

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SHIVELY HELD IN THE
NEWMAN MEMORIAL BUILDING, 3920 DIXIE HIGHWAY
ON MONDAY, APRIL 17, 2006**

The meeting was called to order at 7:30 p.m. by Mayor Conner.

Opened the meeting with the Pledge of Allegiance to the flag.

ROLL CALL:

Mayor Conner	present		
Ms. Dummitt	present	Ms. Mayes	present
Mr. McDonald	present	Mr. Smith	present
Mr. Vance	present	Mr. Wathen	absent

Motion made by Mr. Smith, second by Mr. McDonald to approve the minutes from the last meeting as received. All ayes with exception of Mr. Wathen who was absent.

ROLL CALL:

Ms. Dummitt	yes	Ms. Mayes	yes
Mr. McDonald	yes	Mr. Smith	yes
Mr. Vance	yes	Mr. Wathen	absent

COMMITTEE REPORTS:

Ms. Dummitt, no report.

Ms. Mayes, thanked Mitzi Kasitz, the Boy Scouts, Janice Vincent and Jean Sheehan and all the other volunteers who helped make our Easter Egg Hunt a success.

Mr. McDonald, no report.

Mr. Smith, no report.

Mr. Vance, no report.

Mr. Wathen, absent.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

M.O. No. 15, Series 2006 – Authorizing Payment to Timothy Crawford and Curtis Gordon in Satisfaction of Judgment. Introduced by Mr. McDonald. Motion by Mr. Smith, second by Mr. Vance. All ayes with exception of Mr. Wathen who was absent.

ROLL CALL:

Ms. Dummitt	yes	Ms. Mayes	yes
Mr. McDonald	yes	Mr. Smith	yes
Mr. Vance	yes	Mr. Wathen	absent

M.O. No. 16, Series 2006 – Providing for Work on the Grandview Drive, San Jose Avenue and East Rockford Lane Drainage Project. Introduced by Mr. McDonald. Motion by Mr. Smith, second by Ms. Dummitt. All ayes with exception of Mr. Wathen who was absent.

ROLL CALL:

Ms. Dummitt	yes	Ms. Mayes	yes
Mr. McDonald	yes	Mr. Smith	yes
Mr. Vance	yes	Mr. Wathen	absent

M.O. No. 17, Series 2006 – Authorizing Appointing Carl Chapman for a Limited Term as an Assistant to the Code Enforcement Officer. Introduced by Mr. Smith. Motion by Mr. McDonald, second by Ms. Mayes. All ayes with exception of Mr. Wathen who was absent.

Mayor Conner asked can we change it to not include the September 30, 2006 date but rather be ongoing?

Walt Cato, City Attorney suggested having it to read for a limited term each year.

Mayor Conner asked for a motion and a second on the change made. Motion then made by Mr. McDonald, second by Ms. Mayes. All ayes with exception of Mr. Wathen who was absent.

ROLL CALL:

Ms. Dummitt	yes	Ms. Mayes	yes
Mr. McDonald	yes	Mr. Smith	yes
Mr. Vance	yes	Mr. Wathen	absent

First reading: Ordinance No. 1, Series 2006 – Awarding a Variance on the Height of a Sign at 1735 Stewart Avenue Being the Property of Heaton Company LLC, Dbal/ Best Western Inn. Introduced by Ms. Dummitt.

Walt Cato, City Attorney said the correct wording is “An Ordinance Awarding”.

CITIZENS PARTICIPATION:

Mr. Alphonza Bradley, 3200 Hampstead Court complained about a neighbors large tree in the front yard at 3203 Hampstead (home is condemned) which has become a safety issue with the neighbors because if it a branch were to fall from it, it could snap the power lines.

Mayor Conner asked if he knows the owner.

Mr. Bradley said he does not know because it went up for bid in January.

Mayor Conner said this is a private property issue and I’m not sure that we can do anything on it but, we will take a look at it.

Mr. Herb Travis, 2103 East Lane asked Mayor Conner if she heard about Delbert Vance’s signs being torn down.

DISCUSSION ON MISSING POLITICAL SIGNS:

Mayor Conner said actually I saw one down.

Mr. Travis said have you told them about it Delbert?

Mr. Vance said I’m going to bring it up with Ralph in a minute. I’ve got signs all over Shively that’s tore down I think we may have a license number for a guy over on Dover Road that might help us out but I’m offering a \$500.00 reward for anybody that comes up with who done this. I’ve got about 20 to 30 missing and some tore up and for \$500.00 we won’t stand for somebody who gets caught doing this.

Mr. Travis said it sounds like a conspiracy to me all his signs are being torn down. Have you had any torn down?

Mayor Conner said not to my knowledge I haven’t really been looking.

Mr. Travis said this is not an act of vandalism they’d tear everybody’s signs down. Have you heard the old expression about a Chinese Proverb the fish rots from the head down you know this thing can boomerang it may bring equal order.

Mayor Conner said well they might but I don’t know what to say I haven’t touched his signs.

Mr. Travis said well I’m not saying that you have do you know somebody?

Mayor Conner said no I don’t.

Mr. Travis maybe Richard does.

Mr. McDonald said why would I.

Mr. Travis said well I'm just going back to 04 and 02 when I was campaigning for you we was in your van had some people calling about tearing up signs then.

Mr. McDonald said I don't recall that.

Mr. Travis said you don't recall that. Sherry do you recall it?

Mayor Conner said no.

Mr. Travis you don't.

Mayor Conner said Herb I think you're really out of line.

Mr. Travis said well I don't think so I recall it very well – very well I recall it. I was in the van when it was being talked about.

Mayor Conner said well we haven't touched anybody's signs.

Mr. Dick Miller, 2021 Kendall Lane well Herb calls it a conspiracy rather than vandalism. I think we maybe we can show our good faith and feeling something we should be concerned about for the council cause this is a very liberal kind of election. Some of them are just electronic dogs that bark but what I would like to ask the council to do is to set up Mr. Vance being responsible for the \$500.00 reward and maybe the council would say it would be I mean it is your responsibility the council's there's a violation of whatever laws there are to protect somebody whether we do something about it.

Mr. Smith asked Walt Cato, City Attorney if is there a penalty for vandalism.

Mr. Cato said Bud there is no Shively ordinance and no State statutes relating to campaign signs and vandalism. I have been in touch with whatever department it is with the County Attorney's office to research Metro's ordinance but they haven't gotten back with me yet to let me know whether or not there is a Metro ordinance that relates to campaign signs. Now I talked to them this morning about that and they will get back with me but I haven't heard from them yet. As to a specific ordinance that relates to campaign signs or a specific statute, in my judgment you go back to the penal code which prohibits in a case of taking signs which would amount to theft by unlawful taking. So there are penalties and sanctions against this kind of activity but there may not be specific statutes and ordinances regarding signs.

Mr. Smith said Walt I had a problem the other day inaudible about my signs missing in my yard. They tore up the signs and took down. I did get with the Shively Police and talked with the officer in charge and I gave them a description on the vehicle. Inaudible.

Mayor Conner asked the Police Chief about this.

Chief Miller said I spoke with Mr. Cato about that earlier today cause he mentioned we couldn't find anything specifically the criminal aspect of it as far as theft or the criminal issue about the signs if there was any that was damaged but what I'm hearing you're saying that they're gone period?

Mr. Vance yes on Mary Catherine and Janell.

Chief Miller said they're not there at all.

Mr. Vance said no.

Chief Miller said they're not there at all?

Mr. Vance said no they're gone and over on Dover Road, Garrs, Savage Drive I've got 20 something signs missing and those signs are expensive to put out. A couple big ones one's disappeared the day after I put it out. I mean that is a childish thing for somebody to be doing.

Chief Miller asked do you have all the locations where these signs were at?

Mr. Vance said yes.

Mr. Smith said I gave that to your Sergeant I guess yesterday.

Chief Miller said okay.

Mr. Miller said even though there may be no specific ordinance or statute relating to the destruction of campaign signs, still it's an act of vandalism. Our own police department can handle it if we'd sweeten up some kitty a little bit and say that the City if it can't do that would offer a \$500.00 reward to show good faith on the part of the council and no one on the council is involved in it or you wouldn't dare vote for (inaudible) that's stretching it a little bit I guess.

Mr. McDonald said I have trouble giving a reward for political signs when we don't give rewards for murders. We have unsolved murders in Shively and we don't offer rewards for that and I don't think that the City of Shively is going to be in the business for offering rewards for a \$5.00, \$10.00 sign. Now I (inaudible) had but if he wants to
Mr. Vance said I'm not asking anyone to give no reward.

Mr. McDonald said no that's what I'm saying.

Mr. Vance said I'll prosecute or do whatever it takes.

Mr. McDonald said if you want to do that would be completely up to him and I understand but not the City and I think Mr. Vance would probably agree with that that the City does not need to be in a position for offering rewards for missing signs.

Mr. Vance said

ADJOURN:

There being no further business to come before the Council, motion by Mr. Smith, second by Mr. Vance to adjourn the meeting.

All in favor signify by saying aye. Those opposed, no. Ayes have it, so ordered. Motion carried. Meeting adjourned at 8:00 p.m.

MAYOR

CITY CLERK