



**CITY COMMISSION MEETING**  
**AGENDA FOR MAY 9, 2017**  
**5:30 P.M.**  
**CITY HALL COMMISSION CHAMBERS**  
**300 SOUTH FIFTH STREET**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS/DELETIONS**

**PROCLAMATION: Public Service Recognition Week**

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

	<b>I. <u>CONSENT AGENDA:</u></b>
	<b>A. <u>MINUTES</u></b>
	<b>B. <u>MOTION</u></b>
	1. R & F Documents
	<b>C. <u>MUNICIPAL ORDER(S)</u></b>
	1. Personnel Actions
	2. Grant Application Requesting Funding for Telephony Equipment for the Emergency Communication Services Department – <b>E. MCMANUS</b>
	<b>II. <u>ORDINANCE(S) – ADOPTION</u></b>
	A. Rezoning of 4231 Pecan Drive – <b>J. SOMMER</b>
	B. Ordinance Establishing Guidelines for Food Trucks – <b>J. SOMMER</b>
	C. Authorizing the City to Enter Into a Partnership Agreement with the Department of the Army for the Ohio River Shoreline Reconstruction Project – <b>R. MURPHY</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>V.</b>	<b><u>EXECUTIVE SESSION</u></b>

May 9, 2017

I move that the following documents be received and filed:

**DOCUMENTS**

1. Certificates of Liability Insurance:
  - a. William Briggs dba Wiggins Concrete Construction
  - b. Luther Snow Concrete, Inc.
2. Deeds:
  - a. Deed with Van-Key Properties, LLC for 804, 808 & 812 North 7<sup>th</sup> Street (MO # 1960)
  - b. Deed with Van-Key Properties, LLC for 705 Finley Street and 921 & 923 North 7<sup>th</sup> Street (MO # 1960)
3. Contracts/Agreements:
  - a. Change Order No. 1 with Jim Smith Contracting Company, LLC for the Olivet Church Road Improvement Project (ORD # 2017-4-8483)
  - b. Genova Final Draw Loan Documents including Note, Security Agreement and Copies of recorded UCC-1 Financing Statements for City and County (ORD #2015-11-8328)
4. Paducah Water Works Financial Highlights for March 2017

CITY OF PADUCAH  
May 9, 2017

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

 For Jeff Pederson  
\_\_\_\_\_  
City Manager's Signature

5/5/17  
\_\_\_\_\_  
Date

**CITY OF PADUCAH  
PERSONNEL ACTIONS  
May 9, 2017**

**NEW HIRE - FULL-TIME (F/T)**

<b><u>911 COMMUNICATIONS</u></b>	<b><u>POSITION</u></b>	<b><u>RATE</u></b>	<b><u>NCS/CS</u></b>	<b><u>FLSA</u></b>	<b><u>EFFECTIVE DATE</u></b>
Bailey, Ashley M	Telecommunicator	\$13.21/Hr	NCS	Non-Ex	May 25, 2017

**NEW HIRES - PART-TIME (PT)/TEMPORARY/SEASONAL**

<b><u>PARKS SRVCS - RECREATION</u></b>	<b><u>POSITION</u></b>	<b><u>RATE</u></b>	<b><u>NCS/CS</u></b>	<b><u>FLSA</u></b>	<b><u>EFFECTIVE DATE</u></b>
Beeler, Paigelyn Gabrielle	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Black, Kelly N	Recreation Leader	\$8.25/Hr	NCS	Non-Ex	May 18, 2017
Blackford, Kenzie Leigh	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Caruthers, Katie Nicole	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Ellison, Olivia	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Elrod, Aviona Tokia K	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 25, 2017
Grogan, Sophie V	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Jordan, Diamond R	Recreation Leader-Athletics	\$11.00/Hr	NCS	Non-Ex	May 11, 2017
Lewis, Hannah Ruth	Recreation Leader	\$8.25/Hr	NCS	Non-Ex	May 18, 2017
McSparin, Wesley	Sports Official	\$20.00/Game	NCS	Non-Ex	June 1, 2017
Mitchell, Lindsey	Recreation Leader	\$8.25/Hr	NCS	Non-Ex	May 18, 2017
Shannon, Lara Ruth	Recreation Leader	\$8.25/Hr	NCS	Non-Ex	May 18, 2017
Smith, Isabela Grace	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Stacy, Aspen R	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Tokarz, Sandra M	Recreation Leader	\$8.25/Hr	NCS	Non-Ex	May 11, 2017
Watkins, Evan	Recreation Leader	\$8.25/Hr	NCS	Non-Ex	May 18, 2017
Wilke, Alyssa R	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 19, 2017

**PARKS SRVCS - MAINTENANCE**

Brindley, Chris	Parks Maintenance Laborer	\$9.00/Hr	NCS	Non-Ex	May 11, 2017
Broderhausen, Jon B	Parks Maintenance Laborer	\$9.00/Hr	NCS	Non-Ex	May 16, 2017

**PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS**

	<b><u>PREVIOUS POSITION AND BASE RATE OF PAY</u></b>	<b><u>CURRENT POSITION AND BASE RATE OF PAY</u></b>	<b><u>NCS/CS</u></b>	<b><u>FLSA</u></b>	<b><u>EFFECTIVE DATE</u></b>
<b><u>FIRE - SUPPRESSION</u></b>					
Larson, Adam	FF / Relief Driver \$14.95/Hr	Acting Fire Lieutenant \$16.32/Hr	NCS	Non-Ex	November 24, 2016
Larson, Adam	Acting Fire Lieutenant \$16.32/Hr	FF / Relief Driver \$14.95/Hr	NCS	Non-Ex	December 30, 2016
Gray, Justin	FF / Relief Driver \$14.89/Hr	Acting Fire Lieutenant \$16.32/Hr	NCS	Non-Ex	March 21, 2017
Gray, Justin	Acting Fire Lieutenant \$16.32/Hr	FF / Relief Driver \$14.89/Hr	NCS	Non-Ex	April 17, 2017
Pendergrass, Brian	FF / Relief Driver \$14.89/Hr	Acting Fire Lieutenant \$16.32/Hr	NCS	Non-Ex	March 15, 2017
Pendergrass, Brian	Acting Fire Lieutenant \$16.32/Hr	FF / Relief Driver \$14.89/Hr	NCS	Non-Ex	April 17, 2017

**CITY OF PADUCAH  
PERSONNEL ACTIONS  
May 9, 2017**

**PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS**

	<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>
<b><u>FIRE - SUPPRESSION</u></b>					
Torian, Nathan	Fire Lieutenant \$16.46/Hr	Acting Fire Captain \$17.57/Hr	NCS	Non-Ex	March 15, 2017
Torian, Nathan	Acting Fire Captain \$17.57/Hr	Fire Lieutenant \$16.46/Hr	NCS	Non-Ex	April 17, 2017
Dalbey, Caleb M	Fire Lieutenant \$16.46/Hr	Acting Fire Captain \$17.57/Hr	NCS	Non-Ex	February 17, 2017
Dalbey, Caleb M	Acting Fire Captain \$17.57/Hr	Fire Lieutenant \$16.46/Hr	NCS	Non-Ex	April 26, 2017
Blackwell, Jacob	FF / Relief Driver \$14.89/Hr	Acting Fire Lieutenant \$16.32/Hr	NCS	Non-Ex	February 5, 2017
Blackwell, Jacob	Acting Fire Lieutenant \$16.32/Hr	FF / Relief Driver \$14.89/Hr	NCS	Non-Ex	April 27, 2017
Dalbey, Caleb M	Fire Lieutenant \$16.46/Hr	FF / Relief Driver \$15.17/Hr	NCS	Non-Ex	April 27, 2017
Graves, Matthew M	FF / Relief Driver \$15.17/Hr	Fire Lieutenant \$16.46/Hr	NCS	Non-Ex	April 27, 2017

**PARKS SRVCS - RECREATION**

Dunbar, Zara	Recreation Leader \$11.00/Hr	Asst Special Events Coordinator \$11.00/Hr	NCS	Non-Ex	May 13, 2017
Thompson, Molly C	Recreation Leader \$8.50/Hr	Summer Camp Coordinator \$9.50/Hr	NCS	Non-Ex	May 11, 2017

**TERMINATIONS - FULL-TIME (FT)**

	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
<b><u>EPW - STREET</u></b>			
Whitaker, Zachary C	ROW Maintenance Person	Termination	May 2, 2017

**TERMINATIONS - PART-TIME (P/T)/TEMPORARY/SEASONAL**

	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
<b><u>PARKS SERVICES</u></b>			
Jones, Victoria	Lifeguard	Declined Job Offer	May 2, 2017

**Agenda Action Form  
Paducah City Commission**

Meeting Date: 9 May 2017

Short Title: Kentucky 9-1-1 Services Board 2017 Competitive Grant Application

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Ed McManus, Brent Stringer, Steve Kyle, Brandon Barnhill, Adam Shull  
Presentation By: Ed McManus

Background Information:

The Kentucky 911 Services Board Grant Fund exists under the authority of KRS 65.7631(4) and provides a percentage of monthly revenues deposited into the Kentucky 911 Services Board fund to be disbursed as grants. The Kentucky 911 Services Board was formerly named the Commercial Mobile Radio Service Telecommunications Board of Kentucky, or CMRS. The City of Paducah Emergency Communications department wishes to apply for a Kentucky 911 Services Board Grant to replace and upgrade communications equipment at the Allie Morgan E 9-1-1 Center.

The E 9-1-1 systems equipment and logging & recording equipment that support the City of Paducah and McCracken County are in need of replacement and/or upgrades, according to a needs assessment and alternatives analysis by Federal Engineering, Inc. Federal Engineering classifies the current equipment as mission critical/essential public safety systems that are either at end-of-life or no longer compliant with the latest industry-accepted standards.

The grant application, with the City of Paducah as the applicant, will request \$175,000 for a 9-1-1 telephony system. The Grant Fund allows for \$35,000 per phone position within the telephony system and the Allie Morgan E 9-1-1 Center has five positions. The grant does not require a local match.

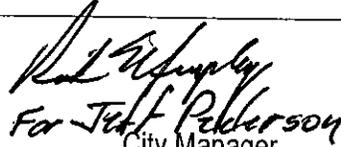
Goal:  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

Funds Available:      Account Name:  
                                 Account Number:  
                                 Project Number:

Finance

Staff Recommendation: Authorize and direct the Mayor to execute all required grant application documents.

Attachments: None

 Department Head	City Clerk	 For Jeff Pederson City Manager
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MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE APPLICATION OF THE 2017 COMPETITIVE GRANT FROM THE KENTUCKY 9-1-1 SERVICES BOARD TO REPLACE AND UPGRADE COMMUNICATIONS EQUIPMENT AT THE ALLIE MORGAN E 9-1-1 CENTER

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute an application and all documents relating to same, requesting a grant in the amount of \$175,000.00 through the Kentucky 9-1-1 Services Board. These funds will be used to replace and upgrade communications equipment at the Allie Morgan E 9-1-1 Center. No local match is required.

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Tammara S. Brock, City Clerk

Adopted by the Board of Commissioners, May 9, 2017  
Recorded by Tammara S. Brock, City Clerk, May 9, 2017  
\\mo\grants\application 911 communication system – Allie Morgan

# Agenda Action Form

## Paducah City Commission

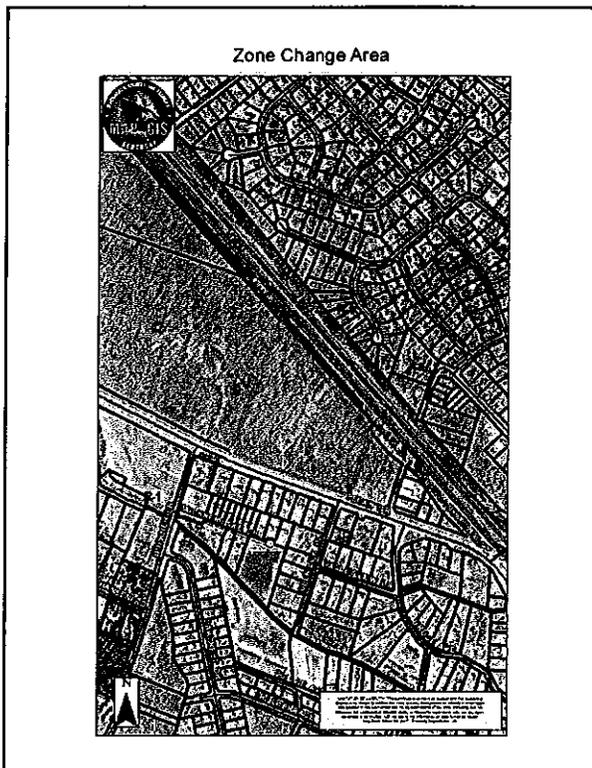
Meeting Date: April 11, 2017

Short Title: CDB Service Finance, LLC Zone Change

Ordinance  Emergency  Municipal Order  Resolution

Staff Work By: Joshua P. Sommer  
Presentation By: Joshua P. Sommer

### Background Information:



### Key Components:

The applicant, CDB Service Finance, LLC, is requesting a zone change for 4231 Pecan Drive from R-1 (Low Density Residential Zone) to R-4 High Density Residential Zone.

A new skilled nursing facility is proposed for this site. Skilled nursing facilities are principally permitted in the R-4 Zone, pursuant to Section 126-105 (1) (c) of the Paducah Zoning Ordinance.

### Site Data:

Area: 18.246 acres

Public Utilities: Adequate water and sewer service available.

Public Services: Sanitation, police and fire service available.

Physical Characteristics: This site is wooded and vacant.

### Development Plan:

A 77,300 square foot skilled nursing facility is proposed that will have 100 beds. Staff has reviewed the plan and relayed to the Engineer that:

- The parking stalls will need to be 10' X 18'

- The total number of stalls needed is 129, based on one stall per 600 feet of gross floor area.

These comments will not impede the submittal of a final site plan.

**Land Use Patterns:**

This parcel was once considered for a campus for Mid-Continent University. After the University ceased operations, the property was sold. Interstate 24 provides the north boundary and Pecan Drive the south boundary. Single-family homes are located on the south side of Pecan Drive.

**Adjacent Properties:**

North: Interstate 24.

East: Vacant wooded lot.

South: Pecan Drive and single-family homes.

West: Large lot with one single-family home.

**Zoning:**

R-1 Low Density Residential Zone on all four sides. The parcel is proposed to be rezoned to R-4 High Density Residential as follows:

**Sec. 126-105. High Density Residential Zone, R-4.**

The purpose of this zone is to provide an area that will combine compatible residential and business uses in such a manner that it will buffer low-density residential property from high density and commercial uses.

- (1) Principal permitted uses.
  - a. Any use permitted in the R-3 zone
  - b. Multi-family dwellings
  - c. Nursing homes
  - d. Professional office buildings (yard requirements for office buildings shall be the same as the B-1 zone requirements)
  - e. Day-care nurseries
  - f. Cemeteries
  - g. Assisted care dwellings (yard and lot requirements shall be the same as 126-104 (7)).
  - h. Bed and breakfast
  - i. Places of worship

- j. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses in the R-4 zone.
- (2) Conditionally permitted uses.
  - a. List of uses.
    - 1. Commercial greenhouses
    - 2. Funeral homes
    - 3. Home occupations
    - 4. Hotels or motels
    - 5. Beauty shops and barbershops
    - 6. Mobile home parks.
  - b. Board of Adjustment approval. The conditionally permitted uses listed above shall be considered as business uses and shall meet the requirements of the B-1 zone. All plans will be submitted to the Planning Commission prior to Board approval and the Commission shall require such conditions as are necessary to maintain the character of this zone. The Board may grant dimensional variances to businesses when lot requirements cannot be met.
- (3) Single and two-family dwellings. Single-family dwellings and two-family dwellings shall comply with the requirements of the R-3 zone.
- (4) Multi-family dwellings and town houses.
  - a. Minimum yard requirements.
    - 1. Front yard: 25 feet.
    - 2. Side yard, each side: Six feet.
    - 3. Rear yard: 25 feet.
  - b. Minimum area requirements.
    - 1. Minimum lot area, per unit: 2,000 square feet.
    - 2. Minimum lot width: 50 feet.
  - c. Maximum building height. None.
  - d. Public parking area. Same as section 126-104 (5) (e).

**Findings required for map amendment:**

KRS – 100.213 Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the comprehensive plan, or in the absence of such a finding, that one or more of the following apply and such findings shall be recorded in the minutes and records of the Planning Commission and City Commission:

That the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; or

That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of the area.

Staff Analysis – The area proposed to be re-zoned is in compliance with the Future Land Use Map. The Future Land Use Map shows the area to be zoned “Urban Residential”. A skilled nursing facility is a principal permitted use. Staff is supportive of this zone change request

because a higher-density development is optimal along major arterials. The development would have ease of access onto Pecan Drive, traffic won't congest City streets, this development would not be adversely affected by noise generated by I-24 and the lot is large (18.24 acres).



At the April 3, 2017 Planning Commission meeting, a recommendation to change the zoning to R-4 (High Density Residential Zone) was forwarded to the City Commission.

At the meeting, several concerns were raised about storm water, specifically about storm water runoff resulting from the widening of Pecan Drive. The developer's engineer was present and showed the attendants on a color rendering where storm water detention ponds were proposed. He explained to the attendees that pursuant to City Ordinance, storm water cannot leave the site in a larger quantity than what it currently does. Prior to the site being constructed, a final site plan must be submitted to and approved by the Planning and Engineering Departments. As part of the final site plan, storm water management must be reviewed and approved.

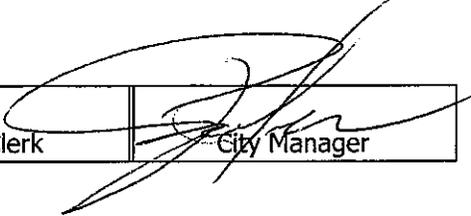
Funds Available: Account Name: N/A  
Account Number: N/A

Finance
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Motion:

Attachments:

Planning Commission Resolution  
Zone Change Map/Development Plan

Department Head	City Clerk	 City Manager
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# Agenda Action Form

## Paducah City Commission

Meeting Date: April 25, 2017

Short Title: Establish Section 126-88 Mobile Food Vehicles in the Paducah Zoning Ordinance

Ordinance  Emergency  Municipal Order  Resolution

Staff Work By: Joshua P. Sommer

Presentation By: Joshua P. Sommer

### Background Information:

On April 17, 2017; the Paducah Planning Commission held a public hearing and made a positive recommendation to the Paducah City Commission on establishing Section 126-88 Mobile Food Vehicles in the City of Paducah Zoning Ordinance. The purpose of this new section is to provide for mobile food vehicles in the City. The new Section will guide how and where mobile food vehicles can operate.

Following is the new Section 126-88 of the Paducah Zoning Ordinance:

### Section 126-88 Mobile Food Vehicles

#### A. Purpose and intent

In order to promote a new dynamic for the citizens of Paducah, create new jobs, increase quality of life and diversify dining options; this section of the zoning ordinance has been adopted to allow Mobile Food Vehicles to operate under specific guidelines.

#### B. Definitions

The definitions contained in this sub-section shall govern the construction, meaning and application of words and phrases used in this section.

1. "Mobile Food Vehicle" shall mean a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment that engages in the sale and preparation of food or beverages in individual portions to the general public.
2. "Mobile Food Vendor" shall mean a person or persons that prepare or serve food or beverages to the general public from a Mobile Food Vehicle.

3. "Mobile Food Administrator" shall mean the Director of Planning or his/her designee. The Administrator shall be responsible for the administration, oversight and enforcement of the provisions under this section.

### **C. Exemptions**

This section shall not apply to ice-cream trucks that move from place to place and are stationary in the same location for no more than 10 minutes at a time. This section also does not apply to food vending push carts or stands.

### **D. Zoning locations**

Mobile Food Vehicles may operate in the following zones:

B-1, B-2, B-2-T, B-3, HBD, M-1, M-2, M-3, A-1, POP and HM zones. A Mobile Food Vehicle may operate on a parcel that contains non-residential uses in the MU, H-2, NSZ and NCCZ zones and in Planned Unit Developments (PUDs). All other zones are expressly prohibited, except in public parks as described herein.

### **E. Location and hours**

Mobile Food Vehicles are permitted in City of Paducah Right-of-Way ("ROW"). Mobile Food Vehicles are expressly prohibited from locating on State of Kentucky ROW. Mobile Food Vehicles may not locate within 100 feet of the principal entrance of any restaurant where more than 50 percent of sales are derived from food.

A Mobile Food Vehicle shall not operate for more than 14 consecutive days at one location. After the 14 consecutive days have expired, a Mobile Food Vehicle shall not operate at the same location until a period of 30 days has elapsed as required by 902 KAR 45:005.

The Mobile Food Vendor must obtain written permission from the property owner to locate on private property and said permission must be made available to the Mobile Food Administrator. Mobile Food Vehicles may locate in public parking lots with written approval from the Mobile Food Administrator. Vehicles in the ROW may be asked to be moved in the event of street cleaning, snow removal, parades, construction or other events as deemed necessary, in the sole opinion, of the Mobile Food Administrator. Mobile Food Vehicles in private parking lots may be asked to be moved in the event sufficient parking is not available. Written permission must be granted from the Paducah Parks Services Director or his designee; or the McCracken County Judge Executive or his designee (depending on ownership) if the Mobile Food Vendor proposes to operate in a public park.

In no case shall a Mobile Food Vehicle obstruct traffic or pedestrian flow. A Mobile Food Vendor shall ensure that a minimum of four feet of unobstructed sidewalk remains open for pedestrian traffic. Mobile Food Vehicles parked in the ROW shall not occupy more than two parking spaces. No stop sign, yield sign, school crossing sign or any other traffic control sign or signal shall be obstructed. No ingress/egress of any driveway or alley shall be obstructed. No fire hydrant or fire lane shall be obstructed.

Mobile Food Vehicles may operate within the hours of 6:00 a.m. to 11:00 p.m. Mobile Food Vehicles may operate until 2:00 a.m. if the Mobile Food Vehicle is located on private property and the principal business located on the private property is open. Mobile Food Vehicles may not be left overnight in public parking lots or on City of Paducah ROW.

#### **F. Self-contained units and appurtenances**

All Mobile Food Vehicles shall have self-contained water and wastewater. No gray water or grease shall be dumped upon any street, sidewalk or down a storm water drain. Mobile Food Vehicles on private property may utilize electric power from the property being occupied or an adjacent property, but only when written consent is obtained to do so. No power cable, extension cord or other equipment shall be extended across any street, alley or sidewalk. If a power cable, extension cord or other electrical equipment is extended across a parking lot, said equipment must be protected from vehicle movements in accordance with the National Electrical Code requirements.

No tables, chairs, umbrellas or other appurtenances shall be allowed on public property.

All Mobile Food Vehicles shall be in compliance with regulations established by the Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety and/or the Purchase District Health Department.

The Mobile Food Vehicle must have a three compartment sink with drain boards; a hand sink; hot and cold water; proper screening for insects; refrigeration equipment that holds at 41 degrees or lower; hot holding equipment that holds at 135 degrees or higher and all work must be done by a Kentucky Master Plumber.

#### **G. Garbage disposal**

All Mobile Food Vendors must provide one or more garbage receptacles for their patrons. All Mobile Food Vendors must keep the area around their vehicles free from litter, refuse and garbage.

#### **H. Serving articles and alcoholic beverages**

Patrons shall be provided with single-service articles, such as plastic utensils, plastic or styrofoam cups and paper or styrofoam plates.

Mobile Food Vehicles shall not serve any alcoholic beverage unless permitted as part of a special event.

#### **I. Special Events**

Mobile Food Vehicles are prohibited from vending 2,500 feet from special event permitted areas; including, but not limited to; Barbecue on the River and Quilt Week unless the Mobile Food Vehicle is permitted by the City of Paducah; the City of Paducah Parks Services Department and/or the permit holder responsible for the special event. The "Safety Guidelines for Special

Events and Mobile Food Vehicles” must be obtained from the Paducah Fire Prevention Division and followed thereto.

## **J. Noise**

No Mobile Food Vehicle may emit bells, music, horns or other audible sounds used to attract customers. Strobe lights, flashing lights or other repetitious lighting are prohibited.

The noise level from the food truck motor and generator must comply with the City’s Noise Ordinance. Generators shall not be permitted on Broadway, 2<sup>nd</sup> Street or within 100 feet of a residence.

## **K. Application and Permitting**

1. **Mobile Food Permit Required.** Any operator of a Mobile Food Vehicle must apply for and receive on an annual basis a Mobile Food Zoning Compliance Permit (the “Mobile Food Permit”) from the Mobile Food Administrator. The Mobile Food Permit is required for each Mobile Food Vehicle. The Mobile Food Permit shall be prominently displayed on the Mobile Food Vehicle along with other permits as required by this Chapter.
2. **Application.** Every Mobile Food Vendor desiring to operate a Mobile Food Vehicle shall submit an application for a Mobile Food Permit to the Mobile Food Administrator. All Mobile Food Vendors shall obtain necessary inspections and permits otherwise required by the City of Paducah, the Purchase District Health Department, and any other local, state or federal agencies or departments, including without limitation a current City of Paducah business license and any other inspections and permits required by Paducah Fire Prevention Division, in order to vend in the City limits. In addition to the information required by the application, the Mobile Food Administrator may request other information reasonably required. The Mobile Food Permit application shall not be considered complete until the Mobile Food Administrator has all information as required by the application or otherwise.
3. **Issuance of Mobile Food Permit.** Once the application is considered complete by the Mobile Food Administrator, the Mobile Food Administrator shall issue or deny the Mobile Food Permit within 14 business days. If the Mobile Food Administrator is satisfied that the application and Mobile Food Vehicle conform to the requirements of this Chapter and other pertinent laws and ordinances, a Mobile Food Permit shall be issued to the applicant. If the application and Mobile Food Vehicle does not conform to the requirements of this Chapter or other pertinent laws or ordinances, the Mobile Food Administrator shall not issue the Mobile Food Permit, but shall inform the applicant of the denial. Such denial, when requested, shall be in writing and state the reasons for denial. The Mobile Food Permit shall be valid for one calendar year from the date of issuance, unless the Mobile Food Permit is revoked pursuant to this Chapter.
4. **Permit Renewal.** Every Mobile Food Permit, unless suspended or revoked for a violation of any provision of this Chapter or other requirement or ordinance of the City of Paducah, can be renewed annually prior to expiration. An application for renewal of a Mobile Food Permit shall be made through the Mobile Food Administrator. Upon the Mobile Food Permit’s expiration, the holder of the Mobile Food Permit forfeits the right to renew and the Mobile Food Vendor must reapply for a new Mobile Food Permit.

5. Inspections after Permitting. Permitted operations will be inspected periodically and without notice by representatives of various City departments to ensure compliance with this Chapter.

6. Operation without Permit. Any Mobile Food Vehicle operating without a valid Mobile Food Permit may be deemed a public safety hazard and may be ticketed and impounded. The penalty for operating without a Mobile Vehicle Permit shall be the same as Section 126-178 of the Paducah Zoning Ordinance.

7. Revocation of Permit. The Mobile Food Administrator may revoke a Mobile Food Permit if it is discovered that:

i. An applicant obtained the Mobile Food Permit by knowingly providing false information on the application;

ii. The continuation of the Mobile Food Vendor's use of the Mobile Food Permit is a threat to public health or safety, or if the Mobile Food Vendor otherwise presents a threat to public health or safety; or

iii. The Mobile Food Vendor or Mobile Food Vehicle violates regulations of this Chapter or any other City of Paducah ordinance.

8. Appeal of Revocation. If a Mobile Food Permit is revoked, the Mobile Food Administrator shall state the specific reasons for the revocation. Any Mobile Food Vendor whose Mobile Food Permit has been revoked may appeal such denial by submitting a written request for a hearing to the Mobile Food Administrator within 10 days of revocation. An informal hearing shall be conducted within 30 days of the Mobile Food Administrator's receipt of said appeal by a panel comprised of the Chairman of the City Planning and Zoning Commission, the City Manager and the Director of the Fire Prevention Division of the City of Paducah. The panel shall consider whether the revocation was justified and whether good cause exists to reinstate the Mobile Food Permit. The panel shall issue its decision on the appeal in a written opinion within 10 business days; the written opinion will be sent via first class mail to the Mobile Food Vendor at the address listed on the Mobile Food Vehicle application. The decision resulting therefrom shall be final. Following the revocation of a Mobile Food Permit, a Vendor must wait one year before reapplying for a new Mobile Food Permit.

Funds Available: Account Name: N/A  
Account Number: N/A

Finance
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Motion:

Attachments:

Planning Commission Resolution

Department Head	City Clerk	 City Manager
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# Agenda Action Form

## Paducah City Commission

Meeting Date: April 24, 2017

Short Title: Project Partnership Agreement (PPA) with the U.S. Department of the Army for the Construction of the Ohio River Shoreline Reconstruction Project

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:

- **1998** – The U.S. Army Corps of Engineers (USACE) was authorized to initiate a “Shoreline Study” which included review of the City of Paducah’s Floodwall System upon requests made by the City following the flood event of March 1997.
- **May 2000** - The USACE completed the Ohio River, Paducah, Kentucky, Analysis, which described major repairs required of the City’s Floodwall System.
- **2007 WRDA Act** – The Water Resources Development Act of 2007 “WRDA” bill authorized the USACE and the City of Paducah to enter into an Floodwall Feasibility Study and Certification of Levee System
- **January 30, 2009** - The City and the USAC executed an Agreement to authorize the USACE to undertake a Feasibility Study to evaluate the Paducah Floodwall System as authorized by Ordinance #2009-1-7510.
- **October 2010** – The USACE completed the Feasibility Report of the Paducah Levee System, aka “the Ohio River Shoreline, Paducah Kentucky “LFPP” Reconstruction Project Feasibility Report,” which recommended certain rehabilitation priority projects to improve the reliability and restore system performance of the City’s 60-year old Floodwall.
- **May 16, 2012** - The USACE Chief’s report recommended to the U.S. Congress the implementation of the Paducah’s Ohio River Shoreline Reconstruction Project as noted within the Feasibility Report as authorized by H.R. 3080, WRRDA 2014, page 174.
- **July 17, 2012** - Municipal Order #1678 was adopted authorizing the Mayor to Execute a Letter of Intent to the USACE supporting the initiation of Preconstruction Engineering and Design Activities (PED) for the Reconstruction Project.
- **March 14, 2013** – Design Agreement was executed authorizing the initiation of the PED for Priority #1 of the Reconstruction Project as authorized by Ordinance #2013-02-8014.
- **April 9, 2015** - Amendment #1 to the Design Agreement was executed which expanded the Original Design work to include initiation of the PED for Priority #2 thru Priority #7 of the Reconstruction Project as authorized by Ordinance #2015-03-8227.

Since the execution of the Design Agreements in 2013 and 2015, Preconstruction Engineering and Design work of the noted Priority Reconstruction Projects has proceeded. However, the Design Agreements did not include provisions allowing the City to receive "Project In-Kind Credits" for any Floodwall monetary expenses in the event any emergency work was required. The USACE requires a separate document to be executed, a Project Partnership Agreement (PPA), which has not been executed as of this date. Since the City had not entered into a PPA with the USACE, four separate MOUs were executed in the last two years with the USACE in order to ensure the City receives "Project In-Kind Credits" for expenditures related to emergency repair/replacement work at Pump Station #2 and Pump Station #9.

After 19 years of effort, working with the USACE we have finally prequalified Paducah's Local Flood Protection Project (LFPP) and have received the Project Partnership Agreement (PPA) from the USACE for Federal Financial Assistance as outlined in the agreement. This Agreement establishes the Project's financial cost sharing between the Federal Government and the Non-Federal Sponsor (the City). The cost sharing responsibilities will cause a 65% Federal matched by a 35% Non-Federal Sponsor. The 35% Non-Federal Sponsor's matching funds will consist of 30% of in-kind and a minimum of a 5% cash match of the Project completion. As of this date, the financial proportions are as follows:

- \$32,554,000 100% Total Project Authorized Reconstruction Costs
- \$21,160,000 65% Federal Share
- \$11,393,900 35% Non-Federal Sponsor's (City's) Share

From the execution day forward, this Project will require Federal Legislation/Appropriations to fund the future Project needs.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: FW Project Accounts as Needed  
 Account Number:

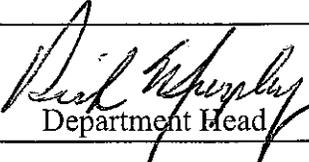
Finance
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Staff Recommendation:

To adopt an Ordinance authorizing the Mayor to execute a Project Partnership Agreement (PPA) between the Department of the Army and the City of Paducah for the Construction of the Ohio River Shoreline, Paducah, Kentucky, Reconstruction Project; and to authorize the Finance Director to provide the Non-Federal Sponsor's 5% cash obligations to the USACE in accordance with the Agreement as Federal Legislation/Appropriations are awarded.

Attachments:

Project Partnership Agreement with USACE Division Approval Cover Letters

 Department Head	City Clerk	City Manager
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