

COMMONWEALTH OF KENTUCKY
CITY OF PROSPECT
CITY COUNCIL REGULAR MEETING
Monday, July 17, 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 June 20, 2023, June 27, 2023, and July 3, 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

- Second 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 No. 628, Series 2023**, AN ORDINANCE ESTABLISHING A CAPITAL INVESTMENT FUND OF THE CITY OF PROSPECT.

NEW BUSINESS

- First reading of **Ordinance 629, Series 2023**, AN ORDINANCE ESTABLISHING A BUDGET FOR THE CAPITAL INVESTMENT FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024.

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 REGULAR MEETING MINUTES

June 20, 2023

Attending In-Person: Mayor Doug Farnsley; Council Members John Evans, Frank Fulcher, Don Gibson, Sara Bitter Hines, and David Holmes; City Attorney F. Chris Gorman; Police Chief Jeff Sherrard; 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 Evans moved to approve the minutes of the May 8, 2023, May 15, 2023 and June 12, 2023, council meetings, seconded by Council Member Gibson, and the motion passed unanimously.

Comments from Citizens

None

Mayor's Report:

- On Tuesday, June 13th former Council Member Sara O'Dell participated in the city's dedication of the playground in Little Hunting Creek Park. By a resolution adopted unanimously by the council on May 15, 2023, the city had determined to name the playground after Jeff and Sarah O'Dell's daughter Charlotte. Mayor Farnsley, former Mayor Evans, and Mrs. O'Dell made remarks and cut the ribbon officially opening "Charlotte's Playground."
- On Saturday, June 17th there was a Flag Day observance at Cowley Park presented by the Sons of the American Revolution [SAR] and Daughters of the American Revolution [DAR]. The SAR and DAR will be attending and will present a color guard for the city's upcoming Fourth of July Celebration.
- The city's investment committee met on June 20, 2023, to discuss the city's finances and potential future investments.
- The mayor welcomed Gustavo Reyes, owner of Gustavo's Mexican Grill, to the city council meeting.

Financial Report

- The City Clerk presented a synopsis of the city's current finances through May 2023.
 - Cash on hand, which includes a checking account and three certificates of deposit [CD], totaled approximately \$3.6 million, of which \$1.8 million is held in reserve for future state pension obligations.
 - The city's CD investments have earned approximately \$40K in the past four months.
 - Restricted Road Fund revenue totals approximately \$258K.
 - Budget items to watch closely include the litigation expense.

Commission and Board Reports

On behalf of the Forestation Board, member Linda Knox reported on the Forestation written report.

Other Reports

On behalf of the Parks and Recreation Advisory Committee, member Sallie Schneider reported on the Parks and Recreation Advisory Committee's written report.

- The committee's 'Craft for All' tie-dye event held on June 17th was a great success and was attended by 16 children and 16 adults.
- The next program for the John Evans Pavilion is a concert performance by the New Louisville Jazz Ensemble on Sunday, July 16th.
- The lowest bid received by the city for the construction of the Harrod Creek Park bridge was \$170,000.
- The tree sculpture planned for Little Hunting Creek Park [LHCP] has been delayed due to weather, however, it is expected to start later this month.
- The annual management report on Putney Pond & Woodlands due to the Kentucky Heritage Land Conservation Fund will be submitted by the end of June 2023.
- The committee will set up an informational table at the city's upcoming Fourth of July Celebration.

Police Report:

Police Chief reported:

- There is no police report this month due to the extended absence of the police administrator.
- The number of traffic stops has nearly doubled in recent months.
- The home invasion that occurred on May 17, 2023, is still under investigation with multiple subpoenas issued for digital information. The vehicle stolen has since been recovered.
- A work truck was stolen from the horse farm. The keys to the vehicle were readily available to the staff to use around the farm.
- Approximately \$2,500 worth of spirits were shoplifted at a local liquor store.
- There was a significant theft of personal property from a vehicle in the Sutherlands.
- There was a theft of personal property from an office at the Hunting Creek Country Club.
- The Kentucky State Police is currently conducting a regularly scheduled IT security audit.
- There was a short question and answer session with the mayor, city council, and Chief Sherrard.

Unfinished Business

None

New Business

- Council Member Holmes moved to approve the application for a preliminary certificate of conformance on building plans and exterior materials proposed for the construction of Gustavo's Mexican Grill restaurant to be located at 8909 US Highway 42, seconded by Council Member Evans. A roll call vote was held: **Yea:** Evans, Fulcher, Gibson, Hines, and Holmes. **Nay:** None. The motion passed 5 -0.

- Council Member Fulcher moved to adopt **Resolution 6, Series, 2023**: A RESOLUTION OF THE CITY OF PROSPECT (“CITY”) REGARDING THE ENFORCEMENT OF CITY CODE OF ORDINANCE SECTION 92.03(l), seconded by Council Member Gibson. A roll call vote was held: **Yea**: Evans, Fulcher, Gibson, Hines, and Holmes. **Nay**: None. The motion passed 5 -0.
- Council Member Fulcher moved for a second reading and approval 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 Hines. A roll call vote was held: **Yea**: Evans, Fulcher, Gibson, Hines, and Holmes. **Nay**: None. The motion passed 5 -0.
- Council Member Evans moved for a second reading and approval 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, as amended, seconded by Council Member Gibson.
 - Council Member Fulcher moved to amend the budget by removing the \$55,000 appropriated for a police vehicle and \$37,100 appropriated for Park Structures, increasing the budget for solid waste an additional \$212,000, and removing \$36,300 from miscellaneous revenue, and any revenue shortfall shall be funded by the budget surplus, seconded by Council Member Gibson.
 - Council Member Evans moved to amend the budget by reducing the funds appropriated for sidewalk repair to \$36,000. The motion failed for lack of a second.

A roll call vote was held: **Yea**: Fulcher, Gibson, and Holmes. **Nay**: Evans and Hines. The motion passed 3 -2.
- Council Member Gibson moved for a second reading and approval of **Ordinance 626, Series, 2023**, 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, seconded by Council Member Holmes. A roll call vote was held: **Yea**: Evans, Fulcher, Gibson, Hines, and Holmes. **Nay**: None. The motion passed 5 -0.
- Council Member Holmes moved for a first reading of **Ordinance 626, Series, 2023**, AN ORDINANCE ENACTING AND ADOPTING THE 2022 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF PROSPECT, seconded by Council Member Fulcher. A roll call vote was held: **Yea**: Evans, Fulcher, Gibson, Hines, and Holmes. **Nay**: None. The motion passed 5 -0.
- Council Member Gibson moved for a second reading and approval 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, as amended, seconded by Council Member Fulcher.
 - Council Member Fulcher moved to amend the ordinance by striking the words “red” and “colonial”, seconded by Council Member Gibson. A roll call vote was held: **Yea**: Evans, Fulcher, Gibson, Hines and Holmes. **Nay**: None. The motion passed 5 -0.

A roll call vote was held: **Yea**: Evans, Fulcher, Gibson, and Holmes. **Nay**: Hines. The motion passed 4 -1.

Adjournment: Council Member Evans moved to adjourn, seconded by Council Member Fulcher, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 8:14 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

DRAFT

CITY COUNCIL SPECIAL MEETING MINUTES

June 27, 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; City Clerk John S. Carter

Absent: Council Member Hines

Participating Remotely: Director of Public Works Ron Cundiff

Call to Order

Mayor Farnsley called the meeting to order at 10:05 a.m.

Comments from Citizens

None

Mayor's Report

- The mayor discussed the reason and purpose for this special meeting and his desire to move forward with the funding of a new police vehicle using the soon-to-be-established capital investment fund.

New Business

- Council Member Gibson moved for the first reading of **Ordinance 628, Series 2023: AN ORDINANCE ESTABLISHING A CAPITAL INVESTMENT FUND FOR THE CITY OF PROSPECT**, as amended, seconded by Council Member Fulcher. A roll call vote was held: **Yea:** Fulcher, Gibson, Hines, and Holmes. **Nay:** None. The motion passed 3 -1.
 - Council Member Fulcher moved to amend the ordinance by changing the second sentence of Section 3 to "For each proposed capital project, the mayor shall provide: a. The reason(s), including data, why the proposed capital project is needed or desired. b. Proposed sources of funding, if any. c. A schedule for the project." , seconded by Council Member Gibson. A roll call vote was held: **Yea:** Evans, Fulcher, Gibson, and Holmes. **Nay:** Evans. The motion passed 3 -1.
- The mayor and city council held discussions about what process to follow in filling the city council seat vacancy.

Adjournment: Council Member Fulcher moved to adjourn, seconded by Council Member David Holmes, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 10:33 a.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

DRAFT

CITY COUNCIL SPECIAL MEETING MINUTES

July 3, 2023

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

Participating Remotely: Director of Public Works Ron Cundiff

Call to Order

Mayor Farnsley called the meeting to order at 6:30 p.m.

Executive Session

- Council Member Evans moved to begin an executive session for deliberations on the appointment of a city council member pursuant to KRS 61.810 (1)(f)(g), seconded by Council Member Fulcher, and the motion passed unanimously.

The council reconvened in regular session at 7:08 pm with no action having been taken in the executive session.

Comments for Citizens

- Resident Lee Tucci intended to speak on behalf of the candidacy of John Shulhafer to fill the council seat vacancy but was informed that Mr. Shulhafer had withdrawn from consideration.

Mayor's Report

- Sidewalk repairs have been completed in Hunting Creek, Innisbrook, and The Landings neighborhoods.
- Beginning today the city has moved to one day a week rear door trash pickup under the new solid waste contract with Rumpke. The city intends to move to a bi-weekly recycling pickup beginning on September 1, 2023. The mayor is coordinating with residents Louis Fowler and Randy Gibson to organize a team of volunteers to assist residents who may need help moving the recycling cart to and from the street curb.
- At the upcoming July 17th regular council meeting the mayor intends to propose an amended general fund budget for fiscal year 2023/2024 that will reflect revised revenue figures and the second reading of the new capital investment fund ordinance no. 628, series 2023.
- The new police vehicle originally sought in the mayor's initial budget presentation for the 2023/2024 fiscal year was purchased at the end of June 2023 from the 2022/2023 fiscal year budget.
- This past Friday the mayor and council members Evans and Hines met with Police Chief Sherrard to learn about the process for determining when to replace a police vehicle.
- Gustavo Reyes Torres, owner of Gustavo's Mexican Grill, wrote a letter to the city expressing his gratitude for the city's support in the construction of his new restaurant in Prospect. A copy of the letter is attached to these minutes.

- The creation of a chainsaw sculpture for Little Hunting Creek Park has begun and promises to be a great landmark for the new park. There continues to be heavy use of the new Charlotte's Playground by children, parents, and grandparents.
- The mayor thanked all the citizens who put their names forward for consideration to fill the vacant council seat.

Interviews of Candidates for City Council

- Mr. John Clark introduced himself and his candidacy for the vacant city council seat and asked the city council for their support.
- Mr. Scott Dickens introduced himself and his candidacy for the vacant city council seat and asked the city council for their support.
- Dr. Christian Furman introduced herself and her candidacy for the vacant city council seat and asked the city council for their support.
- Mrs. Sandra Leonard introduced herself and her candidacy for the vacant city council seat and asked the city council for their support.
- Mr. Terry Rankhorn introduced himself and his candidacy for the vacant city council seat and asked the city council for their support.

Executive Session

- Council Member Holmes moved to begin an executive session for deliberations on the appointment of a city council member pursuant to KRS 61.810 (1)(f)(g), seconded by Council Member Hines, and the motion passed unanimously.

The council reconvened in regular session at 8:21 pm with no action having been taken in the executive session.

Appointment of City Council Member

- A vote was held for the appointment of a new council member to the remaining term of former Council Member Graeter. Council Member Fulcher voted for Mrs. Sandra Leonard. Council Members Evans, Gibson, Hines, and Holmes voted for Mr. John Clark. Mr. John Clark was appointed as the new council member by a majority vote of the city council.

Adjournment: Council Member Fulcher moved to adjourn, seconded by Council Member Hines, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 8:25 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

Forestation Board Report, July 2023

The Forestation Board met on July 11 and reviewed roughly a dozen cases involving hazardous, obstructive, declining or dead trees within the city.

Four cases of hazardous trees on private property will be referred to Code Enforcement for follow up. Hunting Creek Country Club will be directly contacted by Forestation Board members to review needed corrective action on two trees and to discuss possible ways in which the Forestation Board could assist the club with any tree related issues. The state highway department has been requested to trim overhanging and potentially hazardous trees along Route 42 in the city area. This request was initially made last year and agreed to by the state but the needed work was not done. Four situations of obstructive branches, dead or declining trees on city property along with a leaning recently planted tree at Little Hunting Creek Park will be corrected by the city's maintenance department.

Linda Knox and Connie Kuhn are preparing a city newsletter article detailing the characteristics of hazardous trees and the obligations of property owners to remedy hazardous conditions.

Property owners that have purchased trees thru the Canopy Tree program will be contacted and asked as to how their trees are doing.

The next Forestation Board meeting is scheduled for August 8.

Prospect Parks & Recreation Advisory Committee
July 17, 2023

- Little Hunting Creek Park
 - Chainsaw artist Harley Dougherty is working on the sculpture near the John Evans Pavilion. Many visitors have stopped to observe his work. The work is expected to be completed in the next week or so.

- Parks & Recreation Programs
 - The craft program, “Art for All” on Saturday, June 17 was a great success. Most participants had not participated in the previous craft programs. About 20 children and almost the same number of adults made tie dye shirts. The children enjoyed playing on the playground after completing their craft.
 - The fourth program in the John Evans Pavilion is The New Louisville Jazz Ensemble on Sunday, July 16. Additional concerts will take place on Sunday, August 6th, and Sunday, September 10th.

- The Parks & Recreation Committee will invite high school students to apply to become a member of the committee for the upcoming academic year. We believe that the committee will benefit from having a young person’s perspective on various issues, and the student will gain experience working with others in a volunteer capacity.

**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.628, SERIES 2023**

AN ORDINANCE ESTABLISHING A CAPITAL INVESTMENT FUND FOR THE CITY OF PROSPECT

WHEREAS, the City of Prospect strives for prudent fiscal management and desires the ability to fully fund future capital projects, and;

WHEREAS, the purpose of this ordinance is to establish a Capital Investment Fund (CFI) to promote and facilitate capital investments in the City of Prospect, and;

WHEREAS, the CIF will serve as a dedicated fund to finance various infrastructure projects, economic development initiatives, and public improvement programs that enhance the quality of life for residents and promote sustainable growth.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. The City of Prospect hereby establishes a Capital Investment Fund as a separate fund within the city's treasury that shall be used exclusively for capital and related expenditures outlined in this ordinance.

Section 2. The CIF funds shall be used for projects with a total cost exceeding \$50,000 that meet the following purposes:

- a. Infrastructure development and improvements, including roads, bridges, utilities, and public facilities.
- b. Public improvement programs, such as parks and recreation facilities, community centers, and cultural amenities.
- c. Technological advancements and digital infrastructure initiatives.
- d. Environmental sustainability projects, including renewable energy, waste management, and conservation efforts.
- e. Any other capital investments that align with the City of Prospect's long-term development goals as determined by the city council.

Section 3. From time to time, the mayor shall issue a call for capital projects and present a listing of proposed capital projects to the city council. For each proposed capital project, the mayor shall provide:

- a. The reason(s), including data, why the proposed capital project is needed or desired.
- b. Proposed sources of funding, if any.
- c. A schedule for the project.

Section: 4. The city council shall act on the proposed capital projects within one regular council meeting.

First Reading this 20th day of June 2023.

“Aye” votes: _____

Second Reading this _____ day of July, 2023.

“Nay” votes: _____

APPROVED:

ATTEST:

Douglass Farnsley
Mayor, City of Prospect

John S. Carter
City Clerk

**CITY OF PROSPECT, KENTUCKY
ORDINANCE NO. 629, SERIES 2023**

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

WHEREAS, the City of Prospect [the City] has created a Capital Investment Fund [CIF] budget process pursuant to city Ordinance 626, Series 2023, and;

WHEREAS, the creation of the CIF requires a capital budget fund with a funding source for the city's financial operations, and;

WHEREAS, the city has realized surpluses in each budget year since at least 2012. Surpluses for the years 2012 through 2022 totaled \$2,753,561. A \$239,526 surplus has also been projected for the 2022-2023 fiscal year, bringing the accumulated surpluses for 2012 through 2023 to \$2,993,087; and

WHEREAS, by ordinance, the city holds in reserve an amount equal to the city's share of the projected shortfall in the state's pension system. At the City's last audit, the amount of that reserve was \$1,832,065; and

WHEREAS, the city's cash on hand as of July 7, 2023, exceeded \$3,478,532. Thus, after deducting the amount reserved by ordinance, the city has on hand an unreserved accumulated surplus totaling \$1,646,467; and

WHEREAS, the city has determined that it is prudent for the city to transfer \$205,000 of the city's unreserved surplus to the city's capital investment fund.

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

SECTION 1: The CIF shall be created on the financial books and records for capital financial operations for the City of Prospect;

SECTION 2: The CIF shall initially be funded by the transfer of \$205,000 from the city's unreserved surplus and shall thereafter be funded by ordinance from the city's unreserved accumulated surplus;

SECTION 3: Pursuant to the authority granted by Prospect City Ordinance No. 626, Series 2023, the city council hereby makes the following appropriations to the CIF for the fiscal year ending June 30, 2024:

CAPITAL INVESTMENT PROJECTS

DESCRIPTION OF PROJECT	AMOUNT OF APPROPRIATED FUNDS
The Harrods Creek Park Stream Crossing Project	\$180,000
Feasibility Studies for a Pedestrian Bridge across Little Hunting Creek	\$ 25,000

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

First Reading this 17th day of July 2023.

Passed on Second Reading this ____ day of _____ 2023

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

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk

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