

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SHIVELY HELD IN THE
NEWMAN MEMORIAL BUILDING, 3920 DIXIE HIGHWAY
ON MONDAY, APRIL 20, 2009**

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. Burton	present	Mr. Dummitt	present
Ms. Mayes	present	Ms. Renn	present
Mr. Vance	present	Mr. Wathen	present

Motion made by Mr. Wathen, second by Ms. Mayes to approve the minutes from the last meeting as received. All ayes.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	yes

COMMITTEE REPORTS:

Ms. Burton, no report.

Mr. Dummitt, no report.

Ms. Mayes, made a motion for approval of a travel voucher for Officer Curtis Gordon for \$100.00 for training in Richmond, Kentucky, second by Mr. Vance. All ayes.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	yes

Ms. Renn, reported she attended the ribbon cutting ceremony at the Louisville Memorial Gardens new funeral home. Also, this morning was the Bob Evans grand opening and ribbon cutting.

Mr. Vance, no report.

Mr. Wathen, no report.

CORRESPONDENCE:

None.

Mayor Conner said Chief Miller is not here tonight because he is sick so Major Kevin Higdon is filling in for him and he gave the following report on the purchase of two new vehicles. He said this is for the 2009 Justice Administration Grant and is for a 2010 Crown Victoria and a 2010 Explorer. This also includes a computer mouse for the police vehicles and seven in-car video cameras. All this totals \$4,300.00 and the grant is for

\$85,000.00 and the total after receiving everything comes to \$85,415.00. By purchasing a vehicle and an explorer, we will be saving \$1,800.00 and we plan to put an officer in an explorer we currently have to run the DARE and Block Watch Programs. We need another Explorer on hand in case we have inclement weather.

Ms. Renn said I thought it was for 2010 and the paperwork says 2009.

Major Higdon said it all depends on when the grant is approved and the model year may change but my paperwork says 2010.

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Mayor Conner said it all depends on when they are delivered also.

Major Higdon right and they probably won't get here until August or September and that would be the 2010 model year anyway.

Mayor Conner said we are actually getting the 2009 Explorer for the same price we paid for the Fire Chief's three years ago so we felt we couldn't pass it up.

OLD BUSINESS:

None.

NEW BUSINESS:

M.O. No. 15, Series 2009 – Approving Bills Over \$500.00. Introduced by Ms. Mayes. Motion by Ms. Renn, second by Mr. Wathen. All ayes.

DISCUSSION ON BILL LIST:

Ms. Burton asked what was Heartland Services for?

Major Higdon said repairs on the computers that we had to send back to Panasonic.

Ms. Burton asked on Dan's Home & Roof Repair did something else happen to the roof because wasn't it on the bill list the last time?

Mitzi Kasitz, City Clerk said that is for roof repair to the Community Building and we made two payments to the roofer. We only did half of the roof at first to see if you could actually tell a difference and you definitely could so we had the other half done.

Ms. Mayes said I thought we had to have a resume or ethics form on outside contractors who work on city property?

Mitzi Kasitz, City Clerk said we make sure they have a business license and we get more than one estimate.

Ms. Mayes said I thought we always had to have a resume on file on anyone who comes into the city to work.

Mitzi Kasitz said we have an insurance certificate.

Ms. Burton said are you talking about a list of people they have done work for previously?

Ms. Mayes said yes like references.

Mitzi Kasitz said I have called references on people before but I don't know that I did on the roofer.

Mayor Conner said we got more than one estimate on it.

Ms. Mayes said I still think we need references in proving their work.

Mayor Conner said we can do that.

Mr. Dummitt asked I thought the first half was over \$9,000.00? If the second half is only \$3,367 then why is the second payment so cheap or why was the first payment so expensive?

Mitzi Kasitz said didn't he end up doing the overlay?

Mayor Conner said he did some repairs to the building before he could put the roof on.

Mitzi Kasitz said something we didn't anticipate was when the tarp was put on by Purofirst, they drove roofing nails on the aluminum and ruined it so that had to be fixed.

Ms. Mayes also asked is the insurance company going to reimburse us for this?

Mayor Conner said well we hope the insurance company reimburses us for all of it.

Ms. Mayes asked is our deductible \$1,000.00?

Mitzi Kasitz said yes.

Ms. Mayes said so we should be getting all of this back.

Mayor Conner said I don't know if we'll get all of it back but we should get part of it back.

Ms. Mayes said since we did a partial and not a whole I would think we should get it all back.

Mayor Conner said I argued with them and told them they should pay for all of it and not just half because this is a building that we rent out and it needs to look nice. I went with the insurance man myself and he said this is what we'll do if you can tell a difference with the half then we'll come back and do the remainder so that's what we did.

Ms. Burton also asked is there any way to better clearly identify on the bill list what some things actually are and asked what department did Hollywood Entertainment's payment come from?

Mitzi Kasitz said this is a corporate business tax refund because they are no longer in business in Shively. I will talk to the girls in the office to try and make things more clearly for everyone.

Mr. Wathen said I see we have two bills we're paying for Savage Drive. Do we have any more bills coming in?

John Haywood said no.

Mr. Wathen asked what did the entire project cost?

John Haywood, Works Director said \$104,000.00.

Mr. Wathen asked was this the money we got from Congressman John Yarmuth?

Mayor Conner said no that was money from former Governor Ernie Fletcher's administration.

Mr. Wathen said so we'll get the Savage Drive project money back?

Mayor Conner said yes.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	yes

M.O. No. 16, Series 2009 – Authorizing The Execution And Delivery By The Mayor Of The Consent Of Issuer To That Certain Assignment And Assumption Agreement, Between The New Zion Community Development Foundation, Inc. And West End School, Inc., Relating To The City Of Shively, Kentucky, Educational, Cultural and Recreational Revenue Bonds, Series 2006 (West End School Project) In The Amount Of \$1,250,000.00. Introduced by Ms. Burton. Motion by Mr. Vance, second by Ms. Mayes. All ayes.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	yes

M.O. No. 17, Series 2009 –Authorizing The Purchase Of Two (2) Vehicles For The Shively Police Department. Introduced by Ms. Mayes. Motion by Mr. Wathen, second by Mr. Vance. All ayes.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	yes

M.O. No. 18, Series 2009 – Authorizing And Entering Into A Partnership Program For Capital Improvement With Louisville/Jefferson County Metro Government Council. Introduced by Mr. Wathen. Motion by Ms. Burton, second by Ms. Renn. All ayes.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	yes

Mr. Wathen asked how much money are we talking about?

Mitzi Kasitz said well Ms. Woolridge gave us \$1,500.00 last year and I plan to request more this year.

Mayor Conner said this is for the festival.

CITIZENS PARTICIPATION

Mr. Chris Schipper and Mr. Jason Sams requested approval for the Gagel Avenue complex and discussed drainage issues.

Mr. Wathen said a few council meetings ago, a lady came complaining of drainage problems on Walnut Grove Avenue and requested our help and it sounds like your water is going to go right toward her.

Mr. Schipper said I don't know exactly where that is.

Mr. Wathen said it is by Applebee's restaurant.

Mr. Schipper said our water would go through two detention basins into a 24" pipe that goes across Gagel Avenue.

Mr. Wathen said I hear what you're saying but we already have a problem there and you're planning on pushing more water in that area.

Mr. Schipper said we took all that water coming down and ran it through our retention basin so instead of it just coming through, it builds up our detention basin and lets it out slow so we are routing that water.

Mr. Mark Madison, City Engineer said what they are seeking tonight is a preliminary approval and for the most part the project looks good however, they have increased the

size of the detention basin and have demonstrated numbers that minimally meet our requirements.

Mr. Wathen said one question that came up a couple weeks ago was that you plan to build one building at a time.

Mr. Sams said the owner wants to build them in phase 1 and phase 2 possibly three phases. The actual intent is to build the entire project as each building fills up with occupants.

Mr. Wathen asked could that mean they are over developing it?

Mr. Sams said working with Louisville Metro, we found some cost issues relating to road improvements and we had to go thru the process of a three-lane section so we had to increase the units. As far as over development, we're meeting the C2 zoning requirement.

Mr. Walt Cato, City Attorney said the city council is very concerned when a new development goes in because of the drainage and if this project is completed, what kind of impact negatively will it have on the drainage in the Walnut Grove area? According to what you said earlier, the construction of the complete project will not have any negative effect on the drainage situation south of Gagel Avenue is that correct?

Mr. Schipper said yes sir we're reducing the tanker flows by 1/2 percent.

Mayor Conner said you're not worried about the water going through there slowly and that it will not stop up or back up to other properties?

Mr. Schipper said what we done is we have a 6" output in it and then there is an overflow which is the grate as well as a 15" pipe that also works as an overflow.

Mr. Cato said are these gentlemen requesting a resolution of the city council to approve the preliminary plans?

Mr. Madison said it is my understanding they're here to get approval of the plans.

Mayor Conner then requested a motion.

Motion to accept the preliminary development plan for the Gagel Avenue apartment project as presented by the developers' agent by Mr. Vance, second by Ms. Mayes. All ayes.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	yes

The motion is herewith accepted and the clerk is requested to send a certified copy of these minutes to the secretary of the Planning Commission.

ADJOURN:

There being no further business to come before the Council, motion by Ms. Mayes, second by Ms. Burton to adjourn the meeting.

All in favor signify by saying aye. Those opposed, no. Ayes have it, so ordered. Motion carried. Meeting adjourned at 8:21 p.m.

MAYOR

CITY CLERK