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City of
Georgetown

SUE LEWIS, CITY CLERK - TREASURER

RECEIVED

SEP 25 2009

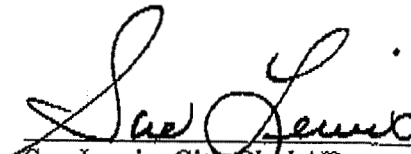
PUBLIC SERVICE
COMMISSION

CERTIFICATION: KRS 81A.470

I certify I am the duly qualified City Clerk of the City of Georgetown, Kentucky, and the forgoing 4 pages of Ordinance No. 09-011 is a true, correct and complete copy duly adopted by the City Council/Commission at a duly convened meeting held on April 13, 2009 all as appears in the official records of said City.

WITNESS, my hand and seal of the City of Georgetown, Kentucky, this the 22nd day of September, 2009





Sue Lewis, City Clerk/ Treasurer
Georgetown, Kentucky

ORDINANCE NO 09-011

AN ORDINANCE RELATING TO THE GRANTING OF A FRANCHISE FOR THE PROVISION OF ELECTRICAL SERVICE WITHIN THE CITY LIMITS OF THE CITY OF GEORGETOWN

WHEREAS, the State Constitution provides the authority for City to grant franchises for the use of a city's streets and rights-of-way of the City of Georgetown and the provisions of electrical service to the City requires the use of streets and rights-of-way otherwise envisioned by the framers of the Constitution as requiring a franchise; and

WHEREAS, the terms under which the utilities can provide electrical service within the City are mandated by the Public Service Commission, limiting the scope of the terms upon which the City can grant a franchise for the provision of electrical service. An advertisement offering the grant of a franchise for that service was published and responsive bids received.

WHEREAS, certain parties are desirous of obtaining a franchise for the right to use certain of the streets, alleys and public grounds in this City for the construction, maintenance and operation, as hereinafter described, of facilities for use in the transmission and distribution of electrical energy in certain parts of this City; and

WHEREAS, it is the opinion of this body that it is to the best interest of this City that such franchise be advertised, sold, and granted according to law;

THEREFORE, BE IT RESOLVED that such franchise be, and the same is, hereby defined and the terms and conditions upon which same is to be granted and enjoyed are specified, all as set forth in the Ordinance introduced herewith; that the City Clerk be, and is hereby, authorized and directed to offer said franchise for sale at public outcry to the highest and best eligible bidder under the terms of KRS 278.016, 278.017, and 278.018 and related statutes (hereinafter called "best eligible bidder") in accordance with the terms and conditions set forth in

said franchise; and that the City Clerk, after having advertised for sale and sold said franchise be, and is, hereby directed to report this action to a subsequent meeting of this body.

NOW THEREFORE BE IT ENACTED BY THE CITY OF GEORGETOWN CITY COUNCIL AS FOLLOWS:

SECTION 1. That _____, the purchaser and grantee of this franchise, his or its legal representatives, successors, and assigns, hereinafter called the "purchaser", be, and is, subject to the conditions hereinafter contained, hereby authorized and empowered to acquire, purchase, construct, maintain and operate in and through this City, a system or works for the generation, distribution and transmission of electrical energy from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of same for light, heat, power and other purposes to erect and maintain poles, wires and other apparatus necessary or convenient for the operation of said system in, upon, across and along each and all of the streets, avenues, alleys and public places, within the present and future corporate limits of this City; to have and hold, as by law authorized, any and all real estate, easements, water and other rights necessary or convenient for said purpose; to use any and all such streets, avenues, alleys and public places while constructing or operating said electric system or works; and to cross any and all streets and streams in this City for the purpose of constructing, maintaining or extending such poles, wires and other apparatus as may be necessary or convenient for the proper distribution of electric energy in and through this City. If, after any pole has once been erected, the City Council shall order the removal of said pole to another location, the City shall pay the cost of making such relocation, unless due to widening, regrading or reconstruction of the street or highway, in which case the purchaser will relocate at its expense. In any extensions of the present distribution system, additional poles shall be placed under the supervision of the City Council.

SECTION 2. The purchaser shall indemnify, and save harmless the City from any and all damages, judgments, decrees, costs and expenses, including a reasonable attorney's fee, which the City may legally suffer or incur or which maybe legally obtained against the City for or by reason of the use and occupation of any street, avenue, alley, or other public place in the City by the purchaser, pursuant to the terms of this franchise, or legally resulting from the exercise by the purchaser of any of the privileges herein granted; and, if any claim shall be made or suit brought against the City for damages alleged to have been sustained by reason of the occupation of any street, avenue, alley or public place or the exercise of any privileges herein granted, by the purchaser, the City shall immediately notify the purchaser in writing thereof, and the purchaser is hereby given the right and privilege to defend or assist in defending such suit, in the name of the City.

SECTION 3. The purchaser may furnish electricity for light, heat, power and any other purpose to any person or persons residing along or near the aforesaid streets, avenues, alleys and public places, and may make such lawful contracts for the use thereof as may be agreed upon between the purchaser and the said person or persons.

SECTION 4. The purchaser shall extend its electric light or power lines and install additional equipment whenever there is assured to it from additional business to be derived therefrom a reasonable return upon the investment required to install such extension.

SECTION 5. The purchaser shall have the right to make and enforce reasonable rules and regulations necessary to the proper conduct of its business and protection of its property.

SECTION 6. The purchaser shall have the right to charge for electrical energy supplied within the City, rates that are reasonable and that are subject to regulation by the Public Service Commission of Kentucky.

SECTION 7. This franchise and all rights and privileges granted hereunder shall be in full force and effect until September 17, 2017.

SECTION 8. This franchise may be transferred by the purchaser and the word "purchaser" whenever used in this franchise shall include and be taken to mean and apply also to all successors and assigns of the purchaser.

SECTION 9. As additional consideration for the grant of this franchise, the purchaser will pay to the City a sum equal to 3% of the gross revenue received by the purchaser, on or after January 1, 1960, or on and after the date when the grant of this franchise becomes effective, whichever is later, from electric service rendered within the corporate limits of the City to customers supplied under residential and commercial revenue classifications, as now defined in the Company's system of accounts and reported to the Public Service Commission of Kentucky. The amount payable to the City for each full calendar year during which this franchise is in effect, shall be computed on the basis of revenues received between January 1st and December 31st of such year, and payments shall be made quarterly on or before April 1st, July 1st, October 1st, and January 1st; the amount which may be payable to the City for a portion of a calendar year at the commencement or termination of the term of this franchise shall be computed on the basis of revenues received during such portion of a calendar year, and shall be payable not more than 60 days after the termination of the period for which payment is made. Should any license tax, occupational tax or any other tax, charge or fee except ad valorem taxes be now or hereafter imposed, the amount payable under this section shall be payable only to the extent that it exceeds the sum of all such taxes, charges or fees.

SECTION 10. It shall be the duty of the city Clerk, as soon as practicable after the introduction of this ordinance, to sell at public auction, to the highest and best eligible bidder, the within franchise at the City Hall on some day to be fixed by him after advertising the proposed ordinance and the time and place of sale thereof once a week for three consecutive weeks, in Georgetown News Graphic, and in making said sale he shall receive no bid for less amount than the total expense connected with the making of said sale including the cost of advertising, and he shall report his actions hereunder at a subsequent meeting of the Council. The Council reserves the right to reject any and all bids.

The foregoing Ordinance was introduced and read for the first time at the Council's regular meeting of March 23, 2009 read for the second time, adopted and approved, at its regular meeting April 13, 2009.

This Ordinance shall take effect upon passage and publication.

Karen J. Saxe
MAYOR

ATTEST
Sue Lewis
CITY CLERK

RECEIVED

Georgetown City Council

May 11, 2009

6:00 p.m.

SEP 25 2009

PUBLIC SERVICE
COMMISSION

The regular city council meeting of The Georgetown City Council was called to order by Mayor Karen Tingle-Sames with all members present, with McEuen leaving at 6:10 p.m. After a moment of silence David Lusby led the pledge.

Kelly McEuen stated he would miss most of tonight's meeting and all of the next meeting due to prior commitments. Mr. McEuen stated he was frustrated with the budget the mayor presented, stating he felt it presented a risk to safety and quality of life of the city's citizens and employees.

1. MINUTES:

Motion by Lusby, second by Prather to approve the minutes of the April 27, 2009 City Council Meeting. Motion unanimously approved.

Motion by Wallace, second by Tackett to approve the minutes of the April 27, 2009 Police Department Workshop. Motion unanimously approved.

2. ACKNOWLEDGEMENT OF RECEIPT OF BILLS:

Mayor Sames requested council acknowledge receipt of bills. **Council acknowledged receipt of bills.**

3. MAYOR'S COMMENTS:

A.) Bryan Beauman, City Attorney, requested approval of the electrical utility franchise bid, stating there was one bidder, Bluegrass Energy Cooperative Corporation in the amount of \$2,976.75 for advertising cost. **Motion by Hawkins, second by Wallace to approve Bluegrass Energy Cooperatives Corporations Electrical Franchise bid, which will expire in 2017. Motion unanimously approved.**

B.) Mayor Sames informed of a budget workshop scheduled for April 12, 2009 at 5:00 p.m. in council chambers.

4. PUBLIC CONCERNS:

James Snyder, 206 N. Hamilton Street, expressed concern over the city's budget, stating the city has been well served by their emergency services, but that the employees have not been well served by their city as of late and that this is a disservice to the residents. Mr. Snyder questioned the need of a new garbage truck, the salaries of the mayor's secretary and finance director.

Georgetown City Council
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Alan Ritchie, 255 Harmony Ridge Drive, stated since the mayor presented a balanced budget without raising taxes, he felt it was irresponsible to consider raising taxes due to the current economic crisis.

Chad Wallace requested changing the 2 minute limit for public concerns, asking the mayor to reconsider the limit to not exceed 5 minutes.

**5. CONSIDER EFFECTIVE DATE FOR FRANCHISE WASTE FEE –
BEAUMAN:**

Motion by Prather, second by Gibson to approve July 1, 2009 for the effective date of the franchise waste fee. Motion unanimously approved.

**6. PERMISSION TO ADVERTISE FOR BIDS FOR 2009-2010 ASPHALT
RESURFACING PROJECT-LARSON-POGROTSKY:**

Motion by Lusby, second by Hawkins for approval to bid for the 2009-2010 Asphalt Resurfacing Project. Motion unanimously approved.

**7. PERMISSION TO ADVERTISE FOR BIDS FOR 2009-2010 ASPHALT
CRACK SEALING PROJECT-LARSON-POGROTSKY:**

Motion by Wallace, second by Prather for approval to bid for the 2009-2010 Asphalt Crack Sealing Project. Motion unanimously approved.

**8. AUTHORIZATION FOR THE MAYOR TO ACCEPT THE AMERICAN
RECOVERY AND REINVESTMENT ACT OF 2009 GRANT FOR THE
ESTILL COURT/CLAYTON AVENUE/SOUTH HAMILTON STORM
SEWER PROJECT (ARRA-STIMULUS MONEY)-LARSON-
POGROTSKY:**

No council support, passing on grant due to the need to match funds, due to financial constraints.

**9. AWARD CONTRACT FOR ENGINEERING PROFESSIONAL
SERVICES CONTRACT FOR THE ESTILL COURT/CLAYTON
AVENUE/SOUTH HAMILTON STORM SEWER PROJECT-LARSON-
POGROTSKY:**

No council support.

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10. AUTHORIZATION FOR THE MAYOR TO APPLY FOR KENTUCKY INFRASTRUCTURE AUTHORITY (KIA) CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN FOR ESTILL COURT/CLAYTON AVENUE/SOUTH HAMILTON STORM SEWER PROJECT-LARSON-POGROTSKY:

No council support.

11. SECOND READING OF WORKFORCE REDUCTION POLICY-SHOWALTER:

Bryan Beauman, City Attorney, presented the second *reading of an ordinance regarding employment of city employees and employees Just Cause Policy.* **Motion by Hawkins, second by Showalter to approve Ordinance # 09-014. Motion approved 6-1, with Wallace voting; No.**

12. SECOND READING OF SUNDAY ALCOHOL SALES AT GOLF COURSES- WALLACE:

Bryan Beauman, City Attorney, presented the second *reading of an ordinance Authorizing Sunday sales of alcoholic beverages and permitted special hours for the New Year's holidays for holders of golf course alcohol licenses.* **Motion by Prather, second by Showalter to approve Ordinance# 09-015. Motion approved 6-1, with Gibson voting; No.**

13. SECOND READING BUDGET AMENDMENT FOR 2008-2009-WALLACE:

Bryan Beauman, City Attorney, presented the second *reading of an ordinance amending Ordinance No. 09-006 which adopted the budget of the City of Georgetown for fiscal year July 1, 2008 through June 30, 2009.* **Motion by Wallace, second by Hawkins to approve Ordinance #09-016. Motion unanimously approved.**

14. FIRST READING OF ADOPTING OFFICIAL STREET MAPS-TACKETT:

Bryan Beauman, City Attorney, presented the first *reading of an ordinance adopting the official city street map.*

15. APPROVAL TO APPLY FOR HOMELAND SECURITY GRANT 2009-2010 POLICE DEPARTMENT-CHIEF REEVES:

Motion by Gibson, second by Tackett for approval to apply for a Homeland Security Grant 2009-2010 for the Police Department, which is 100% reimbursed. Motion unanimously approved.

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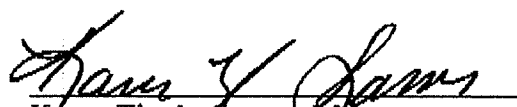
Mayor Sames stated the next council meeting would be a special called meeting on Monday, May 18, 2009 at 6:00 p.m., with a budget workshop before the council meeting beginning at 5:00 p.m.

COUNCIL COMMENTS:

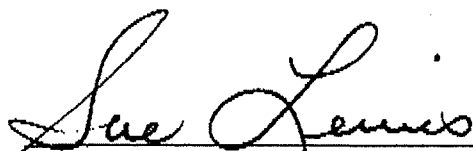
Chad Wallace asked if there was any money budgeted in the 2009-2010 budget to tear down any condemned homes. Mayor Sames stated there was \$10,000.00 in the 2009-2010 budget for demolition of 115 Hutchins Drive and 802 Hamilton Street. Mr. Wallace asked if the fire department could burn the house for a training burn, Mayor Sames stated no because it has asbestos in it. Chief Sageser stated the fire department can burn 4 houses a year, but these houses would not qualify for training burns under the guidelines. Mr. Wallace stated he had received multiple calls concerning tall grass, asked how Jesse from code enforcement was going to handle complaints and who was going to mow now that we don't have beautification. Mayor Sames stated \$1,000. 00 has been but in professional services in the building inspection budget to bid out mowing for small yard complaints. Public works is doing the big areas such as parks, bi-ways and highways etc. Mr. Beauman stated city collects fines more than \$500.00, and can put liens on the property. Mr. Gibson stated if there are areas around your house that needs mowing, the citizens are more than welcome to mow these areas.

Motion by Hawkins, second by Gibson to adjourn meeting. Motion unanimously approved.

APPROVED BY:


Karen Tingle Sames, Mayor

ATTESTED BY:


Sue Lewis, City Clerk/Treasurer