

COMMONWEALTH OF KENTUCKY  
CITY OF PROSPECT  
CITY COUNCIL SPECIAL MEETING  
Monday, June 2, 2025, 7:00 p.m.

AGENDA

CALL TO ORDER

- Chair: Mayor Doug Farnsley

APPROVAL OF MINUTES

- Approval of Minutes of the April 14, 2025 special council meeting and April 21, 2025 regular council meeting.

COMMENTS FROM CITIZENS

MAYOR'S REPORT

- Mayor's update on city matters.
- Mayor's Budget Message

FINANCIAL REPORTS

- Monthly financial update

COMMISSION & BOARD REPORTS

- Forestation Board

OTHER REPORTS

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

POLICE REPORT

UNFINISHED BUSINESS

- Second 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.*

NEW BUSINESS

- **Resolution No. 4, 2025**, A RESOLUTION OF THE CITY OF PROSPECT FOR APPLICATION OF RECREATIONAL TRAILS PROGRAM GRANT.  
*This resolution acknowledges the city's intention to apply for a Recreational Trails Program grant through the Kentucky Dept. of Local Government to fund the development of the proposed Putney Pond Boardwalk.*

- First reading of **Ordinance 653, Series 2025**, AN ORDINANCE ESTABLISHING AN AD VALOREM TAX RATE FOR THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026.  
This ordinance is to set the 2025 ad valorem tax rate to be levied on real property.
- First reading of **Ordinance 654, Series 2025**, AN ORDINANCE ESTABLISHING THE BUDGET FOR THE GENERAL FUND, MUNICIPAL ROAD AID AND CAPITAL PROJECT FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026.

## ADJOURNMENT

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

Members of the public may attend in person and see and hear all participating members at  
Prospect City Hall, 9200 US Hwy 42, Prospect, Kentucky.

# CITY COUNCIL

## SPECIAL MEETING MINUTES

April 14, 2025

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

**Participating Remotely:** Council Member Christian Furman, Director of Public Works Ron Cundiff

### **Call to Order**

Mayor Farnsley called the meeting to order at 5:00 p.m.

### **Citizen Comments**

- None

### **Mayor's Report**

- The mayor announced that this special meeting was set to pass an amended Municipal Road Fund budget and General Fund budget for the 2024/2025 fiscal year primarily due to higher than anticipated snow removal costs and clean-up costs related to the April 2, 2024 tornado.
  - The amended Municipal Road Fund budget allocates an additional \$60K to cover snow removal costs.
  - The amended General Fund Budget increases revenue from property tax receipts that have exceeded the original budget and includes a transfer of \$60K from the Municipal Road Fund. The \$80K in additional revenue has been appropriated to the Public Work's Department budget.
- A draft of the new 2025/2026 budget workbook will be distributed this evening in preparation for discussion 2025/2026 fiscal year budget ordinances.

### **New Business**

- Council Member Evans moved for the first reading of **Ordinance 650, Series 2025**, AN ORDINANCE AMENDING THE BUDGET FOR THE MUNICIPAL ROAD FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025, 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 the Municipal Road Fund budget for the current fiscal year.*
- Council Member Clark moved for the first 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, seconded by Council Member Gibson. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. The motion passed 6–0.

*This ordinance amends the budget for the general funds for the current fiscal year.*

**Adjournment:** Council Member Clark moved to adjourn, seconded by Council Member Leonard, and the motion passed unanimously. Mayor Farnsley declared the meeting adjourned at 5:32 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.*

# CITY COUNCIL

## REGULAR MEETING MINUTES

April 21, 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 Clark moved to approve the minutes from March 17, 2025, regular council meeting, seconded by Council Member Evans, and the motion passed unanimously.

### **Citizen Comments**

- Oldham County residents Weasie Gaines and Nick Russ voiced their concern over plans to develop a large data center on 267 acres of agricultural-zoned property in Oldham County. Ms. Gaines and Mr. Russ believe the size of the proposed industrial development will be detrimental to Oldham County and surrounding areas such as Prospect, due to the light, noise and water pollution it will create, and put a strain on the existing power grid. They urged the mayor, council and Prospect residents to oppose this proposed development.

### **Mayor's Report**

- The mayor advised the council that the May 19<sup>th</sup> regular council meeting will be canceled due to scheduling conflicts, and that a special council meeting will be held on Monday, June 2<sup>nd</sup> at 7 pm.
- On April 12<sup>th</sup> nine city volunteers picked up trash along U.S. Hwy 42. The mayor thanked the volunteers, the city's police officers and public works director for their work.
- Several adults and children participated in the wildflower walk sponsored by the Parks Committee, held on Saturday, April 19<sup>th</sup> led by Carolyn Embry and Jacqueline McGrail.
- There are several upcoming city events scheduled, including Kentucky Shakespeare's production of MacBeth on Sunday, April 27<sup>th</sup>, the Spring Library Book sale on May 16<sup>th</sup> and 17<sup>th</sup> and the 2<sup>nd</sup> Annual Kids Fest on June 14<sup>th</sup> in Little Hunting Creek Park.

- On June 5<sup>th</sup> the mayor, city council members and the architectural review committee members will visit Carmel, Indiana to learn more about highway roundabouts and land development.
- The Kentucky Transportation Cabinet recently held a stakeholders meeting at Prospect City Hall to discuss the proposed improvements to U.S. Hwy 42 that will establish several roundabouts through Prospect's business corridor. The city plans to implement many of the other public safety projects for U.S. 42 recommended in the July 2022 Transportation Planning Study.

### **Financial Reports**

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

- Cash on hand totaled approximately \$3.7 million, of which approximately \$2.4 million is unrestricted funds.
- The city has earned approximately 89% of its annual revenue.
- The capital project fund balance is approximately \$98K.
- The restricted Road Aid Fund balance is approximately \$185K.

### **Commission and Board Reports**

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

- The Spring Canopy Tree program has proved to be successful with 11 new trees being provided to residents.
- The committee will be reviewing reports of the dangerous trees to determine if there is any need for remediation.
- The 2025-2026 City Tree Plan is currently being prepared and is expected to be submitted to the council at its next meeting.

On behalf of the Investment Committee, Council Member Clark, presented an oral and written report:

- The committee has reviewed the city's investment policy and found the city in compliance with the policy and state law, and recommended no change to the current investment policy.
- The city's total investments at the end of March, 2025 totaled \$3.66 million divided into three investments managed by PNC, a Money Market Fund, Enhanced Income Fund and S&P 500 Index Fund.
- The committee recommends that all allocations remain the same, including investing \$5K per month in the S&P 500 Index Fund.

### **Other Reports**

Council Member Leonard reported that the Jefferson County League of Cities [JCLC] recently held its annual meeting. The guest speakers were Kentucky League of Cities C.E.O., J.D. Chaney and

Director of Government Affairs, Gracie Kelly. Mr. Chaney and Ms. Kelly provided an update of state legislative activity during the past general session.

On behalf of the Parks and Recreation Advisory Committee, Member Tina Beavin presented an oral and written report.

- In the past month the committee has sponsored three events, the U.S. Hwy 42 cleanup held on Saturday, April 12<sup>th</sup>, a Hike and Listen Lecture through Putney Pond Park on Saturday, March 22<sup>nd</sup> and a Spring Wildflower Hike through Hunting Creek Park on Saturday, April 19<sup>th</sup>.
- The city's invasive plant removal contractor, ICF, is to begin invasive plant removal in the city's parks this month.
- An examination of park trails shows they are currently in good condition despite recent spring storms.
- The committee is sponsoring Kentucky Shakespeare's production of MacBeth at the John Evans Pavilion this coming Sunday, April 27<sup>th</sup>. There are several other events and concerts scheduled throughout the summer.

#### **Police Report:**

Police Chief Denham reported:

- The details of the written report on arrests and call responses were presented.
- There have been some complaints about door-to-door sales. Only licensed solicitors are allowed to operate in the city.
- The chief urged residents to always lock their cars and secure garages to avoid crimes of opportunity.
- The department continues to get reports of financial scams perpetrated on elderly residents. The chief urged all residents to contact the police whenever they have questions about scams or are concerned about being scammed.

#### **Old Business**

- Council Member Gibson moved for the second reading and passage 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.
  - Council Member Holmes moved to amend **Ordinance 648, Series 2025**, §150.02 (L) by deleting "three-quarter (3/4) acre" and inserting "one-half (1/2) acre", seconded by Council Member Gibson. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson and Holmes Nay: Leonard. The motion passed 5–1.

A roll call vote was held on **Ordinance 648, Series 2025**, as amended: 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 Leonard moved for the second reading and passage 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 Gibson.

- Council Member Clark moved to amend **Ordinance 649, Series 2025**, §154.06 by deleting “a green barrier” and inserting “materials of similar design, character, and construction of the residential dwelling”, seconded by Council Member Leonard. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. The motion passed 6–0.

A roll call vote was held on **Ordinance 649, Series 2025**, as amended: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. The motion passed 6–0.

*This ordinance amends swimming pool regulations to require the screening of pool equipment from the view of adjacent properties.*

- Council Member Holmes moved for the second reading and passage 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, seconded by Council Member Furman. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. The motion passed 6–0.

*This ordinance amends the Municipal Road Aid budget for the current fiscal year.*

- Council Member Holmes second reading and passage 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, seconded by Council Member Furman. A roll call vote was held: Yea: Clark, Evans, Furman, Gibson, Holmes and Leonard. Nay: None. The motion passed 6–0.

*This ordinance amends the budget for the general funds for the current fiscal year.*

#### **New Business**

- Council Member Furman moved to approve an application of Building Plans to construct a Commercial Tenant Building at 8907H U.S. Hwy 42, 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 Leonard moved for the first reading of **Ordinance 652, Series 2025**, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A UNIFORM FRANCHISE AGREEMENT, 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 authorizes the mayor to enter a franchise agreement with Lumos Fiber of Kentucky, LLC.*



**Adjournment:** Council Member Clark moved to adjourn, seconded by Council Member Leonard, and the motion passed unanimously. Mayor Farnsley declared the meeting adjourned at 8:22 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.*

# CITY OF PROSPECT, KENTUCKY

## 2025-2026 CITY TREE PLAN

### Objectives and Goals

The City of Prospect Forestation Board's objectives and goals are to enhance and improve the City tree canopy in Prospect and work to achieve and sustain forestation within the city which is safe, healthy, diverse, aesthetically pleasing, functional and supportive of birds and wildlife and which provide a locale where City residents and visitors may learn and obtain greater appreciation for the benefits of trees and forestation in the urban environment.

### Methods

To achieve the stated objectives, the Forestation Board will be guided by the Forestation Ordinance of the City of Prospect enacted on December 10, 2007, and that ordinance as amended. Specific goals and methods will be identified and reassessed on an annual basis in an effort to assure that current arboricultural standards are applied within the city. Progress towards the specific goals will be reviewed each year and reported in the annual Forestation plan. This report and subsequent annual reports will be presented to the Mayor and City Council in April of each year and will reflect priorities and recommendations to address forestation issues.

### Monitoring

Regular monitoring by the consulting arborist and Forestation Board shall be used to:

Determine maintenance, pruning and planting needs and prioritize tree maintenance.

Ensure diversity of trees.

### Safety

The City's forestation shall be maintained for the safety of residents and visitors by causing:

Planting of safe, vigorous and sustainable species of trees.

Identification and removal from street and park areas (where hazards exist) of dead and/ or declining trees, dead or weakened portions of trees, roots, obstructions caused by roots such as heaved sidewalks, stumps and other safety hazards related to trees.

Removal of trees or portions of trees interfering with pedestrian or vehicle passage or with line of sight to traffic regulatory signs or signals and any other hazard threatening citizen's private property

## Health

The health of the city's trees shall be encouraged by:

Tree health management, including monitoring of, and treatment for, insect and disease infestation and general maintenance of tree vigor.

Selection and planting of diverse tree species resistant to insect, disease, and/or environmental damage and that are winter hardy for our area.

Timely pruning and treatment of trees to prevent adverse conditions.

The use of current planting and pruning techniques as outlined by International Society of Arboriculture.

## Diversity

A desirable diversity in the genus, species, age, and size of trees within the City will be encouraged by:

Publication of approved and unapproved tree lists for public area trees designating small, medium, and large trees as well as native and non-native species.

Planting of varying species and size classification with the goal of not more than 30% of any one class of tree, not more than 20% of any one genus and not more than 10% of any one species.

## Aesthetics

Landscape design considerations will be incorporated into the planning of the City's forested areas both with regard to initial and restorative plantings and with regard to the removal of unattractive or inappropriate trees.

## Functional Forestation

The Forestation Board shall work to provide functionality of purpose in selecting tree types and planting areas by promoting the use of trees for energy saving and cleaner air.

## Wildlife

We will protect wildlife by planting trees favorable to birds and other wildlife.

Retention of dead trees and portions of trees for cavity nesting birds where such retention does not present any insect, disease, or safety hazard.

## 2024-2025 Accomplishments

Planted 27 trees on City land and private land in 2024 calendar year, including memorial trees.

Continued the Canopy Tree program featuring city cost-sharing with residents to encourage the planting of shade trees. The program was expanded to provide trees both in the spring and fall. Canopy program from fall 2024 (18) and spring 2025 (10) included 28 trees. Some participants are repeaters having been pleased initial experience.

Held our annual Arborfest including increased distribution of 75 flowering trees to assist with replanting after the spring tornado, and had a professional arborist on hand to assist residents. Informative, illustrated handouts on available species and other tree related information were also provided.

Required the remediation/removal of dozens of hazardous trees. Established improved process and communication procedures working with Code Enforcement.

Obtained Prospect's recertification as a Tree City USA for the 17<sup>th</sup> consecutive year, from the Arbor Day Foundation.

The Trees & Forestation Ordinance has been reviewed and updated to provide more information and better clarification. The revised Ordinance includes the addition of adding 2 additional Forestation Board positions. The Ordinance was approved on September 19, 2024.

Prepared articles and e-blasts on tree issues for the city's electronic system.

## Goals for 2025-2026

Continue offering resources to assist residents with new plantings for the many still recovering from the tornado.

Reach out to HOAs with tree education covering not only best tree practices, but also an understanding on community responsibilities (especially on street trees). Consider an event to cover these topics and include a guest speaker.

Maintain the increased offering for Arborfest.

Continue promotion of the Canopy Tree program. Consider success stories from program participants in advance of events.

Continuing planting of new trees with emphasis on older areas of the City where some trees have completed their life cycle.

Providing contractual watering as necessary for newly planted trees.

Work with Parks & Recreation to enhance the beauty of City parks.

Extend the tree ID signage program.

Work with developers and Code Enforcement to review construction plans impacting trees.

Begin planning for an updated Tree Guide.

## PROSPECT FORESTATION BOARD

Chair Linda Knox Linda Knox

Member Connie Kuhn Connie Kuhn

Member Sylvia Quaye Sylvia Quaye

Member Herb Shulhafer Herb Shulhafer

Member David Thimme David Thimme

Member Lee Tucci Lee Tucci

## **Parks & Recreation Advisory Committee Report to City Council**

### **May 12, 2025**

The Prospect Parks and Recreation Advisory Committee met on May 25, 2025. Carolyn Embry chaired the meeting.

#### Parks Updates

- Don Gibson gave a report on the Putney Pond Boardwalk project. A public meeting has been scheduled for 6:30 p.m. at City Hall on June 2. David Holmes and Carolyn Embry offered to attend in support of the project
- Tina Beavin reported that ICF is continuing invasive plant removal and has submitted a quote of \$7,700 for FY26 to clean out the property donated to the City by Jean Frazier. The clean up project is on hold for now.

#### Parks Programs

- Tina reported that 10 people participated in the U.S. 42 Highway cleanup in April.
- Carolyn reported that 14 people participated in the April 19 Wildflower Walk with many varieties of wildflowers to observe. The April 6<sup>th</sup> walk was cancelled due to rain.
- Shakespeare in the Parks presented “Macbeth” on Sunday, April 27 in Little Hunting Creek Park. The actors were grateful to Prospect for hosting the event.
- Two sections of Eagle’s Way in Putney Pond need repair. Ron Cundiff, Lynn Granger and the mayor will discuss options.
- The second annual KidzFest is planned for Saturday, June 14, from 10:00 a.m.-2:00 p.m. The event promises to be “bigger and better” than ever, with more activities planned this year, including opportunities for kids to interact with members of Racing Louisville.
- David Holmes reported on upcoming concerts in the John Evans Pavilion. The Rumors on May 18 and The Ron Jones Jazz Trio for Sunday, June 8.

#### Other Business

- Ron has ordered replacement brochure boxes for the Parks kiosks. Lynn volunteered to install them, and Carolyn will restock them.
- The next meeting date is June 9, 2025, at 5:00 p.m. in City Hall.

**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 21<sup>st</sup> day of April 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

## 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 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'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. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

DRAFT

**COMMONWEALTH OF KENTUCKY  
CITY OF PROSPECT  
RESOLUTION 4, SERIES 2025**

A RESOLUTION OF THE CITY OF PROSPECT ("CITY") FOR  
APPLICATION OF RECREATIONAL TRAILS PROGRAM GRANT.

**WHEREAS**, the City of Prospect proposes to develop recreational resources to provide for the health and well-being of the general public, and

**WHEREAS**, the City of Prospect intends to make application to the Department of Local Government for assistance under the Recreational Trails Program, and

**WHEREAS**, the Recreational Trails Program is limited to funding a maximum of eighty percent (80%) of project costs up to \$250,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Prospect hold in reserve at least twenty percent (20%) of the proposed project costs for the purpose of matching the Recreational Trails Program assistance, and

**BE IT FURTHER RESOLVED**, that in the event a grant is awarded, the City of Prospect understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI of the Civil Rights Act and Section 504 of the 1973 Rehabilitation Act.

Adopted on: \_\_\_\_\_, 2025, by a vote of \_\_\_\_ aye to \_\_\_\_ nay.

By: \_\_\_\_\_  
Douglass Farnsley, Mayor

Dated:

ATTEST:

By: \_\_\_\_\_  
John S. Carter, City Clerk

Dated:



**CITY OF PROSPECT  
ORDINANCE NO. 653, SERIES 2025**

**AN ORDINANCE ESTABLISHING AN AD VALOREM TAX RATE FOR THE CITY OF PROSPECT FOR THE  
FISCAL YEAR BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026**

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

**SECTION 1:** An ad valorem tax is hereby levied and fixed at the rate of 18.30 cents on each \$100 of all real estate property within the corporate limits of the City of Prospect, as assessed for taxation and subject to taxation by said City, as of January 1<sup>st</sup> of each year.

**SECTION 2:** Said ad valorem taxes shall be due and payable until paid in full. Pursuant to Ordinance 633-2023, the tax collector shall compile and mail tax bills no later than August 31, 2025, to all property owners subject to tax. Any tax bills unpaid by October 1, 2025, shall be subject to a 10% penalty and 1% interest, with additional interest to accrue at the rate of 1% per month until the bill is paid in full.

**SECTION 3:** The proceeds of such taxes, penalties, and interest are to be placed in the General Fund of the City of Prospect and are to be used for the general operating expenses of said City, including but not limited to the purchase of City supplies, safety and security, health and sanitation, recreation and welfare, improvement and maintenance of streets, management, and maintenance of trees and public lands, garbage collection, street lights and expenses thereof, other expenses for the operation of the City and all necessary and proper municipal functions as may be ordained and resolved by the City Council.

**SECTION 4:** This Ordinance shall be effective from and after its passage, approval, and publication as required by law.

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

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

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

APPROVED/VETOED:

ATTEST:

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

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

**CITY OF PROSPECT  
ORDINANCE NO. 654, SERIES 2025**

**AN ORDINANCE ESTABLISHING BUDGETS FOR THE GENERAL FUND, MUNICIPAL ROAD FUND AND  
CAPITAL PROJECTS FUND OF THE CITY OF PROSPECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2025 AND**

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

**SECTION 1:** The Budgets for the General Fund, Municipal Road Fund and Capital Projects Fund of the City beginning July 1, 2025 and ending June 30, 2026 shall be as follows:

**REVENUES**

<b>FY 2026 Budget</b>	<b>General Fund</b>	<b>Road Aid</b>	<b>Capital Project Fund</b>	<b>Total All Funds</b>
Projected Balance Forward	\$0	\$157,361	\$68,918	\$226,279
Ad Valorem Property Tax	\$2,003,740	-	-	\$2,003,740
Insurance Premium Tax	\$1,675,000	-	-	\$1,675,000
Other revenues	\$383,250	-	-	\$383,250
Road Aid Fund	\$0	\$102,000	-	\$102,000
Capital Project Fund	\$0	-	\$121,860	\$121,860
<b><u>TOTAL ESTIMATE REVENUE</u></b>	<b><u>\$4,061,990</u></b>	<b><u>\$259,361</u></b>	<b><u>\$190,778</u></b>	<b><u>\$4,512,129</u></b>

**EXPENDITURES**

City Administration	\$1,068,008	-	\$0	\$1,068,008
Community Development	\$62,000	-	\$0	\$62,000
Police Department	\$1,246,515	-	\$0	\$1,246,515
Public Works	\$374,728	-	\$0	\$374,728
Street Maintenance	\$196,000	\$150,000	\$0	\$346,000
Solid Waste	\$734,700	-	\$0	\$734,700
Landscape Maintenance	\$293,900	-	\$0	\$293,900
Parks & Tree Management	\$86,139	-	\$100,000	\$186,139
<b><u>TOTAL ESTIMATED EXPENDITURES</u></b>	<b><u>\$4,061,990</u></b>	<b><u>\$150,000</u></b>	<b><u>\$100,000</u></b>	<b><u>\$4,311,990</u></b>

<b>PROJECTED ENDING BALANCE - June 30, 2026</b>	<b>\$0</b>	<b>\$109,361</b>	<b>\$90,778</b>	<b>\$200,139</b>
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**SECTION 2:** This Ordinance shall be effective from and after its passage, approval and publication as required by law.

First Reading this 2nd day of June, 2025.

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

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

APPROVED:

ATTEST:

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

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