

MINUTES OF MEETING HELD FEBRUARY 26, 2001

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, February 26, 2001 at 7:00 p.m. with the following present: Mayor JP Wiles, Council Members David Burdine, Clarence Floyd, Jerry Wheeldon, Mark Beasley, Robin Daughetee, Charles New, John R. Minton, William Earl Owens, Pat Bourne, Jerry Burnett, City Attorney Pro-Tem Dan Yeast and City Clerk David Godsey. Absent: Council Member Peggy Dugger. The seat of Mr. Richard Denham was vacant due to his death on Thursday, February 22, 2001.

The Mayor extended words of sympathy and regret for the loss of Mr. Denham as a member of the City Council and also for former City Council Member Mr. Bromie Settles. The Mayor called for a moment of silence in memory of Mr. Denham and Mr. Settles.

Mr. Wheeldon moved the minutes of the last regular meeting held on February 12, 2001 and the reports be approved as delivered. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

Police Chief Larry Wesley introduced Matthew Gates the newest police officer to graduate from the police academy. Mr. Floyd commented on how impressive the graduation ceremonies were at the police academy and the accomplishments and awards of Officer Gates.

Amy Black, Executive Director with the Musical Artists Society of Ky (MASK), addressed the Council on their plans to buy and renovate the Virginia Theater and use it as a community arts center and theater. One option for funding is the Major Revitalization Projects through Renaissance Kentucky. Ms. Black asked for the support of the City Council.

Second reading was given the following Ordinance:

ORDINANCE NUMBER 01-02

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2000 AND ENDING JUNE 30, 2001 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

WHEREAS, AN ANNUAL BUDGET HAS BEEN ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY; AND

WHEREAS, THE COMMON COUNCIL HAS REVIEWED SIX MONTHS OF BUDGET ACTIVITY AND MADE NECESSARY MODIFICATIONS.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2000 AND ENDING JUNE 30, 2001 IS HEREBY AMENDED AS FOLLOWS:

	REVENUE	EXPENDITURES
GENERAL FUND	\$7,594,630.00	\$7,594,630.00
GAS SERVICE	\$5,577,700.00	\$5,577,700.00
	\$11,577,700.00	\$11,577,700.00
WATER SERVICE	\$4,141,000.00	\$4,141,000.00
WASTEWATER	\$2,083,300.00	\$2,083,300.00
PARKS AND REC	\$470,300.00	\$470,300.00
EMS	\$2,023,000.00	\$2,023,000.00
TOTAL ALL FUNDS	\$21,889,930.00	\$21,889,930.00
	\$27,889,930.00	\$27,889,930.00

SECTION 2.

THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS
PASSAGE AND UPON PUBLICATION.

FIRST READING February 12, 2001

SECOND READING February 26, 2001

Mr. Wheeldon moved the above Ordinance be adopted on its second reading. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

Mr. Floyd moved to refund the following amount paid on 2000 city tax: Pleasant Hill Square, Ltd., a refund in the amount of \$174.84, a credit was issued for a Ky State Board of Appeals exemption. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

The following Resolution was read:

RESOLUTION

Whereas, the City of Somerset is desirous of receiving funds for improvement of sidewalks and streetscape, and

Whereas, certain funds are available through the Surface Transportation Program, and

Whereas, the Federal Highway Administration, through the Transportation Cabinet for the Commonwealth of Kentucky, has approved an Application for Transportation Enhancement funds within a designated Renaissance Kentucky area, and

Whereas, the City of Somerset has agreed to provide a minimum of 20% matching funds and to accept responsibility for all administrations, staffing, maintenance and operation costs for the project applied for,

NOW THEREFORE, the Common Council of the City of Somerset, Kentucky hereby authorizes its Mayor to enter into the necessary contracts and documentation to acquire and use said funds.

This the 26th day of February, 2001.

JP Wiles
MAYOR JP WILES

ATTEST:

David Godsey _____
CITY CLERK

Mr. New moved the above Resolution be approved. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

The following Resolution was read:

RESOLUTION No. 01-02

WHEREAS the City of Somerset has been designated a Gold community in the Renaissance Kentucky program, and;

WHEREAS communities of such ranking are entitled to apply for up to One Hundred Fifty Thousand Dollars (\$150,000) in direct appropriations grants through the Renaissance Kentucky Alliance, and;

WHEREAS Downtown Somerset Development Corporation has solicited input from the community on how such funds could best be used for the revitalization of our community, and;

WHEREAS careful and deliberate consideration has gone into the reasoning for the expenditure of such funds;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Somerset this 26th Day of February, 2001, that the attached list of projects and expenditures is hereby adopted

and recommended as the recipient of the aforementioned funds and that this request be made of the Renaissance Kentucky Alliance.

JP Wiles
JP Wiles, Mayor

David Godsey
David Godsey, City Clerk

Mr. Wheeldon moved the above Resolution be approved. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughettee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

At the request of Gib Gosser, Executive Director of Downtown Somerset Development Corporation, Mr. Wheeldon moved to approve the DSDC to hold a series of downtown events during the summer calling it SomerNights on the fourth Saturday of April through October. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughettee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

First reading was given the following Ordinance:

ORDINANCE NO. 01-05

AN ORDINANCE OF THE CITY OF SOMERSET KENTUCKY (THE "CITY"), AMENDING ORDINANCE NO. 96-3 TO AUTHORIZE A CHANGE IN MATURITY DATE OF THE "CITY OF SOMERSET, KENTUCKY ADJUSTABLE RATE INDUSTRIAL BUILDING REVENUE BONDS, SERIES 1996 (GLEN OAK LUMBER & MILLING, INC. PROJECT)" (THE "BONDS") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,000,000 WHICH BONDS WERE AUTHORIZED IN ORDINANCE 96-3; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUPPLEMENT NO. 1 TO TRUST INDENTURE (THE "SUPPLEMENT") BETWEEN THE CITY AND BANK ONE TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE (THE "TRUSTEE"); AND THE TAKING OF OTHER RELATED ACTION.

WHEREAS, the City of Somerset, Kentucky (the "City") adopted Ordinance No. 96-3 on March 11, 1996, which, pursuant to the provisions of Sections 103.200 to 103.287, inclusive, of the Kentucky Revised Statutes, as amended (the "Act"), specifically authorized and empowered the City to issue its \$3,000,000 City of Somerset, Kentucky Adjustable Rate Industrial Building Revenue Bonds, Series 1996 (Glen Oak Lumber & Milling, Inc. Project) (the "Bonds") hereinafter approved; and

WHEREAS, the City, pursuant to Ordinance No. 96-3, issued the Bonds; and

WHEREAS, Glen Oak Lumber & Milling, (the "Company") desires to change the maturity date on the Bonds from April 1, 2006 to April 1, 2011, and to accomplish the same it is necessary to supplement the Trust Indenture, (the "Indenture") dated as of April 1, 1996, by and between the City and Bank One Trust Company, National Association, as Trustee (the "Trustee") with Supplement No. 1 to Trust Indenture (the "supplement"), dated as of March 1, 2001, by and between the City and the Trustee; and

WHEREAS, it is necessary and proper in the interest of the health, safety, convenience and general welfare of the citizens, residents and inhabitants of the City and its environs that the City (a) authorize the change in maturity date of the Bonds, (b) authorize the execution and delivery of the Supplement, and (c) approve other necessary or related documents and actions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY, ACTING BY AND THROUGH ITS CITY COUNCIL AS FOLLOWS:

Section 1. Supplement No. 1 to Indenture Authorization. The Mayor is hereby authorized, empowered and directed to execute and acknowledge on behalf of the City, with the attestation of the City Clerk, the Supplement, and said officials are hereby authorized, empowered and directed to cause the Supplement to be accepted, executed and acknowledged by the Trustee hereby so appointed. The Supplement is hereby approved, authorized and adopted in substantially the form submitted herewith and designated Exhibit A, with such changes as the officials executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

It is acknowledged that in and by the Supplement, as it is hereby approved, that the Trustee may have discretion in designating the Paying Agent (as defined in the Indenture) in respect of the Bonds.

Section 2. Bond Authorization. For the purposes set forth in the preamble, which is incorporated as a part hereof, the City, acting by and through its City Council, hereby authorizes the execution and delivery of a replacement Bond reflecting a new maturity date of April 1, 2011, to be issued in the form and subject to the terms and specifications set forth in the Supplement.

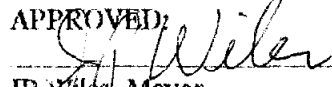
Section 3. General Authorization. The Mayor, the City Clerk, any City Council member, the City Attorney and other appropriate City officials, and each of them, for and on behalf of the City, are hereby authorized, empowered and directed to do and perform any and all things necessary to effect the execution of the supplement, its execution and acceptance by the Trustee, the performance of all obligations of the City under and pursuant to the Supplement and related documents, the execution and delivery of the Bonds and the performance of all other actions of whatever nature necessary to effect and carry out the authority conferred by this Ordinance and by the Supplement. The Mayor, the City Clerk, any City Council member, the City Attorney and other appropriate City officials are hereby further authorized, empowered and directed for and on required for the carrying out and effectuation of the authority conferred by and the purposes of this Ordinance and the Supplement.

Section 4. City Bond Obligations Limited. The City shall never be required to pay from its own funds any obligations deriving from the issuance of the Bonds, and the Bonds are special and limited obligations payable solely and only from the receipts derived under the Loan Agreement, dated as of April 1, 1996, by and between the City and the Company with respect to the Project and the property encumbered and the trust estate created under the Indenture.

Section 5. Ordinance Controls. In the event of any conflict or conflicts between the provisions of this Ordinance and of any prior ordinances, resolutions or parts thereof, the provisions of this Ordinance shall prevail.

Section 6. Ordinance Effective. This Ordinance shall be in full force and effect from and after its adoption as provided by law. The summary of this Ordinance read at the meetings of the City Council described below is approved for purposes of publication as provided by law.

INTRODUCED, SECONDED AND GIVEN FIRST-READING at a duly convened meeting of the City Council of the City of Somerset, Kentucky, held on the 26th day of February 2001, and GIVEN A SECOND READING, ADOPTED AND APPROVED at a duly convened meeting of the City Council of the City of Somerset, Kentucky, held on the 12th day of March 2001, signed by the Mayor as evidence of his approval, attested by the City Clerk, ordered published in summary form pursuant to KRS Chapter 424, duly enrolled and declared to be in full force and effect.

APPROVED: 
JP Wiles, Mayor

(SEAL)
ATTEST 
David Godsey, City Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified City Clerk of the City of Somerset, Kentucky, and as such Clerk I further certify that the foregoing is a true, correct and complete copy of an Ordinance duly adopted by the City Council of said City upon second reading at a duly convened meeting held on March 12, 2001, signed by the Mayor and now in full force and effect, all as appears from the official records of said City in my possession and under my control.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 12th day of March, 2001.

(SEAL) 
David Godsey, City Clerk

EXHIBIT A

SUPPLEMENT NO. 1 TO TRUST INDENTURE,
DATED AS OF MARCH 1, 2001, BETWEEN THE CITY OF
SOMERSET, KENTUCKY AND BANK ONE TRUST
COMPANY, NATIONAL ASSOCIATION

First Reading February 26, 2001.

Mr. New moved to approve the above Ordinance on its first reading. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

By recommendation of the Mayor, Mr. Daughetee moved to reappoint Becky Edwards and Roger Toohey to two (2) year terms on the Parks and Recreation Board. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

Second reading was given the following Ordinance:

ORDINANCE NO. 01-04

ORDINANCE AMENDING ORDINANCE NO. 80-13, KNOWN AS THE
ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING
A BOUNDARY OF LAND NOW ZONED R-2 TO B-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET,
KENTUCKY:

That Ordinance No. 80-13, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

- I. By changing the following boundary of land being zoned R-2 to B-2.

A certain tract of land lying in the community of Somerset, Pulaski County, Kentucky and more particularly described as follows:

POINT OF BEGINNING a 1/2" rebar found stamped M. Bidarian (yellow) cap #2876 in the right of way of North US Hwy. 27 (RDB 6 PG 93) and a corner to Carson Atwood (DB 566 PG 455); thence with the right of way of North US Hwy. 27 along a curve to the left having a radius of 1343.26 feet and an arc length of 224.59 feet, being subtended by a chord of North 29 degrees 26' 53" West for a distance of 224.33 feet to a 1/2" x 18" rebar stamped W. Daulton (red) cap #2463 and hereinafter referred to as iron pin set; South 58 degrees 51' 31" West for a distance of 20.00 feet to an iron pin set; North 31 degrees 08' 29" West for a distance of 276.00 feet to a concrete right of way monument a corner to Ralph Norfleet (DB 644 PG 155); thence with Norfleet North 80 degrees 08' 46" East for a distance of 651.60 feet to an iron pin set at a fence corner a corner to Anne Strand (DB 625 PG 505); thence with Strand South 16 degrees 33' 21" East for a distance of 439.89 feet to a 1.5" iron pipe found on the bank of Caney Fork Creek a corner to Carson Atwood; thence with Atwood and Caney Fork Creek South 77 degrees 24' 18" West for a distance of 509.45 feet to the point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 5.99 acres more or less as surveyed by Weylan G. Daulton, RLS #2463 by magnetic north on 11-10-00.

Being the same property conveyed to Cromer Builders, Inc. by deed dated November 22, 2000 by Evanell Daniels, a widow, as appears of record in Deed Book 667, Page 83. Pulaski County Court Clerk's Office, Kentucky.

Property Known As: _____ North Hwy. 27, Somerset, Kentucky 42503

- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

- III. This Ordinance shall be in full force and effect from and after adoption.

First Reading February 12, 2001

Second Reading February 26, 2001

Mr. Wheeldon moved the above Ordinance be adopted on its second reading. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr.

Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

Second reading was given the following Ordinance:

ORDINANCE NO. 01.03

**AN ORDINANCE CLOSING A CERTAIN UNDEVELOPED 20' ALLEY AND
A CERTAIN UNDEVELOPED STREET IN THE HIGHLAND PARK ADDITION
IN THE CITY OF SOMERSET, KENTUCKY.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET,
KENTUCKY.**

Whereas, the City of Somerset, Kentucky, having determined that the undeveloped 20' alley and undeveloped street in the Highland Park Addition should be closed;

IT IS THEREFORE ORDAINED by the Common Council of the City of Somerset, Kentucky that the undeveloped 20' alley and undeveloped street as described on the attached Legal Description in the Highland Park Addition shall be closed and abandoned.

First Reading February 12, 2001

Second Reading February 26, 2001

LEGAL DESCRIPTION

A certain undeveloped 20' alley and a certain undeveloped street lying and being in the City of Somerset, State of Kentucky on the north side of Pulaski Street, said alley and street being shown on the plat of the Highland Park Addition per Deed Book 62 Page 530, said alley and street being located between Reservation E, Block K, and Block H, and being more fully described as follows:

All called for set rebars are 1/2" x 18" rebars with a 1" orange plastic cap stamped BURGIN LS 3167, and were set this survey. All bearings are referenced to the centerline of Pulaski Street and a previous survey by myself. This bearing is South 64 degrees 27 minutes 14 seconds west.

Beginning at a set rebar, said rebar being a corner to Baptist Care Homes (Deed Book 549 Page 538), said rebar also being in the north right of way of Pulaski Street 15 feet from the centerline; Thence leaving Pulaski Street and running with Baptist Care Homes North 14 degrees 47 minutes 12 seconds East for a distance of 176.69 feet to a set rebar a corner to Reservation E on the above mentioned plat; Thence crossing said alley and running with the north right of way of the said street and lot 2 of Block K South 71 degrees 19 minutes 07 seconds East for a distance of 176.50 feet to a set rebar at the right of way of Circle Street; Thence with Circle Street South 14 degrees 47 minutes 12 seconds West for a distance of 33.00 feet to a set rebar at the corner of lot 10 Block H; Thence with lot 10 North 71 degrees 19 minutes 07 seconds West for a distance of 156.45 feet to a set rebar at the corner of lot 10; Thence with the alley South 14 degrees 47 minutes 12 seconds West for a distance of 125.35 feet to a set rebar in the line of lot 8 of Block H; Thence crossing the alley South 64 degrees 27 minutes 14 seconds West for a distance of 26.24 feet to the point of beginning, together with and subject to covenants, easements, and restrictions of record, said property contains 0.1952 acres, more or less, as surveyed by Donald R. Burgin Ky. P.L.S. #3167 on 1-4-2001.

Mr. Daughetee moved the above Ordinance be adopted on its second reading. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett and Mr. Burdine.

Mr. Floyd moved to go into Executive Session to discuss possible pending litigation. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett and Mr. Burdine.

There was no action taken in Executive Session.

There being no further business the meeting adjourned.

APPROVED: _____

MAYOR

ATTEST: _____

CITY CLERK