



**CITY COMMISSION MEETING
AGENDA FOR JUNE 27, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

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

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

PRESENTATION Duke of Paducah Award to Henry Barbour

PRESENTATION Special Presentation from Mayor Bray

PRESENTATION Joint Sewer Agency Update - John Hodges, Executive Director

MAYOR'S REMARKS

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

	I.	<u>CONSENT AGENDA</u>
	A.	Approve Minutes for June 13, 2023, Board of Commissioners Meeting
	B.	Receive & File Documents
	C.	Personnel Actions
	D.	Authorize PFGW to release a Request for Proposals for the Selective Interior Demolition project of the grandstand structure and adjacent building for the Sports Complex Construction project - A. CLARK
	E.	Accept proposed premiums from the Kentucky League of Cities for Workers' Compensation, Liability Insurance and Property Insurance Coverage for a total amount of \$1,225,726.76 - S. WILCOX
	F.	Authorize the Acceptance of a KDLA Local Records Program Grant in the amount of \$46,000 - G. CHERRY
	G.	Authorize the Acceptance of the National Park Service - Rivers, Trails, and Conservation Assistance Program Technical Assistance Grant - H. REASONS

		H.	Authorize the Acceptance of a 2023 Kentucky 911 Services Board Grant in the amount of \$8,827 - B. LAIRD
	II.	<u>MUNICIPAL ORDER(S)</u>	
		A.	Approve the proposed budget for the construction of Dog Parks being constructed at Noble Park - D. JORDAN & A. CLARK
		B.	Declaration and Sale of Surplus Property: 1240 & 1242 North 12th Street - N. HUTCHISON
		C.	Approve the Application for a US Department of Transportation Safe Streets and Roads for All Grant - H. REASONS & R. MURPHY
	III.	<u>ORDINANCE(S) - ADOPTION</u>	
		A.	Amend Code of Ordinances Chapter 2 To Increase the Small Purchase Procedures Threshold and Revise Other Obsolete Provisions - L. PARISH
		B.	Repeal and Replace Chapter 26, Articles I & II "Cemeteries" in Code of Ordinances - A. CLARK
		C.	Southside Neighborhoods Initiative Housing and Economic Programs - N. HUTCHISON & M. REASON
		D.	FY2023 Budget Amendment in the amount of \$650,000 from Investment Fund Fund Balance Reserve to be used for City Facilities Improvements (PF0079) - D. JORDAN
	IV.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Authorize the Closing of 33,517 Square Feet of Old Coleman Road Between 3200, 3204 & 3226 Coleman Road - R. MURPHY
		B.	Amend Code of Ordinances Section 6-62 related to the Entertainment Destination Center - L. PARISH
	V.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
		C.	Comments from the Audience
	VI.	<u>EXECUTIVE SESSION</u>	

June 13, 2023

At a Regular Meeting of the Paducah Board of Commissioners held on Tuesday, June 13, 2023, at 5:00 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor George Bray presided. Upon call of the roll by the City Clerk, Lindsay Parish, the following answered to their names: Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5).

INVOCATION

Commissioner Henderson led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Bray led the pledge.

NEW EMPLOYEE INTRODUCTIONS

- John Willoughby – Parks Maintenance Supervisor
- Palmer Stroup – Planner

PRESENTATION

Mary Hammond, Executive Director of the Convention & Visitors Bureau, gave an update on the 10th Anniversary of Paducah becoming a UNESCO Creative City of Craft and Folk Art.

MAYOR REMARKS

- The Mayor, City Manager, and Parks and Recreation Director have been discussing the possibility of creating a Parks Advisory Board.
- The riverfront project is at 60% design stage. The anticipated construction start date is on or before April 1, 2024.

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 May 23, 2023, Board of Commissioners Meeting
I(B)	RECEIVE AND FILE DOCUMENTS: <u>Deed File:</u> 1. Quitclaim Deed between United States of America and City of Paducah – Armory Building (Oscar Cross Building) See ORD 2007-09-7330 and MO #1206 <u>Contract File:</u> 1. Cisco HyperFlex Virtualization Hardware – MO #2713 2. Memorandum of Agreement for Incentives – 2631 Holt Road – MO #2717 3. Contract with ATA CPA's and Advisors, PLLC – Professional Audit Services for Paducah Power System – MO #2725 4. Contract Renewal – Mobile Communications of America – maintenance and service of 911 radio software and hardware – MO #2739

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	5. Contract For Services between City of Paducah and Paducah Convention & Visitors Bureau – Spring 2023 Quilt Show – MO #2740 6. Purchase Agreement from Atlantic Emergency Solutions – Fire Pumper Truck – MO #2741 7. Pyro Shows, Inc. – July 4 fireworks – Signed by City Manager <u>Financials File:</u> Paducah Water Works – month ending April 30, 2023
I(C)	Reappointment of Sheryl Chino and Joint Reappointment of Tom Padgett to the Paducah-McCracken County Convention Center Corporation. Said terms shall expire June 30, 2026.
I(D)	Reappointment of Simone Fearon and John Durbin to the Paducah-McCracken County Senior Citizens Board. Said terms shall expire June 30, 2026.
I(E)	Appointment of Gerald Watkins to the Board of Ethics to replace Gayle Kaler, who resigned. Said term shall expire February 10, 2025.
I(F)	Appointment of Eric Straub to the Paducah Junior College Board of Trustees to replace Mike Sims, whose term expired. Said term shall expire June 13, 2029. (MO #2742; BK 13)
I(G)	Personnel Actions
I(H)	A MUNICIPAL ORDER ADOPTING A SCHEDULE OF FEES FOR OAK GROVE CEMETERY AND MAUSOLEUM PURSUANT TO CHAPTER 26, CEMETERIES, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY. (MO #2743; BK 13)
I(I)	A MUNICIPAL ORDER AUTHORIZING THE FINANCE DIRECTOR TO PAY CLEAN EARTH, INC., IN AN AMOUNT OF \$51,430.62 FOR THE DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE AND ELECTRONIC WASTE COLLECTED DURING THE CITY/COUNTY 2023 CLEAN-UP DAY (MO #2744; BK 13)
I(J)	A MUNICIPAL ORDER ACCEPTING THE PROPOSAL OF EVARD-KENTUCKY DIVISION, INC. FOR THE FIRE STATION #2 EXTERIOR REPAIRS IN THE AMOUNT OF \$183,832 AND AUTHORIZES THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (MO #2745; BK 13)
I(K)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH 911 FLEET AND FIRE EQUIPMENT IN THE AMOUNT OF \$42,540 FOR THE PURCHASE OF BAILOUT KITS AND HARNESES FOR THE FIRE DEPARTMENT (MO #2746; BK 13)
I(L)	A MUNICIPAL ORDER DECLARING THE REAL PROPERTY LOCATED AT 1201 PARK AVENUE TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF HARRIET HAMILTON IN THE AMOUNT OF \$100 FOR PURCHASE OF SAID REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME (MO #2747; BK 13)

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I(M)	A MUNICIPAL ORDER DECLARING THE REAL PROPERTY LOCATED AT 1011 OSCAR CROSS BOULEVARD TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF PADUCAH ALLIANCE OF NEIGHBORS IN THE AMOUNT OF \$1 FOR PURCHASE OF SAID REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME (MO #2748; BK 13)
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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).

RESOLUTIONS

RESOLUTION ESTABLISHING THE SIX ETHICS PRINCIPLES

Commissioner Henderson offered motion, seconded by Commissioner Guess, that the Board of Commissioners adopt a Resolution entitled, “A RESOLUTION OF THE CITY OF PADUCAH, KENTUCKY, ESTABLISHING SIX ETHICS PRINCIPLES TO GOVERN THE CONDUCT OF THE CITY’S OFFICIALS AND EMPLOYEES.”

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5). **(MO BOOK #13)**

A RESOLUTION STATING THE CITY WILL ABIDE BY ALL PROGRAM INCOME REQUIREMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS

Commissioner Smith offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt a Resolution entitled “A RESOLUTION OF THE CITY OF PADUCAH, KENTUCKY, ESTABLISHING THAT THE CITY SHALL ABIDE BY ALL PROGRAM INCOME REQUIREMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS.”

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5). **(MO BOOK #13)**

ORDINANCE ADOPTION

APPROVE AGREEMENT BETWEEN CITY OF PADUCAH AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) AFL-CIO-LOCAL 1586

Commissioner Wilson offered motion, seconded by Commissioner Smith, that the Board of Commissioners adopt an Ordinance entitled: “AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF PADUCAH AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO, LOCAL 1586.” This Ordinance is summarized as follows: That the Mayor is hereby authorized to execute an agreement and other associated documents between the City of Paducah

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and the American Federation of State, County, and Municipal Employees AFL-CIO- Local 1586. This Agreement shall be effective from July 1, 2023, to June 30, 2026.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5). **(ORD 2023-06-8776; BK 36)**

APPROVE CITY OF PADUCAH, KY FISCAL 2024 BUDGET (7/1/2023 TO 06/30/2024)

Commissioner Guess offered motion, seconded by Commissioner Henderson, that the Board of Commissioners adopt an Ordinance entitled: “AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2023, THROUGH JUNE 30, 2024, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.” This Ordinance is summarized as follows: Adopting the City of Paducah annual budget for Fiscal Year July 1, 2023, through June 30, 2024, by estimating revenues and resources and appropriating funds for the operation of City Government at \$99,258,937, and summarized by fund as follows:

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5). **(ORD 2023-06-8777; BK 36)**

AMEND CODE OF ORDINANCE SECTION 98-144 RELATED TO SPECIAL EVENTS

Commissioner Henderson offered motion, seconded by Commissioner Guess, that the Board of Commissioners adopt an Ordinance entitled: “AN ORDINANCE AMENDING CHAPTER 98, ARTICLE VI SPECIAL EVENTS OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This Ordinance is summarized as follows: This Ordinance amends Chapter 98, Article VI Special Events of the *Code of Ordinances of the City of Paducah, Kentucky* to codify the requirements for the issuance of a Special Event Permit.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5). **(ORD 2023-06-8778; BK 36)**

AMEND CODE OF ORDINANCE SECTION 58-32 RELATED TO THE HUMAN RIGHTS COMMISSION

Commissioner Smith offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled: “AN ORDINANCE AMENDING CHAPTER 58, ARTICLE II, HUMAN RIGHTS COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This Ordinance is summarized as follows: This Ordinance amends the Human Rights Commission to increase the number of Human Rights Commissioners to seven (7). The initial appointments shall be staggered with each member appointed thereafter serving for a term of three (3) years.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Smith, Wilson and Mayor Bray (5). **(ORD 2023-06-8779; BK 36)**

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ORDINANCE INTRODUCTIONS

AMEND CODE OF ORDINANCE CHAPTER 2

Commissioner Wilson offered motion, seconded by Commissioner Smith that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This Ordinance is summarized as follows:

REPEAL AND REPLACE CHAPTER 26, ARTICLES I AND II CEMETERIES

Commissioner Guess offered motion, seconded by Commissioner Henderson that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE REPEALING CHAPTER 26, “CEMETERIES”, ARTICLES I AND II OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY AND REPLACING THEM IN THEIR ENTIRETY.” This Ordinance is summarized as follows: This Ordinance repeals and replaces Chapter 26 “Cemeteries,” in its entirety in order to align with State statutes for municipally owned and operated cemeteries and to make needed updates related to City of Paducah operations and procedures. Sections 26-5 and 26-6 shall be published in their entirety, in accordance with KRS 83A.060.

AMEND CHAPTER 34 TO CREATE SOUTHSIDE NEIGHBORHOODS INITIATIVE HOUSING AND ECONOMIC PROGRAMS

Commissioner Henderson offered motion, seconded by Commissioner Guess that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 34, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY TO CREATE NEW ARTICLES RELATED TO SOUTHSIDE INCENTIVES.” This Ordinance is summarized as follows: This Ordinance amends the Code of Ordinances of the City of Paducah, Kentucky to add new articles to create a Southside Business Improvement Grant Program, Home Rehabilitation and New Construction Grant Program, and Southside Home Repair Microgrant.

FY2023 BUDGMENT AMENDMENT IN THE AMOUNT OF \$650,000

Commissioner Smith offered motion, seconded by Commissioner Wilson that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 2022-06-8740, ENTITLED, “AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2022, THROUGH JUNE 30, 2023, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.” This Ordinance is summarized as follows: 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-appropriation:

- Move \$650,000 from Fund Balance Reserves to City Improvement Project, PF0079.

DISCUSSIONS

Communications Manager Pam Spencer offered the following summaries:

June 13, 2023

Paducah Census Data Overview

Planning Director Nic Hutchison provided an overview of Paducah's census data. In comparing the 2010 and 2020 census results, Paducah saw an 8.44 percent increase in population. McCracken County as a whole grew more than 3 percent. The census tracts in Paducah and McCracken County that saw the largest population growth were two Lone Oak tracts, downtown, and Fountain Avenue. Fountain Avenue had an 88.7 percent increase in population. Regarding housing units, Paducah saw a slight increase in 2020 with 13,193.

911 Upgrade Discussion

Mayor Bray and City Manager Jordan updated the Board on the project to upgrade the 911 system, specifically the radio system and towers. Two bids were received for the project which are under review. Representatives from the City and County are meeting on Monday to discuss this critical capital improvement project. A parallel discussion is underway regarding the funding of operations and the capital improvements. Annually the City and County provide a total of approximately \$2 million from their general funds to support 911 operations. This Friday, the Mayor and City Manager are meeting with Kenton County, Kentucky, representatives to learn the pros and cons of a parcel fee. Mayor Bray emphasized the importance of partnering with McCracken County on a funding source. City Manager Jordan thanked the work of the 911 Communication Oversight Committee which met 18 times in 2022.

COMMENTS

City Manager Comments

- The City is working with both the Fire Prevention Department and its legal team to go through the foreclosure process to gain possession of the deteriorating Katterjohn Building located at 1501 Broadway. Fire Prevention continues to monitor the safety of the building.
- City Hall will be closed Monday in observation of the Juneteenth holiday. He encouraged everyone to attend the festivities being held at the Carson Center beginning at 5:30 p.m. Monday. The City is a co-sponsor of that event.

ADJOURN

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

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

TIME ADJOURNED: 6:42 p.m.

ADOPTED: June 27, 2023

ATTEST:

George P. Bray, Mayor

Lindsay R. Parish, City Clerk

June 27, 2023

RECEIVE AND FILE DOCUMENTS:

Contract File:

1. Letter of engagement for Whitlow, Roberts, Houston & Straub – Planning Commission legal representation
2. Program Administration Agreement between the City of Paducah and Energize Kentucky LLC – Energy Project Assessment District (EPAD) administration. ORD 2023-05-8774
3. Agreement between the City of Paducah and The American Federation of State, County and Municipal Employees (AFSCME) AFL-CIP Local 1586 – ORD 2023-06-8776

Financials File:

1. Budget of Section 8

Bids File:

1. Sale of Surplus Property – 1201 Park Avenue – MO #2747
 - a. Bid of Harriet Marie Hamilton
2. Sale of Surplus Property – 1011 Oscar Cross Blvd. – MO #2748
 - a. Bid of Aaron Prather
 - b. Bid of Paducah Alliance of Neighbors* (selected bid)
3. Letter to Rightway Janitorial Services, LLC Rejection of bid for Custodial Services for restroom facilities located in City Parks

CITY OF PADUCAH
June 27, 2023

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

Michelle Smolen

City Manager's Office Signature

6/22/2023

Date

**CITY OF PADUCAH
PERSONNEL ACTIONS
June 27, 2023**

NEW HIRES - FULL-TIME (F/T)

<u>FIRE - SUPPRESSION</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Hall, Steven K.	Firefighter Appointee	\$15.18/hr	NCS	Non-Ex	June 29, 2023
<u>PUBLIC WORKS</u>					
Loss, James A.	Truck Driver	\$23.20/hr	NCS	Non-Ex	June 29, 2023
<u>TECHNOLOGY</u>					
McKinney, Dallas J.	GIS Specialist	\$28.03/hr	NCS	Ex	June 29, 2023

NEW HIRES - PART-TIME (P/T)

<u>PARKS & RECREATION</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Durfee, Weslyn	Lifeguard	\$12.00	NCS	Non-Ex	June 9, 2023
Gardner, Joanna	Lifeguard	\$12.00	NCS	Non-Ex	June 1, 2023
Herndon, Leah	Recreation Leader - Camp Counselor	\$12.00	NCS	Non-Ex	June 12, 2023
Irwin, Jennifer	Recreation Leader - Class Instructor	\$17.00	NCS	Non-Ex	June 7, 2023
Midkiff, Millie M.	Lifeguard	\$12.00	NCS	Non-Ex	June 15, 2023
Owens, Dylan	Lifeguard	\$12.00	NCS	Non-Ex	June 10, 2023
Peck, Madeline	Recreation Leader - Camp Counselor	\$12.00	NCS	Non-Ex	June 1, 2023
Schmidt, Olivia	Lifeguard	\$12.00	NCS	Non-Ex	June 10, 2023
Tirey, Lydia	Lifeguard	\$12.00	NCS	Non-Ex	June 10, 2023

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

<u>E911</u>	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Clark, Kimberly J.	Division Manager \$44.16/hr	Division Manager \$45.48/hr	NCS	Ex	June 15, 2023
Clark, Kimberly J.	Division Manager \$45.48/hr	Division Manager \$48.21/hr	NCS	Ex	June 29, 2023
<u>FINANCE</u>					
Gipson, Erica F.	Revenue Technician II \$21.87/hr	Revenue Technician II \$22.53/hr	NCS	Non-Ex	June 15, 2023
Gipson, Erica F.	Revenue Technician II \$22.53/hr	Revenue Technician II \$23.88/hr	NCS	Non-Ex	June 29, 2023
<u>FIRE - SUPPRESSION</u>					
Owen, Christopher T.	Batalion Chief \$32.99/hr	Batalion Chief \$33.98/hr	NCS	Non-Ex	May 18, 2023
Owen, Christopher T.	Batalion Chief \$33.98/hr	Batalion Chief \$35.42/hr	NCS	Non-Ex	June 15, 2023
Owen, Christopher T.	Batalion Chief \$35.42/hr	Batalion Chief \$37.55/hr	NCS	Non-Ex	June 29, 2023
<u>PLANNING</u>					
Reason, Melanie	Business Development Specialist \$26.67/hr	Business Development Specialist \$27.34/hr	NCS	Ex	January 26, 2023
Reason, Melanie	Business Development Specialist \$27.34/hr	Business Development Specialist \$28.89/hr	NCS	Ex	June 29, 2023
Schade, Angela	Downtown Development Specialist \$24.36/hr	Downtown Development Specialist \$25.09/hr	NCS	Ex	April 6, 2023
Schade, Angela	Downtown Development Specialist \$25.09/hr	Downtown Development Specialist \$26.60/hr	NCS	Ex	June 29, 2023
Stroup, Palmer	Planner I \$23.32/hr	Planner I \$23.90/hr	NCS	Ex	June 1, 2023
Stroup, Palmer	Planner I \$23.90/hr	Planner I \$25.33/hr	NCS	Ex	June 29, 2023
Upchurch, Nancy	Senior Administrative Assistant \$27.93/hr	Senior Administrative Assistant \$28.77/hr	NCS	Non-Ex	March 9, 2023
Upchurch, Nancy	Senior Administrative Assistant \$28.77/hr	Senior Administrative Assistant \$30.50/hr	NCS	Non-Ex	June 29, 2023

CITY OF PADUCAH
PERSONNEL ACTIONS
June 27, 2023

POLICE

Miller, Sabrina	Evidence Technician \$18.55/hr	Evidence Technician \$19.11/hr	NCS	Non-Ex	June 15, 2023
Miller, Sabrina	Evidence Technician \$19.11/hr	Evidence Technician \$20.26/hr	NCS	Non-Ex	June 29, 2023

TERMINATIONS - PART-TIME (P/T)

ENGINEERING

POSITION

REASON

EFFECTIVE DATE

Harmon, Austin T.	Temp Pump Operator	Seasonal Termination	June 13, 2023
Johnson, Michael L	Temp Pump Operator	Seasonal Termination	June 13, 2023
Kimbrow, Ricky L.	Temp Pump Operator	Seasonal Termination	June 13, 2023
Mikolaitis, Shawn M.	Temp Pump Operator	Seasonal Termination	June 13, 2023
Richardson, Bobby J.	Temp Pump Operator	Seasonal Termination	June 13, 2023
Screws, Justin D.	Temp Pump Operator	Seasonal Termination	June 13, 2023
Wilford, Terry L.	Temp Pump Operator	Seasonal Termination	June 13, 2023

PARKS & RECREATION

Baird, Kolbie L.	Recreation Leader	Seasonal Termination	June 21, 2023
Kerr, Taylor N.	Camp Coordinator	Resignation	May 19, 2023
Rumfelt, Stephanie B.	Recreation Leader	Seasonal Termination	June 21, 2023
Sains, Blair T.	Pool Attendant	Seasonal Termination	May 18, 2023

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Authorize PFGW to release a Request for Proposals for the Selective Interior Demolition project of the grandstand structure and adjacent building for the Sports Complex Construction project - **A. CLARK**

Category: Municipal Order

Staff Work
By: Amie Clark
Presentation
By: Amie Clark

Background Information: The City of Paducah entered into an Interlocal Cooperation Agreement with the McCracken County Fiscal Court and the McCracken County Sports Tourism Commission to construct and operate a sports facility complex in Paducah/McCracken County in September of 2022.

The Design team is recommending the release of a request for proposals for selective interior demolition of the grandstand and adjacent building. This demolition will provide the design team with a better understanding of existing structure and systems present, in preparation for redesign of those spaces. The City of Paducah's consent is required by Section 1.5 (a) and (b) of the Interlocal Cooperation Agreement for the Development of the Paducah-McCracken County Sports Complex.

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

If yes, please list the Commission Priority: Sports Tourism, Sports Complex

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation:

Attachments:

1. MO RFP – Demolition Project – Sports Complex

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING PFGW TO
RELEASE A REQUEST FOR PROPOSALS FOR THE SELECTIVE
INTERIOR DEMOLITION PROJECT OF THE GRANSTAND STRUCTURE
AND ADJACENT BUILDING FOR THE ATHLETIC COMPLEX
CONSTRUCTION

WHEREAS, the City of Paducah entered into Interlocal Cooperation Agreement for the Development and Operation of the Paducah-McCracken County Athletic Complex (hereinafter the “Interlocal Agreement”) with the McCracken County Fiscal Court and the McCracken County Sports Tourism Commission to construct and operate an athletic facility complex in Paducah/McCracken County in September of 2022; and

WHEREAS, the Athletic Complex Design Team is recommending the release of a request for proposals for selective interior demolition of the grandstand and adjacent building; and

WHEREAS, the City of Paducah's consent to release the request for proposals is required by Section 1.5 (a) and (b) of the Interlocal Agreement.

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

SECTION 1. The City consents in directing PFGW to release a Request for Proposals for the selective interior demolition project of the grandstand structure and adjacent building for the Sports Complex Construction.

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, June 27, 2023
Recorded by Lindsay Parish, City Clerk, June 27, 2023
MO\RFP – Demolition Project – Sports Complex

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Accept proposed premiums from the Kentucky League of Cities for Workers' Compensation, Liability Insurance and Property Insurance Coverage for a total amount of \$1,225,726.76 - **S. WILCOX**

Category: Municipal Order

Staff Work By: Stefanie Wilcox,
Braden Throgmorton
Presentation By: Stefanie Wilcox

Background Information: Each year, the City of Paducah receives from the Kentucky League of Cities (KLC) the invoices for payment to cover the above-mentioned areas. Total fiscal year 2023 - 2024 (FY2024) premiums are for the following: (1) Workers' Compensation \$431,982.40, (2) Liability Insurance \$663,867.57, (3) Property Insurance Coverage \$129,876.79. The Health Department to reimburse \$3,213.65, for property expenses associated with coverage of the Health Department. Paxton Park Golf Course to reimburse \$5,505.00 for property expenses associated with the Golf Course.

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: Recommend to continue with Kentucky League of Cities Insurance Coverage for Property, Liability, and Worker's Compensation Coverage.

Attachments:

1. MO insurance – KLC FY2024

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE FINANCE DIRECTOR TO PAY KENTUCKY LEAGUE OF CITIES FOR WORKERS' COMPENSATION, LIABILITY INSURANCE, AND PROPERTY INSURANCE COVERAGE IN A TOTAL AMOUNT OF \$1,225,726.76 FOR THE CITY OF PADUCAH AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby authorizes the Finance Director to pay Kentucky League of Cities in the total amount of \$1,225,726.76 for Workers' Compensation, Liability Insurance, and Property Insurance Coverage for the City of Paducah for Fiscal Year ending June 30, 2024, for the following policies:

Workers' Compensation	\$431,982.40
Liability Insurance	\$663,867.57
Property Insurance	\$129,876.79

SECTION 2. This expenditure shall be charged to the Insurance Fund accounts. The Health Department will reimburse \$3,213.65 for property expenses associated with coverage of the Health Department. Paxton Park Golf Course will reimburse \$5,505.00 for property expenses associated with the Golf Park Course.

SECTION 3. That the City of Paducah hereby authorizes the Mayor to execute all documents related to the Kentucky League of Cities Worker's Compensation, Liability Insurance and Property Insurance Coverage for FY2024 as authorized in Section 1 above.

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Authorize the Acceptance of a KDLA Local Records Program Grant in the amount of \$46,000
- **G. CHERRY**

Category: Municipal Order

Staff Work By: Greg Cherry, Janet Dicke,
Hope Reasons
Presentation By: Greg Cherry

Background Information: The Paducah Fire Department - Prevention Division applied for a Kentucky Department of Libraries and Archives (KDLA) - Local Records Program Grant to create a comprehensive records management system. The funding will be used to contract with an archivist for a specific, time-limited project period to identify, sort, and organize department documents that are on paper prior to 2012. The archivist will also work with the department to establish a records management system to identify and conserve historically significant and culturally relevant documents the department maintains for the City of Paducah. The Commission approved the application with MO 2698 on February 14, 2023. There is no match for this grant.

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

If yes, please list the Commission Priority: Operational Efficiencies

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Authorize the Acceptance of the KDLA Grant and for the Mayor to sign all documents related to same.

Attachments:

1. MO - award – Local Records KDLA Grant –PFD 2023

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ACCEPTING GRANT FUNDS THROUGH THE KENTUCKY DEPARTMENT FOR LIBRARIES & ARCHIVES (KDLA) FOR A LOCAL RECORDS PROGRAM GRANT IN THE AMOUNT OF \$46,000 TO CREATE A COMPREHENSIVE RECORDS MANAGEMENT SYSTEM FOR THE PADUCAH FIRE DEPARTMENT – PREVENTION DIVISION, AND AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, the City of Paducah applied for a Local Records Program Grant through the Kentucky Department for Libraries & Archives (KDLA), adopted by Municipal Order No. 2698 on February 14, 2023, to be used for the creation of a comprehensive records management system; and

WHEREAS, the Kentucky Department for Libraries & Archives has approved the application and is now ready to award this grant.

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

SECTION 1. That the City of Paducah hereby accepts grant funds in the amount of \$46,000 through the Kentucky Department for Libraries & Archives for a Local Records Program Grant to create a comprehensive records management system to identify, sort and organize Paducah Fire Department, Prevention Division documents, for identification and preservation of historical documents and authorizes the Mayor to execute the Grant Agreement and all related documents. No local or in kind match is required.

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 June 27, 2023
Recorded by Lindsay Parish, City Clerk June 27, 2023
MO\grants\award – Local Records KDLA Grant –PFD 2023

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Authorize the Acceptance of the National Park Service - Rivers, Trails, and Conservation Assistance Program Technical Assistance Grant - **H. REASONS**

Category: Municipal Order

Staff Work By: Hope Reasons, Nicholas Hutchison, Amie Clark, Rick Murphy, Melanie Townsend, Michelle Smolen
Presentation By: Hope Reasons

Background Information: The National Park Service – Rivers, Trails and Conservation Assistance program (RTCA) supports community-led natural resource conservation and outdoor recreation projects across the nation. Their conservation and recreation planning professionals partner with community groups, nonprofit organizations, tribes, and government agencies. This partnership assists local communities in realizing their conservation and outdoor recreation vision and goals by providing a broad range of services and skills. National Park Service (NPS) staff share their expertise to help your team turn an idea into reality. They offer this assistance on an annual basis with extensions based on mutual agreement. No monetary grants are made. Their services include:

- Define project vision and goals
- Set priorities and build consensus
- Inventory and map community resources
- Identify funding strategies
- Identify and analyze key issues and opportunities
- Develop a sustainable organizational framework
- Engage collaborative partners and stakeholders to support the project
- Design community outreach and participation
- Create project management and strategic action plans
- Develop concept plans for trails, parks, and natural resources

This technical assistance grant will assist the City with further design of the Greenway Trail, urban loop bike extensions, community input, and potentially preparing us to apply for Kentucky Trail Town designation. The application was approved with MO 2702 on 2/28/23.

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

If yes, please list the Commission Priority: Neighborhoods, Quality of Life, Southside Enhancements

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Authorize the NPS Technical Assistance Grant and the Mayor to sign all documents related to same.

Attachments:

1. MO award - NPS – Rivers, Trails and Conservation Assistance Program 2023

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF THE NATIONAL PARK SERVICE - RIVERS, TRAILS AND CONSERVATION ASSISTANCE PROGRAM TECHNICAL ASSISTANCE GRANT, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

WHEREAS, the City of Paducah applied for a National Park Service Rivers, Trails, and Conservation Assistance Program adopted by Municipal Order 2702, on February 28, 2023; and

WHEREAS, the National Park Service has approved the application and is now ready to award this grant.

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

SECTION 1. That the City of Paducah hereby accepts the technical assistance grant, which will assist the City with further design of the Greenway Trail, urban loop bike extension, community input and potentially prepare the City to apply for Kentucky Trail Town Designation. No monetary grants are made and no local match is required.

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, June 27, 2023

Recorded by Lindsay Parish, City Clerk June 27, 2023

\\mo\grants\award - NPS – Rivers, Trails and Conservation Assistance Program 2023

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Authorize the Acceptance of a 2023 Kentucky 911 Services Board Grant in the amount of \$8,827
- **B. LAIRD**

Category: Municipal Order

Staff Work By: Anthony Copeland, Kimberly
Clark, Hope Reasons
Presentation By: Anthony Copeland

Background Information: The 911 Services Board Grant Program was created in 2006 to help PSAPs acquire E911 equipment, and is now focused on supporting the NG911 Road Map and enhanced NG911 Mapping Guide standards. One of the funding categories is Geospatial and Mapping Projects. The Paducah E911 Department requested funding to purchase GIS data professional services to support GIS datasets for use in Next Generation 9-1-1 (NG9-1-1)/Public Safety Answering Point (PSAP) mapping systems. There is no match required for this grant. MO 2708 was approved on 3/14/23 to apply for the grant.

Does this Agenda Action Item align with a Commission Priority? No
If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Authorize the acceptance of the grant and the Mayor to sign all documents related to same.

Attachments:

1. MO award – 911 services board GIS

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ACCEPTING GRANT FUNDS FOR A 911 SERVICES BOARD GRANT IN THE AMOUNT OF \$8,827 AND AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, the City of Paducah applied for a 911 Services Board Grant, adopted by Municipal Order No. 2708 on March 14, 2023, to be used for the purchase of GIS data professional services; and

WHEREAS, the 911 Services Board has awarded the grant and the City of Paducah is ready to accept grant funds.

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

SECTION 1. That the City of Paducah hereby accepts grant funds in the amount of \$8,827 through the 911 Services Board Grant Program to purchase GIS data professional services to support GIS datasets for use in Next Generation 9-1-1 (NG9-1-1)/Public Safety Answering Point (PSAP) mapping systems and authorizes the Mayor to execute the Grant Agreement and all related documents. No local or in-kind match is required.

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 June 27, 2023

Recorded by Lindsay Parish, City Clerk June 27, 2023

MO\grants\award – 911 services board GIS

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Approve the proposed budget for the construction of Dog Parks being constructed at Noble Park
- **D. JORDAN & A. CLARK**

Category: Municipal Order

Staff Work By: Amie
Clark
Presentation By: Amie
Clark, Daron Jordan

Background Information: On April 25, 2023 the Board of commissioners approved a motion authorizing the City manager to proceed with design development for the dog parks and to issue a Request for Proposals for construction of the dog parks.

Per the Interlocal Cooperation Agreement for the Development of the Paducah-McCracken County Sports Complex, both the City and County elected bodies must approve the projected budget for construction of the dog parks in the amount of \$278,424, which will be funded by the sports complex project. Road Improvements require that will be funded by the city in the amount of \$136,368.00. Additional amenities that could be considered are paved parking areas in the amount of \$17,510.00 and water fountains in the amount of \$75,000.00. Total completed project amount is \$507,302.00.

The City will issue the Request for Proposals for construction of the dog parks, and as specified in the Interlocal Cooperation Agreement, funding for the construction of the dog parks will be provided out of the funding for the sports complex project, while road improvements and other City desired upgrades for the parks will be funded by the City.

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

If yes, please list the Commission Priority: Continuing Improvements - Sports Park Development; Facility Improvements

Communications Plan:

Funds Available: Account Name: Sportsplex

Account Number: 4200-0216-580890

Staff Recommendation: Approve

Attachments:

1. MO approve dog park budget

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APPROVING THE PADUCAH DOG PARKS CIVIL CONSTRUCTION ESTIMATE FOR CONSTRUCTION OF DOG PARKS IN NOBLE PARK IN THE AMOUNT OF \$507,302

WHEREAS, on April 25, 2023, the Board of Commissioners approved a motion authorizing the City Manager to proceed with design development for the dog parks and to issue a Request For Proposals for construction of the dog park; and

WHEREAS, pursuant to the Interlocal Cooperation Agreement for the Development and operation of the Paducah-McCracken County Athletic Complex (hereinafter the "Interlocal Agreement"), both the City and County elected bodies must approve the budget for construction of the dog park; and

WHEREAS, the Interlocal Agreement allows the design and construction costs of the Noble Park Dog Park to be paid as development costs under the agreement, but only to the extent such costs do not exceed the current costs that would be incurred to replicate the quality of the existing dog park on the Stuart Nelson Park Property; and

WHEREAS, the City now wishes to approve the civil construction estimate for the dog park for both those costs to be paid as development costs and for those additional costs related to road improvements, paved parking areas, and pet fountains.

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

SECTION 1. The City of Paducah hereby approves the Paducah Dog Parks Civil Construction Estimate in a total amount of \$507,302. This total amount shall include Development Costs in the amount of \$278,424, road improvements in the amount of \$136,368, Alternate #1 Paved Parking Areas in the amount of \$17,510, and Alternate #2 Pedestal/Pet Fountain in an amount of \$75,000.

SECTION 2. These expenditures shall be charged to the Sportsplex Account Number 4200-0216-580890.

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, Clerk

Adopted by the Board of Commissioners, June 27, 2023

Recorded by the Lindsay Parish, June 27, 2023

mo\approve dog park budget

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Declaration and Sale of Surplus Property: 1240 & 1242 North 12th Street - **N. HUTCHISON**

Category: Municipal Order

Staff Work
By: Nancy
Upchurch
Presentation
By: Nicholas
Hutchison

Background Information: The City of Paducah purchased the lot at 1240 North 12th Street on Sept. 17, 2014 and 1242 North 12th Street on April 18, 2018. At the time of purchase there were no known plans for the development of the property.

The method of disposition of surplus property is by sealed bid. This property has been advertised several times since acquisition, the most recent being on the City website and in the Paducah Sun on April 22, 2023. The deadline to submit bids was 4 P.M., May 8, 2023. No bids were received for the properties.

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

On June 8, 2023 a bid was submitted for the two lots. Since the property was recently advertised and no bids received, staff accepted the bid, and followed the same review criteria outlined by the request for bids.

Mr. Elbert Denkins offers to purchase the two lots for \$1 each. He will develop the property by constructing a double-wide, 3-bedroom, 2-bath Fleetwood mobile home. His proposed investment is \$106,000. He submitted proof of financial ability to complete the project.

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: Staff recommends approval of the declaration of the property at 1240 and 1242 N. 12th Street as surplus and transfer to Mr. Elbert Denkins for \$1 for each lot subject to the standard clause applied in the Fountain Avenue Revitalization Area stating the property would revert back to the City if the owner fails to complete the proposed development of the property within one year.

Attachments:

1. SOA2023-0012 1240 & 1242 N 12th St Staff Report

2. prop sale-1240 & 1242 North 12th Street

APPLICATION INFORMATION

ADDRESS	1240 & 1242 North 12 th Street
CASE NO.	SOA2023-0012
OWNER	City of Paducah
APPLICANT	Elbert Denkins
REQUEST	Sale of Asset
HEARING DATE	June 27, 2023

GENERAL SITE INFORMATION

CURRENT LAND USE	Vacant
CURRENT ZONING	R-3
COMPREHENSIVE PLAN	Neighborhood Plan
CURRENT IMPROVEMENTS	None
FLOODPLAIN	No
PUBLIC UTILITIES	Power, Gas, Water

SURROUNDING AREA INFORMATION

DIRECTION	SURROUNDING ZONING	SURROUNDING LAND USE
NORTH	R-3	Church
SOUTH	R-3	Residential
EAST	R-3	Residential
WEST	R-3	Residential

GENERAL INFORMATION

The disposition of surplus or excess property is governed by City Code Section 2-668; which references KRS 82.083. The sale of any property requires a written determination that includes: a description of the property; its intended use at the time of acquisition; the reason why it is in the best interest of the City to dispose of the item; and the method of disposition to be used.

DESCRIPTION OF PROPERTY: 1240 AND 1242 NORTH 12TH STREET



INTENDED USE AT THE TIME OF ACQUISITION

The City of Paducah purchased the lot at 1240 North 12th Street on Sept. 17, 2014 and 1242 North 12th Street on April 18, 2018. At the time of purchase there were no known plans for the development of the property.

REASON IT IS IN THE BEST INTEREST OF THE CITY TO SELL THE PROPERTY

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

METHOD OF DISPOSITION: SEALED BID

This property has been advertised several times since acquisition, the most recent being on the City website and in the Paducah Sun on April 22, 2023. The deadline to submit bids was 4 PM, May 8, 2023. No bids were received for the properties.

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

BID INFORMATION

On June 8, 2023 a bid was submitted for the two lots. Since the property was recently advertised and no bids received, staff accepted the bid, and followed the same review criteria outlined by the request for bids. See page 4 for the bid scoring.

BIDDER: ELBERT DENKINS	BID: \$1 PER LOT	INVESTMENT: \$105,927
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Mr. Denkins provided contract to purchase a 28' X 56' double wide 3-bedroom, 2-bath Fleetwood Home along with a letter approving a loan in the amount of the proposed investment.

STAFF RECOMMENDATION

Affordable housing is a growing problem within the city. Transferring this property provide cost-effective housing for this family.

Therefore, it is recommended that the commission determine the property surplus and accept the request of Elbert Denkins to transfer the property for \$1 per lot (\$2) to purchase and set up a double wide mobile home, subject to the standard clause applied in the Fountain Avenue Revitalization Area stating that the property would revert back to the City if the owner fails to comply with the submitted proposal and fails to substantially complete the project with in one year.

SCORING CRITERIA FOR ACCEPTANCE OF SUBMITTALS	POSSIBLE POINTS	BIDDERS SCORE
PROPERTY DEVELOPED FOR RESIDENTIAL USE		
First-time Property Buyer/Home Owner Occupied	40	40
Owner Occupied (not first-time owner)	30	
Develop for Resale	20	
Develop as Rental Property	10	
PROPERTY DEVELOPED FOR NON-RESIDENTIAL USES		
Development create new jobs	30	
Development will not create new jobs.	20	
TIMELINE TO COMPLETE THE PROJECT		
Within one year	30	30
Between 1 to 2 years	20	
More than 2 years but less than 3 years	10	
LANDSCAPE IMPROVEMENTS INCLUDING AT LEAST 1 NEW TREE	20	
COST ESTIMATES		
Detailed 3 rd party estimates/bid	30	30
Bidder estimated cost with no 3 rd party backup	20	
PROOF OF FINANCIAL ABILITY		
DRAWINGS OF PLANS		
Detailed plans including elevations, floor plans, facades	30	
Sketches of plans to be developed	20	20
Detailed description with no drawings	10	
IF THE PROPERTY CONTAINS A STRUCTURE		
Complete rehab of the structure	20	
Address major issues, minimal rehab	10	
COMPREHENSIVE PLAN COMPLIANCE	20	20
TOTAL PROJECT SCORE (MINIMUM SCORE 100)		170

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER DECLARING THE REAL PROPERTIES LOCATED AT 1240 AND 1242 NORTH 12TH STREET TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF ELBERT DENKINS IN THE AMOUNT OF \$1.00 FOR PURCHASE OF EACH SAID REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, pursuant to KRS 82.083 a written determination has been made that the City does not have any use at this time or in the future for property located at 1240 and 1242 North 12th Street, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on April 22, 2023, and no bids were received by the deadline of May 8, 2023; and

WHEREAS, on June 8, 2023, a bid was submitted by Mr. Elbert Denkins in the amount of \$1.00 for the property at 1240 North 12th Street and \$1.00 for the property at 1242 North 12th Street; and

WHEREAS, the City desires to accept the bid of Mr. Elbert Denkins, who proposes to construct a 3-bedroom, 2-bath Fleetwood mobile home on the property, with a total investment of \$106,000.

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

SECTION 1. The Board of Commissioners hereby declares the properties located at 1240 and 1242 North 12th Street, to be surplus property as it relates to the operations of the City. Further, the Board of Commissioners hereby accepts the bid of Elbert Denkins in the amount of \$1 for the purchase of each real property located at 1240 and 1242 North 12th Street.

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

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, June 13, 2023

Recorded by Lindsay Parish, City Clerk, June 13, 2023

\mo\prop sale- 1240 and 1242 North 12th Street

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Approve the Application for a US Department of Transportation Safe Streets and Roads for All Grant - **H. REASONS & R. MURPHY**

Category: Municipal Order

Staff Work By: Rick Murphy, Melanie

Townsend, Hope Reasons

Presentation By: Hope Reasons, Rick Murphy

Background Information: The purpose of the SS4A grant program is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, motorists, and commercial vehicle operators. The program encourages the use of the Safe System approach and designing Complete Streets that prioritizes the safety of all users. The City of Paducah, in partnership with the KY Transportation Cabinet and Paducah Public Schools, is proposing the redesign of the Buckner Lane/Broadway Street and Lone Oak Rd/Labelle Ave intersection with improvements to 32nd street and Buckner Lane to better accommodate traffic flow.

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 application for a Safe Streets and Roads for All Grant and the Mayor to sign all documents related to same.

Attachments:

1. MO app – SS4A – Buckner Lane, Broadway, Lone Oak Road, Labelle Avenue 2023

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR A SAFE STREETS AND ROADS FOR ALL GRANT IN THE AMOUNT OF \$6,760,000 THROUGH THE U.S. DEPARTMENT OF TRANSPORTATION TO IMPROVE ROADWAY SAFETY THROUGH SAFETY ACTION PLAN DEVELOPMENT IN THE REDESIGN OF THE BUCKNER LANE/BROADWAY STREET AND LONE OAK ROAD/LABELLE AVENUE INTERSECTION WITH IMPROVEMENTS TO 32ND STREET AND BUCKNER LANE TO BETTER ACCOMMODATE TRAFFIC FLOW

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 Safe Streets and Roads for All (SS4A) Grant through the United States Department of Transportation in the amount of \$6,760,000. This grant will be used to redesign the Buckner Lane/Broadway Street and Lone Oak Road/Labelle Avenue intersection with improvements to 32nd Street and Buckner Lane to better accommodate traffic flow. The total project budget is estimated to be \$8,450,000. There is a 20% local match requirement for this grant. The City of Paducah will partner with the Kentucky State Transportation Cabinet on the local match requirement.

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, June 27, 2023

Recorded by Lindsay Parish, City Clerk, June 27, 2023

\\mo\grants\app – SS4A – Buckner Lane, Broadway, Lone Oak Road, Labelle Avenue 2023

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Amend Code of Ordinances Chapter 2 To Increase the Small Purchase Procedures Threshold and Revise Other Obsolete Provisions - **L. PARISH**

Category: Ordinance

Staff Work
By: Lindsay
Parish
Presentation
By: Lindsay
Parish

Background Information: House Bill 522, which becomes effective on July 1, 2023, amends KRS 45A.385 related to the Kentucky Model Procurement Code to increase the dollar threshold that triggers the requirement for a local public agency to use competitive bidding to purchase goods and services from \$30,000 to \$40,000. The Paducah Code of Ordinances must also be amended to reflect the change.

Other Sections of Chapter 2 need to be amended to eliminate redundant, obsolete, and inconsistent provisions. The City of Paducah initiated a review of the Code of Ordinances pursuant to KRS 83A.060(11) to be examined for consistency with state and federal law. The following changes are being made based on that review:

- Sec. 2-487: Correct the KRS reference to be KRS 96A.190
- Sec. 2-545: Eliminate the title as the Traffic Commission has been dissolved.
- Sec. 2-669: Eliminate subsection (b) as the referenced KRS has been repealed.

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

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

Attachments:

1. ORD 2 Procurement Threshold & Legal Review Updates

ORDINANCE NO. 2023-____ - _____

**AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF
THE CITY OF PADUCAH, KENTUCKY**

WHEREAS, the City of Paducah initiated a review of the Code of Ordinances pursuant to KRS 83A.060(11) to be examined for consistency with state and federal law; and

WHEREAS, the City of Paducah wishes to revise Chapter 2 of the Code of Ordinances to eliminate redundant, obsolete, inconsistent, and invalid provisions; and

WHEREAS, House Bill 522, which becomes effective on July 1, 2023, amends KRS 45A.385 related to the Kentucky Model Procurement Code to increase the dollar threshold that triggers the requirement for a local public agency to use competitive bidding to purchase goods and services from \$30,000 to \$40,000; and

WHEREAS, the City of Paducah wishes to amend the Code of Ordinances of the City of Paducah, Kentucky, to reflect the changes.

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

SECTION 1. That Section 2-487 of the Code of Ordinances of the City of Paducah, Kentucky be amended as follows:

Sec. 2-487. - Annual audit.

See KRS [~~96A.180~~] 96A.190

SECTION 2. That Section 2-545 of the Code of Ordinances of the City of Paducah, Kentucky be deleted entirely, as follows:

~~[Sec. 2-545. -- Traffic Commission.]~~

~~[Traffic Commission; see section 110-5.]~~

SECTION 3. That Section 2-643 of the Code of Ordinances of the City of Paducah, Kentucky shall be amended as follows:

Sec. 2-643. - Responsibility for procurement; authority of City Manager.

- a. The City Manager is responsible to the Board of Commissioners for the administration of all procurement functions of the City.
- b. The City Manager is hereby authorized and empowered to make in behalf of the City any contract for materials, supplies or equipment, or for services, professional or otherwise, provided that the aggregate amount of the contract does not exceed [~~\$30,000.00~~] \$40,000.00. However, in exercising this authority, the City Manager shall not make any contract for any expenditure for any department of the City where the expenditure, together with the sum total of other expenditures for the department, exceeds the appropriation made for the department for any fiscal year by the budget approved by the Board of Commissioners, unless prior consent is given by the Board of Commissioners. In exercising this authority, the City Manager shall comply with the following provisions:
 1. All contracts made by the City Manager shall be evidenced by a writing which provides a description of the item or items purchased and the terms of sale, which writing shall be maintained as part of the records of the City.
 2. A written summary of the procurement activities of the City Manager shall be provided to the Board of Commissioners on a monthly basis.
 3. All contracts made by the City Manager shall be made in the best interests of the City, and shall be made for a price which is substantially similar to the market price of a like item purchased. Where possible, prior to the making of a contract, the City Manager shall contact at least three (3) suppliers of the item or items to be purchased to obtain the best price for and quality of the item to be purchased.
- c. The City Manager is hereby authorized to execute all contracts for procurement in accordance with this section for and in behalf of the City.
- d. All other provisions of this division regarding procurement, such as provisions relating to competitive bidding, competitive negotiations, advertisement, and noncompetitive purchasing, shall not apply to any procurement made by the City Manager hereunder unless deemed advisable by the City Manager.

- e. The City Procurement Officer, and any other employee designated by the City Manager, shall assist the City Manager in any procurement hereunder, and shall perform the duties assigned by the City Manager.

SECTION 3. That Section 2-660 of the Code of Ordinances of the City of Paducah, Kentucky shall be amended as follows:

Sec. 2-660. - Small purchase plan.

- a. The City Manager or the City Manager's designee is responsible for small purchase procedures for any contract for which a determination is made that the aggregate amount of the contract does not exceed [~~\$30,000.00~~] \$40,000.00. Small purchase procedures are in writing in the City of Paducah Administrative Policies and Procedures Manual and available to the public upon request.
- b. Procurement requirements shall not be parceled, split, divided or purchased over a period of time in order to circumvent the dollar limitations for small purchase.

SECTION 4. That Section 2-669 of the Code of Ordinances of the City of Paducah, Kentucky shall be amended as follows:

Sec. 2-669. - Equal employment opportunity; determination of prevailing wage.

- a. The City shall include as part of any invitation for bids or request for proposals for goods or services, equal employment opportunity language as may be required by local ordinance, KRS 45.570 — 45.640 and the procurement requirements of any agency from which the City may receive funds.
- b. [~~Pursuant to KRS 337.510, the City shall apply to the Commonwealth of Kentucky, Department of Labor, for a determination of prevailing wage for any contract for construction services. The determination shall be included as part of any contract for~~

~~construction services and shall be included in any invitation for bids or request for proposals for any procurement of construction services.]~~

SECTION 3. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 4. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5. Effective Date. 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, _____
Adopted by the Board of Commissioners, _____
Recorded by City Clerk, _____
Published by *The Paducah Sun*,
2 Procurement Threshold & Legal Review Updates

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Repeal and Replace Chapter 26, Articles I & II "Cemeteries" in Code of Ordinances - **A. CLARK**

Category: Ordinance

Staff Work
By: Amie Clark
Presentation
By: Amie Clark

Background Information: Repeal and Replace Chapter 26 Cemeteries of the Code of Ordinances.

The ordinance related to cemeteries was established in 1968 and has had several updates since. A complete revision of the ordinance is needed to include existing state statutes for municipally owned and operated cemeteries. The updated ordinance includes administrative policy and procedure related to cemetery operations, maintenance funds, charges for cemetery services, burial services and funerals, and policy around interments and disinterments.

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

If yes, please list the Commission Priority: Improve Operational Efficiencies

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve

Attachments:

1. ORD 26-1 to 26-36 Cemeteries 2023

ORDINANCE NO. 2023-06-_____

AN ORDINANCE REPEALING CHAPTER 26, “CEMETERIES”, ARTICLES I AND II OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY AND REPLACING THEM IN THEIR ENTIRETY

WHEREAS, this Ordinance will repeal and supersede Chapter 26 Cemeteries, Articles I and II of the *Code of Ordinances of the City of Paducah, Kentucky* in their entirety; and

WHEREAS, this Ordinance will replace this Chapter with a new Chapter 26, Article I and II, which will read as described below:

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

SECTION A. Chapter 26, Article I, In General, and Article II, Oak Grove Cemetery of the Code of Ordinances shall be repealed and replaced in their entirety as follows:

ARTICLE I. – IN GENERAL

Sec. 26-1. Designation.

The City of Paducah designates approximately 50 acres located at 1613 Park Ave in Paducah, Kentucky for the purpose of the interment of human remains only as provided in this Ordinance. This designated land shall be known and called Oak Grove Cemetery and so designated in all certificates to purchasers of lots therein.

Sec 26-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) Cemetery means any one or combination of more than one of the following in a place used or to be used and dedicated or designated for such purposes:
 - (1) A burial park, for earth interment.
 - (2) A mausoleum, for entombment.
 - (3) A columbarium, for inurnment.
 - (4) A cremation garden, for inurnment.
- b) Remains means the bodies of deceased persons, in whatever stage of decomposition, and cremated remains.

- c) Mausoleum means a building or structure substantially exposed above ground used or intended to be used for the entombment of human remains, which is sold or offered for sale to the public.
- d) Columbarium means a structure or building substantially exposed above ground intended to be used for the inurnment of cremated remains and sold or offered for sale to the public.
- e) Columbarium niche means an inurnment space in a columbarium as defined herein.
- f) Cremation garden means an area of a cemetery set aside especially for cremated remains.
- g) Scattering area means an area designated for the scattering of cremated remains.
- h) Grave lot means a space of ground in a cemetery intended to be used for the interment in the ground of the remains of one human being.
- i) Sepulcher means a place of burial, burial vault, or tomb in which a deceased person is laid or buried.
- j) Underground crypt means a single unit entombment space in preplaced chambers below ground and also known as a lawn crypt, Westminster turf top mausoleum, or below ground crypt.
- k) Mausoleum crypt means an entombment space in a mausoleum as defined herein.
- l) Disinterment means to unearth or remove remains from a grave or tomb.
- m) Interment means to bury a deceased person in a grave or tomb.
- n) Reinterment means to bury again, often in a different location than the original burial.
- o) Burial means a ceremony at which a deceased person is buried or interred.
- p) Deed means a document or instrument which conveys a license use and access for sepulcher only, and does not convey a fee interest in the land of the lot.
- q) Monument means a single memorial or marker, that is upright, beveled, or flush and is made of stone, marble, or granite that is placed on the head of the grave lot, memorializing the deceased located in that specific grave lot.
- r) Companion monument means a double memorial or marker, that is upright, beveled, or flush and is made of stone, marble, or granite that is placed on the head at the center of two (2) side by side grave lots, memorializing two (2) deceased located in those specific grave lots.

Sec 26-3. Administrative Policy.

The Board of Commissioners of the City of Paducah does hereby authorize and charge the City Manager with creating and maintaining policies and procedures for the administration and operations of City-owned cemeteries, not inconsistent with this ordinance. (KRS 97.530)

Sec 26-4. Operations.

The Board of Commissioners of the City of Paducah does hereby authorize and charge the Parks and Recreation Department with the operations and maintenance of City-owned cemeteries.

Sec 26-5. Schedule of Fees for Cemetery Lots and Mausoleum Crypts.

The Board of Commissioners hereby authorizes a schedule of fees for the sale of all cemetery lots and mausoleum crypts in City-owned cemeteries in the City of Paducah, established and updated by Municipal Order from time to time.

Sec 26-6. Charges for Cemetery Services.

Fees associated with support services provided at the cemetery or by the cemetery staff, shall be created and maintained by municipal order from time to time and be in compliance with this Ordinance.

- a) Support services include but are not limited to: opening and closing of graves, use of the receiving vault, and the temporary or permanent relocation of a monument, upright, or marker.
- b) There will be a late charge for services concluding after 2:00 p.m.
- c) There will be additional charges for services requested on weekends.
- d) The charge for replacement, temporary or permanent relocation, and resetting of monument, uprights, or flat, flush, or lawn level markers shall be the responsibility of the license holder. All replacements must follow current cemetery guidelines as set by policy.

Sec 26-7 Maintenance Fund.

- a) 30% of income from cemetery grave lot sales shall be placed in a cemetery project account under the Parks and Recreation Department, and shall be used specifically for the support of maintenance and upkeep of the cemetery grounds and improvement projects in the cemetery.
- b) Fees collected from cemetery lease agreements and contracts shall be considered cemetery income and be placed in a cemetery fund under the Parks and Recreation

Department and shall be used specifically for the support of maintenance and upkeep of the cemetery grounds and improvement projects in the cemetery.

Sec 26-8. Protection of Burial Grounds.

Whenever any burial grounds lie within the corporate limits of a city, the governing authorities of the city shall protect the burial grounds from being used for dumping grounds, building sites, playgrounds, places of entertainment and amusement, public parks, athletic fields, parking grounds, or any other use which may result in the burial grounds being damages or destroyed. The activity will not be considered “entertainment or amusement” if it serves a historical or educational purpose.

(KRS 381.690 and 381.697)

Sec 26-9, Interment.

- a) All interments in the cemetery shall be contained in a concrete or steel vault for remains, or a cremains container or box for cremated remains.
- b) Interment of remains of a person affected by infectious diseases shall be conducted strictly in accordance with Kentucky law.
- c) Site prep and final prep will be completed by contractual agreement and updated by municipal order from time to time.
- d) One burial vault may be interred for each grave lot, and up to two cremated remains containers per grave lot.

(KRS 213.076)

Sec 26-10 Disinterment and Reinterment.

- a) Disinterment is regulated by Kentucky law.
- b) Authorization for disinterment, transportation, and reinterment or other disposition shall be required prior to disinterment of any human remains and shall be issued by the state registrar upon proper application.
- c) In an instance where the city is informed of or becomes aware that it has improperly interred or has allowed to be improperly interred a body or cremated remains including but not limited to interment in the wrong space, the burial container shall be disinterred and properly reinterred.
- d) In an instance where the city is informed of or becomes aware of an improper interment in the cemetery, the city shall give reasonable notice to the next of kin, informing them of the improper interment. The city shall file an application for disinterment to a licensed

funeral director and local registration official for authorization. Once authorized, the city shall make necessary arrangements to execute the disinterment.

- e) The charges associated with disinter and reinter, at the request of the city, will be the responsibility of the city.
- f) Any person requesting disinterment shall complete an application and file with the City. Applications for disinterment will be submitted to a licensed funeral director and the local registration official for authorization. Once authorized, the city shall make necessary arrangements to execute disinterment.
- g) The charges associated with disinter and reinter conducted at the request of the next of kin, will be the responsibility of the requester.

(KRS 307.300; KRS 213.076)

Sec 26-11. Certificate of Death.

Inter or Interment of a dead body or fetus is not permitted in the cemetery unless it is accompanied by a copy of the provisional certificate of death. The cemetery staff person in charge, or if not present, the funeral director, shall enter on the provisional certificate over his signature the date, place, and manner of the final disposition and file the certificate within five (5) days with the local registrar.

(KRS 213.076)

Sec 26-12. Removal of Grave or Cemetery.

- a) Upon application of the city upon which is located an abandoned grave or cemetery, or when it is deemed in the best interest of the city to remove and relocate any such grave or cemetery, the court may issue an order or resolution authorizing removal and relocation.
- b) Any grave or cemetery removed shall be relocated in a suitable place at the expense of the city requesting such removal and relocation.
- c) A grave or cemetery shall be considered abandoned when left untended for a period of ten (10) years preceding the date of the resolution for removal and relocation of the grave or cemetery.

Sections 26-13 – 26-22. – Reserved.

ARTICLE II. OAK GROVE CEMETERY.

Sec 26-23. Operations.

- a) Oak Grove Cemetery operations shall be divided into two programs as follows:

- (1) Administration – Cemetery administration shall manage all customer relations including but not limited to sale of grave lots, requests for deeds, scheduling burials with funeral homes, burial records, maintenance of all records, including but not limited to cemetery maps.
- (2) Maintenance – Cemetery maintenance shall perform day to day maintenance operations of the cemetery, including but not limited to cemetery upkeep, grounds maintenance, monument and stone repair, pre-burial and post-burial maintenance, building maintenance, etc. Maintenance staff will be present at every interment and disinterment, and shall have general control of the improvement of the premises.
- (b) Cemetery maps, with additions, shall be kept on file at the Parks and Recreation offices and are adopted and hereby declared the official maps of the cemetery, including grave lots therein, showing avenues, walkways, lots with numbers thereof, and shall cause the boundaries of lots, avenues and walkways to be preserved, and will be managed by the administrative staff.
- (c) Cremation Gardens and grounds are managed and operated under a contract with a local vendor and are updated by Municipal Order from time to time.
- (d) The Parks and Recreation Director is authorized to temporarily adjust or suspend park rules as required to serve public safety and/or logistics.
- (e) The Parks and Recreation Director is hereby authorized to adopt additional rules specific to the cemetery. Rules shall be updated and posted on the City's website.

Sec 26-24. Rules for Conduct for Cemetery Grounds.

In addition to posted rules on site:

- a) Alcohol is not permitted on the grounds.
- b) Soliciting or sale of material is not permitted.
- c) Parking is not permitted in areas that are not marked roadways.
- d) Obey posted hours of operation.
- e) Dogs, Cats, and other animals are not permitted on the grounds unless contained inside a vehicle, with exception to licensed service animals.
- f) Place all trash in waste receptacles.
- g) Disturbance of any grave site or place of burial is prohibited.

- h) Removal of, defacing, or destruction of any upright monuments, flat, flush, or lawn level markers, tomb, vault, mausoleum, or decoration on any cemetery lot that is not conducted as part of maintenance of the grounds by the city is prohibited.
- i) Obey all rules and regulations as specified in posted guidelines.
- j) The Parks and Recreation Director is hereby authorized to adopt additional rules specific to the cemetery as deemed appropriate. Rules shall be updated by administrative policy.

Sec 26-25. Vehicles and Parking.

- a) All traffic shall operate and/or park only in designated parking areas and marked roadways.
- b) It shall be unlawful for any person to operate any motor vehicle in excess of 5 miles per hour in the cemetery.

Sec 26-26. Hours of Operation.

- a) The cemetery is open to the public Sunday - Saturday, from 8:00 am – dark.
- b) Burials services, mausoleum services, and memorial services shall be scheduled in advance by contacting the Parks and Recreation Department and may occur Monday through Friday between 8:00 am and 2:00 pm.
- c) The City shall not provide services on recognized holidays as follows:
 - (1) New Year's Day
 - (2) Martin Luther King Day
 - (3) President's Day
 - (4) Good Friday
 - (5) Easter
 - (6) Mother's Day
 - (7) Memorial Day
 - (8) Father's Day
 - (9) Juneteenth
 - (10) Independence Day
 - (11) Labor Day
 - (12) Columbus Day
 - (13) Halloween
 - (14) Election Day
 - (15) Veterans Day
 - (16) Thanksgiving Day
 - (17) Day after Thanksgiving
 - (18) Christmas Eve
 - (19) Christmas Day
 - (20) New Year's Eve

- d) The City shall not provide services on the First Saturday in December due to the City's Annual Christmas Parade.
- e) Services requested on Saturdays or after operating hours shall incur additional charges in the amount established by municipal order.

Sec 26-27. Funeral Burial Services.

- a) Funeral homes and services shall be responsible for following cemetery rules and guidelines and serving as the liaison between the next of kin or family and Parks and Recreation staff.
- b) Cremation services held at the crematorium shall be the responsibility of the Cremation Society of Paducah, under contract with the city.
- c) Burial preparation service charges are charged by the cemetery at the time of the grave lot purchase or by the funeral home at the time of service planning and are at the amount set by the contractor providing the services.
- d) Burial preparation and closing services are performed under a contract with the City and is updated by Municipal Order from time to time.
- e) Funeral homes shall provide next of kin information to the cemetery at the time of grave lot purchase for the purposes of keeping updated records of license to the lot.

Sec 26-28. Interference with a Funeral.

- a) A person who interferes with a funeral, at any point in time between one (1) hour prior to the commencement and one (1) hour following its conclusion has committed a Class B misdemeanor.
- b) Interference with a funeral includes but is not limited to blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access into or from any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted.

(KRS 525.155)

Sec 26-29. Inclement Weather.

- a) Funeral and burial services may not be conducted when local forecasters have issued a severe weather event notification for an area that includes the City of Paducah.
- b) When inclement weather impacts the grounds and areas surrounding the burial site, burial services may be postponed at the discretion of the Parks Maintenance staff.

- c) If during the course of a burial service in progress the weather conditions listed above become present, City staff present shall be authorized to halt proceedings and assist attendees in seeking shelter until the weather clears.
- d) In the case of severe inclement weather or unsafe conditions, the Parks and Recreation Director is hereby authorized to close the cemetery without notice or warning.

Sec 26-30, Monuments, Uprights, and Flat, Flush, or Lawn Level Markers.

- a) Monuments, uprights, and flat, flush, or lawn level markers shall be made of granite, marble, or bronze, with the exception of standard government markers. No substandard grade of material shall be permitted.
- b) Monument companies shall notify and get approval from the Parks and Recreation Department prior to installing any monument, upright, or marker on a lot or part of a lot in the cemetery.
- c) One monument, upright, or flat, flush, or lawn level marker may be put in place on each grave lot at the head of the grave, as determined by the city. Monument, upright, or flat, flush, or lawn level marker foundation should not exceed the width of the lot.
- d) On adjoining lots, licensed by the same owner, one double monument, upright, or marker may be put in place for both grave lots, or each lot may have one monument, upright, or marker put in place. The foundation of the monument or marker shall not exceed the width lot(s).
- e) Each grave lot may have one monument, upright, or flat, flush, or lawn level marker placed at the head of the grave lot. Each grave lot may also have a lawn level footstone marker placed at the foot of the grave lot.
- f) Monument companies shall put in place monuments, uprights, or flat, flush, or lawn level markers according to the rules and guidelines for the cemetery.
- g) Benches, of any kind, in the cemetery shall not be permitted. Benches presently located in the cemetery are exempt until such time it is determined replacement is desired or needed. Replacement shall comply with existing guidelines for the cemetery.
- h) The Parks and Recreation Director is hereby authorized to adopt additional rules specific to the setting and placement of monuments, uprights, and flat, flush, or lawn level markers.

Sec 26-31. Grave Lot Decorations, Planting of Trees, and Other Living Flora.

- a) Decorations shall comply with rules and regulations as set by the Parks and Recreation Director.

- b) The city shall remove all decorations that do not comply with cemetery rules and regulations upon discovery.
- c) The city shall perform cemetery clean up of all decorations that do not comply with cemetery rules and regulations, or have been determined by the city to be unsightly, two times per year.
- d) Plantings, of any kind, in the cemetery shall not be permitted, except in areas designated by the city to improve storm water management, memorial gardens, and tree canopy.
- e) Living memorials presently located in the cemetery are exempt until such time it is determined by the city to be unsightly or dangerous, at which time those plantings will be removed without replacement.
- f) Privately contracted maintenance of lots shall be permitted but must be approved by Parks and Recreation staff.
- g) The Parks and Recreation Director is hereby authorized to adopt additional rules specific to decorations for grave lots in the cemetery.

Sec 26-32. Improvement to Cemetery Lots.

- a) All improvement of cemetery lots shall be limited to the installation of monuments, uprights, flat, flush, or lawn level markers and shall require the approval of the Parks and Recreation Director or designees, prior to installation. Improvements shall be made of granite, marble, or bronze as provided hereinbelow.
- b) Landscaping, plantings, and other permanent or temporary hardscape is not permitted on burial sites and will be removed by cemetery staff upon discovery.
- c) Landscape maintenance and improvements shall be regulated and determined by cemetery staff for the purpose of aesthetics to the cemetery grounds. This includes but is not limited to tree removal, tree plantings, shrub removal and maintenance, shrub plantings, annual and perineal plantings, landscaped beds, removal and replacement of planters, etc.
- d) Parks and Recreation staff shall have the authority to remove, without notice, any tree, shrub, or planting which has become detrimental, dangerous, or encroaching to adjacent grave lots, walkways, drives, or roadways.

Sec 26-33. Damage to Cemetery Lots.

The City of Paducah shall not be responsible for deterioration or damage to cemetery lots, monuments uprights, flat, flush, or lawn level markers, or any other permitted decoration, with the exception of any damage caused by cemetery upkeep which shall be documented by cemetery staff and repaired by the City. Other repairs required due to damages to improvements shall be the responsibility of the person named on the licensed deed.

Sec 26-34. Refund of Purchase Price When Body Removed.

When a body interred in the cemetery under the single-grave privilege is removed from such grave privilege, and the purchase thereof tenders the ground back to the City, the City shall refund the original purchase price thereof, to such purchaser, or the purchaser's lawful representative.

Sec 26-35. Purchase, Sale or Transfer of Cemetery Lots.

- a) Upon the purchase of a lot in the cemetery, a deed will be issued to the purchaser of the lot and filed with the City Clerk's office.
- b) The City Clerk shall be empowered to prepare and execute on behalf of the City all deeds conveying interest for sepulcher in cemetery lots in all cemeteries owned and operated by the City. Deeds prepared by the City Clerk shall be effective upon the City Clerk signing said deeds on behalf of the City and without review or approval by the Office of the City Manager and the City Commission. Such deeds shall convey license to use and access for sepulcher only and shall not be interpreted to convey a fee interest in the land.
- c) No person shall purchase, have, hold, or own any license for use or access to a lot or part of a lot in the cemetery for the purpose of resale, speculation, or sale of single grave places, or sell or transfer any lot or part of a lot in the cemetery to another person.
- d) No owner of a license for use or access to a lot in the cemetery or any part thereof shall sell or convey a grave space for any sum.
- e) No person shall bury or suffer or permit any person to be buried on any lot or part of a lot in the cemetery owned or held by such person, for a valuable consideration.
- f) Transfer of a license for use or access to any lot or part of a lot in the cemetery to an heir or other designee must be requested and approved by the Parks and Recreation Department prior to the transfer of lot or part of a lot. All transfers must be recorded with the Parks and Recreation Department. License for use or access to any lot or part of a lot in the cemetery that is not able to be transferred to an heir or other designee may be tendered back to the city for a refund of the original purchase price of the lot.
- g) In the instance where a previously sold grave lot in the cemetery is unused and no record of living heirs exists, Parks staff may file an action in the local Circuit Court requesting that the burial rights in the unused portion of the lot(s) in question be deemed abandoned and that the cemetery be authorized to sell the rights upon entry of the court's judgment. The defendants in the action shall be the unknown heirs of the original owner of the burial rights in the lots in question.
- h) Judgment declaring burial rights be abandoned shall not occur if an owner or heir of the cemetery lot in question has filed a written statement with the cemetery directing that certain grave spaces not be used.

(KRS 381.715)

Sec. 26-36. Penalties.

Whoever violates any provision of this article for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$55.00, or imprisonment for not more than thirty (30) days, or both, for each offense.

Sections 26-37 – 26-99 Reserved.

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

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

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

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

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____

Adopted by the Board of Commissioners, _____

Recorded by the City Clerk, _____

Published by *The Paducah Sun*, _____

Ord/ 26-1 to 26-36 Cemeteries 2023

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Southside Neighborhoods Initiative Housing and Economic Programs - **N. HUTCHISON & M. REASON**

Category: Ordinance

Staff Work By: Palmer Stroup, Melanie Reason

Presentation By: Melanie Reason

Background Information: Home repair and business improvement grants and incentives made in conjunction with the Southside Steering Committee.

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

If yes, please list the Commission Priority: Southside Enhancements

Communications Plan:

Funds Available: Account Name: SSR- Homeowner's Incentive Program
ED-0116

Account Number: CD-0104
SSR- Business Grants

Staff Recommendation: Approval

Attachments:

1. ORD 34 Southside Incentives Final

ORDINANCE NO. 2023-____ - _____

**AN ORDINANCE AMENDING CHAPTER 34, OF THE CODE OF ORDINANCES OF
THE CITY OF PADUCAH, KENTUCKY TO CREATE NEW ARTICLES RELATED TO
SOUTHSIDE INCENTIVES**

WHEREAS, the City of Paducah desires to effect certain economic opportunity incentives for the portion of town generally known as the “Southside” and more specifically outlined herein; and

WHEREAS, these incentives shall include Business Improvement Grants, Home Repair Microgrants, and Home Rehabilitation and New Construction Grants; and

WHEREAS, the City Commission now intends to amend the Code of Ordinance of the City of Paducah, Kentucky to include said incentives in Chapter 34 *Community Planning and Development*.

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

SECTION 1. That Chapter 34, Community Planning and Development, of the Code of Ordinances of the City of Paducah, Kentucky, is hereby amended to create Article X, Southside Business Improvement Grant Program, as follows:

Secs. 34-176 – 34-190 Reserved.

ARTICLE X. SOUTHSIDE BUSINESS IMPROVEMENT GRANT PROGRAM.

Sec. 34-191. Title.

This article shall be known as the Southside Business Grant Program of the City of Paducah which includes Southside Business Improvement Beautification Grant and Southside Business Improvement Roof Stabilization Grant.

Sec. 34-192. Purpose.

The purpose of this article is to provide businesses within the boundary of the Southside Business Improvement Grant program area matching grant funds to assist in promoting and restoring Paducah’s Southside Neighborhoods. The Roof Stabilization grant will assist building owners in protecting buildings from further weathering and environmental damage by repairing

existing roofing systems or replacing the entire roof. The Beautification Grant will enable owners to update the branding, landscape, or exterior façade to present a fresh appealing face to customers by incorporating stylish signage, new technology, updated design or public art to activate the streetscape and enhance the customer experience.

Sec. 34-193 General Provisions.

General regulations for all business grants:

1. All property receiving business grants shall be located within the program area, be considered commercial property, and currently or intend to house a small business, defined here as an enterprise employing fifty (50) people or fewer.
2. Applicants must be current on property taxes.
3. There must be no liens on any property owned.
4. Existing businesses must have a current City of Paducah business license to apply.
5. New businesses may apply for grant funds but will be required to obtain a business license prior to reimbursement of grant funds.
6. Business must be current on all payroll and property taxes.
7. There must be no liens on any property owned.
8. Grant funds may not be used to make repairs ordered by the Fire Prevention Department.
9. Grant funds are reimbursement only, no funds will be awarded prior to completion of the project.
10. Work completed prior to the award will not be eligible for reimbursement.
11. By law, the City of Paducah is required to report all grant funds as taxable income. A 1099 will be issued to any entity receiving grant funds.
12. All applications will be entered into the digital permitting system for tracking purposes. Fire Prevention will provide a technical review to determine the requirement of construction permits. If a permit is required, applicants will be notified within the issued grant award letter.
13. Applicants will be required to agree to allow all illustrations, photographs, or other images of the project may be used for reports, publications and advertisements, both in print and electronic. All submittals are subject to open records requests.
14. The Planning Department staff will provide administrative support related to the project, such as advertising for applications, reviewing applications, providing staff support for administrative or board approval for awarding funds, working with applicant as necessary to ensure completion of the proposed project, and assisting applicant with the request for reimbursement and payment of the grant funds once that project is complete.
15. A grant letter indicating conditional approval should be received prior to the commencement of work, otherwise funding is not guaranteed. Planning Department Staff will be responsible for ensuring that the allocation of grant funds never exceeds the project allocations.

Sec. 34 – 194. Funding.

The City of Paducah may make annual budgetary appropriations as it deems necessary to fund the programs established by the article and the administrative costs associated therewith.

Funding for Roof Stabilization shall not exceed 70% of the annual allocation, and funding for Beautification shall not exceed 30% of the annual allocation.

Sec. 34- 195 Southside Business Improvement Grant: Roof Stabilization.

There is hereby created a Southside Business Improvement Grant for Roof Stabilization with the following general provisions:

1. Administration of the Roof Stabilization Grant – Planning Department Staff shall:
 - a. Prepare the necessary forms for the administration of the grant including application, required guarantee, lien waivers, reimbursement request forms, and any other documents necessary for the administration of the grant.
 - b. Provide limited technical assistance to the applicants throughout the process until final reimbursement is complete.
 - c. Maintain a list of qualified contractors based upon satisfactory references on past work performed and certification to apply the roofing materials used.
 - d. Advertise a request for applications, giving a minimum of 21 days to apply for funding. The application period will be advertised at least once each year of the program between July 1 and June 30.
2. Roof Stabilization Grant program parameters include:
 - a. The program will target structures in need of roof stabilization.
 - b. Only property owners will be eligible for grant funds unless tenant provides in writing the owners authorization for the tenant to contract and pay for the roof repair/replacement and agrees to the tenant receiving the grant funds.
 - c. Eligible roof stabilization projects must be permanent, shall include, but not limited to: a water tight, sustainable leak proof roof roofing system.
 - d. All work shall meet or exceed industry standards for roof repair/replacement and comply with all applicable building codes.
 - e. The roofing contractor will be required to provide a 10-year guarantee provided by the City in addition to the manufacturer's warranty for roof replacement and a 2-year guarantee for roof repairs.
 - f. Any associated permit fees through the Fire Prevention Department may be included as a project expense.
 - g. Roof repairs covered by insurance are not eligible for reimbursement by grant funds.
 - h. The project must be complete within one year of the date of the award letter unless a written request for extension is submitted and an approval of the extension is granted. If the project is not complete and an extension is not granted, the applicant will be notified and the allocated funds will be released and made available for distribution in the next round of applications.
 - i. Grant awards shall be allocated based on the total funding requests received during the application period and application scoring rubric, with no project receiving more than 50% of the project contract or no more than 50% of the annual project budget.
3. Application Process:

- a. During the application period, application shall be submitted to the Planning Department. In addition to the application, the following attachments will be required:
 - i. Photographs showing the existing roof condition.
 - ii. Existing Business must have a current City of Paducah Business License.
 - iii. New businesses must obtain a City of Paducah business license prior to receiving grant funds.
 - iv. A completed W-9.
 - v. Three (3) third-party bids from the list of qualified contractors. The Planning Department maintains a list of qualified contractors for this purpose.
 - vi. Proof of financial ability to complete the project.
 - vii. Any other documentation supporting the applicants request for grant funds.
- b. Applications received after the deadline for submittal will not be considered.
- c. Incomplete applications will not be considered. An application that does not include all the required documentation will be considered incomplete.

4. Review and Approval Process:

- a. Applications for funds under the Roof Stabilization Grant Program will be reviewed using the following scoring criteria, and projects with the highest ratings will be selected.

<u>Criteria</u>	<u>Description</u>	<u>Points Possible</u>
<u>Condition of the existing roof/urgency of the need to stabilize the structure.</u>	<u>Rated on a scale of 0-5.</u> <u>0 = No urgency, repair is optional.</u> <u>1 = Some urgency, repair is needed.</u> <u>2 = More urgent, repair must be timely.</u> <u>3 = Urgent, repair must be made immediately.</u> <u>4 = Very urgent, replacement must be considered.</u> <u>5 = Most urgent, replacement must be made immediately.</u>	<u>5 points</u>
<u>Contribution of historic character to the neighborhood.</u>	<u>Rated on a scale of 0-3.</u> <u>0 = Does not apply.</u> <u>1 = Style is within character of the neighborhood</u> <u>2 = Qualifies as historic</u> <u>3 = On National registry</u>	<u>3 points</u>
<u>Capital commitment of the owner rehabilitate the entire structure.</u>	<u>Rated on a scale of 0-2 points.</u> <u>0 = Does not apply.</u> <u>1 = Owner will complete this project only.</u> <u>2 = Owner will complete additional investment.</u>	<u>2 points</u>

<u>Commitment of owner to complete replacement of the roof.</u>	<u>Rated on a scale of 0-2 points.</u> <u>0 = Does not apply.</u> <u>1 = Owner will complete this project only.</u> <u>2 = Owner will complete additional investment.</u>	<u>2 points</u>
<u>Minority/Women Owned Business</u>	<u>Improvements will be made to a small business owned by an underrepresented group.</u> <u>0 = Does not apply.</u> <u>1 = MWBE business, not certified</u> <u>2 = MWBE Certified with Commonwealth of KY</u>	<u>2 points</u>

- b. Eligible applications will be forwarded to the Urban Renewal and Community Development Agency for final review, approval, and allocation of funds for the project.
 - c. The applicant will be notified by letter of the grant award upon approval.
5. Application for Reimbursement:
 - a. Upon completion of the contracted work the applicant will apply for reimbursement of funds. Reimbursement requests shall include the following:
 - i. Application for reimbursement signed by the applicant.
 - ii. Affidavit signed by the contractor attesting to the following:
 - o Receipt of payment in full.
 - o Construction was in accordance with manufacturer's standards.
 - o Certification that the statements are true and correct to the best of their knowledge.
 - o Proof that eligible costs have been paid in full to any sub-contractors and suppliers.
 - iii. Contractor's Guarantee and Warranty (10 year for replacement, 2 year for repair.
 - iv. Certificate of Completion/verification of completion by the City Inspector (if applicable).
 - v. Pictures of completed project.
6. Disbursement: Reimbursement will be made between 14 and 21 days upon satisfactory completion of the project as outlined in the award letter and submittal of complete reimbursement request including all required attachments. Failure to submit a complete request for reimbursement will delay the issuance payment.

Sec. 34- 196 Southside Business Improvement Grant: Beautification Grant.

There is hereby created a Southside Business Improvement Grant for Beautification with the following general provisions:

1. Administration of the Beautification Grant – Planning Department Staff shall:
 - a. Prepare the necessary forms for the administration of the grant including application, and any other documents necessary for the administration of the grant.
 - b. Provide limited technical assistance to the applicants throughout the process.
 - c. Advertise a request for applications giving a minimum of 21 days to apply for funding.
 - d. Review for eligibility applications based on the requirements and, by the data, provided make recommendation to the Planning Director for final approval.
 - e. Follow up with the applicant and provide support throughout the process until final reimbursement is complete.
2. Program Parameters include:
 - a. The grant provides dollar for dollar match (i.e. 50/50 split for projects totaling up to \$10,000).
 - i. Minimum: Minimum investment threshold of \$2,000 will be matched with a \$1,000 award.
 - ii. Maximum: While there is no maximum investment, grant awards will match up to \$5,000 of the first \$10,000 of investment.
 - b. Only property owners will be eligible for grant funds unless owner(s) provides in writing to the authorization for a tenant to contract and pay for proposed repairs/additions and agrees to the tenant receiving the grant funds.
 - c. Required permits shall be obtained for the work to be completed as applicable.
 - d. The project must be complete within 60 days of the date listed on the award letter unless a request for extension is submitted and an approval of the extension is granted. If the project is not complete and an extension is not granted, the applicant will be notified by letter and the allocated funds will be released and made available for distribution in the next round of applications.
3. Application Process:
 - a. During the application period, application may be submitted to the Planning Department. In addition to the application, the following attachments will be required:
 - i. Photographs showing the existing condition
 - ii. Existing businesses must have a current City of Paducah business license.
 - iii. A new business will be required to obtain a City of Paducah business license prior to distribution of grant funds.
 - iv. A completed W-9.
 - v. Detailed plans for the proposed project including but not limited to:
 - vi. Detailed description of the planned improvement.
 - vii. Drawing of the proposed changes.
 - viii. Any other documentation supporting the applicants request for grant funds.
 - b. Examples of eligible improvements include:
 - i. Public art (murals, sculptures)

- ii. New landscaping (trees, shrubs, flowers, soil, mulch etc.)
- iii. Transom, window, door replacements
- iv. New signage
- v. Removal of non-historic materials (siding that covers transom windows, bricked over window or door openings, removing paint from brick surfaces, etc.)
- vi. Repair or replacement of architectural details
- vii. Exterior painting (except for applying paint to unpainted brick)
 - 1. Priority will be given to applicants proposing to paint the entire structure.
- viii. Exterior lighting or interior storefront lighting of window displays that will remain lit during evening hours.
- ix. Parking lot resurfacing and striping.
- c. Work considered routine maintenance will not be eligible for grant funds.
Examples of routine maintenance include:
 - i. Cleaning/Power Washing/Cleaning Gutters
 - ii. Mowing/ Pruning existing shrubs-replacing old mulch/trimming trees.
 - iii. Any repairs ordered by the Fire Prevention Department.
- d. Applications received after the deadline for submittal will not be considered
- e. Incomplete applications will not be considered. An application that does not include all the required documentation will be considered incomplete.
- f. Any associated permit fees through the Fire Prevention Department may be included as a project expense.

4. Review and Approval Process:

- a. Applications for funds under the Beautification Grant Program will be reviewed by the following criteria:

<u>Criteria</u>	<u>Description</u>	<u>Points Possible</u>
<u>Minority/Women Owned Business</u>	<u>Improvements will be made to a small business owned by an underrepresented group.</u> <u>0 = Does not apply.</u> <u>1 = MWBE business, not certified</u> <u>2 = MWBE Certified with Commonwealth of KY</u>	<u>2 points</u>
<u>High Visual Impact</u>	<u>Improvements that make a dramatic difference in the visual appeal to structure or of the district. Rated on a scale of 0-2 points.</u> <u>0 = Does not apply.</u> <u>1 = Improvements create visual appeal.</u> <u>2 = Improvements create dramatic impact.</u>	<u>2 points</u>
<u>Active Street Front</u>	<u>Improvements that make the pedestrian experience more pleasant and interesting.</u> <u>Rated on a scale of 0-2 points.</u> <u>0 = Does not apply.</u>	<u>2 points</u>

	<u>1 = Improvements create visual appeal.</u> <u>2 = Improvements create dramatic impact.</u>	
<u>Visual/Architectural Integrity</u>	<u>Projects that enhance the building's historic appearance. Rated on a scale of 0-2.</u> <u>0 = Improvement degrades architectural integrity.</u> <u>1 = Improvement neither degrades or improves architectural integrity.</u> <u>2 = Improvement improves architectural integrity.</u>	<u>2 points</u>
<u>Neighborhood Impact</u>	<u>Improvements that add to the character of the neighborhood. Rated on a scale of 0-2 points.</u> <u>0 = Does not apply.</u> <u>1 = Improvements create interest in the neighborhood.</u> <u>2 = Improvements create a neighborhood focal point.</u>	<u>2 points</u>
<u>Capital commitment of the owner rehabilitate the entire structure.</u>	<u>Rated on a scale of 0-2 points.</u> <u>0 = Does not apply.</u> <u>1 = Owner will complete this project only.</u> <u>2 = Owner will complete additional investment.</u>	<u>2 points</u>

- b. Upon approval applicant will be notified by letter of the grant award.
5. Request for Reimbursement:
- a. Upon completion of the proposed work the applicant will apply for reimbursement of funds. Reimbursement requests shall include the following:
 - i. Application for reimbursement signed by the applicant.
 - ii. Affidavit signed by the contractor attesting to the following:
 - o Receipt of payment in full.
 - o Construction was in accordance with manufacturer's standards.
 - o Certification that the statements are true and correct to the best of their knowledge.
 - o Proof that eligible costs have been paid in full to any sub-contractors and suppliers.
 - iii. Certificate of Completion/verification of completion by the City Inspector (if applicable).
 - iv. Pictures of completed project.
6. Disbursement: Reimbursement will be made between 14 and 21 days upon satisfactory completion of the project as outlined in the award letter and submittal of complete reimbursement request including all required attachments. Failure to submit a complete request for reimbursement will delay the issuance payment.

Sec. 34-197 Phase 1 Program Area

Exhibit 1 defines the program area of the first phase (Phase 1) of the Southside Business Improvement Grant Program. Future areas will be determined as per neighborhood plan adoption.

Exhibit 1



Secs. 34-198 – 34-205 Reserved.

SECTION 2. That Chapter 34, Community Planning and Development, of the Code of Ordinances of the City of Paducah, Kentucky, is hereby amended to create Article XI, Home Rehabilitation and New Construction Grant Program, as follows:

ARTICLE XI. SOUTHSIDE HOME REHABILITATION AND NEW CONSTRUCTION
GRANT PROGRAM.

Sec. 34-206. Southside Home Rehabilitation and New Construction Incentive Program.

This article shall be known as the Southside Home Rehabilitation and New Construction Incentive Program. This fund will be opened to the areas outlined in Exhibit 2, known as the “program area”, as a part of the larger Southside Neighborhoods Initiative.

Sec. 34-207. Purpose.

The purpose of this article is to establish a housing incentive program and to authorize the director of planning to administer the program and provide financial assistance to eligible applicants for reconstruction of existing homes and construction of new homes.

Sec. 34-208. General Provisions.

There is hereby created a Southside Home Rehabilitation and New Construction Grant Program with the following general provisions:

1. All property receiving incentive funds shall be located within the program area.
2. Applicants must be current on property taxes.
3. There must be no liens on any property owned.
4. Program funds may not be used to make repairs ordered by the Fire Prevention Department.
5. Program funds are reimbursement only, no funds will be awarded prior to completion of the project.
6. This award is disbursed as a forgivable-deferred payment loan with a 0% rate, evidenced by a promissory note payable to the City of Paducah and secured by a mortgage interest in favor of the City of Paducah. The City of Paducah will prepare a promissory note and mortgage to be recorded. The mortgage would be considered second or in some cases third mortgage. The promissory note and mortgage will be for the forgivable-deferred payment loan amount and no cases shall exceed \$27,000. **The homeowner is to reside in the residence for a period of 5 years.** If the homeowner moves or sells the property, this note is to be paid by homeowner at a sliding reduced rate in the following manner:
 - ii. Sale of property less than one year* 100% repayment
 - iii. Sale of property after one year but less than two years* 80% repayment
 - iv. Sale of property after two years but less than three years* 60% repayment
 - v. Sale of property after three years but less than four years* 40% repayment
 - vi. Sale of property after four years but less than five years* 20% repayment
 - vii. Sale of property more than five years* 0% repayment
* from the date the documents are signed.
7. The forgivable-deferred payment loan shall only be available to property owners who reside on the premises as their primary residence.
8. Forgivable-deferred payment loan shall not exceed 20% of the eligible expenses of the improvement.

9. Forgivable-deferred payment loan amount shall not exceed \$27,000.
10. Total project costs shall be a minimum of \$50,000 to be eligible for a forgivable-deferred payment loan.
11. By law, the City of Paducah is required to report all grant funds as taxable income. A 1099 will be issued to any entity receiving grant funds.
12. All applications will be entered into the digital permitting system for tracking purposes. Fire Prevention will provide a technical review to determine the requirement of construction permits. If a permit is required, applicants will be notified within the issued grant award letter. Any associated permit fees through the Fire Prevention Department will be eligible for reimbursement.
13. Applicants will be required to agree to allow all illustrations, photographs, or other images of the project may be used for reports, publications and advertisements, both in print and electronic. All submittals are subject to open records requests.
14. The Planning Department staff will provide administrative support related to the project, such as advertising for applications, reviewing applications, providing staff support for administrative or board approval for awarding funds, working with applicant as necessary to ensure completion of the proposed project, and assisting applicant with the request for reimbursement and payment of the grant funds once that project is complete.
15. A grant letter indicating conditional approval should be received prior to the commencement of work, otherwise funding is not guaranteed. Planning Department Staff will be responsible for ensuring that the allocation of grant funds never exceeds the project allocations.
16. Work completed prior to the award will not be eligible for reimbursement.

Sec. 34-209. Funding.

The City of Paducah may make annual budgetary appropriations as it deems necessary to fund the programs established by the article and the administrative costs associated therewith. Allocation to this program shall not exceed 75% of the annual budget.

Sec. 34- 210 Southside Home Rehabilitation and New Construction Incentive Program Details.

1. **Administration of the Southside Rehabilitation and New Construction Incentive – Planning Department Staff shall:**
 - a. Prepare the necessary forms for the administration of the grant including application, and any other documents necessary for the administration of the program.
 - a. Provide limited technical assistance to the applicants throughout the process.
 - b. Review for eligibility applications based on the requirements and, by the data, provided make recommendation to the Planning Director for final approval.
 - c. Follow up with the applicant and provide support throughout the process until final disbursement is complete.

2. **Program Parameters include:**

- a. The grant provides a reimbursement in the form of a forgivable, 0% interest loan to be applied toward an applicant's investment in their property.
 - i. Minimum: Minimum investment threshold for projects is \$50,000 in value.
 - ii. Maximum: While there is no maximum investment, grant awards will match up to 20% of eligible expenses. Criteria for reimbursement levels are as follows:
 - o Eligible projects may be awarded 15% of the eligible expenses of the project, with a maximum award amount of \$20,000.
 - o Eligible projects choosing to participate in the optional *Beyond Code* program as outlined by Fire Prevention will be eligible for an additional 5% award for adhering to the 2021 IECC energy standard building codes. This award tier caps at 20% of the eligible expenses of the project, with a maximum award amount of \$27,000.
- b. Only owner-occupied units will be eligible to receive funds.
- c. Required permits shall be obtained for each project as applicable. Any associated permit fees through the Fire Prevention Department may be included as a project expense.
- d. The funds will only be awarded after completion of the approved project.
- e. The project must be completed within 1 year of the date listed on the award letter unless a request for extension is submitted and an approval of the extension is granted. If the project is not complete and an extension is not granted, the applicant will be notified by letter and the allocated funds will be released and made available for distribution in the next round of applications.

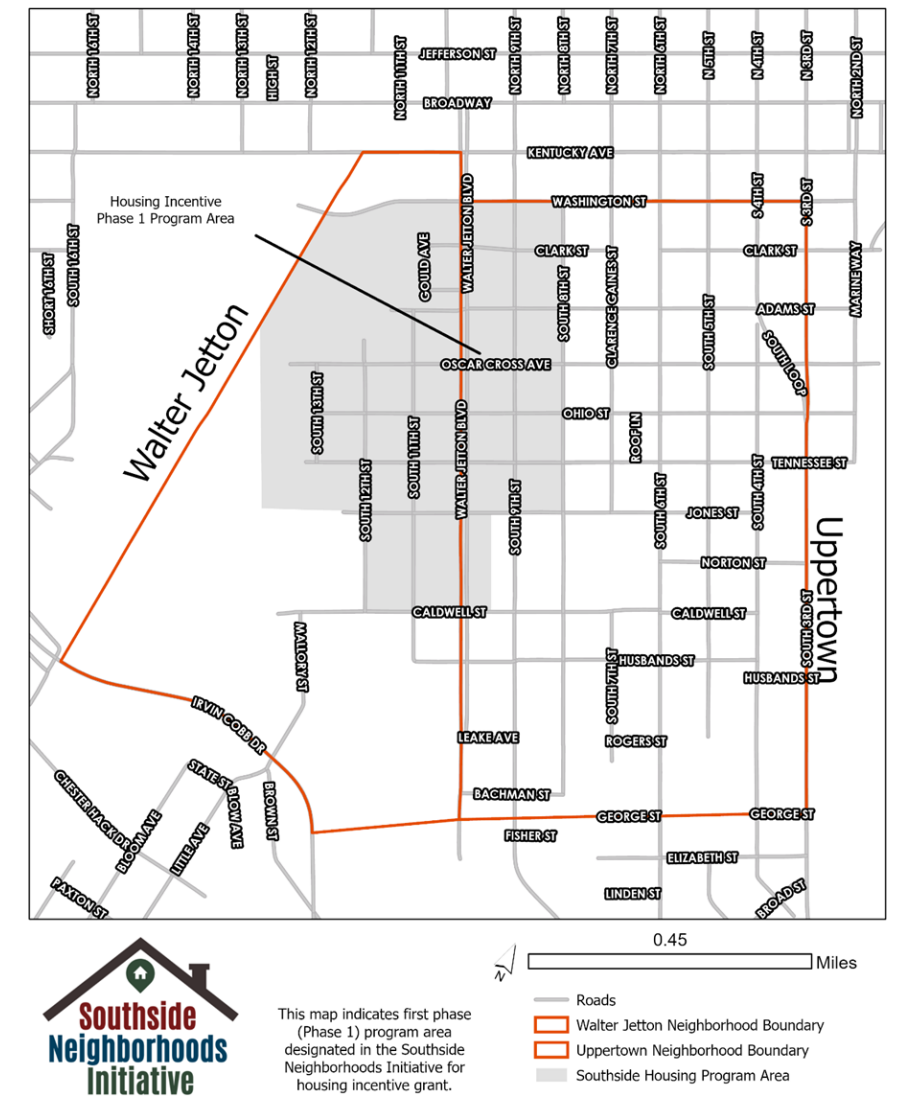
3. **Application Process:**

- a. Applications shall be submitted to the Planning Department. In addition to the application, the following attachments will be required:
 - i. Photographs showing the existing condition of the proposed project.
 - ii. A completed W-9.
 - iii. Detailed plans for the proposed project including but not limited to:
 - o Detailed description of the planned improvement.
 - o Drawing of the proposed changes.
 - iv. Proof of financial availability to complete the project.
 - v. Any other documentation supporting the applicants request for program funds.
- b. **Examples of eligible improvements include:**
 - i. Structural rehabilitation or improvements to the existing foundation or walls
 - ii. Energy saving upgrades to the structure (not appliances)
 - iii. Exterior façade upgrades

- iv. Replacement windows at the same size or greater
 - v. Interior upgrades (i.e. remodeling rooms or upgrading plumbing or electrical)
 - vi. Construction of additional dwelling units
 - vii. New residential construction
- 4. Work considered routine maintenance will not be eligible for grant funds. Examples of routine maintenance include:
 - a. Cleaning/Power Washing/Cleaning Gutters
 - b. Mowing/ Pruning existing shrubs-replacing old mulch
 - c. Grading gravel driveways
 - d. Any repairs ordered by the Fire Prevention Department.
- 5. Incomplete applications will not be considered. An application that does not include all the required documentation will be considered incomplete.
- 6. **Application for reimbursement:** Up to 20% of project costs shall be paid upon completion of project in accordance with a certificate of occupancy issued by the Department of Fire Prevention, based upon the permitted value, with any additional funding from optional program participation. The forgivable-deferred payment loan shall be tied to the issuance of a certificate of completion. Request for reimbursement shall include:
 - i. Application for reimbursement signed by the applicant.
 - ii. Affidavit signed by the contractor attesting to the following:
 - o Receipt of payment in full.
 - o Construction was in accordance with manufacturer's standards.
 - o Certification that the statements are true and correct to the best of their knowledge.
 - o Proof that eligible costs have been paid in full to any sub-contractors and suppliers.
 - iii. Certificate of Completion/verification of completion by the City Inspector (if applicable).
 - iv. Pictures of completed project.
- 7. **Disbursement of Funds:**
 - a. Upon satisfactory completion of the project as outlined in the award letter, receipt of request for reimbursement and all supporting documents, staff will review and notify attorney to prepare note and mortgage.
 - b. The disbursement will be made within 14-21 days of notification that all documents are approved and legal documents are ready for signatures. Failure to submit a complete request for disbursement will delay the issuance payment.

Exhibit 2 – Phase 1 Program Area

Exhibit 2 defines the program area of the first phase (Phase 1) of this incentive program. Future areas will be determined as per neighborhood plan adoption.



Secs. 34-211 – 34-220 Reserved.

SECTION 3. That Chapter 34, Community Planning and Development, of the Code of Ordinances of the City of Paducah, Kentucky, is hereby amended to create Article XII, Southside Home Repair Microgrant, as follows:

ARTICLE XII. SOUTHSIDE HOME REPAIR MICROGRANT

Sec. 34-221. Title.

This article shall be known as the Southside Home Repair Microgrant. This fund will be opened when applicable to the areas outlined in Attachment A, known as the “program area”, as a part of the larger Southside Neighborhoods Initiative

Sec. 34-222. Purpose.

The purpose of this article is to provide homeowners within the program areas with matching grant funds to assist in the immediate repair of their homes and to increase the quality of the Southside Neighborhoods housing supply. The microgrant will enable owners to enact projects that focus on the repair or improvement of the structure, landscape, or exterior façade of their property.

Sec. 34-223. General Provisions.

There is hereby created the following General regulations for this microgrant program:

1. All property receiving microgrants shall be located within the program area.
2. Applicants must be current on property taxes.
3. There must be no liens on any property owned.
4. Grant funds may not be used to make repairs ordered by the Fire Prevention Department.
5. Grant funds are reimbursement only, no funds will be awarded prior to completion of the project.
6. Work completed prior to the award will not be eligible for reimbursement.
7. By law, the City of Paducah is required to report all grant funds as taxable income. A 1099 will be issued to any entity receiving grant funds.
8. All applications will be entered into the digital permitting system for tracking purposes. Fire Prevention will provide a technical review to determine the requirement of construction permits. If a permit is required, applicants will be notified within the issued grant award letter. Any associated permit fees through the Fire Prevention Department will be eligible for reimbursement.
9. Applicants will be required to agree to allow all illustrations, photographs, or other images of the project may be used for reports, publications and advertisements, both in print and electronic. All submittals are subject to open records requests.
10. The Planning Department staff will provide administrative support related to the project, such as advertising for applications, reviewing applications, providing staff support for administrative or board approval for awarding funds, working with applicant as necessary to ensure completion of the proposed project, and assisting applicant with the request for reimbursement and payment of the grant funds once that project is complete.
11. A grant letter indicating conditional approval of funding should be received prior to the commencement of work, otherwise funding is not guaranteed. Planning Department Staff will be responsible for ensuring that the allocation of grant funds never exceeds the project allocations.

Sec. 34-224. Funding.

The City of Paducah may make annual budgetary appropriations as it deems necessary to fund the programs established by the article and the administrative costs associated therewith. Allocation to this program shall not exceed 25% of the annual budget.

Sec. 34-225. Southside Home Repair Microgrant Program Details.

1. Administration of the Southside Home Repair Microgrant – Planning Department Staff shall:

- a. Prepare the necessary forms for the administration of the grant including application, and any other documents necessary for the administration of the grant.
- b. Provide limited technical assistance to the applicants throughout the process.
- c. Review for eligibility applications based on the requirements and, by the data, provided make recommendation to the Planning Director for final approval.
- d. Follow up with the applicant and provide support throughout the process until final reimbursement is complete.

2. Program Parameters include:

- a. The grant provides a dollar for dollar match towards an applicant's investment (i.e. 50/50 split).
 - i. Minimum: Minimum investment threshold for projects is \$500, that will be matched with a \$250 award.
 - ii. Maximum: While there is no maximum investment, grant awards will match up to \$5,000 of the first \$10,000 investment.
- b. Only property owners will be eligible for grant funds unless owner(s) provides in writing to the tenant for authorization to contract and pay for proposed repairs/additions and agrees to the tenant receiving the grant funds.
- c. Permits shall be obtained for the work to be completed, if required. Any associated permit fees through the Fire Prevention Department may be included as a project expense.
- d. The funds will only be awarded after completion of the approved project.
- e. The project must be completed within 60 days of the date listed on the award letter unless a request for extension is submitted and an approval of the extension is granted. If the project is not complete and an extension is not granted, the applicant will be notified by letter and the allocated funds will be released and made available for distribution in the next round of applications.

3. Application Process:

- a. Applications may be submitted to the Planning Department. In addition to the application, the following attachments will be required:
 - i. Photographs showing the existing condition of the proposed project.
 - ii. A completed W-9.
 - iii. Detailed plans for the proposed project including but not limited to:
 - o Detailed description of the planned improvement.
 - o Drawing of the proposed changes.
 - iv. Any other documentation supporting the applicants request for grant funds.
- b. **Examples of eligible improvements include:**
 - i. Repair or replacement of siding or exterior finishing
 - ii. Repair or construction of porches or accessibility ramps

- iii. Transom, window, door replacements at the same size or greater
- iv. Repair or replacement of architectural details
- v. Exterior painting (except for applying paint to unpainted brick)
 - o Priority will be given to applicants proposing to paint the entire structure.
- vi. Exterior lighting fixtures
- vii. Driveway culvert repair
- viii. Mature tree repair by a licensed arborist
- ix. New landscaping will be considered an eligible expense only if it comprises no more than 20% of the total project budget
- c. Work considered routine maintenance will not be eligible for grant funds.
Examples of routine maintenance include:
 - i. Cleaning/Power Washing/Cleaning Gutters
 - ii. Mowing/ Pruning existing shrubs, replacing old mulch
 - iii. Any repairs ordered by the Fire Prevention Department
- d. Incomplete applications will not be considered. An application that does not include all the required documentation will be considered incomplete.

4. **Review and Approval Process:**

- a. Applications for funds under the Southside Home Repair Microgrant will be reviewed by the following criteria:

<u>Criteria</u>	<u>Description</u>	<u>Points Possible</u>
<u>High Impact</u>	Rated on a scale of 0-4 points. <u>0 = Does not apply.</u> <u>1 = Improvements create visual appeal.</u> <u>2 = Improvements create lasting visual impact.</u> <u>3 = Improvements create safer living conditions.</u> <u>4 = Improvements stabilize the structure (foundation, roof, etc).</u>	<u>5 points</u>
<u>Urgency of the need to stabilize the structure.</u>	Rated on a scale of 0-5. <u>0 = No urgency, repair is optional.</u> <u>1 = Some urgency, repair is needed.</u> <u>2 = More urgent, repair must be timely.</u> <u>3 = Urgent, repair must be made immediately.</u> <u>4 = Very urgent, replacement must be considered.</u> <u>5 = Most urgent, replacement must be made immediately.</u>	<u>5 points</u>
<u>Visual/Architectural Integrity that enhance the building's historic appearance.</u>	Rated on a scale of 0-2. <u>0 = Improvement degrades architectural integrity.</u> <u>1 = Improvement neither degrades or improves architectural integrity.</u> <u>2 = Improvement improves architectural integrity.</u>	<u>2 points</u>
<u>Capital commitment of the owner</u>	Rated on a scale of 0-2 points. <u>0 = Does not apply.</u> <u>1 = Owner will complete this project only.</u>	<u>2 points</u>

<u>rehabilitate the entire structure.</u>	<u>2 = Owner will complete additional investment.</u>	
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Upon approval applicant will be notified by letter of the grant award.

5. Request for Reimbursement:

- a. Upon completion of the proposed work the applicant will apply for reimbursement of funds. Reimbursement requests shall include the following:
 - i. Application for reimbursement signed by the applicant.
 - ii. An affidavit signed by the contractor attesting to the following:
 - o Receipt of payment in full.
 - o Construction was in accordance with manufacturer's standards.
 - o Certification that the statements are true and correct to the best of their knowledge.
 - o All eligible costs have been paid in full to any sub-contractors and suppliers.
 - iii. Certificate of completion/occupancy from Fire Prevention if needed.
 - iv. Pictures of completed project.

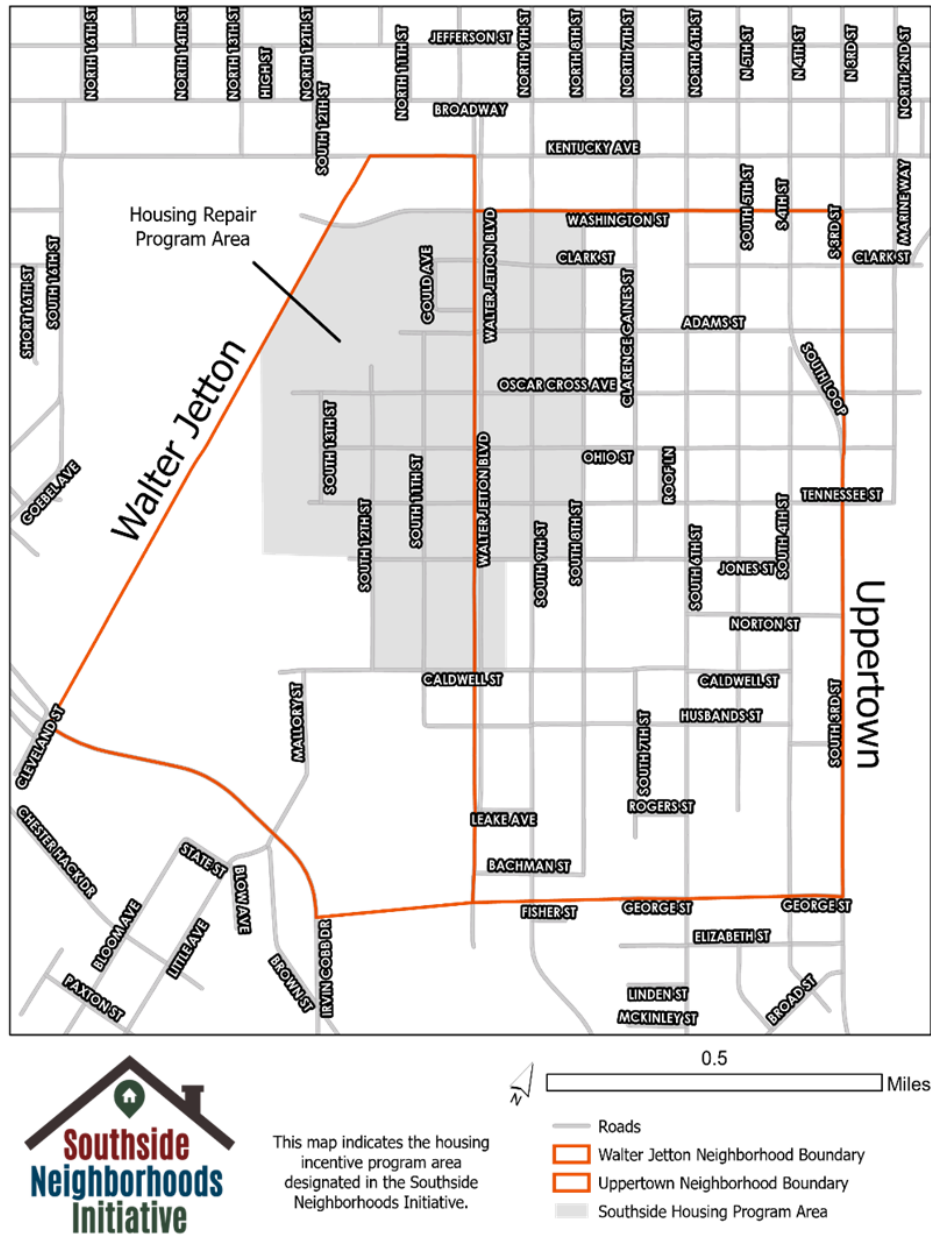
(OR)

- i. Invoices for materials with proof of payment (receipt or cancelled check)
Note: copy of check will not be considered proof of payment unless both sides of the cancelled check are provided.
- ii. Certificate of Completion/verification of completion by the City Inspector (if applicable).
- iii. Pictures of completed project.

6. **Disbursement:** Reimbursement will be made between 14 and 21 days upon satisfactory completion of the project and of receipt of complete reimbursement request including all required attachments. Failure to submit a complete request for reimbursement will delay the issuance payment.

Exhibit 3 – Phase 1 Program Area

The program area of the first phase (Phase 1) of this grant program is shown below in Exhibit 3. Future areas will be determined as per neighborhood plan adoption.



Secs. 34-226 – 34-240 Reserved.

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

SECTION 5. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. Effective Date. 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, _____
Adopted by the Board of Commissioners, _____
Recorded by City Clerk, _____
Published by *The Paducah Sun*,
ord/34 Southside Incentives

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: FY2023 Budget Amendment in the amount of \$650,000 from Investment Fund Fund Balance Reserve to be used for City Facilities Improvements (PF0079) - **D. JORDAN**

Category: Ordinance

Staff Work By: Daron Jordan, Michelle Smolen, Jonathan Perkins, Audra Herndon
Presentation By: Daron Jordan

Background Information: With the FY2023 budget, the City Commission appropriated \$400,000 to the '*City Facilities Improvement Project (PF0079)*' set aside for future use for major facility improvements. In order to make such improvements, sufficient funds must be accumulated. Future budgets will likely contain additional annual funding, but may take many years to be of sufficient value to take on major improvement projects. To further enhance the project's available balance, it is recommended that \$650,000 from the Investment Fund be transferred to this project funded with FY2023 Investment Fund reserves. Focusing on upgrading city facilities and planning for new facilities is a Commission priority.

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

If yes, please list the Commission Priority: City Facilities

Communications Plan:

Funds Available: Account Name: Investment Fund to City Improvements Project

Account Number: PF0079

Staff Recommendation: Staff recommends for approval to amend the FY2023 Investment Fund budget by moving \$650,000 from Fund Balance Reserves to the City Improvement project (PF0079).

Attachments:

1. ORD - budget amend FY2023 – Transfer from Fund Balance Reserves to City Improvements Project

ORDINANCE NO. 2023-____ - _____

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

WHEREAS, the FY2023 budget, the City Commission appropriated \$400,000 to the 'City Facilities Improvement Project (PF0079)' set aside for future use for major facility improvements; and

WHEREAS, the City Commission now wishes to amend the FY2023 budget to move \$650,000 from Fund Balance Reserves to the City Improvements Project in order to enhance the project’s available balance.

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

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

- Move \$650,000 from Fund Balance Reserves to City Improvement Project, PF0079.

SECTION 2. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, June 13, 2023

Adopted by the Board of Commissioners, _____

Recorded Lindsay Parish, City Clerk, _____

Published by *The Paducah Sun*, _____

\\ord\\finance\\budget amend FY2023 – Transfer from Fund Balance Reserves to City Improvements Project

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Authorize the Closing of 33,517 Square Feet of Old Coleman Road Between 3200, 3204 & 3226 Coleman Road - **R. MURPHY**

Category: Ordinance

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

Background Information: The following adjacent property owners have submitted an executed application requesting the closure of 33,517 Square Feet of Old Coleman Road Between 3200, 3204 & 3226 Coleman Road:

- Philip Higdon, Higdon Development Inc
- Dustin Hancock, R & S Inc

On June 5, 2023, the Paducah Planning Commission held a public hearing and made a positive recommendation to the City Commission for this closure. All of the utility companies have agreed to this closure with all tracts remaining as public utility easements.

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 closing of 33,517 Square Feet of Old Coleman Road Between 3200, 3204 & 3226 Coleman Road, and authorizing the Mayor to execute the closure plat and all necessary documents to complete the transfer of property to the adjacent property owners.

Attachments:

1. ORD Closure 3200, 3204 & 3226 Coleman Road
2. Old Coleman Road App
3. 23050 HIGDON ROAD CLOSURE
4. Coleman Rd_3200-3204_PC Resolution

ORDINANCE NO. 2023-_____ - _____

AN ORDINANCE PROVIDING FOR THE CLOSING OF 33,517 SQUARE FEET OF OLD COLEMAN ROAD BETWEEN 3200, 3204 AND 3226 COLEMAN ROAD 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 33,517 Square Feet of Old Coleman Road between 3200, 3204 and 3226 Coleman Road as follows:

LEGAL DESCRIPTION OF TRACT “A” (0.19 ACRES)

Lying on the Northeasterly side of Relocated Coleman Road and being part of the Old Coleman Road as shown on Plat Section “K”, page 1126 and Plat Section “K”, page 1637, McCracken County Clerks (sic) office, City of Paducah, McCracken County, Kentucky and more particularly bounded and described as follow to wit: Beginning at a ½” rebar with cap 3861 set in the Northeasterly right-of-way line of Relocated Coleman Road at its intersection with the Easterly right-of-way line of Old Coleman Road, said Point being at the Northwestern corner of the McDonalds Real Estate Company property per Deed Book 1223, page 31 and the Southwesterly corner of Tract III per Plat Section “J”, page 1084 and having Kentucky State Plane Coordinates (South Zone 1602 – NAD 83) of: Northing 1925738.654 and Easting 786472.755; THENCE FROM SAID POINT OF BEGINNING N 26°45'45" W with the Northeasterly right-of-way line of said Relocated Coleman Road 73.42 feet to a 1/2 inch rebar with cap No. 3861, set at its intersection with the centerline of Old Coleman Road; thence Northeastwardly with the centerline meanders of said Old Coleman Road for the following 2 calls: N 09°14'02" E 78.45 feet to a 1/2 inch rebar with cap No. 3861 set; and N 22°15'42" E 176.54 feet to a 1/2 inch rebar with cap No. 3861 set; thence S 64°37'33" E on a new division line a distance of 15.05 feet to a 1/2 inch rebar with cap No. 3861 set in the Easterly right-of-way line of said Old Coleman Road and the Westerly line of the R & S Inc. property per Deed Book 920, page 689 and shown as Tract III per Plat Section “J”, page 1084; thence Southwestwardly with the Easterly right-of-way line of said Old Coleman Road and the Westerly line of said R & S Inc. property per Deed Book 920, page 689 and Tract III per Plat Section “J”, page 1084 for the following 2 calls: 13°55'57" W 177.30 feet to a 1/2 inch rebar with cap No. 3861 set at the beginning of a curve to the left having a radius of 246.48 feet; and Southwestwardly with said curve to the left (a chord being S 7°42'47" W 129.01 feet) a distance of 130.53 feet to the Point of Beginning and containing 0.19 Acres.

LEGAL DESCRIPTION OF TRACT “B” (0.56 ACRES)

Lying on the Northeasterly side of Relocated Coleman Road and being part of the Old Coleman Road as shown on Plat Section “K”, page 1126 and Plat Section “K”, page 1637,

McCracken County Clerks (sic) office, City of Paducah, McCracken County, Kentucky and more particularly bounded and described as follow to wit:

Beginning at a ½" rebar with cap 3861 set in the Northeasterly right-of-way line of Relocated Coleman Road at its intersection with the Southwesterly right-of-way line of Old Coleman Road as shown on Plat Section "K", page 1126 and having Kentucky State Plane Coordinates (South Zone 1602 – NAD 83) of: Northing 1925869.772 and Easting 786406.630; THENCE FROM SAID POINT OF BEGINNING Northeastwardly and Northwestwardly with the Southwesterly right-of-way line of said Old Coleman Road for the following 5 calls: N 16°12'54" E 28.15 feet to an existing concrete monument; N 30°29'21" E 179.49 feet to a 1/2 inch rebar with cap No. 3861 set; N 20°07'58" E a distance of 33.52 feet to a 1/2 inch rebar with cap No. 3861 set at the beginning of a curve to the left having a radius of 40.00 feet; Northwestwardly with said curve to the left (a chord being N 18°45'53" W 50.12 feet) a distance of 54.16 feet to a 1/2 inch rebar with cap No. 3861 set at the end of said curve; and N 57°33'15" W 435.58 feet to a ½" rebar with cap 3861 set in the Northeasterly right-of-way line of aforesaid Relocated Coleman Road; thence N 28°55'54" W with the Northeasterly right-of-way line of said Relocated Coleman Road 62.63 feet to a ½" rebar with cap 3861 set at the intersection with the Northerly right-of-way line of said Old Coleman Road; thence Southeastwardly with the Northerly right-of-way line of said Old Coleman Road for the following 3 calls: S 57°33'15" E 490.55 feet to a ½" rebar with cap 3861 set at the beginning of a curve to the right having a radius of 70.00 feet; Southeastwardly with said curve to the right (a chord being S 18°45'53" E 87.70 feet) a distance of 94.78 feet to a ½" rebar with cap 3861 set at the end of said curve; and S 20°10'16" W 36.33 feet to a ½" rebar with cap 3861 set in the Westerly line of the R & S Inc. property per Deed Book 920, page 689 and shown as Tract III per Plat Section "J", page 1084; thence N 64°37'33" W on a new division line 15.05 feet to a ½" rebar with cap 3861 set in the centerline of Old Coleman Road; thence Southwestwardly with the centerline of said Old Coleman Road for the following 2 calls: S 22°15'42" W 176.54 feet to a ½" rebar with cap set; and S 9°14'02" W 78.45 feet to a ½" rebar with cap 3861 set in the Northeasterly right-of-way line of aforesaid Relocated Coleman Road; thence N 26°45'45" W with the Northeasterly right-of-way line of said Coleman Road 73.42 feet to the Point of Beginning and containing 0.56 Acres.

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. Philip Higdon, Higdon Development, Inc., and Dustin Hancock, R & S, Inc., adjacent property owners, have submitted an executed application requesting the closure of 33,517 Square Feet of Old Coleman Road between 3200, 3204 and 3226 Coleman Road.
- b. Philip Higdon, Higdon Development, Inc., and Dustin Hancock, R & S, Inc., are the only property owner in or abutting the public way; and therefore, have given their written and notarized consent to the closing as is evidenced by the Public Right-of-Way Closure Application attached hereto and made part hereof (Exhibit A).

- c. On the 5th day of June, 2023, the Paducah Planning Commission of the City of Paducah held a public hearing and made a positive recommendation to the City Commission for this closure with all tracts remaining as public utility easements.

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 a quitclaim deed from the City of Paducah 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, June 27, 2023

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

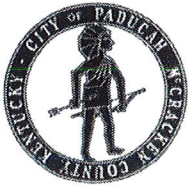
Published by The Paducah Sun, _____

\ord\eng\st close\ Closure 3200, 3204 & 3226 Coleman Road

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. _____ adopted by the Board of Commissioners of the City of Paducah at a meeting held on _____.

City Clerk



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

Date: June 5th, 2023

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

Public Right-of-Way: Old Coleman Road

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:

C. Philip Higdon
Signature of Property Owner

Higdon Development, Inc.

Property Owner's Name Printed

3230 Coleman Road

Address

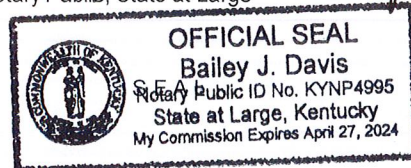
STATE OF KENTUCKY)
COUNTY OF McCRACKEN)

The foregoing instrument was sworn to and acknowledged
before me this 10th day of June, 2023,
by C. Philip Higdon

My Commission expires

April 27, 2024

Bailey J. Davis
Notary Public, State at Large



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

Signature of Property Owner

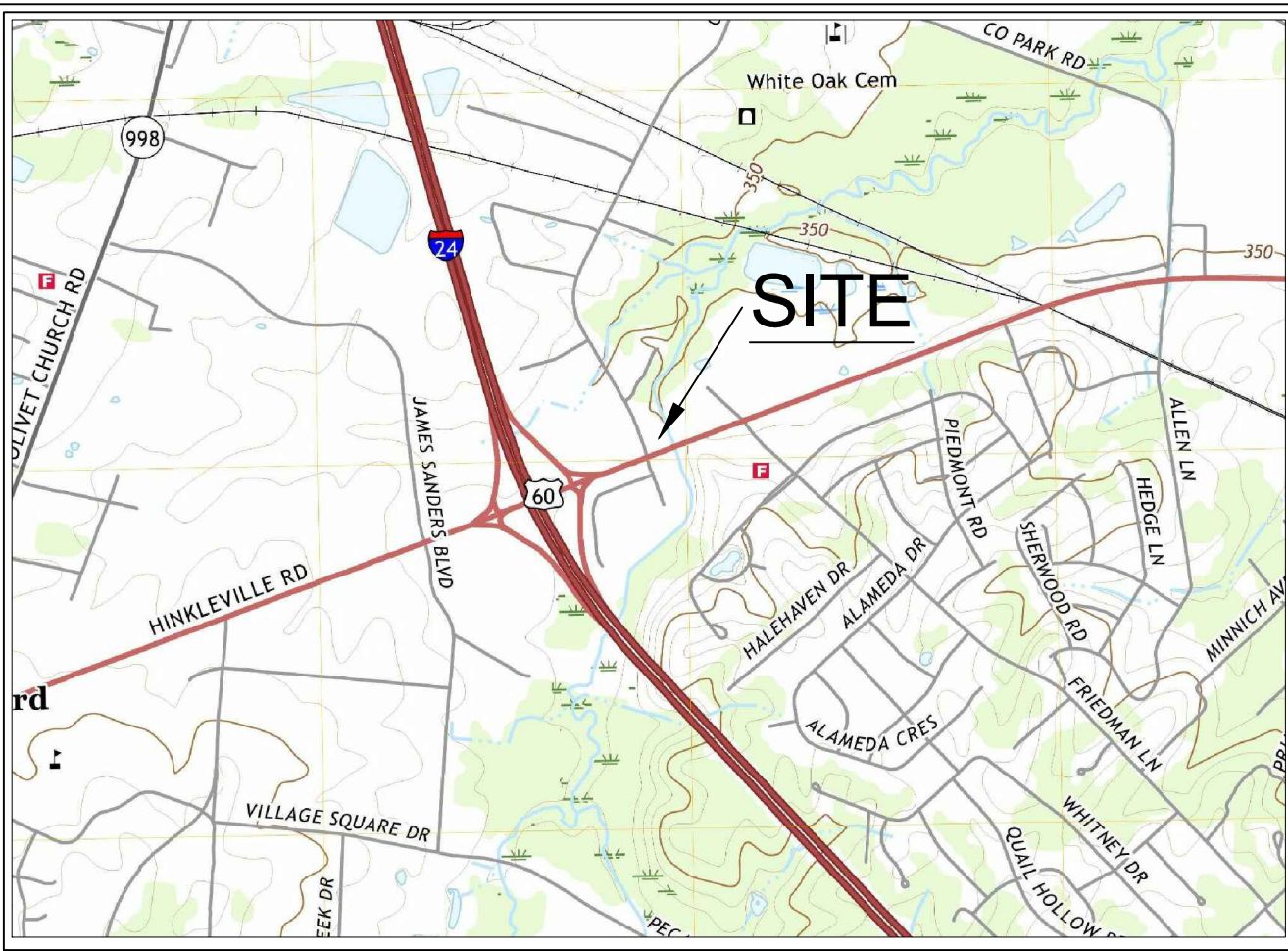
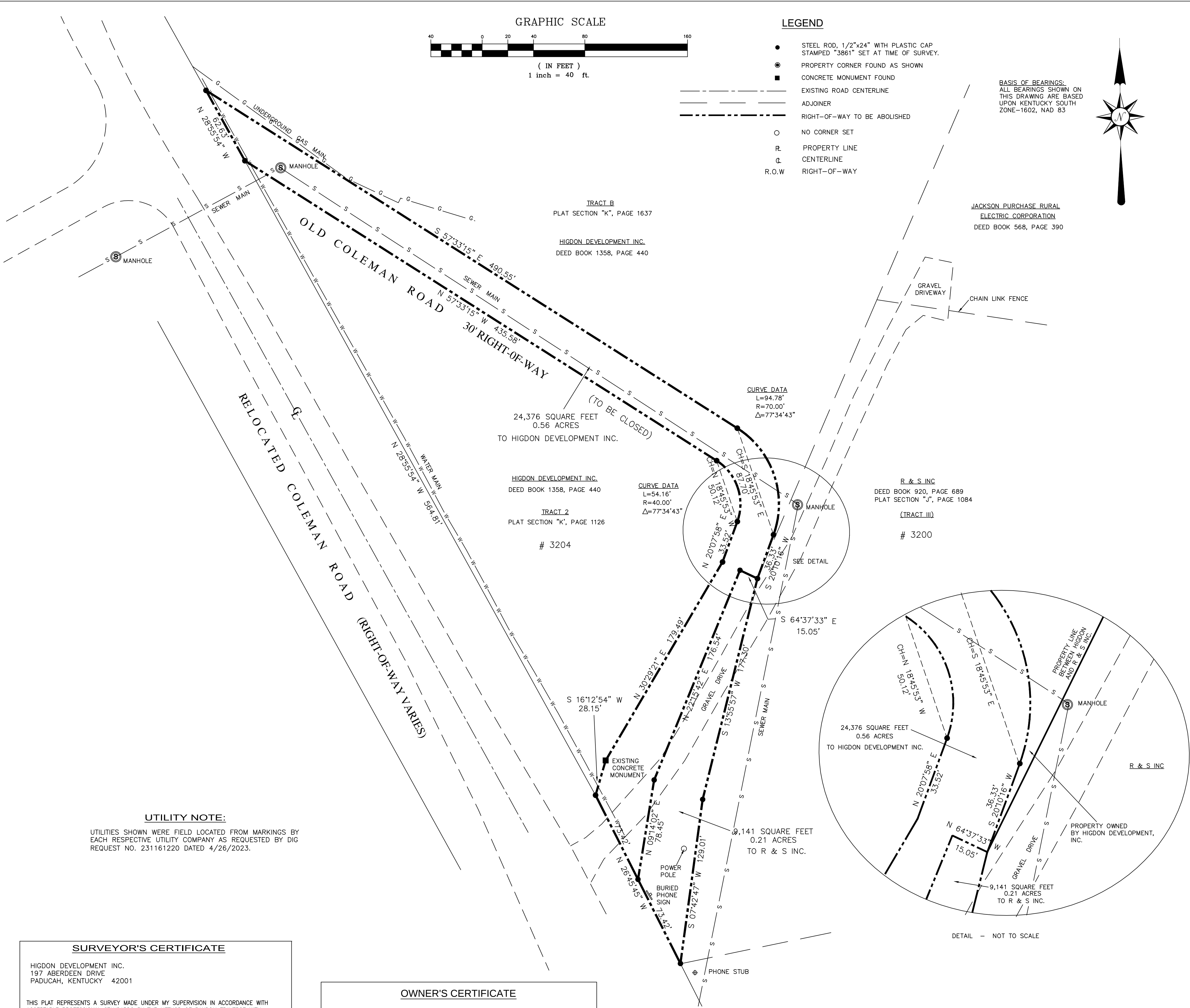
R&S, Inc.

Property Owner's Name Printed

3805 Hinkleville Road

Address

SEAL



SURVEYOR'S CERTIFICATE

HIGDON DEVELOPMENT INC.
197 ABERDEEN DRIVE
PADUCAH, KENTUCKY 42001

THIS PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION IN ACCORDANCE WITH ACCEPTABLE PROFESSIONAL STANDARDS BY THE METHOD OF RANDOM TRAVERSE WITH SIDESHOTS HAVING AN UNADJUSTED CLOSURE RATIO OF 1:____ BEFORE ADJUSTMENT OF ADJUSTED ANGULAR AND LINEAR DIMENSIONS HEREON INDICATED, FOR AN URBAN SURVEY AS DEFINED BY THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN KENTUCKY, THE INFORMATION SHOWN BY THIS PLAT BEING TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF SURVEY COMPLETION _____

DATE OF SIGNATURE _____

KENTUCKY PROFESSIONAL LAND SURVEYOR #3861

OWNER'S CERTIFICATE

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF RECORD OF THE PROPERTY SHOWN HEREON AND THAT (WE) APPROVE THIS PLAN OF SUBDIVISION WITH MY(OUR) FREE CONSENT.

OWNER _____ DATE _____

OWNER _____ DATE _____

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF KENTUCKY - COUNTY OF _____

I, _____, 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 _____, 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 ____ DAY OF _____, 2023.

NOTARY PUBLIC SIGNATURE: _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL

UNDER THE AUTHORITY PROVIDED BY KRS CHAPTER 100, ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PADUCAH, THIS PLAT HAS BEEN ACCEPTED AS FOLLOWS.

APPROVED BY PADUCAH, PLANNING AND ZONING DEPARTMENT ON THE ____ DAY OF _____, 20____.

SECRETARY OF THE PLANNING AND ZONING COMMISSION

_____	Signature	_____	Title
Paducah Water	Company	_____	date:
_____	Signature	_____	Title
Atmos Energy	Company	_____	date:
_____	Signature	_____	Title
Paducah Power System	Company	_____	date:
_____	Signature	_____	Title
Comcast Cable	Company	_____	date:
_____	Signature	_____	Title
AT&T Telephone	Company	_____	date:
_____	Signature	_____	Title
Paducah-McCracken JSA	Company	_____	date:
_____	Signature	_____	Title
City of Paducah	Company	_____	date:

APPLICATION TO VACATE AND CLOSE STREET

THE PLAT OF SURVEY SHOWN HEREON REPRESENTS A BOUNDARY SURVEY AND COMPLIES WITH 201 KAR 18:150

PROPERTY OF:
HIGDON DEVELOPMENT INC.
LOCATED AT 3230 COLEMAN ROAD
CITY OF PADUCAH, McCRACKEN COUNTY, KENTUCKY

PROJECT NO.: 23050

DATE: 4/13/2023

DRAWN BY: DG

CHECKED BY: SCC

REV.	DESCRIPTION

A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED CLOSING OF 33,517 SQUARE FEET OF OLD COLEMAN ROAD BETWEEN 3200, 3204 & 3226 COLEMAN ROAD.

WHEREAS, a public hearing was held on June 5, 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 33,517 square feet of Old Coleman Road between 3200, 3204 & 3226 Coleman Road.

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:

LEGAL DESCRIPTION

OF

TRACT "A" (0.19 ACRES)

Lying on the Northeasterly side of relocated Coleman Road and being part of the Old Coleman Road as shown on Plat Section "K", page 1126 and Plat Section "K", page 1637, McCracken County Clerk's office, City of Paducah, McCracken County, Kentucky and more particularly bounded and described as follow to wit:

Beginning at a ½" rebar with cap 3861 set in the Northeasterly right-of-way line of Relocated Coleman Road at its intersection with the Easterly right-of-way line of Old Coleman Road, said Point being at the Northwestern corner of the McDonalds Real Estate Company property per Deed Book 1223, page 31 and the Southwesterly corner of Tract III per Plat Section "J", page 1084 and having Kentucky State Plane Coordinates (South Zone 1602 – NAD 83) of: Northing 1925738.654 and Easting 786472.755; THENCE FROM SAID POINT OF BEGINNING N 26°45'45" W with the Northeasterly right-of-way line of said relocated Coleman Road 73.42 feet to a 1/2 inch rebar with cap No. 3861, set at its intersection with the centerline of Old Coleman Road; thence Northeastwardly with the centerline meanders of said Old Coleman Road for the following 2 calls: N 09°14'02" E 78.45 feet to a 1/2 inch rebar with cap No. 3861 set; and N 22°15'42" E 176.54 feet to a 1/2 inch rebar with cap No. 3861 set; thence S 64°37'33" E on a new division line a distance of 15.05 feet to a 1/2 inch rebar with cap No. 3861 set in the Easterly right-of-way line of said Old Coleman Road and the Westerly line of the R & S Inc. property per Deed Book 920, page 689 and shown as Tract III per Plat Section "J", page 1084; thence Southwestwardly with the Easterly right-of-way line of said Old Coleman Road and the Westerly line of said R & S Inc. property per Deed Book 920, page 689 and Tract III per Plat Section "J", page 1084 for the following 2 calls: S 13°55'57" W 177.30 feet to a 1/2 inch rebar with cap No. 3861 set at the beginning of a curve to the left having a radius of 246.48 feet; and Southwestwardly with said curve to the left (a chord being S 7°42'47" W 129.01 feet) a distance of 130.53 feet to the Point of Beginning and containing 0.19 Acres.

LEGAL DESCRIPTION

OF

TRACT "B" (0.56 ACRES)

Lying on the Northeasterly side of relocated Coleman Road and being part of the Old Coleman Road as shown on Plat Section "K", page 1126 and Plat Section "K", page 1637, McCracken County Clerk's office, City of Paducah, McCracken County, Kentucky and more particularly bounded and described as follow to wit:

Beginning at a ½" rebar with cap 3861 set in the Northeasterly right-of-way line of relocated Coleman Road at its intersection with the Southwesterly right-of-way line of Old Coleman Road as shown on Plat Section "K", page 1126 and having Kentucky State Plane Coordinates (South Zone 1602 – NAD 83) of:

Northing 1925869.772 and Easting 786406.630; THENCE FROM SAID POINT OF BEGINNING Northeastwardly and Northwestwardly with the Southwesterly right-of-way line of said Old Coleman Road for the following 5 calls: N 16°12'54" E 28.15 feet to an existing concrete monument; N 30°29'21" E 179.49 feet to a 1/2 inch rebar with cap No. 3861 set; N 20°07'58" E a distance of 33.52 feet to a 1/2 inch rebar with cap No. 3861 set at the beginning of a curve to the left having a radius of 40.00 feet; Northwestwardly with said curve to the left (a chord being N 18°45'53" W 50.12 feet) a distance of 54.16 feet to a 1/2 inch rebar with cap No. 3861 set at the end of said curve; and N 57°33'15" W 435.58 feet to a 1/2" rebar with cap 3861 set in the Northeasterly right-of-way line of aforesaid Relocated Coleman Road; thence N 28°55'54" W with the Northeasterly right-of-way line of said Relocated Coleman Road 62.63 feet to a 1/2" rebar with cap 3861 set at the intersection with the Northerly right-of-way line of said Old Coleman Road; thence Southeastwardly with the Northerly right-of-way line of said Old Coleman Road for the following 3 calls: S 57°33'15" E 490.55 feet to a 1/2" rebar with cap 3861 set at the beginning of a curve to the right having a radius of 70.00 feet; Southeastwardly with said curve to the right (a chord being S 18°45'53" E 87.70 feet) a distance of 94.78 feet to a 1/2" rebar with cap 3861 set at the end of said curve; and S 20°10'16" W 36.33 feet to a 1/2" rebar with cap 3861 set in the Westerly line of the R & S Inc. property per Deed Book 920, page 689 and shown as Tract III per Plat Section "J", page 1084; thence N 64°37'33" W on a new division line 15.05 feet to a 1/2" rebar with cap 3861 set in the centerline of Old Coleman Road; thence Southwestwardly with the centerline of said Old Coleman Road for the following 2 calls: S 22°15'42" W 176.54 feet to a 1/2" rebar with cap set; and S 9°14'02" W 78.45 feet to a 1/2" rebar with cap 3861 set in the Northeasterly right-of-way line of aforesaid Relocated Coleman Road; thence N 26°45'45" W with the Northeasterly right-of-way line of said Coleman Road 73.42 feet to the Point of Beginning and containing 0.56 Acres.

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 June 5, 2023

Agenda Action Form

Paducah City Commission

Meeting Date: June 27, 2023

Short Title: Amend Code of Ordinances Section 6-62 related to the Entertainment Destination Center - L.
PARISH

Category: Ordinance

Staff Work By: Lindsay Parish, Nicholas Hutchison, Angela Schade, Pam Spencer, Michelle Smolen
Presentation By: Lindsay Parish

Background Information: In 2021, the City of Paducah created an Entertainment Destination Center (EDC) in a portion of downtown Paducah to allow patrons to carry alcoholic beverages in EDC-branded cups in the common areas of the designated EDC area. At that time, state law did not allow for those alcoholic beverages to be taken into non-licensed businesses such as retail stores.

House Bill 237 was signed into law on March 21, 2023, and becomes effective on July 1, 2023. House Bill 237 amends KRS 243.020 to allow for the possession and consumption of alcoholic beverages in all businesses located within an Entertainment Destination Center which receive written permission from the EDC license holder (the City of Paducah). This applies to both businesses that hold alcohol licenses and businesses that do not hold alcohol licenses. In order to implement the change at a local level, the City must amend our ordinance to align with the changes to State law.

Businesses will not be required to allow EDC cups in their establishment. Businesses may choose to allow the EDC cups on their premises by requesting written permission from the City. Paducah Main Street will provide participating businesses with a window decal that shows EDC cups are allowed in the business. This will help patrons identify the locations where they can enter with their EDC cups. These changes will also allow for "Sip-and-Shop" promotions in our downtown through Paducah Main Street.

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

If yes, please list the Commission Priority: Downtown.

Communications Plan: Main Street meetings, City website, Commission Meeting highlights, EDC Window Decals, Sip-and-Shop Promotions.

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

Attachments:

1. 6-62 Amend EDC

ORDINANCE NO. 2023-____ - _____

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE III ENTERTAINMENT
DESTINATION CENTER (EDC), OF THE CODE OF ORDINANCES OF THE CITY OF
PADUCAH, KENTUCKY**

WHEREAS, House Bill 237 was signed into law on March 21, 2023, and becomes effective on July 1, 2023; and

WHEREAS, House Bill 237 amends KRS 243.020 to allow the possession and consumption of alcoholic beverages at nonlicensed businesses within or sharing a boundary with an entertainment destination center and at licensed business within or premises sharing a boundary with an entertainment destination center; and

WHEREAS, House Bill 237 also amends KRS 243.020 to limit the alcoholic beverages to those purchased at the entertainment destination center or at a licensee within or sharing a boundary with the entertainment destination center and to require written permission from the entertainment destination center before the alcoholic beverages may be possessed or consumed at that place of business; and

WHEREAS, the City of Paducah now wishes to amend Chapter 6, Alcoholic Beverages, Article III, Entertainment Destination Center (EDC), of the Code of Ordinances of the City of Paducah, Kentucky, to reflect the changes to KRS 243.020.

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

SECTION 1. Chapter 6, Article III, Entertainment Destination Center (EDC), of the Code of Ordinances shall be amended as follows:

Sec. 6-62 - Regulations

A. The City of Paducah shall apply to the Commonwealth of Kentucky Department of Alcoholic Beverage Control for an EDC license and shall be the listed licensee.

B. The City Manager for City of Paducah shall serve as the administrator of the EDC license.

C. An ABC licensee that is located within the EDC and which sells alcoholic beverages shall be required to hold the necessary alcoholic beverage license or licenses for its premises. Only the applicable existing retail drink licenses are required by the State for an ABC licensee to participate in the EDC. There is no additional license required by the State for a business to operate within the EDC.

D. To participate in the EDC, an ABC licensee must submit a written application to the City Manager. After verifying that the ABC licensee has met all of the requirements of the EDC, the City Manager shall enter into a written agreement with the ABC licensee to permit their involvement in the EDC.

1. All ABC licensees approved by the City Manager to operate within the EDC must enter into a written agreement with the City in which ABC licensee agrees to indemnify City and hold City harmless for any incidents which occur as a result of the ABC licensee operating within the EDC, as well as naming the City as an additional insured on the ABC licensee's Liquor Liability Insurance Policy and provide the City a written certification evidencing same.

2. All ABC licensees approved by the City Manager to operate within the EDC must pay a yearly fee.

3. All ABC licensees approved by the City Manager to operate within the EDC must provide supplemental training to all servers and bartenders employed by the ABC licensee. The purpose of this supplemental training will be to educate the employees of the additional regulations the business is subject to as part of the EDC. Proof of this required additional training must be submitted to the City Clerk's Office on or before July 15 of each year.

4. Any EDC Agreement shall automatically terminate upon transfer of the ownership of the EDC licensee. Upon such termination, new ownership will be required to reapply for an EDC license if they desire to participate in the EDC.

5. If permission to participate in the EDC is denied by the City Manager, the ABC licensee may file an appeal of the decision to the Board of Commissioners who will conduct a hearing as to whether to uphold or overturn the decision of the City Manager.

E. During EDC operational hours, customers may leave the premises of an EDC Participating ABC licensee with alcoholic beverage drinks in the EDC branded cups and consume those drinks in any entertainment destination center common area, [~~or at other licensed EDC premises within the EDC, if permitted by the ABC licensee~~] if the City:

1. Possesses the common area;
2. Provides adequate security for the common area;

3. Ensures that the public streets are controlled in a manner that ensures public safety and pedestrian protection from vehicular traffic; and
4. Has granted written permission for the conduct to participating ABC licensee and has a signed agreement with the City to conduct these activities.

F. Upon obtaining written permission from the City of Paducah, as outlined in subsection (G), the following businesses may choose to allow customers to possess and drink beverages that were purchased from another EDC Participating retail drink licensee located wholly within, or that has a storefront sharing a physical boundary with, the licensed Entertainment Destination Center during EDC operational hours:

1. A business with a retail drink license located wholly within the licensed entertainment destination center or that has a storefront sharing a physical boundary with the licensed entertainment destination center; and
2. A business that does not have a retail drink license that is located wholly within the licensed entertainment destination center or that has a storefront sharing a physical boundary with the licensed entertainment destination center.

G. 1. KRS 243.020 requires the City to provide written permission to any business wishing to participate in Sec. 6-62 – Regulations, Section F. Any business that desires to participate in this portion of the ordinance must contact the Alcoholic Beverage Administrator or Deputy Alcoholic Beverage Administrator to obtain written permission to participate. Written permission may be denied or revoked if:

- i. The business does not maintain an active business license with the City of Paducah in accordance with Chapter 106, Article III.
- ii. The business does not have a valid Certificate of Occupancy issued by the City of Paducah.
- iii. The business operated at the location does not routinely allow the public to enter the premises in the normal course of business.
- iv. The business, its patrons, agents, servants, or employees engage in disorderly behavior as that term is defined in KRS 244.120(2).

2. If written permission is denied to a business requesting permission to allow customers to possess and drink beverages that were purchased from an EDC participating retail drink licensee, that business may file an appeal of the decision to the Board of Commissioners who will conduct a hearing as to whether to uphold or overturn the decision to deny written permission.

3. Any revocation of written permission to a business allowing customers to possess and drink beverages that were purchased from an EDC participating retail drink licensee will be provided with twenty-four (24) hours' notice. The business may appeal this denial or revocation to the Board of Commissioners within seven (7) days of the notice of revocation. If the business fails to appeal a license revocation within the time frame set forth herein, such decision shall not be subject to further review.

[F] H. An ABC licensee shall hold all necessary licenses to sell alcoholic beverages within the EDC on Sundays, if they plan to participate within the EDC on Sundays.

[G]I. Participating ABC licensees and non-licensed businesses may prohibit customers from entering their premises with an alcoholic beverage purchased from a ~~[different]~~-Participating ABC licensee.

[H]J. Patrons are prohibited from taking alcoholic beverages outside the physical boundaries of the entertainment destination center.

[I]K. Any drinks that are removed from the premises of an ABC licensee participating in the EDC shall be in a City of Paducah Entertainment Destination cup, which shall meet the requirements of the City regarding the type and design of the cup. These cups shall be purchased by licensee.

[J]L. In no event shall patrons be permitted to bring any alcoholic beverages purchased outside of the EDC into the EDC.

[K]M. Operational hours. Operational hours of the EDC shall be from 6:00 a.m. until 12:00 a.m. and shall run from Sunday through Saturday. These hours are currently consistent with the operating hours for City of Paducah parks.

[L]N. Special events. Alcohol regulations for festivals still apply. The City retains its discretion to apply additional conditions to EDC licensees and to amend district operations during a special event.

[M]O. Nothing in this article shall be construed to prohibit minors from entering the EDC common areas.

[N]P. License revocation. All EDC licensees shall agree that they are aware their EDC license may be revoked by City with twenty-four (24) hours' notice upon a finding by the City Manager, as EDC Administrator, that the EDC licensee has violated any terms or conditions of the EDC Ordinance, the EDC Agreement entered into by the parties, or any federal, state, or City laws. The EDC Licensee is also aware that the EDC license may be revoked by the City Manager, if the EDC licensee is convicted of serving alcohol to a minor. The EDC licensee may appeal this revocation to the Board of Commissioners within seven (7) days of the notice of revocation. If EDC licensee fails to appeal a license revocation within the time frame set forth herein, such decision shall not be subject to further review.

SECTION 2. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 3. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. Effective Date. 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, _____
Adopted by the Board of Commissioners, _____
Recorded by City Clerk, _____
Published by *The Paducah Sun*, _____
6-62 Amend EDC
(00280204)