

COMMONWEALTH OF KENTUCKY
CITY OF PROSPECT
CITY COUNCIL REGULAR MEETING
June 20, 2023, 7:00 p.m.
AGENDA

CALL TO ORDER

- Chair: Mayor Doug Farnsley

APPROVAL OF MINUTES

- Approval of Minutes of the City Council Meetings on May 8, 2023, May 15, 2023, and June 12, 2023

COMMENTS FROM CITIZENS

MAYOR'S REPORT

- Mayor's update on City matters

FINANCIAL REPORT

COMMISSION & BOARD REPORTS

- Forestation Board

OTHER REPORTS

- Parks & Recreation Advisory Committee

POLICE REPORT

UNFINISHED BUSINESS

NEW BUSINESS

- Application for a preliminary certificate of conformance of building plans and exterior materials proposed for the construction of Gustavo's Mexican Grill restaurant to be located at 8909 US Highway 42.
- **Resolution 6, Series 2023:** A RESOLUTION OF THE CITY OF PROSPECT ("CITY") REGARDING THE ENFORCEMENT OF CITY CODE OF ORDINANCES SECTION 92.03(I)
- Second reading of **Ordinance 624, Series 2023**, AN ORDINANCE ESTABLISHING AN AD VALOREM TAX RATE FOR THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024.
- Second reading of **Ordinance 625, Series 2023**, AN ORDINANCE ESTABLISHING A BUDGET FOR THE GENERAL FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024.
- Second reading of **Ordinance 626, Series 2023**, AN ORDINANCE ESTABLISHING THE MUNICIPAL ROAD AID FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JULY 1, 2024.

- First reading of **Ordinance 627, Series 2023**, AN ORDINANCE ENACTING AND ADOPTING THE 2022 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF PROSPECT.
- Second reading of **Ordinance 623, Series 2023**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 150: BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT.

ADJOURNMENT

Supporting documents for this meeting's agenda are archived on the city's website calendar:

<https://www.prospectky.us/>

This meeting will be conducted in part via WebEx and live-streamed to YouTube here:

https://www.youtube.com/channel/UCDMvzIGZUk_tPL2HXSagU7w

Members of the public may attend in person and see and hear all participating members at Prospect City Hall, 9200 US Hwy 42, Prospect, Kentucky.

CITY COUNCIL
SPECIAL MEETING MINUTES

May 8, 2023

Attending In-Person: Mayor Doug Farnsley; Council Members John Evans, Frank Fulcher, Don Gibson, and David Holmes; City Attorney F. Chris Gorman; Asst. Police Chief Tony Denham; City Clerk John S. Carter

Absent: Council Member Hines

Participating Remotely: Council Member Don Graeter; Director of Public Works Ron Cundiff

Call to Order

Mayor Farnsley called the meeting to order at 4:00 p.m.

New Business

- Mayor Farnsley discussed the status of the city’s revenue and expenditures and outlined the scope and the priorities of the proposed 2023/2024 Fiscal Year General Fund Budget. There was a question-and-answer session with the Mayor and City Council regarding the proposed budget.

- Mayor Farnsley proposed adopting the statutory compensating rate of \$0.171 as the city’s ad valorem tax rate for the 2023/2024 fiscal year. There was a question-and-answer session with the Mayor, City Council, and City Clerk regarding the ad valorem tax rate.

Adjournment: Council Member Fulcher moved to adjourn, seconded by Council Member Gibson, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 4:54 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

CITY COUNCIL

REGULAR MEETING MINUTES

May 15, 2023

Attending In-Person: Mayor Doug Farnsley; Council Members John Evans, Frank Fulcher, Don Gibson, Don Graeter, Sara Bitter Hines, and David Holmes; City Attorney F. Chris Gorman; Asst. Police Chief Tony Denham; City Clerk John S. Carter

Participating Remotely: Director of Public Works Ron Cundiff

Call to Order

Mayor Farnsley called the meeting to order at 7:00 p.m.

Approval of Minutes:

Council Member Holmes moved to approve the minutes of the April 17, 2023 regular council meeting, seconded by Council Member Fulcher, and the motion passed unanimously.

Comments from Citizens

None.

Mayor's Report:

- The inaugural event for the Little Hunting Creek [LHCP] Pavilion was held on April 30, 2023, with the production of Hamlet by Shakespeare in the Parks. The city dedicated the pavilion in honor of John Evans and named it The John Evans Pavilion.
- This past afternoon the city held a Law Enforcement Appreciation Day at the John Evans Pavilion, honoring all who serve in law enforcement.
- Assistant Police Chief Tony Denham successfully resolved a lighting problem identified by a resident of the Sutherlands at the last regular council meeting.
- The mayor presented his budget message for the proposed 2023/2024 fiscal year general fund budget.

Financial Report

- The City Clerk presented a synopsis of the city's current finances through April 2023.
 - Cash on hand, which includes a checking account and three certificates of deposit [CD], totaled approximately \$3.3 million, of which \$1.8 million is held in reserve for future state pension obligations.
 - The city's CD investments have earned approximately \$28,500 in the past three months.
 - Year-to-date revenues total approximately \$3.3 million.
 - Year-to-date expenditures total approximately \$3.6 million.
 - Restricted Road Fund revenue totals approximately \$249K.
 - Budget items to watch closely include the litigation expense.

Commission and Board Reports

Chairperson Lee Tucci reported on the Forestation written report on behalf of the Forestation Board.

- All trees provided by the city through the Tree Canopy program have now been planted.
- The board is working with the Hunting Creek Country Club to mitigate potentially hazardous trees located on the club's property.
- There are several issues ongoing in Bridgepointe, including a complaint about tree stumps left in front of the swim club after unauthorized tree removals, and pending orders of removal of a declining Pin Oak tree on Old Creek Way and another tree on New Bern Ct.
- The board has requested the assistance of the Metropolitan Sewer District [MSD] to mitigate hazardous trees identified along MSD drainage areas around 7102 Fox Harbor Road.
- The board is working on remediation requests for two declining Bradford Pear trees along Timber Ridge Drive.
- The board received a complaint about plantings along the 7102 Fox Harbor Road, however, the plants identified were shrubs and not trees. The matter has been referred to the city code enforcement.

Other Reports

On behalf of the Parks and Recreation Advisory Committee, Chairperson Linda Wardell reported:

- The production of Hamlet by Shakespeare in the Parks at the John Evans Pavilion in LHCP was well attended and received good reviews.
- The second wildflower walk through Hunting Creek Park on April 16th was attended by approximately 25 people. The committee is investigating ways to improve the wildflower walk so that participants can better hear about the wildflowers.
- The next event scheduled at the John Evans Pavilion is the Ron Jones Quartet, scheduled for May 21st at 7 pm.
- The committee is sponsoring a 'Craft for All' tie-dye t-shirt program at LHCP. All residents are welcome, all supplies will be provided except for the participants' t-shirt.
- The city received updated bids for the Harrods Creek Bridge project and will be reviewing them with the city's consultant, OHM Advisors, to decide its next steps.
- The city has engaged a chainsaw artist to create a sculpture with the large tree stump in LHCP.
- There is a Boy Scout interested in building an information kiosk at LHCP as his Eagle Scout project. This project is expected to be completed by the end of summer.

Police Report:

Assistant Police Chief Denham reported:

- The details of the written report on arrests and call responses were presented.
- Cars were stolen in Prospect on the evening of Thunder Over Louisville. In each case, the car keys were either in the car or were otherwise readily. All cars have since been recovered.
- The investigation into the burglary of Simon's Prospect Apothecary continues in coordination with several other police departments.
- There is an ongoing phone scam where callers are impersonating the Prospect Police Department and demanding payment from victims. Chief Sherrard sent a city-wide email warning of the scam to city residents.

- Police Administrator, Jill Vidito, sustained an injury in a recent car accident and is currently out of the office rehabilitating.

Unfinished Business

None

New Business

- Council Member Holmes moved to approve and adopt the Forestation Board's 2023-2024 City Tree Plan, as amended, as the City of Prospect's official comprehensive tree plan, seconded by Council Member Hines, and the motion passed unanimously.
- Council Member Fulcher moved to adopt **Resolution 4, Series 2023**: A RESOLUTION DEDICATING AND NAMING LITTLE HUNTING CREEK PAVILION AS THE JOHN E. EVANS PAVILION, seconded by Council Member Graeter, and the motion passed unanimously.
- Council Member Evans moved to adopt **Resolution 5, Series 2023**: A RESOLUTION DEDICATING AND NAMING OF THE LITTLE HUNTING CREEK CHILDREN'S PLAYGROUND AS CHARLOTTE'S PLAYGROUND, seconded by Council Member Hines, and the motion passed unanimously.
- Council Member Fulcher moved for a first reading of **Ordinance 623, Series 2023**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 150: BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT, seconded by Council Member Holmes, and the motion passed unanimously.
- Council Member Evans moved for a first reading of **Ordinance 624, Series 2023**, AN ORDINANCE ESTABLISHING AN AD VALOREM TAX RATE FOR THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, seconded by Council Member Fulcher, and the motion passed unanimously.
- Council Member Evans moved for a first reading of **Ordinance 625, Series 2023**, AN ORDINANCE ESTABLISHING A BUDGET FOR THE GENERAL FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, seconded by Council Member Hines. A roll call vote was held: Yea: Evans, Graeter, Hines, and Holmes. Nay: Fulcher and Gibson. The motion passed: 4 -2
- Council Member Fulcher moved for a first reading of **Ordinance 626, Series 2023**, AN ORDINANCE ESTABLISHING THE MUNICIPAL ROAD AID FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024, seconded by Council Member Gibson, and the motion passed unanimously.

Adjournment: Council Member Fulcher moved to adjourn, seconded by Council Member Evans, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 8:08 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

CITY COUNCIL
SPECIAL MEETING MINUTES

June 12, 2023

Attending In-Person: Mayor Doug Farnsley; Council Members John Evans, Frank Fulcher, Don Gibson, and David Holmes; City Attorney F. Chris Gorman; Police Chief Jeff Sherrard

Absent: Council Member Hines, City Clerk John S. Carter

Participating Remotely: Deputy City Clerk and Director of Public Works Ron Cundiff

Call to Order

Mayor Farnsley called the meeting to order at 4:00 p.m.

New Business

- Council Member Holmes moved to approve the detailed plans, and building specifications, and to grant a preliminary certificate of conformance for the Gustavo’s Mexican Grill restaurant to be built at 8909 US Highway 42. Motion failed for lack of second.

- Council Member Gibson moved for a first reading **Ordinance 625, Series 2023**, AN ORDINANCE ESTABLISHING A BUDGET FOR THE GENERAL FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, seconded by Council Member Evans.
 - The mayor, council, and Police Chief had a discussion on year-to-date revenue receipts, the new proposed solid waste contract service rates, the financing of future capital projects, the proposed purchase of a new police vehicle, and the proposed wage increases for city employees.

- The mayor announced that Council Member Don Graeter resigned from the city council effective immediately and that the city council must appoint a replacement to the seat by July 12, 2023, to avoid having the Kentucky Governor appoint a replacement. The mayor and council discussed what process to follow in appointing a replacement council member.

Adjournment: Council Member Fulcher moved to adjourn, seconded by Council Member Gibson, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 4:43 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

Forestation Board
June 2023

The board will not meet until June 20th due to board member availability.

Since the May meeting, there have been ongoing activities to identify tree issues after last year's drought and extreme winter cold. Several location will be discussed at the meeting.

Lee, Linda and Andrea met with Mayor Farnsley and Rick Wilson to examine the hazardous Bradford Pear trees in the Landings on Timber Ridge. The trees have green canopies and would appear healthy to casual observation. Andrea pointed out signs of previous storm damage that have not healed and the indications of decay that lead to a structurally unsound tree, especially with growth habit of Pear trees. She also noted several signs that owners should be alert to on trees.

Mayor Farnsley suggested an article about tree hazards, especially Pear trees. She will get additional information to Linda to do an article for the next newsletter.

The Ordinance Chapter 97: Trees and Forestation continues to be a work in progress. Initial suggestions have been submitted to Council. Our understanding is that there are questions and suggestions. A meeting will be scheduled for further discussion.

Forestation has been in contact with Parks and Recreation concerning the Prospect 4th of July event. We will again share a table to inform residents of both group's activities and recruit volunteers.

Prospect Parks & Recreation Advisory Committee
June 20, 2023

(Submitted on June 14 and will be updated at the Council Meeting)

- Little Hunting Creek Park
 - Charlotte's Playground was dedicated on June 13 with Sarah O'Dell in attendance. Sarah was instrumental in the planning and building of the playground.
- Parks & Recreation Programs
 - The second program in the John Evans Pavilion took place on Sunday, May 21 at 7:00 pm. The performance of the Ron Jones Quartet was very popular with more than 100 people in attendance.
 - The next craft program, "Art for All" is on Saturday, June 17 and will provide an opportunity for residents of all ages to make a tie-dye t-shirt.
 - The third program in the John Evans Pavilion is the Oldham County Band on Sunday, June 18. Additional concerts will take place on Sunday, July 16th; Sunday, August 6th; and Sunday, September 10th.
- Harrods Creek Bridge Project—The low bid received for this project was just under \$170K. We are hopeful that funds will be available to complete the project.
- Tree Sculpture—Chainsaw artist Harley Dougherty expects to begin work in Little Hunting Creek Park during the week of June 19. He anticipates completing the sculpture in 4-5 days. The public is welcome to watch from the safety of the John Evans Pavilion.
- The Putney Pond & Woodlands Annual Report to the KY Heritage Land Conservation Fund will be submitted by the end of June.
- Members of the Parks & Recreation Advisory Committee will be present at the July 4th Celebration and will encourage community members to sign up to be Parks Volunteers.











City of Prospect

9200 U.S. Highway 42 • Post Office Box 1 • Prospect, KY 40059
(502) 228-1121 • Fax (502) 228-9542

June 20, 2023

Louisville Metro Planning and Design
444 S. 5th Street
Louisville, KY 40202

In re: Preliminary Certificate of Conformance

To Whom It May Concern:

Please be advised that the Prospect City Council has reviewed the building plans and sample of exterior building materials submitted by Encompass Develop Design & Construct for the proposed development of Gustavo's Mexican Grill restaurant to be located at 8909 US Hwy 42, Prospect, KY 40059, and hereby grants this preliminary certificate of conformance in accordance with the City of Prospect Code of Ordinances Chapter 150.56 (3) (2).

Contact me if you have any questions or need any additional information.

Very truly yours,

John S. Carter
City Clerk

cc: Mayor Douglass Farnsley
City Attorney F. Chris Gorman
Joshua Gedney, Encompass Develop Design & Construct
Wes Johnson, Wescott Construction

**COMMONWEALTH OF KENTUCKY
CITY OF PROSPECT
RESOLUTION 6, SERIES 2023**

A RESOLUTION OF THE CITY OF PROSPECT ("CITY") REGARDING THE ENFORCEMENT OF
CITY CODE OF ORDINANCES SECTION 92.03(I)

WHEREAS, the city recognizes its obligation to the residents to enforce ordinances on a fair and equitable basis, the City also must impose upon itself the same basic obligations;

NOW, THEREFORE, it is resolved this 20th day of June 2023, by the City of Prospect that no attempt be made by the City to impose penalties upon residents for violation of the City Code of Ordinances section 92.03 (I) *Trees and shrubbery obstructing streets and sidewalks*, unless and until the City substantially complies with the same section.

Adopted on: June _____, 2023, by a vote of ___ aye to ____ nay.

By: _____
Douglass Farnsley, Mayor

Dated: June 20, 2023

ATTEST:

By: _____
John S. Carter, City Clerk

Dated: June 20, 2023

**CITY OF PROSPECT
ORDINANCE NO. 624, SERIES 2023**

**AN ORDINANCE ESTABLISHING AN AD VALOREM TAX RATE FOR THE CITY OF PROSPECT FOR THE
FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024**

BE IT ORDAINED BY THE CITY OF PROSPECT, KENTUCKY:

SECTION 1: An ad valorem tax is hereby levied and fixed at the rate of 17.10 cents on each \$100 of all real estate property within the corporate limits of the City of Prospect, as assessed for taxation and subject to taxation by said City, as of January 1st of each year.

SECTION 2: Said ad valorem taxes shall be due and payable until paid in full. Pursuant to Ordinance 113-1983, the tax collector shall compile and mail tax bills no later than August 31, 2023, to all property owners subject to tax. Any tax bills unpaid by October 1, 2023, shall be subject to a 10% penalty and 1% interest, with additional interest to accrue at the rate of 1% per month until the bill is paid in full.

SECTION 3: The proceeds of such taxes, penalties, and interest are to be placed in the General Fund of the City of Prospect and are to be used for the general operating expenses of said City, including but not limited to the purchase of City supplies, safety and security, health and sanitation, recreation and welfare, improvement and maintenance of streets, management, and maintenance of trees and public lands, garbage collection, street lights and expenses thereof, other expenses for the operation of the City and all necessary and proper municipal functions as may be ordained and resolved by the City Council.

SECTION 4: This Ordinance shall be effective from and after its passage, approval, and publication as required by law.

First Reading this 15th day of May 2023

Passed on Second Reading this ____ day of June, 2023

By a vote of ___ aye and ___ nays of the City Council.

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk

**CITY OF PROSPECT
ORDINANCE NO. 625, SERIES 2023**

**AN ORDINANCE ESTABLISHING A BUDGET FOR THE GENERAL FUND OF THE CITY OF
PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024**

BE IT ORDAINED BY THE CITY OF PROSPECT, KENTUCKY:

SECTION 1: The Budget for the General Fund of the City of Prospect for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024 shall be as follows:

REVENUES

Ad Valorem Property Tax	\$1,830,000
Insurance Premium Tax	\$1,435,000
Other revenues	\$420,230
Rollover of municipal road aid	\$175,000
<u>TOTAL REVENUES</u>	\$3,860,230

EXPENDITURES

City Administration	\$857,274
Capital Outlay	\$9,250
Community Development	\$44,650
<u>Total Administration</u>	\$911,174

Police Department	\$1,042,399
Capital Outlay	\$83,500
<u>Total Police</u>	\$1,125,899

Public Works	\$569,108
Solid Waste	\$747,000
Landscape Maintenance	\$275,500
Parks & Tree Management	\$125,995
<u>Total Public Works</u>	\$1,717,603

<u>TOTAL EXPENDITURES</u>	\$3,754,676
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SECTION 2: This Ordinance shall be effective from and after its passage, approval and publication as required by law.

First Reading this 15th day of May, 2023

Passed on Second Reading this ____ day of June, 2023

By a vote of ____ aye and ____ nay of the City Council.

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk

**CITY OF PROSPECT, KENTUCKY
ORDINANCE NO. 626, SERIES 2022**

**AN ORDINANCE ESTABLISHING A BUDGET FOR THE MUNICIPAL ROAD AID FUND
OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023
AND ENDING JUNE 30, 2024**

BE IT ORDAINED BY THE CITY OF PROSPECT, KENTUCKY:

SECTION 1: The Budget for the Municipal Road Aid Fund of the City of Prospect for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, shall be as follows:

Estimated Balance July 1, 2023	\$263,814.00
Estimated Increases to Fund	\$ 87,860.00
TOTAL AVAILABLE FOR APPROPRIATION	\$351,674.00
ESTIMATED EXPENDITURES (paving, snow removal, sidewalks)	\$175,000.00
ESTIMATED ENDING BALANCE JUNE 30, 2024	\$176,674.00

SECTION 2: This Ordinance shall be effective from and after its passage, approval, and publication as required by law.

First Reading this 15th day of May 2023.

Passed on Second Reading this ____ day of June 2023

By a vote of ____ aye and ____ nays of the City Council.

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk

**CITY OF PROSPECT
ORDINANCE NO. 627, SERIES 2023**

**AN ORDINANCE ENACTING AND ADOPTING THE 2022 SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF PROSPECT**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2022 Supplement to the Code of Ordinances of the City of Prospect, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the City Council of the City of Prospect to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PROSPECT, KENTUCKY:

SECTION 1: That the 2022 Supplement of the Code of Ordinances of the City of Prospect, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2: That this Ordinance shall take effect from and after its passage, signing, and publication as required by law.

First Reading this 20th day of June 2023

Second Reading this ____ day of _____, 2023

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk

**CITY OF PROSPECT
ORDINANCE NO. 623, SERIES 2023**

**AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 150:
BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT**

WHEREAS, Chapter 150 establishes a code of building regulations for the City of Prospect; and

WHEREAS, it is the responsibility of the City Council to review ordinances on a periodic basis and amend them as appropriate, and

WHEREAS, it has been determined by that modifications, corrections, additions, and clarifications are necessary to reflect the intent of the City Council,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Chapter 150 is hereby amended and modified as hereinafter set forth with old language struck through, changes, and new language being underlined and reading as follows:

Chapter 150.56 PROCEDURE FOR OBTAINING PERMIT.

(B) The procedure for obtaining a building permit shall be as follows:

(1) (a) A full set of nonreturnable, detailed plans and specifications for the construction of any building or addition to any existing building or structure or the wrecking, demolition, or removal by any means of the same, shall be submitted to the city and approved by the City Council, ~~or duly authorized representative~~, prior to any construction of that structure, addition, remodeling, or demolition.

(1)(c) The Mayor, or any person(s) appointed by the Mayor, shall consider those plans to determine whether the proposed building will adversely affect the public safety, health, convenience, comfort, aesthetics, conformance to the city's existing brick/stone colonial architectural styles, and general welfare of the residents of the city and check to see if the plans are in compliance with the restrictions applicable to all property located in the city. The City Council has final approval authority for plans and permits.

(1)(d) The following standards of review shall apply in nonresidential areas in determining whether any proposed building or structure is in compliance with this chapter:

1. Architectural.

a. All structures are to be suitable to site and surroundings. No building shall be constructed that does not compare favorably in character, design, color and materials of construction with the majority of others within the commercial areas of city. Unpainted/uncoated red brick or stone shall be the principal material for all exterior walls. All buildings within a commercial development shall be of the same brick or stone. Applicant shall submit samples of brick/stone and mortar to the city for review and approval. All other materials (other than those mentioned above) proposed for use as non-principal materials for exterior walls including paint, coatings and decorations shall be submitted to the city before approval.

3. Application for approval by the city.

(1) All applications for approval by the city pursuant to this section, shall be filed with the City Clerk, and action on same shall be taken within 60 days after the date of filing. Upon filing of the application, the city [see § 150.56(B)(1)(c)] shall determine whether the application is in conformance with the standards set forth above and the City Council shall approve same only upon said finding, and otherwise reject said application unless a variance is granted upon a determination that the variance is the minimum necessary to afford relief upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the city, and a determination that the granting of a variance will not adversely impact the intent and purposes of this section.

(2) When the detailed plans and specifications are approved by the City Council, ~~or its duly authorized representative~~, or an Architectural Review Committee appointed by the Council, a preliminary certificate of conformance to city regulations shall be issued.

Section 2. This Ordinance shall take effect from and after its passage, signing, and publication as required by law.

First Reading this ____ day of May 2023.

“Aye” votes: ____

Second Reading this ____ day of _____ 2023.

“Nay” votes: ____

APPROVED:

ATTEST:

Douglass Farnsley
Mayor, City of Prospect

John S. Carter
City Clerk