like me to read it into the  
17 record?

18 COUNCIL MEMBER LEONARD: I would.  
19 Thank you.

20 MAYOR EVANS: Well, it's pretty long --

21 MR. ASHBURNER: Yeah.

22 MAYOR EVANS: -- but it is what he just  
23 said, Collection and Sanitary Disposal of Animal  
24 Waste; okay. And he wants to move it over to  
25 90.10, which is headed -- well, it isn't headed.

1 It's in a chapter dealing with animals, animals  
2 running at large and destruction of abandoned  
3 animals, keeping of livestock, those kinds of  
4 things. And that's where Frank wants to put it.  
5 [WHEREUPON, off-the-record remarks are  
6 made.]

7 MAYOR EVANS: Is there any further  
8 discussion?

9 COUNCIL MEMBER TUCCI: This will all  
10 work when we have our new website anyhow,  
11 because if we type in "animal," it'll take us right  
12 where we need to go, I presume, without even  
13 having the numbers.

14 COUNCIL MEMBER LEONARD: Actually,  
15 the -- the ordinance components -- well, my  
16 concern, also, though, is that the citizens do not  
17 see what we're dealing with, either. We're just  
18 sitting here, and they have no idea except the  
19 words that we're speaking of what we're doing.

20 MAYOR EVANS: Any further discussion?  
21 [no audible response]

22 MAYOR EVANS: We'll take a vote. All in  
23 favor of the motion, say "aye."

24 COUNCIL MEMBERS: Aye [all members  
25 except for Council Member Leonard] [phonetic].

1           MAYOR EVANS: All opposed.

2           COUNCIL MEMBERS: [no audible  
3 response]

4           MAYOR EVANS: The ayes have it and  
5 the motion carries.

6           Okay. We have four proposed ordinances  
7 seeking a first reading. The first of them is the  
8 ordinance establishing a budget for next year.  
9 Each of you has a copy of that, and I would ask  
10 whether any of you would like to give it a first  
11 reading.

12           COUNCIL MEMBER TUCCI: [reads] City  
13 of Prospect Ordinance Number 532, Series 2014,  
14 an ordinance establishing a budget for the general  
15 fund of the City of Prospect for the fiscal year  
16 beginning July 1, 2014 and ending June 30, 2015.

17           Is that all I need to read?

18           MAYOR EVANS: Yes. Okay. The next is  
19 right behind it in your packet, and it's Ordinance  
20 Number 533. Would anyone care to give that a  
21 first reading?

22           COUNCIL MEMBER BRAB: [reads] City  
23 of Prospect Ordinance 533, Series 2014, an  
24 ordinance establishing a budget for the municipal  
25 road aid fund of the City of Prospect fo the fiscal

1 year beginning July 1, 2014 and ending June 30,  
2 2014.

3 MAYOR EVANS: Thank you, Bill. The  
4 next right behind it is an ordinance -- well, it's  
5 Number 534, Series 2014, and it's the tax rate  
6 budget ordinance. Would someone care to give  
7 that a first reading?

8 COUNCIL MEMBER MILES: [reads] City  
9 of Prospect Ordinance Number 534, Series 2014,  
10 an ordinance establishing an ad valorem tax rate  
11 for the City of Prospect.

12 Do I need to read any more?

13 MAYOR EVANS: Huh-uh. And the next is  
14 535, Series 2014. Frank, this is your baby.

15 COUNCIL MEMBER FULCHER: I'll read  
16 it. [reads] City of Prospect Ordinance Number  
17 535, Series 2014, an ordinance relating to the  
18 deletion of Chapter 50 of the Code of Ordinances  
19 of the City of Prospect.

20 MAYOR EVANS: Okay. I would suggest  
21 that we make a pen and ink correction to what you  
22 just read. Where it says "Second reading," it  
23 should be "16th day of June," I presume.

24 COUNCIL MEMBER FULCHER: Okay.

25 MAYOR EVANS: Okay.

1 COUNCIL MEMBER LEONARD: Should  
2 we tell people why he's proposed that?

3 MAYOR EVANS: Sure.

4 COUNCIL MEMBER FULCHER: This is a  
5 -- what is -- this is all about is that you -- we have  
6 an ordinance on sewers. I mean -- and since we  
7 no longer own any of the sewers, any of the pipes,  
8 any of the drainage, and it's a -- it's no longer  
9 something that we have any interest in in  
10 Prospect. MSD handles all of that stuff, so it's  
11 really cleaning up the ordinance code book.

12 MAYOR EVANS: Yeah, basically, that  
13 whole thing's obsolete.

14 All right. The next thing is unfinished  
15 business, second reading of Ordinance 531, Series  
16 2014. Would someone care to give that a second  
17 reading?

18 COUNCIL MEMBER BOWLING: Prospect  
19 Ordinance 531, Series 2014, an ordinance relating  
20 to the amendment and modification of Chapter 114  
21 of the Code of Ordinance of the City of Prospect.

22 MAYOR EVANS: Okay. Since that's the  
23 second reading, I'm going to put it to a vote. All  
24 in favor of that ordinance say "aye."

25 COUNCIL MEMBERS: Aye.

1           MAYOR EVANS: All opposed.

2           COUNCIL MEMBERS: [no audible  
3 response]

4           MAYOR EVANS: The ordinance is  
5 enacted.

6           The next item on the agenda is comments from  
7 citizens, but first I want to recognize Jacqueline  
8 McGrail, who is here. And she is the new  
9 chairman of the Landscape and Beautification  
10 Committee.

11          And, Jacqueline, if you have anything you'd  
12 like to say to this assembled group, please do.

13          MR. MCGRAIL: Well, we have a new  
14 committee forming, and we are feeling our way  
15 through how we can most improve the appearance  
16 of the city. And we've got ideas, and we're get --  
17 just getting rolling.

18          MAYOR EVANS: Thank you. The sign-in  
19 sheet says that Barbara Tracy from 7 Riding  
20 Ridge --

21          MS. TRACY: And I already said --

22          MAYOR EVANS: -- would like to speak.  
23 You've already spoken. Would you like to speak  
24 some more?

25          MS. TRACY: No, that's okay.

1           MAYOR EVANS: Okay; fine. Mr.  
2 Kehlbeck, you're on.

3           MR. KEHLBECK: I have two items. First  
4 of all, on the budget I noticed that we have  
5 \$150,000 in the road fund. Are you -- all of these  
6 council people were here last year when a  
7 gentleman came from the asphalt paving company,  
8 and actually looked at every road in the City of  
9 Prospect and identified the priorities were -- which  
10 roads we should be taking care of and when we  
11 should be taking care of them.

12          Well, my only question is: Has this been put  
13 into the 150,000? Is the 150 more or less?  
14 Because it was a great job that this person did  
15 laying out every street in the City of Prospect and  
16 identifying when we should be upgrading it.

17          CITY ADMINISTRATOR SIMMS: They are  
18 included. Unfortunately, the gentleman that came  
19 out here last year has retired --

20          MR. KEHLBECK: Uh-huh.

21          CITY ADMINISTRATOR SIMMS: -- and  
22 we now have had to move to the back of the list  
23 with Flynn Brothers, because everybody else was  
24 full up. And we're hoping we get this done in the  
25 fall. We have no guarantees.

1       It will be sometime in the fall, but we have the  
2 list. And, yes, we'll review it again, especially in  
3 light of the winter we had, which was not kind to  
4 our streets.

5           MR. KEHLBECK: Uh-huh.

6           CITY ADMINISTRATOR SIMMS: So we're  
7 just a little later, Joe, this year than we intended  
8 to be.

9           MR. KEHLBECK: Okay.

10          COUNCIL MEMBER BRAB: We -- we will  
11 distribute the list to the citizens, though --

12          CITY ADMINISTRATOR SIMMS: Oh,  
13 sure.

14          COUNCIL MEMBER BRAB: -- as we did  
15 last year.

16          CITY ADMINISTRATOR SIMMS: Oh,  
17 sure.

18          MR. KEHLBECK: Yeah. Okay. That was  
19 my only point --

20          CITY ADMINISTRATOR SIMMS: But  
21 we'll --

22          MR. KEHLBECK: -- then, are we using  
23 that list, because --

24          CITY ADMINISTRATOR SIMMS: -- if -- if  
25 we have any additional streets or anything, we'll --

1 we'll add it to the list.

2 MR. KEHLBECK: The other subject I'd  
3 like to bring up is the sign ordinance. I think it's  
4 now the third month. We discussed the Mortenson  
5 sign and the fact that that's illegal, and we said  
6 something's got to be done.

7 And last month it was never brought up as an  
8 issue, the sign. And tonight I want to -- I haven't  
9 heard it brought up by the council. Again, we're  
10 skipping this sign ordinance.

11 I think it's very important, because what we're  
12 seeing now taking place are these LEDs that we  
13 see going on. Last night I was out at 8:30 going  
14 through 42 by the -- Herr Lane, and here's a PNC  
15 light that just looks like 4th of July, and the rest of  
16 the neighborhood's quiet and peaceful.

17 And then we have the other one down by the --  
18 a mall down there. It looks like Barnum & Bailey  
19 is changing consignment signs and ad --  
20 addresses. And -- and then there's one that says  
21 "open," a big one right over it.

22 I think we're going to phase into that. It's  
23 very get -- it's really coming our way that people  
24 are going to want to put up these signs with these  
25 little LEDs. And the suggestion I will make is that

1 we really take a good look at it from a sign  
2 standpoint.

3 And one thing that I just -- or, if possible, is  
4 if the person has a sign, and we have to go  
5 forward with these LED signs, that they have them  
6 while they are open. You know, it's Sunday night  
7 with PNC having a bright sign down there just  
8 seems out of place, and I would suggest that the  
9 council do something when in reference to the sign  
10 ordinance that we've discussed.

11 And the other, of course, is we certainly don't  
12 want another Mortenson's Clinic sign going up next  
13 to that one or something else.

14 COUNCIL MEMBER LEONARD: Actually,  
15 did you see the pediatric dentistry sign?

16 MR. KEHLBECK: No, I did not. I haven't  
17 looked at it.

18 COUNCIL MEMBER LEONARD: It's got a  
19 monkey on it, and it's in puce and magenta.

20 MS. SPEAKER: Right there. You can  
21 see it out there.

22 MR. KEHLBECK: Well, I'll leave that up  
23 to you, but we do have a situation with the signs,  
24 and we're -- we shouldn't drop it.

25 MAYOR EVANS: Anyone else?

1 MS. SPEAKER: A monkey in a palm tree.

2 MAYOR EVANS: Yes, sir.

3 DR. SADLO: Yes, I didn't get to sign in,  
4 and I appreciate you're letting me bring this in.  
5 This is a -- this is a very nice hiking stick.

6 I'm -- first of all, I'm Henry Sadlo. I've lived  
7 for ten years in Bridgepointe and now I live in  
8 Hunting Creek right off of Fox Meadow on Chickory  
9 Glen, but this is my trustee hunting -- or hiking  
10 stick given to me by Dr. James Moss, a retired  
11 surgeon, which I've used many times on the City of  
12 Prospect trail -- Harrods Creek trail.

13 It's -- for those of you who have not been  
14 back there, I've -- I'm on sabbatical right now, and  
15 I've probably hiked it 50 times, maybe 75 times.  
16 It's absolutely beautiful. The new extension that  
17 Stuart and other people and the Boy Scouts have  
18 been doing on the weekend, the -- the -- the  
19 wonderful cedar bridge that they put up, it's really  
20 spectacular.

21 So, also, I'd like to thank the City of Prospect  
22 for helping me -- although I've got more weight to  
23 lose, I've lost about 14 pounds hiking that. It's  
24 about an hour-and-20-minute hike all the way  
25 around.

1       And just -- I -- I mean, anything that -- that, I  
2       think the city can do to support this, you know,  
3       within reason of the budget I think would be great,  
4       because it's a great asset to the back of Hunting  
5       Creek. And -- and I -- selfishly I hope not too  
6       many people discover it, because it's nice,  
7       peaceful, and quiet, but it was -- really is a good  
8       way to get some exercise.

9       There's plenty of room on the trail thanks to  
10      Stuart and his merry men where people can walk  
11      past each other. You don't have to knock someone  
12      off.

13      So I'm -- I'm here to support and compliment  
14      Stuart and rest of the council members for doing  
15      it.

16      One other thing, somebody mentioned about  
17      the Fox Meadow, the -- the trees and branches that  
18      are coming over. If someone ma -- wants to make  
19      a stick of a certain height, I'll go out there with my  
20      loppers and save the city money, because I've still  
21      got about a month of sabbatical.

22      If you make it 13-6 or 10 or 12, I'll go out  
23      there and go straight up from the street and -- and  
24      do the trimming on Fox Meadow, because,  
25      typically, I'm the one that's been doing it for the

1 past few years when it hits my sequoia, which I  
2 apologize for. It's not very green, but with three  
3 kids and pets, you know, that what I have to do,  
4 but, anyway, that's -- that's all I have to say.

5 MAYOR EVANS: Thank you, Dr. Sadlo.  
6 [applause]

7 COUNCIL MEMBER MILES: That's what  
8 I -- that's what I love about Prospect. You -- you  
9 get your -- a cardiologist to volunteer to come trim  
10 your trees.

11 DR. SADLO: Abraham Lincoln says that  
12 those people who chop -- split their own wood is  
13 they warm themself twice. So it'll be good  
14 exercise. I'd be happy to do it. Just call me.

15 COUNCIL MEMBER MILES: Anything to  
16 help in your fitness regimen.

17 LIEUTENANT SHAW: He also helped  
18 keep our policeman alive, too.

19 DR. SADLO: Anything I can help with  
20 that regard, of course.

21 One -- one thing I might add to that. While I  
22 still have another month off, for Steve Conrad with  
23 Metro Police, I'm going to give about a 20-minute  
24 report that he's going to record for preventive  
25 cardiology, how -- how to avoid being the person

1 that drops over dead suddenly, because nowadays  
2 there are a lot of new tests that can help do that.

3 Steve wanted to record it, which I said it's --  
4 I'm going to do it sometime in June, but,  
5 you-guys -- I'd be more than happy for you-guys to  
6 get a copy of it. I mean, a lot of people are  
7 already on top of it, but as a reference.

8 LIEUTENANT SHAW: Thanks, Doc.

9 MS. MCGRAIL: While we're talking about  
10 Harrods Creek, I just want to say I led two  
11 wildflower walks this spring, one in Putney Pond  
12 and one in Harrods Creed. And a lot of people  
13 came to both of them.

14 And the only problem was that since it -- the  
15 trails are somewhat narrow, the people in the back  
16 couldn't hear when I was pointing and identifying  
17 flowers. So I decided for next year I'm going to go  
18 before the walk, and I'm going to put little labels,  
19 stick little labels in, good examples of the flowers  
20 as we go along. So that even if you're in the back  
21 of the tours, you'll know what the flowers are.

22 COUNCIL MEMBER MILES: And if you  
23 haven't done one of Jacquelyn's wildflower walks,  
24 this trail in Harrods Creek Park is just amazing  
25 with --

1 MS. MCGRAIL: It is.

2 COUNCIL MEMBER MILES: How many  
3 different varieties of wildflowers would you say are  
4 along that trail?

5 MS. MCGRAIL: Well, at any one time  
6 you're bound to see at least a dozen, but if you  
7 add them all up over the season there are several  
8 dozen.

9 COUNCIL MEMBER MILES: It's just  
10 incredible.

11 MS. MCGRAIL: And there's some very  
12 obscure things that I have to consult with Tavia  
13 Cathcart at Creasey Mahan Nature Preserve who's  
14 a wildflower exer -- expert and co-authored a book  
15 on them. And I have to send her a picture and  
16 say, "Tavia, what is this?" And sometimes she has  
17 to look it up, because it's not, you know, a usual  
18 one. So we have some very unusual things, as  
19 well. It's --

20 COUNCIL MEMBER MILES: I recommend,  
21 if you haven't done it, you do it next year. It's --  
22 it really is a great afternoon.

23 MS. MCGRAIL: And when we went to  
24 Putney Pond, we went early in the season, because  
25 you never know what the weather's going to be,

1 which really affects when the flowers are out. So  
2 we went early, and I was afraid there wasn't going  
3 to be too much; but because we had so much rain  
4 over the winter, we had the White Dutchman's  
5 Breeches, the little wildflower, carpeting the  
6 entire area with Spice Bush, with little yellow  
7 flowers, at about this height, and Spring Beauties.

8 And it was just -- I've never seen it like that.  
9 So you never know what the weather is going to  
10 do, but it -- I've seen the foliage of the  
11 Dutchman's Breeches before, but I'd never seen it  
12 in flower, and it was just an enormous white  
13 carpet. It was wonderful.

14 MAYOR EVANS: What a great way to  
15 wind up the meeting. Is there a motion to adjourn?

16 COUNCIL MEMBER BRAB: So moved.

17 COUNCIL MEMBER TUCCI: Second.

18 MAYOR EVANS: All in favor.

19 COUNCIL MEMBERS: Aye.

20 MAYOR EVANS: We are adjourned.

21 [WHEREUPON, the City Council Meeting  
22 concludes at 8:16 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

GIVEN under my hand and Notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.

My Commission Expires: Notary Public

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AUGUST 27, 2017 .

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Notary ID: 494347

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