

## MINUTES OF MEETING HELD OCTOBER 9, 2017

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday October 9, 2017, at 7:00 p.m. with the following present: Council Members; John Adams, Amanda Bullock, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, Donna Hunley, and John Minton and Mayor Eddie Girdler, City Attorney Carrie Weise, and City Clerk Nick Bradley. Absent Jim Mitchell and Tom Eastham.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on September 25, 2017 along with reports as mailed. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Wheeldon moved to approve an Amendment to the Occupational License Fee Inter-Local Cooperation Agreement between the City of Somerset and Pulaski County. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton. "No" Mr. Adams. Motion Passed.

<p style="text-align: center;"><b>CITY OF SOMERSET - PULASKI COUNTY</b> Amendment to Inter-Local Cooperation Agreement:</p> <p style="text-align: center;"><u><b>Occupational License Fee Agreement</b></u></p> <p>WHEREAS, the City of Somerset and Pulaski County entered into an Inter-Local Cooperation Agreement pursuant to KRS Chapter 65, otherwise known as the "Inter-Local Cooperation Act", on the 9<sup>th</sup> day of May, 2016, in regards to revenue sharing of the local occupational license fee, said Agreement attached hereto and incorporated in full herein by reference as an Exhibit to this Amendment; and</p> <p>WHEREAS, the City and the County now wish to amend said Inter-Local Agreement to extend the original term of said Agreement for an additional 5 (five) years, resulting in an initial Agreement term of 10 (ten) years;</p> <p>NOW THEREFORE, the City of Somerset and the County of Pulaski do hereby wish to Amend the parties' Inter-Local Occupational License Fee Agreement, pursuant to section IX, of the original Agreement. The City and County, as evidenced by the signatures of the Executive Authority of each Agency as required by all applicable law, and with documentation of legislative action of the governing bodies attached hereto and incorporated in full by reference, do hereby amend Paragraph VIII as set forth below:</p> <p><b>VIII. Term of Agreement</b> This Inter-Local Agreement shall become effective July 1, 2016 and shall remain in full force and effect until <del>June 30, 2021</del> June 30, 2026, unless terminated pursuant to Section IX herein.</p> <p>No other terms or conditions shall be effected by this Amendment, and this Amendment shall become operative and have full force and effect upon the date of the last signature of the parties/agencies obtained below, following approval by the legislative bodies of each agency, the signature of the Kentucky Department of Local Government (if required), the filing of the Agreement with the Kentucky Secretary of State, Franklin, Kentucky, and finally with the filing of the signed and approved Agreement with the Pulaski County Clerk's Office, Somerset, Kentucky.</p> <p>Signed this the <u>9<sup>th</sup></u> day of <u>October</u>, 20<u>17</u>. _____ Mayor: Edward R. Girdler</p> <p>Signed this the ____ day of _____, 20____. _____ County Judge Executive: Steve Kelley</p> <p>_____ City Attorney: Carrie D. Weise</p> <p>_____ County Attorney: Marlin Hatfield</p>	<p>ATTEST: _____ City Clerk</p> <p>ATTEST: _____ County Court Clerk</p> <p>Approved by DLG on the ____ day of _____, 20____.</p> <p>Department of Local Government Commonwealth of Kentucky (See attached Exhibit "A" and Exhibit "B" for proof of legislative action as required.)</p>
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Mr. New moved to approve the following Ordinance No 17-12: 2016-2017 Budget Amendment, which had to be re-read due to a technical correction of the original second reading. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

ORDINANCE NUMBER 17-20

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

WHEREAS, AN ANNUAL BUDGET HAS BEEN ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY; AND

WHEREAS, THE COMMON COUNCIL HAS RECEIVED PROPOSED BUDGET CHANGES AND HAS MADE NECESSARY MODIFICATIONS;

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

SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 IS HEREBY AMENDED AS FOLLOWS:

	REVENUE	EXPENDITURES
GENERAL FUND	\$14,256,463.00	\$14,256,463.00
CEMETERY FUND	\$105,250.00 <del>\$90,244.00</del>	\$105,250.00 <del>\$90,350.00</del>
SANITATION SERVICE	\$3,228,500.00	\$3,228,500.00
GAS SERVICE	\$18,154,200.00	\$18,154,200.00
WATER SERVICE	\$8,787,000.00	\$8,787,000.00
WASTE WATER	\$7,228,680.00	\$7,228,680.00
WATER PARK	\$1,424,500.00	\$1,424,500.00
FUEL CENTER	\$1,404,950.00	\$1,404,950.00
TRAVEL AND TOURISM	\$350,300.00 <del>\$290,000.00</del>	\$350,300.00 <del>\$290,000.00</del>
PARKS AND REC	\$1,148,500.00	\$1,148,500.00
FMS	\$5,915,200.00 <del>\$5,015,200.00</del>	\$5,915,200.00 <del>\$5,015,200.00</del>


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TOTAL ALL FUNDS      \$62,003,545.00      \$62,003,545.00  
                                  ~~\$60,938,245.00~~      ~~\$60,938,245.00~~

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS APPROVAL AND UPON THE DATE OF PUBLICATION UNLESS STATED OTHERWISE IN THE BODY OF THIS ORDINANCE.

FIRST READING, June 11, 2017

SECOND READING, October 9, 2017

APPROVED   
 EDWARD R. GRUBER, MAYOR  
 CITY OF SOMERSET, KENTUCKY

ATTEST:   
 NICK BRADLEY, CITY CLERK

2

First reading was given the following Ordinance No. 17-21: Accepting Dedication of Streets in the Stonebrook Development known as Golden Leaf.

ORDINANCE NO. 17- 21

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ACCEPTING DEDICATION OF STREETS IN THE STONEBROOK RESIDENTIAL DEVELOPMENT, TO BE KNOWN AS GOLDEN LEAF, LOCATED OFF OF UNIVERSITY DRIVE, THE CITY HAVING BEEN SATISFIED THAT ALL SPECIFICATIONS AND REQUIREMENTS HAVE BEEN MET BY THE DEVELOPER PRIOR TO THE REQUEST FOR DEDICATION INTO THE CITY STREET SYSTEM.

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

I. The street system of the Stonebrook residential development, to be known as Golden Leaf, located off of University Drive and as set forth on Exhibit "A", attached hereto and incorporated in full herein by reference, which is within the City Limits of the City of Somerset, is hereby accepted into the City street system. The Clerk is hereby ordered to amend the City Street map and/or street listing to comply with this Ordinance.

II. This ordinance shall be in full force and effect upon passage, approval, and publication according to law.

FIRST READING, October 9, 2017

SECOND READING, \_\_\_\_\_

Approved: \_\_\_\_\_  
 Mayor, Eddie Grubler

ATTEST: \_\_\_\_\_  
 City Clerk, Nick Bradley

1

First reading was given the following Ordinance No. 17-22: Zone Change of 103 Chestnut Street from R-1 to B-2.

**ORDINANCE NO. 17-22**

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE CITY'S ZONING ORDINANCE, AND ALTERING THE ZONING MAP TO REFLECT SAID AMENDMENT, BASED ON THE FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE;

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

- I. By changing a boundary of land presently zoned R1 to R2, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, specifically with an address of 103 Chestnut Street, Somerset, KY, and a PVA Parcel # of 060-9-2-16
- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.
- III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING December 9, 2017

SECOND READING \_\_\_\_\_

Approved: \_\_\_\_\_

Mayor

ATTEST:

City Clerk

1

First reading was given the following Ordinance No. 17-23: Amending Ordinance No. 00-18, Article 4: Zoning Districts and Zoning Map, Section 4.4 "Low-Moderate Density Residential (R-2)", Sub-Section D. "Conditional Uses".

**ORDINANCE NO. 17-23**

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, AMENDING ORDINANCE NO. 00-18, ARTICLE 4: ZONING DISTRICTS AND ZONING MAP, SECTION 4.4 "LOW-MODERATE DENSITY RESIDENTIAL (R-2), SUB-SECTION D. "CONDITIONAL USES".

WHEREAS, the City recognizes the great importance of protecting the integrity of Residential Zones within the City's limits, specifically Residential Zones of "R-2" as described and set forth in the City's Planning and Zoning Ordinance, 00-18; and

WHEREAS, the City also recognizes that certain structures have been built and/or converted pursuant to proper allowances as approved by the City's Board of Adjustment, and as set forth in the authorized Conditional Use Permits for said structures, but since the time of the granting of such Conditional Use Permits, the conditional use has been discontinued resulting in empty structures for which there is no other permitted and/or practical purpose; and

WHEREAS, the City wishes that the Board of Adjustment be allowed to consider for approval an additional type of Conditional Use in an R-2 Zone in order to revitalize and reuse such structures that are already located within R-2 Zones which would encourage occupying empty structures/spaces;

THEREFORE, be it ordained by the Common Council of the City of Somerset that Ordinance 00-18 is hereby amended as follows:

- (A) Article 4, Section 4.4, Sub-section D., entitled "Conditional Uses", shall now read:

**D. Conditional Uses:** (Permitted only with Board of Adjustment approval):

1. The conditional uses permitted in the R-1 zone.
2. Townhouses.
3. Bed and Breakfast Inn.
4. Type I day care centers.
5. Apartments.
6. Professional Services Office. This Professional Services Office use may only be permitted if the following conditions are met:
  - a. The use is conducted entirely within the dwelling and not in any accessory building;
  - b. No commodities are sold or stored;
  - c. The use does not require external alteration of the dwelling;
  - d. The use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise;
  - e. No outside signage shall be permitted on the grounds of the premises or on the roof, front, or sides of the dwelling. However, a small decorative sign may be used at the main entrance in order to indicate where the Professional

Services Offices are located, as well as small unobtrusive entry and/or exit signs as may be needed on other exterior entryways in order to direct clientele to a main entrance. No additional blacktop, concrete or gravel parking shall be permitted beyond that normally provided in comparable neighborhood homes.

- (B) If any part of this Ordinance Amendment is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance Amendment, and any un-amended portions of the original Ordinance 00-18, shall continue in full force and effect.
- (C) Any Ordinance in conflict with this Ordinance Amendment, or any policies in conflict with the ones enacted herein are repealed in so far as the same are in conflict herewith.
- (D) This Ordinance Amendment shall be in full force and effect upon approval and publication according to law.

FIRST READING December 9, 2017

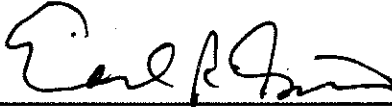
SECOND READING \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk, Nick Bradley

APPROVED: \_\_\_\_\_  
Mayor, Eddie Gindler

Mr. New made a motion to accept the appointment of Clarence Floyd to the Planning and Zoning Board until 2021 to replace Jerry Dixon. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

There being no further business the meeting adjourned.

APPROVED:   
MAYOR

ATTEST:   
CITY CLERK