

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

April 5, 2005

5:00 p.m.

INVOCATION/PLEDGE - Mayor Tom Watson

PROCLAMATIONS:

April 8-10 - "Kentucky Cover Miss and Cover Boys Days"

April - "Autism Awareness Month"

SERVICE RECOGNITIONS:

- Elaine Combs, Administrative Aide, Parks & Recreation Department - 10 years
- Waitman Butler, Refuse Collector, Sanitation Department - 25 years

1. Consider approval of minutes of March 11 & 15, 2005
2. Consider appointments
3. PRESENTATION: Yellow Ambulance  
(Rate Adjustment Request)

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

4. **CONSIDER ON 2<sup>ND</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:** Adopt Ordinance No. 11-2005.

5. **CONSIDER ON 2<sup>ND</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 MEMBERS**

**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 County can appoint one new member to represent law enforcement and one member from the Daviess County Fire Department; and the City can appoint one new member from the Owensboro Police Department and one from the Owensboro Fire Department.** 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:** Adopt Ordinance No. 12-2005.

6. **CONSIDER ON 2<sup>ND</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:** Adopt Ordinance No. 13-2005.

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

**7. CONSIDER ON 1<sup>ST</sup> READING ORDINANCE NO. 14-2005, AMENDING THE 2004-2005 ANNUAL BUDGET FOR THE CITY OF OWENSBORO**

**BACKGROUND:** The proposed amendment increases the budget for the Locust Street Sewer Project, and budgets funds for the Harsh Ditch Phase I Construction Project.

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

**8. City Manager's items:**

- A. Consider the financial report for the period ended February 28, 2005.
- B. Consider the regular full-time Civil Service appointment of Ronnie "Angel" Ballard Freels to Recreation Supervisor, Parks Department, effective April 18; and the probationary full-time non-Civil Service promotional appointment of Scott Hughes to Driver/Engineer, Fire Department, effective April 17.
- C. Consider the retirement resignation of Lawrence "Larry" Simpson, III, Driver Engineer, Fire Department, effective March 31, after 24 years of service.
- D. City Manager's comments.

**9. 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.

**10. 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.

**11. Consider a closed session under KRS 61.810(1)(b) to discuss the sale of surplus property on Ky. Hwy. 331**

**12. Adjournment**