

MINUTES OF MEETING HELD OCTOBER 14, 2013

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

Mr. Rutherford moved to approve the revised minutes of the regular meeting held on September 23, 2013 to reflect the correct version of Resolution No. 13-16 relating to the purchase, removal of building under code enforcement, and sale of the "Economy Inn property on Monticello Road" along with reports as mailed. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Minton moved to have letters written on behalf of the City of Somerset to local gas companies regarding gas prices and requesting them to drop prices to compare with surrounding cities. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Wheeldon moved to approve the request of Pleasant Hill Baptist Church to use Huffaker Park on November 2, 2013 for a block party. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. J. Eastham moved to have a letter written to the appropriate party in order to push for a four year university. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Wheeldon moved to approve the bid for the US 27 Beautification Project. The bid being awarded to McGowan Excavating in the amount of \$166,500. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

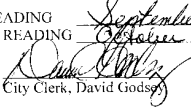
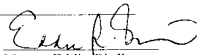
Mr. Burnett moved to approve the purchase of 300 College Street in the amount of \$18,000. Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

First reading was given the following Ordinance No. 13-20:

ORDINANCE NO. 13-20

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ACCEPTING THE DEDICATION OF A CONCRETE RIGHT OF WAY LOCATED ON THE PROPERTY OF MRS. BURTON, SPECIFICALLY LOCATED ON 105 HIGHLAND AVENUE, SOMERSET, KY, 42501; SAID RIGHT OF WAY HAVING BEEN USED PUBLICLY FOR MANY YEARS THANKS TO THE GENEROSITY OF MR. & MRS. BURTON AND THEIR FAMILY; AND SAID RIGHT OF WAY TO BE HEREAFTER KNOWN AS "BEA'S DRIVE" IN HONOR OF THE LATE MR. BURTON AND HIS SURVIVING SPOUSE AND FAMILY.

Second reading was given the following Ordinance No. 13-18:

<p style="text-align: center;">ORDINANCE NO. 13-18</p> <p>AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, <i>AMENDING ORDINANCE NO. 05-01</i>, RELATING TO KRS 190.030 WHICH ALLOWS A VEHICLE LICENSEE, AS DEFINED IN KRS 190.030, TO OBTAIN A TEMPORARY SALE AND/OR DISPLAY OFF PREMISE LICENSE/PERMIT FROM THE COMMONWEALTH OF KENTUCKY PURSUANT TO KRS CHAPTER 190, AND ALL OTHER APPLICABLE LAW;</p> <p>WHEREAS, the City approved an Ordinance permitting a local motor vehicle dealer holding a state issued license, as well as a local City Business License, to hold one (1) off premise display and/or sale per calendar year within the city limits of the City of Somerset, specifically set forth in Ordinance No. 05-01; and</p> <p>WHEREAS, the City of Somerset has determined that KRS 190.030 allows for the City to permit any licensee as defined in said statute to hold one (1) off premise sale and/or display per calendar year; and</p> <p>WHEREAS, the City's previous Ordinance only permitted said off premise sales/displays for "new" motor vehicles, and therefore excluded all other types of motor vehicles as set forth and defined in KRS 190.030;</p> <p>THEREFORE, be it ordained by the Common Council of the City of Somerset that Ordinance 05-01 is hereby amended as follows:</p> <p>(A) Section 1 of Ordinance 05-01 shall now read: "Section 1. Each Licensee, as set forth and defined in KRS 190.030 (1), having a principal office located within the City limits of the City of Somerset, and upon obtaining the proper City business license and the proper state license and/or permit required under KRS Chapter 190 and all other applicable law, may hold one (1) off-premise sale and/or display event per calendar year."</p> <p>(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 05-01, shall continue in full force and effect.</p> <p>(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.</p> <p>(D) This Ordinance Amendment shall be in full force and effect upon approval and publication according to law.</p> <p>FIRST READING <u>September 23, 2013</u> SECOND READING <u>October 14, 2013</u> ATTEST:  City Clerk, David Godsey APPROVED:  Mayor, Eddie Girdler</p>

Mr. Bourne moved to approve the above Ordinance No. 13-18 allowing temporary new and used vehicle off site sales. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

Second reading was given the following Ordinance No. 13-19:

<p style="text-align: center;">ORDINANCE NO. 13-19</p> <p>AMENDMENT OF ORDINANCE 12-09, PER THE UPDATED 2012-2013 ABC KENTUCKY REVISED STATUTES ADOPTED BY THE KENTUCKY GENERAL ASSEMBLY, AND ALL ACCOMPANYING REVISED APPLICABLE LOCAL, STATE, AND FEDERAL LAW.</p>

*Ordinance too large to scan in minutes. The Official Ordinance is available in the City Clerk's Office or online at www.cityofsomerset.com.

Mr. Rutherford moved to approve the above Ordinance No. 13-19 amending the ABC Revised Statutes. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Bourne moved to refund the following amounts paid on 2013 City taxes to Don & Linda Bandy in the amount of \$42.12. 2012 City taxes to Wanda Ridner in the amount of \$41.99. 2012 City taxes to Wayne & Diana Brickner in the amount of \$41.99. 2012 City taxes to Millard & Hazel Shepherd in the amount of \$18.52. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Wheeldon, Mr. J. Eastham, Mr. New, Mrs. Hunley, and Mr. Minton.

There being no further business the meeting adjourned.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK