

Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202



Action Summary - Final

Thursday, January 28, 2016

6:00 PM

Council Chambers

Metro Council

*(D) – Jessica Green (1), (D) – Barbara Shanklin (2), (D) – Mary C. Woolridge (3),
(D) – David Tandy (4), (D) – Cheri Bryant Hamilton (5), (D) – David James (6),
(R) – Angela Leet (7), (D) – Tom Owen (8), (D) – Bill Hollander (9),
(D) – Pat Mulvihill (10), (R) – Kevin Kramer (11), (D) – Rick Blackwell (12),
(D) – Vicki Aubrey Welch (13), (D) – Cindi Fowler (14), (D) – Marianne Butler (15),
(R) – Kelly Downard (16), (R) – Glen Stuckel (17), (R) – Marilyn Parker (18),
(R) – Julie Denton (19), (R) – Stuart Benson (20), (D) – Dan Johnson (21),
(R) – Robin Engel (22), (R) – James Peden (23), (D) – Madonna Flood (24),
(D) – David Yates (25), (D) – Brent Ackerson (26)*

President: David Yates (25)

Pro-Tem: Bill Hollander (9)

Call to Order

President Yates called the meeting to order at 6:04 PM and asked all to rise for the Pledge of Allegiance.

Members Roll Call

Council Member David James (D-6) arrived @ 6:10 PM.

- Present:** 23 - Council Member Jessica Green (D-1), Council Member Barbara Shanklin (D-2), Council Member Mary C. Woolridge (D-3), Council Member David Tandy (D-4), Council Member Cheri Bryant Hamilton (D-5), Council Member Angela Leet (R-7), Council Member Tom Owen (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 Cindi Fowler (D-14), Council Member Marianne Butler (D-15), Council Member Glen Stuckel (R-17), Council Member Marilyn Parker (R-18), Council Member Julie Denton (R-19), Council Member Stuart Benson (R-20), Council Member Dan Johnson (D-21), Council Member Robin Engel (R-22), Council Member James Peden (R-23), Council Member Madonna Flood (D-24), Council President David Yates (D-25) and Council Member Brent Ackerson (D-26)
- Excused:** 3 - Council Member David James (D-6), Council Member Vicki Aubrey Welch (D-13) and Council Member Kelly Downard (R-16)

Support Staff

Paul Whitty, Jefferson County Attorney's Office.

Clerks

H. Stephen Ott, CKMC
David Wagner, Assistant Clerk

Address to Council1. [ID 16-0082](#)**Address to Council for January 28, 2016**

Attachments: [1-28-16- Address to Council Agenda](#)

The Clerk called forward the following speakers:

1. Nancy Demartra
District 4
Topic: Surplus Money

2. Connie Marshall
District 3
Topic: Fabricating and setting up citizens to cover up organized crime in Kentucky

3. James White (No show)
District 5
Topic: Minority Participation on Construction Projects (particularly Omni Hotel project)

4. Shatori Hall
District 4
Topic: Affordable Housing – Support #1

5. Jessa Warner
District 4
Topic: Affordable Housing – Support #2

6. Carissa Broyles
District 23
Topic: Affordable Housing – Support #3

7. Carolyn Jones (No show)
District 10
Topic: My Story

Guests2. [ID 16-0069](#)

Council Member Mulvihill introduced Darrell and Nancy Shelton and Amy Bagshaw and Colby Russ as guests from District 10.

3. [ID 16-0011](#)

Council Member Johnson recognized the 6A State Champion Male High School Football Team

4. [ID 16-0061](#)

Council Member James recognized Dan O'Dea for his retirement from Metro Government.

President Yates called on Council Member Flood for a Point of Personal Privilege to allow her to recognize Boy Scout Troop 190 from Cooper Memorial, who were in attendance.

Council Minutes

5. [ID 16-0039](#)

Regular: Metro Council Organizational Meeting - January 7, 2016

Attachments: [01-07-16 Action Summary Signed](#)

[01-07-16 UNEDITED Transcript](#)

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

Committee Minutes

6. [ID 16-0062](#)

Special: Ad Hoc Labor and Economic Development - January 19, 2016

Attachments: [011916 Labor & Econ Dev Action Summary](#)

7. [ID 16-0075](#)

Special: Committee on Committees - January 26, 2016

Attachments: [01-26-16 COC Action Summary](#)

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

Special Legislation

8. [R-018-16](#)

**A RESOLUTION APPROVING THE COUNCIL AND COMMITTEE MEETING SCHEDULE OF THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) FOR THE CALENDAR YEAR 2016. (AS AMENDED)
(Action Required By: July 2016)**

Sponsors: David Yates (D-25)

Attachments: [2016 MC Calendar AO 012816](#)

[RES 003 2016 \(AS AMENDED\)](#)

A motion was made by Council Member James, seconded by Council Member Woolridge, that this Resolution be adopted.

Enactment No: Resolution 003-2016

A motion was made by Council Member Johnson, seconded by Council Member Benson, that this Resolution be amended by changing the day, time and frequency of meeting of the Committee on Contracts from Tuesday at 3:00 PM during each Council Week to Thursday at 2:00 PM during the 2nd Council Week only.

Without objection to the amendment the motion to approve carried by a voice vote and the Resolution as amended was adopted.

Enactment No: Resolution 003-2016

Consent Calendar

Legislation forwarded from AD HOC LABOR AND ECONOMIC DEVELOPMENT COMMITTEE

9. [O-432-15](#)

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

Sponsors: David Tandy (D-4)

Attachments: [Carpenters CBA - NEW thru 06-30-2021](#)

[ORD 001 2016](#)

Enactment No: Ordinance 001-2016

Approval of the Consent Agenda

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

Yes: 22 - Green, Shanklin, Woolridge, Tandy, Hamilton, Leet, Hollander, Mulvihill, Kramer, Blackwell, Fowler, Butler, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Excused: 3 - James, Welch and Downard

Absent: 1 - Owen

Old Business

President Yates announced that pursuant to Rule 4.11 and Rule 7.10 of the Rules of the Louisville Metro Council, a Discharge Petition with the required 14 signatures had been submitted to the Chair Person of the Budget Committee, recalling Ordinance O-006-16 from the Budget Committee to be considered at tonight's Metro Council meeting. Therefore, the Clerk read the Ordinance into the record.

[O-006-16](#)

AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL AUTHORIZING AN AMENDMENT TO THE INTEREST RATE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT RECOVERY ZONE FACILITY REVENUE BONDS, SERIES 2010A (ECL PROPERTIES, LLC PROJECT); AND APPROVING, AUTHORIZING AND ACKNOWLEDGING THE EXECUTION AND DELIVERY OF (1) A FIRST AMENDMENT TO BOND PURCHASE AND LOAN AGREEMENT AMONG LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, ECL PROPERTIES, LLC AND REPUBLIC BANK & TRUST COMPANY, A KENTUCKY BANKING CORPORATION (THE "BONDHOLDER"); (2) AMENDED AND RESTATED SERIES 2010A SPECIMEN BONDS (THE "AMENDED AND RESTATED BONDS"); AND (3) ALL OTHER RELATED DOCUMENTS NECESSARY THERETO. (Action Required By: July 2016)

Sponsors: Marianne Butler (D-15)

Attachments: [ORD 002 2016](#)

A motion was made by Council Member Peden, seconded by Council Member Butler, that this Ordinance be approved. The motion carried by the following vote and the Ordinance passed:

Yes: 24 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Mulvihill, Kramer, Blackwell, Fowler, Butler, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Excused: 2 - Welch and Downard

Enactment No: Ordinance 002-2016

10. [R-003-16](#)

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

Sponsors: Marianne Butler (D-15)

Attachments: [Cados Inc Louisville support letter](#)

[Cados Inc KEDFA board summary](#)

[RES 004 2016](#)

A motion was made by Council Member Woolridge, seconded by Council Member Peden, that this Resolution be approved. The motion carried by the following vote and the Resolution was adopted:

Yes: 23 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Mulvihill, Kramer, Blackwell, Fowler, Butler, Stuckel, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Excused: 2 - Welch and Downard

Abstain: 1 - Parker

Enactment No: Resolution 004-2016

New Business

The Clerk provided a first reading of the New Business items and their respective Committee assignments into the record.

Legislation assigned to AD HOC COMMITTEE ON LAND DEVELOPMENT CODE

11. [R-016-16](#)

A RESOLUTION REQUESTING THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING AND FORWARD A RECOMMENDATION TO THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT REGARDING PROPOSED LANGUAGE AMENDING THE INFILL DEVELOPMENT REGULATIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE TO ADDRESS THE RELATIONSHIP BETWEEN BUILDING HEIGHTS OF PROPOSED STRUCTURES ON INFILL SITES AND EXISTING STRUCTURES ADJACENT TO THE SUBJECT INFILL SITES AND WHETHER A STEPBACK REQUIREMENT FOR SAID INFILL STRUCTURES WITH PROPOSED BUILDING HEIGHTS GREATER THAN THE BUILDING HEIGHTS OF THE STRUCTURES ON ADJACENT PROPERTIES WOULD HELP MITIGATE ANY INCOMPATIBILITY POSSIBLY CAUSED BETWEEN THE DISPARITY IN BUILDING HEIGHTS OF NEIGHBORING PROPERTIES. (Action Required By: July 2016)

Sponsors: James Peden (R-23)

Attachments: [Resolution regarding Infill stepback](#)

Legislation assigned to APPROPRIATIONS, NDFS AND CIFS

12. [O-007-16](#)

AN ORDINANCE APPROPRIATING \$7,000 FROM DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE HIGHLANDS COMMUNITY MINISTRIES, INC. FOR EXPENSES ASSOCIATED WITH THE MEALS ON WHEELS AND HIGHLANDS COMMUNITY CAMPUS LUNCH PROGRAM. (Action Required By: July 2016)

Sponsors: Tom Owen (D-8)

Attachments: [O-007-16 HCM](#)

13. [O-009-16](#)

AN ORDINANCE APPROPRIATING \$15,250 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$3,500 FROM DISTRICT 15; \$2,000 EACH FROM DISTRICTS 12, 25, 14, 21; \$1,500 FROM DISTRICT 13; \$500 EACH FROM DISTRICTS 9, 3, 8; \$250 FROM DISTRICTS 6, 2, 5; TO LOUISVILLE METRO PARKS DEPARTMENT, TO SUPPORT THE 2016 SERIES OF MOVIES UNDER THE STARS, CONCERTS, AND OTHER FREE EVENTS, OPEN TO THE PUBLIC, AT IROQUOIS PARK AMPHITHEATER. (Action Required By: July 2016)

Sponsors: Marianne Butler (D-15), Bill Hollander (D-9), Rick Blackwell (D-12), David James (D-6), Mary C. Woolridge (D-3), Barbara Shanklin (D-2), David Yates (D-25), Cindi Fowler (D-14), Cheri Bryant Hamilton (D-5), Dan Johnson (D-21), Vicki Aubrey Welch (D-13) and Tom Owen (D-8)

Attachments: [MOVIES AMPHITHEATER 2016](#)

14. [O-012-16](#)

AN ORDINANCE AMENDING ORDINANCE NO. 191, SERIES 2015 WHICH APPROPRIATED A TOTAL OF \$61,400 IN NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE CENTER FOR ACCESSIBLE LIVING, INC. FOR MATERIALS TO CONSTRUCT WHEELCHAIR ACCESSIBLE RAMPS, STAIR RAILINGS AND GRAB BARS, BY ADDING \$2,400 FROM DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUNDS FOR A NEW TOTAL APPROPRIATION OF \$63,800. (Action Required By: July 2016)

Sponsors: Tom Owen (D-8)

Attachments: [SKMBT 42316011212390](#)

[ORD 191 2015](#)

[ORD 160 2015 AS AMENDED](#)

15. [O-013-16](#)

AN ORDINANCE APPROPRIATING \$20,910 FROM DISTRICT 15 NEIGHBORHOOD DEVELOPMENT FUNDS TO DEVELOP LOUISVILLE TO FUND A NEIGHBORHOOD PLAN FOR THE OAKDALE NEIGHBORHOOD. (Action Required By: July 2016)

Sponsors: Marianne Butler (D-15)

Attachments: [Oakdale Plan Proposal L.F. 2016](#)

16. [O-017-16](#)

AN ORDINANCE AMENDING ORDINANCE NO. 215, SERIES 2015 BY ADDING \$400 FROM DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE ALREADY APPROVED \$19,050 FOR A NEW TOTAL OF \$19,450; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE WAR AGAINST VIOLENCE CORPORATION FOR COSTS ASSOCIATED WITH THE "YOUTH ALERT!" VIOLENCE PREVENTION/HEALTH COMMUNITY OUTREACH PROGRAM AT HIGHLAND MIDDLE SCHOOL. (Action Required By: July 2016)

Sponsors: Tom Owen (D-8)

Attachments: [SKMBT 42316011515550](#)

Legislation assigned to BUDGET17. [O-011-16](#)

AN ORDINANCE AMENDING ORDINANCE NO. 103, SERIES 2015, RELATING TO THE FISCAL YEAR 2015-16 OPERATING BUDGET FOR LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$20,000 FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 21) TO LOUISVILLE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 21). (Action Required By: July 2016)

Sponsors: Dan Johnson (D-21)

18. [O-016-16](#)

AN ORDINANCE AMENDING ORDINANCE NO. 103, SERIES 2015, RELATING TO THE FISCAL YEAR 2015-16 OPERATING BUDGET FOR LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$20,000 FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 15) TO LOUISVILLE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 15). (Action Required By: July 2016)

Sponsors: Marianne Butler (D-15)

Legislation assigned to COMMITTEE ON HEALTH AND EDUCATION19. [R-010-16](#)

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FUNDING IN THE AMOUNT OF \$37,309 FROM THE ASSOCIATION OF PUBLIC HEALTH LABORATORIES (APHL) FOR EXPANDED ACCESS TO INTERFERON GAMMA RELEASE ASSAY (IGRA) TO BE ADMINISTERED BY PUBLIC HEALTH & WELLNESS. (Action Required By: July 2016)

Sponsors: Vicki Aubrey Welch (D-13)

Legislation assigned to PLANNING/ZONING, LAND DESIGN AND DEVELOPMENT

20. [O-020-16](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 9801 WHIPPS MILL ROAD CONTAINING 1.4 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1018). (Action Required By: April 28, 2016)

Sponsors:Madonna Flood (D-24)

Attachments: [15ZONE1018 Plan \(2\)](#)

[15ZONE1018 Minutes](#)

[15ZONE1018 Staff Reports](#)

[15ZONE1018 Legal Description](#)

[15ZONE1018 Finding of Facts](#)

[15ZONE1018 Applicant's Booklet](#)

[15ZONE1018 Justification Statement](#)

21. [O-021-16](#)

AN ORDINANCE CHANGING THE ZONING FROM M-2 INDUSTRIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 7775 DIXIE HIGHWAY CONTAINING 1.56 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1046). (Action Required By: April 28, 2016)

Sponsors:Madonna Flood (D-24)

Attachments: [15ZONE1046 Plan](#)

[15ZONE1046 Minutes](#)

[15ZONE1046 Staff Reports](#)

[15ZONE1046 Legal Description](#)

[15ZONE1046 Staff's Finding of Facts](#)

[15ZONE1046 Applicant's Justification](#)

22. [O-022-16](#)

AN ORDINANCE CHANGING THE ZONING FROM R-6 MULTI-FAMILY RESIDENTIAL TO OR-3 OFFICE/RESIDENTIAL AND C-2 COMMERCIAL ON PROPERTIES LOCATED AT 1124, 1130, 1132 REUTLINGER AVENUE AND 1034 E. OAK STREET CONTAINING 2.430 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1050) (Action Required BY: April 28, 2016)

Sponsors:Madonna Flood (D-24)

Attachments: [15ZONE1050 Plan](#)

[15ZONE1050 Minutes](#)

[15ZONE1050 Staff Reports](#)

[15ZONE1050 Legal Description](#)

[15ZONE1050 Staff's Finding of Facts](#)

[15ZONE1050 Applicant's Justification](#)

[15ZONE1050 Public Materials](#)

[15ZONE1050 Legal Description for C-2](#)

23. [O-023-16](#)

AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTIES LOCATED AT 6780 DIXIE HIGHWAY, 4532 AND 4534 KERRICK LANE AND TAX BLOCK 1032 LOT 200 CONTAINING 2.94 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1020). (Action Required By: April 28, 2016)

Sponsors:Madonna Flood (D-24)

Attachments: [15ZONE1020 Plan](#)

[15ZONE1020 Minutes](#)

[15ZONE1020 Staff Reports](#)

[15ZONE1020 Legal Description](#)

[15ZONE1020 Findinf of Facts](#)

[15ZONE1020 Applicant's Justification](#)

[15ZONE1020 Public Materials](#)

24. [O-027-16](#)

AN ORDINANCE CHANGING THE ZONING FROM C-R COMMERCIAL RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 1318 MCHENRY STREET CONTAINING 7.70 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1056). (Action Required By: April 28, 2016)

Sponsors:Madonna Flood (D-24)

Attachments: [15ZONE1056 Plan](#)

[15ZONE1056 Minutes](#)

[15ZONE1056 Staff Reports](#)

[15ZONE1056 Legal Description](#)

[15ZONE1056 Staff's Finding of Fact](#)

[15ZONE1056 Applicant's Justification](#)

[15ZONE1056 Public Materials](#)

Legislation assigned to PUBLIC SAFETY

25. [O-015-16](#)

AN ORDINANCE REQUIRING IDENTIFICATION OF SHOPPING CARTS AND ESTABLISHING CIVIL PENALTIES FOR VIOLATIONS. (Action Required by: July 2016)

Sponsors:Pat Mulvihill (D-10), Rick Blackwell (D-12) and Vicki Aubrey Welch (D-13)

Legislation assigned to PUBLIC WORKS, BRIDGES & TRANSPORTATION

26. [R-011-16](#)

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF ART TO LOUISVILLE METRO GOVERNMENT WITH AN ESTIMATED VALUE OF \$27,038 TO BE HUNG IN THE MAYOR'S CONFERENCE ROOM IN METRO HALL. (Action Required By: July 2016)

Sponsors:Cheri Bryant Hamilton (D-5)

27. [R-015-16](#)

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$300,000 OF FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR STRUCTURAL REPAIRS TO A PORTION OF THE 100 BLOCK OF THE NORTH FOURTH STREET BRIDGE TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS & ASSETS. (Action Required By: July 2016)

Sponsors:David Tandy (D-4)

Attachments: [N 4th St Bridge \\$300,000 KYTC PWA MOA](#)

Announcements

Adjournment

Without objection President Yates adjourned the meeting at 6:56 PM.

Approval Signatures

The above Action Summary has been approved by the Metro Council.

H. Stephen Ott

Clerk of the Louisville Metro Council

David Yates

President of the Council

Date