

MINUTES OF MEETING HELD DECEMBER 8, 2014

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday December 8, 2014, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members; Tom Eastham, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, and Jerry Burnett. City Attorney Carrie Weise, and City Clerk Nick Bradley.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on November 24, 2014 along with reports as mailed. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett.

Mr. Minton made a motion to name the new amphitheater in Rocky Hollow in honor of the passing of Somerset Parks Director Joe Ford to honor his commitment to the youth in the community and to the City of Somerset; especially his time and effort for making the amphitheater a reality. Signs will be placed at both ends of the park to signify the name: "Joe Ford Amphitheater". Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett.

Mr. J. Eastham made a motion to recognize the 2014 Pulaski County High School Football Team for winning the Class 5A KHSAA State Football Championship in the minutes. Mr. Rutherford seconded the motion. Mr. Wheeldon made an amendment to the motion to make a proclamation from the City and invite representatives of the team to the next council meeting. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett.

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

No action taken in executive session.

Mr. Wheeldon moved to approve the following Resolution No. 14-12 rescinding and approving of the Cable Franchise Transfer. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett.

<p style="text-align: center;">RESOLUTION NO. <u>14-12</u></p> <p style="text-align: center;">CONSENT TO TRANSFER OF CONTROL</p> <p>WHEREAS, Time Warner Cable Midwest LLC ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the City of Somerset, Kentucky (the "City") and to operate and maintain a cable television system there; and</p> <p>WHEREAS, on February 12, 2014, Comcast Corporation ("Comcast") and Time Warner Cable Inc. ("TWC"), the ultimate parent company of Franchisee, and Tango Acquisition Sub, Inc. ("Tango"), entered into an Agreement and Plan of Merger, pursuant to which TWC will merge with Tango, a wholly-owned subsidiary of Comcast, with TWC as the surviving company, TWC becoming a wholly-owned subsidiary of Comcast and, Comcast, after the consummation of its merger with TWC, becoming the ultimate parent company of Franchisee (the "Comcast Transaction"); and</p> <p>WHEREAS, on or about April 9, 2014 Comcast submitted an FCC Form 394 to the City; and</p> <p>WHEREAS, on April 25, 2014, Charter Communications, Inc. ("Charter") and Comcast entered into the Comcast/Charter Transactions Agreement, and contingent upon Comcast's consummation of its acquisition of TWC, pursuant to which the Franchisee, through a restructuring under Comcast's ownership, will become CTW Sale, LLC, a Delaware limited liability company ("New Franchisee") and immediately thereafter will become a wholly-owned subsidiary of Charter (the "Charter Transaction"); and</p> <p>WHEREAS, Charter has filed an FCC Form 394 with the City with respect thereto; and</p> <p>WHEREAS, the City has considered and approves of the Comcast Transaction and the Charter Transaction subject to the conditions set forth in the body of this Resolution.</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY AS FOLLOWS:</p> <p>The foregoing recitals are approved and incorporated herein by reference.</p> <ul style="list-style-type: none">The City consents to the Comcast and the Charter Transactions contingent on the receipt of required approvals of the Transactions from the Federal Communications Commission and the United States Department of Justice. Said consent does not constitute and shall not be construed to constitute a waiver of any lawful obligations of the Franchisee, New Franchisee, Comcast and/or Charter under the Franchise.The City confirms that the Franchise is valid and outstanding and in full force and effect. Subject to compliance with the terms of this Resolution, all action necessary	<p>to approve the transfer of control of the Franchisee to Comcast, and the transfer of New Franchisee to Charter has been duly and validly taken.</p> <ul style="list-style-type: none">Charter or the New Franchisee may (a) assign or transfer it assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Charter; (b) restructure debt or change the ownership interests among existing equity participants in Charter; (c) pledge or grant a security interest to any lender(s) of Charter's assets, including, but not limited to, the Franchise, or of interest in Charter, for purposes of securing any indebtedness; and (d) sell equity interests in Charter or any of Charter's affiliates.Comcast or the Franchisee may (a) assign or transfer it assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Comcast; (b) restructure debt or change the ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast's assets, including, but not limited to, the Franchise, or of interest in Comcast, for purposes of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast's affiliates.The New Franchisee shall remain bound by the lawful terms and conditions of the Franchise and the Settlement Agreement, attached hereto and incorporated herein by reference as Exhibit A.Upon closing of the Comcast Transaction, Comcast shall remain bound by the lawful terms and conditions of the Franchise and the Comcast Assumption Agreement, attached hereto and incorporated herein by reference as Exhibit B.Upon closing of the Charter Transaction, Charter shall remain bound by the lawful terms and conditions of the Franchise and the Charter Assumption Agreement, attached hereto and incorporated herein by reference as Exhibit C.This Resolution shall be deemed effective upon adoption.This Resolution shall have the force of a continuing agreement with Charter, Comcast, Franchisee, New Franchisee, and the City, and the City shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Charter. <p>PASSED, ADOPTED AND APPROVED this <u>8</u> day of <u>12</u>, 2014.</p> <p>By: <u>[Signature]</u> Name: <u>Edward F. Girdler</u> Title: <u>Mayor</u></p>
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ATTEST:

[Signature]
Clerk

Mr. Rutherford moved to approve the following grant application Resolution No. 14-13 for body armor and tasers. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett.

RESOLUTION 14-13

A RESOLUTION OF THE CITY OF SOMERSET, KENTUCKY AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, AND UPON APPROVAL, TO ENTER INTO AND EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS WITH THE KENTUCKY DEPARTMENT OF HOMELAND SECURITY (KHS) IN REGARDS TO A GRANT FOR BODY ARMOR AND/OR TASER CARTRIDGES, AND FURTHER TO EXECUTE ANY DOCUMENTS ON BEHALF OF THE CITY OF SOMERSET WHICH ARE DEEMED NECESSARY BY KHS AND ANY OTHER AUTHORITATIVE AND/OR AWARDED AGENCY IN ORDER TO FACILITATE AND ADMINISTER ANY SUCH GRANT(S), AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR SAID GRANT(S).

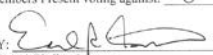
WHEREAS, the City of Somerset, Kentucky desires to make an application for funding/grant(s) under the Law Enforcement Protection Program (LEPP), and for said funding/grant(s) to be administered by the KENTUCKY DEPARTMENT FOR HOMELAND SECURITY (KHS); and


WHEREAS, it is recognized that an application for and approval of KHS funds/grants impose certain obligations and responsibilities upon the City;

NOW, THEREFORE, be it resolved this 8th day of December, 2014, by the City of Somerset, Kentucky, that the Mayor is hereby authorized to execute and furnish all required documentation, including any Memorandums of Agreement, as may be required by KHS for the furtherance of the above-referenced funding/grant(s), and further to act as the authorized correspondent for such.

Done this the 8th day of December, 2014 on a Motion made Mr. Tim Rutherford and seconded by Mr. Tim Mitchell.

Members present voting in Favor: 12
Members Present voting against: 0

BY: 
Edward Girdler, Mayor
City of Somerset

ATTEST: 
Nick Bradley, City Clerk

Mr. Burnett moved to approve a Natural Gas Compressor Agreement between the City of Somerset and CGI Enterprises, LLC. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett. Contract is on file in the City Clerk's Office.

RESOLUTION - 24-29
CITY OF SOMERSET, KENTUCKY


WHEREAS, the City of Somerset, Kentucky received a parcel of land located at 300 Broadway Street, Somerset, KY, through a donation which contained a dilapidated and uninhabitable residential structure that was thereafter demolished by the City of Somerset for the health, safety, and welfare of the public, said demolition thus improving not only the safety and welfare of the public, but improving a blighted area found within the City's corporate limits; and

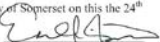
WHEREAS, the City has been approached by the local public service organization "Habitat for Humanity of Pulaski County", a non-profit corporation serving the community who wishes to utilize said parcel located on Broadway Street for the building of a residential structure suitable for the location which will comply with all building codes, Planning and Zoning regulations, and other applicable guidelines; and

WHEREAS, the City believes that it is in the best interests of the City of Somerset that a transfer of the donated property to the non-profit Habitat for Humanity Pulaski County constitutes a public purpose under applicable law;

NOW THEREFORE, be it resolved and ordained by the Common Council of the City of Somerset that the parcel identified in the Deed attached hereto as "Exhibit A" to this Resolution, said exhibit incorporated in full herein by reference, is declared by the City to be Surplus Property, and that said property having no other public purpose or use to which the City finds to be in its best interests, and which is found to have little or no monetary value to the City of Somerset now that the dilapidated structure has been removed, is hereby approved for conveyance to the non-profit entity Habitat for Humanity Pulaski County Kentucky Corporation, without compensation and without public auction or sealed bids, with the understanding that Habitat for Humanity plans to clear, clean, and maintain the parcel at their own expense, including making improvements to the parcel by building a suitable residential home for a local citizen/family in need which shall also have the effect of increasing the value of the property in the area and aiding in the beautification of a once blighted parcel. The City herein finds that said use meets what the City believes to be "Economic Development" for a blighted parcel/area of the City and therefore this transaction if exempt from public auction or sealed bid sale normally required for the disposition of surplus property belonging to the City under the Model Procurement Code and all other applicable laws.

Approved by a majority of the Common Council of the City of Somerset on this the 24th day of November, 2014.


ATTEST:

City Clerk, Nick Bradley
Date: 11/18/2014


Mayor, Eddie Girdler

Eddie R. Girdler
Mayor
Nicholas K. Bradley
City Clerk

City of Somerset

409 East Mt. Vernon St.
P.O. Box 959
Somerset, Kentucky 40502
(606) 679-6366 • (606) 679-2481 (Fax)




RESOLUTION 14-15

WHEREAS, the City Council of the City of Somerset (Council) approved the development of a program to promote, achieve economic development, and retain or create new jobs for the city; and


WHEREAS, some of the activities of economic development and programs as approved by the City may require a method to implement not possible through existing resources and may require other legal or statutory requirements.

NOW THEREFORE, the Council does hereby approve the development of the "Greater Somerset Business and Economic Development Corporation" to be incorporated as needed and appropriate legal assistance to be authorized for said purpose with said Corporation function and purpose to be approved by the Council.

Adopted this 8th day of December, 2014.



Mayor



City Clerk

Equal Opportunity Employer M/F/D (506) 679-5176 (TDD)

Mr. New made a motion to approve the purchase of property at 107 North Central Avenue for \$67,500 from Cumberland Properties, LLC. The property had appraised for \$70,000. The subject property would be part of the site development and exit for the energy center. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett.

Mr. Wheeldon made a motion to approve the purchase of property at 318 Ohio Street for \$69,900 which had been appraised at \$80,000 and the PVA listing at \$81,650 from Daulton Family Properties, LLC. The property adjoins the City of Somerset Gas Department site. Mrs. Hunley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mrs. Stringer, Mr. Wheeldon, Mr. New, Mrs. Hunley, and Mr. Burnett. Voting "No": Mr. Rutherford, Mr. J. Eastham, Mr. Girdler, Mr. Minton, Mr. Mitchell, and Mr. Bourne. Due to a tie vote Mayor Girdler voted "Aye". Motion Passed.

Mr. Wheeldon moved to approve a refund for Jerry and Joyce Burnett on his previously paid 2014 City taxes in the amount of \$46.80. Refund request was for a homestead exemption. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mr. Bourne. Choosing to "Pass" on the vote for his tax refund was Mr. Burnett.

Mr. Mitchell made a motion to authorize the City Attorney to file a declaratory court action against the person living in a small storage shed at 323 High Street with the shed having no water, sewer, or means of safe heating. The current living condition presents a serious and dangerous situation for the person and has become a safety and sanitary issue with other properties and is in violation of all existing city ordinances pertaining to the property. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, and Mr. Burnett.

There being no further business the meeting adjourned.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK