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7 PROSPECT, KENTUCKY
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14 CITY COUNCIL MEETING
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23 June 18, 2018
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1 seconded. All in favor say "aye."
2 COUNCIL MEMBERS: Aye.
3 MAYOR EVANS: The ayes have it. The
4 minutes are approved.
5 The next item on the agenda is a whole bunch
6 of ordinances, and that's why I have put them out
7 of our usual order. As you know, we usually go
8 through the committee reports and so on, but we
9 have so many ordinances that I thought it best to
10 consider those up front. And then when we're all
11 done doing that, we can turn to the order of -- of
12 the reports from the committees.
13 The first one is I have a second reading of
14 Ordinance 563-2018. That received its first
15 reading at our last meeting, so it is now up for
16 consideration for adoption. This is the ordinance
17 which would set the ad valorem taxes for the
18 coming year if it is enacted.
19 And having said that, do I hear a motion to
20 adopt Ordinance Number 563 Series 2018, which is
21 an ordinance establishing an ad valorem tax rate
22 for the City of Prospect for the fiscal year
23 beginning July 1, 2018 and ending June 30, 2019?
24 COUNCIL MEMBER LEONARD: I move
25 approval.

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1 CITY OF PROSPECT, KENTUCKY
2 CITY COUNCIL MEETING
3 JUNE 18, 2018
4 MAYOR EVAN: The meeting will please
5 come to order.
6 And welcome to the June 18th regular meeting
7 of the Prospect City Council of the City of
8 Prospect, Kentucky. It is June 18th, 2018, and all
9 six members of the city council are present.
10 The agenda calls for the first order of business
11 to be the consideration of the prepared minutes of
12 the last city council meeting held on May 21st.
13 Those were distributed to the council members
14 prior to meeting so they'd have a chance to look at
15 them.
16 And at this time I ask if there are any
17 suggestions, comments, corrections, anything of
18 that nature?
19 [no audible response]
20 MAYOR EVANS: Hearing none, I'll ask if
21 there's a motion that the minutes as prepared be
22 approved?
23 COUNCIL MEMBER SCHMIDT: So moved.
24 COUNCIL MEMBER STOVALL: Second.
25 MAYOR EVAN: It's been moved and

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1 COUNCIL MEMBER MILES: Second.
2 MAYOR EVAN: It's been moved and
3 seconded. Is there any discussion?
4 [no audible response]
5 MAYOR EVAN: Hearing none, we'll call
6 for a vote. All in favor say "aye."
7 COUNCIL MEMBERS: Aye.
8 MAYOR EVANS: All opposed
9 [no audible response]
10 MAYOR EVAN: It's unanimous, and that
11 ordinance is enacted. I don't think they'll all go
12 that fast, but let's keep going.
13 At the last meeting we had a first reading of
14 Ordinance Number 561-2018, which is captioned an
15 ordinance establishing a budget for the general
16 fund of the City of Prospect for the fiscal year
17 beginning July 1, 2018 and ending June 30th, 2019;
18 however, after we had that first reading there then
19 was some discussion on the council, which resulted
20 in moving some numbers around in this budget from
21 one category to another; and then they did not have
22 another first reading after they did that; which
23 means that the first reading we did of this
24 ordinance a month ago doesn't count anymore,
25 because what we're looking at is different from

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1 what we had at first reading.
 2 So what means is that we need to have another
 3 first reading of this ordinance. So I would ask that
 4 someone on the council step up and give this
 5 ordinance a reading.
 6 COUNCIL MEMBER FULCHER: I'll do
 7 that, Mayor.
 8 MAYOR EVAN: Frank?
 9 COUNCIL MEMBER FULCHER: City of
 10 Prospect Ordinance Number 561 Series 2018, an
 11 ordinance esta -- establishing a budget for the
 12 general fund of the City of Prospect for the fiscal
 13 year beginning July 1, 2018 and ending June 30,
 14 2019.
 15 MAYOR EVAN: All right. So we've now
 16 had a first reading of that, and it will lay over until
 17 the next meeting to be considered for adoption.
 18 Next on the agenda is the first reading of
 19 another budget ordinance for the same period, and
 20 this is offered by Councilman Luke Schmidt. It is
 21 Ordinance 568-2018.
 22 Well, Luke, I'll let you read it since you're
 23 introducing it.
 24 COUNCIL MEMBER SCHMIDT: Thank you,
 25 Mayor.

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1 City of Prospect Ordinance Number 568 Series
 2 2018, an ordinance -- an ordinance establishing a
 3 budget for the general fund of the City of Prospect
 4 for the fiscal year beginning July 1, 2018 and
 5 ending June 30, 2019.
 6 MAYOR EVAN: All right. So that's had its
 7 first reading.
 8 Now, we now have had a first reading of two
 9 budget ordinances for the coming year. And that
 10 might be, unless you understand the difference
 11 between the two, something that needs an
 12 explanation. So I will give the explanation, and
 13 anybody on the council can jump in.
 14 The one that Luke has just proffered differs
 15 from the first one in one -- well, two respects. It
 16 takes 25,000 out of our unallocated reserves, and
 17 that increases our revenues because you can do
 18 that by \$25,000; and then it adds a line for
 19 expending that \$25,000. And the line is called
 20 Investigation of the Mayor.
 21 So Luke's ordinance would appropriate \$25,000
 22 from our unallocated reserves to do that. All right.
 23 So that's had a first reading.
 24 COUNCIL MEMBER LEONARD: Mayor, I
 25 know that you're going to give a budget message.

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1 Was it relating to which of these two ordinances?
 2 MAYOR EVAN: Yeah. I guess it's the
 3 time, now that it's budget time, that I should do
 4 that. Would you pass those down? Take one for
 5 yourself.
 6 The Prospect Code of Ordinances says that I
 7 should prepare a budget message, so I -- I've done
 8 that. And if you'll bear with me, I'm pretty good at
 9 reading fast, and I'll just read it to you.
 10 The proposed budget for the fiscal year
 11 beginning July 1, 2018 is the work product of the
 12 budget committee over several months. As always,
 13 it predicts the city's revenue based upon our
 14 experiences over recent years, and allocates the
 15 principal services such as police, trash collection,
 16 those amounts necessary to sustain them.
 17 Out of a budget of \$3,214,825, these principal
 18 services break down almost evenly into three
 19 categories: Public works, consisting of trash
 20 collection, street maintenance, and landscaping
 21 and mowing services, \$1,135, 725; Police
 22 protection, nine hundred seventy -- \$907,440; and
 23 general government, including administration,
 24 professional services, and the utilities,
 25 \$1,023,710; other services, such as forestation,

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1 beautification, library, and parks, make up the
 2 remaining \$147,950.
 3 While this is a balanced budget as required by
 4 law, there is no foreseeable excess of revenue over
 5 expenses as there were in recent years, and it is
 6 fair to ask why that is. I believe the answer is that
 7 the city's expenses have been rising while its
 8 income has not risen as fast.
 9 Our legal expenses have been significantly
 10 higher than normal due to the battle with LDG,
 11 which is not yet over. Our maintenance budget has
 12 grown with the necessary addition of two more
 13 maintenance employees during the last two years.
 14 Our pension contributions, which are imposed
 15 on us, have gone up, as our -- have our insurance
 16 costs. Certain necessary capital improvements
 17 have been made to city hall. Even with all these
 18 factors, we are still living within our means.
 19 And the last paragraph, on the other hand,
 20 most of our reserves have already been committed.
 21 Our accountants show that we have \$2,382,070.49
 22 in the bank. If our current projection for this fiscal
 23 year proves accurate, and this fiscal year ends the
 24 end of this month, \$32,000, that's what we expect
 25 we will have revenue over expenditures. 32,000

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1 will be added making a total of \$2,414,070.49.
 2 Our auditors tell us that we also have certain
 3 liabilities, the main one being a liability imposed
 4 on us and all Kentucky cities for our share of the
 5 very large un -- unfunded pension liability. That
 6 liability, including to our most recent audit, is
 7 \$1,184,190.
 8 That leaves \$1,229,879.49. Of that amount,
 9 the council has committed to spend approximately
 10 \$200,000 on the first phase of the mixed-use path
 11 project if the grant for that service is awarded this
 12 summer. And, necessarily, another 200,000 the
 13 following year for the second phase necessary to
 14 complete the project; otherwise we would have
 15 spent \$200,000 for half a project.
 16 Taking all of this together, of the \$2,414,070
 17 we expect to have in the bank on July 1st, as I see
 18 it, only \$827,879.49 has not been spoken for. That
 19 is approximately 1/4 or three months of our
 20 \$3,2148,25 proposed budget for 2018-2019.
 21 Good practice would dictate that we should
 22 keep our available reserves equal to at least six
 23 months of our expected expenses, and that would
 24 be \$1,607,412.50.
 25 That's the end of my budget message. I have

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1 copies of this for anyone who wants them after the
 2 meeting. They're right here.
 3 COUNCIL MEMBER SCHMIDT: Mayor, can
 4 I ask a quick question?
 5 MAYOR EVAN: Of course.
 6 COUNCIL MEMBER SCHMIDT: When
 7 would it be appropriate to -- to discuss Ordinance
 8 568, which was just introduced?
 9 MAYOR EVAN: You can discuss it right
 10 now.
 11 COUNCIL MEMBER MILES: Luke, can I
 12 make a quick comment to the --
 13 COUNCIL MEMBER SCHMIDT: Yes.
 14 COUNCIL MEMBER MILES: -- Mayor's
 15 thing?
 16 COUNCIL MEMBER SCHMIDT: Uh-huh.
 17 COUNCIL MEMBER MILES: My
 18 recollection, we had our auditors give us our report
 19 when they finished it at the end of last year, and I
 20 specifically asked about this million-dollar
 21 obligation. And I asked if he was aware of any
 22 other cities that were holding back what they said
 23 their obligations were.
 24 And he said he was aware of no other cities
 25 that were doing that. In fact, if Metro Louisville

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1 were to follow this practice, they would be having
 2 to hold back hundreds of millions of dollars.
 3 So from what I heard from our auditors, this
 4 million dollars is not something that we have to set
 5 aside. And he is aware of no other cities that are
 6 doing that. So I just want to share that with the
 7 group.
 8 Also --
 9 MAYOR EVAN: I will be speaking with the
 10 auditor on another matter very shortly, but what
 11 I've done is I've gone and I've looked at the audit.
 12 And on the audit that they did and signed, this is
 13 listed as a liability. That's all I know.
 14 COUNCIL MEMBER MILES: I just wanted
 15 to share that.
 16 COUNCIL MEMBER SCHMIDT: Okay. Let
 17 me just -- just take a couple minutes here.
 18 Obviously, this is kind of an unusual year. We
 19 have two budgets that have been proposed for
 20 consideration by the council. And I think a fair
 21 question will be: How did we get here and why is
 22 that the case?
 23 And what I'd like to do --
 24 MS. SPEAKER: Sir, can you speak up?
 25 We can't hear you.

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1 COUNCIL MEMBER SCHMIDT: Sure.
 2 Thank you. Is that better?
 3 MS. SPEAKER: Thanks.
 4 COUNCIL MEMBER SCHMIDT: Okay.
 5 [WHEREUPON, off-the-record remarks are
 6 made.]
 7 COUNCIL MEMBER SCHMIDT: Okay.
 8 Anyway, as we stated during the last council
 9 meeting in May, a number of multiple city
 10 employees had approached individual members of
 11 the Prospect City Council with some detailed
 12 allegations concerning Mayor Evans.
 13 MR. SPEAKER: We can't hear you.
 14 [REPORTER'S NOTE: Several people
 15 complaining about sound from audience.]
 16 COUNCIL MEMBER SCHMIDT: Okay.
 17 Anyway, at the last council meeting in May, we had
 18 indicated that multiple city employees had
 19 approached individual city council members with
 20 some detailed allegations concerning Mayor Evans'
 21 conduct and behavior. And upon the initial
 22 investigation of those issues --
 23 [WHEREUPON, off-the-record remarks are
 24 made.]
 25 COUNCIL MEMBER SCHMIDT: -- it was

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1 clear that a pattern of potential improper conduct
 2 might have taken place, and that the mayor may
 3 have conducted himself in a vindictive manner,
 4 possibly creating a hostile workplace environment
 5 for the city employees.
 6 As council members, as we indicated last
 7 month, we were obligated and are obligated to
 8 investigate concerns brought to us by city
 9 employees. That's part of our job.
 10 And during the April 28 -- or, excuse me, the
 11 May 28th Prospect City Council meeting, a
 12 resolution was introduced and passed by a vote of
 13 4 to 2 calling for an investigation of the allegations
 14 against Mayor Evans. And also during that
 15 meeting, an ordinance -- Ordinance Number 564
 16 was introduced for first reading, which would
 17 amend the current city budget calling for an
 18 expenditure of up to \$50,000 to conduct the
 19 investigation against Mayor Evans.
 20 Where are we today? First, going into the last
 21 city council meeting a figure of \$50,000 was
 22 proposed. And this number was used as a guide
 23 given on what the city had spent recently
 24 investigating a former member of the Prospect
 25 Police Department; however, since that time we

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1 have determined that the cost of the proposed
 2 investigation can be done for much, much less, and
 3 at least an investigation of the former mayor of
 4 Bardstown, which was a much more complex
 5 situation, while that investigation cost \$50,000, we
 6 now believe that the Prospect mayoral investigation
 7 can be conducted for a cost of up to \$25,000 or
 8 50% of what we originally proposed.
 9 Third, Ordinance Number 564 called for the
 10 amendment of the current budget. Since we're at
 11 the end of the budget year, there's no way that we
 12 can amend the current budget and complete the
 13 task at hand by the end of the fiscal year; and we
 14 can't amend a budget that hasn't yet been passed.
 15 So the path forward, as we see it, simply is
 16 this: In order to move forward, we are -- our
 17 responsibilities as a council, what we want to do is
 18 withdraw Ordinance Number 564 from any further
 19 consideration. We want to introduce Ordinance
 20 Number 568, which we did -- just did, for its first
 21 reading, which, if passed, will take effect for the
 22 next fiscal year.
 23 Ordinance Number 568 is a mirror image of
 24 Ordinance Number 561 previously introduced
 25 tonight by the mayor. The only difference is that

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1 it -- while it includes the full budget for the City of
 2 Prospect, it does have two notable exceptions as
 3 the mayor indicated.
 4 It includes a line item expenditure for up to
 5 \$25,000 for the investigation of Mayor Evans'
 6 conduct and behavior; and it also includes an
 7 allocation of \$25,000 for the cost of the
 8 investigation to be funded by a transfer from
 9 unallocated reserves.
 10 We believe that proceeding along these path
 11 leaves all existing city programs intact. There's
 12 no need to modify any other proposed city
 13 expenditure, and what that really means is cutting
 14 the budget of any other program. And this ensures
 15 that a balanced city budget will be in place for the
 16 coming fiscal year.
 17 So what have we learned so far? On May 17th,
 18 as you'll recall when you were here last month,
 19 three council members -- Council Member Miles,
 20 Council Member Nicholson, and myself -- met with
 21 Mayor Evans to review the city employees'
 22 allegations. The city administrator/city clerk,
 23 Laura Taylor, also attended this meeting.
 24 The allegations that were raised by the city
 25 employees were included in the above-referenced

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1 resolution, and were read into the record during the
 2 city council meeting. Tonight we'd like to share
 3 the mayor's responses from that meeting.
 4 And I'm just going to top line this so that we
 5 don't spend all night on this; but, as you know,
 6 first of all -- first of all, we discussed the mayor's
 7 memory as being an issue, a concern to his
 8 performance. And one of the allegations was that
 9 he had hired a consultant and a friend, unknown to
 10 anyone else at the time, about developing a plan to
 11 beautify the -- the Harrods Creek Bridge.
 12 This resulted in an invoice to the city of \$7300
 13 that nobody knew about. And the mayor indicated
 14 at the time that -- you know, that he -- he had to
 15 pay it.
 16 The -- the re -- his response to this was
 17 regarding the \$7300 invoice for the AutoCAD
 18 drawing, Mayor Evans acknowledged, quote,
 19 "asking a friend, named Greg [phonetic], to look
 20 into beauti -- the beautification of the bridge,"
 21 which ultimately led to the involvement of a
 22 third-party vendor who had produced the AutoCAD
 23 drawing.
 24 Once the mayor realized that costs were being
 25 incurred, he stopped the project. Mayor Evans did

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1 not dispute or deny telling city employees, quote,
 2 "not to tell anyone."
 3 The mayor thought that his friend Greg saw
 4 some dollar signs connected to doing this project
 5 and did things that the mayor did not tell him to do.
 6 The mayor ended up deciding to pay him anyway.
 7 Regarding his memory, for the most part the
 8 mayor stated that his memory is fine. The mayor
 9 also indicated that a recent appointment related to
 10 treatment that he was seeking for his tremor
 11 indicated no issues with his cognitive skills.
 12 The city employees have also indicated that
 13 following meetings with him to discuss any
 14 business, they then must draft summaries of the
 15 meetings and ask him to initial the summaries to
 16 confirm what was discussed. And the mayor at the
 17 time indicated to us that he had asked for that
 18 practice, submit minutes, if you will, of day-to-day
 19 staff meetings.
 20 MS. SPEAKER: Can you slow down a
 21 little bit?
 22 MR. SPEAKER: And speak up.
 23 MS. SPEAKER: Speak up. Thank you.
 24 COUNCIL MEMBER SCHMIDT: All right.
 25 Can everybody hear now? I can't speak much

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1 louder without really raising the roof.
 2 MR. SPEAKER: Well, you can go slower.
 3 COUNCIL MEMBER SCHMIDT: Okay. All
 4 right.
 5 MR. SPEAKER: Move closer to the mic.
 6 COUNCIL MEMBER SCHMIDT: If I get
 7 much closer, it's going to reverberate. And then
 8 you're not going to listen to it.
 9 MS. SPEAKER: We can't understand you
 10 anyway, so it doesn't matter.
 11 COUNCIL MEMBER SCHMIDT: Okay.
 12 Anyway, the mayor indicated that -- let's see where
 13 I am here. I lost my place.
 14 MS. SPEAKER: That happens when you
 15 lose your memory.
 16 [laughter]
 17 COUNCIL MEMBER SCHMIDT: Okay. Let
 18 me -- you know, I'm going to -- I'm going to
 19 interrupt for just a quick second.
 20 Mayor, we may have some visitors here tonight
 21 that -- that don't normally attend the meetings, and
 22 you might want to remind them that we do have a
 23 process for people who wish to speak. If you'd like
 24 to do that?
 25 MAYOR EVAN: Please proceed.

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1 COUNCIL MEMBER SCHMIDT: No, I'd like
 2 for you to remind folks what the process is for --
 3 MAYOR EVAN: Well, Luke, you just did.
 4 Now, please proceed.
 5 COUNCIL MEMBER SCHMIDT: No, I
 6 didn't. I'm asking --
 7 MAYOR EVAN: You -- you did. You said
 8 we have --
 9 COUNCIL MEMBER SCHMIDT: All right.
 10 I --
 11 MAYOR EVANS: -- a process, and they've
 12 heard that.
 13 COUNCIL MEMBER SCHMIDT: The
 14 process is if somebody would like to speak, you
 15 need to sign in first; and then the mayor will
 16 recognize you at the appropriate time. And you'll
 17 need to come to the podium, and we'll be happy to
 18 listen to you; but if people continue to interrupt,
 19 we'll never get through this meeting because we
 20 have a -- a pretty packed agenda.
 21 MS. SPEAKER: If we can't hear you,
 22 there's no point in us being here. So please speak
 23 up.
 24 COUNCIL MEMBER SCHMIDT: I cannot
 25 believe that you cannot honestly hear this.

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1 [WHEREUPON, off-the-record remarks are
 2 made.]
 3 MR. SPEAKER: Sir, I'm right here.
 4 COUNCIL MEMBER SCHMIDT: Okay. I
 5 can hear you, and you're not speaking with a
 6 microphone.
 7 MR. SPEAKER: I'm -- I'm talking louder.
 8 I can speak louder, and I think if you try you could,
 9 too.
 10 COUNCIL MEMBER SCHMIDT: Okay.
 11 MR. SPEAKER: I'm here -- I'm just
 12 asking.
 13 MS. SPEAKER: I think the problem is --
 14 MR. SPEAKER: I'd like to hear what you
 15 have --
 16 MS. SPEAKER: -- you're speaking so
 17 quickly --
 18 MR. SPEAKER: -- to say.
 19 COUNCIL MEMBER SCHMIDT: Okay.
 20 I'll --
 21 MS. SPEAKER: -- that you're -- you're
 22 not projecting loud enough. And you're speaking
 23 so quickly, the words are blurring together ---
 24 COUNCIL MEMBER SCHMIDT: Sure.
 25 MS. SPEAKER: -- and nobody can hear

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1 what you're trying to say. It's really --
 2 COUNCIL MEMBER SCHMIDT: Okay.
 3 Very good. I tell you what. I'll slow down, and I'll
 4 be happy to read this word for word so that we
 5 don't miss a thing.
 6 All right. Let's talk about the allegation when
 7 the mayor and you Council Member Fulcher and
 8 Council Member Leonard went to Frankfort to try --
 9 for the purpose of killing the joint grant application
 10 that the City of Prospect and Louisville Metro had
 11 previously filed for.
 12 "When we raised this with the mayor, he said
 13 regarding the meeting in Frankfort with Senator
 14 Harris to kill the Prospect -- to kill the joint grant
 15 application, the mayor acknowledge the meeting
 16 and reminded Council Member Schmidt that he had
 17 confirmed his participation in this meeting earlier,
 18 and had admitted earlier to Council Member
 19 Schmidt of going behind everyone's back, was,
 20 quote, the wrong thing to do, and I thought that all
 21 had been forgiven," end quote.
 22 And to which I res -- replied that the mayor
 23 had indeed done this, but then when all of the
 24 other issues had been brought to light, this
 25 incident fit the overall pattern of concern.

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1 Now, let's talk about the four-board fence
 2 installation. That was another allegation that was
 3 raised last month in the resolution. And as you'll
 4 recall, the allegation that was brought to our
 5 attention was that the fence that was recently
 6 installed -- installed along US 42 was not -- that
 7 installation was not done properly. It was not
 8 permitted by the state highway department, or were
 9 any approvals -- written approvals provided by the
 10 property owners.
 11 The mayor replied to that. Regarding the
 12 fence installation, Mayor Evans stated that he had
 13 visited with the property owners and informed them
 14 of what the city intended to do. No survey was
 15 conducted. No written agreements were signed.
 16 The mayor stated, quote, "I instructed city staff to
 17 build the fence right on the line so that it could be
 18 argued either way," end quote.
 19 The mayor commented that the group was,
 20 quote, "Going to throw him out of office for simply
 21 trying to beautify US 42," end quote. Council
 22 Member Schmidt replied that beautification was not
 23 the issue. It was the list of issues and the pattern
 24 of behavior that needs to be investigated,
 25 including, in this case, knowingly instructing staff

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1 to place the fence on the line, which might be a
 2 violation of state law.
 3 And it's important to know that placing the
 4 fence, quote, "right on the line" is improper.
 5 There's no written agreements or easements were
 6 granted property owners. And the city cannot
 7 spend its money on private property. No
 8 easements or permitting was requested nor
 9 provided by the Kentucky Transportation Cabinet.
 10 Legal remedies could be requested at a later
 11 date by both property owners and the
 12 Commonwealth resulting in additional costs to the
 13 city. Moreover, this represents the second time
 14 that Mayor Evans has supervised incorrectly the
 15 installation of city fencing.
 16 The issue of staff interaction and overall
 17 vindictiveness, we received a number of allegations
 18 about this, including significant mood swings in the
 19 office which impacts his interaction with staff,
 20 which has led to emotional outbursts. Particularly
 21 we were told about a shouting match with a city
 22 employee, Ron Cundiff, over his request for a raise
 23 in compensation.
 24 The shouting match was witnessed by multiple
 25 city employees. After each of you telling the other

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1 to -- "F you" multiple times, Ron Cundiff received a
 2 \$7,000 raise.
 3 The mayor told us at that time that, regarding
 4 that issue, he had admitted that he had gotten into
 5 a shouting match with employee Ron Cundiff, and
 6 he justified the shouting match by stating that Ron
 7 Cundiff entered discussion wanting a \$15,000
 8 raise, but only received a \$7,000 raise.
 9 I stated at the time that it was not okay to get
 10 into a shouting match with any employee, and
 11 Mayor Evans replied, that, "There's nothing you
 12 could do about when someone shouts." And I said,
 13 "Well, you certainly can, quote, disengage," end
 14 quote.
 15 Once after completing a telephone
 16 conversation, he hung up and in a fit of anger
 17 walked around the office repeatedly stating, quote,
 18 "Damn Jew," end quote, comments which were
 19 heard by city employees. Mayor Evans stated that
 20 he did say this following a telephone call. He did
 21 not know why he said it. And then he later
 22 apologized to city employee Jill Vidito.
 23 He's been known to walk around city hall and
 24 speak poorly of former Mayor Lonnie Falk. And
 25 also during a recent city council meeting, he also

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1 reference the late Mayor Falk by saying, quote,
 2 "Lonnie Falk died because he wanted to. He had a
 3 bad heart. He smoked, and he smoked -- he had
 4 two heart attacks. He kept smoking. He ate very
 5 fatty foods. He just did all the wrong things," end
 6 quote.
 7 Now, the mayor admitted that he had said all
 8 of these things. He admitted that he loathed
 9 former Mayor Falk, and that he would continue to
 10 speak poorly of him. He also made very
 11 disparaging, derogatory comments about me and my
 12 wife, which he did deny saying; very defamatory
 13 comments.
 14 So where are we right now? One of the issues
 15 here, when we met with the mayor we -- we told him
 16 that it was our view that, perhaps, his health was
 17 intruding and causing some of this behavior and
 18 some of his conduct. And we suggested that if that
 19 was the case, that perhaps he might consider
 20 resignation. He --
 21 MAYOR EVAN: Huh.
 22 COUNCIL MEMBER SCHMIDT: -- he
 23 indicated that that was not the case. And we told
 24 him that if that was the direction that he wanted to
 25 proceed, then we really felt that we had no other

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1 choice but to go ahead and start an investigation of
 2 this.
 3 Council Member Miles stated for the record
 4 that, you know, our group would view any attempt
 5 by the mayor to interrogate city employees about
 6 this and find the source of these allegation, which
 7 were given to us in confidence, would be viewed as
 8 harassment and witness tampering as many, if not
 9 all, of the city employees may be called to testify
 10 under oath about these matters.
 11 Mayor Evans replied that it could be seen as
 12 that, but that he, quote, "would take his chances."
 13 Council Member Miles repeatedly made this point,
 14 and Mayor Evans stated repeatedly, quote, "He
 15 would take his chance."
 16 Council Member Miles also provided Laura
 17 Taylor with a request for some document, arranging
 18 from emails from the mayor and various city
 19 employees to copies of grievance. I'm going to ask
 20 Council Member Miles now if he'll detail what he's
 21 learned about this, please.
 22 COUNCIL MEMBER MILES: And Council
 23 Member Schmidt went over many of these things, so
 24 I'll try and streamline it. We asked for numerous
 25 documents, and the ones -- I haven't gotten to all

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1 of them. It's pretty voluminous.
 2 And -- I apologize. I'm -- allergies. But we did get
 3 a few, and we're also getting the answers on the
 4 absence of some of them.
 5 As a quick background, we had an issue in
 6 2015 where the mayor asked city employees to
 7 build a fence along US 42 near Hunting Creek.
 8 And it turned out, after that fence was built, that it
 9 was -- and it was built and repaired, and it was
 10 done on private property.
 11 Our city attorney has given the opinion that we
 12 cannot spend public money on private property.
 13 The mayor apologized to the council for doing this.
 14 He said it was a mistake. He said he would take up
 15 a private collection to pay back the city the \$6,000
 16 for that fence.
 17 And we took him at his word. No one criticized
 18 him or yelled at him, and we all moved on.
 19 After this latest event with the new fence came
 20 up, I asked the mayor at the April council meeting
 21 about the fence. And he said that that money had
 22 been paid back.
 23 So one of the things that I requested were a
 24 record of that money being paid back. And I asked
 25 Laura Taylor, who's our city administrator, for that.

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1 The response from Ms. Taylor was that she could
 2 only find records of \$90 of the \$6,000 having been
 3 paid back.
 4 I asked for records that, for the new fence,
 5 after the mayor knew that you could not spend
 6 public money on private property, I -- and when
 7 you're building a fence along 42, the property is
 8 either owned by the property owner who fronts US
 9 42, or the property is in the state right-of-way.
 10 You can't build it on private property. So your only
 11 option is to build it in the state right-of-way.
 12 To do that, you have to get permits from the
 13 Ke -- Kentucky Transportation Department. So I
 14 asked for records of both the survey that should
 15 have been done to find out where the property line
 16 was, and the records that we had gotten did the
 17 proper permitting.
 18 Ms. Taylor said that she could find no records
 19 of the survey work ever being done and no records
 20 that we ever got the permits from the state. So
 21 that's an update on some of the things that I have
 22 requested and what I found out from Ms. Taylor.
 23 COUNCIL MEMBER SCHMIDT: That
 24 concludes our presentation for the time being.
 25 COUNCIL MEMBER FULCHER: I'd like to

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1 make a few comments. I vote against that
 2 resolution that -- that Luke just reread to you
 3 primarily on the basis of my personal knowledge of
 4 what goes on at city hall. I think that that
 5 resolution, for those of you who have read it --
 6 MS. SPEAKER: We can't hear..
 7 COUNCIL MEMBER FULCHER: For those
 8 of -- is this -- can you hear this better?
 9 MS. SPEAKER: Yes.
 10 COUNCIL MEMBER FULCHER: Okay. For
 11 those of you who have -- have read it, my read
 12 initially was, "You've got to be kidding." The -- it's
 13 full of half-truths, hearsay, and there's not a single
 14 piece of factual verification relative to the
 15 employees who were supposed to have gone to
 16 Stuart.
 17 As a matter of fact, the feedback we're getting
 18 is Stuart went to the employees looking for it. And
 19 it's not this month or last month. It's over a period
 20 of years.
 21 So this collection of supposed transgressions,
 22 if they were all true, if they're 100% true, they
 23 don't rise to the level that the law requires to
 24 remove an off -- an official from his position. We
 25 know that the mayor has an opportunity to veto this

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1 nonsense. Hopefully he does.
 2 It'd take -- it would take five votes to override
 3 the veto. That doesn't exist. It takes six or a
 4 unanimous vote of this council to remove the
 5 mayor.
 6 So what you're seeing is a political
 7 grandstanding stunt by four members of this
 8 council. Everything you've read or heard refers to
 9 "the council." Well, it's not the council. It's four
 10 people on the council who have an axe to grind in
 11 an election year.
 12 Now, my name was mentioned -- and I'll give
 13 you a perfect example. My name was mentioned as
 14 having gone to Frankfort to kill a grant application.
 15 Well, that's ludicrous.
 16 I can't kill the grant application. It had been
 17 submitted. We don't have the power to do it. The
 18 mayor doesn't have the power to do it.
 19 You've heard Luke say, "That's why we went to
 20 Frankfort." And as a matter of fact, the only thing
 21 true about it is we did go to Frankfort, and we did
 22 meet with Ernie Harris; but it was at Ernie Harris's
 23 invitation much prior to this grant application thing
 24 to attend the legislature, and then have a short
 25 meeting with him to meet. And it was sent to all

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1 city officials within his district.
 2 We went. We met with Ernie Harris for ten
 3 minutes, which was our allotted time. So there
 4 were four people in there: Ernie Harris, Sandra
 5 Leonard, the mayor, and myself.
 6 The agenda items on there were six bills up for
 7 consideration in the legislature which had an
 8 impact on small cities. There were also -- I think
 9 there were four. Maybe there were five -- road
 10 projects since he is the chairman of the road
 11 committee or whatever -- the transportation
 12 committee in -- in Frankfort. He had this on the tip
 13 of his tongue. So we discussed the ramifications
 14 of -- of some of the 42 corridor repairs.
 15 Also it was mentioned, as a matter of
 16 explanation on what the grant consisted of, we
 17 spent some little time saying, okay. Here it is.
 18 The grant does this, this, and this. Now, think.
 19 You've all been in business. You've all been to
 20 meetings. Ten minutes, four people, twelve agenda
 21 items. How much effort do you think we could put
 22 onto something like that?
 23 But the fact that Luke said we went there to
 24 kill that grant is nonsense. It's just a flat out
 25 fabrication.

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1 COUNCIL MEMBER SCHMIDT: Frank, I'll
 2 need --
 3 COUNCIL MEMBER FULCHER: Thank
 4 you.
 5 COUNCIL MEMBER SCHMIDT: -- to
 6 respond to that.
 7 [applause]
 8 COUNCIL MEMBER SCHMIDT: Now, the
 9 fact of it is this. I called -- I -- I chair the
 10 committee that is working on the pathway project.
 11 The grant application had been filed. The
 12 committee voted unanimously to approve the
 13 application. The city council voted to approve it,
 14 as well.
 15 I called Senator Harris just as a matter of
 16 course to check in on the status of the grant
 17 application, and also to encourage his support for
 18 the grant application while it's being considered in
 19 Frankfort; and suggested to him that, perhaps, he
 20 could write a letter of support.
 21 And at that point he indicated, he said, :Well,
 22 you-all need -- in Prospect, you need to get your
 23 act together, because there were people here
 24 telling me we shouldn't do this, and we should not
 25 support the grant application and, in fact, should

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1 deny it."
 2 And to further discuss that, he even said, "I've
 3 got a draft letter here that was written by the City
 4 of Prospect that encourages the state not to do it,
 5 not to file the grant application."
 6 Well, this was all news to me. And I said,
 7 "What are you talking about?" And he said, "Well,
 8 the mayor was here. Two of your city council
 9 members were here. And they told me that we
 10 shouldn't do this grant. She state shouldn't
 11 approve it."
 12 So I asked him -- he said, "I'm in favor of it."
 13 He said, "I'd like to do it." He said, "If you'll help
 14 me draft the letter, we'll send it." And I said, "I'll
 15 be happy to. And if you could send me the draft
 16 letter that states the opposite," which he did.
 17 Now, it's kind of hard to refute something in
 18 writing, but the fact of it is: You and Sandra and
 19 the mayor were in Frankfort. Maybe you discussed
 20 some other items, but the fact is you discussed this
 21 grant application. You encouraged Senator Harris
 22 not to support it.
 23 You basically went around the back of the
 24 committee. You went around th back of the city
 25 council. You went around the back of our partner,

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1 Louisville Metro. And you encouraged the state
 2 and senate -- the senator to -- to not support,
 3 which is really nonsense.
 4 Nobody gave me, as the chair of the
 5 committee, even a courtesy of a -- of heads up,
 6 "Oh, by the way. We're going to try to go kill this."
 7 COUNCIL MEMBER FULCHER: It's a
 8 misrepresentation --
 9 COUNCIL MEMBER SCHMIDT: No, it's
 10 not.
 11 COUNCIL MEMBER FULCHER: -- what
 12 you've said. And if you'll read the record -- read
 13 the record back, it said, "Frank Fulcher went to
 14 Frankfort to kill the bill." How would you describe
 15 it?
 16 COUNCIL MEMBER SCHMIDT: If you're --
 17 if you talk to the senator --
 18 COUNCIL MEMBER FULCHER: I went
 19 over there to meet Ernie Harris --
 20 COUNCIL MEMBER SCHMIDT: Sure.
 21 COUNCIL MEMBER SCHMIDT: -- and
 22 discuss a lot of things.
 23 COUNCIL MEMBER SCHMIDT: Who
 24 drafted the letter suggesting that the state not
 25 award the grant?

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1 MAYOR EVAN: I did.
 2 COUNCIL MEMBER SCHMIDT: Thank you.
 3 The three of you-guys were there.
 4 COUNCIL MEMBER FULCHER: We
 5 voted -- we voted against it, and I --
 6 COUNCIL MEMBER SCHMIDT: That's
 7 right.
 8 COUNCIL MEMBER FULCHER: And I --
 9 COUNCIL MEMBER SCHMIDT: The vote
 10 had been taken, and it had been approved. And I --
 11 let me tell you something. I've been involved in
 12 government since 1980 at one level or another.
 13 And one thing I learned a long time ago is you
 14 respect a vote that was taken.
 15 And in this case, the city council approved that
 16 grant application. Whether you like it or not, it
 17 did. If I'd been on the opposite end of the vote, if
 18 it was something I wanted to do and it didn't -- and
 19 then it failed, I would not go on out and try to kill
 20 something that the city was trying to do.
 21 COUNCIL MEMBER FULCHER: There you
 22 go. I didn't go there to kill it.
 23 COUNCIL MEMBER SCHMIDT: I don't --
 24 COUNCIL MEMBER FULCHER: I had an
 25 opinion, and I expressed it. And I continue to

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1 express it.
 2 MAYOR EVAN: I have something to add,
 3 and that is that after Luke spoke with Senator
 4 Harris, he came to see me. And he told me what he
 5 had found out from Senator Harris.
 6 And I said, "Luke, at that" -- in my office. I
 7 said, "Luke, I made a mistake of judgement. I
 8 should not have participated." And I apologized to
 9 Luke.
 10 Then I went to the phone, and I got Senator
 11 Harris on the speakerphone. Luke was there. I set
 12 the record straight. And it's my recollection that,
 13 after my apology, Luke indicated that it was okay.
 14 We'll just move on and forget about it until now.
 15 I admitted that I made a mistake. I -- I still
 16 say I made a mistake in expressing a view that was
 17 contrary to what the council had voted, whether I
 18 agreed with it or disagreed with it or not.
 19 But I apologize for it. I straightened the
 20 record out. And it was my understanding that Luke
 21 forgave me for that, but apparently not.
 22 COUNCIL MEMBER SCHMIDT: Well, I did,
 23 Mayor, but. .
 24 [laughter]
 25 MAYOR EVAN: While I'm -- while I'm --

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1 while I'm talking -- I've been sitting quietly while
 2 I've been flayed [phonetic] alive here, and there's
 3 two or three things that I would like to respond to.
 4 I'm not going to take your time going through the
 5 whole list.
 6 I'm not even sure whether I should address
 7 this allegation about my memory. Sally can tell you
 8 about what they told us at Vanderbilt after I went
 9 through a 90-minute protocol with a -- a
 10 psychologist. And I'm in the upper range of some
 11 superior category in memory and logic and
 12 reasoning and all of that.
 13 I do ask, when I'm in a meeting where there is
 14 not a recording secretary, someone to take notes.
 15 That is true. There's a reason for that. And it is
 16 that I have a central tremor in my right hand. I
 17 haven't been able to sign my name for ten years.
 18 I'm about to get that fixed. That's why I was
 19 at Vanderbilt; okay?
 20 But the reason I ask somebody to take notes is
 21 because it's just good practice, that somebody
 22 should take notes. So we'll just go past that one.
 23 The -- the-- the main thing is -- there's so
 24 many. The main thing is this thing coming from the
 25 employees. I encourage anyone, all of you, talk to

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1 any -- we don't have that many employees.
 2 Please, go talk to them. Ask them how they
 3 feel about me. Ask them if I've been walking
 4 around doing, you know, crazy things. I think I
 5 know what you're going to find out, but please go
 6 ask them.
 7 I don't believe that they've been going to the
 8 members of the council. I think a member of the
 9 council has been the jettisoning this up, but go find out
 10 for yourself.
 11 COUNCIL MEMBER LEONARD: Actually,
 12 employees have come to me. And two things are --
 13 first of all, there are no written complaints from
 14 any employee in regard to the mayor's behavior, at
 15 least from what I've been told.
 16 The second thing is: There are no oral
 17 complaints that went through a chain of command
 18 that complained about the mayor's behavior.
 19 Employees have told me that they don't like being
 20 used to railroad the mayor. And those of you on
 21 Nextdoor saw Jill Vidito's posting.
 22 They may say it differently; but that's what I'm
 23 getting from everybody. In other words, we start
 24 with the report. We're requested to do the
 25 investigation. It sounds like it's already been

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1 done.
 2 And the bottom line is: It's based on nothing
 3 but second-and third-hand hearsay. And we all
 4 know that when you talk to somebody, they -- you
 5 don't make a story boring. You make it exciting.
 6 So if I talk to you over the space of, let's say, four,
 7 four and a half years, and I say, "How was work
 8 yesterday," you don't say, "My goodness, so quiet.
 9 Everything was done so intelligently." No. You
 10 make it exciting.
 11 And so those exciting comments have gotten
 12 changed. The innuendo, the conclusion is totally in
 13 all cases that I've -- if somebody's talked to me,
 14 it's malicious. This is not an investigation. There
 15 are other words for it, and I'm sure that Trump
 16 could tell us one or two.
 17 [laughter]
 18 MAYOR EVAN: There are a couple more.
 19 The one that -- other than the thing about the
 20 employees, the one that bothers me a great deal is
 21 the allegation that I said certain things about
 22 Luke's wife. And I categorically deny that I said
 23 any of those words.
 24 They are terrible words for anybody to say. I
 25 did not say any of those things. I don't know where

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1 that comes from.
 2 And, finally, on a much lesser note, this thing
 3 about hiring a contractor to give us a -- a -- an
 4 idea of what it would cost to do some rather
 5 extravagant things about improving the -- the look
 6 of the Harrods Creek Bridge, which the Landscape
 7 and Beautification Committee wanted to do, I
 8 wouldn't con -- I wouldn't care -- characterize Greg
 9 Mitchell as a, quote, "friend"; okay? He's a
 10 contractor I know who I went to and asked to
 11 explore what would be involved in doing a lot of
 12 rebuilding of the sides of the bridge. And he used
 13 a third party to accomplish that, and we got a bill
 14 for it. And I ordered it paid.
 15 And one last thing, as Steve Jobs famously
 16 said. One last thing: I don't go around telling
 17 people, "Don't talk about it." That's nonsense.
 18 This thing about the city clerk, "Don't tell
 19 anybody." The fact of the matter is I didn't know
 20 that there was an issue about where Laura Taylor
 21 lived at the time that she was appointed city clerk.
 22 I was oblivious to that until this issue was brought
 23 up and I went to the code and checked it out.
 24 How in the world would you try to cover up
 25 something you didn't know existed? Okay. When I

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1 did look at it, it turned out, I think, that it was all
 2 right, because Laura did live, quote, "in the county"
 3 where the City of Prospect is; but that's kind of
 4 beside the point.
 5 The point is that I am not at all in the practice
 6 of trying to cover things up. I just gave you a --
 7 a -- a firsthand example of that when I sat here and
 8 when Luke said, "Who wrote the letter, "I leaned
 9 forward and said, "I did." I didn't try to cover that
 10 up.
 11 And when Luke came to see me, I told him right
 12 up front, "I made a mistake. It was a mistake of
 13 judgement. I should not have participated in that
 14 meeting, and I should not have written my letter."
 15 And I apologized to him. And I got Ernie
 16 Harris on the phone, and I set the record straight.
 17 And Luke was standing right there when I did it.
 18 And I thought I had -- that my apology had been
 19 accepted, but apparently it hasn't. So there you
 20 go.
 21 And there's a lot of other allegations out
 22 there, but I don't want to take up all your time.
 23 COUNCIL MEMBER NICHOLSON: I want
 24 to say a few words, because I know there is a -- a
 25 lot of emotion surrounding this issue. We have a

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1 very hard working mayor who has done some very
 2 good things for our city.
 3 I personally heard from an employee some
 4 allegations. I can't sweep those under the rug and
 5 assume they're not true. We've only heard one
 6 side of the story.
 7 We are hearing an investigation is needed. I
 8 don't think any of us should be doing the
 9 investigation.
 10 So I've heard one side of the story. I feel like
 11 a flag's been raised. I don't know if it's red. I
 12 don't know if it's yellow. I don't know if it's green.
 13 I do know we do not have a whistleblower
 14 policy here. If an employee has a problem, they're
 15 to take it to the city administrator. It doesn't say
 16 what that employee is to do if the city administrator
 17 doesn't do anything about it. We don't have a
 18 policy for what the city administrator is to do if
 19 there's a problem.
 20 Our employee handbook does prohibit
 21 harassment. It de -- it defines it, and it includes
 22 racial and ethnic slurs. Perhaps it was a one-time
 23 deal, but we -- I -- I don't have enough facts. I
 24 need an investigation, and that is why I'm
 25 supporting the \$25,000 for an investigation.

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1 COUNCIL MEMBER MILES: And I would
 2 like to have address Councilman Fulcher's, I guess,
 3 accusation that I tried to jet up this investigation.
 4 Mayor Evans is sitting in that seat because I'm
 5 the person who put him forward five years ago.
 6 [boo]
 7 MAYOR EVAN: In response to that, I'm
 8 sitting in this seat because I worked my butt off for
 9 several months three and a half years ago knocking
 10 on over 1,000 doors in this city to win the election
 11 by 2/3 to 1/3. That's why I'm in this seat.
 12 [applause]
 13 COUNCIL MEMBER MILES: John, that is
 14 completely true, and you did a heck of a job
 15 campaigning. My point is -- is that my next-door
 16 neighbor, Greg King, who was a partner of John's
 17 at Stoll Keenon Ogden, when he knew that we were
 18 at impasse, said, "You should look up this
 19 gentleman, John Evans. He was a former mayor."
 20 And so I called John, and I talked to him. And
 21 I was impressed. And I came forward when we were
 22 deadlocked, and I put forward John Evans to be our
 23 mayor.
 24 He didn't get the vote the first time around.
 25 Sandra -- Sandra Leonard voted against him. Frank

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1 Fulcher was not on the council at the time.
 2 We were still in an impasse, and finally we got
 3 John through. And he has done a great job, and I
 4 agree with Susan. He has done a fantastic job.
 5 I -- and -- and before I -- and I'm sure John
 6 doesn't think of me as a friend now, but I thought
 7 of John as my friend.
 8 MAYOR EVAN: You're right about that.
 9 COUNCIL MEMBER MILES: I'm sure you
 10 do, John. And if I were in your shoes, I'd be
 11 probably feel the same way.
 12 MAYOR EVAN: Well, I mean, when you
 13 consider somebody a friend and participates in a
 14 meeting that goes on and you demand his
 15 resignation -- you won't even tell about him the
 16 meetings that happened beforehand even though he
 17 asked. And then -- and then Luke Schmidt says,
 18 "And we want your resignation by 10:30 tomorrow
 19 morning," and you-all stand up and walk out, I
 20 mean, I was hit over the head with a brick.
 21 COUNCIL MEMBER MILES: After John
 22 was appointed to the -- to being mayor, he ran.
 23 And I knocked on hundreds of doors for John. I got
 24 dozens and dozens of yard signs to put in the yard.
 25 Do say that I have some kind of grand

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1 conspiracy to get rid of Mayor Evans because I had
 2 some anger or hatred against him defines logic and
 3 reason. You can go back and look to the Nextdoor
 4 website in the fall after we had the blow up with
 5 our lieutenant -- with all kinds of horrible
 6 allegations against him, people were very critical
 7 of the mayor on that website.
 8 You go back and look at it, and you can find
 9 that I defended the mayor. Why would anybody who
 10 wanted to get rid of the mayor go to the effort of
 11 going to the Nextdoor website and defend him? It
 12 doesn't defy logic or reason.
 13 Now, if we have this investigation, which I
 14 hope we have, I will make sure to ask the
 15 investigators to ask employees, "Did I go around
 16 the past two years trying to jet up some kind of
 17 conspiracy against the mayor?" Absolutely --
 18 agenda [phonetic]. I think that would be a great
 19 thing to have.
 20 But I just -- I'm just telling you, you can -- you
 21 can set your logic and reason to the side, you
 22 know, or you can look at the facts. And that is the
 23 facts. I've heard people say that this is all made
 24 up. This is hearsay. This is triple hearsay.
 25 Well, here are the facts. They told us about

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1 eight or nine things, and I think four or five of them
 2 have already been proven or the Mayor's admitted
 3 to.
 4 We didn't make this up. I had no way of
 5 knowing the mayor would yell "Damn Jew" in city
 6 hall. I'm not at city hall.
 7 COUNCIL MEMBER LEONARD: That
 8 mayor never called an employee that.
 9 COUNCIL MEMBER MILES: No one said
 10 he did, Sandra.
 11 COUNCIL MEMBER LEONARD: Okay.
 12 COUNCIL MEMBER MILES: No one said
 13 he --
 14 COUNCIL MEMBER SCHMIDT: We never
 15 said that.
 16 MAYOR EVAN: No one has ever asked me
 17 why that happened.
 18 COUNCIL MEMBER MILES: We absolutely
 19 did, and you said you didn't know.
 20 MAYOR EVANS: No, no, no, no, no. I
 21 didn't get a chance to talk in that meeting. I was
 22 stunned. But I will tell you now what happened.
 23 That was when Benjamin Netanyahu came over
 24 and did an address to the joint -- joint legislature,
 25 the Senate and the House, and they didn't even tell

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1 the president that he was coming. And somebody
 2 called me on the phone and told me about that.
 3 And that's when I -- and I wasn't walking
 4 around city hall repeating it, but I did say it once.
 5 And Julia, who was a troublemaker who is no longer
 6 here, heard me and ran upstairs to told Joe Batito,
 7 who's Jewish.
 8 And I will tell you that I am not the least bit
 9 antisemitic. I've participated in a Seder with a
 10 Jewish family. I got to the point where I actually
 11 couldn't do it.
 12 I've been to a -- what's that -- oh, it's Dai Cao
 13 [sic]. That's the only day that I was in Germany
 14 that I could write anything.
 15 I'm very fond of the Jewish culture,
 16 particularly their humor. They have the funniest
 17 comedians. My best friend up in New York, Doug
 18 Burns, is Jewish. I give him piano lessons over the
 19 phone every week.
 20 So that's what happened that one day when
 21 that particular Jewish leader did something that I
 22 thought was despicable. And that's the explanation
 23 for that.
 24 MS. CREECH: May -- may I ask a
 25 question?

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1 MAYOR EVAN: Yes.
 2 MS. CREECH: I am confused as to THE
 3 goal of the investigation. It -- it seems to me that
 4 everybody on this council is guilty, from what I've
 5 just heard, of not having policy and procedures in
 6 place to deal with issues as they come up. Now,
 7 that's on everybody.
 8 If the goal of this investigation is to decide we
 9 need policies and procedures, we can do that
 10 without spending \$25,000. If the goal is to
 11 impeach the mayor, we're already hearing the votes
 12 are never going to be there. So it's not a good use
 13 of \$25,000.
 14 So my first question is --
 15 [applause]
 16 MS. CREECH: -- what -- what is the end
 17 goal of the investigation? And my second question
 18 is: Why is it being moved from a separate
 19 ordinance to the budget? Is that to be sure it gets
 20 funded? I -- I'd just like to understand those
 21 things.
 22 COUNCIL MEMBER LEONARD: Before we
 23 move on, would you give your name and information
 24 to the lady who's trying to transcribe?
 25 MS. CREECH: Oh, Okay. Linda Creech at

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1 7217 Hunters Run Drive.
 2 COUNCIL MEMBER SCHMIDT: Well, let --
 3 let me take a stab at this. I think, as Stuart
 4 indicated, employees came to council members
 5 raising some issues, raising some concerns. And
 6 they were serious.
 7 And you can look at one by itself and think,
 8 oh, it's not that big of a deal, maybe even two, but
 9 the fact is we received a number of allegations.
 10 It's our job, as a part of our job, whenever an
 11 employee comes to us -- and they came to us. We
 12 didn't go to them. And I will be the first to tell
 13 you.
 14 [huh-uh.]
 15 COUNCIL MEMBER SCHMIDT: Nope,
 16 and -- and we need to be mindful of the process
 17 here. If you would like to speak, you need to sign
 18 in and -- and then be recognized at the podium; or,
 19 otherwise, we'll never get through this in the way
 20 that everybody wants so that you have a chance to
 21 share your points of view.
 22 And the fact is -- and I've -- I've spent 11
 23 years doing human resource work. And when you
 24 have an employee come to you voicing a concern
 25 or, in this case, multiple concerns, you can do one

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1 of two things. You can say that's not a big deal.
 2 I'm not going to worry about it. I'm just going to
 3 sweep it under the rug; or you can address it in the
 4 manner it should be addressed, and give it its
 5 proper due.
 6 Now, when we looked at this and we -- at all of
 7 these allegations, there was a pattern here. There
 8 was a repetitive pattern here. And we -- our
 9 conclusion was that we -- in order to get to the
 10 bottom of this and fully understand it, we needed to
 11 investigate it. That's all it is. That's all it is.
 12 If the mayor is innocent and -- and didn't do
 13 any of these things, he'll be exonerated. Yes, it
 14 will have been a bumpy road, but we'll move on; but
 15 the fact of it is: We all have an obligation, even
 16 Sandra and even Frank, who have voted in the past
 17 to spend city money to investigate city employees.
 18 We have an obligation to look into this.
 19 And you know what? More importantly, every
 20 employee in this city has the right to expect that if
 21 they have a legitimate concern, they have the
 22 opportunity to bring it to us and we'll listen to
 23 them.
 24 MS. CREECH: I -- I could not agree with
 25 you more, but that begs the question when money is

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1 advanced. I think I saw Next Door happen in 2015.
 2 Why did you not at that point go, wow, we don't
 3 have a policy for this? We should put one in place
 4 so that if it happens again we're ready.
 5 COUNCIL MEMBER MILES: We --
 6 MS. CREECH: Why did that take you
 7 three years?
 8 COUNCIL MEMBER MILES: That's a very
 9 good question. We did not learn about this until
 10 recently. So when it happened --
 11 COUNCIL MEMBER LEONARD: That's
 12 because --
 13 COUNCIL MEMBER MILES: But we
 14 weren't told, at least I wasn't told.
 15 COUNCIL MEMBER LEONARD: That's
 16 because the employee who was in question never
 17 has come forward, never has thought it was an
 18 issue, posted her concerns for the -- the
 19 investigation on Next Door.
 20 MS. CREECH: But the -- the question still
 21 is for our -- for our -- it's our 25,000. For our
 22 25,000, what is the goal of the investigation? Is it
 23 impeachment?
 24 COUNCIL MEMBER SCHMIDT: Sure.
 25 MS. CREECH: Is it deciding --

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1 COUNCIL MEMBER SCHMIDT: No.
 2 MS. CREECH: -- to make policies? What
 3 is the goal?
 4 COUNCIL MEMBER SCHMIDT: Well, I
 5 think this -- developing good and better policies
 6 may be the byproduct of the investigation, but the
 7 purpose -- but the purpose of the investigation is
 8 to get to the bottom of this, get to the -- get to the
 9 truth of the matter, whatever that may be, so that
 10 the council can make some informed decisions.
 11 That is what we do, and that is what we're
 12 supposed to do.
 13 COUNCIL MEMBER MILES: And there's
 14 a -- and -- and, again, we want to hear your
 15 questions, but there is a time and a place to do
 16 that. And that's when you sign into the sheet, and
 17 you go to the podium.
 18 So I -- I -- they're very good -- very good
 19 questions. I'm sure all of you have very good
 20 questions, but the time and the place to do that is
 21 when we have citizen comments.
 22 I -- I will add that there are a number of things
 23 you can do from nothing to having the mayor
 24 removed. You can censor the mayor. I mean,
 25 there's all kinds of things in between.

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1 MS. CREECH: Let's move on.
 2 COUNCIL MEMBER MILES: I know there's
 3 a huge issue -- I know the huge issue is -- is that
 4 we have a fiduciary duty to the city. I'm a trial
 5 consultant. I've written chapters in books on -- on
 6 sexual harassment and those types of things.
 7 That's not a claim against him.
 8 We have a fiduciary duty to the city. If an
 9 employee comes to us and -- and has allegations,
 10 and we, as fiduciaries for the city, ignore them,
 11 and then that employee sues us, we have opened
 12 up the city to a huge liability up and to the point of
 13 null and voiding our insurance.
 14 So it's not even like the insurance is going to
 15 pick up the tab. The city would pick up the tab.
 16 COUNCIL MEMBER SCHMIDT: That's
 17 right.
 18 COUNCIL MEMBER MILES: We were told
 19 by one employee that if something isn't done, they
 20 believe the city was going to be sued. As soon as I
 21 was told that, we had no choice.
 22 You know, we'll have an election six months
 23 from now. If you don't want to vote for me because
 24 I did this, that's fine. This is my fiduciary duty,
 25 and I'm going to do what I pled an oath to do; and

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1 that is to look out for the city.
 2 And, again, sir, I see your hand. And if you
 3 haven't signed in on the sheet --
 4 MR. SPEAKER: I have one question.
 5 COUNCIL MEMBER MILES: We -- we --
 6 sir, we -- we need to follow --
 7 COUNCIL MEMBER SCHMIDT: Sign in.
 8 COUNCIL MEMBER LEONARD: You need
 9 to sign in.
 10 COUNCIL MEMBER MILES: -- the normal
 11 order. I do want to hear what you have to say.
 12 Hold that question until it's your time to talk.
 13 Please tell us -- because I do want to hear what
 14 you have to say.
 15 COUNCIL MEMBER LEONARD: Well, if --
 16 if they want to talk about a budget issue, we're
 17 there now.
 18 MAYOR EVANS: Yeah. And I -- I really
 19 think it's kind of up to me and not you to decide
 20 who gets to talk and who doesn't.
 21 [applause]
 22 COUNCIL MEMBER MILES: Well, Mayor,
 23 we have --
 24 MAYOR EVANS: Enough. Enough, Stuart.
 25 COUNCIL MEMBER MILES: Mayor, I

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1 mean, I've been on this council for 12 years.
 2 MAYOR EVANS: Yes. Yes, you have.
 3 COUNCIL MEMBER MILES: Mayor --
 4 Mayor, I did not interrupt you when you spoke. I --
 5 I respected your opinion.
 6 MAYOR EVANS: You don't respect my
 7 opinion at all.
 8 COUNCIL MEMBER MILES: Mayor, I gave
 9 you that courtesy. I'm asking you to give me the
 10 same.
 11 MR. OVERY: May I ask a question?
 12 COUNCIL MEMBER MILES: You may ask.
 13 MR. OVERY: Luke --
 14 COUNCIL MEMBER SCHMIDT: Yes.
 15 MR. SPEAKER: -- you've stated your
 16 objective of this process. If that was your
 17 objective, why did you ask for his resignation
 18 immediately?
 19 COUNCIL MEMBER SCHMIDT: I
 20 suggested it -- we all suggested it.
 21 MAYOR EVANS: It wasn't suggested,
 22 Luke. It was demanded.
 23 COUNCIL MEMBER SCHMIDT: All right.
 24 Mayor --
 25 MR. OVERY: Well, explain that to me.

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1 COUNCIL MEMBER SCHMIDT: All right.
 2 First of all, I'm going to echo what Stuart said a
 3 minute ago.
 4 Mayor, this can either be an orderly process,
 5 and you can recognize people who have signed up
 6 to speak; or we can just have a -- a wide-open
 7 free-for-all and none of us will get out of here until
 8 about 11:30.
 9 MR. OVERY: That's fine.
 10 MS. SPEAKER: That's fine.
 11 COUNCIL MEMBER SCHMIDT: No, it's
 12 not. This is not the government, and we've got a
 13 list here of folks that want to speak. We want to
 14 hear them. We do not --
 15 COUNCIL MEMBER LEONARD: Why don't
 16 we ask this gentleman his name and his address?
 17 COUNCIL MEMBER SCHMIDT: And come
 18 to the podium, please.
 19 MR. OVERY: Are you ready for my
 20 speaking?
 21 COUNCIL MEMBER SCHMIDT: Sure.
 22 MAYOR EVANS: Are you on the sign-up
 23 list, sir?
 24 MR. OVERY: Yes, I am.
 25 MAYOR EVANS: What's your name?

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1 MR. OVERY: Richard Overy, 18 Autumn
 2 Hill Court, Prospect, Kentucky 40059.
 3 MAYOR EVANS: Yes, sir.
 4 MR. OVERY: Did you hear my question?
 5 COUNCIL MEMBER SCHMIDT: Yes, and
 6 I'll be --
 7 MR. OVERY: Will you answer it?
 8 COUNCIL MEMBER SCHMIDT: Sure, I'll
 9 be happy to. When -- when the group of us met
 10 with the mayor and we first raised these issues, we
 11 went through all of them. And if you were here at
 12 the last meeting, we read through all of them
 13 verbatim. We're not going to do that again.
 14 And we prefaced with what we thought,
 15 perhaps, was -- was driving some of this was the
 16 mayor's health. And what we suggested was that
 17 if, in fact, it was the mayor's health driving some
 18 of these --
 19 MR. OVERY: You thought it was.
 20 COUNCIL MEMBER SCHMIDT: That's
 21 right. We thought that it was. That's --
 22 MR. OVERY: But you didn't know.
 23 COUNCIL MEMBER SCHMIDT: That --
 24 that's without the benefit of an investigation, which
 25 is precisely what we would like to do so we can get

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1 to the bottom of all of this.
 2 MR. OVERY: Well, have you got -- had
 3 you got what you desired the first time, you
 4 wouldn't have needed an investigation.
 5 COUNCIL MEMBER SCHMIDT: No. Actually,
 6 the -- the mayor clearly had the right to do
 7 whatever he wanted to do. And he had chosen to
 8 take it to this point. And we told him that if that's
 9 what he wanted to do, we respected that; but the
 10 fact is we --
 11 MAYOR EVANS: You did not tell me you
 12 respected anything, Luke. That's not true.
 13 COUNCIL MEMBER SCHMIDT: Well,
 14 Mayor, we can go back and forth on he said/she
 15 said, and we may never get out of here; but the
 16 fact of it is --
 17 MAYOR EVANS: I'm not going to sit
 18 silently while you tell untruths.
 19 COUNCIL MEMBER SCHMIDT: All right.
 20 I'm not going to interrupt you, so please don't
 21 interrupt me.
 22 The fact of it is: We would like to get to the
 23 bottom of all of this. At -- at the end of the day,
 24 it's not about the mayor. It's not about me. It's
 25 about any of these council members. It's about

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1 what the city employees have brought to our
 2 attention.
 3 Now, all -- this is not a political issue. Last
 4 month all four of us said we're not voting -- we're
 5 not running for mayor. We won't accept an interim
 6 position as mayor. I can promise you, I don't want
 7 to be mayor; but the fact of it is I have a fiduciary
 8 responsibility, as Stuart indicated, to any employee
 9 who comes to us. Somebody mentioned that --
 10 MS. SPEAKER: Excuse me. Will you
 11 please slow down?
 12 COUNCIL MEMBER SCHMIDT: No, I'm --
 13 yeah, I'll slow down.
 14 MS. SPEAKER: Thank you.
 15 COUNCIL MEMBER SCHMIDT: The lady
 16 back here mentioned something about 2015 and the
 17 Nextdoor posting, which I am not personally
 18 familiar with; but doesn't that tell you something?
 19 If, in fact, a city employee posted something on
 20 Nextdoor complaining about a workplace that -- if
 21 they felt that that's what they had to do?
 22 COUNCIL MEMBER LEONARD: That isn't
 23 what it was --
 24 MS. SPEAKER: That's not what it was.
 25 COUNCIL MEMBER SCHMIDT: Okay.

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1 COUNCIL MEMBER LEONARD: -- at all.
 2 COUNCIL MEMBER SCHMIDT: All right. I
 3 misunderstood you. That's what I thought it was.
 4 COUNCIL MEMBER LEONARD: The exact
 5 opposite --
 6 MR. OVERY: May I --
 7 COUNCIL MEMBER LEONARD: --
 8 complaining about a different --
 9 MR. OVERY: -- ask -- may I go ahead
 10 with my previous question?
 11 MAYOR EVANS: Ask your question.
 12 MR. OVERY: Councilperson Nicholson, at
 13 the last council meeting during the discussion of
 14 the resolution to investigate the mayor, I asked if
 15 you had a replacement in mind when you asked for
 16 the mayor's resignation. You indicated you did not.
 17 Many of us voters are skeptical of your response.
 18 I then asked if you were going to leave the
 19 office opened if the mayor had resigned. You
 20 indicated there was a process where the council
 21 could appoint a new mayor.
 22 There are three Kentucky laws that relate to
 23 this situation. All must occur prior to removing an
 24 official from office: KRS 83A.040, the right to a
 25 full public hearing; KRS 61.8, open public

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1 meetings; KRS 83.130, the mayor's veto and
 2 reconsideration.
 3 You mentioned the appointment process, but
 4 did not mention these relevant statutes. It appears
 5 that the first two laws have been violated, and the
 6 third may be difficult to obtain.
 7 Considering this observation, it becomes very
 8 difficult to have confidence in you as a council
 9 member acting in the interest of the City of
 10 Prospect. Will you please share with me how this
 11 confidence can be renewed?
 12 COUNCIL MEMBER NICHOLSON: Well, I
 13 think your question, as I recall, is how is a new
 14 mayor appointed? I don't think the question was
 15 what are the laws that are in place to remove a
 16 mayor.
 17 My confidence, quite frankly, I hope is -- my
 18 desire to receive a report from an independent
 19 investigator that lists out the allegations that's --
 20 gets rid of he said/she said because they are able
 21 to talk to multiple employees; and then to
 22 determine what to do with it.
 23 The fact that I'm not rubber stamping what the
 24 mayor says; the fact I'm not rubber stamping what
 25 other council people say, I'm not sure what else to

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1 tell you other than I want to hear all sides of the
 2 story before making a decision.
 3 COUNCIL MEMBER MILES: And I would
 4 like to ask our city attorney, Grover, do you think
 5 that we have violated any laws?
 6 CITY ATTORNEY POTTS: Stuart, I'm not
 7 going to engage in that on either party.
 8 COUNCIL MEMBER MILES: Okay.
 9 CITY ATTORNEY POTTS: I'm not.
 10 MR. OVERY: Do you think you have?
 11 COUNCIL MEMBER MILES: No,
 12 absolutely not.
 13 MR. OVERY: Have you read those two
 14 laws?
 15 COUNCIL MEMBER MILES: My
 16 understanding -- and I -- I spoke to our city
 17 attorney, and I asked him what the process was.
 18 And the process is -- is that you have to have a
 19 vote of the city council, and it has to be
 20 unanimous.
 21 And then after that the mayor has a right to
 22 appeal that through the court system. That is the
 23 process that was described to me by my city
 24 attorney.
 25 COUNCIL MEMBER SCHMIDT: Yeah, we

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1 have not -- we have not violated any laws because
 2 we've not even been -- we're nowhere near
 3 initiating any kind of process like that, and may
 4 never do it.
 5 We simply would like to investigate the
 6 situation, get better informed, and get to the
 7 bottom of it. And if it leads to that, then, yes,
 8 there's a Step A, B, and C and D that we'll have to
 9 follow.
 10 We're nowhere near that right now, so there --
 11 the suggestion that we violated any laws is just
 12 simply not true.
 13 MAYOR EVANS: Are you done?
 14 MR. OVERY: Okay. Thank you.
 15 COUNCIL MEMBER MILES: Thank you.
 16 MAYOR EVANS: All right. Where were we
 17 on the agenda? Yeah, I read the budget message.
 18 We now need a first reading of Ordinance Number
 19 566-2018. Will someone please give that a first
 20 reading?
 21 COUNCIL MEMBER STOVALL: I will,
 22 Mayor.
 23 MAYOR EVANS: Thank you.
 24 COUNCIL MEMBER STOVALL: City of
 25 Prospect Ordinance Number 566 Series 2018, the

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1 ordinance relating to the amendment and
 2 modification of the budget from the general fund of
 3 the City of Prospect for the fiscal year beginning
 4 July 1st, 2017 and ending July 30 of 2018.
 5 MAYOR EVANS: Okay. Done. Thank you.
 6 COUNCIL MEMBER STOVALL: You're
 7 welcome.
 8 MAYOR EVANS: And then -- let's see.
 9 MR. SPEAKER: When -- when do other
 10 people get to speak on this issue?
 11 MR. DODRILL: Yeah, what -- what about
 12 comments on the other --
 13 MAYOR EVANS: I -- I will -- I will -- Dale,
 14 I will get to that. I'd like to get some of these
 15 readings done just like that, and then we'll --
 16 MR. SPEAKER: Do we get to comment
 17 before the vote?
 18 MAYOR EVANS: If there's something to
 19 be voted for on, yes. The first readings are just
 20 first readings.
 21 Now, this next one, we'll see what happens,
 22 and then you'll get to speak. This is the second
 23 reading of Ordinance 564-2018, which is an
 24 ordinance relating to the amendment of the
 25 2017- 18 budget for the City of Prospect to provide

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1 funds for the investigation of allegations made
 2 against Mayor John Evans.
 3 This was given a first reading at the last
 4 meeting; so at this time it is up for a motion and
 5 vote.
 6 COUNCIL MEMBER SCHMIDT: Mayor, as I
 7 indicated, we're withdrawing that ordinance.
 8 COUNCIL MEMBER FULCHER: It's on the
 9 table; isn't it?
 10 CITY ATTORNEY POTTS: It's on the
 11 table.
 12 COUNCIL MEMBER MILES: I move that
 13 we make a motion.
 14 COUNCIL MEMBER SCHMIDT: Second.
 15 MAYOR EVANS: Frank?
 16 COUNCIL MEMBER FULCHER: Isn't the
 17 point of order that this be discussed at this point?
 18 COUNCIL MEMBER LEONARD: That we
 19 allow people to state --
 20 MAYOR EVANS: It's up for a vote.
 21 COUNCIL MEMBER FULCHER: No.
 22 COUNCIL MEMBER LEONARD: No, it's --
 23 MAYOR EVANS: It can be voted down.
 24 COUNCIL MEMBER LEONARD: No, it can
 25 be withdrawn, too.

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1 COUNCIL MEMBER FULCHER: It can be
 2 withdrawn.
 3 COUNCIL MEMBER LEONARD: But we
 4 can also let people speak to it.
 5 COUNCIL MEMBER SCHMIDT: Well, if
 6 we're going to withdraw it, there's really no reason
 7 to speak to it.
 8 COUNCIL MEMBER FULCHER: They
 9 may -- they may support you.
 10 COUNCIL MEMBER SCHMIDT: Grover,
 11 what do you think?
 12 MAYOR EVANS: We have a room full of
 13 people who have signed up to speak. There's 13 of
 14 them. One of them has already spoken.
 15 Is there someone on this list of 13 people who
 16 have signed up that want to speak about this?
 17 MS. SPEAKER: Yeah, I do.
 18 COUNCIL MEMBER SCHMIDT: Grover,
 19 my -- Grover my question is --
 20 MS. MITCHELL: I'm Number 1 on the list.
 21 COUNCIL MEMBER SCHMIDT: -- how do
 22 we withdraw this?
 23 MAYOR EVANS: Come up to the --
 24 CITY ATTORNEY POTTS: Well, I think
 25 you can withdraw it, but I think it can be

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1 commented on before it's withdrawn.
 2 MS. MITCHELL: First of all, I want to get
 3 my start date out [phonetic]. I am Maren Mitchell.
 4 I live 7107 Fox Harbor Road. I've lived in this
 5 neighborhood for 30 years.
 6 You, you, you, and whoever else, the other
 7 one, I think we ought to find out what law is in
 8 place to remove you from city council.
 9 [applause]
 10 MS. MITCHELL: I want to know how many
 11 city employees are there in total?
 12 MAYOR EVANS: Well, let's see. There's
 13 Laura, sitting next to me. And there's Ron Cundiff
 14 who's way back there. And there's Mike Lesch, the
 15 Code Enforcement guy. And Ron has two
 16 assistants, Brian and Rusty. So how many do we
 17 have there? Six?
 18 MS. MITCHELL: Five.
 19 MAYOR EVANS: Five. And now we have
 20 recently hired just in the last month two ladies who
 21 work half-time at the front desk, and we have Jill
 22 Vidito who's the police secretary who works
 23 upstairs.
 24 MS. MITCHELL: Who wrote a lovely letter
 25 in Neighborhood. And I don't understand all of

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1 this. How many city employees? We know now.
 2 Where is this money coming from? Who is the
 3 money being paid to? Is it one of your cronies?
 4 Who's picking the company to do the investigation?
 5 And I just want to tell you: I think that all of
 6 you should be ashamed.
 7 [applause]
 8 MS. MITCHELL: He's been a great mayor.
 9 [applause]
 10 COUNCIL MEMBER LEONARD: One -- one
 11 point that -- that we just lost was we have a very
 12 active police department. And there are, what, 13,
 13 14 people --
 14 MAYOR EVANS: Thirteen.
 15 CHIEF SHERRARD: Thirteen with -- with
 16 Jill Vidito.
 17 MAYOR EVANS: Thirteen. And I invite
 18 you to talk to any of them. Talk to all of them. I
 19 wish you would.
 20 The next person who's on the sign-up list is
 21 Rande Swann. Is she here?
 22 MS. SWANN: Rande Swann, 6701 John
 23 Hancock Place, Prospect, Kentucky. I've been --
 24 first moved to have Prospect in 1990, so I'm a
 25 long-term resident out here and very proud to live

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1 in Prospect.
 2 I think there's been a lot of information shared
 3 tonight, but one of the things that I think hasn't
 4 been looked in -- looked into is that there is a lot
 5 of "This is why we did the investiga -- your own
 6 investigation to say you want another
 7 investigation."
 8 And then again, Luke characterizing John's
 9 responses, I think Mayor Evans is better equipped
 10 to address those on his own behalf rather than
 11 you-all putting the words in his mouth as to what he
 12 has supposedly said to you in response.
 13 I also feel like this still has been somewhat of
 14 trying to run a railroad. When you invite the mayor
 15 to a meeting, and you will not tell him what it is in
 16 advance, and a meeting of that nature, I think he
 17 should have been told.
 18 I think it should have also, perhaps, been a
 19 public meeting; but I can understand if you thought
 20 that this was a medical condition, that, perhaps,
 21 you decided to do this on your own; but not telling
 22 him what this meeting was about, not giving him an
 23 opportunity to know there were allegations made,
 24 not giving him an opportunity to bring his own
 25 counsel with him if he chose to do so, I think is

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1 just unforgivable and poor governance, and
 2 certainly is not the level of transparency and
 3 openness that Prospect achieves to have and has
 4 been ruled by under Mayor Evans' term.
 5 So I think that there's a re -- trust issue here
 6 between those of us in the audience and those of
 7 you behind the table, or at least four of you who
 8 are elected behind the table there, because we
 9 want things to be done the way they should. And I
 10 don't think you-all went about it the best way
 11 possible.
 12 It shocked me even more tonight to hear this
 13 than I was at the last meeting, because if Mr.
 14 Schmidt has 11 years of human resources
 15 experience --
 16 MS. SPEAKER: Yes.
 17 MS. SWANN: -- and Mr. Miles over here
 18 has great experience as a -- a trial witness, it
 19 really sort of shakes the core of what I have, I
 20 guess, just sort of blindly sat at home and
 21 assumed, well, we are governed by really great
 22 people, and we don't really have to worry too much
 23 about it, because Prospect's in good hands and it's
 24 doing well.
 25 I don't feel that way after this. So I think

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1 there's been a real breach of public trust in how
 2 this whole thing was handled. And I think if you-all
 3 want to redeem yourself before the fall election,
 4 you certainly need to make sure that you are
 5 breaching -- or trying to bridge that trust in a
 6 better manner.
 7 One way you could certainly do it is to not do
 8 your \$25,000 instead of \$50,000 investigation. You
 9 can let the election take care of it. The people will
 10 vote. The people will be heard. Everybody has an
 11 opportunity to make their case.
 12 We have an election coming up fairly soon.
 13 I -- I think that's one -- one way you can't handle
 14 it.
 15 I think, also, though, I am concerned that of
 16 the number of council members we have, that we
 17 don't have better employee policies and procedures
 18 in place; that the employees need to be reporting
 19 to the mayor, not to or being directed by other
 20 council members.
 21 As I've sort of also tried to get into the budget
 22 since the last meeting and look at that, I see
 23 multi-use path here. We heard very clearly at the
 24 last meeting that money is very tight; tighter than it
 25 has been in many years.

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1 And we have worked hard to bring in a budget
 2 that lives within our means; but then when I find
 3 out that the \$200,000 committed next year and
 4 \$200,000 the following year to match state funds
 5 for the multi-use path to run from Timber Ridge
 6 from 42 to River Road, if I understand that
 7 correctly, is planning money. So that's \$400,000
 8 matched by \$400,000 of the state's -- our money,
 9 again -- is just to do a plan for a multi-use path
 10 along Timber Ridge between River Road and 42.
 11 Now, if the planning is going to be 400,000 of
 12 our money and 400,000 of the state's or city's
 13 money, then what in the world is the path going to
 14 cost when we get to it?
 15 MAYOR EVANS: Rande, that's -- that's --
 16 that's not -- forgive me. I'm sorry to interrupt you.
 17 My understanding is that the first 200,000
 18 includes the planning.
 19 MS. SWANN: Okay.
 20 MAYOR EVANS: If another grant is
 21 obtained in the following year, that \$200,000 would
 22 be for the implementation.
 23 MS. SWANN: Would that cover all of it?
 24 MAYOR EVANS: Well, that remains to be
 25 seen, but that's the way it just looks like.

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1 MS. SWANN: So -- but -- but what we're
 2 looking at, then, is at least 200,000 Prospect
 3 money, 200,000 city or state money.
 4 MAYOR EVANS: And -- and -- and is --
 5 and that the grant is 80/20.
 6 COUNCIL MEMBER LEONARD: Yeah,
 7 that's -- the state is a lot bigger.
 8 MAYOR EVANS: It's \$1 million -- it's \$1
 9 million for planning.
 10 MS. SWANN: So it's not an equal match.
 11 MAYOR EVANS: Prospect would pay 20%
 12 of that or 200,000, and the grant would supply the
 13 remaining 800,000. Same year the following --
 14 MS. SWANN: So it's \$1 million, then, to
 15 do the plan.
 16 MAYOR EVANS: Well, the total is a
 17 million, yeah, as I -- if I recall it. I could be --
 18 COUNCIL MEMBER SCHMIDT: It's -- it's
 19 design, engineering, and runway [phonetic]
 20 acquisition.
 21 MAYOR EVANS: Yeah, that's the first
 22 phase.
 23 COUNCIL MEMBER SCHMIDT: That's
 24 Phase 1. And then the next -- and assuming that
 25 we get there and -- and we do that, then, obviously,

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1 you would apply the next year for the construction
 2 funds. So it's a two-year, two-phase process
 3 MAYOR EVANS: Yeah.
 4 COUNCIL MEMBER SCHMIDT: It is not all
 5 planning. You know, there -- there's --
 6 MS. SWANN: So the second year is --
 7 COUNCIL MEMBER SCHMIDT: There's
 8 a --
 9 MS. SWANN: -- we put in twenty --
 10 twenty -- 200,000.
 11 COUNCIL MEMBER SCHMIDT: Right.
 12 MS. SWANN: The city or state puts in
 13 another 800,000.
 14 MAYOR EVANS: Yeah. Yeah.
 15 COUNCIL MEMBER SCHMIDT: That's
 16 right.
 17 MS. SWANN: So it's another \$1 million.
 18 MAYOR EVANS: Yeah.
 19 MS. SWANN: And so where's this money
 20 going to come from if our money is so tight this
 21 year that we've had to be very cautious in order to
 22 not have to cut city services? I just have to say:
 23 I'd much rather continue to have my garbage picked
 24 up twice a week at my back door with my recycling
 25 and my curbside pick up for big stuff than I would

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1 to have a multi-use path going down Timber Ridge
 2 from River Road to 42, which I don't know who in
 3 the world is going to use it.
 4 [applause]
 5 COUNCIL MEMBER SCHMIDT: I'll be
 6 happy to respond to that. I've had numerous
 7 citizens and neighbors come to me over the last
 8 several years saying "We would like to have
 9 pathways so that we can safely walk/safely ride
 10 bicycles from one neighborhood to another to the
 11 central business district."
 12 The opportunity with this grant application
 13 came to us from Metro, because Metro is going to
 14 build a path whether we want it or not. They're
 15 going to build a path from the East End Bridge over
 16 here to Timber Ridge and River Road.
 17 And -- and once they -- where -- what we were
 18 working on is they said, "Let's partner together so
 19 that you-all can do what you want to do in Prospect
 20 and connect to the pathway that we're going to
 21 connect to."
 22 You know, this -- we've gone through this at a
 23 number of council meetings. I'm not sure if you've
 24 had a chance to listen to all of the discussion. I'd
 25 be happy to meet with you separately and walk you

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1 through the whole thing.
 2 There's -- there are a lot of people in this
 3 community who like to get out and safely walk,
 4 safely ride, get some exercise; that there are
 5 nothing but positives for this in improving health
 6 outcomes. I mean, we can go through this whole
 7 litany, but it -- it -- it's been a transparent policy,
 8 a transparent process from the very beginning.
 9 There's been no surprise along the way.
 10 And the mayor's been on this committee that
 11 has been overseeing this project, as has Council
 12 Member Miles and Council Member Leonard.
 13 Everybody knows and has been aware of what this
 14 has been about for number of months. It's no
 15 surprises.
 16 MS. SWANN: So what is the plan, though,
 17 to pay for this as we go forward?
 18 MAYOR EVANS: Well, it looks --
 19 MS. SWANN: Do you think this can be
 20 done (1) without a tax increase?
 21 MAYOR EVANS: Well, based on my
 22 budget message, it looks to me like it's unlikely
 23 that we are going to be generating a surplus in our
 24 general budget in the coming year. If we do, it'll
 25 be along the lines of what we've got this year. We

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1 don't know really, but that's the way it looks.
 2 So the answer to that question, it seems to me,
 3 is that if the grant is obtained, is -- is made, that
 4 the \$200,000 would have to come out of our
 5 unappropriated reserves.
 6 COUNCIL MEMBER MILES: And there --
 7 and there is a disagreement, and I would like for us
 8 to have our auditor come back on this issue of \$1
 9 million that the mayor cited in there. And it is -- it
 10 is a fact that our auditor did tell us that; but I
 11 specifically asked him, because I knew we had this
 12 project coming up, and I knew the plan was to use
 13 that 200 and then another 200 from our allocated
 14 reserves.
 15 And I asked him, I said, "Is the city expected
 16 to, like, set that money aside and not use it? Is
 17 any other city doing that?" Because every city in
 18 Kentucky faces this issue.
 19 And he said he knows of no other city that has
 20 set this money aside. And for Metro, and -- as an
 21 example, they would have to set hundreds and
 22 hundreds of millions of dollars aside, which they
 23 are not doing.
 24 MS. SWANN: Okay. That -- well, I have
 25 to tell you how this sort of strikes me, Stuart,

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1 because I have -- I'm retired, and I have three
 2 state pensions.
 3 COUNCIL MEMBER MILES: Yes.
 4 MS. SWANN: So what I'm kind of hearing
 5 here is, well, nobody else is doing it, so we're not
 6 going to do it, too. And it reminds me of being a
 7 small child, and my father's saying, "Well, just
 8 because somebody else jumps off the bridge who
 9 can't swim, it doesn't mean you ought to go do it,
 10 too."
 11 COUNCIL MEMBER MILES: Well, I -- and,
 12 again, I'd like to have our auditor come back, and
 13 we can discuss further; okay?
 14 MS. SWANN: Well, they have listed it as
 15 a liability. And I think if anybody in this room
 16 tonight thinks that the state pension system and
 17 the situation that it is in is going to let Prospect,
 18 St. Matthews, Shively, Metro Louisville, or anybody
 19 else get by without having to pay the additional
 20 levees to cover that, then I think we're just all
 21 rolling the smoke up our you know what tonight.
 22 [laughter]
 23 MS. SWANN: So I think at some point,
 24 maybe -- maybe not this year, maybe not this
 25 coming year, but at some point I think Prospect and

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1 everybody else is going to have to pony up what
 2 they haven't been paying or has been delayed for
 3 all these years, because the taxpayers alone are
 4 not going to do that just through their own state
 5 taxes.
 6 MAYOR EVANS: Rande, I've got ten more
 7 people who want to talk.
 8 MS. SWANN: Well, that --
 9 COUNCIL MEMBER MILES: Ms. Swann, I
 10 would -- I would like to comment on one thing you
 11 said.
 12 MS. SWANN: Uh-huh.
 13 COUNCIL MEMBER MILES: And I -- I am
 14 the one who called the mayor, and so I take full
 15 responsibility for what I told him. This doesn't fall
 16 underneath any other council members.
 17 MAYOR EVANS: What?
 18 COUNCIL MEMBER MILES: When I called
 19 you, mayor. I was the one who called you. And
 20 this --
 21 MAYOR EVANS: Called me -- called me
 22 about what?
 23 COUNCIL MEMBER MILES: The meeting,
 24 when I called you about the meeting -- having the
 25 meeting, and she was critical --

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1 MAYOR EVANS: No, you didn't -- you
 2 didn't call me.
 3 COUNCIL MEMBER MILES: Oh, excuse
 4 me. I called Laura, and then you called me.
 5 MAYOR EVANS: Well, Laura said she
 6 didn't know what the meeting was about. And so I
 7 called you to ask what the meeting --
 8 COUNCIL MEMBER MILES: Right.
 9 MAYOR EVANS: -- about, and you
 10 wouldn't tell me.
 11 COUNCIL MEMBER MILES: Right. And --
 12 and I'm -- I'm saying that I took -- I take
 13 responsibility for that. I'm the one who did that.
 14 And -- and the reason is -- and -- and I will admit, I
 15 wish that I had been able to think of a way to give
 16 the mayor more info on the meeting; but my
 17 concern was -- is that these employees had come to
 18 me in confidence.
 19 THE AUDIENCE: Ah.
 20 MS. SWANN: That's -- that's not a reason
 21 not to tell him --
 22 COUNCIL MEMBER FULCHER: That's not
 23 the question. I think your question --
 24 COUNCIL MEMBER MILES: I would -- I'd
 25 like to give my explanation; and then after I give it,

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1 if you find it lacking then -- then that's fine; but I
 2 would like to be able to give that explanation,
 3 Frank. Would you let me do that?
 4 COUNCIL MEMBER FULCHER: Well, she
 5 asked you a question about the budget and where
 6 the money's coming from.
 7 COUNCIL MEMBER MILES: No, but she --
 8 COUNCIL MEMBER FULCHER: And you're
 9 making a campaign speech.
 10 COUNCIL MEMBER MILES: Well, now,
 11 she -- Ms. Swann, did you not have a criticism of
 12 that?
 13 MS. SWANN: Yeah. I made a criticism;
 14 yes.
 15 COUNCIL MEMBER MILES: And I'm
 16 taking responsibility for that. And I'm -- I'm saying
 17 that -- not to blame the other council members. I
 18 was the one who was to call about the meeting.
 19 My concern was -- is that -- this is a small
 20 city, and we don't have a lot of employees. And
 21 when you have a situation where employees come
 22 forward, and you're trying to protect them from
 23 being retaliated against, which is an issue you
 24 have to think about, my concern was -- is that if I
 25 gave the mayor any information that would lead him

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1 to believe it was dealing with employees
 2 complaining about him, my concern was, that
 3 before the meeting, that he would go and start
 4 asking employees questions, and maybe put certain
 5 employees in an uncomfortable situation.
 6 That was my reason and my logic for doing
 7 that. If people find that lacking, that is your
 8 choice to make that considerations. That is my
 9 explanation.
 10 MS. SWANN: Okay. Thank you. Yes, I
 11 will yield the floor. Thank you.
 12 MAYOR EVANS: Let's continue hearing
 13 the speakers, if that's all right with everybody?
 14 [no audible response]
 15 MAYOR EVANS: The next person signed
 16 up is Grace Elbert.
 17 MS. ELBERT: Hi, my name is -- can
 18 you-all hear me?
 19 COUNCIL MEMBERS: Yes.
 20 MS. ELBERT: My name is Grace Elbert.
 21 My address is 1000 Goshen Lane, Goshen,
 22 Kentucky 40026.
 23 I'm not -- I'm not a citizen of Prospect, but
 24 I've worked on -- the Kroger across the street for
 25 about five years, and I know the Evans very

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1 personally. Actually, I would say they're the
 2 closest thing to second parents that I've ever had.
 3 They didn't know I was going to speak tonight
 4 until -- can you hear me? Okay. They actually
 5 didn't -- the -- Mr. and Mrs. Evans didn't know I
 6 was going to speak tonight, so I hope they're okay
 7 with what everything that I'm going to say.
 8 But I feel like if there's anyone that can attest
 9 to their character, it would be me. I have
 10 absolutely no outside bias other than the personal
 11 experiences that I've had, and to attest specifically
 12 to Mr. Evans' character, their home has become a
 13 second home to me.
 14 And I know how honest he is, how good he is,
 15 how loyal he is. I know his intentions from an
 16 emotional standpoint and also from a professional
 17 standpoint, that he -- and he adores this job
 18 because he adores the people that he gets to serve
 19 in this job.
 20 Those are the people of this building. Those
 21 are the people of this city. He admires them for
 22 people, because they're -- he looks for them and
 23 cares for them as people.
 24 And if there's any allegations that are raised
 25 that either their vote is or their aim is to paint him

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1 as a person that doesn't have the best intention
 2 for this city, that I ask that you would really
 3 reevaluate -- reevaluate your motives, because a
 4 lot of the motives you claim to have, which is
 5 caring about this city, do not align with the way
 6 that you-all have addressed situation. I mean,
 7 there's a dissonance in what you've done and what
 8 you say you care about that which we've all
 9 noticed.
 10 And so, personally, I know I'm just a
 11 22-year-old. I don't have much wisdom, but there's
 12 problem-solving skills that could have been used
 13 other than abruptly approaching someone on a
 14 Thursday night and demanding a resignation at
 15 2:30 in the morning for a list of allegations that
 16 you haven't spoken to him on -- in another context.
 17 So I just think that -- again, I'm not a citizen
 18 of this community, but I'm -- I'm very involved with
 19 it; and that these people are owed that; and that
 20 this situation should have been -- should have been
 21 addressed in a different way.
 22 And if you-all want to carry out the way that
 23 you have, and carry -- conduct an investigation to
 24 waste 25- or \$50,000 to basically -- I'm sure what
 25 you will find is a mayor that loves this city, and

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1 that for every allegation -- which they are
 2 allegations, not facts. For every allegation you
 3 come up with, there is going to be a list of
 4 fabulous, genuine, selfless things that we could -- I
 5 could stand here all night and listen to you -- we
 6 really would have a meeting that would last until
 7 11:30 if I did stand here and list them all; that long
 8 someone like Mr. Evans should be appreciated.
 9 And I would go as far to say that if your goal is
 10 to replace him, I don't think you will find a better
 11 replacement. And it's for the better of this city to
 12 appreciate someone who has the heart and the work
 13 ethic that he does.
 14 And if there's situations which, in any context,
 15 whether it's the workplace, whether it's in some
 16 sort of administration context, whether it's at
 17 home, there will be complications. There will be
 18 situations. There will be disagreements.
 19 And if you-all can't problem solve in a
 20 different way than has been carried out, then I
 21 really think that you-all should maybe take step --
 22 take a step back and reevaluate what your options
 23 might be.
 24 So that's really all I have to say. Again, that's
 25 just by knowing them for four to five years. And

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1 when you care about someone, and you know them
 2 so personally, it can cause you to speak when
 3 they're under attack. Thank you.
 4 [applause]
 5 MAYOR EVANS: Thank you, Grace. John
 6 Dawson.
 7 MR. DAWSON: Good -- good evening. I'm
 8 John Dawson, 7913 Westover Drive. And I hope I'll
 9 be brief.
 10 One thing I want to do is just clarify some
 11 things that were said. There are four of you that
 12 clearly have concerns about the mayor. As far as
 13 the upcoming election is concerned, will each of
 14 you again state -- or -- will any of you be running
 15 for mayor this year?
 16 COUNCIL MEMBER NICHOLSON: No.
 17 COUNCIL MEMBER SCHMIDT: Absolutely
 18 not.
 19 COUNCIL MEMBER MILES: No.
 20 Absolutely not.
 21 MR. DAWSON: Okay. Would any of you
 22 serve as mayor if there were a vacancy in the
 23 mayor?
 24 COUNCIL MEMBER MILES: No.
 25 COUNCIL MEMBER NICHOLSON: No.

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1 COUNCIL MEMBER SCHMIDT: No. We're
 2 on record saying that.
 3 MR. DAWSON: Okay. I -- I just wanted to
 4 be clear --
 5 COUNCIL MEMBER MILES: Yeah, that's a
 6 fair question.
 7 MR. DAWSON: -- of what the situation is.
 8 The -- this whole thing, without rehashing the
 9 details for the fourth time, basically hits me --
 10 we -- some of you are very disgruntled with -- for
 11 different reasons. I don't know what it is. We've
 12 listened to it all.
 13 The real question is: You're -- you're trying to
 14 make it into something that it doesn't seem to be to
 15 me. I -- I think I'm listening to a political witch
 16 hunt, and \$25,000 is what you want to spend, kind
 17 of kicking it around, when you've got an election
 18 coming in five months.
 19 Let the people decide. Why waste the money?
 20 That's the way elections work. If you have your
 21 complaints, take them to the voters. That's the
 22 bottom line. That's my comment.
 23 [applause]
 24 MAYOR EVANS: Thank you, John. Next,
 25 Elsa Riggs.

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1 MS. RIGGS: I'm Elsa Riggs. I live at
 2 6521 Harrods View Circle, and have been a
 3 resident of Prospect since 1970.
 4 And I have seen several boards seen come and
 5 go. This is a very embarrassing meeting, ladies
 6 and gentlemen.
 7 MS. SPEAKER: Can't hear you.
 8 MR. SPEAKER: Speak louder.
 9 MS. RIGGS: I find that this is an
 10 extremely embarrassing meeting. This is a
 11 tit-for-tat meeting.
 12 I have just read the minutes of the meeting on
 13 May 21st and the proposed resolution. To say the
 14 very least, I find it extremely troubling. I'm not
 15 speaking for or against Mayor Evans. I'm not
 16 speaking for or against Member Miles, Council
 17 Member Nicholson, Member Schmidt, and Council
 18 Member Stovall. You've been throwing fiduciary
 19 duty around quite a bit. It sounds good.
 20 The first thing you do when you run a city, you
 21 have a fiduciary duty to have a handbook and have
 22 grievance policies in place. I ran a company.
 23 You've been there for 11 years, it hadn't occurred
 24 to you?
 25 COUNCIL MEMBER SCHMIDT: Go ahead.

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1 I'll wait until you're done.
 2 MS. RIGGS: Oh, that's fine; but, I mean,
 3 you have a ton of issues that need to be addressed
 4 before you employ someone, and you have not --
 5 not anybody has addressed them.
 6 Now to your resolution of the \$50,000 price
 7 tag. I just found it's going to be \$25,000 now.
 8 Exactly what are you trying to investigate? You
 9 have no written proof of the allegations, as I
 10 understand it.
 11 You've basically issued a threat to the mayor
 12 that he will spill the rest of the beans if he doesn't
 13 resign. You made a health assessment of the
 14 mayor, and who, may I ask, was the qualified MD
 15 that did that?
 16 [laughter]
 17 MS. RIGGS: And I've -- I would like for
 18 you to comment on that. I would -- Ron, turn it
 19 down.
 20 COUNCIL MEMBER LEONARD: You're
 21 going to have to ask your question again. I
 22 couldn't hear it.
 23 MS. RIGGS: I'll wait until he's done.
 24 Okay.
 25 You have made a health assessment, one, two,

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1 three, four; okay, of the mayor. And who, may I
 2 ask, was the qualified MD who did that?
 3 COUNCIL MEMBER MILES: Nobody made
 4 a health assessment.
 5 MS. RIGGS: No, no, no. Wait a minute.
 6 COUNCIL MEMBER MILES: Oh, I'm sorry,
 7 but that's --
 8 MS. RIGGS; Let me finish. Let me finish.
 9 COUNCIL MEMBER MILES: I thought that
 10 was -- I thought it was a question.
 11 MS. RIGGS: I'm not done.
 12 COUNCIL MEMBER MILES: All right. I'm
 13 sorry.
 14 MS. RIGGS: Stuart, I'm not done. You
 15 allowed the mayor no due process. You blindsided
 16 him.
 17 Where are we? The last time I checked it was
 18 United States of America, not a Banana Republic.
 19 I'm appalled, absolutely appalled. You haven't
 20 said a word, and you were involved, Mr. Stovall.
 21 I'd like to know who drafted this resolution.
 22 It's not a very good one, and I'm not a lawyer. The
 23 only person you named is Mr. Cundiff. What is his
 24 written report?
 25 At the very least, you have it backwards, and

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1 I'm being kind. First, you document the allegations
 2 with affidavits. The accusers have to sign it. Then
 3 the accused can respond, and then comes the
 4 resolution.
 5 And then maybe you can investigate. You
 6 don't have anything to investigate. It's hearsay. If
 7 somebody tells me my neighbor beats up his wife,
 8 and I call the chief and say, "You know, I heard my
 9 neighbor's wife gets beat up all the time. Can you
 10 come and investigate it?" He's going to laugh at
 11 me.
 12 You have to have documentation.
 13 Documentation is everything. And you haven't done
 14 it. It's she said, "Oh, it was -- it was said in
 15 confidence." Oh, my goodness.
 16 No. If you have serious allegations against
 17 somebody, you can make it public. And I'm not
 18 saying that you should sweep it under the rug.
 19 Absolutely not, but you've got to follow certain
 20 steps, and you're not doing it.
 21 I don't know why. You-all are intelligent
 22 people. You're not stupid. You wouldn't be sitting
 23 there, but you are taking shortcuts, and that's the
 24 wrong way of doing it.
 25 Anyway, I want to know how you came up with

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1 the price, too, \$50,000 originally. Now it's 25.
 2 Street money must be tight.
 3 Someone stated that this has been going on for
 4 a long time. You're throwing fiduciary duty around?
 5 That's been going on for a long time. You know
 6 about it. How come you haven't done anything
 7 about it? You can't sweep it under the rug, either.
 8 You have a fiduciary duty when somebody
 9 comes with a complaint. They're willing to sign an
 10 affidavit, then you investigate it. And you haven't
 11 done that.
 12 So -- but on a lighter note, I want to talk about
 13 the garbage, the garbage collection. I like it just
 14 the way it is.
 15 [applause]
 16 MS. RIGGS: We don't have to take the
 17 garbage cans to the curb during ice and snow. And
 18 then, let's face it, we do have a lot of older
 19 property owners, and it would be a harder burden to
 20 them. I -- I take my neighbor's garbage can always
 21 in because they can't do it.
 22 And just think, if we do not have to spend
 23 \$50,000, we can continue garbage pickup just the
 24 way it is.
 25 [applause]

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1 COUNCIL MEMBER MILES: Ms. Riggs,
 2 I've written down a couple of your questions. I'd
 3 like to answer them for you.
 4 MS. RIGGS: Yes, Doctor.
 5 COUNCIL MEMBER MILES: All right. The
 6 first is that we -- we have never named any
 7 employees who have spoken to us. So when you
 8 said that Mr. Cundiff spoke to us, we have said no
 9 employee names were spoken to us. So that -- that
 10 was incorrect.
 11 MS. RIGGS: Well, it was public
 12 knowledge that they had a disagreement.
 13 COUNCIL MEMBER MILES: There can be,
 14 you know, public knowledge in terms of who speaks
 15 that.
 16 MS. RIGGS: Okay. Okay.
 17 COUNCIL MEMBER MILES: And I -- and I
 18 prefaced when I spoke --
 19 MS. RIGGS: No, that's well taken.
 20 COUNCIL MEMBER MILES: Yeah, when
 21 I -- when I spoke to the mayor, I prefaced that this
 22 is a very small building with very thin walls. And
 23 so something about one employee, a conversation,
 24 could be hear -- heard by everybody -- not
 25 everybody in the building, but many people. So I

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1 just wanted to clear that up.
 2 And in terms of a health assessment, we are
 3 not qualified to make a health assessment of the
 4 mayor. And I've never made a health assessment
 5 of the mayor.
 6 MS. RIGGS: I'm really glad to hear that.
 7 COUNCIL MEMBER MILES: Yeah. And
 8 when I met with him, I made a point of telling him
 9 that my father had Alzheimer's. And I prefaced --
 10 THE AUDIENCE: Ah.
 11 MS. SPEAKER: He doesn't have
 12 Alzheimer's.
 13 COUNCIL MEMBER MILES: All right. You
 14 know, listen, you can -- you can do what you want.
 15 My father died of Alzheimer's. If you really think
 16 that I would be so repugnant to make that up, I
 17 mean, that's just horrible that you would even think
 18 that.
 19 All right. My father died of Alzheimer's. I told
 20 the mayor in the conversation -- I'm a PhD in
 21 psychology, social and personality. I told him I
 22 was--
 23 MS. RIGGS: So you're not an MD. You're
 24 a psychologist.
 25 COUNCIL MEMBER MILES: A

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1 psychologist.
 2 MS. RIGGS: Okay.
 3 COUNCIL MEMBER MILES: And I told
 4 him. And he asked me, he said, "Well, you're a
 5 psychologist." And I told him, "I am not qualified
 6 to do that. I'm not a clinical psychologist. I
 7 cannot do that."
 8 And I told him that my concerns were based on
 9 observations seeing my father, things I saw with
 10 the mayor; but, in the end, we cannot -- at the end
 11 of this investigation, it's not about the mayor's
 12 competence. We are not qualified to do that. We
 13 don't have the facilities to do that.
 14 This is about the behaviors and the actions --
 15 MS. RIGGS: Yeah, but you raised --
 16 COUNCIL MEMBER MILES: -- that took
 17 place.
 18 MS. RIGGS: -- some of them with --
 19 COUNCIL MEMBER MILES: That issue
 20 was brought up, and that was a concern --
 21 MS. RIGGS: Yes, you did.
 22 COUNCIL MEMBER MILES: No, that was
 23 a concern that was brought to us. It was, but -- but
 24 I told him that that is not something I'm qualified to
 25 do. I'm sure that Council Member Schmidt and

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1 Nicholson are not qualified to do it, nor is anybody
 2 sitting up here qualified to do that.
 3 This investigation is looking at behavior and
 4 actions and -- and tangible allegations.
 5 MS. RIGGS: Stuart, you still need to
 6 document it. I don't care what anybody says.
 7 When someone makes a serious allegation against
 8 someone, that's what I did. I had --
 9 COUNCIL MEMBER SCHMIDT: That's the
 10 whole idea -- that's the whole idea --
 11 MS. RIGGS: I didn't --
 12 COUNCIL MEMBER SCHMIDT: -- of doing
 13 this investigation, Elsa.
 14 COUNCIL MEMBER LEONARD: That --
 15 that is not.
 16 COUNCIL MEMBER SCHMIDT: We -- we
 17 have to get to the bottom of it.
 18 MS. RIGGS: I understand that. I
 19 understand that completely. Fine, get to the
 20 bottom of it, but I used to have -- I handed
 21 everybody a -- a pad of paper. I said, "Write it
 22 down, what your problem is. Go in my office, go in
 23 this office, go in this office." Twenty minutes later
 24 it wasn't that serious of a thing anymore.
 25 What I did then? I make the final letter that

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1 they had -- they have no grievance. That's the way
 2 you work. You've got to document it in a court of
 3 law.
 4 MAYOR EVANS: All right. All right.
 5 MS. RIGGS: It's not going to work.
 6 MAYOR EVANS: Okay.
 7 COUNCIL MEMBER MILES: And, Elsa,
 8 there's --
 9 MAYOR EVANS: Let's -- let's move along.
 10 COUNCIL MEMBER MILES: Well -- well,
 11 Mayor, she -- she brought up several questions,
 12 and I think they're legitimate questions. And I'd
 13 like to --
 14 THE AUDIENCE: No, let's move on. Let's
 15 move on.
 16 MS. RIGGS: Listen, Stuart -- Stuart, I
 17 know people will tell me, and I --
 18 COUNCIL MEMBER MILES: Would you
 19 like me to do it off -- off -- out of the meeting?
 20 MS. RIGGS: Yes.
 21 COUNCIL MEMBER MILES: Okay. I'll do
 22 that.
 23 MS. RIGGS: Because I think some other
 24 people would like to --
 25 COUNCIL MEMBER MILES: That's fine.

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1 Okay. After the meeting we'll talk.
 2 MS. RIGGS: Okay.
 3 COUNCIL MEMBER MILES: All right.
 4 MAYOR EVANS: The next speaker signed
 5 up is Bissell Roberts. Mr. Roberts?
 6 MR. ROBERTS: Yes, sir. Thank you.
 7 Mayor, Council Members, my name is Bissell
 8 Roberts. I live 8610 Westover Drive, and I will
 9 keep my comments brief.
 10 I guess -- well, I agree with what most of the
 11 other speakers have said tonight. I think you're
 12 wasting a lot of your time. I think you're wasting a
 13 lot of the public's time in this investigation or this
 14 attempt to do an investigation.
 15 I do have a question for Attorney Potts -- City
 16 Attorney Potts. If there was an investigation, am I
 17 correct that the investigator would have no
 18 authority to subpoena witnesses, to subpoena
 19 documents? They would just be able to do
 20 interviews and -- and voluntary --
 21 CITY ATTORNEY POTTS: That's correct.
 22 MR. ROBERTS: Okay. So the in --
 23 investigator or alleged investigator has a whole lot
 24 of limitations. It's only what people are willing to
 25 voluntarily disclose; is that correct?

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1 CITY ATTORNEY POTTS: Yeah. And, I
 2 mean, they -- they could agree to give a sworn
 3 statement, but he can't compel that.
 4 MR. ROBERTS: Right. And I understand
 5 that the state law would require a six to zero vote
 6 to impeach the mayor.
 7 CITY ATTORNEY POTTS: That is correct.
 8 MR. ROBERTS: Which to me means that
 9 this whole process of investigation is a waste of
 10 public money. And if you spend that public money,
 11 you're not being fiscally responsible, because
 12 everybody here knows that there's two votes that
 13 are going to go -- go to the mayor's side.
 14 And no matter what your four votes do, you
 15 have just wasted 25,000 or 50,000, and all of the
 16 time and all of the energy and all the hard feelings
 17 that are going to come from this.
 18 What I would recommend is that you pass one
 19 of the budgets you propose and delete out the
 20 section about \$25,000 of public money going to
 21 investigate Mayor Evans.
 22 MAYOR EVANS: Well, there is such an
 23 ordinance which has had it's first reading tonight
 24 that doesn't have the 25,000 in it; and then there's
 25 an almost identical proposal ordinance that does

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1 have the 25 in it. So it's up to the council to
 2 choose which one it wants to pass.
 3 MR. ROBERTS: What I'm suggesting is
 4 the path I think the council should take is to pass
 5 the one without the \$25,000 in it, and to get on
 6 with the city's business.
 7 Hiring an investigator based on the information
 8 you have is not wise. It's not prudent. It's not
 9 fiscally responsible.
 10 And, by the way, one of the council members
 11 mentioned there had been an employee complaint
 12 about some alleged violation. Well, that shouldn't
 13 be the subject of an investigation of the mayor.
 14 That should have been turned over to the city
 15 attorney, to the insurance company that represents
 16 Prospect.
 17 The last thing you want is public information
 18 about that. Any good lawyer news that you do not
 19 want information that's adverse to the city to be
 20 out in the public realm, because you're just adding
 21 fuel to the fire if that employee has a legitimate
 22 complaint. It should be handled as privately as
 23 possible. So you're on the wrong path there.
 24 My feeling is if you're really concerned about
 25 the welfare of the city, if you're concerned about

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1 your own futures as elected officials, I would urge
 2 you to table this ordinance to pass the budget
 3 without the 25,000. Thank you.
 4 [applause]
 5 MAYOR EVANS: Thank you, sir. Next is
 6 Edward Rademaker.
 7 MR. RADEMAKER: My name is Ed
 8 Rademaker, and I live at 8311 Star Point Court.
 9 The mayor hasn't asked me to come tonight,
 10 but I -- I read -- I her -- I read the minutes of -- of
 11 the last meeting. And I'm sitting here tonight, and
 12 I am absolutely shocked. I'm shocked, because I
 13 know this man in my 20 years that I have lived in --
 14 in this community.
 15 Now, I find him to be competent,
 16 compassionate, and, indeed, a very, very caring
 17 man. And so I read closely to these -- these --
 18 these minutes that you have last time and heard
 19 you tonight, and believe you me, it's echoed here
 20 in this group and the last group that you really
 21 have only vague hearsay to what you're doing.
 22 And Mr. Miles and Mr. -- Mr. Schmidt, you have
 23 mishandled this completely. And will you please
 24 listen to your citizens here? They -- the-- the
 25 gentleman who just spoke --

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1 [applause]
 2 MR. RADEMAKER: -- gave you a very
 3 nice outcome, a very nice surprise. Don't waste
 4 our money. Don't waste our money.
 5 And, Mr. Miles, you have a PhD in
 6 psychology. Didn't they teach you public -- I mean,
 7 problem-solving skills? Didn't they teach you?
 8 How about you, Luke? Did you have -- did --
 9 did you have problem-solving skills?
 10 I don't know you, Susan, but you're an -- an
 11 attorney. Do you sue everybody? Do you want to
 12 fire everybody? No, you want to solve the problem
 13 out of court.
 14 Don't embarrass us. Don't embarrass us -- us
 15 here in this group. Solve the problem. Get in a
 16 room and solve it, and also have decent procedures
 17 where -- where if there are complaints with -- with
 18 people who work for the city, have them have a
 19 mechanism they can resolve those -- those
 20 complaints.
 21 It's very simple: Listen to what the people of
 22 the city say. Thank you very much.
 23 [applause]
 24 MAYOR EVANS: Thank you. Next is
 25 Kathy Sauer.

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1 CHIEF SHERRARD: Sadler, I think.
 2 MAYOR EVANS: Sadler. I'm sorry. I
 3 misread that.
 4 MS. SADLER: Okay. My name is Kathy
 5 Sadler. I live at 7405 Smithfield Green Lane,
 6 Prospect, Kentucky 40059.
 7 For the most part, I have to say the previous
 8 speakers have said a lot of what I wanted to say,
 9 some of them very eloquently. As 22-year-old
 10 Grace who says that she's really not young enough
 11 or qualified enough to speak to this; however,
 12 she -- I wanted to give her a standing ovation,
 13 quite frankly. She spoke so well. And it had
 14 nothing to do with her personal feelings regarding
 15 the mayor, but has more so to do with the process
 16 of what's happened here.
 17 Each of you say -- and -- and you know, you
 18 refer to the -- the gang of four, but the truth is
 19 when this was first proffered at the last meeting,
 20 the language, we'll call it, back there by the -- said
 21 a number of employees had come to you. And Luke
 22 said that tonight when explaining these things, said
 23 that a number of employees had come to you
 24 personally, and -- with these, quote/unquote,
 25 "grievances."

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1 So there's also been talk about a process.
 2 Generally, there is a process in place, in a city,
 3 especially. If an employee has a problem, we have
 4 human resource people who can take care of that,
 5 too. They don't have to come just to the mayor.
 6 But the fact of the matter is, (1) we don't know
 7 who any of these people are. We don't have
 8 anything written from anybody that confirms these
 9 allegations. We don't know if you really went to
 10 them first and said, "Gee, you know, do you
 11 remember that time when you told me
 12 da-da-da-da-da?" Okay. You know, or did they call
 13 you up and say, "I have a serious problem"?
 14 Now, the one person was Stuart said that an
 15 employee actually came to him and said that, "If
 16 you don't do something about this; the city is going
 17 to get sued"; is that correct?
 18 COUNCIL MEMBER MILES: In talking to
 19 an employee, they told me those words; yes.
 20 MS. SADLER: In talking to an employee.
 21 Did that employee come to you and say, "These are
 22 the allegations that I have, and that if nothing is
 23 done about them, then the city will be sued"?
 24 COUNCIL MEMBER MILES: What I said in
 25 the last meeting, I'll --

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1 MS. SPEAKER: "Yes" or "no."
 2 COUNCIL MEMBER MILES: -- I'll
 3 repeat -- well, I'm -- I'm going to explain.
 4 In the last meeting, I said that I went to an
 5 employee, when the mayor had said that he was not
 6 going to have a city administrator, and asked the
 7 employee what they thought about that model. And
 8 that was the simple question I asked.
 9 And they told me they thought that was not a
 10 good idea, and they listed the reasons why. And
 11 they -- many of the -- in the first conversation, it
 12 was almost all of the reasons that are found in the
 13 allegations.
 14 In talking to them a second time or a third
 15 time, at some point, and it could have been the
 16 first meeting, but I honestly can't say it was the
 17 first or the second, they said that they felt these
 18 allegations or these issues were so serious, that if
 19 something wasn't done, they felt the city could be
 20 sued by an employee.
 21 MS. SADLER: Okay. Once again, in
 22 talking to them -- I -- I know that you're carefully
 23 choosing your words in talking to them. And what I
 24 have written down that you said earlier this evening
 25 was, in fact, that however this transpired was that

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1 the bottom line was an employee told you that if
 2 the city doesn't do something about this, that the
 3 city will be sued.
 4 COUNCIL MEMBER MILES: Could be
 5 sued.
 6 MS. SADLER: Could be sued if the em --
 7 if the city doesn't do something about this. Yet
 8 this person thought that this was so grievous, that
 9 they have never filed any official complaint.
 10 They've never went to anybody else.
 11 And how -- I would love to know how this ball
 12 started rolling? You -- first, were you the one who
 13 began this, quote/unquote, "investigation"?
 14 COUNCIL MEMBER MILES: I was the one
 15 who the employee first told this information.
 16 MS. SADLER: Who -- employee first told
 17 you. Did this --
 18 COUNCIL MEMBER MILES: This
 19 information.
 20 MS. SADLER: -- employee come to you
 21 and say, "Stuart, I've got a -- I've got an
 22 allegation"? .
 23 COUNCIL MEMBER MILES: I'll repeat
 24 myself. I asked this employee what they thought
 25 about the mayor --

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1 MS. SADLER: Okay. That's good.
 2 COUNCIL MEMBER MILES: -- and then
 3 they gave me that --
 4 MS. SPEAKER: There we go.
 5 MS. SADLER: All right. I just want to get
 6 that clarified. Thank you.
 7 COUNCIL MEMBER MILES: Yeah.
 8 MS. SADLER: Okay. And then Susan said
 9 that she personally heard from an employee, and I
 10 ask her the same question: Did the employee come
 11 to you with an allegation?
 12 COUNCIL MEMBER NICHOLSON: Yes.
 13 MS. SADLER: The employee came to you?
 14 COUNCIL MEMBER NICHOLSON: Yes.
 15 MS. SADLER: Okay. Why did she not
 16 bring it through the due course, through channels?
 17 COUNCIL MEMBER NICHOLSON: Well,
 18 I've got -- share no liberty to say that without
 19 breaching a confidence that employee placed.
 20 They were not comfortable coming forward.
 21 MS. SADLER: Okay. But in the same
 22 light, what you did was be part of a -- a group that
 23 went to the mayor on your own, presented him with
 24 these, quote/unquote, "allegations," and said that
 25 he could resign by a certain time. He was not --

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1 COUNCIL MEMBER NICHOLSON: Again --
 2 MS. SADLER: -- allowed due process;
 3 which is what is the most important here, due
 4 process. And all of you legal minds up there know
 5 about due process.
 6 COUNCIL MEMBER NICHOLSON: And --
 7 MS. SADLER: And he was not afforded
 8 that. The only thing that's happened as a result of
 9 this is that the mayor and the City of Prospect have
 10 both had shade thrown on them, in particular,
 11 Mayor Evans.
 12 And we know that, again, we are going to have
 13 an election in five months, five months; but you
 14 want to spend our money to investigate things that
 15 you know that there's not going to be a resolution
 16 to before the investigation is even over.
 17 The only thing that's going to happen as a
 18 result of it is -- is that you're going to run into the
 19 next election, which as somebody else referred to:
 20 You let the people decide. If they say, "Hey, well,
 21 Mayor Evans is -- he did this, he did that," which
 22 in -- in part you have helped, because you put out
 23 these allegations against him without his due
 24 process.
 25 So -- and I -- I spoke to this when I was here

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1 before. It doesn't matter what allegation is made
 2 against somebody. Once it's put forth, there has
 3 been harm. And, you know, that there has been
 4 harm, because back in the -- in the back of the
 5 people's minds, unless they had their own personal
 6 knowledge of what has occurred, it's going to be in
 7 the back of their minds, all of what voting public of
 8 Prospect, gee, I wonder if there's anything to this.
 9 Now, this investigation which is -- was going to
 10 cost \$50,000, now we're going to get it on sale at
 11 25,000 --
 12 [laughter]
 13 MS. SADLER: -- then, you know, that
 14 information is, once again, not going to do anything
 15 for us. So that money -- again, I'm saying is that,
 16 you know, the money is just being wasted when we
 17 can use it for other such things.
 18 MAYOR EVANS: Kathy, I think we need to
 19 wrap it up.
 20 MS. SADLER: Okay. One more thing.
 21 Oh, okay.
 22 Luke had said that we can go back and forth
 23 with the mayor on what was said at that meeting
 24 that the three of you went forth and had with Mayor
 25 Evans without telling him what it was about; but

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1 you also alerted Laura that you wanted her to be at
 2 the meeting. Why was she there?
 3 COUNCIL MEMBER SCHMIDT: Why? I
 4 did not extend the invitation to Laura, but just the
 5 thought was it would be helpful to have a
 6 noncouncil member with us at the meeting.
 7 MS. SADLER: Who -- who extended the
 8 invitation to her?
 9 COUNCIL MEMBER MILES: I did for that
 10 reason.
 11 MS. SADLER: Okay.
 12 COUNCIL MEMBER MILES: I thought it
 13 would -- I thought it would be good for -- for such a
 14 meeting to have a city administrator there as a
 15 witness to the meeting.
 16 MS. SADLER: So she was not taking
 17 official notes or anything because she was not
 18 there in an official capacity; is that accurate?
 19 COUNCIL MEMBER MILES: No, she was
 20 there as the city administrator.
 21 COUNCIL MEMBER SCHMIDT: Sure.
 22 COUNCIL MEMBER MILES: Yeah.
 23 MS. SADLER: Okay. Then if that's true,
 24 once again, these allegations, why did you not
 25 bring them to the board itself? Why did you not do

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1 that before you put him on trial publicly?
 2 COUNCIL MEMBER MILES: Well, first
 3 off, we met with him, and we went over the
 4 allegations we --
 5 MS. SADLER: No, not "we," the entire
 6 council. Why did you not have a meeting with the
 7 entire council? "These things have come to our
 8 attention."
 9 COUNCIL MEMBER NICHOLSON: That is
 10 actually what happened at the last council meeting.
 11 COUNCIL MEMBER SCHMIDT: That's
 12 right.
 13 MS. SADLER: At the last council meeting
 14 here -- here.
 15 COUNCIL MEMBER NICHOLSON: We
 16 brought those allegations to the public.
 17 MS. SADLER: Here.
 18 COUNCIL MEMBER NICHOLSON: Here.
 19 MS. SADLER: Well --
 20 COUNCIL MEMBER NICHOLSON: You
 21 can't have a meeting of all the council people
 22 without having it be an open meeting.
 23 MR. SPEAKER: Why not? Why not?
 24 COUNCIL MEMBER NICHOLSON: It's
 25 illegal.

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1 MS. SADLER: So you conveniently avoid
 2 the -- the quorum of four by using three, although
 3 all four of you knew what was -- what you were
 4 going to do, is that correct?
 5 COUNCIL MEMBER STOVALL: That's
 6 incorrect. That's incorrect.
 7 COUNCIL MEMBER FULCHER: That's --
 8 that's not --
 9 MS. SADLER: Okay. Tell me how
 10 that's --
 11 COUNCIL MEMBER FULCHER: That's --
 12 that's correct. If you look at the minutes of the
 13 last meeting --
 14 COUNCIL MEMBER STOVALL: Okay,
 15 Frank.
 16 COUNCIL MEMBER FULCHER: -- you will
 17 see that it's -- that they violated the open meetings
 18 act by doing that and excluding --
 19 COUNCIL MEMBER STOVALL: That's
 20 incorrect.
 21 COUNCIL MEMBER FULCHER: -- by
 22 excluding both Sandra and myself.
 23 COUNCIL MEMBER STOVALL: That's
 24 incorrect, and that's a -- that's -- that's a very
 25 serious allegation. It's actually the second one

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1 you've made against me at this meeting.
 2 COUNCIL MEMBER FULCHER: I didn't
 3 make it against you. I made it against all four.
 4 COUNCIL MEMBER STOVALL: No, you
 5 did. I'm one of the four you're talking about.
 6 COUNCIL MEMBER FULCHER: Yes.
 7 COUNCIL MEMBER STOVALL: I'm not
 8 going to stand for that.
 9 COUNCIL MEMBER FULCHER: You -- if --
 10 it's in the minutes that you talked -- all four of you
 11 talked before the three of you went into the mayor.
 12 You knew what was going on, Jeff.
 13 COUNCIL MEMBER STOVALL: I don't
 14 know -- I was not part of that meeting. And I'm not
 15 going to talk about anything about this, Frank. I'm
 16 not going to talk about it.
 17 COUNCIL MEMBER FULCHER: Well,
 18 that's probably smart.
 19 COUNCIL MEMBER STOVALL: Yeah, it
 20 is. And I think you should heed your own advice.
 21 COUNCIL MEMBER MILES: First off,
 22 there's nothing that prohibits council members from
 23 talking individually amongst each other. The rule
 24 is -- is that council members, four or more, cannot
 25 meet together to discuss a --

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1 MR. SPEAKER: That's -- that's not what
 2 the law says.
 3 COUNCIL MEMBER FULCHER: That's not
 4 what the law says.
 5 COUNCIL MEMBER MILES: Yes, it does.
 6 COUNCIL MEMBER FULCHER: No.
 7 Grover? Grover, please?
 8 CITY ATTORNEY POTTS: A quorum of a
 9 city council cannot conduct business except in an
 10 open meeting.
 11 COUNCIL MEMBER FULCHER: Yes.
 12 CITY ATTORNEY POTTS: And if two
 13 members of the city council talk to one another,
 14 and those other two members talk to two more
 15 members, and they do that as a subterfuge to keep
 16 from having an open meeting, then that's illegal.
 17 COUNCIL MEMBER FULCHER: That's
 18 illegal; correct.
 19 MS. SADLER: Okay. Thank you for your
 20 answer. Thank you, Jeff, for answering without
 21 answering. Appreciate it.
 22 MR. SPEAKER: Can we ask what the
 23 allegation is that's going to get us sued?
 24 COUNCIL MEMBER MILES: It had to do
 25 with hostile work environment.

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1 MAYOR EVANS: The next speaker is Dale
 2 Dodrill.
 3 MR. DODRILL: I'm Dale Dodrill, 6934
 4 Wythe Hill Circle.
 5 I stand here in front of Stuart, as leader of the
 6 funky [phonetic] four, wasting my breath again just
 7 as the rest of my fellow citizens have wasted their
 8 breath, because once you decide to do something,
 9 you do it.
 10 Although I was out of town at the time of the
 11 last city council meeting, I reviewed the areas of
 12 concern and the ordinance res -- resolution for
 13 spending my tax dollars to investigate. I've read
 14 the minutes of the meeting, and I met with the
 15 mayor. I believe him to be of sound mind and fully
 16 capable of continuing to lead our city in the
 17 competent and constructive manner that he has in
 18 the past.
 19 I have to question why not meet with him
 20 individually, Stuart, rather than ganging up on him
 21 to review these areas and for embarrassing our
 22 city, and, most of all, the mayor for what I believe
 23 to be a farce?
 24 However, I do believe there's calls for
 25 investigation. We have 60 US National Parks and

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1 four -- 417 National Park sites supported by my tax
 2 dollars. We have 49 state parks supported by my
 3 tax dollars. We have 54 parks in Jefferson County
 4 supported by my tax dollars. That's 580 park sites
 5 readily accessible to me.
 6 Yet in the minutes of the last meeting, I read
 7 about Councilman Miles whining about getting more
 8 tax dollars to support parks in Prospect I don't --
 9 that I believe we don't need and that are used
 10 primarily by non-Prospect residents.
 11 Is it to further beautify the park in your
 12 backyard to increase the value of your house, or to
 13 pay for the increasing maintenance of these not
 14 needed parks? Maybe you just need to beat your
 15 chest in front of your tree-hugging friends.
 16 Stuart, I believe you should be investigated.
 17 [laughter]
 18 MR. DODRILL: Why is Councilman
 19 Smith -- Schmidt constantly pushing projects to
 20 move us closer to Metro Government where I don't
 21 want to be?
 22 MR. SPEAKER: I don't, either.
 23 MR. DODRILL: A prime example is this
 24 sidewalk to nowhere that we talked about earlier.
 25 Schmidt and his cohorts pushed through this

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1 project, which will cost us at least 200- to 400,000;
 2 probably more, yielding little or no benefit to the
 3 vast majority of Prospect residents. Oh, yes.
 4 Luke's business depends on a good
 5 relationship with Metro, and he's spoken about
 6 Metro lovingly many times tonight. Luke, I think
 7 you should be investigated.
 8 [applause]
 9 COUNCIL MEMBER SCHMIDT: I've got
 10 to -- I've got to interrupt you here; okay?
 11 You're -- you're making some wild comments
 12 and insinuating --
 13 MR. DODRILL: I'm not finished.
 14 COUNCIL MEMBER SCHMIDT: Well, I'm
 15 going to have to interrupt you for one second,
 16 because the point of it is: Just because I stated a
 17 couple of things about Metro tonight doesn't mean
 18 that my business depends on it. It absolutely
 19 doesn't.
 20 Stuart has spent years working to build a
 21 reasonable park system for the citizens of this
 22 community.
 23 MR. DODRILL: Which we don't need.
 24 COUNCIL MEMBER SCHMIDT: Well,
 25 that's your opinion. There are a lot of people

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1 that --
 2 MR. DODRILL: It is my opinion, and
 3 that's what -- that's what I'm up here to say. And
 4 I -- I appreciate you not interrupting me.
 5 COUNCIL MEMBER SCHMIDT: All right;
 6 but I'd just watch your tone.
 7 MR. DODRILL: I will -- I will say what I
 8 want to say.
 9 COUNCIL MEMBER SCHMIDT: Okay.
 10 MR. DODRILL: I've spoken badly about
 11 Mayor Falk. I am, have, and will continue to speak
 12 badly about certain council mem -- members of
 13 Prospect.
 14 I have -- when I was working, I spoke loudly to
 15 some of my employees. I've use -- even used the F
 16 word in certain situations on the golf course.
 17 Maybe I should be investigated.
 18 But, no, you can continue to consider a motion
 19 to waste \$50,000 now, as one of my fellow citizens
 20 pointed out, on sale with 25,000 of our tax money,
 21 moved by Metro Loop, seconded by Stuart, and
 22 voted for by his followers, including a councilman
 23 with one foot barely in Prospect and one foot out.
 24 As you can surmise by this presentation, I'm
 25 not a politician, but I will speak on behalf of a

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1 good man accused of things ranging from
 2 inconsequential to reputed by those he's accused
 3 of wronging. I'm not a politician; but I will work to
 4 get you and you out and responsible
 5 representatives of the City of Prospect in;
 6 representatives who will work to supply us with the
 7 services needed, keep the city clean; protect us
 8 from harm, and use our tax dollars wisely;
 9 representatives who will not push personal agendas
 10 while increasing overhead, which inevitably will
 11 result in increased taxes to the mass [phonetic].
 12 Thank you.
 13 [applause]
 14 MAYOR EVANS: Thank you. Next on the
 15 list is Linda Creech. Linda, you've already spoken.
 16 Do you want to speak some more?
 17 MS. CREECH: I would like to, please.
 18 MAYOR EVANS: Step up. .
 19 MS. CREECH: Linda Creech, 7217
 20 Hunters Run Drive.
 21 A lot of what I wanted to say has been said,
 22 but I have a few points. And they just kind of
 23 bounce all over the board, so bear with me.
 24 First of all, we've talked a lot tonight about
 25 fiduciary duty. Let's go back to that, because

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1 fiduciary duty isn't just about what's going on in
 2 the workplace here. We're talking about an
 3 unfunded pension liability, a million plus, that we
 4 know is a liability, as the accountant laid out.
 5 Whether or not anybody else is setting the
 6 money aside -- that's why I ran this boat, because
 7 everybody's kicked the can down the road, and
 8 nobody ever wants to pay it and set the money
 9 aside. It's time to do that and not mortgage
 10 Prospect's future further. And it seems to me that
 11 should be your fiduciary duty.
 12 We looked at how much money is left
 13 unallocated in our fund. It's down to about three
 14 months. In my household, we have a lot of things
 15 we want to do, and we don't have enough money to
 16 do it all.
 17 I agree with the last gentleman. 400,000 is a
 18 lot of money for a bike path that's going to go
 19 through the heart of our city where all our cars are
 20 going, where all our new drivers are driving, where
 21 all our seniors are driving. It's going to be a
 22 dangerous situation, and we're going to mortgage
 23 our future for that.
 24 I have no idea how you put things on a ballot,
 25 but there's an election coming up. I think it would

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1 be an awesome thing to put on the ballot: Does the
 2 City of Prospect want to spend \$400,000 for this
 3 and let the taxpayers decide "yes" or "no"?
 4 MS. SPEAKER: Yes.
 5 [applause]
 6 MS. CREECH: It seems to me that should
 7 be our decision.
 8 Stuart, when someone said to you they're
 9 afraid the city's going to be sued, were they
 10 saying, "I plan to sue the city if you don't do
 11 something," or were they saying, "I'm hearing this,
 12 and I'm hearing that, and I'm just afraid somebody
 13 is going to sue us"? What was the actual
 14 connotation?
 15 COUNCIL MEMBER MILES: The
 16 connotation was -- is there was a concern from
 17 another individual would; but this person also
 18 indicated, that because of the actions of the mayor,
 19 that he had a -- a -- a legal case against him for
 20 what he had done.
 21 MS. CREECH: And was planning to sue.
 22 COUNCIL MEMBER MILES: No, no. They
 23 said that they were not planning to sue.
 24 MS. CREECH: Was your question, "What
 25 do we have to do to prevent someone suing us"?

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1 Was that your question, and was the answer,
 2 "Investigate the mayor"?
 3 COUNCIL MEMBER MILES: No.
 4 MS. CREECH: How did you respond to
 5 that?
 6 COUNCIL MEMBER MILES: Well, I mean,
 7 we were talking to this person who had several
 8 concerns. They listed the concerns.
 9 MS. CREECH: Uh-huh.
 10 COUNCIL MEMBER MILES: And, again, in
 11 general, without rehashing everything, but one of
 12 the main concerns had to do with the mayor's
 13 decision making, and it -- and that it led to several
 14 outbursts and screaming and yelling issues with
 15 employees.
 16 And their concern was -- is that this -- they
 17 were concerned that this could lead to an employee
 18 suing the city.
 19 MS. CREECH: Now, here's another
 20 concern of mine. I went on Nextdoor and read
 21 about an incident that I think said that the -- the
 22 "damned Jew" comment was made in 2015. I -- I
 23 cannot say if that's a true statement or not. That's
 24 what I read. That's three years ago.
 25 We all know how memories are. Sometimes our

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1 memories are faulty. Sometimes we hear things so
 2 often that we begin to believe they're true even if
 3 they weren't. It seems to me that some of this is
 4 reaching back way too far to rely on anybody's
 5 memory, and that is just an observation.
 6 Another comment I have is those of us that
 7 were here last month sat through an excruciating,
 8 long discussion on how to fund -- I don't remember
 9 it was \$5,000 or what -- we were trying to get 200
 10 from Sandra and, you know, 500 from here. And it
 11 was a long, excruciating ordeal for a tiny sum of
 12 money.
 13 But all of a sudden we can afford 50- or 25,000
 14 to investigate something, again, that is all
 15 hearsay? I mean, I don't understand how we're so
 16 comfortable spending 25,000 when we nicked and
 17 dimed ourselves so long last month.
 18 Hold on. Let me see what else I want to say. I
 19 do think the last gentleman that spoke -- because I
 20 was beginning to think that I am the only person
 21 that's ever said something in anger or in haste that
 22 I wish I hadn't.
 23 I love my husband dearly, but there are people
 24 that can testify in a court of law that I said I will
 25 shoot him.

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1 [laughter]
 2 MS. CREECH: And I think sometimes
 3 people forget that things are said in the heat of the
 4 moment that nobody meant, apologies are made,
 5 and people move forward with their lives.
 6 Why do we have two new employees? The
 7 comment was made that we now have added two
 8 more employees to the city roles. What do those
 9 people do?
 10 MAYOR EVANS: Those are the -- the
 11 ladies at the front desk. They work part-time, 20
 12 hours a week. Prior to their coming, Laura, who
 13 was our city clerk, was sitting at the front desk.
 14 And, in my opinion, if that had gone on much longer
 15 we would have lost her because she was bored.
 16 MS. CREECH: Okay.
 17 MAYOR EVANS: So we have two part-time
 18 ladies --
 19 MS. CREECH: Okay.
 20 MAYOR EVANS: -- who sit at the front
 21 desk.
 22 MS. CREECH: So how many people do we
 23 have whose primary job is to tend to our parks; and
 24 are those people charged --
 25 MR. SPEAKER: That's a good question.

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1 MS. CREECH: -- to a parks budget, or are
 2 they charged to personnel?
 3 COUNCIL MEMBER FULCHER: They're
 4 charged to personnel. They're -- they're in the
 5 salary's category of the budget.
 6 MS. CREECH: Do we know how much that
 7 is? I mean, when we know -- want to know how
 8 much we spend on parks, do we know how much we
 9 spend on parks?
 10 COUNCIL MEMBER FULCHER: Well, I
 11 asked the question today, and the answer is no.
 12 There's no -- there's no allocation of time. As --
 13 as an engineer, I had to do all my career, you work
 14 on a project, you charge for that time.
 15 The -- the -- the lawyers do the same thing.
 16 Everybody does the same thing.
 17 MS. CREECH: Right.
 18 COUNCIL MEMBER FULCHER: So what
 19 you see in the parks budget is strictly a little bit of
 20 mowing, a little bit of this, a little bit of that.
 21 MS. CREECH: Okay.
 22 COUNCIL MEMBER FULCHER: However,
 23 we've had to hire -- my understanding, we've had to
 24 hire the extra maintenance person just because we
 25 have such a large park --

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1 MS. CREECH: Okay.
 2 COUNCIL MEMBER FULCHER: --
 3 responsibility.
 4 MS. CREECH: And -- and I think that is,
 5 again, as we're looking at we only have three
 6 months of funds available, I think it's another place
 7 we look at how much we are spending on the parks.
 8 And the -- the last thing -- I hope I've covered
 9 them all. The last thing I want to say is there is an
 10 election coming up. And I often, when I'm dealing
 11 with things at home or work or anywhere else, go
 12 back to that old Ann Landers question where people
 13 were talking about this, this, and that, and what
 14 should I do, and should I leave him and should I
 15 stay. And her comment always was, "Are you better
 16 off with him or without him?"
 17 And I don't think there's anybody anywhere in
 18 this city that would have gone to bat about
 19 Prospect Cove like Mayor Evans did.
 20 [applause]
 21 MS. CREECH: And I -- I -- I think it is a
 22 shame to leave -- if you decide to do an
 23 investigation, I think it is a shame to spend the
 24 money on it. I think it is a shame to leave it open
 25 at election time; but I hope this city remembers

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1 how much better we off -- are with him than without
 2 him.
 3 [applause]
 4 MAYOR EVANS: Next is Toni Skiles.
 5 CHIEF SHERRARD: Sir, I believe she
 6 already left.
 7 MAYOR EVANS: Oh, okay. Then we have
 8 one more, and that's Al Binsfield who -- whose
 9 sitting front row very, very patiently.
 10 MR. BINSFIELD: My name is Al Binsfield.
 11 I live at 7609 Smithfield Green Lane, Prospect.
 12 And being the last one up here, most
 13 everything I wanted to say has been said already;
 14 but I will touch on a couple of items. (1) When you
 15 were talking about the opposition of the grant, I
 16 think bringing up an incident that was rectified in
 17 the past was a little below the belt. And I think
 18 that was unfair. You should have never even
 19 brought it up.
 20 MR. SPEAKER: You have to speak up.
 21 MR. BINSFIELD: If it's been rec -- I'm
 22 sorry. If it's been -- if you -- if you've rectified
 23 that issue already, it should have never been
 24 brought up.
 25 (2) In regards to the -- the fence and the fence

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1 being placed on private property, I think it's the
 2 council's duty to take a look at any expenditure and
 3 any layout plans, and they should have been
 4 reviewed and approved by the full council. And it
 5 should not have been left up to any one person to
 6 do.
 7 Every complaint I've heard about over the last
 8 two council meetings has really been hearsay. And
 9 I think that you're putting the cart before the horse
 10 by asking for funds to complete an investigation for
 11 hearsay.
 12 I think that -- there was a comment, I think,
 13 that was made that the protocol for grievances
 14 should be a byproduct of the investigation. I don't
 15 think that's right.
 16 I think that should be placed first. I think that
 17 you should have some procedure in place to than
 18 handle that, any complaints or grievances. Based
 19 on that fact, then, if there's an issue, it can be
 20 brought into an investigation; but I think you've
 21 done this backwards.
 22 I think that -- I've worked in the past with --
 23 with the -- the mayor and I'm -- done some
 24 professional work and helped him out on some
 25 issues with the city. I've found him to be very

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1 professional, competent, and above board. And he
 2 always wants to do the best for the citizens of
 3 Prospect.
 4 And so I'll leave you with my last thought, was
 5 that I noted that -- the last time we talked about
 6 allocating \$33,000 for some parking lot at one of
 7 the parks. I think that \$33,000 would be better
 8 spent for increasing the parking here at city hall.
 9 [applause]
 10 MS. CREECH: Can -- can I ask one more
 11 question? I'm sorry. I asked it earlier, and it
 12 never got answered.
 13 MAYOR EVANS: Yes.
 14 MS. CREECH: What is the purpose of
 15 getting rid of the ordinance about investigating the
 16 mayor and instead placing it into the budget? What
 17 is the thought process behind that decision?
 18 COUNCIL MEMBER SCHMIDT: It's -- in
 19 my view, it's a more efficient way to handle it --
 20 handle this.
 21 MS. CREECH: How is it more efficient?
 22 THE REPORTER: I'm sorry. Who was
 23 that? I --
 24 MAYOR EVANS: That's --
 25 MS. CREECH: Linda Creech.

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1 THE REPORTER: Thank you.
 2 CITY ATTORNEY POTTS: What happened
 3 last time was that the ordinance was -- that was
 4 going to be amended was the current budget
 5 ordinance, and so there was an amendment
 6 proposed to the current budget ordinance.
 7 That amendment and this resolution -- and,
 8 Luke, correct me if I'm wrong -- is I understand
 9 that this resolution is to be withdrawn.
 10 COUNCIL MEMBER SCHMIDT: That's
 11 correct.
 12 CITY ATTORNEY POTTS: And I would
 13 also --.
 14 COUNCIL MEMBER SCHMIDT: No, the
 15 ordinance is to be withdrawn.
 16 CITY ATTORNEY POTTS: Well, the -- I
 17 mean, the ordinance is to be withdrawn.
 18 COUNCIL MEMBER SCHMIDT: Uh-huh.
 19 CITY ATTORNEY POTTS: And then -- and
 20 there was a second ordinance that was up for a
 21 reading.
 22 COUNCIL MEMBER SCHMIDT: 568.
 23 CITY ATTORNEY POTTS: 568. Well,
 24 now, 564 is -- is -- has it been withdrawn? Is that
 25 what we're now doing?

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1 COUNCIL MEMBER SCHMIDT: Well,
 2 that's kind of before we got into all the discussion.
 3 CITY ATTORNEY POTTS: Before the --
 4 all the discussion; okay.
 5 COUNCIL MEMBER SCHMIDT: Right. So
 6 it needs to be disposed of and --
 7 CITY ATTORNEY POTTS: Okay. And
 8 since it's had a first reading, I guess you can
 9 withdraw before a second reading. I've never had
 10 that happen before.
 11 MAYOR EVANS: I never have, either.
 12 CITY ATTORNEY POTTS: But I think you
 13 can.
 14 MAYOR EVANS: You can put it up for a
 15 vote, and it will --
 16 CITY ATTORNEY POTTS: You put it up
 17 for a vote and --
 18 MAYOR EVANS: -- be defeated.
 19 CITY ATTORNEY POTTS: -- and -- and it
 20 will be defeated. Maybe that's the way to do it.
 21 MAYOR EVANS: Yeah, I guess it is.
 22 COUNCIL MEMBER SCHMIDT: That's
 23 fine.
 24 CITY ATTORNEY POTTS: Okay. So that
 25 would be your next action.

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1 MAYOR EVANS: Okay. So that is this
 2 one, 5 --
 3 CITY ATTORNEY POTTS: 564.
 4 MAYOR EVANS: 564-2018, an ordinance
 5 relating to the amendment of the 2017-2018 budget
 6 of the City of Prospect to provide funds for the
 7 investigation of allegations made against Mayor
 8 John Evans; okay.
 9 It's up for a second reading and a motion for
 10 passage. Is there such a motion?
 11 COUNCIL MEMBERS: [no audible
 12 response]
 13 MAYOR EVANS: Hearing none, it fails.
 14 And that's the end of that one.
 15 CITY ATTORNEY POTTS: So can -- can I
 16 answer Ms. Creech's question then?
 17 MAYOR EVANS: [no audible response]
 18 CITY ATTORNEY POTTS: As a result of
 19 that, the only ordinance that's on today with
 20 respect to funds for an investigation is --
 21 MAYOR EVANS: Is the budget
 22 ordinance --
 23 CITY ATTORNEY POTTS: -- is the budget
 24 ordinance --
 25 MAYOR EVANS: -- proposed by Mr.

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1 Schmidt.
 2 CITY ATTORNEY POTTS: -- by Mr.
 3 Schmidt. And -- and that --
 4 MS. CREECH: So --
 5 CITY ATTORNEY POTTS: -- what that was
 6 really -- the first one would have taken money out
 7 of the budget for the Fiscal Year 2018; okay? And
 8 this one takes the money out of budget for Fiscal
 9 Year 2019 which begins July 1.
 10 MS. CREECH: Okay. So what is -- what
 11 is 566 for? What's that 45,000? There's -- there's
 12 a third budget figure there. What is -- what is that
 13 legal city attorney 45,000 in 566?
 14 MS. TAYLOR: May I step in?
 15 MAYOR EVANS: Yeah, go ahead, Laura.
 16 MS. TAYLOR: That is for informational
 17 purposes. Because our legal expenses were so
 18 high that year, I just provided that so members of
 19 council and anyone who looks at this can see how
 20 much was budgeted for Mr. Potts and how much we
 21 ended up spending this year.
 22 MS. CREECH: Okay. So does -- does
 23 putting it in the 18- 19 budget mean that we can
 24 drag this out into a year from now? We choose --
 25 does it -- is it a nice way to just decide not to

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1 pursue this and let it go? I mean, what does it
 2 mean?
 3 CITY ATTORNEY POTTS: This -- this --
 4 what you're talking about now is unrelated to any
 5 investigation --
 6 MS. TAYLOR: Right.
 7 MS. CREECH: And not that one. Going
 8 back to 568.
 9 CITY ATTORNEY POTTS: Okay. Well,
 10 what it means is that if -- if that ordinance is
 11 passed at a second reading, then there would be
 12 \$25,000 in the twenty -- Fiscal Year 2019 budget
 13 that begins June -- or July 1, 2018 for an
 14 investigation.
 15 MS. CREECH: It could be used, but it
 16 doesn't have to be used.
 17 CITY ATTORNEY POTTS: Anything that's
 18 in the budget could be used and doesn't have to be.
 19 COUNCIL MEMBER LEONARD: Actually,
 20 it -- we -- we -- what this does is we have two
 21 options at the next meeting. We can either pass
 22 the budget without the investigation, or we can
 23 pass the budget with the investigation. Those
 24 options are both on the table.
 25 CITY ATTORNEY POTTS: Because they

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1 are two separate ordinances.
 2 COUNCIL MEMBER LEONARD: Correct.
 3 CITY ATTORNEY POTTS: One's got an
 4 end. One doesn't have an end.
 5 MS. CREECH: Okay. So it would pass --
 6 could, in theory, pass in the July meeting.
 7 CITY ATTORNEY POTTS: Well, it has to
 8 be -- it has to -- there will have to be a special
 9 meeting of the Prospect City Council between now
 10 and June 30 in order to pass the budget ordinance,
 11 or the budget will be -- will -- the budget will be
 12 rolled back to the two thousand -- Fiscal Year 2018
 13 budget, the current budget, until a new budget
 14 ordinance is passed.
 15 MAYOR EVANS: In other words, until you
 16 have a new budget ordinance for the coming year,
 17 you continue to operate under the current budget.
 18 MS. CREECH: So -- okay. So if -- if this
 19 -- if you hold a meeting and if you pass it -- I'm
 20 trying to see the time frame -- by June 30, you
 21 could have it in the budget approved. So you could
 22 in theory -- okay, you go out and hire somebody to
 23 investigate on July 1, or does that -- does that
 24 have to be selected in an open meeting?
 25 CITY ATTORNEY POTTS: This is a

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1 professional services, assuming that you hire
 2 someone who is a professional. In -- in most
 3 situations, this is done with a lawyer. So if it's
 4 professional services contract, you do not have to
 5 bid it. You can hire someone to a professional
 6 service contract without bidding.
 7 MS. CREECH: So it could -- it could
 8 easily still be dangling at election day.
 9 CITY ATTORNEY POTTS: I'm sorry.
 10 Could easily --
 11 MS. CREECH: It -- it could still be open
 12 and dangling --
 13 CITY ATTORNEY POTTS: Yes.
 14 MS. CREECH: -- at election day.
 15 CITY ATTORNEY POTTS: Yes.
 16 COUNCIL MEMBER LEONARD: You
 17 know --
 18 MS. CREECH: Which means that a new
 19 city council could come in and just stop it in its
 20 tracks and save the money that has not already
 21 been spent?
 22 COUNCIL MEMBER FULCHER: Yes.
 23 MS. CREECH: Right.
 24 CITY ATTORNEY POTTS: Unless it was
 25 already committed. Unless it had been committed.

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1 MS. CREECH: Unless it's committed.
 2 COUNCIL MEMBER LEONARD: But you're
 3 presupposing -- which may be totally appropriate.
 4 You're presupposing that the budget with the
 5 investigation in it is the one that would pass.
 6 MS. CREECH: Well -- and we hope not,
 7 because we hope people have heard the citizens;
 8 but I'm just trying to understand --
 9 COUNCIL MEMBER LEONARD: I hear
 10 you.
 11 MS. CREECH: -- worst-case time frame or
 12 best-case if your want to run for mayor.
 13 MS. MITCHELL: My question to the
 14 council is a -- I want to --
 15 MAYOR EVANS: Could you identify
 16 yourself, ma'am?
 17 THE REPORTER: Could you also make --
 18 MS. MITCHELL: Maren -- Maren --
 19 THE REPORTER: -- her come up?
 20 CITY ATTORNEY POTTS: Can you come
 21 back up so she can -- she's transcribing, and she
 22 needs to hear your questions.
 23 MS. MITCHELL: Maren Mitchell, 7107 Fox
 24 Harbor Road, Prospect, Kentucky, 30 years time
 25 served.

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1 My question to all of you: Have you listened to
 2 all of this?
 3 COUNCIL MEMBER MILES: Yes, ma'am.
 4 MS. MITCHELL: Did it sink in?
 5 COUNCIL MEMBER SCHMIDT: Mayor,
 6 we're never going to go through our agenda --
 7 COUNCIL MEMBER MILES: I --
 8 COUNCIL MEMBER SCHMIDT: -- if people
 9 just keep coming back up. You know, there's got to
 10 be some order to this.
 11 COUNCIL MEMBER MILES: No, I took -- I
 12 took everything that all of you have said, and I'm --
 13 I'm absolutely taken it all in. Absolutely.
 14 MS. MITCHELL: I would hope so, because
 15 the council could change. And I think 25,000 is
 16 ludicrous.
 17 MAYOR EVANS: All right. That's all the
 18 speakers. Let's --
 19 MR. DODRILL: May -- may I ask a
 20 question?
 21 MAYOR EVANS: Mr. Dodrill, go ahead.
 22 MR. DODRILL: This is Dale Dodrill again.
 23 Why don't you turn this embarrassing negative
 24 into a positive? You're so concerned about how to
 25 handle personnel matters. If you're dead set to --

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1 to spend \$25,000, why don't you spend \$25,000
 2 establishing the policies and procedures that will
 3 stop these possible infractions from happening
 4 again, or establishing a way to handle them? Why
 5 continue to -- embarrassing the city about what this
 6 witch hunt that you people are on? Do something
 7 about it rather than do something negative.
 8 [applause]
 9 COUNCIL MEMBER MILES: All right. And
 10 that's a very good question. And I reached out to
 11 an attorney with knowledge of an ordinance that
 12 Bardstown has passed. It's a whistleblower
 13 ordinance. And I'm looking to have that adapted to
 14 Prospect.
 15 And I've asked for the city's orders of
 16 incorporation to help guide that task, but that is
 17 something I'm -- I'm absolutely looking at. I have
 18 a -- I have that version of the Bardstown ordinance
 19 on my computer. And I've talked to the city
 20 administrator about getting the necessary
 21 information from the city so that we could adapt it
 22 to what they've done in Bardstown.
 23 COUNCIL MEMBER LEONARD: Why do we
 24 need the articles of incorporation? Actually,
 25 they're establishment papers.

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1 COUNCIL MEMBER MILES: I'm not an
 2 attorney. I was just told that that would be part of
 3 what we need.
 4 COUNCIL MEMBER LEONARD: I've got
 5 them.
 6 COUNCIL MEMBER MILES: Okay.
 7 COUNCIL MEMBER LEONARD: And I'm
 8 not positive how it would make any difference at
 9 all.
 10 COUNCIL MEMBER MILES: And, again,
 11 I'm not an attorney. I -- I was just told that that
 12 would be helpful in doing that.
 13 MAYOR EVANS: Well --
 14 COUNCIL MEMBER LEONARD: And the
 15 other part is -- we do have procedures. They
 16 probably need to be updated. It could be done
 17 costing way less than \$25,000.
 18 MR. DODRILL: Well, let's do it.
 19 MAYOR EVANS: Can we move on?
 20 COUNCIL MEMBER LEONARD: I agree.
 21 MAYOR EVANS: We need a first reading
 22 of Ordinances Number 567-2018. Someone on the
 23 council please give a first reading.
 24 COUNCIL MEMBER NICHOLSON: I will.
 25 City of Prospect Ordinance Number 567 Series

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1 2018, an ordinance relating to the amendment and
 2 modification of the budget for the municipal road
 3 aid fund of the City of Prospect for the fiscal year
 4 beginning July 1st, 2017 and ending June 30th,
 5 2018.
 6 MAYOR EVANS: Thank you, Susan. That
 7 will come up at the next meeting for consideration
 8 for passage.
 9 Next is a first reading of Ordinance Number
 10 562-2018. Does someone care to give that first
 11 reading, please?
 12 COUNCIL MEMBER FULCHER: I'll do
 13 that. City of Prospect Ordinance Number 562
 14 Series 2018, an ordinance establishing a budget for
 15 the municipal road aid fund for the City of Prospect
 16 for the fiscal year beginning July 1, 2018 and
 17 ending June 30, 2019.
 18 MAYOR EVANS: All right. Thank you.
 19 Next, I'll ask someone to give a first reading to
 20 Ordinance Number 565- 2018.
 21 COUNCIL MEMBER NICHOLSON: I will do
 22 that. City of Prospect Ordinances Number 565
 23 Series 2018, an ordinance relating to the
 24 amendment and modification of Chapter 31.36 of
 25 the Code of Ordinances of the City of Prospect

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1 regarding the office of city clerk.
 2 MAYOR EVANS: Good. All right.
 3 Then we have a second reading of Ordinance
 4 560-2018, which is an ordinance enacting and
 5 adopting the 2017 supplement to the Code of
 6 Ordinances of the City of Prospect. Someone care
 7 to make a motion for it adoption?
 8 COUNCIL MEMBER FULCHER: So moved.
 9 MAYOR EVANS: Any second?
 10 COUNCIL MEMBER NICHOLSON: Second.
 11 MAYOR EVANS: It's been moved and
 12 seconded. Is there any discussion?
 13 [no audible response]
 14 MAYOR EVANS: Hearing none, we'll come
 15 to a vote. All in favor say "aye."
 16 COUNCIL MEMBERS: Aye.
 17 MAYOR EVANS: All opposed?
 18 COUNCIL MEMBERS: [no audible
 19 response]
 20 MAYOR EVANS: The ayes have it, and
 21 the ordinance is adopted.
 22 Okay. Resolution 2 Series 2018, a resolution
 23 expressing support for efforts to bring an NBA team
 24 to Louisville. Luke, this is in your wheelhouse.
 25 COUNCIL MEMBER SCHMIDT: Thank you,

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1 Mayor. Just very, very briefly, probably most
 2 people were aware that there is a -- a pretty
 3 significant effort underway to secure an NBA team
 4 for Louisville.
 5 Dan Issel, the former UK great, has been
 6 brought in to head up the issue. A number of
 7 business leaders are behind it.
 8 Right now, there is an effort -- as part of this
 9 overall process to show support for this to
 10 potential team owners and to the NBA, is to get all
 11 of the 83 suburban cities to consider adopting the
 12 resolution of support for the NBA team just to
 13 demonstrate that this is something that we would
 14 all value that we could possibly have in the area.
 15 We were contacted by a council member in
 16 Audubon Park, who was spearheading this issue
 17 about a week and a half ago. He wrote to all of us.
 18 I took the opportunity to respond, because I think
 19 it's something that it would be very, very good to
 20 have for the greater region.
 21 And this is one of these nice resolutions that
 22 doesn't cost the city anything. There's no
 23 requirement other than to just say that, yes, we --
 24 as a -- a part of the region, we support the effort to
 25 bring in an NBA team. And that's all we have to do.

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1 So I would -- having lived in a city that brought
 2 in an NBA team, it is a game changer. It's an
 3 economic development tool. It helps attract talent
 4 to the community. It helps attract new jobs, new
 5 businesses. It is -- I could go on and on. It's an
 6 amazing thing.
 7 Louisville is the only city in this part of the
 8 country that doesn't have any major league sports
 9 team at the present time. Most of our neighbors
 10 have at least two.
 11 So I would encourage the council to consider
 12 this and support it. I'll be happy to answer any
 13 questions.
 14 MAYOR EVANS: Is there a motion?
 15 COUNCIL MEMBER SCHMIDT: I move that
 16 we adopt the resolution.
 17 COUNCIL MEMBER MILES: Second.
 18 MAYOR EVANS: It's been moved and
 19 seconded. Is there any further discussion?
 20 COUNCIL MEMBER LEONARD: I'd just
 21 like to indicate: I'm going to vote no on this, not
 22 because I'm against the NBA teams, but, first of
 23 all, if you read the resolution, all of the benefit
 24 flows to Metro. Nothing comes to Prospect.
 25 Many of our children and our grandchildren go

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1 to UK and U of L. And if we actively, as a
 2 community, support their sports and -- I think that
 3 this would drain from both of those universities.
 4 COUNCIL MEMBER SCHMIDT: Yeah. I --
 5 MAYOR EVANS: All right.
 6 COUNCIL MEMBER SCHMIDT: -- I would
 7 make one response to that.
 8 MAYOR EVANS: Yeah.
 9 COUNCIL MEMBER SCHMIDT: And I
 10 respect Sandra's view on this. There are cities
 11 that have both strong collegiate basketball
 12 programs as well as an NBA team. Memphis is a
 13 great example of that.
 14 And, yes, you're right in this case. The arena,
 15 it happens to be in Louisville Metro. It's not in
 16 Prospect. So we don't necessarily benefit directly,
 17 but we do benefit as part of the region making this
 18 a bigger and better region, a better place to live,
 19 improve the quality of life.
 20 So, again, we're not on the hook for any
 21 money. We don't get any of the revenue from the
 22 arena, but, yeah, to me it's -- it's -- it's something
 23 that benefits everybody here.
 24 COUNCIL MEMBER FULCHER: I --
 25 MAYOR EVANS: Any -- any other

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1 discussion?
 2 COUNCIL MEMBER FULCHER: Yeah, I
 3 have a concern. I don't know why we're doing it.
 4 Pros -- there's a -- it says it reinforces and
 5 reiterates Metro's resolution. We all pay taxes to
 6 Metro. Metro has said yes.
 7 Why -- if you saw the budget, we spent almost
 8 \$200,000 in legal fees fighting Metro against a -- a
 9 giant thing over here that's incompatible with our
 10 community. To try to get tighter to Metro, it just
 11 seems not in the best interest of the people of
 12 Prospect.
 13 I mean, if you read down through here, it's
 14 Prospect/Louisville Metro: Whereas the YUM!
 15 Center, the bargaining agreement with the NBA,
 16 whereas the NBA is business is downtown. Big
 17 deal. There would be additional tax receipts for
 18 Louisville Metro Prospect would welcome to Met --
 19 to Louisville Metro -- Louisville Metro.
 20 So if we -- really, I don't -- I'm going to vote
 21 against it, because I just don't think we need to
 22 double up. Metro has said they want it. That's
 23 fine. We pay taxes to Metro. Doing this indicates
 24 it -- that we're trying to get closer to Metro, and
 25 most of the -- the feeling of the people that I talk

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1 to is that we really don't. So thank you.
 2 COUNCIL MEMBER SCHMIDT: So, Frank,
 3 just for the record, I didn't draft this resolution.
 4 This is the one that's being circulated to all of the
 5 suburban cities. And, yes, there are some
 6 references to Metro.
 7 I would hope that none of us would put our
 8 heads in the sand forever in thinking that, maybe,
 9 once Metro might actually have something good to
 10 do -- this is something that is a benefit to
 11 everybody.
 12 And the nice thing is, unless Prospect wants to
 13 build a 20,000 seat arena, which I don't think we
 14 do, this is something that we could lend our
 15 support without costing a dime.
 16 COUNCIL MEMBER FULCHER: Okay. But
 17 wasn't there an article in the Courier-Journal a
 18 week and a half ago that the -- the guy heading up
 19 this effort was -- had a -- paid a \$24 million fine
 20 for Medicaid fraud or something like is that? I --
 21 why -- why would we --
 22 COUNCIL MEMBER SCHMIDT: That
 23 doesn't --
 24 COUNCIL MEMBER FULCHER: -- why
 25 would we tie our wagon to a con artist?

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1 COUNCIL MEMBER SCHMIDT: Because,
 2 first of all, he's not a con artist. And, secondly,
 3 that issue has nothing absolutely to do with this.
 4 MS. CREECH: But why -- why not -- why
 5 not table this until someone who is heading the
 6 drive to get a pro team -- I mean, why would we
 7 want to sign on now with this guy?
 8 COUNCIL MEMBER SCHMIDT: I'm sorry.
 9 I missed that.
 10 MS. CREECH: Why would we want to
 11 endorse this now knowing who's heading this let's
 12 get an NBA team? Why don't we table until they
 13 have somebody new that we're not embarrassed
 14 with who's in charge of it?
 15 COUNCIL MEMBER LEONARD: Good
 16 question.
 17 COUNCIL MEMBER SCHMIDT: You
 18 know --
 19 MS. CREECH: I mean, just table it until
 20 they -- until he's -- until he's not at the top.
 21 COUNCIL MEMBER SCHMIDT: Okay. The
 22 person that you're talking about, that is an issue
 23 related to his business. It has absolutely nothing
 24 to do with the NBA.
 25 I -- I would -- and -- and If -- and I will say

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1 this one more time: I lived in Charlotte when the
 2 NBA was recruited and came to the city. It was a
 3 game-changing event, not just for Charlotte, but for
 4 all of Mecklenburg County; for the northern part of
 5 South Carolina, for the -- most all of the state of
 6 North Carolina. Everybody benefitted from it.
 7 MS. CREECH: But we're talking about
 8 signing on with somebody that has no character.
 9 Why not just wait until somebody else is in the
 10 lead?
 11 COUNCIL MEMBER SCHMIDT: Well, I
 12 would -- I would really respectfully disagree with
 13 that. We're not talking about that individual.
 14 We're talking about NBA. Let -- oh. Yes?
 15 MR. DODRILL: I have a question. In
 16 Charlotte --
 17 COUNCIL MEMBER SCHMIDT: Uh-huh.
 18 MR. DODRILL: Does the City of Charlotte
 19 have any money that allows for an expansion?
 20 COUNCIL MEMBER SCHMIDT: Initially
 21 they had to build an arena, and that's common.
 22 We're lucky. We already have the area here. We
 23 don't have to do that.
 24 MAYOR EVANS: Okay. Any other
 25 discussion on this before we come to a vote?

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1 [no audible response]
 2 MAYOR EVANS: Are we ready to vote?
 3 [no audible response]
 4 MAYOR EVANS: Let's do it by roll call.
 5 Ms. Leonard?
 6 COUNCIL MEMBER LEONARD: No.
 7 MAYOR EVANS: Mr. Schmidt?
 8 COUNCIL MEMBER SCHMIDT: Yes.
 9 MAYOR EVANS: Mrs. Nicholson?
 10 COUNCIL MEMBER NICHOLSON: Yes.
 11 MAYOR EVANS: Mr. --
 12 COUNCIL MEMBER STOVALL: Yes.
 13 MAYOR EVANS: Mr. Miles -- or Dr. Miles.
 14 Excuse me.
 15 COUNCIL MEMBER MILES: Yes.
 16 MAYOR EVANS: Mr. Fulcher?
 17 COUNCIL MEMBER FULCHER: No.
 18 MAYOR EVANS: All right. It was 4 to 2,
 19 so the resolution is adopted.
 20 Is there anybody here who heads a committee
 21 that just feels that he has to make a report
 22 tonight?
 23 MS. RIGGS: Mayor, I have a question.
 24 MAYOR EVANS: Wait, wait, wait. Elsa.
 25 We'll get to that.

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1 MS. RIGGS: No. Just -- may I --
 2 MAYOR EVANS: No. Wait, wait, wait.
 3 Anybody that heads a committee that just
 4 absolutely has to make a report tonight? Because,
 5 otherwise, we're running really late.
 6 COUNCIL MEMBERS: [no audible
 7 response]
 8 MAYOR EVANS: Okay. And that goes for
 9 you, Jeff. Can we hold it over for the next
 10 meeting?
 11 CHIEF SHERRARD: Yeah, there's nothing
 12 really significant.
 13 MAYOR EVANS: Okay. Before we
 14 adjourn, Mrs. Riggs, what do you have on your
 15 mind?
 16 MS. RIGGS: I have one question.
 17 MAYOR EVANS: Go ahead.
 18 MS. RIGGS: You just heard us. We are
 19 not in favor of this NBA team. So how come four
 20 people voted for it if they're supposed to represent
 21 us?
 22 MAYOR EVANS: Well, they have their
 23 opinions and you have your opinion.
 24 MS. RIGGS: No, no, no, no. They are
 25 our -- no, we --

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1 MAYOR EVANS: Well, November 8th is
 2 coming up. You can vote.
 3 MS. RIGGS: I don't think that's fair.
 4 MR. ROBERTS: Mayor, I've got a
 5 procedural question.
 6 MAYOR EVANS: Yes, sir.
 7 MR. ROBERTS; I have a procedural
 8 question.
 9 MAYOR EVANS: Yes, sir.
 10 MR. ROBERTS: You've got these two
 11 ordinances on the table for budget.
 12 MAYOR EVANS: Yeah.
 13 MR. ROBERTS: And -- and the city
 14 attorney said something about a special meeting. I
 15 don't think there should be a special meeting
 16 unless there's a proper notice to the public. So
 17 how's the public going to know about when the
 18 second meeting comes up on those ordinances?
 19 MAYOR EVANS: We have an eBlast
 20 situation where it can notify hundreds of people,
 21 and we use that. We post it on the -- on the city
 22 hall board.
 23 MR. ROBERTS: Well, can you -- I -- I
 24 would like to ask that you give at least a week's
 25 notice by eBlast before we have a public meeting

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1 so that people can attend.
 2 MAYOR EVANS: Yes, sir.
 3 COUNCIL MEMBER SCHMIDT: Do we
 4 want to schedule it now since we're all here?
 5 MAYOR EVANS: We can schedule it right
 6 now. That's a good suggestion.
 7 Today is the 18th. I really cannot do it next
 8 Monday night for reasons that are personal, but I
 9 can do it any other time, so Tuesday, Wednesday
 10 next week.
 11 COUNCIL MEMBER SCHMIDT: How about
 12 Tuesday the 26th?
 13 MAYOR EVANS: As long as that's not
 14 Monday of next week.
 15 Bissell is saying wait a week, though. This is
 16 Monday. Would Friday be okay?
 17 COUNCIL MEMBER SCHMIDT: This
 18 coming Friday.
 19 COUNCIL MEMBER LEONARD: This
 20 coming Friday?
 21 MR. ROBERTS: I'm not asking for myself.
 22 I just think there's a lot of interested people who
 23 need to have plenty of advanced notice. It's not
 24 personal to me.
 25 COUNCIL MEMBER MILES: No, I -- I

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1 understand.
 2 MAYOR EVANS: Well, I'm asking your
 3 opinion, Bissell.
 4 MR. ROBERTS: Well, I think --
 5 COUNCIL MEMBER LEONARD: Actually, I
 6 don't think we should do it on a Friday afternoon if
 7 the object is to get people here.
 8 MAYOR EVANS: Okay. So we'll do it with
 9 Grover out of town. We can do it --
 10 COUNCIL MEMBER LEONARD: Or we can
 11 do the week after.
 12 COUNCIL MEMBER MILES: I can do on
 13 Tuesday the 26th, as well.
 14 COUNCIL MEMBER LEONARD: I think for
 15 us to do it without counsel is not very good.
 16 [WHEREUPON, an off-the-record discussion is
 17 held.]
 18 MAYOR EVANS: Can we have a little
 19 quiet? We're trying to work something out up here.
 20 We're trying to figure out when to have a special
 21 meeting to consider the budget ordinances for
 22 passage, and our city attorney is going to be out of
 23 town starting next week until after the first of July.
 24 So the one question is: Do we want to
 25 schedule it when he's not here?

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1 MR. SPEAKER: Vote on it tonight. Call
 2 for a vote.
 3 MAYOR EVANS: Can't do it tonight
 4 legally. It has to lay over for at least --
 5 CITY ATTORNEY POTTS: One day.
 6 MAYOR EVANS: -- 24 hours, one day.
 7 COUNCIL MEMBER LEONARD: How about
 8 Monday, July 9th?
 9 MAYOR EVANS: We can do that, Monday,
 10 July 9th. Grover will be back.
 11 MR. SPEAKER: What time?
 12 MAYOR EVANS: 7
 13 COUNCIL MEMBER LEONARD: 7.
 14 MAYOR EVANS: Special meeting,
 15 Monday, July 9th at 7.
 16 COUNCIL MEMBER SCHMIDT: what about
 17 July 2nd, Grover? Are you back then?
 18 CITY ATTORNEY POTTS: No.
 19 COUNCIL MEMBER LEONARD: No. He's
 20 going to be gone.
 21 MAYOR EVANS: Okay. July 9th.
 22 COUNCIL MEMBER MILES: We're saying
 23 July 9th?
 24 MAYOR EVANS: Yes, sir.
 25 COUNCIL MEMBER MILES: Okay. That

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1 works for me.
 2 MAYOR EVANS: All right. Motion to
 3 adjourn?
 4 COUNCIL MEMBER NICHOLSON: So
 5 moved.
 6 COUNCIL MEMBER STOVALL: Second.
 7 MAYOR EVANS: All in favor?
 8 COUNCIL MEMBERS: Aye.
 9 MAYOR EVANS: We are adjourned.
 10 [WHEREUPON, the City Council Meeting
 11 concludes at 9:45 p.m.] And the fact is -- and
 12 I've -- I've spent 11 years doing human resource
 13 work. And when you have an employee come to you
 14 voicing a concern or, in this case, multiple
 15 concerns, you can do one of two things. You can
 16 say that's not a big deal. I'm not going to worry
 17 about it. I'm just going to sweep it under the rug;
 18 or you can address it in the manner it should be
 19 addressed, and give it its proper due.
 20 Now, when we looked at this and we -- at all of
 21 these allegations, there was a pattern here. There
 22 was a repetitive pattern here. And we -- our
 23 provision [phonetic] was that we -- in order to get
 24 to the bottom of this and fully understand it, we
 25 needed to investigate it. That's all it is. That's all

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1 it is.
 2 If the mayor is innocent and -- and didn't do
 3 any of these things, he'll be exonerated. Yes, it
 4 will have been a bumpy road, but we'll move on; but
 5 the fact of it is: We all have an obligation, even
 6 Sandra and even Frank, who have voted in the past
 7 to spend city money to investigate city employees.
 8 We have an obligation to look into this.
 9 And you know what? More importantly, every
 10 employee in this city has the right to expect that if
 11 they have a legitimate concern, they have the
 12 opportunity to bring it to us and we'll listen to
 13 them.
 14 MS. CREECH: I -- I could not agree with
 15 you more, but that begs the question when money is
 16 advanced. I think I saw Next Door happen in 2015.
 17 Why did you not at that point go, wow, we don't
 18 have a policy for this? We should put one in place
 19 so that if it happens again we're ready.
 20 COUNCIL MEMBER MILES: We --
 21 MS. CREECH: Why did that take you
 22 three years?
 23 COUNCIL MEMBER MILES: That's a very
 24 good question. We did not learn about this until
 25 recently. So when it happened --

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1 COUNCIL MEMBER LEONARD: That's
 2 because --
 3 COUNCIL MEMBER MILES: But we
 4 weren't told, at least I wasn't told.
 5 COUNCIL MEMBER LEONARD: That's
 6 because the employee who was in question never
 7 has come forward, never has thought it was an
 8 issue, posted her concerns for the -- the
 9 investigation on Next Door.
 10 MS. CREECH: But the -- the question still
 11 is for our -- for our -- it's our 25,000. For our
 12 25,000, what is the goal of the investigation? Is it
 13 impeachment?
 14 COUNCIL MEMBER SCHMIDT: Sure.
 15 MS. CREECH: Is it deciding --
 16 COUNCIL MEMBER SCHMIDT: No.
 17 MS. CREECH: -- to make policies? What
 18 is the goal?
 19 COUNCIL MEMBER SCHMIDT: Well, I
 20 think this -- developing good and better policies
 21 may be the byproduct of the investigation, but the
 22 purpose -- but the purpose of the investigation is
 23 to get to the bottom of this, get to the -- get to the
 24 truth of the matter, whatever that may be, so that
 25 the council can make some informed decisions.

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1 That is what we do, and that is what we're
 2 supposed to do.
 3 COUNCIL MEMBER MILES: And there's a
 4 -- and -- and, again, we want to hear your
 5 questions, but there is a time and a place to do
 6 that. And that's when you sign into the sheet, and
 7 you go to the podium.
 8 So I -- I -- they're very good -- very good
 9 questions. I'm sure all of you have very good
 10 questions, but the time and the place to do that is
 11 when we have citizen comments.
 12 I -- I will add that there are a number of things
 13 you can do from nothing to having the mayor
 14 removed. You can censor the mayor. I mean,
 15 there's all kinds of things in between.
 16 MS. CREECH: Let's move on.
 17 COUNCIL MEMBER MILES: I know there's
 18 a huge issue -- I know the huge issue is -- is that
 19 we have a fiduciary duty to the city. I'm a trial
 20 consultant. I've written chapters in books on -- on
 21 sexual harassment and those types of things.
 22 That's not a claim against him.
 23 We have a fiduciary duty to the city. If an
 24 employee comes to us and -- and has allegations,
 25 and we, as fiduciaries for the city, ignore them,

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1 and then that employee sues us, we have opened
 2 up the city to a huge liability up and to the point of
 3 null and voiding our insurance.
 4 So it's not even like the insurance is going to
 5 pick up the tab. The city would pick up the tab.
 6 COUNCIL MEMBER SCHMIDT: That's
 7 right.
 8 COUNCIL MEMBER MILES: We were told
 9 by one employee that if something isn't done, they
 10 believe the city was going to be sued. As soon as I
 11 was told that, we had no choice.
 12 You know, we'll have an election six months
 13 from now. If you don't want to vote for me because
 14 I did this, that's fine. This is my fiduciary duty,
 15 and I'm going to do what I pled an oath to do; and
 16 that is to look out for the city.
 17 And, again, sir, I see your hand. And if you
 18 haven't signed in on the sheet --
 19 MR. SPEAKER: I have one question.
 20 COUNCIL MEMBER MILES: We -- we --
 21 sir, we -- we need to follow --
 22 COUNCIL MEMBER SCHMIDT: Sign in.
 23 COUNCIL MEMBER LEONARD: You need
 24 to sign in.
 25 COUNCIL MEMBER MILES: -- the normal

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1 order. I do want to hear what you have to say.
 2 Hold that question until it's your time to talk.
 3 Please tell us -- because I do want to hear what
 4 you have to say.
 5 COUNCIL MEMBER LEONARD: Well, if --
 6 if they want to talk about a budget issue, we're
 7 there now.
 8 MAYOR EVANS: Yeah. And I -- I really
 9 think it's kind of up to me and not you to decide
 10 who gets to talk and who doesn't.
 11 [applause]
 12 COUNCIL MEMBER MILES: Well, Mayor,
 13 we have --
 14 MAYOR EVANS: Enough. Enough, Stuart.
 15 COUNCIL MEMBER MILES: Mayor, I
 16 mean, I've been on this council for 12 years.
 17 MAYOR EVANS: Yes. Yes, you have.
 18 COUNCIL MEMBER MILES: Mayor --
 19 Mayor, I did not interrupt you when you spoke. I --
 20 I respected your opinion.
 21 MAYOR EVANS: You don't respect my
 22 opinion at all.
 23 COUNCIL MEMBER MILES: Mayor, I gave
 24 you that courtesy. I'm asking you to give me the

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1 same.
 2 MR. OVERY: May I ask a question?
 3 COUNCIL MEMBER MILES: You may ask.
 4 MR. OVERY: Luke --
 5 COUNCIL MEMBER SCHMIDT: Yes.
 6 MR. SPEAKER: -- you've stated your
 7 objective of this process. If that was your
 8 objective, why did you ask for his resignation
 9 immediately?
 10 COUNCIL MEMBER SCHMIDT: I
 11 suggested it -- we all suggested it.
 12 MAYOR EVANS: It wasn't suggested,
 13 Luke. It was demanded.
 14 COUNCIL MEMBER SCHMIDT: All right.
 15 Mayor --
 16 MR. OVERY: Well, explain that to me.
 17 COUNCIL MEMBER SCHMIDT: All right.
 18 First of all, I'm going to echo what Stuart said a
 19 minute ago.
 20 Mayor, this can either be an orderly process,
 21 and you can recognize people who have signed up
 22 to speak; or we can just have a -- a wide-open
 23 free-for-all and none of us will get out of here until
 24 about 11:30.
 25 MR. OVERY: That's fine.

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1 MS. SPEAKER: That's fine.
 2 COUNCIL MEMBER SCHMIDT: No, it's
 3 not. This is not the government, and we've got a
 4 list here of folks that want to speak. We want to
 5 hear them. We do not --
 6 COUNCIL MEMBER LEONARD: Why don't
 7 we ask this gentleman his name and his address?
 8 COUNCIL MEMBER SCHMIDT: And come
 9 to the podium, please.
 10 MR. OVERY: Are you ready for my
 11 speaking?
 12 COUNCIL MEMBER SCHMIDT: Sure.
 13 MAYOR EVANS: Are you on the sign-up
 14 list, sir?
 15 MR. OVERY: Yes, I am.
 16 MAYOR EVANS: What's your name?
 17 MR. OVERY: Richard Overy, 18 Autumn
 18 Hill Court, Prospect, Kentucky 40059.
 19 MAYOR EVANS: Yes, sir.
 20 MR. OVERY: Did you hear my question?
 21 COUNCIL MEMBER SCHMIDT: Yes, and
 22 I'll be --
 23 MR. OVERY: Will you answer it?
 24 COUNCIL MEMBER SCHMIDT: Sure, I'll
 25 be happy to. When -- when the group of us met

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1 with the mayor and we first raised these issues, we
 2 went through all of them. And if you were here at
 3 the last meeting, we read through all of them
 4 verbatim. We're not going to do that again.
 5 And we prefaced with what we thought,
 6 perhaps, was -- was driving some of this was the
 7 mayor's health. And what we suggested was that
 8 if, in fact, it was the mayor's health driving some
 9 of these --
 10 MR. OVERY: You thought it was.
 11 COUNCIL MEMBER SCHMIDT: That's
 12 right. We thought that it was. That's --
 13 MR. OVERY: But you didn't know.
 14 COUNCIL MEMBER SCHMIDT: That --
 15 that's without the benefit of an investigation, which
 16 is precisely what we would like to do so we can get
 17 to the bottom of all of this.
 18 MR. OVERY: Well, have you got -- had
 19 you got what you desired the first time, you
 20 wouldn't have needed an investigation.
 21 COUNCIL MEMBER SCHMIDT: No. Actually,
 22 the -- the mayor clearly had the right to do
 23 whatever he wanted to do. And he had chosen to
 24 take it to this point. And we told him that if that's
 25 what he wanted to do, we respected that; but the

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1 fact is we --
 2 MAYOR EVANS: You did not tell me you
 3 respected anything, Luke. That's not true.
 4 COUNCIL MEMBER SCHMIDT: Well,
 5 Mayor, we can go back and forth on he said/she
 6 said, and we may never get out of here; but the
 7 fact of it is --
 8 MAYOR EVANS: I'm not going to sit
 9 silently while you tell untruths.
 10 COUNCIL MEMBER SCHMIDT: All right.
 11 I'm not going to interrupt you, so please don't
 12 interrupt me.
 13 The fact of it is: We would like to get to the
 14 bottom of all of this. At -- at the end of the day,
 15 it's not about the mayor. It's not about me. It's
 16 about any of these council members. It's about
 17 what the city employees have brought to our
 18 attention.
 19 Now, all -- this is not a political issue. Last
 20 month all four of us said we're not voting -- or
 21 we're not running for mayor. We won't accept an
 22 interim position as mayor. I can promise you, I
 23 don't want to be mayor; but the fact of it is I have a
 24 fiduciary responsibility to [inaudible] to any
 25 employee who comes to us. Somebody mentioned

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1 that --
 2 MS. SPEAKER: Excuse me. Will you
 3 please slow down?
 4 COUNCIL MEMBER SCHMIDT: No, I'm --
 5 yeah, I'll slow down.
 6 MS. SPEAKER: Thank you.
 7 COUNCIL MEMBER SCHMIDT: The lady
 8 back here mentioned something about 2015 and the
 9 Nextdoor posting, which I am not personally
 10 familiar with; but doesn't that tell you something?
 11 If, in fact, a city employee posted something on
 12 Nextdoor complaining about a workplace that -- if
 13 they felt that that's what they had to do?
 14 COUNCIL MEMBER LEONARD: That isn't
 15 what it was --
 16 MS. SPEAKER: That's not what it was.
 17 COUNCIL MEMBER SCHMIDT: Okay.
 18 COUNCIL MEMBER LEONARD: -- at all.
 19 COUNCIL MEMBER SCHMIDT: All right. I
 20 misunderstood you. That's what I thought it was.
 21 COUNCIL MEMBER LEONARD: The exact
 22 opposite --
 23 MR. OVERY: May I --
 24 COUNCIL MEMBER LEONARD: --
 25 complaining about a different --

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1 MR. OVERY: -- ask -- may I go ahead
 2 with my previous question?
 3 MAYOR EVANS: Ask your question.
 4 MR. OVERY: Councilperson Nicholson, at
 5 the last council meeting during the discussion of
 6 the resolution to investigate the mayor, I asked if
 7 you had a replacement in mind when you asked for
 8 the mayor's resignation. You indicated you did not.
 9 Many of us voters are skeptical of your response.
 10 I then asked if you were going to leave the
 11 office opened if the mayor had resigned. You
 12 indicated there was a process where the council
 13 could appoint a new mayor.
 14 There are three Kentucky laws that relate to
 15 this situation. All must occur prior to removing an
 16 official from office: KRS 83A.040, the right to a
 17 full public hearing; KRS 61.8, open public
 18 meetings; KRS 83.130, the mayor's veto and
 19 reconsideration.
 20 You mentioned the appointment process, but
 21 did not mention these relevant statutes. It appears
 22 that the first two laws have been violated, and the
 23 third may be difficult to obtain.
 24 Considering this observation, it becomes very
 25 difficult to have confidence in you as a council

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1 member acting in the interest of the City of
 2 Prospect. Will you please share with me how this
 3 confidence can be renewed?
 4 COUNCIL MEMBER NICHOLSON: Well, I
 5 think your question, as I recall, is how is a new
 6 mayor appointed? I don't think the question was
 7 what are the laws that are in place to remove a
 8 mayor.
 9 My confidence, quite frankly, I hope is -- my
 10 desire to receive a report from an independent
 11 investigator that lists out the allegations that's --
 12 gets rid of he said/she said because they are able
 13 to talk to multiple employees; and then to
 14 determine what to do with it.
 15 The fact that I'm not rubber stamping what the
 16 mayor says; the fact I'm not rubber stamping what
 17 other council people say, I'm not sure what else to
 18 tell you other than I want to hear all sides of the
 19 story before making a decision.
 20 COUNCIL MEMBER MILES: And I would
 21 like to ask our city attorney, Grover, do you think
 22 that we have violated any laws?
 23 CITY ATTORNEY POTTS: Stuart, I'm not
 24 going to engage in that on either party.
 25 COUNCIL MEMBER MILES: Okay.

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1 CITY ATTORNEY POTTS: I'm not.
 2 MR. OVERY: Do you think you have?
 3 COUNCIL MEMBER MILES: No,
 4 absolutely not.
 5 MR. OVERY: Have you read those two
 6 laws?
 7 COUNCIL MEMBER MILES: My
 8 understanding -- and I -- I spoke to our city
 9 attorney, and I asked him what the process was.
 10 And the process is -- is that you have to have a
 11 vote of the city council, and it has to be
 12 unanimous.
 13 And then after that the mayor has a right to
 14 appeal that through the court system. That is the
 15 process that was described to me by my city
 16 attorney.
 17 COUNCIL MEMBER SCHMIDT: Yeah, we
 18 have not -- we have not violated any laws because
 19 we've not even been -- we're nowhere near
 20 initiating any kind of process like that, and may
 21 never do it.
 22 We simply would like to investigate the
 23 situation, get better informed, and get to the
 24 bottom of it. And if it leads to that, then, yes,
 25 there's a Step A, B, and C and D that we'll have to

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1 follow.
 2 We're nowhere near that right now, so there --
 3 the suggestion that we violated any laws is just
 4 simply not true.
 5 MAYOR EVANS: Are you done?
 6 MR. OVERY: Okay. Thank you.
 7 COUNCIL MEMBER MILES: Thank you.
 8 MAYOR EVANS: All right. Where were we
 9 on the agenda? Yeah, I read the budget message.
 10 We now need a first reading of Ordinance Number
 11 566-2018. Will someone please give that a first
 12 reading?
 13 COUNCIL MEMBER STOVALL: I will,
 14 Mayor.
 15 MAYOR EVANS: Thank you.
 16 COUNCIL MEMBER STOVALL: City of
 17 Prospect Ordinance Number 566 Series 2018, the
 18 ordinance relating to the amendment and
 19 modification of the budget from the general fund of
 20 the City of Prospect for the fiscal year beginning
 21 July 1st, 2017 and ending July 30 of 2018.
 22 MAYOR EVANS: Okay. Done. Thank you.
 23 COUNCIL MEMBER STOVALL: You're
 24 welcome.
 25 MAYOR EVANS: And then -- let's see.

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1 MR. SPEAKER: When -- when do other
 2 people get to speak on this issue?
 3 MR. DODRILL: Yeah, what -- what about
 4 comments on the other --
 5 MAYOR EVANS: I -- I will -- I will -- Dale,
 6 I will get to that. I'd like to get some of these
 7 readings done just like that, and then we'll --
 8 MR. SPEAKER: Do we get to comment
 9 before the vote?
 10 MAYOR EVANS: If there's something to
 11 be voted for on, yes. The first readings are just
 12 first readings.
 13 Now, this next one, we'll see what happens,
 14 and then you'll get to speak. This is the second
 15 reading of Ordinance 564-2018, which is an
 16 ordinance relating to the amendment of the
 17 2017- 18 budget for the City of Prospect to provide
 18 funds for the investigation of allegations made
 19 against Mayor John Evans.
 20 This was given a first reading at the last
 21 meeting; so at this time it is up for a motion and
 22 vote.
 23 COUNCIL MEMBER SCHMIDT: Mayor, as I
 24 indicated, we're withdrawing that ordinance.
 25 COUNCIL MEMBER FULCHER: It's on the

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1 table; isn't it?
 2 CITY ATTORNEY POTTS: It's on the
 3 table.
 4 COUNCIL MEMBER MILES: I move that
 5 we make a motion.
 6 COUNCIL MEMBER SCHMIDT: Second.
 7 MAYOR EVANS: Frank?
 8 COUNCIL MEMBER FULCHER: Isn't the
 9 point of order that this be discussed at this point?
 10 COUNCIL MEMBER LEONARD: That we
 11 allow people to state --
 12 MAYOR EVANS: It's up for a vote.
 13 COUNCIL MEMBER FULCHER: No.
 14 COUNCIL MEMBER LEONARD: No, it's --
 15 MAYOR EVANS: It can be voted down.
 16 COUNCIL MEMBER LEONARD: No, it can
 17 be withdrawn, too.
 18 COUNCIL MEMBER FULCHER: It can be
 19 withdrawn.
 20 COUNCIL MEMBER LEONARD: But we
 21 can also let people speak to it.
 22 COUNCIL MEMBER SCHMIDT: Well, if
 23 we're going to withdraw it, there's really no reason
 24 to speak to it.
 25 COUNCIL MEMBER FULCHER: They may

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1 -- they may support you.
 2 COUNCIL MEMBER SCHMIDT: Grover,
 3 what do you think?
 4 MAYOR EVANS: We have a room full of
 5 people who have signed up to speak. There's 13 of
 6 them. One of them has already spoken.
 7 Is there someone on this list of 13 people who
 8 have signed up that want to speak about this?
 9 MS. SPEAKER: Yeah, I do.
 10 COUNCIL MEMBER SCHMIDT: Grover, my
 11 -- Grover my question is --
 12 MS. MITCHELL: I'm Number 1 on the list.
 13 COUNCIL MEMBER SCHMIDT: -- how do
 14 we withdraw this?
 15 MAYOR EVANS: Come up to the --
 16 CITY ATTORNEY POTTS: Well, I think
 17 you can withdraw it, but I think it can be
 18 commented on before it's withdrawn.
 19 MS. MITCHELL: First of all, I want to get
 20 my start date out [phonetic]. I am Maren Mitchell.
 21 I live 7107 Fox Harbor Road. I've lived in this
 22 neighborhood for 30 years.
 23 You, you, you, and whoever else, the other
 24 one, I think we ought to find out what law is in
 25 place to remove you from city council.

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1 [applause]
 2 MS. MITCHELL: I want to know how many
 3 city employees are there in total?
 4 MAYOR EVANS: Well, let's see. There's
 5 Laura, sitting next to me. And there's Ron Cundiff
 6 who's way back there. And there's Mike Lesch, the
 7 Code Enforcement guy. And Ron has two
 8 assistants, Brian and Rusty. So how many do we
 9 have there? Six?
 10 MS. MITCHELL: Five.
 11 MAYOR EVANS: Five. And now we have
 12 recently hired just in the last month two ladies who
 13 work half-time at the front desk, and we have Jill
 14 Vidito who's the police secretary who works
 15 upstairs.
 16 MS. MITCHELL: Who wrote a lovely letter
 17 in Neighborhood. And I don't understand all of
 18 this. How many city employees? We know now.
 19 Where is this money coming from? Who is the
 20 money being paid to? Is it one of your cronies?
 21 Who's picking the company to do the investigation?
 22 And I just want to tell you: I think that all of
 23 you should be ashamed.
 24 [applause]

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1 MS. MITCHELL: He's been a great mayor.
 2 [applause]
 3 COUNCIL MEMBER LEONARD: One -- one
 4 point that -- that we just lost was we have a very
 5 active police department. And there are, what, 13,
 6 14 people --
 7 MAYOR EVANS: Thirteen.
 8 CHIEF SHERRARD: Thirteen with -- with
 9 Jill Vidito.
 10 MAYOR EVANS: Thirteen. And I invite
 11 you to talk to any of them. Talk to all of them. I
 12 wish you would.
 13 The next person who's on the sign-up list is
 14 Rande Swann. Is she here?
 15 MS. SWANN: Rande Swann, 6701 John
 16 Hancock Place, Prospect, Kentucky. I've been --
 17 first moved to have Prospect in 1990, so I'm a
 18 long-term resident out here and very proud to live
 19 in Prospect.
 20 I think there's been a lot of information shared
 21 tonight, but one of the things that I think hasn't
 22 been looked in -- looked into is that there is a lot
 23 of "This is why we did the investiga -- your own
 24 investigation to say you want another
 25 investigation."

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1 And then again, Luke characterizing John's
 2 responses, I think Mayor Evans is better equipped
 3 to address those on his own behalf rather than
 4 you-all putting the words in his mouth as to what he
 5 has supposedly said to you in response.
 6 I also feel like this still has been somewhat of
 7 trying to run a railroad. When you invite the mayor
 8 to a meeting, and you will not tell him what it is in
 9 advance, and a meeting of that nature, I think he
 10 should have been told.
 11 I think it should have also, perhaps, been a
 12 public meeting; but I can understand if you thought
 13 that this was a medical condition, that, perhaps,
 14 you decided to do this on your own; but not telling
 15 him what this meeting was about, not giving him an
 16 opportunity to know there were allegations made,
 17 not giving him an opportunity to bring his own
 18 counsel with him if he chose to do so, I think is
 19 just unforgivable and poor governance, and
 20 certainly is not the level of transparency and
 21 openness that Prospect achieves to have and has
 22 been ruled by under Mayor Evans' term.
 23 So I think that there's a re -- trust issue here
 24 between those of us in the audience and those of
 25 you behind the table, or at least four of you who

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1 are elected behind the table there, because we
 2 want things to be done the way they should. And I
 3 don't think you-all went about it the best way
 4 possible.
 5 It shocked me even more tonight to hear this
 6 than I was at the last meeting, because if Mr.
 7 Schmidt has 11 years of human resources
 8 experience --
 9 MS. SPEAKER: Yes.
 10 MS. SWANN: -- and Mr. Miles over here
 11 has great experience as a -- a trial witness, it
 12 really sort of shakes the core of what I have, I
 13 guess, just sort of blindly sat at home and
 14 assumed, well, we are governed by really great
 15 people, and we don't really have to worry too much
 16 about it, because Prospect's in good hands and it's
 17 doing well.
 18 I don't feel that way after this. So I think
 19 there's been a real breach of public trust in how
 20 this whole thing was handled. And I think if you-all
 21 want to redeem yourself before the fall election,
 22 you certainly need to make sure that you are
 23 breaching -- or trying to bridge that trust in a
 24 better manner.
 25 One way you could certainly do it is to not do

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1 your \$25,000 instead of \$50,000 investigation. You
 2 can let the election take care of it. The people will
 3 vote. The people will be heard. Everybody has an
 4 opportunity to make their case.
 5 We have an election coming up fairly soon.
 6 I -- I think that's one -- one way you can't handle
 7 it.
 8 I think, also, though, I am concerned that of
 9 the number of council members we have, that we
 10 don't have better employee policies and procedures
 11 in place; that the employees need to be reporting
 12 to the mayor, not to or being directed by other
 13 council members.
 14 As I've sort of also tried to get into the budget
 15 since the last meeting and look at that, I see
 16 multi-use path here. We heard very clearly at the
 17 last meeting that money is very tight; tighter than it
 18 has been in many years.
 19 And we have worked hard to bring in a budget
 20 that lives within our means; but then when I find
 21 out that the \$200,000 committed next year and
 22 \$200,000 the following year to match state funds
 23 for the multiuse path to run from Timber Ridge from
 24 42 to River Road, if I understand that correctly, is
 25 planning money. So that's \$400,000 matched by

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1 \$400,000 of the state's -- our money, again -- is
 2 just to do a plan for a multiuse path along Timber
 3 Ridge between River Road and 42.
 4 Now, if the planning is going to be 400,000 of
 5 our money and 400,000 of the state's or city's
 6 money, then what in the world is the path going to
 7 cost when we get to it?
 8 MAYOR EVANS: Rande, that's -- that's --
 9 that's not -- forgive me. I'm sorry to interrupt you.
 10 My understanding is that the first 200,000
 11 includes the planning.
 12 MS. SWANN: Okay.
 13 MAYOR EVANS: If another grant is
 14 obtained in the following year, that \$200,000 would
 15 be for the implementation.
 16 MS. SWANN: Would that cover all of it?
 17 MAYOR EVANS: Well, that remains to be
 18 seen, but that's the way it just looks like.
 19 MS. SWANN: So -- but -- but what we're
 20 looking at, then, is at least 200,000 Prospect
 21 money, 200,000 city or state money.
 22 MAYOR EVANS: And -- and -- and is --
 23 and that the grant is 80/20.
 24 COUNCIL MEMBER LEONARD: Yeah,
 25 that's -- the state is a lot bigger.

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1 MAYOR EVANS: It's \$1 million -- it's \$1
 2 million for planning.
 3 MS. SWANN: So it's not an equal match.
 4 MAYOR EVANS: Prospect would pay 20%
 5 of that or 200,000, and the grant would supply the
 6 remaining 800,000. Same year the following --
 7 MS. SWANN: So it's \$1 million, then, to
 8 do the plan.
 9 MAYOR EVANS: Well, the total is a
 10 million, yeah, as I -- if I recall it. I could be --
 11 COUNCIL MEMBER SCHMIDT: It's -- it's
 12 design engineering and right acquisition [phonetic].
 13 MAYOR EVANS: Yeah, that's the first
 14 phase.
 15 COUNCIL MEMBER SCHMIDT: That's
 16 Phase 1. And then the next -- and assuming that
 17 we get there and -- and we do that, then, obviously,
 18 you would apply the next year for the construction
 19 funds. So it's a two-year, two-phase process
 20 MAYOR EVANS: Yeah.
 21 COUNCIL MEMBER SCHMIDT: It is not all
 22 planning. You know, there -- there's --
 23 MS. SWANN: So the second year is --
 24 COUNCIL MEMBER SCHMIDT: There's
 25 a --

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1 MS. SWANN: -- we put in twenty --
 2 twenty -- 200,000.
 3 COUNCIL MEMBER SCHMIDT: Right.
 4 MS. SWANN: The city or state puts in
 5 another 800.000.
 6 MAYOR EVANS: Yeah. Yeah.
 7 COUNCIL MEMBER SCHMIDT: That's
 8 right.
 9 MS. SWANN: So it's another \$1 million.
 10 MAYOR EVANS: Yeah.
 11 MS. SWANN: And so where's this money
 12 going to come from if our money is so tight this
 13 year that we've had to be very cautious in order to
 14 not have to cut city services? I just have to say:
 15 I'd much rather continue to have my garbage picked
 16 up twice a week at my back door with my recycling
 17 and my curbside pick up for big stuff than I would
 18 to have a multiuse path going down Timber Ridge
 19 from River Road to 42, which I don't know who in
 20 the world is going to use it.
 21 [applause]
 22 COUNCIL MEMBER SCHMIDT: I'll be
 23 happy to respond to that. I've had numerous
 24 citizens and neighbors come to me over the last
 25 several years saying "We would like to have

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1 pathways so that we can safely walk/safely ride
 2 bicycles from one neighborhood to another to the
 3 central business district."
 4 The opportunity with this grant application
 5 came to us from Metro, because Metro is going to
 6 build a path whether we want it or not. They're
 7 going to build a path from the East End Bridge over
 8 here to Timber Ridge and River Road.
 9 And -- and once they -- where -- what we were
 10 working on is they said, "Let's partner together so
 11 that you-all can do what you want to do in Prospect
 12 and connect to the pathway that we're going to
 13 connect to."
 14 You know, this -- we've gone through this at a
 15 number of council meetings. I'm not sure if you've
 16 had a chance to listen to all of the discussion. I'd
 17 be happy to meet with you separately and walk you
 18 through the whole thing.
 19 There's -- there are a lot of people in this
 20 community who like to get out and safely walk,
 21 safely ride, get some exercise; that there are
 22 nothing but positives [inaudible]. So we -- we can
 23 go through this whole litany, but it -- it -- it's been
 24 a transparent policy, a transparent process from
 25 the very beginning. There's been no surprise along

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1 the way.
 2 And the mayor's been on this committee that
 3 has been overseeing this project, as has Council
 4 Member Miles and Council Member Leonard.
 5 Everybody knows and has been aware of what this
 6 has been about for number of months. It's no
 7 surprises.
 8 MS. SWANN: So what is the plan, though,
 9 to pay for this as we go forward?
 10 MAYOR EVANS: Well, it looks --
 11 MS. SWANN: Do you think this can be
 12 done (1) without a tax increase?
 13 MAYOR EVANS: Well, based on my
 14 budget message, it looks to me like it's unlikely
 15 that we are going to be generating a surplus in our
 16 general budget in the coming year. If we do, it'll
 17 be along the lines of what we've got this year. We
 18 don't know really, but that's the way it looks.
 19 So the answer to that question, it seems to me,
 20 is that if the grant is obtained, is -- is made, that
 21 the \$200,000 would have to come out of our
 22 unappropriated reserves.
 23 COUNCIL MEMBER MILES: And there --
 24 and there is a disagreement, and I would like for us
 25 to have our auditor come back on this issue of \$1

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1 million that the mayor cited in there. And it is -- it
 2 is a fact that our auditor did tell us that; but I
 3 specifically asked him, because I knew we had this
 4 project coming up, and I knew the plan was to use
 5 that 200 and then another 200 from our allocated
 6 reserves.
 7 And I asked him, I said, "Is the city expected
 8 to, like, set that money aside and not use it? Is
 9 any other city doing that?" Because every city in
 10 Kentucky faces this issue.
 11 And he said he knows of no other city that has
 12 set this money aside. And for Metro, and -- as an
 13 example, they would have to set hundreds and
 14 hundreds of millions of dollars aside, which they
 15 are not doing.
 16 MS. SWANN: Okay. That -- well, I have
 17 to tell you how this sort of strikes me, Stuart,
 18 because I have -- I'm retired, and I have three
 19 state pensions.
 20 COUNCIL MEMBER MILES: Yes.
 21 MS. SWANN: So what I'm kind of hearing
 22 here is, well, nobody else is doing it, so we're not
 23 going to do it, too. And it reminds me of being a
 24 small child, and my father's saying, "Well, just
 25 because somebody else jumps off the bridge who

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1 can't swim, it doesn't mean you ought to go do it,
 2 too."
 3 COUNCIL MEMBER MILES: Well, I -- and,
 4 again, I'd like to have our auditor come back, and
 5 we can discuss further; okay?
 6 MS. SWANN: Well, they have listed it as
 7 a liability. And I think if anybody in this room
 8 tonight thinks that the state pension system and
 9 the situation that it is in is going to let Prospect,
 10 St. Matthews, Shively, Metro Louisville, or anybody
 11 else get by without having to pay the additional
 12 levees to cover that, then I think we're just all
 13 rolling the smoke up our you know what tonight.
 14 [laughter]
 15 MS. SWANN: So I think at some point,
 16 maybe -- maybe not this year, maybe not this
 17 coming year, but at some point I think Prospect and
 18 everybody else is going to have to pony up what
 19 they haven't been paying or has been delayed for
 20 all these years, because the taxpayers alone are
 21 not going to do that just through their own state
 22 taxes.
 23 MAYOR EVANS: Rande, I've got ten more
 24 people who want to talk.
 25 MS. SWANN: Well, that --

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1 COUNCIL MEMBER MILES: Ms. Swann, I
 2 would -- I would like to comment on one thing you
 3 said.
 4 MS. SWANN: Uh-huh.
 5 COUNCIL MEMBER MILES: And I -- I am
 6 the one who called the mayor, and so I take full
 7 responsibility for what I told him. This doesn't fall
 8 underneath any other council members.
 9 MAYOR EVANS: What?
 10 COUNCIL MEMBER MILES: When I called
 11 you, mayor. I was the one who called you. And
 12 this --
 13 MAYOR EVANS: Called me -- called me
 14 about what?
 15 COUNCIL MEMBER MILES: The meeting,
 16 when I called you about the meeting -- having the
 17 meeting, and she was critical --
 18 MAYOR EVANS: No, you didn't -- you
 19 didn't call me.
 20 COUNCIL MEMBER MILES: Oh, excuse
 21 me. I called Laura, and then you called me.
 22 MAYOR EVANS: Well, Laura said she
 23 didn't know what the meeting was about. And so I
 24 called you to ask what the meeting --
 25 COUNCIL MEMBER MILES: Right.

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1 MAYOR EVANS: -- about, and you
 2 wouldn't tell me.
 3 COUNCIL MEMBER MILES: Right. And --
 4 and I'm -- I'm saying that I took -- I take
 5 responsibility for that. I'm the one who did that.
 6 And -- and the reason is -- and -- and I will admit, I
 7 wish that I had been able to think of a way to give
 8 the mayor more info on the meeting; but my
 9 concern was -- is that these employees had come to
 10 me in confidence.
 11 THE AUDIENCE: Ah.
 12 MS. SWANN: That's -- that's not a reason
 13 not to tell him --
 14 COUNCIL MEMBER FULCHER: That's not
 15 the question. I think your question --
 16 COUNCIL MEMBER MILES: I would -- I'd
 17 like to give my explanation; and then after I give it,
 18 if you find it lacking then -- then that's fine; but I
 19 would like to be able to give that explanation,
 20 Frank. Would you let me do that?
 21 COUNCIL MEMBER FULCHER: Well, she
 22 asked you a question about the budget and where
 23 the money's coming from.
 24 COUNCIL MEMBER MILES: No, but she --
 25 COUNCIL MEMBER FULCHER: And you're

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1 making a campaign speech.
 2 COUNCIL MEMBER MILES: Well, now,
 3 she -- Ms. Swann, did you not have a criticism of
 4 that?
 5 MS. SWANN: Yeah. I made a criticism;
 6 yes.
 7 COUNCIL MEMBER MILES: And I'm
 8 taking responsibility for that. And I'm -- I'm saying
 9 that -- not to blame the other council members. I
 10 was the one who was to call about the meeting.
 11 My concern was -- is that -- this is a small
 12 city, and we don't have a lot of employees. And
 13 when you have a situation where employees come
 14 forward, and you're trying to protect them from
 15 being retaliated against, which is an issue you
 16 have to think about, my concern was -- is that if I
 17 gave the mayor any information that would lead him
 18 to believe it was dealing with employees
 19 complaining about him, my concern was, that
 20 before the meeting, that he would go and start
 21 asking employees questions, and maybe put certain
 22 employees in an uncomfortable situation.
 23 That was my reason and my logic for doing
 24 that. If people find that lacking, that is your
 25 choice to make that considerations. That is my

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1 explanation.
 2 MS. SWANN: Okay. Thank you. Yes, I
 3 will yield the floor. Thank you.
 4 MAYOR EVANS: Let's continue hearing
 5 the speakers, if that's all right with everybody?
 6 [no audible response]
 7 MAYOR EVANS: The next person signed
 8 up is Grace Elbert.
 9 MS. ELBERT: Hi, my name is -- can
 10 you-all hear me?
 11 COUNCIL MEMBERS: Yes.
 12 MS. ELBERT: My name is Grace Elbert.
 13 My address is 1000 Goshen Lane, Goshen,
 14 Kentucky 40026.
 15 I'm not -- I'm not a citizen of Prospect, but
 16 I've worked on -- the Kroger across the street for
 17 about five years, and I know the Evans very
 18 personally. Actually, I would say they're the
 19 closest thing to second parents that I've ever had.
 20 They didn't know I was going to speak tonight
 21 until -- can you hear me? Okay. They actually
 22 didn't -- the -- Mr. and Mrs. Evans didn't know I
 23 was going to speak tonight, so I hope they're okay
 24 with what everything that I'm going to say.
 25 But I feel like if there's anyone that can attest

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1 to their character, it would be me. I have
 2 absolutely no outside bias other than the personal
 3 experiences that I've had, and to attest specifically
 4 to Mr. Evans' character, their home has become a
 5 second home to me.
 6 And I know how honest he is, how good he is,
 7 how loyal he is. I know his intentions from an
 8 emotional standpoint and also from a professional
 9 standpoint, that he -- and he adores this job
 10 because he adores the people that he gets to serve
 11 in this job.
 12 Those are the people of this building. Those
 13 are the people of this city. He admires them for
 14 people, because they're -- he looks for them and
 15 cares for them as people.
 16 And if there's any allegations that are raised
 17 that either their vote is or their aim is to paint him
 18 as a person that doesn't have the best intention
 19 for this city, that I ask that you would really
 20 reevaluate -- reevaluate your motives, because a
 21 lot of the motives you claim to have, which is
 22 caring about this city, do not align with the way
 23 that you-all have addressed situation. I mean,
 24 there's a dissonance in what you've done and what
 25 you say you care about that which we've all

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1 noticed.
 2 And so, personally, I know I'm just a 22-year-
 3 old. I don't have much wisdom, but there's
 4 problem-solving skills that could have been used
 5 other than abruptly approaching someone on a
 6 Thursday night and demanding a resignation at
 7 2:30 in the morning for a list of allegations that
 8 you haven't spoken to him on -- in another context.
 9 So I just think that -- again, I'm not a citizen
 10 of this community, but I'm -- I'm very involved with
 11 it; and that these people are owed that; and that
 12 this situation should have been -- should have been
 13 addressed in a different way.
 14 And if you-all want to carry out the way that
 15 you have, and carry -- conduct an investigation to
 16 waste 25- or \$50,000 to basically -- I'm sure what
 17 you will find is a mayor that loves this city, and
 18 that for every allegation -- which they are
 19 allegations, not facts. For every allegation you
 20 come up with, there is going to be a list of
 21 fabulous, genuine, selfless things that we could -- I
 22 could stand here all night and listen to you -- we
 23 really would have a meeting that would last until
 24 11:30 if I did stand here and list them all; that long
 25 someone like Mr. Evans should be appreciated.

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1 And I would go as far to say that if your goal is
 2 to replace him, I don't think you will find a better
 3 replacement. And it's for the better of this city to
 4 appreciate someone who has the heart and the work
 5 ethic that he does.
 6 And if there's situations which, in any context,
 7 whether it's the workplace, whether it's in some
 8 sort of administration context, whether it's at
 9 home, there will be complications. There will be
 10 situations. There will be disagreements.
 11 And if you-all can't problem solve in a
 12 different way than has been carried out, then I
 13 really think that you-all should maybe take step --
 14 take a step back and reevaluate what your options
 15 might be.
 16 So that's really all I have to say. Again, that's
 17 just by knowing them for four to five years. And
 18 when you care about someone, and you know them
 19 so personally, it can cause you to speak when
 20 they're under attack. Thank you.
 21 [applause]
 22 MAYOR EVANS: Thank you, Grace. John
 23 Dawson.
 24 MR. DAWSON: Good -- good evening. I'm
 25 John Dawson, 7913 Westover Drive. And I hope I'll

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1 be brief.
 2 One thing I want to do is just clarity some
 3 things that were said. There are four of you that
 4 clearly have concerns about the mayor. As far as
 5 the upcoming election is concerned, will each of
 6 you again state -- or -- will any of you be running
 7 for mayor this year?
 8 COUNCIL MEMBER NICHOLSON: No.
 9 COUNCIL MEMBER SCHMIDT: Absolutely
 10 not.
 11 COUNCIL MEMBER MILES: No.
 12 Absolutely not.
 13 MR. DAWSON: Okay. Would any of you
 14 serve as mayor if there were a vacancy in the
 15 mayor?
 16 COUNCIL MEMBER MILES: No.
 17 COUNCIL MEMBER NICHOLSON: No.
 18 COUNCIL MEMBER SCHMIDT: No. We're
 19 on record saying that.
 20 MR. DAWSON: Okay. I -- I just wanted to
 21 be clear --
 22 COUNCIL MEMBER MILES: Yeah, that's a
 23 fair question.
 24 MR. DAWSON: -- of what the situation is.
 25 The -- this whole thing, without rehashing the

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1 details for the fourth time, basically hits me --
 2 we -- some of you are very disgruntled with -- for
 3 different reasons. I don't know what it is. We've
 4 listened to it all.
 5 The real question is: You're -- you're trying to
 6 make it into something that it doesn't seem to be to
 7 me. I -- I think I'm listening to a political witch
 8 hunt, and \$25,000 is what you want to spend, kind
 9 of kicking it around, when you've got an election
 10 coming in five months.
 11 Let the people decide. Why waste the money?
 12 That's the way elections work. If you have your
 13 complaints, take them to the voters. That's the
 14 bottom line. That's my comment.
 15 [applause]
 16 MAYOR EVANS: Thank you, John. Next,
 17 Elsa Riggs.
 18 MS. RIGGS: I'm Elsa Riggs. I live at
 19 6521 Harrods View Circle, and have been a
 20 resident of Prospect since 1970.
 21 And I have seen several boards seen come and
 22 go. This is a very embarrassing meeting, ladies
 23 and gentlemen.
 24 MS. SPEAKER: Can't hear you.
 25 MR. SPEAKER: Speak louder.

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1 MS. RIGGS: I find that this is an
 2 extremely embarrassing meeting. This is a
 3 tit-for-tat meeting.
 4 I have just read the minutes of the meeting on
 5 May 21st and the proposed resolution. To say the
 6 very least, I find it extremely troubling. I'm not
 7 speaking for or against Mayor Evans. I'm not
 8 speaking for or against Member Miles, Council
 9 Member Nicholson, Member Schmidt, and Council
 10 Member Stovall. You've been throwing fiduciary
 11 duty around quite a bit. It sounds good.
 12 The first thing you do when you run a city, you
 13 have a fiduciary duty to have a handbook and have
 14 grievance policies in place. I ran a company.
 15 You've been there for 11 years, it hadn't occurred
 16 to you?
 17 COUNCIL MEMBER SCHMIDT: Go ahead.
 18 I'll wait until you're done.
 19 MS. RIGGS: Oh, that's fine; but, I mean,
 20 you have a ton of issues that need to be addressed
 21 before you employ someone, and you have not --
 22 not anybody has addressed them.
 23 Now to your resolution of the \$50,000 price
 24 tag. I just found it's going to be \$25,000 now.
 25 Exactly what are you trying to investigate? You

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1 have no written proof of the allegations, as I
 2 understand it.
 3 You've basically issued a threat to the mayor
 4 that he was [inaudible] if he doesn't resign. You
 5 made a health assessment of the mayor, and who,
 6 may I ask, was the qualified MD that did that?
 7 [laughter]
 8 MS. RIGGS: And I've -- I would like for
 9 you to comment on that. I would -- Ron, turn it
 10 down.
 11 COUNCIL MEMBER LEONARD: You're
 12 going to have to ask your question again. I
 13 couldn't hear it.
 14 MS. RIGGS: I'll wait until he's done.
 15 Okay.
 16 You have made a health assessment, one, two,
 17 three, four; okay, of the mayor. And who, may I
 18 ask, was the qualified MD who did that?
 19 COUNCIL MEMBER MILES: Nobody made
 20 a health assessment.
 21 MS. RIGGS: No, no, no. Wait a minute.
 22 COUNCIL MEMBER MILES: Oh, I'm sorry,
 23 but that's --
 24 MS. RIGGS; Let me finish. Let me finish.
 25 COUNCIL MEMBER MILES: I thought that

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1 was -- I thought it was a question.
 2 MS. RIGGS: I'm not done.
 3 COUNCIL MEMBER MILES: All right. I'm
 4 sorry.
 5 MS. RIGGS: Stuart, I'm not done. You
 6 allowed the mayor no due process. You blindsided
 7 him.
 8 Where are we? The last time I checked it was
 9 United States of America, not a Banana Republic.
 10 I'm appalled, absolutely appalled. You haven't
 11 said a word, and you were involved, Mr. Stovall.
 12 I'd like to know who drafted this resolution.
 13 It's not a very good one, and I'm not a lawyer. The
 14 only person you named is Mr. Cundiff. What is his
 15 written report?
 16 At the very least, you have it backwards, and
 17 I'm being kind. First, you document the allegations
 18 with affidavits. The accusers have to sign it. Then
 19 the accused can respond, and then comes the
 20 resolution.
 21 And then maybe you can investigate. You
 22 don't have anything to investigate. It's hearsay. If
 23 somebody tells me my neighbor beats up his wife,
 24 and I call the chief and say, "You know, I heard my
 25 neighbor's wife gets beat up all the time. Can you

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1 come and investigate it?" He's going to laugh at
 2 me.
 3 You have to have documentation.
 4 Documentation is everything. And you haven't done
 5 it. It's she said, "Oh, it was -- it was said in
 6 confidence." Oh, my goodness.
 7 No. If you have serious allegations against
 8 somebody, you can make it public. And I'm not
 9 saying that you should sweep it under the rug.
 10 Absolutely not, but you've got to follow certain
 11 steps, and you're not doing it.
 12 I don't know why. You-all are intelligent
 13 people. You're not stupid. You wouldn't be sitting
 14 there, but you are taking shortcuts, and that's the
 15 wrong way of doing it.
 16 Anyway, I want to know how you came up with
 17 the price, too, \$50,000 originally. Now it's 25.
 18 Street money must be tight.
 19 Someone stated that this has been going on for
 20 a long time. You're throwing fiduciary duty around?
 21 That's been going on for a long time. You know
 22 about it. How come you haven't done anything
 23 about it? You can't sweep it under the rug, either.
 24 You have a fiduciary duty when somebody
 25 comes with a complaint. They're willing to sign an

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1 affidavit, then you investigate it. And you haven't
 2 done that.
 3 So -- but on a lighter note, I want to talk about
 4 the garbage, the garbage collection. I like it just
 5 the way it is.
 6 [applause]
 7 MS. RIGGS: We don't have to take the
 8 garbage cans to the curb during ice and snow. And
 9 then, let's face it, we do have a lot of older
 10 property owners, and it would be a harder burden to
 11 them. I -- I take my neighbor's garbage can always
 12 in because they can't do it.
 13 And just think, if we do not have to spend
 14 \$50,000, we can continue garbage pickup just the
 15 way it is.
 16 [applause]
 17 COUNCIL MEMBER MILES: Ms. Riggs,
 18 I've written down a couple of your questions. I'd
 19 like to answer them for you.
 20 MS. RIGGS: Yes, Doctor.
 21 COUNCIL MEMBER MILES: All right. The
 22 first is that we -- we have never named any
 23 employees who have spoken to us. So when you
 24 said that Mr. Cundiff spoke to us, we have said no
 25 employee names were spoken to us. So that -- that

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1 was incorrect.
 2 MS. RIGGS: Well, it was public
 3 knowledge that they had a disagreement.
 4 COUNCIL MEMBER MILES: There can be,
 5 you know, public knowledge in terms of who speaks
 6 that.
 7 MS. RIGGS: Okay. Okay.
 8 COUNCIL MEMBER MILES: And I -- and I
 9 prefaced when I spoke --
 10 MS. RIGGS: No, that's well taken.
 11 COUNCIL MEMBER MILES: Yeah, when
 12 I -- when I spoke to the mayor, I prefaced that this
 13 is a very small building with very thin walls. And
 14 so something about one employee, a conversation,
 15 could be hear -- heard by everybody -- not
 16 everybody in the building, but many people. So I
 17 just wanted to clear that up.
 18 And in terms of a health assessment, we are
 19 not qualified to make a health assessment of the
 20 mayor. And I've never made a health assessment
 21 of the mayor.
 22 MS. RIGGS: I'm really glad to hear that.
 23 COUNCIL MEMBER MILES: Yeah. And
 24 when I met with him, I made a point of telling him
 25 that my father had Alzheimer's. And I prefaced --

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1 THE AUDIENCE: Ah.
 2 MS. SPEAKER: He doesn't have
 3 Alzheimer's.
 4 COUNCIL MEMBER MILES: All right. You
 5 know, listen, you can -- you can do what you want.
 6 My father died of Alzheimer's. If you really think
 7 that I would be so repugnant to make that up, I
 8 mean, that's just horrible that you would even think
 9 that.
 10 All right. My father died of Alzheimer's. I told
 11 the mayor in the conversation -- I'm a PhD in
 12 psychology, social and personality. I told him I
 13 was--
 14 MS. RIGGS: So you're not an MD. You're
 15 a psychologist.
 16 COUNCIL MEMBER MILES: A
 17 psychologist.
 18 MS. RIGGS: Okay.
 19 COUNCIL MEMBER MILES: And I told
 20 him. And he asked me, he said, "Well, you're a
 21 psychologist." And I told him, "I am not qualified
 22 to do that. I'm not a clinical psychologist. I
 23 cannot do that."
 24 And I told him that my concerns were based on
 25 observations seeing my father, things I saw with

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1 the mayor; but, in the end, we cannot -- at the end
 2 of this investigation, it's not about the mayor's
 3 competence. We are not qualified to do that. We
 4 don't have the facilities to do that.
 5 This is about the behaviors and the actions --
 6 MS. RIGGS: Yeah, but you raised --
 7 COUNCIL MEMBER MILES: -- that took
 8 place.
 9 MS. RIGGS: -- some of them with --
 10 COUNCIL MEMBER MILES: That issue
 11 was brought up, and that was a concern --
 12 MS. RIGGS: Yes, you did.
 13 COUNCIL MEMBER MILES: No, that was
 14 a concern that was brought to us. It was, but -- but
 15 I told him that that is not something I'm qualified to
 16 do. I'm sure that Council Member Schmidt and
 17 Nicholson are not qualified to do it, nor is anybody
 18 sitting up here qualified to do that.
 19 This investigation is looking at behavior and
 20 actions and -- and tangible allegations.
 21 MS. RIGGS: Stuart, you still need to
 22 document it. I don't care what anybody says.
 23 When someone makes a serious allegation against
 24 someone, that's what I did. I had --
 25 COUNCIL MEMBER SCHMIDT: That's the

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1 whole idea -- that's the whole idea --
 2 MS. RIGGS: I didn't --
 3 COUNCIL MEMBER SCHMIDT: -- of doing
 4 this investigation, Elsa.
 5 COUNCIL MEMBER LEONARD: That --
 6 that is not.
 7 COUNCIL MEMBER SCHMIDT: We -- we
 8 have to get to the bottom of it.
 9 MS. RIGGS: I understand that. I
 10 understand that completely. Fine, get to the
 11 bottom of it, but I used to have -- I handed
 12 everybody a -- a pad of paper. I said, "Write it
 13 down, what your problem is. Go in my office, go in
 14 this office, go in this office." Twenty minutes later
 15 it wasn't that serious of a thing anymore.
 16 What I did then? I make the final letter that
 17 they had -- they have no grievance. That's the way
 18 you work. You've got to document it in a court of
 19 law.
 20 MAYOR EVANS: All right. All right.
 21 MS. RIGGS: It's not going to work.
 22 MAYOR EVANS: Okay.
 23 COUNCIL MEMBER MILES: And, Elsa,
 24 there's --
 25 MAYOR EVANS: Let's -- let's move along.

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1 COUNCIL MEMBER MILES: Well -- well,
 2 Mayor, she -- she brought up several questions,
 3 and I think they're legitimate questions. And I'd
 4 like to --
 5 THE AUDIENCE: No, let's move on. Let's
 6 move on.
 7 MS. RIGGS: Listen, Stuart -- Stuart, I
 8 know people will tell me, and I --
 9 COUNCIL MEMBER MILES: Would you
 10 like me to do it off -- off -- out of the meeting?
 11 MS. RIGGS: Yes.
 12 COUNCIL MEMBER MILES: Okay. I'll do
 13 that.
 14 MS. RIGGS: Because I think some other
 15 people would like to --
 16 COUNCIL MEMBER MILES: That's fine.
 17 Okay. After the meeting we'll talk.
 18 MS. RIGGS: Okay.
 19 COUNCIL MEMBER MILES: All right.
 20 MAYOR EVANS: The next speaker signed
 21 up is Bissell Roberts. Mr. Roberts?
 22 MR. ROBERTS: Yes, sir. Thank you.
 23 Mayor, Council Members, my name is Bissell
 24 Roberts. I live 8610 Westover Drive, and I will
 25 keep my comments brief.

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1 I guess -- well, I agree with what most of the
 2 other speakers have said tonight. I think you're
 3 wasting a lot of your time. I think you're wasting a
 4 lot of the public's time in this investigation or this
 5 attempt to do an investigation.
 6 I do have a question for Attorney Potts -- City
 7 Attorney Potts. If there was an investigation, am I
 8 correct that the investigator would have no
 9 authority to subpoena witnesses, to subpoena
 10 documents? They would just be able to do
 11 interviews and -- and voluntary --
 12 CITY ATTORNEY POTTS: That's correct.
 13 MR. ROBERTS: Okay. So the in --
 14 investigator or alleged investigator has a whole lot
 15 of limitations. It's only what people are willing to
 16 voluntarily disclose; is that correct?
 17 CITY ATTORNEY POTTS: Yeah. And, I
 18 mean, they -- they could agree to give a sworn
 19 statement, but he can't compel that.
 20 MR. ROBERTS: Right. And I understand
 21 that the state law would require a six to zero vote
 22 to impeach the mayor.
 23 CITY ATTORNEY POTTS: That is correct.
 24 MR. ROBERTS: Which to me means that
 25 this whole process of investigation is a waste of

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1 public money. And if you spend that public money,
 2 you're not being fiscally responsible, because
 3 everybody here knows that there's two votes that
 4 are going to go -- go to the mayor's side.
 5 And no matter what your four votes do, you
 6 have just wasted 25,000 or 50,000, and all of the
 7 time and all of the energy and all the hard feelings
 8 that are going to come from this.
 9 What I would recommend is that you pass one
 10 of the budgets you propose and delete out the
 11 section about \$25,000 of public money going to
 12 investigate Mayor Evans.
 13 MAYOR EVANS: Well, there is such an
 14 ordinance which has had it's first reading tonight
 15 that doesn't have the 25,000 in it; and then there's
 16 an almost identical proposal ordinance that does
 17 have the 25 in it. So it's up to the council to
 18 choose which one it wants to pass.
 19 MR. ROBERTS: What I'm suggesting is
 20 the path I think the council should take is to pass
 21 the one without the \$25,000 in it, and to get on
 22 with the city's business.
 23 Hiring an investigator based on the information
 24 you have is not wise. It's not prudent. It's not
 25 fiscally responsible.

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1 And, by the way, one of the council members
 2 mentioned there had been an employee complaint
 3 about some alleged violation. Well, that shouldn't
 4 be the subject of an investigation of the mayor.
 5 That should have been turned over to the city
 6 attorney, to the insurance company that represents
 7 Prospect.
 8 The last thing you want is public information
 9 about that. Any good lawyer news that you do not
 10 want information that's adverse to the city to be
 11 out in the public realm, because you're just adding
 12 fuel to the fire if that employee has a legitimate
 13 complaint. It should be handled as privately as
 14 possible. So you're on the wrong path there.
 15 My feeling is if you're really concerned about
 16 the welfare of the city, if you're concerned about
 17 your own futures as elected officials, I would urge
 18 you to table this ordinance to pass the budget
 19 without the 25,000. Thank you.
 20 [applause]
 21 MAYOR EVANS: Thank you, sir. Next is
 22 Edward Rademaker.
 23 MR. RADEMAKER: My name is Ed
 24 Rademaker, and I live at 8311 Star Point Court.
 25 The mayor hasn't asked me to come tonight,

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1 but I -- I read -- I her -- I read the minutes of -- of
 2 the last meeting. And I'm sitting here tonight, and
 3 I am absolutely shocked. I'm shocked, because I
 4 know this man in my 20 years that I have lived in --
 5 in this community.
 6 Now, I find him to be competent,
 7 compassionate, and, indeed, a very, very caring
 8 man. And so I read closely to these -- these --
 9 these minutes that you have last time and heard
 10 you tonight, and believe you me, it's echoed here
 11 in this group and the last group that you really
 12 have only vague hearsay to what you're doing.
 13 And Mr. Miles and Mr. -- Mr. Schmidt, you have
 14 mishandled this completely. And will you please
 15 listen to your citizens here? They -- the-- the
 16 gentleman who just spoke --
 17 [applause]
 18 MR. RADEMAKER: -- gave you a very
 19 nice outcome, a very nice surprise. Don't waste
 20 our money. Don't waste our money.
 21 And, Mr. Miles, you have a PhD in
 22 psychology. Didn't they teach you public -- I mean,
 23 problem-solving skills? Didn't they teach you?
 24 How about you, Luke? Did you have -- did --
 25 did you have problem-solving skills?

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1 I don't know you, Susan, but you're an -- an
 2 attorney. Do you sue everybody? Do you want to
 3 fire everybody? No, you want to solve the problem
 4 out of court.
 5 Don't embarrass us. Don't embarrass us -- us
 6 here in this group. Solve the problem. Get in a
 7 room and solve it, and also have decent procedures
 8 where -- where if there are complaints with -- with
 9 people who work for the city, have them have a
 10 mechanism they can resolve those -- those
 11 complaints.
 12 It's very simple: Listen to what the people of
 13 the city say. Thank you very much.
 14 [applause]
 15 MAYOR EVANS: Thank you. Next is
 16 Kathy Sauer.
 17 CHIEF SHERRARD: Sadler, I think.
 18 MAYOR EVANS: Sadler. I'm sorry. I
 19 misread that.
 20 MS. SADLER: Okay. My name is Kathy
 21 Sadler. I live at 7405 Smithfield Green Lane,
 22 Prospect, Kentucky 40059.
 23 For the most part, I have to say the previous
 24 speakers have said a lot of what I wanted to say,
 25 some of them very eloquently. As 22-year-old

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1 Grace who says that she's really not young enough
 2 or qualified enough to speak to this; however,
 3 she -- I wanted to give her a standing ovation,
 4 quite frankly. She spoke so well. And it had
 5 nothing to do with her personal feelings regarding
 6 the mayor, but has more so to do with the process
 7 of what's happened here.
 8 Each of you say -- and -- and you know, you
 9 refer to the -- the gang of four, but the truth is
 10 when this was first proffered at the last meeting,
 11 the language, we'll call it, back there by the -- said
 12 a number of employees had come to you. And Luke
 13 said that tonight when explaining these things, said
 14 that a number of employees had come to you
 15 personally, and -- with these, quote/unquote,
 16 "grievances."
 17 So there's also been talk about a process.
 18 Generally, there is a process in place, in a city,
 19 especially. If an employee has a problem, we have
 20 human resource people who can take care of that,
 21 too. They don't have to come just to the mayor.
 22 But the fact of the matter is, (1) we don't know
 23 who any of these people are. We don't have
 24 anything written from anybody that confirms these
 25 allegations. We don't know if you really went to

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1 them first and said, "Gee, you know, do you
 2 remember that time when you told me
 3 da-da-da-da-da?" Okay. You know, or did they call
 4 you up and say, "I have a serious problem"?
 5 Now, the one person was Stuart said that an
 6 employee actually came to him and said that, "If
 7 you don't do something about this; the city is going
 8 to get sued"; is that correct?
 9 COUNCIL MEMBER MILES: In talking to
 10 an employee, they told me those words; yes.
 11 MS. SADLER: In talking to an employee.
 12 Did that employee come to you and say, "These are
 13 the allegations that I have, and that if nothing is
 14 done about them, then the city will be sued"?
 15 COUNCIL MEMBER MILES: What I said in
 16 the last meeting, I'll --
 17 MS. SPEAKER: "Yes" or "no."
 18 COUNCIL MEMBER MILES: -- I'll
 19 repeat -- well, I'm -- I'm going to explain.
 20 In the last meeting, I said that I went to an
 21 employee, when the mayor had said that he was not
 22 going to have a city administrator, and asked the
 23 employee what they thought about that model. And
 24 that was the simple question I asked.
 25 And they told me they thought that was not a

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1 good idea, and they listed the reasons why. And
 2 they -- many of the -- in the first conversation, it
 3 was almost all of the reasons that are found in the
 4 allegations.
 5 In talking to them a second time or a third
 6 time, at some point, and it could have been the
 7 first meeting, but I honestly can't say it was the
 8 first or the second, they said that they felt these
 9 allegations or these issues were so serious, that if
 10 something wasn't done, they felt the city could be
 11 sued by an employee.
 12 MS. SADLER: Okay. Once again, in
 13 talking to them -- I -- I know that you're carefully
 14 choosing your words in talking to them. And what I
 15 have written down that you said earlier this evening
 16 was, in fact, that however this transpired was that
 17 the bottom line was an employee told you that if
 18 the city doesn't do something about this, that the
 19 city will be sued.
 20 COUNCIL MEMBER MILES: Could be
 21 sued.
 22 MS. SADLER: Could be sued if the em --
 23 if the city doesn't do something about this. Yet
 24 this person thought that this was so grievous, that
 25 they have never filed any official complaint.

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1 They've never went to anybody else.
 2 And how -- I would love to know how this ball
 3 started rolling? You -- first, were you the one who
 4 began this, quote/unquote, "investigation"?
 5 COUNCIL MEMBER MILES: I was the one
 6 who the employee first told this information.
 7 MS. SADLER: Who -- employee first told
 8 you. Did this --
 9 COUNCIL MEMBER MILES: This
 10 information.
 11 MS. SADLER: -- employee come to you
 12 and say, "Stuart, I've got a -- I've got an
 13 allegation"? .
 14 COUNCIL MEMBER MILES: I'll repeat
 15 myself. I asked this employee what they thought
 16 about the mayor --
 17 MS. SADLER: Okay. That's good.
 18 COUNCIL MEMBER MILES: -- and then
 19 they gave me that provision [phonetic].
 20 MS. SPEAKER: There we go.
 21 MS. SADLER: All right. I just want to get
 22 that clarified. Thank you.
 23 COUNCIL MEMBER MILES: Yeah.
 24 MS. SADLER: Okay. And then Susan said
 25 that she personally heard from an employee, and I

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1 ask her the same question: Did the employee come
 2 to you with an allegation?
 3 COUNCIL MEMBER NICHOLSON: Yes.
 4 MS. SADLER: The employee came to you?
 5 COUNCIL MEMBER NICHOLSON: Yes.
 6 MS. SADLER: Okay. Why did she not
 7 bring it through the due course, through channels?
 8 COUNCIL MEMBER NICHOLSON: Well,
 9 I've got -- share no liberty to say that without
 10 breaching a confidence that employee placed.
 11 They were not comfortable coming forward.
 12 MS. SADLER: Okay. But in the same
 13 light, what you did was be part of a -- a group that
 14 went to the mayor on your own, presented him with
 15 these, quote/unquote, "allegations," and said that
 16 he could resign by a certain time. He was not --
 17 COUNCIL MEMBER NICHOLSON: Again --
 18 MS. SADLER: -- allowed due process;
 19 which is what is the most important here, due
 20 process. And all of you legal minds up there know
 21 about due process.
 22 COUNCIL MEMBER NICHOLSON: And --
 23 MS. SADLER: And he was not afforded
 24 that. The only thing that's happened as a result of
 25 this is that the mayor and the City of Prospect have

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1 both had shade thrown on them, in particular,
 2 Mayor Evans.
 3 And we know that, again, we are going to have
 4 an election in five months, five months; but you
 5 want to spend our money to investigate things that
 6 you know that there's not going to be a resolution
 7 to before the investigation is even over.
 8 The only thing that's going to happen as a
 9 result of it is -- is that you're going to run into the
 10 next election, which as somebody else referred to:
 11 You let the people decide. If they say, "Hey, well,
 12 Mayor Evans is -- he did this, he did that," which in
 13 -- in part you have helped, because you put out
 14 these allegations against him without his due
 15 process.
 16 So -- and I -- I spoke to this when I was here
 17 before. It doesn't matter what allegation is made
 18 against somebody. Once it's put forth, there has
 19 been harm. And, you know, that there has been
 20 harm, because back in the -- in the back of the
 21 people's minds, unless they had their own personal
 22 knowledge of what has occurred, it's going to be in
 23 the back of their minds, all of what voting public of
 24 Prospect, gee, I wonder if there's anything to this.
 25 Now, this investigation which is -- was going to

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1 cost \$50,000, now we're going to get it on sale at
 2 25,000 --
 3 [laughter]
 4 MS. SADLER: -- then, you know, that
 5 information is, once again, not going to do anything
 6 for us. So that money -- again, I'm saying is that,
 7 you know, the money is just being wasted when we
 8 can use it for other such things.
 9 MAYOR EVANS: Kathy, I think we need to
 10 wrap it up.
 11 MS. SADLER: Okay. One more thing.
 12 Oh, okay.
 13 Luke had said that we can go back and forth
 14 with the mayor on what was said at that meeting
 15 that the three of you went forth and had with Mayor
 16 Evans without telling him what it was about; but
 17 you also alerted Laura that you wanted her to be at
 18 the meeting. Why was she there?
 19 COUNCIL MEMBER SCHMIDT: Why? I
 20 did not extend the invitation to Laura, but just the
 21 thought was it would be helpful to have a
 22 noncouncil member with us at the meeting.
 23 MS. SADLER: Who -- who extended the
 24 invitation to her?
 25 COUNCIL MEMBER MILES: I did for that

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1 reason.
 2 MS. SADLER: Okay.
 3 COUNCIL MEMBER MILES: I thought it
 4 would -- I thought it would be good for -- for such a
 5 meeting to have a city administrator there as a
 6 witness to the meeting.
 7 MS. SADLER: So she was not taking
 8 official notes or anything because she was not
 9 there in an official capacity; is that accurate?
 10 COUNCIL MEMBER MILES: No, she was
 11 there as the city administrator.
 12 COUNCIL MEMBER SCHMIDT: Sure.
 13 COUNCIL MEMBER MILES: Yeah.
 14 MS. SADLER: Okay. Then if that's true,
 15 once again, these allegations, why did you not
 16 bring them to the board itself? Why did you not do
 17 that before you put him on trial publicly?
 18 COUNCIL MEMBER MILES: Well, first
 19 off, we met with him, and we went over the
 20 allegations we --
 21 MS. SADLER: No, not "we," the entire
 22 council. Why did you not have a meeting with the
 23 entire council? "These things have come to our
 24 attention."
 25 COUNCIL MEMBER NICHOLSON: That is

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1 actually what happened at the last council meeting.
 2 COUNCIL MEMBER SCHMIDT: That's
 3 right.
 4 MS. SADLER: At the last council meeting
 5 here -- here.
 6 COUNCIL MEMBER NICHOLSON: We
 7 brought those allegations to the public.
 8 MS. SADLER: Here.
 9 COUNCIL MEMBER NICHOLSON: Here.
 10 MS. SADLER: Well --
 11 COUNCIL MEMBER NICHOLSON: You
 12 can't have a meeting of all the council people
 13 without having it be an open meeting.
 14 MR. SPEAKER: Why not? Why not?
 15 COUNCIL MEMBER NICHOLSON: It's
 16 illegal.
 17 MS. SADLER: So you conveniently avoid
 18 the -- the quorum of four by using three, although
 19 all four of you knew what was -- what you were
 20 going to do, is that correct?
 21 COUNCIL MEMBER STOVALL: That's
 22 incorrect. That's incorrect.
 23 COUNCIL MEMBER FULCHER: That's --
 24 that's not --
 25 MS. SADLER: Okay. Tell me how

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1 that's --
 2 COUNCIL MEMBER FULCHER: That's --
 3 that's correct [phonetic]. If you look at the
 4 minutes of the last meeting --
 5 COUNCIL MEMBER STOVALL: Okay,
 6 Frank.
 7 COUNCIL MEMBER FULCHER: -- you will
 8 see that it's -- that they violated the open meetings
 9 act by doing that and excluding --
 10 COUNCIL MEMBER STOVALL: That's
 11 incorrect.
 12 COUNCIL MEMBER FULCHER: -- by
 13 excluding both Sandra and myself.
 14 COUNCIL MEMBER STOVALL: That's
 15 incorrect, and that's a -- that's -- that's a very
 16 serious allegation. It's actually the second one
 17 you've made against me at this meeting.
 18 COUNCIL MEMBER FULCHER: I didn't
 19 make it against you. I made it against all four.
 20 COUNCIL MEMBER STOVALL: No, you
 21 did. I'm one of the four you're talking about.
 22 COUNCIL MEMBER FULCHER: Yes.
 23 COUNCIL MEMBER STOVALL: I'm not
 24 going to stand for that.
 25 COUNCIL MEMBER FULCHER: You -- if --

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1 it's in the minutes that you talked -- all four of you
 2 talked before the three of you went into the mayor.
 3 You knew what was going on, Jeff.
 4 COUNCIL MEMBER STOVALL: I don't
 5 know -- I was not part of that meeting. And I'm not
 6 going to talk about anything about this, Frank. I'm
 7 not going to talk about it.
 8 COUNCIL MEMBER FULCHER: Well,
 9 that's probably smart.
 10 COUNCIL MEMBER STOVALL: Yeah, it
 11 is. And I think you should heed your own advice.
 12 COUNCIL MEMBER MILES: First off,
 13 there's nothing that prohibits council members from
 14 talking individually amongst each other. The rule
 15 is -- is that council members, four or more, cannot
 16 meet together to discuss a --
 17 MR. SPEAKER: That's -- that's not what
 18 the law says.
 19 COUNCIL MEMBER FULCHER: That's not
 20 what the law says.
 21 COUNCIL MEMBER MILES: Yes, it does.
 22 COUNCIL MEMBER FULCHER: No.
 23 Grover? Grover, please?
 24 CITY ATTORNEY POTTS: A quorum of a
 25 city council cannot conduct business except in an

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1 open meeting.
 2 COUNCIL MEMBER FULCHER: Yes.
 3 CITY ATTORNEY POTTS: And if two
 4 members of the city council talk to one another,
 5 and those other two members talk to two more
 6 members, and they do that as a subterfuge to keep
 7 from having an open meeting, then that's illegal.
 8 COUNCIL MEMBER FULCHER: That's
 9 illegal; correct.
 10 MS. SADLER: Okay. Thank you for your
 11 answer. Thank you, Jeff, for answering without
 12 answering. Appreciate it.
 13 MR. SPEAKER: Can we ask what the
 14 allegation is that's going to get us sued?
 15 COUNCIL MEMBER MILES: It had to do
 16 with hostile work environment.
 17 MAYOR EVANS: The next speaker is Dale
 18 Dodrill.
 19 MR. DODRILL: I'm Dale Dodrill, 6934
 20 Wythe Hill Circle.
 21 I stand here in front of Stuart, as leader of the
 22 funky [phonetic] four, wasting my breath again just
 23 as the rest of my fellow citizens have wasted their
 24 breath, because once you decide to do something,
 25 you do it.

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1 Although I was out of town at the time of the
 2 last city council meeting, I reviewed the areas of
 3 concern and the ordinance res -- resolution for
 4 spending my tax dollars to investigate. I've read
 5 the minutes of the meeting, and I met with the
 6 mayor. I believe him to be of sound mind and fully
 7 capable of continuing to lead our city in the
 8 competent and constructive manner that he has in
 9 the past.
 10 I have to question why not meet with him
 11 individually, Stuart, rather than ganging up on him
 12 to review these areas and for embarrassing our
 13 city, and, most of all, the mayor for what I believe
 14 to be a farce?
 15 However, I do believe there's calls for
 16 investigation. We have 60 US National Parks and
 17 four -- 417 National Park sites supported by my tax
 18 dollars. We have 49 state parks supported by my
 19 tax dollars. We have 54 parks in Jefferson County
 20 supported by my tax dollars. That's 580 park sites
 21 readily accessible to me.
 22 Yet in the minutes of the last meeting, I read
 23 about Councilman Miles whining about getting more
 24 tax dollars to support parks in Prospect I don't --
 25 that I believe we don't need and that are used

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1 primarily by non-Prospect residents.
 2 Is it to further beautify the park in your
 3 backyard to increase the value of your house, or to
 4 pay for the increasing maintenance of these not
 5 needed parks? Maybe you just need to beat your
 6 chest in front of your tree-hugging friends.
 7 Stuart, I believe you should be investigated.
 8 [laughter]
 9 MR. DODRILL: Why is Councilman Smith
 10 -- Schmidt constantly pushing projects to move us
 11 closer to Metro Government where I don't want to
 12 be?
 13 MR. SPEAKER: I don't, either.
 14 MR. DODRILL: A prime example is this
 15 sidewalk to nowhere that we talked about earlier.
 16 Schmidt and his cohorts pushed through this
 17 project, which will cost us at least 200- to 400,000;
 18 probably more, yielding little or no benefit to the
 19 vast majority of Prospect residents. Oh, yes.
 20 Luke's business depends on a good
 21 relationship with Metro, and he's spoken about
 22 Metro lovingly many times tonight. Luke, I think
 23 you should be investigated.
 24 [applause]
 25 COUNCIL MEMBER SCHMIDT: I've got

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1 to -- I've got to interrupt you here; okay?
 2 You're --you're making some wild comments
 3 and insinuating --
 4 MR. DODRILL: I'm not finished.
 5 COUNCIL MEMBER SCHMIDT: Well, I'm
 6 going to have to interrupt you for one second,
 7 because the point of it is: Just because I stated a
 8 couple of things about Metro tonight doesn't mean
 9 that my business depends on it. It absolutely
 10 doesn't.
 11 Stuart has spent years working to build a
 12 reasonable park system for the citizens of this
 13 community.
 14 MR. DODRILL: Which we don't need.
 15 COUNCIL MEMBER SCHMIDT: Well,
 16 that's your opinion. There are a lot of people
 17 that --
 18 MR. DODRILL: It is my opinion, and
 19 that's what -- that's what I'm up here to say. And
 20 I -- I appreciate you not interrupting me.
 21 COUNCIL MEMBER SCHMIDT: All right;
 22 but I'd just watch your tone.
 23 MR. DODRILL: I will -- I will say what I
 24 want to say.
 25 COUNCIL MEMBER SCHMIDT: Okay.

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1 MR. DODRILL: I've spoken badly about
 2 Mayor Falk. I am, have, and will continue to speak
 3 badly about certain council mem -- members of
 4 Prospect.
 5 I have -- when I was working, I spoke loudly to
 6 some of my employees. I've use -- even used the F
 7 word in certain situations on the golf course.
 8 Maybe I should be investigated.
 9 But, no, you can continue to consider a motion
 10 to waste \$50,000 now, as one of my fellow citizens
 11 pointed out, on sale with 25,000 of our tax money,
 12 moved by Metro Loop, seconded by Stuart, and
 13 voted for by his followers, including a councilman
 14 with one foot barely in Prospect and one foot out.
 15 As you can surmise by this presentation, I'm
 16 not a politician, but I will speak on behalf of a
 17 good man accused of things ranging from
 18 inconsequential to reputed by those he's accused
 19 of wrongdoing.
 20 I'm not a politician; but I will work to get you
 21 and you out and responsible representatives of the
 22 City of Prospect in; representatives who will work
 23 to supply us with the services needed, keep the
 24 city clean; protect us from harm, and use our tax
 25 dollars wisely; representatives who will not push

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1 personal agendas while increasing overhead, which
 2 inevitably will result in increased taxes to the mass
 3 [phonetic]. Thank you.
 4 [applause]
 5 MAYOR EVANS: Thank you. Next on the
 6 list is Linda Creech. Linda, you've already spoken.
 7 Do you want to speak some more?
 8 MS. CREECH: I would like to, please.
 9 MAYOR EVANS: Step up. .
 10 MS. CREECH: Linda Creech, 7217
 11 Hunters Run Drive.
 12 A lot of what I wanted to say has been said,
 13 but I have a few points. And they just kind of
 14 bounce all over the board, so bear with me.
 15 First of all, we've talked a lot tonight about
 16 fiduciary duty. Let's go back to that, because
 17 fiduciary duty isn't just about what's going on in
 18 the workplace here. We're talking about an
 19 unfunded pension liability, a million plus, that we
 20 know is a liability, as the accountant laid out.
 21 Whether or not anybody else is setting the
 22 money aside -- that's why I ran this boat, because
 23 everybody's kicked the can down the road, and
 24 nobody ever wants to pay it and set the money
 25 aside. It's time to do that and not mortgage

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1 Prospect's future further. And it seems to me that
 2 should be your fiduciary duty.
 3 We looked at how much money is left
 4 unallocated in our fund. It's down to about three
 5 months. In my household, we have a lot of things
 6 we want to do, and we don't have enough money to
 7 do it all.
 8 I agree with the last gentleman. 400,000 is a
 9 lot of money for a bike path that's going to go
 10 through the heart of our city where all our cars are
 11 going, where all our new drivers are driving, where
 12 all our seniors are driving. It's going to be a
 13 dangerous situation, and we're going to mortgage
 14 our future for that.
 15 I have no idea how you put things on a ballot,
 16 but there's an election coming up. I think it would
 17 be an awesome thing to put on the ballot: Does the
 18 City of Prospect want to spend \$400,000 for this
 19 and let the taxpayers decide "yes" or "no"?
 20 MS. SPEAKER: Yes.
 21 [applause]
 22 MS. CREECH: It seems to me that should
 23 be our decision.
 24 Stuart, when someone said to you they're
 25 afraid the city's going to be sued, were they

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1 saying, "I plan to sue the city if you don't do
 2 something," or were they saying, "I'm hearing this,
 3 and I'm hearing that, and I'm just afraid somebody
 4 is going to sue us"? What was the actual
 5 connotation?
 6 COUNCIL MEMBER MILES: The
 7 connotation was -- is there was a concern from
 8 another individual would; but this person also
 9 indicated, that because of the actions of the mayor,
 10 that he had a -- a -- a legal case against him for
 11 what he had done.
 12 MS. CREECH: And was planning to sue.
 13 COUNCIL MEMBER MILES: No, no. They
 14 said that they were not planning to sue.
 15 MS. CREECH: Was your question, "What
 16 do we have to do to prevent someone suing us"?
 17 Was that your question, and was the answer,
 18 "Investigate the mayor"?
 19 COUNCIL MEMBER MILES: No.
 20 MS. CREECH: How did you respond to
 21 that?
 22 COUNCIL MEMBER MILES: Well, I mean,
 23 we were talking to this person who had several
 24 concerns. They listed the concerns.
 25 MS. CREECH: Uh-huh.

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1 COUNCIL MEMBER MILES: And, again, in
 2 general, without rehashing everything, but one of
 3 the main concerns had to do with the mayor's
 4 decision making, and it -- and that it led to several
 5 outbursts and screaming and yelling issues with
 6 employees.
 7 And their concern was -- is that this -- they
 8 were concerned that this could lead to an employee
 9 suing the city.
 10 MS. CREECH: Now, here's another
 11 concern of mine. I went on Nextdoor and read
 12 about an incident that I think said that the -- the
 13 "damned Jew" comment was made in 2015. I -- I
 14 cannot say if that's a true statement or not. That's
 15 what I read. That's three years ago.
 16 We all know how memories are. Sometimes our
 17 memories are faulty. Sometimes we hear things so
 18 often that we begin to believe they're true even if
 19 they weren't. It seems to me that some of this is
 20 reaching back way too far to rely on anybody's
 21 memory, and that is just an observation.
 22 Another comment I have is those of us that
 23 were here last month sat through an excruciating,
 24 long discussion on how to fund -- I don't remember
 25 it was \$5,000 or what -- we were trying to get 200

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1 from Sandra and, you know, 500 from here. And it
 2 was a long, excruciating ordeal for a tiny sum of
 3 money.
 4 But all of a sudden we can afford 50- or 25,000
 5 to investigate something, again, that is all
 6 hearsay? I mean, I don't understand how we're so
 7 comfortable spending 25,000 when we nicked and
 8 dimed ourselves so long last month.
 9 Hold on. Let me see what else I want to say. I
 10 do think the last gentleman that spoke -- because I
 11 was beginning to think that I am the only person
 12 that's ever said something in anger or in haste that
 13 I wish I hadn't.
 14 I love my husband dearly, but there are people
 15 that can testify in a court of law that I said I will
 16 shoot him.
 17 [laughter]
 18 MS. CREECH: And I think sometimes
 19 people forget that things are said in the heat of the
 20 moment that nobody meant, apologies are made,
 21 and people move forward with their lives.
 22 Why do we have two new employees? The
 23 comment was made that we now have added two
 24 more employees to the city roles. What do those
 25 people do?

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1 MAYOR EVANS: Those are the -- the
 2 ladies at the front desk. They work part-time, 20
 3 hours a week. Prior to their coming, Laura, who
 4 was our city clerk, was sitting at the front desk.
 5 And, in my opinion, if that had gone on much longer
 6 we would have lost her because she was bored.
 7 MS. CREECH: Okay.
 8 MAYOR EVANS: So we have two part-time
 9 ladies --
 10 MS. CREECH: Okay.
 11 MAYOR EVANS: -- who sit at the front
 12 desk.
 13 MS. CREECH: So how many people do we
 14 have whose primary job is to tend to our parks; and
 15 are those people charged --
 16 MR. SPEAKER: That's a good question.
 17 MS. CREECH: -- to a parks budget, or are
 18 they charged to personnel?
 19 COUNCIL MEMBER FULCHER: They're
 20 charged to personnel. They're -- they're in the
 21 salary's category of the budget.
 22 MS. CREECH: Do we know how much that
 23 is? I mean, when we know -- want to know how
 24 much we spend on parks, do we know how much we
 25 spend on parks?

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1 COUNCIL MEMBER FULCHER: Well, I
 2 asked the question today, and the answer is no.
 3 There's no -- there's no allocation of time. As --
 4 as an engineer, I had to do all my career, you work
 5 on a project, you charge for that time.
 6 The -- the -- the lawyers do the same thing.
 7 Everybody does the same thing.
 8 MS. CREECH: Right.
 9 COUNCIL MEMBER FULCHER: So what
 10 you see in the parks budget is strictly a little bit of
 11 mowing, a little bit of this, a little bit of that.
 12 MS. CREECH: Okay.
 13 COUNCIL MEMBER FULCHER: However,
 14 we've had to hire -- my understanding, we've had to
 15 hire the extra maintenance person just because we
 16 have such a large park --
 17 MS. CREECH: Okay.
 18 COUNCIL MEMBER FULCHER: --
 19 responsibility.
 20 MS. CREECH: And -- and I think that is,
 21 again, as we're looking at we only have three
 22 months of funds available, I think it's another place
 23 we look at how much we are spending on the parks.
 24 And the -- the last thing -- I hope I've covered
 25 them all. The last thing I want to say is there is an

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1 election coming up. And I often, when I'm dealing
 2 with things at home or work or anywhere else, go
 3 back to that old Ann Landers question where people
 4 were talking about this, this, and that, and what
 5 should I do, and should I leave him and should I
 6 stay. And her comment always was, "Are you better
 7 off with him or without him?"
 8 And I don't think there's anybody anywhere in
 9 this city that would have gone to bat about
 10 Prospect Cove like Mayor Evans did.
 11 [applause]
 12 MS. CREECH: And I -- I -- I think it is a
 13 shame to leave -- if you decide to do an
 14 investigation, I think it is a shame to spend the
 15 money on it. I think it is a shame to leave it open
 16 at election time; but I hope this city remembers
 17 how much better we off -- are with him than without
 18 him.
 19 [applause]
 20 MAYOR EVANS: Next is Toni Skiles.
 21 CHIEF SHERRARD: Sir, I believe she
 22 already left.
 23 MAYOR EVANS: Oh, okay. Then we have
 24 one more, and that's Al Binsfield who -- whose
 25 sitting front row very, very patiently.

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1 MR. BINSFIELD: My name is Al Binsfield.
 2 I live at 7609 Smithfield Green Lane, Prospect.
 3 And being the last one up here, most
 4 everything I wanted to say has been said already;
 5 but I will touch on a couple of items. (1) When you
 6 were talking about the opposition of the grant, I
 7 think bringing up an incident that was rectified in
 8 the past was a little below the belt. And I think
 9 that was unfair. You should have never even
 10 brought it up.
 11 MR. SPEAKER: You have to speak up.
 12 MR. BINSFIELD: If it's been rec -- I'm
 13 sorry. If it's been -- if you -- if you've rectified
 14 that issue already, it should have never been
 15 brought up.
 16 (2) In regards to the -- the fence and the fence
 17 being placed on private property, I think it's the
 18 council's duty to take a look at any expenditure and
 19 any layout plans, and they should have been
 20 reviewed and approved by the full council. And it
 21 should not have been left up to any one person to
 22 do.
 23 Every complaint I've heard about over the last
 24 two council meetings has really been hearsay. And
 25 I think that you're putting the cart before the horse

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1 by asking for funds to complete an investigation for
 2 hearsay.
 3 I think that -- there was a comment, I think,
 4 that was made that the protocol for grievances
 5 should be a byproduct of the investigation. I don't
 6 think that's right.
 7 I think that should be placed first. I think that
 8 you should have some procedure in place to than
 9 handle that, any complaints or grievances. Based
 10 on that fact, then, if there's an issue, it can be
 11 brought into an investigation; but I think you've
 12 done this backwards.
 13 I think that -- I've worked in the past with --
 14 with the -- the mayor and I'm -- done some
 15 professional work and helped him out on some
 16 issues with the city. I've found him to be very
 17 professional, competent, and above board. And he
 18 always wants to do the best for the citizens of
 19 Prospect.
 20 And so I'll leave you with my last thought, was
 21 that I noted that -- the last time we talked about
 22 allocating \$33,000 for some parking lot at one of
 23 the parks. I think that \$33,000 would be better
 24 spent for increasing the parking here at city hall.
 25 [applause]

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1 MS. CREECH: Can -- can I ask one more
 2 question? I'm sorry. I asked it earlier, and it
 3 never got answered.
 4 MAYOR EVANS: Yes.
 5 MS. CREECH: What is the purpose of
 6 getting rid of the ordinance about investigating the
 7 mayor and instead placing it into the budget? What
 8 is the thought process behind that decision?
 9 COUNCIL MEMBER SCHMIDT: It's -- in
 10 my view, it's a more efficient way to handle it --
 11 handle this.
 12 MS. CREECH: How is it more efficient?
 13 THE REPORTER: I'm sorry. Who was
 14 that? I --
 15 MAYOR EVANS: That's --
 16 MS. CREECH: Linda Creech.
 17 THE REPORTER: Thank you.
 18 CITY ATTORNEY POTTS: What happened
 19 last time was that the ordinance was -- that was
 20 going to be amended was the current budget
 21 ordinance, and so there was an amendment
 22 proposed to the current budget ordinance.
 23 That amendment and this resolution -- and,
 24 Luke, correct me if I'm wrong -- is I understand
 25 that this resolution is to be withdrawn.

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1 COUNCIL MEMBER SCHMIDT: That's
 2 correct.
 3 CITY ATTORNEY POTTS: And I would
 4 also --.
 5 COUNCIL MEMBER SCHMIDT: No, the
 6 ordinance is to be withdrawn.
 7 CITY ATTORNEY POTTS: Well, the -- I
 8 mean, the ordinance is to be withdrawn.
 9 COUNCIL MEMBER SCHMIDT: Uh-huh.
 10 CITY ATTORNEY POTTS: And then -- and
 11 there was a second ordinance that was up for a
 12 reading.
 13 COUNCIL MEMBER SCHMIDT: 568.
 14 CITY ATTORNEY POTTS: 568. Well,
 15 now, 564 is -- is -- has it been withdrawn? Is that
 16 what we're now doing?
 17 COUNCIL MEMBER SCHMIDT: Well,
 18 that's kind of before we got into all the discussion.
 19 CITY ATTORNEY POTTS: Before the --
 20 all the discussion; okay.
 21 COUNCIL MEMBER SCHMIDT: Right. So
 22 it needs to be disposed f and --
 23 CITY ATTORNEY POTTS: Okay. And
 24 since it's had a first reading, I guess you can
 25 withdraw before a second reading. I've never had

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1 that happen before.
 2 MAYOR EVANS: I never have, either.
 3 CITY ATTORNEY POTTS: But I think you
 4 can.
 5 MAYOR EVANS: You can put it up for a
 6 vote, and it will --
 7 CITY ATTORNEY POTTS: You put it up
 8 for a vote and --
 9 MAYOR EVANS: -- be defeated.
 10 CITY ATTORNEY POTTS: -- and -- and it
 11 will be defeated. Maybe that's the way to do it.
 12 MAYOR EVANS: Yeah, I guess it is.
 13 COUNCIL MEMBER SCHMIDT: That's
 14 fine.
 15 CITY ATTORNEY POTTS: Okay. So that
 16 would be your next action.
 17 MAYOR EVANS: Okay. So that is this
 18 one, 5 --
 19 CITY ATTORNEY POTTS: 564.
 20 MAYOR EVANS: 564-2018, an ordinance
 21 relating to the amendment of the 2017-2018 budget
 22 of the City of Prospect to provide funds for the
 23 investigation of allegations made against Mayor
 24 John Evans; okay.
 25 It's up for a second reading and a motion for

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1 passage. Is there such a motion?
 2 COUNCIL MEMBERS: [no audible
 3 response]
 4 MAYOR EVANS: Hearing none, it fails.
 5 And that's the end of that one.
 6 CITY ATTORNEY POTTS: So can -- can I
 7 answer Ms. Creech's question then?
 8 MAYOR EVANS: [no audible response]
 9 CITY ATTORNEY POTTS: As a result of
 10 that, the only ordinance that's on today with
 11 respect to funds for an investigation is --
 12 MAYOR EVANS: Is the budget
 13 ordinance --
 14 CITY ATTORNEY POTTS: -- is the budget
 15 ordinance --
 16 MAYOR EVANS: -- proposed by Mr.
 17 Schmidt.
 18 CITY ATTORNEY POTTS: -- by Mr.
 19 Schmidt. And -- and that --
 20 MS. CREECH: So --
 21 CITY ATTORNEY POTTS: -- what that was
 22 really -- the first one would have taken money out
 23 of the budget for the Fiscal Year 2018; okay? And
 24 this one takes the money out of budget for Fiscal
 25 Year 2019 which begins July 1.

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1 MS. CREECH: Okay. So what is -- what
 2 is 566 for? What's that 45,000? There's -- there's
 3 a third budget figure there. What is -- what is that
 4 legal city attorney [phonetic] 45,000 in 566?
 5 MS. TAYLOR: May I step in?
 6 MAYOR EVANS: Yeah, go ahead, Laura.
 7 MS. TAYLOR: That is for informational
 8 purposes. Because our legal expenses were so
 9 high that year, I just provided that so members of
 10 council and anyone who looks at this can see how
 11 much was budgeted for Mr. Potts and how much we
 12 ended up spending this year.
 13 MS. CREECH: Okay. So does -- does
 14 putting it in the 18- 19 budget mean that we can
 15 drag this out into a year from now? We choose --
 16 does it -- is it a nice way to just decide not to
 17 pursue this and let it go? I mean, what does it
 18 mean?
 19 CITY ATTORNEY POTTS: This -- this --
 20 what you're talking about now is unrelated to any
 21 investigation --
 22 MS. TAYLOR: Right.
 23 MS. CREECH: And not that one. Going
 24 back to 568.
 25 CITY ATTORNEY POTTS: Okay. Well,

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1 what it means is that if -- if that ordinance is
 2 passed at a second reading, then there would be
 3 \$25,000 in the twenty -- Fiscal Year 2019 budget
 4 that begins June -- or July 1, 2018 for an
 5 investigation.
 6 MS. CREECH: It could be used, but it
 7 doesn't have to be used.
 8 CITY ATTORNEY POTTS: Anything that's
 9 in the budget could be used and doesn't have to be.
 10 COUNCIL MEMBER LEONARD: Actually,
 11 it -- we -- we -- what this does is we have two
 12 options at the next meeting. We can either pass
 13 the budget without the investigation, or we can
 14 pass the budget with the investigation. Those
 15 options are both on the table.
 16 CITY ATTORNEY POTTS: Because they
 17 are two separate ordinances.
 18 COUNCIL MEMBER LEONARD: Correct.
 19 CITY ATTORNEY POTTS: One's got an
 20 end. One doesn't have an end.
 21 MS. CREECH: Okay. So it would pass --
 22 could, in theory, pass in the July meeting.
 23 CITY ATTORNEY POTTS: Well, it has to
 24 be -- it has to -- there will have to be a special
 25 meeting of the Prospect City Council between now

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1 and June 30 in order to pass the budget ordinance,
 2 or the budget will be -- will -- the budget will be
 3 rolled back to the two thousand -- Fiscal Year 2018
 4 budget, the current budget, until a new budget
 5 ordinance is passed.
 6 MAYOR EVANS: In other words, until you
 7 have a new budget ordinance for the coming year,
 8 you continue to operate under the current budget.
 9 MS. CREECH: So -- okay. So if -- if this
 10 -- if you hold a meeting and if you pass it -- I'm
 11 trying to see the time frame -- by June 30, you
 12 could have it in the budget approved. So you could
 13 in theory -- okay, you go out and hire somebody to
 14 investigate on July 1, or does that -- does that
 15 have to be selected in an open meeting?
 16 CITY ATTORNEY POTTS: This is a
 17 professional services, assuming that you hire
 18 someone who is a professional. In -- in most
 19 situations, this is done with a lawyer. So if it's
 20 professional services contract, you do not have to
 21 bid it. You can hire someone to a professional
 22 service contract without bidding.
 23 MS. CREECH: So it could -- it could
 24 easily still be dangling at election day.
 25 CITY ATTORNEY POTTS: I'm sorry.

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1 Could easily --
 2 MS. CREECH: It -- it could still be open
 3 and dangling --
 4 CITY ATTORNEY POTTS: Yes.
 5 MS. CREECH: -- at election day.
 6 CITY ATTORNEY POTTS: Yes.
 7 COUNCIL MEMBER LEONARD: You
 8 know --
 9 MS. CREECH: Which means that a new
 10 city council could come in and just stop it in its
 11 tracks and save the money that has not already
 12 been spent?
 13 COUNCIL MEMBER FULCHER: Yes.
 14 MS. CREECH: Right.
 15 CITY ATTORNEY POTTS: Unless it was
 16 already committed. Unless it had been committed.
 17 MS. CREECH: Unless it's committed.
 18 COUNCIL MEMBER LEONARD: But you're
 19 presupposing -- which may be totally appropriate.
 20 You're presupposing that the budget with the
 21 investigation in it is the one that would pass.
 22 MS. CREECH: Well -- and we hope not,
 23 because we hope people have heard the citizens;
 24 but I'm just trying to understand --
 25 COUNCIL MEMBER LEONARD: I hear

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1 you.
 2 MS. CREECH: -- worst-case time frame or
 3 best-case if your want to run for mayor.
 4 MS. MITCHELL: My question to the
 5 council is a -- I want to --
 6 MAYOR EVANS: Could you identify
 7 yourself, ma'am?
 8 THE REPORTER: Could you also make --
 9 MS. MITCHELL: Maren -- Maren --
 10 THE REPORTER: -- her come up?
 11 CITY ATTORNEY POTTS: Can you come
 12 back up so she can -- she's transcribing, and she
 13 needs to hear your questions.
 14 MS. MITCHELL: Maren Mitchell, 7107 Fox
 15 Harbor Road, Prospect, Kentucky, 30 years time
 16 served.
 17 My question to all of you: Have you listened to
 18 all of this?
 19 COUNCIL MEMBER MILES: Yes, ma'am.
 20 MS. MITCHELL: Did it sink in?
 21 COUNCIL MEMBER SCHMIDT: Mayor,
 22 we're never going to go through our agenda --
 23 COUNCIL MEMBER MILES: I --
 24 COUNCIL MEMBER SCHMIDT: -- if people
 25 just keep coming back up. You know, there's got to

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1 be some order to this.
 2 COUNCIL MEMBER MILES: No, I took -- I
 3 took everything that all of you have said, and I'm --
 4 I'm absolutely taken it all in. Absolutely.
 5 MS. MITCHELL: I would hope so, because
 6 the council could change. And I think 25,000 is
 7 ludicrous.
 8 MAYOR EVANS: All right. That's all the
 9 speakers. Let's --
 10 MR. DODRILL: May -- may I ask a
 11 question?
 12 MAYOR EVANS: Mr. Dodrill, go ahead.
 13 MR. DODRILL: This is Dale Dodrill again.
 14 Why don't you turn this embarrassing negative
 15 into a positive? You're so concerned about how to
 16 handle personnel matters. If you're dead set to --
 17 to spend \$25,000, why don't you spend \$25,000
 18 establishing the policies and procedures that will
 19 stop these possible infractions from happening
 20 again, or establishing a way to handle them? Why
 21 continue to -- embarrassing the city about what this
 22 witch hunt that you people are on? Do something
 23 about it rather than do something negative.
 24 [applause]
 25 COUNCIL MEMBER MILES: All right. And

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1 that's a very good question. And I reached out to
 2 an attorney with knowledge of an ordinance that
 3 Bardstown has passed. It's a whistleblower
 4 ordinance. And I'm looking to have that adapted to
 5 Prospect.
 6 And I've asked for the city's orders of
 7 incorporation to help guide that task, but that is
 8 something I'm -- I'm absolutely looking at. I have
 9 a -- I have that version of the Bardstown ordinance
 10 on my computer. And I've talked to the city
 11 administrator about getting the necessary
 12 information from the city so that we could adapt it
 13 to what they've done in Bardstown.
 14 COUNCIL MEMBER LEONARD: Why do we
 15 need the articles of incorporation? Actually,
 16 they're establishment papers.
 17 COUNCIL MEMBER MILES: I'm not an
 18 attorney. I was just told that that would be part of
 19 what we need.
 20 COUNCIL MEMBER LEONARD: I've got
 21 them.
 22 COUNCIL MEMBER MILES: Okay.
 23 COUNCIL MEMBER LEONARD: And I'm
 24 not positive how it would make any difference at
 25 all.

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1 COUNCIL MEMBER MILES: And, again,
 2 I'm not an attorney. I -- I was just told that that
 3 would be helpful in doing that.
 4 MAYOR EVANS: Well --
 5 COUNCIL MEMBER LEONARD: And the
 6 other part is -- we do have procedures. They
 7 probably need to be updated. It could be done
 8 costing way less than \$25,000.
 9 MR. DODRILL: Well, let's do it.
 10 MAYOR EVANS: Can we move on?
 11 COUNCIL MEMBER LEONARD: I agree.
 12 MAYOR EVANS: We need a first reading
 13 of Ordinances Number 567-2018. Someone on the
 14 council please give a first reading.
 15 COUNCIL MEMBER NICHOLSON: I will.
 16 City of Prospect Ordinance Number 567 Series
 17 2018, an ordinance relating to the amendment and
 18 modification of the budget for the municipal road
 19 aid fund of the City of Prospect for the fiscal year
 20 beginning July 1st, 2017 and ending June 30th,
 21 2018.
 22 MAYOR EVANS: Thank you, Susan. That
 23 will come up at the next meeting for consideration
 24 for passage.
 25 Next is a first reading of Ordinance Number

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1 562-2018. Does someone care to give that first
 2 reading, please?
 3 COUNCIL MEMBER FULCHER: I'll do
 4 that. City of Prospect Ordinance Number 562
 5 Series 2018, an ordinance establishing a budget for
 6 the municipal road aid fund for the City of Prospect
 7 for the fiscal year beginning July 1, 2018 and
 8 ending June 30, 2019.
 9 MAYOR EVANS: All right. Thank you.
 10 Next, I'll ask someone to give a first reading to
 11 Ordinance Number 565- 2018.
 12 COUNCIL MEMBER NICHOLSON: I will do
 13 that. City of Prospect Ordinances Number 565
 14 Series 2018, an ordinance relating to the
 15 amendment and modification of Chapter 31.36 of
 16 the Code of Ordinances of the City of Prospect
 17 regarding the office of city clerk.
 18 MAYOR EVANS: Good. All right.
 19 Then we have a second reading of Ordinance
 20 560-2018, which is an ordinance enacting and
 21 adopting the 2017 supplement to the Code of
 22 Ordinances of the City of Prospect. Someone care
 23 to make a motion for it adoption?
 24 COUNCIL MEMBER FULCHER: So moved.
 25 MAYOR EVANS: Any second?

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1 COUNCIL MEMBER NICHOLSON: Second.
 2 MAYOR EVANS: It's been moved and
 3 seconded. Is there any discussion?
 4 [no audible response]
 5 MAYOR EVANS: Hearing none, we'll come
 6 to a vote. All in favor say "aye."
 7 COUNCIL MEMBERS: Aye.
 8 MAYOR EVANS: All opposed?
 9 COUNCIL MEMBERS: [no audible
 10 response]
 11 MAYOR EVANS: The ayes have it, and
 12 the ordinance is adopted.
 13 Okay. Resolution 2 Series 2018, a resolution
 14 expressing support for efforts to bring an NBA team
 15 to Louisville. Luke, this is in your wheelhouse.
 16 COUNCIL MEMBER SCHMIDT: Thank you,
 17 Mayor. Just very, very briefly, probably most
 18 people were aware that there is a -- a pretty
 19 significant effort underway to secure an NBA team
 20 for Louisville.
 21 Dan Issel, the former UK [inaudible], has been
 22 brought in to head up the issue. A number of
 23 business leaders are behind it.
 24 Right now, there is an effort -- as part of this
 25 overall process to show support for this to

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1 potential team owners and to the NBA, is to get all
 2 of the 83 suburban cities to consider adopting the
 3 resolution of support for the NBA team just to
 4 demonstrate that this is something that we would
 5 all value that we could possibly have in the area.
 6 We were contacted by a council member in
 7 Audubon Park, who was spearheading this issue
 8 about a week and a half ago. He wrote to all of us.
 9 I took the opportunity to respond, because I think
 10 it's something that it would be very, very good to
 11 have for the greater region.
 12 And this is one of these nice resolutions that
 13 doesn't cost the city anything. There's no
 14 requirement other than to just say that, yes, we --
 15 as a -- a part of the region, we support the effort to
 16 bring in an NBA team. And that's all we have to do.
 17 So I would -- having lived in a city that brought
 18 in an NBA team, it is a game changer. It's an
 19 economic development tool. It helps attract talent
 20 to the community. It helps attract new jobs, new
 21 businesses. It is -- I could go on and on. It's an
 22 amazing thing.
 23 Louisville is the only city in this part of the
 24 country that doesn't have any major league sports
 25 team at the present time. Most of our neighbors

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1 have at least two.
 2 So I would encourage the council to consider
 3 this and support it. I'll be happy to answer any
 4 questions.
 5 MAYOR EVANS: Is there a motion?
 6 COUNCIL MEMBER SCHMIDT: I move that
 7 we adopt the resolution.
 8 COUNCIL MEMBER MILES: Second.
 9 MAYOR EVANS: It's been moved and
 10 seconded. Is there any further discussion?
 11 COUNCIL MEMBER LEONARD: I'd just
 12 like to indicate: I'm going to vote no on this, not
 13 because I'm against the NBA teams, but, first of
 14 all, if you read the resolution, all of the benefit
 15 flows to Metro. Nothing comes to Prospect.
 16 Many of our children and our grandchildren go
 17 to UK and U of L. And if we actively, as a
 18 community, support their sports and -- I think that
 19 this would drain from both of those universities.
 20 COUNCIL MEMBER SCHMIDT: Yeah. I --
 21 MAYOR EVANS: All right.
 22 COUNCIL MEMBER SCHMIDT: -- I would
 23 make one response to that.
 24 MAYOR EVANS: Yeah.
 25 COUNCIL MEMBER SCHMIDT: And I

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1 respect Sandra's view on this. There are cities
 2 that have both strong collegiate basketball
 3 programs as well as an NBA team. Memphis is a
 4 great example of that.
 5 And, yes, you're right in this case. The arena,
 6 it happens to be in Louisville Metro. It's not in
 7 Prospect. So we don't necessarily benefit directly,
 8 but we do benefit as part of the region making this
 9 a bigger and better region, a better place to live,
 10 improve the quality of life.
 11 So, again, we're not on the hook for any
 12 money. We don't get any of the revenue from the
 13 arena, but, yeah, to me it's -- it's -- it's something
 14 that benefits everybody here.
 15 COUNCIL MEMBER FULCHER: I --
 16 MAYOR EVANS: Any -- any other
 17 discussion?
 18 COUNCIL MEMBER FULCHER: Yeah, I
 19 have a concern. I don't know why we're doing it.
 20 Pros -- there's a -- it says it reinforces and
 21 reiterates Metro's resolution. We all pay taxes to
 22 Metro. Metro has said yes.
 23 Why -- if you saw the budget, we spent almost
 24 \$200,000 in legal fees fighting Metro against a -- a
 25 giant thing over here that's incompatible with our

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1 community. To try to get tighter to Metro, it just
 2 seems not in the best interest of the people of
 3 Prospect.
 4 I mean, if you read down through here, it's
 5 Prospect/Louisville Metro: Whereas the YUM!
 6 Center, the bargaining agreement with the NBA,
 7 whereas the NBA is business is downtown. Big
 8 deal. There would be additional tax receipts for
 9 Louisville Metro Prospect would welcome to Met --
 10 to Louisville Metro -- Louisville Metro.
 11 So if we -- really, I don't -- I'm going to vote
 12 against it, because I just don't think we need to
 13 double up. Metro has said they want it. That's
 14 fine. We pay taxes to Metro. Doing this indicates
 15 it -- that we're trying to get closer to Metro, and
 16 most of the -- the feeling of the people that I talk
 17 to is that we really don't. So thank you.
 18 COUNCIL MEMBER SCHMIDT: So, Frank,
 19 just for the record, I didn't draft this resolution.
 20 This is the one that's being circulated to all of the
 21 suburban cities. And, yes, there are some
 22 references to Metro.
 23 I would hope that none of us would put our
 24 heads in the sand forever in thinking that, maybe,
 25 once Metro might actually have something good to

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1 do -- this is something that is a benefit to
 2 everybody.
 3 And the nice thing is that unless Prospect
 4 wants to build a 20,000 seat area, which [inaudible]
 5 to do, this is something that we could lend our
 6 support without costing a dime.
 7 COUNCIL MEMBER FULCHER: Okay. But
 8 wasn't there an article in the Courier-Journal a
 9 week and a half ago that the -- the guy heading up
 10 this effort was -- had a -- paid a \$24 million fine
 11 for Medicaid fraud or something like is that? I --
 12 why -- why would we --
 13 COUNCIL MEMBER SCHMIDT: That
 14 doesn't --
 15 COUNCIL MEMBER FULCHER: -- why
 16 would we tie our wagon to a con artist?
 17 COUNCIL MEMBER SCHMIDT: Because,
 18 first of all, he's not a con artist. And, secondly,
 19 that issue has nothing absolutely to do with this.
 20 MS. CREECH: But why -- why not -- why
 21 not table this until someone who is heading the
 22 drive to get a pro team -- I mean, why would we
 23 want to sign on now with this guy?
 24 COUNCIL MEMBER SCHMIDT: I'm sorry.
 25 I missed that.

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1 MS. CREECH: Why would we want to
 2 endorse this now knowing who's heading this let's
 3 get an NBA team? Why don't we table until they
 4 have somebody new that we're not embarrassed
 5 with who's in charge of it?
 6 COUNCIL MEMBER LEONARD: Good
 7 question.
 8 COUNCIL MEMBER SCHMIDT: You
 9 know --
 10 MS. CREECH: I mean, just table it until
 11 they -- until he's -- until he's not at the top.
 12 COUNCIL MEMBER SCHMIDT: Okay. The
 13 person that you're talking about, that is an issue
 14 related to his business. It has absolutely nothing
 15 to do with the NBA.
 16 I -- I would -- and -- and If -- and I will say
 17 this one more time: I lived in Charlotte when the
 18 NBA was recruited and came to the city. It was a
 19 game-changing event, not just for Charlotte, but for
 20 all of Mecklenburg County; for the northern part of
 21 South Carolina, for the -- most all of the state of
 22 North Carolina. Everybody benefitted from it.
 23 MS. CREECH: But we're talking about
 24 signing on with somebody that has no character.
 25 Why not just wait until somebody else is in the

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1 lead?
 2 COUNCIL MEMBER SCHMIDT: Well, I
 3 would -- I would really respectfully disagree with
 4 that. We're not talking about that individual.
 5 We're talking about NBA. Let -- oh. Yes?
 6 MR. DODRILL: I have a question. In
 7 Charlotte --
 8 COUNCIL MEMBER SCHMIDT: Uh-huh.
 9 MR. DODRILL: Does the City of Charlotte
 10 have any money that allows for an expansion?
 11 COUNCIL MEMBER SCHMIDT: Initially
 12 they had to build an arena, and that's common.
 13 We're lucky. We already have the area here. We
 14 don't have to do that.
 15 MAYOR EVANS: Okay. Any other
 16 discussion on this before we come to a vote?
 17 [no audible response]
 18 MAYOR EVANS: Are we ready to vote?
 19 [no audible response]
 20 MAYOR EVANS: Let's do it by roll call.
 21 Ms. Leonard?
 22 COUNCIL MEMBER LEONARD: No.
 23 MAYOR EVANS: Mr. Schmidt?
 24 COUNCIL MEMBER SCHMIDT: Yes.
 25 MAYOR EVANS: Mrs. Nicholson?

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1 COUNCIL MEMBER NICHOLSON: Yes.
 2 MAYOR EVANS: Mr. --
 3 COUNCIL MEMBER STOVALL: Yes.
 4 MAYOR EVANS: Mr. Miles -- or Dr. Miles.
 5 Excuse me.
 6 COUNCIL MEMBER MILES: Yes.
 7 MAYOR EVANS: Mr. Fulcher?
 8 COUNCIL MEMBER FULCHER: No.
 9 MAYOR EVANS: All right. It was 4 to 2,
 10 so the resolution is adopted.
 11 Is there anybody here who heads a committee
 12 that just feels that he has to make a report
 13 tonight?
 14 MS. RIGGS: Mayor, I have a question.
 15 MAYOR EVANS: Wait, wait, wait. Elsa.
 16 We'll get to that.
 17 MS. RIGGS: No. Just -- may I --
 18 MAYOR EVANS: No. Wait, wait, wait.
 19 Anybody that heads a committee that just
 20 absolutely has to make a report tonight? Because,
 21 otherwise, we're running really late.
 22 COUNCIL MEMBERS: [no audible
 23 response]
 24 MAYOR EVANS: Okay. And that goes for
 25 you, Jeff. Can we hold it over for the next

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1 meeting?
 2 CHIEF SHERRARD: Yeah, there's nothing
 3 really significant.
 4 MAYOR EVANS: Okay. Before we
 5 adjourn, Mrs. Riggs, what do you have on your
 6 mind?
 7 MS. RIGGS: I have one question.
 8 MAYOR EVANS: Go ahead.
 9 MS. RIGGS: You just heard us. We are
 10 not in favor of this NBA team. So how come four
 11 people voted for it if they're supposed to represent
 12 us?
 13 MAYOR EVANS: Well, they have their
 14 opinions and you have your opinion.
 15 MS. RIGGS: No, no, no, no. They are
 16 our -- no, we --
 17 MAYOR EVANS: Well, November 8th is
 18 coming up. You can vote.
 19 MS. RIGGS: I don't think that's fair.
 20 MR. ROBERTS: Mayor, I've got a
 21 procedural question.
 22 MAYOR EVANS: Yes, sir.
 23 MR. ROBERTS; I have a procedural
 24 question.
 25 MAYOR EVANS: Yes, sir.

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1 MR. ROBERTS: You've got these two
 2 ordinances on the table for budget.
 3 MAYOR EVANS: Yeah.
 4 MR. ROBERTS: And -- and the city
 5 attorney said something about a special meeting. I
 6 don't think there should be a special meeting
 7 unless there's a proper notice to the public. So
 8 how's the public going to know about when the
 9 second meeting comes up on those ordinances?
 10 MAYOR EVANS: We have an eBlast
 11 situation where it can notify hundreds of people,
 12 and we use that. We post it on the -- on the city
 13 hall board.
 14 MR. ROBERTS: Well, can you -- I -- I
 15 would like to ask that you give at least a week's
 16 notice by eBlast before we have a public meeting
 17 so that people can attend.
 18 MAYOR EVANS: Yes, sir.
 19 COUNCIL MEMBER SCHMIDT: Do we
 20 want to schedule it now since we're all here?
 21 MAYOR EVANS: We can schedule it right
 22 now. That's a good suggestion.
 23 Today is the 18th. I really cannot do it next
 24 Monday night for reasons that are personal, but I
 25 can do it any other time, so Tuesday, Wednesday

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1 next week.
 2 COUNCIL MEMBER SCHMIDT: How about
 3 Tuesday the 26th?
 4 MAYOR EVANS: As long as that's not
 5 Monday of next week.
 6 Bissell is saying wait a week, though. This is
 7 Monday. Would Friday be okay?
 8 COUNCIL MEMBER SCHMIDT: This
 9 coming Friday.
 10 COUNCIL MEMBER LEONARD: This
 11 coming Friday?
 12 MR. ROBERTS: I'm not asking for myself.
 13 I just think there's a lot of interested people who
 14 need to have plenty of advanced notice. It's not
 15 personal to me.
 16 COUNCIL MEMBER MILES: No, I -- I
 17 understand.
 18 MAYOR EVANS: Well, I'm asking your
 19 opinion, Bissell.
 20 MR. ROBERTS: Well, I think --
 21 COUNCIL MEMBER LEONARD: Actually, I
 22 don't think we should do it on a Friday afternoon if
 23 the object is to get people here.
 24 MAYOR EVANS: Okay. So we'll do it with
 25 Grover out of town. We can do it --

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1 COUNCIL MEMBER LEONARD: Or we can
 2 do the week after.
 3 COUNCIL MEMBER MILES: I can do on
 4 Tuesday the 26th, as well.
 5 COUNCIL MEMBER LEONARD: I think for
 6 us to do it without counsel is not very good.
 7 [WHEREUPON, an off-the-record discussion is
 8 held.]
 9 MAYOR EVANS: Can we have a little
 10 quiet? We're trying to work something out up here.
 11 We're trying to figure out when to have a special
 12 meeting to consider the budget ordinances for
 13 passage, and our city attorney is going to be out of
 14 town starting next week until after the first of July.
 15 So the one question is: Do we want to
 16 schedule it when he's not here?
 17 MR. SPEAKER: Vote on it tonight. Call
 18 for a vote.
 19 MAYOR EVANS: Can't do it tonight
 20 legally. It has to lay over for at least --
 21 CITY ATTORNEY POTTS: One day.
 22 MAYOR EVANS: -- 24 hours, one day.
 23 COUNCIL MEMBER LEONARD: How about
 24 Monday, July 9th?
 25 MAYOR EVANS: We can do that, Monday,

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1 July 9th. Grover will be back.
 2 MR. SPEAKER: What time?
 3 MAYOR EVANS: 7
 4 COUNCIL MEMBER LEONARD: 7.
 5 MAYOR EVANS: Special meeting,
 6 Monday, July 9th at 7.
 7 COUNCIL MEMBER SCHMIDT: what about
 8 July 2nd, Grover? Are you back then?
 9 CITY ATTORNEY POTTS: No.
 10 COUNCIL MEMBER LEONARD: No. He's
 11 going to be gone.
 12 MAYOR EVANS: Okay. July 9th.
 13 COUNCIL MEMBER MILES: We're saying
 14 July 9th?
 15 MAYOR EVANS: Yes, sir.
 16 COUNCIL MEMBER MILES: Okay. That
 17 works for me.
 18 MAYOR EVANS: All right. Motion to
 19 adjourn?
 20 COUNCIL MEMBER NICHOLSON: So
 21 moved.
 22 COUNCIL MEMBER STOVALL: Second.
 23 MAYOR EVANS: All in favor?
 24 COUNCIL MEMBERS: Aye.
 25 MAYOR EVANS: We are adjourned.

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1 [WHEREUPON, the City Council Meeting
 2 concludes at 9:45 p.m.]
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1 C A P T I O N
 2 The Meeting in the matter, on the date,
 3 and at the time and place set out on the title page
 4 hereof.
 5 It was requested that the Hearing be taken
 6 by the reporter and that same be reduced to
 7 typewritten form.
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1 CERTIFICATE OF REPORTER
2 STATE OF KENTUCKY AT LARGE:
3 I, ROSE MARY KITHCART, RPR, Notary Public
4 for the State of Kentucky at Large, do hereby
5 certify that the foregoing was reported by
6 stenographic and mechanical means, which matter
7 was held on the date, and at the time and place set
8 out in the caption hereof and that the foregoing
9 constitutes a true and accurate transcript of same.
10 I further certify that I am not related to any of
11 the parties, nor am I an employee of or related to
12 any of the attorneys representing the parties, and I
13 have no financial interest in the outcome of this
14 matter.
15 GIVEN under my hand and Notarial seal this
16 _____ day of _____, 2018.
17 .
18 My Commission Expires: Notary Public
19 .
20 AUGUST 27, 2021 .
21 .
22 Notary ID: 584463
23 .
24 .
25 .

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