

City Council Meeting Minutes

**May 15, 2018
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Absent: ***Councilmember Susan Loo***

Staff Present: ***Heather Balsler, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Aaron DeJong, Director of Economic Development
Rob Zuccaro, Director of Planning & Building Safety
Becky Campbell, Interim Director of Library & Museum
Services
Bridget Bacon, Museum Coordinator
Carol Hanson, Deputy City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Keany. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No comments.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Maloney. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: May 1, 2018; May 8, 2018***
- C. *Approval of June 12 as a Special Meeting***
- D. *Approval of Gun Violence Awareness Proclamation***
- E. *Approval of First Amendment to an Intergovernmental Agreement with Boulder County for Replacement of Video Camera***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle reported he attended the Open Space bird watch walking tour. In spite of the rain, four birds unusual to the area were spotted.

CITY MANAGER'S REPORT

Deputy City Manager Davis updated Council on the Kestrel housing units and the pedestrian access across Highway 42. Once a week shopping rides are being provided by the Call-and-Ride. RTD will continue the service at least until other pedestrian solutions are in place.

REGULAR BUSINESS

DISCUSSION/DIRECTION – LOUISVILLE HISTORICAL MUSEUM FUNDING OPTIONS AND LOUISVILLE HISTORY FOUNDATION FEASIBILITY STUDY

Bridget Bacon, Museum Coordinator, noted the packet recounted the history and outlined the improvements desired for a new Museum and Visitor's Center on the empty lot at the museum. Under the Master Plan, a new Museum & Visitor Center building and associated improvements would address the Museum's needs and bring about an enhanced role for the Museum by providing:

- ADA access and an ADA restroom, making the campus accessible to all;
- Appropriate collection storage space;
- Meeting space for the Museum and the community;
- Programming space;
- A more coherent presentation of Louisville history through the creation of new exhibit areas;

- Work space for staff and volunteers;
- Space to accommodate school group classes inside when there is inclement weather and the ability to offer summer camps and interior and exterior rentals (particularly with the addition of the ADA restroom);
- An opportunity to strengthen the presence of Louisville history downtown;
- A Visitor Center to serve as a starting point for non-residents and tourists looking for an introduction to the City's past and present; and
- The economic development opportunities associated with enhanced Museum amenities and the addition of a visitor center.

These go along with the museum's mission to collect, preserve and share Louisville history as well as promote the history. The Foundation commissioned a feasibility study in anticipation of helping with fundraising. The Foundation has not embarked on any other plans until they know how Council would like to proceed.

Dan Mellish, 590 W. Willow Ct., chair of the Historical Commission, was excited by the recent vote approving use of the Historical Preservation Fund for operation and maintenance of the museum. The Louisville History Foundation, which he is also a part of, is building off this momentum with a Love Louisville campaign. He asked for more concrete direction from Council before starting the fund raising effort for a new Museum building. He noted the benefits and challenges of working with the City. They need City support to be successful. He noted moving the storage offsite was not a free option either. The Visitor's Center would draw from surrounding areas with the proper outreach. He asked Council take action to continue making history.

Ray Merenstein, consultant with RDM Communications who did the fundraising feasibility study, stated the study looked at what the community can do with the empty plot of land on the museum campus. He looked at the master plan and questioned whether people would be philanthropic in whatever role the space would play for the downtown area. He noted the conceptualization of the space with the variety of use, momentum from the ballot for the preservation tax and need for community space, storage, office space, tourism, economic development opportunities and as a place-maker. There could be innovation, engagement and opportunity to show the community how to move forward with history to preserve the past and engage in the future. He felt 2 – 2.5 million dollars can be raised philanthropically. Lead donors could raise as much as 1.9 million. He summarized the new museum could be a center for digitization, a city center, a community gateway, an activity anchor and a historical campus. Sharing those things along with the city partnership gets to a shared vision.

Museum Coordinator Bacon summarized the five funding options:

1. Status quo: Do not develop the Museum & Visitor Center building
2. Building and other onsite capital improvements are funded through a ballot issue (Historic Preservation Tax to support operations/maintenance.)

3. Building and other improvements are funded with all private funding from the Foundation, plus grants
4. Building and other improvements are funded with City funding and grants
5. Building and other improvements are funded through a combination of sources including City funding, private fundraising by the Louisville History Foundation, and grants

Mayor Muckle wanted to see the city make a strong statement of support. At a base level he wanted an ADA compliant bathroom. An assumption is made by the public when items are donated that they will be taken care of. He wanted some commitment of funds.

Mayor Muckle called for public comment and heard none.

Councilmember Keany noted he might be biased as he is liaison to the Historical Commission and supported option 5 which included a combination of funds. He would like to see the City set aside 2 million dollars and then let the fundraising or other options come up with the rest.

Councilmember Maloney saw great value in the Museum. He liked the Love Louisville program. As a Councilmember, he has to look at both sides of an issue. The last citizen poll showed a low interest in the Museum. He feels hesitant to go forward without more input.

Councilmember Stolzmann had heard it was difficult to raise funds if it is not known if it will actually be used. It is easy to say go ahead if the funding comes from someplace else. She noted the needs the City had been unable to fund recently. Expectations are not being met on current maintenance items and needs are going unfunded. She felt she could not support earmarking 2 million dollars but could support if residents report they are willing to pay for this particular project.

Councilmember Leh noted a city survey is going out soon and he felt the tolerance for a bond issue could be gauged with that. The capital improvement project dollars have to be considered carefully. He wanted to balance all the projects with the need to get the Museum project supported.

Mayor Pro Tem Lipton felt the first issue was whether there is 2 million dollars to commit to this project. He thought it would be good to get citizen feedback before moving forward. The Council must support critical services and then make decisions in light of all the requests they receive. He noted the City had funded a conceptual design and now is being asked to fund a schematic design. He asked if the schematic design would look at the other buildings on campus. Maintaining what is already on the campus is the first priority.

Mayor Muckle thought there had been structural assessments on all the buildings. He noted there was a lot of design done on the recreation center before it was presented to voters so the price would be more accurate.

Mayor Pro Tem Lipton noted there would be time after the citizen survey to get a schematic design if needed before going to a ballot.

Mayor Muckle asked if consensus was to get more information from the citizen survey.

Mayor Pro Tem Lipton felt this project did not necessarily call for a bond but perhaps could be funded by internal debt to be repaid by the tax proceeds.

Councilmember Keany agreed bonding for a small amount was not wise, but combining with other unfunded projects might make sense. He suggested perhaps a public amenities bond issue. He felt the ranking in the last survey was unfair to the Museum. He wanted a more direct question about funding Museum services.

Councilmember Maloney felt the survey was two dimensional. He wanted the ballot issue to be a single issue and supported going to the ballot. He was cautious to encumber capital money.

Councilmember Stolzmann read from the last survey and the order of the services wanted by citizens with the Museum at the bottom of the list. Only 3% of people wanted to pay for a Museum. She felt the question had been asked. If folks don't want it according to the survey, it should not go to the ballot.

Mayor Muckle felt taking care of the donations was a public trust issue and there might need to be a discussion about that.

DISCUSSION/DIRECTION/ACTION – MCCASLIN AREA DEVELOPMENT STUDY REQUEST FOR PROPOSALS (RFP)

Economic Development Director DeJong noted City Council asked staff to develop a RFP for the McCaslin Development Study.

He noted the following:

Guiding Principles

- Understand market trends and market supported development scenarios that ensure the corridor continues to serve as the City's primary retail sales tax base.
- Identify and evaluate development restrictions and regulatory and policy barriers to redevelopment and investment in the corridor.
- Ensure sustainable long-term fiscal balance and economic development of the McCaslin corridor.
- Reflect residents desired community character for the corridor in evaluation of development scenarios and study recommendations.

Scope of Work

- Identify the Area's position in the retail, commercial, and residential real estate – this needs to include development trends
- Review the rules and regulations upon properties in the area
- Understand and incorporate the public's input into desired investment and redevelopment in the area
- Evaluate various development scenarios that meet market potential and satisfy positive fiscal benefits for the City
- Develop recommendations to encourage greater utilization and/or redevelopment
- \$50,000 Recommended Budget

RFP timeline

- May 16, 2018 – Release RFP
- May 30, 2018 – Voluntary informational meeting for interested consultants
- June 8, 2018 – Proposals due
- June 2018 – Review proposals; select desired consultant
- July 2018 – Approve contract and commence study
- October 2018 – Receive final study and recommendations.

Action Requested:

- Approve the McCaslin Development Study RFP
- Select 1-2 Councilmembers to serve on RFP review team

Council Questions

Councilmember Maloney asked if the identify and evaluate principle should include the tools available. He wanted to be up front about what is available.

Public Comment

John Leary, 1116 LaFarge Avenue, noted the standard of a positive fiscal benefit for redeveloping should be defined. He felt the McCaslin area must be viewed in the context of the overall fiscal sustainability and must be looked at comprehensively. He didn't feel a study would reveal anything not already learned from the small area plan process. He saw it as an attempt to justify more high density housing. Doing something for the sake of doing something for the area doesn't serve the City well and he doesn't see anything coming from this study to move toward fiscal sustainability.

Council Comments

Councilmember Keany did not support going forward with the RFP. The property owner has not shown up for any of these discussions. He questioned if a study would uncover anything different.

Councilmember Maloney noted Sam's Club had been closed for 7 1/2 years and the loss of sales tax. He felt the investment in the RFP and study could have a good return on investment. He thought doing nothing was not the right thing with the potential for sales tax in the area.

Mayor Pro Tem Lipton felt it was unacceptable to do nothing and perhaps see the rest of the area go downhill. He was concerned with the RFP and noted residential might not need to be a large component of any redevelopment. He noted the principle about long term fiscal balance should be strengthened to be more than break even. The desired community character is important and there could be agreement on what is not wanted. Perhaps more direction should be provided to the consultants on what that community character means.

Mayor Muckle agreed at some level this is the responsibility of the owner, but the City has a great interest in the area. The study would help explore the options to sustain the area. Housing was not a part of the plan. He suggested a phrase about future looking to generate creative ideas. He wondered if there could be expanded uses allowed there. Something needs to be done to move forward.

Councilmember Keany noted the area had been blighted and perhaps the City should start over.

Councilmember Stolzmann asked about the scope of work and wondered if staff could put in actual figures for what the corridor needed to generate in sales tax. She asked for a strengthening of language about what the City is trying to attract. She wondered what the scope of work about reviewing the rules and regulations was really about.

Director Dejong said staff was trying to point out the challenges a developer might face.

Councilmember Leh felt the residents wanted Council to do something in this area. He felt it would be useful to know what kind of businesses would not be drawn in because of the restrictions.

Mayor Muckle felt putting a reasonable number in the fiscal performance was a good idea, but noted the area would not likely perform like it once did.

Director Zuccaro asked if the number should be in the RFP or the study. He suggested in the study.

Councilmember Leh felt the area could continue to produce good sales tax revenue.

Mayor Pro Tem Lipton was concerned about the corridor not just this property. His fear was the corridor might suffer if this property was not done well. He agreed the numbers would likely be better stated in the study.

Councilmember Maloney supported moving forward with this RFP with the modifications suggested and hoped for new ideas.

Councilmember Stolzmann felt direction had been vague and was not comfortable with it. What had been said and what is in the RFP are not consistent.

Councilmember Keany hoped there was good information provided by this study.

Council summarized the modifications to the RFP:

- Emerging trends and future retail opportunities language
- Not a focus on housing – evaluate various retail and commercial scenarios that provide exceptional fiscal benefit to the City, with residential use as a possible secondary use.
- Exceed current and historic fiscal performance for the corridor.

Mayor Pro Tem Lipton and Councilmember Maloney will help with the review.

Councilmember Maloney moved Staff take into account the changes to the principles in the RFP discussed by Council and to proceed with the RFP. Mayor Pro Tem Lipton seconded. Voice vote: 5-1 Keany voting no. Loo absent.

REGULATION OF DOOR-TO-DOOR SOLICITATION

RESOLUTION NO. 27, SERIES 2018 – A RESOLUTION AUTHORIZING THE TEMPORARY SUSPENSION OF ENFORCEMENT OF PARTS OF SECTION 5.06.020 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING DOOR-TO-DOOR SOLICITATIONS

ORDINANCE NO. 1759, SERIES 2018 – AN ORDINANCE REPEALING AND REENACTING WITH AMENDMENTS CHAPTER 5.06 OF THE LOUISVILLE MUNICIPAL CODE REGARDING SOLICITORS AND VENDORS – 1st READING – SET PUBLIC HEARING 6/5/18

City Attorney Light introduced the ordinance on first reading and noted the proposed resolution temporarily suspends enforcement of the LMC provisions that prohibit door-to-door solicitation. The resolution does not affect enforcement of the prohibition against solicitation when a “No Solicitation” or “No Trespassing” sign is posted or any of the other provisions in Chapter 5.06.

The proposed ordinance repeals and reenacts Chapter 5.06 of the LMC to permanently remove the total ban on door-to-door solicitation. It leaves in place the prohibition against solicitation when a “No Solicitation” or “No Trespassing” sign is posted as well the prohibition against solicitors knowingly making false or deceptive statements to obtain an invitation to visit private premises. It also carries forward the general

prohibition against sales from or upon sidewalks, streets, parks and other public property without approval by the City Manager or her designee.

If City Council wants to consider other options for regulating door-to-door solicitors, including a registration requirement, the use of identification badges and/or City maintenance of a “no knock” or “do not solicit” list, staff can bring back revisions to the ordinance on second reading or at a later date by separate ordinance.

Councilmember Maloney noted the need to suspend the current code due to cases currently in the courts. He asked if there was a timeframe needed to come back if Council wanted to further explore the options.

City Attorney Light noted the resolution would address the current enforcement on the books administratively. He suggested if the intent is not to enforce, taking it off the books and then staff could continue to work on a later separate ordinance.

Debbie Fahey, 1118 W. Enclave Circle, was opposed to the temporary suspension and the repealing the ban on door to door soliciting. She wanted to see an opt-in instead of an opt-out. She wanted any solicitor coming to her door to be bonded and insured. She asked Council not to be intimidated by threats of lawsuits by door to door solicitors.

Councilmember Stolzmann said the courts have decided a ban is not constitutional. She was interested in having a future conversation of options and noted a no trespassing sign could be enforced now.

Mayor Muckle suggested adding a curfew not allowing solicitors at the door after dark.

City Attorney Light noted curfews are being contested in current cases.

Councilmember Leh said Council is sworn to uphold the Constitution and the right to free speech.

Councilmember Stolzmann asked for public outreach and was in favor of bringing back another ordinance at a later date for follow up.

Councilmember Stolzmann moved to approve Resolution No. 27, Series 2018, seconded by Councilmember Maloney. All in favor.

Mayor Muckle moved to approve Ordinance No. 1759, Series 2018 on first reading, ordered it published and set the public hearing for June 5, 2018, seconded by Councilmember Stolzmann.

City Attorney Light said he would keep Council informed on the current case.

CITY ATTORNEY'S REPORT

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF
FUTURE AGENDA ITEMS**

Councilmember Stolzmann reported there are three more little libraries. The remodel is still going on at the Library; the On the Same Page book is coming soon.

Councilmember Stolzmann noted the DRCOG sub-regional projects criteria allow three submittals. The regional projects being advanced are the Diagonal Highway improvements, Highway 7, and Highway 287 improvements which could include bus rapid transit. The County will take the lead on writing those requests. She said the sub-regional conversation is coming up and she wanted discussion and strategy direction.

Councilmember Stolzmann reported the Utility Committee has a lot of new preliminary capital projects coming forward which could have a significant impact on rates. City Manager Balsler noted those projects are under staff review.

Councilmember Maloney reported a sub-committee of the Finance Committee and the Recreation Board had a joint meeting on recreation center financial issues. They had good discussion and made progress.

Mayor Muckle said Councilmember Stolzmann has been appointed to the Legal Committee replacing Mayor Pro Tem Lipton who will now serve on the Superior Joint Issue Committee.

ADJOURN

Members adjourned at 9:28 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk