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CITY OF  
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

OCTOBER 15, 2012

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4 MAYOR EBERLE: Welcome, everyone.

5 I -- we'll call to order the City of Prospect,  
6 Kentucky City Council Meeting -- Regular Meeting  
7 of October 15th, 2012.

8 We have some special guests here tonight.

9 Troop 30 Scouts are working on -- is it the Citizen  
10 and Community Merit Badge? Is that correct?

11 MR. PEERSON: Citizenship in the  
12 Community and Communications, both.

13 MAYOR EBERLE: And communications;  
14 okay. Good. You're going to knock off two at the  
15 same time. Very good.

16 I have it that Matthew Ishum; Michael  
17 Peerson, whose brother Matt built the kiosks for  
18 the -- for his Eagle project in September of last  
19 year; George Downs; Adam Rudy; Cole Guerneman  
20 [phonetic]; and Daniel Pennington. Did I miss  
21 anybody?

22 MS. STOUT: Abby Stout [phonetic].

23 MAYOR EBERLE: Okay. Well, you --  
24 just introduce yourself.

25 MS. STOUT: Hi, I'm Abby.

1 MAYOR EBERLE: Anybody else?

2 SAM: Hi, I'm Sam.

3 MAYOR EBERLE: Okay. Good. Well,  
4 we -- we hope you enjoy our meeting. We'll  
5 continue on. And if you have any questions  
6 afterwards, certainly, feel free to ask myself or  
7 any one of the council members if you -- if you  
8 need further information.

9 And I do want to point out the -- this Troop 30  
10 has been very active in our Eagle Scout projects  
11 and our various --

12 COUNCIL MEMBER MILES: Very active.  
13 Very active.

14 MAYOR EBERLE: In fact, we have done,  
15 I be -- by my count, Stuart, ten?

16 COUNCIL MEMBER MILES: Yes.

17 MAYOR EBERLE: And six of those came  
18 from Troop 30, so you've got a proud tradition.  
19 Keep it up. That's great.

20 COUNCIL MEMBER MILES: You don't  
21 want to lose your record, so we need to get you in  
22 here doing four or five more here real quick.

23 MAYOR EBERLE: That's right.

24 COUNCIL MEMBER SIMON: We -- we  
25 appreciate you.

1 MAYOR EBERLE: And --

2 COUNCIL MEMBER TUCCI: We really do.

3 MAYOR EBERLE: -- for those of you who  
4 haven't seen it yet, there's a new kiosk at Harrods  
5 Creek Park, the entrance there, which was done by  
6 a Troop 30 scout. So we will -- we welcome you  
7 and hope you enjoy the meeting.

8 First item of business is the approval of  
9 minutes from the September 10th, 2012 Regular  
10 Meeting.

11 COUNCIL MEMBER SIMON: So moved.

12 MAYOR EBERLE: As written?

13 COUNCIL MEMBER SIMON: As written

14 COUNCIL MEMBER ERTEL: Second.

15 MAYOR EBERLE: Those in favor, signify  
16 by saying "aye."

17 COUNCIL MEMBERS: Aye.

18 MAYOR EBERLE: Opposed, by "no."

19 COUNCIL MEMBERS: [no audible  
20 response]

21 MAYOR EBERLE: Okay. We have  
22 adopted those minutes.

23 The Mayor's Report, the financial update, we  
24 have to date -- well, not to date, to the end of  
25 September we have received 51.4% of our

1 budgeted revenues. Obviously, we're only on  
2 quarter through the fiscal year, and we've received  
3 51% percent of our revenues.

4 That's because our property taxes are due  
5 October 1st, and most of those are in. Some of  
6 them are yet to come in. 28% -- 28.7% of  
7 expenses have been disbur -- budgeted expenses  
8 have been disbursed.

9 Remind -- well, a -- a recap on one fall event,  
10 the concert at Cowley, the Matt McClimon Group,  
11 that was September 23rd, we had a very responsive  
12 audience, and I think it was very well received. So  
13 I appreciate -- I know Alan Simon was there and  
14 Sandy Tucci.

15 COUNCIL MEMBER TUCCI: Uh-huh.

16 MAYOR EBERLE: Anybody else was  
17 there at that one?

18 COUNCIL MEMBER SIMON: It's fun. We  
19 did fun things.

20 MAYOR EBERLE: Yeah. Yeah. And  
21 somebody said have them back, but we'll -- we'll  
22 try for a little more variety.

23 Coming up, this Sunday is the Pun'kin Paint'n  
24 celebration that we have every year. It is a  
25 traditional preholiday -- pre-Halloween event. We

1 will have the -- obviously, the pumpkin painting  
2 contest, the grand costume parade at four -- and  
3 it -- it's from 2:30 to 5, but, at any rate, the grand  
4 costume parade at 4.

5 We have food vendors. We have live music,  
6 inflatables, and free carriage rides. Am I missing  
7 anything?

8 CITY ADMINISTRATOR SIMMS: The  
9 balloon man.

10 MAYOR EBERLE: Prizes for everybody.  
11 The balloon man; okay. So that's always a -- a lot  
12 of fun.

13 COUNCIL MEMBER SIMON: Mr. -- Mr. --  
14 if you haven't seen Mr. Gilbert, who the balloon  
15 guy is, he is a balloon artist. He's just not a  
16 balloon man; he's an artist. He does --

17 MAYOR EBERLE: Kids love him. They  
18 go --

19 COUNCIL MEMBER SIMON: I saw a  
20 whole sled with reindeer that he made; okay? You  
21 don't do that -- it's an artist that does that.

22 MAYOR EBERLE: Saturday, October 27th,  
23 is our Fifth Annual Arborfest and Mayor's Beautiful  
24 Day. We will have tree climbing demonstrations.  
25 Limbwalker's is coming again this year.

1 The Department of -- or the Division of  
2 Forestry, Peter Barber, will be here, the urban  
3 forester, to answer any questions. We'll have free  
4 literature that will be distributed on trees.

5 The Boy Scouts may be interested in this one,  
6 too. It's going to be right back behind here in  
7 Little Hunting Creek Park, so --

8 COUNCIL MEMBER TUCCI: It is fun to  
9 watch those guys climb a tree.

10 MAYOR EBERLE: It is. We'll have a --  
11 memorial tree plantings. And previously we -- I  
12 had combined Mayor's Beautiful Day, which had  
13 traditionally been flower bulbs. We are this year  
14 giving away trees, and so I -- I might note that  
15 they're actually larger than we thought they would  
16 be.

17 So if you want to come and pick up a free  
18 tree, we have red buds, dogwoods, and maple  
19 trees. And so you will need -- they're -- they're  
20 some of them are, like, 6, 7 feet tall.

21 So you'll have to put them in your trunk or  
22 your truck or whatever you have. You could  
23 probably open the window and stretch them across  
24 the backseat. I -- I certainly encourage you to  
25 come. We have around 90, so it'll be first

1 come/first served.

2 We will be asking everyone that takes a tree  
3 to sign a maintenance pledge, which will give you  
4 an idea of what you need to do to -- to take care of  
5 the tree, so that's -- I think that it will prove to be  
6 very popular, I hope, and -- and draw some people.

7 The Fall Library Book Sale -- in fact,  
8 Saturday, October 27th, will be the second day of  
9 that. All day Friday, all day Saturday, October  
10 26th and 27th in the library, and that's from 9 to 5  
11 each day. So bring your donations up until that  
12 and -- and through that time, and also come to  
13 purchase, so. . .

14 On Sunday, October 28th we have guided tours  
15 of the Harrods Creek Trail; is that correct?

16 COUNCIL MEMBER MILES: Yes.

17 MAYOR EBERLE: Yeah, from 2 to 4.

18 COUNCIL MEMBER MILES: Yes, from  
19 2 to 4. We did this in the spring, and it was a  
20 great turnout, somewhere around 80 residents  
21 came to -- to work.

22 And how we're going to do is we're going to  
23 have volunteers stationed in different parts of the  
24 trail; and when you get to that, they'll tell you the  
25 significance of this part of the trail. They'll tell

1 you how the MSD project will affect this part of the  
2 trail.

3 So it's a great opportunity to see what we  
4 have now, but also get a picture for what this park  
5 is going to be like after all the MSD improvements  
6 are made. So I encourage you to come out.  
7 Hopeful -- we'll keep our fingers crossed we'll  
8 have some nice weather, and you can join us  
9 walking in the woods.

10 MAYOR EBERLE: Another good  
11 opportunity for the scouts to enjoy the -- the  
12 hiking. Hopefully we'll have good weather.

13 COUNCIL MEMBER MILES: Yes.

14 MAYOR EBERLE: Okay. So --

15 COUNCIL MEMBER SIMON: Is the mayor  
16 ensuring the weather or are you ensuring the  
17 weather for that one?

18 MAYOR EBERLE: I think it's --

19 COUNCIL MEMBER MILES: If it's good,  
20 I'm in charge of the weather.

21 MAYOR EBERLE: Yeah. I do 4th of July.

22 Widening of U.S. 42, we have on our agenda  
23 the -- a proposed resolution. We have not heard  
24 anything further from the Tran -- Kentucky  
25 Transportation Cabinet, and I actually don't

1 anticipate anything any time soon from them. It's  
2 my understanding that they're looking at the next  
3 budgetary cycle, but that's the last we heard from  
4 our -- our state rep and our state senator, so. . .

5 I did count the trees. I know council --  
6 Council Member Leonard, there are -- there would  
7 be 45 trees taken out of Little Hunting Creek  
8 Park --

9 COUNCIL MEMBER LEONARD: Wow.

10 MAYOR EBERLE: -- so --

11 COUNCIL MEMBER LEONARD: So all  
12 told, we're definitely in the 100s.

13 MAYOR EBERLE: Oh, yeah. And, see,  
14 I -- well -- and 7 in front of City Hall and down that  
15 way, I -- again, I -- it's -- I don't -- I -- I can't  
16 recount those.

17 COUNCIL MEMBER LEONARD: See, if  
18 they're going to pay -- just pick any number you  
19 want for mature trees, it can't be so much cheaper  
20 than what they think it's going to be.

21 MAYOR EBERLE: Right. I -- I -- I think  
22 there --

23 CITY ADMINISTRATOR SIMMS:  
24 Absolutely.

25 MAYOR EBERLE: -- and I think they're --

1 I think we --

2 CITY ADMINISTRATOR SIMMS: I think  
3 they got that --

4 MAYOR EBERLE: -- we -- at least they  
5 have that in their minds.

6 COUNCIL MEMBER LEONARD: Well,  
7 thank you for counting. I appreciate that.

8 MAYOR EBERLE: Yeah, I know you  
9 wanted to know how many --

10 COUNCIL MEMBER LEONARD: I did.

11 MAYOR EBERLE: And that -- and -- and  
12 those are very, very large trees --

13 COUNCIL MEMBER LEONARD: Uh-huh.

14 MAYOR EBERLE: -- and -- and -- and  
15 the smaller ones that we've planting the last  
16 couple of years.

17 COUNCIL MEMBER LEONARD: So to  
18 guess that we're around 200 is probably  
19 conservative.

20 MAYOR EBERLE: Yeah.

21 COUNCIL MEMBER SIMON: I can't  
22 imagine driving in Prospect and not seeing trees.

23 COUNCIL MEMBER LEONARD: I can't,  
24 either --

25 MAYOR EBERLE: Because they're going

1 to go --

2 COUNCIL MEMBER LEONARD: -- but --

3 but we have --

4 MAYOR EBERLE: -- both directions.

5 COUNCIL MEMBER LEONARD: -- to

6 have -- that's -- that's not going to work as an  
7 argument. Do you know what I'm saying?

8 COUNCIL MEMBER SIMON: I know. I  
9 understand. But I'm just saying the problem is  
10 across the street, I've heard every utility pole is a  
11 \$75,000 move, all of all the poles on either side.  
12 So every tree they move, it's \$75,000 --

13 MAYOR EBERLE: And -- and -- and we  
14 will --

15 COUNCIL MEMBER SIMON: -- for poles  
16 on this side of the street.

17 MAYOR EBERLE: -- we will visit that on  
18 the resolution; yeah.

19 Other transportation issues, the closure of  
20 Timber Ridge Drive, anyone who's tried to move  
21 between 42 and River Road on Timber Ridge has  
22 realized that closed October 9th. And it's our  
23 understanding that it will remain closed until  
24 November 15th, but I'm sure that date is somewhat  
25 moveable depending on -- and -- and probably

1 either direction, but depending on whether or not  
2 the progress on that -- that's an MSD -- that's  
3 their interceptor, that they have to tear the road  
4 up to put the pipe in and -- and some high beams  
5 and that kind of thing. So it's a major thing.

6 Forestation Board update, we talked about  
7 Arborfest, and we have Lee Tucci, who's the chair,  
8 here. Do we have any -- anything else you want to  
9 talk about?

10 MR. TUCCI: We've selected a northern  
11 red maple for the signature tree for the Edkins  
12 tree [phonetic] on Hunting Creek --

13 MAYOR EBERLE: Yeah, a red oak; right?

14 MR. TUCCI: -- to replace the beech that  
15 was taken out.

16 MAYOR EBERLE: Right.

17 MR. TUCCI: And we'll be planting  
18 several other trees right around Arborfest or  
19 shortly thereafter.

20 MAYOR EBERLE: Okay.

21 MR. TUCCI: And -- and, also, Bob Ray  
22 Company will have a representative for Arborfest  
23 here, also.

24 MAYOR EBERLE: Okay. Great. And we  
25 plan two trees to have -- paperbark maples --

1 MR. TUCCI: Paperback maples.

2 MAYOR EBERLE: -- in the entrance area  
3 to -- to Fox Harbor, which is actually in Little  
4 Hunting Creek Park, but -- and we will be doing  
5 some plantings on Hunting Creek Boulevard. I  
6 know you've identified some areas where we  
7 could --

8 MR. TUCCI: Right.

9 MAYOR EBERLE: -- put some trees in.

10 MR. TUCCI: Two -- two -- two general  
11 area sites in the medians, probably cherry trees.

12 MAYOR EBERLE: And their next meeting  
13 is November 5th.

14 Code Enforcement Board update, we -- they  
15 met last month. They will not be -- they don't have  
16 any cases this month on appeal, but they did issue  
17 a fine for tall grass. Mow your lawn, because the  
18 fine was \$250. And the woman came in and paid it  
19 today, so -- so we won't have to deal with liens  
20 and that type of thing.

21 But the -- the Forestation -- I mean, the Code  
22 Enforcement Board has -- has been active and --

23 COUNCIL MEMBER ERTEL: Could I say  
24 something about that?

25 MAYOR EBERLE: Sure.

1           COUNCIL MEMBER ERTEL: At the last  
2 couple of meetings of the Code Enforcement  
3 Board, we've noticed that there's been a continual  
4 problem of tall grass, and the fines have had to be  
5 raised and all sorts of means to trying deter this  
6 from happening over and over again.

7           So a few members of the board have asked  
8 that we re-address the ordinance, because right  
9 now the ordinance says -- I think the only specific  
10 thing that it says is that if the grass is taller than  
11 7 inches high, then it's -- it's a problem, but I  
12 think there are other issues, as well.

13           And so they want that maybe looked into it,  
14 and see if we can fine-tune it and make it a little  
15 easier for them and the police department, when  
16 they go out to visualize any other problems, and  
17 maybe make that an issue, as well.

18           MAYOR EBERLE: Right. And, normally,  
19 we get compliance when the -- when our officers  
20 contact residents. In this case, repeated contacts  
21 were ignored, and so that was -- and it -- the --  
22 that -- that -- that's a -- that's a pretty high fine, I  
23 know, but I think the Code Enforcement Board was  
24 a little frustrated.

25           COUNCIL MEMBER ERTEL: And the fact

1 that so many citizens are -- they're sitting there  
2 with all this ugliness around their property, and so  
3 they want something done. And that's  
4 understandable.

5 MAYOR EBERLE: All right. Parks and  
6 Recreation Advisory Committee, Linda Wardell is  
7 the chair, and she is not here today -- or tonight.  
8 She's out of town, but the -- on Saturday she led a  
9 Girl Scout troop, Troop 521, on a group hike at  
10 Harrods Creek.

11 COUNCIL MEMBER MILES: I think it's  
12 Brownies.

13 MAYOR EBERLE: Was it Brownies?  
14 Okay.

15 COUNCIL MEMBER MILES: Yes.

16 MAYOR EBERLE: At any rate, you have  
17 pictures in the back. You can tell me whether  
18 those are Brownies or. . .

19 And I -- there -- there's actually some  
20 pictures that we -- that we put at the entrance,  
21 also. Eight Scouts, four adult leaders and  
22 mothers, and Linda reported that they all enjoyed  
23 it; had a good time; good weather.

24 COUNCIL MEMBER MILES: Can I add  
25 something there?

1           MAYOR EBERLE:    Sure.

2           COUNCIL MEMBER MILES:    I'd like to --  
3   we -- we -- we constantly get adults in Prospect  
4   helping us build trails, and -- and that's really  
5   great that they do that and -- and they do it with  
6   some regularity.  But I had a -- a young student --  
7   young, he's probably 21.  He's a junior at UK.

8           And he was home for the weekend.  He hadn't  
9   been home since school started.  And he worked  
10   with me for three hours on clearing up the lower  
11   trails at Harrods Creek Park.

12          His name's Sam Blevin, and I just wanted to  
13   do a shout out to Sam, because you don't get many  
14   juniors from college who come home for the  
15   weekend and spend three hours with the, you  
16   know, clippers cutting bamboo.  So I just wanted to  
17   do a shout out to Sam.

18          MAYOR EBERLE:    Great.  If you can get  
19   me his address, I'll --

20          COUNCIL MEMBER MILES:    Yeah.

21          MAYOR EBERLE:    -- thank him.  Girl  
22   Scout -- the -- the Brownies were here on Saturday  
23   and on Sunday.  Paul and Carol McAllister led a  
24   group from the Beckham Bird Club, and I believe --  
25   was it 35 birds you identified, roughly?

1 MS. MCALLISTER: 35 species; yes.

2 MAYOR EBERLE: Yeah, okay. Great.

3 And total over -- you've identified over 100, I  
4 believe, at Putney Pond.

5 MS. MCALLISTER: Right. We've ident --  
6 we've identified 112 species over a period of one  
7 year. We did a survey of -- of Putney Pond and  
8 Woodlands, and it was 120 species.

9 MAYOR EBERLE: Well, we need to  
10 capture your research so we can --

11 MS. MCALLISTER: Did -- did you want  
12 me to do a little report?

13 MAYOR EBERLE: Sure, that's fine, if  
14 you want.

15 MS. MCALLISTER: Okay. I can do it  
16 during the comments if you --

17 MAYOR EBERLE: You can do it right  
18 now, if you want.

19 MS. MCALLISTER: Okay. Linda asked  
20 me to.

21 MAYOR EBERLE: Right. And I -- I did  
22 get the e-mail.

23 MS. MCALLISTER: And I did ultimately  
24 take [phonetic] --

25 MAYOR EBERLE: This is Carol

1 McAllister.

2 MS. MCALLISTER: Right. My husband  
3 could not attend, so I'm here instead.

4 This is actually a report that points out the  
5 birding activities, which have been promoted by  
6 the Parks and Recreation Committee, as well as  
7 the importance of city parks. There's a little bit of  
8 propaganda in here.

9 My husband and I have been residents of  
10 Prospect for about four and a half years, and we  
11 came here as sort of devoted bird watchers, the  
12 moniker is birders. And we -- we joined the  
13 Beckham Bird Club, which is a 77-year-old bird  
14 club here in Louisville. It's one of the oldest bird  
15 clubs in the country, and they just celebrated their  
16 77th anniversary.

17 And a number of notable citizens belong to  
18 that club. One of them is Carol Besse, who is a  
19 past president. She owns Carmichael's Book  
20 Store. So we -- we work with her being on the  
21 Library Committee, too.

22 What attracted us, we scouted around -- we  
23 moved here from Williamsburg. Virginia. We  
24 retired and wanted to be closer to our families,  
25 who live in Ohio, Illinois, and Missouri. So we

1 thought we'll try Kentucky, because it's a day's  
2 drive from all of the families.

3 And we scouted out a lot of neighborhoods in  
4 Jefferson County. And we drove into Prospect,  
5 and, "Oh, my goodness. Look at the trees. Look  
6 at the green spaces." We actually drove up the  
7 Landings, and we could see Putney Pond from the  
8 roadway. And we saw birds all over the place.

9 And so we said, "This is where we think we're  
10 going to buy a house," and sure enough, we did.  
11 And -- and I want to say to anyone who felt that  
12 parks are not important, it was very important for  
13 us, and we were looking for a city that had parks  
14 and green space. And -- and Prospect had a few  
15 parks, but they had a wonderful green space. So it  
16 is an attraction for people who are relocating.

17 We volunteered to do the bird survey of  
18 Putney Pond. And as mentioned, over the year  
19 that we did the survey, we reported 112 species  
20 just visiting that little pond area behind City Hall,  
21 Hunting Creek Park.

22 We need to add -- it's now 113, because last  
23 weekend we saw a red-breasted nuthatch. I don't  
24 know if you bird watch, but we were, like, "Wow.  
25 We haven't seen one of those since we moved

1 here," so we're going to add it to the -- the survey  
2 list.

3 Major sightings include the bald eagle, which  
4 was circling Putney Pond one day. And Ron  
5 Cundiff, the maintenance director, took a picture  
6 of the bald eagle, and it's up in the library.

7 And another bird, this may not mean a lot to a  
8 nonbird watcher, it was a small -- it's called a  
9 little blue heron, and it's a smaller version of the  
10 great blue heron, which probably all of you have  
11 seen. That's actually a rare bird, and we called  
12 the Beckham Club and the Virginia Ornithology  
13 Society, and they put out a rare bird alert for  
14 Putney Pond.

15 And people did come to see the little blue  
16 heron. Bird watchers swoop in when there's a  
17 species that's rare, that's rare for Kentucky,  
18 especially. It's -- it's more common in the other  
19 parts of the country.

20 So far we've led five bird walks. We've  
21 publicized them and invite citizens of Prospect to  
22 participate, and indeed they have. One of the  
23 walks, there was a wildflower guide with us, and  
24 she pointed out all of the wildflower that was on  
25 the Harrods Creek Trail.

1       And what else? Oh, the heron rookery. We  
2 made a special trip to the heron rookery, which is  
3 at the very end of the Harrods Creek [phonetic].  
4 And that was wonderful, too. All -- many herons  
5 nestling, flapping around, what have you.

6       I wanted to add that we've had one council  
7 member come on a bird walk with us. It was the  
8 very first one we had, and it was Sandra Leonard.  
9 Thank you, Sandra, for coming.

10       This past weekend, as the mayor pointed out,  
11 11 Beckham Bird Club members enjoyed a  
12 wonderful morning circling the pond. It's just  
13 beautiful. We saw families of wood ducks, and if  
14 you've ever seen a male wood duck in full fall  
15 plumage, is just like one -- and -- and the bird  
16 club members were just astonished, and they kept  
17 telling us over and over again how lucky we were  
18 to live in Prospect. We said, "We know we are,"  
19 and they -- they love that space.

20       And many of them come back to Putney's Pond  
21 on their own. They visited -- they visit McDonald's  
22 and Starbucks. Normally, birders, after they bird  
23 [phonetic], they go have a cup of coffee or  
24 something, so it's frequented by people who have  
25 learned about it and -- and come here to see birds.

1 There are other bird walks sponsored by the club  
2 that visit Putney Pond besides the ones Paul and I  
3 have done.

4 I wanted to say we're pleased with all the  
5 improvements that have made by the Scouts, but  
6 don't do too many. When we first moved here,  
7 there were no improvements, so we were used  
8 unimproved trails and parks. And we would tromp  
9 through the weeds and bushwhack and stuff.

10 So when you are, like, putting a bridge across  
11 the swamp or a new walkway, you might want to  
12 think environmentally and make sure you're not  
13 destroying, like, a thrush's nest or putting  
14 something in the swamp that will scare away  
15 swamp sparrows. So you have to have a -- a  
16 medium between improvements and -- and  
17 maintaining the habitat.

18 And my last comment: Due to a family illness,  
19 my husband and I are going to be leaving Prospect  
20 this fall. We're very sorry to go. And our Realtor  
21 asked us to list assets of our house. We're going  
22 to be putting it up for sale. It's on Fox Harbor  
23 Road, not too far from that first stop sign.

24 And this is one of the things, and I'm quoting,  
25 that we told her we'd like her to mention if she has

1 room in whatever she's going to put out. Quote,  
2 "One block -- this house is one block away from a  
3 52-acre nature preserve with walking trails and a  
4 pond." And if I was looking for a new house and I  
5 read that, I would go, "I've got to go look at that  
6 house. It's a block of nature." So that's my story.

7 MAYOR EBERLE: Thank you, Carol.

8 COUNCIL MEMBER TUCCI: You know,  
9 that's only part of Carol's story. She and Paul not  
10 only have done all of this with bird walks, every  
11 Wednesday they are here working at the library.  
12 Paul is chairman of the library committee. Carol is  
13 a librarian.

14 So we have these two wonderful people who  
15 unfailingly are here every Wednesday doing the  
16 kinds of things you need to do to keep a library  
17 going, which is more than just putting books back  
18 in alphabetical order, although that's important,  
19 too.

20 And, also -- and this is just -- you know, these  
21 sort of people that I hate to see leave and I love  
22 to see come, when they walk from their home on  
23 Fox Harbor Road here to the library, they take a  
24 bag with them to pick up any trash they see along  
25 the way. You know, I -- I can't imagine a -- a

1 couple who hit so many true notes.

2 COUNCIL MEMBER LEONARD: Have --  
3 have made so many contributions.

4 COUNCIL MEMBER TUCCI: Uh-huh.

5 COUNCIL MEMBER LEONARD: That's  
6 absolutely true.

7 COUNCIL MEMBER TUCCI: Uh-huh.

8 COUNCIL MEMBER MILES: I -- I would  
9 like to thank you for all you-guys have done. And  
10 I think if there's anybody I regularly see out there  
11 when I'm doing my trail maintenance, it's you and  
12 your husband out there enjoying it.

13 You make the third person I've met who has  
14 purchased a house because of the city's  
15 investment in that property. And I know there are  
16 more than that. Those are just the three that I  
17 happened to run into my daily life, and -- and I've  
18 met two already who have purchased houses  
19 because of the Harrods Creek Park.

20 So these -- these are great investments, not  
21 only in our quality of life, but they are the things  
22 that people looking for houses put into the  
23 equation when they go out there to purchase them.  
24 And we're competing with Anchorage and all the  
25 parts of the county for those same people, and

1 it's -- and it's assets like this, in my opinion, that  
2 make us competitive in this market.

3 MAYOR EBERLE: And I'll echo what  
4 Sandy and -- and Stuart -- I -- I was going add, but  
5 I -- I realize Sandy was going to tell about picking  
6 up the trash on the way, but I -- I -- I do want to  
7 thank both Paul and Carol for -- for what they've  
8 done for the city, and it is truly bittersweet when  
9 I -- when I learned that you were going to have to  
10 leave, so. . .

11 COUNCIL MEMBER TUCCI: Actually, just  
12 plain bitter.

13 MAYOR EBERLE: Well, I know -- I know  
14 we -- we all appreciate what you -- what you've  
15 done, and -- and the sad -- the -- the bitter part of  
16 it is that we hope you'll come back and visit.

17 MS. MCALLISTER: We will.

18 MAYOR EBERLE: All right. A little bit of  
19 a diversion. I do have a few more things with the  
20 Parks and Recreation.

21 Removal of invasive species, we have a group  
22 that's want -- by the name of Echo Tech that is  
23 interested in doing a demonstration project, which  
24 would allow removal of a -- of invasive species, as  
25 a demonstration project, but then they could use to

1 get business elsewhere. So that would be --  
2 we're -- we're looking into signing an agreement  
3 for that, and that would be contributed by Echo  
4 Tech.

5 The -- we are still trying to negotiate the  
6 movement of a utility pole and get a Division of  
7 Water permit for the access road for Putney Pond.  
8 Hopefully, that's going to happen quite soon,  
9 because we're hoping that -- to get started on that  
10 project.

11 We will also -- and this is under Recreation  
12 generally, I guess, maybe under Transportation.  
13 We'll be striping Hunting Creek Boulevard on both  
14 sides and Sutherland Farm Road on one side for  
15 pedestrian bicycle paths.

16 We have had, since the last meeting, a new  
17 kiosk on an Eagle project at Harrods Creek Park.  
18 The -- the Eagle candidate is Joseph Ruth from  
19 Troop 30, and that is installed. So we'll be putting  
20 information in it. It's very similar -- okay. Our  
21 council liaison's already put stuff in it, so. . .

22 And another thing was completed, well, by an  
23 Eagle Scout, David Conrad with Troop 317, part of  
24 a -- what will probably be a -- a portion of a  
25 boardwalk in -- where Little Hunting Creek Park

1 meets Putney Pond.

2 COUNCIL MEMBER MILES: Yes. It will  
3 be -- there's a low area going from Little Hunting  
4 Creek Park that leads to the trail that leads to  
5 Putney Pond where we're planning to put a larger  
6 boardwalk in. And so the Scouts are going to team  
7 up, and are -- probably take a -- a total of six or  
8 seven Scouts to finish a section of boardwalk  
9 about 200-feet long.

10 And once that's completed, you'll be able to  
11 get out of your car at Fox Harbor, and be able to  
12 walk that entire trail over to Putney Pond even if  
13 we've had a lot of rain. So we really appreciate  
14 that, and it's -- it's part of a bigger picture in  
15 making all of that more assessable.

16 MAYOR EBERLE: And we'll watch the  
17 nesting.

18 COUNCIL MEMBER MILES: Yes, we will  
19 watch the nesting.

20 MAYOR EBERLE: Library Committee  
21 update, we've talked a little bit about the book  
22 sale, and --

23 COUNCIL MEMBER LEONARD: The book  
24 sale's going well. One of the other things we  
25 didn't give the McAllisters credit for is almost

1 single-handedly getting ready for the last book  
2 sale. And I want you to know, it's taken a lot of  
3 people to replace you.

4 We're -- we're well on the way. The books are  
5 on the table. The donations are coming in like  
6 mad, and it's going to be a really good book sale.

7 MAYOR EBERLE: Good. Again, that's  
8 October -- Friday and Saturday, October 26th and  
9 27th in the library on the second floor, 9 to 5 each  
10 day.

11 We have had a -- a new member of the  
12 committee, not necessarily to replace Paul and  
13 Carol, but Shelly Meyers will be joining the Library  
14 Committee. And she is not here tonight, but she  
15 has -- yeah, she is participation. That's all I  
16 have.

17 Next item on the agenda is the police report.  
18 And Chief Sherrard is -- is -- is a -- not able to be  
19 here tonight, and we have Police Lieutenant Todd  
20 Shaw.

21 LIEUTENANT SHAW: I will add: The  
22 chief is recovering well. He called me. Surgery  
23 went fine.

24 MAYOR EBERLE: He has a thumb  
25 problem.

1           LIEUTENANT SHAW: He has a thumb  
2 problem. He's resting at home now.

3           MAYOR EBERLE: Okay.

4           LIEUTENANT SHAW: Reporting now for  
5 September, we had 957 house checks, which was  
6 down 999 from last year, so I would encourage  
7 folks to make sure that they call in if they go on  
8 vacation. It could be that maybe there's less  
9 people vacationing, or we might have some new  
10 residents that are unaware that you can actually  
11 call in for house checks. So I would encourage  
12 folk to call in if they go so we can keep an eye  
13 watch on your house.

14          For the month of September, the traffic  
15 active -- activity, regular citations issued was up  
16 18 this year from 8 last year. Moving hazards  
17 violations was up 28 this year from 13 last year.

18          Registration and licence and insurance  
19 charges were up 14 from 4 last year. Parking  
20 violations stayed the same. There were none in  
21 either year, and then other citations, as well,  
22 which could include broken headlights or  
23 headlights out or something of that nature, we  
24 were at -- last year at 5 for this month for  
25 September.

1       There was a total of 12 warning citations  
2       issued. There were 5 noninjury accidents  
3       compared to 9 the last year, so that the number of  
4       accidents went down. There was 1 injury accident,  
5       which mirrored last year at 1. And then citizen  
6       assists, simply going out, could be a car broken  
7       down or something of that nature, we had 16 this  
8       year and 8 last year.

9       Misdemeanor reports, there was 1. Let's see.  
10      That was a case where someone had problems with  
11      a family member -- I take that back, with a known  
12      person that they knew. The person got into their  
13      face and poked at them with a tire tool, so we  
14      made a -- a case for terroristic threatening.

15      There was a felony arrest, which it was theft  
16      of a motor vehicle, someone took someone else's.  
17      Ended up being someone they knew.

18      Incident reports, we had 3. The incident  
19      reports, one was someone had mislaid their -- their  
20      wallet at Kroger's. Another one was a family  
21      member who had done something in a -- a family  
22      member's garage, and they wanted to report it to  
23      the police.

24      And then we had a missing person that ended  
25      up in Cincinnati. We tracked them by cell phone.

1 Officer Haverlin worked that case, and she worked  
2 it basically all night without any overtime  
3 whatsoever; tracked the -- the young lady to  
4 Cincinnati and -- through her phone, and got her  
5 picked up. So we got her returned.

6 The calls for service -- let's see. I'm sorry  
7 Misdemeanor reports was 1. Felony reports was 1.  
8 We had 6 arrests. The majority of the arrests were  
9 DUI and/or drug-related offenses to a DUI charge.  
10 Of the 6, 5 were actually residents of the city, so  
11 folks that actually live here.

12 We had 123 dispatch runs compared to 109  
13 last year, so the runs were up. Officer-initialed  
14 runs, this will be where an officer actually sees  
15 something when they're out patrolling, and they  
16 initiate that run. It's not initiated through  
17 dispatch itself. There was 197 compared to 169  
18 last year.

19 Then burglary, robbery, or false alarms were  
20 up 33 this year from 17 last. Some of that could  
21 be as well as the storms we've had rolling through.  
22 Just about every time we have a storm roll  
23 through, you can count on we're going to probably  
24 5 or 6 alarms associated with that.

25 So that is the -- the basics of our -- our

1 activity for November [sic]. I would entertain any  
2 questions.

3 COUNCIL MEMBER SCOTT: Lieutenant, I  
4 have a question.

5 LIEUTENANT SHAW: Yes, sir.

6 COUNCIL MEMBER SCOTT: In reference  
7 to the DUI arrests, you said 5 of the 6 were local  
8 residents.

9 LIEUTENANT SHAW: That is correct, sir.

10 COUNCIL MEMBER SCOTT: Now, is that  
11 usually initiated by traffic stops?

12 LIEUTENANT SHAW: Typically, it is.  
13 Let's see here. We had one that it looks like they  
14 were reckless driving and speeding.

15 COUNCIL MEMBER SCOTT: Okay.

16 LIEUTENANT SHAW: So that's -- would  
17 be where the police caught on through [phonetic]  
18 them. There's another reckless driving. So I'm  
19 assuming that it's something to do with their  
20 driving habits, is what the --

21 COUNCIL MEMBER SCOTT: That the  
22 officers --

23 LIEUTENANT SHAW: -- officer --

24 COUNCIL MEMBER SCOTT: -- observed  
25 and then pulled them over.

1 LIEUTENANT SHAW: Yes, sir.

2 COUNCIL MEMBER SCOTT: Okay. Any  
3 idea as to young, middle-age, old? Any -- any --

4 LIEUTENANT SHAW: I could go through  
5 the arrest citations and --

6 COUNCIL MEMBER SCOTT: No, I'm --  
7 I'm just curious if you knew.

8 LIEUTENANT SHAW: I've got the copies  
9 here. If you'd --

10 COUNCIL MEMBER SCOTT: Yeah, okay.  
11 I was just curious whether it's young offenders  
12 or -- do we got a problem with youth having that  
13 problem or is it --

14 LIEUTENANT SHAW: Let's see here.

15 COUNCIL MEMBER SCOTT: -- no  
16 particular age group.

17 MAYOR EBERLE: I -- yeah, I -- I review  
18 them all. It's all over the place, I think.

19 LIEUTENANT SHAW: Yeah, I'm thinking  
20 only one of them was a juvenile with just cursory  
21 looking at the reports here, because they'd be  
22 stamped juvenile. Speeding, no registration, DUI.  
23 Let's see. They were born in 85, so there are  
24 youthful. Here's one born in 1960. Let's see.  
25 Speeding, speeding. . .

1           MAYOR EBERLE: I saw one from this  
2 month that was born in 1946.

3           COUNCIL MEMBER SCOTT: All right.  
4 Well, I appreciate that, Lieutenant. We've got the  
5 Scouts --

6           LIEUTENANT SHAW: Yeah, they're  
7 kind -- kind of all over the board.

8           COUNCIL MEMBER SCOTT: Yeah, we've  
9 got the Scouts here tonight, and I know they all  
10 want to be good citizens and grow up to be good  
11 citizens. So believe you me, if -- if you're  
12 misbehaving or drinking or driving or whatever, the  
13 police are out there. And it's their job --

14          LIEUTENANT SHAW: There are good  
15 people, but we can also catch you --

16          COUNCIL MEMBER SCOTT: Right.

17          LIEUTENANT SHAW: -- doing things  
18 wrong.

19          COUNCIL MEMBER SCOTT: Right.  
20 Make -- make good choices. Make good choices.

21          LIEUTENANT SHAW: I agree.

22          COUNCIL MEMBER SCOTT: Thank you.

23          MAYOR EBERLE: Okay. Thank you.  
24 Detailed report.

25          LIEUTENANT SHAW: Thank you.

1           MAYOR EBERLE: Always a pleasure.

2           COUNCIL MEMBER SIMON: And as  
3 always, we -- we appreciate our police department  
4 very much.

5           MAYOR EBERLE: Uh-huh. We do  
6 greatly. Any other questions or comments on the  
7 police report?

8           COUNCIL MEMBERS: [no audible  
9 response]

10          MAYOR EBERLE: We've already had a  
11 comment from one citizen, and the next item on  
12 our agenda is comments from citizens and the  
13 public. I'll remind everyone: If you have a  
14 comment, come to the podium and give your name  
15 and address for the -- for the court record -- or for  
16 the court reporter, not court record. Any  
17 comments?

18          MR. MICHAEL: Yeah. Hi. Good  
19 evening. My name's Eric Michael, 6708 Gunpowder  
20 Lane. I've lived in Prospect now for ten years;  
21 love it; wouldn't live anywhere else. Not from  
22 Kentucky, so happy to be here.

23          I just had a -- I -- I called the office today.  
24 You-guys talked earlier about ordinances around  
25 grass not being cut properly. I think that's great.

1       On Gunpowder Lane, there's a home up the  
2 street from ours, not near our home, that is in  
3 constant -- there's some kind of construction going  
4 on there. Not really sure what it is. It looks  
5 pretty junky. If there is any type of ordinance that  
6 can start to be created around that, timeline on --  
7 on whatever they're building?

8       Where I use to live in Cleveland, Ohio, I lived  
9 in Cleveland Heights, Ohio, all kinds of ordinances  
10 about putting up fences, things like that. I know a  
11 few years ago there was a controversy around  
12 putting up gardens, tomatoes. Those quickly were  
13 taken down. And I have my opinion on that, but  
14 that's not what I'm here to talk about.

15       It's cosmetics of homes, value of homes. It  
16 doesn't really affect me greatly, but I see it every  
17 day when I walk my dog up the hill; but I know  
18 people that live in that area, and I don't know what  
19 can be done about that. But I just wanted to air  
20 that out and get your opinion, or if there's  
21 something that can be done to take a look at that,  
22 not only for where we live on Gunpowder, but other  
23 parts of Prospect.

24       I agree with you. Prospect is probably one of  
25 the most underrated parts of Louisville. The green

1 spaces are great. It's a great place to raise  
2 families. It's cost effective, bang for your buck,  
3 all those things.

4 And little things like that I think we need to  
5 nip in the bud, because what are we going to see a  
6 year from now, two years from now. You know, we  
7 all do our part to keep Prospect what it is today.  
8 Thank you.

9 MAYOR EBERLE: Thank you.

10 COUNCIL MEMBER SIMON: Appreciate  
11 your comment.

12 MAYOR EBERLE: And we -- this is not  
13 the first -- I know which property you're talking  
14 about.

15 MR. MICHAEL: Yeah.

16 COUNCIL MEMBER TUCCI: We all know  
17 that one.

18 MAYOR EBERLE: Yeah. And we have  
19 had comments on that before.

20 We do make an effort to monitor the situation  
21 there. The last time of -- there were things in the  
22 front yard be -- be -- on -- on the right-of-way  
23 be -- between the street and the bushes. We were  
24 able to get that cleared up relatively -- I mean,  
25 they -- they cooperated fairly soon. They are

1     apparently re --

2             MR. MICHAEL: I don't understand -- I  
3     don't -- I don't -- I don't know the people, and they  
4     seem very friendly, you know, when I'm walking  
5     past, but I just don't know what's going on there  
6     as far whatever they're building, junk in the front  
7     yard. There should be some kind of either a -- you  
8     know, you need to -- you need to take a look at it.  
9     That's all I can say.

10            MAYOR EBERLE: We -- we will keep --  
11     we will keep our eye on it.

12            MR. MICHAEL: Okay. Very good. Thank  
13     you.

14            MAYOR EBERLE: Any other -- yeah.

15            MR. MCFARLAND: Doug McFarland,  
16     7241 Fox Harbor, been here for 18 years.

17     I was here on August 15th of last year  
18     complaining about 7229 and 7239 Fox Harbor.  
19     7239 was addressed very quickly. 7229 still has  
20     siding on the front yard, ladders on the side of the  
21     house, tie-back flapping in the wind.

22     And I, thank you, echo this gentleman's  
23     concerns about the ordinances. They need to have  
24     something in place.

25     The other thing is we have water running

1 across Fox Harbor Road at the entrance. That's  
2 been running now for a couple weeks now.

3 MAYOR EBERLE: That -- that's natural  
4 ground water. That's -- that's natural ground  
5 water.

6 MR. MCFARLAND: Okay, because it  
7 looked like it just started.

8 MAYOR EBERLE: It has increased --

9 MR. MCFARLAND: It looks like the  
10 source --

11 CITY ADMINISTRATOR SIMMS: It's --  
12 it's -- appears to be a spring. Our maintenance  
13 director came and told me that. He thought it was  
14 at first a broken pipe, but it appears to --

15 MR. MCFARLAND: That's what I thought  
16 it was.

17 CITY ADMINISTRATOR SIMMS: -- he --

18 MAYOR EBERLE: Yeah, that's what I  
19 thought.

20 CITY ADMINISTRATOR SIMMS: -- it  
21 appears to be a spring that erupted, so. . .

22 MR. MCFARLAND: Okay. And, finally, is  
23 there anything we can do to stop this widening of  
24 42 --

25 MAYOR EBERLE: Well --

1 MR. MCFARLAND: -- as -- as citizens?

2 COUNCIL MEMBER TUCCI: Yeah. Yes.

3 MR. MCFARLAND: I've already sent  
4 e-mails, but --

5 COUNCIL MEMBER TUCCI: Okay. That's  
6 good.

7 MR. MCFARLANE: -- give us some more,  
8 and I'll do some more.

9 MAYOR EBERLE: Well, the --

10 MR. MCFARLAND: That's all have.

11 MAYOR EBERLE: Okay. And Mr.  
12 McFarland --

13 COUNCIL MEMBER SIMON: Appreciate  
14 your comments.

15 MAYOR EBERLE: Yes, we do. And,  
16 actually, we have -- on -- on your first comment,  
17 we have before us -- I know that Council Member  
18 Tucci is going to introduce an ordinance that would  
19 cover the situa -- at least part of the situation that  
20 you are -- that -- that you were first speaking of.  
21 And the ordinance has to do with building  
22 materials that are left in front and side yards,  
23 essentially visible from the street.

24 The second thing with regards to the  
25 widening, we have a resolution tonight that -- that

1 council wanted to -- to discuss tonight, and we  
2 have that. And -- and we will be discussing that  
3 tonight.

4 Contact City Hall. We can give you  
5 information on -- if you want to write, actually, I  
6 think we put it in two newsletters.

7 CITY ADMINISTRATOR SIMMS: I think  
8 we did.

9 MAYOR EBERLE: But it -- it -- but,  
10 basically, our state senator, our state  
11 representative, and officials from the  
12 Transportation Cabinet are probably the key  
13 people that we'd be writing, so that -- that's the  
14 only --

15 COUNCIL MEMBER MILES: And I -- I  
16 think the next thing is if they do come with a  
17 revised plan and there is a public meeting, we  
18 need to get everybody out to that meeting and  
19 really show them how strong this community feels  
20 about this issue. I mean, I would like to put  
21 hundreds of people in that space, so they really  
22 understand what it is they're dealing with.

23 MAYOR EBERLE: And we have --

24 COUNCIL MEMBER SIMON: A little  
25 history: When the shopping center was being

1 built, the Helm Center, there was a lot of  
2 controversy. We couldn't house the meetings  
3 here. We had to go to the firehouse. We had  
4 3- and 400 people there.

5 And that's the kind of turnout we need if this  
6 happens to show them that we're serious about our  
7 community.

8 MAYOR EBERLE: And we will get -- I  
9 mean, I -- if -- if it comes between newsletters, I  
10 will say, no, it has to be rescheduled. We can use  
11 our e-mail blast for -- for city mail. We had a  
12 virus on that, and it wiped it out. We're building  
13 that back up, but we're only got it to about 300  
14 people -- or 300 address -- e-mail addresses with  
15 a population of about 5,000 people.

16 So, that helps, but we really need to be able  
17 to put a date in the newsletter. So you can watch  
18 for that, too, so. .

19 Other comments? Sure.

20 MR. HOGUE: Good evening. My name is  
21 Rick Hogue, 3802 Handley Avenue, Louisville.

22 I'm a real estate agent with Keller Williams,  
23 and I'm here to ask for an adjustment on the sign  
24 ord -- sign ordinance for open houses. I do a -- I  
25 do property -- I sell property down in this area. I

1 sell property all over Louisville. But when it  
2 comes to Prospect, the -- the ruling states that we  
3 can have one sign out in front of a house, up to a  
4 6-by-6, and that we can have one sign at the  
5 beginning of a cul-de-sac; however, when we have  
6 an open house, those signs get picked up and  
7 brought back to us even if it's at the mouth of the  
8 cul-de-sac.

9 We're not being in competition with Anchorage  
10 and the other areas in Louisville by not being able  
11 to put these signs out. If we can have the ability  
12 to have them during the open houses so that we  
13 have them at the mouth of the subdivision, at the  
14 corner, so it is essentially a pointer sign, where  
15 they are to be picked up on that day or else we get  
16 fined -- which I -- I'm fully open to that. We don't  
17 need to have the balloons, but other areas allow  
18 that, as well.

19 But if we could get it a little bit more easy for  
20 people to come in and find the properties that are  
21 up for sale, that would help us out tremendously  
22 and get the percentages back to where they should  
23 be. Currently, on the market in Prospect, only  
24 19% of the homes that are in Prospect are on the  
25 pending list. Whereas, in general, in Louisville,

1 on the pending list it's 31%. So it's big  
2 difference.

3 So I'd rather see the homes were not empty,  
4 where we don't have the possibility of crime rates,  
5 and some of the homes that we have right now in  
6 Prospect are on the short sale list. So we want to  
7 try to get them moved out as fast as we possibly  
8 can and get new people moved in. And that's --  
9 that's my case, and I hope that you-all consider it.

10 MAYOR EBERLE: Thank you, Mr. Hogue.  
11 I believe the pointer signs are only for open  
12 houses; is that correct?

13 CITY ADMINISTRATOR SIMMS: Yeah,  
14 they are.

15 MAYOR EBERLE: Right.

16 MS. SPEAKER: That's all that we're  
17 asking for.

18 MR. HOGUE: That's all we're asking for.

19 MS. SPEAKER: Just for -- just for open  
20 houses, not -- not, you know, signs to --

21 MAYOR EBERLE: Well, I don't think you  
22 can have a pointer --

23 MS. SPEAKER: -- be all over, but --

24 MAYOR EBERLE: -- sign except if  
25 there's an open house. And you can have one

1 pointer sign

2 CITY ADMINISTRATOR SIMMS: At the  
3 end of the cul-de-sac, yes, you can.

4 MAYOR EBERLE: Yeah.

5 MS. SPEAKER: But they're getting  
6 pulled, and it is our concern that --

7 MAYOR EBERLE: Well, we can --

8 CITY ADMINISTRATOR SIMMS: We'll  
9 revisit that.

10 MAYOR EBERLE: We can -- yeah, the  
11 officers can -- the Lieutenant can advise --

12 MR. HOGUE: What I'd like to have is -- if  
13 it's possible, to have that extended so we can  
14 have them -- if you've got a -- if you've got a  
15 property in the back of a subdivision to sell and  
16 the only place that you can put it is at the  
17 beginning of the mouth of that cul-de-sac, you're  
18 not going to draw people back that you're trying to  
19 get into there to hopefully get them to purchase  
20 the property.

21 MAYOR EBERLE: Right. And at the -- at  
22 the entrance -- entrance to neighborhoods or  
23 subdivisions, right now the -- the ordinance does  
24 not allow any.

25 CITY ADMINISTRATOR SIMMS: Right.

1           MAYOR EBERLE: Right. Okay.

2           COUNCIL MEMBER SCOTT: That -- that  
3 was brought up also at the Chamber of Commerce  
4 debate that we had a week or so ago, a Realtor  
5 had asked that question. And I just have one  
6 question: What is the -- the meaning between 19%  
7 pending versus 31% pending?

8           MR. HOGUE: Okay.

9           COUNCIL MEMBER SCOTT: What's the  
10 distinction there?

11          MR. HOGUE: The distinction is, and --  
12 and this is based on house price values to house  
13 price values.

14          COUNCIL MEMBER SCOTT: Uh-huh.

15          MR. HOGUE: Going back, and we did a  
16 little research on the Louisville Association of  
17 Real Estate, where all of our listings are. And  
18 based on house prices in the \$300,000 price  
19 range, which is where we are in a medium price  
20 range here in Prospect, there were 61 houses  
21 currently pending, all right, and currently active  
22 319 in Prospect; okay?

23          Whereas in Louisville, okay, in general, there  
24 were 4400 homes in that price range that were  
25 active, and 1398 were pending.

1 COUNCIL MEMBER SCOTT: Okay.

2 Thank you.

3 MR. HOGUE: So that's -- that's where  
4 the distinction --

5 COUNCIL MEMBER SCOTT: That's --  
6 that's -- that's -- okay. I appreciate that.

7 MAYOR EBERLE: Any other comments?  
8 Any other --

9 COUNCIL MEMBER TUCCI: I -- I think  
10 it's reasonable to -- a -- a number of years ago we  
11 had an ordinance review board that -- that was a  
12 very tedious process, because we have a lot of  
13 ordinances, and we just sort of dragged ourselves  
14 through ordinance at a time. I think -- like Joe  
15 Kehlbeck was a member of that -- that committee,  
16 and I think maybe -- maybe Mr. Henry was, as well.

17 It takes a long time, but some were -- some  
18 things were clearly out of date. Some things were  
19 revised. Other things looked just fine, and we --  
20 we kept them.

21 And it's -- it's kind of like general  
22 housecleaning. You know, you can dust, but  
23 sometimes you really have to just take down the  
24 draperies, you know. You just have to do it. And  
25 we may be moving up upon a time where not just

1 the sign ordinance but other things, as well, need  
2 another drag through to sort of bring them up to  
3 snuff.

4 I -- many people dropped out of that  
5 committee after awhile. You -- you had to have a  
6 lot of enthusiasm for being really, really bored  
7 to -- to do it, but it was a good thing to do.

8 MAYOR EBERLE: But the ones of us that  
9 stayed got a little certificate from Lonnie.

10 COUNCIL MEMBER MILES: How much of  
11 a variance do you think is accounted for just by  
12 the signs alone?

13 MR. HOGUE: Just -- that would have  
14 been -- not a measurable.

15 COUNCIL MEMBER MILES: In your  
16 opinion, I -- I know, you know, you can't quan -- I  
17 mean, do you think all of this is just because of  
18 the signs? And I agree with Sandy. I mean, I  
19 think this is -- I think that was done when houses  
20 were selling like hot cakes here, and that's before  
21 we had the downturn in the market.

22 And I think you have to look at all of that and  
23 re-evaluate everything in that situation, but I'm  
24 just trying to get a feel for how much of this do  
25 you think is because of --

1 MR. HOGUE: I'll -- I'll give you a  
2 specific instance.

3 COUNCIL MEMBER MILES: Okay.

4 MR. HOGUE: Locust Creek here, a lot of  
5 people know about Locust Creek, anywhere from  
6 400,000 to \$1,000,000 homes, okay, off of  
7 Shelbyville Road. I can put signs out at the  
8 beginning of it. I'm only allowed to put them out  
9 on the day of the open house; okay?

10 I put them out at the beginning. I put them  
11 out at each corner of the -- the corner of the street  
12 that it's going to be on, and then one out in the  
13 front of the house; okay? So I've got three signs  
14 out total.

15 It may take six. It depends on what the traffic  
16 flow is going to be; all right? But over there I  
17 might have 12 to 15 couples come through a home  
18 to look at that home. We had one this past  
19 weekend on Turnbridge, we had two. That's right  
20 here at Sutherland; okay? It's on Turnbridge  
21 Place. That was in a cul-de-sac, and you know  
22 that's -- you have to wind back through there to  
23 get to it. We had two couples come in. That was  
24 it.

25 So I'm just looking at numbers to numbers,

1 you know. That seems like a -- a large difference  
2 there of who might be a possible candidate to  
3 purchase a home.

4 COUNCIL MEMBER MILES: Would it be  
5 possible to do, like, a test project and do a  
6 temporary waiver on an ordinance for a couple  
7 months, just to see if it has the kind of effect that  
8 we're hearing about, before we go through the  
9 process of changing the ordinance permanently?

10 MAYOR EBERLE: I think that's a very,  
11 very slippery slope to start suspending ordinances,  
12 and I -- I don't know who would decide which ones  
13 to suspend and what to substitute or whatever. I  
14 mean -- yeah, I mean, I -- I guess we can try  
15 anything, but I'm -- I'm a little leery of starting  
16 that --

17 COUNCIL MEMBER MILES: That's all  
18 right. It was just a question.

19 MAYOR EBERLE: -- that kind of --

20 COUNCIL MEMBER MILES: I didn't --  
21 you know. I know that it -- I've -- I've been in the  
22 process of changing ordinances. It takes a long  
23 time to change an ordinance. I mean, it's a very --  
24 and it should be. I mean, it -- we should get  
25 comments from citizens, you know.

1       So even if we all decided today "I think that's  
2 something that's worthy," it's not going to happen  
3 in a month or two or three. It might be something  
4 that by next spring, you know --

5               MR. HOGUE: I fully understand --

6               COUNCIL MEMBER MILES: -- we -- we  
7 even have the ducks --

8               MR. HOGUE: -- that. I've been in your  
9 position, as well.

10              COUNCIL MEMBER MILES: -- in the  
11 rows. So I'm just trying to think of a way that we  
12 could test to see if it actually did -- you know, if  
13 we -- if -- if it was possible, and I -- I trust the  
14 mayor's opinion that there's some things that -- I  
15 come up with a lot of ideas that aren't possible,  
16 but if it was possible, it would be nice to suspend  
17 it and see, wow, all of a sudden you get this great  
18 turnaround. That makes it a lot easier for us to  
19 make the argument that the ordinance would make  
20 a difference if we changed it.

21              MAYOR EBERLE: I just feel more  
22 comfortable --

23              COUNCIL MEMBER SIMON: And I -- and  
24 I would say that if the committee it was just not --  
25 it was council people, residents, there were

1 actually real estate people on that and there was  
2 actual business owners that was in that sign-on,  
3 so we try to bring the whole community in to get  
4 everybody's input other than just ours.

5 MAYOR EBERLE: We do have a strict --

6 MR. HOGUE: I mean, I would be willing  
7 to volunteer for that same committee on  
8 assignments.

9 COUNCIL MEMBER TUCCI: Well, we'd  
10 make you sit through all the other ordinances, too.  
11 You might want to think twice about that one.

12 MAYOR EBERLE: I'm thinking the Land  
13 Development Code would be a good one.

14 MR. HOGUE: I would do that. That's  
15 how strongly I would feel about it.

16 MAYOR EBERLE: Any other comments  
17 from citizens or the public? Yeah.

18 MR. FURLONG: Hi. My name is Tim  
19 Furlong, and my wife and I moved here to Prospect  
20 back in April. My address is 7101 Cannonade, and  
21 that's in Fox Harbor right on the corner of  
22 Gunpowder and Cannonade Court.

23 And I'm very interested in everything that is  
24 happening here in the City of Prospect, in general,  
25 and I've noticed a lot of signs out for the upcoming

1 election, you know, for members -- council  
2 members. And I wanted to know if you-guys had  
3 plans of putting up the information on these  
4 candidates online with maybe, like, a picture or  
5 something?

6 So that way -- and even the people who are  
7 rerunning, so that way I can get a good idea of  
8 what exactly, you know, I'm dealing with here with  
9 my votes.

10 And I also wanted to know if there were any  
11 future planned forums where the candidates  
12 themselves get together for a chance for the  
13 citizens to ask questions and just hear what they  
14 have to say and everything. What do you think?

15 MAYOR EBERLE: Well, we -- every --  
16 every two years we -- and we are -- I've got a -- a  
17 rough draft of it. The Prospect newsletter has an  
18 insert which has questions and -- and -- and  
19 photographs, and -- and everyone has responded. I  
20 finally got the last one in.

21 So that will -- that will be published --  
22 probably out by the end of next week.

23 MR. FURLONG: Okay.

24 MAYOR EBERLE: So -- but we -- we  
25 do --

1 MR. FURLONG: And will that be online,  
2 as well?

3 MAYOR EBERLE: -- that every --  
4 every -- and -- and the newsletter is online, too.

5 MR. FURLONG: Okay.

6 MAYOR EBERLE: So you -- all you have  
7 to do is go to the website and -- are you familiar  
8 with at all --

9 MR. FURLONG: Yes.

10 MAYOR EBERLE: On the scroll --

11 MR. FURLONG: Uh-huh.

12 MAYOR EBERLE: -- it'll come up on the  
13 scroll, latest newsletter, and just click on that.

14 MR. FURLONG: Okay.

15 COUNCIL MEMBER SCOTT: And -- and  
16 you can go to the Courier-Journal and go to --

17 MAYOR EBERLE: Right.

18 COUNCIL MEMBER SCOTT: --  
19 e-voter.org and they're going to have -- they've  
20 asked all of us to come up with the information, a  
21 photograph, a little reason why you're running for  
22 council, why do you think you'd be good for  
23 counsel, and input that information, and you can  
24 just get on your computer and go to Prospect and  
25 look at all the candidates.

1 MR. FURLONG: Okay. And what about  
2 maybe a forum or something where the candidates  
3 running for --

4 COUNCIL MEMBER SCOTT: We had that.

5 MAYOR EBERLE: We had one -- yeah.

6 COUNCIL MEMBER SCOTT: We had that  
7 a couple of weeks ago.

8 MAYOR EBERLE: And I'm not aware of  
9 any others that are being planned.

10 COUNCIL MEMBER SCOTT: The  
11 Prospect Chamber of Commerce put that on.  
12 That's the first time they've ever done anything  
13 like that. There's 11 candidates for six seats.

14 MR. FURLONG: Okay.

15 MAYOR EBERLE: But we -- you will have  
16 something in your mailbox, and also -- well, it'll be  
17 the same thing online, but in your mailbox  
18 hopefully by the end of next week, because we're  
19 trying to get it out before Pun'kin Paint'n, which is  
20 next Sunday.

21 CITY ADMINISTRATOR SIMMS: Right.

22 MAYOR EBERLE: So. . .

23 CITY ADMINISTRATOR SIMMS: This --  
24 no, that's this coming Sunday.

25 MAYOR EBERLE: Oh, no. Excuse me.

1 End of this week. I'm sorry. Not the end of next  
2 week, the end of this week.

3 COUNCIL MEMBER MILES: And if you  
4 stick around, I'll talk to you after.

5 MAYOR EBERLE: There you go. Any  
6 other comments from citizens or the public? Yes.  
7 Sure. You can have another shot.

8 MS. MCALLISTER: I have another  
9 comment on a different topic. I just decided to  
10 mention this. I don't know who places the highway  
11 signs, but the detour sign for the MSD project --

12 MAYOR EBERLE: Yeah, that's -- that's  
13 in an odd spot.

14 MS. MCALLISTER: -- you come around  
15 to make a right turn, and, BOOM, there it is; and  
16 then you have to swerve to the left-hand lane, and  
17 the people that are making a left-hand turn have to  
18 scoot over; and then you have to weave back to  
19 the right-hand lane to go to Kroger or whatever.

20 That is the most ridiculous spot for that. It's  
21 like a barrier that surprises you. And the first  
22 time I was making a right, I almost ran into it; and  
23 then I thought, "Boy, I've got to watch." And then  
24 I tried swerving, and the person on my left is  
25 honking. Yeah, this whole thing is a mess.

1       And I thought I would never do that again, and  
2       then I was daydreaming and driving over to Kroger  
3       and I did it again. I should have known that sign  
4       was right there.

5       So that's my comment. I don't know who  
6       places those, and if -- if we have the power to  
7       move them.

8               CITY ADMINISTRATOR SIMMS: I have a  
9       contact that I can call tomorrow morning and tell  
10       them we've got a problem.

11              MS. MCALLISTER: Yeah. Why don't  
12       they place it closer to, you know, where the work  
13       is being done, perhaps?

14              CITY ADMINISTRATOR SIMMS: I think  
15       they want people to see it so they don't turn down  
16       that street, but -- I have a contact, and -- and  
17       we'll see what we can do in the morning.

18              MS. MCALLISTER: Yeah.

19              CITY ADMINISTRATOR SIMMS: I'll be on  
20       it early in the morning.

21              MS. MCALLISTER: If they could place it  
22       somewhere else.

23       And I -- I would volunteer my home for the  
24       open house signs when we put it on the market to  
25       do a little test for a trial or something.

1           MAYOR EBERLE: For the record, that  
2 was Carol McAllister, Fox Harbor Road.

3           MS. MCALLISTER: Oh, right, 7102 Fox  
4 Harbor Road.

5           MAYOR EBERLE: Any other citizen or  
6 public comments?

7 [no audible response]

8           MAYOR EBERLE: If not, I had no  
9 unfinished business on the agenda. We don't have  
10 anything on second reading. And unless we have  
11 some that I'm not -- I'm not aware of, we will move  
12 to new business.

13 We do have a first reading of the Prospect  
14 Ordinance Number 523, which relates to the  
15 construction materials -- building materials. And  
16 that is --

17           COUNCIL MEMBER TUCCI: Yeah.

18           MAYOR EBERLE: -- Ms. Tucci's  
19 ordinance, and if you will give it first reading.

20           COUNCIL MEMBER TUCCI: Now, before  
21 that, I'd like to preface it by saying that this isn't  
22 the ordinance that any reasonable person would  
23 want to write. What you'd want to write would be  
24 one that would say regarding the fifth house in  
25 from the corner with the purple shutters, be it

1 hereby ordained that, you have, you have to rip  
2 that off and put up something more tasteful.

3 I think that's called a bill of attainder. You  
4 can't write a -- a law that is specifically designed  
5 for one person and then throw them into -- into  
6 jail; therefore, we have to come up with a -- an  
7 ordinance that doesn't quite do what lots of people  
8 would like to do, which would be sort of, you know,  
9 detailing exactly who -- who -- what house you  
10 want to go after.

11 And in some cases, for some people in  
12 Prospect who live in subdivisions that have  
13 homeowners' associations that have a lot of teeth,  
14 this is unnecessary, because the homeowners'  
15 association can take care of that, including, I  
16 suspect, purple shutters.

17 But for the older parts of the city, like Fox  
18 Harbor and Hunting Creek, our homeowner's  
19 associations are voluntary. They have no legal or  
20 financial ability to compel anybody to do anything.  
21 For them we need this ordinance, which is not the  
22 one we would like to write, but the one that we will  
23 write.

24 This is City of Prospect Ordinance Number  
25 523, Series 2012, an ordinance relating to

1 nuisances and the storage of building materials.

2 How much more of this do I need to read?

3 MAYOR EBERLE: You do not need to  
4 read the whereases.

5 CITY ATTORNEY POTTS: Correct.

6 COUNCIL MEMBER TUCCI: So I can just  
7 go down to certain conditions declared a --

8 MAYOR EBERLE: You --

9 COUNCIL MEMBER TUCCI: No? All  
10 right. [reads] Now, therefore, be it ordained by  
11 the City of Prospect, Kentucky, Section 1, Chapter  
12 92, Section 92.03 of the Code of Ordinances of the  
13 City of Prospect is hereby amended by adding a  
14 new Subsection 92.03(P) with the section reading  
15 as follows. The added language is underlined.

16 [reads] 92.03 Certain Conditions Declared a  
17 Nuisance. It shall be unlawful for the owner,  
18 occupant, or person having control or management  
19 of any land within the city to permit a public  
20 nuisance to develop thereon. The following  
21 conditions are declared to be a public -- public  
22 nuisances.

23 [reads] (P) Storage of construction materials  
24 in residential areas. The storage of construction  
25 or building materials in front or side yards of

1 residential parcels within the city for a period of  
2 more than twenty-eight (28) days while active  
3 construction is ongoing at the specific address or  
4 for a period of more than fourteen (14) days when  
5 no construction activity is being conducted at the  
6 specific address.

7 [reads] This provision shall apply to repairs,  
8 remodeling, or additions to an existing residence,  
9 but shall not apply to construction of a new  
10 residence within the city. This ordinance shall be  
11 effective from and after its passage, approval, and  
12 publication as required by law.

13 MAYOR EBERLE: And that is first  
14 reading the -- we will put that on the agenda for a  
15 second reading at the November meeting,  
16 November 12th. So. . .

17 COUNCIL MEMBER LEONARD: The only  
18 issue I've got is the use of the word "storage." I  
19 think it's a great ordinance, and I think that  
20 "storage" denotes some kind of intentional placing  
21 of something and possibly wouldn't deal with the  
22 purple-shuttered house.

23 And I think that we could put "storage" and  
24 something that implies something less intentional  
25 and probably cover the purple-shutters house.

1 COUNCIL MEMBER TUCCI: I don't think  
2 this would cover the purple shutters, anyhow,  
3 unless they were lying on the ground.

4 COUNCIL MEMBER LEONARD: No, it  
5 doesn't. I -- I agree with you.

6 COUNCIL MEMBER TUCCI: Yeah.

7 COUNCIL MEMBER LEONARD: But if  
8 somebody would say, "Well, I didn't store it there.  
9 I just dropped it there, you know" -- you know what  
10 I'm saying?

11 MAYOR EBERLE: I hear you.

12 COUNCIL MEMBER TUCCI: Yeah.

13 MAYOR EBERLE: Do we want to amend  
14 it? Otherwise, if we wait until November 12th to  
15 amend it, we're back on first reading.

16 CITY ATTORNEY POTTS: I think maybe  
17 if you just took "storage" and then put in either  
18 paren -- parenthetically or set out by commas,  
19 "including the placing of construction."

20 COUNCIL MEMBER LEONARD: Yeah,  
21 that's right.

22 MAYOR EBERLE: Or -- you're -- you're  
23 talking about in the very, very first sentence --

24 CITY ATTORNEY POTTS: Uh-huh.

25 MAYOR EBERLE: -- the -- the -- the

1 storage or placement.

2 CITY ATTORNEY POTTS: Storage or  
3 placement of construction building.

4 COUNCIL MEMBER LEONARD: Yeah,  
5 that -- that --

6 CITY ATTORNEY POTTS: And that  
7 should probably take care of it.

8 COUNCIL MEMBER LEONARD: If that  
9 would be okay with you?

10 COUNCIL MEMBER TUCCI: I'll take that.

11 MAYOR EBERLE: You'd adopt that?

12 CITY ATTORNEY POTTS: The storage or  
13 placement.

14 MAYOR EBERLE: You agree with that  
15 amendment? The storage or placement.

16 Any other comments? Again, if we wait until  
17 November 12th for amendments, we would be back  
18 on first reading, so -- I'm not sure how urgent it  
19 is, but. . .

20 COUNCIL MEMBER MILES: I mean, my  
21 main concern was how this might affect new  
22 construction, because, obviously, new  
23 construction -- but we -- we control for that.

24 MAYOR EBERLE: That's -- that's  
25 under -- that's under --

1 CITY ATTORNEY POTTS: What it  
2 doesn't -- what it doesn't do, however, it doesn't  
3 control a situation in which you have -- what has  
4 happened during the -- the downturn in the  
5 economy, and that is houses started and not  
6 finished.

7 MAYOR EBERLE: Right. We've had a  
8 couple of those. Actually --

9 COUNCIL MEMBER LEONARD: But  
10 that -- this wouldn't cover that at all.

11 CITY ATTORNEY POTTS: No, it would  
12 not cover that. We're just saying that this would  
13 not cover that.

14 COUNCIL MEMBER LEONARD: Right.

15 COUNCIL MEMBER MILES: And we've  
16 talked about that before, a couple of houses were  
17 in that situation a few years back, and I think we  
18 realized that it -- you know, you've created a new  
19 problem if you try to fix that problem --

20 COUNCIL MEMBER LEONARD: Uh-huh.

21 COUNCIL MEMBER MILES: -- in terms of  
22 people who were really making a good-faith effort  
23 to build a house, but because of things not of -- of  
24 their control were stuck in a certain place for a  
25 period of time.

1 CITY ATTORNEY POTTS: Right.

2 COUNCIL MEMBER LEONARD: Right.

3 MAYOR EBERLE: Okay. We will place  
4 that as amended and as agreed upon by the  
5 introducer of that ordinance on for a second  
6 reading at the regular November meeting,  
7 November 12th.

8 Next thing on the -- next item on the agenda  
9 is the -- is the recommendation -- a recommended  
10 resolution opposing the Kentucky State  
11 Transportation Cabinet's proposal for widening of  
12 U.S. Highway 42 in the City of Prospect. It does  
13 not need a full reading.

14 CITY ATTORNEY POTTS: Correct.

15 MAYOR EBERLE: And it is not an  
16 ordinance. It is a resolution. We can discuss it  
17 and pass it tonight, if you want. If you want to  
18 amend it --

19 COUNCIL MEMBER LEONARD: It  
20 depends on --

21 MAYOR EBERLE: I think we could amend  
22 it and pass it tonight.

23 CITY ATTORNEY POTTS: You can do  
24 that, too, and you can change if -- whenever you  
25 want. If you decided that you wanted to pass it

1 tonight and then change it subsequently, you can  
2 do that at this --

3 MAYOR EBERLE: It would just be a new  
4 resolution.

5 CITY ATTORNEY POTTS: Right.

6 COUNCIL MEMBER LEONARD: Actually,  
7 I really like it. I think it's -- the only -- again,  
8 it's -- think it's another word thing.

9 I don't think we acknowledge our businesses  
10 in where we would like them to be concerned with  
11 the esthetics and all of that other stuff. I think  
12 we -- it's not just neighborhoods and residences.  
13 We want them to worry about our business in  
14 addition.

15 And, especially, given at the forum, there  
16 were questions in regard to our attitude toward  
17 businesses. I think we want to include them in our  
18 concerns in regard to the widening of 42.

19 COUNCIL MEMBER SIMON: I'm sure my  
20 landlord would love that.

21 COUNCIL MEMBER LEONARD: Well, I  
22 think they need to think about our whole city --

23 COUNCIL MEMBER SIMON: Yeah.

24 COUNCIL MEMBER LEONARD: -- and  
25 not take the easiest and quickest and fastest

1 method for dealing with this.

2 COUNCIL MEMBER SIMON: No matter  
3 what they do, it's not going to appease everybody.  
4 Instead we --

5 COUNCIL MEMBER LEONARD: No, and  
6 so they need to --

7 COUNCIL MEMBER SIMON: -- we want to  
8 be the less --

9 COUNCIL MEMBER LEONARD: -- be  
10 careful.

11 COUNCIL MEMBER SIMON: -- less --  
12 least for everybody.

13 COUNCIL MEMBER LEONARD: Exactly.

14 MAYOR EBERLE: So are you -- are you  
15 offering an -- an amendment to -- to where?

16 COUNCIL MEMBER LEONARD: Just the  
17 addition of words, if -- if you -- it's not -- it is not  
18 substantive in terms of any of the individual  
19 clauses, but where we're further resolving, I would  
20 like to be concerned also with the businesses.

21 MAYOR EBERLE: well, we can call for  
22 additional language and put it on next --

23 COUNCIL MEMBER LEONARD: Well, or  
24 just --

25 MAYOR EBERLE: Did you want to submit

1 that?

2 COUNCIL MEMBER LEONARD: Or just  
3 stick in the word.

4 COUNCIL MEMBER MILES: Do you --

5 MAYOR EBERLE: Where?

6 COUNCIL MEMBER MILES: I mean, do  
7 you have a suggestion?

8 CITY ATTORNEY POTTS: Well, you've  
9 got -- there's commercial areas that's listed in the  
10 sec -- the third Whereas paragraph.

11 COUNCIL MEMBER LEONARD: Uh-huh.

12 And so --

13 MAYOR EBERLE: And you said the --

14 COUNCIL MEMBER LEONARD: -- down  
15 in the "Be it further resolved," let's put in the word  
16 "businesses."

17 MAYOR EBERLE: At -- at what -- at what  
18 point?

19 COUNCIL MEMBER TUCCI: At the very  
20 last page, [reads] Be it further resolved.

21 COUNCIL MEMBER SIMON: So you're  
22 saying for Prospect residents and business  
23 community?

24 COUNCIL MEMBER LEONARD: Sure.

25 MAYOR EBERLE: Input from Prospect

1 residents and Prospect's business community.

2 COUNCIL MEMBER LEONARD: That's  
3 fine.

4 MAYOR EBERLE: Okay. Prospect  
5 residents and --

6 COUNCIL MEMBER LEONARD: Business  
7 community.

8 MAYOR EBERLE: And business  
9 community; okay. Good -- good idea.

10 CITY ATTORNEY POTTS: I would just  
11 say: If you do Prospect residents, then you ought  
12 to do Prospect businesses as opposed to business  
13 community.

14 MAYOR EBERLE: Right, just for the --  
15 okay.

16 COUNCIL MEMBER LEONARD: Okay.

17 CITY ATTORNEY POTTS: I'm sure Ms.  
18 Tucci would have picked that up.

19 COUNCIL MEMBER TUCCI: That's right.

20 MAYOR EBERLE: Again, this is --

21 COUNCIL MEMBER TUCCI: It's a  
22 parallel structure.

23 MAYOR EBERLE: Yeah, this was just my  
24 attempt of get -- at getting something out of there  
25 in response to the request of cou -- of the council,

1 so we don't a first reading. We can vote on it --

2 CITY ATTORNEY POTTS: Right.

3 MAYOR EBERLE: -- with that -- with  
4 that --

5 CITY ATTORNEY POTTS: Addition.

6 MAYOR EBERLE: -- and businesses on  
7 the -- on the last be it further resolved. Is  
8 everybody --

9 COUNCIL MEMBER LEONARD: Uh-huh.

10 MAYOR EBERLE: Okay.

11 COUNCIL MEMBER MILES: I -- I just  
12 want to say I think you did a great job on this,  
13 Todd. It really --

14 MAYOR EBERLE: Well --

15 COUNCIL MEMBER MILES: When I  
16 suggested it, I had something vague in mind, and  
17 you actually made it better than what I was  
18 thinking of, so. . .

19 MAYOR EBERLE: Possibly the  
20 important -- or -- and -- and usually the whereas's  
21 are not important, but I -- I think the -- the  
22 whereas's are -- are -- are the persuasive and  
23 the -- the idea of a resolution is -- is to persuade,  
24 so --

25 COUNCIL MEMBER LEONARD: Well,

1 and --

2 MAYOR EBERLE: -- or this was, at least.

3 COUNCIL MEMBER LEONARD: --

4 another you did -- what I -- which how many people  
5 have asked you about this, and you've kind of put  
6 the chronology out here, which is really helpful.

7 MAYOR EBERLE: Okay.

8 COUNCIL MEMBER MILES:

9 Transportation Department cannot say, "Gee, we  
10 didn't know that they were against it."

11 COUNCIL MEMBER LEONARD: That's  
12 right.

13 MAYOR EBERLE: Well -- and, again,  
14 what we are -- what -- what we are opposing is  
15 the -- the June 2012, and that was new when we  
16 got it in June 2012.

17 And it was late 2007/early 2008 when they --  
18 because our -- when they -- when they met with the  
19 leadership group, or whatever they called them,  
20 the -- the businesses, and -- and -- and us, the --  
21 the -- the businesses and the council, and then  
22 they -- and that was in late 2007; and then early  
23 2008 they had the meeting at the firehouse.

24 And they had three proposals, and it was my  
25 recollection that we closely identified with one of

1     them.  I can't remember if there was a vote or  
2     anything, but we brought our own proposal which  
3     matched almost one of theirs.  And, in fact, we  
4     didn't anticipate that.  We were surprised that that  
5     was the case.

6             Four years later, Version Number 4 comes up,  
7     and -- and so I -- I hope that -- and -- and -- and  
8     that's what this does.  It says, "We don't like  
9     Number 4."

10            COUNCIL MEMBER LEONARD:  Uh-huh.

11            MAYOR EBERLE:  Okay.  Any other  
12     discussion?

13            COUNCIL MEMBERS:  [no audible  
14     response]

15            MAYOR EBERLE:  Entertain a motion that  
16     it be adopted as amended.

17            COUNCIL MEMBER SIMON:  So moved.

18            MAYOR EBERLE:  Those in favor, signify  
19     by saying "Aye."

20            COUNCIL MEMBERS:  Aye.

21            MAYOR EBERLE:  Oppose by "No."

22            COUNCIL MEMBERS:  [no audible  
23     response]

24            MAYOR EBERLE:  And we will get that --  
25     we'll distribute it as widely as possible.  I don't

1 know if we're going to have time to get it -- time or  
2 space to get it in the newsletter this time, but we  
3 will get it to the Transportation Cabinet.

4 COUNCIL MEMBER LEONARD: That's all  
5 right. More people will read if you write a short  
6 paragraph than they will if you don't put it on it.

7 MAYOR EBERLE: Okay. Next item on  
8 the agenda is something that our City Attorney  
9 Grover Potts and I have been tossing around. I --  
10 I really don't think we have it ready for a first  
11 reading, but I will let Grover kind of summarize  
12 where we are with regards to the conditional-use  
13 permits, which are permits for uses of property  
14 that aren't normally allowed in a particularly -- in  
15 a particular zone district.

16 CITY ATTORNEY POTTS: Okay. The --  
17 in 2005, with a final reading in January 2006,  
18 Prospect adopted the Land Development Code that  
19 was then in effect in all of Jefferson County. That  
20 was the 2004 Land Development Code. That  
21 Development Code has been through three  
22 amendments, and a third and a fourth one is  
23 currently pending.

24 We adopted the 2004 code, and so my  
25 concern, when we started talking about adopting

1 additional conditional-use restrictions, that we  
2 stick with the code that we actually adopted;  
3 otherwise, we were going to go -- have to go back  
4 and go through and determine all of the other  
5 changes that had been made, and -- and there was  
6 no compelling reason that -- that I saw to do that.

7 So what we are doing is in -- in adopting the  
8 Land Development Code, we specifically did it on a  
9 prohibition-type approach, where we said while you  
10 might have a conditional use that would be  
11 acceptable under the Land Development Code in  
12 all of Jefferson County, it wasn't acceptable in  
13 Prospect.

14 MAYOR EBERLE: Right.

15 CITY ATTORNEY POTTS: So what we've  
16 gone and done currently, and I don't know whether  
17 you-guys have -- do they have this in their  
18 package?

19 MAYOR EBERLE: No, I just -- yeah.

20 CITY ATTORNEY POTTS: Well, we will  
21 at -- at the next -- perhaps at the next meeting,  
22 but what we've done is we've gone through and  
23 said, okay, here are certain other uses that we  
24 ought to think about whether or not we want to  
25 permit in Prospect.

1       The way the Land Development Code is  
2 written, there are certain permitted uses that go  
3 along with various zoning districts. We went  
4 through and did the same process there, and said,  
5 well, while those might be permitted in -- under  
6 the Land Development Code, they're not permitted  
7 in Prospect.

8       And so we went ahead, and we've done the  
9 same thing on the -- the conditional uses. We're  
10 simply saying that -- and you may be able to do  
11 these with a conditional-use permit in Jefferson  
12 County. You can't do it within the city limits of  
13 Prospect.

14       And so that's what we're in the process of  
15 doing now, is looking back at all of the -- the  
16 conditional uses that we have prohibited to see if  
17 there are, in fact, additional conditional uses that  
18 we want to include in that.

19       And so we're going to set those out for you  
20 with a question mark, those that are not in there,  
21 to see whether or not you want to put them in there  
22 as we try and revise the Land Development Code,  
23 but we decided not to try and tackle the whole  
24 thing, because, frankly --

25               COUNCIL MEMBER SIMON: Don't want

1 to reinvent it.

2 CITY ATTORNEY POTTS: Well, there's  
3 no reason to.

4 COUNCIL MEMBER SIMON: Yeah.

5 MAYOR EBERLE: Well, and it -- and --  
6 and because there are reiterations of the -- of the  
7 Metro code now, since we adopted the 2004  
8 version, which -- which is our ordinance, it  
9 becomes extremely confusing and -- and really  
10 difficult to -- to --

11 COUNCIL MEMBER SIMON: Todd and I  
12 spent about two hours going through it, and it --

13 MAYOR EBERLE: Yeah.

14 COUNCIL MEMBER SIMON: -- wasn't  
15 real easy. Basically, what this says is that, just  
16 an example, in Jefferson County, you can have a  
17 daycare center in a neighborhood. In Prospect,  
18 it's not allowed. It's things like that we took out.  
19 They can't even recommend to us. So we don't  
20 have to go through a Planning and Zoning hearing  
21 and spend all the money, they can't even  
22 recommend it to us.

23 Like paintball places, not going to happen in  
24 Prospect. So during they're not even -- hel --  
25 helicopter ports, those are all things that are

1 allowed in Jefferson County. We -- we took them  
2 out of Prospect.

3 So we're -- we're setting our zone for what we  
4 want in Prospect to take care of our community, to  
5 give us services that we need without all the other  
6 stuff. Basically, is that right, Grover? Is that  
7 true, Grover?

8 CITY ATTORNEY POTTS: Correct.

9 COUNCIL MEMBER SIMON: Right.

10 MAYOR EBERLE: And, again, what --  
11 what -- what we'll do before the November 12th  
12 meeting is give you an extra copy of our Land  
13 Development Code so you can mark on it and see  
14 what it says; and then we'll have a proposal that  
15 will still be in draft form, because as we -- as we  
16 talked at the September meeting, there will be a  
17 list there.

18 If you -- if you strike -- of things that are  
19 prohibited. If you strike it off the list, that will  
20 mean that you -- that you think it's okay to have it.  
21 It's counterintuitive, but it -- this is the list of  
22 prohibited things. So if you take that off the  
23 prohibited list --

24 COUNCIL MEMBER SIMON: It's not  
25 prohibited.

1           MAYOR EBERLE:  -- it -- it -- it could  
2 be -- you -- it could be a -- a conditional use not  
3 otherwise allowed in, say, R-4 zoning.

4           COUNCIL MEMBER LEONARD:  Is there  
5 also anything we could do so that we are not  
6 constantly responding to changes --

7           MAYOR EBERLE:  Well, that's -- that --

8           COUNCIL MEMBER LEONARD:  -- in  
9 Jefferson County?

10          MAYOR EBERLE:  That's -- that's one of  
11 the --

12          COUNCIL MEMBER LEONARD:  You  
13 know, I mean, as they develop something two years  
14 from now, we're right back doing this again.

15          CITY ATTORNEY POTTS:  No, that's  
16 why --

17          MAYOR EBERLE:  That's -- that's --

18          CITY ATTORNEY POTTS:  -- that's why  
19 we decided to stick to --

20          MAYOR EBERLE:  To go --

21          CITY ATTORNEY POTTS:  -- 2004.  You  
22 can have any of these, and they still --

23          COUNCIL MEMBER LEONARD:  Okay.

24          CITY ATTORNEY POTTS:  if you went --  
25 if you went to the -- the site for the Planning

1 Commission, and you looked under Land  
2 Development Code, you'd find four of them. And  
3 one of them is the -- the 2004 code, and that's the  
4 one we've adopted. And, actually, there's several  
5 other cities that had adopted that code, and they  
6 want you to keep --

7 MAYOR EBERLE: Right. They want  
8 you --

9 CITY ATTORNEY POTTS: -- updating it.  
10 But --

11 COUNCIL MEMBER LEONARD: But we  
12 won't.

13 CITY ATTORNEY POTTS: -- there's no  
14 reason to --

15 MAYOR EBERLE: No.

16 CITY ATTORNEY POTTS: -- you know,  
17 because --

18 COUNCIL MEMBER LEONARD: Right.

19 CITY ATTORNEY POTTS: -- in general, I  
20 would say it becomes more liberal as it -- it  
21 meanders through its existence.

22 COUNCIL MEMBER LEONARD: I know. I  
23 was amazed last night when I started reading all of  
24 that.

25 MAYOR EBERLE: Yeah, it's --

1 COUNCIL MEMBER SIMON: This is --  
2 this is really important to the City of Prospect,  
3 because this allows us to control our destiny. If  
4 we have to be -- have a destiny with Planning and  
5 Zoning from Louisville, then there is no destiny.

6 MAYOR EBERLE: And, again, with --  
7 this -- we adopted the 2004, and what I -- when --  
8 when I went through it the first time, I took the  
9 2006, the 2008, and -- and -- but right now, I'll tell  
10 you that they're thinking about changing it again.

11 COUNCIL MEMBER LEONARD: Oh, I  
12 can imagine.

13 MAYOR EBERLE: And it became  
14 extremely difficult to follow, and I was -- was  
15 having to change numbers and stuff. And  
16 Grover --

17 COUNCIL MEMBER LEONARD: I know I  
18 didn't understand it.

19 MAYOR EBERLE: -- Grover's conclusion  
20 is that there's no reason to not still use the 2004.  
21 And it's all online.

22 COUNCIL MEMBER LEONARD: Uh-huh.

23 MAYOR EBERLE: Don't push the print  
24 button unless you've got a --

25 COUNCIL MEMBER LEONARD: Oh, I

1 know.

2 MAYOR EBERLE: -- ream of paper,  
3 but --

4 COUNCIL MEMBER SIMON: Yeah, yeah.

5 COUNCIL MEMBER LEONARD: What is  
6 it, 800-and-something pages.

7 CITY ATTORNEY POTTS: 800-some-odd  
8 pages.

9 MAYOR EBERLE: Yeah. So if you could  
10 look at it, and -- and -- and maybe -- to -- to see  
11 the changes in -- in subsequent iterations of the  
12 2004, but for right now I think we need to  
13 address -- these conditional uses, there was --  
14 they -- when Metro merged with -- with the old City  
15 of Louisville, so we have Metro Government, there  
16 was a moratorium placed on conditional uses.  
17 That moratorium expired about a year ago. And so  
18 these have cropped up again, and that's -- that's  
19 what we're -- we're trying to get ahold of, is the --  
20 the end of that moratorium.

21 So they're back, and -- and Grover thought we  
22 needed to look at it. And it is -- as I say, land use  
23 is not intuitive. It's a very -- it's little tedious,  
24 but we'll try to get it boiled down to a decision  
25 that we can make.

1 COUNCIL MEMBER SIMON: Right. Very  
2 good.

3 MAYOR EBERLE: No need for an  
4 executive -- any other new business?

5 COUNCIL MEMBER SCOTT: I just have  
6 one thing.

7 MAYOR EBERLE: yeah.

8 COUNCIL MEMBER SCOTT: I've had  
9 calls from several residents in reference to the  
10 work that was done on Hunting Creek Drive, where  
11 they repaved a little section of the road. I'm sure  
12 Dave Fuller has talked to you.

13 And you go over it at 20 miles an hour or 25,  
14 never more than that, Lieutenant, and, I mean, it  
15 jars your fillings in your teeth, you know. Are we  
16 going to do anything about that?

17 CITY ADMINISTRATOR SIMMS: Oh, yes.

18 COUNCIL MEMBER SCOTT: Yeah.

19 CITY ADMINISTRATOR SIMMS: That's  
20 on the list of paving that should be done, yeah,  
21 this fall.

22 COUNCIL MEMBER SCOTT: Okay.

23 MAYOR EBERLE: We -- we will do some  
24 paving this fall and then some in the spring, and  
25 then that one's on for the fall.

1 CITY ADMINISTRATOR SIMMS: That's --

2 MAYOR EBERLE: What we're trying to do  
3 is coordinate paving with striping, because we  
4 don't want to stripe and then pave over it, so --

5 COUNCIL MEMBER SCOTT: Okay. Was  
6 that MSD that did that work?

7 CITY ADMINISTRATOR SIMMS: No, the  
8 city did that, because we were having --

9 COUNCIL MEMBER SCOTT: Oh, they  
10 just -- they just didn't fill it in properly --

11 CITY ADMINISTRATOR SIMMS: Well, we  
12 knew we were --

13 COUNCIL MEMBER SCOTT: -- whoever  
14 did it.

15 CITY ADMINISTRATOR SIMMS: -- going  
16 to have to pave that, because didn't hire a paver  
17 to come out. It would -- it takes a paver to make  
18 that totally flat, and knowing we were going to  
19 pave within the season, it made more sense to --

20 COUNCIL MEMBER SCOTT: Okay. So  
21 we should have it done by the end of the year.

22 CITY ADMINISTRATOR SIMMS: Oh,  
23 yeah.

24 COUNCIL MEMBER SCOTT: Yeah. Okay.

25 COUNCIL MEMBER LEONARD: When

1 we're putting down a bicycling lane, are we  
2 widening the street?

3 MAYOR EBERLE: No. No.

4 COUNCIL MEMBER LEONARD: So --

5 MAYOR EBERLE: It'll stay the same.

6 COUNCIL MEMBER LEONARD: -- so

7 what is the advantage to putting down that white  
8 line?

9 MAYOR EBERLE: Safety of pedestrians  
10 and bicyclists.

11 COUNCIL MEMBER LEONARD: How is it  
12 safer if the street's no wider?

13 COUNCIL MEMBER MILES: People slow  
14 down.

15 MAYOR EBERLE: People -- people see  
16 those lanes. They're marked.

17 COUNCIL MEMBER SIMON: If -- if  
18 people don't drive in that lane --

19 MAYOR EBERLE: Yeah, I mean, they're  
20 wide enough to -- for the vehicle to go by, you  
21 know. Now, if you did it on both sides of -- of  
22 Sutherland Farm Road, it would make it difficult,  
23 but you only need it on one side; yeah.

24 COUNCIL MEMBER ERTLE: That's what  
25 they did on Whipps Mill Road and --

1 COUNCIL MEMBER LEONARD: Yeah, I  
2 know. And my personal opinion is: Jefferson  
3 County mistakes planning and paint. They're not  
4 the same. I think we really need to -- something  
5 to deal with bicycles that's safe for people on  
6 them, and I don't think we're anywhere near there.  
7 And I'm not talking about Prospect.

8 COUNCIL MEMBER MILES: Right. And I  
9 think we'd all love to have a bike lane at Hunting  
10 Creek, but I think we'd have to get one of the  
11 landowners on the other side to, you know, give us  
12 some land, I don't think -- the country club is -- I  
13 don't blame them, but I don't think the property on  
14 the side is.

15 So I think it's the -- the best way we have --  
16 because a lot of people want -- at Hunting Creek  
17 walk that just to walk, and -- and I -- it really does  
18 make it safer if --

19 COUNCIL MEMBER LEONARD: And some  
20 day we'll think about sidewalks.

21 COUNCIL MEMBER MILES: Yes. Well --

22 COUNCIL MEMBER LEONARD: Yes.

23 COUNCIL MEMBER MILES: -- I don't  
24 know about sidewalks, but at least bike lanes.

25 MAYOR EBERLE: Yeah, but it wouldn't

1 involve a purchase of right-of-way or --

2 COUNCIL MEMBER LEONARD: I know,  
3 but I --

4 MAYOR EBERLE: -- or --

5 COUNCIL MEMBER LEONARD: -- really  
6 think that sometime we need to appropriate that  
7 into a planning thought, that -- that --

8 MAYOR EBERLE: Well, the --

9 COUNCIL MEMBER LEONARD: -- that  
10 it's a goal --

11 MAYOR EBERLE: Those -- those --

12 COUNCIL MEMBER LEONARD: -- at  
13 least.

14 MAYOR EBERLE: -- those specific  
15 stripings were adopted in the Prospect Mobility  
16 Study --

17 COUNCIL MEMBER LEONARD: Mobility  
18 Study, I know.

19 MAYOR EBERLE: -- that we approved in  
20 2010.

21 COUNCIL MEMBER LEONARD: I think  
22 that's fine. I just don't want us to rest on our  
23 morals.

24 MAYOR EBERLE: Yeah. All right. We  
25 need to -- yeah. We're -- we're trying to keep the

1 Mobility Study alive rather than just have it collect  
2 dust, so -- but it could be revisited.

3 COUNCIL MEMBER LEONARD: That's  
4 true.

5 MAYOR EBERLE: Any other new  
6 business?

7 COUNCIL MEMBERS: [no audible  
8 response]

9 MAYOR EBERLE: Hearing none, we have  
10 no need for an executive session --

11 CITY ATTORNEY POTTS: Correct.

12 MAYOR EBERLE: -- and I will entertain a  
13 motion to adjourn.

14 COUNCIL MEMBER ERTEL: So moved.

15 COUNCIL MEMBER SIMON: Second.

16 MAYOR EBERLE: Ertel, Simon. Those in  
17 favor, "Aye."

18 COUNCIL MEMBERS: Aye.

19 MAYOR EBERLE: Opposed by "No."

20 COUNCIL MEMBERS: [no audible  
21 response]

22 MAYOR EBERLE: We are adjourned.

23 [WHEREUPON, the City Council Meeting  
24 concludes at 8:30 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

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My Commission Expires: Notary Public

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DECEMBER 23, 2012 \_\_\_\_\_.

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