

ORDINANCE NO. _____, SERIES 2019

AN ORDINANCE AMENDING CHAPTER 42 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) BY CREATING A NEW SECTION REGARDING MAJOR CHANGES TO ANY METRO-OWNED PARK AND REMOVING REGULATION OF METRO-OWNED PARKS FROM THE SUBSECTION ON GOLF COURSES.

SPONSORED BY: COUNCIL MEMBER FOWLER

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (“the Council”) seeks to modify recently enacted legislation, Ordinance No. 465, Series 2018, to address concerns raised by Metro Parks that the new law may constrain its day-to-day operations;

WHEREAS, the Council does not want to be involved in the day-to-day operations of Metro Parks nor does the Council want to hamper decisions involving any park as to its sale, closure, lease, or repurpose unless the transaction concerns the entirety of a Metro-owned park;

WHEREAS, the Council hereby amends Chapter 42 to remove the previously adopted language and instead adopt a hearing and approval process for the sale of any Metro-owned parks as well as the Council approval process for any long-term lease or changes to the character of existing parks.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: A new section of LMCO Chapter 42 is hereby enacted under the Parks as LMCO § 42.35 to read as follows:

METRO COUNCIL APPROVAL REQUIRED TO PERMANENTLY CLOSE, REPURPOSE, LEASE, SELL AND/OR OTHERWISE DISPOSE OF METRO OWNED PARKS.

Metro Parks may not permanently close, repurpose, lease, sell and/or otherwise dispose of any Metro-owned park without prior Metro Council approval through the processes set forth in subsections (A) through (D). For the purpose of this section, the following definitions apply:

Lease. Means the lease of any real park property for a period of greater than one-year with a group or entity other than Louisville Metro Government. The term lease applies to the entire Metro-owned park and not smaller parcels of a park. The term lease does not include leasing or renting a park or sections of a park for public or private events, maintenance, or improvement projects. A one-year lease that is renewed for additional years is subject to the procedure detailed in subsection (C).

Long-term Closures. Means any seasonal park or facilities located on a Metro-owned park that does not reopen during the normal seasonal time period; this term also means permanently restricting public access to all or a significant section of a Metro-owned park for a period of one-year or more.

Permanently Close. Means permanently restricting public access to an entire area of a Metro-owned park. This term does not include temporarily closing sections of the park or the entire park for special events, to address weather related issues, or for park maintenance or minor renovations to structures or amenities.

Repurpose. Means major renovations that significantly alter the character and intent of the originally designed park. This term includes any change from active recreation activities to passive recreation activities, the addition of a new structure or amenity to a park, the design of a new park, or the permanent closure of any swimming pool. The term does not include converting one kind of sports space to another,

modifying existing structures, or planting/maintaining trees and other vegetation at the park.

(A) To permanently close any Metro-owned park, Metro Parks must hold a public meeting to discuss the proposed closure of the Metro-owned park with the community at a location in close proximity of the Metro-owned park. Notice of the public meetings must satisfy requirements in KRS § 61.823. After the public meeting, Metro Parks must file with Metro Council its request to permanently close a park along with a budgetary report on the park and the reasons Metro Parks seeks permanent closure of the Metro-owned park. The request to permanently close the Metro-owned park must be approved by vote of Metro Council.

(B) Prior to any repurpose or long-term closure of a Metro-owned park, Metro Parks must file with Metro Council a masterplan detailing the major renovations and/or reason for any long-term closure the Metro-owned park and request input from the Council Member in whose District the park resides. The completed masterplan must be approved by vote of Metro Council. Renovations to a park in which a site plan (less impactful to the park than a masterplan or the implementation of a phase or portion of a masterplan) is utilized will be provided to the Council Member in whose District the Park resides for input, but the completed site plan does not require Metro Council approval.

(C) To lease any Metro-owned park, Metro Parks must file with Metro Council a proposed lease for any Metro-owned park and request input from the Council Member in whose District the park resides. The lease must identify the person or entity leasing the park, how the leasee plans to use the park space, and the term of the lease. The completed lease must be approved by vote of Metro Council.

(D) To sell or otherwise dispose of any Metro-owned park, Metro Parks must complete the process set forth in section (A) and then follow the requisite surplus process required by state statute.

SECTION II: LMCO Section 42.44 is hereby amended as follows:

42.44 METRO COUNCIL APPROVAL REQUIRED TO CLOSE, REPURPOSE, LEASE, OR SELL A METRO-OWNED GOLF COURSE ~~OR PARK.~~

Metro Parks may not permanently close any Metro-owned golf course ~~or park~~; repurpose the land of any Metro-owned golf course ~~or park~~; and/or lease, sell, or dispose of the property of any Metro-owned golf course ~~or park~~ without prior Metro Council approval through the following process:

(A) Metro Parks must hold at least two public hearings to discuss the proposed closure of the Metro-owned golf course ~~or park~~, with at least one public hearing held at a location in close proximity of the named Metro-owned golf course ~~or park~~. Notice of the public meetings must comply with satisfy requirements in KRS § 61.823. After the public hearings, Metro Parks must request approval from Metro Council to permanently close the named Metro-owned golf course.

(B) ~~After the public hearings,~~ Metro Parks must request approval from Metro Council to ~~permanently close the named Metro-owned golf course or park~~; repurpose the land of any Metro-owned golf course ~~or park~~; and/or lease, sell, or dispose of the property of any Metro-owned golf course ~~or park~~.

(C) The following information and documents must be filed with Metro Council for review and consideration of any request to permanently close, repurpose, lease, sell and/or dispose of a Metro-owned golf course:

(1) The public interest reasons Metro_Parks requests a permanently closure, repurpose, lease or sale of the named Metro-owned golf course ~~or park~~ along with any supporting documentation;

(2) The intended use of the property, if the land is to be repurposed;

(3) Notice of the public hearings; and

(4) The financial records for the named Metro-owned golf course for the past ten years.

~~(C)~~ (D) Metro Council approval requires a majority vote to permanently close, repurpose, or lease, sell and/or dispose of a Metro-owned golf course ~~or park~~.

SECTION III: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approved Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____