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CITY OF  
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

JULY 21, 2014

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4 MAYOR EVANS: Well, there seems to be  
5 some discussion up here about whether it's 7:00 or  
6 not, so I think I'll break the tie and call the  
7 meeting to order. This is the regular city council  
8 meeting of the City of Prospect, Kentucky for July  
9 21st, 2014. All six of the council members are  
10 present.

11 The agenda sets forth as the first order of  
12 business approval of minutes of city council  
13 meeting of last month on June 16th, 2004. Those  
14 minutes were circulated to all members of the  
15 council prior to the meeting, and are right for a  
16 motion to either approve them as written or to  
17 amend them if that be the case. Is there such a  
18 motion?

19 COUNCIL MEMBER BOWLING: Move to  
20 accept.

21 COUNCIL MEMBER BRAB: Second.

22 MAYOR EVANS: Moved and seconded.

23 Any discussion? If not, all in favor?

24 COUNCIL MEMBERS: Aye.

25 MAYOR EVANS: All opposed? Minutes

1 are adopted.

2 Next item on here is the mayor's update on  
3 city matters. Most of what I would like to talk  
4 about is going to come up during the course of the  
5 meeting, including, in particular, some landscaping  
6 matters, but not limited to that.

7 I do want to just note what a terrific 4th of July  
8 celebration we had. The weather was absolutely  
9 perfect, the turnout was terrific. Holly and Julia  
10 and Ron Cundiff, the three of them are totally  
11 responsible for all of the success of this, except I  
12 forgot to include Frank Fulcher who judged the  
13 kids on their bicycles and did a great job. It was  
14 just a great day, and everyone seemed to enjoy it.

15 The only other specific matter I want to  
16 mention at this time has to do with a matter that  
17 came up here about, I don't know, six months ago  
18 regarding a proposed street light on a very, very  
19 short street in Prospect known as Covered Cove,  
20 and I'm going to let Holly tell you what has  
21 happened there. Holly.

22 MS. LEVOLD: Well, like he said, about  
23 six months ago a resident requested a light be  
24 installed, and they wanted the city to pay for it,  
25 and I guess the council got together and asked

1       them to pay half. I met with LG&E and the  
2       resident on Friday, and LG&E is going to do it for  
3       free, so everybody is going to get their way.

4               MAYOR EVANS: All right. Free is good.  
5       Yes, it is.

6       We'll move into the committee reports right  
7       a -- right away, and the first committee report is  
8       Parks and Public Lands. And who is going to give  
9       that report tonight?

10              COUNCIL MEMBER MILES: I'll give that  
11       report, Mayor.

12              MAYOR EVANS: Stuart. Stuart Miles.

13              COUNCIL MEMBER MILES: Linda  
14       Wardell could not be here today. We have not had  
15       a lot going on with the parks this summer so far.  
16       It's way too hot to have people out working on  
17       trails, so we give our trail builders the summer off.

18       We have ongoing scout projects that are  
19       making their way through the pipeline. Scouts  
20       should start, hopefully, by August on creating a  
21       picnic area near Putney Pond and Woodlands  
22       along what used to be the road which is now the  
23       multi-use trail, and that should be done before  
24       school starts, for his sake.

25       Another scout has accepted putting mile

1 markers, 10th of a mile markers on our trails in  
2 Harrods Creek Park so that when you're going  
3 along the trail you'll know not only what trail  
4 you're on, but you can know within a 10th of a mile  
5 where you are on that trail. That way if you get  
6 into trouble, fall down, get hurt, the police will  
7 have a corresponding map and they'll know how to  
8 find you, or if you want to meet a friend at a  
9 particular beautiful spot, you can say, "meet me on  
10 the blue trail, Mile Marker 1.2."

11 So we think it will be very useful. People love  
12 to know how far they've hiked on the trail, runners  
13 and hikers, so we think people will really enjoy  
14 having this extra amenity. And that's all that is  
15 news from parks and recreation.

16 MAYOR EVANS: Okay. Any questions  
17 for Stuart? Move on to the forestation board  
18 update. Mr. Tucci.

19 MR. TUCCI: We have several things  
20 going on or have been going on with forestation.  
21 One is an expanded watering program for recently  
22 planted trees. We've been watering last year, put  
23 gator bags in on most of the trees. This year we  
24 have Edwards watering the trees, and we've  
25 ordered more gator bags, so any trees planted

1 within the last one to two years should -- should  
2 receive regular watering.

3 Another thing going on, to expedite  
4 landscaping projects, removal of obstructing  
5 branches or sick trees, the forestation board has  
6 made a woodland delegation of authority to our  
7 consulting arborist, Andrea Hanlon, so that she  
8 can make on the spot decisions, and then the city  
9 can have certain actions taken to trim a limb  
10 without waiting two or three weeks for forestation  
11 board action.

12 In the last month or so, we've had two  
13 hazardous trees removed by property owners at the  
14 request of forestation board. These are trees  
15 along right of ways, and this makes the third  
16 hazardous tree removal along right of ways since  
17 the beginning of June.

18 I wanted to mention that the nuisance  
19 ordinance you're working on has an important  
20 provision regarding taking out hazardous trees,  
21 and it's actually much better than the provision we  
22 have in the forestation board ordinance, and the  
23 forestation board ordinance, there's a lengthy  
24 process for -- to notify someone they have a  
25 hazardous tree, and then they have 45 days to do

1 something, and then there's another 10 days for  
2 the forestation board to review it, et cetera, et  
3 cetera. And if you have a really dangerous tree  
4 such as some of you have had, you don't want to  
5 wait two months before that tree is taken down,  
6 and the new nuisance ordinance provides for  
7 immediate removal in case there's adjustment that  
8 there's a hazardous tree.

9 And finally, Sutherland has some concerns  
10 that Sandra Leonard has brought up regarding  
11 proposed MSD project that would destroy about a  
12 dozen nice trees near their clubhouse, and there's  
13 a meeting with MSD scheduled for Thursday  
14 morning, and the forestation board will try to be  
15 present and assist if we can.

16 COUNCIL MEMBER LEONARD:  
17 Appreciate it.

18 MR. TUCCI: Sure. That's it.

19 MAYOR EVANS: Any questions?

20 COUNCIL MEMBER MILES: Lee, thank  
21 you for your work.

22 MAYOR EVANS: Now, I have some things  
23 I want to add, but I would like to wait until  
24 Jacqueline has given the report for the Landscape  
25 and Beautification Committee, because I consider

1 it to be part of the big picture, so I'm going to wait  
2 until Jacqueline gives her report. And if you don't  
3 mind going out of order, Jacqueline, could you do  
4 that now?

5 MS. MCGRAIL: I sure will.

6 MAYOR EVANS: This is the Landscape  
7 and Beautification Committee. Jacqueline McGrail  
8 is the chairwoman of that committee.

9 MS. MCGRAIL: Andrea Hanlon has been  
10 very busy starting with Hunting Creek Drive and  
11 going to the Cowley Park and then off onto  
12 Westover evaluating the plantings and issuing  
13 reports to Edwards Landscaping about what they  
14 need to do in each -- practically on a  
15 plant-by-plant basis what needs to be done,  
16 pointing out problems with how they -- things have  
17 been pruned, and she's setting up instruction  
18 sessions with Edwards and their workers to show  
19 them the proper way to prune and when not to  
20 prune and things that should have been sprayed  
21 earlier in the year, but it makes no sense to do  
22 them now, but we'll have to catch up with that next  
23 year, plants that have to be removed and replaced.

24 And so I think, you know, she's on top of that.  
25 I have three little suggestions having to do with

1 this. One is that I noticed in her reports that  
2 whenever there's a dead plant that she wants to  
3 remove, she says, "we'll have to get permission for  
4 that," and I know that was written somewhere in  
5 the contract or something, but I don't think Andrea  
6 needs to get permission when there's a dead plant  
7 to remove it. I think she's the authority who  
8 should decide when things need to be re --  
9 removed, and she does -- shouldn't need to take  
10 that extra step of getting permission.

11 So that was one thing. The other thing, as  
12 we're improving our landscaping, there are -- there  
13 will be times when we need to replace plants, and I  
14 would like to focus on replacing some of the  
15 invasive plants that we have in our landscape.

16 The three main shrubs that we have that are  
17 considered Kentucky invasive plants in our public  
18 areas landscaping are burning bush euonymus, the  
19 barberries, mostly the red barberries, but there  
20 are also some golden barberries, and privet, and  
21 those are designated as shrubs that should not be  
22 used, and I think as a tree city and as -- that we  
23 want to be environmentally responsible, we should  
24 start thinking about removing those, and whenever  
25 possible, when we are adding new plants that they

1 should be native plants.

2 And especially at Cowley Park there are a lot  
3 of native perennials in that big garden, and we  
4 could actually put together, at some point, a  
5 native plant demonstration garden with labels and  
6 a little explanatory sign about native plants for  
7 gardens and things like that. So those are three  
8 things that I have in mind for the landscaping  
9 committee. And that's it.

10 MAYOR EVANS: Any questions for  
11 Jacqueline?

12 COUNCIL MEMBER FULCHER: Is there  
13 any action necessary to -- to eliminate the extra  
14 set that she was talking about?

15 MS. MCGRAIL: The permission?

16 COUNCIL MEMBER FULCHER: Yeah.

17 MS. MCGRAIL: Well, I think that --

18 MAYOR EVANS: No. The action that I  
19 was aware of has been corrected --

20 COUNCIL MEMBER LEONARD: Right.

21 MAYOR EVANS: -- and that related to  
22 trees.

23 COUNCIL MEMBER LEONARD: Trees  
24 only. Okay.

25 MAYOR EVANS: And I had said to

1     whoever that tree needs to be cut down, and the  
2     chairman of the forestation board promptly  
3     suggested I mend my ways and have the  
4     forestation board approve removing that or any  
5     tree. And the frustration board doesn't meet that  
6     often, and this is starting to get into some of the  
7     things that I wanted to say as a follow-up to Lee's  
8     report and to Jacqueline's report. And,  
9     Jacqueline, you're welcome to stay right where you  
10    are, but --

11           MS. MCGRAIL:   Okay.

12           MAYOR EVANS:   -- I'm going to be a  
13    while.

14           MS. MCGRAIL:   Well, then I'll sit down.

15           MR. SPEAKER:   May I make --

16           MS. MCGRAIL:   But let me say that since  
17    Andrea works for both committees that -- I mean,  
18    she is the authority --

19           MAYOR EVANS:   Right.

20           MS. MCGRAIL:   -- and -- okay.

21           MAYOR EVANS:   I totally agree with you.

22           MS. MCGRAIL:   Okay.

23           MAYOR EVANS:   Frank.

24           COUNCIL MEMBER FULCHER:   Lee and I  
25    had a conversation months ago relative to

1 authority over bushes, and -- and Lee disclaimed  
2 any --

3 COUNCIL MEMBER LEONARD: That's  
4 right.

5 COUNCIL MEMBER FULCHER: --  
6 authority.

7 MR. TUCCI: We're -- we're looking at  
8 [phonetic] the trees on forestation board.

9 COUNCIL MEMBER FULCHER: Right.  
10 And so, therefore, there -- there's nothing  
11 governing --

12 MAYOR EVANS: Let me make this easy.  
13 Andrea doesn't need anybody's permission. She  
14 will probably consult with me or with Jacqueline on  
15 a case-to-case, but she doesn't -- she doesn't  
16 need the permission of the forestation board or  
17 anybody else to take out a bush.

18 COUNCIL MEMBER FULCHER: Okay.  
19 That's fine, Jacqueline.

20 MS. MCGRAIL: Or a dead tree.

21 MAYOR EVANS: Well, now -- now --

22 MS. MCGRAIL: Okay.

23 MAYOR EVANS: -- that wasn't true until,  
24 as Lee reported a minute ago, they had a meeting,  
25 at -- at my request, passed a resolution

1 authorizing in between their meetings Andrea to  
2 act for them in designating one or more trees that  
3 should be, you know, taken down or whatever.

4 MS. MCGRAIL: Okay.

5 MAYOR EVANS: So all these problems,  
6 as far as I can see, have been solved.

7 COUNCIL MEMBER FULCHER: Good.

8 MAYOR EVANS: As far as the procedure  
9 is concerned. Andrea has been very busy. She is  
10 out of town tonight. She'll be back Thursday. She  
11 sent a ten-page, single-spaced set of field notes a  
12 few days ago, which we sent to all the members of  
13 the Landscape Committee, and she is so detail  
14 oriented, thorough, on top of things.

15 I met with her at 9:00, I guess, the other  
16 morning up at the entrance to Hunting Creek where  
17 we looked at the irrigation system up there, such  
18 as it is. It wasn't working. I'm so frustrated I  
19 could break this pencil.

20 The reason it wasn't working is, you know, in  
21 effect, it wasn't plugged in, you know. I mean,  
22 somebody had turned it off, and that's why it  
23 wasn't working, and so, you know, the grass is  
24 dying and things are not getting watered and so  
25 forth.

1 Lee mentioned these -- these lovely green  
2 gator bags that we have hanging on our trees.  
3 Passing over the fact that they're not very lovely, I  
4 walked over and picked one up, it was light as a  
5 feather, there was nothing in it. So I walked over,  
6 and I lifted the other one up, it was light as a  
7 feather, there was nothing in it. There's no water  
8 in those irrigation bags.

9 We have a lot of work to do, and Andrea is on  
10 these people all the time, but there's just so much  
11 that we can do, and I think I can see where --  
12 where we're headed in the very near future, but it  
13 is the middle of July -- July the 20th, is that right,  
14 21st? So we're in the midst of summer, and this is  
15 not the best time to be making radical steps.

16 We have removed a number of dead or dying  
17 trees. The stumps are still there. That's ugly.  
18 When you come down to the light as you exit  
19 Hunting Creek and you sit there waiting for it to  
20 change, there are only a couple of things to look  
21 at and one of them is to turn left and look at what  
22 used to be the holly tree, and now it isn't there  
23 anymore, and we got mixed reactions about that.  
24 Why did you take out the holly tree?

25 On the other hand, God, I'm glad that thing is

1 gone. According to Andrea, it -- well, first of all,  
2 Edwards pruned it by chopping off the top half of  
3 it, and so there it sat, and we consulted with  
4 Andrea about whether we should try to coax it back  
5 or -- you know, and she -- she -- her conclusion  
6 was that it should be taken out, so it's been taken  
7 out. Now we have a stump.

8 So I have talked to Ron, and I said, "We've  
9 got to get that removed right away, we've got to  
10 get some mulch in there." At this time of year, we  
11 really can't be planting anything. You know, plant  
12 things in the fall. There have been other trees  
13 that have been taken out coming down the median  
14 of Hunting Creek.

15 This kind of thing is going to go on throughout  
16 the city. At our next Landscape Committee  
17 meeting, I want to identify with the members of the  
18 committee specific tracts along 42 that we want to  
19 focus on, and we'll just have to take it, you know,  
20 one or two or three at a time, whatever we think  
21 we can digest, and approach whatever authority or  
22 landowner or whoever it is that needs to be  
23 consulted, if -- if there is such a thing, and see  
24 what we can do to improve the appearance of this  
25 stretch of 42 or that stretch of 42.

1       That's our -- that's our curbside appeal, if you  
2 will. That's -- that's our entranceway to the city.  
3 I don't consider that to be the long-term solution  
4 to 42. If I had the power, I would build a bypass  
5 around 42 and just have a nice little boulevard  
6 coming through here, but that's not something that  
7 I can foresee at this time. That's a -- that's a  
8 dream. But we'll do what we can.

9       Watering is a big problem. It's not just that it  
10 wasn't turned on. Such sprinkler systems as  
11 currently exist were put in 30-some years ago, and  
12 I'm told that they're not in good shape, and there  
13 was a guy named Charlie out here from -- is it  
14 Greenscapes?

15               COUNCIL MEMBER BRAB: Greenscapes,  
16 I think.

17               MAYOR EVANS: Yeah. And, you know,  
18 Charlie was not either articulate or optimistic, so,  
19 you know, he -- he just wanted to give us an  
20 estimate for building a Rolls-Royce system, and  
21 that's not going to happen, I don't think.

22       Anyway, these are some of the things on our  
23 plate that we're working at, looking at. These  
24 things have been sitting there and, like, worn out  
25 bridges and stuff like that, infrastructure, for a

1 long time, and we can only address them as fast as  
2 we have the money and the will to do it.

3 And that's -- any questions for me? And  
4 any -- yeah, Jacqueline.

5 MS. MCGRAIL: Well, my question about  
6 the irrigation is it either -- either water comes out  
7 of the heads and they rotate or it doesn't. So --  
8 you know, does it work? Does it spray water or  
9 doesn't it?

10 MAYOR EVANS: There are some heads  
11 that spray some water.

12 MS. MCGRAIL: Okay.

13 MAYOR EVANS: Whether they rotate, I  
14 couldn't tell you. There are places, say, just on  
15 that area at the entrance of Hunting Creek where  
16 there isn't any irrigation, but there are other  
17 places up at the top where there is irrigation. So  
18 we can -- you know, on that system we can have  
19 some grass; okay?

20 According to Andrea, one of the things she  
21 told me is that the foundation for a good-looking  
22 landscape is a good lawn, and you build that and  
23 you go from there. We will replace some shrubs,  
24 we will replace some trees because we had to take  
25 some out, but that's -- that's her wisdom to -- to

1 us, and if at all possible, I'll get her to come to  
2 the next meeting.

3 Anybody else? Okay. Now, I skipped over the  
4 Library Committee, and I think that's Ms. Leonard.

5 COUNCIL MEMBER LEONARD: This is a  
6 quiet time for us. Donations for the next book sale  
7 are coming in like crazy. That's October 15th. So  
8 give me another month before you clean out your  
9 library shelves and bring them in. I need to deal  
10 with what we've got upstairs.

11 We also have a book signing. Sally Bingham  
12 is coming Monday, September 15th, and of course  
13 everybody's invited, and we'll put notification in  
14 the newsletter. She did one a couple of years ago,  
15 and whether you like her books or not, her book  
16 signing is very good. She's an interesting  
17 speaker. That's it.

18 MAYOR EVANS: How about the Website  
19 Committee, would you care to report on that?

20 COUNCIL MEMBER LEONARD: Website  
21 Committee is a pleasure to report on. We went  
22 live, if you will, this last week, and so far I've  
23 been getting a lot of really good emails.

24 I think the new website, personally, in my  
25 opinion is -- it's very clean, and I needed to do

1 some research this last week, and was able to use  
2 the website very effectively. Things are on there  
3 like all the ordinances, all the maps of the parks.  
4 In fact, I think the Park Committee deserves a  
5 kudo for what you've loaded on the website. It's  
6 really good and colorful, very easy to get to. I  
7 really appreciated that.

8 We're going to have a final meeting to see  
9 what our loose ends are, and there are a couple  
10 that we're still working on, and that's about it.  
11 We'll take any recommendations you've got for  
12 changes, because that's where we are. We're at  
13 the point of tweaking it. We've done all the big  
14 stuff.

15 COUNCIL MEMBER MILES: I'd like to  
16 add -- I wanted to let Sandra introduce the website  
17 before I -- I didn't want to step on her, but on our  
18 parks page we have not only maps of the parks,  
19 but you can actually click on certain sections of  
20 the park and see pictures of what it looks like in  
21 those areas.

22 So you can really kind of take a tour of the  
23 park without -- you know, before you go and you  
24 hike on it. So I think it's really going to help spur  
25 interest with our residents. Believe it or not,

1 there are still people who live here who don't know  
2 we have parks just by every newsletter we've sent  
3 out, and so we're hoping that this will help spread  
4 the word.

5 MAYOR EVANS: I think we should give  
6 Sandra a brief break and ask Frank to make a  
7 report and action [phonetic] on the environmental  
8 services, and then we'll come back to Sandra.

9 COUNCIL MEMBER FULCHER: Well,  
10 mine's very short. We didn't have a -- we didn't  
11 have a meeting, and I don't anticipate one for  
12 another month.

13 MAYOR EVANS: Okay. Well, that's not  
14 much of a break, but it was the best I could do.  
15 History book.

16 COUNCIL MEMBER LEONARD: History  
17 book is coming along. It's -- it's actually -- I  
18 really enjoy working on it. There are so many  
19 things going on, I will not bore you, but we  
20 certainly could always use help. We need help  
21 doing all different kinds of things.

22 If you have any old neighbors that you think  
23 might be -- that we should interview or if you have  
24 any pictures of city events that you think we might  
25 not have, we're certainly still looking for things

1 like that.

2 COUNCIL MEMBER MILES: Sandra,  
3 should we maybe call them long-term residents  
4 rather than old neighbors?

5 COUNCIL MEMBER LEONARD: Yeah, I  
6 know. That wasn't very nice. I thought of that  
7 right as I said it. Thank you.

8 MAYOR EVANS: All right. All the  
9 committees have reported, and we're now up to the  
10 police report. Chief Sherrard.

11 CHIEF SHERRARD: It was pretty  
12 uneventful for the month, for the most part. The  
13 statistics are -- are down a little bit, and actually  
14 fairly significant, but the reason for that would be  
15 the fact that we're -- we were down two officers for  
16 that time.

17 We have six full-time officers, two of which  
18 were down for the entire month. So they weren't  
19 reporting, so there's, roughly, 33% less of a  
20 workforce were working that month, so, obviously,  
21 they're not going to generate those statistics that  
22 you would normally get, citations, things like that.

23 The house checks, there's two fewer people  
24 that are actually checking on homes, so those  
25 would be down. So the house checks were down

1 about 19% compared to the same period last year,  
2 citations were down about 35%, that would be  
3 expected.

4 There were only two arrests for the month,  
5 both were for assault 4th. One was domestic  
6 related. The other one I guess you could say it  
7 was domestic related because we had a case that  
8 the -- the ex-boyfriend and current boyfriend kind  
9 of came together at the same time, and so we got a  
10 minor assault that occurred there.

11 Dispatch runs were down. We don't have any  
12 control over that. Officer-initiated runs were down  
13 22%. That makes sense, because, like I said, the  
14 other officers were not there.

15 The only reports that were really significant  
16 were the ones that I reported actually last month,  
17 because they had just occurred, the two felony  
18 reports that we had up in the Bridgepointe area  
19 where the lady wakes up and the guy is in her  
20 home. So we've already reported that.

21 Officer Loeser is working with Louisville Metro  
22 Police detective on that one. They're still pulling  
23 together the video from the store. They've not  
24 made an arrest on it yet, but they're still putting  
25 together all the suspect information. So we're still

1 hopeful that there will be an arrest made on those  
2 two cases.

3 Other than that, there's really nothing  
4 significant to report in terms of calls. Code  
5 enforcement, there were no citations issued for the  
6 month. Actually, we didn't get a lot of complaints  
7 for the month. The -- very few calls on high grass.  
8 The two properties that we've been having trouble  
9 with were maintained during that period of time, so  
10 we didn't have to go back on them. So there was  
11 nothing really significant to report there.

12 Officer Timmons obviously still continues to  
13 fight. He's undergoing chemotherapy. He's at  
14 home now. He's waiting to go under -- undergo his  
15 second round. He's responded well to treatment,  
16 but he's still in a very difficult situation. I mean,  
17 it's Stage 4 cancer, so we're all still hopeful and  
18 optimistic that maybe at some point he may be  
19 able to come back.

20 So, other than that, that's it.

21 COUNCIL MEMBER MILES: Chief, I'm  
22 part of the Fox Harbor neighborhood email system  
23 where people send stuff. There's been a lot of  
24 buzz about speed, and it started with a woman  
25 walking her child in a stroller who claimed to have

1 almost been run over, and she said she called the  
2 police, and that they notif -- they found the person  
3 responsible, and this kind of led to a whole  
4 conversation about people running stop lines --  
5 stop signs and what have you.

6 So I told them that I would communicate that  
7 concern to you. And they've thrown out ideas  
8 about speed bumps and that kind of thing, and I  
9 recall us having a conversation about speed bumps  
10 in the past. And I, quite honestly, forget where we  
11 came down on that, the pros and the cons or if  
12 that's feasible or even necessary.

13 CHIEF SHERRARD: I think the ones that  
14 they were referring to was, like, the speed humps.

15 COUNCIL MEMBER MILES: Speed  
16 humps.

17 CHIEF SHERRARD: And that's a  
18 fashionable thing, but, I mean, that's obviously a  
19 decision for all of you-all to make. I know that in  
20 places that they have them they're not particularly  
21 popular amongst the residents that live there.  
22 Some like them, some don't.

23 I understand that when they first put them in  
24 over in Stone Lakes out off of Taylorsville Road  
25 close to the Snyder Freeway, about 3/4 of them

1 wanted to strangle the people that pushed for it. I  
2 think --

3 COUNCIL MEMBER TUCCI: They're  
4 noisy.

5 CHIEF SHERRARD: I don't know whether  
6 they're used to them now, but I know that it did not  
7 go over well when they first put them in.

8 COUNCIL MEMBER BRAB: It's a mixed  
9 bag in Anchorage, too.

10 CHIEF SHERRARD: Yeah. Yeah, their's  
11 are very -- I mean, you can -- you see, like, you go  
12 20 feet --

13 COUNCIL MEMBER BRAB: That's some  
14 of those that are really close together, too.

15 CHIEF SHERRARD: Yeah, they're very  
16 close together along some of the main drags in  
17 Anchorage. So I can -- I -- I'm familiar with the  
18 Anchorage police chief. I can call him and see  
19 how they went about doing it.

20 COUNCIL MEMBER MILES: I mean, it  
21 would just be interesting to know. I mean, I'm not  
22 sure how you deal with snowplowing with those.

23 CHIEF SHERRARD: Well, that's --  
24 that's -- that's a huge issue, and that's why a lot  
25 of people don't do them.

1 COUNCIL MEMBER MILES: Right.

2 CHIEF SHERRARD: And then it also  
3 becomes an issue, like, in particular, if you have a  
4 contract person doing that, sometimes they refuse  
5 to do it, because it can damage the equipment.

6 COUNCIL MEMBER LEONARD: Could we  
7 also put the radar thing up and do a small survey,  
8 if that's --

9 CHIEF SHERRARD: Yeah. We're  
10 rebuilding that. We've -- our radar unit was  
11 having some issues. The actual casing of it, it  
12 was -- it had really become run down, and  
13 Louisville Metro Police actually donated a surplus  
14 trailer to us that's in great shape and putting all  
15 the components and everything back into it.

16 Our actual radar part was okay, but the  
17 actual -- the tra -- trailer itself was in horrible  
18 condition, but they donated one to us that was in  
19 fantastic shape. It's a matter of retrofitting a  
20 couple of parts on that, and Assistant Chief Shaw  
21 has been working on that before, and -- and you  
22 know, it's coming along, but then we had all the --  
23 the personnel issues for the last month or so, and  
24 then we've been covering on the street, and I've  
25 covered a number of shifts on day work and things

1 like that.

2 COUNCIL MEMBER LEONARD: But  
3 Stuart could at least go back and say that, you  
4 know, we contemplate being able to do that survey  
5 in the future.

6 CHIEF SHERRARD: Okay.

7 COUNCIL MEMBER MILES: And this has  
8 been -- I mean, it is kind of cyclical. I mean, I  
9 know when I first got on the council, you know,  
10 that was an issue, and it seems to resolve itself,  
11 and it's come back around. But --

12 CHIEF SHERRARD: Right.

13 COUNCIL MEMBER MILES: -- you know,  
14 obviously, a lot of people like to walk, and  
15 you-guys can't be everywhere at all times, so, you  
16 know, we're just trying to think outside the box of  
17 what could be done.

18 CHIEF SHERRARD: We placed the trailer  
19 there some time ago, but I -- the readings that we  
20 were getting were not consistent with what we  
21 were hearing in terms of speeds and what you've  
22 seen, but it wasn't real consistent, because even  
23 when we were setting it up, I mean, we -- we had a  
24 lot of difficulty, and the thing consistently clocking  
25 speeds.

1       So it -- it became even an issue for us, and  
2       then -- I mean, I was even driving the thing back  
3       and forth in my car while he was setting it up, and  
4       it was clocking at, like, three or four times, and  
5       then it wouldn't read it. So -- and it's -- you've  
6       got the curve and the hill and everything.

7       It's -- it's an unusual location to even set up  
8       the trailer. You can set it all the way at the  
9       bottom, but then it defeats the purpose, because  
10      everybody is already braking by the time they see  
11      it.

12                COUNCIL MEMBER MILES: Right.

13                CHIEF SHERRARD: So it's not a true  
14      and accurate thing, so. . .

15                COUNCIL MEMBER MILES: Plus I would  
16      think just having the trailer there makes people  
17      slow down, which in and of itself, you know. . . So  
18      I don't know if you could have a -- if you have an  
19      unmarked car and if you can have somebody just  
20      sit there with their gun and just kind of --

21                COUNCIL MEMBER BOWLING: Radar.

22                COUNCIL MEMBER TUCCI: Radar gun.

23                COUNCIL MEMBER MILES: Radar gun.

24      And do -- and just kind of -- you know, just kind  
25      of --

1 MS. SPEAKER: Well, maybe the gun  
2 would be more effective.

3 COUNCIL MEMBER MILES: It wouldn't  
4 be as polite. Anyway, I -- I just told them that I  
5 would share that with you and the council.

6 And the other thing is, did I see an email that  
7 said that we were found to be, like, the safest city  
8 in the State of Kentucky?

9 CHIEF SHERRARD: Yeah. We received  
10 a notification. I think that -- I don't remember the  
11 name of the organization, but they review crime  
12 statistics for -- throughout the state, and we were  
13 voted -- voted in the top 50. They rate -- rated the  
14 top 50 cities in the state, and we were rated  
15 number one. It is from statistics from 2012.

16 COUNCIL MEMBER MILES: All right.  
17 Well, congratulations. That's --

18 CHIEF SHERRARD: Thank you.

19 COUNCIL MEMBER MILES: -- a great  
20 accomplishment.

21 COUNCIL MEMBER TUCCI: Chief, last  
22 month you were down two in staff. Has -- has one  
23 of your staff recovered and come back?

24 CHIEF SHERRARD: He -- he started  
25 back Sun -- Sunday night; wasn't it? Yeah. Came

1 back -- one of them came back Sunday evening.

2 MAYOR EVANS: Anything else for the  
3 chief? If not, new business, and I would like to  
4 revise the order in which we take these up, and I  
5 don't think anybody really needs an explanation of  
6 my thinking.

7 It just made sense to me that we take them in  
8 reverse order, and take up Resolution 2 2014, a  
9 resolution proposed by Councilman Bowling, which  
10 has been distributed to all members of the council  
11 this afternoon, and I guess I will start by turning  
12 the floor over to Mr. Bowling.

13 COUNCIL MEMBER BOWLING: Yeah.  
14 Let me give a little bit of background first on it.  
15 We get a monthly check from the state that is to go  
16 towards our municipal road aid, and it's generally  
17 140,000 a year is an average over the last, you  
18 know, five to eight years, and there's two  
19 contingencies with this money that's given us to.

20 Number one, it has to go into a -- a separate  
21 account that is just this municipal road aid  
22 account. And then the second contingency is that  
23 it has to be spent on paving or paving-related  
24 items, which for us includes salt, sidewalks, which  
25 we really don't have very many of, and installation

1 of lights.

2 So the problem, though, and where my  
3 resolution is coming from is that, basically, we  
4 get, like I said, on average about a 140,000 a year  
5 from the state for paving, and we generally, on  
6 average, spend close to that. It's sometimes less,  
7 most of the time it's not more, it's usually less,  
8 but it's close to 140,000 a year.

9 So we basically every year on what they give  
10 us and what we spend we break even, but for some  
11 reason over about a five-year period of time, when  
12 we did our paving, we took the money from our  
13 general fund instead of the paving fund. And so  
14 now we've got this paving fund that by the end --  
15 it's got about 420,000 in it now, by the end of the  
16 year it will have 500,000, and the problem is is we  
17 get a check every year, and that's about what we  
18 spend on paving.

19 So now we have an account with \$500,000 in it  
20 that, realistically, I don't know how we're ever  
21 really going to get it out. I mean, it's in there,  
22 and unless, you know, we build \$500,000 worth of  
23 new roads, which, you know, the last time we built  
24 a new road in Prospect has been a long time.

25 COUNCIL MEMBER TUCCI: There's your

1 bypass, Mayor.

2 COUNCIL MEMBER BOWLING: There you  
3 go. There's your bypass. So, you know --

4 COUNCIL MEMBER BRAB: That'll get  
5 you the on-ramp.

6 COUNCIL MEMBER BOWLING: I don't --  
7 I don't know why you would spend -- why you would  
8 pay for paving out of the general fund, but it's  
9 been done in the past to a point that we've built up  
10 an account that we -- we now have trouble  
11 accessing, and so my resolution is at least to -- to  
12 stop the bleeding and say, hey, anything that can  
13 be spent out of this account should be, has to be  
14 and needs to be.

15 So that's basically the -- the gist of it. There  
16 are a few things. One of the things on my  
17 resolution, there is some wording that needs to be  
18 changed. I think I have paving fund, and I asked  
19 Holly, Holly said the official name of that is, of  
20 course, the municipal road aid, so I did need to  
21 change a few things on there, but that's the gist of  
22 it.

23 COUNCIL MEMBER MILES: Now, Rob, in  
24 addition to the paving, we also do snow snow  
25 removal, so that can come out of that; correct?

1 COUNCIL MEMBER BOWLING: The -- the  
2 salt portion, I believe. I don't -- I don't --

3 COUNCIL MEMBER LEONARD: No. I  
4 think we can take plowing out of it, too.

5 COUNCIL MEMBER TUCCI: Plowing, too.

6 COUNCIL MEMBER BOWLING: Can we  
7 do the plowing, as well?

8 COUNCIL MEMBER MILES: Yeah.

9 COUNCIL MEMBER BOWLING: Okay.  
10 So -- yeah.

11 MAYOR EVANS: We did take part of the  
12 snow removal cost out of the municipal road aid  
13 fund this past fiscal year, because the snow  
14 removal and ice removal ran about 93,000 for the  
15 year, and the budget was in that was in place when  
16 I became Mayor had allocated 60.000 from the  
17 general fund.

18 COUNCIL MEMBER BOWLING: Right.

19 MAYOR EVANS: So we spent that.

20 COUNCIL MEMBER BOWLING: Right.

21 MAYOR EVANS: But the kind of winter  
22 we had, it went 93. We took that --

23 COUNCIL MEMBER BOWLING: Sure.

24 MAYOR EVANS: -- remaining 33 out of  
25 the --

1 COUNCIL MEMBER BOWLING: Out of  
2 that. Correct.

3 MAYOR EVANS: -- road fund.

4 COUNCIL MEMBER BOWLING: Right.

5 MAYOR EVANS: Now, going forward, as  
6 I'm sure you're aware, the budget that you-all  
7 passed just last month, we have allocated, I  
8 believe it's 150,000 for paving, all of it to come  
9 out of the municipal road fund.

10 COUNCIL MEMBER BOWLING: Correct.

11 MAYOR EVANS: And that doesn't mean  
12 this isn't a great idea.

13 COUNCIL MEMBER BOWLING: Right.

14 MAYOR EVANS: It just means that's  
15 what we're currently doing. And as far as what  
16 was done before both you and I got here --

17 COUNCIL MEMBER BOWLING: Right.

18 MAYOR EVANS: -- I'm going to turn that  
19 over to Holly, because she was here and we  
20 weren't, and let her tell you and me and the others  
21 what she understands was being done back three,  
22 four, five years ago and why.

23 COUNCIL MEMBER BOWLING: Right.

24 MS. LEVOLD: Well, Rob is exactly right.  
25 It was just being taken out of the general fund,

1 and they were saving up the municipal road aid  
2 because they had such a bad winter I guess a few  
3 times, and they used a lot of it up, so they wanted  
4 to rebuild the fund, so it just kept coming out of  
5 the general fund.

6 COUNCIL MEMBER LEONARD: Well, we  
7 did build a road in recent past. We built the  
8 access road to Putney Pond.

9 COUNCIL MEMBER BOWLING: Right.

10 COUNCIL MEMBER LEONARD: And that  
11 was a significant expenditure.

12 COUNCIL MEMBER BOWLING: Right.

13 MAYOR EVANS: It was 70 some  
14 thousand dollars, as I remember it.

15 COUNCIL MEMBER BOWLING: Right.

16 COUNCIL MEMBER LEONARD: Well, the  
17 different components of it add up.

18 COUNCIL MEMBER MILES: Well, one  
19 component was, but it was over 100,000.

20 COUNCIL MEMBER LEONARD: Yeah, it  
21 was.

22 COUNCIL MEMBER BOWLING: The  
23 resolution makes sense. It's simply the use of  
24 funds that are non-restricted for stuff that is -- we  
25 have restricted funds allocated for that makes no

1 sense. So we should deplete the road fund  
2 entirely.

3 Municipal road aid fund should be completed  
4 in the entirety before we ever touch the you  
5 general fund. So that's why it makes sense,  
6 because it -- it's limited. If you wanted to use it  
7 for beautification, you can't use --

8 COUNCIL MEMBER LEONARD: Right.

9 COUNCIL MEMBER BOWLING: -- that  
10 money. You can use the general fund. So it  
11 totally makes sense that we should get away from  
12 the habit of what we've done in the past.

13 MAYOR EVANS: I totally agree.

14 COUNCIL MEMBER MILES: And I'm --  
15 and I'm not disagreeing, but I'm -- I'm just going  
16 to be devil's advocate on another scenario, is that,  
17 if you totally drain the road fund, and we have a  
18 year where we see we have to fix a bunch of roads  
19 and we get this 150 and now it's going to be 250 --  
20 and that happens, it ebbs and flows. Then what  
21 we'll have to do is we're going to have to go to our  
22 general savings, and people get really upset when  
23 we do that.

24 I'm a psychologist, I really don't understand  
25 it, it's money we have set aside. Just from the

1 past when we've taken money out of that, people  
2 have gotten very upset because they think it's like  
3 our seed corn or something. Even though we have  
4 far in excess of what we need that they  
5 recommend, we have, like, four times what they  
6 recommend we have right now.

7 COUNCIL MEMBER BOWLING: Right.

8 COUNCIL MEMBER MILES: But people  
9 get upset, and so that's my only concern is that we  
10 would do that and people would -- if we take it out  
11 of the road fund, okay, that's road fund, that's  
12 what it's for, but if we take it out of our -- our  
13 general reserves, people might think, well, gosh,  
14 why are you taking money out of reserves to fix  
15 roads.

16 So I'm just -- I'm just trying to say that I --  
17 I'm not disagreeing with you, but I would maybe do  
18 that but maybe keep \$150,000 cushion for that  
19 reason so that, if we do have an unexpected  
20 something come up, we would have a cushion there  
21 that wouldn't get into a whole conversation about  
22 taking money out of the general fund versus the  
23 road fund.

24 COUNCIL MEMBER LEONARD: Well,  
25 there's another way of controlling it, too, and

1 that's when we pass the budget.

2 COUNCIL MEMBER MILES: Well, that's  
3 the other thing is that we can just decide as a  
4 group going forward we're not going to do that  
5 anymore.

6 COUNCIL MEMBER LEONARD: Exactly.

7 MAYOR EVANS: We do that every year.

8 COUNCIL MEMBER BOWLING: Sure.

9 COUNCIL MEMBER LEONARD: Exactly.

10 COUNCIL MEMBER BOWLING: But --

11 COUNCIL MEMBER LEONARD: Exactly.

12 COUNCIL MEMBER BOWLING: -- part of  
13 the reason we have the resolution is we have  
14 500,000 in there right now, and so my question to  
15 you would be: How are we ever going to spend  
16 that 500,000?

17 MAYOR EVANS: We may not. Holly, do  
18 we really have 500, or is it 400-and-some?

19 COUNCIL MEMBER BOWLING: It's 420.  
20 420.

21 MS. LEVOLD: It's just under.

22 COUNCIL MEMBER BOWLING: Yeah.

23 And I said by the end of the year, you know, it will  
24 be 500.

25 MAYOR EVANS: No, because we're going

1 to spend it --

2 COUNCIL MEMBER LEONARD: That's  
3 right.

4 COUNCIL MEMBER BOWLING: Well --

5 MAYOR EVANS: -- this summer.

6 COUNCIL MEMBER BOWLING: Right.

7 Yeah. We caught it this budget.

8 MAYOR EVANS: Right.

9 COUNCIL MEMBER BOWLING: Yeah.

10 So, yeah. We're -- we're -- and that's my point.

11 We're all on the right track now. We're -- we're  
12 spending --

13 MAYOR EVANS: Right.

14 COUNCIL MEMBER BOWLING: -- from  
15 the correct account, but we have, you know,  
16 420,000 in there, and I don't know how we'll ever  
17 spend it. How do you get to that money?

18 COUNCIL MEMBER MILES: Well, I think  
19 if you include the snow removal --

20 MS. SPEAKER: Exactly.

21 COUNCIL MEMBER MILES: -- that'll be  
22 between 60 and 90.

23 MAYOR EVANS: Yeah, just pray for a lot  
24 of snow tomorrow.

25 COUNCIL MEMBER BOWLING: But, see,

1 here's the thing, I mean, you know, Holly -- Holly  
2 pulled up the last 13 years for me, and only 1  
3 year, you know, last winter, you know, we spent  
4 the -- it was the worse winter we've had in, you  
5 know --

6 MAYOR EVANS: Right.

7 COUNCIL MEMBER BOWLING: -- a  
8 dozen year. That's really the only time we went  
9 over our allocated -- from the state --

10 MAYOR EVANS: Right.

11 COUNCIL MEMBER BOWLING: -- so --  
12 and that's what I'm saying. So, if you have one of  
13 those every ten years and you spend an extra  
14 50,000, it's still going to take you, you know,  
15 dozens of years, you know, ten years to go  
16 through -- and that's my point, you trap these  
17 dollars in there.

18 COUNCIL MEMBER MILES: And I'm not  
19 disagreeing with you.

20 COUNCIL MEMBER BOWLING: Right.

21 COUNCIL MEMBER MILES: I'm just  
22 saying --

23 COUNCIL MEMBER BOWLING: Right.

24 COUNCIL MEMBER MILES: -- my only  
25 thing is I think we shouldn't spend it all the way --

1           COUNCIL MEMBER BOWLING:   And I'm  
2   fine with that if we want to come up with a  
3   reasonable number, you know, 150, because I  
4   don't know how we're even going to go from the --  
5   from the 420 to 150.  I mean, we're -- you're  
6   talking ten years to do that, and that's if you use  
7   lights and every --

8           COUNCIL MEMBER MILES:   Right.

9           COUNCIL MEMBER BOWLING:   My point  
10  is every single thing we can use this for we  
11  should, you know, because we've trapped it in  
12  there, and -- and so, you know, that's the intent of  
13  the resolution.

14          COUNCIL MEMBER LEONARD:   And,  
15  actually, I would anticipate more expenditures  
16  notwithstanding, because we are talking about  
17  beautification, we are talking about taking a look  
18  at some of these things that probably weren't done  
19  to the same extent in the past.  So I don't -- I  
20  don't see it as trapped, but I totally agree with  
21  you.

22          I think we should not be using the general  
23  fund, but I also don't think we have to encourage  
24  spending down to zero.  I think that we need to  
25  keep an eye on the budget, and I think when the

1 mayor brings it in, if he wants to take the money  
2 out of the general fund, we need to say, no, that  
3 that's not what we want to accomplish, but I'm  
4 not -- I'll not sure this resolution actually  
5 accomplishes anything. First of all, the budget is  
6 an ordinance. I don't think you can change an  
7 ordinance with a resolution.

8 COUNCIL MEMBER BOWLING: Correct.

9 COUNCIL MEMBER LEONARD: I think  
10 that, in general, we all would agree that we are  
11 happy with the transparency that allows us to make  
12 decisions now, and that we want the transparency  
13 to continue so that we know where money is being  
14 taken --

15 MAYOR EVANS: Okay. As a -- as a  
16 point of clarification, is there a motion before the  
17 board? Has anyone made a motion?

18 MR. SPEAKER: Do we need a motion  
19 for --

20 MAYOR EVANS: Well, if you're going to  
21 adopt a resolution, I think you do. I think  
22 somebody should say, "I move we adopt this  
23 resolution," somebody say "second." We've  
24 already had the discussion.

25 COUNCIL MEMBER TUCCI: But are

1 you -- are you suggesting we're going to vote right  
2 away? I have something I wanted to say.

3 MAYOR EVANS: Well, I -- I was just  
4 trying to speed it along, but please go ahead.

5 COUNCIL MEMBER TUCCI: Well, sir,  
6 following along on Councilwoman Leonard's  
7 suggestion, I'm very uncomfortable about tying the  
8 hands of future councils and mayors. If we were  
9 to do something like this, I'd sort of like to see  
10 some sort of escape clause in there.

11 I -- I can't predict what the stock market is  
12 going to do next April, and I can't predict what's  
13 going to happen to our roads, except that I know  
14 that they're getting older and older and older, and  
15 they're going to -- at some point, we really will be  
16 spending money on roads because they -- they're  
17 just going to crumble on us. So --

18 COUNCIL MEMBER BOWLING: And  
19 that's why I did a resolution instead of an  
20 ordinance, you know --

21 COUNCIL MEMBER TUCCI: Yeah.

22 COUNCIL MEMBER BOWLING: --  
23 because a resolution is not binding.

24 COUNCIL MEMBER TUCCI: Yeah.

25 COUNCIL MEMBER BOWLING: You

1 know, and I don't think --

2 COUNCIL MEMBER TUCCI: You've got  
3 some wiggle room in it.

4 COUNCIL MEMBER BOWLING: Right.

5 COUNCIL MEMBER TUCCI: Yeah.

6 COUNCIL MEMBER BOWLING: You  
7 know.

8 MAYOR EVANS: But it has the word  
9 "suggested."

10 COUNCIL MEMBER BOWLING: Right.  
11 You know, I want it to be in writing --

12 MAYOR EVANS: And I want to make the  
13 point, too, that this isn't tying hands for all time,  
14 because you can come in here next month and  
15 change it or abolish it. You're the council into  
16 next [phonetic] year.

17 COUNCIL MEMBER BRAB: I think -- I  
18 think what I'm hearing is everybody has common  
19 ground on this, and some people want to have  
20 somewhat of a reserve. I think everybody agrees  
21 that 500,000 or 450 is too much in there.

22 MAYOR EVANS: M-hm.

23 COUNCIL MEMBER BRAB: I think it's  
24 fine, because we're -- I mean, it's -- it's simply a  
25 suggestion.

1 COUNCIL MEMBER MILES: Yeah.

2 COUNCIL MEMBER BRAB: And -- and --  
3 and next year's budget is going to override  
4 everything anyway.

5 MAYOR EVANS: Well, this year's budget  
6 does exactly what this suggests.

7 COUNCIL MEMBER BRAB: So I think --

8 COUNCIL MEMBER FULCHER: Yeah.

9 I -- I -- I agree with Rob's premise, however, I  
10 do -- I do think that the -- the budget process is  
11 where the control is, and -- and --

12 COUNCIL MEMBER BRAB: Not anymore.  
13 It was broken, it's not anymore, though.

14 COUNCIL MEMBER FULCHER: What do  
15 you mean?

16 COUNCIL MEMBER BRAB: The budget  
17 process.

18 MR. SPEAKER: He said "Where the  
19 control is."

20 COUNCIL MEMBER BRAB: Oh, I'm sorry.

21 COUNCIL MEMBER FULCHER: Yeah.

22 Control over where the -- where the moneys are  
23 coming from for specific items.

24 MAYOR EVANS: Yeah.

25 COUNCIL MEMBER FULCHER: And I

1 think it's appropriate that we have a sufficient or  
2 even significant reserve for the roads, and that  
3 may be \$400,000 is -- is the right number or wrong  
4 number. I think the budget process that we went  
5 through, every -- everybody has worked -- worked  
6 very hard to get the transparency that -- that  
7 Sandra and Sandy mentioned. I think that,  
8 therefore, this is -- this is not necessary at this  
9 point.

10 COUNCIL MEMBER MILES: Rob brought  
11 it up, regardless of what we do, because it is a  
12 very good point, and I agree that, at some point,  
13 whatever that number is, if it gets too big, it's --  
14 it's money that our hands are tied and we can't --  
15 we can't use it if something else were to come up,  
16 you know, whether we'd rather have 250,000 in  
17 place where it would have more flexibility, so. . .

18 COUNCIL MEMBER LEONARD: Well,  
19 there's already -- I don't disagree with anything  
20 that's been said, but even if we look at this year,  
21 if we've got 150 for paving and a normal 60 for --  
22 we're already at 210,000. So I don't -- I don't  
23 think this money is trapped, and I think that we all  
24 agree that it needs to get spent first.

25 COUNCIL MEMBER MILES: Yes.

1 MAYOR EVANS: Okay.

2 COUNCIL MEMBER BOWLING: I move  
3 that we adopt the ordinance.

4 MAYOR EVANS: You mean the  
5 resolution?

6 COUNCIL MEMBER BOWLING: Or the  
7 resolution.

8 MAYOR EVANS: Is there a second?

9 COUNCIL MEMBER BRAB: Second.

10 MAYOR EVANS: It's been moved and  
11 seconded, and we've had --

12 THE REPORTER: I'm sorry. Who  
13 seconded?

14 MAYOR EVANS: Bill Brab.

15 MAYOR EVANS: It's been moved and  
16 seconded, and we've had some discussion. Is  
17 there any further discussion?

18 COUNCIL MEMBER MILES: Well, I have  
19 a question. So am I correct in saying that given  
20 it's a resolution and is more of a suggestion it's  
21 something that binds us?

22 COUNCIL MEMBER BRAB: Absolutely.

23 COUNCIL MEMBER BOWLING: Yeah.  
24 It's a resolution that's not binding.

25 COUNCIL MEMBER MILES: Gotcha.

1 COUNCIL MEMBER BOWLING: It's a  
2 suggestion.

3 COUNCIL MEMBER MILES: It's more of  
4 a -- a principle --

5 COUNCIL MEMBER BOWLING: Yeah.

6 COUNCIL MEMBER MILES: -- kind of a  
7 goal.

8 COUNCIL MEMBER BOWLING: Exactly.  
9 It's -- I want it to be in writing, because I mean,  
10 it's -- it's -- it's nice to sit up here and say, hey,  
11 you know, the -- the budget is what really counts.  
12 Well, why for five years did we not spend any  
13 money? From 2007 to 2011, we got \$655,000 from  
14 the state, and we spent 26,000 out of the  
15 municipal aid fund.

16 The rest of it came from our general fund,  
17 and, you know, for everybody that says, oh, this  
18 money is not trapped, well, if you look at the -- if  
19 you look at the ten years average on what we  
20 spent on paving, I don't know how we're going to  
21 get that money out. So, you know, I think in five  
22 years you're going to see how trapped that is when  
23 we haven't used it.

24 But my point is is that everything that can  
25 come out of this restricted fund should. That's all,

1 you know, the suggestion is. I think it was a big  
2 mistake to let it get so big when what we get from  
3 the state every year is basically what we spend,  
4 you know. So I'm just looking at these long-term  
5 averages, and -- and I don't see how we're going  
6 to get that 500,000 out of it. That's my point.

7 COUNCIL MEMBER MILES: And I don't  
8 recall, but didn't we during that time maybe cut  
9 back on road repair? Could it have been more of  
10 we weren't spending it rather than we were taking  
11 it from someplace else --

12 COUNCIL MEMBER LEONARD: Well, and  
13 we did --

14 COUNCIL MEMBER MILES: -- and  
15 spending it?

16 COUNCIL MEMBER LEONARD: Even in  
17 the time where we got that prioritized group of  
18 streets --

19 COUNCIL MEMBER MILES: Right.

20 COUNCIL MEMBER LEONARD: -- we  
21 didn't pick all categories --

22 COUNCIL MEMBER MILES: Right.

23 COUNCIL MEMBER LEONARD: -- by  
24 mile.

25 COUNCIL MEMBER MILES: Gotcha.

1 COUNCIL MEMBER LEONARD: So I  
2 agree with Sandy. I think we're on the verge of  
3 needing some significant paving.

4 COUNCIL MEMBER MILES: Right. Okay.  
5 That was my question.

6 MAYOR EVANS: Two things. I want to  
7 say something, and then I want to let Cliff to say  
8 something.

9 Rob, everybody knows that you and I are  
10 opponents in the upcoming mayoral election; okay?  
11 So this is said in the spirit of good sportsmanship.  
12 Give me four more years, and I'll make those  
13 changes [phonetic]. Cliff, what do you want to  
14 say?

15 MR. ASHBURNER: Two things. One is  
16 that, although the title that you have there saying  
17 suggesting on pavement cost be paved, what  
18 you're actually resolving is -- is less a suggestion.  
19 It's a more, you know, absolute statement.

20 And then the other thing that I was going to  
21 say is, and I think it's been said before but I want  
22 to remind the public about it, is that the budget  
23 ordinance is going to control what gets spent, the  
24 sources and the uses, and that's an annual  
25 ordinance. So that will be revisited every single

1 year.

2 MAYOR EVANS: Any further discussion?

3 Sandy.

4 COUNCIL MEMBER TUCCI: Yes.

5 MAYOR EVANS: Okay. Move to a vote.

6 All in favor of adopting the resolution as it has  
7 been amended, say "aye."

8 COUNCIL MEMBERS: Aye.

9 MAYOR EVANS: All opposed?

10 Unanimously adopted.

11 Next we have Resolution Number 1 2014,  
12 resolution to approve a city credit card. I'm going  
13 to turn this over to Holly so she can explain the  
14 reason behind this resolution.

15 MS. LEVOLD: Well, when Ann Simms was  
16 here for so long, she used her personal cards for  
17 all the uses that -- like Ron's printer paper. They  
18 don't issue a PO, we can't order an invoice, so we  
19 have to pay for it in advance with a credit card,  
20 and we've run into a lot of things like QuickBooks  
21 updates that only take credit cards, so we really  
22 feel like we need the versatility.

23 And I've called all the local cities and asked  
24 them about their credit card usage and their  
25 policies and kind of got together and put this

1 resolution together for that.

2 COUNCIL MEMBER MILES: What cities  
3 did you find are doing what you're recommending?

4 MS. LEVOLD: Anchorage, J-town, St.  
5 Matthews. They all pretty much have a city credit  
6 card that's held and maintained. Like, no one  
7 person has complete control. Everybody has their  
8 hands on it. One person reviews it. That person  
9 can't make purchases, kind of --

10 COUNCIL MEMBER MILES: So there's  
11 checks and balances that --

12 MS. LEVOLD: Yes.

13 COUNCIL MEMBER MILES: -- that keep  
14 any one person from abusing the credit card?

15 MS. LEVOLD: Right.

16 COUNCIL MEMBER FULCHER: Is there  
17 one anticipated, or will they be separate?

18 MS. LEVOLD: One through Republic  
19 Bank. They'll issue a credit card to us.

20 COUNCIL MEMBER FULCHER: But I  
21 mean, just one physical card, not three --

22 MS. LEVOLD: Right.

23 COUNCIL MEMBER FULCHER: -- three  
24 or four on the same account, just one?

25 COUNCIL MEMBER BOWLING: I don't

1 remember reading -- is there going to be a limit on  
2 it?

3 MS. LEVOLD: Yes. That's to be  
4 determined.

5 COUNCIL MEMBER BOWLING: Okay.

6 THE REPORTER: I'm sorry. Is there  
7 going to be a what?

8 COUNCIL MEMBER BOWLING: Limit.

9 THE REPORTER: Thank you.

10 COUNCIL MEMBER MILES: Did you find  
11 what limits other cities were putting on their  
12 cards?

13 MS. LEVOLD: It really varied.  
14 Anchorage, I think, had \$10,000 on theirs, J-town  
15 had a much smaller one of, like, \$1800. It was  
16 just for emergencies.

17 COUNCIL MEMBER MILES: What limit  
18 would you suggest to the council?

19 MS. LEVOLD: Probably 2500.

20 COUNCIL MEMBER MILES: Okay.

21 COUNCIL MEMBER LEONARD: Actually,  
22 I'm glad to see you're doing this. When the  
23 domain name thing came up for renewal, that was  
24 one of the problems. We had no way of paying for  
25 it, because we had no credit card.

1 COUNCIL MEMBER MILES: And I don't  
2 think we should have to have our city administrator  
3 use their personal credit card.

4 COUNCIL MEMBER LEONARD: No. I  
5 think this is a much better idea.

6 COUNCIL MEMBER LEONARD: Yeah.

7 COUNCIL MEMBER LEONARD:  
8 Definitely.

9 COUNCIL MEMBER FULCHER: Who gets  
10 the points?

11 COUNCIL MEMBER MILES: Can we --  
12 can we split the miles?

13 MAYOR EVANS: Do I hear a motion to  
14 adopt that resolution?

15 COUNCIL MEMBER BRAB: So moved.

16 COUNCIL MEMBER LEONARD: Second.

17 MAYOR EVANS: All in favor?

18 COUNCIL MEMBERS: Aye.

19 MAYOR EVANS: All opposed?

20 MR. KEHLBECK: Can I make a comment  
21 on the credit card?

22 MAYOR EVANS: Sure. Joe. Go ahead.

23 MR. KEHLBECK: Let me explain -- I  
24 don't think that -- we put this in when I was the  
25 mayor to control credit cards, and what we did was

1 say that each person have his own personal credit  
2 card and a credit card that is personal that he  
3 holds just for purchases for the city.

4 When he gets that bill in for that credit card,  
5 he brings it over to the city, and the city writes the  
6 check to Citibank or whoever it is, and gives to it  
7 him, and he sends it in. Think about it.

8 COUNCIL MEMBER MILES: Joe, what I  
9 don't like about that is that it makes a person who  
10 works for the city have to take out a line of  
11 personal credit in order to do city business, which  
12 I don't think is really a fair --

13 MR. KEHLBECK: I don't think you'd have  
14 trouble getting two credit cards if you got --

15 COUNCIL MEMBER MILES: Well, I know  
16 that, but -- but still I think it -- it imposes on  
17 something -- it's -- if it were something we did  
18 occasionally, but it sounds like something that  
19 happens on a rather frequent basis, and -- and  
20 given the checks and balances, I don't -- I really  
21 don't see a -- a high risk of abuse or any poor use  
22 or judgment with the credit card.

23 MR. KEHLBECK: Well, it's --

24 CHIEF SHERRARD: And if you want to  
25 make tax free purchases, you can't do that on a

1 personal card. You can make tax free purchases if  
2 it's under the city's name and their tax exempt  
3 status. You can't do that if you're making it under  
4 personal.

5 COUNCIL MEMBER LEONARD: Well, and  
6 I'm not sure I'd want the city employee's personal  
7 credit card on our, you know, purchases for  
8 software and things that relate to our website. I  
9 really think this is a good idea.

10 COUNCIL MEMBER FULCHER: And  
11 they -- they become the owner.

12 COUNCIL MEMBER LEONARD: Yeah. I  
13 know. I don't --

14 THE REPORTER: I'm sorry, Mr. Fulcher.  
15 I didn't --

16 COUNCIL MEMBER FULCHER: They  
17 become the owner in that case.

18 MAYOR EVANS: I think the council  
19 already voted, but just to be clear, would you  
20 please all in favor say "aye."

21 COUNCIL MEMBERS: Aye.

22 MAYOR EVANS: All opposed? The ayes  
23 have it, and the resolution carries.

24 There are two other items under new  
25 business. One is the sign ordinance review and

1 discussion thereof. I would like that discussion to  
2 begin at least with discussion of Bill Brab's email  
3 of a couple of weeks ago. And if Bill could just  
4 remind us what he sent to us about it. I thought  
5 he was right. Go ahead, Bill.

6 COUNCIL MEMBER BRAB: Thank you.  
7 For -- for those of you that haven't been to every  
8 meeting for a while, what we currently have right  
9 now because of some issues we've had from  
10 business owners and others about signage that's  
11 gone up in the city that is within the scope of our  
12 current ordinance, but we feel is too large, too  
13 bright, whatever the case may be.

14 And also, some -- some thoughts of people  
15 who think that our window signs in the city have  
16 gone above and beyond what our ordinance says,  
17 we've had -- we had a discussion about a month  
18 ago, and then -- several months ago, and I believe  
19 the mayor until we -- the council resolved this as  
20 far as the ordinance is concerned, put a  
21 moratorium on new signs.

22 MAYOR EVANS: Which I renewed last  
23 month.

24 COUNCIL MEMBER BRAB: Which he --  
25 we had a three-month moratorium, and then he

1 renewed it last month until we're -- until we patch  
2 our way through this thing. And -- and this was  
3 kind of -- Frank and Sandra went out and very  
4 thoughtfully and diligently took pictures of what  
5 they thought were some violations, passed the  
6 color photos to the council, and then Stuart kind of  
7 summarized some things, and all of us had  
8 homework assignments.

9 COUNCIL MEMBER MILES: Yes.

10 COUNCIL MEMBER BRAB: And we kind  
11 of left it in limbo. So I went back, and I think it's  
12 unfair for any business in this community not to be  
13 able to put up a sign because of the sign  
14 moratorium, because we're sitting and not doing  
15 anything about it or correcting what we think is a  
16 problem.

17 So I went back, and I don't know if you-all  
18 have this in your packet or not, but it's a -- a -- an  
19 email cover, and it actually has the sign ordinance  
20 attached, which is rather lengthy, but I read the  
21 current ordinance about five or six times  
22 backwards and forwards, and I think there's not  
23 that much that needs to be changed. I think it's a  
24 very all-inclusive. It's -- it's very good.

25 I think there's a couple of parts that need to

1 be addressed, and that is basically a maximum  
2 size for any sign in a building with a facade type  
3 of view across the street, those buildings over  
4 there versus you have a very large structure like  
5 you have in the Kroger shopping center. We could  
6 address that, and I had some thoughts there.

7 We also need to address where businesses  
8 have more than the standard what I will call  
9 frontage bay. If you look at standard businesses  
10 we have in the community, most of those bays are,  
11 like, 24 feet wide by about 24 foot deep,  
12 something like that, somewhere in the  
13 neighborhood of 1,000 square feet sections where  
14 you have a very large tenant like a Kroger or --  
15 you know, Jamie's establishment over here, the --  
16 the liquor store.

17 They have a lot more frontage, a lot more  
18 square footage. They should not be restricted to  
19 one exterior marquee sign. I think we need to look  
20 at that, and we have had some discussions on that.

21 The second thing that was brought up, and the  
22 mayor and I discussed this, is really some of the  
23 colors that we're getting on our signs in the city.  
24 Some of them tend to be a little garish, to use a  
25 word, and there is -- we need -- we really do need

1 to look at the use of the colors of these signs. I  
2 mean, I don't think any of us wants to have a lot of  
3 bright purples and electric yellows and things like  
4 that in the signs.

5 I think we should make them tasteful and, you  
6 know, be use -- useful for those businesses that  
7 identify their -- their outfits, but that does pose  
8 some problems, because if you restrict colors,  
9 what do you do with corporate logos? I'll just cite  
10 one example. What do you do with the UPS logo  
11 that's brown and yellow, or a shade of brown?

12 And I think the third thing I -- that I brought  
13 forth with this was as far as the sign ordinance  
14 itself. I think that we as a council, we as a city,  
15 we need to be helpful to our businesses. People  
16 that are looking at a business, put a business  
17 here, or currently in a business and either  
18 relocating or looking to change their sign, I would  
19 propose we write an executive summary, not hand  
20 them this whatever number of pages this ordinance  
21 is.

22 If you ever want to go to sleep, read these  
23 things, by the way. You know, we're trying to  
24 interpret them the first go around, but we have an  
25 executive summary that we can hand with the

1 actual document and say, here's the plain and  
2 simple, you can have one wall sign, you can have  
3 one window sign that's this big, you can have one  
4 backdoor sign, and you can have a marquee sign if  
5 your business has a marquee out front, and that's  
6 it. That's basically what you can have.

7 And have that and give them some guidance  
8 and some -- there's some pretty good graphics in  
9 here as guidance of what they can do with it. For  
10 anybody that has a business that has a question  
11 or, you know, is not in compliance, why that sign  
12 ordinance, you know, why this sign ordinance, you  
13 know, why the sign ordinance or an explanation of  
14 it.

15 I think the third thing, and -- and I think this  
16 is really -- it was -- if I was waiving the magic  
17 wand what I think that needs to be done is I think  
18 we really do have to have a code enforcement  
19 officer or somebody that's responsible for this,  
20 and this is really the mayor's bailiwick, because  
21 that's administration. And -- and the question I  
22 have which I didn't -- has since come to me on  
23 this, if we amend this ordinance, anybody that has  
24 signs currently that are out of sync with the old  
25 ordinance, if we amend the new ordinance, is there

1 any grandfathering of the old signs?

2 COUNCIL MEMBER TUCCI: Yeah.

3 MR. SPEAKER: Yeah.

4 COUNCIL MEMBER TUCCI: I would think  
5 so, yeah. Yeah.

6 MR. SPEAKER: Typically, on signs like  
7 other items that are covered by land use  
8 ordinances would be -- would become  
9 non-conforming, and then you can decide what to  
10 do with non-conforming signs as they are damaged  
11 or as they are placed. Some jurisdictions say  
12 anytime a sign is voluntarily replaced, it has to  
13 completely be in compliance. Some say you have  
14 to come 50% into compliance, you know, in or -- in  
15 order to allow some redevelopment, but not a total  
16 reduction.

17 MR. SPEAKER: I don't think ours speaks  
18 to that, but --

19 COUNCIL MEMBER LEONARD: Actually,  
20 we do have a non-conforming section --

21 MR. SPEAKER: M-hm.

22 COUNCIL MEMBER LEONARD: -- which  
23 could probably be beefed up a little bit to  
24 accomplish that.

25 MR. SPEAKER: Right.

1           COUNCIL MEMBER BRAB: The question  
2 I have really, when you look at this in -- in the  
3 process, I'm not talking about the verbiage here,  
4 the process of this thing, if we re-write this  
5 ordinance, are we locking ourselves into some  
6 non-conforming signs already, which I think we  
7 would probably.

8           Rather than starting the process with -- and  
9 this is for the council -- council talked about, but  
10 the mayor to decide, do we hire a code  
11 enforcement officer, which is really a budgetary  
12 issue and have a periods of time where this person  
13 can go around and go to businesses and say, look,  
14 here's an executive summary so you understand,  
15 we want to just point out to you that this particular  
16 window sign you have or these three window signs  
17 are not in conforming -- you know, not conforming  
18 with the current ordinance, and you need to  
19 change them, you need to change -- you need to do  
20 something. You have 90 days to do it, and at the  
21 end of that period of time, if you don't, then we  
22 will start the process of fining or doing whatever  
23 we want to do with our -- that is in our current  
24 ordinance.

25           If we rewrite this ordinance and do all the

1 things that we want to do that we talked about as a  
2 council, all the stuff that you're seeing out here,  
3 we're stuck --

4 COUNCIL MEMBER LEONARD: Now,  
5 really -- not at all. In fact, that's what we came  
6 away from all of our picture taking with. The  
7 primary -- there's one section of the code which  
8 says you can have one of each of these four  
9 things. I think that section needs to get changed.

10 What tends to have happened is, one of the  
11 four things is a window sign, and yet, if you look  
12 at Brownsboro Hardware, the whole thing when  
13 they're doing a sale is a whole bunch of window  
14 signs. So that is one area.

15 The other thing is, if you don't have the other  
16 three things but you have the one thing, does that  
17 one thing get to be larger? And that's the biggest  
18 thing we found was this section with you can have  
19 one of these four things was an issue, because it  
20 almost doesn't make any sense.

21 And then the thing was, okay, if we're going to  
22 talk about a window sign, is it a huge thing like  
23 that nail salon next to Bistro 42, or do we have  
24 something else that we mean by a window sign?  
25 The other -- that was the biggest violation was

1 window signs; would you agree?

2 COUNCIL MEMBER FULCHER: Oh, yeah.

3 COUNCIL MEMBER LEONARD: And

4 then --

5 COUNCIL MEMBER FULCHER: And

6 there's -- there's a 25% maximum area restriction  
7 on window signs just for --

8 COUNCIL MEMBER LEONARD: Which  
9 certainly has not been enforced.

10 COUNCIL MEMBER MILES: But if  
11 some -- if something is out of compliance the way  
12 it's written now and we change it and it's still out  
13 of compliance in the new ordinance, then how are  
14 they being grandfathered?

15 COUNCIL MEMBER BRAB: That's the  
16 question I have.

17 COUNCIL MEMBER MILES: Right.

18 MR. SPEAKER: Okay. I -- I didn't --

19 COUNCIL MEMBER BOWLING: And I  
20 think when we went through this --

21 MR. SPEAKER: -- fully understand.

22 COUNCIL MEMBER BOWLING: -- last  
23 time, Grover made the exact point. You can't  
24 grandfather something that's non-compliant.

25 MR. SPEAKER: Right.

1 MR. SPEAKER: That's right. Yes.

2 MR. SPEAKER: That's fine.

3 MR. SPEAKER: It has to be legally  
4 existing --

5 COUNCIL MEMBER BOWLING: Right.

6 COUNCIL MEMBER LEONARD: At the  
7 time.

8 MR. SPEAKER: -- at -- at the time the  
9 new ordinance comes into being for it to enjoy any  
10 non-conforming rights, it -- it's right to continue.  
11 If it's out of compliance now, then it's --

12 COUNCIL MEMBER LEONARD: It's out  
13 of compliance. The bulk of the window sign issues  
14 could be rectified with a minimum muss and fuss.  
15 Some of them like the liquor store for Kroger and  
16 the nail salon are bigger -- or the medical thing  
17 over there, too, those three are non -- they  
18 would -- they would be a bigger issue, because  
19 they've spent more money on them.

20 The other area where there's a problem here  
21 is an inconsistency in verbiage. We talk in one  
22 place about one monument sign per shopping  
23 center, but another place we talk about one  
24 monument sign per entrance, and if you've looked  
25 over the last five years, we're giving birth to a

1 number of monument signs, because that area is  
2 also an issue.

3 But I agree with what you said. I love that  
4 you want to deal with colors. I think -- I think that  
5 at some point in time we'll have to, but I don't  
6 think that there are a million places where this  
7 needs to be changed. I agree with you.

8 COUNCIL MEMBER BRAB: No, it's -- it's  
9 not -- it's not an extensive rewrite. I think -- I  
10 think the wish that -- that -- that -- and, again, it's  
11 in the mayor's purview, do we go with a code  
12 enforcement officer first and correct what we've  
13 got on a 90-day period, or do we rewrite the  
14 ordinance and then do a 90-day period or just go  
15 with it?

16 COUNCIL MEMBER LEONARD: I -- I  
17 think we need --

18 COUNCIL MEMBER BRAB: I think the  
19 process --

20 COUNCIL MEMBER LEONARD: I think we  
21 need to rewrite the ordinance first.

22 COUNCIL MEMBER BRAB: -- is more  
23 important than the verbiage.

24 COUNCIL MEMBER LEONARD: Well, I  
25 think we need to rewrite it first, because in the

1 course of rewriting it we identify the areas that are  
2 significant issue, and I would be surprised if many  
3 of these places would go ahead and fix their signs  
4 if we approach them correctly.

5 COUNCIL MEMBER MILES: But, I mean,  
6 I see no downside, because if we have people that  
7 are out of compliance, we can be getting them in  
8 compliance --

9 COUNCIL MEMBER LEONARD: Exactly.

10 COUNCIL MEMBER MILES: -- while at  
11 the same time we are -- and the things that I think  
12 Bill and I were charged -- and I want to thank Bill.  
13 My -- my father passed away, and he stepped up  
14 and did the work for me.

15 And the thing we looked at was the Morton  
16 sign and the issue with how it's written down the  
17 signs can really be bigger than I think anybody  
18 here thinks they should be, which is why we have  
19 the moratorium, which is a separate issue from  
20 what you-guys are looking at, which is really  
21 people not following the window signs or maybe  
22 it --

23 COUNCIL MEMBER LEONARD: Or -- it --  
24 what they're really not following is, we have not  
25 enforced -- like, when Kroger -- I believe they put

1 the first thing in their windows, and nobody said  
2 anything to them.

3 COUNCIL MEMBER MILES: Right.

4 COUNCIL MEMBER LEONARD: So the  
5 nail salon and the medical center did. I,  
6 personally, I, personally, think those are very ugly  
7 signs.

8 COUNCIL MEMBER MILES: Right.

9 COUNCIL MEMBER LEONARD: And so I  
10 think that approaching those three -- the ones  
11 where there's too many in a window, I think we  
12 need to deal with that place where it says you can  
13 have one of these things, and I think that we can  
14 turn around with that, and we can say, no, we can  
15 probably deal with a square footage issue, we can  
16 deal with temporary and permanent because  
17 they're not the same, and yet, in a way, we've not  
18 enforced any of that.

19 COUNCIL MEMBER MILES: Right.

20 COUNCIL MEMBER LEONARD: Because  
21 a permanent window sign is a whole lot different  
22 than putting something that says, I'm -- you know,  
23 I'm selling grills today.

24 COUNCIL MEMBER MILES: Well, what if  
25 we enforce the things that aren't ambiguous, which

1 it sounds like there were a lot where the --

2 COUNCIL MEMBER LEONARD: No. No.

3 COUNCIL MEMBER MILES: It's not a --

4 it's not a --

5 COUNCIL MEMBER LEONARD:

6 They're -- they're really --

7 COUNCIL MEMBER BRAB: There's a

8 bunch.

9 COUNCIL MEMBER LEONARD: No, it's

10 not as many as you think, it really wasn't. We

11 thought we'd find a lot more than we did.

12 COUNCIL MEMBER MILES: Okay. But, I

13 mean, there's no harm in enforcing the ones --

14 COUNCIL MEMBER LEONARD: That

15 we've got.

16 COUNCIL MEMBER MILES: -- however

17 many there are, and then I would -- you know, I

18 can work with Bill and our attorney to put what Bill

19 has done into -- work it into the language of the

20 ordinance on something we can vote on, and do

21 that promptly.

22 COUNCIL MEMBER LEONARD: Well, we

23 need to pick up the monuments and the pick one

24 out of four. Those need to get --

25 COUNCIL MEMBER MILES: But, I mean,

1 we can -- we can --

2 COUNCIL MEMBER LEONARD: -- done

3 so --

4 COUNCIL MEMBER MILES: -- we can

5 make multiple -- you know what I'm saying? We  
6 don't want --

7 COUNCIL MEMBER LEONARD: Well,  
8 those -- those are actually not difficult fixes.

9 COUNCIL MEMBER MILES: Right. But, I  
10 mean, if you -- if you-guys can get that done and  
11 we can get this done but we can make a goal of the  
12 next meeting of having something that we can at  
13 least do a first reading on.

14 MAYOR EVANS: Let me get this straight.  
15 If you can get something done and if somebody  
16 down there can get something done, could you put  
17 names on this?

18 COUNCIL MEMBER MILES: Yes. Bill  
19 and I working on what -- really, Bill has already  
20 done it.

21 MAYOR EVANS: Yeah.

22 COUNCIL MEMBER MILES: It's just  
23 putting it into the proper --

24 MAYOR EVANS: Okay. So you and  
25 Bill --

1 COUNCIL MEMBER MILES: -- places,  
2 and we're --

3 MAYOR EVANS: -- are going to come up  
4 with a product and -- down at that end --

5 COUNCIL MEMBER MILES: Well, I  
6 think --

7 MAYOR EVANS: -- somebody else is  
8 going to come up with something else?

9 COUNCIL MEMBER BRAB: I think it  
10 would be helpful if anybody that has any this  
11 comments on -- on this, just get them to us, what  
12 you want to include, and then we just -- we just  
13 incorporate it into this.

14 MAYOR EVANS: Right.

15 COUNCIL MEMBER LEONARD: Well, we  
16 incorporate it into the ordinance.

17 COUNCIL MEMBER BRAB: That's what  
18 I'm saying.

19 MAYOR EVANS: Right.

20 COUNCIL MEMBER LEONARD: Right.

21 MAYOR EVANS: So --

22 COUNCIL MEMBER BRAB: And once --

23 MAYOR EVANS: -- bottom line is that  
24 Stuart and Bill will be putting something together  
25 with input as it occurs from Sandra, Frank and

1 Rob.

2 COUNCIL MEMBER MILES: Right. And it  
3 will be in a form that we can look at it, see the  
4 exact language, and either --

5 COUNCIL MEMBER LEONARD: Are  
6 you --

7 COUNCIL MEMBER MILES: -- and either  
8 say, yeah, it looks good, you know, let's do a first  
9 reading --

10 COUNCIL MEMBER LEONARD: I don't  
11 think we should do a first reading until it's been  
12 exposed to the business community.

13 COUNCIL MEMBER MILES: Okay. That's  
14 fine.

15 COUNCIL MEMBER LEONARD: Really --

16 COUNCIL MEMBER BRAB: I think that's  
17 a great idea.

18 COUNCIL MEMBER LEONARD: I think we  
19 really need to take input before we move forward.

20 COUNCIL MEMBER MILES: Okay.

21 COUNCIL MEMBER TUCCI: And are you  
22 going to include the -- the color?

23 COUNCIL MEMBER BRAB: That's a very  
24 tough one. Yeah. I -- I just -- that's the one I  
25 talked about --

1 COUNCIL MEMBER LEONARD: If -- if  
2 you -- if you --

3 COUNCIL MEMBER BRAB: -- it, you  
4 struggle with that.

5 COUNCIL MEMBER LEONARD: -- make  
6 an exception --

7 MAYOR EVANS: Bill --

8 COUNCIL MEMBER LEONARD: If we  
9 make an exception for logos?

10 MAYOR EVANS: -- we've got to do  
11 something about purple and orange signs, you  
12 know, and pink and cerise and all of the --  
13 chartreuse.

14 COUNCIL MEMBER LEONARD: Well, the  
15 monument size, I think --

16 COUNCIL MEMBER MILES: I see a  
17 Pandora's box of --

18 COUNCIL MEMBER LEONARD: I think we  
19 could probably come up with a restriction on the  
20 monument signs.

21 COUNCIL MEMBER MILES: Well, I mean,  
22 I think our -- our main goal should be to let's get  
23 something so we can lift the moratorium, and then  
24 if we want to get into the weeds on color or some  
25 other things, then --

1 COUNCIL MEMBER LEONARD: The --  
2 the moratorium --

3 MAYOR EVANS: Do you-guys mind if I  
4 get in the weeds with you? Because I've got a  
5 couple of weeds I want to pick.

6 COUNCIL MEMBER LEONARD: The  
7 moratorium could also be dealt with in the fact that  
8 the individual signs that are being proposed would  
9 come and we could look at them and give the  
10 mayor our guidance on them.

11 COUNCIL MEMBER MILES: But I say  
12 if -- if you get your thing done and ready to pass  
13 before we get ours done and we vote and we -- we  
14 amend it and vice versa but we don't wait on  
15 everything to be done, because I don't think that  
16 connected --

17 COUNCIL MEMBER LEONARD: Well, and  
18 I think we've got to tell the business community  
19 what we are doing.

20 COUNCIL MEMBER MILES: No, no. I'm  
21 say --

22 COUNCIL MEMBER LEONARD: I really  
23 do.

24 COUNCIL MEMBER MILES: I'm saying  
25 giving time to let it breathe, but, you know --

1 COUNCIL MEMBER BRAB: That's why  
2 there's 90 days of the suggestion. It's 90 days to  
3 comply.

4 COUNCIL MEMBER LEONARD: For  
5 what?

6 COUNCIL MEMBER BRAB: To comply.  
7 It's what the email says.

8 COUNCIL MEMBER LEONARD: But to  
9 comply with something that right now doesn't  
10 exist.

11 COUNCIL MEMBER MILES: Well, I mean,  
12 some things do exist.

13 COUNCIL MEMBER TUCCI: Some things  
14 do exist that are out of compliance.

15 COUNCIL MEMBER MILES: Right.

16 COUNCIL MEMBER FULCHER: Current --  
17 the current violations.

18 COUNCIL MEMBER MILES: Right.

19 COUNCIL MEMBER FULCHER: Yeah.

20 COUNCIL MEMBER BOWLING: But I  
21 don't think we're talking about anything here that  
22 we didn't talk about when -- when we had the  
23 business meeting, you know.

24 COUNCIL MEMBER MILES: Right.

25 COUNCIL MEMBER BOWLING: And they

1 agreed, you know, that -- that they were aboard  
2 with everything, they just wanted things to be  
3 enforced fairly. That was basically --

4 COUNCIL MEMBER BRAB: That's  
5 correct.

6 COUNCIL MEMBER BOWLING: -- you  
7 know, so. . .

8 COUNCIL MEMBER BRAB: But the key --  
9 but the key is I think that we -- we can talk about  
10 this verbiage all we want. If we don't have a code  
11 enforcement officer, the city is not going to take  
12 that step. We're going to be back right where we  
13 started from no matter how -- how you rewrite this  
14 thing.

15 COUNCIL MEMBER BOWLING: Correct.

16 MAYOR EVANS: Well, let's talk about  
17 that.

18 COUNCIL MEMBER BRAB: That's --  
19 that's difficult. I don't think it's fair for the mayor  
20 and the police department and Holly to be put in  
21 that position in the first line.

22 MAYOR EVANS: Well, let's talk about  
23 that for a minute. I agree, but, in addition, there  
24 are other things in the city that could use, in  
25 effect, a code enforcement person, too.

1 I've had the experience of having my eyesight  
2 gradually change, and then putting on a pair of  
3 glasses and, oh, look at that. Just in the last few  
4 months I'm having this experience here in my own  
5 town. And, you know, just coming down Hunting  
6 Creek Drive the other day, for the first time I saw  
7 a tree that has got to have been there for 40  
8 years, and it's dead, and it's really ugly, and I  
9 swear to God, I never saw it before.

10 There are bottles and cups. I get emails from  
11 very nice -- otherwise very nice council people  
12 complaining about flapping plastic in their  
13 neighborhood. You know, there are all kinds of  
14 things that are out there going on that if we had  
15 somebody whose one job was to notice -- I mean,  
16 Frank was down in my office I don't know how  
17 many times, you know, about the bushes on  
18 Hunting Creek Drive and how they were  
19 encroaching on the street, and I thought for a  
20 while I was doing to lose Frank because I didn't --

21 COUNCIL MEMBER FULCHER: Well, you  
22 have to understand that the thrust of my comments  
23 to the mayor was we have these ordinances.  
24 Should we enforce them, or should we get rid of  
25 them? I mean, that -- that was the -- the entire

1 thrust of that conversation.

2 MAYOR EVANS: Well, anyway, my only  
3 point is, yes, we do need -- and -- and I might  
4 even have somebody in mind, but we'll --

5 COUNCIL MEMBER MILES: But, I mean,  
6 we need accountability. I mean, you need to have  
7 a person --

8 COUNCIL MEMBER BRAB: Does anybody  
9 on the council disagree with that? Does anybody  
10 on the council disagree that we need code  
11 enforcement officer?

12 COUNCIL MEMBER FULCHER: No. As a  
13 matter of fact, I'll get the name of -- of one of the  
14 code enforcement officers down in metro that I've  
15 scheduled a conversation with just to see, you  
16 know, what he thought of the idea. So we can --  
17 but the --

18 MAYOR EVANS: Frank's answer is "no."

19 COUNCIL MEMBER FULCHER: Oh, but  
20 also one of the things we discussed at length,  
21 Stuart, with -- we were going through the nuisance  
22 stuff was that was one of the suggestions which is  
23 exactly what the mayor was just suggesting.

24 COUNCIL MEMBER MILES: Right. And  
25 we talked about having it be somebody in plain

1 clothes.

2 COUNCIL MEMBER FULCHER: Right.

3 COUNCIL MEMBER MILES: But with  
4 maybe a police background.

5 COUNCIL MEMBER FULCHER: Non --  
6 non-threatening.

7 COUNCIL MEMBER MILES: Right. But  
8 who know -- who has the people skills of a police  
9 officer who knows how to, you know, deal with  
10 agitating situations and -- and somebody -- we  
11 thought we could do it part-time, so that would be  
12 a huge savings, and they wouldn't need to be part  
13 of the pension system or, you know, something  
14 that really raises our -- our for employees.

15 MAYOR EVANS: Anything more on that  
16 topic?

17 COUNCIL MEMBER FULCHER: The sign  
18 ordinance topic?

19 MAYOR EVANS: Yeah, the sign  
20 ordinance topic.

21 COUNCIL MEMBER FULCHER: I have  
22 one more comment. Going through -- going  
23 through this land use thing, as we get into the  
24 election cycle here, political signs number,  
25 ordinance says one per property.

1 COUNCIL MEMBER BOWLING:  
2 Something else that's never been enforced.

3 COUNCIL MEMBER FULCHER: I -- I  
4 agree. I mean, is it -- and if we're rewriting this,  
5 then we need to -- we need to consider whether  
6 that's something that we feel is still -- still  
7 relevant or whether we want to change it.

8 COUNCIL MEMBER TUCCI: It's probably  
9 been interpreted as one --

10 COUNCIL MEMBER BRAB: Candidate.

11 COUNCIL MEMBER TUCCI: -- per  
12 candidate. So you could easily have ten signs  
13 there but there would be no duplication of names.

14 COUNCIL MEMBER FULCHER: Well, if  
15 that's the interpretation, I think we need to book  
16 one as we're rewriting it.

17 COUNCIL MEMBER MILES: Right.

18 COUNCIL MEMBER FULCHER: We need  
19 to come up with our definition.

20 COUNCIL MEMBER BRAB: Get us -- get  
21 us your suggestions, we'll incorporate it in a --

22 COUNCIL MEMBER FULCHER: Well, I  
23 don't want to do that. I just want to do the  
24 windows.

25 COUNCIL MEMBER MILES: You just

1 want to complain about everything else; right?

2 COUNCIL MEMBER FULCHER: No. I

3 just wanted to --

4 MAYOR EVANS: Okay. Moving along.

5 The last item under new business is paving and  
6 maintenance of non-dedicated streets within the  
7 city limits - discussion.

8 This comes out because I have been  
9 approached by folks who live in very nice  
10 condominiums and houses which front on streets  
11 which are not public streets, and, therefore, which  
12 do not receive city paving or city snow removal  
13 and so forth. And I have been asked is there some  
14 way that I can get that changed, and my best  
15 suggestion was to have them come and address the  
16 city council if they care to, and that's why I put it  
17 on the agenda where it is.

18 So this is not the comments from citizen part  
19 of the meeting, but if there is or are one or more  
20 residents or interested people who want to discuss  
21 this at this time, please do so. Okay. John. Mr.  
22 Simpson.

23 MR. SIMPSON: John Simpson, 8501  
24 Harrods Bridge Way.

25 And this will be a very brief discussion just to

1 admit culpability. I'm the person I think to whom  
2 you spoke. We are in the City of Prospect,  
3 although we are not on the Prospect city maps.  
4 We maintain our own street. We pave our own  
5 street. We believe we have paved it to the  
6 specifications of the metro government.

7 We -- we plow and salt our own street. And of  
8 course, we don't get any proration of the taxes for  
9 having assumed that responsibility voluntarily,  
10 so -- al -- although I'm -- I'm willing to volunteer a  
11 lot on behalf of Prospect. Some of my neighbors  
12 are not so generous, and they wanted to put this  
13 issue before the city council.

14 How -- how do we become fully a part of  
15 Prospect in -- in the sense that we get our -- our  
16 streets maintained as are the other streets of  
17 Prospect? And I think the first step, of course, is  
18 to find out whether our street meets the  
19 requirements for being taken over by the City of  
20 Prospect, and I'm going to find that out. I'm not  
21 quite sure how you do it. It's like --

22 COUNCIL MEMBER LEONARD: I think  
23 the issue with yours was not the configuration of  
24 the physical street; it was that the subdivision had  
25 not been completed to the point where that street

1 could be dedicated to the city. Now, there are  
2 others that -- like, Stuart lives --

3 COUNCIL MEMBER MILES: Right.

4 COUNCIL MEMBER LEONARD: -- on a  
5 street and, truthfully, we couldn't take that over.  
6 It -- it would be a disaster, but yours, I think it  
7 would be --

8 COUNCIL MEMBER MILES: It's not that  
9 bad.

10 COUNCIL MEMBER LEONARD: Well, it  
11 would. I mean -- I don't mean your street is a  
12 disaster.

13 COUNCIL MEMBER MILES: That's on the  
14 record, Sandra. You just said my street is a  
15 disaster.

16 COUNCIL MEMBER LEONARD: I know.  
17 But his -- his street is -- is definitely not like  
18 yours.

19 COUNCIL MEMBER MILES: It doesn't  
20 have the requisite curbs and --

21 COUNCIL MEMBER LEONARD: Exactly.

22 COUNCIL MEMBER MILES: -- and width  
23 and --

24 COUNCIL MEMBER LEONARD: Thank  
25 you.

1           COUNCIL MEMBER MILES:  -- thickness  
2   that, by ordinance, it has to have to meet the  
3   requirements for the city to take -- and the reason  
4   is so the city doesn't take over a maintenance  
5   nightmare and then we have to --

6           COUNCIL MEMBER LEONARD:  Thank  
7   you.

8           COUNCIL MEMBER MILES:  -- spend a  
9   ton of money.

10          COUNCIL MEMBER LEONARD:  I  
11   appreciate it.

12          COUNCIL MEMBER BOWLING:  Let me  
13   ask you:  Did you say you're not actually within  
14   the city limits, though?

15          MR. SIMPSON:  Oh, no, we are.

16          COUNCIL MEMBER BOWLING:  You are?

17          MR. SIMPSON:  We -- we just don't  
18   appear on any of the city maps.

19          COUNCIL MEMBER BOWLING:  City map;  
20   okay.  I gotcha.

21          MR. SIMPSON:  I talked to Ron Cundiff  
22   about having a new electronic map modified,  
23   because that's fairly easy.  So we will be on the  
24   new electronic map, I hope.

25          COUNCIL MEMBER LEONARD:  But I do

1 think there has to be a certain percentage of  
2 completion before the -- the things can be  
3 dedicated to the city, and I don't think we've  
4 reached that.

5 MR. SIMPSON: We are in --

6 COUNCIL MEMBER LEONARD: Or  
7 hadn't.

8 MR. SIMPSON: We are in an awkward  
9 position. The original plans for the development  
10 of our community were very ambitious, and then  
11 the housing crisis came along, and I think those  
12 plans will never be consummated

13 COUNCIL MEMBER MILES: Right.

14 MR. SIMPSON: They have not been  
15 withdrawn. We have gone through a succession of  
16 developers, each one more optimistic than the last  
17 that he could push this through, but I think the  
18 current developer who's out of New York has  
19 finally realized that they will never complete  
20 that -- that plan as it -- as it was originally  
21 approved by the council, and so that puts us in a  
22 permanent limbo.

23 COUNCIL MEMBER MILES: Right.

24 MR. SIMPSON: We will never be able to  
25 tell you that that plan will be completed, because

1 it won't.

2 COUNCIL MEMBER LEONARD: But very  
3 possibly the fact that it won't could be created on  
4 paper in such a way that you did meet whatever  
5 the -- I can't remember. It's something like 80%  
6 or 85%, something like that.

7 MR. SIMPSON: We -- we can present you  
8 with excellent curbs, and we can present you with  
9 what I think is paving up to the specifications.  
10 You know, it's not like sticking a ruler in the snow  
11 and figuring out how deep it is. There has -- we  
12 will have to figure out how to measure the  
13 consistency and the depth of the asphalt, because  
14 I know that's a -- that's a factor. We will -- we  
15 will get an engineer who will do that for you.

16 COUNCIL MEMBER TUCCI: I would think  
17 that that would have been done just as part of the  
18 whole process when we approved that particular  
19 subdivision. So that probably isn't a problem.  
20 You probably nailed it with the fact that it's  
21 incomplete, not that there would be a problem with  
22 the roads.

23 I think, you know, when Stu's road was -- was  
24 built, we were probably less vigilant as a city  
25 about approving those things. By the time yours

1 came along, we were really hypervigilant.

2 COUNCIL MEMBER LEONARD: That's  
3 true.

4 COUNCIL MEMBER MILES: But -- but my  
5 road is -- my road is a private road.

6 COUNCIL MEMBER LEONARD: Yeah.  
7 Yeah.

8 COUNCIL MEMBER MILES: It's like a  
9 driveway.

10 MR. SIMPSON: Oh, no. This -- this --

11 COUNCIL MEMBER MILES: No, yours is  
12 a proper road.

13 MR. SIMPSON: Yeah. It's --

14 COUNCIL MEMBER LEONARD: No, I --  
15 it's -- it's the percentage of completion, and that,  
16 we could get going with [phonetic].

17 MR. SIMPSON: Okay. It's -- it's always  
18 very difficult to get a developer to concede that he  
19 will --

20 COUNCIL MEMBER MILES: Right.

21 MR. SIMPSON: -- foreclose on his dream  
22 of completing the plan.

23 COUNCIL MEMBER MILES: Right.

24 MR. SIMPSON: I can't imagine how we're  
25 going to do that, but we will -- we will try to get

1 you something that will satisfy you that we are as  
2 close as we can claim to be to finishing  
3 construction.

4 COUNCIL MEMBER LEONARD: I don't  
5 think that's our rule. I think that is a state rule  
6 about percentage before we can accept a  
7 dedicated road. And you're right, the other  
8 component of that is the standard, but I don't think  
9 that's your issue.

10 COUNCIL MEMBER BRAB: Right.

11 COUNCIL MEMBER LEONARD: I really  
12 don't.

13 COUNCIL MEMBER FULCHER: John,  
14 there in the drawing in the files back that here are  
15 a number of stick files of different phases of  
16 development here. I don't know whether you can  
17 approach it from that standpoint, you know, phase  
18 one or A, B or C or whatever.

19 You might -- you might try that with the  
20 developer without changing the original plan, and  
21 that may be the -- the loophole you need to -- to  
22 pursue that. I don't know. Cliff, is that correct?

23 COUNCIL MEMBER BOWLING: Well, the  
24 percentage -- the percentage rule is a state rule,  
25 and the reason they have a development having to

1 have a certain percentage is because they don't  
2 want, say, \$100,000 a year road that they have to  
3 fund with one house at the end, because they're  
4 only getting one tax.

5 MR. SIMPSON: Right.

6 COUNCIL MEMBER BOWLING: So what  
7 they try -- they put the 80% rule thinking that  
8 they're going to have enough people to pay them  
9 for that amount of paving. So they're trying to  
10 reach a break-even point, and it's a state -- I don't  
11 know how we're going to get around that portion.

12 MR. SIMPSON: But --

13 COUNCIL MEMBER BOWLING: And they  
14 do it to -- to -- to try to break even on their paving  
15 costs is where it came from.

16 COUNCIL MEMBER MILES: And that  
17 makes perfect sense, but in this case we have high  
18 density condos on a very small --

19 COUNCIL MEMBER BOWLING: Right.

20 COUNCIL MEMBER MILES: -- piece of  
21 land and very, you know, expensive condos,  
22 they -- they have a significant amount of taxes to  
23 pay to the city.

24 COUNCIL MEMBER BOWLING: Right.

25 COUNCIL MEMBER MILES: Yeah, it is a

1       quandary.

2               MR. SIMPSON: Thank you.

3               MAYOR EVANS: Thank you. Move then  
4 into unfinished business. We will have a second  
5 reading of the ordinance relating to amendment  
6 and modification of the -- basically, the nuisance  
7 ordinance.

8       This proposed amendment received a first  
9 reading -- or amended ordinance received a first  
10 reading at the last meeting, the June meeting, and  
11 it is presented for a second reading and possible  
12 adoption tonight following discussion.

13       And so the first step is to ask if someone  
14 would give this a second reading by simply reading  
15 the caption of the ordinance, please.

16               COUNCIL MEMBER FULCHER: I'll do it.

17               MAYOR EVANS: Thank you.

18               COUNCIL MEMBER FULCHER: "City of  
19 Prospect Ordinance Number 536, Series 2014: An  
20 ordinance relating to the amendment and  
21 modification of Chapter 92 of the Code of  
22 Ordinances of the City of Prospect."

23               MAYOR EVANS: All right. In order to  
24 get this on the table, I will ask is there a motion  
25 that this ordinance be adopted?

1 COUNCIL MEMBER FULCHER: I --

2 COUNCIL MEMBER BOWLING: Move to  
3 accept.

4 MAYOR EVANS: I'm sorry?

5 COUNCIL MEMBER BOWLING: Move to  
6 accept.

7 MAYOR EVANS: Mr. Bowling moves. Is  
8 there a second?

9 COUNCIL MEMBER FULCHER: Second.

10 MAYOR EVANS: Been moved and  
11 seconded. Okay. I call for discussion. And this  
12 would include anyone on the council and any  
13 interested resident. Yes, sir.

14 MR. HARWOOD: I'd like to address the  
15 meeting, please.

16 MAYOR EVANS: Would you please come  
17 forward and give your name and address and stand  
18 at the microphone, sir.

19 MR. HARWOOD: Honorable Mayor,  
20 councilors, Chief Sherrard, visitors of Prospect,  
21 my name is Richard Harwood, and I reside at 14  
22 Riding Ridge Road in Prospect.

23 I'm here this evening representing the Riding  
24 Ridge Townhouse Owners Association. Our  
25 president is here, Joe Sachs [phonetic], and our

1 treasurer next to where I was sitting is Barbara  
2 Tracey. On behalf of the association, I wish to  
3 advise after considerable thought we are unable to  
4 support the proposed new ordinance as was  
5 presented and as received its first reading at the  
6 previous meeting of the council.

7 Regrettably, no member of our association  
8 was present at the previous meeting for the reason  
9 that not one of us who've attended the previous  
10 meetings where the nuisance ordinance was on the  
11 agenda got the usual mail from city -- email from  
12 city hall advising of the time, date and agenda for  
13 the June meeting. I have inquired as if there was  
14 a problem over this period with emails from the  
15 city hall, and was assured everything was in order.

16 I, in fact, have received no -- received no  
17 emails at all from city hall from May the 16th  
18 through June the 23rd. Thank goodness I have  
19 access to other sources of news to get the blasting  
20 chip [phonetic]. We find this lack of  
21 communication a little odd.

22 Now to the nuisance ordinance. Our first  
23 problem lies with 92.01, and I'm going to go  
24 through the original proposal that we had before  
25 us, and 92.01, the definition is: "For the purpose

1 of this chapter, the following definitions shall  
2 apply unless the context clearly indicates or  
3 requires a different meaning."

4 [reads] An unlawful act or omitting to perform  
5 a duty or permitting any condition to be or exist,  
6 which act, omission, or conditional thing -- or  
7 thing either: A, injures or endangers the comfort,  
8 proposed health or safety of others; B, unlawfully  
9 interferes with, obstructs, or tends to obstruct or  
10 renders dangerous for passage any public or  
11 private street, highway, sidewalk, stream, ditch, or  
12 drainage; and C, essentially interferes with the  
13 comfortable enjoyment of life and property, the  
14 peaceful enjoyment of property, or tends to  
15 depreciate the value of property of others.

16 The new ordinance reads with the same --  
17 ordinance as now proposed reads totally  
18 differently. The definition, 92.01 definitions, For  
19 the purpose of this chapter, the following  
20 definitions shall apply unless the context clearly  
21 indicates or requires a different meaning.

22 [reads] Nuisance: Any condition that, A, is  
23 enumerated in Section 92.03; or B, is similar in  
24 intensity and effect as those list -- listed in  
25 Section 92.03 and which materially and

1 unnecessarily interferes with the comfortable  
2 enjoyment of life and property of others [phonetic].

3 Our objection, which is based on an existing  
4 condition, lies with the way the rewording makes  
5 no reference to the consequential loss of value of  
6 the property of others as a result of the nuisance.  
7 I shall return to this later.

8 We, the residents of Riding Ridge, commend  
9 the council for the effort in getting thus far -- this  
10 far with the revised nuisance ordinance. It is  
11 vastly superior to the original one. Reading and  
12 studying the previous minutes, it has been my  
13 impression that the final document is meant to be  
14 a tool the police chief can use to implement the  
15 ordinance.

16 Our ma -- our main interest is the en -- is the  
17 enforceability of the noise Section 92.03 E. The  
18 noise definition. "It shall be unlawful for any  
19 person within the city to make, continue, or cause  
20 to be made or continue any unreasonably large,  
21 harsh, or excessive noise which either annoys,  
22 disturbs, injures, or endangers the comfort,  
23 proposed health, peace or safety of others, unless  
24 the noise is necessary for the protection or  
25 preservation of property or the life" of -- "or safety

1 of a person or persons."

2 The above that I've just read is identical to  
3 the definition for the Louisville Metro council  
4 ordinance. The Louisville Metro council --  
5 council -- council ordinance, however, includes a  
6 lengthy description of what may be done legally  
7 which gives the police chief a tool with which to  
8 work by ending without any description of what is  
9 allowed in terms of the definition. The police  
10 chief could be run ragged and have no basis for  
11 protecting citizens.

12 I've brought a complete schedule of the noise  
13 section of the Louisville Metro ordinance for the  
14 council to read. You probably have read it, but I  
15 shall get -- hand out copies if you will just past  
16 them along.

17 In addition to what I'm now passing out, I've  
18 prepared an abbreviat -- an abbreviation -- an  
19 abbreviated version of which could possibly be  
20 acceptable to the police chief and our association.  
21 It is not all invasive. I have not gone to cover the  
22 legitimacy or otherwise of fireworks or -- and a few  
23 other points, but it's -- I've tried to keep it simple  
24 and brief, but it's got to be easy and enforceable.

25 Now and before concluding, I wish to ask all

1 those council members who are members of  
2 Hunting Creek and in good standing to raise their  
3 hands. Thank you, gentlemen. Frank Fulcher,  
4 you've been the council member responsible, I  
5 understand, for coor -- coordinating this nuisance  
6 ordinance; is that correct?

7 COUNCIL MEMBER FULCHER: Yes.

8 MR. HARWOOD: You've done a great  
9 job. Thank you. Can you tell me who else on the  
10 council and outside the council has had input in  
11 drafting this revised nuisance ordinance?

12 COUNCIL MEMBER MILES: Can you  
13 define revised nuisance ordinance?

14 MR. HARWOOD: Well, the one that's had  
15 its first reading.

16 COUNCIL MEMBER MILES: I worked on  
17 a draft, but it is not what ended up being what is  
18 in front of us. Changes were made to the draft. I  
19 was on the Nuisance Committee that came up with  
20 the recommended draft, and I worked on that, but  
21 that has since been changed --

22 MR. HARWOOD: It's been changed  
23 dramatically.

24 COUNCIL MEMBER MILES: Well, I'm not  
25 going to discuss how dramatic it is. So I'm trying

1 to make a fine point on what you're asking. If  
2 you're asking did I have input into making changes  
3 after it left the committee, no.

4 MR. HARWOOD: All right.

5 COUNCIL MEMBER MILES: Okay.

6 COUNCIL MEMBER FULCHER: Well, I --  
7 Stuart, we discussed these at length, so in -- in  
8 that regard --

9 COUNCIL MEMBER MILES: Well, I  
10 discussed it; right. I didn't write it.

11 COUNCIL MEMBER FULCHER:  
12 Everybody on the council here discussed all of the  
13 changes and all of the iterations in public forum.

14 COUNCIL MEMBER MILES: Yeah. No, I  
15 think he was asking --

16 COUNCIL MEMBER FULCHER: And you  
17 did. I think you answered --

18 COUNCIL MEMBER MILES: I think he's  
19 asking who wrote them.

20 COUNCIL MEMBER LEONARD: Okay.  
21 But maybe what we really need to go to is, what  
22 would you like to have different?

23 MR. HARWOOD: I want the depreciation  
24 of value of property as caused by a nuisance, I  
25 want that put back in.

1           COUNCIL MEMBER BOWLING: Let me  
2 address one of your -- the very first point, you  
3 know, you were talking about in 92.01 where we  
4 changed the definition of nuisance, part of the  
5 reason we did that is because at the last meeting  
6 we were discussing it, our city attorney said that  
7 the personal enjoyment and that whole area, he  
8 said it was so broad that it would never be upheld.

9           MR. HARWOOD: That was -- that was in  
10 response to an objection raised by Mr. Brab.

11           COUNCIL MEMBER BRAB: That's  
12 correct.

13           COUNCIL MEMBER BOWLING: That's  
14 correct; yeah. And our city attorney said that  
15 basically that was worthless, that it wouldn't stand  
16 up, and so we removed that.

17           MR. HARWOOD: Well, it stands up in the  
18 State of Kentucky, in Kentucky law it stands up.

19           COUNCIL MEMBER BOWLING: Right.  
20 Yeah. I'm just going off of what our city attorney  
21 said. That's -- you know.

22           MR. HARWOOD: . And we want that back  
23 in. And I was going to end, as far as the other  
24 part of the noise and my suggestions about  
25 changing things to make it thereby Chief Sherrard

1 can administer it, I'd like consideration. We'd like  
2 consideration given to that, because at the moment  
3 there's nothing there at all as what is good noise  
4 and what is bad noise and otherwise.

5 But you -- you started off on the right foot  
6 with the Louisville Metro Council noise ordinance  
7 and you've now just got the preamble and nothing  
8 more, but the preamble is strengthened by what  
9 follows. It -- it gives the chief something to  
10 operate with.

11 Mr. Mayor, councilors and members, I ask  
12 these questions about members of Hunting Creek  
13 and -- for a simple reason. Since the middle of  
14 2013, there has been an ongoing dispute between  
15 this association and Hunting Creek Country Club  
16 over a noise-related nuisance issue. So much so  
17 that the club was put on notice by an attorney as  
18 to the possible costs to the club for consequential  
19 losses in value to homeowners on Riding Ridge  
20 Road should they fail to stop the nuisance.

21 I've commended Frank Fulcher for his efforts  
22 in prepare -- and all the council in preparing this  
23 proposed nuisance ordinance. We will happily  
24 work with you in making sure it meets all our  
25 requirements.

1       However, I must also express our view that  
2       it's not ethical for a member of Hunting Creek  
3       Country Club to have the responsibility of drawing  
4       up this revised ordinance, nor is it [phonetic] for  
5       club members' comments to be taken into  
6       consideration in the drafting and alterations of the  
7       ordinance.

8       We maintain that the club members and the  
9       council should recuse themselves from all matters  
10      relating to this revised ordinance. Accordingly, we  
11      propose the ordinance should not be passed in its  
12      present form, and council take note of our  
13      objections.

14      Thank you all for the opportunity to speak,  
15      and thank you above all for what you do for the  
16      City of Prospect and its residents. Thank you.

17                COUNCIL MEMBER MILES: Thank you,  
18      Mr. Harwood. I will bring to your attention that  
19      this ordinance wouldn't even be being looked at if  
20      Mr. Fulcher hadn't brought the conversation about  
21      amending it, and so I really don't see how Mr.  
22      Fulcher did anything unseemly, because he --

23                MR. HARWOOD: It's just strictly the  
24      right way -- there's a right way and wrong way of  
25      doing things.

1 COUNCIL MEMBER LEONARD: Okay.  
2 Going back to how we resolve this, I don't belong  
3 to the country club. I don't live there. Obviously,  
4 you've got a noise issue with the country club; is  
5 that correct?

6 MR. HARWOOD: Correct.

7 COUNCIL MEMBER LEONARD: Okay.

8 What is the noise issue?

9 MR. HARWOOD: They have placed a fan  
10 off the Number 1 green, they remodeled the  
11 course.

12 COUNCIL MEMBER LEONARD: Okay.

13 MR. HARWOOD: Having remodeled the  
14 course and they planted all different varieties of  
15 grass, they ran into a problem with their greens,  
16 they nearly lost them, and after I think -- Bill, you  
17 can correct me, Frank -- number one green has  
18 been there for 35 years?

19 COUNCIL MEMBER BRAB: No. It was  
20 rebuilt twice.

21 MR. HARWOOD: The -- the original  
22 number one green was built 35 years ago,  
23 approximately.

24 COUNCIL MEMBER BRAB: The location  
25 of the Number 1 green has been there 35 years;

1 yes.

2 MR. HARWOOD: Yeah.

3 COUNCIL MEMBER LEONARD: Okay.

4 So --

5 MR. HARWOOD: For 35 years they had  
6 no fan.

7 COUNCIL MEMBER LEONARD: And now  
8 they've got a fan?

9 MR. HARWOOD: They have now put a fan  
10 that is -- I can't give you the exact footage, but it  
11 is creating absolute nightmares. Not this summer  
12 because it hasn't run, but it's about to start  
13 running.

14 COUNCIL MEMBER LEONARD: Okay.  
15 And it's -- it's -- it's very loud and --

16 MR. HARWOOD: It's very loud. And --

17 COUNCIL MEMBER LEONARD: And you  
18 feel that the way the words are here on paper does  
19 not deal with the loudness of that fan?

20 MR. HARWOOD: Well, a -- a nuisance  
21 that devalues the value of your property has got to  
22 be addressed.

23 COUNCIL MEMBER LEONARD: Okay. So  
24 it isn't, per se --

25 MR. HARWOOD: Our president lives

1 right next door to the fan. Her house vibrates --

2 COUNCIL MEMBER LEONARD: Okay. I  
3 understand.

4 MR. HARWOOD: -- from the draft from  
5 the fan.

6 COUNCIL MEMBER LEONARD: I'm sure I  
7 wouldn't like it, either, but I'm trying to -- so it  
8 isn't the actual words of the noise component; it is  
9 the definition of nuisance not including the  
10 devaluation of property; is that what I'm hearing?

11 MR. HARWOOD: Right. We -- we require  
12 that to be in.

13 COUNCIL MEMBER LEONARD: Okay.  
14 Now, I'm -- I'm assuming you've gone to the club  
15 and asked them to do something?

16 MR. HARWOOD: We -- we -- we have  
17 promised to work with the club, and regrettably,  
18 we had a meeting, and I think it was the first week  
19 in May or something, and we were kept waiting for  
20 the club to arrive, and when they did arrive,  
21 nothing worked. And then they said, "well, we'd  
22 really like to work 100%." We can't have that fan  
23 working at 100% --

24 COUNCIL MEMBER LEONARD: I  
25 understand.

1 MR. HARWOOD: -- but for very short  
2 periods. I mean, we will work with the club. We  
3 promised them we will. We were asked to call the  
4 attorneys off, and we called the attorneys off, but  
5 that still doesn't take -- we want to protect our  
6 residents in the street.

7 COUNCIL MEMBER LEONARD: I  
8 understand. Is there a major concern with adding  
9 the devaluation of property into the definition?

10 COUNCIL MEMBER FULCHER: That  
11 was -- that was discussed at length --

12 COUNCIL MEMBER LEONARD: I know.

13 COUNCIL MEMBER FULCHER: -- num --  
14 numerous times.

15 COUNCIL MEMBER LEONARD: Yeah.  
16 It's because it's not measurable.

17 COUNCIL MEMBER FULCHER: That's --

18 COUNCIL MEMBER LEONARD: It's  
19 another --

20 COUNCIL MEMBER FULCHER: That's  
21 correct.

22 COUNCIL MEMBER LEONARD: -- broad  
23 definition.

24 COUNCIL MEMBER FULCHER: One of --

25 COUNCIL MEMBER LEONARD: It's

1 probably not a significant addition if we put it in  
2 right now; is that correct?

3 COUNCIL MEMBER FULCHER: I think  
4 the chief probably can comment on this more than  
5 anything, because we've got -- I can tell you from  
6 my street on Wythe Hill Circle we've got a  
7 situation where a number of residents feel that a  
8 dog run in the front yard of a neighbor devalues  
9 their property.

10 COUNCIL MEMBER LEONARD: It  
11 doesn't -- it's not up to them to -- to decide the  
12 diminution of value. I mean, they can -- they can  
13 allege that, but that's not their decision any more  
14 than the comfortable enjoyment of life and  
15 property is their decision. It's the decision of  
16 whoever is going to enforce the ordinance, or  
17 possibly the council.

18 MR. HARWOOD: I mean, we have had --  
19 the police were called out to the street, and I can't  
20 remember who it was, but they said, "This is very,  
21 very unpleasant, but we don't know what to do."

22 MS. SPEAKER: We've had decibel  
23 readings of over 70, and that is very -- considered  
24 very loud, and can result in permanent hearing  
25 loss.

1 COUNCIL MEMBER LEONARD: Sure.

2 MS. SPEAKER: And that -- and  
3 sometimes the fan was running 24 hours a day, and  
4 then they cut back hours. And it's such an  
5 important part --

6 MR. HARWOOD: We will continue to work  
7 with the club.

8 COUNCIL MEMBER LEONARD: Sure.  
9 I'm afraid as an ex-attorney, I'm retired, I don't  
10 think that words on paper can ever resolve that  
11 kind of issue. It's the parties that resolve it. And  
12 so I, personally, don't have problems with  
13 changing the words on paper, because I know  
14 you're still going to have issues.

15 MR. HARWOOD: Thank you.

16 COUNCIL MEMBER LEONARD: Thank  
17 you.

18 MAYOR EVANS: Anything else? Thank  
19 you, sir.

20 We have a motion on the floor. It has been  
21 moved and seconded. Does the city attorney have  
22 something he wants to say to me?

23 MR. ASHBURNER: We discovered  
24 after -- between readings, at the behest of Council  
25 Member Tucci, that we had some -- an error in the

1 words as it was written. 92.04 was somehow  
2 truncated. This is the abatement procedure  
3 section.

4 If you read it as it is, the first sentence of the  
5 second literary paragraph doesn't make any sense.  
6 It says, "Upon the failure of the owner of the  
7 property to eliminate the nuisance, health hazard  
8 or source of filth, when requested to do so by the  
9 authorized city from the time of its recording," and  
10 on and on.

11 It's clear to me from looking at the pre -- the  
12 current existing nuisance ordinance that's in the  
13 code of ordinances that as this ordinance, I guess,  
14 was retyped for consideration of amendments, a  
15 section of it was just eliminated, was just taken  
16 out. I don't recall any discussion about this topic.

17 What I would like to do for the council's  
18 clarity is read the entirety of the existing 92.04 so  
19 that you-all know what it actually says, and then  
20 you can read the 92.04 that's in the ordinance that  
21 was given a first reading. I think this is the kind  
22 of amendment that can be made without resorting  
23 to another first reading.

24 If that's the pleasure of the council, I'll be  
25 happy to do it, or I can ask that copies be made of

1 the current ordinance.

2 COUNCIL MEMBER MILES: So, Cliff,  
3 you're saying that what we have in front of us is  
4 just missing something, but the changes we made  
5 are not what is missing?

6 MR. ASHBURNER: That's correct.

7 COUNCIL MEMBER MILES: Just a typo?

8 COUNCIL MEMBER LEONARD: It's just a  
9 typo.

10 MR. ASHBURNER: Right. It's just a  
11 typo, but I don't want you to pass something  
12 that --

13 COUNCIL MEMBER MILES: The  
14 changes -- right.

15 MR. ASHBURNER: Right.

16 COUNCIL MEMBER MILES: All the  
17 changes that are shown are these other changes?

18 MAYOR EVANS: Rather big typo.

19 MR. ASHBURNER: It is a big typo, and  
20 I'm not sure --

21 COUNCIL MEMBER TUCCI: But -- but  
22 what we're trying to use is -- it's unusable as it --

23 COUNCIL MEMBER MILES: Right.

24 COUNCIL MEMBER TUCCI: -- as it  
25 stands right now.

1 MR. ASHBURNER: Right.

2 COUNCIL MEMBER MILES: Right.

3 MR. ASHBURNER: So --

4 MAYOR EVANS: I don't understand what  
5 you propose to do.

6 MR. ASHBURNER: What I propose to do  
7 is read the entirety of the existing Section 92.04,  
8 which is the abatement procedure section.

9 MAYOR EVANS: Yes.

10 MR. ASHBURNER: So -- and ask  
11 probably that one of the council members suggest  
12 an amendment to the ordinance that you have  
13 before you to incorporate that language.

14 MAYOR EVANS: Yes.

15 MR. ASHBURNER: So that if you choose  
16 tonight to pass --

17 MAYOR EVANS: So then, if the  
18 amendment is moved and seconded and passed,  
19 then we can return to the main --

20 MR. ASHBURNER: Yes.

21 MAYOR EVANS: -- matter and vote on  
22 that?

23 MR. ASHBURNER: Yes.

24 MAYOR EVANS: Please do so.

25 MR. ASHBURNER: All right. The Section

1 92.04 of the nuisance ordinance as it should read  
2 is: "(A) It shall be lawful for the owner, occupant  
3 or person having control or management of any  
4 land within the city to permit a public nuisance,  
5 health hazard or source of filth to develop  
6 thereon."

7 [reads] (B) Upon the failure of the owner of  
8 the property to eliminate the nuisance, health  
9 hazard or source of filth when requested to do so  
10 by the authorized city official, the authorized city  
11 official is authorized to send its agents or  
12 employees upon the property to remedy the  
13 situation.

14 (C) The city shall have a lien against the  
15 property for the reasonable value of labor and  
16 materials used in remedying the nuisance  
17 situation. The affidavit of the authorized city  
18 official shall constitute prima fascia evidence of  
19 the amount of the lien and the regularity of the  
20 proceedings pursuant to KRS 381.770 in this  
21 section and shall be recorded in the Office of the  
22 County Clerk. The lien shall be noticed to all  
23 persons from the time of its recording and shall  
24 bear interest at the rate established by the city  
25 thereafter until paid.

1       "The lien created shall take precedence over  
2 all subsequent liens, except state, county, school  
3 board, and city taxes, and may be enforced by a  
4 judicial proceeding. In addition to this remedy or  
5 any other remedy authorized by law, the owner of a  
6 property upon which a lien has been attached  
7 pursuant to this section shall be personally liable  
8 for the amount of the lien, including all interest,  
9 civil penalties, and other charges and the city may  
10 bring a civil action against the owner and shall  
11 have the same remedies as provided for the  
12 recovery of a debt owed."

13       That's 92.04 as it should read in the  
14 ordinance.

15               MAYOR EVANS: Is -- is there a motion  
16 that the proposed ordinance before the council be  
17 amended accordingly?

18               COUNCIL MEMBER TUCCI: So moved.

19               MAYOR EVANS: Second?

20               COUNCIL MEMBER BRAB: Second.

21               MAYOR EVANS: Been moved and  
22 seconded that the proposed ordinance be so  
23 amended. All in favor, say "aye."

24               COUNCIL MEMBERS: Aye.

25               MAYOR EVANS: All opposed? The ord --

1 proposed ordinance is thus amended.

2 And now we turn to the motion and second on  
3 the main matter, which is the revised ordinance  
4 which has received a second reading. We have  
5 had considerable discussion. Is there any other  
6 discussion before we move to a vote? Hearing  
7 none, I'll call for a vote. All in favor?

8 COUNCIL MEMBERS: Aye.

9 MAYOR EVANS: All opposed? The ayes  
10 have it, and the revised ordinance as amended is  
11 adopted.

12 We now move to the last item on the agenda,  
13 to the extent that we have not already heard, is  
14 comments from citizens. And the lady in the back  
15 with a smile on her face, would you like to make a  
16 comment or two, please? Would you come up to  
17 the podium to address it?

18 MS. HUNT: Good evening. I won't take  
19 long. I know it's -- it's late, and you-all have had  
20 a lot to discuss. My name is Gretchen Hunt, and  
21 I'm running for state representative in our district,  
22 in the 48th District, so. . .

23 I don't live in Prospect, but I'm happy to be  
24 out here tonight and be hearing of the issues that  
25 are important to your community.

1           MAYOR EVANS: You got here as soon as  
2 you could; is that right?

3           MS. HUNT: I did. I did. I was out  
4 walking neighborhoods off Goose Creek, so I'll be  
5 out walking your neighborhoods here soon.

6           Little bit about myself. I'm a lawyer, I'm a  
7 mom, grew up in the east end, want to give back to  
8 my community, really concerned about the future  
9 for my children, concerned about growth in our  
10 community, making sure they have jobs when they  
11 graduate, which is a ways off. I have a 6 year old  
12 and an 8 year old, so it is a ways, but we do plan  
13 for the future.

14          I'm also very interested in building more  
15 coalitions between Democrats and Republicans,  
16 working across party lines. I've had some  
17 experience doing that with legislation, worked on  
18 human trafficking legislation this past session and  
19 the session before with both Republicans and  
20 Democrats. I know we can get along together if we  
21 sit down and are pragmatic, and that's how I  
22 govern.

23          I'll leave some materials with you-all. I don't  
24 want to take up any more of your time, but just to  
25 say that I'd love to have your support, your votes,

1 love to answer any questions that you-all might  
2 have and hear what issues are important to you,  
3 both local and on the state level. I know the  
4 bridge, I know there's a lot of issues out here that  
5 you-all are -- are concerned with daily, but I'd also  
6 love to hear what other issues you-all think are  
7 important for moving Kentucky forward.

8 So I don't know what the best way is to move  
9 this around, or pass it back to you-all.

10 MAYOR EVANS: Well, I'd say just greet  
11 people as -- we're going to adjourn soon, I think.

12 MS. HUNT: Great. So I'll been around  
13 then for a while.

14 MAYOR EVANS: And I'll just thank you  
15 for coming and for waiting --

16 MS. HUNT: Sure.

17 MAYOR EVANS: -- through this rather  
18 long meeting.

19 MS. HUNT: No, it's -- it's -- it's good to  
20 hear. Happy to. Thank you-all so much.

21 MAYOR EVANS: Any comments from  
22 anyone else tonight? Nick, Nick Nicholson.

23 MR. NICHOLSON: Good day. Nick  
24 Nicholson, 6801 Gunpowder Lane.

25 I'm here tonight to talk to you-all about a

1 thing that's dear to my heart, which is speed,  
2 speed in the sense of a car. I have advocated for  
3 a long time that speed be taken care of in our City  
4 of Prospect. I am a walker. I walk through the  
5 neighborhood of Fox Harbor, Hunting Creek across  
6 roads. I -- almost every neighborhood, I walk  
7 through, and speed is an issue that needs to be  
8 addressed.

9 I have worked my entire life working with  
10 children, and it is a big concern of mine to see the  
11 children that set up lemonade stands beside the  
12 road, they ride their bikes, they're out playing,  
13 and then to witness cars going by at a high rate of  
14 speed. I'm talking -- the speed limit is 25 to 30;  
15 they're doing 40, 45 miles an hour.

16 This is unacceptable. We are a community. I  
17 moved to Prospect from Anchorage, Kentucky.  
18 Anchorage has, as you know, they have a  
19 reputation as tough as nails on speed. They have  
20 speed bumps -- speed humps, rather, speed  
21 humps. I was going through there the other day  
22 between speed bumps, and lo and behold sitting  
23 back in the driveway was a policeman.

24 I still -- I received one ticket when I was 16  
25 years of age there, and I still quiver when I go

1 through Anchorage, because simply they enforce  
2 the law, you know. And if that's what it takes, we  
3 need to look at that before a child gets hurt. That  
4 is my big concern.

5 I invite any council members, policeman to  
6 come by at 7:00 in the morning, 8:00 in the  
7 morning, 6:00 at night and watch the people that  
8 blow through that stop sign on Gunpowder and Fox  
9 Harbor. I mean, they slow down a bit, but there  
10 are others that just go right through it. There are  
11 motorcycles that go right through it.

12 So this is a concern I'd like to see addressed  
13 on behalf of other people that have young  
14 children, and if you've read the neighborhood  
15 Internet, other people are concerned about this,  
16 too. I'm not alone in -- in this field. So I would  
17 like to see it be addressed. Thank you.

18 MAYOR EVANS: All right. Thank you,  
19 Nick. Anybody else? If not, I'll entertain a  
20 meeting motion to adjourn.

21 COUNCIL MEMBER BRAB: So moved.

22 COUNCIL MEMBER BOWLING: Second.

23 MAYOR EVANS: All in favor?

24 COUNCIL MEMBERS: Aye.

25 MAYOR EVANS: We're adjourned.

1 [WHEREUPON, the City Council meeting  
2 concludes at 9:00 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.

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My Commission Expires: Notary Public

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AUGUST 27, 2017 .

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Notary ID: 494347

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