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CITY OF  
PROSPECT, KENTUCKY

CITY COUNCIL MEETING

SEPTEMBER 20, 2010

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4 MAYOR EBERLE: I will call to order the  
5 September -- regular September meeting of the  
6 City of Prospect, Kentucky, City Council,  
7 September 20th. And we do have a -- somewhat of  
8 a full agenda, along with a -- an executive session  
9 that we'll be moving through tonight.

10 We have -- the first item on the agenda is the  
11 approval of the minutes for the regular city council  
12 meeting of August 16, 2010. That has been  
13 distributed. There are copies in the back on the --  
14 on the table, and -- if anyone wants to grab  
15 those -- and I would entertain a motion that we  
16 adopt those minutes, either as written or. . .

17 MR. SIMON: So moved.

18 MR. MILES: Second.

19 MAYOR EBERLE: As -- as written.  
20 Simon and Stuart Miles on a second. And we have  
21 a voice vote on that. Those in favor, please  
22 signify by saying "aye."

23 COUNCIL MEMBERS: Aye.

24 MAYOR EBERLE: Opposed by "no."

25 COUNCIL MEMBERS: [no response]

1           MAYOR EBERLE:   And we have adopted  
2   the minutes.

3       I will quickly try to quickly move through  
4   the -- the mayor's report.  The current fiscal year  
5   financial update I distributed, actually, so we  
6   could capture a few more of the revenues and  
7   expenses as the -- the property tax is coming in  
8   right now, I -- I have a -- have the figures as of  
9   September 15th, rather than September 1st.  But,  
10   right now, there are revenues of 538,800, and our  
11   expenses are 476,600, so we are on our way in the  
12   new fiscal year.

13       For the -- for the last fiscal year, our audit  
14   will begin on August -- September 22nd now, I  
15   believe?  Okay.  Deb is shaking her -- her head  
16   "yes," and she's been working hard getting ready  
17   for that.  So they will be here on Wednesday and  
18   staying through the end of the week, at least;  
19   hopefully, not a whole lot longer.

20       Reminder:  The property tax payments are due  
21   Friday, October 1st; postmarked by that time, at  
22   least.  And we have a -- we have late-payment  
23   penalties after that time, so be sure to observe  
24   that date.  If you have any questions on property  
25   taxes, just call the City Hall, and Deb will find

1 some time to talk to you between the auditors'  
2 questions.

3 We have not heard anything with regards to  
4 our submission of the Prospect Mobility Study to  
5 Metro Planning & Design Services. Hopefully,  
6 we'll get something back on that, and maybe  
7 Grover or I will follow up on that before the next  
8 meeting.

9 Division of Emergency Management Grant  
10 Application for the City Hall Generator. And, Ann,  
11 do you --

12 MS. SIMMS: I'm working on it.

13 MAYOR EBERLE: Ann's working on that,  
14 and, hopefully, we'll have something back from  
15 them, but we are dealing with a bureaucracy -- a  
16 bureaucracy that we, ourselves, do not have on  
17 that one. But that is a -- a Homeland Security  
18 thing that we're pursuing for a city hall generator.

19 Putney Pond and Woodlands Advisory  
20 Committee Update. Real brie -- very briefly, we --  
21 I think it's pretty well known that we've made the  
22 Woodland Trail bridge contribution goal, and there  
23 will be work beginning on that fairly shortly.

24 We're working on the biological inventory, and  
25 we have the Putney Pond Research Initiative

1 meeting on September 13th.

2 We have Linda Wardell here, who is the chair  
3 of that committee. I don't know if Linda wants to  
4 add anything, and Stuart's our liaison, so. . .

5 MS. WARDELL: Sure. Let me just talk a  
6 little bit about the science fair initiative, because  
7 I think that was one of the things we said when we  
8 first applied for the grant to purchase the  
9 property, was that we wanted this property to be a  
10 resource for educational initiatives and provide a  
11 place for local residents, students to be able to do  
12 projects on this property.

13 We had at least 38 students, plus teachers,  
14 plus parents in this room on -- a week ago;  
15 standing-room only, which was just amazing. A  
16 follow-up report from David Wicks, who's leading  
17 that initiative, today said that he has 19 students  
18 that are ready to go to start a research project and  
19 a few more that don't really have their concept  
20 fully developed.

21 Of that -- of those 19 students, seven of them  
22 are from our ZIP Code. So, almost half of them  
23 are local residents. So I think that's just a  
24 tremendous, you know, continued public support  
25 and a resource for our community.

1       So, that's all I have on that.

2               MAYOR EBERLE:  Thanks, Linda.  Does  
3 anyone --

4               MS. SPEAKER:  You know, I'm not sure  
5 what the -- what the quality of -- what these  
6 reports would look like, but it would be nice if we  
7 could get copies of every report and just keep it  
8 up in the reading room.

9               MS. WARDELL:  In fact, that was one of  
10 the parameters of this initiative, is that, in the  
11 spring, at some point, we will invite the students  
12 to come and present their final projects to anyone  
13 that's interested in hearing about them and, also,  
14 to provide us a copy that will be housed in the --  
15 in the reading room.  Because that would give  
16 ideas for future science fair projects.  So. . .

17       And, oh, the other -- the other thing I would  
18 like to add is that we now have five Boy Scouts  
19 that are in some process of planning Eagle  
20 projects on the property.  So, again, there's just  
21 tremendous interest and support for the -- for what  
22 we're doing there, which is very gratifying.

23               MR. SIMON:  Mayor, I -- I'd like to know  
24 how much money was raised for the residents for  
25 that last project.

1 MAYOR EBERLE: About 11,000 --

2 MR. MILES: Yes.

3 MAYOR EBERLE: -- was the eighty -- it  
4 was 80% of the thirteen-five.

5 MR. SIMON: So -- yeah, so what I'm  
6 saying is that, you know, 80% of the residents  
7 were involved in that, and I commend all of them.

8 MAYOR EBERLE: Yeah.

9 MR. SIMON: This is -- you know, it's a  
10 wonderful thing going on, and we have the support  
11 of the community.

12 MAYOR EBERLE: Right. And it will  
13 make some -- some very nice improvements, and it  
14 won't cost the city much -- much at all, so --  
15 Stuart, do you have --

16 MR. MILES: Well, in just -- in specifics,  
17 the Eagle projects are going to be another smaller  
18 bridge, benches for our outdoor classroom, and  
19 then a couple other locations. And the kiosks, at  
20 both entrances, that show maps of the property,  
21 places to post bulletins -- things of that nature.

22 MR. SIMON: Let me ask a question:  
23 Is -- when you come into Fox Harbor, we have that  
24 little container that sits on a pole.

25 MR. MILES: Yes.

1           MR. SIMON: Can we, maybe, do some of  
2 those back in there for people who may have taken  
3 water bottles back in there -- some waste  
4 contain -- you know, some waste containers  
5 somewhere along the trail where they can put stuff  
6 in there if they want to go back and picnic?  
7 There's no waste containers back there, and I hate  
8 to see people throwing stuff.

9           MR. MILES: Yeah, that -- the -- the  
10 dilemma, there, is you have to having somebody  
11 who'll go and empty the waste containers. So, I  
12 think, with all parks, that's kind of the dilemma, is  
13 where do you put them, and -- and --

14           MR. SIMON: Well, I think, you know,  
15 maybe, in the rest area, where -- where you've  
16 got -- where the -- where the, you know, the big  
17 rock is; maybe something there, because people  
18 will be there. I'm not saying all along the trail,  
19 but somewhere that's easy to get to --

20           MR. MILES: Right.

21           MR. SIMON: -- because I hate to see  
22 people start throwing stuff.

23           MR. MILES: Right.

24           MR. SIMON: You know, you -- if -- 4th of  
25 July, if there's containers, people use them; if not,

1 they toss them. I just thought that may be  
2 something to thing about down the road.

3 MAYOR EBERLE: Stuart walks the trail  
4 pretty much every couple days, and I know Ron will  
5 go through there, every once in a while, and I  
6 know you pick stuff up.

7 MR. MILES: Yeah. Yeah, that would be  
8 fine.

9 MAYOR EBERLE: We have an  
10 adopt-a-trail group.

11 MR. SIMON: But it just -- you know,  
12 something that's designated people can see, that  
13 they would use as a receptacle back there. We  
14 don't have anything back there, so the -- the  
15 inference is toss that if -- if there's nothing. So --  
16 so that's just food for thought.

17 MAYOR EBERLE: Okay.

18 MR. SIMON: That's all I have.

19 MAYOR EBERLE: That's all you got?

20 Forestation Board update. We do have our  
21 Forestation Board chair here, Lee Tucci. And we  
22 have recently -- I say "we" -- Lee, Randy Holland  
23 [phonetic] who was the a volunteer and, also, a  
24 board member, Greg Hillsman [phonetic] did a  
25 re-inventory of our ash trees, because we had

1 some -- some that had slipped through the cracks.

2 And this is the -- the need to identify the ash  
3 trees is so that we can provide treatment for the  
4 Emerald Ash for preventive treatment for the  
5 Emerald Ash for -- for public trees. We are not  
6 doing it on private property, but all the public  
7 trees.

8 So ash trees are a little bit more difficult to  
9 identify, and so, we had Peter Barber, state  
10 community -- community forester -- what -- I forget  
11 what Peter's --

12 MR. TUCCI: Urban forester.

13 MAYOR EBERLE: -- urban forester come  
14 and kind of refresh everybody on what an ash tree  
15 was. And he actually went out with the group.

16 Lee, do you have anything else on the  
17 Forestation Board, or anything you want to add to  
18 that?

19 MR. TUCCI: I think one point was that,  
20 in Sutherland, Peter identified one ash tree that is  
21 dangerous, and we're -- we're moving to correct  
22 that situation. It was -- it was in poor condition,  
23 likely to fall.

24 MAYOR EBERLE: Yeah, one fell down  
25 [phonetic] -- and one that might be of --

1           MR. TUCCI: Right. There's a second  
2 one that's adjacent we're evaluating.

3           MAYOR EBERLE: So, don't drive through  
4 Sutherland; a tree might fall on you. You better  
5 take a back road.

6           And October 30th is Arborfest, and that kind of  
7 brings together Putney Pond, when we'll have  
8 tours of Putney Pond on October 30th. Again,  
9 Arborfest is centered here in the back parking lot.  
10 We do the giveaway of flower bulbs. And it's the  
11 second day -- or, the last day of the library book  
12 sale.

13           And Peter Barber, here -- the people from the  
14 Division of Forestry will be here, two of them,  
15 so -- and will also be in the tour -- tours of the  
16 pond and show off [phonetic].

17           MR. MILES: The -- the third block  
18 [phonetic] believes they can have the bridge  
19 constructed by that --

20           MAYOR EBERLE: Yeah. They said,  
21 easily, they thought they could, so there'll a lot be  
22 done on -- on October 30th.

23           The other date to look at is the Annual  
24 Pun'kin Paint'n Celebration, which is at Cowley  
25 Park and -- in Hunting Creek at the intersection of

1 Hunting Creek Drive and Westover Drive; our 13th  
2 annual. It's always fun, and I encourage  
3 everybody to attend that.

4 Anything that I've left out? If not, we do have  
5 a special order tonight. We have two candidates  
6 that would like to address the council. John  
7 Black, who is running for state senate. I see John  
8 back there.

9 And, following him -- and -- and we just  
10 received word from a judicial candidate for  
11 reelection, Katie King, but not in time to get it on  
12 the agenda, so Katie is here, too. So, John, do  
13 you want to start first?

14 MR. BLACK: Would you like me to come  
15 forward?

16 MAYOR EBERLE: Sure, yeah, just --  
17 yeah, use the podium, if you will, so. . .

18 MR. BLACK: So I'll be on tape?

19 MAYOR EBERLE: Yeah.

20 MR. BLACK: Well, I just wanted to come  
21 by and say -- I'm sick, but that's okay. I've got  
22 laryngitis and had three debates last week with my  
23 opponent, Ernie Harris. But I wanted to come by.  
24 I met Ms. Simms a few weeks ago or a month  
25 ago -- I don't know how long it's been -- but she

1 told me about your-all's city council meeting and,  
2 as always, I try to get around to every city council  
3 in the whole senate district to say hello to them.

4 I would like to tell you that I've been where  
5 you-all have been. I was a city councilman for two  
6 years, City of LaGrange. I was it's mayor nine  
7 years, for LaGrange; first, a five-year term and  
8 then a four-year term in Oldham County.

9 And, after that, everyone thought I did a good  
10 job as mayor, so I was Oldham County's judge  
11 executive for nine years following mayor of the  
12 city.

13 I've worked hard for my constituents for many  
14 years, whether it be in the city, the county; and I  
15 know exactly what you-all try to do for your  
16 constituents. So, I feel like, that being my  
17 experience, coming from the public-service sector,  
18 that -- my private business, I hold a Kentucky real  
19 estate license and a Kentucky electrical license; a  
20 Kentucky auctioneer's license.

21 And I'm just a person that does a lot of things  
22 in a day's time. I probably wired most of the  
23 homes in Hunting Creek, years ago, when I was  
24 working for an electrical contractor in Louisville.  
25 And, after that, I went into electrical business for

1 myself, and then, with that, got into politics.

2 I would like to say to you, I want to -- I've  
3 been going to every bridge meeting; I know it's a  
4 big issue here in Prospect. I try to stay on top of  
5 the issues that affect the different cities of my  
6 district, and I would always want to listen to  
7 yourselves, the mayor and your constituents that  
8 that [phonetic] bridge will affect you-all in the  
9 future.

10 I'm a person who is grassroots. I love to talk  
11 to people; I like to talk with constituents. And  
12 anybody to know me in the past, knows what I'm  
13 about.

14 I'm certainly a fiscal conservative. Yes, I'm a  
15 Democrat, but anybody that knows me, knows  
16 that -- and I've even told the folks in Frankfort,  
17 I'm not coming up there to represent a party; I'm  
18 coming to Frankfort to represent people.

19 This party stuff, this partisanship, I think  
20 that's what's gotten us in the binds we're in.  
21 There's too much bickering going on. And -- and I  
22 told them that I just wanted to go and represent  
23 the people of my district back home from Carroll  
24 County, Kentucky, to eastern Jefferson. And I'm  
25 working seven days a week.

1 I'm running against a friend of mine from  
2 Oldham County. We grew up in the county  
3 together, but 16 years is long enough. Someone  
4 else deserves a chance to work hard for our  
5 district. And I will tell you, Mayor, City Council,  
6 I've told other cities this: That I'm very familiar  
7 with the Kentucky Transportation Cabinet, the  
8 Economic Development Cabinet, the Department of  
9 Local Government, where you-all like to get  
10 grants, and I'd like to introduce people like  
11 yourself to those cabinet secretaries.

12 That's how we get to understand one another;  
13 what cities need; what drainage, pavement, trees,  
14 grants -- things like that, and I know the business.

15 And you're going to see me around. There's  
16 my truck out there, right now, with the trailer  
17 behind it. And I've got a sign on it says,  
18 "Prospect, I'd like to listen to you and talk to you  
19 about the issues." And I don't know if I'm going to  
20 win; I'm probably the underdog, but you won't find  
21 anybody that'll work harder for you-all if I get the  
22 opportunity.

23 And -- and I just want to thank you, so much,  
24 because I've done what you-all have done. I -- I --  
25 two weeks ago, I was driving fence posts -- this --

1 this ground is so hard, I ended up in Jewish  
2 Hospital with a concussion; had a fence-post  
3 driver bounced out of my hands out here on 42,  
4 and sent me down to Jewish for four hours on  
5 Sunday afternoon.

6 Yesterday, I was using an auger over around  
7 the Summit area, putting a sign in the ground, and  
8 this auger -- I finally got me an auger, you know,  
9 to drill the hole. So the ground's so hard, it won't  
10 go in, but then, it hung up on me and about tore  
11 my finger off.

12 So, now, I got laryngitis.

13 MS. TUCCI: You need a desk job.

14 MR. BLACK: Hey, I need you-all. And I  
15 know I'm just a -- a common person, but you ask  
16 anybody in LaGrange or Oldham County, and I  
17 think they will verify that, If he gets an  
18 opportunity, he'll -- he'll do the work he's been  
19 asked to be done.

20 So, you know, there's so many issues. I  
21 understand what's going on in Frankfort; it's  
22 financially strapped. Every pension plan is broke.  
23 One difference between me and my opponent --  
24 and I'd like to say this [phonetic], is I think we've  
25 got to keep our horse industry alive. I don't make

1 one dollar from a race horse; I promise you that.

2 But this particular area for the Louisville  
3 market, for jobs, jobs, jobs, I cannot believe that  
4 my opponent, along with David Williams, stands up  
5 there and puts a blockade to let the people discuss  
6 this issue in Kentucky and let it happen.

7 This is so important to the Louisville Metro  
8 market, Kentucky in general. And new arena  
9 downtown, but why do we want to let 22,000  
10 conventioners take Kentucky's money, go across  
11 the river and spend it? We need to keep it here.

12 I'm not a gambler. I was over there two weeks  
13 ago; they were opening a Paula Deen thing. There  
14 was 15- or 20,000 people there, and every one in  
15 the parking lot, license plate was from Kentucky,  
16 you know.

17 So I think we need to keep the money at home,  
18 and you're going to see some of that stuff being  
19 shown, too, because I just can't understand why  
20 we wouldn't want to -- with our strapped revenues,  
21 I'd like to take that money and use it right here.

22 So, if you-all have any questions for me, glad  
23 to ans -- answer them, but Ms. Simms said -- I  
24 thought it was all I was going to do would was be  
25 able to stand up and say hello to you, but you-all

1 let me say something. So I'll leave you alone, and  
2 I want to say hello to your constituents. And I've  
3 heard of Sutherland and Fox Harbor and the  
4 Landings. I know all this area down in here.

5 I've been out on Harrod's Creek working. I  
6 went to the cutting -- the ribbon-cutting for the  
7 bridge at Harrod's Creek. Met a lady down there,  
8 and she liked me so much, she told me to put a  
9 sign up.

10 MAYOR EBERLE: So you did.

11 MR. BLACK: I put a sign up next day.  
12 So thank you-all, very much.

13 MAYOR EBERLE: Thank you. That's our  
14 senate district. It's a diverse district.

15 MR. BLACK: Yes, sir.

16 MAYOR EBERLE: Includes part of  
17 Prospect, and then, you've got all of Oldham,  
18 Trimble, Henry, and --

19 MR. BLACK: Carroll.

20 MAYOR EBERLE: And Carroll, so, yeah.

21 MR. BLACK: Yes, sir. Yes, sir. They  
22 need a community college in Carroll County, so  
23 they want me to get that for them, so we'll see.

24 MAYOR EBERLE: We also have Judge  
25 Katie King, who is running for re-election. And,

1 Katie, do you want -- actually, we have --  
2 everybody got one of these, I think, but, if you  
3 want --

4 MS. KING: I can be brief. I wasn't  
5 expecting to be able to speak at all, so I -- it's a  
6 privilege to be able to even say anything. I'll get  
7 up, really quickly, and say --

8 MAYOR EBERLE: Sure. Yeah, you don't  
9 have to -- you don't have to go as long as John.

10 MS. KING: No, I won't [laughs].

11 I'm Katie King. I currently sit in Jefferson  
12 District Court, Division 16. I'm just here to say  
13 hello. I honestly did not expect the honor and  
14 privilege to speak to you-all. I just wanted to  
15 come out and show you who I am.

16 I'm proud to be on the bench. I'm a very fair,  
17 efficient judge who treats everyone with the  
18 courtesy that they deserve. Been on the bench for  
19 about two years. Before I did that, I was a  
20 prosecutor, where I protected the lives of this  
21 community, and I continue to do so on the bench.

22 Ask anyone who's been down before, ask the  
23 sheriffs, the clerks; they will tell that you I'm --  
24 I'm working hard and I'm -- I'm serving this  
25 community in the right way and doing the right

1 thing. And I'm going to continue to make you  
2 proud. I just want your vote and your support.  
3 And any kind of support you can give to me, I  
4 would absolutely appreciate. So, thank you-all, so  
5 much, for your time.

6 MAYOR EBERLE: Thank you. And we'll  
7 probably have some more candidates at our  
8 October meeting, as well.

9 Marvin; police report.

10 MR. WILSON: Okay. If you'll take a look  
11 at the report, it's sort of what I call a "typical"  
12 report, but you've heard me say many times that  
13 one crime is one too many. But, fortunately, this  
14 past month, they were relatively minor crimes;  
15 everything from someone driving off without paying  
16 for gas to damaging a vehicle and -- and other  
17 various minor crimes are on the list, there.

18 While you're taking a look at that, there are a  
19 couple of other things I'd like to comment on. Last  
20 month -- or, correction -- last week, we conducted  
21 our self-defense class. This was, I believe, our  
22 seventh class, the seventh time we've done this,  
23 and we had 21 people attend. And you would think  
24 that, after so many years, you may run out of  
25 students, but we were fortunate to get a good

1 number. We actually had 27 sign up, and six could  
2 not make it. But the ladies that night left feeling  
3 like they learned something. In the back of your  
4 packet, there's an e-mail from one of the  
5 participants.

6 But our officers, they enjoy doing this. It's an  
7 opportunity for them to interact with residents and  
8 provide them with some valuable information; some  
9 techniques and tactics that will assist them should  
10 they be accosted.

11 Hopefully, it will not happen, but, should they  
12 be accosted sometime, they'll know what to do and  
13 how to react and how to get out of it. But  
14 everyone seemed to have a very good time. And  
15 Officers Timmons and Thomas conducted the class  
16 this year. They did a great job for us.

17 One other thing I wanted to briefly comment  
18 on: You know, since I've been chief, I've tried to  
19 take advantage of different types of training to  
20 enhance the skills of our officers. My goal was for  
21 them to be able to conduct various types of  
22 investigations, whether it be a robbery, a financial  
23 crime, or even something as serious as a murder.  
24 Of course, we would call on Metro to assist us with  
25 those types of cases.

1 But, this past week, we had an opportunity to  
2 send an officer to a class at the National Crime  
3 Prevention Institute. It's titled "Financial Crimes  
4 Investigations."

5 It seems like, over the course of the last two  
6 years, we've done more of these fraud- and  
7 forgery-types of crimes. And, this week, we sent  
8 Officer Thomas to the class. And many of you  
9 know me quite well, and I'm always looking for a  
10 bargain, so I was able to negotiate a reduction in  
11 the tuition with NCPI from 545 down to 225.

12 So we're trying to save money any way and  
13 every way that we can. So, I was pleased to be  
14 able to get that reduced rate for our officers. But  
15 it looks like it's going to be a pretty good class,  
16 and Thomas is attending that right now.

17 Couple of other little things. I don't think  
18 we -- I've spoken to the council or to our residents  
19 since the Ironman; that went quite well. It was  
20 probably the smoothest Ironman that we've had  
21 since, you know, they've been putting that on.  
22 And no problems in the city.

23 I did not get any complaints from residents  
24 regarding traffic, and I don't think Ann got any  
25 either, so we're really pleased with that.

1 Louisville Metro handles all of the traffic on that,  
2 but we stay in contact with them to find out what  
3 the traffic route is going to be, and then we inform  
4 our residents. And we did that in a number of  
5 ways this year to get the word out. And I was real  
6 happy with that.

7 This coming Friday, we're participating in the  
8 Transportation Day up at St. Francis, there, at  
9 Wolf Pen. We do that each year; it enables our  
10 officers to spend some time with the -- the young  
11 kids of up there, the preschoolers.

12 But the representatives of various agencies  
13 are there with their vehicles, and it allows the  
14 child to -- to interact with those people to learn a  
15 little bit about their job.

16 And, for our officers, of course, we want to  
17 reduce that fear, sometimes, that young children  
18 experience. So Officer Price will be doing that for  
19 us this week, so we're very happy to participate in  
20 that.

21 Couple of other little things. You know,  
22 during previous meetings I've talked about crimes  
23 and investigations that we've done. We went to  
24 court, over the past couple weeks, on two of those  
25 cases: One involving a forgery in which a person

1 got two years to serve, and another one involving  
2 a theft of lawn equipment.

3 You may recall I described that crime a couple  
4 months ago, where they were stealing lawn  
5 equipment off the back of the trailer that was a  
6 father-son team. Well, both of them got some time  
7 on the shelf; they got three years, withheld for  
8 five, which means, if they get in trouble during a  
9 five-year period, they will serve three. So we're  
10 very pleased to get that accomplished.

11 And, finally, in the back of your packet,  
12 there's some commendations -- four or five  
13 commendations of various officers. So, if you get  
14 a chance, you may want to take a look at that.

15 MR. SCOTT: Chief?

16 MR. WILSON: Yes, sir.

17 MR. SCOTT: I have a question. Do you  
18 know how the -- how's the case coming along with  
19 the fellows at the jewelry store that were going  
20 around Louisville and Prospect; they're -- they  
21 caught them in Tennessee or. . .

22 MR. WILSON: Our last contact with the  
23 FBI is their file is still open, and, you know, they  
24 will follow up on anything new that comes in. But  
25 nothing new has developed out of those cases. We

1 do know the person was charged with that theft of  
2 that diamond in Tennessee; a \$96,000 diamond.  
3 So -- and both subjects have pending charges in  
4 the Florida and Mississippi area, also. So that  
5 worked out well, because I feel like we prevented  
6 something from happening that day when we  
7 responded across the street and worked out real  
8 well for us.

9 MR. SCOTT: Okay. Thank you.

10 MR. WILSON: M-hm.

11 MR. SIMON: I've got a question. Have  
12 we issued any permits for banners in the last two  
13 weeks?

14 MS. SPEAKER: No.

15 MR. SIMON: Convenient's got two  
16 banners up, one on Card Flow [phonetic], one on  
17 42, advertising a Kroger card for gas discounts.  
18 That's an off-premise sign, and there's two  
19 banners there that are illegal. So, we got a bunch  
20 of illegal stuff going on over there.

21 MAYOR EBERLE: The only -- well, we  
22 did consider a banner, but it was really the -- the  
23 J. Gumbo, and they put a -- sort of a banner, but it  
24 was a cover over the old, so. . .

25 MR. SIMON: Well, these are hanging --

1 there are banners hanging down there. There one  
2 on Card Flow and there's one on 42. They've been  
3 there for two week, Marvin -- two weeks. They're  
4 off-premise, and they're -- they're banners,  
5 because they're advertising Kroger card, and  
6 that's not Kroger's property.

7 MR. WILSON: We'll check it.

8 MAYOR EBERLE: We did have Kroger  
9 putting up signs on the cart corrals for Kroger gas,  
10 and we got rid of those.

11 MR. SIMON: Yeah. Because they don't  
12 have gas.

13 MAYOR EBERLE: Yeah. It's an  
14 off-premise sign.

15 MR. SIMON: Yeah, exactly.

16 MR. POTTS: But is -- is the sign a  
17 Kroger sign, or is it advertising using your --

18 MR. SIMON: Advertising -- "use your  
19 Kroger" sign, but it shows a Kroger card on there  
20 to get gas -- get gas discounts, but that's an off-  
21 premise because it's advertising Kroger.

22 MR. POTTS: Gas discounts for where?

23 MR. SIMON: For the -- if -- you can use  
24 your Kroger card at the Convenient gas station for  
25 discounts.

1 MR. POTTS: Well, I don't know that  
2 that's off-premises.

3 MR. SIMON: It's advertising Kroger.

4 MR. POTTS: No. They're advertising for  
5 use of a Kroger card at that location.

6 MR. SIMON: But it's a banner.

7 MR. POTTS: Well, maybe -- I'm just  
8 saying, it's not an off-premise sign --

9 MR. SIMON: Oh, it's not; okay.

10 MR. POTTS: It's not a Kroger sign.

11 MR. SIMON: Yeah, it is; it says "Kroger"  
12 on it. It does not -- it does not --

13 MAYOR EBERLE: Well, we can look into  
14 it. Go over there and see what, you know --

15 MR. POTTS: But if the sign says it's to  
16 use it at that location, it's not a Kroger sign. It  
17 may be using it just like you have a Visa card, you  
18 could use a Visa card at that location.

19 MR. SIMON: Okay, okay, okay.

20 MR. POTTS: But it may be an off -- but it  
21 may, you know --

22 MR. SIMON: Okay. Okay.

23 MR. POTTS: -- may be a banner, but it's  
24 not --

25 MR. SIMON: You're the legal guy.

1           MAYOR EBERLE: But we can look into it,  
2 Marvin --

3           MR. WILSON: Yes.

4           MAYOR EBERLE: -- and see what's down  
5 there. I -- I -- I had not seen it, so, thank you,  
6 Alan.

7           MR. SIMON: Okay.

8           MAYOR EBERLE: And, yeah, I do want to  
9 call attention to the letters of commendation for  
10 Officers Timmons, Lieutenant Wine, Officer Loeser  
11 and Officer Price, back there. So it's always --  
12 always good to get those letters.

13          Also, notice that we've had, in August, 1500  
14 house checks this year for that -- for that month;  
15 is that right? Or is that for the whole year?

16          MR. WILSON: That's for that month.

17          MAYOR EBERLE: Okay. And compared  
18 to 1100 last year, so that's a big increase. And  
19 that's a very popular service that we provide.

20          MR. SIMON: People are using it more,  
21 yeah.

22          MAYOR EBERLE: And it looks like  
23 people are becoming more aware of that, because  
24 that's a 400 -- almost a 400% [phonetic] jump,  
25 there, so that's good.

1 Any other questions or comments on the  
2 police report? If not, we will move to comments  
3 from citizens. Do we have any citizens that want  
4 to address the council for any comments or --  
5 yeah, sure.

6 MR. FUTURE: Good evening. I'm -- my  
7 name is Francis Future, and that's with an "i."  
8 And I live at 6914 Wythe Hill Circle. I'm a  
9 candidate for the council this year; I think you've  
10 seen my name. And I just wanted to take this  
11 opportunity to introduce myself and put a face with  
12 the name. So, thank you for your time.

13 MAYOR EBERLE: Okay. Thank you. And  
14 you say it's Francis with an "i"?

15 MR. FUTURE: Yes.

16 MAYOR EBERLE: You know, I think on  
17 the -- on the -- because I was using "e." But I  
18 think -- I think, on the -- on the site for the  
19 Jefferson County Clerks on the election thing, I  
20 think it says "e."

21 MR. FUTURE: Well, I wouldn't be  
22 surprised.

23 MAYOR EBERLE: I don't think it's going  
24 to be fatal to anything, but --

25 MR. FUTURE: Well, that's all right.

1 There might be confusion --

2 MAYOR EBERLE: But, if I have -- I think  
3 I sent you a letter about the candidate information  
4 and that kind of stuff, and I may have misspelled  
5 it.

6 MR. FULTURE: That's -- it's not a  
7 problem. All my life it's been confusing. Thank  
8 you.

9 MAYOR EBERLE: Appreciate your  
10 attendance. Any other comments from citizens?

11 MR. BLACK: I'd like to say one thing I  
12 forgot to say. Since I didn't bring my brochures  
13 in, because I didn't think I'd be allowed to pass  
14 any out, you can go to my website,  
15 [www.johnblack@kysenate.com](http://www.johnblack@kysenate.com) --  
16 [johnblack@kysenate.com](mailto:johnblack@kysenate.com). That tells you  
17 everything you need to know about me.

18 MS. KING: I forgot something, as well.  
19 Can I add something? I just wanted to let you all  
20 know that I'm endorsed by the Fraternal Order of  
21 Police, the Firefighters, Retired Fire Fighters and  
22 the teachers. So I wanted you all to know that.  
23 Sorry about that. Thank you. I was Judge Katie  
24 King, for the record.

25 [laughter]

1           MAYOR EBERLE:  It's the season for  
2           endorsements, for sure, and we'll note that.

3           Under "New Business" -- I put it under new  
4           business, because we had introduced -- on first  
5           reading, Ordinance Number 508, there was some  
6           comment and some concern with regards to some  
7           of the details surrounding the ordinance as  
8           originally drafted.

9           I did distribute two documents, one kind of  
10          showing what I did to the original 508, and then, a  
11          clean copy of a -- of a new 508, which would have  
12          to be introduced again on first reading because  
13          it's substantially different.  The -- the -- the  
14          scheme for that -- for the treatment of deposited  
15          funds, if I can remind you of that.

16          We have -- when we have permits, we ask for  
17          a deposit, and then we will go and look to see if  
18          the work was performed after the permit is  
19          expired, whether things have been cleaned up,  
20          and -- and, sometimes, we are not able to return  
21          these deposits; they stay in a restricted account.

22          And this would -- would allow us, after three  
23          years in those accounts, to actually permanently  
24          put it into the general fund.  And, between 12  
25          months and the 3 years, we could transfer it to the

1 general fund and have the -- if -- if the person  
2 comes forward, we would return it. After three  
3 years -- I ran it by Stuart; he said, after three  
4 years, it's over. You keep it.

5 But, at any rate, that's kind of a summary, and  
6 it's a little bit of a change. And it clarifies we  
7 would need to have it introduced on first reading  
8 again because it's -- and Alan, you --

9 MR. SIMON: I'll do it.

10 MAYOR EBERLE: -- did it the last time.

11 MR. SIMON: City of Prospect Ordinance  
12 Number 508, Series 2010. An ordinance amending  
13 Chapter 33, the Code of Ordinances of the City of  
14 Prospect relating to the funds deposited to the  
15 city.

16 MAYOR EBERLE: Okay. And, being on  
17 first reading, we do not need a second on that, but  
18 it will be placed on the calendar and on the agenda  
19 for the October 18th meeting, so, if you have any --  
20 if you've had a chance to look it over and have any  
21 questions.

22 MS. LEONARD: I did -- I did, and just  
23 point of clarification, it sounds to me like we get  
24 to transfer the money -- if it's unclaimed, we get to  
25 transfer the money if the city can't find the

1 person; we get to transfer the money if the people  
2 fail to comply. Okay. I understood, from our  
3 earlier conversation, that, typically, it's that we  
4 can't find the person. That's why these monies are  
5 staying; is that correct?

6           MAYOR EBERLE: Or they did not comply  
7 with the permit as we granted it, or they didn't  
8 clean up properly or didn't finish the work they  
9 had. There's -- Deborah handles the permits back  
10 there.

11           There's probably more that we can't find,  
12 where a construction company would -- would get  
13 the -- would get the permit, and they move out of  
14 town or go out of business, and -- and -- and  
15 they -- they, essentially, just -- we can't find  
16 them, and they -- and they're -- and they're gone.

17           Now, some of it is, when Ron goes out to  
18 inspect or, every once in a while, a police officer  
19 will go out to inspect after the permit's expired.  
20 Some people move out of town. You know, they do  
21 work on their house and then move out of town,  
22 and we can't locate them.

23           Sometimes they're, I don't know -- maybe Deb  
24 -- Deb could give, maybe, some more background  
25 on how that might happen, but we do have --

1 MS. SKAGGS: You want me to step up?

2 MAYOR EBERLE: Sure. Yeah, you  
3 can -- I think you -- you gathered some finances as  
4 to how much --

5 MS. SKAGGS: I just have a general idea.  
6 I went back in 2007. As of date for 2010, I've only  
7 refunded \$2,200, but I have 6800, still, which is --  
8 the year's not over with, so they can still claim  
9 their refunds.

10 In 2009, around \$10,000; I've only refunded  
11 \$8,385. And, technically, the deposit -- I mean,  
12 the -- the deposit and the permit doesn't expire  
13 until the year is up, so, for 2009, they still have  
14 the end of 2010 to call for their deposit. At that  
15 point, I'll start doing some research to see if we  
16 can get the deposit back to them.

17 2008, I've only refunded \$6,000 out of 8,000.  
18 People still haven't called and claimed them.  
19 Ron's went out; did the inspection back in 2008.  
20 Our slate's clean; I still have money from 2008  
21 sitting in there.

22 MS. LEONARD: Okay. I guess -- I  
23 guess, my -- if it was unclaimed, but we could find  
24 them. . .

25 MS. SKAGGS: I've done -- from 2008 to

1 current, I've done everything in my power. And  
2 there's still money hanging out from prior, before I  
3 even came along.

4 MS. LEONARD: I don't have trouble with  
5 the whole concept; I have trouble with these being  
6 mutually exclusive. It says, "If any. . ." And so,  
7 you, conscientiously, are going ahead and trying  
8 to find people, but, if we pass this the way it's  
9 written, you don't have to.

10 MS. SKAGGS: We'll have \$50,000 sitting  
11 in the bank, like we do now, and there's nothing  
12 we can do with it.

13 MS. LEONARD: Can we make these  
14 "unclaimed and the city can't find them"?

15 MS. SKAGGS: Explain that again,  
16 please.

17 MS. SPEAKER: Run that by me again.

18 MS. LEONARD: No, because, if it's --  
19 right now, the way it's written, it says "if any."  
20 So, if it's unclaimed but we could find them, we  
21 could still transfer the money.

22 MS. SKAGGS: Oh, I'll still -- if someone  
23 comes up -- back, say, for 2007, and they want  
24 their refund and they can show that they have a  
25 cancelled check, or I can find the cancelled check,

1 I'll give the money back.

2 MS. LEONARD: Yeah, I'm not worried  
3 about you. I think you do a fine job. I'm worried  
4 that we're creating words that allow transfers  
5 broader than the process that we are now working  
6 our way through. In other words, if 1 and 2 had an  
7 "and," that's what you're doing. But 1 and 2 don't  
8 have "and"; they have an "if any."

9 MR. MILES: But does the city have a  
10 duty, as long as we let people know how it works?  
11 I mean, do we have a duty to track people down?

12 MS. LEONARD: But this -- this doesn't  
13 even say we're going to try -- if Number 1 --

14 MR. MILES: That's what I'm saying; I  
15 don't think we have a duty to track them down.

16 MS. LEONARD: I don't think we have --

17 MS. ERTEL: Isn't that part of your job  
18 description to try to disburse those back to the  
19 original petitioner?

20 MS. SKAGGS: M-hm.

21 MS. ERTEL: Then, that's part of her job  
22 description.

23 MS. LEONARD: But that isn't what this  
24 says.

25 MAYOR EBERLE: But if you put "ands" --

1 if you put "ands," then all of these situations  
2 would have to exist.

3 MS. LEONARD: No, we just take and  
4 make -- don't make 3 of 3. Make 3 -- have A, B, C,  
5 or something. In other words, right now, we are  
6 doing, through you, 1 and 2. 3 is a separate thing.  
7 And I'm just saying that this is broader than the  
8 process we are currently going through.

9 MAYOR EBERLE: Okay. Do you want to  
10 make an amendment now so that we can have -- we  
11 can -- we can adopt that on -- as amended on first  
12 reading?

13 MS. LEONARD: I'm not sure I can do it  
14 without thinking about it. It's -- I think that we  
15 need to have 1 and 2 combined with an "and"  
16 between them, and then have 3, "failed to comply,"  
17 as a separate item. In other words, 1 and 2 could  
18 be 1; 3 could be 2.

19 MAYOR EBERLE: And, again, this is not  
20 Deb's language, so she's, you know --

21 MS. LEONARD: I know. No. But I -- I  
22 think what you're doing is totally fair. I don't  
23 think this quite says that.

24 MAYOR EBERLE: You want to make that  
25 1 and 2, it has an "and" joining them? And 3 would

1     become --

2             MS. LEONARD:   And 3 would become 2.

3             MAYOR EBERLE:   -- 2.   Okay.

4             MR. MILES:   My only concern with that is  
5     that I think, then, we -- you get into, okay, so what  
6     kind of effort did we make?

7             MAYOR EBERLE:   Right.   I mean, I guess  
8     that's the question.

9             MR. MILES:   Right.   And then -- and then  
10    I think you run into trouble --

11            MS. LEONARD:   Well, I think that --

12            MR. MILES:   -- did we make a good  
13    enough effort.

14            MS. LEONARD:   No, because we can  
15    always decide that a rational effort was a letter to  
16    the last known address.   I mean, courts have  
17    accepted that for many years.

18            MR. POTTS:   Yeah, but, I mean, right  
19    now, the way it's written, it's one of the three  
20    and --

21            MS. LEONARD:   Which is what bothers  
22    me.

23            MR. POTTS:   But, I mean, isn't -- isn't  
24    the fact that it's unclaimed -- I mean, you're  
25    shifting the burden, it seems to me, to the city,

1 when it really ought to be the burden on the  
2 person who made the deposit.

3 MR. SIMON: Right. As long as they  
4 know --

5 MS. LEONARD: Well, except, right now,  
6 with the way this is written, it could be unclaimed,  
7 and we could know that Maybelle Jones is -- is at  
8 her home, and we could still transfer it. And I  
9 don't think that's fair. Just with the words on the  
10 paper; not with what we're practicing, which is  
11 quite different from that.

12 MR. POTTS: Well, if you're -- if you're  
13 interested in -- in putting the burden on the city  
14 to -- to look for somebody, then, I agree that you  
15 can make that change, but, I guess, that's -- that's  
16 the only thing I question, is whether or not -- is it  
17 fair to the city?

18 MS. LEONARD: I think it's totally fair,  
19 because, if we don't -- we could reduce the impact  
20 of 2 by just requiring reasonable legal notice,  
21 which is a letter to the last known address.

22 MR. POTTS: I mean -- yeah. I mean,  
23 you could --

24 MS. LEONARD: Right.

25 MR. POTTS: -- if you want to modify that

1 to say that, you know, by --

2 MS. LEONARD: Right. But what I'm  
3 concerned with --

4 MR. POTTS: But, I mean, I just -- I  
5 guess I would be concerned about putting a higher  
6 burden on the city than just --

7 MS. LEONARD: I hear you --

8 MR. POTTS: -- sending a letter --

9 MS. LEONARD: -- more concerned --

10 MR. POTTS: -- to the address where the  
11 person had filed the, you know --

12 MS. LEONARD: That's fine.

13 MR. POTTS: -- I mean, I assume  
14 somebody has to give you an address.

15 MAYOR EBERLE: We don't actually say  
16 that we won't return it until after three years.

17 MR. POTTS: Right.

18 MS. LEONARD: Right. I'm just  
19 concerned that the way it's written, if it was -- if  
20 the person didn't come in and claim it, or -- or  
21 whatever, the city could transfer it, even though  
22 we knew where they were.

23 MAYOR EBERLE: We could use the  
24 money.

25 MS. LEONARD: Yeah, even though we

1 would know where they were.

2 MAYOR EBERLE: It's an accounting  
3 treatment, so we're really not --

4 MR. POTTS: Well, it -- it became more  
5 than that in this last revision, because, after three  
6 years --

7 MAYOR EBERLE: Yeah.

8 MR. POTTS: -- then it -- it -- it is -- the  
9 person has lost the --

10 MS. LEONARD: Right to claim it. Right.

11 MR. POTTS: You know. So, I mean,  
12 that -- that is a change from the way --

13 MR. SIMON: It's basically saying, here,  
14 that, within two years, we won't give them their  
15 money back.

16 MAYOR EBERLE: After three.

17 MR. SIMON: Well, in three years; right.  
18 You don't get your money back.

19 MAYOR EBERLE: Three years after the  
20 expiration of the permit, which is often four years  
21 later.

22 MS. SPEAKER: Yeah.

23 MS. SPEAKER: True.

24 MS. SPEAKER: Because you get a year  
25 before it expires.

1 MS. LEONARD: Right.

2 MAYOR EBERLE: And a lot of these  
3 people --

4 MS. LEONARD: But this allows the  
5 transfer --

6 MAYOR EBERLE: -- really don't care  
7 about their deposits; they just walk away from  
8 them. And so, that's why we end up with --

9 MS. SPEAKER: And that's what  
10 happened.

11 MS. LEONARD: Right.

12 MAYOR EBERLE: -- deposit monies that,  
13 you know, say, Yeah, we could call them and --

14 MS. LEONARD: But this allows a  
15 transfer after 12 months if it's unclaimed.

16 MR. MILES: Yes.

17 MAYOR EBERLE: But not keep it  
18 probably until --

19 MS. TUCCI: But -- but they could still  
20 recover it.

21 MS. LEONARD: But we may know where  
22 they are. And all I'm saying is, I think that we  
23 should do at least minimal amounts to notify them  
24 that we're going to keep their money; that the year  
25 is expired.

1           MR. MILES: What if we just added a  
2 sentence af -- or added to the first sentence that  
3 said, "12 months after the expiration of any  
4 permits under the Code of Ordinance of the City of  
5 Prospect and certified letter has been" --  
6 something to that effect -- "has been to the permit  
7 holder," and then go on. Would that satisfy you?

8           MS. LEONARD: Well, I'd put the  
9 certified letter in the -- in the paragraph with 2.

10          MR. MILES: Okay.

11          MAYOR EBERLE: I mean, I -- I mean,  
12 all -- all we were trying to do was -- was -- was  
13 use some of this money that has -- that we can't  
14 touch now.

15          It's -- right now, I think our deposit of  
16 \$51,000 in there, roughly half of that is -- is  
17 money that we'll never be able to give back.  
18 But -- but we can't use it in the general fund. So,  
19 I mean, we can do it, but then we're going to  
20 spend -- we're going to be spending money --

21          MR. SIMON: Right.

22          MAYOR EBERLE: -- sending certified  
23 letters, and stuff we might as well keep it in --

24          MR. SIMON: Is it our responsibility to  
25 seek these people out, or is it their responsibility

1 to come back to us to get the money?

2 MS. SKAGGS: The way the permits are  
3 written up, it's their responsibility, because they  
4 have to call us so we can send someone out to  
5 inspect it.

6 MR. SIMON: We're going -- we're going  
7 over and above that anyway; right?

8 MS. SKAGGS: M-hm.

9 MS. LEONARD: Then maybe 2 doesn't  
10 need to exist.

11 MAYOR EBERLE: Or I -- I'm still  
12 thinking, if 1 and 2 were combined.

13 MS. LEONARD: Well, that's my -- my  
14 first preference.

15 MAYOR EBERLE: And 3 would become 2.  
16 You want to make that motion?

17 MS. ERTEL: That's compounding too  
18 much, I think.

19 MAYOR EBERLE: What if we say if Alan  
20 accepts that, we could -- we could. . .

21 MR. SIMON: It's a first -- it's a first  
22 reading. We could think about it. We've got to  
23 come back, we can always change it at the second  
24 reading, if we need to.

25 MS. LEONARD: No, then it has to be

1 another first reading.

2 MR. SIMON: What -- what -- all right.

3 All right. This is not urgent right now that it has  
4 to be --

5 MAYOR EBERLE: Right. It's not urgent.

6 MR. SIMON: -- so everybody think about  
7 it a little bit. I think we should think about it and  
8 go from there. But I don't want -- I don't -- like  
9 Stuart says, I don't want to put a burden on the  
10 city to have to go out and try to collect money from  
11 people when it's their responsibility to come to us.

12 MS. SPEAKER: Right.

13 MS. LEONARD: But a certified letter is  
14 not a big deal.

15 MS. TUCCI: How much does it cost?

16 MS. LEONARD: \$10, \$20. I haven't done  
17 one for a long time.

18 MS. TUCCI: That -- that sounds like  
19 money I don't feel like spending.

20 MR. SPEAKER: If we can deduct it from  
21 the deposit.

22 MS. TUCCI: No. If I leave -- if I leave  
23 my clothes at the dry cleaners, after a while, those  
24 clothes are gone. And it's not the dry cleaner's  
25 responsibility to call me up and tell me that I've

1 forgotten my husband's shirts.

2 MR. MILES: That happened to you, too?

3 [laughter]

4 MAYOR EBERLE: I've got some old  
5 shirts --

6 MS. TUCCI: You know -- you know, it's --  
7 I -- I just don't see where it's our responsibility to  
8 spend city time and money to --

9 MR. SIMON: Tell somebody we --

10 MS. TUCCI: -- beg people to please  
11 come --

12 MR. SIMON: -- we've got money to be  
13 picked up.

14 MS. TUCCI: -- and get your money.

15 MS. ERTEL: Especially when the onus is  
16 on the petitioner to get their money back.

17 MS. LEONARD: I'm don't have trouble  
18 with any of that; I have trouble with the fact that,  
19 the way these words go, we could know where a  
20 person was and we could still make that transfer.

21 MS. TUCCI: I think we want to be careful  
22 that we don't turn this from Deb looking their  
23 phone number up and calling them into a 10 or \$20  
24 process for not just the certified letter, but it  
25 costs money to have somebody write that letter.

1 You know, we're taking someone's time, as well,  
2 which we're paying for to do that. And it's not our  
3 problem; it's their problem.

4 MS. ERTEL: And this sounds pretty  
5 self-explanatory, I think. I mean, personally,  
6 that's just my opinion. But I think this sounds  
7 good the way it's written.

8 MAYOR EBERLE: Well, 1 would be one  
9 of the criteria, and, if that situation exists for  
10 three years we -- we would not have to pay it back.

11 MS. ERTEL: Right.

12 MAYOR EBERLE: And I think it -- it  
13 says. . .

14 MS. ERTEL: If you combine 1 and 2,  
15 that's -- to compound those, then both of those  
16 have to be met, for whatever reason, instead of  
17 this or the other -- 1 or 2.

18 MS. LEONARD: Except that, right now,  
19 we are doing 1 and 2.

20 MR. MILES: But I think we're doing it as  
21 a courtesy; not as an obligation. And, if we put it  
22 on paper, it goes from courtesy to an obligation.  
23 and then, that -- that starts costing us money,  
24 unless we want to, then, turn around and raise the  
25 cost of the permits to factor in the extra cost.

1 MS. LEONARD: Well, Todd just  
2 mentioned, and that's not irrational, that the cost  
3 of a certified letter, or whatever we do, be taken  
4 from whatever we refund, and I -- that's totally  
5 reasonable, too.

6 MAYOR EBERLE: We can do that without  
7 a lien, I guess. I don't know. So we're going to  
8 leave it the way it is on first reading and think  
9 about whether we want to make a specific  
10 amendment in the October 18th meeting.

11 MS. LEONARD: I think one of the things  
12 that would help is if we knew how many specific  
13 individuals we were talking about, because I know  
14 Deb says there's quite a few. I don't -- I don't  
15 care if you're off by five or ten, but, if you could  
16 kind of summarize.

17 MS. SKAGGS: I don't know -- back in  
18 2008 to current, my records are immaculate; I take  
19 responsibility for those. 2007, '6, '5, I'm going to  
20 have to do some research on. I don't know.

21 MAYOR EBERLE: She did not create  
22 those records.

23 MS. SKAGGS: I did not create those  
24 rec -- what I did -- I did -- I took the spreadsheet  
25 and did it on my own, so I know everything that's

1 going on with permits. So I'll have to -- I mean, I  
2 can do some research; it will take me a while.

3 MS. LEONARD: For the years prior to  
4 2008, you know the amount of money but not. . .

5 MS. SKAGGS: I know everything about  
6 2008 and 2009, but before those --

7 MS. LEONARD: Before 2008.

8 MS. SKAGGS: Before 2008, I'll have to  
9 do some research. I have a little bit to go by.

10 MS. LEONARD: I guess I'm really  
11 asking: How would we know how much to transfer?

12 MS. SKAGGS: Well, what I did right  
13 here, I know, just by average, from '10, '9, '8,  
14 we're collecting around \$10,000 deposits. And  
15 I've refunded close to that. So, if you're going  
16 back '7 and '6, it's going to be up a little more,  
17 because, from my understanding, that's when we  
18 had a bunch of new construction going on. So I  
19 have more deposits from those two years, for sure.

20 MS. LEONARD: So we know the amount  
21 of the deposits; not how many deposits or where  
22 they would go to. Okay. Then I would -- if you  
23 just gave us the information from 2008 on, I would  
24 find that helpful. I mean, as long as you -- I'm not  
25 too worried about the really old ones; I'm worried

1 about the future. And I -- I think that would be  
2 more than enough information for the future.

3 MAYOR EBERLE: Well, it's the old ones  
4 that we could -- we could actually keep at this  
5 point.

6 MS. LEONARD: Exactly.

7 MAYOR EBERLE: We may -- we may  
8 not -- there may be situations we don't have an  
9 address, but the address should be on the permit.

10 MS. SKAGGS: That's what I'm saying.  
11 My research would be physically going downstairs,  
12 pulling out physical legal documents [phonetic],  
13 permits and researching it.

14 MAYOR EBERLE: Have you ever had  
15 anybody -- she's really happy to be grilled; she's  
16 also the recording secretary.

17 [laughter]

18 MS. ERTEL: Show off how good she is.

19 MAYOR EBERLE: Have you ever -- have  
20 you ever had to contact anybody, or has  
21 anybody -- have you had any contacts with people  
22 that know they have a deposit and just say, "No,  
23 just keep it."

24 MS. SKAGGS: No one has ever actually  
25 said, "Keep it," but I have had contact with people

1 where they come in to get a current permit and  
2 they realize they didn't get a deposit back on the  
3 other one. I make -- I still make them pay for that  
4 current permit, and I tell them I'll do the research,  
5 and I have actually refunded two permits.

6 MAYOR EBERLE: Okay. Again, this is  
7 different, because the first one was a strictly  
8 accounting thing, and we -- and we said,  
9 anecdotally, that we would give it back. So, you  
10 know, I -- I actually extended it out by making it  
11 tougher; that, at three years, we don't have to give  
12 it back.

13 MS. LEONARD: Which makes sense.

14 MR. SIMON: And they would be told this  
15 when they get the permit, correct; that, you know,  
16 if you don't --

17 MAYOR EBERLE: We put that on the  
18 back of all our permits.

19 MS. ERTEL: This whole thing should be  
20 given to them so they have no questions.

21 MR. SIMON: So they know. They've  
22 got -- they've got a copy --

23 MAYOR EBERLE: Yeah. That could be  
24 put on the face or on the back. A lot of times, the  
25 back of the permit will have the appropriate

1 ordinance that -- the sections from the Code of  
2 Ordinances with regards to whatever the permit is  
3 for. So you're off the hook.

4 MS. SKAGGS: Thank you.

5 MS. ERTEL: Good job.

6 MR. SCOTT: Thank you.

7 MAYOR EBERLE: Okay. So we will  
8 leave it as written and contemplate changes on  
9 October 18th, or between now and then.

10 Unfinished business. Since we had talked  
11 about this at the -- and we had citizen comments --  
12 oh, I'm sorry. I jumped.

13 On the new business, I gave everyone some  
14 very, very rough parameters on parking of vehicles  
15 on -- on residential front properties, which was an  
16 issue that was raised by a citizen last month. I  
17 don't know if you want to talk about those or just  
18 mull them over and let me know if you have any  
19 suggestions on those.

20 I didn't put it in the form of an ordinance, but  
21 I don't know if you want to discuss it at this point,  
22 but, if you have comments on those, let me know  
23 and then we can -- it -- it does need to be cleaned  
24 up.

25 MS. TUCCI: I just sent Grover a picture

1 of the -- the situation in Fox Harbor that -- that I  
2 think some of us who drive up and down Fox  
3 Harbor Road know about. I want to craft an  
4 ordinance that will cover that situation, and, if it  
5 covers that one, it will cover everything. It's  
6 possible that's -- I -- I'm giving him an impossible  
7 task, but I have faith in Grover.

8 MAYOR EBERLE: But I think the point --  
9 the -- the citizen comment was well taken by  
10 everyone at the August meeting. And so, we can  
11 be working on that. Are you talking about half way  
12 up the hill? The car?

13 MS. TUCCI: It's just -- it's just a little  
14 bit up the hill; the very first intersection.

15 MR. POTTS: It's -- it would not cover  
16 that, because it's not a front yard.

17 MAYOR EBERLE: Yard parking? It's a  
18 side yard?

19 MS. TUCCI: Yeah. Yeah, but it -- it also  
20 fronts the --

21 MR. POTTS: Yeah, but it's -- but the  
22 front yard of that --

23 MS. TUCCI: I know it's a stupid corner  
24 lot. Yeah.

25 MR. POTTS: -- of that lot is the front

1 yard.

2 MS. TUCCI: Yes. You know, do we need  
3 an amendment? Do we need --

4 MR. POTTS: I mean, now, you can put it  
5 in the side yard.

6 MS. TUCCI: -- an amendment to the U.S.  
7 Constitution to deal with corner lots?

8 MAYOR EBERLE: We have the language  
9 from --

10 MS. SIMMS: From a fence ordinance.

11 MAYOR EBERLE: -- from the fence  
12 ordinance for the corner lot.

13 MS. TUCCI: Yeah, yeah. Yeah. I think  
14 we must have something, already, that -- that we  
15 could do with that.

16 MR. POTTS: But, I mean, this -- this  
17 one would not --

18 MS. TUCCI: That one wouldn't do it.

19 MR. POTTS: -- not cover it.

20 MS. TUCCI: But I'd like to find one  
21 that -- or find a way to phrase it so that it would  
22 cover that.

23 MAYOR EBERLE: If -- if somebody pulls  
24 into their back yard, with two houses on either  
25 side -- or house on either side of them, you don't

1 care if they pull into the back yard and park on the  
2 grass.

3 MS. TUCCI: Right.

4 MAYOR EBERLE: Okay.

5 MS. TUCCI: It's the fact that that's --

6 MAYOR EBERLE: It's that it's seen --  
7 seen from the street.

8 MR. POTTS: It's where someone's --

9 MS. TUCCI: Yeah.

10 MAYOR EBERLE: It's where someone's  
11 side yard becomes, essentially, somebody else's  
12 front yard.

13 MS. TUCCI: Right.

14 MAYOR EBERLE: The fence language  
15 might --

16 MS. TUCCI: Might work, yeah. And  
17 that -- that's what I'd like to see.

18 MAYOR EBERLE: We labored over that  
19 language.

20 MR. SPEAKER: That -- that is --

21 MS. TUCCI: If we could get that -- take  
22 that fence-ordinance language and apply it to this,  
23 then I think we would -- we would fix the problem.

24 MS. LEONARD: Actually, the only  
25 concern I've got is the same one I expressed

1 before, and that is there are times where it's not  
2 just driveway sealing. I mean, we've had a couple  
3 of horrific natural disasters, at which time people  
4 have had to park on their -- because they couldn't  
5 park on the driveways --

6 MS. TUCCI: Right.

7 MS. LEONARD: -- for some period of  
8 time. And so, just like --

9 MS. TUCCI: Generally speaking,  
10 though --

11 MAYOR EBERLE: That would just be,  
12 probably --

13 MS. TUCCI: -- the police aren't the  
14 Gestapo, and they understand, when there's a tree  
15 in the driveway, that that's why you've got to park  
16 there.

17 MAYOR EBERLE: If a tornado took their  
18 house down, I don't think Marvin's going to cite  
19 them.

20 MR. WILSON: No.

21 MS. LEONARD: But there's no reason  
22 why we can't put a natural disaster in here.

23 MS. TUCCI: Yeah. Yeah -- sort of thing  
24 in there; yeah.

25 MAYOR EBERLE: Put something in the

1 natural-disaster preventing use of the driveway.

2 MR. POTTS: It's depending on what you  
3 define as "natural disaster."

4 MAYOR EBERLE: I know that's -- again,  
5 prosecutorial discretion on part of the police  
6 officer.

7 Unfinished business. The only thing I had  
8 listed on the agenda is the painting of the roof city  
9 salt structure. If you recall, the -- the city salt  
10 structure is, actually, at the end of Happy Hollow  
11 Road, and sits on the land of Hunting Creek  
12 Country Club.

13 That roof and the roof of two structures,  
14 maybe three, at the maintenance area for the  
15 Hunting Creek Country Club were the source of  
16 concern for the -- for the residents that were  
17 looking down onto that area.

18 We do have two bids to paint the city salt  
19 structure's roof. One of them was a business  
20 owned by a person that had requested that we  
21 paint the roof, so we did run that through the  
22 ethics commission, and I gave you their written  
23 analysis of that.

24 And they said they didn't think that would be  
25 any problem if we wanted to go ahead. So, I do

1 want to go back and double check to make sure  
2 we're talking about two coats from each of the  
3 bids.

4 And -- but I did want to just let you know that  
5 we -- we are in a position to go ahead and -- and  
6 paint that.

7 MS. LEONARD: Have we also determined  
8 that it's paintable and that it doesn't void any  
9 warranty if we do paint it?

10 MAYOR EBERLE: Well, I don't know  
11 about --

12 MS. LEONARD: That was a large part of  
13 our discussion.

14 MAYOR EBERLE: -- warranties, but it's  
15 paintable. I mean, we have -- you know, both --  
16 both the people that bid on it said, "Oh, yeah," and  
17 then they called their paint suppliers and told  
18 them what it was so they used the correct kind of  
19 paint.

20 MS. LEONARD: But I thought one of the  
21 things we talked about was going back to the  
22 people who constructed it to make sure that it was.

23 MAYOR EBERLE: I don't think we have  
24 any warranty on that.

25 MS. SPEAKER: We don't have a

1 warranty?

2 MAYOR EBERLE: No. We never  
3 received a warranty on that, so we're negated.

4 MR. SPEAKER: Did we --

5 MAYOR EBERLE: And we need to move  
6 on it. The -- the -- the country club has already  
7 painted their roofs, and I'm going to get the paint  
8 color that they used so we've got the same color.

9 MR. SCOTT: Do you know what color that  
10 is?

11 MAYOR EBERLE: It's a -- I don't know  
12 the -- the -- the actual name of it, but I talked to  
13 Ted Willard and Randy Rosenthal, and they gave  
14 me the name of the person that painted it, and  
15 they -- they have it, too, so. . .

16 MR. SCOTT: Is that acceptable to the  
17 people that came and voiced their concern?

18 MAYOR EBERLE: Well, I talked to Mr.  
19 Stuckert, who had -- who had raised concerns  
20 [phonetic].

21 MS. ERTEL: What color -- family --  
22 family color?

23 MAYOR EBERLE: It's a -- it's a beige, I  
24 guess.

25 MS. ERTEL: Okay. I was thinking green.

1           MAYOR EBERLE: Yeah, we wanted to  
2 avoid a really hot color.

3           MS. LEONARD: But those other  
4 structures, aren't they a different composition than  
5 ours?

6           MAYOR EBERLE: Those are actual  
7 roofs.

8           MS. LEONARD: Right. And we're a  
9 fabric.

10          MAYOR EBERLE: Well, yeah, a vinyl.  
11 So I just wanted to update you on that.

12          We do have -- need to go into executive  
13 session; is that correct? And, for the purpose of  
14 discussing the purchase and sale of real estate,  
15 and I would entertain a motion that we go --

16          MR. SIMON: So moved.

17          MAYOR EBERLE: -- into executive  
18 session.

19          MS. ERTEL: And second.

20          MAYOR EBERLE: Simon and --

21          MS. ERTEL: Not Garfunkel [laughs].

22          MAYOR EBERLE: -- Garfunkel.

23          MR. SCOTT: Can I just say one thing  
24 before we adjourn?

25          MAYOR EBERLE: Yeah.

1 MR. SCOTT: I just want to thank you and  
2 Deborah for preparing the financial information  
3 that you left in our packet.

4 MAYOR EBERLE: Okay.

5 MR. SCOTT: It -- it's broken down; it's  
6 so much clearer; it's understandable, and I really  
7 thank you for that extra effort.

8 MAYOR EBERLE: Okay.

9 MR. SCOTT: And I know you feel the  
10 same way.

11 MAYOR EBERLE: And we do update it  
12 twice a month [phonetic], so if anyone wants to  
13 see it. I appreciate that.

14 Motion and second. Those in favor or re --  
15 returning to -- or recessing to executive session.  
16 We will be returning afterwards, so those in favor  
17 by -- signify by saying "aye."

18 COUNCIL MEMBERS: Aye.

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

20 COUNCIL MEMBERS: [no response]

21 MAYOR EBERLE: Okay. And, for the  
22 court reporter, we will need you in a short while.  
23 [WHEREUPON, a brief recess is taken.]

24 MAYOR EBERLE: I will call us back into  
25 order. We're out of executive session, and we did

1 have a recommendation for action, here, this  
2 evening with regards to the purchase of real estate  
3 by the city.

4 MR. POTTS: It's the recommendation  
5 that the City of Prospect acquire 0.293 acres of  
6 land from Sally Ann Greenfield and Bruce M. Smith  
7 for the sum of \$47,370, plus an allowance of \$1500  
8 for --

9 MS. SPEAKER: That's included.

10 MR. POTTS: Oh, that's included in that?  
11 Including \$1500 that has been allocated for  
12 landscaping, and that the acquisition would also  
13 include, for the Greenfield Smiths all trees six  
14 inches in diameter or greater, which would be  
15 removed from the area to be acquired and the  
16 easements for construction along that area and  
17 placed on land that will remain with the  
18 Greenfields. This --

19 MAYOR EBERLE: 30 days

20 \_\_\_\_\_[1:05:18].

21 MR. POTTS: Well, the possession of the  
22 property will be within 30 days of the date of the  
23 contract, and the contract will not be entered into  
24 until after the next city council meeting, at which  
25 time, a resolution approving the payment of this

1 amount and the execution of the contract will be  
2 introduced for action by the city council.

3 MAYOR EBERLE: And authorizing the  
4 mayor to execute it.

5 MR. POTTS: And authorizing the mayor  
6 to execute the same.

7 MAYOR EBERLE: Would anyone -- is  
8 that clear, everybody's understanding or the  
9 subject matter that we talked about? And I would  
10 entertain a motion to the effect of Grover's  
11 description.

12 MS. TUCCI: So moved.

13 MAYOR EBERLE: Tucci --

14 MR. SIMON: Second.

15 MAYOR EBERLE: -- and Simon.

16 Discussion? And those -- you want to do a roll  
17 call? Do you want to start, Sandra Leonard?

18 MS. LEONARD: Aye.

19 MR. SCOTT: Aye.

20 MS. ERTEL: Aye.

21 MS. MILES: Aye.

22 MR. SIMON: Aye.

23 MS. TUCCI: Aye.

24 MAYOR EBERLE: And six of them, so. . .

25 And we will place that on the agenda for the

1 October 18th city council for a resolution to be  
2 discussed and voted on at that time.

3 Any other business? Comments? I would  
4 entertain a motion to adjourn.

5 MS. LEONARD: So moved.

6 MS. ERTEL: Second.

7 MAYOR EBERLE: Leonard -- Leonard,  
8 Ertel. Okay. Leonard, motion; Ertel, second.  
9 Those in favor voice vote by saying "aye."

10 COUNCIL MEMBERS: Aye.

11 MAYOR EBERLE: Opposed by "no."

12 COUNCIL MEMBERS: [no response]

13 MAYOR EBERLE: And it passes. Okay.

14 We are adjourned.

15 [WHEREUPON, the City of Prospect, Kentucky,  
16 City Council Meeting was concluded at  
17 8:40 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

I, CAROLA G. STRIJEK, 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.

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My Commission Expires: \_\_\_\_\_ Notary Public

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SEPTEMBER 27, 2012 \_\_\_\_\_.

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