

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

**4-24-12
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor William S. Sheckles and the following Councilmen:

Councilman Buckman
Councilman Hagan
Councilman Lydian
Councilman Williams
Councilman Reed
Councilman Simpson

Others present: Police Chief McCubbin, Interim Fire Chief Howard, Asst. City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Filiatreau, City Electrical Engineer Mills, HRB Administrator Bogert, City Clerk Blincoe, City Attorney Donan, Nelson County Gazette reporter Jim Brooks, The Kentucky Standard reporter Jennifer Corbett, BRTV co-owner Roth Stratton and student intern Jamie Murphy, Damon Jackey, Adam Wheatley, Neal Pyle, Anthony Orr, Terry Geoghegan, John Royalty and one illegible signature.

SUPERINTENDENT AND NELSON COUNTY SCHOOL BOARD MEMBERS AND ATTORNEY

Mayor Sheckles welcomed Anthony Orr, Superintendent of the Nelson County Schools and members from the Nelson County School Board who were in attendance at the meeting along with their attorney, Terry Geoghegan.

MUNICIPAL ORDER NO. 2012-04 ELECTRICAL DISTRIBUTION EQUIPMENT BIDS

Assistant City Administrator Green presented the resolution/Municipal Order No. 2012-04 to the Council to be approved in order to enter into an agreement with the Kentucky Office of Homeland Security (KOHS) for radios for the Police Department as follows:

MUNICIPAL ORDER NO. 2012-04

RESOLUTION

City of Bardstown

A RESOLUTION OF THE CITY OF BARDSTOWN, KENTUCKY AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR AND, UPON APPROVAL, TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS), TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THE PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.

WHEREAS, the City of Bardstown, Kentucky desires to make an application for United States Department of Homeland Security and/or Commonwealth of Kentucky funds for a project to be administered by the Kentucky Office of Homeland Security;

WHEREAS, it is recognized that an application for and approval of Kentucky Office of Homeland Security funds impose certain obligations and responsibilities upon the City;

NOW, THEREFORE, be it resolved this 24TH-day of April 2012, by the City of Bardstown, Kentucky:

The Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by KOHS for the furtherance of the above referenced project and to act as the authorized correspondent for said project.

Done this 24th day of April, 2012 on a Motion made by _____ and seconded by _____.

Members present voting in favor: ____.

Members present voting against: _____.

BY: _____
Mayor

ATTEST: _____
Clerk

UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY AND EXECUTE ALL NECESSARY DOCUMENTATION FOR THE PROJECT.

AGREEMENT WITH THE NELSON COUNTY BOARD OF EDUCATION

The Mayor announced that the Nelson County Board of Education had met earlier in the evening and recommended approval of the agreement with the City of Bardstown to exchange certain parcels of real property located in Bardstown. The school board will receive 1.8 acres of property situated off East John Rowan Boulevard next to the Nelson County Early Learning Center. The City will receive 2.24 acres on which a 63,439 square-foot school building is located on East Muir Avenue. Councilman Hagan asked to discuss what specific uses the City planned for the building since he felt that the building might become an albatross to the City. Councilman Lydian stated that the building could be utilized and was well-built. The Mayor emphasized that it could be used by several City departments; such as, the Recreation Department, the Police Department and the Fire Department. Councilman Buckman stated that it was a very old building and be costly to maintain. He also stated that he did not believe that the City should be in the rental business. Councilman Simpson stated that the City needed to have another gym for the children in the community to use and a gym is already located in the school building. Mayor Sheckles reported that he had been contacted by several groups and organizations about potential uses for the building and he definitely believed that the trade would benefit the City, the County School Board and the community. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 4 TO 2, THE MAYOR WAS AUTHORIZED TO EXECUTE THE CONTRACT BETWEEN THE CITY OF BARDSTOWN AND THE NELSON COUNTY SCHOOL BOARD. COUNCILMAN HAGAN AND COUNCILMAN BUCKMAN VOTED NO.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

Certificates of Appropriateness

1. COA #12-11 [RECOMMENDED]

Mr. Bee's has submitted an amended application to COA #12-11, which the HRB denied on March 12. The amended design has removed the bubbles, flowers and extraneous bees from the original design and has toned down the sign color.

Recommendation: To recommend approval of the installation of two signs at 120 W. Stephen Foster Ave., as specified in this amended application.

2. COA #12-15 [RECOMMENDED]

Keene's Depot added a cooler to the rear of their building at 8 Old Bloomfield Rd. without a COA. They have paid the late fee and now apply for approval of the cooler.

Recommendation: To recommend approval of a 8' x 8' cooler at the rear of 8 Old Bloomfield Rd., as specified in this application with the following condition: the cooler sides and door to be painted a color to closely match and complement the adjoining brick building.

3. COA #12-17 [DENIED]

Harrell's Locksmith proposes to install a pole-mounted sign (on front yard light post) at 108 W. Broadway reading "Harrell's Locksmith We open Autos" with phone number and icons of keys and a lock. The sign has airbrushed black letters with blue and red highlighting.

Recommendation: To deny application to install a pole-mounted sign at 108 W. Broadway, as specified in this application because the combination of lettering style and background color design do not complement the surrounding Historic District.

4. COA #12-18 [RECOMMENDED]

Bill and Donna Ellis propose the following new construction, exterior alteration, and site alteration to the residence at 211 W. Flaget Ave.:

- New construction – Remove two rear one-story, shed-roof additions and replace with a new one-story, gabled rear addition. The larger of the two rear additions was built by 1950 but is structurally unsound; the smaller addition is modern. The historic one-story addition on the east side of the building will be retained and extended the length of the new rear addition. The new addition will extend 23' from the rear with a width of 33'. The walls will be 8' high and the center gable will be 18' high (reaching 7' below the gable of the original building). There will be 2 windows on the west side and 3 windows, a vent, and French doors (catalog sample will be submitted at meeting) on the south side. A small roof, supported by brackets, will be constructed over the French doors. The addition will be covered with cement board clapboards and the roof will be asphalt shingle (Owens-Corning Estate Gray). Windows will be 6/6 Pella vinyl, double-hung windows.
- Exterior alterations – Replace the existing standing seam roof with asphalt shingle (Owens-Corning Estate Gray); paint the shutters and trim of the entire house Valspar Aspen Gray (6004-2A). The shutters are now gray and the existing trim and columns are white.
- Site alterations – Construct an 8' gravel driveway running parallel to, and 2' from, the east property line from the sidewalk to an extended line from the east addition; remove fir tree at front corner; remove non-historic shed at rear of property to make room for new addition; construct 9' x 12' rear patio; construct 6' wood fence to run 12' from corner of new addition and extending 4' beyond west side of the 8' patio. Fence to be stained trim color.

Recommendation: To recommend approval of the proposals for new construction, exterior alterations, and site alterations at 211 W. Flaget Ave., as specified in this application.

5. COA #12-19 [RECOMMENDED]

Franklin Hibbs III proposes the following exterior alteration and site alteration:

- Exterior alteration – remove and replace the existing brick wall wood cap trim and each of the concrete block caps and replace with wood caps, add support trim, and paint trim as per submitted color sample. The proposed replacement wood caps would consist of one 2" x 14" and one 2" x 16" with cove moulding (see drawings). The existing trim board is 2" x 12". Added height would be about 2". A 1" x 2" or 1" x 3" would also be added to run along the edge of the existing 1" x 10" window trim board to prevent it from sagging from the steel lintel. Trim color will be Valspar Churchill Hotel Ivory (3007-8C). Existing trim is very similar (Valspar Belle Grove Buff 3006-10B).
- Site Alteration – remove existing driveway and return to original gravel

Recommendation: To recommend approval of the exterior alterations and site alteration at 216 N. Fourth St., as specified in this application with the following condition: Planning & Zoning counsel has advised that this recommendation is not a compromise or agreement to stay the enforcement of a court order, dated February 20, 2012, to comply by May 1, 2012, with the provisions of COA #09-46. The applicant must either comply with the court order by May 1, 2012, or remove all the concrete and replace it with gravel by May 1, 2012.

6. COA #12-20 [RECOMMENDED]

Mike and Cathy Ballard propose to install a flush-mounted sign reading "Area One Realty" on the façade of 106 N. Fourth St. The sign will be centered on the block over the doorway and will be approximately 9' with 8" high silver letters. The letters will be plastic and will be glued onto the concrete.

Recommendation: To recommend approval of the installation of a flush-mounted sign at 106 N. Fourth St., as specified in this application.

7. COA #12-21 [RECOMMENDED]

Billy and Sidney Lockett propose to construct a small addition to a concrete-block storage building at the rear of 221 N. Third St. The one-story addition will extend 12' from the south side of the existing storage building and extend the full width (20') of the existing storage building. It will be built on a concrete slab and measure 10' high at the rear (north) and 8' high at the front (south) and will have a 2/12 roof pitch. The addition will be framed in and covered in vinyl siding, the color of which will closely match the color of the Lockett & Lockett building. The proposed roof is 29 gauge metal and the supplier states that mastic will have to be applied to each seam for any roof using this material that is less than a 4/12 pitch. A gutter and downspout will run along the front. A metal security door will be placed in the center of the front side.

Recommendation: To recommend approval of the construction of an addition to a storage building at the rear of 221 N. Third St., as specified in this application.

8. COA #12-22 [RECOMMENDED]

The Episcopal Church of the Ascension proposes to install a free-standing single-pole sign in front of the church at 211 N. Third St. The pole will be western red cedar, painted white, 72" high with a 30" arm to support hanging signs. The signs will be 2" thick and connected to each other with a metal rod. The signs will include a 20" x 30" oval ("Church of the Ascension welcomes you" in gold with recessed lettering) with the Episcopal Church symbol on a teal background. Three other small informational signs (approx. 12" x 16"), hanging below the oval sign, will have black letters and include hours, parking, and information about the Music Institute.

Recommendation: To recommend approval of the installation of a pole-mounted sign at 211 N. Third St., as specified in this application. with final approval of lettering placement and additional color to be given by staff.

Pen Bogert, Preservation Administrator

The City Attorney informed the Council that a denial recommendation did not need Council approval. It would be the option of the applicant to appeal a denial.

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD ON ITEMS NOS. 1, 2, 4, 5, 6, 7 AND 8 WERE APPROVED.

DEVELOPMENT REVIEW BOARD RECOMMENDATIONS

A recommendation for approval was presented from the DRB Chairman and the Planning and Zoning Director for DRB-10 (amended) for the proposed exterior alterations of brick and siding for the Goodwill building located at 219 Padgett Way. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE PLANNING AND ZONING DIRECTOR AND DRB CHAIRMAN WAS APPROVED.**

A recommendation for approval was presented from the DRB Chairman and the Planning and Zoning Director for application DRB-181 for John Royalty for a 28' x 48' commercial structure to be located at 830 Pennsylvania Avenue. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE PLANNING AND ZONING DIRECTOR AND DRB CHAIRMAN WAS APPROVED.**

CORRESPONDENCE FOR POLICE DEPARTMENT

The Mayor presented a letter from Ashley Smith expressing appreciation for the compassionate and professional manner in which members of the Bardstown Police Department handled her recent home burglary. A large amount of money was taken at the time. She particularly named Detectives Lynn Davis and Chris Smith who responded immediately to her call. Through his extensive investigation, Detective Davis apprehended the person who had stolen the money. She wanted to make sure that the officers and department were recognized for a job well done. The Mayor also added his appreciation to the department.

MINUTES

The minutes from the 4-10-12 regular Council meeting were then presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

FIRST READING - ORDINANCE B2012-06-CHAPTER 130-OFFENSES AGAINST MUNICIPAL REGULATIONS

City Attorney Donan highlighted the amendments to the ordinance and reported that the following corrections should be made: (1) Correct a typo to the word 'Arrow' in the heading of Section 130.02 and (2) add Section 130.04 to the list of exceptions in Section 130.02, (A). Councilman Hagan also noted a change to the Penalty Section 130.99, to change the reference

to Section 130.06 (B) (1) in the paragraph to Section 130.07 (B) (1). The ordinance was then presented for a first reading. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED WITH THE CHANGES.**

SECOND READING - B2012-04-ALCOHOLIC BEVERAGES ORDINANCE AMENDMENT

A second reading was presented of the Alcoholic Beverages Ordinance amendment as follows:

ORDINANCE NO. B2012-04

AN ORDINANCE AMENDING CHAPTER 114: ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES FOR THE CITY OF BARDSTOWN, KENTUCKY.

THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS FOLLOWS:

That Section 114.20, CLASSIFICATION OF LICENSES; FEE SCHEDULE, be amended to reads as follows:

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to the traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefore:

DISTILLED SPIRITS AND WINE LICENSES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
_____ Distillers	243.040 (1) 243.070	243.120 243.130	June 30	\$140.00
_____ Wholesalers	243.030 (6)	243.160 243.170	June 30	\$410.00
_____ Retail Package	243.030 (7)	243.240	June 30	\$210.00
_____ Retail Drink	243.030 (8)	243.250	June 30	\$420.00
_____ Private Club	243.030 (17)	243.270	June 30	\$420.00
_____ Caterer (Distilled Spirits and Wine)	243.030 (26)	243.033	June 30	\$100.00
_____ Supplementar y Caterer	241.010	243.033	June 30	\$ 50.00
_____ *Wine by Drink		243.260	June 30	\$ 70.00
_____ **Limited Sunday Drink (attach proof of 50% food sales)	243.030 (18)	244.290	June 30	\$180.00
_____ ***Special Temporary (Special Event)	243.030 (16)	243.260	June 30	\$ 50.00 (Per Event)
_____ Souvenir Retail Package	243.030 (27)	243.0305	June 30	\$150.00
_____ Souvenir	Ordinance No. B2007-07		June 30	No Charge

Retail Package (Sunday) Sales	244.050 (2)	243.250	June 30	\$ 25.00
***Sampling		243,240	June 30	\$ 25.00
Retail Drink ***Sampling	244,050 (2)		June 30	No Charge
****Retail Package	Ordinance No. B2009-02			
*****Retail Package Sunday Sales				

MALT BEVERAGE LICENSES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
_____ Brewers	243.040 (1) 243.070	243.150	June 30	\$140.00
_____ Distributors	243.040	243.150	June 30	\$140.00
_____ Retailers (New Applicant/ Renewal)	243.040 (4), 243.070, 243.040 (4)	243.280	June 30	\$ 70.00
*****Retailers Sunday Sales (Convenience Stores and Grocery Stores)	Ordinance No. B2009-02		June 30	No Charge
*****Special Temporary (Special Event)	243.040 (7)	243.290	June 30	\$ 25.00 (Per Event)

* Wine by drink in connection with a restaurant operation where whiskey by the drink is not available.

** Limited Sunday Liquor Drink (Hours of operation shall be 1:00 pm–12:00 am) – Available holders of Liquor Drink Licenses that are restaurants with at least 100 seating for dining and receive at least 50 % of its gross annual income from the sale of food or Private clubs which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which: (a) Have dining facilities with a minimum seating capacity of 100 people at tables; (b) Are non-profit, eleemosynary organizations with a membership of at least 200; and (c) Have been in existence for a period of at least two (2) years.

*** **Available to holders of Special Temporary (Special Event) licenses - Limited Sunday liquor drink sales (hours of operation shall be 1:00 p.m. – 12:00 a.m.).**

**** Sampling – Available holders that are retail drink and retail package sales that notify Office of Alcoholic Beverage Administrator 7 days in advance before conducting a sampling event. A sampling event is limited to a period not to exceed 4 consecutive hours between 12 noon and 8 p.m. Each sample size shall not exceed one (1) ounce of wine and one-half (1/2) ounce of distilled spirits. A customer must be limited to no more than six (6) wine and two (2) distilled spirits samples per day. All samples must be provided free of charge and at the licensed premises.

***** Limited Sunday Retail Package and Malt Beverage Retailers. (Hours of operation shall be 1:00 pm – 12:00 am on Sundays). Available to holders of Retail Package and Malt Beverage Retailers **Sales.** (Liquor Stores, Convenience Stores and Grocery Stores).

***** **Available to holders of Special Temporary (Special Event) licenses – Malt Beverage sales (hours of operation shall be 1:00 p.m. to 12:00 a.m.)**

That Section 114.40, HOURS OF SALE. be amended to ADD the following:

(G) Holders of Special Temporary (Special Event) licenses shall be eligible for Sunday Sales between the hours of 1:00 p.m. – 12:00 a.m.

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

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

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY SIMPSON, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR SHECKLES DECLARED ORDINANCE NO. B2012-04 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

SECOND READING - ORDINANCE NO. B2012-05 - MULTI-ROOM DVRs

A second reading of the ordinance was presented as follows:

ORDINANCE NO. B2012-05

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 Sections 54.04(D)(2) and 54.04(D)(7) 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:

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

Expanded Basic CATV Service.....	\$25.35/month additional
Home Box Office (HBO and HBO Plus ²)....	\$10.95/month additional
Cinemax (MAX)	\$8.95/month additional
Showtime Combo ¹	\$12.95/month additional
HBO, HBO Plus ² , MAX.....	\$14.95/month additional
HBO, HBO Plus ² , Showtime Combo ¹	\$19.95/month additional
MAX, Showtime Combo ¹	\$15.75/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/month additional
Extended Digital Basic ⁴	\$3.95/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/month additional
Premium Gold Pay Package ⁸	\$29.95/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 DVR¹⁴	\$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.

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.

(7) Expanded CATV service connection (~~when added at a later date from initial standard connection~~):

	Corporate Limits	Inside Corporate Limits	Outside
a) Analog Premium Pay Service (same trip)	No Charge	No Charge	
b) Analog Premium Pay Service (separate trip)		\$10.00	\$18.00
c) Digital Set-Top* (new outlet required, new trip)		\$26.00	\$34.00
d) Digital Set-Top (no new outlet required, 1 or 2 DCTs)		\$12.00	\$20.00
d) Digital Set-Top (no new outlet required, new trip)		\$12.00	\$20.00
e) Digital Service Upgrades (no trip required)		\$ 5.00	\$ 5.00
f) Digital Home Theatre Connection ¹ (same trip)		\$10.00	\$10.00
g) Digital Home Theatre Connection ¹ (new trip)		\$20.00	\$28.00
h) Multi-Room DVR (new outlet required, new trip)		\$36.00	\$44.00
i) Multi-Room DVR (no new outlet required, new trip)		\$22.00	\$30.00

~~* – A second Set-Top requiring an additional outlet can be added at the same time for an additional \$14.00.~~

*** - Any additional Set-Top requiring an additional outlet can be added at the same time for an additional \$14.00.**

¹ – Includes audio/video cables and physical connection to customer’s existing home theater system located immediately adjacent to Digital Set-Top installed location.

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 April 30, 2012, i.e for bills due on or after May 1, 2012.

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

Councilman Williams noted that this multi-room DVR service was an optional service that will be offered to the customers. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:**

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

MAYOR SHECKLES DECLARED ORDINANCE NO. B2012-05 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

FINANCIAL REPORT

Chief Financial Officer Abell reported that the March, 2012 Financial Report which had been sent out with the agenda was the one that the Department Heads will use to process next year's budget items. Mayor Sheckles said that he hoped that in about thirty days he would have a proposed budget ready for the Council to review.

LONG-TERM PLANNING COMMITTEE

Councilman Hagan reported on the Long-Term Planning Committee that was held on April 17, 2012. He said that most of the other Council committees would meet regarding their future plans prior to the upcoming budget discussions. The Mayor commended Hagan for a job well done with his committee and discussions.

RECREATION BOARD

Councilman Reed reported on the meeting that was held on April 18, 2012. He said that an ADA lift, which had been budgeted, would be installed in the Bardstown Swimming pool and the volleyball court was being refurbished.

WORLD PEACE CENTER VISITORS

The Mayor reported that the City had been visited by some Turkmenistan's from the World Peace Center who were very complimentary about Bardstown and its cleanliness.

BID TAB - GARDEN PARK SEWER MANHOLE REHABILITATION PROJECT

City Civil Engineer Filiatreau presented the bid tab on the project (see attached). She informed the Council that this project was part of the SSES Program that is budgeted each year. The manholes in this area of town were old and some of them were brick and they needed to be rehabilitated. The engineers recommended approval of the bid received from Terra Cotta Rehab in the amount of \$40,881.45 which was the second lowest bid received. She explained that the low bid received from Culy Contracting had been an incomplete bid. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE BID FROM TERRA COTTA REHAB IN THE AMOUNT OF \$40,881.45 WAS APPROVED.**

POLICE DEPARTMENT

Police Chief McCubbin reported that the brief crime spree had stopped since the area schools were back in session after Spring Break.

FIRE DEPARTMENT

Interim Chief Howard commended the members of emergency services who assisted with a fire run to an apartment that contained heavy smoke early Sunday morning. The tenant collapsed and EMS operators quickly performed life-saving maneuvers and saved his life. The man remains in the hospital; however, he was in stable condition because of the prompt and immediate attention he received.

CHAPLIN CABLE TV

City Electrical Engineer Mills reported that another section of Chaplin would soon be ready for door hangers informing residents how to sign up for the City of Bardstown's service.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:05 P.M.**

CITY OF BARDSTOWN

ATTEST:

Bobbe Blincoe, City Clerk

Bobby Simpson, Mayor Pro-Tem