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CITY OF
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

OCTOBER 18, 2010

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4 MAYOR EBERLE: Welcome all council
5 members. We have everyone present, and
6 welcome of -- those of you in the audience.

7 I will -- for the audience, I will point out that
8 Ann Melton, who is in the back of the room, most
9 of you know, is sitting beside the documents that
10 we might be talking about tonight. So if you
11 have -- if you want to pick any of those up, there's
12 copies there as -- as we move through the agenda.

13 We do not have a huge agenda tonight, but I
14 will begin the -- always the first item on the
15 agenda, which is the approval of the minutes for
16 the regular city council meeting of September 20th.
17 And copies are back by Ann Melton. And you also
18 received them, I believe, by -- they were e-mailed
19 out over the weekend, so -- and there are copies
20 in -- in your binders, as well.

21 Entertain a motion that they be adopted as
22 written or any -- any suggested changes?

23 COUNCILMAN SIMON: So moved.

24 COUNCILWOMAN ERTLE: Second.

25 MAYOR EBERLE: Adopted as written,

1 Simon and Ertle. Any discussion?

2 COUNCIL MEMBERS: [no audible
3 response]

4 MAYOR EBERLE: And those in favor,
5 signify by saying "aye"?

6 COUNCIL MEMBERS: Aye.

7 MAYOR EBERLE: And opposed by "no"?

8 COUNCIL MEMBERS: [no audible
9 response]

10 MAYOR EBERLE: And we have adopted
11 the September 20 regular city council meeting
12 minutes.

13 The Mayor's Report, there are quite a few
14 things coming up in the city. A busy time of the
15 year, October always is. And most -- well, the
16 closest date we have is Sunday, which is our 13th
17 Annual Pumpkin Painting Celebration. It will
18 feature all of the traditional things, except we will
19 not have Radio Disney; but instead we have
20 secured a -- a -- a family Bluegrass band, which
21 shall -- will help with the festivities.

22 And I think Ann or Alan --

23 COUNCILWOMAN SIMMS: Alan, they
24 bought some balloons.

25 MAYOR EBERLE: -- and the balloons.

1 We have a new -- I don't know this guy's name, but
2 you --

3 COUNCILMAN SIMON: He's good.

4 MAYOR EBERLE: Gilbert something?

5 COUNCILMAN SIMON: Yeah, he's good.

6 MAYOR EBERLE: Okay.

7 COUNCILMAN SIMON: This -- this guy's
8 an artist.

9 MAYOR EBERLE: But there's -- we have
10 a -- a costume parade. We have the -- obviously,
11 the pumpkin painting, and we have different age
12 categories for the -- and prizes. And -- and
13 there'll actually be -- as long as there aren't any
14 children here, there'll be prizes for every child.

15 So that's always a lot of fun. It lasts from
16 2:30 to 5 on Sunday at Cowley Open Space. And
17 hopefully, the weather will be good, but it's a rain
18 or shine event. So I encourage everyone to come.

19 Fall Library Book Sale will be Friday the 29th.
20 And Sandra, do you want to give a little bit of an
21 update? I know we're --

22 COUNCILWOMAN LEONARD: Actually,
23 the update is that the donations for the library
24 sale are coming in, and they're -- they're terrific.
25 They're really good. It's going to be a great sale.

1 And what we do is use the money to buy books
2 that we can't get from Baker and Taylor under our
3 lease. And last time, we also used the money to
4 buy books that were audio books. And those have
5 been going out, so we will definitely do that again
6 with the proceeds from this sale.

7 MAYOR EBERLE: Right. And we
8 encourage donations. We can always take more.
9 And you can -- also, the -- the sale is two days,
10 Friday the 29th and Saturday the 30th, from 9 to
11 4:30 on the second floor in the library. And we
12 will take last-minute donations or even bring
13 donations to the first day of --

14 COUNCILWOMAN LEONARD: Either
15 during the sale.

16 MAYOR EBERLE: -- of the sale.

17 COUNCILWOMAN LEONARD: They've
18 done that before, and we're glad to have them.

19 MAYOR EBERLE: So we have -- the more
20 donations, the more support we get for the -- the
21 funding on the library. So I'm glad the don -- the
22 donations were lagging a little bit; weren't they?
23 And they've picked up, though. I guess we should
24 ask --

25 COUNCILWOMAN TUCCI: The Te -- the

1 Tuccis cleaned out their bookshelf and --

2 COUNCILWOMAN LEONARD: That was
3 today's work. That took me hours. Yes, you did a
4 great job clearing.

5 MAYOR EBERLE: Yeah, well, I gave one
6 of my copies of "Catcher in the Rye." I thought
7 that'd be a big seller. No.

8 The 3rd Annual Arborfest will be on the 30th,
9 which is the second day of the book sale. And that
10 will be here in the -- in -- in the area just adjacent
11 to the west side of the parking lot and -- or east
12 side of the parking lot right behind me.

13 We have our forester from the -- the chief
14 forester from the central division who will be here,
15 Robert Bean. He was a very popular attraction
16 last year. Also, Peter Barber, who has given
17 untold hours of attention and service to the City of
18 Prospect in our forestation efforts, will be here.

19 We have invited all of our city-licensed tree
20 services and arborists. I have not heard from
21 them as yet, but there will be literature from them.
22 And we will be putting out literature, as we always
23 do. Free coffee and doughnuts.

24 And also, at that same time -- and this is from
25 9 to noon on Saturday. Also, at that the same time

1 we'll be doing what Lonnie Faulk started as the
2 Mayor's Beautiful Day, where we give out bulbs.
3 And that will be in the same area. So we will be
4 giving out daffodil bulbs, yellow daffodils.

5 COUNCILWOMAN SIMMS: That's right.

6 MAYOR EBERLE: We -- last year -- we
7 try to rotate daffodils every other year, so free
8 bulbs. What, are we putting six in a bag?

9 COUNCILWOMAN SIMMS: Five.

10 MAYOR EBERLE: Five. So all of those
11 things are converging together on the -- not this
12 weekend, but next weekend. And I encourage
13 everybody to -- to attend.

14 The current-year financial update, we -- I
15 distributed those materials in your packets. In
16 summary, right now we have revenue totals of
17 \$1,360,052 with expenses of 654 and 32 dollars.

18 I will remind you that our revenues are -- are
19 quite plump right now because October 1st -- and--
20 and these are figures as of September 30th.
21 October 1st was the due date for property taxes, so
22 we will not continue to get revenues at that pace.

23 But both Debra Skaggs and Ann Melton and
24 Jill Vittitoe have been working hard in the -- with
25 the tallying of -- of revenues. It's a -- it's a major

1 project every year. But we are pleased where
2 we're at at this point.

3 Ann Simms is continuing to work, and I do
4 mean work, on the grant application for the City
5 Hall generator. No -- no one has spent so much
6 time on such a single issue; but if we get it, it will
7 save us a lot of money and provide emergency
8 backup. Do you want to. . .

9 COUNCILWOMAN SIMMS: It will provide
10 us emergency backup. We won't have full air
11 conditioning. We're not going for all of that. But
12 City Hall would be able to be open and functioning
13 even if there were an electrical outage for a week.
14 And the price tag on this is about \$80,000, so we
15 think it's probably a very worthwhile project.

16 MAYOR EBERLE: And this FEMA money
17 is essentially what --

18 COUNCILWOMAN SIMMS: FEMA is where
19 we get the grant.

20 MAYOR EBERLE: And administered
21 through the Kentucky Division of Emergency
22 Management.

23 COUNCILWOMAN SIMMS: Yes.

24 MAYOR EBERLE: Yeah. So we continue
25 to work on that. It may be a while, but we're not

1 giving up on it, so -- they keep asking for more
2 information.

3 Putney Pond and Woodlands has a lot of news.
4 I know Linda Wardell is here, the chair of that
5 committee, and Stewart Miles, the counsel liaison
6 to that committee. Stewart's -- and Linda are
7 fresh off of a work weekend over on the trail.

8 And I do have -- at the back, there are
9 some -- a -- a sketch of the Woodland Trail Bridge,
10 which is being provided with private fund-raising.
11 And I'll -- I -- af -- after the workday -- I -- I -- I
12 was late, so I couldn't help. But at any rate,
13 here's some more pictures if you want to -- want to
14 pass them around.

15 But where we are on the Woodland Trail
16 Bridge, Stewart or Linda, do you want to add
17 anything or --

18 COUNCILMAN MILES: Linda, would you
19 like to give an update?

20 MS. WARDELL: On -- on our workday
21 or --

22 COUNCILMAN MILES: Our workday and
23 the --

24 MS. WARDELL: -- what we're doing?

25 COUNCILMAN MILES: -- maybe Lynn

1 [phonetic] could do the Eagle Scout projects.

2 MS. WARDELL: Sure. We -- we did have
3 a workday on Saturday. We lined the approaches
4 on either side of the new bridge that's being built
5 with logs and leveled the trail and mulched the
6 trail with as much mulch as we have in the area.
7 There were four people out there. We got
8 everything done in about two hours, so it was a
9 very productive time.

10 The bridge hopefully will be completed, I
11 think, by the end of this week. And it is just
12 beautiful. And of course, as the Mayor mentioned,
13 totally supported by private funds.

14 We -- I also got an e-mail today from Gary
15 Libby, who is the biologist that is in the process of
16 doing biological inventories of the flora and fauna
17 in the -- in the parkland area. And he indicated
18 that they're going over all of their project notes
19 this week. He hopes to have a draft report by the
20 end of this week, which would be great. It would
21 give us a chance to -- to review it.

22 He also has agreed to put together a page of
23 fun facts about the ponds -- the pond and
24 woodlands that our trail guides can use on
25 Arborfest Day when we will be providing guided

1 tours of the woodland trails for anyone that is
2 interested in -- in seeing the trails up close.

3 And then I don't know if Lynn wants to talk
4 about the Boy Scouts?

5 LYNN: I can a little bit. It's -- it's an
6 ideal place for Eagle Scout projects. And so right
7 now we have our first project the committee
8 approved last week. I got word today that the
9 Seneca District's approved it, so the scout has
10 signed off on us to put six trenches down -- down
11 in that area.

12 We're also looking at two more bridges right
13 down to the planning stages, and also two kiosk or
14 informational signs at entrances and all of that.
15 So we've got a total of five projects going.

16 And it's a great thing to have something so
17 close to where these scout -- where our troops and
18 all are. So it -- it's active. It just takes them
19 while. They don't move it so fast. But you'll start
20 seeing some structures going up. Hopefully that'll
21 be year-end into the first half of next year, and
22 it'll be done by Boy Scouts.

23 COUNCILMAN MILES: And -- and I
24 would, just for those who aren't aware, we've
25 raised over \$15,000 of private funds to build both

1 stairs and the bridge, and have people lined up for
2 the next project we're looking at doing, which is
3 building a boardwalk connecting City Hall to the
4 wetlands and the pond.

5 We also have Jefferson County Public Schools
6 Science Fair projects. I think we have 19 projects
7 going on right now, where Jefferson County Public
8 High School students at Man -- Manual and Ballard
9 are using the pond wetlands and woods to do their
10 Science Fair projects with mentors.

11 And when I was working on the bridge this
12 weekend and they approached, there was actually
13 one of the students with his dad back there
14 collecting data. So they're actively doing those
15 projects.

16 MAYOR EBERLE: That's great, a lot of
17 activity.

18 COUNCILMAN MILES: Yes.

19 MAYOR EBERLE: So if you have not
20 been back, I encourage you to walk the trails. And
21 we will have a van here at Arborfest at the -- in
22 the -- in the back lot transferring people over, and
23 we'll have guided tours. And we will also be
24 officially unveiling the -- the Woodland Trail
25 Bridge, the big bridge.

1 So I encourage you to -- and I -- I guess we
2 should discourage you -- and maybe Dennis is
3 relieved of this, discourage you from driving over
4 there and park. Use the van. The nearby
5 residents -- there's no area to park there, really,
6 and -- and so we -- we'll use that van to shuttle
7 people back and forth. So you have the. . .

8 Forestation -- anything else on Putney Pond?
9 And we do have the chair of the forestation board
10 here, Lee Tucci, in the audience. Lee, do you
11 have any updates or anything that. . .

12 MR. TUCCI: Yes. You -- you noted here
13 we'll have a tree planting in the public area. That
14 will be on Hunting Creek Drive median near Wythe
15 Hill Circle intersection, a Golden Dawn Redwood.

16 We just completed a [sic] ash tree
17 identification, reidentification, of about 100-some
18 ash trees that we have on -- on the public streets
19 and medians. That was done with the help of Peter
20 Barber, from the Forestation Service, and Glen
21 [sic] Huelsman from Sutherland, who's on our
22 forestation board. Also, Randy Holub helped, and
23 Pat Holib re-updated our inventory on the
24 computer data.

25 So we'd urge everybody to come to Arborfest,

1 and Peter Barber and Robert Bean will be great
2 resources for anybody interested in the trees or
3 have any questions concerning trees.

4 MAYOR EBERLE: We -- we will have at
5 Arborfest -- I -- I know there's been a considerable
6 interest in methods of treatment and detection of
7 the Emerald Ash bore. The Emerald Ash bore is in
8 Jefferson County. To our knowledge, it has not
9 been detected in the City of Prospect.

10 MR. TUCCI: Right, we did not see any
11 defective trees during our survey.

12 MAYOR EBERLE: Yeah, but it is coming.
13 And so preventive treatments we -- we hope will
14 work, and there'll be information on -- on that type
15 of thing at Arborfest; or, if you can't make it to
16 that, just give a call to City Hall and we'll -- we'll
17 get you inf -- information on that.

18 And Terry Hardin is -- is -- just as a footnote,
19 is -- is buying the Golden Dawn Redwood to put in
20 the Hunting Creek --

21 MR. TUCCI: That's right. He's
22 contributing to that, so. . .

23 MAYOR EBERLE: One thing not on the
24 agenda, and I apologize for not putting it on: We
25 have, for quite a while, thought it would be a good

1 idea to lower the speed limit on U.S. 42 through
2 the center of town, which is essentially our main
3 street, from 45 to 35. There were several traffic
4 studies done by the Department of Transportation,
5 and they did not recommend that the speed limit be
6 reduced.

7 Not wanting to settle with that, we thought
8 that one thing that we could do would be to get a
9 petition and sign -- and signed by as many
10 residents of Prospect and business owners to
11 reduce the speed limit. And I think we still have a
12 few, if -- if council members on this end are willing
13 to -- to sign -- well, I'll pass it down that way.
14 And then maybe, Sandy, you can hand --

15 COUNCILWOMAN LEONARD: Yeah.

16 MAYOR EBERLE: -- it to Dennis, and he
17 can get -- and he can get it to the audience, as
18 well.

19 I think that -- and we have contracted with
20 the -- with Howell & Howell to paint the roof of
21 the -- of the salt structure. And that will be -- that
22 is on -- we own the salt structure, but it is located
23 on Hunting Creek Country Club property. And
24 there was a request that we have the -- have the
25 roof painted to the same color as the Country Club

1 maintenance buildings that are in the same area.
2 So that will be taking place.

3 COUNCILWOMAN SIMMS: It starts
4 Monday.

5 MAYOR EBERLE: Monday. Sorry. Yeah.
6 That's about it for my report. Any questions
7 or comments on any of those?

8 COUNCILMAN SCOTT: Todd, I have a
9 question. In reference to the speed limit, the 45
10 to 35 --

11 MAYOR EBERLE: Yeah.

12 COUNCILMAN SCOTT: -- is Marvin or
13 Dennis weighed -- weighed in on that as to what
14 they feel or what their thoughts are? Is it
15 feedable? I mean, would that be a big problem to
16 the police department or. . .

17 LIEUTENANT WINE: Oh, I think both of
18 us are in agreement. I think, you know, by
19 lowering it, it's going to, you know, lower the
20 accidents. Not that we have a lot of accidents,
21 you know, through the business area, but we do
22 have accidents at a lot of those intersections
23 where people are pulling out of -- especially some
24 of these little side streets, like Carslaw, and the
25 shopping center. So I think it'd be well worth, you

1 know, lowering the street limit.

2 COUNCILMAN SCOTT: Okay. Thank you.

3 COUNCILMAN SIMON: I can tell you,
4 sitting across the street watching people want to
5 pull into our center, stop, put a turn signal on, and
6 over the 20 years there's probably been 40
7 accidents that just -- may get rear-ended because
8 people are just flying through there and not paying
9 attention.

10 COUNCILWOMAN LEONARD: Do you
11 have a time frame for wanting to collect your
12 signatures?

13 MAYOR EBERLE: Not really. Are you --

14 COUNCILWOMAN LEONARD: Well, what
15 I'm thinking is with all of the events that are
16 taking place Halloween --

17 MAYOR EBERLE: Yeah.

18 COUNCILWOMAN LEONARD: --
19 weekend, we could have petitions all over the
20 place.

21 MAYOR EBERLE: We can have them;
22 right. We can do that, for sure. Pumpkin painting
23 and then --

24 COUNCILWOMAN LEONARD: Sure.

25 MAYOR EBERLE: -- Arborfest and the

1 book sale --

2 COUNCILWOMAN LEONARD: Well, and
3 the book sale --

4 MAYOR EBERLE: -- and the book sale,
5 sure. Yeah, that's a good idea.

6 I -- we do have a notice in the upcoming
7 newsletter, so, you know -- and -- but there are
8 various things. And I -- I think there's a fair
9 amount of agreement that this would be a good
10 thing.

11 COUNCILWOMAN LEONARD: Uh-huh.

12 MAYOR EBERLE: The -- the speed limit
13 in a comparable area with -- with commercial on
14 one side and residential on the other, if you're--
15 and I'm -- and I'm sure everybody's familiar with
16 the Holiday Manor area. That's 35. Then as you
17 come out of Holiday Manor, it goes back up to 45.
18 But then we have a combo -- a comparable area
19 here.

20 And of course, there's a lot of people that
21 aren't particularly interested in slowing down here
22 as north Oldham grows. We have a lot of people
23 that's -- that see this as, you know, just -- just a
24 way to get home. And so safety issues and that
25 kind --

1 COUNCILMAN SIMON: Todd, if you look
2 from Herr Lane going toward town, they drop the
3 speed limit from 45 to 35, and there's less
4 traffic -- less businesses that -- going through
5 here. They dropped it there and tell us it's not
6 okay here?

7 MAYOR EBERLE: Right.

8 COUNCILWOMAN TUCCI: Well, Rick
9 Pitino has to get out of his subdivision, though, so
10 that's why you made it down 35.

11 COUNCILMAN SCOTT: Right. What was
12 the state's reasoning for not wanting to go to 35?

13 MAYOR EBERLE: They take the av -- it's
14 somewhat of a self-fulfilling prophecy, and that's
15 my characterization, that they will take the
16 average speed of the ca -- of cars. And if -- if it's
17 45, then they'll say that's what the -- the speed
18 limit should be. So tho -- those are they're --

19 COUNCILWOMAN LEONARD: And ours
20 were faster?

21 COUNCILMAN SIMON: Yeah, they've
22 actually said they -- they were higher.

23 COUNCILWOMAN LEONARD: Yeah.

24 MAYOR EBERLE: They -- they suggested
25 that maybe we would -- maybe would want to

1 have --

2 COUNCILMAN POTTS: Well, we should
3 be happy -- well, I tried that a number of years
4 ago, and they wanted to make it 55.

5 MAYOR EBERLE: And the slower you go,
6 the more you're likely to -- to -- to observe a
7 business, and I think it helps the business
8 community. It certainly helps the business
9 community. And so at any rate, we'll see.

10 And --

11 COUNCILWOMAN TUCCI: I like the
12 logic. It's sort of like saying the -- the average
13 weight of Americans is, let's say, 20% more than
14 ideal. So we will just change what the ideal
15 average weight is --

16 [laughter]

17 COUNCILWOMAN TUCCI: -- and then
18 we'll all be perfect again. The average speed here
19 is over the speed limit. Let's just raise the speed
20 limit and then everybody will be compliant.

21 MAYOR EBERLE: And I think Dennis
22 could tell you that most of the arrests that we
23 make are in the 58 to 62 mile-an-hour range.

24 LIEUTENANT WINE: Most officers --

25 MAYOR EBERLE: And they're going 60

1 miles an hour, that here's really --

2 LIEUTENANT WINE: Yes, and most
3 officers won't stop you if you're only doing a few
4 miles --

5 MAYOR EBERLE: -- in pedestrian
6 crossings.

7 LIEUTENANT WINE: -- over the speed
8 limit; but when you're doing 10-plus over the
9 speed limit, it's time we stopped it. So if you're
10 55 on -- on up is where we're going to start, you
11 know, pulling people over. I mean, and I'd say the
12 average is well above, you know, 50 miles an hour.

13 MAYOR EBERLE: Yeah, especially at
14 certain times of the day.

15 Okay. I did have a special order listed on the
16 agenda. We have had in recent meetings
17 statements of candidates for -- for public office.
18 We do not have an official candidate, but we have
19 certainly -- and Annie, don't tell Ernie I said a
20 more attractive candidate.

21 MS. HARRIS: I'll --

22 MAYOR EBERLE: That Ernie's --

23 MS. HARRIS: -- he'll be all right with
24 that.

25 MAYOR EBERLE: Yeah. Ernie Harris

1 is -- is running for -- for reelection to the -- the
2 state senate, and his daughter, Ann, is here to --
3 to address the council.

4 MS. HARRIS: Hi, I'm Annie Harris.
5 Thank you so much for allowing me to come.

6 And when I was talking to daddy today, he
7 wanted me to tell you-all how much he has enjoyed
8 working with you over the next -- ov -- over past
9 years, and looks forward to working with you in the
10 future.

11 And he just wanted me to bring a couple of
12 push cards for him, and just point out that he has
13 always supported lower taxes and helping smaller
14 business. And he is excited about this next
15 election, and we hope that you'll be willing to
16 support us on November 2nd.

17 And if you have any questions, he has a
18 website and then his -- well, our house number.
19 And you can call him, and he would be happy to
20 answer any questions for you. Thank you.

21 COUNCILMAN SIMON: Tell your dad
22 we -- we appreciate his support he's given us over
23 the years.

24 MAYOR EBERLE: Right.

25 MS. HARRIS: Thank you.

1 MAYOR EBERLE: And do which have any
2 other candidates that I may have missed? I
3 knew -- I knew Ann was coming.

4 THE AUDIENCE: [no audible response]

5 MAYOR EBERLE: Okay. Next item up,
6 Chief Wilson is away tonight. And Police
7 Lieutenant Dennis Wine, who many of you know
8 well, is -- is here to give us the police report.
9 There are written reports at the back by Ann
10 Melton, and also in your binders.

11 LIEUTENANT WINE: I think we had
12 pretty of an uneventful month of September. We
13 didn't have any misdemeanor or felony reports.
14 We only had one incident report, involved a lost
15 piece of jewelry.

16 I think we did push on traffic enforcement. As
17 you see, we had nine citations that were written
18 for, basically, speeding and disregarding stop
19 signs. I think there was a couple of -- one
20 registration/no insurance citation.

21 Other than that, we had a -- any questions on
22 the stats there?

23 COUNCIL MEMBERS: [no audible
24 response]

25 LIEUTENANT WINE: Other -- other than

1 that, we had Transportation Day, which is held
2 each year on September 14th at Saint Francis in
3 the Fields, and Officer Pat Timmons, he was
4 instrumental in going up there as a CRO officer,
5 the community resource officer.

6 And we have a few pictures that we took.
7 Each mode of transportation may be police, of
8 course, fire, EMS, LG&E, they have different
9 modes of transportation that the chil -- children
10 will go through and ask questions. And of course,
11 that's always a pretty eventful day for them to see
12 what other people do for a living.

13 And also, talking about Pat Timmons --
14 [WHEREUPON, off-the-record remarks are
15 made.]

16 LIEUTENANT WINE: We also had a -- a
17 letter appraising both Officer Haverlin and Pat
18 Timmons. I'm sure some of you-all are familiar
19 with the lady who feeds the cats over here behind
20 Los Aztecas. It's actually on Carslaw. Well, it's
21 more than just feeding them. What she's been
22 doing is actually catching them, and she'll take
23 them up here to an animal clinic in Goshen. She
24 has them spayed and neutered.

25 And her thoughts -- of course, I understand

1 she's also paying for this out of her own pocket.
2 But she's one of these animal rights people that
3 feels sorry for the -- the cats. And I guess, she's
4 probably providing a pretty good service to the city
5 so we don't have a bunch of stray cats running
6 around. And she is thankful --

7 MAYOR EBERLE: That commendation
8 letter -- letter of appreciation is in the --

9 LIEUTENANT WINE: Yeah.

10 MAYOR EBERLE: -- is in the very back
11 of your materials there if you wanted take a look
12 at that.

13 LIEUTENANT WIRE: I think Pat and Mary
14 Ann have always been helpful for anything she
15 needs and -- I think we got a few complaints on
16 her. They -- people thought that she was just out
17 there feeding them and attracting them, but
18 actually, she's trying to catch them and take care
19 of them.

20 COUNCILMAN MILES: Will she start
21 feeding and then spaying or neutering our deer?

22 LIEUTENANT WINE: Well, she's on her
23 own if she wants to transport them up there to
24 Goshen.

25 MAYOR EBERLE: Or you know, if -- if

1 you want to loan -- loan her a revolver.

2 LIEUTENANT WINE: I'm sure we could
3 get a few hunters in town if --

4 COUNCILMAN MILES: Yeah. We'll keep
5 her quite busy.

6 MAYOR EBERLE: Yeah, so we just
7 pulled one out of the road this afternoon.

8 LIEUTENANT WINE: Well, we have a
9 lady that does that, though. Somebody that feeds
10 the -- the deer.

11 MAYOR EBERLE: Okay. Any questions,
12 comments on the -- the police report or anything
13 for Dennis?

14 COUNCIL MEMBERS: [no audible
15 response]

16 MAYOR EBERLE: Thank you, Dennis.

17 We do have two items on the agenda for
18 action, and -- but before we get to those, if we
19 have any general comments from citizens, if you
20 have a comment, please state your name so that
21 we can get it well recorded with our court reporter.
22 And use the podium, if anybody has any
23 comments?

24 THE AUDIENCE: [no audible response]

25 MAYOR EBERLE: Okay. We will move to

1 the new business section. We do have not so
2 much new business, but Ordinance 508, which has
3 been placed on first reading previ -- on two
4 previous readings, I believe. And -- and comments
5 were received.

6 I did distribute a copy of the ordinance in
7 amended form to everyone. There is a copy in the
8 back if anyone is interested in it. It's Ordinance
9 508, Series 2010.

10 As I pointed out in the preconference
11 materials, the change that we made from the last
12 time we had a first reading on it is to sec -- to --
13 to existing Section 33.06 -- no, not existing
14 section, to -- to new section 33.06 (A)(1). And I
15 think this should go on first reading again,
16 because I -- I -- it's certainly a substantive
17 change. It's not a type -- typographical change or,
18 you know, correction or anything like that.

19 And I guess I would entertain --

20 COUNCILMAN SIMON: City of Prospect
21 Ordinance Number 508, Series 2010, an ordinance
22 amending Chapter 33 of the Code of Ordinances of
23 the City of Prospect relating to funds deposited
24 with the City.

25 MAYOR EBERLE: And that is Council

1 Member Simon.

2 And on first reading, we do not have to
3 discuss, but since we've tossed it around a little
4 bit, is there any discussion or --

5 COUNCILWOMAN LEONARD: Actually,
6 I'd like to thank you. I had a real concern in the
7 beginning that -- well, I had no problems that the
8 city would make a good-faith effort to go ahead
9 and try to find these people. It didn't say we had
10 to. And I think you've done a really good job of
11 capturing them.

12 MAYOR EBERLE: Okay. And there's an
13 "or" there, so one two -- (A)(1), (2), or (3) would
14 allow the time period to start.

15 And for those in the audience, these -- we
16 have deposited funds that, for -- for one reason or
17 another, we're not able to return the deposits.
18 These are deposits that are -- are made with this
19 city -- money -- financial deposits for permits to
20 do various things.

21 After the permit is -- has expired, we go and
22 check to see if it was -- if the construction was
23 conducted in -- in the manner that we had
24 permitted. And if -- and if so, then we give the
25 deposits back. But sometimes we're unable to.

1 This would allow us after-- well, if the
2 permit's good for a year this, would allow us after
3 four years from the grant of the permit to move the
4 money into the general fund.

5 So -- so we will place that on read -- on
6 second reading for the November 15th meeting.
7 And again, if have you any comments or concerns
8 on it, let me know so that we can deal with those.

9 COUNCILMAN MILES: Mayor Eberle, how
10 much money do we anticipate will be freed up by
11 this ordinance that we can put in the general fund?

12 MAYOR EBERLE: Yeah.

13 THE REPORTER: That we could put into
14 what?

15 COUNCILMAN MILES: The general fund.

16 MAYOR EBERLE: It would -- yeah, it
17 would move moneys, which are now treated by
18 accountants, and we have a few of them in the
19 room, as liabilities because we owe that money
20 back. So it's characterized as a liability.

21 There are about \$56,000, in that amount. And
22 I would say roughly half of those have aged
23 enough that we would be able to take -- to -- to
24 move roughly half of that into the general fund.

25 COUNCILMAN MILES: So -- and again,

1 I'm not an accountant. I'm a psychologist. But
2 that would not just be a 25 dol -- thousand-dollar
3 effect. It would be a 50. Because now it's going
4 from a -- sort of from a liability to neutral to an
5 asset.

6 MAYOR EBERLE: Well, but they have
7 to -- about half of those funds are not old enough
8 to be eligible to do that.

9 COUNCILMAN MILES: No, but 25,000 of
10 it would move from being a liability --

11 MAYOR EBERLE: Right.

12 COUNCILMAN MILES: -- right, to being
13 an asset.

14 MAYOR EBERLE: To -- right. Right, and
15 cash -- and cash that we could spend.

16 COUNCILMAN MILES: Right. Right.

17 MAYOR EBERLE: Again, it's somewhat
18 of an -- an -- an accounting treatment, but it was
19 something that was pointed out by Debra Skaggs,
20 our -- our -- when the -- when -- where the money
21 she thought that we would never be able to get
22 back was just sitting there.

23 So we -- we did run it by our accounting --
24 our -- our monthly accounting people, as well as
25 our auditors, and they didn't see any problem with

1 it, so. . .

2 COUNCILMAN MILES: Okay.

3 MAYOR EBERLE: City of Prospect
4 Resolution Number 1, again, this is a resolution
5 that would give specific authorization to the City
6 and to myself to execute the purchase of real
7 estate, which would provide for an act of a
8 vehicular access road to the Putney Pond and
9 Woodlands area. It would be near the pond. It
10 would also, as -- as we have seen in the past from
11 the sketches of this, provide some limited parking,
12 and would give a -- a -- a safer access to the
13 pond.

14 We had negotiated with the owner of the land
15 for some time, and the owner had, as of, what, six
16 weeks ago, agreed to accept the established
17 appraisal that we had received. And at the
18 September 20th meeting, after consideration of the
19 offer that was made by the -- by the owner of the
20 land, decided to go ahead and -- and accept that
21 offer.

22 We do need a resolution in order to allow --
23 to -- to confirm that I would be signing on behalf
24 of the City. It would necessitate the -- the
25 payment would -- would not be coming out of the

1 budget, since there's no way to budget these
2 figures. The land would -- or the -- the agreed
3 appraisal amount, plus \$1500 for landscaping, was
4 47,730. And this would be out of the reserve
5 funds, as I said, be -- because we had not
6 budgeted that. So we also needed to indicate that
7 that -- that's where -- that's where the money
8 would -- would come from, so. . .

9 COUNCILMAN SCOTT: Let me ask you a
10 question: Before, could fire trucks get into that
11 property there for those two houses up there if
12 there was a fire with the existing roads there?

13 MAYOR EBERLE: We never tried, and I
14 don't think we ever -- okay, we -- we --

15 COUNCILMAN SCOTT: Could you get in
16 there?

17 MR. SCHWAB: We've driven to every --
18 every house in the district, so at some point we --

19 COUNCILMAN SCOTT: No, I'm talking
20 about Putney Pond, where -- the two houses on
21 Put --

22 MR. SCHWAB: Where Putney's Pond is, I
23 don't know we've -- I don't know if we've actually
24 checked that out yet.

25 COUNCILMAN MILES: How much do your

1 trucks weigh?

2 MR. SCHWAB: Pretty significant. I
3 mean, our -- our big ladder truck, I mean, you're
4 looking at --

5 COUNCILMAN MILES: The bridge is --

6 MR. SCHWAB: -- you know, 40 tons, s
7 o --

8 COUNCILMAN MILES: -- pipes. The
9 bridge is pipes.

10 MR. SCHWAB: -- I mean, significant;
11 yeah.

12 COUNCILMAN POTTS: They couldn't get
13 through there.

14 MR. SCHWAB: Ten-feet wide.

15 MAYOR EBERLE: The bridge over the
16 spillway --

17 MR. SCHWAB: Right.

18 MAYOR EBERLE: -- now is --

19 MR. SCHWAB: 9-1/2 to 10-feet wide.

20 MAYOR EBERLE: -- 8-foot, 4-inches
21 wide.

22 MR. SCHWAB: Okay. So yeah, we would
23 not be able to get a truck in there.

24 COUNCILMAN MILES: So by buying
25 the -- this easement we'll be able, in the future,

1 provide those services to people who didn't have
2 any by the City?

3 MAYOR EBERLE: Right, among other
4 things.

5 COUNCILMAN MILES: Yeah, with --
6 among other things.

7 MR. SCHWAB: I mean, that's not to say
8 that we would be able to -- I mean, it would just be
9 much more manpower-intensive dragging a hose up
10 there. So, I mean, we would still be able to do
11 something, but it would be a little more --

12 COUNCILWOMAN TUCCI: You could just
13 get stuck on the bridge, and then we would pave
14 over the fire truck. And we would have taken care
15 of it.

16 MAYOR EBERLE: Would anyone like to
17 make a motion that we adopt Resolution Number 1,
18 Series 2010?

19 COUNCILWOMAN TUCCI: A resolution
20 authorizing the mayor to enter into an agreement
21 for the purchase of real estate and allocate funds
22 for its purchase. It's Resolution Number 1, Series
23 2010.

24 MAYOR EBERLE: And a second?

25 COUNCILMAN MILES: Second.

1 MAYOR EBERLE: And discussion?

2 COUNCILMAN SCOTT: I have -- I have a
3 question.

4 MAYOR EBERLE: Sure.

5 COUNCILMAN SCOTT: When we entered
6 into our agreement with the Kentucky Heritage
7 Land Conservation Fund, was one of the items that
8 they wanted done a road such as this to
9 accommodate vehicles in and out of there?

10 MAYOR EBERLE: Right. That was, in
11 fact, part of the grant --

12 COUNCILMAN MILES: Right. Part of
13 our --

14 MAYOR EBERLE: -- that we -- yeah, that
15 was in the grant, I think.

16 COUNCILMAN SCOTT: Okay.

17 MAYOR EBERLE: Now, I don't -- to say
18 whether --

19 COUNCILMAN POTTS: I don't think the
20 state required that.

21 MAYOR EBERLE: -- they required that --
22 right. I don't -- yeah.

23 COUNCILMAN MILES: The proposed --
24 he said if we got the grant, among other things
25 that we've done, we should just get Eagle Scout

1 projects, bring the schools, we would create a trail
2 system, including other things we said we would
3 do, but also to create access and unlimited
4 parking.

5 COUNCILMAN SCOTT: That was part of
6 our proposal --

7 COUNCILMAN MILES: Yes.

8 COUNCILMAN SCOTT: -- and the state
9 eventually agreed to grant us --

10 COUNCILMAN MILES: Yes.

11 COUNCILMAN SCOTT: -- the funds to
12 help pay for.

13 COUNCILMAN MILES: Right.

14 MAYOR EBERLE: In fact, the -- the
15 graphic we used in the grant presentation is
16 behind that ariel photograph there that shows the
17 access.

18 COUNCILMAN SCOTT: So this was
19 intended from the onset.

20 MAYOR EBERLE: Yes.

21 COUNCILMAN SCOTT: Once we got the
22 grant and participated in the purchase, that we
23 would hope to be able to move forward to do this.

24 COUNCILMAN MILES: Right, because
25 it -- really, at this point, there's no real access

1 and no parking to get back there.

2 COUNCILMAN SCOTT: Thank you.

3 COUNCILMAN MILES: Uh-huh.

4 MAYOR EBERLE: It was also a
5 recommendation of the Prospect Mobility Study
6 that that. . .

7 COUNCILMAN MILES: Yes.

8 MAYOR EBERLE: Which we will not let it
9 gather dust, but -- okay. Any other --

10 COUNCILWOMAN LEONARD: Just -- just
11 one question.

12 MAYOR EBERLE: Sure.

13 COUNCILWOMAN LEONARD: I
14 understand why we don't budget this in the general
15 fund, but, by the same token, I also, right now --
16 and I am going to vote for this -- I have no
17 conclude that there's enough money in the
18 reserves to carry -- to take care of it.

19 Now, I'm pretty sure we do have sufficient
20 funds in the reserves, but I think that when we go
21 forward, if some of our other projects in the future
22 are very expensive, I think I personally would like
23 to have more specific information on the effect of
24 any major expenditures on reserves.

25 Because I still think we're in not only an

1 economic downturn, but one that's not going to
2 change in the near future. And at some point in
3 time, I think it's going to impact the revenues that
4 we've got in terms of property taxes.

5 And -- whereas in the past, I think we could
6 anticipate that something that was in reserve
7 would carry over from the end of one fiscal year
8 possibly even to the next one unless there was a
9 major expense. I don't know that I think that
10 that's what's going to happen in the next couple of
11 years.

12 And that's why I have faith that this one is
13 fine, but in the future, I really would like more
14 specific information on major expenditures and
15 their impact on reserves.

16 MAYOR EBERLE: We do -- and -- we --
17 on your -- on your monthly reports from the
18 accountants, it will show you what our -- what our
19 total liquid assets are; and then the audit, which
20 comes out at a -- at a good time, but the audit
21 takes a snapshot of where we were on June 30th
22 every year.

23 COUNCILWOMAN LEONARD: Correct.

24 MAYOR EBERLE: The vast majority of
25 the prop -- well, all -- virtually all of the property

1 taxes have been collected because it's due
2 October 1st, so --

3 COUNCILWOMAN LEONARD: M-hm.

4 MAYOR EBERLE: -- that gives us nine
5 months catch up on the -- on the property tax. The
6 only thing that doesn't -- is -- it's not quite as
7 current, but they -- on an accrual basis, they
8 relate it back -- or would be the fourth quarter
9 payment under the insurance premium tax.

10 COUNCILWOMAN LEONARD: Uh-huh.

11 MAYOR EBERLE: Looking back probably
12 five or six years, we have been relatively
13 consistent with about a million six in reserves,
14 so. . .

15 COUNCILWOMAN LEONARD: No, I
16 understand. But for -- just as -- as a small
17 example: The house next door to me just sold for
18 \$200,000 less than the appraised value, the
19 current PVA value. And what I'm thinking is that
20 some of the things that we could comfortably
21 anticipate in the past, we may not be able to
22 comfortably anticipate in the future.

23 COUNCILWOMAN ERTLE: I think it
24 stands to reason that because of the decline of the
25 economy --

1 COUNCILWOMAN LEONARD: M-hm.

2 COUNCILWOMAN ERTLE: -- that if we
3 see any future opportunities, we would weigh that
4 very heavily in our decisions.

5 COUNCILWOMAN LEONARD: I agree.

6 COUNCILWOMAN ERTLE: But this took
7 place in 2006, and, of course, we had no idea that
8 this was going to happen. So those guidelines
9 weren't in place at that time. But I'm sure now
10 that would be the obvious thing to do.

11 COUNCILWOMAN LEONARD: Well -- and
12 so far we haven't been -- so far the -- the impact
13 of declining property values has not really yet --
14 we see it, but it hasn't come through in the
15 numbers.

16 MAYOR EBERLE: In the numbers.

17 COUNCILMAN MILES: And it's kind of a
18 mystery.

19 MAYOR EBERLE: It does lag.

20 COUNCILMAN MILES: There are a lot of
21 houses that have sat unappraised for five, ten
22 years.

23 COUNCILWOMAN LEONARD: Uh-huh.

24 COUNCILMAN MILES: And even though
25 they're selling for less than what we think they

1 should be, they're selling for more than what we're
2 collecting taxes for.

3 COUNCILWOMAN LEONARD: This is
4 next door to me is being sold for less than what
5 the PVA --

6 COUNCILMAN MILES: Right.

7 COUNCILWOMAN LEONARD: -- value is.

8 COUNCILMAN MILES: But I think there
9 are -- there are -- it's a mixed bag. There are
10 some that are selling for more than --

11 COUNCILWOMAN LEONARD: I think
12 that's true. But I -- I don't think that it will
13 continue to be that way.

14 MAYOR EBERLE: Any other comments?

15 COUNCIL MEMBERS: [no audible
16 response]

17 MAYOR EBERLE: There are -- there are
18 some economies to -- to constructing this road,
19 and these -- this -- it's -- it's certainly much safer,
20 but it's also much cheaper than taking the one-
21 lane road and -- and making it a -- a -- a two-lane
22 road. And we would have to build a bridge over
23 the spillway.

24 So in -- in -- in a very real sense, this is the
25 least expensive way to go. And of course, we will

1 own then land, and so it will hopefully not lose
2 value; that it will be an asset that we would want
3 to retain rather than to sell it.

4 And -- but it will be -- but it will be an asset.

5 COUNCILMAN POTTS: Over -- over the
6 years, I think that the council of the past have
7 done a really good job of making Prospect a very
8 desirable place to want to live, and I think that's
9 been very important. We've -- we've kept property
10 values relatively high in -- in -- in relation to
11 everywhere else.

12 It's a very desirable place, and I think that's
13 what we want to try to do is to keep the amenities
14 high, make it a desirable place for people to live,
15 and for their children to grow up -- can say, "I
16 want to live in a community like I grew up in."
17 And that's we have right now, and I think it's very
18 important.

19 COUNCILWOMAN TUCCI: I think if we
20 look at the City of Louisville, many, many decades
21 ago somebody decided it would be nice to have a
22 string of parks in what was essentially the country.
23 Thank God they bought the land to put in Cherokee
24 and Iroquois and Seneca, and hired a really good
25 landscape architect to put it together. Thank

1 goodness they built a water tower and a reservoir.

2 All of those things were not just doing for
3 current needs. They -- they were people in a city
4 who were envisioning a city that would go on and
5 would be a -- a blessing to future generations.

6 And Putney Pond is a little place, but this is a
7 little town. But the principle of not just -- I think
8 none of us really are the kind of people who
9 believe in living just for today. You know, we
10 make investments in our children's education.
11 We -- we do things for the future. Putney Pond is
12 something that we've done not just for us today.
13 It's a gift we're giving to the future.

14 COUNCILWOMAN ERTLE: Well said.

15 MAYOR EBERLE: And I also think -- and
16 I echo with -- you both have said, the -- the
17 expenditure here is an expenditure that will relay
18 to property values. If you have that type of an
19 amenity in a community -- and I have picked up
20 fliers that say -- that mention Putney Pond in the
21 real estate advertisement and the natural area
22 being there.

23 And so there are things that we could spend
24 money on that wouldn't necessarily compliment
25 property values. I think this is one.

1 And I appreciate everybody's thoughtfulness
2 on this over the -- over the months and years that
3 we've been dealing with the grants and the
4 negotiation of the purchase and the negotiation for
5 the -- for this entryway. So I think it's -- the
6 money is certainly not insignificant, but well
7 invested, so. . .

8 And again, this is something that needs to
9 come out of reserve funds, because when we do
10 the -- the budget, we have to (1) submit a
11 balanced budget; and if there are capital
12 expenditures, we have -- unless we just made it
13 up, we -- we wouldn't be able to say that the
14 revenue is going to come in to match that.

15 So as things come up, any -- any significant
16 amounts that are not able to be handled within a --
17 a line item in the budget, I'll make sure that we --
18 we bring those specifically so there's a -- so
19 there's a separate vote on the part of the council
20 as opposed to just including it on the budget which
21 we vote on in May, usually, so. . .

22 Okay. Any other discussion?

23 COUNCIL MEMBERS: [no audible
24 response]

25 MAYOR EBERLE: We have a motion and

1 a second. Should we do a roll call vote with --
2 starting with Council Member Tucci?

3 COUNCILWOMAN TUCCI: Aye.

4 COUNCILMAN SCOTT: Aye.

5 COUNCILWOMAN ERTLE: Aye.

6 COUNCILMAN MILES: Aye.

7 COUNCILWOMAN SIMMS: Aye.

8 COUNCILMAN SIMON: Aye.

9 MAYOR EBERLE: Okay.

10 In your packets, and also there are two
11 ordinances in the back, that deal with the parking
12 of vehicles in -- in front lawns of yards. These --
13 these are in graph form, but I did want to
14 distribute them again for any comments.

15 The first one is -- well, one relates to parking
16 in general. We've had several comments from
17 residents, not necessarily at council meetings, but
18 we have had residents come to council meetings
19 concerned about the parking of -- of vehicles in
20 residential areas in -- in the front yards. This
21 ordinance would take -- would -- would recognize
22 that there are times when you need to park in your
23 front yard, a classic being when your driveway is
24 being re -- resealed or something.

25 So -- but at any rate, there is -- there is one

1 that deals with parking in -- in front yards.
2 There's also a second one that deals with the
3 parking of vehicles with for-sale signs in -- in the
4 locations there.

5 I don't know if we want to have any
6 discussions on these. They're really not ready
7 unless someone would want to make a -- a motion
8 for first reading right now.

9 COUNCILWOMAN TUCCI: I have a
10 question.

11 MAYOR EBERLE: The lemonade stand?
12 Counsel Member Tucci.

13 COUNCILWOMAN TUCCI: Yeah, I -- I
14 just don't understand it. I'm looking at -- under
15 the Exceptions Number 5, which says that, you
16 know, you can park in the grass when you have a
17 permit to park in the grass. I didn't know we gave
18 permits to park in the grass.

19 I thought if I pulled my boat out of the water, I
20 could park it in my driveway with a permit while
21 Lee scrubs the bottom of the boat and I watched
22 and supervised him, but that you couldn't pull it
23 onto the grass and do it.

24 So I thought those permits that allowed for
25 trailers and things like that, that they would be

1 either parked in front of the house, you know, in
2 the public road or in the driveway, not on the
3 grass.

4 MAYOR EBERLE: I don't have 72.13(B).
5 Ann Melton, could you grab a -- a copy of the code
6 of ordinances for us? Yeah. I mean, that's --
7 that's a good question. I don't have
8 72.13(B)(C)(D) on this parking.

9 We do permit vehicles --

10 COUNCILWOMAN TUCCI: M-hm.

11 MAYOR EBERLE: -- motor homes,
12 trailers for 72 hours.

13 COUNCILWOMAN TUCCI: But I always
14 thought they had to be --

15 MAYOR EBERLE: But they still had to be
16 on the driveway.

17 COUNCILWOMAN TUCCI: -- on some
18 kind of pavement.

19 MAYOR EBERLE: So it maybe that's --

20 COUNCILWOMAN LEONARD: I'm not
21 finding your grass. Can you tell me where it is,
22 please?

23 COUNCILWOMAN TUCCI: Oh, okay.

24 MAYOR EBERLE: It's under the
25 general --

1 COUNCILWOMAN TUCCI: First page,
2 and then the second page under C, Exceptions
3 Number 5.

4 COUNCILWOMAN LEONARD: But I'm not
5 understanding grass.

6 COUNCILWOMAN TUCCI: Not graph,
7 grass.

8 COUNCILWOMAN LEONARD: Yes, I
9 know, but I --

10 COUNCILWOMAN TUCCI: Well, it sounds
11 like the one time that you can -- these are all
12 exceptions for with one can park in the grass.

13 MAYOR EBERLE: On the unpaved or --
14 yeah.

15 COUNCILWOMAN TUCCI: On the
16 unpaved part of your -- your lot.

17 MAYOR EBERLE: And maybe this --
18 maybe this wouldn't let you.

19 COUNCILWOMAN TUCCI: I -- I --

20 MAYOR EBERLE: This -- this permit
21 wouldn't let you, so we need that. Thank you.
22 [WHEREUPON, off-the-record remarks are
23 made.]

24 MAYOR EBERLE: Parking of recreational
25 vehicles in residential areas. (B) is a city

1 resident may park his or her boat, tractor truck,
2 tre -- tra -- trailer, trailer or a recreational vehicle
3 in the driveway but not on the grass. Okay. So I
4 don't think we --

5 COUNCILWOMAN LEONARD: So we
6 could just eliminate 5.

7 COUNCILWOMAN TUCCI: We need to
8 strike 5.

9 MAYOR EBERLE: We could eliminate 5
10 and make -- make 6, 5. And I'll read the rest of it,
11 just so we're sure.

12 [reads] But not on the grass so that his or her
13 dwelling for a period not to exceed 72 hours for
14 the purpose of loading, unloading, cleaning,
15 repairing, or servicing the recreational vehicle
16 upon obtaining a permit from the city.

17 This -- the permit shall be issued solely for
18 the foregoing purposes, and may not be issued
19 more than three times per calendar year. The
20 permit shall be displayed prominently on the
21 recreational vehicle, boat, bus, tractor or truck
22 permit [phonetic].

23 (C) is a re -- deals with the renewal permit,
24 but it does not talk about -- it talks about in the
25 event of an emergency, and it -- it doesn't address

1 the grass versus the -- and (D) deals with not the
2 resident's vehicle but a guest of the resident's
3 vehicle.

4 So I think we can just strike 5?

5 COUNCILWOMAN LEONARD: Probably.

6 COUNCILWOMAN LEONARD: I want --

7 COUNCILMAN MILES: I have a question.

8 Oh, go ahead.

9 COUNCILWOMAN LEONARD: No, that's
10 all right. Well, my question still goes -- I can park
11 on the grass if I've got a party for 12 hours.
12 That's one heck of a party. But --

13 COUNCILWOMAN TUCCI: You don't want
14 them driving too soon.

15 COUNCILWOMAN LEONARD: But if my
16 neighbor's tree, which is some day going to go
17 down on my driveway, you still aren't giving me an
18 act of nature or something where I can cut down
19 the darn tree or make him.

20 MAYOR EBERLE: I think we talked about
21 prosecutorial discretion on -- on something --

22 COUNCILWOMAN LEONARD: Well, in
23 some --

24 MAYOR EBERLE: -- really unusual.

25 COUNCILWOMAN LEONARD: But -- but

1 really, that isn't unusual. We've had ice storms.
2 We've had -- we've had a whole bunch of things in
3 the last year or two. And I'd -- I would feel a lot
4 better if we do some --

5 MAYOR EBERLE: Have the nature --

6 COUNCILWOMAN LEONARD: -- kind of
7 an act of nature thing. Other than that, I think
8 this is pretty clean.

9 MAYOR EBERLE: An act of -- generally I
10 refer to it as an act of God.

11 COUNCILMAN POTTS: God, yeah.

12 MAYOR EBERLE: An act of God
13 exception? And again, I mean, I just -- I -- I just
14 stuck things in here if -- a 12-hour party you think
15 is. . .

16 COUNCILWOMAN LEONARD: Sounds
17 fine to me.

18 COUNCILMAN MILES: I don't think I'd
19 want them driving after a 12-hour party, anyway.

20 MAYOR EBERLE: Yeah. Maybe we ought
21 to leave them on the yard -- front yard.

22 COUNCILWOMAN LEONARD: Okay. And
23 then it's my understanding that the (D) part goes
24 to somebody not coming and parking a vehicle in
25 front of Mr. Simon's apothecary. Is that what

1 that's -- is doing?

2 COUNCILWOMAN ERTLE: Yeah.

3 MAYOR EBERLE: Yeah, that's just the
4 commercial area.

5 COUNCILMAN SCOTT: Like the health
6 center, people just want to park their -- their boats
7 there and just leave them there.

8 COUNCILWOMAN LEONARD: Yeah.
9 Okay. But then I'm not sure these exceptions
10 apply.

11 COUNCILMAN MILES: And we had -- and
12 we also had that commercial cleaning group that
13 were parking five and six of their cars in the
14 parking lots of the commercial centers to
15 advertise, and --

16 COUNCILWOMAN LEONARD: But then --

17 COUNCILMAN MILES: -- so we -- you
18 know, stopped that in the bud because you didn't
19 want everybody and their grandmother advertising
20 in our commercial areas.

21 COUNCILWOMAN LEONARD: But then,
22 do we need these exceptions?

23 MAYOR EBERLE: We -- we could -- and
24 we categorized those -- parking of those vehicles
25 as --

1 COUNCILMAN MILES: As off-premises
2 signage.

3 MAYOR EBERLE: -- of -- off-premise
4 signage, because it --

5 COUNCILMAN MILES: They're
6 advertising businesses not in that center.

7 COUNCILWOMAN LEONARD: Okay. But
8 then, we don't need to have during the asphaltting
9 of driveways. They shouldn't be there, period.
10 They should be parking in their -- in other words,
11 we're not going to let them park there unless
12 they're actually going to be engaging in some kind
13 of commercial enterprise with the business. It has
14 nothing --

15 MAYOR EBERLE: Well, this would --

16 COUNCILWOMAN LEONARD: -- to do
17 with --

18 MAYOR EBERLE: -- be if -- if -- if Dr.
19 Cochran totally sealed the whole driveway, you
20 know. Now, that's not a very good one because I
21 don't think there is any grass around there, but
22 there would be at Prospect Village. And -- and
23 they probably wouldn't reseal the whole thing just
24 because they're --

25 COUNCILMAN MILES: No, they're going

1 to -- they're going to do half and half over there.

2 MAYOR EBERLE: No, they're half and
3 half.

4 COUNCILMAN MILES: They're not
5 going to -- they're not going to shift their whole
6 parking --

7 COUNCILWOMAN LEONARD: But this
8 isn't going --

9 COUNCILMAN MILES: -- lot to any --

10 COUNCILWOMAN LEONARD: -- to stop
11 those commercial things from parking in those
12 driveways -- I mean, in the -- all it stops them
13 from is parking on the unpaved portion. We can
14 still park all these things in their parking lots;
15 right?

16 MAYOR EBERLE: Well, this doesn't have
17 anything to do with commercial vehicles. It just
18 has to do with commercial areas.

19 COUNCILWOMAN LEONARD: Right.

20 COUNCILWOMAN TUCCI: This just has
21 to do with -- I think another ordinance would cover
22 that. This is just keeping them off the grass.
23 And there's a separate ordinance that deals with
24 where -- you know, can you -- can you park -- can I
25 park --

1 COUNCILWOMAN LEONARD: M-hm.

2 COUNCILWOMAN TUCCI: -- my old
3 beater down in the shopping center with a "for
4 sale" sign on it? We have a separate ordinance
5 for that.

6 This is just talking about moving stuff onto
7 the grass. And the same rule applies.

8 I can't imagine, not in Prospect right now, but
9 there are little businesses that have driveways and
10 have grass around them if you go outside our city
11 limits a little bit, that are commercial enterprises.
12 You don't want them to park on the grass in front
13 of their little stand, as well.

14 COUNCILWOMAN LEONARD: But I'm
15 trying to think of how this would apply here, and
16 I'm not getting a mental picture of --

17 COUNCILWOMAN TUCCI: Because it's
18 hard to -- it's hard to think of a single place --

19 COUNCILWOMAN LEONARD: Correct.

20 COUNCILWOMAN TUCCI: -- that has any
21 grass.

22 MAYOR EBERLE: Right.

23 COUNCILWOMAN LEONARD: Where
24 parking would be an issue.

25 COUNCILWOMAN TUCCI: Yeah, yeah.

1 COUNCILWOMAN LEONARD: I mean,
2 there's grass in front of the post office, but there's
3 also a huge parking lot.

4 MAYOR EBERLE: Well, they could park
5 on that, I -- I suppose.

6 COUNCILWOMAN LEONARD: Yeah,
7 you're letting them park now on the grass, and we
8 wouldn't have let them up until now.

9 MAYOR EBERLE: But Dennis would get
10 them.

11 COUNCILMAN MILES: I have a question
12 on 72.14, Parking on Vehicles -- and it gives the
13 definitions. Under (1), Definition of yard or
14 lawn -- front yard or lawn. I'm having trouble
15 following that logic stream.

16 MAYOR EBERLE: The -- the definition?

17 COUNCILMAN MILES: It says, [reads]
18 From a line not to exceed ten feet from the edge of
19 a roadway there -- thereof to the building setback
20 line as established by the code of regulations of
21 Louisville and Jefferson County Planning
22 Commission.

23 Does -- does that say the front yard is from
24 the street back ten feet but not any further?

25 COUNCILWOMAN LEONARD: No, the

1 building setback --

2 COUNCILMAN MILES: Can we -- can
3 we --

4 COUNCILWOMAN LEONARD: -- lines
5 from --
6 [WHEREUPON, off-the-record remarks are
7 made.]

8 MAYOR EBERLE: That -- that -- okay. I
9 have to double check. Shively has a -- a parking
10 on the yard's ordinance, and it -- and it may have
11 come from there or it may -- it's been awhile since
12 I've looked at it.

13 COUNCILMAN MILES: I'm just not
14 following the --

15 COUNCILMAN POTTS: The -- the edge
16 of -- normally it's -- it's -- if you -- I mean,
17 theoretically, I guess, you could have -- you can't,
18 as defined, parking on any street from a line not to
19 exceed ten feet from the edge of the roadway to
20 the building setback line.

21 COUNCILWOMAN LEONARD: So you
22 could park in that first ten feet?

23 COUNCILMAN POTTS: Well, I mean, I
24 don't --

25 COUNCILMAN MILES: Right, that's --

1 that's the question.

2 COUNCILMAN POTTS: -- that I could
3 construe that to mean, and -- and there's also A --
4 a building setback line that would be, you know,
5 like 25 feet from the -- from the roadway. But you
6 can have a house that was built behind the
7 building setback line, and does mean that you can
8 park in that?

9 COUNCILWOMAN LEONARD: Good
10 point.

11 COUNCILMAN POTTS: You know, so I
12 think -- I think that needs some work.

13 MAYOR EBERLE: Do you want to work
14 with that? Can you put your expertise in that?

15 COUNCILMAN POTTS: Sure. I mean, I
16 think, basically, what I would do if he -- and again,
17 I don't know what -- if we've got anything -- we
18 have language that defines what a front yard is in
19 the Land Development Code, and that's probably
20 more appropriate to -- because that -- a front yard
21 could include right-of-way. And if right-of-way has
22 got grass on it, you don't want them to park in
23 that, either.

24 COUNCILWOMAN LEONARD: Well -- and
25 we -- it's not just -- I mean, some houses stick out

1 here and go back here. And we don't necessarily
2 want to define it with this, because then they could
3 park here, and we don't want them to, either.

4 COUNCILMAN POTTS: I mean, I think
5 that's what you're -- you know, you -- we --
6 you've -- you've looked at it from a front yard
7 perspective, and maybe it really needs to be
8 looked at from a yard perspective.

9 COUNCILMAN SCOTT: Yeah, put it in
10 the backyard.

11 MAYOR EBERLE: Well, we didn't really
12 want to prohibit them from -- well, I -- at least I
13 think -- I thought that was the sentiment --

14 COUNCILMAN MILES: Yeah. I think it
15 was more of sight -- I think it's more of a sight of
16 the street issue --

17 COUNCILWOMAN LEONARD: M-hm.

18 COUNCILMAN MILES: -- than really a
19 front yard, similar to the -- the fence issue.

20 COUNCILWOMAN TUCCI: That's what I
21 was thinking. We probably have language --

22 COUNCILMAN MILES: The fence issue
23 front and side --

24 COUNCILWOMAN TUCCI: -- in the fence
25 ordinance that could --

1 COUNCILMAN MILES: That may be --

2 COUNCILWOMAN TUCCI: -- be used --

3 COUNCILMAN MILES: -- where it came

4 from --

5 COUNCILWOMAN TUCCI: -- and we --

6 and we can --

7 COUNCILMAN MILES: Right. I think it's

8 the very same issue.

9 COUNCILWOMAN TUCCI: Yeah.

10 MAYOR EBERLE: Okay.

11 COUNCILMAN SCOTT: So where are we

12 going to put it?

13 MAYOR EBERLE: We'll look at that

14 definition to make sure, and we can come up with

15 an act of God permit, that exception.

16 COUNCILWOMAN LEONARD: Thank you.

17 COUNCILWOMAN ERTLE: And should

18 this also be written in a little bit more lay terms so

19 that Officer Wine, if he talks to someone about it,

20 then he could say --

21 MAYOR EBERLE: He could hand it to

22 them.

23 COUNCILWOMAN ERTLE: -- okay, this --

24 yeah. Like, "Here," and they could understand

25 what it is.

1 COUNCILWOMAN LEONARD: Exactly.

2 MAYOR EBERLE: Right. And especially
3 probably with regards to the definition.

4 COUNCILWOMAN ERTLE: Right,
5 especially that.

6 MAYOR EBERLE: Any other comments?
7 We'll keep massaging it, and maybe get it ready
8 for our first reading.

9 What -- what about the vehicles for purposes
10 of sale?

11 COUNCILWOMAN ERTLE: I could
12 probably --

13 COUNCILWOMAN TUCCI: Well, you --
14 you'll have the same issue with the front yard or
15 (1).

16 COUNCILWOMAN ERTLE: Okay.

17 MAYOR EBERLE: Right.

18 COUNCILWOMAN TUCCI: -- fix it for
19 the -- for the first, you'll be fixing it for the
20 second and --

21 COUNCILWOMAN LEONARD: I don't
22 totally understand --

23 MAYOR EBERLE: Right.

24 COUNCILWOMAN LEONARD: -- we said
25 they can't park there, or we will by the time we're

1 done. Why do we need to say they can't park there
2 to sell it? Now, I understand we don't want
3 appliances and furniture stuck out there, but I
4 think the --

5 MAYOR EBERLE: Well, this wouldn't --

6 COUNCILWOMAN LEONARD: -- vehicle
7 thing is already taken care of by you can't park
8 there.

9 COUNCILMAN MILES: Well, you could
10 have a party and put all your "for sale" cars out
11 there.

12 COUNCILWOMAN LEONARD: Good idea.
13 Okay.

14 MAYOR EBERLE: One reason we
15 separated -- well, just for the ease of -- of dealing
16 with the somewhat vari -- variant issues, but we do
17 have a -- an existing ordinance, vehicle for sale
18 signs, and -- which reads that they're prohibited.
19 And it says for sale signs in windows of -- of
20 automobiles or other vehicles parked for more than
21 three hours on or beside the public right-of-way in
22 nonresidential areas -- in -- in -- or -- yeah, in
23 nonresidential areas of the city except in the
24 vehicle owner's driveway.

25 And so we wanted to kind of clean that up.

1 That's an existing ordinance, and we wanted to
2 clean that up by adding the underlying language
3 and striking the --

4 COUNCILWOMAN LEONARD: Okay. But
5 if we say they can't park in the --

6 MAYOR EBERLE: No. Yeah, back to the
7 first section there?

8 COUNCILWOMAN LEONARD: Then I
9 think that that takes care of that. And so the
10 second one, then, becomes dealing with other --
11 with items for sale other than vehicles, because
12 we've already said they can't park their vehicles
13 there.

14 And I think we have to -- I -- I don't disagree
15 with the whole concept, but I think we have to be
16 careful that we don't have to start issuing citations
17 to people who have yard sales.

18 MAYOR EBERLE: No, that's -- and as
19 Council Member Tucci pointed out, we didn't want
20 to prevent lemonade stands.

21 So we did have it drawn that you couldn't put
22 things for sale in -- in your front yard. And we've
23 done -- drew it back to be vehicles, just -- just
24 vehicles or trailers and that kind of stuff, boats
25 and whatever.

1 So we would not preclude a garage sale or
2 just the sale of a single item or not, which I see
3 from time to time. I have a neighbor that has been
4 trying to sell his lawnmower for quite a while. I --
5 and it doesn't particularly offend me, I guess, but
6 it would cover -- it would have covered that.

7 COUNCILWOMAN LEONARD: No, he
8 could put his lawnmower in his driveway and put a
9 "for sale" sign on it.

10 MAYOR EBERLE: That's true.

11 COUNCILMAN MILES: What if it was in
12 the back of his truck?

13 COUNCILWOMAN LEONARD: That's very
14 tricky, very tricky.

15 MAYOR EBERLE: Dennis, prosecutorial
16 discretion?

17 LIEUTENANT WINE: It depends on the
18 price. It might go real quick.

19 COUNCILWOMAN LEONARD: I think this
20 one actually does need some work, because I don't
21 even know what the -- [reads] requiring licensure
22 on which demonstrations are being made on any
23 street.

24 MAYOR EBERLE: Well, that's -- that's
25 the existing ordinance.

1 COUNCILWOMAN LEONARD: I can tell
2 you didn't change it. I just don't know what it
3 means.

4 MAYOR EBERLE: Well, a demonstration
5 would be any kind of overt activity, I guess. I
6 don't know where we got that. Grover probably
7 will.

8 COUNCILWOMAN TUCCI: And I -- I -- I
9 know where we got that. We have a history of that
10 in -- in the city of somebody who had a business
11 outside the city, and he had a labor dispute. And
12 the demonatration came to --

13 MAYOR EBERLE: Oh.

14 COUNCILWOMAN TUCCI: -- his yard or
15 his -- the street in front of his yard. That's where
16 that language came from. It will probably never
17 happen again, but that was the impetus for putting
18 that -- that language in there.

19 MAYOR EBERLE: I -- I took it to -- to
20 mean anything that's demonstrative.

21 COUNCILWOMAN LEONARD: Okay, but
22 that --

23 MAYOR EBERLE: It could be oral --

24 COUNCILWOMAN LEONARD: -- this is
25 the wrong place for that; yeah. It truly is.

1 MAYOR EBERLE: Well --

2 COUNCILMAN SCOTT: I think we just
3 need to work on these a little bit and --

4 MAYOR EBERLE: Okay. I will -- I will
5 welcome -- we -- they've been sitting for two
6 months. So if you have comments, give them to
7 me, or maybe we -- maybe we don't want to do it,
8 anyway.

9 COUNCILWOMAN LEONARD: I think this
10 one is -- I -- I do. I think we're really close on --

11 MAYOR EBERLE: On the --

12 COUNCILWOMAN LEONARD: -- the
13 parking on the grass.

14 MAYOR EBERLE: -- on the parking on
15 the grass.

16 COUNCILWOMAN LEONARD: But I think
17 we're a long way from --

18 MAYOR EBERLE: Okay.

19 COUNCILWOMAN LEONARD: --
20 something on the sale thing. Because it doesn't
21 say --

22 MAYOR EBERLE: Well, I think we're --

23 COUNCILWOMAN LEONARD: -- for
24 purposes of sale or demonstrations. I mean, it's
25 just -- there -- there's a lot of work that needs to

1 be done.

2 COUNCILMAN MILES: Well, we could
3 pass the one on the grass, and just see if that is
4 sufficient.

5 COUNCILWOMAN LEONARD: Yeah. This
6 one needs -- the grass one needs a little bit more
7 work, but it's close.

8 COUNCILWOMAN TUCCI: It should be
9 ready by next time.

10 COUNCILWOMAN LEONARD: M-hm.

11 MAYOR EBERLE: Yeah, we'll definitely
12 get to the parking on the grass one. Probably,
13 Grover can give us a better definition of a front
14 lawn. Okay. Thanks to everyone for their
15 thoughts on that.

16 And do we have any -- any unfinished
17 business?

18 COUNCIL MEMBERS: [no audible
19 response]

20 MAYOR EBERLE: And I guess that kind
21 of was unfinished business. And hearing no
22 unfinished business to brought before the council,
23 I -- I do not have any additional information with
24 regards to any ongoing litigation, so we will not
25 need to go into executive session for that.

1 Does anyone else have any reason to go into
2 an executive session?

3 COUNCIL MEMBERS: [no audible
4 response]

5 MAYOR EBERLE: If not, do we have
6 any -- any final comments from council members or
7 the audience?

8 COUNCIL MEMBERS: [no audible
9 response]

10 MAYOR EBERLE: And hearing none, I
11 will entertain a motion to adjourn.

12 COUNCILWOMAN LEONARD: I move we
13 adjourn.

14 COUNCILWOMAN ERTLE: Second.

15 MAYOR EBERLE: That was Leonard and
16 Ertle, motion and second. Those in favor of
17 adjournment, signify by saying "aye"?

18 COUNCIL MEMBERS: Aye.

19 MAYOR EBERLE: Opposed by "no"?

20 COUNCIL MEMBERS: [no audible
21 response]

22 MAYOR EBERLE: And we are adjourned.

23 Thank you.

24 [WHEREUPON, the City of Prospect, Kentucky,
25 City Council Meeting was concluded at 8:13

1 p.m.]
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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

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

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

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

.

My Commission Expires: _____ Notary Public

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DECEMBER 23, 2012 _____.

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