

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
10-09-12
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with the following Councilmen:

Councilman Joe Buckman
Councilman Fred Hagan - Absent
Councilman Francis Lydian
Councilman Tommy Reed
Councilman Bobby Simpson
Councilman Roland Williams

Others present: Police Chief Rick McCubbin, Interim Fire Chief Marlin Howard, Part-time Firefighter Paul Vance, Director of Public Works and Engineering Larry Hamilton, Chief Financial Officer Mike Abell, City Attorney Tom Donan, City Clerk Barbie Bryant, Nelson County Gazette reporter Jim Brooks, The Kentucky Standard reporter Jennifer Corbett, BRTV video cameraman Jamie Murphy, WBRT co-owner Roth Stratton, Rose Bishop, LeeAnn Samson and Mark Hicks.

MAYOR PRO-TEM

Noting the absence of Mayor Sheckles, City Attorney Donan called the meeting to order and instructed the Council to proceed. **COUNCILMAN WILLIAMS MADE A MOTION TO APPOINT COUNCILMAN SIMPSON AS MAYOR PRO-TEM FOR THE MEETING. SAID MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN, CARRIED, AND APPROVED.**

CHANGE WORK ORDER #3 – SOUTH SALEM SEWER MAIN REPLACEMENT

Director of Public Works and Engineering Hamilton presented the change of work order #3. The amount of \$2,845.00 will be removed from the original Contract Price to Filcon Construction. David Hill, with Joe Hills Auto Center contracted with Skyline Contracting to put in a private sewer lateral line that reconnected his building to the new South Salem Sewer Main. The private work contract price was \$2,845.00. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATION TO ACCEPT THE CHANGE OF WORK ORDER #3 FOR FILCON CONSTRUCTION IN THE AMOUNT OF (\$2,845.00), WAS APPROVED.**

MINUTES

The minutes from the 09-25-2012 regular Council meeting were presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0, THEY WERE APPROVED.**

SECOND READING – PROPOSED ORDINANCE B2012-22 CABLE MODEM SPEED

Councilman Williams presented a second reading of the ordinance as follows:

ORDINANCE NO. B2012-22

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(I)(1) is amended as follows:

**SECTION 54.04 INSTALLATION AND RECONNECTION CHARGES; SUBSCRIBER RATES;
 MISCELLANEOUS SERVICE CHARGES.**

(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

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
<u>Up to 25 users, at 30 Mb/s</u>	<u>\$ 109.90 per month</u>
Over 25 users, and/or over 20 <u>30</u> Mb/s	(by contract)

This ordinance, including the rates and charges, shall be put into effect and collected from and after the close of business October 31, 2012, i.e. for bills due on or after November 1, 2012.

All ordinances in conflict herewith are hereby amended to the extent of such conflict.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS, THE MAYOR PRO-TEM CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR PRO-TEM SIMPSON THEN DECLARED ORDINANCE NO. B2012-22 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

MUNICIPAL ORDER 2012-15, FEMA APPLICANT’S AGENT RESOLUTION

Mayor Pro-Tem Simpson presented the following Municipal Order:

MUNICIPAL ORDER NO. 2012-15

DESIGNATION OF APPLICANT’S AGENT

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KY,

THAT Anthony Mattingly, Risk Manager, is hereby authorized to execute for and in behalf of the City of Bardstown, a public entity established under the laws of the Commonwealth of Kentucky, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President’s Disaster Relief Fund.

THAT the City of Bardstown, a public entity established under the laws of the Commonwealth of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 9th day of October, 2012.

_____	_____
_____	_____
_____	_____

CERTIFICATION

I, William S. Sheckles, duly appointed and Mayor of the City of Bardstown, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the City Council of the City of Bardstown on the 9th day of October, 2012.

Date: _____

_____, Mayor
(Signature)

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives as

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER 2012-15 WAS APPROVED.

CEMETERY DEEDS

One (1) Bardstown Cemetery deed was presented; one grave site for Jennifer and Timothy Judd. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE DEED WAS APPROVED.**

MISCELLEANOUS

City Attorney Donan confirmed for Councilman Lydian that all deeds have been recorded for the purchase of the Old Kentucky Home Middle School.

STAFF REPORTS

Chief Financial Officer Abell explained the need to re-bid the Automated Meter Reading Proposals for the water meter parts of the system only.

Police Chief McCubbin reported that since there has been a rash of vandalism and petty theft during the local schools' fall break, his department will strictly enforce the curfew hours for weekdays and the weekend.

Director of Public Works and Engineering Hamilton reported that final preparations were being done to allow both river pumps to run simultaneously, when river flow was adequate. This will increase the volume to approximately 7 million gallons per day.

CITY ANNIVERSARIES

Mayor Pro-Tem Simpson announced the five year anniversaries for Bardstown Firefighter Ernie Pyle and part-time Customer Service Representative Lisa Fugitt.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0, THE MEETING WAS ADJOURNED.**

CITY OF BARDSTOWN

ATTEST:

Barbara Bryant, City Clerk

Bobby Simpson, Mayor Pro-Tem