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LOUISVILLE METRO COUNCIL  
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MARCH 24, 2016

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PRESIDENT YATES: The Regular Louisville Metro Council Meeting of March 24, 2016, will please come to order.

Please rise for the Pledge of Allegiance to the Flag. I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

PRESIDENT YATES: Mr. Clerk, a roll call, please.

MR. CLERK: Council Member Green.

Council Member Shanklin.

COUNCILWOMAN SHANKLIN: Present.

MR. CLERK: Council Member Woolridge.

COUNCILWOMAN WOOLRIDGE: Present.

MR. CLERK: Council Member Tandy.

COUNCILMAN TANDY: Here.

MR. CLERK: Council Member Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Here.

MR. CLERK: Council Member James.

COUNCILMAN JAMES: Here.

MR. CLERK: Council Member Leet.

COUNCILWOMAN LEET: Here.

MR. CLERK: Council Member Owen.

COUNCILMAN OWEN: Here.

MR. CLERK: Council Member Hollander.

COUNCILMAN HOLLANDER: Here.

MR. CLERK: Council Member Mulvihill.

COUNCILMAN MULVIHILL: Here.

MR. CLERK: Council Member Kramer.

COUNCILMAN KRAMER: Here.

MR. CLERK: Council Member Blackwell.

COUNCILMAN BLACKWELL: Here.

MR. CLERK: Council member Welch.

Council Member Fowler.

COUNCILWOMAN FOWLER: Here.

MR. CLERK: Council Member Butler.

COUNCILWOMAN BUTLER: Here.

MR. CLERK: Council Member Downard.

COUNCILMAN DOWNARD: Here.

MR. CLERK: Council Member Stuckel.

COUNCILMAN STUCKEL: Here.

MR. CLERK: Council Member Parker.

COUNCILWOMAN PARKER: Here.

MR. CLERK: Council Member Denton.

Council Member Benson.

COUNCILMAN BENSON: Present.

MR. CLERK: Council Member Johnson.

Council Member Engel.

Council Member Peden.

COUNCILMAN PEDEN: Here.

MR. CLERK: Council Member Flood.

COUNCILWOMAN FLOOD: Here.

MR. CLERK: President Yates.

PRESIDENT YATES: Present.

MR. CLERK: Council Member Ackerson.

Council Member Welch.

Council Member Denton.

Council Member Engel.

Mr. President, you have 22 in attendance and a quorum.

PRESIDENT YATES: Thank you, Mr. Clerk.

Mr. Clerk, are there any addresses to the council?

MR. CLERK: There are.

PRESIDENT YATES: We have four addresses to the council?

MR. CLERK: We do, sir.

PRESIDENT YATES: Let me remind those addressing the council to please refrain from profanity or making any derogatory statements to council members.

Mr. Clerk, would you please bring them forward, please?

MR. CLERK: District of Self. District of Self.

Roger Holloway. Roger Holloway.

ROGER HOLLOWAY: Good evening. How you doing? The reason I'm here is to -- well, I need some help. I discovered that the values for the properties are low. I lost my house in October of 2014 to a foreclosure and after research I noticed that the appraisers appraised my property for 55,000. My house was worth 80,000.

State statute states -- KRS 426.200 states that a defendant has a chance and right to redeem the property fell less than two-thirds of the appraisal value. Well, I did some research and I noticed that the houses are purposely by master commissions appraisers lowered to keep the people from redeeming the property. And I have done research and I noticed that the west end areas, south end areas, Portland, those are the ones that are being affected the most because of the values are 100,000. In order to get a judgment overturned, it has to be a gross difference. What I'm

asking for is the council to, please, especially the members in those communities, to ask the questions of the master commissioners to make sure the master commissioners appraisers do their jobs. This is something that is going on and I have proof. After I finish this I would like to pass out information that I have.

For example, there was a house that went into foreclosure February 2nd. The person was deceased. They owed PLC bank \$27,000. The house value was for \$97,500. The master commissioner purposely appraised the value at \$55,000. I went and took pictures. And there's no way in the world that house should appraise that amount. With this problem, thousands, millions of dollars are being wasted each and every year. And if you are wondering why this is happening, I do not know why, but the thing is it is hurting us as home buyers, hurting the neighbors, and that's one of the reasons why a lot of the values of the neighborhoods are decreasing. So that's it. Thank you for everything. And I would just like to pass these out.

MR. CLERK: Christie McCravy.

CHRISTIE MCCRAVY: Good evening. My name is Christie McCravy, and some of you I know, but I am the new executive director of the Louisville Affordable Housing Trust Fund. I'm here to introduce to you to those of you who don't know me and to say hello to those of you who do. And I'm looking forward to helping each and every one of you in helping to address the issues of affordable housing, or working class housing as some of us say, in our community. If you don't know, I have an extensive background in banking, as far as community development as well and in housing the past 30 years, that's been my life. So most recently I have been involved working with families directly for the past 16 years I have served positions at the housing partnership and at the Louisville Urban

League in positions working with families in addressing all facets of housing, trying to get to become a homeowner, how to sustain affordable rents, how to preserve homeownership when someone does go through foreclosure. This is why when this opportunity presented itself I quickly applied and I'm happy to have been chosen. I'm asking that Metro Council look to ensure and include the four to \$5 million going into the budget for the next coming year, and I look forward to working with you on some agreement on a sustainable source of funding that we can all feel good about. Thank you, please support the trust fund and please support the budget ask of four to \$5 million. Thank you.

MR. CLERK: Ralph Thomas.

RALPH THOMAS: Good evening. My name is Ralph Thomas. I'm a member of Bethel Baptist Church and also a member of CLOUT. I'm here today to speak of a big problem, which is vacant and abandoned properties. There are approximately 8,000 vacant and abandoned properties in Louisville, which make our neighborhoods less safe and also drags down the home values. And also my families is one of those families who live next to a vacant property. This vacant property has been there approximately ten years, ten years this problem has been vacant and ran down. Also, there are several other properties on my block that are ran-down and vacant. Now, I have been there going 32 years, so I have seen the decline in the properties. As many families who are living on the streets, every other house may be vacant. We have heard the stories about victims of crime because of abandoned houses in the neighborhood. We have heard the stories of senior citizens who can't keep their homes and are afraid they may have to soon move out.

So if you can see Lexington, which has funded the affordable housing trust fund last year, it has already distributed \$5 million in

grants and loans to finance 433 affordable homes -- that's 164 new homes and 269 rehabilitated homes -- and it has brought in 10 million in outside investment into the city. So we don't want Lexington to get ahead, so let's fund our trust fund and start taking care of our vacant and abandoned properties. That's why I'm here today to ask tonight, advocate \$5 million in the Louisville Affordable Housing Trust Fund in the upcoming budget. So let's not net Lexington get ahead.

MR. CLERK: Mr. President, that concludes the addresses to Council.

PRESIDENT YATES: Thank you, Mr. Clerk.

Before we get into our guests, before you look around, we are missing one of our colleagues, Jessica Green. I would ask that you record Councilwoman Green as an excused absence. I would also like to take a moment of silence for Councilwoman Green due to the loss of her father, as well as for the victims of the Brussels terror attacks. Our thoughts and prayers are with both of them. There are different things that divide this council up, but we are all called to the one common factor, that we serve this community, and we share a lot more in common. And I would ask you all to just bow your heads and join me for a moment in silence in honor of Jessica and her family. Thank you.

Councilman Hollander, would you please introduce your guests?

COUNCILMAN HOLLANDER: Colleagues, thank you. I'm happy to present a proclamation and recognize Jeff Bean tonight as an exemplary public servant. When I heard that Jeff was retiring, I thought it was something that I wanted to do to recognize him. I have never actually recognized anybody from this podium in the year and three months that I have been here, but I really admire this guy a remarkable amount. He was the executive director of the Legal Aid Society for 11 years. And if you

remember, during those 11 years we had the Great Recession. And what happened in the Great Recession, a lot of businesses and Metro Louisville, our revenue went down. And that certainly happened at the Legal Aid Society. But what also happened at the Legal Aid Society is that the needs went remarkably up because they served the most vulnerable people in our community, and of course those people had more needs as they lost their jobs and foreclosures occurred and the like. Jeff managed that very well, helping veterans, domestic violence victims, grandparents, individuals with disabilities, homeowners facing foreclosure and many other people in poverty in the community.

We have a little proclamation recognizing Jeffrey bean as an exemplary public servant.

Whereas the Legal Aid Society serves Louisville's most vulnerable people for nearly a century.

And whereas Jeffrey bean served at the executive director for the Legal Aid Society for the past seven years.

Whereas the Legal Aid Society made significant advancements during Jeffrey Bean's tenure, despite a recession which severely impacted fundraising, including an increase in overall client services by 100 percent from ten years ago.

And whereas Jeffrey Bean has now retired as executive director and tasked the charge to Neva-Marie Polley, who is also with us. We hereby confer this honor to Jeffrey Bean, an exemplary public servant.

JEFFREY BEAN: Please. Thank you. Councilman Hollander, thank you, those are very kind words. Thank you all.

There has been no community partner more essential, no partnership more vital, than the partnership that legal aid has with you. And I mean you, members of this council. I have been very privileged to



have worked with you in serving the constituents of your districts. I am fortunate to have made many, many friendships through that, and I can tell you with full confidence that you can expect and greatly enjoy working with the new executive director, Neva-Marie Polley and that you can expect the tradition of strong advocacy and deep community service to continue under her excellent leadership. Thank you all so very much.

PRESIDENT YATES: Councilwoman Woolridge, would you also introduce your guests, please?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

Good evening, colleagues. I would like you all to help me welcome this year's girls basketball championship team, none other than the young ladies from Butler High School. Come on up. I would like for the head coach, Mr. Larry, if he would come up to the podium with me. And the first thing I would like to do is read a proclamation from the mayor and we want you to make sure the principal, Mr. William Allen, gets this proclamation. And it reads as follows:

Louisville office of the mayor. Proclamation. Greetings. To all whom these letters shall come, know ye that March 24th, 2016, is hereby proclaimed in Louisville, Kentucky to be Butler High School girls basketball championship team 2016. And I urge all citizens to observe this special recognition, done in Louisville, Commonwealth of Kentucky, this 24th day of March 2016, Greg Fischer.

And we would like for your principal to put this in his trophy case. And we have some other certificates for everybody on your team. I would like to read yours and then I would like for you to call out your coaches and managers and the girls basketball team, and we will hand out the awards.

And it reads, Louisville Metro Council. To all whom these letters shall come. Greetings.

Know ye that the Louisville Metro Council hereby honors and awards head coach Larry just of the 2016 KHSAA sweet 16 girls basketball championship team with this certificate of merit in recognition of outstanding achievement as a member of Butler High School basketball team. We hereby confer the honors with all rights, privileges, and responsibilities thereunto appertaining. In testimony whereof we have caused these letters to be made and the seal of Louisville Metro Government to be hereunto affixed. Done in the city of Louisville, the 24th day of March, 2016, Mary C. Woolridge, Councilwoman, District three.

I would like to present this to you at this time.

And I would just like to say a couple other things about this basketball team. We are just so proud of them. I know they probably had a long day because I believe Representative Jodi Jenkins recognized them last Monday, and we had also invited them to come to practice today. So they probably had a pretty long day. But we are absolutely just so proud of their accomplishments. This title makes five state championship titles that the girls have won, and the people in District 3 and also in the city of Louisville really are proud of you. And at this time, coach just, I would like for you to introduce your managers and the girls team and any and all the remarks that you would like to have.

GUEST SPEAKER: Thank you, again, for having us today.

Obviously, it has been an honor to coach this group of young ladies. They had an outstanding year. They went 31 and five this year. They won the fifth championship for the LIT as well to win the state championship. But above all that, I think we have some young ladies here that truly resemble

student athletes. We have a group of young ladies that take care of things in the classroom with a cumulative grade point average of 3.6.

[Applause.]

So these young ladies understand the importance of education first and certainly we are proud of them in the classroom as well as on the basketball floor. We will go ahead and recognize these young ladies.

My assistant coaches Terry Cowan. De'Sean Pendleton. Gary wheeler. Samantha Pits is also a coach for us, but she was not able to be here this evening. My managers, Tanay Williams, Lee Simmons, and now the players: Makia Bowden, Kiera Cane, Terry Goodlet, Taja Jeffries, Allison Just, Britney Just, Gabrielle Kelly, Diana Lewis, Molly Lockhart, Donaya Marshal, Jay Lynn Penn, TK Chabaud, Skyler Thomas, Brea Torrance, and Ashley Wright.

[Applause.]

COUNCILWOMAN WOOLRIDGE: We would just like to ask you young ladies if you would raise your hands if you were on the championship 2014 basketball team. So that means a great deal of you will be coming back next year, so we are going to bring this trophy home again next year.

[Applause.]

GUEST SPEAKER: Give it up for our state champions.

COUNCILWOMAN WOOLRIDGE: Go bears.

PRESIDENT YATES: Now that everybody's blood's flowing, next we have the approval of council minutes for the Regular Metro Council Meeting of March 10, 2016.

Any corrections or deletions?

May I have a motion and second for approval?

>> Motion.

>> Second.

PRESIDENT YATES: Properly moved and seconded. All those in favor say aye. Opposed? The ayes have it. The minutes are approved as written.

Next we have approval of the following Committee minutes, all in 2016:

Regular: Intergovernmental Affairs and Annexation Committee, March 10.

Regular: Committee on Sustainability and Parks, March 10.

Regular: Committee of the Whole, March 10.

Regular: Public Works, Bridges and Transportation Committee, March 15.

Regular: Labor and Economic Development Committee, March 15.

Regular: Appropriations, NDFs and CIFs Committee, March 15.

Regular: Community Affairs and Housing Committee, March 16.

Regular: Committee on Health and Education, March 16.

Regular: Government Accountability and Ethics Committee, March 16.

Regular: Committee on Appointments, March 17.

Regular: Ad Hoc Committee on Land Development Code, March 21.

Regular: Committee on Committees, March 22.

Any corrections or deletions?

COUNCILWOMAN FLOOD: Yes.

PRESIDENT YATES: Councilwoman Flood.

COUNCILWOMAN FLOOD: On the Ad Hoc Committee for Land Development Code I had requested an excused absence. It is not detailed.

PRESIDENT YATES: Mr. Clerk, can we please make sure that the record properly reflects that she had an excused absence? The Ad Hoc Committee of Land Development Code of March 21st?

MR. CLERK: So noted.

PRESIDENT YATES: Any other corrections or deletions? May I have a motion and second for approval?

>> So moved.

>> Second.

PRESIDENT YATES: The minutes have been properly moved and seconded. All those in favor please signify by saying aye. Those opposed? The ayes have it. The minutes are approved as written.

Mr. Clerk, do we have any communications from our mayor?

MR. CLERK: We do, sir.

PRESIDENT YATES: Please read those into the record.

MR. CLERK: Dear President Yates: In accordance with the Convention and Visitors Bureau Commission Ordinance, I am appointing to the Convention and Visitors Bureau Commission:

Ed Hartless, new appointment, term expires August 16, 2017.

Your prompt action on this appointment is most appreciated.

Sincerely, Greg Fischer, Mayor.

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

Jason Karrer, new appointment, term expires June 30, 2018.

Your prompt action on this appointment is most appreciated.

Sincerely, Greg Fischer, Mayor.

Read in full.

PRESIDENT YATES: Thank you. Thank you, Mr. Clerk. The appointments needing council approval will be forwarded to the Committee on Appointments.

The next order of business is the Consent Calendar. The Consent Calendar comprises of items 19-37. Are there any additions or deletions?

Councilwoman Leet.

COUNCILWOMAN LEET: Thank you, Mr. President. I would like to add 500 from District 7 -- I'm sorry.

PRESIDENT YATES: Getting a little bit ahead of you.

COUNCILWOMAN LEET: I make a motion to move it from Consent Calendar to Old Business.

>> 19?

>> Number 19, yes.

PRESIDENT YATES: On item 19 from the Consent Calendar, Old Business.

Councilwoman Hamilton, do you also have a motion?

COUNCILWOMAN BRYANT HAMILTON: Yes. I would like to move items 38-40 to the Consent Calendar, if there's no objection.

PRESIDENT YATES: 38, 39 and 40 to consent. Without objection, item 19 moved to Old Business from consent and items 38, 39, 40 will move from consent to Old Business.

No objection, the Consent Calendar now comprises items 20-40. Mr. Clerk, a second reading of these items.

MR. CLERK: APPOINTMENT OF BRANDON BURTON TO THE BUECHEL FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2016.

RE-APPOINTMENT OF SUE JOHNSON TO THE EXTENSION BOARD. TERM EXPIRES JANUARY 1, 2019.

APPOINTMENT OF ROBERT PETERSON TO THE MIDDLETOWN FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2018.

APPOINTMENT OF MILTON HASKINS TO THE NULU OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2017.

APPOINTMENT OF ANNA TATMAN TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2018.

APPOINTMENT OF JON CRUMBIE TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2017.

APPOINTMENT OF MARK TRIER TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2017.

APPOINTMENT OF JEFFREY MCKENZIE TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2018.

APPOINTMENT OF JEFFREY RAWLINS TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2018.

APPOINTMENT OF KRISTI ASHBY TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2019.

APPOINTMENT OF NATALIA BISHOP TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2019.

APPOINTMENT OF WILLIAM MARZIAN TO THE NULU REVIEW OVERLAY DISTRICT COMMITTEE (ADVISORY). TERM EXPIRES FEBRUARY 26, 2019.

APPOINTMENT OF SUSAN RHODES TO THE ETHICS COMMISSION. TERM EXPIRES JUNE 30, 2018.

APPOINTMENT OF JEREMY UREKEW TO THE HARRODS CREEK FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2020.

APPOINTMENT OF MELANIE WARREN MCCOY TO THE LIBRARY ADVISORY COMMISSION AS CHAIR. TERM EXPIRES DECEMBER 31, 2017.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A NATIONAL LEAGUE OF CITIES (NLC) PLANNING GRANT OF \$25,000 TO BE USED BY THE LOUISVILLE METRO PARKS DEPARTMENT FOR THE CITIES CONNECTING CHILDREN TO NATURE PROGRAM.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A KENTUCKY HERITAGE COUNCIL AND INDIANA DIVISION OF HISTORIC PRESERVATION AND ARCHAEOLOGY

GRANT OF \$76,721 AWARDED UNDER THE LOUISVILLE-SOUTHERN INDIANA OHIO RIVER BRIDGES HISTORIC PRESERVATION AND ENHANCEMENT FUND TO BE USED BY THE LOUISVILLE METRO PARKS DEPARTMENT FOR THE BUTCHERTOWN STREETScape/STORY AVENUE PARK PROJECT.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$120,000 OF FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR AN ENGINEERING STUDY REGARDING THE TYLER PARK/BAXTER AVENUE BRIDGE ADMINISTERED BY THE METRO PARKS DEPARTMENT.

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO JACK HENRY & ASSOCIATES, INC., ITS APPROVED AFFILIATE IPAY TECHNOLOGIES, LLC, AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

AN INDUCEMENT RESOLUTION OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE "ISSUER") GIVING PRELIMINARY APPROVAL TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW MANUFACTURING FACILITY TO BE LOCATED IN THE 700 BLOCK OF EAST JEFFERSON STREET, LOUISVILLE, KENTUCKY; SUCH FACILITY TO BE OPERATED BY RABBIT HOLE SPIRITS, LLC, AND USED FOR THE DISTILLING AND PRODUCTION OF BOURBON AND OTHER SPIRITS; GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF TAXABLE AND/OR TAX-EXEMPT INDUSTRIAL BUILDING REVENUE BONDS AT THE APPROPRIATE TIME TO PAY THE COST OF ACQUISITION, CONSTRUCTION AND EQUIPPING OF SAID PROJECT; AND TAKING OTHER PRELIMINARY ACTIONS.

A RESOLUTION APPROVING AN AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT AMONG LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE COUNTIES OF BULLITT, HENRY, OLDHAM, SHELBY, SPENCER AND TRIMBLE RELATING TO WORKFORCE DEVELOPMENT.

Read in full.

PRESIDENT YATES: May I have a motion and second for approval.



>> So moved.

>> Second.

PRESIDENT YATES: The Consent Calendar has been properly moved and seconded. It requires a roll call vote. Will the clerk please open the voting. Without objection, the voting is closing. The voting is closed.

MR. CLERK: 25 yes votes and one not voting.

PRESIDENT YATES: The Consent Calendar passes.

The next item of business is Old Business.

Mr. Clerk, a reading of item 19.

MR. CLERK: AN ORDINANCE APPROPRIATING \$14,983.54 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$1,000 EACH FROM DISTRICTS 4, 8, 26; \$963 EACH FROM DISTRICTS 16, 21, 1, 24, 13; \$962 EACH FROM DISTRICTS 20, 12; \$961.54 FROM DISTRICT 2; \$961 EACH FROM DISTRICTS 5, 22, 6; \$900 FROM DISTRICT 17; \$500 FROM DISTRICT 3; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE LEGAL AID SOCIETY, INC. FOR COSTS ASSOCIATED WITH "PROJECT H.E.L.P. (HOMELESS EXPERIENCE LEGAL PROTECTION).

Read in full.

>> Motion to approve.

>> Second.

PRESIDENT YATES: The ordinance is before us. Is there any discussion?

Councilwoman Leet.

COUNCILWOMAN LEET: Thank you, Mr. President. I would like to make a motion to add \$500 from District 7.

PRESIDENT YATES: District 7, \$500.

Councilwoman Butler.

COUNCILWOMAN BUTLER: District 15, 500.

PRESIDENT YATES: 15, 500.

Councilman Hollander.

COUNCILMAN HOLLANDER: District 9 would like to add \$1,000.

PRESIDENT YATES: District 9, \$1,000.

Councilwoman Fowler.

COUNCILWOMAN FOWLER: District 14, 500, please.

PRESIDENT YATES: 500 from District 14.

Mr. Clerk, would you also record District 25 for \$500?

MR. CLERK: So noted.

PRESIDENT YATES: Give us the new total.

MR. CLERK: The new total appropriated is \$17,983.54.

PRESIDENT YATES: All those in favor please signify by saying  
aye.

Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President, I was only going to ask  
what was the ask and make sure we didn't go over the ask.

MR. CLERK: It is \$25,000, ma'am.

COUNCILWOMAN WOOLRIDGE: And what was the total?

MR. CLERK: 17,983.54.

COUNCILWOMAN WOOLRIDGE: Thank you.

PRESIDENT YATES: No other adds? Properly moved and seconded.  
All those in favor please signify by saying aye. Those opposed? The ayes  
have it.

Mr. Clerk, I believe that there may be -- I'm looking that  
there's another floor amendment. I may have a second and second for a  
floor amendment on this.

Councilwoman Hamilton, did you have a second amendment that you  
wanted to bring on this?

We do have to have a roll call vote. The voting is closing.  
Without objection, the voting is closed. The amendment passes.

MR. CLERK: 24 yes votes and two no votes. Sorry about that.  
Two not voting. My bad.

PRESIDENT YATES: The amended ordinance passes.

Mr. Clerk, a reading of item 41.

MR. CLERK: A RESOLUTION AMENDING RESOLUTION 145, SERIES 2012  
APPROVING THE GRANTING OF LOCAL INCENTIVES TO LOUISVILLE PROCESSING & COLD  
STORAGE, INC., FORMERLY KNOWN AS ABILENE TX FOODS, INC., AND ANY  
SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS  
CHAPTER 154, SUBCHAPTER 32.

Read in full.

PRESIDENT YATES: May I have a motion and second for approval.

>> So moved.

>> Second.

PRESIDENT YATES: The resolution is before us. Is there any  
discussion?

Now we have Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. Due to  
some information that has come to the attention of the committee since the  
committee meeting on the 15th, because we did not have a quorum, I would  
like to request this item be returned to committee.

PRESIDENT YATES: Okay. We have a second?

>> Second.

PRESIDENT YATES: Properly moved and seconded. Is there any  
discussion on that? Hearing none, this is a motion allowing a voice vote.  
All those in favor respond by saying aye. Those opposed? The ayes have

it. The legislation is returned to the Labor and Economic Development committee.

Mr. Clerk, a reading of item 42.

MR. CLERK: AN ORDINANCE APPROPRIATING \$6,000 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$2,500 FROM DISTRICT 15; \$1,000 EACH FROM DISTRICTS 13, 25, 12; \$500 FROM DISTRICT 21; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE SOUTH LOUISVILLE COMMUNITY MINISTRIES, INC. (SLCM) FOR EXPENSES ASSOCIATED WITH THE SLCM "FAMILIES HELPING FAMILIES" FUNDRAISING PROJECT AND TO SUPPORT THEIR EMERGENCY FINANCIAL ASSISTANCE PROGRAM (As Amended).

Read in full.

PRESIDENT YATES: May I have a motion and second for approval.

>> So moved.

>> Second.

PRESIDENT YATES: The committee-amended ordinance is before us. Is there any discussion?

Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. This came out of committee and was amended in committee to add sponsors. Councilwoman Butler is actually our primary sponsor. She may want to speak to it, and I don't think we have hit the limit yet, so we can have additional sponsors tonight as well.

PRESIDENT YATES: Councilwoman Butler, would you like the floor?

COUNCILWOMAN BUTLER: Thank you. South Louisville does two big fundraisers every year. This was for families helping families. The other one is taste of south Louisville August 20th. But there's still room for people to add on, and I thank those that did.

PRESIDENT YATES: Thank you, Councilwoman.

Councilwoman Fowler.

COUNCILWOMAN FFOWLER: Thank you, Mr. President. I would like to add 1,000.

PRESIDENT YATES: Councilwoman Fowler, \$1,000 from District 14.

Is there any further discussion? The amendment first, all those in favor respond by saying aye, opposed? The ayes have it.

Now this is requiring a roll call vote. Mr. Clerk, would you please open the voting. Without objection, the voting is closed. The voting is closed.

MR. CLERK: 25 yes votes and one not voting.

PRESIDENT YATES: The amended ordinance passes.

Mr. Clerk, a reading of item 43.

MR. CLERK: A RESOLUTION AMENDING THE LOUISVILLE METRO COUNCIL POLICIES AND PROCEDURES CONCERNING ACCOUNT BALANCES OF NEIGHBORHOOD DEVELOPMENT FUNDS AND COUNCIL COST CENTER FUNDS DURING FISCAL YEARS IN WHICH A NEW COUNCIL MEMBER TAKES OFFICE. (AMENDMENT BY SUBSTITUTION).

Read in full.

PRESIDENT YATES: May I have a motion and second for approval.

>> So moved.

>> Second.

PRESIDENT YATES: The committee-amend resolution is before us. Councilwoman Parker, would you speak to this?

COUNCILWOMAN PARKER: Sure. Yes. I was acting chair at this past meeting due to an excused absence of Councilwoman Welch. And this was a resolution that was introduced by Councilman Mulvihill in respect to making some amendments to our policies in the event there is an occupying council person who leaves insufficient funds in several of our accounts. And so since he is the sponsor of that, Councilman Mulvihill, I will let

him speak to that, and I believe Councilwoman Leet, she added an amendment, so she might want to speak to that as well.

PRESIDENT YATES: Councilman Mulvihill, would you like the floor?

COUNCILMAN MULVIHILL: Sure. Thank you, Thank you, Councilwoman Parker.

The initial thoughts behind the filing of the resolution, which is to be effective July 1st of 2016, so it is prospectively, was to allow newly elected council members sufficient funds to deal with emergencies and also effectively run his or her office. I think it was well-vetted in the committee. There were nine drafts, multiple meetings. There was an initial attempt to place spending limits, and the committee didn't think that was a good idea because they thought there were at least sufficient controls as far as neighborhood development funds and capital infrastructure accounts.

So working with Councilwoman Flood we went back to the drawing board and came up with a prorated formula that if you had emergencies or your office account was insufficient, you could apply for funding. And again, there was still concerns from the committee because they thought there might be disproportionate shares of funds going to the compete if it was all spent by a certain time and then they got additional moneys. So that prompted the committee to take out capital infrastructure funds. And then the final version that is.

You was meant to address emergencies and kept in NDFs but did put a cap of \$20,000. And it also dealt with how to manage an office account. And I have worked closely with Councilwoman Leet and after nine drafts, the ninth draft unanimously passed the committee. So I appreciate everybody's work on it and I move for passage tonight. Thank you.

PRESIDENT YATES: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I probably will not be voting in favor of this resolution. And the reason I won't be voting in favor of it is each item comes before an appropriations and it is approved by the Appropriations Committee. And the money has to be spent, my understanding, in that district. And if the Appropriations Committee approves this and it is being spent in that particular district, I basically don't see a problem with it. When we took office, there was the board of aldermen, our funds were completely depleted. What we had to do was borrow money until July 1st and then repay that money. But I think anytime it comes before a committee and the committee has approved it and it is going for that neighborhood, I just can't see how you can limit someone from spending money, the taxpayers' money, on the taxpayers. Thank you.

PRESIDENT YATES: Thank you, Councilwoman. And I know the county attorneys are here. And I don't believe it is restricted to be spent in that particular neighborhood. They may want to comment on that. If you do -- I don't think so.

Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you. This is more than just stuff that goes before appropriations. This also includes the call center. You have got individuals who can spend a lot of money in the call center and leave next to nothing which pays for your stationery, business cards, and those other expenses that we have. So this also includes that call center, which doesn't go before appropriations.

PRESIDENT YATES: Thank you, Councilwoman.

Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. As Councilwoman Butler so eloquently stated, this is for your business cards and that sort of thing, but this doesn't say that you are going to get it. The funds have to be available in the general account and it has to be approved by the Committee on Committees along with the president and in conjunction with the business office to see there are funds from the general Metro Council fund to do this. This is not a guarantee. This is just to help someone out if they come in anytime after the fiscal year has begun and they have no money to run their office. Because you still have to pay for your phone, the copier when you use it. There are still things that you have to pay for that in some respects are out of your control and it is not fair for a council member to be dinged that they have overspent when actually they haven't even been there. There's no guarantee they will get the money, like we said, and the twenty thousand dollars which would have to be approved for an emergency would be just like when we had the winds from Hurricane Ike that went through the city of Louisville and wreaked havoc and broke branches and trees down. There are a lot of us who gave money to the community ministries to try to get the people who were hit the hardest with funding. No one is going to get an extra paving or sidewalk put in. This is just those twenty thousand dollar cap just for an emergency or a natural disaster. Thank you.

PRESIDENT YATES: Thank you, Councilwoman.

Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. I'll be voting in favor and I appreciate the work on this. I do have to say, though, I don't think it goes far enough. I think the original was closer to where we need to be. And frankly each of us as we go into an election cycle we should be limited to only spending half of any of our remaining share of



our NDF balance or infrastructure balance or call center. We shouldn't spend more than half of that before the election is over. And if you have been reelected you finish it up for the year and if not half of the money would be there for whoever comes in to replace you. We tried that a couple years ago, didn't have the votes. I just want to go on the record saying that would be the most fair and just way to do it.

PRESIDENT YATES: Councilwoman Parker.

COUNCILWOMAN PARKER: My philosophy is only use the money if it is needed, not because it is there. But I have suggested to see if the council could place, at least through appropriations, if we have NDFs going through, especially with an outgoing council member, and she has agreed to do so, place the balance of each council member's account on the NDF so as a peer review we know who is outgoing and if we think it is inappropriate, they are getting close, or we will be in a situation where we have to cover for the oncoming council person, then there is a little bit of accountability and peer review, and she has agreed to do that. That may be somewhat a little bit helpful as well. Thank you.

PRESIDENT YATES: Thank you, Councilwoman.

Councilwoman Leet.

COUNCILWOMAN LEET: Thank you, Mr. President. I just wanted to comment that I appreciated the opportunity to work through and compromise on this. I will state that in general, similar to Rick except opposite side, I am not truly in support of this but I felt like we reached a good compromise. In its original form I would have voted no simply because it doesn't make sense to create a financial obligation that can't be met each two-year election cycle. So I think this was a good, responsible compromise and I will be voting yes.

PRESIDENT YATES: Thank you.

Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

The reason that I'm voting yes, and I want to make sure that everybody's -- the viewing public is aware of what is actually happening here. When this was first introduced, the intent was to limit the amount of money that a council member could spend who was on his or her way out of office. I share in Councilwoman Woolridge's concern in that regard. I believe an elected official is an elected official until they leave office, and so contrary to my colleague in District 12 who feels like there should be some spending limits, I'm adamantly opposed to put the spending limit on a council person for their office account, beyond the 30,000, obviously. That's not what this does. And I want to make sure that everybody who is voting on this understands this does not place limits on council members who are in office, whether they were elected or appointed. What this says is if a new council person comes in and they don't have any money in their office account and they can't afford to buy -- to Councilwoman Flood's point -- can't buy stamps or paper clips, this simply says that if there's money in the general council account, the president can move the money up to \$5,000, a very reasonable limit. So it is not limiting the ability of a council person who is on their way out of office. It is not limiting their ability to do their job. It is not taking away their authority to make decisions. All it is doing is saying to a new council person coming in, if there's a need in your office, there is a potential to help you out here.

And so, again, after all the work that was done in the ninth version, I think it takes care of the need that Councilman Mulvihill brought forward, but it doesn't limit a sitting council member's ability

to run their office. So I think it's a great compromise and I would encourage my colleagues to vote yes.

PRESIDENT YATES: Thank you, Councilman.

Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President. I look at this from a little bit different angle, and the different angle is this, two-fold. One is the money that District 26 has is not Brent Ackerson's money. It is the District 26 money, and I'm the steward of the funds. So ultimately if by letting me and my stewardship over those funds, if I spend it all quickly on things that I see I'm doing improvements, or I have squirreled it away to then work on a major revitalization project or whatever else, I have done my job. I fulfilled my powers, what I was elected to do. And if I leave office or I'm voted out of office and the funds are limited or all gone, that's the result, District 26 had their money and I operated under the authority that I had. And so to make extra funds available because the next person coming in wants to spend X, Y, Z, it's not the next person's money. District 26 had their money and it got spent. And it got spent wisely and properly. How do I know that? Because this body votes on those things.

This body votes on my -- well, we should be voting on my NDF spending. The question is, if the majority of my projects that are over 5,000 that we are voting on, projects that are under 5,000 are still getting voted on by the Appropriations Committee. They are being approved by this body. And so to say they weren't properly spent would be also to say that the Appropriations Committee didn't do their job. And I'm not saying that. So obviously whatever I spend is doing good because my peers have given me a thumbs up on that.

Councilwoman Woolridge and Councilwoman Parker both make interesting points. And the point is, ultimately, in my eight years being here I don't think I have ever seen an appropriation -- there might have been one or two -- but not for the reasons that it was a bad choice because they were lacking some paperwork or something, we rarely ever vote against appropriations. The theory is sort of, don't muck with the other council person's spending. And maybe that process needs to change a little. Maybe we do need to have a greater oversight over those things.

And so I'm not in favor of this for the mere fact that I think that what we have we are supposed to be taking care of, what we spend is legitimate spending. So to say we needed extra money for the potential for and we will have this equation and things, just seems like it is unnecessary. The necessary party is our oversight. I appreciate the work that has been done on this, but it is an issue we disagree on and it will be a no vote for me tonight. Thank you.

PRESIDENT YATES: Thank you, Councilman.

Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. You said you have gone through nine versions and might need to go through a tenth, I'm thinking. As I look through this, I'm thinking about every time you compromise doesn't necessarily mean you are getting it right where you want to be. But placed in the balance on NDF, I think that is doing that now, letting you know how much is left in an account. But I think it is up to the committee to determine if an appropriation is appropriate, if it meets public purpose. That's basically all the compete can do. I'm not going to determine whether somebody appropriates, in my opinion, is present. It may not be what I would appropriate money on but it is up to them because council members have that discretion.

One of the concerns that I have here is if it is only limited to an emergency or natural disaster. I think the point was that someone going out of office spends the money, leaving a little bit of money in your NDF and then I think you are taking away the council member's discretion there. If you are going to give them money on how they want to spend it or what the need is. They will determine the need but then you get into how are you going to determine is it an emergency? That is going to be whose determination? The committee? Council members? Natural disaster, I think we can all agree on that. But I believe there had been discussion also about whether if you came in and you needed money, then it was an advance from your next fiscal year's NDF or CIF or operating account, and that way it wasn't on the general council.

So I'm not sure this is getting where you want to be. Also it is not starting of July 1, 2016. I know why it was put off until then, because District 10 sponsored this. We know the situation that that council member faced coming in. So I notice there are some appropriations coming up for District 10 and I'm wondering where is that money coming from, if there was no money, you know what I mean?

So we always in the council turn back big sums of money from the general account, 600,000, 500,000, so it is not like the general account is hurting for \$20,000, but I just think putting the limitation of a natural disaster or an emergency, if there is a need and there has been no money left, should be up to the council member to determine and not just saying there has to be an emergency or unforeseen natural disaster.

PRESIDENT YATES: Thank you, Councilwoman.

Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Thank you, Mr. President. I too believe that sometimes you have projects that may take two years to get done, like

my projects. They come into force right now. And say for instance I may lose my race. And then you are going to say I couldn't put that money in those projects that has been sitting there for all these years? I don't agree with that. I think the money prolongs to that district, that money should be able to take care of those projects. And if there's money not in the office, that's a different situation, but as far as money for NDF, CIF, those types of projects, if that money is being spent, it should be spent. That's that district. And so I don't agree with it because sometimes you have to wait years, and there has been a couple years to get a project done and it may just so happen right then. And I know I see some of you shaking your head, but this is the way I feel about it. We all have the right to have our own opinions, and that's the way I feel. If we didn't have any money left in there, that's the way the ball rolls.

PRESIDENT YATES: Councilwoman Welch.

COUNCILWOMAN AUBREY WELCH: Thank you, Mr. Chairman. I think some people might be reading too much into this, because it doesn't say anything about not being able to spend money. It just talks about that if you get there and you don't have money in your call center to have an aide help you along, then you are going to have an option to find some funding within the general council budget. Same thing with NDF. It doesn't say that you can't spend something or that the previous person can't spend anything. It just says that if you are left with 0 you have a little something to help you along to finish out the year until July 1st rolls around again. So this resolution was bounced around in the GAE compete for several weeks amongst many of us, was talk about for quite some time. And I think that with everyone's input it has come to a really good compromise, so I'm definitely in favor of this.

PRESIDENT YATES: Thank you, Councilwoman.

Councilman Blackwell.

COUNCILMAN BLACKWELL: Mr. President, I got us off topic on this. We are debating something that has nothing to do with this. I think there might have been a better way to go about it, but it doesn't say anything about restricting funds and so on. I just wanted to be clear and to apologize for taking us down that road, which now we have talked about for 30 minutes on something that doesn't have anything to do with this. I apologize.

PRESIDENT YATES: No one is in the queue. Everyone clicked out of the queue based on that apology, I believe.

Is there any further discussion?

COUNCILWOMAN SHANKLIN: Before we vote, this is money for office money, right? So you won't have none left.

PRESIDENT YATES: This would only be in the event like in the situation of Mr. Mulvihill, he came to my office concerned, he had outgoing contracts and bills. We sat down with Beth and Grable to be able to facilitate that. In the future if you had a council person who had no funds or availability to pay the contracts or communicate with their constituent base, there would be a transparent way of being able to go forward and funding that office, Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: But I did hear someone say he wouldn't have a way to pay his aide. That money doesn't come out of the district money, but the council pot, right? Nothing to do with the aide.

PRESIDENT YATES: Councilwoman Hamilton.

COUNCILWOMAN BRYANT HAMILTON: I guess my real question, why July 1st? You'll get new money anyway. And if you have a situation now or next month, why don't we say this takes effect in 30 days or 60 days?

Why are we doing the next fiscal year when those accounts are going to be replenished anyway?

PRESIDENT YATES: Would you like to address that?

>> Just looking at this, I didn't want to make it about the situation that I was in. I wanted to prevent it for future situations. So I wanted to make it prospectively and when it was filed that was the way it was done. Thank you.

PRESIDENT YATES: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President, I don't know whether District 10 has any bills coming in now that his district isn't able to pay. And if so, what are they doing about it until July, three months from now? Do we know if they have bills or postage or telephones or fax machines, any type of bills that they can't pay? And what is happening with those bills now if you can't pay them and we don't have any money?

PRESIDENT YATES: Councilwoman, in trying to avoid in unique situation, in Councilman Mulvihill's situation, making this off topic, but I believe that we were able to move some funds back to, with approval of the president, back over to his operating account so he could make that. Pat, if you would like to address that directly.

COUJNCILMAN MULVIHILL: We took CIF money, moved it into NDF and transferred it to the office account. We did that maybe a month ago.

COUNCILWOMAN WOOLRIDGE: So this district was not completely broke. There was money in some accounts but not in other accounts. Is that what we are saying? It wasn't in the office account?

PRESIDENT YATES: That's correct.

COUNCILWOMAN WOOLRIDGE: I don't know what all the fuss is about then.

PRESIDENT YATES: We were able to transfer through the account.



Is there any other discussion on that? Okay. No further discussion. This is a resolution allowing a voice vote. All those in favor please signify by saying aye. Those opposed?

>> Roll call, Mr. President.

PRESIDENT YATES: A roll call vote, Mr. Clerk, please. Open the roll.

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

MR. CLERK: 17 yes votes, eight no votes, one not voting. The no votes are Council Members Shanklin, Woolridge, Hamilton, James, Downard, Denton, Johnson, and Ackerson.

PRESIDENT YATES: The amended resolution passes.

Mr. Clerk, a reading of item 44, please.

MR. CLERK: AN ORDINANCE FOR LOUISVILLE METRO GOVERNMENT TO REJECT LG&E'S BID FOR NATURAL GAS FRANCHISE.

Read in full.

PRESIDENT YATES: May I have a second?

>> Second.

PRESIDENT YATES: The ordinance is before us. Is there any discussion?

Councilwoman Butler.

COUNCILWOMAN BUTLER: I just want to thank them for putting this on Old Business so that I can abstain from it. I'm employed by LG&E, so I will be abstaining from tonight's vote.

PRESIDENT YATES: So noted. Thank you, Councilwoman.

I have Councilman Mulvihill's also in the queue. Would you like to speak before Councilman Owen addresses this?

COUNNCILMAN MULVIHILL: Yes. I'm going to have to abstain as well.

PRESIDENT YATES: We have an abstention from Councilman Mulvihill.

COUNNCILMAN MULVIHILL: My wife works there. Thanks.

PRESIDENT YATES: Mr. Owen.

COUNCILMAN OWEN: I will defer to the sponsor, Mr. Hollander, and he will address the issue.

PRESIDENT YATES: Councilman Hollander, would you like the floor?

COUNCILMAN HOLLANDER: Thank you, Councilman Owen and Mr. President. This is a resolution to reject the window -- bid that LG&E made for the gas franchise. Several months ago we put out proposals. LG&E made a bid. What was objectionable with what LG&E came back with is essentially saying this bid is contingent on executing this agreement. And the agreement was somewhat similar to the agreement we currently have but left out a number of terms which had been discussed by a work group, including Councilman Downard, then-President Tandy and others, that we think are important to the community, including, at least I think it is very important to the community, some more requirements and some more language about how our rights of way are maintained when they are disturbed by this utility company. And there are other terms also that were omitted.

So what this does is rejects the bid. There will be another ordinance putting this out for bid again. LG&E will bid on that, and we hope that we will have good faith negotiations to conclude this matter with a new franchise agreement at some point in the not-too-distant future.

PRESIDENT YATES: Thank you, Councilman.

Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. I would just reiterate that we worked hard on this for a long time, and I would have to congratulate the county attorney's office, who probably slept with this for about eight or nine months, and it has been a difficult process as we met and heard about the rejection and reluctance to even going to good faith bargaining. At least it seemed that way.

I know I have read the most recent letter we have sent back from the county attorney's office to LGE and saying we have every hope of coming to an agreement, every hope of trying to reach it. We have asked you several time for certain pieces of information, and we would really appreciate you bringing that forward as the basis for which we can then conduct some good-faith negotiations. And I hope that will happen. It has been frustrating for me and Councilman Hollander too and it must have been considerably harder for the county attorney's office, every day. So I appreciate the effort and endorse this rejection of the bid. Thank you.

PRESIDENT YATES: Thank you, Councilman. Is there any further discussion on this?

Councilwoman Parker.

COUNNCILWOMAN PARKER: Yes. I just have a question. Is there a deadline? Is there a date deadline for when an agreement has to be reached? And would it be feasible to hear from LG&E to have them come to the committee so we can hear what their concerns are?

PRESIDENT YATES: We have several assistant county attorneys in the room. There is a deadline. Julie Hardesty would speak to that.

JULIE HARDESTY: The current franchise agreement expires on March 31st. And after that lapse, there will be a period of time where we will not have a current or active franchise agreement in place. So the effect of that is that we will continue negotiations. In fact, we have a

meeting tomorrow morning with Louisville Gas and Electric and their attorneys and a couple of their representatives in hopes of being able to move forward with more negotiations to come to an agreement that will be acceptable to Metro Government and provide the protections for the right of way and in the event that there are other infrastructure problems that need to be addressed. And most of that are gas pipe lines that are running through metro right of way. The answer to that, the fee will not continue to be paid according to Louisville Gas and Electric, while the agreement is lapsed. Does that answer?

COUNNCILWOMAN PARKER: Yes.

PRESIDENT YATES: Thank you, Ms. Hardesty. Is there any further discussion?

Hearing none, this ordinance requires a roll call vote.

Mr. Clerk, please open the voting. Without objection, the voting is closing. The voting is closed.

MR. CLERK: 22 yes votes two abstentions and two not voting. The abstentions are from Council Members Mulvihill and Butler.

PRESIDENT YATES: The ordinance passes with two abstentions.

In accordance with rule 5.12, which states a motion to commit or reconsider any matter shall be considered without debate, a motion to reconsider a vote shall not be made after the next meeting of the council at which such vote was adopted. Therefore, the following items are being reconsidered from the March 10th Metro Council meeting.

During the last Metro Council meeting all Metro Council meetings that had agreed to fund NDFs were not included in the ordinance and this reconsideration is to allow those to do so.

With that, Mr. Clerk, would you give me a reading of item 45.

MR. CLERK: AN ORDINANCE APPROPRIATING \$24,000 FROM NEIGHBORHOOD DEVELOPMENT FUNDS, IN THE FOLLOWING MANNER: \$2,000 EACH FROM DISTRICTS 6, 14, 23, 17, 10, 5, 7, 8, 1, 2; \$1,500 FROM DISTRICTS 16, 20; \$1,000 FROM DISTRICT 9; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE KENTUCKY SHAKESPEARE FESTIVAL, INC., TO FUND COSTS ASSOCIATED WITH PERFORMANCES OF "SHAKESPEARE IN THE PARKS" (As Amended).

Read in full.

PRESIDENT YATES: Thank you, Mr. Clerk.

Councilwoman Butler.

COUNNCILWOMAN BUTLER: Yes, thank you. When this was originally pulled around, District 25, 13, 15, 21 all put up \$500 for performance at Iroquois Park, which is happening April 9th. And somehow through all of the paperwork it got lost and so I would like to add 500 from each of those districts this evening to pay for that at Iroquois Park.

PRESIDENT YATES: With that explanation, may I have a motion and second for reconsideration?

>> So moved.

>> Second.

PRESIDENT YATES: All those in favor respond by saying aye. Opposed? The ayes have it. And the first motion you said was 500 from which districts?

>> 25, 21, 13, 15.

PRESIDENT YATES: Mr. Clerk, would you give us a reading of our new number?

>> 21, 13, 15.

MR. CLERK: The new total amount appropriated is \$30,000. I'm sorry.

>> Should be 26,000.

MR. CLERK: 28,000.

>> Six.

MR. CLERK: You have already added it? I apologize. That amount was already added on my screen and I did not know that. Sorry about that. That is correct. 26,000.

PRESIDENT YATES: Thank you. Is there any further discussion on this? May I have a motion and second for approval?

>> So moved.

>> Second.

PRESIDENT YATES: All those in favor respond by saying aye. Those opposed? The ayes have it. The floor amendment passes.

Is there any further discussion now? Seeing none, this ordinance requires a roll call vote. Mr. Clerk, will you open the voting? Without objection, the voting is closing. The voting is closed.

MR. CLERK: 24 yes votes and two not voting.

PRESIDENT YATES: The amended ordinance passes.

During the last Metro Council meeting, the following two ordinances were amended to include 2.8 million from both the public works salt account and the Quality Care Charity Trust, QCCT. In the legal opinion, after those votes I sent out the advice of our county attorney to get their legal opinion. In that legal opinion of the Jefferson County attorney and their assistants they advised Louisville Metro Government doesn't have the authority to retrieve the projected 2 million from the QCCT at this time and there is some question as to when and ultimately if those funds will be available to the Metro Council.

As such, we had ongoing discussion, including discussion with the original author of the amendment, Councilman Downard, who has a new amendment that I believe will resolve and clarify some of the issues. The

amendment would say to the effect, if and when those funds become available, they will be appropriated for funding. As such, I have requested the items to be reconsidered by the entire council. And that's based on an ongoing open dialogue, to the viewing public. This is despite what may be put into the papers and media. This has been a very open discussion in which we have reached an agreement, and I believe it should have a positive resolution.

With that, Mr. Clerk, would you give us a reading of item 46?

MR. CLERK: AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND FOR MID-YEAR OPERATING NEEDS BY AMENDING ORDINANCE NO. 103, SERIES 2015 RELATING TO THE 2015-2016 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT. AS SUBMITTED BY COUNCIL MEMBER BUTLER (AMENDED BY SUBSTITUTION).

Read in full.

PRESIDENT YATES: May I have a motion and second for reconsideration?

>> So moved.

>> Second.

PRESIDENT YATES: Properly moved and seconded. All those in favor of reconsideration of this item say aye. Those opposed? The ayes have it. The amended ordinance is before us. Is there any discussion on the first amended ordinance?

Councilwoman Butler.

COUNNCILWOMAN BUTLER: Yes. In this particular ordinance, we had taken 800,000 out of the salt budget. Since then, we have learned they had some outstanding invoices they needed to pay, and so the total amount we will take out of that is only 700,000. So we will need to

increase the public works operating and only take out 700,000 instead of 800 and change all the subsequent numbers to reflect that.

PRESIDENT YATES: May I have a motion and second to the floor amendment?

>> So moved.

>> Second.

PRESIDENT YATES: Is there any further discussion? Hearing none, all those members in favor respond by saying aye. Those opposed? The ayes have it. The floor amendment passes.

Is there any further discussion on the entire amendment?

Councilman Downard.

COUNCILMAN DOWNARD: I just wanted to briefly say, and I am in full agreement with this and I appreciate everybody working hard on it. I just wanted to say it wasn't done frivolously. We looked at the city numbers and had an outstanding number. There was no way of knowing there were outstanding invoices. And even though I had conversations late yesterday afternoon, I was not aware of this until last night. So I apologize for the wrong amount, but we just didn't know. I'm sorry.

PRESIDENT YATES: Thank you, Councilman.

Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President. There has been a number of us on here that have been very vocal about getting as much dollars as possible for paving to make up for the deficiencies. I was a supporter of this amendment a few weeks ago. Tonight I am going to offer an amendment to what is being proposed as the amendment. And my purpose for that tonight, essentially, is this. We have all been finally given a copy of the trust agreement. When I read the trust agreement on page six, section five, five A talks about --



PRESIDENT YATES: Councilman, if I may, just for clarity, because I know we just read the number. This one is broken down into two separate reconsiderations. The one that is before us is just over the salt. Here in a second we will bring up the trust agreement.

>> The county attorney has told me --

>> Point of clarification. This is because QCCT is operating and we actually moved 2 million from operating to capital for paving whenever we did that. So in reality, I believe he wants to make an amendment here as well to increase.

>> There will be two amendments. There will be an amendment to item 46 and an amendment to item 47 so that both will be consistent with each other.

>> So he will need to increase the operating by 2 million since we took it out and moved it to capital last time.

>> Reducing the operating by 2.1 million total.

PRESIDENT YATES: I'm sorry. My apologies for interrupting. I was believing you were on the first one. Without interruption, I'll let you continue with your explanation, Councilman Ackerson.

COUNCILMAN ACKERSON: Okay. Well, essentially looking at the trust, the way I read the language, which has also been explained by the county attorney's office, the end result is whether or not we will ever get this money, doesn't seem like it is going to happen because every year the way this is set up is the money rolls forward, paid forward. So there won't ever be a surplus, anything left over, unless the agreement ends, we terminate it, or essentially we renegotiate it to where it wouldn't have money left over. And as such, my problem is it is our job to get as many dollars as possible for paving, I don't want to fictitiously put money out there. I don't want the people of District 26 or in Louisville feeling

good about \$2 million extra towards the paving when it is really never going to come. It would make me look good, all of us look good, but it would be a farce upon our constituents.

So I believe I'm going to offer an amendment tonight that essentially on item 46, section one language in there, decreasing the intergovernmental revenues by 2.1 million. And in section eight, increasing public works operating budget by 100,000. And that all other numbers therein be adjusted to reflect that. And that will be my amendment. And I'll hopefully get a second.

PRESIDENT YATES: Is there a second?

>> Second.

>> Thank you.

PRESIDENT YATES: Is there any discussion on that?

Councilman Downard, you are in the queue. Is it on discussion on this?

COUNCILMAN DOWNARD: Thank you. I appreciate it. This is rather confusing. Let me go through as best I can. And I know if I say something wrong I'll get corrected by the county attorney, and I welcome that.

This is an agreement that terminates in June. The possibilities for that, there should be somewhere around 2.1 million in total that will be left over. No guarantee that's there. That is their best estimate as of last week and they found that. They used 1.3 million last year, anticipate 1.5 million this year and that will leave a remaining \$2.1 million.

The bit about rolling over, the possibility of rolling over the remaining 2.1 million is certainly there but it is not anything that will happen under the agreement that we have. The agreement that we have

terminates. If the negotiations between the city, the state, and hospital ensue as I assume they will, sometime in the next couple months, we will be brought a new agreement that says here is the amount of dollars that are needed for metro for QCCT and unless this council is different than it has been for 14 years we will approve that.

The money rolled over is an interesting situation. It has only happened once in 14 years since I have been here. And as far as I can tell it has never happened before that. The reason being there never was any money. The money being rolled over after last year -- and I remember in the negotiations of it -- was rather than to cease that contract in one year, in 2014, we made it for two years because no one had any idea how much was going to be needed. There was no road map as to how many uninsured people would be there. So we made provisions if there was money left over that it would rollover to '15. But that's it. At the end of last year there were \$3.6 million left and communicated to us. In our budget last year we allowed for 3 million of it to be utilized this year, maximum. And that would be the amount maximum contribution we would make. That was agreed to by everyone. The city and the state and the hospital all have different amounts seems like every year. Back when it was 38 and 39 million it was a whole lot from everyone. Now it is less.

What would happen in my estimation is that at the end of June 30th there is up to after the termination of the agreement up to another year for them to determine whether it is like the salt bill, which just came up. So those things happen and they have a year for that to come about. They have estimated they have a good number.

Now, there was a lot of confusion, and I suffer that I may have been part of that. But when President Yates and I sat down today and said we have a whole lot of people saying that are concerned, we have

constituents in our districts, colleagues here in Louisville who were concerned we were going to take money from people in hospitals. That isn't going to happen.

So what I'm going to propose is, although I firmly believe that \$2 million will come forward, or more at the end of the year, which would be June 17th, I am going to make a further statement so that no one is concerned about the care of indigent patients. That none of these dollars can be spent until they are received. Okay. If they are never received, they can't be spent. And I think that puts the restriction on it that is proper. You know as well as I do every grant we receive from the federal or state government has a restriction on it. It can't be spent until it is received. In our ordinance two weeks ago, we said that we anticipated an increase in our revenue, and if we had that increase, here is what we have proposed to spend it on and we went through a whole list of things.

I would say from the revenue commission, it went from \$348 million to an anticipated increase up to 356 million and none of that is here. Probably 260 million is here. It keeps coming in. Probably about 310 now because you have the big numbers coming in for stacks income tax, but that money's not here. It can't be spent until it comes in. That is very common with every source of revenue. The source that we identified here is a source that would be sent back from the state at the culmination of this agreement.

The trust is probably going to continue on for a long, long time. I don't know that there will ever be a cease for a need unless the hospital says they have alternative funding. So the trust will always continue. The amount that we will be asked to fund, no one knows nor have we been asked nor has anyone signed an agreement saying we will roll this money over. It is pretty proper and what we do every year is to identify

a need, a budget, and then put that in the budget. I anticipate that will happen again this year. We have had QCCT tossed in every budget since I have been on members of council except this year. We rolled it over for the very first time because we had a lot of money left over. We will have money left over, at least 600,000 because they can't spend more than 3 million, they don't anticipate they will spend half of that. So I think there will be some kind of money coming back. Don't know what or how much. This is an endeavor to tell people in our community that paving is important and that we are searching for opportunities, should they arise, to put money into paving. And we are going in the corners looking for it. But we are not taking any money from anybody. With this amendment I hope it will be very clear 245 we are not asking to take any money from anyone. I would vote against Councilman Ackerson's amendment. And the reason being there is not a need for it. If the money doesn't come, it can't be spent. So I would say that I would ask you to vote against that and vote for this very simple amendment that I will then put in after him that says that you can't spend it until it arrives, like every other source of revenue that we have. Thank you.

PRESIDENT YATES: Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President. Councilman Downard and I agree upon two things. The discussion from two weeks ago and the discussion tonight is not about -- there isn't an issue about worrying about us not taking care of indigent care. Okay. This is not what that is about. It is not like we are trying to short-change indigent care. Not trying to short-change the trust. We also agree that this is not about robbing the trust, taking money that we shouldn't be taking. The question really boils down to, and I have been beating my chest from hilltops about more for paving, more for paving, but it ought to be

definitive dollars. And while there is definitely going to be money left over, we saw the e-mail, Councilman Downard and I agree there will be money left over. The problem here is the lawyer in me says you have to go by -- it is not a question of -- -- you like that, Stuart, huh? Stuart, if you want to read, doesn't take a lawyer to know for sure. Your laugh brought my attention. But the end result is the language is very clear that if there is a balance, that there shall. The word shall legally requires it to be put forward. There is no doubt about that. So to sit here and say that we think that we will renegotiate or we think they won't need this or come back to us, at this point I no longer have faith in that. Two weeks ago I did because I didn't have this language in front of me. And for the other lawyers in the room in the law we deal with more likely than not. That's how we judge things.

More likely than not. 51 percent, rare probability. The reality is more likely than not this money will not be there because it will be required to roll over. And so we should not fictitiously put it on our books. I wish we could. I wish we could. But once it does absolutely become available, or more likely than not it is available, if someone wants to renegotiate this and bring in the new contract and it shows it would be available, I would be more than happy to put it on our books at that time, more than happy to. Would be delighted to, in fact. But until that happens or until this trust is terminated -- no one here wants to terminate the trust. We want to see the care taken care of. That is not an option to terminate this. The option is renegotiating. So the option that it will show me it will definitively be available, putting it on the books, I didn't vote for George W. Bush but one saying that I liked. It would be fuzzy math. And unfortunately at this point I can't vote for this without the amendment because it would be fuzzy math.

Making promises that aren't there solely to make people feel better about the situation that is horrible, that it would be a fictitious of feeling of feeling better. You might feel better about me as a politician, but it would be fictitious. So I would encourage you to vote for this amendment that I put forward. It keeps it real. We fell a little short of what we wanted, which will give us more drive to come up with more tomorrow. So thank you.

>> Thank you, Councilman Ackerson.

PRESIDENT YATES: In order to briefly explain my point on the next issue, I'll ask our president pro tem to quickly assume my seat here so I can follow the order and make a quick explanation.

I'm sure you missed me being out here.

Last week during the caucus and Committee of the Whole, I made the same arguments that I'm hearing Councilman Ackerson make today. And I didn't have the information in front of me, but it was over those concerns. And I was absolutely and totally against the amendment. Since that time, I have sat down and worked this out and talked to my colleagues, and one of the proposals that Councilman Downard put forward is what is the harm? And the lawyer in me, the same thing, I'm looking at the contract and going this isn't bound money. We don't have this money. We are already going to get it when we get it. I didn't think it was necessary or that we needed it.

But then I talked to some other colleagues who said their fear, there's a fear here that in the event that it may be -- that we may lose it. That in the event it came back it wouldn't be assigned to paving, there is some kind of loss. I don't know what the chances of that are, but then again, my response is by not agreeing to the amendment that is put forward, if and when we get the funds and it goes to paving, why

wouldn't I agree to that? And I think this is something this body can come together. And we are telling the public, you are right, there's no guarantee, I said it last week and I will say it again there is no guarantee there will be an extra \$2 million in there. But in the event there is, it goes to paving. That's what the council wanted, the will of the council, and that's why I thought it was an acceptable amendment. Thank you.

COUNCILMAN HOLLANDER: I think Councilwoman Hamilton is in the queue.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President Pro Tem. Looking at the trust obligations on page six, section A, receipt, investment, and disbursement, and I think I will direct this question to the county attorneys. But just the other day we celebrated six years of the Affordable Care Act here in Kentucky and Kynect which is helping to insure the medically indigent and uninsured, so we found ourselves having more money. So the QCCT has not been as needed because of the -- oh, you have it up there. Good. People can read it. But we hear talk in Frankfort about doing away with it, so we need to make sure that the QCCT stays there and remains intact.

But the section here, for each trust year the trust will disburse funding and such funding will be disbursed exclusively to reimburse corporation for hospital care for indigents and medically needy. Section one. Except as provided in subparagraph two, which is if it ever terminated, but in this section it says if there is a cash balance in the trust at the end of any trust year, such balance shall remain in the trust for use in the next succeeding trust year to pay for hospital care provided to indigents and medically needy in occurrence with the terms of any future agreement.



Any cash balance remaining in the trust at the end of any trust year shall not reduce total government funding in any succeeding trust year. So I'm wondering, and then we can go on.

Section two, any balance remaining in the trust at the termination of the trust shall be retained for a period of one year to provide for the adjustments permitted under paragraph 6 A. Earlier today everybody kept talking about, well, we don't know when it is going to terminate, if it'll terminate, but from year to year you have to keep enough there for the following year and it wouldn't be available until a year from that point; is that correct?

Thereafter, any remaining balance shall be returned to Louisville Metro and the commonwealth in the same proportion and the funding by Louisville Metro and the commonwealth bore to the total government funding of the trust year prior to termination.

So what I'm asking is about the money -- there's no termination, and we are talking about spending funds for paving, whereas they say the money has rolled over for and to remain here. So can we even do what we are talking about, putting that language in for quote unquote paving if the trust never terminates?

MATT GOLDMAN: Councilwoman Hamilton, my name is Matt Goldman, and I'm an assistant county attorney.

In answer to your question, the county attorney's office was asked to examine this trust document following the last council meeting. And these are the terms that we examined. I will tell you that if the trust continues, we are referring now to paragraph one, if the trust continues, the balance remaining in the trust rolls over from year to year. Now, there may be a future agreement wherein all parties to this agreement can consent to certain terms, but we pledged a certain amount of

money for the trust. The trust acts as a fiduciary for a certain amount of care, as you'll see in paragraph A, and those funds are used exclusively to reimburse the hospital for the care of the needy.

This is a potential that the trust will terminate at some point. If the trust terms or if the parties don't need to agree to anything in the future, the trust may terminate. And if the trust terminates, that's where paragraph two speaks that the funding is returned, it is returned based upon the same proportion that the state and the Louisville Metro contributed the funds.

COUNCILWOMAN BRYANT HAMILTON: Right. Yes.

MATT GOLDMAN: With regards to all of the capitalized terms that you see in those paragraphs in both paragraph one and two, the capitalized terms refer to defined terms that are within the agreement. If we could go back to page three of the trust agreement. So the total government funding you see is the defined term in paragraph two we just addressed, total government funding regards the funds that we contributed in 2014 and 2015, and then if we could scroll up, the initial term of the trust -- just a little bit farther -- the initial term of the trust was to run -- from 2014 and ends June 2016. Scroll all the way down to the bottom.

The trust year, which is a defined term within our agreement, refers to not only tease years but any consecutive 12-month period that may occur from year to year. And if we can go back to page six.

When we are seeing those defined terms contained within the agreement, as far as paragraph one, with I know that the trust for the trust years, that contemplates that the trust funds stay within the trust from year to year, not only from this period to the next period, but for each 12-month proceeding period thereafter until the trust terminates.

It was the opinion of the county attorney on March 21st and is the opinion today that you can terminate the QCCT and the funds will be returned pursuant to paragraph two. Or alternatively, some new trust agreement can be reached with all of the parties with regard to those funds. And I will tell you this is a strict matter of contract law with these defined terms. So it may at first glance appear complicated, but it describes for us where these funds go and where they stay, if that helps.

COUNCILWOMAN BRYANT HAMILTON: And as Councilwoman Downard said, over the past 12, 14 years, we have had several of these. So this is just the latest contract, so it has never really terminated, it has just been renegotiated or reissued. Or has it ever -- it has never terminated, has it, this agreement?

MATT GOLD: From my understanding of the trust itself, and understand that when we place money into the QCCT we entrust it to those fiduciaries to spend money for the indigent care. That trust has continued for 14, 16 years, over a long period of time. This particular trust agreement began on July 1st, 2014, and has extended until June 30th, 2016.

COUNCILWOMAN BRYANT HAMILTON: Okay. I guess what I was trying to figure out is if there was money remaining each year, it rolls over and that the time to renegotiate would be at the end of this we have the right to say we are going to direct the money rather than back into this to paving or whatever.

MATT GOLD: At the termination of this agreement, it contemplates, if you'll see in paragraph one, it contemplates there may be a future agreement. So if indigent care is important, then a new future agreement may be contemplated. Alternatively, if the trust is terminated

because of whatever provision may be, the funds would return, if that helps.

COUNCILWOMAN BRYANT HAMILTON: And then when they are returned, that's when we could change an appropriation or appropriate that money for another purpose?

MATT GOLD: If they are returned, yes.

COUNCILWOMAN BRYANT HAMILTON: If they are returned.

COUNCILMAN DOWNARD: Mr. President, can I just get a clarification? Because I think we are almost all in agreement now.

PRESIDENT YATES: Point of clarification.

COUNCILMAN DOWNARD: I just want to make sure that when you talk about the trust itself terminating that's not contemplated ever, that I'm aware of. The trust agreement, 13 have terminated since I have been here and brand new ones drawn up. So this was the very first one that had a rollover. None of the rest of them did. They didn't provide for one. I don't know if you looked back at the old ones, but it is anticipated. I fully expect a new agreement to come over here with a request for funding in the budget. I just don't know how much it is. But the trust is not going to terminate. So those provisions are not in my mind contemplated. But if the agreement itself terminates, which it most certainly does, when this agreement terminates, the only thing left is talking that it could be, in accordance with any future agreement, some of those dollars could be allocated.

What I'm trying to do is send the message, when you do that, in the new agreement fund it. So we don't get confused. And when we talk to people we can say we will eventually do more for paving. But there is not a lot of talk in the agreement about the agreement itself. I may be right. Talks a lot about the trust and it talks about termination time,

how much we put in each state testimony of the QCCT about how much of it is ours, came from metro.

This is an attempt to say, if it is really terrible, it is terrible and we don't do it. But it is an attempt to send the message saying don't come back over here with an agreement that says you want to keep this money. We have never done it before, there is not a reason to contemplate that now, except if that's the way you want to do it. If you do, we will all decide how you want to do it. We will try to send the message we are not trying to do that.

PRESIDENT YATES: I know there was a point of clarification. Point of clarification, Councilman.

COUNCILMAN DOWNARD: This happens about what happens when the trust is terminated. And you are 100 percent correct. I'm not sure there's any contemplation that the trust will terminate. At least I never put anything in. I never said it in my amendment. I just said if the agreement terminates. And because of the agreement, money comes back, goes paving. And further when I talked with the president, we have to eliminate a lot of the confusion and say if it comes here, if it gets here. That way there was a lot of people concerned, in Frankfort especially, that we were trying to do something currently with all these dollars. There's no attempt or contemplation of that. That may have been some of the confusion, and I will admit I participated in not resolving all of that confusion two weeks ago. That's about as far as I'm going to go, but I want to try to do that now. So that's the point.

PRESIDENT YATES: Thank you, Councilman.

Councilman James.

COUNCILMAN JAMES: Thank you, Mr. President. I would like to ask the county attorney, while he is up, if I could, please, Mr. Goldman,

I was just listening to what you were saying there and making sure I'm clear on everything. As I'm sitting here thinking I'm making sure I'm clear on everything, I think there's probably people at home watching this on television trying to figure out what really are we talking about.

So if you could just rewind just a little bit and talk about the opinion that the county attorney's office issued saying that the amendment that we did do two weeks ago was not proper, one, and explain why. Could you do that, please?

MATT GOLDMAN: If I recall, the issue had come to me from Ms. Martin, our county attorney with us, who said questions were raised about the propriety of withdrawing funds from the QCCT prior to the termination of a trust. If it will help, I will give a very brief primer on trust law.

So when I have a trust it contemplates there are three parties. There's the donor, the person who gives a gift, there is the trustee, the person who holds the funds for the benefit of another, and then there's the other, the person who is to receive the gift funds as administered by the trust. In this case, the donor of the trust is you all, the Louisville Metro Government. In this case, the trustee of the funds is the QCCT, the trust itself, and then the beneficiary of the trust are the indigent and those in need of care. So we have given that gift of funds to the trust for administration.

There is a governing document with regard to that trust that was executed by all parties to the administration of the trust that says what do we do with the gift that was given?

So in 2014 you all, Louisville Metro Government, gave money to that trust for I want gent care. Our opinion was to take a look at the QCCT to take a look at this agreement and to ask the questions, can we

have the money now, under what circumstances would that money be available, and so on and so forth. So we provided an opinion that really boiled down to taking a look at paragraph five of page six, there's two contingencies that are stated by the agreement itself that says if there's a balance in the trust of the trust in any trust year, such balance in the trust shall remain in the trust for the next year to pay for hospital care for the indigent and needy in accordance with the terms of any future agreement.

It also contemplates within that agreement that there is the potential that the trust could terminate and funds could be returned under paragraph two that says that at the end of the termination of the trust, the funds are to be retained for a period of one year. As we looked at before, that would be sometime after June 30th, 2016, and the contemplated adjustment period runs. Thereafter, any funds shall be returned to metro in the same proportional share they donated in the first place.

So again, the county attorney's opinion was limited solely to an interpretation of this contract, and that stemmed from President Yates' request very early on, please tell me what our duties and responsibilities are in regards to the QCCT, if that helps.

>> That helps. Thank you very much.

PRESIDENT YATES: Councilman Downard.

COUNCILMAN DOWNARD: Thank you, President Yates. Let me clarify a couple things. You just said a couple things that President Yates had asked you. Was it permissible to take money before the trust terminated, I think, and then some other things. I'm looking at the question that was presented to you exactly, and it said you asked whether it was legal or permissible for Louisville Metro Council to move funds from the quality care charitable trust to public works prior to the end of this fiscal

year. We are not going to do that. We are guaranteed not going to do this. And this amendment says we are not going to do that. So I don't know, when you answered that question, it is morphed into a lot of things, anticipations of future agreements and other things. I'm disappointed that is where we have gotten, but when Councilman James asked you that question, you started off by saying we were asked this question and we answered it.

I just read the question you were asked, and you answered it properly, right on target. And I agree with you, which has caused part of the confusion and caused us to say we have to make sure everybody knows we are not talking about taking money out for this year and probably not for the next year. I think we have tried to pretty cooperatively resolve the issue, but I'm just concerned about the -- you made a point today to very strongly tell me that you responded to a question, and that's it, and I am concerned that as we get additional questions, the concern that you didn't have time to research them all, all these things pop up, but I think I agree with your opinion. I did when I talked to you. I agreed all the way through. And just to resolve the confusion we will say we are going to amend it just briefly. That's it. I'm sorry.

PRESIDENT YATES: Thank you, Mr. Downard. And in all fairness to the assistant county attorney, just for everyone's information, I did ask a lot of questions, and I think to the point they did request I go ahead and put it into the writing and e-mail it over, and I appreciate the response and your diligence in that.

Councilman Hollander.

COUNCILMAN HOLLANDER: Thank you, Mr. President. Just a couple of observations. I think we may have spent a little bit more time on this than it deserves. What is clear to me is that we don't have an additional



\$7.7 million to put into paving this year. Councilman Downard knows that, Councilman Ackerson knows that, we all know that. We are not trying to deceive the public into thinking that. So no one should think that.

My sense is that the language that Councilman Ackerson has proposed is more correct. On the other hand, I respect the discussions that our president has had with Councilman Downard today and, frankly I don't think it makes too much a difference what we do here. We are not misleading anyone in the public, we are saying that \$2 million of the 7.7 can't be spent unless and until we get it, which may be never, we all know that. I guess I would urge approval of the original floor amendment.

PRESIDENT YATES: Thank you, Councilman.

Before us we have Councilman Ackerson's amendment that has been properly moved, and I believe we have a second, as well as that we have had discussion. Is there any other discussion on Councilman Ackerson's amendment?

Councilman Ackerson.

COUNCILMAN ACKERSON: I just want to be clear. The distinction is what we are putting into paper, what we put into the ordinance, do we have the money or do we not? I was more than happy to vote last week because I thought we did. And now that we are seeing the contractual language and heard the county attorney's opinions, I just don't think we do. And in my opinion we shouldn't put it on paper because we don't have it.

The difference between what Councilman Downard is proposing and what I supported last week, eating crow, changed my position, I was wrong, I didn't have the information, Monday morning quarter back thing. And until somebody gives me a new contract, I have to presume the contract has

been carried forward, the terms are carried forward, unless someone passes an ordinance saying it has changed or I see a new one.

So the difference in what we are proposing tonight, if you vote for mine I'm saying let's call it straight, call it the way it is. We don't have the money and we are not going to put it in there. The other option is to put it in there on the end. Councilman Hollander said it really is sort of a six and a half -- my holdup is I want to be as transparent as possible, as honest with the public and myself as possible. There is \$1.7 million I wanted for paving that I didn't get this year. So I would encourage you if you vote for mine, the end result, we are being a little more transparent. Thank you.

PRESIDENT YATES: Councilman Benson.

COUNCILMAN BENSON: Thank you, Mr. President. I will be real short. Looks like there's \$2 million somewhere. We don't spend it, it rolls over. Who spends it? The mayor or the council? If you think the council should spend it, we spend it. With what Councilman Downard is doing, I think we ought to put it into roads. We need to mayor to be taken care of. I would like the mayor to be with us on the roads. Thank you.

PRESIDENT YATES: Councilman Hollander.

COUNCILMAN HOLLANDER: Let me respond to that briefly. The existing ordinance we all passed last year says if there is any money spent on the fiscal year, it would be spent on paving. This is not an issue of saying if we don't do anything the mayor can spend it however he wants. He would be violating an ordinance we passed last year. I don't think that's where we are at this point and I had to respond to that. Thank you.

PRESIDENT YATES: Thank you, Councilman.

Councilwoman Woolridge.

COUNNCILWOMAN WOOLRIDGE: Thank you, Mr. President. This debate has gone on so long so I need for Councilman Ackerson to repeat his amendment. Thank you.

PRESIDENT YATES: Councilman Ackerson, would you please repeat your amendment?

COUNCILMAN ACKERSON: The amendment was, essentially, section one was going to have the language saying decrease intergovernmental revenues by 2.1 million. Section eight was going to increase public works' operating budget by 100,000 and then all the subsequent numbers therein within the ordinance would be adjusted for such. That's the concept we came up with, and that's the language that was given to me by the county attorney's office, who is nodding her head at this moment.

PRESIDENT YATES: Thank you for that clarification.

>> Mr. President, I'm not quite sure it is clear for me. Is this the floor amendment somebody handed me a while ago? This is not the floor amendment.

PRESIDENT YATES: Councilman Downard had an amendment that had passed, and then Councilman Brent Ackerson made an amendment to that.

>> Thank you.

PRESIDENT YATES: Is there any further discussion on Councilman Ackerson's amendment? Seeing none, all those in favor respond by saying aye. Those opposed?

>> Roll call, sir.

PRESIDENT YATES: We may have a roll call, please. The voting is closed.

MR. CLERK: Eight yes votes 14 no votes and four not voting. The eight yes votes are Council Members Shanklin, Woolridge, Hamilton, James, Blackwell, Butler, Johnson, Ackerson.

PRESIDENT YATES: The floor amendment fails. Back to the original amendment that had been put forth by Councilman Downard.

Is there any further discussion on that amendment? This is the amendment that was passed out. Everybody should have a copy of it.

>> I proffered that amendment, and I believe we already voted on that. It was on the hundred thousand adjustment in public works for salt so now we are ready to vote on the overall ordinance.

PRESIDENT YATES: Without any other discussion? No further discussion. Would you open for a roll call on the overall ordinance? The voting is closing. The voting is closed.

MR. CLERK: 23 yes votes and three not voting.

PRESIDENT YATES: The ordinance passes. The amended ordinance passes.

Mr. Clerk, a reading of item 47.

MR. CLERK: AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND FOR MID-YEAR CAPITAL NEEDS BY AMENDING ORDINANCE NO. 107, SERIES 2013 RELATING TO THE 2013-2014 CAPITAL BUDGET AND AMENDING ORDINANCE NO. 101, SERIES 2014 RELATING TO THE 2014-2015 CAPITAL BUDGET AND ORDINANCE NO. 104, SERIES 2015 RELATING TO THE 2015-2016 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT. As submitted by Council Member Butler. (Amended by substitution).

Read in full.

PRESIDENT YATES: Thank you, Mr. Clerk. I have explained the rules. May I have a motion and second for reconsideration?

>> Motion.

>> Second.

PRESIDENT YATES: All those in favor of reconsideration vote aye. The amended ordinance is before us.

Councilwoman Butler.

COUNNCILWOMAN BUTLER: I would like to give it over to Councilman Downard. He is the one that wants to proffer this amendment.

PRESIDENT YATES: Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President, thank you, Madame Butler -- Councilwoman Butler -- colleague -- whatever you are. Because of what we have talked about the last hour and a half I am not going to do it again. But what I will say is the amendment to section five, project 14, reduces the number from 7.8 million to 7.7. That's because of the 100,000 in salt we have reduced in the operating budget. Then \$2 million of the remaining 7.7 is restricted until the remaining funds from the \$5 million appropriation in fiscal year 2014-2015 to the Quality Care Charity Trust are received. That's it. Not received, they are still restricted. We can't spend them on anything, so we won't until they are received. And if we do another agreement and we say in the agreement that comes here and we all agree, we are going to let it roll over, it will never get here.

This is an attempt to say don't do that. Let's please continue doing what we want for paving the roads.

>> I second.

PRESIDENT YATES: We have a motion and second. Any other discussion?

Councilman Blackwell.

COUNCILMAN BLACKWELL: Real quickly, not only did we spend a lot of time talking about this tonight, we spent a lot of time talking about

this two weeks ago, and this seems to be to be the kind of where the losing side was two weeks ago saying that we shouldn't spend the money until we have the money and that it is already in the budget saying that it is going to go to paving. I understand the idea of putting it in and restricting. I'm not opposed though that, wanting to pave tonight. But there was some talk about spending it immediately. There was confusion last time, obviously, and there was talk about spending it immediately. That's part of the debate that we had, if we can do this now then we can spend it in this cycle as opposed to the fall cycle or next spring's cycle or whatever.

So to go back now and say, well, there was never any contemplation of that isn't exactly the truth. There were a lot of us who were talking about -- not a lot of us, but a lot of people, a lot of council members who were talking about spending it immediately, getting it into this cycle, getting the paving done in the summer or in the fall as opposed to what it might be later if we had to wait on it.

PRESIDENT YATES: Thank you, Councilman.

Councilman Ackerson.

COUNCILMAN ACKERSON: Councilman Blackwell, you are correct. For those of us who voted for this last time, we were in the belief we could put this money to immediate use, and that's why we did such. And we have learned we were incorrect in that, so you are correct also to those who spoke out against this last time about simply spending money that we shouldn't be spending, there's a flopping of positions here today. I have already acknowledged my position's changed. So thank you.

PRESIDENT YATES: Thank you, Councilman Ackerson.

Is there any further discussion on this floor amendment? No other discussion? Seeing none, all those in favor respond by saying aye. Those opposed? The ayes have it.

Now the ordinance will require a roll call vote.

Mr. Clerk, will you open the voting, please? The voting is closing. The voting the closed.

MR. CLERK: 23 yes votes and three not voting.

PRESIDENT YATES: The amended ordinance passes. Thank you, colleagues.

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

New business comprises items 48-56. Will the clerk please read those and their assignments to committee?

MR. CLERK: The following legislation will be assigned to the Ad Hoc Committee on Land Development Code.

AN ORDINANCE AMENDING SECTIONS 1.2.2, 4.2.20 AND 5.8.4 OF THE LAND DEVELOPMENT CODE PERTAINING TO TRANSPORTATION AND PERMITTED/CONDITIONAL USES—APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A—WHICH IS PART OF A CONTINUING EFFORT TO UPDATE THE ZONING REGULATIONS FOR LOUISVILLE METRO (CASE NO. 14AMEND1003).

The following legislation will be assigned to the appropriations, NDFs and CIFs Committee.

AN ORDINANCE AMENDING ORDINANCE NO. 005, SERIES 2016 WHICH APPROPRIATED A TOTAL OF \$63,800 IN NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE CENTER FOR ACCESSIBLE LIVING, INC., FOR MATERIALS TO CONSTRUCT WHEELCHAIR ACCESSIBLE RAMPS, STAIR

RAILINGS AND GRAB BARS, BY ADDING \$1,400 FROM DISTRICT 10 NEIGHBORHOOD DEVELOPMENT FUNDS FOR A NEW TOTAL APPROPRIATION OF \$65,200.

The following legislation will be assigned to the Budget Committee.

AN ORDINANCE AMENDING ORDINANCE NO. 103, SERIES 2015 RELATING TO THE FISCAL YEAR 2015-16 OPERATING BUDGET, TO AMEND THE TRANSIT AUTHORITY OF RIVER CITY'S FISCAL YEAR 2016 BUDGET.

The following legislation will be assigned to the Committee on Appointments.

APPOINTMENT OF ED HARTLESS TO THE CONVENTION AND VISITORS BUREAU COMMISSION. TERM EXPIRES AUGUST 16, 2017.

APPOINTMENT OF JASON KARRER TO THE MIDDLETOWN FIRE PROTECTION DISTRICT BOARD. TERM EXPIRES JUNE 30, 2018.

The following legislation will be assigned to the Committee on Contracts.

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY OF LOUISVILLE - \$40,000.00).

The following legislation will be assigned to the Committee on Sustainability and parks.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A NATIONAL RECREATION AND PARK ASSOCIATION GRANT OF \$22,500 TO BE USED BY THE LOUISVILLE METRO PARKS DEPARTMENT FOR THE SENIOR WELLNESS PROGRAM.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$86,400 OF FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR THE IROQUOIS PARK RUNDILL ROAD MULTI-USE PATH PROJECT ADMINISTERED BY THE METRO PARKS DEPARTMENT.



The following legislation will be assigned to the Planning/Zoning, Land Design and Development Committee.

AN ORDINANCE CHANGING THE ZONING DISTRICT FROM R-4 RESIDENTIAL SINGLE FAMILY TO OR-1 OFFICE RESIDENTIAL ON 3.01 ACRES AND THE ZONING DISTRICT FROM R-4 RESIDENTIAL SINGLE FAMILY TO EZ-1 ENTERPRISE ZONE AND THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN WORKPLACE ON 8.50 ACRES ON PROPERTY LOCATED AT 7205 JOHNSONTOWN ROAD CONTAINING A TOTAL OF 11.51 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1053).

Read in full.

PRESIDENT YATES: Thank you, Mr. Clerk. Without objection, we are adjourned.

Next, we will have announcements.

Councilwoman Cheri Bryant-Hamilton.

COUNCILWOMAN BRYANT HAMILTON: Thank you, Mr. President. I have several announcements coming up for activities and events in the district.

PRESIDENT YATES: The floor is yours.

COUNCILWOMAN BRYANT HAMILTON: Thursday, March 31st, new roots fresh stops will hold a West Louisville food justice class on Thursday at 6:00 p.m. at Redeemer Lutheran Church at 3640 River Park Drive.

Love Louisville trees. Louisville grows will sponsor tree planting in the Russell neighborhood. Come help plant 166 trees with your neighbors. Training, supplies, and lunch provided. Large groups and teenagers are welcome. This is on Saturday April 9th.

Meet at 10:00 a.m. at chef's space at 1812 West Muhammad Ali at the Old Jay's restaurant. To RSVP or obtain a waiver contact [Natalie@trees.Louisvillegrows.org](mailto:Natalie@trees.Louisvillegrows.org). Planning will go on that day 10:00 to 3:00 p.m. so you will have breakfast and lunch and do a good deed in the neighborhood.

The second annual Taste of West Louisville will take place on Saturday April 16th from 6:00 to 8:00 p.m. This is at the Shawnee Arts and Cultural Center at 607 South 37th Street. Come and sample dishes from local restaurants, foods, and beverage vendors. Tickets are \$15 and proceeds will go to scholarships for local high school seniors. Tickets are available at better days west.

Metro Parks and Recreation will hold a public community meeting at the Shawnee Golf Course clubhouse to discuss specific projects in the fifth council district and the community can also provide feedback on how Metro Parks is doing. That's Monday the 18th from 6:00 to 7:30 p.m. at the golf course clubhouse.

We are hosting a spot clinic at the Portland Library at 4305 Northwestern Parkway on April 23rd 10:00 to 1:00 p.m. Bring your pets out. Licenses for \$10 for rabies vaccine or microchip implant for \$25.

And Shakespeare in the Park is coming to Shawnee Park. Romeo and Juliet will be the performance.

Hope to bring you and your family out to have a great to him. That's it. Thank you.

PRESIDENT YATES: Thank you, Councilwoman.

Councilman Tom Owen.

COUNCILMAN OWEN: Thank you, Mr. President. Oh how time flies. I must be having fun. Here's the deal. Last Saturday of every month, and now we are approaching the last Saturday of the month, I sit on a coffee shop on Bardstown Road 11 months of the year. Come Saturday this Saturday the 29th I'm going to be sitting at SFAI coffee shop at Murray and Bardstown Road. I sit there from 9:00 to 11:00 and if there are eighth district residents that want my ear I will lend them my ear and I welcome them to come to chat with me about anything that is on their mind that

they just want a little special private time to talk to me about some issues. That's this Saturday the 25th from 9:00 to 11:00 at SFAI coffee shop at Murray and Bardstown Road.

And then the following Tuesday 29th the eighth district is working with our fifth division police and we are hosting a crime prevention seminar at Atherton High School at 6:00 p.m. There will be people from the fifth division special police units to talk about how residents can get involved in reducing crime. Atherton High School, Tuesday the 29th at 6:00 p.m. for an eighth district crime prevention seminar in cooperation with the fifth police division.

Now finally, on Saturday the 16th of March, I'm just throwing out the seed, there is an opportunity for citizens all across the community, but especially in the eighth district to get involved in picking up litter in their community. It is part of operation Brightside's twice a year "pick up litter campaign." What we are doing, come by Mid City Mall at 8:30 a.m., we will give you some gloves -- April 16th, thank you very much. That will be operation Brightside's pickup. If you come by Mid City Mall, we will give you bags, we will give you some gloves and you can go back to your street, pick up litter, or you can work with us on Baxter Bardstown Road picking up litter. The good news is that if you do your work at 11:30, beer nose is making it possible to have free pizza. That's the reward. Thank you, Mr. President.

PRESIDENT YATES: Councilman, as always, thank you.

Councilman Mulvihill, follow that.

COUNCILMAN MULVIHILL: Well, that is a hard act to follow, and very inject. But I'm not going to be as animated. I will just talk about one thing on March 31st a week from today. It will be walk with a cop in

the Schnitzelburg cops. Please don't try to park in the parking lot. That is reserved. Park on the side streets, anyone who is interested. We will walk in the area and hopefully meet neighbors and hear about issues that are going on. Thank you.

PRESIDENT YATES: Excellent program. Thank you, Councilman. And before we include, I just want to wish everybody, tomorrow, a Good Friday, Happy Easter. Thank you.

[Regular Meeting adjourned.]