

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
06-11-2013
7:00 – 9:00 P.M.

With Mayor Bill Sheckles presiding, the City Council met in a regular session in the Council Chambers with the following Councilmen:

Councilman Joe Buckman
Councilman Francis Lydian
Councilman Tommy Reed
Councilman John Royalty
Councilman Bobby Simpson
Councilman Roland Williams

Others present: Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, City Civil Engineer Jessica Filiatreau, Chief Financial Officer Mike Abell, City Attorney Tom Donan, City Clerk Barbie Bryant, Police Chief Rick McCubbin, Fire Chief Marlin Howard, BNC Volunteer Fire Department Chairman Neal Pyle, Nelson County Gazette reporter Jim Brooks, The Kentucky Standard reporter Jennifer Corbett, WYSB reporter Tom Redmon, WBRT video cameramen Jaime Murphy and Ryan Godbey, and citizen Fred Hagan.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Mayor Sheckles presented the following revised Historical Review Board recommendation:

Certificates of Appropriateness

- (a) **COA-13-25.** JTD Holdings LLC, Applicant/Owner, propose to demolish a portion of a contributing historic structure at 207-211 West Stephen Foster Avenue. The transcript from the public hearing was presented as the revision.

Councilman Buckman was asked to recuse himself from the discussion and left the Council room at 7:05pm. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE REVISED HISTORICAL REVIEW BOARD RECOMMENDATION FOR COA #13-25 WAS APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB.** Councilman Buckman returned to the meeting.

LETTER OF REQUEST FOR THE RESEARCH DOWN SYNDROME (RDS) 5K RUN

Mayor Sheckles presented the letter of request for a 5K run starting at Tiger Alley and using West Stephen Foster Avenue as the cross road for the RDS Committee's route. The date will be October 19, 2013 from 8:00am until 10:00am. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE LETTER OF REQUEST BY RDS WAS APPROVED.**

MINUTES

The minutes from the 05-28-2013 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2013- REZONE #2394 DIXIE HIBBS AND STEPHEN HIBBS

Councilman Williams introduced proposed Ordinance B2013-Rezone #2394 Dixie Hibbs and Stephen Hibbs, and asked for its first reading. City Clerk Bryant read the proposed ordinance in summary to rezone 0.59 acres at 540 Old Bloomfield Pike from P-1 (Professional Office District) to B-4 (General Business District). **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF PROPOSED ORDINANCE B2013- REZONE #2394 DIXIE HIBBS AND STEPHEN HIBBS WAS APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2013- REZONE #2395 PHILLIP LEWIS AND JOHN LEWIS

Councilman Williams also introduced proposed Ordinance B2013-Rezone #2395 Phillip Lewis and John Lewis, and asked for its first reading. City Attorney Donan read the proposed ordinance in summary to rezone 2.97 acres at 1449 North Third Street (US 31E) from A-1 (Agriculture District) and B-3 (Regional Retail Business District) to R-4 (Multi-Family Residential District). **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF PROPOSED ORDINANCE B2013- REZONE #2395 PHILLIP LEWIS AND JOHN LEWIS WAS APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2013- AMENDED BUDGET FOR FY 2012-2013

Councilman Royalty introduced proposed Ordinance B2013- Amended Budget for FY 2012-2013 and asked for its first reading. City Clerk Bryant read the proposed ordinance which summarized the amendments as follows:

- 1) Self Insurance Fund, Fund 15: Increase Insurance Recovery Revenue, line 4670, by \$200,000 and increase expense line 5600, Claims, by \$200,000.
- 2) Bond Sinking Fund # 45: Increase expense line 7520, Interest, by \$3,399 and decrease the Excess Revenue line by \$3,399.
- 3) Construction Fund, # 54: Add fund to the budget as final bills for the water plant and Bloomfield Road/Pottershop Road Force Main Projects were paid in FY 13. Increase Revenue line 4690 (KIA) by \$154,000 and increase Expense Line 7300, Water Plant, by \$92,251; and increase Expense Line 7302, Force Main, by \$61,115.
- 4) Combined Utilities Fund, Fund 45, Department 05, Garbage, Increase Expense Line 7180, Construction Equipment, by \$128,000 to pay for replacement of a fire damaged truck.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF PROPOSED ORDINANCE B2013- AMENDED BUDGET FOR FY 2012-2013 WAS APPROVED.

SECOND READING – ORDINANCE B2013-07 CABLE TV RATES AMENDMENTS.

City Attorney Donan presented in summary, Ordinance B2013-07 for a second reading. Council members had the full text of the ordinance in their possession:

ORDINANCE NO. B2013-07

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED: “AN ORDINANCE RELATING TO THE OPERATION OF A MUNICIPAL OWNED CABLE TELEVISION COMMUNICATIONS SYSTEM TO PROVIDE SERVICE TO RESIDENTS AND CUSTOMERS WITHIN THE CITY OF BARDSTOWN AND NELSON COUNTY, KENTUCKY, AUTHORIZING THE EXPENDITURE OF MONEY FROM THE 1984 BOND SALE AND FROM THE GENERAL FUND TO PURCHASE THE SYSTEM AND THE CREATION OF A DEPARTMENT WHICH SHALL BE CALLED THE BARDSTOWN CABLE TV DEPARTMENT”.

THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN THAT Section 54.04(D)(1), 54.04(D)(2) and 54.04(F) be amended as follows:

SECTION 54.04 INSTALLATION AND RECONNECTION CHARGES, SUBSCRIBER RATES, AND MISCELLANEOUS SERVICE CHARGES.

(D) All subscribers, except for multiple-use subscribers, and educational/charitable/institutional subscribers, shall pay the following charges for the services as listed:

(1) Basic CATV Service

- | | |
|------------------------------|--|
| (a) Within Corporate Limits | \$14.45 \$14.45 \$16.45 /month |
| (b) Outside Corporate Limits | \$19.20 \$19.20 \$21.20 /month |

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

(2) Expanded CATV Service (Requires Basic Service subscription, **Channels 23-74**)

Expanded Basic CATV Service..... ~~\$25.35~~ **\$28.35**/month additional

Effective January 1, 2014, the retail rate for Expanded Basic under this section 54.04(D)(2), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to July 1, 2013.

Home Box Office (HBO and HBO Plus ²)....	\$10.95 15.82 /month additional
Cinemax (MAX)	\$8.95/month additional
Showtime Combo ¹	\$12.95/month additional
HBO, HBO Plus ² , MAX.....	\$14.95 21.70 /month additional
HBO, HBO Plus ² , Showtime Combo ¹	\$19.95 25.86 /month additional
MAX, Showtime Combo ¹	\$15.75 15.92 /month additional
Digital Gateway Service ³	\$3.95/month additional
High Def Digital Gateway Service ³	\$4.95/month additional
High Def/DVR Digital Gateway Service ³	\$9.95/month additional
CableCARD Service ³	\$2.00/month additional
Digital Basic ⁴	\$5.00 5.39 /month additional
Extended Digital Basic ⁴	\$3.95 3.96 /month additional
Starz/Encore SuperPak ⁵	\$8.95/month additional
Pay-Per-View (PPV) ⁶	Supplier's Suggested Retail Price
Premium Silver Pay Package ⁷	\$22.95 31.74 /month additional
Premium Gold Pay Package ⁸	\$29.95 39.53 /month additional
Commercial Fox Sports Surcharge ⁹	\$2.00/month additional

Hospitality Fox Sports Surcharge ¹⁰	Per the following:
Viewable by 1 – 50 persons.....	\$37.50/month additional
Viewable by 51 – 100 persons.....	\$50.00/month additional
Viewable by 101 – 150 persons.....	\$75.00/month additional
Viewable by 151 – 200 persons.....	\$100.00/month additional
Viewable by 201 – 300 persons.....	\$125.00/month additional
Viewable by 301 – 500 persons.....	\$150.00/month additional
Viewable by > 500 persons.....	\$200.00/month additional
High Definition Tier ¹¹	\$6.95/month additional
Latin Tier ¹²	\$5.00/month additional
TV Japan ¹³	\$15.00/month additional
Multiroom DVR ¹⁴	\$4.00/month additional per household

Subscribers to a Digital Gateway Service, CableCARD Service, Digital Basic or Digital Basic/Extended Digital Basic that also subscribe to an analog Premium Pay Service will receive the plexes of that Premium Pay Service on the digital set-top at no additional charge.

Effective January 1, 2014, the retail rate for the following packages: Digital Basic, Extended Digital Basic and HBO, Cinemax, Showtime Combo, Starz/Encore, and all combinations thereof, under this section 54.04(D)(2), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to July 1, 2013.

¹ - The Showtime Combo is a package of four Showtime Networks, Inc. Programs: Showtime, ShowtimeToo, The Movie Channel, and FLIX. These channels are not available a la carte.

² - HBO Plus is a multiplexed service of HBO Networks, Inc. HBO is not available as a single channel (a la carte) and is packaged with HBO Plus for one rate.

³ - Digital Gateway Service is available to Subscribers with Basic CATV Service and includes Digital music channels, TV Guide Interactive and allows access (for additional fees) to all available Premium Pay Services and Pay Per View (PPV) programming, using a standard definition set-top. Effective May 1, 2011, standard definition set-tops at \$3.95 are no longer available for new installations. Existing installations are grandfathered until disconnection or upgrade initiated by the subscriber. High Def Digital Gateway Service is Digital Gateway Service with a high-definition capable set-top and High Def/DVR Digital Gateway Service is the High Def Digital Gateway with a built-in Digital Video Recorder (DVR). CableCARD Service consists of a plug-in media card designed to decode encrypted digital cable services in lieu of a set-top converter and includes a monthly digital control fee as well as capital recovery for the cost of the card; TV Guide Interactive and Pay Per View programming is not available using the CableCARD service.

⁴ - Subscription to Digital Basic requires subscription to Expanded Basic CATV Service and either subscription to a Digital Gateway or CableCARD service. Subscription to Extended Digital Basic requires subscription to Digital Basic.

⁵ - Starz/Encore SuperPak is available with a Digital Gateway or CableCARD subscription.

⁶ - PPV is available with a Digital Gateway or CableCARD subscription. Commercial locations are subject to certain restrictions and conditions as dictated by the contract between the city and the PPV Supplier.

⁷ - Premium Silver Pay Package is available to Subscribers with Basic CATV Service and/or Expanded Basic CATV Service and includes the analog forms of HBO, HBO Plus, Cinemax and the Showtime Combo package.

⁸ - Premium Gold Pay Package is available to Subscribers with Expanded Basic CATV Service and with a Digital Gateway or CableCARD Service. This package includes both the analog and digital forms of HBO, HBO Plus, Cinemax, the Showtime Combo package, the Starz/Encore SuperPak and all the premium service multiplexes.

⁹ - A Commercial Subscriber is defined as a non-residential subscriber other than a Hospitality Subscriber (defined below).

¹⁰ - A Hospitality Subscriber is defined as a Commercial Subscriber that is licensed to serve alcohol or derives at least 80% of its revenues from entry fees and/or the sale of food or beverages. The surcharge is based upon the number of persons that can view Fox Sport South when it is exhibited in the subscriber's establishment and is defined as equal to the fire code maximum occupancy rating multiplied by the percentage of the total square footage within the

establishment from which a patron could view the service (Ex: If occupancy = 100, total square footage = 4,000, and square footage viewable = 3,000, then Viewing Area Person Count = 100 x 75% = 75 persons).

¹¹ – The High Definition Tier is a paid tier of high definition (HD) programming made up of channels that have a wholesale affiliate fee. This tier is available to Expanded Basic Subscribers and requires subscription to either High Definition Digital Gateway or CableCARD service.

¹² – The Latin Tier is a paid tier of Spanish-language programming in a digital-only format. This tier is available to Expanded Basic Subscribers and requires subscription to either a Digital Gateway or CableCARD service.

¹³ – TV Japan is an a la carte premium channel in a digital-only format. This channel is available to Expanded Basic Subscribers and requires subscription to either a Digital Gateway or CableCARD service.

¹⁴ – Multi-Room DVR service is an optional service for customers with the appropriate all-digital set-tops. It allows non-DVR “clients” to access the DVR of at least one “host” DVR set-top. All current non-DVR set-tops are “client-capable” and all current DVR set-tops are “host-capable” and are available for the rates as indicated above. Swap-outs of set-tops that support Multiroom DVR will be included as part of the install fee for Multiroom DVR service.

(F) Multiple-use subscribers, and educational/charitable/institutional subscribers, shall pay the following charges for the services as listed:

(1) Multiple-use (Bulk) subscribers shall pay the following charges for services as listed:

(a) Basic CATV Service

Within Corporate Limits	\$14.45 \$16.45 /month plus \$1.00 per month per additional outlet; required on all outlets.
Outside Corporate Limits	\$19.20 \$21.20 /month plus \$1.00 per month per additional outlet; required on all outlets.

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

(b) Expanded CATV Service (Requires Basic Service subscription)

Expanded Basic CATV Service	\$25.35 \$28.35 /month additional plus \$0.75 per month per additional outlet, required on all outlets.
HBO and HBO Plus ²	\$10.95/month additional plus \$3.50 per month per additional outlet; required on all outlets
Commercial Fox Sports Surcharge ³	\$2.00/month additional
TV Japan ⁴	\$1.00/month per additional outlet

Effective January 1, 2014, the retail rate for Expanded Basic and HBO under this section 54.04(F)(1), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to July 1, 2013.

² - HBO Plus is a multiplexed service of HBO Networks, Inc. HBO is no longer available as a single channel (a la carte) and is packaged with HBO Plus for one rate.

³ – A Commercial Subscriber is defined as a non-residential subscriber other than a Hospitality Subscriber.

⁴ – TV Japan is an a la carte premium channel in a digital-only format. This channel is available to Multiple-use (Bulk) Subscribers using direct-feed fiber connection.

Note: Multiple-Use customers shall be charged the normal applicable monthly basic or

MISCELLEANOUS

Councilman Buckman advised the Council of an upcoming request by a citizen to improve an alley for personal use. Councilman Lydian asked about a foul odor that has occurred in the past few days. It may be attributed to the fact that Barton’s Distillery is cleaning their lagoon. Councilman Williams asked Police Chief McCubbin to begin watching the corner of Guthrie Drive and Barberry. Citizens have reported to him that cars do not stop at this location. No staff reports were given.

CEMETERY DEEDS

Seven Bardstown Cemetery deeds were presented; two grave sites for Donald and Mary Etta Bennett, one grave site for Robert Gary Goff, one grave site for Taiyana Allen, one grave site for Joseph “JC” Johnson, two grave sites for Mack and Shirley Holt, one grave site for Myra Case, and two grave sites for Mark E. Johnson. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED.**

CITY OF BARDSTOWN

ATTEST:

William S. Sheckles, Mayor

Barbara Bryant, City Clerk