

MINUTES OF MEETING HELD JULY 8, 2019

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday July 8, 2019 at 7:00 p.m. with the following present: Council Members; David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, City Attorney John Adams, and City Clerk Nick Bradley. Absent; Mayor Alan Keck. Jimmy Eastham served as Mayor Pro Tem in Mayor Keck's absence

Mr. Burdine moved to approve the minutes of the regular meeting held on June 24, 2019 along with reports as mailed. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock and Mr. T. Eastham.

Ms. Bullock made a motion to approve the following Ordinance Number 19-15: Establishing an Entertainment Destination Center in the Downtown Area of Somerset, Kentucky; Further Directing the Application for an Entertainment Destination Center License from the Kentucky Department of Alcoholic Beverage Control; and Further Establishing the Requirements for a Licensee to Sell Alcoholic Beverages within the Common Areas of the Entertainment Destination Center with the addition of wording in Section IV to include the words via random means to make the sentence state: The Mayor of Somerset will select 3 available Council Members via a random means of selection who will conduct a hearing following the notice of appeal whether to uphold or overturn the decision of the ABC Office. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. J. Eastham, Ms. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock. "No": Mr. Wheeldon, Mr. Girdler, Mr. New, and Mr. T. Eastham. Motion passed.

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN THE DOWNTOWN AREA OF SOMERSET, KENTUCKY, FURTHER DIRECTING THE APPLICATION FOR AN ENTERTAINMENT DESTINATION CENTER LICENSE FROM THE KENTUCKY DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, AND FURTHER ESTABLISHING THE REQUIREMENTS FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES WITHIN THE COMMON AREAS OF THE ENTERTAINMENT DESTINATION CENTER.

WHEREAS, KRS 141.010(2) authorizes the issuance of an Entertainment Destination Center ("EDC") License by the Kentucky Department of Alcoholic Beverage Control;

WHEREAS, in addition to the restaurants and brewpubs, the Joe Ford Amphitheater at Rocky Staffow Park the proposed farmers market, redevelopment of retail space, the proposed renovation of the Virginia Theater, the creation of an EDC in the downtown will aid in the economic growth of business in the City of Somerset;

WHEREAS, Somerset is important to a national host to community festivals and other events which cause following and recruitment for the City of Somerset's residents and visitors;

WHEREAS, the City of Somerset seeks to create an EDC within its downtown for which it shall obtain a license from the Kentucky Department of Alcoholic Beverage Control;

WHEREAS, the City further seeks to establish the requirements for a license to sell alcoholic beverages within the common areas of the EDC;

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

- 1. The geographical boundaries of the Entertainment Destination Center (EDC) in the City of Somerset are geographically shown in Exhibit A attached hereto. The general operating description of the EDC is the area of downtown bounded by Columbia and Oak Streets on

the North, College and Cornell on the East, Brady (Yellow Park) (included) to the South, and Market Street to the West. Included is "Vivian Center" and excluded are areas along South Main or "Wash Hill" and known houses of worship in the core area of downtown.

- 2. The City of Somerset shall apply for an EDC license through the Kentucky Department of Alcoholic Beverage Control.
- 3. A business or entity that holds the necessary alcoholic beverage license or licenses for its premises or other qualifying location to sell alcoholic beverages may sell alcohol from one or more non-permanent locations within any common area within EDC. If the licensee (1) holds a supplemental bar license for each non-permanent location, (2) the licensee holds written permission for these sales from the City of Somerset ABC Office, (3) and if the non-permanent location is properly set up for a event having permitted non-permanent sales. And so, if the licensee holds legally valid alcohol at a permanent location in the EDC, the licensee may allow its patrons to carry alcoholic beverages outside its permanent location into the EDC temporary or non-permanent sales area with written permission from the City of Somerset ABC Office. The permission would be to carry into an area set up properly for a permitted event within the EDC. Notwithstanding the above, all permission or license to sell alcohol in the EDC common areas shall comply with state law.
- 4. Written permission may be granted by the City of Somerset ABC Office after a determination that the requirements listed in KRS 141.010 have been met and can will be met at proposed event. If permission is denied by the City of Somerset ABC Office the sales in a common area, the licensee may file an appeal of the decision to the City Council via the Mayor of Somerset. The Mayor of Somerset will select 5 available Council Members via a random means of selection who will conduct a hearing following the terms of appeal whether to uphold or overturn the decision of the ABC Office. The City Attorney shall assist in the conduct of the hearing to assure reasonable procedural and substantive due process and the City Attorney may attempt to mediate the appeal.
- 5. During appeal or non-permanent events permitted for alcohol sales conducted within the

EDC common areas the entity or entities responsible for the event shall possess or provide the following, in addition to those caused by state law or regulation:

- a. Permanent or temporary possession of the common area by deed, lease, or written license (a written temporary use agreement) from those having control or responsibility of the common area;
- b. Provides adequate security for the common area;
- c. Ensures that the public events are controlled in a manner that ensures public safety and pedestrian protection from vehicular traffic;
- d. Has granted written permission for the event and has a signed agreement with the City to conduct the event's other activities (in addition to the permission for non-permanent alcoholic beverage sales) and;
- e. Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the entertainment destination center properly set up for the alcoholic beverage sales.

FIRST READING Aug. 14, 2019

SECOND READING Aug. 27, 2019

Approved:  Alan L. Kirk, Mayor

Attested:  Nick Bradley, City Clerk

Mr. Wheeldon made a motion to approve the following Ordinance Number 19-16: Amending the City of Somerset, Kentucky Annual Budget for the Fiscal Year Beginning July 1, 2018 and Ending June 30, 2019 Estimating Revenues and Resources and Appropriating Funds of the City of Somerset, Kentucky. Mr. Dalton seconded the motion. Upon roll call the following Council

Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock and Mr. T. Eastham.

ORDINANCE NUMBER 19-16

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 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:

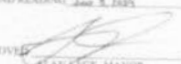
SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 IS HEREBY AMENDED AS FOLLOWS:


	REVENUE	EXPENDITURES
GENERAL FUND	\$16,882,745.00	\$16,882,745.00
CEMETERY FUND	\$131,325.00	\$131,325.00
	\$406,829.00	\$406,829.00
SANITATION SERVICE	\$4,214,843.00	\$4,214,843.00
GAS SERVICE	\$17,336,280.00	\$17,336,280.00
WATER SERVICE	\$8,797,500.00	\$8,797,500.00
WASTEWATER	\$7,655,050.00	\$7,655,050.00
WATER PARK	\$1,203,593.00	\$1,203,593.00
FLUE CENTER	\$1,748,100.00	\$1,748,100.00
	\$1,648,100.00	\$1,648,100.00
TRAVEL AND TOURISM	\$291,800.00	\$291,800.00
PARKS AND REC	\$1,723,100.00	\$1,723,100.00
EMS	\$6,687,900.00	\$6,687,900.00

TOTAL ALL FUNDS \$67,274,136.00 \$67,274,136.00
~~\$67,680,965.00~~ ~~\$67,680,965.00~~

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 28, 2019
 SECOND READING: July 9, 2019

APPROVED: 
 ALAN KRICK, MAYOR
 CITY OF SOMERSET, KENTUCKY

ATTEST: 
 RICK BRADLEY, CITY CLERK

First reading was given the following Ordinance Number 19-17: Amending Ordinance No. 00-18, Known as the City's Zoning Ordinance, based on the Findings of Fact Made by the Planning and Zoning Board, and Based on Said Board's Recommendation of a Zone Change.

ORDINANCE NO. 19-17

AN ORDINANCE AMENDING ORDINANCE NO. 06-01, 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:

This Ordinance No. 19-17, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

1. By changing a boundary of land parcels, known as 01-01-01, used primarily being areas previously described in Ordinal 18-01, attached hereto and incorporated herein in full by reference specifically with an address located at 200 Archstone Street, Somerset, Kentucky, and having a PV 15 Parcel 1 of 01-01-01.
2. The City Clerk of the City of Somerset, Kentucky, is hereby authorized to alter the Zoning Map as reflect and changed.
3. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING: July 8, 2019

SECOND READING:

Approved: _____

Attest: _____

First reading was given the following Ordinance Number 19-18: Amending the City of Somerset, Kentucky Pay & Classification Plan, Said Ordinance being Affirmed and Made Effective July 1, 2019, and which shall Remain in Effect with the Amendments Contained Herein Until such Time as the Plan is Reviewed and/or Amended by the Common Council.

ORDINANCE NUMBER 19-15

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY PAY & CLASSIFICATION PLAN, SAID ORDINANCE BEING AFFIRMED AND MADE EFFECTIVE JULY 1, 2019, AND WHICH SHALL REMAIN IN EFFECT WITH THE AMENDMENTS CONTAINED HEREIN UNTIL SUCH TIME AS THE PLAN IS REVIEWED AND/OR AMENDED BY THE COMMON COUNCIL.

WHEREAS, KRS 81A.070(4) REQUIRES THAT EACH CITY SHALL FIX THE COMPENSATION OF CITY EMPLOYEES IN ACCORDANCE WITH A PERSONNEL AND PAY CLASSIFICATION PLAN, WHICH PLAN SHALL BE ADOPTED BY ORDINANCE AND REVIEWED EACH YEAR ALONG WITH THE BUDGET; AND

WHEREAS, A PAY AND CLASSIFICATION PLAN WAS PREPARED/UPDATED AND DELIVERED TO THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY IN JUNE 2019; AND

WHEREAS, THE COMMON COUNCIL REVIEWED THE REVISED PAY AND CLASSIFICATION PLAN IN JUNE 2019 AND APPROVED CHANGES AS THEY APPEARED ON THE PLAN ATTACHED THERETO AS EXHIBIT "B"; AND

WHEREAS, THE COMMON COUNCIL HAS REVIEWED THE CURRENT AMENDMENT MADE HEREIN, SPECIFICALLY REMOVING MEDICAL TRANSPORT POSITION FROM EMS AND ADDING SIX (6) MORE TO THE EMT** POSITION.

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

SECTION 1. THERE IS HEREBY ADOPTED AN AMENDED PAY AND CLASSIFICATION PLAN ATTACHED HERETO AS EXHIBIT "A" AND MADE PART HEREOF, AND INCORPORATED IN FULL OF AN AMENDMENT REMOVING MEDICAL TRANSPORT POSITION FROM EMS AND ADDING SIX (6) MORE TO THE EMT** POSITION.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AND SHALL BE APPLIED RETROACTIVELY TO JULY 1, 2019 UPON ITS PASSAGE AND UPON PUBLICATION ACCORDING TO LAW.

FIRST READING: July 8, 2019

SECOND READING: _____

APPROVED: ALAN KECK, MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST: NICK BRADLEY, CITY CLERK

There being no further business the meeting adjourned.

APPROVED: _____

MAYOR

ATTEST: _____

CITY CLERK