



**SPECIAL CALLED CITY COMMISSION MEETING
AGENDA FOR JANUARY 10, 2023
5:00 PM
WKCTC - CROUNSE HALL ROOM 101
4810 ALBEN BARKLEY DR., PADUCAH, KY**

*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

DELETIONS

PRESENTATION Annual Audit Presentation - David Hampton, Kemper CPA

PRESENTATION Junior Duke of Paducah Award for Matthew King

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 December 15, 2022 Special Called Board of Commissioners Meeting
	B.	Receive & File Documents
	C.	Personnel Actions
	D.	Declaration and Sale of Surplus Property 416 and 418 North 13th Street - N. HUTCHISON
	E.	Declaration and Sale of Surplus Property 1645 Martin Luther King Jr. Dr. - N. HUTCHISON
	F.	Authorize a Contract for Legal Services with Vaughn Petitt Legal Group, PLLC at hourly rates - D. JORDAN
	II.	<u>MOTION(S)</u>
	A.	Appointment of Mayor Pro Tem
	III.	<u>ORDINANCE(S) - ADOPTION</u>

		A.	Amend the FY23 City Budget to Increase Revenues and Expenditures for the Community Development Block Grant Fund by \$1,000,000 - H. REASONS
		B.	Approve a Telecommunications Franchise Agreement with Quad State Internet, LLC. - M. SMOLEN
	IV.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Amend Code of Ordinances Section 2-145 Related to Public Comments - L. PARISH
		B.	Amend Section 2-315 Firefighter Training and qualifications; appointee probationary period - S. KYLE
	V.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
		C.	Comments from the Audience
		D.	Comments on Neighborhood Opportunities & City Matters
	VI.	<u>EXECUTIVE SESSION</u>	

December 15, 2022

At a Special Called Meeting of the Paducah Board of Commissioners held on Tuesday, December 15, 2022, at 4:00 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.

PRESENTATIONS

Communications Manager Pam Spencer offered the following summaries:

City Government of the Year Presentation

“Kentucky League of Cities (KLC) Chief of Staff Martha Cosby officially presented the Paducah Board of Commissioners with the 2022 KLC City Government of the Year award. The award recognizes a city that has elevated its community through quality governance or done something transformational for the city. An independent board of judges from around the state selected Paducah which applied based upon the City Commission’s decision to prioritize the Southside and develop the Southside Rise & Shine Neighborhood Spruce Up initiative.”

Christmas Parade Award Winners

The 2022 Christmas Parade, which had 95 entries, was held December 3 in downtown Paducah with the theme Christmas in Candyland. The winners of the parade are as follows:

- Themed Float – James Sanders Nursery
- Religious Float – Lone Oak Church of Christ
- Non-Float – MelRhea Balloons
- School Float – Morgan Elementary School
- Band – McCracken County High School
- Drill Team – The Rhythm Factory

MAYOR’S REMARKS

Communications Manager Pam Spencer offered the following summary:

Recognition of Commissioner Carol Gault

“The Board presented Commissioner Carol Gault with an engraved appreciation gift in recognition of her years of service to the City of Paducah. Commissioner Gault’s term officially ends December 31. She has served as City Commissioner since January 2021 with previous terms from 2009 through 2016. Mayor Bray said that he is honored to serve with Commissioner Gault and thanked her for her leadership on the 911 Committee.”

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 November 29, and December 7, 2022 Board of Commissioners Meetings
I(B)	Receive and File Documents
(IC)	Appointment of Alex Blackwell to the Brooks Stadium Commission to replace Bill Pinkston, who resigned. This term shall expire December 5, 2023
I(D)	Personnel Actions
I(E)	A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR THE INSTALLATION OF NEW LIGHTING AT THE PADUCAH FLOODWALL DAFFORD MURAL PANELS (MO #2677, BK 12)
I(F)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MAGNEGRIP IN THE AMOUNT OF \$212,423 FOR THE PURCHASE AND INSTALLATION OF A SOURCE CAPTURE EXHAUST SYSTEM IN ALL FIVE PADUCAH FIRE STATIONS (MO #2678, BK 12)
I(G)	A MUNICIPAL ORDER ACCEPTING THE DONATION OF REAL PROPERTY LOCATED AT 1721 BROAD STREET FROM RUTH THOMPSON TO THE CITY OF PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED CONSIDERATION CERTIFICATE (MO #2679, BK 12)
I(H)	A MUNICIPAL ORDER ACCEPTING THE DONATION OF REAL PROPERTY LOCATED AT 1723 BROAD STREET FROM GEORGIA WILLIAMS TO THE CITY OF PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED CONSIDERATION CERTIFICATE (MO #2680, BK 12)
I(I)	A MUNICIPAL ORDER APPROVING THE APPLICATION FOR A NATIONAL ENDOWMENT FOR THE HUMANITIES GRANT IN THE AMOUNT OF \$150,000 TO BE USED TO DIGITALLY CAPTURE PADUCAH'S CULTURAL AND HISTORICAL RESOURCES (MO #2681, BK 12)
I(J)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT IN THE AMOUNT OF \$98,850 WITH ATLAS ROOFING CONTRACTORS, INC. TO REPLACE THE RUBBER ROOF MEMBRANE AT THE WEST KENTUCKY MAUSOLEUM LOCATED IN OAK GROVE CEMETERY (MO #2682, BK 12)
I(K)	A MUNICIPAL ORDER ADOPTING A SCHEDULE OF FEES FOR PARKS AND RECREATION FACILITIES LOCATED IN CITY PARKS IN THE CITY OF PADUCAH, KENTUCKY, PURSUANT TO CHAPTER 70, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY (MO #2683, BK 12)
I(L)	A MUNICIPAL ORDER APPROVING A FUNDING AGREEMENT WITH THE PADUCAH-MCCRACKEN COUNTY RIVERPORT IN AN AMOUNT OF \$90,000 FOR SPECIFIC PURCHASES AND SERVICES RELATED TO MODERNIZATION OF THE RIVERPORT AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS RELATED TO SAME (MO #2684, BK 12)

December 15, 2022

I(M)	A MUNICIPAL ORDER APPROVING A KENTUCKY DEFERRED COMPENSATION JOINER AGREEMENT TO PARTICIPATE IN THE KY 401(K) AND KY 457 PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (MO #2685, BK 12)
I(N)	A MUNICIPAL ORDER AUTHORIZING THE CITY OF PADUCAH TO ACCEPT COST OVERRUNS AS IT RELATES TO THE PADUCAH-MCCRACKEN COUNTY SENIOR CENTER PROJECT AS REQUIRED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT, AUTHORIZING A SUBRECIPIENT AGREEMENT FOR THE ADMINISTRATION AND DISBURSEMENT OF GRANT FUNDS AND TO MAKE THE PADUCAH-MCCRACKEN COUNTY SENIOR CENTER RESPONSIBLE FOR ALL COST OVERRUNS, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (MO #2686, 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).

RESOLUTION

REALLOCATION OF HUD-VASH VOUCHERS

Commissioner Guess offered Motion, seconded by Commissioner Gault, that the Board of Commissioners adopt a Municipal Order entitled, “A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY, SUPPORTING THE REALLOCATION OF HOUSING AND URBAN DEVELOPMENT VETERANS AFFAIRS SUPPORTIVE HOUSING VOUCHERS.”

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

MUNICIPAL ORDERS

AUTHORIZE CITY MANAGER TO ISSUE A REQUEST FOR BIDS – ROBERT CHERRY CIVIC CENTER

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 ISSUE A REQUEST FOR BIDS FOR CONSTRUCTION WORK RELATED TO THE ROBERT CHERRY CIVIC CENTER.”

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5). **(MO #2687, BK 12)**

December 15, 2022

APPROVED REVISED “CITY BLOCK” AMENDED AND RESTATED DEVELOPMENT AGREEMENT, DEED OF CONVEYANCE AND DEED OF ACCESS – WEYLAND VENTURES DEVELOPMENT

Commissioner Wilson offered Motion, seconded by Commissioner Henderson, that the Board of Commissioners adopt a Municipal Order entitled, “A MUNICIPAL ORDER AUTHORIZING AND APPROVING A PADUCAH “CITY BLOCK” PROGRAM AMENDED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PADUCAH AND WEYLAND VENTURES DEVELOPMENT FOR PROGRAM DEVELOPMENT FOR A FUTURE HOTEL, PARKING, OPEN SPACE, AND MIXED-USE RESIDENTIAL BUILDING LOCATED AT THE CITY BLOCK BOUNDED BY SECOND STREET, BROADWAY, NORTH WATER STREET AND JEFFERSON STREET AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME.”

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5). **(MO #2688, BK 12)**

AUTHORIZE PAYMENT IN THE AMOUNT OF \$72,500 TO THE PADUCAH-MCCRACKEN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

Commissioner Gault offered Motion, seconded by Commissioner Guess that the Board of Commissioners adopt a Municipal Order entitled, “A MUNICIPAL ORDER AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO THE PADUCAH-MCCRACKEN COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY FOR CLEARING AND GRUBBING WORK AT PROPERTY LOCATED IN INDUSTRIAL PARK WEST IN AN AMOUNT OF \$72,500 FOR ECONOMIC DEVELOPMENT PURPOSES, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME.”

Adopted on call of the roll yeas, Commissioners Gault, Guess, Henderson, Wilson and Mayor Bray (5). **(MO #2689, BK 12)**

ORDINANCE INTRODUCTIONS

AMEND FY 23 CITY BUDGET TO INCREASE REVENUES AND EXPENDITURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND BY \$1 MILLION

Commissioner Guess offered Motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 2022-06-8740, ENTITLED, “AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2022, THROUGH JUNE 30, 2023, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.” This Ordinance is summarized as follows: That the annual budget for the fiscal year beginning July 1, 2022, and ending June 30, 2023, as adopted by Ordinance No. 2022-06-8740, be amended by the following re-appropriations:

- Increase revenues and expenditures for the CDBG Fund by \$1,000,000

December 15, 2022

APPROVE A TELECOMMUNICATIONS FRANCHISE AGREEMENT WITH QUAD STATE INTERNET, LLC.

Commissioner Wilson offered Motion, seconded by Commissioner Henderson, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE FOR A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATIONS SYSTEM WITHIN THE CONFINES OF THE CITY OF PADUCAH, KENTUCKY TO QUAD STATE INTERNET, PURSUANT TO THE TERMS AND PROVISIONS OF CHAPTER 108 "TELECOMMUNICATIONS" OF THE CODE OF ORDINANCES, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FRANCHISE AGREEMENT WITH QUAD STATE INTERNET AND ALL OTHER DOCUMENTS RELATED TO SAME." This Ordinance is summarized as follows: This Ordinance formally accepts the bid of Quad State Internet, LLC of November 11, 2022. Further, this Ordinance grants a ten (10) year, non-exclusive telecommunications franchise to Quad State Internet, LLC, pursuant to Chapter 108 "Telecommunications" of the Code of Ordinances of the City of Paducah.

PUBLIC COMMENTS

The following audience members offered comments about the text messages from Commissioner David Guess to a member of City Staff:

- Yvonne Gray
- Mary Byrne
- J. W. Cleary
- Gil Arterburn
- Dajuan Thomas
- Dorothea Davis

COMMISSIONER COMMENTS

Commissioner Guess read a statement regarding the text message comments.

Commissioner Henderson spoke about the text message comments.

EXECUTIVE SESSION

Commissioner Gault offered motion, seconded by Commissioner Guess, that the Board go into closed session for discussion of matters pertaining to the following topic:

- Issues which might lead to the discipline or dismissal of a member, i.e., Commissioner, as permitted by KRS 61.810(1)(f).

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

RECONVENE IN OPEN SESSION

Commissioner Wilson offered motion, seconded by Commissioner Henderson, that the Paducah Board of Commissioners reconvene in open session.

December 15, 2022

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

DISCUSSION RELATED TO PERSONNEL

Communications Manager Pam Spencer offered the following summary:

Resolution Approved by Paducah Board of Commissioners Charging Commissioner David Guess with Misconduct

“After hearing comments from the public and the Commissioners, the Paducah Board of Commissioners met for nearly an hour and a half in closed session as permitted by KRS 61.810(1)(f) for issues which might lead to the discipline or dismissal of a member i.e. City Commissioner. After returning to open session, Mayor George Bray stated that the Board asked for Commissioner David Guess to resign related to text messages sent on November 8, 2022, to a City employee which included language with racial overtones. Commissioner Guess declined. The Board approved a resolution charging Commissioner Guess with misconduct pursuant to KRS 83A.040(9). Commissioner Guess is entitled to a full public hearing before the Board of Commissioners which will be scheduled in the near future.”

RESOLUTION RELATED TO CHARGES OF MISCONDUCT

Mayor Bray offered Motion, seconded by Commissioner Henderson, to adopt a Municipal Order entitled, “A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY CHARGING COMMISSIONER DAVID GUESS WITH MISCONDUCT PURSUANT TO KRS 83A.040(9)” which shall be read in full as follows:

WHEREAS, on November 8, 2022, Commissioner David Guess sent text messages to a City employee which included language with racial undertones; and

WHEREAS, minority inclusion has been a Commission priority for the City of Paducah with all City Commissioners having attended Diversity, Equity, and Inclusion (DEI) training; and

WHEREAS, the Commission supported the startup and development of the Paducah Diversity Advocacy Board; and

WHEREAS, the Commission actively supported the Minority Small Business and Entrepreneurship Training and Development Program at West Kentucky Community and Technical College; and

WHEREAS, the City sponsored Paducah’s first ever Juneteenth celebration with the Carson Center and the Paducah-McCracken County NAACP and co-sponsored the annual August 8th Celebration; and

December 15, 2022

WHEREAS, because the Commission has made minority inclusion a priority mission through these various programs, City Commission members must be held to the highest leadership and ethical standards, particularly with respect to racial issues; and

WHEREAS, the City has held its employees to a high standard in this regard such that racial discrimination and/or harassment is not tolerated and has resulted in termination of employment with the City; and

WHEREAS, the text messages sent by Commissioner Guess have undermined the Commission's mission in this regard and negatively impacted City employees; and

WHEREAS, there is probable cause to believe that, in sending the text messages at issue, Commissioner Guess engaged in misconduct in the performance of his duties as a City Commissioner.

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

Section 1. On November 8, 2022, Commissioner David Guess sent text messages to a City employee about an African-American City Commission candidate which included language with racial undertones, stating "You got dujan (sic) under control" and "Whitey keeping a black man down." See text message exchange attached hereto as Exhibit A. Commissioner Guess has admitted that he sent the text messages at issue. See Facebook Message issued by Commissioner David Guess, attached hereto as Exhibit B.

Section 2. There is probable cause to believe that, in sending these text messages, Commissioner David Guess engaged in misconduct in the performance of his duties of his office.

Section 3. Commissioner Guess is hereby charged with misconduct pursuant to KRS 83A.040(9).

Section 4. Pursuant to KRS 83A.040(9), Commissioner Guess is entitled to a full public hearing before the Board of Commissioners, which will be scheduled in the near future.

Adopted on call of the roll yeas, Commissioners Gault, Henderson, Wilson and Mayor Bray (4). Commissioner Guess abstained (1).

ADJOURN

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

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

TIME ADJOURNED: 6:55 p.m.

December 15, 2022

ADOPTED: January 10, 2023

George P. Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

January 10, 2023

RECEIVE AND FILE DOCUMENTS:

Minute File:

1. Press Release regarding actions of Commissioner David Guess
2. Resolution of the Board of Commissioners of the City of Paducah, Kentucky Charging Commissioner David Guess with Misconduct Pursuant to KRS 83A.040(9)
3. Oath of Office – Robert Smith
4. Oath of Office – David Guess
5. Oath of Office – Raynarldo Henderson
6. Oath of Office – Sandra Wilson
7. Notice of Special Called Meeting of the Board of Commissioners on December 7, 2022
8. Notice of Cancellation of regular meeting on December 13, 2022, for the Board of Commissioners
9. Notice of Special Called Meeting of the Board of Commissioners on December 15, 2022
10. Notice of Cancellation of regular meeting on December 27, 2022, for the Board of Commissioners
11. Order Setting Hearing Date and Prehearing Deadlines – Board of Commissioners v. David Guess

Contract File:

1. Performance and Payment Bond – Atlantic Emergency Solutions, Inc. – MO #2663
2. Contract with Atlas Roofing Contractors, Inc. – Roof Replacement – Oak Grove Cemetery Mausoleum – MO #2682
3. Funding Agreement with Paducah-McCracken County Riverport Authority in an amount of \$90,000 MO #2684
4. Subrecipient Agreement to pass along Cost Overruns to the Paducah-McCracken County Senior Center – MO #2686

Financials File:

1. Transit Authority of the City of Paducah – Financial Statement with Auditor's Report Year ended June 30, 2022

Bids File:

1. Capture Exhaust Systems for Five Fire Stations
 - a. MagneGrip – Recommended Bid MO #2678
 - b. Nederman
 - c. Hastings
2. Replace rubber roof membrane at the West Kentucky Mausoleum – Oak Grove Cemetery
 - a. Atlas Roofing – Recommended Bid MO #2682
 - b. Integrity Roofing

CITY OF PADUCAH
January 10, 2023

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.

Michelle Smolen

City Manager's Office Signature

1/5/2023

Date

**CITY OF PADUCAH
PERSONNEL ACTIONS
January 10, 2023**

NEW HIRES - FULL-TIME (F/T)

<u>FIRE - SUPPRESSION</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Leneave, Claydon G.	Firefighter Recruit	\$14.32/hr	NCS	Non-Ex	January 26, 2023
Lawson, Jonathan O.	Firefighter Recruit	\$14.32/hr	NCS	Non-Ex	January 26, 2023
Hall, Michael A.	Firefighter Recruit	\$14.32/hr	NCS	Non-Ex	January 26, 2023
Harris, Payton R.	Firefighter Recruit	\$14.32/hr	NCS	Non-Ex	January 26, 2023

GENERAL GOVERNMENT

Smith, Robert R.	Commissioner	Beginning of Term	NCS	Ex	January 1, 2023
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PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS (FULL-TIME)

<u>PARKS & RECREATION</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>
Marsden, Jared W.	Assistant Director of Parks \$38.63/hr	Assistant Director of Parks \$39.40/hr	NCS	Ex	January 12, 2023

TERMINATIONS - FULL-TIME (F/T)

<u>GENERAL GOVERNMENT</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Gault, Carol C.	Commissioner	End of Term	December 31, 2022

<u>PARKS & RECREATION</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Shelby, Nicholas M.	Laborer - Lead	Resignation	December 13, 2022

Agenda Action Form

Paducah City Commission

Meeting Date: January 10, 2023

Short Title: Declaration and Sale of Surplus Property 416 and 418 North 13th Street - **N. HUTCHISON**

Category: Municipal Order

Staff Work
By: Nancy
Upchurch
Presentation
By: Nicholas
Hutchison

Background Information: The disposition of surplus or excess property is governed by City Code Section 2-668; which references KRS 82.083.

Sec. 82.083 (5) If a City receives no bids for real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the City. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.

This property has been advertised several times since acquisition, the most recent being on the City website and in the Paducah Sun on April 30, 2022. The deadline to bid was 4 pm, May 25, 2022. No bids were received for this property. On Nov. 23, 2022, G Squared Properties of Paducah submitted a bid including an offer to purchase the property for \$250 for each lot (total \$500) with additional commitment to construct a single-family (three-bedroom, two-bath) home. The total proposed investment is \$163,000. They submitted a letter of financial ability to complete the project from CFSB Bank. For additional information, see the attached staff report.

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

If yes, please list the Commission Priority: Housing

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: It is recommended to determine that the property is surplus and accept the request of the G Squared Properties of Paducah LLC to transfer the property for \$250 for each lot (a total of \$500) to construct a single-family residence, subject to the standard clause applied in the Fountain Avenue Revitalization Area stating that the property would revert back to the City if the owner fails to comply with the submitted proposal and fails to substantially complete the project within two years.

Attachments:

1. MO – 416 and 418 North 13th Street
2. SOA2022-0016 and 17 Staff Report 416 and 418 N 13th Street

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER DECLARING THE REAL PROPERTY LOCATED AT 416 AND 418 NORTH 13TH STREET TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF G SQUARED PROPERTIES OF PADUCAH, LLC IN THE AMOUNT OF \$250 FOR EACH LOT FOR A TOTAL BID OF \$500 FOR PURCHASE OF SAID REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, pursuant to KRS 82.083 a written determination has been made that the City does not have any use at this time or in the future for property located at 416 and 418 North 13th Street, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on several occasions, the most recent being on April 30, 2022, and no bids were received by the deadline of 4:00 p.m. on May 25, 2022; and

WHEREAS, on November 23, 2022, G Squared Properties of Paducah, LLC submitted a bid including an offer to purchase the property for \$250 for each lot, for a total bid of \$500; and

WHEREAS, the City desires to accept the bid of G Squared Properties of Paducah, who proposes to construct a single-family dwelling home, with a total proposed investment of \$163,000.

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

SECTION 1. The Board of Commissioners hereby declares the property located at 416 and 418 North 13th Street to be surplus property as it relates to the operations of the City. Further, the Board of Commissioners hereby accepts the bid of G Squared Properties of Paducah, LLC in the amount of \$250 for each lot for a total bid of \$500 for the purchase of real property located at 416 and 418 North 13th Street.

SECTION 2. The Mayor is hereby authorized to execute a deed and any necessary documents relating to same to complete the sale of the real property approved in Section 1 above.

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

Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, January 10, 2023

Recorded by Lindsay Parish, City Clerk, January 10, 2023

\mo\prop sale- 416 and 418 North 13th Street

STAFF REPORT
City CommissionAPPLICATION INFORMATION

ADDRESS	416 and 418 North 13 th Street
CASE NO.	SOA2022-0016 and SOA2022-0017
OWNER	City of Paducah
APPLICANT	G Squared Properties of Paducah LLC
REQUEST	Sale of Asset
HEARING DATE	Jan. 10, 2023

GENERAL SITE INFORMATION

CURRENT ZONING	B-3
CURRENT LAND USE	Vacant
COMPREHENSIVE PLAN	Neighborhood Plan 1
CURRENT IMPROVEMENTS	None
FLOODPLAIN	No
PUBLIC UTILITIES	Power, gas, water
PUBLIC	Paducah Fire, Paducah

SURROUNDING AREA INFORMATION

	SURROUNDING ZONING	SURROUNDING LAND USE
NORTH	B-3	Residential
SOUTH	B-3	Vacant
EAST	B-3	Residential
WEST	NCCZ	Health Park

GENERAL INFORMATION

The disposition of surplus or excess property is governed by City Code Section 2-668; which

references KRS 82.083.

The disposition of any property requires a written determination that includes: a description of the property; its intended use at the time of acquisition; the reason why it is in the best interest of the City to dispose of the item; and the method of disposition to be used.

DESCRIPTION OF THE PROPERTY: 416 and 418 N 13th Street



Intended Use at the time of Acquisition

The City of Paducah acquired this property at 416 N. 13th Street on July 10, 2020 and the property at 418 N. 13th Street on August 6, 2020 with the intention of marketing the lot for single family residence adjacent to the Fountain Avenue Revitalization Program Area. The buildings on the properties were demolished several years ago.

DISPOSITION OF THE PROPERTY

Typically, it is in the best interest of the board to transfer ownership of underutilized parcels to a responsible citizen, thereby placing the property back on the tax rolls and eliminating the maintenance and liability costs. This lot is located adjacent to an

established, recently revitalized residential neighborhood. The Comprehensive Plan recommends Neighborhood Plan 1, in which residential development should be designed and configured to complement the existing neighborhood.

BID INFORMATION

Sec. 82.083 (5) If a City receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the City. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.

This property has been advertised several times since acquisition, the most recent being on the City website and in the Paducah Sun on April 30, 2022. The deadline to bid was 4 PM, May 25, 2022. No bids were received for this property. On Nov. 23, 2022 a bid submitted with an offer to purchase the property to construct a single-family residence.

BID #1	G Squared Properties of Paducah LLC	Bid Amount: \$250
	G Squared Properties of Paducah submitted a proposal to combine the two 27 foot lots to make one lot. They propose to construct a single-family (three-bedroom, two-bath) home. The total proposed investment is \$163,000. They submitted a letter of financial ability to complete the project from CFSB Bank.	

STAFF RECOMMENDATION

The lot is located B-3 which would not require Historic Architecture Review Commission (HARC) review and approval, however, the design proposed is one of the approved plans for the Fountain Avenue Neighborhood. The design of the home will fit the character of the neighborhood.

Therefore, it is recommended to determine that the property is surplus and accept the request of the G Squared Properties of Paducah LLC to transfer the property for \$250 for each lot (a total of \$500 for both lots), to construct a single-family residence, subject to the standard clause applied in the Fountain Avenue Revitalization Area stating that the property would revert back to the City if the owner fails to comply with the submitted proposal and fails to substantially complete the project within two years.

Agenda Action Form

Paducah City Commission

Meeting Date: January 10, 2023

Short Title: Declaration and Sale of Surplus Property 1645 Martin Luther King Jr. Dr. - **N. HUTCHISON**

Category: Municipal Order

Staff Work
By: Nancy
Upchurch
Presentation
By: Nicholas
Hutchison

Background Information: The disposition of surplus or excess property is governed by City Code Section 2-668; which references KRS 82.083.

Sec. 82.083 (5) If a City receives no bids for real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the City. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.

This property has been advertised several times since acquisition, the most recent being on the City website and in the Paducah Sun on April 30, 2022. The deadline to bid was 4 pm, May 25, 2022. No bids were received for this property. On Nov. 23, 2022, G Squared Properties of Paducah submitted a bid including an offer to purchase the property for \$250 with additional commitment to construct a single-family (three-bedroom, two-bath) home. The total proposed investment is \$142,750. They submitted a letter of financial ability to complete the project from CFSB Bank. For additional information, see the attached staff report.

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

If yes, please list the Commission Priority: Housing

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: It is recommended to determine that the property is surplus and accept the request of the G Squared Properties of Paducah LLC to transfer the property for \$250 for the lot to construct a single-family residence, subject to the standard clause applied in the Fountain Avenue Revitalization Area stating that the property would revert back to the City if the owner fails to comply with the submitted proposal and fails to substantially complete the project within two years.

Attachments:

1. MO – 1645 Martin Luther King Jr. Drive
2. SOA2022-0018 Staff Report 1645 Martin Luther King Jr Dr

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER DECLARING THE REAL PROPERTY LOCATED AT 1645 MARTIN LUTHER KING JR. DRIVE TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF G SQUARED PROPERTIES OF PADUCAH, LLC IN THE AMOUNT OF \$250 FOR PURCHASE OF SAID REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, pursuant to KRS 82.083 a written determination has been made that the City does not have any use at this time or in the future for property located at 1645 Martin Luther King Jr. Drive, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on several occasions, the most recent being on April 30, 2022, and no bids were received by the deadline of 4:00 p.m. on May 25, 2022; and

WHEREAS, on November 23, 2022, G Squared Properties of Paducah, LLC submitted a bid including an offer to purchase the property for \$250; and

WHEREAS, the City desires to accept the bid of G Squared Properties of Paducah, LLC, who proposes to construct a single-family dwelling home, with a total proposed investment of \$142,750.

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

SECTION 1. The Board of Commissioners hereby declares the property located at 1645 Martin Luther King Jr. Drive to be surplus property as it relates to the operations of the City. Further, the Board of Commissioners hereby accepts the bid of G Squared Properties of Paducah, LLC in the amount of \$250 for the purchase of real property located at 1645 Martin Luther King Jr. Drive.

SECTION 2. The Mayor is hereby authorized to execute a deed and any necessary documents relating to same to complete the sale of the real property approved in Section 1 above.

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

Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, January 10, 2023

Recorded by Lindsay Parish, City Clerk, January 10, 2023

\mo\prop sale- 1645 Martin Luther King Jr. Drive

STAFF REPORT
City CommissionAPPLICATION INFORMATION

ADDRESS	1645 Martin Luther King Jr. Dr.
CASE NO.	SOA2022-0018
OWNER	City of Paducah
APPLICANT	G Squared Properties of Paducah LLC
REQUEST	Sale of Asset
HEARING DATE	Jan. 10, 2023

GENERAL SITE INFORMATION

CURRENT ZONING	NCCZ
CURRENT LAND USE	Vacant
COMPREHENSIVE PLAN	Neighborhood Plan 1
CURRENT IMPROVEMENTS	None
FLOODPLAIN	No
PUBLIC UTILITIES	Power, gas, water
PUBLIC	Paducah Fire, Paducah

SURROUNDING AREA INFORMATION

	SURROUNDING ZONING	SURROUNDING LAND USE
NORTH	NCCZ	Residential
SOUTH	NSZ	Residential
EAST	NCCZ	Residential
WEST	NCCZ	Residential

GENERAL INFORMATION

The disposition of surplus or excess property is governed by City Code Section 2-668; which

references KRS 82.083.

The disposition of any property requires a written determination that includes: a description of the property; its intended use at the time of acquisition; the reason why it is in the best interest of the City to dispose of the item; and the method of disposition to be used.

DESCRIPTION OF THE PROPERTY: 1645 Martin Luther King Jr. Dr.



Intended Use at the time of Acquisition

The City of Paducah acquired this property June 19, 2007 with the intention of marketing the lot for single family residence in the Fountain Avenue Revitalization Program Area. The building on the property was demolished several years ago.

DISPOSITION OF THE PROPERTY

Typically, it is in the best interest of the board to transfer ownership of underutilized parcels to a responsible citizen, thereby placing the property back on the tax rolls and

eliminating the maintenance and liability costs. This lot is located in an established, recently revitalized residential neighborhood. The Comprehensive Plan recommends Neighborhood Plan 1, in which residential development should be designed and configured to complement the existing neighborhood.

BID INFORMATION

Sec. 82.083 (5) If a City receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the City. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.

This property has been advertised several times since acquisition, the most recent being on the City website and in the Paducah Sun on April 30, 2022. The deadline to bid was 4 PM, May 25, 2022. No bids were received for this property. On Nov. 23, 2022 a bid submitted with an offer to purchase the property to construct a single-family residence.

BID #1	G Squared Properties of Paducah LLC	Bid Amount: \$250
	G Squared Properties of Paducah submitted a proposal to construct a single-family (three-bedroom, two-bath) home. The total proposed investment is \$142,750. They submitted a letter of financial ability to complete the project from CFSB Bank.	

STAFF RECOMMENDATION

The lot is located NCCZ which would not require Historic Architecture Review Commission (HARC) review and approval, however, the design proposed is one of the approved plans for the Fountain Avenue Neighborhood. The design of the home will fit the character of the neighborhood.

Therefore, it is recommended to determine that the property is surplus and accept the request of the G Squared Properties of Paducah LLC to transfer the property for \$250 for the lot to construct a single-family residence, subject to the standard clause applied in the Fountain Avenue Revitalization Area stating that the property would revert back to the City if the owner fails to comply with the submitted proposal and fails to substantially complete the project within two years.

Agenda Action Form

Paducah City Commission

Meeting Date: January 10, 2023

Short Title: Authorize a Contract for Legal Services with Vaughn Pettitt Legal Group, PLLC at hourly rates -
D. JORDAN

Category: Municipal Order

Staff Work By: Daron Jordan

Presentation By: Daron Jordan, George
Bray

Background Information: This Municipal Order authorizes the City to enter into a professional services agreement with Vaughn Pettitt Legal Group, PLLC for legal services related to the recent Misconduct Charge. Professional Services will be billed at hourly rates.

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

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: Legal

Account Number: 1000 0105 523050

Staff Recommendation:

Attachments:

1. MO - legal fees misconduct charges
2. 2022 12 19 Retention Ltr

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER OF THE CITY OF PADUCAH AUTHORIZING A LEGAL SERVICES AGREEMENT AT HOURLY RATES WITH VAUGHN PETITT LEGAL GROUP, PLLC FOR LEGAL REPRESENTATION RELATED TO A MISCONDUCT CHARGE ISSUED BY THE CITY COMMISSION, AND RATIFYING THE MAYOR'S EXECUTION OF SAID AGREEMENT

WHEREAS, the City Commission approved a Resolution on December 15, 2022, charging Commissioner David Guess with misconduct pursuant to KRS 83A.040(9); and

WHEREAS, the City now wishes to approve a Legal Services Agreement with Vaughn Petitt Legal Group, PLLC, for legal representation related to said misconduct charge.

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

SECTION 1. That the City of Paducah hereby authorizes the Mayor to execute a Legal Services Agreement with Vaughn Petitt Legal Group, PLLC, for legal representation related to the recent Misconduct charge against Commissioner David Guess at the hourly rates of \$185.00 per hour for partners, \$170.00 per hour for associates and \$95.00 an hour for paraprofessional time, as well as costs and expenses incurred in the course of representation.

SECTION 2. That the City Commission hereby ratifies the Mayor's execution of the Legal Services Agreement with Vaughn Petitt Legal Group, PLLC.

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 January 10, 2023
Recorded by Lindsay Parish, City Clerk, January 10, 2023
\\mo\\legal fees misconduct charges



Carol S. Petitt

cpetitt@vplegalgroup.com

December 19, 2022

Via Electronic Mail Only

djordan@paducahky.gov

Daron E. Jordan, CEcD
City Manager/ABC Director
300 S. 5th Street
PO Box 2267
Paducah, Kentucky 42002

RE: **Contract for Legal Services**
David Guess - City Commission Misconduct Charge

Dear Mr. Jordan:

Pursuant to our previous communication, I write to outline your retention of our firm. Thank you for the compliment of placing your trust in me and our firm and allowing us to represent you regarding the referenced matter. Below I have outlined the terms of our agreement. If you have any questions or you want to discuss the below terms, please know that I am open to listening to you and your concerns at any time.

1. RETENTION AGREEMENT

I am writing to memorialize our agreement that Carol S. Petitt ("Attorney") and Vaughn Petitt Legal Group, PLLC ("the Firm") will represent, as retained counsel, The City of Paducah ("Client"). Under the terms of this agreement the Attorney and the Firm will represent Client's interests regarding a misconduct charge issued by the City Commission.

This representation is to be on an hourly basis. Our general hourly rate is \$275.00 (partner)/\$205.00 (associate)/\$105.00 (paralegal/investigator) per hour. However, we have agreed to an hourly rate of \$185.00 per hour for partners, \$170.00 per hour for associates and \$95.00 an hour for paraprofessional time. I will not attempt to raise our rates for at least one year from the date of this agreement.



We will **not** require a retainer to be held in our escrow account for the pendency of the representation.

We will send you a monthly invoice for professional services rendered, which you are welcome to pay by check. Monthly invoices will include charges for out-of-pocket disbursements and expenses, and same will be itemized for your review. In the event I have to incur an expense greater than \$250.00, I will contact you prior to incurring same to obtain your approval. Please pay the full amount of each monthly invoice, as the retainer, if one is required, will not be credited against the monthly bills but instead will be held in escrow until our relationship ends or is altered.

2. ACCEPTANCE OF REPRESENTATION. Attorney agrees to represent Client in this dispute. Attorney, however, makes no warranties or representations concerning the ultimate resolution of any legal action or negotiated settlement. Attorney accepts all the customary responsibilities and duties of attorney in representing a client to the best of their ability, and will, from time to time, give Client her counsel and advice as necessary.

3. EXPENSES. Any costs and necessary disbursements incurred by Attorney in the course of Attorney's representation will be borne by Client. Such costs and disbursements may include, but are not limited to, court costs, deposition fees, expert witnesses, reports, witness statements, mileage and all other out-of-pocket expenses directly incurred. Any such costs or disbursements advanced by attorney will be reimbursed to her by Client. Client remains ultimately responsible for payment of the costs and disbursements incurred.

4. ASSOCIATE COUNSEL. Attorney may, in her discretion, utilize associate counsel and paralegals on behalf of Client to assist in certain matters.

5. DISCHARGE OF ATTORNEY. Client may discharge Attorney at any time for any reason. Attorney will be entitled to the full fee earned as of the date of separation plus reimbursement of expenses as provided above, if the representation ends for any reason. Payment is due under this paragraph regardless of whether Client may have discharged attorney or obtained substitution of another attorney before any claim or claims are resolved.

6. WITHDRAWAL OF ATTORNEY. Attorney may withdraw from representation of Client at any time after reasonable notice to Client. Subject to the previous paragraph, upon withdrawal,



attorney is entitled to payment for services rendered through time of withdrawal and Attorney is entitled to reimbursement of expenses as provided above.

7. RETENTION OF FEES AND EXPENSES. Attorney is hereby granted a lien on all money and property recovered to secure payment of all sums due under this agreement. Attorney is authorized to receive any recovery on the claims, whether by settlement, judgment, execution, garnishment, or any other proceeding whatsoever, and attorney may retain from such recovery any fees and expenses described above before disbursing the remainder to Client.

8. POWER OF ATTORNEY. Client gives Attorney the power to execute any and all documents connected with Attorney's representation of Client, including, but not limited to, pleadings, contracts, releases, dismissals, orders and settlement agreements approved by Client. Client acknowledges receiving a copy of this agreement.

George P. Bray, Mayor

DATE

Carol Schureck Petitt
VAUGHN PETITT LEGAL GROUP, PLLC
7500 West Highway 146
Pewee Valley, Kentucky 40056
(502) 243-9797

DATE

Agenda Action Form

Paducah City Commission

Meeting Date: January 10, 2023

Short Title: Amend the FY23 City Budget to Increase Revenues and Expenditures for the Community Development Block Grant Fund by \$1,000,000 - **H. REASONS**

Category: Ordinance

Staff Work By: Hope
Reasons
Presentation
By: Hope Reasons

Background Information: The City of Paducah applied for and received a Community Development Block Grant in the amount of \$1,000,000 on behalf of the Paducah-McCracken County Senior Center to assist with the purchase of a lot at 1600 Kentucky Avenue and the building of a new 7,000 square foot facility. The Commission authorized Municipal Order 2669 on October 25, 2022 to accept the grant.

The Grant Agreement between the Commonwealth of Kentucky and City of Paducah requires:

- Evidence of a budget ordinance/amendment indicating inclusion of CDBG-CV funds into the City's budget

This ordinance will satisfy the Grant Agreement requirement for the budget amendment.

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: Approve an ordinance to amend the FY23 City of Paducah budget to increase revenue and expenses for the CDBG fund by \$1,000,000.

Attachments:

1. ORD budget amend FY2023 – CDBG Senior Center

ORDINANCE NO. 2023-____ - _____

AN ORDINANCE AMENDING ORDINANCE NO. 2022-06-8740, ENTITLED, “AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2022, THROUGH JUNE 30, 2023, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT”

WHEREAS, the City of Paducah applied for and received a Community Development Block Grant in the amount of \$1,000,000 on behalf of the Paducah-McCracken County Senior Center to assist with the purchase of a lot at 1600 Kentucky Avenue and the building of a new 7,000 square foot facility; and

WHEREAS, the Grant Agreement between the Commonwealth of Kentucky and City of Paducah requires evidence of a budget ordinance/amendment indicating inclusion of CDBG-CV funds into the City's budget; and

WHEREAS, the City Commission now wishes to amend the FY2023 budget to satisfy the requirement of the Commonwealth.

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

SECTION 1. That the annual budget for the fiscal year beginning July 1, 2022, and ending June 30, 2023, as adopted by Ordinance No. 2022-06-8740, be amended by the following re-appropriations:

- Increase revenues and expenditures for the CDBG Fund by \$1,000,000

SECTION 2. 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 Lindsay Parish, City Clerk, _____
Published by *The Paducah Sun*, _____
\\ord\finance\budget amend FY2023 – CDBG Senior Center

Agenda Action Form

Paducah City Commission

Meeting Date: January 10, 2023

Short Title: Approve a Telecommunications Franchise Agreement with Quad State Internet, LLC. - **M. SMOLEN**

Category: Ordinance

Staff Work By: Daron Jordan, Michelle Smolen, Lindsay
Parish, Rick Murphy
Presentation By: Michelle Smolen

Background Information: On August 9, 2022, the City Commission adopted Ordinance No. 2022-08-8745 which repealed and replaced Chapter 108 "Telecommunications" of the Code of Ordinances of the City of Paducah. The City issued and advertised a Request for Proposals for non-exclusive telecommunications franchises in accordance with Municipal Order No. 2658 on October 21, 2022. The City of Paducah received an application from Quad State and found their application to be in compliance with Chapter 108. The working group recommends the Board of Commissioners execute a ten-year, non-exclusive franchise agreement with Quad State Internet.

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: Approve a Telecommunications Franchise Agreement with Quad State Internet, LLC.

Attachments:

1. ORD - Telecommunications Quad State 2023
2. Quad State Franchise Agreement December 2022 - Signed by Preston Ursini

ORDINANCE 2023-____ - _____

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE FOR A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATIONS SYSTEM WITHIN THE CONFINES OF THE CITY OF PADUCAH, KENTUCKY TO QUAD STATE INTERNET, PURSUANT TO THE TERMS AND PROVISIONS OF CHAPTER 108 "TELECOMMUNICATIONS" OF THE CODE OF ORDINANCES, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FRANCHISE AGREEMENT WITH QUAD STATE INTERNET AND ALL OTHER DOCUMENTS RELATED TO SAME

WHEREAS, by Chapter 108 "Telecommunications" of the Code of Ordinances, which was repealed and replaced on August 9, 2022, the City of Paducah, Kentucky (the "City") created a ten (10) year, non-exclusive franchise for a telecommunications system within the confines of Paducah; and

WHEREAS, on October 21, 2022, the City offered at bid a non-exclusive telecommunications franchise pursuant to Chapter 108 "Telecommunications" of the Code of Ordinances; and

WHEREAS, after publication of said advertisement, the City received a bid from Quad State Internet (hereinafter "Quad State").

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

SECTION 1. Bid Acceptance. That the City of Paducah hereby accepts the bid of Quad State for a non-exclusive telecommunications franchise within the City of Paducah, said bid being in substantial compliance with bid specifications, and as contained in the bid of Quad State of November 11, 2022.

SECTION 2. Franchise Award. That a ten (10) year, non-exclusive telecommunications franchise created by Chapter 108 "Telecommunications" of the Code of Ordinances be, and it hereby is, awarded to Quad State.

SECTION 3. Authorized Signatures. The Mayor is hereby authorized, by and on behalf of the City, to execute the Franchise Agreement between the City of Paducah, Kentucky, and Quad State, in substantially the form attached hereto and made part hereof (Exhibit A), and all other documents related to same.

SECTION 4. Incorporation by Reference. That the statements set forth in the Preamble to this Ordinance are hereby incorporated in this Ordinance by reference, the same as if set forth at length herein.

SECTION 5. Severability. That if any section, paragraph or provision of this ordinance 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 ordinance to make each and every section paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 6. Open Meetings. 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 7. Effective Date. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George P. Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, December 15, 2022

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

Published by The Paducah Sun, _____

ord\Telecommunications Quad State 2023

Exhibit A
Franchise Agreement

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT is effective this _____ day of _____, 2023, by and between the City of Paducah, a political subdivision of the Commonwealth of Kentucky, and Quad State Internet, LLC (hereinafter “Quad State”), a Kentucky limited liability company.

WITNESSETH:

WHEREAS, on August 9, 2022, the Paducah City Commission repealed and replaced Chapter 108 "Telecommunications" of the Code of Ordinances and created a ten (10) year, non-exclusive franchise for a telecommunications system within the confines of the City of Paducah; and

WHEREAS, on October 21, 2022, the City of Paducah offered at bid a non-exclusive telecommunications franchise pursuant to Chapter 108 "Telecommunications" of the Code of Ordinances; and

WHEREAS, by Ordinance No. _____, the City of Paducah accepted the bid of Quad State to acquire said franchise; and

WHEREAS, The City of Paducah and Quad State have entered into this Franchise Agreement to memorialize the grant by the City of Paducah to Quad State of said franchise subject to the terms and conditions reflected in Chapter 108 "Telecommunications" of the Code of Ordinances.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein the receipt and sufficiency of which are hereby acknowledged, the City of Paducah and Quad State hereby agree to incorporate the foregoing recitals as if fully set forth herein and further agree as follows:

1. Chapter 108 "Telecommunications" of the Code of Ordinances is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

2. Quad State's bid for said franchise, Quad State's application, and any addendum to said application, which are attached hereto as Exhibit "A", is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

3. Ordinance No. _____, by which the Paducah Board of Commissioners approved this Franchise Agreement, is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

4. The City of Paducah has granted unto Quad State a non-exclusive franchise for a telecommunications system within the confines of the City of Paducah, for a term of ten (10) years, subject to the provisions of Chapter 108 "Telecommunications" of the Code of Ordinances.

5. The franchise memorialized in this Franchise Agreement shall commence upon the effective date of this agreement, and shall expire as provided in the terms and provisions of Chapter 108 "Telecommunications" of the Code of Ordinances.

6. Quad State does hereby bind itself, its successors and assigns, to faithfully and fully perform each and every condition of said franchise as memorialized in this Franchise Agreement, and further to faithfully perform all acts required of it pursuant to said franchise.

7. This Franchise Agreement memorializes the agreement between the parties contained and embodied in Chapter 108 "Telecommunications" of the Code of Ordinances and shall be binding upon and inure to the benefit of the respective successors in interest to the parties hereto.

8. Notwithstanding any other provision in Chapter 108 "Telecommunications" of the Code of Ordinances to the contrary, the parties agree that ninety (90) days prior to any proposed construction in the City of Paducah, Quad State shall submit all applicable engineering drawings and documents required to comply with Chapter 98 Article III of the City of Paducah's Code of Ordinances for review by the City of Paducah's Engineering Department. Before proceeding with any construction in the City's rights of ways, Quad State shall be required to obtain written approval from the City of Paducah's Engineering Department for said proposed construction.

IN WITNESS, WHEREOF, The City of Paducah and Quad State have executed this Franchise Agreement as their free and voluntary act and deed effective as of the day and year first above written.

[Signatures on following page]

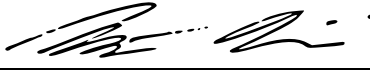
City of Paducah

BY: _____
MAYOR

ATTEST:

CITY CLERK

Quad State Internet, LLC

BY:  _____

TITLE: Preston Louis Ursini, Director of Network Operations

STATE OF _____)
COUNTY OF _____)

The foregoing Franchise Agreement was subscribed, sworn to and acknowledged before me
by _____, as _____ (title), of Quad State Internet,
LLC on this the ____ day of January, 2023.

My commission expires: _____

NOTARY PUBLIC

Exhibit A
Bid Application and any Addendum

Agenda Action Form

Paducah City Commission

Meeting Date: January 10, 2023

Short Title: Amend Code of Ordinances Section 2-145 Related to Public Comments - **L. PARISH**

Category: Ordinance

Staff Work By: Lindsay Parish, Daron Jordan,
Michelle Smolen

Presentation By: Lindsay Parish

Background Information: This ordinance amends the Paducah Code of Ordinances Section 2-145 related to public comments at City Commission Meetings. Specifically, the proposed ordinance no longer limits public comments at regular City Commission meetings to only items listed on the agenda. This ordinance authorizes the Presiding Officer to moderate, allow, disallow, extend or limit public comments in accordance with specific provisions which are laid out in full in the proposed ordinance.

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

If yes, please list the Commission Priority:

Communications Plan:

- Updated Comment Card available to the public online and at Commission meetings.
- Mayor will announce public comment information at the beginning of meetings as possible.

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

Attachments:

1. ORD 2-145 Public Comments Amendment 2023

ORDINANCE NO. 2023-____ - _____

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-145
“ORDER OF BUSINESS; NAMES OF MEMBERS PRESENT TO
BE NOTED; HEARING OF SPECTATORS” OF THE CODE OF
ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY**

WHEREAS, this Ordinance amends Chapter 2 of the Code of Ordinances of the City of Paducah, regarding public comments made at City Commission Meetings.

NOW THEREFORE be it ordained by the City Commission of the City of Paducah as follows:

SECTION 1. That the City of Paducah, Kentucky hereby amends Section 2-145 “Order of business; names of members present to be noted; hearing of spectators” of the Paducah Code of Ordinances as follows:

Sec. 2-145. - Order of business; names of members present to be noted; hearing of spectators

(a) The order of business for actions requiring a Board vote at meetings are as follows:

- (1) Resolutions.
- (2) Consent agenda.
 - a. Minutes.
 - b. Motions.
 - c. Municipal orders.
- (3) Ordinances.
- (4) Executive session.

(b) Once minutes are approved, the minutes of every meeting must be signed by the City Clerk and by the presiding officer.

(c) At the opening of all sessions of the Board of Commissioners, the City Clerk shall note in the minutes the names of all members of the Board who are present. ~~[After the Board shall have transacted all of its business by proceeding with the order of business as provided above, the Mayor shall recognize any person in attendance at a meeting who has signed up to speak using a public comments card and give such person an opportunity to be heard concerning any resolutions, items on the consent agenda, or ordinances which were included on the agenda for that meeting and about which the Board engaged in a vote or discussion at that meeting. The Mayor may set a time limit for speakers taking into account the number of persons wishing to speak and the length of time the Board has been meeting. As a general rule, no person shall be permitted to speak longer than three (3) minutes on any one (1) subject at any meeting of the Board.]~~

(d) It is the right of the Presiding Officer to moderate, allow, disallow, extend or limit public comments at City Commission meetings. Generally, public comments may be allowed at City Commission Meetings in accordance with the following provisions:

(1) Members of the public wishing to make comments shall complete a public comment card which shall be available online and at the Commission meeting. Public comment cards shall be submitted to the City Clerk prior to the start of the meeting at which the person wishes to speak.

(2) If several attendees wish to make comments on the same topic, the Presiding Officer may require that a representative be selected to make comments on behalf of the larger group.

(3) Comments may be in regards to any topic which is within the scope and responsibility of the Board at any Regular Commission Meeting. Public comments at Special Called Commission Meetings shall be limited to the items listed on the agenda.

(4) If a speaker has spoken on the same subject at multiple meetings, it is the right of the Presiding Officer to no longer allow comments on the subject from said speaker.

(5) Speakers must maintain decorum and respectfulness when addressing the Board. It is the right of the Presiding Officer to cause public comments to be halted if a speaker is disrespectful, threatening or out of order.

(6) The Presiding Officer may set a time limit for speakers considering the number of persons wishing to speak and the length of time the Board has been meeting. As a general rule, no person shall be permitted to speak longer than three (3) minutes at any meeting.

(7) Generally, public comments will be allowed at the end of the meeting. However, the Presiding Officer may choose to allow for public comments at other times during the meeting when the comments relate to an item being considered or discussed by the Board.

(8) Before beginning their comments, speakers must state their name and whether they are a City resident, and, if speaking for an organization or other group, identify the organization represented.

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\2-145 Public Comments Amendment 2023

Agenda Action Form

Paducah City Commission

Meeting Date: January 10, 2023

Short Title: Amend Section 2-315 Firefighter Training and qualifications; appointee probationary period - **S. KYLE**

Category: Ordinance

Staff Work
By: Steve Kyle
Presentation
By: Steve Kyle

Background Information: The current ordinance under item (c) Probationary period says the initial training period shall not exceed twenty (20) weeks. Utilizing the new state fire academy, we need an extra buffer to complete training that is not offered at the academy and desire to increase the time to a not exceed thirty-two (32) weeks.

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: Accept the recommendation to increase the initial training period to not exceed thirty-two (32) weeks.

Attachments:

1. 2-315 Training Period Fire Department

ORDINANCE NO. 2023-____ -_____

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-315
“FIREFIGHTER TRAINING AND QUALIFICATIONS;
APPOINTEE PROBATIONARY PERIOD” OF THE CODE OF
ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY**

WHEREAS, this Ordinance amends Chapter 2 of the Code of Ordinances of the City of Paducah, regarding the training period for Paducah firefighters.

NOW, THEREFORE, be it ordained by the City Commission of the City of Paducah as follows:

SECTION 1. That the City of Paducah, Kentucky hereby amends Section 2-315 “Firefighter training and qualifications; appointee probationary period” of the Paducah Code of Ordinances as follows:

Sec. 2-315. - Firefighter training and qualifications; appointee probationary period.

(a) *EMT certification.* Any person employed on a permanent basis as a firefighter in the Paducah Fire Department shall, within a period of twenty-four (24) months, complete the required course and become certified as an Emergency Medical Technician (EMT) through the Commonwealth Department of Human Resources. Further, all firefighters so employed shall keep their EMT certification current at all times and participate in continuing EMT education and training programs. Failure to maintain EMT certification, with absence of good cause, shall be grounds for discipline or dismissal pursuant to KRS 95.450 .

(b) *Qualifications for employment.* No person shall be employed as an appointee for employment as a firefighter in the Fire Department who does not possess the following qualifications and comply with the following requirements:

(1) They must be able to read, write and understand the English language and must be a high school graduate or hold a certificate of high school equivalence issued on the basis of a successful completion of the General Educational Development Test administered and approved under the supervision of the United States Armed Forces Institute, or a recognized institute of higher learning, or the state.

(2) They must be at least nineteen (19) years of age.

(3) They must be a person of sobriety and integrity who at all times has been an orderly law-abiding citizen.

(4) They must be able to identify the colors of red, green and yellow.

(5) They must have standard visual acuity, without correction, not less than 20/40 in one eye, and 20/100 in the other eye; and, with correction, not less than 20/20 in one eye, and 20/40 in the other eye.

(6) They must have a valid driver's license. The firefighter candidate recruit qualifications and selection procedure manual, a copy of which is on file with the City Clerk, shall be a part of this Code to the same effect as if set out in full herein.

(c) Probationary period.

(1) All appointments to the Fire Department shall be for a probationary period of one (1) year from the completion of the initial training period of thirteen (13) weeks to thirty-two (32) [~~twenty (20)~~] weeks (based on a forty (40) hour work week). The initial training period shall not exceed thirty-two (32) [~~twenty (20)~~] weeks. During this time appointees shall be paid the hourly wage as established by ordinance at the same time other regular firefighter wages are paid. Upon completion of the initial training period the Fire Chief shall assign the appointee to a regular platoon, working twenty-four (24) hours on duty and forty-eight (48) hours off duty and paid the hourly wage by ordinance at the same time other regular firefighter wages are paid. Until the probationary period has elapsed, the appointment shall be conditional. At any time during this probationary period, the appointee may be summarily removed by the Board of Commissioners of the City. During this probationary period the appointee shall not be entitled to the grievance procedure of KRS 95.450 . At such time the appointee may have successfully completed the probationary period they shall become a member of the Fire Department and entitled to the procedures of KRS 95.450 .

(2) Until the one (1) year probationary period has elapsed, the appointment shall be conditional. As such, the appointee shall not be entitled to the discipline procedures of KRS 95.450 . At any time during the appointee's probationary period, the appointee may be summarily removed by the Board of Commissioners of the City.

(d) Additional training. After the completion of the above requirements, each member shall engage in all training needed to meet State requirements.

(e) Supervision of training program. The training program provided for in subsections (c)(1) and (2), and (d) of this section shall be under the direction and supervision of the Chief of the Fire Department, subject to any rules and regulations adopted by the Board of Commissioners, and each person employed as an appointee for employment as a firefighter shall participate therein and shall perform such duties as may be assigned to the person by such Chief.

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.

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George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

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Ord2-315 Training Period Fire Department