

# **Louisville Metro Government**

*601 W. Jefferson Street  
Louisville, KY 40202*



## **Action Summary - Tentative**

**Thursday, January 9, 2020**

**6:00 PM**

**Council Chambers**

### **Metro Council**

*Jessica Green (D-1), Barbara Shanklin (D-2), Keisha Dorsey (D-3),  
Barbara Sexton Smith (D-4), Donna L. Purvis (D-5), David James (D-6),  
Paula McCraney (D-7), Brandon Coan (D-8), Bill Hollander (D-9), Pat Mulvihill (D-10),  
Kevin Kramer (R-11), Rick Blackwell (D-12), Mark H. Fox (D-13), Cindi Fowler (D-14),  
Kevin Triplett (D-15), Scott Reed (R-16), Markus Winkler (D-17),  
Marilyn Parker (R-18), Anthony Piagentini (R-19), Stuart Benson (R-20),  
Nicole George (D-21), Robin Engel (R-22), James Peden (R-23), Madonna Flood (D-24),  
David Yates (D-25), Brent Ackerson (D-26)*

*President: David James (D-6)*

*President Pro-Tem: Markus Winkler (D-17)*

**Call to Order and Pledge of Allegiance**

Council President James called the meeting to order at 6:14 p.m. and asked all to rise for the Pledge of Allegiance.

**Members Roll Call**

The Clerk called the roll. A quorum was established.

Council Member Flood arrived at 6:17 p.m. Council Member Fowler arrived at 6:35 p.m. Council Member Shanklin left at 6:58 p.m. Council Member Winkler left at 7:08 p.m.

**Present:** 25 - Council Member Jessica Green (D-1), Council Member Barbara Shanklin (D-2), Council Member Barbara Sexton Smith (D-4), Council Member Donna L. Purvis (D-5), Council Member David James (D-6), Council Member Paula McCraney (D-7), Council Member Brandon Coan (D-8), Council Member Bill Hollander (D-9), Council Member Pat Mulvihill (D-10), Council Member Kevin Kramer (R-11), Council Member Rick Blackwell (D-12), Council Member Mark H. Fox (D-13), Council Member Cindi Fowler (D-14), Council Member Kevin Triplett (D-15), Council Member Scott Reed (R-16), Council Member Markus Winkler (D-17), Council Member Marilyn Parker (R-18), Council Member Anthony Piagentini (R-19), Council Member Stuart Benson (R-20), Council Member Nicole George (D-21), Council Member Robin Engel (R-22), Council Member James Peden (R-23), Council Member Madonna Flood (D-24), Council Member David Yates (D-25) and Council Member Brent Ackerson (D-26)

**Excused:** 1 - Council Member Keisha Dorsey (D-3)

**Support Staff**

Sarah Martin, Jefferson County Attorney's Office  
Hollie Hopkins, Jefferson County Attorney's Office  
Travis Fiechter, Jefferson County Attorney's Office  
Jason Fowler, Jefferson County Attorney's Office  
Joan Sheffer, Department of Information Technology

**Clerks**

Sonya Harward, Clerk  
David Wagner, Assistant Clerk

**Moment of Silence**

Council President James asked for a moment of silence in remembrance of Dominic Cherry and Larry Kizer, Louisville Metro employees, who recently passed away.

**Election of 2020 Metro Council President**

Council President James relinquished the chair to President Pro-Tem Winkler to oversee the election of the 2020 Metro Council President.

## Nominations and Vote

President Pro-Tem Winkler reviewed the rules that govern the election of the Metro Council President.

President Pro-Tem Winkler asked for nominations for Metro Council President. Council Member Ackerson nominated Council Member David James. Hearing no further nominations, President Pro-Tem Winkler closed the nominations.

The Clerk called the roll and the vote was as follows:

Council Member Jessica Green - DAVID JAMES  
Council Member Barbara Shanklin - DAVID JAMES  
Council Member Kiesha Dorsey - Excused Absence  
Council Member Barbara Sexton Smith - DAVID JAMES  
Council Member Donna Purvis - DAVID JAMES  
Council Member David James - DAVID JAMES  
Council Member Paula McCraney - DAVID JAMES  
Council Member Brandon Coan - DAVID JAMES  
Council Member Bill Hollander - DAVID JAMES  
Council Member Pat Mulvihill - DAVID JAMES  
Council Member Kevin Kramer - DAVID JAMES  
Council Member Rick Blackwell - DAVID JAMES  
Council Member Mark Fox - DAVID JAMES  
Council Member Cindi Fowler - Not Present for Vote  
Council Member Kevin Triplett - DAVID JAMES  
Council Member Scott Reed - DAVID JAMES  
Council Member Markus Winkler – DAVID JAMES  
Council Member Marilyn Parker - DAVID JAMES  
Council Member Anthony Piagentini - DAVID JAMES  
Council Member Stuart Benson - DAVID JAMES  
Council Member Nicole George - DAVID JAMES  
Council Member Robin Engel - DAVID JAMES  
Council Member James Peden – DAVID JAMES  
Council Member Madonna Flood - DAVID JAMES  
Council Member David Yates - DAVID JAMES  
Council Member Brent Ackerson - DAVID JAMES

Council Member James received 24 votes and was elected 2020 Metro Council President.

President Pro-Tem Winkler relinquished the chair to Council President James.

Council President James asked Council Member Winkler and Council Member Reed to inform Mayor Fischer at the conclusion of this meeting that the 2020 Metro Council has been organized and was in session.

**Election of 2020 Metro Council Clerk****Nominations and Vote**

Council President James reviewed the rules that govern the election of the Metro Council Clerk.

Council President James asked for nominations for Metro Council Clerk. Council Member Flood nominated Sonya Harward. Hearing no further nominations, Council President James closed the nominations.

By voice vote, Sonya Harward was elected 2020 Metro Council Clerk.

**Swearing In of the Newly-Elected Metro Council Clerk**

The Honorable Jefferson County Assistant Attorney, Sarah Martin, administered the Oath of Office to the Clerk.

**Council Minutes****1. [ID 19-2127](#)****Regular - Metro Council - December 12, 2019**

**Attachments:** [12-12-19 MC Action Summary TENTATIVE.pdf](#)

[Unedited Transcript of the Louisville Metro Council 121219.pdf](#)

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

**Committee Minutes**

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

**2. [ID 19-2135](#)****Regular: Committee of the Whole - December 12, 2019**

**Attachments:** [12-12-19 COW Action Summary TENTATIVE.pdf](#)

**3. [ID 20-0038](#)****Special: Planning and Zoning Committee - January 7, 2020**

**Attachments:** [Planning and Zoning Action Summary 01.07.20.pdf](#)

**4. [ID 20-0001](#)****Special: Committee on Committees - January 7, 2020**

**Attachments:** [Special Comm. on Comm. Action Summary for 1-7-20 TENTATIVE.pdf](#)

**Communications to the Council**

The Clerk read the appointments into the record. Those appointments requiring Council approval were assigned to the Government Oversight and Audit Committee.

5. [ID 20-0029](#)

**Air Pollution Control District - William Bockoven (New Appointment)**

**Attachments:** [APT Air Pollution Control District 010920.pdf](#)

6. [ID 20-0030](#)

**Affordable Housing Trust Fund Board - Joyce Burch (Reappointment)**

**Attachments:** [APT Affordable Housing Trust Fund Board 010920.pdf](#)

7. [ID 20-0031](#)

**Commission for Persons with Disabilities - Richard Bush (New Appointment)**

**Attachments:** [APT Commission for Persons with Disabilities 010920.pdf](#)

8. [ID 20-0032](#)

**TARC Board - Carla Dearing (New Appointment)**

**Attachments:** [APT TARC Board 010920.pdf](#)

9. [ID 20-0033](#)

**Community Action Partnership - JD Carey (New Appointment) - Metro Council approval is not required.**

**Attachments:** [APT Community Action Partnership 010920.pdf](#)

[Read - APT Community Action Partnership 010920.pdf](#)

10. [ID 20-0034](#)

**Parks Advisory Commission - Beverly Chester-Burton (Reappointment) - Metro Council approval is not required.**

**Attachments:** [APT Parks Advisory Commission 010920.pdf](#)

11. [ID 20-0035](#)

**Brightside Board of Directors - Donna Dumstorf Meredith (New Appointment) - Metro Council approval is not required.**

**Attachments:** [APT Brightside Board of Directors 010920.pdf](#)

[Read - APT Brightside Board of Directors 010920.pdf](#)

**12. [ID 20-0036](#)**

**Medical Center Commission of Jefferson County - Mark Kircher and Kirk Strack (New Appointments); Stephen Amsler, Gary Dryden, David Boome, Andrew McCarthy, Cathy Spalding, Glen Todd, Mark Watkins, and Hugh Shwab (Reappointments) - Metro Council approval is not required.**

**Attachments:** [APT Medical Center Commission of Jefferson County 010920.pdf](#)

[Read - APT Medical Center Commission of Jefferson County 010920.pdf](#)

**Special Legislation**

President James requested the Council invoke:

- Rule 7.01(a) to deem the Order (Item 13) an administrative act of the Council; and
- Rule 7.01(b) to deem the Ordinance (Item 14) an emergency, which requires a two-thirds vote so that it can be voted on at the same meeting in which it is introduced.

A motion was made by Council Member Peden, seconded by Council Member Benson, to deem the Ordinance (Item 14) an emergency. The motion carried by a voice vote.

**13. [OR-001-20](#)**

**AN ORDER TO APPROVE A \$500,000 FAITHFUL PERFORMANCE BOND FOR BARBARA A. HOLSCLAW IN HER CAPACITY AS COUNTY CLERK OF JEFFERSON COUNTY, KENTUCKY.**

**Attachments:** [OR-001-20 - V.1 121619 Performance Bond for Jeff. Co. Clerk, B. Holsclaw.pdf](#)  
[OR-001-20 - V.1 121719 ATTACH Performance Bond.pdf](#)

Council President James explained that, per statute, certain elected officials must execute performance bonds and the bonds must be approved by the Council.

The Order was read into the record and a motion was made by Council Member Benson, seconded by Council Member Peden, that this Order be approved. The motion carried by a voice vote and the Order was approved.

Enactment No: Order 001-2020

14. [O-004-20](#)**AN EMERGENCY ORDINANCE AMENDING CHAPTER 42 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES TO UPDATE THE FEE STRUCTURE FOR QUAIL CHASE GOLF COURSE (AS AMENDED).**

**Sponsors:** Primary Cindi Fowler (D-14)

**Attachments:** [O-004-20 PROPOSED FAM 010920 Emerg. Ord. to Amend Quail Chase Golf Rates.pdf](#)  
[O-004-20 V.1 010920 Amending LMCO 42 to Update Fee Structure for Quail Chase Golf Course.pdf](#)

Council President James explained the time sensitivity regarding this Ordinance as it relates to the golf fee structure to provide Quail Chase golf course with Winter Rates so they are not presented with a hardship.

The Ordinance was read into the record and a motion was made by Council Member Benson, seconded by Council Member Engel, that this Ordinance be approved.

Council Member Peden referred to a call from the golf pro at Quail Chase advising him that the Ordinance amending the golf fee structure [Ordinance 154, Series 2019] that was recently passed did not include amended rates for Quail Chase and they were having to charge Summer Rates during the current winter season. Council Member Peden noted that Council Member Fowler was working on some amendments to this Ordinance, and if she was not present before discussion ended on this topic he would ask for an amendment to this Ordinance to pass new rates for the winter season only.

Council Member Piagentini suggested that the Council only add Winter Rates at this time since that is the only time sensitive concern. He also stated that he wasn't sure why the rates being proposed as Summer Rates were being decreased since they were increased for the other golf courses in the previous Ordinance [Ordinance 154, Series 2019].

A motion was made by Council Member Piagentini, seconded by Council Member Kramer, that this Ordinance be amended to add only Winter Rates.

Council Member Coan asked if the lower rate being proposed for the Junior Annual Fee was still being considered. Council Member Kramer responded that lowering the Junior Annual Fee rate was part of the conversation the Council previously had for all golf courses. He also stated that lowering the Summer Rates for Quail Chase was never part of the conversation, but he recognized that Quail Chase has 27 holes and is semi-private unlike the other golf courses, that the contract is different, and that the Council did not intentionally leave Quail Chase out of the conversation regarding their rates.

Council Member Fowler arrived and spoke to this Ordinance and agreed that the summer rates should be addressed later and suggested additional amendments to the Ordinance.

Council Member Piagentini withdrew his motion for his proposed amendment.

A motion was made by Council Member Fowler, seconded by Council Member

**Kramer, that this Ordinance be amended as follows:**

**For the 18-Hole Course Rates, add the following**

**Winter Season Rates**

**Weekday \$22.00**

**Weekend \$24.00**

**Weekday Senior \$15.00**

**Weekday Twilight \$15.00**

**Junior \$15.00**

**Matinee/Active Duty Military \$15.00**

**Annual Pass Fee**

**Adult \$9.00**

**Junior \$4.00**

**For the 9-Hole Course Rates, add the following:**

**Winter Season Rates**

**Weekday \$17.00**

**Weekend \$18.00**

**Junior \$15.00**

**Annual Pass Fee**

**Adult \$7.00**

**Junior \$4.00**

**The motion to amend carried by a voice vote.**

Enactment No: Ordinance 001-2020

**Council Member Fowler summarized by saying that Quail Chase was originally left out in regards to having winter rates but will now be able to use the new rates proposed here for the winter season.**

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

**Yes:** 25 - Hollander, Sexton Smith, Shanklin, Coan, Ackerson, Fowler, James, Yates, Purvis, Piagentini, Peden, Green, Kramer, Triplett, Flood, Parker, Fox, Winkler, George, Mulvihill, McCraney, Blackwell, Engel, Reed and Benson

**Excused:** 1 - Dorsey

Enactment No: Ordinance 001-2020



**Old Business****15. [O-385-19](#)**

**AN ORDINANCE AMENDING CHAPTER 42 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES TO PROVIDE FOR THE ABILITY OF A PERSON OR ENTITY TO MANAGE TWO METRO OWNED GOLF COURSES.**

**Sponsors:** Primary Cindi Fowler (D-14)

**Attachments:** [O-385-19 V.1 112119 Amend LMCO Chapter 42.pdf](#)

[O-385-19 PROPOSED FAM 010920 - Peden Amendment.pdf](#)

**This item was held at the request of the Sponsor.**

16. [O-373-19](#)

**AN ORDINANCE OVERTURNING THE RECOMMENDATION OF THE PLANNING COMMISSION AND MAINTAINING THE EXISTING ZONING OF R-6 RESIDENTIAL MULTI-FAMILY AND OR-2 OFFICE-RESIDENTIAL ON PROPERTY LOCATED AT 768, 810, AND 850 BARRET AVENUE AND 1236 EAST BRECKENRIDGE STREET CONTAINING APPROXIMATELY 9.6742 AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0046)(AMENDMENT BY SUBSTITUTION)**

**Sponsors:** Primary Brandon Coan (D-8)

**Attachments:** [O-373-19 PROPOSED FABS 010920 Overturning 19ZONE0046 - Coan.pdf](#)  
[O-373-19 V.2 CAM 120319 Rezoning from R6 & OR2 to C2 at 768-850 Barret Ave 19ZONE0046.pdf](#)  
[19-zone-0046.pdf](#)  
[O-373-19 V.1 110719 Rezoning from R6 & OR2 to C2 at 768-850 Barret Ave 19ZONE0046.pdf](#)  
[19-ZONE-0046 PC Minutes \(1\).pdf](#)  
[19-ZONE-0046 Other Minutes.pdf](#)  
[19-ZONE-0046 Staff Reports.pdf](#)  
[19-ZONE-0046 Public Materials.pdf](#)  
[19-ZONE-0046 Miscellaneous.pdf](#)  
[19-ZONE-0046 Oct 17, 2019 PC Mins.pdf](#)

A motion was made by Council Member Benson, seconded by Council Member Fowler, that this amended Ordinance be approved.

A motion was made by Council Member Flood, seconded by Council Member Green, to invoke Rule 5.11(e) to limit debate to 90 minutes. The motion to limit debate carried by a voice vote.

Council Member Flood spoke about the zoning being proposed by this amended Ordinance. She explained that previously there was a contract for the purchase of the property but that contract has since been withdrawn. She read two conditions of approval that were added as amendments to this Ordinance at the Planning and Zoning Committee meeting that excluded certain types of businesses on the property and required the developer/property owner to obtain approval of a detailed district development plan by the Council after a public meeting was held by the Planning Commission prior to any development of the property.

Council Member Sexton Smith explained that this was the former Urban Government Center property that covers almost 10 contiguous acres where District 4 and District 8 come together, and how it has been a topic of interest for the community for the last three years. She also mentioned that the zoning change was approved unanimously by the Planning Commission and that this amended Ordinance, with the conditions of approval added, was approved unanimously by the Planning and Zoning Committee. Council Member Sexton Smith also clarified that she did not have this amended Ordinance held at the December 12, 2019 Council meeting in order to see what

happened in regards to the December 31, 2019 deadline of the former developer's agreement that was in place with Metro Government, but rather so she could have more time to speak to more interested parties, businesses, and neighbors in the surrounding area.

Council Member Sexton Smith explained that the area-wider rezoning on this property would allow for neighborhood businesses, offices, commercial businesses, and a denser residential component. She also explained that this amended Ordinance allows Metro Government to maintain control of the property since it still owns it, and allows the Council more control by being able to weigh in on the process since any development plan would have to be approved by the Council.

Council Member Sexton Smith asked the Assistant County Attorney if the Council could reject a development plan or place binding elements on a development plan that comes before it regarding this property as required by this amended Ordinance. Travis Fiechter, Jefferson County Attorney's Office, stated that the Council could reject a development plan and that they could place binding elements on a development plan as well.

Council Member Sexton Smith stated that there was a risk in not approving this rezoning because of how the development community would view this decision. She said the Council should show the development community that it is open for business and ready to start taking steps towards developing this property. And she finished by asking for the vote of her colleagues for this amended Ordinance.

A motion was made by Committee Member Coan, seconded by Council Member Peden, that this amended Ordinance be amended by substitution with the attached document labeled "O-373-19 PROPOSED FABS 010920 Overturning 19ZONE0046 - Coan.pdf."

Council Member Coan discussed his proposed amendment by substitution and his involvement in the discussions about this property. He explained that an RFP (request for proposal) was put out for this property after Metro Government stopped using the building and that there were five or six responses to the RFP.

Council Member Coan stated that he felt it was inappropriate to move forward with the rezoning without a development plan because there is no urgency to do so; the facts of the case have changed now that there is no longer a deal on the table; the proposed rezoning would allow for a mixed use because anything zoned below C-2 zoning would be allowed, including residential and even agricultural uses; and previous and future developers would not be dissuaded from taking on this project by restarting the RFP process. He explained that a development plan usually accompanies a request for rezoning because people want to know what is going to be developed on the rezoned property.

Council Member Coan read from a letter from the original Highlands neighborhood opposing the rezoning due to concerns that they may be surrounded by two commercial districts with bars and taverns. He also spoke about the Highland Neighborhood Plan that calls for park space on this property and a rezoning to commercial zoning may not provide for such space.

Council Member Coan spoke of his appreciation for the added protections that Council Member Sexton Smith included in the amended Ordinance, but noted that both he and Council Member Sexton Smith would likely not be on the Council when the development plan came before the Council because it is their last year in office, and that they are the only people that have been involved with this entire process and know what the process has yielded so far and have a firm grasp on what the people want. He also stated that there were many other uses his constituents would like to prohibit from being on the property in addition to those already added by Council Member Sexton Smith.

Council Member Coan concluded by saying that the argument that rezoning would increase the value of this property is unwarranted in this case, and that it can be something great without creating risk for the neighborhood.

Council Member Winkler asked the Assistant County Attorney how the provision for a development plan to come before the Council before any development begins reconciles with the existing Land Development Code and the need for significant findings of fact to reject a plan. Travis Fiechter explained that there are a number of development plans that come before the Planning Commission for some level of review that do not involve rezoning, and, as in those cases, a development plan for this property would go through the same process that would include coming before the Council where binding elements could be added and allow for the Council to approve or disapprove the plan. Travis Fiechter stated that anyone could challenge the Council in court on an arbitrary-based decision in a planning case, and explained that there would need to be findings of fact to reject a development plan and that the Council could create sufficient findings of fact to do so. Council Member Winkler followed up his question by asking if there were any additional requirements that should be added to provide additional protections, and Travis Fiechter did not have any suggestions.

Council Member Winkler stated that it was important that the development community understand that whatever is decided by the Council at this time does not preclude any intended use of the property in the future. He gave the example that denying the rezoning to C-2 now does not mean the Council would deny rezoning to C-2 in the near future, and stated that the Council wants to know what they are getting before they approve any rezoning.

Council Member Reed asked follow-up questions regarding the need for findings of fact to deny a development plan and how such findings could be created without a public record, and Travis Fiechter explained that the provision that has been added to the amended Ordinance requires a public meeting by the Planning Commission which creates a public record. Council Member Reed also asked about being able to amend a development plan that comes before the Council and Travis Fiechter explained that certain binding elements could be added.

Council Member Piagentini commented that this is part of a pattern of failed development missteps, and that the Council is trying to adjust to extenuating circumstances in this case. He stated that rezoning is usually approved in regards to particular development plans and he has no recollection of when this has been recently done. He continued that the Council needs to say no to this proposal because it has not been done before and, therefore, the standard

and legal ramifications for the review of a future development plan is not clear. He stated that the Council needed to get back to a normal process, and that the decision made today is not a reflection of the Council's desire to development the community.

Council Member Benson suggested that the Council only approve rezoning for this property when a development plan is provided in conjunction with such rezoning request in order to alleviate a legal battle later when a buyer/developer wants to use the C-2 zoning to do whatever they choose and not agree to any stipulations the Council tries to put on it.

Council Member Yates made comments about the property being more marketable and the development community being more interested in the property if it already has a C-2 zoning, and that the Council is sending a message by not approving the C-2 zoning in advance. He also spoke about the potential for better financing options if the zoning change is approved now.

Council Member Parker spoke about how it did not seem fair that a developer would be able to skip the normal zoning process and also get a tax incentive.

Council Member Fox commented that the Council may not want to zone the entire property one way since it is such a large parcel, and how the Council is limiting itself if it makes this decision now without a solid plan in place.

Council Member Sexton Smith compared comments being made at this meeting to comments she heard in the past regarding how development should be handled and how the administration should decide what they want to have developed on certain properties, which would include input from the neighbors and neighborhood associations, and zone the properties in the appropriate manner so that there is some certainty going forward about possible development. She also addressed the transparency and fairness of the process regarding this rezoning and the public meetings that have been held, the future public meetings that will be held if there is a development plan to be considered, and how the Council could choose to hold a public hearing regarding this rezoning as well. She asked that the Council vote for her version of the amended Ordinance.

Council Member Sexton Smith asked that a technical correction be made to Council Member Coan's proposed amendment by substitution to add "R-6 Residential Multi-Family and" in the title and in SECTION I.

Council Member Peden addressed Council Member Sexton Smith's comments about zoning beforehand and pointed out how the Land Development Code poses an issue for such broad zoning since anything zoned C-2 allows for everything zoned at a level below C-2.

Council Member Piagentini also addressed Council Member Sexton Smith's comments about zoning beforehand and noted that this was a failed plan and is different from a planned strategy that started with rezoning the property before starting the bid process.

Council Member Coan stated that this was a project that did not work and the city needs a clean slate for one of the most marketable properties that the city owns, and he urged the Council to vote for his proposed amendment by

substitution.

There was discussion about what was being voted on and it was explained that the vote was for or against the amendment by substitution proposed by Council Member Coan to overturn the Planning Commission's rezoning.

The motion to approve the amendment by substitution carried by the following vote:

**Yes:** 13 - Coan, Ackerson, James, Piagentini, Peden, Kramer, Parker, Fox, George, Blackwell, Engel, Reed and Benson

**No:** 10 - Hollander, Sexton Smith, Fowler, Yates, Purvis, Green, Triplett, Flood, Mulvihill and McCraney

**Excused:** 1 - Dorsey

**Absent:** 2 - Shanklin and Winkler

Enactment No: Ordinance 002-2020

Council Member Hollander stated that he would be voting for the newly amended Ordinance because if it did not pass at this point the Planning Commission's originally proposed rezoning would pass without the binding elements that had been placed on the Ordinance at the Planning and Zoning Committee meeting, and that would mean that a development plan for this property would not have to come before the Council for approval at a later date.

Council Member Yates stated that he too would be supporting the newly amended Ordinance because of the importance of the oversight by the Council.

Council Member McCraney stated that she should be voting for the newly amended Ordinance because it is currently the best option before the Council.

Council Member Sexton Smith stated that she too would be voting for the newly amended Ordinance without reservation.

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

**Yes:** 23 - Hollander, Sexton Smith, Coan, Ackerson, Fowler, James, Yates, Purvis, Piagentini, Peden, Green, Kramer, Triplett, Flood, Parker, Fox, George, Mulvihill, McCraney, Blackwell, Engel, Reed and Benson

**Excused:** 1 - Dorsey

**Absent:** 2 - Shanklin and Winkler

Enactment No: Ordinance 002-2020

17. [O-402-19](#)

**AN ORDINANCE CHANGING THE ZONING FROM R-5 RESIDENTIAL SINGLE FAMILY TO OR-1 OFFICE/RESIDENTIAL ON PROPERTY LOCATED AT 3700 BROWNSBORO ROAD CONTAINING 0.24 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0049).**

**Sponsors:** Primary Madonna Flood (D-24)

**Attachments:** [19-ZONE-0049.pdf](#)

[O-402-19 V.1 121219 Rezoning from R5 to OR1 at 3700 Brownsboro Rd 19ZONE0049.pdf](#)

[19-ZONE-0049 Other Minutes.pdf](#)

[19-ZONE-0049 Staff Reports.pdf](#)

[19-ZONE-0049 Legal Description.pdf](#)

[19-ZONE-0049 Applicant Booklet.pdf](#)

[19-ZONE-0049 Applicant Booklet 2.pdf](#)

[19-ZONE-0049 Plan.pdf](#)

[19-ZONE-0049 PC Minutes.pdf](#)

A motion was made by Committee Member Triplett, seconded by Committee Member Benson, that this Ordinance be approved.

Council Member Flood explained that this property was the site of a dentist office that was not currently zoned correctly only because it had retained the zoning previously allowed due to non-conforming rights since this business was established before the zoning laws changed. She stated that the owner wanted to bring the property into compliance with the correct zoning in case he/she chose to sell it at a later date. Council Member Flood also noted a binding element that was previously added to the zoning at the Planning Commission level.

Council Member Hollander, whose district this property is in, briefly stated that he was in favor of the zoning.

The motion carried by the following vote and the Ordinance passed:

**Yes:** 23 - Hollander, Sexton Smith, Coan, Ackerson, Fowler, James, Yates, Purvis, Piagentini, Peden, Green, Kramer, Triplett, Flood, Parker, Fox, George, Mulvihill, McCraney, Blackwell, Engel, Reed and Benson

**Excused:** 1 - Dorsey

**Absent:** 2 - Shanklin and Winkler

Enactment No: Ordinance 003-2020

## Point of Privilege

Council Member Green took a Point of Personal Privilege to thank the service men and women, on behalf of the Council, for their sacrifices and the sacrifices their families have made.

## **New Business**

The Clerk provided a first reading of New Business and the respective committee assignments for the record.

### **Legislation assigned to APPROPRIATIONS COMMITTEE**

18. [O-418-19](#)

**AN ORDINANCE APPROPRIATING \$20,250 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$1,500 EACH FROM DISTRICTS 1, 2, 4, 7, 8, 10, 17, 19, 20, 23, 26; \$1,125 FROM DISTRICT 25; \$750 EACH FROM DISTRICTS 9, 14; \$375 EACH FROM DISTRICTS 13, 15, 21; THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE KENTUCKY SHAKESPEARE FESTIVAL, INC. FOR SHAKESPEARE IN THE PARK'S "HAMLET" 2020 TOUR.**

**Sponsors:**Primary Barbara Sexton Smith (D-4), Additional Jessica Green (D-1), Additional Barbara Shanklin (D-2), Additional Paula McCraney (D-7), Additional Brandon Coan (D-8), Additional Bill Hollander (D-9), Additional Pat Mulvihill (D-10), Additional Mark H. Fox (D-13), Additional Cindi Fowler (D-14), Additional Kevin Triplett (D-15), Additional Markus Winkler (D-17), Additional Anthony Piagentini (R-19), Additional Stuart Benson (R-20), Additional Nicole George (D-21), Additional James Peden (R-23), Additional David Yates (D-25) and Additional Brent Ackerson (D-26)

**Attachments:** [O-418-19 021220 Shakespeare in the Park Hamlet.pdf](#)  
[O-418-19 V.1 010920 Attachment Shakespeare in the Park.pdf](#)

19. [O-001-20](#)

**AN ORDINANCE AMENDING ORDINANCE 078, SERIES 2019 THAT APPROVED APPROPRIATION OF \$50,000 FROM DISTRICT 3 NEIGHBORHOOD DEVELOPMENT FUNDS THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO GIVE THE FUND FOR THE ARTS, INC. UNTIL JUNE 30, 2020 TO COMPLETE ITS FIVE-PART ARTS INTEGRATION INITIATIVE IN DISTRICT 3.**

**Sponsors:**Primary Keisha Dorsey (D-3)

**Attachments:** [O-001-20 V.1 021220 Amending O-078-19 Fund for the Arts Integration Initiative.pdf](#)

### **Legislation assigned to COMMUNITY AFFAIRS COMMITTEE**

20. [R-179-19](#)

**A RESOLUTION APPROVING THE NAMING OF ONE OF THE FIVE ANIMAL SERVICES BUILDINGS AS THE "KAREN AND HOYT LITTLE COMMUNITY CAT COMPLEX."**

**Sponsors:**Primary Brandon Coan (D-8) and Primary Pat Mulvihill (D-10)

**Attachments:** [R-179-19 V.1 010620 Naming LMAS Bldg as Karen and Hoyt Little Community Cat Complex.pdf](#)  
[Alley Cats Application Naming Rights.12.16.19.pdf](#)



**Legislation assigned to LABOR AND ECONOMIC DEVELOPMENT COMMITTEE****21. [O-002-20](#)**

**AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, (I) AUTHORIZING THE ISSUANCE OF ITS HEALTH SYSTEM REVENUE BONDS (NORTON HEALTHCARE, INC.), SERIES 2020 IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$600,000,000, THE PROCEEDS OF WHICH SHALL BE LOANED TO NORTON HEALTHCARE, INC. AND NORTON HOSPITALS, INC. TO (A) PAY OR REIMBURSE NORTON HEALTHCARE, INC. AND NORTON HOSPITALS, INC. FOR THE COSTS OF ACQUIRING, CONSTRUCTING, RENOVATING AND EQUIPPING CERTAIN HEALTH CARE FACILITIES OF NORTON HEALTHCARE, INC. AND CERTAIN AFFILIATES, AND (B) REFUND AND RETIRE CERTAIN OUTSTANDING INDEBTEDNESS, AND (II) TAKING OTHER RELATED ACTION.**

**Sponsors:** Primary Bill Hollander (D-9)

**Attachments:** [O-002-20 V.1 010920 Norton Bond.pdf](#)

[O-002-20 V.1 010920 ATTACH Exhibit A - Bond Indenture.pdf](#)

[O-002-20 V.1 010920 ATTACH Exhibit B - Loan Agreement.pdf](#)

[O-002-20 V.1 010920 ATTACH Exhibit C - Bond Purchase Contract.pdf](#)

[Bond Ordinance \(Norton Series 2020\) 4164-6115-4080 4.docx](#)

[Memo to Economic Development Committee 4165-5657-5265 2.pdf](#)

[Norton Healthcare - 2020 Plan of Finance and System Fact Sheet.pdf](#)

**22. [O-003-20](#)**

**AN ORDINANCE AMENDING THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") SECTIONS 154.02, 154.03, AND 154.04(B) RELATING TO PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUM PROGRAMS.**

**Sponsors:** Primary David James (D-6), Primary Barbara Sexton Smith (D-4), Primary Keisha Dorsey (D-3), Primary Donna L. Purvis (D-5), Primary Jessica Green (D-1) and Primary Pat Mulvihill (D-10)

**Attachments:** [O-003-20 V.1 010920 Amending LMCO 154 Regarding Property Assessment and Reassessment Moratorium Programs.pdf](#)  
[O-003-20 V.1 010920 ATTACH Exhibit A.pdf](#)

[Tax Moratorium - Revised Ordinance Summary - January 2020.pdf](#)

**Legislation assigned to PARKS AND SUSTAINABILITY COMMITTEE****23. [R-005-20](#)**

**A RESOLUTION PURSUANT TO METRO ORDINANCES, APPROVING THE FOLLOWING CONTRACTS FOR OPERATION OF METRO GOLF COURSES.**

**Sponsors:**Primary Cindi Fowler (D-14)

**Attachments:** [R-005-20 V.1 010920 Parks Contract Approval.pdf](#)

[R-005-20 V.1 010920 ATTACH Greg Basham - Iroquois.pdf](#)

[R-005-20 V.1 010920 ATTACH Kevin Greenwell-Seneca.pdf](#)

[R-005-20 V.1 010920 ATTACH Patrick Vadden-Vettiner.pdf](#)

[R-005-20 V.1 010920 ATTACH T Betz Golf-Long Run.pdf](#)

**Legislation assigned to PLANNING AND ZONING COMMITTEE****24. [O-412-19](#)**

**AN ORDINANCE CLOSING THE FIRST ALLEY SOUTH OF W. BRECKINRIDGE STREET BETWEEN S. 2ND STREET AND S. 3RD STREET AND BEING IN LOUISVILLE METRO (CASE NO. 19-STRCLOSURE-0008).**

**Sponsors:**Primary Madonna Flood (D-24)

**Attachments:** [O-412-19 V.1 010920 Close 1st Alley South of W Breckinridge St Between S 2nd & S 3rd St 19STRCLOSURE0008.pdf](#)

[O-412-19 V.1 010920 ATTACH Alley Closure Plat 19STRCLOSURE0008.pdf](#)

[19-STRCLOSURE-0008 Legal Descriptions.pdf](#)

[19-STRCLOSURE-0008 Other Minutes.pdf](#)

[19-STRCLOSURE-0008 Plat.pdf](#)

[19-STRCLOSURE-0008 Staff Reports.pdf](#)

[19-STRCLOSURE-0008 PC Minutes.pdf](#)

**25. [O-413-19](#)**

**AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO R-5 RESIDENTIAL SINGLE FAMILY ON PROPERTY LOCATED AT 8809 SHEPHERDSVILLE ROAD CONTAINING APPROXIMATELY 9.01 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE1001).**

**Sponsors:** Primary Scott Reed (R-16)

**Attachments:** [O-413-19 V.1 010920 Rezoning from R4 to R5 at 8809 Shepherdsville Rd 19ZONE1001.pdf](#)  
[19ZONE1001 Applicant Booklets.pdf](#)  
[19ZONE1001 Applicant Study.pdf](#)  
[19ZONE1001 Exhibits.pdf](#)  
[19ZONE1001 Justification Statement.pdf](#)  
[19ZONE1001 Legal Description.pdf](#)  
[19ZONE1001 Other Minutes.pdf](#)  
[19ZONE1001 PC Minutes.pdf](#)  
[19ZONE1001 Plan.pdf](#)  
[19ZONE1001 Staff Reports.pdf](#)  
[19ZONE1001 PC Minutes.pdf](#)

**26. [O-414-19](#)**

**AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO R-7 RESIDENTIAL MULTI-FAMILY ON PROPERTY LOCATED AT 9711 COOPER CHURCH DRIVE CONTAINING APPROXIMATELY 1.4 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0028).**

**Sponsors:** Primary Madonna Flood (D-24)

**Attachments:** [O-414-19 V.1 010920 Rezoning from R4 to R7 at 9711 Cooper Church Dr 19ZONE0028.pdf](#)  
[19-ZONE-0028 Other Minutes.pdf](#)  
[19-ZONE-0028 Staff Reports.pdf](#)  
[19-ZONE-0028 Legal Description.pdf](#)  
[19-ZONE-0028 Justification Statements.pdf](#)  
[19-ZONE-0028 Applicant Studies.pdf](#)  
[19-ZONE-0028 Plan.pdf](#)  
[19-ZONE-0028 PC Minutes.pdf](#)

**27. [O-415-19](#)**

**AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE-FAMILY AND OR-3 OFFICE-RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 5210 COMMERCE CROSSINGS DRIVE CONTAINING 2.101 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0036).**

**Sponsors:** Primary Madonna Flood (D-24)

**Attachments:** [O-415-19 V.1 010920 Rezoning from R4 & OR3 to C2 at 5210 Commerce Crossing Dr 19ZONE0036.pdf](#)  
[19-ZONE-0036 Other Minutes.pdf](#)  
[19-ZONE-0036 Staff Reports.pdf](#)  
[19-ZONE-0036 Legal Description.pdf](#)  
[19-ZONE-0036 Justification Statements.pdf](#)  
[19-ZONE-0036 Applicant Exhibits.pdf](#)  
[19-ZONE-0036 Plan.pdf](#)  
[19-ZONE-0036 PC Minutes.pdf](#)

**28. [O-416-19](#)**

**AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO PEC PLANNED EMPLOYMENT CENTER AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN WORKPLACE ON PROPERTY LOCATED AT 5400 & 5402 MINOR LANE AND 3101, 3201, 3202, & 3206 DUPIN DRIVE CONTAINING APPROXIMATELY 68 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0065).**

**Sponsors:** Primary Madonna Flood (D-24)

**Attachments:** [O-416-19 V.1 010920 Rezoning from R4 to PEC & N to SW at 5400-5402 Minor Ln & 3101-3206 Dupin Dr 19ZONE0065.pdf](#)  
[19-ZONE-0065 Other Minutes.pdf](#)  
[19-ZONE-0065 Staff Reports.pdf](#)  
[19-ZONE-0065 Legal Description.pdf](#)  
[19-ZONE-0065 Applicant Findings of Fact.pdf](#)  
[19-ZONE-0065 Applicant's Exhibits.pdf](#)  
[19-ZONE-0065 Justification Statement.pdf](#)  
[19-ZONE-0065 Plan.pdf](#)  
[19-ZONE-0065 PC Minutes.pdf](#)

**Legislation assigned to PUBLIC WORKS COMMITTEE****29. [R-001-20](#)**

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$146,829 OF ADDITIONAL FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR THE LOUISVILLE LOOP JEFFERSON MEMORIAL FOREST MEDORA ROAD PROJECT TO BE ADMINISTERED BY PUBLIC WORKS & ASSETS.**

**Sponsors:**Primary Cindi Fowler (D-14)

**Attachments:** [R-001-20 V.1 010920 Mayor Accept \\$146,829 form KYTC for Louisville Loop Jefferson Memorial Forest Medora Road Project.pdf](#)  
[RES \\$146829 KYTC LL Medora Rd Supplement 3 PWA JAN2020.pdf](#)

**30. [R-004-20](#)**

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$466,710 OF ADDITIONAL FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR THE LOUISVILLE LOOP JEFFERSON MEMORIAL FOREST POND CREEK PROJECT TO BE ADMINISTERED BY PUBLIC WORKS & ASSETS.**

**Sponsors:**Primary Cindi Fowler (D-14)

**Attachments:** [R-004-20 V.1 010920 Mayor Accept \\$466,710 form KYTC for Louisville Loop Jefferson Memorial Forest Pond Creek Project.pdf](#)  
[RES \\$466710 KYTC LL Pond Creek JMF Supplement 2 PWA JAN2020.pdf](#)

**Announcements**

Council President James announced that the next Metro Council meeting would be on Thursday, February 6, 2020 at 6:00 p.m.

**Adjournment**

Without objection, Council President James adjourned the meeting at 7:45 p.m.