

REGULAR MEETING OF THE CITY COUNCIL

OF THE CITY OF SHIVELY HELD IN THE

NEWMAN MEMORIAL BUILDING, 3920 DIXIE HIGHWAY

SHIVELY KY 40216

ON MONDAY, MAY 3, 2010

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 Ms. Mayes, second by Mr. Wathen 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

COUNCIL REPORTS:

Ms. Burton, no report.

Mr. Dummitt, no report.

Ms. Mayes, no report.

Ms. Renn, no report.

Mr. Vance, thanked John Haywood, Works Director for getting the ditch on Fern Lea Road cleaned out.

Mr. Wathen, no report.

CORRESPONDENCE:

Mitzi Kasitz, City Clerk read the following resolution for Ms. Mayes: The House of Representatives of the Commonwealth of Kentucky 2010 regular session House Resolution No. 261, Tuesday, March 23, 2010 honoring Ms. Patsy Mayes on the occasion of her retirement after 22 years on the Shively City Council.

Ms. Mayes said she really appreciated this and did not know State Rep. Joni Jenkins was going to do this. I feel privileged and very fortunate that God has taken care of my three sons and me.

OLD BUSINESS:

None.

NEW BUSINESS:

M.O. No.13, Series 2010 – Approving Bills Over \$500.00. Introduced by Ms. Mayes. Motion by Ms. Renn, second by Ms. Burton. All ayes.

Mr. Vance asked what is the Chase credit card used for just everything?

Mitzi Kasitz, City Clerk said it is used for expenses at companies where we do business that we do not have an account set up at. My traveling expenses for the Clerk's Conference is an example.

ROLL CALL:

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

Mayor Conner said the next items on the agenda are waivers that have been requested on four pieces of property and the city council may want to hear from the audience before we go any further.

DISCUSSION ON WAIVER FOR 2701 AND 2707 DIXIE HIGHWAY:

Ms. Deborah Bilitski, 500 W. Jefferson St., Louisville KY 40202 and Nathan Grimes, 117 S. Indiana Ave, Sellersburg IN 47172 both spoke on behalf of the applicant (S C Development Corp). The property is currently Gary Day's Auto Service and a proposal has been made to remove that building and redevelop it into a Dollar General Store. This project went before the Louisville Metro Board of Zoning Adjustment for the waivers of the Land Development Code as well as the variances and this city council is required to approve the waivers so that is why we are here tonight.

Mr. Wathen asked will the old building will be torn down?

Ms. Bilitski said yes.

Ms. Burton asked were there pictures to look at?

Ms. Bilitski said there are some under Tab 3.

Ms. Mayes asked will it face Dixie Highway?

Ms. Bilitski said it kind of faces both streets. The entrance is right on the corner of Dixie Highway.

Ms. Renn asked will it be like the Dollar General Market Place on Taylor Boulevard?

Ms. Bilitski said I don't think so. I think this is just the standard retail store.

Mayor Conner asked Gary Day if he wanted to speak.

Mr. Gary Day said I think it's a win-win for Shively.

M.O. No. 14, Series 2010 – Waiver For 2701 And 2707 Dixie Highway. Introduced by Mr. Wathen. 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

Mr. Cliff Ashburner, spoke on the waiver for the location at the triangle where Seventh Street and Dixie Highway come together which used to be Precision Tune/Medley's

Brake and the proposal is for a retail and office space for Devero's. Several parking places will be pulled out and will be filled in with landscaping. Another requirement is sidewalks and an agreement has been reached to put sidewalks in. Devero's has 13 stores and are based in Cincinnati OH.

Mr. Wathen said he would like to see a layout of it and what the actual plans are.

Mr. Ashburner said I have copies of the plan that was recommended for approval by the Planning Commission as well as the Landscaping Committee.

Mr. Wathen asked what do you plan to do with the existing building?

Mr. Ashburner said it would be refurbished, added on to the side and the rear.

Mr. Wathen asked will there be two entrances?

Mr. Ashburner said yes.

Mr. Walt Cato, City Attorney asked do you know what impact this development will have on Shively's tax base?

Mr. Ashburner said Dixie Properties already owns the property and plans to add about 3,000 square feet both on the sides and the rear so their assessment should increase. They plan to bring in more than \$1,000,000.00 gross in revenue as well as several full-time and part-time employees.

Mr. Wathen asked what type of clothing store is it?

Mr. Ashburner said sports wear, athletic apparel and shoes.

Ms. Burton asked is it like the one on Broadway?

Mr. Ashburner said yes.

Mr. Wathen said my biggest concern is the traffic because it's a traffic jam there now.

Mr. Ashburner said retail stores generally don't generate traffic at the same time you may now have traffic problems. Most of these type stores open after people have gone to work and will close long after they get off work.

M.O. No. 15, Series 2010 – Waiver For 3955 And 3959 Dixie Highway. Introduced by Mr. Vance. Motion by Ms. Mayes, second by Mr. Dummitt.

ROLL CALL:

Ms. Burton	yes	Mr. Dummitt	yes
Ms. Mayes	yes	Ms. Renn	yes
Mr. Vance	yes	Mr. Wathen	no

Resolution No. 1, Series 2010 Proclaiming The Week of May 9 Through May 15, 2010 As "Law Enforcement And Corrections Week".

Chief Miller said this couldn't have come at a more appropriate time because of the police officer that was killed in the line of duty in Lexington recently. We plan to send police officers to the funeral tomorrow.

Mayor Conner then asked for a motion to advertise for bid for the Crums Lane and Clyde Drive project phase one and two. Motion made by Ms. Mayes, second by Mr. Wathen. The deadline is June 21, 2010.

ROLL CALL:

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

CITIZENS PARTICIPATION:

Mr. Troy Burks said we are trying to get a football team here in Shively and want to get the word out about our youth league. We need sponsorship so we are reaching out to the Shively businesses so if anyone can help either with a donation or products, please let us know.

Mr. Jermaine Craig and Mr. Osia Craig, 2235 Mary Catherine Drive said the sign up dates are May 8th, 15th and 22nd at Schaffner Elementary School from 10:00 a.m.-2:00 p.m. We have flyers posted in Shively and PRP in hopes of getting as many kids as we can. We plan to call the team the Shively Seminoles.

Mayor Conner asked what amount are you looking for as far as sponsorship?

Mr. Craig said it should be on the information we provided.

Mayor Conner said so it's platinum, gold, silver and sponsor a child.

Mr. Craig said we also have a golf scramble coming up on July 10, 2010 at Sun Valley and our goal is to have 35 kids on each level ages 5-13.

Ms. Tina McClain and Ms. Lisa Harris, 1904 Crums Lane are both nurse practitioners at the Mycare Clinic at the above address and wanted to let everyone know they take

walk-ins as well as provide for homebound patients and this is only for the Shively area.

Mayor Conner then stated that since Shively is not in MSD's storm water plan and we have drainage problems throughout the city which requires us to take on a large project every year, we may want to consider getting in their program and asked the council what were their thoughts on it. If you all want me to contact MSD I will, just let me know.

Ms. Mayes said I think it was the cost because it would have been added to our water bills.

Mr. Dummitt said I think we are better off financially now and maybe their policies have changed and it wouldn't hurt to re-visit it.

Ms. Renn, Ms. Burton and Ms. Mayes all said to go ahead and contact MSD.

Mayor Conner said okay I will contact them. She also said she wanted to talk about the Holt Printing issue that came up at the last council meeting and said the city clerk did some research and asked Mr. Dummitt if he wanted to know what Mr. Holt said.

Mr. Dummitt said well whatever is important. All I was saying was I believe in using Shively businesses. I don't need to know what he said personally.

Mayor Conner said we did some research on how much he actually owed.

Mitzi Kasitz, City Clerk said the Tuesday morning after the last council meeting I called Mr. Holt and had his tax records ready to discuss with him. I contacted him in May 2008 to print the newsletter since Farley moved out in February. After he left, the tax collector let me know he was delinquent in his business inventory taxes. When I made him aware of that, he understood he needed to be current on his taxes and he owed four years taxes. He is now current and said he had a visit from you and the size of orders was not the issue – the back taxes were the issue and when he came in to pay a few weeks ago he said let the city clerk know I am current and that is where the \$72.00 amount came from. So that is Mr. Holt's side.

Mr. Dummitt asked did he say why he couldn't keep his taxes current? Is he not making enough money?

Mitzi Kasitz, City Clerk said he didn't divulge that information with me but he does advertise in the Local Weekly paper, which is pretty reasonable. His annual taxes range from \$58.00-\$119.00 so it probably wouldn't be much.

Mayor Conner said even though Farley moved out of Shively, they still own the building and pay us thousands of dollars in taxes every year.

Mitzi Kasitz, City Clerk said they paid around \$4,400.00 on their net profit taxes.

Mr. Dummitt said I'm just trying to help the businesses in Shively.

Mitzi Kasitz, City Clerk said we are too that is why I contacted Mr. Holt as soon as Farley left Shively.

John Haywood, Works Director then reported he received two bids from one company for the asphalt machine for a total of \$59,078.00, which is for the machine and the crack sealing attachment.

Mr. Dummitt said what does the attachment do?

Mr. Haywood said if there is a crack in the pavement, it puts oil on it and it seals it.

Mayor Conner said they did a demonstration at Heaton Road and Hillside Drive.

Mr. Wathen said if you have \$60,000.00 in your budget in the MAP account then I entertain a motion to accept it, 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

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ADJOURN:

There being no further business to come before the council, motion by Mr. Wathen, second by Ms. Renn to adjourn the meeting.

All in favor signify by saying aye. Those opposed, no. Ayes have it, so ordered. Motion carried. Meeting adjourned at 8:37 p.m.

MAYOR

CITY CLERK