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PRESIDENT YATES: The Regular Louisville Metro Council Meeting of October 20, 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.

Madam Clerk, a roll call, please.

MADAM CLERK: Councilwoman Green.

COUNCILWOMAN GREEN: Here.

MADAM CLERK: Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Present.

MADAM CLERK: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Present.

MADAM CLERK: Councilwoman Tandy.

Councilwoman Hamilton.

Councilman James.

COUNCILMAN JAMES: Here.

MADAM CLERK: Councilwoman Leet.

COUNCILWOMAN LEET: Present.

MADAM CLERK: Councilman Owen.

COUNCILMAN OWEN: Here.

MADAM CLERK: Councilman Hollander.

COUNCILMAN HOLLANDER: Here.

MADAM CLERK: Councilman Mulvihill.

Councilman Kramer.

COUNCILMAN KRAMER: Here.

MADAM CLERK: Councilman Blackwell.

Councilwoman Welch.

Councilwoman Fowler.

Councilwoman Butler.

COUNCILWOMAN BUTLER: Here.

MADAM CLERK: Councilman Downard.

COUNCILMAN DOWNARD: Madam Clerk, there are only four more times in your life that you will have the pleasure of hearing me say "present."

PRESIDENT YATES: Unless it is Christmas.

MADAM CLERK: Stuckel.

COUNCILMAN STUCKEL: Here.

MADAM CLERK: Denton.

COUNCILWOMAN DENTON: Here.

MADAM CLERK: Benson.

COUNCILMAN BENSON: Present.

MADAM CLERK: Councilman Johnson.

Councilman Engel.

Councilman Peden.

Councilwoman Flood.

President Yates.

PRESIDENT YATES: Present

MADAM CLERK: Councilman Ackerson.

COUNCILMAN ACKERSON: Here.

MADAM CLERK: Mr. President, you have 16 in attendance and a quorum.

PRESIDENT YATES: Thank you, Madam Clerk. Would you please cause the record to reflect that Council Members Hamilton, Johnson and Tandy each have excused absences

MADAM CLERK: So noted.

PRESIDENT YATES: Madam Clerk, are there any addresses to the council?

MADAM CLERK: Yes, sir.

PRESIDENT YATES: Before you bring them forward, let me remind those addressing the council to refrain from using profanity or making derogatory statements to individual council members.

Madam Clerk, please bring the first speaker forward.

MADAM CLERK: Connie Marshall.

CONNIE MARSHALL: My name is Connie Marshall. I'm speaking on collaboration by Louisville Metro Police and LG&E. You'll find audios and videos on my website, justiceforallcitizens.com and on YouTube.

May 24th, 2016, I contacted LG&E to get the telephone number of their damage department due to the electrical interference causing damage to my CDs. I did not ask LG&E to come to my home because on at least three occasions they have come without ID. LG&E came with police. The police stated LG&E wanted them to come because I videotaped them. By law, people have a right to videotape and have surveillance cameras on their property.

I called LG&E and spoke with the manager and asked for the name of the LG&E reps with the police. He stated I'm not telling you. Due to the fact that I tried to report LG&E to the police in 2012 as they were on my property without ID installing a recorder, however, the police refused to give me a report number, I was then stomped by the police and my rights

violated in court. It is clear to me that the relationship between LG&E and the police is suspect. June 20th, 2016. At approximately 9:15 p.m. the police were banging on my door. They stated did you send e-mails to Malone Staffing? I said I did not. However, this is suspicious in that I just went to court that morning to put my case regarding Malone Staffing back on the docket, as they lied to unemployment. I did eventually get my unemployment. When I filed open records, these e-mails to Malone and staffing did not even exist.

July 10th, 2016. I heard banging on my door again. I looked out and saw LG&E and police. And they stated I contacted them. However, I did not. I was told later by LG&E that an e-mail came in at 5:21 a.m. from my daughter. My daughters do not even live in Kentucky and did not send the e-mails.

July 7, 2016, and July 20th, 2016, I posted two videos on YouTube regarding an LG&E manager violating my rights. I prepared to pick up a copy of the e-mail of the e-mail they said my daughter sent. The manager said they found a threatening e-mail sent July 9th, however he just discovered it July 11th stating I was going to kill him. I told security in two telephone conversations the police are involved in these fabricated documents and to contact the FBI. But of course he contacted the police. July 14th, 2016. I heard banging on my door again. It was the police stating that they had an MIW. I did not open my door. I filed open records through the court to get a copy of the MIW which had expired but stated I threatened to kill an LG&E manager. The detective's name on the report was Jeremy Livers, whom I have never met. What is interesting is I have received 30 death threats, sexual degradation, hate e-mails, numerous

threatening telephone calls, someone broke into my home, I received 130 pieces of mail in the prosecutor's name, and nothing's been done. You may contact me at conniecmarshall@gmail.com or Conniemarshall@justiceforallcitizens.com.

MADAM CLERK: Stephen Dattilo.

Mr. President, that concludes the addresses to council.

PRESIDENT YATES: Thank you, Madam Clerk.

Next we have approval of Council minutes for the Regular Metro Council Meeting of October 6, 2016. Any corrections or deletions? May I have a motion and Second for approval?

>> Motion.

>> Second.

PRESIDENT YATES: The minutes have been properly moved and seconded. All those in favor please signify by saying 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: Committee of the Whole, October 6.

Regular: Committee on Sustainability and Parks, October 6.

Regular: Intergovernmental Affairs and Annexation Committee, October 6.

Regular: Planning/Zoning, Land Design and Development Committee, October 11.

Regular: Public Works, Bridges and Transportation Committee, October 11.

Regular: Labor and Economic Development Committee, October 11.

Regular: Appropriations, NDFs and CIFs Committee, October 11.

Regular: Government Accountability and Ethics Committee, October 12.

Special: Committee on Contracts, October 13.

Regular: Committee on Appointments, October 13.

Regular: Ad Hoc Committee on Land Development Code, October 17.

Regular: Committee on Committees, October 18.

Are there any corrections or deletions? May I have a motion and second for approval.

>> Motion.

>> Second.

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

Madam Clerk, do we have any communications from the Mayor?

MADAM CLERK: We do, sir.

PRESIDENT YATES: Please read those into the record.

MADAM CLERK: Dear President Yates: In accordance with the Louisville Film Advisory Commission Ordinance, I am appointing the following to the Louisville Film Advisory Commission Ordinance:

Adam Snyder, new appointment, term expires August 31, 2018.

Conrad Bachmann, new appointment, term expires August 31, 2018.

Robert Borders, re-appointment, term expires August 31, 2018.

Daniel Diamond, re-appointment, term expires August 31, 2018.

Bill Rappaport, re-appointment, term expires August 31, 2018.

Dr. Julia Wilson re-appointment, term expires August 31, 2018.

Metro Council approval of these appointments is not required.
Sincerely, Greg Fischer, Mayor.

Read in full.

PRESIDENT YATES: Thank you, Madam Clerk.

Next, pursuant to Council Rule 7.04, the council may pass a resolution at the same meeting at which it was introduced if it pertains to an administrative act or function of the council therefore, thus this special legislation.

Madam Clerk, would you have a reading of item 16.

MADAM CLERK: A RESOLUTION INITIATING A REVIEW WITH A PUBLIC HEARING OF THE DECISION OF THE LANDMARKS COMMISSION DESIGNATING THE PROPERTY LOCATED AT 2833 TREMONT DRIVE IN LOUISVILLE METRO AS A LOCAL LANDMARK.

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?

Councilwoman Welch, you are the sponsor.

COUNCILWOMAN AUBREY WELCH: Yes. Thank you, Mr. President.

I think we all know that this issue has been in the "Courier Journal" a lot, in the communities a lot. I think it is something we need to do for this family according to our ordinance that was done I believe back in 2012. So I do have an amendment to the bottom of it if you want me to read that now.

PRESIDENT YATES: That would be fine. Why don't we go ahead -- you can read the floor amendment and we will do it all at once.

COUNCILWOMAN AUBREY WELCH: It is at the end of section one where we would strike where it says review to have public hearing. You would strike "by the council or one of its committees" and add "held by the Planning/Zoning, land design and development committee, which will set the public hearing date at its regular meeting on October 25th, 2016."

PRESIDENT YATES: That is in the form of a motion. May I have a second for the floor amendment?

>> Second.

PRESIDENT YATES: Is there any discussion on the amendment?
Councilwoman Flood.

COUNCILWOMAN FLOOD: Yes, Mr. President. I am just concerned about all those who expressed in the committee of committees that they were interested in the public hearing, that why we would not hold it as a council instead of just going to the committee since there were so many people interested in it. That way, we would all be there together to hear the information versus just relying on six members or seven members of a committee that could possibly make it that day. So I don't know why we wouldn't hear it as a full council since that is what this legislation calls for. It says to have a public hearing by the council or one of its committees. So there's a lot of people verified in it, so why not just make it the council and then we can vote and be done with it?

PRESIDENT YATES: Well, I think that by process we would send to committee to make a determination to the council. You are saying have the open hearing to the council as a whole and everyone be there.

COUNCILWOMAN FLOOD: As it reads, as it currently reads. It says to have a public hearing by the council or its committees. But since there are so many people on both sides of the aisle interested, why wouldn't we open it up to the whole council to do it?

PRESIDENT YATES: Is that a friendly question to one of the sponsors, or can I get a motion?

>> Yes.

PRESIDENT YATES: Would either one of the sponsors like to address it?

COUNCILWOMAN FLOOD: That's fine with me.

>> There's an issue in that we will have all 26 of us in for another night. It can't be done during the day. It can't be done in the early afternoon because many of them work. Several teachers. So we are going to have another meeting some night between 5:00, 7:30, 8:00. We have had public hearings during budget. We have had the external agencies come in. It takes a while. It seemed to me that the people at the Planning/Zoning department as well as the process we normally have is to have the meeting of a committee. Anyone interested in coming to that meeting most certainly would be welcome and very often many people do. I suspect we are going to have a pretty full house of council members at that particular meeting because if you want to go back your district and tell people you have been heavily involved in this issue, you are going to come to the meeting.

But I think at the order, Mr. President, make some sense. We talked about this and decided we thought it would be the best thing. And the planning department agreed, so that's what we set up. It is a bit more

cumbersome, I believe, to have all 26 of us trying to ask questions, but I would agree to what the body agrees to do. I think it would be better to go to the committee first.

PRESIDENT YATES: Thank you, Councilman.

Councilman Brent Ackerson.

COUNCILMAN ACKERSON: I wanted to discuss with the sponsor a friendly amendment. Rather than the Planning/Zoning Land Design and Development Committee, substituting sending it to the Ad Hoc Land Development Committee. I believe Councilman Peden chairs that and he would be willing to take that on. I don't know if that is something you would be interested in as a friendly amendment.

PRESIDENT YATES: Is that a question to the sponsor?

COUNCILMAN ACKERSON: That's a question to the sponsors.

PRESIDENT YATES: Whether or not you would like the determination -- and I believe it was assigned to the Planning/Zoning, land design and development committee.

>> Which I think was the proper thing. And I think that suggestion makes some sense, but you have a very small committee that you are talking about, number one. Number two, they have not much experience in what we are doing, what we do at Planning/Zoning. And dealing with the Planning/Zoning department. So I think -- I don't know how anybody else thinks about it. It seems like that the president has sent it to the proper committee that handles these types of things and I think it makes the most sense.

PRESIDENT YATES: Councilwoman Woolridge

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. My question to the sponsors, if the Metro Council holds a public hearing, what would be the criteria? Do people get to speak for? Do people get to speak against? How many people get to speak? And will this be conducted just like a regular public hearing where we limit how many people can speak? Would we limit the time people can speak? I would like to know all of those details, Mr. President.

>> Those are some of the questions that I think will be answered at the meeting on Tuesday. To set up the rules along with the planning department to set up the rules for the hearing will be done on Tuesday. Before they send out the notices. So the answer that I can't really make it, I could conjecture, but I can't do that on my own. That's what the committee will do on Tuesday.

PRESIDENT YATES: Councilwoman, part of it has to be in conjunction since this is a time of first review and we will be setting the precedent, we will be doing that in conjunction with the advice of legal counsel as well, so we will set those parameters together.

Councilwoman Flood.

COUNCILWOMAN FLOOD: Yes. Thank you, Mr. President. The only reason I'm suggesting that is because even though very few people attend Planning/Zoning unless they have something in their district, and sometimes they don't even attend then. And I'm just trying to save us time because we will surely be having a long meeting that night that it comes in front of the council to discuss it after it has been vetted through the committee. It always happens when there is a contentious issue that we are still spending an hour and a half on the floor discussing it again. I'm

just trying to save this body the time, and we can do it all at one time and be done.

PRESIDENT YATES: Thank you, Councilwoman. We still have the original floor amendment before us that Councilwoman Welch had proposed. We have had open discussion on that. She has read into the record the changes. And just to remind everybody, it was striking out "by the council or one of its committees" and it has put in "held by the Planning/Zoning, land design and development committee, which will set the public hearing date at its regular meeting on October 25th, 2016."

Further discussion by Councilman Peden.

COUNCILMAN PEDEN: I just wanted to ask looking at the original text why are we specifying a committee with a specific date and so on versus allowing the president some flexibility to do this at the earliest convenience, which may be -- isn't this first meeting pretty much going to be about some minor discussion and establishing a public hearing date so that allows staff to then kick into gear and start sending out notifications?

PRESIDENT YATES: And I appreciate that. It was submitted by request from the president's office and I did look at the ad hoc committee

COUNCILMAN PEDEN: I'm not talking about my committee specifically. Just any committee just to get the process started.

PRESIDENT YATES: As president I looked at Councilwoman Flood's unique experiences and abilities from Planning/Zoning. Also each of the members from the ad hoc committee except for the chair are on the Planning/Zoning. So that decision was made after contacting my office. Just looking at the history of why that was actually written in there. And

I felted like while we could leave the discretion open to the president, I feel like if we made the decision we could get it out to the council in the essence of transparency as quick as I can.

Any further discussion? I have a motion and second. All those in favor for the floor amendment respond by saying aye. Opposed? The ayes have it.

As far as the resolution that has been presented in totality, is there any further discussion? None? Well, this is allowing a voice vote. All those in favor respond by saying aye. Opposed? The ayes have it. The resolution passes.

Our next order of business is the Consent Calendar. The Consent Calendar comprises item numbers 17-22. Are there any additions or deletions? Seeing none, Madam Clerk, a second reading of these items.

MADAM CLERK: AN ORDINANCE APPROPRIATING \$5,750 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$1,500 EACH FROM DISTRICTS 12 AND 5; \$750 FROM DISTRICT 1; AND \$500 EACH FROM DISTRICTS 4, 13, 14 AND 25; TO METRO PARKS FOR THE URBAN WILDERNESS CANOE ADVENTURE TO BE HELD OCTOBER 1ST AT RIVERVIEW PARK AND SEPTEMBER 30TH AT SHAWNEE PARK.

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.

>> We haven't read it all.

PRESIDENT YATES: Oh. Madam Clerk, would you please read that for us into the record? I was way ahead of you. I was reading it myself.

MADAM CLERK: A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT - (SPORTSFIELD SPECIALTIES, INC. D/B/A PROMATS ATHLETICS. - \$210,000.00).

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED SOLE SOURCE CONTRACT - (DAKTRONICS, INC. - \$1,400,000.00).

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - PARSONS BRINCKERHOFF, INC. - \$25,000.00).

AN ORDINANCE ESTABLISHING A DEVELOPMENT AREA PURSUANT TO PROVISIONS OF KRS 65.7041 - 65.7083 TO BE KNOWN AS THE MAIN AND FIRST DEVELOPMENT AREA, DESIGNATING THE METRO DEVELOPMENT AUTHORITY, INC., AS AN "AGENCY", ADOPTING A DEVELOPMENT PLAN, APPROVING ENTERING INTO A LOCAL PARTICIPATION AGREEMENT, AUTHORIZING THE PAYMENT OF THE "RELEASED AMOUNT" PURSUANT TO THE TERMS AND CONDITIONS OF THE LOCAL PARTICIPATION AGREEMENT, REQUIRING THE SUBMISSION OF REGULAR REPORTS TO LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY OTHER DOCUMENTS AND THE TAKING OF ANY OTHER ACTIONS NECESSARY TO ACCOMPLISH THE PURPOSES AUTHORIZED BY THIS ORDINANCE.

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$114,535 OF ADDITIONAL FUNDING FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET FOR CONTINUATION OF THE DESIGN AND CONSTRUCTION PHASE FOR THE

PORTLAND ELEMENTARY SAFE ROUTES TO SCHOOL PROJECT ADMINISTERED BY THE
DEPARTMENT OF PUBLIC WORKS & ASSETS.

Read in full.

PRESIDENT YATES: Thank you for the second reading, Madam Clerk.
May I have a motion and second for approval?

>> So moved.

>> Second.

PRESIDENT YATES: Consent Calendar has been properly moved and
seconded now requiring a roll call vote. Would the clerk please open the
voting.

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

>> Yes. It clicked off.

PRESIDENT YATES: Could we reflect that Councilman Downard as a
"yes" vote?

COUNCILMAN DOWNARD: It was for a while. Might have hit the
wrong button.

MADAM CLERK: There are 23 yes votes and three not voting.

PRESIDENT YATES: The Consent Calendar passes. I was just
looking, there are three not voting. Correct. Consent Calendar passes.

The next item of business is Old Business. However, Councilman
Peden would like to have a point of personal privilege before we read that
in.

COUNCILMAN PEDEN: I am requesting that item 27 be moved to the
front of Old Business. We have outside experts here from the county
attorney's office and Louisville forward that need to testify, and they
would like to go first.

PRESIDENT YATES: Thank you, Councilman. In the interest of time per Councilman Peden's request, Madam Clerk, would you give us a reading of item 27.

MADAM CLERK: AN ORDINANCE AMENDING CHAPTERS 1, PART 2 AND 7, PART 11 OF THE LAND DEVELOPMENT CODE PERTAINING TO CONSERVATION SUBDIVISIONS - APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1008) (AS AMENDED).

Read in full.

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

>> So moved.

>> Second.

PRESIDENT YATES: The committee of amended ordinance is before us.

Councilman Peden.

COUNCILMAN PEDEN: Thank you. This is a substantial change from our current conservation subdivision ordinance. Just to give a brief history, we never voted on the original conservation subdivision ordinance. It was passed strictly at the Planning Commission level.

After some complaining on my part, they agreed that legally we probably should have voted on it at least at one time, so we get to vote on this change.

There's no way to read all of the changes. It has been online.

It has been discussed at committee. It is substantially discussed over the course of four meetings by the land development ad hoc committee. But there were three amendments that were done in committee, and I would like to review those very quickly. I'm just looking for the

pages so I can direct you where to go. The first one that was passed was on page 14 of your online document. And simply put, and it is actually still, Mr. Wagoner, as ten percent and five percent.

>> It is number one in your attachments if you click on the attachments tab. That PDF document should have the three highlighted.

COUNCILMAN PEDEN: We don't have an attachment tab. Our screen doesn't look like yours, apparently. I clicked on legislation text. The one right below that? Let's go back to page 14. There we go. So it is documents.

So now I seem to be where we need to be, and that would be on -- so now it would be marked page 12 of your document, and we amended ten percent down to five percent in an effort to try to get developers to conserve even more land and bump up their savings of open space to 40 percent, 35 to 40 percent of their land instead of settling for 30. So we hopefully attempted that.

And I'm hoping these are all color-coded. Because I can tell by looking the pages are not the same as the document I was using to take notes on. Councilman Hollander, you know where your tree change is.

>> What page?

COUNCILMAN PEDEN: On page three, Councilman Hollander proposed and it was approved. There was supposed to be a one-year moratorium of cutting of trees before you applied for conservation subdivision. Councilman Hollander amended it to three months. Theoretically all the trees should have been there for 24 months prior to application day.

And the next one, the whole committee caught, and that would be going back to page 12. And it should be highlighted in yellow. And that is

kind of an oversight in that the intent was you have to qualify for this going through item one, conservation area, before you can even apply for things in items two, three, and four. And it was not worded such. And was in yellow should solve that to where you have to have again at least 30 percent open space. Hopefully 35 before you can quality to go to other areas that give you subsequent bonuses online.

PRESIDENT YATES: The part in yellow that is underlined before us, that was not done in committee. That was done here today?

COUNCLMAN PEDEN: I'm pretty sure was in yellow was done by Councilman Hollander in committee.

PRESIDENT YATES: The committee-amended ordinance.

COUNCILMAN PEDEN: Those were the three done in committee. Before I allow the subsequent floor amendments that we are going to adopt tonight are from Ms. Bilitski that basically make this green space more permanent. We weren't totally secure with the fact that somebody ten or 20 years ago after away give extra lots and housing say now I want to develop the 20 acres. Hopefully some of the wording that she has come up with that she will read into the record.

Before I turn the floor over to her, two very cautionary things. Number one, this in the past under the old law this had become essentially a de facto zoning change. Developers were using this instead of going from R4 to R5. You need to be cautious of that. Lot sizes are dropping to a lot size of 9,000 square feet to a minimum of 2500 square feet. In R5 they are going from 6,000 square feet to 1500 square feet, perhaps, as municipal as. And this is the kicker that I still kind of have a problem with but voted yes because it is better than out there right now. We will never get

to vote on any of this. You'll get a lot of people calling saying why don't you allow that to happen? You didn't.

Except for voting on this part because it is all going end at the Planning Commission level and all of you need to be cautious of that. I just want to make sure everyone's aware of what they are voting on from that specificity. It is a substantial change in perspective of lot and size and house and that you will never get a chance to vote on any of the plans. You'll look at them and go now I know why Peden was cautious. That's how it goes.

At the time I would like to turn it over to Ms. Bilitski and let her add the important amendment.

DEBORAH BILITSKI: Just a small additional revision on page tone section 7.11.8.

PRESIDENT YATES: Just for the record

DEBORAH BILITSKI: Deborah Bilitski, Director of Develop
Louisville.

Legal restrictions, the first paragraph A would be revised to read as follows: Permanent conservation, preserved conservation areas for which credit (partial or full) is received for purposes of calculating the allowed bonuses. Conservation easement or other form acceptable to the Planning Commission's legal counsel and duly recorded in the office of the Jefferson County clerk. I can provide the clerk's office with that language.

There is one other thing and Councilman Peden and I discussed about revising or clarifying the language of the cover ordinance.

PRESIDENT YATES: Just before you move forward, because I don't want it to be confusing, is there any discussion on that first part that Ms. Bilitski just read?

>> If we want to go one at a time, I'll make that in the form of a motion.

>> Second.

PRESIDENT YATES: Is there any further discussion on the motion? If not, all those in favor please signify by saying aye. Those opposed. The ayes have it. The floor amendment passes.

DEBORAH BILITSKI: Sure. And then just one additional minor revision to the cover ordinance, section two. Which currently reads: This ordinance shall take effect upon its passage and approval. It would go online comma and will be applicable to all applications after the effective date, and two pending conditions filed before the effective date which have not received approval from the Planning Commission. The reason for that is that this application will apply to any properties that aren't been included.

PRESIDENT YATES: In perpetuity?

>> I think we would have apply it that way but we wouldn't have been clear.

>> I move that.

>> Second.

PRESIDENT YATES: All those in favor respond by saying aye. Opposed? The floor amendment passes as well.

Thank you, Ms. Bilitski.

DEBORAH BILITSKI: Thank you for accommodating my schedule as well.

PRESIDENT YATES: Is there any further discussion on this ordinance?

COUNCILMAN PEDEN: I actually have one now that Councilman Ackerson has dropped it on me. Page five. May be a typo. 7.11.4 under D3. There's a line in there that is basically just making reference to a section below. And instead of just having four, it has a 4-5.

>> I can clarify that. That's a strike-through on four but you can't tell.

>> It is supposed to be five.

>> It is posed to be five. Yes.

PRESIDENT YATES: Is there any further discussion on this ordinance? Hearing none, this ordinance requires a roll call vote. Would the clerk please open the voting. Without objection, the voting is closing. The voting is closed.

MADAM CLERK: 23 yes votes, three not voting.

PRESIDENT YATES: The amended ordinance passes.

Madam Clerk, a reading of item 23.

MADAM CLERK: AN ORDINANCE AMENDING ORDINANCE NO. 101, SERIES 2016 AND ORDINANCE NO. 102, SERIES 2016 RELATING TO THE FISCAL YEAR 2016-17 OPERATING AND CAPITAL BUDGET, RESPECTIVELY, BY TRANSFERRING \$50,000 FROM THE DISTRICT 11 NEIGHBORHOOD DEVELOPMENT FUND TO THE DISTRICT 11 CAPITAL INFRASTRUCTURE FUND. (AS AMENDED).

Read in full.

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

>> Motion to approve.

>> Second.

PRESIDENT YATES: The amended ordinance is before us for discussion.

Councilman Blackwell.

COUNCILMAN BLACKWELL: Yes. So this came out of committee with the unanimous vote but came to Old Business because the amendment. Also Councilman Kramer is the lead and I guess only sponsor on this one so he may want to address it.

PRESIDENT YATES: Councilman Kramer, would you like the floor on this?

COUNCILMAN KRAMER: Sure. Pretty straightforward. We had a sidewalk project that would require an additional \$11,000 so we would move 12,000 over to cover that. We took a look at what the balance in the NDF funds were and several other sidewalk projects we know that are coming in the not too distant future, so instead of moving quantities to move the exact same amount, we wanted to put \$50,000 in so take care of several sidewalks. So the Appropriations Committee will see each of the sidewalks as the funds are appropriated.

PRESIDENT YATES: Thank you for that explanation.

Is there any further discussion? Hearing none, this is an ordinance hearing a vote. Would the clerk please open the voting? The voting is closing. The voting is closed.

MADAM CLERK: 20 yes votes and five not voting.

PRESIDENT YATES: The amended ordinance passes.

A reading of 24, please.

MADAM CLERK: AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO OR-3 OFFICE/RESIDENTIAL AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO REGIONAL CENTER ON PROPERTIES LOCATED AT 4113, 4190, 4200 AND 4206 SIMCOE LANE CONTAINING 4.50 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1070).

Read in full.

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

>> So moved.

>> Second.

PRESIDENT YATES: The ordinance is before us.

Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. The major issue on this was due to traffic, left-hand turning lane. There was an additional binding element number 20 and 21 that was added during the second public hearing at the Planning Commission. And it dealt with the developer will engage in signalization as qualified consulting firm on the KCTCC for the quality list for the tape of work to be done. It lists six. It says five and maybe John baker can answer this because I just noticed it. On binding element number 20 it says the timing reports for five signalized but it actually lists six. Should that typo be changed? We need to change that to six signalized streets. And those are listed. And binding element number 21, the developer shall construct intersection improvements at Kentucky 22 at Simcoe land. Construction and bond and permits for the intersection improvements shall be completed prior to the issuance of a bidding permit. Those were the two main things added at the second Planning Commission, and it was all a traffic issue. This is

actually in councilman Glen Stuckel's direct, so he may want to talk to the council.

PRESIDENT YATES: Thank you, Councilwoman.

Councilman Stuckel, would you like the floor?

COUNCILMAN STUCKEL: This issue and development got a lot of discussion, the developers and the neighbors, a condominium projects that backs up and the first came to an agreement about the size of the building that met everybody's approval. And as the councilwoman said, it has been mainly a traffic problem. That one street, Simcoe, runs from 22 back about less than a quarter of a mile. And there are three homes back there that were sold, and that property is the property that is being developed.

Unfortunately, Simcoe doesn't allow and has no signals. It doesn't allow for turning on to 22 because of the project. There is a turn in and out. There is a street that is on the private property of the shopping center. And the shopping center owners did not want to permit that street to be improved. However, there are traffic lights there, and that is the main entrance into the shopping center and the entrance out. People who will turn left have to go down the private street that doesn't even have a name. I would like to have seen the traffic handled better but they couldn't get the okay from the owner of the shopping center. As it has gone down we will have Simcoe the way it is and people will continue to use the private entrance and exit from the shopping center. I am for this project and would like to have your vote.

PRESIDENT YATES: Thank you, Councilman. And Councilwoman Flood points out a typo and technical change.

This is an ordinance requiring a roll call vote. Please open the voting. Without objection, the voting is closing. The voting is closed.

MADAM CLERK: 20 yes votes, six not voting.

PRESIDENT YATES: The ordinance passes.

Madam Clerk, a reading of item 25.

MADAM CLERK: AN ORDINANCE CHANGING THE ZONING FROM R-4 RESIDENTIAL SINGLE FAMILY TO OR OFFICE/RESIDENTIAL AND C-1 COMMERCIAL ON PROPERTY LOCATED AT 4524-4528 CANE RUN ROAD CONTAINING 5.64 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1039).

Read in full.

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

>> So moved.

>> Second.

PRESIDENT YATES: The item is before us.

Councilwoman Flood.

COUNCILWOMAN FLOOD: This is to allow for a medical office park to be built on this property. Six percent of the area trees along the perimeter will remain at that site. And binding element number 12 is important because they cannot get a building permit from the last building, which is building D on your mapping system, until they have conducted an abbreviated traffic study with the scope that is satisfactory to the Kentucky Transportation Cabinet and submitted to the Kentucky Transportation Cabinet and that there is an agreement that is reached with the Kentucky Transportation Cabinet on any improvements that will have to be done to Cane Run Road.

This is actually in Councilwoman Jessica Green's district, and she may want to address the council.

PRESIDENT YATES: Councilwoman Green.

COUNCILWOMAN GREEN: Thank you, chairwoman. I am supportive of this project. We are really working hard to build up the Cane Run corridor. So I would ask my colleagues to support this project. Thank you.

PRESIDENT YATES: Thank you, Councilwoman green. Is there any further discussion? Hearing none, this is an ordinance requiring a roll call vote. Would the clerk please open the voting? Without objection, the voting is closing. The voting is closed.

MADAM CLERK: 21 yes votes and five not voting.

PRESIDENT YATES: The ordinance passes.

Madam Clerk, a reading of item 26, please.

MADAM CLERK: AN ORDINANCE APPROVING A TEXT AMENDMENT TO CHAPTER 2, PART 8 OF THE LAND DEVELOPMENT CODE FOR THE SOBRO PLANNED DEVELOPMENT DISTRICT ALLOWING STUDENT HOUSING AS A CONDITIONAL USE WITHIN THE BROADWAY SUBAREA AND BEING IN LOUISIVLLE METRO (CASE NO. 16ZONE1038).

Read in full.

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

>> So moved.

>> Second.

PRESIDENT YATES: The ordinance is before us.

Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. This is actually a text amendment to the SOBRO plan district development plan to allow student housing, as it says. What it does is adds residential use category

RU2 and it simply states that item number six will read the use shall be permitted with a conditional use permit in accordance with chapter 33 part 3A of the Land Development Code. A little hard to read on the paper. They printed it awfully small this time. It is just a change in that development plan. And at later time we believe that the college will apply for a conditional use permit for residential housing located on the Broadway side for the campus.

PRESIDENT YATES: Thank you for the explanation. Is there any further discussion? Hearing none, this ordinance requires a roll call vote. Without objection, the voting is closing. The voting is closed.

MADAM CLERK: There are 21 yes votes, five not voting.

PRESIDENT YATES: The ordinance passes.

COUNCILMAN PEDEN: Mr. President, another point of personal privilege.

PRESIDENT YATES: Councilman Peden

COUNCILMAN PEDEN: I just wanted to tell everyone that the next ad hoc development code we will be taking up short term rental again and amending that. For those sponsors that were out there that were interested and other people who are taking an interest in short term rental, because it seems to be affecting more of us all the time.

PRESIDENT YATES: Absolutely. Thank you for that.

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 ask the 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 28-41.

Would the clerk please read those legislation and their assignments to committee.

MADAM CLERK: The following legislation is assigned to Appropriations, NDFs and CIFs Committee:

AN ORDINANCE APPROPRIATING \$10,000 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$1,000 EACH FROM DISTRICTS 12, 1, 8, 13, 17, 20, 24; AND \$500 EACH FROM DISTRICTS 2, 9, 10, 15, 21, 25, THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE VOLUNTEERS OF AMERICA MID-STATES, INC., FOR THE POWER OF 1 BREAKFAST FUNDRAISER.

AN ORDINANCE APPROPRIATING \$30,000 FROM DISTRICT 24 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE LOUISVILLE FREE PUBLIC LIBRARY FOR PROGRAMMING EXPENSES ASSOCIATED WITH THE HIRING OF ARTISTS AT THE SOUTH CENTRAL REGIONAL LIBRARY.

The following legislation is 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 CONTRACT - (DIVERSIFIED CONSTRUCTION SERVICES, INC. - \$600,000.00).

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED CONTRACT - (BORNSTEIN GENERAL CONTRACTING 1890, LLC - \$600,000.00).

The following legislation is assigned to the Committee on Health and Education:

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FUNDING IN THE AMOUNT OF \$75,000 FROM LIVING CITIES TO SUPPORT THE DEVELOPMENT AND IMPLEMENTATION OF A RACIAL EQUITY ACTION PLAN TO BE ADMINISTERED BY PUBLIC HEALTH & WELLNESS.

The following legislation is assigned to the Committee on Sustainability and Parks:

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT UP TO \$400,000 OF FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES FOREST SERVICE FOR THE JEFFERSON MEMORIAL FOREST ADDITIONS PROJECT ADMINISTERED BY THE METRO PARKS AND RECREATION DEPARTMENT.

The following legislation is assigned to the Community Affairs and Housing Committee:

A RESOLUTION HONORING THE LEGACY OF MR. J. DOUGLAS NUNN.

The following legislation is assigned to the Labor and Economic Development Committee:

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO XPO LOGISTICS V, INC., FORMERLY KNOWN AS XPO LOGISTICS, INC., AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO FIRST STATE INVESTMENTS (US), LLC, FORMERLY KNOWN AS FIRST STATE INVESTMENTS INTERNATIONAL, INC., AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

A RESOLUTION APPROVING THE GRANTING OF LOCAL INCENTIVES TO COTIVITI USA, LLC, FORMERLY KNOWN AS CONNOLLY IHEALTH TECHNOLOGIES, LLC,

AND ANY SUBSEQUENT ASSIGNEES OR APPROVED AFFILIATES THEREOF PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 32.

The following legislation is assigned to the Public Safety Committee:

A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL SOLE SOURCE CONTRACT - (YOUNG MEN'S CHRISTIAN ASSOCIATION OF GREATER LOUISVILLE - \$55,000.00).

The following legislation is assigned to the Public Works, Bridges, and Transportation Committee:

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT \$2,321,090 FROM THE KENTUCKY TRANSPORTATION CABINET FOR A PROJECT TO ENHANCE COMPRESSED NATURAL GAS INFRASTRUCTURE ACCESS TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS & ASSETS.

The following legislation is to be reintroduced for the Ad Hoc Land Development Code:

AN ORDINANCE AMENDING SECTION 5.12.2 OF THE LAND DEVELOPMENT CODE PERTAINING TO OUTDOOR AMENITIES / FOCAL POINT(S) - APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1003).

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF CHAPTERS 6 AND 9 OF THE LAND DEVELOPMENT CODE, INCLUDING APPENDIX 6E, PERTAINING TO MOBILITY AND PARKING STANDARDS-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).

Read in full.

PRESIDENT YATES: Normally next we would have the council announcements. Seeing no one in the chambers, I do not believe we have any announcements. That will conclude our meeting. Without objection, we are adjourned.

[Regular Meeting adjourned.]