

MINUTES OF MEETING HELD AUGUST 23, 2010

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, August 23, 2010, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Steve Kelley, Mike New, and Donna Hunley. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Member Jerry Girdler.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on August 9, 2010, along with the reports as mailed. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. New, and Mrs. Hunley.

Second reading was given the following Ordinance # 10-07:

ORDINANCE NO. 10-07

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, and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing a boundary of land being zoned R-1 to land being zoned B-2, more particularly described as follows:

A certain tract of land in the City of Somerset, Pulaski County, Kentucky, located on Crab Orchard Road and Kentucky 80 Bypass and described more particularly as follows:

POINT OF BEGINNING at a 1/2" x 18" Rebar Set stamped W. Daulton (Red) Cap #2463 (hereinafter referred to as an Iron Pin Set) (Sta. 84+70, 170°R) 20' from the centerline of Crab Orchard Street and 0.5' from a Braced Galvanized Post at State Right of Way Fence of Kentucky Bypass 80 and a corner to Lot 20, LB Floyd Addition (Db 63 Pg 600) and the parent tract, Eagle Creek Properties, LLC (Db 775 Pg 569). THENCE with the Right of Way of Kentucky Bypass 80 North 57 degrees 21 minutes 17 seconds East for a distance of 93.24 feet to an Iron Pin Set (Sta. 85+50, 115°R); North 89 degrees 42 minutes 34 seconds East for a distance of 143.65 feet to an Iron pin Set (Sta. 87+0, 100°R); South 75 degrees 19 minutes 05 seconds East for a distance of 75.40 feet to a 5/8" Rebar Found #1253 (hereinafter referred to as an Iron Pin Found) (Sta. 88+00, 110°R); South 77 degrees 41 minutes 20 seconds East for a distance of 196.41 feet to an Iron Pin Found (Sta. 89+96.41, 108.12°R); South 77 degrees 52 minutes 01 seconds East for a distance of 62.02 feet to an Iron Pin Set (Sta. 90+50, 105°R) 0.5' from a Braced Post at State Right of Way Fence; South 62 degrees 54 minutes 32 seconds East for a distance of 126.91 feet to an Iron Pin Set at a corner to Oaklawn Subdivision (Plat Cabinet A, Slide 080). THENCE with Oaklawn Subdivision South 81 degrees 10 minutes 52 seconds West for a distance of 257.44 feet to an Iron Pin Found in the line of Lot 9, LB Floyd Addition (Db 63 Pg 600). THENCE through Lot 9 North 15 degrees 10 minutes 49 seconds East for a distance of 67.53 feet to an Iron Pin Found in the Right of Way of Chestnut Street (30' Right of Way). THENCE with the Right of Way of Chestnut Street South 82 degrees 08 minutes 37 seconds East for a distance of 55.01 feet to an Iron Pin Found at the end of the Right of Way of Chestnut Street. THENCE with the end of the Right of Way of Chestnut Street North 09 degrees 32 minutes 14 seconds East for a distance of 29.91 feet to an Iron Pin Found at the end of the Right of Way of Chestnut Street. THENCE with the Right of Way of Chestnut Street North 81 degrees 53 minutes 30 seconds West for a distance of 201.88 feet to an Iron Pin Found; North 80 degrees 00 minutes 51 seconds West for a distance of 131.29 feet to an Iron Pin Set in the Right of Way at the intersection of Short Street (30' Right of Way). THENCE with the Right of Way of Short Street South 22 degrees 18 minutes 50 seconds West for a distance of 44.81 feet to an Iron Pin Set in the Right of Way of Chestnut Street. THENCE with the Right of Way of Chestnut Street North 80 degrees 20 minutes 58 seconds West for a distance of 139.14 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 0.75 acres more or less, as surveyed by Weylan G. Daulton, LLS #2463 by Magnetic North on 05-06-2010.

II. The source of title for this property (all of Tracts One and Two, George Garr Project) being all of the same property conveyed to Eagle Creek Properties, LLC, By Kimberly and Brittany Garr by deed dated 07-19-2009, Db 842 Pg 552; also (a part of Lots 12, 13, 16, 17 and 18, LB Floyd Addition) being a part of the same property conveyed to Eagle Creek Properties, LLC, by Kimberly and Brittany Garr by Quitclaim Deed dated 07-17-2009, Db 842 Pg 557; also (all of Parcel One, being a part of Lots 19 and 20, LB Floyd Addition and all of Parcel Two, being a part of Lot 18) being a part of the same property conveyed to Eagle Creek Properties, LLC, by Edwiana and Maurice Daulton by deed dated 12-27-2005, Db 775 Pg 569; all of which are recorded in the Pulaski County (Kentucky) Clerk's Office.

III. This Ordinance shall be in full force and effect from and after adoption.

FIRST READING August 9, 2010

SECOND READING _____

Attested: _____ Approved: _____

City Clerk Mayor

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

APPLICATION NO. 2010-2

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

NAME OF APPLICANT: Bob McAlpin, Eagle Creek Properties, LLC
MAILING ADDRESS: 1257 S. Hwy 27
PHONE NUMBER (HOME/BUSINESS): 606-8771 / Business: 606-3332 / Cell: 305-4242
PROPERTY OWNER: Eagle Creek Properties, LLC
LOCATION DESCRIPTION: Chestnut Street - Vacant lot (060.9-2-40.41#42)
PROPOSED USE: Business

PRESIDENT ZONING DISTRICT: R1
PROPOSED ZONING DISTRICT: B2
AS SUPPORT INFORMATION, ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:
A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING
B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED RE-ZONING
C. FEES AS REQUIRED
D. LEGAL DESCRIPTION

DATE: 6-2-10 APPLICANT SIGNATURE: Bob McAlpin

FOR OFFICIAL USE ONLY (PLANNING COMMISSION)

DATE FILED 6/2/2010 DATE OF NOTICE IN NEWSPAPER 6/9/2010 FEE PAID Yes
DATE OF NOTICE TO PROPERTY OWNER 6/7/2010 DATE OF PUBLIC HEARING 6/22/2010
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL ☒ DENIAL ☐
REASON FOR RECOMMENDATION: _____

DATE 6/22/2010 PLANNING COMMISSION CHAIRMAN Robert Gaudin

FOR OFFICIAL USE ONLY (LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED _____
ACTION BY LEGISLATIVE AUTHORITY APPROVED _____ DENIAL _____
IF DENIED, REASON FOR DENIAL _____
DATE _____ CLERK _____

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT 4 WEEKS PRIOR TO MEETING DATE.

VICINITY MAP

NOTE: THE PROPERTY SHOWN HEREON (ALL OF TRACTS 1 & 2, GEORGE GARR PROJECT) BEING ALL OF THE SAME PROPERTY CONVEYED TO EAGLE CREEK PROPERTIES, LLC, BY KIMBERLY & BRITANNY GARR BY DEED DATED 07-19-2009, DB 842 PG 552; ALSO (A PART OF LOTS 12, 13, 16, 17 & 18, LB FLOYD ADDITION) BEING A PART OF THE SAME PROPERTY CONVEYED TO EAGLE CREEK PROPERTIES, LLC, BY KIMBERLY & BRITANNY GARR BY QUITCLAIM DEED DATED 07-17-2009, DB 842 PG 557; ALSO (ALL OF PARCEL ONE, BEING A PART OF LOTS 19 AND 20, LB FLOYD ADDITION AND ALL OF PARCEL TWO, BEING A PART OF LOT 18) BEING A PART OF THE SAME PROPERTY CONVEYED TO EAGLE CREEK PROPERTIES, LLC, BY EDWINA & MAURICE DAULTON BY DEED DATED 12-27-2005, DB 775 PG 569; ALL OF WHICH ARE RECORDED IN THE PULASKI COUNTY CLERK'S OFFICE.

DATE: June 7, 2010

PLAT OF SURVEY

FOR EAGLE CREEK PROPERTIES, INC.
1257 SOUTH HIGHWAY 27
SOMERSET, KENTUCKY 42003

PROPERTY OWNER SIGNATURE: _____
NOTARY SIGNATURE: _____
DATE: _____

MY COMMISSION EXPIRES: _____

Weylan G. Daulton
SOMERSET, PULASKI CO., KY
565 RINGOLD ROAD
SOMERSET, KY 42003

DATE: 06-11-2010 1" = 50' 0.75" 4.0" DIA. ION WORLD 240

Second reading was given the following Ordinance # 10-08:

ORDINANCE NO. 10-08

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. 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 a boundary of land being zoned R-2 to land being zoned B-2, more particularly described as follows:

A certain tract or lot of land and house located and being in Highland Park Addition to the City of Somerset, Kentucky, and known and designated as 10 and 11 in same addition as shown by Plat of same in Deed Book 74, Page 1, Pulaski County Court Clerk's Office, Kentucky, said lot facing west of Depot Street and on the south by 40-foot street.

BEING THE SAME PROPERTY in which Larry Shouse, Marlene Godby, Carol Jean Hall, Thomas Eugene Bullock and Judy Lynn Baker each acquired an undivided one-fifth interest from Eva Mae Bullock, an unremarried widow, by Deed of Conveyance dated September 19, 2008, filed of record in Deed Book 829, Page 656, Pulaski County Clerk's Office, Somerset, Kentucky.

II. This Ordinance shall be in full force and effect from and after adoption.

FIRST READING: August 9, 2010

SECOND READING: _____

Approved: _____
Mayor

ATTEST: _____
City Clerk

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

APPLICATION NO. 2010-1

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

NAME OF APPLICANT: Turpen Rentals, Inc.
MAILING ADDRESS: 35 Sarah's Lane, Somerset, Ky 42503
PHONE NUMBER (HOME): (BUSINESS) Cell: 606-875-1099
PROPERTY OWNER: Turpen Rentals, Inc. 514 Turpen
LOCATION DESCRIPTION: 823 Langdon St., Somerset, Ky 42504
PROPOSED USE: Office Bldg.
PRESENT ZONING DISTRICT: R-2
PROPOSED ZONING DISTRICT: B-2
AS SUPPORT INFORMATION, ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:
A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING
B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED RE-ZONING
C. FEES AS REQUIRED
D. LEGAL DESCRIPTION

DATE: 5/25/2010 APPLICANT SIGNATURE: William P. Turpen
for Turpen Rentals, Inc.

FOR OFFICIAL USE ONLY
(PLANNING COMMISSION)

DATE FILED 5/25/2010 DATE OF NOTICE IN NEWSPAPER 7/14/2010 FEE PAID 6/8/2010
DATE OF NOTICE TO PROPERTY OWNER 7/14/2010 DATE OF PUBLIC HEARING 7/27/2010
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL ☒ DENIAL ☐
REASON FOR RECOMMENDATION: _____

DATE: 7/27/2010 PLANNING COMMISSION CHAIRMAN: Robert [Signature]

FOR OFFICIAL USE ONLY
(LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED: _____
ACTION BY LEGISLATIVE AUTHORITY APPROVED _____ DENIAL _____
IF DENIED, REASON FOR DENIAL: _____
DATE: _____ CLERK: _____

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[illegible]

Mr. Wheeldon moved to approve the above ordinance on its second reading regarding rezoning 223 Langdon from R2 to B2. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. New, and Mrs. Hunley.

First reading was given the following Ordinance # 10-11:

ORDINANCE NO. 10-11

AN ORDINANCE OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING AND RATIFYING ACTIONS IN THE STRUCTURING, STAFFING, PLANNING AND PREPARATION OF ALL DOCUMENTS FOR THE ISSUANCE OF CERTAIN GENERAL OBLIGATION REFUNDING BONDS OF THE CITY; AUTHORIZING THE ISSUANCE OF SUCH BONDS TO REFUND TO REFUND ALL OR A PORTION OF CERTAIN OUTSTANDING ALL OR A PORTION OF CERTAIN OUTSTANDING INDEBTEDNESS; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS ARE TO BE ISSUED AND PROVIDING FOR A COMPETITIVE, ADVERTISED SALE THEREOF; AUTHORIZING AND RATIFYING THE PREPARATION AND DISTRIBUTION OF A NOTICE OF BOND SALE AND A PRELIMINARY OFFICIAL STATEMENT FOR THE BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION.

Mr. New moved to approve the following Resolution authorizing the City to execute contracts with all City wholesale water purchasers. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. New, and Mrs. Hunley.

RESOLUTION

A RESOLUTION OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING THE CITY, BY AND THROUGH THE MAYOR, TO EXECUTE CONTRACTS WITH ALL CITY WHOLESALE WATER PURCHASERS PURSUANT TO THE APPROVAL OF RATE CHANGES TO SAID CUSTOMERS BY THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)-RURAL DEVELOPMENT (RD), AND THE KENTUCKY PUBLIC SERVICE COMMISSION (PSC);

WHEREAS, the City of Somerset, Kentucky wishes to enter into contracts with all wholesale customers of the City's Water Department; and

WHEREAS, the City wishes that all wholesale water purchasers enter into substantially the same contract to simplify the relationship between the City and said purchasers; and

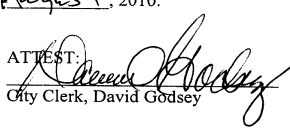
WHEREAS, the City is implementing a rate change as approved by USDA-RD, and the Kentucky PSC, and all parties having agreed to said rate change;

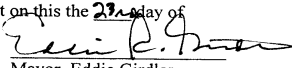
NOW THEREFORE, be it resolved by the Common Council of the City of Somerset, Kentucky this 23 day of Aug, 2010, that:

- I. The Mayor is hereby authorized to review and sign the necessary updated documents/contracts as stated above.
- II. This resolution shall be in full force and effect upon passage by the common council and according to law.

Approved by the Common Council of the City of Somerset on this the 23 day of August, 2010.

ATTEST:


City Clerk, David Godsey


Mayor, Eddie Girdler

First reading was given the following Ordinance #10-09:

ORDINANCE NO. 10-09

THIS ORDINANCE NUMBER 10-09 FIXING THE TAX LEVY, AD VALOREM, FRANCHISE TAX, AND TAX FOR THE CITY OF SOMERSET, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 PROVIDING PENALTY AND INTEREST FOR NON-PAYMENT.

First reading was given the following Ordinance #10-10:

ORDINANCE NO. 10-10

AN ORDINANCE IMPOSING A BANK FRANCHISE AND LOCAL DEPOSIT TAX: SETTING FOR THE TIME TABLES FOR THE COLLECTION OF SUCH TAX FOR THE YEAR 2010 AND ALL SUBSEQUENT YEARS: AND SETTING FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES FOR THE COLLECTION OF DELINQUENT TAXES.

Mr. New moved to approve the reappointment of Barbara Nolan term expiring 6/2013, Wanda Mabry term expiring 7/2012, and James Brown term expiring 6/2013 to the Ethics Board Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. New, and Mrs. Hunley.

Mr. Wheeldon moved to approve the appointment of Gerard Wiegel to the Planning and Zoning Board to fill the unexpired term of Michael Hillie. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. New, and Mrs. Hunley.

Mr. Burnett moved to approve the request from The Family of the late J.C. and Laura Barnes, for closing of Vine Street on 8/28/10 for a reunion/block party. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. New, and Mrs. Hunley.

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

No action taken in executive session.

There being no further business the meeting adjourned.

APPROVED _____

MAYOR

ATTEST: _____

CITY CLERK