

MINUTES OF MEETING HELD APRIL 27, 2009

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday April 27, 2009 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Steve Kelley, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford, Jim Rutherford, Linda Stringer, and Jerry Wheeldon. City Attorney Carrie Wiese and City Clerk David Godsey.

Mr. T. Rutherford moved to approve the minutes of the last regular meeting held on April 13, 2009, along with the reports to be approved as mailed. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, and Mr. Wheeldon.

Mr. Bourne moved to approve the following Resolution extending the contract with NewWave Communications for 5 more years. Contract to expire 10/12/2013. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, and Mr. Wheeldon.

RESOLUTION NO. ____
A RESOLUTION RENEWING NEWWAVE COMMUNICATIONS' NON-EXCLUSIVE FRANCHISE FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE CONFINES OF CITY OF SOMERSET FOR A RENEWAL TERM OF FIVE (5) YEARS.
WHEREAS, on October 12, 1998, the City Council of Somerset, pursuant to Ordinance 98-23, created a non-exclusive, ten (10) year franchise for a cable television system to operate within the confines of the City of Somerset;
WHEREAS, New Wave Communications is operating under Ordinance 98-23;
WHEREAS, Section 4 of Ordinance 98-23 provides that NewWave shall have the right to renew its franchise for a renewal term of five (5) years, provided that it is in compliance with the material terms of the franchise;
WHEREAS, pursuant to Section 4 of Ordinance 98-23, NewWave Communications is in compliance with the material terms of the franchise.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOMERSET FISCAL COURT:
Section 1. That the franchise of NewWave Communications for a non-exclusive franchise for the operation of cable television system within the confines of City of Somerset pursuant to Ordinance 98-23 is hereby renewed for a term of five (5) years.
Section 2. The renewal term shall expire on October 12, 2013.
Section 3. That the statements set forth in the Preamble to this Resolution are hereby incorporated in this Resolution by reference, the same as if set forth at length herein.
Section 4. That if any section, sentence, clause or phrase of this Resolution is held to be unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remainder of the Resolution.
Section 5. That this Resolution shall be effective on the date of its passage.
PASSED BY THE CITY COUNCIL OF SOMERSET ON THE __ DAY OF _____, 2009.
_____ MAYOR
ATTESTED: _____ CLERK

First reading was given the following Ordinance 09-05:

ORDINANCE 09-05
AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, AMENDING THE CITY'S PERSONNEL POLICIES AS SET FORTH IN THE CITY EMPLOYEE HANDBOOK, ADOPTED BY THE COMMON COUNCIL IN ORDINANCE NUMBER 08-15.

First reading was given the following Ordinance 09-06:

ORDINANCE 09-06

AN ORDINANCE STATING THE CITY OF SOMERSET'S INTENT AND DESIRE TO ANNEX A CORRIDOR OF HIGHWAY, SPECIFICALLY KENTUCKY STATE HWY 1642, MORE COMMONLY KNOWN AS SLATE BRANCH ROAD, PULASKI COUNTY, KENTUCKY, TO THE CITY OF SOMERSET, KENTUCKY.

Mr. Kelley moved to go into executive session to discuss possible land acquisition and settlement of legal issue. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, and Mr. Wheeldon.

No action taken in executive session.

Mr. Kelley moved to authorize the purchase of the YMCA property and authorizing financing through First and Farmers National Bank consistent with the proposal terms and with the intent to lease the facilities to the YMCA. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Kelley, Mr. New, Mrs. Hunley, Mr. Bourne, Mr. Burnett, and Mr. Wheeldon. Voting "Nay": Mr. Girdler, Mr. Minton, Mr. Mitchell, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer. Mayor Girdler broke the tie vote with "Aye". Motion Passed.

There being no further business the meeting adjourned.

APPROVED _____
MAYOR

ATTEST: _____
CITY CLERK