

MINUTES OF MEETING HELD FEBRUARY 26, 2007

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, February 26, 2007 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Linda Stringer, James Eastham, Steve Kelley, Jerry Girdler, Charlie New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford and Jim Rutherford. City Clerk David Godsey.

Mr. Bourne moved to approve the minutes of the last regular meeting held on February 12, 2007, and special called meeting February 19, 2007 along with the reports to be approved as delivered. Mr. J. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Jim Drake along with his Boy Scout Troop 79 was present to observe the meeting in order to earn their first Leadership and Citizenship badges.

St. Mildred's Catholic Church Boy Scout Troop 170 was present to observe the meeting in order to earn their Communication Badges.

Jerry Sutherland and the Somerset Fire/EMS Explorers Post #400 were present. They recently competed in the annual Winterfest events in Gatlinburg where they brought home a second place trophy. Mr. J. Rutherford moved to have a letter submitted by Mr. Sutherland as made part of the official minutes. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

SOMERSET FIRE/EMS
EXPLORER POST #400
121 S. Central Ave.
Somerset, Ky. 42501
(606) 679-1163

To: Mayor and City Council

I would like to ask that the Somerset Fire/EMS Explorer Post #400 be recognized for the commitment and dedication that they have put into your community. This group of young adults recently attended a national level competition in Gatlinburg, TN, and out of 111 teams in 4 events our group brought home a 2nd place trophy in the ladder event. During these events they learn Leadership skills, team work, and aspects associated with Fire/EMS. They did a great job representing the Fire/EMS Service and the City of Somerset. Without your help and support we would not have these young adults with us.

These individuals work hard and dedicate many hours during the year to the City of Somerset, Somerset Fire/EMS and their community. I feel that we have an excellent group and that they are a great asset for us.


Each year this group participates in and dedicates many hours to several community activities, including the Somerset Cruise. They also help the Fire/EMS with Fire Prevention and Public Fire Education. They each receive several hours of the same training that the Fire/EMS employees are required to receive such as First aid, CPR, Ropes, Ladders, Fire hoses & nozzles, Fire Control, Rescue, Apparatus operations and many other aspect of the Fire/EMS service.

I would also like to thank the Chief and Asst. Chief and the employees of Fire/EMS for their support to the post.

Explorer Advisor
Jerry Sutherland
JERRY SUTHERLAND
2-26-2007

NEIGHBORS/COMMUNITY

Somerset Fire/EMS Explorers attends Winterfest 2007 events in Gatlinburg



Picture: Inset (top left) shows the Explorer Post #400 members. Inset (top right) shows the Explorer Post #400 members. Inset (bottom left) shows the Explorer Post #400 members. Inset (bottom right) shows the Explorer Post #400 members.

Mr. Burnett moved to have council approve hiring Carrie Wiese as a full time City Attorney subject to the council reviewing her job description at the next meeting. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Mr. Bourne moved to allow the water company to begin a water intake project at the approximate cost of \$1.2 million and to allow Mayor Girdler to sign any documentation to obtain available financial assistance. Mr. T. Rutherford seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Mr. Burnett moved to approve a renewal of a five (5) year solid waste disposal and landfill contract with Scott County Solid Waste. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

First reading was given the following Ordinance:

ORDINANCE NO. 07-01

AN ORDINANCE TO THE CITY OF SOMERSET, KY,
ACCEPTING DEDICATION OF STREETS WITHIN
SADDLEBROOK ESTATES.

Mr. Mitchell moved to approve the above ordinance to accept dedication of streets in Saddlebrook Estates on its first reading. Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Mr. J. Rutherford made a motion to go into executive session for possible litigation. Mr. Kelley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

No action taken in executive session.

Mr. Girdler moved to accept a complaint filed with the Circuit Court by Attorney Dan Yeast on behalf of the Council Members against Mayor Girdler. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford. Voting “Nay”: Mr. New and Mrs. Hunley. Motion Passed.

<p>COMMONWEALTH OF KENTUCKY PULASKI CIRCUIT COURT CIVIL ACTION NO. <u>1</u></p> <p>SOMERSET CITY COUNCIL PLAINTIFF/PETITIONERS,</p> <p>VS. COMPLAINT</p> <p>MAYOR, EDDIE GIRDLER In his individual and official capacity DEFENDANT/RESPONDENT.</p> <p>Serve: Mayor Eddie Girdler Somerset City Hall Somerset, KY 42501</p> <p> *** *** *** ***</p> <p>Comes now the City Council, for the City of Somerset and for its complaint and cause of actions states and avers as follows.</p> <p>PRELIMINARY</p> <p>(1) On or about February 26, 2007, City Council, voted to institute this action against Eddie Girdler individually and Mayor of the City of Somerset, a city of the third class.</p> <p>VENUE AND JURISDICTION</p> <p>(2) Venue and jurisdiction are appropriate as all events complained of occurred in Somerset, Kentucky which is located in Pulaski County and the matter in dispute exceeds the jurisdictional limits of \$4,000 necessary to obtain jurisdiction in Circuit court. The Petitioner also demands an injunction which also is appropriate for Circuit Court jurisdiction.</p> <p>PARTIES</p>	<p>(3) Eddie Girdler was elected Mayor of Somerset in November 2006, he took office on January 1, 2007.</p> <p>(4) Somerset city Council is comprised of 12 elected members from various precincts throughout the city.</p> <p>CAUSES OF ACTION</p> <p>(5) Mayor Girdler, to the detriment of the City, has engaged in a practice of disregarding City ordinance and state statutory law in promoting and hiring various department heads for the city of Somerset. Specifically, Mayor Girdler appointed a City Attorney without Council approval and appointed a Police Chief without Council approval.</p> <p>(6) Mayor Girdler, to the detriment of the City, has hired and/or promoted individuals for the city based upon political affiliation/loyalty and/or help he has received in his campaign to become Mayor.</p> <p>(7) Mayor Girdler has tried and is in the process of trying to ruin the financial status of the Somersplash Water Park. In that regard he lied and/or forced others to lie about Water Park passes for the 2007 season. Additionally, Mayor Girdler has intentionally tried to sabotage the water park by not having lifeguards trained.</p>
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<p>(8) Mayor Girdler has created positions of employment within the Somerset Police Department not recognized by the policy and procedure manual nor by ordinance.</p> <p>(9) Mayor Girdler has created positions for and promoted police officers within the Somerset Police Department based upon their political loyalty (helping him in his campaign) rather than by merit.</p> <p>(10) Mayor Girdler removed the time clock from the Somerset Police Department without Council approval which was provided for by ordinance.</p> <p>(11) Mayor Girdler removed Scott Whitaker (Somerset Police Officer) from the drug task force funded by a federal grant from HIDTA. Mayor Girdler did this without sound basis. Mayor Girdler attempted to place another officer in this position whom the task force did not want. Due to Mayor Girdler's action, HIDTA pulled their grant of \$50,970.</p> <p>(12) Mayor Girdler had and is in the process of splitting up the merged Fire/EMS Departments provided for and by the state Fire commission. The City collects 3,100 per EMS employee as incentive money for their training. If the Fire and EMS Departments are split, the City will no longer receive the incentive money.</p> <p>3</p>	<p>(13) Mayor Girdler has shown a general and flagrant disregard for the ordinances of the City, the laws of the Commonwealth of Kentucky, and as such has caused damage to the city, city employees, and the citizens of Somerset.</p> <p>WHEREFORE, the plaintiff/petitioner requests the following relief:</p> <p>(1) An injunction against the Mayor from hiring and employing anyone as a city employee that is required to be approved by counsel and has not been so approved;</p> <p>(2) An injunction prohibiting the Mayor from dividing the Fire Department and EMS Department;</p> <p>(3) Judgment in the form of money damages for the salaries paid to those employees that were hired and employed contrary to ordinance and/or state law;</p> <p>(4) Judgment in the form of money damages for lost state and federal money (incentives) lost due to the Mayor's actions done contrary to state and federal law;</p> <p>(5) Trial by jury on all issues so triable;</p> <p>(6) Costs and fees incurred herein;</p> <p>(7) Attorneys fees;</p> <p>(8) Ability to amend this pleading and/or join additional parties if necessary; and,</p> <p>(9) Any and all other relief to which this plaintiff/petitioner may be entitled.</p> <p>4</p>
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Respectfully Submitted,

Daniel G. Yeast
TRAVIS, PRUITT, POWERS & YEAST
P.O. Drawer 30
Somerset, Kentucky 42502
(606) 678-8171

BY: _____
DANIEL G. YEAST

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There being no further business the meeting adjourned.

APPROVED _____ MAYOR

ATTEST: _____ CITY CLERK