

MINUTES OF MEETING HELD AUGUST 28, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday August 28, 2023, at 6:00 p.m. with the following present: Council Members, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Patrick Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, David Burdine, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Tom Eastham.

Mr. Dalton moved to approve the minutes of the regular meeting held on August 14, 2023, along with reports as mailed. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, and Mr. Burdine.

Mr. Mitchell made a motion to approve the following Ordinance Number 23-12: AMENDING EXHIBIT B OF ORDINANCE NUMBER 23-06, WHICH SET SERVICE RATES FOR THE CITY OF SOMERSET'S ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024. SAID AMENDMENT PROVIDES A DISCOUNT TO SENIORS FOR SANITATION RATES. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, and Mr. Burdine.

ORD. 23-12

ORDINANCE NUMBER 23-12

AN ORDINANCE AMENDING EXHIBIT B OF ORDINANCE NUMBER 23-06, WHICH SET SERVICE RATES FOR THE CITY OF SOMERSET'S ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024. SAID AMENDMENT PROVIDES A DISCOUNT TO SENIORS FOR SANITATION RATES.

WHEREAS, AN ANNUAL BUDGET HAS BEEN ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY AND INCLUDES EXHIBIT B WITH THE SERVICE RATES FOR SERVICES PROVIDED BY THE CITY; AND

WHEREAS, THE COMMON COUNCIL WANTS TO PROVIDE A DISCOUNT FOR SENIORS FOR SANITATION RATES.

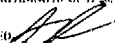
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:


EXHIBIT B OF ORDINANCE NUMBER 23-06 is hereby amended to include the following Discount for Seniors:

1. The City of Somerset will begin offering a Senior Discount of \$1.00 off the current year's sanitation rate to its residential customers.
2. The customer must be 65 years of age or older and the service address must be in the senior's name. This discount is limited to one primary personal home address and does not apply to rental properties that may be in their name.
3. The customer must come to Somerset Utilities office and provide proof of age and email in the Senior Discount Program. City of Somerset Utilities will not be responsible for contacting customers about their eligibility.
4. For the initial startup of the Senior Discount Program, customers 65 years of age or older will have until September 25, 2023 to sign up in order to receive the discount for the month of September 2023. We will not retro discounts back after the initial startup period.
5. Following the initial setup, customers will have until the 25th day of the month of their 65th birthday to start receiving the discount for that month. If a customer fails to sign up by the 25th day, the discount will begin the following month.

FIRST READING AUGUST 14, 2023

SECOND READING AUGUST 28, 2023

APPROVED: 
ALAN KECK, MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST: 
NICK BRADLEY, CITY CLERK

First reading was given the following Ordinance Number 23-13: IMPOSING A BANK FRANCHISE AND LOCAL DEPOSIT TAX: SETTING FORTH TIMETABLES FOR THE

**COLLECTION OF SUCH TAX FOR THE YEAR 2023 AND ALL SUBSEQUESNT YEARS:
AND SETTING FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES FOR
THE COLLECTION OF DELINQUENT TAXES.**

ORDINANCE NO. 23-13

**AN ORDINANCE IMPOSING A BANK FRANCHISE AND LOCAL DEPOSIT
TAX; SETTING FORTH TIMETABLES FOR THE COLLECTION OF SUCH
TAX FOR THE YEAR 2023 AND ALL SUBSEQUENT YEARS; AND SETTING
FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES FOR THE
COLLECTION OF DELINQUENT TAXES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSET,
KENTUCKY AS FOLLOWS:**

SECTION 1: There is hereby imposed on all financial institutions, as defined in KRS Chapter 136, operating within the corporate limits of the City of Somerset, Kentucky, for the 2023 tax year and all subsequent years, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions.

SECTION 2: The City of Somerset, Kentucky, will issue tax bills to financial institutions on or before December 1st of each year. Payment of the tax shall be due within two percent (2%) of each bill by December 31 of each year, or otherwise as set by January 31 of each year.

SECTION 3: The City of Somerset, Kentucky, shall have a lien on taxes on the property assessed for taxes to the extent allowed under KRS 134.430.

SECTION 4: All taxes due in accordance with these sections which are not paid before June 30, 2024, for the tax year 2023, or which are not paid before the date 1% for all subsequent tax years shall be deemed delinquent and shall be subject to a penalty of 20% and shall bear interest at the rate of 6% per annum.

SECTION 5: All money collected pursuant to these sections shall be paid into the general fund of the City to be used for the payment of proper expenditures as determined by the City Council.

SECTION 6: The City Clerk is hereby directed to send a copy of this Ordinance to the Governor, Governor of the Kentucky Department of Revenue, Jefferson, Kentucky.

FIRST READING AUGUST 28, 2023

SECOND READING

ATTEST:

CITY CLERK

MAYOR

First reading was given the following Ordinance Number 23-14: FIXING THE TAX LEVY, AD VALOREM, FRANCHISE TAX, AND TAX FOR THE CITY OF SOMERSET, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, PROVIDING PENALTY AND INTEREST FOR NON-PAYMENT.

ORDINANCE NO. 23-14

THIS ORDINANCE NUMBER 23-14 FIXING THE TAX LEVY, AD VALOREM, FRANCHISE TAX, AND TAX FOR THE CITY OF SOMERSET, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, PROVIDING PENALTY AND INTEREST FOR NON-PAYMENT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

SECTION 1. That the rate of providing income for general municipal purposes for the City of Somerset, Kentucky for the fiscal year beginning July 1, 2023, and ending June 30, 2024, is hereby fixed at an ad valorem of thirteen cents (13) per one hundred dollars (\$100.00) of taxable property within the city limits of Somerset, Kentucky.

SECTION 2. That the amount of \$100.00 ad valorem on each one hundred dollars (\$100.00) of taxable property within the city limits of Somerset, Kentucky, shall be deposited in the general fund account and shall be used to pay on expenses incidental to the operation of the city government.

SECTION 3. That the rate of providing income for general municipal purposes for the City of Somerset, Kentucky for the fiscal year beginning July 1, 2023, and ending June 30, 2024, shall be hereby fixed at a tax of thirteen cents (13) per one hundred dollars (\$100.00) of taxable property, tangible and intangible of franchise holders as determined by the Department of Revenue within the city limits of Somerset, Kentucky.

SECTION 4. That the amount of \$100.00 on each one hundred dollars (\$100.00) of franchise property within the city limits of Somerset, Kentucky, shall be deposited in the general fund account and shall be used to pay on expenses incidental to the operation of city government.

SECTION 5. That a discount of 2% discount shall be allowed on each one hundred dollars (\$100.00) of taxable property for the year 2023.

SECTION 6. That there shall be added and collected a penalty of three percent (3%) and interest of six percent (6%) per annum upon each one dollar (\$1.00) of taxes herein provided for and due after January 1, 2024, until such time that the taxes are paid.

SECTION 7. This ordinance shall become in full force and effect on the date of approval and passage according to law.

FIRST READING: AUGUST 28, 2023 SECOND READING:

ATTEST:

CITY CLERK

MAYOR

First reading was given the following Ordinance Number 23-15: 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 BAORD'S RECOMMENDATION OF A ZONE CHANGE OF PVA PARCEL # 061-5-3-34.1 FROM R-2 TO R-1A.

ORDINANCE NO. 23-15

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 R-2 to R-1A, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 119 Langdon St. Somerset, Kentucky, and having PVA Parcel # 061-5-3-34.1.
- 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: AUGUST 28, 2023

SECOND READING

Approved: _____
Mayor

Attest: _____
City Clerk

Mark H Vaught
1817 South Street, Somerset,
Kentucky

July 31, 2023

Kara Vaught
Reggie Charles
Somerset Planning Commission
306 E. Mount Vernon Street
PO Box 980
Somerset, Kentucky 42502

This is in regard to the property owned by Aaron Cruse Pingree at the intersection of Adams Street and Langdon Street in Somerset. Mr. Pingree recently paid based on the map in April 2023 as recorded in Deed Book 1073 Page 605.

Findings of Facts

- 1) Mr. Pingree has constructed a single family residence on the lot since purchase.
- 2) On July 21, 2023 Mr. Pingree had developed an initial plat dividing the purchased tract into two lots, Tract A & Tract B. After review it was found that Tract A was in compliance with the Article 4.4 Low - Moderate Density Residential (R-2) Lot, Yard and Height Requirements and Tract B was in compliance with the requirements for a lot with a rear setback of 10 feet and a side setback of 5 feet. A note was left on the plat stating the required frontage (100) and side (100/50/5) along with a second opinion was to have the tract rezoned to Single Family Residential (R-33) - Small Lot.
- 3) On July 31, 2023, Mr. Pingree brought on a second plat. I was at the office at this time and upon review, Tract A was found to be in compliance with the 1002 square foot Tract A is in compliance with the division of the tract in violation of City of Somerset Zoning Ordinance Article 3.2 NUN A. CONFORMING LOTS OF 1000 SQ FT. B. If two or more lots or subdivisions of lots and portions of lots with continuous frontage on single non-sidewalk street or road at the time of passage of a subdivision of the regulations and all or part of the lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an undivided parcel for the purposes of this regulation and no portion of said parcel shall be used or sold to a purchaser which does not comply with the width and area requirements established by this regulation nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this regulation.
- 4) Mr. Pingree at this time informed the office of the pending sale of Tract B that day, having delayed the action once already. I called the City Engineer and the City Attorney asking for possible solutions.

Recommendations

After a discussion with the City Engineer and City Attorney, it is felt that the only possible solution is that the plat be approved with the note on same stating that Tract A was non-compliant and must be rezoned to Single Family Residential (R-33) - Small Lot prior to any development of the lot. The plat was so denoted and has been recorded in Plat Book C Page 272 B attached.

Mr. Pingree requested a zone change during the July 31 meeting and it is felt that he will rezone the property, having several projects ongoing in the City of Somerset.

If you have any further comments or questions regarding this matter, please do not hesitate to contact me.
Thank You

Mark H Vaught

**CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION
FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT**

CASE NO. _____

RE: Zone Change Aaron Cruse Pingree, 119 Langdon Street

For Recording purposes,
listed below are the parties involved in the Zone Change for
119 Langdon Street
Somerset, Kentucky
PVA Parcel 061-5-3-34.1

Party One	Party Two
City of Somerset, Planning and Zoning Commission PO Box 980 Somerset, Kentucky, 42502	Aaron Cruse Pingree 603 Cardinal Point Richwood, Kentucky, 40475

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 22nd of August 2023 and based on the evidence presented, the Planning and Zoning Commission states the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Aaron Cruse Pingree is the owner of record of a tract of land at 119 Langdon Street, per deed of conveyance dated the 18th of April 2023 and of record in Deed Book 1073 Page 605. The tract is zoned R-2 and was of sufficient size that the tract can be subdivided.

Pingree Contracting, LLC constructed a single family house on the south portion of the lot and provided a preliminary plat to the City of Somerset for review and approval of the subdivision of the lot on the 21st of July 2023.

This draft had two lots, Tract A and Tract B.

Tract B was in compliance with Article 4.4 Low - Moderate Density Residential (R-2) Lot, Yard and Height Requirements

Tract A did not have enough rear frontage or square footage to meet the aforementioned lot dimensional requirements.

Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, and Mr. Burdine.

Mr. Burdine made a motion to go into Executive Session pursuant to KRS 61.810 (b). Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, and Mr. Burdine.

No action taken in Executive Session.

There being no further business the meeting was adjourned at 6:50 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK