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PRO TEM HOLLANDER: The Regular Louisville Metro Council Meeting of May 11, 2017, will please come to order. Please rise for the Pledge of Allegiance to the Flag.

[Pledge of Allegiance.]

PRO TEM HOLLANDER: Mr. Clerk, a roll call, please.

MR. CLERK: Council Member Green.

COUNCIL MEMBER GREEN: Here.

MR. CLERK: Shanklin.

COUNCIL MEMBER SHAKLIN: Present.

MR. CLERK: Council Member Woolridge.

COUNCIL MEMBER WOOLRIDGE: Present.

MR. CLERK: Council Member Sexton Smith.

COUNCIL MEMBER SEXTON SMITH: Present.

MR. CLERK: Council Member Bryant Hamilton.

COUNCIL MEMBER BRYANT HAMILTON: Here.

MR. CLERK: Council Member James.

COUNCIL MEMBER JAMES: Here.

MR. CLERK: Council Member Leet.

Council Member Coan.

COUNCIL MEMBER COAN: Here.

MR. CLERK: President Pro Tem Hollander.

PRO TEM HOLLANDER: Here.

MR. CLERK: Council Member Mulvihill.

COUNCIL MEMBER MULVIHILL: Here.

MR. CLERK: Council Member Kramer.

Council Member Blackwell.

COUNCIL MEMBER BLACKWELL: Here.

MR. CLERK: Council Member Aubrey Welch.

Council Member Fowler.

Council Member Butler.

Council Member Reed.

COUNCIL MEMBER REED: Here.

MR. CLERK: Council Member Stuckel.

Council Member Parker.

Council Member Denton.

Council Member Benson.

COUNCIL MEMBER BENSON: Present.

MR. CLERK: Council Member Johnson.

Council Member Engel.

COUNCIL MEMBER ENGEL: Present.

MR. CLERK: Council Member Peden.

Council Member Flood.

President Yates.

Council Member Ackerson.

Council Member Leet.

Council Member Aubrey Welch.

Mr. President Pro Tem, we have 20 in attendance and a

quorum.

PRO TEM HOLLANDER: Thank you, Mr. Clerk.

Please cause the record to reflect that council members Fowler, Peden, Flood, and President Yates have excused absences.

MR. CLERK: So noted.

PRO TEM HOLLANDER: Clerk, are there any addresses to the council?

MR. CLERK: Yes, sir, there are.

PRO TEM HOLLANDER: Let me remind those making addresses to the council tonight to please refrain from profanity or making derogatory statements to council members.

Mr. Clerk, please bring them forward.

MR. CLERK: Samara Matthews.

>> Point of order, Mr. President, could we reset the clock to three minutes so the young lady has her full time?

PRO TEM HOLLANDER: Without objection, please do that.

SAMARA MATTHEWS: I want to thank you for the opportunity to speak. My name is Samara Matthews, I'm a member of the ninth grade, I'm a member of PAL. We meet every day after school in Lindhurst Church.

The vision is to create a healthier and safer community. We want families to have the necessary opportunities for relationships, networking and support.

Some of the most important projects we have worked on this year have been advocacy, social justice, and addressing social determinants that make our community unhealthy and

unsafe. We have learned that existing root causes by social policies impact the individual choices we make.

We as youth in our community need to make better personal choices. However, overwhelmingly we understand the social policies have a much greater impact. In our advocacy work, we have closely examined the challenges in our community. We have performed a star analysis looking at extreme challenges, opportunities, and threats. We also performed a walkability assessment. From these tools we learned there needs to be attention paid by community leaders to make our communities healthier and safe. I am here today to ask our city council to listen to our conditions. Please come and experience what we see. By using the advocacy school, we are attempting to speak truth to policymakers and others who can help us in changing our community. On Friday May 19th, 6:00 to 8:00 p.m. at the Lindhurst United Church of Christ we will have our event. Please joins for an evening of advocacy and empowerment.

I want to thank Louisville Metro Council for your time and allowing me to represent the PAL and let you know about this very important event.

MR. CLERK: Collette Mitchell Dee Duvall.

PRO TEM HOLLANDER: If someone could check if there's anyone in the overflow.

MR. CLERK: Dee Duvall.

Dzemila Bilanozic.

I apologize if I didn't pronounce your name right.

DZEMILIA BILANOZIC: My name is Dzemila Bilanozic. I live in district 11. Council Member Kramer is my representative. I am an immigrant and daughter of refugees. My family came to this country 20 years ago. I'm here to speak about my support for Louisville becoming a sanctuary city.

A couple weeks ago the festival was held in Louisville. On the first day of the festival in one of the first sessions talking about getting real about compassionate cities, mayors including our own spoke about what it means to be a compassionate city. To kick off the session author Karen Armstrong, compassion is not just a nice idea. It is a risk. It requires us to be disturbed. She went on to say compassionate cities disturb our dreams. What she meant was the act of being compassionate towards another person should make us uncomfortable because it is not easy. Later, mayor Greg Fischer spoke about how people in the community should feel like they have the opportunity to pursue the God-given potential. So I ask what is a compassionate city that does not provide that city to all who live, work, and play in it, if it does not stand up to bigotry and hatred by standing for and with its Muslim brothers and sisters, its black brothers and sisters, undocumented and unafraid, disabled, and LGBTQ. How can we call ourselves a compassionate city?

We need policies to make Louisville a city where everyone can truly prosper. Thank you.

[APPLAUSE.]

MR. CLERK: Thomas Reed.

THOMAS REED: Good evening. I will read parts of my April 2016 statement case CR-944 as follows. Judge BERKLUND, please write a written response. Now that you have sent off my grandsons to prison I know you have no intentions of releasing Keith from false imprisonment. I must make this plea. The state used his mental illness against him, ignoring my constant requests for him to receive psychiatric treatment. And then the state waited for him to get into trouble again as the state knew he would. Then the public defender, having Keith's 1,000 page mental health record showing his schizophrenia, bipolar condition and deep psychosis. Keith was forced into signing the illegal plea agreement by the public defender and commonwealth knowing full well his mental illness denied him the capacity to participate in his own defense. He did not know what he was signing.

In addition, Louisville metro detention center committed cruel and unusual punishment by denying his medication on record and placing him into the general population. Moreover, there are no actual charges filed against Keith, since the commonwealth has not filed a signed criminal complaint in court to charge him. The commonwealth and court must authenticate all

cases with a signed complaint of validation in court. So here again my grandson is being held in false imprisonment. To show his drained state of mind, Keith signed the plea agreement even though we informed him there are no authenticated charges filed against him. As his grandfather and de facto guardian, I and my family members hereby confirm that Keith is mentally ill. So I plead with you to release Keith from incarceration but retaken him for psychiatric treatment programs. This would show hope to the thousands of others who need hope in our failing system. This statement was filed with Judge BERKLUND. Thank you.

[APPLAUSE.]

MR. CLERK: Ritchie Gypsy.

I apologize, sir, if I mispronounced your name.

RITCHIE GYPSY: If I can, I would like to make first a quick disclaimer before I start because the nature of some of the content of this, that any statements in this are no way directed towards council or anybody individually or collectively. They are a representation of the facts. Okay. Thank you.

My name is Ritchie Gypsy. I'm here to speak for our honorable Chief Conrad. When one has no answers and has no idea how to fix an issue it is easy to blame the chief of police for murders and crimes. No one can control what a criminal does. The criminals themselves can control that. One can only control what

they do in response. Our chief of police is a response. He responds to crimes as they happen. Want change?

Look at things like big blue house, the orchestra, that is positively for the -- in Portland, where I am from. In conclusion, trying to get the best chief of police this city has ever had resign or be fired would be the functional equivalent of handing a pyromaniac a book of matches. That's the functional equivalent. And to say the criminal would win. If you had no clue we were going to have a murder and drug increase, then you spend too much time in your office, too much attention to the news media, and not enough time out there in your area trying to help people. And to learn and find out facts. Any numbers can give you things on a computer. I know, I can program it, but the numbers are only as valid as what the input is. If you don't have 100% input, then you don't have correct results. Simple as that. You never get 100% input. All crimes are not reported, so you never have that. What we need is we need people, and you do need, and I support our chief and his response to the Metro Council.

I am an ex-convict. I haven't had a felony conviction in over 30 years. I am a former gang member. I am a person that was labeled as one of the meanest people in Portland. So I know. And for me to be up here and speak for our chief of police, he is good, he is really good. He helped turn me around. And like I said, I am a notary public, I obey all laws, I have sent

countless of people to Yale with the surveillance system. I have no crime, no drugs, nothing on my block. That is what it takes. But if I would have had a mother and father that gave a crap and gave me direction, I would have never seen the penitentiary.

If you want real help, I would offer to come to your council and tell you where you need to guide your direction, along with Chief Conrad, and I think we can resolve the issues. Thank you, like I said, this was directed at nobody individually or collectively, just how I see it. Thank you for the job you do. I believe you were an officer, thank you for your service. Thank you

MR. CLERK: Chris Thieneman.

CHRIS THIENEMAN: Ronald Reagan stated the nine most terrifying words in the English language are I'm from the government and I'm here to help. But I stand here today and say should we apply such thinking to the police?

The answer depends on whom you ask. On the one side we have officials who consider the police department beyond reproach. But on the other side, the side that I sit, are those who believe that the police are increasingly abusing their power. There is no better example of this polarizing way of thinking than what this city is facing with the nomination of Ricky Jones to the citizens Planning Commission on police accountability. There are those like FOP president Dave Munchler that don't want an outspoken board member. But I remind myself

the FOP president's job is to protect the good and the bad cops. It also dawned on me what FOP stands for. Fraternal order of police, as in fraternity. I understand frat houses. I was a football player at U of L. I hung around them. Members protect the good and the bad members publicly. All the more reason for a well-diverse police accountability board. I know firsthand what it is like not to have an unbiased group or any unbiased individual to report an abusive cop. I am a victim of an abusive cop. I went everywhere I could to report her. I went many times and tried to talk to the chief, and he avoided me like the plague. I finally reached out to him after I filed the lawsuit, and he said he couldn't speak because of the lawsuit. I just dropped off the copies of my lawsuit the other day, so you should have them.

I did not want to sue the police department, but I had no choice, no other way to seek justice. Now I have 39 seconds and I'm going to speak as fast as I can.

I did have correspondence with the abusive cop's first Sergeant who was disappointed that I was outspoken about a cop. And in his own words, and admitted, and I have it in an e-mail, she was biased towards men for 20 years they knew that. Just as recently as yesterday I had a former law enforcement officer tell me that I am obsessed with this case. If standing up for an abused cop is considered obsessive, then I am guilty as charged. My experience has taught me that police officers just don't like

to report to their colleagues, which leads me to what I have for each of you. I brought all of you a book tonight written by my friend norm Stanford. He was a beat officer if San Diego and worked his way up to chief of police from Seattle, Washington. He knows firsthand how broken the police departments are in this country and was inspired by his experience to write.

PRO TEM HOLLANDER: Mr. Thieneman, your time is expired.

CHRIS THIENEMAN: I urge you to read the book, to protect and serve, how to fix the police in this country.

MR. CLERK: Direct of Self.

DISTRICT OF SELF: I wrote a 30-page narrative detailing the issue I will speak about but I obviously don't have time to read that. I will say that narrative was written to inform human rights organizations and interested parties about the horrific crimes in which our local law enforcement and some local government personnel are participating. The response to this narrative was not one of disbelief, but rather belief and subsequent cognitive dissonance. Due to my time limit tonight, I have no choice but to similarly voice the bare necessities of my concerns rather than build a convincing narrative that shows an undeniable pattern of severe abuse of state power that is being committed by local law enforcement which includes the LMPD, the St. Matthews PD, Shelbyville, Jeffersontown, Jefferson County sheriffs and the St. Matthews fire department as well as

recruited citizen thugs from the south end of Louisville and rural Kentucky. A further participant in this unconstitutional and criminal abuse of my life is the St. Matthews government.

Some of those who have participated in this stalking, terrorizing and harassment of my life are not only the aforementioned police departments but have been of the likes of Jessamine County and flying confederate flags from their truck. That the police and white supremacists in Kentucky would be stalking and harassing me has been given great credence by the report that states U.S. law enforcement infiltrated by white supremacists.

A further participant in the harassment of my life is what I can only call a gang of Harley Davidson riders. These people have the luxury of executing a noise campaign in front of my home by constantly riding the loud bikes on the street where I live. I have no much video and photographic evidence of the stalking that when coupled with the 30-page chronology of the abuse, my accusations are undeniable. Therefore, not long ago I decided to stop taking photographic and video evidence. However, when the St. Matthews fire department and the LMPD decided it was not outside of their criminal because despicable amoralities to stalk me last week at one of the buildings I attend for cancer treatment, I began photographing yet again. As to why I am a victim of this crime against humanity being perpetrated by the metro Louisville Police Department, St. Matthews city

council and other local law enforcement, I can only guess. I will say this, though. There have been several stories in the career journal and the near past regarding a bar on Bardstown Road called cahoots.

In one of the articles the proprietor told a reporter it seems like someone is out to get cahoots. I can corroborate this. I am a threat to no one. I have written five novels. I am a peaceful person. My final comment is this. If this can happen to me it means the mechanisms are in place to do it to anybody. Thank you.

MR. CLERK: Jackie Belcher.

JACKIE BELCHER: Hello. My name is Jackie Belcher. Thank you so much for the privilege to speak to you all today. I'm a proud lifelong Louisvillian, a product of Jefferson County Public Schools and of the University of Louisville. I grew up in the Beechmont neighborhood. Louisville is an amazing city. Recently we have been going by opportunity city and compassionate city. Now we claim to be a welcoming city. But I was deeply disturbed to see U.S. Customs and Border Control at the track on Saturday. While we were all sipping our juleps and fawning over each other's pets, immigrant workers on the backside were probably in fear for themselves and their family.

I have also worked at two downtown hotels on Main Street and I have personally talked to workers there who are feeling the same anxiety. It makes me nauseous to think we as a

city aren't taking a stand to protect the people who make the events on which the city's economy is oh heavily reliant upon possible.

Along with the humanitarian crisis of fleeing Syrian refugees we must step up our game in Louisville. It is not enough to say that we are a welcoming city. We must become a sanctuary city. This means saying no to all executive orders that hurt immigrant families, black communities, the LGBTQ community, youth, the disabled, and low income and working people.

We should not cooperate with I.C.E. or U.S. customs or border patrol administrators. Worry of being put in the crosshairs really tome just sounds like cowardice. When has anyone stood up for anything that is right and not been put in conflict?

You are essentially saying you value the city funding over the dignity of human lives. We must join the sister cities and others in adopting an ordinance to be a sanctuary city. I stand with many on this issue, and the time to act is now.

I am in full state of the appointment of Dr. Ricky Jones to the police commission. He understands the unfortunate realities of violence in our city and the difficulties the LMPD faces on a day-to-day basis. He will be a fair and tough voice on the panel. I have a lot of respect for our police department, which is why I believe they can handle any sort of criticism.

Someone has said they thought some of his tweets are a bit out of line which that I simply say LOL. I think we have all seen far worse and embarrassing tweets from higher up in the chain of command. I would also bet there were people who found the truth of Martin Luther King's words to be upsetting at the time but we are all the better for hearing them. We as a city cannot allow a highly intellectual leader in the African-American community to be silenced like we have seen time and time again in the past. I support Mayor Fischer and his nomination of Dr. Ricky Jones. Thank you so much for your time. I really appreciate it.

[APPLAUSE.]

MR. CLERK: Stacey Ayers.

STACEY AYERS: Good afternoon, council members. My name is Stacey Ayers and I'm here on behalf of the AFSCME members working Ott Louisville metro corrections. Over the last few months we have been given packets of information regarding the working conditions for the AFSCME members that work for corrections. The membership comes to you today to ask what Metro Council can do to make organizational and systemic changes at correction. The administration has continued to create a hostile work environment where the members fear for their job safety. When the staff make a mistake, the administration gives excessive and inconsistent discipline to staff members, often

threatening suspension days or termination instead of using progressive disciplinary as outlined in the DBA.

Administration also continues to bring back retirees to fill positions that current employees should have the opportunity to bid for and advance within the workplace. Your previous packets contain documents showing the positions that have been created as well as positions that management has eliminated over the years.

And all the current open positions that continue to go unfilled. The formally retired employee and now records coordinator has no problem writing up his staff for errors but continues with status quo instead of updating policies and training programs to protect the staff and public and prevent errors. Metro corrections continues to violate their own policies as well as Metro Government policies. For example, another retiree was placed into a managerial position as the offender service manager. This employee has a history of workplace violence and is now in the direct chain of command of his pal's mother as well as his wife. This violates corrections' chain of command policy and Metro Government's nepotism policy. AFSCME echoes the same concerns with the sworn officers with regards to retaliation of the members.

Staff safety has an issue discussed with the administration. Safety concerns including working with more aggressive inmates without proper staffing levels, broken

security doors, cameras going down, control panels not functioning, broken intercoms, leaky ceilings. This has been a huge concern for staff.

Lastly, assistant director Steve Jerome stated in a recent news article that nobody is at risk of harm. AFSCME has included the recent statistics in a packet that you were given this evening showing assaults from May 2015 to May 2016 as well as May 2016 to May 2017 within LMDC. The combination of staff and inmate assaults have increased a total of 209% within a year. Staff and inmates are being harmed, and statistics do show that. AFSCME comes to you asking you to hold corrections leadership accountable for the current working conditions and make broad organizational and systemic reforms to a very dysfunctional department. We would like to schedule a meeting you all to discuss further in depth the issues and possible resolution. Thank you.

[APPLAUSE.]

MR. CLERK: Mr. President pro tem, this concludes the addresses to council.

PRO TEM HOLLANDER: Next we have approval of the council minutes for the regular meeting of April 27th, 2017. Any corrections or deletions.

>> Move approval.

>> Second.

PRO TEM HOLLANDER: The minutes have been properly moved and seconded. All those in favor please signify by saying aye. Opposed? The ayes have it. The minutes are approved as written.

Next we have approval of the following Committee minutes, all in 2017:

Special: Committee of the Whole, April 27.

Special: Contracts and Appointments Committee, May 1.

Regular: Planning/Zoning, Land Design and Development Committee, May 2.

Regular: Labor and Economic Development Committee, May 2.

Regular: Community Affairs, Housing, Health and Education Committee, May 3.

Special: Public Safety Committee, May 8.

Are there any corrections or deletions? May I have a motion and second for approval.

>> So moved.

>> Second.

PRO TEM HOLLANDER: Minutes have been properly moved and seconded. All in favor. Opposed?

The ayes have it. The minutes are approved as written.

Mr. Clerk, do we have any communications from the Mayor?

MR. CLERK: We do, sir.

PRO TEM HOLLANDER: Please read those into the record.

MR. CLERK: Dear President Yates: In accordance with the Volunteer Fire Districts Ordinance, I am appointing the following to the Fairdale Fire Protection District Board:

Barbara Sivells, new appointment, Property Owner Appointment. Term expires June 30, 2018.

Your prompt action on this appointment is most appreciated. Sincerely, Greg Fischer, Mayor.

Dear President Yates: In accordance with the Planning Commission Board, I am appointing the following to the Planning Commission Board:

Ramona Lindsey, new appointment. Term expires October 1, 2019.

Your prompt action on this appointment is most appreciated. Sincerely, Greg Fischer, Mayor.

Read in full.

PRO TEM HOLLANDER: Those appointments needing Council approval will be assigned to the Committee on Appointments. Our next order of business is the Consent Calendar. The Consent Calendar comprises item numbers 11-18.

Are there any additions or deletions? Seeing none, Mr. Clerk, a second reading of these items.

MR. CLERK: APPOINTMENT OF YVONNE WELLS-HATFIELD TO THE CODE ENFORCEMENT BOARD. TERM EXPIRES FEBRUARY 9, 2019.

APPOINTMENT OF MARITA WILLIS TO THE METROPOLITAN SEWER DISTRICT. TERM EXPIRES JUNE 30, 2019.

RE-APPOINTMENT OF CREIGHTON MERSHON TO THE WATERWORKS BOARD. TERM EXPIRES APRIL 30, 2020.

RE-APPOINTMENT OF CHARLES RICKETTS, JR., TO THE CITIZENS COMMISSION ON POLICE ACCOUNTABILITY BOARD. TERM EXPIRES MARCH 27, 2021.

A RESOLUTION AMENDING RESOLUTION NO. 53, SERIES 2012, REGARDING THE GRANTING OF LOCAL INCENTIVES TO KINDRED HEALTHCARE, INC., PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32, TO CHANGE THE APPROVED COMPANY NAME TO KINDRED HEALTHCARE OPERATING, INC., TO MODIFY THE PROJECT, AND TO ADD APPROVED AFFILIATES AND ASSIGNEES.

A RESOLUTION AUTHORIZING THE MAYOR AND LOUISVILLE FORWARD TO APPLY TO THE COMMONWEALTH OF KENTUCKY FOR AN ECONOMIC DEVELOPMENT GRANT FOR THE BENEFIT OF RESTAURANT SUPPLY CHAIN SOLUTIONS, LLC IN THE AMOUNT OF \$500,000 AND TO ACCEPT SAID GRANT IF AWARDED.

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO GENERATION TUX, INC., FORMERLY KNOWN AS ZTUX, INC., AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO CLARIANT CORPORATION AND ANY SUBSEQUENT ASSIGNEES

OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154,
SUBCHAPTER 32.

Read in full.

PRO TEM HOLLANDER: May I have a motion and second for approval?

>> So moved.

>> Second.

PRO TEM HOLLANDER: The Consent Calendar has been properly moved and seconded. It requires a roll call vote. Will the clerk please open the vote.

COUNCIL MEMEBER ENGEL: Mr. President Pro Tem, I will vote yes on the Consent Calendar.

PRO TEM HOLLANDER: Please record Council Member Engel as a yes.

>> How about that? Two yeses. Thank you.

PRO TEM HOLLANDER: Without objection, the voting is closing. And the voting is closed.

MR. CLERK: There are 21 yes votes and five not voting.

PRO TEM HOLLANDER: The Consent Calendar passes.

Next item of business is Old Business.

Mr. Clerk, a reading of item 19.

MR. CLERK: AN ORDINANCE CHANGING THE ZONING FROM R-5A RESIDENTIAL MULTI-FAMILY TO PRD PLANNED RESIDENTIAL DEVELOPMENT ON PROPERTY LOCATED AT 6635 WOODS MILL DRIVE CONTAINING 13.18 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1053).

Read in full.

PRO TEM HOLLANDER: May I have a motion and second for approval.

>> So moved.

>> Second.

PRO TEM HOLLANDER: The motion is before us. Is there any discussion?

Councilman Stuckel.

COUNCILMAN STUCKEL: Thank you, Mr. President. This site is currently vacant. The proposed use is 82 single-family attached townhouse-style lots. As a point of reference, this is about a half mile west of Riverside Farnsley Moremon landing. There was no opposition.

The Planning Commission unanimously recommended approval, as did our planning and zoning committee. And this is in Councilwoman Fowler 's district. She is not here tonight, but my understanding is she is very much for this.

PRO TEM HOLLANDER: Is there any further discussion?

Hearing none, this is an ordinance requiring a roll call vote. Mr. Clerk, please open the voting.

Without objection, the voting is closing. And the voting is closed.

MR. CLERK: There are 21 yes votes and five not voting.

PRO TEM HOLLANDER: The ordinance passes.

Mr. Clerk, a reading of item twenty.

MR. CLERK: AN ORDINANCE CHANGING THE ZONING FROM R-5A RESIDENTIAL MULTI-FAMILY TO R-6 RESIDENTIAL MULTI-FAMILY ON PROPERTY LOCATED AT 1111 ROSE HILL LANE CONTAINING 3.04 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1077).

Read in full.

>> So moved.

>> Second.

PRO TEM HOLLANDER: The ordinance is now before us with a motion and second. Is there any discussion?

Councilman Stuckel.

>> Thank you again, Mr. President.

1111 Rose Hill Lane. This is a rezoning of 20 existing condominium units near Christian academy. They are converting private roads and drive lanes to a public right of way. This is a changing in zoning to a zoning district with a higher density per acre. A public hearing was held April 6, 2017. There was no opposition. The Planning Commission unanimously recommended approval, as did our Planning/Zoning committee.

This is in Councilman Benson's district. He will probably want to speak.

PRO TEM HOLLANDER: Councilman Benson.

COUNCILMAN BENSON: Thank you, Mr. President. This is a really good thing. And I'm for it and hope y'all will vote for it. Thank you.

PRO TEM HOLLANDER: Is there any further discussion?

Hearing none, this is an ordinance requiring a roll call vote. Will the clerk please open the voting?
Without objection, the voting is closing. The voting is closed.

MR. CLERK: 21 yes votes and five not voting.

PRO TEM HOLLANDER: The ordinance passes.

Mr. Clerk, a reading of item 21.

MR. CLERK: AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO R-6 RESIDENTIAL MULTI-FAMILY ON PROPERTY LOCATED ON THE SOUTH SIDE OF STONESTREET ROAD CONTAINING 3.820 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1078).

Read in full.

PRO TEM HOLLANDER: May I have a motion and second for approval?

>> So moved.

>> Second.

PRO TEM HOLLANDER: The ordinance is before us. Is there any discussion?

>> Again, thank you, Mr. President. Steinstreet Road. This site is currently undeveloped. The proposed use is apartments, a total of 15 dwelling units. A public hearing was held on April 6th, 2017, and there was no opposition. The Planning Commission unanimously recommended approval, as did our Planning/Zoning committee. This is in President Yates' district, and I have a statement from him on this, which I will read.

President Yates received communication from the president in the Tennessee hills neighborhood located across Stonestreet to the north. Requesting the information on the zoning development. After providing this information, district office did not receive further concern regarding the proposed concern or zoning change. Due to no verbal or written concerns, President Yates is impartial to the zoning change, so we would recommend a yes vote.

PRO TEM HOLLANDER: Is there any further discussion?

Hearing none, this is an ordinance requiring a roll call vote. Would the clerk open the voting?

Without objection, the voting is closing. And the voting is closed.

MR. CLERK: There are 21 yes votes and five not voting.

PRO TEM HOLLANDER: And the ordinance passes.

Mr. Clerk, a reading of item 22. MR. CLERK: AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 115 OF THE LOUISVILLE METRO CODE OF ORDINANCES TO ESTABLISH A COMMERCIAL QUADRICYCLE PERMIT AND ADOPT REGULATIONS FOR COMMERCIAL QUADRICYCLES. (AS AMENDED).

Read in full.

PRO TEM HOLLANDER: May I have a motion and second for approval?

>> So moved.

>> Second.

PRO TEM HOLLANDER: The amended ordinance is before us. It came out of the Labor and Economic Development Committee.

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. In 2016 the Kentucky general assembly approved and the governor signed senate bill 11 which created the new section of KRS authorizing public consumption alcohol beverage license. But in order to get the license, which is the companion piece to this, we have to set up a commercial quadricycle permit.

This ordinance that we have before us establishes regulations and adopts what the operation in metro Louisville is. Sets up requirements for an operating permit and procedure for approval of travel route. This was amended in committee for a temporary route for a defined amount of time to expire at the end of the period. The temporary amendment allows quadricycles -- and you have seen them operating around town as the thirsty peddler. So if you are having an organized or civic event you must have the express written permission to get this temporary travel permit. It has to be submitted to the department of codes and regulations for consultation with the department of public works, which will have the authority to approve, deny, or modify these temporary travel routes.

What happens is the permanent travel route is established at the downtown area. But if you wanted to have temporary routes in conjunction with festivals and other events

that take place outside of the downtown area, you would have to apply for a temporary permit. So that is the amendment that came out of committee, and that is the version we are asking for your support tonight. I would like to move that amendment first.

PRO TEM HOLLANDER: Is there any further discussion? Hearing none, this is an ordinance requiring a roll call vote. Would the clerk please open the voting.

MR. CLERK: There are 21 yes votes and five not voting.

PRO TEM HOLLANDER: The amended ordinance passes.

A reading of item 23.

MR. CLERK: AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 113 OF THE LOUISVILLE METRO CODE OF ORDINANCES TO ESTABLISH (AN) AUTHORIZED PUBLIC CONSUMPTION OPERATIONAL ZONES PURSUANT TO KRS 243.089. (AS AMENDED).

Read in full.

PRO TEM HOLLANDER: I have a motion and second for approval?

>> So moved.

>> Second.

PRO TEM HOLLANDER: And the amended ordinance is before us.

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. Back to the Kentucky general assembly in 2016 creating this new alcohol beverage license called the authorized

public consumption license. And we are approving that tonight, which would allow the commercial quadricycle businesses to operate in the zones with alcohol.

In addition to establishing the permanent operational zones, this ordinance was amended to allow for the temporary operational zones, APC operational zones, as I mentioned for festivals, community events, and such. The event license will expire at the end of the event. It will only be for a limited period of time, and it would also require the approval of department of codes and regulations, public works, for that route. So we ask for your support.

PRO TEM HOLLANDER: Thank you. Is there any further discussion? Hearing none, this is an ordinance requiring a roll call vote. Would the clerk please open the voting.

Without objection, the voting is closing. And the voting is closed.

MR. CLERK: 21 yes votes and five not voting.

PRO TEM HOLLANDER: And the amended ordinance passes.

Mr. Clerk, a reading of item 24.

MR. CLERK: AN ORDINANCE AMENDING CHAPTER 90 OF THE LMCO RELATING TO THE PROHIBITION OF SMOKING IN DESIGNATED AREAS. (AMENDED BY SUBSTITUTION).

Read in full.

PRO TEM HOLLANDER: May I have a motion and second for approval?

>> So moved.

>> Second.

PRO TEM HOLLANDER: The amended ordinance is before us. This came out of the Community Affairs Committee.

Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Yes. Thank you, Mr. President. This is the hookah and E cigarette ordinance. And it is Vicki Welch who filed this, and she will be speaking on it. And hopefully we will pass it tonight, because it has been in my committee for over three weeks, and I'm ready to let it go. So thank you.

PRO TEM HOLLANDER: Councilwoman Welch.

COUNCILWOMAN AUBREY WELCH: Thank you, Mr. Pro tem and Councilwoman Shanklin. As the primary sponsor of the amendment to add e-cigarettes and hookah to the 2008 comprehensive smoking ordinance and myself being in discussion for nearly a year I'm proud we passed an amendment by substitution at the committee last week by a vote of 4-1. The other sponsors did agree we need to compromise on the legislation after having the hearing on April 20th. I do want to say that as a health care professional 34 years I am still of the opinion that neither e-cigs nor hookah can be deemed safe or healthy for human consumption and there are effects to secondhand vaping and hookah which are harmful. However, I believe we have come to a compromise with the business owners and the Louisville metro Department of

Health and wellness as well as the majority of our council members who can support this. And I do want to thank Dr. Sarah NOYER, Kelly Watson of the mayor's administration, health department, Sarah Martin and her staff at the county attorney's office and our staff who worked tirelessly and diligently with Dr. Shanklin and I on the research to get this language crafted.

I also want to say thanks to Councilwoman Parker and Cindi Fowler for their input in many conversations that we have had.

We do have a few more amendments to consider tonight due to some other information that has come to light. And the first proposed amendment is on the definition of tobacco business. We had removed that in our legislation last week, but we do need to put that back in. The very same definition that came out, we do need to put that back in because we did find another facility, and this is stating that facilities are owned or leased by tobacco manufacturers or wholesalers for the promotion, testing, research, and/or development of tobacco products for purposes of this chapter, a tobacco manufacturer or wholesaler shall be an establishment that generates 75% or more of its total annual gross revenues from the sale of tobacco products. And we do have one of those left in our city that does employ 100 workers, therefore, we do need that back in.

And we also on number 90.03 the prohibition of smoking in public buildings in exception number two would be tobacco

businesses, any tobacco business must register with the Louisville metro health department to be eligible for the exception.

So I move that amendment.

PRO TEM HOLLANDER: Is there any further discussion on the floor amendment? Hearing none, all in favor please say aye. Any opposed? The ayes have it. The floor amendment passes.

Is there any further discussion?

>> I believe there are two other amendments necessary. And I guess Councilman Coan, did you want to?

COUNCIL MEMBER COAN: Sure. Thank you, Mr. President pro tem and Councilwoman Welch. I wanted to propose an amendment on what is called the dwelling exception. When I was reviewing the smoking ban, I noticed what appeared to me to be a glaring exemption of places smoking was still allowed. And that was under what unfortunately was called dwellings. Dwellings makes you think of a private residence. And the definition of dwelling in the smoking ban was any place used primarily for sleeping overnight and conducting activities of daily living, including without limitation a hotel or motel room or sleep or a hospital, hospice, or nursing home room but not a hotel/motel hospital, hospice or nursing home lobby, common elevator, common hallway or other common area. So really it was an exception for hotels and motels, hospitals, hospice and nursing homes.

And number one, I wanted to protect all the employees of those businesses and institutions because I know there are hundreds or thousands of them in this community. And then also I had the suspicion that customary business practices have moved ahead of the ordinance, these businesses don't in fact allow smoking anyway. We investigated that and I spoke with Karen Williams, who is the president and CEO of the convention and visitors bureau and also an ex officio member of the Greater Louisville Hotel and Lodging Association and asked them if they had any opposition to removing hotels and motels for the exception for smoking, and they did not. I'm very pleased to see that. And I believe Karen is here, if anyone has any questions at any point.

And then the other three exceptions were for hospitals, hospice or nursing home rooms. And our health department did some research regarding nursing homes. The Kentucky office of the inspector general's list of long-term care facilities was checked against a list of nursing homes on Medicare.gov in the 2017 nursing home inspection. 54 places in Jefferson County were identified as long-term care facilities or nursing homes. Every facility on the list except for one which had a discontinued phone number and out-of-date contact information was contacted regarding their policy on smoking indoors. All of the 53 facilities confirmed that smoking is not allowed indoors.

A list of 17 assisted living communities certified annually by the Kentucky Department for Aging and Independent Living was also assessed. All of the 17 facilities do not permit smoking inside their facilities, even if the residents have a private room.

And finally all the major health care systems hospitals already have comprehensive smoke-free policies in place which include electronic cigarettes.

I propose striking the dwelling exception and clarifying that it does not apply to private residences. Obviously, a privately owned home or an apartment that somebody leases from a landlord. And also in section 90.0 to three the exception section, exception A1 would read that there is an exception for private residences or extended stay lodging except when they are used as a licensed day care, health care, facility. And that language comes from the existing ordinance.

Quick word on the extended stay lodging. Extended stay lodging is different than hotels and motels. Extended stay lodging, and there is a new definition proposed for that as far as my amendment, accommodations for persons away from their permanent place of relationships which are available on at least a 30-day basis and may include kitchen facilities. This term does not include hotels, motels, inns, bed and breakfast, short-term rentals, boarding and lodging houses, nursing homes or assisted living residences. Extended stay lodgings are closer

to private residences than some of these other temporary lodging facilities. They do not pay a transient room tax, for example.

That is my amendment.

>> Second.

PRO TEM HOLLANDER: There is a motion and a second for the floor amendment.

Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I have a real big problem with part of this. I just wanted to talk to the main author of the smoking ordinance. I don't smoke but I certainly think I have a dog in this fight. We are here overreaching again to the citizens that choose to go in a hookah bar or smoke e-cigarettes, but I don't know where all of this concern is when we have to breathe the air West Louisville and Rubbertown and companies are not in compliance. I want to know where is all the concern. But here we are, I can decide whether I want to go in a hookah bar and smoke, which I don't. And as far as the dwellings are concerned, I'm really concerned about that, because I asked the sponsor of this amendment what other cities did we compare this with.

And there are no other cities that we compared. People come in town. I have stayed in some of the best hotels, let me just say that. And the first thing they ask me when I call for reservations, they say do you want smoking or non-smoking? So I asked the sponsor of this amendment what other cities did you

compare it with? Because we always compare what we do with our other surrounding cities. There was no comparison. I will be voting against this entire ordinance because of this dwelling in here, but I am glad that my colleagues will allow people to smoke in the private residence if they want to. That is good to know. I still think this council is overreaching. I think it is overreaching. I was one of the primary sponsors of the smoking bill. So we can go too far and stay too long, and I think that is what is happening in this. Thank you, Mr. President.

We have four more people in the queue. I presume to talk about the dwelling amendment.

>> As a follow-up question that I have in the Committee of the Whole, as I am reading this language, it says it doesn't include hotels and motels and bed and breakfast but by virtue of staying at hotels and motels, can it be construed that, yes, it does include those.

>> Thanks, Councilwoman Denton. I would probably rather defer to Sarah Martin.

>> I support your intent of what you are trying to do. My concern is that it is going to include those apartments that are in hotels, because of the way it is written. That is my only concern.

>> And at the committee of the whole meeting when Karen discussed there are certain hotels in town that rent apartments, they have the ability to separate which units are

being used as hotel rooms versus extended stay lodging or private residences. Some hotels are apartments. I thought I heard Karen say, and, Sarah, please correct me, they have the ability to distinguish.

>> And I read this in the landscaping the first time. It just concerns me that the language doesn't differentiate that those apartments in the hotels are considered the extended stay lodging because it is already saying in here -- see what I'm saying?

>> I do. Perhaps you could say this term does not include hotel or motel rooms or suites to distinguish it from the apartments of the extended stay units.

>> I just wanted to make sure it is clear so that somebody can't misconstrue it later. That's all.

>> Is there a request to modify the language?

PRO TEM HOLLANDER: Councilman Coan.

COUNCILMAN COAN: If making it say this term does not include a hotel or motel room or suite as in the current dwelling exception, I certainly don't have any problem with that if you think it helps clarify things.

>> What if it is hotel or motel short-term stays, stays that are less than 30 days?

>> I have no problem with that.

>> I just want to make sure it is clear so that nobody gets confused down the road.

PRO TEM HOLLANDER: I will let the county attorney think about that for a minute.

Council Member Coan, without objection, I believe there is a third amendment that we can go to at this point and come back, thinking there would be a revision there anyway. Without objection, I'll call on Councilman Blackwell for a proposed third amendment while the change to the second one is being reviewed by the county attorney.

>> Thank you, Mr. President pro tem. So the third amendment is the one that says proposed amendment on hookah lounges. And I want to -- I am going to move this amendment for friend and colleague Councilwoman Fowler who wasn't able to be here tonight but has worked extensively on this. I first want for the record to read her statement and follow up and read the amendment and explanation.

So first she says, Councilwoman Fowler, I'm not against an amendment to ban e-cigs or hookah in public places. It makes complete sense to stop using the products in public areas. What does not make sense to me is banning hookah lounges from allowing the adults to enter the business for the sole purpose of smoking in a hookah device. The current only delays the inevitable. By eliminating the months out of the year they can comfortably take this outdoors, it limits the properties. This isn't the only smoking ban where bars and restaurants said it will put them out of business. Hookah is their business.

There would no model, especially if they have seating for 60 indoors and only 20 outdoors. This will cut their bottom line significantly. These people have leases, some have bought the businesses and have a mortgage. That is why I have asked Councilman Blackwell to introduce an amendment in my absence that will ultimately grandfather hookah lounges, not restaurants, and exempt them from the ban. They will not be able to operate a food service or sell alcoholic beverages. You must be 18 years or older to enter. The sunset provision would be dropped. I appreciate your consideration and, yes, vote on this commonsense amendment.

So the commonsense amendment is before you. So you see hookah establishment is changed to hookah lounges. A business primarily dedicated to onsite smoking through hookah pipes including but not limited to establishments known as hookah bars. Meet the definition of lounge, must have been in operation since May 1st, 2017, to not allow minors in the building or be a licensed food service establishment. That is what I just read to you.

And then underneath this, underneath the exceptions, consumption of any non-tobacco products other than hookah at a hookah lounge. Must register with Louisville metro health department, if the operation is no longer eligible, the registered hookah lounge may move locations but additional

retail operations are ineligible. The exception shall expire no later than June 1st, 2019.

I move that amendment.

PRO TEM HOLLANDER: What I would like to do here, if I could, we have a motion pending and a second. If Councilman Coan could withdraw that motion and Councilman Blackwell withdraw the second for the dwelling exception, we can then move to actually vote on what we currently have before us.

>> Withdraw my motion.

>> And I withdraw my second.

PRO TEM HOLLANDER: Now we will come back to that, the dwelling exception, when we hear from the county attorney.

>> Do I need to move my motion again for this amendment? I do.

PRO TEM HOLLANDER: Please.

>> I move the motion for the amendment that I read.

>> Second.

PRO TEM HOLLANDER: We have a motion and a second on the proposed amendment on hookah lounges.

Councilwoman Green.

COUNCILWOMAN GREEN: Thank you. Let me first say that I think this entire process has been a publicity stunt, perhaps, a talking point for re-election. It is hard for me to take seriously the idea that people are so concerned about health when I have a hearing before the air pollution control district

about a facility in Rubbertown, the air pollution control has recommended a city-run agency, a mayoral administrative-run organization, has recommended these exemptions be there. So it is very difficult for me to digest what people want to do in the privacy and as adults, when we have toxins and carcinogens blowing all throughout West Louisville and everybody including the administration does not seem to care.

[APPLAUSE.]

The second point that I have is that it is difficult for me to be able to ascertain why this amendment is proposed by Councilman Blackwell will be good for the hookah bars. I don't know of anyone who sits down and smokes hookah for four hours without an alcoholic beverage or without a sandwich or without a chicken wing. It is difficult for me to understand how this is not a slow walk to death for these businesses for people who have invested their livelihood. There are seven of the hookah bars in the city. We are introducing and making exceptions for other businesses that are there. And I'm not about putting small businesses out of business when people who are there are adults and they are doing what it is that they want to do. Thank you.

PRO TEM HOLLANDER: Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President pro tem. I cannot support this amendment. When I spoke with Councilwoman Fowler, I was under the impression that she was trying to just delay the implementation. But I have only visited

two hookah lounges, and that has only been in the time that we have been discussing this issue. And I found them to be very nice places. I think it is probably a cultural or a generational issue.

When I went, there were millennials there on their laptops playing chess, playing checkers in different establishments, watching TV. And I felt in a safe environment. You may not think that hookah is safe, but better than being in some of these other establishments, the clubs that millennials have to go to where they could wind up getting shot or something else happens. They are in there -- wow -- enjoying themselves in a safe environment. Some of the best food I have had were in both of these places, one on Frankfort Avenue and the other on Third and Oak. I think we are reaching too far. If you know it is a hookah establishment, I never went before because I didn't want to go. But I went to see for myself what it was all about. And people were sitting, as Rick Blackwell is to me, and I couldn't tell they were doing anything. I couldn't smell anything. I didn't feel anything. So I didn't see that it was such a big deal. I can see limiting e-cigarettes to minors, but when we have this kind of amendment here allowing them not to sell alcohol, not to sell food, nobody goes that I saw there just to do that. They are there to socialize. So I'm not in favor of this amendment.

[APPLAUSE.]

PRO TEM HOLLANDER: Councilwoman Parker.

COUNCILWOMAN PARKER: Yes. I have been working on some of these amendments throughout the past month and we have gone around and around with people trying to make these work for the small businesses and work to get them passed for the council. So I was just wondering if I could offer a friendly amendment to this amendment, if we removed the restriction from alcohol and beverages to service this establishment.

If there's any support for that.

>> Councilwoman Parker.

COUNCILWOMAN PARKER: Would you repeat that, please, so I can understand what you are saying?

>> Yes. If we could, because there is concern of taking out the alcoholic beverages and have to be licensed as a food service establishment, if we could go back to hookah establishment and take out the word "lounge." I would welcome some discussion on that.

>> Mr. President, could I get some clarification on where in the sheet we are talking? I see hookah lounge. Are we still talking about the first paragraph there, just the word hookah lounge?

>> Yes. And I'm not sure these establishments even serve alcohol.

>> The two I visited did.

PRO TEM HOLLANDER: So we have a request for a friendly amendment, Councilman Blackwell.

COUNCILMAN BLACKWELL: I would not see that as a friendly amendment. I think that is in direct conflict with the point of the amendment. The point of the amendment was from Council Member Fowler was to carve out an exemption for the hookah only, those people who this is what they do for a business, and not for the restaurants. To add the restaurants and the bars back in there, it is the same argument that we had back when we did smoking bans to begin with. If you have a restaurant that allows for smoking, and you know it allows for smoking, go somewhere else to eat. If there's a bar that allows for smoking and you don't want to smoke, go somewhere else to go to a bar. The same thing here. So you are saying there is Mediterranean or some kind of restaurant that you really like that allows for hookah indoors, go somewhere else. I think it flies against the point of the amendment.

PRO TEM HOLLANDER: We now have the proposed amendment on hookah lounges as proposed by Councilman Blackwell on behalf of Councilwoman Fowler. There has been a motion and second on that. Is there any further discussion on that amendment?

Hearing none, Councilwoman Green.

COUNCILWOMAN GREEN: I do understand, Councilman Blackwell, the reason that Councilwoman Fowler proposed this is to provide a carve-out and exception for the hookah bars,

correct? Okay. All right. And for that reason, I will be voting for the amendment, because otherwise if it wasn't there I would just no on all of it. Thank you.

PRO TEM HOLLANDER: Is there any further discussion on the proposed amendment on hookah lounges?

Councilwoman Denton.

COUNCILWOMAN DENTON: Are we voting on Councilwoman Parker's amendment to the amendment?

PRO TEM HOLLANDER: No, we are not. We have a proposed amendment on the floor. Councilwoman Parker asked if it could be a friendly amendment to the amendment, which is on the floor, and that was not granted. So we are voting on the original proposed amendment.

>> And this amendment will prohibit the hookah restaurants and the hookah bars, this is only allow -- because it says shall not allow any minors in the building or to sell alcoholic beverages or be licensed with the food service. They can't serve alcohol or food, is that correct, under this amendment? I just wanted to make it clear. Thank you.

>> The exemption is what Councilwoman Fowler was trying to do, carve out an exemption for those who are hookah-only, who make their living off of hookah.

PRO TEM HOLLANDER: Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: I was under the impression that it was trying to grandfather these establishments. Is that part of this amendment?

PRO TEM HOLLANDER: The proposed amendment on hookah lounges is before us. There is a motion and second. Seeing no one else in the queue, is there any further discussion? Hearing none, all those in favor please signify by saying aye. Opposed? Can we please have a roll call vote on that? The voting is closing. And the voting is enclosed.

MR. CLERK: There are 14 yes votes, seven no votes, five not voting. The no votes are council members Woolridge, Bryant Hamilton, Coan, Butler, Stuckel, Denton, and Johnson.

PRO TEM HOLLANDER: The amendment passes. The proposed amendment on hookah lounges.

Now we will return to the proposed amendment on dwelling exceptions.

Councilman Coan.

COUNCILMAN COAN: I don't know if the county attorney is ready or not. I think there was a question that Councilwoman Denton had asked about whether or not to change the definition of extended stay lodging to clarify the issue.

PRO TEM HOLLANDER: Please identify yourself.

SARAH MARTIN: Sarah Martin for the county attorney's office. Council Member Coan, I attempted to communicate the

proposed new language for you, but the text message or e-mail probably didn't reach you.

I can read the additional language we worked on and see if that is sufficient your amendment.

So at the end of the extended stay lodging definition that you previous read we propose adding a comma after assisted living residence, wherein a unit could be rented or leased for less than a 30-day time period.

>> Would you repeat that, please?

>> Yes, ma'am. The suggested new language pursuant to the new language, adding a comma after assisted living residence and adding the language, wherein a unit could be rented or leased for less than a 30-day time period.

PRO TEM HOLLANDER: And this is at the end of the definition of extended stay lodging.

>> Yes, sir.

>> Fine by me. I'm not sure if it clarifies for Councilwoman Denton or not.

PRO TEM HOLLANDER: Councilwoman Denton.

COUNCILWOMAN DENTON: Well, the only question I have about that is if nursing homes or assisted living residences, people sometimes do live there for less than 30 days at a time because they don't need to be there longer than that. People will go into assisted living for rehab, and they go into a nursing home because maybe they have had some traumatic fall

with surgery or something and they need a place to be out of the hospital setting. I'm for what you are for and I want to make sure the language reflects that, and I think saying less than 30 days, some of those facilities do have less than 30 days.

PRO TEM HOLLANDER: Council Member Coan.

COUNCIL MEMBER COAN: And those for the stays that are less than 30 days there is no exception.

>> If this covers it, I'm fine. I just want to make sure.

PRO TEM HOLLANDER: If that is fine with this ladies and gentlemen, we would need a second to bring it before us.

>> Motion.

>> Second.

PRO TEM HOLLANDER: We have a motion and a second and the proposed amendment on dwelling exception.

Councilwoman Hamilton.

COUNCILWOMAN BRYANNT HAMILTON: I see boarding and lodging houses are included here. Could you tell me how they would be within this?

>> That is a policy decision for the committee to determine whether or not they want to include that in the exception.

>> So this is saying...

PRO TEM HOLLANDER: Is there any further discussion? Hearing none, all those in favor of the amendment on dwelling exceptions say aye. Any opposed? Please have a roll call vote.

MR. CLERK: 12 yes votes, nine no votes and five not voting.

PRO TEM HOLLANDER: The ayes have it. The amendment is approved.

We now have before us the amended ordinance as amended on the floor tonight by all three amendments, the proposed amendment on hookah lounges, tobacco businesses, and on dwelling exceptions.

Is there any further discussion? Councilman Kramer.

COUNCILMAN KRAMER: I may defer to Councilman Reed.

PRO TEM HOLLANDER: Councilman Reed.

COUNCILMAN REED: Thank you, Mr. President pro tem. I just wanted to say that I'm going to vote yes but there is a big part of me who are we to tell a private business owner to tell them what legal product can be sold on his or her premises and in their business. I think that is overreaching. But I am pleased that we were able to come up with some assessments that I think protect the business owner better than the ordinance as originally constructed. Thank you.

PRO TEM HOLLANDER: Councilman Kramer.

COUNCILMAN KRAMER: I was hoping maybe someone would proffer an amendment that would make it possible for me to avoid

it, but there has been a lot of conversation back and forth about this. This is not necessarily reflective on where many of us on the council actually are.

While it might not have been a friendly amendment, we certainly have the opportunity to offer it as an amendment and see how that bears out.

I will propose that we amend the ordinance in the first paragraph that Councilman Ackerson was asking about before, and the amendment would be pretty much the one that Councilwoman Parker has suggested or recommended, and that would be to remove the double strike-through and instead allow hookah lounges or hookah cafe to meet the definition of the establishment and then scratch lounge. And then scratch the language -- food service establishment. And I would like to make that as an amendment.

>> Second.

PRO TEM HOLLANDER: There is a motion and a second. Is there any discussion? Does everyone understand, that would be essentially an amendment to the hookah lounge section. Is there any discussion?

>> I would speak on behalf of the amendment, if I may.

As Councilman Reed just pointed out, we are talking about a legal product here. I know there has been a lot of talk about how unhealthy this is. And I remember the debate on the smoking ban. I was in a different place than before, and I am

grateful that the vote ended where it did instead of where I would have had it. I think the smoking ban would have been a much better decision than what some of us felt was appropriate.

But I have asked repeatedly for any evidence that this hookah product is in fact a serious health threat. There is one piece of research that I have been given done by -- I haven't been given anything from the federal government in terms of health department and things like that. I too have only been in two hookah bars in my life, both of them as a result of investigations. It just strikes me as this might be just a little bit too much. Give it a chance to play out and not take such a step for some of our small businesses.

PRO TEM HOLLANDER: Councilman Blackwell.

COUNCILMAN BLACKWELL: Quick clarification. So does that add in the -- add back the expiration?

>> I didn't take it out. Must have been in operation already. I didn't change that.

>> So the exception would expire?

>> I did not.

>> Just to be clear. What we are saying, we are -- I appreciate Councilman Kramer's hindsight on the smoking ban. But what we are doing on this amendment is exactly what people were arguing for the smoking ban. What we are doing is saying if an establishment is serving food, if they are a restaurant and they are doing hookah, they can continue to do that indoors. Those of

you who want to eat at that establishment, you just need to go somewhere else. If they have the best food in town, so be it. I have heard people say that. They went out -- I think Councilwoman Hamilton said it earlier. You went out and it found they have really great food.

So if you want to go to a place that has really great food, you can't do that under this amendment. You'll not be able to do that without having the effects of secondhand hookah smoke inside the building. And Councilman Reed, we are not telling a business they can't operate. You are not telling them what they can sell. You are saying that for the sake of health that we allow you to have that product, smoke the product outside, come back in, sit down with me, we can have a meal or drink together. When you decide to smoke the hookah, you won't be doing that next to me or blowing it or next to a family with kids or whatever.

Just so that we are clear. And on this we go from the original, where originally we were just going to give people two years to come up with an alternative, now you are saying we are going to allow those to be exempted forever. I don't think that is a good idea. I would urge my colleagues to vote against it.

PRO TEM HOLLANDER: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President pro tem. What I want to say is these places need time to adjust. If they were selling food and alcohol indoors, this ordinance is

supposed to go into effect in 90 days. The original ordinance for 90 days. That is the version I'm looking at.

Well, I don't have that on here. It says section six. Goes into effect in 90 days and approval. That is where I need some clarification then.

I can't hear you.

>> That has been changed. It was two years. It was June 1st, 2019. Now I don't know who --

>> I believe, if I may clarify, I believe that June 1st, 2019, is when the hookah lounge provision would take effect.

Councilwoman Hamilton is looking at the effective date of the entire ordinance.

>> Which is included in there. So what is the date for the hookah then? Is it two years? County attorney.

SARAH MARTIN: Sarah Martin with the county attorney's office. So the way the legislation passed out of the committee, the language June 1st, 2019, was to be as a sunset provision. So there would be an exception for hookah lounges for two years and then the exception would sunset. There would no longer be an exemption for the hookah lounge to allow for indoor smoking.

>> And you are saying that is in this version?

>> That was in the version that passed out of committee. What just was amended eliminated the sunset provision but altered the definition to be not allowing hookah lounges to provide food or alcohol and offering what people refer to as a

grandfather clause so the hookah lounge would then register with the health department they exist and so long as day continue, so long as they were in effect as a hookah lounge as of May the first and continue to operate, they will remain eligible for the exemption under the ordinance to allow folks who smoke non-tobacco products out of a hookah at the establishment.

>> And was that under the exemption for food and alcohol?

>> So Councilman Kramer, his amendment would continue with the grandfathered language and not the sunset. It would remove the alcohol and food license and the hookah establishment would continue to operate so long as they remain eligible for the exemption. So long as they continuously operate and meet the definition.

>> If we were going to require outdoor smoking, I just wanted to make sure that the establishments had time to renovate their premises or do whatever was necessary.

PRO TEM HOLLANDER: Councilman Kramer.

COUNCILMAN KRAMER: I apologize. I thought the question had been answered. The exception shall expire no later than June 1st of 2019 was stricken in the previous vote. And I didn't touch that language. That was stricken, not by anything I did. I am not interested in putting it back in. I made no comment about it.

PRO TEM HOLLANDER: Councilwoman Denton.

COUNCILWOMAN DENTON: The way the amendment passed previously, it only gives them the 90 days. And you can't serve alcohol or food; correct?

>> May I weigh in? So the entire legislation that is before you goes into effect in 90 days. And so as it applies to hookah lounges registering with the health department for the grandfather provision, it gives the hookah lounges 90 days to register with the health department, which is consistent with when it would go into effect.

>> At the end of the 90 days will they still be able to serve alcohol or food?

>> It depends if Councilman Kramer's passes.

>> Without Councilman Kramer's amendment, will they still be able to serve alcohol or food?

>> Not after the 90 days.

>> And smoke indoors.

>> And smoke indoors. But the food, as defined under the food service establishment, so they can serve certain types of food pursuant to the definition under chapter 118.

>> Thank you.

PRO TEM HOLLANDER: Seeing no one else in the queue, does anyone else want to speak on Councilman Kramer's amendment? If not, all in favor say aye. Opposed? Please have a roll call vote.

The voting is closing. And the voting is closed.

MR. CLERK: There are nine yes votes, 11 no votes, one present, and five not voting.

The nine no votes -- excuse me. I'm sorry. Let me try that again.

The yes votes, Council Members Green, Bryant-Hamilton, Kramer, Reed, Stuckel, Parker, Denton, Benson, Engel. And the present vote, Council Member Ackerson. The yea votes were nine and the nay 11.

PRO TEM HOLLANDER: The amendment fails.

We currently have before us the three amendments. The amendment on hookah lounges, the tobacco business amendment and the dwelling exception and the amended ordinance.

Is there any other discussion on the amended ordinance? Seeing none, this is an ordinance requiring a roll call vote. Without objection, the voting is closing. And the voting is closed.

MR. CLERK: There are 15 yes votes, six no votes, five not voting. The no votes are Council Members Green, Woolridge, Bryant-Hamilton, Reed, Denton, and Benson.

PRO TEM HOLLANDER: And the amended ordinance passes. Councilwoman Shanklin, point of order.

COUNCILWOMAN SHANKLIN: I just want to thank everyone, because I was ready to get it out of my committee. This was really hard. And I couldn't imagine staying another day and

dealing with this. So we finally passed it out. Thank goodness.
So thank everybody.

PRO TEM HOLLANDER: Mr. Clerk, a reading of item 25.

MR. CLERK: AN ORDINANCE ESTABLISHING A DEVELOPMENT AREA PURSUANT TO PROVISIONS OF KRS 65.7041-65.7083 TO BE KNOWN AS THE MAIN AND SHELBY DEVELOPMENT AREA, DESIGNATING THE METRO DEVELOPMENT AUTHORITY, INC., AS AN "AGENCY", ADOPTING A DEVELOPMENT PLAN, APPROVING ENTERING INTO A LOCAL PARTICIPATION AGREEMENT, AUTHORIZING THE PAYMENT OF THE "RELEASED AMOUNT" PURSUANT TO THE TERMS AND CONDITIONS OF THE LOCAL PARTICIPATION AGREEMENT, REQUIRING THE SUBMISSION OF REGULAR REPORTS TO LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY OTHER DOCUMENTS AND THE TAKING OF ANY OTHER ACTIONS NECESSARY TO ACCOMPLISH THE PURPOSES AUTHORIZED BY THIS ORDINANCE.

Read in full.

>> Motion to approve.

>> Second.

PRO TEM HOLLANDER: The ordinance is now before us. It came out of the Labor and Economic Development Committee.

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President Pro Tem. What we have before us tonight is the original ordinance which came out of committee without any amendments. This is a development agreement. Whereas the developer will

receive around \$5 million in TIF, property tax rebates over the next 20 years.

It is a Georgia LLC. The proposed project is a multifamily mixed use residential space for approximately 270-276 units with a five-story, 430-space parking garage at main and Shelby street.

This is approximately a \$56 million investment. Prior to this ordinance being brought before the council, the developer met and negotiated it with the administration and members of this council, and they were informed about our expectation of approximately 10% of the units reserved as workforce or affordable housing. The developer agreed reluctantly, noting that a housing development just across the street had not had to provide any affordable or workforce housing in their housing development. When the ordinance was introduced to the council and what came out of committee as the original agreement, and what you have before you right now is a reservation of 18 of the 270 or 276 units for rental at 80% of AMI.

The developer hopes to get the owner of the property to come down on the selling price in order to increase its profits. And I believe the owner did agree to a somewhat lower price but it was still not enough to have a large enough profit margin for the developer. So the negotiations were played out in public in our committee.

The developer threatened to walk away from the deal in hopes of convincing the owners to offer an even lower selling price. At the 11th hour the developer then proposed in lieu of providing any workforce housing units to pay metro \$500,000 in order to locate those units elsewhere in the city. At this point, the sponsor of the ordinance, the councilwoman in chose district would be, stepped in and began further negotiating with the developer. You are all aware that each of our TIF agreements for housing has been different. We have been flexible in the number of units reserved and exactly how the workforce and affordable housing desires of the Metro Council would be met. But the 10% was generally gaining acceptance as the new norm. We have not as of yet codified any language going forward in the future, but I am sure we will.

It will be negotiated with Louisville forward, 18, one-bedroom units would have rented for \$960 a month instead of \$1,360 a month. Over 20 years that would be \$1.5 million but on an annual basis would have been a sacrifice of \$75,600 or 1% of the projected annual revenues. That is a difference of about \$4.2 million versus four within the \$1 million in annual revenues. I know many millennials who are still straddled with student loan debt and are unable to afford their first home. They would love to live in the one-bedroom units. And a difference of \$950 versus \$1,300 a month is \$450 in rent, which would make a big difference in the monthly budget.

I refer to a recent magazine editorial. If the difference between this project being a worth while \$56 million investment is \$6,300 per month, then FLORINA could do something crazy by raising the rate on the remaining units by \$25. Problem solved. The revenue lost on providing workforce units is regained and the city continues to realize its goals of breaking down economic and residential barriers. We need to continue and do a much better job of integrating residential, socioeconomic classes. I hope our residential housing developers seeking TIFs in the future will take note of our intent to require the provision of affordable or workforce units and to negotiate in good faith and work out those details and their financial bottom line before presenting this before the council in the future.

Councilwoman Barbara Sexton Smith has an amendment to offer to the local participation agreement, which would designate six units rather than the 18, and the Louisville Affordable Housing Trust Fund would be the recipient of funds, which I know they will be happy to receive.

At this time I would like to call on councilwoman Sexton Smith to offer her amendment.

PRO TEM HOLLANDER: Councilwoman.

COUNCILWOMAN SEXTON SMITH: Yes. Thank you, President Pro Tem and Chair Bryant Hamilton.

Before I read my proposed amendment, president pro tem, may I make a few comments?

PRO TEM HOLLANDER: Absolutely.

COUNCILWOMAN SEXTON SMITH: Thank you very much. This development as has been stated is a \$56 million development, and we need as much economic development as we can get throughout our county. And Councilwoman Bryant Hamilton, I would like to say, has done a diligent effort and has provided a very steady hand throughout the entire committee process, and I wanted to thank her publicly for that. Because there were times when the negotiations were being proposed and counterproposed. And it was in an effort to save the deal. But never at all costs. The deal had to make sense. It had to make sense for housing. It had to make sense for retail. It had to make sense for economic development. It had to make sense for this council. It had to make sense as we reviewed the six previous TIFs tax increment financing ordinances that were approved during the last 18 months or 24 months by this particular council, and we needed to set a precedent as we were moving forward as has been stated for future tax increment financing requests.

So a couple of things I would like to point out. When an entity would request tax increment financing, they must be able to prove a public benefit. And the public benefit can come in a variety of ways. It may come in environmental remediation, it may come in historic preservation, and it may also come in affordable workforce housing so we can expand our mixed housing.

In particular project has all three. There is extreme environmental remediation that the developer has agreed to do. There is the original facade for the original office building that the developer has agreed to preserve along with other elements of the current office building, and additionally as a downtown resident for 17 years myself, I have no parking in the apartment where I live. I park in the Muhammad Ali garage. So I know how important and valuable parking where you live, if you live downtown, can be. I have just grown accustomed to walking down Washington Street alley and through the flood wall on a nightly basis to get home. I'm okay with that. But as your councilwoman, I'm not okay with future developments doing that. This project will have 430 parking spaces onsite. That is a highly coveted thing to have if you are going to live downtown.

Something else about economic development in the downtown area. We currently have downtown and the surrounding neighborhoods approximately 1200 residential units, apartments or condominiums under construction. Market research has shown us and the current Louisville magazine shows us and the Greater Louisville Project research shows us that we need to reach approximately 3,000 more residential units in the downtown area in order to draw the major retail that we keep talking about. And in order to draw that major grocery retailer. Yes, I get in my car and I drive all the way out to Bardstown Road. That is

what you have to do if you want to live in the downtown area right now, but not for long.

So I am going to offer an amendment, and the reason I jumped in and engaged in the negotiation process is because I believed in the project not at all costs, but I am a champion for affordable housing. I have gone on record as stating that, and I will be a champion for \$10 million in the affordable housing trust fund because I believe in that. Is the proposed amendment that I'm going to read to you perfect? No. Is it exactly what we wanted? No. But it is a good deal based on the value of negotiation. So we asked an attorney with Metro Council and the units are \$948,200. So if we have six units built on property that is moving us toward a precedent that we are going to stand firm and require units are included in a property. The value of those six units present-day is \$316,200. So the way to move the agreement to the original \$948,200 would be to request a one-time contribution. It will be the largest private contribution in the history of the affordable housing trust fund for \$634,000. That money will be restricted.

So the amendment that I'm going to read will contain the local participation agreement which spells out the money must be written and paid in full and confirmed receipt by the affordable housing trust fund before the first unit can be rented to anyone. That is right. So then the money must be restricted to areas that are not impacted by the census tract,

which means this money must be used for mixed use housing, affordable housing, throughout Jefferson County, which is the real long-term goal we all want. We are the fourth most segregated city in America, and that is completely unacceptable. This will move us in that direction.

So the amendment that I would like to read, president pro tem, for consideration reads that in the local participation agreement section 3.2 under the subject heading "contribution."

Prior to any released amount being paid to Louisville to the authority, the authority shall have provided evidence to Louisville that the contribution of \$634,000 has been paid by the developer to the Louisville Affordable Housing Trust Fund prior to the developer leasing any of the 276 units in the project. This contribution shall be restricted for use by the affordable housing trust fund to areas within Louisville that are not in an impacted census tract.

Second component of this amendment is section 3.3 subsection C.

A certification submitted by the developer evidencing that it made a good faith effort to verify that the tenants for the six, one-bedroom units were income-eligible to rent those units. Income eligibility shall be based on the Louisville area median household income as released annually by the United States housing and urban development. And shall be equal to or less than 80% of the Louisville area median household income.

Income has been verified at the time of the lease initially executed and reverified upon renewal. Or if the term of the lease is for more than one year annually.

Thank you.

PRO TEM HOLLANDER: Thank you, Councilwoman Sexton Smith. I believe you have read from the proposed floor amendment to exhibit C, the local participation agreement.

COUNCILWOMAN SEXTON SMITH: That is correct.

PRO TEM HOLLANDER: There is also on your systems a proposed Sexton Smith floor amendment to the actual ordinance. And is your motion to move both of those?

COUNCILWOMAN SEXTON SMITH: Yes. My motion is to move both of those, which would state as amended exhibit C.

PRO TEM HOLLANDER: There is a motion and a second. Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President pro tem. To my colleagues, who I respect tremendously, but tonight we are going to respectfully disagree. I want to take a few moments to talk about where we are at with this. This project is a luxury apartment complex, simple as that. So to try to make it sound like working class people are going to benefit from this is a farce, in my opinion. When I do the math, just on the bedrooms, the one-bedroom is what was being offered. Rented usually at \$1,300 per month. The average person is spending 25% of their income on housing means that is going to be a person who is

making \$62,000 to \$65,000 a year for one bedroom. The six units that are being proposed right now at \$950 a month, using 25% of a person's income, that one-bedroom unit means that person has to make \$45,000 to \$50,000 a year. The rest of the bedrooms are all going to rent at a much higher rate.

And my problem is this. It starts off with I have been an opponent to many TIFs before this body. A TIF is a great economic tool to be used in a brown field or underdeveloped area or blighted area to encourage businesses to come in and say, look, we realize you can't make money in this run-down area, but we are going to help you. Or if it is some kind of business where there is a benefit to the community being given, we say I know you can't make money, but we are going to bring you in so the community can receive benefit. That will be the truest version of the TIF.

What we are talking about here, this is PRIMO real estate in NULU, not some run-down area. This is area that is only going to go up higher. While maybe it is not perfect for some places now, as NULU continues to develop around it, the price tag will only go up further.

In addition to that, within a 2.2 square mile radius of this project we have TIFed or done economic incentives for seven other luxury apartments. This will be the eighth luxury apartment complex within a 2.2 mile radius.

We are talking about government dollars being used for this project. And what we have been talking about as a body is if you come to us, the government, say give us tax dollars, we need to ask for something in return. That something in return needs to be make way for real affordable housing. We all use the term AMI and workforce housing. Well, AMI and workforce housing is essentially 80% of what the average person makes. So for the one-bedrooms, if we are talking about not a family situation, a one-bedroom, unless everyone will bunk up in the same bedroom, talking about a family making \$45,000 to \$50,000 a year. We are not doing anything for the working family that has a couple kids, two and three-bedroom units making it available. If we want to bring in diversity that is important. The last thing we want to do is develop downtown for the rich only.

So my concern is we as a body were starlight to move towards developing a pattern of some sort of requirement. We talked 10%. Well, this place has 276 units. 10% would be 27.6. Let's round down, give them the benefit of the doubt. That should be 27 units. Because they want government tax dollars. If this project worked on its own financially, they wouldn't be here asking for money from us. They would be doing it on their own with no strings attached, no requirements. So if it doesn't make sense if they want to make their profits, the profit what we are talking about, they start off at ten units, we said 18,

which is still below our 10%. Not enough profit. But they are going to make out like bandits, period.

Now they come in and they say we will give you six units. Well, that is in my opinion six units is way low, not enough. And then on the incentive for the six units they say, well, we are going to give you how about some sort of deal, I don't know who started it, I wasn't involved in the negotiations, but essentially the deal almost sounds like a government shakedown. It is like you cut a check for \$634,000 to this project of our choosing and we will make this happen. That has a bad smell to it for me.

Now, what is even worse here is we are talking about giving them roughly \$5 million of taxpayer money. And they are talking about, well, you know what, we are going to give you \$634,000. Well, they are giving us their own money back because after they give us the \$634,000 they will still have \$4.4 million of tax dollars in six units. This is a difference of philosophy. We have a lot of respect for each other. The philosophy is this body needs to start making a stand. And that stand is you are going to come to us with your hand out, we want you to help us give people a hand up.

So there is talk of this situation. Either one, the deal, maybe it is just talk or maybe it is true that if we stuck with 18 units, which is still below our 10% margin we were looking for, should be 27 units here. That is what I think. If

that is the precedent we are looking to set, let's stick to our guns. Because again, this isn't some blighted piece of property out in some horrible run-down area. This is a primo piece of property on the rise. If they can't make it work for what we need, let the deal fall through. It is not going anywhere. Unless this is all about just developing to develop. Let's get \$56 million project into the city. Let's get some more luxury apartments. I don't have a problem --

And because of those reasons, I will be a no vote tonight. Barbara, I respect you and I greatly appreciate all the work you put in.

PRO TEM HOLLANDER: Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. Pro tem.

There are times when you know your colleagues -- they exemplify passion, professionalism, and persistence. The representative needs to be recognized for her incredible work on the project. Our council member -- knowing this fine councilwoman represents our great central business district and our city continues to be on the move. This residential push is where we need to go as a city. Our competitor cities are doing the same. We must continue to compete hard with these competitor cities for this type of project. For that reason I'll vote yes with the councilwoman for her great work.

PRO TEM HOLLANDER: Councilwoman Green.

COUNCILWOMAN GREEN: I will be supporting this project but I'm always obliged to note that as we evolve and as we decide where we as a council want to go with this, please remember that the vast number of individuals in our city, whether it is \$1,300 or \$1,000, it doesn't make that much of a difference. For my people, people can't afford \$1,000 a month for a one-bedroom apartment. And people who are poor, not just working class, deserve to be able to live, work, and play in the same neighborhoods that everybody can. And so while we go to the working individuals, I want us to begin to evolve to those for the poor and I hope that is the direction we are going in. Thank you very much.

PRO TEM HOLLANDER: Councilman Johnson.

COUNCILMAN JOHNSON: I'll be voting yes for this as well, and I call the question.

PRO TEM HOLLANDER: I see no one else in the queue. So this is an ordinance that requires a roll call vote. I'm sorry. We need to vote on the amendment first. We have an amendment. The amended ordinance and the amended local participation agreement which was all one amendment. That can be -- there was a motion and a second.

All those in favor of the amendment please say aye. Anybody opposed? We now have the amended ordinance before us. Is there any further discussion? Hearing none, this is an ordinance

requiring a roll call vote. Will the clerk please open the voting.

The voting is closing. The voting is closed.

MR. CLERK: 20 yes votes, one no vote and five not voting. The one no vote is Council Member Ackerson.

PRO TEM HOLLANDER: And the amended ordinance passes.

I want to state for the record I have been handed a note that Councilwoman Leet has asked for an excused absence. She had expected to be here, but she has been on a delayed flight and will not be. Please mark her so.

MR. CLERK: So noted.

PRO TEM HOLLANDER: Mr. Clerk, a reading of item 26, please.

MR. CLERK: APPOINTMENT OF RICKY JONES TO THE CITIZENS COMMISSION ON POLICE ACCOUNTABILITY BOARD. TERM EXPIRES APRIL 27, 2021.

Read in full.

PRO TEM HOLLANDER: May I have a motion and second for approval?

>> So moved.

>> Second.

PRO TEM HOLLANDER: The appointment is before us. Is there any discussion? Councilwoman Woolridge, this came out of your committee.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. Pro tem.

Yes. We had a special meeting for the appointment of Dr. Ricky Jones to the citizens commission on police accountability board. The term expires April 27th, 2021. I need to just do a little history about what happened here.

At our regular meeting, I was pretty much forced in a way to let FOP president speak. This is not a committee where we have folks that come in and speak for or against an appointment. Saying that, after the FOP president spoke, I felt obligated to let Dr. Jones speak, and he came and he spoke. This came out of committee with three yes votes and one present. And I'm asking my colleague here tonight for a yes vote on this appointment. Again, this is not a committee where we let people come and speak for an appointment or against an appointment. What we do when the mayor sends them over, we vote them up or we vote them down. And moving forward and going forward with me chairing this committee, this will never ever happen again. No one will speak for or against an appointment. And again, colleagues, I'm asking for a yes appointment on this, and I want to go on record as saying if we do not vote for this appointment, if we vote no for this appointment and we let FOP president decide who we appoint to these boards and commissions, we are on a very slippery slope.

One other thing I would like to say, Mr. President. This is an 11-member panel, board. If we appoint Dr. Jones to this commission tonight, there will only be three elected

African-Americans on this board. Again, I want to make it plain and make it strong that there is 11 members. It has taken a majority when you vote, you have to have a majority. So I don't know why anybody -- and some people are so intimidated -- with somebody that is overqualified to sit on this board. Again, I am asking my colleagues, don't let the FOP decide who we appoint to the committees and who we don't. Thank you, Mr. President.

PRO TEM HOLLANDER: Is there any further discussion?
Councilman James.

COUNCILMAN JAMES: Thank you, Mr. President. Because of my employment at the University of Louisville and my membership to the FOP, I'll have to abstain from this vote.

PRO TEM HOLLANDER: Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President pro tem. And to my colleagues, my vote tonight will be a no vote. I have explained that to some of you. And for those of you who know me, I'm not pushed around by anybody. I have no problem being the sole no vote, as we saw earlier. I speak my mind. I'm respectful about it. But my opinion is my opinion.

And this isn't to me an issue for me of FOP pushing me around. This is an issue for me of I'm a lawyer. And when I am trying to pick a jury essentially a jury is a situation where you are investigating the facts. This committee is a fact-investigating committee. We try to find as many people that

are impartial and towards the middle where they are not biased one way or the other so they will judge the facts on the facts.

I think that a major portion of that also is temperament. Because just as we do on a regular basis on this body, we disagree. But we don't resort to name-calling and badmouthing each other over those issues. Because lots of times educated people, reasonable people, will disagree. I think that the deciding factor for me -- and I know Mr. Jones is in the audience. I don't know him personally. I think he serves a great role in this community, the role of a critic, incredibly outspoken. And the greatest thing about the role of the critic is sometimes the critic is right. Sometimes the critic is wrong. But even when the critic is wrong the greatest thing the critic makes you do is double check your facts to make sure that you are right. Mr. Jones does serve a great role in the community. Dr. Jones serves a great role in this community.

However, my problem has been since this controversy broke, there has been a number of radio interviews and other things conducted. And rather than discussing the facts or the merits or potentially how people have the wrong opinion, it has resorted to name-calling. Calling people stupid, saying people have a third grade education and can't read. Saying that a member of this -- Mr. President -- again, this is part of the problem, we can't have a dialogue. We yell at each other.

PRO TEM HOLLANDER: Will the audience please remain silent?

COUNCILMAN ACKERSON: We have to respect each other's opinions because we are not always going to agree on everything. But a member of this body was called pee wee league. Those are problems that I have with temperament on this situation. I think that there is a lot of good people that can serve on this board. I just don't think that Dr. Jones is the right person for this board.

There has been talk of racism. I don't see racism from this. Again, there has been even talk, I think, on Terry Myers, essentially Mr. Jones said he doesn't really care about serving the board. He will if he is called to serve, he will serve. But this is more about the personal fight that he has with the FOP president and Councilwoman Denton. That gives me cause for pause also.

I think why I take those things into account, I have to be a no vote. I think that this board does deserve more diversity. Three, even if we voted yes tonight, three is still pathetic diversity upon this board. Pathetic. So we as a body have to work harder on that. In looking at the people who have requested to be on this specific board, the list that I saw had about close to ten African-Americans who had requested to be on this board. So we need to be looking to continue to diversify this board. But ultimately with the utmost respect to Dr. Jones,

I have to be a to vote tonight. And I just want to explain myself. Thank you.

PRO TEM HOLLANDER: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I would just like to say to my colleague -- can you hear me? -- the green light is on the mic.

Hello. Okay. What I would like for my colleagues to know, this board that we are hoping Dr. Jones will be appointed to tonight, this is an advisory board. And I hate to say this, but what it is is an advisory board. They advise folks, advise the president -- not the president -- advise the chief of police and the mayor how to do things. Nobody is beating up on the police or doing something bad. They just make recommendations. They cannot do anything.

I will say this board is like a bulldog that does not have teeth. Now we know a bulldog that does not have teeth cannot bite. This is an advisory board. I am pleading to my colleagues to vote yes for Dr. Ricky Jones for the appointment ton police accountability board. Thank you.

PRO TEM HOLLANDER: Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President pro tem.

Martin Luther King, Ann BRAYDEN, Muhammad Ali. These were all individuals who were hated and vilified because of their outspokenness. Later, they were deified. Let's not make a

mistake. This board advises the mayor and chief of police on matters relating to the quality and adequacy of investigations and may recommendation in police policy, training, and procedures as a result of this review. It is not doing another investigation. It is not coming forward until after the criminal investigation is completed. But they will be making recommendations. I think recommendations are valid. I think it takes people like a Dr. Ricky Jones to give us a fair examination and a balanced examination. He is only one voice, and I support his nomination.

PRO TEM HOLLANDER: Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Thank you, Mr. President. You know, we say that Dr. Jones is outspoken. So is the FOP president. He is outspoken too. As we look around this room, almost every one of us in here are outspoken. As y'all sit here and listen to what was going on, there were quite a few people that were outspoken. So there is nothing wrong with being outspoken. Sometimes you have to get your point across. So I just feel like we shouldn't even look at that being outspoken. We are all outspoken. If it is something dear to us, we are all outspoken. Thank you.

PRO TEM HOLLANDER: Councilwoman Green.

COUNCILWOMAN GREEN: Councilman Ackerson, you are a lawyer, I'm a lawyer too.

And we know that these individuals on this board will not sit in judgment of any police officers in the way that an individual on a jury does. So what you said really was not applicable. I will say that there has been a lot of hurt and angst amongst members of the community by this discussion. So as we talk about moving forward, I think that people should just be very concerned with some of the things and tread lightly with some of the things you say just to not cause people offense or hurt or anger. You don't want to vote for Dr. Jones, don't vote for him. That's fine. But to continue to have statements and vilify him is not something that I believe is appropriate. I believe we will stunt the process for this process of boards and commissions and make it more difficult for us to get people to serve. We know there are hundreds of vacancies amongst the hundred or so boards and commissions, and what average citizen is going to step forward and say sign me up if they have to lay themselves open to a process that we have had to endure and that Dr. Jones has had to endure like this? So vote for him or don't vote for him, but I certainly hope that we do not put citizens through this. We want people to step up, and this has just been horrible, in my opinion. Thank you.

PRO TEM HOLLANDER: Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President pro tem. If I vilified Dr. Jones or if it came across that way, that was

not my intention. If it came across that way, it was not my intent to vilify and if it came across that way, I'm sorry.

PRO TEM HOLLANDER: Is there any further discussion? Hearing none, this is an appointment allowing a voice vote. All those in favor say aye. Opposed.

>> Roll call, Mr. President.

PRO TEM HOLLANDER: Please open the voting, Mr. Clerk. The voting is closed.

MR. CLERK: There are 11 yes votes, eight no votes, one abstention, one present, and five not voting.

The no votes are council members Kramer, reed, Stuckel, Parker, Denton, Benson, Engel, the abstention is council member --

>> And Ackerson.

MR. CLERK: And Ackerson. I apologize. And then the one abstention is Council Member James, and the one present vote is Council Member Aubrey Welch.

PRO TEM HOLLANDER: And the appointment of Dr. Jones is approved.

[APPLAUSE.]

Next item of business is new business. As you leave the chambers, please, please do so quietly so the clerk may read new business. I would ask those council members that wish to make announcements to please remain in the chambers and request to speak on your system under announcements.

New business comprises of items 27-36.

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

AN ORDINANCE APPROPRIATING \$10,500 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$5,000 FROM DISTRICT 21; \$500 EACH FROM DISTRICTS 2, 4, 5, 6, 9, 10, 13, 15, 25, AND 26; AND \$250 EACH FROM DISTRICTS 3 AND 14; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO KENTUCKIANA PRIDE FOUNDATION, INC., FOR COSTS ASSOCIATED WITH THE KENTUCKIANA PRIDE PARADE, CONCERT, AND FESTIVAL.

AN ORDINANCE APPROPRIATING \$36,800 FROM DISTRICT 23 NEIGHBORHOOD DEVELOPMENT FUNDS TO DEVELOP LOUISVILLE, OFFICE OF ADVANCED PLANNING, FOR REMAINING EXPENSES RELATED TO THE HIGHVIEW NEIGHBORHOOD PLAN AND EXPENSES ASSOCIATED WITH IMPLEMENTING THE RECOMMENDATIONS FOUND IN THE NEIGHBORHOOD PLAN.

The following legislation will be assigned to the Budget Committee.

AN ORDINANCE RELATING TO THE 2017-2018 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INCLUDING APPROPRIATIONS AND AUTHORIZATIONS FOR OPERATION, MAINTENANCE, SUPPORT, AND FUNCTIONING OF THE GOVERNMENT AND ITS VARIOUS OFFICERS, DEPARTMENTS, COMMISSIONS, INSTITUTIONS, AGENCIES, AND OTHER METRO-SUPPORTED ACTIVITIES AN ORDINANCE RELATING TO THE 2017-2018 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INCLUDING

APPROPRIATIONS AND AUTHORIZATIONS OF FUNDS FOR GENERAL CONSTRUCTION, MAINTENANCE, REPAIR AND IMPROVEMENT OF THE FACILITIES AND ASSETS OF THE GOVERNMENT OF LOUISVILLE/JEFFERSON COUNTY AND OTHER LOUISVILLE METRO-SUPPORTED ACTIVITIES FOR 2017-2018.

The following legislation will be assigned to the community affairs, housing, health, and education committee.

A RESOLUTION HONORING THE CATHEDRAL OF THE ASSUMPTION'S MISSION TO SERVE THE LESS FORTUNATE IN DOWNTOWN LOUISVILLE METRO BY DEDICATING THE ALLEY AT THE CORNER OF WEST MUHAMMAD ALI AND CATHEDRAL WAY TO BE NAMED BOLOGNA ALLEY IN ITS HONOR.

The following legislation will be assigned to the contracts and appointments committee.

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT- (KELSEY CURRY - \$30,000.00).

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

AN ORDINANCE APPROVING THE 25th SUPPLEMENTAL SEWER AND DRAINAGE REVENUE BOND AUTHORIZING RESOLUTION ADOPTED BY THE BOARD OF THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (THE "DISTRICT") WHICH AUTHORIZES THE ISSUANCE OF THE DISTRICT'S SEWER AND DRAINAGE SYSTEM REVENUE BONDS, SERIES

2017A, (THE "CURRENT BONDS") FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF CONSTRUCTION OF THE 2017A PROJECT; AND PROVIDING FOR THE ADVERTISED PUBLIC COMPETITIVE SALE OF SAID CURRENT BONDS IN AN AMOUNT NOT TO EXCEED \$185,000,000.

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO STRONG TOWER CONSTRUCTION, LLC, DBA KOCH CORPORATION, AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

Mr. President, my paper is -- it is not. I'm sorry. It is in order.

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

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS FOR PRIVATE INSTITUTIONAL USES IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS THROUGHOUT METRO LOUISVILLE PENDING THE STUDY, REVIEW AND RECOMMENDATION BY THE PLANNING COMMISSION OF LAND USE REGULATIONS TO ADDRESS SUCH FACILITIES.

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

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$150,000 OF FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR THE DESIGN PHASE FOR THE CANNONS LANE SIDEWALK

PROJECT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS &
ASSETS.

Read in full.

PRO TEM HOLLANDER: Thank you, Mr. Clerk. I see no one
here with announcements. So with no further business to discuss,
without objection, we stand adjourned.

[REGULAR MEETING ADJOURNED]