

MINUTES OF MEETING HELD AUGUST 14, 2017

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday August 14, 2017, at 7:00 p.m. with the following present: Council Members; John Minton, Jim Mitchell, John Adams, Amanda Bullock, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New and Donna Hunley and Mayor Eddie Girdler, City Attorney Carrie Weise, and City Clerk Nick Bradley. Absent Tom Eastham

Mr. Wheeldon moved to approve the minutes of the regular meeting held on July 24, 2017 along with reports as mailed. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

Mr. New moved to go into Executive Session to deliberate on the future acquisition or sale of real property by a public agency pursuant to KRS 61.810(1)(b). Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

No action taken in executive session.

Mr. Burdine moved to authorize Mayor Girdler and City Attorney Carrie Weise to negotiate a Purchase Agreement between the City of Somerset and the Somerset Independent School for the city owned property at 100 East Somerset Church Road known as the Somerfit property. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

Mr. Mitchell moved to approve the bid from Ferrara Fire Apparatus of \$439,875 (including a \$50,000 Credit for trade-in) for a 2017 custom Cinder Chassis Rescue Pumper. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

Mr. Wheeldon moved to approve the bid from Johnston of \$180,000 for a 2013 CNG Freightliner Street Sweeper Demo and financing through Cumberland Valley National Bank. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

Mr. Mitchell moved to approve the bid from Willie Rose Heating & Air of \$39,955 to remove HVAC units from Rocky Hollow and install 2 new package HVAC units. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

First reading was given the following Ordinance No. 17-19:

ORDINANCE NO. 17-19

THIS ORDINANCE NUMBER 17-¹⁹ FIXING THE TAX LEVY, AD VALOREM, FRANCHISE TAX, AND TAX FOR THE CITY OF SOMERSET, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018 PROVIDING PENALTY AND INTEREST FOR NON-PAYMENT.

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

SECTION 1. That for the purpose of providing income for general municipal expenses for the City of Somerset, Kentucky, for the fiscal year beginning July 1, 2017 and ending June 30, 2018 is hereby levied an ad valorem of thirteen cents (.130) on each hundred dollars (\$100.00) of taxable property within the city limits of Somerset, Kentucky.

SECTION 2. That the thirteen cents (.130) ad valorem on each one hundred dollars (\$100.00) of taxable property within the city limits of Somerset, Kentucky, levied shall be deposited in the general fund account and shall be used to pay on general expenses incidental to the operation of the city government.

SECTION 3. That for the purpose of providing income for general municipal expenses for the City of Somerset, Kentucky for the fiscal year beginning July 1, 2017 and ending June 30, 2018 there is hereby levied a tax of thirteen cents (.130) on each hundred dollars (\$100.00) on personal property, tangible and intangible of franchise holders as determined by the Department of Revenue within the city limits of Somerset, Kentucky.

SECTION 4. The thirteen cents (.130) on each one hundred dollars (\$100.00) for franchise property within the city limits of Somerset, Kentucky, shall be deposited in the general fund account and is to be used to pay on expenses incidental to the operation of city government.

SECTION 5. That a two percent (2%) discount shall be allowed on each one dollar (\$1.00) collected before November 1, 2017.

SECTION 6. That there shall be added to and collected a penalty of twenty percent (20%) and interest of six percent (6%) per annum upon each one dollar (\$1.00) of all taxes herein provided for and unpaid after January 1, 2018 until such time that said taxes are paid.

SECTION 7. This Ordinance is to become in full force and effect on and after its approval and passage according to law.

FIRST READING August 14 2017 SECOND READING _____ 2017

ATTEST:

CITY CLERK _____ MAYOR _____

First reading was given the following Ordinance No. 17-20:

ORDINANCE NO. 17-20

AN ORDINANCE IMPOSING A BANK FRANCHISE AND LOCAL DEPOSIT TAX; SETTING FORTH TIME TABLES FOR THE COLLECTION OF SUCH TAX FOR THE YEAR 2017 AND ALL SUBSEQUENT YEARS; AND SETTING FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES FOR THE COLLECTION OF DELINQUENT TAXES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY AS FOLLOWS:

SECTION 1: There is hereby imposed on all "financial institutions" as defined in KRS Chapter 136, located within the corporate limits of the City of Somerset, Kentucky, for the 2017 tax year and all subsequent years, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions.

SECTION 2: The City of Somerset, Kentucky will issue tax bills to financial institutions no later than December 1 of each year. Payment of the tax shall be due with a two percent (2%) discount by December 31 of each year, or without discount by January 31 of each year.

SECTION 3: The City of Somerset, Kentucky, shall have a lien for taxes on the property assessed for taxes to the extent allowed under KRS 134-420.

SECTION 4: All taxes due in accordance with these sections which are not paid before June 30, 2018 for the tax year 2017, or which are not paid before January 31, for all subsequent tax years shall be deemed delinquent and shall be subject to a penalty of 20% and shall bear interest at the rate of 6% per annum.

SECTION 5: All moneys collected pursuant to these sections shall be paid into the General Fund of the City to be used for the payment of proper expenditures as determined by the City Council.

SECTION 6: The City Clerk is hereby directed to send a copy of their Ordinance to the Commissioner of the Kentucky Department of Revenue, Frankfort, Kentucky.

FIRST READING August 14 2017

SECOND READING _____ 2017

ATTEST:

CITY CLERK _____ MAYOR _____

Second reading was given the following Ordinance No. 17-15:

ORDINANCE NUMBER 17-15

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, SETTING FORTH THE CITY'S *INTENT AND DESIRE TO ANNEX* A CORRIDOR OF HIGHWAY, SPECIFICALLY TWO TRACTS OF KENTUCKY STATE HIGHWAY 27, PULASKI COUNTY, KENTUCKY, TO THE CITY OF SOMERSET;

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

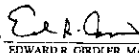
I. That the City of Somerset does hereby state its intent and desire to annex to the City of Somerset, pursuant to KRS Chapter 84A, the following boundary of unincorporated territory which are portions of corridor known as Kentucky State Highway 27, which is contiguous to current boundaries of the City Limits, and is territory that is urban in character and which contains water mains, sewer mains, and/or natural gas lines, which belong to the City of Somerset, and which currently serve customers throughout the area:


Two tracts of land, specifically two portions of corridor located and being in Pulaski County, State of Kentucky, known as Kentucky State Highway 27, and more particularly described as follows, to wit:

(See Exhibit "A" attached hereto and incorporated herein in full by reference.)

II. This ordinance shall take effect after its passage and upon publication by law.

FIRST READING: July 24, 2017
SECOND READING: August 14, 2017

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

ATTEST: 
NICK BRADLEY, CITY CLERK

Mr. New moved to approve the above Ordinance No. 17-15: Intent and Desire to Annex a portion of Kentucky State Highway 27. Mr. Wheelodon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheelodon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

Second reading was given the following Ordinance No. 17-16:

ORDINANCE NO. 17-16

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 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:

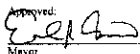
That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:


I. By changing a boundary of land presently zoned R1 to B2, said property being more particularly described in the items comprising Exhibit "A", attached hereto and incorporated herein in full by reference, specifically having a legal address of 327 Langdon Street, Somerset, KY, and a PVA Parcel # of D61-1-4-43.

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: July 24, 2017
SECOND READING: August 14, 2017

APPROVED: 
Mayor

ATTEST: 
City Clerk

Mr. J. Eastham moved to approve the above Ordinance No. 17-16: Zone Change of 327 Langdon St. from R1 to B2. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheelodon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

Second reading was given the following Ordinance No. 17-17:

ORDINANCE NO. 17-17

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 FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE;

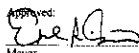
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

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 B2, said property being more particularly described in the items comprising Exhibit "A", attached hereto and incorporated herein in full by reference, specifically with an address of 0 Crab Orchard Road, Somerset, KY, and a PVA Parcel # of 060-9-1-233.
- 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 July 24, 2017

SECOND READING August 14, 2017

Approved: 
Mayor

ATTEST:


City Clerk

1

Mr. Wheeldon moved to approve the above Ordinance No. 17-17: Zone Change of 0 Crab Orchard Rd. from R1 to B2. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

Second reading was given the following Ordinance No. 17-18:

ORDINANCE NO. 17-18

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 FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE;

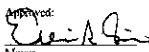
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

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 B2 to R3, said property being more particularly described in the items comprising Exhibit "A", attached hereto and incorporated herein in full by reference, specifically with a PVA Parcel # of 061-1-1-472.
- 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 July 24, 2017

SECOND READING August 14, 2017

Approved: 
Mayor

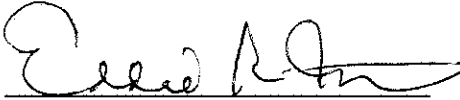
ATTEST:


City Clerk

1

Mr. New moved to approve the above Ordinance No. 17-18: Zone Change of 0 Hamm St. from B2 to R3. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New and Mrs. Hunley.

There being no further business the meeting adjourned.

APPROVED: 
MAYOR

ATTEST: 
CITY CLERK