

COMMONWEALTH OF KENTUCKY
CITY OF PROSPECT
CITY COUNCIL REGULAR MEETING
Monday, September 18, 2023, 7:00 p.m.
AGENDA

CALL TO ORDER

- Chair: Mayor Doug Farnsley

APPROVAL OF MINUTES

- Approval of Minutes of August 21, 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 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.
- Second 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.

NEW BUSINESS

- **Municipal Order 3, Series 2023**: AN ORDER CONSENTING TO THE NOMINATION BY MAYOR OF TODD EBERLE, OF THE CITY TO SERVE ON THE CITY OF PROSPECT ETHICS COMMISSION AND AFFIXING A TERM OF OFFICE THERETO.

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

August 21, 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 6:15 p.m.

Executive Session

- Council Member Evans moved to begin an executive session to discuss proposed or pending litigation pursuant to KRS 31.810(1)(c), seconded by Council Member Fulcher, and the motion passed unanimously. The council entered executive session at 6:17 p.m.

The council reconvened in regular session at 7:00 p.m. with no action having been taken in the executive session.

Adjournment: Council Member Evans moved to adjourn, seconded by Council Member Clark, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 7:01 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

August 21, 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; City Clerk John S. Carter

Participating Remotely: Director of Public Works Ron Cundiff

Call to Order

Mayor Farnsley called the meeting to order at 7:07 p.m.

Approval of Minutes:

Council Member Clark moved to approve the minutes of July 17, 2023, and August 3, 2023 council meetings, as amended, seconded by Council Member Holmes, and the motion passed unanimously.

Comments from Citizens

- Ms. Alice Gunnison on behalf of the Wolf Pen Preservation Association informed the city that she had been informed that Louisville Metro Planning and Design had not approved the re-zoning request for the proposed construction of mini warehouses at 7800 US Hwy 42.
- Resident and Developer for the Breakers subdivision, Stephanie Gilezan, requested that the city pass legislation requiring builders to have their building plans approved by the neighborhood developer before the city issues a building permit.
- Resident and Parks and Recreation Advisory Committee Chair Linda Wardell spoke of the importance of city investments in park amenities and recommended that the city council pass versions A of ordinances 628 and 629 and pass the amended budget ordinance 630.
- Resident Bob Jacobs spoke against the proposed development of mini warehouses at 7800 US Hwy 42 and against the proposed Harrods Creek Park bridge funding. Additionally, he recommended that the city council pass the amended budget ordinance 630.
- Resident Lynn Granger spoke of his experience in the development of Prospect's parks and recommended that the council fund the proposed Harrods Creek Park bridge project and pass amended budget ordinance 630.
- Resident Brian Riddle complimented the city's employees and police department and recommended that the city council pass the amended budget ordinance 630.
- Resident Terry Seelow complimented the city's employees and police department and recommended that the city council pass the amended budget ordinance 630. Mr. Seelow also favored Ms. Gilezan's recommendation that the city to pass legislation that would require builders to have their plans approved by developers before the city issues a building permit.
- Resident Kathie Sauer spoke of her and her family's enjoyment of Prospect's parks and complimented the Public Works department's upkeep of the parks. She recommended that the

council fund the Harrods Creek Bridge project in its new capital projects budget and increase city employee pay.

Mayor's Report

- The mayor presented his budget message for the amended 2023/2024 General Fund Budget Ordinance 630, Series 2023. The city continues to be on a strong financial footing and ended its last fiscal year with a surplus. The city currently has approximately \$3.4 million of cash on hand, of which \$1 million is invested in a certificate of deposit and \$1.95 million is invested with the Kentucky League of Cities Investment Pool. The proposed amended 2023/2024 general fund budget will change the existing budget that is forecast to reduce the city surplus by approximately \$50K to one that forecasts an approximate \$70K budget surplus.
- The new proposed capital projects budget will fund an investment in a Harrods Creek Park bridge, a park amenity that will serve the community for many decades.

Financial Report

- The City Clerk presented a synopsis of the city's current finances through July 2023.
 - Cash on hand, which includes a checking account and three certificates of deposit [CD], totaled approximately \$3 million.
 - The city's CD investments have earned approximately \$60K since February 2023.
 - The city's revenue for July totaled approximately \$94K and expenditures totaled approximately \$331K.
 - Restricted Road Fund revenue totals approximately \$156K.

Commission and Board Reports

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

- The August board meeting focused on identifying tree trimming and removal needs on city-owned property along Bridgepointe Blvd., Timber Ridge Dr., Hunting Creek Dr., Harrods Creek Park and Putney Park.
- The board decided on a selection of trees that will be made available during this fall's Arbor Fest.
- The board voted for the city to provide Hunting Creek Country Club [HCCC] with a canopy tree that HCCC will plant with their own staff.
- Board Member Connie Kuhn polled the opinions of prior recipients of canopy trees and received a positive response from those who replied.

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.

- The fox family chainsaw statute in Little Hunting Creek Park has proven to be very popular.
- The Most Wanted Band performance at the John Evans Pavilion on August 6th was well attended. The final performance of this year's concert series will be The Sheryl Rouse Band scheduled for 6:30 pm on September 10th.

- The Racing Louisville FC club is sponsoring “Prospect Day” on Friday, September 15th. The event includes a meet and greet with the players at the end of the game. Tickets are available to residents at a discounted rate of \$8.
- Park volunteers will be planting a pollinator garden in the meadow of Harrods Creek Park this autumn.
- The committee is currently accepting student member applications through August 25, 2023.

Police Report:

Police Chief Sherrard reported :

- The details of the written report on arrests and call responses were presented.
- Housewatch requests continue to increase over last year’s numbers.

Unfinished Business

- Council Member Clark 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 Hines.
 - Council Member Holmes moved to amend the proposed ordinance language in accordance with “Draft A” distributed to the council, seconded by Council Member Clark. Following a discussion, a roll call vote was held: **Yea:** Clark, Evans, Fulcher, Hines, Holmes. **Nay:** Gibson. The motion passed 5 – 1.

A roll call vote was held on passage of **Ordinance No. 628, Series 2023**, as amended: **Yea:** Clark, Evans, Fulcher, Gibson, Hines and Holmes **Nay:** None. The motion passed 6 – 0.

- Council Member Clark moved for a second reading of **Ordinance No. 629, Series 2023**, AN ORDINANCE ESTABLISHING A BUDGET FOR THE CAPITAL PROJECTS FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024, seconded by Council Member Holmes.
 - Council Member Fulcher moved to amend the proposed ordinance language in accordance with "Draft B" distributed to the council, seconded by Council Member Gibson. Following a discussion, a roll call vote was held: **Yea:** Fulcher, Gibson. **Nay:** Clark, Evans, Hines, and Holmes. The motion failed by 2 – 4.
 - Council Member Holmes moved to amend the proposed ordinance language in accordance with "Draft A" distributed to the council, seconded by Council Member Clark. Following a discussion, a roll call vote was held: **Yea:** Clark, Evans, Hines, and Holmes. **Nay:** Fulcher, Gibson. The motion passed by 4 – 2.

A roll call vote was held on the passage of **Ordinance No. 629, Series 2023**, as amended: **Yea:** Clark, Evans, Hines, and Holmes. **Nay:** Fulcher, Gibson. The motion passed by 4 – 2.

New Business

- Council Member Fulcher moved to authorize 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 v. Louisville Metro Council, et al., seconded by Council Member Evans. A roll call vote was held: **Yea:** Clark, Evans, Fulcher, Gibson, Hines and Holmes **Nay:** None. The motion passed 6 – 0.
- Council Member Evans moved for a 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, seconded by Council Member Holmes. A roll call vote was held: **Yea:** Clark, Evans, Fulcher, Gibson, Hines and Holmes. **Nay:** None. The motion passed 6– 0.

- Council Member Clark moved for a first reading of **Ordinance 631, Series 2023, AN ORDINANCE RELATING TO THE REGULATION OF SOLAR INSTALLATIONS AND CREATING A NEW CHAPTER 162 OF THE PROSPECT CODE OF ORDINANCES FOR THAT PURPOSE**, seconded by Council Member Evans.
 - Council Member Fulcher moved to amend the proposed ordinance language by adding “commercial” to section (A)(2) and eliminating section (B)(f), seconded by Council Member Holmes. Following a discussion, a roll call vote was held: **Yea:** Clark, Evans, Fulcher, Gibson, Hines and Holmes. **Nay:** None. The motion passed 6– 0.
 - Council Member Fulcher moved to amend the proposed ordinance language to eliminate Section 2. The motion failed for lack of a second.

A roll call vote was held on the first reading of **Ordinance No. 631, Series 2023**, as amended: **Yea:** Clark, Evans, Fulcher, Gibson, Hines, and Holmes. **Nay:** None. The motion passed by 6 – 0.

Adjournment: Council Member Evans moved to adjourn, seconded by Council Member Hines, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 8:24 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.



Prospect Police Department

Report Summary for AUGUST 2023

❖ *Arrests*

- ◆ Aug 28: (100) Possession of drugs and paraphernalia
- ◆ Aug 02: (450) Fugitive from another state
- ◆ Aug 02: (576) Fugitive

❖ *Call Response Reports*

- ◆ Aug 24: (096) Attempted I.D. theft
- ◆ Aug 12: (091) Harassment
- ◆ Aug 06: (694) Altercation at local restaurant

❖ *Code Enforcement Reports*

Twenty-one permits were issued in August. Other August issues included:

- ◆ Jet Ski in driveway
- ◆ Dumpster on the roadway
- ◆ Overgrown weeds and ivy on house and in gutters
- ◆ Trees overhanging roadway
- ◆ Car in front yard
- ◆ Noise from next door remodel

❖ *Felony Reports*

- ◆ Aug 13: (092) TBUT Auto
- ◆ Aug 06: (090) TBUT from Auto

❖ *Field Information Reports*

- ◆ Aug 14: (729) Drug / theft / robbery / burglary
- ◆ Aug 05: (691) Suspicious activity, possible breakin
- ◆ Aug 03: (680) Homeless person walking through city on the way to Prestonburg

❖ *JC3 Reports*

- ◆ Aug 05: (089) Domestic violence (See Misdemeanor same date/report number)

❖ *Misdemeanor Reports*

- ◆ Aug 30: (103) Theft by deception. 7/11/23 to 8/23/23
- ◆ Aug 27: (100) Harassment – physical contact. No injury
- ◆ Aug 05: (089) Assault (See JC3 same date/report number)

❖ *Total Assists Outside of Prospect – 0*

❖ *Total Citations/Warnings other than Arrests – 8*

❖ *Total Collisions – 11, including 2 injury collisions*

❖ *Total People Fingerprinted – 2, including 1 non-resident = \$20*



Prospect Police Department

Monthly Report of Police Activities

AUGUST, 2023

Activity	2023	2022
➤ House Checks	1437	1499
➤ Traffic Activity		
Citations / Warnings Issued	8	15
¹ Moving Hazardous Violations	5	3
² Registration/License/Insurance	3	1
³ Parking Violations	0	0
⁴ Other	5	0
Total Charges	13	4
Non-Injury Accidents	9	8
Injury Accidents	2	3
Citizen Assists	7	8
➤ Reports		
Misdemeanor Reports	3	0
Felony Reports	2	3
Call Responses	3	8
Arrests	3	
➤ Calls For Service		
Dispatched Runs	118	103
Officer Initiated Runs	112	240
Burglary/Robbery/Fire Alarms	19	9
includes these false alarms	18	7
➤ Code Enforcement Citations	0	0

**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]	<u>\$390,350</u>	-\$28,800
Rollover of municipal road aid	\$175,000	\$175,000	\$0
Transfer from existing reserves	[\$15,446]	<u>\$0</u>	-\$15,446
TOTAL REVENUES	[\$3,874,596]	<u>\$3,830,350</u>	-\$44,246

EXPENDITURES

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

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

	ORIGINAL BUDGET Ord. No. 625, Series 2023	AMENDED BUDGET	CHANGE
Public Works	[\$569,108]	<u>\$574,404</u>	+\$5,296
Solid Waste	[\$959,000]	<u>\$788,700</u>	-\$170,300
Landscape Maintenance	\$275,500	\$275,500	\$0
Parks & Tree Management	\$88,915	\$71,915	-\$17,000
Total Public Works	[\$1,892,523]	<u>\$1,710,519</u>	-\$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. Commercial and 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)~~ (f) 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)~~ (g) 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)~~ (h) 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

**CITY OF PROSPECT, KENTUCKY
MUNICIPAL ORDER NO. 3, SERIES 2023**

**AN ORDER CONSENTING TO THE NOMINATION BY THE MAYOR OF CITIZEN OF THE CITY TO SERVE ON
THE CITY OF PROSPECT ETHICS COMMISSION AND AFFIXING TERM OF OFFICE THERETO**

WHEREAS, the City Council of the City of Prospect has established an Ethics Commission to review financial disclosures from city officials and employees, to hear and investigate ethics complaints and render advisory opinions concerning the ethics ordinance of the City of Prospect; and

WHEREAS, Chapter §38.06 of the City of Prospect Code of Ordinances, adopted November 21, 1994, provides for 3 citizens, who have been a resident of the city for at least one year prior to their appointment, to serve on the Ethics Commission, and

WHEREAS, Chapter §38.06 establishes the procedure for appointing members to the Ethics Board; and

WHEREAS, a member of the Ethics Board has resigned creating a vacancy; and

WHEREAS, Mayor Farnsley nominates the following to serve the remaining term as set forth herein, beginning September 18, 2023:

- Todd Eberle is to serve a term ending on December 31, 2024, and

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF PROSPECT, KENTUCKY:

The City Council of the City of Prospect, Kentucky consents to the mayor's nomination to fill the above-stated position on the City of Prospect Ethics Commission for the term as stated.

PASSED AND APPROVED THIS 18th day of September 2023.

Attest:

Douglass Farnsley
Mayor, City of Prospect, Kentucky

John S. Carter
City Clerk