



CITY COMMISSION MEETING
AGENDA FOR OCTOBER 8, 2013

5:30 P.M.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE – Yasmine Martinez-PTHS Senior

PROCLAMATION – Safe Schools Week

ADDITIONS/DELETIONS

	I.	<u>MINUTES</u>
	II.	<u>MOTIONS</u>
		A. R & F Documents
	III.	<u>MUNICIPAL ORDERS</u>
	IV.	<u>ORDINANCES – ADOPTION</u>
		A. Approve Agreement with the Ky Department of Housing, Buildings and Construction for Expanded Jurisdiction -- FIRE CHIEF KYLE
		B. Authorize and Approve the Purchase & Acquisition of Property located at 5065 Concord Avenue for the Olivet Church Road Improvement Project – CITY MGR PEDERSON
	V.	<u>ORDINANCES – INTRODUCTION</u>
		A. Jackson House Elevator Community Development Block Grant Extension – S. ERVIN
		B. Change Order #2 for the Riverfront Redevelopment Project Phase 1-A – R. MURPHY
		C. Employment Agreement for Police Chief – CITY MGR
	VI.	<u>CITY MANAGER REPORT</u>
	VII.	<u>MAYOR & COMMISSIONER COMMENTS</u>
	VIII.	<u>PUBLIC COMMENTS</u>
	IX.	<u>EXECUTIVE SESSION</u>

To All To Whom These Presents Shall Come:

WHEREAS, Schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible, and productive citizens; and

WHEREAS, Excellence in education is dependent on safe, secure, and peaceful school settings; and

WHEREAS, The safety and well-being of many students, teachers, and school staff are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, poor discipline, vandalism, and absenteeism in our schools; and

WHEREAS, All leaders-especially those in education, law enforcement, government, and business-should eagerly collaborate with each other to focus public attention on school safety and identify, develop, and promote answers to these critical issues; and

WHEREAS, Numerous schools and school districts throughout the country, along with national programs, are among those innovative answers; and

WHEREAS, The observance of Safe Schools Week encourages students, parents, educators, and the community to "Join the Team" and S.T.O.P. the Bullying, Violence and Risky Behavior in our schools to promote safe and secure learning climates:

Now, Therefore, we, do hereby proclaim October 20-26, 2013 as

"SAFE SCHOOLS WEEK"

And encourage all fraternal, legal, government and professional associations, students and educators in America's schools to formally adopt similar resolutions and proclamations so that we may enthusiastically work together to make our schools safe, secure, and peaceful places for learning, teaching, and working, free of drugs, alcohol, weapons, and fear.

At a Regular Meeting of the Board of Commissioners, held on Tuesday, September 24, 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, Wilson and Mayor Kaler (5).

INVOCATION

Joel Cauley, Senior Pastor, Relevant Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Cade Perfili, Paducah Tilghman High School Senior, led the Pledge.

PROCLAMATION

Mayor Kaler, presented a proclamation to Andrea Underwood, Paducah Power's Director of Community Relations and Marketing, proclaiming October 6 through 12, 2013 as "Public Power Week".

MINUTES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the reading of the Minutes for September 17, 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, Wilson and Mayor Kaler (5).

APPOINTMENT

COMMISSIONERS OF WATER WORKS

Mayor Kaler made the following appointment: "WHEREAS, in accordance with the Section 114-293 of the Code of Ordinances of the City of Paducah, I move that the Board of Commissioners appoint Lennis B. Thompson to the Commissioner of Water Works to replace Bill Holsapple, who has resigned. This term will expire January 6, 2016."

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners approve the action of Mayor Kaler in appointing Lennis B. Thompson as a member of the Commissioners of Water Works.

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

MOTIONS

R & F DOCUMENTS

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

1. Insurance Certificate for Super Crete
2. Letter from Kemper CPA Group, LLP, as confirmation of services they are to provide the City of Paducah for the year ended June 30, 2013 and System Review Report for Kemper CPA Group, LLC by Sikich, LLP (ORD # 2013-06-8038)
3. Construction contract for Jim Steele Construction for the construction of a new home known as the "Yeirser" at 717 Harrison Street and Notice to Proceed (ORD # 2013-09-8069)
4. Construction contract for D & D Construction for the construction of a new home at 1403 Monroe Street and Notice to Proceed (ORD # 2013-09-8073)
5. Declaration of Default of Contract between Jerry Crawford Contracting and the City of Paducah for the construction of 302 Harahan Boulevard (ORD # 2012-11-7994)

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

MUNICIPAL ORDERS

PERSONNEL CHANGES

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that 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.

(SEE MUNICIPAL ORDER BOOK)

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

ORDINANCES - ADOPTION

SETTING TAX LEVIES: AD VALOREM PROPERTIES - FY 2014

Commissioner Abraham offered motion, seconded by Commissioner Gault, move that the Board of Commissioners adopt 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
<u>School Purposes</u>	
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.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8078 BK 33

EMERGENCY ROOF STABILIZATION ASSISTANCE PROGRAM

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an ordinance entitled, "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 AN AMOUNT UP TO \$100,000.00; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH MEMORANDUM OF UNDERSTANDING..” This ordinance is summarized as follows: The City hereby approves a Memorandum of Understanding with Tom Dunn for the utilization of up to \$100,000 of roof stabilization funds for stabilization of the roof for the structure located at 203 Broadway.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8079; BK 33

APPROVAL OF APARTMENT COMPLEX SIGNS

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an ordinance entitled “AN ORDINANCE AMENDING SECTION 126-76, SIGN REGULATIONS, OF CHAPTER 126, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY.” This ordinance is summarized as follows: That the City of Paducah hereby amends Section 76(g), Sign Regulations of Chapter 126, Zoning, of the Code of Ordinances of the City of Paducah to allow for apartment complex identification signage. All permitted apartment complex identification signs shall not exceed a height of 8 feet from adjacent grade. Such signs shall be illuminated indirectly.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8080; BK 33

625 & 637 HAYDEN AVE (EICKHOLZ & TURNBO) ZONE CHANGE

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners adopt an ordinance entitled, “AN ORDINANCE APPROVING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONING CHANGE FROM R-2 (LOW AND MEDIUM DENSITY RESIDENTIAL ZONE) TO R-4 (HIGH DENSITY RESIDENTIAL ZONE) FOR PROPERTY LOCATED AT 625 AND 637 HAYDEN AVENUE, AND AMENDING THE PADUCAH ZONING ORDINANCE SO AS TO EFFECT SUCH REZONING.” This ordinance is summarized as follows: Rezone property located at 625 and 637 Hayden Avenue from R-2, (Low and Medium Density Residential Zone) to R-4, (High Density Residential Zone), and amending the Paducah Zoning Ordinance to effect such rezoning.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8081; BK 33

ACCEPT 2013 PORT SECURITY AWARD—NEW BOAT RAMP VIDEO SECURITY

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt an ordinance entitled, “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”. This ordinance is summarized as follows: 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.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8082; BK 33

ACCEPT 2013-2014 EDWARD BYRNE MEMORIAL JUSTICE ACCOUNTABILITY GRANT (JAG) AWARD

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an ordinance entitled, “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". This ordinance is summarized as follows: 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 2013-14 Edward 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. Further the City hereby approves the ratification of an Interlocal Agreement between the City and County for the grant agreement approved.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8083; BK 33

APPROVE TOWER OPTION AND LEASE AMENDMENT #2

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an ordinance entitled, "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 BELLSOUTH 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, AND AUTHORIZES THE MAYOR TO EXECUTE SAID AMENDMENT". This ordinance is summarized as follows: The City of Paducah hereby approves the Mayor to execute a Second Amendment to Tower Option and Lease Agreement with New Cingular Wireless to allow additional antennas and related equipment to be installed on a portion of the 800 MHz tower located at 510 Clark Street, Paducah, McCracken County, Kentucky.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8084; BK 33

APPROVE MOU FOR ECONOMIC INCENTIVES TO SUPERIOR CARE

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners adopt an ordinance entitled, "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." This ordinance is summarized as follows: 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 toward sewer tap-on fees. 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.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson, and Mayor Kaler (5). ORD.#2013-9-8085; BK 33

ORDINANCE – INTRODUCTION

NOBLE PARK POOL SPRAYPAD CHANGE ORDERS 1 & 2

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE CHANGE ORDERS 1 & 2 WITH MURTCO INC FOR CONSTRUCTION OF THE NOBLE PARK POOL SPRAYPAD" This ordinance is summarized as follows: The Mayor is hereby authorized and directed to execute Change Orders 1 & 2 in the combined amount of \$65,600.71 for the City of Paducah's Noble Park Pool Renovations Phase II Project

SEPTEMBER 24, 2013

that includes the Noble Park Pool Spraypad Project, decreasing the total contract price to \$122,865.29

CITY MANAGER REPORT

City Manager Jeff Pederson was out of town. Parks Director Mark Thompson was Acting City Manager. He reminded everyone of the BBQ on the River event September 26 through September 28, 2013.

COMMISSIONER COMMENT

None were given.

PUBLIC COMMENTS

None were given.

Upon motion the meeting adjourned.

ADOPTED: October 1, 2013

City Clerk

Mayor

OCTOBER 1, 2013

At a Regular Meeting of the Board of Commissioners, held on Tuesday, October 1, 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

Rev. Charles Moore, Senior Pastor, First Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Will Hancock, Junior at Paducah Tilghman High School, led the pledge.

PROCLAMATION

Mayor Kaler presented a proclamation to Cal Ross, Executive Director of the Paducah Housing Authority, proclaiming October as "Housing America Month".

ORDINANCE – ADOPTION

NOBLE PARK POOL SPRAYPAD CHANGE ORDERS 1 & 2

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE CHANGE ORDERS 1 & 2 WITH MURTCO INC FOR CONSTRUCTION OF THE NOBLE PARK POOL SPRAYPAD" This ordinance is summarized as follows: The Mayor is hereby authorized and directed to execute Change Orders 1 & 2 in the combined amount of \$65,600.71 for the City of Paducah's Noble Park Pool Renovations Phase II Project that includes the Noble Park Pool Spraypad Project, decreasing the total contract price to \$122,865.29. ORD # 2013-10-8086 BK 33

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

ORDINANCES – INTRODUCTION

APPROVE AGREEMENT WITH THE KENTUCKY DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION FOR EXPANDED JURISDICTION

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION AND THE CITY OF PADUCAH, KENTUCKY." This ordinance is summarized as follows: That the Mayor is hereby authorized to execute an agreement between the Commonwealth of Kentucky, Department of Housing, Buildings and Construction, and the City of Paducah, Kentucky, for additional plan review and inspection responsibilities within the City of Paducah. This agreement is for a term of three years; however, it may be canceled as described in KRS 198B.060.

AUTHORIZE AND APPROVE THE PURCHASE & ACQUISITION OF PROPERTY LOCATED AT 5065 CONCORD AVENUE FOR THE OLIVET CHURCH ROAD IMPROVEMENT PROJECT

OCTOBER 1, 2013

Commissioner Rhodes offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an ordinance entitled, "AN ORDINANCE AUTHORIZING AND APPROVING THE PURCHASE AND ACQUISITION OF THE REAL PROPERTY LOCATED AT 5065 CONCORD AVENUE, PADUCAH, McCRACKEN COUNTY, KENTUCKY, FROM BETTY J. OWENS, FOR THE IMPROVEMENT OF A PUBLIC PROJECT". This ordinance is summarized as follows: This Ordinance authorizes the City of Paducah, Kentucky, to purchase the real property located at 5065 Concord Avenue, Paducah, McCracken County, Kentucky (the "Property"), for purposes of the Olivet Church Roadway Improvement Project from Betty J. Owens, for the purchase price of Five Hundred Thousand Dollars (\$500,000.00), subject to the reservation of a life estate interest reserved by Owens in and to a portion of the Property to be set out in the deed of conveyance from Owens to City of Paducah.

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CITY MANAGER REPORT

City Manager Pederson announced the reception and pinning ceremony for the promotion of Brandon Barnhill from Assistant Police Chief to Police Chief is Friday, October 4th from 4:30 to 6:30 p.m. at City Hall in the atrium.

COMMISSIONER COMMENT

Commissioner Abraham asked for the infrastructure of Second Street of Market House Square be examined.

PUBLIC COMMENTS

None were given.

Upon motion the meeting adjourned.

ADOPTED: October 8, 2013

City Clerk

Mayor

OCTOBER 8, 2013

I move that the following documents be received and filed:

DOCUMENTS

1. Insurance Certificates:
 - a. Jason Sams, DBA Sams Brothers Concrete
 - b. Faughn Electric, Inc.
2. Right of Way Bond for Jason Sams, DBA Sams Brothers Concrete
3. Notice of Cancellation for the Board of Commissioners of the City of Paducah for 5:30 p.m., September 10, 2013
4. Commissioner's Deeds:
 - a. 434 Ohio Street
 - b. 1131 Flournoy Street
5. Deed of Release for Freedom Capital Investments (ORD # 2008-02-7391)
6. Agreements/Contracts:
 - a. Second Amendment to Tower Option and Lease Agreement between the City of Paducah and New Cingular Wireless PCS, LLC (ORD # 2013-09-8084)
 - b. Memorandum of Understanding between City of Paducah and Tom Dunn for Roof Stabilization for the Roof Stabilization Assistance Program for 203 Broadway (ORD # 2013-09-8079)
 - c. Memorandum of Understanding between Superior Care Homes, Inc. and City of Paducah for the relocation of corporate offices and rehabilitation facility (ORD # 2013-09-8085)
 - d. AIA Design-Build Construction Agreement between City of Paducah and McCracken County and A&K Construction, Inc. for the Teletech Call Center (ORD # 2013-08-8054)
 - e. Agreement between City of Paducah and Harper Construction, LLC for the Greenway Trail Phase II (ORD # 2013-09-8076)
7. Change Order # 3 with Bluegrass Uniforms for Uniform Services for the Fire Department (ORD # 2013-09-8070)
8. Change Order # 1 with Bluegrass Fire Equipment Company and Pierce Manufacturing Company, Inc. for two Triple Combination Pumper Trucks (ORD # 2013-09-8075)

9. Grant Agreement for 2013-2014 Edward Byrne Memorial Justice Accountability Grant (JAG) Award (ORD #2013-09-8083)
10. Williams, Williams & Lentz, LLP Financial Statements for years ended June 30, 2013 and 2012 for Paducah Water Works
11. Paducah Water Works Financial Highlights for August 2013
12. Annual Report for Television Department for FY 2012-2013

Agenda Action Form Paducah City Commission

Meeting Date: 10-1-13

Short Title: Expanded Jurisdiction Agreement

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Les Fugate, Steve Kyle

Presentation By: Steve Kyle

Background Information:

In order to conduct commercial plan review, inspections, and residential plan review and inspections, the City maintains an agreement with the state for expanded jurisdiction for these services. As a part of this agreement, it is updated periodically as personnel and code changes occur. The agreement that you have is the latest version.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

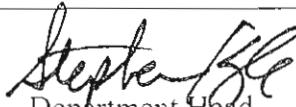
Funds Available: Account Name:
Account Number:

Finance

Staff Recommendation:

Approve agreement.

Attachments: Agreement

 Department Head	City Clerk	City Manager
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**AGENDA ACTION FORM
PADUCAH CITY COMMISSION**

Meeting Date: October 1, 2013

Short Title: AUTHORIZE AND APPROVE THE PURCHASE AND ACQUISITION OF THE REAL PROPERTY LOCATED AT 5065 CONCORD AVENUE FOR THE OLIVET CHURCH ROAD IMPROVEMENT PROJECT

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Mayor Gayle Kaler and Jeff Pederson
Presentation By: Jeff Pederson

Background Information:

The City of Paducah and property owner, Betty J. Owens, have come to an agreement regarding the purchase of Owens' property located at 5065 Concord Avenue for the Olivet Church Roadway Improvement Project. The approximately 2.16 acre property which includes the Owens' home is a vital parcel necessary for the construction of a section of the roadway that will stretch from New Holt Road next to the Kentucky Oaks Mall and tie into Olivet Church Road. This five-lane access road, coupled with widening Olivet Church Road to a three-lane from U.S. 60 (Hinkleville Road) to the already improved section near James Sanders Boulevard, will help reduce traffic congestion at the Interstate-24 exit 4 interchange and along U.S. 60. Drivers will be encouraged to use the exit 3 interchange to enter the Kentucky Oaks Mall and surrounding areas from the north. The five-lane access road also includes improvements at New Holt Road as drivers enter the mall.

This ordinance authorizes the City's purchase and acquisition of the real property at 5065 Concord Avenue as outlined in the attached Sales and Purchasing Contract and the Purchase Contract Addendum for the negotiated purchase price of \$500,000. It is further determined that the Mayor, on behalf of the City of Paducah, Kentucky, is hereby authorized to execute the general warranty deed and any other documents necessary to accomplish and consummate the purchase and acquisition of the Property from Owens in accordance with this Ordinance.

The agreement also outlines a life estate interest reserved by Owens. Owens can reside at the home on the property for her lifetime. However, the holder of a life estate cannot leave the land to anyone in their will because their interest in the land does not survive the person.

The Owens property will be divided into three tracts with the proposed five-lane road cutting through the middle of the property diagonally. The home, that faces Concord Avenue, will remain on an approximately 0.87 acre tract. The roadway with right-of-way easements utilizes an approximately 0.73 acre tract. The remaining approximately 0.56 acres will be the City's property to use for future development. The City expects a return on investment through three future financial transfers of currently undetermined amounts for the following

tracts:

1. Reimbursement from the State of Kentucky for the right-of-way acquisition;
2. Future sale of the Owens home and 0.87 acre tract at the conclusion of the life estate interest; and
3. Future sale of the remaining 0.56 acre parcel adjacent to the new roadway.

The Olivet Church Road Improvement Project is a City of Paducah, McCracken County, and State of Kentucky project in which the City of Paducah has the administrative lead. Project design and engineering has been conducted by the City of Paducah Engineering-Public Works Department and approved by the State of Kentucky. The project has available approximately \$8.5 million in State of Kentucky funding with \$2 million set aside for utility relocation and right-of-way acquisition, which has been ongoing, and approximately \$6.5 million for construction.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Olivet Church Road Project
Account Number:

9/27/2013
Finance

Staff Recommendation:

Approval of the purchase and acquisition of the property at 5065 Concord Avenue for the purchase price of \$500,000.00.

Attachments:

Sales and Purchasing Contract

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

Meeting Date: October 8th, 2011

Short Title: Community Development Block Grant (CDBG) Grant Agreement Amendment

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Steve Ervin
Presentation By: Steve Ervin

Background Information:

The federal CDBG program, administered by the Kentucky Department for Local Government (DLG), is designed to benefit low-income individuals and special populations that includes the elderly, handicapped or disabled.

An application authorized by Municipal Order 1559 on behalf of the Jackson House Seniors Center was approved by DLG for funding and required several actions by Commission Ordinance including acceptance of the terms and conditions of the award in a formal grant agreement with the Commonwealth



The grant agreement stipulated that the City is the award recipient on behalf of the facility owner, the not-for-profit Western Kentucky Seniors Center Union Labor Housing Corporation, and provides a \$1,000,000 award to rehabilitate two existing elevators and construct a new multi-service elevator.

The Jackson House project is estimated at 75% complete at this time. Completion date is anticipated to be December 31, 2013. Staff is requesting a 1 year extension to allow for additional time if needed.

If the Commission desires to proceed with an extension, it must authorize and direct the Mayor to execute the grant agreement amendment with DLG.

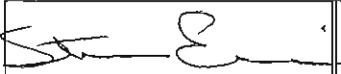
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Project Title: Jackson House CDBG
 Project #: CD0078
 File #: 6.217
 Account #: 006-1213-513.23-07

Finance

Staff Recommendation: Approval

Attachments:

 Department Head	City Clerk	City Manager
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OFFICE OF THE GOVERNOR
DEPARTMENT FOR LOCAL GOVERNMENT

Steven L. Beshear
Governor

1024 Capital Center Drive, Suite 340
Frankfort, Kentucky 40601
Phone (502) 573-2382
Fax (502) 573-2939
Toll Free (800) 346-5606
www.dlg.ky.gov

Tony Wilder
Commissioner

September 30, 2013

The Honorable Gayle Kaler
Mayor, City of Paducah
Post Office Box 2267
Paducah, KY 42002-2267

RE: Paducah Jackson House Elevator Rehabilitation Project
Community Development Block Grant #10-109

Dear Mayor Kaler:

Enclosed is an amendment form to extend the completion date of your grant from December 31, 2013 to December 31, 2014. This is very important because without this amendment no grant payments can be made. You, as chief executive officer, and the city attorney must sign the form. Please return the signed form to the Department for Local Government by **October 18, 2013** to allow adequate time for processing. Once the document has gone through the approval process, you will be provided a copy of the signed document.

Thank you for your prompt attention to this matter. Should you have any questions or need additional information, please contact Travis Weber at (502) 573-2382, ext. 234.

Sincerely,

A handwritten signature in black ink that reads "Lynn Travis Littrell".

Lynn Travis Littrell, Executive Director
Office of Federal Grants

Enclosure

c: Cheryl Meadows



An Equal Opportunity Employer M/F/D

**COMMONWEALTH OF KENTUCKY
Department for Local Government**

GRANT AGREEMENT AMENDMENT

Grant No. 10-109
PON2 1100002622
Amendment No. 1

Name and Address of Recipient:

The Honorable Gayle Kaler
Mayor, City of Paducah
Post Office Box 2267
Paducah, KY 42002-2267

The Grant Agreement dated May 23, 2011 by and between the Commonwealth of Kentucky, Department for Local Government and City of Paducah, Kentucky is being amended as follows:

Extend the project completion date to December 31, 2014

All other terms and conditions of the Grant Agreement, except as modified above and by prior amendments, are hereby ratified and confirmed.

Payments pursuant to this Grant Agreement amendment shall not be authorized for services rendered after Government Contract Review Committee disapproval unless the decision of the committee is overridden by the Secretary of the Finance and Administration Cabinet or agency head if the agency has been granted delegation authority by the secretary.

This Grant Agreement amendment shall be approved by the Secretary of the Finance and Administration Cabinet prior to it taking effect.

IN WITNESS WHEREOF, the Commonwealth and the Recipient have executed this Grant Agreement amendment.

COMMONWEALTH:

DATE: _____

Examined as to form and legality only:

Attorney - Department for Local Government

Tony Wilder, Commissioner

RECIPIENT:

DATE: _____

Examined as to form and legality only:

City of Paducah Attorney

Gayle Kaler
Mayor, City of Paducah

c: Cheryl Meadows

Agenda Action Form Paducah City Commission

Meeting Date: October 8, 2013

Short Title: Change Order #2 for the Riverfront Redevelopment Project Phase 1-A, Piles and Mass Fill

Ordinance Emergency Municipal Order Resolution Motion

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

Background Information:

On July 25, 2013, Municipal Order #1736 was adopted authorizing and directing the Finance Director to transfer \$265,000 from the General Fund to the Riverfront Development Project Account to cover the additional work and materials required on the extension of the Gangway Piles for the Riverfront Phase 1-A Project. This Municipal Order was adopted with the understanding that an Ordinance authorizing a Change Order would be introduced after the work was complete and the actual costs were documented. All work associated with the Contract for Phase 1-A Project has been completed. Therefore, Change Order #2 for Riverfront Redevelopment Project Phase 1-A, Piles and Mass Fill has been compiled to finalize the Project. Change Order #2 consists of the following three items:

1. Extension of the Gangway Piles

At this time, all equipment, labor and materials associated with the extension of the Gangway Piles has been completed. The final time and material costs associated with the extension of the Gangway Piles totals \$192,428.8, which is less than the estimated \$265,000 transferred by Municipal Order #1736. The breakdown is as follows:

Gangway "A"	\$ 72,006.02
Gangway "B"	\$ 78,811.47
Gangway "C"	\$ 41,611.33
TOTAL COST	\$192,428.82

2. Temporary Shut-Down Barge Retainage:

On August 15, 2013, MAC gave the City official notice that the stone fill contract quantity in the amount of 316,550 tons was not sufficient to complete the land mass fill according to the Phase 1-A Project design. After MAC completed the installation of the 316,550 stone fill contract tonnage on August 22, 2013, a "temporary shut-down" was implemented by MAC while the City investigated the authorization to install additional stone. Due to this temporary shut-down, all work by the Contractor's employees and operational equipment was halted, thereby causing a \$6,000 per day "down-time" daily charge to reserve the quantity of deck barges. The deck barges were retained a total of seven days before being released. Therefore, the total down-time for barge retention totals \$42,000.

3. Orderly Shut-Down/Project Stabilization:

On September 17, 2013, after consideration, the City Commission agreed to an "Orderly Shut-down" and requested that MAC complete the items related to the Phase 1-A Project. This shut-down would provide additional time to review the entire Project as a whole with respect to existing funding

including grants. Complying with the City Commission direction to complete an "Orderly Shut-down," MAC was directed by the City Engineer-Public Works Director to finalize and complete the remaining Contract items related to the Phase 1-A Project. However, prior to MAC demobilizing and leaving the Project site, it was determined that additional grade work was necessary to leave the Project site in a stable condition from a geotechnical global stability perspective. Failure to reduce the very steep free standing mass fill slopes (angle of repose) would subject the river bottom foundation soils to fail or "blow-out" under the current loading condition if prolonged.

Therefore, in order create stability within the Project site area, MAC has been requested to grade the downstream "ridge area" where the existing slopes are 1½:1 (very steep) to establish a 3:1 slope. In order to accomplish this slope grade change, an additional amount of work outside of the current contract is required. This additional work will consist of moving the existing rock from the "ridge area" to create the 3:1 slope to leave the Project site in a stable situation while also installing the rock around the pilings to help stabilize the gangway structures. MAC has agreed to perform this necessary stability work on a time and material basis. The estimated cost to stabilize the downstream side of the Project site is \$80,000.00. It is our desire that the final stabilization amount will actually be less than this amount proposed amount.

Therefore, the combination of the aforementioned three items, Change Order #2 will increase the contract by \$314,428.82, with the new contract amount being \$4,805,028.82. In order for this Change Order to be executed in the recommended amount, it will be necessary to appropriate an additional \$50,000 into the Project Account.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Riverfront Development
Phase I-A, Gangway Piles and Mass Fill
Account Number: 040-3315-532-2307 DT0015

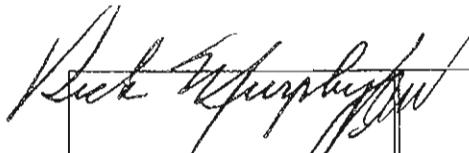
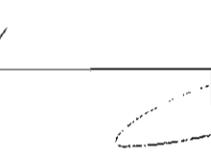
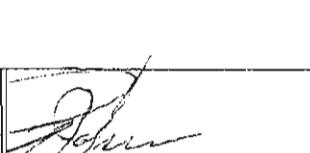
Finance

Staff Recommendation:

To adopt an Ordinance authorizing the Mayor to execute Change Order #2 in the amount of \$314,428.82 with MAC Construction & Excavating, Inc., for the Riverfront Redevelopment Project Phase 1-A, Piles and Mass Fill, which will increase the original Contract from \$4,490,600.00 to the new final Contract amount of \$4,805,028.82.

Attachments:

- Ordinance #2013-04-8029 - Original Contract
- Ordinance #2013-08-8062 - Change Order #1
- Municipal Order #1736
- Proposed Change Order #2 Form

 Department Head	 City Clerk	 City Manager
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4

ORDINANCE NO. 2013-5-8029

ADOPTED

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MAC CONSTRUCTION & EXCAVATING, INC., FOR CONSTRUCTION OF THE RIVERFRONT REDEVELOPMENT PROJECT PHASE 1-A, PILES AND MASS FILL

WHEREAS, pursuant to Sec. 2-645 of the Code of Ordinances of the City of Paducah, Kentucky, the Engineering Department received sealed bids on April 4, 2013, for the Riverfront Redevelopment Project Phase 1-A, Piles and Mass Fill; and

WHEREAS, pursuant to 2-654(4) of the Code of Ordinances of the City of Paducah, Kentucky, a written determination has been made by the City Manager that the bids received were in excess of the available funding and that it was in the best interest of the City to not delay of this project by re-solicitation; and

WHEREAS, competitive negotiations were entered into with the bidders and a revised bid proposal was attained.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah hereby authorizes the Mayor to execute an agreement with MAC Construction and Excavating, Inc., in the amount of \$4,490,600.00, for construction of the Riverfront Redevelopment Project Phase 1-A, Piles and Mass Fill.

SECTION 2. This purchase shall be charged to DT0015 project account, account number 040-3315-532-2307.

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, April 23, 2013
Adopted by the Board of Commissioners, May _____, 2013 *April 30, 2013*
Recorded by Tammara S. Sanderson, City Clerk, May _____, 2013 *April 30, 2013*
Published by The Paducah Sun, _____
ord\eng\agree-Riverfront Redevelopment Project Phase 1-A-Piles & Mass Fill 2013

ADOPTED

AN ORDINANCE APPROVING CHANGE ORDER #1 WITH MAC CONSTRUCTION & EXCAVATING, INC., FOR THE RIVERFRONT REDEVELOPMENT PROJECT PHASE 1-A, PILES AND MASS FILL, AND AUTHORIZING THE MAYOR TO EXECUTE SAID CHANGE ORDER NO. 1

WHEREAS, the City approved Ordinance No. 2013-4-8629 to enter into an agreement with MAC Construction & Excavating, Inc., in the amount of \$4,490,600.00 for Riverfront Redevelopment Project Phase 1-A, Piles and Mass Fill; and

WHEREAS, with the construction of the Riverfront Phase 1-A Project underway, the idea of utilizing the concrete from the Executive Inn parking garage site as fill for the land mass area has become a viable option; and

WHEREAS, after discussing possible alternatives, MAC Construction and Excavating, Inc., submitted a proposal to demolish the exiting concrete pad and place the concrete in the mass fill area for the total lump sum amount of \$16,800. With the installation of the Executive Inn concrete slab material in the mass fill area, the required tonnage of stone for fill will decrease. In order to not increase or decrease the current contract amount, \$16,800 will be deducted from the change order - which equals 1,400 tons of stone fill at \$12.00 per ton. Therefore, this Change Order will be a substitution of materials used on the project only with no cost increase or decrease to the total project cost of \$4,490,600.00.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah hereby approves Change Order No.1 with MAC Construction & Excavating, Inc.to increase the contract amount by \$16,800.00 to allow for the demolition of the Executive Inn concrete slab for use as mass fill and to decrease the contract amount by \$16,800.000 deducting 1,400 tons of Stone Fill at \$12.00, therefore, an increase is not necessary to the total project cost of \$4,490,600.00. Further, the Mayor is hereby authorized to execute said Change Order No. 1.

SECTION 2. 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 August 13, 2013
Adopted by the Board of Commissioners, August 27, 2013
Recorded by Tammara S. Sanderson, City Clerk, August 27, 2013
Published by The Paducah Sun, _____
\\ord\eng\chcord 1-riverfront piles & mass fill

MUNICIPAL ORDER NO. 1736

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE
FINANCE DIRECTOR TO TRANSFER \$265,000 FROM THE GENERAL FUND
RESERVE TO THE RIVERFRONT DEVELOPMENT PROJECT

WHEREAS, additional monies are required due to unforeseen project costs associated with imperfect soil conditions beneath the relocated gangway structures; and

WHEREAS, the City Engineer-Public Works Director will monitor the additional work for time spent by contractor to provide assurance of necessary contractor time needed for the additional work; and

WHEREAS, any portion of the transferred funds unused will be returned to the General Fund Reserve.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Finance Director is hereby authorized and directed to transfer \$265,000, from the General Fund Reserve to the Riverfront Development Project. Any portion of the \$265,000 unused will be returned to the General Fund Reserve.

SECTION 2. 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 August 6, 2013
Recorded by Tammara S. Sanderson, City Clerk, August 6, 2013
\\mo\BT- Riverfront Development Project 2013

Agenda Action Form Paducah City Commission

Meeting Date: October 22, 2013

Short Title: Approve employment agreement for Chief of Police.

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Cindy Medford, Brandon Barnhill, Jeff Pederson
Presentation By: Jeff Pederson

Background Information:

Brandon Barnhill was appointed Chief of Police on September 17, 2013, after a thorough selection process. Consistent with past practices for this position, Chief Barnhill is offered an Employment Agreement which specifies major terms and conditions for his employment in the capacity of Chief of Police. The term of his employment is indefinite.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

Finance

Staff Recommendation:

Authorize the Mayor and City Manager to sign and execute the employment agreement for Police Chief.

Attachments: Employment Agreement

Department Head	City Clerk	 City Manager
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AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN
EMPLOYMENT AGREEMENT FOR POSITION OF POLICE CHIEF

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Mayor is hereby authorized to execute an
Employment Agreement between the City of Paducah and Brandon Barnhill for
employment as Police Chief of the City of Paducah.

SECTION 2. This Ordinance shall be read on two separate days and will
become effective upon summary publication pursuant to KRS Chapter 24.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, October 8, 2013
Adopted by the Board of Commissioners, October 22, 2013
Recorded by Tammara S. Sanderson, City Clerk, October 22, 2013
Published by The Paducah Sun, _____
\\ord\police\contract-Police Chief 2013

**AGREEMENT TO EMPLOY BRANDON BARNHILL
AS PADUCAH POLICE CHIEF**

This Agreement made and entered into this 22nd day of October 2013 by and between **the CITY OF PADUCAH, KENTUCKY**, a Municipal Corporation, hereinafter called "City", and Brandon Barnhill, hereinafter called "Police Chief", both of whom understand as follow:

WITNESSETH:

WHEREAS, the Board of Commissioners of the City of Paducah desires to employ Brandon Barnhill as Police Chief; and

WHEREAS, the Board of Commissioners desires to (1) secure and retain the services of Brandon Barnhill as Police Chief and to provide inducement for him to remain in such employment, (2) to make possible full work productivity and independence by assuring his morale and peace of mind with respect to future security, and (3) to provide a just means for terminating his service at such time that the Board of Commissioners may desire to no longer employ him as Police Chief; and

WHEREAS, Brandon Barnhill desires to accept employment as Police Chief of the City of Paducah;

NOW THEREFORE, the parties agree as follows:

1. APPOINTMENT

The Board of Commissioners appointed Brandon Barnhill as Police Chief of the City of Paducah on September 17, 2013.

2. DUTIES

Police Chief shall serve under the direction of the City Manager. He will perform the duties of Police Chief as prescribed by the laws of the Commonwealth of Kentucky, the Charter and Ordinances of the City of Paducah, and will perform additional tasks and functions as directed by the City Manager.

3. TERM

Police Chief serves at the pleasure of the Board of Commissioners. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Board of Commissioners to terminate the services of the Police Chief at any time, subject only to State Law and the "Termination of Appointment" section of this Agreement.

4. BEGINNING DATE

Police Chief began his duties on September 19, 2013. The beginning date of the effect of this contract will be October 24, 2013.

5. POLICECHIEF DIRECTOR COMMITMENTS

While serving as Police Chief, Brandon Barnhill agrees to remain in the exclusive employ of the City, except that he may engage in occasional teaching, writing or speaking on his own time. If outside compensation is provided for such services, the Board of Commissioners shall be notified in advance.

Brandon Barnhill recognizes that it is important for City Department Directors to be actively involved in the community and that residence in the City helps demonstrate a commitment to the community. Therefore he has indicated a willingness to make his home inside the City limits within two years.

6. INDEMNIFICATION

Whenever the Police Chief shall be sued for damages arising out of the performance of his duties, the City shall provide defense counsel for the Police Chief in such suit and indemnify him from any judgment rendered against him, provided that such indemnity shall not extend to any judgment for damages arising out of any willful wrongdoing. Said indemnification shall extend beyond termination of employment and the otherwise expiration of this Agreement to provide protection for any such acts undertaken or committed in his capacity as Police Chief, regardless of whether the notice of filing of a lawsuit occurs during or following employment with the City.

7. HOURS OF WORK

The minimum workweek for the Police Chief shall be 40 hours plus any additional time reasonably required to discharge the responsibilities of the office. Since the Police Chief must devote a great deal of time outside of normal office hours to City business, he is allowed to take compensatory time off during normal office hours.

8. SALARY

City agrees to pay Police Chief an annual base salary of \$87,422, with a 6 month review for performance.

In addition to his base salary the Police Chief, upon meeting State certification requirements, will be eligible to receive Kentucky State Incentive pay.

9. COMPENSATION ADJUSTMENT

The City Manager will review the Police Chief's compensation annually. In considering compensation increases the City Manager will weigh the Police Chief's performance, the compensation of Police Chiefs serving comparable jurisdictions in Kentucky and neighboring states, increases granted to other employees, and the resources of the City.

10. VEHICLE ALLOWANCE

The Police Chief may choose either to have the City provide him exclusive use of a vehicle for City business or to pay him a vehicle allowance of \$500/month.

11. RETIREMENT

The Police Chief will participate in Kentucky's defined benefit retirement program as provided by the City for the benefit of its employees.

12. LEAVE

The Police Chief shall accrue leave at the same rate as other general employees. The leave accrual limits that apply to other administrative employees will apply to the Police Chief.

13. UNIFORM ALLOWANCE

The Police Chief will be paid a uniform allowance of \$1,500 per year.

14. PROFESSIONAL DEVELOPMENT

The City will pay the Police Chief's professional association subscriptions; memberships and participation costs, including attendance at an annual professional association conference; and within budgetary limits will support his continued professional development.

15. INSURANCE AND OTHER BENEFITS

The Police Chief will participate in the City's health insurance and other benefits on the same terms as provided for other administrative employees.

16. TERMINATION OF APPOINTMENT

Non-voluntary termination of the Police Chief must be conducted in accord with KRS 95.450 or similar legislation in effect at the time of termination.

If the Board of Commissioners decides to terminate the Police Chief or requests his resignation during the first two years of his employment, the Board of Commissioners will either give the Police Chief four months' notice before the termination takes effect, or will offer to pay a severance payment to the Police Chief. Such severance payment shall be a lump sum cash payment equal to six months of salary as defined in Paragraph 8 above.

If the Police Chief elects to accept the aforesaid severance payment, he will sign a severance agreement, which generally releases the City of any and all claims that the Police Chief may have as a result of his employment and/or termination.

If the Police Chief is terminated by the Board of Commissioners, health insurance benefits shall continue in full force and coverage, at City expense, for a period of four months or until similar coverage is provided to the Police Chief by a subsequent employer and is in full force and effect, whichever comes first. Such continuation of group health insurance coverage shall be in addition to any protection afforded the Police Chief by the Consolidated Omnibus Budget Reconciliation Act of 1988 (COBRA). Coverage under COBRA shall begin on the date all coverage extended under these severance provisions expires.

In the event the Police Chief is terminated for "just cause", then the City's only obligation to the Police Chief is to pay all compensation and benefits accrued but unpaid at the date of termination. "Just cause" is defined as: (1) willful neglect of duty; (2) felony or misdemeanor conviction of any crime involving moral turpitude; (3) dishonesty; (4) recurrent insobriety; (5) violation of duties to the City by any other act(s) of a similar nature which bring discredit to the City.

Should the Police Chief be permanently disabled or otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued leave, the Board of Commissioners shall have the right to terminate this Agreement subject to the severance provisions of this section.

17. GENERAL PROVISIONS

The text herein shall constitute the entire Agreement between the parties.

This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Police Chief.

This Agreement shall become effective upon adoption and approval of the Board of Commissioners of the City of Paducah.

If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the Board of Commissioners of the City of Paducah has caused this Agreement to be executed on its behalf by the City's Mayor, and Brandon Barnhill executed this Agreement as Police Chief this _____ day of October 2013.

Gayle Kaler, Mayor
City of Paducah, Kentucky

Brandon Barnhill

ATTEST:

Tammara Sanderson, City Clerk