

City Council

Meeting Minutes

April 16, 2019
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 Susan Loo
 Councilmember Dennis Maloney
 Councilmember Ashley Stolzmann

Staff Present: *Heather Balsler, City Manager*
 Megan Davis, Deputy City Manager
 Nathan Mosely, Parks, Recreation, & Open Space Director
 Rob Zuccaro, Planning & Building Safety Director
 Meredyth Muth, City Clerk

Others Present: *Kathleen Kelly, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda. Mayor Pro Tem Lipton asked that item 5J be moved to follow current item 8B. Mayor Muckle also asked that 5D be moved to the regular agenda to just before item 8A. Hearing no objections, Mayor Muckle moved to approve the agenda as amended; seconded by Mayor Pro Tem Lipton. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Deb Fahey, 1118 West Enclave Circle, stated she had suggestions to help the environment. She suggested people use cold water when washing clothes and line drying

laundry to save energy. She stated she would like to see the lights in the Recreation Center turned off when the facility is closed.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda as amended, seconded by Councilmember Loo. All in favor.

- A. Approval of Bills
- B. Approval of Minutes: April 2, 2019
- C. Approval of City Council Special Meeting on May 14, 2019
- D. Approval of Contract for Design Build Services for Median Landscape Renovations ***moved to regular agenda***
- E. Approval of Written Record of Evaluation and First Amended Employment Agreement for City Manager Heather Balsler
- F. Approval of Peace Officer Mental Health Support Grant Application
- G. Approval of 2019 Arbor Day Proclamation
- H. Approval of Centennial Valley Parcel O General Development Plan Amendment Consultant Contracts
 - i. An Agreement By and Between the City of Louisville and Fehr and Peers to Conduct a Transportation Study for the Centennial Valley Parcel O GDP Amendment
 - ii. An Agreement By and Between the City of Louisville and Studio Seed, LLC for Planning and Design Services Related to the Centennial Valley Parcel O GDP Amendment
- I. Award Contract to Northwest Roofing for Parks Hail Damage Repair
- J. Approval of Appointment of Debra Baskett to the Revitalization Commission ***moved to regular agenda***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle noted the City Manager's contract was renewed on the consent agenda and he thanked City Manager Balsler for her service.

CITY MANAGER'S REPORT

None.

REGULAR BUSINESS

APPROVAL OF CONTRACT FOR DESIGN BUILD SERVICES FOR MEDIAN LANDSCAPE RENOVATIONS – *moved from consent agenda*

Councilmember Stolzmann stated she asked this be moved to the regular agenda. This is an important project on our work plan with a two-year budget of \$500,000. This is a design-build project and she would like to affirm what work is being done as there is no formal scope of work in the project. She wants to make sure dead trees will be removed, branches will be pruned, sprinkler systems will be repaired or replaced if needed, and that bushes and shrubs will be trimmed or replaced if needed. She would like that affirmed.

She would also like to ask Council to add two intersections to this scope: Hoover and Bella Vista and Madison and Cherry. These areas are publically owned land with over grown and dead trees and many people complain about them. They should be spruced up as a part of this work.

Councilmember Loo stated the Parks Board is now looking at the subdivision entryways. It is a complex issue. The Board will be coming back to Council with a report of those issues and some options for Council to consider. For those specific intersections some short-term fixes might be an option.

Councilmember Stolzmann stated these two intersections need immediate help while a longer term project can do more later as well. It would make a big impact on the streetscape now.

City Manager Balsler stated there is money in this year's budget for design around intersections with implementation money in 2020 for entryways. If staff gets direction to add these two intersections to the project we will have to see how it fits in the budget and the timing within the larger project.

Mayor Pro Tem Lipton suggested taking care of those two areas with money from the 2018 turnback funds.

Councilmember Maloney stated it is not clear what we are trying to do here. We have heard from residents they want these streetscapes to be welcoming. The intent should be to spruce up all of the streetscapes overtime. The two areas Councilmember Stolzmann mentioned clearly need work. We don't want the technical issues holding up the ones that really need work.

Councilmember Loo stated the focus on medians is easy because we know we own them. The entryways are more complicated because we don't know who is responsible for what in these areas. Surveying may be required to get some answers.

Councilmember Leh asked if we know if there are legal issues on these two proposed entryways. He would like to take care of what we can if there are not too many challenges from a legal standpoint.

Councilmember Stolzmann stated that while all of the discussion is going on we should spruce them up for now as a matter of good will.

Mayor Muckle stated the consensus appears to be to do basic maintenance and clean up at those two intersections.

Mayor Muckle moved to approve the contract with the addition of two intersection improvements noted tonight; Councilmember Stolzmann seconded the motion.

Vote: Motion carried by unanimous roll call vote.

DISCUSSION/DIRECTION – 2019 LEGISLATIVE SESSION UPDATE

Deputy City Manager Davis stated the 2019 general assembly is nearing conclusion; the legislature adjourns on May 3 with many bills still to be considered. She provided an update on some bills that affect Louisville or have some alignment with the City's legislative agenda.

She noted SB-181 regarding Oil & Gas Regulations was signed by the governor today. This is a comprehensive oil and gas bill addressing changes by the air quality control commission and new regulatory authority for local governments.

She stated the joint budget committee has appropriated an additional \$100M for transportation to be allocated through the HUTF formula.

SB239 would create a working group on transportation. They want to look at road usage and transitioning away from the gas tax. There will be a study on these options. A concurrent resolution about replacing the gas tax with a sales tax is not likely to pass but it did start a conversation on what changes may be needed in the future.

SB-188 is the Family and Medical Leave and it will have a financial impact on the City. It is not in final form yet so we don't have details of costs.

She stated HB-1177, the Extreme Risk Protection Order bill, was signed by the governor, and will need a lot of structure put into place prior to 2020 implementation. The Police Department is working on this for local implementation.

Councilmember Leh asked if the City needs to do anything related to SB-19 regarding marijuana hospitality establishments. Deputy City Manager Davis stated if we want to allow this it would require the City to pass legislation to specifically opt in.

DISCUSSION/DIRECTION – PROCESS TO FILL CURRENT BOARD AND COMMISSION VACANCIES

City Clerk Muth stated there are currently vacancies on the Board of Adjustment, Board of Appeals, Recreation Advisory Board, Planning Commission, and the Revitalization

Commission (LRC). Staff is asking Council if they have a preference for filling those vacancies now or waiting until the annual process in the fall.

Mayor Muckle stated that last year the Council had agreed to a process for midterm vacancies whereby the board liaison and the Mayor would recommend a person for an interim appointment. He would like to continue to use this process for this year.

Mayor Pro Tem Lipton asked how long these appointments would last. Muth stated midyear appointments last only until the end of the year and then those members can reapply for a full term. Councilmember Maloney asked how the LRC positions have been handled. Muth stated those appointments were to positions that were not midyear vacancies due to resignation, but were positions Council was unable to fill at the beginning of the year. Positions that are unable to be filled in the regular process were considered regular appointments, not midyear vacancies.

Keany asked if leaving these positions vacant might cause quorum issues for these boards. Muth stated that could be more of a problem for the LRC, but for the others it should not.

Councilmember Loo stated she would like to fill the positions; leaving them open until December is saying the boards are not important enough to fill positions.

Mayor Pro Tem Lipton stated for several of these boards it can take a while for someone to learn the role and be productive. He doesn't feel compelled to put someone in and make them reapply at the end of the year.

He stated the Recreation Board is working well and appointing a new member now would be disruptive. He would prefer to look at the vacancies individually and see how compelling it is to fill them now.

Councilmember Loo stated she thinks the Planning Commission position should be filled so the person can use the next few months to come up to speed. The sooner the better for that and the LRC position. There is always the option of not reappointing people in the fall if the Council doesn't like their work.

Councilmember Maloney stated the LRC, Planning Commission, Board of Adjustment, and Board of Appeals are more technical in nature and take a while to learn. He is reticent to fill positions just to fill them.

Mayor Muckle stated the Council does have a pool to draw from for the LRC as there were many applicants for the position we just filled. He noted Council has appointed members mid-year before and we don't just pick randomly, we pick people we feel would be good at the job and are qualified. It would be inefficient to have the entire Council interview for every vacant position. He prefers the process Council agreed to last year.

Councilmember Leh wondered if there should be a general policy to appoint positions that might be longer than say six months and not fill if shorter than that.

Councilmember Keany stated an eight month vacancy would be a long time. He stated it would make sense to appoint to some of these if we have ready applications.

Councilmember Loo stated there was a good pool of applicants for the LRC and there was some consensus from Council on the top candidates; we could appoint based on that. For the Planning Commission she would like to advertise for candidates and get a pool to choose from to make an appointment sooner rather than later.

Mayor Pro Tem Lipton disagreed; he is fine deferring to the annual process for the Board of Adjustment, Board of Appeals, Planning Commission, and Recreation Board.

He added the LRC is more complicated as you need four votes to approve or disapprove anything. He suggested reaching back to the pool and interview applicants again if they are still interested. Councilmember Maloney stated the Council could just interview a shortlist of LRC applicants.

Mayor Muckle stated he did not support this strategy.

Councilmember Loo stated this is a volunteer position and to put people through another round of interviews is too much. Mayor Muckle stated he has heard from people that we are making the process stressful.

Councilmember Stolzmann stated she agrees the Board of Adjustment, Board of Appeals, Planning Commission, and Recreation Board can wait. She agreed perhaps if it is for less than six months we wait on appointments. She stated she is open to reinterviewing for the LRC but perhaps we just need a meeting to discuss the applications. She stated she is also open to just leaving them vacant and using the annual process.

Mayor Muckle agreed the Board of Adjustment, Board of Appeals, Planning Commission, and Recreation Board can be left vacant. He agreed with Mayor Pro Tem Lipton it is a bad idea to leave the LRC open. He prefers the process that was previously agreed to.

Councilmember Stolzmann moved that the Council wait on all appointments until the annual process; Mayor Pro Tem Lipton seconded it for the purpose of conversation.

Mayor Muckle reiterated he feels it is a bad idea to leave the LRC open for the reasons Mayor Pro Tem Lipton mentioned earlier.

Councilmember Stolzmann stated this is a clean way to handle this. All of the vacancies except one will be less than six months. We should consider waiting.

Mayor Muckle stated the process previously agreed to was specifically so there was a way for Council to make midyear appointments without a long process.

Voice vote: Yes: Councilmember Maloney, Councilmember Stolzmann, Mayor Pro Tem Lipton, and Councilmember Leh. No: Mayor Muckle, Councilmember Keany, Councilmember Loo. Motion passed 4-3.

APPROVAL OF APPOINTMENT OF DEBRA BASKETT TO THE REVITALIZATION COMMISSION – *moved to regular agenda*

No action

ORDINANCE NO. 1771, SERIES 2019 – AN ORDINANCE AMENDING THE BUSINESS CENTER AT CTC GENERAL DEVELOPMENT PLAN TO REZONE LOT 19, BLOCK 1, TO PLANNED COMMUNITY ZONE DISTRICT – INDUSTRIAL AND TO ALLOW USES FROM THE INDUSTRIAL ZONE DISTRICT ON LOTS 18 AND 19, BLOCK 1, THE BUSINESS CENTER AT CTC – 1ST READING, SET PUBLIC HEARING 5/7/19

City Attorney Kelly introduced the ordinance by title.

Mayor Muckle moved to approve the ordinance on first reading, Councilmember Mayor Pro Tem Lipton seconded the motion.

Voice vote: all in favor.

ORDINANCE NO. 1772, SERIES 2019 – AN ORDINANCE AMENDING TITLES 4 AND 14 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING REGULATION OF OPEN SPACE AND PARKS – 1ST READING, SET PUBLIC HEARING 5/7/19

City Attorney Kelly introduced the ordinance by title.

Mayor Muckle moved to approve the ordinance on first reading, Councilmember Leh seconded the motion.

Councilmember Stolzmann asked staff to bring back a proposed change for second reading replacing definition F with the definition of open space taken from the Charter which reads: "Open Space means land that is included in the open space zone district pursuant to Section 15-3 of the Home Rule Charter."

Voice vote: all in favor.

CITY ATTORNEY'S REPORT

None.

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

Councilmember Keany stated the Youth Advisory Board will be serving the homeless at Community Table on Thursday evening and he invited Council to come volunteer.

Councilmember Stolzmann stated the DRCOG subregional forum did include all of the City's projects on their recommended list for funding. The full DRCOG board meeting to review this will be tomorrow.

Councilmember Maloney asked staff to put on the advanced agenda a discussion of the legislative impacts from this session.

Mayor Muckle stated the Mayors & Commissioners Coalition confirmed their support for the completion of the Northwest Rail interim peak service plan. The RTD FasTracks committee approved it and the full board considered it this evening. If there is support, staff will be given direction to come back to them with options for peak rail service.

ADJOURN

Members adjourned at 8:22 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk