

MINUTES OF MEETING HELD AUGUST 10, 2026

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday August 10, 2026, at 6:00 p.m. with the following present: Council Members Brian Dalton, Brannen Wheeldon, Jimmy Eastham, Margaret Dick, Phyllis Lawson, John Minton, Jim Mitchell, David Godsey, Tom Eastham, Mayor Alan Keck, and City Clerk Nick Bradley. Absent: Patrick Hunley, Amanda Bullock, David Burdine, and City Attorney John Adams.

Mr. Godsey made a motion to approve the minutes of the meeting of July 27, 2026. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Ms. Dick, Ms. Lawson, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Mr. T. Eastham.

Mr. Mitchell made a motion to approve the following Ordinance Number 26-13: AUTHORIZING THE FORMAL CLOSING, DECLARING SURPLUS, AND DISPOSAL TO THE SURROUNDING PROPERTY OWNERS THE PART OF THE PLATTED BUT UNDEVELOPED PART OF A CITY STREET "SUMMIT AVENUE" BETWEEN HILLVIEW AVENUE AND VAUGHT STREET. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Ms. Dick, Ms. Lawson, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Mr. T. Eastham.

ORD. 26-13

ORDINANCE 26-13

AN ORDINANCE AUTHORIZING THE FORMAL CLOSING, DECLARING SURPLUS, AND DISPOSAL TO THE SURROUNDING PROPERTY OWNERS THE PART OF THE PLATTED BUT UNDEVELOPED PART OF A CITY STREET "SUMMIT AVENUE" BETWEEN HILLVIEW AVENUE AND VAUGHT STREET.

WHEREAS, the following described street has been dedicated as a public street by reference to name in Plat Cabinet _____, Slide _____ and possibly other records filed and of record in the Pulaski County Court Clerk's Office, but having never been developed, to wit:

"The unconstructed part Summit Avenue located between Hillview and Vaught Street or more commonly located at the back property line of Prairie Farms Dairy facility on the South Side of Bourne Avenue."

WHEREAS, A property owner has petitioned the City to have the property declared surplus and conveyed to the adjoining property owners.

WHEREAS, the City of Somerset desires to acknowledge the dedication of said street so that same may be legally closed, declared surplus, and disposed by conveyance to the surrounding property owners as herein provided; and,

WHEREAS, all property owners who abut the public street, alley or way have consented in writing to the proposed closing of the street; and,

NOW, THEREFORE, BE IT ORDAINED, by the City of Somerset, Kentucky, the following findings are made with reference thereto:

1. The street to be closed is and described as follows: The undeveloped part of Summit Avenue (See Exhibit A) if dedicated property to the City of Somerset is determined and found to be surplus;

2. Written notice of the proposed closing was given by the petitioning property owner or abutting the public street (See Exhibit B); and,

3. The property owners abutting the public street, being closed have given their written consent to the closing and a copy of the written consent(s) is and are attached hereto (See Exhibit B); and,

Accordingly, based upon the findings of fact herein, it is hereby ORDERED and ORDAINED the public street, alley or way described is hereby CLOSED, FOUND TO BE SURPLUS PROPERTY WITH NO USE TO THE CITY OF SOMERSET, AND MAY BE DISPOSED OF BY CONVEYANCE TO THE SURROUNDING PROPERTY OWNERS. A copy of this Ordinance shall be filed of record in the Pulaski County Clerk's Office as required by KRS 82.40(2).

The foregoing Ordinance was read and presented to a regular meeting of the City Council of Somerset, Kentucky for the first reading on the 27th day of July, 2026.

Motion by Mr. Mitchell, seconded by Mr. Wheeldon that the Ordinance be adopted as the law of the City of Somerset, Kentucky, to be effective immediately upon publication thereof as required by law after a Second Reading on August 10, 2026.

APPROVED _____
ALAN KECK, MAYOR
CITY OF SOMERSET, KY

ATTN: _____
NICK BRADLEY, CITY CLERK

VERIFIED PETITION TO CLOSE PUBLIC STREET

Thomas C. Garner, Jr., as Manager of Garner Landscapes LLC, a Kentucky Limited Liability Company, by counsel, pursuant to KRS § 82.405, hereby respectfully petitions the City of Somerset, Kentucky to close a certain portion of Summit Avenue located within the City of Somerset, and in support thereof does now state as follows:

1. This Petition seeks the closure of Summit Avenue, a public way located within the City of Somerset, Kentucky, specifically that portion thereof between Vaughn Street and Hillview Avenue. A detailed survey of the portion of Summit Avenue proposed to be closed is attached hereto as Exhibit A.
2. The closure is sought pursuant to Kentucky Revised Statutes § 82.405, which authorizes a legislative body of a city to close a public way under specified conditions.
3. Summit Avenue is a public way located within the corporate limits of the City of Somerset, Kentucky.
4. Garner Landscapes LLC owns the real property with an address of 200 Vaughn Street, Somerset, Kentucky, which property abuts Summit Avenue.
5. All property owners in or abutting that portion of Summit Avenue between Vaughn Street and Hillview Avenue have agreed to the closure as evidenced by the notetized consents attached hereto as Exhibit B.
6. This portion of Summit Avenue is not used as a throughfare and, with provide the abutting property owners with additional land that may be used for further development of the abutting lots.
7. Kentucky Revised Statutes § 82.405 establish the procedure for closing a public way located within a city.

8. Under Kentucky Revised Statutes § 82.405(1), if the legislative body determines that a public way should be closed and that all property owners in or abutting the public way agree to the closing, the legislative body may proceed to close the public way as provided under subsection (2).

9. Alternatively, if that determination is not made, a public way may be closed only as provided in subsections (3) and (4) of Kentucky Revised Statutes § 82.405.

10. In this case, all property owners in or abutting the public way have agreed to the closure (see Exhibit B hereto), and therefore the legislative body may proceed under subsection (3).

11. The closure of that certain portion of Summit Avenue depicted on the plat in Exhibit A is in the public interest because the additional land then conveyed to the abutting landowners may be used for future development within the City of Somerset.

WHEREFORE, Petition respectfully requests that the City of Somerset:

- A. Determine that Summit Avenue should be closed in part, specifically that portion between Vaughn Street and Hillview Avenue;
- B. Determine that all property owners in or abutting the public way agree to the closure;
- C. Close Summit Avenue between Vaughn Street and Hillview Avenue pursuant to Kentucky Revised Statutes § 82.405; and
- D. Grant any and all other relief as the City of Somerset, Kentucky deems just and proper.

VERIFICATION

Thomas C. Garner, Jr., as Manager of Garner Landscapes LLC, a Kentucky Limited Liability Company, after being duly sworn, now makes that he has read the foregoing Verified Petition to Close Public Street, and that the information contained therein is true and correct as he verily believes.

Thomas C. Garner, Jr.
THOMAS C. GARNER, JR., as Manager of
Garner Landscapes, LLC, a Kentucky Limited
Liability Company

STATE OF KENTUCKY
COUNTY OF PUTLAND, SCT.

Subscribed, sworn to and acknowledged before me by Thomas C. Garner, Jr., as Manager of Garner Landscapes LLC, a Kentucky Limited Liability Company, person known to me and property identified to me, to be his voluntary act and deed this 31st day of March, 2026.

Sharon M. Vanhook
NOTARY PUBLIC
My Comm. Expires: 9/14/29
Notary ID# KYNP104430

Respectfully Submitted,

Sharon M. Vanhook
Sharon M. Vanhook
LAW OFFICE OF SHARON M. VANHOOK, PSC
48 Public Square
P.O. Box 1675
Somerset, Kentucky 42577
(606) 679-1626
smv@sharonmvanhook.com
Attorney for Garner Landscapes LLC



EXHIBIT
B

CONSENT OF CIRCA 1912 PROPERTIES L.L.C.

I, Scott Lynch, as the Manager of Circa 1912 Properties L.L.C., a Kentucky Limited Liability Company, as one of the owners adjoining that portion of Summit Avenue between Vaughn Street and Hillview Avenue, do hereby expressly agree and consent to the City of Somerset, Kentucky closing that portion of Summit Avenue between Vaughn Street and Hillview Avenue. This Consent is made pursuant to the requirements of Kentucky Revised Statutes § 82.405.

CIRCA 1912 PROPERTIES L.L.C.,
A Kentucky Limited Liability Company

By: [Signature]
SCOTT LYNCH, Manager

COMMONWEALTH OF KENTUCKY
COUNTY OF PULASKI

The foregoing Consent was executed, sworn to, and acknowledged before me on the 14 day of May, 2026, by Scott Lynch, as Manager of Circa 1912 Properties L.L.C., a Kentucky Limited Liability Company, to be said company's duly authorized and free act and deed.

[Signature]
NOTARY PUBLIC
State of Large, Kentucky
My Commission Expires: 11-31-28
Notary ID #: KY NP 951074

CONSENT OF PRAIRIE FARMS DAIRY, INC.

I, David Morrow, as General Manager of Prairie Farms Dairy, Inc., a Foreign Corporation, as one of the owners adjoining that portion of Summit Avenue between Vaughn Street and Hillview Avenue, do hereby expressly agree and consent to the City of Somerset, Kentucky closing that portion of Summit Avenue between Vaughn Street and Hillview Avenue. This Consent is made pursuant to the requirements of Kentucky Revised Statutes § 82.405.

PRAIRIE FARMS DAIRY, INC.,
A Foreign Corporation

By: [Signature]
DAVID MORROW, General Manager

COMMONWEALTH OF KENTUCKY
COUNTY OF PULASKI

The foregoing Consent was executed, sworn to, and acknowledged before me on the 13 day of April, 2026, by David Morrow, as General Manager of Prairie Farms Dairy, Inc., a Foreign Corporation, to be said corporation's duly authorized and free act and deed.

[Signature]
NOTARY PUBLIC
State of Large, Kentucky
My Commission Expires: 12-31-28
Notary ID #: KY NP 951074

CONSENT OF DON DON, LLC

I, Donald Gene Hurt, Jr., as the sole Member of Don Don, LLC, a Kentucky Limited Liability Company, as one of the owners adjoining that portion of Summit Avenue between Vaughn Street and Hillview Avenue, do hereby expressly agree and consent to the City of Somerset, Kentucky closing that portion of Summit Avenue between Vaughn Street and Hillview Avenue. This Consent is made pursuant to the requirements of Kentucky Revised Statutes § 82.405.

DON DON, LLC,
A Kentucky Limited Liability Company

By: [Signature]
DONALD GENE HURT, JR., Member

COMMONWEALTH OF KENTUCKY
COUNTY OF PULASKI

The foregoing Consent was executed, sworn to, and acknowledged before me on the 1st day of April, 2026, by Donald Gene Hurt, Jr., as Member of Don Don, LLC, a Kentucky Limited Liability Company, to be said company's duly authorized and free act and deed.

[Signature]
NOTARY PUBLIC
State of Large, Kentucky
My Commission Expires: 08/17/2028
Notary ID #: KY NP 132041

Mr. Wheeldon made a motion to approve the following Resolution Number 26-11: AWARDING A NON-EXCLUSIVE FRANCHISE FOR A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATION SYSTEM WITHIN THE CONFINES OF THE CITY OF SOMERSET, KENTUCKY TO WINDSTREAM KDL, LLC AND A NON-EXCLUSIVE FRANCHISE FOR A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATION SYSTEM WITHIN THE CONFINES OF THE CITY OF SOMERSET, KENTUCKY TO

KINETIC ABS KY LLC. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Ms. Dick, Ms. Lawson, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Mr. T. Eastham.

RES 26-11

RESOLUTION 26-11

RESOLUTION AWARDING A NON-EXCLUSIVE FRANCHISE TO A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATIONS SYSTEM WITHIN THE CONFINES OF THE CITY OF SOMERSET, KENTUCKY TO WINDSTREAM KENTUCKY LLC AND A NON-EXCLUSIVE FRANCHISE TO A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATIONS SYSTEM WITHIN THE CONFINES OF THE CITY OF SOMERSET, KENTUCKY TO KINETIC ABS KY LLC.

WHEREAS by Ordinance No. 26-05, the City of Somerset, Kentucky ("Somerset") created a ten (10) year, non-exclusive franchise for a telecommunication system within the confines of Somerset; and

WHEREAS, Somerset offered to bid a non-exclusive telecommunication franchise pursuant to Ordinance No. 26-05; and

WHEREAS, after publication of said advertisements, Somerset received bids from Windstream KTH, LLC ("Windstream") and Kinetic ABS KY LLC ("Kinetic");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOMERSET AS FOLLOWS:

Section 1. That a ten (10) year, non-exclusive telecommunication franchise created by Ordinance No. 26-05, be and it hereby is awarded to Windstream and Kinetic.

Section 2. All prior ordinances or resolutions, or parts thereof, in conflict herewith are to the extent of such conflict, hereby repealed.

Section 3. That the Mayor is hereby authorized to sign the Franchise Agreements which memorialize the award by Somerset to Windstream and Kinetic of said franchises subject to the terms and conditions reflected in Ordinance No. 26-05 and this Resolution.

Section 4. That the statements set forth in the Preamble to this Resolution are hereby incorporated in this Resolution by reference, the same as if set forth at length herein.

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT (this "Franchise Agreement") is made and entered into this day of August 2026, by and between the City of Somerset, Kentucky (hereinafter the "City"), and Kinetic ABS KY LLC (hereinafter "Kinetic").

WITNESSETH:

WHEREAS, pursuant to Ordinance No. 26-05 and Sections 163 and 164 of the Kentucky Constitution, the City solicited bid proposals from parties interested in obtaining franchises to operate communications systems in the City;

WHEREAS, Kinetic has submitted a bid proposal to the City for a franchise pursuant to Ordinance 26-05;

WHEREAS, pursuant to Ordinance No. 26-05, the City granted to Kinetic and its lawful successors, assigns or transferees approved pursuant to Ordinance No. 26-05, a non-exclusive franchise for a period of 10 years, to install and maintain telecommunication facilities and provide telecommunication services by use of said telecommunication facilities within the confines of the City pursuant to Ordinance No. 26-05 and this Franchise Agreement; and

WHEREAS, the City and Kinetic are entering into this Franchise Agreement to memorialize the grant by the City to Kinetic of said franchise pursuant to the terms and conditions reflected in Ordinance No. 26-05 and this Franchise Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the City and Kinetic hereby agree to incorporate the foregoing recitals as if fully set forth herein and further agree as follows:

Section 5. That if any section, sentence, clause or phrase of this Resolution is held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of the remainder of the Resolution.

Section 6. That this Resolution shall be effective on the date of its passage.

That this Resolution is hereby approved and adopted in Open Session of the City Council of Somerset this 18th day of August, 2026.

Attest:

City Clerk

1. Ordinance No. 26-05 is incorporated herein by reference in its entirety and shall apply as if fully set forth herein. For purposes of this Franchise Agreement, capitalized terms shall have the same meanings set forth in Ordinance No. 26-05 unless separately defined in the Franchise Agreement or the context clearly indicates that another meaning is intended.
2. The bid of Kinetic for said Franchise is incorporated in this Franchise Agreement.
3. The City grants Kinetic a non-exclusive franchise for a term of ten (10) years to erect, install and maintain a System and provide Communication Services by use of said System within the confines of the City pursuant to Ordinance No. 26-05.
4. This Franchise Agreement shall commence on August 15, 2026 and shall expire on August 14, 2036.
5. Kinetic does hereby bind itself, its successors and assigns, to faithfully and fully perform each and every condition of this Franchise Agreement.
6. This Franchise Agreement memorializes the agreement between the parties and shall be binding upon and inure to the benefit of the respective successors in interest to the parties hereto.

IN WITNESS WHEREOF, the City and Kinetic have executed this Franchise Agreement as their free and voluntary act and deed effective as of the day and year first above written.

CITY OF :
MAYOR

Kinetic ABS KY LLC
By: _____
Title: _____

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First reading was given the following Ordinance Number 26-14: AUTHORIZING THE FORMAL CLOSING OF MACADONIA WAY FROM EAST OF LISA WAY TO THE JERRY IKERD PROPERTY LINE WITH EAST SOMERSET CHURCH/MACEDONIA SERVICE FOUNDATION.

ORD. 26-14

ORDINANCE 26-14

AN ORDINANCE AUTHORIZING THE FORMAL CLOSING OF MACEDONIA WAY FROM EAST OF LISA WAY TO THE JERRY IKERD PROPERTY LINE WITH EAST SOMERSET BAPTIST CHURCH/MACEDONIA SERVICE FOUNDATION.

WHEREAS, the following described portion of a city street is within the area leased by the City to provide recreation hiking and mountain biking trails, to wit:

"Macedonia Way from East of Lisa Way to the Jerry Ikerd Property Line with East Somerset Baptist Church/Macedonia Service Foundation."

WHEREAS, all property owner(s) (related entities) who abut the public street at the proposed closure areas, have consented in writing to the proposed closing of the street; and,

NOW, THEREFORE, BE IT ORDAINED by the City of Somerset, Kentucky, the following findings are made with reference thereto:

1. The street to be closed is and described as follows:

"Macedonia Way from East of Lisa Way to the Jerry Ikerd Property Line with East Somerset Baptist Church/Macedonia Service Foundation."

2. The property owners abutting the public street have given their written consent to the closing and a copy of the written consent(s) is and are attached hereto (See Exhibit B), and,

Accordingly, based upon the findings of fact herein, it is hereby ORDERED and ORDAINED the public street, alley or way described is hereby CLOSED. A copy of this Ordinance shall be filed of record in the Pulaski County Clerk's Office as required by KRS 82.405(3) is required.

The foregoing Ordinance was read and presented to a regular meeting of the City Council of Somerset, Kentucky for the first reading on the 10th day of August 2026.

Motion by _____, seconded by _____ that the Ordinance be adopted as the law of the City of Somerset, Kentucky, to be effective immediately upon publication thereof or required by law after a Second Reading on _____, 2026.

APPROVED: _____
ALAN T. KFCIK, MAYOR
CITY OF SOMERSET, KY

ATTEST: _____
NICK BRADLEY, CITY CLERK

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There being no further business, the meeting was adjourned at 6:31 p.m.

APPROVED: _____

MAYOR

ATTEST: _____

CITY CLERK