

MINUTES OF MEETING HELD JUNE 27, 2022

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday June 27, 2022, at 6:00 p.m. with the following present: Council Members; Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Jim Mitchell, David Godsey, Amanda Bullock, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Patrick Hunley and John Minton.

Mr. Dalton moved to approve the minutes of the regular meeting held on June 13, 2022, along with reports as mailed. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Mitchell, Mr. Godsey and Ms. Bullock.

Mr. Godsey made a motion to approve the following Resolution Number 22-13: Authorizing of Legal Applicant for Filing of Loan Application and Appointing Appropriate Local Government Official and Successors-In-Title as Official Project Representative of An Infrastructure Revolving Fund (Fund C – Governmental Agencies Program) Project. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Mitchell, Mr. Godsey and Ms. Bullock.

RESOLUTION NO. 22-13

Authorizing Resolution of Legal Applicant for Filing of Loan Application and Appointing Appropriate Local Government Official and Successors-In-Title as Official Project Representative of An Infrastructure Revolving Fund (Fund C – Governmental Agencies Program) Project.

WHEREAS, the City of Somerset propose to complete a project as identified in the Water Resource Information System (WRIS) as WRS# WX21199147;


WHEREAS, the City of Somerset endorses said project; and

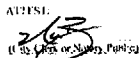
WHEREAS, under the terms of amendments to KRS 224A, the State is authorized to render financial assistance to eligible project applicants by way of the Infrastructure Revolving Fund (Fund C – Governmental Agencies Program) established to aid in the construction of eligible infrastructure projects with consideration for approval to be based on applications submitted through the Kentucky Infrastructure Authority; and

WHEREAS, the improvements proposed for construction by the City of Somerset within the WX21199147 WRIS project profile are considered eligible for such loan assistance;

NOW, THEREFORE, BE IT RESOLVED by the City of Somerset that the Mayor Alan Keck and Successors-In-Title are hereby authorized to execute and submit an application through the Kentucky Infrastructure Authority with such guarantees and required supporting data as is necessary to obtain loan assistance from the Infrastructure Revolving Fund (Fund C – Governmental Agencies Program) for the proposed facilities, improvements, and are hereby authorized as the City of Somerset's Official Project Representative to carry out necessary negotiations for and administer the loan assistance the applicant may obtain from the Infrastructure Revolving Fund (Fund C – Governmental Agencies Program).

Adopted this 27th day of June, 2022.


Alan Keck, Mayor
City of Somerset

ATTEST:

City Clerk or Deputy

Mr. Wheeldon made a motion to approve the following Resolution Number 22-14: Approving the CDBG Administration Services Contract with FAHE For the Community Development Block Grant Program for the 2021 Somerset Recovery Project. Ms. Bullock seconded the

motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Mitchell, Mr. Godsey and Ms. Bullock.

RESOLUTION NO. 22-14
AN ORDER OF THE CITY OF SOMERSET APPROVING THE COMM. ADMINISTRATION SERVICES CONTRACT WITH FAIR FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE 2021 SOMERSET RECOVERY PROJECT

WHEREAS the City of Somerset, New Jersey, is a recipient of a Community Development Block Grant award from the U.S. Department of Housing and Urban Development for the 2021 Somerset Recovery Project;

WHEREAS the City of Somerset, New Jersey, is seeking to enter into a contract with Fair for the Community Development Block Grant Program for the 2021 Somerset Recovery Project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Somerset, New Jersey, that the City of Somerset, New Jersey, is authorized to enter into a contract with Fair for the Community Development Block Grant Program for the 2021 Somerset Recovery Project;

Resolutions of the City of Somerset, New Jersey, are subject to the approval of the Mayor.

DATE ADOPTED: June 27, 2022

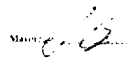
MOTION BY: Mr. Bullock

SECONDED BY: Ms. Bullock

AGRE: YES NO N/A

WITNESSETH:

CITY CLERK



Mr. Mitchell made a motion to approve the following Resolution Number 22-15: Appointment of Nancy Holland to the Planning & Zoning Board. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Mitchell, Mr. Godsey and Ms. Bullock.


RESOLUTION NO. 15
OF
SOMERSET CITY COUNCIL

WHEREAS, the City of Somerset, Kentucky, is authorized by the State of Kentucky to issue bonds to finance the construction of certain public works, and

WHEREAS, the City of Somerset, Kentucky, is authorized by the State of Kentucky to issue bonds to finance the construction of certain public works, and

It is the policy of the City of Somerset, Kentucky, to issue bonds to finance the construction of certain public works, and

Therefore, the City of Somerset, Kentucky, hereby resolves that the City of Somerset, Kentucky, shall issue bonds to finance the construction of certain public works, and

And Attested by,

Nick Bullock, Clerk of the City of Somerset

Mr. Burdine made a motion to approve the following Ordinance Number 22-09: Amending the City of Somerset, Kentucky Annual Budget for The Fiscal Year Beginning July 1, 2021, And Ending June 30, 2022, Estimating Revenues and Resources and Appropriating Funds of The City of Somerset, Kentucky. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Mitchell, Mr. Godsey and Ms. Bullock.

ORDINANCE NUMBER 22-09

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 (MUNICIPAL REVENUE AND REVENUE SUBJECTS AND APPROPRIATING \$1,367,000 OF THE CITY OF SOMERSET, KENTUCKY)

WHEREAS AN ANNUAL BUDGET HAS BEEN APPROVED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY; AND

WHEREAS THE COMMON COUNCIL HAS RECEIVED PROPOSED BUDGET CHANGES AND HAS MADE NECESSARY AMENDMENTS;

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, 2021 AND ENDING JUNE 30, 2022 IS HEREBY AMENDED AS FOLLOWS:

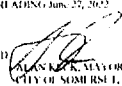
	REVENUE	EXPENDITURES
GENERAL FUND	\$1,809,915.00 \$78,904,428.06	\$17,899,915.00 \$3,900,843.00
SANITATION SERVICE	\$5,100,750.00	\$5,100,750.00
GAS SERVICE	\$1,044,200.00	\$1,044,200.00
WATER SERVICE	\$3,921,000.00	\$1,921,000.00
WASTEWATER	\$4,858,800.00	\$4,858,800.00
WATER PARK	\$1,236,300.00 \$1,993,500.00	\$1,236,300.00 \$1,993,500.00
YOUTH CENTER	\$1,474,100.00 \$1,144,100.00	\$1,474,100.00 \$1,144,100.00
TRAVEL AND TOURISM	\$400,200.00	\$400,200.00
EMS	\$7,756,100.00	\$7,756,100.00
VIRGINIA	\$0.00 \$19,200.00	\$0.00 \$300,200.00
MUNICIPAL EMPLOYEES	\$320,000.00	\$320,000.00

TOTAL ALL FUNDS	\$95,527,271.00 \$85,405,971.00	\$95,527,271.00 \$85,405,971.00
-----------------	------------------------------------	------------------------------------

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT UPON APPROVAL AND FOR THE DATE OF PUBLICATION UNLESS STATED OTHERWISE IN THE BODY OF THIS ORDINANCE.

FIRST READING - June 10, 2022

SECOND READING - June 27, 2022

APPROVED:  ALAN K. KISER, MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST:  NICK BRADLEY, CITY CLERK

Mr. Wheeldon made a motion to approve the following Ordinance Number 22-10: 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 311 Park Avenue from B-2 to R-3. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Mitchell, Mr. Godsey and Ms. Bullock.

ORDINANCE NO. 22-10

AN ORDINANCE AMENDING ORDINANCE NO. 19-18, 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. 19-18, 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 R-2 to R-3, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference located at 311 Park Ave, Somerset, Kentucky, and having PVA Parcel # 009 6-6-67.
- 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: June 17, 2022

SECOND READING: June 27, 2022

Approved

Attest

CITY OF SOMERSET, KENTUCKY
Planning and Zoning Commission

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

CASE: Light Management, LLC

RE: Rezoning 311 Park Avenue
 for Recording purposes.
 Listed below are the parties involved in the Zone Change for
 Subject Property
 311 Park Avenue
 Somerset, Kentucky
 PVA Parcel 060-6-6-67

Party One	Party Two
City of Somerset, Planning & Zoning Commission	Light Management, LLC
PO Box 990	PO Box 3215
Somerset, Kentucky, 42502	West Somerset, Kentucky, 42504

The Somerset Planning and Zoning Commission is hereby heard testimony at a public hearing conducted before the Commission Board on the 17th of June, 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 only person in attendance for the public hearing was Mike Wyzanski, member of Light Management. No one else spoke on the proposed zone change.
 The applicant has owned the tract of land since February 2011.
 The tract is unimproved with topography that falls as follows:
 307 Park Avenue, Parcel 060-6-6-66, to the south and east, is owned by Latitude Communications, Inc. and is zoned R-2. It is improved with a commercial building that is used for such activities as follows:
 313 Park Avenue, Parcel 060-6-6-68, to the north, is owned by Angie Adams et al and is zoned R-2. It is improved with a single family residence.
 315 & 317 Park Avenue, further to the north, are zoned R-2 and are improved with a single family residence as well.

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.

DONE AND ORDSURED this 26th day of June, 2022.

Chairman,
 Planning and Zoning Commission
 City of Somerset

Attest:
 (Secretary) (City Clerk)

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

City Attorney

317 Park Avenue, Parcel 060-6-6-71, also to the north, is owned by Papa John's Corp/Part, Inc. and is zoned R-2. It is improved with a commercial building. This building is behind 313 & 317 Park Avenue and across from a driveway north of 317 Park Avenue that runs along the reach property line of same.

The 16.68-acre tract across the street was purchased by Palmetto of Somerset, LLC in 2020 and has been subdivided and that portion fronting on Park Avenue has been rezoned to R-3 from R-1.

600 City Square, Parcel 060-6-6-74 & 060-6-6-73 are owned by Lakeland Realty, LLC and these tracts are zoned R-2 and are improved with a commercial building and parking lot.

The applicants feel that the present zoning (R-2) is inappropriate and that the requested zone (R-3) is more appropriate.


The comprehensive plan calls for the area in which the property is located to be a commercial use in the future. This tract and the larger tract across the street have remained unimproved for the past 20+ years and there appears that there has not been any interest in the property in the business sector. Accessibility may be a factor, as Park Avenue is a dead end street with narrow roadbed, no sidewalks, curbs or gutters.

Palmetto of Somerset, LLC has a rezoning on several tracts on the east fronting Park Avenue for single family use.

The Council agrees with the applicant and feels that the proposed zone is more appropriate for the property than the past planned use, based upon the demand for this tract in the business sector, and the interest from others for the tract(s) across the street.

CONCLUSIONS OF LAW

The Commission believes that due to a lack of construction activity in the business sector in the immediate area in the past 10 to 20 years that the present zoning (R-2) is inappropriate and that the requested zoning (R-3) is more appropriate and that the zone change should be allowed per KRS 100.212 (1) (c).



Parcel ID	000-0-07	Mailing Address	EAGLE MANAGEMENT LLC	Total Value	\$10,500	Last Sale			
Class	RESIDENTIAL	914 W 21st		Date	2/1/2011	Price	\$20,000	P	U
Taxing Dist	27	Physical Address	WILCHESTER KY 40254		12/25/2009	\$15,000	S	U	
Parcel	ma		914 W 21st						

Parcel Description: 17.15 16.6 25.76 AC. C. KY HEIGHTS SUB PARKWAY
 10.7 160' 50' 10"

Created by: Public.net

Mr. Mitchell made a motion to approve the following Ordinance Number 22-11: 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 Undeveloped Property On 914 from R-1 to B-2. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Mitchell, Mr. Godsey and Ms. Bullock.

ORDINANCE NO. 22-11

AN ORDINANCE AMENDING ORDINANCE NO. 00-08, 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. 00-08, 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 R-1 to R-2, said property being more particularly described in Exhibit A attached hereto and incorporated herein in full by reference, located at **Undeveloped Property on 914 Somerset, Kentucky, and having PVA Parcel # 050-0-1-01.**
- 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 of full force and effect from and after adoption and publication according to law.

FIRST READING: June 13, 2022

SECOND READING: June 27, 2022

Approved: 
 Attest: 

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

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

That the Planning and Zoning Commission, City of Somerset, Kentucky, is composed of the following members:
 Chair: [Name]
 Members: [List of names]
Subject Property:
 914 Somerset, KY
 PVA Parcel # 050-0-1-01

Party One: City of Somerset, Kentucky 914 Somerset, KY	Party Two: [Name] [Address]
---	--

The members of the Planning and Zoning Commission, City of Somerset, Kentucky, have reviewed the findings of fact and conclusions of law and have voted to approve the findings of fact and conclusions of law and to recommend the following: **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER.**

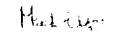
FINDINGS OF FACT

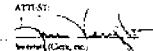
The property is located within the City of Somerset, Kentucky, and is currently zoned R-1. The property is currently vacant and is being proposed for residential use. The Planning and Zoning Commission has reviewed the findings of fact and conclusions of law and has determined that the proposed use is appropriate for the property. The Commission has also reviewed the findings of fact and conclusions of law and has determined that the proposed use is in the best interests of the City of Somerset, Kentucky.

ORDER

It is hereby recommended by the Commission that the Request be granted.
 A true and correct copy of the findings of fact, conclusions of law and recommended order shall be sent to the Respondent by certified mail, return receipt requested.

DONE AND ORDERED this 7th day of June, 2022.


 Chairman,
 Planning and Zoning Commission,
 City of Somerset

ATTEST:

 City 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

One person chose to speak during the public hearing. Her main concern was that her property is being rezoned as well. She was assured that since she owned the property, that the board had no say over her property even if it was zoned. She was also assured about the use of the property, which appeared to have been placed to show utility locations. In the end, she was made aware of the proposed use and the resulting green space.

The tract is an amalgam of five tracts of land purchased between December 2014 and June 2018.
 The tract is unimproved with a roughly east to west right of way.

To the north is the campus of the Oak Hill Baptist Church. The church is situated on a 21.737-acre tract that also fronts on KY 914 and Oak Hill Road.

Farm Credit Mid America has an office on a 31-acre tract (Parcels 050-0-1-04) adjoining the subject at the intersection of KY 914 and UK Stateman Blvd.

Ms. McManis, LLC owns a 3.08-acre green parcel from the Farm Credit Office that adjoins the subject and also fronts on KY 914 and UK Stateman Blvd.

Along the south property line, there is a unit residence at the intersection of Oak Hill Road and No. Mass Lane, as well as four duplexes on No. Mass Lane, and one tract improved with a boat storage facility between the single family residence and the duplexes.

There is one residence adjoining the tract on Oak Hill Road (2325 Oak Hill Road, Parcel 050-0-0-13) as well as the Noah's Ark Storage Company (Parcel 050-0-1-14), at the rearwest corner of the property.

The tracts across Oak Hill Road are all improved with single family residences (five).

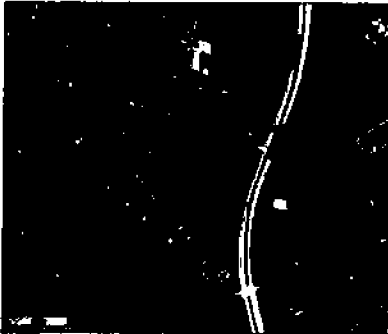
The tract across from KY 914 has been improved with a 6-unit home (2012, Parcel 050-0-1-13) and accessory.

All adjoining tracts are outside the City of Somerset and therefore unimproved.

The board agrees with the applicant and feels that the proposed use is more appropriate for the property than the past planned use, based upon the location and area of adjoining use nearby areas. All members voting aye.

CONCLUSIONS OF LAW

The Commission believes that the proposed zoning (R-2) is more appropriate based on the rezoned developments along KY 914 and its surroundings in the past in the 050-0-1-01 and that the zone change should be allowed per 2011 162.12 (7)(a).




Overview

Legend

- Parcels
- Roads
- Land Use

Parcel ID	0501101	Mailing Address	PULASKI COUNTY EXTENSION	Total Value	\$162,000	Last Sale Date	12/15/2011	Price	\$162,000	Parcel Class	K	Use	U
Class	COUNTY DELAFT	Address	DOTYRE FOUNDATION INC	Value		Date	2/15/2022	Price	\$162,000 <td>Parcel Class<td>K<td>Use<td>U</td></td></td></td>	Parcel Class <td>K<td>Use<td>U</td></td></td>	K <td>Use<td>U</td></td>	Use <td>U</td>	U
Tract	11	Physical Address	SCOTT ROAD KY 41302				15-0274914		\$475,000 <td>A<td></td><td></td><td>U</td></td>	A <td></td> <td></td> <td>U</td>			U
District		Address	Pulaski, Kentucky										
Acres/Lot	18.09												
Block													
Tax Description			TR 1 PULASKI CO ST FOUNDATION INC BRDRY SUR 1809										

View more details at: [www.pva.com](#)

Produced by: 

There being no further business the meeting adjourned at 6:38 p.m.

APPROVED: _____



MAYOR

ATTEST: _____



CITY CLERK