



**CITY COMMISSION MEETING**  
**AGENDA FOR APRIL 18, 2017**  
**5:30 P.M.**  
**CITY HALL COMMISSION CHAMBERS**  
**300 SOUTH FIFTH STREET**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS/DELETIONS**

	<b>I.</b>	<b><u>MINUTES</u></b>
	<b>II.</b>	<b><u>ORDINANCE(S) – ADOPTION</u></b>
		A. Amendment to Cable Television Franchise Agreement with Comcast – <b>P. SPENCER</b>
		B. Authorize Change Order for Final Quantities for Olivet Church Road Improvement Project – <b>R. MURPHY</b>
	<b>III.</b>	<b><u>PRE-BUDGET WORKSHOP</u></b>
	<b>IV.</b>	<b><u>COMMENTS</u></b>
		A. Comments from the City Manager
		B. Comments from the Board of Commissioners
		C. Comments from the Audience
	<b>IV.</b>	<b><u>EXECUTIVE SESSION</u></b>

APRIL 11, 2017

At a Regular Meeting of the Board of Commissioners, held on Tuesday, April 11, 2017, at 5:30 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor Harless presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5).

**INVOCATION**

Commissioner Abraham gave the invocation.

**PRESENTATION**

**COMMUNITY SCHOLARSHIP PROGRAM**

West Kentucky Community and Technical College President Dr. Anton Reece, Lee Emmons and other school representatives gave a short presentation on the importance of the Community Scholarship Program and how it is positively affecting students in the Paducah-McCracken County area. They also asked for the continued financial support of the City. The City has contributed \$125,000 annually since the program's inception.

**APPROVAL OF CONSENT AGENDA:**

Mayor Harless asked the City Clerk to read the Consent Agenda.

I(A) Minutes for the March 28, 2017, City Commission Meeting

- I(B)(1) Receive and File documents (Individual items were not read aloud)
1. Notice of Cancellation for the Board of Commissioners for April 4, 2017
  2. Certificate of Liability Insurance and Right of Way Bond for Burnett Custom Homes
  3. Commissioner's Deed for 718 North 7<sup>th</sup> Street
  4. Contract for Services with the Yeiser Art Center (Executed by CM)
  5. PHA Certifications of Compliance with the US Department of Housing and Urban Development for City of Paducah Section 8 Housing Program Annual Plan FY17-18 (MO 1957)
  6. Paducah Water Works Financial Highlights for February 2017
  7. GPEDC, Inc. Financial Statements for Years ended June 30, 2016 and 2015

I(C)(1) Personnel Actions as recommended by the City Manager (Municipal Order Book)

I(C)(2) A municipal order authorizing the Mayor to execute a contract with the Paducah-McCracken County Convention and Visitors Bureau for Specific Services related to the 2017 Quilt Show in the amount of \$25,000

Motion was made by Commissioner Rhodes, seconded by Commissioner Wilson, to approve the items on the Consent Agenda as presented.

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5).

**ORDINANCE(S)-INTRODUCTION**

**ZONE CHANGE FOR PROPERTY LOCATED AT 4231 PECAN DRIVE**

Commissioner Abraham offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE APPROVING THE FINAL

APRIL 11, 2017

REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONE CHANGE FOR PROPERTY LOCATED AT 4231 PECAN DRIVE FROM R-1 (LOW DENSITY RESIDENTIAL ZONE) TO R-4 (HIGH DENSITY RESIDENTIAL ZONE).” This Ordinance is summarized as follows: Rezone property located at 4231 Pecan Drive, from R-1 (Low Density Residential Zone) to R-4 (High Density Residential Zone), and amending the Paducah Zoning Ordinance to effect such rezoning.

Citizens Janice Cowherd and Vonnie Shelton spoke in opposition to the zone change. Both asked the Commission to consider not changing the property from an R-1 to R-4.

#### **AMENDMENT TO CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST**

Commissioner Holland offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY GRANTING COMCAST CABLE, HEARTLAND REGION FORMERLY KNOWN AS COMCAST OF THE SOUTH, L.P. A FRANCHISE EXTENSION THROUGH OCTOBER 11, 2017.” This Ordinance is summarized as follows: The Franchise Agreement between the City of Paducah and Comcast Cable, Heartland Region formerly known as Comcast of the South, L.P., is hereby amended by extending the term of the Franchise from April 11, 2017 through and including October 11, 2017.

#### **AUTHORIZE CHANGE ORDER FOR FINAL QUANTITIES FOR OLIVET CHURCH ROAD IMPROVEMENT PROJECT**

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE APPROVING CHANGE ORDER NO. 1 FOR THE OLIVET CHURCH ROAD IMPROVEMENT PROJECT.” This ordinance is summarized as follows: The Mayor is hereby authorized and directed to execute Change Order 1 for an overall price reduction in the amount of \$114,000.95 for the City of Paducah’s Olivet Church Road Improvement Project, henceforth, decreasing the total contract price to \$6,266,136.09.

#### **COMMENTS**

##### **COMMENTS FROM CITY MANAGER**

Fire Marshal Greg Cherry informed the Commission and public that the Code Enforcement Division of the Fire Department is trying a new neighborhood initiative to help educate residents about codes for the City’s standards for yard and property maintenance. The code officers are going door-to-door in the evenings to hand them materials containing information on property maintenance standards.

##### **COMMENTS FROM THE BOARD OF COMMISSIONERS**

Mayor Harless said she feels the comprehensive plan needs to be updated and wants it to be something the city looks at trying to do.

#### **ADJOURN**

Mayor Harless offered motion, seconded by Commissioner Holland, that the meeting be adjourned at approximately 6:43 p.m. All in favor. Motion carried.

APRIL 11, 2017

**ADOPTED:** April 18, 2017

---

City Clerk

---

Mayor

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 11, 2017

**Short Title:** Amendment to Cable Television Franchise Agreement with Comcast

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Pam Spencer, PIO and Jeff Pederson, City Manager  
Presentation By: Pam Spencer, PIO

**Background Information:**

The non-exclusive franchise agreement, adopted in October 2006, between the City of Paducah and Comcast expired November 1, 2016. Last December, the Paducah Board of Commissioners approved a franchise agreement extension through April 11. This action amends the franchise agreement to extend the term through October 11, 2017.

It is in the interest of both parties to reserve all of their respective rights under state and federal law during this franchise renewal process.

With the assistance of telecommunications attorney Brian Grogan with Moss & Barnett, the City has entered into negotiations with Comcast for a new franchise agreement. Furthermore, the City and Comcast are awaiting the Kentucky Supreme Court to issue an opinion regarding the telecommunications tax. The Supreme Court has granted discretionary review in the case, and parties made oral arguments last September. However, at this time the court has not issued an opinion. At issue is whether KRS 136.660 violates Sections 163 and 164 of the Kentucky Constitution. KRS 136.660 pertains to the telecommunications tax which bars localities from collecting franchise fees from telecommunications service providers.

**Goal:**  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

**Funds Available:** Account Name:  
Account Number:

Finance
---------

**Staff Recommendation:** Adoption of franchise agreement extension

**Attachments:** Contract

Department Head	City Clerk	City Manager
-----------------	------------	--------------

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 11, 2016

Short Title: Olivet Church Road Improvement Project Change Order #1 and Final Quantities

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Angela Weeks, EPW Proj Mgr

Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director

### Background Information:

On May 19, 2015, the Board of Commissioners adopted Ordinance #2015-05-8239, authorizing the Mayor to execute a contract with Jim Smith Contracting Company, LLC, in the amount of \$6,380,137.40 for the construction of the Olivet Church Road Improvement Project.

On May 20, 2015, a Notice to Proceed was given to the Contractor to commence work and complete the work within 400 consecutive calendar days with the exception of the Mandatory Work Shut Down time period during the winter. Subsequently, work progressed during the remainder of 2015 until the Project work Shut Down on December 1, 2015. A Notice of Back to Work as given to the Contractor on March 14, 2016, with a Project Completion date of October 14, 2016. Work continued and was completed within the allotted time period and a Ribbon Cutting Ceremony was held on November 3, 2016.

At this time, a final invoice has been submitted by the Contractor which results in an overall savings to the City in the amount of \$114,000.95. Therefore, a Change Order in the reduced amount of \$114,000.95 is requested to be adopted which will reduce the original contract amount of \$6,380,137.04 to \$6,266,136.09. Please see the attached Change Order and attached comprehensive list of Project Work items completed.

Additional note: The majority of the funding for the Olivet Church Roadway Project was allocated from the \$6.2 million state reimbursable funding provided by the Kentucky Transportation Cabinet, with the City providing the remaining balance.

Goal:  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

Funds Available: Account Name: Olivet Church Rd Const.  
Account Number: 040-3315-532-2307  
Project Number: ST0039

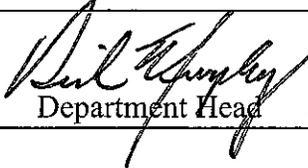
Finance
---------

**Staff Recommendation:**

To adopt Change Order #1 in the amount of \$114,000.95 reducing the contract amount with Jim Smith Contracting Company, LLC, for the construction of the Olivet Church Road Improvement Project. Therefore, the original contract amount of \$6,380,137.04 would be reduced to \$6,266,136.09.

**Attachments:**

Original Ordinance, Contract, Notice to Proceed, Work Shut Down and Back to Work Notifications and Change Order #1 with Attachment.

 Department Head	City Clerk	City Manager
--	------------	--------------