

COMMONWEALTH OF KENTUCKY  
CITY OF PROSPECT  
CITY COUNCIL REGULAR MEETING

April 17, 2023, 7:00 p.m.

AGENDA

CALL TO ORDER

- Chair: Mayor Doug Farnsley

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APPROVAL OF MINUTES

- Approval of Minutes of the City Council Meeting on March 20, 2023

RUMPKE DISCUSSION

COMMENTS FROM CITIZENS

MAYOR'S REPORT

- Mayor's update on City matters

FINANCIAL REPORT

COMMISSION & BOARD REPORTS

- Forestation Board

OTHER REPORTS

- Parks & Recreation Advisory Committee

POLICE REPORT

UNFINISHED BUSINESS

NEW BUSINESS

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

ADJOURNMENT

This meeting will be conducted in part via WebEx and live-streamed to YouTube here:  
[https://www.youtube.com/channel/UCDMvzIGZUk\\_tpL2HXSagU7w](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

**March 20, 2023**

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

**Participating Remotely:** City Attorney F. Chris Gorman, 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 February 21, 2023, regular council meeting, seconded by Council Member Gibson, and the motion passed unanimously.

## **Comments from Citizens**

None

## **Mayor's Report:**

- The mayor welcomed Boy Scout Troop 109 from St. Francis of Assisi Church to the council meeting.
- The Little Hunting Creek Park [LHCP] is close to completion except for the placement of the crumb-rubber surface to the playground and storm damage repair to the park pavilion.
- Shakespeare in the Parks will be presenting Hamlet in the new LHCP pavilion on April 30, 2023, at 2 pm.
- On March 3, 2023, the city incurred wind damage to property and trees throughout the city. The police department removed several downed trees blocking roadways that evening. On Saturday, March 4<sup>th</sup> the Director of Public Works evaluated damage throughout the city. The following week repairs of various storm damage and the clearing of downed trees from roadways and park trails were completed.
- The city has made initial investments in three certificates of deposits of \$1 million dollar each with laddered maturity dates of 13 weeks, 26 weeks, and 1 year. The city investment committee is comprised of Chairman and Council Member Graeter, Council Member Gibson, and residents Bill Brabb and Dennis Riggs. An investment committee meeting is planned to occur in the next few weeks.
- A budget committee will soon be established to begin discussions and formulation of the 2023/2024 budget.

## **Financial Report**

- The City Clerk presented a short synopsis of the city's current finances through February 28, 2023.

- Cash on hand, which includes a checking account and three certificates of deposit [CD], totaled approximately \$3.8 million, of which \$1.8 million is held in reserve for future state pension obligations.
- The city's CD investments earned approximately \$9,000 in interest this month.
- Year-to-date revenue totals approximately \$3 million.
- Restricted Road Fund revenue totals approximately \$234,000.
- Budget items to watch closely include the litigation expense and tree maintenance expenses related to the March 3<sup>rd</sup> storm damage.

### **Commission and Board Reports**

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

- The Arbor Day Foundation recently designated Prospect a 2022 Tree City, a designation it has earned every year since 2008.
- The canopy tree program received six requests for larger-size trees. These trees are to be planted towards the end of March or the beginning of April, weather permitting.
- The board recently approved the city's tree-planting plan for the LHCP. There are a total of ten trees to be planted in the park.
- The board is reviewing the city's forestation board ordinance for possible revisions and expects this process to be completed soon.
- The board is evaluating several Bradford Pear trees in The Landings to determine if they are hazardous.
- A resident of Gunpowder Court has requested the board to evaluate some potentially hazardous pine trees around their property.
- A Fox Harbor resident has contacted the board to evaluate some trees that might be hazardous.

### **Other Reports**

On behalf of the Parks and Recreation Advisory Committee, Council Member Holmes reported:

- A plan for planting shrubbery around the LHCP parking area and picnic area has been created.
- There are plans to expand and extend the LHCP sidewalk towards Fox Harbor.
- The children's craft event held on March 11<sup>th</sup> in the library was a big success and was attended by several children with their parents and grandparents. The next craft event will be for creating tie-dye art and will be promoted to residents of all ages.
- There are two spring wildflower walks scheduled for Hunting Creek Park, the first on April 2<sup>nd</sup> at 1 pm and the second on April 16<sup>th</sup> at 1 pm.
- The inaugural event for the LHCP pavilion will be Shakespeare in the Parks production of Hamlet on April 30<sup>th</sup> at 2 pm. There are plans to host many more events in the pavilion in the upcoming months and throughout the year.
- The city's preliminary plans and design for the Putney Pond boardwalk have been submitted to the Kentucky Heritage Land Conservation Fund Board for their approval.

### **Police Report:**

Police Chief Sherrard reported:

- The details of the written report on arrests and call responses were presented.

**Unfinished Business**

None

**New Business**

- Architect Joshua Gedney of Encompass Design and Builder Wes Johnson of Wescott Construction presented an application from Gustavo’s Mexican Grill Prospect, LLC of a detailed building plan and request for a variance from Prospect Ordinance Title XV: Land Usage, §150.56(c)(1)(a) to allow for use of EIFS Stucco as the principal material for all exterior walls.
  - Council Member Evans made a motion to grant a variance from Prospect Ordinance Title XV: Land Usage, §150.56(c)(1)(a) to allow of use of EIFS Stucco in the building’s design, seconded by Council Member Hines. Council Members Evans and Hines withdrew their motion after council deliberations.
    - The council had discussions on the proposed building’s design and the merits of the motion for a variance and came to a consensus that the city should work with Gustavos to if an agreement can be reached on an acceptable building design.
- Council Member Holmes moved to adopt **Resolution 3, Series 2023: A RESOLUTION ADOPTING KENTUCKY PUBLIC EMPLOYEES’ DEFERRED COMPENSATION AUTHORITY JOINDER AGREEMENT**, seconded by Council Member Graeter. A roll call vote was held: **Yea:** Evans, Fulcher, Gibson, Graeter, Hines, and Holmes. **Nay:** None

**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 7:56 p.m.

Prepared by:

Approved:

\_\_\_\_\_  
**John S. Carter**, City Clerk

\_\_\_\_\_  
**Douglass Farnsley**, Mayor

*This meeting was live-streamed on YouTube.*

## **Forestation Board Report, April 2023**

**The Forestation Board has been busy.**

**The update of ordinance NO 484, Series 2007 (established the Forestation Board and governs its operation) has been completed and reviewed by the city attorney and mayor and is ready to be presented to council. A major improvement is being made in the ability of the city to collect fines from builders and other violators.**

**The City Tree Plan for 2003 has been prepared and is being submitted to council. It features continuation of the Canopy and Memorial tree programs, Arborfest and joint efforts with Parks along with further publicity for tree programs.**

**Hazardous tree concerns and issues have been and are being addressed at locations in Bridgepointe, The Landings and three locations in Fox Harbor. A particular problem exists in The Landings where many Bradford Pears were planted years ago. Bradfords are inherently weak and become hazardous as they age.**

**Bradford Pears and cottonwoods are being added to the list of trees not acceptable for planting along city streets.**

**The spring Canopy Tree program resulted in five trees being ordered with planting scheduled for April 14.**

**Because of ongoing construction in Little Hunting Creek Park, a Jordan Street Oak ordered as Memorial tree was instead designated as a signature tree for placement in the large entrance area of Hunting Creek Drive.**

## CHAPTER 97: TREES AND FORESTATION

### Section

- 97.01 Definitions
- 97.02 Creation of Forestation Board
- 97.03 Term of office of Forestation Board
- 97.04 Compensation
- 97.05 Duties and responsibilities of the Forestation Board/City Tree Plan
- 97.06 Operation of Forestation Board
- 97.07 Native and non-native tree species permitted or prohibited
- 97.08 Spacing of street trees
- 97.09 Distance from curb and sidewalk
- 97.10 Planting distance from street corners and hydrants
- 97.11 Planting distance from utilities
- 97.12 Public tree care
- 97.13 Remedial action by property owner regarding dead, diseased or infected trees
- 97.14 Topping, disfiguring and damaging of trees
- 97.15 Pruning, corner clearance, street lamp and traffic control obstruction
- 97.16 Removal or damage to public trees
- 97.17 Nominations for designation of protected or historic trees
- 97.18 Pruning, removal or excavation relating to protected or historic trees
- 97.19 Interference with Forestation Board
- 97.20 Arborist permit, bond, insurance and agreed standards
- 97.21 Review by City Council
- 97.99 Penalty

### § 97.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ARBORIST.** An individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the competence to provide for or supervise the management of trees and other woody plants.

**CITY.** The City of Prospect, Kentucky.

**HISTORIC TREES.** Any public tree found by the arborist for the city or by resolution of the Prospect Forestation Board of the city to be of notable historic interest because of its age, type or size; or a tree which traces its ancestry through seed or propagation to an historic event or notable personage including trees descendant from a tree found at an historic location and trees descendant from a tree planted by a prominent individual.

**PARK TREES.** Trees located within the city's established parks, open areas, landscaped areas, open lawn areas, confined spaces around buildings, recreational facilities, plazas, parking lots, buffers, and recreational areas of the city.

**PROTECTED TREES.** Any public tree within the corporate limits of the City of Prospect with a circumference of 42 inches or more, measured at four feet above natural grade, and which is deemed by the arborist for the city or by resolution of the Prospect Forestation Board to have significant or historical interest to the city.

**PUBLIC SHRUBS OR BUSHES.** Any low, multiple-stemmed, woody vegetation located within the public right-of-way, within the city's established parks, open areas, landscaped areas, open lawn areas, plazas, parking lots, buffers, and recreational areas of the city.

**PUBLIC TREES.** Collectively include "street trees", "park trees" and "trees on other public properties" as further defined in this chapter.

**STREET TREES.** Trees located within the public street right-of-way of the city.

**TREES ON OTHER PUBLIC PROPERTIES.** Trees within greenways, along trails, in riparian zones and drainage areas, in buffers, or in utility easements within the city. This type of forestation is commonly identified with densely wooded areas or flood plains adjacent to streams and creek banks.

**TRENCH OR TRENCHING.** A linear cut in the ground exceeding 12 feet in length and of such depth as to significantly affect the tree roots of a public tree in the area of the trench. A trench or trenching on private land falls within the definition of regulated trenching in situations where such trenching affects roots of trees on public land.

(Ord. 484-2007, passed 12-10-07)

#### § 97.02 CREATION OF FORESTATION BOARD.

There is hereby created and established a Forestation Board for the City of Prospect, Kentucky, which shall consist of **five seven** members, citizens, and residents of the city, who shall be appointed by the Mayor with the approval of the City Council. The Forestation Board shall exist as a distinct administrative board with independent authority.

(Ord. 484-2007, passed 12-10-07)

#### § 97.03 TERM OF OFFICE OF FORESTATION BOARD.

The term of office for the **five seven** persons appointed by the Mayor to the

Forestation Board shall be three years, except that the term of ~~two~~ **three** of the members appointed initially shall be for one year, and the term of ~~two~~ **four** members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. 484-2007, passed 12-10-07)

#### § 97.04 COMPENSATION.

The members of the Forestation Board of the City of Prospect shall serve without compensation. (Ord. 484-2007, passed 12-10-07)

#### § 97.05 DUTIES AND RESPONSIBILITIES OF THE FORESTATION BOARD/CITY TREE PLAN.

It shall be the responsibility of the Forestation Board to study, investigate, counsel, develop and administer a written City Tree Plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs along streets, in parks and in other public areas. Said plan shall be updated annually and delivered to the Mayor and City Council no later than the last Friday in April of each year, that date coinciding with National Arbor Day observance. Upon acceptance and approval of the plan by the City Council, it shall constitute the official comprehensive tree plan for the City of Prospect, Kentucky. The Board, when requested by the City Council, shall consider, investigate, and make recommendations upon any special matter or question coming within the scope of its work. (Ord. 484-2007, passed 12-10-07)

#### § 97.06 OPERATION OF THE FORESTATION BOARD.

The Forestation Board shall select its own officers, and keep a written record of its findings and written reports of its meetings. A majority of the members shall constitute a quorum for the transaction of business. (Ord. 484-2007, passed 12-10-07)

#### § 97.07 NATIVE AND NON-NATIVE TREE SPECIES PERMITTED OR PROHIBITED.

The Forestation Board shall formulate an official Native and Non-Native Tree Species Listing for the City of Prospect in consultation with a professional arborist or professional forester retained by the city and/or the Kentucky Division of Forestry. The list shall be approved by the Mayor and City Council. The list shall specifically address both allowed and non-allowed species and shall be broken down into categories of small, medium, and large trees as well as native and non-native categories. No species other than those included in this list may be planted as street trees, park trees or trees on other public properties without written permission of the Forestation Board. ~~The~~



~~initial listing of allowed and non-allowed trees shall be published by resolution of the Forestation Board no later than 60 days after the adoption of this section. Thereafter, said~~ The official listing shall be included in the Annual Report of the Forestation Board to the Mayor and City Council ~~when modified or updated~~, and submitted no later than the last Friday in April of each year. The listing of allowed and non-allowed trees shall be kept on file with the city, shall be reviewed and updated at least annually, but may be updated with approval of the Mayor at such times as circumstances require.

(Ord. 484-2007, passed 12-10-07)

#### § 97.08 SPACING OF STREET TREES.

The spacing of street trees will be in accordance with the three size classifications as set out by the Forestation Board in its most recently updated official listing, and unless specifically approved in writing by the Forestation Board, no newly planted trees may be planted closer together than the following distances: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet. When planting new street trees near existing mature trees, a minimum distance must separate the trees based upon one-third of the new tree's mature spread.

(Ord. 484-2007, passed 12-10-07)

#### § 97.09 DISTANCE FROM CURB AND SIDEWALK.

The distance which trees may be planted from curbs or curb lines and sidewalks will be in accordance with the classifications of trees as set out by the Forestation Board in its most recently updated official listing, and no newly planted trees may be planted closer to any curb or sidewalk than the following distances: small trees, two feet; medium trees, three feet; and large trees, four feet.

(Ord. 484-2007, passed 12-10-07)

#### § 97.10 PLANTING DISTANCE FROM STREET CORNERS AND HYDRANTS.

No street tree or park tree shall be planted closer than 20 feet to any street corner, measured from the point of the nearest intersection's curbs and curb lines. No tree shall be planted closer than ten feet from any fire hydrant or utility pole. No shrubs or bushes located in the public right-of-way shall be planted closer than 20 feet from any street corner or intersection if said plant or bush obstructs visual site lines of any vehicle operator or creates any other health or safety hazard.

(Ord. 484-2007, passed 12-10-07)

#### § 97.11 PLANTING DISTANCE FROM UTILITIES.

No tree, whether on public or private property within the city, other than those classified as "small trees" as set out by the Forestation Board in its most recently updated official Tree Listing, may be planted under or within ten lateral feet of any overhead utilities wire.

(Ord. 484-2007, passed 12-10-07)

§ 97.12 PUBLIC TREE CARE.

The city shall have the right to plant, prune, maintain; and to remove public trees, stumps, plants, or shrubs within the lines of all streets, alleys, lanes, and other public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city, in consultation with the Forestation Board, and a professional arborist or professional forester retained by the city if deemed appropriate, may remove or cause or order to be removed or remediated any public tree or any portion thereof which is in an unsafe condition or which by reason of its nature is injurious due to fungus, insects, or other pests. All contractual work or labor conducted on behalf of the city in planting, pruning, maintaining or removing public trees or stumps shall be done in accordance with current American National Standards for Arboricultural Operations Safety Requirements (ANSI Z133-4) and current American National Standards for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300). The Mayor or City Administrator shall notify the Forestation Board whenever it is necessary for said Board to make determinations to effectuate the provisions of this chapter..

(Ord. 484-2007, passed 12-10-07)

\*ADD NEW COPY TO ADDRESS THAT UTILITIES TRIMMING PUBLIC TREES SHOULD NOTIFY CITY & FORESTATION PRIOR TO WORK BEING DONE. ANDREA MAY HAVE SOME SUGGESTIONS ON UTILITY COPY FOR CHRIS. –  
Added to 97.16

§ 97.13 REMEDIAL ACTION BY PROPERTY OWNER REGARDING DEAD, DISEASED OR INFECTED TREES.

~~—The city, upon written confirmation from the Forestation Board, in consultation with a professional arborist or professional forester retained by the city if deemed appropriate shall declare that a tree or any portion of a tree located on private property within the city when that tree presents an unsafe condition constituting a hazard to life or property, or presents a threat or potential threat of the spread of disease to other trees within the city due to injurious fungus, insects, or other pests, the city shall notify the owner of required remediation. Within 14 days of receipt of said notice, owner may file a written appeal of the proposed remediation. Any such appeal must be supported by a written report or finding from a professional arborist certified in Tree Risk Assessment by the International Society of Arboriculture (ISA). The Forestation Board shall have up to 30 days to issue a written ruling on such an appeal. Absent such an appeal within the 14 day period and within said period, the property owner shall provide written confirmation of intent to remediate and schedule for such remediation. If remediation is not conducted within 45 calendar days, the city shall provide further written notice via regular mail or posting on the property advising the owner of the city's intent to remove or otherwise remediate said hazardous tree or trees and to assess the~~

~~costs and any related fine that may be imposed to the owner for which a property lien may be attached if payment is not received by the city within 30 days after the notice of costs and fine amount. If the owners of said trees decline for any reason to remove or remediate trees as required under this section, the city may provide written notice, via regular mail or posting on the property, advising the owners to conduct removal or remediation. If removal or remediation is not conducted within 45 calendar days, the city may provide further written notice, via regular mail or posting on the property, advising the owner of the city's intent to remove or remediate said trees and assess the costs to the owner, for which a lien may attach, if payment is not received by the city within 30 days after the notice of cost assessed to owners. The owners shall have ten days from the receipt or posting of said notice to file a written appeal of the proposed removal or remediation to the Forestation Board. Any appeals must be supported with information from a profession arborist or qualified forester. The Forestation Board shall have 30 days to issue a written ruling on such appeal.~~  
(Ord. 484-2007, passed 12-10-07)

The city in consultation with the Forestation Board may determine that a tree or any portion of a tree located on private property within the city presents an unsafe condition constituting a hazard to life or property or presents a threat or potential threat of the spread of disease to other trees within the city due to injurious fungus, insects, or other pests. Should such a determination be made, the city shall notify the owner of the tree's condition. Thereafter, the city may notify the owner of required remediation. Within 14 days of receipt of such notice, the owner may file a written appeal of the proposed remediation. Any such appeal may be supported by a written report or finding from a professional arborist certified as qualified in Tree Risk Assessment by the International Society of Arboriculture (ISA) or by other evidence. The Forestation Board shall within 30 days issue a written ruling on the appeal. Absent an appeal and within the 14-day period, the property owner shall provide written confirmation of intent to remediate and a schedule for remediation. If remediation is not completed within 45 calendar days, the city may provide further written notice advising the owner of the city's intent to remove or otherwise remediate the tree or trees. The notice shall further advise the owner: 1) of the city's intent to assess the owner the costs incurred by the city and any related fine that may be imposed on the owner, and 2) of the city's intent to assert a lien on the property if payment is not received by the city within 30 days.

\*COPY RESEQUENCED AND MODIFIED BASED ON GROUP DISCUSSION.

\*ASSESSMENT COPY FROM 97.15 ALL REPLACED BY COPY IN RED. Recommend blue copy remain as earlier suggested.

#### § 97.14 TOPPING, DISFIGURING AND DAMAGING OF TREES.

It shall be unlawful for any person, firm, or city department to top or significantly disfigure any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires and other obstructions where alternative pruning practices

are impractical may be exempt from this chapter by written decision of the Forestation Board. No person shall, with respect to any street tree, park tree or other tree on public property, intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to said trees; allow any gaseous, liquid, chemical, or solid substance which is harmful to trees to come in contact with said trees or the base of said trees; or set fire or permit fire to burn when such fire or heat from fire will injure any portion of said trees.  
(Ord. 484-2007, passed 12-10-07)

#### § 97.15 PRUNING, CORNER CLEARANCE, STREET LAMP AND TRAFFIC CONTROL OBSTRUCTION.

The owner of any tree overhanging a street or right-of-way within the city shall prune the branches so that such branches do not obstruct the light from any street lamp, impede the flow of pedestrian or vehicular traffic, or obstruct the view of any street intersection. In such ~~intersection~~ situations there shall be a clear space of ~~eight feet~~ **thirteen feet** above the surface of the street or ~~seven feet above the~~ sidewalk. Owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which may constitute a threat to public safety when they interfere with the proper spread of light along the street from a street light or interfere with visibility of any traffic control device or sign. If said owners fail to prune trees as required under this section, the city may provide written notice, via regular mail or via a posting on the property, advising the owners to conduct appropriate pruning. If the pruning is not conducted within 25 calendar days after receipt of notice, the city may conduct the pruning and assess the costs to the owners, for which a lien may attach, if payment is not received by the city within 30 days after notice of the costs assessed to the owners.

(Ord. 484-2007, passed 12-10-07)

**\*TREE TRIMMING HEIGHTS CHANGED TO MATCH NUISANCE ORDINANCE**

#### § 97.16 REMOVAL OR DAMAGE TO PUBLIC TREES.

No person or business shall damage any public tree in the city including any shade or ornamental tree along sidewalks or other public ways of the city, or remove any public tree in the city including any shade or ornamental tree along sidewalks or other public ways of the city without first obtaining written permission from the Forestation Board, in consultation with a professional arborist or professional forester if deemed appropriate. No person shall excavate any ditches, tunnels, trenches or create a new driveway within a radius of 15 feet from any public tree, without first obtaining written permission from the Forestation Board.

It shall be unlawful for any utility to trim any tree located in the public right-of-way within the City of Prospect without first contacting the Prospect Forestation Board to give them detailed information regarding the scope of the work to be performed. In some cases, a meeting with the City Forester may be necessary. Any trimming to be done must be done in a manner determined by the Forester to be the least detrimental to the health of a tree or trees where consistent with the requirements of the appropriate safety code in effect in the Commonwealth of Kentucky

(Ord. 484-2007, passed 12-10-07)

#### § 97.17 NOMINATIONS FOR DESIGNATION OF PROTECTED OR HISTORIC TREES.

Any owner of lands within the City of Prospect, including the city itself, may nominate a tree on their land to be designated as a "protected tree" or "historic tree" as defined in this chapter. Nominations for such designations shall be submitted to the Forestation Board in writing and be accompanied by documentation supporting the designation. The Forestation Board may conduct hearings on protected or historic tree nominations. The Forestation Board shall make their determination regarding designation within 90 days from receipt of the written nomination or within 45 days after a final hearing regarding designation, whichever date occurs later. The designation of a tree as a "protected tree" or "historic tree" shall attach to and run with the land as a binding designation for subsequent owners. However, nothing shall prevent a landowner later in time from the owner who originally obtained "protected" or "historic" designation, from petitioning the Forestation Board to remove such designation for good cause shown. A record of all trees within the city designated as "protected" or "historic" shall be kept on file at the Prospect City Hall and an updated listing of all such trees shall be included in the annually updated City Tree Plan. The Forestation Board, in its discretion, may require as a condition of determining a tree or trees to be "protected" or "historic," that the landowner requesting such designation agree to the city recording a document signed by said landowner requesting that the designated tree or trees be included in a written covenant running with title to the land.

(Ord. 484-2007, passed 12-10-07)

#### § 97.18 PRUNING, REMOVAL OR EXCAVATION RELATING TO PROTECTED OR HISTORIC TREES.

No person or business shall remove or prune a "protected" or "historic" tree designated as such by the Forestation Board without first obtaining written permission from the Forestation Board, in consultation with a professional arborist or professional forester if deemed appropriate. No person or business shall excavate any ditches, tunnels, trenches or lay any driveway within a radius of 20 feet from

any "protected" or "historic" tree, without first obtaining written permission from the Forestation Board, in consultation with a professional arborist or professional forester if deemed appropriate. (Ord. 484-2007, passed 12-10-07)

#### § 97.19 INTERFERENCE WITH FORESTATION BOARD.

No person or business shall prevent, delay, or interfere with the Forestation Board or any of its agents or servants while engaging **in the evaluation of trees**, in the planting, cultivating, mulching, pruning, spraying, removing or otherwise caring for trees as authorized under this chapter. (Ord. 484-2007, passed 12-10-07)

#### § 97.20 ARBORIST PERMIT, BOND, INSURANCE AND AGREED STANDARDS.

It shall be unlawful for any person or company to engage in the business or occupation of pruning, treating, or removing (street or park) trees within the city without first applying for and obtaining a permit. The permit fee shall be \$40 annually; however, no permit shall be required of any utility or public service company or city employee doing such work in the pursuit of their public service endeavors. Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$1,000,000 for bodily injury and \$500,000 for property damage, agreeing to indemnify the city or any person injured or damage resulting from the pursuit of such endeavors as herein described. This coverage shall include premises and/or operations, independent contractors, products and/or completed operations, broad form property damage, explosion/collapse/underground (XCU) coverage, and a contractual liability endorsement. Further, before any permit shall be issued, each applicant shall first file evidence of workers compensation insurance coverage. Finally, before any permit shall be issued, the individual or company shall confirm their agreement to follow current American National Standards for Arboricultural Operations Safety Requirements (ANSI Z133-4) and current American National Standards for Tree Care Operations — Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300). (Ord. 484-2007, passed 12-10-07)

#### § 97.21 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts, and decisions of the Prospect Forestation Board. Any person may appeal any ruling or order of the Forestation Board to the City Council which may in its discretion afford a full hearing of the matter and make a final decision. Requests for reviews of Forestation Board conduct, acts and decisions must be filed in writing with the City Clerk or City Administrator within 20 days of the final action of the Forestation Board. (Ord. 484-2007, passed 12-10-07)

§ 97.99 PENALTY.

Any person or company found to have violated any provision of this chapter shall be subject to a fine not less than \$50 nor more than \$750 to be determined by the Forestation Board **with the option of a fine and/or the requirement to plant a tree.** Each tree affected by any violation of this chapter shall be considered as a separate offense and shall carry a separate fine. If as a result of the violation of this chapter, the injury, mutilation or death of a tree, shrub, or other plant located on **private or** city owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or other plant, shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with applicable references or resources. ~~set out in the most recently updated City Tree Plan.~~

**In the event a builder and/or a Prospect lot owner or any entity controlled by such builder or property owner fails to pay a fine assessed under any provision of this ordinance or fails to repay the City for costs incurred by the City in remediating a hazardous tree situation on property within Prospect within thirty days of receiving notice of such obligation, no permits of any kind required by the City for any other project shall be issued until said fine and/or costs are paid.**

(Ord. 484-2007, passed 12-10-07)

**FOLLOWING RECOMMENDATIONS NOW INCORPORATED INTO LAST PARAGRAPH ABOVE.**

**NEW CLAUSE (OR CHAPTER) TO ASSURE CLARITY OF CITY'S RIGHT AND PROCESS TO RECOVER FINES AND COSTS SHOULD THE CITY DO THE NEEDED REMEDIATION (MENTIONED IN 97.15, ADDED TO THIS VERSION OF 97.13 – DOES THAT COPY STAY?) OR – ELIMINATE REPEATS AND BECOME A ONE TIME STATEMENT IN 97.99 (PENALTIES).**

**SUGGESTED THAT BUILDERS VIOLATING ORDINANCES NOT BE GRANTED ANY NEW BUILDING PERMITS (ADD WHERE?)**

**SUGGESTED THAT CHRIS REVIEW ALL TO SEE WHERE INFORMATION COULD BE CONDENSED WITHOUT LOSING DETAIL OF STANDARD.**



## Prospect Parks & Recreation Advisory Committee April 17, 2023

Note: Report is as of 4/12/23. Updates will be provided at the City Council Meeting

- Little Hunting Creek Park
  - Pavilion—Repairs to the roof have begun.
  - Playground—gravel has been delivered and is expected to be spread and the rubber surface installed by April 14, weather permitting.
  - Walkway—the concrete walkway from the playground to Fox Harbor Drive was started in the past week and is expected to be complete by April 14.
- Parks & Recreation Programs
  - The first Wildflower Walk led by Jacquelyn McGrail and assisted by Carolyn Embry took place on April 2 and was attended by 35 area residents. The weather was perfect, the wildflowers were spectacular, and in the words of Carolyn, “everyone in the park that day was happy”. This annual event is our most popular offering.
  - Council Member John Evans’ Pavilion Program Committee has been hard at work. In addition to the inaugural event—a Shakespeare in the Parks production of Hamlet on April 30, they have secured performance groups or are finalizing plans for programs in June, August, and September. John noted that the July 4<sup>th</sup> event in Cowley Park will once again feature the popular swing band that has performed in previous celebrations.
- Harrods Creek Bridge Project—Contractors who previously bid on the bridge installation were invited to meet on April 13 to consider re-bidding the project with the goal of exploring ways to reduce the project cost.





# Prospect Police Department

## Report Summary for MARCH 2023

### ❖ **Arrests**

- ◆ Mar 28: (807) Theft of license plate, obscuring identity of a machine (See felony 3/28)

### ❖ **Call Response Reports**

- ◆ Mar 28: (052) Property damage
- ◆ Mar 16: (002) Fraud investigation
- ◆ Mar 12: (043) Theft
- ◆ Mar 06: (288) Other, noise/disturbance
- ◆ Mar 02: (039) Suspicious activity

### ❖ **Code Enforcement Reports**

Twenty-Eight permits were issued in March. Other March issues included:

- ◆ Fence in bad repair
- ◆ Boats in driveway
- ◆ Falling trees .
- ◆ Barking dogs
- ◆ Trailer left parked on street.

### ❖ **Felony Reports**

- ◆ Mar 28: (004) Theft of license plate, obscuring identity of a machine (See arrest 3/28)

### ❖ **Field Information Reports**

- ◆ Mar 25: (627) Investigation – suspicious pedestrian

### ❖ **Total Assists Outside of Prospect – 2**

### ❖ **Total Citations/Warnings other than Arrests – 6**

### ❖ **Total Collisions – 7, including 2 injuries**

### ❖ **Total People Fingerprinted – 0**



# Prospect Police Department

## Monthly Report of Police Activities

### MARCH 2023

<b>Activity</b>	<b>2023</b>	<b>2022</b>
➤ <b>House Checks</b>	2229	4091
➤ <b>Traffic Activity</b>		
Citations / Warnings Issued	20	11
Non-Injury Accidents	5	7
Injury Accidents	2	1
Citizen Assists	1	11
➤ <b>Reports</b>		
Misdemeanor Reports	0	1
Felony Reports	1	2
Call Responses	5	7
Miscellaneous Reports	1	2
Arrests	1	2
➤ <b>Calls For Service</b>		
Dispatched Runs	87	90
Officer Initiated Runs	154	250
Burglary/Robbery/Fire Alarms	14	13
includes these false alarms	12	9
➤ <b>Code Enforcement Citations</b>	0	0

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

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

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

**WHEREAS**, the City Council intends to amend Chapter 150 to establish a colonial architectural standard for commercial and non-residential buildings; and

**WHEREAS**, the City Council is to require its express approval of all architectural plans for any commercial and non-residential buildings.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

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

Chapter 150.56 §C(1) - Architectural

(g) The city council is to approve architectural plans for any commercial or non-residential building to ensure compliance with the city’s existing brick colonial architectural style.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3.** This Ordinance shall take effect from and after its passage, signing, and publication as required by law.

**First Reading this 17th day of April 2023.**

**“Aye” votes: \_\_\_\_\_**

**Second Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023.**

**“Nay” votes: \_\_\_\_\_**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Douglass Farnsley  
Mayor, City of Prospect

\_\_\_\_\_  
John S. Carter  
City Clerk