

**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, SEPTEMBER 21, 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.

Ms. Mayes, the family resource center is in process of hiring a full time clerk, I am involved in the interviewing. The Insurance Women's Association I belonged to before I retired is donating to the family resource center 40 backpacks, school supplies, toboggan and gloves. She reminded everyone the "Halloween Decorating Contest" is coming up. She also made a motion for approval of a travel request for Officer John Cheney for \$100.00 for training in Richmond, KY, seconded by Mr. Wathen. All ayes.

**ROLL CALL:**

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

Ms. Renn, no report.

Mr. Vance, no.

Mr. Wathen, not at this time.

**CORRESPONDENCE:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

M.O. NO. 33, Series 2009 – Approving Bills Over \$500.00. Introduced by Mr. Wathen. Motion by Mr. Vance, second by Ms. Renn. All ayes.

Ms. Mayes I would like to ask, LG&E, its funny the police department don't have any electricity and we got it either city hall or parks. I don't feel like it is all parks, we have to run it a little bit.

Ms. Kasitz, city clerk, responded you have asked about this in the past, LG&E has changed over their billing. All bills are not received at the same time, I will verify it with the treasurer.

**ROLL CALL:**

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

M.O. NO. 34, Series 2009 – Authorizing participation by the City of Shively with Transit Authority of River City and Louisville Metro for installation, repair, replacement, and improvement of handicapped accessibility for bus stops in the Dixie Highway corridor.

Introduced by Ms. Mayes. Motion made by Mr. Wathen, second by Mr. Vance. All ayes.

Mr. Wathen asked Mr. Cato if this could be paid by MAP money?

Mr. Cato said yes it will not be a problem he has spoken with John Haywood on the subject.

Mr. Cato added in Section 2: City will contribute six thousand five hundred (\$6,500) dollars.

**ROLL CALL:**

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

**CITIZENS PARTICIPATION:**

Marcus Hopkins, 2336 Rockford Lane, I renew my paperwork with the health department every two weeks and I have a business license. I just want to be able to do business on Dixie, I do not want to leave.

Greg Bailey, 2100 Lower Hunter Trace. I am here to appeal to you I would like the privilege to purchase a license so that I can continue to do business at 2501 Dixie Hwy. the property Mr. Hopkins was talking about. We have a dumpster we keep it clean, we have a verbal agreement with Mr. Dolt that we have permission to be there. I sell produce.

Mayor Conner said next is Mr. Bauer and he has requested extra time.

Chuck Bauer, 2216 Peaslee Road, I have a handout of what I am going to say for everyone. I am here because I am caught between an ordinance of City of Shively regulations and a slightly different one from those of Metro. I came here to propose an amendment to a city ordinance, keeping of livestock. To allow a single contiguous parcel of property larger than two acres to exceed 25 chickens providing none of the nuisance factors present a problem.

Mr. Wathen do the birds roam freely?

Mr. Bauer, I do have a chain link fence.

Mr. Cato, legally the City of Shively and what we call Louisville Metro and what the Kentucky statues call consolidated local government are creatures of statues. We exist only because the legislature says we can exist. The legislature and their statue provided what city and counties can do. The City of Shively can pass ordinances imposing fines penalties and forfeitures. The legislature said when consolidated local government, Louisville Metro, was formed that they can pass ordinances that apply throughout the county. Their ordinances apply to the City of Shively as well as in unincorporated areas of the county with two exceptions, unless other wise provide by statue, which does not apply here or the Legislative body of a city has adopted an ordinance on the same subject matter that is the same as or more stringent to the standard

set forth in the consolidated local government ordinance. If our ordinance were more stringent they, Metro, would not have the jurisdiction to enforce it. The City of Shively ordinance does not specify a number of chickens and the Metro limits you to 5 chickens on .5 acres or less. If we followed your suggestion of 24 chickens we would not be more stringent than the county. My advice to the city council is not amending the ordinance.

**ADJOURN:**

There being no further business to come before the Council, motion by Mr. Wathen, 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.

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**MAYOR**

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**CITY CLERK**