



Amended April 24, 2023

**CITY COMMISSION MEETING
AGENDA FOR APRIL 25, 2023
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

ADDITIONS/DELETIONS

PRESENTATION PTHS Student Equity Advisory Council Presentation

PROCLAMATION Mental Health Month

PROCLAMATION Public Service Recognition Week

PROCLAMATION Arbor Day, April 28, 2023 - Jonathan E. Perkins, Tree Advisory Board Chairperson

INTRODUCTION KY Tourism, Arts & Heritage Secretary Lindy Casebier to introduce Sandro Tiberi from Fabriano (Italy), UNESCO Creative City

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 April 11, 2023, Board of Commissioners Meeting
	B.	Receive & File Documents
	C.	Personnel Actions
	D.	Appointment of David Guess to the Paducah-McCracken County Joint Sewer Agency
	E.	Appointment of John Spurlin to the Code Enforcement Board
	F.	Reappointment of Edward Box to the Civil Service Commission
	G.	Authorize the Application and Acceptance of a Kentucky Office of Homeland Security Grant in the Amount of \$29,130 - B. LAIRD

		H.	Authorize the Application and Acceptance of a Kentucky Office of Homeland Security Grant in the Amount of \$28,085 - E.STUBER
	II.	<u>MOTION(S)</u>	
		A.	Ratify the execution of a Settlement Agreement with David Guess
	III.	<u>MUNICIPAL ORDER(S)</u>	
		A.	Approve the 2023 Annual Plan and Administrative Plan for the Section 8 Program - LASICA McEWEN
	IV.	<u>ORDINANCE(S) - ADOPTION</u>	
		A.	Authorize the Mayor to enter into an Agreement with PCC Sports for the construction of Pickleball Courts at Noble Park in an amount of \$701,967.00 - A. CLARK
	V.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Approve the closing of 4,356 Square Feet of Monroe Street Between 200 & 306 North 2nd Street - R. MURPHY
		B.	Authorize the Acceptance of Maintenance Responsibilities for City Certain Streets from the Commonwealth of Kentucky Transportation Cabinet to the City of Paducah - R. MURPHY
		C.	Establish an Energy Project Assessment District for Energy Projects in Paducah - D. JORDAN
	VI.	<u>DISCUSSION</u>	
		A.	City Block Project Update - N. HUTCHISON
		B.	Human Rights Commission & Diversity Specialist Discussion - S. WILCOX
		C.	Dog Park Design Discussion - A. CLARK
	VII.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
		C.	Comments from the Audience
	VIII.	<u>EXECUTIVE SESSION</u>	

April 11, 2023

At a Regular Meeting of the Paducah Board of Commissioners held on Tuesday, April 11, 2023, 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 Guess, Henderson, Smith, Wilson, and Mayor Bray (5).

INVOCATION

Commissioner Henderson led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Bray led the pledge.

PROCLAMATIONS

Mayor George Bray presented the following proclamations:

- To Lotus Executive Director Lori Wells Brown and Lotus employees proclaiming April as “National Child Abuse Prevention Month and Sexual Assault Awareness & Prevention Month”
- To 911 Division Manager Kim Clark and Telecommunicators proclaiming April 9-15 as “National Telecommunications Week”

PRESENTATION

Mayor Bray presented a Duke of Paducah to Artist in Residence Jaime Romero from Manises, Spain.

MAYOR’S REMARKS

Communications Manager Pam Spencer prepared the following summary of the Mayor’s remarks:

Convention Center Roof Discussion

Mayor Bray stated that the Convention Center is an important community asset and replacing the deteriorating roof is a priority. In response to comments made at last night’s McCracken County Fiscal Court meeting regarding the County’s interpretation of how the transient room tax should be used to fund a capital improvement project such as the roof replacement, Mayor Bray said the City disagrees with the County’s interpretation.

Mayor Bray stated authority to levy the 2% transient room tax is outlined in KRS 91A.392 which allows fiscal courts in counties that have an authorized city, such as Paducah, the ability to levy a 2% room tax. Those funds can be used for the retirement of bonds related to the construction, expansion, or operation of government-owned convention centers or fine arts centers. This practice of using the room tax to pay the principal and interest for bonds for Convention Center improvements has happened in the past with the 2017 project that improved the kitchen facilities as the most recent example. Mayor Bray stated the most equitable solution is for the City to issue bonds to cover the roof repairs with the principal and interest payments to be paid from the 2% transient room tax.

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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 the March 28, 2023 Board of Commissioners Meetings
I(B)	RECEIVE AND FILE DOCUMENTS: <u>Minute File:</u> 1. Notice To Proceed with Construction – City Block – MO #2688 <u>Deed File:</u> 1. Deed in Lieu of Foreclosure – Elder to City of Paducah – 1401 Old Mayfield Road – MO #2706 <u>Contract File:</u> 1. FY2023 Grant In Aid Contracts a. Contract For Services – Housing Authority of Paducah – CM signed b. Contract For Services – Market House Theatre – CM signed c. Contract For Services – National Quilt Museum – CM signed d. Contract For Services – Paducah Alliance of Neighbors – MO #2611 e. Contract For Services – Paducah Art House Alliance (d/b/a Maiden Alley Cinema – CM signed f. Contract For Services – Paducah Arts Alliance (PAA) – CM signed g. Contract For Services – Paducah-McCracken County Habitat For Humanity – CM Signed h. Contract For Services – Paducah Symphony Orchestra – CM signed i. Contract For Services – River Heritage Museum (River Discovery Center) – CM signed j. Contract For Services – Uppertown Heritage Foundation (Hotel Metropolitan) – CM signed k. Contract For Services – Yeiser Art Center – CM signed 2. Midstates Construction Co., Inc. – Robert Cherry Civic Center Renovation – MO #2715 <u>Financials File:</u> 1. Edwin J. Paxton Golf Court – Independent Auditor’s Report for the year ended December 31, 2022 and Financial Statements 2022
I(C)	Appointment of Tim Story to the Civic Beautification Board to replace Ania Lasota, who resigned. This term shall expire July 1, 2027.
I(D)	Appointment of Gayle Kaler to the Paducah Planning Commission to replace Lorraine Schramke, who resigned. This term shall expire August 31, 2023.
I(E)	Personnel Actions
I(F)	A MUNICIPAL ORDER APPROVING A MEMORANDUM OF AGREEMENT WITH DR. DANIEL JONES FOR CERTAIN INCENTIVES AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (MO #2717, BK 12)

April 11, 2023

I(G)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR A 2023 MATCHING INSURANCE SERVICES SAFETY GRANT IN THE AMOUNT OF \$3,000 THROUGH THE KENTUCKY LEAGUE OF CITIES FOR REIMBURSEMENT FOR SAFETY EQUIPMENT PURCHASED FOR EMPLOYEES WORKING IN CONFINED SPACES AND FOR PERSONAL PROTECTIVE EQUIPMENT, ACCEPTING ANY GRANT FUNDS AWARDED BY KLCIS, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (MO #2718, BK 12)
I(H)	A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR AN EPA ENVIRONMENTAL JUSTICE GOVERNMENT TO GOVERNMENT GRANT IN THE AMOUNT OF \$1,000,000, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (MO #2719, BK 12)
I(I)	A MUNICIPAL ORDER ADOPTING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH DREDGE AMERICA, INC. FOR A DECREASE IN SCOPE AND A PRICE REDUCTION IN THE AMOUNT OF \$1,647, AND AUTHORIZING THE MAYOR TO EXECUTE THE CHANGE ORDER (MO #2720, BK 12)
I(J)	A MUNICIPAL ORDER APPROVING A FLEET MAINTENANCE, MOTORIZED EQUIPMENT AND EMERGENCY APPARATUS SERVICE AGREEMENT WITH THE SALEM FIRE DEPARTMENT, TO PROVIDE FLEET MAINTENANCE SERVICES AT HOURLY RATES AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS RELATED TO SAME (MO #2721, BK 12)
I(K)	A MUNICIPAL ORDER ACCEPTING THE BID FOR SALE TO THE CITY OF ONE SUV IN THE AMOUNT OF \$44,354, FOR USE BY THE PADUCAH FIRE DEPARTMENT, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME (MO #2722, BK 12)
I(L)	A MUNICIPAL ORDER ACCEPTING THE BID FOR SALE TO THE CITY OF TWO PICKUP TRUCKS IN THE TOTAL AMOUNT OF \$88,000, FOR USE BY THE FACILITY DIVISION AND PARKS DEPARTMENT, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME (MO #2723, BK 12)
I(M)	A MUNICIPAL ORDER OF THE PADUCAH CITY COMMISSION AUTHORIZING THE FILING OF A KENTUCKY SENATE BILL (SB) 150 LINE ITEM GRANT APPLICATION IN THE AMOUNT OF \$100,000 THROUGH THE DEPARTMENT FOR LOCAL GOVERNMENT FOR THE PADUCAH & LOUISVILLE RAILWAY, INC. ROCKPORT BRIDGE PROJECT, ACCEPTING ALL AWARDED FUNDS, AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY DLG TO CARRY OUT THE PROJECT, AND AUTHORIZING THE MAYOR TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT (MO #2724, BK 12)

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

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

April 11, 2023

MUNICIPAL ORDERS

APPROVE CONTRACT WITH ATA CPA'S AND ADVISORS, PLLC, FOR PROFESSIONAL AUDIT SERVICES FOR PADUCAH POWER SYSTEM

Commissioner Henderson offered Motion, seconded by Commissioner Guess, that the Board of Commissioners adopt a Municipal Order entitled, "A MUNICIPAL ORDER APPROVING THE SELECTION OF ATA CPAS AND ADVISORS, PLLC FOR FINANCIAL AUDITS FOR THE ELECTRIC PLANT BOARD DBA PADUCAH POWER SYSTEM FOR THE FISCAL YEARS ENDING JUNE 30, 2023, 2024, AND 2025."

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(MO #2725, BK 12)**

APPROVE PADUCAH WATER'S ACCEPTANCE OF A CLEANER WATER PROGRAM GRANT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE TANK PAINTING AND MIXING PROJECT

Commissioner Smith offered Motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt a Municipal Order entitled, "A MUNICIPAL ORDER APPROVING AND AUTHORIZING THE BOARD OF COMMISSIONERS OF THE PADUCAH WATER WORKS TO ACCEPT THE CLEANER WATER PROGRAM GRANT AWARD AND ENTER INTO THE GRANT ASSISTANCE AGREEMENT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY IN CONNECTION WITH THE TANK PAINTING AND MIXING PROJECT."

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(MO #2726, BK 12)**

APPROVE PADUCAH WATER'S ACCEPTANCE OF A CLEANER WATER PROGRAM GRANT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE AIR STRIPPING PROJECT

Commissioner Wilson offered Motion, seconded by Commissioner Smith, that the Board of Commissioners adopt a Municipal Order entitled, "A MUNICIPAL ORDER APPROVING AND AUTHORIZING THE BOARD OF COMMISSIONERS OF THE PADUCAH WATER WORKS TO ACCEPT THE CLEANER WATER PROGRAM GRANT AWARD AND ENTER INTO THE GRANT ASSISTANCE AGREEMENT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY IN CONNECTION WITH THE AIR STRIPPING PROJECT."

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(MO #2727, BK 12)**

APPROVE PADUCAH WATER'S ACCEPTANCE OF A CLEANER WATER PROGRAM GRANT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE HYDRAULIC MODEL UPDATE PROJECT IN WEST McCracken

Commissioner Guess, offered Motion, seconded by Commissioner Henderson, that the Board of Commissioners adopt a Municipal Order entitled, "A MUNICIPAL ORDER APPROVING AND AUTHORIZING THE BOARD OF COMMISSIONERS OF THE PADUCAH WATER WORKS TO

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ACCEPT THE CLEANER WATER PROGRAM GRANT AWARD AND ENTER INTO THE GRANT ASSISTANCE AGREEMENT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY IN CONNECTION WITH THE HYDRAULIC MODEL UPDATE PROJECT IN WEST MCRACKEN COUNTY.”

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(MO #2728, BK 12)**

ORDINANCE ADOPTIONS

APPROVE AGREEMENT BETWEEN THE CITY OF PADUCAH AND PROFESSIONAL FIREFIGHTERS OF PADUCAH, LOCAL 168 (IAFF)

Commissioner Henderson offered Motion, seconded by Commissioner Guess, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF PADUCAH AND PROFESSIONAL FIRE FIGHTERS OF PADUCAH, LOCAL 168, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS.” This Ordinance is summarized as follows: This Ordinance authorizes the Mayor to execute an Agreement with the Professional Fire Fighters of Paducah, Local 168, International Association of Fire Fighters. This agreement will become effective July 1, 2023, and expire on June 30, 2026.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(ORD NO. 2023-04-8768, BK 36)**

APPROVE AGREEMENT BETWEEN THE CITY OF PADUCAH AND THE PADUCAH POLICE DEPARTMENT BARGAINING UNIT

Commissioner Smith offered Motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF PADUCAH AND THE PADUCAH POLICE DEPARTMENT BARGAINING UNIT.” This Ordinance is summarized as follows: That the Mayor is hereby authorized to execute an agreement and other associated documents between the City of Paducah and the Paducah Police Department Bargaining Unit. This Agreement shall be effective from July 1, 2023, to June 30, 2026.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(ORD NO. 2023-04-8769, BK 36)**

AMEND CODE OF ORDINANCES CHAPTER 106 TAXATION FOR EFFICIENCY IN PAYROLL TAX PROCESSING

Commissioner Wilson offered Motion, seconded by Commissioner Smith, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 106, SECTION 106-180 “DEFINITIONS” AND 106-184 “DEDUCTIONS AND WITHHOLDING OF LICENSE FEES BY EMPLOYER; EMPLOYER TO FILE RETURNS AND PAY LICENSE FEES TO CITY; DUE DATE TO FILE RETURNS AND PAY LICENSE FEES” OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This Ordinance is summarized as follows: This Ordinance amends Chapter 106 of the Code of Ordinances of the City of Paducah, Sections 106-180 and 106-184 regarding electronic filing requirements for payroll processors. This

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ordinance amendment will require payroll processors who administer and process the payroll of six (6) or more employers per quarter to submit the returns through an electronic means.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(ORD NO. 2023-04-8770, BK 36)**

ORDINANCE INTRODUCTIONS

AUTHORIZE MAYOR TO ENTER INTO AN AGREEMENT WITH PCC SPORTS FOR THE CONSTRUCTION OF PICKLEBALL COURTS AT NOBLE PARK IN AN AMOUNT OF \$701,967

Commissioner Guess offered motion, seconded by Commissioner Henderson, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PRECISION CONSTRUCTION & CONTRACTING, LLC (PCC SPORTS) IN AN AMOUNT OF \$701,967.00 FOR THE CONSTRUCTION OF PICKLEBALL COURTS AT NOBLE PARK AND 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 accepts the bid of PCC Sports for the construction of eight (8) pickleball courts at Noble Park using post tension concrete and including electrical and lighting in the amount of \$701,967.00 and authorizes the Mayor to execute the agreement with PCC Sports. Further, the annual budget for the fiscal year beginning July 1, 2022, and ending June 30, 2023, as adopted by Ordinance No. 2022-06-8740, is amended by the following re-appropriations:

- Transfer \$350,000 from the Investment Fund Fund Balance to the Pickleball Project Account (PA0125)

APPROVE THE CONSENSUAL ANNEXATION OF A PORTION OF 252 LOCUST AVENUE

Commissioner Henderson offered motion, seconded by Commissioner Guess that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE EXTENDING THE BOUNDARY OF THE CITY OF PADUCAH, KENTUCKY, BY ANNEXING CERTAIN PROPERTY LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF PADUCAH, AND DEFINING ACCURATELY THE BOUNDARY OF SAID PROPERTY TO BE INCLUDED WITHIN THE SAID CORPORATE LIMITS.” This Ordinance is summarized as follows: The City of Paducah hereby approves the consensual annexation of certain tracts of property contiguous to the present city limits, located at 252 Locust Avenue, containing approximately 1.47 acres of land.

DISCUSSION

Communications Manager Pam Spencer offered the following summary:

Grants Update

City of Paducah Grants Administrator Hope Reasons provided an update of grants activity. Currently, the City is managing \$19.4 million in grant funding. In Fiscal Year 2021-2022 the City submitted 15 grant applications and was awarded 12. To date in Fiscal Year 2022-2023, the City

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has submitted 16 grant applications. So far, six of those grants have been awarded. Plus, the City has received a preliminary award letter for the Land and Water Conservation Fund grant which will be used for upgrades to Keiler Park's playground. Reasons added the City received 20 applications for Grant-in-Aid funding which had a deadline of March 31.

COMMENTS

Board of Commissioners

- Commissioner Smith clarified a statement published in *The Paducah Sun* regarding development off Pecan Drive.
- Commissioner Wilson stated that the Dogwood Trail is lit up this week and encouraged everyone to get out and see the beautiful trees. She also mentioned that the Quilt Show is in two weeks.

Audience

- Dorothea Davis spoke on diversity in the Community.
- Dajuan Thomas expressed his displeasure about David Guess being reinstated as a Commissioner.
- Jonathan Gerick spoke about budgeting for stormwater and streets.

ADJOURN

Commissioner Wilson offered Motion, seconded by Commissioner Smith, that the meeting be adjourned.

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

TIME ADJOURNED: 6:40 p.m.

ADOPTED: April 25, 2023

George P. Bray, Mayor

ATTEST:

Lindsay R. Parish, City Clerk

April 25, 2023

RECEIVE AND FILE DOCUMENTS:

Minute File:

1. Update of Section 8 Bank Signatories to remove Tommy Hollimon.

Contract File:

1. Change Order #1 – Paducah Riverfront Transient Boat Dock Dredging Project – Dredge America – MO #2720
2. City of Paducah Fleet Maintenance Agreement with Salem Fire Department – MO #2721
3. Agreement to purchase One SUV – Linwood Motors – MO #2722
4. Agreement to purchase two pickup trucks – Linwood Motors – MO #2723
5. Grant Award – Rockport Bridge – MO #2724
6. Notice of Award – 2023-2024 Resurfacing Program – Jim Smith Contracting – ORD 2023-03-8766
7. Agreement between City of Paducah and IAFF – July 1, 2023 through June 30, 2026 – ORD 2023-04-8768
8. Agreement Between City of Paducah and Police Bargaining Unit – July 1, 2023 through June 30, 2026 – ORD 2023-04-8769

Financials File:

1. Paducah Water – Financial Highlights ending February 28, 2023

Bids

1. Renovation of Robert Cherry Civic Center – MO #2715
2. SUV for use by Paducah Fire Department – MO #2722
 - a. Linwood Motors* Selected bid
 - b. Prime Vendor
3. Two pickup trucks for use by Facility Division and Parks Department – MO #2723
 - a. Linwood Motors* Selected bid
 - b. Prime Vendor
4. 2023-2024 Resurfacing Program ORD 2023-03-8766
 - a. Jim Smith Contracting Co., LLC

CITY OF PADUCAH
April 25, 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

4/20/2023

Date

**CITY OF PADUCAH
PERSONNEL ACTIONS
April 25, 2023**

NEW HIRES - FULL-TIME (F/T)

<u>FIRE - PREVENTION</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Stevens, Matthew C.	Deputy Fire Marshal	\$30.29/hr	NCS	Non-Ex	May 4, 2023
<u>HUMAN RESOURCES</u>					
Schofield, Brea J.	Administrative Assistant	\$16.50/hr	NCS	Non-Ex	May 8, 2023
<u>PARKS & RECREATION</u>					
Kirks, Kennedy M.	Recreation Specialist	\$20.18/hr	NCS	Ex	April 27, 2023
<u>POLICE</u>					
Miller, Thomas S.	Recruit Officer / Patrolman	\$24.87/hr	NCS	Ex	June 1, 2023

NEW HIRES - PART-TIME (P/T)

<u>PARKS & RECREATION</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Brisson, Lauren C.	Park Ranger	\$14.00/hr	NCS	Non-Ex	May 6, 2023

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS (FULL-TIME)

<u>E911</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>
Scutt, Auston	Shift Supervisor \$24.04/hr	Telecommunicator \$20.03/hr	NCS	Non-Ex	April 20, 2023
Spears, Amber N.	Assistant Communication Services Manager \$34.24/hr	Shift Supervisor \$27.60/hr	NCS	Non-Ex	April 20, 2023
<u>FIRE - SUPPRESSION</u>					
Bonds, Robert M.	Firefighter / Relief Driver \$17.53/hr	Lieutenant \$18.84/hr	NCS	Non-Ex	May 4, 2023
Doran, Steven W.	Firefighter / Relief Driver \$17.10/hr	Lieutenant \$18.84/hr	NCS	Non-Ex	May 4, 2023
Holzapfel, Jonathan J.	Firefighter / Relief Driver \$17.10/hr	Lieutenant \$18.84/hr	NCS	Non-Ex	May 4, 2023
Murphy, William C.	Firefighter / Relief Driver \$17.53/hr	Lieutenant \$18.84/hr	NCS	Non-Ex	May 4, 2023

TERMINATIONS - FULL-TIME (F/T)

<u>POLICE</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Martin, Carly D.	Records Clerk	Resignation	April 25, 2023
<u>PUBLIC WORKS</u>			
Buford, Bryce D.	Maintenance Technician	Termination	April 12, 2023

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Authorize the Application and Acceptance of a Kentucky Office of Homeland Security Grant in the Amount of \$29,130 - **B. LAIRD**

Category: Municipal Order

Staff Work By: Joseph
Hayes, Hope Reasons
Presentation By: Brian
Laird

Background Information: The State Homeland Security Grant Program (SHSGP) assists states to build, sustain, and deliver capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism. To be funded, projects must (1) demonstrate a terroristic preparedness nexus, (2) address threats and hazards identified in the State's Threat and Hazards Identification and Risk Assessments (THIRAs) and the corresponding National Core Capabilities, and (3) fall under an identified National Priority Area or Enduring Security Need. The Police Department is requesting \$29,130 for a 16-foot, enclosed trailer for the Bomb Squad. There is no match required for this grant.

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 the application and acceptance of a KOHS grant in the amount of \$29,130 and authorize the Mayor to sign all documentation related to same.

Attachments:

1. MO - app & award – SHSGP – bomb squad trailer

MUNICIPAL ORDER NO. ____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR A KENTUCKY OFFICE OF HOMELAND SECURITY GRANT IN THE AMOUNT OF \$29,130 FOR THE PURCHASE OF A 16-FOOT ENCLOSED TRAILER FOR USE BY THE PADUCAH POLICE DEPARTMENT BOMB SQUAD, ACCEPTING ANY GRANT FUNDS AWARDED BY SHSGP, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute an application to obtain a Kentucky Office of Homeland Security Grant in the amount of \$29,130 from the State Homeland Security Grant Program for purchase of a 16-foot enclosed trailer to be used by the Paducah Police Department Bomb Squad.

SECTION 2. That the City of Paducah hereby authorizes the acceptance of any and all grant funds awarded by the State Homeland Security Grant Program and authorizes the Mayor to execute the Grant Agreement and all related documents.

SECTION 3. There is no match required for this grant.

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, April 25, 2023
Recorded by Lindsay Parish, City Clerk, April 25, 2023
\\mo\grants\app & award – SHSGP – bomb squad trailer

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Authorize the Application and Acceptance of a Kentucky Office of Homeland Security Grant in the Amount of \$28,085 - **E.STUBER**

Category: Municipal Order

Staff Work By: Eric Stuber, Amie Clark, Jon Kelley, Joseph Hayes, Hope Reasons
Presentation By: Eric Stuber

Background Information: The State Homeland Security Grant Program (SHSGP) assists states to build, sustain, and deliver capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism. To be funded, projects must (1) demonstrate a terroristic preparedness nexus, (2) address threats and hazards identified in the State's Threat and Hazards Identification and Risk Assessments (THIRAs) and the corresponding National Core Capabilities, and (3) fall under an identified National Priority Area or Enduring Security Need. The Technology Department is requesting \$28,085 in funding for security cameras and system for Public Works and Parks and Recreation Departments. Public Works would receive an Access Control System for their building and four security cameras. Parks and Recreation would receive a security camera for the Rotary Health Park. There is no match required for this grant.

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 the application and acceptance of the KOHS grant and authorize the Mayor to sign all documents related to same.

Attachments:

1. MO - app & award – SHSGP – security cameras and system

MUNICIPAL ORDER NO. ____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR A KENTUCKY OFFICE OF HOMELAND SECURITY GRANT IN THE AMOUNT OF \$28,085 FOR THE PURCHASE OF A SECURITY CAMERAS AND SYSTEM FOR USE BY THE PUBLIC WORKS AND PARKS AND RECREATIONS DEPARTMENTS, ACCEPTING ANY GRANT FUNDS AWARDED BY SHSGP, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute an application to obtain a Kentucky Office of Homeland Security Grant in the amount of \$28,085 from the State Homeland Security Grant Program for purchase of a security cameras and system to be used by the Public Works and Parks and Recreations Departments. Public Works would receive an Access Control System for their building and four security cameras. Parks and Recreation would receive a security camera for the Rotary Health Park.

SECTION 2. That the City of Paducah hereby authorizes the acceptance of any and all grant funds awarded by the State Homeland Security Grant Program and authorizes the Mayor to execute the Grant Agreement and all related documents.

SECTION 3. There is no match required for this grant.

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, April 25, 2023
Recorded by Lindsay Parish, City Clerk, April 25, 2023
\\mo\grants\app & award – SHSGP – security cameras and system

**SETTLEMENT AGREEMENT AND
RELEASE OF ALL CLAIMS**

This Settlement Agreement and Release is made and entered into on this 10th day of April, 2023, by DAVID GUESS (hereinafter referred to as "PLAINTIFF") and the CITY OF PADUCAH, GEORGE BRAY, SANDRA WILSON, RAYNARLDO HENDERSON, AND ROBERT SMITH, in their individual and official capacities, (who shall hereinafter be referred to collectively as "DEFENDANTS")

W I T N E S S E T H

WHEREAS, PLAINTIFF filed a lawsuit/appeal against DEFENDANTS, before the McCracken Circuit Court (Case No. 23-CI-00071), which has since been removed to the United States District Court, Western District of Kentucky (Case Number 5:23-CV-00028-BJB) (PLAINTIFF's lawsuit/appeal, the state court case, and the federal court case are hereinafter collectively referred to as the "Lawsuit").

WHEREAS, the Parties now wish to forever settle and compromise all claims asserted in PLAINTIFF'S Lawsuit.

WHEREAS, PLAINTIFF has agreed, in exchange for the consideration set forth below and the other terms of this Agreement, to voluntarily dismiss the Lawsuit against DEFENDANTS, with prejudice, with each party to pay their own costs.

NOW THEREFORE, for and in consideration of the DEFENDANTS' agreement (1) that the "Order Granting Motions for Injunctive Relief" entered by the Circuit Court of McCracken County, Kentucky on February 3, 2023, shall remain in full force and effect for the tenure of PLAINTIFF'S current term, which runs until December 31, 2024; and (2) to refrain from censuring PLAINTIFF for the text messages he sent to a City employee on November 8, 2022, PLAINTIFF hereby agrees to dismiss with prejudice all claims and/or litigation against DEFENDANTS set forth in the Lawsuit,

with each party to pay their own costs and attorney's fees associated with the administrative hearing before the DEFENDANTS and the Lawsuit. Within ten (10) days of the execution of this Agreement, counsel for Plaintiff and counsel for DEFENDANTS will file an Agreed Order of Dismissal with the Court. PLAINTIFF's agreement to dismiss his claims set forth in the Lawsuit is expressly contingent upon the Court accepting and entering the Agreed Order of Dismissal. In the event the Court declined to do so, this Agreement would become null and void and would have no effect on PLAINTIFF or the DEFENDANTS.

FURTHER, in consideration of the above consideration, the Parties also EXPRESSLY DECLARE AND AGREE:

1. That all claims, past, present, or future, are disputed, and this full and final settlement thereof shall never be treated as evidence of liability, nor as an admission of responsibility at any time or in any manner whatsoever. This settlement is a compromise of disputed claims and the actions agreed to herein are not to be construed as an admission of liability by or against any party hereto.

2. That although the DEFENDANTS believe PLAINTIFF'S actions and/or conduct on November 8, 2022, was misconduct as that term is used in KRS 83A.040, DEFENDANTS have nevertheless determined that a settlement of PLAINTIFF'S Lawsuit is in the best interest of the City of Paducah and/or its citizens.

3. That although PLAINTIFF believes that his actions and/or conduct on November 8, 2022, were not misconduct as that term is used in KRS 83A.040, and that the DEFENDANTS wrongfully removed him from office, PLAINTIFF has nevertheless determined that a settlement of PLAINTIFF's Lawsuit is in the best interest of the City of Paducah and/or its citizens.

4. That the preliminary injunction which was issued by McCracken Circuit Court as a temporary injunction on February 3, 2023, shall remain in full force and effect and is enforceable by

PLAINTIFF against DEFENDANTS in the event that DEFENDANTS violate the terms of the injunction.

5. That the parties will include the following language in their Agreed Order of Dismissal, which is intended to preserve and keep the state court's temporary injunction of February 3, 2023, in full force and effect during the remainder of PLAINTIFF's current term of office:

“The ‘Order Granting Motions for Injunctive Relief,’ which was entered by the Circuit Court of McCracken County, Kentucky on February 3, 2023, and which remains in full force and effect in this Court pursuant to 28 U.S.C. § 1450, is not amended or dissolved and shall remain in full force and effect even after entry of this Agreed Order.”

6. That the DEFENDANTS will not censure PLAINTIFF for any reasons arising from or related to his actions and/or conduct on November 8, 2022, or the Lawsuit.

7. That PLAINTIFF agrees to not retaliate against any City employee, officer, or agent who was involved in and/or reported the incident that was the subject of the administrative hearing that resulted in PLAINTIFF'S removal from office of City Commissioner and/or who otherwise participated in the hearing or the process leading up to the charges being filed against him.

8. That DEFENDANTS, their employees, officers, and agents, agree not to retaliate against PLAINTIFF, in his official or individual capacities, or PLAINTIFF's immediate family members who are employed by the City of Paducah, as a result of PLAINTIFF's conduct on November 8, 2022, the administrative hearing held before the DEFENDANTS, and/or the institution and/or pursuit of the Lawsuit.

9. That this full and final release shall cover and include any and all future damages arising from the Lawsuit and the claims set forth therein, whether known or unknown to PLAINTIFF which may later develop or be discovered, including the effects or consequences thereof and including all causes of action therefore.

10. That nothing contained herein shall prohibit DEFENDANTS from issuing a joint or separate press release relating to this Agreement and the conduct of PLAINTIFF.

11. That nothing contained herein shall prohibit PLAINTIFF from issuing a statement or press release relating to this Agreement and the conduct of the DEFENDANTS.

12. That nothing contained herein shall prohibit DEFENDANTS from bringing charges against PLAINTIFF with respect to conduct that was not the subject of the KRS 83A.040 charges filed against PLAINTIFF on December 15, 2022, and that may occur or arise after execution of this Agreement and dismissal of the Lawsuit.

13. That this Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Kentucky.

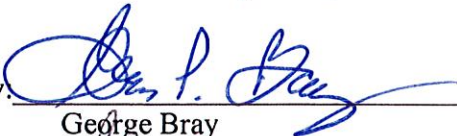
14. That this Agreement contains the entire agreement between PLAINTIFF and DEFENDANTS with regard to the matters set forth in it and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each.

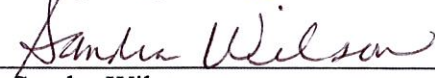
15. That if any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

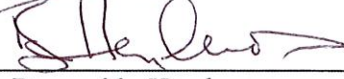
IN WITNESS WHEREOF, the hands and seals of the undersigned are set hereunto this _____ day of April, 2023.

By:  _____
David Guess

By: 
Authorized Representative of the City of Paducah

By: 
George Bray

By: 
Sandra Wilson

By: 
Raynarldo Henderson

By: 
Robert Smith

STATE OF KENTUCKY)

COUNTY OF McCRACKEN)

Subscribed, sworn to, and acknowledged before me this 3rd day of April, 2023, by David
Guess.

My commission expires: 02-12-2026




Notary Public, State at Large

STATE OF KENTUCKY)

COUNTY OF McCRACKEN)

Subscribed, sworn to, and acknowledged before me this 10th ^{April}~~March~~, 2023, by

George P. Bray, an authorized representative of the City of Paducah.

My commission expires: 8/4/2025.

Lindsay Parsh
Notary Public, State at Large

STATE OF KENTUCKY)

COUNTY OF McCRACKEN)

Subscribed, sworn to, and acknowledged before me this 3rd ^{April}~~March~~, 2023, by

George Bray.

My commission expires: 8/4/2025.

Lindsay Parsh
Notary Public, State at Large KYN P33466

STATE OF KENTUCKY)

COUNTY OF McCRACKEN)

Subscribed, sworn to, and acknowledged before me this 10th ^{April}~~March~~, 2023, by

Sandra Wilson.

My commission expires: 5/21/2024.

Claudia S. Meeks
Notary Public, State at Large



STATE OF KENTUCKY)

COUNTY OF McCRACKEN)

Subscribed, sworn to, and acknowledged before me this 5th day of April, 2023, by
Raynarldo Henderson.

My commission expires: 5/21/2024.

Claudia S. Meeks
Notary Public, State at Large



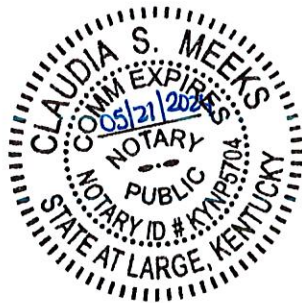
STATE OF KENTUCKY)

COUNTY OF McCRACKEN)

Subscribed, sworn to, and acknowledged before me this 3rd day of April, 2023, by
Robert Smith.

My commission expires 05/21/2024.

Claudia S. Meeks
Notary Public, State at Large



277969

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Approve the 2023 Annual Plan and Administrative Plan for the Section 8 Program - **LASICA McEWEN**

Category: Municipal Order

Staff Work
By: Lasica
McEwen
Presentation
By: Lasica
McEwen

Background Information: Required annually, this Administrative Plan outlines how the Housing Choice Voucher program, also known as Section 8, is to operate. While most of the program's regulations are established by HUD, a few local preferences can be made, however these elements must be founded in the Administrative Plan. Current FMR and adjusted Utility Allowances are also included.

Paralleling the preferences of previous years, the 2023 plan gives local preference to recent victims of domestic violence, full-time students, families displaced by a federally declared disaster, working families, disabled and elderly households. Also, a local customization, the 2023 plan continues to require a minimum payment by the tenant of at least \$50.00.

Local preferences include continued participation in the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program which continues to house 20 veterans, and continued promotion of both the Scholar House and the Merryman House Initiative.

The 2023 Administrative also includes a more detailed description and procedures regarding the VASH program.

A public hearing for this Administrative Plan was held on March 24, 2023. No comments were received.

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: Approval.

Attachments:

1. MO sec8-annual plan & utility allowance 2023
2. 2023 Admin Plan
3. PHA Certification of Compliance 50077-ST-HCV-HP

4. Civil Rights Certification 50077-CR (1)
5. Streamlined Annual PHA Plan 50075-HCV

MUNICIPAL ORDER NO. ____

A MUNICIPAL ORDER ADOPTING THE CITY OF PADUCAH, KENTUCKY, ADMINISTRATIVE PLAN FOR 2023 HOUSING CHOICE VOUCHER PROGRAM, EFFECTIVE MAY 1, 2023, WITH SAID ADMINISTRATIVE PLAN INCLUDING REVISIONS TO THE UTILITY ALLOWANCES FOR THE SECTION 8 HOUSING PROGRAM AS REQUIRED BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS REVISED

WHEREAS, it is the intent of the City of Paducah to submit an Annual Plan, as required, to the U.S. Department of Housing & Urban Development to provide decent, safe, and sanitary rental housing assistance for eligible families and provide opportunities, promote self-sufficiency and economic independence for the Housing Choice Voucher program participants; and

WHEREAS, the Utility Allowances and the Fair Market Rent may be updated each year and as such are reflected in this Annual Plan.

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

SECTION 1. That the City of Paducah, Kentucky, Administrative Plan for 2023 Housing Choice Voucher Program, effective May 1, 2023, is hereby adopted in its entirety.

SECTION 2. That the City of Paducah adopts all revisions of the Utility Allowances for the Section 8 Housing Program reflecting certain changes in utility rates as outlined in the Administrative Plan for 2023 Housing Choice Voucher Program, effective May 1, 2023.

SECTION 3. That the Mayor is hereby authorized to execute the Civil Rights Certification, Certifications of Compliance with PHA Plan, Streamlined Annual PHA Plan and all other documents related to the adoption of the Administrative Plan.

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, April 25, 2023

Recorded by Lindsay Parish, City Clerk, April 25, 2023

mo\sec8-annual plan & utility allowance 2023

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Authorize the Mayor to enter into an Agreement with PCC Sports for the construction of Pickleball Courts at Noble Park in an amount of \$701,967.00 - **A. CLARK**

Category: Ordinance

Staff Work
By: Amie Clark
Presentation
By: Amie Clark

Background Information: On February 28, the Board of Commissioners authorized the City Manager to issue a re-bid for the construction of pickleball courts in Noble Park. The bid was released on March 9, 2023. Bid proposals were due back to the City on March 28, 2023, and were opened publicly. Three (3) proposals were received from Central Paving, Hellas Construction, and PCC Sports.

This Ordinance authorizes the Mayor to execute an agreement with PCC Sports for \$701,967.00 to construct an 8-court pickleball facility as outlined in the RFP, including electrical and lighting. Funding for the pickleball courts will be provided by:

- \$205,000 - Pickleball Project Account PA0125
- \$200,00 - Reallocation of ARPA funds from the Robert Cherry Civic Center Project Account (MR0093) to the Pickleball Project Account (PA0125)
- \$350,000 - Approve a budget amendment from Investment Fund Fund Balance to the Pickleball Project Account (PA0125)

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

If yes, please list the Commission Priority: Quality of Life, Facilities

Communications Plan:

Funds Available: Account Name: Pickleball Project

Account Number: PA0125

Staff Recommendation: Approval.

Attachments:

1. ORD budget amend FY2023 – Pickleball Courts PCC Sports

ORDINANCE NO. 2023-_____-_____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PRECISION CONSTRUCTION & CONTRACTING, LLC (PCC SPORTS) IN AN AMOUNT OF \$701,967.00 FOR THE CONSTRUCTION OF PICKLEBALL COURTS AT NOBLE PARK AND 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, on February 28, the Board of Commissioners authorized the City Manager to issue a re-bid for the construction of pickleball courts in Noble Park; and

WHEREAS, the bid request was released on March 9, 2023, and opened publicly on March 28, 2023; and

WHEREAS, three (3) proposals were received from Central Paving, Hellas Construction, and Precision Construction & Contracting (hereinafter “PCC Sports”); and

WHEREAS, the City of Paducah now desires to enter into an agreement with PCC Sports for the construction of 8 pickleball courts at Noble Park; and

WHEREAS, WHEREAS, the City Commission now wishes to amend the FY2023 budget to appropriate funding for the construction of said pickleball courts.

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

SECTION 1. Budget Amendment. 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:

- Transfer \$350,000 from the Investment Fund Fund Balance to the Pickleball Project Account (PA0125)

SECTION 2. Recitals & Authorizations. That the City of Paducah hereby accepts the bid of PCC Sports for the construction of eight (8) pickleball courts at Noble Park using post tension concrete and including electrical and lighting in the amount of \$701,967.00 and authorizes the Mayor to execute the agreement with PCC Sports and all documents related to same.

SECTION 3. Funding. That this expenditure shall be paid out of the Pickleball Project Account PA0125 utilizing the following funds:

- \$350,000 utilizing the budget amendment funding authorized in Section 1 above.
- \$200,000 of ARPA funding dollars previously allocated to the Robert Cherry Civic Center Renovation which are no longer needed for said renovation project.
- Existing funds budgeted in Project Account PA0125

SECTION 4. 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 5. 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 6. Severability. The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

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 Bray, Mayor

Attest:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

Published by *The Paducah Sun*, _____

\\ord\FIN\budget amend FY2023 – Pickleball Courts PCC Sports

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Approve the closing of 4,356 Square Feet of Monroe Street Between 200 & 306 North 2nd Street
- **R. MURPHY**

Category: Ordinance

Staff Work By: Josh Sommer, Melanie Townsend
Presentation By: Rick Murphy

Background Information: The following adjacent property owner has submitted an executed application requesting the closure of: 4,356 Square Feet of Monroe Street Between 200 & 306 North 2nd Street

Calvin Rex Smith

On March 6, 2023, the Paducah Planning Commission held a public hearing and made a positive recommendation to the City Commission for the closure. All of the utility companies have agreed to this closure.

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: To adopt an ordinance authorizing the closure of 4,356 Square Feet of Monroe Street Between 200 & 306 North 2nd Street and authorizing the Mayor to execute the closure plat and all necessary documents to complete the transfer of property to the adjacent property owner.

Attachments:

1. ORD Closure of Monroe Street between 200 and 306 North 2nd Street
2. 2nd and Monroe_Application
3. 2nd and Monroe_Plat
4. 2nd and Monroe_PC Resolution

ORDINANCE NO. 2023-____ - _____

AN ORDINANCE PROVIDING FOR THE CLOSING OF 4,356 SQUARE FEET OF MONROE STREET BETWEEN 200 AND 306 NORTH SECOND STREET, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah does hereby authorize the closing of Monroe Street between 200 and 306 North Second Street, as follows:

Boundary Description

Being 2 adjacent tracts of land in the City of Paducah, Ky., divided by the centerline of the original 66 ft. wide right-of-way of Monroe Street and on the northeast (Ohio River) side of 2nd Street, more particularly described as follows:

Tract 1

Beginning at the an (sic) existing Mag Nail and metal cap at the intersection of the northeast 33' R/W of 2nd Street with the southeast 33' R/W of Monroe Street, corner to Jim Smith Contracting Co., Inc. (D.B.846-Pg.619, Tract II);

Thence – N24°58'39"W-33.00' to the centerline of Monroe Street, being also 33' from the center of 2nd Street;

Thence - N64°50'20"E-65.99' along the centerline of Monroe Street to its intersection with the previously closed portion of Monroe Street dated July 23, 1940, now Jim Smith Contracting , Inc. (D.B.846-Pg.619);

Thence – S27°17'08"W-33.03' along Smith's line to an existing Mag Nail and metal cap at the end of the previously closed portion of Monroe Street in the northwest line of Jim Smith Contracting, Inc. (D.B.846-Pg.619, Tract II);

Thence - S64°50'20"W-67.32' along the existing southeast R/W of Monroe Street to the point of beginning and containing 2200 Sq. Ft.

Tract 2

Beginning at the an existing Mag Nail and metal cap at the intersection of the northeast 33' R/W of 2nd Street with the northwest 33' R/W of Monroe Street, corner to Jim Smith Contracting Co., Inc. (D.B.846-Pg.619, Tract III);

Thence - N64°50'20"E-64.66' along the existing northwest R/W of Monroe Street to an existing Mag Nail and metal cap at the end of the previously closed portion of

Monroe Street in the southeast line of Jim Smith Contracting, Inc. (D.B.846-Pg.619, Tract III);

Thence – S27°17'08"W-33.03' along Smith's line (D.B.846-Pg.619) to the centerline of Monroe Street, the northeast corner of Tract 1 above;

Thence - S64°50'20"W-65.99' along the centerline of Monroe Street to a point 33' northeast of the centerline of 2nd Street, the northwest corner of Tract 1 above;

Thence - N24°58'39"W-33.00' to the point of beginning and containing 2156 Sq.Ft.

SECTION 2. In support of its decision to close the aforesaid public way, the Board of Commissioners hereby makes the following findings of fact:

a. Calvin Rex Smith (d/b/a Jim Smith Contracting) owns the undeveloped portion of Monroe Street abutting the public way, which the Board of Commissioners has authorized to be closed as is evidenced by the Public Right-of-Way Closure Application attached hereto and made part hereof (Exhibit A).

b. On the 6th day of March, 2023, the Paducah Planning Commission of the City of Paducah adopted a resolution recommending to the Mayor and Board of Commissioners of the City of Paducah closure of the aforesaid public way.

c. There are no other property owners in or abutting the public way or the portion thereof being closed as is evidenced by the application for street and/or alley closing which is attached hereto and made a part hereof.

SECTION 3. All requirements of KRS 82.405(1) and (2) having been met, the Board of Commissioners of the City of Paducah hereby concludes that the aforesaid public way, as described above, should be closed in accordance with the provisions of KRS 82.405.

SECTION 4. The Mayor is hereby authorized, empowered, and directed to execute the closure plat and all necessary documents to complete the transfer of property to the property owner in or abutting the public way to be closed to acquire title to that portion of the public way contiguous to the property now owned by said property owner up to center line of the said public way. Provided, however, that the City shall reserve such easements upon the above described real property as it deems necessary. Said deed shall provide the reservation by the City of Paducah any easements affecting the herein described real property as described in

Section 1 above. Further, the Mayor is hereby authorized, empowered, and directed to execute all documents related to the street closing as authorized in Section 1 above.

SECTION 5. 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, March 14, 2023

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

Published by The *Paducah Sun*, _____

\ord\eng\st close\ Closure of Monroe Street between 200 and 306 North 2nd Street

CERTIFICATION

I, Lindsay Parish, hereby certify that I am the duly qualified and acting Clerk of the City of Paducah, Kentucky, and that the foregoing is a full, true and correct copy of Ordinance No. 2023-____-_____ adopted by the Board of Commissioners of the City of Paducah at a meeting held on _____.

City Clerk

Exhibit A
Public Right-of-Way Closure Application



**CITY OF PADUCAH, KENTUCKY
PUBLIC RIGHT-OF-WAY CLOSURE APPLICATION**

Date: 11/23/22

Application is hereby made to the Mayor and Board of Commissioners for the closing of:

Public Right-of-Way: Unclosed portion of Monroe Street intersecting
Jim Smith Contracting Property at 101 Jefferson St.

Included herewith is a filing fee of Five Hundred Dollars (\$500) together with twenty (20) copies of a Plat showing the Public Right-of-Way to be closed. This Application indicating consent of the Public Right-of-Way closure, has been signed and notarized by all real property owners whose land adjoins the portion of Public Right-of-Way proposed to be closed. If the application is not signed by all adjoining real property owners, the "Public Right-of-Way Closure Guarantee" must be attached.

Respectfully submitted by all adjoining property owners:

Calvin Rex Smith
Signature of Property Owner

Calvin Rex Smith
Property Owner's Name Printed

1108 Dover Rd Grand Rivers
Address KY 42045

STATE OF KENTUCKY)
COUNTY OF McCRACKEN)

The foregoing instrument was sworn to and acknowledged
before me this 23rd day of November, 2022
by Calvin Rex Smith

My Commission expires 2/19/23

Haley L Malone
Notary Public, State at Large

SEAL

Signature of Property Owner

Property Owner's Name Printed

Address

STATE OF KENTUCKY)
COUNTY OF McCRACKEN)

The foregoing instrument was sworn to and acknowledged
before me this ____ day of _____, 20____
by _____

My Commission expires _____

Notary Public, State at Large

SEAL

STATE OF KENTUCKY)
COUNTY OF McCRACKEN)

The foregoing instrument was sworn to and acknowledged
before me this ____ day of _____, 20____
by _____

My Commission expires _____

Notary Public, State at Large

S E A L

STATE OF KENTUCKY)
COUNTY OF McCRACKEN)

The foregoing instrument was sworn to and acknowledged
before me this ____ day of _____, 20____
by _____

My Commission expires _____

Notary Public, State at Large

S E A L

STATE OF KENTUCKY)
COUNTY OF McCRACKEN)

The foregoing instrument was sworn to and acknowledged
before me this ____ day of _____, 20____
by _____

My Commission expires _____

Notary Public, State at Large

S E A L

Signature of Property Owner

Property Owner's Name Printed

Address

Signature of Property Owner

Property Owner's Name Printed

Address

Signature of Property Owner

Property Owner's Name Printed

Address

PROPERTY NOTES

CLIENT
Jim Smith Contracting Co., Inc.
1108 Dover Rd.
Grand Rivers, Ky. 42045

SOURCE OF TITLE
D.B.846-Pg.619

AREA SUMMARY
Tract 1-2200 Sq.Ft.
Tract 2-2156 Sq.Ft.

INTENT

The intent of this plat is to close the remaining unclosed portion of Monroe Street on the Northeast (Ohio River) side of 2nd Street.

FLOOD ZONE INFORMATION

This property is located in Flood Zone X, "Area with reduced risk due to Levee", as shown on the National Flood Insurance Rate Map, Community Panel No. 21145C0153F, effective November 2, 2011.

ZONING INFORMATION

The property shown hereon is currently zoned "B-2" Downtown Business Zone

Minimum Yard Requirements-None
Minimum Area Requirements - None
Maximum Building Height - None

CERTIFICATE OF OWNERSHIP

I (we) hereby certify that I am (we are) the real property owner(s) shown and described hereon and freely give my (our) consent to close the Public Right-of-Way as shown and described hereon.

Owner's Signature

Calvin R. Smith

Date

11/23/2022

MAYOR'S CERTIFICATE OF APPROVAL

In accordance with Kentucky Revised Statutes Chapter 82 and by Ordinance # _____ I hereby certify that the public way as shown on this plat has been officially closed.

Mayor, City of Paducah

Date

STATE OF KENTUCKY, COUNTY OF McCRACKEN
CERTIFICATE OF RECORDING

I hereby certify that this plat was this day logged in my office for record and that I have recorded same with this and the foregoing certificates in my office.
Given under my seal this _____ day of 2022 and recorded in Plat section _____, Page _____.

McCracken County Court Clerk

Deputy Court Clerk

CERTIFICATE OF ACKNOWLEDGEMENT

State of Kentucky
County of Livingston
I, Amy Jo Davis, a Notary Public in and for the State and County aforesaid, do hereby certify that this plat and the foregoing certificate was this day presented to me by Calvin R. Smith who then executed said certificate in my presence and acknowledged same to be a free act and deed for the purposes stated therein.
Subscribed and sworn to before me this 23 day of November, 2022.
Notary Public Signature: Amy Jo Davis
My Commission expires: May 19, 2024

OFFICIAL SEAL

Amy Jo Davis
Notary Public ID No. KYNP7818
State of Large, Kentucky
My Commission Expires May 19, 2024

PLANNING AND ZONING CERTIFICATE OF APPROVAL

Under the authority provided by Chapter 100 Kentucky Revised Statutes adopted by the Board of Commissioners of the City of Paducah, this plat has been given approval and accepted as follows:
Approved by Paducah, Planning and Zoning Commission at a meeting held _____, 2022.
Chairman of the Planning and Zoning Commission _____

Boundary Description

Being 2 adjacent tracts of land in the City of Paducah, Ky., divided by the centerline of the original 66 ft. wide right-of-way of Monroe Street and on the northeast (Ohio River) side of 2nd Street, more particularly described as follows:
Tract 1
Beginning at the an existing Mag Nail and metal cap at the intersection of the northeast 33' R/W of 2nd Street with the southeast 33' R/W of Monroe Street, corner to Jim Smith Contracting Co., Inc. (D.B.846-Pg.619, Tract II);
Thence - N24°58'39"W-33.00' to the centerline of Monroe Street, being also 33' from the center of 2nd Street;
Thence - N64°50'20"E-65.99' along the centerline of Monroe Street to its intersection with the previously closed portion of Monroe Street dated July 23, 1940, now Jim Smith Contracting, Inc. (D.B.846-Pg.619);
Thence - S27°17'08"W-33.03' along Smith's line to an existing Mag Nail and metal cap at the end of the previously closed portion of Monroe Street in the northwest line of Jim Smith Contracting, Inc. (D.B.846-Pg.619, Tract II);
Thence - S64°50'20"W-67.32' along the existing southeast R/W of Monroe Street to the point of beginning and containing 2200 Sq. Ft.
Tract 2
Beginning at the an existing Mag Nail and metal cap at the intersection of the northeast 33' R/W of 2nd Street with the northwest 33' R/W of Monroe Street, corner to Jim Smith Contracting Co., Inc. (D.B.846-Pg.619, Tract III);
Thence - N64°50'20"E-64.66' along the existing northwest R/W of Monroe Street to an existing Mag Nail and metal cap at the end of the previously closed portion of Monroe Street in the southeast line of Jim Smith Contracting, Inc. (D.B.846-Pg.619, Tract III);
Thence - S27°17'08"W-33.03' along Smith's line (D.B.846-Pg.619) to the centerline of Monroe Street, the northeast corner of Tract 1 above;
Thence - S64°50'20"W-65.99' along the centerline of Monroe Street to a point 33' northeast of the centerline of 2nd Street, the northwest corner of Tract 1 above;
Thence - N24°58'39"W-33.00' to the point of beginning and containing 2156 Sq.Ft.

Public Restrooms

CL Floodwall

Jim Smith Contracting, Inc.
D.B.846, Pg.619
Tract II
96038 Sq.Ft.

Previously Closed Portion of Monroe St.
Ord. Bk. 10
Pg.300
7/23/1940

Jim Smith Contracting, Inc.
D.B.846, Pg.619
Appurtenance to Tracts I and II

Farmers Market Pavilion

Concrete island with water and electric access and lighting.

Jim Smith Contracting, Inc.
D.B.846, Pg.619
Tract III
Total Area
59268 Sq.Ft.
Area Subject to Easement
5947 Sq.Ft.

Tract 2
2156 Sq.Ft.

Tract 1
2200 Sq.Ft.

POB Tract 2

POB Tract 1

2nd Street (66' R/W)

Monroe Street (66' R/W)

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT THIS PLAT REPRESENTS A BOUNDARY SURVEY PERFORMED BY ME AND THAT IT MEETS OR EXCEEDS THE SPECIFICATIONS FOR A CLASS "A" (URBAN) SURVEY.

RANDY GRAY

2332

LICENSED PROFESSIONAL LAND SURVEYOR

February 22, 2022

2-22-22

Bearings shown hereon are based on Grid North determined by GPS observations from Ky. VRS, Ky South Zone, NAD83.

GRAPHIC SCALE 1"=30'

0 30 60 90

LEGEND

Existing Mag Nail With Metal Cap

Current R/W Line

Proposed New R/W Line

Roadway Centerline

Adjoining Property Line

MCCRACKEN COUNTY, KENTUCKY
CITY OF PADUCAH
PORTION OF MONROE STREET CLOSURE
NORTHEAST (OHIO RIVER) SIDE OF 2ND STREET
For
Jim Smith Contracting Co., Inc.
1108 Dover Road
Grand Rivers, Ky. 42045
By
EDDY CREEK SURVEYING CO., INC.
2516 GRAY FARM RD.
EDDYVILLE, KY 42038
270-205-0824
February 22, 2022

VICINITY MAP

Ohio River

Site

2nd St

Monroe St

Broadway

US 45

US 60

US 62

US 50

I-24

A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED CLOSING OF 4,356 SQUARE FEET OF MONROE STREET BETWEEN 200 & 306 NORTH 2ND STREET.

WHEREAS, a public hearing was held on March 6, 2023 by the Paducah 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 vacate and close 4,356 square feet of Monroe Street between 200 & 306 North 2nd Street.

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 close said Right-of-Way as follows:

Boundary Description

Being two adjacent tracts of land in the City of Paducah, Ky., divided by the centerline of the original 66 ft. wide right-of-way of Monroe Street and on the northeast (Ohio River) side of 2nd Street, more particularly described as follows:

Tract 1

Beginning at the existing Mag Nail and metal cap at the intersection of the northeast 33' R/W of 2nd Street with the southeast 33' R/W of Monroe Street, corner to Jim Smith Contracting Co., Inc. (D.B.846-Pg.619, Tract II);

Thence – N24°58'39"W-33.00' to the centerline of Monroe Street, being also 33' from the center of 2nd Street;

Thence - N64°50'20"E-65.99' along the centerline of Monroe Street to its intersection with the previously closed portion of Monroe Street dated July 23, 1940, now Jim Smith Contracting, Inc. (D.B.846-Pg.619);

Thence – S27°17'08"W-33.03' along Smith's line to an existing Mag Nail and metal cap at the end of the previously closed portion of Monroe Street in the northwest line of Jim Smith Contracting, Inc. (D.B.846-Pg.619, Tract II);

Thence - S64°50'20"W-67.32' along the existing southeast R/W of Monroe Street to the point of beginning and containing 2200 Sq. Ft.

Tract 2

Beginning at the existing Mag Nail and metal cap at the intersection of the northeast 33' R/W of 2nd Street with the northwest 33' R/W of Monroe Street, corner to Jim Smith Contracting Co., Inc. (D.B.846-Pg.619, Tract III);

Thence - N64°50'20"E-64.66' along the existing northwest R/W of Monroe Street to an existing Mag Nail and metal cap at the end of the previously closed portion of Monroe Street in the southeast line of Jim Smith Contracting, Inc. (D.B.846-Pg.619, Tract III);

Thence – S27°17'08"W-33.03' along Smith's line (D.B.846-Pg.619) to the centerline of Monroe Street, the northeast corner of Tract 1 above;

Thence - S64°50'20"W-65.99' along the centerline of Monroe Street to a point 33' northeast of the centerline of 2nd Street, the northwest corner of Tract 1 above;

Thence - N24°58'39"W-33.00' to the point of beginning and containing 2156 Sq. Ft.

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.

SECTION 4. Any agreements between the parties that are affected by the closure of these Right-of-Ways shall be forwarded to the Board of Commissioners with this Resolution.



Bob Wade, Chairman

Adopted by the Paducah Planning Commission on March 6, 2023

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Authorize the Acceptance of Maintenance Responsibilities for City Certain Streets from the Commonwealth of Kentucky Transportation Cabinet to the City of Paducah - **R. MURPHY**

Category: Ordinance

Staff Work By: Melanie
Townsend

Presentation By: Rick Murphy

Background Information: On February 27, 2001, the Paducah Board of Commissioners approved Ordinance 2001-2-6324 authorizing the transfer of maintenance responsibilities to the Kentucky Transportation Cabinet of certain City streets as follows:

1. Kentucky Avenue from Third Street to S. Water Street
2. S. Water Street from Kentucky Avenue to Broadway
3. Broadway from S. Water Street to Third Street

The City desires to again take maintenance responsibility for these streets. Currently, this section is labeled KY 3238 and comprises 0.383 miles and begins and ends at the following termini: US 45X to US45X/US 60X as indicated on the attached map.

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

If yes, please list the Commission Priority: [Commission Priorities List](#)

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Authorize the Acceptance and Maintenance Responsibilities for Certain City Streets from the Commonwealth of Kentucky Transportation Cabinet to the City of Paducah, and Authorizing the Mayor to Execute all Documents Relating to Same

Attachments:

1. ORD transfer maintenance Kentucky Avenue, Water Street, Broadway
2. Broadway_Water_Kentucky
3. Ordinance 2001-2-6324

ORDINANCE NO. 2023-____ - _____

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF MAINTENANCE RESPONSIBILITIES FOR CERTAIN STREETS FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET TO THE CITY OF PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, on February 27, 2001, the Paducah Board of Commissioners approved Ordinance No. 2001-2-6324, authorizing the transfer of maintenance responsibilities to the Kentucky Transportation Cabinet of certain City streets including Kentucky Avenue from Third Street to S. Water Street, Water Street from Kentucky Avenue to Broadway, and Broadway from Water Street to Third Street; and

WHEREAS, the City now desires to again take maintenance responsibility for these streets.

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

SECTION 1. That the City of Paducah hereby authorizes the acceptance of maintenance responsibility for certain streets from the Commonwealth of Kentucky Transportation Cabinet as follows:

- Kentucky Avenue from Third Street to S. Water Street
- Water Street from Kentucky Avenue to Broadway; and
- Broadway from Water Street to Third Street.

SECTION 2. That the Mayor is hereby authorized to execute any and all documents relating to the aforementioned transfer.

SECTION 3. 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 April 25, 2023

Adopted by the Board of Commissioners _____

Recorded by Lindsay Parish, City Clerk _____

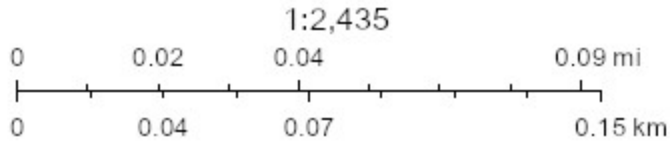
Published by *The Paducah Sun*, _____

Ord/ENG/acceptance maintenance responsibility Kentucky Avenue, Water Street, Broadway

ArcGIS Web Map



April 14, 2023



Maxar, Microsoft

ORDINANCE NO. 2000-2-6324

AN ORDINANCE AUTHORIZING THE TRANSFER OF MAINTENANCE RESPONSIBILITIES FOR CERTAIN STREETS FROM THE CITY OF PADUCAH TO THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME

WHEREAS, the Commonwealth of Kentucky Transportation Cabinet has expressed interest in acquiring maintenance responsibilities of certain city streets; and

WHEREAS, the City has agreed to transfer maintenance responsibilities for certain streets to the Commonwealth of Kentucky Transportation Cabinet.

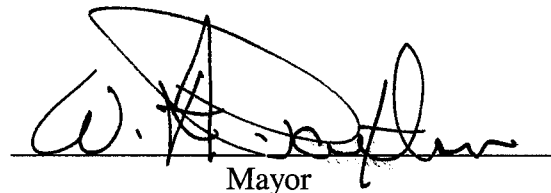
BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby transfers maintenance responsibilities for the following streets to the Commonwealth of Kentucky Transportation Cabinet:

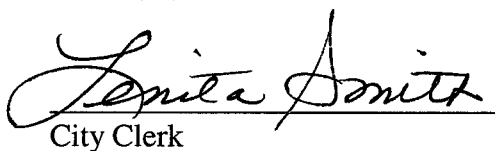
1. Kentucky Avenue from Third Street to Water Street
2. Water Street from Kentucky Avenue to Broadway
3. Broadway from Water Street to Third Street

SECTION 2. That the Mayor is hereby authorized to execute any and all documents relating to the aforementioned transfer.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.


Mayor

ATTEST:


City Clerk

Introduced by the Board of Commissioners February 13, 2001

Adopted by the Board of Commissioners February 27, 2001

Recorded by Lenita Smith, City Clerk, February 27, 2001

Published by *The Paducah Sun* March 7, 2001

ord/TransferProp

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Establish an Energy Project Assessment District for Energy Projects in Paducah - **D. JORDAN**

Category: Ordinance

Staff Work By: Daron Jordan, Lindsay Parish, Jonathan Perkins,
Michelle Smolen, Nicholas Hutchison
Presentation By: Daron Jordan

Background Information: KRS Sections 65.205 to 65.209 (the “EPAD Act”) authorize local governments in the Commonwealth of Kentucky, including cities, to establish programs to advance the conservation and efficient use of energy and water resources within their jurisdictions by allowing for eligible energy projects to be financed by assessments imposed upon the real property being improved through those energy projects.

In order to establish an energy project assessment district (“EPAD”) program, the governing body of a local government must adopt an ordinance providing the terms and conditions of the program. This ordinance designates the Paducah EPAD and its boundaries, outlines the administration of the EPAD program and the procedure for the owners of real property located within the EPAD to petition the City for participation in the program. This ordinance also designates the Finance Department of the City as the collector of the assessments and authorizes all agreements necessary for the implementation and administration of the EPAD program. This ordinance authorizes the City Manager to engage a third-party administrator for the program, if necessary.

As companies petition for specific energy projects, those would come back before the City Commission for approval.

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

If yes, please list the Commission Priority: Community Growth & Downtown

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

Attachments:

1. ORD Establish EPAD 2023

ORDINANCE NO. 2023-____ - _____

AN ORDINANCE ESTABLISHING AN ENERGY PROJECT ASSESSMENT DISTRICT (EPAD) PROGRAM PURSUANT TO KRS 65.205 TO 65.209 TO ADVANCE THE CONSERVATION AND EFFICIENT USE OF ENERGY AND WATER RESOURCES WITHIN THE CITY OF PADUCAH, KENTUCKY BY ALLOWING FOR ENERGY PROJECTS TO BE FINANCED BY ASSESSMENTS IMPOSED UPON THE REAL PROPERTY BEING IMPROVED THROUGH THE ENERGY PROJECTS; PROVIDING THE TERMS AND CONDITIONS OF THE PROGRAM; STATING THE INTENTION THAT ASSESSMENTS WILL BE UTILIZED TO SUPPORT PRIVATE SECTOR ENERGY PROJECTS; DESIGNATING THE EPAD AND ITS BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THE EPAD PROGRAM; DETERMINING THE PROCEDURE BY WHICH OWNERS OF REAL PROPERTY MAY PETITION THE CITY FOR PARTICIPATION IN THE PROGRAM; DESIGNATING THE FINANCE DEPARTMENT AS THE COLLECTOR OF THE ASSESSMENT; AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL AGREEMENTS AND OTHER DOCUMENTS FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM

WHEREAS, KRS Sections 65.205 to 65.209 (the “EPAD Act”) authorize local governments in the Commonwealth of Kentucky, including cities, to establish programs to advance the conservation and efficient use of energy and water resources within their jurisdictions by allowing for eligible energy projects to be financed by assessments imposed upon the real property being improved through those energy projects; and

WHEREAS, to establish an energy project assessment district (“EPAD”) program, the governing body of a local government shall adopt a resolution or ordinance providing the terms and conditions of the program; and

WHEREAS, the Board of Commissioners (this “Board”) of the City of Paducah, Kentucky (the “City”) has determined to establish an EPAD program and provide for the terms and conditions of the program by the adoption of this Ordinance; and

WHEREAS, the terms and conditions to be provided include the designation of the EPAD and its boundaries, the administration of the EPAD program, the procedure for the owners of real property located within the EPAD to petition the local government for participation in the program, the designation of the Finance Department of the City as the collector of the assessments, and the authorization of any agreements necessary for the implementation and administration of the EPAD program; and

WHEREAS, this Board determines it to be in the best interest of the citizens of the City to establish an EPAD program pursuant to the EPAD Act to enable eligible property owners to finance qualifying energy projects to their properties through the imposition of assessments on the improved real property within the City.

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

SECTION 1. By this Ordinance and pursuant to KRS §§ 65.205 to 65.209 (the “EPAD Act”) there is established an energy project assessment district (“EPAD”) program within the

boundaries of City of Paducah, Kentucky (the “City”) to advance the conservation and efficient use of energy and water resources within the City by allowing for eligible energy projects to be financed by assessments imposed upon the real property being improved through those energy projects (the “EPAD Program”). All capitalized terms used in this Ordinance where the rules of grammar would not otherwise require capitalization and not defined in this Ordinance shall have the meanings given to them in the EPAD Act, particularly KRS § 65.205.

SECTION 2. As authorized under the EPAD Act, the City intends to use the assessments on relevant real property imposed under the EPAD Program to support private sector Energy Projects.

SECTION 3. The EPAD is designated the “City of Paducah EPAD.” The boundaries of the City of Paducah EPAD shall include the entire geographic territory of the City.

SECTION 4. The EPAD Program shall be administered by the City (initially, the “Program Administrator”). If so determined by the City Manager, the City is authorized to engage a third-party EPAD Program Administrator to administer the EPAD Program, and from and after that time such administrator shall be the “Program Administrator.” In addition to the actions and determinations specifically described in this Ordinance (as it may be amended and in effect from time to time), the Program Administrator may take such further actions and exercise such further discretion as may be necessary for the efficient and effective administration of the EPAD Program, provided that all such actions and discretion shall at all times be authorized under the EPAD Act and shall not be inconsistent with the terms and conditions of the EPAD Program set forth in this Ordinance. Without limiting the generality of the foregoing, the Program Administrator may from time to time develop additional eligibility criteria, develop or adopt a handbook for the EPAD Program, develop a standard application form, and retain third-party services in association with the management and operation of the EPAD Program, all of the costs of which shall be paid from fees collected with assessments imposed under the EPAD Program.

SECTION 5. In order to participate in the EPAD Program, all of the owners of record (acting as described in Section VII.8. of this Ordinance) of real property located within the City of Paducah EPAD shall submit an application to the Program Administrator. For all purposes of the EPAD Act, the application shall constitute the “petition” described in KRS § 65.206(2)(a)(3) and KRS § 65.207(2)(a)(1) and the “request” described in KRS § 65.206(4). The Program Administrator shall review any application and any documents or instruments submitted with the application (collectively, the “Application”) and determine whether the Application and the information described in the Application complies with the terms and conditions of the EPAD Program as set forth in this Ordinance and the EPAD Act, each as they may be in effect at any time. If the Program Administrator determines that the Application and the information described in the Application comply with the terms and conditions of the EPAD Program and the EPAD Act, the Program Administrator shall evidence the approval of the Application by countersigning the Application. The Program Administrator’s approval of the Application shall constitute the

authorized official's approval of a request from the owner of record of real property under KRS § 65.206(4).

SECTION 6. As authorized under KRS § 65.206(4), following the Program Administrator's approval of the Application and upon the execution of a financing agreement in connection with the Application, the City may impose an assessment upon the real property, which shall be used to repay the owner's financing of an Energy Project on that property and the costs of any upgrades to the electrical or gas distribution system connected to that property necessary to accommodate the Energy Improvement. The financing for Energy Projects under the EPAD Program may be provided by any third party or, if authorized by the Local Government, by any Local Government that may validly provide such financing.

In order to impose the assessment, and as authorized under KRS § 65.207, an Application approved by the Program Administrator shall be forwarded to the City along with a proposed financing agreement for the Energy Project described in the Application and a proposed notice of assessment in the form required under KRS § 65.207(3). This Board then may adopt legislation approving and authorizing the financing agreement and the notice of assessment and imposing the assessments. If approved, the financing agreement and the notice of assessment each shall be executed, and the notice of assessment shall be filed in the real property records of the City.

SECTION 7. In order to be eligible to participate in the EPAD Program, all of the owners of record (acting as described in subsection 8 below) of real property located within the EPAD shall submit an Application setting forth the following matters and containing the following elements:

1. The names and addresses of all of the owners of record of the real property;
2. The addresses, parcel identification numbers, legal descriptions, or other identifying information for the real property to be assessed sufficient to allow the Program Administrator to determine that the real property is located within the EPAD and for the City to impose assessments on the real property, including, if determined by the Program Administrator, current title examinations, title insurance commitment letters, or other documentation of ownership and identify of the real property;
3. A technical description of the Energy Improvements to be installed or modified on the real property, including the estimated useful life of the Energy Improvements and a review of the real property's baseline energy or water usage conditions and the energy or water savings projected to be achieved as a result of the Energy Project;
4. An estimated budget and an estimated timeline for implementation for the Energy Project;

5. Estimated financing terms for the Energy Project, including, if known, the identity of the provider of the financing;
6. The written consent of the holder of each existing mortgage lien on the relevant property stating that the lien holder does not object to the imposition of the assessment;
7. The certification of each of the owners of record of the real property that:
 - a. The identity of the owners, the identity of real property, the attributes of the Energy Project, the estimated terms of financing, the identify and consent of all holders of mortgage lines on the property, and all other matters described in the Application are true and correct as of the date of submission of the Application;
 - b. The owners, the real property, the Energy Project, and the financing described in the Application are eligible for participation in the EPAD Program under its terms and conditions and under the EPAD Act;
 - c. None of the owners in the last three years have filed for bankruptcy protection or had a petition in bankruptcy filed against them which was not dismissed within 30 days; and
 - d. That the real property is current in the payment of all obligations secured by the real property upon which the Energy Project will be installed or modified, including property taxes, assessments, and tax liens and that the real property has had no delinquencies within the past three years or since the acquisition of title to the real property if less than three years.
8. Be signed by all of the owners of record of the real property to be assessed or by any one or more of them or by any one or more of their authorized agents, each of which is duly authorized to execute instruments binding the real property and any non-signing owners, as such authorization may be sufficiently evidenced to the Program Administrator in the Program Administrator's sole discretion;
9. Such other information, documents, materials, statements, certifications, waivers, or signatures as the Program Administrator may reasonably require from time to time in order to determine the compliance of the Application and the Energy Project described in the Application with the terms and conditions of the EPAD Act and the EPAD Program.

SECTION 8. Unless altered by the Program Administrator in accordance with Section IV of this Ordinance, initially all Energy Improvements, Energy Projects, and Real Property (as defined in KRS § 65.205(6) to exclude residential property consisting of fewer than five units) eligible for participation in an EPAD program under the EPAD Act and located within the boundaries of the City shall be eligible for participation in the EPAD Program.

SECTION 9. As authorized under KRS § 65.206(6), the owners of real property approved for participation in the EPAD Program may directly purchase or acquire by contract, through lease, power purchase agreement, or other service contract the equipment and materials necessary for the installation or modification of an Energy Improvement.

SECTION 10. As provided in KRS §§ 65.207(4) and 65.206(c), assessments imposed upon real property under the EPAD Program shall be collected and distributed by the Finance Department, or a third party servicer, as designated by the property owner to the City, in the same manner as other property taxes. Unpaid assessments shall bear the same penalty as general state and local ad valorem taxes. The assessments, together with any interest and penalties, shall constitute a first and prior lien against the real property on which they are imposed from the date on which the notice of assessment is recorded pursuant to the EPAD Act until paid. The lien of the assessments shall have the same priority status as a lien for any other state or local ad valorem tax upon the property.

SECTION 11. As authorized under KRS § 65.206(2)(c)(2), the City may impose a fee on participating property owners to offset the costs of administering the program in an amount which may be determined from time to time by the City, provided that any fee so imposed shall not exceed the cost of services performed. The cost of services performed shall include any fees or expenses to or of the Program Administrator. Any fees so imposed may be paid by property owners or any other persons at the closing of the financing of the costs of the related Energy Project, may be included within the financed costs of the Energy Project, may be added as an additional portion of each installment of the assessments, or any combination of the above.

SECTION 12. In order to provide for the efficient collection, distribution, and enforcement of the assessments imposed under the EPAD Program, and as authorized under KRS § 65.206(2)(d) the Mayor is hereby authorized to execute all agreements, instruments, or certificates as may, in the City Manager's discretion, be necessary and appropriate in connection with the implementation and establishment of the EPAD Program.

SECTION 13. The terms and conditions of the EPAD Program set forth in this Ordinance may be amended by an Ordinance adopted by the City, except that, as provided in KRS § 65.206(2)(b), no amendment shall be adopted to retroactively change the conditions under which an existing assessment was imposed, unless all of the owners of record (acting as described in Section VII.8. of this Ordinance) of the affected real property consent to the amendment in writing.

SECTION 14. This Ordinance shall be in effect and in full force from and after its passage, publication, and recording, according to law.

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\Establish EPAD 2023

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Paducah, Kentucky and that the foregoing is a full, true and correct copy of Ordinance No. _____ adopted by the governing body of the City of Paducah, Kentucky at a meeting duly held on _____, 2023; and that this official action appears as a matter of public record in the official records or journal of the City of Paducah; and that said meeting was held in accordance with all applicable requirements of Kentucky law, including Sections 61.810, 61.815, 61.820 and 61.823 of the Kentucky Revised Statutes; and that a quorum was present at the meeting; and that this official action has not been modified, amended, revoked or repealed and is now in full force and effect.

IN TESTIMONY WHEREOF, witness my signature, below, on _____, 2023.

Lindsay Parish, City Clerk

Agenda Action Form

Paducah City Commission

Meeting Date: April 25, 2023

Short Title: Dog Park Design Discussion - **A. CLARK**

Category: Municipal Order

Staff Work
By: Amie Clark
Presentation
By: Amie Clark

Background Information: Authorize the City Manager to proceed with the Sports Complex working group for design of Dog Parks and to issue a Request for Proposals for the construction of a small dog enclosure and a large dog enclosure to be located in the area known as the Anna Baumer, in Noble Park, as agreed to in the Interlocal Agreement. On September 7, 2022 the City of Paducah entered into an Interlocal Agreement with the McCracken County Fiscal Court, and the McCracken County Sports Tourism Commission for the construction of a Sports Complex.

On March 28, the Board of Commissioners approved a Municipal Order for the dog parks located in Stuart Nelson Park to be relocated to the Anna Baumer Field site in Noble Park. Per the Interlocal Agreement, the relocation of the dog parks, like for like, will be funded through the Sports Complex project. Additional amenities desired by the City above like for like will be funded by the City.

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

Attachments: None