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PRESIDENT TANDY: The Regular Louisville Metro Council Meeting of December 17, 2015, will please come to order.

Please rise for the Pledge of Allegiance to the Flag. I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

PRESIDENT TANDY: Mr. Clerk, please call the roll.

MR. CLERK: Councilwoman Green.

COUNCILWOMAN GREEN: Here.

MR. CLERK: Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Present.

MR. CLERK: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Present.

MR. CLERK: President Tandy.

PRESIDENT TANDY: Here.

MR. CLERK: Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Here.

MR. CLERK: Councilman James.

COUNCILMAN JAMES: Here.

MR. CLERK: Councilwoman Leet.

COUNCILWOMAN LEET: Here.

MR. CLERK: Councilman Owen.

COUNCILMAN OWEN: Here.

MR. CLERK: Councilman Hollander.

COUNCILMAN HOLLANDER: Here.

MR. CLERK: Councilman Mulvihill.

COUNCILMAN MULVIHILL: Here.

MR. CLERK: Councilman Kramer.

COUNCILMAN KRAMER: Here.

MR. CLERK: Councilman Blackwell.

Councilwoman Aubrey Welch.

Councilwoman Fowler.

Councilwoman Butler.

Councilman Downard.

COUNCILMAN DOWNARD: Here.

MR. CLERK: Councilman Stuckel.

COUNCILMAN STUCKEL: Here.

MR. CLERK: Councilwoman Parker.

COUNCILWOMAN PARKER: Here.

MR. CLERK: Councilwoman Denton.

Councilman Benson.

COUNCILMAN BENSON: Present.

MR. CLERK: Councilman Johnson.

COUNCILMAN JOHSON: Here.

MR. CLERK: Councilman Engel.

COUNCILMAN ENGEL: Present.

MR. CLERK: Councilman Peden.

COUNCILMAN PEDEN: Here.

MR. CLERK: Councilwoman Flood.

COUNCILWOMAN FLOOD: Here.

MR. CLERK: Councilman Yates.

Councilman Ackerson.

Councilman Blackwell.

Councilwoman Aubrey Welch.

Councilwoman Fowler.

COUNCILWOMAN FOWLER: Here.

MR. CLERK: Councilman Blackwell.

COUNCILMAN BLACKWELL: Here.

MR. CLERK: Councilman Yates.

COUNCILMAN YATES: Present.

MR. CLERK: Councilwoman Denton.

Councilwoman Aubrey Welch.

Councilman Ackerson.

COUNCILMAN ACKERSON: Present.

MR. CLERK: Mr. President, you have 24 in attendance and a quorum.

PRESIDENT TANDY: Thank you, Mr. Clerk.

Next, I want to have introduction of our pages. Councilman Mulvihill, you have pages.

COUNCILMAN MULVIHILL: Yes, I do.

PRESIDENT TANDY: Would you introduce them, please?

COUNCILMAN MULVIHILL: I sure will. I'm proud to have two pages tonight. And I will introduce ladies first. With us with Emily McElhone. She is 11 years old. Attends the friends school. A member of the basketball team and is currently on the archery squad. So Emily is also involved in gymnastics. And the good thing about Emily is she likes politics already. She was last year elected vice president at her school and she just made a run at president this year. So we are glad to have her. And of course you have to also mention her parents, my friend Pat McElhone is here. He is a resident of Highland Park. Glad to have him here tonight. Please welcome Emily.

[Applause.]

And next we have Caleb Martin. Please stand. He is nine and a fourth grader at Field Elementary where he runs cross country and is a member of the student technology leadership program. We are going to make that acronym STLP. He has been active with Metro Government this fall, scanning Councilman Hollander and Mayor Fischer and printing 3-D bobbleheads of each of them. If you like, please show them Councilman Hollander. There you are, Bill. He did that in school. He brought that to show tonight. And I appreciate that. He will represent Field at the state STLP competition in April for their 3-D printing project. Badges, busts and bobbleheads. In his free time he likes to play basketball and he does 3-D printing of Cincinnati Reds memorabilia. I'm glad his father is here. I know he is proud of him, Joe Martin. Joe devotes significant time as a parent volunteer for the STLP program and shares Caleb's love for the 3-D printer. Also you all know Caleb's aunt. She provides sage legal advice to this body often, and that's Sarah Martin. Please welcome Caleb.

[Applause.]

PRESIDENT TANDY: All right. Thank you, Councilman Mulvihill. And Emily and Caleb, we welcome you to the chambers.

Next we will have addresses to council. Mr. Clerk, are there any addresses to council?

MR. CLERK: Yes, sir, there is.

PRESIDENT TANDY: All right. Would you please call the first addressee forward?

MR. CLERK: Marta Miranda.

PRESIDENT TANDY: Hi, Marta.

MARTA MIRANDA: Hi. How are you?

PRESIDENT TANDY: Good. Before you begin, let me remind those addressing council to please refrain from using any profanity, in English or in Spanish.

MARTA MIRANDA: Okay.

PRESIDENT TANDY: From making any derogatory statements to council members. And you may proceed.

MARTA MIRANDA: Thank you very much. I'm very honored to speak with you all again. Thank you. I'm Marta Miranda, the president and CEO the president of the Center For Women and Families. You know what we do. We provide safety and resources to empower families in this community that have been hurt by domestic violence and sexual assault. Today I want to speak with you about a major pillar that allows us to be able to help our clients, which is affordable housing. We have a transitional housing program in District 4 and in District 5 where we are able to work with families for one to three years to get them ready for permanent housing. However, the lack of permanent affordable and safe housing in our community is incredibly devastating. So I'm here to ask you to help us continue the work that we do and help lift our families out of homelessness due to domestic violence by investing and creating a more accessible and affordable housing in Jefferson County. We endorse and want to request that you fund the affordable housing trust fund. We have over 5,000 abandoned properties, most of them in the west end, that could be renovated and made accessible to our clients and continue to rebuild our thriving community.

Please consider this in March when you are voting on funding the affordable housing trust. Thank you. Any questions?

PRESIDENT TANDY: Thank you. No.

[Applause.]

MR. CLERK: Kathy Hinko.

KATHY HINKO: Hello. I'm Kathy Hinko with the Metropolitan Housing Coalition, a research and advocacy nonprofit focused on fair and affordable housing. In the last month, three of our projects have been completed, always with your assistance. One you may not know. MHC received a HUD grant for a longitudinal study that began with your questions. Several years ago MHC presented data on the extensive housing instability for students in Jefferson County Public Schools. You wanted to know more that happen the overall numbers. You wanted to know the impacts on the students. With Dr. Dax as researcher and JCPS supplying data, the studies show that there are serious deleterious effects on the educational outcomes of children who experience homelessness and in a shelter. Now that we know, why would we force our children to become damaged before we help them? Preventing family homelessness is important for the success of our children.

So how would Louisville house our lower income families? You have seen the maps and the MHC reports including the 2015 report that was just released. They show that our policies created intense segregation by protected classes. Areas that have poor outcomes in health, wealth and educational attainment, as evidenced by the map from the Louisville Metro Department of Health and wellness. For example, there are neighborhoods where statistically people die up to ten years younger than people in other neighborhoods. Yet these neighborhoods are equally or even more loved by those who live there, as we saw in the focus groups studied in the report to be released tomorrow. So they must be improved. And other Louisville areas need workforce housing. This has a cost. Is there housing for low wage workers? Well, there is over 20,000 households currently on the housing authority waiting list. Why has this not improved with lower unemployment? In Louisville, income adjusted for inflation has declined by three percent in the last ten years, yet the adjusted cost of renting a modest two bedroom unit has increased by four percent in just the last year.

The issue is income, not whether people work. Looking at wages, over 70 percent of jobs have a median wage that will not support paying for a modest three-bedroom rental unit. And families with children are at great risk with 24 percent of all families with children living below

poverty level. What is the answer? You have to invest. And the Louisville affordable housing trust fund needs a public renewable dedicated source of funding of significant capital each year to make housing affordable. Please pass a one percent raise on the tax of nonhealth insurance premiums so we can invest in our children and improve our future.

[Applause.]

MR. CLERK: Tom Richter.

TOM RICHTER: How many of you saw the drug czar, Michael Botticelli on 60 minutes? He was asked a question, we spent a trillion dollars in the last 40 years on the war on drugs, how is it working? Mr. Botticelli said it is not working, it is a complete failure. He said that you can't incarcerate addiction out of someone and he said that it was inhumane to throw someone in jail for a lengthy period of time for drug use. I have a different word for the word inhumane. It is called cruel and unusual punishment and it is strictly prohibited by the Constitution's 8th Amendment. I told the department that the entire drug war is unconstitutional, therefore illegal, and that's why it is not working. There is only one way to explain record numbers of prisoners, widespread drug testing in the US, and record number of overdose fatalities, and that's not only are the government's programs ineffective but they are counterproductive and therefore unconstitutional.

What do we do about it? The first step is for the Louisville Metro Council to adopt a resolution supporting the Cannabis Freedom Act. The cannabis freedom act is a piece of legislation prefiled before the Kentucky general assembly by state senator Perry Clark. What the act does is legalizes possession of up to an ounce of cannabis by adults. It allows medical exception for persons under 21. It sets up a regulatory framework for retail cannabis sales similar to other sales. And it sets up a trust fund, \$30 per ounce tax, on cannabis products and it sets up a trust fund to distribute those funds. It divides the funds up with 50 percent of it going to education, 35 percent going to law enforcement, and the other 15 percent to the general fund. I urge you to review the bill and support it. What the bill doesn't do is it doesn't address one of the biggest problems with the war on drugs, and that's drug testing. If you

look at the chart that I submitted to you and you look way over here on this side, you'll see the rate of overdose fatality in Canada and in Europe. The US is the only country that adopted widespread drug testing. Canada and Europe have the same drugs. What they don't do is drug test. The American Academy of Pediatrics recent policy statement against drug testing students agrees with me, that if you have a lengthy detection time for a far safer drug with a lower morbidity rate like cannabis you are incentivizing people to use drugs with a shorter detection time or drugs that aren't on the drug test and all those drugs are more detrimental and the drugs have a higher morbidity rate and the chance of fatal overdose. I hope you'll support the resolution I submitted to you. It's time for a new direction forward on drug use in the United States. Thank you.

[Applause.]

MR. CLERK: Mr. President, that concludes the addresses to Council.

PRESIDENT TANDY: All right. Thank you, Mr. Clerk.

Next we will have introduction of guests. Councilwoman Green, do you have any guests?

COUNCILWOMAN GREEN: Good evening, colleagues. In my first year on the council, I have had the honor to recognize several wonderful people, but this ranks right at the top of both my personal and professional highlights that I have had during this last year. This is mainly personal for me. Today I have the honor of recognizing Opal Dawson, the retiring principal of Kennedy Montessori, who will be leaving us tomorrow after 18 years serving the students of District 1. It is mainly personal to me because of three very important reasons to me, the three little people in my life. Deonte, who started Kennedy Montessori as a kindergartener and graduated last year and is a sixth grader at Johnson Middle School, Teja, who started as a kindergartener and is now a fifth grader, and Zion who did two years of preschool kindergarten and is now a first grader at Kennedy Montessori. Anybody who knows the three green children knows I have a lively bunch. During our years together, she has prayed for and with me, convinced me that one day these three busy and sometimes crazy people will be okay. She has told me that it is going to be all right and I started to actually believe her. Along with my own

children, Ms. Dawson has literally changed the lives of thousands of youth across District one who live in District 1 and Columbus school every day in District 1. She is loved by both the children, the parents, and the staff. And there are children, parents and staff who have literally sobbing because she is leaving. I have been one of those people who have cried.

Every so often you meet someone who is so special, who has something so special inside of them that they will literally change your life. If there was someone, then Opal Dawson is that woman. We, the entire city of Louisville -- and I'm getting choked up -- we the entire city of Louisville salute you today. We honor you for your hard work, sack fission nice, vision, dedication, calming spirit. You have changed us forever and we will never be the same. There are several children who are here from Kennedy Montessori and we have parents and staff and the incoming principal Ms. Jones and the staff person, Ms. Woods and her husband who are here. If you can stand up who are here to celebrate Ms. Dawson today. Thank you so much for coming. We appreciate you. And I'm going to do everything that I can between now and tomorrow morning to convince her to stay until 2020 when Zion will be graduating from fifth grade. I have a little bit of work head of me but I'm pretty diligent in what I will do. And so we love you, Ms. Dawson. We thank you. I cannot tell you how thankful and how appreciative we are of you. We have already given a proclamation so today we just have a small token of our affections. A few sweets for our sweet principal. Ms. Dawson we love you and we would like for you to say a few words.

[Applause.]

OPAL DAWSON: Wow, thank you. When I started as principal in 1997 I had a vision of success for John F. Kennedy. And Maria Montessori say it is sign of a good teacher is one that says the students are working as if I did not exist. So I have adopted that as well in saying that the sign of a good leader is one that says the building is now working as if I did not exist. As a result, of 18 years of being the principal of John F. Kennedy and 27 years of working in Jefferson County Public Schools, it is time for me to pass the torch on to the next person that will be able to take Kennedy to that next level of greatness. I thank God for the work

that I have been called to do and I can't say it any other way. I love my students. And contrary to popular belief of what you see in the media, we do excellent work in Jefferson County Public Schools. Our students, our parents, and our teachers work extremely hard. And if you ever want to see the future that will be taking care of all of us, take the time to walk into any of our schools and see the work that happens every day on the ground, from our hearts. I'm not leaving because I have to. I'm leaving because the work has been worth doing. And I know that the seeds that I have planted are sprouting across this city. And now I have groomed my assistant principal to take my place and begin planting seeds. And that's how we are supposed to work. So thank you, Jessica, whose mother recognized my son when she sat in this seat and planted seeds. That's what it is all about.

So the paper won't catch this. Won't catch it. But you caught it tonight. John F. Kennedy Montessori, 38th and young. 80 percent African-American, 75 percent free and reduced lunch. Making it work for all kids. Thank you tonight and thanks to the fruit, because when I retire I'm going to get healthier.

[Applause.]

PRESIDENT TANDY: While y'all are taking pictures, Councilwoman Woolridge, did you want to speak?

COUNCILWOMAN WOOLRIDGE: Yes. Before Ms. Dawson leaves, I would like to congratulate her. And I was in eight before merged government and I was at your school many times. You were in the ninth ward at that particular time. Alderwoman Denise Bentley was the person and usually I was the person at your school. I can't believe how time has flown but I would like to say everything that my colleague has said about you is absolutely unequivocally the truth. Congratulations. Enjoy your retirement. You deserve it. Thanks for all you have done in this community. We really appreciate it. Thank you.

PRESIDENT TANDY: Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Yes. I want to say too, Ms. Dawson, I had the opportunity yesterday to be in TJ middle school for three classes and it was all day long. But the kids were so well-mannered. You hear a lot of negativity about the Jefferson County Public Schools. Not one

child spoke out of turn the whole day. I'm sure they were already told not to, but it was just important they really did a good job and they were there to learn all about Metro Council and I have invited any of them down here at any time to tour. I know what you said about Jefferson County Public Schools. Until you have spent a day in the classroom with eighth graders all day long you'll know they are not as bad as the things we have heard. Thank you.

PRESIDENT TANDY: All right. Thank you, Councilwoman Green. And more importantly, thank you Ms. Dawson for your work and your storied tenure at Kennedy Montessori.

Next we have approval of Council minutes for the Regular Metro Council Meeting of December 3, 2015.

Are there any corrections or deletions?

May I have a motion?

>> So moved.

PRESIDENT TANDY: Is there a second?

>> Second.

PRESIDENT TANDY: Properly moved and seconded. They are before us. All those in favor please signify by saying aye. All opposed? The ayes have it. The minutes are approved as written.

Next we have approval of the following Committee minutes, all in 2015:

Regular: Committee of the Whole, December 3.

Special: Ad Hoc Committee on Annexation, December 7.

Regular: Planning/Zoning, Land Design and Development Committee, December 8.

Regular: Public Works, Bridges and Transportation Committee, December 8.

Regular: Labor & Economic Development Committee, December 8.

Regular: Appropriations, NDFs and CIFs Committee, December 8.

Regular: Public Safety Committee, December 9.

Regular: Committee on Contracts and Appointments, December 10.

Regular: Budget Committee, December 10.

Regular: Committee on Committees, December 14.

Regular: Ad Hoc Committee on Land Development Code, December 14.

Regular: Appropriations, NDFs and CIFs Committee, December 15.

Regular: Committee on Health, Education and Housing, December 16.

Regular: Committee on Sustainability, December 17.

Are there any corrections or deletions?

Is there a motion to approve?

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. All those in favor please signify by saying aye. All opposed? The ayes have it. The minutes are approved as written.

Next we will invoke rule 7.12, which allows for the passage of an emergency resolution with one reading. Is there any objection? Seeing none, without objection, rule 7.12 is invoked.

Now, Mr. Clerk, would you please read item number 20. Excuse me. 19. 20.

MR. CLERK: You are right, sir.

AN ORDINANCE AUTHORIZING THE MAYOR TO BID A GAS FRANCHISE AGREEMENT AND DECLARING THE ENACTMENT OF THIS ORDINANCE AN EMERGENCY.

Read in full.

>> Motion to approve.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. It is now before us. Is there any discussion?

Councilman Downard.

COUNCILMAN DOWNARD: Let me say that, first off, as we discussed several times in our caucus, this is not approving anything, not a penny. There is nobody at least on our side that is going to vote for this that has yet committed to vote for any franchise tax. Franchise fee. You got me saying it now.

But what this does do is authorize the mayor to bid out the franchise rights for this community. And part of that bid will be a two percent fee. If you remember, all the fee that is paid is required by our

laws today to be used for road paving in the areas that pay the fee. Nowhere else. So suburban cities don't get any of this if they don't pay the fee and everybody else does.

But it allows him to bid that out and it also says in there to include the definition of gross receipts as is in the final agreement, which is not done yet. But we feel very strongly that there is a definition of gross receipts that should be in there. The LG&E disagrees. And so what we will do is end up with discerning what is a reasonable definition, and we think we have one. But all that comes back to you. I can tell you that there are -- and I guess there was a lot of discussion about this. The good thing is I they people are paying attention on something that is very darned important to their constituents. So we have time to sit and -- actually we have more time if we do this tonight to get it out. We have the ability to sit down now and if the three or four people from each side are going to sit down and talk about this, it's fine. If it guess all 26 of us it will never get done. But if you feel strongly let's understand what is going in this. The agreement that we have been talking about with the county attorney's office with President Tandy and Councilwoman Hamilton and myself, we have -- and I think a couple other people too -- and we have attorney Linda Ames, who is our aide. Three or four people from the county attorney's office. But we have in there probably I'm going to guess 30 to 35 communications between the county attorney's office and LG&E.

Anyhow, all that is going to happen later. This only allows us to get the process moving because they have to have time to bid it out. Have to have time to respond. The responders, we assume there is only one because there is only one capable of responding for the gas franchise. They have to go to the service commission and get approval and come back to us and start negotiating the agreement. We did this last time and the same process. It caused us more angst last time because we were sort of getting into understanding what we were doing. We are not, I repeat, not approving any payment of any franchise fee of any amount by any constituent in Jefferson County tonight. This does not do that nor is it intended to do that. When it is time to talk about doing that, then we will come back and talk about if -- and I have told them that I am working

on this but I'm not guaranteed to vote for it. Tonight I am. I'm going to see what it says. It will say here is what it says and how it will affect your constituent and is here is what they are receiving and take it. So I think it is reasonable for us to do this today. It is only an authorization to get the thing moving. I can tell you that as you saw last time when it came back to the council for final approval it passed by one vote. So there is going to be a lot of discussion about this later and I will expect that to happen. I'll take any questions.

PRESIDENT TANDY: Councilwoman Hamilton.

COUNCILWOMAN BRANT HAMILTON: Thank you, Mr. President. I also wanted to chime in with what Councilman Downard said. This is not a franchise agreement. This is not the approval. Under state law Metro Government is required to publicly advertise for a new franchise agreement. So this is authorizing the mayor to bid for that and that we will take time after the bid is out to come back and negotiate. And council will be involved in that. It needs to be awarded by January 28th. As you know, our franchise current limit expires March 31st. So we are under a time crunch to get this done. So we would like your approval tonight to begin that process.

PRESIDENT TANDY: Any further comment?

Councilman Owen.

COUNCILMAN OWEN: Colleagues, I just would say that at the caucus of the whole I was listening and if I understand correctly if we do something tonight we are essentially getting the ad out. We are inviting a response. And then we are lengthening the time of effective negotiation before the deadline falls. And so what I understand, by making a vote tonight in favor of going ahead and advertising, authorizing the mayor to advertise a bid, we are lengthening the time that Metro Government and the council can negotiate effectively a franchise agreement. So I would urge passage.

PRESIDENT TANDY: Great. Any further discussion.

Councilwoman Butler. Did you click in? Okay. Councilwoman Butler.

COUNCILWOMAN BUTLER: If discussion is over I was going to let everyone know that I'm going to abstain because my employment at LG&E.

PRESIDENT TANDY: Councilman Mulvihill.

COUNCILMAN MULVIHILL: Due to my wife working there as well I will be abstaining from this vote.

PRESIDENT TANDY: All right. Anyone else seeking to speak? Councilman Ackerson.

COUNCILMAN ACKERSON: I apologize. I was speaking with Beth Denberg on another matter. I will be a no vote. I don't see the emergency. The county attorney's position is that if it doesn't get passed it goes month to month. I was not supportive of this franchise tax, a de facto tax that has been passed on to our consumers. And a vote on this tonight, essentially we are saying that we like the two percent number being thrown out there and the five number. And I have had 0 input into that. So I appreciate your time but I will be a no vote.

PRESIDENT TANDY: All right. Seeing no other council members wishing to speak, all those in favor -- yes, excuse me. This is an ordinance calling for a roll call vote. So, Madame Clerk, please open the voting. The voting is closing. And the voting is closed. It is still open for you. Now it is closed.

MR. CLERK: 21 yes votes, two no votes, three abstentions.

PRESIDENT TANDY: The ordinance passes.

Next, Mr. Clerk, will be the Consent Calendar. Our Consent Calendar currently comprises items 21 through 51. Are there any additions or deletions? All right. Seeing none, Mr. Clerk, a second reading of those items.

MR. CLERK: AN ORDINANCE APPROPRIATING \$7,372 FROM NEIGHBORHOOD DEVELOPMENT FUNDS, IN THE FOLLOWING MANNER: \$1,468 EACH FROM DISTRICTS 9, 12, 8, 13; \$500 FROM DISTRICTS 21, 25; \$250 FROM DISTRICTS 1, 6, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE LOUISVILLE SUSTAINABILITY COUNCIL, INC., FOR COSTS ASSOCIATED WITH THE SOLAR OVER LOUISVILLE EDUCATIONAL CAMPAIGN.

A RESOLUTION APPROVING THE JEFFERSON COUNTY CLERK'S 2016 BUDGET.

A RESOLUTION APPROVING THE JEFFERSON COUNTY SHERIFF'S 2016 BUDGET.

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING

NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - COLUMBIA TELECOMMUNICATIONS COMPANY D/B/A CTC TECHNOLOGY AND ENERGY - \$40,000.00.

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT (SARAH FRITSCHNER D/B/A BETTER WORLD PR, \$240,000.00).

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - KENTUCKY WORLD TRADE CENTER, INC., \$72,000.00.

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW SOLE SOURCE CONTRACT WITH TREE HOUSE ISLAND, INC. (\$50,000.00).

APPOINTMENT OF CATHY SHANNON TO THE COMMISSION ON PUBLIC ART (COPA) BOARD. TERM EXPIRES DECEMBER 17, 2019.

APPOINTMENT OF KENNETH CRAIGMYLE TO THE HIGHVIEW FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2018.

APPOINTMENT OF DARYL SYKES TO THE KENTUCKIANA WORKS-WORKFORCE INVESTMENT BOARD. TERM EXPIRES DECEMBER 17, 2018.

APPOINTMENT OF ARLANDER RIDDICK TO THE LAKE DREAMLAND FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2018.

APPOINTMENT OF ALEXANDRIA GLASER TO THE POLICE MERIT BOARD. TERM EXPIRES JUNE 1, 2018.

APPOINTMENT OF MICHAEL SUTT TO THE POLICE MERIT BOARD. TERM EXPIRES JUNE 1, 2019.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF \$150,000 FROM THE GHEENS FOUNDATION, INC., TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND WELLNESS' OFFICE OF SAFE AND HEALTHY NEIGHBORHOODS.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FUNDING IN THE AMOUNT OF \$52,250 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE FAIR HOUSING ASSISTANCE PROGRAM TO BE ADMINISTERED BY METRO HUMAN RELATIONS COMMISSION.

A RESOLUTION ENDORSING A KENTUCKY GENERAL ASSEMBLY BILL TO ESTABLISH ATAX CREDIT FOR QUALIFYING NOISE REDUCTION HOME IMPROVEMENTS.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$97,200 OF ADDITIONAL FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR CONTINUATION OF THE DESIGN PHASE FOR THE LOUISVILLE LOOP JEFFERSON MEMORIAL FOREST MEDORA BICYCLE AND PEDESTRIAN PROJECT ADMINISTERED BY THE METRO PARKS DEPARTMENT.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$81,000 OF ADDITIONAL FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR CONTINUATION OF THE DESIGN PHASE FOR THE LOUISVILLE LOOP JEFFERSON MEMORIAL FOREST DODGE GAP BICYCLE AND PEDESTRIAN PROJECT ADMINISTERED BY THE METRO PARKS DEPARTMENT A RESOLUTION APPROVING THE BUDGET AND ECONOMIC IMPROVEMENT PLAN FOR THE LOUISVILLE DOWNTOWN MANAGEMENT DISTRICT FOR THE PERIOD JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO KEEBLER COMPANY AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

AN ORDINANCE CHANGING THE STREET NAME OF A PORTION OF FAIRMOUNT ROAD FROM BROAD RUN ROAD TO ITS WESTERN TERMINUS AT FLOYDS FORK CREEK TO BROAD RUN PARKWAY AND VISTA VALLEY LANE AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1011).

AN ORDINANCE CHANGING THE STREET NAME OF A PORTION OF STOUT ROAD FROM BROAD RUN ROAD NORTHWARD TO 8200 STOUT ROAD TO TURKEY RUN PARKWAY AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1012).

AN ORDINANCE CLOSING A PORTION OF EMERY ROAD FROM RIEDLING DRIVE TO ITS SOUTHEAST TERMINUS AT OAKLAWN SUBDIVISION AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1007).

AN ORDINANCE CLOSING A 10' WIDE ALLEY LOCATED ON THE NORTH SIDE OF IOWA AVENUE, 110' WEST FROM THE WEST SIDE OF 4TH STREET AND RUNNING NORTH A DISTANCE OF 60' CONTAINING 600 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1016).

AN ORDINANCE CLOSING THE 12' WIDE ALLEY BOUNDED BY W. LIBERTY STREET AND W. MUHAMMAD ALI BOULEVARD AND THE 12' WIDE ALLEY BOUNDED BY S. THIRD STREET AND A 12' WIDE UNNAMED ALLEY AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1006).

AN ORDINANCE CHANGING THE STREET NAMES FOR ALL OR PORTIONS OF THE FOLLOWING STREETS: CEDAR LANE, ELM DRIVE, EVERGREEN AVENUE, LAKE LOUISVILLA DRIVE, WALNUT AVENUE, WILSON AVENUE, WITLOW AVENUE AND WOODLAND AVENUE AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1019).

AN ORDINANCE CLOSING CHAMBERLAIN LANE FROM MINT SPRING BRANCH ROAD EAST TO BROWNSBORO ROAD AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1015).

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT GRANT FUNDING OF \$38,157.86 FROM THE REGION 6 LOCAL ASAP BOARD AND THE KENTUCKY OFFICE OF DRUG CONTROL POLICY.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A STATE GRANT OF \$50,000 FROM THE COMMONWEALTH OF KENTUCKY, JUSTICE AND PUBLIC SAFETY CABINET, KENTUCKY STATE POLICE (KSP) TO BE USED BY THE LOUISVILLE METRO POLICE DEPARTMENT FOR TARGETING AGGRESSIVE CARS AND TRUCKS (TACT) INITIATIVES.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR THE DESIGN PHASE OF THE HILL STREET SIDEWALK REHABILITATION PROJECT TO BE ADMINISTERED BY THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT TO PROVIDE \$7,500 TO THE BRIDGEGATE RESIDENTS ASSOCIATION, INC., FOR REMOVAL OF SEDIMENT FROM THE BRIDGEGATE RETENTION BASIN LOCATED IN THE BRIDGEGATE SUBDIVISION AT THIRD STREET ROAD AND HOLIDAY DRIVE.

Read in full.

PRESIDENT TANDY: All right. Thank you, Mr. Clerk.

May I have a motion?

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. The Consent Calendar is before us. This is a vote calling for a roll call vote, so, Madame Clerk, please open the voting. Councilman Downard wants to be marked down as a yes vote. Councilwoman Shanklin and Councilwoman Hamilton, yes vote, is that correct? Our voting is closing. Our voting is closed.

MR. CLERK: There are 26 yes votes.

PRESIDENT TANDY: And before I rule on this, Councilwoman Woolridge, you wanted to take a point of personal privilege to explain your vote?

COUNCILWOMAN BRYANT HAMILTON: Yes. Thank you, Mr. President. On a couple of items, one was in my Committee on Health, Education and Housing. And I wanted to be a cosponsor of that legislation. It was \$150,000 grant for Geens Foundation, Inc. And I have talked to my colleague who is responsible for that, David Yates, and he certainly said he has no problem with me becoming a cosponsor of that legislation.

PRESIDENT TANDY: That will be so noted in the record.

>> And the other item came out of Councilwoman Butler's committee. And it happened to be in District 3 it is where we make mother's cookies, Keebler. And they are going to do an expansion there. They are at 2287 Rask Avenue. This is a wonderful company. It is a subsidiary of Kellogg's and it is one of the largest manufacturers of snacks in the United States. So they are undergoing a four-year global growth and efficiency program to optimize supply chains through consolidation of the facility and to eliminate the special capacity. So all existing facilities are being evaluated and this company is considering the purchase of new equipment to add additional manufacturing lines to the Louisville facility, and I am really happy to know that this is in the city of Shively, which I represent, and I would like to thank my colleague, Councilwoman Marianne Butler, for letting me be a cosponsor of this legislation. Thank you, Mr. President.

PRESIDENT TANDY: Thank you. So both of those additional cosponsorships on those respective ordinances will be so noted.

Councilman Mulvihill, did you want to speak to the Consent Calendar?

COUNCILMAN MULVIHILL: No.

PRESIDENT TANDY: All right. I'll come back to you at another time. The Consent Calendar passes.

Before we go into Old Business, Councilman Benson, you request a point of personal privilege at this time.

COUNCILMAN BENSON: Thank you, Mr. President. I do. As we a lot of times -- Jessica did it tonight with Ms. Dawson, recognizing people

who really to good things. I want to recognize two surgeons that saved my life last week. And I hope I won't take too long to explain. Most of you all know that the two surgeons, Dr. Stein, a neurosurgeon, and the other Dr. Pachel, cardiac surgeon. Last Thursday I was up on my roof -- I'm putting a roof on my house. I do my own work. And I got a thumping in my head that I just couldn't believe. So I came down and laid down on the floor feeling really bad. And my daughter doesn't always call me because sometimes we are like oil and water, we disagree on a lot of things. She called me to get on me about putting the roof on the house and I said I don't need to listen to this. I said I don't feel good. What do you mean you don't feel good? I said well my head is throbbing. She said one to ten what is it? I said an eight. Well I'll talk to you later. Then she called Dr. Stein and highways neurosurgeon and said my dad's head is really hurting and he doesn't ever complain. What should he do? Go to the ER right now. My wife wasn't home so Laura called my wife and said you have to get dad there. And she said he said he wasn't feeling good. So she came and said you need to go to the emergency room. I said no, I'm okay. I just need a little rest. She said, no. And sometimes when you don't feel good you'll do anything somebody tells you, so I did. Probably not too smart sometimes. So I go to the emergency room at Brownsboro Road Norton's hospital, and thinking maybe I have got a brain bleed or something and they did a cat scan and my head and my chest. And finally it kind of quit a little bit and I said my jaw is really sore. And they said what? Why didn't you tell us? Well, because my head hurt. So anyway, they said well we are going to have to submit you to the hospital here. And so I stayed all night and the next morning the Doctor Stein came in and said I'm here to visit you. Laura's a special friend of mine I just want to see how you are doing. I'm doing good, I'm okay, I think. He says, no, you have had a small heart attack. Oh, really? I said wow. Well, they are going to do a stress test later. No, I don't think so. Probably they will do a heart activity. I don't know how the whole thing worked but within 20 minutes I was in the operating room being shaved and I don't remember what is going on and next thing I know I'm waking up and they said well we put a couple stints in and you ought to be okay. I get back to the room and they say well you had three artery that is go to your

heart. The last biggest one they call widow maker is 90 percent blocked and the one beside it was 75 percent blocked. So through these guys' quick -- and I believe they do this every week on a lot of people and never get recognition. But they do. And it is a humbling feeling for me. In my mind, and everybody doesn't think quite like I do, but my God looks after me. He helps me out. And I am so humbled and thankful that these two guys and the hospital people and the nurses and stuff. I am here. Really theoretically I should have had a funeral Monday. But God is so good to me. So I just wanted to share that with you. Everybody's so nice to me, people say how do you get along with people down on the council? I get along with everybody. Everybody is nice to me. Now everybody doesn't agree with me but I don't think they should. I think Jesus says the truth will set you free and that's the job, find the truth and we will do better. So President Tandy, thank you for giving me the opportunity. Thank you, colleagues.

[Applause.]

PRESIDENT TANDY: Stuart, one, I think this goes to show we are a family down here, like you said. And families, we fight and we argue and we do all that, but at the end of the day we all want to try to make our city better. We are a better city because of your service. We thank -- I'll put it this way. I thank God that it wasn't your time. And that obviously means there's more work for you to do. We want to thank the doctors, and like you said, there are hundreds and thousands of those health professionals that make a difference in people's lives. And we are blessed here in Louisville to have a number of those right here being able to change lives. So this is more of a testament to them. But also I think it serves as a lesson for all of us and to the broader public, when we see those little ticks happening in our lives, don't try to be superman or superwoman. Go get checked out. It is better to be safe than sorry. And we are certainly not sorry that you are still here with us.

COUNCILMAN BENSON: I'm humbled. Thank you very much.

PRESIDENT TANDY: Next we will move on into Old Business.

Mr. Clerk, a reading of item 52.

MR. CLERK: AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE AS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING

REGULATIONS FOR LOUISVILLE METRO: 5.1.12, 4.1.2, 5.2.2.C, 5.2.3.D.3, 5.2.4.C.3, 5.2.5.C.3, 5.2.6.E, 5.3.1.C, 5.4.1, AND 5.4.2 (CASE NO. 14AMEND1003) (AS AMENDED).

Read in full.

PRESIDENT TANDY: Is there a motion to approve?

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. It is now before us. Is there any discussion?

Councilman Peden.

COUNCILMAN PEDEN: Thank you, Mr. President. This is actually one of our longer-standing ordinances that has come over from Land Development Code changes which is why it has the numbers in it but I do enjoy hearing Stephen read them. Thankfully, Mr. Baker has changed the way he is typically writing these now which is why we haven't heard that string of numbers in a long while.

This is about in-fill, which to sum it all up, affects any place where an entire block range is developed out except for one lot and it just provides guidelines for what developers can put into that lot. It also pretty much only applies to older developments because there is a clause in here also that says if there is an existing development plan that supersedes this law. And as we talked with Councilman Stuckel in committee about this day who has been a builder since the '70s, he says as long as he has been doing it they had to have development plans. So it gives you a perspective on how old you would have to go back before the laws would take effect in a particular area.

Pretty innocuous, we made one amendment with having to do with extending the distance, but other than that it affects in-fill properties only that are a single empty lot in a block where they are already done. Thank you.

PRESIDENT TANDY: All right. Any further discussion? Seeing none, this is an ordinance calling for a roll call vote. Madame Clerk, please open the voting. The voting is closing. The voting is closed.

MR. CLERK: 25 yes votes and one not voting.

PRESIDENT TANDY: The ordinance passes.

Our next item of business is item number 53. Mr. Clerk a reading of this ordinance.

MR. CLERK: AN ORDINANCE AMENDING ORDINANCE NO. 171, SERIES 2015 BY ADDING \$400 EACH FROM DISTRICTS 11 AND 7 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE ALREADY APPROVED \$18,250 FOR A NEW TOTAL OF \$19,050 ; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE WAR AGAINST VIOLENCE CORPORATION FOR COSTS ASSOCIATED WITH THE "YOUTH ALERT!" VIOLENCE PREVENTION/HEALTH COMMUNITY OUTREACH PROGRAM AT SENECA HIGH SCHOOL AND KAMMERER MIDDLE SCHOOL (As Amended).

Read in full.

PRESIDENT TANDY: Is there a motion?

>> Motion to approve.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. It is now before us. Any discussion?

Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. This was brought back to our committee to allow Councilman Kramer to add funding to add this program to a school in District 11. He may want to comment on that.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: That's precisely the case. Seneca high school approached us and was interested in having the program so we agreed to fund it. And we also brought it forward because Councilwoman Leet wanted to add a little bit for Kammerer as well.

PRESIDENT TANDY: Councilwoman Leet.

COUNCILWOMAN LEET: I was just going to add that I added 400 for Kammerer Middle School within District 7.

PRESIDENT TANDY: All right. Any further discussion? Seeing none this is an ordinance calling for a roll call vote. Madame Clerk, please open the voting. The voting is closing. And the voting is closed.

MR. CLERK: 26 yes votes.

PRESIDENT TANDY: The ordinance as amended passes.

The next item of business is item number 54. Mr. Clerk, a reading of this ordinance.

MR. CLERK: AN ORDINANCE APPROPRIATING \$6,900 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$500 EACH FROM DISTRICTS 13, 9, 14, 24, 22, 11, 12; \$250 EACH FROM DISTRICTS 16, 15, 21, 2, 1, 8, 25, 17, 20, 23, 4, 5; \$200 EACH FROM DISTRICTS 3, 7; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO GOOD HEALTH IDEAS, INC., DBA COLON CANCER PREVENTION PROJECT, FOR DESIGNING, PRINTING AND DISTRIBUTION OF EDUCATIONAL (As Amended).

Read in full.

PRESIDENT TANDY: All right. Is there a motion.

>> So moved.

>> PRESIDENT TANDY: Second?

>> Second.

PRESIDENT TANDY: Properly moved and he sale of cocaine. It is before us. Any further discussion?

Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. This was amended in committee to add \$250 from District 5. The total request was 10,000, and councilwoman Aubrey Welch was the primary sponsor and may want to address the additional need.

PRESIDENT TANDY: Councilwoman Welch.

COUNCILWOMAN AUBREY WELCH: Thank you Mr. Chair and Mr. President. As you all may or may not know colon cancer is the number one cancer killer among males and females nonsmokers in the United States. Kentucky is in the top five of the worst states to have colon cancer. And Louisville Metro is the worst county in Kentucky for colon cancer. So this is the only nonprofit in Kentucky that has their focus in colon cancer and they have been in business since 2004. Since they have been in business, the rates for Kentucky have increased from -- the screening rates -- have increased from being 49th in the US to twentieth. So they have done significant work to help our people be healthier. So what this is doing is expanding the education and awareness of colon cancer and life-saving benefits of screening and early detection such as colonoscopies.

So as Councilman Blackwell said, they have requested 10,000. We are sorely below that. So if other people would like to add on or increase what they have given, I would certainly appreciate that.

PRESIDENT TANDY: Is there any further discussion?

Councilman Blackwell.

COUNCILMAN BLACKWELL: Just a note on when you read that. So it says for designing printing and distribution of educational. I'm assuming that's supposed to say materials. Is that just something to add? We don't have to worry about it. Thank you.

PRESIDENT TANDY: Any further discussion? Seeing none, this is an ordinance calling for a -- okay. It is not coming up on my screen. Give me a hi sign.

COUNCILMAN BENSON: Are we short? We don't have enough money?

>> We are short.

COUNCILMAN BENSON: I will add 250 more and make it \$500, if that's okay.

>> That's wonderful.

COUNCILMAN BENSON: I had a colonoscopy this past Monday.

PRESIDENT TANDY: Councilwoman Fowler.

COUNCILMAN BENSON: I'm okay. I might not look okay, but I'm okay.

COUNCILWOMAN FOWLER: Motion to amend to add 250 more to make it 500.

PRESIDENT TANDY: 250. All right. Councilwoman Fowler.

COUNCILWOMAN FOWLER: In memory of my brother-in-law, I would like to add an additional 250.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: I would make a motion to amend the numbers that Stuart proposed. I thought we had stopped amending and Stuart kicked in to open it back up again. If I'm right, we need a motion to amend at this point.

PRESIDENT TANDY: I'm going to collect all of them. There are more folks that are coming on board. So we have Councilman Stuckel.

COUNCILMAN STUCKEL: Increase mine to 500.

PRESIDENT TANDY: So you are adding an additional 250?

COUNCILMAN STUCKEL: 250.

PRESIDENT TANDY: Councilman Yates.

COUNCILMAN YATES: Add \$250 from District 25 as well.

PRESIDENT TANDY: Councilman Johnson.

COUNCILMAN JOHNSON: \$250 from District 21.

PRESIDENT TANDY: Councilman James.

COUNCILMAN JAMES: \$200 from district number six, please.

PRESIDENT TANDY: 200.

Councilman Downard.

COUNCILMAN DOWNARD: Increase mine from \$250 to 500 for District
16. Thank you.

PRESIDENT TANDY: All right. Are there any others?

Councilwoman Leet.

COUNCILWOMAN LEET: District 7 will double their amount to 400.

>> -- 1,900.

PRESIDENT TANDY: Can I get a motion to accept those?

>> I make a motion we amend accordingly.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. We have the amendment before us. Any discussion on the amendment? Seeing none, all those in favor please signify by saying aye. All opposed? The ayes have it. The amendment is passed. We now have the amended ordinance before us. Is there any further discussion?

>> Thank you, colleagues.

PRESIDENT TANDY: Seeing none, this is an ordinance that calls for a roll call vote. Madame Clerk, please open the voting. The voting is closing. The voting is closed.

MR. CLERK: 26 yes votes.

PRESIDENT TANDY: The ordinance as amended passes.

Colleagues, I'll take an item out of our normal order and I think it is item number 60. Is that right? The Airbnb ordinance? Is that correct? Please read item number sixty.

MR. CLERK: AN ORDINANCE AMENDING SECTION 115 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO SHORT TERM RENTALS (AMENDED BY SUBSTITUTION) (AS AMENDED).

Read in full.

PRESIDENT TANDY: Motion to approve?

>> So moved.

>> Second.

PRESIDENT TANDY: It is before us.

Councilman Yates.

COUNCILMAN YATES: Thank you, Mr. President. This came through public safety after a lot of discussion and debate and I am proud of the work that was done by the committee. As a lot of people know back on March 3rd, 2015, we had some individuals receiving letters saying they could not operate Airbnb, otherwise they were illegal. Councilman Peden proposed a resolution that we would not enforce that and allow the industry to come forward for a period of time in which we could put together a piece of legislation that would lay out something balance the interest of the Airbnb people in this industry but also the neighborhoods. And I think we have done that. We decided in this legislation to try to issue about the lease restrictive we could. Some people may criticize it as watered down and not restrictive but we wanted to come to a place where people could come into compliance very easily. It would register, \$25 registration fee, but we would know who they are and have some type of avenue in the event that there was an abuse on the property so we can step in and help it. It will be complaint-driven. But the ordinance before us, we have a couple amendments. What we need to do is the Planning Commission is working on a companion piece to be able to move it forward so they need something to work off of. They need us to understand our intents. We will try and get this passed but we don't want the ordinance to take effect until June 1st, 2016. And it seems like a long time down, 2016, June 1st, but we think we may need that long for the Planning Commission to get their ducks in a row.

So I have several amendments. The first would be to amend section three and this ordinance shall take effect June 1st, 2016. And if the president and -- we can amend and debate them individually if you like. I'm going to read each one of them out loud and if we want to debate individually, if that would be appropriate?

PRESIDENT TANDY: It is.

COUNCILMAN YATES: And each of my colleagues should have gotten a piece of paper laying that out. I apologize. My tongue is swelling a little bit if my speech seems slurred.

Section five, because we are amending it not to take effect until June 1st, 2016, we had changed the existing short term rentals shall have 90 days from the effective date. So it will be 90 days after the June 1st date. And the way we are looking at it is roughly 270 days to get this going before it is going to be enforced. I think that by June 1st we are going to have it in place and they will have 90 days to come into compliance. And remember, it is not very restrictive.

The final subsection, 115.507 A, we ask that each annual registration for short term rentals shall be per the procedure prescribed by the director and approved by the Louisville Metro revenue commission and shall be available for paperless online registration upon the effective date of the ordinance, which will be June 1st of 2016. So we are letting our government create a system where it will be easy. We are getting rid of all the red tape. It is an online program, Airbnb, people get online to rent and they can get online to go ahead and come in compliance and register.

The last one, section four, subsection 115.510, at this time of registration, the host shall provide a certificate of insurance covering the short term rental with liability coverage not less than \$500,000 and naming the Louisville Metro Government as an additional insured. This was the brainchild of Councilwoman Butler but I wanted to talk to the committee. It makes sense. I think Airbnb currently has a coverage of \$1 million. But what happens a lot of times is talking to the county attorney is that because Metro Louisville is not the framers of this, we are acknowledging it and okaying it, we will be named in a lot of suits. What we don't want to do is potentially have to be litigating to indemnify or broaden the litigation. Having the additional naming is a rider that we see on other projects and those will be my four amendments.

I have been asked by a couple of my colleagues to do them individually so we can have individual debate. Thank you.

PRESIDENT TANDY: So you want to separate those out?

COUNCILMAN YATES: The first one, I would make a motion to amend section three. This ordinance shall take effect June 1st, 2016.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. So we have that amendment before us. Any discussion on the amendment? So kneeling none, all those in favor please signify by saying aye. All opposed? The ayes have it. And the amendment passes.

Next.

COUNCILMAN YATES: The second amendment would be section four, existing short term rentals shall have 90 days from the effective date of this ordinance to comply with the requirements of LMCO 115 as revised herein.

PRESIDENT TANDY: Is there a second?

>> Second.

PRESIDENT TANDY: Any discussion? Seeing none, all those in favor please signify by saying aye. All opposed? The ayes have it. The amendment passes.

Next.

COUNCILMAN YATES: The third is subsection 115.507 A. Each annual registration for short term rentals shall be per the procedure prescribed by the director and approved by the Louisville Metro revenue commission and shall be available for paperless online registration upon the effective date of this ordinance.

PRESIDENT TANDY: Is there a second?

>> Second.

PRESIDENT TANDY: Okay. Any discussion?

Councilwoman Denton, do you want to speak to this one?

COUNCILWOMAN DENTON: I just had a question with regard to this. Talking about Planning/Zoning and the process that they are going through and wanting to know what our intent is so that they can -- I don't know that they necessarily need to have a document in their hand. They can see what we have been doing and looking at that, but the question becomes based upon what they do and the fact that that could take them several months to do it has Louisville Metro revenue commission said that they will be able to then come up with their process and their format by

June 1st. Well, anything that Planning/Zoning does during this period, will that have any impact on the revenue commission and their ability to comply by June 1st?

PRESIDENT TANDY: Councilman Yates.

COUNCILMAN YATES: Thank you, Mr. President. And I apologize. I was actually conferencing with the administration as well so I'm doing my best to talk to her and listen at the same time. I haven't perfected it but I'm getting better.

As far as the Louisville Planning Commission, I think that they need this as a go-by in order to be able to know the intent of the council. And I apologize. Is that the question?

COUNCILWOMAN DENTON: No. I think they're smart enough folks they could figure out what our intent is based upon our conversation, but that aside my question becomes the Planning Commission, with what they are doing, will that have any impact upon what the revenue commission needs to know to be able to move forward and not knowing how long that is going to take at the Planning Commission, will there be a sufficient time by June 1st for the revenue commission to come up with what they need to have available by June 1st? Is there an interrelationship between what one does as opposed to the other?

PRESIDENT TANDY: Councilman Yates.

COUNCILMAN YATES: Thank you, Mr. President and thank you Councilwoman Denton. I believe that this was pushed back to June 1st to be able to allow the additional time to come into compliance. I had met with the county attorney who has been in constant contact with the moving parts. Obviously everybody will have to work in conjunction to get it done. I think they said they thought April, mid April would probably give enough time. We knew a lot of times government's a little bit slower than what we had hoped. So we decided June 1st would be plenty of time. So my answer from my talking to the representatives from the county attorney's office is, yes, that would be enough time.

COUNCILWOMAN DENTON: Have you talked to the Planning Commission about this yourself?

COUNCILMAN YATES: No, I have not. This was done through -- obviously through the different sponsors but Mr. Whitty's here

and present and he has been our liaison through the administration and obviously we have representatives from the administration here.

PRESIDENT TANDY: You have a series of questions that you want to ask?

COUNCILWOMAN DENTON: I'm just a little concerned that we do have moving parts here within this third piece that we are making commitments for different agencies by a certain date but we as a body haven't talked to them. We have liaisons who have talked to these people, but we haven't talked to the revenue commission and we haven't talked to the Planning Commission. So I'm just trying to get a feel as to whether these are doable dates for them.

PRESIDENT TANDY: I understand that.

COUNCILWOMAN DENTON: That's it. The end.

PRESIDENT TANDY: So your last question was --

COUNCILWOMAN DENTON: I just want to make sure they can all meet these June 1st dates since we have got different agencies that need to be doing different things. And none of these agencies except for the revenue commission has a deadline, and to the other agencies are they going to be perform in time for revenue to meet the June 1st deadline? That's all.

PRESIDENT TANDY: Okay. All right. Did you want to address that?

COUNCILMAN YATES: I just want to make sure that this is only for the Louisville revenue code as far as the compliance. And my understanding is that these all work under the administration. They know our deadline and they know what we have. We have been talking about this for almost a year. We have had representatives from the administration here. I think that what we want to do is send a message this is a priority. We have a new business in Louisville that is rampant and right now it is operating illegally. And they were getting letters saying they were operating illegally. Councilman Peden had moved forward in saying we wanted to hold off on enforcement of that and it is very important that we quickly get in place an avenue for this new venture to operate in a legitimate legal fashion. And so if it is going to take them more than six months to get it together but I will have some problems with that and

it is up to the could wants to keep their feet to the fire so that's why the dates are important. Thank you, Mr. President.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. After a thorough reading, and if I am wrong someone can correct me. So there's no limit on how many times somebody can rent out their house or they can go out in my subdivision or your subdivision and buy ten or 15 houses and have people moving in and out continually like a hotel. Is that correct?

PRESIDENT TANDY: Are you addressing that to anyone in particular?

COUNCILWOMAN FLOOD: Mr. Peden.

COUNCILMAN PEDEN: The answer to that is yes. Again, having dealt with this both from the -- I'm on the Public Safety Committee and Planning/Zoning committee so I'm on both sides of the issue. I'm a one-trip customer of Airbnb which somehow allowed me to be the sort of knowledgeable person of the entire industry. When I know -- when we started out we had a 40 page document that had been created by the Planning Commission and the county attorney's office and it was big and it dealt with stuff like what Councilwoman Flood is talking about, trying to limit the numbers here restrict that. It distinguished between houses you lived in and shared an upstairs room versus investment property you bought in various neighborhoods because you thought you could rent it out in much the same way that people buy a condo in Florida and live it in part of the year and come home and rent it out when they are not there. That kind of thing. It dealt with all of that. After a video chat with Nashville, I will say just to put it in no uncertain terms it scared the crap out of us. It was wild because they passed a law pretty quick. It is to address an industry that is not going to go away. We are going to have to do something. And even something the convention and visitors bureau is embracing. Please don't think it is something that we want to try and oppose. We just denied to figure out a way to regulate it. But Nashville tried to do all of those things that were just mentioned and they were overwhelmed.

So we kind of went back to the drawing board rather quickly. Starting with Councilwoman Denton and finishing with Councilman Hollander

where we wrote something very simplistic, something to just get a handle on the volume of which one of the things I truly like about what we have in front of us. And that is at the very least going to give us some numbers. How many people are actually doing this and so on.

But to answer Councilwoman Flood's question, or maybe even some of your other questions, it does not limit numbers. We decided that was not at least currently doable. It does not restrict it to just the house you own. It may even incentivize going out and buying investment property not to be a 30 day month landlord but to be a five-day-a-month landlord. Those kinds of things. And those are all issues that have been batted around in the committee the whole time. And I suggest that this may be a good night to ask a couple of these questions but on the other hand that may then lend credence to a few council people who may want to delay this just even another month. When questions come up tonight and how we can address it. But if you are looking for something that really lays down a whole bunch of specifics, not speculative, but specific laws telling you yes you can do this and no you can't do that, this isn't it tonight. So this is simply something that legalizes the process for the people that are there and helps us get a handle on the business and then allows us to tweak it as we go, I guess would be a good part.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: My concern is we already have a huge problem in this community making landlords take care of long term rentals. And we all have it in our district. And I'm not suggesting that all of these folks are going to be the same way. I'm just saying I can just see the nightmare if there are people who decides to get into this who does some of the rental property like we have. I know somebody will say then they will get a bad reputation and somebody won't come back, but the damage is already done if someone has 11 pieces of property -- just throwing out an arbitrary number -- if someone owns more than one property in a subdivision and you start having issues. Like I said we have absentee landlords now that don't care that live in Florida and own property up here, or wherever they want to live, and don't take care of their property. And there is no real restrictions here. Seems like to me that we would have had the Planning Commission come up with categories

where we would allow them. Similar to what we did with bed and breakfast. Thank you.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President. I think I appreciate Councilwoman Flood's comments immediately before mine. As I keep looking at the 90 days before compliance and this is something we need to take care of in the future and you have all of these moving parts, it seems to me like it would make the most sense to get someone from the Planning Commission, someone from the revenue commission, someone from Louisville Metro Council, someone from the board where this falls to enforce. It just seems to me like if we are looking at -- we are saying this is something that is not going to take effect anyway, why don't we get all the right people in the room and come up with the right regulations and then vote on the right regulations when we have them as opposed to voting on something that we are going to come back and tweak when they do their work because we know they are doing it? It would be different if we think this is the best we can do and if we need to fix it we will. But we are saying we know there is being work on this in a different place and we know we will come back on this to fix it but we will ignore what they are doing until they finish? Why are we not working with them? It seems to me that we should pull this back and create a working group of all the invested parties and then come back with an ordinance that takes care of everything that we should be taking care of. It seems reasonable to me. So if someone were to want to make that as a motion, I would be willing to do that.

>> So moved.

COUNCILMAN KRAMER: I would move we hold this until the work group can be formed with all of the appropriate parties. And I will second that motion.

PRESIDENT TANDY: Okay. So we have a motion to -- are you saying send it back to committee?

COUNCILMAN KRAMER: No. I'm making a motion we hold this right here at the council level, create a work group inclusive of and outside of the council, all of the interested parties, a workgroup, they can help us

figure out what's the best way for us as a Metro Government to move forward?

PRESIDENT TANDY: Okay. So we have a motion and second. We are discussing that motion. Councilman Yates.

COUNCILMAN YATES: Thank you, Mr. President. We have been doing it. I know Haverman has been in every one of these discussions with Planning/Zoning. We have been working in conjunction since March. So that's exactly what it is. The workgroup has been the Public Safety Committee and then outside the Public Safety Committee we have other council members who have a direct interest. Bill Hollander has worked extensively and Tom Owen. This has been going on, the past year has been the work group. We have been working on it. The legislation that we have before status completely different than the first piece of legislation. This has been amended and changed. Councilwoman Green has made her input on to it. Councilwoman Denton has worked on it. And we have a piece of compromised legislation. Piece of legislation that has come to us through compromise. And the reason we chose to do it in this order is so the Planning Commission can look at our legislation that they have before us and draft accordingly. I would have no qualms usually about putting them all up at the same time except this is more beneficial. But we don't want to have a start date now or real soon before they are done. Our start date will be June 1st, 2016. Which is exactly what it does. Parks it for a period of time so they can come into compliance but we want to make sure they know what it is they want to do. That's why we passed it. The fact that the public safety passed the piece of legislation and came out is only part of it. It needs to be the members of council as a whole with each one of your consent and input and knowledge so that we can work, the Planning Commission can work appropriately on the legislation.

My answer to that is there is not a need for an additional work group. That's why we have committee and is that's why we worked on this and that's why we invite concerned council members to those committees. And this is a perfect example of what has been done. And I applaud my colleagues for doing a good job. Thank you, Mr. President.

PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: I am okay with the ordinance that we have worked on, but I guess my question would be what is the sense of urgency of planning it out right now? I have been one of the people who said in the meetings over the last six, seven months that if we are still sitting here and we don't have the answers to the questions that we need, if we are still sitting here saying, well, we need to wait and see what they are going to do, there's nothing that stops them from beginning any work at this juncture. If we don't have all of the answers and issues about taxation and making amendments on the floor here, what exactly and can someone explain to me what the sense of urgency is if we are not talking about doing anything on this ordinance for another six or seven months? Why is it imperative that it be passed tonight?

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: First let me say that this process began in March when metro was issuing citations for what was viewed as an illegal activity. You recall we as a council negotiated a window that said, essentially, don't enforce until we get something together. We are kind of living in that same time continuum that is giving us time to get things together. It has taken -- we started with a work group, the very people that are mentioned here were part of that workgroup. We have continued at a committee level to involve all of those people. Here's what I think has to be done, and to answer Councilwoman Green's concern. I understand that if we pass an ordinance, then the Planning Commission must amend our Land Development Code. The Planning Commission can't amend the Land Development Code unless they have an ordinance that gives them definition for that amendment. And so therefore what we do tonight is an absolute preliminary to what the Planning Commission would do. So I would urge passage because we only have been whacking at this thing for nine months.

PRESIDENT TANDY: Councilman Hollander.

COUNCILMAN HOLLANDER: I'll just say that I was in that work group meeting. It included people from the revenue commission and people from the Planning Commission. What we got out of that session -- it also included people from the council. What we got out of that is an ordinance that I don't think any of us liked and everyone thought was too onerous. And so we have been trying to pare that down into something that both

protects the public but also lets this growing industry grow and operate in our community. So I don't think -- there are no questions that I know that aren't answered at this point. I can talk about it if anybody has questions about the taxation issues. I think we know what all those answers are at this point. What we don't know is exactly what changes will be made to the Land Development Code. But I agree that passing an ordinance tells the Planning Commission that this is something that we intend to move forward with in the community. This is the way we see it working. They will have public hearings before they make a change to the Land Development Code and those changes will come back to us. It's a two-step process. We can't make it one step. The Planning Commission has their role in the Land Development Code. So with all due respect, I think this has been discussed. I'm new here. This is my first year, but I don't know that many ordinances get discussed at committees as much as this one has. We have been doing it for six months and there have been a lot of offline discussions that include the workgroup and the administration.

Addressing one final question, I have talked in the last two days with mostly representatives of the revenue commission and with representatives of the Planning Commission. They don't see any problem in enforcing this and getting this going by June 1st. So we are not doing something without talking to people, as the people who are going to have to enforce it and put the regulations in place, put the registration form in place. So I would move for passage.

PRESIDENT TANDY: All right. Councilwoman Leet.

COUNCILWOMAN LEET: Yes. And this may not be the proper time to ask the question, but since you offered to answer questions --

PRESIDENT TANDY: What we are doing right now is we are --

COUNCILWOMAN LEET: Talking about the amendment.

PRESIDENT TANDY: The amendment to hold it here at the council level.

COUNCILWOMAN LEET: Right. And if he can answer my question it makes me know whether I think we need to discuss it or. Is that fair?

PRESIDENT TANDY: Yes, fair, just to be clear for what everybody is talking about.

COUNCILWOMAN LEET: I'm not clear of apartments. Are we covered for rental apartments?

PRESIDENT TANDY: Councilman Peden wants to address that. You have the floor.

COUNCILMAN PEDEN: That is the mystery ordinance that the Planning Commission is working on right now. Actually, the resolution that we all passed two weeks ago, a month ago, I can't remember now, specifically asked them to research which zoning classifications the use of short term rentals will be allowed in. And I guess maybe that's something as we talked about it in both public safety and Planning/Zoning committee, the only real marching orders they have at this point is to, number one, create the official use of short term rental. For anybody who has ever read the big blue Land Development Code all thousand pages of it there is a big table of uses right along with embroidery, somewhere between embroidery shops and other uses that are in there. Retail stores and fast food restaurants, someone's going to create a brand new use of short term rental. Step two, figure out all the zoning classifications you can use that in. If you ask are we covered on apartments or not, that has yet to be determined because if you put it in R4, if it is only a permissible use in R4, only single family homes. Permissible use in R6 which for the record I'm opposed to, then it becomes an allowable in an apartment. And then you have the whole plethora of conditional uses. It is permissible in R4 and R4. Conditional in R6 and R7 and then we have to invent conditions.

All that being said, the Planning Commission on a minimum turnaround time is 60 days. I imagine this will get 90 to 120, which still puts it coming from the Planning Commission probably mid March, maybe late February if we are lucky, at which point we can debate it even further and change it however we want, no in R one, R two. That's what we are doing. That's what we do.

>> Thank you, Councilman Peden. That affects my decision making, or my request on record that if we do a work group by our vote that is coming up that I would like to make sure that the apartment association also gets included in the discussion in terms of how we qualify that so that as the professional organization they are included.

Then I had one other question and that has to do with addressing Councilman Owen's point, does this mean until June 1st, interimly complying, are we saying we don't have a definition and nobody can comply until June 1st?

PRESIDENT TANDY: Councilman Peden or Councilman Yates, do you want to address that?

>> I think that should be a question for the county attorney's office because they are the ones that understand what we are legally allowed to tell the administration to enforce and not. So I would defer to them.

PRESIDENT TANDY: Mr. Whitty.

PAUL WHITTY: Paul Whitty, Jefferson County attorney's office. Yeah, until this thing is in place, the existing activity of any host, if you will, is ongoing. And we suspended any kind of enforcement activities. As of June 1st, by which time we will know where and under what conditions it is permitted, then that will be established and they will register for that use accordingly.

COUNCILWOMAN LEET: So we will continue to honor a nonenforcement until 90 days as opposed to June 1st? Thank you, that answers my question.

PRESIDENT TANDY: Further discussion on this motion that is before us?

Councilwoman Denton.

COUNCILWOMAN DENTON: Yes, Mr. President. I have an I question about procedure. As I have listened to the discussion, if the Planning Commission needs to know the intent of Metro Government, would it be proper then instead of sending them an ordinance to send them a resolution stating what our intent is? And that way they could work off of that so that once they worked out their version of hearing up our intent, then we could put that into ordinance form and pass it. And the reason I'm concerned about shooting and then aiming, which is what I feel like we are doing here, is you have got folks who are going to read in the paper tomorrow if this passes in whatever form that now it is okay to do this. We have passed something on short term rentals. And they look it up and they read it, and granted it doesn't go into effect until June 1st, but

they see what the conditions are under which you can do this and how it is supposed to work. So they go out and buy what councilwoman need. They go out and buy a bunch of houses in the area with the intent to do this. It doesn't say anything in here that Planning/Zoning or the Planning Commission is going to come in behind here and there are going to be restrictions. Doesn't say anything about that in here at all. So they go and the flood gates open and people start buying locations that after June 1st they may not be appropriate. And we have set people up to fail because we have put the cart before the horse. So I know I'm probably more deliberative than anybody in this room would appreciate that I am, and it is frustrating, but I want to make sure that people are clear on what they can and can't do, and this gives them a false sense of security that what they can do is very broad when in fact it may or may not be that broad by the final implementation. And I think possibly, and I don't know the procedure, but would a resolution actually achieve the same goals of appeasing the Planning Commission and in the meantime we work very closely with the Planning Commission so they know our intent, we know where they are going, we can go back and forth and have some discussion about where we want to end up? And I appreciate the county attorney being our liaison to different entities within the executive branch and other agencies of government, but I think it behooves us within our committee system that we actually hear from those folks and work with them in an ad hoc fashion. But my question is, would a resolution possibly achieve the same goal and also alleviate the concern of Councilwoman Flood and others that you could have a lot of these come in between now and June 1st and try to apply but the rules would change?

PRESIDENT TANDY: So if I'm hearing you correctly, your question, which will be posed actually to the county attorney's office, would be whether or not we could take this ordinance, the language in the ordinance, turn it into the form of a resolution which does not have the binding effect of law but gives -- as you are stating -- would give a framework under which then the administrative body can then take a look at and promulgate an ordinance, their suggested language for an ordinance off of that.

COUNCILWOMAN DENTON: Yes.

PRESIDENT TANDY: That's the question. And the other question that came to my mind as Council Member Denton alluded to, what would be the difference between how laws are enacted in light of the fact this is not going into effect until June 1st how does that differ when the state legislature or congress passes a law saying it doesn't go into effect until July 1, 2016. How does that differ between what we are doing and what they would do in that particular body?

PAUL WHITTY: Yes, Mr. President. Paul Whitty, Jefferson County attorney's office. I think it would be no different. The effective date is when it becomes law. And until that date this law is not in effect. And the status quo can stay. But I also want to remind everyone that you did pass a resolution requesting the Planning Commission to devise regulations on short term rentals. Now to answer your question can we turn this into a resolution, yes, we can. Whether you should or not is up to you. I would just like to remind you that you have already essentially done that.

PRESIDENT TANDY: Okay. Let me ask --

COUNCILWOMAN DENTON: I don't understand how we have already done that because we did not give them the parameters under which to work with as this lays out.

PRESIDENT TANDY: Before we get to that, Councilwoman Denton, Councilman Peden, you wanted to jump in?

COUNCILMAN PEDEN: For the first time on 12 years in the council I would like to say I agree with Paul Whitty.

PRESIDENT TANDY: Ouch.

COUNCILMAN PEDEN: Let the record reflect that. From a procedural standpoint, there's two things about this being a resolution. Number one, we have already done it. What we passed a month ago voted out of committee and voted on by the body was a resolution not just asking them to pick the zoning categories, going on Councilwoman Leet's question, but to research the broader stuff. For instance, Councilwoman Flood brought up parking, that is something that Planning/Zoning will determine. On top of that, they are charged with -- and this is how our process works -- after they make staff do a whole bunch of research and they will have a planning committee a small group that meets in the bottom of the

444 building, they will beat to it death there. Then it will go to LDNT or DRC, usually some more engineers are involved to find out if it is practically possible. Then all the emotional stuff comes out in front of the Planning Commission on a Thursday usually right before our meeting about 1 o'clock at which point they will turn whatever they decide at that point into an ordinance and send it over to us, where it will get a first reading, go to the committee we hold on Mondays at 3:30, everyone's always invited, and we will beat it around there where we will then tweak it the way we want to. But as far as the resolution that you are asking for direction, already been done. I promise you. They don't need this.

>> If they already know what our intent is then I don't understand the --

COUNCILMAN PEDEN: Our intent is to create a use of short term rental and they can broaden it however they want. They are doing research. Mr. Haverman who sits at our public safety meetings is a Planning/Zoning guy. That's why he's there. I was next to speak. May I continue? I was going to say the point is that the second part of turning this into a resolution is it still has to be passed as an ordinance. In order for it to become regulatory and actually go into the book that people have to follow, regardless of whether we create a resolution or not to tell the Planning Commission whatever, which we have already done, this still has to be passed as an ordinance to become a regulatory document that tells people that you have to register with the revenue commission and you have to pay your 25 bucks and whatever all the other little things we stuck in there. Still has to be passed as app ordinance. Still have to cross that bridge at some point. And now at this point I will say this.

I am not even going to take an opinion on whether we pass this tonight and hold it at the council level, but I will say this. I really hope that debate doesn't stop because as a guy who has been involved with this at the beginning, more questions asked tonight than any other time we have had it despite the fact we brought it up in caucus. And I found out from Councilwoman Flood that you can do this as an investment property, that you don't have to live in the house. I want these questions to keep coming. I have developed them after consulting with the lobbyists who run

Airbnb, they are willing to add a line on the computer program that they will take out the taxes for us. That's awesome. Number one, one less thing that you have to do. Number two we don't have to rely on the individual. But on the other hand we need to create some sort of further mechanism within this ordinance to allow them -- do they write one giant Airbnb check for everyone who has rented in Louisville for the month of January or do they have to pay individual accounts? And what happens when they do it online but the person who hasn't registered, who gets that money? How does it get credited back and forth is this that is just since Committee of the Whole all those questions started bouncing around in my head.

Because we have such a distant effective date, again, I'm not letting any of those questions in my own head sway me as to whether or not I want to vote on this tonight or not and I don't want to influence anyone else in that matter as well. But I will say there are tons more questions and apparently a whole lot of concerns from other council people so I'm kind of hoping we can keep the debate going just so the work group which I'm hoping still includes Councilman Hollander, Owen, James, and whoever else who has done a nice job getting to where we are. So if we do wind up with the work group they know what to ask and what to craft and what to do.

PRESIDENT TANDY: Let me address that. There's nothing stopping the committee through special discussion items to bring whoever they want to back to committee to address it, unless it is the will of the body to create a specific special group.

COUNCILMAN PEDEN: I guess my point is this committee's beat this thing around a lot. I don't know if Chairman Yates wants to comment on that. I'm pretty sure what you will get out of committee is what you will get. If that's the will of the body as the best option and having the work group sit down with whoever wants to give their \$0.02 work, even if it is six other council people who don't like the idea this law exists, so be it. Holding it here seems to be the best option especially this time of year when committees may not reform again until next January. It will give the people who are interested the opportunity to say their peace. Because my big piece now is I would like to figure out how to

integrate a giant corporation into our ordinance just so there is at least a mechanism for them to collect our taxes for us and cut out the little guy.

PRESIDENT TANDY: Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President. One is my concern right now is we have put off any and all enforcement of this new area of a business. And the longer we delay we just seem to create a wild west situation out there. I think it is much more efficient that we would have put something on the books giving some guidance, moving things along and then it puts some time pressure. This body has a history of when we delay something it is rare that we get back to it anytime soon. And I know there has been a tremendous amount of effort gone into this. A lot of these questions I would have thought would have been hashed out in the committee. Surprising that this many questions have come out here at the end. And I would prefer that we get something on the books, some guide post now that then could come back and tweak. At least there's the pressure if something needs to be tweaked, the pressure has shown where it is so we know to work with it at that time. Just to put this on hold seems to me not efficient. Seems to be a stall tactic at best. And at the end of the day it leaves the wild west out there in dealing with this new form of business. This is a business, whether people are carrying insurance or doing things properly or have safety measures in place. Regulation needs to take place. And it is incumbent upon this body to make a move. So I would encourage a vote against the motion to essentially keep this at the council level and pass out some regulation now and get moving on addressing this new area. Thank you, Mr. President.

PRESIDENT TANDY: All right. Mr. Whitty, you wanted to make a comment.

PAUL WHITTY: I just want to offer that it seems to be unclear about what we have asked the Planning Commission to do. I would be happy to read the resolution we passed on December 3rd, at least the title so you have a sense of what is going on at the Planning Commission.

PRESIDENT TANDY: That's fine.

PAUL WHITTY: The resolution requesting that the Planning Commission through its staff with Planning and Design Services research

short term rentals as a land use and propose possible text amendments to the Land Development Code addressing what short term rentals are and in what zoning designations throughout Louisville Metro they would be allowed to cooperate. Hold a public hearing to present these proposed text amounts to the land development code and allow for public comment thereon and forward its recommendation to the Louisville Metro Council.

PRESIDENT TANDY: Thank you.

Councilman Johnson.

COUNCILMAN JOHNSON: I want to call the question.

>> Second.

PRESIDENT TANDY: It has been properly moved and seconded. The question is called. Is there any objection? All right.

Mr. Clerk, would you please open the -- it's a voice vote. All those in favor please signify by saying aye. All opposed?

In the committee of the chair the ayes have it. The question has been called.

>> Clarifying the roll call vote, please.

PRESIDENT TANDY: So the vote is on the call of the question. On the motion to hold the item at the council level to date certain.

>> This is calling the question.

PRESIDENT TANDY: Calling the question. Just on calling the question. Madame Clerk, please open the voting. The voting is closing. And the voting is closed.

MR. CLERK: 18 yes votes and seven no votes.

PRESIDENT TANDY: So the motion to call the question passes.

So now we are voting on the motion to hold at the council level. And was there a specific date? Councilman Kramer, this was your motion. Was there a specific date that you want to hold it to? Or to the next council meeting? What are we talking about?

COUNCILMAN KRAMER: I don't think the next council meeting is enough time, no. The goal was to give -- and it was to hold it here and not to send it back to committee. I want to make sure to say that. I hear the concerns. I agree we don't need to send it back to committee. It is a yeoman's work already.

If it doesn't take effect until 90 days certainly we would have a council meeting again just short of that. So whatever the council meeting immediately before the 90 days is my proposal. Doesn't change anything Councilman Yates is asking for. And then also this is 90 days from June 1st, as I understand it. This won't even be enforced until September. If this isn't going to be enforced until September, why would we not do a date certain in August? If we are not enforcing it anyway.

PRESIDENT TANDY: I just need clarity on what date.

>> The second council meeting in August.

>> Can I make a comment on that?

PRESIDENT TANDY: On what? On his picking of a date?

>> She is the mover.

>> I made the motion.

PRESIDENT TANDY: Go ahead.

>> I really don't think you need that long. I think if people are motivated we should be able to get this knocked out by the first meeting in February.

PRESIDENT TANDY: That would be February 11th.

>> I can live with that. But I think sooner rather than later so that -- I'm not trying to delay the inevitable. I want to make sure we have a great working document.

>> Mr. President I'm not trying to delay anything either. My point is if it is not going to be effective anyway why do we need to rush? So if I hear my colleague from District 25, Councilman Yates' concern, we need to have some sense of urgency I'm fine with the date that Councilwoman Denton has put out there.

COUNCILMAN ACKERSON: Point of order.

PRESIDENT TANDY: Go ahead, Councilman Ackerson.

COUNCILMAN ACKERSON: The question has been called, it is not open the to debate so at this point we need to be taking a vote to hold it to this body to February 11th.

PRESIDENT TANDY: That's your date, February 11th? Now this motion calls for a voice vote so all in favor of holding until February 11th signify by saying aye. Opposed? Madame Clerk, please open the voting for a roll call vote, please. Voting on whether to hold here until

February 11th. The voting is closing. Councilman Peden. All right. And the voting is closed.

MR. CLERK: 11 yes votes and 14 no votes.

PRESIDENT TANDY: The motion to hold at the council level fails. We are now back to debating amendment number three as proposed by Councilman Yates, which is with regard to subsection 115.507 A.

>> Point of order. We never voted on the number three amendment.

PRESIDENT TANDY: I know. I'm just telling everybody where we are now. We are back into that discussion.

Councilman Johnson.

COUNCILMAN JOHNSON: I call the question.

>> Second.

PRESIDENT TANDY: All right. The question has been called. All those in favor please signify by saying aye. All opposed? In the opinion of the chair the ayes have it. The question has been called. We are now voting on amendment number three. Everybody clear as to what that amendment is?

So, Madame Clerk, please open the voting.

MR. CLERK: Voice vote.

PRESIDENT TANDY: That's right. Got in the habit. All those in favor please signify by saying aye. All opposed? The ayes have it. The amendment carries.

Councilman Yates, you have another amendment.

COUNCILMAN YATES: Yes, Mr. President. The final amendment is subsection 115.510 E. At this time of registration host shall provide a certificate of insurance covering the short term rental with liability coverage not less than \$500,000 and naming Louisville Metro Government as an additional insured.

PRESIDENT TANDY: A second?

>> Second.

PRESIDENT TANDY: Properly moved and seconded. It is before us. Any discussion on the amendment?

>> If I may briefly explain the purpose of this amendment. First of all, the certificate of insurance is for safety reasons to make

sure that if someone is injured or hurt that there would be insurance there for them. The second part was asked by the county attorney's office and that is also naming Louisville Metro Government as an additional insured. And that is common what we do anytime that we take an ordinance like this where we are saying something is okay and the practice is in place. We see it with parades and things of that sort. What it is doing is a bit to cover us because as a claims attorney I can tell you they will name them in this case. So it provides some cover. We have some -- we do have to defend ourselves in the event if we are negligent in acting. And regardless, you could have a homeowner's insurance policy, you just have to have some type of insurance there to provide it. And the councilman is chiming in. Because this is a rental, unless it is a line item on the homeowner's insurance, they won't cover you. So if Airbnb has in their language, they already have one, I think it is a million dollars they have. But we want to make sure that if people are representing here in Louisville that they are safe.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I defer. That was on another issue.

PRESIDENT TANDY: Councilman James, did you wish to speak to this?

COUNCILMAN JAMES: Yes, sir. I would like to invoke rule 5.11 subsection J to limit debate.

PRESIDENT TANDY: To an hour --

COUNCILMAN JAMES: Yes.

PRESIDENT TANDY: All right. And is there any objection?

>> Yes.

PRESIDENT TANDY: Okay. The rule again.

COUNCILMAN JAMES: 5.11 subsection J.

>> Point of clarification. Is that for discussion on this amendment or discussion on the entire ordinance?

COUNCILMAN JAMES: The entire ordinance.

>> And the point of clarification, the clock starts now?

PRESIDENT TANDY: This requires a vote of the majority of the council.

>> Is it with discussion?

PRESIDENT TANDY: No, it is not debatable. So just so everybody's very clear, I'll read the rule that is being cited here. A motion to limit debate shall apply to council meetings only, not the committee meetings. When a motion to limit debate is made and an objection is made a vote by the majority of the council members present shall be the deciding vote on whether the debate shall be limited. The motion to limit debate is not debatable. If a motion to limit debate effectively passes the debate on a particular ordinance or resolution shall be limited to one and a half hours after the motion is successfully made, at which the expiration of said time limit the ordinance or resolution amended or not shall be automatically called for a final vote. Okay. So that's what is before us. And you are invoking that rule on this ordinance, is that correct?

COUNCILMAN JAMES: Yes, sir.

PRESIDENT TANDY: All right.

That is the opinion of the chair with that. All right. So we have the motion that has been made. There has been an objection to that motion. So all those in favor of invoking rule 5.11 J signify by saying aye. Opposed? Let's do a roll call vote. Madame Clerk. The voting is closing. And the voting is closed.

MR. CLERK: 16 yes votes. Nine no votes.

PRESIDENT TANDY: So then the motion carries.

Mr. Clerk, please start the clock. So then we have the amendment before us. Is there further discussion on the amendment? Councilman Peden. I know if that was you.

COUNCILMAN PEDEN: David was on top earlier. I wasn't ready. My real question is, as far as hotels bed and breakfast, call it similar businesses, call it any business, do we require insurance? I understand the festival thing and the permitting thing. And I guess my only comment is, if we -- for the investment owner I guess I could see this. But for the little old lady who is renting out a room upstairs this pretty much makes it impossible. I kind of almost -- before I vote -- would like to know what the premium would be for a half million dollar rider, to be perfectly honest, to see if we are actually killing the business in and of itself. I find that to be important. I guess my point is I'll probably

be voting no on this just because this is a big financial issue and for the little guy who is trying to do something or the little old lady who is my mom renting out my room kind of thing, she isn't going to do this. At which point she won't even fool with it so I'm not a fan.

PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: I'm categorically opposed to this amendment. I just think it is outrageous. And at what point -- it is just kind of like big brother is watching. We don't make other businesses have to give insurance premiums or riders. I'm not required to get an insurance rider in my law practice. I choose to get one but I'm not required to. And then to be forced to add Louisville Metro Government as an additional insured, well, heck, Louisville Metro we have our own lawyers and if we feel like Louisville Metro needs to be added an insured party to the constituents, then perhaps we should not pass the ordinance. I just find major problems throughout the entire amendment and I think that it is almost a defer center rant to try to get people not be an Airbnb host. You have to have a half million dollar insurance rider and add the government as a protected party. Louisville Metro, we are sued and we have lawyers who defend us, or council people just don't pass the ordinance. Thank you.

PRESIDENT TANDY: Councilwoman Butler.

COUJNCILWOMAN BUTLER: Thank you. This came about when I was speaking to an insurance agent who said that our typical homeowner's insurance is not going to cover Airbnb. And you can get a rider on your home insurance or you can, if you are not living there and you are renting it out time, you get a business insurance, which most businesses when they open up if they have anything in there they typically have insurance too. But this since we are saying, yes it is okay to do this in your urban neighborhood and we are agreeing to it, then I think that we need to go that extra step and make sure that people staying there are covered in case something goes. Because there's no inspection here, folks. It is not like they are staying somewhere where it is being inspected. So this is just really helping those people that are coming in here as well to make sure that where they are staying, if it hasn't been inspected, at least it is insured in case something does happen. Thank you.

PRESIDENT TANDY: Councilwoman Parker.

COUNCILWOMAN PARKER: Yes, thank you. I guess I'm a little bit concerned that we are being made to vote on something that there is still so many unanswered questions and concerns about. And the fact that we have limited debate, and I don't think that is fair to the public or the business owners or the council.

This amendment, I have questions. I need an explanation, a better explanation maybe from the county attorney on why if we are passing a good ordinance why would we need to be insured? Why does Metro Government need to be insured on this?

PRESIDENT TANDY: Mr. Whitty.

PAUL WHITTY: Well, that's actually a policy question. I don't think there's any legal requirement that they be insured. When Ms. Butler communicated with me that she would like the insurance requirement, I spoke with Leslie Faust in risk management and she indicated that we typically do require in cases where we give permits and licenses to businesses that they name us as additional insured. So that's simply something that I brought from my information from risk management.

PRESIDENT TANDY: All right. Councilwoman Leet.

COUNCILWOMAN LEET: Thank you, President Tandy. A couple of points I would like to make. One, as I have not attended committee meetings, I have watched some of the prior meetings, but this point has never been discussed in committee that I'm aware of. So we really don't know what the cost implications of this have are. And I think it is a substantive change. And I don't think it is what we should be doing. I agree with Councilwoman Green that if we are now going to be in the business as Metro Government of requiring and demanding insurance and insurance riders where we name Metro Government as a second or as an additional insured, I think that just tells the story that we are not being business-friendly. I don't think that's the message that we want to share doing business in our community. And I will vote no on this amendment.

PRESIDENT TANDY: Councilman Johnson.

COUNCILMAN JOHNSON: I just wanted to call the question.

PRESIDENT TANDY: That's out of order here since the rule has been called.

Councilwoman Denton.

COUNCILWOMAN DENTON: I do sit on the committee. And the insurance issue has not been brought up and Councilwoman Leet is exactly right in that this is a substantive change. And the other issues, the first three amendments were not substantive. They were more clarifying of what was already in. Once you get to section four, that is probably a deal breaker for a lot of people. I think folks need to understand there's a range of folks who are doing this from the people who do it for derby or the PGA or something like that where they do it once, maybe twice a year compared to those who are buying property for the sole purpose of not living there and renting it out 365 days a year or as many of those days as possible. And we have painted them with a broad brush of treating them the same. It reminds me if we want to go regulate people in the yard sales. People may have a yard sale a couple times a year but we are treating them like they are a retail establishment 365 days a year when in fact there's a huge difference between them. This particular amendment because we don't know the implications, we don't know what the cost is, we don't know anything about that, this could preclude people who are doing this from doing and it doing a good job because we don't know what this is. While the first three I supported, this one I can't support because there are too many questions and this isn't the forum because we don't have people from the insurance industry here. We don't have people who can testify and explain to us what the implications of this are from the perspective, like Cliff Ashburn who represents folks who do short term rentals. So I would encourage its defeat.

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. I would agree with what has been said so far. This is a big overreach. I take a big issue with risk management. Every time we give a permit people get an insurance policy protecting us. That doesn't happen in restaurants. We rate them. They don't have to have an insurance policy that says they will insure us against loss, we don't do it in bars or building permits. So I think that part of it is a huge overreach for somebody because it is

going to cost additional amounts. I have an issue of having people protect us because we think we have a bad law, I guess. I don't know. Also I think we don't -- I don't know why we are in the business of telling individuals, which is what a lot of these are -- if you take the issue that someone owns 50 houses and does this, that's one thing. If somebody is renting out a room, which is what a lot of this is, it is pretty onerous for us to be telling them what kind of insurance they have. I can tell you a lot of people are renting out rooms, they are doing a 25/25 insurance policy that doesn't have protection for the city at all. So I'm against this amendment.

PRESIDENT TANDY: Councilman Mulvihill.

COUNCILMAN MULVIHILL: For information I briefly spoke with a person who is representing Airbnb tonight and I know they extend a million dollars in coverage for folks who rent under them. And the one thing I would like in the situation or one thing that you should consider is Uber considered itself a technological company and didn't offer insurance. And unfortunately somebody, a child was killed in California and the personal motor insurance carrier didn't cover it either because it didn't cover that fare. So I think you have to be mindful in this of what folks are doing and if folks are there can they expect the homeowner's insurance that is there -- I think all of us would agree if there's coverage for people who are invited guests or paid guests and there is something there for their protection, nobody would have a problem. But if it's the case likened to Uber there was a real problem and that family was left not being able to recover. That's all I need to say. Thank you.

PRESIDENT TANDY: Councilman Hollander.

COUNCILMAN HOLLANDER: My idea for this amendment was to protect the people who were transient occupants who otherwise would not be protected if the host is relying on their homeowner's insurance. And frankly to protect the host because I think a lot of people get into this business, including bun day at derby or one day at the PGA and think that if somebody falls or dies on their property they will be covered because they pay a big homeowner's insurance policy, and they don't. So I think to tell them that if you are going to get into this business in Metro Louisville you are going to have to have insurance is quite appropriate.

Quite honestly, the language about naming Louisville Metro as an additional insured was added, and I would make that what I hope could be a friendly amendment to remove that. I think it seems to me that it is a remote chance that Louisville Metro would be sued. That is not the purpose of anybody who really came up with this language and I would say one other comment about this. There has been some discussion about insurance. In fact, in the work group that was discussed when we looked if the Nashville ordinance that requires a million dollars worth of insurance, that was in the original ordinance that came over which we have pared down to try and make this more business-friendly. If Councilman Yates would consider that a friendly amendment, would that be appropriate?

PRESIDENT TANDY: So your amendment...

COUNCILMAN HOLLANDER: It would be to remove the language and just end this new section at \$500,000 and remove the language in naming Louisville Metro Government as an additional insured.

COUNCILMAN YATES: Mr. President, thank you. Councilman Hollander, I would be amenable to that. This language came -- and I know I would be remiss if I didn't recognize Councilwoman Butler who thought about this and prepared the ladies and gentlemen. At the beginning I thought we would stop there because I wanted to make this least restrictive as we could. Compared to all the other cities we studied, we are one of the least restrictive. But then upon thought I looked at it and I said what is one of my major jobs here as a Metro Council member? That's to protect the taxpayers and constituents as a whole. And right now we talked about the surplus of money and having to put money aside for risk management and risk assessment. Because in the event we are sued, who pays that? The taxpayer's money and it is our job to protect that. So in the event that we are brought in and sometimes there is a liability, we are each of us responsible if we don't add some protection for local government in there and it wipes us clean. And we have seen it in lawsuit and lawsuit. We do have attorneys that are brought in. I do think this is probably not a high likelihood in this way that we will be brought in. I think it would be hard to prove liability in local government. To me that would be the county attorney's decision. But I think that is why they pushed to have this in here because there is the potential for that.

So I was in favor of it for that reason. I want to be very business-friendly and I they this is business-friendly because you have mom and dad opening up their house for a few days and potentially could be bankrupt. It covers them.

And second it protects my constituents. It's this money we have for police and paving. And if the event that Louisville is sued that money is drained and gone. I had a special -- put together before lawsuits were brought and that got set aside. I think about the millions of dollars every single year. So if I can provide coverage for my constituents, I want to do that. But as far as the friendly amendment, I would like to defer to Councilwoman Butler, who actually drafted and prepared the amendment, if that would please the council.

PRESIDENT TANDY: Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you. It was actually the county attorney who drafted it. What this was what Councilman Hollander was saying but it is up to the county attorney here who would be our attorney who would represent us should anything happen. So if I could defer to him and get his thoughts on this.

PRESIDENT TANDY: Mr. Whitty.

PAUL WHITTY: Well, just point out that I did not get language of the additional insured from Ms. Butler. That was Holsclaw from my conversation with risk management who told me they do get type of additional insured on certificates of insurance.

So I would say that first of all we have sovereign immunity. And I think that the liability is fairly slim. But there is no legal requirement to have it or not have it, so it is a policy question for you.

PRESIDENT TANDY: Okay. So in light of that, I go back to Councilwoman Butler.

COUNCILWOMAN BUTLER: In light of that, I would hope Councilman Yates would accept the friendly amendment.

PRESIDENT TANDY: Councilman Yates.

COUNCILMAN YATES: I would accept that friendly amendment proposed by Councilman Hollander.

PRESIDENT TANDY: That will be taken in the form of a friendly amendment so there is no requirement to vote on that. So we will have the

amendment before us, which now reads as it does before except striking the language "and naming Louisville Metro Government as an additional insured."

So that is before us. Further discussion?

Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. I just want to be clear. So the example that Councilman Mulvihill mentioned about the Airbnb having a million dollar policy. So if someone had that through Airbnb, that would cover this? Everyone is shaking their head yes. So it would cover this. Because the language says the host shall provide a certificate. So they would have a certificate from Airbnb saying that.

PRESIDENT TANDY: Councilman Mulvihill. Councilman Hollander. Either one.

>> Certainly our intention when we asked the county attorney to draft this was that if you had an insurance through a hosting platform you would be covered.

PRESIDENT TANDY: Councilwoman Denton, did you have a question?

COUNCILWOMAN DENTON: Well, you wouldn't have -- the way I understand this is at the time you register as a host you are supposed to provide this certificate of insurance but if you are getting your insurance at this time through Airbnb you are not necessarily going to have a certificate of insurance. Are they going to provide you a certificate of insurance from Airbnb because you have listed your property on that? I don't know the answer to that.

>> If we want it clarified we can say insurance or certificate provided by a third party provider. So that it would include the host or whatever hosting platform who has it or a third party provider.

PRESIDENT TANDY: But the way it is worded is that you would have to provide it at this time of registration.

>> Point of clarification. You are not going to register if you are not already having an agreement with someone to put you on their website to rent out your room or your house.

>> Not true. You can do it independently privately.

>> Well, if you do that, then you need to have insurance.

PRESIDENT TANDY: So let me do this. Councilman Peden, you had a point directly related to this?

COUNCILMAN PEDEN: My point directly related to this is you kind of -- everybody here has kind of gone and done what the committee did a few months and looked at Airbnb specifically. And you should not. Because I will tell you Airbnb is probably the most hands-on of the hosting platforms that there are. There are others that are much more hands-off. All they really are, think of them as a real estate agent or a middleman like BRBO or Home Away, Flip Key, etc. All they really do is link Mr. Peden and Mr. Kramer and all negotiations are between the two of us. And because all they are is a listing platform. And then they take a small fee from Mr. Kramer who has the house I want. So you have a whole level, if you are talking about certificates from the hosting platform and so on and different levels of insurance and you are talking about a million dollars from Airbnb, I have no a idea what all these other companies do or provide if they provide anything at all which adds a whole other litany of questions. Before we start mandating something in the ordinance it my preclude 75 percent of the industry.

PRESIDENT TANDY: Councilman Benson.

COUNCILMAN BENSON: Thank you. Was I up?

PRESIDENT TANDY: I was trying to get new people in the discussion. Councilwoman Parker and Leet have already been in.

COUNCILMAN BENSON: Thank you, Mr. President. Sitting here listening to the conversation and I know people aren't going to like what I'm going to say. But they are talking about businesses not having insurance. And we don't do that. Well, if we really care about everybody, then maybe we ought to be not just Airbnb, but we ought to go back and readdress all the businesses. Make sure they have insurance. We can create a new revenue thing and go out and check all businesses to be sure they are doing the right thing. We want to protect them and the consumers. If you think about it, there's a lot of people who go visit people at their house and they might not have homeowner's insurance and they might not even know it. So they ought to have a sign at their house saying no homeowner's insurance here. You are coming on this property at your own risk. And then we maybe protect these people. I don't know.

When I was a toolmaker we were always told make sure you make this product idiot-proof. Someone will get hurt ask there will be a lawyer who will try to dissolve the company and make a lot of money. The goal is to do the best you can. Don't hurt anybody. Trying to make a good car or washing machine. Although the things now some of these people would never make anything because it costs too much because of the liability of trying to make it.

So we might be able to say we can shut this down, we won't get anybody because we are making sure to make the regulations hard enough and nobody will ever rent anything out. We need to think a little bit clearer but if we need to protect people more we need to go and make sure everybody has insurance and protect people. Thank you very much, Mr. President.

PRESIDENT TANDY: Councilwoman Parker.

COUNCILWOMAN PARKER: Thank you. Sort of my comments are along the same lines, actually. I feel like we need to redirect the focus from mandating an arbitrary number of insurance and allow -- the language should be more in tune with transparency and disclosure. I think if we are going to mandate anything, we need to -- the conversation needs to be around disclosure of the homeowner or the renter that they have to disclose to the rentee whether they have insurance or not. And whoever chooses to do the renting, they can decide whether this is a home or this is who they want to do business with. And then we are done.

PRESIDENT TANDY: All right. Councilwoman Leet.

COUNCILWOMAN LEET: Thank you, President Tandy. I'm curious as I have listened to this discussion. We have recently discussed all of the homes in the floodplain. There's not even a requirement if you have a home existing in a floodplain that does not have a mortgage associated with it you are not required to have insurance on that home. You don't have to have flood insurance. So I'm wondering about the constitutionality of us even requiring this homeowner's insurance. If I have a home in a floodplain and I can't require it how can I require it here? I hope somebody could answer that question for me and feel like this is a matter that for that reason we need to investigate this further and I still will vote no for this amendment.

PRESIDENT TANDY: Councilwoman Fowler.

COUNCILWOMAN FOWLER: Just curious. So taxi drivers have to have a special rider on their vehicle if they are going to be carrying people. I kind of see this as the same thing. Maybe it doesn't seem fair, but it is what it is. We license them and if we are going to license these BNBs it just makes sense.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I have never done this in all the years I have been here, but I would like to call the question.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: Because I think we have just about exhausted opinions on this issue. And I think we ought to vote on number four. Let's just let it -- there are obviously a wide range of opinions. I have changed my opinion three times in light of your discussion. I'm ready to vote and I hope you are, so I would urge us -- I would like to call the question.

PRESIDENT TANDY: Councilman, I understand that, but pursuant to our rule it sets what the time frame is.

COUNCILMAN OWEN: No. Only on item four. We are only debating this.

PRESIDENT TANDY: On the whole ordinance itself?

COUNCILMAN OWEN: No, I just meant let's vote on item four.

PRESIDENT TANDY: Right. Councilman Mulvihill.

COUNCILMAN MULVIHILL: Yes. In light of Rick's discussion and Councilwoman Denton, I thought that in order to not to sway anybody's opinion whether to vote for the entire provision but to address third parties having a certificate of insurance. I crafted some language that I could read into the record if Councilman Yates would accept this as yet another friendly amendment.

At this time of registration, host or a hosting platform or other third parties on behalf of the host shall provide a certificate of insurance.

PRESIDENT TANDY: Will you read it again?

>> At this time of remonstrations, host or a hosting platform or other third party on behalf of the host shall provide a certificate of

insurance covering the short term rental with liability coverage not less than 500,000.

PRESIDENT TANDY: Now, Councilman Yates, do you accept that as a -- you looking to substitute that for this or add?

COUNCILMAN YATES: I guess to add or clarify what was originally read into the record as the original amendment.

>> I'm okay for purposes of debate. I would like to have a debate on that. So for a friendly amendment. This piece was added to us late, the insurance. I think it is appropriate to have insurance there. I think it is appropriate to mandate there is insurance there. I would like to have it registered because I think it creates a safety net and you know I am about public safety. We want to make sure we are one of the safest governments we can. I think it is very light-restrictions on it. For purposes of moving forward I would accept the friendly amendment.

PRESIDENT TANDY: So we have the friendly amendment before us. We are now discussing that amendment.

Councilwoman Denton.

COUNCILWOMAN DENTON: I just have a question as to whether these host platforms will even supply that document and how long is that good for?

PRESIDENT TANDY: Councilman Hollander.

COUNCILMAN HOLLANDER: We have talked to Airbnb tonight about this provision. The certificate of insurance that is applicable whenever you are renting through Airbnb.

PRESIDENT TANDY: And they will provide that certificate to you as long as you have your house -- is it only when it is listed that they give it? Only when it is rented or when it is registered with Airbnb?

>> Through Airbnb. So if you are not renting through Airbnb you wouldn't need the certificate of insurance.

>> Let me clarify. You can go and put your property and list it on Airbnb, but if it doesn't get rented for six months, for instance, can you still the day that you list it with Airbnb is that the day you get the million dollar? Will you get proof of it then or do you have to wait until it is actually rented to get the certificate?

>> I think when you are -- I believe -- and we talked to Airbnb tonight and I can tell you that they had no problem, I think it is fair to say, with this provision because they are covered if you are renting through Airbnb.

>> And I understand that. I'm just wanting to father by virtue of us mandating that they have to provide that certificate at registration that they can actually get it from Airbnb even though it is not rented it is just listed. That's what I'm trying to clarify.

>> If you are listed on Airbnb, you would be covered with their insurance.

>> Thank you.

>> That's the way I understand it.

>> And then I go back to, Mr. President -- I thought I was --

PRESIDENT TANDY: You asked your question and it was answered. And so now I need to move on to some other folks. And if you want to come back.

Councilwoman Leet.

COUNCILWOMAN LEET: Thank you, Mr. President. My question relates to these conversations with Airbnb. And they are not the only platform. Were they done on the record where they are transparent and we can all see what their comments were? Because when I interpret what it is on that one platform's website, it seems that it only protects damage against the property, not a claim by the renter. But I haven't been able to ask Airbnb or other platform agencies any questions, and I'm wondering if we have an effective date right now that we have discussed previously of June 1st why this particular issue can't be fully resolved in a transparent manner in front of a committee so we have all the information to make a good decision.

PRESIDENT TANDY: All right. Councilman Hollander, did you have something new to add?

COUNCILMAN HOLLANDER: No.

PRESIDENT TANDY: Councilman Yates.

COUNCILMAN YATES: Thank you, Mr. President. I think this is all over the place. I think the way it is set out is to any host that is a rental host would have a mandate of insurance. If you are renting

through them there is a provider, the third party, if you come through them they will have insurance there. If you get yellow cab ambulance they require the individual to have insurance but they have a self-insured policy at which they have insurance there. So if you are in there and you are hurt there is a protection. This isn't the wild wild west. We do have some regulatory but we have a duty to protect not only -- we have made a lot of words saying hey these mom and pops might be in a business where they don't understand the rules, we have to protect them and be sure they get a free pass, all you do is register online and pay \$25. Half of us in here didn't know that homeowner's insurance wouldn't cover the actual renter on this one the way it is written up. So I think that this is a very new area and we want to make sure we are protected. If someone is in there and there's no insurance, they are going to go to our hospital. They are going to go in and treated at our hospitals. Who pays that? The same thing I told you, we have a duty to protect the constituents' tax base. It is not an endless amount of money. We are required to balance it. And I think we have a duty to do that. I think this is a conservative move. A lot of people say that let's be all true liberal on this thing and just say let's not do any government we don't want any regulation or any types of protections. And that's fine until someone gets hurt. I think this is very minimum because the host platform already provides the insurance. You want to be sure that you have a reputable host. In the event they start off on this host and rent to someone without them they would be in a squeeze. But we are all having a level of protection. I don't think this is asking too much. Looking at all the different ordinances throughout the United States, this is so watered down. And I'm okay with that. I wanted to start off with the least restrictive we could. We wanted to have small government and not too many hoops to jump through. We have to sit everyone at the table. Everyone is okay with this. The interested parties are okay with this. I don't think we are asking too much and I would hope we can get this passed tonight. Thank you, Mr. President.

PRESIDENT TANDY: Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you. To reiterate what was said, if you are with a reputable company, you are going to be covered and you are

going to offer their certificates that your contract is with. If you are not you need to bring your own. We are not only protecting our residents but also the visitors. I would hate for something to get out about a horrible experience somewhere and someone not come to our city. So we are protecting everyone here and I think it is just good. Thank you.

PRESIDENT TANDY: Councilwoman Fowler.

COUNCILWOMAN FOWLER: Thank you, President. You know, it is one thing to require the insurance and it is another thing just like car insurance. Whether they are going to have it at the time. I got hit by a guy last week who didn't have insurance but he had his little certificate but it didn't do me any good. So enforcement's going to be the issue. At MLC is I went to a workshop about this. And that was what national said. They can't enforce it. So I think we are talking a lot about something that we can't do much about. So I wish I could call the question.

PRESIDENT TANDY: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. Maybe I can call the question, Councilwoman Fowler. Because what I'm hearing is repeated information, the same information. It is just being redone. And people are saying the same thing over and over. And I just didn't know whether or not that was allowed. I thought we were talking about new information. But people are saying the same thing over and over, one after another one. So if I could call the question, I would call it. But we only have 55 more minutes. Thank you, Mr. President.

PRESIDENT TANDY: Thank you.

Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. I have some new information for you, Councilwoman Woolridge. We keep talking about the host having insurance. There is only one we know about that has. Let me tell you something. I'm kind of tired of running around here protecting people. I rent my property in Florida for three days or 15 days. I am required by Florida law to get a sales tax certificate to pay sales tax and that's it. They expect me to have some insurance and expect me to take care of the place and expect me of a contract. And if we are going to tell people what contracts to have? We are going so far. Why don't we let caveat emptor, let the buyer beware. If you are going to be renting

somewhere you presume that you will look at it a little bit ahead of time. I don't go through Airbnb or BRBO. I just go direct. People call through people that I know and we have a contract long distance and send checks. They show up and I get someone to clean it when they leave. It is not complicated but we are making it complicated. And it is the single person, the person who rents out the upstairs room for 15 or ten days, that is who we are really going to be hitting. If you don't have insurance that covers an activity you are doing, then you ought to be paying a little bit more attention. And if we want to put out a wording on our registration that says you need to have special insurance for your home if you rent this out, fine. Inform them. But don't make them do something. I think we are just going so far and I don't think we need to go quite that far. Thank you.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: In the risk of being redundant, I want to say I agree wholeheartedly with Mr. Downard.

PRESIDENT TANDY: All right. In light of the fact there is nobody registered to speak, we will now vote.

>> Eat some vegetables.

PRESIDENT TANDY: Councilwoman Shanklin. Turn your mic on, please.

COUNCILWOMAN SHANKLIN: We are blessed to have six attorneys on this council. And every one of them loves to talk. So that was the reason that we have been here for two hours on the one subject. Thank you.

PRESIDENT TANDY: Mr. Clerk, please strike that record from the record.

COUNCILWOMAN SHANKLIN: No. Put it on the record.

MR. CLERK: We are voting on section four?

PRESIDENT TANDY: Voting on the friendly amendment that was offered, amendment four, that was proffered by Councilman Mulvihill. Copies of that amendment should be at everybody's desk, correct? Just me? Okay. So amendment reads: Subsection 115.510 E at the time of registration, a hosting platform or other third party on behalf of the host shall provide a certificate of insurance covering the short term

rental with liability coverage not less than \$500,000. All right. So that's the amendment that is before us.

All those in favor of the amendment please signify by saying aye. Opposed? Let's go ahead and do a roll call vote, please. Madame Clerk, please open the voting. The voting should still be open. Is there any way -- just pause the clock. So now the voting is still open. The voting is closing. And the voting is closed.

MR. CLERK: 11 yes votes and 15 no votes. Would you like me to read the no votes? No. The motion fails.

We now have the amended version of the ordinance before us. Is there any further discussion on the amended ordinance?

Councilman Peden.

COUNCILMAN PEDEN: I'm sorry. One quick thing. On behalf of Mr. Frock or Ms. Watson or Mr. Whitty. In a conversation I had back there, they were concerned that we were -- whatever we are voting on, and I haven't looked at the latest version in the last two hours, still said that you have to register with the revenue commission. What we voted out of committee and what the administration wanted it to be is we are registering with Develop Louisville and I just need to make sure that is technically correct before we vote finally once and for all.

PRESIDENT TANDY: So you are looking for that inside the document?

>> It is in the document. The registration should be with Develop Louisville with the platform of collecting taxes to be done by -- but all the talk that I have been hearing from everyone is you are registering with the revenue commission still and that is not what we passed and I just want to make sure we are all on the same page.

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. I was in favor of trying to hold this because I have never heard so many unknown answers and questions on something that is pretty serious. And not being able to hold it here, I'm left with no option but to vote no on this. And it doesn't make much difference because it doesn't take effect until next September anyway. But there is so much work that has been done. I went to half of those meetings. The committee worked hard on this. And pared

it down from its enormous document to something that is pretty close to being reasonable, but we have a lot of questions. They are not questions people would normally have thought of, I think. So it seems like we need to come together and work on a lot of these answers because they are not inconsequential questions. And the uncertainties concern me some. This is a good body of work that needs some more. And that's what I think. So it is about the entire document. Gosh, look at this thing. It has been in committee for 25 times. And it has been a lot of work but it is not there yet. I don't think it is a finished product. And I wish we could keep it here and get finished product and do it in January but I guess we can't. That's it. Thank you.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: I'm fine.

PRESIDENT TANDY: Councilman Peden, do you have anything new to add?

COUNCILMAN PEDEN: Other than what I said which is I went --

PRESIDENT TANDY: That's what you just said. Nothing new.

>> I'm clarifying the fact that I am looking at the first document right below Yates' amendment and it says short term rental has been registered with the revenue commission and remains registered each year. Is that the version we are voting on or is there another one on here somewhere that I should be looking at?

PRESIDENT TANDY: Mr. Whitty --

PAUL WHITTY: Otherwise we need to amend that. Talking with the administration, they would really like that changed.

PRESIDENT TANDY: Mr. Clerk. The legislation text, where is that?

MR. CLERK: Right below it.

The legislation text which is immediately under number 60 if you click on legislation text and view document that's the one.

>> I clicked on view document.

PRESIDENT TANDY: Above.

>> Above the Yates proposal.

PRESIDENT TANDY: And that's the official version that is before us, correct with the amendment that is we just voted upon previously. Do you see what you were looking for now?

>> Yes, and it still says Louisville Metro revenue commission which according to Ms. Watson is not correct.

PRESIDENT TANDY: And you are talking about section 115.506 annual registration required?

>> Yes, 506.

PRESIDENT TANDY: All right. And then I think it also references Louisville Metro revenue commission in 515.507, annual registration fee. Is that right?

>> They would probably collect the fee but they would register with whatever group controls the IPL.

PRESIDENT TANDY: So are you proposing an amendment?

>> I have to be perfectly honest. I would feel comfortable if Ms. Watson or Mr. Frock came down here and I elaborated on the little whispery conversation we had a little while ago and make sure I'm not out of line.

PRESIDENT TANDY: Ms. Watson.

KELLY WATSON: Good evening. Kelly Watson, General Counsel for the mayor's office. I believe the version was supposed to say the director of Develop Louisville is the registrant and then -- is that the version, Mr. Whitty?

>> I'm sorry?

>> Is that the version that came out of committee? I believe it said that the --

>> The director of Develop Louisville.

>> Director of Develop Louisville is the version that should be correct as the registering agency.

PRESIDENT TANDY: That was the only change?

>> Yes.

>> Point of clarification. Where is that that she is referring to?

PRESIDENT TANDY: Could you point to the specific section?

>> I don't have it in front of me.

>> Section 115.505, it says director of the Louisville Metro department of Develop Louisville.

>> Yes. Thank you.

>> It just wasn't carried through in the ordinance.

PRESIDENT TANDY: Okay.

>> It is a technical error.

PRESIDENT TANDY: Correction needed.

Councilman Peden.

COUNCILMAN PEDEN: Not sure it is technical because it is not even underlined. I will go back to President Tandy had it right, when you look at 506 and 507 it does mention the director creating the procedure but it very clearly says in 506 for those looking online at the very, very top of page three, no person, firm or corporation shall own or operate a short term rental on any premise within Jefferson County unless the short term rental has been registered annually with the Louisville Metro revenue commission. And what I'm thinking she was telling me in the back is that needs to say Develop Louisville. And I don't think that is technical.

PRESIDENT TANDY: Okay. You are making that?

>> I'll make that in the form of a motion.

PRESIDENT TANDY: Motion to amend. There's a second?

>> Second.

>> And 507 as well.

>> I can accept it as a friendly amendment.

PRESIDENT TANDY: That's fine. So we have the amendment before us.

Councilwoman Flood.

COUNCILWOMAN FLOOD: Why wouldn't you put both the revenue commission and Develop Louisville to ensure they understand that they have to be registered with the revenue commission in order to be business in Jefferson County? Because later on it names both of them, the annual registration fee says they have to pay that.

>> The revenue commission is equipped to pay the tax but they are not registering with the revenue commission, which is my understanding from speaking with the director.

>> When a business comes in they are not registering with the revenue commission?

>> They are collecting that tax and they are collecting that fee from them, but they are not necessarily registering. When they are doing all of those things. Am I speaking out of turn?

PRESIDENT TANDY: Mr. Frock, why don't you come forward and identify yourself for the for the record.

DANIEL FROCK: Daniel Frock, office of management and budget. The distinction is the revenue commission is not set up to collect a fee for registering an account with them, and this is basically permitting registration. They are acting as a tax collection agent. But you can register an account with the revenue commission without an expense or permitting fee.

>> 506 says annual registration. So why wouldn't you register with the revenue commission as a business and with Develop Louisville and then you are talking about they are not equipped to collect the fee but then under annual registration fee it says prescribed by the director and the director is... and approved by the Louisville Revenue Commission.

>> I'm sorry. I'm not following your question. Why is that piece in there?

>> We are saying that on 506 annual registration requirements, we are going to take out the revenue commission because they are just going to be required to register with Develop Louisville. Then when you go down to annual registration fee you are saying because of the definition prescribed by the director which is under Develop Louisville and approved by the Louisville Revenue Commission.

>> That is a similar discussion I had with the county attorney. There is not a nexus. If you for example had a restaurant and you would have to register with the revenue commission if they are operating restaurants but from the public health restaurant inspection and is if there's a permitting fee associated with that, that form is designed by public health and then the permit is remitted, so the fee associated with the permit, is remitted to public health. So the revenue commission could approve it but it is not set up to accept a fee outside of tax collection.

>> Well, 506 is just registration. And then 507 is the collection of the fee.

PRESIDENT TANDY: Hold on just a second. Councilman Hollander, you don't have anything related to this yet, right? Okay. Neither do you, Councilman Kramer? You do? I'm going to let you go ahead and go and then we will come back.

COUNCILMAN KRAMER: This is what I'm seeking. The way that I interpret this -- I'm a lawyer -- but it is one thing to register annually with the Louisville Revenue Commission. Saying we are going to run a business and pay taxes, that's 506.

50 senseis there is a form that the director and the director by definition is the previous, Develop Louisville. The director's going to have a form and that you will have to fill out that form. That form could very easily say you have to remit money to Develop Louisville. The form would have to be approved by Louisville Metro Revenue commission and shall be available for paperless online registration. I think as I listen to this conversation, everything that Councilman Peden wants is already done. The director is the one that creates the form. And if the form says remit X amount of dollars as a fee to Develop Louisville, then that's what happens. It is already there. And the registration has to happen if you are going to register a business. In 506 you have to register with the revenue commission. We can't change that. If the director is saying this is the form you use, we have that covered too. I think we are having a lot of discussion about what the ordinance actually takes care of.

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. It really doesn't take care of it because what Daniel said was the annual registration fee is with the director. Now, doesn't have anything to do with the revenue commission. The revenue commission you sign up one time, get a number and you remit until the day you die or come in and take your number away. Not like you have to redo every year with the revenue commission. And to have an annual registration approved by the revenue commission, there is no nexus between the two. They just collect dollars, you send them and get a number and they collect the money. They don't

care about the \$25. That's not their deal. So I don't know why approved by the revenue commission is even in there. Is that a fair statement?

>> I concur.

PRESIDENT TANDY: So Councilman Peden, you have proposed an amendment.

COUNCILMAN PEDEN: I have proposed an amendment that was requested by the two people that we are forcing this ordinance on. And so from an administrative standpoint I thought it made sense. I put it, being the teacher, I figured out how to explain things to teenagers. The way it is written right now, it says if you are at McDonald's and want French fries you need to be paying the guy that cooks fries. In this particular case we need to amend it so that you are paying the kid if the front counter and you are going to get your fries. So again see what I do for a living in anyway.

So I am sticking with what Mr. Frock requested, which is we change that you are registering annually with Develop Louisville, which is in changing the line in .506. Changing the line in .507 I will do if some attorney tells me of the 12 in the room we need to do out of consistency, but maybe the revenue commission wants to approve the form. I don't know. But as far as who is going to collect that \$25 fee, he has been very clear he doesn't want it to be him.

PRESIDENT TANDY: Just to be clear, your amendment a to amend section 115.506 and it should read no person, firm or corporation shall own or operate a short term rental or any premises within Jefferson County unless the short term rental has been registered annually with Develop Louisville. And strike the Louisville Metro revenue commission.

That is the amendment before us. Properly moved and seconded.

>> Second.

PRESIDENT TANDY: Any further discussion on the amendment?
Mr. Whitty.

PAUL WHITTY: I just want to be clear. We have been talking about replacing revenue commission with Develop Louisville in both 506 and 507.

PRESIDENT TANDY: The amendment that was made was just in 115.506.

All those in favor please signify by saying aye. All opposed? The ayes have it. The amendment carries.

We now have the amended version of the ordinance before us. Any further discussion? Seeing none, this is an ordinance calling for a roll call vote. Madame Clerk, please open the voting.

>> Mr. President may I ask a question? Just a question. Is there anything in here now that requires them to pay taxes?

PRESIDENT TANDY: Say it again.

>> We just removed any language that required them reporting to the revenue commission. Metro revenue commission is the body that collects the taxes. Is there anything in here that requires them to pay taxes?

>> 509.

>> Thank you.

PRESIDENT TANDY: Councilman Hollander, did you have something?

COUNCILMAN HOLLANDER: Thank you, Mr. President. 509 refers to the transplanted I didn't occupancy tax but anyone operating a business in Louisville Metro also has to pay the other taxes, the occupational taxes. So it does not say you have to pay the occupational tax, although it does say you have to follow all the other rules and regulations like any other business. Yes, sir.

PRESIDENT TANDY: Councilwoman Denton, did you have something?

COUNCILWOMAN DENTON: With the tax situation issue, should we put something in 509 that directs them to register with Metro Revenue commission so that they can pay those transient room taxes so they know that's what they need to do, that's where those get paid? Just asking to make sure we are clear as mud.

PRESIDENT TANDY: Anyone wish to address that? All right.

COUNCILWOMAN DENTON: Deafening silence. I got that one.

PRESIDENT TANDY: This is an ordinance calling for a roll call vote. Madame Clerk, please open the voting. The voting is closing. The voting is closed.

MR. CLERK: 20 yes votes and six no votes. No votes are council members Woolridge, Downard, Parker, Denton, Engel and Flood.

PRESIDENT TANDY: All right. The ordinance as amended passes.

Colleagues, without objection, we will take a five-minute break. So please be back in chambers at 9:20. Thank you very much.

[Recess.]

PRESIDENT TANDY: We are back in session. Mr. Clerk, our next item of business is resolution 55. Item 55.

Mr. Clerk, a reading of this resolution.

MR. CLERK: A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC., \$125,000.00).

PRESIDENT TANDY: Is there a motion?

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. It is now before us. This is in the contracts and appointments committee. Councilwoman Denton is not here presently and Councilwoman Green.

>> I missed that meeting so I don't know if Councilman James or somebody else if you recall what this is all about.

>> I'm sure it's here because of --

PRESIDENT TANDY: It's a University of Louisville contract. Typically, we put that on Old Business to allow Councilman James and Owen to abstain because of their employment with said institution. In order to avoid any perceived --

COUNCILMAN OWEN: I would like to, I am not on that item but if I may just interject I would like to abstain because of a perceived conflict of interest since it does relate to my daytime employer.

PRESIDENT TANDY: All right. Councilman James, you are also entering that same?

COUNCILMAN JAMES: Yes, Mr. President.

PRESIDENT TANDY: So as such is there any further discussion on this resolution? Seeing none, this is a resolution that normally would call for a voice vote but in order to record the abstentions we will take a roll call vote. Madame Clerk, please open the voting. The voting is closing. The voting is closed.

MR. CLERK: 22 yes votes and two abstentions and two not voting. The abstentions are council members James and Owen.

PRESIDENT TANDY: All right. The motion passes.

Next item of business is item number 56. Mr. Clerk, a reading of this ordinance.

MR. CLERK: AN ORDINANCE AMENDING ORDINANCE NO. 104, SERIES 2015 AND ORDINANCE NO. 103, SERIES 2015 RELATING TO THE FISCAL YEAR 2015-16 CAPITAL BUDGET AND THE FISCAL YEAR 2015-16 OPERATING BUDGET, RESPECTIVELY, BY TRANSFERRING \$42,123 FROM THE PUBLIC WORKS & ASSETS CAPITAL BUDGET TO THE CAPITAL INFRASTRUCTURE FUND AND BY TRANSFERRING \$40,000 FROM THE CAPITAL INFRASTRUCTURE FUND TO THE NEIGHBORHOOD DEVELOPMENT FUND AND BY TRANSFERRING \$10,000 FROM THE NEIGHBORHOOD DEVELOPMENT FUND TO LOUISVILLE METRO COUNCIL GENERAL OPERATIONS (AS AMENDED).

Read in full.

PRESIDENT TANDY: Is there a motion?

>> So moved.

PRESIDENT TANDY: Is that second?

>> Second.

PRESIDENT TANDY: Properly moved and seconded. We now have this ordinance before us. Any discussion?

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. This ordinance was amended in the December 10th Budget Committee changing the amount. District 6 is transferring from NDF to CIF and the amount transferred from general operations from 20,000 to 10,000. And we ask for your support. Move the amended version.

PRESIDENT TANDY: Any further discussion? Seeing none, this is an ordinance calling for a roll call vote. Madame Clerk, please open the voting. The voting is closing. The voting is closed.

MR. CLERK: 26 yes votes.

PRESIDENT TANDY: All right. The ordinance passes.

Our next item of business is item number 57. Mr. Clerk, a reading of this ordinance.

MR. CLERK: AN ORDINANCE AMENDING ORDINANCE NO. 103, SERIES 2015 AND ORDINANCE NO. 104, SERIES 2015 RELATING TO THE FISCAL YEAR 2015-16

OPERATING AND CAPITAL BUDGETS, RESPECTIVELY, BY TRANSFERRING \$40,000 FROM THE DISTRICT 16 NEIGHBORHOOD DEVELOPMENT FUND TO THE DISTRICT 16 CAPITAL INFRASTRUCTURE FUND AND \$5,000 FROM THE DISTRICT 13 NEIGHBORHOOD DEVELOPMENT FUND TO THE DISTRICT 13 CAPITAL INFRASTRUCTURE FUND (AS AMENDED).

Read in full.

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. It is now before us. Is there any discussion?

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. This ordinance was amended on the December 10th Budget Committee by District 16 allowing District 13 to join the ordinance and to transfer the \$5,000 from District 13 NDF to District 13 CIF. And we ask for your support.

PRESIDENT TANDY: Any further discussion? Seeing none, the ordinance calls for a roll call vote. Madame Clerk, please open the voting. The voting is closing. The voting is closed.

MR. CLERK: 26 yes votes.

PRESIDENT TANDY: All right. The ordinance passes.

Next item of business is item number 58. Mr. Clerk, a reading of this ordinance.

MR. CLERK: AN ORDINANCE AUTHORIZING YEAR-END OPERATING BUDGET TRANSFERS BETWEEN VARIOUS AGENCIES FOR FISCAL YEAR 2014-2015 AND TO PROVIDE VARIOUS TRANSFERS AS DETAILED HEREIN (AS AMENDED).

Read in full.

PRESIDENT TANDY: Is there a motion?

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. We have this ordinance before us. Is there any discussion?

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. Colleagues, each year after the annual audit is completed adjustments to the annual operating budget are approved to match actual amounts spent.

At our last budget meeting, Daniel Frock CFO presented the 2014-2015 and requested the year-end assessments to be made. As you know we ended that fiscal year with an \$18.9 million surplus which includes 12.6 million from expense savings and 6.3 million in increased revenues. Revenues were 6.3 million higher than projected mainly due to higher than projected public service corporation tax of about 3 million, building permits, 1.3 million, and emergency medical services, about 2.6. Revenues are not part of the approved budget, therefore, this change is not required to be in the ordinance we are considering tonight.

The highlights of the fiscal year 2014-2015 ending June 30th as highlighted in this ordinance are as follows: Section one lowers the original expenditure operating budget by 12.6 million for a total of 17 departments due to primarily lower than projected expenditures and savings in areas such as gasoline prices as well as staffing costs. And I'm happy to report that Metro Council also refunded \$625,000. The other 16 departments are listed there in section one.

Section two reflects \$1 million reallocated from police to four departments with overbudgeted expenditures. Those departments are youth detention services, community services, Louisville free public library and Develop Louisville.

Sections three, four and eight cover 2.2 million in funding expected but not received from grants and other sources. Section five transfers 1.7 million to the information technology data processing equipment fund, which is administered by the revenue commission. And based on our new short term rental ordinance we just passed, that is a very important transfer.

Section six establishes an appropriation for debt service payment to repay a promissory note for the Louisville water company for 6.1 million. You'll recall that we borrowed \$10.05 years ago and this debt is due to be paid off in February 2016.

Section seven increases the procreations to the risk management fund related to judgment claims by 2.5 million. The committee amended that from 3 million to 2.5, and we ask for your support for that amendment tonight.

Section eight transfers out of the 2,200,167,000 for the road charges, fleet charges and small repairs.

Section nine appropriates \$8,911.99 of additional capital budget revenues to metro-owned facilities for repairs not covered by insurance.

This ordinance will result in \$6 million remaining in excess revenues which the mayor has announced will be used to increase metro's reserve 3.6 million is projected to be added to the rainy day fund for an ending balance of 66000002.4 million will be added to the assigned portion of the reserve account. This was voted out of committee as amended and I move the amended version and I recommend your support of this ordinance.

>> Second.

PRESIDENT TANDY: It came out of committee so we have the amended version that's before us. Is there any further discussion?

Councilman Ackerson.

COUNCILMAN ACKERSON: Yes, Mr. President. I would like to offer an amendment to this regarding section six. And I want to add in language at the end of section six, the language would read as sum shall not be paid before February 10th, 2016. That's the entirety of the amendment. Essentially what this does is this body in our present budget has budgeted for the water company debt to be allocated over five years. What is being proposed prior to this amendment is we pay that off in full. This body by adding this language that it shall not be paid before February 10th, 2016, gives us time to discuss what we want to do with that. That is essentially \$6,070,300 that we were not anticipating that we could hold discussions on. It could be go ahead and pay the water company off or it could be on how to potentially use that for other bigger projects, bigger things that we have been looking at, everything from the affordable housing trust fund. And there have been a lot of different discussions about different items that are big. So this is more than we anticipated so money that we can talk about how to spend. Ultimately the end discussion might be to pay off the water company debt. Should this body not take any action to change it before February 10th that's where it would go. But at least this gives us the option to consider it and have some more input into this budget surplus. So I would move that amendment and would look for a second.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. So that amendment is before us. Any discussion on the amendment?

Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. I have worked hard on this a while. I don't have an objection to this amendment. I will say that I am strongly in favor of paying down the water company debt only because I'm a Dave Ramsey kind of guy that we shouldn't have it. We never expected to have the ability to pay it off early but we can. However this gives us time. We were not going to make a payment until February 10th or eleventh anyway so it doesn't cause a problem for anything and I don't have an objection to this amendment.

PRESIDENT TANDY: Any further discussion? Seeing none, we have the action amendment before us. All those in favor please signify by saying aye. All opposed? The ayes have it. Amendment carries.

We now have the amended version of the ordinance before us. Is there any further discussion on the amended ordinance? Seeing none, Madame Clerk, this calls for a roll call vote. So open the voting. The voting is closing.

Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: I'm sorry.

PRESIDENT TANDY: And the voting is yes.

MR. CLERK: 26 yes votes.

PRESIDENT TANDY: The ordinance as amended passes.

COUNCILWOMAN BRYANT HAMILTON: Mr. President, point of personal privilege. I would like to thank everyone for your support on this. In a couple months we will be receiving the mid year budget assessment and if the first six months of this fiscal year, the end of the year, this first six months of this fiscal year are as good as the last six months, we should be looking pretty good as well. But we would like to get that information as soon as we can so that we can make a good informed decision on transferring funds. Thank you.

PRESIDENT TANDY: Thank you, Councilwoman Hamilton.

Next item of business is item number 59. Mr. Clerk a reading of this resolution.

MR. CLERK: A RESOLUTION APPROVING THE GRANTING OF LOCAL INDUCEMENTS TO FIRSTSOURCE GROUP USA, INC., AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32 (AS AMENDED).

Read in full.

PRESIDENT TANDY: Is there a motion?

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. We have it before us. Is there any discussion?

Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you. This came out of committee unanimously but we had an amendment. The company when we originally passed this they didn't quite meet the threshold on their salary level to give the one percent back so they are only getting .05 back. But the ordinance that was sent to us was still the original one that had the one percent so we had to change that one percent to .05. So that was our amendment in committee and that's why it is on Old Business. So we urge you to pass it.

PRESIDENT TANDY: Any further discussion?

Councilwoman Leet.

COUNCILWOMAN LEET: Just a point of clarification. I was curious if, because the attachment doesn't show the actual amounts we are approving do we know what the total amount being approved for that group is?

>> I do not recall it. They do not get anything if they do not create the jobs and they didn't meet the threshold on the salary for one percent. That's why we moved them down to .05. So they are still in the process of doing things.

>> Usually there's a chart that goes with that and it shows the amount.

>> Originally, when we passed it, it had that chart.

>> That was before my time. I guess that's the problem. The letter was dated August of 2014. That's why I was curious.

>> We can get you that information.

>> Thank you.

PRESIDENT TANDY: Any further discussion? Seeing none, this is a resolution calling for a voice vote. All those in favor please signify by saying aye opposed? The ayes have it. And the resolution passes. Ed. Our next item of business is item number 61.

Mr. Clerk, a reading of this ordinance.

MR. CLERK: AN ORDINANCE AMENDING CHAPTER 32 OF THE LOUISVILLE METRO CODE OF ORDINANCES BY ADDING A NEW SECTION REGARDING HISTORIC LANDMARKS AND PRESERVATION DISTRICTS AS IT RELATES TO THE SALVAGE AND PRESERVATION OF BRICK PAVERS REMOVED FROM STREETS AND ALLEYS (Amendment by Substitution).

Read in full.

PRESIDENT TANDY: Is there a motion?

>> So moved.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. We now have it before us. Is there any discussion?

Councilman Owen, this came out of your committee.

COUNCILMAN OWEN: It did indeed, Mr. President. This was in committee for some time. It was significantly altered by the sponsor, Mr. Hollander, and I think he can describe in detail the amendment changing it the way it came it was approved out of committee.

PRESIDENT TANDY: Councilman Hollander, do you want to speak to this?

COUNCILMAN HOLLANDER: Thank you, Mr. President. This is an ordinance requiring harvesting of historic bricks on streets where we are closing an alley or otherwise coming up with brick, store it by metro public works so it can be used in the restoration of some of our existing brick alleys and streets. I do have an amendment by substitution which is actually in the system now and it is very technical in nature. When we began discussing this ordinance and it actually originated with my predecessor, Councilwoman Ward-Pugh, it was related only to historic preservation districts. And through the counsel of Councilman Owen we learned we should be doing this in all over the city and in fact we have an ordinance saying anywhere we have brick we should be replacing it with

brick. So we changed the ordinance really to just make it salvaging bricks. So the amendment by substitution, that's what was passed out of committee. But we left in some language inadvertently saying in the title that it was regarding historic landmarks and preservation districts. We put this in chapter 32 which relates to historic preservation districts instead of 97, which is public works. And we would like to change the definition. We used private contractors and there is a definition in chapter nine win Zen of person. And those are the only changes in the amendment by substitution. They are fairly technical in nature and I would move those amendments.

>> Second.

PRESIDENT TANDY: Properly moved and seconded. We have the amendment by substitution before us. Any discussion on the amendment by substitution? Seeing none, all those in favor please signify by saying aye. Opposed? The ayes have it. The amendment by substitution passes.

We now have the amended ordinance before us. Any further discussion on this ordinance?

Councilman Hollander.

COUNCILMAN HOLLANDER: No. I think I have explained this. The purpose of this is really just to store brick and make sure we harvest them and reuse them again. They are pretty expensive and hard to come by.

PRESIDENT TANDY: This is an ordinance calling for a roll call vote. Madame Clerk, please open the voting. The voting is closing. And the voting is closed.

MR. CLERK: 26 yes votes.

PRESIDENT TANDY: The ordinance as amended passes.

Next item of business is new business. Colleagues, as you leave the chambers please do so quietly so that the clerk may read new business. I would ask those council members that wish to make announcements to please remain in chambers and request to speak on our system. And before everybody leaves we want to wish everybody a Merry Christmas and hope you enjoy your holiday season with your family and friends.

New business comprises items 62-73.

Mr. Clerk, a reading of these items and their assignments to committee.

MR. CLERK: The following legislation will be assigned to the appropriations, NDFs and CIFs committee.

AN ORDINANCE APPROPRIATING \$5,000.01 FROM DISTRICT NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,000.01 FROM DISTRICT 14; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE LOUISVILLE ASSET BUILDING COALITION, INC., FOR PROGRAMMING EXPENSES ASSOCIATED WITH IMPLEMENTING THE VOLUNTEER INCOME TAX ASSISTANCE PROGRAM (VITA).

AN ORDINANCE APPROPRIATING \$10,000 FROM DISTRICT 23 NEIGHBORHOOD DEVELOPMENT FUNDS, TO Develop Louisville FOR ADDITIONAL SERVICES RELATED TO THE HIGHVIEW NEIGHBORHOOD PLAN.

AN ORDINANCE APPROPRIATING A TOTAL OF \$12,250 FROM NEIGHBORHOOD DEVELOPMENT FUNDS (NDF) IN THE FOLLOWING MANNER: \$5,000 FROM DISTRICT 13; \$2,500 FROM DISTRICT 14; \$1,000 EACH FROM DISTRICTS 24, 15, 12; \$500 EACH FROM DISTRICTS 16, 23; \$250 EACH FROM DISTRICTS 8, 9, 4; TO THE LOUISVILLE METRO PARKS DEPARTMENT FOR OPERATING EXPENSES FOR THE FOREST FEST ANNUAL BLUEGRASS FESTIVAL TO BE HELD AT THE JEFFERSON MEMORIAL FOREST.

The following legislation will be assigned to the Committee on Contracts and Appointments.

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM/UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE SYSTEM FOR JEFFERSON COMMUNITY COLLEGE, \$106,000.00).

A RESOLUTION APPROVING THE APPOINTMENT OF MAYRIA PORTER, CIA, AS THE CHIEF AUDIT EXECUTIVE FOR LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT.

The following legislation will be assigned to the Government Accountability and Ethics committee.

A RESOLUTION AUTHORIZING A RESOLUTION AMENDING THE LOUISVILLE METRO COUNCIL POLICIES AND PROCEDURES TO PLACE SPENDING LIMITS DURING FISCAL YEARS IN WHICH THE APPOINTED COUNCIL MEMBER IS IN OFFICE WITH RESPECT TO NEIGHBORHOOD DEVELOPMENT FUNDS, CAPITAL INFRASTRUCTURE FUNDS, AND COUNCIL COST CENTER FUNDS.

The following legislation will be assigned to the Labor and Economic Development committee.

AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (JULY 1, 2014 THROUGH JUNE 30, 2021) RELATING TO WAGES, HOURS, AND TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE CARPENTERS INDUSTRIAL COUNCIL FOR AND ON BEHALF OF EMPLOYEES OF CODES AND REGULATIONS DEPARTMENT (C&R), Develop Louisville AND SOLID WASTE MANAGEMENT SERVICES DIVISION (SWMS).

The following legislation will be assigned to the Planning/Zoning, land design and development committee.

A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO INITIATE THE ZONING MAP AMENDMENT PROCESS AND FORWARD ITS RECOMMENDATION TO THE METRO COUNCIL.

The following legislation will be assigned to the Public Safety Committee.

A RESOLUTION RECOGNIZING THE AUTHORITY OF THE JEFFERSON COUNTY SHERIFF TO MAKE APPLICATION FOR AND ENTER INTO AGREEMENTS WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR PROJECTS TO OBTAIN PROTECTIVE SAFETY VESTS, TASERS, MOBILE DATA COMPUTERS, AND RADIO AND SPECIAL TEAM EQUIPMENT, TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THESE PROJECTS AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THESE PROJECTS.

The following legislation will be assigned to the public works, bridges and transportation committee.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$29,400 FROM THE KENTUCKY BICYCLE AND BIKEWAY COMMISSION UNDER THE PAULA NYE MEMORIAL GRANT PROGRAM FOR THREE BICYCLE SAFETY PROGRAMS TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS & ASSETS.

AN ORDINANCE AMENDING CHAPTER 116 OF THE LOUISVILLE METRO CODE OF ORDINANCES REGARDING COMMUNICATION SERVICES FRANCHISES.

AN ORDINANCE AMENDING ORDINANCE NO. 104, SERIES 2015 PERTAINING TO THE 2015-2016 CAPITAL BUDGET APPROPRIATING \$116,007 METRO LOUISVILLE PUBLIC WORKS & ASSETS COUNTY ROAD AID RECEIPTS RECEIVED PER A MEMORANDUM OF AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET FOR A NEW PROJECT TITLED FY16 NORTH ENGLISH STATION ROAD PAVING PROJECT.

Read in full.

PRESIDENT TANDY: All right. Thank you, Mr. Clerk. Without objection, we are adjourned.

And so next we will have announcements. And we have Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. And I would like for the listeners, if anyone is out there, to know that this Saturday December 19th I will be working with my son's fraternity, kappa alpha psi. We will be bringing holiday cheer to the families in need in District 3. We will do this by delivering food baskets. And this is a partnership, Mr. President, big brothers, big sisters of Kentuckiana and the national association for black veterans. Also my grocery store that I claim, First Choice market. So I would like to thank the president, NORELL Lucas, the president of the Louisville, Kentucky alumni chapter, for all they do in this community. This group of young men, they have compassionate for the community and they are a giving group. So I will be happy to ride along with them and deliver baskets. Folks have already been selected for these baskets and there are a number of folks in District 3 that are in great need that would not have a nice holiday, except folks like kappa alpha psi did these things. And I would like to wish everyone out there a very, very Merry Christmas and a happy and prosperous new year. And that includes you, Mr. President, as well as the clerk. Thank you.

PRESIDENT TANDY: Thank you, Councilwoman Woolridge.

And that concludes all of our business that we have for this evening. We want to thank you for watching tonight's council meeting. On behalf of myself and my family and the rest of us here at Metro Council, we want to wish each and every one of you a very happy and joyous Christmas and new year's season.

We wish you nothing but the best in the upcoming year and we hope that 2016 will be a year full of peace, prosperity, and joy here in the city of Louisville.

Until that time, until our next council meeting on Thursday, January 7th at sixth p.m., we wish you all the best. God bless, and good night.

[Regular Meeting adjourned.]