

COMMONWEALTH OF KENTUCKY
CITY OF PROSPECT
CITY COUNCIL REGULAR MEETING
Monday, August 19, 2024, 7:00 p.m.

AGENDA

CALL TO ORDER

- Chair: Mayor Doug Farnsley

APPROVAL OF MINUTES

- Approval of Minutes of the July 15, 2024 regular council meeting and August 1, 2024 special meeting.

COMMENTS FROM CITIZENS

MAYOR'S REPORT

- Mayor's update on City matters.

FINANCIAL REPORTS

- Monthly financial update

COMMISSION & BOARD REPORTS

- Ethics Commission
- Forestation Board

OTHER REPORTS

- Jefferson County League of Cities

POLICE REPORT

UNFINISHED BUSINESS

- Second reading of **Ordinance No. 637, Series, 2024**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 97: TREES AND FORESTATION OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT. This ordinance updates and amends the city's forestation ordinance.
- Second reading of **Ordinance 644, Series 2024**, AN ORDINANCE ENACTING AND ADOPTING THE 2023 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF PROSPECT. This ordinance adopts American Legal Publishing's codification of ordinances adopted in 2023.

NEW BUSINESS

- First reading of **Ordinance 645-2024**: AN ORDINANCE CHAPTER 32 OF THE PROSPECT, KENTUCKY CODE OF ORDINANCES, REGARDING COMPENSATION FOR COUNCIL MEMBERS OF THE CITY OF PROSPECT. This ordinance amends Chapter 32 to increase council member pay from \$250 to \$500 a month.

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 15, 2024

Attending In-Person: Mayor Doug Farnsley; Council Members John Clark, John Evans, Frank Fulcher, Don Gibson, and David Holmes; Police Chief Jeff Sherrard and Asst. Police Chief Tony Denham; City Administrator and Clerk John S. Carter

Absent: Council Member Sara Hines

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

Call to Order

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

Expression of Appreciation to Mr. Chrisler White and Proclamation Declaring July 14, 2024 to be Chrisler White Day in Prospect

- Mayor Farnsley expressed the city's gratitude to Mr. Chrisler White for his participation and volunteer service to Prospect's Parks and Recreation Advisory Committee.
- Parks and Recreation Advisory Committee member Tina Beavin thanked Mr. White for his year of service and presented him with a plaque commemorating Chrisler White Day in Prospect.
- Mr. White thanked the city for its recognition and prestigious award and expressed his gratitude for the experience of serving as a member of the Parks and Recreation Advisory Committee.

Approval of Minutes:

- Council Member Holmes moved to approve the minutes of the June 14, 2024 special council meeting, seconded by Council Member Clark, and the motion passed unanimously.
- Council Member Gibson moved to approve the minutes of the June 17, 2024 special council meeting, seconded by Council Member Evans, and the motion passed unanimously.

Comments from Citizens

- Business operator Kent Gilpin spoke of his concern over the impending sale of the Prospect Point shopping center and closure of the United States Post Office.
- Resident Carolyn Embry spoke in support of Ordinance No. 643, Series 2024, amending and modifying Chapter 162: Solar Installations of the City of Prospect Code of Ordinances.
- Residents Linda Wardell and Herb Shulhafer spoke in support of version A of Ordinance No.637, Series 2024, amending and modifying Chapter 97: Trees and Forestation of the City of Prospect Code of Ordinances.

Mayor's Report

- The city council will consider a first reading of two different versions of an ordinance amending the city's forestation ordinance. Major changes include increasing the size of the board and clarifying the limits of the board's authority.
- The city council will also consider a second reading and passage of an ordinance amending the city's solar installation regulations. The mayor thanked residents Carolyn Embry, John Shelby, Richard Reifsnider, Council Members Sara Hines and Don Gibson, and Mr. Steve Ricketts of the Kentucky Solar Energy Society for their work on improving the city's solar regulations.
- The mayor provided an update on the pending litigation with LDG development and indicated that their suit against the city is set for trial on September 17, 2024.
- The mayor highlighted several civic events held and scheduled for this summer, including the first annual Kidz Fest held on June 22nd, the Art in City Hall exhibition that opened on June 30th, the city's annual Fourth of July celebration, and the upcoming concert featuring the Don Krekel Orchestra scheduled for July 21st at the John Evans Pavilion.

Financial Reports

The City Administrator presented a synopsis of the city's finances for the past fiscal year ending June 30, 2024.

- Cash on hand totaled approximately \$3.5 million.
- Revenue for the 2023/2024 fiscal year exceeded budget by approximately 1%, and expenditures were under budget by approximately 5%.
- The total restricted road aid fund is approximately \$267,000.

Commission and Board Reports

On behalf of the Forestation Board, Board Chair Linda Knox presented a written and oral report.

Other Reports

On behalf of the Parks and Recreation Advisory Committee, Committee Chair Linda Wardell presented a written and oral report.

On behalf of the Investment Committee, Committee Chair Susan Nicholson presented a written and oral financial report. Since January 2024, the city's investments have earned more than \$87,000.

Council Member Gibson reported that the Jefferson County League of Cities has not held a recent meeting and had nothing new to report.

Police Report:

Police Chief Sherrard reported:

- The details of the written report on arrests and call responses were presented.
- The rash of recent car burglaries and thefts has subsided since the recent arrests by the Louisville Metro Police Department.
- House Watches were down approximately 15% from the previous year.
- All officers are currently participating in annual police training.

Old Business

- Council Member Gibson moved for a second reading of **Ordinance 643, Series 2024**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 162: SOLAR INSTALLATIONS OF THE CITY OF PROSPECT CODE OF ORDINANCE FOR THAT PURPOSE, seconded by Council Member Holmes. A roll call vote was held: Yea: Clark, Evans, Fulcher, Gibson & Holmes. Nay: None. The motion passed 5 - 0.

New Business

- Council Member Holmes moved for a first reading of **Ordinance No. 637, Series, 2024**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 97: TREES AND FORESTATION OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT, VERSION A, seconded by Council Member Clark. A roll call vote was held: Yea: Clark, Evans, Fulcher, Gibson & Holmes. Nay: None. The motion passed 5 - 0.
- Council Member Fulcher moved for a first reading of **Ordinance 644, Series 2024**, AN ORDINANCE ENACTING AND ADOPTING THE 2023 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF PROSPECT, seconded by Council Member Clark. A roll call vote was held: Yea: Clark, Evans, Fulcher, Gibson & Holmes. Nay: None. The motion passed 5 - 0.
- Council Member Holmes moved to adopt **Municipal Order 4, Series 2024**: AN ORDER CONSENTING TO THE NOMINATION BY THE MAYOR OF STEVE PENNINGTON, ROBERT JACOB, M.D. AND DIANE GRAETER OF THE CITY TO SERVE ON THE CITY OF PROSPECT CODE ENFORCEMENT BOARD AND AFFIXING TERMS OF OFFICE THERETO, seconded by Council Member Fulcher. A roll call vote was held: Yea: Clark, Evans, Fulcher, Gibson & Holmes. Nay: None. The motion passed 5 - 0.

Adjournment: Council Member Fulcher moved to adjourn, seconded by Council Member Evans, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 8:04 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 2, 2024

Attending In-Person: Mayor Doug Farnsley; Council Members John Clark, John Evans, Frank Fulcher, Don Gibson, Sara Hines and David Holmes; City Administrator and Clerk John S. Carter

Participating Remotely: Director of Public Works Ron Cundiff

Call to Order

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

New Business

- Council Member Fulcher moved to adopt **Municipal Order 5, Series 2024:** AN ORDER CONSENTING TO THE NOMINATION BY THE MAYOR OF MONETTE BEAM AND RICHARD MEYER OF THE CITY TO SERVE ON THE CITY OF PROSPECT CODE ENFORCEMENT BOARD AND AFFIXING TERMS OF OFFICE THERETO, seconded by Council Member Clark. A roll call vote was held: Yea: Clark, Evans, Fulcher, Gibson, Hines & Holmes. Nay: None. The motion passed 6 – 0

Adjournment: Council Member Clark moved to adjourn, seconded by Council Member Fulcher, and the motion passed unanimously. Mayor Farnsley declared the council meeting adjourned at 4:02 p.m.

Prepared by:

Approved:

John S. Carter, City Clerk

Douglass Farnsley, Mayor

This meeting was live-streamed on YouTube.

Forestation Board Meeting Report – August 13, 2024

The minutes of the July meeting were approved.

Possible tree selections for Arborfest and the fall Canopy Program were reviewed

Arborfest will offer 75 trees this year vs. 50 last year, 15 each of the following varieties:

October Glory Red Maple
Katsura
Carolina Silverbell
Kousa Dogwood
Bracken's Brown or 3-stem Sweet Bay Magnolia.

A new event this year, a fall Canopy Program will have 20 trees available with the following varieties:

American Beech
Fall Fiesta Sugar Maple
Swamp White Oak
Zelkova
Green Giant Arborvitae

The spring Canopy Program will also be increased to 20 trees.

A meeting was held recently with City Personnel and Forestation on code enforcement. Forestation is in the process of reviewing cases from 2023 and 2024 to verify work is still needed and provide a list to Mike Thomas for enforcement notifications.

The City and Forestation also met with representatives from Hunting Creek Country Club concerning tree loss. They have several key areas that they hope to restore and have a beautification committee working on plans. They are hopeful that Prospect can be of assistance to their efforts.

Mayor Farnsley was able to establish an appropriate contact at Chase Bank for discussions on the inappropriate tree removals. Several options such as replanting, establishing the value of lost trees, and other compensating tree activities are being evaluated.



Prospect Police Department

Report Summary for JULY 2024

❖ *Arrests*

- ◆ 0

❖ *Call Response Reports*

- ◆ July 9: (129) Overhang on Dairy Queen fell on a truck
- ◆ July 13: (133) Susceptions package delivered
- ◆ July 15: (134) Theft of a bicycle
- ◆ July 19: (No #) Harassment
- ◆ July 23: (137) Missing ring

❖ *Code Enforcement Reports*

35 permits were issued in July. Other July issues included:

- ◆ Unpermitted signs removed
- ◆ Low hanging branches
- ◆ Tree limbs in roadway
- ◆ Unpermitted dumpsters
- ◆ Solar information

❖ *Felony Reports*

- ◆ July 1: (123) Recovery of a stolen plate
- ◆ July 19: (136) Theft of Identity

❖ *JC3 Reports*

- ◆ 0

❖ *KYIBRS Non-Criminal Reports*

- ◆ July 3: (124) Lost Overseas Citizen of India ID card
- ◆ July 3: (125) Death Investigation
- ◆ July 4: (126) Missing Person
- ◆ July 5: (127) Lost Iranian ID
- ◆ July 24: (138) Death Investigation

❖ *Misdemeanor Reports*

- ◆ July 5: (128) Shoplifting
- ◆ July 12: (130) Theft from Vehicle

❖ *Total Assists Outside of Prospect – 0*

❖ *Total Citations / Warnings other than Arrests – 1 Citation, 12 Courtesy Notice*

❖ *Total Collisions – 6 non injury with 1 injuries*

❖ *Total People Fingerprinted – 0 non-resident = \$20*



Prospect Police Department

Monthly Report of Police Activities JULY 2024

ACTIVITY	2024	2023
House Checks:	1475	2442
Traffic Activity		
Citations/ Warnings Issued	13	18
Non- Injury Accidents	6	8
Injury Accidents	1	1
Citizen Assists	4	5
Reports		
Misdemeanor Reports	2	3
Felony Reports	2	2
Call Responses	4	9
Miscellaneous Reports	5	0
Arrests	0	0
Calls For Service		
Dispatched Runs	120	142
Officer Initiated Runs	60	77
Burglary/ Robbery, Fire Alarms Included False Alarms	20	17
Code Enforcement Citations	0	0

**CITY OF PROSPECT
ORDINANCE NO. 637, SERIES 2024**

**AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 97: TREES
AND FORESTATION OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT**

WHEREAS, Chapter 97 establishes a code of regulation for trees and forestation in the City of Prospect; and

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

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

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Chapter 97 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 97: TREES AND FORESTATION

Section

- 97.00 Public Purpose
- 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

§ 97.00 PUBLIC PURPOSE.

It is the role of city government to provide an environment which actively supports the health and economic welfare of residents. This obligation extends to the desirability of creating and maintaining a healthy and sustainable tree canopy. Accordingly, the City Council finds and declares that the purpose of this chapter is to:

- a. Create a Forestation Board, and
- b. Define its duties and responsibilities.

§ 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.

TREE. A woody perennial usually having one dominant trunk and a mature height greater than 5 meters (16 feet) as defined by the International Society of Arboriculture (ISA).

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.

§ 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, at least five of whom are citizens, and residents of the city, ~~who~~ No more than two of the members may be residents of nearby communities. Board members 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.~~

§ 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.

§ 97.04 COMPENSATION.

The members of the Forestation Board of the City of Prospect shall serve without compensation.

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

- A) 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.
- B) Among the duties of the Forestation Board shall be to help educate the citizens of the city to the environmental benefits of the city's tree canopy.

C) The board shall also make itself and the city's arborist available upon request of a city resident for assistance in assessing potentially dangerous and/or diseased trees on their private property located within the city's limits.

§ 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.

§ 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.

§ 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.

§ 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 than four (4) feet to any curb or sidewalk ~~than the following distances: small trees, two feet; medium trees, three feet; and large trees, four feet.~~

§ 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.

§ 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.

§ 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 fungi~~, 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 Z133-1) 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.

§ 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 have the right to cause the removal or remediation of any 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. 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. 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. The Forestation Board shall have 30 days to issue a written ruling on such appeal. 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 an imminent danger to the general public or presents a threat or potential threat of the spread of disease to other trees within the city due to injurious fungi, 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 ISA certified (International Society of Arboriculture), professional arborist 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. Any entry by the city or contractor selected by the city on to private property to evaluate, remediate, or remove a tree shall be undertaken in compliance with state and federal law, and with reasonable notice having been provided to the owner of the property. 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.

§ 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.

§ 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~~ thirteen feet, ~~six inches~~ 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.

§ 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.

§ 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.

§ 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.

§ 97.19 INTERFERENCE WITH FORESTATION BOARD.

In compliance with § 97.13, 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.

§ 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 Z133.1) and current American National Standards for Tree Care Operations — Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300).

§ 97.21 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts, and decisions of the city and/or the Prospect Forestation Board. Any person may appeal any ruling or order of the city and/or the Forestation Board to the City Council which may in its discretion afford a full hearing of the matter and make a final decision. A request for review of conduct, acts and decisions made by the city and/or the Forestation Board ~~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 taken by the City and/or of the Forestation Board.

§ 97.99 PENALTY.

Any person or company found to have violated any provision of this chapter shall be subject to a fine levied by the city not less than \$50 nor more than \$750 to be determined by the city 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 private or on 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.

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

First Reading this _____ day of _____ 2024

Passed on Second Reading this _____ day of _____ 2024.

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

APPROVED/VETOED:

ATTEST:

Douglass Farnsley
Mayor, City of Prospect

John S. Carter
City Clerk

**CITY OF PROSPECT
ORDINANCE NO. 644, SERIES 2024**

**AN ORDINANCE ENACTING AND ADOPTING THE 2023 SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE CITY OF PROSPECT**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2023 Supplement to the Code of Ordinances of the City of Prospect, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

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

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

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

SECTION 1: That the 2023 Supplement of the Code of Ordinances of the City of Prospect, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, be and the same is hereby adopted by reference as if set out in its entirety.

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

First Reading this 15th day of July 2024

Second Reading this 18th day of August 2024

APPROVED:

Douglass Farnsley
Mayor

ATTEST:

John S. Carter
City Clerk

CITY OF PROSPECT, KENTUCKY
ORDINANCE NO. 645, SERIES 2024

AN ORDINANCE CHAPTER 32 OF THE PROSPECT, KENTUCKY CODE OF ORDINANCES,
REGARDING COMPENSATION FOR COUNCIL MEMBERS OF THE CITY OF PROSPECT

WHEREAS, the current compensation is dated and not in line with modern costs;

WHEREAS, other comparable and smaller Jefferson County cities are compensating council members at a higher rate;

WHEREAS, the current compensation of \$250 does not cover the cost of basic expenses to perform the duties of Council Member;

WHEREAS, we ought to work to attract talent in the future to serve the city as Council Members and that the compensation be attractive and competitive to achieve this desired objective;

NOW, THEREFORE, be it ordained by the Prospect City Council:

Section 1. Chapter 32 is hereby amended and modified as hereinafter set forth with old language struck through, changes, and new language being underlined and reading as follows:

§32.01 (C) Compensation

(1) Members of the City Council shall be compensated for the performance of their duties by a salary at the rate of [~~\$250~~] \$500 per month.

Section II: The new rate of compensation shall begin January 1, 2025 in compliance with KRS 84A.070 (1).

First Reading this _____ day of August 2024.

Second Reading this _____ day of _____ 2024.

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

APPROVE/VETO:

ATTEST:

Douglass Farnsley
Mayor, City of Prospect

John S. Carter
City Clerk