

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

March 15, 2005

5:00 p.m.

INVOCATION/PLEDGE - Commissioner Charlie Castlen

PROCLAMATIONS:

March 13-19 - "Brain Awareness Week"

March 28-April 3 - "Community Development Week"

March 30 - "Doctors Day"

SERVICE RECOGNITIONS:

- Edwin Pate, Auto Parts Supervisor, City Garage - 20 years
- Hal Mischel, Recreation Facility Manager, Parks & Recreation Department - 20 years
- Danny Aull, Road Worker, Street Department - 20 years
- Tony Ringham, Maintenance Worker, Facilities Maintenance Department - 10 years

1. Consider approval of minutes of March 1 & 7, 2005
2. Consider appointments
3. DOWNTOWN INFRASTRUCTURE UPDATE: Bob Whitmer  
City Manager

ORDINANCE - 2<sup>nd</sup> reading

4. CONSIDER ON 2<sup>ND</sup> READING ORDINANCE NO. 10-2005, CLOSING AN ALLEY ALONG THE REAR OF 500-512 FREDERICA STREET, AND AN ALLEY BETWEEN FREDERICA STREET AND EWING COURT APPROXIMATELY 169.4 FEET SOUTH OF WEST FIFTH STREET

**BACKGROUND:** Fifth Third Bank has petitioned the City to close a 9.5-foot wide alley running along the rear of 500-512 Frederica Street and situated between Ewing Court and Frederica Street, being approximately 101.35 feet in length; and a 10-foot wide alley between Frederica Street and Ewing Court, located approximately 169.4 feet

south of West 5<sup>th</sup> Street, and being approximately 270 feet in length. Fifth Third Bank owns all the property immediately adjacent to the proposed closure. No objections were noted to the closing and no easements were required to be retained.

**RECOMMENDATION:** Adopt Ordinance No. 10-2005.

**ORDINANCES - 1<sup>st</sup> reading**

**5. CONSIDER ON 1<sup>ST</sup> READING ORDINANCE NO. 11-2005, ESTABLISHING MAXIMUM PERMITTED RATES CHARGED BY ADELPHIA FOR THE 12-MONTH PERIOD BEGINNING MARCH 1, 2005**

**BACKGROUND:** The City of Owensboro possesses regulatory authority over basic cable television services and equipment installation and rental fees charged by Adelphia Communications Corporation to residents of Owensboro. In 1999, the Franchise Agreement held by Century for the operation of the local cable television service was transferred to Owensboro-Brunswick, Inc., d/b/a Adelphia Communications Corporation. Adelphia has now performed its annual rate review and submitted its FCC Form 1240 and Form 1205 rate filings for the projected annual period commencing March 1, 2005, and has recommended a Maximum Permitted Rate increase from \$38.1700 to \$43.8095 for the Owensboro area. The City Attorney submitted the FCC filings to the City's cable consultants in Washington, D.C., Rice, Williams Associates, who have determined that the Forms 1240 and 1205 are correctly prepared and that the maximum permitted rate determined for basic tier cable programming service is reasonable under federal law. However, Adelphia has not announced the exact monthly rate it will charge customers in the Owensboro area, nor has it determined when that rate will become effective. Adelphia is now authorized by law to increase the cost of basic cable service based on the submitted rate filings from the current rate of \$33.97 per subscriber, per month, which went into effect February 1, 2005, up to but no more than \$43.8095 per subscriber, per month. It should be noted that the current level of \$33.97 is less than the prior year's MPR and also is below the MPR determined for the new projected period. The Maximum Permitted Rates designated on FCC Form 1205 for current equipment installation, service and rental fees charged to subscribers for the twelve-month period beginning March 1, 2005, indicate that effective February 1, 2005, only the rate for rental of a digital converter will increase from \$4.25 to \$5.25, which remains below the MPR determined by the current FCC Form 1205. Since other charges and rates will remain unchanged effective February 1, 2005, they will be less than the newly established MPR's.

**RECOMMENDATION:** Introduce and publicly read ordinance on first reading.

6. **CONSIDER ON 1<sup>ST</sup> READING ORDINANCE NO. 12-2005, JOINTLY AUTHORIZING AN AMENDED INTERLOCAL COOPERATION AGREEMENT TO INCREASE THE NUMBER OF MEMBERS OF THE MEDICAL CONTROL AUTHORITY FROM SIX TO TEN**

**BACKGROUND:** In February of 1998, the Daviess Fiscal Court and the City of Owensboro approved a joint ordinance which established an exclusive county-wide emergency medical ambulance service and authorized an Interlocal Cooperation Agreement which established a six-member Medical Control Authority to monitor and regulate that ambulance service. The six-member Board was to be comprised of two City appointees, two County appointees, one ex officio, non-voting member being the Medical Director employed by the ambulance service and one ex officio voting member being the Director of Emergency Services for the Owensboro Medical Health System. When an emergency situation occurs in Owensboro and/or Daviess County, service providers other than ambulance personnel are often required to respond. Other emergency service providers play an integral part in the management and control of vehicle accidents, domestic disturbances, fires and other situations, but they have no representation on the Board of the Medical Control Authority and, therefore, no input into critical decisions that affect the regulation of their services. The City Manager, the County Judge/Executive and the Director of the Medical Control Authority feel it is important to increase the membership of the Board so that the City can appoint two additional members and the County can appoint two additional members in order to provide the Fire Departments, Police Department and Sheriff's Department representation on the MCA Board. This will increase the Board to ten members. One of the new City appointees will serve for a term of one year and the other City appointee will serve for a term of three years. One new County appointee shall serve for a term of two years and the other County appointee shall serve for a term of four years. Thereafter, all appointees shall serve for a full term of four years, but shall continue to serve until they are reappointed or replaced.

**RECOMMENDATION:** Introduce and publicly read ordinance on first reading.

7. **CONSIDER ON 1<sup>ST</sup> READING ORDINANCE NO. 13-2005, CLOSING A PORTION OF AN ALLEY RUNNING NORTH/SOUTH ALONG THE REAR OF 2 PLUM STREET**

**BACKGROUND:** A request has been received from Mr. Mark Dohrenwend to close a portion of the alley related to his property. The portion sought to be closed is 10 feet in width and approximately 82 feet in length. All the property owners immediately adjacent to the proposed closure have previously given written, notarized consent to the closing. There are no objections to the closure and no easements are required to be retained.

**RECOMMENDATION:** Introduce and publicly read ordinance on first reading.

8. Consider a Resolution, endorsing the construction of a Roundabout at the KY 81/KY 56/Worthington Road intersection

Recommendation: Motion to approve.

9. Consider a request for funding from Community Solutions for Substance Abuse

10. City Manager's items:

A. Consider the regular full-time Civil Service appointment of Brenda Blades to Bus Driver, Transit Department, effective March 17; the probationary full-time Civil Service appointment of Norman Wayne Shelton to Street Manager, Street Department, effective March 21; and the regular full time non-Civil Service appointments of Matt Hawkins to Telecommunicator, and Andrew Rush to Police Officer, Police Department, effective March 22, 2005.

B. City Manager's comments.

11. OPEN PUBLIC FORUM

Members of the audience are invited to address the City Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Clerk's record, and limit their remarks to under five (5) minutes. As an unagendized item, no response is required from City staff or the Commission, and no action can be taken; however, the Commission may instruct the City Manager to agendize the item for a future meeting.

12. COMMUNICATIONS FROM ELECTED OFFICIALS

The elected officials will answer questions previously received from the general public and they will announce special events or activities of public interest occurring within the City.

13. Adjournment