



Agenda Amended October 25, 2022

**CITY COMMISSION MEETING
AGENDA FOR OCTOBER 25, 2022
5:00 PM
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

*Any member of the public who wishes to make comments to the Board of Commissioners is asked to fill out a Public Comment Sheet and place it in the box located at the end of the Commissioner's desk on the left side of the Commission Chambers. The Mayor will call on you to speak during the **Public Comments** section of the Agenda.*

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION Residents' Rights Month

ADDITIONS/DELETIONS

MAYOR'S REMARKS

Items on the Consent Agenda are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Agenda and considered separately. The City Clerk will read the items recommended for approval.

	I.	<u>CONSENT AGENDA</u>
	A.	Approve Minutes for October 11, 2022
	B.	Receive & File Documents
	C.	Personnel Actions
	D.	Authorize the City Manager to issue a Request for Qualifications for Energy Efficiency Services for City Facilities - D. JORDAN
	E.	Approve the Application for a Kentucky Office of Homeland Security Cybersecurity Grant in the amount of \$12,474 - E. STUBER
	F.	Authorize purchase agreement and payment in the amount of \$54,736.28 to GameTime for the purchase of playground equipment for Coleman Park - A. CLARK
	G.	Purchase of One (1) Pumper Truck for use by the City of Paducah Fire Department in an amount of \$679,587 - C. YARBER
	H.	Approve FY2023 Contract For Services with Barkley Regional Airport Authority in the amount of \$120,000 - D. JORDAN

		I.	Accept bid and enter into contract with Galls LLC for the purchase of uniforms and gear for sworn police officers for calendar years 2023 and 2024. - B. LAIRD
	II.	<u>MUNICIPAL ORDER(S)</u>	
		A.	Authorize the City Manager to issue a Request for Proposals for Construction Services for Pickleball Courts to be constructed in Noble Park - D. JORDAN & A. CLARK
		B.	Approve the Application for a FEMA DR-4663 Hazard Mitigation Grant in the Amount of \$975,000 - R.MURPHY
		C.	Approval of Construction Contract for the Paducah Transient Dock Dredging Project with Dredge America, Inc. in the amount of \$995,000.00 base bid - R. MURPHY & M. TOWNSEND
		D.	<u>Authorize the Acceptance of a Community Development Block Grant in the Amount of \$1 Million on behalf of the Paducah/McCracken County Senior Center - H. REASONS</u>
	III.	<u>ORDINANCE(S) - EMERGENCY</u>	
		A.	Approve payment to Mike Goode Excavating for demolition services for the property at 1501 Broadway (“Katterjohn building”) in an amount of \$60,000.00 - S. KYLE
	IV.	<u>ORDINANCE(S) - ADOPTION</u>	
		A.	Zoning Text Amendments - J. SOMMER
	V.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
		C.	Comments from the Audience
	VI.	<u>EXECUTIVE SESSION</u>	

October 11, 2022

At a Regular Meeting of the Paducah Board of Commissioners held on Tuesday, October 11, 2022, at 5:00 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor George Bray presided. Upon call of the roll by the City Clerk, Lindsay Parish, the following answered to their names: Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5).

INVOCATION

Commissioner Henderson led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Bray led the pledge.

PROCLAMATION

Mayor Bray presented a Proclamation declaring October 16 as the 75th Anniversary of Rosary Chapel Catholic Church to church members who were in attendance.

POLICE DEPARTMENT SWEARING-IN CEREMONY

Police Officers Bryce Mansfield, Steven Leady, Tyree Owens, and Brooke Adams were sworn in by Circuit Judge Tony Kitchen.

PROCLAMATION

Mayor Bray presented a Proclamation to Dr. Anton Reece, West Kentucky Community and Technical College President, proclaiming October 8-16, 2022 to be "Tree Week."

MAYOR'S REMARKS

Communications Manager Pam Spencer provided the following Summary:

Katterjohn Building Emergency Safety Work

Mayor George Bray discussed the emergency safety work that began today on a section of the Katterjohn building located at 1501 Broadway. The City coordinated with a contractor to have the work completed through an Emergency Demolition Order.

The privately-owned building, which been vacant for more than 20 years, has significantly deteriorated with sections of the building posing a public safety threat. Over the past several months, the building's owner has been cited repeatedly for nuisance violations including graffiti and high grass. Furthermore, multiple calls from neighbors indicated that individuals were seen entering the buildings. The City has had to secure the buildings several times to prevent entry in order to protect the public.

During this time, the City observed numerous structural deficiencies and decided to secure a structural engineer to review the facility. The engineer determined that, although the entire building is not yet an imminent danger, it is only marginally safe and multiple aspects of the property require immediate demolition to prevent loss of

October 11, 2022

life. The engineer's life-safety recommendations include removing the single-story section at the back of the building, the brick smoke stack adjacent to a secondary structure at the back of the property, and the front porch structure.

Illinois Central Railroad constructed the facility in the late 1800s to serve as a hospital. After a fire in 1917, the building was rebuilt and eventually was purchased by George Katterjohn in the 1950s to be used as leased office space. Building ownership has transferred several times since then."

PRESENTATION

Communications Manager Pam Spencer provided the following Summary:

Health Insurance Plan Update

"Benefits Advisor DJ Story with Peel & Holland provided an overview of the City of Paducah's 2023 health insurance plan through Anthem Blue Cross Blue Shield as the City's third-party administrator. Those who participate in the City's health plan will have NO change to their health insurance premiums for 2023. The City has maintained the same health insurance premium rates consecutively for eleven years which is quite unusual and an indication of the good management of the health plan and the City's dedication to employee wellness. Dental premiums are increasing 2 percent while vision premiums are increasing 6 percent as compared to this current year. The City of Paducah has a self-insured health insurance plan which means the premiums paid into the plan by the employees are used to pay the claims."

CONSENT AGENDA

Mayor Bray asked if the Board wanted any items on the Consent Agenda removed for separate consideration. No items were removed for separate consideration. Mayor Bray asked the City Clerk to read the items on the Consent Agenda.

I(A)	Approve Minutes for September 27, 2022
I(B)	Receive and File Documents <u>Contract File:</u> 1. Interlocal Cooperation Agreement For the Development and Operation of the Paducah-McCracken County Athletic Complex – ORD 2022-09-8747 2. U.S. Department of Transportation – Grant Agreement BUILD Grant – MO #2632 3. City of Paducah Fleet Maintenance – Hendron Fire Department – MO #2642 4. City of Paducah Fleet Maintenance – West McCracken Fire District – MO #2643 <u>Bids File:</u> 1. C.I.R.Co. - Hotel Metropolitan Purple Room Project MO #2645
I(C)	Personnel Actions
I(D)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LUTHER F. CARSON FOUR RIVERS CENTER, INC. IN THE AMOUNT OF \$45,000 FOR SPECIFIC SERVICES (MO #2647, BK 12)

October 11, 2022

I(E)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR A MATCHING GRANT IN THE AMOUNT OF \$45,000 FROM GAMETIME FOR THE PURCHASE OF PLAYGROUND EQUIPMENT AT COLEMAN PARK (MO #2648, BK 12)
I(F)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT A 2022 BULLETPROOF VEST GRANT THROUGH THE U. S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$6,804 FOR BODY ARMOR FOR THE PADUCAH POLICE DEPARTMENT (MO #2649, BK 12)
I(G)	A MUNICIPAL ORDER ESTABLISHING POLICY FOR USE OF SPENDING CREDITS TOWARD THE PURCHASE OF CERTAIN BENEFITS SUCH AS HEALTH, DENTAL OR VISION PURSUANT TO THE CITY’S GROUP HEALTH INSURANCE PLAN FOR THE 2023 PLAN YEAR (MO #2650, BK 12)
I(H)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A WELLNESS SERVICES AGREEMENT WITH HEALTHWORKS WELLNESS AND HEALTH SERVICES TO ADMINISTER THE 2023 CITY WELLNESS PLAN MO #2651, BK 12)
I(I)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR A STRATEGIC HEALTH RISK ADVISOR & STRATEGIC BENEFIT PLACEMENT SERVICES WITH PEEL & HOLLAND FINANCIAL GROUP FOR ADMINISTRATION OF THE CITY OF PADUCAH’S HEALTH INSURANCE IN AN AMOUNT OF \$78,900 PLUS \$200 PER HOUR, SUBJECT TO A MINIMUM RETAINER OF \$5,000, FOR REQUESTED SERVICES RELATED TO EMPLOYEE BARGAINING, LEGAL MATTERS, AND DISPUTES OR OTHER SIMILAR ISSUES AND AUTHORIZES THE EXECUTION OF THE ADVISORY AGREEMENT SERVICES ADDENDUM MO #2652, BK 12)
I(J)	A MUNICIPAL ORDER AUTHORIZING AN AGREEMENT FOR ADMINISTRATIVE SERVICES WITH ANTHEM BLUE CROSS BLUE SHIELD FOR THE GROUP HEALTH INSURANCE PLAN FOR THE CITY OF PADUCAH, KENTUCKY FOR THE 2023 CALENDAR YEAR AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME MO #2653, BK 12)
I(K)	A MUNICIPAL ORDER APPROVING AND ADOPTING THE COMPREHENSIVE HEALTH INSURANCE BENEFIT PLAN PREMIUMS, THE VISION INSURANCE PLAN PREMIUMS, AND THE DENTAL INSURANCE PLAN PREMIUMS FOR CALENDAR YEAR 2023 FOR EMPLOYEES OF THE CITY OF PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME MO #2654, BK 12)
I(L)	A MUNICIPAL ORDER ACCEPTING THE RATES FOR STOP LOSS INSURANCE COVERAGE, AUTHORIZING AN AGREEMENT WITH VOYA FINANCIAL ADVISORS, INC., FOR THE CITY OF PADUCAH, KENTUCKY FOR THE 2023 CALENDAR YEAR AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME MO #2655, BK 12)
I(M)	A MUNICIPAL ORDER APPROVING AND ADOPTING THE GROUP LIFE INSURANCE BENEFITS PROPOSAL WITH MUTUAL OF OMAHA IN A TOTAL ANNUAL GROUP PREMIUM AMOUNT OF \$50,276.16 FOR EMPLOYEES OF THE CITY OF PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME MO #2656, BK 12)

Commissioner Gault offered Motion, seconded by Commissioner Guess, that the items on the consent agenda be adopted as presented.

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5).

October 11, 2022

MUNICIPAL ORDERS

APPROVE CITY MANAGER AND PARKS & RECREATION DIRECTOR AS THE CITY OF PADUCAH'S APPOINTMENT TO THE PROJECT WORKING GROUP FOR THE ATHLETIC COMPLEX PROJECT

Commissioner Guess offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt a Municipal Order entitled, "A MUNICIPAL ORDER APPROVING DESIGNATING THE CITY MANAGER AND DIRECTOR OF PARKS & RECREATION AS THE CITY OF PADUCAH'S APPOINTMENTS TO THE ATHLETIC COMPLEX PROJECT WORKING GROUP."

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5). (MO#2657, BK 12)

AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR TELECOMMUNICATIONS FRANCHISES

Commissioner Henderson offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt a Municipal Order entitled, "A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE CITY MANAGER TO INITIATE A REQUEST FOR PROPOSALS FOR A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE IN PADUCAH, KENTUCKY, IN ACCORDANCE WITH CHAPTER 108 "TELECOMMUNICATIONS" OF THE CODE OF ORDINANCES."

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5). (MO#2658, BK 12)

AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR THE DEVELOPMENT OF 318 BROADWAY STREET – KRESGE SITE

Commissioner Wilson offered motion, seconded by Commissioner Henderson, that the Board of Commissioners adopt a Municipal Order entitled, "A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE CITY MANAGER TO INITIATE A REQUEST FOR PROPOSALS FOR DEVELOPMENT OF THE PROPERTY AT 318 BROADWAY STREET."

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5). (MO#2659, BK 12)

ORDINANCE ADOPTION

APPROVE CLOSING OF A 20' WIDE, 192' LONG ALLEY WEST OF CRUSE AVENUE BETWEEN NORTH 32ND STREET AND MARIANNE DRIVE

Commissioner Gault offered Motion, seconded by Commissioner Guess, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE PROVIDING FOR THE CLOSING OF A 20' WIDE, 192' LONG ALLEY WEST OF CRUSE AVENUE BETWEEN NORTH 32ND STREET AND MARIANNE DRIVE; AND AUTHORIZING THE MAYOR TO EXECUTE ALL

October 11, 2022

DOCUMENTS RELATING TO SAME.” This Ordinance is summarized as follows: That the City of Paducah does hereby authorize the closing of a 20’ wide, 192’ long alley west of Cruse Avenue between North 32nd Street and Marianne Drive; and authorizes, empowers and directs the Mayor to execute a quitclaim deed from the City of Paducah to the property owner in or abutting the public way to be closed.

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5). (ORD 2022-10-8750, BK 36)

ORDINANCE INTRODUCTION

ZONING TEXT AMENDMENTS

Commissioner Guess offered Motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 126 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH.” This Ordinance is summarized as follows: This Ordinance amends *Section 126-32 Zoning of Annexed Land* to update initial zoning policy upon annexation; *Section 126-76 Sign Regulations* to clarify time limits for certain temporary signs and sign size requirements in commercial and industrial zones; *Section 126-98 Accessory Dwelling Unit (ADU)* to clarify the location of accessory dwellings units to be outside of a principal structure; *Section 126-120 Neighborhood Services Zone, NSZ* to add bed and breakfasts as a conditional use in the Neighborhood Services Zone; and *Section 126-176 Planning Commission* to bring public hearing requirements into compliance with KRS 100 and KRS 424, change when development plans are needed in certain instances, and remove the requirement for a sketch plan for the consideration of preliminary development plans in order to be more business friendly. Said amendments were heard by the Paducah Planning Commission at a public hearing on September 8, 2022, and forwarded to the City Commission with the recommendation of approval.

DISCUSSIONS

Communications Manager Pam Spencer provided the following summaries:

Refuse Collection

“The Paducah Board of Commissioners held a discussion regarding operational procedures related to refuse collection. In July, the Public Works Department notified 300 residents that their garbage collection would be moving from the alley to curbside. Mayor Bray explained several of the reasons for the ongoing process to move the collection location out of the alleys which include a reduction in damage and injury claims and a reduction in alley maintenance costs. Mayor Bray also explained that the City’s ordinance does not permit the leaving of rollouts in the alley or along the edge of the street. They are to be pulled back in a timely manner after garbage is collected.”

Jonathan Gericke made public comment opposing the change.

Public Comments at Commission Meetings

“Mayor Bray led a discussion of Paducah Code of Ordinances Section 2-145 regarding the order of business and procedures for City Commission

October 11, 2022

meetings. Currently, those in attendance at a Commission Meeting who have signed up to speak during the public comment section are given an opportunity to speak about items included on the agenda for, as a general rule, no longer than three minutes. At this meeting, the Board supported amending the ordinance to provide the public the opportunity to respectfully speak also on topics that are not listed on the agenda.”

COMMENTS

City Manager: Commended the Fire Prevention Division on their hard work in planning the Fire Conference. It was well put together and well attended.

PUBLIC COMMENTS

- Tammara Tracy remarked on the 70th Anniversary of Rosary Chapel and about the partial demolition of the Katterjohn Building
- Audra Ursini and another unknown party who did not sign in commented positively on the Telecommunications Ordinance

ADJOURN

Commissioner Henderson offered motion, seconded by Commissioner Wilson, that the meeting be adjourned.

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5).

TIME ADJOURNED: 6:30 p.m.

ADOPTED: October 25, 2022.

George P. Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

October 25, 2022

RECEIVE AND FILE DOCUMENTS:

Deed File:

1. Commissioner's Deed – 2404 Barnett Street, Paducah, Kentucky

Contract File:

1. Agreement for Rhodes Heritage Group Consulting Services For Preservation Assessment and Stewardship of Certain Historic Assets and Neighborhoods – MO #2614
2. Contract For Services – Luther F. Carson Four Rivers Center, Inc. – MO #2647
3. Wellness Services Agreement with Healthworks Corporate Wellness and Health Services to administer the 2023 Wellness Plan – MO #2651
4. Strategic Health Risk Advisor & Strategic Benefit Placement Services – MO #2652
5. Administrative Services Agreement with Anthem Blue Cross & Blue Shield – MO #2653
6. Health, Vision and Dental Benefit Plan Premiums for 2023 – MO #2654
7. Stop Loss Insurance With Voya Financial Advisors, Inc. – MO #2655
8. Group Life Insurance with Mutual of Omaha effective January 1, 2023 – MO #2656

Financials File:

1. Paducah Water Works – Financial Statements Year Ended June 30, 2022

CITY OF PADUCAH
October 25, 2022

Upon the recommendation of the City Manager's Office, the Board of Commissioners of the City of Paducah order that the personnel changes on the attached list be approved.



City Manager's Office Signature

10/20/2022

Date

**CITY OF PADUCAH
PERSONNEL ACTIONS
October 25, 2022**

NEW HIRES - FULL-TIME (F/T)					
<u>PUBLIC WORKS</u>	<u>POSITION</u>	<u>RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Nace, Toby V.	Maintenance Technician	\$20.08/hr	NCS	Non-Ex	November 3, 2022
Sullivan, Wesley J.	Fleet Mechanic II	\$20.18/hr	NCS	Non-Ex	November 3, 2022

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS (FULL-TIME)					
<u>FIRE - SUPPRESSION</u>	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Hatton, Charles Patrick	Assistant Chief \$31.37/hr	Assistant Chief \$32.31/hr	NCS	Ex	October 20, 2022
<u>TECHNOLOGY</u>	<u>AND BASE RATE OF PAY</u>	<u>AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Powell, Kaitlyn R.	Systems Administrator \$25.31/hr	Systems Administrator \$25.82/hr	NCS	Ex	October 20, 2022

TERMINATIONS - FULL-TIME (F/T)			
<u>E911</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Schellhardt, Landon P.	Telecommunicator	Resignation	October 25, 2022

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Authorize the City Manager to issue a Request for Qualifications for Energy Efficiency Services for City Facilities - **D. JORDAN**

Category: Municipal Order

Staff Work By: Daron Jordan

Presentation By: Daron Jordan

Background Information: This Municipal Order authorizes the City Manager to issue a Request for Qualifications (RFQ) for the identification, design and implementation of innovative solutions for energy efficiency improvements to City facilities on a guaranteed performance contracting basis. The purpose of issuing this Request for Qualifications (RFQ) is to identify and select a qualified provider, or Energy Services Company (ESCO), to perform the implementation of an Energy Savings Performance Contract (ESPC) in accordance with KRS 45A.352 – guaranteed energy savings contracts involving local public agencies.

ESCO's must be able to provide comprehensive building management and energy services including, but not limited to, the performance of energy audits; the design, selection and installation of energy efficient systems; ongoing support and training services; assistance in securing financing for the transaction; and a written guarantee of savings. The City of Paducah's goals are to improve energy, water, and wastewater efficiency; and to provide additional capital cost avoidance projects that improve building performance. As a minimum, the scope of the projects should include lighting systems, HVAC and electrical systems, and building envelope energy conservation measures (ECM) such as windows, doors, etc.

The City of Paducah expects to also achieve the following objectives by entering into an ESPC with the selected provider:

- Reduce operating costs
- Improve building environmental conditions
- Improve maintenance and operation of the facilities
- Reduce carbon footprint and other negative environmental impacts

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: CI - Facilities

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

Attachments:

1. MO RFQ-Energy Efficiency Services for City Facilities

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE CITY MANAGER TO
INITIATE A REQUEST FOR QUALIFICATIONS FOR ENERGY EFFICIENCY
SERVICES FOR CITY FACILITIES

WHEREAS, the City Commission is desirous of making energy efficiency
improvements to City facilities; and

WHEREAS, the City is now ready to issue a Request for Qualifications to
identify and select a qualified provider or Energy Services Company (ESCO), to perform the
implementation of an Energy Savings Performance Contract (ESPC) in accordance with KRS
45A.352 – guaranteed energy savings contracts involving local public agencies.

NOW THEREFORE, BE IT ORDERED BY THE CITY OF PADUCAH,
KENTUCKY:

SECTION 1. That the City Manager is hereby authorized and directed to
develop, advertise and initiate a Request for Qualifications for the purpose of soliciting an
Energy Savings Performance Contract.

SECTION 2. This Order will be in full force and effect from and after the
date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022
Recorded by Lindsay Parish, City Clerk, October 25, 2022
MORFQ-Energy Efficiency Services for City Facilities

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Approve the Application for a Kentucky Office of Homeland Security Cybersecurity Grant in the amount of \$12,474 - **E. STUBER**

Category: Municipal Order

Staff Work By: Eric Stuber, Hope Reasons

Presentation By: Eric Stuber

Background Information: The potential consequences of cyber incidents threaten national security. Strengthening cybersecurity practices and resilience of state, local, and territorial (SLT) governments is an important homeland security mission and the primary focus of the State and Local Cybersecurity Grant Program (SLCGP). Through funding from Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), the SLCGP enables DHS to make targeted cybersecurity investments in SLT government agencies, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide their community.

The total project cost is \$13,860. The Technology Department is requesting \$12,474 to establish a cybersecurity governance program that will define key senior officials and outline guided principals, roles and responsibilities, cybersecurity operations, incident response, recovery operations, security awareness, and cultural transformation. The grant requires a 10% match in the amount of \$1,386.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: Other Contractual Services

Account Number: 1000-0501-523070

Staff Recommendation: Approve the Application for the KOHS Cybersecurity grant and ratify the Mayor's execution of all documents associated with the application.

Attachments:

1. MO app-Homeland Security Cybersecurity Grant 2022

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY TO APPLY FOR A CYBERSECURITY GRANT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$12,474 TO ESTABLISH A CYBERSECURITY GOVERNANCE PROGRAM

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute a grant application and all documents necessary to apply for a Cybersecurity Grant through the Kentucky Office of Homeland Security in the amount of \$12,474 to establish a cybersecurity governance program that will define key senior officials and outline guided principals, roles and responsibilities, cybersecurity operations, incident response, recovery operations, security awareness, and cultural transformation.

SECTION 2. The total project cost is \$13,860. The Technology Department is requesting a grant in the amount of \$12,474. The grant requires a 10% match in the amount of \$1,386, which will be paid from "Other Contractual Services," Account Number 1000-0501-423070.

SECTION 3. This order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022
Recorded by Lindsay Parish, City Clerk, October 25, 2022
\\mo\grants\app-Homeland Security Cybersecurity Grant 2022

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Authorize purchase agreement and payment in the amount of \$54,736.28 to GameTime for the purchase of playground equipment for Coleman Park - **A. CLARK**

Category: Municipal Order

Staff Work By: Amie Clark, Hope Reasons

Presentation By: Amie Clark

Background Information: Authorize Mayor to execute purchase agreement with GameTime in the amount of \$54,736.28 for the purchase of playground equipment for Coleman Park. Grant is a matching grant for the purchase of a playground structure. The City will purchase equipment at a 50% discount in the amount of \$39,160.00 with a material surcharge and freight in the amount of \$15,576.28 for a total purchase price of \$54,736.28. In order to receive discounted pricing, pre-payment must be authorized. The BOC authorizes \$45,000 to be transferred from ARPA project MR0093; in addition to Park's operation budget funds of \$9,736.28 (for a total of \$54,736.28) to fund this purchase.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Southside

Communications Plan:

Funds Available: Account Name: ARPA Funding

Account Number: MR0093

Staff Recommendation: Approve the purchase Agreement, authorize Finance Director, Jon Perkins, to transfer \$45,000 from ARPA project MR0093, and to make pre-payment for the equipment.

Attachments:

1. MO purchase agreement GameTime – playground Coleman Park 2022
2. Agreement

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND DIRECT PAYMENT IN THE AMOUNT OF \$54,736.28 TO GAMETIME FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR COLEMAN PARK

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Mayor is hereby authorized to execute a purchase agreement with GameTime in the amount of \$54,736.28 for the purchase of playground equipment for Coleman Park. Further, the Finance Director is hereby authorized to make pre-payment to GameTime for the equipment purchase in order to receive discounted pricing.

SECTION 2. This expenditure shall be funded utilizing ARPA Funds and Park's Department Operating budget. An amount of \$45,000 will be funded from ARPA Project Account No. MR0093 with the remaining \$9,736.28 being funded from Parks & Recreation Department operating budget.

SECTION 3. This Municipal Order shall be effective from and after the date of its adoption.

GEORGE BRAY, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022
Recorded by Lindsay Parish, City Clerk, October 25, 2022
\\mo\purchase agreement GameTime – playground Coleman Park 2022



A PLAYCORE Company

P.O. Box 208 Harrison, OH 45030
Toll Free 800-762-7936
Fax 330-821-4505
www.dwarec.com
info@dwarec.com

10/18/2022
Quote #
102538-01-07

Paducah Blackburn Park - Revision 3

City of Paducah Parks & Recreation
Attn: Taylor Morsching
2900 Broadway St.
Paducah, OH 42001
Phone: 270-444-8508 Ext. 4
tmorsching@paducahky.gov

Project # 102538
Job # 102538-01
Ship to Zip 42001

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - PowerScape Play Structure (YPADUCAH BLACKBURN-R2)- Ages 5-12 with Aluminum Uprights Discrete Unit - Alexis - PS22018	\$78,320.00	\$78,320.00
Contract: 2022 GameTime Playground Grant			Sub Total	\$78,320.00
			Discount	(\$39,160.00)
			Material Surcharge	\$10,866.90
			Freight	\$4,709.38
			Total	\$54,736.28

Comments

Pricing Reflects GameTime's "Playground Grant" on your Play Structure/s – Check (made payable to GameTime) must be submitted at the time of order to receive this Grant Price.

**Grant Ends November 1, 2022. Signed Quote and form of payment must be received by this date.
Equipment must ship by December 30, 2022.**

Material Surcharge:

Note: Due to the increase in Raw Material charges, a Material Surcharge has been added as of March 12, 2021.

Due to the current COVID-19 crisis, shipping times might be extended beyond what is noted.
Due to volatility of fuel prices, freight charges may change at time of delivery.

2022 Matching Funds Playground Grant Terms:

The above contract allowance is available through GameTime's "2022 Playground Grant" program and represents a 100% Matching Fund Grant for the play structure/s quoted. The 100% Matching Funds are contingent upon supplying payment (check or cash) for the equipment at the time the order is placed. Inability to provide payment will result in 60% Matching Funds in lieu of the 100% Matching Funds.

This grant is only valid for GameTime Modular or Pre-Designed play structures in the PowerScape, PrimeTime, IONiX and Xscape product lines. GFRC Landmark Design, Play Trails, TuffForms, and Freestanding products are not eligible for Matching Funds - even when attached to a qualifying play structure. Funding does NOT apply to ModernCity Freestanding structures, VistaRope, VistraRope Hybrids or other independent net structures, Altus or Spire or Citadel Towers, TuffForms, (GFRC or GFRP), Landmark Design, GT Symphony freestanding or other Freestanding products or PlayOn! non-system events. Please see the Grant Brochure for complete terms and conditions governing the grant program. No other offers, discounts or special/purchasing programs may be combined with this grant program.

The 2022 Playground Grant program payments must be made payable to GameTime. Payments made payable to DWA Recreation, Inc. are not eligible for the matching grant program.

The 2022 Playground Grant program ends November 1st, 2022. Orders accepted by GameTime must ship by December 30th, 2022.



P.O. Box 208 Harrison, OH 45030
Toll Free 800-762-7936
Fax 330-821-4505
www.dwarec.com
info@dwarec.com

10/18/2022
Quote #
102538-01-07

Paducah Blackburn Park - Revision 3

Payment Terms:

- Cash With Order Discount (CWO): Orders for GameTime equipment paid in full at time of order via check, Electronic Funds Transfer (ACH or wire) are eligible for a three percent (3%) cash with order discount.
- Payment via credit card: If you elect to pay by credit card, GameTime charges a 2.50% processing fee that is assessed on the amount of your payment. This fee is shown as a separate line item and included in the total amount charged to your credit card. You have the option to pay by check, ACH or Wire without any additional fees.
- Credit terms are Net 30 days, subject to approval by the GameTime Credit Manager.
- A completed credit application must be submitted and approved prior to the order being received. Please allow at minimum 2 days for the credit review process.
- GameTime may also require: Completed Project Information Sheet (if applicable) and Copies of Payment and Performance Bonds (if applicable)
- A 1.5% per month finance charge will be imposed on all past due invoices.
- Retainage not accepted.
- Orders under \$5,000 require payment with order.
- Equipment will be invoiced separately from other services and shall be payable in advance of those services and project completion.

Force Majeure: No Party to this Agreement shall be responsible for any delays, price increases, or failure to perform any obligation under this Agreement due to acts of God, outbreaks, epidemic/pandemic or the spreading of disease or contagion strikes or other disturbance, including, without limitation, war, insurrection, embargoes, governmental restrictions, acts of governments or governmental authorities, and any other cause beyond the control of such party. During an event of force majeure, the Parties' duty to perform obligations shall be suspended.

To order: Please complete the acceptance portion of this quotation and provide color selections, purchase order copy and other key information requested.

This quote does not include any state or local sales taxes. Sales tax will be added to the order if required, unless otherwise noted.

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Purchase Orders or Checks must be made out to:

GameTime
c/o DWA Recreation, Inc.
P.O. Box 208
Harrison, OH 45030

Once equipment is ordered, the owner assumes that the equipment is being installed according to the ASTM standards for layout and design. Additionally, the owner shall check to make sure that all appropriate fall zones are current and compliant. In the event that the owner has to return the equipment, both inbound and outbound freight will be charged along with a 25% restocking fee.
GameTime Shipping Time: Current shipping time for GameTime is approximately 10 weeks. Please allow an additional 7-10 days for transit.

Short Ship Claims: Purchaser has 14 days from receipt of equipment to file a short ship report in writing to our office. Company reserves right to not honor claims made after this time.

Shipping Time: Estimated Ship time is 10-12 weeks for certain items on this quote. Please verify current lead time when placing order. Allow 7-10 days for actual transit time.

Short Ship Claims: Purchaser has 14 days from receipt of equipment to file a short ship report in writing to our office. Company reserves right to not honor claims made after this time.



A PLAYCORE Company

P.O. Box 208 Harrison, OH 45030
Toll Free 800-762-7936
Fax 330-821-4505
www.dwarec.com
info@dwarec.com

10/18/2022
Quote #
102538-01-07

Paducah Blackburn Park - Revision 3

GameTime Standard Colors

- Accent/Basic/Metal Colors: Yellow, Butterscotch, Orange, Red, Burgundy, Royal Purple, Periwinkle, Sky Blue, Blue, Spring Green, Light Green, Green, Dark Green, Brown, Beige, Bronze, Black, Starlight, Metallic, Champagne, White
- Deck Colors: Gray, Blue, Brown
- Plastic Colors: Yellow, Orange, Red, Burgundy, Royal Purple, Periwinkle, Sky Blue, Blue, Dark Blue, Spring Green, Light Green, Green, Beige, Champagne
- HDPE Colors: Yellow, Orange, Red, Burgundy, Purple, Sky Blue, Blue, Spring Green, Green, Brown, Beige, Black, Dolphin Gray
- 2 Color HDPE: Yellow/Black, Red/White, Sky Blue/White, Blue/Beige, Spring Green/White, Green/White, Green/Beige, Brown/Beige, Beige/Green, Black/White, Dolphin Gray/Black, White/Black

You may view Additional Color options and pre-designed play palettes on <https://www.gametime.com/resources/colors-and-color-palettes>

Acceptance of Colors from 3D Rendering

Please initial here if ordering colors from 3D Rendering: _____

Order Information:

Bill To: _____

Ship To: _____

Contact: _____

Contact: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Tel: _____

Tel: _____

Fax: _____

Cell Phone: _____

eMail: _____

Fax: _____

eMail: _____

Project/Site Location: _____

Contact: _____

Address: _____

City, State, Zip: _____

Tel: _____

Fax: _____

eMail: _____

Coordinates or Description of Location: _____



P.O. Box 208 Harrison, OH 45030
Toll Free 800-762-7936
Fax 330-821-4505
www.dwarec.com
info@dwarec.com

10/18/2022
Quote #
102538-01-07

Paducah Blackburn Park - Revision 3

Acceptance of quotation:

Accepted By (printed): _____

Date: _____

Title: _____

P.O. No: _____

Telephone: _____

Fax: _____

Purchase Amount: **\$54,736.28**

SALES TAX EXEMPTION CERTIFICATE #: _____ (PLEASE PROVIDE A COPY OF CERTIFICATE)

Customer Signature

Quote prepared by: Courtney Swartz

Sales Representative: Bryan Noel

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Purchase of One (1) Pumper Truck for use by the City of Paducah Fire Department in an amount of \$679,587 - **C. YARBER**

Category: Municipal Order

Staff Work By: Jim Scutt, Debbie Collins

Presentation By: Chris Yarber

Background Information: HGAC Cooperative Purchasing Program procured Contract FS12-19 with Atlantic Emergency Solutions, Inc to purchase a Pumper Truck per option list at the price of \$701,052.00 with a prepayment discount sum of \$21,465.00. This will make the final price of the equipment \$679,587.00.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: Rolling Stock/Vehicle Fleet Lease Trust Fund

Account Number: 71000210 540050

Staff Recommendation: Approve a Municipal Order for the purchase through HGAC from Atlantic Emergency Solutions, Inc for a Pumper Truck to be used by the City of Paducah Fire Department at the price of \$701,052.00 with a prepayment discount of \$21,465.00. For the final price of the equipment \$679,587.00.

Attachments:

1. MO purchase- 1 pumper truck Fire Department 2022
2. HGAC Contract Preing FS12-19
3. Atlantic Proposal for Apparatus
4. Option List
5. HGAC Inerlocal Contract - ILC21-11431 executed

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO ATLANTIC EMERGENCY SOLUTIONS, INC. FOR SALE TO THE CITY OF ONE (1) PUMPER TRUCK IN THE AMOUNT OF \$679,587 FOR USE BY THE PADUCAH FIRE DEPARTMENT, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program procured Contract FS12-19 with Atlantic Emergency Solutions, Inc.; and

WHEREAS, the City of Paducah approved Municipal Order #2499 which approved a cooperative purchasing agreement with the H-GAC; and

WHEREAS, the City of Paducah now desires to purchase a Pumper Truck for the Paducah Fire Department utilizing Atlantic Emergency Solutions, Inc. through the H-GAC cooperative purchasing agreement.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Finance Director is hereby authorized and directed to make payment to Atlantic Emergency Solutions, Inc in an amount of \$679,587 for the purchase of one (1) Pumper Truck for use by the Paducah Fire Department. The original price is \$701,052, with a prepayment discount sum of \$21,465, making a final price of \$679,587. Further, prepayment is hereby authorized in order to utilize the prepayment discount.

SECTION 2. The Mayor is hereby authorized to execute a contract with Atlantic Emergency Solutions, Inc. and all documents related to same for the purchase of one (1) Pumper Truck, as authorized in Section 1 above.

SECTION 3. This purchase shall be charged to the Rolling Stock/Fleet Lease Trust Fund account number 71000210-540050.

SECTION 4. This Order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022

Recorded by Lindsay Parish, City Clerk, October 25, 2022

\mo\purchase- 1 pumper truck Fire Department 2022 HGAC



Proposal for Furnishing Apparatus

Oct 5, 2022

Department: Paducah Fire Department

Attn: Chief Steve Kyle

Paducah, Kentucky

Upon an order being placed by you, and final acceptance by Pierce Manufacturing the apparatus and equipment herein named will be manufactured for the following prices:

	Price
Pumper, 161" Long Body, Aluminum, 2nd Gen., Saber Chassis	\$701,052.00
- Price based on current configuration in option list / detail report provided	
Optional Pre-Pay Discount if paid within 30 days of contract/PO	(\$21,465.00)

Total: **\$679,587.00**

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 450 calendar days after receipt of this order and the acceptance thereof by Pierce Manufacturing.

Taxes: Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due.

Cancellation: In the event this proposal is accepted, and a purchase order is issued then cancelled or terminated by Customer before completion, Atlantic Emergency Solutions may charge a cancellation fee of 30% of the purchase price.

Terms: The terms of this proposal will be governed by the laws of the state of Virginia. No additional terms or conditions will be binding upon Atlantic Emergency Solutions unless agreed to in writing and signed by a duly authorized officer of Atlantic Emergency Solutions.

This proposal is valid through October 28, 2022 due to price increases effective November 1, 2022.

Sincerely,

Jason Colson

Jason Colson
Regional Account Manager
(270) 256-1088

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Approve FY2023 Contract For Services with Barkley Regional Airport Authority in the amount of \$120,000 - **D. JORDAN**

Category: Municipal Order

Staff Work By: Claudia Meeks, Daron Jordan

Presentation By: Daron Jordan

Background Information:

The FY2023 Budget was approved on June 14, 2022, by Ordinance No. 2022-06-8740. The budget included payment to Barkley Regional Airport Authority in the amount of \$120,000. The Board of Commissioners is now desirous of entering into a contract with Barkley Regional Airport Authority for FY2023 services in the amount of \$120,000, payable in four quarterly installments of \$30,000 each.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: Investment Fund

Account Number: 24000401-580820

Staff Recommendation: Approve FY2023 Contract with Barkley Regional Airport Authority and authorize the Mayor to execute same.

Attachments:

1. MO - contract-barkley regional airport FY2023
2. Contract For Services - Barkley Regional Airport Authority

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A CONTRACT WITH BARKLEY REGIONAL AIRPORT IN THE AMOUNT OF
\$120,000 FOR GENERAL AVIATION AND AIR CARRIER SERVICES

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Mayor is hereby authorized to execute a contract
with Barkley Regional Airport in the amount of \$120,000 payable in quarterly
installments of \$30,000, for providing general aviation and air carrier services to the
citizens of McCracken County and surrounding regions. This contract shall expire
June 30, 2023.

SECTION 2. This expenditure shall be charged to the Investment Fund,
Account No. 24000401-580820.

SECTION 3. This Municipal Order shall be effective from and after the
date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022

Recorded by Lindsay Parish, City Clerk, October 25, 2022

\\mo\contract-barkley regional airport FY2023

CONTRACT FOR SERVICES

This Contract for Services, is effective this 20 day of August, 2022, by and between the **CITY OF PADUCAH** and the **BARKLEY REGIONAL AIRPORT AUTHORITY**;

WITNESSETH:

WHEREAS, Barkley Regional Airport is operated by an Airport Board appointed by the Paducah Mayor and McCracken County Judge Executive; and

WHEREAS, Barkley Regional Airport provides essential public transportation services both through its general aviation facilities and the air carrier service that operates there; and

WHEREAS, reliable air service at a quality facility is an essential ingredient for the region's economic development; and

WHEREAS, loss of revenue resulting from the national economy and changes in the air carrier industry and increased expenditures caused by Federal mandates have created a monthly operating deficit for the airport; and

NOW THEREFORE, in consideration of the foregoing premises the parties do covenant and agree as follows:

SECTION 1: TERM The term of this contract for services shall be from July 1, 2022, until June 30, 2023.

SECTION 2: TERMINATION the City may terminate this Contract for Services upon a thirty-day notice to Barkley Regional Airport in writing or with no notice upon discovering that the airport's financial situation has changed and the subsidy is no longer required.

SECTION 3: OPERATIONS PAYMENT Upon receipt of a quarterly invoice, the City shall pay the Barkley Regional Airport Authority the sum of One Hundred Twenty Thousand and No/100 (\$120,000) Dollars in equal quarterly payments of \$30,000, with the first payment being due and payable by September 30, 2022.

SECTION 4: CHECK PRESENTATION – The City of Paducah and Barkley Regional Airport Authority will coordinate a check presentation celebrating this monetary assistance at a mutually convenient time and place.

SECTION 5: OBJECTIVES AND SERVICES - During the term of this contract, Barkley Regional Airport will continue to provide general aviation and air carrier services to the citizens of McCracken County and surrounding regions. The Airport Board will continue to work with the City Commission and the McCracken County Fiscal Court to develop new revenue sources so that continued subsidy from the City and County will no longer be necessary.

SECTION 6: ACCOUNTING

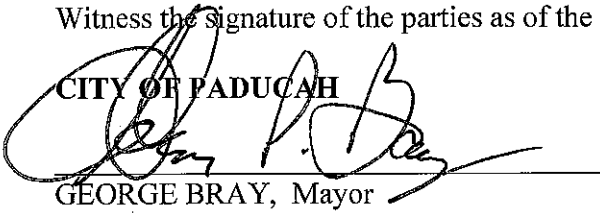
- (A) Barkley Regional Airport shall continue to conduct all accounting, payroll, and financial management of airport operations.
- (B) Barkley Regional Airport shall provide the City a quarterly report of the airport's financial operations and shall supply the City an annual financial audit within two (2) weeks of its completion.

SECTION 7: ENTIRE AGREEMENT This contract for services embodies the entire agreement between the parties and all prior negotiations and agreements are merged in this agreement.

SECTION 8: WITHDRAWAL OF FUNDS Notwithstanding any other provision in this Contract for Services, in the event it is determined that any funds provided to Barkley Regional Airport Authority are used for some purpose other than in furtherance of the services described herein, the City shall have the right to immediately withdraw any and all further funding and shall immediately have the right to terminate this Contract for Services without advance notice and shall have the right to all remedies provided in the law to seek reimbursement for all monies not properly accounted.

Witness the signature of the parties as of the year and date first written above:

CITY OF PADUCAH


GEORGE BRAY, Mayor

BARKLEY REGIONAL AIRPORT AUTHORITY

Jackie M. "Jay" Matheny, Jr.
Jackie M. "Jay" Matheny, Jr. (Oct 5, 2022 21:53 CDT)

Title: Jackie "Jay" M. Matheny, BRAA Board Chair

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Accept bid and enter into contract with Galls LLC for the purchase of uniforms and gear for sworn police officers for calendar years 2023 and 2024. - **B. LAIRD**

Category: Municipal Order

Staff Work By: Robin Newberry

Presentation By: Brian Laird

Background Information: The current contract for uniforms and gear for sworn officers will expire Dec. 31, 2022. Notice of Request for Bids was placed on the City's website on Sept. 29, 2022. One bid was received and it was opened at 2 p.m. Tuesday, Oct. 11, 2022. The lone bid was from Galls LLC., which is the current vendor.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: Clothing Allowance

Clothing Allowance

Clothing Allowance

Clothing Allowance

Account Number: 10001601 516100

10001602 516100

10001604 516100

10001607 516100

Staff Recommendation: Accept the bid of Galls LLC and authorize the mayor to enter into a contract with Galls LLC for the purchase of uniforms and gear for sworn police officers.

Attachments:

1. MO bid-Galls Uniforms Police Department 2023-2024
2. Galls Bid Prices 10-10-22
3. Bid Evaluation Sheets
4. Galls Contract 10-25-22
5. Galls Complete Original Bid

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ACCEPTING THE BID OF GALLS , LLC, FOR THE PURCHASE OF UNIFORMS FOR PADUCAH POLICE DEPARTMENT EMPLOYEES, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME

BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah accepts the bid of Galls, LLC, for uniforms for employees in the Paducah Police Department at the unit prices as shown on the attached price list (**Exhibit A**), for a period of two years, said purchase being in substantial compliance with the bid specifications, advertisement for bid, and as contained in the bid of Galls, LLC, dated October 11, 2022.

SECTION 2. That the Mayor is hereby authorized to execute a contract with Galls, LLC, for furnishing the City with uniforms as authorized in Section 1 above, according to the specifications, bid proposal, and all contract documents heretofore approved and incorporated in the bid. Said contract is for a two-year time period beginning January 1, 2023 and ending December 31, 2024.

SECTION 3. That payment for said uniforms shall be in an amount not to exceed \$30,000 per calendar year and charged to the Clothing Allowance account numbers 10001601 516100, 10001602 516100, 10001604 516100, and 10001607 516100.

SECTION 4. This Order will be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022
Recorded by Lindsay Parish, City Clerk, October 25, 2022
\\mo\\bid-Galls Uniforms Police Department 2023-2024

Customer:
Acct #:

City of Paducah
5151408

Bid Line #	Galls Item Number	Manufacturer Item Number	Manufacturer	Bid Description	QTY	Bid Price
Uniform Pants						
1	TR1304	SU322K	I Spiewak	Sorbtek Polyester Trousers	1	\$59.45
2	TR1305	SU322WK	I Spiewak	Women's Sorbtek Polyester Trousers	1	\$48.32
Sleeve Class A						
1	SH1927	SU315ZMK	I Spiewak	Sorbtek Polyester LS shirt	1	\$52.93
2	SH1928	SU316ZMK	I Spiewak	Women's Sorbtek Polyester LS shirt	1	\$52.93
Sleeve Class A						
1	SH1925	SU310ZMK	I Spiewak	Sorbtek Polyester SS shirt	1	\$48.15
2	SH1926	SU311ZMK	I Spiewak	Women's Sorbtek Polyester SS shirt	1	\$48.15
Outerwear						
1	JA773	HS3350	VF IMAGEWEAR INC(HORACE SMALL)	New Generation 3 Dutv Jacket	1	\$130.00
2	RW122	S308V0	I Spiewak	Reversible Hi-Vis Ansi 3 Rain Jacket	1	\$115.80
3	RW121	S309V0	I Spiewak	Reversible Hi-Vis Ansi 3 Full Length Raincoat	1	\$123.89
4	JA380	38800	FECHHEIMER BROTHERS UNIFORM CO	Single-Breasted Dress Coat	1	\$151.27
5	JC810	F1 38833	FECHHEIMER BROTHERS UNIFORM CO	Women's Single breasted Dress Coat	1	\$138.54
6	JA820	54100	FECHHEIMER BROTHERS UNIFORM CO	Layertech Soft-Shell Jacket	1	\$108.86
7	JX763	F1 32700A	FECHHEIMER BROTHERS UNIFORM CO	Layertech Thinsulate Zip-In Liner	1	\$40.66
8	JX765	F1 73160	FECHHEIMER BROTHERS UNIFORM CO	Layertech ANSI 2 Certified Rev Jacket	1	\$156.03
9				Sleeve Stripes for Dress Coat, 1/2" Gold (Per Pair)	1	\$15.00
Headwear						
1	HW851	585	RICHARDSON CAPS	Flexfit Wool Blend Cap w/Embroidery	1	\$18.48
2	HW117	110-PW	MIDWAY CAP COMPANY	8-Point Uniform Cap	1	\$89.50
3	HD079	PADU 5151408	MIDWAY CAP COMPANY	8-Point Uniform Cao w/Scrambles	1	\$79.00
4	ZW407D CLR	9235 CLR	BAYLY, INC.	Raincover	1	\$4.90
5	ZJ084			Metallic Braided Hat Band	1	\$7.00
6	HW401	89250	5.11 Inc.	Tactical Fleece Watch Cap	1	\$11.49
Footwear						
1	FW663	510-8	Rocky Brands Wholesale, LLC.	Men's Procell Hi-Gloss Oxford	1	\$70.89
2	SP656	5101	Rocky Brands Wholesale, LLC.	Women's TMC Duty Chukka Boot	1	\$112.59
3	SP870	102	Rocky Brands Wholesale, LLC.	S2V Boot	1	\$227.96
4	SP591	5005	LLC.	6" TMC Chukka Boot	1	\$113.76
5	SP403	E02261	Wolverine Worldwide (Bates)	8" Tactical Snort Boot w/Side zip	1	\$72.61

6	SP404	2700	Wolverine Worldwide (Bates)	Women's 8" Tactical Sport Zipper Boot	1	\$72.61
7	SP620	2262	Wolverine Worldwide (Bates)	5" Tactical Sport Boot	1	\$65.76
8	FT970	7006	Wolverine Worldwide (Bates)	6" Shock Zipper waterproof Boot	1	\$99.33
9	FT2655 BLK 10 D	26635	Danner, Inc.	Striker Bolt 6" Waterproof Boot	1	\$190.00
10	FT1003	922474	NIKE	8" SFB Gen 2 Boot	1	\$112.15
11	FT1775	12392	5.11 Inc.	Tactical 8" ATAC Storm Waterproof Side Zip Boot	1	\$97.17
12	FW1773	12401	5.11 Inc.	ATAC 6" Duty Boot	1	\$71.05
13	FT1777	12406	5.11 Inc.	Tactical Women's ATAC Storm 2.0 8" Duvt Boot	1	\$101.36
14	FT2913	12444	5.11 Inc.	Tactical A/T 8" Side Zip Boot	1	\$120.16
15	FT1191	12391	5.11 Inc.	A/T 8" Side Zip Waterproof Boot	1	\$78.37
16	FW1771	12394	5.11 Inc.	Tactical ATAC 2.0 6" Quarter Boot	1	\$73.14
17	FT2540	12378	5.11 Inc.	Tactical Urban Speed 3.0 Side Zip Boot	1	\$108.68
18	FX196	12355	5.11 Inc.	Tactical Speed 3.0 5" Boot	1	\$63.73
19	FT2903	3024949	UNDER ARMOUR	8" Stellar G2 Side Zip Tactical Boot	1	\$70.54
20	FT2901	3024946	UNDER ARMOUR	8" Stellar Men's Tactical Boot	1	\$64.12
21	FT1527	834-6032	WEINBRENNER SHOE COMPANY, INC.	Polishable Chukka	1	\$62.00
22	FW748	831-6032	WEINBRENNER SHOE COMPANY, INC.	Poromeric Academy Chukka	1	\$66.00
Class B Uniforms						
1	TR652	F1 47300	FECHHEIMER BROTHERS UNIFORM CO	Command Wear Pants with Freedom Flex	1	\$64.79
2	SH932	35R58	FECHHEIMER BROTHERS UNIFORM CO	Command Wear Tactical LS Shirt w /Embroidery	1	\$82.04
3	TR903	47300W	FECHHEIMER BROTHERS UNIFORM CO	Women's Valor pants	1	\$64.79
4	HW851	585	RICHARDSON CAPS	Flexfit Wool Blend Cap w/Embroidery	1	\$17.98
5	SH697	71339	5.11 Inc.	Tactical TacLite TDU 1 SS shirt	1	\$72.51
6	SR571	72175	5.11 Inc.	Tactical TacLite Pro LS shirt, TDU Green	1	\$69.84
7	SW439	41060	5.11 Inc.	Tactical Professional SS Polo	1	\$60.17
8	SW977	VTX4000	FECHHEIMER BROTHERS UNIFORM CO	Coldblack Polo	1	\$55.00
9	SW993	61165	5.11 Inc.	Tactical Women's Snag-Free Performance Polo	1	\$57.29
10	TJ361	74461	5.11 Inc.	Tactical Fast-Tac Urban Pant	1	\$34.22
11	TR1103	F1 VTX1200W	FECHHEIMER BROTHERS UNIFORM CO	Fusion LT Stretch Tactical Pant	1	\$64.70
12	TR1298	1316929	UNDER ARMOUR	Guardian Tactical Pant	1	\$43.00
13	TR1297	1316928	UNDER ARMOUR	Enduro Tactical Pant	1	\$38.47
14	TR135	74251	5.11 Inc.	Tactical Pant	1	\$41.27
15	TR1655	1792581	COLUMBIA SPORTSWEAR COMPANY	Men's Flex Roc Pant	1	\$33.89
16	TR1663	1348667	UNDER ARMOUR	Flex Tactical Pant	1	\$35.91
17	TR506	74273	5.11 Inc.	Tactical TacLite Pro Pant	1	\$39.70
18	TR641	64358	5.11 Inc.	Tactical Women's Tactical Pants	1	\$39.70
19	TR909	74369	5.11 Inc.	Tactical Stryke Pant with FlexTac	1	\$56.43
20	TR980	64386	5.11 Inc.	Tactical Women's Stryke Pant	1	\$56.43
21	TT824	74434	5.11 Inc.	Tactical Apex Pant	1	\$56.43
22	SW1935	SBLMP10	I Spiewak	Microfiber Poly SS Base Layer Polo	1	\$50.03
Duty Gear						

1	LP006	6606	BOSTON LEATHER INC	1 1/2" Garrison Belt	1	\$17.38
2	LP133	87	SAFARILAND, LLC.	Duty Belt w/Buckle, Basketweave	1	\$59.45
3	LR210	51	SAFARILAND, LLC.	1 3/4 garrison belt	1	\$28.50
4	ZA305	999	SAFARILAND, LLC.	1 1/2 garrison belt	1	\$31.15
5	LP071	99	SAFARILAND, LLC.	1 1/2" Velcro tip belt (No Buckle), Plain Black	1	\$31.25
6	NP516	59405	5.11 Inc.	Tactical Operator 1 1/4" Belt	1	\$32.80
7	NP517	59409	5.11 Inc.	Tactical Trainer 1 1/2" Belt	1	\$32.80
8	LP127	77	SAFARILAND, LLC.	Double Mag Case, Glock 22/23, Basketweave	1	\$30.58
9	LP137	65	SAFARILAND, LLC.	Keepers, 4 Pack, Basketweave	1	\$15.00
10	ZC224	190	SAFARILAND, LLC.	Handcuff Case, Chain, Basketweave	1	\$29.90
11	LP525	MMFR10	ARMAMENT SYSTEMS AND PROCEDURE	Handcuff Case, ASP Brand Cuffs, Basketweave	1	\$44.00
12	LP567	56139	ARMAMENT SYSTEMS AND PROCEDURE	Federal Handcuff case	1	\$43.50
13	LP415	6360	SAFARILAND, LLC.	6360 ALS/SLS Level 3 Duty Holster w/Light	1	\$173.50
14	LP130	38	SAFARILAND, LLC.	Aerosol Case, MK-3 Basketweave	1	\$25.35
15	LP203	33	SAFARILAND, LLC.	Glove Pouch, Velcro, Basketweave	1	\$16.25
16	ZA572	690	SAFARILAND, LLC.	Handcuff Strap, Basketweave	1	\$11.00
17	LP165	170	SAFARILAND, LLC.	Silent Key Holder, Basketweave	1	\$19.95
18	ZA199	306	SAFARILAND, LLC.	Flashlight Case, Open Top	1	\$22.38
19	LP143	730	SAFARILAND, LLC.	Safarilamine D Cell Flashlight Holder	1	\$12.51
20	LP244	35	SAFARILAND, LLC.	Baton Holder Basketweave (ASP) (21" or 26")	1	\$25.50
21	BA004	6070	ARMAMENT SYSTEMS AND PROCEDURE	Scabbard, Basketweave (21")	1	\$43.25
22	BA009	2521	ARMAMENT SYSTEMS AND PROCEDURE	Scabbard, Basketweave (26")	1	\$48.00
23	NP1530	GA1530WN	Galls, LLC	Narcan Nasal Spray Case	1	\$19.85
24	LR035	9001	DUTYMAN	Sam Browne Belt Buckle	1	\$3.95
25	LR035	9002	DUTYMAN	Sam Browne Belt Buckle	1	\$3.95
Insignia						
1	BX946 RG	C3034 RG	V H BLACKINTON CO., INC.	Hat badge, Rho Glo	1	\$103.84
2	BX946 HG	C3034 HG	V H BLACKINTON CO., INC.	Hat badge, Hi-Glo	1	\$103.84
3	BC045 RG	B1009 RG	V H BLACKINTON CO., INC.	Uniform badge, rho glo shirt and wallet	1	\$80.72
4	BC045 HG	B1009 HG	V H BLACKINTON CO., INC.	Uniform badge, hi glo shirt and wallet	1	\$80.72
5	BD787	X389	V H BLACKINTON CO., INC.	Add badge tab at bottom for number	1	\$5.25
6	BC046 RH	B1009-EO RH	V H BLACKINTON CO., INC.	Detective Badge, Rhodium (Shirt and Wallet)	1	\$55.09
7	BC046 GP	B1009-EO GP	V H BLACKINTON CO., INC.	Detective Badge, Gold (Shirt and Wallet)	1	\$58.88
8	BC968	230	V H BLACKINTON CO., INC.	Hidden Badge Wallet	1	\$46.73
9	NT198 HG	A10236 HG	V H BLACKINTON CO., INC.	Nameplate w/Seal, Rhodium	1	\$24.05
10	NT198 RH	A10236 RH	V H BLACKINTON CO., INC.	Nameplate w/Seal, Gold	1	\$15.15
11	ZH335D 1693 RH	B1693 RH	V H BLACKINTON CO., INC.	Serving Since Plate, Rhodium	1	\$15.21
12	ZH335D 1693 GP	B1693 GP	V H BLACKINTON CO., INC.	Serving Since Plate Gold	1	\$15.21

13	CB822 GP	A7402 GP	V H BLACKINTON CO., INC.	PPD Collar Insignia (Coat) Gold	1	\$10.92
14	CB822 NI	A7402 RH	V H BLACKINTON CO., INC.	PPD Collar Insignia (Shirt) Rhodium	1	\$11.15
15	ZH347D 7011 RH	A7011-A RH	V H BLACKINTON CO., INC.	5 Yr. Collar Insignia (Shirt) Rhodium	1	\$17.82
16	ZY900 7011 RH	A7011 RH	V H BLACKINTON CO., INC.	8 Yr. Collar Insignia (Shirt) Rhodium	1	\$17.82
17	ZA2062 8765 GOLD	A8765 GP	V H BLACKINTON CO., INC.	Sergeant Collar Insignia (Coat) Gold	1	\$17.82
18	ZC516 GP	A7010 GP	V H BLACKINTON CO., INC.	Sergeant Collar Insignia (Shirt) Gold	1	\$17.82
19	ZA2245 1140 GP	A1140 GP	V H BLACKINTON CO., INC.	Captain Collar Insignia (Coat) Gold	1	\$18.02
20	CB349 GP	A1975 GP	V H BLACKINTON CO., INC.	Captain Collar Insignia (Shirt) Gold	1	\$18.02
21	ZA3522 RH	A1984 RH	V H BLACKINTON CO., INC.	Asst. Chief Collar Insignia (Coat) Rhodium	1	\$18.02
22	CB173 RHD	A1143 RHD	V H BLACKINTON CO., INC.	Asst. Chief Collar Insignia (Shirt) Rhodium	1	\$18.02
23	CB039 GP	A1142 GP	V H BLACKINTON CO., INC.	Chief Collar Insignia (Coat) Gold	1	\$18.02
24	CB030 GP	A2015 RP	V H BLACKINTON CO., INC.	Chief Collar Insignia (Shirt) Gold	1	\$18.02
25	ZA1752 4002 RH KY	A4002-TT RH	V H BLACKINTON CO., INC.	Tie Tac, Full Color Kentucky Seal, Rhodium	1	\$19.15
26	ZA1752 4002 GP KY	A4002-TT GP	V H BLACKINTON CO., INC.	Tie Tac Full Color Kentucky Seal, Gold	1	\$19.15
27	UE064 BRS	P4916	PREMIER EMBLEMS	Whistle, Gold	1	\$3.18
28	UE064 SIL	P4917	PREMIER EMBLEMS	Whistle, Silver	1	\$3.18
29	UE061 GLD	P4908	PREMIER EMBLEMS	Whistle Chain, Gold	1	\$3.18
30	UE062 SIL	P4909	PREMIER EMBLEMS	Whistle Chain, Silver	1	\$3.18
31	ZA3873 SB1 GO	SB-1-B Gold	V H BLACKINTON CO., INC.	Slide Bar for Commendation Bar	1	\$4.02
32	ZA3873 SB2 GO	SB-2-B Gold	V H BLACKINTON CO., INC.	Two Bar Slide Bar for Commendation Bars	1	\$4.89
33	ZA3873 SB3 GO	SB-3-B Gold	V H BLACKINTON CO., INC.	Three Bar Slide Bar for Commendation Bars	1	\$5.70
34	ZA3873 SB7 GO	SB-7-B Gold	V H BLACKINTON CO., INC.	Seven Bar Slide Bar for Commendation Bars	1	\$14.74
35	CB249 GP	A7140	V H BLACKINTON CO., INC.	Various 1 3/8 x 3/8 Commendation Bars	1	\$14.54
es						
1	BA035	F21B	ARMAMENT SYSTEMS AND PROCEDURE	21" Expandable Baton, Steel, Friction Loc	1	\$125.50
2	BA192	82106	ARMAMENT SYSTEMS AND PROCEDURE	26" Expandable Baton, Steel, friction Loc	1	\$64.25
3	FL652 AC	75811	Streamlight	Streamlight Stinger Standard Charge Flashlight	1	\$126.50
4	FL652 AD	75813	Streamlight	Streamlight Stinger DS LED w/ AC/DC Chargers	1	\$126.50
5	FL571	69110	Streamlight	Streamlight TLR1 C4 LED Rail-Mounted Gun Light	1	\$116.80
6	FL652 DC	75812	Streamlight	Stinger DS LED Rechargeable Light	1	\$126.90
7	FL858 AD	54910	Streamlight	Strion C4 LED Flashlight	1	\$113.00
8	NY551	88051	Streamlight	88051 Tactical flashlight holster	1	\$14.01
9	FH742	75375	Streamlight	Batteries for Stinger XT Flashlight	1	\$17.00
10	FL439	74175	Streamlight	Replacement battery stick for strion flashlight	1	\$26.90
11	SP530	8613	IMPLUS FOOTCARE, LLC	Yak Trax Pro	1	\$24.00
12	RS021	350122	Smith & Wesson Corp.	Model 100 Chain Nickel Finish Cuffs	1	\$21.59
13	RS267 BLK	56109	ARMAMENT SYSTEMS AND PROCEDURE	Ultra Steel Handcuffs	1	\$56.00
14	RS261 BLK	56110	ARMAMENT SYSTEMS AND PROCEDURE	Aluminum Handcuffs	1	\$58.00

15	RS1141	56060	ARMAMENT SYSTEMS AND PROCEDURE	Ultra Plus Chain Handcuffs (Steel Bow)	1	\$55.25
16	RS001	700C	PEERLESS HANDCUFF COMPANY	Model 700 Chain Nickel Finish Cuffs	1	\$23.50
17	RS070	JC202A	Galls, LLC	Cuff Key	1	\$3.00
18	FH457	85177	Sure Fire	Streamlight Flashlight Batteries 3-volt Lithium	1	\$23.42
19	KN526	831429	LEATHERMAN TOOL GROUP INC	Sidekick Multi-Tool	1	\$54.80
20	BG237	59012	5.11 Inc.	Patrol Ready Gear Bag	1	\$48.12
21	UN195	MJKT00012	WEBSTER INNOVATION	Tactical Mic Klip	1	\$7.50
22	HS341	SH306N	Galls, LLC	LED Traffic Baton	1	\$16.78
23	AP831	101-30	Premier Comm Corp dba Pryme Ra	Earphone Listen Only 3.5mm	1	\$17.98
24	AP415	EH-EPT-1001	EarHugger Safety Products	T-series with 3.5 mm jack	1	\$25.00
25	HP051	R-02524-EC	HONEYWELL SAFETY PRODUCTS	Impact Sport Electronic Muff Protector	1	\$60.00
26	UA952	1201164	TATJACKET	Tattoo Cover-Up (Half & Full Sleeve)	1	\$14.00
27	VE046	78-100	Galls, LLC	Molded Seat organizer	1	\$68.00
28	FA240 BLK	30-000	NORTH AMERICAN RESCUE	Gen 7 CAT Tourniquet	1	\$25.80
29	LP310	EO0941	GOULD & GOODRICH LEATHER INC	open top paddle cuff case	1	\$27.00
30	MB1051	E10-3021B	Eleven 10 LLC	Gen 7 C-A-T Rigid TQ Case Basketweave	1	\$31.56
31	FE514	57P BL	Galls, LLC	Spring loaded window punch	1	\$10.60
32	BG239	59049	5.11 Inc.	Tactical Range Ready Gear Bag	1	\$85.00
33	BG1819	56561	5.11 Inc.	Tactical Rush 12 Backpack	1	\$71.58
34	BG397	56026	5.11 Inc.	Tactical Bail Out Bag	1	\$42.05
35	BG1654	180006	First Tactical LLC	Specialist half-day backpack	1	\$74.00
36	BG1851	56565 or 56566	5.11 Inc.	Tactical Rush 72 2.0 Backpack	1	\$125.39
37	EW539 CLR	XFL611	Edge Eyewear	Fastlink Tactical	1	\$11.55
38	IC1054	IC1054	Galls, LLC	G-Shield Face Covering (mask)	1	\$3.30
39		FSP226R	Smith & Wesson Corp.	Extreme OPS Rescue Knife	1	\$19.50
40	LE801	1007119	NIK PUBLIC SFTY/SAFARILAND LLC	Forensics Source Scale Tents 1-20	1	\$69.99
41	SA259	PCOB	BUSHNELL (UNCLE MIKES)	Pistol Cleaning Kit All Calibers Extra Long	1	\$8.65
42	SA260	UOB	BUSHNELL (UNCLE MIKES)	Cleaning Kit For Rifle and Shotgun	1	\$9.62
43	EM022	10-0037	NORTH AMERICAN RESCUE	Hyfin Chest Seal (Twin Pack)	1	\$13.89
44	FA082	65590	Dyna Med	Abdominal Trauma Pad	1	\$0.45
45	FA112	OAL-4	Tactical Medical Solutions LLC	4" Olaes Modular Bandage	1	\$6.25
46	MB1046	E10-1019	Eleven 10 LLC	SABA (Self-Aid Buddv-Aid) pouch	1	\$36.80
47	BP1257	SCRPP93	I Spiewak	Professional Poly Vest Carrier (Dark Navy)	1	\$89.25
ments						
1	UA513	40007	5.11 Inc.	Tactical Loose Crew Shirt	1	\$19.65
2	UA615	40016	5.11 Inc.	Tactical T-Shirts 3-Pack	1	\$28.15
3	SP585	59047	5.11 Inc.	Tactical Level I 6" Sock, Black	1	\$9.15

4	SP586	59048	5.11 Inc.	Tactical Level 1 9" Sock, Black	1	\$9.15
5	FX715	10035	5.11 Inc.	Tactical PT Ankle Socks, 3-Pack	1	\$11.49
6	FW778	E11930570	Wolverine Worldwide (Bates)	Dress Socks, Black	1	\$5.85
7	UA1294	1365390	UNDER ARMOUR	Tactical Base Leggings	1	\$34.97
8	UA3225	1365388	UNDER ARMOUR	Tactical Mock Base shirt	1	\$30.78
9	UA3226	1365389	UNDER ARMOUR	Tactical Crew Base shirt	1	\$30.78
10	UN768	0801MR	Tommie Copper	Men's Recovery Compression shirt	1	\$24.85
11	UA011	4000	Galls, LLC	Shirt Stays 2-piece/ 4-piece/Stirrup Style	1	\$6.89
12	SW2245	1343244	UNDER ARMOUR	Coldgear Base 2.0 Crew neck	1	\$35.38
13	SW2241	1343243	UNDER ARMOUR	Coldgear Base 3.0 Crew neck	1	\$35.91
14	SW2244	1343247	UNDER ARMOUR	Coldgear Base 2.0 leggings	1	\$30.78
15	SW2240	1343246	UNDER ARMOUR	Coldgear Base 3.0 leggings	1	\$35.91
16	SW2236	1343245	UNDER ARMOUR	Coldgear Base 4.0 leggings	1	\$58.29
17	UA707	1005684	UNDER ARMOUR	Tactical Tech SS shirt	1	\$15.30
18	FX530	1346786	UNDER ARMOUR	Heatgear Tech No Show Socks (6 pack)	1	\$10.38
19	SP567	6300G	Galls, LLC	11" Duty Boot Socks	1	\$3.95
20	TS724	F5830	Propper International Sales	T-Shirts, 3-Pack	1	\$19.46
21	TZ177	1257468	UNDER ARMOUR	Tactical heatgear compression T-Shirt	1	\$17.69
Cases						
1	BD384	4002-SB	STRONG LEATHER INC	Leather Hidden Badge Wallet	1	\$20.00
2	BC255	77501	Galls, LLC	Leather Bi-Fold Badge Wallet	1	\$8.79
3	BD023	SH-G-0	Galls, LLC	Leather Clip-on Badge Holder	1	\$19.99
4	BC714	811X0	STRONG LEATHER INC	Clip-On Recessed Badge Holder (Standard)	1	\$11.42
es						
1	GL179	A558U	HATCH/SAFARILAND LLC	Streetguard w/ kevlar gloves	1	\$22.00
2	GL1269	59375-019	5.11 Inc.	Tactical Tacitc 3 Gloves	1	\$27.16
3		15001-01	First Tactical LLC	Men's lightweight Patrol Glove	1	\$23.50
4	UA521	45015	SAMUEL BROOME UNIFORM ACCESSOR	Polyester Clip-On Tie w/Buttonholes	1	\$5.50
5	UA495	90111	Galls, LLC	Velcro Tie	1	\$6.82
Detective leather/accessories						
1	LP345	FSAK47	AKER INTERNATIONAL	Paddle Back Mag/Cuff holder	1	\$47.35
2	LP610	6378	SAFARILAND, LLC.	ALS Paddle Holster	1	\$44.75
3	FH388	EXT5	BRITE-STRIKE TECHNOLOGIES	BTL Quick Cam Holster	1	\$40.78
4	ZB014	90	SAFARILAND, LLC.	Oven Cuff Case, Chain	1	\$24.00
5	TE325	38CL63	Vista Outdoor Sales, LLC	STRIKE CQC Platform	1	\$12.35
6	LP476	A519AB	AKER INTERNATIONAL	DMS Series Handcuff/MagCombo for ASP Cuffs	1	\$47.35
7	MB1051 BLK MOLLE	E10-3021M-BLK	Eleven 10 LLC	Gen 7 C-A-T TQ case	1	\$31.24
8	LP081	90	SAFARILAND, LLC.	Safarilaminate Standard Cuff Case w/Snap	1	\$24.38
9	ZA964	573	SAFARILAND, LLC.	Model 573 Paddlcbck Handcuff/Mag-Holder	1	\$34.00
Squad/Swat						
1	TR135	74251	5.11 Inc.	100% Cotton Tactical Pant	1	\$41.27

2	SW439	41060	5.11 Inc.	SS Professional Polo w/ Embroidery	1	\$60.17
3	TT348	74433-19	5.11 Inc.	Tactical Stryke TDU Pants	1	\$61.95
4	UA707	1005684	UNDER ARMOUR	Tactical Tech Short Sleeve T-Shirt	1	\$14.58
5	TR627	64359	5.11 Inc.	Tactical Women's TDU Pant	1	\$44.67
6	JC483	602 001	Condor Outdoor Products Inc	Summit Softshell Tacket w/Hood	1	\$75.80
7	SR653	72185	5.11 Inc.	Tactical Rapid Assault Shirt	1	\$63.38
8	FT1108	RKC072	Rocky Brands Wholesale, LLC.	S2V Boot Predator Military Boot	1	\$135.00
9	FX192	12337-120	5.11 Inc.	Tactical Desert Speed 3.0 Side Zip Boot	1	\$67.92
10	FT2404	12422B	5.11 Inc.	Tactical A/T 8" Non-Zip Boot	1	\$106.58
11	FT1222	3021034 201	UNDER ARMOUR	Valsetz RTS 1.5 tactical boots	1	\$74.00
12	FT1515	922471-900	NIKE	SFB Gen 2 LT Boot	1	\$121.50
13	FZ341	88066	Streamlight	Protac Rail Mount HL-X weapon light	1	\$123.12
14	LP765	QUICK	SAFARILAND, LLC.	Quick locking system	1	\$31.25
15	LP778	6004-25-56	SAFARILAND, LLC.	Drop Flex Adapter	1	\$48.65
16	LR397	6004-16-56	SAFARILAND, LLC.	MLS Molle Locking Fork	1	\$10.45
17	MB1051 RGRN MOLLE	E10-3021M-RGR	Eleven 10 LLC	Gen 7 C-A-T Rigid TQ case	1	\$31.28
18	NP913	990802BK	Vista Outdoor Sales, LLC	Long safety lanyard	1	\$20.10
19	NY324 OD	311DV1OD	High Speed Gear, Inc.	Cobra Belt with D-ring	1	\$87.57
20	TP583 OD	31SPB2OD	High Speed Gear, Inc.	Slim Sure Grip padded belt	1	\$75.06
21	TP629 OD	31PB01OD	High Speed Gear, Inc.	Sure-Grip padded belt	1	\$80.90
22	TP630 OD	11PT000D	High Speed Gear, Inc.	Pistol taco universal mag pouch	1	\$26.69
23	TP631 OD	11TA000D	High Speed Gear, Inc.	Taco Single Rifle mag pouch	1	\$32.53
24	TP632 OD	11DD000D	High Speed Gear, Inc.	Taco double decker rifle/ pistol mag Pouch	1	\$40.87
25	TP635 OD	12DP000D	High Speed Gear, Inc.	Mag net dump pouch	1	\$45.04
26	TP717 OD	11DC000D	High Speed Gear, Inc.	Handcuff taco mole pouch	1	\$33.36
27	SA385	MAG502	MAGPUL INDUSTRIES CORP	Rail sling attachment	1	\$24.05
28	SA292	MAG503	MAGPUL INDUSTRIES CORP	MS3 Multi-mission sling	1	\$45.10
29	UA1468	229	Condor Outdoor Products Inc	Blood Type Carabiner Patch	1	\$3.50
30	BB371 BLK	151002	Condor Outdoor Products Inc	Double Rifle case 36"	1	\$82.00
S						
1	SJ079	1279759	UNDER ARMOUR	SS Tactical Performance Polo	1	\$51.04
2	TR135	74251	5.11 Inc.	100% Cotton Tactical Pant	1	\$41.27
3	SW439	41060	5.11 Inc.	SS Professional Polo, Plain	1	\$52.65
4	SW456	42056	5.11 Inc.	LS Professional Polo Plain	1	\$55.75
5	SW993	61165	5.11 Inc.	Women's Tactical Snag-free Performance SS Polo	1	\$50.02
6	SW977	VTX4000	FECHHEIMER BROTHERS UNIFORM CO	Vertex coldblack polo	1	\$55.00
7	TR641	64358	5.11 Inc.	women's tactical pant	1	\$39.70
8	TR980	64386	5.11 Inc.	women's tactical stryke pant	1	\$56.43
9	TR1663	1348667	UNDER ARMOUR	flex Tactical Pants	1	\$41.27

10	TJ361	74461	5.11 Inc.	Fast-Tac Urban Pant	1	\$35.25
11	TT824	74434	5.11 Inc.	Tactical Apex Pant	1	\$56.43
12	FT2401	12429-106	5.11 Inc.	Tactical A/T Trainer Boot	1	\$86.72
Uniform						
1	ST131	71322	5.11 Inc.	Tactical Bike Patrol Polo, Royal/Black	1	\$72.00
2	TR885	43057	5.11 Inc.	Bike Uniform Shorts	1	\$48.06
3	FT2401	12429-019	5.11 Inc.	Tactical A/T Trainer Boot	1	\$86.72
4	TR600	2098Z	MOCEAN	Bike Uniform Pants, Zip-off	1	\$41.85
5	FT2650	138313000	AMER SPORTS WINTER & OUTDOOR C	Speedcross 5 (Speedcross 4 is a transitional product from Saloman)	1	\$95.50
6	FT2068	3021952	UNDER ARMOUR	Charged Assert 8 Running Shoes	1	\$42.80
7	FT2571	BQ3207	NIKE	Women's Revolution 5 Running Shoes	1	\$47.85
Officers						
1	TR506	74273	5.11 Inc.	Taclite TDU pants, dark navy	1	\$39.70
2	SH697	71339	5.11 Inc.	Tactical Taclite TDU SS Shirt, Dark Navy	1	\$64.00
3	SR758	72054	5.11 Inc.	Tactical Taclite TDU LS Shirt, Dark Navy	1	\$67.80
4	SW111	2500 NAV	TRI-MOUNTAIN	Windstar Windshirt Microfiber Lined	1	\$55.85
5	NP826	31329	BIANCHI/SAFARILAND LLC	Patroltek 1-1/2" liner belt	1	\$17.38
6	NP818	31306	BIANCHI/SAFARILAND LLC	8007 Patroltek OC pouch	1	\$12.00
7	NP912 BLK	DL184	BIANCHI/SAFARILAND LLC	Patroltek nylon adjustable radio holder	1	\$21.65
8	NP365	EO2344	BIANCHI/SAFARILAND LLC	Accumold open top cuff case	1	\$18.10
9	NP238	SHG048	Galls, LLC	Molded Nylon Duty Belt	1	\$9.05
10	NP490 BLK	KS-G05	Galls, LLC	Molded nylon double staggered mag pouch	1	\$18.48
11	NP559	44A700BK	Vista Outdoor Sales, LLC	Molded ASP 21/26" baton holder	1	\$15.79
Negotiators						
1	TR506	74273	5.11 Inc.	Tactical Taclite Pro Pants, TDU Green	1	\$39.70
2	SR571	72175	5.11 Inc.	Tactical Taclite Pro LS Shirt, TDU Green	1	\$65.28

Bid Evaluation Form
City of Paducah
Project Name 2022-PPD 01

Evaluator No.: 2

Grading Criteria
Rating Values: 1 = Lowest - 10 = Highest
Calculation: Rating x Weight = Score

Firm Name: GALLS

GRADING CRITERIA

Measurements	Rating Value	Weight	Score
Bid Price	6	x40	240
Customer Service (Provide References)	2	x20	40
Ability to Provide Electronic Purchasing System	10	x20	200
Availability to Deliver Within 10 Business Days	2	x20	40
		Total Score:	480 520

Evaluation Date: 10 / 11 / 2022

Total Score Ranks 1 of 1

COMMENT SECTION

GALLS WAS THE ONLY BID.

City of Paducah

Evaluator No.: 4

Calculation: Rating x Weight = Score

Firm Name: Gall's

Measurements	Rating Value	Weight	Score
Bid Price	8	x40	320
Customer Service (Provide References)	1	x20	20
Ability to Provide Electronic Purchasing System	10	x20	200
Availability to Deliver Within 10 Business Days	1	x20	20
		Total Score:	560

Evaluation Date: 10 / 11 / 22

Total Score Ranks 1 of 1

CONTRACT

THIS CONTRACT made and entered into on this the _____ day of October, 2022, by and between the CITY OF PADUCAH, KENTUCKY, hereinafter referred to as the "City," and GALLS LLC, hereinafter referred to as the "Seller."

WITNESSETH:

THAT the Seller agrees to sell to the City, and the City agrees to purchase from the Seller for the price and upon the terms and conditions hereinafter set forth, certain tangible personal property as follows:

Uniforms and gear for sworn police officers, as per specifications, in an amount that shall exceed \$30,000 per calendar year, as contained in Seller's bid dated Oct. 10, 2022. This contract shall be in effect Jan. 1, 2023, through Dec. 31, 2024.

THIS contract is executed pursuant to Municipal Order Number _____, authorizing the same, as adopted by Board of Commissioners of the City of Paducah, Kentucky, on the 25th day of October, 2022.

WITNESS the hands of both parties hereto on the day and year first above written.

CITY OF PADUCAH, KENTUCKY

BY _____

CITY CLERK

GALLS LLC

BY _____

WITNESS

TITLE

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Authorize the City Manager to issue a Request for Proposals for Construction Services for Pickleball Courts to be constructed in Noble Park - **D. JORDAN & A. CLARK**

Category: Municipal Order

Staff Work By: Amie Clark

Presentation By: Amie Clark, Daron Jordan

Background Information: On May 3, the City issued an RFP for Pickleball Court Design and Construction Administrative services for Noble Park. Only one proposal was received. On July 26, the City approved a contract with Bacon Farmer Workmen for the design and construction administrative services for the development of pickleball courts to be constructed in Noble Park, in the amount of \$33,500. This municipal order authorizes the City Manager to release an RFP for Construction Services for Pickleball Courts. The project amount is not to exceed \$200,000 and will be allocated from Parks Project Account PA0125.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: Pickleball Project

Account Number: PA0125

Staff Recommendation: Approval

Attachments:

1. MO RFP – Noble Park Pickle Ball Courts 2022

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE CITY MANAGER TO
ISSUE A REQUEST FOR PROPOSALS FOR CONSTRUCTION SERVICES FOR
PICKLEBALL COURTS TO BE CONSTRUCTED IN NOBLE PARK

WHEREAS, on July 26, 2022, the City approved a contract with Bacon
Farmer Workmen for the design and construction administrative services for the
development of pickleball courts to be constructed in Noble Park; and

WHEREAS, the City now wishes to issue a Request for Proposals for
Construction Services for Pickleball Courts.

NOW THEREFORE, BE IT ORDERED BY THE CITY OF PADUCAH,
KENTUCKY:

SECTION 1. That the City Manager is hereby authorized and directed to
develop, advertise and initiate a Request for Proposals for construction services for pickleball
courts to be constructed in Noble Park.

SECTION 2. This Order will be in full force and effect from and after the
date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022
Recorded by Lindsay Parish, City Clerk, October 25, 2022
MO\RFP – Noble Park Pickle Ball Courts 2022

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Approve the Application for a FEMA DR-4663 Hazard Mitigation Grant in the Amount of \$975,000 - **R.MURPHY**

Category: Municipal Order

Staff Work By: Rick Murphy, Hope Reasons

Presentation By: Rick Murphy

Background Information: On July 29, 2022, Kentucky received Presidential Disaster Declaration FEMA-4663-DR-KY as a result of Severe Storms, Flooding, Landslides, and Mudslides occurring between July 26, 2022 and August 11, 2022 which affected 20 counties. In conjunction with this declaration, federal funds are now available through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) for eligible projects which will reduce damages from future events. FEMA HMGP funds will cover 75% of the eligible costs of an approved project with the non-federal share typically split between the state (12%) and the local applicant (13%).

The City requests to apply for funding for the 14th Street Sewer Project to improve stormwater infrastructure and reduce the risk of future flooding. This project is part of the Comprehensive Stormwater Master Plan and can be completed independently from other stormwater projects. The total cost of the project is \$1.3 million, and the City's match for this project is \$169,000. The state's match for the project is \$156,000.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: This aligns with the Commission's Continuous Improvement Priority of Stormwater.

Communications Plan:

Funds Available: Account Name: 14th Street Relief Sewer Project

Account Number: DR0011

Staff Recommendation: Authorize the application for the FEMA DR-4663 grant for the 14th Street Sewer Project.

Attachments:

1. MO app-FEMA DR-4663 Hazard Mitigation Grant – 14th Street Sewer Project

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR A DR-4663 HAZARD MITIGATION GRANT IN THE AMOUNT OF \$975,000 FOR THE 14TH STREET SEWER PROJECT.

WHEREAS, on July 29, 2022, Kentucky received Presidential Disaster Declaration FEMA-4663-DR-KY as a result of Severe Storms, Flooding, Landslides, and Mudslides occurring between July 26, 2022 and August 11, 2022 which affected 20 counties; and

WHEREAS, in conjunction with this declaration, federal funds are now available through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) for eligible projects which will reduce damages from future events; and

WHEREAS, if received, this grant will assist in funding for the 14th Street Sewer Project to improve stormwater infrastructure and reduce the risk of future flooding; and

WHEREAS, this project is part of the Comprehensive Stormwater Master Plan and can be completed independently from other stormwater projects; and

WHEREAS, the City of Paducah now wishes to authorize the grant application.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute a grant application and all documents necessary through the Federal Emergency Management Agency (FEMA) U. S. Department of Homeland Security for a DR-4663 Hazard Mitigation Grant in the amount of \$975,000 for the 14th Street Sewer Project.

SECTION 2. A local match of 13% is required. The local match of \$169,000 will be paid from the 14th Street Relief Sewer Project, Account Number DR0011. The State will cover the remaining 12% match in an amount of \$156,000.

SECTION 3. This order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, October 25, 2022

Recorded by Lindsay Parish, City Clerk, October 25, 2022

\mo\grants\app-FEMA DR-4663 Hazard Mitigation Grant – 14th Street Sewer Project

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Approval of Construction Contract for the Paducah Transient Dock Dredging Project with Dredge America, Inc. in the amount of \$995,000.00 base bid - **R. MURPHY & M. TOWNSEND**

Category: Municipal Order

Staff Work By: Melanie Townsend, Rick Murphy

Presentation By: Melanie Townsend

Background Information: Summary: Approving a construction contract with Dredge America, Inc. for hydraulic dredging per year of approximately 60,000 cubic yards of sedimentation affecting access to the Paducah Transient Dock.

Bids on the project were opened on September 28, 2022, with Dredge America, Inc. submitting a responsive and responsible base bid of \$995,000.00 with Option 1 at \$1,044,750.00 for 2nd year dredging and Option 2 at \$1,096,837.50 for 3rd year dredging for a project total of \$3,136,587.50. The City received a permit from The Kentucky Division of Water with US Army Corps of Engineers concurrence to perform a maximum of 60,000 cubic yards of dredging per year. Therefore, the dredging project is broken up into a three (3) year project to satisfy the requirements of the permit.

Bids Received

Dredge America, Inc \$ 995,000.00

The City has received a recommendation from HDR, Inc. that the bid from Dredge America, Inc. is a responsive bid and should be accepted as such.

Background: On April 24, 2020, a major disaster declaration, FEMA-4540-DR-KY, was signed by the President for the 2020 Flooding and Severe Weather Events occurring from February 2, 2020 through February 29, 2020. As a result, the City of Paducah applied for and received Disaster Relief Funding for the removal of sediment accumulation impeding access to the Transient Dock under Event 4540DR-KY. The Federal Emergency Management Agency (FEMA) has estimated \$4,422,158.10 total project cost with 90% Federal Share and 10% Non-Federal Share. FEMA has obligated \$3,979,942.29 in Federal funds for the Paducah Transient Dock Dredging Project. The Non-Federal Share of \$442,215.81 is split between State 4.8% (\$212,263.59) and Local 5.2% (\$229,952.22) cost shares.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan: Coordinate with the Communications Manager

Funds Available: Account Name: Dredging

Account Number: DT0047

Staff Recommendation: To receive and file the bids and adopt a Municipal Order authorizing the Mayor to execute a contract with Dredge America, Inc. in the amount of \$995,000 with two (2) option years for the Paducah Transient Dock Dredging Project..

Attachments:

1. agree-Dredge America, Inc. – Paducah Transient Dock Dredging Project
2. Dredging Legal Ad_Affidavit
3. Dredge America_Addendum 1 acknowledgement
4. Dredge America_Bid Pkg
5. Dredging Contract_Dredge America Inc
6. PRJ_Report_141805_20221017

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING AND APPROVING A CONSTRUCTION CONTRACT BETWEEN THE CITY OF PADUCAH AND DREDGE AMERICA, INC., FOR HYDRAULIC DREDGING OF APPROXIMATELY 60,000 CUBIC YARDS IN A BASE AMOUNT OF \$995,000, FOR THE PADUCAH TRANSIENT DOCK DREDGING PROJECT, AUTHORIZING THE CITY ENGINEER TO EXERCISE OPTIONS FOR DREDGING IN YEARS TWO AND THREE AS CONTAINED IN THE BID OF DREDGE AMERICA, INC., AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, on April 24, 2020, a major disaster declaration, FEMA-4540-DR-KY, was signed by the President for the 2020 Flooding and Severe Weather events occurring from February 2, 2020, through February 29, 2020; and

WHEREAS, as a result, the City of Paducah applied for and received Disaster Relief Funding for the removal of sediment accumulation impeding access to the Transient Dock under Event 4540DR-KY; and

WHEREAS, on September 3, 2022, the Engineering Department published in the *Paducah Sun* a Request for Bids for the Paducah Riverfront Transient Boat Dock Dredging Project; and

WHEREAS, bids on the project were opened on September 28, 2022, with Dredge America, Inc. submitting a responsive and responsible base bid of \$995,000.00 with Option 1 at \$1,044,750.00 for 2nd year dredging and Option 2 at \$1,096,837.50 for 3rd year dredging for a project total of \$3,136,587.50; and

WHEREAS, the City received a permit from The Kentucky Division of Water with US Army Corps of Engineers concurrence to perform a maximum of 60,000 cubic yards of dredging per year; and

WHEREAS, the City has received a recommendation from HDR, Inc., that the bid from Dredge America, Inc., is a responsive bid and should be accepted as such.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

SECTION 1. The City hereby authorizes and approves an Agreement with Dredge America, Inc., in the amount of \$995,000 for the Paducah Transient Dock Dredging Project. Further, the City hereby authorizes and empowers the City Engineer to accept Option 1

at \$1,044,750.00 for 2nd year dredging and Option 2 at \$1,096,837.50 for 3rd year dredging, as necessary and as contained in the bid of Dredge America, Inc., said bid being in substantial compliance with bid specifications, and as contained in the bid of Dredge America, Inc. of September 28, 2022.

SECTION 2. The Federal Emergency Management Agency (FEMA) has estimated \$4,422,158.10 total project cost with 90% Federal Share and 10% Non-Federal Share. FEMA has obligated \$3,979,942.29 in Federal funds for the Paducah Transient Dock Dredging Project. The Non-Federal Share of \$442,215.81 is split between State 4.8% (\$212,263.59) and Local 5.2% (\$229,952.22) cost shares.

SECTION 3. The local match in the amount of \$229,952.22 e shall be charged to Project DT0047.

SECTION 4. This order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, November 10, 2020
Recorded by Lindsay Parish, City Clerk, November 10, 2020
\\MO\agree-Dredge America, Inc. – Paducah Transient Dock Dredging Project

**CITY OF PADUCAH, KENTUCKY
ENGINEERING DEPARTMENT**

AGREEMENT FOR PADUCAH TRANSIENT DOCK DREDGING PROJECT

THIS AGREEMENT, made this _____ day of _____, 20__ by and between the **CITY OF PADUCAH**, hereinafter called the **OWNER**, and **DREDGE AMERICA, INC** hereinafter called the **CONTRACTOR**, for the consideration hereinafter named, agree as follows:

ARTICLE 1. SCOPE OF WORK

The Contractor agrees to furnish all the necessary labor, materials, equipment, tools and services necessary for the **PADUCAH TRANSIENT DOCK DREDGING PROJECT**. All Work shall be in accordance with this Agreement, the Plans, Specifications and any Addendum(s) issued.

Throughout the performance of this Contract, the Engineering Department of the City of Paducah shall, in all respects, be acting as both Engineer and agent for the Owner, City of Paducah. All work done by the Contractor shall be completed under the general supervision of the Engineer.

ARTICLE 2. TIME FOR COMPLETION AND LIQUIDATED DAMAGES

The Contractor hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project within **TWENTY-ONE (21)** consecutive calendar days thereafter.

Failure of the Contractor to complete the work in the time specified above plus any extensions allowed in accordance with the General Conditions shall result in the assessment of liquidated damages for the delay (not as a penalty). Liquidated damages shall be in the amount of **\$500.00** per consecutive calendar day for failure to meet the final completion date and shall be withheld from final payment.

ARTICLE 3. THE CONTRACT SUM

The Owner agrees to pay the Contractor for the performance of the Contract, subject to additions and deductions provided therein: Base Bid: **NINE HUNDRED, NINETY-FIVE THOUSAND DOLLARS** (\$995,000.00), Option One: **ONE MILLION, FORTY-FOUR THOUSAND, SEVEN HUNDRED FIFTY DOLLARS** (\$1,044,750.00), Option Two: **ONE MILLION NINETY-SIX THOUSAND, EIGHT HUNDRED THIRTY-EIGHT DOLLARS AND FIFTY CENTS** (\$1,096,837.50) as quoted in the Bid Proposal by the Contractor dated SEPTEMBER 28, 2022, which shall constitute full compensation for the work and services authorized herein.

ARTICLE 4. PROGRESS PAYMENTS

The Contractor may submit each month, and no more than once a month, a Request for Payment for work completed in accordance with the Specifications. The Owner will make partial payments on or about thirty **(30)** days after submission of a properly completed invoice and approval of the completed work. At the Engineer's discretion, a ten percent **(10%)** retainage may be held until final completion and acceptance of the work.

ARTICLE 5. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due sixty, **(60)** days after substantial completion of the work, provided the work will then be fully completed and the Contract fully performed in accordance with the specifications.

ARTICLE 6. GOVERNING LAW

The Parties agree that this Agreement and any legal actions concerning its validity, interpretation and performance shall be governed by the laws of the Commonwealth of Kentucky. The parties further agree that the venue for any legal proceeding relating to this Agreement shall exclusively be in McCracken County, Kentucky.

ARTICLE 7. THE CONTRACT DOCUMENTS

The Plans, Specifications and any addendum that may have been issued are fully a part of this Contract as if thereto attached or herein repeated. As well as the FEMA Certifications Affidavit signed and attached.

IN WITNESS WHEREOF:

The parties hereto have executed this Agreement, the day and year first above written.

CONTRACTOR

BY _____
TITLE _____

ADDRESS:

CITY OF PADUCAH, KENTUCKY

BY _____
George Bray, Mayor

ADDRESS:
Post Office Box 2267
Paducah, Kentucky 42002-2267

Suspension and Debarment

This contract is a covered transaction for purposes of 2 C.F.R. Part 180 and 2 C.F.R. Part 3000. As such, the contractor is required to verify that none of the contractor's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

The contractor must comply with 2 C.F.R. Part 180, subpart C and 2C.F.R. Part 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

This certification is a material representation of fact relied upon by City of Paducah, Kentucky. If it is later determined that the contractor did not comply with 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C, in addition to remedies available to City of Paducah, Kentucky, the federal government may pursue available remedies, including but not limited to suspension and/or debarment.

The bidder or proposer agrees to comply with the requirements of 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions."

Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended)

Contractors who apply or bid for an award of more than \$100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the federal awarding agency.

Byrd Anti-Lobbying Amendment

NFEs who intend to award contracts of more than \$100,000, and their contractors who intend to award subcontracts of more than \$100,000, must include a contract provision prohibiting the use of federal appropriated funds to influence officers or employees of the federal government. Contractors that apply or bid for a contract for more than \$100,000 must also file the required certification regarding lobbying.⁵³

Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an employee of a federal agency, a Member of Congress, an employee of Congress, or an employee of a Member of Congress in connection with receiving any federal contract, grant, or other award covered by 31 U.S.C. § 1352.

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.” Each tier must also disclose any lobbying with non-federal funds that takes place in connection with obtaining

any federal funding. These disclosures are forwarded from tier to tier, all the way up to the federal awarding agency.

“The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.”

Signature of Contractor’s Authorized Official

Name and Title of Contractor’s Authorized Official

Date”

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Authorize the Acceptance of a Community Development Block Grant in the Amount of \$1 Million on behalf of the Paducah/McCracken County Senior Center - H. REASONS

Category: Municipal Order

Staff Work By: Hope Reasons

Presentation By: Hope Reasons

Background Information: The CDBG Community Projects program is designed to provide funds for community development projects that address human service needs, such as senior centers, crisis centers, fire stations and facilities that provide services to low-income persons. The Senior Citizen Center of Paducah-McCracken County has identified 1.3 acres of land at 16th and Kentucky Avenue to build a new facility. Phase 1 of their plan includes the purchase of the land and constructing a new, 7,000 square foot building. The City of Paducah will be the applicant on behalf of the Center. The funding will be used toward construction of the building. The Center has committed \$150,000 for the acquisition of the land and architectural fees. There is no match required from the City. The Commission approved the application for this grant with MO 2619.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Authorize the acceptance of the CDBG and the Mayor to sign all documents associated with the grant agreement.

Attachments:

1. MO accept – cdbg - Senior Center - 2022
2. CV Prelim approval letter Paducah Senior Center 20C-211

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A 2022 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$1 MILLION THROUGH THE DEPARTMENT FOR LOCAL GOVERNMENT TO BE USED TO BUILD A NEW FACILITY FOR THE PADUCAH/MCCRACKEN COUNTY SENIOR CENTER, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, the CDBG Community Projects program is designed to provide funds for community development projects that address human service needs, such as senior centers, crisis centers, fire stations and facilities that provide services to low-income persons; and

WHEREAS, the Senior Citizen Center of Paducah-McCracken County has identified 1.3 acres of land at 16th and Kentucky Avenue to build a new facility; and

WHEREAS, Phase 1 of their plan includes the purchase of the land at 16th and Kentucky Avenue and constructing a new, 7,000 square foot building; and

WHEREAS, the Paducah City Commission adopted Municipal Order No. 2619 on July 26, 2022, to apply for a 2022 Community Development Block Grant in the amount of \$1.5 Million through the Department for Local Government to be used to build a new facility for the Paducah/McCracken County Senior Center; and

WHEREAS, the Department for Local Government is ready to award the grant in an amount of \$1 Million; and

WHEREAS, the City of Paducah now wishes to authorize acceptance of said grant funds.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby accepts a 2022 Community Development Block Grant in the amount of \$1 Million through the Department for Local Government to be used for the Paducah/McCracken County Senior Center to build a new facility. Further, the Mayor is hereby authorized to execute all documents relating to same to accept said grant. The Paducah/McCracken County Senior Center has committed \$150,000 for the acquisition of land and architectural fees. No matching funds will be required from the City.

SECTION 2. This order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners October 25, 2022
Recorded by Lindsay Parish, City Clerk, October 25, 2022
\\mo\grants\accept – cdbg - Senior Center - 2022



Andy Beshear
Governor

OFFICE OF THE GOVERNOR
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD, THIRD FLOOR
FRANKFORT, KENTUCKY 40601
PHONE (502) 573-2382
FAX (502) 227-8691
www.kydlgweb.ky.gov

Dennis Keene
Commissioner

October 21, 2022

The Honorable George Bray
Mayor, City of Paducah
300 South 5th Street
Paducah, KY 42002

RE: Paducah – McCracken County Senior Center CDBG-CV Project
Community Development Block Grant #20C-211

Dear Mayor Bray:

On behalf of Governor Andy Beshear and the staff of the Department for Local Government (DLG), we wish to congratulate you on your selection as a recipient of Community Development Block Grant – CV (CDBG-CV) funds. Preliminary approval has been granted for the above referenced project in an amount not to exceed \$1,000,000. This approval is contingent upon your acceptance of the conditions outlined below:

1. The applicant will provide assurance that it will enter into a grant agreement by December 1, 2022.
2. The applicant will accept the funding level shown above and bear all cost overruns.
3. The applicant will provide assurance that the project will be advertised for bid within three (3) months and a contract awarded within four (4) months from the date of the executed grant agreement. If the project cannot be advertised for bid and under contract within this time frame, the applicant will inform DLG that it will not accept the funding, but will instead re-apply when the project is ready to bid.
4. The applicant will provide assurance that it is aware the CDBG-CV funds cannot be used to provide space for government offices.
5. CDBG-CV funds are not eligible to pay for the purchase of furniture, fixtures, and other equipment.
6. Applicant will ensure that federal and state audit requirements are met.



An Equal Opportunity Employer M/F/D

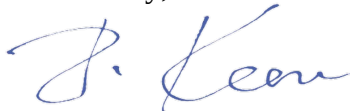
7. The applicant will provide assurance that the building's design is in compliance with all Americans with Disabilities Act (ADA) and Uniform Federal Accessibility Standards (UFAS) requirements.
8. The applicant will provide assurance that Davis-Bacon rates will be incorporated into all construction contracts where they are applicable.
9. The applicant agrees that the project cannot be advertised for bids until granted an Environmental Clearance from DLG.
10. The applicant will ensure compliance with Title I of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity, Section 504, Drug Free Workplace requirements, and the furthering of Fair Housing and promoting nondiscrimination. In addition, the applicant ensures compliance with all other State and Federal laws.
11. The applicant must ensure they will adopt the Kentucky Community Development Block Grant (KCDBG) Procurement Code specific to procuring all contract work for the above referenced project.

Please indicate your acceptance of these conditions by signing below. Please email signed document to DLG.OFG@ky.gov by October 26, 2022. Following receipt of your signature a grant agreement will be prepared. Once the grant agreement has been drafted, DLG staff will contact you to schedule a grant agreement meeting.

Please note that you may not incur any costs to be reimbursed with CDBG funds, except for certain costs relating to planning and architectural services, until you have entered into a grant agreement with the Commonwealth and received Environmental Clearance. Any costs incurred or obligations made prior to receiving a fully executed copy of the grant agreement are at your own risk.

We look forward to working with your community with this grant. If you have any questions, please contact Travis Weber at 502-892-3185.

Sincerely,



Dennis Keene,
Commissioner

c: Stacey Courtney – Purchase ADD

The Honorable George Bray
October 21, 2022
Page 3

By affixing my signature below, I, the authorized representative of the applicant, do hereby agree to the conditions set forth above.

**The Honorable George Bray
Mayor, City of Paducah**

Date

Agenda Action Form

Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Approve payment to Mike Goode Excavating for demolition services for the property at 1501 Broadway ("Katterjohn building") in an amount of \$60,000.00 - **S. KYLE**

Category: Ordinance

Staff Work By: Steve Kyle, Greg Cherry, Daron Jordan

Presentation By: Steve Kyle

Background Information: Evergreen Development, LLC took ownership of 1501 Broadway on May 7, 2021. Although the building was already in serious disrepair when that company purchased it, the structures on the property deteriorated even further since then and graffiti, vagrancy, high grass, rubbish and security have been a constant issue. No less than 24 notices related to citations for nuisance and property maintenance violations, as well as notices of liens were mailed to the Owner at a California address listed at the PVA's office. Notices were also posted to the property and courtesy copies were mailed locally to an individual believed to be a member of Evergreen Development. Following a meeting with this individual in late April 2022, and despite being advised that vagrants and children were going in and out of the building, Evergreen took no action toward upkeep of the property. It remained unsecured, requiring the City to secure it frequently. The City was also required to mow and abate rubbish on the property for the entire mowing season. Each of the notices sent to the California address were returned and noted as "Refused," "Vacant," or "Unable to forward." The City received no responses from the courtesy copies mailed to a local address, nor any response to notices physically posted on the property.

More recently, a tarp that had covered a hole in a portion of the roof shifted or blew off exposing the hole. Due to concerns of larger collapse, and having received numerous reports of vagrants and kids entering the property, and City personnel being required to be near the property for nuisance investigation and abatement Gardner Engineering Consultants assessed the property's structural integrity. On September 13, 2022, it was the structural engineer's opinion that several parts of the property required immediate demolition including: a majority portion of the rear single-story structure, the brick chimney stack adjacent to the old boiler building, and the entire front porch structure. The main building was condemned that day. Notices were posted and mailed to Evergreen Development. With no further communication, a "Failure to Comply" notice was posted and mailed, indicating that Evergreen had 7 days to appeal, or the City would hire a contractor to raze the property. That period expired, the building continued to deteriorate, and individuals continued to make entry.

On October 10, 2022, Deputy Chief Cherry issued an Emergency Demo order, due to additional complaints and evidence of entry into the unstable building.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan: N/A

Funds Available: Account Name: MR0094

Account Number: ARPA - Katterjohn

Staff Recommendation: Ratify the City Manager's Declaration of Emergency and authorizing payment to Mike Goode Excavating for demolition services at 1501 Broadway.

Attachments:

1. ORD Emergency - Katterjohn Demolition 2022 – Mike Goode Excavating

ORDINANCE 2022-_____

AN ORDINANCE APPROVING AN AGREEMENT FOR DEMOLITION SERVICES WITH MIKE GOODE EXCAVATING IN AN AMOUNT OF \$60,000.00 FOR EMERGENCY PARTITION DEMOLITION SERVICES TO THE KATTERJOHN BUILDING LOCATED AT 1501 BROADWAY; RATIFYING THE CITY MANAGER'S DECLARATION OF AN EMERGENCY AND EXECUTION OF SAID AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, Evergreen Development, the owner of 1501 Broadway, failed to keep the property secured, mowed, clear of rubbish and debris, and otherwise allowed the property to fall further into a state of disrepair, nuisance, and in violation of the Paducah Code of Ordinances; and

WHEREAS, the City has received numerous reports of vagrants and children entering and existing the "Katterjohn building" located at 1501 Broadway; and

WHEREAS, Evergreen further failed to respond to no less than 24 citations, notices, and correspondence requesting the nuisances be abated, resulting in City personnel and City contractors performing abatement at 1501 Broadway throughout 2022; and

WHEREAS, after the Katterjohn building's roof was observed collapsing and attempts to secure the building had failed, the building was condemned on September 13, 2022 and notice was mailed to Evergreen Development and posted to the property; and

WHEREAS, the Condemnation notice and subsequent Failure to Comply notice were returned to the City by the USPS as "undeliverable";

WHEREAS, a structural engineer from Gardner Engineering Consulting, PLLC has made a determination that the structure is not safe for public occupancy and several portions of the building(s) on the property must be demolished immediately;

WHEREAS, the City Manager has made a written determination that an emergency exists which will cause public harm as a result of the delay in competitive procedures, in accordance with the City of Paducah Code of Ordinances Sec. 2-659 and KRS 45A.380; and

WHEREAS, the City Manager entered into an agreement for Demolition and removal services on behalf of the City of Paducah with Mike Goode Excavating; and

WHEREAS, the Board of Commissioners now wish to ratify the Agreement for Demolition Services with Mike Goode Excavating for the emergency partial demolition at 1501 Broadway;

NOW THEREFORE, BE IT ORDAINED BY BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:

Section 1. Authorizations & Recitals. The City hereby authorizes and approves an Agreement for Demolition Services with Mike Goode Excavating, in the amount of \$60,000.00 for emergency partial demolition of portions of the Katterjohn building located at 1501 Broadway. Further, the City hereby ratifies the City Manager's agreement for demolition services and ratifies the City Manager's declaration of an emergency. This expenditure shall be charged to Project Account # MR0094 (ARPA-Katterjohn).

Section 2. Emergency Declared. Pursuant to KRS 83A.060(7), the City Commission suspends the requirement of a second reading of this ordinance. As grounds therefore, the City Commission does hereby declare an emergency to exist due to the need for immediate action to prevent public harm that could result from the instability of the building.

Section 3. Effective Date. This ordinance shall become effective immediately upon its adoption by affirmative vote of 2/3 or more of the legislative body.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced & Adopted by the Board of Commissioners _____, 2022

Recorded by Lindsay Parish, Paducah City Clerk, _____, 2022

Published by The Paducah Sun, _____

ORD\Emergency - Katterjohn Demolition 2022 – Mike Goode Excavating

Prepared by Attorney Kristen Worak, KKHB

Agenda Action Form Paducah City Commission

Meeting Date: October 25, 2022

Short Title: Zoning Text Amendments - **J. SOMMER**

Category: Ordinance

Staff Work By: Josh Sommer
Presentation By: Josh Sommer

Background Information: The Paducah Planning Commission has forwarded a favorable recommendation to the Board of Commissioners to approve text changes to Section 126-32 Zoning of Annexed Land; Section 126-76 Sign regulations; Section 126-98 Accessory Dwelling Unit (ADU); Section 126-120 Neighborhood Services Zone, NSZ and Section 126-176 Planning Commission

Does this Agenda Action Item align with a Commission Priority? Yes
If yes, please list the Commission Priority: Community Growth & Housing

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval

Attachments:

1. ORD 126 Zoning Text Amendment – Annexed Land, signs, ADU, NSZ, Planning
2. Signed Resolution

T

TEXT AMENDMENT PADUCAH BOARD OF COMMISSIONERS

CASE NO.	TXT2022-0003
TITLES	126-32 Zoning of annexed land; 126-76 Sign regulations; 126-98 Accessory dwelling unit (ADU); 126-120 Neighborhood Services Zone, NSZ; 126-162 Planning Commission
DESCRIPTION	Text change to provide for: • Initial zoning policy upon annexation. • Clarify time limits for certain temporary signs. • Clarify sign size requirements in commercial and industrial zones. • Clarify the location of accessory dwellings units to be outside of a principal structure. • Add bed and breakfasts as a conditional use in the Neighborhood Services Zone. • Bring public hearing requirements into compliance with KRS 100 and KRS 424. • Change when development plans are needed in certain instances. • Remove the requirement for a sketch plan for the consideration of preliminary development plans in order to be more business friendly.

PROCEDURAL NOTE

Zoning text amendments are first heard before the Paducah Planning Commission at a public hearing, pursuant to KRS 100.211 (2). The Planning Commission has forwarded a positive recommendation to the Board of Commissioners for the adoption of the following text amendments on September 8, 2022.

CONSIDERATIONS

Currently, newly annexed territory receives an automatic R-1 Low Density Residential Zone designation. However, it is staff's belief the R-1 Zone was to be temporary while a new zone is petitioned for. In order for the property to maintain the flexibility of uses pursuant to KRS 100.209, staff, working through legal counsel, hopes to establish zoning at the same time as annexations takes place.

The sign code currently has specific time limits for different temporary signs. In order to comply with Reed v. Gilbert to keep from signs being read to determine which kind of sign is present, uniform time limits have been applied to all temporary signs. Additionally, structures in commercial or industrial zones would be allowed to have at least one wall sign per façade, up to 20% of the total façade. To avoid confusion on signage calculations, a clarification has been made that the first 30 feet of height of a façade shall be utilized to calculate wall signage. Initially, it was construed it was 30 linear feet. This clarification helps to maintain scale, balance and viewshed.

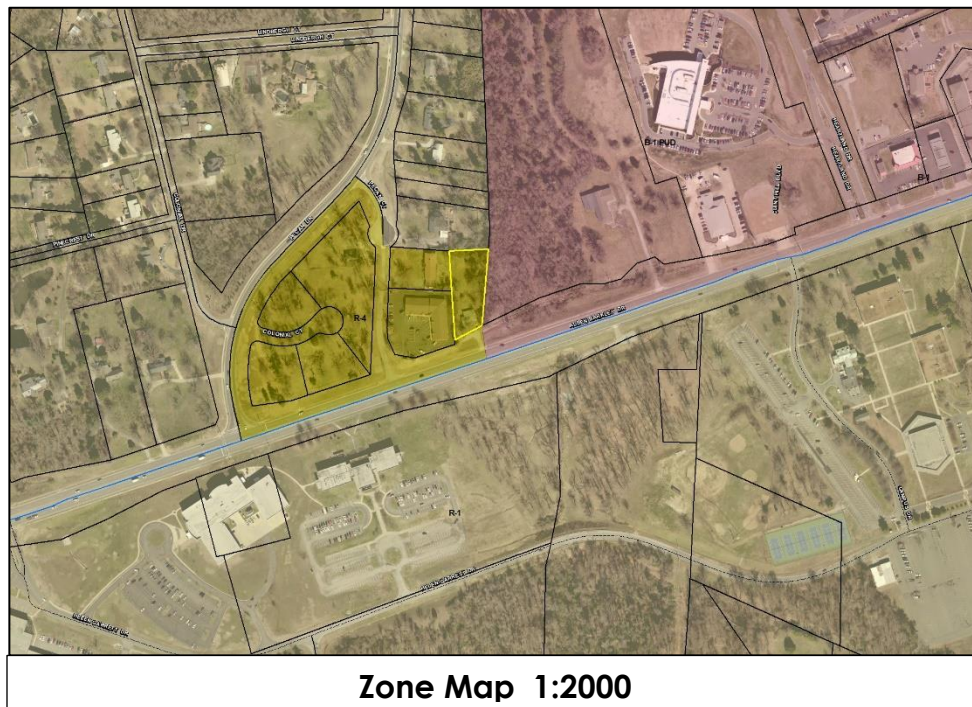
When the Accessory Dwelling Unit (ADU) text was adopted, it was the intent for ADUs to be separate structures. As currently written, a two-family structure could be construed to be a primary structure with an adjoined ADU. This text amendment clarifies the intent of the ADU regulations.

The Neighborhood Services Zone (NSZ) currently does not have bed and breakfasts as a conditional use. The NSZ has several principally permitted uses promulgating from the R-4 High Density Residential Zone, such as places of worship, multi-family dwellings, home occupations, professional offices and daycares. The NSZ also allows higher-intensity uses as conditional uses such as retail and restaurants.

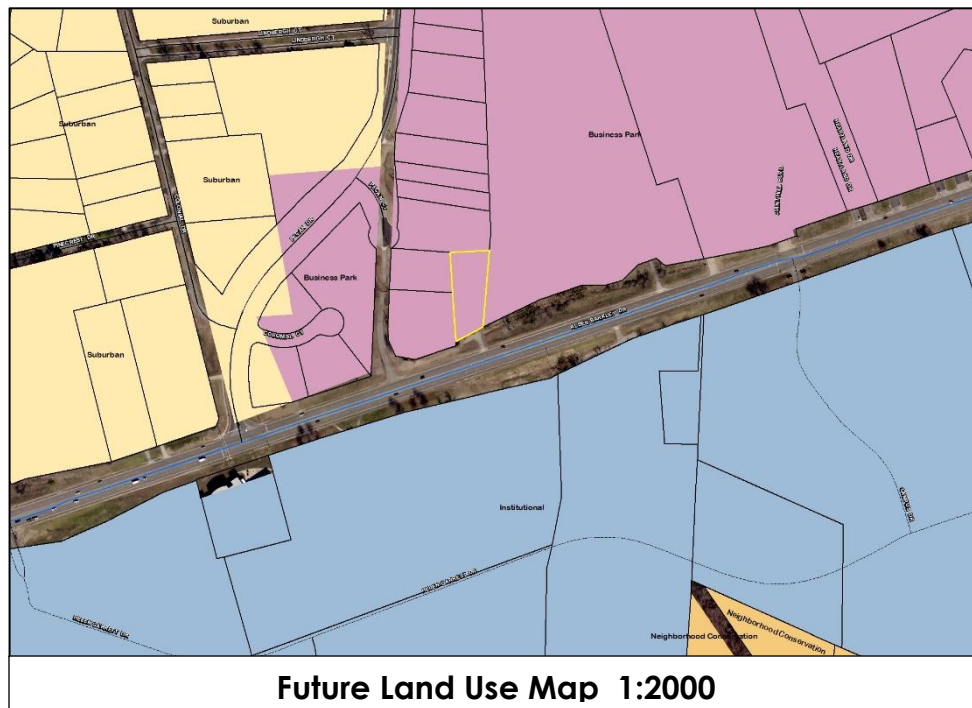
Since a bed and breakfast is a principally permitted use in the R-4 Zone, is it reasonable to conclude this type of land use be conditionally permitted in the NSZ due to other similar uses in the R-4 Zone and higher-intensity uses being conditionally approved. The Historic and Architectural Review Commission (HARC) is the body that approves conditional uses in the NSZ.

The Zoning Ordinance stipulates when development plans are required. However, it is staff's opinion that there are times when development plans should not be required in very limited cases. Most of the developments in rezoning cases, planned unit developments, multiple principal structures and locations in the MU and A-1 Zones will require a development plan to ensure traffic circulation, compatibility with the neighborhood, site impacts, setbacks and other facets of development review.

An example of when a preliminary development plan may not be required is in the case of 4955 Alben Barkley Drive, zoned R-4 High Density Residential Zone. This is an approximate 34,473 square foot lot that contains an approximate 2,210 square foot single-family home that has been for sale or rent many times in recent years. The driveway traverses down the bank of Alben Barkley Drive. The house sits approximately 18.5 feet from the front property line, thereby making it a nonconforming structure. The prescribed front yard setback in the R-4 Zone is 25 feet.



The property owner has explored and discussed with staff the possibility of rezoning the property from R-4 High Density Residential to B-1 Convenience & Service Zone to better position the property for a higher and better use. The B-1 Zone lies to the east of this property; therefore, it would be a continuation of the B-1 Zone. A commercial office building and two-family structure is located to the west of this site, commercial uses to the east, a single-family home to the north and West Kentucky Community and Technical College across Alben Barkley Drive to the south. Traffic counts on Alben Barkley Drive range from 9,208 vehicles a day at St. Thomas Moore church to 9,696 vehicles a day at South 40th Street. The Future Land Use Map shows the property to be “Business Park” in the future, and not residential.



Based on the following Findings of Fact, staff would request a preliminary development plan be waived:

1. The zone change would comply with the Future Land Use Map.
2. The surrounding properties are shown as Business Park and not residential.
3. Traffic counts range between 9,208 to 9,696 vehicles a day.
4. The single-family home is nonconforming with respect to the front yard setback.
5. Medical uses are located to the east, office uses to the west and educational facilities are located to the south.
6. B-1 Convenience & Service Zone is located to the east of this site; therefore, this would be a continuation of the B-1 zone.
7. This home is the only residential structure along Alben Barkley Drive between Interstate 24 and Pecan Drive.

The Findings of Fact speak to the highest and best use of this property being a commercial use. Therefore, staff is of the opinion a preliminary development would not be required.

Another instance of when preliminary development plans would not be required is when a structure is already constructed on the property. This has been the case in the past for properties such as Banks Market, Hucks, Tenacity Training and Finish Line Car Wash.

As currently written, a sketch plan is required before the preliminary development plan. However, since 1992 when this section was adopted, the Planning and Engineering Departments have developed a specific guideline of items needed for a site plan. Web based platforms such as Open Counter and our GIS mapping site have been developed. The sketch plan has become obsolete as the City Code of Ordinances (containing the zoning regulations therein) are publicly available and other technological advances have allowed developers to produce preliminary development plans that are highly detailed.

TEXT AMENDMENT

The proposed amendment is as follows:

Sec. 126-32 - Zoning of annexed land.

~~Upon annexation of new areas by the city, such areas shall be placed in an R-1 zone classification. Within sixty (60) days following the final acceptance of the annexed area by the city, the Planning Commission shall establish and advertise, as required by law, a public hearing to zone the land in question. All land use regulations that applied to the property shall be preserved as before the annexation, pursuant to KRS 100.209. If no action is taken to initially zone the property within sixty (60) days by either the Board of Commissioners or the Planning Commission, the property shall automatically be assigned the R-1 Low Density Residential Zone.~~

Sec. 126-76. - Sign regulations.

- (a) *Purpose.*
- (b) *Findings.*
- (c) *Applicability and message neutrality.*
- (d) *Definitions.*
- (e) *Prohibited signs.*
- (f) *Exempt signs.*
- (g) *Temporary signs.*

- (1) Temporary signs generally. Except as otherwise allowed in this chapter, all temporary signs not classified as exempt signs shall:
 - a. Be allowed on private property only. Sandwich board signs may be allowed on public rights-of-way in accordance with subsection (7).
 - b. Be placed only by the property owner, or with the property owner's permission.
 - c. Not diminish public safety such as placement in a sight visibility triangle.
 - d. Not be mounted on a roof.
 - e. Not be illuminated indirectly or internally.
 - f. Be in place for a period not to exceed sixty-seven (67) consecutive days, at which time the sign must be removed or replaced with a different sign.
- (2) Construction signs. During a construction period, signs may be placed to announce construction.
 - a. Such signs shall not exceed sixteen (16) square feet in residential and one hundred (100) square feet in non-residential areas.
 - ~~b. Such signs shall be erected no more than thirty (30) days prior to the beginning of construction.~~
 - ~~c. Such signs shall be removed within ten (10) days after completing construction.~~
- (3) Wall and freestanding temporary signs. Temporary wall and freestanding signs shall:
 - a. Be a maximum of twenty (20) square feet when located in residential zones;
 - b. Be a maximum of fifty (50) square feet when located in non-residential zones; and
 - c. Be limited to one (1) sign per parcel for each street frontage.
 - ~~d. Be placed for no more than thirty (30) days.~~

(4) Pole banners.

- a. Be a maximum of twelve and one-half (12.5) square feet when located in residential zones.
- b. Be a maximum of sixteen and one-half (16.5) square feet when located in non-residential zones.
- c. All banners shall be securely affixed to a mounting structure.
- d. Banners shall not be hung as canopy signs, flown as flags or used as any other form of permanent sign.
- e. Banner materials shall be weather-resistant fabric, plastic or vinyl.
- f. Poles and materials must be compatible and compliant with design standards if placed in a historic district.
- g. The City reserves the right to remove any pole banners at any time.

(5) Street banners.

- a. In order to promote events of a civic and public nature in the Downtown or other commercial areas; any person, firm, corporation or organization may hang a vertical banner on cantilevered arms in designated locations. Further, pennants, flags or banners may be affixed to utility poles equipped by the City for such purposes.
- b. Generally, it shall be unlawful for any person to suspend any banner across or along any street, sidewalk or other public way of the City for any purpose.
- c. Banners reflecting a price, a business, or the promotion of goods or services are prohibited.
- d. Banners may reflect only one (1) theme at any given time within a district (Downtown, Wallace Park or Fountain Avenue for example). Different districts may have different themes at the same time.
- e. Banners shall not exceed one hundred fifty (150) square feet and not cause any interference or disruption in vehicular or pedestrian traffic.
- f. The City reserves the right to remove any banner at any time.

(6) Special events. Signs promoting a special event may be placed no more than sixty (60) days prior to the event and shall be removed no later than forty-eight (48) hours after the event has ended. Said signs shall be placed on the property on which the event shall take place and shall not exceed thirty-two (32) square feet.

(7) Sandwich board signs.

- a. Sandwich board signs shall be no taller than thirty-six (36) inches in height and no wider than twenty-four (24) inches;
- b. Such signs may only be placed on a sidewalk that has a minimum of eight (8) feet in width;
- c. All signs must be compliant with ADA standards and maintain a minimum of five (5) feet of clearance from tables, chairs, bike racks or other appurtenances at all times. Placement shall not interfere with pedestrian or vehicular traffic.
- d. The sign must be constructed of weather resistant materials and shall be maintained in good repair.

(8) During times of election. During times of primary, state or federal elections involving candidates from federal, state or local office that represents the district in which the property is located or involves an issue on the ballot within the district where the property is located, one (1) additional temporary sign per issue or candidate shall be allowed. ~~Such additional signs shall be allowed~~

~~beginning sixty (60) days prior to the date of the primary, state or federal election and shall be removed five (5) days after the election.~~

(9) Additional temporary signs are allowed as follows:

- a. During times of sale or rent. One (1) additional temporary sign may be located on a property subject to the following parameters:
 1. The owner consents and the property is being offered for sale or rent through a licensed real estate agent;
 2. The property is offered for sale or rent by the property owner through advertising in local media; and
 - ~~3. Such sign shall be removed within fifteen (15) days following the date on which a contract for sale has been executed between the buyer and seller or a rental agreement has been executed between lessor and lessee.~~
 4. 3. Said sign shall not exceed four (4) square feet.
- b. During times property is open to the public. One (1) additional temporary sign may be located on the property on a day when the property owner is opening the property to the public; however, the owner may not use this type of sign for more than fifteen (15) days a year. Such sign may not exceed four (4) square feet.
- c. One (1) additional temporary sign shall be allowed upon submittal of a final development application or issuance of a building permit and shall terminate upon the issuance of any certificate of occupancy or for approval to connect to electric power for the work authorized by the building permit. Such sign shall not exceed four (4) square feet.

(h) *Permit requirements.*

(i) *Signs exempt from permit requirements.*

(j) *Nonconforming signs.*

(k) *Illegal signs.*

(l) *General regulations.*

(m) *Signs allowed by specific zoning district.*

(n) *Residential and Mixed-Use Zones (R-1, R-2, R-3, R-4, NSZ, NCCZ and MU)*

(o) *Professional, commercial and industrial zones (B-1, B-2, B-3, HBZ, M-1, M-2, M-3, HM, POP, and A-1).*

- (1) One (1) freestanding sign per street frontage; additionally, one (1) freestanding sign for every three hundred (300) linear feet of street frontage.
 - a. Freestanding signs shall not exceed seventy-five (75) square feet, twenty-five (25) feet in height and shall have a minimum setback of five (5) feet. When street frontage permits two (2) signs, the freestanding signs may be combined into one (1) freestanding sign that shall not exceed one hundred ten (110) square feet. For buildings with more than one (1) occupying business, this freestanding sign may list all businesses within the building.
 - b. Monument type freestanding signs shall not exceed sixty (60) square feet, eight (8) feet in height and shall have a minimum setback of five (5) feet.
- (2) ~~One (1) wall sign, canopy sign or awning sign per street frontage with~~ There shall be a maximum of four (4) wall, canopy or awning signs per building or structure. The maximum allowed area for all signage in these zones is thirty-two (32) square feet or twenty (20) percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. A maximum of the first thirty (30) feet of the height of the façade shall be used to calculate the square footage area of a wall

sign. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two (2) or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.

- (3) One (1) message board either attached to a wall sign or freestanding sign not to exceed thirty-two (32) square feet and eight (8) feet in height.
- (4) One (1) drive-thru facility sign for each drive-thru lane, walk-up window or drive-up curbside. Drive-thru facility signs shall not exceed fifty-five (55) square feet and shall have a maximum height of eight (8) feet.
- (5) One (1) temporary sign per street frontage.
- (6) Theater marquee signs.
 - a. A marquee shall not exceed thirty-two (32) square feet, shall not project more than eight (8) feet from the building face and shall have a minimum clearance of ten (10) feet.
- (7) Incidental signs shall not exceed two (2) square feet.
- (8) Buildings used for religious or educational activities.
 - a. In addition to signage allowed above, one (1) message board, not exceeding thirty-two (32) square feet and eight (8) feet in height.
- (1) ~~(9)~~ Subdivision - One (1) subdivision monument sign per entrance into a commercial or industrial subdivision not to exceed forty-eight (48) square feet and ten (10) feet in height. Said sign shall have a setback of 10 (ten) feet from the traveled portion of the public way.
- (9) ~~(10)~~ Single-family, two-family and multi-family dwellings shall follow the provisions of subsection (n).
- (10) ~~(11)~~ Perforated signs shall be allowed; however, they shall be either 50/50 or 60/40 perforation. No perforated sign shall be placed over ingress/ egress door.
- (11) ~~(12)~~ Neon signs are allowed.

(p) *Historic Downtown area (B-2-T, H-1 and H-2)*

(q) *Additional signage allowed in specific commercial and industrial zones.*

(r) *Planned Unit Development (PUD).*

(s) *Replacement advertising signs.*

(t) *Advertising on Interstate Highways.*

(u) *Substitution clause.*

Sec. 126-98. Accessory dwelling unit (ADU).

Accessory dwelling units (ADUs) shall be principally permitted in every zone in the City. ADUs shall not constitute a dwelling unit for purposes of calculating density. All ADUs are subject to the following:

- (1) One (1) ADU may be permitted per single-family residential dwelling per lot. The property owner must reside in either the principal dwelling or the ADU as their permanent residence.
- (2) ADUs are permitted in the rear yard only ~~if not contained within the footprint of the home.~~
- (3) The maximum ADU size is fifty (50) percent of the rear yard behind the principal dwelling, not to exceed the ground floor area of the principal dwelling.
- (4) ADUs are permitted on lots that do not meet the minimum lot area or width standards for the underlying zone. However, setbacks of the underlying zone must be met.

- ~~(5) Any exterior stair cases used to access a second story or higher ADU shall be located to the side or behind the principal dwelling.~~
- (6) ~~(5)~~ The maximum height of ADUs shall not exceed the height of the principal dwelling.
- (7) ~~(6)~~ One (1) additional parking space shall be required.
- (8) ~~(7)~~ An ADU may be utilized as a short-term rental or special event short-term rental, subject to the requirements contained within the Paducah Zoning Ordinance.

Sec. 126-120. Neighborhood Services Zone, NSZ

The purpose of this zone is to provide for primarily residential uses and encourage such development by right, according to standards that will ensure harmony with the existing historic residential environment. Limited commercial uses may be introduced provided compliance with a conditional use permit upholding the historic fabric of the neighborhood.

- (1) *Principal permitted uses.*
- 2) *Conditionally permitted uses.* The following ~~uses are special exceptions and~~ shall require written approval from the Historical and Architectural Review Commission:
 - a. Multi-family dwellings.
 1. Minimum lot area: Three thousand (3,000) square feet per unit.
 2. Minimum lot width: Sixty (60) feet.
 - b. Home occupations.
 - c. Professional offices.
 - d. Daycares ~~Daycare nurseries.~~
 - e. Beauty shops and barbershops.
 - f. Places of worship.
 - g. Short-term rentals.
 - h. Bed and breakfast.
 - i. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 2. Personal and convenience service establishments;
 3. Restaurant (excluding drive-thru);
 4. Any other use not listed which, in the HARC's opinion, would be compatible with the above uses.
3. *Minimum yard requirements.*
- 4) *Minimum area requirements for non-residential structures:*
- 5) *Maximum building height.*
- 6) *Additional regulations:*
 - a. Off-street loading areas may not face any public right-of-way.
 - b. No loading or unloading shall be allowed between 9:00 p.m. and 7:00 a.m.
 - c. ~~Parking shall be per section 126-102 (2) (e).~~

- d. ~~c.~~ The Historical and Architectural Review Commission (HARC) shall have sole jurisdiction as a special board of adjustment over the NSZ pursuant to KRS 82.026 and 100.217.

7) *Plan approval required for new construction and for changes in exterior appearance.*

Sec. 126-176. Planning Commission.

(a) *Intent.* The intent of this section is to provide guidance for the ~~zoning-code~~ Zoning Code amendment processes, including text and map amendments. It shall also be the intent of this section to guide ~~various approval processes and~~ the use of development plans, which may be used for a variety of planning and zoning processes, including map amendments. The Planning Commission in ~~its~~ obligation to promote the public health, safety and general well-being shall consider~~;~~ but not be limited to, the following in ~~its~~ deliberative considerations:

- (1) The conservation of natural resources, which may include various wildlife forms, vegetation, steep slopes, surface water, ground water, floodplain, soils, geologically sensitive areas, air quality, noise, view sheds, sufficient sunlight exposure, etc.;
- (2) The conservation of sites that have historic or architectural value;
- (3) The provision for safe, efficient vehicular and pedestrian transportation, off-street parking and loading within the development and ~~the community and~~ neighborhood;
- (4) The provision for sufficient open space and recreational opportunities;
- (5) The compatibility of the overall site design (buildings, parking, circulation, signs, screening and landscaping) and land use with the existing and projected future land use of the area;
- (6) The provision for adequate drainage facilities to prevent runoff problems during times of peak precipitation and flooding to the site and the surrounding ~~community/~~neighborhood;
- (7) The provision that infrastructure needs shall, as they relate to essential services and infrastructure systems, be adequately addressed;
- (8) Compliance with the Comprehensive Plan, ~~and~~ all applicable regulations as per City ordinances, ~~and~~ City policies and other applicable laws ~~and regulations~~.

(b) *Public notice.*

- (1) For ~~applications petitions that require a public hearing before the Planning Commission~~, notice shall be mailed at least ~~seven (7) or fourteen (14) 20~~ days, ~~depending on the type of before the~~ hearing by first class mail to all property owners surrounding the subject property to a depth of two (2) ownerships or within a radius of two hundred (200) feet of the subject property, whichever is greater.
- (2) In accordance with KRS 424, notice shall be published in the Paducah Sun newspaper at least ~~seven (7) or fourteen (14) days prior to the hearing. depending on the type of hearing 14 days before the hearing.~~
- (3) In accordance with KRS Chapters 424 and 100, on-site notice shall be posted at least ~~fourteen (14) 14~~ days before the hearing of any zone change (rezoning), ~~subdivision or development plan approval~~.

- (c) *Formal ~~application~~ petition required.* To formally request the Commission to consider any action, the ~~applicant~~ petitioner shall file a complete ~~application~~ petition (with respect to all applicable provisions of this chapter and other City ordinances, regulations and policies), pay the filing fee, and provide copies of all written and graphic material as required. The date for the public hearing will be set upon receipt of a complete application.

- (d) *Refiling.*

Within a period of twelve (12) months from the date of a negative decision, no tract of land, or any portion thereof, shall be considered for a zone change ~~(rezoning) or for development plan approval~~ with identical to the same proposal, except requests initiated by the Planning Commission or Board of Commissioners, or the Planning Commission grants unanimous permission to resubmit sooner.

- (e) *Procedures required for zone change (rezoning).*

- (1) A petition for a map amendment (also referred to as a zone change or rezoning) may originate with the Planning Commission, ~~or~~ with the ~~Paducah~~ Board of Commissioners, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption.
 - (2) The Planning Commission shall hold at least one (1) public hearing after proper notice is given in accordance with KRS Chapters 424 and 100 and this code.
 - (3) The decision of the Planning Commission shall become final and the map amendment shall be automatically implemented, subject to the provisions of KRS 100.347, unless a written request for a hearing before the Board of Commissioners is made within ~~twenty-one (21) 24~~ days after the final decision by the Planning Commission, pursuant to KRS 100.2111. Any aggrieved person, Board of Commissioners or the Zoning Administrator may file the request.
 - (4) If a timely request for a hearing before the Board of Commissioners is filed, the findings of fact and decision of the Planning Commission shall be forwarded to the Board of Commissioners prior to their hearing. All persons appearing before the Planning Commission shall be informed of the request. It shall take a majority of the entire Board of Commissioners to override the decision of the Planning Commission.
- (f) *Zone Change (rezoning) - Findings required.* In accordance with KRS 100.213, to approve any zone change ~~(rezoning)~~, the Planning Commission must find that the map amendment ~~is in agreement~~ agrees with the ~~comprehensive plan~~, Comprehensive Plan or, in the absence of such a finding, that:
- (1) the original zoning classification given to the property was inappropriate or improper;
 - (2) there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the ~~comprehensive plan~~ Comprehensive Plan and which have substantially altered the basic character of the area.

The findings of fact shall be recorded in the minutes and maintained in the records.

- (g) *Variances and conditional use permits.* The Planning Commission may hear and ~~finally~~ decide ~~applications~~ petitions for variances or conditional use permits pertaining to the same property when filed and scheduled to be heard with a proposed development plan ~~approval application~~ or a map amendment ~~application~~ petition. The Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS Ch. 100 ~~and this Zoning Code~~.

The ~~applicant~~ petitioner for the map amendment may elect to have any variances or conditional use permits for the same development to be heard and ~~finally~~ decided by the Planning Commission at the same public hearing ~~set~~, or by the Board of Adjustment as otherwise provided for by KRS Ch. 100 ~~and this Zoning Code~~.

(h) *Development plan requirements.*

(1) *When required.* A preliminary development plan ~~shall~~ may be required in the following instances:

- a. The Planning Commission, as a condition to the granting of any zoning change, ~~shall~~ may require the submission of a development plan which, where agreed upon, shall be followed; except ~~for a single principal structure and accessory structures~~ for a single-family dwelling, a ~~duplex~~ two-family dwelling, a triplex dwelling or a four-plex dwelling ~~on a single lot or ownership parcel~~. As a further condition to the granting of a zoning change, the Planning Commission shall require that substantial construction be initiated within two (2) years following the enactment of the map amendment, provided that such zoning change shall not revert to its original designation unless there has been a public hearing. The development plan shall be a continuing condition for the area rezoned unless amended as required herein;
- b. When there is a proposal for multiple principal buildings on a single ~~ownership~~ parcel or lot;
- c. ~~The subdivision process may substitute for the development plan process. A major subdivision plat may substitute for a development plan.~~
- d. For ~~planned unit developments~~ Planned Unit Developments per section 126-70.
- e. For ~~Mixed Use Developments~~ site developments per ~~section~~ sections 126-114 and 126-118.

(2) *Plans defined.* For purposes of this subsection ~~(h)~~ and the plans required herein, the following definitions shall apply:

- a. ~~**Sketch plan.** This plan will be used to determine the essential graphic and written materials required for a specific map amendment and those specific actions, such as map amendments, variances or conditional use permits that may be requested of the Planning Commission. The sketch plan may be conceptual but should indicate any site or surrounding features or conditions that may affect the proposed development or surrounding properties or rights-of-way, the proposed buildings, access points, parking and loading areas, landscaping and screening areas, existing and proposed utilities, proposed location for solid waste storage and access to same, and any other conditions on the site or surrounding properties or proposed development features which may affect the development of the site or surrounding properties or rights-of-way. The sketch plan does not have to be detailed or highly finished drawings, but should address the issues and conditions that may be essential to the development.~~
- b. a. Preliminary development plan. This plan shall be ~~that plan~~ adopted by the Planning Commission when a favorable recommendation is made to the Board of Commissioners for specific zone changes and when favorable approvals are given for multiple principal structures, developments in Planned Unit Developments and

~~developments in the A-1 and MU Zones. the Planning Commission favorably recommends a map amendment to the City Commission. The preliminary development plan shall include that information as determined in the pre-application conference.~~ No building permits shall be issued based upon a preliminary development plan.

~~e.b.~~ *Final development plan.* This plan is ~~is, in effect,~~ a final site plan with that level of detail as may be required for obtaining ~~those~~ permits and approvals necessary for construction. It shall include all information required ~~as set forth hereinafter and~~ as necessary for the review of the proposed development and its compliance with any applicable law or regulation, including any previously approved preliminary development plan.

(3) *Content and format of development plans.* ~~All development plans shall be prepared on mylar or other material capable of clear reproduction.~~ Plans shall be legible and of a size and scale (generally not exceeding one (1) inch equals one hundred (100) feet) which enables clear presentation of required information. Required plan information shall be as follows:

a. Contents of preliminary development plan. ~~A preliminary development plan shall contain the following minimum information:~~

1. A title block containing the plan name, development plan type (preliminary or final), name and address of ~~applicant~~ petitioner, developer and plan preparer, ~~and a written and graphic scale;~~
2. The boundary of the subject property, ~~and~~ along with the zoning designation and owner names for all adjoining property;
3. Vicinity sketch, oriented in the same direction as the design scheme;
4. Topography with contour intervals, grid elevations or spot elevations of sufficient detail to generally describe the lay of the land. This requirement may be waived by the City where topographic conditions and features are found not to be necessary to the required development plan reviews and actions;
5. Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, ~~and~~ parking areas, ~~and~~ arrangement of parking spaces, dumpster pads, points of ingress and egress, and other vehicular and pedestrian rights-of-way;
6. Location and typical profiles and cross-sections of any proposed or existing streets or deceleration lanes (when deemed necessary) within or abutting the subject property. This requirement may be waived subject to ~~a condition regarding same on the face of the development plan~~ approval by the City Engineer;
7. Screening, landscaping, buffering, recreational and other open spaces;
8. Approximate size, location, height, floor area, area arrangement, ~~and~~ use of proposed buildings, ~~and~~ existing buildings and signs;
9. Approximate location of lot lines for projects anticipated to involve land subdivision;
10. Storm drainage areas, floodplain, conceptual drainage controls, ~~and~~ storm water retention and any other designated environmentally sensitive or geologic hazard areas;

11. Proposed and existing easements for utilities or other purposes; locations of sanitary sewers including lengths and alignments of laterals;
12. Areas of substantial existing trees including those located along fence rows and drainage areas, along with a general description of the type and size of such trees;
13. A statistical table summarizing all pertinent site data, including site area, zoning, building coverage, ~~and~~ floor area, parking, open spaces, etc.;
14. For projects of one (1) acre or more, a note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place unless and until the Department of Engineering ~~and Environmental Services~~ has approved the ~~applicant's~~ petitioner's proposed soil erosion control procedures and, if required, a soil erosion control plan;
15. A signed owner's certification, as follows: "I (We) hereby certify that I am (We are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt the Development Plan with My (Our) free consent, with the exception of such variances or other conditions of approval, if any, as are noted hereon or in the ~~Minutes~~ minutes of the Paducah ~~City~~ Planning Commission. I (We) furthermore understand that ~~buildings building~~ permits ~~for construction~~ can only be issued following this plan and that amendments to ~~the~~ this plan can be made only by official Commission action";
16. A preliminary development plan certification shall be signed by the Chairman if and when the plan is fully approved, as follows: "I hereby certify that the Development Plan shown hereon has been found to comply with the Zoning Ordinance ~~Regulation~~ for the City of Paducah, ~~Kentucky~~, with the exception of such variances or other condition of approval, if any, as are noted hereon or in the ~~Minutes~~ minutes of the ~~City~~ Planning Commission and that it has been approved as the official plan."

17. A written or graphic scale.

- b. *Contents of final development plan.* A final development plan shall contain all information as required for preliminary development plans under the sections above, except ~~that~~ the plan information shall be of an exact nature, rather than approximate or general.
 - (i) *Development plan procedures.*
 - (1) *Pre-application conference.*
 - a. Prior to any acceptance of a formal application petition for ~~an amendment a preliminary development plan~~, the ~~applicant shall~~ petitioner may meet informally with appropriate City staff planning staff to determine the following:
 1. The effect of the proposed development on the existing neighborhood, traffic patterns, and infrastructure systems;
 2. How the proposed development relates to the ~~comprehensive—plan~~ Comprehensive Plan;
 3. The various regulations that may apply to the proposed development;
 4. An explanation of the required contents of the preliminary development plan and any other required submission of materials; and

5. An explanation of the ~~amendment~~ preliminary development plan approval process.
 - b. At the time of the meeting with the planning appropriate City staff, the ~~applicant~~ petitioner should present a sketch conceptual plan, ~~as outlined in subsection (h)(2) above.~~
- (3) Review. ~~The planning~~ Planning staff shall send the preliminary development plan to concerned agencies and interests for their respective technical review. If necessary, or requested by the ~~applicant~~ petitioner, the interested parties and technical review bodies may meet together to resolve, if possible, issues and difficulties associated with the development proposal. These meetings ~~will be open to the public~~ are subject to KRS 424.
- (4) Planning Commission action. No preliminary development plan will be considered for Commission action until the appropriate review agencies and public interests have reviewed the plan.
- (5) The Commission may pursue the following actions:
 - a. Approval. The preliminary development plan is ready for certification as presented.
 - b. Conditional approval. The preliminary development plan will be certified when the ~~applicant~~ petitioner has complied with the conditions of approval set forth by the Commission in the Commission's action on the development plan.
 - c. Disapproval. The preliminary development plan has been disapproved by the Planning Commission. To request new review and action, the ~~applicant~~ petitioner must file a new application petition and development plan.
 - d. *Continuance*. In circumstances where further resolution is required, the Commission may continue final action ~~on the development plan~~ until further information is ascertained or the resolution of conflicts occurs.
- (6) *Final development plans procedures.*
 - a. Only after the Planning Commission has approved the preliminary development plan, ~~and the appropriate zoning district has been approved by the Board of Commissioners if required;~~ then the ~~applicant~~ petitioner must present a final development plan as set forth in subsection (h) (2) (~~e b~~) prior to the issuance of any building permits. The final development plan must be reviewed to ensure that:
 1. The plan ~~is in compliance~~ complies with the preliminary development plan.
 2. The plan ~~is in compliance~~ complies with the ~~comprehensive plan~~ Comprehensive Plan, the Zoning Code, ~~other~~ City ordinances, regulations, ~~or~~ policies, and all other applicable laws ~~and regulations.~~
 3. Where appropriate, the review agencies may assess the document and forward their comments to the city Planning Department prior to final development plan approval.
 4. When all final ~~zoning or annexation~~ plans are submitted the ~~applicant~~ petitioner shall also make a digital submission that complies with the regulations of Chapter 102 Section 39 (d) of the Code of Ordinances ~~of the City of Paducah.~~

- b. If the final development plan complies with this subsection, the Planning Commission Chair will certify on the face of the plan that all requirements and applicable conditions have been satisfied.
- (j) *Amendments to development plans.* Amendments to approved development plans can be made only by official Planning Commission action following a public hearing. Content, format and procedures shall be the same as for the original submission. However, amendments which fully meet the requirements set forth hereinafter as minor amendments shall be approved and certified by the Zoning Administrator without further action by the Planning Commission.
- (1) *Minor amendments defined.* Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments:
- a. Shall not decrease the overall land area ~~in wards~~ or ~~other~~ open spaces;
 - b. Shall not increase building ground area coverage, floor area, ~~or~~ height, or increase the number of dwelling units;
 - c. May increase building ground area coverage for accessory buildings; or principal buildings if additions are less than ten (10) percent and additional parking can be provided without disruption to major plan elements;
 - d. Shall not change the location or cross section of any street and shall not increase the number or change the location of street access points on arterial or collector streets;
 - e. May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment this reduction may not be less than would be required by the zoning ~~district~~ regulations. ~~For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.~~
- (2) *Procedures for minor amendments.*
- a. *Review.* The City shall review the plan for compliance with all applicable requirements and ordinances, ~~and shall consult with concerned~~ Concerned agencies as appropriate ~~shall be consulted~~ to assure proper plan review. Upon determination that all requirements have been met, planning staff shall submit ~~its finding~~ their findings to the Planning Commission Chair for certification. If any question arises as to compliance, ~~however,~~ the plan shall be referred to the Planning Commission.
 - b. *Certification.* Upon certification of approval by the Planning Commission Chair, planning staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the ~~developer~~ petitioner and return the original plan ~~tracing~~ to the ~~developer~~ petitioner.
- (3) *Content and format of minor amendments.* Minor amendments shall have the same content and format requirements as the original development plan, except that:
- a. The title shall indicate the plan as a minor amendment;
 - b. A note shall be added listing the exact nature of the requested changes;

- c. The following shall be the required language for the Planning Commission Chair's certification affixed to the plans: "I do hereby certify that this development plan amendment complies with Zoning Ordinance provisions regarding amendments to development plans."
 - d. Owners of interest shall complete a certification to be signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon and do adopt this as my (our) development plan for the property;" ~~which shall be required language for all property and affixed to the plans.~~
- (k) *Relationship to subdivision regulations.* The ~~relationships~~ relationship between development plans and the subdivision regulations are established as follows:
- (1) *Applicability of subdivision regulations.* Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the subdivision regulations shall be applied to proposals contained on the development plan.
 - (2) *Combining plans.* Development plans and preliminary subdivision plats may be combined. It is recognized that for certain development situations it can be advantageous to both the ~~applicant~~ petitioner and the Planning Commission to combine requirements for development plans and preliminary subdivision plats in order to streamline ~~the~~ development approval ~~process~~ while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:
 - a. The ~~developer~~ petitioner shall meet with planning staff no later than five (5) ~~working~~ business days in advance of the filing deadline to discuss the appropriateness of filing a combined plat.
 - b. The plan shall show all information required for a development plan (~~preliminary or final as appropriate~~) and all information required for and a preliminary subdivision plat as set forth in the subdivision regulations.
 - (3) *Substitution of plans.* A preliminary or final subdivision plat may be substituted for development plans required in conjunction with map amendment requests. It is recognized ~~that~~ in certain cases a preliminary or final subdivision plat would be as appropriate, or more appropriate, to be considered in conjunction with a map amendment request than would a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, ~~requirements for placement of structures within the zone setbacks~~ and where the ~~applicant petitioner has sees fit to have~~ plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When ~~an applicant~~ a petitioner is required to provide a development plan in conjunction with a zoning map amendment request, the ~~applicant~~ petitioner may file a subdivision plat in place of the development plan, if deemed appropriate by the City. In any disputed case, the City shall make the final judgment as to whether a development plan or a subdivision plat is required.

STAFF RECOMMENDATION

Based upon the positive recommendation from the Planning Commission, staff recommends the Board of Commissioners adopt the zoning text amendments contained herein.

ORDINANCE NO. 2022-__ - _____

**AN ORDINANCE AMENDING CHAPTER 126
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, any change to the text of the zoning code must be referred to the Paducah Planning Commission before adoption and considered in accordance with KRS 100.211; and

WHEREAS, a public hearing was held on September 8, 2022, by the Planning Commission after advertisement pursuant to law; and

WHEREAS, the Paducah Planning Commission duly considered said proposal and has heard and considered the objections and suggestions of all interested parties who appeared at said hearing; and

WHEREAS, the Planning Commission adopted a proposal to change the text of Chapter 126 of the City of Paducah zoning ordinance; and

WHEREAS, the City desires to amend certain sections of the Paducah Code of Ordinances to reflect the changes.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PADUCAH,
KENTUCKY:**

SECTION 1. That the City of Paducah, Kentucky hereby amends the following sections of the Paducah Code of Ordinances as follows:

Sec. 126-32 - Zoning of annexed land.

~~[Upon annexation of new areas by the city, such areas shall be placed in an R-1 zone classification. Within sixty (60) days following the final acceptance of the annexed area by the city, the Planning Commission shall establish and advertise, as required by law, a public hearing to zone the land in question.]~~ All land use regulations that applied to the property shall be preserved as before the annexation, pursuant to KRS 100.209. If no action is taken to initially zone the property within sixty (60) days by either the Board of Commissioners or the Planning Commission, the property shall automatically be assigned the R-1 Low Density Residential Zone.

Sec. 126-76. - Sign regulations.

- (a) *Purpose.*
- (b) *Findings.*
- (c) *Applicability and message neutrality.*

- (d) *Definitions.*
- (e) *Prohibited signs.*
- (f) *Exempt signs.*
- (g) *Temporary signs.*

(1) Temporary signs generally. Except as otherwise allowed in this chapter, all temporary signs not classified as exempt signs shall:

- a. Be allowed on private property only. Sandwich board signs may be allowed on public rights-of-way in accordance with subsection (7).
- b. Be placed only by the property owner, or with the property owner's permission.
- c. Not diminish public safety such as placement in a sight visibility triangle.
- d. Not be mounted on a roof.
- e. Not be illuminated indirectly or internally.
- f. Be in place for a period not to exceed sixty-seven (67) consecutive days, at which time the sign must be removed or replaced with a different sign.

(2) Construction signs. During a construction period, signs may be placed to announce construction.

- a. Such signs shall not exceed sixteen (16) square feet in residential and one hundred (100) square feet in non-residential areas.
- b. ~~[Such signs shall be erected no more than thirty (30) days prior to the beginning of construction.]~~
- c. ~~[Such signs shall be removed within ten (10) days after completing construction.]~~

(3) Wall and freestanding temporary signs. Temporary wall and freestanding signs shall:

- a. Be a maximum of twenty (20) square feet when located in residential zones;
- b. Be a maximum of fifty (50) square feet when located in non-residential zones; and
- c. Be limited to one (1) sign per parcel for each street frontage.
- d. ~~[Be placed for no more than thirty (30) days.]~~

(4) Pole banners.

- a. Be a maximum of twelve and one-half (12.5) square feet when located in residential zones.
- b. Be a maximum of sixteen and one-half (16.5) square feet when located in non-residential zones.
- c. All banners shall be securely affixed to a mounting structure.
- d. Banners shall not be hung as canopy signs, flown as flags or used as any other form of permanent sign.
- e. Banner materials shall be weather-resistant fabric, plastic or vinyl.
- f. Poles and materials must be compatible and compliant with design standards if placed in a historic district.
- g. The City reserves the right to remove any pole banners at any time.

(5) Street banners.

- a. In order to promote events of a civic and public nature in the Downtown or other commercial areas; any person, firm, corporation or organization may hang a vertical banner on cantilevered arms in designated locations. Further, pennants, flags or banners may be affixed to utility poles equipped by the City for such purposes.
- b. Generally, it shall be unlawful for any person to suspend any banner across or along any street, sidewalk or other public way of the City for any purpose.

- c. Banners reflecting a price, a business, or the promotion of goods or services are prohibited.
 - d. Banners may reflect only one (1) theme at any given time within a district (Downtown, Wallace Park or Fountain Avenue for example). Different districts may have different themes at the same time.
 - e. Banners shall not exceed one hundred fifty (150) square feet and not cause any interference or disruption in vehicular or pedestrian traffic.
 - f. The City reserves the right to remove any banner at any time.
- (6) Special events. Signs promoting a special event may be placed no more than sixty (60) days prior to the event and shall be removed no later than forty-eight (48) hours after the event has ended. Said signs shall be placed on the property on which the event shall take place and shall not exceed thirty-two (32) square feet.
- (7) Sandwich board signs.
- a. Sandwich board signs shall be no taller than thirty-six (36) inches in height and no wider than twenty-four (24) inches;
 - b. Such signs may only be placed on a sidewalk that has a minimum of eight (8) feet in width;
 - c. All signs must be compliant with ADA standards and maintain a minimum of five (5) feet of clearance from tables, chairs, bike racks or other appurtenances at all times. Placement shall not interfere with pedestrian or vehicular traffic.
 - d. The sign must be constructed of weather resistant materials and shall be maintained in good repair.
- (8) During times of election. During times of primary, state or federal elections involving candidates from federal, state or local office that represents the district in which the property is located or involves an issue on the ballot within the district where the property is located, one (1) additional temporary sign per issue or candidate shall be allowed. ~~[Such additional signs shall be allowed beginning sixty (60) days prior to the date of the primary, state or federal election and shall be removed five (5) days after the election].~~
- (9) Additional temporary signs are allowed as follows:
- a. During times of sale or rent. One (1) additional temporary sign may be located on a property subject to the following parameters:
 - 1. The owner consents and the property is being offered for sale or rent through a licensed real estate agent;
 - 2. The property is offered for sale or rent by the property owner through advertising in local media; and
 - 3. ~~[Such sign shall be removed within fifteen (15) days following the date on which a contract for sale has been executed between the buyer and seller or a rental agreement has been executed between lessor and lessee.]~~
 - 3. Said sign shall not exceed four (4) square feet.
 - b. During times property is open to the public. One (1) additional temporary sign may be located on the property on a day when the property owner is opening the property to the public; however, the owner may not use this type of sign for more than fifteen (15) days a year. Such sign may not exceed four (4) square feet.
 - c. One (1) additional temporary sign shall be allowed upon submittal of a final development application or issuance of a building permit and shall terminate upon the issuance of any

certificate of occupancy or for approval to connect to electric power for the work authorized by the building permit. Such sign shall not exceed four (4) square feet.

- (h) *Permit requirements.*
 - (i) *Signs exempt from permit requirements.*
 - (j) *Nonconforming signs.*
 - (k) *Illegal signs.*
 - (l) *General regulations.*
 - (m) *Signs allowed by specific zoning district.*
 - (n) *Residential and Mixed-Use Zones (R-1, R-2, R-3, R-4, NSZ, NCCZ and MU)*
 - (o) *Professional, commercial and industrial zones (B-1, B-2, B-3, HBZ, M-1, M-2, M-3, HM, POP, and A-1).*
- (1) One (1) freestanding sign per street frontage; additionally, one (1) freestanding sign for every three hundred (300) linear feet of street frontage.
 - a. Freestanding signs shall not exceed seventy-five (75) square feet, twenty-five (25) feet in height and shall have a minimum setback of five (5) feet. When street frontage permits two (2) signs, the freestanding signs may be combined into one (1) freestanding sign that shall not exceed one hundred ten (110) square feet. For buildings with more than one (1) occupying business, this freestanding sign may list all businesses within the building.
 - b. Monument type freestanding signs shall not exceed sixty (60) square feet, eight (8) feet in height and shall have a minimum setback of five (5) feet.
 - (2) ~~[One (1) wall sign, canopy sign or awning sign per street frontage with]~~ There shall be a maximum of four (4) wall, canopy or awning signs per building or structure. The maximum allowed area for all signage in these zones is thirty-two (32) square feet or twenty (20) percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. A maximum of the first thirty (30) feet of the height of the façade shall be used to calculate the square footage area of a wall sign. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two (2) or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.
 - (3) One (1) message board either attached to a wall sign or freestanding sign not to exceed thirty-two (32) square feet and eight (8) feet in height.
 - (4) One (1) drive-thru facility sign for each drive-thru lane, walk-up window or drive-up curbside. Drive-thru facility signs shall not exceed fifty-five (55) square feet and shall have a maximum height of eight (8) feet.
 - (5) One (1) temporary sign per street frontage.
 - (6) Theater marquee signs.
 - a. A marquee shall not exceed thirty-two (32) square feet, shall not project more than eight (8) feet from the building face and shall have a minimum clearance of ten (10) feet.
 - (7) Incidental signs shall not exceed two (2) square feet.
 - (8) Buildings used for religious or educational activities.
 - a. In addition to signage allowed above, one (1) message board, not exceeding thirty-two (32) square feet and eight (8) feet in height.

(9) Subdivision - One (1) subdivision monument sign per entrance into a commercial or industrial subdivision not to exceed forty-eight (48) square feet and ten (10) feet in height. Said sign shall have a setback of 10 (ten) feet from the traveled portion of the public way.

(10) Single-family, two-family and multi-family dwellings shall follow the provisions of subsection (n).

(11) Perforated signs shall be allowed; however, they shall be either 50/50 or 60/40 perforation. No perforated sign shall be placed over ingress/ egress door.

(12) Neon signs are allowed.

(p) Historic Downtown area (B-2-T, H-1 and H-2)

(q) Additional signage allowed in specific commercial and industrial zones.

(r) Planned Unit Development (PUD).

(s) Replacement advertising signs.

(t) Advertising on Interstate Highways.

(u) Substitution clause.

Sec. 126-98. Accessory dwelling unit (ADU).

Accessory dwelling units (ADUs) shall be principally permitted in every zone in the City. ADUs shall not constitute a dwelling unit for purposes of calculating density. All ADUs are subject to the following:

(1) One (1) ADU may be permitted per single-family residential dwelling per lot. The property owner must reside in either the principal dwelling or the ADU as their permanent residence.

(2) ADUs are permitted in the rear yard only [~~if not contained within the footprint of the home.~~]

(3) The maximum ADU size is fifty (50) percent of the rear yard behind the principal dwelling, not to exceed the ground floor area of the principal dwelling.

(4) ADUs are permitted on lots that do not meet the minimum lot area or width standards for the underlying zone. However, setbacks of the underlying zone must be met.

~~(5) [Any exterior stair cases used to access a second story or higher ADU shall be located to the side or behind the principal dwelling.]~~

(5) The maximum height of ADUs shall not exceed the height of the principal dwelling.

(6) One (1) additional parking space shall be required.

(7) An ADU may be utilized as a short-term rental or special event short-term rental, subject to the requirements contained within the Paducah Zoning Ordinance.

Sec. 126-120. Neighborhood Services Zone, NSZ

The purpose of this zone is to provide for primarily residential uses and encourage such development by right, according to standards that will ensure harmony with the existing historic residential environment. Limited commercial uses may be introduced provided compliance with a conditional use permit upholding the historic fabric of the neighborhood.

- 1) *Principal permitted uses.*
- 2) *Conditionally permitted uses.* The following ~~[uses are special exceptions and]~~ shall require written approval from the Historical and Architectural Review Commission:
 - a. Multi-family dwellings.
 1. Minimum lot area: Three thousand (3,000) square feet per unit.
 2. Minimum lot width: Sixty (60) feet.
 - b. Home occupations.
 - c. Professional offices.
 - d. Daycares ~~[Daycare nurseries.]~~
 - e. Beauty shops and barbershops.
 - f. Places of worship.
 - g. Short-term rentals.
 - h. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 2. Personal and convenience service establishments;
 3. Restaurant (excluding drive-thru);
 4. Any other use not listed which, in the HARC's opinion, would be compatible with the above uses.
- 3) *Minimum yard requirements.*
- 4) *Minimum area requirements for non-residential structures:*
- 5) *Maximum building height.*
- 6) *Additional regulations:*
 - a. Off-street loading areas may not face any public right-of-way.
 - b. No loading or unloading shall be allowed between 9:00 p.m. and 7:00 a.m.
 - e. ~~—[Parking shall be per section 126-102 (2) (e).]~~
 - c. The Historical and Architectural Review Commission (HARC) shall have sole jurisdiction as a special board of adjustment over the NSZ pursuant to KRS 82.026 and 100.217.
- 7) *Plan approval required for new construction and for changes in exterior appearance.*

Sec. 126-176. Planning Commission.

- (a) *Intent.* The intent of this section is to provide guidance for the ~~[zoning code]~~ Zoning Code amendment processes, including text and map amendments. It shall also be the intent of this section to guide ~~[various approval processes and]~~ the use of development plans, which may be used for a variety of planning and zoning processes, including map amendments. The Planning Commission in ~~[its]~~ obligation to promote the public health, safety and general well-being shall consider; but not be limited to, the following in ~~[its]~~ deliberative considerations:
 - (1) The conservation of natural resources, which may include various wildlife forms, vegetation, steep slopes, surface water, ground water, floodplain, soils, geologically sensitive areas, air quality, noise, view sheds, sufficient sunlight exposure, etc.;

- (2) The conservation of sites that have historic or architectural value;
- (3) The provision for safe, efficient vehicular and pedestrian transportation, off-street parking and loading within the development and ~~[the community and]~~ neighborhood;
- (4) The provision for sufficient open space and recreational opportunities;
- (5) The compatibility of the overall site design (buildings, parking, circulation, signs, screening and landscaping) and land use with the existing and projected future land use of the area;
- (6) The provision for adequate drainage facilities to prevent runoff problems during times of peak precipitation and flooding to the site and the surrounding ~~[community/]~~neighborhood;
- (7) The provision that infrastructure needs shall, as they relate to essential services and infrastructure systems, be adequately addressed;
- (8) Compliance with the Comprehensive Plan, ~~[and]~~ all applicable regulations as per City ordinances, ~~and~~ City policies and other applicable laws ~~[and regulations.]~~

(b) *Public notice.*

- (1) For ~~[applications]~~ petitions that require a public hearing ~~[before the Planning Commission,]~~ notice shall be mailed at least seven (7) or fourteen (14) ~~20~~ days, depending on the type of [before the] hearing by first class mail to all property owners surrounding the subject property to a depth of two (2) ownerships or within a radius of two hundred (200) feet of the subject property, whichever is greater.
- (2) In accordance with KRS 424, notice shall be published in the Paducah Sun newspaper at least seven (7) or fourteen (14) days prior to the hearing, depending on the type of hearing ~~14 days before the hearing.~~
- (3) In accordance with KRS Chapters 424 and 100, on-site notice shall be posted at least fourteen (14) ~~14~~ days before the hearing of any zone change (rezoning), ~~[subdivision or development plan approval.]~~

(c) *Formal ~~[application]~~ petition required.* To formally request the Commission to consider any action, the ~~[applicant]~~ petitioner shall file a complete ~~[application]~~ petition (with respect to all applicable provisions of this chapter and other City ordinances, regulations and policies), pay the filing fee, and provide copies of all written and graphic material as required. The date for the public hearing will be set upon receipt of a complete application.

(d) *Refiling.*

Within a period of twelve (12) months from the date of a negative decision, no tract of land, or any portion thereof, shall be considered for a zone change ~~[(rezoning) or for development plan approval with]~~ identical to the same proposal, except requests initiated by the Planning Commission or Board of Commissioners, or the Planning Commission grants unanimous permission to resubmit sooner.

(e) *Procedures required for zone change (rezoning).*

- (1) A petition for a map amendment (also referred to as a zone change or rezoning) may originate with the Planning Commission, ~~[or]~~ with the ~~[Paducah]~~ Board of Commissioners; or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption.
- (2) The Planning Commission shall hold at least one (1) public hearing after proper notice is given in accordance with KRS Chapters 424 and 100 and this code.

- (3) The decision of the Planning Commission shall become final and the map amendment shall be automatically implemented, subject to the provisions of KRS 100.347, unless a written request for a hearing before the Board of Commissioners is made within twenty-one (21) ~~[24]~~ days after the final decision by the Planning Commission, pursuant to KRS 100.2111. Any aggrieved person, Board of Commissioners or the Zoning Administrator may file the request.
- (4) If a timely request for a hearing before the Board of Commissioners is filed, the findings of fact and decision of the Planning Commission shall be forwarded to the Board of Commissioners prior to their hearing. All persons appearing before the Planning Commission shall be informed of the request. It shall take a majority of the entire Board of Commissioners to override the decision of the Planning Commission.
- (f) *Zone Change (rezoning) - Findings required.* In accordance with KRS 100.213, to approve any zone change [~~(rezoning)~~], the Planning Commission must find that the map amendment ~~[is in agreement]~~ agrees with the ~~[comprehensive plan]~~, Comprehensive Plan or, in the absence of such a finding, that:
- (1) the original zoning classification given to the property was inappropriate or improper;
 - (2) there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the ~~[comprehensive plan]~~ Comprehensive Plan and which have substantially altered the basic character of the area.
- The findings of fact shall be recorded in the minutes and maintained in the records.
- (g) *Variances and conditional use permits.* The Planning Commission may hear and ~~[finally]~~ decide ~~[applications]~~ petitions for variances or conditional use permits pertaining to the same property when filed and scheduled to be heard with a proposed development plan ~~[approval application]~~ or a map amendment ~~[application]~~ petition. The Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS Ch. 100 ~~[and this Zoning Code]~~. The ~~applicant~~ petitioner for the map amendment may elect to have any variances or conditional use permits for the same development to be heard and ~~finally~~ decided by the Planning Commission at the same public hearing ~~set~~, or by the Board of Adjustment as otherwise provided for by KRS Ch. 100 ~~[and this Zoning Code.]~~
- (h) *Development plan requirements.*
- (1) *When required.* A preliminary development plan ~~[shall]~~ may be required in the following instances:
 - a. The Planning Commission, as a condition to the granting of any zoning change, ~~[shall]~~ may require the submission of a development plan which, where agreed upon, shall be followed; except ~~[for a single principal structure and accessory structures]~~ for a single-family dwelling, a ~~[duplex]~~ two-family dwelling, a triplex dwelling or a four-plex dwelling ~~[on a single lot or ownership parcel]~~. As a further condition to the granting of a zoning change, the Planning Commission shall require that substantial construction be initiated within two (2) years following the enactment of the map amendment, provided that such zoning change shall not revert to its original designation unless there has been a public hearing. The development plan shall be a continuing condition for the area rezoned unless amended as required herein;
 - b. When there is a proposal for multiple principal buildings on a single ~~[ownership]~~ parcel or lot;

- c. ~~[The subdivision process may substitute for the development plan process.]~~ A major subdivision plat may substitute for a development plan.
 - d. For ~~[planned unit developments]~~ Planned Unit Developments per section 126-70.
 - e. For ~~[Mixed Use Developments]~~ site developments per ~~[section]~~ sections 126-114 and 126-118.
- (2) *Plans defined.* For purposes of this subsection ~~(h)~~ and the plans required herein, the following definitions shall apply:
- a. ~~[Sketch plan. This plan will be used to determine the essential graphic and written materials required for a specific map amendment and those specific actions, such as map amendments, variances or conditional use permits that may be requested of the Planning Commission. The sketch plan may be conceptual but should indicate any site or surrounding features or conditions that may affect the proposed development or surrounding properties or rights of way, the proposed buildings, access points, parking and loading areas, landscaping and screening areas, existing and proposed utilities, proposed location for solid waste storage and access to same, and any other conditions on the site or surrounding properties or proposed development features which may affect the development of the site or surrounding properties or rights of way. The sketch plan does not have to be detailed or highly finished drawings, but should address the issues and conditions that may be essential to the development.]~~
 - b. a. Preliminary development plan. This plan shall be ~~that plan~~ adopted by the Planning Commission when a favorable recommendation is made to the Board of Commissioners for specific zone changes and when favorable approvals are given for multiple principal structures, developments in Planned Unit Developments and developments in the A-1 and MU Zones. ~~the Planning Commission favorably recommends a map amendment to the City Commission. The preliminary development plan shall include that information as determined in the pre-application conference.]~~ No building permits shall be issued based upon a preliminary development plan.
 - c. b. Final development plan. This plan is, ~~[in effect,]~~ a final site plan with that level of detail as may be required for obtaining ~~[those]~~ permits and approvals necessary for construction. It shall include all information required ~~[as set forth hereinafter and]~~ as necessary for the review of the proposed development and its compliance with any applicable law or regulation, including any previously approved preliminary development plan.
- (3) *Content and format of development plans.* ~~[All development plans shall be prepared on mylar or other material capable of clear reproduction.]~~ Plans shall be legible and of a size and scale (generally not exceeding one (1) inch equals one hundred (100) feet) which enables clear presentation of required information. Required plan information shall be as follows:
- a. Contents of preliminary development plan. ~~[A preliminary development plan shall contain the following minimum information:]~~
 - 1. A title block containing the plan name, development plan type (preliminary or final), name and address of ~~[applicant]~~ petitioner, developer and plan preparer; ~~[and a written and graphic scale];~~

2. The boundary of the subject property, ~~and~~ along with the zoning designation and owner names for all adjoining property;
3. Vicinity sketch, oriented in the same direction as the design scheme;
4. Topography with contour intervals, grid elevations or spot elevations of sufficient detail to generally describe the lay of the land. This requirement may be waived by the City where topographic conditions and features are found not to be necessary to the required development plan reviews and actions;
5. Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, ~~[and]~~ parking areas, ~~[and]~~ arrangement of parking spaces, dumpster pads, points of ingress and egress, and other vehicular and pedestrian rights-of-way;
6. Location and typical profiles and cross-sections of any proposed or existing streets or deceleration lanes (when deemed necessary) within or abutting the subject property. This requirement may be waived subject to ~~[a condition regarding same on the face of the development plan]~~ approval by the City Engineer;
7. Screening, landscaping, buffering, recreational and other open spaces;
8. Approximate size, location, height, floor area, area arrangement, and use of proposed buildings, ~~[and]~~ existing buildings and signs;
9. Approximate location of lot lines for projects anticipated to involve land subdivision;
10. Storm drainage areas, floodplain, conceptual drainage controls, ~~and~~ storm water retention and any other designated environmentally sensitive or geologic hazard areas;
11. Proposed and existing easements for utilities or other purposes; locations of sanitary sewers including lengths and alignments of laterals;
12. Areas of substantial existing trees including those located along fence rows and drainage areas, along with a general description of the type and size of such trees;
13. A statistical table summarizing all pertinent site data, including site area, zoning, building coverage, ~~and~~ floor area, parking, open spaces, etc.;
14. For projects of one (1) acre or more, a note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place unless and until the Department of Engineering ~~[and Environmental Services]~~ has approved the ~~[applicant's]~~ petitioner's proposed soil erosion control procedures and, if required, a soil erosion control plan;
15. A signed owner's certification, as follows: "I (We) hereby certify that I am (We are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt the Development Plan with My (Our) free consent, with the exception of such variances or other conditions of approval, if any, as are noted hereon or in the ~~[Minutes]~~ minutes of the Paducah City Planning Commission. I (We) furthermore understand that ~~buildings~~ building permits ~~[for construction]~~ can only be issued following this plan and that amendments to ~~[the]~~ this plan can be made only by official Commission action";
16. A preliminary development plan certification shall be signed by the Chairman if and when the plan is fully approved, as follows: "I hereby certify that the

Development Plan shown hereon has been found to comply with the Zoning Ordinance ~~[Regulation]~~ for the City of Paducah, ~~[Kentucky]~~, with the exception of such variances or other condition of approval, if any, as are noted hereon or in the ~~[Minutes]~~ minutes of the ~~[City]~~ Planning Commission and that it has been approved as the official plan."

17. A written or graphic scale.

- b. *Contents of final development plan.* A final development plan shall contain all information as required for preliminary development plans under the sections above, except ~~that~~ the plan information shall be of an exact nature, rather than approximate or general.
- (i) *Development plan procedures.*
- (1) *Pre-application conference.*
 - a. Prior to any acceptance of a formal ~~[application]~~ petition for ~~[an amendment]~~ a preliminary development plan, the ~~[applicant shall]~~ petitioner may meet informally with appropriate City staff ~~[planning staff]~~ to determine the following:
 - 1. The effect of the proposed development on the existing neighborhood, traffic patterns, and infrastructure systems;
 - 2. How the proposed development relates to the ~~[comprehensive plan]~~ Comprehensive Plan;
 - 3. The various regulations that may apply to the proposed development;
 - 4. An explanation of the required contents of the preliminary development plan and any other required submission of materials; and
 - 5. An explanation of the ~~[amendment]~~ preliminary development plan approval process.
 - b. At the time of the meeting with the ~~[planning]~~ appropriate City staff, the ~~[applicant]~~ petitioner should present a ~~[sketch]~~ conceptual plan, ~~[as outlined in subsection (h)(2) above.]~~
 - (3) *Review.* ~~[The planning]~~ Planning staff shall send the preliminary development plan to concerned agencies and interests for their respective technical review. If necessary, or requested by the ~~[applicant]~~ petitioner, the interested parties and technical review bodies may meet together to resolve, if possible, issues and difficulties associated with the development proposal. These meetings ~~[will be open to the public]~~ are subject to KRS 424.
 - (4) *Planning Commission action.* No preliminary development plan will be considered for Commission action until the appropriate review agencies and public interests have reviewed the plan.
 - (5) *The Commission may pursue the following actions:*
 - a. *Approval.* The preliminary development plan is ready for certification as presented.
 - b. *Conditional approval.* The preliminary development plan will be certified when the ~~applicant~~ petitioner has complied with the conditions of approval set forth by the Commission ~~in the Commission's action on the development plan~~.
 - c. *Disapproval.* The preliminary development plan has been disapproved by the Planning Commission. To request new review and action, the ~~applicant~~ petitioner must file a new application petition and development plan.

- d. *Continuance.* In circumstances where further resolution is required, the Commission may continue final action ~~on the development plan~~ until further information is ascertained or the resolution of conflicts occurs.

(6) *Final development plans procedures.*

- a. Only after the Planning Commission has approved the preliminary development plan, ~~[and the appropriate zoning district has been approved by the Board of Commissioners if required;]~~ then the ~~[applicant]~~ petitioner must present a final development plan as set forth in subsection (h) (2) (~~e~~ b) prior to the issuance of any building permits. The final development plan must be reviewed to ensure that:
1. The plan ~~is in compliance~~ complies with the preliminary development plan.
 2. The plan ~~is in compliance~~ complies with the ~~[-plan]~~ Comprehensive Plan, the Zoning Code, ~~[other]~~ City ordinances, regulations, ~~[or]~~ policies; and all other applicable laws ~~[and regulations]~~.
 3. Where appropriate, the review agencies may assess the document and forward their comments to the ~~city~~ Planning Department prior to final development plan approval.
 4. When all final ~~[zoning or annexation]~~ plans are submitted the ~~[applicant]~~ petitioner shall also make a digital submission that complies with the regulations of Chapter 102 Section 39 (d) of the Code of Ordinances ~~[of the City of Paducah]~~.
- b. If the final development plan complies with this subsection, the Planning Commission Chair will certify on the face of the plan that all requirements and applicable conditions have been satisfied.

- (j) *Amendments to development plans.* Amendments to approved development plans can be made only by official Planning Commission action following a public hearing. Content, format and procedures shall be the same as for the original submission. However, amendments which fully meet the requirements set forth hereinafter as minor amendments shall be approved and certified by the Zoning Administrator without further action by the Planning Commission.

(1) *Minor amendments defined.* Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments:

- a. Shall not decrease the overall land area ~~[in wards]~~ or ~~[other]~~ open spaces;
- b. Shall not increase building ground area coverage, floor area, ~~[or]~~ height; or increase the number of dwelling units;
- c. May increase building ground area coverage for accessory buildings; or principal buildings if additions are less than ten (10) percent and additional parking can be provided without disruption to major plan elements;
- d. Shall not change the location or cross section of any street and shall not increase the number or change the location of street access points on arterial or collector streets;
- e. May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan.

To qualify as a minor amendment this reduction may not be less than would be required by the zoning ~~[district]~~ regulations. ~~[For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.]~~

(2) *Procedures for minor amendments.*

- a. *Review.* The City shall review the plan for compliance with all applicable requirements and ordinances. ~~[and shall consult with concerned]~~ Concerned agencies as appropriate shall be consulted to assure proper plan review. Upon determination that all requirements have been met, planning staff shall submit ~~[its finding]~~ their findings to the Planning Commission Chair for certification. If any question arises as to compliance, ~~[however]~~, the plan shall be referred to the Planning Commission.
- b. *Certification.* Upon certification of approval by the Planning Commission Chair, planning staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the ~~[developer]~~ petitioner and return the original plan ~~[tracing]~~ to the ~~[developer]~~ petitioner.

(3) *Content and format of minor amendments.* Minor amendments shall have the same content and format requirements as the original development plan, except that:

- a. The title shall indicate the plan as a minor amendment;
- b. A note shall be added listing the exact nature of the requested changes;
- c. The following shall be the required language for the Planning Commission Chair's certification affixed to the plans: "I do hereby certify that this development plan amendment complies with Zoning Ordinance provisions regarding amendments to development plans."
- d. Owners of interest shall complete a certification to be signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon and do adopt this as my (our) development plan for the property," ~~[which shall be required language for all property and affixed to the plans.]~~

(k) *Relationship to subdivision regulations.* The ~~[relationships]~~ relationship between development plans and the subdivision regulations are established as follows:

(1) *Applicability of subdivision regulations.* Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the subdivision regulations shall be applied to proposals contained on the development plan.

(2) *Combining plans.* Development plans and preliminary subdivision plats may be combined. It is recognized that for certain development situations it can be advantageous to both the ~~[applicant]~~ petitioner and the Planning Commission to combine requirements for development plans and preliminary subdivision plats in order to streamline ~~[the]~~ development approval ~~[process]~~ while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:

- a. The ~~[developer]~~ petitioner shall meet with planning staff no later than five (5) ~~[working]~~ business days in advance of the filing deadline to discuss the appropriateness of filing a combined plat.

- b. The plan shall show all information required for a development plan ~~[(preliminary or final as appropriate) and all information required for]~~ and a preliminary subdivision plat as set forth in the subdivision regulations.

(3) *Substitution of plans.* A preliminary or final subdivision plat may be substituted for development plans required in conjunction with map amendment requests. It is recognized ~~[that]~~ in certain cases a preliminary or final subdivision plat would be as appropriate, or more appropriate, to be considered in conjunction with a map amendment request than would a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, ~~[requirements for placement of structures within the zone]~~ setbacks and where the ~~[applicant]~~ petitioner has ~~[sees fit to have]~~ plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When ~~[an applicant]~~ a petitioner is required to provide a development plan in conjunction with a zoning map amendment request, the ~~[applicant]~~ petitioner may file a subdivision plat in place of the development plan, if deemed appropriate by the City. In any disputed case, the City shall make the final judgment as to whether a development plan or subdivision plat is required.

SECTION 2. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. Compliance with Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 4. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 5. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____

Adopted by the Board of Commissioners, _____

Recorded by the City Clerk, _____

Published by *The Paducah Sun*, _____

ord\126 Zoning Text Amendment – Annexed Land, signs, ADU, NSZ, Planning

A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONING TEXT AMENDMENT OF SECTION 126-32 ZONING OF ANNEXED LAND; SECTION 126-76 SIGN REGULATIONS; SECTION 126-98 ACCESSORY DWELLING UNIT (ADU); SECTION 126-120 NEIGHBORHOOD SERVICES ZONE, NSZ AND SECTION 126-176 PLANNING COMMISSION OF THE PADUCAH ZONING ORDINANCE.

WHEREAS, any change to the text of the zoning code must be referred to the Paducah Planning Commission before adoption and considered in accordance with KRS 100.211, and

WHEREAS, a public hearing was held on September 8, 2022 by the Planning Commission after advertisement pursuant to law, and

WHEREAS, this Commission has duly considered said proposal and has heard and considered the objections and suggestions of all interested parties who appeared at said hearing, and

WHEREAS, this Commission adopted a proposal to change the text of various sections of the City of Paducah zoning ordinance as included herein.

NOW THEREFORE, BE IT RESOLVED BY THE PADUCAH PLANNING COMMISSION:

SECTION 1. That this Commission recommend to the Mayor and the Board of Commissioners of the City of Paducah to revise the Paducah Zoning Ordinance as follows:

Sec. 126-32 - Zoning of annexed land.

~~Upon annexation of new areas by the city, such areas shall be placed in an R-1 zone classification. Within sixty (60) days following the final acceptance of the annexed area by the city, the Planning Commission shall establish and advertise, as required by law, a public hearing to zone the land in question. All land use regulations that applied to the property shall be preserved as before the annexation, pursuant to KRS 100.209. If no action is taken to initially zone the property within sixty (60) days by either the Board of Commissioners or the Planning Commission, the property shall automatically be assigned the R-1 Low Density Residential Zone.~~

Sec. 126-76. - Sign regulations.

- (a) *Purpose.*
- (b) *Findings.*
- (c) *Applicability and message neutrality.*
- (d) *Definitions.*
- (e) *Prohibited signs.*
- (f) *Exempt signs.*
- (g) *Temporary signs.*

(1) Temporary signs generally. Except as otherwise allowed in this chapter, all temporary signs not classified as exempt signs shall:

- a. Be allowed on private property only. Sandwich board signs may be allowed on public rights-of-way in accordance with subsection (7).
- b. Be placed only by the property owner, or with the property owner's permission.
- c. Not diminish public safety such as placement in a sight visibility triangle.
- d. Not be mounted on a roof.
- e. Not be illuminated indirectly or internally.
- f. Be in place for a period not to exceed sixty-seven (67) consecutive days, at which time the sign must be removed or replaced with a different sign.

(2) Construction signs. During a construction period, signs may be placed to announce construction.

- a. Such signs shall not exceed sixteen (16) square feet in residential and one hundred (100) square feet in non-residential areas.
- b. ~~Such signs shall be erected no more than thirty (30) days prior to the beginning of construction.~~

~~c. Such signs shall be removed within ten (10) days after completing construction.~~

(3) Wall and freestanding temporary signs. Temporary wall and freestanding signs shall:

- a. Be a maximum of twenty (20) square feet when located in residential zones;
- b. Be a maximum of fifty (50) square feet when located in non-residential zones; and
- c. Be limited to one (1) sign per parcel for each street frontage.

~~d. Be placed for no more than thirty (30) days.~~

(4) Pole banners.

- a. Be a maximum of twelve and one-half (12.5) square feet when located in residential zones.
- b. Be a maximum of sixteen and one-half (16.5) square feet when located in non-residential zones.
- c. All banners shall be securely affixed to a mounting structure.
- d. Banners shall not be hung as canopy signs, flown as flags or used as any other form of permanent sign.
- e. Banner materials shall be weather-resistant fabric, plastic or vinyl.
- f. Poles and materials must be compatible and compliant with design standards if placed in a historic district.
- g. The City reserves the right to remove any pole banners at any time.

(5) Street banners.

- a. In order to promote events of a civic and public nature in the Downtown or other commercial areas; any person, firm, corporation or organization may hang a vertical banner on cantilevered arms in designated locations. Further, pennants, flags or banners may be affixed to utility poles equipped by the City for such purposes.
- b. Generally, it shall be unlawful for any person to suspend any banner across or along any street, sidewalk or other public way of the City for any purpose.
- c. Banners reflecting a price, a business, or the promotion of goods or services are prohibited.
- d. Banners may reflect only one (1) theme at any given time within a district (Downtown, Wallace Park or Fountain Avenue for example). Different districts may have different themes at the same time.
- e. Banners shall not exceed one hundred fifty (150) square feet and not cause any interference or disruption in vehicular or pedestrian traffic.
- f. The City reserves the right to remove any banner at any time.

(6) Special events. Signs promoting a special event may be placed no more than sixty (60) days prior to the event and shall be removed no later than forty-eight (48) hours after the event has ended. Said signs shall be placed on the property on which the event shall take place and shall not exceed thirty-two (32) square feet.

(7) Sandwich board signs.

- a. Sandwich board signs shall be no taller than thirty-six (36) inches in height and no wider than twenty-four (24) inches;
- b. Such signs may only be placed on a sidewalk that has a minimum of eight (8) feet in width;
- c. All signs must be compliant with ADA standards and maintain a minimum of five (5) feet of clearance from tables, chairs, bike racks or other appurtenances at all times. Placement shall not interfere with pedestrian or vehicular traffic.
- d. The sign must be constructed of weather resistant materials and shall be maintained in good repair.

(8) During times of election. During times of primary, state or federal elections involving candidates from federal, state or local office that represents the district in which the property is located or involves an issue on the ballot within the district where the property is located, one (1) additional temporary sign per issue or candidate shall be allowed. ~~Such additional signs shall be allowed beginning sixty (60) days prior to the date of the primary, state or federal election and shall be removed five (5) days after the election.~~

(9) Additional temporary signs are allowed as follows:

- a. During times of sale or rent. One (1) additional temporary sign may be located on a property subject to the following parameters:
 1. The owner consents and the property is being offered for sale or rent through a licensed real estate agent;
 2. The property is offered for sale or rent by the property owner through advertising in local media; and

~~3. Such sign shall be removed within fifteen (15) days following the date on which a contract for sale has been executed between the buyer and seller or a rental agreement has been executed between lessor and lessee.~~

4. 3. Said sign shall not exceed four (4) square feet.

- b. During times property is open to the public. One (1) additional temporary sign may be located on the property on a day when the property owner is opening the property to the public; however, the owner may not use this type of sign for more than fifteen (15) days a year. Such sign may not exceed four (4) square feet.
- c. One (1) additional temporary sign shall be allowed upon submittal of a final development application or issuance of a building permit and shall terminate upon the issuance of any certificate of occupancy or for approval to connect to electric power for the work authorized by the building permit. Such sign shall not exceed four (4) square feet.

(h) *Permit requirements.*

(i) *Signs exempt from permit requirements.*

(j) *Nonconforming signs.*

(k) *Illegal signs.*

(l) *General regulations.*

(m) *Signs allowed by specific zoning district.*

(n) *Residential and Mixed-Use Zones (R-1, R-2, R-3, R-4, NSZ, NCCZ and MU)*

(o) *Professional, commercial and industrial zones (B-1, B-2, B-3, HBZ, M-1, M-2, M-3, HM, POP, and A-1).*

(1) One (1) freestanding sign per street frontage; additionally, one (1) freestanding sign for every three hundred (300) linear feet of street frontage.

a. Freestanding signs shall not exceed seventy-five (75) square feet, twenty-five (25) feet in height and shall have a minimum setback of five (5) feet. When street frontage permits two (2) signs, the freestanding signs may be combined into one (1) freestanding sign that shall not exceed one hundred ten (110) square feet. For buildings with more than one (1) occupying business, this freestanding sign may list all businesses within the building.

b. Monument type freestanding signs shall not exceed sixty (60) square feet, eight (8) feet in height and shall have a minimum setback of five (5) feet.

(2) ~~One (1) wall sign, canopy sign or awning sign per street frontage with~~ There shall be a maximum of four (4) wall, canopy or awning signs per building or structure. The maximum allowed area for all signage in these zones is thirty-two (32) square feet or twenty (20) percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. A maximum of the first thirty (30) feet of the height of the façade shall be used to calculate the square footage area of a wall sign. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two (2) or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.

(3) One (1) message board either attached to a wall sign or freestanding sign not to exceed thirty-two (32) square feet and eight (8) feet in height.

(4) One (1) drive-thru facility sign for each drive-thru lane, walk-up window or drive-up curbside. Drive-thru facility signs shall not exceed fifty-five (55) square feet and shall have a maximum height of eight (8) feet.

(5) One (1) temporary sign per street frontage.

(6) Theater marquee signs.

a. A marquee shall not exceed thirty-two (32) square feet, shall not project more than eight (8) feet from the building face and shall have a minimum clearance of ten (10) feet.

(7) Incidental signs shall not exceed two (2) square feet.

(8) Buildings used for religious or educational activities.

a. In addition to signage allowed above, one (1) message board, not exceeding thirty-two (32) square feet and eight (8) feet in height.

(1) (9) Subdivision - One (1) subdivision monument sign per entrance into a commercial or industrial subdivision not to exceed forty-eight (48) square feet and ten (10) feet in height. Said sign shall have a setback of 10 (ten) feet from the traveled portion of the public way.

(9) (10) Single-family, two-family and multi-family dwellings shall follow the provisions of subsection (n).

(10) (11) Perforated signs shall be allowed; however, they shall be either 50/50 or 60/40 perforation. No perforated sign shall be placed over ingress/ egress door.

(11) (12) Neon signs are allowed.

(p) *Historic Downtown area (B-2-T, H-1 and H-2)*

- (q) *Additional signage allowed in specific commercial and industrial zones.*
- (r) *Planned Unit Development (PUD).*
- (s) *Replacement advertising signs.*
- (t) *Advertising on Interstate Highways.*
- (u) *Substitution clause.*

Sec. 126-98. Accessory dwelling unit (ADU).

Accessory dwelling units (ADUs) shall be principally permitted in every zone in the City. ADUs shall not constitute a dwelling unit for purposes of calculating density. All ADUs are subject to the following:

- (1) One (1) ADU may be permitted per single-family residential dwelling per lot. The property owner must reside in either the principal dwelling or the ADU as their permanent residence.
- (2) ADUs are permitted in the rear yard only ~~if not contained within the footprint of the home.~~
- (3) The maximum ADU size is fifty (50) percent of the rear yard behind the principal dwelling, not to exceed the ground floor area of the principal dwelling.
- (4) ADUs are permitted on lots that do not meet the minimum lot area or width standards for the underlying zone. However, setbacks of the underlying zone must be met.
- ~~(5) Any exterior stair cases used to access a second story or higher ADU shall be located to the side or behind the principal dwelling.~~
- (6) ~~(5)~~ The maximum height of ADUs shall not exceed the height of the principal dwelling.
- (7) ~~(6)~~ One (1) additional parking space shall be required.
- (8) ~~(7)~~ An ADU may be utilized as a short-term rental or special event short-term rental, subject to the requirements contained within the Paducah Zoning Ordinance.

Sec. 126-120. Neighborhood Services Zone, NSZ

The purpose of this zone is to provide for primarily residential uses and encourage such development by right, according to standards that will ensure harmony with the existing historic residential environment. Limited commercial uses may be introduced provided compliance with a conditional use permit upholding the historic fabric of the neighborhood.

- (1) *Principal permitted uses.*
- (2) *Conditionally permitted uses.* The following ~~uses are special exceptions and~~ shall require written approval from the Historical and Architectural Review Commission:
 - a. Multi-family dwellings.
 - 1. Minimum lot area: Three thousand (3,000) square feet per unit.
 - 2. Minimum lot width: Sixty (60) feet.
 - b. Home occupations.
 - c. Professional offices.
 - d. ~~Daycares~~ Daycare nurseries.
 - e. Beauty shops and barbershops.
 - f. Places of worship.
 - g. Short-term rentals.
 - h. Bed and breakfast.
 - i. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 - 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 - 2. Personal and convenience service establishments;
 - 3. Restaurant (excluding drive-thru);
 - 4. Any other use not listed which, in the HARC's opinion, would be compatible with the above uses.
- 1. *Minimum yard requirements.*
- 4) *Minimum area requirements for non-residential structures:*
- 5) *Maximum building height.*
- 6) *Additional regulations:*
 - a. Off-street loading areas may not face any public right-of-way.
 - b. No loading or unloading shall be allowed between 9:00 p.m. and 7:00 a.m.

~~e. Parking shall be per section 126-102(2)(e).~~

d. c. The Historical and Architectural Review Commission (HARC) shall have sole jurisdiction as a special board of adjustment over the NSZ pursuant to KRS 82.026 and 100.217.

7) *Plan approval required for new construction and for changes in exterior appearance.*

Sec. 126-176. Planning Commission.

(a) *Intent.* The intent of this section is to provide guidance for the ~~zoning code~~ Zoning Code amendment processes, including text and map amendments. It shall also be the intent of this section to guide ~~various approval processes and~~ the use of development plans, which may be used for a variety of planning and zoning processes, including map amendments. The Planning Commission in ~~its~~ obligation to promote the public health, safety and general well-being shall consider~~;~~ but not be limited to, the following in ~~its~~ deliberative considerations:

- (1) The conservation of natural resources, which may include various wildlife forms, vegetation, steep slopes, surface water, ground water, floodplain, soils, geologically sensitive areas, air quality, noise, view sheds, sufficient sunlight exposure, etc.;
- (2) The conservation of sites that have historic or architectural value;
- (3) The provision for safe, efficient vehicular and pedestrian transportation, off-street parking and loading within the development and ~~the community and~~ neighborhood;
- (4) The provision for sufficient open space and recreational opportunities;
- (5) The compatibility of the overall site design (buildings, parking, circulation, signs, screening and landscaping) and land use with the existing and projected future land use of the area;
- (6) The provision for adequate drainage facilities to prevent runoff problems during times of peak precipitation and flooding to the site and the surrounding ~~community/~~neighborhood;
- (7) The provision that infrastructure needs shall, as they relate to essential services and infrastructure systems, be adequately addressed;
- (8) Compliance with the Comprehensive Plan, ~~and~~ all applicable regulations as per City ordinances, ~~and~~ City policies and other applicable laws ~~and regulations~~.

(b) *Public notice.*

- (1) For ~~applications~~ petitions that require a public hearing before the Planning Commission, notice shall be mailed at least ~~seven (7) or fourteen (14)~~ 20 days, ~~depending on the type of~~ before the hearing by first class mail to all property owners surrounding the subject property to a depth of two (2) ownerships or within a radius of two hundred (200) feet of the subject property, whichever is greater.
- (2) In accordance with KRS 424, notice shall be published in the Paducah Sun newspaper at least ~~seven (7) or fourteen (14) days prior to the hearing, depending on the type of hearing~~ 14 days before the hearing.
- (3) In accordance with KRS Chapters 424 and 100, on-site notice shall be posted at least ~~fourteen (14)~~ 14 days before the hearing of any zone change (rezoning), ~~subdivision or development plan approval~~.

(c) *Formal ~~application~~ petition required.* To formally request the Commission to consider any action, the ~~applicant~~ petitioner shall file a complete ~~application~~ petition (with respect to all applicable provisions of this chapter and other City ordinances, regulations and policies), pay the filing fee, and provide copies of all written and graphic material as required. The date for the public hearing will be set upon receipt of a complete application.

(d) *Refiling.*

Within a period of twelve (12) months from the date of a negative decision, no tract of land, or any portion thereof, shall be considered for a zone change ~~(rezoning) or for development plan approval with identical to~~ the same proposal, except requests initiated by the Planning Commission or Board of Commissioners, or the Planning Commission grants unanimous permission to resubmit sooner.

(e) *Procedures required for zone change (rezoning).*

- (1) A petition for a map amendment (also referred to as a zone change or rezoning) may originate with the Planning Commission, ~~or~~ with the ~~Paducah~~ Board of Commissioners, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption.
- (2) The Planning Commission shall hold at least one (1) public hearing after proper notice is given in accordance with KRS Chapters 424 and 100 and this code.

- (3) The decision of the Planning Commission shall become final and the map amendment shall be automatically implemented, subject to the provisions of KRS 100.347, unless a written request for a hearing before the Board of Commissioners is made within ~~twenty-one (21)~~ 21 days after the final decision by the Planning Commission, pursuant to KRS 100.2111. Any aggrieved person, Board of Commissioners or ~~the~~ Zoning Administrator may file the request.
- (4) If a timely request for a hearing before the Board of Commissioners is filed, the findings of fact and decision of the Planning Commission shall be forwarded to the Board of Commissioners prior to their hearing. All persons appearing before the Planning Commission shall be informed of the request. It shall take a majority of the entire Board of Commissioners to override the decision of the Planning Commission.
- (f) *Zone Change (rezoning) - Findings required.* In accordance with KRS 100.213, to approve any zone change (~~rezoning~~), the Planning Commission must find that the map amendment ~~is in agreement agrees~~ with the ~~comprehensive plan, Comprehensive Plan~~ or, in the absence of such a finding, that:
- (1) the original zoning classification given to the property was inappropriate or improper;
 - (2) there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the ~~comprehensive plan Comprehensive Plan~~ and which have substantially altered the basic character of the area.
- The findings of fact shall be recorded in the minutes and maintained in the records.
- (g) *Variances and conditional use permits.* The Planning Commission may hear and ~~finally~~ decide ~~applications petitions~~ for variances or conditional use permits pertaining to the same property when filed and scheduled to be heard with a proposed development plan ~~approval application~~ or a map amendment ~~application petition~~. The Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS Ch. 100 ~~and this Zoning Code~~. The ~~applicant petitioner~~ for the map amendment may elect to have any variances or conditional use permits for the same development to be heard and ~~finally~~ decided by the Planning Commission at the same public hearing ~~set~~, or by the Board of Adjustment as otherwise provided for by KRS Ch. 100 ~~and this Zoning Code~~.
- (h) *Development plan requirements.*
- (1) *When required.* A preliminary development plan ~~shall~~ may be required in the following instances:
 - a. The Planning Commission, as a condition to the granting of any zoning change, ~~shall~~ may require the submission of a development plan which, where agreed upon, shall be followed; except ~~for a single principal structure and accessory structures~~ for a single-family dwelling, a ~~duplex two-family~~ dwelling, a triplex dwelling or a four-plex dwelling ~~on a single lot or ownership parcel~~. As a further condition to the granting of a zoning change, the Planning Commission shall require that substantial construction be initiated within two (2) years following the enactment of the map amendment, provided that such zoning change shall not revert to its original designation unless there has been a public hearing. The development plan shall be a continuing condition for the area rezoned unless amended as required herein;
 - b. When there is a proposal for multiple principal buildings on a single ~~ownership~~ parcel or lot;
 - c. ~~The subdivision process may substitute for the development plan process. A major subdivision plat may substitute for a development plan.~~
 - d. For ~~planned unit developments~~ Planned Unit Developments per section 126-70.
 - e. For ~~Mixed Use Developments~~ site developments per ~~section sections~~ sections 126-114 and 126-118.
 - (2) *Plans defined.* For purposes of this subsection ~~(h)~~ and the plans required herein, the following definitions shall apply:
 - a. ~~Sketch plan. This plan will be used to determine the essential graphic and written materials required for a specific map amendment and those specific actions, such as map amendments, variances or conditional use permits that may be requested of the Planning Commission. The sketch plan may be conceptual but should indicate any site or surrounding features or conditions that may affect the proposed development or surrounding properties or rights of way, the proposed buildings, access points, parking and loading areas, landscaping and screening areas, existing and proposed utilities, proposed location for solid waste storage and access to same, and any other conditions on the site or surrounding properties or proposed development features which may affect the development of the site or surrounding properties or rights of way. The sketch plan does not have to be detailed or highly finished drawings, but should address the issues and conditions that may be essential to the development.~~

~~b.a. Preliminary development plan.~~ This plan shall be ~~that plan~~ adopted by the Planning Commission when a favorable recommendation is made to the Board of Commissioners for specific zone changes and when favorable approvals are given for multiple principal structures, developments in Planned Unit Developments and developments in the A-1 and MU Zones. ~~the Planning Commission favorably recommends a map amendment to the City Commission. The preliminary development plan shall include that information as determined in the pre-application conference.~~ No building permits shall be issued based upon a preliminary development plan.

~~e.b. Final development plan.~~ This plan is, ~~in effect,~~ a final site plan with that level of detail as may be required for obtaining ~~those~~ permits and approvals necessary for construction. It shall include all information required ~~as set forth hereinafter and~~ as necessary for the review of the proposed development and its compliance with any applicable law or regulation, including any previously approved preliminary development plan.

(3) *Content and format of development plans.* ~~All development plans shall be prepared on mylar or other material capable of clear reproduction.~~ Plans shall be legible and of a size and scale (generally not exceeding one (1) inch equals one hundred (100) feet) which enables clear presentation of required information. Required plan information shall be as follows:

a. Contents of preliminary development plan. ~~A preliminary development plan shall contain the following minimum information:~~

1. A title block containing the plan name, development plan type (preliminary or final), name and address of applicant petitioner, developer and plan preparer, ~~and a written and graphic scale;~~
2. The boundary of the subject property, and along with the zoning designation and owner names for all adjoining property;
3. Vicinity sketch, oriented in the same direction as the design scheme;
4. Topography with contour intervals, grid elevations or spot elevations of sufficient detail to generally describe the lay of the land. This requirement may be waived by the City where topographic conditions and features are found not to be necessary to the required development plan reviews and actions;
5. Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, and parking areas, and arrangement of parking spaces, dumpster pads, points of ingress and egress, and other vehicular and pedestrian rights-of-way;
6. Location and typical profiles and cross-sections of any proposed or existing streets or deceleration lanes (when deemed necessary) within or abutting the subject property. This requirement may be waived subject to a condition regarding same on the face of the development plan approval by the City Engineer;
7. Screening, landscaping, buffering, recreational and other open spaces;
8. Approximate size, location, height, floor area, area arrangement, and use of proposed buildings, and existing buildings and signs;
9. Approximate location of lot lines for projects anticipated to involve land subdivision;
10. Storm drainage areas, floodplain, conceptual drainage controls, and storm water retention and any other designated environmentally sensitive or geologic hazard areas;
11. Proposed and existing easements for utilities or other purposes; locations of sanitary sewers including lengths and alignments of laterals;
12. Areas of substantial existing trees including those located along fence rows and drainage areas, along with a general description of the type and size of such trees;
13. A statistical table summarizing all pertinent site data, including site area, zoning, building coverage, and floor area, parking, open spaces, etc.;
14. For projects of one (1) acre or more, a note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place unless and until the Department of Engineering ~~and Environmental Services~~ has approved the applicant's petitioner's proposed soil erosion control procedures and, if required, a soil erosion control plan;
15. A signed owner's certification, as follows: "I (We) hereby certify that I am (We are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt the Development Plan with My (Our) free consent, with the exception of such variances or other conditions of approval, if any, as are noted hereon or in the Minutes minutes of the Paducah City Planning Commission. I (We) furthermore

understand that ~~buildings~~ building permits ~~for construction~~ can only be issued following this plan and that amendments to ~~the~~ this plan can be made only by official Commission action";

16. A preliminary development plan certification shall be signed by the Chairman if and when the plan is fully approved, as follows: "I hereby certify that the Development Plan shown hereon has been found to comply with the Zoning Ordinance Regulation for the City of Paducah, ~~Kentucky~~, with the exception of such variances or other condition of approval, if any, as are noted hereon or in the Minutes ~~minutes~~ of the City Planning Commission and that it has been approved as the official plan."

17. A written or graphic scale.

- b. *Contents of final development plan.* A final development plan shall contain all information as required for preliminary development plans under the sections above, except ~~that~~ the plan information shall be of an exact nature, rather than approximate or general.

(i) *Development plan procedures.*

(1) *Pre-application conference.*

- a. Prior to any acceptance of a formal application petition for ~~an amendment a preliminary development plan~~, the ~~applicant shall~~ petitioner may meet informally with appropriate City staff ~~planning staff~~ to determine the following:

1. The effect of the proposed development on the existing neighborhood, traffic patterns, and infrastructure systems;
2. How the proposed development relates to the ~~comprehensive plan~~ Comprehensive Plan;
3. The various regulations that may apply to the proposed development;
4. An explanation of the required contents of the preliminary development plan and any other required submission of materials; and
5. An explanation of the ~~amendment~~ preliminary development plan approval process.

- b. At the time of the meeting with the planning appropriate City staff, the ~~applicant~~ petitioner should present a ~~sketch~~ conceptual plan, ~~as outlined in subsection (h)(2) above.~~

- (3) Review. ~~The planning~~ Planning staff shall send the preliminary development plan to concerned agencies and interests for their respective technical review. If necessary, or requested by the ~~applicant~~ petitioner, the interested parties and technical review bodies may meet together to resolve, if possible, issues and difficulties associated with the development proposal. These meetings ~~will be open to the public~~ are subject to KRS 424.

- (4) Planning Commission action. No preliminary development plan will be considered for Commission action until the appropriate review agencies and public interests have reviewed the plan.

(5) The Commission may pursue the following actions:

- a. Approval. The preliminary development plan is ready for certification as presented.
- b. Conditional approval. The preliminary development plan will be certified when the ~~applicant~~ petitioner has complied with the conditions of approval set forth by the Commission in the Commission's action on the development plan.
- c. Disapproval. The preliminary development plan has been disapproved by the Planning Commission. To request new review and action, the ~~applicant~~ petitioner must file a new application petition and development plan.
- d. *Continuance.* In circumstances where further resolution is required, the Commission may continue final action ~~on the development plan~~ until further information is ascertained or the resolution of conflicts occurs.

(6) *Final development plans procedures.*

- a. Only after the Planning Commission has approved the preliminary development plan, ~~and the appropriate zoning district has been approved by the Board of Commissioners if required;~~ then the ~~applicant~~ petitioner must present a final development plan as set forth in subsection (h) (2) (~~e~~ b) prior to the issuance of any building permits. The final development plan must be reviewed to ensure that:

1. The plan ~~is in compliance~~ complies with the preliminary development plan.
2. The plan ~~is in compliance~~ complies with the ~~comprehensive plan~~ Comprehensive Plan, the Zoning Code, ~~other~~ City ordinances, regulations, ~~or~~ policies, and all other applicable laws ~~and regulations.~~

3. Where appropriate, the review agencies may assess the document and forward their comments to the city Planning Department prior to final development plan approval.
 4. When all final ~~zoning or annexation~~ plans are submitted the applicant petitioner shall also make a digital submission that complies with the regulations of Chapter 102 Section 39 (d) of the Code of Ordinances ~~of the City of Paducah.~~
- b. If the final development plan complies with this subsection, the Planning Commission Chair will certify on the face of the plan that all requirements and applicable conditions have been satisfied.
- (j) *Amendments to development plans.* Amendments to approved development plans can be made only by official Planning Commission action following a public hearing. Content, format and procedures shall be the same as for the original submission. However, amendments which fully meet the requirements set forth hereinafter as minor amendments shall be approved and certified by the Zoning Administrator without further action by the Planning Commission.
- (1) *Minor amendments defined.* Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments:
- a. Shall not decrease the overall land area ~~in wards~~ or ~~other~~ open spaces;
 - b. Shall not increase building ground area coverage, floor area, ~~or~~ height, or increase the number of dwelling units;
 - c. May increase building ground area coverage for accessory buildings; or principal buildings if additions are less than ten (10) percent and additional parking can be provided without disruption to major plan elements;
 - d. Shall not change the location or cross section of any street and shall not increase the number or change the location of street access points on arterial or collector streets;
 - e. May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment this reduction may not be less than would be required by the zoning ~~district~~ regulations. ~~For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.~~
- (2) *Procedures for minor amendments.*
- a. *Review.* The City shall review the plan for compliance with all applicable requirements and ordinances, ~~and shall consult with concerned~~ Concerned agencies as appropriate shall be consulted to assure proper plan review. Upon determination that all requirements have been met, planning staff shall submit ~~its finding~~ their findings to the Planning Commission Chair for certification. If any question arises as to compliance, ~~however,~~ the plan shall be referred to the Planning Commission.
 - b. *Certification.* Upon certification of approval by the Planning Commission Chair, planning staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the ~~developer~~ petitioner and return the original plan ~~tracing~~ to the ~~developer~~ petitioner.
- (3) *Content and format of minor amendments.* Minor amendments shall have the same content and format requirements as the original development plan, except that:
- a. The title shall indicate the plan as a minor amendment;
 - b. A note shall be added listing the exact nature of the requested changes;
 - c. The following shall be the required language for the Planning Commission Chair's certification affixed to the plans: "I do hereby certify that this development plan amendment complies with Zoning Ordinance provisions regarding amendments to development plans."
 - d. Owners of interest shall complete a certification to be signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon and do adopt this as my (our) development plan for the property;" ~~which shall be required language for all property and affixed to the plans.~~
- (k) *Relationship to subdivision regulations.* The ~~relationships~~ relationship between development plans and the subdivision regulations are established as follows:
- (1) *Applicability of subdivision regulations.* Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the subdivision regulations shall be applied to proposals contained on the development plan.

(2) *Combining plans.* Development plans and preliminary subdivision plats may be combined. It is recognized that for certain development situations it can be advantageous to both the ~~applicant~~ petitioner and the Planning Commission to combine requirements for development plans and preliminary subdivision plats in order to streamline ~~the~~ development approval ~~process~~ while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:

- a. The ~~developer~~ petitioner shall meet with planning staff no later than five (5) ~~working~~ business days in advance of the filing deadline to discuss the appropriateness of filing a combined plat.
- b. The plan shall show all information required for a development plan ~~(preliminary or final as appropriate) and all information required for and~~ a preliminary subdivision plat as set forth in the subdivision regulations.

(3) *Substitution of plans.* A preliminary or final subdivision plat may be substituted for development plans required in conjunction with map amendment requests. It is recognized ~~that~~ in certain cases a preliminary or final subdivision plat would be as appropriate, or more appropriate, to be considered in conjunction with a map amendment request than would a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, ~~requirements for placement of structures within the zone setbacks~~ and where the ~~applicant~~ petitioner ~~has seen fit to have~~ plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When ~~an applicant~~ a petitioner is required to provide a development plan in conjunction with a zoning map amendment request, the ~~applicant~~ petitioner may file a subdivision plat in place of the development plan, if deemed appropriate by the City. In any disputed case, the City shall make the final judgment as to whether a development plan or subdivision plat is required.

SECTION 2. That this Resolution shall be treated as, and is, the final report of the Paducah Planning Commission respecting the matters appearing herein.

SECTION 3. That if any section, paragraph or provision of this Resolution shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this Resolution to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.


Cathy Crecelius, Chairwoman

Adopted by the Paducah Planning Commission on September 8, 2022