

Louisville Metro Government

Action Summary - Final Government Oversight and Audit Committee

Chair Brent Ackerson (D-26)
Vice Chair Anthony Piagentini (R-19)
Committee Member Donna L. Purvis (D-5)
Committee Member Paula McCraney (D-7)
Committee Member Rick Blackwell (D-12)
Committee Member Mark H. Fox (D-13)
Committee Member Cindi Fowler (D-14)
Committee Member Scott Reed (R-16)
Committee Member Markus Winkler (D-17)
Committee Member Stuart Benson (R-20)
Committee Member Amy Holton Stewart (D-25)

Tuesday, February 22, 2022

5:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Call to Order

Vice Chair Piagentini called the meeting to order at 5:00 p.m.

Roll Call

Vice Chair Piagentini introduced the committee members and non-committee members present. A quorum was established.

NOTE: All committee members and non-committee members attended the meeting virtually, except Council Member Hollander and Vice Chair Piagentini, who attended in Chambers.

Present: 9 -

9 - Committee Member Donna L. Purvis (D-5), Committee Member Paula McCraney (D-7), Committee Member Mark H. Fox (D-13), Committee Member Cindi Fowler (D-14), Committee Member Scott Reed (R-16), Committee Member Markus Winkler (D-17), Vice Chair Anthony Piagentini (R-19), Committee Member Stuart Benson (R-20), and Committee Member Amy Holton Stewart (D-25)

Excused: 2 - Committee Member Rick Blackwell (D-12), and Chair Brent Ackerson (D-26)

Non-Committee Member(s)

Council President David James (D-6), Council Member Bill Hollander (D-9), and Council Member Madonna Flood (D-24)

Support Staff

Alice Lyon, Jefferson County Attorney's Office Kathryn Meador, Jefferson County Attorney's Office

Clerk(s)

Olivia Bennett, Assistant Clerk Sonya Harward, Clerk

Pending Legislation

AP022222MKL

APPOINTMENT OF MARY KATE LINDSEY TO THE CODE ENFORCEMENT BOARD (TERM EXPIRES FEBRUARY 9, 2025)

Attachments: APT Code Enforcement Board 02.14.22.pdf

Mary Kate Lindsey 02.14.22.pdf

Applicants for Board - Code Enforcement Board MKL 02.14.22.pdf

Current Board - Code Enforcement Board MKL 02.14.22.pdf

Vice Chair Piagentini stated that the appointee withdrew from consideration for the appointment.

2. RP022222GDP

REAPPOINTMENT OF G. DAVID PEARL TO THE CODE ENFORCEMENT BOARD (TERM EXPIRES FEBRUARY 9, 2025)

Attachments: APT Code Enforcement Board 02.14.22.pdf

G. David Pearl 02.14.22.pdf

Applicants for Board - Code Enforcement Board GDP 02.14.22.pdf

Current Board - Code Enforcement Board GDP 02.14.22.pdf

A motion was made by Committee Member Reed, seconded by Committee Member Fowler, that this Reappointment be recommended for approval.

Althea Jackson, Mayor's Office, spoke to this item.

The following was discussed:

- The appointee was originally appointed to the Code Enforcement Board in
- The appointee is retired and has the time to serve on the board
- The appointee resides in District 21

3. RP022222KSW

REAPPOINTMENT OF KANDICE SHOBE WHITE TO THE AIR POLLUTION CONTROL DISTRICT BOARD (TERM EXPIRES APRIL 25, 2025)

Attachments: APT Air Pollution Control District 02.14.22.pdf

Kandice Shobe White 02.14.22.pdf

Applicants for Board - Air Pollution Control District Board KSW

02.14.22.pdf

Current Board - Air Pollution Control District Board KSW 02.14.22.pdf

A motion was made by Committee Member Reed, seconded by Committee Member Holton Stewart, that this Reappointment be recommended for approval.

Althea Jackson, Mayor's Office, spoke to this item.

The following was discussed:

- The appointee was originally appointed in 2019
- The appointee is a current Data Analyst II with the Optum Company
- The appointee resides in District 5

The motion carried by a voice vote and the Reappointment was sent to the Consent Calendar.

4. AP022222CG

APPOINTMENT OF CHRIS GOSNELL TO THE OKOLONA FIRE PROTECTION DISTRICT BOARD (TERM EXPIRES JUNE 30, 2022)

Attachments: APT Okolona Fire Protection District Board 02.14.22.pdf

Chris Gosnell 02.14.22.pdf

Applicants for Okolona Fire Protection District Board CG 02.14.22.pdf

Current Okolona Fire Protection District Board CG 02.14.22.pdf

A motion was made by Committee Member Purvis, seconded by Committee Member Fox, that this Appointment be recommended for approval.

Althea Jackson, Mayor's Office, spoke to this item.

The following was discussed:

- The appointee is being appointed to fill the board position of the previous trustee that passed away
- The appointee is retired and has the time to serve on the board
- The appointee resides in District 23
- The appointee has volunteered for Okolona Fire District in the past and was highly recommended by members of the Okolona Fire District Board

5. AP022222JE

APPOINTMENT OF JACKIE EKLUND FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Jackie Eklund 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee JE

02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Purvis, seconded by Committee Member Reed, that this Appointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- Jackie Eklund, Appointee

The following was discussed:

- The appointee would be filling the Arborists seat on the Louisville Metro Tree Advisory Committee
- The appointee currently works for Urban Forestry and has been with Louisville Grows for four years
- The appointee resides in District 21
- The appointee is a International Society of Arboriculture (ISA) certified Arborists

6. AP022222MW

APPOINTMENT OF MATTHEW WIECZOREK FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Matthew Wieczorek 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee MW 02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Reed, seconded by Committee Member Purvis, that this Appointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- Matthew Wieczorek, Appointee
- Vice Chair Piagentini
- Committee Member Holton Stewart

The following was discussed:

- The appointee is representing the over-head utility industry
- The appointee is a senior Utility Arborist with the Louisville Gas and Electric Company ("LG&E") and has worked with LG&E since 2014
- Questions were asked regarding which Council District the appointee resides in -- the appointee lives in Bullitt County

7. AP022222JW

APPOINTMENT OF JACK WILL FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Jack Will 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee JW

02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Fowler, seconded by Committee Member McCraney, that this Appointment be recommended for approval.

Althea Jackson, Mayor's Office, spoke to this item.

The following was discussed:

- The appointee is representing the Jefferson County League of Cities which is a prescribed seat on this committee
- The appointee resides in District 8 and has been a Louisville/Jefferson County resident for several years
- The appointee is the Executive Director for Jefferson County League of Cities Board and has been a member of this board since 2005
- The appointee was the previous Executive Director of Kentuckiana Metroversity
- The appointee was the previous Executive Director of the Louisville Chamber of Commerce

8. AP022222CO

APPOINTMENT OF CHRIS O'BRYAN FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29,2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Chris O'bryan 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee CO

02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Fowler, seconded by Committee Member Reed, that this Appointment be recommended for approval.

Althea Jackson, Mayor's Office, spoke to this item.

The following was discussed:

- The appointee is being appointed to fill the community-at-large seat
- The appointee is the President of Limbwalker Tree
- The appointee resides in District 21
- The appointee graduated from Dupont Manual High School
- The appointee has earned a Bachelor's Degree of Science in Forestry from the University of Kentucky as well as a Master's Degree in Forest Resources from Clemson University

9. AP022222JS

APPOINTMENT OF JOHN SWINTOSKY FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

John Swintosky 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee JS

02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Fowler, seconded by Committee Member Reed, that this Appointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- John Swintosky, Appointee
- Committee Member Fowler

The following was discussed:

- The appointee is a Landscape Architect and will fill that role on the Louisville Metro Tree Advisory Committee
- The appointee's previous work experience is in engineering and landscape architecture
- The appointee is a Legislative Aid within Metro Government for the Louisville Metro Public Works Division since 2017
- The appointee was a previous Legislative Aid within Metro Government for the Louisville Metro Parks Division for approximately 20 years
- The appointee lives outside the Council Districts but has served in every Council District

10. AP022222JB

APPOINTMENT OF JERRY BROWN FOR THE LOUISVILLE METRO TREE ADVISORY BOARD (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Jerry Brown 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee JB

02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Fowler, seconded by Committee Holton Stewart, that this Appointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- Jerry Brown, Appointee
- Committee Member Fowler

The following was discussed:

- The appointee is being appointed to fill the community- at-large seat
- The appointee is a former Louisville Metro Parks engineer from 1991 to 2012 -
- the last seven of these years the appointee served as Assistant Director in charge of natural resources and forestry
- The appointee is retired and has the time to serve on the committee
- The appointee has an engineer, park, and construction background

11. AP022222PH

APPOINTMENT OF PAT HOWARD FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Pat Howard 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee PH 02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Fox, seconded by Committee Reed, that this Appointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- Pat Howard, Appointee

The following was discussed:

- The appointee is being appointed to fill the underground utility industry seat
- The appointee is currently employed as an engineer with the Louisville Water Company and has been an employee for the past 13.5 years
- The appointee has a Bachelor's Degree in Civil Engineering
- The appointee is a licensed professional engineer in the state of Kentucky

12. AP022222LH

APPOINTMENT OF LATANYA HAWKINS FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

LaTanya Hawkins 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee LH 02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Fowler, seconded by Committee Purvis, that this Appointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- LaTanya Hawkins, Appointee

The following was discussed:

- The appointee is being appointed to fill the community-at-large seat
- The appointee is the owner of the Kidz World Daycare facility and has been for the last 12 years
- The appointee resides in District 1 and is a life-long Louisville/Jefferson County resident
- The appointee has worked very closely with Cindi Sullivan (current committee member) on projects together

13. AP022222LM

APPOINTMENT OF LIZ MCQUILLEN FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Liz McQuillen 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee LM

02.14.22.pdf

Current - Tree Advisory Committee - 02.14.22.pdf

A motion was made by Committee Member Fowler, seconded by Committee Winkler, that this Appointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- Liz McQuillen, Appointee
- Vice Chair Piagentini

The following was discussed:

- The appointee is representing Greater Louisville Inc. ("GLI")
- The appointee resides in District 8 and has lived in Louisville/Jefferson County for 12 years
- The appointee previously served as a Legislative Aide for the Metro Council for 10 years
- GLI and the appointee are both excited to serve in this capacity for the Louisville Metro Tree Advisory Committee

14. RP022222CS

REAPPOINTMENT OF CYNTHIA SULLIVAN FOR THE LOUISVILLE METRO TREE ADVISORY COMMITTEE (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Cynthia Sullivan 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee CS

02.14.22.pdf

Current - Tree Advisory Committee CS - 02.14.22.pdf

A motion was made by Committee Member Benson, seconded by Committee Purvis, that this Reappointment be recommended for approval.

Althea Jackson, Mayor's Office, spoke to this item.

The following was discussed:

- The appointee is to maintain the arborists seat
- The appointee is the executive director for TreesLouisville
- The appointee resides in District 8

The motion carried by a voice vote and the Reappointment was sent to the Consent Calendar.

15. RP022222PH

REAPPOINTMENT OF PATRICK HENRY FOR THE LOUISVILLE METRO TREE ADVISORY BOARD (TERM EXPIRES NOVEMBER 29, 2024)

Attachments: APT Louisville Metro Tree Advisory Committee 02.14.22.pdf

Patrick Henry 02.14.22.pdf

Applicants for Board - Louisville Metro Tree Advisory Committee

PHRP 02.14.22.pdf

Current - Tree Advisory Committee PH - 02.14.22.pdf

A motion was made by Committee Member Fowler, seconded by Committee Winkler, that this Reappointment be recommended for approval.

The following spoke to this item:

- Althea Jackson, Mayor's Office
- Patrick Henry, Appointee

The following was discussed:

- The appointee currently works for Gresham Smith and Partners
- The appointee resides in District 16
- The appointee is currently filling the Building Industry Association seat

16. O-033-22

AN ORDINANCE AMENDING SECTIONS 21.01, 21.03, AND 21.06 OF THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") RELATING TO FINANCIAL DISCLOSURES BY METRO OFFICERS AND CANDIDATES FOR ELECTED METRO OFFICES. (AMENDMENT BY SUBSTITUTION)

Sponsors: Primary Bill Hollander (D-9) and Additional David James (D-6)

Attachments: O-033-22 V.3 CABS 022222 Amends Sections of LMCO relating to

Financial Disclosures.pdf

O-033-22 PROPOSED CABS 022222 Amends Sections of LMCO

relating to Financial Disclosures.pdf

O-033-22 V.2 CAM 020822 Amends Sections of LMCO relating to

Financial Disclosures.pdf

O-033-22 PROPOSED CAM 020822 Amends Sections of LMCO

relating to Financial Disclosures.pdf

O-033-22 V.1 020322 Amends Sections of LMCO relating to Financial

Disclosures.pdf

Ethics.pdf

Financial Interest Statement.pdf

A motion was made by Committee Member Winkler, seconded by Committee Member Reed, that this Ordinance be untabled.

Council Member Hollander spoke to this item regarding the proposed amendment as shown in the attached documents titled: "O-033-22 V.3 CABS 022222 Amends Sections of LMCO relating to Financial Disclosures.pdf."

The following was discussed:

- The idea behind this Ordinance is to have financial disclosures for Metro Officers and candidates for elected Metro Officer positions
- The disclosures that are currently required were kept in the Ordinance and all of the disclosures that were not required, that are in the Kentucky League of Cities ("KLC") model Ethics Ordinance, were added
- Clarification was given regarding a minimal change to the amendment that originally stated "Metro Officer or Employee" but should have used the term "Candidate" in the definition of disclosure reporting relationships
- Another change included in the amendment was a change deriving from the KLC model Ethics Ordinance pertaining to the definition of Metro Officer, particularly, Metro Officers with procurement authority -- this change was a recommendation from Joel Neaveill, Director of Procurement, as well as May Porter, Internal Auditor
- A brief review of the sample of the Financial Disclosure Form was provided (as attached) -- the Metro Ethics Commission will come up with their own version of this form -- the Metro Ethics Commission has been polled regarding this Ordinance, and unanimously supports the provisions

A motion was made by Committee Member Winkler, seconded by Committee Member Fox, that this Ordinance be amended as shown in the attached document titled: "O-033-22 V.3 CABS 022222 Amends Sections of LMCO relating to Financial Disclosures.pdf."

The motion to amend carried by a voice vote.

The following spoke to the amended Ordinance:

- Vice Chair Piagentini
- Committee Member Winkler
- Council Member Hollander

The following was discussed:

- Questions were asked regarding modification to the number of employees that were impacted by this amendment
- Appreciation was given to those that worked on this Ordinance

The motion carried by the following vote and the amended Ordinance was sent to Old Business:

Yes: 9 - Purvis, McCraney, Fox, Fowler, Reed, Winkler, Piagentini, Benson, and Holton Stewart

Excused: 2 - Blackwell, and Ackerson

17. <u>O-058-22</u>

AN ORDINANCE AMENDING SECTIONS 21.02, 21.06 AND 21.99 OF THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") AND CREATING NEW SECTIONS OF LMCO CHAPTER 21 RELATING TO THE LOBBYING OF METRO OFFICERS.

Sponsors: Primary Bill Hollander (D-9) and Additional Cassie Chambers Armstrong (D-8)

<u>Attachments:</u> O-058-22 V.1 021722 Amend LMCO RE Lobbying of Metro
Officers.pdf

This item was held in committee.

Special Discussion

18. ID 22-0224

TARC3 Discussion

Attachments: TARC 3 Update and Overview February 22 2022.pdf

Vice Chair Piagentini introduced the special discussion item and the Transit Authority of River City ("TARC") employee's and TARC Board members.

Carrie Butler, TARC, gave a presentation (see attached).

The following spoke to this item:

- Vice Chair Piagentini
- Committee Member Purvis
- Committee Member Reed
- John Launius, TARC Board
- Committee Member Winkler
- Committee Member Holton Stewart
- Committee Member Fox
- Committee Member McCraney

The following was discussed:

- Whether the data provided on slide 7 of the presentation pertained to just TARC3
- Clarification was asked regarding the amount of trips TARC3 made
- Clarification was asked regarding the data provided on slide 8 of the presentation
- Clarification was asked regarding the data provided on slide 9 of the presentation, specifically regarding the fines from fiscal year March 2021 to current fiscal year January 2022
- Questions were asked regarding when the General Manager of TARC was hired -- November 2021
- Questions were asked regarding how often the data would be collected
- Clarification was asked regarding the penalties
- Clarification was asked regarding the contract between TARC and MV Transportation ("MV") -- TARC's contract with MV includes MV being paid for the trips that MV provides, more specifically the hours and miles of service MV Transportation provides and examples were provided
- Clarification was asked regarding whether TARC is in year three of the contract with MV
- Clarification was asked regarding whether Carrie Butler used to work for Lextran
- Questions were asked regarding whether the paratransit responsibility was outsourced at Lextran as it has been in by TARC
- Questions were asked regarding whether Lextran experienced the same issues with their contractor and whether MV was Lextran's paratransit contractor as well -- Lextran's contractor was American Red Cross, the same issues TARC is experiencing now are not the same issues that Lextran experienced while Carrie Butler was employed there
- Employers are experiencing staff shortages with drivers for both fixed route and paratransit services due to the COVID-19 pandemic
- Questions were asked regarding when TARC would start preparing for a new

Request for Proposal ("RFP") -- TARC will start preparing for a new RFP within the next year

- Clarification was asked regarding the definition of "subscription trips" -- a trip that will reoccur the same day and time each week and examples were provided
- Questions were asked regarding the percentage of subscription trips versus total trips provided -- approximately 35 percent are subscription trips, TARC will provide exact data to the Committee
- Clarification was asked regarding the definition of a "late trip" -- anything outside of a 30 minute window, examples were provided
- Questions were asked regarding the paratransit time a rider can expect from a trip currently -- TARC will provide exact data to the Committee
- Questions were asked regarding the bus driver retention percentage between fiscal years 2021 and 2022 -- TARC will provide exact data to the Committee
- Questions were asked regarding the number of TARC bus drivers needed to be fully staffed -- approximately 125 drivers are needed for TARC to be fully staffed
- Questions were asked regarding the TARC Board minutes and whether a more in-depth summary of the board meetings could be provided -- in addition to the meeting minutes, recordings of the meetings are available for viewing
- Questions were asked regarding the TARC trip scheduling process -- examples of the process were provided
- Clarification was asked regarding missed trips and late trips -- examples were provided
- Questions were asked regarding the MV annual contract value -- Just under \$19M annually
- Concerns were expressed regarding the \$1M amount in fines that MV is paying annually -- MV has asked for reductions
- Questions were asked regarding TARC's primary funding comes from -examples of the funding was provided
- Questions were asked regarding whether TARC's ridership increased, where the funding comes from to pay for that ridership -- TARC will do everything they can to meet the requests for service and examples were provided
- Concerns were expressed regarding the lack of TARC routes for the southwest end of Louisville
- Questions were asked regarding why TARC would include their customer cancellations into their missed trip percentage -- the customer cancellations could impact the time the driver will take to get to the next trip
- Questions were asked regarding the new General Manager -- there has always been a local General Manager contracted with TARC
- Questions were asked regarding whether the previous TARC General Manager left TARC all together to move into another position within TARC -- the General Managers are MV employees and the previous General Manager left MV
- A request was asked of TARC that the meeting minutes be more descriptive --TARC will increase the detail in their minutes going forward
- Questions were asked regarding the change in TARC's data 9 months ago resulting in an increase of complaints and liquidated damages -- examples were provided
- Questions were asked regarding how the TARC Board plans to implement the Council's improvement recommendation's -- examples were provided

Adjournment

Without objection Vice Chair Piagentini adjourned the meeting at 6:57 p.m.

Note: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council meeting on March 3, 2022.