

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SHIVELY HELD IN THE
NEWMAN MEMORIAL BUILDING, 3920 DIXIE HIGHWAY
ON MONDAY, AUGUST 7, 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	present

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

ROLL CALL:

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

Mayor Conner welcomed everyone to the meeting and said it seems like it's been a long time since we've had a meeting with having the last two Monday nights in a row off.

COMMITTEE REPORTS:

Ms. Dummitt, no report.

Ms. Mayes, reported the Louisville Insurance Professionals presented 10 boxes of school supplies to the Cane Run Family Resource Center today.

Mr. McDonald, no report.

Mr. Smith, no report.

Mr. Vance, no report.

Mr. Wathen, no report.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

M.O. No. 25, Series 2006 – Approving Bills Over \$500.00. Introduced by Mr. Wathen. Motion by Mr. Smith, second by Mr. McDonald. All ayes.

ROLL CALL:

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

CITIZENS PARTICIPATION:

Mr. Raymond Craig, 3400 Barkwood Road, complained about the parking problem he is having with his neighbor which has been ongoing for 14 years. Where they are parking is obstructing his driveway to where he has to drive through his yard in order to get in and out. He provided pictures to the Mayor and Council.

Mr. McDonald asked are they parking in your driveway?

Mr. Craig said no at the end of it. There is a guardrail there too which doesn't help. He said he actually has to back all the way around to two or three houses down to turn around. This is a unique situation because it is a dead end street.

Mayor Conner said if we took the guardrail down would that help?

Mr. Craig said no because that would only give him a foot and a half. He spoke with John Haywood about blacktopping the front of his house because where they are parking, they can move their truck.

Mayor Conner said I think they're parked where they can legally park.

Mr. McDonald said they're parking within the parking ordinance because it's off the road 10 feet onto their property.

Mr. Wathen said you're not parked in your driveway - you're parked in the street.

Mr. Craig said he did that to show in the picture how far back he's got to go. There is something in the Louisville Metro ordinance regarding obstructing so that is what he is going to go for. It also states they cannot interfere with him having access to his driveway and that is what is happening.

Mr. McDonald said I think what it boils down to is the fine letter of the law and that is that they are not parking on the street.

Mr. Craig said if he backs out of his driveway and hits their car he doesn't think he is responsible.

Ms. Mayes said you would be responsible.

Mr. Cato, City Attorney asked is there additional room on the front of his lot where he could park to get out of your way?

Mr. Craig said the police asked why are people's driveways empty?

Mayor Conner said we ask that question all the time.

Mr. McDonald asked do they have other cars that are just not there at that time?

Mr. Craig said they have two cars.

Mr. Cato asked have you talked with the neighbors?

Mr. Craig said we have talked to them.

Mr. Smith said could the City put a pad out in front of his house to get him better access to his driveway?

Mayor Conner said then we would end up pouring a lot of pads.

Mr. Smith said you're being denied the right to use your driveway.

Mr. Craig said Advance Distribution put the fence up for security purposes.

Mayor Conner said I thought the church put the fence up.

Mr. Craig said if the road was extended then he would be equal with everybody else in Shively.

Major Marty Kleier said the police went to your neighbor's house this morning but was anybody home so the police could talk to them?

Mr. Craig said yes they came but nobody was home and they called the police department and they advised him about parking on the grass.

Mayor Conner said we will help you figure something out and we'll take that guardrail down that's no problem at all.

Mr. McDonald said all that's going to give him is about a foot.

Mayor Conner why don't we see what we can do for you. Will you need your pictures back?

Mr. Craig said no he has an extra set. Also after he took the pictures, the neighbors ran out and moved the truck.

Mayor Conner said we'll see what we can do.

Ms. Diane Smith, 1731 Bachmann Drive stated she thought Louisville Metro's ordinance and ours were the same and the same laws applied here because there is a real bad noise problem on her street. Besides the noise problem there is littering, cursing and there is no curfew and the teenagers buy drugs at Clay's Car Wash. They smoke and drink on our street and she would like to know how she can get copies of the ordinances that pertain to these issues because she understands ours are different. The police officer didn't think we had a curfew.

Mayor Conner said we don't have a curfew and she doesn't believe Louisville Metro does either.

Ms. Smith said she knows they have the noise and littering ordinances.

Mr. McDonald said we have those ordinances too.

Mayor Conner said we have the noise and litter ordinances.

Ms. Smith then asked where can she get copies of these ordinances?

Mr. McDonald said right here at City Hall there's a little process to go through but it's not a problem. If you come to the front desk during office hours someone can help you.

Ms. Smith said we've been trying to deal with this ourselves. The officer wasn't sure about these ordinances and I wasn't sure either.

Mayor Conner asked are you calling the police every time these things happen?

Ms. Smith said yes and I feel like I'm being a pest.

Mayor Conner said no keep calling that's what they're there for.

Major Marty Kleier said call us anytime you need us.

Ms. Smith said our street has some problems and we're hoping to get them taken care of but we weren't trying to be pests.

Mr. McDonald said that's the way you do it in order to have police presence you call and if they do nothing but come out, they're going to see it.

Ms. Smith said what usually happens is when they see them coming then everything stops or they scatter and she wasn't sure about the curfew because a lot of these kids are teenagers and this goes on at two and three o'clock in the morning.

Mr. McDonald said maybe this will stop once school starts.

Ms. Smith said no because a lot of these kids are older.

Mayor Conner said that is all that signed up to speak then announced the Ralph Avenue work is complete, the Grandview Drive drainage project has started and our first walking track committee meeting is this Wednesday at 7:00 p.m. That is all the announcements I have does anyone else have anything?

Mr. Ricardo Aguayo asked Mayor Conner if he could speak.

Mayor Conner told him she would let him speak this time but that he needed to get here on time and sign the sheet from now on.

Mr. Ricardo Aguayo, 3306 Wessel Road stated on August 1st at 11:30 there was a hazmat situation and he called police dispatch at 12:10 and they did not know anything about it so there was about 45 minutes that had gone by without a down wind message being given notifying everyone in that area on which way the cloud was going.

Mayor Conner asked him how did he know that?

Mr. Aguayo said because I heard the sirens. Because of no down wind message he didn't know what to do or what action to take and being a military guy he knows what action to take. There was hydrochloric acid leaking out of a container at Carbine Industries and Mr. Dick Miller has been very vocal about air pollution so he asked do we have a hazmat plan in place and if so, where can he find it so he will know what to do the next time. According to Metro Louisville, they've had one in place since 1998.

Mr. McDonald said if you confront the Emergency Management System they will say that the sirens are for people outside to get inside so that's what the siren means. It doesn't mean to go out and look for a star it means to stay inside and take cover so actually the siren was the down wind message to get under cover. He also heard the sirens and was listening to the radio too.

Mr. Aguayo said they advised not to run your air conditioner. Then asked why wasn't the police dispatcher aware of it especially after 45 minutes had gone by?

Mr. McDonald said he would assume that if it were in fact an emergency evacuation, we would have been notified and he doesn't believe anyone was evacuated although the sirens in Shively were going off. I'm going to assume that Hazardous Response Team at Lake Dreamland had a very extension evacuation because of all the facilities in that area.

Mr. Aguayo said it states in this policy that Shively is supposed to enact a plan.

Mr. McDonald said yes we have an emergency plan in place as a matter of fact we have a team that worked on it just recently.

Mayor Conner said we have copies of everything from Louisville Metro which looks similar to what you have there.

Mr. Aguayo said that's all he had then asked what is the highest level of a hazmat situation?

Chief Vincent said three. It goes one, two, three with three being the worst.

Mr. Aguayo said with everyone being asleep they probably won't have woke up and if they did wake up they would feel dopey and their eyes would be bothering them.

ADJOURN:

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

All in favor signify by saying aye. Those opposed, no. Ayes have it, so ordered. Motion carried. Meeting adjourned at 7:55 p.m.

MAYOR

CITY CLERK