

MINUTES OF MEETING HELD APRIL 24, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday April 24, 2023, at 6:00 p.m. with the following present: Council Members; David Godsey, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, John Minton, Jim Mitchell, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Amanda Bullock and Patrick Hunley.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on April 10, 2023, along with reports as mailed. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Godsey, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, and Mr. Mitchell.

Mr. Mitchell made a motion to approve the following FAIR HOUSING MONTH PROCLAMATION. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Godsey, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, and Mr. Mitchell.



The City of Somerset
Commonwealth of Kentucky
Office of the Mayor

FAIR HOUSING MONTH PROCLAMATION

WHEREAS Fair Housing is a right protected by Federal and State Laws; and

WHEREAS Housing discrimination is illegal; and

WHEREAS Fair Housing means persons may freely choose a place to live without regard to race, color, religion, sex, national origin, or because persons are disabled or have children in the family; and

WHEREAS Fair Housing laws apply to persons viewing or renting an apartment; viewing or purchasing a home; applying for or securing a home loan; or purchasing homeowners or renters' insurance

NOW, THEREFORE, I, Alan Keck, Mayor of Somerset do hereby proclaim the month of April 2023

as

Fair Housing Month

In the city of Somerset, recognizing the need for community education and awareness of fair housing

WITNESS MY HAND and the Official Seal of Somerset, Kentucky to be affixed this 24th day of April the month of April, 2023 as


Alan L. Keck, Mayor

Mr. Daughetee made a motion to approve the following Resolution Number 23-06: ESTABLISHING A PROCUREMENT POLICY FOR THE CITY OF SOMERSET COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Godsey, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, and Mr. Mitchell.

RESOLUTION NO. 23-06

A RESOLUTION OF THE CITY OF SOMERSET ESTABLISHING A PROCUREMENT POLICY FOR THE CITY OF SOMERSET COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

WHEREAS, the Commonwealth of Kentucky, on March 17, 1979, adopted a Procurement Code for local governments and subdivisions of local governments within the Commonwealth of Kentucky (KRS 45A 345-45A 360) and

WHEREAS, the Commonwealth of Kentucky Procurement Code became effective January 1, 1980, and requires adoption of local Procurement Codes for each local government or subdivision of local government within the Commonwealth of Kentucky and

WHEREAS, the Commonwealth of Kentucky Procurement Code increased from \$20,000 to \$30,000 on July 15, 2010, and requires adoption of this increase of Procurement codes for each local government or subdivision of local government within the Commonwealth of Kentucky and,

WHEREAS, the Commonwealth of Kentucky in its contract between the local unit of government and the United States of America requires that Procurement of all services and materials be undertaken in conformance with The Government Rule and Federal Management Circular 77-47 and,

WHEREAS, the City of Somerset (the IPA) has evaluated the requirements of both state law and federal rules and regulations,

NOW, THEREFORE, BE IT RESOLVED by City of Somerset that:

- 1) The local Procurement Policy for the CDBG is attached hereto for small purchases and purchases of \$30,000 less and procurement procedures for services and material with a value in excess of \$30,000 is hereby approved
2) That the Procurement Policy established hereafter for the Community Development Block Grant Program shall be effective immediately, and
3) Nothing in these procurement regulations shall be construed in such a manner as to relieve the City of Somerset of the responsibilities to comply with all procurement requirements imposed by the United States Federal Department of Housing and Urban Development and the Commonwealth of Kentucky as may be included in the CDBG contract between the local unit of government and the Commonwealth of Kentucky
This Order shall be in full force and effect upon reading and adoption by the City of Somerset

DATE OF READING: April 24, 2023

MOTION BY: Mr. Daughette
SECONDED BY: Mr. T. Eastham

VOTE:

Table with 3 columns: Councilman, Yes, No. Rows include Godley, T. Eastham, Bardine, Dalton, Wheelon, J Eastham, Girdler, Minton, Daughette, Melick.

Signature of Alan Keck
Alan Keck
Mayor of Somerset, Kentucky

Signature of Nick Bradley
Nick Bradley
Clerk of Somerset, Kentucky

KBDBG PROCUREMENT CODE

All procurements made by... (transfer referred to as "Grantee/ Subrecipient") involving the expenditure of local, state and federal funds on the City of Somerset and CDBG L.S.L. Projects shall be made in accordance with the following procurement standards

Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The Grantee/Subrecipient shall not engage in procurement practices that may be considered restrictive or biased.

Purchases will be reviewed by the Treasurer to prevent duplication and to ensure that codes are interpreted.

Methods for Procurement

Procurements shall be made by one of the following methods: (a) small purchase procedure, (b) competitive sealed bids, (c) competitive negotiation, (d) non-competitive negotiation.

A. SMALL PURCHASES

For purchases of less than \$60, offers will be made to get the lowest and best price, but written records of such offers are not necessary.

Purchases that cost more than \$60 but less than \$30,000 require questions of rate, price, etc., but no legal instrument is required. The Grantee/Subrecipient will solicit responses from at least three vendors. If written responses are not available, a statement explaining the procurement will be prepared and filed. If quotations are obtained via telephone, a memorandum will be prepared setting forth the date the calls were made, names contacted, and prices obtained.

The Grantee/Subrecipient will make the award to the lowest responsive and responsible source, and enter into a contract formalizing the scope of work and terms of compensation.

B. COMPETITIVE SEALED BIDS

Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than those personal or professional services \$50,000, an invitation for bids (IFB) notice will generally be prepared. Per KYC 424.122, this notice will be published at least once in a qualifying official newspaper

of general circulation within the community. The newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. In addition, the Grantee/Subrecipient must solicit sealed bids from responsible prospective suppliers by distributing a copy of such notice to them

The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language that calls to the attention of bidders all applicable requirements that must be complied with such as Section 3 of the 1998 Housing Act, Section 108 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11649 and the Davis-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFB. The Grantee/Subrecipient will tabulate the bids at the time of bid opening. The results of the tabulation and the bid documents will be reviewed by the review committee, which will make recommendations to the Grantee/Subrecipient. The Grantee/Subrecipient will make a firm fixed-price contract award in writing to the lowest responsive and responsible bidder. After the Grantee/Subrecipient makes the bid award a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The Grantee/Subrecipient may cancel an invitation for bid or reject all bids if it is determined in writing that such is in the best interests of the Grantee/Subrecipient. The Grantee/Subrecipient may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

Bid Overlays

The following options are available for awarding a bid following an overlay:

- 1) Obtaining additional funds from another source and combining with the original IFB

- 2) Reopening all bids, reviewing project scope and bid specifications and issuing a revised RFP (competitive sealed bid) open to the entire public; or
- 3) Conducting competitive negotiations with all bidders (Unless must seek pre-approval from DLG for this option)

Competitive negotiations under option (3) must take place under the following criteria:

1. If discussions pertaining to the revision of the specifications or quantities are held with any bidder, all of the bidders shall be afforded an opportunity to take part in such discussions.
2. After discussions with the bidders, the grantee shall revise the scope of work, accuracy and issue an RFP open to all bidders, providing for requested proposals to be submitted as required, but the grantee shall allow at least seven days for bidders to submit proposals.
3. The RFP shall be awarded on the basis of lowest bid price.

C. COMPETITIVE NEGOTIATION

The Grantee/recipient may utilize competitive negotiations regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible);
2. The services to be provided are professional or personal in nature.

The use of the competitive negotiations procurement method for services other than architectural, engineering, planning or administrative services must be pre-authorized by DLG. With the exception of procurement of certain professional services (architectural engineering services), competitive negotiations will proceed as follows:

1. Proposals will be solicited through a qualifying official newspaper advertisement, administratively a Request for

3

Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than thirty-one (31) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor except for engineering services.

2. Award must be made to the offeror whose proposal is determined by the review committee to be most advantageous to the program, with price and other factors considered. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms if the procurement may be abandoned.

For the procurement of architectural/engineering (A/E) professional services, an alternative to RFPs may be used. The Grantee/recipient may submit a Request for Qualifications (RFQ) and include in a separate method to RFQs (RFQ) the following: (a) A list of the A/E firms to be qualified. A review committee will evaluate the responses and rank them by competitive qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the committee is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The committee will maintain a written record of all such negotiations.

D. NON-COMPETITIVE NEGOTIATIONS

Non-competitive negotiation is a procurement method through solicitation of a proposal from one source, and is often referred to as sole source procurement. A contract may be awarded by non-competitive negotiation (S) when the award is infeasible under small purchase procedures, competitive sealed bids, or competitive negotiations and one of the following circumstances applies:

4

1. There is some public emergency that will not permit delay resulting from competitive solicitation (the grantee must declare an emergency as authorized by law); or
2. The results of the competitive negotiations are inadequate; or
3. The product or service is available only from a single source.

Caution: The use of the non-competitive negotiations procurement method must be authorized by DLG.

The following requirements apply to the non-competitive negotiations procurement process:

1. Negotiations must be conducted with the selected company regarding a scope of work and price; and
2. Preparation and signing of a contract form setting a scope of work and the terms of compensation is required.

II. CONTRACTS

Generally, all procurement in excess of \$600 will be materialized and supported by a written contract. Where it is infeasible or impractical to procure a contract, a written finding to the effect will be prepared and a purchase order regarding the transaction will also be prepared. The contractual provisions required by "The Contract Book" will be included in all contracts and purchase orders.

III. DOCUMENTATION

All source documents regarding any given transaction (purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (source documents chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. As a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of responsibility of cost) and basis for payment.

IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

The Grantee/recipient shall make and document efforts to solicit participation of locally owned, minority owned, female owned and small businesses. Where

5

feasible, evaluation criteria will include a factor with an appropriate weight for Small Firms. A list of locally owned, minority owned, female owned and small businesses and also minority business located within the trade region shall be maintained and utilized when awarding RFPs, RFQs and RFQs. The Grantee/recipient shall also consult the list when making small purchases.

V. SECTION 3

Grantee/recipient shall abide by the Section 3 action plan and shall to the maximum extent feasible, as required by 24 CFR Part 175, award contracts to businesses that provide economic opportunities for low and very low income persons residing in the project area.

VI. CODE OF CONDUCT

A. CONFLICTS OF INTEREST

In addition to the prohibitions set forth in 24 CFR 870.488(b) and 24 CFR 85.380(c), the following prohibitions shall apply:

- (1) It shall be a breach of ethical standards for any employee with procurement authority to participate directly in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter pertaining to any contract, or subcontract, and any solicitation or proposal therefor, in which to his knowledge:
 - (a) He, or any member of his immediate family has a financial interest therein; or
 - (b) A business or organization in which he or any member of his immediate family has a financial interest as an officer, director, trustee, partner, or employee, is a party; or
 - (c) Any other person, business, or organization with whom he or any member of his immediate family is negotiating or has an arrangement concerning prospective employment as a party. Direct or indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any application or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity.
- (2) It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any application or purchase standard.

6

RESOLUTION NO. 23-07

A RESOLUTION OF THE CITY OF SOMERSET APPROVING THE CDIBG ADMINISTRATION SERVICES CONTRACT WITH FADE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE 2022 SOMERSET RECOVERY PROJECT

NOW, THEREFORE, BE IT RESOLVED by the Somerset City Council that

I.

1. To approve the CDIBG Administration Services Contract with FADE for the Community Development Block Grant Program for the 2022 Somerset Recovery Project.

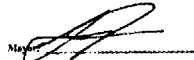
2. To direct the City Manager to execute the CDIBG Administration Services Contract with FADE for the Community Development Block Grant Program for the 2022 Somerset Recovery Project.

DATE ADOPTED: April 24, 2023

MOVED BY: Mr. Mitchell

SECONDED BY: Mr. Godsey

ROLL: YES 10 NO 0

Mayor 

ATTN:

City Clerk: 

Mr. Burdine made a motion to approve the following Ordinance Number 23-05: 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 BAORD, AND BASED ON SAID BAORD'S RECOMMENDATIONS OF A ZONE CHANGE of 220 Jacksboro St. from R-2 to R-3. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Godsey, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, and Mr. Mitchell.

ORDINANCE NO. 23-05

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:

- 1. By changing a boundary of land presently zoned R-2 to R-3, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 228 Jackaboro St., Somerset, Kentucky, and having PVA Parcel # 061-6-3-53.
2. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said changes
3. This Ordinance shall be in full force and effect from and after adoption and publication according to law

FIRST READING April 10, 2023

SECOND READING April 24, 2023

Approved [Signature]
Attest: [Signature]

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO.

RE: Zone Change Brown Builders, LLC, 200 Jackaboro Street

For Recording purposes,
Listed below are the parties involved in the Zone Change file
200 Jackaboro Street
Somerset, Kentucky
PVA Parcel 061-6-3-53

Party One City of Somerset, Planning and Zoning Commission
Party Two Brown Builders, LLC

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 28th day of March 2023 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT:

FINDINGS OF FACT

Brown Builders, LLC is the owner of record of a tract of land at 200 Jackaboro Street, per deed of conveyance dated the 12th of October 2022 and of record in Deed Book 1063 Page 689. The tract is zoned R-2 and is of sufficient size that multiple buildings can be accommodated on the site. The tract has over 240 feet of road frontage along Jackaboro Street. The tract has additional road frontage along Garrett Street, approximately 110 feet. There is a single family residence on one end and is located on the northern portion of the tract, at an intersection with Farmer Street.

As stated previously the tract is zoned R-2.
Those tracts to the the east:
110 Farmer Street (Parcel 061-6-3-54) and
105 Garrett Street (Parcel 061-6-3-70), which is across Garrett Street from the subject are zoned R-2.

There is one tract to the north across Farmer Street from the subject, 134 Jackaboro Street, (Parcel 061-5-9-14), that is also zoned R-2.

The five tracts to the west across Jackaboro Street from the subject

- 143 Jackaboro Street (Parcel 061-5-9-12),
201 Jackaboro Street (Parcel 061-6-3-03),
203 Jackaboro Street (Parcel 061-6-3-04),
205 Jackaboro Street (Parcel 061-6-3-05),
207 Jackaboro Street (Parcel 061-6-3-06) are all zoned R-2.

The lone exception to the tract to the south Parcel 061-6-3-51, which is zoned R-3 and owned by the applicant. It has two duplexes on site, 206 Jackaboro Street and 107 Garrett Street.

The Comprehensive Plan has the future use of the tract to remain residential which in essence agrees with KRS 100.213 (1) Before any map amendment is granted, the planning commission or the legislative body or final court must find that the map amendment is in agreement with the adopted comprehensive plan.

The commission also asked the applicant to comply with KRS 100.213 (1) (c) That the zoning change designation given to the property is inappropriate and that the proposed zoning classification is appropriate.

It would seem that the present improvements do not meet the highest and best use of the land as there is more than sufficient land to accommodate the existing building. The permitted uses of the land would permit an additional single-family residence, duplexes, or triplexes. As there has not been any single-family residential construction along Jackaboro Street in the past five to ten years, and what construction that has been completed in the same time period is multi-family source, one would assume that due to economic factors that any additional construction on the tract it would be of the multi-family type and those allowed in in the zoning ordinance are duplexes or triplexes.

The applicant's argument that a single apartment building housing six units is more economical to construct than two triplexes with the same number of units is readily provable by multiple construction cost sources.

As such, the requested zone change due to the typical lot size (larger and superadequate road frontage) and the tract's ability to accommodate a building, such as the planned construct, with ample grounds remaining, would seem that the requested zone (R-3) is within reason and more appropriate than the present zoning.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. The site size does make the appropriateness of the present zoning somewhat in doubt when one factors in the economic factors that would make the planned improvements more economically feasible.

There were no citizens present to comment in favor or against the rezoning. The commission appears to be in agreement with the movement of the applicant that the present zoning (R-2) is inappropriate, and the requested zoning (R-3) is more appropriate having voted 5-0 in favor of the rezoning.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, as the present zoning is deemed inappropriate, due to the site's superadequacy in terms of size and road frontage and the requested zone change is more appropriate due to the economic saving the applicant will reap which will make the construction financially feasible.

A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 3rd day of April 2023.

[Signature]
Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:
[Signature]
Planning & Zoning Commission Clerk

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

City Attorney

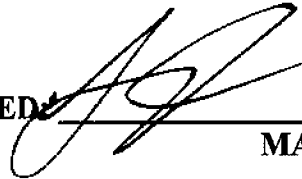
Mr. Godsey made a motion to approve a tax refund for a Homestead Exemption to Gary M. Shadoan in the amount of \$52.65. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Godsey, Mr. T. Eastham, Mr. Burdine, Mr.

Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, and Mr. Mitchell.

Mr. Mitchell made a motion to stop accepting leachate at the wastewater treatment plant. Mr. Minton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Godsey, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, and Mr. Mitchell.

There being no further business the meeting adjourned at 7:27 p.m.

APPROVED: _____



MAYOR

ATTEST: _____



CITY CLERK