

Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202



Action Summary - Final

Thursday, April 16, 2015

6:00 PM

Council Chambers

Metro Council

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

President: David Tandy (4)

Pro-Tem: David James (6)

Call to Order

President Tandy called the meeting to order at 6:10 PM and asked all to rise for the Pledge of Allegiance.

The Clerk called the roll and a quorum was established.

Members Roll Call

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

Jefferson County Attorney(s)

Assistant County Attorneys, Sarah Martin and Paul Whitty

Clerks

H. Stephen Ott, CKMC and Mary Whitlock, CKMC

Introduction of Page(s)

1. ID 15-357

2. ID 15-366

Council Member Johnson will introduce Henry Escobar as the Page from District 21.

Address to Council

3. ID 15-373

Attachments: [4-16-15- Address to Council Agenda](#)

The Clerk called forward the following speakers:

1. Daniel Cobble
District 11
Topic: U.S. Service Members & Veterans
2. Kamal Bista
District 2
Topic: Affordable Housing – For
3. Shelton McElroy
District 17
Topic: Affordable Housing- For
4. Tytianna Smith
District 3
Topic: Affordable Housing - For

Council Minutes**4. ID 15-367**

Regular: Metro Council Meeting - March 26, 2015

Attachments: [03-26-15 Action Summary.pdf](#)

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

Committee Minutes**5. ID 15-356**

Regular: Committee of the Whole - March 26, 2015

Attachments: [03-26-15 COW Action Summary](#)

6. ID 15-344

Regular: Public Works, Bridges and Transportation - March 31, 2015

Attachments: [03-31-15 PWB T Action Summary](#)

7. ID 15-343

Regular: Planning/Zoning, Land Design and Development - March 31, 2015

Attachments: [03-31-15 P&Z Action Summary](#)

8. ID 15-369**Regular: Appropriations, NDFs and CIFS Committee - March 31, 2015****Attachments:** [Approps Action Summary R 033115](#)**9. ID 15-345****Regular: Public Safety Committee - April 1, 2015****Attachments:** [04-01-15 Public Safety Action Summary Final](#)**10. ID 15-347****Regular: Budget Committee - April 2, 2015****Attachments:** [04-02-15 Budget Action Summary](#)**11. ID 15-349****Regular: Committee on Contracts and Appointments - April 2, 2015****Attachments:** [4-2-15 Contracts and Appointments Action Summary](#)
[4-2-15 Appointments Committee Talking Points](#)**12. ID 15-370****Regular: Ad Hoc Committee on Land Development Code - April 13, 2015****Attachments:** [041315 Ad Hoc LDC Action Summary](#)

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

Communication From the Mayor

The Clerk read the appointments into the record.

13. ID 15-362

Parkland Neighborhood Plan Advisory Group - Ameerah Granger, Steven Kelsey, Harvetta Ray, Dwight Sweeney, Michael Thomas, Sr., Charles Weathers, Kevin Wigginton, (New Appointments) Metro Council approval is not required.

Attachments: [APTS PARKLAND NEIGHBORHOOD PLAN ADVISORY GROUP - Council approval not required -4-13-15](#)**Consent Calendar**

Legislation forwarded from APPROPRIATIONS, NDFS AND CIFS

14. O-054-15

AN ORDINANCE APPROPRIATING \$10,000 FROM DISTRICT 18 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE STERLING SPRINGS ESTATES RESIDENTS ASSOCIATION, INC. FOR RETENTION POND IMPROVEMENTS INCLUDING LAKE DREDGING, SILT REMOVAL AND EROSION REPAIR, IN PARTNERSHIP WITH LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT'S PILOT BASIN RE-ESTABLISHMENT PROGRAM. (Action Required By: September 2015)

Sponsors: Marilyn Parker (R-18)

Attachments: [NDF033115SSERA](#).

This Ordinance was passed on the Consent Agenda.

Enactment No: Ordinance 043-2015

15. O-073-15

AN ORDINANCE APPROPRIATING \$10,000 FROM DISTRICT 5 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE PORTLAND MUSEUM, INC. FOR OPERATING EXPENSES. (Action Required By: September 2015)

Sponsors: Cheri Bryant Hamilton (D-5)

Attachments: [NDF033115PM](#).

This Ordinance was passed on the Consent Agenda.

Enactment No: Ordinance 044-2015

Legislation forwarded from PLANNING/ZONING, LAND DESIGN and DEVELOPMENT**16. O-061-15**

AN ORDINANCE CLOSING A PORTION OF THE AVOCA ROAD RIGHT-OF-WAY THAT LIES WITHIN THE CSX RAILROAD RIGHT-OF-WAY CONTAINING 2,848 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 14STREETS1011). (Action Required By: September 2015)

Sponsors: Madonna Flood (D-24)

Attachments: [14streets1011 Metro Council Resolution 021915](#)

[14STREETS1011 staff rpts](#)

[14STREETS1011 plat](#)

[14STREETS1011 minutes](#)

[14STREETS1011 legal desc](#)

[3-31-15 14STREETS1011](#)

This Ordinance was passed on the Consent Agenda.

Enactment No: Ordinance 045-2015

17. R-077-15

A RESOLUTION REQUESTING THE PLANNING COMMISSION, THROUGH ITS STAFF IN LOUISVILLE METRO PLANNING AND DESIGN, TO: 1) EVALUATE THE TRADITIONAL NEIGHBORHOOD ZONING DISTRICT (TNZD) REGULATIONS, PARTICULARLY AS THOSE REGULATIONS RELATE TO SIGNAGE ON PROPERTIES WITHIN THE TNZD AND THE LIST OF LAND USES CURRENTLY SET FORTH IN THE "TRADITIONAL NEIGHBORHOOD ZONING DISTRICT PLAN REPORT FOR OLD LOUISVILLE/LIMERICK," APPENDIX 2B OF CHAPTER 2 OF THE LAND DEVELOPMENT CODE, TO DETERMINE WHETHER THE TNZD LAND USE REGULATIONS ARE EFFECTIVELY ACHIEVING THE PURPOSES ORIGINALLY OUTLINED IN THE TNZD PLAN AND WHETHER EXPANDING THE LIST OF LAND USES TO INCLUDE MORE COMMERCIAL USES TO PROMOTE ADDITIONAL ECONOMIC DEVELOPMENT AND OPPORTUNITIES IS BENEFICIAL TO THE TNZD; 2) EXAMINE THE CURRENT NEIGHBORHOOD CENTER BOUNDARY ON THE TNZD PLAN MAP TO DETERMINE WHETHER IT SHOULD BE EXTENDED TO INCLUDE PROPERTIES ON ITS PERIPHERY AND NEARBY THAT HAVE COMMERCIAL CHARACTER THAT WOULD WARRANT THEIR INCLUSION IN THE NEIGHBORHOOD CENTER; AND 3) HOLD A PUBLIC HEARING AND MAKE RECOMMENDATIONS TO THE LOUISVILLE METRO COUNCIL BASED UPON THE RECORD OF EVIDENCE ESTABLISHED FOR ENUMERATED REQUESTS 1 AND 2. (Action Required By: September 2015)

Sponsors:David James (D-6)

This Resolution was adopted on the Consent Agenda.

Enactment No: Resolution 040-2015

Legislation forwarded from PUBLIC SAFETY

18. R-072-15

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A STATE GRANT OF \$25,000 FROM THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, OFFICE OF HIGHWAY SAFETY TO BE USED BY THE LOUISVILLE METRO POLICE DEPARTMENT FOR ROADSIDE DRUG TESTING PILOT PROGRAM. (Action Required By: September 2015)

Sponsors:James Peden (R-23)

This Resolution was adopted on the Consent Agenda.

Enactment No: Resolution 041-2015

Approval of the Consent Agenda

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Welch, Magre, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Old Business

19. AP040215RH

APPOINTMENT OF RYAN HELTON TO THE LYNDON FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2018.

A motion was made by Council Member Fowler, seconded by Council Member Yates, that this Appointment be approved. The motion carried by a voice vote.

20. R-058-15

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL SOLE SOURCE CONTRACT - (INNOVATIVE INTERFACES INCORPORATED - \$300,000.00). (Action Required By: September 2015)

Sponsors: Jessica Green (D-1)

A motion was made by Council Member Peden, seconded by Council Member Shanklin, that this Resolution be approved. The motion carried by a voice vote and the Resolution was adopted.

Enactment No: Resolution 042-2015

21. O-053-15

AN ORDINANCE AMENDING ORDINANCE NO. 101, SERIES 2014 AND ORDINANCE NO. 102, SERIES 2014, RELATING TO THE FISCAL YEAR 2014-15 CAPITAL AND OPERATING BUDGET, RESPECTIVELY, FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$10,000 OF FUNDING FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 12) TO THE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 12), \$5,000 OF FUNDING FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 13) TO THE CAPITAL INFRASTRUCTURE FUND (DISTRICT 13) AND \$12,500 OF FUNDING FROM THE CAPITAL INFRASTRUCTURE FUND (DISTRICT 6) TO THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 6) (AS AMENDED) (Action Required By: September 2015)

Sponsors: Rick Blackwell (D-12), David James (D-6) and Vicki Aubrey Welch (D-13)

Attachments: [O-053-15 Proposed Comm Amend TRANSFERRING NDF TO D12 OPS](#)

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Magre, Welch, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 046-2015

22. O-055-15

AN ORDINANCE APPROPRIATING (\$18,500) \$25,750 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$10,000 FROM DISTRICT 12; \$5,000 FROM DISTRICTS 11, 7; \$1,500 FROM DISTRICT 15; \$1,000 FROM DISTRICTS 14, 17; \$500 EACH FROM DISTRICTS 16, 9, 22, 20; \$250 FROM DISTRICT 18; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE VOLUNTEERS OF AMERICA OF KENTUCKY, INC., FOR PHASE 2 RENOVATIONS TO THE FREEDOM HOUSE WHICH HOUSES THE WOMEN'S ADDICTION RECOVERY SERVICES (As Amended). (Action Required By: September 2015)

Sponsors: Rick Blackwell (D-12), Marianne Butler (D-15), Kelly Downard (R-16), Cindi Fowler (D-14), Kevin Kramer (R-11), Bill Hollander (D-9), Angela Leet (R-7), Glen Stuckel (R-17), Robin Engel (R-22), Stuart Benson (R-20) and Marilyn Parker (R-18)

Attachments: [NDF033115VOA.](#)

A motion was made by Council Member Owen, seconded by Council Member Stuckel, that this Ordinance be approved.

A motion was made by Council Member Blackwell, seconded by Council Member Woolridge, that this Ordinance be amended by adding the following amounts from the specific Districts:

**\$10,000 from District 19
\$2,000 from District 10
\$1,000 each from Districts 1, 4, 13, 24 and 25
\$500 each from Districts 2, 3, 8, 6 and 21**

for a total of \$19,500 and a new total allocation of \$45,250.

The motion to amend carried by a voice vote.

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Welch, Magre, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 047-2015

23. O-063-15

AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO R-5 SINGLE FAMILY RESIDENTIAL ON PROPERTIES LOCATED AT 7009 S. WATTERSON TRAIL AND 7909 GLASER LANE CONTAINING 8.533 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 14ZONE1040). (Action Required By: May 20, 2015)

Sponsors:Madonna Flood (D-24)

Attachments: [14ZONE1040 PC Minutes](#)
[14ZONE1040 LDT Minutes](#)
[14ZONE1040 Staff Reports](#)
[14ZONE1040 Legal Description](#)
[14ZONE1040 Findings of Fact](#)
[14ZONE1040 Citizen Letters](#)
[14ZONE1040 Applicant Justification](#)
[14ZONE1040 Plan](#)
[3-31-15 14ZONE1040](#)

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

Yes: 25 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Kramer, Blackwell, Magre, Welch, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Abstain: 1 - Hollander

Enactment No: Ordinance 048-2015

24. O-064-15

AN ORDINANCE CHANGING THE ZONING FROM C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 9840 VON ALLMEN COURT CONTAINING 3.464 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 14ZONE1039). (Action Required By: May 20, 2015)

Sponsors:Madonna Flood (D-24)

Attachments: [14Zone1039_Applicant PP](#)

[14zone1039_Applicant General Plan Binding Element Amendment
Justification and Application](#)

[14ZONE1039 PC Minutes](#)

[14ZONE1039 Other Minutes](#)

[14ZONE1039 Plan](#)

[14ZONE1039 Legal Description](#)

[14ZONE1039 Findings of Fact](#)

[14ZONE1039 Citizen Letters](#)

[14ZONE1039 Applicant's Justification](#)

[14ZONE1039 Staff Reports](#)

[3-31-15 14ZONE1039](#)

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Magre, Welch, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 049-2015

25. O-066-15

AN ORDINANCE CREATING CHAPTER OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] RELATING TO PUBLIC "POP-UP" PARTIES. (As Amended) (Action Required By: September 2015)

Sponsors:Marianne Butler (D-15), Vicki Aubrey Welch (D-13), Mary C. Woolridge (D-3), David Yates (D-25), David James (D-6) and Dan Johnson (D-21)

A motion was made by Council Member Shanklin, seconded by Council Member Ackerson, that this Ordinance be approved.

Enactment No: Ordinance 050-2015

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

Section 1: ____ .01 DEFINITIONS., Law enforcement personnel. Means either: (A) a person with prior commissioned law enforcement experience from any federal, state, or local jurisdiction occurring within five years of the date of application; - Insert at the end "excluding constables".

Section 2: ____ License Required, (B) - Insert a new (3) as "Bona fide youth organizations or athletic teams registered with the state or national organization" and adjusting the existing (3) and (4) to (4) and (5) respectively.

The motion to amend carried by a voice vote.

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Welch, Magre, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 050-2015

26. O-069-15**AN ORDINANCE AMENDING SECTION 4.2.11 OF THE LAND DEVELOPMENT CODE RELATING TO BOARDING AND LODGING HOUSES. (AS AMENDED)**

Sponsors:Cheri Bryant Hamilton (D-5)

A motion was made by Council Member Shanklin, seconded by Council Member Yates, that this Ordinance be passed.

The following was requested to be on the record:

(UNEDITED Transcript)

COUNCILMAN BLACKWELL: Thank you, Mr. President. I want to thank Councilwoman Bryant Hamilton for her work on this. We did make one amendment, and the lawyer asked us to start the process of talking about non owner occupied and some of the issues, because some of the same issues occur kind of across the board with that, and we have had situations where this past winter where we had a renter who didn't have heat and was trying to heat her house with her stove on. And we all know that's not a good idea. So I just want to clarify too Councilman Peden's earlier comment. This is the first time that we are looking at the penalties, not the first time that I have been astute. The way he said it it wasn't quite clear. And then the last I would say, one of the questions I would like to pose is for the planning commission to study these regular changes as they might apply to rehabilitation homes. I was kind of under the impression when we made this change they would be in that as well, and they are not. They are in their own separate area. But I'm particularly interested in having the planning commission look at this to look at specifically those areas where people are operating before they go through the proper channels. Were they going to? They had this home, they start this, don't go through the proper channels and then rather than shut them down we say to them, hey, you haven't gone through the proper channels. Continue to operate as if you have while you apply for a CUP, which is what you are supposed to do to begin with. That's just not a good way of doing business. You penalize the people doing it right and reward the people who aren't. So I talked to the county attorney's office and they said that this would be the proper thing to do, to put it on record that we also want them to look at how these regulatory changes could be applied to rehabilitation homes.

>> Second.

PRESIDENT TANDY: Okay. So that has been moved and seconded. Is there any further discussion on the amendment that Councilman Blackwell made? Councilman Peden.

COUNCILMAN PEDEN: I'm just asking, Councilman Blackwell actually made a motion to amend this and as that as a line? Yes? There was a motion and a second. I heard a second. So I'm clarifying. And I guess this is where I'm going to turn it over to Mr. Whitty. He is going to give an opinion. I personally believe it would be better in writing because no one can argue exactly. If we added a line at the end that said we also request the planning commission study these exact changes as they apply to rehabilitation homes, I think that would be a great line at the end because it is coming back to us anyway. Mr. Whitty has counter opinions, and he may express those now if he would like.

PRESIDENT TANDY: Mr. Whitty.

PAUL WHITTY: Paul Whitty, Jefferson County attorney's office. I think that what you are adding to this ordinance which relates to homeless shelters, transitional housing and boarding and lodging houses is going to be outside

the scope of what the text of this amendment is. Now, we can get to the same place by simply on the record, as you have done, requested the planning commission consider that penalty to be added to the provisions with respect to those other forms of housing.

PRESIDENT TANDY: All right.

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: I just have one question on that one.

Because this is the one where we are asking the Planning/Zoning to look at this. But it doesn't say that. It says this ordinance shall take effect upon its passage and approval. So that would be a good place to say this will take effect after review of and then make the part go in there.

PAUL WHITTY: Yes, ma'am. We considered putting that language in there.

However, the statute is clear that it has to go to the planning commission for a hearing before it can be adopted. So it just didn't seem necessary to state that. That is a fact under Kentucky law. So that will happen.

COUNCILMAN PEDEN: But I thought we made that an official motion, second, and we voted on an amendment to add those words at the end of that exact line?

PAUL WHITTY: We can add those words.

COUNCILMAN PEDEN: And that is in the record from the committee meeting, that the committee amended it and put it in there.

PAUL WHITTY: I understand, and we can add those words. I'm just telling you that it is not necessary. So I'm happy to add the words, but they have no effect.

COUNCILMAN PEDEN: I'm pretty sure we established that we wanted the words in there.

PAUL WHITTY: That's fine.

COUNCILMAN PEDEN: And my other comment is, this would be for Mr. Whitty or Ms. Martin, one of the things that we are trying to expedite, I guess would be the right term, expedite Councilman Blackwell's request. He has a choice of putting it in here in words, making an official amendment, or in your case you are the suggesting the fact that he mentioned it here on television in the record of our meeting that gets the ball rolling for planning commission. So now let's go back, procedural speaking, he then wants to make an actual amendment to the land development code that includes rehabilitation homes. Are we on the council and specifically that committee going to be able to immediately amend the land development code or are we going to have to go back through the process that you are forcing Cheri Bryant Hamilton back through, which is another public hearing specifically on a specific change or has that process been taken care of?

PAUL WHITTY: No, it would have to be heard. It is a text amendment.

COUNCILMAN PEDEN: And I think that is what we are trying to say, that we want this text amendment to apply to rehabilitation homes as well. Study it now while you are doing this.

>> Let me be clear, Councilman Peden. You are saying that the penalty with respect to the board of zoning adjustment being able to consider the fact that they had operated illegally as grounds for denial of a conditional use permit, correct?

COUNCILMAN PEDEN: My impression of Councilman Blackwell's request is he wants a good chunk of the entire body of these changes to apply, not just the penalty phase. As far as application, location, etc. If I'm incorrect, feel free to let me know now. But I thought as far as he and the broad use of rehabilitation homes, he wanted a good chunk of what Councilwoman Bryant Hamilton had done to apply to the facilities, not just the penalty that we have

referred to.

PRESIDENT TANDY: Councilman Blackwell, do you wish to clarify?

COUNCILMAN BLACKWELL: Yes. My astute observation was about the penalty phase, but yeah it seems to me that they are kind of all in the same category and so it would make sense that while they are looking at it they can look and see how any of these things would apply to and then come back with a recommendation in terms of how it would apply to a rehabilitation home. And they may have good reasons why some things don't apply, because it is a different category or they might just say, yeah, they all are basically the same thing but with different functions and scope, or the form.

PRESIDENT TANDY: Councilman Peden.

COUNCILMAN PEDEN: And I guess I thought we had stream lined this process a little bit. And now that Mr. Whitty is saying we are going to send this over to them for a public hearing and then we will come back and they will recommend a change or not recommend a change and then we are going to create a change and then it has to go back to a public hearing again.

>> No. We are sending this to them, referring this to the planning commission to hold a public hearing. They return it with their recommendation, then you can adopt it.

>> That's the Bryant Hamilton portion. I'm talking specifically to the Blackwell amendment, let's call it I like naming things. If we want to apply this to rehab homes, that will have to, even though he is asking them to look at it now and hold the public hearing and have some public discourse on it, still going to have to go back to a public hearing with an exact text amendment.

>> Yes. And that can be done at the same time that this is considered by the planning commission as well at the same hearing. So it is not complicating or extending the process at all.

>> Thank you.

>> But provided Councilman Blackwell provides you or the commission with a text amendment before they hold the public hearing.

>> Sure.

>> Okay.

PRESIDENT TANDY: Everybody's clear.

>> Absolutely not, but we are going to go on it anyway.

PRESIDENT TANDY: Go ahead, Mr. Whitty.

PAUL WHITTY: If I may. Councilman Blackwell, you want your change with respect to rehabilitation homes is to add that consideration by BOZA to take into account if they had acted illegally that may be grounds for denial of their application for a conditional use permit.

COUNCILMAN BLACKWELL: Yes.

PAUL WHITTY: Okay. You are not proposing to adopt all of this other language with respect to rehabilitation?

COUNCILMAN BLACKWELL: Actually, I guess my initial was just in terms of making it harder for you to get a CUP if you are not following the law.

>> Right.

PRESIDENT TANDY: Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: I was going to ask, Mr. President, if it was possible for that to be submitted by a resolution asking the planning commission to a separate resolution we could. I know some of you have dealt with the zoning and planning commission on a more regular basis and I think the transmittals usually come by a resolution rather than the ordinance. We are at an ordinance phase at this point on this one. So if Mr. Blackwell would not mind and Mr. Peden would not mind, we just remove the rehab discussion from

>> No, if we are to the point that he has to submit actual legislation, it doesn't even need to be any part of this. He has now made the official request on the record. He will follow it up with documentation and that will be that.

PRESIDENT TANDY: So that we are clear, therefore, Councilman Blackwell, you withdraw your well, the formal amendment that you made.

COUNCILMAN BLACKWELL: Right. But it is still on the record.

PRESIDENT TANDY: Yeah, but it is on the record.

>> And the county attorney's office is drafting as we speak a resolution for next time, or for whenever we can get it done.

PRESIDENT TANDY: Okay. Very good.

>> Because, Mr. Chairman, they will have 60 days to get back with the planning commission on this. So if we get the resolution over, they can take it into consideration while they are considering it.

PRESIDENT TANDY: Okay. So we have now had the amendment, Councilman Blackwell's amendment withdrawn. So now we have the

>> And withdrawing the second.

PRESIDENT TANDY: And the second has been withdrawn. So we are back to the original committee amended ordinance before us. Is there any further discussion on this ordinance?

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Welch, Magre, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 051-2015

27. O-072-15

AN ORDINANCE AMENDING SECTIONS 115.001 THROUGH 115.006 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES (LMCO) RELATING TO HOMELESS SHELTERS, AND TRANSITIONAL HOUSING TO INCLUDE (AND) BOARDING AND LODGING HOUSES. (AS AMENDED)

Sponsors:Cheri Bryant Hamilton (D-5)

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Magre, Welch, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 052-2015

28. O-074-15

AN ORDINANCE AMENDING SECTIONS 1.2.2, 2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.5.1, 2.6.4, AND 2.6.5 OF THE LAND DEVELOPMENT CODE PERTAINING TO PERMITTED USES AND CONDITIONAL USES WHICH ARE ALL PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO (CASE NO. 14AMEND1003). (Action Required By: September 2015)

Sponsors:James Peden (R-23)

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

Yes: 26 - Green, Shanklin, Woolridge, Tandy, Hamilton, James, Leet, Owen, Hollander, Kramer, Blackwell, Magre, Welch, Fowler, Butler, Downard, Stuckel, Parker, Denton, Benson, Johnson, Engel, Peden, Flood, Yates and Ackerson

Enactment No: Ordinance 053-2015

New Business

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

Legislation assigned to APPROPRIATIONS, NDFS AND CIFS**29. O-056-15**

AN ORDINANCE APPROPRIATING \$7,750 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$1,500 FROM DISTRICT 15; \$1,000 FROM DISTRICT 12; \$500 EACH FROM DISTRICTS 9, 25, 3, 2, 6, 4, 21; \$250 EACH FROM DISTRICTS 13, 8, 14, 26, 1, 5, 16; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE LEGAL AID SOCIETY, INC. FOR COSTS ASSOCIATED WITH THE ANNUAL "BRUSH BOTTLE AND BARREL OF THE BLUEGRASS" FUNDRAISER. (Action Required By: October 2015)

Sponsors:Marianne Butler (D-15), Bill Hollander (D-9), Vicki Aubrey Welch (D-13), Tom Owen (D-8), Rick Blackwell (D-12), Cindi Fowler (D-14), Brent Ackerson (D-26), David Yates (D-25), Mary C. Woolridge (D-3), Barbara Shanklin (D-2), David James (D-6), Jessica Green (D-1), Cheri Bryant Hamilton (D-5), David Tandy (D-4), Dan Johnson (D-21) and Kelly Downard (R-16)

30. O-059-15

AN ORDINANCE APPROPRIATING \$15,000 FROM DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF), TO DEVELOP LOUISVILLE - LOUISVILLE FORWARD AS A MATCHING GRANT TO CONDUCT AND PRODUCE A COMPREHENSIVE NEIGHBORHOOD PLAN FOR THE DEER PARK NEIGHBORHOOD. (Action Required By: October 2015)

Sponsors:Tom Owen (D-8)

31. O-076-15

AN ORDINANCE APPROPRIATING \$30,000 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$10,000 EACH FROM DISTRICTS 18, 17; \$2,000 FROM DISTRICT 7; \$1,000 EACH FROM DISTRICTS 19, 22, 16, 11, 8, 24; \$500 EACH FROM DISTRICTS 23, 14, 15, 13; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE DUCHENNE RESEARCH, EDUCATION & MIRACLE FOUNDATION, INC. (DREAM FOUNDATION) FOR THE PURCHASE AND INSTALLATION OF A PLAYGROUND FULLY ACCESSIBLE TO DISABLED CHILDREN ON THE KOSAIR CHARITIES EAST CAMPUS. (Action Required By: October 2015)

Sponsors: Marilyn Parker (R-18), Glen Stuckel (R-17), Angela Leet (R-7), Kevin Kramer (R-11), Kelly Downard (R-16), Tom Owen (D-8), Julie Denton (R-19), Robin Engel (R-22), Madonna Flood (D-24), Marianne Butler (D-15), Cindi Fowler (D-14), Vicki Aubrey Welch (D-13) and James Peden (R-23)

32. O-078-15

AN ORDINANCE APPROPRIATING \$5,900 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$2,000 FROM DISTRICT 9; \$500 FROM DISTRICT 10; \$300 EACH FROM DISTRICTS 5, 2, 25, 14, 21, 15, 8; \$250 EACH FROM DISTRICTS 17, 6; \$200 FROM DISTRICTS 20, 3, 12, 13; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE LOUISVILLE INDEPENDENT BUSINESS ALLIANCE, INC. FOR PROGRAMMING COSTS OF THE SEVENTH ANNUAL BUY LOCAL FAIR 2015. (Action Required By: October 2015)

Sponsors: Bill Hollander (D-9), Cheri Bryant Hamilton (D-5), Glen Stuckel (R-17), Stuart Benson (R-20), Steve Magre (D-10), Barbara Shanklin (D-2), Mary C. Woolridge (D-3), David James (D-6), Rick Blackwell (D-12), Vicki Aubrey Welch (D-13), David Yates (D-25), Cindi Fowler (D-14), Dan Johnson (D-21), Marianne Butler (D-15) and Tom Owen (D-8)

33. O-080-15

AN ORDINANCE APPROPRIATING \$14,281.45 NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$7,140.73 FROM DISTRICT 24; \$7,140.72 FROM DISTRICT 13; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE OKOLONA FIRE PROTECTION DISTRICT FOR TABLES, CHAIRS, STORAGE CARTS AND A CHAIR DOLLY IN A COMMUNITY ROOM. (Action Required By: October 2015)

Sponsors: Madonna Flood (D-24) and Vicki Aubrey Welch (D-13)

Legislation assigned to BUDGET**34. O-077-15**

AN ORDINANCE AMENDING ORDINANCE NO. 102, SERIES 2014 RELATING TO THE FISCAL YEAR 2014-15 OPERATING BUDGET, TO AMEND THE TRANSIT AUTHORITY OF RIVER CITY'S FISCAL YEAR 2015 BUDGET. (Action Required By: October 2015)

Sponsors: Marianne Butler (D-15)

Legislation assigned to COMMITTEE ON CONTRACTS AND APPOINTMENTS**35. R-078-15**

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \$31,000.00). (Action Required By: October 2015).

Attachments: [SKMBT_42315032610171](#)

[Contract Data Sheet R-078-15 U of L](#)

36. R-081-15

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL SOLE SOURCE CONTRACT - (HEALTHY COMMUNITIES INSTITUTE CORPORATION - \$32,000.00). (Action Required By: October 2015).

Attachments: [Healthy Communities Institute](#)

Legislation assigned to COMMUNITY AFFAIRS**37. R-079-15**

A RESOLUTION HONORING THE SERVICE, LEADERSHIP AND LEGACY OF REV. ARTHUR SMITH. (Action Required By: October 2015)

Sponsors: Cheri Bryant Hamilton (D-5)

38. R-082-15

A RESOLUTION HONORING THE SERVICE, LEADERSHIP AND LEGACY OF REVEREND CHARLES EDWARD KIRBY. (Action Required By: October 2015)

Sponsors: Mary C. Woolridge (D-3)

Attachments: [Rev Charles Kirby \(2\)](#)

Legislation assigned to LABOR & ECONOMIC DEVELOPMENT

39. R-084-15

A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, AMENDING AND SUPPLEMENTING RESOLUTION NO. 123, SERIES 2014, RELATING TO THE PRELIMINARY APPROVAL OF THE ISSUANCE OF ONE OR MORE SERIES OF INDUSTRIAL BUILDING REVENUE BONDS FOR THE BENEFIT OF BROWN-FORMAN CORPORATION'S WHISKEY ROW PROJECT. (Action Required By: October 2015).

Sponsors: Marianne Butler (D-15) and David Tandy (D-4)

Attachments: [FIRST SUPPLEMENT TO MEMORANDUM OF AGREEMENT](#)

Legislation assigned to PLANNING/ZONING, LAND DESIGN and DEVELOPMENT**40. O-079-15**

AN ORDINANCE CHANGING THE STREET NAME CHANGE OF TATTON DRIVE TO PITON WAY AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1000) (Action Required By: October 2015).

Sponsors: Madonna Flood (D-24)

Attachments: [4-21-15 15STREET1000 Presentation](#)

[15STREETS1000 LDT Staff Report 022615](#)

[15STREETS1000 PLAN](#)

[15STREETS1000 MINUTES](#)

41. O-082-15

AN ORDINANCE CHANGING THE STREET NAME CHANGE OF ROCK BLUFF DRIVE TO RIVER ROCK DRIVE AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1004) (Action Required By: October 2015).

Sponsors: Madonna Flood (D-24)

Attachments: [4-21-15 15STREET1004 Presentation](#)

[15STREETS1004MINUTES](#)

[15STREETS1004STAFFREPORTS](#)

[15STREETS1004PLAN](#)

42. O-089-15

AN ORDINANCE CLOSING THE REMAINING PORTION OF GLENWOOD CIRCLE AT ITS INTERSECTION WITH EXPORT DRIVE CONTAINING 5,490 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 15STREETS1002) (Action Required By: October 2015).

Sponsors:Madonna Flood (D-24)

Attachments: [4-21-15 15STREET1002 Presentation](#)

[15streets1002_letter of explanation_031915](#)

[15streets1002_PC staff report_031915](#)

[15streets1002_plat & legal description_031915](#)

[15STREETS1002 minutes](#)

43. O-084-15

AN ORDINANCE CHANGING THE ZONING FROM R-5 SINGLE FAMILY RESIDENTIAL TO OR OFFICE/RESIDENTIAL ON PROPERTY LOCATED AT 2125/2127 BASHFORD MANOR DRIVE AND 3506 BARDSTOWN ROAD CONTAINING 0.500 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 14ZONE1041) (Action Required By: June 17, 2015).

Sponsors:Madonna Flood (D-24)

Attachments: [4-21-15 14ZONE1041 Presentation](#)

[14ZONE1041 PC minutes](#)

[14ZONE1014 LDT minutes](#)

[14ZONE1041 staff rpts](#)

[14ZONE1041 appl justification](#)

[14ZONE1041 approved plan](#)

[14ZONE1041 karst survey letter](#)

[14ZONE1041 legal desc](#)

44. O-085-15

AN ORDINANCE CHANGING THE ZONING FROM C-3 COMMERCIAL TO EZ-1 ENTERPRISE ZONE ON PROPERTY LOCATED AT 117-119 WEST MAIN STREET CONTAINING 0.132 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 14ZONE1050) (Action Required By: June 17, 2015).

Sponsors:Madonna Flood (D-24)

Attachments: [4-21-15 14ZONE1050 Presentation](#)

[14ZONE1050 PH Minutes](#)

[14ZONE1050 Other Minutes](#)

[14ZONE1050 Staff Reports](#)

[14ZONE1050Legal Description](#)

[14ZONE1050 Findings of Fact](#)

[14ZONE1050 App. Justification](#)

[14ZONE1050 Plan](#)

45. O-083-15

AN ORDINANCE APPROVING THE DETAILED DISTRICT DEVELOPMENT PLAN ON PROPERTY ZONED R-8A MULTIFAMILY AND LOCATED AT 1418 AND 1426 WILLOW AVENUE AND BEING IN LOUISVILLE METRO (CASE NO. 17822) (Action Required By: October 2015).

Sponsors:Madonna Flood (D-24)

Attachments: [17822 two PC minutes](#)

[17822 staff rpts](#)

[17822 Opposition height Justification 030615](#)

[17822 Letters of Support](#)

[17822 Letters of Opposition](#)

[17822 devel plan justification](#)

[17822 approvedplan 03.19.15](#)

[17822 Applicant Justifications 030515](#)

[17822 Willow Grande \(Hearing Version\)](#)

[17822 ordinance](#)

Legislation assigned to PUBLIC SAFETY

46. O-090-15

AN ORDINANCE APPROVING A NEEDLE EXCHANGE PROGRAM TO BE CREATED BY LOUISVILLE METRO PUBLIC HEALTH AND WELLNESS. (Action Required By: October 2015)

Sponsors: Rick Blackwell (D-12), Marianne Butler (D-15), David James (D-6), Vicki Aubrey Welch (D-13), Bill Hollander (D-9) and David Yates (D-25)

Attachments: [2015 Pub Safety REV Needle Exchange Program14-15ODdata-0421-2015](#)
[04-21-15 Pub Safety Syringe Exch Fact Sheet](#)

Legislation assigned to PUBLIC WORKS, BRIDGES & TRANSPORTATION**47. R-083-15**

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF THE USE OF A TOYOTA PRIUS AS PART OF THE RECYCLE AND WIN PROGRAM WHICH IS A PROGRAM TO PROMOTE AND CREATE AWARENESS OF RECYCLING FROM COCA COLA OF CHARLOTTE, NC (CCBCC OPERATIONS, LLC) VALUED UP TO \$5,479 TO BE ADMINISTERED THROUGH THE DEPARTMENT OF PUBLIC WORKS AND ASSETS. (Action Required By: October 2015)

Sponsors: Tom Owen (D-8)

Adjournment

Without objection President Tandy adjourned the meeting at 7:39pm.

Approval Signatures

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

H. Stephen Ott
Clerk of the Louisville Metro Council

David W. Tandy
President of the Council

Date