



CITY COMMISSION MEETING  
 AGENDA FOR July 2, 2013  
**5:30 P.M.**

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

	<b>I. <u>ORDINANCES – ADOPTIONS</u></b>
	A. US 60 Zone Change (Concord Methodist Church, Concord Elementary School and Olivet Baptist Church)
	B. Amend City’s Building Code Ordinance to be Compliant with the State’s Adoption of the National Electric Code – <b>FIRE CHIEF KYLE</b>
	C. Payment for Emergency Remediation Due to Partial Roof Collapse for 318 – 324 Broadway – <b>DEPUTY CHIEF/FIRE MARSHAL CHERRY</b>
	<b>II. <u>ORDINANCES – INTRODUCTION</u></b>
	A. 2013/2014 LSF DUI Enforcement Award – <b>S. ERVIN</b>
	B. 2013-2014 KY Pride Fund Grant for Recycling – <b>S. ERVIN</b>
	C. Sale of Sheehan Bridge Road Property to Jackson – <b>CITY MGR</b>
	D. Sale of Sheehan Bridge Road Property to Teas – <b>CITY MGR</b>
	<b>III. <u>CITY MANAGER REPORT</u></b>
	<b>IV. <u>COMMISSIONER COMMENTS</u></b>
	<b>V. <u>PUBLIC COMMENTS</u></b>
	<b>VI. <u>EXECUTIVE SESSION</u></b>

# Agenda Action Form

## Paducah City Commission

Meeting Date: June 25, 2013

Short Title: US 60 Zone Change

Ordinance  Emergency  Municipal Order  Resolution

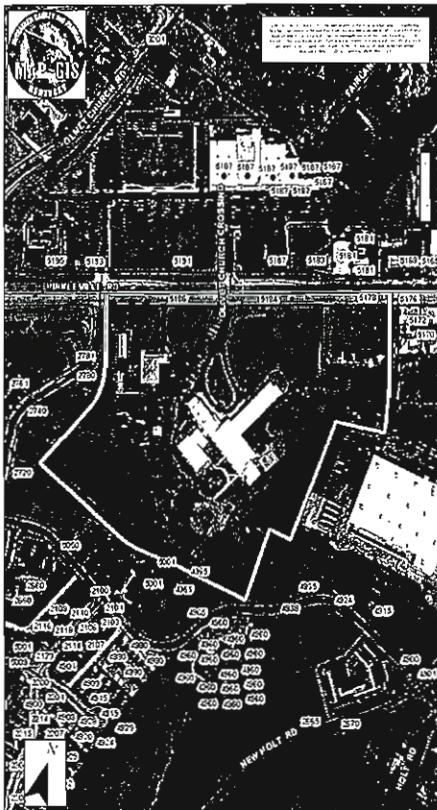
Staff Work By: Stephen Ervin

Presentation By: Stephen Ervin

### Background Information:

<b>Subject:</b>	Proposed Zone Change
<b>Status:</b>	Public Hearing
<b>Applicant:</b>	City of Paducah
<b>Address:</b>	5178, 5184 & 5186 Hinkleville Road
<b>Zone:</b>	R-1 Low Density Residential & MU Mixed Use Zone
<b>Engineer/Surveyor:</b>	
<b>Case Number</b>	120617-4

5178-5186 Hinkleville Road



### Key Components:

The applicant, the City of Paducah, is requesting a Zone Change for 5178, 5184 & 5186 Hinkleville Road from R-1 (Low Density Residential Zone) & MU (Mixed Use Zone) to HBD (Highway Business District). These are the Concord United Methodist Church, the Concord Elementary School and Olivet Baptist Church, respectively.

The City of Paducah, acting under the authority of KRS 100.211 and with the full support and backing of the property owners listed herein, is submitting the application for the zone change. This zone change request was initiated because of several improvements the Concord United Methodist Church has submitted within the last several years. Each time a building addition or parking

lot expansion was performed, the Conditional Use process was initiated.

Staff and Concord United Methodist Church began preliminary discussions of a zone change which expanded to include the school and Olivet Baptist Church as well. This was to make sure all three properties zoned R-1 could be changed at one time and future zone change submittals could be avoided.

Staff would like to submit the following reasons for the zone change:

- Both churches may undergo site changes with only site plan review in the HBD Zone. This would eliminate the need for the Conditional Use process with the churches, enjoyed by churches in non-residential zones. Currently, both Concord United Methodist and Olivet Baptist must submit the proposed site plan to the Planning Commission and then to the Board of Adjustment. The Board of Adjustment only meets the last Monday of the month. This process can be lengthy for applicants.
- The surrounding zoning is currently Highway Business District and Mixed-Use Zones. HBD is located on the north and east sides of these properties and MU is located on the south and west.
- These properties are located in the Regional Trade Center. Several major commercial uses surround, or are nearby, these properties, including Hobby Lobby; Lowe's Home Improvement Warehouse; Wal-Mart; Bed, Bath & Beyond; Kohl's; Michaels and various smaller office and restaurant uses.
- **The future land use map shows the properties as commercial.**

#### **Site Data:**

Area: approximately 29 +/- acres

Public Utilities: Adequate water and sewer service available.

Public Services: Sanitation, Police and fire service available.

Physical Characteristics: Concord United Methodist Church, Olivet Baptist Church and Concord Elementary School exist.

#### **Development Plan:**

The properties are already part of the built environment and contribute to the urban character along Hinkleville Road.

#### **Land Use Patterns:**

Several commercial properties are located adjacent to the properties or nearby. These include Hobby Lobby, Wal-Mart, Kohl's, Lowe's, Michaels, Kirkland's and Aldi Grocery Store. Several other commercial uses, including various restaurants, gasoline stations, banks and offices

are located in the vicinity. A new restaurant building and Wellsprings Dermatology are both set to begin construction nearby in West Park Village.

**Adjacent Properties:**

North: Chick-fil-A; Kohl's; the shopping center with Michael's and Bed, Bath & Beyond as anchors; Aspen Dental; Hay's Shoes and the Superway gas station are all located to the north across Highway 60. They are all zoned Highway Business District.

East: Backwoods BBQ and Lowe's Home Improvement Warehouse. They are both zoned HBD.

South: A church, daycare, offices and two vacant parcels. These properties are zoned Mixed Use Zone.

West: Three vacant parcels. The parcel fronting on Highway 60 is where the new restaurant building will soon be under construction. These parcels are zoned Mixed Use Zone.

**Zoning:**

HBD on the North and East. Mixed Use on the South and West. The three parcels are proposed to be changed to HBD as follows:

**Sec. 126-116. Highway Business District, HBD.**

The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade, and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses.

(1) Permitted uses.

- a. Any use permitted in the B-3 Zone;
- b. Automobile service and repair establishments, including gasoline service stations, repair garages and automatic car-washing establishments;
- c. Hotels and motels;
- d. Recreational uses such as amusement parks, bowling alleys and roller-skating; archery ranges; miniature golf, golf-driving ranges; and other similar recreational activities;
- e. Souvenir shops, roadside stands and curio shops when incidental to another permitted use;
- f. Office buildings;
- g. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
- h. Restaurants and eating establishments;
- i. Commercial parking lots and parking garages;
- j. Theaters.

**Findings required for map amendment:**

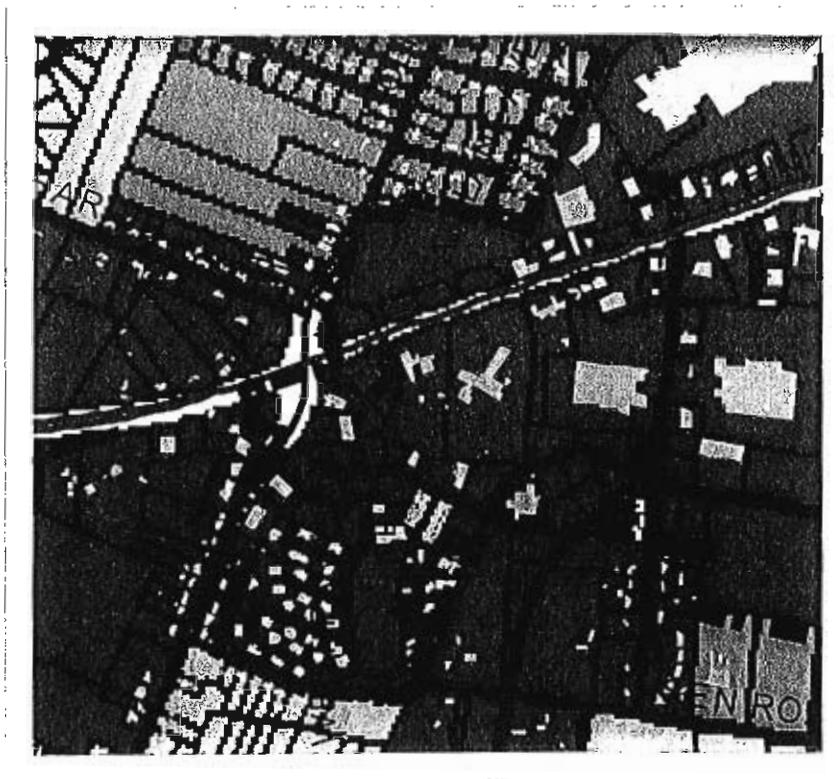
KRS – 100.213 Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the comprehensive plan, or in the absence of such a finding, that one or more of the following apply and such findings shall be recorded in the minutes and records of the Planning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

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

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

Staff Analysis – The proposed zoning is in compliance with the Future Land Use Map. The Future Land Use Map shows the area to be zoned “Commercial”.

## Future Land Use Map



Over time, the area along Highway 60 has, and continues to have, significant development. West Park Village also has some new proposed developments being a new restaurant and Wellsprings Dermatology buildings. A new Taco John's is under construction nearby in McCracken County. The Chick-fil-A restaurant, Plaza Tire Service building and Aspen Dental are all relatively new developments. It is anticipated that the new connector route from Holt Road to Olivet Church Road behind the Cinemark Theater will continue to spur development in the vicinity.

**Planning Commission recommendation:**

The Planning Commission held a public hearing on June 17<sup>th</sup>, 2013 and made a positive recommendation to the City Commission.

**Staff Recommendation:**

Staff recommends approval to the Paducah City Commission for HBD Zoning as the proposed zoning designation is in compliance with the Comprehensive Plan per KRS 100.213.

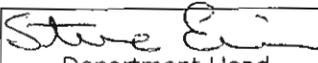
Funds Available:      Account Name: N/A  
                                 Account Number: N/A

Finance
---------

Motion:

Attachments:

Planning Commission Resolution  
Zone Change Map

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

# Agenda Action Form Paducah City Commission

**Meeting Date:**

Short Title: To Amend this Ordinance to read "2007 Kentucky Building Code".

Ordinance    Emergency    Municipal Order    Resolution    Motion

Staff Work By: Steve Kyle  
Presentation By: Steve Kyle

**Background Information:** The Department of Housing, Buildings and Construction has reviewed our application for the Expanded Jurisdiction Renewal and has asked all cities to amend their local Ordinance to delete the adoption of the National Electric Code, International Basic Energy Conservation Code, and International Basic Mechanical Code to eliminate any conflicts within the code. We are amending this to the 2007 Kentucky Building Code. This impacts Chapter 18 of the Code of Ordinances.

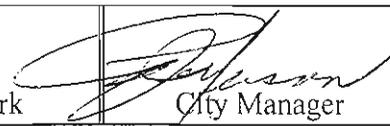
Goal:    Strong Economy    Quality Services    Vital Neighborhoods    Restored Downtowns

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

Finance
---------

Staff Recommendation:

Attachments:

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

# Agenda Action Form Paducah City Commission

Meeting Date: June 25, 2013

Short Title: Payment for Emergency Remediation Due to Partial Roof Clasp - 318 324 Broadway.

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Greg Cherry  
Presentation By: Greg Cherry

### Background Information:

On June 3, 2013, the Fire Prevention Division Jones Excavation to do some demolition work on the Kresge building. Crews removed the debris, ceilings, etc. from the northeast corner of the building and shored up the windows (glass has been removed). The extent of the work is from the front metal façade to about 30 feet into the building. This work stabilized the front of the building so that a collapse won't happen and swing debris out into Broadway.

Payment to Jones Excavation in the amount of \$21,000 is requested as soon as possible.

Goal:  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

Funds Available: Account Name: Services / Demolition  
Account Number: 001-1806-522.23-13

  
6/25/13  
Finance

Staff Recommendation: To pay Jones Excavation as soon as possible!

Attachments: Invoice

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

# Agenda Action Form Paducah City Commission

Meeting Date: July 2, 2013

Short Title: **2013/2014 Law Enforcement Service Fee (LSF) Grant Award**

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Captain Jason Merrick, Cheryl Meadows

Presentation By: Chief James Berry

**Background Information:** Municipal Order # 1709 authorized the Police Department to submit a Law Enforcement Service Fee Grant Application to the Kentucky Justice Cabinet in order to operate a one year DUI Enforcement Program.

The 2013/2014 LSF Grant application was funded in the revised amount of \$8,985. The award will cover 151 hours of overtime for police officers and 1500 miles at .45 per mile. The grant period will be July 1, 2013 to June 30, 2014.

If the Commission desires to accept this grant award, it must authorize and direct the Mayor or Mayor's designee to sign all required grant application documents.

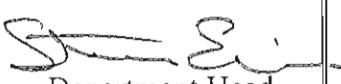
Goal:  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

Funds Available: Account Name:  
Account Number:  
Project Number: **PO-0072**

Finance
---------

Staff Recommendation: Approval

Attachments:

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

# Agenda Action Form Paducah City Commission

Meeting Date: July 2, 2013

**Short Title: 2013-2014 Kentucky Pride Recycling Grant Award**

Ordinance     Emergency     Municipal Order     Resolution     Motion

Staff Work By: Robert Johnson, Cheryl Meadows  
Presentation By: Charlie Doherty

**Background Information:** The Kentucky Division of Waste Management, Kentucky Pride Recycling Grant program has funded the City of Paducah in joint applications with the McCracken County Fiscal Court in the amount of \$216,000 in the past four years. This joint application assists the Greater Paducah Sustainability, Inc./Recycle NOW (GPS) program with the development of integrated recycling infrastructure and recycling public education. This grant award has a 75/25% match funding formula. The City will act as the Lead Agency/Fiscal Agent.

Through Municipal Order #1708 the Commission approved the Engineering/Public Works and Planning Department's request to submit an application for fiscal year 2013/2014 to the Kentucky Division of Waste Management: KY Pride Recycling Program on behalf of the City of Paducah, McCracken County Fiscal Court and GPS.

The amount awarded for the 2013/2014 Grant is \$21,500 with a required match of \$3,584 from both the city and county for the total match \$7,168 for the grant. The funds will be used to purchase various recycling equipment to be used at the Recycling Drop-Off Center located at 1851 North 8<sup>th</sup> Street. City cash match is included in the 2013/2014 Engineering /Public Works budget.

If the Commission would like to accept this award it must authorize and direct the Mayor and/or Mayor's designee to execute all required documents, including an Inter-Local Agreement between City of Paducah and McCracken County Fiscal Court.

Goal:  Strong Economy     Quality Services     Vital Neighborhoods     Restored Downtowns

Staff Recommendation: Approval

Finance
---------

Account Name:

Account Number:

Project Number: MR-0059

Attachments:

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

# Agenda Action Form Paducah City Commission

Meeting Date: July 2, 2013

Short Title: Sale of Sheehan Bridge Road Property (Tract 1)

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Tammara Sanderson & Jeff Pederson  
Presentation By: Jeff Pederson

**Background Information:**

On June 4, 2013, Chris Colson Auctioneer held an auction for the City to sell the property known as the Sheehan Bridge Road Property. This property was sold in 2 tracts. Tract 1 was sold to Todd and Deborah Teas for the sum of \$185,120.10. This tract consists of 2.067 acres along with the house.

Goal:  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

Funds Available: Account Name:  
Account Number:

Finance
---------

Staff Recommendation: Proceed with sale.

Attachments: Deed of Conveyance

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

## DEED OF CONVEYANCE

THIS DEED made and entered into this the \_\_\_\_\_ day of July, 2013, by and between CITY OF PADUCAH, KENTUCKY, a municipal corporation of the second class existing under the laws of the Commonwealth of Kentucky, and a body politic and corporate, whose address is Post Office Box 2267, Paducah, Kentucky 42002-2267, hereinafter called Grantor, and TODD TEAS and wife, DEBORAH TEAS, of 2150 Spann Lane, Paducah, Kentucky 42003, Grantee.

### W I T N E S S E T H :

THAT FOR AND IN CONSIDERATION of the sum of \$185,120.10 cash in hand paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, Grantor sold and does by these presents grant, bargain, sell, alien and convey unto the Grantee, jointly during the period of their natural lives with fee to the survivor, his or her heirs and assigns forever, together with all the improvements, appurtenances and rights thereunto belonging, the following described property, lying and being in McCracken County, Kentucky, and more

BEING TRACT I. CONSISTING OF 2.067 ACRES, AS DEPICTED ON THE WAIVER OF SUBDIVISION PLAT FOR THE CITY OF PADUCAH, KENTUCKY, SHEEHAN BRIDGE ROAD AND INTERSTATE 24 PROPERTY OF RECORD IN PLAT SECTION M. PAGE 709, MCCRACKEN COUNTY COURT CLERK'S OFFICE.

BEING A PART OF THE SAME PROPERTY CONVEYED TO CITY OF PADUCAH, KENTUCKY BY DEED DATED DECEMBER 18, 2009. OF RECORD IN DEED BOOK 1180, PAGE 467. MCCRACKEN COUNTY COURT CLERK'S OFFICE.

TO HAVE AND TO HOLD the same, together with all improvements thereon and all rights and appurtenances thereunto pertaining unto Grantee, jointly during the period of their natural lives with fee to the survivor, his or her heirs and assign forever with Covenant of Special Warranty, except easements, covenants and restrictions of record.

Grantor and Grantee hereby swear and affirm, under penalty of perjury, that the consideration recited herein is the full actual consideration paid or to be paid for the property

transferred hereby. The Grantee joins this deed for the sole purpose of certifying the consideration.

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto set their hands.

CITY OF PADUCAH, KENTUCKY

By \_\_\_\_\_

TODD TEAS

Title \_\_\_\_\_

DEBORAH TEAS

STATE OF KENTUCKY )

COUNTY OF MCCRACKEN )

The foregoing instrument was sworn and acknowledged before me this \_\_\_\_\_ day of July, 2013, by \_\_\_\_\_, \_\_\_\_\_ (title) of CITY OF PADUCAH, KENTUCKY, a municipal corporation of the second class existing under the laws of the Commonwealth of Kentucky, and a body politic and corporate, on behalf of said entity. Grantor.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE

STATE OF KENTUCKY )

COUNTY OF MCCRACKEN )

The foregoing instrument was sworn and acknowledged before me this \_\_\_\_\_ day of July, 2013, by Todd Teas and wife, Deborah Teas, Grantee.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE

THIS INSTRUMENT WAS PREPARED BY THE UNDERSIGNED WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND BASED UPON INFORMATION SUPPLIED BY THE GRANTORS. THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

This instrument prepared by:

---

DENTON & KEULER, LLP  
P. O. Box 929  
Paducah, KY 42002-0929

Send current year tax bill to:  
Mr. and Mrs. Todd Teas  
2150 Spann Lane  
Paducah, KY 42003

## Agenda Action Form Paducah City Commission

Meeting Date: July 2, 2013

Short Title: Sale of Sheehan Bridge Road Property (Tract 2)

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Tammara Sanderson & Jeff Pederson  
Presentation By: Jeff Pederson

### Background Information:

On June 4, 2013, Chris Colson Auctioneer held an auction for the City to sell the property known as the Sheehan Bridge Road Property. This property was sold in 2 tracts. Tract 2 was sold to Stephan and Karen Jackson for the sum of \$679,041.00. This tract consists of 162.445 acres.

Goal:  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

Funds Available: Account Name:  
Account Number:

Finance
---------

Staff Recommendation: Proceed with sale.

Attachments: Deed of Conveyance

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

## DEED OF CONVEYANCE

THIS DEED made and entered into this the \_\_\_\_\_ day of July, 2013, by and between CITY OF PADUCAH, KENTUCKY, a municipal corporation of the second class existing under the laws of the Commonwealth of Kentucky, and a body politic and corporate, whose address is Post Office Box 2267, Paducah, Kentucky 42002-2267, hereinafter called Grantor, and STEPHEN JACKSON and wife KAREN JACKSON, of 1900 N. Friendship Road, Paducah, Kentucky 42001, Grantee.

## WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of \$679,041.00, cash in hand paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, Grantor sold and does by these presents grant, bargain, sell, alien and convey unto the Grantee, jointly during the period of their natural lives with fee to the survivor, his or her heirs and assigns forever, together with all the improvements, appurtenances and rights thereunto belonging, the following described property, lying and being in McCracken County, Kentucky, and more

BEING TRACT 2, CONSISTING OF 162.445 ACRES, AS DEPICTED ON THE WAIVER OF SUBDIVISION PLAT FOR THE CITY OF PADUCAH, KENTUCKY, SHEEHAN BRIDGE ROAD AND INTERSTATE 24 PROPERTY OF RECORD IN PLAT SECTION M, PAGE 709, MCCRACKEN COUNTY COURT CLERK'S OFFICE.

BEING A PART OF THE SAME PROPERTY CONVEYED TO CITY OF PADUCAH, KENTUCKY BY DEED DATED DECEMBER 18, 2009, OF RECORD IN DEED BOOK 1180, PAGE 467, MCCRACKEN COUNTY COURT CLERK'S OFFICE.

TO HAVE AND TO HOLD the same, together with all improvements thereon and all rights and appurtenances thereunto pertaining unto Grantee, jointly during the period of their natural lives with fee to the survivor, his or her heirs and assign forever with Covenant of Special Warranty, except easements, covenants and restrictions of record.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING  
RESTRICTIVE COVENANTS

- 1) Any off conveyance from the larger tract herein, shall be subject to the following restrictions:
  - (a) No mobile homes shall be allowed on any portion of the above described property from the intersection of Old Sheehan Bridge Road to the East property line.
  - (b) All new construction must be site built homes with a brick foundation and contain a minimum of 1,500 square feet of living space on the main floor.
- 2) The Grantee herein may not erect any barn(s) closer than 300 feet from the existing property lines of Tract 1 depicted on the plat above described.
- 3) Said restrictions are a covenant running with the land and shall be binding upon the Grantees, their heirs, successors and assigns.

Grantor and Grantee hereby swear and affirm, under penalty of perjury, that the consideration recited herein is the full actual consideration paid or to be paid for the property transferred hereby. The Grantee joins this deed for the sole purpose of certifying the consideration.

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto set their hands.

CITY OF PADUCAH, KENTUCKY

By \_\_\_\_\_

\_\_\_\_\_  
STEPHEN JACKSON

Title \_\_\_\_\_

\_\_\_\_\_  
KAREN JACKSON

STATE OF KENTUCKY )

COUNTY OF MCCRACKEN )

The foregoing instrument was sworn and acknowledged before me this \_\_\_\_\_ day of July, 2013, by \_\_\_\_\_, \_\_\_\_\_ (title) of CITY OF PADUCAH, KENTUCKY, a municipal corporation of the second class existing under the laws of the Commonwealth of Kentucky, and a body politic and corporate, on behalf of said entity, Grantor.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE

STATE OF KENTUCKY )

COUNTY OF MCCRACKEN )

The foregoing instrument was sworn and acknowledged before me this \_\_\_\_\_ day of July, 2013, by Stephen Jackson and wife, Karen Jackson, Grantee.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE

THIS INSTRUMENT WAS PREPARED BY THE UNDERSIGNED WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND BASED UPON INFORMATION SUPPLIED BY THE GRANTORS. THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

This instrument prepared by:

\_\_\_\_\_  
DENTON & KEULER, LLP  
P. O. Box 929  
Paducah, KY 42002-0929

Send current year tax bill to:  
Dr. and Mrs. Stephen Jackson  
1900 N. Friendship Road  
Paducah, KY 42001