

# Fiscal Court Orders

March 18, 2003  
REGULAR SESSION OF NELSON FISCAL COURT

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Planning Commission - Gam Hurst  
Board of Adjustment - William R King  
North Nelson Water District - Harry Hurst

On motion of Raymond Greer, second of Tim Hutchins, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve the reappointment of Allen Parker to the Nelson County Board of Adjustment.

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## BIG SPRINGS PHASE III DEVELOPMENT - SINKHOLES

Jim Lemieux described plans by developers of Big Springs Subdivision whereby sinkholes existing within the development area would be drained to an existing sinkhole, then covered. Roads and houses would be built over some sinkholes. Engineering studies related to the project were also presented, as were pictures showing the size of the sinkholes, some of which are very large. The County's Drainage Ordinance does not allow development over sinkholes; developers have asked for a waiver of the regulations.

After discussion of the development as part of it already exists and which was begun prior to the Drainage Ordinance, and after being advised by the County Attorney that a waiver cannot be given without an amendment to the ordinance which would allow such action, Court members agreed to view the area and come back at a later date for any action that might be considered.

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## BOSTON FIRE DEPT. RATE REQUEST DENIED

Boston Volunteer Fire Department added an addendum to their proposal for setting fire rates in their area; however, the proposal as written would assess the fire rate to every piece of property receiving a property tax bill, even though one person might own multiple pieces of property without buildings. On motion of Bernard Ice, second of Maynard Wimsett, by affirmative vote of all Court members, IT IS HEREBY ORDERED to disapprove Boston Volunteer Fire Department's rate proposal as presented.

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## JAIL

Jailer Dorcas Figg reported on prison population, which includes fifteen state prisoners. Jail inspector found only minor problems at the jail, which have been remedied. By statute, jail budget must be approved before Apr. 1.

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## CABLE TELEVISION FRANCHISE AGREEMENT (SECOND READING)

The following ordinance is approved for adoption after second reading on motion of Tim Hutchins, second of Raymond Greer, and by affirmative vote of all Court members:

AN ORDINANCE AUTHORIZING THE GRANTING OF A NONEXCLUSIVE FRANCHISE TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE COMMUNITY ANTENNA TELEVISION SYSTEM FACILITIES, AND ADDITIONS THERETO, IN, UNDER, OVER, ALONG, ACROSS AND UPON THE HIGHWAYS, PUBLIC WAYS, BRIDGES AND OTHER PUBLIC PLACES IN NELSON COUNTY, KENTUCKY, FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION OF CABLE TELEVISION IMPULSES AND TELEVISION ENERGY TO THE INHABITANTS OF THE COUNTY

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OF NELSON, KENTUCKY, REGULATING THE SAME, AND FOR  
OTHER PURPOSES.

WHEREAS, the Nelson County Fiscal Court, desires to grant, in accordance with sections 163 and 164 of the Constitution of the Commonwealth of Kentucky, one or more nonexclusive franchises for the erection, construction, maintenance and operation of a community antenna television ("CATV") system in the unincorporated territorial limits of Nelson County, Kentucky, as shown by the attached map identified as Exhibit I.

WHEREAS, the Nelson County Fiscal Court deems the granting of such CATV system franchises to be necessary for the preservation of the public health, safety, and welfare of the inhabitants of Nelson County, Kentucky;

BE IT ORDAINED by the Nelson County Fiscal Court as follows:

## SECTION I

Upon the conditions herein set forth and in accordance with sections 163 and 164 of the Constitution of the Commonwealth of Kentucky, the Nelson County Fiscal Court shall grant to one or more grantees to be designated by one or more ordinances of the Nelson County Fiscal Court (the "Grantees") a non-exclusive franchise to erect, construct, maintain, and operate CATV transmission and service distribution facilities including, but not limited to, the erection of poles, cables, wires and other appurtenances and additions thereto in, over, under, along, across and upon the highways, public ways, bridges and other public places in Nelson County, Kentucky, for the purpose of transmission and distribution by cable of television impulses and television energy to the inhabitants of Nelson County, Kentucky in all forms, in accordance with the laws and regulations of the United States and the Commonwealth of Kentucky, and the ordinances of Nelson County, Kentucky (each of the foregoing being referred to hereinafter as a "Nonexclusive Franchise").

## SECTION II

Upon the adoption of this ordinance and in accordance with section 164 of the Constitution of the Commonwealth of Kentucky, the Nelson County Fiscal Court shall:

- (1) duly advertise for bids for a Nonexclusive Franchise, directing that all bids be submitted to the Nelson County Fiscal Court no later than May 16, 2003, 2003;
- (2) publicly receive bids for a Nonexclusive Franchise; and
- (3) award a Nonexclusive Franchise to the highest and best bidder, taking into consideration all factors held relevant thereto under the law of the Commonwealth of Kentucky; provided, however, that the Nelson County Fiscal Court expressly reserves the right to: (a) award more than one Nonexclusive Franchise; (b) reject any or all bids for a Nonexclusive Franchise; and (c) withhold the granting of any Nonexclusive Franchise. The Nelson County Clerk is hereby ordered and directed to duly advertise in accordance with the requirements of the law of the Commonwealth of Kentucky for bids for a Nonexclusive Franchise. Such advertisement shall provide that all bids shall contain the following

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information and provisions: (a) a schedule of the rates to be initially charged for specific services offered; (b) a provision that the CATV system shall have a minimum channel capacity of eighteen (18) channels; (c) a map delineating the boundaries of the proposed area (s) to be served, and a schedule stating when each specific area will be tentatively served.

## SECTION III

The poles used for the CATV transmission and distribution system shall be those of the City of Bardstown, the Salt River Rural Electric Cooperative Corporation, Kentucky Utilities Corporation and/or South Central Bell Company, and/or any other utility company which owns or shall own poles located in Nelson County, Kentucky, provided that mutually satisfactory agreements can be entered into with the aforesaid companies. All highways and public ways that may be disturbed or damaged in the construction of the CATV system shall be promptly repaired by any such Grantee at its own expenses and to the satisfaction of the Nelson County Fiscal Court; provided, however, that if such repairs are not made by such Grantee, the Nelson County Fiscal Court shall, after reasonable notice to such Grantee, make such repairs as it deems necessary and charge the same to the Grantee.

## SECTION IV

The CATV transmission and distribution system poles, wires and appurtenances shall be located, erected, set, constructed and maintained so as not to endanger or interfere with the lives of any person, damage any property, public or private, or to interfere with any improvements the Nelson County Fiscal Court may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, alleys, bridges or other public places or property.

Construction, maintenance, and operation of the CATV system, including connections made to the CATV system to provide service to subscribers, shall be in accordance with the provisions of the National Electric Safety Code, prepared by the National Bureau of Standards, the national Code of the National Board of Fire Underwriters and such applicable ordinances and regulations of the Nelson County Fiscal Court affecting electrical installation which may be presently in effect or which may be enacted by the Nelson County Fiscal Court. The operation of the CATV system shall conform to all rules and regulations of the Federal Communications Commission applicable thereto.

## SECTION V

The Grantee shall be subject to all ordinances now in force or that may be hereafter passed relative to the use of highways, public ways, bridges and public places of Nelson County, Kentucky.

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## SECTION VI

The Grantee shall hold the Nelson County Fiscal Court safe and harmless from all damages or claims for damages, including costs and attorney fees, arising out of or by reason of the construction, maintenance or operation of the CATV system, and the bidder shall carry liability insurance with a solvent insurance company with limits of no less than \$500,000.00.

## SECTION VII

In consideration of the granting of a Nonexclusive Franchise, each Grantee shall pay to the Nelson County Fiscal Court as a tax and as compensation for the rights and privileges enjoyed hereunder the sum equal to three (3%) percent of each such Grantee's annual gross revenue from its CATV system located in areas reflected in the Grantee's bid. Said tax shall be in lieu of all other fees or taxes including occupation, license, excise and special taxes or fees of any nature whatsoever, except municipal ad valorem taxes on each Grantee's property located within the limits of the County of Nelson. Nonpayment of the above tax shall terminate this Nonexclusive Franchise.

## SECTION VI

Each Nonexclusive Franchise shall be for a term of fifteen (15) years from the date of the granting of each such Nonexclusive Franchise and shall cease and terminate at the expiration of such term.

## SECTION IX

Each Grantee shall comply with the provisions of the Cable Communications Policy Act of 1984. To the extent that any provision set forth in this or any ordinance regarding a Nonexclusive Franchise or in any accepted bid regarding a Nonexclusive Franchise is inconsistent with the Cable Communications Policy Act of 1984, the provisions of the Cable Communications Policy Act Control,

## SECTION X

The Grantee shall be required to serve all areas within Nelson County, Kentucky with a minimum of 30 homes or more per contiguous mile of line, conditioned, however, that the Grantee shall construct one mile of line for each 30 homes potentially being served in all combined areas of the County. The Grantee shall further be required to construct 1/30 of one mile of cable per potential customer in any area of the County with less than 30 potential customers per mile provided the residents of such area pay the cost per mile of such service less 1/30 of said cost per the existing potential customer in that particular area and less the mileage required to be provided by the Grantee under all terms of Section X.

## SECTION XI

The Grantee shall reimburse the Nelson County Fiscal Court for the costs of publishing this ordinance and for the advertising provided for in Section II of this ordinance.

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## SECTION XII

This ordinance shall be effective immediately upon passage by the Fiscal Court of Nelson County.

## SECTION XIII

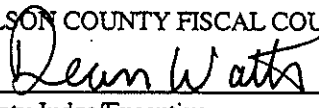
This ordinance shall be published in the Kentucky Standard newspaper by title and summary within 30 days after adoption.

## SECTION XIV


This order or parts of orders in conflict herewith are repealed to the extent of such conflict.

Adopted this 18th day of March, 2003, by vote of 6 ayes, and 0 nays.

NELSON COUNTY FISCAL COURT

  
County Judge/Executive

ATTEST:

  
Nelson County Court Clerk

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## PLANNING AND ZONING - REZONING ORDINANCE (FIRST READING)

#2052  
Stephen  
Hibbs

County Judge-Executive Dean Watts presented in open Court for first reading the following proposed ordinance amending the zoning map for Nelson County, which change was presented in accordance with the zoning regulations and has been reviewed and recommended for approval by the Joint City-County Planning and Zoning Commission as evidenced by written notice to that effect.

Said proposed ordinance was read in open Court in resume form and a full copy of the proposed zoning ordinance is as follows:

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP ENTITLED "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY"

BY CHANGING THE DISTRICT CLASSIFICATION OF PROPERTY LOCATED IN NELSON COUNTY AS HEREINAFTER DESCRIBED FROM A-1, AGRICULTURAL DISTRICT TO BE REZONED AS R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on February 11, 2003 held a public hearing under the provisions of KRS Chapter 100, and after careful consideration, the Commission on February 25, 2003, voted to approve and recommend the amendment to the Fiscal Court of Nelson County.

WHEREAS, the Court held a first reading on March 18, 2003 and after due advertisement held a second reading and adoption on April 1, 2003, and after due consideration,

UPON MOTION OF \_\_\_\_\_, SECONDED BY

\_\_\_\_\_, AND A VOTE BEING HAD AND THE COUNTY JUDGE

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## ADELPHIA CABLE TO TIME WARNER



June 10, 2005

Dean Watts  
Judge/Executive  
Nelson County (New Haven headend, Willisburg Headend)  
113 E. Stephen Foster Avenue  
Bardstown, KY 40004

Dear Mr. Watts:

As I am sure you know, Time Warner NY Cable LLC ("TWN") has entered into an agreement with Adelphia Communications Corporation ("Adelphia") (the "Transaction") to purchase the cable system serving your community. Upon completion of the Transaction, the Adelphia cable system will be removed from the bankruptcy proceeding and TWNY will operate the cable system serving your community. TWNY is an indirect subsidiary of, and is controlled by, Time Warner Cable Inc. ("Time Warner Cable").

Time Warner Cable has earned the reputation as one of the nation's most stable, respected and technologically advanced cable operators, operating systems serving approximately 10.9 million Basic Service customers in 29 states. With nearly all of its systems upgraded to at least 750 MHz capacity, Time Warner Cable has been at the forefront in deploying innovative, advanced services such as digital cable, cable modem service, video-on-demand, digital video recorders, and Digital Phone.

We are excited about this opportunity to become part of your community. We look forward to providing all of our customers with a desirable package of communications and entertainment products. We believe that customers now served by Adelphia will benefit significantly from Time Warner Cable's experience in operating cable systems as well as our commitment to customer service.

The Transaction does not require any action on your part. We expect to complete this Transaction in late 2005 or early 2006. We will continue to keep you apprised of any significant developments. In the meantime, should you have any questions, please do not hesitate to contact Gary Matz at the address or telephone number below. Time Warner Cable looks forward to a long and mutually beneficial relationship with your community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas C. Feige'.

Tom Feige

cc: Mr. Gary Matz  
Time Warner Cable  
290 Harbor Drive  
Stamford, CT 06902  
Telephone: (203) 328-0600

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## BOARD APPOINTMENTS

\*\*NORTHEAST NELSON FIRE DISTRICT - On motion of Roy Drake, second of Bernard Ice, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve the appointment of Dexter Watkins to the Northeast Nelson Fire Board.

\*\*BIDC - On motion of Bernard Ice, second of Raymond Greer, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve the reappointment of Larry Hicks to the board of BIDC.

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## ORDINANCE AMENDING TRANSIENT ROOM TAX ORDINANCE (SECOND READING)

KOC NUMBER 220.002A - 1

AN ORDINANCE AMENDED AND ADOPTING AS AMENDED THE  
\_\_\_\_\_, 2002 ORDINANCE OF THE NELSON FISCAL COURT  
REGARDING A TRANSIENT ROOM TAX FOR ACCOMMODATIONS  
BUSINESSES.

BE IT HEREBY ORDAINED BY THE NELSON COUNTY FISCAL COURT AND  
THE CITY COUNCIL OF THE CITY OF BARDSTOWN THAT SECTIONS 5 OF  
SAID ORDINANCE BE AMENDED, AS FOLLOWS: