



CITY COMMISSION MEETING
AGENDA FOR SEPTEMBER 17, 2013

5:30 P.M.

ROLL CALL

INVOCATION – Chris Fleming, Margaret Hank Cumberland Presbyterian Church

PLEDGE OF ALLEGIANCE – Meg Hancock – PTHS Sophomore

ADDITIONS/DELETIONS

PRESENTATION: NATIONAL QUILT MUSEUM ANNUAL UPDATE –F. BENNETT

PROPERTY LEVY TAX HEARING – J. PERKINS

	I. <u>MINUTES</u>
	II. <u>MOTIONS</u>
	A. R & F Documents
	III. <u>MUNICIPAL ORDERS</u>
	A. Personnel Changes
	B. Re-use of Bond Funds for Whitehall Industries – CITY MGR
	IV. <u>ORDINANCES – ADOPTION</u>
	A. HOME 2012 House #6 – 1403 Monroe Street – S. ERVIN
	B. Bond Issue for TeleTech, MACCO, & Noble Park Pool – J. PERKINS
	C. Change Order #1 for the Purchase of Two new Triple Combination Pumper Trucks for Use by the Paducah Fire Department – FIRE CHIEF KYLE
	D. Authorize a Contract with Harper Construction, LLC. for the Construction of the Greenway Trail Phase II Project – R. MURPHY
	E. Authorize Contract for Design Services and Construction Administration for the Julian Carroll Convention Center Renovation Project – S. DOOLITTLE

	V. <u>ORDINANCES – INTRODUCTION</u>
	A. Setting Tax Levies: Ad Valorem Properties – FY2014 – J. PERKINS
	B. Emergency Roof Stabilization Assistance Program – S. ERVIN
	C. Approval of Apartment Complex Signs – S. ERVIN
	D. Eickholz & Turnbo Zone Change – S. ERVIN
	E. Accept 2013 Port Security Award – New Boat Ramp Video Security – ASST. CHIEF BARNHILL
	F. Accept 2013-2014 Edward Byrne Memorial Justice Accountability Grant (JAG) Award – ASST. POLICE CHIEF GRIMES
	G. Approve Tower Option and Lease Amendment #2 – CITY MGR PEDERSON
	H. Approve MOU for Economic Incentives to Superior Care – CITY MGR PEDERSON
	VI. <u>CITY MANAGER REPORT</u> Discussion for Riverfront Phase 1A Change Order
	VII. <u>COMMISSIONER COMMENTS</u>
	VIII. <u>PUBLIC COMMENTS</u>
	IX. <u>EXECUTIVE SESSION</u>
	X. <u>APPOINTMENT OF POLICE CHIEF</u>

SEPTEMBER 3, 2013

At a Regular Meeting of the Board of Commissioners, held on Tuesday, September 3, 2013, at 5:30 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor Kaler presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4). Commissioner Wilson was absent (1).

INVOCATION

David Jones, of Father's House of Paducah, gave the invocation.

PRESENTATION:

UPDATE ON COLUMBIA THEATRE CONCEPT STUDY (As reported in the Commission Highlights by Public Information Officer Pam Spencer)

"Randy Davis and Landee Bryant, Paducah Renaissance Alliance board members, updated the Mayor and Commissioners on the status of the work underway by Westlake, Reed, and Leskosky of Cleveland, Ohio to complete a concept study for the Columbia Theatre on Broadway. The City Commission approved engaging the firm to complete the study in June of this year. The concept study includes drawings of the existing facility, workshops with potential users and stakeholders to determine the intended uses for the theatre, the development of programs and planning concepts for the potential future uses of the facility along with cost estimates. The City of Paducah has owned the Columbia Theatre, which was built in 1927, for nearly 10 years. Davis says the firm has met with the local art agencies to determine their current and long-range plans and how the Columbia Theatre could fit into their planning. The general consensus is that the theatre should include film, live music, comedy, educational workshops, and rental space. The Paducah Film Society and the Maiden Alley Cinema board propose that Maiden Alley Cinema run the Columbia Theatre. Bryant says that Maiden Alley Cinema needs additional space to expand programming and offer Hollywood blockbuster movies. Currently, during the day Maiden Alley shares its space with the River Discovery Center. To find out more about the Columbia Theatre and updates on the concept study, visit the Columbia Theatre on Facebook."

CITIZEN SURVEY RECYCLING RESULTS (As reported in the Commission Highlights by Public Information Officer Pam Spencer)

City Manager Jeff Pederson and Public Information Officer Pam Spencer held a workshop with the Mayor and Commissioners regarding the results of the National Citizen Survey questions about recycling. The survey was mailed to 1200 randomly selected households in Paducah in February and March of this year. The City had a statistically valid sample of 344 respondents. The survey had two standard questions that involved rating the quality of recycling services in Paducah and the frequency of the household's recycling activities. Nearly half of the respondents have recycled in the past year. To further receive information about recycling, the City had the option of composing three custom questions on the survey. Regarding recycling, 57% of the respondents said that recycling opportunities are either essential or very important to their quality of life. The other custom question focused what type of recycling program is the most interesting to them. Options were the two forms of curbside recycling (single-stream and multi-stream), several drop points around the City, or one single drop location. At least 75% of the respondents were interested or somewhat interested in curbside recycling. Pederson then led the elected officials through general levels of participation for a city regarding recycling including collection scenarios. Pederson says there isn't a uniform model for cities to follow to enter into recycling. He says it's a combination of factors including state mandates (if any), the local situation with landfill ownership, key collection components and equipment, and the attitude of the citizenry. Commissioner Carol Gault says, "I think we all support it. It's figuring out mechanics and where to go from here." Pederson also explained that the City is diverting a significant portion from the waste stream through the recycling process at the Compost Facility.

Ralph Young with Greater Paducah Sustainability Project (GPSP)-Recycle Now addressed the Mayor and Commissioners regarding the current situation of the recycling facility on North 8th Street. Paducah Water has allowed GPSP, a 501(c)(3), use of the facility on North 8th Street for several years but needs the property returned for its own purposes. Over the past three years, GPSP has reviewed 26 properties but has not found one suitable or at a low enough cost for the recycling operation. GPSP is interested in the Crisp Building on Irvin Cobb Drive; however, UK and MSU have not committed the facility to recycling. Young says that without another building and land, the operation will cease accepting recyclables in November so that it can begin disassembling equipment to return the property to Paducah Water by December 31. The City has helped in the search for suitable property. The City Manager and GPSP-Recycle Now will meet soon to continue

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the search for a parcel that would be a good fit for the recycling operations to continue and possibly expand. "

MINUTES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the reading of the Minutes for August 13th, 16th and 27th, 2013 City Commission meetings be waived and that the Minutes of said meetings prepared by the City Clerk be approved as written

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4).

APPOINTMENT

PADUCAH AREA TRANSIT SYSTEM BOARD

Mayor Kaler made the following reappointment: "WHEREAS, subject to the approval of the Board of Commissioners, I hereby reappoint William W. Cox as a member of the Paducah Area Transit System, which term will expire June 30, 2017."

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners approve the action of Mayor Kaler in reappointing William W. Cox as a member of the Paducah Area Transit System Board.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4).

MOTIONS

R & F DOCUMENTS

Commissioner Rhodes offered motion, seconded by Commissioner Gault, that the following documents, bids, and proposals be received and filed:

DOCUMENTS

1. Insurance Certificates:
 - a) Heflin, Inc.
 - b) Twin States Utilities & Excavation
2. Byas Masonry Agreements/Contracts:
3. Agreement with Jim Steele Construction for construction of Blue Ridge Manor at 1322 Madison Street (ORD # 2013-06-8041)
Right of Way Bonds:
 - a) Byas Masonry
4. Twin States Utilities & Excavation, Inc.
Commissioner's Deed for 1245 Park Avenue
5. Electric Plant Board of the City of Paducah, Kentucky dba Paducah Power System Financial Statements Years Ended June 30, 2012 and 2011
6. Notice of Approval of Evidentiary Materials and Release of Funds for a Community Development Block Grant Award on behalf of the Four Rivers Behavioral Health Center (ORD # 2013-06-8039)
7. Amendment to the Grant Award for Extension of time for the 2012 Homeland Security Grant Award for the Fire Department (ORD # 2013-08-8061)

BIDS

ENGINEERING-PUBLIC WORKS DEPARTMENT

1. Bids for Greenway Trail Phase II Project
 - a. Harper Construction, LLC *
 - b. Wilkins Construction Co., Inc.
 - c. A&K Construction, Inc.
 - d. Pinnacle, Inc.
 - e. Hi-Way Paving, Inc.

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PROPOSALS
PLANNING DEPARTMENT

Sale of:

- 511 North 5th Street – Tract A
 - 1. Henry C. & Neva F. Rudy

- 511 North 5th Street - Tract B
 - 1. Gary Jackson

- 517 North 5th Street ± 40 feet
 - 1. Gary Jackson

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4).

MUNICIPAL ORDERS
APPROVAL TO ADVERTISE BOND ISSUE FOR TELETECH, MACCO, AND NOBLE PARK POOL

Commissioner Gault offered motion, seconded by Commissioner Abraham, that a Municipal Order entitled, "MUNICIPAL ORDER APPROVING THE ADVERTISEMENT FOR BID AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE PURCHASE OF CITY OF PADUCAH, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2013A AND CITY OF PADUCAH, KENTUCKY TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013B IN AGGREGATE PRINCIPAL AMOUNTS OF APPROXIMATELY \$1,115,000 AND \$2,485,000, RESPECTIVELY", be adopted.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4). MO # 1743; BK 9

ORDINANCES – ADOPTION
NEW CONSTRUCTION BID AWARD FOR 717 HARRISON STREET

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE APPROVING THE RECOMMENDATION OF THE PADUCAH PLANNING DEPARTMENT TO ACCEPT THE BID OF JIM STEELE CONSTRUCTION FOR CONSTRUCTION OF A NEW HOME AT 717 HARRISON STREET, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME". This ordinance is summarized as follows: That the City of Paducah accepts the bid of Jim Steele Construction in the amount of \$182,965.00, for the construction of a new home at 717 Harrison Street and also authorizes the Mayor to execute a contract for same.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4). ORD.#2013-9-8069; BK 33

CHANGE ORDER #3 FOR UNIFORM SERVICE IN THE FIRE DEPARTMENT

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE APPROVING CHANGE ORDER NO. 3 WITH BLUEGRASS UNIFORMS, INC., FOR UNIFORMS FOR THE FIRE DEPARTMENT EMPLOYEES AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER". This ordinance is summarized as follows: That the City of Paducah hereby approves and accepts Change Order No. 3 with Bluegrass Uniforms, Inc., to add items that were not originally incorporated into the original contract such as replacement items, small pieces of equipment available to the individual employee, and uniform items that were inadvertently left off the original list.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4). ORD.#2013-9-8070; BK 33

CONTRACT FOR SERVICES WITH GPEDC FOR FY2013-2014

Commissioner Rhodes offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE GREATER PADUCAH ECONOMIC DEVELOPMENT COUNCIL FOR SPECIFIC SERVICES." This

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ordinance is summarized as follows: That the Mayor is hereby authorized to execute a contract with Greater Paducah Economic Development Council in the amount of \$250,000, to be paid in equal quarterly allocations of \$62,500, for performance of services as outlined in said Contract. Further, this contract will include services for EntrePaducah in the amount of \$50,000 to be paid in equal quarterly allocations of \$12,500. This contract shall expire June 30, 2014.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4). ORD # 2013-9-8071; BK 33

2013/2014 KENTUCKY TRANSPORTATION DISCRETIONARY APPLICATION

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A 2013-2014 KENTUCKY TRANSPORTATION DISCRETIONARY AWARD FOR A REIMBURSEMENT GRANT WITH THE KENTUCKY OFFICE OF HIGHWAY SAFETY, A DIVISION OF THE KENTUCKY TRANSPORTATION CABINET". This ordinance is summarized as follows: That the City of Paducah hereby authorizes the Mayor to execute a grant agreement and all documents relating thereto for a 2013-2014 Kentucky Transportation Discretionary Reimbursement Grant Award with the Kentucky Office of Highway Safety, a division of the Kentucky Transportation Cabinet, in the amount of \$5,000, for overtime hours for traffic enforcement. This program does not require any local cash or in-kind match.

MOTION TO AMEND AMOUNT OF GRANT FROM \$5,000 TO \$10,000

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners amend the ordinance introduced on August 27, 2013 and entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A 2013-2014 KENTUCKY TRANSPORTATION DISCRETIONARY AWARD FOR A REIMBURSEMENT GRANT WITH THE KENTUCKY OFFICE OF HIGHWAY SAFETY, A DIVISION OF THE KENTUCKY TRANSPORTATION CABINET", to allow for an additional \$5,000 from the Kentucky Office of Highway Safety, a division of the Kentucky Transportation Cabinet, for a total grant amount of \$10,000 to be accepted for the Kentucky Transportation Discretionary Reimbursement Grant Award.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes and Mayor Kaler (4).

ADOPT ORDINANCE AS AMENDED FOR GRANT AWARD

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt the ordinance as amended and entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A 2013-2014 KENTUCKY TRANSPORTATION DISCRETIONARY AWARD FOR A REIMBURSEMENT GRANT WITH THE KENTUCKY OFFICE OF HIGHWAY SAFETY, A DIVISION OF THE KENTUCKY TRANSPORTATION CABINET", to receive \$10,000 for a 2013-2014 Kentucky Transportation Discretionary Reimbursement Grant Award with the Kentucky Office of Highway Safety, a division of the Kentucky Transportation Cabinet, for overtime hours for traffic enforcement.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4). ORD.# 2013-9-8072; BK 33

ORDINANCES – INTRODUCTION
HOME 2012 HOUSE #6 – 1403 MONROE STREET

Commissioner Rhodes offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE APPROVING THE RECOMMENDATION OF THE URBAN RENEWAL AND COMMUNITY DEVELOPMENT AGENCY TO ACCEPT THE BID OF D & D CONSTRUCTION FOR CONSTRUCTION OF A NEW HOME AT 1403 MONROE STREET, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME". This ordinance is summarized as follows: That the City of Paducah approves the recommendation of the Urban Renewal and Community Development Agency to accept the bid of D & D Construction, in the amount of \$127,370.00, for the construction of a

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new home at 1403 Monroe Street, as part of the 2012 HOME Project. Further, the Mayor is hereby authorized to execute a contract with D & D Construction for the construction of the new home.

BOND ISSUE FOR TELETECH, MACCO, & NOBLE PARK POOL

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY AUTHORIZING THE ISSUANCE OF (I) CITY OF PADUCAH, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2013A IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$1,115,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE PRINCIPAL AMOUNT OF SERIES 2013A BONDS BY UP TO \$110,000) FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF RENOVATIONS AND IMPROVEMENTS TO A MUNICIPAL POOL IN THE CITY OF PADUCAH, KENTUCKY, AND (II) CITY OF PADUCAH, KENTUCKY TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013B IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,485,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE PRINCIPAL AMOUNT OF SERIES 2013A BONDS BY UP TO \$245,000) FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF VARIOUS ECONOMIC DEVELOPMENT PROJECTS IN THE CITY OF PADUCAH, KENTUCKY; APPROVING THE FORMS OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING BOND PAYMENT FUNDS; MAINTAINING THE HERETOFORE ESTABLISHED SINKING FUND; AUTHORIZING ACCEPTANCE OF THE BIDS OF THE BOND PURCHASERS FOR THE PURCHASE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES." This ordinance is summarized as follows: This Ordinance authorizes the issuance of general obligation bonds designated as Series 2013A in the approximate principal amount of \$1,115,000 (the "Series 2013A Bonds") and Series 2013B in the approximate principal amount of \$2,485,000 (the "Series 2013B Bonds," and together with the Series 2013A Bonds, the "Bonds") by the City of Paducah, Kentucky (the "City"). The Bonds are to be issued for the purpose of financing the costs of various projects within the City, including (i) the renovation and improvement of a municipal pool (the "2013A Project"), (ii) the construction of improvements to an industrial/distribution facility located within the City to be leased to a Kentucky subsidiary of Macco Organiques Incorporated, a Canadian corporation, for use in furtherance of economic development within the City, and (iii) the acquisition, construction, installation and equipping of an approximately 30,000 square foot building to be located on property being leased jointly by the City and the County of McCracken, Kentucky (the "County") and to be subleased to TeleTech Services Corporation, a Colorado corporation, for use in furtherance of economic development within the City (collectively, the "2013B Project," and together with the 2013A Project, the "Projects"). Provisions are made in the Ordinance for the payment of the Bonds and the security therefor; for the application of the proceeds of the Bonds; for the establishment of Bond Payment Funds; for the maintenance of the previously established sinking fund; and for certain covenants of the City with respect to the Bonds. The Bonds are to be sold at public, competitive sale, and shall mature, or be subject to mandatory sinking fund redemption, in varying amounts on September 1 of each of the years 2014 through 2028. The Bonds pledge the full faith and credit of the City and provision is made for the collection of a tax to pay the principal of, and interest on the Bonds, subject to certain credits, as provided in Section 8 of the Ordinance. As required by KRS 83A.060, the following Section 7 of the Ordinance is set forth in its entirety:

"Section 7 -- General Obligation. The Bonds shall be full general obligations of the City and, for the payment of said Bonds, and the interest thereon, the full faith, credit

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and revenue of the City are hereby pledged for the prompt payment thereof. During the period the Bonds are outstanding, there shall be and there hereby is levied on all the taxable property in the City, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds when and as due, it being hereby found and determined that current tax rates are within all applicable limitations. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof provided, however, that in each year to the extent that the other lawfully available funds of the City are available for the payment of the Bonds, including amounts available under the Lease, and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such other funds so available and appropriated."

CHANGE ORDER #1 FOR THE PURCHASE OF TWO NEW TRIPLE COMBINATION PUMPER TRUCKS FOR USE BY THE PADUCAH FIRE DEPARTMENT

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH BLUEGRASS FIRE EQUIPMENT COMPANY AND PIERCE MANUFACTURING, INC., FOR THE PURCHASE OF TWO TRIPLE COMBINATION PUMPER TRUCKS FOR USE BY THE FIRE DEPARTMENT, AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER NO. 1." This ordinance is summarized as follows: The City approves Change Order No. 1 with Bluegrass Fire Equipment Company, Inc. and Pierce Manufacturing Inc., for an increase in the amount of \$3,366.00 for additions to the two triple combination pumper trucks for use by the Fire Department, increasing the total contract price to \$835,720.00.

AUTHORIZE A CONTRACT WITH HARPER CONSTRUCTION, LLC, FOR THE CONSTRUCTION OF THE GREENWAY TRAIL PHASE II PROJECT

Commissioner Gault offered motion, seconded by Commissioner Abraham that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE ACCEPTING THE BID OF HARPER CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE GREENWAY TRAIL PHASE II PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME". This ordinance is summarized as follows: That the City of Paducah accepts the bid of Harper Construction, LLC in the amount of \$672,502.45 for construction of the Greenway Trail Phase II Project, and authorizes the Mayor to execute a contract with Harper Construction, LLC for construction of the Greenway Trail Phase II Project.

AUTHORIZE CONTRACT FOR DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION FOR THE JULIAN CARROLL CONVENTION CENTER RENOVATION PROJECT

Commissioner Rhodes offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MARCUM ENGINEERING, LLC FOR THE DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION FOR THE FINAL PHASE FOR THE JULIAN CARROLL CONVENTION CENTER RENOVATION PROJECT." This ordinance is summarized as follows: That the Mayor of the City of Paducah is hereby authorized to execute a Professional Services Agreement with Marcum Engineering, LLC, for professional design services and construction administration for the renovation of the remaining areas of the Julian Carroll Convention Center more specifically the kitchen area and the old hotel showroom. Compensation shall be at a rate of 7.875% of construction cost and 6.3% of valued cost of any work not constructed plus compensation for reimbursable expenses as outlined in the agreement.

CITY MANAGER REPORT

City Manager Pederson requested an executive session to discuss an economic development issue.

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COMMISSIONER COMMENTS

None were given.

PUBLIC COMMENTS

None were given.

EXECUTIVE SESSION

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board go into closed session for discussion of matters pertaining to the following topics:

1. A specific proposal by a business entity where public discussion of the subject matter would jeopardize the location, retention, expansion or upgrading of a business entity, as permitted by KRS 61.810(1)(g).

Adopted on call of the roll, yeas. Commissioners Abraham, Gault, Rhodes, and Mayor Kaler (4).

Upon motion the meeting adjourned.

ADOPTED: September 17, 2013

City Clerk

Mayor

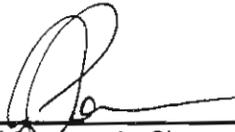
I move that the following documents be received and filed:

DOCUMENTS

1. Insurance Certificate for Gulf Equipment Corporation
2. Commissioners Deeds:
 - a. 505 Fountain Ave.
 - b. 516 Walter Jetton Boulevard
 - c. 1219 Salem Street
3. Quitclaim deed with George M. Vollmer for 228 S. 17th Street
4. FY2014 Contracts for Services:
 - a. Greater Paducah Economic Development Council, Inc. (ORD # 2013-09-8071)
 - b. Paducah-McCracken County Senior Citizens
 - c. Paducah Junior College, Inc. for the Paducah School of Art (ORD # 2013-08-8067)
 - d. Paducah Junior College, Inc for the Community Scholarship Program (ORD # 2013-08-8068)
 - e. Barkley Regional Airport (ORD # 2013-08-8066)
 - f. Maiden Alley Cinema
 - g. Paducah Transit Authority (ORD # 2013-08-8065)
5. Contracts & Agreements:
 - a. Agreement with Ohio Machinery Company for the purchase of a Trommel Portable Screening Plant (ORD # 2013-08-8064)
 - b. 2013/2014 Interlocal Agreement regarding a Kentucky Division of Waste Management Recycle Grant Award (ORD # 2013-07-8053)
 - c. 2013/2014 Interlocal Agreement regarding a Kentucky division of Waste Management Hazardous Household Waste Grant Award (ORD # 2013-07-8053)
 - d. Engineering Public-Works Department Change Order for the Riverfront Redevelopment Project – Phase 1-A – Piles and Mass Fill (ORD # 2013-08-8062)
6. Galls letter of approval of pricing for the Paducah Police Department for the BP837 Python DX Threat Level II Armor
7. Notice of Cancellation for the Board of Commissioners of the City of Paducah for 5:30 p.m., Tuesday, September 10, 2013

CITY OF PADUCAH
September 17, 2013

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

Acting 

City Manager's Signature

9-13-2013

Date

CITY OF PADUCAH
PERSONNEL ACTIONS
September 17, 2013

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>
Frances, Stewart L	Recreation Leader	\$8.00/Hr	NCS	Non-Ex	August 29, 2013

NEW HIRE - FULL-TIME (F/T)

<u>EPW - STREET</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Shelton, Joshua A.	ROW Maintenance Person	\$13.74/Hr	NCS	Non-Ex	September 19, 2013
<u>POLICE</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Kinser, Amanda J	Evidence Technician I	\$13.25/Hr	NCS	Non-Ex	September 26, 2013

TERMINATIONS - FULL-TIME (F/T)

<u>POLICE</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Simak, Michael C	Patrolman	Retirement	September 6, 2013
<u>FIRE - SUPPRESSION</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Jeffords, David L	Fire Captain	Retirement	September 30, 2013
Morgan, Thomas K	Fire Captain	Retirement	August 30, 2013
<u>PLANNING</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Meadows, Cheryl A	Grants Administrator	Resignation	September 13, 2013

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS

<u>PARKS SERVICES</u>	<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>
Abernathy, Jordan	Lifeguard \$8.00/Hr	Recreation Leader \$8.00/Hr	NCS	Non-Ex	August 29, 2013
Ashley, Stephen	Lifeguard \$8.00/Hr	Recreation Leader \$8.00/Hr	NCS	Non-Ex	August 29, 2013
Meier, Miranda	Lifeguard \$8.00/Hr	Recreation Leader \$8.00/Hr	NCS	Non-Ex	August 29, 2013
May, Olivia	Pool Attendant \$7.50/Hr	Recreation Leader \$8.00/Hr	NCS	Non-Ex	August 29, 2013
Jackson, Kylie	Pool Attendant \$8.00/Hr	Recreation Leader \$8.00/Hr	NCS	Non-Ex	August 29, 2013
Brogan, Josh	Pool Attendant \$7.50/Hr	Recreation Leader \$8.00/Hr	NCS	Non-Ex	August 29, 2013

CITY OF PADUCAH
PERSONNEL ACTIONS
September 17, 2013

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>					
Potter John G	Fire Lieutenant \$15.80/Hr	Acting Fire Captain \$16.58/Hr	NCS	Non-Ex	September 1 2013
Greer, Rhiannon	Relief Driver \$14.30/Hr	Acting Fire Lieutenant \$15.61/Hr	NCS	Non-Ex	September 1 2013
Johnston Ryan B	Fire Lieutenant \$15.80/Hr	Acting Fire Captain \$16.58/Hr	NCS	Non-Ex	September 18, 2013
Kirkham Timothy	Relief Driver \$14.40/Hr	Acting Fire Lieutenant \$15.61/Hr	NCS	Non-Ex	September 18 2013

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

<u>PARKS SERVICES</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Cherry, Grant A.	Pool Attendant	Seasonal / Temporary	August 28, 2013
Clark, Eliza G	Pool Attendant	Seasonal / Temporary	August 28, 2013
Clark William A	Summer Camp Coordinator	Seasonal / Temporary	August 28, 2013
Collins, Samantha J	Pool Manager	Seasonal / Temporary	August 28 2013
Deming, Taylor N	Lifeguard	Seasonal / Temporary	August 28, 2013
Earls Ashleigh H	Pool Attendant	Seasonal / Temporary	August 28, 2013
Ellis, Nathan	Pool Attendant	Seasonal / Temporary	August 28, 2013
Fellows Gabriella F	Summer Camp Coordinator	Seasonal / Temporary	August 28, 2013
Grewelle, Courtney R.	Lifeguard	Seasonal / Temporary	August 28, 2013
Guthrie Madison J	Lifeguard	Seasonal / Temporary	August 28, 2013
Hall, Jesse A.	Pool Attendant	Seasonal / Temporary	August 28, 2013
Hargrove, Molly F	Recreation Leader	Seasonal / Temporary	August 28, 2013
Hastings Katherine L	Summer Camp Coordinator	Seasonal / Temporary	August 28, 2013
Hines, Margaret B	Lifeguard	Seasonal / Temporary	August 28, 2013
Hogarty, Sarah A	Recreation Leader	Seasonal / Temporary	August 28, 2013
Hudspeth, Zachary T	Pool Attendant	Seasonal / Temporary	August 28, 2013
Kaltenbach, Robert C	Recreation Leader	Seasonal / Temporary	August 28, 2013
Kollenberg, Johnny F	Recreation Leader	Seasonal / Temporary	August 28 2013
Kollenberg, Teddy	Lifeguard	Seasonal / Temporary	August 28, 2013
McCorry, Rhoden	Recreation Leader	Seasonal / Temporary	August 28, 2013
Mitchell Brooke D	Lifeguard	Seasonal / Temporary	August 28 2013
Moreland, Jack	Lifeguard	Seasonal / Temporary	August 28 2013
Myers Mallie A	Lifeguard	Seasonal / Temporary	August 28, 2013
Paschall, Sam L	Lifeguard	Seasonal / Temporary	August 28, 2013
Piland Samantha J	Tiny Tot League Coach	Seasonal / Temporary	August 28 2013
Reese McKenzie T	Lifeguard	Seasonal / Temporary	August 28, 2013
Roberts, Dylan M	Pool Attendant	Seasonal / Temporary	August 28 2013
Roche Jamie	Tiny Tot League Coach	Seasonal / Temporary	August 28, 2013
Shannon Mack	Lifeguard	Seasonal / Temporary	August 28, 2013
Shelley, Amber K	Pool Attendant	Seasonal / Temporary	August 28 2013
Stacy, Kline P	Lifeguard	Seasonal / Temporary	August 28, 2013
Starnes, Devon C	Lifeguard	Seasonal / Temporary	August 28 2013
Tucker Chase A	Recreation Leader	Seasonal / Temporary	August 28 2013
Underwood Meredith	Recreation Leader	Seasonal / Temporary	August 28, 2013
West, Bradley R	Lifeguard	Seasonal / Temporary	August 28, 2013
West Maddie M.	Recreation Leader	Seasonal / Temporary	August 28 2013
White Lauren E.	Lifeguard	Seasonal / Temporary	August 28, 2013
Williamson Sara E	Lifeguard	Seasonal / Temporary	August 28 2013
Wilson, Quennor M	Pool Attendant	Seasonal / Temporary	August 28, 2013

Agenda Action Form

Paducah City Commission

Meeting Date: September 17, 2013

Short Title: ECONOMIC INCENTIVE FOR WHITEHALL INDUSTRIES

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jeff Pederson, City Manager

Presentation By: Jeff Pederson, City Manager

Background Information:

- The City of Paducah was notified on February 28, 2013, by the Kentucky Cabinet For Economic Development of the availability for use of \$125,000 in repaid Economic Development Bond Fund
- In accordance with instructions from the Kentucky Cabinet For Economic Development the City formally requested and on July 24, 2013, received, confirmation from the Cabinet For Economic Development of the approval for use of the \$125,000 for a project to assist the location of Whitehall Industries to Paducah
- The approved use of the \$125,000 is to assist in the purchase of an aluminum extrusion press for Whitehall Industries
- Whitehall Industries has committed to the creation of 150 jobs, paying a minimum of \$13 per hour, and including health insurance benefits with 50% company contribution
- The City wishes to extend the use of these funds to Whitehall in partnership with additional incentives to be provided by Paducah Economic Development and McCracken County.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

 9/13/2013
Finance

Staff Recommendation:

Attachments:

Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER TO RE-USE \$125,000 IN REPAID ECONOMIC DEVELOPMENT BOND FUNDS APPROVED THROUGH THE KENTUCKY CABINET FOR ECONOMIC DEVELOPMENT TO BE USED AS AN ECONOMIC INCENTIVE TO WHITEHALL INDUSTRIES TO AID IN THE PURCHASE OF ONE ALUMINUM EXTRUSION PRESS WHICH WILL ASSIST IN THE LOCATION OF WHITEHALL INDUSTRIES TO PADUCAH

WHEREAS, the City of Paducah was notified on February 28, 2013, by the Kentucky Cabinet For Economic Development of the availability for use of \$125,000 in repaid Economic Development Bond Funds; and

WHEREAS, in accordance with instructions from the Kentucky Cabinet For Economic Development the City formally requested and on July 24, 2013, received confirmation from the Cabinet For Economic Development of the approval for use of the \$125,000 for a project to assist the location of Whitehall Industries to Paducah; and

WHEREAS, the approved use of the \$125,000 is to assist in the purchase of an aluminum extrusion press for Whitehall Industries; and

WHEREAS, Whitehall Industries has committed to the creation of 150 jobs, paying a minimum of \$13 per hour, and including health insurance benefits with 50% company contribution; and

WHEREAS, the City wishes to extend the use of these funds to Whitehall in partnership with additional incentives to be provided by Paducah Economic Development and McCracken County.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah shall re-use \$125,000 in repaid economic development bond funds approved through the Kentucky Cabinet for economic development to be used as an economic incentive to Whitehall Industries to aid in the purchase of one aluminum extrusion press which will assist in the location of Whitehall Industries to Paducah.

SECTION 2. This expenditure shall be charged to the ED0019 project account (040-0102-511-2307).

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

MAYOR

ATTEST:

TAMMARA S. SANDERSON, CITY CLERK

Adopted by the Board of Commissioners September 17, 2013
Recorded by Tammara S. Sanderson, City Clerk, September 17, 2013
\\mo\incentives-whitehall

Agenda Action Form Paducah City Commission

Meeting Date: September 3rd, 2013

Short Title: HOME 2012 House #6 – 1403 Monroe Street

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Charlie Doherty/Steve Ervin

Presentation By: Steve Ervin



Background Information:

1403 Monroe Street: "Strathmoor Manor"

Key Components:

After receiving final SHPO approval to build a new 2012 HOME house on the lot at 1403 Monroe Street, staff solicited bids for the construction of the 1,380 SF "Strathmoor Manor" home on this lot in a Public Notice published in the Paducah Sun on August 4th, 2013. Bids were opened on August 20th, 2013 with the following results:

D&D Construction:	\$127,370.00 (\$92.30/SF)
Jim Steele Construction:	\$130,275.00 (\$94.40/SF)
Crawford Contracting:	\$131,900.00 (\$95.58/SF)

Staff Analysis:

As stated in the Public Notice, contracts are to be awarded based on the best evaluated and most responsive bids.

- D & D Construction was the low bidder at \$127,370.00. D&D's evaluation was scored at 99 based on previous experience with City projects and being the low bidder.

Staff Recommendations:

URCDA meets at 4:30 PM on the 3rd of September and based on these staff evaluations, it is anticipated that the URCDA Board will recommend that the Board of Commissioners award the construction contract for 1403 Monroe Street to D & D Construction for \$127,370.00.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: 2012 HOME project
Account Number: 008-1216-513.2307
Project Number: CD 0081

ADU 8/30/13
Finance

Staff Recommendation: Approval

Attachments:

 Department Head	 City Clerk	 City Manager
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Agenda Action Form Paducah City Commission

Meeting Date: September 3, 2013

Short Title: Sale of Bonds authorization – Series 2010, \$3,600,000*

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jonathan Perkins & Jeff Pederson
Presentation By: Jonathan Perkins & Jeff Pederson

Background Information:

The 2013 bond issue will be publicly sold September 19, 2013. Second reading of the ordinance September 17, 2013.

Bond proceeds are to be used to finance renovations completed at the Noble Park Pool; and for the construction of or renovation of facilities to house economic development projects TeleTech and Maaco Companies. The bond issue is expected to have a 15-year life and the bond size will be approximately \$3,600,000*, including the cost of issuance.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Bond Issue - 2013
Account Number: Bond Fund

 8/29/2013
Finance

Staff Recommendation: That the Mayor & Commission approve the proposed bond ordinance.

Attachments: Draft of Ordinance

Department Head	City Clerk	City Manager
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* - Ordinance provides for a 10% variance in size of financing.

Agenda Action Form Paducah City Commission

Meeting Date: September 3, 2013

Short Title: Change Order #1 for the Purchase of Two new Triple Combination Pumper Trucks for use by the Paducah Fire Department

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Angela Weeks, EPW Proj Mgr
Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director
Steve Kyle, Fire Chief

Background Information:

On March 19, 2013, Ordinance #2013-03-8022 was adopted accepting the bid from Bluegrass Fire Equipment Company, Inc., as the Vendor and Pierce Manufacturing, Inc. as the Manufacturer for the purchase of Two Triple Combination Pumper Trucks for use by the Paducah Fire Department for the pre-payment amount of \$832,354.00. On April 11, 2013, the contract for the two Fire Pumper Trucks was executed, pre-payment was made and the process of manufacturing the Fire Pumper Truck began. As assembly progressed on the Pumper Trucks, it was discovered that certain items should be added to the original contract order.

Attached is Change Order #1 listing the specific items, resulting in an increase of \$3,366.00. Therefore, with the addition of this Change Order #1, the new contract price for the Two Triple Combination Pumper Trucks will be \$835,720.00.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Fleet Fund
Account Number: 071-0210-542-4011

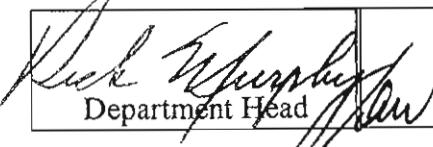

9/3/2013
Finance

Staff Recommendation:

To adopt an Ordinance authorizing Change Order #1 with Bluegrass Fire Equipment Company, Inc., as the Vendor along with Pierce Manufacturing, Inc. as the Manufacturer for the purchase of Two Triple Combination Pumper Trucks to be used by the Paducah Fire Department in the amount of \$3,366.00, increasing the contract amount to \$835,720.00.

Attachments:

Change Order #1, Original Contract, Original Ordinance

 Department Head	City Clerk	City Manager
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Agenda Action Form Paducah City Commission

Meeting Date: September 3, 2013

Short Title: Authorize a Contract with Harper Construction, LLC, for the Construction of the Greenway Trail Phase II Project

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Angela Weeks, EPW Proj Mgr
Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director

Background Information:

On Wednesday, August 14, 2013, sealed bids were opened and read aloud for the Greenway Trail Phase II Project. Five responsive and responsible bids were received, with Harper Construction, LLC, submitting the lowest bid in the amount of \$672,502.45. This bid was below the revised construction cost estimate.

This Project is primarily funded with a FHWA Transportation Enhancement Grant administered by the Kentucky Transportation Cabinet Office of Local Programs (KYTC-OLP) in the amount of \$500,000 with a 20% City match. The sources of the City funds are available from the Boyles Estate Community Foundation and the remainder of the Greenway Trail Phase I funds.

As required by the FHWA grant LPA process, documentation was forwarded to the KYTC-OLP recommending the award of the Project to Harper Construction, LLC, and confirmation was received from Ms. Kim Tompkins on August 28, 2013, copy attached.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Greenway Trail Phase II
Account Number: 040-8821-536-2307 PA0078

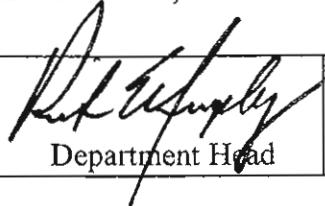
ASJA 8/29/13 Finance

Staff Recommendation:

To receive and file the bids and adopt an Ordinance authorizing the Mayor to execute a contract with Harper Construction, LLC, in the amount of \$672,502.45 for construction of the Greenway Trail Phase II Project

Attachments:

Bids, Advertisement, KYTC-OLP Documentation, Proposed Contract

 Department Head	City Clerk	City Manager
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Agenda Action Form Paducah City Commission

Meeting Date: September 1, 2013

Short Title: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AND EXECUTE ALL DOCUMENTS NECESSARY WITH MARCUM ENGINEERING LLC, FOR THE FINAL PHASE JULIAN CARROLL CONVENTION CENTER RENOVATION PROJECT

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Doolittle
Presentation By: Doolittle

Background Information:

This is to provide scoping, engineering, design and bid documents for the final phase of the convention center and showroom project. The primary goal of this design work is to create design work for alterations to the kitchen area and the old hotel Showroom. Since this job is primarily engineering, e.g. mechanical, electrical, and plumbing, a local architecture firm will be sub-contracted by the Engineer. It will be Peck, Flannery, Gream, and Warren of Paducah. The design was **not** bid for two reasons. First, professional services are not required to be bid by city code or state procurement statute. And secondly, these are the same engineers, architects, and designers for all previous phases of this project. They have the most built up knowledge base of the building and its mechanical and electrical systems. It's critical to do this work now, since we are actively seeking to sell the air dome and the hotel is nearing its construction schedule. The contract proposes a fee schedule to be 10% of the construction.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: DT0031
Account Number: 040 4411 592 2307

Finance

Staff Recommendation:

The staff recommends that the Mayor and City Board of Commissioners award Marcum Engineering of Paducah with this design contract. An appropriation for this award was not included in this budget, but may be added to the eventual bond that will be used for this particular capital improvement.

 Department Head	City Clerk	City Manager
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Agenda Action Form

Paducah City Commission

Meeting Date: September 17, 2013

Short Title: **Setting Tax Levies: Ad Valorem Properties -- FY2014**

Ordinance Emergency Municipal Order Resolution Motion

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 the 3 attached levy summary sheets for a history of the ad valorem tax levies for real estate, personal & inventory).

Staff proposes the City's tax levy be set at 25.5 cents per \$100 assessed value (AV), higher than last year's 25 cents per \$100 AV. The FY2014 compensating rate is 24.6 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 25.5 cents. This will be the first year, in many, that the City is proposing to take the full 4% allowed by KRS as discussed during the City's most recent budget process.

From FY2001 to FY2014, the City of Paducah dropped its real estate tax levy by 4.5 cents, while the School District tax levy increased 17 cents (see attached chart A). While Paducah's levy has been 25 cents for the past 6 years, in a survey of 18 Kentucky cities last fall, it was determined that Paducah's rate fell in the middle of those surveyed. The historical average (FY2009-FY2013) of property tax rates for the cities surveyed continues to rise each year (see attached chart B). Last year, Paducah's rate was one full cent below the group's average of 26.1 cents.

The Paducah Independent School District real estate levy will increase by 2 cents to 76.7 cents/\$100 AV. Since FY2001, the School's levy has moved from 59.7 cents to 76.7 cents per \$100 AV.

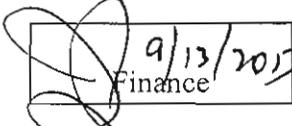
The City and PJC eliminated inventory taxes in order to encourage business growth in Paducah. As you may recall, the City's inventory rate was phased out over a four-year period, 1998 through 2002, and fully eliminated in FY2003. The inventory tax revenue would have been over \$1.0 million in FY2014, if it were still in place.

The City's General Fund real estate tax levy is proposed to be \$25.5 cents per \$100 AV. The proposed FY2014 rate is 56% of what the rate was in FY1995, when the City made a conscious effort to lower real estate tax rates.

The property tax levy ordinance will be introduced on September 17, 2013 with the second and final reading on September 24, 2013. Since the City's proposed tax levy is greater than the 'compensating rate' of 24.6 cent per \$100 AV, a public hearing is required; a public hearing is scheduled for September 17, 2013.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

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

 9/13/2013
Finance

Staff Recommendation:

Recommend that the Mayor and Commission adopt the proposed 2013-2014 real estate and personal ad valorem tax levies as proposed.

Motion:

I move that an ordinance setting 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, 2013, through June 30, 2014, be adopted.

Attachments: Tables of Historic Tax Levies (3)

Department Head	City Clerk	City Manager
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City of Paducah, KY
Real Estate Property Tax - Levy History from 1995

FISCAL YEAR	GENERAL FUND (1)	AEPF PENSION TRUST (3)	CITY TOTAL	PADUCAH JUNIOR COLLEGE (4)	PADUCAH PUBLIC LIBRARY (4)	PADUCAH INDEPEND SCHOOLS (4)	NON-CITY TOTAL (4)	GRAND TOTALS
1995	0.438	0.013	0.451	0.032	0.046	0.562	0.640	1.091
1996	0.436	0.013	0.449	0.032	0.045	0.600	0.677	1.126
1997	0.327		0.327	0.032	0.043	0.594	0.669	0.996
1998	0.327		0.327	0.032	0.043	0.585	0.660	0.987
1999	0.318		0.318	0.030	0.041	0.598	0.669	0.987
2000	0.300		0.300	0.029	0.040	0.590	0.659	0.959
2001	0.300		0.300	0.022		0.597	0.619	0.919
2002	0.300		0.300	0.022		0.600	0.622	0.922
2003	0.300		0.300	0.022		0.598	0.620	0.920
2004	0.300		0.300	0.021		0.617	0.638	0.938
2005	0.300		0.300	0.021		0.618	0.639	0.939
2006	0.300		0.300	0.020		0.631	0.651	0.951
2007	0.275		0.275	0.019		0.628	0.647	0.922
2008	0.250		0.250	0.018		0.672	0.690	0.940
2009	0.250		0.250	0.018		0.672	0.690	0.940
2010	0.250		0.250	0.018		0.678	0.696	0.946
2011	0.250		0.250	0.018		0.711	0.729	0.979
2012	0.250		0.250	0.018		0.747	0.765	1.015
2013	0.250		0.250	0.017		0.747	0.764	1.014
2014	0.255		0.255	0.017		0.767	0.784	1.039

NOTES:

(1) General Fund Operation of the City.

(2) Appointive Employee Pension Fund (AEPF); discontinued in FY1997

(3) Non-City tax levies.

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

FISCAL YEAR	GENERAL FUND (1)	PENSION TRUST (2)	CITY TOTAL	PADUCAH JUNIOR COLLEGE (3)	PADUCAH PUBLIC LIBRARY (3)	PADUCAH INDEPEND SCHOOLS (3)	NON-CITY TOTAL	GRAND TOTALS
1995	0.490	0.015	0.505	0.034	0.050	0.595	0.679	1.184
1996	0.390		0.390	0.034	0.050	0.600	0.684	1.074
1997	0.390		0.390	0.034	0.050	0.604	0.688	1.078
1998	0.390		0.390	0.034	0.050	0.607	0.691	1.081
1999	0.390		0.390	0.034	0.050	0.598	0.682	1.072
2000	0.390		0.390	0.034	0.050	0.590	0.674	1.064
2001	0.390		0.390	0.022		0.597	0.619	1.009
2002	0.390		0.390	0.022		0.603	0.625	1.015
2003	0.390		0.390	0.022		0.605	0.627	1.017
2004	0.390		0.390	0.021		0.617	0.638	1.028
2005	0.390		0.390	0.021		0.619	0.640	1.030
2006	0.390		0.390	0.020		0.631	0.651	1.041
2007	0.390		0.390	0.019		0.635	0.654	1.044
2008	0.390		0.390	0.018		0.695	0.713	1.103
2009	0.390		0.390	0.018		0.678	0.696	1.086
2010	0.390		0.390	0.018		0.678	0.696	1.086
2011	0.390		0.390	0.018		0.711	0.729	1.119
2012	0.390		0.390	0.018		0.747	0.765	1.155
2013	0.390		0.390	0.017		0.747	0.764	1.154
2014	0.390		0.390	0.017		0.767	0.784	1.174

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.

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

FISCAL YEAR	GENERAL FUND (1)	PENSION TRUST (2)	CITY TOTAL	PADUCAH JUNIOR COLLEGE (3)	PADUCAH PUBLIC LIBRARY (3)	PADUCAH INDEPEND SCHOOLS (3)	NON-CITY TOTAL	GRAND TOTALS
1995	0.490	0.015	0.505	0.034	0.050	0.595	0.679	1.184
1996	0.390		0.390	0.034	0.050	0.600	0.684	1.074
1997	0.390		0.390	0.034	0.050	0.604	0.688	1.078
1998	0.390		0.390	0.034	0.050	0.607	0.691	1.081
1999	0.280		0.280	0.024	0.050	0.598	0.672	0.952
2000	0.210		0.210	0.018	0.050	0.590	0.658	0.868
2001	0.140		0.140	0.012		0.597	0.609	0.749
2002	0.070		0.070	0.006		0.603	0.609	0.679
2003						0.605	0.605	0.605
2004						0.617	0.617	0.617
2005						0.619	0.619	0.619
2006						0.631	0.631	0.631
2007						0.635	0.635	0.635
2008						0.695	0.695	0.695
2009						0.678	0.678	0.678
2010						0.678	0.678	0.678
2011						0.711	0.711	0.711
2012						0.747	0.747	0.747
2013						0.747	0.747	0.747
2014						0.767	0.767	0.767

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.

Chart A

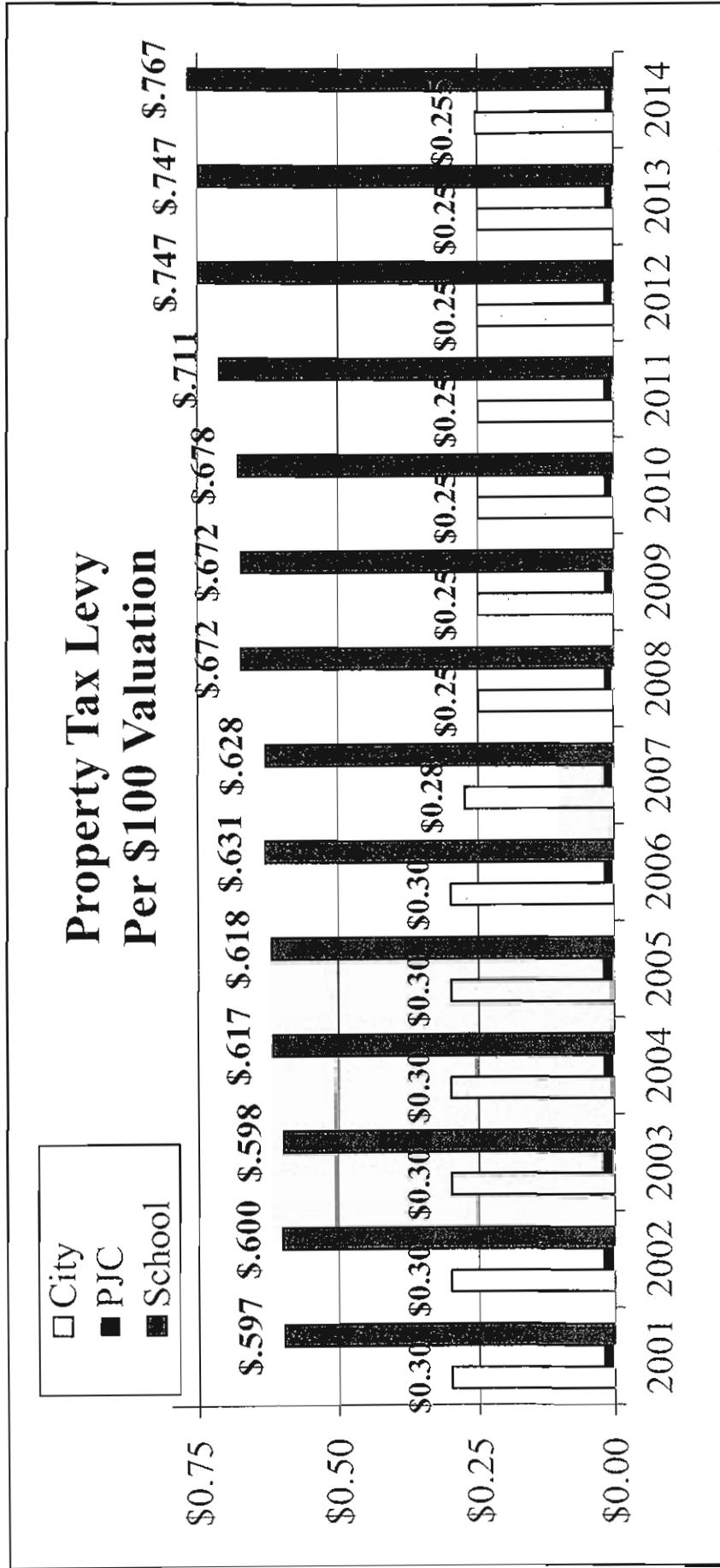
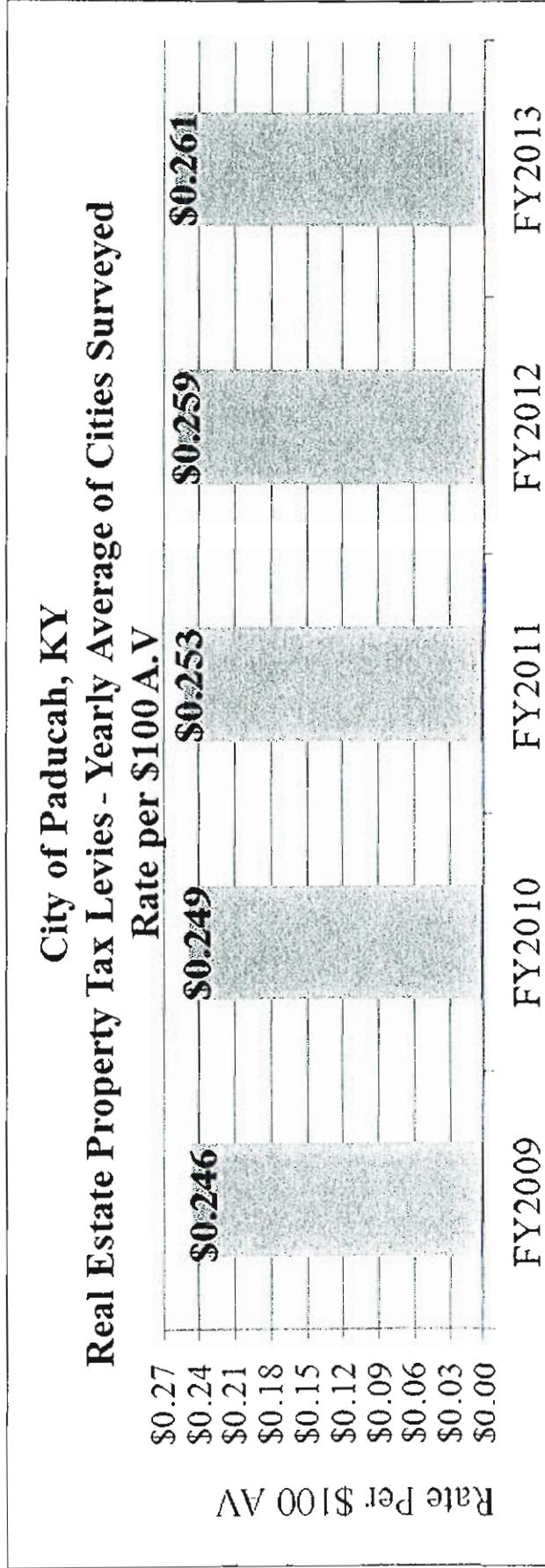


Chart B



SEPTEMBER 17, 2013

I move that the Board of Commissioners introduce an ordinance entitled, "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, 2013, THROUGH JUNE 30, 2014, WITH THE PURPOSES OF SAID TAXES HEREUNDER DEFINED".

<u>PURPOSE</u>	<u>RATE PER \$100.00</u>
<u>General Fund of the City</u>	
Real Property	\$0.255
Personal Property	\$0.390
Motor Vehicles & watercraft	\$0.390

School Purposes

Paducah Junior College	
Real Estate	\$0.017
Personal Property	\$0.017
Motor Vehicles & watercraft	\$0.031

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

Paducah Independent School District	
Real Property	\$0.767
Personal Property	\$0.767
Inventory	\$0.767
Total Tax Rate per \$100 - real property	\$1.039
Total Tax Rate per \$100 - personal property	\$1.174
Total Tax Rate per \$100 - inventory	\$0.767
Total Tax Rate per \$100 - motor vehicle & watercraft	\$0.421

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

In the case of tax bills which reflect an amount due of less than Five Hundred Thirty Dollars (\$530.00), the payment shall be due on November 1, 2013, and shall be payable without penalty and interest until November 30, 2013.

In the case of all other tax bills, payment shall be in accordance with the following provisions:

- The first half payment shall be due on November 1, 2013, and shall be payable without penalty and interest until November 30, 2013.
- The second half payment shall be due on February 1, 2014, and shall be payable without penalty and interest until February 28, 2014.

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, 2013 THROUGH JUNE 30, 2014, 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, 2013, through June 30, 2014, upon all taxable real property within the City of Paducah, Kentucky, subject to taxation for municipal purposes, an ad valorem tax of twenty five and 5/10 cents (\$.255) 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, 2013, through June 30, 2014, 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 (\$.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, 2013, through June 30, 2014.

SECTION 4. There is hereby further levied an ad valorem tax of one and 7/10 cents (\$.017) 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, 2013, through June 30, 2014, 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 7/10 cents (\$.017) 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, 2013, through June 30, 2014, 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, 2013, through June 30, 2014, 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, 2013, through June 30, 2014, an ad valorem tax of seventy six & 7/10 cents (\$0.767) 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, 2013, through June 30, 2014, an ad valorem tax of seventy six & 7/10 cents (\$0.767) 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	\$0.255
Personal Property (except inventory)	\$0.390
Motor Vehicles and watercraft	\$0.390
SCHOOL PURPOSES:	
PADUCAH JUNIOR COLLEGE	
Real Estate	\$0.017
Personal Property (except inventory)	\$0.017
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	\$0.767
Personal Property (including inventory)	\$0.767

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 Five Hundred Thirty Dollars (\$530.00), the payment shall be due on November 1, 2013, and shall be payable without penalty and interest until November 30, 2013.
- (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, 2013, and shall be payable without penalty and interest until November 30, 2013.
 - (b) The second half payment shall be due on February 1, 2014, and shall be payable without penalty and interest until February 28, 2014.

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.

Mayor

ATTEST:

Tammara Brock, City Clerk

Introduced by the Board of Commissioners September 17, 2013
Adopted by the Board of Commissioners September 24, 2013
Recorded by Tammara Brock, City Clerk, September __, 2013
Published by The Paducah Sun, October __, 2013

Agenda Action Form

Paducah City Commission

Meeting Date: September 17, 2013

Short Title: EMERGENCY ROOF STABILIZATION ASSISTANCE PROGRAM

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin

Presentation By: Stephen Ervin

Background Information:

The intent of this agenda item is to adopt an ordinance approving a Memorandum of Understanding between the City of Paducah and Tom Dunn (Developer) for the stabilization of the roof structure @ 203 Broadway.

Ray Pelley previously owned the building. Tom Dunn purchased the structure at auction with intentions of renovating the first floor for retail and apartments on the 2nd-5th floor. After Mr. Dunn's offer to purchase, he became aware of severe structural damage including the partial collapse of the roof. Structural deficiencies and roof stabilization is estimated @ \$250,000. Upon approval of ordinance, the developer is ready to take immediate action to correct structural issues.



Without immediate stabilization of 203 Broadway, the structure will further decline which may lead to greater expenditure's by the City of Paducah through increased stabilization or demolition of the structure.

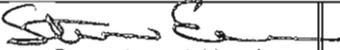
The attached memorandum of understanding will allow the utilization of up to \$100,000.00 of roof stabilization funds. The roof stabilization ordinance was adopted by Ordinance #2013-8-8056.

Funds Available: Account Name: Roof Stabilization
Account Number: 040-4411-592.23-07
Project # DT-0030

Finance

Motion:

Attachments:

 Department Head	City Clerk	City Manager
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ORDINANCE NO. 2013-__ -__

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY, APPROVING A MEMORANDUM OF UNDERSTANDING BY AND AMONG THE CITY OF PADUCAH, KENTUCKY, AND TOM DUNN (DEVELOPER) WITH RESPECT TO THE ROOF STABILIZATION OF 203 BROADWAY IN THE AMOUNT UP TO \$100,000.00; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH MEMORANDUM OF UNDERSTANDING.

WHEREAS, the City of Paducah desires redevelopment of vacant, orphaned, or underutilized commercial properties located within its corporate boundaries and insuring the integrity and quality of its existing historic commercial district; and

WHEREAS, the City of Paducah's economic well-being is related to and dependent upon, sustained growth of its tax revenue base through the proper redevelopment of vacant, orphaned, or underutilized commercial properties located within its corporate boundaries; and

WHEREAS, the City of Paducah desires to promote the stabilization of downtown buildings located within the Historic Downtown; and

WHEREAS, the repair, stabilization, or replacement of roofs within the Historic Downtown will protect the historic built environment and will reduce further decline which may lead to greater expenditures by the City of Paducah through demolition; and

WHEREAS, the City of Paducah adopted Ordinance No. 2013-8-8056 for the establishment of the Roof Stabilization Assistance Program (the "Program"), which will be utilized to accomplish the goals of the City of Paducah by providing funds for the purpose of roof replacement or roof stabilization in the Historic Downtown; and

WHEREAS, in order to insure that the Roof Stabilization will have a positive impact on the entire community and to encourage the public purpose stabilization of downtown buildings listed on the National Register of Historic Places, it is necessary and desirable that the City now authorize the Memorandum of Understanding by and among the City and the Developer.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

Section 1. Recitals and Authorization. The City hereby approves the Memorandum of Understanding among the City and the Developer (the "MOU") in substantially the form attached hereto as Exhibit A and made part hereof. It is further determined that it is necessary and desirable and in the best interests of the City to enter into the MOU for the purposes therein specified, and the execution and delivery of the MOU is hereby authorized and approved. The

Mayor of the City is hereby authorized to execute the MOU, together with such other agreements, instruments or certifications which may be necessary to accomplish the transaction contemplated by the MOU with such changes in the MOU not inconsistent with this Ordinance and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City. The approval of such changes by said official, and that such are not substantially adverse to the City, shall be conclusively evidenced by the execution of such MOU by such official.

Section 2. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Compliance With Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 4. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

Section 5. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

MAYOR

ATTEST:

City Clerk

Introduced by the Board of Commissioners, _____, 2013

Adopted by the Board of Commissioners, _____, 2013

Recorded by City Clerk, _____, 2013

Published by *The Paducah Sun*, _____, 2013

\\ord\plan\203 broadway-roof stabilization asst program

EXHIBIT A TO ORDINANCE

95939

MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding (Agreement) made and entered into on the ____ day of September, 2013, by and between the **CITY OF PADUCAH, KENTUCKY** (the "City" or "City of Paducah"), a municipality of the second class, and **TOM DUNN** (the "Developer").

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

A. Developer agrees to the following:

1. Procure the services of a structural engineer licensed in the Commonwealth of Kentucky to provide corrective scope of action.
2. Stabilize the structure in accordance with the structural engineer's scope of action.
3. Secure a commercial contractor from the qualified roofing contractor list to install a new roof.
4. Submit to the City an itemization of actual costs incurred by Developer in the stabilization of the structure and installation of a new roof. The itemization shall include supporting documentation that verifies the actual costs and expenses incurred by the Developer in the stabilization of the structure and installation of a new roof.

B. City agrees to the following:

In consideration of the commitments and agreement of the Developer set for above, the City agrees that upon completion of stabilization of the structure and installation of a new roof the City shall:

1. Review itemization of actual costs incurred. The City will reimburse the Developer for the actual costs and expenses incurred by Developer in the roof stabilization in the amount not to exceed \$100,000.00.
2. Roof Stabilization shall mean the restoration of a deficient or substandard roof to provide a water tight roof system free of leaks including all necessary flashing, decking repair, rafters, gutters, downspouts, and roof/attic ventilation to ensure the longevity of the roof system.

C. **Miscellaneous Provisions.** The following miscellaneous provisions shall apply:

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

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

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

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

5. **Amendments.** This Agreement may not be modified or amended unless by a writing signed by both parties hereto.

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

DEVELOPER:

CITY:

Tom Dunn

CITY OF PADUCAH, KENTUCKY

By _____
Tom Dunn,

By _____
Gayle Kaler, Mayor

Date: _____

Date: _____

STATE OF KENTUCKY)

COUNTY OF McCracken)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Gayle Kaler, Mayor, City of Paducah.

My commission expires _____.

Notary Public, State at Large

STATE OF KENTUCKY)

COUNTY OF McCracken)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by _____, _____ (title) on behalf of Tom Dunn.

My commission expires _____.

Notary Public, State at Large

Agenda Action Form Paducah City Commission

Meeting Date: September 1, 2013

Short Title: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AND EXECUTE ALL DOCUMENTS NECESSARY WITH MARCUM ENGINEERING LLC, FOR THE FINAL PHASE JULIAN CARROLL CONVENTION CENTER RENOVATION PROJECT

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Doolittle
Presentation By: Doolittle

Background Information:

This is to provide scoping, engineering, design and bid documents for the final phase of the convention center and showroom project. The primary goal of this design work is to create design work for alterations to the kitchen area and the old hotel Showroom. Since this job is primarily engineering, e.g. mechanical, electrical, and plumbing, a local architecture firm will be sub-contracted by the Engineer. It will be Peck, Flannery, Gream, and Warren of Paducah. The design was **not** bid for two reasons. First, professional services are not required to be bid by city code or state procurement statute. And secondly, these are the same engineers, architects, and designers for all previous phases of this project. They have the most built up knowledge base of the building and its mechanical and electrical systems. It's critical to do this work now, since we are actively seeking to sell the air dome and the hotel is nearing its construction schedule. The contract proposes a fee schedule to be 10% of the construction.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: DT0031
Account Number: 040 4411 592 2307

Finance

Staff Recommendation:

The staff recommends that the Mayor and City Board of Commissioners award Marcum Engineering of Paducah with this design contract. An appropriation for this award was not included in this budget, but may be added to the eventual bond that will be used for this particular capital improvement.

 Department Head	City Clerk	City Manager
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Agenda Action Form

Paducah City Commission

Meeting Date: September 17, 2013

Short Title: Approval of apartment complex signs

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin

Presentation By: Stephen Ervin

Background Information:

Currently apartment complexes in residential zones are not allowed identification signs. Staff is proposing changes to Section 126-76 (g) Signs authorized for R-1, R-2, R-3, NSZ and R-4 Zones to allow for apartment complex signage.

- (g) **Signs authorized for R-1, R-2, R-3, NSZ and R-4 Zones.** No signs shall be permitted in the R-1, R-2, R-3, NSZ and R-4 zones in the city except as provided in subsection (e) above and as provided in subsection (e) above, (7) below and as provided as follows:
- (1) Signs with nameplates affixed to the exterior wall of a structure and not exceeding 18 inches by 24 inches in area shall be permitted for each single family dwelling unit. Such nameplates shall indicate nothing other than the name of the premises and/or the name and/or address of the occupants. Such signs may only be illuminated indirectly.
 - (2) A sign identifying the name of subdivisions and public or private schools shall be permitted provided such signs do not exceed 48 square feet in area per sign face. Such signs may include an attached or freestanding announcement sign. Subdivision signs may only be illuminated indirectly. Public or private school signs may be lighted. Non-commercial public or private schools may have an electronic message sign. Such signs shall not be erected closer than ten feet to any property line unless attached to a building and shall not exceed eight feet in height.
 - (3) Bulletin boards shall be permitted at places of worship provided such identification signs or bulletin boards do not exceed 48 square feet in area per sign face. Such signs may indicate the name and/or address and activities relating to the premises. Such signs may be lighted. Such signs shall not be erected closer than ten feet to any property line unless attached to a building and shall not exceed eight feet in height.
 - (4) Signs for advertising nurseries or day cares in the R-1, R-2 and R-3 zone shall be permitted provided such signs comply with subsection (e)(5).
 - (5) Free standing business signs, advertising the business uses, in the R-4 zone shall be permitted per lot provided the sign is no larger than 12 square feet in area per

sign face and be no taller than ten feet. Such signs may only be illuminated indirectly.

- a. Only one free standing business sign shall be permitted on any lot.
 - b. Wall signs shall be permitted for each tenant or lessee. The area of the wall signs shall not exceed 20 percent of square footage of face of building, structure or face of tenant or lessee space. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses the building.
- (6) Private directional signs indicating entrance, exit or location of parking shall be permitted in the R-4 zone. Such signs shall not exceed four square feet in surface area for each sign and the height must not be more than 30 inches from the street level. These signs must be placed on private property and not on public right-of-way.
 - (7) One façade sign shall be permitted on any lot in the NSZ. Such signs shall only be approved for Conditional Permitted Uses. Such sign shall be permitted provided the sign is no larger than 8 square feet in area per sign face. Such signs may only be illuminated indirectly.
 - (8) Apartment complexes may have private directional signs indicating entrance, exit or location of parking provided such signs do not exceed four square feet in surface area for each sign face and the height shall not exceed 30 inches from the street level. These signs shall not be placed within the public right-of-way and shall not exceed more than two per public street frontage. Further, apartment complexes may have one free standing apartment complex identification sign on any lot, provided, however, one additional sign shall be permitted for each additional 300 feet of street frontage. One additional free standing apartment complex identification sign shall be permitted if the apartment complex is located at the intersection of two streets. The size of the sign shall not exceed 36 square feet in area per sign face. The outer edge of the sign shall be set back at least seven feet from the side lot line. All permitted apartment complex identification signs shall not exceed a height of 8 feet from adjacent grade. Such signs shall be illuminated indirectly.

Under the new proposed text amendment, the following apartment complexes could have the following signage:

1. Black Oaks – Two apartment complex identification signs, plus one directional sign off North 29th Street
2. Minnich Avenue apartments – 2 apartment complex identification signs
3. Cardinal Point – Two apartment complex identification signs and two directional signs off Trimble Street
4. Hillcrest Apartments – One apartment complex identification sign and one directional sign off Buckner Lane.

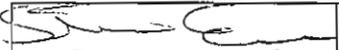
The Planning Commission held a Public Hearing on September 4th, 2013 and made a positive recommendation to the City Commission.

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

Finance

Motion:

Attachments: Planning Commission Resolution

 Department Head	City Clerk	City Manager
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Agenda Action Form

Paducah City Commission

Meeting Date: September 17, 2013

Short Title: Eickholz & Turnbo Zone Change

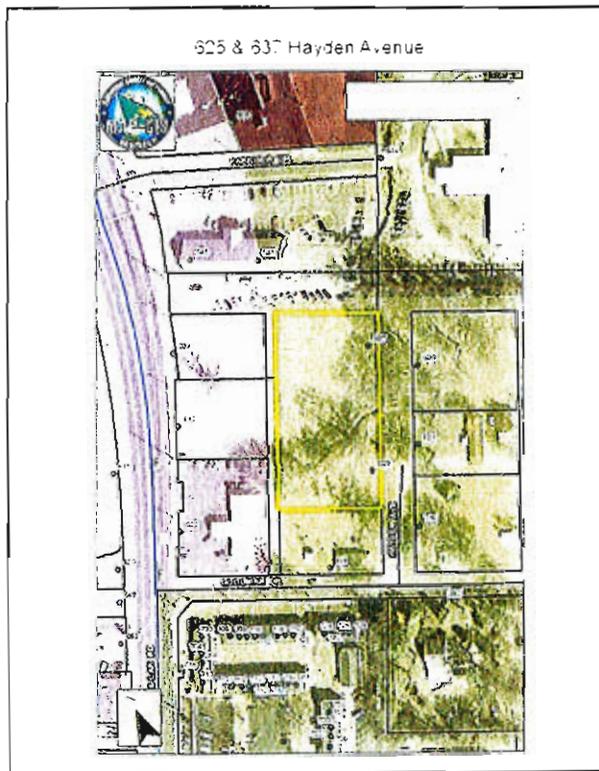
Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin

Presentation By: Stephen Ervin

Background Information:

Key Components:



The applicant, E & T Enterprises, is requesting a zone change for 625 and 637 Hayden Avenue from R-2 (Low and Medium Density Residential Zone) to R-4 (High Density Residential Zone). This property is vacant at this time.

The Planning Commission held a public hearing on September 4th, 2013 and made a positive recommendation to the City Commission.

This zone change request was initiated because E & T Enterprises, LLC, located at 546 Lone Oak Road, would like to construct a new parking area for the doctor's office on the north portion of this site.

Professional offices are principally permitted in the R-4 Zone, pursuant to Section 126-105 (1) (d) of the Paducah Zoning Ordinance. The property to the north of this property is zoned R-4. Therefore, this would be a continuation of

the R-4 High Density Residential zone.

Site Data:

Area: approximately 1.424 acres

Public Utilities: Adequate water and sewer service available.

Public Services: Sanitation, Police and fire service available.

Physical Characteristics: Vacant lot.

Development Plan:

E & T Enterprises is proposing to construct a parking lot on the north 150' of the site (approximately north half). This is to facilitate employee and visitor parking for the doctor's office at 546 Lone Oak Road

Land Use Patterns:

Doctors Turnbo and Eickholz have their medical office north of this site. Dr. Bowers with Innovative Ophthalmology has her office to the southwest of this site. Parkview Nursing Home is located northeast of the site. Three single-family homes are located east and south of the site.

Adjacent Properties:

- North: Parking lot for doctor's office.
- East: A vacant lot and two single family homes.
- South: A single family home.
- West: Vacant lots and Innovative Ophthalmology doctor office.

Zoning:

R-4 High Density Residential on the North. R-2 Low and Medium Density Residential on the East and South. B-1 Convenience and Service Zone on the West. The parcel is proposed to be changed to R-4 as follows:

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

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

- (1) Principal permitted uses.
 - a. Any use permitted in the R-3 zone
 - b. Multi-family dwellings
 - c. Nursing homes and tourist homes
 - d. Professional office buildings (yard requirements for office buildings shall be the same as the B-1 zone requirements)
 - e. Day-care nurseries
 - f. Cemeteries
 - g. Bed and breakfast
 - h. Places of worship
 - i. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses in the R-4 zone.

Findings required for map amendment:

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

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

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

Staff Analysis – The area proposed to be re-zoned is in compliance with the Future Land Use Map. The Future Land Use Map shows the area to be zoned “Commercial”. A professional office is a principally permitted use in the R-4 Zone. The Planning Commission found that the map amendment is in agreement with the comprehensive plan and that the existing zoning is inappropriate.

Planning Commission Recommendation:

The Planning Commission held a public hearing on September 4, 2013 and made a positive recommendation to the City Commission.

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

Finance

Attachments:

Planning Commission Resolution
Zone Change Map

 Department Head	City Clerk	City Manager
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Agenda Action Form Paducah City Commission

Meeting Date: Sept. ~~10~~, 2013

Short Title: 2013 Port Security Award – New Boat Ramp Video Security Phase 2

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Nancy Upchurch/Mark Roberts/Greg Mueller
Presentation By: Brandon Barnhill

Background Information: In 2009, the City of Paducah was awarded a grant from the Federal Department of Homeland Security-FEMA Port Security Grant Program for the purchase and installation of 5 video cameras. The cameras are capable of variable degrees of panning, tilting and zooming with views available to law enforcement personnel on the mobile data computers in their vehicles.

On June 11, 2013, through the approval of Municipal Order #1725, an application was submitted to the Federal Department of Homeland Security-FEMA Port Security Grant Program in the amount of \$24,270.00 to expand the project.

On August 26th we received a Notice of Approval in the amount of \$24,270.00 for the purchase and installation of equipment to extend video surveillance coverage for the new boat ramp area located off North 6th Street. This award will reimburse the city 100 % of the purchase and installation of the video surveillance equipment expenses.

If the Commission desires the Police Department accept the award it must authorize and direct the Mayor to sign all documents. If an award is offered it will be brought before the Commission for consideration.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Project Title: Port Security Camera II
Project Number: EQ0023
File Number: 6.50
Account Number: 040-0102-511.23.07
CFDA Number: 97.056

 9/13/2013
Finance

 Department Head	City Clerk	City Manager
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ORDINANCE NO. 2013-__-_____

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING THERETO WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR A 2013 PORT SECURITY GRANT

WHEREAS, on June 11, 2013, through the approval of Municipal Order 1725, an application was submitted to the U.S. Department of Homeland Security FEMA Port Security Grant Program for the City of Paducah for the Riverfront Video Security Project Phase II to extend coverage to the new boat ramp area located off North 6th Street; and,

WHEREAS, the U.S. Department of Homeland Security has approved the phasing plan and is ready to offer the second award of this grant.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized and directed to execute all documents necessary with the U.S. Department of Homeland Security to obtain a 2013 Port Security Grant in the amount of \$24,270.00 for the Riverfront Video Security Project Phase II for the purchase and installation of equipment to extend video surveillance coverage for the new boat ramp area located off North 6th Street.

SECTION 2. This expenditure shall be charged to the Port Security Camera II account, account number 040-0102-511-2307.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, September 17, 2013
Adopted by the Board of Commissioners, _____
Recorded by Tammara S. Sanderson, City Clerk, _____
Published by The Paducah Sun, _____
\\ord\police\grant-2013 Port Security-Riverfront Video Security Ph II

Agenda Action Form Paducah City Commission

Meeting Date: Sept. 17, 2013

Short Title: 2013/14 Edward Byrne Memorial Justice Accountability Grant (JAG) Award

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Asst. Chief Stacey Grimes, Cheryl Meadows

Presentation By: Asst. Stacey Grimes

Background Information: The Edward Byrne Memorial Justice Accountability Grant (JAG) is a federal formula grant funded through the U.S. Department of Justice. On June 11, 2013 the Commission approved Municipal Order 1726 to submit an application to the Department of Justice in the amount of \$13,382 to be used by the Paducah Police Department.

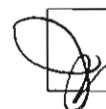
On September 4th Notice of Award was received. It is the desire of the police department to accept the 2013/2014 Edward Byrne Memorial Justice Accountability Grant (JAG) Award in the amount of \$13,382 for the purchase of seventy-eight (78) trauma kits; six (6) simunition conversion kits for patrol rifles and simunition ammunition; and three (3) patrol rifles; two (2) day boxes for explosives and one (1) digital recorder. This award has no local cash match required.

Although the City of Paducah has a sole and authorized individual allocation, it must remain in partnership with our local disparate jurisdiction which is McCracken County. It is for this reason, the City of Paducah and McCracken County have enter into an Interlocal Agreement on July 7, 2013 supporting the 2013/2014 JAG application, submission, and the acceptance by the City of Paducah in the amount of \$13,382.

If the Commission desires the Police Department to accept this award funding and it must authorize and direct the Mayor to sign all contract documents.

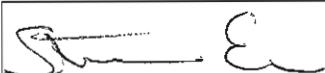
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: JAG-2013
Account Number: 040-1616-521.23-07
Project Number: PO0074
File Number: 6.251
CFDA: 16.738

 9/17/2013
Finance

Staff Recommendation: Approval

Attachments:

 Department Head	 City Clerk	 City Manager
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ORDINANCE NO. 2013-__-_____

AN ORDINANCE APPROVING THE EXECUTION OF AN ON-LINE GRANT AGREEMENT, AND ALL DOCUMENTS RELATING THERETO, WITH THE U.S. DEPARTMENT OF JUSTICE FOR A 2013-14 EDWARD BYRNE MEMORIAL JUSTICE ACCOUNTABILITY GRANT THROUGH THE U.S. DEPARTMENT OF JUSTICE TO BE USED BY THE PADUCAH POLICE DEPARTMENT AND RATIFYING AN INTERLOCAL AGREEMENT WITH THE FISCAL COURT OF McCracken COUNTY

WHEREAS, the City of Paducah applied for the 2013-14 Edward Byrne Memorial Grant Award through the U.S. Department of Justice by Municipal Order No. 1726 adopted on June 11, 2013, for purchase of various support materials and equipment; and

WHEREAS, the City of Paducah, entered into an Interlocal Agreement on July 7, 2013, with the County of McCracken, Kentucky, as required by the U. S. Department of Justice, to remain in partnership with our local disparate jurisdiction even though the City of Paducah is the sole and authorized individual allocation; and

WHEREAS, the U. S. Department of Justice has approved the application and is now ready to award this grant.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah hereby approves the execution of an on-line grant agreement, and all documents relating thereto, with the U. S. Department of Justice for a 2013-14Edward Byrne Memorial Justice Accountability Grant, in the amount of \$13,382, to be used by the Paducah Police Department to purchase a variety of necessary support equipment. No local match is required.

SECTION 2. The City hereby approves the ratification of an Interlocal Agreement between the City and County for the agreement approved in Section 1 above.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, September 17, 2013

Adopted by the Board of Commissioners, _____

Recorded by Tammara S. Sanderson, City Clerk, _____

Published by the Paducah Sun, _____

\\ord\plan\grant\police-2013 Justice Assistance Edward Byrne

Agenda Action Form Paducah City Commission

Meeting Date: 9-17-13

Short Title: Tower Option and Lease Amendment #2

Ordinance Emergency Municipal Order Resolution Motion

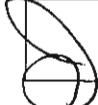
Staff Work By: Steve Kyle, Jamey Spears
Presentation By: Jeff Pederson, City Manager

Background Information:

The City owns and operates a radio tower beside Paducah-McCracken Co E-911 that serves as the antenna for the City radio system. As a part of owning that tower, we lease space on it to private contractors for the operation of their equipment providing that it does not interfere with the operation of the City's radio system. The amendment before you is for New Cingular to install new equipment onto the tower and increase our subsequent monthly lease payments by \$450.00. The private contractor has conducted a third party assessment of the tower to ensure that their equipment will not endanger the structural stability of it and has confirmed that it will not. Paducah-McCracken E-911 also has no problem with the installation of the equipment since it will not interfere with the radio system. It is recommended to proceed with the amendment.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
 Account Number:

 9/13/2013
Finance

Staff Recommendation: Proceed with approval of amendment #2 to existing Tower Option and Lease Agreement.

Attachments: Amendment #2

Department Head	City Clerk	City Manager
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ORDINANCE NO. 2013-__-_____

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY, APPROVING THE SECOND AMENDMENT TO TOWER OPTION AND LEASE AGREEMENT BY AND BETWEEN THE CITY OF PADUCAH AND NEW CINGULAR WIRELESS PCS, LLC SUCCESSOR IN INTEREST TO BELL SOUTH MOBILITY LLC TO ALLOW ADDITIONAL ANTENNAS AND RELATED EQUIPMENT ON A PORTION OF THE 800 MHz TOWER LOCATED AT 510 CLARK STREET, PADUCAH, MCCRACKEN COUNTY, KENTUCKY

WHEREAS, the City of Paducah and New Cingular Wireless PCS, LLC, (or its affiliate or predecessor-in-interest) entered into an Tower Option and Lease Agreement dated October 15, 2001 and Amendment to Tower Option and Lease Agreement dated November 12, 2001 for certain Premises, therein described, that are a portion of the Property located at 510 Clark Street Paducah, Kentucky 42003; and

WHEREAS, the City and New Cingular desire to amend the Agreement to allow for the installation of additional antennas, associated cables and associated communication equipment; and

WHEREAS, the City and New Cingular desire to adjust the rent in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, the City and New Cingular desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, the City and New Cingular in their mutual interest, wish to amend the Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

Section 1. Recitals and Authorization. The City hereby approves the Second Amendment To Tower Option and Lease Agreement among the City and New Cingular Wireless PCS, LLC successor in interest to BellSouth Mobility, LLC, (the "Second Amendment") in substantially the form attached hereto as Exhibit A and made part hereof. It is further determined that it is necessary and desirable and in the best interests of the City to enter into the Second Amendment for the purposes therein specified, and the execution and delivery of the Second Amendment is hereby authorized and approved. The Mayor of the City is hereby authorized to execute the Second Amendment, together with such other agreements, instruments or certifications which may be necessary to accomplish the transaction contemplated by the Second Amendment with such changes in the Second Amendment not inconsistent with this Ordinance and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City. The approval of such changes by said official, and that such are not substantially adverse to the City, shall be conclusively evidenced by the execution of such Second Amendment by such official.

Section 2. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Compliance With Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission

and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 4. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

Section 5. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

MAYOR

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, September 17, 2013

Adopted by the Board of Commissioners, _____

Recorded by Tammara S. Sanderson, City Clerk, _____

Published by *The Paducah Sun*, _____

ord\agree-amdn #2 to cell tower

EXHIBIT A TO ORDINANCE

Market: Tennessee/Kentucky
Cell Site Number: EV3125
Cell Site Name: Paducah Downtown Refo
Fixed Asset Number: 10019949

SECOND AMENDMENT TO TOWER OPTION AND LEASE AGREEMENT

THIS SECOND AMENDMENT TO TOWER OPTION AND LEASE AGREEMENT ("**Amendment**"), dated as of the latter of the signature dates below, is by and between the City of Paducah, having a mailing address of 300 South 5th Street, Paducah, KY 42002-2267 ("**Lessor**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, successor in interest to BellSouth Mobility LLC, having a mailing address of Suite 13-F West Tower, 575 Morosgo Drive, Atlanta, GA 30324 ("**Tenant**").

WHEREAS, Lessor and Tenant (or its affiliate or predecessor-in-interest) entered into an Tower Option and Lease Agreement dated October 15, 2001 and an Amendment to Tower Option and Lease Agreement dated November 12, 2001 for certain Premises, therein described, that are a portion of the Property located at 510 Clark Street, Paducah, Kentucky 42003 (collectively, the "**Agreement**"); and

WHEREAS, Lessor and Tenant desire to amend the Agreement to allow for the installation of additional antennas, associated cables and associated communication equipment; and

WHEREAS, Lessor and Tenant desire to adjust the rent in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Lessor and Tenant desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, Lessor and Tenant, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Tenant agree as follows:

1. **Antennas and Equipment.** Lessor consents to the installation and operation of the proposed antennas, associated cables and equipment as more completely described on attached Exhibit A-1. Lessor's execution of this Amendment will signify Lessor's approval of Exhibit A-1. Exhibit A-1 hereby supplements Exhibit A to the Agreement.

2. **Rent.** Commencing on the first day of the month following the date that Tenant commences construction of the modifications set forth in this Amendment, Rent shall be increased by Four

Hundred Fifty and No/100 Dollars (\$450.00) per month, subject to further adjustments as provided in the Agreement.

3. **Notices.** Section 21 of the Agreement is hereby deleted in its entirety and replaced with the following:

NOTICES. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to Tenant: AT&T Network Real Estate Administration
Re: FA No: 10019949
Suite 13-F West Tower
Morosgo Drive NE
Atlanta, GA 30324

With the required copy of legal notice sent to Tenant at the address above, a copy to the Legal Department: AT&T Legal Department - Network
Attn: Network Counsel
Re: FA No: 10019949
208 S. Akard Street
Dallas, TX 75202-4206

If to Lessor: City of Paducah
300 South 5th Street
Paducah, KY 42002-2267

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

4. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Second Amendment, the terms of this Second Amendment shall control. Except as expressly set forth in this Second Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Second Amendment.

5. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Second Amendment on the dates set forth below.

"TENANT"

New Cingular Wireless PCS, LLC
By: AT&T Mobility Corporation
Its: Manager

By: _____

Name: Terry R. Kilgore

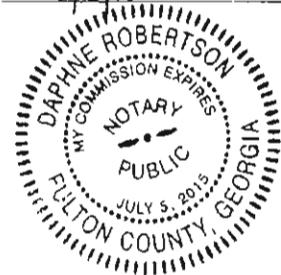
Title: Area Manager Real Estate and Construction

Date: 9/10/13

STATE OF GEORGIA)
)ss:
COUNTY OF FULTON)

On the 10th day of ^{September} ~~August~~, 2013 before me personally appeared Terry R. Kilgore, and acknowledged under oath that he is the Area Manager—Real Estate and Construction of AT&T Mobility Corporation, Manager of New Cingular Wireless PCS, LLC the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Tenant.

Daphne Robertson
Notary Public: DAPHNE ROBERTSON
My Commission Expires: 7/5/15



Market: Tennessee/Kentucky
Cell Site Number: EV3125
Cell Site Name: Paducah Downtown Relo
Fixed Asset Number: 10019949

Exhibit A-1

1. Six (6) Andrew DBXLH-9090C Panel Antennas (or equivalent)
2. Twelve (12) Andrew ETD819G-12UB Tower Mounted Amplifiers (or equivalent)
3. Twelve (12) 1-5/8" Coaxial Cables
4. Three (3) Andrew SBNH-1D6565C Panel Antennas (or equivalent)
5. Three (3) Kathrein KRC118048-1 Panel Antennas (or equivalent)
6. One (1) Andrew ATJB200-A01-007 Junction Box
7. Six (6) Ericsson RRUS-11 (Band 12) Radios (or equivalent)
8. Two (2) Raycap DC6-48-16-18-8f Surge Suppressors
9. Two (2) 3/4" Power Cables
10. One (1) 3/8" Fiber Cable
11. One (1) 3/8" RET Control Cable

Agenda Action Form Paducah City Commission

Meeting Date: September 17, 2013

Short Title: MOU FOR ECONOMIC INCENTIVES TO SUPERIOR CARE

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jeff Pederson, City Manager

Presentation By: Jeff Pederson, City Manager

Background Information:

- Superior Care proposes to develop and relocate their corporate offices and senior long-term care and short-term rehabilitation facilities to a tract of property located in the Paducah Commerce Park (f/k/a Information Age Park)
- This project will expand the tax base, reduce unemployment by retaining 115 jobs and creating 25 new jobs and investing \$10 million
- In order to induce this project, the City has agreed to enter into an MOU setting forth the fact that the City will give Superior Care a cash grant in the amount of \$20,000 as an economic incentive for sewer tap-on fee.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Investment Fund – Reserve For
Economic Development Incentives
Account Number: 004-0401-536-2307

Finance

Staff Recommendation: Approve an MOU and Ordinance granting Superior Care the sum of \$25,000 for sewer tap-on fee.

Attachments: Memorandum of Understanding
Ordinance

Department Head	City Clerk	City Manager
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ORDINANCE NO. 2013-____-_____

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY, APPROVING A MEMORANDUM OF UNDERSTANDING FOR ECONOMIC INCENTIVES TO SUPERIOR CARE HOMES, INC. TOWARD SEWER TAP ON FEE FOR THE RELOCATION OF CORPORATE OFFICES AND REHABILITATION FACILITY TO THE PADUCAH COMMERCE PARK AND AUTHORIZING THE MAYOR TO EXECUTE SAID MEMORANDUM OF UNDERSTANDING

WHEREAS, Superior Care proposes to develop and relocate their corporate offices and senior long-term care and short-term rehabilitation facility (the "Project") to a certain 21.22 acre tract of real property located at 100 Marshall Court within the Paducah Commerce Park (formerly known as Information Age Park) within the boundaries of the City of Paducah, McCracken County, Kentucky; and

WHEREAS, the Project will have a positive impact on the entire community by stimulating the local economy, expanding the tax base, reducing unemployment by retaining 115 jobs, creating 25 new jobs, and investing \$10 million; and

WHEREAS, the City strongly support the location of the Project in Paducah, McCracken County, Kentucky; and

WHEREAS, in order to induce the acquisition, construction, installation, and equipping of the Project by Superior Care the City has agreed to provide certain economic incentives to Superior as provided in this MOU for purposes of defraying the costs of acquiring, constructing, installing, and equipping the Project; and

WHEREAS, it is deemed necessary and advisable that this MOU be entered into by the parties setting forth their agreement with respect to the acquisition, construction, installation, and equipping of the Project and the economic incentives to be provided to partially defray the costs thereof; and

WHEREAS, the economic incentives to be provided to Corporation are in conformity with the "Guidelines For Providing Economic Incentives to Qualified Projects Located Within the Boundaries of the City of Paducah" previously adopted by Municipal Order No. 1035.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Board of Commissioners does hereby approve the terms of the Memorandum of Understanding between the City and Superior Care Homes, Inc., which defines the City's commitment to give a cash grant in the amount of \$20,000.00 as an economic incentive for sewer tap-on fee. In accordance with such approval, the Mayor of the City is hereby authorized and directed to enter into a Memorandum of Understanding with Superior Care Homes, Inc., which sets forth the terms of the City's commitment with regard to economic incentives.

SECTION 2. These funds shall be appropriated from the Investment Fund-Reserve For Economic Development Incentives (004-0401-536-2307).

SECTION 3. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. Compliance With Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 5. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 6. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, September 17, 2013

Adopted by the Board of Commissioners, _____

Recorded by Tammara S. Sanderson, City Clerk. _____

Published by *The Paducah Sun*, _____

ord\incentives mou-superior care

MEMORANDUM OF UNDERSTANDING

This is an MEMORANDUM OF UNDERSTANDING (MOU) between SUPERIOR CARE HOMES, INC., a Kentucky corporation (“Corporation”), with a principal mailing address of 3100 Clay Street, Paducah, Kentucky 42001; and CITY OF PADUCAH, KENTUCKY (“City”), with a principal mailing address of Post Office Box 2267, Paducah, Kentucky 42002-2267.

WHEREAS, Corporation proposes to develop and relocate their corporate offices and senior long-term care and short-term rehabilitation facility (the “Project”) to a certain 21.22 acre tract of real property located at 100 Marshall Court within the Paducah Commerce Park (formerly known as Information Age Park) (the “Property”), within the boundaries of the City of Paducah, McCracken County, Kentucky; and

WHEREAS, the Project will have a positive impact on the entire community by stimulating the local economy, expanding the tax base, and reducing unemployment; and

WHEREAS, City leadership strongly supports the location of the Project in Paducah, McCracken County, Kentucky; and

WHEREAS, in order to induce the acquisition, construction, installation, and equipping of the Project by Corporation, City has agreed to provide certain economic incentives to Corporation as provided in this MOU for purposes of defraying the costs of acquiring, constructing, installing, and equipping the Project; and

WHEREAS, it is deemed necessary and advisable that this MOU be entered into by the parties setting forth their agreement with respect to the acquisition, construction, installation, and equipping of the Project and the economic incentives to be provided to partially defray the costs thereof; and

WHEREAS, the economic incentives to be provided to Corporation are in conformity with the “Guidelines For Providing Economic Incentives To Qualified Projects Located Within The Boundaries Of The City of Paducah” previously adopted by City as approved by Municipal Order No. 1035; and

Now, **THEREFORE**, Corporation and City agree to the following:

A. Commitments of Corporation. In consideration of the public incentives being provided to the Project, Corporation agrees as follows:

1. Construct, install and equip, at its sole cost and expense, the Project located at 100 Marshall Court as generally depicted on the Proposed Site Development Plan

prepared by Johnson Early Architects, on the Property within twenty-four (24) months of December 30, 2012.

2. Invest over \$10 million in the construction, installation, and equipping of the Project within twenty-four (24) months of December 30, 2012.
3. Assume operation of the Project by the relocation of 115 current employees to the Project and the employment of 25 new full-time employees at the Project (which employees shall earn wages at an average hourly rate of \$15.00), and paying all license fees as defined under Article IV of the Paducah Code of Ordinance, Section 106-183 within thirty-six (36) months of December 30, 2012. Corporation will withhold and report such taxes and fees to the City.
4. All new employees hired as a result of this Project shall receive a competitive benefits package.
5. To obtain and maintain all licensing, permitting and certification requirements for the lawful construction, installation, and equipping of the Project and the operation of the Project including but not limited to, all City development, zoning, building code ordinances and policies, and all other federal, state and local applicable laws and regulations (collectively, "Governmental Permits").
6. Construct, install, equip, and operate the Project in conformity with all applicable federal state and local laws and regulations.
7. To relocate, at its sole cost and expense, all utility lines and facilities necessary for the construction and installation of the Project.
8. To promptly pay when due all real and/or personal property taxes; charges for utilities, and other services rendered or used in or about the Project; including without limitation any and all federal, state, county, city, and municipal governmental and quasi-governmental levies, fees, rents, assessments or taxes and charges, general and special, ordinary and extraordinary, foreseen and unforeseen, of every kind and nature whatsoever, and any interest or costs with respect thereto, which are assessed, levied, confirmed, imposed upon, or would grow or become due and payable out of or in respect of, or would be charged with respect to, the Project or any personal property or equipment used in the operation thereof.
9. Corporation understands, acknowledges and agrees that the Property is being conveyed subject to, but not limited to, the covenants, conditions, easements and restrictions for the Information Age Park Subdivision (the "IAP Covenants and Restrictions"). The IAP Covenants and Restrictions shall apply to and run with

the Property being conveyed and Corporation and all successive future owners and occupants are fully and completely bound thereby.

10. Corporation covenants and agrees that no outside storage of products or parts of any kind will be permitted on the Property. In addition, no on-street vehicle loading shall be permitted. This restriction shall be a covenant running with the Property and Corporation and all successive future owners and occupants of the Property are fully and completely bound hereby.
11. Corporation agrees that all parking areas and internal roadways serving the Project shall be a hard surface in accordance with the IAP Covenants and Restrictions.
12. Provide to the City at its sole cost and expense, written reports reasonably satisfactory to the City of the Corporation's progress in satisfying the capital investment and employment goals committed herein. Such progress reports shall be provided within 12, and 24 months from December 30, 2012 and at any other time(s) as the City, in its sole discretion. Such reports shall be certified as accurate by the Corporation. The City reserves the right to require any reasonable verification procedures or process. All progress reports are to be submitted to the Paducah City Manager's office.

B. Commitments of City. In consideration of Corporation's obligation to undertake the Project in accordance with this MOU, City agrees as follows:

1. City shall provide a cash grant up to \$20,000.00 to Corporation to defray the cost of utility infrastructure at the site. Payment to be provided within 30 days of written evidence of expenses by the Corporation to the City for such costs.
2. City agrees, to the extent permitted under applicable law and without compromising public health, safety and welfare, take reasonable actions (subject to the City's rules and regulations and applicable law) to facilitate the construction and installation of the Project.

C. Recapture:

The parties agree that City may recapture its investment in the project under the following circumstance:

If Corporation fails to meet the covenanted employment levels set forth in paragraph A. 3, it will fully reimburse the City for the cash grant. The aforesaid reimbursement shall include interest at N.Y. prime, as published in the Wall Street Journal, on the date of the receipt of the

grant money from the City. Notwithstanding the foregoing, the City may, at its sole discretion: (a) seek only a pro rata reimbursement based on employment actually achieved, or, (b) waive any reimbursement.

The rights and remedies of the City available thereunder are in addition to and not a limitation of any rights, and remedies, otherwise imposed or available by law or equity.

D. Miscellaneous Provision.

This MOU represents the entire understanding and MOU reached between the parties, and all prior covenants, agreements, and presentations are merged herein. This MOU shall be fully binding upon the parties hereto and shall be deemed fully enforceable in accordance with the terms and provisions hereof. Corporation not shall assign this MOU without first obtaining the written consent of City, which written consent shall be within City's sole discretion. Any attempted to assign or transfer this MOU without such prior written consent shall be void and shall confer no rights upon any third party. There is no third party beneficiary to this MOU, and the provisions of this MOU shall not impart rights enforceable by any person or entity other than the parties. If any provision of this MOU shall be held invalid under any applicable laws, such invalidity shall not affect any other provision of this MOU than can be given affect without the invalid provision, and, to this end, the provisions hereof are severable. Each party herein shall be responsible for its own professional fees, costs, charges and expenses. This document shall, in all respects, be governed by the laws of the state of Kentucky. Venue shall be with the McCracken Circuit Court. This MOU may not be modified or amended unless by writing signed by both parties hereto. All times referred herein shall be strictly construed, as all of such times shall be deemed of the essence. This MOU may be executed simultaneously or in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same agreement. All notices provided for herein will be in writing and addressed to the parties at the addresses as referenced above.

E. Effective Date.

This MOU shall not become effective and binding until fully executed and delivered by all parties hereto and approved by duly adopted ordinances or motions by the Paducah City Commission (the Effective Date”).

{For signatures see next page.}

IN WITNESS WHEREOF, the parties hereto have set their hands.

SUPERIOR CARE HOMES, INC.

By: _____

Title: _____

Date: _____

CITY OF PADUCAH, KENTUCKY

By: _____

Title: _____

Date: _____