


MINUTES OF MEETING HELD AUGUST 26, 2013

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday August 26, 2013, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, and Donna Hunley. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Member Tom Eastham.


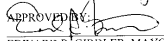

Mr. Bourne moved to approve the minutes of the regular meeting held on August 12, 2013 along with reports as mailed. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, and Donna Hunley.

Second reading was given the following Ordinance No. 13-13:

<p>ORDINANCE NUMBER 13- 13</p> <p>AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY KNOWN AS 2040 S. HWY 27, SOMERSET, KY, 42501, AND AS DESCRIBED BELOW AND IN THE ATTACHMENTS TO THIS ORDINANCE, WHICH ARE INCORPORATED IN FULL HEREIN BY REFERENCE, THE RECORD TITLE HOLDER IDENTIFIED AS APS PROPERTIES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY; AND</p> <p>WHEREAS, THE ANNEXATION REQUEST FORM(S) HAVE BEEN SUBMITTED BY SAID PROPERTY OWNER(S) AND THOSE FORMS HAVING BEEN ACCEPTED BY THE CITY AND WHICH SHALL SERVE AS RECORD THAT THE REQUESTING OWNER(S) HAVE WAIVED THE 60 DAY WAITING PERIOD BY AND THROUGH THE ANNEXATION REQUEST FORM, AND AFTER VERIFICATION THAT SAID FORMS WERE SIGNED BY THE RECORD TITLE HOLDER(S), OR AN AUTHORIZED AGENT OF SAID OWNER(S), REFERRED TO FORMS ATTACHED HERETO AND INCORPORATED HEREIN IN FULL BY REFERENCE; AND</p> <p>WHEREAS, ANY AND ALL OTHER DOCUMENTS AND/OR RECORDS NEEDED TO PROCEED WITH THIS CONSENT ANNEXATION HAVE BEEN PROVIDED TO THE CITY, OR IS READILY AVAILABLE TO THE CITY AND PROPER AUTHORITIES; AND</p> <p>WHEREAS, THE PROPERTY MEETS ALL REQUIREMENTS FOR CONSENT ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW;</p> <p>NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:</p> <p>SECTION 1. THAT THE PROPERTY KNOWN AS 2040 S. HWY 27, SOMERSET, KY, 42501, DESCRIBED IN THE ATTACHMENTS TO THIS ORDINANCE, ALL OF WHICH ARE INCORPORATED IN FULL HEREIN BY REFERENCE, AND HAVING A RECORD TITLE HOLDER(S) IDENTIFIED AS APS PROPERTIES, LLC, IS HEREBY FOUND BY THE CITY COUNCIL TO MEET ALL REQUIREMENTS OF CONSENT ANNEXATION SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW, AND THEREFORE IS HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS.</p> <p>SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.</p> <p>FIRST READING: <i>Aug 12, 2013</i> SECOND READING: <i>Aug 26, 2013</i></p> <p>ATTESTED BY CITY CLERK: <i>[Signature]</i> APPROVED BY: <i>[Signature]</i> EDWARD R. GIRDLER, MAYOR</p>	<div><div>Bobby Hudson Land Surveying, Inc. 170 Highway 2227 Somerset, Kentucky 42503 Voice - (606) 679-5628 Fax - (606) 679-9056 Email - bob@hudson-survey.com</div></div> <p>LEGAL DESCRIPTION 06/19/13</p> <p>TRACT 1</p> <p>A CERTAIN TRACT OR PARCEL OF LAND LOCATED ON THE EAST SIDE OF HIGHWAY 27 IN PULASKI COUNTY, KENTUCKY APPROXIMATELY 0.1 MILES FROM THE JUNCTION OF FORD DRIVE</p> <p>BEING ALL OF TRACT 1 OF A PLAT NAMED APS PROPERTIES LLC PROJECT #3 FILED IN PLAT CABINET ____ SLIDE ____ IN THE PULASKI COUNTY CLERK'S OFFICE AT SOMERSET, KENTUCKY.</p> <p>THE ABOVE DESCRIBED HAVING AN AREA OF 1.0001 ACRES AS SURVEYED BY BOBBY HUDSON, LPLS 1253 ON 06/04/2013 AND BEING THE PROPERTY CONVEYED TO APS PROPERTIES LLC BY DEED BOOK 748 PAGE 678 IN THE RECORDS OF THE PULASKI COUNTY CLERK'S OFFICE AT SOMERSET, KENTUCKY.</p> <p>ALL CORNERS OR WITNESS MONUMENTS REFERRED TO HEREIN AS IRON PINS SET ARE ONE-HALF INCH REBAR 18 INCHES LONG AND CAPPED WITH A PINK CAP MARKED LS 1253, 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>
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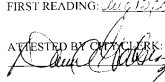
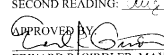

Mr. Wheeldon moved to approve the above Ordinance No. # 13-13 on its second reading annexing property at 2040 S. Hwy 27, Somerset KY 42501 (APS Properties, LLC). Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, and Donna Hunley.

Second reading was given the following Ordinance No. 13-14:

<p>ORDINANCE NUMBER 13-14</p> <p>AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY KNOWN AS 2070 S. HWY 27, SOMERSET, KY, 42501, AND AS DESCRIBED BELOW AND IN THE ATTACHMENTS TO THIS ORDINANCE, WHICH ARE INCORPORATED IN FULL HEREIN BY REFERENCE, THE RECORD TITLE HOLDER IDENTIFIED AS APS PROPERTIES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY; AND</p> <p>WHEREAS, THE ANNEXATION REQUEST FORM(S) HAVE BEEN SUBMITTED BY SAID PROPERTY OWNER(S) AND THOSE FORMS HAVING BEEN ACCEPTED BY THE CITY AND WHICH SHALL SERVE AS RECORD THAT THE REQUESTING OWNER(S) HAVE WAIVED THE 60 DAY WAITING PERIOD BY AND THROUGH THE ANNEXATION REQUEST FORM, AND AFTER VERIFICATION THAT SAID FORMS WERE SIGNED BY THE RECORD TITLE HOLDER(S), OR AN AUTHORIZED AGENT OF SAID OWNER(S), REFERRED TO FORMS ATTACHED HERETO AND INCORPORATED HEREIN IN FULL BY REFERENCE, AND</p> <p>WHEREAS, ANY AND ALL OTHER DOCUMENTS AND/OR RECORDS NEEDED TO PROCEED WITH THIS CONSENT ANNEXATION HAVE BEEN PROVIDED TO THE CITY, OR IS READILY AVAILABLE TO THE CITY AND PROPER AUTHORITIES; AND</p> <p>WHEREAS, THE PROPERTY MEETS ALL REQUIREMENTS FOR CONSENT ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW;</p> <p>NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:</p> <p>SECTION 1. THAT THE PROPERTY KNOWN AS BUILDING 1, 2070 S. HWY 27, SOMERSET, KY, 42501, DESCRIBED IN THE ATTACHMENTS TO THIS ORDINANCE, ALL OF WHICH ARE INCORPORATED IN FULL HEREIN BY REFERENCE, AND HAVING A RECORD TITLE HOLDER(S) IDENTIFIED AS APS PROPERTIES, LLC, IS HEREBY FOUND BY THE CITY COUNCIL TO MEET ALL REQUIREMENTS OF CONSENT ANNEXATION SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW, AND THEREFORE IS HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS.</p> <p>SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.</p> <p>FIRST READING: Aug 12, 2013</p> <p>ATTESTED BY CITY CLERK: </p> <p>SECOND READING: Aug 26, 2013</p> <p>APPROVED BY:  EDWARD R. GIRDLER, MAYOR</p>	<div><p>Bobby Hudson Land Surveying, Inc. 170 Highway 2227 Somerset, Kentucky 42503 Voice - (606) 679-5626 Fax - (606) 679-9056 Email - bob@hudson-survey.com</p></div> <p>LEGAL DESCRIPTION 06/19/13</p> <p>TRACT 1</p> <p>A CERTAIN TRACT OR PARCEL OF LAND LOCATED ON THE EAST SIDE OF HIGHWAY 27 IN PULASKI COUNTY, KENTUCKY APPROXIMATELY 0.1 MILES FROM THE JUNCTION OF FORD DRIVE.</p> <p>BEING ALL OF TRACT 1 OF A PLAT NAMED APS PROPERTIES LLC PROJECT #1 FILED IN PLAT CABINET ____ SLIDE ____ IN THE PULASKI COUNTY CLERK'S OFFICE AT SOMERSET, KENTUCKY.</p> <p>THE ABOVE DESCRIBED HAVING AN AREA OF 0.8358 ACRES AS SURVEYED BY BOBBY HUDSON, LPLS 1253 ON 06/04/2013 AND BEING THE PROPERTY CONVEYED TO APS PROPERTIES LLC BY DEED BOOK 885 PAGE 694 IN THE RECORDS OF THE PULASKI COUNTY CLERK'S OFFICE AT SOMERSET, KENTUCKY.</p> <p>ALL CORNERS OR WITNESS MONUMENTS REFERRED TO HEREIN AS IRON PINS SET ARE ONE-HALF INCH REBAR 18 INCHES LONG AND CAPPED WITH A PINK CAP MARKED LS 1253, 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>
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Mr. Rutherford moved to approve the above Ordinance No. # 13-14 on its second reading annexing property at 2070 S. Hwy 27, Somerset KY 42501 (APS Properties, LLC Building 1). Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, and Donna Hunley.

Second reading was given the following Ordinance No. 13-15:

<p>ORDINANCE NUMBER 13-15</p> <p>AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY KNOWN AS 2070 S. HWY 27, SOMERSET, KY, 42501, AND AS DESCRIBED BELOW AND IN THE ATTACHMENTS TO THIS ORDINANCE, WHICH ARE INCORPORATED IN FULL HEREIN BY REFERENCE, THE RECORD TITLE HOLDER IDENTIFIED AS APS PROPERTIES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY; AND</p> <p>WHEREAS, THE ANNEXATION REQUEST FORM(S) HAVE BEEN SUBMITTED BY SAID PROPERTY OWNER(S) AND THOSE FORMS HAVING BEEN ACCEPTED BY THE CITY AND WHICH SHALL SERVE AS RECORD THAT THE REQUESTING OWNER(S) HAVE WAIVED THE 60 DAY WAITING PERIOD BY AND THROUGH THE ANNEXATION REQUEST FORM, AND AFTER VERIFICATION THAT SAID FORMS WERE SIGNED BY THE RECORD TITLE HOLDER(S), OR AN AUTHORIZED AGENT OF SAID OWNER(S), REFERRED TO FORMS ATTACHED HERETO AND INCORPORATED HEREIN IN FULL BY REFERENCE; AND</p> <p>WHEREAS, ANY AND ALL OTHER DOCUMENTS AND/OR RECORDS NEEDED TO PROCEED WITH THIS CONSENT ANNEXATION HAVE BEEN PROVIDED TO THE CITY, OR IS READILY AVAILABLE TO THE CITY AND PROPER AUTHORITIES; AND</p> <p>WHEREAS, THE PROPERTY MEETS ALL REQUIREMENTS FOR CONSENT ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW;</p> <p>NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:</p> <p>SECTION 1. THAT THE PROPERTY KNOWN AS BUILDING 2, 2070 S. HWY 27, SOMERSET, KY, 42501, DESCRIBED IN THE ATTACHMENTS TO THIS ORDINANCE, ALL OF WHICH ARE INCORPORATED IN FULL HEREIN BY REFERENCE, AND HAVING A RECORD TITLE HOLDER(S) IDENTIFIED AS APS PROPERTIES, LLC, IS HEREBY FOUND BY THE CITY COUNCIL TO MEET ALL REQUIREMENTS OF CONSENT ANNEXATION SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW, AND THEREFORE IS HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS.</p> <p>SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.</p> <p>FIRST READING: Aug 12, 2013</p> <p>ATTESTED BY CITY CLERK: </p> <p>SECOND READING: Aug 26, 2013</p> <p>APPROVED BY:  EDWARD R. GIRDLER, MAYOR</p>	<div><p>Bobby Hudson Land Surveying, Inc. 170 Highway 2227 Somerset, Kentucky 42503 Voice - (606) 679-5626 Fax - (606) 679-9056 Email - bob@hudson-survey.com</p></div> <p>LEGAL DESCRIPTION 06/19/13</p> <p>TRACT 1</p> <p>A CERTAIN TRACT OR PARCEL OF LAND LOCATED NEAR THE EAST SIDE OF HIGHWAY 27 IN PULASKI COUNTY, KENTUCKY APPROXIMATELY 0.1 MILES FROM THE JUNCTION OF FORD DRIVE.</p> <p>BEING ALL OF TRACT 1 OF A PLAT NAMED APS PROPERTIES LLC PROJECT #2 FILED IN PLAT CABINET ____ SLIDE ____ IN THE PULASKI COUNTY CLERK'S OFFICE AT SOMERSET, KENTUCKY.</p> <p>THE ABOVE DESCRIBED HAVING AN AREA OF 0.5209 ACRES AS SURVEYED BY BOBBY HUDSON, LPLS 1253 ON 06/04/2013 AND BEING THE PROPERTY CONVEYED TO APS PROPERTIES LLC BY DEED BOOK 885 PAGE 690 IN THE RECORDS OF THE PULASKI COUNTY CLERK'S OFFICE AT SOMERSET, KENTUCKY.</p> <p>ALL CORNERS OR WITNESS MONUMENTS REFERRED TO HEREIN AS IRON PINS SET ARE ONE-HALF INCH REBAR 18 INCHES LONG AND CAPPED WITH A PINK CAP MARKED LS 1253, 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>
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Mr. New moved to approve the above Ordinance No. # 13-15 on its second reading annexing property at 2070 S. Hwy 27, Somerset KY 42501 (APS Properties, LLC Building II). Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, and Donna Hunley.

First reading was given the following Ordinance No. 13-16:

<p style="text-align: center;">ORDINANCE NO. 13-16</p> <p>THIS ORDINANCE NUMBER 13-16 FIXING THE TAX LEVY, AD VALOREM, FRANCHISE TAX, AND TAX FOR THE CITY OF SOMERSET, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014 PROVIDING PENALTY AND INTEREST FOR NON-PAYMENT.</p>
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First reading was given the following Ordinance #13-17:

<p style="text-align: center;">ORDINANCE NO. 13-17</p> <p>AN ORDINANCE IMPOSING A BANK FRANCHISE AND LOCAL DEPOSIT TAX: SETTING FORTH TIME TABLES FOR THE COLLECTION OF SUCH TAX FOR THE YEAR 2013 AND ALL SUBSEQUENT YEARS: AND SETTING FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES FOR THE COLLECTION OF DELINQUENT TAXES.</p>

Mr. Wheeldon made a motion to go into executive session to discuss potential real property acquisition for which publicity at present stage might or would likely affect the value, per KRS 61.810(1)(b). Mr. Burnett seconded the motion. . Upon roll call the following Council Members voted “Aye”: Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, and Donna Hunley.

No action taken executive session.

There being no further business the meeting adjourned.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK