

MINUTES OF MEETING HELD MAY 12, 2003

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, May 12, 2003 at 7:00 p.m. with the following present: Mayor JP Wiles, Council Members: Jerry Girdler, Charlie New, Donna Hunley, John Minton, Earl Owens, Pat Bourne, Jerry Burnett, Peggy Dugger, Joann Norfleet, Clarence Floyd, Jerry Wheeldon, and Mark Beasley. City Attorney Pro-Tem Dan Yeast and City Clerk David Godsey.

Mr. Girdler moved to approve the minutes of the last regular meeting held on April 14, 2003 and the reports be approved as delivered. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.

Mr. Floyd moved to approve all department bills. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.

Attorney Jay McShurley spoke representing the land owners of the property adjacent to Grand View Subdivision, located near Highway 27 and Oak Hill Road, who wish to develop the 8.5 acres of land. Attorney McShurley appealed the Planning and Zoning Commission's decision to keep the land Residential. McShurley stated a commercial developer is interested in putting in a commercial business worth \$5-10 million. He stated the market for housing is not there. A group of residents spoke in opposition to the zone change stating they didn't want the decreased property value, increased noise, and crime which could come if the property was changed to a business zone. Mr. Floyd moved to approve the zone change as presented from R-1 to B-2. Mrs. Norfleet seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Owens, Mr. Burnett, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley. Voting "Nay": Mr. Girdler, Mr. Minton, Mr. Bourne, Mrs. Dugger

First reading was given the following Ordinance:

<p style="text-align: center;">ORDINANCE NO. 03-02</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-1 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-1 to</p> <p>B-2.</p> <p>A certain tract or parcel of land located on the West side of US 27 in Somerset, Pulaski County, Kentucky, approximately 0.15 miles from the junction of Oakhill Road and US 27.</p> <p>BEGINNING on an iron pin found (LPLS1253) on the West right of way of Bogle Street (a 60 foot right of way), said pin being a corner with JW Alexander (deed not on record);</p> <p>Thence with on the West right of way of Bogle Street South 32 degrees 40 minutes 32 seconds East for a distance of 20.69 feet to a point;</p> <p>Thence leaving on the West right of way of Bogle Street with the planning and zoning line South 04 degrees 54 minutes 37 seconds West for a distance of 639.03 feet to a point in the line with G&W Host, Inc. (Deed Book 564 Page 693);</p> <p>Thence with the line with G&W Host, Inc. North 85 degrees 02 minutes 38 seconds West for a distance of 199.00 feet to an iron pin found, said pin being a corner with WBW Investments, Inc. (Deed Book 636 Page 515);</p> <p>Thence with the line with WBW Investments, Inc. North 09 degrees 45 minutes 29 seconds West for a distance of 276.74 feet to an iron pin set;</p> <p>Thence with the line with WBW Investments, Inc. North 22 degrees 38 minutes 44 seconds West for a distance of</p>	<p>275.71 feet to an iron pin found (LPLS1253). Said pin being a corner with JW Alexander (deed not on record);</p> <p>Thence with the line with JW Alexander North 74 degrees 01 minutes 14 seconds East for a distance of 401.38 feet to an iron pin found (LPLS1253) which is the point of beginning and having an area of 3.8558 acres as surveyed by Bobby Hudson LPLS 1253 on 02/13/2001.</p> <p>The above described being a portion of the property conveyed to WBW Investments, Inc. by Deed Book 636 Page 515 in the records of the Pulaski County Court Clerks Office at Somerset, Kentucky</p> <p>All corners or witness monuments referred to herein as iron pins set are one half inch to one 18 inches long and capped with an orange cap marked L51253, except as otherwise noted. All bearings are referenced to the Meridian.</p> <p>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.</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 <u>May 12, 2003</u></p> <p>SECOND READING <u>May 19, 2003</u></p> <p>APPROVED <u>J. Wiles</u></p> <p>ATTEST <u>D. Godsey</u> CITY CLERK</p>
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Mr. Wheeldon moved to approve the above Ordinance on its first reading. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.

First reading was given the following Ordinance:

<p style="text-align: center;">ORDINANCE NO. 03-08</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-1 TO R-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-1 to R-2:</p> <p>A certain parcel of ground being a lot in the City of Somerset, Pulaski County, Kentucky, on the North side of Bourne Avenue:</p> <p>BEGINNING at a stake the Southwest corner of Kirby Hudson lot; thence Northward with Kirby Hudson's West line about 174 feet to a stake, her corner on the alley; thence Westward with the alley 102 feet to a stake, Singleton's corner; thence Southward with Singleton's line 176 feet to a stake on the North side of Bourne Avenue; thence East with Bourne Avenue 101.8 feet to the beginning.</p> <p>A certain lot of ground situated in Somerset, Pulaski County, Kentucky, near the Cincinnati Southern Depot on the North side of Bourne Avenue and joining Albert Davis on the West and Nelson Balsley on the East and described as follows:</p> <p>BEGINNING on a point 54 feet East of the S.W. corner of the lot conveyed to H.C. Litten by Robert Coffey and wife, Deed of which is recorded in Deed Book No. 40, Page 358, in Pulaski County Court Clerk's Office; thence running Northwesterly 170 feet; thence Easterly 50 feet; thence running Southwesterly 170 feet; thence Westwardly 50 feet to the beginning, reserving 20 feet on</p>	<p>the front or South end for street purposes and that party of the second party shall have water privilege of the adjoining lot.</p> <p>BEING the same property conveyed to Cumberland Security Bank, Inc., a Kentucky Banking Corporation, by Deed of Conveyance from Norma J. Durham, a single person, by Deed dated the 30th day of June, 2000, and of record in Deed Book 658, Page 552, Pulaski County Court Clerk's Office, Somerset, Kentucky.</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: <u>May 12, 2003</u></p> <p>SECOND READING: <u>May 13, 2003</u></p> <p>APPROVED:</p> <p>MAYOR <u>J. Wiler</u></p> <p>ATTEST:</p> <p><u>Dana Hedley</u> CITY CLERK</p>
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Mr. Floyd moved to approve the above Ordinance on its first reading. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.

First reading was given the following Ordinance:

<p style="text-align: center;">ORDINANCE NO. 03-09</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 lying and being in Pulaski County, Kentucky, and being more particularly bounded and described as follows, to wit:</p> <p>BEGINNING at an iron pin which said iron pin being located on the east side of Hall Knob Road right-of-way and said iron pin being a common corner of Western Hills; thence leaving said road right-of-way and with the line of Western Hills, N 77 deg. 26' 05" E, 613.90 feet to an iron pin, corner of Western Hills, and said iron pin being located in the line of Tommy Todd; thence leaving the line of Western Hills and running with the line of Todd S 05 deg. 44' 44" E 74.95 feet to a twin cedar; thence S 15 deg. 55' 56" E 275.29 feet to an iron pin, corner of Hum, and said iron pin being the northeast corner of Lot #9 of Phase #1 of Pine Hills Subdivision; thence leaving the line of Hum and running with the north line of Lots #9-15 of Phase 1 of Pine Hills Subdivision S 76 deg. 49' 45" W 733.05 feet to an iron pin and said iron pin being the northwest corner of Lot #15 of Phase 1 of Pine Hills Subdivision and said iron pin being located on the east side of said road right-of-way; thence with said road right-of-way N 04 deg. 49' 51" E 374.07 feet to the point of beginning. Containing 5.4126 acres more or less as surveyed by Bobby Hudson, R.L.S #1253 on 9-29-93.</p>	<p>Being the same property conveyed to Marshall Todd and Sheila Todd, husband and wife, by deed of Conveyance from Dinah Young, a single woman, dated the 14th day of May 1993 and of record in Deed Book 533, Page 458, Pulaski County Court Clerk's Office, Kentucky.</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: <u>May 12, 2003</u></p> <p>SECOND READING: <u>May 15, 2003</u></p> <p>APPROVED:</p> <p>MAYOR <u>J. Wiler</u></p> <p>ATTEST:</p> <p><u>Dana Hedley</u> CITY CLERK</p>
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Mr. New moved to approve the above Ordinance on its first reading. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.

Second reading was given the following Ordinance:

ORDINANCE NO. 03-06

AN ORDINANCE AMENDING ORDINANCE NO. 98-23 AND ORDINANCE NO. 98-17 AGREEING THAT CHARTER COMMUNICATIONS SHALL PROVIDE AN EDUCATIONAL ACCESS CHANNEL FOR USE BY THE CITY OF SOMERSET, KENTUCKY, AND KET, THE KENTUCKY NETWORK.

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

WHEREAS, pursuant to Ordinance No. 98-17 and Ordinance No. 98-23, Charter Communications ("Franchisee") holds a franchise to provide cable service to the citizens of Somerset, Kentucky ("City"); and

WHEREAS, the City has requested that Franchisee provide a channel for use by the City or its designee, KET, The Kentucky Network, for Educational Access; and

WHEREAS, City and Franchisee have agreed to amend Ordinance No. 98-17 and Ordinance No. 98-23 so as to provide an Educational Access Channel ("EAC") for use by the City or its designee.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Somerset, Kentucky, as follows:

SECTION 1. Ordinance No. 98-23 is hereby amended and a new section 34 is hereby added and shall read as follows:

Section 34. Provision for Educational Access Channel ("EAC")

A. Educational Access Channel ("EAC")

The Franchisee shall provide on (1) EAC available to the City within one hundred twenty (120) days from the effective of this Ordinance. The EAC shall be made available by the Franchisee for use as provided for herein, by the City and its residents in accordance with the rules and procedures established by the City, or by KET, The Kentucky Network, subject to the terms of an Agreement between the City of Somerset, Kentucky and KET, The Kentucky Network.

B. Program Content

The programming transmitted over said EAC shall be non-commercial in nature. The City may not enter into a lease, license, contract or arrangement of any kind whereby the City or its designee allows or requires any person to

program all or part of an EAC in exchange for consideration of any kind to the City.

C. Third Party Access Management

The City hereby designates KET, The Kentucky Network as its designee to manage and program the EAC, subject to the terms of the Agreement between the City and KET, The Kentucky Network.

D. Cost.

The cost of the programming and production of the EAC by KET, The Kentucky Network, shall be the sole responsibility of KET, The Kentucky Network.

Section 2. It is hereby specifically stated that the City retains the absolute right and authority to revoke its designation made to KET at anytime and take back the control of the EAC referred to herein.

Section 3. All Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

FIRST READING: April 28, 2003

SECOND READING: May 13, 2003

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK

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AGREEMENT

This Agreement made and entered into this 18th day of April, 2003 by and between the City of Somerset, Kentucky (City) and The Kentucky Network (KET).

That for and in consideration of the mutual promises and agreements contained herein the parties hereto do agree as follows:

- 1) The City agrees to amend its Cable Ordinance so as to require Charter Communications to provide an Educational Access Channel.
- 2) Said EAC shall be made available to KET for non-commercial and educational purposes, only.
- 3) All costs associated with the use of the EAC by KET shall be responsibility and liability of KET.
- 4) KET Shall manage and control all programming on said EAC in conformity with non-commercial and educational purposes.
- 5) KET agrees that the City has the absolute right to void this Agreement at anytime it reasonably believes the programming is not in conformity to the stated programs herein.

Agreed to the day and date stated hereinabove.

WITNESS:

DAVID GODSEY
CITY CLERK

MAYOR J.P. WILKS

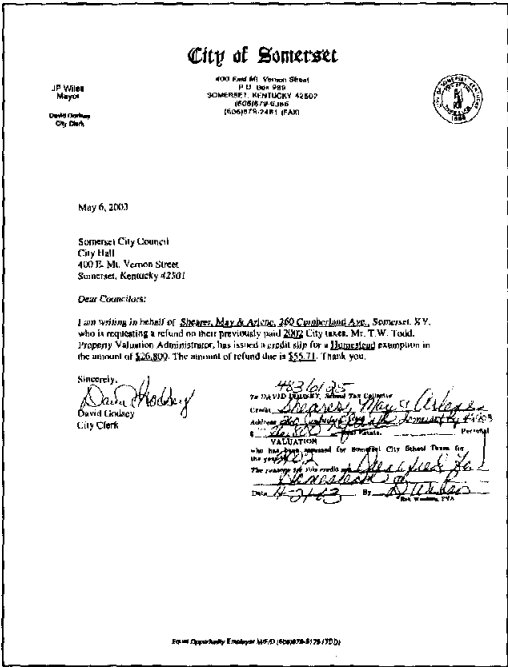
KET, The Kentucky Network
BY: 6-5-03

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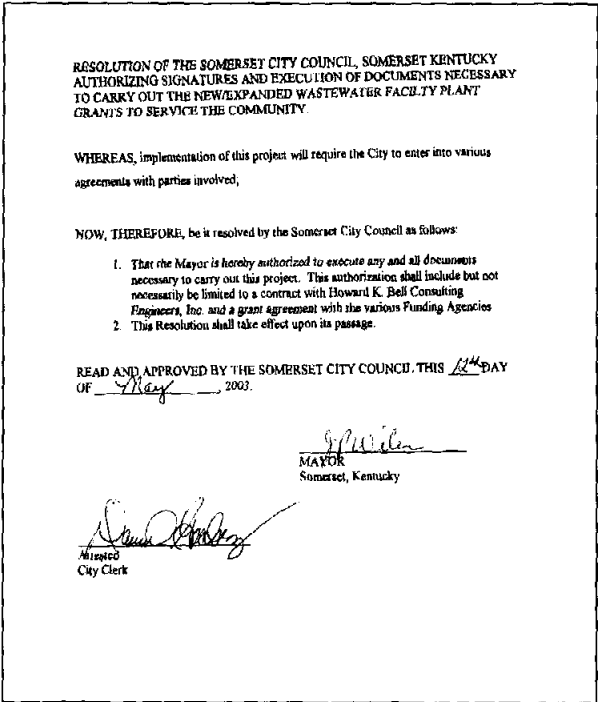
5-7-03

Mr. Floyd moved to approve the above Ordinance on its second reading. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.

Mr. Beasley moved to refund the following amount paid on 2002 taxes: Shearer, May & Arlene, 260 Cumberland Ave, Somerset, KY, in the amount of \$55.71 for a homestead exemption. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.



The following resolution was presented for approval:



Mr. Beasley moved to approve the above resolution. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, and Mr. Beasley.

Several residents of Kimberly Drive appeared with their spokes person Robby Owens to ask whether the city council would help control the speeding problem in their neighborhood. Residents stated the city police would not patrol the area. Mayor Wiles said he would ask the police department to patrol the area more regularly. Residents also suggested closing the street to through traffic, but Mayor Wiles said the city would face lawsuits if it closed the street.

There being no further business the meeting adjourned.

ATTEST: David Lourey
CITY CLERK

APPROVED J. Wiles
MAYOR