### **Louisville Metro Government**

601 W. Jefferson Street Louisville, KY 40202



### **Action Summary - Tentative**

Thursday, April 23, 2020 4:00 PM

Mayor's Budget Address

Council Chambers

### **Metro Council**

Jessica Green (D-1), Barbara Shanklin (D-2), Keisha Dorsey (D-3),
Barbara Sexton Smith (D-4), Donna L. Purvis (D-5), David James (D-6),
Paula McCraney (D-7), Brandon Coan (D-8), Bill Hollander (D-9), Pat Mulvihill (D-10),
Kevin Kramer (R-11), Rick Blackwell (D-12), Mark H. Fox (D-13), Cindi Fowler (D-14),
Kevin Triplett (D-15), Scott Reed (R-16), Markus Winkler (D-17),
Marilyn Parker (R-18), Anthony Piagentini (R-19), Stuart Benson (R-20),
Nicole George (D-21), Robin Engel (R-22), James Peden (R-23), Madonna Flood (D-24),
David Yates (D-25), Brent Ackerson (D-26)

President: David James (D-6)
President Pro-Tem: Markus Winkler (D-17)

#### Call to Order and Pledge of Allegiance

Council President James called the meeting to order at 4:02 p.m. and asked all to rise for the Pledge of Allegiance.

#### Moment of Silence

Council President James asked for a moment of silence for the lives that have been lost to the COVID-19 pandemic, prayers for the safety of front-line workers, and a pledge to continue to work together to get through this safely.

#### **Members Roll Call**

The Clerk called the roll. A quorum was established.

Council Members attended the meeting remotely, except for Council President James, Council Member Kramer, and Council Member Fox who were present in Council Chambers.

Present: 26 - Council Member Jessica Green (D-1), Council Member Barbara Shanklin (D-2), Council Member Keisha Dorsey (D-3), Council Member Barbara Sexton Smith (D-4), Council Member Donna L. Purvis (D-5), Council Member David James (D-6), Council Member Paula McCraney (D-7), Council Member Brandon Coan (D-8), Council Member Bill Hollander (D-9), Council Member Pat Mulvihill (D-10), Council Member Kevin Kramer (R-11), Council Member Rick Blackwell (D-12), Council Member Mark H. Fox (D-13), Council Member Cindi Fowler (D-14), Council Member Kevin Triplett (D-15), Council Member Scott Reed (R-16), Council Member Markus Winkler (D-17), Council Member Marilyn Parker (R-18), Council Member Anthony Piagentini (R-19), Council Member Stuart Benson (R-20), Council Member Nicole George (D-21), Council Member Robin Engel (R-22), Council Member James Peden (R-23), Council Member Madonna Flood (D-24), Council Member David Yates (D-25) and Council Member Brent Ackerson (D-26)

#### **Support Staff**

Hollie Hopkins, Jefferson County Attorney's Office Laura Ferguson, Jefferson County Attorney's Office Natalie Johnson, Jefferson County Attorney's Office Joan Sheffer, Department of Information Technology

#### Clerk(s)

Sonya Harward, Clerk **David Wagner, Assistant Clerk** 

Note: Genevieve First, Executive Assistant, managed the WebEx component of the virtual meeting.

#### Mayor Greg Fischer's FY 2020-2021 Budget Address

Council President James stated that the Mayor is to present a budget for Metro Government no later than the second meeting of the Metro Council in April, and that the Metro Council has until the end of June to review and pass the budget. He explained the precautions being taken by the Mayor to adhere to the directives regarding social distancing and staying healthy at home, and because of such the Mayor's Budget Address has been provided as a video and will be aired in Chambers and via video conference. He also spoke about how any technical difficulties would be handled.

#### ID 20-0507

Mayor's Budget Address Comments - April 23, 2020 https://www.youtube.com/watch?v=VCET7DNP3jl&feature=youtu.be

Attachments: Mayor's Budget Address Comments - April 23, 2020.pdf

#### Recess

Council President James asked for a motion to recess at approximately 4:38 p.m. A motion was made by Council Member Fox, seconded by Council Member Kramer. The motion to recess carried by a voice vote.

Council President James asked for a motion to reconvene at approximately 5:11 p.m. A motion was made by Council Member Fox, seconded by Council Member Engel. The motion to reconvene carried by a voice vote.

#### Statement Regarding Virtual Attendance by Council Members

Council President James stated that the remainder of the meeting would involve discussion of public business and action would be taken. He spoke about provisions regarding any disruptions in remote access for Council Members, which would require a temporary suspension of the meeting, and the time allotted to regain remote access before the meeting resumes.

#### **Council Minutes**

#### 1. ID 20-0478

Regular: Metro Council Meeting - April 9, 2020

Attachments: Metro Council Action Summary for 4-9-20 TENTATIVE.pdf

4-9-20 Metro Council Unedited Transcript.pdf

A motion was made by Council Member Fox, seconded by Council Member Kramer, that the Council Minutes be approved. The motion carried by a voice vote.

#### **Committee Minutes**

A motion was made by Council Member Sexton Smith, seconded by Council Member Kramer, that the Committee Minutes be approved. The motion carried by a voice vote.

#### **2.** ID 20-0481

Regular: Committee of the Whole - April 9, 2020

Attachments: Committee of the Whole Action Summary for 4-9-20 TENTATIVE.pdf

3. ID 20-0482

Regular: Planning and Zoning Committee - April 14, 2020

Attachments: Planning and Zoning Action Summary 04.14.20.pdf

**4.** ID 20-0491

Regular: Labor and Economic Development Committee - April 14, 2020

Attachments: Labor and Econ - TENTATIVE 04.14.20.pdf

**5.** ID 20-0483

Regular: Public Works Committee - April 14, 2020

Attachments: Public Works Action Summary 04.14.20.pdf

**6.** ID 20-0492

Regular: Government Oversight and Audit Committee - April 14, 2020

Attachments: Government Oversight and Audit 041420 - TENTATIVE.pdf

**7**. <u>ID 20-0494</u>

Regular: Appropriations Committee - April 16, 2020

Attachments: Appropriations Tentative Agenda 4-15-20.pdf

8. ID 20-0493

Regular: Parks and Sustainability Committee - April 17, 2020

Attachments: 4-16-20 Tentative ActionSummary Parks.pdf

**9**. ID 20-0490

Regular: Budget Committee - April 16, 2020

Attachments: Budget Action Summary 04.16.20.pdf

#### Communications to the Council

The Clerk read the appointments into the record. Those appointments requiring Council approval were assigned to the Government Oversight and Audit Committee.

#### **10.** ID 20-0485

Cherokee Triangle and Bonnycastle Neighborhoods Plan Board - Alison Cromer, Debra Harlan, Stuart Alexander, Gordo Jackson, Tim Holz, Leslie Millar, Kelly Estep, Gray Smith, Jr., Stephanie Disney, Jackie Cobb, Jen Schultz, Daniel Maye, Deirdre Seim (New Appointments)

Metro Council approval of these appointments is not required.

<u>Attachments:</u> APT Cherokee Triangle and Bonnycastle Neighborhoods Plan Board 04.2020.pdf

#### **11.** ID 20-0486

Riverside-The Farnsley Moreman Landing Board - Julie Evans (New Appointment) Metro Council approval of this appointment is not required.

Attachments: APT Riverside-The Farnsley Moreman Landing Board 04.20.20.pdf

#### **12.** ID 20-0487

**Cemetery Board - Andrew Harpole (Reappointment)** 

Attachments: APT Cemetery Board 04.20.20.pdf

#### **13.** ID 20-0488

Downtown Management District Board - Andy Treinen, Celia "Robbin" Hansen (Reappointments)

Attachments: APT Downtown Management District Board 04.20.20.pdf

#### **14.** ID 20-0489

Landbank Authority Board - William Schreck (Reappointment)

Attachments: APT Landbank Authority Board 04.20.20.pdf

#### **Consent Calendar**

A motion was made by Council Member Kramer, seconded by Council Member Peden, to approve the Consent Calendar. The motion carried by the following vote:

Yes: 26 - Green, Shanklin, Dorsey, Sexton Smith, Purvis, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

#### Legislation forwarded from BUDGET COMMITTEE

#### **15**. <u>O-145-20</u>

AN ORDINANCE AMENDING ORDINANCE NO. 104, SERIES 2015 RELATING TO THE FISCAL YEAR 2015-16 CAPITAL BUDGET, ORDINANCE NO. 102, SERIES 2016 RELATING TO THE FISCAL YEAR 2016-17 CAPITAL BUDGET, ORDINANCE NO. 115, SERIES 2017 RELATING TO THE FISCAL YEAR 2017-18 CAPITAL BUDGET AND ORDINANCE NO. 082, SERIES 2019 RELATING TO THE FISCAL YEAR 2019-20 CAPITAL BUDGET BY TRANSFERRING \$296,000 BETWEEN PROJECTS.

Sponsors: Primary David Yates (D-25)

<u>Attachments:</u> O-145-20 V.1 040920 Multiple Year Capital Budget Transfers for St Anthony Church Rd Signs & Markings.pdf

This Ordinance was passed on the Consent Calendar.

Enactment No: Ordinance 048-2020

#### **16**. O-147-20

AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE "METRO GOVERNMENT" OR THE "ISSUER"), PROVIDING FOR AND AUTHORIZING THE ISSUANCE OF CERTAIN GENERAL OBLIGATION DEBT OF THE METRO GOVERNMENT IN ONE OR MORE SERIES AND TYPES OF OBLIGATIONS TO FINANCE THE OPERATION OF AND THE PROVISION OF SERVICES FOR THE CITIZENS OF THE METRO GOVERNMENT; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE OBLIGATIONS ARE TO BE ISSUED AND PROVIDING FOR A SALE THEREOF; DEFINING AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE OBLIGATIONS AND PROVIDING FOR THE APPLICATION OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION RELATING TO THE ISSUANCE AND SALE OF THE OBLIGATIONS.

Sponsors: Primary Bill Hollander (D-9)

<u>Attachments:</u> O-147-20 V.1 040920 Issuance of General Obligation Debt Bonds for Operation and Provision of Services.pdf

This Ordinance was passed on the Consent Calendar.

Enactment No: Ordinance 049-2020

#### 17. R-052-20

A RESOLUTION AUTHORIZING THE MAYOR TO SUSPEND ORDINANCE 081, SERIES 2019 OF THE FISCAL YEAR 2019-2020 OPERATING ORDINANCE AS RELATES TO THE PROCEDURES FOR DISTRIBUTING FUNDS TO EXTERNAL AGENCY FUND (EAF) RECIPIENTS AS A RESULT OF THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC.

Sponsors: Primary Bill Hollander (D-9) and Primary Barbara Sexton Smith (D-4)

Attachments: R-052-20 V.1 040920 Suspend Procedures for Distributing Funds to EAF due to COVID-19.pdf

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 039-2020

#### 18. R-054-20

A RESOLUTION AUTHORIZING THE MAYOR TO RE-ALLOCATE \$500,000 FROM THE LOUISVILLE C.A.R.E.S. (CREATING AFFORDABLE RESIDENCES FOR ECONOMIC SUCCESS) PROGRAM AS AUTHORIZED IN THE FISCAL YEAR 2015-2016 CAPITAL BUDGET TO MAKE AVAILABLE GRANTS TO INDIVIDUAL RENTERS FACING EVICTION DUE TO THE HOUSING INSTABILITY AND ECONOMIC CONDITIONS CREATED BY THE COVID-19 PANDEMIC TO BE ADMINISTERED BY DEVELOP LOUISVILLE.

**Sponsors:** Primary Bill Hollander (D-9)

Attachments: R-054-20 V.1 040920 Reallocate \$500K from Louisville CARES

Program Due to COVID-19.pdf

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 040-2020

#### Legislation forwarded from GOVERNMENT OVERSIGHT AND AUDIT COMMITTEE

#### **19.** AP032420BL

APPOINTMENT OF BJ LEVIS TO THE COMMISSION FOR PERSONS WITH DISABILITIES. TERM EXPIRES DECEMBER 12, 2021.

Attachments: APT Commission for Persons with Disabilities 03.19.20.pdf

BJ Levis 03.16.20.pdf

Applicants - Commission for Persons with Disabilities - 03.16.20.pdf

Current Board - Commission for Persons with Disabilities 03.16.20.pdf

This Appointment was approved on the Consent Calendar.

#### 20. AP032420SS

## APPOINTMENT OF SCOTT SHOENBERGER TO THE LOUISVILLE CONVENTION AND VISITOR'S BUREAU BOARD. (TERM EXPIRES AUGUST 16, 2023)

Attachments: APT Louisville Convention and Visitors Bureau Board (1) 040620.pdf

Scott Shoenberger 04.06.20.pdf

Applicants for Board - Louisville C&VBC 04.06.20 (2).pdf

Current Board - Louisville C&VBC 04.06.20.pdf

This Appointment was approved on the Consent Calendar.

#### **21.** AP041420KB

# APPOINTMENT OF KENDAL BAKER TO THE BARDSTOWN ROAD/BAXTER AVENUE CORRIDOR REVIEW COMMITTEE. (TERM EXPIRES APRIL 30, 2023)

<u>Attachments:</u> APT Bardstown Road-Baxter Avenue Corridor Review Committee

040620 .pdf

Kendal Baker 04.06.20.pdf

Applicants for Board - Bardstown Road Overlay District Board

04.14.20.pdf

Current Board - Bardstown Road Overlay District Board 04.14.20.pdf

This Appointment was approved on the Consent Calendar.

#### **22.** RP041420DT

## REAPPOINTMENT OF DI TRAN TO THE BARDSTOWN ROAD/BAXTER AVENUE CORRIDOR REVIEW COMMITTEE. (TERM EXPIRES APRIL 30, 2023)

**<u>Attachments:</u>** APT Bardstown Road-Baxter Avenue Corridor Review Committee

040620 .pdf

Di Tran 04.06.20.pdf

Applicants for Board - Bardstown Road Overlay District Board

04.14.20 (2).pdf

Current Board - Bardstown Road Overlay District Board 04.14.20.pdf

This Appointment was approved on the Consent Calendar.

#### 23. RP041420EP

## REAPPOINTMENT OF EMILY PAPROCKI TO THE BARDSTOWN ROAD/BAXTER AVENUE CORRIDOR REVIEW COMMITTEE. (TERM EXPIRES APRIL 30, 2023)

<u>Attachments:</u> APT Bardstown Road-Baxter Avenue Corridor Review Committee

040620 .pdf

Emily Paprocki 04.06.20.pdf

Applicants for Board - Bardstown Road Overlay District Board

04.14.20 (3).pdf

Current Board - Bardstown Road Overlay District Board 04.14.20.pdf

This Appointment was approved on the Consent Calendar.

#### 24. RP041420CM

## REAPPOINTMENT OF CHARLES MORRIS TO THE BARDSTOWN ROAD/BAXTER AVENUE CORRIDOR REVIEW COMMITTEE. (TERM EXPIRES APRIL 30, 2023)

Attachments: APT Bardstown Road-Baxter Avenue Corridor Review Committee

040620 .pdf

Charles Morris 04.06.20.pdf

Applicants for Board - Bardstown Road Overlay District Board

04.14.20 (4).pdf

<u>Current Board - Bardstown Road Overlay District Board 04.14.20.pdf</u>

This Appointment was approved on the Consent Calendar.

#### **25.** AP041420KM

APPOINTMENT OF KELLI MORRIS TO THE ETHICS COMMISSION. (TERM EXPIRES JUNE 30, 2022)

Attachments: APT Ethics Commission 040620.pdf

Kelli Morris 04.06.20.pdf

Applicants for Board - Ethics Commission 04.06.20.pdf

Current Board - Ethics Commission 04.06.20.pdf

This Appointment was approved on the Consent Calendar.

#### Legislation forwarded from LABOR AND ECONOMIC DEVELOPMENT COMMITTEE

#### **26.** R-041-20

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED AMENDMENT TO SOLE SOURCE CONTRACT FOR THE LIBRARY CONCERNING MAGAZINE AND NEWSPAPER SUBSCRIPTIONS AND OTHER MATERIALS FOR USE BY LIBRARY PATRONS - (OVERDRIVE, INC. - \$750,000 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$1,250,000.00).

Sponsors: Primary David Yates (D-25)

Attachments: R-041-20 V.1 031920 - Contract for Overdrive, Inc..pdf

OverDrive Inc.

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 041-2020

#### **27.** R-044-20

A RESOLUTION DETERMINING A PARCEL OF REAL PROPERTY LOCATED AT SOUTH FOURTH STREET AND OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NOT NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER TO SLS MANAGEMENT, LLC.

**Sponsors:** Primary Barbara Sexton Smith (D-4)

<u>Attachments:</u> R-044-20 V.1 031920 - Marketplace Square Surplus Property.pdf

R-044-20 ATTACH 031920.pdf

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 042-2020

#### 28. R-046-20

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT FOR PARC CONCERNING UPGRADES TO PROPRIETARY FIRE DETECTION EQUIPMENT - (SIEMENS INDUSTRY, INC. - \$50,000.00).

**Sponsors:** Primary David Yates (D-25)

Attachments: R-046-20 V. 1 040920 PARC - SIEMENS INDUSTRY, INC. -

\$50,000.00.pdf

Siemens Industry Inc NCCR Redacted.pdf

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 043-2020

#### **29.** R-048-20

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

Sponsors: Primary David Yates (D-25) and Primary Anthony Piagentini (R-19)

Attachments: R-048-20 V. 1 040920 LOCAL INCENTIVES - INTERAPT, LLC.pdf

Interapt, LLC-Local Support Letter.pdf
Interapt, LLC - Board Report.pdf

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 044-2020

#### Legislation forwarded from PARKS AND SUSTAINABILITY COMMITTEE

#### **30.** R-050-20

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$35,000 OF FUNDING FROM THE METROPOLITAN SEWER DISTRICT FOR THE CHICKASAW PARK BIOSWALE PROJECT ADMINISTERED BY THE DEPARTMENT OF PARKS AND RECREATION.

Sponsors: Primary Donna L. Purvis (D-5)

Attachments: R-050-20 Chickasaw Park Bioswale.pdf

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 045-2020

#### Legislation forwarded from PUBLIC WORKS COMMITTEE

#### 31. R-051-20

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A LAKESIDE SWIM CLUB DONATION TOTALING \$6,833.56 TO SUPPORT TWO NEW TREVILIAN WAY DRIVER FEEDBACK SIGNS TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS & ASSETS.

**Sponsors:** Primary Brandon Coan (D-8)

<u>Attachments:</u> R-051-20 V.1 040920 Mayor Accept \$6,833.56 from Lakeside Swim

Club for Trevilian Way Driver Feedback Signs.pdf

This Resolution was adopted on the Consent Calendar.

Enactment No: Resolution 046-2020

#### **Special Legislation**

Council President James requested that the Council invoke Rule 7.01(a) to deem item 32 as an emergency and allow for it to be passed at the same meeting at which it is introduced.

A motion was made by Council Member Piagentini, seconded by Council Member Fowler, that Council Rule 7.01(a) be invoked. The motion carried by a voice vote.

#### **32.** R-057-20

# AN EMERGENCY RESOLUTION URGING THE GOVERNOR TO ALLOW CHIROPRACTORS AND PROVIDERS OF OTHER FORMS OF CONSERVATIVE TREATMENT TO OPERATE (AS AMENDED).

Sponsors: Primary James Peden (R-23)

Attachments: R-057-20 - Sponsorship Withdrawn.pdf

R-057-20 V.2 FAM 042320 – Allow Chiropractic Services to

Resume.pdf

R-057-20 V.1 042320 - Allow Chiropractic Services to Resume.pdf

A motion was made by Council Member Peden, seconded by Council Member Piagentini, that this Resolution be approved.

Council Member Peden spoke about chiropractic service being considered 'elective' care rather than 'emergency' care and, therefore, has been shut down during the COVID-19 pandemic. He spoke about having back pain and the need for urgent care in such situations, and how a chiropractor can help alleviate such intense pain without pain medicine.

Council Member Peden made a motion, seconded by Council Member Piagentini, that this Resolution be amended to add the following:

"WHEREAS, the Chiropractic Associations of Kentucky have submitted their re-start procedures as dictated by the CDC to the Governor's Office;"

Council Member Sexton Smith asked if all of the Chiropractic Associations in Kentucky were working together to provide one document to the Governor, and Council Member Peden responded in the affirmative.

The motion to amend carried by a voice vote.

Council Member Piagentini stated that chiropractors prevent more serious complications that may need to be addressed in an emergency room, and that they provide an alternative therapy to the use of opioids.

Council Member Yates stated that physical therapy and other providers of alternative care should be included with chiropractors, as they too provide more conservative treatment.

A motion was made by Council Member Yates, seconded by Council Member Fowler, that this Resolution be amended to include "other forms of conservative treatment" in the Whereas clauses.

Council Member Kramer spoke in support of the amendment.

The motion to amend carried by a voice vote.

The following spoke to the amended Resolution:

- -Council Member Fowler spoke in support of the amended Resolution.
- -Council Member Reed spoke in support of the amended Resolution. He also asked whether physical therapists were included in the businesses being allowed to re-open on Monday.
- -Council Member Coan asked whether chiropractors were included in the businesses that were being allowed to re-open on Monday as part of the phased-in restart to the economy; and also stated that he did not want to get in the habit of recommending to the Governor when businesses should be allowed to re-open.
- -Council Member Sexton Smith stated that she had received confirmation from Representative Rocky Adkins confirming that chiropractors were among those businesses being allowed to re-open on Monday. She also stated that she could make an argument to have several other types of businesses be re-opened but would not because she believed they should support the course being provided by leadership, and she would not be supporting this Resolution.
- -Council Member Yates spoke in support of the amended Resolution, though Resolutions have often been known to get little response in the past. He later stated that he felt the Resolution was moot and would not be supporting it.

  -Council Member Blackwell agreed with Council Member Sexton Smith's concern about suggesting to the Governor what should be re-opened, and how the Council could find themselves proposing a Resolution regarding such each meeting or even daily, and for that reason would not be supporting the amended Resolution.
- -Council Member Winkler stated that choosing one type of pain management provider over another was problematic for him.

Council Member Peden concluded by stating that he understood that some may feel that the Resolution is moot, but rather than pulling his sponsorship he would be willing to send it to a committee so that they can see what happens on Monday.

A motion was made by Council Member Peden, seconded by Council Member Yates, that this Resolution be referred to the Community Affairs, Health and Education Committee. The motion carried by a voice vote.

#### **Old Business**

#### **33**. O-259-19

## AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE RELATING TO TREES AND TREE CANOPY (19AMEND1003)(AS AMENDED).

<u>Sponsors:</u>Primary Bill Hollander (D-9), Primary Madonna Flood (D-24), Additional Brandon Coan (D-8) and Additional David James (D-6)

Attachments: O-259-19 V.5 CAM 031020 Case No 19AMEND1003.pdf

O-259-19 V.4 CAM 022520 Case No 19AMEND1003.pdf

19amend1003 MC PRES 022520.pdf

O-259-19 V.3 CAM 021120 Case No 19AMEND1003.pdf

O-259-19 V.2 CAM 111219 Case No 19AMEND1003.pdf

19amend1003 MC PRES 102919.pdf

19amend1003 MC PRES 101519.pdf

O-259-19 V.1 082219 Case No 19AMEND1003.pdf

19AMEND1003.pdf

19AMEND1003 Davey Urban Tree Canopy Assessment 2015.pdf

19amend1003 Ordinance 072619.pdf

19AMEND1003 other min.pdf

19AMEND1003 pc hearing 07.24.2019 mins.pdf

19amend1003 Planning Committee minutes.pdf

19amend1003 Public Comment and Presentations.pdf

19AMEND1003\_staff reports.pdf

Tree Removal Permit Example.pdf

A motion was made by Council Member Piagentini, seconded by Council Member Fox, that this Ordinance be approved.

Council Member Flood provided background on this Ordinance, which started with a Resolution requesting the Planning Commission to review the Land Development Code and make suggestions regarding the tree canopy and the preservation of trees, and included a series of public meetings. The suggested amendments to the Land Development Code were provided in the form of an Ordinance to the Planning and Zoning Committee last summer and it has been discussed and amended as presented here.

Council Member Hollander briefly reviewed some of the changes (listed below) being made to the Land Development Code to continue to address the shrinking tree canopy and heat island effect associated with it:

-the fee-in-lieu provision is to be used as a last resort and those dollars will stay in the Council district;

-increased the tree canopy requirement for industrial areas to 30 percent;
 -allowed trees planted on private lots in major subdivisions to be counted toward the tree canopy;

-changed spacing for street trees to address concerns about driveways; and -new requirement that will not allow clear cutting on some pieces of land and would require the preservation of some trees, and changed a related

provision that discourages tree clearing prior to development.

Council Member Winkler spoke about his concern regarding the look-back provision and how the solution provided in this Ordinance creates the potential for a moral hazard that could only be prevented by requiring a permit to remove any trees, and that is not a solution anyone is interested in pursuing. He stated that no one got everything they wanted but that it was a good balance between addressing the tree canopy and heat island effect and promoting development across Jefferson County.

Council Member Peden also spoke about his concern regarding the loop hole in the look-back provision, and how a realtor may suggest a property owner clear all of the trees to raise the value of the land and how it may be easier to sell. He stated that he may consider proposing an amendment that requires the name of the person who paid to have the land clear cut be provided because he doubts that the land owner will want to take on that expense up front.

Council Member Coan stated that he advocated for stronger provisions that did not make the cut, but he was fine with it because he thought it was a good process that he was proud to be a part of, and a good piece of legislation. He requested to be a co-sponsor as well. He also spoke about the look-back provision and the balance between conservation and development. He also stated his concern about over-regulating private property rights.

Council Member Piagentini stated that he appreciated the process used to create this legislation, as it was not rushed, took into consideration a variety of thoughts, and had various sources of input.

Council Member Purvis spoke about her concern regarding private property rights. She stated that a few of her constituents are concerned about not being able to refuse to have trees planted on or near their property, and when the trees become problematic they cannot afford to maintain them and the trees may cause damage to their property.

Council President James requested to be added as a co-sponsor.

The motion to approve carried by the following vote and the Ordinance passed:

Yes: 25 - Green, Shanklin, Dorsey, Sexton Smith, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

No: 1 - Purvis

Enactment No: Ordinance 050-2020

#### 34. AP032420JF

## APPOINTMENT OF JENNIFER FUST-RUTHERFORD TO THE WATER WORKS BOARD. TERM EXPIRES APRIL 30, 2024.

Attachments: APT Water Works Board 03.19.20.pdf

Jennifer Fust-Rutherford 03.16.20.pdf

Applicants for Board - Water Works Board (4) 03.16.20.pdf

Current Board - Water Works Board 03.16.20.pdf

A motion was made by Council Member Sexton Smith, seconded by Council Member Kramer, that this Appointment be approved.

Council Member Ackerson stated that this Appointment was sent to Old Business so that Council Member Purvis could abstain from voting on it.

Council Member Purvis explained that she would be abstaining due to a conflict of interest.

The motion carried by the following vote and the Appointment was approved:

Yes: 25 - Green, Shanklin, Dorsey, Sexton Smith, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

Abstain: 1 - Purvis

#### **35.** AP041420LD

# APPOINTMENT OF LAURA DOUGLAS TO THE LOUISVILLE CONVENTION AND VISITOR'S BUREAU BOARD. (TERM EXPIRES APRIL 6, 2023)

Attachments: APT Louisville Convention and Visitors Bureau (2) 040620.pdf

Laura Douglas 04.06.20.pdf

Applicants for Board - Louisville C&VBC 04.06.20 (1).pdf

Current Board - Louisville C&VBC 04.06.20.pdf

A motion was made by Council Member Fox, seconded by Council Member Kramer, that this Appointment be approved.

Council Member Ackerson stated that this Appointment was sent to Old Business so that Council Member Green could abstain from voting on it.

Council Member Green explained that she would be abstaining so that there is no appearance of impropriety because Laura Douglas is her aunt.

The motion carried by the following vote and the Appointment was approved:

**Yes:** 25 - Shanklin, Dorsey, Sexton Smith, Purvis, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

Abstain: 1 - Green

#### **36.** O-133-20

# AN ORDINANCE APPROPRIATING \$6,000 FROM DISTRICT 6 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE METRO PARKS DEPARTMENT TO PAY FOR THE COMMUNITY EVENT JAZZ IN CENTRAL PARK (AS AMENDED).

Sponsors: Primary David James (D-6)

Attachments: O-133-20 V.2 CAM NDF Entertainment at Jazz.pdf

O-133-20 Entertainment at Jazz NDF.pdf

O-133-20 V.1 NDF Entertainment at Jazz.pdf

A motion was made by Council Member Fox, seconded by Council Member Green, that this Ordinance be approved.

Council Member Blackwell stated that this Ordinance was amended in Committee to correct the description. Additionally, he stated that a technical correction was made, [which further clarified the name of the event].

The motion carried by the following vote and the Ordinance passed:

Yes: 26 - Green, Shanklin, Dorsey, Sexton Smith, Purvis, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 051-2020

#### **37.** O-137-20

AN ORDINANCE APPROPRIATING [\$25,000] [\$27,500] \$35,000 [FROM DISTRICT 23] NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$25,000 FROM DISTRICT 23; \$3,250 FROM DISTRICT 7; \$2,000 FROM DISTRICT 24; \$1,000 EACH FROM DISTRICTS 2, 4, AND 13; \$750 FROM DISTRICT 15; AND \$500 EACH FROM DISTRICTS 21 AND 22; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO FUND FOR THE ARTS, INC. TO CREATE A COMMUNITY THEATER AND ARTS SPACE IN A VACANT STORE FRONT IN OUTER LOOP PLAZA (AS AMENDED).

<u>Sponsors:</u>Primary James Peden (R-23), Additional Barbara Sexton Smith (D-4), Additional Mark H. Fox (D-13) and Additional Nicole George (D-21)

Attachments: O-143-20 V.3 FAM 042320 NDF for Juneteenth.pdf

O-137-20 Fund for the Arts Outer Loop Theater NDF.pdf

O-137-20 V.2 CAM NDF Fund for the Arts Outer Loop Theater.pdf

O-137-20 V.1 NDF Fund for the Arts Outer Loop Theater.pdf

A motion was made by Council Member Triplett, seconded by Council Member Peden, that this Ordinance be approved.

Council Member Blackwell stated that this was amended in Committee to add sponsors, and that the amount contributed was \$27,500 and the amount requested was \$35,000.

Council Member Peden explained that this funding was for opening a community theater. He stated that this project began before the start of the COVID-19 pandemic and has been hindered by such, as the Fund for the Arts was going to give a matching grant but now will not be doing so, though they will still be managing the funding contributed in this Ordinance, which will be used for rent and capital improvement on the facility. [Council Member Peden had technical difficulty during part of his statement, which caused his audio to go in an out.]

[The meeting was briefly suspended to allow for Council Member Coan to fix a technical issue.]

Council Member Triplett, Council Member Fox, and Council Member Sexton Smith spoke in support of this Ordinance.

A motion was made by Council Member Peden, seconded by Council Member Kramer, that this Ordinance be amended as follows:

- -Add \$3,250 from District 7
- -Add \$2,000 from District 24
- -Add \$1,000 from District 2
- -Add \$750 from District 15
- -Add \$500 from District 22

The motion to amend carried by a voice vote for a new total amount appropriated of \$35,000.

Enactment No: Ordinance 052-2020

### The motion to approve carried by the following vote and the amended Ordinance passed:

Yes: 26 - Green, Shanklin, Dorsey, Sexton Smith, Purvis, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 052-2020

#### **38.** O-143-20

AN ORDINANCE APPROPRIATING [\$9,500] [\$14,000] \$18,500 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$2,000 FROM DISTRICT 4; \$1,500 EACH FROM DISTRICTS 3, 7, AND 25; \$1,000 EACH FROM DISTRICTS 1, 2, 6, [7,] 9, 10, 15, 20, AND 24 [25]; [AND] \$500 EACH FROM DISTRICTS 5, 13, 14, 19, 21, [AND] 23, AND 26; AND \$250 EACH FROM DISTRICTS 17 AND 22; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE WATERFRONT DEVELOPMENT CORPORATION FOR THE SECOND ANNUAL JUNETEENTH JUBILEE IN WATERFRONT PARK (AS AMENDED).

<u>Sponsors:</u> Primary Barbara Sexton Smith (D-4), Primary Keisha Dorsey (D-3), Primary Bill Hollander (D-9), Primary James Peden (R-23), Primary David Yates (D-25), Primary Jessica Green (D-1), Primary Paula McCraney (D-7), Primary Pat Mulvihill (D-10), Primary Nicole George (D-21), Additional David James (D-6), Additional Kevin Triplett (D-15), Additional Stuart Benson (R-20), Additional Donna L. Purvis (D-5), Additional Mark H. Fox (D-13) and Additional Anthony Piagentini (R-19)

Attachments: O-143-20 V.3 FAM 042320 NDF for Juneteenth.pdf

O-143-20 NDF Waterfront Development Corporation.pdf

O-143-20 V.2 CAM 041520 NDF for Juneteenth.pdf

O-143-20 V.1 040920 NDF for Juneteenth.pdf

A motion was made by Council Member Triplett, seconded by Council Member Fowler, that this Ordinance be approved.

Council Member Blackwell stated that this was amended in Committee to add sponsors, and that the amount contributed was \$14,000 and the amount requested was \$26,000.

Council Member Sexton Smith spoke about Juneteenth and what it represents in history, and asked for additional sponsors. She also stated that she will not be supporting the Waterfront Fourth of July celebration this year, as Waterfront Corporation already has a sponsor.

Council Member McCraney briefly spoke about the significance of Juneteenth.

A motion was made by Council Member Piagentini, seconded by Council Member Kramer, that this Ordinance be amended as follows:

- -Add an additional \$500 each from Districts 7 and 25
- -Add \$1.000 each from Districts 2 and 24
- -Add \$500 each from Districts 14 and 26
- -Add \$250 each from Districts 17 and 22

The motion to amend carried by a voice vote for a new total amount appropriated of \$18,500.

Enactment No: Ordinance 053-2020

The motion to approve carried by the following vote and the amended Ordinance passed:

Yes: 26 - Green, Shanklin, Dorsey, Sexton Smith, Purvis, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 053-2020

#### **39.** O-396-19

AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 113 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES TO ESTABLISH AN ENTERTAINMENT DESTINATION CENTER WITHIN THE WHISKEY ALLEY AREA.

Sponsors: Primary David James (D-6) and Primary Barbara Sexton Smith (D-4)

Attachments: O-396-19 V.1 112119 LMCO Chapter 113.pdf

Updated Whiskey Alley Draft Agreement 3.10.20.pdf

Whiskey Alley - LED Concept Presentation 02.25.20.pdf

Whiskey Alley Draft Agreement 2.25.20.pdf

EntertainmentDestinationCenter.WhiskeyAllex.Ordinance.11.15.19.do ox

A motion was made by Council Member Kramer, seconded by Council Member Fowler, that this Ordinance be approved.

Council Member Yates stated that he has abstained from discussion and voting on this Ordinance because he is part owner of property in the area, that it was on Old Business for this purpose.

Council Member Piagentini explained that this Ordinance creates an economic development zone district on Whisky Alley. He also stated that there has been a lot of discussion on the agreement associated with this Ordinance, which started as a draft when it was first introduced but has since then been finalized. He further spoke about his concern with the termination clause.

Council Member Sexton Smith spoke regarding the numerous questions surrounding the agreement in the beginning, which caused it to be tabled in Committee several times and allowed time to make improvements to the agreement.

The motion carried by the following vote and the Ordinance passed:

Yes: 25 - Green, Shanklin, Dorsey, Sexton Smith, Purvis, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood and Ackerson

Abstain: 1 - Yates

Enactment No: Ordinance 054-2020

#### **40**. <u>O-134</u>-20

AN ORDINANCE AMENDING CHAPTER 42 OF THE LOUISVILLE/ JEFFERSON COUNTY METRO CODE OF ORDINANCES TO UPDATE THE FEE STRUCTURE FOR QUAIL CHASE GOLF COURSE (AS AMENDED).

Sponsors: Primary Cindi Fowler (D-14)

<u>Attachments:</u> O-134-20 V.2 CAM 041620 - Golf Rates for Quail Chase.pdf
O-134-20 V.1 031920 - Golf Rates for Quail Chase.pdf

A motion was made by Council Member Peden, seconded by Council Member Sexton Smith, that this Ordinance be approved.

Council Member Fowler explained that there were some technical corrections made in the Ordinance that was first introduced to clean up the strike-through and underlining mark-ups. She also briefly spoke about the amendments made in Committee.

The motion carried by the following vote and the Ordinance passed:

Yes: 26 - Green, Shanklin, Dorsey, Sexton Smith, Purvis, James, McCraney, Coan, Hollander, Mulvihill, Kramer, Blackwell, Fox, Fowler, Triplett, Reed, Winkler, Parker, Piagentini, Benson, George, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 055-2020

#### **New Business**

The Clerk provided a first reading of New Business and the respective committee assignments for the record.

#### Legislation assigned to LABOR AND ECONOMIC DEVELOPMENT COMMITTEE

#### **41.** R-055-20

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED AMENDMENT TO SOLE SOURCE CONTRACT FOR CORRECTIONS CONCERNING SERVICE, MAINTENANCE AND REPAIR OF THE PROPRIETARY RADPRO AND SECURPASS FULL BODY SECURITY SCREENING SYSTEM- (CANON USA, INC. FORMERLY KNOWN AS VIRTUAL IMAGING, INC. - \$30,000 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$163,000.00).

**Sponsors:** Primary David Yates (D-25)

Attachments: R-055-20 V.1 042320 CANON USA, INC.pdf

R-055-20 ATTACH 042320 CANON USA, INC.pdf

#### **42**. R-056-20

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT FOR LOUISVILLE METRO PUBLIC HEALTH AND WELLNESS CONCERNING DATA COLLECTION AND REPORTING SERVICES TO SUPPORT THE STATE-MANDATED USE OF KENTUCKY'S PATIENT SERVICES REPORTING SYSTEM AND ITS ENVIRONMENTAL HEALTH MANAGEMENT INFORMATION SYSTEM - (CUSTOM DATA PROCESSING, INC. - \$71,000.00).

Sponsors: Primary David Yates (D-25)

Attachments: R-056-20 V.1 042320 CUSTOM DATA PROCESSING.pdf

R-056-20 ATTACH 042320 CUSTOM DATA PROCESSING.pdf

#### Legislation assigned to PLANNING AND ZONING COMMITTEE

#### **43**. <u>O-162-20</u>

AN ORDINANCE RELATING TO THE CLOSURE OF THE PORTION OF OLD LAGRANGE ROAD BETWEEN COLLINS LANE AND CHAMBERLAIN LANE AND BEING IN LOUISVILLE METRO (CASE NO. 19-STRCLOSURE-0012).

Sponsors: Primary Madonna Flood (D-24)

Attachments: 19-STRCLOSURE-0012.pdf

O-162-20 V.1 042320 Closure of Old LaGrange Rd between Collins Ln

& Chamberlain LN 19STRCLOSURE0012.pdf

O-162-20 V.1 042320 ATTACH Street Closure Plat of Old LaGrange

Rd 19STRCLOSURE0012.pdf

19-STRCLOSURE-0012 PC and LDT Minutes.pdf

19-STRCLOSURE-0012 Staff Rpt.pdf

19-STRCLOSURE-0012 Legal Desc.pdf

19-STRCLOSURE-0012 Plat.pdf

#### **44**. O-163-20

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 6517 DIXIE HIGHWAY CONTAINING APPROXIMATELY 0.886 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0088).

**Sponsors:** Primary Madonna Flood (D-24)

Attachments: 19-ZONE-0088.pdf

O-163-20 V.1 042320 Rezoning at 6517 Dixie Hwy 19ZONE0088.pdf

19-ZONE-0088 PC Minutes.pdf
19-ZONE-0088 LDT Minutes.pdf
19-ZONE-0088 Staff Rpts.pdf
19-ZONE-0088 Legal Desc.pdf
19-ZONE-0088 Appl Justification.pdf
19-ZONE-0088 Plan 030520.pdf

#### **45.** <u>O-164</u>-20

AN ORDINANCE RELATING TO THE ALTERNATIVE PLAN FOR CONNECTIVITY FOR, AND THE ZONING OF, PROPERTIES LOCATED AT 7000 RIDGE CREEK ROAD, 6601 SUNNY HILL ROAD, AND 7191 SOUTH HURSTBOURNE PARKWAY CONTAINING APPROXIMATELY 16.55 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE1029).

Sponsors: Primary Madonna Flood (D-24)

Attachments: 19ZONE1029.pdf

O-164-20 V.1 042320 Rezoning at 7000 Ridge Creek Rd, 6601 Sunny

Hill Rd & 7191 S Hurstbourne Pkwy 19ZONE1029.pdf

19-ZONE-1029 PC Minutes.pdf

19-ZONE-1029 Other Minutes.pdf

19-ZONE-1029 Staff Reports.pdf

19-ZONE-1029 Legal Description.pdf

19-ZONE-1029 Applicant Booklet.pdf

19-ZONE-1029 Applicant Booklet Pg 2.pdf

19-ZONE-1029 Justification Statement.pdf

19-ZONE-1029 Public Materials.pdf

19-ZONE-1029 Approved Plan.pdf

#### **46**. O-165-20

AN ORDINANCE RELATING TO THE ZONING OF PROPERTY LOCATED AT 1400 HEPBURN AVENUE CONTAINING APPROXIMATELY 0.118 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0060).

Sponsors: Primary Madonna Flood (D-24)

Attachments: 19-ZONE-0060.pdf

O-165-20 V.1 042320 Rezoning at 1400 Hepburn Ave

19ZONE0060.pdf

19-ZONE-0060 PC Minutes.pdf 19-ZONE-0060 Other Minutes.pdf 19-ZONE-0060 Staff Reports.pdf

19-ZONE-0060 Legal Description.pdf

19-ZONE-0060 Applicant Booklets.pdf
19-ZONE-0060 Justification Statement.pdf

19-ZONE-0060 Public Materials.pdf

19-ZONE-0060 Denied Plan.pdf

For Reintroduction Only

#### **47**. <u>O-340-19</u>

AN ORDINANCE APPROVING THE SOUTH FLOYDS FORK VISION PLAN AND APPROVING ITS EXECUTIVE SUMMARY AS AN AMENDMENT TO THE PLAN 2040 COMPREHENSIVE PLAN (CASE NO. 19AREAPLAN0002).

Sponsors: Primary Madonna Flood (D-24)

<u>Attachments:</u> O-340-19 V.1 101019 South Floyds Fork Vision Plan

19AREAPLAN0002.pdf

19AREAPLAN0002 south floyds fork executive summary.pdf

102919 South Floyds Fork Metro Council.pdf

19AREAPLAN0002 Public Materials.pdf

19AREAPLAN Minutes.pdf

19AREAPLAN0002 Legal Description.pdf

19AREAPLAN0002 South Floyds Fork Vision Plan PC Staff

Report.pdf

19AREAPLAN0002 south\_floyds\_fork\_plan.pdf

19AREAPLAN0002 south\_floyds\_fork\_appendix.pdf

#### **Announcements**

Council President James announced that the next Metro Council meeting would be on Thursday, May 14, 2020 at 6:00 p.m.

### **Adjournment**

Without objection, Council President James adjourned the meeting at 7:15 p.m.