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CITY OF  
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

September 15, 2014

1 CITY OF PROSPECT, KENTUCKY  
2 CITY COUNCIL MEETING  
3 SEPTEMBER 15, 2014

4 MAYOR EVANS: This is the regular City  
5 Council Meeting for September 15th, 2014, the City  
6 of Prospect, Kentucky. All six of the council  
7 members are present.

8 The first item on our agenda is to consider  
9 approving the minutes of our last regular council  
10 meeting of eight -- August 18th. Those minutes  
11 were distributed several days ago to the members  
12 of the council, and they've had an opportunity to  
13 review them.

14 Does anyone on the council wish to make a  
15 motion either to approve them as written or for any  
16 corrections?

17 COUNCIL MEMBER BOWLING: Motion to  
18 accept.

19 COUNCIL MEMBER BRAB: Second.

20 MAYOR EVANS: It's been moved and  
21 seconded that we accept the minutes as written.  
22 All in favor of that motion say, "Aye."

23 COUNCIL MEMBERS: Aye.

24 MAYOR EVANS: All opposed?

25 COUNCIL MEMBERS: [no response]

1           MAYOR EVANS: The ayes have it, and  
2 the minutes are approved.

3           Our next item of business is the Second  
4 Reading of Ordinance Number 537. Would  
5 someone on the Council -- that -- that ordinance is  
6 your packet. Would someone on the Council care  
7 to give it a second reading.

8           COUNCIL MEMBER BRAB: I'll go ahead.

9           City of Prospect, Ordinance Number 537,  
10 Series 2014, An Ordinance Relating to the  
11 Amendment and Modification of the Budget of  
12 the General Fund of the City of Prospect for  
13 the Fiscal Year Beginning July 1, 2014 and Ending  
14 June 30th, 2015.

15           MAYOR EVANS: Does anyone wish to  
16 make a motion regarding this proposed  
17 amendment?

18           COUNCIL MEMBER LEONARD: I move  
19 approval.

20           COUNCIL MEMBER MILES: Second.

21           MAYOR EVANS: It's been moved and  
22 seconded that this ordinance be adopted. All in  
23 favor?

24           COUNCIL MEMBERS: Aye.

25           MAYOR EVANS: All opposed?

1 COUNCIL MEMBERS: [no response]

2 MAYOR EVANS: So be it. The Ordinance  
3 is hereby adopted.

4 The next item on the agenda is for the mayor's  
5 update on city matters. We have a full agenda  
6 tonight. I'm going keep my comments very short.

7 Those of you may not know, thanks to  
8 Councilwoman Sandra Leonard's efforts, we had  
9 a -- a reading today by Sally Bingham, a  
10 well-known authoress here in our Prospect Library.

11 She talked about her new book, which  
12 is called The Blue Box. I was there. It was  
13 very interesting. It's a story about her  
14 great-grandmother, her grandmother, and her  
15 mother and based on the contents of this box they  
16 found up on the top shelf of one of -- I guess it  
17 was her mother's closet after she died. And this  
18 goes all the way back into pre-civil war days in  
19 Richmond, Virginia. It was fascinating. It was  
20 very well attended.

21 I also want to compliment Holly and Julia, who  
22 did all the decorations and the refreshments. It  
23 was just beautifully done, and it was very nice of  
24 them.

25 Next, last night, somebody, we don't know

1 who, I guess, drained Putney Pond. The water in  
2 Putney Pond, I find out, was held there by some  
3 boards, and the boards had been installed to keep  
4 the water in Putney Pond where it goes out the  
5 spillwell -- or the spillway. Obviously, the boards  
6 are not state of the art stuff. And so whoever it  
7 was came in and removed the boards, and all the  
8 water in Putney Pond, or almost all of it, went out.  
9 And it's pretty ugly.

10 Ron is working on replacing the boards and  
11 trying to repair the situation back to the way it  
12 was. But it seems to me that we need to take a  
13 look at doing something proper and permanent, as  
14 far as keeping the water in Putney Pond. And so  
15 we'll be looking at that in the next month.

16 So, having said that we have a lot to cover, I  
17 want to turn the meeting over to Mr. Bill Talley.  
18 Our city auditor has completed his audit of the  
19 city's finances for the year ending June 30th, 2014.  
20 Mr. Talley is now at the lectern, and, Bill, it's all  
21 yours.

22 MR. TALLEY: Thank you, Mr. Mayor.

23 I am Bill Talley; I'm with Richardson,  
24 Pennington & Skinner, and I'll be presenting  
25 the audit tonight.

1 First of all, I'd like to thank Julia, Holly, and  
2 the Mayor for their work on the financial  
3 statements with me. Your books -- or your records  
4 appear to be in good order and all our questions  
5 were answered very quickly and very  
6 professionally.

7 This is a draft of the audited financial  
8 statements. It is a draft because I still need a few  
9 numbers to complete some of the footnotes, but  
10 the main numbers will not change.

11 I -- we also gave you an unqualified opinion,  
12 which means we did not find anything materially  
13 wrong with the financial statements.

14 So if you turn to Page 6, it says this is  
15 statement and net position. This is basically  
16 your balance sheet. It starts with cash of 811,000.  
17 You've got some certificates of deposit  
18 of 1,036,575; you've got property tax receivable  
19 of 53,642. And you come down to total current  
20 assets of 1,941,421.

21 One thing you'll notice different this year than  
22 we did last year, there is no insurance tax  
23 receivable. We've just accrued the amount that  
24 you actually collected this year. So, we don't  
25 have to worry about accruing that amount anymore.

1       So you come down to total assets in the  
2 middle of the page, 4,878,476. Your total current  
3 liabilities are 40,890; total liabilities, 74,294.  
4 Coming down to your statement and net position,  
5 which is basically your investment capital and  
6 your fund balance, which is total net position  
7 is 4,804,182, which basically is your ownership  
8 amount and -- and your assets. So you've got very  
9 little debt, a lot of assets, and a good ownership  
10 in those assets.

11           MAYOR EVANS: Bill, before you move  
12 beyond this page, could you please explain to  
13 everyone here, the way it was explained to me  
14 an hour ago, why the change in the accrual or  
15 non-accrual of the insurance premium tax back  
16 from July and August, end of June and -- and --  
17 and not doing that anymore, why that does not turn  
18 this into an apples and oranges situation.  
19 Because I understood it, and I think you explained  
20 it very well.

21           MR. TALLEY: Well, basically what we --  
22 what we did in the past, because we took two  
23 months after your June year-end and accrued  
24 whatever insurance taxes you had at that point.  
25 But since it's hard to tell when those receivables

1 should've been in there, most cities just go ahead  
2 and do it on a cash basis.

3 So what we did, we did a prior period  
4 adjustment. So we took out the receivable from  
5 the prior period, took it out of your beginning net  
6 po -- statement and net position and run through  
7 this year your cash that you collected over the  
8 full 12 months, which made your statements very  
9 comparable from year to year on that since we  
10 backed it out of a previous year.

11 COUNCIL MEMBER MILES: So, in other  
12 words, you did some form of estimation. And  
13 going forward, there will be no estimation; it  
14 will be what --

15 MR. TALLEY: That's right. It will be  
16 exactly what you've --

17 COUNCIL MEMBER MILES: Right.

18 MR. TALLEY: -- collected from July 1st  
19 through June 30th.

20 COUNCIL MEMBER MILES: And we'll  
21 know, you know, pretty much, immediately how  
22 much we brought in the year before?

23 MR. TALLEY: Yes. Yes.

24 COUNCIL MEMBER MILES: Okay.

25 MAYOR EVANS: Thank you.

1 MR. TALLEY: Okay. If you turn to  
2 Page 7, you've got your statement of activities,  
3 which is really your expenses and your income.  
4 It's a little different for the city because, unlike a  
5 business, you've got your expenses listed at the  
6 top and your revenue is at the bottom. But you  
7 can see your total expenses are 2,900,902. And,  
8 as you go to the right, you've got the breakdown of  
9 those expenses.

10 So you've got -- going down, you've got  
11 expenses of personnel and professional services,  
12 then you can go across at the top and you can see  
13 general government, police, solid waste, and  
14 public works. So you get a breakdown between the  
15 category and where it was spent.

16 Then you come down to the middle of the  
17 page, you've got your program revenues, which are  
18 basically, your operating grants and your capital  
19 grants. Then at the bottom, they've got your  
20 general revenues, which are your property taxes,  
21 your bank deposit taxes, interest, license fees,  
22 contributions, miscellaneous. You've got total  
23 general revenues of 2,954,026, giving you a  
24 change in that position of two hundred thousand  
25 six eighty-eight forty-seven [sic], which is

1 basically your revenue over your expenses.

2 And you get a net position ending  
3 of 4,804,182, which basically ties back to the  
4 previous page.

5 The next statement is your balance sheet,  
6 which is basically, if you remember from last time,  
7 we do two sets of statements. This is called the  
8 fund statement. All that gives you is your liquid  
9 assets, your certificates of deposits, and your  
10 receivables, and prepaid expenses. It does not  
11 show your capital assets or your long-term  
12 liabilities.

13 So, you come down, you've got total  
14 liabilities and fund balance under the general fund  
15 of 1,941,421; under the special revenue you've  
16 got 439,092; and total, you've got 2,385,013.

17 At the bottom, is where you reconcile these  
18 statements to the statement and net position.

19 You've got your amounts reported, the  
20 2,497,963, which is your capital assets. So if  
21 you look back on Page 6, you can see at about  
22 the middle of the page, total capital assets of  
23 2,497,963, which ties into that number.

24 Then the next number at the bottom of Page 8  
25 is your compensated absences, which is 33,404,

1 which basically, ties back to Page 6 under  
2 compensated absences.

3 So all of this Pa -- on Page 8 is just  
4 reconciling between the two statements.

5 Page 9 is your statement of revenue and  
6 expenditures, again, using the fund method. So  
7 you've got total revenue on right side, the  
8 3,107,749; total expenditures of 2,850,285,  
9 giving your excess of revenues over expenditures  
10 of 257,464. And then you would come down to net  
11 change and fund balances is 257,464. Again,  
12 you've got your reconciling items, which are  
13 capital outlay fund and your depreciation  
14 expenses, which are items that are not taken  
15 the same way on the fund statements as they  
16 are in the accrual statements.

17 So again, you come down change in net  
18 position of 206,847, which is the amount that  
19 you get on Page 7, which is your statement of  
20 activity, 206,847.

21 And on Page 10 it gives you a -- a -- more of a  
22 breakdown of your revenue and expenditure.

23 So, in closing, I would just tell you that your  
24 statement and net position, which is basically,  
25 your ability to pay your bills is very strong.

1       You've got seven-and-a-half months of  
2 expenses just in cash, that you've got on your  
3 balance sheet, cash and certificates of deposits.  
4 So, that -- that's pretty strong. And again, your  
5 lia -- your total liabilities is only 74,000, so you've  
6 got a strong net position.

7       So, if there's any questions, I'll. . .

8           COUNCIL MEMBERS: [no response]

9           MAYOR EVANS: Anyone?

10          COUNCIL MEMBER BRAB: Bill, on --  
11 excuse me, on Page 10 --

12          MR. TALLEY: M-hm.

13          COUNCIL MEMBER BRAB: -- public  
14 works, 42,789, there's the current expenditures --

15          MR. TALLEY: M-hm.

16          COUNCIL MEMBER BRAB: -- then you  
17 also have capital outlay and those numbers. You  
18 know, what are those numbers for?

19          MR. TALLEY: [examines document]

20          COUNCIL MEMBER BRAB: There's  
21 49,930 under community development --

22          MR. TALLEY: Yes.

23          COUNCIL MEMBER BRAB: -- for capital  
24 outlaying and 42,789 under public works. Is that  
25 in the footnotes or do you still have to develop

1 those --

2 MR. TALLEY: Oh.

3 COUNCIL MEMBER BRAB: -- footnotes?

4 MR. TALLEY: You -- well, you can get a  
5 further breakdown if you look on Page 23 in the  
6 back.

7 COUNCIL MEMBER BRAB: Okay.

8 MR. TALLEY: Those next pages give you  
9 a breakdown of everything that you get basically  
10 from your monthly financial statements from  
11 Mountjoy.

12 COUNCIL MEMBER BRAB: [examines  
13 document] I'll look -- I'll look -- I don't want to  
14 hold you up. I'll look through it --

15 MR. TALLEY: No. No.

16 COUNCIL MEMBER BRAB: -- I'll look  
17 through it and call you back.

18 MR. TALLEY: All right.

19 COUNCIL MEMBER MILES: And, Mayor,  
20 I don't know when we're going to talk about the  
21 MSD money, if we do that now or if Mr. Talley can  
22 hang around when we bring that subject up or. . .

23 MR. TALLEY: I'm fine.

24 MAYOR EVANS: Well, it might be in  
25 order, since Mr. Talley doesn't have anything else

1 to do with regard to our meeting, with the  
2 exception of that. Yes, sir?

3 COUNCIL MEMBER FULCHER: Reserves,  
4 I'd -- I'm curious, I've heard different -- different  
5 numbers relative to what our, quote, "reserves"  
6 are. Do you have a comment on that?

7 MR. TALLEY: Do you mean what your  
8 statement and net position is? What your --

9 COUNCIL MEMBER FULCHER: Yeah.  
10 How -- how much di -- how much do we have in  
11 excess of what we need. Is it 1 million; is it 2  
12 million?

13 COUNCIL MEMBER BRAB: VNA  
14 [phonetic] 67? Page 6?

15 MR. TALLEY: Well, let's look at -- yeah.  
16 let's look at Page 6. Your statement and net  
17 position is actually 4,804,182, which is basically  
18 your ownership and your assets. That's what  
19 you've got in excess, assets over your liabilities.

20 COUNCIL MEMBER LEONARD: I don't  
21 think that's --

22 COUNCIL MEMBER MILES: But some of  
23 those assets [phonetic] --

24 COUNCIL MEMBER LEONARD: -- exactly  
25 what he's looking for.

1 COUNCIL MEMBER BRAB: I think -- I  
2 think --

3 COUNCIL MEMBER MILES: None of  
4 those --

5 COUNCIL MEMBER TUCCI: In other  
6 words --

7 COUNCIL MEMBER MILES: -- are liquid.

8 COUNCIL MEMBER TUCCI: -- our  
9 buildings --

10 COUNCIL MEMBER MILES: Right.

11 COUNCIL MEMBER TUCCI: -- and cars.

12 COUNCIL MEMBER MILES: Right.

13 COUNCIL MEMBER BRAB: I think what  
14 Frank is asking is: What is our reserve in cash --

15 MR. TALLEY: Oh.

16 COUNCIL MEMBER BRAB: --  
17 unrestricted? Which is 1,867,127.

18 MAYOR EVANS: Wouldn't that be up at  
19 the top?

20 MR. TALLEY: That would be --

21 MAYOR EVANS: Where it says cash --

22 MR. TALLEY: Yeah. Cash --

23 MAYOR EVANS: -- and certificates of  
24 deposit?

25 MR. TALLEY: That's -- that's -- that's

1 what your cash reserves are. I mean, you've got --  
2 you've got one million eight --

3 MAYOR EVANS: 847,848.

4 COUNCIL MEMBER BRAB: M-hm.

5 MR. TALLEY: Yeah, 528 in cash.

6 COUNCIL MEMBER FULCHER: So,  
7 essentially, if we got no additional revenues, we  
8 have seven months worth of --

9 MR. TALLEY: You do, you have  
10 seven-and-a-half months. Yes.

11 COUNCIL MEMBER FULCHER:  
12 Seven-and-a-half month's worth of. . .

13 Okay.

14 MR. TALLEY: Now if you're asking about  
15 restricted funds and the definition of those, if you  
16 look on Page 20.

17 COUNCIL MEMBER MILES: No. That's  
18 not the question.

19 MR. TALLEY: All right.

20 COUNCIL MEMBER MILES: My question  
21 is that: We had a meeting two years ago this  
22 December. And you were doing exactly what you  
23 are doing here, explaining our revenues from the  
24 last year.

25 And Sandra asked a question because when

1 we had gotten this \$108,000 from MSD, we had had  
2 a discussion about putting that in -- in allocated  
3 reserves that we'd only spend on parks. And there  
4 was, I think, a general agreement amongst  
5 everybody to do that. And when we went over the  
6 report, that was reflected in the report that you  
7 gave. And Sandra brought up the question -- this  
8 is my interpretation of reading the minutes and if  
9 you disagree, Sandra, or if anybody does --  
10 brought up the question: "Hey, we never voted on  
11 that."

12 And I said, "Well, I mean, I thought we all  
13 agreed we'd do that. But in an abundance of  
14 caution, let's take a vote on that." And -- and I  
15 made that motion and Al Simon seconded it, that  
16 we would allocate that 108- in allocated reserves  
17 for parks. And we took a vote, and it passed.

18 And that -- (a) that never changed from  
19 landscaping, is what it was, I think, called in that  
20 report, to parks. But now I'm told it doesn't even  
21 show up at all under any name.

22 So my question is: What -- why didn't that  
23 happen? And maybe nobody told you to make it  
24 happen. But more importantly, how did it go from  
25 being allocated to not being there at all? I mean,

1 I know the money is still there.

2 MR. TALLEY: Yeah.

3 COUNCIL MEMBER MILES: But it's just  
4 a -- it's a -- a -- from my understanding, it's just  
5 a -- a bookkeeping note that you make.

6 MR. TALLEY: Right. And it would be.  
7 But it was never recorded on your books, so the  
8 next year when we came in, it was not there.

9 COUNCIL MEMBER MILES: Okay.

10 MR. TALLEY: So it -- it -- it just was not  
11 on your books, so --

12 COUNCIL MEMBER MILES: So it was  
13 recorded in 2011, '12, but when 2012, '13 came  
14 around, it wasn't --

15 MR. TALLEY: Right.

16 COUNCIL MEMBER MILES: -- recorded?

17 MR. TALLEY: It was not at that -- it was  
18 not on the books at that point.

19 COUNCIL MEMBER MILES: Okay. And  
20 that's something that should've happen on the City  
21 Hall side with our other accountants?

22 MR. TALLEY: Well, yeah. They -- these  
23 are your-all's books.

24 COUNCIL MEMBER MILES: Right.

25 MR. TALLEY: And, yes. If -- if I -- if I

1 don't see it, I don't know --

2 COUNCIL MEMBER MILES: Well, I  
3 just -- and I'm not blaming you. I'm just --

4 MR. TALLEY: No. I --

5 COUNCIL MEMBER MILES: -- kind of -

6 MR. TALLEY: -- understand.

7 COUNCIL MEMBER MILES: -- wondering.

8 MR. TALLEY: It's just that -- yeah. And  
9 it would be -- it would just be a set-aside.

10 COUNCIL MEMBER MILES: Right.

11 MR. TALLEY: Just down there at the  
12 bottom.

13 COUNCIL MEMBER MILES: Because I  
14 know, ever since then, all we've done is put more  
15 money in reserves. So, the money is there; it  
16 never went anywhere.

17 MR. TALLEY: Right.

18 COUNCIL MEMBER MILES: It's just a  
19 label didn't get put there.

20 And Frank brought up the very good question  
21 when he said, "Where is this money?"

22 And I went to look down and see the label that  
23 we had voted on two years ago and it wasn't there,  
24 so. . .

25 COUNCIL MEMBER BOWLING: I'm

1     guessing what happened, Stuart, I'm -- I'm just  
2     making a guess here, I can't answer for City Hall.  
3     But, you know, that -- that vote, of course, was  
4     completely informal. I mean, as far as -- you --  
5     you can't -- it would be like if we took a vote  
6     tonight and said, "Hey, I think we ought to cut the  
7     budget in half next year," and we also -- we all  
8     say, "Okay." Well, next year, when we do the  
9     budget, I mean, we're not tied -- there -- there's  
10    nothing to that ties us to that.

11         And there's two fa -- I mean, the budget tells  
12    you what you can spend and, of course, where. So  
13    if you were wanting to put money in a certain  
14    allocation, then that's -- that's got to be done, you  
15    know, either through the budget or an amendment  
16    to the budget.

17         So I'm -- I'm guessing that's why it's not on  
18    there.

19                 COUNCIL MEMBER MILES: Well, I was  
20    just under the impression, because Grover was  
21    sitting here --

22                 COUNCIL MEMBER BOWLING: Right.

23                 COUNCIL MEMBER MILES: -- and I'm  
24    not blaming Grover --

25                 COUNCIL MEMBER BOWLING: Right.

1 COUNCIL MEMBER MILES: -- I mean, we  
2 kind of went through the process, and I kind of  
3 walked away thinking --

4 COUNCIL MEMBER BOWLING: Right.

5 COUNCIL MEMBER MILES: -- that's --

6 CITY ATTORNEY POTTS: Well, it -- I  
7 mean, it -- it did go in as a restricted fund. And --  
8 and the Council took action, voted on it, motion  
9 made, motion seconded, question was called, vote  
10 was 4 to 2 --

11 COUNCIL MEMBER MILES: Right.

12 CITY ATTORNEY POTTS: -- as my  
13 recollection was. So it was a restricted fund.  
14 Now --

15 COUNCIL MEMBER BRAB: It's -- it's  
16 allocated to spend [phonetic].

17 CITY ATTORNEY POTTS: It -- it -- that  
18 doesn't mean it was allocated that you could spend  
19 it.

20 COUNCIL MEMBER BOWLING: You're  
21 right.

22 COUNCIL MEMBER MILES: Right.

23 CITY ATTORNEY POTTS: But it was a  
24 fund that was intended, at least, to be set aside  
25 and restricted.

1 COUNCIL MEMBER BOWLING: Right.

2 CITY ATTORNEY POTTS: That never  
3 happened. And -- and that's a -- a -- an  
4 administrative thing that -- that didn't occur.

5 COUNCIL MEMBER BOWLING: Right.

6 MAYOR EVANS: And there's no one in  
7 the administration today, me or Holly or Julia, who  
8 can tell you why it didn't happen.

9 COUNCIL MEMBER MILES: Right.  
10 And -- and nobody here is responsible for it not  
11 happening.

12 MAYOR EVANS: But it didn't happen.

13 COUNCIL MEMBER MILES: But it didn't  
14 happen.

15 COUNCIL MEMBER BRAB: Well, there's  
16 one other issue, if you read the minutes, when you  
17 made the motion, Stuart, it is confusing because it  
18 says, "I make the motion that we vote tonight to  
19 confirm that 108,000 goes into allocated reserves  
20 for Prospect Park," capitalized.

21 COUNCIL MEMBER MILES: Right.

22 COUNCIL MEMBER BRAB: There is no  
23 Prospect Park.

24 COUNCIL MEMBER MILES: Parks. It  
25 should've been plural.

1 COUNCIL MEMBER BOWLING: But,  
2 Grover, don't you think that -- that to allocate  
3 money it has to be a budget amendment?

4 CITY ATTORNEY POTTS: No. I don't  
5 think you would have -- if -- if it's money coming  
6 in --

7 COUNCIL MEMBER BOWLING: M-hm.

8 CITY ATTORNEY POTTS: -- you can --  
9 you can accomplish the allocation when the money  
10 is coming in. If you want to spend it, you've got to  
11 have a budget --

12 COUNCIL MEMBER BOWLING: Right.

13 CITY ATTORNEY POTTS: -- amendment.

14 COUNCIL MEMBER MILES: Right.

15 COUNCIL MEMBER BOWLING: Right.

16 COUNCIL MEMBER MILES: Right.

17 MAYOR EVANS: Well, I've grappled with  
18 this a little bit, so I'd like to -- to state what my  
19 understanding is.

20 First of all, Rob is entirely right. You can't  
21 spend money that hasn't been budgeted.

22 COUNCIL MEMBER BOWLING: Right.

23 MAYOR EVANS: So if the fund had been  
24 set up as the Council voted, back in December  
25 of 2012 to do, it would be in a restricted fund,

1 unless, of course, the Council had subsequently  
2 changed its mind and unrestricted it, which it  
3 could do, too. But it doesn't mean that a dime of  
4 it could be spent, as Rob says, until and unless it  
5 was budgeted to be spent. Because, otherwise, I  
6 would go to jail.

7 COUNCIL MEMBER MILES: Right.

8 MAYOR EVANS: Okay. So, the -- the --  
9 the thing here is that we have a restricted fund  
10 that is restricted because when the state gives us  
11 road aid money, the state restricts it. We have  
12 nothing do with the restriction. We get restricted  
13 money . We can't unrestrict that. It's just  
14 restricted by the donor, by the guy who gives it to  
15 us.

16 In this case, MSD gave to us, and it's little bit  
17 more complicated. Because, as I recall, in the  
18 agreement with MSD -- and Grover is more up on  
19 this than I am and he'll -- he'll watch me on this  
20 statement -- but as I recall, the agreement said  
21 that we would spend a certain amount of money,  
22 and it may have been \$37,000, on trees.

23 CITY ATTORNEY POTTS: Right.

24 MAYOR EVANS: Okay. So, to that  
25 extent, that agreement kind of, I think, binds us to

1 spend twe -- 37- or whatever that number is on  
2 replacing the trees that MSD took down.

3 As for the rest of it, though, it was a  
4 self-restriction. It was a restriction that Council  
5 placed upon itself. And it is still in place. That  
6 vote has not changed since December of 2012.

7 It's just that the administration at that time didn't  
8 do it. And so that money went into the general  
9 fund.

10 So, when I found this out, I went in and I sat  
11 in Holly's office and I kind of started, you know,  
12 doing my hair and thinking, "What in the hell do we  
13 do now?" And then it occurred to me, well, how  
14 much money was left over at the end of that fiscal  
15 year? And it turned out it was \$260,000.

16 So we can engage in the assumption that that  
17 \$108,000 that did not go into a restricted fund, is  
18 still there.

19 COUNCIL MEMBER TUCCI: M-hm.

20 MAYOR EVANS: In the bank.

21 COUNCIL MEMBER TUCCI: M-hm.

22 MAYOR EVANS: Now, that doesn't  
23 necessarily follow because those dollars that we  
24 got from MSD don't have little tags on them and  
25 say "This is an MSD dollar." So it could've been

1 spent on paperclips, toilet paper, or police  
2 uniforms; we just don't know. But we can assume,  
3 and the Council has the power to assume this, that  
4 it went into our bank account, and it's still there.

5 And so, I just thought, given all this stuff,  
6 37- for trees, the motion and all of that that  
7 occurred in 2012, the fact that the administration  
8 did not put it into a restrictive fund, that talking to  
9 Mr. Talley, he confirms that it was not in the last  
10 audit, that the Council ought to know about all this  
11 and act accordingly, however the Council may  
12 desire. And that's where I am.

13 COUNCIL MEMBER MILES: And -- and I  
14 will only -- and I'm not disagreeing with John, but  
15 I will give a -- what I think is an important  
16 qualifier, which is, when the money came in, it was  
17 put in a restricted fund. That's how the whole  
18 conversation started. Somehow it got unlabelled  
19 as being restrictive the next year.

20 So when the money came in, it was deposited,  
21 it was deposited under a tag, you know, restricted,  
22 that 108,000. And then the next year it went --  
23 it -- somehow the label came off, and -- and  
24 nobody caught it.

25 So the money did -- there's no question the

1 money went in in our general fund as restricted.  
2 And, again, it's just a label that's put on it. The  
3 money isn't taken out; it's not put in a separate  
4 account; it's just kind of eyeballed.

5 So that's my only qualifier to what John said.

6 COUNCIL MEMBER TUCCI: I think  
7 we've -- that term "restrictive" is -- is -- is being  
8 used two ways. When it comes in the road aid  
9 fund, that's legally restricted and we really can't  
10 use it for --

11 COUNCIL MEMBER MILES: Right.

12 COUNCIL MEMBER TUCCI: -- anything  
13 else.

14 When we, as a Council, decide to take some  
15 money and put it aside -- and probably restrictive  
16 is not the word we should use, because it confuses  
17 the issue -- because the money that we set aside  
18 for something special, we can take out if we want  
19 it. We could all decide to go to Vegas with that,  
20 but then, that would probably not be a good idea.

21 COUNCIL MEMBER LEONARD: We'd  
22 probably --

23 COUNCIL MEMBER TUCCI: But --

24 COUNCIL MEMBER LEONARD: -- go to  
25 jail.

1 COUNCIL MEMBER TUCCI: -- not with  
2 my luck anyhow.

3 But -- but, essentially, when we put money in  
4 and out of a -- of a pocket, it's our own pockets  
5 and we can take it out if we want to. The road aid  
6 fund is truly restrictive. What we did --

7 COUNCIL MEMBER MILES: Right.

8 COUNCIL MEMBER TUCCI: -- was a  
9 statement of intent.

10 COUNCIL MEMBER MILES: Right.  
11 There's a statement of intent saying, you know, we  
12 all acknowledge this money came in, it came in  
13 through an asset of our parks. And, you know, we  
14 would li -- you know, that's something that won't  
15 get used for something else down the road, so. . .

16 MR. TALLEY: If you look on Page 20,  
17 it -- it does give you the differences of what --  
18 how -- of how these things get restricted.

19 Restricted would be amounts that are  
20 restricted by external sources.

21 COUNCIL MEMBER TUCCI: M-hm.

22 MR. TALLEY: I mean, you can't do a  
23 restriction in -- internally. But now you can do  
24 assigned or -- or committed, but it wouldn't be  
25 necessarily restricted.

1 COUNCIL MEMBER MILES: But it's  
2 basically --

3 MR. TALLEY: But it --

4 COUNCIL MEMBER MILES: -- us  
5 saying --

6 MR. TALLEY: -- would be labeled  
7 separately in --

8 COUNCIL MEMBER TUCCI: M-hm.

9 MR. TALLEY: -- in a --

10 COUNCIL MEMBER MILES: Right.

11 MR. TALLEY: -- line.

12 COUNCIL MEMBER MILES: Right. It's  
13 just us saying, hey, we're setting this --

14 MR. TALLEY: Yeah.

15 COUNCIL MEMBER MILES: -- money  
16 aside and we're acknowledging, you know, we'd  
17 like to use it on --

18 MR. TALLEY: Right.

19 COUNCIL MEMBER MILES: -- like, if it  
20 were a -- bank accounts for Christmas gifts or, you  
21 know --

22 MR. TALLEY: Right.

23 COUNCIL MEMBER MILES: -- whatever.

24 COUNCIL MEMBER BOWLING: Stuart,  
25 the -- the only thing I disagree with you on is -- is,

1 we're saying that -- that the money went in but it  
2 never came out. But, you know, since 2012, we --  
3 we've allocated towards the parks every year in  
4 our budget probably more than 84,000.

5 COUNCIL MEMBER MILES: But the di --  
6 distinction is is that money was always money that  
7 we were bringing in that year.

8 So we -- just like we went through here and  
9 looked at how much we brought in and how much  
10 we had labeled, all that dol -- all those dollars  
11 were in the budget based on what we were bringing  
12 in and spending that year.

13 COUNCIL MEMBER LEONARD: But I  
14 thought we did some expenditures thinking that  
15 would come out of that.

16 COUNCIL MEMBER MILES: We did.

17 COUNCIL MEMBER LEONARD: Like the  
18 stone steps.

19 COUNCIL MEMBER MILES: We did the  
20 stone steps. There was -- and we voted on that.

21 COUNCIL MEMBER LEONARD: Right.

22 I -- I -- I agree.

23 COUNCIL MEMBER MILES: And -- and to  
24 go to your point, we all voted.

25 COUNCIL MEMBER LEONARD: I agree.

1 COUNCIL MEMBER MILES: And -- and  
2 so 13,000 did come out of that 108,000.

3 But it's -- it's similar to your -- your issue  
4 with the road aid fund in terms of, we have the  
5 road aid fund, but sometimes we spend money on  
6 roads and we didn't take it out of the road aid  
7 fund; we just used it out of the general fund of the  
8 money we were bringing in that year.

9 COUNCIL MEMBER BRAB: Well, next  
10 year, I mean, I won't be here, but it's pretty  
11 simple -- it's pretty simple. Next year, if there's  
12 money spent for parks, just take it out of those  
13 earmarked funds. They're not restricted, by the  
14 way, they're earmarked.

15 COUNCIL MEMBER BOWLING: Right.

16 COUNCIL MEMBER MILES: Right.

17 COUNCIL MEMBER BRAB: So just take  
18 it out of -- those -- those funds coming from parks  
19 do not come from the general fund.

20 COUNCIL MEMBER LEONARD: Yeah.

21 COUNCIL MEMBER BRAB: So --

22 COUNCIL MEMBER LEONARD: And --

23 COUNCIL MEMBER BRAB: -- until that --

24 COUNCIL MEMBER LEONARD: -- we can  
25 acknowledge --

1 COUNCIL MEMBER BRAB: -- hundred --  
2 or the balance of 108- is -- until that's used up --

3 COUNCIL MEMBER MILES: Right.

4 COUNCIL MEMBER BRAB: -- like we're  
5 attempting to do with the road aid fund, it comes  
6 out of that fund and then it's gone.

7 COUNCIL MEMBER MILES: Right.

8 COUNCIL MEMBER BOWLING: Right.

9 COUNCIL MEMBER MILES: That --

10 COUNCIL MEMBER LEONARD: Well, and  
11 if --

12 COUNCIL MEMBER MILES: -- that  
13 certainly could be an option.

14 COUNCIL MEMBER LEONARD: -- if --  
15 if --

16 COUNCIL MEMBER MILES: Absolutely.

17 COUNCIL MEMBER LEONARD: -- we can  
18 also acknowledge that we've already spent some.  
19 And I think that there was an additional, besides  
20 the 37-, there -- there was another 5-.

21 COUNCIL MEMBER MILES: Yes.

22 CITY ATTORNEY POTTS: There was --

23 COUNCIL MEMBER LEONARD: For --

24 CITY ATTORNEY POTTS: -- another 5- --

25

1 COUNCIL MEMBER LEONARD: -- for  
2 trees.

3 CITY ATTORNEY POTTS: -- that came  
4 in.

5 COUNCIL MEMBER MILES: Right.

6 COUNCIL MEMBER LEONARD: So we've  
7 got 42- towards trees.

8 COUNCIL MEMBER MILES: Right.

9 COUNCIL MEMBER LEONARD: And  
10 we've spent at least 13-.

11 COUNCIL MEMBER MILES: Right.

12 COUNCIL MEMBER TUCCI: And -- and just to  
13 clarify, I -- I think the reason that was -- had this  
14 little pot of money to play with, for people who  
15 aren't crazy people who come to Council meetings  
16 every month, MSD put their sewer line through.  
17 We all remember that. And they reimbursed us for  
18 that.

19 Most of where that sewer line went was  
20 through city park land. So it seemed very  
21 reasonable, since they had torn up city park lands,  
22 since the place where the sewer line went was in --  
23 along the Harrods Creek general area of parks,  
24 then it was reasonable to use that money to  
25 restore the damage that MSD had done. It was

1 park -- park money that we sort of accrued by  
2 selling a right to MSD or -- to put in that sewer  
3 line.

4 COUNCIL MEMBER MILES: Right. We  
5 didn't have a choice in the matter, by the way,  
6 so. . .

7 MAYOR EVANS: Well, just two things:  
8 First one is, and again, going back to what Mr.  
9 Bowling said at the beginning of this conversation,  
10 in order for the city to spend any of this money, it  
11 has to be in the budget. Currently, there is money  
12 in the budget for parks, unspent money that has  
13 been budgeted for the current year. So, until  
14 that -- until and less that runs out, there's not a --  
15 an issue.

16 And the other thing is, to the extent that the  
17 Council wants all or some of this money to be set  
18 aside and accounted for separately as a parks  
19 fund, the Council needs to tell me how much money  
20 that is today.

21 COUNCIL MEMBER MILES: Well, I would  
22 like to ask the Council to vote to take, of that  
23 108-, whatever -- and we've added 5- and taken  
24 out 13,000, but of that remainder that's -- that's in  
25 there, that we take the money out that's needed

1 for trees from that money and use it because this  
2 parks budget was passed to do lots of different  
3 things. And tho -- all of those things are in  
4 motion, and -- and that were -- things we're  
5 working on; we told our citizens we're going to do.

6 And this money was specifically set aside for  
7 trees; we got money specifically for that. 5,000 of  
8 it was for actually selling the trees.

9 COUNCIL MEMBER BRAB: The timber.

10 COUNCIL MEMBER MILES: For the  
11 timber. And so that is -- would be my strong  
12 recommendation to the Council that we do.

13 COUNCIL MEMBER LEONARD: We can't,  
14 until there's a budget addendum for us to vote on.

15 COUNCIL MEMBER MILES: Right. I'm --  
16 I'm saying I -- I -- I mean, I'm -- you know,  
17 whatever we have to do to make that happen. I'm  
18 guessing we -- you know, next -- at the next  
19 meeting do we work up a budget addendum to do  
20 that, is that the process that you take, Grover,  
21 or. . .

22 CITY ATTORNEY POTTS: Yeah. You  
23 have to -- you would amend the budget if you  
24 want --

25 COUNCIL MEMBER TUCCI: Just as --

1 CITY ATTORNEY POTTS: -- to put --

2 COUNCIL MEMBER TUCCI: -- we did

3 today.

4 CITY ATTORNEY POTTS: Huh?

5 COUNCIL MEMBER TUCCI: Just as we

6 did --

7 CITY ATTORNEY POTTS: Just --

8 COUNCIL MEMBER TUCCI: -- today.

9 CITY ATTORNEY POTTS: -- just as you  
10 did today. And if you want to put a new line items  
11 in that specifies that, you know, reforestation or  
12 whatever the heck you want to call it --

13 COUNCIL MEMBER MILES: Right.

14 CITY ATTORNEY POTTS: -- that you  
15 allocate this, I guess it would be thir -- \$42,000 of  
16 that money to that. If that's what you chose to do.

17 COUNCIL MEMBER LEONARD: Can I  
18 get --

19 COUNCIL MEMBER MILES: And if --

20 COUNCIL MEMBER LEONARD: -- have --  
21 have we -- I should ask Lee Tucci. Have we paid  
22 any bills yet for the trees that we're putting in?

23 MR. TUCCI: We haven't paid any bills,  
24 but we have placed an order for about \$12,700  
25 worth of --

1 COUNCIL MEMBER LEONARD: Okay.

2 MR. TUCCI: -- trees. But the -- the --  
3 the payment is not due until the trees are  
4 delivered, about 30 days. So it would be due  
5 around the end of November.

6 COUNCIL MEMBER LEONARD: So, we --  
7 we could do what Stuart says.

8 I think the only thing that I would like to see  
9 is a separately numbered line item --

10 CITY ATTORNEY POTTS: M-hm.

11 COUNCIL MEMBER LEONARD: -- so that  
12 it can clearly be tracked.

13 CITY ATTORNEY POTTS: Yeah. That's  
14 what I suggested --

15 COUNCIL MEMBER MILES: Right.

16 CITY ATTORNEY POTTS: -- that you  
17 just --

18 COUNCIL MEMBER LEONARD: Right.

19 CITY ATTORNEY POTTS: -- add a line  
20 item.

21 COUNCIL MEMBER MILES: Right.

22 COUNCIL MEMBER LEONARD: And  
23 with -- with a number. Not --

24 CITY ATTORNEY POTTS: With a number;  
25 right.

1 COUNCIL MEMBER LEONARD: --

2 upwards.

3 CITY ATTORNEY POTTS: With a number.

4

5 COUNCIL MEMBER BOWLING: Lee,  
6 what -- what's the total cost on that?

7 MR. TUCCI: Well, I presented to Council  
8 a month or two ago that this year we would spend  
9 about 25,000, okay, on restoring the trees, and we  
10 would have the balance of the 42- to spend either  
11 in 2015 or 16, depending on and -- when MSD  
12 totally clears out of that area.

13 Of the 25,000 this year, about half, 12,000 or  
14 so, is for the trees themselves; the rest is to plant  
15 the trees and protect the trees, water the trees  
16 and maintenance, et cetera.

17 COUNCIL MEMBER BOWLING: Gotcha.

18 Okay.

19 MR. TUCCI: Okay.

20 MAYOR EVANS: So, that's -- that's all --  
21 that's all settled, then, as far as -- as what we do,  
22 except only in order for your administration here  
23 to prepare such a budget amendment, we need to  
24 have a number.

25 COUNCIL MEMBER MILES: Okay. I'll

1 work with Lee and --

2 COUNCIL MEMBER LEONARD: Well,  
3 the -- the -- the number is 42,000.

4 CITY ATTORNEY POTTS: 42 -- the  
5 number is 42,000.

6 COUNCIL MEMBER LEONARD: Correct.

7 COUNCIL MEMBER FULCHER: For the  
8 trees.

9 COUNCIL MEMBER LEONARD: That's --  
10 that's all we're dealing with right now --

11 CITY ATTORNEY POTTS: Right.

12 COUNCIL MEMBER LEONARD: -- is the  
13 trees.

14 COUNCIL MEMBER MILES: Right.

15 COUNCIL MEMBER LEONARD: And that  
16 will get its own separate identifying line item  
17 number.

18 COUNCIL MEMBER MILES: Right.

19 COUNCIL MEMBER LEONARD: When --  
20 in the document that comes through next month.

21 COUNCIL MEMBER MILES: Right.

22 COUNCIL MEMBER FULCHER: Well --  
23 but also, if we're dealing with --

24 COUNCIL MEMBER LEONARD: That's  
25 all --

1 COUNCIL MEMBER FULCHER: -- with --

2 COUNCIL MEMBER LEONARD: -- we're

3 dealing with now.

4 Because there's enough money in the budget  
5 for the other items. So I agree with the Mayor,  
6 until we have spent what's in the budget, we don't  
7 need to make any other changes.

8 COUNCIL MEMBER FULCHER: But  
9 wou -- but it's still an opened question of where  
10 the rest of the 108,000 went. Is that the number,  
11 a hundred and --

12 COUNCIL MEMBER MILES: It -- no. It  
13 didn't go anywhere.

14 COUNCIL MEMBER TUCCI: It didn't go  
15 anywhere. It's --

16 COUNCIL MEMBER MILES: It's still  
17 there.

18 COUNCIL MEMBER TUCCI: -- it's still --

19 COUNCIL MEMBER FULCHER: But it's --

20 COUNCIL MEMBER TUCCI: -- in the  
21 bank.

22 COUNCIL MEMBER FULCHER: -- but  
23 we -- we have, in --

24 COUNCIL MEMBER LEONARD: But it's  
25 not 108-.

1 COUNCIL MEMBER FULCHER: -- but

2 we --

3 COUNCIL MEMBER MILES: Right.

4 COUNCIL MEMBER FULCHER: -- have --

5 MS. SPEAKER: It's \$95,000.

6 COUNCIL MEMBER FULCHER: -- in fact,  
7 spent the money on parks associated with that  
8 108- that's not readily identifiable right now. So  
9 there's a net number that's open that, as Bill  
10 suggested --

11 CITY ATTORNEY POTTS: Unless you  
12 spent that money from your regular budget,  
13 which --

14 COUNCIL MEMBER MILES: Which we  
15 did.

16 CITY ATTORNEY POTTS: -- you have a  
17 budget item --

18 COUNCIL MEMBER MILES: Right.

19 CITY ATTORNEY POTTS: -- for parks.

20 COUNCIL MEMBER MILES: But we never  
21 touched that money. It had come out of our  
22 regular budget.

23 COUNCIL MEMBER LEONARD: Except  
24 for the 13,000.

25 COUNCIL MEMBER MILES: Except for

1 the 13,000; right. The rest of it's sitting there.

2 COUNCIL MEMBER LEONARD: Maybe in  
3 the interim we could go back and look at our  
4 accounting documents and our transcripts, if  
5 necessary, to make sure that we're limited to  
6 the 13,000.

7 COUNCIL MEMBER MILES: Right.

8 COUNCIL MEMBER LEONARD: But  
9 that -- that does not need to come to us until such  
10 time as we need to do another budget amendment.

11 COUNCIL MEMBER MILES: Right.

12 COUNCIL MEMBER LEONARD: So we've  
13 got time to --

14 COUNCIL MEMBER TUCCI: Which  
15 might --

16 COUNCIL MEMBER LEONARD: -- look at  
17 it.

18 COUNCIL MEMBER TUCCI: -- well be the  
19 dam at Putney Pond.

20 COUNCIL MEMBER LEONARD: I hear  
21 you.

22 COUNCIL MEMBER FULCHER: Well, is --  
23 is that -- is it our intent, I mean, 108,000 was MSD  
24 giving us recompense for --

25 COUNCIL MEMBER TUCCI: Yes.

1 CITY ATTORNEY POTTS: MSD bought --

2 COUNCIL MEMBER FULCHER: -- dam --

3 CITY ATTORNEY POTTS: -- permanent

4 easement and bought --

5 COUNCIL MEMBER FULCHER: Right.

6 CITY ATTORNEY POTTS: -- construction

7 easements.

8 COUNCIL MEMBER FULCHER: For -- for

9 that particular --

10 CITY ATTORNEY POTTS: For --

11 COUNCIL MEMBER FULCHER: -- site.

12 CITY ATTORNEY POTTS: -- for that

13 particular site.

14 COUNCIL MEMBER FULCHER: And --

15 CITY ATTORNEY POTTS: Right.

16 COUNCIL MEMBER FULCHER: -- we're

17 saying that that 108- is a universal expenditure for

18 parks?

19 CITY ATTORNEY POTTS: Right.

20 COUNCIL MEMBER FULCHER: Is --

21 that's what you're saying?

22 CITY ATTORNEY POTTS: And -- and the

23 only thing that's in the agreement was the \$37,000

24 that -- that they allocated to us for trees.

25 COUNCIL MEMBER LEONARD: Right.

1 COUNCIL MEMBER BOWLING: But what  
2 Frank's saying is, that's the point I brought up  
3 earlier. Let's say that -- that clerically we did put  
4 that in reserve funds like we were supposed to,  
5 some of these budget items last year that we  
6 approved for the parks, we would've had them  
7 come out of the -- that fund.

8 COUNCIL MEMBER MILES: Well --

9 COUNCIL MEMBER BOWLING: I mean --

10 COUNCIL MEMBER BRAB: That's exactly  
11 right.

12 COUNCIL MEMBER MILES: -- well, we --

13 COUNCIL MEMBER BOWLING: --

14 that's --

15 COUNCIL MEMBER MILES: -- might --

16 COUNCIL MEMBER BOWLING: Yeah.

17 COUNCIL MEMBER MILES: -- have --

18 COUNCIL MEMBER BOWLING: And so --

19 COUNCIL MEMBER MILES: -- we might  
20 not have.

21 COUNCIL MEMBER BOWLING: Oh, it's --

22 COUNCIL MEMBER MILES: Because --

23 COUNCIL MEMBER BOWLING: Well, we  
24 would have. Yeah.

25 COUNCIL MEMBER MILES: Well --

1           COUNCIL MEMBER BOWLING: So -- and  
2           that's -- you know, that's why I'm -- that's why I'm  
3           saying, you know, there's -- there's money that's  
4           been spent. And just because of the clerical error,  
5           you know -- and -- and so that -- that's the point  
6           we're trying to make is, you know, we've spent  
7           some of this.

8           COUNCIL MEMBER BRAB: Right.

9           COUNCIL MEMBER BOWLING: Now,  
10          because of a clerical error, you know, some it  
11          came from here and some of it came from here.  
12          But intent-wise, you know, that -- that's what we're  
13          trying to say, you know, so. . .

14          COUNCIL MEMBER MILES: The only  
15          thing I would suggest is what Lee is asking for in  
16          terms of trees, because we're up to 25,000, and if  
17          we're amending the budget, and -- and it's only  
18          25- that Lee is needing, then I don't see why we  
19          have to amend it to 42- if he's only asking for  
20          32- this year.

21          CITY ATTORNEY POTTS: Well, it --  
22          the -- the 42- was to [phonetic] get the number  
23          that was set aside for trees into a line item with a  
24          number.

25          COUNCIL MEMBER LEONARD: M-hm.

1 COUNCIL MEMBER MILES: Okay.

2 COUNCIL MEMBER LEONARD: M-hm.

3 COUNCIL MEMBER FULCHER: And --

4 COUNCIL MEMBER MILES: And if we

5 don't spend it, it'll just --

6 CITY ATTORNEY POTTS: It'll -- it'll

7 be --

8 COUNCIL MEMBER MILES: Gotcha.

9 CITY ATTORNEY POTTS: -- tree

10 replacement.

11 COUNCIL MEMBER MILES: Gotcha.

12 COUNCIL MEMBER LEONARD: Yeah.

13 And we'll have some number to carry forward --

14 COUNCIL MEMBER MILES: Right.

15 COUNCIL MEMBER LEONARD: -- for

16 next year's budget.

17 CITY ATTORNEY POTTS: Right.

18 COUNCIL MEMBER FULCHER: So it

19 would be, in your parlance, an assigned budget

20 line item?

21 MR. TALLEY: Assigned budget.

22 CITY ATTORNEY POTTS: Correct.

23 MR. TALLEY: Yeah.

24 COUNCIL MEMBER FULCHER: Assigned.

25 COUNCIL MEMBER LEONARD: Okay.

1 COUNCIL MEMBER FULCHER: Yeah.

2 COUNCIL MEMBER LEONARD: I like  
3 that.

4 MAYOR EVANS: Well, I've been paying  
5 very close attention, and I, frankly, am not sure  
6 what you-all want me to do.

7 COUNCIL MEMBER LEONARD: We want  
8 you to bring forward a budget amendment to the  
9 next meeting that will show \$42,000 to be  
10 allocated to tree --

11 CITY ATTORNEY POTTS: Repurchase  
12 [phonetic].

13 COUNCIL MEMBER LEONARD: --  
14 purchase, maintenance, whatever.

15 CITY ATTORNEY POTTS: Right.

16 COUNCIL MEMBER MILES: And separate  
17 line item from parks, from forestation; its -- its  
18 own line --

19 COUNCIL MEMBER LEONARD: Right.

20 COUNCIL MEMBER MILES: -- adding --

21 COUNCIL MEMBER LEONARD: And it --

22 COUNCIL MEMBER MILES: -- 42,000.

23 COUNCIL MEMBER LEONARD: -- will get  
24 a number in -- you know, like, we have 55, 51  
25 [phonetic] as police administration or something.

1 CITY ATTORNEY POTTS: Right.

2 MAYOR EVANS: So this --

3 COUNCIL MEMBER LEONARD: It

4 would --

5 MAYOR EVANS: -- 42,000 --

6 COUNCIL MEMBER LEONARD: -- get its

7 own item.

8 MAYOR EVANS: -- this 42,000, it sounds  
9 to me, you're telling me you want that to come out  
10 of our bank account? You want to spend --

11 COUNCIL MEMBER LEONARD: That's --

12 COUNCIL MEMBER MILES: Right.

13 COUNCIL MEMBER LEONARD: --

14 correct.

15 MAYOR EVANS: -- our savings on trees?

16 COUNCIL MEMBER LEONARD: That's

17 correct.

18 COUNCIL MEMBER MILES: Right.

19 COUNCIL MEMBER BRAB: This --

20 MAYOR EVANS: All right.

21 COUNCIL MEMBER BRAB: -- it's not

22 that simple.

23 COUNCIL MEMBER LEONARD: Well --

24 COUNCIL MEMBER BRAB: Because

25 this -- this -- this, right here, that we just

1 approved tonight, is a net zero. We just shifted  
2 funds. Where does the 42- come from?

3 MAYOR EVANS: That's what I just said.

4 COUNCIL MEMBER LEONARD: It's going  
5 have to come from al -- unallocated reserves.

6 MAYOR EVANS: It's going to have to  
7 come out of the bank account.

8 COUNCIL MEMBER BRAB: Right. But --  
9 but --

10 COUNCIL MEMBER TUCCI: Out of the  
11 reserves.

12 COUNCIL MEMBER BRAB: -- it's going  
13 to increase these numbers [phonetic].

14 MAYOR EVANS: Exactly.

15 COUNCIL MEMBER LEONARD: Yes, it  
16 is.

17 MAYOR EVANS: That's what I'm saying.

18 COUNCIL MEMBER LEONARD: That's  
19 absolutely correct.

20 COUNCIL MEMBER MILES: Right.  
21 Right. Right. The whole point was --

22 MAYOR EVANS: You're instructing --

23 COUNCIL MEMBER MILES: -- you have  
24 to --

25 MAYOR EVANS: -- me to increase the

1 budget by \$42,000.

2 COUNCIL MEMBER MILES: Right.

3 Because --

4 COUNCIL MEMBER LEONARD: Yes.

5 COUNCIL MEMBER MILES: -- the  
6 money is coming out of reserves. That's what the  
7 money --

8 COUNCIL MEMBER LEONARD: Right.

9 COUNCIL MEMBER MILES: -- we -- we  
10 brought it in, we sat it there, we said we're going  
11 to use it on trees. We're taking it out, and we're  
12 spending it on trees.

13 It's no different than if you put money in  
14 savings to add a -- a room to your house. You  
15 built the room to your house. You brought the  
16 money out of savings to pay for the room to your  
17 house.

18 MAYOR EVANS: Well, it's the City  
19 Council's job to decide whether to spend city  
20 money and how to spend it. That's their job.

21 And I -- my job is to do what they tell me to  
22 do; okay. And what I'm hearing is, so far, the City  
23 Council is telling me to increase the city's budget  
24 by \$42,000 over what it currently is.

25 COUNCIL MEMBER MILES: Yes.

1 COUNCIL MEMBER TUCCI: Yes.

2 COUNCIL MEMBER LEONARD: I agree.

3 That is what we're telling you.

4 And the reason we're saying that is because  
5 we have, all of us, made some kind of commitment  
6 to spending this money for reforestation.

7 COUNCIL MEMBER FULCHER: And just  
8 because it's budgeted, doesn't mean we have to  
9 spend it all --

10 COUNCIL MEMBER MILES: Right.

11 COUNCIL MEMBER LEONARD: That's --

12 COUNCIL MEMBER FULCHER: -- this --

13 COUNCIL MEMBER LEONARD: -- right.

14 COUNCIL MEMBER FULCHER: -- year.

15 COUNCIL MEMBER LEONARD: That's  
16 correct.

17 COUNCIL MEMBER MILES: Exactly.

18 COUNCIL MEMBER LEONARD: That's  
19 correct.

20 COUNCIL MEMBER MILES: I mean, I --  
21 that's what I was saying --

22 COUNCIL MEMBER LEONARD: Right.

23 COUNCIL MEMBER MILES: -- we could  
24 just make it 25- --

25 COUNCIL MEMBER LEONARD: Well --

1 COUNCIL MEMBER MILES: -- because  
2 that's --

3 COUNCIL MEMBER LEONARD: -- but  
4 let's --

5 COUNCIL MEMBER MILES: -- all he's --

6 COUNCIL MEMBER LEONARD: -- let's --

7 COUNCIL MEMBER MILES: -- asking for.

8 But --

9 COUNCIL MEMBER LEONARD: -- do it  
10 that way.

11 COUNCIL MEMBER MILES: -- I have no  
12 problem with that. I'm -- yeah.

13 COUNCIL MEMBER LEONARD: Here's  
14 another --

15 COUNCIL MEMBER MILES: I have no  
16 problem --

17 COUNCIL MEMBER LEONARD: -- reason  
18 to --

19 COUNCIL MEMBER MILES: -- with that.

20 COUNCIL MEMBER LEONARD: -- do it  
21 that way: You-all have done a fine job at City Hall  
22 this last year. Not only do we have some amount  
23 of money going into reserves that is significantly  
24 more than what was anticipated at the time we did  
25 the budget, when we'd just gotten the audit on, but

1 in addition to that, we have gotten rid of the  
2 monster of the way we handled the insurance tax,  
3 where we kind of looked into the future and pulled  
4 moneys back so that we never even had a good  
5 audit until December in the years past.

6 So this is actually a very good year for us to  
7 make this commitment to trees rather than wait  
8 until some other year which may not be as good  
9 financially.

10 COUNCIL MEMBER MILES: Right.

11 Right.

12 COUNCIL MEMBER BOWLING: But -- but  
13 before that happens, this 108,000 has to go into a  
14 separate account. That has to happen first. And  
15 then the 42,000 that we're allocating has to come  
16 out of that. Otherwise, what's going to happen is  
17 what's happened now, this number is just going to  
18 stay here and --

19 COUNCIL MEMBER MILES: Oh. I agree.

20 COUNCIL MEMBER BOWLING: -- you  
21 know.

22 COUNCIL MEMBER MILES: Yeah. I  
23 agree. That's why I wanted --

24 COUNCIL MEMBER BOWLING: Right.

25 COUNCIL MEMBER MILES: -- it to --

1 COUNCIL MEMBER BOWLING: So that --

2 COUNCIL MEMBER MILES: -- be there  
3 [phonetic].

4 COUNCIL MEMBER BOWLING: -- that's  
5 what has to happen first in our ordinances.  
6 That -- that has to -- this 108,000 or, you know,  
7 whatever we're saying is left or not there, you  
8 know, it's -- something has to go in unallocated  
9 reserves, so when we start spending this money  
10 for parks, that number comes down.

11 MAYOR EVANS: Okay.

12 COUNCIL MEMBER LEONARD: That's  
13 correct.

14 MAYOR EVANS: And you said -- you said  
15 it exactly, Rob. This 108,000 or whatever the  
16 number is --

17 COUNCIL MEMBER BOWLING: Correct.  
18 Yeah.

19 MAYOR EVANS: -- somebody please tell  
20 me --

21 COUNCIL MEMBER BOWLING: Right.

22 MAYOR EVANS: -- the number.

23 COUNCIL MEMBER BOWLING: Right.

24 MAYOR EVANS: Right.

25 COUNCIL MEMBER BOWLING: And we

1 will. It has to be done by an ordinance, you know,  
2 to -- in the budget.

3 MAYOR EVANS: No. No. No. No.

4 COUNCIL MEMBER LEONARD: But  
5 initially --

6 MAYOR EVANS: You're saying two  
7 different things. You're saying you want an  
8 amendment to the budget --

9 COUNCIL MEMBER BOWLING: M-hm.

10 MAYOR EVANS: -- for \$42,000. Fine.

11 COUNCIL MEMBER BOWLING: Right.

12 MAYOR EVANS: But you're also saying  
13 you want 108,000 put in a separate account.

14 COUNCIL MEMBER TUCCI: No; that  
15 wouldn't --

16 COUNCIL MEMBER LEONARD: No.

17 COUNCIL MEMBER TUCCI: -- be  
18 accurate.

19 COUNCIL MEMBER MILES: No.

20 COUNCIL MEMBER TUCCI: Because  
21 we've already spent 13,000.

22 MAYOR EVANS: And that's why I am I'm  
23 saying, please, tell me the number --

24 COUNCIL MEMBER BOWLING: Right.

25 MAYOR EVANS: -- that goes into this --

1 COUNCIL MEMBER MILES: I will -- I  
2 will --

3 MAYOR EVANS: -- so I can do it.

4 COUNCIL MEMBER BOWLING: Yeah.

5 COUNCIL MEMBER MILES: I will tell you  
6 the number and --

7 MAYOR EVANS: Well, no. No. No.

8 COUNCIL MEMBER LEONARD: No.

9 MAYOR EVANS: Not you, by yourself.

10 COUNCIL MEMBER MILES: No. I'm  
11 going to tell everybody the number. It's just  
12 simple math. I just don't want to be pressed into a  
13 figure [phonetic].

14 COUNCIL MEMBER LEONARD: Actually,  
15 it isn't because we don't have all of the  
16 expenditures that you're concerned about.

17 COUNCIL MEMBER BOWLING: Right.

18 COUNCIL MEMBER BRAB: Right.

19 COUNCIL MEMBER BOWLING: Right.

20 COUNCIL MEMBER MILES: It's -- it's --

21 COUNCIL MEMBER LEONARD: The  
22 only --

23 COUNCIL MEMBER MILES: -- \$100,000.

24 COUNCIL MEMBER LEONARD: -- number  
25 we actually, firmly deal with right now is

1 the 42,000.

2 MAYOR EVANS: Okay. Well, we can  
3 prepare a proposed amended budget adding 42,000  
4 into the budget for trees. Okay. We can do that  
5 and have it ready for the next meeting.

6 And we can wait until the next meeting or the  
7 meeting after that at the Council's pleasure to tell  
8 us, Holly and me, how much money of the 108,000  
9 you want to put into a separate --

10 COUNCIL MEMBER LEONARD: Well --

11 MAYOR EVANS: -- account.

12 COUNCIL MEMBER LEONARD: -- we  
13 know that it's 53,000 or less right now. But we  
14 don't know the expenditures that these two --

15 MAYOR EVANS: Well --

16 COUNCIL MEMBER LEONARD: --  
17 gentleman --

18 MAYOR EVANS: -- I'm not sure we have  
19 general agreement on how much it is across the  
20 Council, and that's what we need to get.

21 COUNCIL MEMBER BRAB: Let's --

22 MAYOR EVANS: But --

23 COUNCIL MEMBER BRAB: -- let's get all  
24 the numbers together and discuss it --

25 COUNCIL MEMBER LEONARD: I agree.

1 MAYOR EVANS: Right.

2 COUNCIL MEMBER LEONARD: I agree.

3 COUNCIL MEMBER BRAB: Everybody's  
4 throwing around numbers.

5 COUNCIL MEMBER LEONARD: Yeah.  
6 Yeah.

7 MAYOR EVANS: Okay. Are we done with  
8 that?

9 COUNCIL MEMBER TUCCI: Yep.

10 COUNCIL MEMBER BRAB: Yes.

11 MAYOR EVANS: The next item --

12 CITY ATTORNEY POTTS: Did -- would  
13 you ask Mr. Talley if what we do will work. I  
14 mean, he's --

15 MR. TALLEY: I -- I mean, that's up to  
16 the Council, however they want to do. I mean,  
17 they --

18 CITY ATTORNEY POTTS: But, I mean,  
19 once it --

20 MR. TALLEY: -- these are your --

21 CITY ATTORNEY POTTS: -- gets  
22 assigned --

23 MR. TALLEY: Yeah.

24 CITY ATTORNEY POTTS: -- you put it  
25 in; right?

1 MR. TALLEY: Yeah. And -- and -- and it  
2 ought to go in your monthly --

3 CITY ATTORNEY POTTS: Right.

4 MR. TALLEY: -- statements --

5 COUNCIL MEMBER LEONARD: M-hm.

6 MR. TALLEY: -- you know --

7 COUNCIL MEMBER BOWLING: Right.

8 MR. TALLEY: -- that there's an assigned  
9 amount that you'll see every month down there  
10 under your --

11 CITY ATTORNEY POTTS: Right. And  
12 you'll pick that up --

13 MR. TALLEY: -- reserves.

14 CITY ATTORNEY POTTS: -- when you  
15 the --

16 MR. TALLEY: Yes. Yes.

17 CITY ATTORNEY POTTS: -- the audit?  
18 Okay.

19 MR. TALLEY: And it looks to me like  
20 you -- your first order of business is just going to  
21 be you're -- you're just going change it from  
22 unassigned to assigned.

23 COUNCIL MEMBER TUCCI: M-hm.

24 COUNCIL MEMBER BOWLING: Right.

25 That's what -- yeah, that has to happen first.

1 MR. TALLEY: Yeah.

2 COUNCIL MEMBER BOWLING: Yeah.

3 Yeah.

4 COUNCIL MEMBER MILES: And does  
5 that take any formal -- does that take a formal  
6 action on part of the Council?

7 MR. TALLEY: I think you'd have to --  
8 you -- you would have to pass something that says  
9 you're setting those aside.

10 COUNCIL MEMBER MILES: But didn't we  
11 already do that?

12 COUNCIL MEMBER LEONARD: But not  
13 as a --

14 CITY ATTORNEY POTTS: You mean --

15 COUNCIL MEMBER LEONARD: -- not --

16 CITY ATTORNEY POTTS: 2012?

17 COUNCIL MEMBER MILES: Right.

18 CITY ATTORNEY POTTS: Who's on first?

19 MR. TALLEY: That's -- that's going to be  
20 legal [phonetic].

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

23 MR. TALLEY: I understand what you're  
24 saying.

25 COUNCIL MEMBER LEONARD: Can't we

1 do that in the budgeted amendment by noting how  
2 we're going to carry that money --

3 MR. TALLEY: I think you --

4 COUNCIL MEMBER LEONARD: -- in the  
5 budget?

6 MR. TALLEY: Yeah. I think you can put  
7 it under assigned.

8 COUNCIL MEMBER LEONARD: Exactly.

9 MR. TALLEY: Yeah.

10 COUNCIL MEMBER MILES: Okay.

11 CITY ATTORNEY POTTS: And the  
12 amendment can -- can relate that it was in  
13 December of '12.

14 COUNCIL MEMBER LEONARD: Sure.

15 CITY ATTORNEY POTTS: You know, we  
16 can -- I mean, we can historically paper it.

17 COUNCIL MEMBER LEONARD: Okay. I  
18 think that's a good idea.

19 MAYOR EVANS: Thank you, Bill.

20 MR. TALLEY: Thank you. And if you  
21 have any questions, give me a call.

22 MAYOR EVANS: Aren't you glad you took  
23 this up before --

24 MR. TALLEY: Absolutely. It was  
25 interesting.

1 [WHEREUPON, counsel confers inaudibly.]

2 MAYOR EVANS: Forgive me for not  
3 knowing this, but is there a Ms. Jan Scholtz here?

4 MS. SCHOLTZ: I --

5 MAYOR EVANS: There --

6 MS. SCHOLTZ: -- forgive --

7 MAYOR EVANS: -- she is.

8 MS. SCHOLTZ: -- you.

9 MAYOR EVANS: Yeah.

10 MS. SCHOLTZ: You want me to go up  
11 there?

12 MAYOR EVANS: If you would please, Ms.  
13 Scholtz.

14 MS. SCHOLTZ: [complies]

15 MAYOR EVANS: Just give us your name  
16 and where you live and then we can. . .

17 MS. SCHOLTZ: I'm Jan Scholtz I live  
18 on Deep Creek, and I live in Prospect.

19 And I'm running for JCPS School Board. And I  
20 came tonight to introduce myself to everyone, in  
21 hope that on November 4th you remember my name  
22 and vote for me.

23 I live in the community. My children live in  
24 Hunting Creek in Prospect; my grandchildren all  
25 live here. They're on the Hunting Creek Swim

1 Team with Bill Brab's kids. And it's a great place  
2 to live.

3 The reason that I'm involved in trying to run  
4 for the school board is that I'm a -- I totally am  
5 passionate, and believe in the public education  
6 system. I feel like every citizen should be able to  
7 have the option of an excellent public education.  
8 We can't do that in Louisville at the moment.

9 I graduated from Waggener High School when  
10 Waggener was the best high school in the county.  
11 We had the most national merit scholarships of any  
12 other school in the whole nation, which is  
13 incredible. You can't say that about Jefferson  
14 County these days.

15 One thing that I don't know if all you know,  
16 but the budget of JCPS is 1.3 billion. The budget  
17 of metro government here in Louisville is half --  
18 less than half. JCPS has seven school board  
19 members that are totally responsible for this  
20 money and where the taxpayers money goes and  
21 how it's spent. Metro government has 27 people  
22 and their budget is half of this.

23 Adam Edelen, if you-all have seen the -- the  
24 audit he did earlier in the year, he audited JCPS  
25 school system, and he came out with incredible

1 deficiencies, incompetence, all sorts of things. I  
2 met with Adam Edelen privately to find out exactly  
3 how he felt about this. He went into detail about  
4 what was going on with JCPS.

5 Only 43% of all of the people that JPS [sic]  
6 hires are teachers. Only 43% with a \$1.3 billion  
7 budget.

8 In my opinion, it's a totally bloated  
9 bureaucracy. It needs people that have a business  
10 acumen and a business understanding to go after  
11 that administration and push them back.

12 If you look at what's been going on for the  
13 last 20 or 30 years, you will see nobody but  
14 cheerleaders on that board. All they have done is  
15 just sign their name and more money gets spent.

16 The Jefferson County Teacher's Association,  
17 the second day that I filed, sent me a huge  
18 survey. They said, Number Two Question: Will  
19 you be willing to vote for the highest tax increase  
20 available to you to vote for without having to go to  
21 the voters, which is 4% a year. Obviously, I said  
22 no, and, obviously, I didn't get their endorsement.

23 But I just did get the Greater Louisville  
24 Association of Realtors endorsements Friday,  
25 which is a big deal in the political world of

1       endorsements.

2           I have a lot of business experience. I've  
3       owned my own real estate company for 25 years. I  
4       was, before that, an owner of The Home Store, if  
5       any of you remember that. I was also an owner of  
6       Coldwell Banker. So I've had a lot of experience  
7       as businessperson. I've been president of the  
8       Board of Realtors here in Louisville in 2009, when  
9       we were in the great recession. I have been a  
10      national director of the National Association of  
11      Realtors. I've been on the finance committee of  
12      the Kentucky Association of Realtors. And I  
13      worked on the Pension Committee, and chaired it  
14      [phonetic] for three years.

15           I feel like I'm the best candidate for this job.  
16      We need people that are going to push back this  
17      administration and to try to take the taxpayer  
18      dollars and put it to the best use it can be. And  
19      the best use I see for it to be is to educate these  
20      children in Jefferson County, because if they're  
21      not educated what are we going to do.

22           And I'm just hoping you-all remember my name  
23      and vote for me on November 4th. And thank you  
24      for having me.

25                   MAYOR EVANS: And thank you.

1 COUNCIL MEMBER MILES: Thank you.

2 COUNCIL MEMBER TUCCI: Thank you.

3 MAYOR EVANS: Next on the agenda is  
4 Parks and Public Lands Committee update, Linda  
5 Wardell [phonetic].

6 MS. WARDELL: Good evening. I'm Linda  
7 Wardell, Chair of the Committee. And I just have  
8 a -- a brief update.

9 For the parks, we continue to have Boy Scouts  
10 interested in doing Eagle projects. Lynn Granger,  
11 I -- I'm not sure if he actually showed you the  
12 recognition plaques last month, because I was  
13 on -- I was out of town, but we have purchased and  
14 are in the process of installing recognition plaques  
15 on the 20 plus Eagle projects that have taken  
16 place in the parks over the last several years.

17 In the next few weeks we're going to have  
18 some trail maintenance days, getting ready for the  
19 fall festival, which I'm excited to know is going to  
20 include a ghost walk at Putney Pond & Woodlands  
21 trails. And I'm reaching out to some of our parks  
22 volunteers to assist in that event. I think it's  
23 going to be a lot of fun.

24 We also have scheduled a fall bird walk with  
25 experienced birders. And that's going to take

1 place on Sunday, November 2nd from 9 a.m. until  
2 noon. And this is going to be a family-friendly  
3 event. The -- the experts leading the walk are  
4 very happy to include children in the event. And  
5 we just ask that people dress for the weather.  
6 Who knows what it's going to be like in November.  
7 Bring water and binoculars, if they have them.  
8 And wear comfortable shoes. And have a good  
9 time. They're going to meet at the entrance to  
10 Putney Pond off Timber Ridge Drive and spend a  
11 few hours walking in the park.

12 So, that's my report. Any questions?

13 COUNCIL MEMBERS: [no response]

14 MAYOR EVANS: Okay. Thanks, Linda.

15 Lee Tucci, Forestation Board?

16 MR. TUCCI: I'm Lee Tucci. I live in Fox  
17 Harbor.

18 Besides the MSD replanting issue, we've been  
19 working on some other things. Number one, is  
20 Arborfest, which is an event we've been having  
21 now for several years to promote tree planting and  
22 tree care in the city. This is scheduled for  
23 Saturday, October 18th, right here in the River City  
24 Hall. It'll run from about 9 til -- to noon.

25 We are presently purchasing a 70 trees for

1 giveaways. Same number we had last year. Two  
2 years ago we gave away 90 trees. We're getting  
3 katsura trees and dogwoods, those would be the  
4 bald serviceberries [phonetic], the bald cypress,  
5 and some -- some river birch. And we encourage  
6 all our residents to come out get these trees.  
7 They're nice trees. And they'll be some tree care  
8 instruction provided.

9 We also have a commitment from Bob Ray  
10 Company and from Greenhaven to have  
11 professional arborists here to answer questions  
12 and talk about trees.

13 They'd be aware that the city has been  
14 treating ash trees for several years. In fact the  
15 last four [phonetic] in the last couple of years,  
16 that's been done by Bob Ray. And I think the  
17 arborist who -- who will be coming from Bob Ray  
18 will be the same person that's been running the  
19 program here in Prospect.

20 By the way, that program came in at less than  
21 half of budget; okay.

22 Other things that are going on, we're looking  
23 at doing some limited planting in Pu -- Putney  
24 Lane area, where there's -- where that road was  
25 put in.

1 We're authorized some tree trimming on  
2 Hunting Creek Drive, where there's a -- just two  
3 spots where trees are overgrowing the road,  
4 blocking the vision. It's a pretty small deal.

5 Based on the advice -- on the advice of our  
6 city consultant arborist, we are updating the -- the  
7 tree list of acceptable for planting in public areas.  
8 We've added several trees and taken out a few.

9 And the last item we discussed recently was,  
10 and Council may recall, the decision that -- to  
11 plant a tree as sort of a commemorative for Ann  
12 Simms. She had wanted that tree to be on Hunting  
13 Creek Drive in one of the medians, but our arborist  
14 suggested that it would be better in Cowley Park.  
15 I just talked to Ann today, and she said she's  
16 perfectly happy with that; wherever was best for  
17 the tree and for the public, is great for her.

18 MAYOR EVANS: Any questions?

19 COUNCIL MEMBERS: [no response]

20 MAYOR EVANS: Okay. I guess not.

21 Thank you, Lee.

22 Sandra, Library Committee?

23 COUNCIL MEMBER LEONARD:

24 Obviously, we're very proud of the book signing  
25 that went on today with Sally Bingham.

1       And enough thank yous can't be given to Holly  
2       and to Julia for the work that they did. It was --  
3       not only went very smoothly, it was very classy.  
4       And we had 23 people there, which, if you've ever  
5       done a book signing, you'll know that is really  
6       good. You can go and -- to a Barnes & Noble book  
7       signing and get three people. So I think she'll  
8       come back with her next book.

9       The book sale is coming, and the date  
10      escapes me at the moment, in October. Anyway,  
11      we are going to be getting ready for the next book  
12      sale, so if you've got any donations you want to  
13      bring in, now's the time.

14               MAYOR EVANS: All right. Thanks.

15      Is there anyone to report anything on Website  
16      Committee? I'm -- I'm surprised that we still have  
17      one, because I thought we were done.

18               COUNCIL MEMBER LEONARD: We ju --  
19      we're -- we're almost finished. I have not looked  
20      at it, to be honest. There's been enough going on.

21      I have to tell you, though, a little quick story.  
22      Some of us went up to the city of Carmel, Indiana,  
23      this last week. And they had been on our website  
24      and were quite impressed with it and very  
25      complimentary. So we may be a lot smaller, but it

1 doesn't mean we're not just as good.

2 The last things going are still the financials,  
3 which are almost completed, and the House Watch,  
4 which is almost completed. So, we're -- we're very  
5 close to the end. So, if you go on and find  
6 something wrong, now's the time to tell us.

7 MAYOR EVANS: Sandra, while you're  
8 talking, do you want to say anything about the  
9 history book? I'll just jump for a second.

10 COUNCIL MEMBER LEONARD: The  
11 history book is coming along. We're beginning to  
12 have an outline of the structure. We have got  
13 some pictures that are being taken of what we look  
14 like now to go with the pictures that we have from  
15 before.

16 We've done, and I can't begin to come up with  
17 the number, I'm going to do an Excel spreadsheet  
18 because I need to, we've done a number of  
19 interviews and recorded them and are still  
20 continuing to do them.

21 We had an afternoon that we went to the  
22 Filson Club to see what kinds of information they  
23 had. And their research archivist gave us three  
24 hours of how to do research and what to look for  
25 and where things were. And she's given us a

1 contact at U of L. So, things are -- are moving.

2 MAYOR EVANS: Okay. Any questions?

3 COUNCIL MEMBERS: [no response]

4 MAYOR EVANS: Thank you. The  
5 landscape and beautification committee; that  
6 would be Jacqueline McGrail. Ms. McGrail?

7 MS. McGRAIL: The work has continued.  
8 The grass has been power seeded in the areas  
9 where the weeds and Bermuda grass and such were  
10 killed off.

11 We continue to remove dead and dying plants  
12 and to work on plans for the spring.

13 We had a report on possibly reducing --  
14 there's a median on Hunting Creek that's a big,  
15 high --

16 COUNCIL MEMBER BRAB: Berm.

17 MAYOR EVANS: A berm.

18 MS. McGRAIL: It's not even a berm.  
19 But it's -- it's like a little mountain -- or ridge.  
20 It's a ridge. The question is, you know, what's  
21 under there? Is it bedrock? Is that why they left  
22 it high like that? We don't really know. So,  
23 unfortunate [sic], it seems like an engineering  
24 study to just find out what we can do is going to  
25 cost several thousand dollars. So I don't know

1 what will happen there.

2 But I went on the trip to Carmel, Indiana, and  
3 I was very impressed with not only their use of  
4 roundabout for traffic control and other things but  
5 also with their municipal plantings. They do a  
6 fabulous job, so I was really inspired.

7 MAYOR EVANS: Any questions for Ms.  
8 McGrail?

9 COUNCIL MEMBERS: [no response]

10 MAYOR EVANS: Thank you.

11 Next item on the agenda is Chief Sherrard.

12 CHIEF SHERRARD: Okay. The house  
13 checks were basically the same as they were last  
14 year, about 1100 for the month.

15 The traffic activity, that continues to be really  
16 low. That's a result of being short of manpower  
17 with the -- back in August due to the lost of Officer  
18 Timmons, and also Officer Price continues to be  
19 off from the traffic accident that he had, the  
20 injuries that he sustained in that accident, and the  
21 retirement of Larry Johnson. So we were  
22 significantly lower in personnel, and that accounts  
23 for the -- the lower amount of activity generated by  
24 officers.

25 Citation -- or, I'm sorry, the injury accidents,

1 a little bit -- or non-injury accidents, a little bit  
2 lower than the previous year.

3 Calls for service, down somewhat.

4 Officer initiated, again, that would be  
5 significantly lower because of the lower personnel.

6 Alarm runs, about the same.

7 There were five DUI arrests for the month.

8 Only two of those involved Prospect residents.

9 The other ones, two of them were from LaGrange  
10 and another one was from eastern Louisville.

11 Regarding Code Enforcement for the month,  
12 there was one citation that was issued that  
13 involved a realtor. However, she did come in and  
14 pay the -- the -- pay the fine so it didn't go before  
15 the Enforcement Board.

16 There were a few other complaints that we  
17 handled. One of which was a car that had been  
18 parking in the bike lane along Hunting Creek.  
19 While, technically, that's not an ordinance  
20 violation, we went by and talked to them and  
21 explained to them, you know, that bike lane is kind  
22 of there for a reason. Although you legally can  
23 park on the street, you're messing up the bike  
24 lane. They were pretty understanding and agreed  
25 not to park there. It actually was somebody that

1 was working for them and they agreed to just park  
2 it in the driveway. So that one kind of resolved  
3 itself.

4 A few other ones regarding weeds. Everything  
5 was resolved there.

6 Some no trespassing signs that there were an  
7 issue from the previous month over behind -- oh,  
8 what's the name --

9 COUNCIL MEMBER TUCCI: John --

10 CHIEF SHERRARD: -- of that street?

11 COUNCIL MEMBER TUCCI: John

12 Hancock.

13 CHIEF SHERRARD: John Hancock, yeah,  
14 behind John Hancock. The signs that were put up  
15 actually were too large. And so we sent them a  
16 letter to the homeowner's association president,  
17 and they removed those signs. Now the poster is  
18 still there, but there's no more signs there; they  
19 took those down.

20 There were several felony reports that were  
21 taken for the month. Just a couple of them are  
22 worth mentioning. There was a -- a real estate  
23 sale that took place in The Landings on Timber  
24 Ridge, and at the end of the day they discovered a  
25 set of silver that was missing. So, obviously,

1 there's -- we don't have any suspects with that  
2 because people were in and out of the house the  
3 whole day.

4 Another one of note was we had a -- an  
5 elderly woman that was left in a car that was --  
6 with the windows rolled up and it was unatt -- the  
7 car was unattended. They had the thing turned  
8 off. It was 99 degrees with the heat index when  
9 she was left in this car. The same thing you read  
10 about where children die, dogs die. A caretaker, a  
11 paid caretaker, was taking care of this lady and  
12 left her in while she ran in just to pick up a couple  
13 of items.

14 Well, that case, I was working the streets. So  
15 I've already pulled the video and everything.  
16 Well, it was 18 minutes. 18 minutes in 99  
17 degrees. The lady was wheelchair bound.

18 So, anyway, we're in the process of turning  
19 that information over to the prosecutor for -- for a  
20 felony abuse case on that one.

21 No -- nothing to report, really, in  
22 misdemeanor cases.

23 We did hire a police officer about a  
24 week-and-a-half ago, Chris Harr. He's standing  
25 in the back. Chris comes from us from Louisville

1 Metro. He worked 21 years for Jefferson County  
2 and then Louisville Metro. He was a Sargent for  
3 10 years, so he was a supervisor. Very highly  
4 recommended. Very nice guy. I think he's going  
5 to fit in very well out here.

6 We did get delivery on two new vehicles for  
7 the fleet, one of which was in the budget  
8 previously approved. The other one was the  
9 replacement for the one that was smashed out  
10 front here and the other insurance company  
11 involved in that paid the repair -- or the  
12 replacement cost on that one, so that one didn't  
13 come out of our budget, that came out of -- that's  
14 somebody else's nickel. That's not ours, so. . .

15 That's all I have.

16 COUNCIL MEMBER MILES: So their  
17 insurance company had enough money to fully  
18 compensate us for --

19 CHIEF SHERRARD: Actually --

20 COUNCIL MEMBER MILES: -- our loss?

21 CHIEF SHERRARD: -- it turned out  
22 pretty well. Being the hybrid, the way that it was,  
23 even though the mileage on it was pretty high, it  
24 had a really high payoff on it. And the equipment  
25 that was in that car, because it was -- it will not fit

1 in the car that you will replace it with, they rep --  
2 replaced all of the equipment to equip a new car.  
3 Because a lot of things they don't fit, like light  
4 bars and all that will not translate from one car to  
5 the next. So the consoles that you mount all that  
6 stuff on, they'd have to replace all of that because  
7 you can't just move it from one car to the next.

8 COUNCIL MEMBER MILES: So careless  
9 driver error, Prospect gets new --

10 CHIEF SHERRARD: Yeah.

11 COUNCIL MEMBER MILES: -- police  
12 car.

13 CHIEF SHERRARD: I mean, we're out --  
14 we're out just little money, within a couple  
15 thousand. But on a car that was going to be taken  
16 out of the fleet in about a year, it's -- it worked  
17 out okay for us.

18 Except we're missing somebody. That's not  
19 real -- that's not real good.

20 COUNCIL MEMBER MILES: And I -- and  
21 I guess he's under workers' comp now?

22 CHIEF SHERRARD: That's correct.

23 COUNCIL MEMBER MILES: Right.

24 And -- and I guess he has the ability to file a civil  
25 suit as well against the person --

1 CHIEF SHERRARD: That -- that is  
2 correct.

3 COUNCIL MEMBER MILES: Okay.

4 MAYOR EVANS: Yeah.

5 CHIEF SHERRARD: That is correct.

6 MAYOR EVANS: You done, Chief?

7 CHIEF SHERRARD: I am. Did you have  
8 a question, Mr. Brab?

9 COUNCIL MEMBER BRAB: Go ahead  
10 [phonetic].

11 MAYOR EVANS: Any other questions for  
12 Chief Sherrard?

13 COUNCIL MEMBERS: [no response]

14 MAYOR EVANS: If not, we'll move on.  
15 Thank you, Chief.

16 Last item on the agenda tonight is the Sign  
17 Ordinance Review. My understanding of where this  
18 sits is that, essentially, Councilman Bill Brab has  
19 come up with a proposed, revised sign ordinance,  
20 and we have that.

21 And at the other end of the podium, Ms.  
22 Leonard and Mr. Fulcher, my understanding is  
23 that they are at work on their revision of the sign  
24 ordinance, and they are half through.

25 Given those facts, I invite discussion at this

1 time among the members of the Council about how  
2 we get this job done and how we can move it  
3 along.

4 Anyone?

5 COUNCIL MEMBER BRAB: Well, I think  
6 the -- for every -- everybody that's not present at  
7 the last couple meetings about this, the Council  
8 has heard for six months, eight months, nine  
9 months, complaints about various signs in the  
10 community, either not being to code or being  
11 totally illegal.

12 And the three things that I tried to work on in  
13 my sign ordinance review were -- were pretty  
14 basic. Number one, and I think the Mayor is going  
15 to go ahead with this, that we would hire a code  
16 enforcement officer, and that person, which was in  
17 the amended budget that had second reading  
18 tonight, would hire a code enforcement officer and  
19 that person would go out after a period of time of  
20 notification to business owners of who had  
21 improper signs, and then actually enforce our  
22 ordinances as they are written.

23 The second thing that was not in our  
24 ordinances, there were several holes in them, and  
25 one of them had to do with size, that the signs

1 could get a little bit too large for what the other  
2 business owners and the Council felt was  
3 appropriate.

4 And the third thing that I tried to address, was  
5 color, so that we don't get this explosion of  
6 riotous color in our signs throughout the  
7 community.

8 And those were put into my -- the suggestions  
9 I made. And then I think Frank and Sandra looked  
10 at several other cities and added some additional  
11 definitions and some fine-tuning and whatnot.

12 But the -- the -- the point that I tried to stress  
13 is -- is that we wanted our signs to be somewhat  
14 uniform while still giving our business owners the  
15 opportunity to advertise their businesses, but also  
16 be of a certain size. We didn't want to see an  
17 explosion.

18 Like for instance, just so everybody in the  
19 audience knows, under our current ordinance, if  
20 the height of a building in the front is of a certain  
21 height and width of the leased premises, is of a  
22 certain size. An example being in -- I think it's  
23 Prospect -- this Prospect Point over here?  
24 Prospect Point Shopping Center, one of those  
25 businesses over there could technically have a

1 sign that would be 6 feet high and 33 feet wide.

2 Now, I don't think any of us want that. But that's  
3 the way the ordinance is written.

4 So, I tried to address those issues. I tried to  
5 address the color issues. I tried to address the  
6 monument issues, because there's been a  
7 proliferation of what are monument signs  
8 throughout -- throughout some of the area. And  
9 that's what I tried to do, and it was really in about  
10 four sections.

11 So, I think it addressed everything that we  
12 were charged with at the front-end and then, you  
13 know, I think it's up to the Council to decide  
14 whether they want to do anymore.

15 MAYOR EVANS: Well, personally, I want  
16 to thank you for the work you did on this. And I  
17 also want to say that a month from now I am going  
18 to have, at the Council meeting, a revised sign  
19 ordinance for a first reading, and I'm sure your  
20 work will figure very prominently in that.

21 Sandra and Frank?

22 COUNCIL MEMBER FULCHER: I think  
23 that's -- that's doable. And I think Bill's -- Bill's  
24 input is, essentially, going to be using it also, and  
25 along with the other things that are annotated in

1 the things you see from us.

2 COUNCIL MEMBER LEONARD: One of  
3 the things that we found as we started reading the  
4 ar -- ordinance, and it goes on for pages, and it's  
5 not logical, we found, for example, that there are  
6 definitions of words there, but then the words  
7 don't appear anywhere else in the ordinance, so  
8 why did we have a definition?

9 We found that the ordinance is old enough  
10 that it doesn't deal with current problems. If  
11 anybody's been to Kroger lately and looked at the  
12 new signs that sprung up in the parking lot over  
13 the cart thing, that -- there's nothing in the  
14 ordinance that deals with that at all. Nor, I  
15 believe, did they come in and get permits for any  
16 of those signs.

17 We found that when we looked at the  
18 ordinances from some other jurisdictions, there  
19 are components of it that would be helpful. For  
20 example, one of the things that we talked about,  
21 but we haven't done anything with, is other --  
22 some other cities will allow a banner to go up for  
23 the first "X" period of time of a new business. And  
24 maybe we'd like to let people know that there is a  
25 new business, but we want them to take it down

1 afterwards. Right now we just say "no banners,"  
2 which does not make the -- the business  
3 community happy because they have no way of  
4 telling us the business is new.

5 So, Frank and I literally, are about halfway  
6 through.

7 We started by going around and taking a  
8 picture of every one of the signs -- commercial  
9 signs in the city. And that also let us realize that  
10 monument signs and window signs are probably the  
11 two largest areas of non-compliance. And then  
12 you say, "Well, what does that mean?" And you  
13 look at the portion of the thing that deals with  
14 monument signs, and I come away from it, anyway,  
15 maybe I'm not very bright, thinking I -- that  
16 doesn't make any sense .

17 So that's why we're halfway through.

18 COUNCIL MEMBER BRAB: I have -- I  
19 have one question for Grover so that I'm clear in  
20 my mind. Because there are some non-conforming  
21 signs in the city at this point --

22 CITY ATTORNEY POTTS: Right.

23 COUNCIL MEMBER BRAB: --  
24 non-confirming to our current ordinance as written,  
25 if we have this code enforcement officer hired, and

1 it takes us another two months, let's say, Mayor  
2 said he was going to bring an ordinance forward  
3 next month, which would be first reading, another  
4 two months to get this revised, does that code  
5 enforcement officer have the authority to say,  
6 "These signs are non-conforming. You can either  
7 fix them or take them down," or are those signs,  
8 and I've heard this phrase and it drives me  
9 crazy --

10 COUNCIL MEMBER TUCCI:

11 Grandfathered.

12 COUNCIL MEMBER BRAB: --

13 "grandfathered," because that's -- I'm a  
14 grandfather.

15 CITY ATTORNEY POTTS: Yes, sir.

16 COUNCIL MEMBER BRAB: What does  
17 that mean?

18 CITY ATTORNEY POTTS: Well, there  
19 are -- there are actually two questions that you  
20 asked; okay. One of them is: If there is a sign  
21 that went up after the enactment of the current  
22 sign ordinance that is in violation of the current  
23 sign ordinance, can the code enforcement officer  
24 require that sign to be made into conformance, and  
25 the answer is yes. That is not a non-conforming

1 right; okay.

2 If there are signs that are in conformance  
3 with the current sign ordinance that you decide in  
4 the future to change, those signs would have  
5 non-conforming rights, and they would allow -- be  
6 allowed to continue until they were changed, in  
7 which event they would lose that non-conforming  
8 right to status.

9 So if -- if there's a sign that's 8 feet -- I'm  
10 just pulling numbers out of the air -- 8 feet by 12  
11 feet and it's only -- and -- and the current sign  
12 ordinance allows 8-by-12, and you change it to  
13 4-by-6, the 8-by-12 gets to stay.

14 COUNCIL MEMBER LEONARD: What if  
15 there's a sign that there's nothing in the ordinance  
16 about, like the -- the new Kroger things on the  
17 shopping cart --

18 CITY ATTORNEY POTTS: Well --

19 COUNCIL MEMBER LEONARD: -- area?

20 COUNCIL MEMBER BRAB: There is. It  
21 says, clearly, that every retail establishment may  
22 have so many signs, one, two, three, four. Kroger  
23 has ten signs.

24 CITY ATTORNEY POTTS: Yes.

25 COUNCIL MEMBER BRAB: So it does

1 cover that. Whether it's on -- whether it's on --

2 COUNCIL MEMBER LEONARD: Okay.

3 COUNCIL MEMBER BRAB: -- grocery

4 cart, whether it's on the wall, whether it's on a

5 flag, whether it's on a monument, it's very clear in

6 the current ordinance that certain --

7 COUNCIL MEMBER LEONARD: I'll

8 accept that.

9 COUNCIL MEMBER BRAB: -- retail

10 establishments are allowed "X" number of signs by

11 titlement [phonetic].

12 COUNCIL MEMBER LEONARD: So

13 not only are those 12 signs or whatever in

14 non-conformance, but the other ones on the front

15 of their building, there are over four, are also.

16 COUNCIL MEMBER BRAB: It depends,

17 because they have separate established

18 corporations. Now --

19 COUNCIL MEMBER LEONARD: Well, we

20 need to be careful of that one.

21 COUNCIL MEMBER BRAB: I -- I'm just

22 saying, the -- the ordinance as it's set -- as it is

23 written, covers that, so. . .

24 COUNCIL MEMBER LEONARD: So

25 they're not conforming?

1 COUNCIL MEMBER BRAB: Absolutely  
2 not.

3 CITY ATTORNEY POTTS: Right.

4 COUNCIL MEMBER LEONARD: And  
5 nobody else can have them?

6 COUNCIL MEMBER MILES: Unless  
7 they --

8 COUNCIL MEMBER BRAB: If they're  
9 non-conforming, it doesn't matter who it is.

10 COUNCIL MEMBER MILES: -- unless  
11 they want to make that their only sign is on a. . .  
12 [phonetic]

13 COUNCIL MEMBER LEONARD: I hear  
14 you. Okay. What about a sign that one part of the  
15 ordinance will allow and another part of the  
16 ordinance, as it's currently constituted, probably  
17 wouldn't or it doesn't address that.

18 COUNCIL MEMBER BRAB: Such as?

19 COUNCIL MEMBER LEONARD:  
20 Monument signs, the additional monument signs  
21 that are out there.

22 COUNCIL MEMBER BRAB: Well, if we --

23 COUNCIL MEMBER LEONARD: That one  
24 part of the ordinance looks like it's okay and that's  
25 why they were granted. and another part of the

1 ordinance doesn't even deal with it.

2 CITY ATTORNEY POTTS: Were -- were  
3 they -- were they granted a permit to put the signs  
4 up, the --

5 COUNCIL MEMBER LEONARD: That's  
6 a --

7 CITY ATTORNEY POTTS: -- the  
8 monument?

9 COUNCIL MEMBER LEONARD: -- good  
10 question.

11 COUNCIL MEMBER MILES: Right.

12 COUNCIL MEMBER LEONARD: Probably,  
13 yes.

14 CITY ATTORNEY POTTS: And if they  
15 were, then they've got that right.

16 COUNCIL MEMBER LEONARD: Okay.

17 COUNCIL MEMBER MILES: Yeah. That's  
18 the key is if we -- if we granted them, whether it  
19 was in compliance or not, that's on us, you know.  
20 But I -- my guess is maybe some of those, I -- and  
21 I don't know -- didn't -- didn't get granted. That's  
22 the key question is: Did they get proper permitting  
23 to begin with?

24 COUNCIL MEMBER LEONARD: I don't  
25 think --

1           MAYOR EVANS: Well, even if they got  
2 improper permitting, if somebody in the city  
3 administration permitted it --

4           CITY ATTORNEY POTTS: You're stuck  
5 with it.

6           MAYOR EVANS: -- we're stuck with it.

7           COUNCIL MEMBER MILES: Right.

8 Right. Right. I'm saying --

9           COUNCIL MEMBER LEONARD: Right.

10          COUNCIL MEMBER MILES: -- if they  
11 didn't get any permitting and is in non-compliance.

12          COUNCIL MEMBER BRAB: But the  
13 monument signs are covered, either under the  
14 retail shopping center or retail centers. And  
15 they're allow one per street entrance --

16          COUNCIL MEMBER LEONARD: See  
17 that's --

18          COUNCIL MEMBER BRAB: -- just as --

19          COUNCIL MEMBER LEONARD: -- that's  
20 a flaw [phonetic].

21          COUNCIL MEMBER BRAB: -- an  
22 example --

23          COUNCIL MEMBER LEONARD: --  
24 that's -- that' a flaw [phonetic] --

25          COUNCIL MEMBER BRAB: I'm just -- I'm

1 just going to say just as an example, the Pie  
2 Kitchen sign is not a reta -- it's not street  
3 entrance in Prospect Point. I'm just going to use  
4 that as an example. That is a monument sign, it  
5 says, whatever the Pie Kitchen. And they're only  
6 allow one per street entrance. And some, like  
7 Prospect Point has several on US 42; okay.

8 They also could have one back where the  
9 hardware store is because that's a street entrance  
10 off of River Road, or they could have it over by the  
11 Pie Kitchen.

12 COUNCIL MEMBER LEONARD: We have  
13 been looking at one per shopping center.

14 COUNCIL MEMBER BRAB: One per  
15 street entrance in the ordinance.

16 COUNCIL MEMBER LEONARD: I know.  
17 But that's what we're looking at for the future.

18 CITY ATTORNEY POTTS: Just, as most  
19 of you know, I have made a career doing zoning  
20 work. I think if you did that, you would have the  
21 most restrictive, and maybe want that, but you  
22 would have the most restrictive monument sign  
23 ordinance --

24 COUNCIL MEMBER LEONARD: That's  
25 why we're taking -- I agree. And be -- part of it

1 also relates to the size of the shopping center.

2 CITY ATTORNEY POTTS: Right.

3 COUNCIL MEMBER LEONARD:

4 Something like that for the Kroger area probably  
5 makes almost no sense at all.

6 For something little, like this, where people  
7 are arguing, or like the other shopping center, that  
8 just because there are two buildings within the  
9 shopping center, you double the number of signs  
10 possible.

11 And so we're looking at trying to deal with  
12 verbiage for that, too.

13 COUNCIL MEMBER BRAB: Well, I think  
14 that's covered. I put it in there. Single  
15 freestanding commercial establishments not part of  
16 the shopping center shall be entitled to a mar --  
17 monument sign. And other than that, they're not.

18 COUNCIL MEMBER LEONARD: It's then  
19 the -- it's then the definition of the "freestanding,"  
20 too.

21 MAYOR EVANS: Any more discussion by  
22 the Council?

23 COUNCIL MEMBERS: [no response]

24 MAYOR EVANS: By anyone?

25 AUDIENCE: [no response]

1           MAYOR EVANS: I invite comments from  
2 citizens at that time on any subject.

3           AUDIENCE: [no response]

4           MAYOR EVANS: If not, I'll entertain a  
5 motion to adjourn.

6           COUNCIL MEMBER BRAB: So moved.

7           COUNCIL MEMBER MILES: Second.

8           MAYOR EVANS: All in favor?

9           COUNCIL MEMBERS: Aye.

10 [WHEREUPON, the City Council Meeting  
11 concludes at approximately 8:30 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

.

My Commission Expires: \_\_\_\_\_ Notary Public

.

JANUARY 2, 2017 \_\_\_\_\_.

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Notary ID: 480672

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