



Amended 9-24-18

**CITY COMMISSION MEETING
AGENDA FOR SEPTEMBER 25, 2018
5:30 PM
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

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

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

PUBLIC HEARING FOR PROPERTY TAX RATE (LEVY)

PRESENTATION Youth Chess Club

PRESENTATION 2019 Health Insurance Update – Greg Carlton, Peel & Holland

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

	I.	<u>CONSENT AGENDA</u>
		A. Approve Minutes for September 10, 2018
		B. Receive & File Documents
		C. Personnel Actions
		D. Declaration and Sale of Surplus Property Located at 222 Ashbrook Avenue
		E. Declaration and Sale of Surplus Property located at 1131 Flournoy Street
		F. National Park Service African American Civil Rights Grant Application
		G. <u>2018-2019 Highway Safety Grant Award</u>
	II.	<u>ORDINANCE(S) - INTRODUCTION</u>
		A. Setting Tax Levies: Ad Valorem Properties - FY2019
		B. Partial Street Closure: D.A.V. Drive (Green Street)

	III.	<u>COMMENTS</u>
		A. Comments from the City Manager
		B. Comments from the Board of Commissioners
		C. Comments from the Audience
	IV.	<u>EXECUTIVE SESSION</u>

September 10, 2018

At a Called Meeting of the Board of Commissioners, held on Monday, September 10, 2018, at 6:00 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. No one asked for any items to be removed. The Mayor asked the City Clerk to read the items on the Consent Agenda.

I(A)	Minutes for the August 28, 2018 City Commission Meeting
I(B)	Reappointment of Jill Jones to the Civic Beautification Board. This term shall expire July 1, 2022.
I(C)	<u>Receive & File Documents</u> <i>Minute File:</i> <ol style="list-style-type: none">1. Strategic Plan Implementation Action Plan2. Report from Summit Environmental Services, Inc. – Asbestos Air Monitoring July 16-31, 2018 <i>Contract File:</i> <ol style="list-style-type: none">1. Contract For Services – Paducah Wall To Wall Mural Board (signed by CM)2. Change Order #3 – City Hall Restoration (ORD #2018-8-8545)3. Change Order #4 – City Hall Restoration (ORD #2018-8-8546)4. Contract For Purchase of six pickup trucks – Linwood Motors (MO#2138)5. Contract For Services – Amendment for Codes and Permitting Phase – Tyler Technologies (MO#2142)
I(D)	Personnel Actions
I(E)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PADUCAH, KENTUCKY, AND THE COUNTY OF MCCRACKEN, KENTUCKY, FOR A 2018-2019 EDWARD BYRNE MEMORIAL JUSTICE ACCOUNTABILITY GRANT THROUGH THE U. S. DEPARTMENT OF JUSTICE (M.O. # 2149; BK 10)
I(F)	A MUNICIPAL ORDER APPROVING AND AUTHORIZING THE EXECUTION OF A TERMINATION OF LEASE AGREEMENT AND A NEW CONCESSION AGREEMENT AMONG CITY OF PADUCAH, MCCRACKEN COUNTY, KENTUCKY AND OSCAR CROSS BOYS AND GIRLS CLUB OF PADUCAH, INC. (M.O. # 2150; BK 10)
I(G)	A MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF ROLL-OUT CONTAINERS, LIDS AND ADDITIONAL REPLACEMENT PARTS FROM

September 10, 2018

	TOTER, INC., IN AN AMOUNT NOT TO EXCEED \$120,000.00 FOR THE ENGINEERING-PUBLIC WORKS SOLID WASTE DIVISION (M.O. # 2151; BK 10)
I(H)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PAXTON PARK GOLF BOARD IN AN AMOUNT OF \$50,000 FOR SPECIFIC SERVICES (M.O. # 2152; BK 10)

Mayor Harless offered motion, seconded by Commissioner Rhodes, that the items on the consent agenda be adopted as presented.

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

ORDINANCE(S) – ADOPTION

APPROVE FINAL SUBDIVISION FOR THE COLGAN PROPERTIES, LLC, COMMERCIAL SUBDIVISION

Commissioner Holland offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE APPROVING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED FINAL SUBDIVISION FOR PROPERTY LOCATED AT 3501 PECAN DRIVE; ACCEPTING THE DEDICATION OF RIGHT OF WAY; ACCEPTING PUBLIC UTILITY EASEMENTS; AND AUTHORIZING THE MAYOR TO SUBSCRIBE A CERTIFICATE OF APPROVAL ON THE PLAT.” This ordinance is summarized as follows: An Ordinance approving the final report of the Paducah Planning Commission on the proposed final subdivision for the property known as Colgan Properties, LLC, U.S. Highway 62 & Pecan Drive, accepting dedication of right of way and public utility easements and accepting irrevocable Letter of Credit No. 8033 in the amount of \$150,000. In addition, the City of Paducah hereby authorizes the Mayor to subscribe a certificate of approval on the plat.

Adopted on call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5). (ORD # 2018-9-8548; BK 35)

REPEAL TRAFFIC COMMISSION ORDINANCE

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an ordinance entitled, “AN ORDINANCE REPEALING CHAPTER 110, SECTION 110-5 TRAFFIC COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This ordinance is summarized as follows: The City of Paducah hereby repeals in its entirety Section 110-5, Traffic Commission, of the Paducah Code of Ordinances.

Adopted on call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5). (ORD # 2018-9-8549; BK 35)

COMMENTS

CITY MANAGER COMMENTS

City Manager Arndt reported that the Strategic Plan Action Steps have been distributed. He went on to say that the Commission will notice at the next Commission meeting that information has been added on the Agenda Action Form to reflect the Strategic Plan Action Steps. The Commission can expect to receive the first report on the Strategic Plan next month.

September 10, 2018

Budget committee meetings are underway for all 6 committees and the Commission can expect recommendations from these committees in late December or early January.

BOARD OF COMMISSIONERS COMMENTS

Commissioner Wilson let everyone know that some of the Commissioners will be in Washington D.C. starting September 11th for the Chamber of Commerce 2018 D.C. Fly-In.

PUBLIC COMMENTS

Randy Beeler and Michael Swinford made comments about the Veterans Day Parade Resolution.

ADJOURN

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

Meeting ended at approximately 6:21 p.m.

ADOPTED: September 25, 2018

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

September 25, 2018

Minute File:

1. Notice of Cancellation for the Regular Meeting for the Board of Commissioners scheduled for 5:30 p.m. on Tuesday, September 11, 2018
2. Notice of Called Meeting for the Board of Commissioners-September 10, 2018 @ 6 p.m.
3. Certificate of Liability Insurance – Asphalt Paving, Inc., d/b/a Cornerstone Boring

Deed File:

1. Commissioner's Deed between COP and Theresa Sloan a/k/a Teresa Woods, et al – 1142 North 14th Street

Contract File:

1. Contract For Services – Paxton Park Golf Board (MO # 2152)
2. Contract For Professional Services between COP Parks Department and Steve Doolittle (CM signed Contract)
3. Termination of Lease Agreement between COP and Oscar Cross Boys & Girls Club (MO#2150)
4. Concession Agreement between COP and Oscar Cross Boys & Girls Club (MO #2150)
5. Interlocal Agreement between COP and McCracken County Fiscal Court – Kentucky Division of Waste Management HHW grant award (MO #2112)
6. Interlocal Agreement between COP and McCracken County Fiscal Court – Edward Byrne Justice Assistance Grant (JAG) (MO#2008)
7. Kemper CPA Terms of Engagement Letter for Comprehensive Annual Financial Reports (ORD # 2017-2-8476)
8. Agreement to Purchase three (3) XTR Mowers from Heartland Outdoor (MO # 2147)

Financials File:

1. Transcript of Proceedings – Dinsmore & Shohl, \$2.7 million General Obligations Bonds Series 2018A and \$2.67 million General Obligation Refunding Bonds, Series 2018B

Bids

1. 222 Ashbrook - Bid from James Bradley III and Sandra Kristen Faulkner*
Bid from Markus Henry Samuel Ellegood
2. 1131 Flournoy Street - Bid from Cameron Brewer

CITY OF PADUCAH
PERSONNEL ACTIONS
 September 25, 2018

NEW HIRES - FULL-TIME (F/T)

<u>PARKS SERVICES</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Severns, Breck	Administrative Assistant II	\$14.43/Hr.	NCS	Non-Ex	October 4, 2018
<u>POLICE OPERATIONS</u>					
Muscovalley, Derek M.	Police Officer Recruit	\$23.77/Hr.	NCS	Non-Ex	November 1, 2018
Brown, Adam M.	Police Officer Recruit	\$22.64/Hr.	NCS	Non-Ex	November 1, 2018

NEW HIRES - PART-TIME (P/T)/TEMPORARY/SEASONAL

<u>PARKS SERVICES</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Dubuque, Beverly	Recreation Leader - Class Instructor	\$17.00/Hr.	NCS	Non-Ex	September 27, 2018

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>FIRE - SUPPRESSION</u>					
Hatton, Charles P.	Fire Captain \$19.08/Hr.	Fire Assistant Chief \$23.72/Hr.	NCS	Non-Ex	September 27, 2018

TERMINATIONS - FULL-TIME (F/T)

<u>EMERGENCY COMMUNICATION SRVCS</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Beasley, Jerry	Telecommunicator	Resignation	September 24, 2018
Beal, Misty D.	Telecommunicator	Termination	September 12, 2018
<u>POLICE OPERATIONS</u>			
Kopischke, Brian F.	Police Officer	Retirement	September 30, 2018



STAFF REPORT & DETERMINATION DISPOSITION OF ASSETS

SOA 2018-082 SEPT. 25, 2018

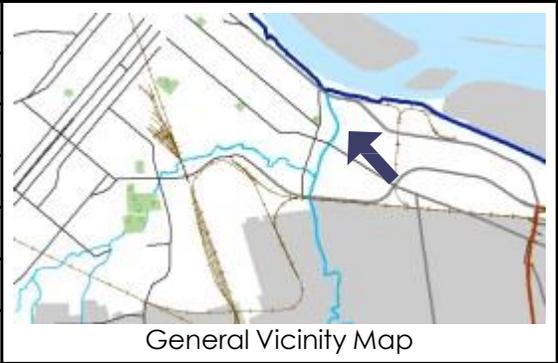
General Information

The disposition of surplus or excess property is governed by City Code Section 2-668; the sealed bid procedure is set out in City Code Section 2-645.

The disposition of any property requires a written determination that includes: a description of the property; its intended use at the time of acquisition; the reason why it is in the best interest of the city to dispose of the item; and the method of disposition to be used.

Property Description & Information

ADDRESS	222 Ashbrook Avenue
CASE NO.	SOA 2018-082
SIZE OF PROPERTY	40' X 150"
IMPROVEMENTS	Single Family Residence
ZONING	R-3
COMPREHENSIVE PLAN	Neighborhood Conservation
FLOODPLAIN	No



Comprehensive Land Use Plan



Zoning Map



Acquisition of the Property

The city has been abating the property prior to acquisition since June 2010 consequently the City had several code enforcement liens against the property. The property went through foreclosure in 2017 and the city acquired the home by commissioners deed dated Aug 15, 2017 and recorded in Deed Book 1352 Page 322 recorded on Sept. 28, 2017. The City had no intended use when it was acquired.

Disposition of the Property

It is in the best interest of the City to transfer ownership of this property to a responsible citizen placing the property back on the tax rolls and eliminating the maintenance and liability costs, provided the development would not destabilize or undermine property values in the surrounding area or be counter to future land use goals. The Comprehensive Plan's Future Land Use map recommendations Neighborhood Conservation.

Bid Information

In accordance with these regulations, a legal ad ran in the Paducah Sun on August 26, 2018 requesting interested parties to submit a sealed bid on or before 9 AM on September 10, 2018. Notice was also posted on the property requesting sealed bids. Two bids were received before the deadline.

BID #1	Marcus Henry Samuel Ellegood	Bid Amount: \$325.00
	Bring up to code to be used for personal residence	
BID #2	James Bradley III and Sandra Kristen Faulkner	Bid Amount: \$2500
	Renovation to be used as personal residence on a part-time basis while in Paducah. Bidder #2 is from Paducah and plans to return to Paducah upon retirement. The bidder owns other property in the City of Paducah.	

Staff Recommendation

The Fire Prevention Department currently has a Demolition order on the property, however it is agreed that the home can be saved and have discussed remediation procedures with the bidders. The bidder has been advised that they must follow timeline in the demolition order requires remediation to begin within 60 days of the deed being recorded and be completed within 120 days. In addition, a restriction would be placed in the deed stating the property would revert back to the City if the requirements set forth in the demolition order are not met within 120 days of the recording of the deed.

Staff evaluated the bids based upon the standard criteria for disposal of surplus property. Criteria published in the request for proposal is as follows.

Evaluation of Bids			
	Bid #1	Bid #2	Notes
Best evaluated future use-25%	25%	12.5%	Bid # 2 lower score based on part-time residency until retirement
Highest bid-25%	0%	25%	
Proposed reinvestment-25%	10%	25%	Ellegood: \$ 5,000-\$10,000 Faulkner: \$30,000-\$40,000
Compliance with codes-25%	25%	25%	Building and Zoning code compliance requires; comprehensive plan recommends residential
Score	60%	87.5%	

Therefore, based on the scoring criteria of two similar bids, it is recommended to **accept Bid #2** of \$2500 and transfer the property to James Bradley III and Sandra Kristen Faulkner, subject strict compliance with the Fire Prevention Departments Demolition Order, dated Nov. 16, 2016.

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER DECLARING THE REAL PROPERTY LOCATED AT 222 ASHBROOK AVENUE TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF JAMES & SANDRA FAULKNER IN THE AMOUNT OF \$2,500.00 PLUS RECORDING AND DEED PREPARATION FEES FOR PURCHASE OF SAID REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, pursuant to Section 2-668 of the Code of Ordinances of the City of Paducah, Kentucky, a written determination has been made that the City does not have any use at this time or in the future for property located at 222 Ashbrook Avenue, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on August 26, 2018, and two (2) bids were received by the deadline of September 10, 2018; and

WHEREAS, the City desires to accept the bid of James & Sandra Faulkner who plan to renovate and use the property as a personal residence on a part-time basis while in Paducah and propose a total investment of approximately \$30,000 to \$40,000.

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

SECTION 1. The Board of Commissioners hereby declares the property located at 222 Ashbrook Avenue to be surplus property as it relates to the operations of the City. Further, the Board of Commissioners hereby accepts the bid of James & Sandra Faulkner in the amount of \$2,500.00 plus recording and deed preparation fees for the purchase of real property located at 222 Ashbrook Avenue, subject to strict compliance with the Fire Prevention Department's Demolition Order dated November 16, 2016.

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

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

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, September 25, 2018

Recorded by Lindsay Parish, City Clerk, September 25, 2018

\mo\prop sale-222 Ashbrook Avenue

Agenda Action Form

Paducah City Commission

Meeting Date: September 25, 2018

Short Title: Declaration and Sale of Surplus Property located at 1131 Flournoy Street

Category: Municipal Order

Staff Work By: Nancy Upchurch

Presentation By:

Background Information: This action would determine that 1131 Flournoy Street is surplus property owned by the City of Paducah and authorize the transfer of the vacant lot to the best-evaluated bid. Legal advertising and posting on the property was done in accordance with the city code. One sealed bid was received.

Cameron D. Brewer submitted a bid of \$450. The bidder owns property abutting this lot and has no plans for improvements at this time.

Does this Agenda Action Item align with a Strategic Plan Action Step? Yes

If yes, please list the Action Step Item Codes(s): I-10 Downsize the ownership of City's real estate.

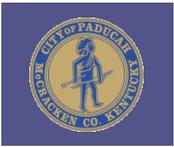
Funds Available: Account Name:

Account Number:

Staff Recommendation: Accept the bid and transfer the property to Cameron D. Brewer for his offer of \$450.

Attachments:

1. Transfer Report 1131 Flournoy
2. Municipal Order - 1131 Flournoy Street



STAFF REPORT & DETERMINATION
DISPOSITION OF ASSETS
 SOA 2018-075 SEPT. 25, 2018

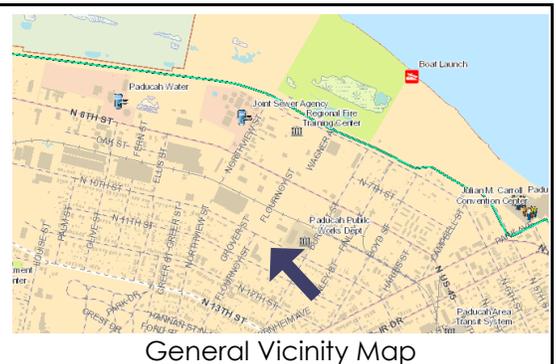
General Information

The disposition of surplus or excess property is governed by City Code Section 2-668; the sealed bid procedure is set out in City Code Section 2-645.

The disposition of any property requires a written determination that includes: a description of the property; its intended use at the time of acquisition; the reason why it is in the best interest of the city to dispose of the item; and the method of disposition to be used.

Property Description & Information

ADDRESS	1131 Flournoy Street
CASE NO.	SOA 2018-075
SIZE OF PROPERTY	30' X 70' (approx.)
IMPROVEMENTS	None
ZONING	R-3
COMPREHENSIVE PLAN	Neighborhood Conservation
FLOODPLAIN	No





Aerial – 1131 Flournoy Street is outlined

Acquisition of the Property

The City of Paducah acquired the property and demolished the house in 2013 and has been abating this property since. The property was transferred to the City by deed dated September 23, 2013 and recorded in Deed Book 1263 Page 358. The City had no intended use when it was acquired.

Disposition of the Property

It is in the best interest of the City to transfer ownership of this property to a responsible citizen placing the property back on the tax rolls and eliminating the maintenance and liability costs, provided the development would not destabilize or undermine property values in the surrounding area or be counter to future land use goals.

Bid Information

In accordance with these regulations, a legal ad ran in the Paducah Sun on August 12, 2018 requesting interested parties to submit a sealed bid on or before 9 AM on August 27, 2018.

Notice was also posted on the property requesting sealed bids. Only one bid was received before the deadline.

The bidder currently lives in the county however, he currently owns property abutting to this lot.

BID #1	Cameron D. Brewer	Bid Amount: \$450
	The bidder has no plans for development of the property at this time.	

Staff Recommendation

The small size of this lot prohibits development as a stand-alone lot. Upon approval of the transfer of the property staff will encourage and work with the new owner to combine the lots.

Therefore, it is recommended to **accept the bid of \$450 and transfer the property** to Cameron D. Brewer.

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER DECLARING THE REAL PROPERTY LOCATED AT 1131 FLOURNOY STREET TO BE SURPLUS PROPERTY, ACCEPTING THE BID OF CAMERON D. BREWER IN THE AMOUNT OF \$450.00 PLUS RECORDING AND DEED PREPARATION FEES FOR PURCHASE OF SAID REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO SAME

WHEREAS, pursuant to Section 2-668 of the Code of Ordinances of the City of Paducah, Kentucky, a written determination has been made that the City does not have any use at this time or in the future for property located at 1131 Flournoy Street, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on August 12, 2018, and one (1) bid was received and opened on August 27, 2018; and

WHEREAS, the City desires to accept the bid of Cameron D. Brewer who owns property abutting this lot and has no plans for development of the property at this time.

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

SECTION 1. The Board of Commissioners hereby declares the property located at 1131 Flournoy Street to be surplus property as it relates to the operations of the City. Further, the Board of Commissioners hereby accepts the bid of Cameron D. Brewer in the amount of \$450.00 plus recording and deed preparation fees for the purchase of real property located at 1131 Flournoy Street.

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

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

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, September 25, 2018
Recorded by Lindsay Parish, City Clerk, September 25, 2018
\\mo\prop sale-1131 Flournoy Street

Agenda Action Form

Paducah City Commission

Meeting Date: September 25, 2018

Short Title: National Park Service African American Civil Rights Grant Application

Category: Municipal Order

Staff Work By: Melanie Townsend

Presentation By: Tammara Tracy

Background Information:

The National Park Service (NPS) is offering an African American Civil Rights (AACR) Grant Program. The purpose of the grant program is to document, interpret, and preserve the sites related to the African American struggle to gain equal rights as citizens in the 20th Century. AACR grants are funded by the Historic Preservation Fund (HPF), administered by the NPS, and will fund a broad range of preservation projects for historic sites including: architectural services, historic structure reports, preservation plans, and physical preservation to structures. Grants range from \$15,000 to \$50,000. There is **no match required** for these grants.

The Planning Department wishes to apply for a grant, not to exceed \$50,000, on behalf of the Hotel Metropolitan on Oscar Cross Avenue. Since 1999, the Upper Town Heritage Foundation has worked to restore the Paducah landmark that opened in 1909 as the only lodging for black people traveling through Paducah. The Hotel Metropolitan is currently listed on the National Register of Historic Places (NRHP) with a period of significance of 1909-1951. In order to research and document the full scope of the impact of the Hotel on the African American community in Paducah, this grant project will focus on preparing an amendment to the existing NRHP nomination to expand the period of significance of the Hotel Metropolitan to 1909-1967, document the history of the Civil Rights Movement of the 20th Century within the African American population of Paducah as it relates to the Hotel, to investigate and document the significance of the Purple Room to the history of the Hotel and to identify preservation deficiencies in the Hotel and the Purple Room. By increasing the period of significance and amending the NRHP nomination, the Hotel Metropolitan hopes to position for future grant funding opportunities.

Does this Agenda Action Item align with a Strategic Plan Action Step? Yes

If yes, please list the Action Step Item Codes(s): A-3: Assist Local Arts and Culture Organizations with Grant Funding

Funds Available: Account Name:
Account Number:

Staff Recommendation: Authorize and direct the Planning Department to apply for the National Park Service African American Civil Rights History Grant on behalf of the Hotel Metropolitan.

Attachments:

1. Municipal Order - Hotel Metropolitan Grant

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APPROVING THE EXECUTION OF A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY TO OBTAIN AN AFRICAN AMERICAN CIVIL RIGHTS GRANT, THROUGH THE NATIONAL PARK SERVICE, IN AN AMOUNT NOT TO EXCEED \$50,000.00, ON BEHALF OF THE HOTEL METROPOLITAN

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

SECTION 1. The City of Paducah hereby authorizes and directs the execution of a grant application and all documents necessary to obtain an African American Civil Rights Grant, through the National Park Service, in an amount not to exceed \$50,000.00, on behalf of the Hotel Metropolitan. No match is required for this grant.

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

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, September 25, 2018
Recorded by Lindsay Parish, City Clerk, September 25, 2018
\\mo\grants\app – Hotel Metropolitan African American Civil Rights Grant

Agenda Action Form Paducah City Commission

Meeting Date: September 25, 2018

Short Title: 2018-2019 Highway Safety Grant Award

Category: Municipal Order

Staff Work By: Melanie Townsend, Justin Crowell

Presentation By: Brandon Barnhill

Background Information: The Kentucky Transportation Cabinet's Kentucky Office of Highway Safety has a competitive, discretionary grant program that offers reimbursements to police agencies for the salaries and benefits of peace officers working overtime hours and engaged in specific traffic enforcement activities. The program also offers reimbursements for specific traffic enforcement related supplies and equipment.

The Paducah Police Department has been awarded a Highway Safety grant for the 2018-2019 year. This grant will reimburse overtime hours associated with saturation patrols, including fuel costs, in the amount of \$25,050. There is not a match requirement for this grant application. The application was originally approved by Municipal Order No. 2068 on February 13, 2018.

Does this Agenda Action Item align with a Strategic Plan Action Step? Yes

If yes, please list the Action Step Item Codes(s): P-4

Funds Available: Account Name:
Account Number:

Staff Recommendation: Accept funds in the amount of \$25,050 through the Kentucky Office of Highway Safety and ratify the Mayor's execution of the grant agreement and all documents related to same.

Attachments:

1. Municipal Order Highway Safety Grant Award
2. Grant Contract

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER RATIFYING THE MAYOR'S EXECUTION OF 2018-2019 KENTUCKY HIGHWAY SAFETY PROGRAM REIMBURSEMENT GRANT WITH THE KENTUCKY OFFICE OF HIGHWAY SAFETY FOR FUNDING TO BE USED FOR REIMBURSEMENT OF OVERTIME HOURS ASSOCIATED WITH SPECIFIC TRAFFIC ENFORCEMENT ACTIVITIES FOR THE PADUCAH POLICE DEPARTMENT

WHEREAS, the City of Paducah applied for a 2018-2019 Highway Safety Grant through the Kentucky Office of Highway Safety, adopted by Municipal Order No. 2068 on February 13, 2018, to be used for overtime hours associated with specific traffic enforcement activities for the Paducah Police Department; and

WHEREAS, the Kentucky Office of Highway Safety, has approved the application and is now ready to award this grant.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby approves an agreement with the Kentucky Office of Highway Safety for a 2018-2019 Highway Safety Grant and accepts reimbursement grant funds in the amount of \$25,050 to fund overtime hours associated with specific traffic enforcement activities for the Paducah Police Department. This program does not require any local cash or in-kind match.

SECTION 2. That the City hereby ratifies the Mayor's execution of the Grant Agreement with the Kentucky Office of Highway Safety and all documents related to same.

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

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, September 25, 2018
Recorded by Tammara Sanderson, City Clerk, September 25, 2018
MO\grants\award-police-2018-2019 highway safety 9-2018



Commonwealth of Kentucky CONTRACT

DOC ID NUMBER:

SC 625 1900000827

Version: 1

Record Date:

Document Description: Paducah PD PT-19-52/CFDA 20.600

Cited Authority: KRS17.148
Traffic Safety Grant

Reason for Modification:

Issuer Contact:Name: Leslie Kennedy
Phone: 502-782-4025
E-mail: Leslie.Kennedy@ky.gov**Vendor Name:**
CITY OF PADUCAH**Vendor No.** KY0033652**Vendor Contact**PADUCAH POLICE DEPARTMENT
PO BOX 2267
PADUCAH KY 42002-2267Name: CORIE COLE
Phone: 270-444-8512
Email: CCOLE@PADUCAHKY.GOV**Effective From:** 2018-10-01**Effective To:** 2019-09-30

Line Item	Delivery Date	Quantity	Unit	Description	Unit Price	Contract Amount	Total Price
1		0.00000		Paducah PD PT-19-52/CFDA 20.600	\$0.000000	\$25,050.00	\$25,050.00

Extended Description:

Highway Safety Grants - Fiscal Year 2019 Awards - To provide Police Traffic services to communities in Kentucky through Federal grants administered by the Kentucky Transportation Cabinet's Office of Highway Safety. The main purpose of these grants is to reduce fatalities on Kentucky roadways, minimize injuries to individuals and property, and to educate the public in ways to do this. These grants will be administered through multiple agencies. These grants will run from 10/01/18 through 09/30/2019. These will be paid 100% with Federal money.

Shipping Information:KYTC Office of Highway Safety
200 Mero Street
4th Floor
Frankfort KY 40622**Billing Information:**KYTC Office of Highway Safety
200 Mero Street
4th Floor
Frankfort KY 40622**TOTAL CONTRACT AMOUNT:****\$25,050.00**

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GRANT AGREEMENT BETWEEN
THE KENTUCKY TRANSPORTATION CABINET
OFFICE OF HIGHWAY SAFETY
AND
Paducah Police Department

Contracting Agency: City of Paducah/Paducah Police Department

Federal Tax ID Number: 61-6001891

Federal DUNS Number: 082397217

County: McCracken

Authorizing Official:

P.O. Box 2267

Paducah, KY 42002-2267

Phone: 270-444-8530/Fax: 270-443-5058

Chief Sheriff or Commissioner:

Project Director/Coordinator:

P.O. Box 2267

Paducah, KY 42002-2267

Phone: 270-444-8548/Fax: 270-444-0629

Fiscal Officer/Payroll Clerk:

P.O. Box 2267

Paducah, KY 42002-2267

Phone: 270-444-8684/Fax: 270-444-8589

This GRANT AGREEMENT, effective October 1, 2018 to September 30, 2019, between the Commonwealth of Kentucky, Transportation Cabinet, Office of Highway Safety, party of the first part, hereinafter referred to as the GRANTOR, and Paducah Police Department, party of the second part, hereinafter referred to as the GRANTEE,

WITNESSETH:

WHEREAS, the Highway Safety Act of 1966 was designed to reduce traffic crashes and the associated deaths, injuries, and property damage resulting there from, and

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WHEREAS, the GRANTOR is authorized by KRS 17.148 (2) to utilize funds relating to the administration of the Highway Safety Act of 1966 in the Kentucky Office of Highway Safety, and

WHEREAS, the GRANTOR has established a process by which grant applications may be submitted by local law enforcement agencies, private non-profit entities, and other state agencies, requesting National Highway Traffic Safety Administration (NHTSA) grant funds to assist in dealing with highway safety issues in a planned and coordinated fashion, and

WHEREAS, the GRANTEE has applied to the GRANTOR for a grant related to highway safety and was awarded a grant in the amount of \$25,050.00 specifically for Police Traffic Services, and

NOW THEREFORE, in consideration of the mutual covenants herein set forth, the GRANTOR and the GRANTEE agree as follows:

I. Scope of GRANT AGREEMENT

A. The GRANTEE's Grant/Project Application is incorporated into this agreement in whole. In the case of any conflict between the language of this GRANT AGREEMENT and the language of the Grant/Project Application, the language of this GRANT AGREEMENT shall prevail.

B. This GRANT AGREEMENT shall have an initial cap amount of \$25,050.00. This amount may be adjusted in accordance with Paragraph "G. Changes to Agreement" under Section "V. Additional Required Clauses".

C. The work/tasks to be accomplished through this GRANT AGREEMENT and their associated costs shall be as follows: See Addendum A

II. Responsibilities of the GRANTEE

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A. Goals and Objectives:

1. Impaired Driving:

a. To decrease the number of impaired driving-related crashes 5% from 40 during FY 2017 to 38 by September 30, 2019.

b. To increase the number of DUI arrests 5% from 230 during FY 2017 to 242 by September 30, 2019.

2. Occupant Protection:

a. To increase the number of seat belt citations 10% from 846 during FY 2017 to 931 by September 30, 2019.

3. Police Traffic Services:

a. To increase the number of speeding citations 10% from 915 during FY 2017 to 1007 by September 30, 2019

4. Other Traffic Safety Problem Areas:

a. To decrease traffic injuries citations 10% from 334 during FY 2017 to 300 by September 30, 2019

B. Strategies and Activities:

Our Project Director will continue to coordinate and take responsibility for the strategies and activities.

1. Beginning Oct. 1, 2018, officers with the Paducah Police Department will work overtime traffic enforcement approximately 10 hours per week on targeted roadways through Sept. 30, 2019.

2. The Paducah Police Department will allocate six (6) DUI saturation patrols (including five officers and one supervisor) to target areas at times based on the number of DUI and alcohol related areas

Any incident involving a state route that involves a lane closure, multiple lane

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closure, or full roadway closure of a duration of one hour or more needs to be reported to the Transportation Cabinet's Operations Center via teletype using the Highway Road Closure report. This includes initial closure notification, updates (progressive clearance and opening of lanes or re-closure of lanes), and when the incident is clear.

C. Utilization of Grant Funds:

GRANTEE agrees that only that portion of the Federal & Local Match allocation necessary for the completion of the project (as detailed in the scope of this agreement) will be spent and that none of such funds will be spent until such documents as may be required by the GRANTOR have been submitted and the GRANTOR's written approval has been obtained. Use of this money is limited to the project listed on this document.

D. Submission of Payment Requests:

The GRANTEE shall submit requests for reimbursement on a regular basis, as established by the GRANTOR. The reimbursement requests shall be submitted to the GRANTOR on a "Reimbursement Claim Form". Backup documentation showing that the work/expenditures for which the GRANTEE is requesting reimbursement has been completed shall be included, along with monthly activity reports.

E. Assumption of Liability:

To the extent permitted by Kentucky law, the GRANTEE shall indemnify and hold harmless the GRANTOR and all of its officers, agents, and employees from all suits, actions or claims of any character because of any injuries or damages received by any person, persons or property resulting from implementation of this project based upon this agreement.

III. Responsibilities of the GRANTOR

A. Reservation of GRANT Funding:

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The amount of this GRANT AGREEMENT shall be reserved in an account under the GRANTEE's name from the GRANTOR's available federal NHTSA funds designated for such activities.

B. Prompt Payment:

The GRANTOR shall make reimbursement to the GRANTEE in a timely manner, once the GRANTOR is satisfied that the work/expenditures for which reimbursement has been requested is applicable to this GRANT AGREEMENT, and that said work has been completed or purchases have been made.

C. Monitoring Work:

The GRANTOR shall periodically review the work that is being completed under this GRANT AGREEMENT to verify that all work is in accordance with applicable Federal guidelines, and statutes and regulations of the Commonwealth of Kentucky.

D. Resolution of Disputes:

Any dispute concerning a question of fact in connection with the work not disposed of by this GRANT AGREEMENT between the GRANTEE and the GRANTOR shall be referred to the Secretary of the Transportation Cabinet of the Commonwealth of Kentucky or his duly authorized representative whose decision shall be final.

E. Changes to Agreement:

Any proposed change in this GRANT AGREEMENT shall be in writing and signed by the GRANTEE and the GRANTOR.

IV. NHTSA Required Clauses

THE FOLLOWING CONDITIONS SHALL BE IN EFFECT UPON SIGNED APPROVAL OF A GRANT AGREEMENT BETWEEN KENTUCKY OFFICE OF HIGHWAY SAFETY AND THE APPLICANT

The Grantor and Grantee shall comply with all applicable statutes and regulations, including but not limited to 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as

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amended, 49 CFR Part 18 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and 23 CFR Part 1300 – Uniform Procedures for State Highway Safety Grant Programs.

A. Relationship:

The relationship of the applicant/grantee to the grantor shall be that of an independent contractor, not that of a joint enterprise. The applicant/grantee shall have no authority to bind the grantor, for any obligation or expense without the expressed prior written approval of the grantor.

B. Grant Activity:

Grant activity must begin within thirty (30) days of approved start date and after signed approval of the grant agreement by the Governor’s Representative for Highway Safety unless otherwise stated within the contracts strategies and activities.

C. Costs Incurred:

No costs incurred for this project will be eligible for reimbursement prior to approval/starting date of the grant agreement or after grant period is over. Requests must contain documentation which demonstrates the expenditures were incurred and paid for.

D. Monthly Reporting:

The applicant/grantee will be required to submit monthly reports to document their activities related to the highway safety grant. Applicant/Grantee shall use the most current reporting forms as provided on the Kentucky Office of Highway Safety website at www.highwaysafety.ky.gov. A final cumulative report addressing achievement of goals, objectives and strategies will be due to the grantor within 30 days after the contract period has ended. The final reimbursement claim shall also be submitted within 30 days after the contract period has ended.

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E. Fiscal and Accounting Responsibilities:

The applicant/grantee must establish fiscal control with generally accepted accounting procedures that assure proper disposition of an account for grant funds and if applicable, required non-federal expenditures. All money spent on this project will be dispersed in accordance with provisions of the grant budget or officially revised budget as approved by the grantor.

F. Reimbursement Requirements:

All grants administered through the Kentucky Office of Highway Safety are reimbursement based. The Kentucky Office of Highway Safety reimburses for direct costs only. All reimbursement requests must contain documentation which demonstrates the expenditures were incurred and paid for. Grantees must provide copies of documents such as invoices and corresponding copies of cancelled checks. Beginning with fiscal year 2011, the match requirement for local agencies has been eliminated.

Salary and benefits reimbursement requests must contain the following:

- 1. The detail activity log, with the signatures and printed names of the officer and supervisor, will be sufficient in lieu of time sheet for law enforcement personnel.**
- 2. Payroll reports or a payroll summary which demonstrates the costs associated with employee's (i.e. wages and overtime wages) for Highway Safety grants; that are non-law enforcement.**
- 3. Cancelled payroll checks are not required.**
- 4. Payroll records must be made accessible upon request.**

Travel expense reimbursements requests must contain the following:

- 1. Copy of the employee's travel request form which contains the signatures and printed names of the employee and the employee's supervisor**
- 2. Copies of travel receipts for items such as hotels, air fare, etc.**

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3. Travel form must denote destination and purpose of travel.
4. Copy of cancelled travel reimbursement check paid to employee
5. Mileage rate must be included on the travel request form

Contractual services reimbursement request must contain the following:

1. Copy of the contractor invoice which fully describes the provided goods or services
2. Copy of the cancelled check which paid the contractor

Equipment purchases reimbursement requests must contain:

1. Copy of the vendor's invoice for the equipment
2. Copy of the cancelled check used to pay the vendor

Educational material purchases reimbursement requests must contain:

1. Copy of the vendor's invoice for the educational materials
2. Copy of the cancelled check used to pay the vendor
3. Educational materials/promotional items must have highway safety message approved by the grantor and must be on the list of allowable items as provided by the grantor. Any exceptions must be approved in advance by the grantor.

Note: If cancelled checks are not available, a copy of the original check may be submitted along with a copy of the bank statement indicating the check number has been cleared

G. Cost Principles:

Costs incurred (when goods are received and accepted or services are performed) under the grant agreement shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in 23 CFR Part 1300 - Cost Principles for Nonprofit Organizations; and all applicable National Highway Traffic Safety Administration/Federal Highway Administration orders.

H. Maintenance of Records:

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The applicant/grantee agrees that the grantor, the National Highway Traffic Safety Administration, (NHTSA), the Federal Highway Administration and/or the Controller General of the United States, the Auditor of the State of Kentucky or any of their duly authorized representatives may have access, for purposes of audit examinations, to any books, documents, papers or records maintained by the applicant/grantee pertaining to the grant agreement. The applicant/grantee further agrees to maintain such books and records for a period of three years after the date of final project disposition.

I. Purchasing:

The applicant/grantee is required to use their agency's procurement regulations that reflect applicable state and local laws, rules and regulations.

J. Equipment:

All grantee agencies will use, manage, and dispose of equipment acquired under a federally funded highway safety grant in accordance with state laws and procedures. Such equipment shall be used for the purpose of enhancing the grantee's highway safety program. Grantees in non-compliance of this provision shall be required to return said equipment to the grantor. Grantee agency must begin the process to order all equipment approved within their budget within (30) days of the date authorized to begin a highway safety project. A single piece of equipment with an acquisition cost of \$5,000.00 or more must be pre-approved by the NHTSA Regional Administrator. A grantee shall not purchase a single piece of equipment in excess of \$5,000.00 until receiving authorization from the KOHS that approval has been granted from NHTSA. Grantees will submit a completed Non-Expendable Property Accountability Record with their claim for reimbursement for any equipment item purchased. The grantee is responsible for insuring all equipment items and will be liable to grantor for loss, theft, or damage to equipment.

K. Travel (In-State and Out-of-State):

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All travel reimbursements will be made in accordance with the provisions of 200 Kentucky Administrative Regulations, Chapter 2. The mileage reimbursement shall be determined by the current rate published quarterly by the Finance Cabinet.

Overnight travel must be an item within the detailed budget portion of the grant agreement. Applicant/Grantee must submit a completed request for overnight travel authorization for approval to the grantor at least fifteen (15) days prior to the anticipated date of departure.

L. Payroll Procedures and Records Required:

Compensation for personnel services are allowable if:

- 1. They are for services rendered during the grant period;**
- 2. They are reasonable and normal for the services rendered;**
- 3. Paid personnel are appointed in accordance with state and local government laws and rules;**
- 4. They are based on payrolls documented and approved in accordance with generally accepted accounting principles; and**
- 5. They are supported by time and attendance records signed by both employee and supervisor.**

Employee Benefits are allowable if:

- 1. They are approved pursuant to a leave system;**
- 2. Employer's contribution or expense includes:**
 - a. Social Security**
 - b. Employee's health insurance plans, (excludes overtime)**
 - c. Unemployment insurance coverage**
 - d. Workmen's compensation insurance,**
 - e. Pension plans, and;**
- 3. The cost thereof is equitably allocated to all activities.**
- 4. Overtime pay is calculated in accordance with existing labor laws and is paid at**

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the rate of one and one-half (1.5) times the person's hourly rate of pay for actual hours worked in excess of forty (40) hours in any week. Overtime will be strictly for traffic enforcement activities which includes patrol and or traffic safety checkpoints.

M. Special Instructions for law enforcement agencies:

- 1. Officers are required to complete a detailed activity log after each assignment.**
- 2. Enforcement officers assigned to this project will not answer calls for service, except in emergency situations. Emergency situations and breaks do not qualify for federal overtime funding.**
- 3. Officers are limited to 6 hours of federally funded overtime within a 24-hour period from the time they begin their initial overtime shift.**
- 4. Activities which will be credited as comprehensive enforcement contacts will include: a) DUI arrests, b) speeding citations, c) seat belt citations, d) child restraint citations, e) written warnings (no warnings are permitted during federal overtime for seat belt or child restraint violations), f) other arrests related to traffic stops, and g) other activities as approved by the grantor.**
- 5. Due to the number of fatal crashes occurring during nighttime hours and specifically lower nighttime seat belt usage, each law enforcement agency shall dedicate a minimum of 50% of their overtime to nighttime enforcement regardless of the assigned program area, i.e.: impaired driving, speeding or occupant protection. Nighttime refers to hours between 6:00 p.m. and 5:59 a.m.**
- 6. Officers who have been trained in DUI apprehension and speed detection (radar usage) are eligible to be assigned to the enforcement effort.**
- 7. Only one officer per unit vehicle is eligible for reimbursement.**
- 8. The applicant/grantee should be involved in public relations (earned media) and educational activities that support national and state highway safety efforts.**
- 9. Participation in all mobilizations/traffic safety enforcement events sponsored by the National Highway Traffic Safety Administration (NHTSA) and/or the grantor is required.**

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N. Project Income:

No income may be earned by the applicant/grantee with respect to federal funds received through the grantor.

O. Right to Ownership:

The applicant/grantee understands that the grantor, the National Highway Traffic Safety Administration, and the Federal Highway Administration reserve the royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and authorize others to use, any educational or instructional material developed with the Highway Safety Act of 1966 funding. "Educational or instructional materials" means written material, drawings, slides, photographs, filmstrips, motion pictures, television and radio public service announcements, and any other material whose primary purpose is to educate either the public at large or a specific subgroup of the public concerning highway safety or related subject. All educational materials/promotional items must have an approved (by the Grantor) highway safety message that corresponds to their program area.

P. Non-discrimination:

The applicant/grantee will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (88), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (101), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (100), which requires Federal-aid recipients and all subrecipients to prevent discrimination

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and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (92), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (91), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

Q. Minority Business Enterprises Policy:

It is the policy of the U.S. Department of Transportation that minority business enterprises as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under the grant agreement. Consequently, the MBE requirements of 49 CFR Part 23 applies to the grant agreement.

R. Audit:

CFR Title 2 Subtitle A Chapter II Part 200, requires the following:

- 1. All non-federal entities that expend \$750,000 or more a year in federal awards shall have a single audit conducted.**
- 2. Non-state agency applicant/grantees are required to complete a certification form indicating whether or not total federal award expenditures from all sources exceeded \$750,000. If total federal award expenditures exceed \$750,000, you must also submit a copy of your single audit and Data Collection Form, complete with any findings and recommendations to the Federal Audit Clearinghouse within 30 days after completion of the audit or nine months after the fiscal year end, whichever**

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comes first.

3. Nothing in this section exempts state or local governments from maintaining records of federal financial assistance or from providing access to such records to federal agencies, as provided for in federal law.

S. High Risk Grantees:

1. An applicant/grantee may be considered a "high risk" if the grantor determines that they:

a. Have a history of unsatisfactory performance. Unsatisfactory performance includes, but is not limited to: lack of substantial progress on all goals and objectives as included in the signed grant agreement; inability to properly expend the federal highway safety grant funds allocated to meet the goals and objectives as included in the signed grant agreement; lack of participation in NHTSA and KOHS activities, or

b. Are not financially stable, or

c. Have a management system which does not meet the management standards set forth in this part, or

d. Have not conformed to terms and conditions of previous awards, or

e. Are otherwise not responsible, and if the grantor determines that an award will be made, special conditions and/or restrictions shall correspond to the high-risk condition and shall be included in the award.

2. Special conditions and restrictions may include:

a. Payment on a reimbursement basis;

b. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;

c. Requiring additional, more detailed, financial reports;

d. Additional project monitoring;

e. Requiring the grantee or subgrantee to obtain technical or management assistance, or

f. Establishing additional prior approvals.

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3. If the Grantor decides to impose such conditions, the awarding official will notify the applicant/grantee as early as possible, in writing, of:

- a. The nature of the special conditions/restrictions;**
- b. The reasons for imposing them;**
- c. The corrective actions which must be taken before they will be removed and the time allowed for completing the corrective actions, and**
- d. The method of requesting reconsideration of the conditions and/or restrictions imposed.**

Source: Uniform Administrative Requirements for Grants and Cooperative Agreements to state and Local Governments ("The Common Rule") CFR Title 2 Subtitle A Chapter II Part 200.

T. Drug-free Workplace:

The applicant/grantee certifies that they will maintain a drug-free workplace in accordance with the Federal Drug-free Workplace Act of 1988. This regulation requires the employer to provide employees with a statement notifying them that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the agency's workplace and specifying penalties for violation of such prohibition. The applicant/grantee must also abide by all other provisions of this regulation, detailed in 49 CFR, Subpart F.

U. Buy America Act:

The applicant/grantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be

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in the form of a waiver request submitted to and approved by the Secretary of Transportation.

V. Political Activity (Hatch Act):

The applicant/grantee will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

W. Certification Regarding Federal Lobbying:

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts,

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subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

X. Restriction On State Lobbying:

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Y. Certification Regarding Debarment And Suspension – Lower Tier Covered Transactions:

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in

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connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by

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the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

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(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

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8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Z. Copyrights:

The federal government has authority to publish or use any copyrighted material developed under a grant.

AA. Policy on Seat Belt Use:

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United

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States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost savings to your company or organization, please visit the Buckle Up America section on NHTSA's Web site at www.nhsta.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in Washington, DC metropolitan area and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1(888) 221-0045 or visit its Web site at www.trafficsafety.org.

Policy for non-use of motorcycle checkpoints:

23 USC Chapter 4 1300.13.b

(b) Prohibition on use of grant funds to check for helmet usage. Grant funds under this part shall not be used for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

BB. Policy on Banning Text Messaging While Driving:

In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Grantee is encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned, or -rented vehicles, Government-owned, leased, or rented vehicles or privately owned when on official Government business or when performing any work on or on behalf of the Government, the Grantee is also encouraged to conduct workplace safety initiatives

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CC. Contract Provisions per 49 CFR 18.36i:

1. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

2. Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

3. Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

4. Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

5. Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

6. Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

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7. Notice of awarding agency requirements and regulations pertaining to reporting.

8. Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

9. Awarding agency requirements and regulations pertaining to copyrights and rights in data.

10. Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

11. Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

12. Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)

13. Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

V. Additional Required Clauses

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Cancellation clause:

Either party may cancel the agreement at any time for cause or may cancel without cause on 30 days' written notice.

Funding Out Provision:

The state agency may terminate this agreement if funds are not appropriated to the contracting agency or are not otherwise available for the purpose of making payments without incurring any obligation for payment after the date of termination, regardless of the terms of the agreement. The state agency shall provide the Contractor thirty (30) calendar days written notice of termination of the agreement due to lack of available funding.

Reduction in Contract Worker Hours:

The Kentucky General Assembly may allow for a reduction in contract worker hours in conjunction with a budget balancing measure for some professional and non-professional service contracts. If under such authority the agency is required by Executive Order or otherwise to reduce contract hours, the agreement will be reduced by the amount specified in that document.

Access to Records:

The state agency certifies that it is in compliance with the provisions of KRS 45A.695, "Access to contractor's books, documents, papers, records, or other evidence directly pertinent to the contract." The Contractor, as defined in KRS 45A.030(8) and (10), agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this agreement for the purpose of financial audit or program review. The Contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. Records and other prequalification information confidentially

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disclosed as part of the bid process shall not be deemed as directly pertinent to the agreement and shall be exempt from disclosure as provided in KRS 61.878(1)(c).

Effective Date:

All Memorandum of Agreements are not effective until the Secretary of the Finance and Administration Cabinet or his authorized designee has approved the agreement and until the agreement has been submitted to the government contract review committee. However, in accordance with KRS 45A.700, memoranda of agreement in aggregate amounts of \$50,000 or less are exempt from review by the committee and need only be filed with the committee within 30 days of their effective date for informational purposes.

KRS 45A.695(7) provides that payments on personal service contracts and memoranda of agreement shall not be authorized for services rendered after government contract review committee disapproval, unless the decision of the committee is overridden by the Secretary of the Finance and Administration Cabinet or agency head, if the agency has been granted delegation authority by the Secretary.

Violation of tax and employment laws:

KRS 45A.485 requires the Contractor and all subcontractors performing work under the agreement to reveal to the Commonwealth, prior to the award of a contract, any final determination of a violation by the Contractor within the previous five (5) year period of the provisions of KRS chapters 136, 139, 141, 337, 338, 341, and 342. These statutes relate to the state sales and use tax, corporate and utility tax, income tax, wages and hours laws, occupational safety and health laws, unemployment insurance laws, and workers compensation insurance laws, respectively.

To comply with the provisions of KRS 45A.485, the Contractor and all subcontractors performing work under the agreement shall report any such final determination(s) of violation(s) to the Commonwealth by providing the following information regarding

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the final determination(s): the KRS violated, the date of the final determination, and the state agency which issued the final determination.

KRS 45A.485 also provides that, for the duration of any contract, the Contractor and all subcontractors performing work under the agreement shall be in continuous compliance with the provisions of those statutes, which apply to their operations, and that their failure to reveal a final determination as described above, or failure to comply with the above statutes for the duration of the agreement shall be grounds for the Commonwealth's cancellation of the agreement and their disqualification from eligibility for future state contracts for a period of two (2) years.

Discrimination:

This section applies only to agreements disbursing federal funds, in whole or part, when the terms for receiving those funds mandate its inclusion. Discrimination (because of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability) is prohibited. During the performance of this agreement, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation, gender identity or age. The Contractor further agrees to comply with the provisions of the Americans with Disabilities Act (ADA), Public Law 101-336, and applicable federal regulations relating thereto prohibiting discrimination against otherwise qualified disabled individuals under any program or activity. The Contractor agrees to provide, upon request, needed reasonable accommodations. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability. Such action shall include, but not be limited to the following; employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or

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other forms of compensations; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

2. In all solicitations or advertisements for employees placed by or on behalf of the Contractor, the Contractor will state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability.

3. The Contractor will send to each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

4. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965 as amended, and of the rules, regulations and relevant orders of the Secretary of Labor.

5. The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

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6. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this agreement or with any of the said rules, regulations or orders, this agreement may be cancelled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in or as otherwise provided by law.

7. The Contractor will include the provisions of paragraphs (1) through (7) of section 202 of Executive Order 11246 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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Addendum A

Paducah Police Department

The work/tasks to be accomplished through this GRANT AGREEMENT and their associated costs shall be as follows:

1. Personal Services (Salaries, Hourly Wages, Benefits)

Overtime Enforcement (salaries and benefits) \$21,500.00

Estimated 398 total hours x \$54.00* overtime hourly rate

*Base Rate: \$39.00 per hour + \$15.00 per hour for fringe benefits (benefits includes Medicare, CERS, Unemployment, Workers Compensation, and Holiday Pay)

Total Personal Services: \$21,500.00

2. Travel and Training (All expected travel and training expenses - List each separately)

Kentucky Lifesavers Conference (registration, lodging, parking) or other approved conference- \$1,400.00

Total Travel and Training: \$1,400.00

3. Equipment (cost of equipment items including shipping, installation, etc. - list each separately)

Total Equipment: \$0

4. Other Costs (Cost of expenditures that do not fit above categories - list each item separately)

Fuel cost (10% of overtime) \$2,150.00

Total Other Costs: \$2,150.00

Total Budgeted Costs \$25,050.00

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SIGNATURE OF ACCEPTANCE

We, the undersigned, have read and understand this GRANT AGREEMENT as written and agree to fully comply with all conditions included herein.

We understand that approval of this GRANT AGREEMENT does not infer funding beyond the contract period.

We certify that no litigation involving civil rights is pending against the GRANTEE and that should allegations be raised during the GRANT AGREEMENT term, the GRANTOR shall be immediately advised.

GRANTEE

Project Director (Signature): *Justin P. Crowell* Date: 9-17-18

Printed Name/Official Title: Justin P. Crowell / Captain

Authorizing Official (Signature): _____ Date: _____

Printed Name/Official Title: _____

GRANTOR

Highway Safety Administrator (Signature): _____ Date: _____

Governor's Representative (Signature): _____ Date: _____

Approved as to form and legality:

KYTC Attorney (Signature): _____ Date: _____

Agenda Action Form

Paducah City Commission

Meeting Date: September 25, 2018

Short Title: Setting Tax Levies: Ad Valorem Properties - FY2019

Category: Ordinance

Staff Work By: Jonathan Perkins
Presentation By: Jonathan Perkins

Background Information:

Real estate and personal property tax levies for the City's General Fund and Paducah Junior College (PJC) as well as another (non-City) tax jurisdiction, the Paducah Independent School District, are proposed to be set as per the attached ordinance. Please refer to exhibits 1-3 for a history of the ad valorem tax levies for real estate (*exhibit 1*), personal (*exhibit 2*) & inventory (*exhibit 3*).

The City's General Fund real estate tax levy is proposed to be \$26.1 cents per \$100 AV. The proposed FY2019 rate is 58% of what the rate was in FY1995, when the City made a conscious effort to lower real estate tax rates (*see exhibit 1*).

The City's General Fund personal tax levy is proposed to be \$39 cents per \$100 AV. The proposed FY2019 rate is 23% less than the FY1995 rate (*see exhibit 2*).

The City eliminated inventory taxes (*see exhibit 3*) years ago in order to encourage inventory-rich business growth in Paducah. As you can see, the City's inventory rate was phased out over a four-year period, 1998 through 2002, and fully eliminated in FY2003. The inventory tax revenue would have been nearly \$800,000 in FY2019, if it were still in place today.

Staff proposes the City's tax levy be set at 26.1 cents per \$100 assessed value (AV), 2.3% higher than last year (FY2018). The FY2019 compensating rate is 25.1 cents per \$100 AV and Kentucky Revised Statutes (KRS) permits a city to adjust the compensating rate upward by not more than 4%, in this case to 26.1 cents. The City of Paducah is proposing to take the full 4% allowed by KRS, and this will be the 2nd time the maximum has been taken in the past 22 years.

From FY2001 to FY2019, the City of Paducah dropped its real estate tax levy by 3.9 cents, while others have increased their tax levy. The Paducah Independent School District real estate levy will decrease 4.3 cents to 84 cents/\$100 AV.

The property tax levy ordinance will be introduced on September 25, 2018 with the second and final reading on October 9, 2018. Since the City's proposed tax levy is greater than the 'compensating rate' of 25.1 cents per \$100 AV, a public hearing is required; a public hearing is scheduled for September 25, 2018.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name:
Account Number:

Staff Recommendation:

Recommend that the Mayor and Commission adopt the proposed 2018-2019 real estate and personal ad valorem tax levies as proposed.

Attachments:

1. Ordinance Tax Rate FY2019
2. Exhibit 1
3. Exhibit 2
4. Exhibit 3
5. Exhibit A
6. Exhibit B

ORDINANCE NO. 2018- ___ - _____

AN ORDINANCE FIXING THE LEVIES AND RATES OF TAXATION ON ALL PROPERTY IN THE CITY OF PADUCAH, KENTUCKY, SUBJECT TO TAXATION FOR MUNICIPAL PURPOSES AND FOR SCHOOL PURPOSES FOR THE PERIOD FROM JULY 1, 2018 THROUGH JUNE 30, 2019, WITH THE PURPOSES OF SAID TAXES HEREUNDER DEFINED

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. There is hereby levied for the period from July 1, 2018, through June 30, 2019, upon all taxable real property within the City of Paducah, Kentucky, subject to taxation for municipal purposes, an ad valorem tax of twenty six and 1/10 cents (\$.261) upon each one hundred dollars (\$100.00) assessed valuation of said property, pursuant to Section 157 of the State Constitution, to defray the cost of maintaining and administering the government of the City of Paducah, Kentucky, for said period, exclusive of the levies hereinafter mentioned and defined, and the proceeds of said tax levy shall be paid into the General Fund of the City.

SECTION 2. There is hereby levied for the period from July 1, 2018, through June 30, 2019, upon all taxable personal property including motor vehicles and watercraft, except for inventory, within the City of Paducah, Kentucky, subject to taxation for municipal purposes, an ad valorem tax of thirty-nine cents (\$0.390) upon each one hundred dollars (\$100.00) assessed valuation of said property, pursuant to Section 157 of the State Constitution, to defray the cost of maintaining and administering the government of the City of Paducah, Kentucky, for said period, exclusive of levies hereinafter mentioned and defined, and the proceeds of said tax levy shall be paid into the General Fund of the City.

SECTION 3. All taxes levied by Section 1 and 2 of this ordinance are necessary and required in order to provide revenue to meet the requirements of the budget ordinance adopted by the Board of Commissioners, and the proceeds of such tax levies and all other revenue of the City not specifically allocated to other purposes shall be deposited into the General Fund of the City to be expended as provided in the budget ordinance for the period from July 1, 2018, through June 30, 2019.

SECTION 4. There is hereby further levied an ad valorem tax of one and 6/10 cents (\$0.016) on each one hundred dollars (\$100.00) of assessed valuation of all real property

subject to taxation for municipal purposes in said City for the period from July 1, 2018, through June 30, 2019, for the purpose of aiding, assisting and maintaining Paducah Junior College, which tax shall be and the same is hereby declared to be a tax for municipal purposes.

SECTION 5. There is hereby further levied an ad valorem tax of one and 6/10 cents (\$0.016) on each one hundred dollars (\$100.00) of assessed valuation of all personal property subject to taxation, except for inventory, for municipal purposes in said City for the period from July 1, 2018, through June 30, 2019, for the purpose of aiding, assisting and maintaining Paducah Junior College, which tax shall be and the same is hereby declared to be a tax for municipal purposes.

SECTION 6. There is hereby further levied an ad valorem tax of three and 1/10 cents (\$0.031) on each one hundred dollars (\$100.00) of assessed valuation of all motor vehicles and watercraft property subject to taxation for municipal purposes in said City for the period from July 1, 2018, through June 30, 2019, for the purpose of aiding, assisting and maintaining Paducah Junior College, which tax shall be and the same is hereby declared to be a tax for municipal purposes.

SECTION 7. The Board of Education of the City of Paducah, Kentucky, pursuant to the authority vested in it under its charter and under the laws of the Commonwealth of Kentucky has adopted a resolution and budget levying an ad valorem tax on all real property in said City subject to taxation for school purposes. Pursuant to said resolution, budget and levy the following taxes for the period from July 1, 2018, through June 30, 2019, an ad valorem tax of eighty four and 0/10 cents (\$0.840) on each one hundred dollars (\$100.00) assessed valuation of all real property subject to taxation for school purposes in the City of Paducah, Kentucky, for the support and maintenance of the public schools of said City shall be collected by the City for the Board of Education.

SECTION 8. The Board of Education of the City of Paducah, Kentucky, pursuant to the authority vested in it under its charter and under the laws of the Commonwealth of Kentucky has adopted a resolution and budget levying an ad valorem tax on all personal property in said City subject to taxation for school purposes. Pursuant to said resolution, budget and levy the following taxes for the period from July 1, 2018, through June 30, 2019, an ad valorem tax of eighty four and 0/10 cents (\$0.840) on each one hundred dollars (\$100.00) assessed valuation of all personal property subject to taxation for school purposes in the City of Paducah, Kentucky,

for the support and maintenance of the public schools of said City shall be collected by the City for the Board of Education.

SECTION 9. The taxes levied under this ordinance are summarized as follows:

PURPOSE	RATE PER
	\$100.00
GENERAL FUND OF THE CITY:	
Real Property	\$0.261
Personal Property (except inventory)	\$0.390
Motor Vehicles and watercraft	\$0.390
SCHOOL PURPOSES:	
PADUCAH JUNIOR COLLEGE	
Real Estate	\$0.016
Personal Property (except inventory)	\$0.016
Motor Vehicles and watercraft	\$0.031

SECTION 10. The City of Paducah shall collect the following taxes for the Board of Education:

PADUCAH INDEPENDENT SCHOOL DISTRICT	
Real Property	\$0.840
Personal Property (including inventory)	\$0.840

SECTION 11. Property taxes levied herein shall be due and payable in the following manner:

- (1) In the case of tax bills which reflect an amount due of less than Eight Hundred Dollars (\$800.00), the payment shall be due on November 1, 2018, and shall be payable without penalty and interest until November 30, 2018.
- (2) In the case of all other tax bills, payment shall be in accordance with the following provisions:
 - (a) The first half payment shall be due on November 1, 2018, and shall be payable without penalty and interest until November 30, 2018.
 - (b) The second half payment shall be due on February 1, 2019, and shall be payable without penalty and interest until February 28, 2019.

SECTION 12. The provisions of this ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of this ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independent of each other.

SECTION 13. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners September 25, 2018
Adopted by the Board of Commissioners October __, 2018
Recorded by Lindsay Parish, City Clerk, October __, 2018
Published by the Paducah Sun, October __, 2018
Finance\Tax Rate FY2019

**City of Paducah, KY
Real Estate Property Tax - Levy History from 1995**

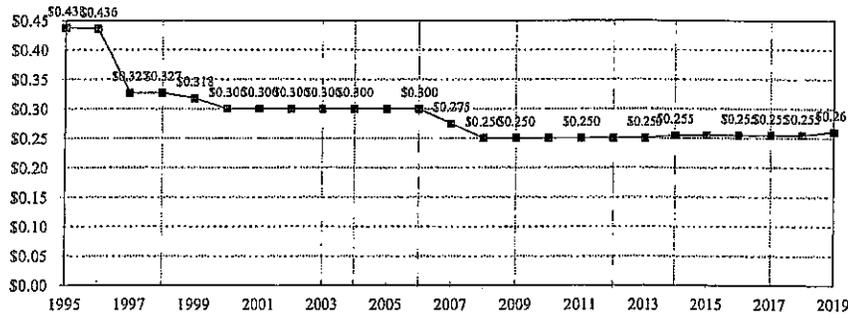
FISCAL YEAR	GENERAL FUND (1)	AEPF PENSION TRUST (3)	CITY TOTAL	CITY PERCENT OF TOTAL BILL	PADUCAH JUNIOR COLLEGE (4)	PADUCAH PUBLIC LIBRARY (4)	PADUCAH INDEPEND SCHOOLS (4)	NON-CITY TOTAL (4)	NON-CITY PERCENT OF TOTAL BILL (4)	GRAND TOTALS
1995	0.438	0.013	0.451	41.338%	0.032	0.046	0.562	0.640	58.662%	1.091
1996	0.436	0.013	0.449	39.876%	0.032	0.045	0.600	0.677	60.124%	1.126
1997	0.327		0.327	32.831%	0.032	0.043	0.594	0.669	67.169%	0.996
1998	0.327		0.327	33.131%	0.032	0.043	0.585	0.660	66.869%	0.987
1999	0.318		0.318	32.219%	0.030	0.041	0.598	0.669	67.781%	0.987
2000	0.300		0.300	31.283%	0.029	0.040	0.590	0.659	68.717%	0.959
2001	0.300		0.300	32.644%	0.022		0.597	0.619	67.356%	0.919
2002	0.300		0.300	32.538%	0.022		0.600	0.622	67.462%	0.922
2003	0.300		0.300	32.609%	0.022		0.598	0.620	67.391%	0.920
2004	0.300		0.300	31.983%	0.021		0.617	0.638	68.017%	0.938
2005	0.300		0.300	31.949%	0.021		0.618	0.639	68.051%	0.939
2006	0.300		0.300	31.546%	0.020		0.631	0.651	68.454%	0.951
2007	0.275		0.275	29.826%	0.019		0.628	0.647	70.174%	0.922
2008	0.250		0.250	26.596%	0.018		0.672	0.690	73.404%	0.940
2009	0.250		0.250	26.596%	0.018		0.672	0.690	73.404%	0.940
2010	0.250		0.250	26.427%	0.018		0.678	0.696	73.573%	0.946
2011	0.250		0.250	25.536%	0.018		0.711	0.729	74.464%	0.979
2012	0.250		0.250	24.631%	0.018		0.747	0.765	75.369%	1.015
2013	0.250		0.250	24.655%	0.017		0.747	0.764	75.345%	1.014
2014	0.255		0.255	24.543%	0.017		0.767	0.784	75.457%	1.039
2015	0.255		0.255	24.449%	0.017		0.771	0.788	75.551%	1.043
2016	0.255		0.255	23.787%	0.017		0.800	0.817	76.213%	1.072
2017	0.255		0.255	23.810%	0.017		0.799	0.816	76.190%	1.071
2018	0.255		0.255	23.876%	0.016		0.797	0.813	76.124%	1.068
2019	0.261		0.261	23.366%	0.016		0.840	0.856	76.634%	1.117

NOTES:

- (1) General Fund Operation of the City.
- (2) Appointive Employee Pension Fund (AEPF); discontinued in FY1997.
- (3) Non-City tax levies.

Exhibit 1

**Real Estate Tax Levy: FY1995 - Present
Per \$100 of Assessed Value**



**City of Paducah, KY
Personal Property Tax - Levy History From FY1995 ***

FISCAL YEAR	GENERAL FUND (1)	PENSION TRUST (2)	CITY TOTAL	CITY PERCENT OF TOTAL BILL	PADUCAH JUNIOR COLLEGE (3)	PADUCAH PUBLIC LIBRARY (3)	PADUCAH INDEPEND SCHOOLS (3)	NON-CITY TOTAL	NON-CITY PERCENT OF TOTAL BILL	GRAND TOTALS
1995	0.490	0.015	0.505	42.652%	0.034	0.050	0.595	0.679	57.348%	1.184
1996	0.390		0.390	36.313%	0.034	0.050	0.600	0.684	63.687%	1.074
1997	0.390		0.390	36.178%	0.034	0.050	0.604	0.688	63.822%	1.078
1998	0.390		0.390	36.078%	0.034	0.050	0.607	0.691	63.922%	1.081
1999	0.390		0.390	36.381%	0.034	0.050	0.598	0.682	63.619%	1.072
2000	0.390		0.390	36.654%	0.034	0.050	0.590	0.674	63.346%	1.064
2001	0.390		0.390	38.652%	0.022		0.597	0.619	61.348%	1.009
2002	0.390		0.390	38.424%	0.022		0.603	0.625	61.576%	1.015
2003	0.390		0.390	38.348%	0.022		0.605	0.627	61.652%	1.017
2004	0.390		0.390	37.938%	0.021		0.617	0.638	62.062%	1.028
2005	0.390		0.390	37.864%	0.021		0.619	0.640	62.136%	1.030
2006	0.390		0.390	37.464%	0.020		0.631	0.651	62.536%	1.041
2007	0.390		0.390	37.356%	0.019		0.635	0.654	62.644%	1.044
2008	0.390		0.390	35.358%	0.018		0.695	0.713	64.642%	1.103
2009	0.390		0.390	35.912%	0.018		0.678	0.696	64.088%	1.086
2010	0.390		0.390	35.912%	0.018		0.678	0.696	64.088%	1.086
2011	0.390		0.390	34.853%	0.018		0.711	0.729	65.147%	1.119
2012	0.390		0.390	33.766%	0.018		0.747	0.765	66.234%	1.155
2013	0.390		0.390	33.795%	0.017		0.747	0.764	66.205%	1.154
2014	0.390		0.390	33.220%	0.017		0.767	0.784	66.780%	1.174
2015	0.390		0.390	33.107%	0.017		0.771	0.788	66.893%	1.178
2016	0.390		0.390	32.312%	0.017		0.800	0.817	67.688%	1.207
2017	0.390		0.390	32.338%	0.017		0.799	0.816	67.662%	1.206
2018	0.390		0.390	32.419%	0.016		0.797	0.813	67.581%	1.203
2019	0.390		0.390	31.300%	0.016		0.840	0.856	68.700%	1.246

NOTES:

- (1) General Fund Operation of the City.
- 2) Appointive Employee Pension Fund (AEPF); discontinued levy in FY95/96.
- 3) Non-City tax levies, Library became a County Library in FY2001.
- * Includes commercial furniture, fixtures, equipment, inventory, mfg. goods, finished & in transit goods, & motor vehicles as reported by the PVA. Inventory tax levy separated out in year 1999.

Exhibit 2

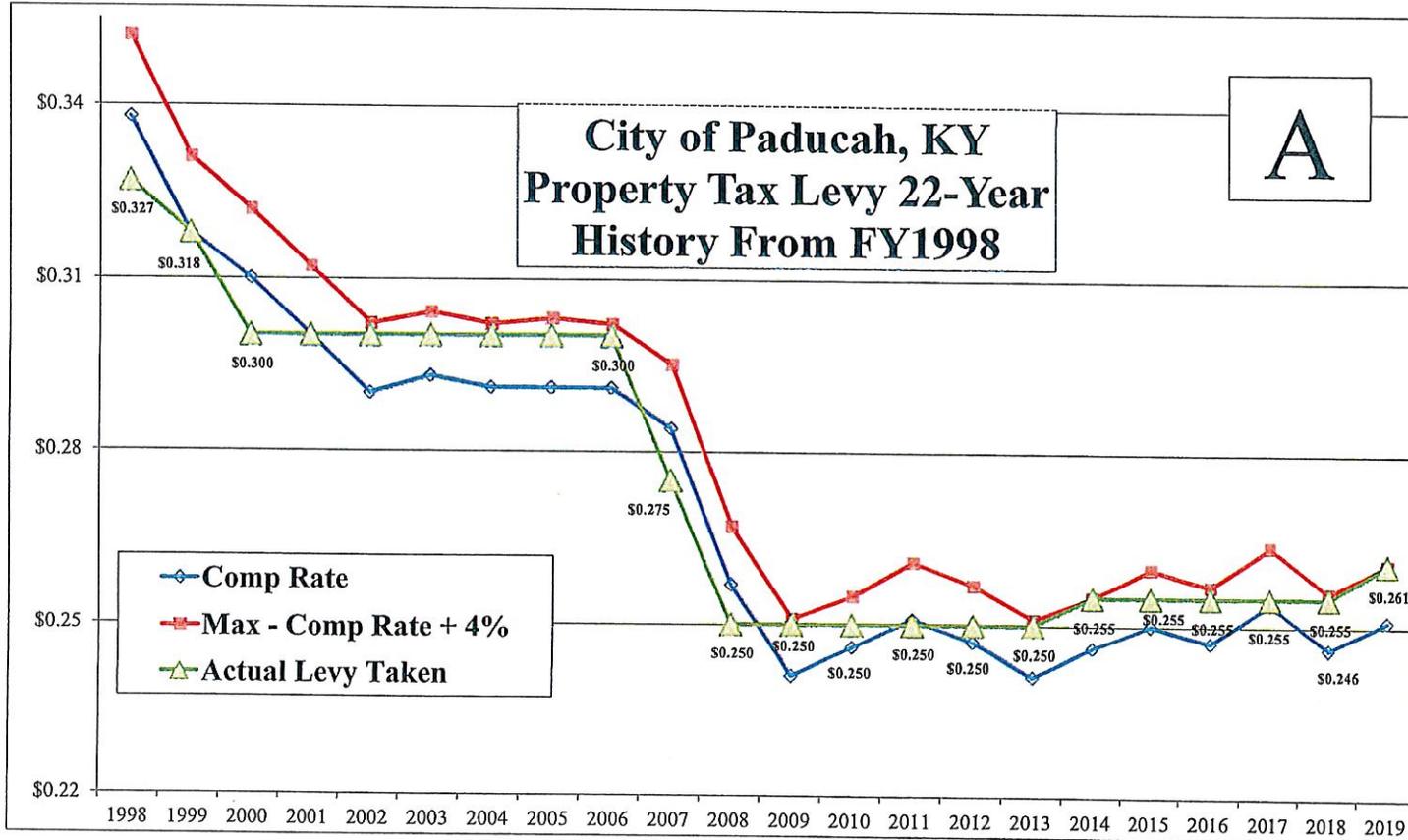
**City of Paducah, KY
Inventory Property Tax - Levy History From FY1995**

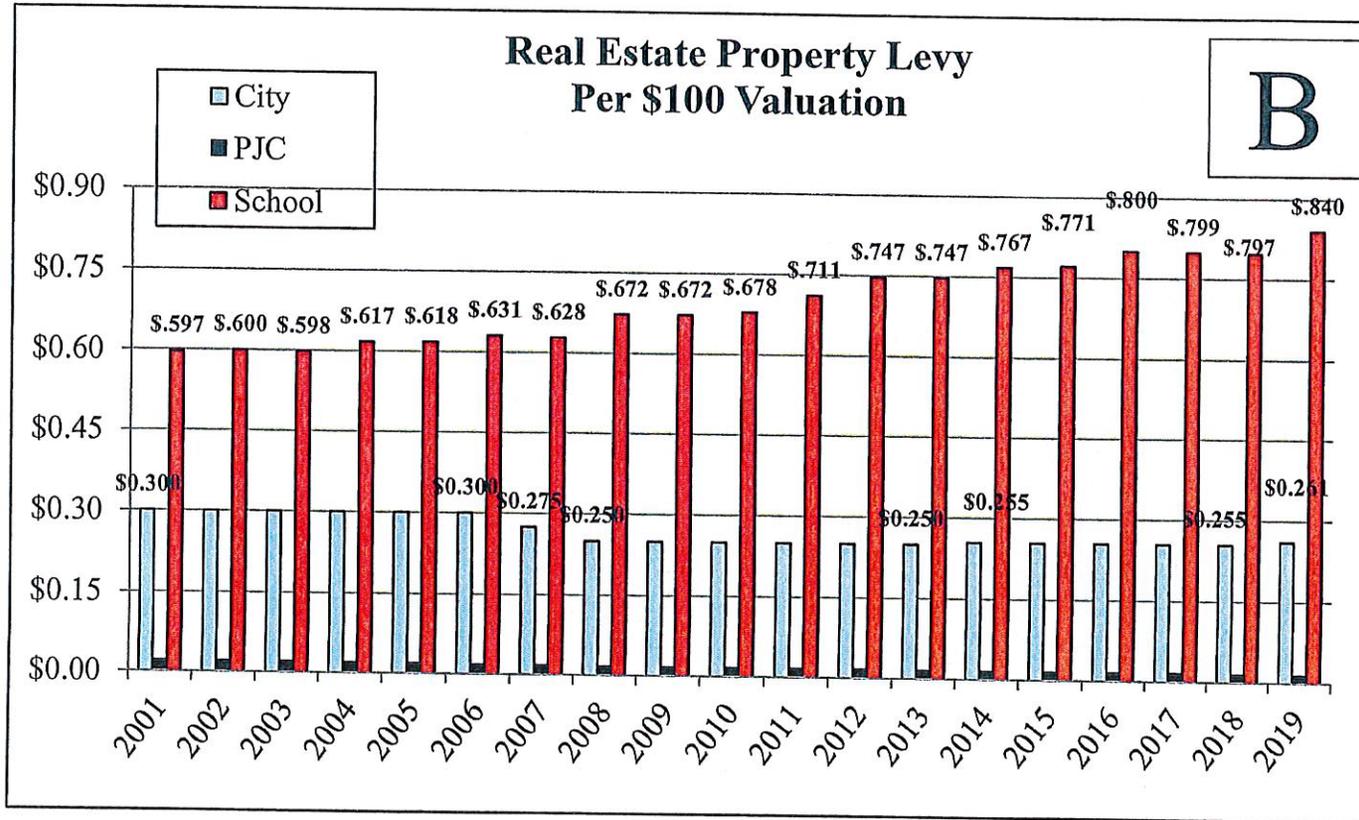
FISCAL YEAR	GENERAL FUND (1)	PENSION TRUST (2)	CITY TOTAL	CITY PERCENT OF TOTAL BILL	PADUCAH JUNIOR COLLEGE (3)	PADUCAH PUBLIC LIBRARY (3)	PADUCAH INDEPEND SCHOOLS (3)	NON-CITY TOTAL	NON-CITY PERCENT OF TOTAL BILL	GRAND TOTALS
1995	0.490	0.015	0.505	42.652%	0.034	0.050	0.595	0.679	57.348%	1.184
1996	0.390		0.390	36.313%	0.034	0.050	0.600	0.684	63.687%	1.074
1997	0.390		0.390	36.178%	0.034	0.050	0.604	0.688	63.822%	1.078
1998	0.390		0.390	36.078%	0.034	0.050	0.607	0.691	63.922%	1.081
1999	0.280		0.280	29.412%	0.024	0.050	0.598	0.672	70.588%	0.952
2000	0.210		0.210	24.194%	0.018	0.050	0.590	0.658	75.806%	0.868
2001	0.140		0.140	18.692%	0.012		0.597	0.609	81.308%	0.749
2002	0.070		0.070	10.309%	0.006		0.603	0.609	89.691%	0.679
2003							0.605	0.605	100.000%	0.605
2004							0.617	0.617	100.000%	0.617
2005							0.619	0.619	100.000%	0.619
2006							0.631	0.631	100.000%	0.631
2007							0.635	0.635	100.000%	0.635
2008							0.695	0.695	100.000%	0.695
2009							0.678	0.678	100.000%	0.678
2010							0.678	0.678	100.000%	0.678
2011							0.711	0.711	100.000%	0.711
2012							0.747	0.747	100.000%	0.747
2013							0.747	0.747	100.000%	0.747
2014							0.767	0.767	100.000%	0.767
2015							0.771	0.771	100.000%	0.771
2016							0.800	0.800	100.000%	0.800
2017							0.799	0.799	100.000%	0.799
2018							0.797	0.797	100.000%	0.797
2019							0.840	0.840	100.000%	0.840

NOTES:

- 1) General Fund Operation of the City; discontinued levy in FY2003.
 - 2) Appointive Employee Pension Fund (AEPF); discontinued levy in FY95/96.
 - 3) Non-City tax levies, Library became a County Library in FY2001.
- * Includes commercial furniture, fixtures, equipment, inventory, mfg. goods, and finished & in transit goods, as reported by the PVA. Inventory tax levy separated out in fiscal year 1999.

Exhibit 3





Agenda Action Form Paducah City Commission

Meeting Date: September 25, 2018

Short Title: Partial Street Closure: D.A.V. Drive (Green Street)

Category: Ordinance

Staff Work By: Maegan Mansfield

Presentation By: Rick Murphy

Background Information:

Mid-South Energy Properties, LLC has submitted an application for a portion of D.A.V. Drive (Green Street), located South of Irvin Cobb Drive, to be closed. Mid-South Energy Properties is the only real property owner whose land adjoins any part of the proposed right-of-way to be closed. A twenty (20) foot public utility easement will be established along the West portion of the closed right of way.

On August 20th, 2018 the Paducah Planning Commission held a public hearing and made a positive recommendation to the City Commission for the closure. All of the utility companies have agreed to this closure.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name:
Account Number:

Staff Recommendation:

To adopt an ordinance authorizing the partial closure of D.A.V. Drive, where a twenty (20) foot public utility easement will be established along the West side of the closed right of way. Also, authorize the Mayor to execute the closure plat and all necessary documents to complete the transfer of property to the adjacent property owners.

Attachments:

1. Ordinance DAV Street Closure
2. Sheet 1 - Plat Survey of D.A.V. Dr
3. D.A.V. Dr Closing - Resolution
4. Application

ORDINANCE NO. 2018-__ - _____

AN ORDINANCE PROVIDING FOR THE CLOSING OF A PORTION OF D.A.V. DRIVE (GREEN STREET), BETWEEN 1616 AND 1700 IRVIN COBB DRIVE, NORTH OF CHAMBLIN AVENUE, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah does hereby authorize the closing of a portion of D.A.V. Drive (Green Street), between 1616 and 1700 Irvin Cobb Drive, north of Chamblin Avenue as follows:

**LEGAL DESCRIPTION
D.A.V. Drive Right of Way Closure**

Beginning at a rebar and cap (found) 20.00 feet west of the centerline of D.A.V. Drive, said centerline point being located 48.05 feet south of the centerline intersection of D.A.V. Drive and Irvin Cobb Drive;

Thence from the point of beginning South 40 Degrees 07 Minutes 52 Seconds East for a distance of 43.91 feet crossing the right of way of D.A.V. Drive to a rebar and cap (found);

Thence South 25 Degrees 30 Minutes 00 Seconds West for a distance of 97.76 feet with the east right of way of D.A.V. Drive and the Mid-South Energy Properties, LLC property described in Deed Book 1212, Page 716 to a rebar and cap (found) at the northeast corner of D.A.V. Drive and previously closed right of way of Chamblin Ave. per City Ordinance 90-4-4404;

Thence North 64 Degrees 30 Minutes 00 Seconds West for a distance of 40.00 feet crossing the right of way of D.A.V. Drive to a rebar and cap (found) at the northwest corner of D.A.V. Drive and previously closed right of way of Chamblin Ave.;

Thence North 25 Degrees 30 Minutes 00 Seconds East for a distance of 115.88 feet with the west right of way of D.A.V. Drive and the Mid-South Energy Properties, LLC property described in Deed Book 1212, Page 716 to the point of beginning,

The above described property is subject to a 20 foot wide public utility easement running from the south right of way of Irvin Cobb Drive south along the west half of D.A.V. Drive to the north right of way of the closed portion of Chamblin Ave.

Together with a subject to covenants, easements, right of ways and restrictions of record and in existence.

SECTION 2. In support of its decision to close the aforesaid public way, the Board of Commissioners hereby makes the following findings of fact:

a. Mid-South Energy Properties, LLC, owns the properties abutting the public way which the Board of Commissioners has authorized to be closed as is evidenced by the application for street and/or alley closing which is attached hereto and made part hereof (Exhibit A).

b. On the 20th day of August, 2018, the Paducah Planning Commission of the City of Paducah adopted a resolution recommending to the Mayor and Board of Commissioners of the City of Paducah closure of the aforesaid public way.

c. Written notice of the proposed closing was given to all property owners in or abutting the public way or the portion thereof being closed as is evidenced by the application for street and/or alley closing which is attached hereto and made a part hereof.

d. All property owners in or abutting the public way or the portion thereof being closed have given their written notarized consent to the closing as is evidenced by the application for street and/or alley closing which is attached hereto and made a part hereof.

SECTION 3. All requirements of KRS 82.405(1) and (2) having been met, the Board of Commissioners of the City of Paducah hereby concludes that the aforesaid public way, as described above, should be closed in accordance with the provisions of KRS 82.405.

SECTION 4. The Mayor is hereby authorized, empowered, and directed to execute a quitclaim deed from the City of Paducah to each of the property owners in or abutting the public way to be closed with each to acquire title to that portion of the public way contiguous to the property now owned by said property owners up to center line of the said public way. Provided, however, that the City shall reserve such easements upon the above described real property as it deems necessary. Said deed shall provide the reservation by the City of Paducah any easements affecting the herein described real property as described in Section 1 above. Further, the Mayor is hereby authorized, empowered, and directed to execute all documents related to the street closing as authorized in Section 1 above.

SECTION 5. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, September 25, 2018

Adopted by the Board of Commissioners, _____

Recorded by Lindsay Parish, City Clerk, _____

Published by The Paducah Sun, _____

ord\eng\st close\D.A.V. Drive Green Street Closing

CERTIFICATION

I, Lindsay Parish, hereby certify that I am the duly qualified and acting Clerk of the City of Paducah, Kentucky, and that the foregoing is a full, true and correct copy of Ordinance No. _____ adopted by the Board of Commissioners of the City of Paducah at a meeting held on _____.

City Clerk

Exhibit A

City of Paducah, Kentucky
Public Right-of-Way Closure Application



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

Date: 16-Jul-18

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

Public Right-of-Way: Portion of D.A.V. Drive (Green Street) located south of Irvin Cobb Drive

Included herewith is a filing fee of Five Hundred Dollars (\$500) together with twenty (20) copies of a Plat showing the Public Right-of-Way to be closed. This Application indicating consent of the Public Right-of-Way closure, has been signed and notarized by all real property owners whose land adjoins the portion of Public Right-of-Way proposed to be closed. If the application is not signed by all adjoining real property owners, the "Public Right-of-Way Closure Guarantee" must be attached.

Respectfully submitted by all adjoining property owners:

Stephena Gear 7/16/18

Signature of Property Owner

Steve Geay, Mid-South Energy Properties, LLC
Property Owner's Name Printed

2550 Highway 76; Adams TN 37010
Address

RECEIVED
JUL 30 2018
ENGINEERING DEPARTMENT
RECEIVED
JUL 27 2018
ENGINEERING DEPARTMENT Planning Department

STATE OF KENTUCKY)
COUNTY OF McCracken)

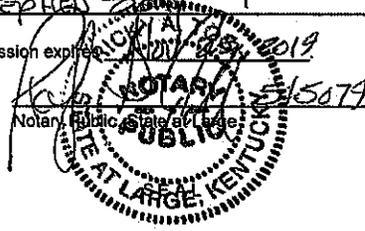
The foregoing instrument was sworn to and acknowledged before me this 16 day of July, 2018 by STEPHENA GEAR

My Commission expires NOV 23 2019

RECEIVED

AUG 03 2018

ENGINEERING DEPARTMENT



Signature of Property Owner

Property Owner's Name Printed

Address

STATE OF KENTUCKY)
COUNTY OF McCracken)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 20____ by _____

My Commission expires _____

Notary Public, State at Large

SEAL

CERTIFICATE OF OWNERSHIP:

I (WE), DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN HEREON AND DO HEREBY APPROVE THIS PLAN OF SUBDIVISION WITH OUR FREE WILL AND CONSENT.

OWNER: Stephan A. Gray 7/16/18 DATE: _____ OWNER: _____ DATE: _____

OWNER: _____ DATE: _____ OWNER: _____ DATE: _____

**CERTIFICATION OF ACKNOWLEDGMENT
STATE OF KENTUCKY, COUNTY OF McCRACKEN:**

I, Ricky A. TOSH A NOTARY PUBLIC IN THE STATE & COUNTY AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF SURVEY WAS THIS DAY PRESENTED TO ME BY STEPHAN GRAY KNOWN TO ME, TOGETHER WITH THE CERTIFICATE OF OWNERSHIP AND DEDICATION SHOWN HEREON, WHICH WAS, EXECUTED IN MY PRESENCE AND ACKNOWLEDGED TO BE THEIR FREE ACT AND DEED.

WITNESS MY HAND AND SEAL THIS 16 DAY OF July 2018
MY COMMISSION EXPIRES ON THE 23 DAY OF Nov 2019



CERTIFICATE OF APPROVAL:

UNDER THE AUTHORITY PROVIDED BY CHAPTER 100, KENTUCKY REVISED STATUTES, ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, THIS PLAT HAS BEEN GIVEN APPROVAL AND ACCEPTED AS FOLLOWS:

APPROVED BY PADUCAH PLANNING AND ZONING COMMISSION MEETING HELD ON THE _____ DAY OF August 2018

Cooby Crocchius
CHAIRMAN OF THE PLANNING AND ZONING COMMISSION

**CERTIFICATE OF RECORDING:
"STATE OF KENTUCKY, COUNTY OF McCRACKEN"**

I, JULIE GRIGGS, CLERK FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THIS PLAT WAS THIS DAY LODGED IN MY OFFICE FOR RECORD AND THAT I HAVE RECORDED SAME WITH THIS AND THE FOREGOING CERTIFICATE OF MY OFFICE.

GIVEN UNDER MY HAND AND SEAL THIS THE _____ DAY OF _____ 20____
BY _____ D.C.

RECORDED IN PLAT SECTION _____, PAGE _____

PUBLIC UTILITY OWNERS:

WE THE UTILITY OWNERS INDICATED BELOW FREELY GIVE OUR CONSENT TO THE CLOSING OF THE PORTION OF D.A.V. DRIVE (AKA GREEN STREET) LOCATED SOUTH OF IRVIN COBB DRIVE; AND TO THE ESTABLISHMENT OF THE 20 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE WEST HALF OF SAID RIGHT OF WAY AS SHOWN HEREON.

Bob Ben 7-20-18 DATE
ATMOS ENERGY
Alan Sully 7-24-18 DATE
BELLSOUTH TELECOMMUNICATIONS, INC.-DBIA AT&T KENTUCKY
Shirley Fay 7-20-18 DATE
COMCAST CABLE OF PADUCAH, INC.
Jim W. JR 7/21/18 DATE
PADUCAH POWER SYSTEM
Chris 7/19/18 DATE
PADUCAH WATER
Gene 7/20/18 DATE
PADUCAH McCRACKEN JOINT SEWER AGENCY (JSA)
Paul Murphy 8/21/18 DATE
CITY OF PADUCAH STORM SEWER

CERTIFICATE OF ACCURACY:

I DO HEREBY CERTIFY TO SEAY OIL CO. AND MID-SOUTH ENERGY PROPERTIES, LLC THAT THE SURVEY SHOWN AND DESCRIBED HEREON WAS PERFORMED UNDER MY SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION OF RATIO OF THE TRAVERSE WAS 1:211.483. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE NOT BEEN ADJUSTED. THIS SURVEY IS AN URBAN CLASS SURVEY AND MEETS THE ACCURACY, PRECISION AND SPECIFICATIONS OF THIS CLASS PER THE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS IN KENTUCKY (201 KAR 18.150). THIS SURVEY MEETS THE REQUIREMENTS OF THE CITY OF PADUCAH PLANNING AND ZONING COMMISSION, AND ALL MONUMENTS HAVE BEEN FOUND OR SET AS SHOWN HEREON.

RICKY A. TOSH PLS No. 2900 DATE

THE PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS, EASEMENTS, COVENANTS, AND RESTRICTION OF RECORD AND IN EXISTENCE.

THIS DRAWING IS NOT VALID UNLESS ORIGINAL SIGNATURE AND SEAL ARE ATTACHED. ANY REPRODUCTION OR VARIANCE TO THIS SURVEY BY ELECTRONIC OR ANY OTHER MEANS ARE NOT TO BE CONSIDERED ISSUED BY THE LICENSED LAND SURVEYOR.

MAYOR'S CERTIFICATE OF CITY APPROVAL:

IN ACCORDANCE WITH KENTUCKY REVISED STATUTES CHAPTER 82 AND BY ORDINANCE # _____ I HEREBY CERTIFY THAT THE PUBLIC WAY AS SHOWN ON THIS PLAT HAS BEEN OFFICIALLY CLOSED.

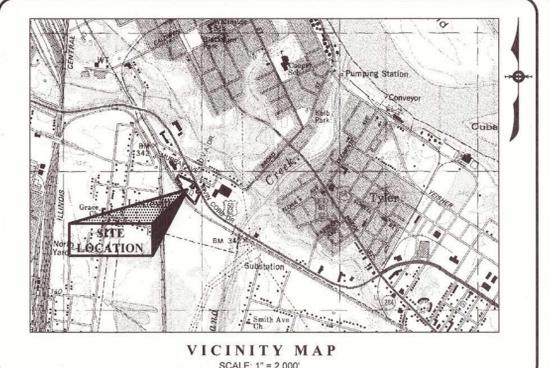
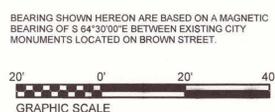
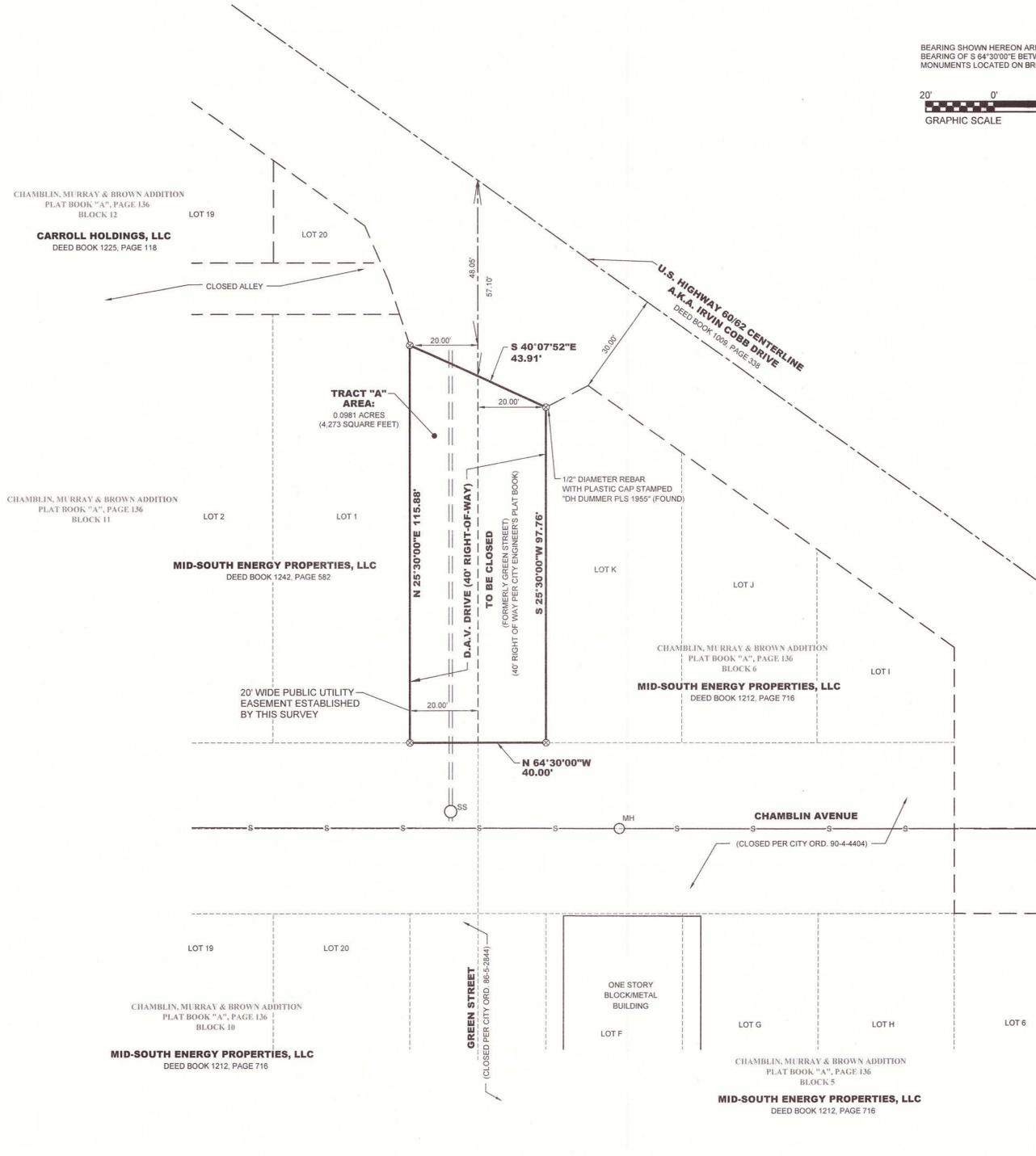
MAYOR, CITY OF PADUCAH DATE

**CERTIFICATE OF RECORDING:
"STATE OF KENTUCKY, COUNTY OF McCRACKEN"**

I, JULIE GRIGGS CLERK FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THIS PLAT WAS THIS DAY LODGED IN MY OFFICE FOR RECORD AND THAT I HAVE RECORDED SAME WITH THIS AND THE FOREGOING CERTIFICATE OF MY OFFICE.

GIVEN UNDER MY HAND AND SEAL THIS THE _____ DAY OF _____ 20____
BY _____ D.C.

RECORDED IN PLAT SECTION _____, PAGE _____



LEGEND

⊗ EXISTING 1/2" DIAMETER REBAR WITH PLASTIC CAP STAMPED "R.TOSH KYPLS 2900" (FOUND) (UNLESS NOTED OTHERWISE)	— PROPERTY LINE
⊙ 1/2" x 18" LONG REBAR WITH PLASTIC CAP STAMPED "R.TOSH KYPLS 2900" (SET)	— ROAD CENTERLINE
⊗ EXISTING 4" SQ. CONCRETE MONUMENT	— ADJOINING PROPERTY LINE
⊙ MH SANITARY SEWER MANHOLE	— EASEMENT (AS NOTED)
⊙ SS STORM SEWER MANHOLE	— INTERIOR LOT LINES
	— SAN SEWER LINE
	— STORM SEWER LINE

FLOOD INFORMATION:
THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X" (SHADED) AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP No. 21145C0153F, DATED 11/2/11.
ZONE "X" (SHADED) - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OF WITH DRAINAGE AREAS OF LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

TITLE OPINION:
THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE OPINION. A DILIGENT EFFORT WAS MADE AT THE TIME OF THIS SURVEY TO OBTAIN AND SHOW RIGHT-OF-WAYS, EASEMENTS, COVENANTS, AND RESTRICTIONS PERTAINING TO THIS PROPERTY. HOWEVER THIS SURVEY IS SUBJECT TO THE FINDINGS THAT WOULD BE REVEALED IN AN ACCURATE TITLE OPINION.

INTENT:
THE INTENT OF THIS SURVEY IS TO CLOSE THE 40' WIDE PORTION OF D.A.V. DRIVE RIGHT-OF-WAY AS SHOWN HEREON AND ESTABLISH A 20' WIDE PUBLIC UTILITY EASEMENT ALONG THE WEST HALF OF SAID RIGHT-OF-WAY.

BOUNDARY SURVEY:
THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COMPLIES WITH 201 KAR 18.150.

CLIENT: SEAY OIL CO. MID-SOUTH ENERGY PROPERTIES, LLC
P.O. BOX 1147 2550 HIGHWAY 76
HOPKINSVILLE, KY 42240 ADAMS, TN 37010

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REV. No.	DATE	TYPE	BY	APPROVED/DATE

DRAWN BY: T. MEADOWS	FIELD SURVEY DATE: 3/27/18	SCALE: 1" = 20'
DATE: 3/28/18		
REVIEWED BY: R. TOSH	FIELD BOOK No.: 168, PAGE 14	COORD FILE: 2018040
DATE: 3/29/18		
APPROVED BY: _____	REF JOB No.: 2012163 2006145	SCREEN FILE: 2018040
DATE: _____		

DUMMER SURVEYING & ENGINEERING SERVICES, INC.
434 South 6th Street Paducah, Kentucky 42003 KY 270-444-0220 FAX 270-444-9493 IL 618-624-4209 www.dsandc.com

**PLAT OF SURVEY OF A PORTION OF D.A.V. DRIVE
ROAD RIGHT-OF-WAY CLOSING**
WEST SIDE OF IRVIN COBB DRIVE AND SOUTH SIDE OF CULLY STREET
PADUCAH, McCRACKEN COUNTY, KENTUCKY

PROFESSIONAL SEAL SURVEYOR'S SEAL

SHEET No. **1**

DS&E JOB No. **2018040**

ZONING INFORMATION:
THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED "M-2" PER CITY OF PADUCAH PLANNING DEPARTMENT. ZONE "M-2" = HEAVY INDUSTRY ZONE

MINIMUM YARD REQUIREMENTS:

a. PERMITTED USES HAVING A TOTAL PLAN FLOOR AREA OF 10,000 SQUARE FEET OR LESS:

- FRONT YARD: 25 FEET EXCEPT FOR HIGHWAY STRIP USES FOR WHICH A 50' FRONT YARD IS REQUIRED.
- SIDE YARD: 10 FEET
- REAR YARD: NONE, EXCEPT WHERE ABUTTED BY A RESIDENTIAL ZONE, IN WHICH CASE A REAR YARD OF 25 FEET.
- NO STORAGE OF MATERIALS OR EQUIPMENT SHALL BE ALLOWED IN THE MINIMUM FRONT YARD.

b. PERMITTED USES HAVING A TOTAL PLAN FLOOR AREA OF MORE THAN 10,000 SQUARE FEET:

- FRONT YARD: 50 FEET
- SIDE YARD: 25 FEET
- REAR YARD: NONE, EXCEPT WHERE ABUTTED BY A RESIDENTIAL ZONE, IN WHICH CASE A REAR YARD OF 25 FEET.

MINIMUM AREA REQUIREMENTS:

a. PERMITTED USES HAVING A TOTAL PLAN FLOOR AREA OF 4,000 SQUARE FEET OR LESS:

- MINIMUM LOT AREA: 7,500 SQUARE FEET
- MINIMUM LOT WIDTH: 50 FEET

b. PERMITTED USES HAVING A TOTAL PLAN FLOOR AREA OF MORE THAN 4,000 SQUARE FEET:

- MINIMUM LOT AREA: 15,000 SQUARE FEET
- MINIMUM LOT WIDTH: 75 FEET

MAXIMUM BUILDING HEIGHT:
NONE

MAXIMUM LOT COVERAGE:

a. PRINCIPAL STRUCTURES: 50 PERCENT OF GROSS LOT AREA.
b. TOTAL COVERAGE BY PRINCIPAL STRUCTURES, ACCESSORY STRUCTURES AND OUTSIDE STORAGE: 70 PERCENT OF GROSS LOT AREA.

A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED CLOSING OF D.A.V. DRIVE BETWEEN 1616 AND 1700 IRVIN COBB DRIVE, NORTH OF CHAMBLIN AVENUE.

WHEREAS, a public hearing was held on August 20, 2018 by the Paducah Planning Commission after advertisement pursuant to law, and

WHEREAS, this Commission has duly considered said proposal and has heard and considered the objections and suggestions of all interested parties who appeared at said hearing, and

WHEREAS, this Commission adopted a proposal to close D.A.V. Drive between 1616 and 1700 Irvin Cobb Drive, north of Chamblin Avenue.

NOW THEREFORE, BE IT RESOLVED BY THE PADUCAH PLANNING COMMISSION:

SECTION 1. That this Commission recommend to the Mayor and Board of Commissioners of the City of Paducah to close D.A.V. Drive between 1616 and 1700 Irvin Cobb Drive, north of Chamblin Drive as follows:

Beginning at a rebar and cap (found) 20.00 feet west of the centerline of D.A.V. Drive, said centerline point being located 48.05 feet south of the centerline intersection of D.A.V. Drive and Irvin Cobb Drive;

Thence from the point of beginning South 40 Degrees 07 Minutes 52 Seconds East for a distance of 43.91 feet crossing the right of way of D.A.V. Drive to a rebar and cap (found);

Thence South 25 Degrees 30 Minutes 00 Seconds West for a distance of 97.76 feet with the east right of way of D.A.V. Drive and the Mid-South Energy Properties, LLC property described in Deed Book 1212, Page 716 to a rebar and cap (found) at the northeast corner of D.A.V. Drive and previously closed right of way of Chamblin Ave. per City Ordinance 90-4-4404;

Thence North 64 Degrees 30 Minutes 00 Seconds West for a distance of 40.00 feet crossing the right of way of D.A.V. Drive to a rebar and cap (found) at the northwest corner of D.A.V. Drive and previously closed right of way of Chamblin Ave.;

Thence North 25 Degrees 30 Minutes 00 Seconds East for a distance of 115.88 feet with the west right of way of D.A.V. Drive and the Mid-South Energy Properties, LLC property described in Deed Book 1212, Page 716 to the point of beginning.

Together with a subject to covenants, easements, right of ways and restrictions of record and in existence.

SECTION 2. That this Resolution shall be treated as, and is, the final report of the Paducah Planning Commission respecting the matters appearing herein.

SECTION 3. That if any section, paragraph or provision of this Resolution shall be found to be inoperative, ineffective or invalid for any cause, the deficiency or invalidity of such section, paragraph or provision shall not affect any other section, paragraph or provision hereof, it being the purpose and intent of this Resolution to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 4. Any agreements between the parties that are affected by the closure of this alley shall be forwarded to the City Commission with this Resolution.


Cathy Crecelius, Chairwoman

Adopted by the Paducah Planning Commission on August 20, 2018



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

Date: 16-Jul-18

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

Public Right-of-Way: Portion of D.A.V. Drive (Green Street) located south of Irvin Cobb Drive

Included herewith is a filing fee of Five Hundred Dollars (\$500) together with twenty (20) copies of a Plat showing the Public Right-of-Way to be closed. This Application indicating consent of the Public Right-of-Way closure, has been signed and notarized by all real property owners whose land adjoins the portion of Public Right-of-Way proposed to be closed. If the application is not signed by all adjoining real property owners, the "Public Right-of-Way Closure Guarantee" must be attached.

Respectfully submitted by all adjoining property owners:

Stephen A. Seay 7/16/18
Signature of Property Owner

Steve Seay, Mid-South Energy Properties, LLC
Property Owner's Name Printed

2550 Highway 76; Adams TN 37010
Address

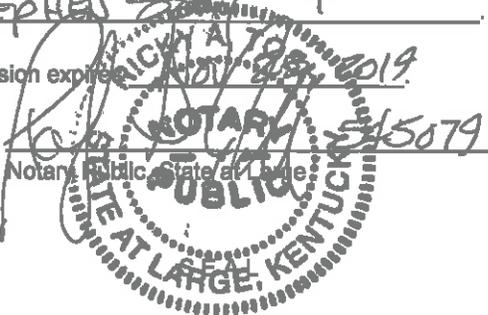
RECEIVED
JUL 30 2018
ENGINEERING DEPARTMENT
RECEIVED
JUL 27 2018
Planning Department

STATE OF KENTUCKY)
COUNTY OF McCracken)

The foregoing instrument was sworn to and acknowledged before me this 16 day of July, 2018 by STEPHEN SEAY

My Commission expires NOV 28, 2019

RECEIVED
AUG 03 2018
ENGINEERING DEPARTMENT



STATE OF KENTUCKY)
COUNTY OF McCracken)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 20____ by _____

My Commission expires _____

Signature of Property Owner

Property Owner's Name Printed

Address

Notary Public, State at Large

SEAL