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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

AUGUST 16, 2010

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4 MAYOR EBERLE: Good evening. We will
5 call the City of Prospect, Kentucky, City Council
6 meeting, the regular August meeting, August 16,
7 2010, to order.

8 And we have a -- we have a lot of things to
9 talk about tonight. We don't have a whole lot on
10 the action agenda, but we do want to get started
11 and get moving through.

12 You have received the minutes for the regular
13 city council meeting of July, being July 19th, 2010.
14 They're -- if anybody wants a copy of those, those
15 are available in the back, along with agendas and
16 other items that you might be interested in.

17 I would entertain a motion with regards to the
18 city council meeting of July 19th.

19 MR. SIMON: So moved.

20 MS. ERTEL: Second.

21 MAYOR EBERLE: And that is a motion
22 as -- as written, and Simon moves and Ertel
23 seconds. Any discussion? Hearing none, those in
24 favor, signify by saying "aye."

25 COUNCIL MEMBERS: Aye.

1 MAYOR EBERLE: And opposed, by "no."

2 COUNCIL MEMBERS: [no response]

3 MAYOR EBERLE: And we have adopted
4 the minutes for the July 19th meeting. Many things
5 going on. I'll -- I'll try to be brief, and, if you
6 have any questions, certainly, interject.

7 The biggest thing today was the cutting of the
8 ribbon -- and we have a souvenir part of it -- for
9 the Harrod's Creek River Road bridge, which is
10 now officially open; may be closed, from time to
11 time, as they work on a water main that will be
12 attached to that bridge, but there will always be
13 one lane open. So, a little ironic, but, you know,
14 it may go back and forth to a one-lane bridge for a
15 while.

16 MR. SPEAKER: I -- I noticed, today,
17 there was not a row of traffic on the lane to
18 Prospect. Today, there was no line of traffic.
19 There -- nobody was backed up; it was totally
20 different.

21 MAYOR EBERLE: Right, and --

22 MR. SPEAKER: Back to normal.

23 MAYOR EBERLE: -- and we had a warm
24 ribbon cutting. Council Member Ertel was there
25 and Council Member -- yes, Leonard was there,

1 and I was there; the state senator. The --
2 everybody wanted to get in on the act. And
3 Abramson gave the main address. So we had Kelly
4 Downard, Bob DeWeese, Ernie Harris, myself; Ann
5 was there. So, there was -- there was a good
6 crowd.

7 And they drove a school bus across the
8 bridge, today, to symbolize the fact that school
9 will be beginning tomorrow and the buses will be
10 able to use the bridge. So, when they close it
11 down to one lane, it is not going to -- we were
12 advised it will not be at peak times. So, going
13 downtown and coming back, at the beginning of the
14 day and at the end, respectively, should be much
15 easier.

16 Speaking of the River Road bridge, the
17 Ironman Triathlon will be returning to the bridge.
18 Last year, it was pushed out on 42 and gave us
19 more problems than we had had in the past. But it
20 is Sunday, August 29th. It will be difficult,
21 particularly, to get out of Sutherland.

22 MS. SIMMS: And Innisbrook.

23 MAYOR EBERLE: And Innisbrook. But
24 that should be from, roughly, 9:00 until 11:30,
25 would be the -- would be the worst time. Is that

1 what you would say?

2 MS. SIMMS: Yeah, probably. Maybe a
3 little earlier.

4 MAYOR EBERLE: They -- they swim
5 first, and then they -- they -- yeah, so -- but we
6 will put a notice in the newsletter, and other
7 subdivisions should not be particularly affected.
8 You might have to use Covered Bridge Road to get
9 out of Fox Harbor and Hunting Creek, Hunting
10 Creek Estates, I think, also, depending which way
11 you want to go.

12 MS. SIMMS: Well, that's true.

13 MAYOR EBERLE: If you want to go out
14 to Oldham County.

15 MS. ERTEL: Can we also put -- I live in
16 Sutherland. Can we also put a blurb that will go
17 out, both through e-mail and through the
18 neighborhood watch? We did that last year --

19 MAYOR EBERLE: Yeah.

20 MS. ERTEL: -- and it did help.

21 MAYOR EBERLE: We can do it.

22 MS. ERTEL: It really did.

23 MAYOR EBERLE: Yeah. And we can
24 even target that block and target Sutherland and
25 Innisbrook.

1 MS. ERTEL: Right.

2 MAYOR EBERLE: So, yeah. So, we can
3 tar --

4 MS. ERTEL: Well, that's why -- through
5 the chief, put out with the neighborhood watch.

6 MAYOR EBERLE: Yeah.

7 MS. ERTEL: And it -- it -- it's still
8 incredibly inconvenient, but it's better.

9 MAYOR EBERLE: Right. At least you
10 know.

11 MS. ERTEL: M-hm.

12 MAYOR EBERLE: And, if you really want
13 to get out that morning, you could park overnight
14 in the --

15 MS. ERTEL: M-hm.

16 MAYOR EBERLE: -- in Prospect --

17 MS. ERTEL: Pointe.

18 MAYOR EBERLE: -- Pointe and -- and
19 walk over. Walking out of there should be not that
20 problematic, but -- but they will close it down to
21 vehicular traffic, so. . . .

22 Current year fiscal update: We have only one
23 month in the -- in the -- from the accountant. And,
24 just to summarize, it doesn't really reflect a whole
25 lot right now, but we have 101,000 in revenues,

1 which are the beginning of the property-tax
2 revenues, largely, and 276,000 in expenses.
3 Again, this is the first month, and there are
4 financial -- the accountant's financials are in -- in
5 the back, there, if anyone wants to pick them up.

6 We met with the auditors to try to plan the
7 audit last week, and the audit will begin later this
8 month. And, hopefully, we're going to try to make
9 sure that the line items match exactly what the
10 auditor says. No more "handy men," which is
11 something that was referenced, and we didn't
12 quite know what it was [laughs]. But, at any rate,
13 we're -- we -- we're working on that, and we're
14 certainly ready to begin that -- Deb -- Deb's ready
15 to -- for the audit to begin for the two thousand --
16 that's the 2009/2010 fiscal year.

17 Voting verification. The -- and this -- Ann has
18 taken the lead in this. Last legislative session,
19 the state legislature passed Senate Bill 35, which
20 required every city to send in their -- their
21 addresses. And, Mick [phonetic], I don't know if
22 you want to --

23 MS. SIMMS: They required us to send in
24 a map and addresses to verify that anybody who
25 would vote in our election had a right to vote. All

1 city clerks had to do that. It was due on July --
2 no, on January 1. Ours is in, so everybody should
3 be welcome to vote.

4 MAYOR EBERLE: And, actually, we got
5 ours in earlier, because, when we sent them to
6 Jefferson County, they said, "What's this?" And --
7 and, when we sent it to Oldham County they -- they
8 were a little bit better, actually, but --

9 MS. SIMMS: Yeah, absolutely.

10 MAYOR EBERLE: -- they -- they were, I
11 think, were the first ones in. So Ann's done a
12 great job on that.

13 The mobility study of -- that was finalized in
14 February of this year. We have sent a copy to
15 Metro Planning and Design Services on Grover's
16 recommendation that we ask that they consider to
17 have it as an appendices to -- to the land-
18 development code -- one of the sections of the
19 land-development code.

20 We did that early last week, maybe. We
21 haven't heard anything yet, but we are moving
22 ahead on that. I think, if you'll recall, when the
23 council adopted it as the official plan -- as an
24 official planning document for the city, Grover
25 discussed that maybe we wanted to see if we

1 couldn't also become part of the metro land-
2 development code. And so, we're moving on that.

3 Not so good news on congestion mitigation air
4 quality grant application. And I did send a letter
5 out in the pre-council materials. The -- we will not
6 get the congestion mitigation air quality grant that
7 we had hoped for. That is the bad news.

8 The somewhat not-so-bad news is that the
9 reason we're not getting it is nobody's getting it.
10 And -- the federal government is not releasing the
11 funds for those types of grants this year. I did
12 learn that in time to turn it around a little bit
13 and apply for the same project under
14 transportation-enhancement grants. And that
15 project is a shared-use path from here to the Fox
16 Harbor entrance to City Hall, so you can actually
17 walk or bike to City Hall.

18 There was a two -- two-month window on the
19 transportation-enhancement grants, and so, as
20 soon as we got the CMAQ -- the congestion
21 mitigation air quality -- notice, we cobbled up
22 something and -- and wrote a letter of intent for
23 that. So, bad news, but we're trying to -- to
24 salvage what we can on that.

25 Division of emergency-management grant

1 application. Ann, do you want to talk about that,
2 at all? We've got -- there's two of them.

3 MS. SIMMS: There are two of them. The
4 first one, which would have been the mitigation for
5 the area right over the culvert on Timber Ridge
6 Drive, we do not have enough documentation, over
7 the years, of exactly what we've done to fill out all
8 the required papers for that grant. We did lose
9 some things, with the -- we lost some papers when
10 we remodeled City Hall.

11 We can't -- we don't -- we would have had to
12 have actual bills and things and things for that.
13 Some of those were quite a few years ago. But the
14 good news is, we got a letter today that says -- it
15 sent a nice thick packet for us to fill out to get a
16 generator to support City Hall when the lights are
17 out. So, I've begun work on that today, and we
18 hope for more luck on this.

19 MAYOR EBERLE: And that letter came in
20 just today.

21 MS. SIMMS: Just this morning.

22 MAYOR EBERLE: So, it's in the -- it's in
23 the back under "miscellaneous" for the -- for the
24 City Hall generator, and it was not included in -- in
25 your packets.

1 So, mixed news on that one, too, but at least
2 we're not going to spin our wheels on the Timber
3 Ridge mitigation, so. . . .

4 Putney Pond and Woodlands advisory
5 committee. The Woodland Trail bridge campaign
6 is -- has plumped up. Stuart, do you want to talk
7 about that? I -- let me see if I've got the -- the --
8 the exact figures. We got some in over the week
9 end. We have raised 8,455.

10 COUNCILMAN MILES: Great.

11 MAYOR EBERLE: If you want to talk
12 about it --

13 COUNCILMAN MILES: Instead of making
14 me do the math, what does that leave towards. . .

15 MAYOR EBERLE: It leaves \$2,345 of
16 private funds.

17 COUNCILMAN MILES: Okay; great. And
18 Linda Wardell, who is the chair of the committee,
19 is here today, and I'm going to ask her to -- if she
20 wouldn't mind talking on two issues that -- that we
21 have going on.

22 And, an issue I'd like to talk about, Linda, is
23 meeting with Dr. Wicks and -- and what we're
24 doing in terms of the science fair projects for the
25 high schools and middle schools -- in a minute.

1 MS. ERTEL: Okay.

2 COUNCILMAN MILES: But the -- to tell
3 you [phonetic] on the bridge, we --we're doing a
4 capital campaign. The first campaign was to put
5 stairs into the Woodlands. We're trying to
6 increase accessibility for everybody in Prospect to
7 use them. And so, we had a steep area that was a
8 bank; people were just kind of walking down a
9 muddy slope, and so, we put stairs in. And, now,
10 we're trying to put a bridge over a stream. And,
11 the mayor said we're within striking range of
12 getting that.

13 Our goal is to wrap up fund raising by the end
14 of this month, so that we can start building the
15 bridge and have it completed by October 30th, so
16 that we can do a dedication of the bridge along
17 with our Arbor Day celebration. And, at the rate
18 we're going, I feel fairly confident that we will be
19 able to raise the necessary money from the
20 community to -- to build that bridge.

21 Okay. Report we had another working group
22 this weekend, this Sunday, from 10 to 1. It was
23 extremely hot and humid. And I want to thank the
24 people who showed up for that: It was Nick
25 Nicholson; Scott McClinton showed up with his two

1 sons, Matthew and Andrew, who are getting ready
2 to leave for college, but were nice enough to take
3 their last Sunday in town to come out and sweat
4 with us for three hours. And we worked on
5 improving the trails and mulching some areas that
6 had been washed away from the recent rain.

7 And I'd like to ask --

8 MAYOR EBERLE: It was a big rain on
9 Friday.

10 COUNCILMAN MILES: But, all in all,
11 we -- we first mulched the trails a year ago, and
12 they're in remarkably great condition, considering
13 we've had probably the two largest rain events in
14 the -- in recent memory in that year, and, for the
15 most part, the mulch is still on the trail.

16 Linda, would you like to speak for a minute on
17 Dr. Wicks and what we've been working on?

18 MS. WARDELL: Sure. I'm -- I'm going to
19 go back about four years, when we first had a --
20 put a committee together to apply for the Kentucky
21 Heritage Land Conservation Fund moneys, which
22 helped us purchase Putney Pond.

23 David Wicks was involved in that effort. And
24 one of the things that he did at that time, he was
25 with JCPS, and he wrote a letter of endorsement

1 for us to actually purchase this land and so that
2 one of the things we would be doing would be to
3 encourage middle and high school students to do
4 research projects using this property.

5 And so, he came back to me about a month
6 ago and said, "Hey, school is starting. We need to
7 do something to encourage students to actually
8 use this -- this property. And you're already doing
9 biological inventories on property; maybe we could
10 somehow tie this all in."

11 So he attended our advisory-committee
12 meeting last week and made a proposal to the
13 advisory committee that we work with a few of the
14 schools in the area. We have to, sort of, start
15 small. But he suggested we reach out to three or
16 four middle schools and high schools to talk to the
17 science teachers and encourage them to encourage
18 their students to take a look at Putney Pond and
19 Woodlands and see if, maybe, they could do a
20 science fair project here.

21 The committee unanimously, enthusiastically
22 supported that proposal, and we're now in the
23 process of contacting area teachers, and we --
24 we've established a date for an information
25 session. We're inviting teachers and their

1 students. And, actually, just today, I got an e-mail
2 from Gary Libby, who is doing the biological
3 inventories, and he is thinking up his ideas of
4 projects that might be appropriate for high school
5 students, and he's also planning to attend that
6 information meeting. So, I think this is all just,
7 you know, falling into line with the ways that we
8 hoped that this property would be used.

9 COUNCILMAN MILES: And -- and two of
10 the schools on the short list are Ballard and
11 Manual, which draw heavily from Prospect. And
12 our -- our goal is to publicize to the local students
13 in Prospect that go to Ballard and Manual, or any
14 other school, for that matter, if they want to bring
15 this up with their teacher to use this for the
16 [coughing in background].

17 MS. WARDELL: And we are also
18 soliciting volunteer mentors to work with the
19 students, and, you know, as David Wicks says, you
20 don't have to be a scientist to do this; you just
21 have to be willing to meet with the student, get
22 interested in their pro -- project and sort of help
23 them as they shape their project and their
24 presentation. So, anyone here that's interested,
25 let me know.

1 MAYOR EBERLE: Linda, are we working
2 on September 13th, or did you say?

3 MS. WARDELL: September 13th at 6:30,
4 immediately following the advisory committee
5 meeting.

6 MAYOR EBERLE: Yeah, okay. If you're
7 interested in --

8 COUNCILMAN MILES: Right.

9 MAYOR EBERLE: And it's been coined
10 as the -- if you hear this: Putney Pond Research
11 Initiative? Are we -- is that what --

12 MS. WARDELL: That's it.

13 MAYOR EBERLE: When we say that,
14 that's what we're talking.

15 MS. WARDELL: Yes.

16 COUNCILMAN MILES: And, Mayor,
17 there's one other thing I'd like to -- to bring to
18 everybody's attention: Lynn Granger, who's also
19 on the committee that the mayor put together to
20 oversee the development of the property, he's our
21 liaison with the Boy Scouts.

22 In addition to Jefferson County Public Schools
23 partnering and giving us a letter of endorsement to
24 get the grant, the Boy Scouts did so, as well, with
25 the goal of having local Boy Scouts have an area

1 close by their homes to do their Eagle Scout and
2 troop projects.

3 We have three Scouts who are -- have shown
4 an interest and are in varying stages of proposing
5 a project. We have John Crowner, who is
6 proposing doing a bridge on our trail system; we
7 have a Nick Patterson, who is going to do three or
8 four benches throughout the Woodlands, three of
9 which or four of which are going to go on an
10 outdoor classroom area that we've been
11 developing. And then we have a Max Moeller, and
12 Max is in the -- the beginning phase, and he's
13 actually looking to us for some suggestions.

14 So we are actively working with the Scouts,
15 and we should have these projects starting,
16 actually, these Scouts out there working on them,
17 either late fall or early spring.

18 MS. TUCCI: We have some Eagle
19 projects that have already been completed, some
20 nesting boxes and --

21 COUNCILMAN MILES: Yes.

22 MS. TUCCI: -- a few things like that.

23 COUNCILMAN MILES: Yes. Some quick
24 boxes and a bench, which is on the edge of the
25 property right here behind City Hall. Thank you,

1 Mayor .

2 MAYOR EBERLE: Anything else on
3 Putney Pond? I will note, as you go into Fox
4 Harbor, you can now find the little trail that was a
5 little bit difficult to find along Hunting Creek.

6 COUNCILMAN MILES: Right.

7 MAYOR EBERLE: I went and walked it on
8 Saturday, late in the day. But, as -- as you drive
9 in the Hunting Creek entrance, there's the map of
10 Hunting Creek, and, very close to that, you see --
11 and it'll say "Trail ahead that way," and, if you
12 look over that way, it'll get you right into that
13 trail.

14 COUNCILMAN MILES: I think it's the
15 map -- map of Fox Harbor.

16 MAYOR EBERLE: What did I say?

17 MR. SIMON: Hunting Creek.

18 MAYOR EBERLE: Yes, the Fox Harbor
19 map is definitely in Fox Harbor. There is a
20 Hunting Creek map.

21 COUNCILMAN MILES: This is a map, but
22 it's in Hunting Creek [laughs].

23 MAYOR EBERLE: That's a good place for
24 it [laughs].

25 And -- and Ron Cundiff, our Jack of all trades,

1 actually created those and put them in, so --

2 COUNCILMAN MILES: Yes. And they've
3 been very helpful.

4 MAYOR EBERLE: Except for the time
5 that he spent on the -- I think the paint and the
6 ladder was a couple of bucks, so. . .

7 The forestation board met a week ago, and
8 they have various activities that they're working
9 with -- I -- I think it's probably fair to say we're
10 able to move, now, from remedial -- from cleaning
11 up, after ice storms and wind storms, to looking
12 more closely at preplanning and management of --
13 of public areas, overall.

14 We are still trying to identify some of the
15 remaining ash trees for probable treatment in the
16 fall, and, as Stuart noted, our Arbor Fest is
17 October 30th, which coincides with the second day
18 of the book sale and, also, the Mayor's Beautiful
19 Day, where we give out the bulbs. That'll all be
20 here, so -- and we'll also have a van that will go
21 out and take people on pond tours.

22 COUNCILMAN MILES: Right.

23 MAYOR EBERLE: The chair of the
24 Forestation Board is here, Lee Tucci . Lee, do you
25 have anything you want to add or make a plea for?

1 MR. TUCCI: [shakes head]

2 MAYOR EBERLE: Okay. City Hall
3 signage. As you came in, we hope you noticed
4 that we have put more definitive signage on the
5 front of the building. It didn't refer to the fact
6 that there were administrative offices; it said --
7 what did it say -- "Police and Reading Center."

8 MS. SIMMS: "Reading Center."

9 MAYOR EBERLE: And it now says,
10 "Police, Administrative Offices and Library. Which
11 it -- it -- not a big deal, but I think it will help.
12 And we have actually had some people that have
13 come in and said, "You have a library here? I saw
14 that outside." So, I think the -- the term "reading
15 center" was -- was fairly accurate, possibly, but
16 maybe misunderstood -- be easily misunderstood
17 as to what it actually was, so --

18 MS. LEONARD: That article in the
19 newspaper, the Neighborhood section of the
20 Courier-Journal had made a big difference, too,
21 because people in Prospect knew about it from the
22 newsletter, but people, like, in Goshen or some of
23 the other areas surrounding their appendage
24 [phonetic], they pay a small fee, but they can also
25 use our services. And they've been coming in, so

1 that's good.

2 MAYOR EBERLE: Right. Great. And
3 we're about to start an inventory. We've been
4 cleaning out and -- and -- and Sandra Leonard's
5 our liaison. Do you have any -- anything else on
6 that?

7 MS. LEONARD: No. Inventories are
8 actually pretty boring.

9 MAYOR EBERLE: Yeah.

10 MS. LEONARD: They're -- they're a lot
11 of work.

12 MAYOR EBERLE: We have, by -- by my
13 count, when that article went in, the number of
14 cards and went in, Melvin, who keeps track of all
15 that, gave me today, it looks like we got that
16 article, which I think was largely responsible for
17 the influx, about 40, which is around a 10%
18 increase in the number of cards. So, very good; I
19 mean, the article was -- was very helpful.

20 Speaking of articles, we have -- since the last
21 meeting -- since the July meeting, we have had
22 five articles, and all of them -- let me see -- all of
23 them were front page. Two of them were on the
24 front page of the Northeast Neighborhood section,
25 but we were on for the -- for the Harrod's Creek

1 bridge, if you count that.

2 And then, we had a Business First article on
3 our police cars. We were recognized as a green
4 community for that, or green city. And there are
5 copies of all the articles in the back. We were
6 on front page of the Kentucky League of Cities
7 direct -- I don't know if everybody gets these.
8 But, at any rate, Prospect was the lead photo
9 there, so -- and, also, an interior article. So
10 we've been getting good publicity: Five articles
11 in -- in one month.

12 That's about all I have. Anybody have any
13 questions on. . .

14 [WHEREUPON, off-the-record remarks are
15 made.]

16 MAYOR EBERLE: Our next item, then, is
17 a special order. We are pleased, tonight, to have
18 the new Harrod's Creek Fire Department fire chief.
19 Kevin met with us two weeks ago, I believe?
20 Maybe? Yeah. And, also, Fred Simon, who is on
21 the board of the -- of the Fire Department. And we
22 had a very pleasant chat, and we invited Kevin to
23 come and be introduced tonight.

24 Kevin is -- was with the Louisville Division of
25 Fire for 21 years. As the company commander and

1 ranking captain, he was responsible for
2 management-training evaluation and overall
3 activities of several fire companies.

4 And, ten years after that, he became a
5 company commander, promoted to district chief,
6 and oversaw the daily and emergency operations of
7 the Louisville Division of Fire's third district,
8 including seven fire companies housed in six
9 different fire stations. So, he comes with a -- and
10 I -- I hope I got most of that right.

11 CHIEF TYLER: You did.

12 MAYOR EBERLE: And he came to
13 Harrod's Creek Fire Department, initially, as a
14 part-time firefighter, in 2001 and promoted to
15 captain in 2003, and promoted to division chief of
16 administration operations. And, on July 27th,
17 appointed chief of the Harrod's Creek Fire
18 Department.

19 So, Kevin, will you come on up here, and
20 we'll -- we'll give you a chance to say anything,
21 but we certainly want to introduce you and -- and
22 welcome you to the city.

23 [WHEREUPON, off-the-record remarks are
24 made.]

25 CHIEF TYLER: Well, like the mayor said,

1 my name is Kevin Tyler; I've been in the fire
2 service for 25 years. While I might be a new face
3 to some of you here today, I've been in the
4 community for over 40 years. I graduated
5 Westport High School; I grew up over in
6 Worthington's fire district. I spent a lot of time in
7 Prospect in my younger years. I played football
8 against Ballard, but took a -- took a -- took a lot of
9 lumps back then.

10 First of all, I would like to thank former chief
11 Christopher Aponte for bringing us to where we are
12 today; under his past leadership the last ten
13 years, we've grown tremendously. We're able to
14 serve our community in numerous ways, due to the
15 equipment that Chief Aponte was able to procure
16 for us.

17 What I hope to see is the seamless transition
18 from Christopher to myself. The gentleman back
19 there in the other white shirt is my deputy chief;
20 he's in charge of operations of the department.
21 I'm going to oversee the daily administrative
22 operations, and I will be available for anyone in
23 the community to come in and talk to.

24 As we move forward in the future of our
25 department, I would like to come back to the

1 council members, and we'll have a presentation put
2 together to tell you a little bit about our fire
3 department. While many people may think they
4 understand how we operate and the way and what
5 our department's about, I'd like to come back
6 and -- and give you a presentation to show you
7 what we do and how we do it. We'll be covering
8 who we are. We're a combination department, that
9 being said, which means we're made up of career
10 firefighters and, also, volunteer firefighters.

11 Now, as far as when we roll out the door,
12 there's no difference between one or the other;
13 we're all firefighters. But, our -- without our
14 volunteers, we -- we wouldn't be able to operate
15 as we do, due to the financial constraints that
16 we're all going through at this time. So, they're
17 very valuable to us. So, together as one, we're a
18 team, and we are the Harrod's Creek Fire
19 Department. And I look forward to serving you for
20 many years to come. Thank you.

21 MAYOR EBERLE: Any -- any questions
22 of Kevin? I'm sure you'll get them sometime.

23 CHIEF TYLER: Well, hopefully, as we
24 come back and we put together our presentation --

25 MAYOR EBERLE: Exactly.

1 CHIEF TYLER: -- we'll have a --

2 MAYOR EBERLE: That would be great.

3 CHIEF TYLER: -- a question-and-answer
4 forum then, and we'll be here to answer your
5 questions. So, look for my face and Colonel
6 Canto's face out there. We're here to help you.
7 Harrod's Creek Fire Department has always gone
8 above and beyond helping the citizens that we
9 serve, and we're going to continue that effort
10 today.

11 MR. SIMON: Congratulations on your
12 appointment.

13 CHIEF TYLER: Thank you. Thank you
14 for your time.

15 MAYOR EBERLE: We're always proud to
16 be in your district.

17 CHIEF TYLER: We're proud to be here,
18 too; we'll take care of you. Hopefully, you won't
19 need our services.

20 MR. SIMON: Absolutely.

21 [WHEREUPON, off-the-record remarks are
22 made.]

23 COUNCILMAN MILES: We did need you,
24 and you did an excellent job.

25 CHIEF TYLER: Thank you -- thank you,

1 very much.

2 COUNCILMAN MILES: You were there in
3 record time, and it -- it makes me feel good to
4 know that you're right in the center of the -- center
5 of the city.

6 CHIEF TYLER: Thank you.

7 MAYOR EBERLE: Now, if you'll let Ann
8 take your picture, we'll get it in the newsletter.
9 [WHEREUPON, off-the-record remarks are
10 made.]

11 CHIEF TYLER: Thank you for your time,
12 ladies and gentlemen.

13 MAYOR EBERLE: We'll move from the
14 fire to the police department. Marvin, do you have
15 any --

16 CHIEF WILSON: Okay. I just have a
17 couple things, if you'll take a look at your report,
18 and, if you have questions, I'd be happy to answer
19 those.

20 At the meeting last month, I commented on a
21 case that we were working involving where a
22 resident left their garage door open, and a person
23 entered the garage and took some items. That's
24 something that we struggle with, from time to time,
25 in trying to get residents to keep the garage door

1 down. And, throughout the year, I usually, when I
2 put a tip in the newsletter under the "Chiefs Tip," I
3 always put something in there, you know, related
4 to that or, at least, on many occasions, because,
5 once a subject enters your garage, they're
6 practically in your home.

7 So, if you're out working in the yard and no
8 one's going to be around the garage door, go
9 ahead and put the garage door down. We try to
10 encourage residents to do that.

11 But we are actively working that case with
12 another police department that has a similar case,
13 and there's a very good possibility that we will
14 place charges against that person that entered the
15 garage. We're just waiting on a few other things
16 to unfold that I -- I really can't go into now. But,
17 hopefully, we will be able to put charges against
18 that person for that theft committed here in
19 Prospect. In reference to the report, if you-all
20 have any questions, just let me know.

21 One other issue or event that's getting ready
22 to occur, on September 14th, we will conduct our
23 self-defense class for ladies here, in this room.
24 This is, I believe, the seventh class that we've
25 conducted. And you would think we were running

1 out of people to put through the course, but we
2 always, you know, have an adequate number to put
3 the class on, and it's really a lot of fun.

4 So, ladies, if you're interested in attending
5 the class, see me after the meeting, or see
6 Lieutenant Wine, in the uniform in the back, and
7 we'll sign you up for the class. But it's a real
8 low-key class; a lot of fun. Everyone has a good
9 time. And you'll be provided with techniques and
10 tactics on how to defend yourself should you be
11 accosted by someone, whether you're at the mall
12 or wherever you may be. But we do provide you
13 with a lot of good information, and I encourage you
14 to attend.

15 In the back of your packets, there's a
16 commendation for Officer Proffitt; a very nice
17 letter from Mr. Woodward concerning an accident
18 that Proffitt worked. And you've heard me say,
19 many times, I enjoy getting those, and our officers
20 are always appreciative when residents take time
21 to send an e-mail or write a letter. That means a
22 lot to them. But they -- they really appreciate
23 that.

24 Other than that, I really don't have anything
25 to add. I think the mayor covered the Ironman.

1 We're looking forward to River Road being opened
2 this year; it's going to be a lot easier on everyone.
3 Metro Police and Jefferson County Sheriff's Office,
4 they are the individuals responsible for all the
5 traffic control. I've worked a little bit with
6 Lieutenant Flaherty; he's the Metro Police's
7 special-event coordinator. He's done a great job
8 in keeping me informed, so I can keep the mayor
9 and Ann and other members of our staff informed
10 on what's going on with that event. So, hopefully,
11 it will be a -- we'll have good weather that day,
12 participants and spectators; we'll have a lot of
13 fun. So, we're looking forward to it.

14 MAYOR EBERLE: Thank you, Marvin.
15 And, in the back of your packets -- this one was
16 sent to me, Marvin, so -- on July 22nd, a
17 commendation on Officer Pat Timmons. It's not on
18 the -- but I ran across that in my file, today, for --
19 complimenting Officer Timmons on that, as well.
20 And what's the age group for the --

21 CHIEF WILSON: 14 and up.

22 MAYOR EBERLE: -- for the self-defense
23 thing?

24 CHIEF WILSON: Yes.

25 MAYOR EBERLE: Okay.

1 CHIEF WILSON: And we usually have
2 anywhere between 15 or 20. And it really is a lot
3 of fun. I mean, I enjoy -- I -- I'm here, the
4 lieutenant's here; it's a lot of fun to watch it, and
5 the participants just love it. And many of them
6 feel, when they walk out that door, that they feel
7 more confident and that they have learned some
8 techniques that may assist them someday in
9 protecting themselves. So I encourage you to
10 come.

11 Yes, Bev?

12 MS. ANDERSON: Is that limited to the
13 City of Prospect residents? I might like to come.
14 My daughter lives in Prospect, but not in the city.

15 CHIEF WILSON: You can bring her.

16 MS. ANDERSON: Can you bring someone
17 else?

18 CHIEF WILSON: M-hm.

19 MS. ANDERSON: Okay.

20 CHIEF WILSON: Because we can handle,
21 I mean, usually 15 to 25, and we have allowed
22 residents to bring a relative with them.

23 MS. ANDERSON: Okay.

24 CHIEF WILSON: That'll be fine.

25 MS. ANDERSON: Okay. Thanks.

1 CHIEF WILSON: And employees in the
2 city. A few people who work in our city,
3 sometimes they attend.

4 MS. ANDERSON: That's good.

5 MAYOR EBERLE: We always get good
6 reviews on that.

7 CHIEF WILSON: Oh, yeah.

8 MAYOR EBERLE: And we've done it
9 every year now.

10 CHIEF WILSON: I think this is our
11 seventh or eighth.

12 MAYOR EBERLE: So, we keep getting
13 enough to -- to continue it. So, that's -- that's
14 great.

15 MS. TUCCI: When you stop to think
16 about it, after you're two years old, you're really
17 not usually allowed to kick people, and so, you
18 know, your class is, like, a --

19 CHIEF WILSON: Yeah.

20 MS. TUCCI: -- a chance to break out
21 [laughs].

22 MAYOR EBERLE: Right. You don't have
23 to know any karate, or anything.

24 CHIEF WILSON: No, no. Huh-uh.

25 MAYOR EBERLE: You'll -- you'll emerge

1 from it unscathed.

2 CHIEF WILSON: Yeah.

3 MAYOR EBERLE: Now, I don't know --
4 who's doing the -- who's the Red -- the RedMan?

5 CHIEF WILSON: Pat Timmons is the
6 primary instructor; he's going to select someone to
7 assist him.

8 MAYOR EBERLE: Okay. Good.

9 MR. SIMON: The mayor.

10 MAYOR EBERLE: I'm busy that night
11 [laughs].

12 MS. TUCCI: He gets kicked around
13 enough.

14 MAYOR EBERLE: That's right. I get
15 kicked around quite a bit, so that's -- that's just
16 fine with me.

17 Any -- anything else for Marvin? Are there
18 any questions or comments?

19 MR. SIMON: Well, as usual, our police
20 department is topnotch, and -- and we all
21 appreciate them very much.

22 MAYOR EBERLE: That's for sure.

23 CHIEF WILSON: Thank you.

24 MAYOR EBERLE: You do a great job.

25 Comments from citizens? Anyone -- anyone

1 that would like to address the counsel? Yes.

2 Just go ahead and -- and state your name

3 and -- and. . .

4 MR. HOFFMAN: My name is Roger

5 Hoffman, and we live at 6305 Dillard Court in

6 Hunting Creek. And we've -- we've lived -- lived in

7 Prospect almost 14 years and are very proud of

8 our city; it's a beautiful place to live. We've

9 really enjoyed it. And that's why, to my surprise,

10 coming down Fox Harbor Hill the other morning, I

11 saw a black Jeep Cherokee parked on a front lawn

12 with a "for sale" sign on it. This really kind of

13 shocked me. I thought it would be gone; it was a

14 temporary thing, but it has been there almost

15 every day for almost two weeks.

16 I called the city hall the other day and asked

17 whether there was an ordinance about parking

18 items for sale on your front lawn. And I -- I think

19 the answer I got was that, no, there wasn't. So, I

20 guess my first question would be: Isn't that

21 something that we should consider?

22 It -- it certainly detracts from the

23 neighborhood. I would hate to be the neighbors of

24 the people with their car parked out on the front

25 lawn. My concern would be what's going to be

1 next? Would it be a boat or a rusty trailer? You
2 know, where does it end?

3 So, that -- that's my question. This is very
4 unusual; first time, really, I've ever seen it, and I
5 would like to bring it up to the council and have
6 some discussion and see whether it would be a
7 consideration of something that could be done.

8 MR. SIMON: I noticed it, too, because I
9 come down that road every morning, and, you
10 know, it was a little disturbing to me, but, at that
11 point, we really didn't have anything we could
12 really -- there was no teeth to do anything. So, I
13 suppose it's something we need to look at.

14 MAYOR EBERLE: And I -- I live in Fox
15 Harbor, and I've seen it. I -- we talked about it in
16 the staff meeting, I think. And, unfortunately,
17 there isn't anything on the ordinances. But I,
18 your -- your point is very well taken, and I will use
19 it as a lead to amend the ordinance and -- and,
20 maybe, get it on first reading next time.

21 MS. TUCCI: Would that fall under the
22 one that we have where you can't keep a boat
23 parked in your front yard and --

24 MAYOR EBERLE: That's actually boat
25 permits, so --

1 MS. TUCCI: Oh.

2 MAYOR EBERLE: We -- we'd have -- the
3 last time we looked at it, we'd have to carve
4 around -- we'd have to make an exception for -- on
5 Fox Harbor Hill, particularly, because you -- if you
6 have your driveway done, you can't park on the
7 road, and you can't -- and you can't park in your
8 driveway, so, it forces you to -- now, but -- but a
9 "for sale" -- and the "for sale" sign, part of the
10 ordinance covers putting your car over in -- in
11 Prospect Point or Prospect Village and parking it.
12 Of course, we've been through that before, and the
13 code enforcement board was on that. So that
14 would need to be amended too, to say -- because it
15 says "commercial"; it doesn't say anything about
16 residential.

17 MR. SIMON: We've never really had that
18 before.

19 MAYOR EBERLE: Yeah. I think it's one
20 of those things that you thought would never
21 happen.

22 MR. HOFFMAN: Right.

23 MAYOR EBERLE: And -- yeah. I -- I
24 know exactly what you mean.

25 MR. SIMON: A lot of times, we have to

1 deal with stuff as it comes along.

2 MR. HOFFMAN: Sure. And I think it
3 may -- may be the time to nip it in the bud.

4 MR. SPEAKER: I agree.

5 COUNCILMAN MILES: And is the -- is
6 the issue the car being parked there or was it the
7 "for sale" or the combina -- you know, just so I can
8 get an understanding of the --

9 MR. SIMON: The car was parked in the
10 front yard.

11 COUNCILMAN MILES: Well, I saw it. My
12 daughter wanted me to buy it for her. That was
13 disturbing [laughs].

14 [WHEREUPON, off-the-record remarks are
15 made.]

16 MR. SPEAKER: I think the answer to
17 your -- your question: It wasn't the "for sale"
18 sign, because I -- we were discussing it, and, if
19 the car had been parked in the driveway --

20 MR. SPEAKER: Right.

21 MR. SPEAKER: -- with a "for sale" sign,
22 that would not have been objectionable.

23 MR. SPEAKER: Right.

24 MR. SPEAKER: But to have it up on the
25 lawn -- so I think it's the parking it on the lawn.

1 COUNCILMAN MILES: So, really, the
2 issue is parking your car in the lawn.

3 MR. SPEAKER: Yeah.

4 COUNCILMAN MILES: Okay. Because
5 it -- you know, when we're writing these
6 ordinances, the devil's in the details.

7 MR. SPEAKER: Sure.

8 COUNCILMAN MILES: And you really --
9 if you don't know where you're going, you're never
10 going to get there. Okay.

11 MAYOR EBERLE: So, as -- as we draft
12 this, so we don't have to draft it and redraft, which
13 we may have to anyway, but is the thought that
14 parking a car in your driveway with a "for sale"
15 sign in it would be okay?

16 MR. SIMON: I think it's on -- I think it's
17 on personal property; you can't do much with that.
18 I think, if you display it in the front of the yard,
19 it's a different situation.

20 MS. LEONARD: Well, but that's personal
21 property, too.

22 MR. SPEAKER: Well, but -- we could --
23 we could --

24 MS. TUCCI: But we allow a "for sale"
25 sign for your house --

1 MR. SPEAKER: Right.

2 MS. TUCCI: -- in front of your house.

3 COUNCILMAN MILES: Yeah, I mean, I --
4 I -- I think that's the easiest thing, is the parking
5 on the lawn.

6 MR. SIMON: Well, the problem with
7 parking on the lawn is there's some areas, if they
8 have a party, people are going to be parking on
9 the lawn.

10 MS. LEONARD: But that's different than
11 two weeks.

12 MR. SPEAKER: Right, right. Yeah.

13 MS. LEONARD: You know.

14 MR. SIMON: So we need to address it
15 as -- as what the intent --

16 MR. SPEAKER: Yes.

17 MR. SIMON: -- you know, is the intent a
18 party there, or are you trying to sell something,
19 or --

20 MS. LEONARD: No, I -- I don't think we
21 can deal with intent. I think it's going to have to
22 be parking on a lawn for some period of time --

23 MR. SPEAKER: Right.

24 MS. LEONARD: -- that's not reasonable.

25 MR. SPEAKER: For the purpose of -- of

1 selling it.

2 MS. LEONARD: No.

3 MR. SPEAKER: No.

4 MS. LEONARD: No, no.

5 MR. SPEAKER: No, just parking on the
6 lot --

7 MS. SPEAKER: This -- this -- this --

8 MR. SPEAKER: -- for an extended period
9 of time.

10 MS. SPEAKER: -- is the -- you would
11 need --

12 MR. SPEAKER: For an extended period.

13 MR. SPEAKER: Right.

14 MS. LEONARD: Yeah. And then, we
15 need to define what that is.

16 MS. SPEAKER: I'd just like to point out
17 that -- that --

18 MAYOR EBERLE: Yeah, we need to slow
19 down -- I'm sorry.

20 MS. SPEAKER: -- that this is the beauty
21 of having a good police department that has good
22 judgement so they can make calls like that and
23 sort of say, "Well, it's prom night, and so there are
24 some cars that are parked on the lawn, because
25 where can they be," and they make a totally

1 different judgement in another occasion and --

2 MR. SIMON: But they do need to have
3 someone who can get along --

4 MS. TUCCI: They need to -- they need to
5 have some guidance, but -- but --

6 MS. LEONARD: Actually, if we think it's
7 acceptable to have a trailer for three days, maybe
8 three days is the tipping point.

9 MS. SPEAKER: But it's on the grass.
10 It's on the grass.

11 MS. LEONARD: No, I agree.

12 MS. SPEAKER: Yeah.

13 MS. LEONARD: I agree. It's the -- it's
14 three days on the grass --

15 MR. SPEAKER: Right.

16 MS. LEONARD: -- might be a -- a
17 rational place, because it would be compatible
18 with our other ordinance specifications..they do
19 need to have sole little teeth in the law E Tucci.
20 They need to have some guidance E E learn.
21 Actually if we think it's acceptable to have a
22 trailer maybe three Tucci. But it's on the grass.

23 MS. TUCCI: Bev, do you --

24 MS. ANDERSON: Yes. I'm glad this has
25 come up, because I've been noticing, for several

1 months, another Fox Harbor resident that
2 consistently parks two -- I think they're both
3 Jeeps -- in the yard every day. And there's no "for
4 sale" sign, but I've been watching it and thinking,
5 Why is this person doing that? And I haven't done
6 anything or mentioned it to anyone, but you did
7 bring it up.

8 MS. LEONARD: Are they parking in the
9 front yard?

10 MS. ANDERSON: Yes.

11 MS. LEONARD: Yeah. So, it's the front
12 yard that's the issue.

13 MS. ANDERSON: Yes.

14 COUNCILMAN MILES: Do they not have
15 adequate parking spots?

16 MS. ANDERSON: They -- they have a
17 double garage, just like we all do, with the
18 driveway in it. And that's been my question, too:
19 Why would you do that? So, when you get ready to
20 work on your ordinance, you know, we can talk --
21 we can talk about all that.

22 COUNCILMAN MILES: Okay.

23 MS. ANDERSON: It may not be a bad
24 idea, though, to appoint a committee on that so we
25 can kind of hash it out and have -- and think about

1 exactly which way we'll want to go, so. . . .

2 MS. ANDERSON: This -- this home is
3 right at the entrance, almost. It's just the second
4 house on the right, going up.

5 MAYOR EBERLE: It's a particular
6 problem where -- in the -- the Deep Creek Hill and
7 the Fox Harbor Hill, particularly, because you
8 can't -- you can't park on the street. So certain
9 things happen: Parties, drive -- sealing of
10 driveways --

11 MR. SPEAKER: That's different.

12 MAYOR EBERLE: -- and that kind of
13 thing. And we could -- if -- if we put a time limit
14 on it, the party thing wouldn't be a problem, but I
15 think, if -- if the -- the street's totally blocked,
16 Marvin, you -- you've got to ask them to -- to
17 move, so I can traffic and pass. So, it -- like
18 Sandy Tucci says, it's -- it's a judgement thing.

19 CHIEF WILSON: Right. I think -- I think
20 we -- like you said, a committee could come up
21 with something to address it.

22 MAYOR EBERLE: Yeah. But the issue is
23 really parking on the lawn? Is that the primary
24 issue; right?

25 MS. LEONARD: On the front lawn

1 CHIEF WILSON: It's the appearance of
2 it.

3 MAYOR EBERLE: Well, okay. Right.
4 Yeah.

5 MS. ANDERSON: Probably consistently
6 or --

7 MAYOR EBERLE: But, we may want to --

8 MS. ANDERSON: -- for a long period of
9 time.

10 MAYOR EBERLE: -- and -- and it's not --
11 it's not the purpose of parking there; it's the fact
12 of parking there.

13 MR. SIMON: I think we look at the front
14 and side, because, if you're on a -- if you're on a
15 street, they can put it on the side; it's not the
16 front yard.

17 MS. ANDERSON: You're right.

18 MAYOR EBERLE: Well, as -- as we all
19 know --

20 MS. LEONARD: The yard then -- the
21 yard, then.

22 MAYOR EBERLE: -- the side yards can
23 be --

24 MS. LEONARD: The side yard on the
25 corner, like.

1 MAYOR EBERLE: -- some other peoples'
2 front yards.

3 MS. TUCCI: But, let me just mention,
4 while we're thinking about 31 [phonetic], another
5 difficulty which we have had in some of the
6 condominiums, where they sort of share a fairly
7 large parking lot or where you have a parking lot
8 at a community -- a neighborhood pool, or
9 whatever, is people who move the car. So it really
10 isn't there 24 hours. It's just, "That's where I
11 always park my Jeep."

12 And so, the argument can certainly be, "Well,
13 I don't park it here 24/7; I take it to work every
14 day, and then, I bring it back --

15 MS. LEONARD: No, I agree.

16 MS. TUCCI: -- and park it in my yard."

17 So, you have to find a way to -- to deal with
18 the fact that, if you're actually using your front
19 yard as parking space, it won't be there 24/7.

20 MS. LEONARD: Well, we have the same
21 issue with boats and trailers.

22 MS. TUCCI: M-hm.

23 MS. LEONARD: They go out and use it
24 on the river, and then they come back and -- but
25 yeah.

1 MS. TUCCI: And so, it's a whole new ball
2 game, yeah.

3 MAYOR EBERLE: Well, those are
4 permitted, specifically, for 72 hours --

5 MS. TUCCI: Yeah.

6 MAYOR EBERLE: -- a boat, with the idea
7 being -- and you can only get two permits per year.
8 But the idea is that you pull your boat out of
9 storage, clean it up and get to where you want it to
10 go, or garage it, you know, for the summer. And
11 then, when you pull it back out, you have three
12 days to get it back into storage. And we have
13 pretty good compliance on that.

14 CHIEF WILSON: Yeah.

15 MAYOR EBERLE: And with -- all we do,
16 Marvin, we -- when someone violates an ordinance
17 we -- we don't go fine them. We write them a
18 letter and say, basically -- there's a form letter
19 that says, "You are in violation of a certain type of
20 ordinance," and -- and we'll quote it and put a
21 copy of -- and then, we just ask them to clear it
22 up. Now, if they don't clear -- if they don't
23 comply, then -- then we -- we will cite them. But
24 95% or more of the time, we get voluntarily
25 compliance.

1 CHIEF WILSON: Right.

2 MS. SPEAKER: Has Fox Harbor got a
3 neighborhood association?

4 MS. ANDERSON: M-hm.

5 MS. SPEAKER: Okay. In neighborhoods
6 I lived in in the past, very strict, very clear. And,
7 if we ever had a question, we'd call another
8 municipality, we'd call other neighborhoods: "Hey,
9 how did you write your ordinance?" Then we'd
10 write it that way. And we'd have neighborhood
11 enforce it, if that is, in fact, in there.

12 MS. ANDERSON: Well, Fox Harbor
13 cannot enforce our ordinance -- or our -- the rules,
14 because we are not a -- a true neighborhood
15 association.

16 MS. SPEAKER: Oh, okay.

17 MS. ANDERSON: Ours is totally
18 volunteer.

19 MS. SPEAKER: Oh, okay.

20 MS. ANDERSON: So that the newer
21 neighborhoods could do what you're saying.

22 MS. SPEAKER: So -- so, it has to be --

23 MS. ANDERSON: It has to be a city
24 ordinance.

25 MS. SPEAKER: -- have to be a city

1 ordinance, but I'm sure --

2 MS. ANDERSON: Yes.

3 MS. SPEAKER: -- many other cities that
4 have that same -- I know, where I'm from in
5 Missouri, that would -- yeah, that -- in other
6 words, it kind of looks trashy, brings down the
7 value of the neighborhood.

8 MR. SPEAKER: Exactly.

9 MS. SPEAKER: People don't feel safe.

10 MR. SPEAKER: That's it.

11 MS. SPEAKER: It's a term that we would
12 use -- [laughs] I shouldn't say it, but it was sort of
13 a Hoosier thing to do, and I know it's a whole
14 different thing here --
15 [WHEREUPON, off-the-record remarks are
16 made.]

17 MS. ANDERSON: I know what you're
18 saying. And, unfortunately, we have to rely on the
19 city, which actually does a great job --

20 MS. SPEAKER: Yes.

21 MS. ANDERSON: -- of creating those
22 ordinances and then enforcing them.

23 MS. SPEAKER: Enforcing. Yeah, yeah.

24 COUNCILMAN MILES: There's something
25 to be said for a nice Google search before you

1 spend a lot of time.

2 MS. SPEAKER: Exactly.

3 COUNCILMAN MILES: I've done that on
4 another ordinance and done a great job.

5 MS. SPEAKER: Why reinvent the wheel
6 when somebody has one that works and they can
7 enforce it; it's great. Sometimes their lawyer's
8 already been through and knows exactly how to
9 word it. So, yeah.

10 MAYOR EBERLE: We'll -- we'll work on
11 that. And, like Fox Harbor is a -- is -- we call it a
12 neighborhood association, as opposed to a home
13 owners.

14 MS. SPEAKER: Yes.

15 MAYOR EBERLE: And the neighborhood
16 association is voluntary and doesn't have any --
17 any real powers, except pointing things out and
18 asking people to change. So, but we'll -- we'll
19 look at the ordinance.

20 Other subdivisions are luckier: Sutherland;
21 Innisbrook now has -- has their own association,
22 and the Estates of Hunting Creek has an
23 association; part of the Landings does. It's -- it's
24 mixed.

25 MS. SPEAKER: Ridge Point, or not?

1 MAYOR EBERLE: Ridge Point does. So,
2 thank you, Mr. Hoffman, and others. We will look
3 into that. Any other comments from citizens?

4 MS. PHILLIPS: I'm Tina Phillips, and I
5 live in Hunting Creek. I live on Shadwell Lane.
6 And my neighbors who couldn't be here this
7 evening, the Stockard's, were here last week.

8 I see, on the agenda, that you're going to
9 cover the possible treatment or doing something
10 with the salt storage structure roof, but I didn't
11 know if I should wait to bring up at that time.

12 I guess I'm curious what other plans are in for
13 the -- like, the land-development code compliance
14 when it comes to, you know, putting commercial
15 structures in adjacent to residential properties and
16 the screening and what's required when -- by this
17 land-development code.

18 Michael Tackett from Jefferson County is the
19 one who kind of tuned me in to what this -- what it
20 was about. I guess I'm concerned about this
21 facility thing right behind me, and no screening's
22 been done. I don't know -- Hunting Creek says,
23 "No, it's the city"; the city says, "Hunting Creek."

24 So, I guess, I wanted to propose that we get
25 everybody -- whoever has to be together to figure

1 out what we're going to do to come in compliance
2 with this code.

3 MR. POTTS: It is in compliance. The
4 city's not subject to the land-development code or
5 on projects that it does.

6 MS. PHILLIPS: It's not at all?

7 MR. POTTS: Right.

8 MS. PHILLIPS: So they can just build --

9 MR. POTTS: And it was --

10 MS. PHILLIPS: -- wherever they want,
11 behind somebody's house and. . .

12 MR. POTTS: It was cleared by Mecca
13 [phonetic], yeah. But we -- but we -- we do intend,
14 I think -- and the -- and the council can decide --
15 we have two -- we have two bids, so far, to paint
16 it -- to paint the roof, so. . .

17 MS. PHILLIPS: On the -- on the salt
18 structure?

19 MR. POTTS: Right.

20 MS. PHILLIPS: Okay. But the type of
21 roof that it is, I would be concerned about painting
22 it; for one, it probably voids any warranty that you
23 have -- but paint -- if it's a material-type roof --
24 and would that cause problems with, let's see,
25 like, say, paint catches on fire or something; the

1 smoke spreads, the flames spread, that kind of
2 thing.

3 I really think, kind of being in the commercial,
4 you know, construction business, I really think
5 painting needs to be looked at with the
6 manufacturer, because that is a removable roof.
7 And it comes in multiple colors, you can get logos
8 put on them. I've seen it dozens of times.

9 So, I would think that, to maintain your
10 warranty and the safety of the building and the
11 property around it, a new roof, you know, might be
12 less costly. So, something in a color that kind of
13 blends in.

14 MAYOR EBERLE: We can look into
15 whether it would be less costly.

16 MS. PHILLIPS: I'm just worried about, if
17 you paint it, what -- you know, what problems that
18 could cause in the future. You know, so -- if
19 something does happen to it, so. . . Like, if the
20 paint peels off.

21 MAYOR EBERLE: Well, yeah. I mean, I
22 don't know. But that was one of the remedies that
23 I know the -- the country club was looking at, as
24 far as their roofs on their buildings.

25 MS. PHILLIPS: Now, theirs are metal

1 roofs.

2 MAYOR EBERLE: Right.

3 MS. PHILLIPS: Well, actually, I don't
4 know they're metal, they're fibreglass [phonetic].
5 And I believe they think they clean it up, because
6 they were up there power washing them, and now
7 they -- they look to be a shade off of white. They
8 certainly want -- you know, it's not what we had
9 talked about in a meeting, the Stockards and
10 myself, that he had with the country club, where
11 they were going to do a brown or a green.

12 And I could hardly tell they were painted until
13 I walked out, because I -- their buildings are
14 directly behind, so. . . And I know there's some --
15 there's also some code-compliance issues that I
16 had with them with the -- the size of the building
17 that they -- they built directly behind us; that,
18 apparently, wasn't supposed to exceed so many
19 feet, and it does.

20 So I was just thinking, as a responsible, you
21 know, type -- good-neighbor kind of thing, that a
22 structure just wouldn't be built in somebody's back
23 yard that it's so "insulting," I guess you'd say; just
24 a glaring, just kind of horrible looking. You know,
25 it's such a -- it's like it's, I guess, an insult to the

1 Stockards, who have been here 40 years, you
2 know, so -- not even a knock on the door, Hey,
3 we're doing this behind you.

4 But something that's just so -- it clashes so
5 much with the environment. I know, in the school
6 of design architecture I went to, it wouldn't be
7 acceptable environmentally, so. . .

8 But I'm also concerned, too, about how the
9 permits were rushed through on that and whether
10 or not the proper soil testings were done, and all
11 that kind of stuff, or what might be leaching from
12 that building, so. . . Like I -- I'm just doing that
13 for Jefferson County, so. . .

14 I was concerned we'd pay the big fine for
15 having that submitted in paperwork to get a permit;
16 the building was built without a permit. But, I
17 found, later, that the fine wasn't issued, so. . .

18 MAYOR EBERLE: Any comments on that?
19 We do have it on -- on unfinished business, and we
20 can go back to that. The unfin -- the unfinished
21 business portion of it is with regards to ethics
22 commission. So, I'll just state that on that.

23 Any other comments from citizens? Hearing
24 none, we have before us an ordinance which is
25 proposed for first reading, and there are copies of

1 it in the back, and you also had in your pre-cou --
2 pre-council materials.

3 Trying to summarize it real quickly, we have
4 deposits which we have found that we are unable
5 to return, for one reason or another, that have sat
6 in our accounts for years. And our deputy clerk
7 for city finance, Deb Skaggs, brought this up; that
8 maybe we should move -- basically, an accounting
9 move to move it out from a current liability, as
10 something we owe someone, to -- to be able to put
11 it in the general fund.

12 COUNCILMAN MILES: How much money
13 is it?

14 MAYOR EBERLE: The total amount in
15 there -- and -- and, of course, some of these are,
16 you know, very returnable. There's \$52,000 in
17 there.

18 COUNCILMAN MILES: How much are we
19 talking about at this point?

20 MAYOR EBERLE: I don't know. We'd
21 have to, you know -- once we. . .

22 MR. SIMON: In short, you've got to
23 general fund the money back.

24 MAYOR EBERLE: Right. Yeah. It would
25 just be an accounting move, but we could have --

1 MR. SIMON: It's just what's left over.

2 MAYOR EBERLE: -- how much was
3 moved.

4 MR. SIMON: It's listed as a liability,
5 right now. Except, right now, that money sits in an
6 account with the city, but we would not be able to
7 count it as -- as part of our general fund. We
8 wouldn't be able to invest it at varying interest
9 rates.

10 MR. SIMON: Right.

11 "City of Prospect Ordinance No. 508, Series
12 2010; An Ordinance Amending Chapter 33 of the
13 Code of Ordinances of the City of Prospect
14 Relating to Deposits."

15 MAYOR EBERLE: Okay. Thank you,
16 Council Member Simon, on first reading. At this
17 point, we do not need a second for first reading,
18 but we will put it on for the -- for the second
19 reading in our September meeting, September 20th.

20 Unfinished business. Just as a point of
21 information on the painting of the salt structure,
22 we do -- as I -- as I indicated, we have two bids.
23 One of those bids came from a neighbor who had
24 expressed concern about the -- the fact of the
25 visibility of the salt structure. That neighbor owns

1 a company which bid on the salt structure painting.
2 And, in order for -- it was my thought that, in order
3 for the city to consider both bids, which I'm fine
4 doing, but, if someone has a financial interest in it
5 who would also -- would also be a part of the
6 complainant group, I had sent that to our ethics
7 commission to see, for everybody's protection,
8 including the -- the gentleman who wants to -- his
9 company wants to -- to paint the structure, I just
10 wanted to make sure that he was protected; no one
11 would -- can, you know, say he had a conflict of
12 interest or anything like that.

13 The most recent notice I got, I think, they
14 were batting around some dates. It was August
15 23rd. I think the ethics commission, they're
16 looking at several dates, but they will meet prior
17 to the September 30th meeting. So they would give
18 us a written opinion as to whether the city could
19 consider both of the -- of the bids submitted.

20 MS. LEONARD: And, meanwhile, we
21 could take a look at whether or not we have a
22 warranty on the top --

23 MS. SPEAKER: I'm sorry, what -- a
24 warranty?

25 MS. LEONARD: A warranty, uh-huh. And

1 whether or not painting would be a method that
2 the company we got the top from would
3 recommend --

4 MAYOR EBERLE: Well, we --

5 MS. LEONARD: -- or, at least, he made
6 a study --

7 MAYOR EBERLE: -- we asked them if
8 they would paint it, and they said they were; right?
9 They said somebody else would have to paint it.

10 MS. LEONARD: Yeah. I'm not concerned
11 with them painting it; I'm concerned with whether
12 or not the paint is going to rot the material.

13 MR. SPEAKER: Do they recommend
14 paint?

15 MS. LEONARD: Yeah, exactly.

16 MAYOR EBERLE: Yeah, well, we can get
17 that information from the person that would be --
18 yeah, would be painting it.

19 MS. TUCCI: No.

20 MS. LEONARD: No, no; from the
21 company.

22 COUNCILMAN MILES: Right. And
23 whether it's cheaper just to buy a new one --

24 MAYOR EBERLE: Right. --

25 COUNCILMAN MILES: -- than paint the

1 old one.

2 MR. SIMON: Yeah, and repainting it and
3 repainting it.

4 COUNCILMAN MILES: Well, we'd have to
5 have it investigated [phonetic], so. . .

6 MS. LEONARD: Well, but, if they're
7 both, for example carbon-based or petro-chemical
8 based, it's very possible that the paint is going to
9 disintegrate what's there.

10 COUNCILMAN MILES: Right. But once
11 you paint, you're painted [phonetic].

12 MS. PHILLIPS: I would think that your
13 insurance -- it might pay for it.

14 MAYOR EBERLE: Well, we're -- we're
15 trying -- we're trying to undertake some type of
16 solution for it, and we will -- we will -- we'll --
17 we'll come up with, hopefully -- but, be -- be --
18 before we told somebody to go ahead, I wanted to
19 run that by the ethics commission.

20 COUNCILMAN MILES: I have a question
21 on Ordinance 508, Series 210.

22 MAYOR EBERLE: Uh-huh.

23 COUNCILMAN MILES: Is the money
24 that's currently there, does that fall under this
25 ordinance, or is it grandfathered?

1 MAYOR EBERLE: Part of the -- no. It
2 wouldn't be grandfathered.

3 COUNCILMAN MILES: Okay.

4 MAYOR EBERLE: Part of the total
5 amount would be subject to transfer to the general
6 fund.

7 COUNCILMAN MILES: And it's been in
8 there over a year.

9 MAYOR EBERLE: If it had been in there
10 over a year and, depending on -- on the -- what
11 are the circumstances that exists.

12 MS. LEONARD: When we do a permit and
13 we tell people when the permit is going to expire,
14 do we give them an actual date? In other words,
15 one of the things here is that the permit has
16 expired 12 months after the expiration. What
17 documentation do we provide to the person
18 obtaining a permit that there is an expiration date?

19 MAYOR EBERLE: Well, actually, the
20 permit is to permit an activity, and, when the
21 activity is concluded, then we go out and inspect
22 to make sure that it was done properly. And then,
23 after that inspection, then we return the deposit.

24 MS. LEONARD: Okay. But let's say, for
25 the sake of argument, that we -- that we believe --

1 the person starts something, and, for whatever
2 reason -- maybe something they have no control
3 over -- doesn't continue with that something. What
4 triggers the expiration of the permit?

5 MS. SIMMS: Well, Deb looks at all of
6 these permits, and, if she sees one going a long
7 time, she calls the person and says, you know, "Is
8 your project complete? It should be. You know,
9 we can -- we'll come and expect it -- inspect it so
10 that we can return your deposit."

11 Occasionally, it's true, people would just as
12 soon we didn't come and inspect it because it's not
13 finished. That's what triggers an inspection,
14 usually, and if it's not finished, we contact the
15 people.

16 MS. LEONARD: But, in this case, there
17 may not be an inspection. And I -- and what I -- I
18 have no problem with the concept, but I have a
19 problem with what's going to trigger this 12-month
20 period.

21 MS. SIMMS: Well, that can be --

22 MAYOR EBERLE: One of the three --
23 one -- one of the three criteria; right?

24 COUNCILMAN MILES: Where it says --

25 MS. LEONARD: No.

1 COUNCILMAN MILES: -- "12 months
2 after expiration of the" --

3 MS. LEONARD: Right.

4 COUNCILMAN MILES: -- how do you
5 know when -- when does the clock start ticking on
6 the 12 months?

7 MS. LEONARD: Exactly. And how does
8 the person know the clock is ticking?

9 COUNCILMAN MILES: Yeah, we -- we
10 could -- yeah, we could look at that.

11 MS. SIMMS: What we need to do is
12 just -- we should add a line at the bottom of the
13 permit, at that point, that says, "This permit
14 expires on. . ."

15 COUNCILMAN MILES: Right. Yeah.
16 Right.

17 MS. SIMMS: And that's -- that's on the
18 front of it, therefore, and when they actually sign
19 this permit, because we always -- we've changed --
20 we always require an owner's signature; not only a
21 builder's signature. If a builder signs it, that's
22 fine, but we need both.

23 So, on that front page, above their signature,
24 we need to put an expiration date.

25 MS. LEONARD: Well, we need to --

1 except we then -- let -- let's say we anticipate -- I
2 don't care -- whatever the thing is is going to take
3 six months, and it's eight months, and we've given
4 them this thing with the six-month period; we're
5 not going to charge them again, are we?

6 I mean, we haven't lost them. I'm not worried
7 about the people that we talk to and we can get.
8 I'm worried about putting somebody on notice,
9 when they obtain a permit, that we're liable to take
10 their money if they don't keep in touch with us.

11 And, in order to do anything where we provide
12 notice to that person obtaining the permit, I'm
13 worried about what triggers this expiration for the
14 12-month period.

15 MR. POTTS: Their money's not being
16 taken by this ordinance. It's simply an accounting
17 process, so that, if they come back after it's been
18 transferred and say, "You still have my \$50," or
19 whatever it might be, they would get it back.

20 MAYOR EBERLE: We would pay it back
21 to them.

22 MS. LEONARD: Okay. This doesn't
23 really say that. I mean, I -- I hear what you're
24 telling me, but it really doesn't say that.

25 MAYOR EBERLE: Yeah. Certainly, if

1 you have got different language you want to put in
2 there. Marvin, didn't we go around -- I think we
3 changed that -- we -- after the expiration of the
4 permit, and we had something else in there before.
5 I can't remember.

6 CHIEF WILSON: It seems like we did. I
7 don't recall.

8 MAYOR EBERLE: And someone said,
9 "Well, it really should be after the permit expires."
10 I think we had there, the activity is concluded with
11 the permit.

12 MS. LEONARD: But see, with a lot of
13 these people, the activity is never going to be
14 concluded. That's why we've lost them; right?

15 MAYOR EBERLE: No. Well, probably the
16 classic way that we've lost them -- and we keep
17 much better tabs on them now, but, for years, we
18 didn't -- you know, we didn't keep as good of tabs
19 on them. And the classic would be a building
20 permit, right, and -- and, by the time the house
21 is -- let's say it goes bankrupt. The person that
22 gave the -- that goes under, the person that made
23 the deposit is out of business, and we can find
24 them. And so, we -- we can find them -- here's a
25 permit. There we go.

1 MS. SIMMS: [examines document] Some
2 of them do require -- do have --

3 MAYOR EBERLE: So, if, you know --
4 we've made an effort to return it, we can't find
5 them and this money is tied and the city can't use
6 it, so we deliver it to accounting, but, as Grover
7 said, we're not really taking their money. If this
8 person showed up and said, "I'm ABC Construction.
9 I -- you know -- I'm now XYZ Construction, and I'm
10 in Birmingham, Alabama, and I wrote you that
11 check." And we'd say, "Okay. We'll give you your
12 deposit back."

13 MS. SIMMS: Then, maybe, somewhere,
14 we should say this does not constitute a forfeiture;
15 it is merely an accounting --

16 MAYOR EBERLE: Well, we can change
17 that -- that word, too.

18 COUNCILMAN MILES: Well, it says,
19 here, "Such permits can be transferred to deposit
20 accounts to the general fund of the city, and said
21 funds shall be dedicated for public use," which
22 tells me we can spend it.

23 MR. POTTS: We can use it.

24 MAYOR EBERLE: Right, we can.

25 MR. POTTS: But it's -- it's still, from an

1 accounting perspective --

2 COUNCILMAN MILES: Right.

3 MR. POTTS: -- all we're doing is saying
4 that it's no longer in a segregated fund; we can
5 use it, but it doesn't say we're taking their money.
6 It's not a forfeit.

7 MS. LEONARD: But then, I think that it
8 wouldn't hurt for us to write that, because, while
9 we all may understand that, somebody here in City
10 Hall five years from now might not, and it would
11 constitute a forfeiture at that time.

12 COUNCILMAN MILES: Yeah. When I say
13 "use it," I mean, I -- I would take it [phonetic],
14 because, if we spend it, and then, when they come
15 back to get it, we're going to have to come up with
16 the money --

17 MAYOR EBERLE: Well --

18 COUNCILMAN MILES: -- some other way
19 to pay them back. I mean, it might --

20 MAYOR EBERLE: -- it -- it -- it -- you
21 know, it's not any -- it's not a huge thing.

22 COUNCILMAN MILES: Right.

23 MAYOR EBERLE: But, it's money that's
24 tied up and may be tied up forever. And we -- we
25 cannot -- unless we can invest it.

1 COUNCILMAN MILES: Well, that's a
2 different point. I mean, if you want to take it and
3 invest it and use -- you know, get --

4 MAYOR EBERLE: Well, we can play with
5 expiration date on the forfeiture.

6 MS. LEONARD: Well, it clearly has the
7 word "forfeiture." I mean --

8 MAYOR EBERLE: Right.

9 MS. LEONARD: -- it really is -- is much
10 stronger than our verbalization.

11 MAYOR EBERLE: Okay. We'll -- we'll --
12 we'll work on it.

13 Any other --

14 MS. SIMMS: Ann Melton has something
15 to say.

16 MAYOR EBERLE: Our deputy clerk for
17 administration has something to say -- Ann Melton.

18 MS. MELTON: Yeah, I just wanted to say
19 that, on the big jobs, like an addition, a building
20 of a new project -- new house, or something, it
21 does say, after one year, if the project is not
22 complete, you have to get a new permit.

23 MS. LEONARD: Okay.

24 MS. MELTON: Most of the jobs, like
25 dumpsters or fences or whatever, we tell them,

1 "When the job is completed, you call in and let us
2 know, and then our -- Ron will go check it, and
3 then you get your money back." So that's
4 basically what the -- the most of it, you know,
5 that's how it works.

6 MS. LEONARD: So, basically, what we
7 just need to do is clean up the paper.

8 MAYOR EBERLE: Any other unfinished
9 business? New business? Okay. If we have none,
10 we do have a -- a -- a reason to go into executive
11 session and discuss the possible purchase of this.
12 And, when we return from executive session, we
13 will report whether -- well, we'll entertain a motion
14 to adjourn.

15 [WHEREUPON, the City of Prospect, Kentucky
16 City Council Meeting was concluded at 8:13
17 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

GIVEN under my hand and Notarial seal this
_____ day of _____, 2010.

.

My Commission Expires: Notary Public

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AUGUST 27, 2013 .

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Notary ID: 402347

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