



CITY COMMISSION MEETING
AGENDA FOR NOVEMBER 14, 2017
5:30 P.M.
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

PRESENTATION: Kentucky League of Cities Enterprise Cities Award for Pat & Jim Brockenborough Rotary Health Park – KLC Community Development Advisor Bobbie Bryant

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>RESOLUTION</u>
	A. Resolution Recognizing Partnership with 101 st Airborne Division (Air Assault) Sustainment Brigade
	B. Resolution in Memory of Robert Lee Patterson
	II. <u>CONSENT AGENDA:</u>
	A. <u>MINUTES</u>
	B. <u>MOTION(S)</u>
	1. R & F Documents
	C. <u>MUNICIPAL ORDER(S)</u>
	1. Personnel Actions – M. RUSSELL
	2. Commitment Letter for Paducah Main Street Program – M. WINCHESTER

	III. <u>MUNICIPAL ORDER(S)</u>
	A. Authorize One Year Construction Extension for 421 North 5 th Street – T. TRACY
	B. Approve & Authorize City Manager's Severance & Release Agreement (Under Legal Preparation)
	IV. <u>ORDINANCE(S) – ADOPTION</u>
	A. FY2018 Budget Amendments – CITY MGR PEDERSON/J. PERKINS
	B. Amend Cable Television Franchise Agreement with Comcast – P. SPENCER
	V. <u>ORDINANCE(S) – INTRODUCTION</u>
	A. Amend 911 Ordinance To Allow The City To Audit Telephone Companies For Compliance With The City's Fee Provisions – E. McMANUS
	VI. <u>COMMENTS</u>
	A. Comments from the City Manager
	B. Comments from the Board of Commissioners
	C. Comments from the Audience
	VII. <u>EXECUTIVE SESSION</u>

RESOLUTION

A RESOLUTION RECOGNIZING PARTNERSHIP BETWEEN THE CITY OF PADUCAH,
KENTUCKY AND 101ST AIRBORNE DIVISION (AIR ASSAULT) SUSTAINMENT
BRIGADE

WHEREAS, we gratefully, acknowledge that we live in freedom today because of the many sacrifices that have been made and are being made today, by the valiant servicemen and women in the Armed Forces and their families; and

WHEREAS, the 101st Airborne Division (Screaming Eagles) is the United States Army's only Air Assault Division whose high level of training, discipline and professionalism make the 101st Airborne Division the vanguard of America's land combat forces with five (5) Division Level deployments to Iraq and Afghanistan over the last fifteen years; and

WHEREAS, the 101st Airborne Division (Air Assault) Sustainment Brigade is approximately 3300 Soldiers strong and comprised of the 101st Special Troops Battalion, 129th Combat Sustainment Support Battalion, 2nd Battalion, 44th Air Defense Artillery Regiment, and the 716th Military Police Battalion, currently has Soldiers deployed all over the world in countries such as Afghanistan, Kosovo, Egypt, and Cameroon; and

WHEREAS, since the attack on 9/11 over 630 Soldiers from the 101st Airborne Division have paid the ultimate sacrifice for the freedoms we enjoy in our nation and our great community, 12 Soldiers were from the 101st Airborne Division Sustainment Brigade, with countless others bearing the invisible mental and emotional wounds of war; and

WHEREAS, it is fitting and proper for the City of Paducah to extend its continuing support in partnership to honor the 101st Airborne Division Sustainment Brigade and the 101st Airborne Division's many years of heroism and sacrifice in defense of our Country's freedom.

NOW THEREFORE BE IT RESOLVED, on behalf of our residents, the Paducah City Commission is proud to recognize, support and partner with the 101st Airborne Division and the 101st Airborne Division Sustainment Brigade, its military members and their families for their service sacrifices and in all they do.

AND, BE IT FURTHER RESOLVED, that the Paducah City Commission encourages all municipalities and communities within, as well as schools, churches, organizations and residents to fully support the partnership efforts with the 101st Airborne Division, 101st Airborne Division Sustainment Brigade, its military members, and their families now and into the future as they continue to defend our democracy, our security and our national values.

This Resolution shall be in full force and effect from and after its adoption.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, November 14, 2017
Recorded by Tammara S. Sanderson, November 14, 2017
vresoln\101st Airborne

RESOLUTION

In Memory of

ROBERT LEE PATTERSON

- WHEREAS, Robert Lee Patterson served as Police Chief for Paducah, Kentucky from 1985 to 1992; and
- WHEREAS, Mr. Patterson was the first African American Police Chief in the City of Paducah and in the State of Kentucky; and
- WHEREAS, Mr. Patterson was instrumental in starting the area's "DARE" Program and the West Kentucky Narcotics Program; and
- WHEREAS, the many contributions Mr. Patterson made to the City of Paducah will live on as his legacy and his accomplishments will continue to influence this community for years to come.

NOW THEREFORE, be it resolved that the Board of Commissioners of the City of Paducah, Kentucky, on behalf of its citizens, offer their condolences to the family of Robert Lee Patterson and express their gratitude for his commitment and leadership in our community.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, November 14, 2017
Recorded by Tammara S. Sanderson, November 14, 2017
\\resoln\Robert Lee Patterson

November 7, 2017

At a Regular Meeting of the Board of Commissioners, held on Tuesday, November 7, 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 Holland gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Harless led the pledge.

CONSENT AGENDA

Mayor Harless asked if the Board wanted any items on the Consent Agenda removed. Since no one responded she asked the City Clerk to read the Consent Agenda.

I(A)	Minutes for the October 24, 2017 City Commission Meeting
I(B)1	R & F Documents 1. Contracts/Agreements: a. Contract with Alert Alarm Systems, Inc. for the purchase of three new PTZ Cameras (MO # 2037) b. Employment Agreement with John Tolliver for Employment as a Police Traffic Officer (MO # 2033) c. Agreement with McBride Mac Sales, Inc. for purchase of one Front Loading Refuse Truck (MO # 2029) d. Agreement with McBride Mac Sales, Inc. for purchase of one Side Arm Loading Refuse Truck (MO # 2028) 2. Paducah McCracken County Riverport Authority Financial Statements for the Years Ended June 30, 2017 and 2016 3. Transit Authority of the City of Paducah Financial Statements for year ended June 30, 2017
I(C)1	Personnel Actions
I(C)2	A MUNICIPAL ORDER APPROVING THE ANNUAL MAXIMUM CONTRIBUTIONS FOR HEALTH CARE FLEXIBLE SPENDING ACCOUNTS FOR FULL-TIME EMPLOYEES OF THE CITY OF PADUCAH; PROVIDING FOR ANNUAL ADJUSTMENTS FOR FUTURE FLEXIBLE SPENDING ACCOUNT MAXIMUM CONTRIBUTIONS TO MATCH THE RISE OR FALL IN THE CONSUMER PRICE INDEX AT THE CLOSE OF A 12 MONTH PERIOD AS DETERMINED BY THE INTERNAL REVENUE SERVICE AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME (M.O.#2038; BK 10)
I(C)3	A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY, AUTHORIZING THE AMENDMENT AND RENEWAL OF THE 2016-2017 FUEL SUPPLY AGREEMENT WITH JSC TERMINAL, LLC; AUTHORIZING THE EXECUTION OF THE FIRST EXTENSION AND AMENDMENT (M.O.#2039; BK 10)
I(C)4	A MUNICIPAL ORDER ESTABLISHING A PERMIT FEE FOR COMMERCIAL COLLECTION OF RECYCLABLE SOLID WASTE (M.O.#2040; BK 10)

Mayor Harless offered motion, seconded by Commissioner Holland, that the items on the Consent Agenda be adopted as presented.

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

ORDINANCE(S) – ADOPTION

APPROVE REZONING OF 2835 MARYLAND STREET AND 2909 LONE OAK ROAD

Commissioner Abraham offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE APPROVING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONE CHANGE FROM R-1 (LOW DENSITY RESIDENTIAL ZONE) TO HBD (HIGHWAY BUSINESS DISTRICT) FOR PROPERTY LOCATED AT 2909 LONE OAK ROAD AND 2835 MARYLAND STREET." This Ordinance is summarized as follows: Rezone property located at 2909 Lone Oak Road and 2835 Maryland Street, from R-1 (Low Density Residential Zone) to HBD (Highway Business District), and amending the Paducah Zoning Ordinance to effect such rezoning.

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5). (ORD.#2017-11-8501; BK 35)

APPROVE FINAL ANNEXATION OF 2835 MARYLAND STREET AND 2909 LONE OAK ROAD

Commissioner Holland offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE EXTENDING THE BOUNDARY OF THE CITY OF PADUCAH, KENTUCKY, BY FINALIZING THE ANNEXATION OF CERTAIN PROPERTIES LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF PADUCAH, AND DEFINING ACCURATELY THE BOUNDARY OF SAID PROPERTIES TO BE INCLUDED WITHIN THE SAID CORPORATE LIMITS." This Ordinance is summarized as follows: The City of Paducah hereby approves the final annexation of certain tracts of property contiguous to the present city limits, located at 2909 Lone Oak Road and 2835 Maryland Street, and containing 0.9 acres, more or less.

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5). (ORD.#2017-11-8502; BK 35)

ORDINANCE(S) – INTRODUCTION
FY2018 BUDGET AMENDMENTS

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2017-06-8487, ENTITLED, "AN ORDINANCE ADOPTING THE CITY OF PADUCAH, KENTUCKY, ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2017, THROUGH JUNE 30, 2018, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT"". This ordinance is summarized as follows: That the annual budget for the fiscal year beginning July 1, 2017, and ending June 30, 2018, Ordinance No. 2017-06-8487, be amended by the following re-appropriations:

- Transfer \$320,000 from Solid Waste Fund fund reserves to the Solid Waste Fund (5000)
- Transfer \$25,000 from General Fund fund reserves to Transient Boat Dock Fund (5300)
- Transfer \$52,000 from General Fund fund reserves to General Government – General Fund (1000)
- Transfer \$72,000 from Fleet Lease Trust Fund fund reserves to Fleet Lease Trust Fund (7100)

COMMENTS

COMMENTS FROM THE CITY MANAGER

- City Manager Pederson informed the Board that he has received a letter from the local chapter of AFSCME requesting negotiations commence in December 2017. The current contract expires June 30, 2018. AFSCME members work in the Engineering-Public Works Department and Parks Services Department.
- The City Engineer Rick Murphy offered options to the Board regarding traffic congestion at the intersection of Buckner Lane and Pecan Drive. The four options he offered were:
 - 1) Do nothing
 - 2) Make the intersection an all way stop
 - 3) Add a traffic signal
 - 4) Widen the throat of Buckner Lane from Pecan Drive to add a left turn lane

Depending on which option chosen costs could range between \$0 and \$90,000.

He recommends a traffic study be conducted for that intersection. Traffic study would cost between \$7,000 and \$8,000.

During the discussion, the intersection of Buckner Lane and Pines Road was raised.

At the conclusion of the discussion, the Board asked Mr. Murphy to obtain a price by the next commission meeting (November 14) to conduct a traffic study to include the intersection of Pines Road and Buckner Lane and the intersection of Buckner Lane and Pecan Drive.

- Michelle Smolen, Assistant to the City Manager, presented the Voice of the People Award for Transformation in Recreation and Wellness to the Board, which she and the City Manager accepted on behalf of the City at the International City/County Management Association conference they attended in October. The award was given by The National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA).

EXECUTIVE SESSION

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board go into closed session for discussion of matters pertaining to the following topic:

- Issues which might lead to the appointment, dismissal or disciplining of an employee, as permitted by KRS 61.810 (1)(f).
- A specific proposal by a business entity where public discussion for the subject matter would jeopardize the location, retention, expansion or upgrading of a business entity, as permitted by KRS 61.810(1)(g).

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

RECONVENE IN OPEN SESSION

Mayor Harless offered motion, seconded by Commissioner Holland that the Board of Commissioners reconvene in open session.

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

ADJOURN

Mayor Harless offered motion, seconded by Commissioner Wilson, to adjourn the meeting. All in favor.

Meeting ended approximately at 7:30 p.m.

ADOPTED: November 14, 2017

City Clerk

Mayor

November 14, 2017

DOCUMENTS

1. Certificate of Liability Insurance for Chad Craig DBA 3 Cs Concrete Work
2. Letter of Resignation from City Manager Jeffery Pederson
3. Contracts/Agreements:
 - a. Grant Agreement with Foundation for A Healthy Kentucky for Fountain Gardens Get Fit Youth Wellness Program (ORD # 2015-4-8231)
 - b. Contract Renewal with Kinsey's Lawn & Landscape (ORD 2016-2-8350)
4. McCracken County Health Taxing District Financial Statements for years ended June 30, 2017 and 2016

CITY OF PADUCAH
November 14, 2017

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.



City Manager's Signature

November 10, 2017

Date

CITY OF PADUCAH
PERSONNEL ACTIONS
November 14, 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>
<u>PARKS SRVCS - RECREATION</u>					
Bogard, Jason R.	Recreation Leader \$11.75/Hr	Recreation Leader \$11.20/Hr	NCS	Non-Ex	November 16, 2017

TERMINATIONS - FULL TIME (FT)

<u>GENERAL GOVERNMENT</u>	<u>POSITION</u>	<u>REASON</u>			<u>EFFECTIVE DATE</u>
Pederson, Jeffrey A.	City Manager	Resignation	NCS	Exempt	January 12, 2018

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2017

Short Title: Commitment letter for Paducah Main Street Program

Ordinance Emergency Municipal Order Resolution

Staff Work By: Melinda Winchester
Presentation By: Melinda Winchester

Background Information:

As part of the annual Kentucky Main Street Accreditation, the City and the Organization are required to sign a letter of commitment to develop, implement and maintain the program utilizing the comprehensive Main Street Four-Point Approach as advocated by the National Trust Main Street center.

Recommendation:

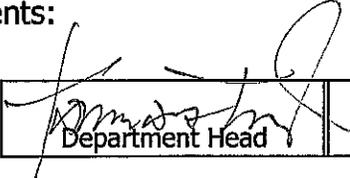
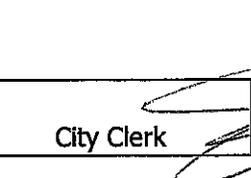
Approve and sign the Accredited Program Annual Letter of Commitment.

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

Finance

Motion:

Attachments:

 Department Head	 City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APPROVING THE ANNUAL LETTER OF COMMITMENT FOR ACCREDITATION FOR PADUCAH MAIN STREET BY THE KENTUCKY HERITAGE COUNCIL AS A CERTIFIED KENTUCKY MAIN STREET PROGRAM FOR JANUARY 15, 2018 THROUGH JANUARY 30, 2019 AND AUTHORIZING THE MAYOR TO EXECUTE THE ANNUAL LETTER OF COMMITMENT

WHEREAS, the City wishes to continue participation in the Kentucky Main Street Program as established by Kentucky Heritage Council by receiving certification for January 15, 2018 through January 30, 2018; and

WHEREAS, as part of the annual Kentucky Main Street Accreditation, the City and the Paducah Main Street organization are required to sign a letter of commitment to develop, implement, and maintain the Main Street Program utilizing the comprehensive Main Street Four-Point Approach as developed by the National Trust Main Street Center.

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

SECTION 1. That the City of Paducah hereby approves the annual letter of commitment for accreditation for Paducah Main Street by the Kentucky Heritage Council as a certified Kentucky Main Street Program for January 15, 2018 through January 30, 2019.

SECTION 2. That the Mayor is hereby authorized to execute the Annual Letter of Commitment approved in Section 1 above.

SECTION 3. This Municipal Order shall be effective from and after the date of its adoption.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, November 14, 2017
Recorded by Tammara S. Sanderson, City Clerk, November 14, 2017
\\mo\ Paducah Main Street Commitment Letter



Accredited Program Annual Letter of Commitment

This Letter of Commitment is the formal and binding statement of the plans, expectations, and responsibilities required for future certification by the Kentucky Main Street Program from the City of _____ (hereinafter referred to as "CITY"), and _____ Main Street (local Main Street) (hereinafter referred to as the "ORGANIZATION"). This commitment is for **January 15, 2018** through **January 30, 2019**.

The CITY and the ORGANIZATION commit to participate in the Kentucky Main Street Program and agree to:

1. Develop, implement, and maintain program commitment to the comprehensive Main Street Four-Point Approach as advocated by the National Trust Main Street Center and the focus of the local Main Street program on the downtown designated Main Street area.
2. Employ and maintain a full-time professional Main Street executive director (part-time director in cities with less than 10,000 population), who will be responsible for the day-to-day administration of the local Main Street organization in the community when they reach the level of Network/Affiliate/Accredited. In the event the program director is vacated during the term of this agreement, we agree to fill the position within three months or less. The local Main Street director shall serve as a liaison between the community and the local government and shall report to the local government at least quarterly.
3. Establish an organization focused on downtown revitalization that includes representation from both the public and private sectors. This board shall meet on a regular basis (at least 9 times/year) and maintain meeting minutes denoting the organizational business. Working committees shall meet on a regular basis (at least 9 times/year) including, but not limited to the following committees: Design, Economic Vitality, Promotion, and Organization and maintain meeting minutes for each committee denoting their work.
4. Work together to establish an adequate budget with funds necessary for operating a local Main Street office, implementing an active plan of work, and required ongoing training of the program director and board.
5. Develop and implement a comprehensive approach to downtown revitalization using the Main Street Four-Point Approach™ and Eight Principles ascribed by the National Main Street Center, including development of annual written work plan for the local Main Street organization that is based on the local Main Street vision and mission statements.
6. Provide data and statistics for monitoring the progress of the local Main Street program by submitting required reports by due dates using the format provided by the Kentucky Main Street Program and provide other information as requested by the Kentucky Main Street Program.
7. The local program must obtain a minimum of four (4) training credits approved by the Kentucky Heritage Council during the January-December timeframe. Provide for the local Main Street director to attend local, state, and national training opportunities; state trainings are mandatory. The ORGANIZATION shall be responsible for travel costs and other expenses associated with these meetings.

8. Establish a historic preservation ethic, specifically:

- The local program has an active and effective design management program;
- The local program encourages renovation, restoration, and rehabilitation projects to follow the Secretary of the Interior Standards;
- The local program works to find creative adaptive use, financing, and physical rehabilitation solutions to preserving buildings;
- The local program recognizes the importance of planning and policies that encourage re-development of property within the commercial district;
- The local program coordinates financial and technical incentives to facilitate the process of attracting investment in the historic commercial district;
- The local program educates and builds public awareness about historic preservation and for the commercial historic district's buildings;
- And the local program advocates preserving historic buildings and advocates against demolition of historic structures.

9. Establish broad-based community support for the program by the public and private sectors through financial contributions and volunteer support. Hold an annual meeting and create an annual report to be submitted to the state. The organization will share the report with local citizens and government leaders at both local and state levels providing further education on the work of the Main Street organization.

10. Credit participation in the both the National Main Street program and the Kentucky Main Street program in appropriate methods as required (i.e. published materials (print and electronic) including websites, social networking sites, advertising, news and press releases, printed programs, flyers, calendars, brochures and film/video credits). Provide copies of promotional materials to the Kentucky Main Street program as requested.

11. The Kentucky Heritage Council receives funds from the State of Kentucky. Write your State Senator and Representative annually to let them know the importance of the Kentucky Main Street program in your community and the difference that is made by these public funds. Provide a copy of the letter to the Kentucky Heritage Council with annual certification documentation.

12. Agrees to appropriate use of the "Main Street"TM name as an Accredited program by stating your program name with "a Kentucky Main Street Accredited program." Agrees to stop using "Main Street"TM or "Main Street America"TM name when no longer a program determined by Kentucky Main Street program through the annual certification process, as per the National Main Street Center licensing agreement.

IN WITNESS WHEREOF, the parties have agreed to this commitment.

Signature of Mayor

Date

Signature of Main Street Chair

Date

Signature of Main Street Director

Date

*Note: This Letter of Commitment is based upon the 10 Performance Standards developed by the National Trust Main Street Center and coordinating Main Street program partners. They are based on operational performance for a sustainable organization, not on economic performance. They may be found on the National Main Street Center website: <http://www.preservationnation.org/main-street/about-main-street/the-programs/performance-standards.html>

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2017

Short Title: 421 N. 5th Street- request for one year construction extension

Ordinance Emergency Municipal Order Resolution

Staff Work By: Melinda Winchester

Presentation By: Tammara Tracy



Background Information:

At the September 15, 2015 Paducah City Commission meeting, a proposal was submitted for the transfer and redevelopment of the last structure in the city-owned inventory of Lower Town. The proposal was approved by the Commission and the deed was transferred to and recorded at the McCracken County Courthouse on September 21, 2015. In compliance with Planning Department policy, the deed contained the customary eighteen month reversion clause.

Owners completed the stabilization, re-pointing of the brick and a new roof on the structure in September of 2016. The property also has been cleaned up and the non-historic deck removed from the front facade. At the time of transfer of 421 N. 5th Street, the owners had just begun an extensive rehabilitation project on two adjacent downtown historic properties at 224-226 Broadway. This was a substantial investment of approximate \$900,000. Both of these projects are reaching completion and have provided the City of Paducah and the historic downtown with two new vibrant commercial businesses and four new residential upper story apartments.

The owners are requesting a one year extension to be able to fully complete the project now that the other two commercial building projects are wrapping up.

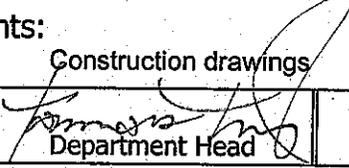
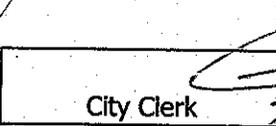
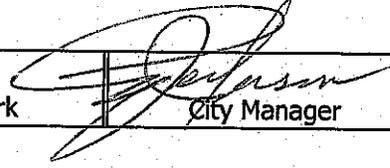
Funds Available: Account Name: N/A
Account Number: N/A

Finance

Motion:

Attachments:

Construction drawings

 Department Head	 City Clerk	 City Manager
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A MUNICIPAL ORDER APPROVING AND AUTHORIZING A
MEMORANDUM OF UNDERSTANDING WITH BRANDI HARLESS AND HUSBAND,
ADAM MOYERS GRANTING A ONE YEAR EXTENSION FOR COMPLETION OF
REHABILITATION FOR REAL PROPERTY LOCATED AT 421 NORTH 5TH STREET

WHEREAS, Brandi Harless and husband, Adam Moyers (hereinafter called the "Owners"), purchased a parcel of real estate located at 421 North 5th Street from the City of Paducah by deed dated September 23, 2015 approved by Ordinance No. 2015-9-8299; and

WHEREAS, this property is located in the Lower Town Historical District (hereinafter referred to as "HARC"), and all proposals must meet the standards for historical rehabilitation promulgated by the Secretary of Interior and be approved by the Historical and Architectural Review Commission of Paducah, Kentucky; and

WHEREAS, this property contains a reverter clause that if the project is not completed within eighteen months from transfer, the property will revert to the City; and

WHEREAS, this reverter clause expired on March 23, 2017; and

WHEREAS, the Owners have also recently completed an extensive rehabilitation of downtown properties located at 224-226 Broadway, and most of their efforts and capital have been expended in this venture; and

WHEREAS, through efforts of the Owners regarding the 421 North 5th Property, they have cleaned and stabilized the property, installed a new roof, repointed brick, a non-historic deck has been removed from the front of the structure. However, to complete the project in accordance with the application of Owners and approved by the HARC Board, additional time is necessary to rehabilitate and revitalize the structure. The Owners estimate that an additional twelve (12) months will be required to complete the project and request a twelve month extension of the reverter clause from the City; and

WHEREAS the City of Paducah after reviewing the work done to stabilize and upgrade the structure and being cognizant of the completion of rehabilitation of the two structures on Broadway as set out above, agree to extend the period for completion for the twelve (12) month period; and

WHEREAS, all parties involved have reached understandings and now wish to memorialize their understandings by entering into a written Memorandum of Understanding.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF
COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY as follows:

Section 1. Authorization. The Board of Commissioners of the City of Paducah hereby approves and the Mayor Pro Tem of the City of Paducah, Kentucky, is hereby authorized and directed to enter into a Memorandum of Understanding (this "MOU") between City and Brandi Harless, and husband Adam Moyers granting a 12-month extension to complete the rehabilitation of real property located at 421 North 5th Street in substantially the form attached hereto as Exhibit A and made a part hereof. It is hereby found and determined that this MOU is

to be entered into in furtherance of proper public purposes of City and that it is necessary and desirable and in the best interests of City to enter into this MOU for the purposes therein specified.

Section 2. Severability. If any section, paragraph or provision of this Order 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 Order.

Section 3. Compliance With Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Order 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 4. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Order are, to the extent of such conflict, hereby repealed and the provisions of this Order shall prevail and be given effect.

Section 5. Effective Date. This Order shall be in full force and effect on and after the date as approved by the Board of Commissioners of the City of Paducah, Kentucky.

Mayor Pro Tem

ATTEST:

City Clerk, Tammara Sanderson

Adopted by the Board of Commissioners, November 7, 2017
Recorded by Tammara S. Sanderson, City Clerk, November 7, 2017
\\mo\MOU-extension for 421 N 5th

EXHIBIT A TO THE MUNICIPAL ORDER

MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding made and entered into on this the ____ day of _____, 2017, by and between **CITY OF PADUCAH, KENTUCKY**, P.O. Box 2267 Paducah, Kentucky 42002-2267, (the "City" or "City of Paducah"), a municipality of the second class and **BRANDI HARLESS and husband, ADAM MOYERS**, of 421 N. 5th Street, Paducah, Kentucky 42001, hereinafter called (the "Owners").

: WITNESSETH:

WHEREAS, Owners own a parcel of real estate located at 421 North 5th Street, Paducah, Kentucky, purchased from the City of Paducah, Kentucky by deed dated September 23, 2015, and recorded in, Deed Book 1309, Page 145, McCracken County Court Clerk's Office, see Deed attached; and

WHEREAS, the property is located in the Lower Town Historical District, (H2 Zone) and all proposals for rehabilitation must meet the standards for historical rehabilitation promulgated by the Secretary of Interior and be approved by the Historical and Architectural Review Commission (hereinafter referred to as "HARC") of Paducah, Kentucky; and

WHEREAS, this property contains a reverter clause that if the project is not completed within eighteen months from transfer, the property will revert to the City; and

WHEREAS, this reverter clause expired on March 23, 2017; and

WHEREAS, the Owners have also recently completed an extensive rehabilitation of downtown properties located at 224-226 Broadway, and most of their efforts and capital have been expended in this venture; and

WHEREAS, through efforts of the Owners regarding the 421 North 5th Property, they have cleaned and stabilized the property, installed a new roof, repointed brick, a non-historic deck has been removed from the front of the structure. However, to complete the project in accordance with the application of Owners and approved by the HARC Board, additional time is necessary to rehabilitate and revitalize the structure. The Owners estimate that an additional twelve (12) months will be required to complete the project and request a twelve month extension of the reverter clause from the City;

AND WHEREAS the City of Paducah after reviewing the work done to stabilize and upgrade the structure and being cognizant of the completion of rehabilitation of the two structures on Broadway as set out above, agree to extend the period for completion for the twelve (12) month period, based upon the following conditions, the City does now authorize this MEMORANDUM OF UNDERSTANDING.

NOW, THEREFORE, in consideration of the foregoing premises and for other good consideration, the legal adequacy and sufficiency of which is hereby acknowledged by the parties hereto, the parties do covenant and agree as follows:

OWNERS AGREES TO THE FOLLOWING:

1. Owners shall forthwith proceed to complete the rehabilitation as approved by the HARC Board.
2. The Owners shall complete the project within twelve (12) months from the date hereof or the terms set out in the Reverter Clause in the vesting deed.

If the above conditions are complied with by Owners,

CITY AGREES TO THE FOLLOWING:

1. The City does hereby agree to amend the Reverter Clause to extend the period for Owners to complete the rehabilitation for twelve (12) months from the date of approval by the board and execution by the City.

2. The City shall file for record a copy of this Memorandum to give notice of the modification of Owners' Deed in the McCracken County Court Clerk's Office.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions shall apply:

1. **Assignment.** This Memorandum of Understanding shall be binding upon and shall inure to the benefit of the parties hereto, and their respective legal representatives, heirs, successors and permitted assigns. The Owners shall not assign his rights and obligations hereunder, in whole or in part, without the prior consent of the City, but in no event, shall any assignment hereunder release or relieve the Owners from any obligations of this Agreement for which the Owners shall remain fully bound to the City.

2. **Merger Clause.** It is agreed and understood between the parties that this Memorandum of Understanding represents the entire and exclusive agreement between the parties and that all prior representations, covenants, warranties, understandings and agreements are merged herein. This Memorandum of Understanding may only be modified in writing executed by all parties hereto.

3. **Construction.** This Memorandum of Understanding shall be governed and construed under the laws of the Commonwealth of Kentucky.

4. **Assurances.** The city and the Owners agree to execute such further documents and instruments as shall be necessary to fully carry out the terms of this Agreement.

5. **Amendments.** This memorandum of Understanding may not be modified or amended unless in writing signed by both parties hereto.

6. **Execution and Delivery.** This Memorandum of Understanding shall be of no force or effect unless and until it shall have been executed by both the City and the Owners and approved by the governing body of the City of Paducah.

7. **Time.** All times referred to herein shall be strictly construed, as all of such times shall be deemed of the essence.

WITNESS signatures of the parties as of the year and date first above written.

CITY:

OWNERS:

CITY OF PADUCAH, KENTUCKY

**BRANDI HARLESS AND HUSBAND
ADAM MOYERS**

BY: _____
SANDRA WILSON

BY: _____
BRANDI HARLESS

DATE: _____

BY: _____
ADAM MOYERS

DATE: _____

October 11, 2017

Melinda Winchester
Downtown Development Specialist
Department of Planning
300 South 5th Street
Paducah, KY 42001

Re: 421 N. 5th St; Extension of time request

Dear Ms. Winchester,

We respectfully request a one-year extension of time to complete our home improvements at 421 N. 5th Street. To date, we have completed the exterior work on the roof and siding, so that house is stabilized. At this time, we are completing a significant rehabilitation of the two historic properties at 224-226 Broadway St, which includes retail on the ground level and residential units on the upper level. Once this project is complete, we can focus on completing our home at 421 N. 5th Street.

Sincerely,

Brandi Harless
Adam Moyers
Owners

Agenda Action Form Paducah City Commission

Meeting Date: October 24, 2017

Short Title: **FY2018 Budget Amendment** – Recycling Program (Solid Waste Fund); Administrative Assistant (General Fund); Transient Boat Dock Fund; and vehicles (Fleet Lease Trust Fund).

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jonathan Perkins, Mark Thompson, Brandon Barnhill, Jeff Pederson, Chris Yarber

Presentation By: Jeff Pederson, Jonathan Perkins

Background Information:

Solid Waste Fund (5000) – When the FY2018 Solid Waste Fund budget was developed the recycling program was still being studied. Fund appropriations did not take into consideration the cost of such a program, but now that a program is in the development stages an appropriation must be made to support expenditures for such. In summary, the FY2018 Solid Waste Fund budget needs an additional \$320,000 for the acquisition of capital assets for the initial phase of the recycling program. The following items are needed: \$270,000 for 5,000 recycling roll-outs; and \$50,000 public education.

All of the budget increase will be funded with Solid Waste Fund fund reserves.

Transient Boat Dock Fund (5300) – When the FY2018 budget was drafted in spring of 2017, staff had no historical experience on which to draw in developing a working budget. Since that time, we've learned several things involved with the dock's operation which should provide a better understanding of what cost to expect going forward. In summary, the FY2018 budget needs to be adjusted \$25,000 to cover the following expenditures: Liability insurance, \$8,000; communication/plant upkeep, \$3,000; and, cost of fuel to be sold, \$14,000.

It is expected that rental income and fuel sales will offset much of the docks' first year of operation.

General Government – General Fund (1000) – In order to re-establish an Administrative Assistant position in General Government, \$52,000 is required to be added to the General Fund budget. This adjustment includes the cost of wages and related fringe benefits for the position.

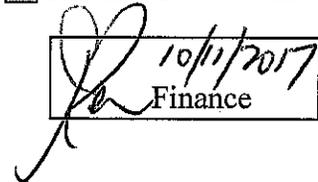
All of the budget increase will be funded with General Fund fund reserves.

Fleet Lease Trust Fund (7100) – Ordinance 2016-9-8423 passed in September 2016 (FY2017) authorized the purchase of two additional police vehicles as replacement vehicles when units are taken out of commission due to accidents. These vehicles were delivered in August of 2017, but without an appropriation to support them, which will cause the ‘vehicle account’ in FY2018 to become a deficit by end of the fiscal without additional funding. In order to avoid deficit spending, \$72,000 in additional FY2018 funds is needed.

All of the budget increase will be funded with Fleet Lease Trust Fund fund reserves.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Various
Account Number: Various

 10/11/2017
Finance

Staff Recommendation:

Approve budget amendments as proposed.

Attachments:

Department Head	City Clerk	 City Manager
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Agenda Action Form

Paducah City Commission

Meeting Date: October 24, 2017

Short Title: Third 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. In December 2016, the Paducah Board of Commissioners approved a franchise agreement extension through April 11, 2017. In April 2017, a second amendment extended the term through October 11, 2017. This action amends the franchise agreement for a third time on a month-to-month basis as both parties continue negotiations concerning a renewal of the franchise agreement.

The City and Comcast halted negotiations for several months as both parties awaited the Kentucky Supreme Court's opinion regarding the telecommunications tax. In July, the Court issued its opinion which determined that KRS 136.660 pertaining to the telecommunications tax violates Sections 163 and 164 of the Kentucky Constitution. Prior to the Kentucky Supreme Court's opinion, localities were prevented from collecting franchise fees from telecommunications service providers. Instead, the State administered, collected, and remitted to franchise holders the telecommunications tax.

With the Supreme Court's opinion, cities now have the option to invoke a franchise fee at the 5% maximum allowable which is what the City of Paducah has notified Comcast that we plan to invoke. We anticipate the franchise agreement renewal process will be resolved in one more negotiation session.

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
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Agenda Action Form Paducah City Commission

Meeting Date: 11-14-17

Short Title: Amendment to ordinance allowing audit of 911 phone line tax.

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Ed McManus, Brent Stringer, Jon Perkins, Heather Rushing, Corie Cole, Stephen Chino, Steve Kyle, Sandra Powell, Brandon Barnhill, Stacey Blankenship
Presentation By: Ed McManus

Background Information: It is strongly suspected some landline phone carriers are not accurately charging city customers the \$2.50 per line fee and/or not accurately reporting the number of landlines in the city. This ordinance amendment allows for an audit process to ensure accurate fee collection.

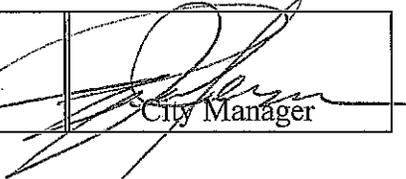
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

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

Finance

Staff Recommendation: Adopt ordinance amendment.

Attachments:

 Department Head	 City Clerk	 City Manager
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ORDINANCE NO. 2017-11-_____

**AN ORDINANCE AMENDING THE 911 ORDINANCE
FOR PURPOSES OF ALLOWING THE CITY TO AUDIT
TELEPHONE COMPANIES FOR COMPLIANCE WITH
THE CITY'S FEE PROVISIONS**

WHEREAS, pursuant to Section 2-327(a) of the Paducah Code of Ordinances, all private commercial telephone companies and dispersed private telephone systems (DPTS) that provide telephone services to citizens of the City of Paducah are to collect and remit a fee of \$2.50 per telephone line to the City of Paducah for purposes of funding the establishment, operation, and maintenance of the 911 Communication Services Department; and

WHEREAS, all private commercial telephone companies and DPTS's that provide telephone services to the citizens of McCracken County who are located outside the limits of the City of Paducah are to collect and remit a fee of \$1.50 per telephone line to the City of Paducah for purposes of funding the establishment, operation, and maintenance of the 911 Communication Services Department; and

WHEREAS, an informal audit process has indicated that some private commercial telephone companies and DPTS's may not be in full compliance with the City of Paducah's and/or McCracken County's ordinances regarding collection and remittance of said fees; and

WHEREAS, in order to perform a formal audit of the private commercial telephone companies' and DPTS' collection and remittance procedures, Chapter 2 of the Paducah Code of Ordinances must be amended to allow for such procedure.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah, Kentucky hereby amends Chapter 2 of the Paducah Code of Ordinances as follows:

DIVISION 6. – 911 Communications Services.

Sec. 2-326. – Director.

(a) *Office established.* There is hereby created and established the position of 911 Communications Services Director.

(b) *Duties.* The 911 Communications Services Director shall have the general responsibility of supervising the Department's employees and the various functions of the Department. The 911 Communications Services Director shall have the responsibility of providing emergency 911 services for the city and any other agencies that contract for services. The 911 Communications Services

Director shall have all general authorities and powers necessary to carry out these responsibilities and shall report to the City Manager.

(c) Authority. The Director is authorized to retain, with approval by the City Manager, an independent certified public accountant who shall audit, not more often than once every twelve (12) months, the books of any private commercial telephone service or owner of a dispersed private telephone system (DPTS) that provides local and 911 emergency service to subscribers for compensation under KRS 65.760, et seq., for the following purposes:

- (1) To verify the accuracy of collection, receipts, and disbursements of all fees; and**
- (2) To verify the accuracy of the number of 911 subscribers to any private commercial telephone service or DPTS.**

The independent certified public accountant shall make a report of the audits to the Director of 911 Communications Service, the Finance Director of the City of Paducah, Kentucky, the City Manager for the City of Paducah, Kentucky and the Mayor for the City of Paducah, Kentucky. The independent certified public accountant shall also forward a copy of the audit to the appropriate officer for any private commercial telephone service or DPTS.

Sec. 2-327. – Fees for Services.

(a) All telephone companies providing telephone service to residents of the City of Paducah shall collect from each line the sum of \$2.50 per month, beginning July 1, 2016. In the interim, all telephone companies providing telephone service to residents of the City of Paducah shall continue to collect from each line the sum of \$1.50 per month.

(b) All telephone companies shall remit all fees to the City of Paducah within ten (10) days after the end of each month.

(c) All telephone companies providing services to persons/entities for whom the City of Paducah provides 911 services shall be subject to the audit procedure outlined in Sec. 2-326(c).

Sec.2-328. – Authorization to Contract.

The mayor, on behalf of the city, is authorized to execute a letter of intent, lease, and/or service agreement providing for the implementation, maintenance, and funding of the 911 Communications Services Department. The mayor, on behalf

of the city, is further authorized to contract with other agencies, for a fee, to provide 911 services therefor.

Sec. 2-329 – Penalties

Any person and/or entity in violation of the provisions of Sec. 2-327(a) or (b) shall be subject to a penalty equal to five percent (5%) of the total fees due for each day or fraction thereof that the fees for services is late.

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

Brandi Harless, Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, November 14, 2017
Adopted by the Board of Commissioners, November 28, 2017
Recorded by the Tammara S. Sanderson, City Clerk, November 28, 2017
Published by *The Paducah Sun*, _____, 2017
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