

Captioning Transcript of Public Works Committee Meeting - December 6, 2022

"Chair George"

Good afternoon, and welcome to the Public Works Committee. This meeting is being held pursuant to KRS 61 dot 806 and in accordance with the council rule 5 a.

I'm Nicole George Committee Chair and I'm joined today by Vice Chair Stuart Benson and committee members.

Council Member Dorsey Council Member Hollander Council Woman Flood Council Member Ackrason were also joined today by Council Members Jecorey Arthur Council Member Donna Purvis and Council Member Marcus Winkler today we have 3 legislative items in 1 special discussion. I'll be calling items number 2 and 4th followed by our special discussion and then item number 4.
if we have time. time

To start, I'm calling item number 2 dash 108, 2 Dash, 22 and ordinance amending the Louisville, Jefferson County, Metro code of ordinances, chapter 119 regarding the registration of rental housing to include, and assign the director of legal metro codes and regulations or designee further administration and enforcement duties regarding the registry of rental housing units as amended may I have a motion motion? I have a motion motion

Motion by Council Member Dorsey seconded by Council Member Flood This ordinance passed out of committee on November the 16th after months of discussion, a public meeting and countless individual stakeholder meetings through that process.

We came to a long list of 6 amendments, and an attempt to address everything from concerns with the affidavit.

The number of proactive inspections fee structure and administrative burden at the December 1st, full council meeting the council voted to send it back to committee to. to

Sponsors an opportunity to further refund the concerns being noted, particularly around proactive inspections and cost.

On the front end, I want to say that having a component of proactive inspections is the single best tool. We have to address the equity needs of communities with disinvestment.

How we get there though is a matter of collective legislating and with that, I'll turn it over to Co Sponsor Jecorey Arthur to share an amendment.

"Council Member Arthur"

Thank you so much. I'll summarize what this amendment.

Tries to address and then I'll pass it to Assistant County Attorney Jason Fowler to speak to it in detail.

So, the original intent of this was to have proactive inspections across the city and after hearing concerns after having so many discussions around the need.

We went back and we looked at the 2019 housing needs assessment and the housing needs assessment showed 21 different market areas across the city. Some of those market areas.

Have a much higher percentage of renters.
Than others, so what we did was we went in and we looked at which market areas had a 3rd or higher of renters, and we identified 11 different market areas, which we would like to focus the proactive inspections on. So instead of city, wide, proactive inspections, we're going to focus on 11 specific market areas that have a higher percentage of renters compared to other parts of the city keep in mind that these housing. Areas are clusters of census tracks. And these housing market areas were created and drawn for the housing needs assessment, based on a geographical characteristics, socioeconomic, based on feature development plans and potential development plans. They were intentionally clustered together. To better those areas and better the city as a whole. So we will focus the proactive inspections on these 11 market areas. Which essentially would cut down the need by about half geographically. And I'll pass the mic down to assistant county attorney Jason, followed to speak to some of the sections and we'll have some dialogue about those changes.

"Jason Fowler"

Thank you, Councilman Arthur Jason Assistant County Attorney. If members would open in the documents, the committee, the last committee amendment, not the floor amendment from last Thursday evening, but the committee amendment. It will be easiest to track the language from that document. Beginning with awareness clause, the amendment reads, whereas metro's Department of codes and regulations are better able to enforce property maintenance violations. Against owner occupied property. With greater administrative efficacy, because the owners are present at the premises as opposed to rental housing units, semi colon and. That would therefore Amanda, whereas causes, I'll move to. Section 1 definitions. Where we are adding the definition renter tenure areas. It reads rent or tenure areas. Housing market areas with higher renter rates as defined by metros, office of housing and mobile affording affordable housing, trust funds. Housing needs assessment, updated comma, updated every 5 years. That concludes the definitional amendment. The next amendment occurs in subsection 9. Paragraph D, reading from. The text as it appears on an annual basis. The Department of codes and regulations Shelby. Required to randomly select 10% of registrants. Here begins the amendment. Within the renter tenure areas that contain a portion of rental housing units, greater than 33. Of total residential property. And they're picking up the language currently in the amendment. Excuse me? Currently present. Conduct an inspection of the rental housing unit. The final amendment.

Pardon me as I scroll is a technical amendment to section 5.
This amendment occurs.
In the ordinances application.
Date when the ordinance will take effect.
The technical amendment adds the words.
Passage approval or otherwise becoming law.
To the previous amendment that the council adapted regarding the effective dates.
The new amendment reads as follows regarding the online rental registry, its application affidavit shall take effect within 6 months of its passage approval, or otherwise becoming law.
Come out with all remaining provisions to take effect 9 months after its passage approval, or otherwise becoming law the amendments have been written for.

"Committee Member Dorsey"

Is that in the form of emotion or do we need to make that in form of emotion? Motion councilman Dorsey.

"Chair George"

Motion by Council Member Dorsey seconded by Councilman Piagentini, now Council Member Dorsey

"Committee Member Dorsey"

Thank you, um, chairwoman, I'm in support of this piece.
We originally said that in looking at proactive or the portion of proactive.
Was important to many of us looking at.
The amount of the density of rental property in certain districts, which then directly lends itself to the impact.
Or the physical landscape, if we're saying.
They, we, we are, we are specifically looking at.
Areas of town where there is high density of rental property.
And we are still going to be proactive in this. I still think this amendment gets us at a very targeted.
Approach that still meets the intent.
While conserving resources I do think this is a happy medium and Madam chair. I would encourage my colleagues to support this amendment. Thank you.

"Chair George"

Thank you, I should mention we've been joined by Council Member Blackwell and Committee Member Piagentini

"Council Member Winkler"

Councilman Winkler, thank you, Madam chair, and I want to 1st start by complimenting the sponsors and I think really great work here. I think this is a great amendment 1 question and I apologize.
I got a call in the middle that Jason that you were reading. Um, 1 thing that we had talked about on last Thursday was.
A, an amendment that includes basically if you're caught, not registering that, that kicks off an automatic.
Uh, inspection is that in this amendment or not?

"Jason Fowler"

Is not currently in the amendment.

"Council Member Winkler"

Okay. So I can't offer an amendment. I, you know, I would encourage us, uh, if somebody would.

Be interested in willing. I have a motion that I, um, I hope we would do it.

"Committee Member Dorsey"

Secondly, sorry, Madam chair but, um.

Councilman Winkler, we did talk about it and would like to include that because we do think that gets at the it's appointed.

Statement that directly hits and making sure that the bad actors are targeted. Um, but it was not included in this amendment that we just passed, um, Madam chair. Do we need to do that now or separately or later?

"Chair George"

Looking over Jason, but we can,

"Jason Fowler"

I mean, that would be that would be a separate motion. We should, uh, pass the amendments that were read and then take up the new motion to amend.

"Committee Member Winkler"

Thank you and then I had 1 other question that I was just going to ask, which is there was also a discussion and again.

I apologize Jason, if you covered this, but, uh, that if you're on the existing registry that you are moved over, unless you have sort of active violations, is, is that in here? Or is that something that sponsors would entertain as well? If it's not.

"Jason Fowler"

That is not currently present in this amendment. We.

These amendments on the committee amendment prior to the floor and.

Though I'd directed some attention toward your amendments. They were not taken up in this amendment.

"Council Member Winkler"

Yeah, that's fine. I would just sort of throw that out there for, for committee members. If you're interested in.

I think, you know, certainly, it sounds like there's agreement of the 1st 1 was.

Bout valuable, you know, hopefully you consider the 2nd, 1 as well again.

I can't make them. I don't have a vote, but just want to compliment all of the work. I think this is something that we should be all proud to support.

"Chair George"

Thank you Councilman Piagentini

"Committee Member Piagentini"

thank you, Madam chair. Um.

Yeah, I will be supporting the amendment.

I had a conversation, um, it started with, uh, 1st of all let me back up. I do want to take, uh.

The moment while I've got the public Mike, and it's good news that's good stuff and apologize to the and the other sponsors.

Uh, if, uh, because I think at the last meeting, I did say, I don't think I did say, uh, that, um.

You know, the process wasn't good and I really complained about the process.

I would say that there are still things I would have liked to improve about the process Councilwoman George and I, or Chair George, and I talked about that offline things I may have done more moderately differently.

But that doesn't change the fact that you all work very hard and went through a robust process to try to develop something good here. Uh. As far as after the last meeting, uh.

You're welcome. So, after the last meeting Councilman Arthur called, and 1 of the things we were talking about was.

We're trying to figure out and and it's it's a very fine line that we walk. We have a very big and very diverse.

Uh, county, and, um, we see this when, you know, I think counsel endorsing, I think you made, but 1 of the 1st people I rode with, you came wrote in my district when we were 1st elected 4 years ago and, you know, I mean.

The issues that our districts were totally different. There was almost no overlap whatsoever. Right? And so.

You know, whereas so we're trying to address this issue and my concern was that we were doing in this sort of 1 size fits all county wide thing and I'm getting bombarded about this.

Doesn't make a lot of sense with that said, I've totally appreciate the problems that Chair Woman George Council Woman Dorey Councilman Arthur and others have had in these specific areas of their districts. So I'm gonna be in support of this amendment.

Uh, I would like to say that the other additional amendments that council Winkler had brought up. I would support.

So, hopefully we'll motion those moving forward. I, I think they're both. Within the spirit of what of what we're trying to accomplish and, and I think would improve the legislation. Um.

And I do have 1 question though, and just in the spirit of, uh, you know, there's a side of me that would use the procedural move to say we need a budget analysis. And that takes weeks to heck with that.

Does anybody have an estimate? A ballpark of what this would mean financially compared to the original.

Bill

"Chair George"

excellent question, and I'm looking over at Councilman Arthur, because I know he, we're diligently to get the numbers. I think there's still work started, but still yes.

However, I mean, witness some of this, I know he's got an estimate which again can further be refined between now and full Council, but I think we'll at least touch on what,

"Committee Member Piagentini"

if we can yield to Councilman Arthur
if we can get some sense of again ballpark, I'm not holding you accountable to.

"Council Member Arthur"

That's right Thank you so much, as you said, we are still looking at the numbers, but the estimate that this committee received dollar wise was based on an estimate of 120 to 170 units, focusing on the 11 market areas that we're looking at,
where the areas that have the greatest need 10% of those would be closer to about 35,000 units. So significant cut just based on the units alone, which, of course, would change the resources that are needed. of course would change the resources that are needed

"Committee Member Piagentini"

So, if I heard you correct Councilman, Arthur, it's about a 3rd, ish of the, from the original number to here. We're about a 3rd of the total

"Council Member Athur"

about a 5th if we did our calculations. Oh, okay. Very well. Okay. Thank you.

"Committee Member Piagentini"

Again.
I won't assume that it means immediately that it's a 5th of the staff and all that stuff there might be other factors right? That make it a little more a little less or whatever the story is. But I appreciate just getting a sense of an order of magnitude. That helps a lot.

"Committee Member Dorsey"

Thank you very much clarification.
A, 5th of the total or a 5th of the sample.

"Council Member Arthur"

So the units, uh, 34,890 would be about a 5th of the original estimate of 120 to 170 high end. If it's 170, then it'd be a 5th.
and seventy high end if it's one hundred and seventy then it'd be a fifth

"Chair George"

Gotcha, thank you. See George record store for in the audience. I don't know, sir. If you want to come speak to anything or.
Offer no, you don't feel like you have to. I just want to recognize you for.
Okay, we appreciate you being here, just want to recognize.
Understood so I think the lesson here is considerably fewer, and yet we will work as diligently as possible to refind that number.
Councilman Benson

"Vice Chair Benson"

Thank you, Madam chair. Um.

Wh, what did you say? How many rentals there aren't in in Louisville?

Did you say that was

"Council Member Arthur"

so the estimate that you all were given in committee was between 120 and 170.

And then the dollar amounts that came with that were on a fee schedule, the estimates that we're looking at for just the areas with the higher percentage of renters.

We would be looking at 34,899.

"Vice Chair Benson"

So, it was 170,000 rental units in Jackson county that were 120 to 170,000.

Rental units in Jefferson County that

"Council Member Arthur"

that's the estimate this committee was given. Okay. Um.

"Vice Cahir Benson"

You know what I've been on the council for 20 years, you know, in January.

Um, we've, we've passed a lot of ordinances.

That really that people had really had the.

Good intention to thinking that we're really solve some problems. 1 of them was Kevin Kramer's.

Noise abatement that people were driving in their car too loud and and the 1 do something about it.

We worked on it a long time and I don't know if anything and we pass 1. I don't know if it ever made any difference.

As far as I know, and I need help that, uh, uh, Robert Kirchdorfer, he's, he, uh, he's got so many people, it works for him and we.

We have ordinances on the on the books right now that would help.

Take care of people who are doing wrong, we can pass all the ordinances in the world, but if we don't have somebody to enforce it.

It didn't work and to me, I would wish that we could have hired more and more people to enforce the ordinances. We have to go after the people who are not doing what they're supposed to be doing. Instead of.

I mean, to me, I look at every ordinance is we're trying to punish somebody for doing something. And, um, and and some people need to be punished.

But, I don't know the shotgun approach of punishing everybody.

Some people who don't do right uh, that that always bothered me. And, um, and I, and I have a feeling of trying to always try to solve the problem and not to create more problems.

And 1 of our problems is not have enough money sometimes to do all the things we need to do. And when we work together, it's surprisingly how how many things can be solved as a unit instead of 1 person or 1. Group after another group, um.

And so I, I think is overhead it a little bit. I know the intent is well founded. I think people are worried about people who aren't being treated. Right? It bothers me to. It always has.

But I don't know that this will create more people. They can't, they'll stand up after we pass this and say, man, I can't wait to get me some rental property. Now.

We've really created something good. I think a lot of people say, well. Uh, and I've heard people tell me, it's like, you know, what if they don't like it let them move someplace else.

And when we talk like that, that's not a person who's really wanting to help others. It's a person who says my way, or the highway.

And I, I have problem with it so, as of right now, uh, I'm a no vote I will be abstaining , but I'm the only 1 out of the 26. probably. Thank you.

"Chair George"

Thank you calendar you, Madam chair Thank you to the sponsors.

Can I assume we don't have this now, but before Thursday, can we get a map of the, uh.

Affected areas, yes, we can send out that link.

It is currently within the housing needs assessment on the metro website, but we can send something out to make that a little easier to find. Okay.

Thank you Councilman Arthur

"Council Member Arthur"

Thank you, um, we heard concerns around.

Newer properties or properties with the.

Let me, let me take a while.

I might be jumping the gun. You haven't voted on the amendment. Okay.

"Chair George"

All right, well, to get to that next, then.

Okay, I don't see anyone else in the queue. Um, so we are ready to vote on the amendment all those in favor. Please say, aye aye, any opposed.

Okay, the eyes have it now, I believe we have 2 other amendments to consider.

Councilman Arthur

"Council Member Arthur"

everything I'll start with the 1 about newer builds and maybe the renovations go within that as well. But I'll pass into Assistant County Attorney Jason Fowler

"Chair George"

Just want to make sure I'm clarifying. I heard councilman Winkler mentioned 2 amendments. The 1st, 1 was under section 2 under non a, which was failure to register.

The rental housing unit would cause cosign regs to conduct an inspection.

I think that was the 1st, 1, we were seeking to add back in.

Winkler, can you give us a thumbs up if that's 1 of the ones?

"Council Member Winkler"

That's correct. Okay. Yes.

"Chair George"

May I have a motion to for discussion.

Motion by Council Member Dorsey, 2nd Council Member Piagentini the amendment is before us. Is there any discussion.

And again, this is, um.

Section 2, it was previously proposed in 9 a, and this was essentially failure to register the rental housing unit would cause chosen regs to conduct an inspection.

Yes, I believe there was general consensus when we spoke about it earlier all those.

"Jason Fowler"

Pardon me? Chair? Uh, I do have that language here. If you are ready for that amendment.

Starting in section 9 a, it shall now read instead of the registration form. It shall read failure to register the rental housing unit.

Shall cause striking the word authorize.

There again, the, the amendment is failure to register the rental housing unit shall cause the amendment is right in full.

All those in favor, please say, aye, aye, any opposed.

The amendment passes the 2nd amendment that I heard Councilman Winkler raise was around rental housing units, registered at the time of the ordinance, not being required to re,

register and actually have a question about this. And I want to make sure that I understand.

This isn't saying you don't have to register, you don't have to register annually. Is that correct? It's just saying you don't have to re, register Councilman Winkler.

"Council Member Winkler"

Yeah, I mean, the idea is basically that if you've already gone through the process, we will.

Transfer that over. Okay. Right so there's 31,000 or however, many people on the registry already that you're not starting from 0.

"Committee Member Dorsey"

Okay, counsel on counsel, is that only for people with non existing violations? Or is that just transferring the batch.

"Council Member Winkler"

Yes, I think Councilman Blackwell ask and I think it it's a good ask is if you've got open violations and that should not be sort of an automatic move over.

"Committee Member Dorsey"

Okay, so only transferring those who have, um.

Basically, a clean record that would be auto transfer it over.

Thank you for clarification.

"Chair George"

Okay. Um.

Jason, if you want to read the language,

"Jason Fowler"

thank you, Chair. Uh, in section D.

Beginning of the excuse me? The last paragraph beginning the director shall provide.

We are now adding a sentence at the conclusion of that paragraph to read as follows.

Rental housing units registered at the time this ordinance takes effect. Shall not be required to re, register comma so long as they do not have outstanding violations with the Department of codes and regulations. The amendments right in full

"Chair George"

Thank you before we vote on it Director Kirchdorfer for wanting to weigh in.

"Robert Kirchdorfer"

Robert Kirchdorfer, Director of Codes and Regulations, uh.

The only concern I have with this 1, we changed some of the requirements from what were previously required.

When the original registry started, so that data, the total number of units, the.

The other stuff there, I don't know if we're going to say, we'll eventually get it when they sell, but it's going to.

Information before that they've registered not everything is the same as what's in this ordinance.

So, you know, there there might be some stuff running reports, trying to get information, not to say that it's still going to be registered. We would be be going out, but some of that.

From the original was there and, you know, there's some differences there. So, uh, new system would have different fields that they're filling out.

"Chair George"

Okay, that's a good distinction. I see. Councilman BLACKWELL has a point.

"Council Member Blackwell"

So so I thought that there were some, some differences as well.

And I had asked if we might, but.

And to that, so that it says that.

Didn't have outstanding violations.

And then, at the end of it also add, um.

And I'll update it information required by the legislation has been provided.

So, I can see that, um.

You know, maybe or maybe it gets too convoluted if they have to have that extra information. But I think it's necessary if you're.

Now, asking for more detailed information, I don't think we want to grandfather someone in with.

Information that's not.

Not really what we're asking for the new applications and also may not be.

Um, maybe information they gave us.

5 years ago, or 6 years ago, whatever it may or may not be, because we haven't been updating it that may, or may not be accurate information.

So.

"Chair George"

So, what I'm hearing is that, while generally there's consensus that, for folks who are currently on the register, don't have code violations. There's the intent to want to ensure that those folks transfer over smoothly and we're not causing them more work. However, we have made additions to this, and it may not transfer over 1 for 1. um. See council is a Council Member Dorsey on that. Are you on this limit? Okay, okay. Council Member Dorsey.

"Committee Member Dorsey"

I just think this this still gets at the heart of what we are intending, um, with focusing.

On on a segment group that that we are looking at and so I.

Excuse me, I would encourage us to support this.

I think again, you guys see us running around there are a lot of negotiations, but I think where we are have gotten, with this particular piece is to make sure that we are still keeping the intent or the focus of what we're looking to target this this amendment still gets us there so I'd like to encourage our colleagues to support this

chair. George.

"Chair George"

Thank you so share with you.

Yes, that's me about the language,

"Council Member Blackwell"

but the language that.

I proposed to be seen as friendly amendment or would that be.

Or, not if it's, it's not and we can take it up or not take it up at all.

It seems like in line with what we're asking in this.

"Chair George"

Okay. Councilman black. Well, if you will please share the added language you had 1 more time. Jason is.

Is taking notes.

"Council Member Blackwell"

All right at the end of that.

Um, and right now it, it ends with, uh, outstanding violations with the Department of codes and regulations.

And I would add to that.

And all updated information required by this legislation.

Has been provided to the director of louisville metro codes and racks.

So, essentially, they're, they're compliant now and they, they update everything that we're asking for in this new 1 so that we can get charged.

As a, as a new applicant, this 1st time, I would, I would suspect that in all their information gets pulled over and then you just supply what.

What is the extra information that you asked for and make sure that your information that you're supplying is is current.

"Chair George"

Okay, so Jason has captured that Director Kirchdorfer to refer does that satisfy.

The concern on your end,

"Robert Kirchdorfer"

I was just making you all where there were some changes that we wouldn't get if we.

Tried sorry.

I was making a point of.

Make you aware there were differences between the previous rental registry and the new 1 and, uh, there might be missing information, but the, we've been capturing the new ones with the number of units and some other information that I think we can get, but it could be.

Time consuming for staff to review the existing ones from there now, when we make the inspections and enter the stuff in, or if there's a violation, we can update that pretty easily. But I think we can get the information with the staff that we've we've asked for.

I'll look at it and look in detail and try to send that information out. Okay, thank you.

"Chair George"

So, I'm looking over at Jason. Can we vote on this? All at once.

"Jason Fowler"

Yes, I believe I believe we can.

And that, by voting on all of that at once you mean.

Both councilman Winkler amendments, Councilman Blackwell

That's correct. Let's let's do it.

"Chair George"

Okay, great.

All those in favor, please say, aye aye aye any opposed.

Right the amendment passes,

we have 1 last amendment.

And I believe this amendment is focused on the piece with new construction Council Member Dorsey.

"Committee Member Dorsey"

Thank you. Um.

County attorney Jason Fowler, would you read in the amendment?

Essentially colleagues, this is focusing on adding back in exemption for new bills and construction,

removing them from the proactive a sample set being such that if there is a new building or new construction, most likely, those buildings have already been certified through various building, permit process.

These, and therefore can forego for a period of time, the proactive samples that notwithstanding if there is a complaint, um, they will still be, um.

Respect or, excuse me still be expected to be inspected, but this 4 goes the proactive subset for new builds and new construction since Assistant County Attorney. Jason Fowler. Would you read that into the record?

"Jason Fowler"

Thank you Council Woman returning to paragraph 9. B.
With the currently double, uh, struck through language.
Returning starting with newly built.
And we will be adding 2 words, proactive.
Newly built rental housing units as verified by cross reference and
inquiry into building permits shall not be eligible for proactive
inspection for 10 years.
Period recently renovated rental housing units as verified by cross
reference and inquiry into building permit.
Comments shall not be eligible for proactive inspection for the next 5
years.
Period amendment, red and full

"Chair George"

May I have a motion.
motion by Councilman Piagentini , 2nd by Council Member Dorsey for folks
who are viewing as a reminder, this was eliminated as part of an
amendment to really address administrative burden and tracking.
I would remind everyone that codes and regs has the ability to use the
affidavit in lieu of any inspection. And so with that, I'm happy to, you
know.
Add this back in so that we're all very clear that we, the goal of this
is to not, uh, you know.
Duplicate efforts around units that we believe are in good condition. So.
Any comments Councilman Piagentini?

"Committee Member Piagentini"

Yeah, I again, I just wanted to express my thanks to the sponsors for
bringing this back in and being amicable to this again. I, my, my
intention here and and my complaint initially was.
Really focused on again, focusing resources where they're needed, um, and
attacking the problem and look our problem really isn't new construction.
Uh, so I really appreciate bringing this back in, um, you know, and and
I'm glad we clarified it was never my intention to accept new
construction from complaints. Uh, it was really just the proactive
portion of it.
And eventually there'll be part of it, right? Once the building is aged,
uh, some period of time and then, um, but they're always.
For, I mean, as anybody should be, uh, for for complaints. So, uh, thank
you very much for the sponsors. Thank you Madam chair.

"Chair George"

Thank you all those in favor please say, aye aye any opposed.
The amendment passes, I believe we're ready to vote. I don't know if
anyone else.
Has any comments as relates to the entire okay. Um, well, Madam clerk, if
you will please open the voting.

"Cheryl Woods"

Committee Member Hollander

"Committee Member Hollander"

Yes.

"Chair George"

thank you. We have 5. yes votes 1 abstention and 1. no, this will move forward to old business at the next council meeting.

Thank you colleagues, Jason, you've got your work cut out Thank you for compiling all this in terms of the amendments and Director Kirchdorfer I would say between now and the, and the full Council. Please let us know if there's something that needs to be refined.

Next we have item number 3.

093 dash 2 to a resolution, determining certain property at 3907.

Bardstown road is surplus and not needed for governmental purposes and authorizing its transfer. May I have a motion to end table? have a motion to un table

motion by council Member Dorsey 2nd, by Council Member Flood on August. The 2nd, the LaTondra Yates with housing and community development came to present.

We had a robust conversation with lots of questions, and specifically discussion around value process and risk.

Invite Ms. Yates any additional questions.

"LaTondra Yates"

Thank you good afternoon LaTondra Yates property and leasing administrator with the office of housing and community development. Um. Because it has been a while I'll give a quick background on this, uh, request this property is in council district 10. it's located on Bardstown road between 6 mile lane and Bradford drive near the mutual bypass.

It's just south of the South East YMCA.

This lot is a commercial lot, approximately 7,800 square feet 7,800 square feet with an approximate 5,100 square foot commercial building on it. Metro acquired it in 980 and leased it to senior citizens East and the Shamrock foundation through 2008.

it has since been vacant Metro, declared its surplus in 2007 and authorized sale by competitive seal bidding and the. surplus in two thousand and seven and authorized sale by competitive seal bidding and the

The property was competitively be it in 2007 it made it 2 bidders.

Neither be it was accepted. 1 of the bidders isn't adjoining property owner that Metro ended up suing because of water damage that that property.

It had, uh, costs are building this subject building the 2nd, the 2nd builder, uh, did not follow through with required documentation.

Um, so in about 2010.

Um, the, the bidding ceased at the director of the ZIN at, at the direction of the then public works director TED Pullen there was no more bidding reasons included. Um.

Inadequate parking for this property it has 1 legal parking space, um, the foundation and floor damage, molding and other damage that was exactly exacerbated by the, uh, adjoining property owner that Metro had to sue. Metro.

Did settle, did settle with this owner.

Um, there wasn't appraisal that documented this damage the substantial damage. Uh, Metro has done an additional appraisal a 2nd appraisal. So, as of July 27th, this property appraised at 118,000 dollars. Uh, and at this committee's request at the August 2nd meeting, uh, Metro also had a rehab assessment done that gave an estimate of, uh, 269,500 dollars to repair this building. The roof driving the cost uh, largely. the roof driving the cost uh largely
So that's 151,500 dollars over the appraised value.
Um, there were several other questions that, uh, the committee had, uh, that we've attempted to answer.
Um, so the purchase agreement based on the findings, we continue to propose a sale of this property to, uh, the adjoining property owner. Um. On the other side of Thomas Betliner, or he is the owner of minute, man press.
And Mr line of proposals to, uh.
Take this property and expand his business. Um, but what we did do at the, you know, in response to some of the Committee's concerns is, uh, we did add in a recapture clause that allows Metro to recoup. 50 of the sales proceeds should meet Mr. Betliner. Sell in 2 years so that would be the sales proceeds minus. His rehab costs.
Uh, so we did revise the purchase agreement somewhat in response to the committee concerns and find additional findings.
Uh, we did have a demo estimate, uh, prepared at the Committee's requests to demo. This building would cost approximately 50,000 dollars.
Um, and that's per metro's, current contract with our demo contractor.
Um, we were asked, uh, the number of surplus resolutions that have been done, um, uh, where the sales price was a dollar. We did come up with several surplus resolutions, including the Omni, uh, 1450, Lexington Road.
There were a couple of others, um, and those surplus resolutions that there were some terms that, uh. terms that uh
Included performance such as the Omni so there were mitigating circumstances with these surplus resolutions.
Again, they've only been a handful, uh, over the last 10. 10 years looks like, um, we were not able to locate the actual lease. 1 of the questions the committee had was, uh, what profit did metro make during the time we leased it. We were not able to find that information. Um, that was 1 of the only things we weren't able to find, but we, we were able to put together enough of the history that we feel like the facts.
Support our request.
We're happy to try to get an answer any other questions you might have.

"Chair George"

You did you address the issue of risk? I know Councilman Hollander brought that up at the end of the last meeting.

"LaTondra Yates"

We did speak with risk management and risks, just basically had responded that, uh, the best way to mitigate risk would be to either repair this building. We did provide risk with the, uh, rehab estimate. And they just basically responded that either selling this building, or, uh, rehabbing. It would be the best ways to mitigate risk.

"Chair George"

Thank you Councilman Ackerson anyone.

"Committee Member Ackerson"

what was the risks that were identified. I mean, just to say risk is like, saying, scary. What were the risks that the city who has in relations property.

"LaTondra Yates"

So, again, um, we did have a rehab estimate done, uh, the biggest ish, the biggest liability is the roof, and it ended accounted for the largest, uh.

Cost in the rehab estimate, the building already had substantial water damage back during the time of the public works. Staff was trying to trying to bid it. Um, again, due to the adjoining properties. Um.

Water being, uh, spilled on our properties. So, Barbara Focusing on. Who is to the Southeast at rehab her property.

And she had downspout turned toward our property so every time we had a good rain, we got water for years. So the 1st appraisal documented substantial water damage back. Then this was around 2010.

And so, and then the other, uh, big issue was again, the roof, the roof has holes in it. And, uh, there has been additional water damage and molding floor damage, other damage because we're getting water through the roof.

"Committee Member Ackerson"

Ok, college, I would say this I have seen nothing changed since this was before us months ago.

This is a property that, uh, again, what did it come in appraisal at including the damage.

"LaTondra Yates"

Well, 16,118,000 is the appraised value that brings value takes into consideration the damage the president of the property correct? The rehab assessment came in at 2 metros.

The metro commission rehab assessment said the damage came in at a cost of 269,500 dollars. So, we're over we out we out price assist, or I'm sorry, the appraised value by 151,500 dollars.

"Committee Member Ackerson"

That's not my question.

price assist or i'm sorry the appraised value by one hundred and fifty one thousand five hundred dollars that's not my question

My question is, this is when the appraiser went in and appraised the property.

That real estate appraiser is praising that property and it's a condition that is in. They're not appraising the processing is worth 118, but it's going to take 260. so therefore, it's got a negative 80,000 dollars and 90,000 dollars. They're appraising it based upon the dilapidated conditions. And correct or incorrect yes. It's an appraisal.

"LaTondra Yates"

Yes.

"Committee Member Ackerson"

Okay. Colleagues again, we're back to we've got a piece of property that's been appraised at 118,000 dollars. of property that's been appraised at one hundred and eighteen thousand dollars
Why are we putting that out for bid? If the property owner next door that's getting hit for 1 dollar, which is a hell of a sweetheart deal if they're getting for 1 dollar, why would they come in and bid. Someone you or I could come in and bid we could get 10,000 dollars. You know, purchase the property and do whatever we want with it. Why are we giving it away for 1 dollar when it should go on to the open market and let the market drive the price if nobody bids then the property owner bids 1 dollar they'll get it. But at least it's been transparent, it's been open to the public and there's no concerns about is somebody in the administration is this a friend to somebody that's been a sweetheart deal. Because to me, it seems like a sweetheart deal. You know, I can reach my pocket right now. I'll give you 2 dollars. I'm going to give you 100% more. Give me the deed. You know, that's how ridiculous is we've got to stop giving away things for 1 dollar unless we talked about the Omni we've talked about. Various other buildings that we recently gave away that we're going to give economic incentives to, because they're bringing something to the community. That's not there community centers and other things. And so those are things that I'm more than willing to give away for a dollar because there's a benefit to this community but to be handing away 118,000 dollars property for a dollar, just because we don't want to bid it out. To me is ridiculous and I'll be a no vote men, but I appreciate your position and you being here today. Thank you,

"Chair George"

thank you. I'm trying to understand the benefit and I would ask, make sure my memory is correct. It's been vacant since 2008.

"LaTondra Yates"

Around that time yes. Okay.

"Chair George"

Do you, we see any value with the fact that potentially it would be renovated therefore more. Property taxes collected potentially another business being. I can't recall, but I believe from the last meeting, there was discussion about having another business because there do we see value in that? Or a benefit in that

"LaTondra Yates"

I'm sorry is that a question for.

"Chair George"

Question for anyone who wants to ask in response to the just trying to balance cause I hear the concerns accounts across and trying to balance that with what the benefit is.

"LaTondra Yates"

Well, I can, I can say that I did speak with the staff person from public works that did competitively bid this years ago and they said, even then the building was a liability, uh, because of the substantial water damage.

Um, and that was.

Around 2018 with that bidding ceased so we, the building is sustained that much more damage since then.

So, the public works staff person that I talked to just said the building is a liability from, from even back in and, uh.

They did attempt to bid it and just couldn't get, um.

What the property, you know, the beads came in so low because of all of this damage, because of inaccurate inadequate parking apparently, that was a big issue at the time.

So, those things are part of why the bidding see, Stephen back then.

"Chair George"

Okay, but again, help me understand. It is conceivable. We would collect more.

The property value tax would increase.

Based on renovations that the own, the.

Mr. Betliner has committed to as part of the purchase agreement. Okay.

"Committee Member Piagentini"

Thank you Madam chair. Um, I guess my, um.

And I have similar concerns to Councilman Ackerson

I have a few questions procedurally. Um, why don't you say bid.

So it sounded like it, it went through an RFP type proposal, right? So we put out here's specifications.

You come back with a price you mentioned the 2 bidders 1 may have been disqualified because there are another litigation with the city. Okay, fine. That makes sense to disqualify a better like that. Why was the other 1 disqualified.

"LoTondra Yates"

Legal counsel at the time at opine that, uh, W9 and some other documentation was not submitted. So that better just simply didn't follow through.

"Committee Member Piagentini"

Why don't we maybe glad if you can answer this if not if the county attorneys can answer this.

Why don't we auction these properties? So, for example, when I think of, um.

Uh, seized, uh, property from, uh, it is very common, particularly in the commercial real estate space to, to auction property, particularly property that, in this case,

I would argue what you have as a situation where the land has some value. The building has none as a matter of fact, it sounded like a demo of the building was 50,000 dollars. So you'd have to take 50,000 dollars off the price of the land. But how many acres was the land.

Do you remember,

"LaTondra Yates"

um, .18, so it's roughly 70.
Middle of 7,000 square feet.

"Committee Member Piagentini"

Okay, so you, you've land subtract this cost you know, a lot of times when you get into these funky situations, organizations will auction it. Is there a reason why? We can't auction property that we consider surplus? Like we auction.
auction

"LaTondra Yates"

Other things where of that I do know that Metro does and I neglected to mention it before that we do have, uh, disposition policies. We do have policies and procedures. So lots over 7,000 square feet. We would typically put in an solicitation of interest. Um. um
In this situation, we did follow metro Council's mandate try to competitively bid for the reasons. Previously, stated that didn't that did not work out. Well, um.
And in the meantime, economic development had approached Mr. Betliner with the purchase agreement to sell for a dollar, uh, with the provision of the proceed recapture or a provision.
So, we would normally put this out in an, but because of the circumstance, mitigating circumstances and the fact that Mr Betliner had already been approached after the fact after the 1st bidding, we have attempted to just honor that and follow through Mr. to add to this. Mr. Betliner has provided a title and D that shows that he owns the party wall that it joins our property, and it gives metro metro use of the wall.

"Committee Member Piagentini"

I have nothing negative to say about him, right? In other words, if I'm in his situation, I'm doing the exact same thing, right? So I'm more concerned about the public process right? So I think I'm gonna be, at least today. No vote.
I think I need to understand, and maybe from the, if the county attorney's can't comment today that's fine. But I would like to understand why, if it's if it's a rules issue, let's modify the rules. If it's a state statutory issue. Okay fine.
We can't because it states statutory reasons, but again, we do this in other surplus property.
The areas, but I think we need to explore that, for example, um, there are auctions called absolute auctions, right? These types of options, uh, literally transition everything you register ahead of time.
So all the documentation you're talking about is collected ahead of time. Once somebody is an established registered bidder, and they, you know, they bid to exit out and you can start the bidding at a dollar. Right? And somebody may acquire it just for a dollar.
Uh, but the point is, we.
Know for certain that it was a totally open process. It wasn't, um, there's none of this, you know, qualifying better versus non qualified. Like, they, they qualified beforehand. They bid, uh, W, we know we have the best market rate.

You can it's all online. So, it's open to the whole community, you don't have to show up at the courtroom steps as it used to go. So, my point is, there's ways to do this that would.

Really eliminate the risk and the concerns that Councilman Ackerson is talking about, which is.

If not the perception, maybe the actual reality that we're, we're cutting deals right? So again that's 0 commentary on the business owner there and and his interests.

Uh, again, I think he's done everything clearly above board. It's our concern is with the city's process. So that's my concerns Thank you, Madam chair.

"Chair George"

Council Member Purvis

"Council Member Purvis"

thank you, Madam chair. I don't have a vote on this, but I, I do want to make a few comments. Um.

I've listened to and I'm sorry, I forgot the young lady's name, but I've listened to her talk about the issues with the property and apparently there must be some value in that property else.

Uh, the gentleman would not have any interest in it at all. So, um, I'm sorry, I'm just not really impressed with the fact that you all have tried to seek out everything negative about the property. So, no, I would.

So, I always say anytime there's something that someone wants there is some value there and 4th of all, I'm just not real happy about.

Us given away property to private sectors.

I don't have a problem with Damien properties surplus, but my opinion is those properties should be for the communities, uh, use not just for, uh, someone that is in the business of, of making business or having a business. Those are my comments, thank you.

"Chair George"

Thank you MS. Yates in terms of what you've heard today, what are the remaining questions things that you think you could bring back to that would maybe help folks have a better or different understanding versus what are the things that they're not going to change.

"LaTondra Yates"

I think that the, the best way to handle, it might just be to get feedback from you all what what else would you would like to see? I can't really think of.

Anything else, I mean, we do have the policies and procedures for, um, um.

This position of of surplus property, we could follow that. Um.

We've stated as best we could the reasons that we've handled this particular 1 this way. But, um, if there are particular recommendations, this committee has, I mean, we've noted the 1 stated so far, but if there are specific things that you all would like to see us.

Research, uh, follow up on we'd be glad to do that as best. We could.

"Chair George"

Thank you Council Member Dorsey.

"Committee Member Dorsey"

Yes, to answer that question I would just like to see the utilization of a public process to piggyback on on my colleagues counterpoints and specifically counsel on purpose just hit the nail on the head. For me. The equitable piece is what's important here. We do a lot of incentives for numerous businesses.

This would be unique for this particular type of entity even though we did reach out to him, what stops the next business that we have an adjoining property that may be a new.

Sense or landing property, et cetera from those businesses approaching us and asking for the same type of favor Nuance deal, et cetera.

So, I think opening it up to a public process again, as Councilman Ackerson said, if it's bid on or auctioned out at at a dollar that's fine.

That but it's still open and privy to the entire public to be able to have, um.

Have sale on that, and we don't restrict or self limit those dollars and partnerships. So I would like to see the process be public around the forefront chair, or how we choose to off board that particular piece of property.

Thank you,

"Chair George"

thank you.

Um, at this time, I would like to.

Table I'd like to have a motion to table this motion.

Motion by Council Member Dorsey 2nd, by Councilman Piagentini all those in favor. Please say aye aye.

All right, the resolution will be tabled Thank you for coming in to present. In the meantime if anyone has recommendations.

Sounds like the seats is open to suggestions. We have 5 minutes remaining for for those in the audience we got started late and councilman ackrason has given us a little time.

We have special discussion number 1 ID, 22 dash 107 38. what's that?

Smell a presentation from director, Rachel Hamilton unfortunately. from director Rachel Hamilton unfortunately

When we invited Director Hamilton, we were not aware of the additional agenda item with the registry. So I appreciate your patients. You have 5 minutes. I mean, you have some time sensitive workshops that you wanted to promote.

So, maybe if you could just do an overview of what's in your presentation, folks can refer back to it and then you can direct folks to the workshops. So that.

Anyone who's interested has the opportunity to attend.

"Rachel Hamilton"

Oh, thank you. So much for that. I am Rachel Hamilton. I'm the director of global metro air pollution controlled district on Thursday night.

We hope you'll join us in your constituents as well, as we explore online resources and in particular we have an odor service request dashboard.

That's helpful for you because you can actually search it by zip code and you can see the complaints that your constituents are sharing with. With respect to my presentation, the things that I would highlight if I may is that does enforce a nuisance standard for odors.

It does require that our staff document and odors, location, duration, nature and intensity.

An evidence that it causes an injury or detriment or nuisance to the public that means that someone has complained to us. So please if I understand that your constituents, especially this summer.

Are tired of odors when I hit on those in just a 2nd.

Please have them report those odors. That's very important data for us.

We use that to dispatch our community compliance officers.

We also use that to schedule after hours investigations.

Complaints may be made anonymously. We don't treat those any differently.

They can be made by phone by email the smell my city app or metro 1 1.

With respect to the sources of voters here in Louisville, we have animal operations that includes rendering operations and.

In terms of industrial sources, there are 2 landfills, both the outer loop landfill and then we had a construction and demolition landfill on vote Avenue near Ralph lane that actually caught fire in 2021 was the subject of many complaints due to the odor of that underground fire. of that underground fire

Of course, we have rubber town and chemical manufacturing odors.

The district has worked with its staff to identify emissions from companies.

And their odor thresholds, and to train our staff to be aware.

Of some of the chemicals and how small an amount.

Could be deemed an objectionable odor right now. Our biggest issue is related to wastewater. Since the end of August we've received about 800 complaints related to sewer odors and in particular these are occurring. occurring

Because of the low rain we've received, and the combined sewer system that actually, if you look at this heat map, you'll see the basic outline of that combined storm water, sewer system that's highlighted there in those reports that we're receiving.

That red area is predominantly the area that's around the Morris form and wastewater treatment plant.

There are other sources of odors that we receive reports on of course, chemical plants.

Neighbors and neighboring properties food, uh, coffee.

Rosters we've even had some related to, you know, hamburger joints but right now that sharp increase that you see, that is related to.

"Chair George"

Thank you very much. Hamilton. Would you please share about the upcoming workshops for?

"Rachel Hamilton"

So we do have that workshop on Thursday night, and we hope that she'll join us there if that will be our online resource. Uh.

Including the odor service request and then, uh, there'll be another.

During the year workshop series on December 15th at 6 o'clock in the registration, for both of those are available online and in fact, Council

Woman George if you don't mind, I'll send you a link. If you'll share that with your members we will.

"Chair George"

Appreciate that absolutely. Thank you for coming to present. I know many of us within our districts get lots of concerns regarding smells and odors and so we appreciate you taking the time. We will certainly promote out your presentation and in the workshops Thank you very much.

"Rachel Hamilton"

Please, let me know if you have questions. Thank you.

"Chair George"

And thank you Councilman Ackerson for the extra time. This is my last public works committee. It has been an honor to be able to serve in this capacity. I've learned so much and have developed such an appreciation for public works.

So, with that, I will accept a motion to adjourn.
Thank you.