

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
01-12-2016
7:00 PM**

The City Council met in regular session in the Council Chambers with Mayor Royalty and the following Councilmen:

Councilman Buckman
Councilman Copeland
Councilman Hagan
Councilman Lydian
Councilman Simpson
Councilman Williams

Others present: Chief Financial Officer Tracy Hudson, Human Resource Director Larry Green, Director of Public Works and Engineer Larry Hamilton, Risk Manager Greg Ashworth, City Clerk Barbie Bryant, City Attorney Tim Butler, Staff Engineer Eric Richter, Fire Chief Randy Walker, Firefighter Scott Lawson, Police Officer Tim Simpson, E-911 Dispatch Director Debbie Carter, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, and citizens Margaret Sims, C.R. Royalty, Marlin Howard, Pastor Freddy Riggs, Therese Johnson, Matt Bowman and Susan Hardin.

Citizen Therese Johnson, a board member of the St. Vincent DePaul Society, asked for the Council's approval to allow the Food Pantry to rent space at the COBEC building.

KENTUCKY 120 UNITED OF NELSON COUNTY

Pastor Freddy Riggs presented to Mayor Royalty the bible that was used during the January reading.

ST. VINCENT DEPAUL SOCIETY, FOOD PANTRY PROPOSAL

Risk Manager Ashworth was approached by St. Vincent DePaul member Matt Bowman with a proposal to use a portion of the first floor of the COBEC building to house their Food Pantry. Ashworth reported the Society would rent the space for \$10,000 annually with a contract for five (5) years. He requested approval from the Council to allocate \$20,000 to make repairs to the first floor. **COUNCILMAN HAGAN MOVED TO APPROVE THE AMOUNT OF \$20,000.00 FOR RENOVATIONS TO THE FIRST FLOOR OF THE COBEC BUILDING. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.**

AMENDED BUDGET – E-911 CENTRAL DISPATCH

E-911 Dispatch Director Carter reported that the E-911 Board had met and made a recommendation to present their amended budget to Fiscal Court and the City Council. The amended budget will be on the agenda for the 01-26-2016 meeting of the City Council.

Fire Chief Walker reported that a recommendation to amend the By-Laws by the E-911 Board has been proposed to eliminate his appointment to that board. Councilman Lydian requested the City Attorney research the legality of such a proposal to the Inter-local agreement.

MINUTES

THE MOTION TO APPROVE THE SPECIAL COUNCIL MEETING MINUTES OF 12-29-2015 AND 01-05-2016 WAS APPROVED BY UNANIMOUS CONSENT.

ORDINANCE B2016-01 CABLE TV RATES AMENDMENTS

City Clerk Bryant gave a second reading in full:

ORDINANCE NO. B2016-01

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 OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN THAT Section 54.04(D)(1,2 and 11 a,b), 54.04(F)(1 and 2), and 54.04(I)(1, 2 and 8) 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	[2015	2016	2017
(a) Within Corporate Limits	\$18.86/month	\$19.76/mo	\$20.79/mo
(b) Outside Corporate Limits	\$23.61/month	\$24.51/mo	\$25.54/mo
Programming Charge:	\$7.12/month, plus:		
(a) Within Corporate Limits	\$10.00/month		
(b) Outside Corporate Limits	\$14.75/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).

Effective February 1, 2016, the retail rate for Basic under this section 54.04(D)(1), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

(2) Expanded CATV Service (Requires Basic Service subscription[~~, Channels 23-74~~])

Expanded Basic CATV Service..... [~~\$28.35~~] **\$42.11**/month additional

This is the first highest-penetrated tier of service above Basic CATV Service, currently channels 23-77.

Effective [~~January 1, 2014~~] **February 1, 2016**, 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~~] **February 1, 2016**.

Home Box Office (HBO and HBO Plus ²)....	[\$15.82] \$18.07 /month additional
Cinemax (MAX)	[\$8.95] \$8.09 /month additional
Showtime Combo ¹	[\$12.95] \$12.34 /month additional
HBO, HBO Plus ² , MAX.....	[\$21.70] \$24.87 /month additional
HBO, HBO Plus ² , Showtime Combo ¹	[\$25.86] \$30.41 /month additional
MAX, Showtime Combo ¹	[\$15.92] \$20.43 /month additional
Digital Gateway Service ³	[\$3.95] \$2.95 /month additional
High Def Digital Gateway Service ³	[\$4.95] \$2.95 /month additional
High Def/DVR Digital Gateway Service ³	[\$9.95] \$7.95 /month additional
CableCARD Service ³	\$2.00/month additional
Economy Tier¹⁵	\$27.45/month additional
Digital Basic ⁴	[\$5.39] \$8.39 / month additional
Economy Digital Basic¹⁵	\$5.78/month additional
Extended Digital Basic ⁴	[\$3.96] \$2.21 /month additional
Economy Extended Digital Basic¹⁵	\$1.53/month additional
Starz/Encore SuperPak ⁵	[\$8.95] \$9.96 /month additional
Pay-Per-View (PPV) ⁶	Supplier's Suggested Retail Price
Premium Silver Pay Package ⁷	[\$31.74] \$37.21 /month additional
Premium Gold Pay Package ⁸	[\$39.53] \$47.17 /month additional
Commercial Fox Sports Surcharge ⁹	\$2.00/month additional
High Definition Tier ¹¹	[\$3.95] \$2.34 /month additional
Latin Tier ¹²	\$5.00/month additional
TV Japan ¹³	\$15.00/month additional
Multiroom DVR ¹⁴	[\$4.00] \$1.00 /month additional per household

Effective [~~January 1, 2014~~] **February 1, 2016**, the retail rate for the following packages: Digital Basic, Extended Digital Basic, **High Definition Tier**, 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~~] **February 1, 2016**.

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~~ **that** 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.

¹⁵ – Economy Tier is offered as a low cost “retention” tier and/or designed and offered as a “family friendly” tier, which is solely comprised of family-friendly television video programming services that cannot in the aggregate be received by more than three and a half percent (3.5%) of such Participating NCTC Member’s total number of subscribers across all of its Members Systems, and requires subscription to a Digital Gateway or CableCARD service. Subscription to Economy Digital Basic requires subscription to the Economy Tier. Subscription to Economy Extended Digital Basic requires subscription to Economy Digital Basic.

(11) Set-top rental

- (a) Additional HD digital set-top [~~\$4.95~~] **\$2.95** per month
- (b) Additional HD-DVR digital set-top [~~\$9.95~~] **\$7.95** per month

(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 [2015 _____ 2016 _____ 2017 _____]
~~Within Corporate Limits _____ \$18.86/month _____ \$19.76/mo _____ \$20.79/mo~~
~~_____ plus \$1.00 per month per additional outlet; required on all outlets.~~

~~Outside Corporate Limits _____ \$23.61/month _____ \$24.51/mo _____ \$25.54/mo~~
~~_____ plus \$1.00 per month per additional outlet; required on all outlets.]~~

Programming Charge: \$7.12/month, plus:
(a) Within Corporate Limits \$10.00/month
(b) Outside Corporate Limits \$14.75/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).

Effective February 1, 2016, the retail rate for Basic CATV Service 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 February 1, 2016.

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

Expanded Basic CATV Service [~~\$28.35~~] **\$42.11**/month additional plus \$0.75 per month per additional outlet, required on all outlets.

HBO and HBO Plus² [~~\$10.95~~] **\$18.07**/month additional plus \$3.50 per month per additional outlet; required on all outlets.

Effective ~~January 1, 2014~~ **February 1, 2016**, 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~~ **February 1, 2016**.

(2) Educational/Charitable/Institutional subscribers shall pay the following charges for services as listed:

(a) Basic CATV Service

	[2015	2016	2017
— Within Corporate Limits	\$18.86/month	\$19.76/mo	\$20.79/mo
— Outside Corporate Limits	\$23.61/month	\$24.51/mo	\$25.54/mo

Programming Charge: \$7.12/month, plus:

(a) Within Corporate Limits \$10.00/month

(b) Outside Corporate Limits \$14.75/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).

Effective February 1, 2016, the retail rate for Basic CATV Service under this section 54.04(F)(2), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

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

Expanded Basic CATV Service [~~\$28.35~~] **\$42.11**/month additional plus \$0.75 per month per additional outlet, required on all outlets.

Effective [~~January 1, 2014~~] **February 1, 2016**, the retail rate for Expanded Basic services under this section 54.04(F)(2) shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to [~~July 1, 2013~~] **February 1, 2016**.

(I) Cable Modem Internet Service

(1) Residential service:

{3 Mb/s	\$24.95 per month
{6 Mb/s	\$29.95 per month
{10 Mb/s	\$39.95 per month
{20 Mb/s	\$49.95 per month

6 Mb/s	\$28.25 per month
10 Mb/s	\$33.25 per month
20 Mb/s	\$43.25 per month
40 Mb/s	\$53.25 per month

Customers may rent a modem from the City at a cost of \$3.00 per month or may provide their own modem meeting City specifications.

(2) Commercial service costs depend on the number of users and the bandwidth (speed) requested. Commercial customers may rent the modem at a cost of \$3.00 per month, or may provide their own modem meeting City specifications. The monthly rates for commercial services are:

{Up to 5 users, at 10 Mb/s	\$ 49.95 per month
{Up to 25 users, at 20 Mb/s	\$ 69.90 per month
{Up to 25 users, at 30 Mb/s	\$ 109.90 per month
{Over 25 users, and/or over 30 Mb/s	(by contract)

Up to 5 users, at 20 Mb/s	\$53.25 per month
Up to 25 users, at 40 Mb/s	\$73.25 per month
Up to 25 users, at 80 Mb/s	\$113.25 per month
Over 25 users, and/or over 80 Mb/s	(by contract)

(8) Bundling discount. Any internet subscriber who also subscribes to [~~at least Expanded~~] Basic Cable Television Service will receive a 20% discount on their internet services.

This ordinance, including the rates and charges, shall be in full force and effect following publication in summary as required by law and put into effect and collected from and after the close of business January 31, [2015] **2016**, i.e. for bills due on or after February 01, [2015] **2016**.

This ordinance or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

COUNCILMAN WILLIAMS MOVED TO APPROVE ORDINANCE B2016-01 CABLE TV RATES AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN COPELAND	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2016-01 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

COMMITTEE AND STAFF REPORTS

Councilman Hagan announced that a Water and Wastewater Committee meeting would be called for next week. He will check on a date and time and inform with the members.

MUNICIPAL ORDER M2016-01 PERSONNEL POLICIES

MUNICIPAL ORDER NO. M2016-01

MUNICIPAL ORDER AMENDING THE PERSONNEL POLICIES AND PROCEDURES ESTABLISHED IN MUNICIPAL ORDER NO. 91-8 AND AMENDED IN FULL IN MUNICIPAL ORDER NO. 2000-7 AND AMENDED IN MUNICIPAL ORDER NOS. 2003-16; 2004-4; 2007-8; 2008-08; 2009-07, 2009-15, 2011-03, 2013-03 AND M2014-11.

NOW THEREFORE BE IT ORDERED by the City of Bardstown, Commonwealth of Kentucky:

That the PERSONNEL POLICIES AND PROCEDURES, **SECTION VI: BENEFITS**, A. Holidays (4), be changed to reflect the following:

A. Holidays:

4. [~~All employees occupying established positions and who have worked 90 hours during the preceding calendar month shall receive holiday pay.~~] Employees who work on a holiday shall be compensated for actual hours worked at one and one-half times the regular rate of pay in addition to holiday pay.

COUNCILMAN HAGAN MOVED TO TABLE THE MUNICIPAL ORDER. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED 6-0.

MUNICIPAL ORDER M2016-02 TAX ASSESSMENT MORATORIUM, 114 N 3RD ST

MUNICIPAL ORDER NO. M2016-02

A MUNICIPAL ORDER ACCEPTING THE APPLICATION FOR A TAX ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 114 NORTH 3RD STREET, BARDSTOWN, KENTUCKY.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KY:

SECTION 1

That the "Application for Assessment Moratorium Certificate" for the property located at 114 North 3rd Street, Bardstown, Kentucky, is hereby accepted and further expressing the City's intent to grant an assessment moratorium to the owner of said property upon compliance with the City's property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

SECTION 2

That this order shall take effect and be in full force when passed and recorded according to law.

COUNCILMAN BUCKMAN MOVED TO APPROVE MUNICIPAL ORDER M2016-02. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 6-0.

RE-APPOINTMENTS

Mayor Royalty announced the re-appointment proposals for the following:

- Edward Seay, Development Review Board, 3 year term expired 01-01-2016
- Pen Bogart, Historical Review Board, 3 year term expired 01-10-2016
- Lee Evans, Historical Review Board, 3 year term expired 01-10-2016
- Charles Montgomery, Property Maintenance Board of Appeals, 3 year term expired 12-28-2015

COUNCILMAN SIMPSON MOVED TO APPROVE THE FOUR RE-APPOINTMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 6-0.

CEMETERY DEED

THE MOTION TO APPROVE THE CEMETERY DEED FOR RASHEED WICKLIFFE WAS APPROVED BY UNANIMOUS CONSENT.

CITY ANNIVERSARIES

Mayor Royalty announced the service anniversaries for the following city employees:

- Donna Paschal, Recreation Director, 40 year anniversary
- Mark Hufford, Sewer Plant Manager, 15 year anniversary
- Kevin Russell, Public Works Department, 15 year anniversary
- Ben Burd, Public Works Superintendent, 5 year anniversary
- Eric Richter, Engineering Department, 5 year anniversary
- Heather Pile, Sewer Plant, 5 year anniversary

ADJOURNMENT

THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk