

MINUTES OF MEETING HELD MARCH 9, 2009

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday March 9, 2009 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jerry Wheeldon, Steve Kelley, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford, Jim Rutherford, and Linda Stringer. City Attorney Carrie Wiese and City Clerk David Godsey.

Mr. T. Rutherford moved to approve the minutes of the last regular meeting held on February 23, 2009, along with the reports to be approved as mailed. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

The Financial Audit for the Fiscal Year ending June 30, 2008 was presented by the certified accounting firm of Ray, Foley, Hensley & Company, PLLC. The auditors reported that the City of Somerset was in excellent financial condition with an increase in net assets of \$6.97 million and available funds of \$18.8 million.

First reading was given of the following Ordinance # 09-03:

ORDINANCE NO. 09-03

AN ORDINANCE TO THE CITY OF SOMERSET AUTHORIZING AND APPROVING A GENERAL OBLIGATION LEASE AGREEMENT FOR THE FINANCING OF A PUBLIC PROJECT. YMCA.

Mr. New moved to approve the above ordinance # 09-03 on its first reading regarding bond ordinance for the YMCA. Mrs. Hunley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. New, Mrs. Hunley Mr. Bourne, and Mr. Burnett. Voting "Nay": Mr. Kelley, Mr. Girdler, Mr. Minton, Mr. Mitchell, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer. Motion Failed.

First reading was given of the following Ordinance # 09-04:

ORDINANCE NO. 09-04

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, GIVING PUBLIC NOTICE AND APPROVING THE CITY OF SOMERSET'S PRETREATMENT PROGRAM MODIFICATIONS IN REGARDS TO LOCAL LIMITS.

Mr. Burnett moved to approve the above ordinance # 09-04 on its first reading regarding Sewer Pretreatment Revision. Mr. J. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

Second reading was given of the following Ordinance # 09-01:

ORDINANCE NO. 09-01

AN ORDINANCE TO THE CITY OF SOMERSET REGULATING THE USE OF CERTAIN VEHICLES, BOTH MOTORIZED AND SELF-PROPELLED, WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET, PULASKI COUNTY, KENTUCKY; AND REPEALING IN FULL DIVISION I, SECTION 10 OF CITY ORDINANCE NUMBER 70;

WHEREAS, the City of Somerset has determined that the use of certain items such as bicycles, skateboards, roller blades, skates, four wheelers, and dirt bikes within the City of Somerset should be regulated, as such activities can be a safety hazard for those using such items in an improper manner and/or on public or private roadways, as well as for persons operating a motor vehicle when such items are being used on or in close proximity to roadways; and further, said activities can interfere with property owners' rights to quiet enjoyment and protection from damage of their property, as well as the right to protection of public property;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, PULASKI COUNTY, KENTUCKY AS FOLLOWS:

Section 1: No person shall, at any time, use, operate or ride upon skateboards on any roadway, sidewalk, or parking lot within the City of Somerset's "No-Skate Zone". The No-Skate Zone shall include the following areas (please see attached map, incorporated in full and made part herein by reference, for specific locations of the no-skate zone in each of these areas):

Mt. Vernon Street, Columbia Street, Market Street, Oak Street, Vine Street, Main Street, Maple Street, Central Avenue, College Street, Plum Street, Church Street, Spring Street, Elm Street, Rosewood Street, and Freshman Alley.

Section 2: No person shall, at any time, use, operate or ride upon four wheelers, ATV's, or motorized dirt bikes on public property or on a roadway within the City's corporate limits.

Section 3: No person shall, at any time, use any bench, table, garbage can or any other property belonging to the City of Somerset, or belonging to a private organization or individual, as a ramp/jump for any of the above named items in Section 1 or 2, or any other self propelled vehicle including, but not limited to, bicycles, roller blades, or skates, at any location within the City's corporate limits.

Section 4: No person shall use, operate, or ride upon skateboards, four wheelers, ATV's, or motorized dirt bikes on private property within the corporate limits of the City of Somerset unless the person has obtained consent of the owner of the private property. A person who is the owner of private property in the corporate limits of the City of Somerset, whose spouse, dependent children, or tenants and their dependent children who reside upon the property, shall not be required to have consent to operate the above named items on the private property.

Section 5: Any person violating this Ordinance shall be given a verbal warning for a first offense. Second and subsequent offenses of this Ordinance shall be subject to confiscation of the item used in the violation of this Ordinance. Items confiscated will be placed in the city police property room or other suitable area for 10 days for all first offenses, and 30 days for all subsequent offenses. The item(s) shall be returned to the violator, or to the parent/guardian if the violator is a minor, after the said confiscation period has ended.

Section 6: Any person violating this Ordinance who causes damage(s) to private property, or to public property, shall be financially responsible for all damages caused as a result of the violation. If the person violating the Ordinance is a minor, the person's parent/guardian shall be responsible for said damages per KRS.

Section 7: This Ordinance shall not be applicable to motorcycles, motorized scooters, or golf carts so long as such items are properly registered under any applicable requirements of KRS. This Ordinance shall further not apply to motorized wheelchairs or scooters intended for persons with disabilities or the elderly. Motorcycles, motorized scooters, or golf carts which are not registered may still be used by special event staff or volunteers, or other authorized individuals, if needed to help organize, monitor, or operate an event efficiently and safely. This Ordinance shall not be applicable to any items used by emergency personnel such as the City's Police Department or Fire and EMS Departments, or their designees.

Section 8: Any section or provision of this Ordinance which is declared invalid by a court of competent jurisdiction for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section 9: This Ordinance repeals in full Division I, Section 10 of City Ordinance Number 70, which appears as follows in said Ordinance:

Section 10. - Use of coasters, roller skates, and similar devices restricted. - No person upon roller skates, or riding in or by any means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.

Section 10: This Ordinance shall be in full force and effect from and after its passage, publication and recording, according to law.

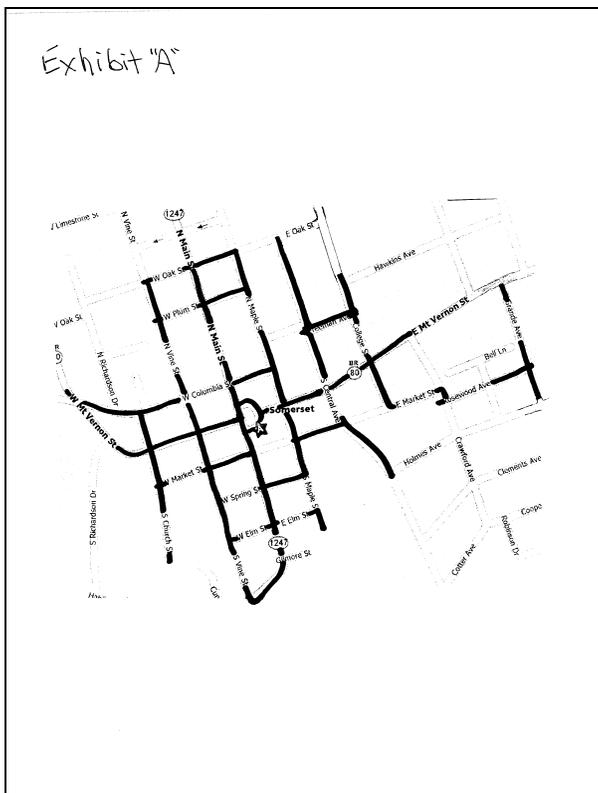
First Reading: February 23, 2009

Second Reading: _____

Approved by: _____, Mayor

Attest:

Clerk, City of Somerset



Mr. Wheeldon moved to approve the above ordinance # 09-01 on its second reading regarding the skateboard ordinance. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

Mr. Wheeldon moved to approve the appointment of Bob Blankenship to the Ethics Board for a four year term ending 3/2013. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

There being no further business the meeting adjourned.

APPROVED _____
MAYOR

ATTEST: _____
CITY CLERK