

MINUTES OF MEETING HELD JANUARY 14, 2013

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday January 14, 2013, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jim Rutherford, Linda Stringer, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Tom Eastham. City Attorney Carrie Wiese and City Clerk David Godsey.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on December 10, 2012, along with the reports as mailed. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, and Mr. T. Eastham.

First reading was given the following Ordinance #13-01:

ORDINANCE NUMBER 13-01

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, SETTING FORTH THE CITY'S INTENT AND DESIRE TO ANNEX A CORRIDOR OF HIGHWAY, SPECIFICALLY KENTUCKY STATE HIGHWAY 80, PULASKI COUNTY, KENTUCKY, TO THE CITY OF SOMERSET;

Second reading was given the following Ordinance #12-22:

ORDINANCE NUMBER 12-22

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY COMMONLY KNOWN AS 1690 NORTH HWY 27, AND DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, SAID ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN; AND

WHEREAS, ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY THE PROPERTY OWNER(S), AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS COMPLETED; AND THE PROPERTY OWNER(S) HAVING WAIVED THE 60 DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE; AND

WHEREAS, ALL DOCUMENTS AND RECORDS NEEDED TO PROCEED WITH ANNEXATION OF THE PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET; AND

WHEREAS, THE PROPERTY HAVING MET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

SECTION 1. THAT THE PROPERTY COMMONLY KNOWN AS 1690 NORTH HWY 27, AS DESCRIBED IN THE ATTACHMENTS HERETO, WHICH ARE INCORPORATED IN FULL BY REFERENCE, IS HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: *Donna Hunley*

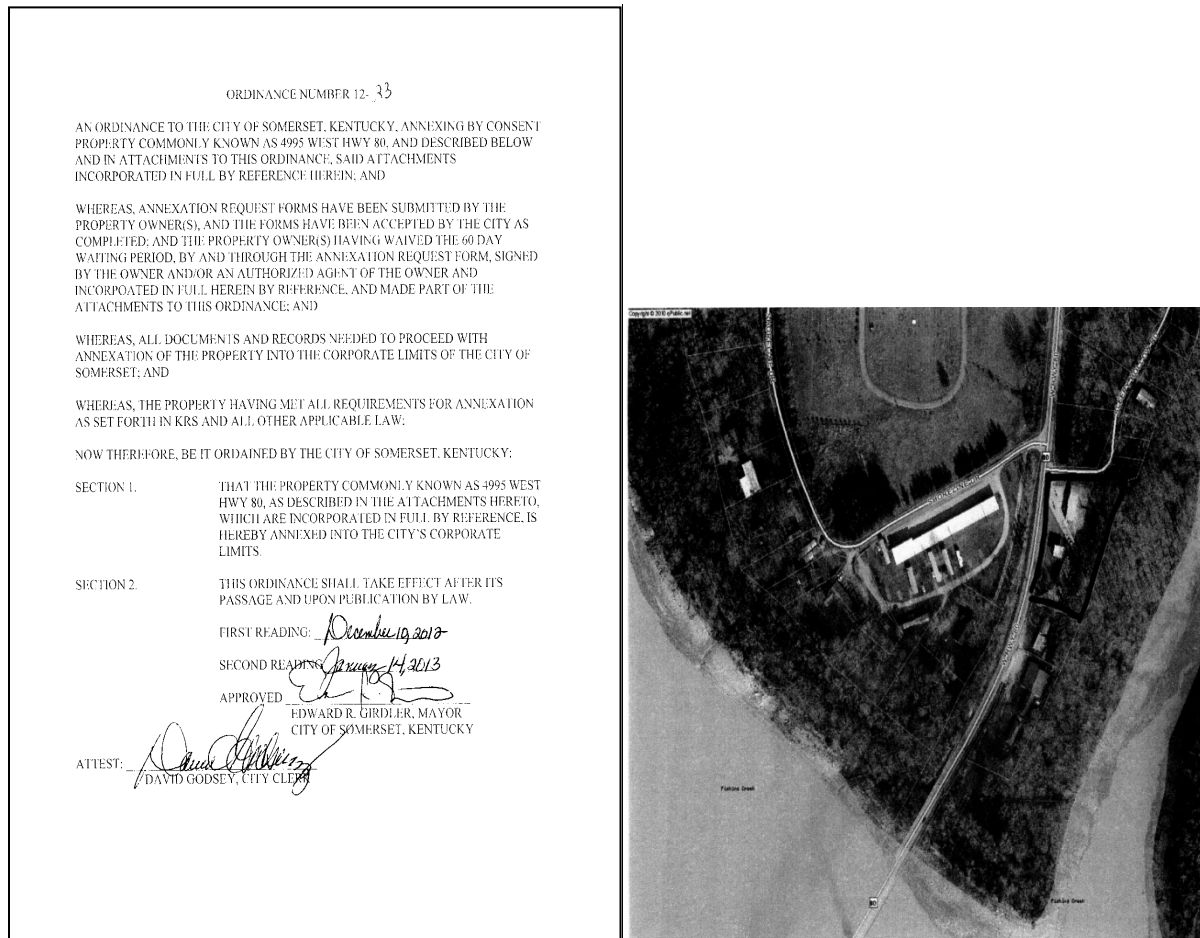
SECOND READING: *Donna Hunley*

APPROVED: *Eddie Girdler*
EDWARD R. GIRDLER, MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST: *David Godsey*
DAVID GODSEY, CITY CLERK

Mr. Wheeldon moved to approve the above Ordinance # 12-22 on its second reading annexing property at 1690 North Highway 27. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, and Mr. T. Eastham.

Second reading was given the following Ordinance #12-23:



Mr. Wheeldon moved to approve the above Ordinance # 12-23 on its second reading annexing property at 4995 West Highway 80 (known as Fish-N-Ski). Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, and Mr. T. Eastham.

Mr. Bourne moved to refund the following amounts paid on City taxes: 2012 to Stephen Phillippi in the amount of \$41.99. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, and Mr. T. Eastham.

Mr. T. Eastham made a motion to go into executive session to discuss pending litigation for which disclosure of details might compromise litigation posture, pursuant to KRS 61.810(1)(c). Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, and Mr. T. Eastham.

No action taken in executive session.

City of Somerset

L. Jodie M. Girdler
Mayor

Daniel Gaultney
City Clerk

400 East Mt. Vernon Street
P.O. Box 389
SOMERSET, KENTUCKY 42502
(606)679-6366
(606)679-2481 (FAX)

RESOLUTION 19-01 CITY/COUNTY EMS AGREEMENT

WHEREAS, an Agreement between the City of Somerset, Kentucky and Pulaski County, Kentucky was executed on June 15, 1995 pertaining to the overseeing and funding of the Emergency Medical Services (EMS) for the entire county; and

WHEREAS, said Agreement states that the overseeing of the EMS operation is the Somerset City Council; and

WHEREAS, the Agreement requires that the EMS shall receive funding from the Pulaski County Occupational Tax and EMS will receive additional funding from the Occupational Tax Fund in the event of unanticipated and/or unbudgeted expenditures and/or in the event Of unanticipated revenue shortfalls; and

WHEREAS, the Pulaski County Fiscal Court and Somerset City Council have been notified of the actual revenue shortfalls and/or expenditures for FY 2011 and FY 2012 in the total audited amount of \$1,031,000 with estimated shortfall of \$300,000 for FY 2013; and

WHEREAS, the City of Somerset has advanced the EMS \$1,300,000 as of January 12, 2013 on an emergency basis to provide critical and life saving EMS for the entire county.


NOW THEREFORE, the City of Somerset authorizes the emergency transfer of \$1,300,000 from bond proceeds or other funds of the city to EMS for the purpose of providing critical and life saving services to the citizens of Pulaski County; and

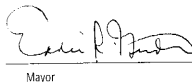
RESOLUTION/January 14, 2013

EMS

FURTHERMORE, the City Council authorizes a claim of \$1,031,000 under said Agreement for FY 2011 and FY 2012 of which notice and discussion were held concerning said underfunding and with notice that FY 2013 will also be underfunded or have unanticipated revenue shortfall; and if the parties cannot agree or if Pulaski County does not approve payment under the Agreement by March 1, 2013 the Mayor is authorized to take any necessary action to secure EMS funding in accordance with the Agreement.

Adopted this 14th day of January, 2013.


Clerk


Mayor

Equal Opportunity Employer MF/D (606)678-5176 (TDD)

RESOLUTION 13-03

CITY OF SOMERSET, KENTUCKY

WHEREAS, the City of Somerset, Kentucky wishes to promote economic development and growth within the City of Somerset, and in Pulaski County; and

WHEREAS, the Council has been informed that the State level ABC Office has not yet passed a regulation limiting the number of License Package (LP) licenses permitted within the corporate limits of the City of Somerset; and

WHEREAS, it is the City's understanding that it may request additional licenses to be made available in the City of Somerset in order to increase the total number of LP Quota licenses available to persons wishing to bring economic growth and development to Somerset and Pulaski County, provide new job opportunities, and create additional revenue for the use of the City of Somerset in the betterment of our community, and all other requirements as set forth in the City's ABC Ordinance, as well as any applicable state law and/or regulations:

NOW THEREFORE, be it resolved and ordained by the Common Council of the City of Somerset that the Mayor shall have the authority to pursue actions necessary to advocate for additional LP Licenses to be made available to the City of Somerset, in order to better serve the citizens of Somerset, Pulaski County, surrounding Counties, and Lake Cumberland area travel and tourism increases existing both now, and in the immediate future.

Approved by the Common Council of the City of Somerset on this the 14th day of January, 2013. Motion by: Mr. Mitchell, and seconded by: Mr. Stringer. Members present: 18; Members voting in favor: 11.

ATTEST

City Clerk, David Godsey

Date: 01/15/13

Eddie Girdler

Mayor, Eddie Girdler

Mr. Mitchell moved to approve the following Resolution # 13-03 expressing our thanks and gratitude to Mr. David Morris for adding additional security measures to the schools within Somerset and Pulaski County . Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, and Mr. T. Eastham.

RESOLUTION 13-03

A RESOLUTION OF THE COUNCIL FOR THE CITY OF SOMERSET, KENTUCKY, TO EXPRESS THANKS AND GRATITUDE TO MR. DAVID MORRIS, LOCAL BUSINESS OWNER AND ACTIVE COMMUNITY MEMBER, FOR OFFEREING TO AID IN BETTERING THE SECURITY OF THE SCHOOLS LOCATED WITHIN SOMERSET, AND WITHIN PULASKI COUNTY;

WHEREAS, the City of Somerset, Kentucky, by and through the City Council, wishes to express their sincere thanks and gratitude to Mr. David Morris, an active leader in our community and supporter of our community's efforts to bring greater security to our school systems within the City of Somerset and in Pulaski County;

NOW THEREFORE, be it resolved and ordained by the Common Council of the City of Somerset, Kentucky this 14th day of January, 2013:

I. That the City hereby officially recognizes Mr. David Morris as outstanding community leader and sincerely thanks him for helping to provide our community's youth with a safer school environment;

II. That this resolution shall be in full force and effect upon passage by the common council and according to law, and therefore shall be made part of the official minutes of the City of Somerset City Council regular session held on the 14th day of January, 2013.

Approved by the Common Council of the City of Somerset on this the 14th day of January, 2013. Motion made by: Mr. Mitchell and seconded by: Mr. Rutherford. Members present voting all in favor.

ATTEST

City Clerk, David Godsey

Eddie Girdler

Mayor, Eddie Girdler

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There being no further business the meeting adjourned.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK