

**Louisville Metro Council
Government Administration, Rules, Ethics & Audit
Final Agenda**

Meeting Date: 12/11/2006

Meeting Time: 3:00 PM

Location: 3rd Floor, City Hall

Members Roll Call: (R) - James Peden (23)* (D) - Barbara Shanklin (2) (D) - Cheri Bryant Hamilton (5)
(D) - Rick Blackwell (12) (D) - Robert Henderson (14) (R) - Glen Stuckel (17)
(R) - Robin Engel (22)

- Denotes the Committee Chair(s)
- Also present: Kelly Downard (16) ; Hal Heiner (19); Jim King (10); Vicki Welch (13)

SPECIAL ITEMS FOR DISCUSSION

1- THIS IS CONSIDERED A SPECIAL MEETING

Pending Legislation

2- [O-231-11-05 AN ORDINANCE AMENDING AND REENACTING CHAPTER 91 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES \[LMCO\] PERTAINING TO ANIMAL CONTROL AND WELFARE \[COMMITTEE SUBSTITUTE\].](#)

Status: In Committee - Tabled

Committee: Government Administration, Rules, Ethics & Audit

Primary Sponsor: Cheri Bryant Hamilton

Additional Sponsor: Leonard Watkins

Motion to Untable ordinance made by Robert Henderson and seconded by Robin Engel. Motion approved.

Bill Warner - KRS definition of agricultural use. Definition in LDC. Language will have the effect of invalidating the ordinance in controlling and licensing, circuses and theatrical uses. KRS 100.111 - says included but not limited to - door opener. May have to come up with another agricultural use in ordinance. Detrimental to current ordinance.

Motion made to rescind previous committee substitute and admit correct substitute made by Robin Engel and seconded by Glen Stuckel. Technical correction approved.

Marty Storch, Assistant Director of Parks, requested the following amendment.

Motion to Amend Definition of Restraint, Section 2 to include Metro Parks made by Cheri Bryant Hamilton and seconded by Glen Stuckel. Motion was approved.

Minutes: Art Williams - concern over definition of nuisance.

Motion to Amend nuisance definition to protect Air Pollution Control District's authority in Section 91.001 (B) Pursuant to the provisions of KRS 413.072(7), an agricultural operation, as defined under KRS 413.072.(3) shall be exempt from any enforcement under this Chapter 91 which arises out of a nuisance violation as defined herein made by Cheri Bryant Hamilton and seconded by Robert Henderson.. Motion approved

Motion to Amend 91.051 Section (A) Subsection (1)(b) on *tethering dogs changed from an hour once every 24 hours to an hour once every 8 hours* made by Rick Blackwell and seconded by Robert Henderson. Motion approved

Minutes: CM Heiner proposed series of amendments.
1st - change animal definition. This was not changed.
; 3:36 PM

Minutes: Section on Animal Dealers and occasional litter question discussed.

Bill Warner, Asst Jefferson County Attorney - provision does not include individuals just dealers.

Task Force wanted to control even one sale.

Sales were not reported. Animal Services is not notified. CM Downard said concern was puppy mills.

CM Peden - wants notification to Metro Animal Services of litter.

Bill Warner - definition of 'person' in CM Peden's reference refers to organizations as well.

CM Stuckel - does not think this is enforceable. People will not report. 85% will not do it.

CM Peden - onus on MAS to investigate and enforce it.

Responsible owners and dealers not overburdened. Gap in system exists.

At 16 weeks report them. Responsible owners selling puppies will report.

Education campaign may assist with this recommendation.

CM Downard suggested make licensure laws with incentives and lower license fees.

Donna Herzig VP of Lou Kennel Club - licensed breeder must complete major records for AKC registered dogs.

Pam Rogers, KY Humane Society, - 20% of animals come from shelters. Rest come from breeders. Should be able to keep up with them.

CM Henderson - council should be responsible for public safety.

Doug Moutadier, KY Sportsmen - concern - hunters propagate their line. Sportsmen feel squeezed on breeder definition.

Motion to Amend Animal Dealer - amend language "*and person involved in the sale of an occasional litter or animal on a random basis*" made by Cheri Bryant Hamilton and seconded by Robin Engel. Motion was approved.

Motion to Amend Notification of MAS of sale of animal should include ferrets made by Cheri Bryant Hamilton and seconded by Robert Henderson. Motion approved.

Motion to Amend to include in definition of Animal Welfare Group "*providing shelter for abandoned or lost animals*" made by Glen Stuckel and seconded by Robin Engel. Motion approved.

Motion to Amend At Risk Dog definition by adding the phrase "*providing shelter for abandoned or lost animals and are*" made by Glen Stuckel and seconded by Robin Engel. Motion approved.

Discussion on legal definition of "intent" followed.

Minutes: Bill Warner - Definition been in 20 years. This is a totally new definition.

James Peden - believes there on occasion that they are not intentional.

Hal Heiner - cited KRS statute in depth and believes this should suffice

Cheri Hamilton - needs bridge between the two definitions.

Bill Warner - definitions were specific in nature.

Pam Rogers –“intent” language problematic.
Bill Warner - 91.054 must be connected to this.
; 4:23 PM

Motion to Amend Cruelty- definition change to state "any intentional act" relating to KRS statutes
Include after ‘unhealthful living conditions’ then intentional act as set forth in
91.054 shall be amended as well made by Cheri Bryant Hamilton and seconded by Robert Henderson. Motion
approved.

Motion to Amend 91.006 add 2 sections - for clarity sake.
Section A and C protecting agricultural and hunting groups. In (A), should include dog, cat or ferret instead of the word
“pet” made by Robin Engel and seconded by James Peden. Motion approved.

Motion to Amend 91.055 Strike Number 1 – “*such person sells trades or displays six or more such animals;*” made by
Cheri Bryant Hamilton and seconded by Robert Henderson.

Minutes: Bill Warner - KRS statutes pre-empt 91.055. Penalty must be the same as state. 436.600. Recommends
striking entire passage.

CW Hamilton and CM Henderson withdrew motion.; 4:46 PM

Motion to Strike 91.055 completely made by James Peden and seconded by Cheri Bryant Hamilton. Motion approved.

Minutes: Class C Kennels - cruelty broad definition requested by CM Heiner.

Cruelty is inclusive language.

CM Peden - concern over training issues.

Motion to *Amend Section F.* made by Robin Engel and seconded by Glen Stuckel. Motion was NOT approved.

Minutes: Rick Blackwell revisited Cruelty definition and wanted to strike word “intentional”

Bill Warner will align penalties correctly. Explained difference on what is cited.;

Motion made to *strike word “ intentional ” in definition of cruelty* made by Rick Blackwell and seconded by Robert
Henderson. Motion approved.

Minutes: Patrick King – Veterinarian addressed the committee.

CW Shanklin increase from \$1.00 to \$3.00. Is that enough to entice you to sell license?

Believes it is a service to clients. It would not change vet.

Vets turn over rabies records - will it cause problems with confidentiality. Chilling effect on clients.

CM Downard - is there some way to increase licensure?

Dr. King - give them away first year. -

CM Downard – Vets must keep track of license -

Dr. King; Vets keep track of rabies vaccinations

Discussed revaccinations.

Motion to table the ordinance as amended made by Robin Engel and seconded by Glen Stuckel. Motion was not approved.

Motion made to accept the Committee substitute by Cheri Bryant Hamilton and seconded by Robert Henderson. Passed 4-3. Sent to Old Business on the December 19th council meeting agenda.

Motion made to Adjourn by Cheri Bryant Hamilton and seconded by Glen Stuckel. Motion approved.

Meeting adjourned at 5:20 EST. KH

3- [R-113-8-06 A RESOLUTION AMENDING SECTION 12 OF THE LOUISVILLE METRO COUNCIL POLICIES AND PROCEDURES TO ESTABLISH COMPENSATION ADMINISTRATION GUIDELINES.](#)

Status: In-Committee

Committee: Government Administration, Rules, Ethics & Audit

Primary Sponsor:

Rick Blackwell

Robin Engel

4- [O-41-02-06 AN ORDINANCE CREATING AN ANIMAL WELFARE/CONTROL ADVISORY BOARD. \(Reintroduced 8-29-06\)](#)

Status: In-Committee

Committee: Government Administration, Rules, Ethics & Audit

Primary Sponsor: Kenneth C. Fleming