

COMMONWEALTH OF KENTUCKY  
CITY OF PROSPECT  
CITY COUNCIL REGULAR MEETING  
Monday, April 21, 2025, 7:00 p.m.

AGENDA

CALL TO ORDER

- Chair: Mayor Doug Farnsley

APPROVAL OF MINUTES

- Approval of Minutes of March 17, 2025 regular council meeting.

COMMENTS FROM CITIZENS

MAYOR'S REPORT

- Mayor's update on City matters.
- Discussion of the May 2025 city council meeting schedule.

FINANCIAL REPORTS

- Monthly financial update

COMMISSION & BOARD REPORTS

- Forestation Board
- Investment Committee

OTHER REPORTS

- Jefferson County League of Cities
- Parks and Recreation Advisory Committee

POLICE REPORT

UNFINISHED BUSINESS

- Second reading of **Ordinance 648, Series, 2025**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 150: BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT. *This ordinance amends building regulations to allow for the construction of pool houses on certain residential lots.*
- Second reading of **Ordinance 649, Series, 2025**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 154: SWIMMING POOLS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT. *This ordinance amends swimming pool regulations to require the screening of pool equipment from the view of adjacent properties.*

- Second reading of **Ordinance 650, Series 2025**, AN ORDINANCE AMENDING THE BUDGET FOR THE MUNICIPAL ROAD AID FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025. *This ordinance amends the Municipal Road Aid budget for the current fiscal year.*
- Second reading of **Ordinance 651, Series 2025**, AN ORDINANCE AMENDING THE BUDGET FOR THE GENERAL FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025. *This ordinance amends the budget for the general funds for the current fiscal year.*
- Discussion of proposed fiscal year 2025/2026 general fund, road aid fund, and capital project fund budgets.

#### NEW BUSINESS

- Application for approval of Building Plans to construct a Commercial Tenant Building at 8907H U.S. Hwy 42.
- First reading of **Ordinance 652, Series 2025**, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A UNIFORM FRANCHISE AGREEMENT. *This ordinance authorizes the mayor to enter a franchise agreement with Lumos Fiber of Kentucky, LLC.*

#### ADJOURNMENT

Supporting documents for this meeting's agenda are archived on the city's website calendar:  
<https://www.prospectky.gov>

A YouTube live stream will begin approximately five minutes before the meeting begins:  
<https://www.youtube.com/@cityofprospectmeetings4880/streams>

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 17, 2025

**Attending In-Person:** Mayor Doug Farnsley; Council Members John Clark, John Evans, Christian Furman, Don Gibson, David Holmes, and Sandra Leonard; Police Chief Tony Denham , C.A.O. and City Clerk John S. Carter

**Participating Remotely:** Director of Public Works Ron Cundiff

## **Call to Order**

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

## **Approval of Minutes**

Council Member Evans moved to approve the minutes from the February 26, 2025 regular council meeting, seconded by Council Member Clark, and the motion passed unanimously.

## **Citizen Comments**

- Residents and Parks and Recreation Advisory Committee Members Lynne Granger and Carolyn Embry spoke of their admiration and friendship with Mrs. Linda Wardell. They applauded her capable leadership of the parks committee and spoke in support of Resolution 3, Series 2025, dedicating and naming the Harrods Creek Park stream bridge the “Linda Wardell Bridge.”

## **Mayor’s Report**

- The mayor announced several upcoming events sponsored by the Parks and Recreation Advisory Committee, including a lecture on natural soundscapes with a hike to Putney Pond to follow, as well as two birdwatch hikes through Harrods Creek Park.
- Art in City Hall returns to Prospect City Hall with the opening of the Winter into Spring Exhibition on Sunday, March 23<sup>rd</sup>, at 2 pm. The exhibition will continue during regular business hours through May 16<sup>th</sup>.
- The city is sponsoring and seeking volunteers to pick up litter along U.S. 42 on Saturday, April 12<sup>th</sup> at 9 am.
- The Architectural Review Committee was created by the city council this past year to assist with reviewing building and land development plans and to provide advice and recommendations to contractors and the city council. In recent months, the committee has been busy reviewing redevelopment plans for Prospect Point as well as revising the city’s building ordinances to allow for the construction of a pool house on residential property. The mayor complimented the committee on their work and good advice.

### **Financial Reports**

The City Administrator presented a synopsis of the city's finances for February 2025.

- Cash on hand totaled approximately \$3.9 million, of which approximately \$2.6 million is unrestricted funds.
- The city has earned approximately 88% of its annual revenue.
- The capital project fund balance is approximately \$98K.
- The restricted Road Aid Fund balance is approximately \$208K.

### **Commission and Board Reports**

On behalf of the Architectural Review Committee, Chairperson Dr. Bob Jacob updated the council on the committee's work, including the creation of a proposal to allow pool houses to be built on residential lots and a requirement that pool equipment be screened from the view of adjacent properties. The committee has an ongoing review of all commercial property ordinances.

On behalf of the Ethics Commission, Chairperson John Embry informed the city council that the committee had received all financial disclosure forms from city employees, appointed officials, and elected officials.

On behalf of the Forestation Board, Chairperson Linda Knox presented an oral report:

- Ten residents have signed up for the spring canopy tree program.
- The board will begin evaluating complaints of hazardous trees within the city as the weather warms up.

### **Other Reports**

Council Member Gibson reported that the Jefferson County League of Cities [JCLC] is scheduled to next meet on March 20, 2025

On behalf of the Parks and Recreation Advisory Committee, Member Sallie Schneider presented an oral report.

- This weekend, the committee has scheduled a lecture at City Hall on identifying natural soundscapes that will conclude with a hike to Putney Pond.
- The Cybersecurity, Fraud, and Scams lecture held two weeks ago was a huge success, with over 40 people in attendance. The lecturers' presentations have been posted on the city's website for all to view.
- The Harrods Creek Park wildflower walks are scheduled for Sunday, April 9<sup>th</sup>, at 1 p.m., and Saturday, April 19<sup>th</sup>, at 10 am.

### **Police Report:**

Police Chief Denham reported:

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

- Car break-ins remain a persistent problem. Nearly every car stolen has been left unlocked. The chief implored residents to keep their cars locked and their garages secure.

### **Old Business**

None.

### **New Business**

- Council Member Evans moved to adopt **Resolution No. 3, Series 2025**, A RESOLUTION DEDICATING AND NAMING THE HARRODS CREEK PARK STREAM BRIDGE AS THE LINDA WARDELL BRIDGE, seconded by Council Member Holmes. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. The motion passed 6–0.
- Council Member Gibson moved for a first reading of **Ordinance 648, Series, 2025**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 150: BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT, seconded by Council Member Clark. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. The motion passed 6–0. *This ordinance amends building regulations to allow for the construction of pool houses on certain residential lots.*
- Council Member Gibson moved for a first reading of **Ordinance 649, Series, 2025**, AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 154: SWIMMING POOLS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT, seconded by Council Member Clark. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. *This ordinance amends swimming pool regulations to require the screening of pool equipment from the view of adjacent properties.*

**Adjournment:** Council Member Furman moved to adjourn, seconded by Council Member Leonard, and the motion passed unanimously. Mayor Farnsley declared the meeting adjourned at 7:50 p.m.

Prepared by:

Approved:

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**John S. Carter**, City Clerk

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**Douglass Farnsley**, Mayor

*This meeting was live-streamed on YouTube.*

Prospect Forestation Board Report  
April 2025

A quorum of members met on April 10 via Webex.

The results of the Canopy Tree program were discussed. The spring event will add 11 new trees to the community, a mix of species. Trees include: Jordan Street Oak, Triumph Elm, Heritage Oak, Robin Hill Serviceberry and Norway Spruce. The trees are ready to be planted, but planting has been delayed due to weather and waiting on utility marking. It is hoped that the trees will be planted the week of April 14.

It was also reported that we have received 11.5 inches of rain as of April 6<sup>th</sup>, with small amounts since Sunday.

There are some trees under observation to determine any remediation needed. More will be reviewed once leaves do or don't fill in.

Work on the 2025-2026 City Tree Plan has begun, and members will be reviewing updates in preparation to its being submitted to Council/

The next meeting will be May 8 via Webex.

**Prospect Parks & Recreation Advisory Committee  
Written Report for City Council Meeting April 2025**

- The Hwy 42 Cleanup was held Saturday April 12. 10 volunteers cleaned up Hwy 42 from the Harrods Creek Bridge to Rose Island Road. Thanks to the volunteers, Ron Gannon, and the police who safely escorted the group.
- ICF submitted an estimate for FY26 for removal of invasive species in the area recently acquired by the city located adjacent to Putney Pond.
- The “Hike and Listen” lecture was held on Saturday, March 22.
- The 2<sup>nd</sup> annual Kidz Fest is scheduled for Saturday, June 14<sup>th</sup> at Little Hunting Creek Park.
- Resident Jaqueline McGrail will lead a Wildflower Hike on Saturday April 19. The hike on April 6 was canceled due to high water.
- Various concerts and events are scheduled for Little Hunting Creek Park starting with Macbeth on Sunday April 27. Prospect Chamber of Commerce will help promote the events.
- On October 19<sup>th</sup> the committee is sponsoring a concert, the Louisville Leopards, a children’s percussion band.
- The Trail Bash will return on November 23<sup>rd</sup> in Harrods Creek Park.



# Prospect Police Department

## Report Summary for March 2025

### ❖ *Arrests*

- ◆ 0

### ❖ *Call Response Reports*

- ◆ March 13: (043) Death Investigation
- ◆ March 23: (047) Civil dispute
- ◆ March 20: (049) Suspicious Activity (forward to ST Matthews)
- ◆ March 26: (051) Theft
- ◆ March 26: (052) Shoplifting
- ◆ March 27: (053) Civil Matter

### ❖ *Code Enforcement Reports*

18 permits were issued in March. Other March issues included:

- ◆ Unpermitted signs removed
- ◆ Unpermitted dumpster
- ◆ Debris in roadway

### ❖ *Felony Reports*

- ◆ March 4: (036) POCS with citation
- ◆ March 6: (040) TBD

### ❖ *JC3 Reports*

- ◆ March 12: (042) Duties Only

### ❖ *KYIBRS Non-Criminal Reports*

- ◆ March 13: (044) Missing person
- ◆ March 14: (no #) Field Interview

### ❖ *Misdemeanor Reports*

- ◆ 0

❖ *Total Assists Outside of Prospect – 0*

❖ *Total Citations / Warnings other than Arrests – 66*

❖ *Total Collisions – 6 non-injury and 2 injury*

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





# Prospect Police Department

## Monthly Report of Police Activities MARCH 2025

ACTIVITY	2025	2024
<b>House Checks:</b>	3091	2866
<b>Traffic Activity</b>		
Citations/ Warnings Issued	66	5
Non- Injury Accidents	6	8
Injury Accidents	2	1
Citizen Assists	4	0
<b>Reports</b>		
Misdemeanor Reports	0	1
Felony Reports	2	11
Call Responses	6	0
Miscellaneous Reports	2	0
Arrests	0	0
<b>Calls For Service</b>		
Dispatched Runs	135	98
Officer Initiated Runs	219	31
Burglary/ Robbery, Fire Alarms Included False Alarms	23	13
<b>Code Enforcement Citations</b>	0	0

**CITY OF PROSPECT  
ORDINANCE NO. 648, SERIES 2025**

**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**, 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 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 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 150.02 RESIDENTIAL BUILDINGS AND LOTS; RESTRICTIONS

(A) Floor area.

(1) On all residential subdivided lots within the city, except those platted and of record as of November 19, 1984, the first floor area of a one-story house shall be a minimum of 2,500 square feet; the first floor area of a two-or- more story house shall be a minimum of 1,600 square feet and minimum square footage of a two-or-more story house shall be 3,000 square feet; the first floor area of any other designed house shall be a minimum of 2,250 square feet and in no case shall square footage of any multi-story house on a subdivided residential lot within the city be less than 3,000 square feet.

(2) On all residential subdivided lots platted and of record as of November 19, 1984, the first floor area of a one-story house shall be a minimum of 1,850 square feet and the first floor area of a two-story house shall be a minimum of 1,100 square feet and minimum total square footage in a two-story house shall be 2,200 feet and the first floor area of a one-and-a-half story house shall be a minimum of 1,500 square feet. In no case shall total square footage of any house on such subdivided residential lots be less than 1,850 square feet.

(B) Stories; square footage requirements. The number of stories shall be counted from the front (street) elevation, beginning with the first story completely above ground from the front elevation, and all square footage requirements within this section disregard basement square footage. Square footage requirements to be heated living areas only. Open porches and attached garages are not to be included in computing square footage area.

(C) Approval of plans. The plans of residence and/or garage showing the plan, type, shape, height, material, color scheme, and location of same, and a completed application for building

permit in the form prescribed by the Mayor, shall be submitted to and approved in writing by the Mayor or any other official of the city to whom the power of approval has been delegated by the Mayor.

(D) Dwellings to be suitable to site and surroundings. No residence shall be constructed on any lot that does not compare favorably in character, design, and construction with others in the city and unless the residence shall be suitable to the site and in harmony with the other homes and surroundings.

(E) Garages. All residences must provide for at least two car attached garages, unless the subdivision lot is one acre or more in size in which event detached garages are allowed. In no case shall any garage door face the street in front of the residential dwelling, nor shall any garage door face the street to the side of the residence where the residence is located on a corner lot. For this purpose a lot is a corner lot where each of two sides of the lot faces one or the other of two intersecting streets and there are no other subdivided lots between either those sides and the street it faces. Where lots are irregularly shaped and/or a residence is situated on a lot at an angle, the garage door(s) may neither face either street nor be located at less than a 30 degree angle to any street. No carports are permitted and garages must be similar in design, character, and construction as residences.

(F) Lawngrades, fences, house elevations, and location of house. Lawngrades, fences, house elevations, and location of the house are to be approved in the same manner as the residence plans. (See division (C) above.)

(G) Sewer or foul water. No owner of any property in any subdivision within the city shall allow sewer water or any other foul water to stand or flow upon the surface of the property, nor flow into or onto any adjoining property.

(H) No residential lot within the city which totals two acres or less shall be subdivided.

(I) An "outbuilding" is defined in § 150.56(A)(1)(a) and (b). No outbuilding shall be allowed on any lot within a residential zoned area of the city unless the following criteria are met:

(1) Outbuildings are only permitted on lots of three acres or more. Outbuildings must be similar to the residence in design, character and construction and shall not be a prefabricated or manufactured structure;

(2) The outbuilding shall be at least 12 feet from any lot line;

(3) The outbuilding shall not be used as a garage;

(4) The square footage of any outbuilding built after the effective date hereof shall not exceed 10% of the square footage of the main building on said residential lot; provided, however, any existing outbuilding destroyed by fire or other cause may be rebuilt up to the square footage it was prior to such destruction;

(5) The outbuilding shall not unreasonably interfere with the quiet enjoyment of neighboring properties;

(6) The outbuilding shall be buffered from adjoining properties by a minimum evergreen opaqueness of 50% with a minimum six feet in height at the time of planting and shall be maintained at all times as approved; and

(7) The outbuilding shall have received a building permit issued in accordance with § 150.55 hereof.

(J) Notwithstanding the restrictions in division (I) above, a children's playhouse may be constructed on any residential lot so long as such structure contains only items suitable for children at play and is at least eight feet from any lot line.

(K) Notwithstanding the restrictions in division (I) above, a gazebo may be constructed on any residential lot for recreational purposes only as a lawn or garden decoration, to sit and enjoy the open space and beauty of the landscape in accordance with the following criteria:

(1) The gazebo shall have a maximum square footage of 144 square feet;

(2) The maximum size of columns supporting the roof of the gazebo shall be no larger than six inches across if it is a flat surface and eight inches in diameter if it is a curved surface;

(3) The gazebo shall be open on all sides with nothing between the columns supporting the roof other than rails with spindles at the bottom and/or ornate woodwork at the top;

(4) The gazebo shall be constructed of wood, wood substitute, wrought iron or wrought iron substitute;

(5) The roof of the gazebo shall consist of wood shingles or shall match the roof of the home on the lot on which the gazebo is constructed, and the roof of the gazebo shall match the shape of the gazebo;

(6) The maximum height of the gazebo, including any copula, if used, but excluding any weather vane, spindle or other type of approved decoration on top of the gazebo, shall be 15 feet measured from ground level, and the pitch of the roof of the gazebo shall rise a minimum of six inches every 12 inches (45 degrees); and

(7) A complete set of the plans and specifications for the gazebo shall be submitted pursuant to § 150.56(B).

(L) Notwithstanding the restrictions in division (I) above, a pool-house may be constructed on any residential lot of three-quarters (3/4) acres or more, that is used to support and provide amenities for an adjacent swimming pool and may include changing rooms, bathrooms, storage areas, and recreational spaces, in accordance with the following criteria:

(1) The square footage of a pool-house shall not exceed 240 square feet.

(2) A pool-house shall not exceed a maximum height of 1 story.

(3) A pool-house shall have a minimum setback of 15 feet from any building setback line.

(4) A pool-house’s construction style and materials must be similar in design, character, and construction as the residential dwelling.

(5) All utilities run to pool-house shall be placed underground.

(6) Any pool-house that is to be erected within a deed-restricted community shall have the prior written approval of the homeowner’s association before the issuance of any building permit.

(7) A pool-house is a non-residential structure and shall not be used for human habitation.

(8) All pool equipment, such as pumps, filters, heaters, chlorinators, UV or ozone systems, automation systems, and pool vacuum systems, shall be screened and placed at least ten feet from the nearest property line. (see §154.06).

~~(L)~~ (M) Only one outbuilding (exclusive of a single detached garage) will be permitted on any one residential lot.

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

First Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

“Aye” votes:

“Nay” votes:

VETO:

ATTEST:

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

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

**CITY OF PROSPECT  
ORDINANCE NO. 649, SERIES 2025**

**AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 154:  
SWIMMING POOLS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT**

**WHEREAS**, Chapter 154 establishes a code of swimming pool regulations for 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 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 154 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 154: SWIMMING POOLS

Section

- 154.01 Permit required
- 154.02 Application for permit
- 154.03 Permit fee
- 154.04 Refusal to issue permit
- 154.05 Fence or similar enclosure to enclose pool area
- 154.06 Screen for pool equipment
- ~~154.06~~ 154.07 Adequate drainage required
- ~~154.07~~ 154.08 Disposal of debris, waste, or rubbish
- ~~154.08~~ 154.09 Maintaining streets in clean condition
- ~~154.09~~ 154.10 Stop work order
- ~~154.10~~ 154.11 Above ground swimming pools prohibited within city
- 154.99 Penalty

§ 154.01 PERMIT REQUIRED.

No person, firm, or corporation shall construct a swimming pool within the corporate limits of the city without first making application and obtaining a permit therefore.

§ 154.02 APPLICATION FOR PERMIT.

An application for a permit, signed by the owner or his authorized agent, shall be filed with the City Clerk. It shall provide any information as may be reasonably required by the City Clerk for an intelligent understanding of the proposed work and its affect on the surrounding properties. The information set forth in the written application shall contain at least the following information:

- (A) The kind of pool to be constructed;
- (B) The overall dimensions of the length, width, and depth of the pool;
- (C) A plat showing the pool and pool equipment location on the property in relation to existing structures, easements, boundary lines, and existing or proposed fences;
- (D) Any effect on adjacent properties which can be reasonably expected to result from the construction of the pool;
- (E) What provisions are to be made for supplying the pool with potable water and for the drainage thereof;
- (F) The substance which will be used as fill and the anticipated disposition of any earth removed;
- (G) The time when construction is expected to begin and the length of time that it will take before it is completed.

§ 154.03 PERMIT FEE.

The City Clerk or other official so designated by the City Council, as a condition precedent to the issuance of the permit, shall require the payment of a \$50 permit fee.

§ 154.04 REFUSAL TO ISSUE PERMIT.

If in the opinion of the City Clerk or other official so designated by the City Council the construction of any pool may cause serious injury to persons or property, the permit shall not be issued and the construction thereof shall not be begun until the applicant for the permit has demonstrated to the satisfaction of the City Clerk, or other official so designated by the City Council, that adequate provisions have been made to avoid serious injury to persons and property within the city.

§ 154.05 FENCE OR SIMILAR ENCLOSURE TO ENCLOSE POOL AREA.

All pools or pool areas shall be enclosed by a permanent fence or similar structure surrounding the pool area. Such fences must be completely constructed as full enclosures and must be erected within thirty (30) days of completion of the pool basin, excluding plumbing. The fence or

enclosure shall extend not less than four feet above the ground, and shall not be constructed in such a manner that the facing of said fence barrier is constructed solely of horizontal members. All gates shall be self-closing and self-latching. In all other respects, fences shall comply with the requirements of Chapter 152. In addition to the foregoing, a temporary safety fence constructed of vinyl mesh or other material suited to secure the pool area shall be installed at the beginning of and during construction of the pool basin unless the pool construction area is currently secured by permanent fully enclosed fencing. With respect to both temporary safety fencing and permanent fencing surrounding the pool area, all fencing shall be fully placed and contained within the property boundaries of the land of the pool owner.

§ 154.06 SCREEN FOR POOL EQUIPMENT.

All pool equipment, such as pumps, filters, heaters, chlorinators, UV or ozone systems, automation systems, and pool vacuum systems, shall be placed at least 10 feet from the nearest property line and screened by a green barrier or living screen composed of hedges, shrubs or other plants sufficient to block the view of said equipment from adjacent properties.

~~§ 154.06~~ 154.07 ADEQUATE DRAINAGE REQUIRED.

The applicant shall be responsible for seeing that adequate provisions are made for drainage, both during the period of construction and after construction is completed. The applicant shall ensure that water will not be diverted from its natural flow to the detriment of the land surrounding the construction.

~~§ 154.07~~ 154.08 DISPOSAL OF DEBRIS, WASTE, OR RUBBISH.

The applicant is charged with the responsibility of seeing that no debris, waste, or rubbish from the project for which this permit is issued is discarded or abandoned within the boundaries of the city, either during, upon, or after the completion of the project.

~~§ 154.08~~ 154.09 MAINTAINING STREETS IN CLEAN CONDITION.

At all times, it shall be the duty of the applicant to maintain the streets in the vicinity of the permit location in a clean condition. The street shall not be allowed to become cluttered or covered with dirt or debris as a result of the construction and like activities.

~~§ 154.09~~ 154.10 STOP WORK ORDER.

If at any time during an applicant's project, he shall be found to be in violation of any section of this chapter or any work is found to be contrary to the provisions of this chapter or any other ordinance of the city, or is being conducted, in a dangerous or unsafe manner, that work shall immediately be stopped. The notice that work is to cease shall be in writing, and shall be given to the owner of the property, his agent, or any person at the work site who is in a position of authority and the notice shall state the conditions under which work may be resumed.



§ ~~154.10~~ 154.11 ABOVE GROUND SWIMMING POOLS PROHIBITED WITHIN CITY.

(A) In the interest of the public health, safety, welfare and aesthetics, it shall be unlawful for any person to construct, install, enlarge or alter any above ground swimming pool in the city. Above ground swimming pools shall not be construed to include wading pools, which are defined as pools which have a diameter or maximum cross dimension of not more than eight feet and a maximum depth of not more than one foot.

(B) Any above ground swimming pool within the city already existing as of the effective date of this section shall be operated, maintained and screened from public view, so as not to create a nuisance, hazard, eyesore or otherwise to result in a substantial adverse effect on neighboring properties or to be in any other way detrimental to public health, safety, welfare or aesthetics.

§ 154.99 PENALTY.

(A) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and fined no less than \$50 nor more than \$500 for each violation as stated. Each day that the violation continues shall be considered a separate offense. This chapter is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.

(B) Any person, firm or corporation violating any provision of § 154.10 shall be subject to a fine of \$100 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, any person, firm or corporation violating § 154.10 shall immediately take whatever corrective actions are necessary to come into compliance with that section. Section 154.10 is subject to enforcement by the Code Enforcement Board. A violation of that section shall be considered a civil offense in accordance with KRS 65.8808.

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

First Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

“Aye” votes:

“Nay” votes:

VETO:

ATTEST:

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

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

CITY OF PROSPECT, KENTUCKY  
ORDINANCE NO. 650, SERIES 2025

**AN ORDINANCE AMENDING THE BUDGET FOR THE MUNICIPAL ROAD AID FUND  
OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024  
AND ENDING JUNE 30, 2025**

**BE IT ORDAINED BY THE CITY OF PROSPECT, KENTUCKY:**

**SECTION 1:** The Budget for the Municipal Road Aid Fund of the City of Prospect for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, shall be amended as follows:

ESTIMATED BALANCE BY JULY 1, 2024	<del>[\$254,364]</del>	<u>\$254,561</u>
ESTIMATED INCREASES TO FUND	\$112,800	\$112,800
TOTAL AVAILABLE FOR APPROPRIATION	<del>[\$367,164]</del>	<u>\$367,361</u>
ESTIMATED EXPENDITURES (paving, snow removal, sidewalks)	<del>[\$150,000]</del>	<u>\$210,000</u>
ESTIMATED ENDING BALANCE JUNE 30, 2025	<del>[\$271,164]</del>	<u>\$157,361</u>

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

First Reading this \_\_\_\_ day of April 2025.

Passed on Second Reading this \_\_\_\_ day of \_\_\_\_\_, 2025.

By a vote of \_\_\_\_ aye and \_\_\_\_ nays of the City Council.

APPROVED:

ATTEST:

\_\_\_\_\_  
Douglass Farnsley  
Mayor

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

**CITY OF PROSPECT, KENTUCKY  
ORDINANCE NO. 651, SERIES 2025**

**AN ORDINANCE AMENDING THE BUDGET FOR THE GENERAL FUND OF THE CITY OF PROSPECT  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025**

**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, 2024 and ending June 30, 2025 shall be amended as follows:

**REVENUE**

INCOME SOURCE	ORIGINAL BUDGET Ord. No. 639, Series 2024	AMENDED BUDGET	CHANGE
Ad Valorem Property Tax	[ <del>\$1,920,000</del> ]	<u>\$1,940,000</u>	+\$20,000
Insurance Premium Tax	\$1,615,000	\$1,615,000	\$0
Other revenues	\$399,785	\$399,785	\$0
Rollover of municipal road aid	[ <del>\$150,000</del> ]	<u>\$210,000</u>	+\$60,000
Appropriation from existing surplus	\$48,707	\$48,707	
<b>TOTAL REVENUES</b>	<b>[<del>\$4,133,492</del>]</b>	<b><u>\$4,213,492</u></b>	<b>+\$80,000</b>

**EXPENDITURES**

	ORIGINAL BUDGET Ord. No. 639, Series 2024	AMENDED BUDGET	CHANGE
City Administration	\$970,392	\$970,392	\$0
Community Development	\$35,800	\$35,800	\$0
<b>Total Administration</b>	<b>\$1,006,192</b>	<b>\$1,006,192</b>	<b>\$0</b>

	ORIGINAL BUDGET Ord. No. 639, Series 2024	AMENDED BUDGET	CHANGE
Police Department	\$1,237,487	\$1,237,487	\$0
<b>Total Police</b>	<b>\$1,237,487</b>	<b>\$1,238,487</b>	<b>\$0</b>

	ORIGINAL BUDGET Ord. No. 639, Series 2024	AMENDED BUDGET	CHANGE
Public Works	[ <del>\$647,274</del> ]	<u>\$727,274</u>	+\$80,000
Solid Waste	\$869,200	\$869,200	\$0
Landscape Maintenance	\$275,500	\$275,500	\$0
Parks & Tree Management	\$97,839	\$97,839	\$0
<b>Total Public Works</b>	<b>[<del>\$1,889,813</del>]</b>	<b><u>\$1,969,813</u></b>	<b>+\$80,000</b>

	ORIGINAL BUDGET Ord. No. 639, Series 2024	AMENDED BUDGET	CHANGE
<b>TOTAL EXPENDITURES</b>	<b><u>[\$4,133,492]</u></b>	<b><u>\$4,213,492</u></b>	<b>+\$80,000</b>

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

First Reading this \_\_\_\_ day of April, 2025

Second Reading this \_\_\_\_ day of \_\_\_\_\_ 2025

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

APPROVED:

ATTEST:

\_\_\_\_\_  
Douglass Farnsley  
Mayor

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

**CITY OF PROSPECT  
ORDINANCE NO. 652, SERIES 2025**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
A UNIFORM FRANCHISE AGREEMENT**

**WHEREAS**, Louisville/Jefferson County Metro Government publicly advertised bid proposals from parties interested in obtaining franchises to erect, install or maintain communication facilities or provide communication services by use of said communication facilities within the confines of Louisville Metro, Kentucky, which includes all the area in Jefferson County, Kentucky, and

**WHEREAS**, Lumos Fiber of Kentucky LLC (hereinafter "Provider"), with its principal office located at 4100 Mendenhall Oaks Parkway, Suite 300, High Point, NC 27265, submitted a bid proposal to Louisville Metro for a communications services franchise pursuant to the requirements of Chapter 116 of the Louisville Metro Code of Ordinances and was approved as the winning bidder by the City of Louisville Council meeting of the 12<sup>th</sup> day of December 2024, and

**WHEREAS**, The City of Prospect, being located within the confines of Louisville Metro (Jefferson County), also desires to approve a non-exclusive franchise with Lumos Fiber of Kentucky LLC, since a portion of the project will be located upon rights of way owned by the City of Prospect, but which are still in the geographic area of the bid notice,

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

**SECTION 1:** The City of Prospect hereby recognizes, adopts the bid process and all the related findings of Louisville/Jefferson County Metro Government supporting the franchise approval of Lumos Fiber of Kentucky LLC, contained in the record of such approval at the Louisville Metro Council meeting. Further, based on the findings herein, the certain non-exclusive franchise agreement for telecommunication services in Jefferson County, by and between the City of Prospect and Lumos Fiber of Kentucky LLC, be and hereby is approved by the City Council. Further the City Mayor is hereby authorized to sign the Agreement, along with any other documents required to effectuate the terms of the referenced Agreement, attached, and fully incorporated herein as Exhibit One.

**SECTION 2:** This Ordinance shall take effect upon its reading, passage, approval, and publication according to law.

First Reading this \_\_\_\_ day of \_\_\_\_\_ 2025

Second Reading this \_\_\_\_ day of \_\_\_\_\_ 2025

By a vote of \_\_\_\_ aye and \_\_\_\_ nay of the City Council.

APPROVED/VETOED:

ATTEST:

\_\_\_\_\_  
Douglass Farnsley  
Mayor

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

EXHIBIT ONE

**UNIFORM FRANCHISE AGREEMENT**

**THIS UNIFORM FRANCHISE AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025, by and between the City of Prospect, a Home Rule city in Jefferson County, Kentucky, with its office at 9200 US Highway 42, Prospect, KY 40059 (hereinafter "City") and Lumos Fiber of Kentucky, LLC, with its principal office at 4100 Mendenhall Oaks Parkway, Suite 300, High Point, NC 27265 (hereinafter "Provider").

**WITNESSETH:**

**WHEREAS**, pursuant to Chapter 116 of the Louisville Metro Code of Ordinances and Section 163 and 164 of the Kentucky Constitution, the Louisville/Jefferson County Metro Government ("Louisville Metro") solicited bid proposal from parties interested in obtaining franchises to erect, install and maintain communication facilities or provide communication services by use of said communication facilities within the confines of Louisville/Jefferson County, Kentucky,

**WHEREAS**, Provider submitted a bid proposal to Louisville Metro for a communication services franchise pursuant to the requirement of Chapter 116 of the Louisville Metro Code of Ordinances,

**WHEREAS**, pursuant to Ordinance No. **222**, Series **2024**, Louisville Metro granted to Provider for a period of twenty (20) years, a non-exclusive franchise to erect, install or maintain communications facilities or provide communication services by use of said communication facilities within the confines of Louisville/Jefferson County, Kentucky in

conformance with Chapter 116 of the Louisville Metro Code of Ordinances,

**WHEREAS**, the City, being located within the same geographic area identified in the bid notice of Louisville Metro (i.e., Jefferson County), also desires to approve a non-exclusive franchise with Provider on substantially similar terms, since a portion of the project will be located upon rights-of-way owned by the City, which are the county and geographic areas described in the bid notice of Louisville Metro,

**WHEREAS**, the City Council recognized and adopted the bid process and all the related findings of Louisville Metro supporting the franchise approval of Provider, contained in the record of such bid proposal approved by Louisville Metro.

**NOW THEREFORE**, for and in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, City and Provider hereby agree to incorporate the foregoing recitals as if fully set forth herein and further agree as follows:

1. The City grants unto Provider a non-exclusive franchise, for a term of twenty (20) years to erect, install or maintain communications facilities or provide communication services by use of said communication facilities within the confines of the City and in conformance with Chapter 116 of the Louisville Metro Code of Ordinances. The following provisions of Chapter 116 and of the bid of Provider which inure to the benefit of Louisville Metro shall be deemed to equally inure to the benefit of City, indemnification, insurance, responsibility for costs and hold harmless provisions. Nothing herein is to be construed as granting Metro the authority to lease, sublease or otherwise transfer any property rights within the City to Provider.

2. The communication service facilities to be installed by the Provider by said franchise are more particularly described in the attached as Exhibit "A"; which is incorporated herein by reference in its entirety and shall apply as if fully set forth herein. There shall be no changes, revisions or additions to the communication service facilities identified in Exhibit "A", without the expressed written consent of the City, provided City's issuance of a construction permit for new routes and facilities shall be deemed written consent for such new routes and facilities. Provider agrees to comply with all applicable requirements of any City ordinances and regulations concerning application for an encroachment permit; including the Provider's agreement to buffer, with landscaping or otherwise, cabinets (or other structures), which may be placed in the right-of-way, as directed by the City.

3. Provider shall make application to the City to obtain all necessary permits for any work that will be performed in the City's rights-of-way (ROW). Upon request of the Provider and prior to making an application for a ROW permit, City will use their best efforts to notify Provider of any unique features and/or conditions, as well as any unique Ordinances, of which the City is aware which could have the potential to hinder, delay, or alter construction or significantly increase the cost thereof. Applications for a ROW permit shall contain descriptions and locations of construction, describe which areas along the proposed routes will have access to the facilities to be installed with the goal to provide the maximum feasible access to the new installation for the residents of City, the projected timelines for the same and the full contact information (including cell phone), of all the responsible parties for the installation of the facilities, especially the site supervisor and the



on-site supervisor for any sub-contractor and the provider shall immediately update the contact information if there is a change in the individuals with on-site responsibility for the project. In no event shall a permit be valid for more than eighteen months; provided however, that requests for an extension will not be unreasonably withheld or delayed. Provider shall give reasonable notice to the City prior to commencing construction within the City. Provider shall notify City upon completion of the permitted work and City shall have a right of final inspection and approval based on the approved permit. City shall perform inspections within 10 days of receipt of notice from the Provider that the permitted work has been completed. City shall notify in writing the Provider and City within 48 hours of their inspection(s) and findings.

4. Provider is informed that the City of Prospect does not participate in the Telecommunication Tax under KRS 136.600 to 136.660, and any franchise fees relating to the use of its right of way will be imposed directly upon the user. Provider agrees that when this fiber becomes actively used, provider shall provide all information required for the City to begin collecting the appropriate franchise fee, which may be a maximum of five percent (5%) of Provider's (or the Provider's successors, assigns, license, and lessees), annual Gross Revenues earned within the City. Provider shall submit to City at least annually, documentation in the form attached to this Franchise Agreement as Exhibit B and shall respond to any reasonable document request from the City relating to the issue of whether the facilities are in use and therefore franchise fees should be paid. The first payment period for the franchise fee to be paid under this section shall commence ninety (90) days after Provider's notice and the City of Prospect's acknowledgment and response. Provider shall

be permitted to pass through and itemize on subscriber bills the amount of the franchise fee and/or any net taxes paid pursuant to KRS 136.600-136.660, so that in no event shall the amounts of franchise fees and net taxes charged to subscribers exceed the amounts paid or remitted by Provider to City and/or the Commonwealth. "Gross Revenues" shall mean all revenues, as determined in accordance with generally accepted accounting principles, received by Provider from Subscribers residing within the Service Area of the City for services purchased by such Subscribers on a regular, recurring monthly basis. Gross Revenues shall not include (1) any taxes, fees or assessments collected by the Provider from Subscribers for pass-through to a government agency, including the franchise fee and FCC user fee; (2) bad debt; (3) credits, refunds and deposits paid to Subscribers; or (4) any exclusions available under State Law. No such franchise fee shall be assessed against Provider unless it is assessed on neutral and non-discriminatory basis for all communication services providers.

5. Provider will comply with KRS 91A.080, which requires insurance companies which issue certain insurance policies on risks that are located within the City to designate the City as the property taxing jurisdiction for insurance premium taxes. Provider will obtain a City business license.

6. In the event the City requires Provider to provide a performance bond under this Franchise Agreement, the City will allow Provider to add the City to the bond acquired under the Louisville Metro franchise agreement.

7. Provider shall employ ordinary care in the maintenance and operation of its

system and its facilities shall be kept in good condition and shall not be allowed to endanger the life, health or property of any citizen of the City or property of the City. Provider hereby agrees to indemnify and hold the City harmless, including its agents and employees, from any claims or damages resulting from the action of the Provider in constructing, operating, or maintaining its system. The Provider shall maintain throughout the term of the Franchise commercial general liability, automobile insurance and umbrella liability coverage in at least \$1,000,000.00 per occurrence and workers compensation within statutory limits. City shall be added as an additional insured, arising out of work performed by Provider, to the above commercial general liability, auto liability and umbrella liability insurance coverage. The Provider shall furnish the City with current certificates of insurance evidencing such coverage upon request. If the Provider discontinues the use of its facilities, it shall so inform the City and represent a plan for the removal and/or safe disconnection and decommissioning of its facilities.

8. Any dispute arising between the parties pursuant to or in connection with the Franchise shall not be subject to binding arbitration, but the parties agree that they will use their best efforts to resolve any such dispute (including mediation if appropriate) prior to suing in the agreed upon and appropriate venue to resolve the dispute, which shall be the Circuit Court of Jefferson County, Kentucky. Provider shall provide to the City an updated and current point of contact for Provider to facilitate communication.

9. Provider does hereby bind itself, its successors, and assigns, to faithfully and fully perform each condition of this franchise as memorialized in this Franchise, and further to faithfully perform all acts required of it as the purchaser of said Franchise.

10. This Franchise constitutes the entire agreement between the parties and shall be binding upon and inure to the benefit of the respective successors in interest to the parties hereto.

11. This Franchise shall commence \_\_\_\_\_, 2025, and shall expire on \_\_\_\_\_, 2045.

**IN WITNESS WHEREOF**, the City and Provider have executed this Franchise as their free and voluntary act and deed effective as of the day and year first above written.

**CITY OF PROSPECT**

**BY:** \_\_\_\_\_  
**DOUG FARNSLEY, MAYOR**

**PROVIDER: LUMOS FIBER OF KENTUCKY, LLC**

**BY:** \_\_\_\_\_  
**ITS:** \_\_\_\_\_

## **EXHIBIT A**

Lumos proposes to build a fiber-based, high-capacity telecommunications network, both to provide telecommunications services to third-party customers and for Lumos's own use. Lumos's initial plans are to impact homes and small businesses across Jefferson County, but plans can shift some as we work through the field engineering and construction phases of the project.

**EXHIBIT B**  
**City of Prospect, Kentucky Franchise Fee Reporting Form**

Reporting Period: \_\_\_\_\_

Tax Identification # \_\_\_\_\_

FRANCHISEE/PROVIDER

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Form Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_

GROSS SALES	\$0.00
LESS: TAX EXEMPT SALES	\$0.00
NET SALES SUBJECT TO TAX	\$0.00
TAX RATE	5.00%
GROSS TAX	\$0.00
LESS: UNCOLLECTABLES	\$0.00
LESS: VENDOR'S COMPENSATION	\$0.00
LESS: TAX CREDITS	\$0.00
NET TAX AMOUNT TO BE REMITTED	\$0.00

Remit Payment To: City of Prospect, 9200 US Highway 42, Prospect, KY 40059