

## MINUTES OF MEETING HELD SEPTEMBER 11, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday September 11, 2023, at 6:01 p.m. with the following present: Council Members, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Patrick Hunley, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: John Minton.

Mr. Daughetee moved to approve the minutes of the regular meeting held on August 28, 2023, along with reports as mailed. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, and Mr. Dalton.

Mr. Mitchell made a motion to approve a bid from Suez, Inc in the amount of \$2,413,635 for a Membrane Filtration Replacement at the Somerset Water Treatment Plant. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, and Mr. Dalton.



### 2 Veolia Scope & Price

Veolia's scope includes the material and services outlined in the table below. The sections that follow provide additional detail regarding each scope item.

DESCRIPTION	QUANTITY	UNIT	PRICE
ZVI1000 450W CTA membrane modules, if QUAPP price of USD \$1,305/module, section 2.1	1440		
2 year full replacement membrane warranty, section 2		incl	
ZVI1000 4850M cascade refurbishment components, section 3.2	30		
10" 8rauh 3, FlatW6 3185B coupling, section 3.2	30		2,183,000
2" air spool component set (assembly on-site required), section 3.2	5		
Air-seal lubricant, section 3.4	3158322		12
O-ring lubricant, section 3.4	2086620		3
On-site support, project management, section 5.1		incl	
International shipment, fees and duties, section 4		incl	184,835
Freight, DCP project site, section 4	2086634	incl	
Material, off-site labor, delivery		Sub-total	2,348,885
On-site support, 2 FTEs, 75 x 15hr days on-site plus travel & living, section 5.2	135491	1 wpt	84,740
On-site support		Sub-total	84,740
All figures are in USD and exclude taxes, which will be applied at the time of invoicing. Please make purchase order to ZENION Environmental Corporation.		Total Price	2,413,635

**Proposal Notes:**

**Repayment/Collection Delays:** The membrane sale will be subject to price adjustment if not collected within 1 month of Placement for Effect. After the one month of Readiness for Shipment if Purchaser does not send full agreement to receive or collect the membrane (depending on preference), Seller is entitled to rebook the membrane to another customer.

Veolia Corporation and Promemba International  
 Membrane replacement proposal for the Somerset WTP  
 Proposal number: 49367 - revision # 9 - September 7, 2023

Mr. Wheeldon made a motion to approve 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 SUBSEQUENT YEARS: AND SETTING FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES FOR THE COLLECTION OF DELINQUENT TAXES. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Wheeldon, Mr. J.

Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, and Mr. Dalton.

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, located 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 no later than December 31 of each year. Payment of the tax shall be due with a two percent (2%) discount by December 31 of each year, or without discount by January 31 of each year.

**SECTION 3:** The City of Somerset, Kentucky, shall have a lien for taxes on the property assessed for taxes to the extent allowed under KRS 134-420.



**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 January 31, 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 their Ordinance to the Commissioner of the Kentucky Department of Revenue, Frankfort, Kentucky.

FIRST READING      AUGUST 28, 2023  
SECOND READING    SEPTEMBER 11, 2023

ATTEST:

 CITY CLERK       MAYOR

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

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 for the purpose 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, there be levied an ad valorem tax of thirteen cents (\$0.13) on all taxable dollars (\$100.00) of real property within the city limits of Somerset, Kentucky.

SECTION 2. That for the purpose 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, there be levied a tax of thirteen cents (\$0.13) on all taxable dollars (\$100.00) of real property within the city limits of Somerset, Kentucky, to be deposited in the general fund and shall be used to pay on expenses incidental to the operation of the city government.

SECTION 3. That for the purpose 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, there be levied a tax of thirteen cents (\$0.13) on all taxable dollars (\$100.00) of real property, tangible and intangible or franchise property as determined by the Department of Revenue within the city limits of Somerset, Kentucky.

SECTION 4. That for the purpose 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, there be levied a tax of thirteen cents (\$0.13) on all taxable dollars (\$100.00) of franchise property within the city limits of Somerset, Kentucky, to be deposited in the general fund and shall be used to pay on expenses incidental to the operation of city government.

SECTION 5. That a one percent (1%) discount shall be allowed on each sale of \$1,000 or more for all sales made on or before 12/31/23.

SECTION 6. That there shall be assessed and collected a property tax on all property (PMP) and fixtures of a personal nature upon each one dollar (\$1.00) of value that has been previously assessed after January 1, 2024 and such tax shall be due and payable.

SECTION 7. This ordinance shall become in full force and effect on the date of approval and passage by the Council.

FIRST READING AT AUGUST 28, 2023

SECOND READING SEPTEMBER 11, 2023

ATTEST:  
CITY CLERK

MAYOR

Mr. Hunley made a motion to approve 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. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Hunley, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, and Mr. Dalton. "No": Mr. Daughetee, Mr. Mitchell, and Mr. Burdine. Motion passed.

**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. 15-18 known as the Zoning Ordinance, Somerset, Kentucky, in being amended to change the Zoning Map in the following manner:

- I. Re-zoning a residential lot presently zoned R-2 to a Low-Moderate Density Residential (R-2L) lot as shown on the attached zoning map and zoning ordinance. The full text of the ordinance is attached to this ordinance as an exhibit and is hereby referred to as Ordinance No. 23-15, Somerset, Kentucky, and having Title # 061-5-3-34.1.
- II. That the zoning ordinance for Somerset, Kentucky, be amended to add the Zoning Map in the following manner:
- 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: SEPTEMBER 11, 2023

Approved:

Attest:

*[Signature]*  
City Clerk

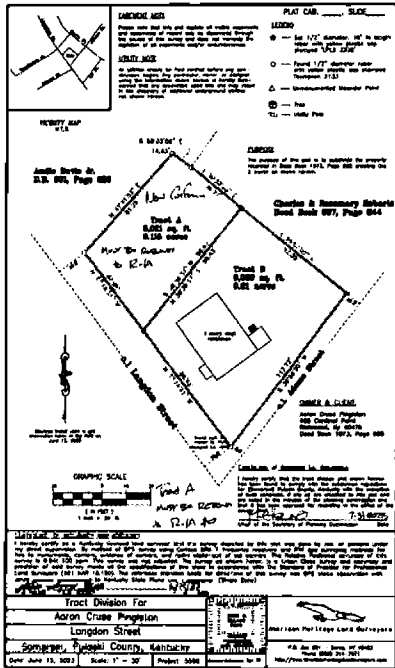
Kentucky Pulaski County, KY PVA



Parcel ID	061 5 3 34	Mailing Address	119 LANGDON ST	Total Value	\$4200	Last Update	
Class	RESIDENTIAL	Legal Description	119 LANGDON ST	Parcel Price	\$4200	Reason	U
Assessed	12	Parcel Address	119 LANGDON ST	Parcel Date	8/1/2023	Reason	U
Assessed	12	Parcel Address	119 LANGDON ST	Parcel Date	8/1/2023	Reason	U

Parcel Description: LANGDON ST  
Note: Plot Area does not equal Parcel Area

Use: Residential (R-2L)  
Last Updated: 8/1/2023 11:11 AM  
Downloaded: 8/1/2023 11:11 AM



**CITY OF SOMERSET, KENTUCKY  
PLANNING AND ZONING COMMISSION**

**FINDINGS OF FACT,  
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT**

CASE NO. \_\_\_\_\_

RE: Zone Change Aaron Cruse Pingleton, 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: City of Somerset, Planning and Zoning Commission, PO Box 989, Somerset, Kentucky, 42502  
Party Two: Aaron Cruse Pingleton, 603 Cardinal Point, Richmond, Kentucky, 40475

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 22<sup>nd</sup> of August 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**

Aaron Cruse Pingleton is the owner of record of a tract of land at 119 Langdon Street, per deed of conveyance dated the 18<sup>th</sup> 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.

Pingleton 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 21<sup>st</sup> 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 road frontage or square footage to meet the aforementioned lot dimensional requirements.

A note was left on the plan showing the required dimensions for Tract A as a second option of rezoning the lot to R-1A.

On the 31<sup>st</sup> of July, Mr. Pughen met with the Mark Vaughn, Chairman of the Planning and Zoning Commission for approval of the plan. The second draft had Tract A in compliance with the road bridge requirement (50') but lacked the necessary square footage, 5221 square feet versus the required 6,540 square feet.

Mr. Pughen was told of the shortcomings and based on the location of the house, it appeared that Tract A could not be brought into compliance, and that the only option moving forward was to rezone Tract A to Single Family Residential (R-1A) Small Lot.

Mr. Pughen then went on to inform Vaughn that he had scheduled the closing of the house on Tract B (1172 Anglin Street) for 4:00 PM that day, having already purchased the closing table before. At that time calls were made to the City Engineer and City Attorney by Vaughn, and they agreed that the plan would be approved with the understanding that the owner would apply for the rezoning of Tract A to R-1A and that a note would be placed on the plan stating that Tract A was "nonconforming" and "must be rezoned to R-1A". The plan is recorded in Plot Cabinet C, Slide 211 A (attached).

A public hearing was conducted on the 22<sup>nd</sup> of August 2023 for the rezoning of the lot from Low-Moderate Density Residential (R-2) to Single Family Residential (R-1A) Small Lot.

It was found that the proposed use Single Family Residential (R-1A) Small Lot agrees with the Comprehensive Plan, which has the future use of the tract remaining residential, and meets the requirements for RFS 100.211 (1). *Does any map amendment or agreement with the adopted comprehensive plan. Any or all of them must meet and that the map amendment is in agreement with the adopted comprehensive plan.*

All adjoining tracts are zoned R-2 and are improved with single family residences. There is a small apartment complex at 150 Langley Street that was constructed in 1995, approximately 150 feet north. The applicant stated that he has a contract to construct a single family residence on the tract that will contain 1,000 square feet of the property is rezoned to R-1A Single Family Residential-Small Lot. It is readily apparent that the proposed use (R-1A) is more compatible with the nature of the surrounding tract than the current zoning, which allows the construction of duplexes and replaces

**CONCLUSIONS**

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. There were no citizens present in support of or against the rezoning. The Commission appears to be in agreement with the rezoning of the applicant's lot use present zoning (R-2) is inappropriate, and the required zoning (R-1A) is more appropriate being zoned 5.0 in favor of the rezoning.

**RECOMMENDED MAP AMENDMENT**

It is hereby recommended by the Commission that the map amendment be granted, as it meets the requirements of KRS 174.213 (1) and the proposed rezoning is more appropriate than the present zoning, due to the nature of the surrounding properties.

A final and complete copy of this zoning of Plan, Codebook and Recommended Map Amendment shall be sent to the City of Somerset for review and adoption.

DUNN AND GRAY, PLLC (Rev. 2/27/20) August 2023

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

*[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

Mark H Vaughn  
Chairman, Planning and Zoning Commission  
City of Somerset

July 31, 2023

Mark Vaughn  
Rogge's Barbers  
Somerset Planning Commission  
300 E. Mount Vernon Street  
PO Box 999  
Somerset, Kentucky 42502

This is in regards to the property owner, Mr. Mitchell, who applied for the rezoning of Adams Street and Anglin Street in Somerset. Mr. Pughen was called to purchase the tract in April 2023 as recorded in Deed Book 4 2023 Page 267.

Findings of fact:

- 1) Mr. Pughen has constructed a single family residence on the lot owner purchase.
- 2) On July 31, 2023 Mr. Pughen visited developer's office in the office purchasing the parcel of tract into two lots, Tract A & Tract B. When visited it was found that Tract A was in compliance with the Somerset Low-Moderate Density Residential (R-2) Use, Yard and Height Requirements and Tract B was in compliance with setback and lot size. A note was left on the plan stating the required footage, 60' and area 500 sq. ft. along with a second option was to have the tract rezoned to Single Family Residential (R-1A) Small Lot.
- 3) On July 31, 2023 Mr. Pughen on bought a new car and plan to have the office at the time and upon review, Tract A was found with a construction of 5221 square feet. Tract A is in compliance with the dimensions of the tract in its location of

City of Somerset Zoning Ordinance, Section 5.2  
NON-CONFORMING USES (S.O. 100.212)

B. If two or more lots or subdivisions of lots and portions of lots with contiguous frontage in single ownership are divided at the time of passage or amendment of this regulation and all or part of the lots do not meet the requirements established for lot width and area, the lots are then shall be considered to be an undivided parcel for the purposes of the regulation and no portion of the parcel shall be sold or sold in a manner which eliminates compliance with the width and area requirements established by this regulation nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in the regulation.

- 4) Mr. Pughen at this time returned the office of the pending sale of the lot that day, having already the action was already taken by the City Engineer and the City Attorney taking 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 plan be approved with the rezoning of the lot to R-1A. Tract A was nonconforming and must be rezoned to Single Family Residential (R-1A) Small Lot prior to any development of the lot. The plan was delivered and has been recorded in Plot Cabinet C, Slide 211 A (attached).

Mr. Pughen requested a name change during the July 31 meeting and it is felt that he will rezone the property, having already purchased the closing table before.

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

Mark H Vaughn

Mr. Mitchell made a motion to approve a tax refund for a Homestead Exemption in the amount of \$52.65 for Norman Denney. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr.

Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, and Mr. Dalton.

There being no further business the meeting was adjourned at 7:05 p.m.

APPROVED:



A large, stylized handwritten signature in black ink, written over a horizontal line.

MAYOR

ATTEST:



A smaller, stylized handwritten signature in black ink, written over a horizontal line.

CITY CLERK