

MINUTES OF MEETING HELD FEBRUARY 28, 2022

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday February 28, 2022, at 6:00 p.m. with the following present: Council Members; John Minton, Jim Mitchell, David Godsey, Amanda Bullock, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Patrick Hunley, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Tom Eastham.

Mr. Godsey moved to approve the minutes of the regular meeting held on February 14, 2022, along with reports as mailed. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Hunley.

Mr. Mitchell made a motion to approve the following Resolution Number 22-03: Authorizing the City of Somerset to Use the Standard Allowance for The Local Fiscal Recovery Fund as Authorized by The American Rescue Plan Act. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Hunley.

RESOLUTION 22-03
OF
SOMERSET CITY COUNCIL

A RESOLUTION AUTHORIZING THE CITY OF SOMERSET TO USE THE STANDARD ALLOWANCE FOR THE LOCAL FISCAL RECOVERY FUND AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT.

WHEREAS, The United States Congress passed the American Rescue Plan Act (ARPA) on March 10, 2021, and President Joe Biden signed into law on March 11, 2021;

WHEREAS, The American Rescue Plan Act created the Local Fiscal Recovery Fund to provide funding to all cities and counties throughout the nation;

WHEREAS, The City of Somerset received a total allocation of \$1,000,040 through the Local Fiscal Recovery Fund, with the first half covering in 2021 and the second half covering in 2022;

WHEREAS, The United States Department of the Treasury published in the *Federal Register* the Final Rule governing the Coronavirus State and Local Fiscal Recovery Funds on January 27, 2022;

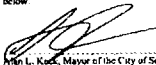
WHEREAS, The Final Rule allows local governments to elect a standard allowance of up to \$10 million, not to exceed the total award allocation, in lieu of calculating revenue loss as prescribed by Treasury; and

WHEREAS, The Final Rule allows local governments to use their portion identified as revenue loss to provide any government services;

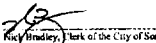
RESOLVED, That the Somerset City Council elects to use the standard allowance for identifying revenue loss within the Local Fiscal Recovery Fund as authorized by the American Rescue Plan Act; and

RESOLVED, That the City Council authorizes the Mayor to sign all paperwork associated with the City of Somerset regarding the standard allowance for identifying revenue loss within the Local Fiscal Recovery Fund as authorized by the American Rescue Plan Act.

Motioned and Voted Successfully on the day of February 28, 2022 as proven and executed by the officers below:


Alan L. Keck, Mayor of the City of Somerset

And Attested by:


Nick Bradley, Clerk of the City of Somerset

Mr. Burdine made a motion to approve the following Ordinance Number 22-03: 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 Of 107 Losey Street From B-2 to R-3. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughettee, and Mr. Hunley.

ORDINANCE NO. 22-03

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 B-2 to R-3, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 107 Losey St, Somerset, Kentucky, and having PVA Parcel # 061-1-4-02 & 061-1-4-08.
- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said changes.
- III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING February 14, 2022

SECOND READING February 28, 2022

Approved:

Attest:

**CITY OF SOMERSET, KENTUCKY
Planning and Zoning Commission**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND RECOMMENDED ORDER**

CASE NO. Cumberland Lake Retreat

RE: Rezoning 107 Losey Street, Parcels 061-1-4-02 & 061-1-4-08

For Recording purposes.

Listed below are the parties involved in the Zone Change for:

Subject Property

107 Losey Street

Somerset, Kentucky

PVA Parcel 061-1-4-02 & 061-1-4-08

Party One

City of Somerset, Planning & Zoning Commission, Cumberland Lake Retreat, LLC,
PO Box 969
Somerset, Kentucky, 42502

Party Two

536 Red Oak Drive
Nancy, Kentucky 42544

The Somerset Planning and Zoning Commission having heard testimony in a public hearing conducted before the Commission on the 09th day of February, 2022 and based on the evidence presented, the Somerset Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER.

FINDINGS OF FACT

The tract has frontage along both Losey Street and Todd Street.

The applicant(s) have the property under contract from the owner of record, An-Doni Hantz.

Parcel 061-1-4-02 is improved with a single family residence, garage and outbuilding.

Parcel 061-1-4-08 is unimproved. Both tracts are zoned B-2.

The applicant plans to raise the present improvements and construct a small apartment building on site, with an entry as follows:

The tract is adjoined by three other landowners. The tract to the west is zoned B-2 and unimproved. The tract to the east on Losey Street is zoned R-1 and is unimproved. The tract to the east on Todd Street is zoned B-2 and also unimproved. The tracts across the street on Losey are zoned R-1 and R-2. The R-1 tract is improved with a single family residence. The B-2 tract is unimproved, and has additional frontage along West Columbus Street. The properties across the street on Todd Street are zoned B-2 and R-3. All are improved with single family residences. The tract at the corner of Floyd Street and Bagle Street is improved with an apartment complex, and there are two duplexes on Floyd Street to the east of the apartment complex.

The Comprehensive Plan has this tract, as well as all nearby properties in the Special Zone. The proposed use may or may not meet requirements of KRS 100.213 (1) (that the map amendment is in agreement with the adopted

comprehensive plan, the chairman noted the Commercial Lake Rentals representative (Taddy Hume, as reported on earlier 100-213 1-1-14) that the existing zoning classification given to the property is inappropriate and the proposed zoning change is appropriate. On 100-213 1-1-14, the staff there have been changes of the economic, physical or social nature within the area involved which were not anticipated.

Mr. Hume felt that the proposed use is more in line with other properties in the immediate area, since the commercial properties have developed along Eagle Street and West's churches, and that a residential use would be more appropriate than those allowed on the B-2 Zoning.

No other persons(s) came forward to speak on the matter, and the public hearing was closed.

After the public hearing and during the discussion of the zoning change, Commissioner Matthew Robert Puchner stated that he did not know why this area would be zoned business and that it may have been a coding mistake when the map was brought up to date. He felt that the area should be zoned residential. The general consensus of the commission was that the proposed zoning change is more in line with adjoining properties than the present zoning. The zoning change was presented to the board in writing, with all members voting "ay".

CONCLUSIONS OF LAW

The Commission believes this proposed zoning (R-1) is more appropriate for the use based on its location and the surrounding properties rather than the current B-2. It is felt that this is sufficient cause for the zoning change to meet the requirements of 100-213 1-1-14.

ORDER

It is hereby recommended by the Commission that the Rezoning be granted.

A true and correct copy of this Finding of Fact, Conclusions of Law and Recommended Order shall be sent to the Respondent by certified mail, return receipt requested and filed with the Pulaski County Clerk.

DONE AND ORDERED this 9th day of February, 2022.

Mandy Lynch
Chairman,
Planning and Zoning Commission
City of Searcy

ATTEST:
John Adams
Secretary (Clerk, etc.)

This document was prepared by the staff of the Planning and Zoning Department under the supervision of John Adams, City Attorney.

City Attorney



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Mr. Burdine made a motion to approve the appointment of Mandy Lynch to the Planning and Zoning Board and Don Moss to the Ethics Board. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Hunley.

Mr. Daughetee made a motion to approve a tax refund for Oscar & Phyllis Shepherd for a 2021 Homestead Exemption in the amount of \$52.65. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Hunley.

There being no further business the meeting adjourned at 6:33 p.m.

APPROVED: *[Signature]*
MAYOR

ATTEST: *[Signature]*
CITY CLERK