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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

NOVEMBER 12, 2012

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4 MAYOR EBERLE: Welcome, everyone.

5 This is the regular City Council Meeting for the
6 month of November, 2002 [sic], of the City of
7 Prospect.

8 COUNCIL MEMBER SCOTT: You said
9 2002.

10 MAYOR EBERLE: Oh, 2012. Yeah. It's
11 right here.

12 COUNCIL MEMBER TUCCI: Hey, I just
13 lost --

14 MAYOR EBERLE: Well --

15 COUNCIL MEMBER TUCCI: -- ten years.

16 COUNCIL MEMBER SIMON: Yeah. Yeah.

17 COUNCIL MEMBER TUCCI: All right.

18 COUNCIL MEMBER SIMON: Mandate
19 that. Mandate that.

20 MAYOR EBERLE: We're all a little
21 younger.

22 Two -- 2012. And November 12th, 2012. And
23 will I will call it to order.

24 We have -- one of our council members is --
25 I -- I understand is not going to be able to make it

1 tonight, Stewart Miles. So we will go ahead.

2 And we have a relatively short agenda. I'm
3 not sure how we can predict that, but at any rate,
4 the first item of business is the approval of the
5 minutes for the regular City Council Meeting of
6 October 15th, 2012. And those have been
7 distributed. There are copies in the back for those
8 of you in -- in the audience.

9 And we'll entertain a motion that they be
10 acc -- accepted as --

11 COUNCIL MEMBER SIMON: So moved.

12 MAYOR EBERLE: -- written or any
13 amendments.

14 Simon.

15 COUNCIL MEMBER TUCCI: Second.

16 MAYOR EBERLE: And Tucci.

17 COUNCIL MEMBER TUCCI: M-hm.

18 MAYOR EBERLE: Any discussion?

19 COUNCIL MEMBERS: [no response]

20 MAYOR EBERLE: And those in favor,
21 signify by saying "aye."

22 COUNCIL MEMBERS: Aye.

23 MAYOR EBERLE: Opposed by "no."

24 COUNCIL MEMBERS: [no response]

25 MAYOR EBERLE: And we have adopted

1 the minutes from the last regular City Council
2 Meeting.

3 My report, we have a few things to -- to go
4 over. And I do want to congratulate the winners of
5 the election last week and express appreciation for
6 service of those who are going to be retiring. We
7 do have the two gentlemen that are -- will be new
8 council members, Bill Brab and Rob Bowling. I --
9 do you want to stand up and --

10 MR. BRAB: [stands]

11 MR. BOWLING: [stands]

12 MAYOR EBERLE: Yeah. Okay. There
13 we go.

14 MR. SPEAKER: Welcome.

15 MAYOR EBERLE: So they will be joining
16 us. We'll be swearing in the new council on
17 January 1st, and they will be joining us after that
18 time for our regular City Council meetings.

19 I also want to express appreciation for years
20 of service. Loretta Ertel will be retiring from
21 council and has been here loyally for six years and
22 served on various committees and -- and boards
23 prior to that time and since that time.

24 Alan Simon, you will -- our senior member, 22
25 years.

1 COUNCIL MEMBER LEONARD: Oh, my
2 God.

3 MAYOR EBERLE: That makes me tired
4 just --

5 COUNCIL MEMBER SIMON: Yeah.

6 MAYOR EBERLE: -- to think about it.
7 But Alan will be retiring as of January 1.

8 And our new senior person will be Sandy
9 Tucci, who will be marking her 18th year as -- on
10 January 1. The beginning of your 19th year.

11 COUNCIL MEMBER TUCCI: Right.
12 Right.

13 MAYOR EBERLE: So. . .

14 COUNCIL MEMBER SIMON: Go for it.

15 MAYOR EBERLE: The -- and also I want
16 to congratulate Mike Scott and Sandra Leonard for
17 their -- on their re-elections. And for Stewart
18 Miles, who is not able to be here tonight.

19 Financial update, we -- I distributed the -- the
20 unbound version of the report from the accountants
21 in your packets that we distributed on Saturday.
22 Those -- and -- and we will be getting bound
23 versions. There was no mail today. They should
24 be available and I will -- I will try to mail those out
25 next week because we -- we have another mailing

1 that will need to go out. But they reflect 66% --
2 66.4% of our budgeted revenues have been
3 received for the fiscal year; 30.6% of our expenses
4 have been expended. And again, this is a -- a
5 third of the way through the fiscal year, so. . .

6 COUNCIL MEMBER LEONARD: Excuse
7 me. I didn't a copy.

8 COUNCIL MEMBER SCOTT: I didn't -- I
9 didn't get a copy either.

10 MAYOR EBERLE: Oh.

11 COUNCIL MEMBER SCOTT: Of the --

12 MAYOR EBERLE: Well --

13 COUNCIL MEMBER SCOTT: --

14 financials.

15 MAYOR EBERLE: -- then -- then they're
16 in your -- ok -- you're right. Because we got
17 them -- yeah. And they should be in the back of
18 your binders. Are they in the back?

19 COUNCIL MEMBER TUCCI: No.

20 COUNCIL MEMBER ERTEL: No.

21 COUNCIL MEMBER LEONARD: No.

22 MAYOR EBERLE: Okay. We will get
23 you -- we'll get you copies before we go. There's
24 a pile of them. I think there's some in the back,
25 aren't there?

1 DEPUTY CLERK LEVOLD: Of what?

2 MAYOR EBERLE: Are there -- are there
3 some on the -- financials on the back there?

4 DEPUTY CLERK LEVOLD: Hm-m.

5 MAYOR EBERLE: Okay. We can get
6 those for -- to you before you leave. Remind me.

7 The audit, we had hoped to have the audit
8 available for this meeting, but it should be
9 available later this week and I will mail that out.
10 Bill Talley, who is our auditor, will be here at the
11 December meeting to answer any questions, and
12 we'll consider it formally. That -- that will go out,
13 and I'll send that out with the -- with the monthlies
14 that we have for the current. Again, the audit will
15 be for the 2011-2012 fiscal year.

16 Fall events, the -- the -- it -- our -- our
17 history, and they were all very successful, Pun'kin
18 Paint'in was Sunday, October 21st. And I think we
19 had a -- a very good mix of activities. And we had
20 a lot of folks. It was very good weather. And I -- I
21 appreciate those of you who -- who ended up
22 having to judge the pumpkins and that type of
23 thing, so. . .

24 It was very -- a -- a very good Pun'kin
25 Paint'in. That's our 15th annual, so. . .

1 Our Fall Library Book Sale --

2 COUNCIL MEMBER TUCCI: And the
3 Fulcher grandchildren swept -- they swept the field
4 again.

5 MAYOR EBERLE: That's right. And the
6 Fall Library Book Sale was Friday and Saturday,
7 October 26 and 27. And I think we, so far, have
8 about \$720 this year?

9 COUNCIL MEMBER LEONARD: We had
10 close to 700 at the end of Saturday, which is really
11 good. I mean, that probably is \$100 higher than
12 normal; does that sound right?

13 And I just put out a bag and box tonight.
14 They're already coming in for the next one.

15 MAYOR EBERLE: Yeah. Okay. Great.
16 And we -- and this is before we take the
17 remainders to Half Price Books.

18 COUNCIL MEMBER LEONARD: Right.

19 MAYOR EBERLE: So that'll be -- that'll
20 add on to it.

21 COUNCIL MEMBER LEONARD: M-hm.

22 MAYOR EBERLE: And I know we have --
23 we have been selling since the book sale at Half
24 Price. So -- so we might -- again, we're going to
25 be in a position where it -- it makes sense to

1 continue to have that both the spring and a fall.

2 COUNCIL MEMBER LEONARD: Yeah, it
3 does. Because otherwise, we'd need a lot more
4 cabinet space.

5 MAYOR EBERLE: That's right. So --
6 and we make money in -- two times a year. So
7 that's a -- that -- that was a -- a another good
8 success.

9 Arborfest. Probably the most successful of
10 the five we have had. This was the fifth year for
11 Arborfest. And I had combined it with Mayor's
12 Beautiful Day, where we used to give out flower
13 bulbs. This year we gave out trees. And we
14 gave -- we distributed a little over -- close to 90
15 trees. And people were queued up in the parking
16 lot, waiting for -- for -- you know, spaces where
17 they could park and pick them up, so. . .

18 And we also had -- we had the best turnout
19 we've ever had for Arborfest.

20 And we hope that they -- all of those trees will
21 get planted. They -- these were container trees,
22 most of them at least 6-foot, there were some
23 8-foot trees in there. And I think the likelihood of
24 them being planted increases greatly by the size
25 of the tree and the -- and -- that you give. So

1 we're hoping that most, if not all, of those trees
2 will be planted in Prospect. And it will go a long
3 way to increasing our tree canopy, which we've
4 been worried about for some time with all the
5 storms we've had to deal with and removing trees,
6 so. . .

7 The tours -- a Tour of the Harrods Creek Trail
8 was Sunday, October 28th. And I know Stewart was
9 there; Linda Wardell was there. And neither of
10 them are able to be here tonight.

11 Some of you may have joined that -- that
12 tour -- the guided tour of the trails --

13 COUNCIL MEMBER LEONARD: Actually

14 MAYOR EBERLE: -- but it went -- very
15 well --

16 COUNCIL MEMBER LEONARD: Can I --

17 MAYOR EBERLE: -- you were there.

18 COUNCIL MEMBER LEONARD: I did. I
19 went. The weather was dreadful so the attendance
20 was dreadful. But the trails are really, really
21 fantastic. And I want to give special thanks to my
22 tour guide. You know, I'm a little mature, and it
23 was a little muddy, and this person was so tolerant
24 to me. Anyway, she's sitting in the audience right
25 here today. Thank you so much.

1 MS. SPEAKER: Was that you?

2 MAYOR EBERLE: There you go. But she
3 got out on her own.

4 MS. SPEAKER: Came in the fall.

5 COUNCIL MEMBER LEONARD: Yeah.

6 MAYOR EBERLE: You managed to do it.

7 MS. SPEAKER: She was there in the fall,
8 too.

9 COUNCIL MEMBER LEONARD: Well, she
10 also had a thing called a walking stick; is that
11 right?

12 MS. SPEAKER: Yeah.

13 COUNCIL MEMBER LEONARD: And it
14 makes a big difference. From now on, when they
15 say, "I'm too old and I need a cane," I'm going to
16 take one.

17 MAYOR EBERLE: There you go. And all
18 of those events will be returning next year, in --
19 including 4th of July. I don't know if we can talk
20 Council Member Simon into doing the legwork for
21 4th of July, but we are looking forward.

22 And -- and -- and we appreciate everybody
23 that attended our fall events. And we'll be
24 coming out with the calendar probably -- we
25 print it in-house, so we'll probably have it

1 mid-December at the latest in -- in everybody's
2 box. So you can take the dates off there and put
3 them on your own personal calendars.

4 Transportation and Roads Update. The
5 resolution that we passed at the October 15th
6 meeting, I have sent out to all of our -- well, state
7 representative, our state senator, our metro
8 councilman, Mayor Fischer, did kind of a -- of a
9 VIP drop of that to -- and also to the Cabinet for --
10 to the Transportation Cabinet. I didn't particularly
11 expe -- ex -- expect to hear necessarily from our
12 state representatives and our senator and -- and
13 Kelly Downard. They were all involved in
14 campaigns. Oh, I guess Ernie Harris didn't have
15 any opposition.

16 CITY ADMINISTRATOR SIMMS: Well, but
17 we heard from -- remember, we did hear from a
18 couple of them.

19 MAYOR EBERLE: Yeah.

20 CITY ADMINISTRATOR SIMMS: And
21 they --

22 MAYOR EBERLE: Well --

23 CITY ADMINISTRATOR SIMMS: -- did
24 receive them.

25 MAYOR EBERLE: No. Okay. They

1 received it. But I -- what -- what I really would
2 like to get is some kind of response from the
3 Transportation Cabinet. And as soon as we get
4 that, I'll -- I'll let -- I'll let you know.

5 Closure of Timber Ridge Drive. We had it
6 scheduled from October 9th to November 15th and
7 you -- and our city administrator has spoken to
8 them.

9 Ann, can you fill us in on that?

10 CITY ADMINISTRATOR SIMMS: I can. I
11 received a phone call this morning. There ha --
12 it's probably more information than you want, but
13 you might as well know. We managed -- they
14 managed to get under a 60-inch water pipe, but
15 there's one 36-inch water that is creating a lot of
16 ruckus. And its going to be between the water
17 company and MSD to get it settled. But there is no
18 way we'll make the November 15th date. And we
19 don't have any way of telling you how long that
20 might be closed. So it's -- I will certain alert
21 everybody as soon as I get good news.

22 MAYOR EBERLE: It does change
23 patterns. I found myself going down River Road
24 and turning left and thinking I was going to turn
25 left the other day, so. . .

1 But it will be beyond November 15th.

2 CITY ADMINISTRATOR SIMMS: Right.

3 MAYOR EBERLE: Which was the date
4 we -- and we'll send out an Email Blast letting
5 everybody know as soon as we get a -- a -- a new
6 date.

7 CITY ADMINISTRATOR SIMMS: Right.

8 MAYOR EBERLE: So. . . Paving and
9 striping. The paving for the fall -- the fall paving
10 has been completed.

11 And the bicycle lane striping should be -- it
12 should go ahead on Thursday, November 15th. We
13 have had our police agree to control the traffic.
14 This will be on Hunting Creek Drive and the
15 Innisbrook Drive. And the striping should be done
16 in -- in -- within -- in one day. And that's weather
17 permitting, but the weather looks good now, and I
18 think we're -- we're -- we're set to go.

19 CHIEF SHERRARD: We're set up for both
20 Thursday or Friday.

21 MAYOR EBERLE: Or Friday.

22 CHIEF SHERRARD: In -- in the event
23 that something happens and they get delayed.
24 Weren't they supposed to pave something else on
25 Wednesday, elsewhere?

1 MAYOR EBERLE: They --

2 CHIEF SHERRARD: So if they get --

3 MAYOR EBERLE: -- told me --

4 CHIEF SHERRARD: -- delayed on that
5 project --

6 MAYOR EBERLE: That they had a --

7 CHIEF SHERRARD: -- we're set up for
8 Thursday and Friday --

9 MAYOR EBERLE: Okay.

10 CHIEF SHERRARD: -- with adequate
11 personnel. They'll do it either day. So we rotated
12 some stuff around just to be safe, so we're not
13 caught in the last minute. So we're good to go.

14 MAYOR EBERLE: That's great.

15 CHIEF SHERRARD: And that's to cover
16 both shifts. In case there's an overlap, if it takes
17 them longer, say, from 7 to 3 --

18 MAYOR EBERLE: Right.

19 CHIEF SHERRARD: -- if it gets up at the
20 5 or 6:00 at night, we're that way, too. So we're
21 good.

22 MAYOR EBERLE: Okay. It shouldn't be
23 a great inconvenience that you might encounter,
24 some delays or, you know, rerouting on either of
25 those roads on that date. And then -- well, yeah,

1 they have a -- the contractor that we have has a --
2 a job in Owensboro that they thought they could do
3 in one day. And that's why it could be Friday, if
4 they -- if they have to go back to Owensboro on
5 Thursday.

6 Forestation Board Update. We have a -- a --
7 a -- a -- a municipal order for tonight appointing
8 Herb Shulhafer. Herb has been attending
9 Forestation Board meetings for some time. He
10 actually was -- he dealt with the Forestation Board
11 a couple years ago with a tree on his property. He
12 expressed an interest in joining, and I have that. I
13 don't think Herb is here tonight. He's not. But, at
14 any rate, we have that on the agenda. And -- and
15 Herb, as -- as I say, has been attending meetings
16 unofficially, and tonight, hopefully, we'll be able
17 to have that become an official membership.

18 Signature Tree at Hunting Creek Entrance.
19 We have changed it from a northern red oak on the
20 advise of an arborist that said that the northern
21 red oak is one -- is one of the only oaks that
22 should be planted in the spring. And rather than
23 wait until the spring, we're going to go with
24 probably a bur oak or one of the white oaks, so. . .
25 And that should be accomplished in the next

1 couple of weeks.

2 We did, at Arborfest, plant two paper bark
3 map -- maples in little Hunting Creek Park around
4 the -- not the map sign but the -- for Fox Harbor,
5 but the other sign, the -- the -- the park sign.

6 And we also planted a red bud for Arborfest,
7 and there was a memorial tree.

8 Is it Cindy Emig?

9 MR. TUCCI: Yes.

10 MAYOR EBERLE: Cindy Emig was a
11 friend of -- and -- and a friend of her passed away,
12 and Cindy Emig paid for that tree to be planted,
13 so. . .

14 MR. TUCCI: The little redbud, right.

15 MAYOR EBERLE: Also, the Forestation
16 Board is working on their Tree City USA
17 application, and looking at possibly renewing our
18 application for an award for the Growth Award.
19 And that will be -- we'll have more news on that in
20 probably -- it's due, it'll be in the -- the end of
21 December, and it's usu -- we usually get something
22 back on that in February. But it looks good that
23 we -- we'll be able to meet the standards again.

24 And their -- Forestation Board's next meeting
25 is December 3rd. Lee -- Lee Tucci is the chair of

1 the committee.

2 Lee, is there anything else that we felt --

3 MR. TUCCI: We had an arborist survey
4 trees that have been potentially identified as
5 hazardous during our tree inventory. And I went
6 around with the arborist. We looked at six or
7 seven trees, I believe, that he's going to report
8 that four are hazardous. And we will receive that
9 notice then, the city will notify the property
10 owners that they need to remove those trees or --
11 well, overhanging limbs in some cases.

12 MAYOR EBERLE: Yeah. And these are
13 trees that are on private property but that pose a
14 danger to public property, people, or -- or
15 automobiles, whatever, so. . .

16 And we -- in our ordinance we paid attention
17 to due process. Once they're notified that we have
18 an arborist that says that it's a danger, then they
19 have 45 days to come up with a different arborist,
20 and they can appeal it to the Forestation Board.
21 And so it -- it may be a while, but we do have to
22 pay attention to trees, even though they're on
23 private property, if they endanger --

24 MR. TUCCI: Roadway or one case, a
25 sidewalk.

1 MAYOR EBERLE: Right. Code
2 Enforcement Board update. We do not have any
3 appeals that are appending -- pending.

4 CHIEF SHERRARD: [shakes head]

5 MAYOR EBERLE: The normal meeting
6 would be the 28th, I think, of -- of this month. At --
7 then at this point we don't have any pending cases
8 before the -- that will come before the Code
9 Enforcement Board.

10 And Chief Sherrard may expand on some
11 of the Code Enforcement in our next item here,
12 but. . .

13 Parks & Recreation Advisory Committee
14 update. Congressman -- Congressman -- Council
15 Member Miles and Lor -- Linda Wardell were not
16 able to be here tonight, but I will just fill you in.
17 We have -- the site preparation has begun on the
18 Pe -- Putney Pond access road, and it will be --
19 it'll be on schedule to be completed before the end
20 of the year.

21 Invasive Species Removal. We have a
22 demonstration project and also an offer from --
23 from one group and also on -- on a -- which would
24 not involve any charge, and also an offer from a --
25 a person with the Olmsted Parks Conservancy to --

1 to address invasive species.

2 The -- the -- the committee is working on the
3 establishment of a "Friends of Prospect Park,"
4 not-for-profit. And that would allow people that
5 wanted to make contributions and al -- to -- and
6 not that they can't deduct it if they give it to the
7 city, but it -- it would establish a not-for-profit
8 organization, which would enable us to -- to
9 pursue grants ask more effectively, so. . .

10 And we have our newest member on there, who
11 is an attorney and is -- and is looking at getting
12 free legal services from that -- sorry.

13 COUNCIL MEMBER SIMON: Is that -- is
14 that like a 501(3)(c)?

15 MAYOR EBERLE: It would be a 501(3)
16 something.

17 COUNCIL MEMBER LEONARD: (c)(3).

18 COUNCIL MEMBER TUCCI: (c)(3).

19 MR. TUCCI: (c)(4).

20 MAYOR EBERLE: Probably a (c)(4).

21 COUNCIL MEMBER LEONARD: Why
22 would they be able to pursue grants more
23 effectively?

24 MAYOR EBERLE: Because the grants
25 that we have applied for, we have heard from

1 the -- the people that we have applied from, is that
2 they don't give money to government, so. . .

3 And so, Eagle Scout Projects, we are looking
4 at some bicycle racks at trailheads. None of
5 those are confirmed yet. But Lynn Granger,
6 who was our -- kind of our broker for the Eagle
7 Scouts -- Eagle Scout projects has at least two
8 people that are willing to -- to consider
9 constructing wooden bicycle racks, so. . .

10 The other thing was, we finally got the Girl
11 Scouts involved. And the Brownie -- Brownie
12 Troop 521 from Norton Elementary, they -- they
13 have made wooden literature holders to put on the
14 kiosks in -- in the various parks. And the Parks &
15 Recreation Advisory Committee approved it at their
16 meeting a week ago. And they're already built and
17 up. So, you know, those Girl Scouts are -- they're
18 going to -- they way eclipse the Boy Scouts, so. . .

19 Library Committee Update. We've already
20 really talked about, so. . .

21 Any --

22 COUNCIL MEMBER SCOTT: I --

23 MAYOR EBERLE: -- questions --

24 COUNCIL MEMBER SCOTT: -- I have --

25 MAYOR EBERLE: -- comments?

1 COUNCIL MEMBER SCOTT: -- a
2 question.

3 MAYOR EBERLE: Sure.

4 COUNCIL MEMBER SCOTT: I've had a
5 couple residents ask me, and I just don't know the
6 answer. In reference to the Putney Pond access
7 road that has been bid, and it's -- I guess it's
8 about \$115,000, and that was part of the Kentucky
9 Heritage Council that wanted that, as I understand
10 it, or at least as I understood it.

11 MAYOR EBERLE: Well --

12 COUNCIL MEMBER SCOTT: For the
13 buses to be able to get in there and turn around
14 and they --

15 MAYOR EBERLE: Right. We need to --
16 we need to close the one lane road across the dam
17 and the spillway. And the -- the -- the new access
18 road was part of what we presented to -- was
19 anybody -- Joe Kehlbeck's not here -- but an --
20 that was part of what we presented as well.

21 COUNCIL MEMBER SCOTT: Okay.

22 MAYOR EBERLE: We would -- we would
23 end up doing.

24 Now the access road traverses -- some of it
25 traverses land that was not part of the Kentucky

1 Heritage Land Conservation Fund.

2 COUNCIL MEMBER SCOTT: Did we -- I
3 don't recall ever voting on that, the expenditure.

4 MAYOR EBERLE: Oh, yeah.

5 COUNCIL MEMBER SCOTT: When did --

6 MAYOR EBERLE: We did.

7 COUNCIL MEMBER SCOTT: -- when did
8 we do that?

9 MAYOR EBERLE: I can get you the date.
10 It's probably two years ago. I think it was 2009
11 that we approved the plat and then the purchase of
12 the property. And they were both 6-0 votes, and
13 you voted positively on those.

14 COUNCIL MEMBER SCOTT: Okay. All
15 right. And then we didn't know at that time the
16 amount or what it would cost or anything like that.
17 So, did we --

18 MAYOR EBERLE: I think we had some --

19 COUNCIL MEMBER SCOTT: -- did we let
20 it out for bid and get bids?

21 MAYOR EBERLE: Yeah. Yeah. We got
22 bids.

23 COUNCIL MEMBER SCOTT: And then --
24 and then --

25 MAYOR EBERLE: Yeah.

1 COUNCIL MEMBER SCOTT: -- we ended
2 up with E-Z Construction for the --

3 MAYOR EBERLE: E-Z Construction.

4 COUNCIL MEMBER SCOTT: -- 115,000.

5 MAYOR EBERLE: Which was --

6 COUNCIL MEMBER SCOTT: And --

7 MAYOR EBERLE: -- the --

8 COUNCIL MEMBER SCOTT: -- was

9 that --

10 MAYOR EBERLE: -- the last bid.

11 COUNCIL MEMBER SCOTT: -- was that
12 an item in our budget? Was it on a certain line --

13 MAYOR EBERLE: No. It would come
14 in -- it would come out of our reserves. Because
15 we didn't -- yeah.

16 COUNCIL MEMBER SCOTT: Okay.

17 COUNCIL MEMBER LEONARD: But when
18 did we ever vote to take money this year out of
19 reserves for that road?

20 MAYOR EBERLE: I think we did it last
21 year. I don't know if I -- I don't think I've. Yeah.
22 I -- I mean, I have to look at -- they were --

23 COUNCIL MEMBER LEONARD: I -- I'd
24 be --

25 MAYOR EBERLE: -- they were both --

1 COUNCIL MEMBER LEONARD: --

2 interested because --

3 MAYOR EBERLE: -- 6-0 votes.

4 COUNCIL MEMBER LEONARD: -- I,

5 truthfully, don't ever remember --

6 COUNCIL MEMBER SCOTT: I don't re --

7 COUNCIL MEMBER LEONARD: -- I

8 remember talking about the road. That isn't the
9 issue. I don't remember ever voting an amount of
10 money to be appropriated for that activity.

11 MAYOR EBERLE: I mean, well, I -- I -- I
12 can -- I can get you, you know, the records we
13 have.

14 Maybe, Holly?

15 DEPUTY CLERK LEVOLD: M-hm.

16 COUNCIL MEMBER SCOTT: Yeah. That
17 would be helpful if you could do that.

18 MAYOR EBERLE: The police report.
19 Chief Sherrard?

20 COUNCIL MEMBER TUCCI: Could I ask a
21 question before you go on? Going back to the in --
22 invasive species, it's really nice to get things for
23 free. On the other hand, speaking for myself, I
24 really only recognize and I'm looking at an apple
25 tree, if there's an actual apple growing on it. And

1 so I would really like, before we sort of say, "Hey,
2 let's get this free labor," I want to make sure
3 they're not digging up, you know --

4 MAYOR EBERLE: Right.

5 COUNCIL MEMBER TUCCI: -- something
6 that we would really like to keep, like
7 Jack-in-the-Pulpit. So, you know, sometimes you
8 get what you pay for, and when you pay for
9 nothing. . .

10 MAYOR EBERLE: Right

11 COUNCIL MEMBER TUCCI: Yeah.

12 MAYOR EBERLE: There's two proposals.
13 One was a proposal from Eco-Tech, which is an
14 environmental group that was -- was saying they
15 could do a demonstration project --

16 COUNCIL MEMBER TUCCI: M-hm.

17 MAYOR EBERLE: -- on a -- on a portion,
18 I think, of Putney Pond. I'd to have double-check.
19 That -- that was -- they want -- they were going to
20 do it free.

21 COUNCIL MEMBER TUCCI: M-hm.

22 MAYOR EBERLE: Then there was
23 another proposal from the Olmsted Conservancy,
24 which would've -- would cover larger areas --

25 COUNCIL MEMBER TUCCI: M-hm.

1 MAYOR EBERLE: -- and the total of that
2 would be \$7,000 and --

3 COUNCIL MEMBER TUCCI: Right. Yeah.

4 MAYOR EBERLE: -- that's -- Stewart
5 was -- that was --

6 COUNCIL MEMBER TUCCI: Yeah.

7 MAYOR EBERLE: -- one of the things --

8 COUNCIL MEMBER TUCCI: Okay.

9 MAYOR EBERLE: -- that Stewart wanted
10 to address tonight. And I do have those in the
11 back. But --

12 COUNCIL MEMBER LEONARD: So --

13 MAYOR EBERLE: -- you're right --

14 COUNCIL MEMBER LEONARD: -- the --

15 MAYOR EBERLE: -- I mean --

16 COUNCIL MEMBER LEONARD: -- 7,000
17 is not what we're going to do? We're going to do
18 some other organization?

19 MAYOR EBERLE: No. Thi -- thi -- there
20 are -- there are two -- two plats. And a -- you
21 know, one would be a small plot to demonstrate
22 what they do, which is probably a good idea so
23 that --

24 COUNCIL MEMBER TUCCI: M-hm.

25 MAYOR EBERLE: -- you know, we may

1 want to do some kind of inventory before and say,
2 "There are -- we don't want the -- the
3 Jack-in-the-Pulpits taken. We don't want
4 wildflowers taken."

5 COUNCIL MEMBER TUCCI: Yeah.

6 MAYOR EBERLE: "We do want bush
7 honeysuckle, tree of heaven --

8 COUNCIL MEMBER TUCCI: M-hm.

9 MAYOR EBERLE: -- "and -- and -- and
10 truly invasive" --

11 COUNCIL MEMBER TUCCI: M-hm.

12 MAYOR EBERLE: -- "invasive species
13 removed."

14 So I don't think the Forestation Board really
15 weighs in on that. But -- but I think, as we move
16 forward --

17 COUNCIL MEMBER TUCCI: M-hm.

18 MAYOR EBERLE: -- on those projects, I
19 can certainly let the -- and then you might want to
20 contact Linda Wardell, but I can tell her, too, as --
21 as chair of Parks & Recreation, that maybe we
22 need some agreement as to --

23 COUNCIL MEMBER TUCCI: What --

24 COUNCIL MEMBER LEONARD: As to
25 what they're going to do.

1 COUNCIL MEMBER TUCCI: Yeah.

2 MAYOR EBERLE: Right. Exactly. You
3 know -- you know, there may be a list of --
4 probably the easiest thing is list of the things they
5 would remove --

6 COUNCIL MEMBER TUCCI: M-hm.

7 MAYOR EBERLE: -- rather than us going
8 in and inventorying the location --

9 COUNCIL MEMBER TUCCI: Yeah. Yeah.

10 MAYOR EBERLE: -- of the
11 Jack-in-the-Pulpit and say, "Don't touch that,"
12 so. . . But --

13 COUNCIL MEMBER LEONARD: Well --

14 MAYOR EBERLE: -- I'm -- I agree.

15 COUNCIL MEMBER LEONARD: -- if --

16 MAYOR EBERLE: And we -- and
17 we can --

18 COUNCIL MEMBER LEONARD: --
19 somebody's got to look at the land. Because the
20 fact that they write it down -- or don't write it
21 down, doesn't mean they won't remove it.

22 MAYOR EBERLE: Right. And I think
23 the -- the land needs to be maybe marked off --

24 COUNCIL MEMBER LEONARD: M-hm.

25 MAYOR EBERLE: -- so that we can see

1 where the demonstration plot would be.

2 COUNCIL MEMBER LEONARD: So why
3 are we getting this thing from Olmsted then?
4 With --

5 MAYOR EBERLE: We're not.

6 COUNCIL MEMBER LEONARD: -- the --

7 MAYOR EBERLE: We're not.

8 COUNCIL MEMBER LEONARD: -- 7,000?

9 We're just getting --

10 MAYOR EBERLE: No. I mean, that's a
11 proposal.

12 COUNCIL MEMBER TUCCI: That -- these
13 are just proposals. And one happens to be a free
14 proposal. And one happens --

15 COUNCIL MEMBER LEONARD: Okay.

16 COUNCIL MEMBER TUCCI: -- to be --

17 COUNCIL MEMBER LEONARD: But we're
18 not voting on a --

19 COUNCIL MEMBER TUCCI: No.

20 COUNCIL MEMBER LEONARD: --

21 proposal?

22 COUNCIL MEMBER TUCCI: No.

23 COUNCIL MEMBER LEONARD: We're
24 just --

25 COUNCIL MEMBER TUCCI: We're just --

1 COUNCIL MEMBER LEONARD: -- getting
2 information?

3 COUNCIL MEMBER TUCCI: -- we're
4 just -- yeah.

5 MAYOR EBERLE: Right. Jeff?

6 CHIEF SHERRARD: Okay. Let's see.
7 House checks were pretty much about the same as
8 last year, just slightly up.

9 Traffic -- traffic activity was up over last
10 year, but it's still relatively low, a total of 18
11 charges all together for the month.

12 Traffic accidents, virtually the same as last
13 year. Our reports were slightly higher than last
14 year. Nothing really significant to report there.

15 Calls for service were up a little bit. Some of
16 that may be due, in fact, that many when somebody
17 calls to just upstairs, if they talk to Jill or
18 whatever, in the past, a lot of residents, rather
19 than calling 228-COPS, would just call City Hall or
20 something like that and they would get cars
21 dispatched from here. Well, you can't really track
22 that information for future reference if you're
23 doing it strictly from -- from Jill calling an officer
24 to go do this. So I've asked them whenever
25 someone calls here, that we reroute that call

1 through the dispatch so it goes through the
2 computer-aided dispatch, so at any time we can go
3 back and track the number of calls that might be
4 made to a certain location.

5 Say, somebody calls at -- in the middle of the
6 day and says they're having a problem with their
7 neighbors, that, you know, I've had frequent
8 problems; I've called here before. Well, it's a lot
9 easier if that run goes through CAD that you can
10 run a 12-month period, how many times have we
11 been to this address. It take me two minutes to
12 call the dispatch center and they can tell me the
13 number of times that they've been to a house, the
14 time of day that they've been.

15 We have a situation over in Sutherland, where
16 we had a house that people were partying. Well --
17 and it was a regular occurrence Friday, Saturday
18 night. And it took a -- a five-minute phone call to
19 do that, and we were able to determine that -- that
20 there were 12 runs made in a course of, like, 18
21 months. Every one of those calls occurred after
22 midnight. So this was not a case of a resident
23 being unreasonable with other neighbors. I mean,
24 this was a legitimate complaint for noise late at
25 night.

1 So that's the type of thing that can you do.
2 So I've asked them to rerouted all those calls that
3 go through dispatch. So those calls for service
4 are going to continually be higher than they were
5 last year because we're asking them to do it that
6 way. So previous years that information would not
7 get captured, so. . .

8 MAYOR EBERLE: And we wouldn't have
9 a history on it.

10 CHIEF SHERRARD: And we wouldn't
11 have an accurate history. So this -- this gives us
12 a little bit better idea of the number of times that
13 we're actually being called and sent to different
14 locations.

15 Officer-initiated runs were virtually the same.
16 The Code Enforcement. There was no new
17 enforcement in terms of citations issued. We had
18 an old one that was pending that we had -- back in
19 August and September, we had outstanding
20 citations for tall grass. It was a frequent problem.
21 We had the -- a hearing, where they were assessed
22 a significant fine. Eventually the lady fell into
23 compliance. She's been cutting her grass and
24 actually paid that significant fine, so. . .

25 They all seem to be falling in board, at least

1 at that house. I had talked -- the house is actually
2 up for sale. I talked to the realtor a number of
3 times, stressed to him the importance of getting it
4 done. So finally he got through to her more than
5 me, and then -- at least they're in compliance now.

6 The arrests, we had three DUI arrests, one
7 involving a Prospect resident; the other ones were
8 outside. We had one minor arrest for Assault 5th.
9 That involved someone that was living with an
10 older couple. She was basically renting a room;
11 she has mental issues. However, they already
12 initiated the process of eviction. So I'm hopeful
13 on about another 10 or 12 days she'll no longer be
14 in our area anymore, and we only have to deal with
15 her. Because she is a frequent flyer; we've made
16 a number of runs on her.

17 Let's see. In terms of incident reports, one
18 that was relatively significant was on October 16th,
19 one of the residents observed a car pull up to an
20 intersection and merely set a box out the side of a
21 car. She calls the police. They get over there. It
22 had some older costume jewelry in it. But as we
23 check into it a little bit further, it turns out that
24 that was involved in a burglary elsewhere. That
25 was reported to Louisville Metro Police. In fact, it

1 was the second time the same home -- the same
2 house was burglarized. We turned that back over
3 to them for further processing, and they're
4 handling that case from that point forward. But
5 that was just because of a -- an observant
6 neighbor that saw that, knew that it was out of
7 place, knew that it was unusual, called the police.
8 And, hopefully, that will lead to some better leads.
9 They got a car description, too. Which they had a
10 series of burglaries in this area, and they did not
11 have a car description prior to that. So, hopefully,
12 based on that information from one of our
13 residents, they may be able to clear some
14 burglaries over in the city.

15 Another incident we had was on October 28th.
16 We were dispatched on an EM -- EMS run over in
17 the Sutherland. And upon arrival, discovered a
18 female victim who is deceased from an apparent
19 self-inflicted gun shot. There was evidence on
20 scene to indicate that it was a suicide. However,
21 that determination will finally be made through the
22 Coroner's Office and also through Louisville Metro
23 Police Department because that's who was
24 assigned to handle that case. It was initially
25 handled as a death investigation; however,

1 everything that evening appears to be more along
2 the lines of suicide. They suspected no foul play
3 whatsoever.

4 On October 17th, we had a residential that was
5 in her home. She was downstairs. She overheard
6 some noise upstairs. And merely shouted out,
7 "Who's there?"

8 Somebody obviously heard her and took off
9 running outside the house. So somebody had made
10 entry to her -- into her home. However, the house
11 had been unlocked. The garage door was open, in
12 an up position, and the side door had been left
13 open. Apparently she had heard them as soon as
14 they stepped into the kitchen, heard the footsteps,
15 shouted out, so they immediately left.

16 They got no description whatsoever. We don't
17 know who was involved in it. Nothing was taken.
18 So we did take a report on that.

19 In terms of a further report, we do switch over
20 to a different radio system next week. We were
21 finally given a target date. And that should help
22 our radio transmissions and reception greatly.

23 It's a huge safety issue for us out here.
24 Because of the current portable radios that we
25 have, you can get into certain parts of a

1 subdivision, like the back side of Hunting Creek on
2 the estate section, where you can't even hardly
3 get out on a portable radio. If you're out checking
4 a house on a burglar alarm, you can't even get out
5 on that portable radio. So this is a huge safety
6 issue. And it will help us greatly.

7 They also installed some additional radio
8 towers out in Oldham County and over in
9 Shelbyville, and I think one even over as far -- in
10 LaGrange; they put three new towers that all were
11 concentrated out in the east end that will further
12 enhance our radio transmission, so. So --

13 COUNCIL MEMBER SCOTT: Chief --

14 CHIEF SHERRARD: -- that's all I have.

15 COUNCIL MEMBER SCOTT: -- Chief, I
16 have a question.

17 CHIEF SHERRARD: Yes, sir.

18 COUNCIL MEMBER SCOTT: I don't know
19 if you got a call citing a -- a resident in the
20 Estates that was coming home, I think it was
21 Saturday night, and noticed a couple of males in
22 their side yard heading towards the back of their
23 home. And they explained that they called 911.
24 When they call 911, do they -- they're not getting
25 Prospect at 10:00 at night; they're getting the CAD

1 people or --

2 CHIEF SHERRARD: When they --

3 COUNCIL MEMBER SCOTT: -- dispatch.

4 CHIEF SHERRARD: -- call 911, they
5 should be getting --

6 MAYOR EBERLE: Dispatch.

7 CHIEF SHERRARD: -- it should
8 automatically reroute.

9 However, there is some glitches -- there are --
10 is -- there are some glitches in the system that I
11 know that even if somebody on River Road
12 sometimes will call 911, somehow that call ends up
13 getting routed through Indiana side of 911. It has
14 to get rerouted back to Kentucky.

15 COUNCIL MEMBER SCOTT: Okay.

16 CHIEF SHERRARD: So there are some
17 odd spots --

18 COUNCIL MEMBER SCOTT: There
19 wouldn't --

20 CHIEF SHERRARD: -- out here.

21 COUNCIL MEMBER SCOTT: -- be anyone
22 picking up? If they call Prospect, you're --
23 Prospect --

24 CHIEF SHERRARD: Nobody upstairs --

25 COUNCIL MEMBER SCOTT: There's

1 nobody there.

2 CHIEF SHERRARD: -- is going to
3 answer.

4 COUNCIL MEMBER SCOTT: It would
5 automatically --

6 CHIEF SHERRARD: It would be either a
7 direct call to 228-COPS --

8 COUNCIL MEMBER SCOTT: Right.

9 CHIEF SHERRARD: -- which is a
10 non-emergency police run.

11 COUNCIL MEMBER SCOTT: Okay.

12 CHIEF SHERRARD: If it's an emergency,
13 911 should route downtown to the dispatch center.

14 COUNCIL MEMBER SCOTT: Okay. And
15 the -- and the person --

16 CHIEF SHERRARD: Through -- and
17 the sheriff's department dispatches for us. It
18 should --

19 MAYOR EBERLE: And if --

20 CHIEF SHERRARD: -- go to --

21 MAYOR EBERLE: -- you need to --

22 CHIEF SHERRARD: -- Jefferson County.

23 COUNCIL MEMBER SCOTT: Yeah.

24 MAYOR EBERLE: -- if you need -- when
25 you call 911, you need to say, "I'm calling from

1 Prospect."

2 COUNCIL MEMBER SCOTT: Okay. Well,
3 hi --

4 CHIEF SHERRARD: The City of
5 Prospect.

6 COUNCIL MEMBER SCOTT: -- his --

7 MAYOR EBERLE: It's the --

8 COUNCIL MEMBER SCOTT: -- concern --

9 MAYOR EBERLE: -- City of Prospect.

10 COUNCIL MEMBER SCOTT: -- his
11 concern and her concern was that the person at
12 dispatch kept asking this litany of questions.

13 And they said, "No. We need a car out here."
14 You know. "We'll -- we'll answer your questions
15 when you get here."

16 And -- and I said, "Well, you ought to call
17 down to the police department on Monday and tell
18 them what your concern was."

19 Did you ever hear from anybody --

20 CHIEF SHERRARD: I have not.

21 COUNCIL MEMBER SCOTT: -- in
22 reference to that? Okay.

23 CHIEF SHERRARD: I have not.

24 COUNCIL MEMBER SCOTT: All right.

25 And I didn't want to --

1 CHIEF SHERRARD: That -- I mean, that
2 is --

3 COUNCIL MEMBER SCOTT: -- say
4 something --

5 CHIEF SHERRARD: -- a frequent
6 problem that you hear about calling 911, is -- you
7 know, unfortunately, they have a list of questions
8 they're supposed to ask on virtually any situation.

9 COUNCIL MEMBER SCOTT: Okay.

10 CHIEF SHERRARD: And you talk about
11 one that's difficult, get into the medical side of it.
12 If you get somebody that you may think may be
13 having a heart attack --

14 COUNCIL MEMBER SCOTT: Right.

15 CHIEF SHERRARD: -- and if you answer
16 one question differently, they reroute to a second
17 car and it may end up routing a different type of
18 ambulance there, based on your answer to one
19 question.

20 COUNCIL MEMBER SCOTT: Okay.

21 CHIEF SHERRARD: It -- it -- it gets
22 pretty -- it gets pretty strange. But --

23 COUNCIL MEMBER SCOTT: And --

24 CHIEF SHERRARD: -- they have --

25 COUNCIL MEMBER SCOTT: -- they're

1 all --

2 CHIEF SHERRARD: -- criteria.

3 COUNCIL MEMBER SCOTT: -- tense.

4 They're tense and they're in a hurry and they're
5 getting asked --

6 CHIEF SHERRARD: Yes.

7 COUNCIL MEMBER SCOTT: -- all these
8 questions. Okay.

9 CHIEF SHERRARD: Yes.

10 COUNCIL MEMBER SCOTT: So that's
11 routine. I mean, they're going to get that --

12 CHIEF SHERRARD: Yeah. They have a
13 routine list --

14 COUNCIL MEMBER SCOTT: All right.

15 CHIEF SHERRARD: -- of questions --

16 COUNCIL MEMBER SCOTT: Okay.

17 CHIEF SHERRARD: -- that they ask.

18 And some -- and it's no easy way to get through it,
19 unfortunately.

20 COUNCIL MEMBER SCOTT: Right.

21 Okay. Well, thank you.

22 MAYOR EBERLE: Any other questions?

23 Comments?

24 COUNCIL MEMBERS: [no audible
25 response]

1 MAYOR EBERLE: Thank you, Chief.

2 CHIEF SHERRARD: You're welcome.

3 MAYOR EBERLE: Lot of hard work. Your
4 thumb is back. You -- and you --

5 CHIEF SHERRARD: I can still count --

6 MAYOR EBERLE: -- and you --

7 CHIEF SHERRARD: -- I can still count to
8 10 at least.

9 MAYOR EBERLE: Opposable thumbs.

10 CHIEF SHERRARD: Yeah. Don't play
11 with pocketknives.

12 MAYOR EBERLE: That's right.

13 COUNCIL MEMBER ERTEL: And
14 matches.

15 MAYOR EBERLE: We have -- I -- I -- we
16 had one person sign in. Our -- our next agenda
17 item is comments from citizens and the public.
18 And I will remind you to come to the podium, as
19 Mr. Fulcher is -- is doing -- he's well schooled --
20 and -- and state your name and address for the
21 record.

22 MR. FULCHER: Frank Fulcher, Wythe
23 Hill Circle.

24 I have a -- a few items here. I'll start with --
25 with the Chief. Last Friday detail one of your

1 officers pulled over a trailer out here somewhere
2 and -- that didn't have any lights. As it
3 transpired, apparently, he -- he took him to get
4 lights. And I just want to -- I don't know who the
5 officer was but I want to commend your forces on a
6 logical interpretation of the "protect and serve" --

7 CHIEF SHERRARD: Actually, I saw that
8 on our log and didn't know what it's about. It was
9 Prof --

10 MAYOR EBERLE: I -- I saw it.

11 CHIEF SHERRARD: -- it was Proffitt.

12 MAYOR EBERLE: It was -- it was --

13 CHIEF SHERRARD: It was Harold
14 Proffitt. I saw something about --

15 MAYOR EBERLE: Yeah. I saw it on
16 the --

17 CHIEF SHERRARD: -- lights and going
18 to a -- a -- an Auto Zone. But I didn't know what it
19 was about.

20 MR. FULCHER: Yeah.

21 CHIEF SHERRARD: And he's off today,
22 so I didn't get to ask him.

23 MR. FULCHER: Well, I -- I -- I didn't -- I
24 don't know who it was. I'm just aware of the
25 incident. I think he did --

1 CHIEF SHERRARD: That's what it was.

2 MR. FULCHER: -- I think he took a very
3 practical approach to it. No citation, you know,
4 that -- you know, public safety was their job and
5 he did it well.

6 CHIEF SHERRARD: Well, I'll --

7 MR. FULCHER: So I want to --

8 CHIEF SHERRARD: -- let him know.

9 Thank you.

10 MR. FULCHER: -- commend that officer,
11 whomever it was.

12 Second thing is -- is road striping. We talked
13 about this several times before, once in
14 conjunction with the -- with the Kroger expansion.
15 But is -- is there an impediment to putting a --
16 putting left turn arrows, directional arrows in -- in
17 guide lanes or -- from -- coming out of Timber
18 Ridge, turning left onto 42, going -- you'd be going
19 north, and coming out of Hunting Creek, two left
20 turn lanes into two lanes going southbound on 42.
21 Now, I -- I know that's been mentioned before.

22 MAYOR EBERLE: Okay. Two -- two left
23 turn -- two -- two lefts and --

24 MR. FULCHER: Two lefts.

25 MAYOR EBERLE: Although, Hunting

1 Creek, you can't go straight.

2 MR. FULCHER: Correct.

3 MAYOR EBERLE: So, yeah. Two -- two
4 lefts --

5 MR. FULCHER: So -- yeah.

6 MAYOR EBERLE: -- and one right? I --

7 MR. FULCHER: Two lefts -- no, two --
8 one would be a left or a right. On --

9 MAYOR EBERLE: Out of where?

10 MR. FULCHER: Coming out of Hunting
11 Creek.

12 MAYOR EBERLE: Oh, okay.

13 MR. FULCHER: Would -- it would --

14 CHIEF SHERRARD: He's talking about
15 the one on far left has left only and one on right --

16 MR. FULCHER: Has right only.

17 CHIEF SHERRARD: -- or a right.

18 MR. FULCHER: Currently has right only.

19 So if you --

20 MAYOR EBERLE: Yeah.

21 MR. FULCHER: -- if you made that left
22 and a right, when you get backed up in the
23 morning, some of the -- some of that traffic is -- is
24 backed over the hill, it would probably alleviate
25 some of that.

1 Now with the construction over here in Timber
2 Ridge, it's the same principle holds. If there are
3 two left lanes turning on to 42 with a directional --
4 directional central line taking -- you know, making
5 sure that the one -- the one on the right stays on
6 the right and the one on the left stays on the left,
7 I think it -- I think it would -- would help traffic
8 flow immensely. And we don't even have the new
9 Kroger yet with the, you know, imagined increase
10 in traffic.

11 So I'd appreciate it if you -- if you'd look into
12 those.

13 MAYOR EBERLE: Sure.

14 MR. FULCHER: I think -- I think --

15 COUNCIL MEMBER SIMON: We didn't
16 have that problem to -- whoever it was in the
17 highway department decided that there needed to
18 be a two minute wait coming out of the
19 subdivisions. We used to have about a minute
20 wait. And that extra --

21 MR. FULCHER: Well, that -- that's --

22 COUNCIL MEMBER SIMON: -- minute
23 made a huge difference. And we complained about
24 it.

25 But, I mean, on a Sunday morning, coming out

1 of su -- Hunting -- Fox Harbor at 9:00 in the
2 morning, it's a -- a minute fifty wait to turning,
3 when there's no traffic on 42. And whoever the
4 guy in the highway department did it, the guy is --
5 is an idiot. Because we never -- we didn't have
6 a -- we didn't have any traffic problems out here
7 until he -- they changed everything.

8 MR. FULCHER: Well, that -- that's --

9 COUNCIL MEMBER SIMON: We had no
10 problems until he changed everything.

11 COUNCIL MEMBER LEONARD: So you're
12 talking about dual, instead of just being --

13 CHIEF SHERRARD: Yeah.

14 COUNCIL MEMBER LEONARD: --
15 singularly dedicated to whatever direction?

16 MR. FULCHER: Two.

17 COUNCIL MEMBER LEONARD: Two.

18 MR. FULCHER: In the -- in the case --

19 MAYOR EBERLE: That would be an
20 option.

21 CHIEF SHERRARD: They do use them in
22 other locations. I'd probably would have to --

23 MR. FULCHER: But that would also --

24 CHIEF SHERRARD: -- look and see how
25 they --

1 MR. FULCHER: -- require --

2 CHIEF SHERRARD: -- mark the rest of
3 the lane.

4 MR. FULCHER: -- a lane taking the
5 centerline in arc --

6 COUNCIL MEMBER LEONARD: M-hm.

7 MR. FULCHER: -- to the centerline
8 of 42.

9 COUNCIL MEMBER LEONARD: M-hm.

10 MR. FULCHER: I mean, and it's done
11 everywhere.

12 COUNCIL MEMBER LEONARD: Sure.

13 MR. FULCHER: It's done in a lot of
14 places --

15 COUNCIL MEMBER LEONARD: M-hm.

16 MR. FULCHER: -- around town. So, I
17 think --

18 CITY ATTORNEY POTTS: They just did it
19 at --

20 CHIEF SHERRARD: I don't know how
21 they do the rest of the intersection. That's the --
22 the -- I know --

23 CITY ATTORNEY POTTS: They just
24 did --

25 CHIEF SHERRARD: -- how they did it --

1 CITY ATTORNEY POTTS: -- at
2 Chenoweth Lane, where they did --

3 CHIEF SHERRARD: Yeah.

4 CITY ATTORNEY POTTS: -- a left turn
5 and then a right turn, straight and left turn on the
6 right lane. So then they had three of them.

7 CHIEF SHERRARD: Yeah.

8 MR. SPEAKER: If you've got a wide
9 enough lane.

10 CHIEF SHERRARD: You're not the first
11 person --

12 MAYOR EBERLE: Yeah.

13 CHIEF SHERRARD: -- that's brought that
14 up. It was brought up --

15 MR. FULCHER: Well, I -- I understand.
16 These are -- these are issues that I just go and
17 scratch my head on.

18 COUNCIL MEMBER SIMON: You know
19 the thing I don't understand is that when we go up
20 to Wolf Pen Branch -- we go up to 42 and Wolf Pen
21 Branch, there's a lane there, we can't turn from
22 that lane, and it backs traffic up. And a lot of
23 people who just want to turn right and they can't
24 stack in that other lane to turn on both sides,
25 coming both ways. And I don't know what that's

1 all about. There's actually two lanes there for
2 turning but they don't let you get on the shoulder.

3 MAYOR EBERLE: Well, Chief Sherrard
4 will be happy to know that I'll delegate the
5 investigation to him.

6 CHIEF SHERRARD: I'm on it.

7 MAYOR EBERLE: He's on it. Yeah. And
8 he won't forget it.

9 And there is one, too, that's always
10 perplexed me, it's if you're coming out of
11 Walgreens, and it -- it --

12 COUNCIL MEMBER LEONARD: Oh, yeah.

13 MAYOR EBERLE: -- it -- the way it is --
14 the way --

15 COUNCIL MEMBER LEONARD: That
16 makes --

17 MAYOR EBERLE: -- the arrows go --

18 COUNCIL MEMBER LEONARD: -- no
19 sense.

20 MAYOR EBERLE: -- there's no -- there's
21 nothing that -- that --

22 COUNCIL MEMBER LEONARD: You
23 can't --

24 MAYOR EBERLE: -- would indicate --

25 COUNCIL MEMBER LEONARD: -- go to

1 Kroger.

2 MAYOR EBERLE: -- that you can't -- you
3 can't turn right.

4 COUNCIL MEMBER LEONARD: Yeah.
5 When -- you can't go to Kroger.

6 MAYOR EBERLE: It -- you know, and I --
7 and I do most of the time, coming out of
8 Walgreens, so. . . Yeah. It has a -- it has a left
9 and a straight.

10 COUNCIL MEMBER LEONARD: M-hm.

11 MAYOR EBERLE: But no right.

12 COUNCIL MEMBER SIMON: Right.

13 MAYOR EBERLE: But I -- I hope people
14 aren't that intimidated by arrows, because I just turn
15 right in.

16 MR. FULCHER: If we could put that
17 on a -- on the to-do list, I -- I'd appreciate it,
18 Chief. I know you have enough --

19 CHIEF SHERRARD: Sure.

20 MR. FULCHER: -- to do. So. . .

21 Also, another item -- or this Ordinance 523,
22 which is the storage of construction materials,
23 which gets first reading this evening.

24 MAYOR EBERLE: Second reading.

25 COUNCIL MEMBER TUCCI: Second

1 reading.

2 MR. FULCHER: Second reading. What --
3 what penalties are involved in -- in violation of
4 this?

5 MAYOR EBERLE: That is part of the
6 nuisance ordinance. And the nuisance ordinance
7 has a general penalty section, which we decided
8 not to change. And I want to say it's a -- I want to
9 say it's a -- it's either a 25 or a \$50 fine.

10 MR. FULCHER: Okay. Ju -- just so there
11 is one. I -- I -- I would -- that was really my
12 question.

13 MAYOR EBERLE: It's -- it's -- a good --

14 COUNCIL MEMBER TUCCI: And it --

15 MAYOR EBERLE: -- it's Council
16 Member --

17 COUNCIL MEMBER TUCCI: -- and -- and
18 it would --

19 MAYOR EBERLE: -- Tucci's ordinance.

20 COUNCIL MEMBER TUCCI: -- and -- and
21 it would repeat every day.

22 MAYOR EBERLE: Right.

23 COUNCIL MEMBER TUCCI: So --

24 MAYOR EBERLE: Each day.

25 COUNCIL MEMBER TUCCI: -- so it

1 could -- it -- the -- the penalty could stack up
2 pretty quickly.

3 MAYOR EBERLE: Each day is a separate
4 offense.

5 COUNCIL MEMBER TUCCI: Each day is
6 a separate offense.

7 MR. FULCHER: Okay. Then --

8 MAYOR EBERLE: But now that's up to
9 Code Enforcement Board --

10 MR. FULCHER: Right. I understand
11 that. But --

12 MAYOR EBERLE: -- as to how they want
13 to figure that. And, you know, if it's a -- we did
14 have the Code Enforcement Board assess a -- a
15 substantial -- they -- they -- they multiplied the
16 number of days. This was someone who was
17 given, like, three or four opportunities to correct
18 it. And -- but normally, the first offense would
19 be -- it's either 25 or 50 bucks.

20 CHIEF SHERRARD: The initial offense is
21 usually 25.

22 MAYOR EBERLE: 25? On nuisance?

23 CHIEF SHERRARD: On -- on the citation.
24 The citation says it's 25 payable.

25 COUNCIL MEMBER TUCCI: This is

1 Prospect. We let mercy temper justice up to a
2 point and then we just go for justice.

3 COUNCIL MEMBER ERTEL: Go for the
4 throat.

5 MAYOR EBERLE: But what it is, there's
6 a -- there's a -- that whole section --

7 MR. FULCHER: Yeah. All right.

8 MAYOR EBERLE: -- has a -- at the end
9 has a penalty. So a violation of anything in that --
10 in that whole --

11 MR. FULCHER: Well, that --

12 MAYOR EBERLE: -- chapter --

13 MR. FULCHER: -- and that answers my
14 question. I really just was wondering --

15 MAYOR EBERLE: Yeah.

16 MR. FULCHER: -- if there --

17 MAYOR EBERLE: And that's either 25 or
18 \$50.

19 MR. FULCHER: In relation to this, in a
20 situa -- is this intended to cover -- you know,
21 there's a -- there's an ongoing nuisance down
22 on -- oh, shoot.

23 MAYOR EBERLE: Gunpowder.

24 MR. FULCHER: Yeah, on Gunpowder.

25 Where -- where a storage of motorcycles on the

1 porch stay.

2 MAYOR EBERLE: Oh.

3 MR. FULCHER: For something like that.

4 MAYOR EBERLE: Oh. Oh.

5 MR. FULCHER: That -- is that -- is it
6 intended to cover stuff like that or not? It
7 doesn't --

8 MAYOR EBERLE: This --

9 MR. FULCHER: -- say it.

10 MAYOR EBERLE: -- this is pretty limited
11 to building materials --

12 COUNCIL MEMBER TUCCI: M-hm.

13 MAYOR EBERLE: -- in the -- in the
14 front --

15 MR. FULCHER: Yeah.

16 MAYOR EBERLE: -- or side yard that sit
17 there for an extended period of time.

18 MR. FULCHER: Yeah. Okay.

19 MAYOR EBERLE: But, no, it really
20 wouldn't -- now, if there's motorcycles on the
21 porch.

22 CHIEF SHERRARD: I haven't seen that.

23 COUNCIL MEMBER ERTEL: Right next to
24 the lot --

25 MAYOR EBERLE: I haven't either. I

1 think --

2 CHIEF SHERRARD: No. I go by there --

3 MAYOR EBERLE: I think were talking
4 about --

5 CHIEF SHERRARD: I go by there --

6 MAYOR EBERLE: -- the same one.

7 CHIEF SHERRARD: -- pretty frequently.

8 MAYOR EBERLE: There are --

9 CHIEF SHERRARD: In that house you're
10 talking about?

11 MAYOR EBERLE: -- there are unusual --

12 MR. FULCHER: Well, yeah. Yeah. That
13 was -- you know, I -- somehow or other they've
14 bent my ear about that. But I --

15 CHIEF SHERRARD: You know, oddly
16 enough, the last three or four times I've been by
17 that house during the day, there has always been
18 somebody outside actually working --

19 MAYOR EBERLE: M-hm.

20 CHIEF SHERRARD: -- which would make
21 that -- that ordinance part moot. Because if
22 they're acti -- if they're actively doing something,
23 I don't think the ordinance applies to them.

24 COUNCIL MEMBER TUCCI: Yeah.

25 MR. FULCHER: Oh. Really?

1 MAYOR EBERLE: Well --

2 MR. FULCHER: See, that -- that's -- that
3 can't --

4 MAYOR EBERLE: -- we have situations
5 where building materials --

6 CHIEF SHERRARD: Are just laying
7 there --

8 MAYOR EBERLE: -- like --

9 CHIEF SHERRARD: -- and they're not
10 working on the --

11 MAYOR EBERLE: -- siding --

12 CHIEF SHERRARD: -- project.

13 MAYOR EBERLE: -- have been there for
14 year --

15 COUNCIL MEMBER TUCCI: Years.

16 MAYOR EBERLE: -- and-a-half?
17 Year-and-a-half?

18 MR. FULCHER: Yeah. Several years.

19 MAYOR EBERLE: That -- that's probably
20 the poster child for this type of ordinance.

21 MR. FULCHER: Yeah.

22 MAYOR EBERLE: But the -- if -- if -- if
23 you're having your house re-roofed, and the
24 roofers come and drop the roofing materials in
25 your front or your side yard, and they come back

1 within --

2 COUNCIL MEMBER TUCCI: 28 days.

3 MAYOR EBERLE: -- seven -- seven days.

4 COUNCIL MEMBER TUCCI: They've got
5 time --

6 MAYOR EBERLE: -- or something like
7 that.

8 COUNCIL MEMBER TUCCI: -- you know.

9 MAYOR EBERLE: Yeah. I mean, they
10 wouldn't be in violation of the ordinance.

11 And, of course, the only way that we -- the
12 only way, and thank -- thank the police department
13 for this, because there are a lot of police
14 departments that don't -- that -- in suburban cities
15 that really don't --

16 MR. FULCHER: Right.

17 MAYOR EBERLE: -- do Code
18 Enforcement.

19 MR. FULCHER: I understand that.

20 MAYOR EBERLE: What we do, through
21 our administrative assistant, on the log sheets,
22 they will write down -- they will log in when
23 building materials appear. And then it'll -- and --
24 and -- and -- and knowing that -- that -- that they
25 have a certain amount of time to utilize those

1 materials or pull them off site, and they'll -- and
2 they'll -- they'll -- they'll check. Now, obviously,
3 it's not 100% accurate. Sometimes the -- you
4 know, the -- the officer will drive by and -- and --
5 and not know it. Some officers are more assiduous
6 than others.

7 MR. FULCHER: M-hm. Well, that --
8 that's fine.

9 MAYOR EBERLE: But at any rate --

10 MR. FULCHER: Yeah.

11 MAYOR EBERLE: -- that -- it -- you
12 know, that's -- that's the only way to enforce it,
13 when you have a -- a time frame, is -- is when it's
14 noticed. Now if somebody notices it and calls it in
15 and we haven't logged it, that -- you know, you
16 could call the administrative line --

17 MR. FULCHER: Okay. Well --

18 MAYOR EBERLE: -- and say --

19 MR. FULCHER: -- then -- then --

20 MAYOR EBERLE: -- "There's building
21 materials."

22 MR. FULCHER: -- that brings be
23 corollary question relative to, you know, something
24 we've discussed three or four times already
25 relative to the -- the general nuisance ordinance

1 that -- you know, that has only the height of grass
2 as -- as a violation of unkempt yards or
3 deterioration of property. And I'm just curious to
4 if any -- anything -- any movement has gone
5 forward on that?

6 COUNCIL MEMBER ERTEL: I mentioned
7 that at last meeting, that Code Enforcement Board
8 was concerned about that --

9 MAYOR EBERLE: Look at the --

10 COUNCIL MEMBER ERTEL: -- a little
11 more stringent --

12 MAYOR EBERLE: On the -- especially on
13 the -- because -- well, there's a -- there's a list of,
14 what, 12, 14 nuisances. And the one that's --
15 that's tall grass, we wanted to look at that to see
16 if we could --

17 COUNCIL MEMBER ERTEL: M-hm.

18 MAYOR EBERLE: -- maybe redefine it.
19 It's been suggested that weeds were not covered.
20 I think we would cite. We wouldn't determine
21 whether --

22 MR. FULCHER: Well --

23 MAYOR EBERLE: -- was bluegrass or a
24 weed.

25 MR. FULCHER: We've given -- we've

1 given -- at least I've given the Chief here --

2 CHIEF SHERRARD: Yeah. From a
3 number of --

4 MR. FULCHER: -- a -- a -- a bunch --

5 CHIEF SHERRARD: -- other places.

6 MR. FULCHER: -- a number of sample
7 ordinances from other areas, some of which are
8 really onerous, and some are --

9 CHIEF SHERRARD: Yeah.

10 MR. FULCHER: -- but all of -- all of
11 which are -- are tighter than what we have right
12 now. And I -- I'm just looking for a little progress
13 report because I think it's -- it's important for all
14 our property values. So, anyway. . .

15 MS. SPEAKER: It's a tricky balance.

16 MAYOR EBERLE: We can look at that.

17 MR. FULCHER: Okay.

18 CHIEF SHERRARD: I can --

19 MR. FULCHER: Thank you for your time.

20 CHIEF SHERRARD: -- I can read through
21 it.

22 MAYOR EBERLE: Thank you.

23 COUNCIL MEMBER SCOTT: Thank you,
24 Frank.

25 MAYOR EBERLE: Other comments from

1 citizens in the public?

2 MS. DAVIS: Nancy Davis, 7233 Fox
3 Harbor Road.

4 We just -- I have a -- a question, Officer, Mike
5 Scott had mentioned those people on a Saturday
6 night calling.

7 CHIEF SHERRARD: M-hm.

8 MS. DAVIS: Like, if we -- if -- I mean,
9 nothing has occurred where we live, but if we were
10 in need of -- to call the police here in Prospect,
11 what number would we call? Like, if we saw
12 someone running in the backyard like that?

13 CHIEF SHERRARD: 228-COPS. Unless
14 you felt that it was a -- a 911 emergency, then
15 you, obviously, just call 911.

16 MS. DAVIS: Oh, okay.

17 CHIEF SHERRARD: But if --

18 MS. DAVIS: But --

19 CHIEF SHERRARD: -- you just call --

20 MS. DAVIS: -- 228-COPS --

21 CHIEF SHERRARD: 228 --

22 MS. DAVIS: -- would do it --

23 CHIEF SHERRARD: -- COPS, that
24 goes --

25 MS. DAVIS: -- for over here?

1 CHIEF SHERRARD: -- that's 24 hours.

2 MS. DAVIS: M-hm.

3 CHIEF SHERRARD: That's monitored by
4 the Jefferson County Sheriff's Office. That's who
5 handles our dispatch. They would take that
6 information and then immediately dispatch one of
7 our officers.

8 MS. DAVIS: Okay. Second question is:
9 We just had a retaining wall put in our backyard.
10 But I think my husband called here and we didn't
11 get a permit. Did you know -- did you have that on
12 your --

13 MAYOR EBERLE: You may not have
14 needed one.

15 CHIEF SHERRARD: I don't recall a
16 retaining wall coming through.

17 MS. DAVIS: Yeah. It was -- well, it
18 was -- it wasn't as high as it was going to be. I
19 think we only made it, like, for four feet. But they
20 were only there for four days. But we had -- you
21 know, they put "Men Working" and all that. Are
22 you supposed to come down to City Hall and get
23 that kind of stuff?

24 MAYOR EBERLE: Yeah.

25 MS. DAVIS: I mean

1 MAYOR EBERLE: For any --

2 MS. DAVIS: -- it was Monday --

3 CHIEF SHERRARD: Well --

4 MAYOR EBERLE: -- wall --

5 MS. DAVIS: -- and they finished Friday.

6 CHIEF SHERRARD: -- well, was it new --

7 MAYOR EBERLE: Well, any -- any

8 exterior --

9 CHIEF SHERRARD: Was it new
10 construction or just -- .

11 MS. DAVIS: No. It was new.

12 CHIEF SHERRARD: -- you had it
13 re-done?

14 MS. DAVIS: No. No. It was new. On
15 Fox Harbor there.

16 MAYOR EBERLE: Well, there is a four
17 foot --

18 MS. DAVIS: Did you see --

19 MAYOR EBERLE: -- minimum.

20 MS. DAVIS: -- did you see it?

21 MAYOR EBERLE: -- I mean, there's a
22 four --

23 MS. DAVIS: Did you see all those people
24 working on it last week?

25 MAYOR EBERLE: I did -- I didn't. But --

1 MS. DAVIS: Oh.

2 MAYOR EBERLE: -- but, yeah, you
3 should call, not the police department, but --

4 MS. DAVIS: No.

5 MAYOR EBERLE: -- but Debra Skaggs,
6 who's the -- he -- she's the permits person.

7 MS. DAVIS: Right. But I think my
8 husband called and -- and she said we didn't need
9 a permit.

10 MAYOR EBERLE: If --

11 CHIEF SHERRARD: Off the top of --

12 MAYOR EBERLE: -- if it's not --

13 CHIEF SHERRARD: -- my head --

14 MAYOR EBERLE: -- going to be --

15 CHIEF SHERRARD: -- I don't know --

16 MAYOR EBERLE: -- over four foot --

17 CHIEF SHERRARD: -- about the wall.

18 MAYOR EBERLE: -- yeah.

19 MS. DAVIS: Yeah.

20 MAYOR EBERLE: One thing, with
21 regards to retaining walls --

22 MS. DAVIS: Yeah.

23 MAYOR EBERLE: -- and the four foot
24 thing, the way we've treated it before --

25 MS. DAVIS: Yeah.

1 MAYOR EBERLE: -- swimming pool,
2 sloping yard and the -- the -- the retaining wall
3 that supports the swimming pool to be flat on a fall
4 away lot is -- is often more than four feet tall.

5 MS. DAVIS: Oh. I see.

6 MAYOR EBERLE: But what we've -- well,
7 I mean --

8 MS. DAVIS: We didn't need it -- no. We
9 don't it -- a swimming --

10 MAYOR EBERLE: -- what we have done
11 is --

12 MS. DAVIS: -- pool, but just so the
13 house didn't fall over.

14 MAYOR EBERLE: But other than that
15 it's -- it's -- it's -- it's -- it's four -- it's a four
16 foot.

17 MS. DAVIS: Right.

18 MAYOR EBERLE: Right, Ann?

19 CITY ADMINISTRATOR SIMMS: M-hm.

20 MAYOR EBERLE: Yeah.

21 MS. DAVIS: Okay.

22 MAYOR EBERLE: The re -- we have
23 made an exception. And I think what -- the -- the
24 way it's been interpreted is, four foot from the
25 level. So, if you've got your swimming pool that's

1 level and you have a wall that drops eight feet --

2 MS. DAVIS: Yeah. Oh. I see what
3 you're saying.

4 MAYOR EBERLE: -- that's okay.

5 MS. DAVIS: Yeah.

6 MAYOR EBERLE: You just can't put a
7 wall above the swimming pool that's --

8 MS. DAVIS: Eight feet.

9 MAYOR EBERLE: -- that's more than
10 four feet.

11 MS. DAVIS: Right.

12 MAYOR EBERLE: There's also a
13 requirement that you have a fence around your
14 swimming pooling. If it's a fall away lot, the back
15 part of your swimming pool, you don't need a fence
16 if -- if there's an eight-foot retaining wall there or
17 whatever or four-foot or three-foot or ten-foot.
18 You don't have to have a -- a fence around where
19 the retaining wall itself provides the barrier. Does
20 that make sense?

21 MS. DAVIS: M-hm.

22 MAYOR EBERLE: Okay.

23 MS. DAVIS: We just don't want --

24 MAYOR EBERLE: So that's --

25 MS. DAVIS: -- the house to --

1 MAYOR EBERLE: -- it -- you know,
2 that's right --

3 MS. DAVIS: -- fall off the hill.

4 MAYOR EBERLE: -- it's -- it's good to
5 call Deb because she deals with those kinds of
6 questions every day.

7 MS. DAVIS: Okay. All right. Okay.
8 Okay. Thank you.

9 MAYOR EBERLE: But she might have
10 told you, if it was four feet -- if it was -- you know,
11 if it was four feet and it was a retaining wall, it's
12 okay.

13 MS. DAVIS: Yeah. Okay. Thanks.

14 MAYOR EBERLE: Sure. Other comments
15 from citizens and the public?

16 AUDIENCE: [no audible response]

17 MAYOR EBERLE: Thanks, Nancy.

18 MS. DAVIS: M-hm.

19 MAYOR EBERLE: Unfinished business is
20 second reading of an ordinance relating to
21 nuisances and the storage of building materials,
22 which we've just discussed.

23 Will -- do we need to read that again in it's
24 entirety --

25 CITY ATTORNEY POTTS: M-hm.

1 MAYOR EBERLE: -- for the second
2 reading?

3 CITY ATTORNEY POTTS: M-hm.

4 MAYOR EBERLE: And that was -- that --
5 that -- that will -- the honors will go to the
6 sponsor, Sandy Tucci.

7 COUNCIL MEMBER TUCCI: [reads] City
8 of Prospect, Ordinance Number 532, Series 2012,
9 An Ordinance Relating to Nuisances and the
10 Storage of Building Materials.

11 Whereas, while it is necess --

12 CITY ATTORNEY POTTS: You don't need
13 to read the whereases.

14 COUNCIL MEMBER TUCCI: Okay. Just
15 down to the underlined part?

16 CITY ATTORNEY POTTS: Just the, "Now,
17 therefore, be it ordained. . ."

18 COUNCIL MEMBER TUCCI: Okay.

19 Now, therefore, be it ordained by the City of
20 Prospect, Kentucky:

21 Section 1. Chapter 92, Section 92.03 of the
22 Code of Ordinances of the City of Prospect is
23 hereby amended by adding a new Subsection 92.03
24 (P) with the section reading as follows, the added
25 language shown as underlined:

1 92.03 Certain Conditions Declared a
2 Nuisance. It shall be unlawful for the owner,
3 occupant, or person having control or management
4 of any land within the city to permit a public
5 nuisance to develop thereon. The following
6 conditions are declared to be public nuisances:

7 (P) Storage of construction materials in
8 residential areas. The storage or
9 placement of construction or building materials in
10 front or side yards of residential parcels within the
11 city for a period of more than 28 days while active
12 construction is ongoing at the specific address, or
13 for a period of more than 14 days when no
14 construction activity is being conducted at the
15 specific address. This provision shall apply to
16 repairs, remodeling, or additions to an existing
17 residence, but shall not apply to construction of a
18 new residence within the city.

19 Section 2. This ordinance shall be effective
20 from and after its passage, approval and
21 publication as required by law.

22 COUNCIL MEMBER SIMON: How does
23 this affect new home construction, if there is any?

24 CITY ATTORNEY POTTS: Not at all.

25 COUNCIL MEMBER SIMON: Okay.

1 MAYOR EBERLE: No. There are -- there
2 are standards in the -- in -- in the -- there is -- in
3 the building codes.

4 CITY ATTORNEY POTTS: Right. But --

5 COUNCIL MEMBER TUCCI: But not --

6 MAYOR EBERLE: But --

7 CITY ATTORNEY POTTS: -- as far as
8 this --

9 COUNCIL MEMBER TUCCI: -- but not in
10 this.

11 MAYOR EBERLE: -- but this -- but this
12 one is not. It relates only to repair or remodel.

13 COUNCIL MEMBER SIMON: Okay. So --
14 okay. Okay.

15 MAYOR EBERLE: We did amend this on
16 first reading last week -- or last month. And any
17 further discussion on this?

18 COUNCIL MEMBERS: [no audible
19 response]

20 MAYOR EBERLE: Hearing none, I'll
21 entertain a motion for adoption. This is the
22 second reading, so this would be final adoption of
23 the -- of the ordinance. I --

24 COUNCIL MEMBER TUCCI: I move --

25 MAYOR EBERLE: -- I guess I can take

1 Sandy's --

2 COUNCIL MEMBER TUCCI: Yeah. Yeah.

3 MAYOR EBERLE: -- reading of it as
4 the -- as the motion.

5 COUNCIL MEMBER TUCCI: Correct.

6 MAYOR EBERLE: All right. Then we'll
7 take a second.

8 COUNCIL MEMBER ERTEL: Second.

9 MAYOR EBERLE: Ertel.

10 COUNCIL MEMBER ERTEL: Second.

11 MAYOR EBERLE: Okay. I knew I heard
12 somebody over there.

13 Okay. Those in favor -- well, we'll just start
14 with Sandra Leonard?

15 COUNCIL MEMBER LEONARD: Yes.

16 COUNCIL MEMBER SCOTT: Yes.

17 COUNCIL MEMBER ERTEL: Yes.

18 COUNCIL MEMBER SIMON: Yes.

19 COUNCIL MEMBER TUCCI: Yes.

20 MAYOR EBERLE: Okay. And that's a --
21 unanimously adopted by a vote.

22 The next item listed on the agenda is City of
23 Prospect, Municipal Order Number 6, An Order
24 Consenting to the [sic] Nomination of the Mayor
25 for a Citizen of the City to Serve on the -- on the

1 City of Prospect Forestation Board and Affixing a
2 Term of Office Thereto.

3 There are copies of that municipal order at --
4 on -- on the back table -- let's see what I've got
5 here [examines document] -- for any -- anybody
6 that wants to look at it.

7 Basically, we have a vacancy on the
8 Forestation Board for some time. We've been
9 looking for someone who would be interested in
10 serving. And Greg Huelsman had -- had resigned
11 from the board some time ago, and he was unable
12 to coordinate his work schedules with the board
13 meetings.

14 So, at any rate, we have had an inquiry from
15 Mr. Shulhafer. And he has attended several
16 meetings, and the -- the Forestation Board has met
17 with him. And he has accepted the nomination and
18 the municipal order would be confirming that
19 nomination from the members of the Council.

20 So I'll entertain a motion.

21 COUNCIL MEMBER SCOTT: I just have
22 one point that's -- this has come up in the past, it
23 would really be helpful if we could get a little bio
24 information or know a little something about who
25 we're voting on.

1 MAYOR EBERLE: Yeah. Right. I got
2 that today. I had asked Herb for that for some
3 time. And I don't -- I don't guess we have the -- I
4 don't think it made it into the packets.

5 He is an architect planner with Kremer --
6 Studio Kremer Architects here in Louisville.

7 He -- he's a graduate of the University of
8 Cincinnati School of Design, Art and Planning; has
9 a bachelor's of science in architect, and has a
10 Cert -- Certificate of Cooperative Education from
11 the University of Cincinnati.

12 He's a partner in the firm of Studio Kremer
13 Associates [sic]. He is still active but he is not
14 taking on as much work, so he thought he would
15 have more time.

16 Married to a retired postal worker of some 29
17 years; five children. And I'm sure these are really
18 qualifications. But at any rate, it puts a -- a --
19 more of a face on it.

20 He was unable to be here tonight. So I will
21 speak for him.

22 He has a -- quite a long history of community
23 service. He was a volunteer on Mayor's Task
24 Force for 1979 -- 9 -- 74 tornado victims. He's
25 served on Jefferson County Beautification of

1 Public Properties Committee, which I think di --
2 directly would relate to the Forestation Board. He
3 was one of Cindy Sullivan's volunteers of the
4 Metro Parks Champion Program that worked to
5 improve Metro Parks. He's been very active in
6 historic preservation over 40 years. He served on
7 the Jefferson County Historic Preservation and
8 Landmark Commission for 23 years and chaired
9 that commission for four years. He is currently
10 chair of the Historic Farmington Plantation Board
11 and has had -- has served on the Ronald McDonald
12 House Board for 8 years and continues to -- to
13 serve there.

14 As I said, I -- I've -- I've -- I've been asking
15 him for that --

16 COUNCIL MEMBER SCOTT: That's --

17 MAYOR EBERLE: -- for some time.

18 COUNCIL MEMBER SCOTT: -- that --
19 that answers my question.

20 MAYOR EBERLE: Okay.

21 COUNCIL MEMBER TUCCI: I think we
22 have a winner, Mike.

23 COUNCIL MEMBER SCOTT: Yeah. I --
24 I --

25 MAYOR EBERLE: No. And -- and --

1 COUNCIL MEMBER SCOTT: -- he has --

2 MAYOR EBERLE: -- and I've --

3 COUNCIL MEMBER SCOTT: -- the

4 qualifications.

5 MAYOR EBERLE: -- I've -- we've all

6 talked to him and he's -- has a -- he came to us

7 after the rotary. He's a -- he's in a rotary, and we

8 made a presentation at the rotary. And at that

9 presentation he came up to Lee or Greg Huelsman,

10 I can't remember --

11 MR. TUCCI: That's right.

12 MAYOR EBERLE: -- which, and said he'd

13 be very interested in serving on the board. And

14 we -- the board has all talk to him. And they're

15 ready to welcome him on officially.

16 COUNCIL MEMBER SCOTT: Well, thank

17 you.

18 MAYOR EBERLE: Sure. Any other

19 discussion?

20 COUNCIL MEMBERS: [no audible

21 response]

22 MAYOR EBERLE: Hearing none, I will --

23 and this is -- only requires one vote. And I will

24 start with Council Member Tucci.

25 COUNCIL MEMBER TUCCI: Yes.

1 COUNCIL MEMBER SIMON: Yes.

2 COUNCIL MEMBER ERTEL: Yes.

3 COUNCIL MEMBER SCOTT: Yes.

4 COUNCIL MEMBER LEONARD: Yes.

5 MAYOR EBERLE: Okay. Welcome, Herb.

6 I will let him know.

7 The next item is one that we have had on our
8 agendas for some time. It has been read in
9 various forms. We have revised it. It existed as
10 Ordinance -- or Prospect Ordinance Number 522
11 at one point. And it has to do with conditional use
12 permits within particular zoning areas.

13 As can you see, we have several zoning areas
14 that -- in -- in the -- within the City of Prospect in
15 some of the metro zones.

16 Conditional use permits are -- would allow
17 someone to make a perspective use that wouldn't
18 normally be allowed in certain zones and -- and --
19 and make a suggestion that -- or that the -- a
20 conditional use be allowed to a particular person.

21 Is that -- is that for a particular owner within
22 that?

23 CITY ATTORNEY POTTS: [no audible
24 response]

25 MAYOR EBERLE: Maybe I should --

1 CITY ATTORNEY POTTS: Okay. A --

2 MAYOR EBERLE: -- let --

3 CITY ATTORNEY POTTS: Yeah. A

4 conditional use is an exceptional use and it is
5 allowable only after a hearing before the board of
6 zoning adjustment.

7 MAYOR EBERLE: Right.

8 CITY ATTORNEY POTTS: And when
9 Prospect adopted, in 2006, the final adoption of
10 2004 Land Development Code, most of the
11 conditional uses that were allowed under the 2004
12 Land Development Code were not adopted within
13 Prospect.

14 And so what this ordinance does is it revisits
15 some of the uses that were allowed as -- as not
16 being prohibited to determine whether or not you
17 want to add to the prohibited list of uses. If that
18 makes any sense.

19 COUNCIL MEMBER LEONARD: M-hm.

20 CITY ATTORNEY POTTS: And so, for
21 example, the Chief was talking tonight about
22 someone renting a room in a house. And I don't
23 know where that was within Prospect, but in a
24 single -- in a -- in a residential district, it's only a
25 single-family house, but you could have an

1 accessory apartment. And the Number 1 thing on
2 our list here, 4.2.3 in blue, is accessory
3 apartments. We did not exclude that in Prospect
4 in 2006 when the -- the ordinance was adopted.
5 But it's on the list of things for you to consider
6 excluding. And were it to be excluded, then you --
7 you couldn't argue that the renting of a room was,
8 in fact, an accessory apartment. Now, it wouldn't
9 permitted under any circumstances without a
10 conditional use permit being given. But I'm just
11 using that as an example of -- of something that
12 would've -- could have been allowed if there had
13 been a conditional use permit granted.

14 COUNCIL MEMBER LEONARD: Okay.

15 CITY ATTORNEY POTTS: And --

16 COUNCIL MEMBER LEONARD: But what
17 if -- I understand your argument on an accessory
18 apartment. But is that all predicated on the fact
19 that rent was paid?

20 CITY ATTORNEY POTTS: Yes. Well, it's
21 not. Because it -- it -- houses, in -- in -- in most
22 of the zoning districts here, are single-family
23 residential. And it will go on definition of what is
24 a family.

25 COUNCIL MEMBER LEONARD: M-hm.

1 CITY ATTORNEY POTTS: And that's
2 defined in the Land Development Code.

3 MAYOR EBERLE: And again, we will --
4 we have tabled 522, which undertook at least --
5 when Alan and I went over it, it undertook to
6 include not only the 2004 but the 2006 and 2008
7 Land Development Codes, and it become very
8 confusing. And --

9 CITY ATTORNEY POTTS: And -- and in
10 order to do that --

11 MAYOR EBERLE: -- the city-attorney --
12 yeah.

13 CITY ATTORNEY POTTS: -- we would've
14 had to go back and adopt those two codes. And we
15 specifically decided not to do that.

16 COUNCIL MEMBER LEONARD: Right.

17 CITY ATTORNEY POTTS: And --

18 COUNCIL MEMBER LEONARD: I
19 understand that. I guess what I'm con -- like, for
20 example, one of the things that is newly included
21 now is multi-family dwellings. Does that mean
22 nobody can ever build a condo in Prospect? And
23 no building can be converted --

24 COUNCIL MEMBER SIMON: No.

25 COUNCIL MEMBER LEONARD: -- to a --

1 COUNCIL MEMBER SIMON: What that --

2 COUNCIL MEMBER LEONARD: -- condo?

3 COUNCIL MEMBER SIMON: -- means,

4 you can't have three or four families living in one
5 dwelling.

6 COUNCIL MEMBER SCOTT: Right.

7 COUNCIL MEMBER SIMON: Like a bunch
8 of Mexicans moving in to buy an apartment or
9 something like that, and -- and -- or -- or -- these
10 people who bring all these people that work in
11 restaurants, they put them in one place.

12 COUNCIL MEMBER LEONARD: Well,
13 but that's your definition. What I'm asking is:
14 How restrictive is -- well, for example, there's
15 multi-families in my house. My son and
16 granddaughter live with us.

17 CITY ATTORNEY POTTS: Well, no.

18 And --

19 COUNCIL MEMBER SIMON: But that's
20 family.

21 CITY ATTORNEY POTTS: But that's --
22 that's -- there's a family.

23 MAYOR EBERLE: But that's not a -- you
24 know.

25 COUNCIL MEMBER LEONARD: But if he

1 had a -- I -- just -- I'm making this up. If he ha --
2 my son had a girlfriend, could she live there?

3 MAYOR EBERLE: Depends on --

4 COUNCIL MEMBER LEONARD: See. I --
5 I'm trying --

6 MAYOR EBERLE: -- definition of family.

7 COUNCIL MEMBER LEONARD: -- I'm
8 trying not to have us create an impression that
9 isn't compatible with our intent. And I have had
10 questions recently about could things be converted
11 to condos? Could people build condos in
12 Prospect? Could they --

13 MAYOR EBERLE: Not out of --

14 COUNCIL MEMBER LEONARD: --
15 convert --

16 MAYOR EBERLE: -- the zone.

17 CITY ATTORNEY POTTS: In -- in --

18 MAYOR EBERLE: As far as --

19 CITY ATTORNEY POTTS: -- in a -- in an
20 appropriate zone --

21 MAYOR EBERLE: Right.

22 CITY ATTORNEY POTTS: -- yes.

23 COUNCIL MEMBER LEONARD: But not --

24 CITY ATTORNEY POTTS: This -- this
25 is --

1 MAYOR EBERLE: Not in R-4.

2 CITY ATTORNEY POTTS: Well, no. No.

3 MAYOR EBERLE: Right. Yeah.

4 CITY ATTORNEY POTTS: This is not
5 that type of zoning. This is on a multi-family
6 within a zone that is a single-family residential
7 zone.

8 COUNCIL MEMBER SCOTT: You mean
9 like a duplex, you couldn't have a duplex? Build a
10 duplex?

11 CITY ATTORNEY POTTS: Depending on
12 the zone you could.

13 MAYOR EBERLE: The zone.

14 CITY ATTORNEY POTTS: But it -- in a --
15 say, in a -- a typical R-4 zone, no.

16 MAYOR EBERLE: Single-family
17 residence, quarter acre lots basically is R-4.
18 Which is the majority of our residential zones.

19 COUNCIL MEMBER SIMON: What you're
20 trying to do is prevent stuff to -- that planning and
21 zoning can get out here that doesn't exist out
22 here.

23 COUNCIL MEMBER LEONARD: Well, I
24 understand. But let's -- let's be the devil's
25 advocate. There are some very large tracts of

1 land here that right now are owned by a single,
2 possibly deceased person or estate. Would this
3 preclude multi-family dwellings --

4 COUNCIL MEMBER SIMON: No. They
5 would have to go --

6 COUNCIL MEMBER LEONARD: -- from
7 ever --

8 COUNCIL MEMBER SIMON: -- they
9 would --

10 COUNCIL MEMBER LEONARD: -- going
11 on --

12 COUNCIL MEMBER SIMON: -- they
13 would have to go to planning and zoning and get a
14 zoning change on -- if it's -- if it's --

15 COUNCIL MEMBER LEONARD: Okay.

16 COUNCIL MEMBER SIMON: --
17 single-family, they have to get a zoning change for
18 multi-family to do that.

19 COUNCIL MEMBER LEONARD: Okay.

20 COUNCIL MEMBER SIMON: That would
21 actually be a zoning change.

22 MAYOR EBERLE: Or the could get the
23 conditional use permit, if -- if it's not allowed in
24 that -- in the zone --

25 COUNCIL MEMBER SIMON: Right.

1 MAYOR EBERLE: -- that it's in.

2 COUNCIL MEMBER SIMON: Right.

3 MAYOR EBERLE: So any of the -- for
4 instance --

5 CITY ATTORNEY POTTS: But the ans --
6 the answer is from -- the realistic answer is, a
7 large tract of land would have to be rezoned in
8 order to have --

9 COUNCIL MEMBER LEONARD: Okay.

10 CITY ATTORNEY POTTS: -- multi-family
11 zoning.

12 COUNCIL MEMBER LEONARD: M-hm.
13 Okay.

14 MAYOR EBERLE: And it would have to
15 go downtown.

16 CITY ATTORNEY POTTS: And then come
17 here.

18 MAYOR EBERLE: Because we have
19 zoning powers. That it would --

20 CITY ATTORNEY POTTS: Prospect --

21 MAYOR EBERLE: -- have to go back
22 down --

23 CITY ATTORNEY POTTS: -- has the final
24 approval.

25 MAYOR EBERLE: Approved downtown

1 and then approved here. But --

2 CITY ATTORNEY POTTS: Which is what
3 was done on the condos, the -- on Harrods Creek.

4 MS. ERTEL: Overlook?

5 CITY ATTORNEY POTTS: The Overlook.

6 MAYOR EBERLE: Over -- the Overlook,
7 yeah.

8 MR. SCOTT: To -- to draw an example.

9 COUNCIL MEMBER LEONARD: I don't
10 think you want to bring that one up. Okay. Thank
11 you.

12 MAYOR EBERLE: And again, we've --
13 we're struggled to make this as -- as -- as easy to
14 understand as possible. And that is somewhat of a
15 challenge.

16 And I will remind that you the conditional uses
17 that are listed here, if you -- if -- if you want that
18 use to be able to be applied for, you want to strike
19 it off this list, because this is the prohibited list.
20 If you -- so it's kind of intimidating.

21 COUNCIL MEMBER LEONARD: Yeah.

22 COUNCIL MEMBER TUCCI: Yes.

23 MAYOR EBERLE: If -- if you -- if you
24 want to -- to allow someone to file for a
25 conditional use of one of these uses, you strike it.

1 COUNCIL MEMBER TUCCI: You know --

2 MAYOR EBERLE: Now the only way I can
3 tell is -- is -- to -- to -- to go through the Land
4 Development Code of 2004 to look at -- on details.
5 So it's going to take a little while.

6 COUNCIL MEMBER SCOTT: Okay.

7 MAYOR EBERLE: And we have -- we
8 have proposed for first reading, and Alan Simon
9 will get the honors again, I guess. But --

10 COUNCIL MEMBER SCOTT: I've got one
11 question before --

12 MAYOR EBERLE: Sure.

13 COUNCIL MEMBER SCOTT: -- we
14 proceed.

15 MAYOR EBERLE: Sure.

16 COUNCIL MEMBER SCOTT: Not to drag
17 this out. But just a good on point example, 42.15,
18 Commercial Greenhouses. Now the hardware store
19 just put in a greenhouse over there.

20 CITY ATTORNEY POTTS: But it's not a
21 commercial greenhouse.

22 MAYOR EBERLE: Right. It's not a
23 commercial greenhouse.

24 COUNCIL MEMBER SCOTT: It's different
25 than a retail?

1 MAYOR EBERLE: Right.

2 CITY ATTORNEY POTTS: Commercial
3 greenhouse is where stuff actually grows to be
4 sold to people who sell it to computers -- to
5 comm --

6 COUNCIL MEMBER SCOTT: Right,
7 wholesalers. They're wholesalers.

8 MAYOR EBERLE: And it was granted
9 downtown -- it was granted downtown as a retail
10 nursery.

11 CITY ATTORNEY POTTS: As a retail
12 nursery, right.

13 MAYOR EBERLE: Right.

14 CITY ATTORNEY POTTS: Which we did
15 not have defined in our --

16 MAYOR EBERLE: Well, and it -- and it's
17 not --

18 CITY ATTORNEY POTTS: And it's not
19 defined in Metro.

20 MAYOR EBERLE: It's not defined in the
21 2004. So --

22 CITY ATTORNEY POTTS: Right.

23 MAYOR EBERLE: -- so this is the -- this
24 is the -- now we have a definition of this.

25 It was approved as retail nursery by Metro.

1 We approved it as a retail nursery.

2 And again, you know, the lack of definitions
3 is often -- and -- and I -- and I agree. You know,
4 you -- commercial greenhouse would be a place
5 where they grow plants and -- and sell them
6 either --

7 CITY ATTORNEY POTTS: Wholesale.

8 MAYOR EBERLE: -- wholesale.

9 CITY ATTORNEY POTTS: Normally.

10 MAYOR EBERLE: Normally wholesale,
11 you know.

12 COUNCIL MEMBER LEONARD: So all of
13 these are not defined necessarily in our ordinance;
14 they're --

15 CITY ATTORNEY POTTS: They -- they --

16 COUNCIL MEMBER LEONARD: --
17 defined in the Land Development --

18 CITY ATTORNEY POTTS: We don't
19 have --

20 MAYOR EBERLE: We -- we --

21 COUNCIL MEMBER LEONARD: -- Code?

22 CITY ATTORNEY POTTS: They are
23 defined in the Land --

24 COUNCIL MEMBER LEONARD: Okay.

25 CITY ATTORNEY POTTS: -- Development

1 Code; that's correct.

2 If you go to -- to each one of these sections --

3 COUNCIL MEMBER LEONARD: Okay.

4 CITY ATTORNEY POTTS: -- following

5 the list --

6 COUNCIL MEMBER TUCCI: M-hm.

7 CITY ATTORNEY POTTS: -- in the Land

8 Development Code, it'll tell you what it all is.

9 COUNCIL MEMBER LEONARD: And

10 that's when you have something like "institutions"?

11 CITY ATTORNEY POTTS: Right.

12 MAYOR EBERLE: Yeah. And that --

13 COUNCIL MEMBER LEONARD: I mean,

14 that's --

15 MAYOR EBERLE: -- that's what -- yeah.

16 COUNCIL MEMBER LEONARD: Okay.

17 MAYOR EBERLE: And that's why, in this

18 one, we thought while we were at it, we would add

19 the definition of a "retail nursery" because that's

20 what --

21 COUNCIL MEMBER LEONARD: I see.

22 MAYOR EBERLE: -- that's what this was

23 granted -- and Metro and by us --

24 COUNCIL MEMBER LEONARD: Well,

25 and, like --

1 MAYOR EBERLE: And somehow --

2 COUNCIL MEMBER LEONARD: -- home.

3 MAYOR EBERLE: -- we -- we --

4 COUNCIL MEMBER LEONARD: --

5 modifications --

6 MAYOR EBERLE: -- we're probably the
7 only city in -- in Jefferson County that has a
8 definition of this.

9 COUNCIL MEMBER LEONARD: But
10 "home modifications" is defined there, too; huh?

11 MAYOR EBERLE: M-hm.

12 COUNCIL MEMBER LEONARD: Because
13 I know quite a few people who work in their home.

14 MAYOR EBERLE: Right.

15 COUNCIL MEMBER TUCCI: We all
16 remember the --

17 CITY ATTORNEY POTTS: And our --

18 COUNCIL MEMBER TUCCI: Yeah. I'm
19 sorry.

20 CITY ATTORNEY POTTS: Go ahead.

21 COUNCIL MEMBER TUCCI: I was going
22 to say, we all remember the Please Don't Eat the
23 Daisies, where you've given your kids all the
24 instructions about what they can't do, you know,
25 you can't do this and don't do the others; you

1 don't mention that you shouldn't eat the center
2 piece, you know. And so this is an ef -- effort to
3 imagine all of the awful things that could decide
4 that they wanted to locate in Prospect, hoping that
5 we remembered everything and that one of the
6 things we left out was, you know, don't eat the --
7 don't eat the -- the center piece.

8 MAYOR EBERLE: And again, we've --
9 we've tried to simplify this by focusing on what
10 we've already adopted, which is the 2004. And
11 we'd have no obligation to adopt anything else.

12 CITY ATTORNEY POTTS: Correct.

13 MAYOR EBERLE: That's -- that -- the
14 2004 Land Development Code for all of Jefferson
15 County still exists as a discrete document.

16 What we did, when we tabled 522, we -- the --
17 the decision was made to focus on the 2004 Land
18 Development Code, which simplifies it. And there
19 are, in addition to the lists, we added the section
20 on the additional definition for "retail nursery."

21 And in the -- one of the other places, when I
22 was going through it and -- Alan and I were going
23 through it, we noticed a typo. And it's a -- it --
24 it -- and it -- it said C-1 Commercial District 2.4.4,
25 C-2 headed -- said in -- in the C-1 Commercial

1 District. . . Well, that was a typo.

2 And when we pass typos, they get codified.

3 And it's in -- and it -- and it's -- it's codified. So
4 that is -- that is truly a -- a clerical error. That's
5 what that -- and then the rest of it are the
6 conditional uses that we talk about.

7 I think what we need to do is -- is get this
8 introduced in a -- in it's -- in a more simplified
9 form and study it. I don't know that it'll be ready
10 for -- unless -- unless everybody is able to agree
11 at the December meeting that we -- that -- which --
12 which of these we want to strike from here and,
13 therefore, allow, it'll take -- it'll take a couple
14 months, so. . .

15 But the important thing is to get it introduced.

16 COUNCIL MEMBER TUCCI: Get it on
17 there.

18 MAYOR EBERLE: So we can start work
19 on it.

20 COUNCIL MEMBER SIMON: [reads] City
21 of Prospect, Ordinance Number 524, Series 2012,
22 An Ordinance Relating to the Adoption, Amendment
23 and Modification of the 2004 Land Development
24 Code for All of Jefferson County, Kentucky and the
25 Modification of the [sic] Code as Previously

1 Adopted by the City of Prospect.

2 MAYOR EBERLE: You don't need to read
3 the whereases.

4 COUNCIL MEMBER SIMON: Okay.

5 Section

6 Therefore, now [sic], be it ordained by the
7 City of Prospect:

8 Section 1: Chapter 161, Section 161.02 of the
9 Code of Ordinances of the City of Prospect is
10 hereby amended by inserting the following
11 underlined language and deleting the following
12 stricken language so as to read as follows:

13 1.2.2 Substantiated [sic] Denif Definitions.

14 The following definitions applicable in the City of
15 Prospect are substituted for the definitions of such
16 terms in Section 1.2.2 of the Land Development
17 Code:

18 1.2.3 Additional Definitions. The following
19 definitions applicable in the City of Prospect are
20 included as additional definitions for the Land
21 Development Code as adopted by the City of
22 Prospect:

23 Retail Nursery -- a re a nursery that is a
24 retail supplier of garden plants as well as related
25 products and includes the retail handling of any

1 article, substance or conrelated [sic] to. .
2 .planting, maintenance, or harvesting of garden
3 plants, shrubs, trees, packaged fertilizers, soils,
4 chemicals, or other nursery goods and related
5 products in small quantities to the consumer.

6 I need to read all this other stuff?

7 CITY ATTORNEY POTTS: Well, you need
8 to read 2.4.4.

9 COUNCIL MEMBER SIMON: Okay.

10 2.4.4 C-2 Commercial District

11 Section A. 02:26:18 Permitted Uses. The
12 following uses permitted by Section 2.4.4 A of the
13 Land Development Code in the C-1 C-2 Commercial
14 District is [sic] not adopted by the City of
15 Prospect.

16 CITY ATTORNEY POTTS: Okay. And
17 now on "Conditional Uses," just read what is --
18 read the heading and then what's in blue.

19 COUNCIL MEMBER SIMON: Okay.

20 4.2.1 Conditional Uses. The following uses
21 permit [sic] subject to the [sic] (A) Conditional
22 Use Permit by Section 4.2.1 of the Land
23 Development Code are not adopted by the City of
24 Prospect: Accessory Apartments, Athletic

25 CITY ATTORNEY POTTS: That that --

1 COUNCIL MEMBER SIMON: -- Fields

2 CITY ATTORNEY POTTS: -- do the --

3 COUNCIL MEMBER SIMON: Oh well.

4 CITY ATTORNEY POTTS: 4.2. --

5 COUNCIL MEMBER SIMON: Okay. 4.2.3

6 Accessory Apartments; 4.2.8 Athletic Facilities;

7 4.2.9 Bread [sic] and Breakfast Inns.

8 CITY ATTORNEY POTTS: Now, this next

9 one has a change. It should be 4.2.12.

10 COUNCIL MEMBER SIMON: Okay.

11 2.2.12 [sic]

12 MAYOR EBERLE: Oh. You're right. Is

13 that what you were --

14 CITY ATTORNEY POTTS: Yeah.

15 COUNCIL MEMBER SIMON: Cemeteries,

16 Mausoleums and Crematories; Section 4.2.26 --

17 CITY ATTORNEY POTTS: And it should

18 be 25.

19 COUNCIL MEMBER SIMON: 25. 25.

20 4.2.25 Funeral Homes. Is the 4.2.37 right?

21 CITY ATTORNEY POTTS: No. It should

22 be 35.

23 COUNCIL MEMBER SIMON: 35. Then all

24 the other numbers are out of whack.

25 CITY ATTORNEY POTTS: No. Not all of

1 them.

2 COUNCIL MEMBER SIMON: Okay. 5.

3 MAYOR EBERLE: Multi-Family Dwellings
4 is 35?

5 CITY ATTORNEY POTTS: Yeah.

6 COUNCIL MEMBER SIMON: 4.2.35

7 Multi-Family dwellings; 4.2. --

8 CITY ATTORNEY POTTS: 36.

9 COUNCIL MEMBER SIMON: -- 36

10 Nursing Homes and Homes for the Interim [sic] of
11 Aged -- or Aged; 4.2. --

12 CITY ATTORNEY POTTS: 37.

13 COUNCIL MEMBER SIMON: -- 37

14 Off-Site Parking Areas.

15 MAYOR EBERLE: Off-Street Parking
16 Areas.

17 COUNCIL MEMBER SIMON: Off-Street
18 Parking Areas. 4.2. --

19 CITY ATTORNEY POTTS: 41.

20 COUNCIL MEMBER SIMON: -- Private
21 Property Clubs.

22 CITY ATTORNEY POTTS: Property --
23 Proprietary.

24 COUNCIL MEMBER SIMON: Propri --
25 Pro -- Proprietary Clubs. I'm sorry.

1 CITY ATTORNEY POTTS: Okay. And
2 then read Section 2 there.

3 COUNCIL MEMBER SIMON: Section 2.
4 This Ordinance shall be effective from and after
5 its passage, approval and publication as required
6 by law.

7 MAYOR EBERLE: Thank you, Alan.

8 That gives us the first reading. And I will -- I
9 think some of the numbering was left over from
10 when we were trying to capture the -- the 2006 or
11 the 2008.

12 CITY ATTORNEY POTTS: Right.

13 MAYOR EBERLE: As -- as you read it,
14 Alan, and as it was corrected for the record is --
15 is -- is -- as the introducer of this ordinance, are
16 you in agreement with the new --

17 COUNCIL MEMBER SIMON: Yes.

18 MAYOR EBERLE: -- the changed
19 numbers?

20 COUNCIL MEMBER SIMON: Fine.

21 MAYOR EBERLE: Okay.

22 COUNCIL MEMBER SIMON: I agree with
23 the whole -- all -- all the changes.

24 MAYOR EBERLE: Okay. And we will put
25 that -- try to get some information together. You

1 do have a copy of the current Chapter 161 of the
2 Land Development Code in there. And I will try to
3 get out a -- some website information as to where
4 they can read the Land Development Code. Don't
5 you think that's probably --

6 COUNCIL MEMBER SIMON: This is --

7 CITY ATTORNEY POTTS: Yeah. It's --
8 it's in -- it's under the Jefferson County Planning
9 Commission. And you go to it, it says "Land
10 Development Code," and there are, like, six
11 different versions of it, depending on who's
12 adopted it. And we're down near the bottom at the
13 2004 Code, and it says "Prospect." And then you
14 can pull up the actual code. It's a --

15 COUNCIL MEMBER LEONARD: Oh,
16 hundreds and hundreds and hundreds.

17 MAYOR EBERLE: And 800 pages.

18 CITY ATTORNEY POTTS: 800 --

19 COUNCIL MEMBER SIMON: Yeah.

20 CITY ATTORNEY POTTS: -- pages.

21 COUNCIL MEMBER SIMON: Yeah.

22 MAYOR EBERLE: Yeah. Plus. Yeah.

23 COUNCIL MEMBER SIMON: But
24 originally Lonnie Falk and I went through this. It
25 took us -- it took us days and days to go through

1 this thing. And it's -- this is a pretty important
2 document for the city because it -- this controls
3 our destiny.

4 MAYOR EBERLE: Right. It's --

5 COUNCIL MEMBER SIMON: Which in
6 here, we control.

7 MAYOR EBERLE: One of --

8 COUNCIL MEMBER SIMON: We don't --

9 MAYOR EBERLE: -- the most --

10 COUNCIL MEMBER SIMON: -- want
11 Jefferson County controlling us. We want to do
12 our own -- we want to be our own people.

13 MAYOR EBERLE: One of the most
14 important powers that you have as a -- as --
15 as a --

16 COUNCIL MEMBER SIMON: Right.

17 MAYOR EBERLE: -- suburban city.

18 COUNCIL MEMBER SIMON: Right.

19 Absolutely.

20 MAYOR EBERLE: For sure. Next to the
21 police department, of course.

22 CHIEF SHERRARD: I don't know where
23 that came from.

24 MAYOR EBERLE: We have it because we
25 have to; we're a Third Class city.

1 Okay. I may -- I don't know, I -- I may list it
2 on second reading, when we come up with the
3 agenda for the December meeting, but -- with the
4 idea that we'll have more discussion on it, so. . .
5 But just to keep it on the agenda and to let people
6 know we're considering that, I'll -- I'll probably --
7 as -- as what we normally do after first reading of
8 an Ordinance, the -- the following month we -- we
9 put it on second reading. But I -- I would
10 anticipate probably further discussion at the
11 December meeting of some of the details, so. . .

12 COUNCIL MEMBER SCOTT: Todd, I just
13 want to mention a -- a positive note or two. I think
14 the work done over at Hunting Creek Drive with the
15 plantings and everything looks great.

16 COUNCIL MEMBER SIMON: I chime in. I
17 agree with you.

18 COUNCIL MEMBER SCOTT: Yeah. It
19 looks wonderful.

20 What did we pay for that, do you know what
21 the cost is? Have they billed us yet or. . .

22 MAYOR EBERLE: Mm now was it 13,000?

23 CITY ADMINISTRATOR SIMMS: I didn't
24 think it was --

25 MAYOR EBERLE: Or -- or is --

1 CITY ADMINISTRATOR SIMMS: I'm
2 not -- I thought it was ten something -- I -- I don't
3 want to speak to that without papers --

4 COUNCIL MEMBER SCOTT: Okay.

5 CITY ADMINISTRATOR SIMMS: -- in
6 front of me.

7 COUNCIL MEMBER SCOTT: All right.

8 CITY ADMINISTRATOR SIMMS: There
9 are --

10 COUNCIL MEMBER SCOTT: -- and
11 then --

12 CITY ADMINISTRATOR SIMMS: -- too
13 many bills.

14 COUNCIL MEMBER SCOTT: -- and then
15 the paving was done where that bump, when you --

16 CITY ADMINISTRATOR SIMMS: Yes.

17 COUNCIL MEMBER SCOTT: -- you know,
18 because that got done just this past weekend.

19 CITY ADMINISTRATOR SIMMS: But with
20 the paving.

21 COUNCIL MEMBER SCOTT: Yeah. And
22 that's great. Appreciate it.

23 CITY ADMINISTRATOR SIMMS: It does
24 make a difference, doesn't it.

25 COUNCIL MEMBER SIMON: And there's

1 a house being taken care of on Hunting Creek

2 Drive now --

3 COUNCIL MEMBER LEONARD: Yes.

4 COUNCIL MEMBER SIMON: -- that

5 wasn't taken care of before, too. But that's nice
6 also.

7 COUNCIL MEMBER SCOTT: Right. On
8 the right, going up the hill.

9 COUNCIL MEMBER SIMON: Yes.

10 COUNCIL MEMBER LEONARD: That's
11 right.

12 COUNCIL MEMBER SIMON: Absolutely.
13 Yes.

14 MAYOR EBERLE: Speaking of retaining
15 walls.

16 COUNCIL MEMBER SIMON: Yeah.

17 MAYOR EBERLE: Okay. The next item,
18 and I'll -- I'll refer you to the -- to some things
19 that -- that Council Member Miles has provided.
20 He was -- did want to discuss some of these issues
21 with regards to updates to Harrods Creek Park and
22 Putney Pond and Woodlands, and the -- the use of
23 some of the moneys that we received from the
24 purchase of the construction easement and the
25 permanent easement from the Metropolitan Sewer

1 District.

2 What I would do is refer you to those
3 documents that are in the -- in the back of your
4 binder, and you may want to look at those. I
5 think Council Member Miles wants to discuss those
6 at a -- at an upcoming meeting.

7 Is that -- is that your understanding?

8 COUNCIL MEMBER LEONARD: Okay.
9 Because we have -- I know we have not voted to
10 spend any of this money --

11 MAYOR EBERLE: Right.

12 COUNCIL MEMBER LEONARD: -- on
13 these things.

14 MAYOR EBERLE: Right.

15 COUNCIL MEMBER LEONARD: I'm
16 sure --

17 MAYOR EBERLE: And --

18 MS. LEONARD: -- we haven't.

19 MAYOR EBERLE: Right. And I think the
20 audit should be available later this week, and I'll
21 mail it out to you. That may give you some ideas
22 as to, you know, where -- where we're at and --
23 from the end of last year. And then also, I will
24 remember to get you the -- I'll -- I'll -- I'll give you
25 the -- the end of November and the -- excuse me,

1 the end of October accountant's records, not the
2 auditor's records, for the current fiscal year. And
3 they -- there -- there's a pile of them in --

4 COUNCIL MEMBER LEONARD: My other
5 question is in regard to these, because of the
6 amount of money, it totals about \$63,000. I know
7 we have to go out to bid.

8 MAYOR EBERLE: [nods head].

9 COUNCIL MEMBER LEONARD: How do
10 we already have a consultant giving us proposals?

11 MAYOR EBERLE: The -- the normal way
12 that I go about, if we have -- if we -- if we -- if --
13 if we have a constr -- basically a construction
14 project of some sort, we get an engineer's
15 assessment, and -- and the engineering firms don't
16 bid it, so they're -- this is their -- what they --
17 what materials they think would be necessary in
18 order to -- to do this construction. And they will
19 come up with an engineer's estimate. If that is at
20 or close to \$20,000, which is the threshold --

21 COUNCIL MEMBER LEONARD: M-hm.

22 MAYOR EBERLE: -- of the bid.

23 COUNCIL MEMBER LEONARD: M-hm.

24 MAYOR EBERLE: Because if -- if they
25 say 19, when we -- they -- you know, they may be

1 off --

2 COUNCIL MEMBER LEONARD: Right.

3 MAYOR EBERLE: -- a little bit, and
4 everybody may come in over 20. But -- so you --
5 you really need to -- to bid that. But --

6 COUNCIL MEMBER LEONARD: Okay.

7 MAYOR EBERLE: -- if they --

8 COUNCIL MEMBER LEONARD: But my --

9 MAYOR EBERLE: -- if they --

10 COUNCIL MEMBER LEONARD: --

11 impression --

12 MAYOR EBERLE: -- say --

13 COUNCIL MEMBER LEONARD: -- is

14 that's not what this is. I mean --

15 MAYOR EBERLE: If -- if --

16 COUNCIL MEMBER LEONARD: -- this
17 doesn't --

18 MAYOR EBERLE: -- if the engine --

19 COUNCIL MEMBER LEONARD: -- look
20 like an engineer's --

21 MAYOR EBERLE: -- if the engineer's
22 estimate is \$10,000, and we've got it in the
23 operating budget, and it's been approved in the
24 budget, then we can go ahead and spend that.

25 COUNCIL MEMBER LEONARD: Right.

1 MAYOR EBERLE: It's an administerial
2 act, you know. And I -- And I try to -- I -- I've
3 listed things in the operating budget as what's it's
4 for. Like the --

5 COUNCIL MEMBER LEONARD: Okay.
6 But this --

7 MAYOR EBERLE: -- the striping --

8 COUNCIL MEMBER LEONARD: -- looks
9 like --

10 MAYOR EBERLE: Well, let --

11 COUNCIL MEMBER LEONARD: -- it is
12 not --

13 MAYOR EBERLE: -- let -- well --

14 COUNCIL MEMBER LEONARD: -- an
15 engineer --

16 MAYOR EBERLE: -- let me finish. I
17 mean -- yeah.

18 COUNCIL MEMBER LEONARD: Okay.

19 MAYOR EBERLE: Yeah. And then -- so
20 some of these would -- would -- the -- the Third
21 Rock estimates are -- are not bids necessarily;
22 they are proposals. So if they -- if they exceed
23 \$20,000, they would have to be bid. And if they
24 come out of the allocated reserve from the moneys
25 we got from MSD, that wou -- I -- we would -- we

1 would need to approve those.

2 COUNCIL MEMBER LEONARD: Okay.

3 The reason I -- I --

4 MAYOR EBERLE: I mean --

5 COUNCIL MEMBER LEONARD: -- looked

6 at it --

7 MAYOR EBERLE: -- that's why --

8 that's --

9 COUNCIL MEMBER LEONARD: -- I

10 mean, they're talking --

11 CITY ATTORNEY POTTS: Well --

12 COUNCIL MEMBER LEONARD: --

13 about --

14 CITY ATTORNEY POTTS: -- if -- if --

15 COUNCIL MEMBER LEONARD: --

16 starting dates --

17 CITY ATTORNEY POTTS: -- there --

18 there --

19 COUNCIL MEMBER LEONARD: -- and

20 everything here.

21 CITY ATTORNEY POTTS: -- there --

22 there is -- it seems to me there's a distinction

23 being drawn here that I don't think is correct.

24 MAYOR EBERLE: Okay.

25 CITY ATTORNEY POTTS: You do not

1 have -- as a council, you do not have authority to
2 approve everything that the Mayor spends.

3 COUNCIL MEMBER LEONARD: That isn't
4 my question.

5 CITY ATTORNEY POTTS: Okay. But
6 what I'm saying is that, you know, you -- I think
7 you said, "Well, we didn't vote on that."

8 Well, you wouldn't have to vote on everything
9 that's spent. For example, the improvements to
10 Hunting Creek, that was a budgeted item.

11 COUNCIL MEMBER LEONARD: Right.

12 CITY ATTORNEY POTTS: You approved
13 the budget. He spent the money. So this is in the
14 same category as that.

15 COUNCIL MEMBER LEONARD: But -- no.
16 We haven't -- there's no category where we've got
17 funds to do these.

18 CITY ATTORNEY POTTS: No. You -- you
19 have approved out putting into an allocation for --
20 from the -- from the award or the settlement with
21 MSD. You have allocated reserves --

22 COUNCIL MEMBER TUCCI: M-hm.

23 CITY ATTORNEY POTTS: -- to the parks
24 of a \$108,000.

25 COUNCIL MEMBER LEONARD: In

1 addition to what came in from them?

2 CITY ATTORNEY POTTS: No. No. No.

3 MAYOR EBERLE: There's --

4 CITY ATTORNEY POTTS: No. No. From
5 what came in from them.

6 MAYOR EBERLE: That's what -- that's
7 what -- that's the total; right?

8 CITY ATTORNEY POTTS: \$108,000.
9 What -- the settlement that we negotiated.

10 COUNCIL MEMBER LEONARD: Right.

11 Right.

12 MAYOR EBERLE: Well, it was act -- it
13 was actually more than that. But then we asked --

14 CITY ATTORNEY POTTS: Well --

15 MAYOR EBERLE: -- for them to do
16 things that --

17 COUNCIL MEMBER LEONARD: M-hm.

18 CITY ATTORNEY POTTS: Right.

19 MAYOR EBERLE: -- that they didn't
20 necessarily have to do to -- to obtain the
21 easement.

22 CITY ATTORNEY POTTS: Right.

23 MAYOR EBERLE: And they said that --
24 that they would be willing, while they're on site,
25 to -- for one thing, to grade.

1 CITY ATTORNEY POTTS: But this is the
2 money that we actually got.

3 MAYOR EBERLE: That --

4 COUNCIL MEMBER LEONARD: Right.

5 MAYOR EBERLE: -- this is the -- this is
6 the actual --

7 CITY ATTORNEY POTTS: And so they
8 were allocated in reserves --

9 MAYOR EBERLE: -- cash.

10 CITY ATTORNEY POTTS: -- for Parks &
11 Recreation or whatever we call that.

12 COUNCIL MEMBER SCOTT: So if it's
13 decide that they want to move forward and spend
14 the -- and do these improvements, then there's no
15 need for the Mayor to come to council for
16 approval, because you say it's already been
17 approved; is that true?

18 CITY ATTORNEY POTTS: I mean, the
19 Mayor can elect to come to you. But I'm just
20 saying that -- that because it's -- the funds have
21 been approved to be used in Parks & Recreation,
22 and assuming that it's done within the guidelines
23 of what can be bid or what does not have to --

24 COUNCIL MEMBER LEONARD: Actually,
25 there was discussion about focusing that money on

1 Parks & Recreation.

2 CITY ATTORNEY POTTS: Right.

3 COUNCIL MEMBER LEONARD: But that
4 isn't way it ended up going through in the budget.
5 There were a number of us who said that money
6 needs to be earmarked for the parks. But that
7 isn't what happened.

8 MAYOR EBERLE: Well, it's not in the
9 operating budget, so we -- we didn't --

10 COUNCIL MEMBER LEONARD: I agree.

11 MAYOR EBERLE: -- we didn't deal with
12 this money in the operating budget.

13 COUNCIL MEMBER LEONARD: I agree.

14 MAYOR EBERLE: And, you know,
15 there -- there are some gray areas. But this is
16 obviously not a recurring revenue.

17 COUNCIL MEMBER LEONARD: Oh, yeah.

18 MAYOR EBERLE: I mean, you know,
19 we're not -- you know, this isn't going to happen
20 every year. This isn't property taxes.

21 COUNCIL MEMBER LEONARD: M-hm.

22 MAYOR EBERLE: It's not, you know. . .
23 So -- so, right. It -- and -- and that's how it ends
24 up as an allocated reserve.

25 Unallocated reserve is free to be spent on

1 anything. When we --

2 COUNCIL MEMBER LEONARD: Well,

3 we --

4 MAYOR EBERLE: -- accepted --

5 COUNCIL MEMBER LEONARD: -- tried to
6 make it an allocated reserve And I think if we'd
7 look in the budget, it wasn't.

8 CITY ATTORNEY POTTS: No, it didn't --

9 COUNCIL MEMBER TUCCI: We didn't --

10 CITY ATTORNEY POTTS: -- didn't

11 happen --

12 MAYOR EBERLE: No. It's not part of --

13 CITY ATTORNEY POTTS: It's not --

14 MAYOR EBERLE: -- the budget.

15 CITY ATTORNEY POTTS: -- a part --

16 COUNCIL MEMBER TUCCI: It's not --

17 CITY ATTORNEY POTTS: -- of the

18 budget.

19 COUNCIL MEMBER TUCCI: -- part of the

20 budget.

21 MAYOR EBERLE: It's not part of the

22 budget.

23 So -- and -- and I -- and -- and I -- it's my
24 understanding that the audit is going show that it
25 would be -- it would -- that it shows it as an

1 allocated reserve. Now, you know, and -- and as
2 soon as that's -- but -- and -- and, you know, I'd
3 ha -- I'd have to take it under advisement. You
4 know, some of these -- well, I -- I -- I guess what
5 we would need to do would be to at least, I think,
6 in -- in -- in one way or another, discuss these.

7 COUNCIL MEMBER TUCCI: But I --

8 MAYOR EBERLE: And then Stewart --

9 COUNCIL MEMBER TUCCI: -- there's --

10 MAYOR EBERLE: -- is not here.

11 COUNCIL MEMBER TUCCI: -- always --
12 there's always a -- a difficulty in -- because we
13 sort of meet in this big circle, it seems like we're
14 seven peoples with equal powers, and it's not true.
15 You have an administrator, Todd, and then you
16 have a council. And the administrator has
17 responsibilities, which, frankly, I wouldn't want,
18 and the council. He can ask council for advice,
19 and council can actually, when he comes in with
20 the budget, we can -- we can reject the budget.
21 But he's the one that makes the budget, for
22 instance.

23 So I think -- that's not a gray area at all. If
24 it -- it's -- if it's gray, that's because we have
25 muddy it up. It's very clear what the Mayor's

1 powers are and responsibilities are and what
2 council's are.

3 And I -- I -- I'm disturbed because that has
4 gotten sort of blurry. And I -- I think there's a
5 reason why we have separation of powers. You
6 knew, it's worked pretty well for 200 years. And
7 that's -- I -- I want to be sure we're -- that we
8 retain that -- that -- that distinction.

9 Other small thing. My impression is that while
10 we need to get bids, we are not absolutely
11 required to take the lowest bid.

12 MAYOR EBERLE: That's correct.

13 COUNCIL MEMBER TUCCI: So it's good
14 to get bids. But we all know, when we get bids for
15 plumbing in our house, you know, you know,
16 there's one guy you will never let in your house
17 again. Even if he's the low bid.

18 So you're -- you have some discretion. It's
19 good to get bids. But you don't necessarily have
20 to go with the --

21 COUNCIL MEMBER SIMON: We had --

22 COUNCIL MEMBER TUCCI: -- lowest bid.

23 COUNCIL MEMBER SIMON: -- a low bid
24 snow removal that was a disaster --

25 COUNCIL MEMBER TUCCI: Yeah.

1 MR. SPEAKER: Yes, we did.

2 COUNCIL MEMBER SIMON: -- a number
3 of years ago, if you remember that one.

4 MR. SPEAKER: That's right.

5 COUNCIL MEMBER SIMON: They low
6 balled everything and it was the worse nightmare
7 the city's seen in -- since I've been here.

8 COUNCIL MEMBER ERTEL: You get what
9 you pay for.

10 MAYOR EBERLE: Oh. And -- and
11 another thing on -- if you look at our bid pack,
12 it's -- that we -- it -- if they involve construction,
13 and most all of them do, we ask for the bidder to
14 tell us what kind of machinery they have, how
15 many employees they have, and also list what's --
16 what projects they have done that are similar.

17 Which, you know, you can be always low -- low
18 ball a bid to try to get it, but it -- but like -- like
19 Council Member Tucci says, we don't to have take
20 the low bid. We are not locked into that. And --
21 and that's a blessing. And probably a blessing
22 that we put too much emphasis on -- or no -- didn't
23 emphasize enough when we went with the -- the
24 last snow removal/lawn care.

25 COUNCIL MEMBER TUCCI: Yeah.

1 COUNCIL MEMBER SIMON: Oh, God.

2 MAYOR EBERLE: So. . . At any rate,
3 that's history.

4 But we do -- we do ask for information that we
5 can consider in addition to how cheap are you
6 going to do it?

7 COUNCIL MEMBER TUCCI: M-hm.

8 MAYOR EBERLE: And that -- and that's
9 also why it's good to have the engineer's estimate.
10 Because the estimeer -- the engineer's estimate is
11 based on specifications for construction. Those
12 specifications for construction then go in the bid
13 packet. And we ask them to bid on, you know,
14 gravel base to a road of eight inches, you know,
15 that -- you know, all -- all that's in there. Which
16 is an attempt to be able to compare apples to
17 apples, as far as -- as what they think it would
18 cost.

19 Now the -- you know, and then, like I say,
20 there are other factors. Have you ever bid a road
21 before? If so, give examples.

22 So yeah, it is, it's a -- it -- you know, it's --
23 we open the bids publicly. We -- we -- we so --
24 publish to -- to solicit the bids publicly. But when
25 we open them, we -- we -- we have a decision to

1 make, so. . .

2 Anything else on -- and I -- I -- I do have to
3 get with Stewart. I received these today. The one
4 that -- the -- the bids that you -- I actually --
5 the -- the boardwalk was a -- was the -- I don't
6 know, you just to have look at the -- like, the first
7 paragraph or the boardwalk description. The
8 headings. The boardwalk was something that was
9 proposed by Third Rock Consultants. And it -- and
10 it was thought that we could raise money privately.
11 And if we raised the money privately, we manage
12 that money, but we collect it and then we don't --
13 we don't have to bid. So we can --

14 COUNCIL MEMBER LEONARD: M-hm.

15 MAYOR EBERLE: -- we can get this from
16 Third Rock. And if two people say, you know, if
17 it's 44,000, and two people say, "I'm going to give
18 22,000," and "I'm going to give 22,000," --

19 COUNCIL MEMBER LEONARD: M-hm.

20 MAYOR EBERLE: -- we say, "Fine. Have
21 at it. If you like this and you want to buy it."

22 COUNCIL MEMBER LEONARD: Right.

23 MAYOR EBERLE: It doesn't cost the city
24 anything except time and managing it, but. . .

25 So that one is -- is -- I think, Joe Kehlbeck

1 tried to raise money for that.

2 And -- and we weren't able to -- to get
3 those -- those moneys -- enough moneys to go
4 ahead with it. So this one I have seen before and
5 you may have seen before.

6 The other thing that's been tossed around a
7 little bit is, and -- and maybe discussed under the
8 Prospect Parks and Public Lands Advisory
9 Committee reports, was the removal of invasive
10 species. That one is next.

11 But the others, I just got today. So I just put
12 them in your packets, and I think we'll discuss
13 them at some time later.

14 Any other comments?

15 COUNCIL MEMBERS: [no response]

16 MAYOR EBERLE: All right. That is the
17 next to the last item on the agenda.

18 Executive session, we have no --

19 CITY ATTORNEY POTTS: [shakes head]

20 MAYOR EBERLE: -- reason to -- you
21 know, to go into executive session.

22 And unless we have other comments, I'll
23 entertain a motion to adjourn.

24 COUNCIL MEMBER SIMON: So moved.

25 MAYOR EBERLE: Simon.

1 COUNCIL MEMBER ERTEL: Second.

2 MAYOR EBERLE: Ertel.

3 Those in favor by aye.

4 COUNCIL MEMBERS: Aye.

5 MAYOR EBERLE: Opposed by no.

6 COUNCIL MEMBERS: [no response]

7 MAYOR EBERLE: We are adjourned.

8 Thank you, everyone.

9 [WHEREUPON, the City Council Meeting
10 concludes at 8:38 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

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My Commission Expires: Notary Public

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AUGUST 27, 2013 .

.Notary ID: 402347

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