

## MINUTES OF MEETING HELD FEBRUARY 11, 2019

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday February 11, 2019 at 7:00 p.m. with the following present: Council Members; John Minton, Jim Mitchell, David Godsey, Amanda Bullock, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, Donna Hunley, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent; Council Member Tom Eastham. In order to accommodate a crowd larger than normal, the meeting was broadcast in the lobby outside of the council chambers, in the second floor community room of Rocky Hollow Recreational Center, on local access television, and Facebook Live.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on January 28, 2019 along with reports as mailed. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, and Mrs. Hunley.

Mr. New made a motion to bring the following Ordinance No. 18-19 to a vote: Amending Ordinance No 80-12: Human Rights. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Ms. Bullock. "No" Mr. Minton, Mr. Mitchell, Mr. Godsey, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, and Mr. New, Mrs. Hunley. Motion Failed.

ORDINANCE NO. 18-19

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, AMENDING ORDINANCE NO. 80-12, WHICH ORIGINALLY CREATED A CITY COMMISSION ON HUMAN RIGHTS PURSUANT TO KRS CHAPTER 344, AND ALL OTHER APPLICABLE LAW;

WHEREAS, the City approved an Ordinance pursuant to KRS Chapter 344 on or about the 24<sup>th</sup> day of November, specifically Ordinance No. 80-12; and

WHEREAS, the City of Somerset has determined that Ordinance No. 80-12 should be amended to encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, sex, age, sexual orientation or gender identity as set forth below; and


THEREFORE, be it ordained by the Common Council of the City of Somerset that Ordinance 80-12 is hereby amended as follows:

- (A) Section 1 of Ordinance 80-12 shall now read: "1. POLICY: It is the public policy of the City of Somerset to promote fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, sex, age, sexual orientation or gender identity."
- (B) Section 2(a) of Ordinance 80-12 shall now read: "2. DEFINITIONS: (a) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice or differential or preference in the treatment of a person because of race, color, religion, national origin, sex, age, sexual orientation or gender identity."
- (C) Section 4(a) of Ordinance 80-12 shall now read: "4. PURPOSES: (a) The Commission shall encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, sex, age, sexual orientation or gender identity and shall promote mutual understanding and respect among all economic, social, racial, religious, sex, age, sexual orientations, gender identities, and ethnic groups and their members."
- (D) If any part of this Ordinance Amendment is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance Amendment, and any un-amended portions of the original Ordinance 80-12, shall continue in full force and effect.
- (E) Any Ordinance in conflict with this Ordinance Amendment, or any policies in conflict with the ones enacted herein are repealed in so far as the same are in conflict herewith.
- (F) This Ordinance Amendment shall be in full force and effect upon approval and publication according to law.

FIRST READING NOVEMBER 26, 2018

SECOND READING FEBRUARY 11, 2019

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk, Nick Bradley Mayor

MOTION FAILED  


First reading was given the following Ordinance No. 19-02: Updated Ordinance No. 19-04: Sewer Pretreatment Chemical Limits.

**ORDINANCE NO. 19-02**

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, GIVING PUBLIC NOTICE AND APPROVING THE CITY OF SOMERSET'S PRETREATMENT PROGRAM MODIFICATIONS IN REGARDS TO LOCAL LIMITS.

WHEREAS, THE KENTUCKY DIVISION OF WATER CONSIDERS THE CITY'S MODIFICATIONS TO THE PRETREATMENT PROGRAM TO BE COMPLETE AND READY FOR PUBLIC NOTICE AND APPROVAL BY THE CITY COUNCIL, AND,

WHEREAS, TITLE 40 OF THE CODE OF FEDERAL REGULATIONS (40 CFR 403) REQUIRES THAT PUBLIC NOTICE BE GIVEN BY THE CITY AS TO SAID MODIFICATIONS PURSUANT TO KRS 83A AND KRS 424, BY AND THROUGH ORDINANCE;

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

(I) That the attached modifications to the city's pretreatment program as set forth in Exhibit (A), attached hereto and incorporated in full herein by reference, is hereby approved and adopted by the City of Somerset by and through the Common Council.

(II) That said modifications were approved by the Kentucky Division of Water upon a review by said agency of the modified limits submitted by the City of Somerset. Further, the Division of Water states in their approval letter of January 16, 2019, attached hereto as Exhibit "B" and incorporated in full herein by reference, that the modifications will provide adequate protection of water quality, wastewater treatment plant operation, and sludge quality for the City of Somerset as defined in 401 KAR 45:100.

(III) If any part of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.

(IV) Any Ordinance in conflict with this Ordinance or any policies in conflict with the ones enacted herein are hereby repealed in so far as the same are in conflict herewith.

(V) This Ordinance shall be in full force and effect upon passage, approval, and publication according to law and upon the expiration of the public notice period provided that the Division of Water, nor the City of Somerset, receive comments from the public.

FIRST READING February 11, 2019

SECOND READING \_\_\_\_\_

Approved:

\_\_\_\_\_  
Mayor, Alan Keck

ATTEST:

\_\_\_\_\_  
City Clerk, Nick Bradley

First reading was given the following Ordinance No. 19-03: Amending Zoning Ordinance Text: Adding Language for Dormitories in B-2.

**ORDINANCE NO. 19-03**

AN ORDINANCE AMENDING THE TEXT OF ORDINANCE NO. 00-18, PERTAINING TO AND ADDING "DORMITORIES" AS A PERMITTED USE IN B2 OR CONDITIONAL USE IN R3, BASED ON THE FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE ORDINANCE TEXT CHANGE;

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

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Ordinance in the following manner:

- I. (Page 3) - Add Dormitory to Definitions -  
- "a space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for person not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses";
- II. (Page 52) - Add dormitory to principal uses, dormitories, non contiguous;
- III. (Page 53) - Add dormitories, contiguous (on campus) to accessory uses;
- IV. (Page 54) - Off street parking for dormitories, non contiguous - 80% of building capacity;
- V. (Page 48) - Add dormitory as conditional uses under R3 zoning, if tract is greater than or equal to one acre;
- VI. (Page 49) - Dormitory parking same as required for R2 zoning;
- VII. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Ordinance Book to reflect said change(s).
- IX. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING February 11, 2019

SECOND READING \_\_\_\_\_

Approved: \_\_\_\_\_

Mayor

Attest

City Clerk

First reading was given the following Ordinance No. 19-04: Amending Zoning Ordinance Map: Properties on Monticello Street and Broadway Street.

**ORDINANCE NO. 19-04**

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE CITY'S ZONING ORDINANCE, AND ALTERING THE ZONING MAP TO REFLECT SAID AMENDMENT, BASED ON THE FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE;

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

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned R2 to B2, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, specifically with an address located on Monticello Street, Somerset, KY, and having PVA Parcel # of: 061-5-4-33
- II. By changing a boundary of land presently zoned I2 to B2, said property being more particularly described in Exhibit "B" attached hereto and incorporated herein in full by reference, specifically with an address located on Monticello Street, Somerset, KY, and having PVA Parcel #'s of: 061-5-4-30, 061-5-4-31 and 061-5-4-32.
- III. By changing a boundary of land presently zoned R3 to R1A, said property being more particularly described in Exhibit "C" attached hereto and incorporated herein in full by reference, specifically with addresses located on Broadway Street and Mound Street, Somerset, KY, and having PVA Parcel # of: 061-6-1-18, 061-6-1-20 and 061-6-1-23.
- IV. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said changes.
- V. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING February 11, 2019

SECOND READING \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

There being no further business the meeting adjourned.

APPROVED: \_\_\_\_\_

MAYOR

ATTEST: \_\_\_\_\_

CITY CLERK