

# Louisville Metro Government

601 W. Jefferson Street  
Louisville, KY 40202



## Action Summary - Tentative

Thursday, February 20, 2020

5:15 PM

First Floor Conference Room

### Committee of the Whole

*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 (R-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 B. Winkler (R-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)*

*\* Denotes the Committee Chair(s)*

## Call to Order

Council President James called the meeting to order at 5:21 p.m.

## Roll Call

**A quorum was established.**

**Present:** 24 - 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), Kevin Triplett (D-15), Scott Reed (R-16), 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), and Brent Ackerson (D-26)

**Excused:** 2 - Cindi Fowler (D-14), and Markus Winkler (D-17)

## Support Staff

**Sarah Martin, Jefferson County Attorney's Office**  
**Hollie Hopkins, Jefferson County Attorney's Office**  
**Jeff Derouen, Jefferson County Attorney's Office**  
**Travis Fiechter, Jefferson County Attorney's Office**  
**Jason Fowler, Jefferson County Attorney's Office**  
**Lauren Givhan, Jefferson County Attorney's Office**  
**Brittany Taylor, Office of Information Technology**

## Clerks

**Sonya Harward, Clerk**  
**David Wagner, Assistant Clerk**  
**Lisa Franklin-Gray, Assistant Clerk**

## Special Guests

[ID 20-0239](#)

**President James introduced Carolyn Franklin, US Census Bureau.**

**Attachments:** [PSA Scripts for Elected Officials.pdf](#)

[It's Easy for You to be Counted.pdf](#)

[Why We Ask Fact Sheet.pdf](#)

[How Census Data is Used flyer.pdf](#)

[Louisville Area Census Office recruiting flyer up to \\$23.50.pdf](#)

Carolyn Franklin spoke about the 2020 Census, requested help from the Council Members to spread the word, and relayed the following information:

- This year was the 10-year census and it begins in mid-March.
- Parts of downtown Louisville, parts of Shively, and Valley Station have some of the lowest response rates in the state.
- Children were the lowest accounted-for population, and 10 years later that has led to overcrowded classrooms, not enough funding for lunch programs and teachers, etc.
- Kentucky is a low-income state and it depends on the dollars allotted pursuant to the census count to operate, and a lot of funding is not received when people are not counted.
- The census is about how many people are in the community to determine if safety services, roads, grocery stores, etc. are needed.
- The survey for the census is advertised as 10 questions/10 minutes and it is the first time there is an online option.
- It was confirmed that there are part-time, temporary positions with very flexible hours available, including weekends, and the link to apply is: [2020Census.gov/jobs](http://2020Census.gov/jobs).
- Hours are very flexible and include weekends.
- There are SNAP and HUD waivers, so taking the job will not affect those benefits; additionally, Medicaid and TANF waivers will soon be approved.

## Review of Metro Council Agenda

[ID 20-0263](#)

**Addresses to Council - February 20, 2020**

**Attachments:** [Addresses to Council 022020.pdf](#)

[Handout RE Drug Testing Task Force.pdf](#)

The Clerk stated that there were four speakers and noted their topics as renewable energy, park and library safety, drug testing, and safety zones.

[ID 20-0264](#)

## Metro Council Agenda - February 20, 2020

Attachments: [FINAL Metro Council Agenda for 022020.pdf](#)

Council President James reviewed the items on the Metro Council agenda.

Council Member Peden requested that item 41 [R-169-19] be moved from the Consent Calendar to Old Business so that he can make an amendment.

Council Member Mulvihill briefly spoke about item 49 [R-035-20], which is on special legislation because the golf contract needs to take effect by March 1, 2020.

Council Member Piagentini spoke about items 50 [R-033-20] and 51 [R-034-20] regarding the TARC investigation and hiring an investigator. He explained that after the Resolution to initiate the investigation is passed, the Government Oversight and Accountability Committee can adopt additional Resolutions requesting materials, documentation, and people to testify before the Committee pursuant to the scope of the investigation. He stated that if those requests are not fulfilled, the Government Oversight and Accountability Committee has the power to adopt a Resolution to subpoena such. He spoke about the scope of the investigation, which includes finding out how people are recruited and vetted for high-profile positions that run major departments and discovering what happened in this situation, with the ultimate goal being how to prevent this from happening again. He then mentioned the Resolution to hire David Beyer as the investigator.

Council Member Yates spoke about other investigations being done by professionals and how the Council needed to maintain its focus on how to prevent this from happening again.

Council Member Piagentini responded that the Council's investigation is not to get in the way of any other investigations that are going on and stated that the scope of the investigation will keep the investigation focused.

Council Member Hollander asked about the contract that was supposed to be attached to the Resolution regarding the hiring of David Beyer. He asked about the hourly rate and Council President James stated that it was \$150 per hour, not to exceed \$30,000. Council Member Hollander noted that the Council cannot pass the Resolution as it is written without the contract attached. Council President James assured him that the contract would be provided by the time the item was to be discussed in the Council meeting. [The contract was provided during Committee of the Whole.]

Council Member Green stated that she would object to making victims come before the Committee to be interviewed by her colleagues because that is not the intent of the investigation, and she is of the assumption that such is not the plan.

Council Member Coan referenced page 3 of the Resolution [R-033-20], under the third bullet point, where it includes language in regards to identifying and interviewing all persons who made allegations, and stated that this seems to be what many were suggesting be avoided. He suggested that this language

be revisited so that the public understands the intention of the investigation.

Council Member Piagentini stated that the language could be amended but he also noted that those who want to have their voice heard can speak or they can provide information through an anonymous spokesperson on their behalf, because he believes that part of the problem has been their lack of having a voice.

Council Member Mulvihill asked Council Member Piagentini for any background about other investigations that may be going on concerning this situation. Council Member Piagentini stated that he knew that the Administration had hired their own Counsel to do some sort of investigation but he does not know exactly what they are investigating. He also stated that he was not aware of any criminal investigation. Council Member Mulvihill stated that, based on some of the allegations and acts, there could be some criminal statutes that apply.

Council Member Sexton Smith spoke about the seriousness of this issue and the possibility of unintended revictimization, and that language was needed in the Resolution to prohibit this. She also stated that revictimization was different for every human being. She also shared her concern about Council Member Ackerson, as Chair of the Government Oversight and Audit Committee, not knowing the details of the investigation up to this point.

Council Member Ackerson stated that he was not part of the drafting of the documents but that he had reviewed the documents and does not have concerns, except that the women not be revictimized.

Council Member Blackwell asked how this situation was different since there were other situations in the past in Metro Government agencies that did not lead to investigations by the Council. Council President James stated that this situation was worse than any that has happened in other agencies, with this situation leading to total systemic failure that allowed the actions to continue. Council Member Blackwell asked why there was an investigation if a conclusion had already been reached. Council President James stated that they needed to go through the appropriate process to collect all the facts. Council Member Piagentini stated that there are enough credible allegations to know that an investigation is needed.

Council Member Hollander spoke about Resolution R-034-20 regarding the hiring of David Beyer and stated that he did not know enough about him to be able to approve the Resolution. Council Member George also voiced her concern about not having enough time to review the contract before voting on the Resolution.

Council Member Flood stated that this was an awkward situation as some Council Members knew what was going on and others did not. She again pointed out that the Resolution [R-033-20] states that victims would be identified and interviewed. Council Member Piagentini stated that an amendment was being drafted to protect the victims.

Council Member McCraney asked if the Council could go into closed session to discuss what some Council Members already know to determine if they should move forward with the Resolution at this time. The Council's independent

attorney, Jonathan Ricketts, responded that they could not go into closed session.

Council Member Fox asked if the urgency still existed since the Director of TARC was no longer employed, as they needed time to review the contract. Council President James stated that the Director being gone alleviated some of the issue, but there is still vulnerability that exists at TARC.

## **Announcements**

Hollie Hopkins, Jefferson County Attorney's Office, introduced Lauren Givhan from her office.

Council President James recognized the birthdays of Council Member Kramer and Council Member Dorsey.

## **Adjournment**

Without objection, Council President James adjourned the meeting at 6:06 p.m.