



**CITY COMMISSION MEETING  
AGENDA FOR MAY 9, 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**

**PROCLAMATION** National Police Week May 15 - May 21, 2023 - Police Chief Brian Laird

**PRESENTATION** Civic Beautification Dogwood Trail & Art Awards - Monica Feiler

**PRESENTATION** Quarterly Report from Paducah Convention & Visitor's Bureau - Mary Hammond

**ADDITIONS/DELETIONS**

**MAYOR'S REMARKS**

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

|  |           |                                                                                                                                                                                 |
|--|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>I.</b> | <b><u>CONSENT AGENDA</u></b>                                                                                                                                                    |
|  | A.        | Approve Minutes for April 25 & 27, 2023, Board of Commissioners Meeting                                                                                                         |
|  | B.        | Receive & File Documents                                                                                                                                                        |
|  | C.        | Appointment of Todd Birdsong to the Creative & Cultural Council                                                                                                                 |
|  | D.        | Joint Appointment of Charles Leon Owens to the Paducah-McCracken County Industrial Development Authority (IDA)                                                                  |
|  | E.        | Personnel Actions                                                                                                                                                               |
|  | F.        | Authorize the acceptance of a proposal from Zones, LLC in the amount of \$38,656.27 to replace out-of-date and failing computer network switches and routers - <b>E. STUBER</b> |
|  | G.        | Accept Donation of Property Located at 1245 South 6th Street - <b>G. CHERRY</b>                                                                                                 |

|  |             |                                       |                                                                                                                                                                                      |
|--|-------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |             | H.                                    | Authorize application for GameTime Grant for purchase of inclusive play elements for Coleman Park playground replacement project in the amount of \$22,370.00 - <b>A. CLARK</b>      |
|  |             | I.                                    | Authorize City Manager to issue Request for Quotes for Custodial Services for the Parks and Recreation Department - <b>A. CLARK</b>                                                  |
|  |             | J.                                    | Approve an Application for a Department of Homeland Security Port Security Grant in the Amount of \$543,750 - <b>S. KYLE</b>                                                         |
|  | <b>II.</b>  | <b><u>ORDINANCE(S) - ADOPTION</u></b> |                                                                                                                                                                                      |
|  |             | A.                                    | Approve the closing of 4,356 Square Feet of Monroe Street Between 200 & 306 North 2nd Street - <b>R. MURPHY</b>                                                                      |
|  |             | B.                                    | Authorize the Acceptance of Maintenance Responsibilities for City Certain Streets from the Commonwealth of Kentucky Transportation Cabinet to the City of Paducah - <b>R. MURPHY</b> |
|  |             | C.                                    | Establish an Energy Project Assessment District for Energy Projects in Paducah - <b>D. JORDAN</b>                                                                                    |
|  | <b>III.</b> | <b><u>COMMENTS</u></b>                |                                                                                                                                                                                      |
|  |             | A.                                    | Comments from the City Manager                                                                                                                                                       |
|  |             | B.                                    | Comments from the Board of Commissioners                                                                                                                                             |
|  |             | C.                                    | Comments from the Audience                                                                                                                                                           |
|  | <b>IV.</b>  | <b><u>EXECUTIVE SESSION</u></b>       |                                                                                                                                                                                      |

April 25, 2023

At a Regular Meeting of the Paducah Board of Commissioners held on Tuesday, April 25, 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 Guess led the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Bray led the pledge.

Communications Manager Pam Spencer provided the following summaries:

### **PRESENTATION**

Members of the Paducah Tilghman High School Student Equity Advisory Council (SEAC) gave a presentation about this 15-member group and its advocacy roles at the school, among other schools, and with the community. SEAC is holding a community forum on May 11 at 5:30 p.m. at Seamen's Church Institute. SEAC's mission statement is 'advocating the student voice by fostering inclusivity for all demographics.'

### **PROCLAMATIONS**

Mayor George Bray presented the following proclamations:

- To various mental health service providers including Mercy Health, Child Watch, Kentucky Care, Merryman House, and Compass Counseling proclaiming May as Mental Health Awareness Month.
- For Public Service Recognition Week as May 7 through 13 urging all citizens to recognize the accomplishments and contributions of government employees at all levels.
- To Tree Advisory Board Chairman Jonathan E. Perkins in celebration of Arbor Day on April 28."

### **INTRODUCTION**

Paducah Convention & Tourism Bureau Director Mary Hammond introduced Kentucky Tourism, Arts & Heritage Secretary Lindy Casebier. Hammond also introduced Master Papermaker Sandro Tiberi from Fabriano, Italy. Fabriano is a fellow UNESCO Creative City of Crafts and Folk Art. This year, Paducah is celebrating its 10<sup>th</sup> Anniversary as a member of the UNESCO Creative Cities Network.

### **MAYOR'S REMARKS**

- Mayor Bray offered his condolences to the families of two prominent Paducah artists: Avery Crounse and Joan Dance. Crounse was an award-winning director and photographer. Dance was a mixed-media artist.

April 25, 2023

- Mayor Bray announced that the property proposed to become the Terrace Hills subdivision off Pecan Drive has been sold to a group of investors. This group is planning to develop a subdivision that protects more of the tree canopy while constructing fewer homes.
- Mayor Bray said that the County has approved a contract with an architectural firm to prepare the documents for the Convention Center roof project. Since the City owns the back part of the Convention Center, the former Showroom Lounge, the City will be working with the Convention Center and the McCracken County Fiscal Court regarding that portion of the project.

## **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 April 11, 2023 Board of Commissioners Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| I(B) | <p>RECEIVE AND FILE DOCUMENTS:</p> <p><u>Minute File:</u></p> <ol style="list-style-type: none"><li>1. Update of Section 8 Bank Signatories to remove Tommy Hollimon.</li></ol> <p><u>Contract File:</u></p> <ol style="list-style-type: none"><li>1. Change Order #1 – Paducah Riverfront Transient Boat Dock Dredging Project – Dredge America – MO #2720</li><li>2. City of Paducah Fleet Maintenance Agreement with Salem Fire Department – MO #2721</li><li>3. Agreement to purchase One SUV – Linwood Motors – MO #2722</li><li>4. Agreement to purchase two pickup trucks – Linwood Motors – MO #2723</li><li>5. Grant Award – Rockport Bridge – MO #2724</li><li>6. Notice of Award – 2023-2024 Resurfacing Program – Jim Smith Contracting – ORD 2023-03-8766</li><li>7. Agreement between City of Paducah and IAFF – July 1, 2023 through June 30, 2026 – ORD 2023-04-8768</li><li>8. Agreement Between City of Paducah and Police Bargaining Unit – July 1, 2023 through June 30, 2026 – ORD 2023-04-8769</li></ol> <p><u>Financials File:</u></p> <ol style="list-style-type: none"><li>1. Paducah Water – Financial Highlights ending February 28, 2023</li></ol> <p><u>Bids</u></p> <ol style="list-style-type: none"><li>1. Renovation of Robert Cherry Civic Center – MO #2715</li><li>2. SUV for use by Paducah Fire Department – MO #2722<ol style="list-style-type: none"><li>a. Linwood Motors* Selected bid</li><li>b. Prime Vendor</li></ol></li><li>3. Two pickup trucks for use by Facility Division and Parks Department – MO #2723<ol style="list-style-type: none"><li>a. Linwood Motors* Selected bid</li><li>b. Prime Vendor</li></ol></li><li>4. 2023-2024 Resurfacing Program ORD 2023-03-8766<ol style="list-style-type: none"><li>a. Jim Smith Contracting Co., LLC</li></ol></li></ol> |
| I(C) | Personnel Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| I(D) | Appointment of David Guess to the Paducah-McCracken County Joint Sewer Agency. This term shall expire December 31, 2024.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

April 25, 2023

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|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I(E) | Appointment of John Spurlin to the Code Enforcement Board to replace Beverly McKinley, whose term has expired. This term shall expire April 25, 2026.                                                                                                                                                                                                                                                     |
| I(F) | Reappointment of Edward Box to the Civil Service Commission. This term shall expire May 13, 2026.                                                                                                                                                                                                                                                                                                         |
| I(G) | 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 <b>(MO #2729; BK 12)</b>                  |
| I(H) | 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 <b>(MO #2730; BK 12)</b> |

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).

### **MOTION**

Commissioner Henderson offered Motion, seconded by Commissioner Smith, to authorize the Mayor to act as Authorized Representative of the City of Paducah in the execution of a Settlement Agreement and Release of All Claims between the City of Paducah, George Bray, Sandra Wilson, Raynarldo Henderson, Robert Smith, and David Guess and ratifying the Mayor's signature thereon.

Adopted on call of the roll yeas, Commissioners Henderson, Smith, Wilson, and Mayor Bray (4).  
Commissioner Guess recused himself from the vote by stepping down from the dais.

### **MUNICIPAL ORDER**

Commissioner Henderson offered Motion, seconded by Commissioner Guess, that the Board of Commissioners adopt a Municipal Order entitled, "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."

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(MO #2731, BK 12)**

April 25, 2023

## **ORDINANCE ADOPTION**

### **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 adopt 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)

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson, and Mayor Bray (5). **(ORD 2023-04-8771; BK 36)**

## **ORDINANCE INTRODUCTIONS**

### **APPROVE THE CLOSING OF 4,356 SQUARE FEET OF MONROE STREET BETWEEN 200 & 306 NORTH 2<sup>ND</sup> STREET**

Commissioner Guess offered motion, seconded by Commissioner Henderson, that the Board of Commissioner introduce an Ordinance entitled, “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.” This Ordinance is summarized as follows: The City of Paducah does hereby authorize the closing of 4,356 square feet of Monroe Street between 200 and 306 North Second Street, and authorizes, empowers and directs the Mayor to execute a quitclaim deed from the City of Paducah to the property owner in or abutting the public way to be closed.

### **AUTHORIZE ACCEPTANCE OF MAINTENANCE RESPONSIBILITIES FOR CITY CERTAIN STREETS FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET TO THE CITY OF PADUCAH**

Commissioner Henderson offered motion, seconded by Commissioner Guess, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF MAINTENANCE RESPONSIBILITIES FOR CERTAIN STREETS FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET TO THE CITY OF

April 25, 2023

PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME.” This Ordinance is summarized as follows: 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, and authorizes the Mayor to execute any and all documents relating to the aforementioned transfer.

### **ESTABLISH AN ENERGY PROJECT ASSESSMENT DISTRICT FOR ENERGY PROJECTS IN PADUCAH**

Commissioner Smith offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, “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.” This Ordinance is summarized as follows: This ordinance establishes an Energy Project Assessment District (EPAD) program to advance the conservation and efficient use of energy and water resources within the City of Paducah, defines the boundary of said district, and outlines the program terms, administration, and procedure by which property owners may petition for participation. Further, this ordinance designates the Finance Department as the collector and authorizes the execution of any agreement for the implementation and administration of the program.

### **DISCUSSIONS**

Communications Manager Pam Spencer offered the following summaries:

### **CITY BLOCK PROJECT CONSTRUCTION UPDATE**

Mayor George Bray and Planning Director Nic Hutchison provided an update on the City Block Project. Site preparation began in late January following the groundbreaking celebration for this transformative project. This project, a partnership between the City of Paducah and Weyland Ventures, will reenergize the downtown Paducah block bounded by Second Street, Broadway, Water Street, and Jefferson. Contractor Ray Black & Son has been working on the public amenities portion of the project with recent work to demolish the former parking lot and grade the property. Work will begin soon on underground utilities and stormwater amenities. During the summer, Ray Black & Son will complete site concrete, sidewalks, landscaping, paving and striping, and lighting. The parking lot and public amenities are expected to open to the public in late summer with the goal of opening by BBQ on the River. Also, this summer, a separate contractor will begin constructing

April 25, 2023

the foundation for the 81-room hotel on Jefferson Street. The hotel construction is scheduled to be finished in the fall of 2024. Then, after the interior finishes are completed, there will be a grand opening in 2025. The second phase of the project is a mixed-use facility on Broadway to include residential, commercial, and retail space. Construction on the second phase is expected to begin next spring with completion in 2025.

### **HUMAN RIGHTS COMMISSION AND DIVERSITY SPECIALIST DISCUSSION**

Mayor George Bray discussed with the Board repopulating the Paducah Human Rights Commission Board by July. Currently, the Board is inactive with all terms expired. Human Rights calls are answered in City Hall and forwarded to either the State or City Manager's office for review. The Paducah Board of Commissioners agreed that reenergizing the Human Rights Commission is beneficial along with providing it staff support. Human Resources Director Stefanie Wilcox discussed the addition of a full-time position to the Human Resources Department. The Board approved a motion to begin the recruitment process for a Diversity Specialist. In addition to supporting the Human Rights Commission, this employee would lead internal diversity, equity, and inclusion training efforts, review policies and pay equity, and work to recruit a diverse City workforce.

**Commissioner Wilson offered Motion, seconded by Commissioner Smith, that the Board of Commissioners authorize the City Manager to begin recruiting for the Diversity Specialist position.**

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

### **RELOCATION OF DOG PARKS FROM STUART NELSON PARK TO NOBLE PARK**

The Board approved a motion authorizing the City Manager to issue a request for bids for the construction of a dog park with a small dog enclosure and a large dog enclosure at Noble Park. Prior to the motion, the Board discussed design options for the dog park which will be in an area adjacent to the Anna Baumer building and behind the amphitheater. This area, which is similar in size to the current dog parks, has natural shade and open running space for dogs. Plus, it is secluded from Lake Montgomery and associated waterfowl. The Board looked at two options: 1) the entire dog park on the same side of the road as the Anna Baumer building and 2) the large dog enclosure near the building and the small dog enclosure across the roadway and closer to the floodwall levee. The board selected Option 2 since that layout moves the dog parks away from the building which would allow the Anna Baumer building to be used for rentals. The next steps will be to complete the design and construction documents with the goal of opening the dog parks at Noble Park before the closure of the existing dog parks at Stuart Nelson Park. The access road into the area also will be improved.

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**Commissioner Wilson offered Motion, seconded by Commissioner Smith, that the Board of Commissioners select Anna Baumer site option No. 2 for the creation of dog parks at Noble Park and authorize the City Manager to issue a Request for Bids for the construction of a small dog enclosure and a large dog enclosure to be located at said site in Noble Park.**

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

April 25, 2023

## **COMMENTS**

### **City Manager Comments**

The City Manager thanked the Team members who helped with Clean Up Day and remarked about positive comments made by Paducah Power representatives about the team.

### **City Commission Comments**

Commissioner Wilson reminded everyone about the start of Quilt Week and thanked the quilters for coming to Paducah.

### **Public Comments**

Thomas Fairhurst commented on code enforcement citations he has received on 409 Flora Avenue. The Mayor remarked that code enforcement is a challenge to keep the city clean and safe. He will look into the complaint.

## **ADJOURN**

Commissioner Henderson offered Motion, seconded by Commissioner Guess, that the meeting be adjourned.

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

**TIME ADJOURNED:** 6:47 p.m.

**ADOPTED:** May 9, 2023

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George P. Bray, Mayor

ATTEST:

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Lindsay R. Parish, City Clerk

April 27, 2023

At a Special Called Meeting of the Paducah Board of Commissioners held jointly with the McCracken County Fiscal Court, Paducah City Planning Commission, and members of the County Planning Commission, on Thursday, April 27, 2023, at 5:00 p.m., in Courtroom D at the McCracken County Courthouse, 300 Clarence Gaines Street, Paducah, Kentucky, 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).

Upon a call of the roll, the following Fiscal Court members answered to their names: Commissioners Bill Bartleman, Richard Abraham, Edwin Jones, and Judge Executive Craig Clymer. (4)

Upon a call of the roll, the following Paducah City Planning Commission members answered to their names: Commissioners Griffin, Morrison, Rhodes, and Chairperson Wade (4). Commissioners Kaler, Pollard, and Benberry were absent. (3)

Members of the McCracken County Planning Commission were present, but there was not a quorum.

### **KENDIG KEAST COLLABORATIVE WORKSHOP**

Gary Mitchell, FAICP (President & Project Manager) and Steve Sizemore, PhD, AICP (Senior Associate) with the Kendig Keast Collaborative led a workshop to get initial feedback for the upcoming Comprehensive Plan.

The steps to adopting the Comprehensive plan will include 5 phases:

- Paducah/McCracken County report for today
- Plan Direction and Outline
- Paducah/McCracken County tomorrow
- Plan Implementation
- Finalize and Adopt

The City Commission and Fiscal Court gave input on recent accomplishments, area strengths, and areas that they would like to see addressed in the final Comprehensive Plan.

### **ADJOURN**

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

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

**TIME ADJOURNED:** 5:53 p.m.

**ADOPTED:** May 9, 2023

April 27, 2023

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George P. Bray, Mayor

ATTEST:

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Lindsay R. Parish, City Clerk

May 9, 2023

RECEIVE AND FILE DOCUMENTS:

Deed File:

1. Deed of Correction – 416 North 13<sup>th</sup> Street – MO #2690
2. Deed of Correction – 418 North 13<sup>th</sup> Street – MO #2690
3. Deed of Conveyance between Paducah & Louisville Railway, Inc. and City of Paducah, Kentucky – MO #2707

Contract File:

1. Form of Performance Bond – Jim Smith Contracting Company, LLC – ORD 2023-03-8766
2. Form of Labor and Material Payment Bond – Jim Smith Contracting Company, LLC – ORD 2023-03-8766
3. Agreement For Project, Notice of Award, Notice to Proceed, Form of Performance Bond, and Form of Labor and Material Payment Bond - Precision Construction and Contracting LLC d/b/a PCC Sports ORD 2023-04-8771
4. 2023 Annual Plan and Administrative Plan for the Section 8 Program – MO #2731
5. Entertainment Destination Center Agreement with O & A's Piano Bar (Amanda Otey)
6. Settlement Agreement and Release of all Claims – David Guess (Plaintiff) and the City of Paducah, et al (Defendants) executed April 10, 2023

Financials File:

1. Paducah Water Works Financial Highlights - month ended March 31, 2023

Bids File:

1. Precision Construction and Contracting, LLC, d/b/a PCC Sports - Project Manual and Bid Documents – Construction of Pickleball Courts in Noble Park ORD 2023-04-8771
2. First Round Bid from PCC Sports (January 2023) – Pickleball Courts
3. Second Round Bids for Pickleball Courts
  - a. Central Paving Co., of Paducah
  - b. Hellas Construction, Inc. (Houston, Texas)
  - c. PCC Sports\* (Recommended Bid)

CITY OF PADUCAH  
May 9, 2023

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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.



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City Manager's Office Signature

5/4/2023

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Date

**CITY OF PADUCAH  
PERSONNEL ACTIONS  
May 9, 2023**

**NEW HIRES - PART-TIME (P/T)**

| <b><u>PARKS &amp; RECREATION</u></b> | <b><u>POSITION</u></b>      | <b><u>RATE</u></b> | <b><u>NCS/CS</u></b> | <b><u>FLSA</u></b> | <b><u>EFFECTIVE DATE</u></b> |
|--------------------------------------|-----------------------------|--------------------|----------------------|--------------------|------------------------------|
| Arnett, Frankie A.C.                 | Pool Attendant              | \$11.00/hr         | NCS                  | Non-Ex             | May 18, 2023                 |
| Dunn, Elisabeth F.                   | Rec Leader - Camp Counselor | \$12.00/hr         | NCS                  | Non-Ex             | May 18, 2023                 |
| Green, Noah                          | Head Lifeguard              | \$12.50/hr         | NCS                  | Non-Ex             | May 4, 2023                  |
| Kerr, Taylor N.                      | Summer Camp Coordinator     | \$14.00/hr         | NCS                  | Non-Ex             | May 18, 2023                 |
| Thomas, Miranda N.                   | Lifeguard                   | \$12.00/hr         | NCS                  | Non-Ex             | May 18, 2023                 |
| Thompson, Savana N.                  | Lifeguard                   | \$12.00/hr         | NCS                  | Non-Ex             | May 18, 2023                 |
| Wring, Abigail E.                    | Pool Attendant              | \$11.00/hr         | NCS                  | Non-Ex             | May 18, 2023                 |
| Wring, Emma Rose                     | Pool Attendant              | \$11.00/hr         | NCS                  | Non-Ex             | May 18, 2023                 |

**PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS (PART-TIME)**

| <b><u>PARKS &amp; RECREATION</u></b> | <b><u>PREVIOUS POSITION<br/>AND BASE RATE OF PAY</u></b> | <b><u>CURRENT POSITION<br/>AND BASE RATE OF PAY</u></b> | <b><u>NCS/CS</u></b> | <b><u>FLSA</u></b> | <b><u>EFFECTIVE DATE</u></b> |
|--------------------------------------|----------------------------------------------------------|---------------------------------------------------------|----------------------|--------------------|------------------------------|
| Carter, DominiQue                    | Recreation Leader Internship<br>\$10.00/hr               | Recreation Leader Internship<br>\$14.00/hr              | NCS                  | Non-Ex             | May 4, 2023                  |
| Garatt, Kennedy G.                   | Lifeguard<br>\$10.00/hr                                  | Assistant Pool Manager<br>\$13.00/hr                    | NCS                  | Non-Ex             | May 4, 2023                  |
| Grogan, Owen                         | Lifeguard<br>\$10.00/hr                                  | Lifeguard<br>\$12.00/hr                                 | NCS                  | Non-Ex             | May 4, 2023                  |
| Grogan, Wes L.                       | Assistant Pool Manager<br>\$11.00/hr                     | Pool Manager<br>\$14.00/hr                              | NCS                  | Non-Ex             | May 4, 2023                  |
| Hayes, Madison G.                    | Lifeguard<br>\$10.00/hr                                  | Lifeguard<br>\$12.00/hr                                 | NCS                  | Non-Ex             | May 4, 2023                  |
| Montgomery, Trevor L.                | Pool Attendant<br>\$9.50/hr                              | Pool Attendant<br>\$11.00/hr                            | NCS                  | Non-Ex             | May 4, 2023                  |
| O'Malley, Kayla L.                   | Pool Attendant<br>\$9.50/hr                              | Pool Attendant<br>\$11.00/hr                            | NCS                  | Non-Ex             | May 4, 2023                  |
| Oliver, Tristan K.                   | Recreation Leader<br>\$9.50/hr                           | Recreation Leader - Camp Counselor<br>\$12.00/hr        | NCS                  | Non-Ex             | May 4, 2023                  |
| Raidt, Drew B.                       | Recreation Leader<br>\$9.50/hr                           | Recreation Leader - Camp Counselor<br>\$12.00/hr        | NCS                  | Non-Ex             | May 4, 2023                  |
| Reese, Katherine S.                  | Summer Camp Counselor<br>\$11.20/hr                      | Recreation Leader - Camp Counselor<br>\$12.00/hr        | NCS                  | Non-Ex             | May 4, 2023                  |
| Smith, Keely N.                      | Pool Attendant<br>\$9.50/hr                              | Pool Attendant<br>\$11.00/hr                            | NCS                  | Non-Ex             | May 4, 2023                  |
| Stewart, Weston E.                   | Pool Attendant<br>\$9.50/hr                              | Pool Attendant<br>\$11.00/hr                            | NCS                  | Non-Ex             | May 4, 2023                  |
| Talbert, Alyssa R.                   | Recreation Leader<br>\$9.50/hr                           | Recreation Leader - Camp Counselor<br>\$12.00/hr        | NCS                  | Non-Ex             | May 4, 2023                  |

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

| <b><u>E911</u></b>                   | <b><u>PREVIOUS POSITION<br/>AND BASE RATE OF PAY</u></b> | <b><u>CURRENT POSITION<br/>AND BASE RATE OF PAY</u></b> | <b><u>NCS/CS</u></b> | <b><u>FLSA</u></b> | <b><u>EFFECTIVE DATE</u></b> |
|--------------------------------------|----------------------------------------------------------|---------------------------------------------------------|----------------------|--------------------|------------------------------|
| Scutt, Auston                        | Telecommunicator<br>\$20.03/hr                           | Telecommunicator<br>\$20.63/hr                          | NCS                  | Non-Ex             | May 4, 2023                  |
| <b><u>FINANCE</u></b>                |                                                          |                                                         |                      |                    |                              |
| Cole, Corie K.                       | Accountant<br>\$24.08/hr                                 | Accountant<br>\$24.80/hr                                | NCS                  | Ex                 | April 20, 2023               |
| Guardian, Melanie                    | Revenue Technician<br>\$19.99/hr                         | Revenue Technician<br>\$20.19/hr                        | NCS                  | Non-Ex             | May 4, 2023                  |
| <b><u>PARKS &amp; RECREATION</u></b> |                                                          |                                                         |                      |                    |                              |
| Wurth, Mary E.                       | Senior Administrative Assistant                          | Senior Administrative Assistant                         | NCS                  | Non-Ex             | May 4, 2023                  |

**CITY OF PADUCAH  
PERSONNEL ACTIONS  
May 9, 2023**

\$23.47/hr

\$24.17/hr

# **Agenda Action Form**

## **Paducah City Commission**

Meeting Date: May 9, 2023

**Short Title:** Authorize the acceptance of a proposal from Zones, LLC in the amount of \$38,656.27 to replace out-of-date and failing computer network switches and routers - **E. STUBER**

**Category:** Municipal Order

Staff Work  
By: Eric Stuber  
Presentation  
By: Eric Stuber

**Background Information:** The switches and routers at our remote buildings have not been replaced in 10-15 years. Most are at end of service life and no longer are supported by the manufacturer nor can receive security updates. In addition, some are failing causing network outages.

This proposal is the first of 3 over a 3 year period to replace all of the switches and routers at our remote buildings. This replaces the switches and routers at E911, Fire Station 1, Noble Park Pool, Parks & Recreation, Public Works and the Police Department basement

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

If yes, please list the Commission Priority:

**Communications Plan:**

**Funds Available:** Account Name: Computer Hardware

Account Number: 1000-10000501-542090

**Staff Recommendation:** Accept the Proposal of Zones, LLC and authorize payment in the amount of \$38,656.27 for the purchase of computer network switches and routers.

**Attachments:**

1. MO Zones LLC contract - Network Switches and Routers Phase 1

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER ACCEPTING THE PROPOSAL OF ZONES, LCC  
FOR THE PURCHASE OF COMPUTER NETWORK SWITCHES AND  
ROUTERS IN THE AMOUNT OF \$38,656.27 AND AUTHORIZES THE  
MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, the Paducah Technology Department completed a network  
assessment and found that network equipment is beyond useful life and does not meet current  
security or capacity requirements; and

WHEREAS, the City Manager issued a Request For Bids for the replacement of  
computer network switches and routers; and

WHEREAS, Zones, LLC submitted the lowest responsive bid in the amount of  
\$38,656.27 to replace the switches and routers at E911, Fire Station 1, Noble Park Pool, Parks &  
Recreation, Public Works, and the Police Department basement.

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

SECTION 1. That the City of Paducah hereby accepts the proposal from Zones,  
LLC and authorizes payment in the amount of \$38,656.27 for the purchase of computer network  
switches and routers, and authorizes the Mayor to execute all documents related to same.

SECTION 2. This expenditure shall be paid from the Computer Hardware  
Account, Number 1000 0501-542090.

SECTION 3. 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

# **Agenda Action Form**

## **Paducah City Commission**

Meeting Date: May 9, 2023

Short Title: Accept Donation of Property Located at 1245 South 6th Street - **G. CHERRY**

Category: Municipal Order

Staff Work By: Greg  
Cherry  
Presentation  
By: Greg Cherry

**Background Information:** Mary Byrne would like to donate this property 1245 S 6th Street to the City of Paducah. This will benefit the City to receive this property versus foreclosure expenses. This property will be turned over to Planning for future re-development.

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

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:  
Account Number:

**Staff Recommendation:** Authorize Mayor Bray to sign the deed transferring 1245 S 6th Street to the City of Paducah.

**Attachments:**

1. MO prop donated –1245 South Sixth Street

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER ACCEPTING THE DONATION OF REAL PROPERTY LOCATED AT 1245 SOUTH SIXTH STREET FROM MARY BYRNE TO THE CITY OF PADUCAH, AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED CONSIDERATION CERTIFICATE

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Board of Commissioners hereby approves and consents to the donation of the property located at 1245 South Sixth Street from Mary Byrne.

SECTION 2. The Mayor is hereby authorized to execute the Consideration Certificate in the Deed of Conveyance to accept the donation of property as approved in Section 1 above. It is determined that it is necessary and desirable and in the best interest of the City to accept this donation and execute the Consideration Certificate contained in said Deed of Conveyance, which deed of conveyance and consideration certificate are hereby authorized and approved. Said property will be turned over to the Planning Department for future redevelopment.

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

\_\_\_\_\_  
George Bray, Mayor

ATTEST:

\_\_\_\_\_  
Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, May 9, 2023  
Recorded by Lindsay Parish, City Clerk, May 9, 2023  
\\mo\prop donated –1245 South Sixth Street

# **Agenda Action Form**

## **Paducah City Commission**

Meeting Date: May 9, 2023

**Short Title:** Authorize application for GameTime Grant for purchase of inclusive play elements for Coleman Park playground replacement project in the amount of \$22,370.00 - **A. CLARK**

**Category:** Municipal Order

**Staff Work By:** Amie Clark,  
Hope Reasons  
**Presentation By:** Amie  
Clark, Hope Reasons

**Background Information:** In December 2022, Parks and Recreation purchased playground equipment through a GameTime grant to replace the existing playground at Coleman Park. The grant provided a 25% discount on playground structures. Those play structures have been purchased and the initial grant is now complete.

We are now applying for an additional grant from GameTime for Coleman Park in the amount \$22,370 for three more pieces of inclusive playground equipment. These include an Inclusive Whirl, Primetime Swing Frame, and Expression Swing with Adaptive Seat.

No match is required for this grant.

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

If yes, please list the Commission Priority: Southside Improvements; Facility Improvements

**Communications Plan:**

**Funds Available:** Account Name: Coleman Park Project

Account Number: PA0129

**Staff Recommendation:** Approve the grant and authorize the Mayor to sign all forms related to same.

**Attachments:**

1. MO app – Parks – Game Time Grant 2023

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR A GAMETIME GRANT FOR THE PURCHASE OF INCLUSIVE PLAY ELEMENTS FOR COLEMAN PARK PLAYGROUND IN THE AMOUNT OF \$22,370, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

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

SECTION 1. The Mayor is hereby authorized to execute all documents necessary to apply for a GameTime Grant in the amount of \$22,370 for the purchase of inclusive play elements for Coleman Park including an inclusive whirl, primetime swing frame, and expression swing with adaptive seat. There is no match for this grant.

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

\_\_\_\_\_  
George Bray, Mayor

ATTEST:

\_\_\_\_\_  
Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, May 9, 2023  
Recorded by Lindsay Parish, City Clerk, May 9, 2023  
\\mo\grants\app – Parks – Game Time Grant 2023

# **Agenda Action Form**

## **Paducah City Commission**

Meeting Date: May 9, 2023

**Short Title:** Authorize City Manager to issue Request for Quotes for Custodial Services for the Parks and Recreation Department - **A. CLARK**

**Category:** Municipal Order

Staff Work  
By: Amie Clark  
Presentation  
By: Amie Clark

**Background Information:** The Parks and Recreation Department manages the maintenance and operations of seven (7) public restroom facilities located in City parks. The existing custodial contract expires in June 2023. Issue a new Request for Quotes for custodial services for the 2024 fiscal year to include custodial services of seven (7) public restroom facilities, and 2 buildings in Noble Park. RFQ will also include custodial of applicable restroom facilities utilized for events co-sponsored by the City at a per event base rate.

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

**If yes, please list the Commission Priority:** Maintenance of City-owned facilities

**Communications Plan:**

**Funds Available:** Account Name: Parks Operations

Account Number: 1000-24-2402-523070

**Staff Recommendation:** Approve

**Attachments:**

1. MO RFQ Custodial Services – Parks FY2024

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE CITY  
MANAGER TO ISSUE A REQUEST FOR QUOTES FOR CUSTODIAL  
SERVICES FOR THE PARKS AND RECREATION DEPARTMENT

WHEREAS, The Parks and Recreation Department manages the maintenance and operations of seven (7) public restroom facilities located in City parks. The existing custodial contract expires in June 2023; and

WHEREAS, the Parks and Recreation Department now desires the City Manager to Issue a new Request for Quotes for custodial services for the 2024 fiscal year to include custodial services of seven (7) public restroom facilities, and 2 buildings in Noble Park; and

WHEREAS, the RFQ will also include custodial of applicable restroom facilities utilized for events co-sponsored by the City at a per event base rate.

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

SECTION 1. The City Manager is hereby authorized and directed to issue a Request for Bids for custodial services for the 2024 fiscal year to include custodial services of seven (7) public restroom facilities, and two (2) buildings in Noble Park. This RFQ will also include custodial of applicable restroom facilities utilized for events co-sponsored by the City at a per event base rate.

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

\_\_\_\_\_  
George Bray, Mayor

ATTEST:

\_\_\_\_\_  
Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, May 9, 2023  
Recorded by Lindsay Parish, City Clerk, May 9, 2023  
MO\RFQ Custodial Services – Parks FY2024

# **Agenda Action Form**

## **Paducah City Commission**

Meeting Date: May 9, 2023

**Short Title:** Approve an Application for a Department of Homeland Security Port Security Grant in the Amount of \$543,750 -**S. KYLE**

**Category:** Municipal Order

**Staff Work By:** Nathan Torian, Steve Kyle,  
Hope Reasons  
**Presentation By:** Steve Kyle

**Background Information:** The Fiscal Year (FY) 2023 Port Security Grant Program (PSGP) is one of four grant programs that constitute DHS/FEMA's focus on transportation infrastructure security activities. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by the Administration to help strengthen the nation's critical infrastructure against risks associated with potential terrorist attacks. The PSGP provides funds to state, local, and private sector maritime partners to support increased port-wide risk management and protect critical surface transportation infrastructure from acts of terrorism, major disasters, and other emergencies.

The Paducah Fire Department is requesting \$543,750 for the purchase of a fire boat to respond to water-based emergency situations. This grant requires a match of 25% of the total project cost. The required match is \$181,250 for a total project cost of \$725,000. It is anticipated that the match will be provided out of the FY25 Budget.

**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 Port Security Grant application and authorize the Mayor to sign all documents related to same.

**Attachments:**

1. MO app – Port Security Grant Fire Boat

**MUNICIPAL ORDER NO. \_\_\_\_\_**

**A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR A  
2023 PORT SECURITY PROGRAM GRANT IN THE AMOUNT OF  
\$543,750 FOR THE PURCHASE OF A FIRE BOAT TO RESPOND TO  
WATER-BASED EMERGENCIES AND AUTHORIZING THE MAYOR  
TO EXECUTE ALL DOCUMENTS RELATED TO SAME**

**WHEREAS**, the Fiscal Year 2023 Port Security Grant Program (PSGP) is one of four grant programs that constitute DHS/FEMA's focus on transportation infrastructure security activities; and

**WHEREAS**, the PSGP provides funds to state, local, and private sector maritime partners to support increased port-wide risk management and protect critical surface transportation infrastructure from acts of terrorism, major disasters, and other emergencies.

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

**SECTION 1.** That the Mayor is hereby authorized to execute all documents necessary to apply for a 2023 Port Security Program Grant in the amount of \$543,750 for the purchase of a fire boat for the Paducah Fire Department to respond to water-based emergencies and authorizing the Mayor to execute all documents related to same. The total project cost is \$725,000. If awarded and accepted, the local match for this grant is 25% of the total project cost (\$181,250).

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

\_\_\_\_\_  
George Bray, Mayor

ATTEST:

\_\_\_\_\_  
Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, May 9, 2023  
Recorded by Lindsay Parish, City Clerk, May 9, 2023  
\\mo\grants\app – Port Security Grant Fire Boat

# **Agenda Action Form**

## **Paducah City Commission**

Meeting Date: May 9, 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 6<sup>th</sup> 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 23<sup>rd</sup> 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

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

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

Concrete island with water and electric access and lighting.

Farmers Market Pavilion

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

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 2<sup>ND</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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: May 9, 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:

**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 \_\_\_\_\_

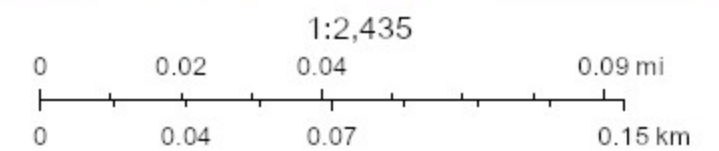
Published by *The Paducah Sun*, \_\_\_\_\_

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.

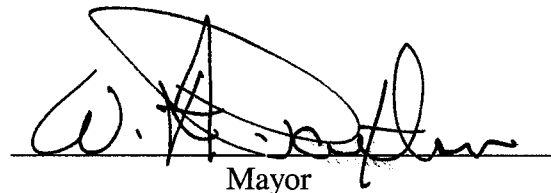
BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

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

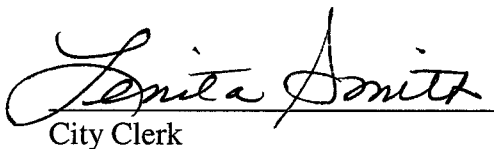
1. Kentucky Avenue from Third Street to Water Street
2. Water Street from Kentucky Avenue to Broadway
3. Broadway from Water Street to Third Street

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: May 9, 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