

COMMONWEALTH OF KENTUCKY
CITY OF PROSPECT
CITY COUNCIL REGULAR MEETING
Monday, August 21, 2023, 7:00 p.m.
AGENDA

CALL TO ORDER

- Chair: Mayor Doug Farnsley

APPROVAL OF MINUTES

- Approval of Minutes of July 17, 2023 and August 3, 2023 city council meetings.

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

NEW BUSINESS

- Authorization for the City of Prospect to file an appeal of the Opinion and Order Dismissing, entered on August 3, 2023 in Case No. 23-CI-000311, City of Prospect, Kentucky v. Louisville Metro Government, et al..
- First reading of **Ordinance 630, Series 2023**, AN ORDINANCE AMENDING THE BUDGET FOR THE GENERAL FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024.
- First reading of **Ordinance 631, Series 2023**, AN ORDINANCE RELATING TO THE REGULATION OF SOLAR INSTALLATIONS AND CREATING A NEW CHAPTER 162 OF THE CITY OF PROSPECT CODE OF ORDINANCE FOR THAT PURPOSE.

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

July 17, 2023

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

Participating Remotely: City Clerk John S. Carter Director of Public Works Ron Cundiff, City Clerk John S. Carter

Call to Order

Mayor Farnsley called the meeting to order at 7:05 p.m.

Approval of Minutes:

Council Member Gibson moved to approve the minutes of June 20, 2023, June 27, 2023, and July 3, 2023 council meetings, as amended, seconded by Council Member Hines, and the motion passed unanimously.

Comments from Citizens

- Kathy Jacobs, the Chief Executive Officer for the Prospect Area Chamber of Commerce, announced that she will soon be retiring and thanked the city, mayor, and council for their support throughout the years, and asked that the support continue for whoever becomes her successor.
- Resident and Parks and Recreation Advisory Committee Chair Linda Wardell spoke of her support for the funding and building of the proposed Harrods Creek Park bridge.
- Resident and Parks and Recreation Advisory Committee member Carolyn Embry spoke of her support for the funding and building of the proposed Harrods Creek Park bridge.
- Resident Dr. Henry Sadlo spoke of his support for the funding and building of the proposed Harrods Creek Park bridge.
- Resident Christopher Reynolds spoke of his support for the funding and building of the proposed Harrods Creek Park bridge.
- Resident and former Prospect Mayor Todd Eberle spoke of his support for the funding and building of the proposed Harrods Creek Park bridge.

Mayor's Report

- The mayor congratulated and welcomed the newly appointed city council member, John Clark.
- The July 4th celebration was well attended and very successful. The inclusion of the Sons and Daughters of the American Revolution color guard was well received by attendees. New games for kids were added this year in addition to inflatable activities.
- The new John Evans Pavilion has seen substantial use. It has now hosted several events, including three concerts, a play, a family reunion, and a birthday party.
- The new "Fox Den" chainsaw sculpture by Harley Dougherty is complete and it has been well received.

- The city's solid waste contract with Rumpke changed on July 1, 2023, to once-a-week trash, recycle, and yard waste pickup. The pickup of weekly recycling pickup at the curb will begin in September. The new change in solid waste collection will save the city approximately \$450,000 annually.
- The 2023/2024 general fund budget passed in June 2023 appropriated approximately \$15,000 from the city's surplus to fund operational expenses. The changes to Rumpke's contract will allow the city to avoid drawing down its surplus to balance the 2023/2024 general fund budget.
- The city council is to entertain a new capital budget ordinance during this meeting, which includes funding the proposed bridge in Harrods Creek Park.

Financial Report

- The City Clerk presented a synopsis of the city's current finances through June 2023.
 - Cash on hand, which includes a checking account and three certificates of deposit [CD], totaled approximately \$3.1 million, of which \$1.8 million is held in reserve for future state pension obligations.
 - The city's CD investments have earned approximately \$45K at the end of the fiscal year.
 - The city's fiscal year revenue totaled approximately \$3.64 million. The city's fiscal year expenditures totaled approximately \$4.2 million. Thus, approximately \$80K will be contributed to the city's accumulated surplus.
 - Restricted Road Fund revenue totals approximately \$267K .

Commission and Board Reports

On behalf of the Forestation Board, Chair Lee Tucci reported on the Forestation written report.

- The Board reviewed approximately 12 cases of hazardous, declining, and dead trees throughout the city. Trees located on private property were referred to code enforcement for follow-up. Representatives of Hunting Creek Country Club met with the board to resolve hazardous tree issues on their property.
- Louisville Gas & Electric [LG&E] has been trimming trees and removing hazardous trees located on the electrical easement along US Hwy 42.
- Tree limbs that are obstructing streets will be trimmed by city Public Works or by a city contractor.
- Board Member Linda Knox has written an article for the city newsletter informing residents how to identify hazardous trees on their property.
- The board intends to follow up with residents who received trees from the city during the Spring Arbor Fest to determine how their trees have fared and whether they have any questions.

Other Reports

On behalf of the Parks and Recreation Advisory Committee, Chair Linda Wardell reported on the Parks and Recreation Advisory Committee's written report.

- There are two more concerts scheduled for the John Evans Pavilion this summer, "Most Wanted Band" will perform on August 6th, and the "Sheryl Rouse Band" will perform on September 10th.
- The Arts for All Tie-Dye event held on June 17th was a big success. Children and adults learned how to create their own tie-dye t-shirts.

- The committee has decided there is a need to recruit a high school student to represent youth on the committee. An application is currently being created for students to apply for committee membership.

Police Report:

Police Chief Sherrard reported:

- House Watches are up about 600 year over year.
- Traffic citations and warnings are under-reported due to how the reports are currently being recorded.
- There was a charge for wanton endangerment against a Montero Drive apartment resident related to the negligent discharge of a handgun into an adjacent apartment. The suspect stated his weapon accidentally discharged when it was dropped.
- There was a construction site theft in the new Hunting Green subdivision.
- Code Enforcement has been busy issuing a total of 23 permits during the past month.
- Code Enforcement was able to resolve a complaint related to the Hunting Creek Country Club's parking lot lights shining into an adjacent resident's windows.
- There was a criminal mischief charge related to the keying of a resident's car. The suspect and victim were former friends.
- This July the police department hired Officer Kelly Ernst as a new full-time police officer. Officer Ernst formerly worked for Louisville Metro Police and the University of Louisville Police.
- Officer Michael McKeenan was promoted this month from officer to police sergeant.

Unfinished Business

- Council Member Fulcher moved to override the mayor's veto 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 Gibson. A roll call vote was held: **Yea:** Fulcher, Gibson, Holmes. **Nay:** Clark, Evans, Hines. The motion failed 3-3.
- Council Member Fulcher moved for a second reading of **Ordinance No. 627, Series 2023, AN ORDINANCE ENACTING AND ADOPTING THE 2022 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF PROSPECT**, seconded by Council Member Hines. A roll call vote was held: **Yea:** Clark, Evans, Fulcher, Gibson, Hines, Holmes. **Nay:** None. The motion passed 6 – 0.
- Council Member Holmes moved for a second reading of **Ordinance No. 628, Series 2023, AN ORDINANCE ESTABLISHING A CAPITAL INVESTMENT FUND OF THE CITY OF PROSPECT**, seconded by Council Member Gibson.
 - Council Member Fulcher moved to amend the proposed ordinance language in accordance with new language he provided to each council member. Council Member Fulcher moved that his motion to amend be postponed to the August council meeting to permit council members an opportunity to consider his proposed amendment, Council Member Gibson seconded the motion to postpone. A roll call vote was held: **Yea:** Clark, Evans, Fulcher, Gibson, Hines, Holmes. **Nay:** None. The motion passed 6 – 0.

New Business

- Council Member Holmes moved for a 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, seconded by Council Member Evans. A roll call vote was held: Yea: Clark, Evans, Hines, Holmes. **Nay:** Gibson. **Abstention:** Fulcher. The motion passed 5 – 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 8:10 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

August 3, 2023

Attending In-Person: Mayor Doug Farnsley; Council Members John Clark, 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 5:00 p.m.

Mayor's Report

- There will be a special council meeting scheduled at 6:15 pm on August 21, 2023, to hold an executive session for discussion of pending litigation.
- The mayor has learned of handbills being delivered around the city soliciting the sale of solar panel installations. A draft ordinance for the regulation of solar installations will be presented to the city council at the next regularly scheduled council meeting.
- A proposed amended 2023/2024 general fund budget will be presented to the council at the next regularly scheduled council meeting.

New Business

- Council Member Fulcher moved to adopt **Resolution 7, Series 2023**, AUTHORIZING PARTICIPATION IN THE "KENTUCKY LEAGUE OF CITIES INVESTMENT POOL PLUS", seconded by Council Member Gibson. A roll call vote was held: Yea: Clark, Evans, Fulcher, Gibson, Hines, Holmes. **Nay:** None. The motion passed 6 – 0.

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 5:08 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

Forestation Board Report, August 2023

The Forestation Board met on August 8.

A large portion of the meeting was devoted to a report by our consulting arborist, Andrea Hanlon, on the need for tree trimming, removals and maintenance at city owned sites. The medians along Bridgepointe Boulevard have fifteen trees that require attention and certain older trees on the exit side area to Route 42 are overshadowing four recently planted trees and slowing their growth. Other areas that need attention include the Timber Ridge Drive area opposite Smithfield Green, the exit side of Hunting Creek Drive, and memorial trees in Harrods Creek and Putney Parks.

Another major discussion item was the selection of the trees to be distributed at Arborfest on Saturday, October 21. These will be Paw paws, Eastern Redbuds, Jane magnolias, Kousa dogwoods and Sun Valley red maples

A request by the Hunting Creek Country Club for a free Canopy Tree to be planted by the club's grounds staff was reviewed and granted.

Connie Kuhn reported on very positive comments she received from residents who have had Canopy Trees planted on their property.

The next meeting of the Forestation Board is scheduled for September 12.

Prospect Parks & Recreation Advisory Committee
August 21, 2023

- Little Hunting Creek Park
 - The fox family chainsaw statue is extremely popular. Ron Cundiff has installed a post and chain barrier around the statue to remind people to enjoy the art from a distance.

- Parks & Recreation Programs
 - The Most Wanted Band performance in the John E. Evans Pavilion on August 6th was a popular event with at least 80 people in attendance.
 - The final performance of the summer concert series will take place on September 10th at 6:30 pm. This concert by the Sheryl Rouse Band will feature Soul, Blues, and R&B music.
 - September 15th will be “Prospect Day” at the Racing Louisville FC game in the Lynn Family Stadium. Tickets are available at City Hall for Prospect residents at a cost of \$8 per ticket. There will be a meet and greet with the players following the game.

- Pollinator Garden—We will use volunteers this fall to plant a pollinator garden in the Harrods Creek Park meadow between the parking lot and the canoe launch. This garden of native plants will provide food sources for native bees and butterflies.

- The application period is open for high school students interested in serving as the youth member of the Parks & Recreation Advisory Committee for the 2023-2024 academic year. Applications are due on August 25. We hope to have a member selected before the September committee meeting.



Prospect Police Department

Report Summary for JULY 2023

❖ **Call Response Reports**

- ◆ July 5: (1068) Identity Theft
- ◆ July 6: (CAD539) CIT
- ◆ July 7: (1070) Identity Theft
- ◆ July 11: (1073) Possible Tracker
- ◆ July 18: (1075) Identity Theft
- ◆ July 21: (1078) Identity Theft
- ◆ July 23: (1080) Death Investigation
- ◆ July 26: (1082) Theft
- ◆ July 27: (CAD640) House Egged

❖ **Code Enforcement Reports**

Twenty-six (26) permits were issued in July. Other July issues included:

- ◆ Trailers and Boats in drive
- ◆ Small tractor parked in the driveway
- ◆ Garbage containers left beside mailbox all week
- ◆ Trees over hanging roadway
- ◆ Part of an old couch let at the end of the driveway

❖ **Felony Reports**

- ◆ July : (1064) Supplement to June case- Criminal citation issued
- ◆ July 18: (0020) Supplement to Feb case. Suspect arrested out of county

❖ **ARREST**

- ◆ July -0

❖ **JC3 Reports**

- ◆ July -0

❖ **Misdemeanor Reports**

- ◆ July 25: (1081) Harassment

❖ **Total Assists Outside of Prospect – 4**

❖ **Total Citations/Warnings other than Arrests – 17**

❖ **Total Collisions – 9, 8 non-injury, 1 injury**

❖ **Total People Fingerprinted – 0**



Prospect Police Department

Monthly Report of Police Activities JULY 2023

| | 2023 | 2022 |
|-------------------------------------|-------|------|
| ❖ HOUSE CHECKS | | |
| ◆ July | 2442 | 2106 |
| ❖ TRAFFIC ACTIVITY | | |
| ◆ Citations / Warnings Issued | 18 | 8 |
| ◆ Non- Injury Accidents | 8 | 3 |
| ◆ Injury Accidents | 1 | 2 |
| ◆ Motorist Assists | 5 | 6 |
| ❖ Reports | | |
| ◆ Misdemeanor Reports | 1 | 1 |
| ◆ Felony Reports | 2 sup | 2 |
| ◆ Domestic Reports | 0 | |
| ◆ Call Responses | 9 | 1 |
| ◆ Arrests | 0 | 4 |
| ❖ CALLS FOR SERVICE | | |
| ◆ Dispatched Runs | 142 | 113 |
| ◆ Officer Initiated | 77 | 215 |
| ◆ Burglary/ Robbery/ Fire alarms | 17 | 21 |
| ⊞ Included in these false alarms | 14 | |
| ❖ CODE ENFORCEMENT CITATIONS | | |
| ◆ July | 0 | 0 |



Monthly Code Enforcement Report

26 (Twenty-Six) Permits were issued in the month of July

Code Issues

Trailers and Boats in Drive.

A small tractor parked on the roadway.

Garbage containers left beside mailbox all week.

Trees over hanging roadway.

Part of old couch left at end of driveway.

Proposed ordinance 628 provides for the creation of a capital budget process. Proposed ordinance 629 would create the first capital budget contemplated by ordinance 628, and the budget includes \$180,000 for the construction of a stream crossing bridge in Harrods Creek Park.

In the weeks since the July 17 council meeting, Council Members Holmes, Gibson, Fulcher, and I have worked together to provide improved versions of the proposed ordinances for the council's consideration. Council Member Holmes and I propose that the council adopt versions of the amended ordinances that are included in the council packet and that are each labeled DRAFT A. Council Members Gibson and Fulcher favor alternative versions that are included and that are labeled DRAFT B.

The differences between the two versions of 628 are apparent on their face.

The difference between the two versions of 629 is less obvious. The difference is in the last sentence of section 1. The Holmes-Farnsley version, DRAFT A, provides that the council shall fund the capital budget annually from the city's revenues and/or its accumulated surplus. The Fulcher-Gibson version provides that funds come only from revenues.

**CITY OF PROSPECT
ORDINANCE NO.628, SERIES 2023**

AN ORDINANCE ESTABLISHING A CAPITAL INVESTMENT PROJECTS FUND

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

WHEREAS, the purpose of this ordinance is to establish a Capital Investment Projects Fund (~~CFI~~) (**CPF**) to promote and facilitate capital investments projects in the City of Prospect.

WHEREAS, the ~~CFI~~ **CPF** 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 Projects Fund (**CPF**) as a separate and committed fund within the city's treasury that shall be used exclusively for capital and related expenditures outlined in this ordinance. **The city council shall fund the CPF annually at a minimum rate of 3% of projected revenue, and these funds shall be drawn from the city's revenues and/or accumulated surplus.**

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

- a. Infrastructure development and public improvements, such as parks and recreation facilities including roads, bridges, utilities, the purchase of property, real and equipment and public facilities.
- b. Public improvement programs, such as parks and recreation facilities, community centers, and cultural amenities. **Technological advancements and digital infrastructure initiatives.**
- c. ~~Technological advancements and digital infrastructure initiatives.~~
- c. Environmental sustainability projects, including renewable energy, waste management, and conservation efforts.
- d. 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 **at the beginning of each calendar year, and present to the city council as part of the annual budget message, a listing of proposed capital projects expenditures for the next fiscal year and beyond, if applicable to the city council.** For each proposed capital project expenditure, the mayor shall provide:

- a. **Provide** the reason(s), including data, why the ~~for the~~ proposed capital project ~~is needed or desired~~ **together with supporting data to explain why the proposed capital**

- ~~project is needed or desired.~~
- b. ~~Proposed~~ A list of proposed sources of funding, if any.
- c. ~~An schedule for the~~ estimate of the timing of the project(s).

Section: 4. The city council shall ~~act on the proposed capital projects within one regular council meeting~~ consider any proposed capital budget ordinance or proposed amended budget ordinance in the same manner it considers the proposed general fund budget ordinances.

First Reading this 20th day of June, 2023.

Second Reading this ____ day of _____, 2023.

Passed by a vote of ____ aye and ____ nays of the City Council.

APPROVED:

ATTEST:

Douglass Farnsley
Mayor, City of Prospect

John S. Carter
City Clerk

**CITY OF PROSPECT
ORDINANCE NO.628, SERIES 2023**

**AN ORDINANCE ESTABLISHING A CAPITAL INVESTMENT ~~PROJECTS~~ 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 ~~Projects~~ Fund (~~CFI~~) [CPF] to promote and facilitate capital investments projects in the City of Prospect, and;

WHEREAS, the ~~CFI~~ CPF 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 ~~Projects~~ Fund [CPF] as a separate and **COMMITTED** fund within the city's treasury that shall be used exclusively for capital and related expenditures outlined in this ordinance. **The city council shall fund the CPF annually at a minimum rate of 3% of projected annual revenue.**

Section 2. The ~~CFI~~ CPF funds shall be used **exclusively** for projects with ~~a total~~ **an estimated** cost exceeding \$50,000 that meet the following purposes:

- a. Infrastructure development and **public** improvements, **such as parks and recreation facilities** including roads, bridges, utilities, and public facilities **the purchase of property, both real and equipment.**
- b. ~~Public improvement programs, such as parks and recreation facilities, community centers, and cultural amenities~~ **Technological advancements and digital infrastructure initiatives.**
- c. ~~Technological advancements and digital infrastructure initiatives~~ **Environmental sustainability projects, including renewable energy, waste management, and conservation efforts.**
- d. ~~Environmental sustainability projects, including renewable energy, waste management, and conservation efforts~~ **Any other capital investments that align with the City of Prospect's long-term development goals as determined by the city council.**
- 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 **at the beginning of each calendar year, and present to the city council as a part of the annual budget message, a listing of proposed capital projects expenditures to the city council. f o r the next fiscal year and beyond, if applicable.** For each proposed capital project **expenditure**, the mayor shall ~~provide:~~

- a. **Provide the reason(s), for the proposed capital project, including together with supporting data, to explain** why the proposed capital project is needed or desired.

- b. A list of proposed sources of funding, if any.
- c. An estimate of the timing schedule for the of each project(s).

Section: 4. The city council shall ~~act on the proposed capital projects within one regular council meeting~~ consider any proposed capital budget ordinance or proposed amended budget ordinance in the same manner it considers the proposed general fund budget ordinances.

First Reading this 20th day of June, 2023.

Second Reading this _____ day of _____, 2023.

Passed by a vote of _____ aye and _____ nays of the City Council.

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 ~~PROJECT~~ 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 ~~Project~~ Fund ~~[CIF]~~ [CPF] budget process pursuant to city Ordinance ~~626~~ **628**, Series 2023, and;

WHEREAS, the creation of the ~~CIF~~ **CPF** 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~~ **\$80,960** surplus has also been projected for the 2022-2023 fiscal year, bringing the accumulated surpluses for 2012 through 2023 to ~~\$2,993,087~~ **\$2,834,521**; 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~~ **had** 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~~ **\$180,000** of the city's unreserved surplus to the city's capital investment ~~project~~ fund.

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

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

SECTION 2: The ~~CIF~~ **CPF** shall initially be funded by the transfer of ~~\$205,000~~ **\$180,000** from the city's unreserved surplus and shall thereafter be funded by ordinance from the city's **revenues and/or its** unreserved accumulated surplus;

SECTION 3: Pursuant to the authority granted by Prospect City Ordinance No. ~~626~~ **628**, Series 2023, the city council hereby makes the following appropriations to the ~~CIF~~ **CPF** 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 August, 2023

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

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk

DRAFT

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

**AN ORDINANCE ESTABLISHING A BUDGET AND INITIAL FUNDING FOR THE CAPITAL INVESTMENT
PROJECT 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~~ **determined that it is prudent for the city to initiate funding of the city's** a Capital Investment ~~Project~~ **Project** Fund [CIF] **[CPF]** ~~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~~ **CPF** shall be created on the financial books and records for capital financial operations for the City of Prospect;

SECTION 2: The ~~CIF~~ **CPF** shall initially be funded by the transfer of ~~\$205,000~~ **\$200,000 of the projected revenue in the 2023-2024 budget ordinance, as approved or amended,** from the city's ~~unreserved surplus general fund~~ and shall thereafter be funded by ordinance ~~from the city's unreserved accumulated surplus;~~ **in accordance with Ordinance 628, Series 2023.**

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

DRAFT

MAYOR'S MESSAGE REGARDING THE PROPOSED CAPITAL PROJECTS BUDGET AND REGARDING A PROPOSED AMENDED OPERATING BUDGET

Prospect remains on a solid financial footing. We finished the fiscal year 2022-2023 with an approximate \$80,000 surplus, and as of today (August 17th), our current cash on hand exceeds \$3.4M (\$3,368,281).

The city holds a \$1,000,000 CD through Republic Bank. The city has also invested \$1,950,000 in two funds through the Kentucky League of Cities. Thus, the city's invested funds total \$2,950,000. The council and I have the benefit of receiving excellent advice from the city's investments committee, and the city has made sound investments that are producing a good return.

The proposed capital projects budget offers a different type of investment -- a substantial investment in a stream crossing bridge in Harrods Creek Park. The proposed amended operating budget includes yet another type of investment, this one in our police officers and other employees. Our citizens do not pay their taxes with the expectation that we will amass an impressive portfolio. Rather, they expect us to invest in their city to help ensure that they remain safe and to invest in our parks and other infrastructure. In my view both the proposed capital projects budget and the proposed amended operating budget provide a good and prudent balance between these different types of investments.

The change we have implemented in the city's recycling service will produce a savings to the city in this fiscal year of \$171,000. This substantial savings has led me to propose an amended operating budget ordinance.

The changes in the revenue section of the amended operating budget will be:

1. Eliminating the \$15,446 deficit that the existing budget contemplated. Thus, we will not need to draw any funds from the city's unreserved surplus as the proposed amended budget will produce a surplus.
2. Reducing revenue line 4407 from \$36,300 to \$7,500. We inadvertently included in the revenue section of the budget the \$36,000 loan from reserves for the stream crossing bridge. Those funds should not have been included since the budget did not include funding for the bridge. Another change to this line item is that we now know that the city will be receiving \$6,000 from our soil and water conservation grant and have already received \$1,200 from the state opioid settlement so those funds will be added to line item 4407.
3. The proposed amended budget erases the deficit and projects a surplus of \$72,640.

The **changes in expense items** are:

1. Decrease line 7611 item for trash and recycling. The new figure based on the change in recycling will be approximately \$786,000 (this figure takes into account the higher amount we paid in July and will be paying in August. We can expect that the amount that we will budget in fiscal year 2024-25 and for the following two years will be approximately \$745,000.
2. An increase in pay for city employees appears at lines 5111, 6111, and 7111. I propose to pay a retention pay incentive to city employees who were employed by the city during Covid and who are still employed by the city. For individuals who were employed by the city during Covid and who are still employed by the city, we would pay \$2,500 in retention pay incentive to full time employees and \$1,250 to part time employees. In next year's budget, I will ask for funds to make similar payments to those same employees who are still with the city at that time. The total for retention pay in the proposed amended budget is \$35,000. I had originally planned to ask for funds to pay premium pay as authorized by Congress during the Covid emergency. However, the ability of cities to make those payments ended in April 2023. My interest in considering premium pay came about when a member of the council asked us to obtain salary information from peer cities and we learned that Douglass Hills, Middletown, Jeffersontown, and St. Matthews had each paid premium pay to their employees. At my request, John has made further inquiries and has learned that the following additional cities have paid premium pay to their employees: LaGrange, Lyndon, Eminence, Indian Hills, Lebanon Junction, Meadow Vale, New Castle, Shepherdsville, Shively, and Louisville.
3. Line 5911. I recommend that we increase our liability insurance from a limit of \$2M to a limit of \$10M. The current premium is \$38,558, and the new premium for \$10M in coverage would be \$45,512. Thus, the increase in cost would be \$6,954.
4. I have also proposed adding \$25,000 to legal expenses at line 5723.
5. I propose adding an additional \$5,000 to Community Development Projects at line 8111. I anticipate the city may sponsor additional activities not considered when creating the budget, such as a Halloween event and a celebration of the 50th anniversary of the city's founding.

Other items in the proposed amended budget change dollar amounts to reflect more accurately what we now know. Collectively, these items would lead to a net decrease of \$22,476 in expenditures:

1. Line 5121 workers comp for administrative employees should be reduced from \$6,200 to \$637.
2. Line 5912 property insurance should be increased from \$4,500 to \$7,292.

3. Line 5913 cyber/crime liability should be increased from \$1,850 to \$1,854.
4. Line 6120 police workers comp should be decreased from \$44,000 to \$28,819.
5. Line 7120 public works workers comp should be decreased from \$12,500 to \$7,972.

**CITY OF PROSPECT, KENTUCKY
ORDINANCE NO. 630, SERIES 2023**

**AN ORDINANCE AMENDING THE 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 amended as follows:

REVENUE

| INCOME SOURCE | ORIGINAL BUDGET Ord. No. 625, Series 2023 | AMENDED BUDGET | CHANGE |
|---------------------------------|--|--------------------|------------------|
| Ad Valorem Property Tax | \$1,830,000 | \$1,830,000 | \$0 |
| Insurance Premium Tax | \$1,435,000 | \$1,435,000 | \$0 |
| Other revenues | [\$419,150] | \$390,350 | -\$28,800 |
| Rollover of municipal road aid | \$175,000 | \$175,000 | \$0 |
| Transfer from existing reserves | [\$15,446] | \$0 | -\$15,446 |
| TOTAL REVENUES | [\$3,874,596] | \$3,830,350 | -\$44,246 |

EXPENDITURES

| | ORIGINAL BUDGET Ord. No. 625, Series 2023 | AMENDED BUDGET | CHANGE |
|-----------------------------|--|-------------------|------------------|
| City Administration | [\$857,274] | \$904,747 | +\$47,473 |
| Capital Outlay | \$9,250 | \$9,250 | \$0 |
| Community Development | \$44,650 | \$49,650 | \$5,000 |
| Total Administration | [\$911,174] | \$963,647 | +\$52,473 |

| | ORIGINAL BUDGET Ord. No. 625, Series 2023 | AMENDED BUDGET | CHANGE |
|---------------------|--|--------------------|------------------|
| Police Department | [\$1,042,399] | \$1,055,044 | +\$12,645 |
| Capital Outlay | \$28,500 | \$28,500 | \$0 |
| Total Police | [\$1,070,899] | \$1,083,544 | +\$12,645 |

| | ORIGINAL BUDGET Ord. No. 625, Series 2023 | AMENDED BUDGET | CHANGE |
|---------------------------|--|--------------------|-------------------|
| Public Works | [\$569,108] | \$574,404 | +\$5,296 |
| Solid Waste | [\$959,000] | \$788,700 | -\$170,300 |
| Landscape Maintenance | \$275,500 | \$275,500 | \$0 |
| Parks & Tree Management | \$88,915 | \$71,915 | -\$17,000 |
| Total Public Works | [\$1,892,523] | \$1,710,519 | -\$182,004 |

| | ORIGINAL BUDGET Ord. No. 625, Series 2023 | AMENDED BUDGET | CHANGE |
|--|--|---------------------------|--------------------------|
| TOTAL EXPENDITURES | [\$3,874,596] | <u>\$3,757,710</u> | <u>-\$116,886</u> |
| UNAPPROPRIATED SURPLUS | <u>\$0</u> | <u>\$72,640</u> | <u>+72,640</u> |
| <u>PROJECTED ENDING BALANCE - JUNE 30, 2024</u> | | | <u>\$72,640</u> |

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

First Reading this 21st day of August 2023

Second Reading this _____ day of _____, 2023

Passed by a vote of _____ aye and _____ nay of the City Council

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk

**CITY OF PROSPECT
ORDINANCE NO. 631, SERIES 2023**

**AN ORDINANCE RELATING TO THE REGULATION OF SOLAR INSTALLATIONS AND CREATING
A NEW CHAPTER 162 OF THE CITY OF PROSPECT CODE OF ORDINANCE FOR THAT PURPOSE**

WHEREAS, the Prospect City Council is concerned about the property values in the city as well as the public health and safety of its citizens and the enforcement of city ordinances; and

WHEREAS, the city desires to establish a regulation requiring compliance with city ordinances relating to the safe, well-designed solar power installations in the city, with such authority promulgated in the general police power of the city under KRS 82,082, as well as under the authority of the Kentucky Revised Statutes Chapter 198B allowing local enforcement of Kentucky Building Code and finally the authority given the city under KRS 381.770 to enact regulations restricting nuisances,

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

SECTION 1: A new section, Chapter 162 of the City of Prospect Code of Ordinances is hereby created to read as follows:

§162.01 REQUIREMENTS FOR SOLAR PANEL INSTALLATIONS.

(A) Review and application

- (1) Purpose. The purpose and intent of this section is to allow the use of solar energy within the city as a clean, alternative energy source, and to provide regulations that will protect public health, safety, and welfare. Therefore, no person shall construct, erect, maintain, extend, or remove a solar collector or solar energy system in the residentially zoned sections of the city without compliance with the provisions of this section.
- (2) Application. Residential solar installations require a letter of compliance from the city. An application for a letter of compliance shall include the following:
 - (a) Applicant shall file with the City Clerk an application on a form prescribed by the city and pay the filing fee of \$300.
 - (b) The application shall include photographs of the property's existing conditions, including renderings or catalog cuts of the proposed solar energy system. A plot/sketch plan to indicate the elevation of where the solar energy system is to be installed on the building and include property setbacks and the total solar collector surface area.
 - (c) For pitched roof-mounted solar systems, the elevation must show the highest finished height of the system and the height of the finished roof surface on which it is mounted.
 - (d) For flat roof-mounted solar energy systems, the elevations shall show the highest finished height of the system and the highest point of the roof, including any parapets on the building.

(B) Design

(1) Design regulations

- (a) Ground-mounted solar energy systems are prohibited in residential use districts, only roof-mounted collectors are allowed.

- (b) No permit shall be issued until a plan of such device(s) showing the location, material, and type of construction is delivered to and approved by the Mayor or his or her designee, and such location thereof is in keeping with and does not detract from the surrounding neighborhood, and is located so as not to be installed on the primary residence's roofline facing the street or seen from the primary residence's street address facade.
- (c) Any appurtenant equipment shall be set back a minimum of 15 feet from all property lines and a minimum of 30 feet from all dwellings located on adjacent lots. Roof-mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
- (d) Solar collectors shall be flush mounted on pitched roofs. Solar collectors may be bracket mounted on flat roofs. Solar collectors may only be mounted on lawfully permitted principal or accessory structures.
- (e) All solar energy systems shall use colors that blend with the color of the roof or other structure. Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.
- (f) The electrical lines connecting to the system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
- (g) No signage or graphic content may be displayed on the solar collection system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.
- (h) Standards and certification. Solar energy systems shall meet the minimum standards outlined by the National Electric Code (NEC), Institute of Electrical and Electronics Engineers (IEEE) and the Underwriters Laboratory (UL) or other standards as determined by the Planning Commission. Solar energy systems shall be certified by Underwriters Laboratories, Inc. All grid-connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility.
- (i) If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and constitute a public nuisance. The owner shall remove any abandoned system at their expense. Removal includes the entire structure including transmission equipment.

§162.02 PENALTIES

- (A) Any person who violates any provision of this Ordinance shall be fined not less than \$100.00 nor more than \$500. Any continuing violation of this Ordinance shall be considered a separate and distinct offense on each day a violation occurs or continues, and a separate penalty may be imposed.

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

First Reading this 21st day of August 2023

Passed on Second Reading this _____ day of _____ 2023.

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

APPROVED:

ATTEST:

Douglass Farnsley
Mayor

John S. Carter
City Clerk