

MINUTES OF SPECIAL CALLED MEETING HELD DECEMBER 20, 2006


The Common Council of the City of Somerset, Kentucky met in a special called session on Monday, December 20, 2006 at 5:00 p.m. with the following present: Mayor JP Wiles. Council Members: Tim Rutherford, Joanne Norfleet, Mark Beasley, Jerry Girdler, Charlie New, Donna Hunley, John Minton, Jim Mitchell, Fonda Crawford and Jerry Burnett. City Clerk David Godsey and City Attorney Adam Bourne. Absent: Council Members Clarence Floyd and Jerry Wheeldon.

JP Wiles
Mayor

David Godsey
City Clerk

City of Somerset

400 East Mt. Vernon Street
P.O. Box 909
SOMERSET, KENTUCKY 42502
(606) 679-6300
(606) 679-2461 (FAX)



DECEMBER 20, 2006

NOTICE OF SPECIAL MEETING OF THE COMMON COUNCIL OF THE
CITY OF SOMERSET

The undersigned, as Mayor of the City of Somerset, Kentucky hereby gives notice to each member of the Common Council as said City, that a special Meeting of said Common Council is hereby called and will convene at the usual meeting place of the Common Council in the City of Somerset, Kentucky on the 20th day of December at 5:00 P.M. Said meeting is called for the purpose of:

1. 2ND READING OF ORDINANCE #06-13 ZONE CHANGE
2. 2ND READING OF ORDINANCE #06-14 ZONE CHANGE
3. 2ND READING OF ORDINANCE #06-15 CITY ATTY.
4. 2ND READING OF ORDINANCE #06-16 NON-ELECTED OFFICIAL
5. AUDIT
6. DAVID GILBERT DRUG TASK FORCE PRESENTATION.

Respectfully,
JP Wiles
JP Wiles, Mayor
City of Somerset

ACCEPTANCE AND WAIVER OF NOTICE

The undersigned being all members of the Common Council of the said City of Somerset, Kentucky accept the foregoing notice, waive any possible informalities or irregularities in the time and manner of service upon the same or each of us and agree that a Special Meeting of said Council may be held at the time and for the purpose set forth in said notice.

CLARENCE FLOYD	JOHN R. MINTON
JERRY WHEELDON	JIM MITCHELL
MARK BEASLEY	FONDA CRAWFORD
JERRY GIRDLER	JERRY BURNETT
CHARLES NEW	TIM RUTHERFORD
JOANNE NORFLEET	DONNA HUNLEY
WFLD	CITY ATTORNEY
WSFC	COMMONWEALTH JOURNAL

David Gilbert Director of Lake Cumberland Area Drug Task Force presented Roger Estep with a certificate in honor of his dedicated and invaluable service the past two years with the LCADTF. Before his two year service with the task force, Officer Estep worked for the Somerset Police Department for two years. Officer Estep will be returning to the Somerset Police Department.

David Gilbert also presented a check to the Somerset Police Department in the amount of \$7,921. from assets forfeited in a drug trafficking case. Officer Estep was the officer who presented the case to a Pulaski County Grand Jury.

Second reading was given the following Ordinance:

ORDINANCE NO. 06-12

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP BY CHANGING A BOUNDARY OF LAND NOW ZONED R-1 TO B-2.

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, 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-1 to

B-2.

A certain tract of land in the City of Somerset, Pulaski County, Kentucky, located on McClendon Street and described more particularly as follows:

POINT OF BEGINNING, a 1/4" Rebar Found #1253, a corner to Elfreda Jones (Db 541 pg 296), Doyle McClendon (Db 573 Pg 296) and the parent tract, W.D. Hudson (Db 315 Pg 32). THENCE with Jones South 83 degrees 04 minutes 57 seconds West for a distance of 167.97 feet to a 1/2" x 18" Rebar Set stamped W. Daulton (Red) cap #2463 (hereinafter referred to as an Iron Pin Set) in the Right of Way of McClendon Street (35' Right of Way). THENCE with the Right of Way of McClendon Street North 07 degrees 02 minutes 49 seconds East for a distance of 60.93 feet, North 04 degrees 54 minutes 26 seconds West for a distance of 44.00 feet, North 09 degrees 01 minutes 08 seconds West for a distance of 370.00 feet to an Iron Pin Set in the Right of Way of McClendon Street. THENCE through Hudson North 81 degrees 37 minutes 35 seconds East for a distance of 233.72 feet to an Iron Pin Set in the line of Doyle McClendon (Db 242 Pg 134). THENCE with McClendon, then with Doyle McClendon (Db 573 Pg 296) South 01 degrees 12 minutes 27 seconds West for a distance of 483.64 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements, and restrictions of record. Said property contains 2.10 acres more or less, as surveyed by Weylan G. Daulton PLS #2463 by Magnetic North on 07-25-05.

The source of title for this property being a part of the same property conveyed to W.D. and Havens Hudson by Frankie and Margaret Wilson by deed dated 07-09-1971 which is of record in Db 315 Pg 32 in the Pulaski Co., Kentucky Clerk's Office, also being all of Lots Two, Three, Four and Five of an unrecorded plat of The W.D. Hudson property.

This property is subject to any and all rights of way and/or easements of record or in existence at this time and regulations that may apply through planning and zoning.

Above described property is subject to all easements, exceptions, right-of-ways, covenants, and restrictions of record or that may apply.

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: November 11, 2006

SECOND READING: November 20, 2006

APPROVED: [Signature]

MAYOR

ATTEST: [Signature]

CITY CLERK

APPLICATION FOR ZONING AMENDMENT DEVELOPMENT PLAN APPROVAL TO THE SOMERSET PLANNING COMMISSION

APPLICATION NO. 06-12

THE UNDERSIGNED GUARANTEES THE FOLLOWING TO BE A TRUE AND CORRECT STATEMENT OF THE PROPERTY DESCRIBED IN THE APPLICATION AND OF THE ZONING AMENDMENT REQUESTED AND OF THE DEVELOPMENT PLAN AS SPECIFIED HEREIN:

- NAME OF APPLICANT: [Signature]
- MAILING ADDRESS: [Address]
- PROPERTY OWNER: [Signature]
- LOCATION DESCRIBED: [Address]
- EXISTING ZONING: [Zoning]
- PROPOSED ZONING: [Zoning]
- PROPOSED ZONING DISTRICT: [District]

SUPPORT INFORMATION ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:

A. A VARIATION MAP SHOWING PROPERTY LINES, STREETS, AND UTILITIES PRESENT AND PROPOSED.

B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN 500 FEET OF THE PROPERTY AND DIRECTLY ADJACENT TO THE NORTH FROM THE PROPERTY ZONING.

C. THIS ASSESSMENT.

D. TITLE INSURANCE.

DATE: 11-1-06 APPLICANT SIGNATURE: [Signature]

FOR OFFICIAL USE ONLY: PLANNING COMMISSION

DATE FILED: 11-1-06 DATE OF NOTICE IN NEWSPAPER: 11-11-06 FEE PAID: \$10.00

DATE OF ROLL CALL TO PROPERTY OWNER: 11-14-06 DATE OF PUBLIC HEARING: 11-21-06

RECOMMENDATION OF PLANNING COMMISSION APPROVAL: [Signature]

REASON FOR RECOMMENDATION: [Text]

DATE: 11-21-06 PLANNING COMMISSION CHAIRMAN: [Signature]

FOR OFFICIAL USE ONLY: EXECUTIVE AUTHORITY:

DATE OF RECOMMENDATION RECEIVED: [Date]

APPROVED BY EXECUTIVE AUTHORITY: [Signature]

RECEIVED BY: [Signature]

DATE: [Date]

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATIONS WILL BE FORWARDED TO THE OFFICIALS OF THE CITY OF SOMERSET FROM 10:00 AM TO 4:00 PM.

Mrs. Crawford moved to approve the above ordinance on its second reading regarding a zone change from R-1 to B-2 for property located on McClendon Street. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Norfleet, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford and Mr. Burnett.

Second reading was given the following Ordinance:

<p>ORDINANCE NO. 06-14</p> <p>AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO B-2.</p> <p>BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:</p> <p>That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:</p> <p>I. By changing the following boundary of land being zoned R-2 to B-2.</p> <p>A certain tract of land in the City of Somerset, Pulaski County, Kentucky, located on Hail Knob Road and described more particularly as follows:</p> <p>POINT OF BEGINNING a 2" Yellow Pipe Found (1.5 above ground, bent) 30' from the centerline of Hail Knob Road, a corner to Gary Burton (Db 474 Pg 631) and the parent tract, Gary Burton (Db 517 Pg 89). THENCE a new line through Gary Burton (Db 517 Pg 89) N 03 deg. 05' 02" E crossing an Ingress-Egress Easement (Easement of unspecified width, noted in Db 307 Pg 375), with apparent 12' width on property for a distance of 220.39 feet to a 2" Yellow Pipe Found (3' above ground) in the line of Mark Radmanesh (Db 670 Pg 137). THENCE with Radmanesh S 88 deg. 29' 05" E for a distance of 70.38 feet to a 1/2" Rebar Found (#1253), a corner to C.V. Warner (Db 615 Pg 96). THENCE with Warner S 83 deg. 30' 03" E for a distance of 125.76 feet to a 1/2" x 18" Rebar Set stamped W. Jaulton (Red) cap #2463 (hereinafter referred to as an Iron Pin Set) at the intersection at the end of the apparent 12' Easement and a 21' Ingress-Egress Easement (Db 517 Pg 89) a corner to Linda J. Brown (Apartment Ownership) Db 12 Pg 658). THENCE with the Easements and Brown S 05 deg. 01' 52" W for a distance of 219.44 feet to an Iron Pin Set 30' from the centerline of Hail Knob Road N 85 deg. 33' 03" W for a distance of 188.48 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements, and restrictions of record. Said property</p>	<p>contains 0.98 acres more or less, as surveyed by Weylan G. Daulton PLS #2463 by Magnetic North on 12-03-2004.</p> <p>Being part of the same property conveyed to Gary C. Burton from Ruby Mae Burton and Eugene Burton, her husband, by Deed dated April 27, 1992, of record in Deed Book 517, Page 89, Pulaski County Court Clerk's Office, Kentucky.</p> <p>There is also conveyed rights of ingress and egress to and from the highway across the 221 foot roadway adjoining the above property on the Northeast side.</p> <p>Subject to the rights of others to the use of a 12 foot ingress-egress easement as shown on the attached Plat and conveyed to Shirley Louise Calhoun in Deed dated October 21, 1990, of record in Deed Book 307, Page 375, Pulaski County Court Clerk's Office, Kentucky.</p> <p>Above described property is subject to all easements, exceptions, right-of-ways, covenants, and restrictions of record or that may apply.</p> <p>II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.</p> <p>III. This Ordinance shall be in full force and effect from and after adoption.</p> <p>FIRST READING: December 11, 2006</p> <p>SECOND READING: December 19, 2006</p> <p>APPROVED: _____</p> <p>MAYOR</p> <p>ATTENT: _____</p> <p>CITY CLERK</p>
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APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL
TO THE
SOMERSET PLANNING COMMISSION

APP. # ZONING 06-04

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING FULLY DESCRIBED PROPERTY REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION AND APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:

1.	NAME OF APPLICANT	DR. LEE
2.	MAILING ADDRESS	
3.	PHONE NUMBER (HOME)	
4.	PROPERTY OWNER	DR. LEE
5.	LOCATION OF SITE	Hail Knob Rd. on Hail Knob Rd. on Hail Knob Rd.
6.	EXISTING USE	Residential Lot
7.	PROPOSED USE	Single-Family Dw.
8.	EXISTING ZONING DISTRICT	R-2
9.	PROPOSED ZONING DISTRICT	B-2

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:
A. A CURRENT MAP SHOWING PROPERTY LINES, EIGHT (8) AND A VERTICAL PROPERTY ZONING MAP, A LIST OF ALL PROPERTY OWNERS AND THEIR PARCELS, ALLEGED EASEMENTS, COVENANTS TO, AND EASEMENTS FROM THE SITE, AND THE PROPOSED ZONING DISTRICT AS REQUESTED.
B. CALCULATIONS.

DATE: 11-2-06

APPLICANT SIGNATURE: _____

FOR OFFICIAL USE ONLY
PLANNING COMMISSION

DATE FILED: 11-7-06

DATE OF NOTICE IN NEWSPAPER: 11-19-06

DATE OF PUBLIC HEARING: 11-29-06

RECOMMENDATION OF PLANNING COMMISSION: APPROVAL

REASON FOR RECOMMENDATION: _____

DATE: 11-29-06

PLANNING COMMISSION CHAIRMAN: _____

FOR OFFICIAL USE ONLY
LEGISLATIVE AUTHORITY

DATE OF RECOMMENDATION RECEIVED: _____

ACTION BY LEGISLATIVE AUTHORITY: APPROVED

REASON FOR ACTION: _____

DATE: _____

CITY CLERK

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATIONS MUST BE RETURNED TO THE OFFICE OF CITY ENGINEERS 14 WEEKS PRIOR TO MEETING DATE.

Mr. New moved to approve the above ordinance on its second reading regarding a zone change from R-2 to B-2 for property located on Hail Knob Road. Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Norfleet, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford and Mr. Burnett.

Second reading was given the following Ordinance:

ORDINANCE NO. 06-15

AN ORDINANCE ESTABLISHING THE POSITION OF CITY ATTORNEY AS A NON-ELECTED OFFICE IN THE CITY OF SOMERSET, KENTUCKY.

BE IT HEREBY ORDAINED AS FOLLOWS:

1. The position of Somerset City Attorney shall be considered a non-elected position in addition to those listed in KRS 83A.080.

2. The City Attorney shall be designated as such and shall exercise all those duties required of an attorney to represent the City of Somerset, Kentucky.

3. No oath of office shall be required, but he must affirm that he or she will abide by the oath taken upon admission to the Bar of Kentucky.

4. No bond shall be required.

FIRST READING: December 11, 2006

SECOND READING: December 20, 2006

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Mr. Beasley moved to approve the above ordinance on its second reading establishing the position of City Attorney as a non-elected office. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Rutherford, Mr. Beasley, Mr. Girdler, Mr. Minton, Mr. Mitchell and Mrs. Crawford. Voting “Nay”: Mrs. Norfleet, Mr. New, Mrs. Hunley and Mr. Burnett. Motion Passed.

Second reading was given the following Ordinance:

ORDINANCE NO. 06-16

AN ORDINANCE REQUIRING GOOD CAUSE AND A HEARING BEFORE DISMISSAL OR TERMINATION OF A NON-ELECTED OFFICIAL

BE IT HEREBY ORDAINED AS FOLLOWS:

1. No non-elected official named in KRS 83A.080 or any non-elected official named in an ordinance of the City of Somerset shall be removed from office without receiving a written statement from the removing authority stating the reasons for said removal or dismissal.

2. Said removal or dismissal shall only occur upon a showing of good cause.

3. Upon any such removal or dismissal the non-elected official shall have ten days in which to notify the dismissing authority that he or she desires a hearing before the full council as to whether or not the dismissal or removal was based on good cause.

4. In the event of such a request by the non-elected official a hearing before the full council should be held within sixty days from the date of the dismissing authority's notice of removal or dismissal. Provided, however, the Council and the non-elected official may agree on an extension of such time.

5. After a proper due process hearing is provided to the non-elected official by the full council a vote shall be taken as to whether or not the dismissal or removal was for good cause.

6. The non-elected official shall then receive a formal letter from the dismissing official as to the determination of the hearing and vote of the council.

7. All procedures held hereunder shall be pursuant to the Kentucky Civil Rules of Procedure or Kentucky Administrative Regulations applicable to similar hearings.

FIRST READING: December 11, 2006

SECOND READING: December 20, 2006

APPROVED:

MAYOR

ATTEST:

CITY CLERK

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<p>§3A.080 Nonelected city offices and officers -- Appointment -- Removal -- Statement of reason for removal -- Prohibition against creating or altering elected office.</p> <p>(1) All nonelected city offices shall be created by ordinance which shall specify:</p> <p>(a) Title of office;</p> <p>(b) Powers and duties of office;</p> <p>(c) Oath of office; and</p> <p>(d) Bond, if required.</p> <p>(2) A city may create nonelected offices other than those referred to in this subsection. For purposes of the requirements of this section, the following shall be considered nonelected offices:</p> <p>(a) City clerk;</p> <p>(b) City manager;</p> <p>(c) City administrator;</p> <p>(d) Chief of police; and</p> <p>(e) Fire chief, other than a volunteer fire chief.</p> <p>(3) All nonelected city officers shall be appointed by the executive authority of the city and, except in cities of the first class, all these appointments shall be with approval of the city legislative body if separate from the executive authority. The officers may be removed by the executive authority at will unless otherwise provided by statute or ordinance. Upon removal of a nonelected officer at will, the executive authority shall give the officer a written statement setting forth the reason or reasons for the removal. However, this requirement shall not be construed as limiting in any way the at-will dismissal power of the executive authority.</p> <p>(4) Each appointed and elected city office existing upon adoption of this chapter shall continue until abolished by ordinance, except that the offices of mayor and legislative body members may not be abolished. No abolition of any elected office shall take effect until expiration of the term of the current holder of the office. No ordinance abolishing any elected office shall be enacted later than two hundred forty (240) days preceding the regular election for that office, except in the event of a vacancy in the office.</p> <p>(5) No city may create any elected office. Existing elected offices may be continued under provision of subsection (4) of this section, but no existing elected office may be changed.</p> <p>Effective: July 15, 2002</p> <p>History: Amended 2002 Ky. Acts ch. 271, sec. 2, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 118, sec. 1, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 435, sec. 9, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 70, sec. 1, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 324, sec. 3, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 235, sec. 8, effective July 15, 1980.</p> <p>Legislative Research Commission Note (6/17/2001): A reference to "subsection (3)" in subsection (5) of this statute has been changed in codification to "subsection (4)" under KRS 7.136(1)(e) and (f). In 2001 Ky. Acts ch. 118, sec. 1, subsection (4) was</p>	<p>renumbered as subsection (4), but an internal reference in the existing language of this statute was overlooked.</p>
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Mr. Beasley moved to approve the above ordinance on its second reading regarding dismissal or termination of a non-elected official. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Rutherford, Mr. Beasley, Mr. Girdler, Mr. Minton, Mr. Mitchell, Mrs. Crawford and Mr. Burnett. Voting “Nay”: Mrs. Norfleet, Mr. New and Mrs. Hunley. Motion Passed.

Mr. Beasley moved to approve the fiscal year (2005-2006) audit as presented by Randy Turpin. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Rutherford, Mrs. Norfleet, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford and Mr. Burnett.

There being no further business the meeting adjourned.

APPROVED _____ MAYOR

ATTEST: _____ CITY CLERK