



CITY COMMISSION MEETING
 AGENDA FOR OCTOBER 22, 2013
5:30 P.M.

ROLL CALL

INVOCATION –

PLEDGE OF ALLEGIANCE – Lilly Burba – PTHS Senior

PROCLAMATION – Pancreatic Cancer Awareness Month

PRESENTATION – (1) Dragon Boat Festival Update – J. HARRIS
 (2) Health Insurance for 2014 – G. CARLTON

ADDITIONS/DELETIONS

	I.	<u>MINUTES</u>
	II.	<u>MOTIONS</u>
	A.	R & F Documents
	III.	<u>MUNICIPAL ORDERS</u>
		Health Insurance Premiums for 2014 – C. MEDFORD
	IV.	<u>ORDINANCES – ADOPTION</u>
	A.	Contract with Convention Center Corporation – CITY MGR
	V.	<u>ORDINANCES – INTRODUCTION</u>
	A.	Health Insurance Administrative Services 2014 – C. MEDFORD
	B.	Health Insurance Stop Loss Agreement – C. MEDFORD
	C.	Abolish & Recreate Alcoholic Beverage Ordinance to Reflect State Legislative Update – CITY CLERK
	VI.	<u>CITY MANAGER REPORT</u>
	VII.	<u>MAYOR & COMMISSIONER COMMENTS</u>
	VIII.	<u>PUBLIC COMMENTS</u>
	IX.	<u>EXECUTIVE SESSION</u>

OCTOBER 22, 2013

I move that the following documents be received and filed:

DOCUMENTS

1. Insurance Certificates:
 - a. Ivitts Plumbing Contractors, Inc.
 - b. Brookshire Concrete Construction

2. Agreements/Contracts:
 - a. License Agreement with Paducah & Louisville Railway for permission and license to use the corner of Martin Luther King Drive and North 9th Street, located in Paducah, Kentucky
 - b. Agreement to Employ Brandon Barnhill as Paducah Police Chief

Agenda Action Form Paducah City Commission

Meeting Date: November 5, 2013

Short Title: Health Insurance Benefit Plan Premiums for 2014

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Cindy Medford, Greg Carlton
Presentation By: Cindy Medford

Background Information:

The following reflect the recommended monthly health insurance premiums by plan for the 2014 Calendar year. These are the rates presented earlier by Greg Carlton, Peel and Holland which are flat to last year. These premiums allow us to keep our grandfathered status which offers protections to both the employer and the employee and allow us to maintain an acceptable escrow level to cover expected claims and plan costs. Dental and Vision premiums are also held flat again this year.

Health Insurance:

Investor Plan	Monthly Premium	Elite Plan	Monthly Premium
Employee	\$ 781	Employee	\$ 856
Employee/Spouse	\$ 969	Employee/Spouse	\$1,139
Employee Child	\$ 825	Employee Child	\$ 974
Family	\$1,118	Family	\$1,319

Proposed Dental Premium:

Proposed Vision Premium:

Delta Dental	Monthly Premium	Avesis Vision Care	Monthly Premium
Employee	\$22.32	Employee	\$ 6.91
Employee Spouse	\$45.54	Employee/Spouse	\$13.23
Employee Child	\$47.62	Employee Child	\$12.58
Family	\$77.48	Family	\$18.45

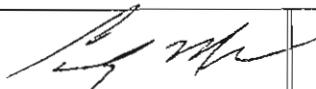
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

Finance

Staff Recommendation: Approve the above listed premiums for Health Insurance, and the unchanged premiums for Dental and Vision.

Attachments:

 Department Head	City Clerk	City Manager
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A MUNICIPAL ORDER APPROVING AND ADOPTING THE COMPREHENSIVE HEALTH INSURANCE BENEFIT PLAN PREMIUMS FOR CALENDAR YEAR 2014 INCLUDING PREMIUMS FOR OPTIONAL DENTAL AND VISION CARE FOR EMPLOYEES OF THE CITY OF PADUCAH

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah approves and adopts the following monthly health insurance premiums for calendar year 2014 including premiums for optional dental and vision care for employees:

Health Insurance:

Investor Plan	Monthly Premium	Elite Plan	Monthly Premium
Employee	\$ 781	Employee	\$ 856
Employee/Spouse	\$ 969	Employee/Spouse	\$1,139
Employee Child	\$ 825	Employee Child	\$ 974
Family	\$1,118	Family	\$1,319

Proposed Dental Premium:

Proposed Vision Premium:

Delta Dental	Monthly Premium	Avesis Vision Care	Monthly Premium
Employee	\$22.32	Employee	\$ 6.91
Employee/Spouse	\$45.54	Employee/Spouse	\$13.23
Employee Child	\$47.62	Employee Child	\$12.58
Family	\$77.48	Family	\$18.45

SECTION 2. That the premiums for the Comprehensive Health Insurance Benefit Plan for Employees approved and adopted in Section 1 above shall become effective January 1, 2014.

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, October 22, 2013
Recorded by Tammara S. Sanderson, City Clerk, October 22, 2013
\\mo\premiums-health ins 2013

Agenda Action Form Paducah City Commission

Meeting Date: October 15, 2013

Short Title: Contract with Convention Center Corporation (CCC)

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Claudia Meeks
Presentation By: Jeff Pederson, City Manager

Background Information:

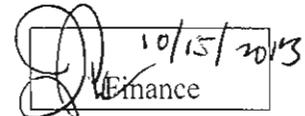
As part of the Investment Fund Decision Items for FY2014, the Commission approved appropriation of funding for the Convention Center Corporation (CCC) in the amount of \$100,000, to be paid in quarterly installments (1st Quarter - \$34,500 – less insurance premiums), and Quarters 2, 3 and 4 in the amount of \$21,833.33 each.

When the City provides funds to any organization, we prepare a simple Contract For Services agreement that describes the public services the organization will provide as a result of receiving the city funds.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: This expenditure was appropriated in the FY2014 Budget.

Account Name: Investment Fund
Account Number: 004-0401-536-8069

 10/15/2013
Finance

Staff Recommendation:

Authorize the Mayor to enter into one-time Contracts For Services with CCC in the amount of \$100,000

Attachments:

Ordinance
Contract

Department Head	City Clerk	 City Manager
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* = \$33,447,

Agenda Action Form Paducah City Commission

Meeting Date: November 5, 2013

Short Title: Administrative Services and Stop Loss Insurance with Anthem Blue Cross Blue Shield

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Cindy Medford, Greg Carlton

Presentation By: Cindy Medford

Background Information:

Greg Carlton of Peel and Holland made a presentation on October 21, 2013 recommending for the 2014 plan year that the city continue with Anthem Blue Cross Blue Shield effective January 1, 2014 as the City's Third Party Administrator (TPA) to provide claims administrative services related to the City's health insurance plan. Remaining with Anthem offered the best overall option for quality of plans, administrative services and competitive rates and factors. A summary of Anthem's administrative fees, rates and factors is attached. Also, since January 1, 2011 the City of Paducah has purchased stop loss insurance with Anthem Blue Cross Blue Shield to protect the City's health insurance plan in the event of a catastrophic claim(s). Greg Carlton recommended in his presentation for the 2014 plan year beginning on January 1, 2014, the Commission adopt an agreement with Anthem Blue Cross Blue Shield to purchase stop loss insurance which is set at a \$175,000 maximum city liability per person (individual stop loss). Anthem assumes liability for all claims in excess of this amount, and \$3,391,721.04 maximum city liability of total claims combined (aggregate stop loss limit), Anthem assumes liability for all claims in excess of this amount up to \$1,000,000. Premium rates are \$92.98 per member per month for individual stop loss insurance and \$6.29 per month per member for aggregate stop loss insurance.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:

Account Number: 07302085422001

Finance

Staff Recommendation: Authorize the Mayor to execute ASO agreement with Anthem Blue Cross Blue Shield for administrative services and stop loss insurance.

Attachments: ASO

Department Head	City Clerk	City Manager
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ORDINANCE NO. 2012-10-7984

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF PADUCAH AND ANTHEM BLUE CROSS BLUE SHIELD

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute an Agreement between the City of Paducah and Anthem Blue Cross Blue Shield as the City's Third Party Administrator to provide claims administrative services related to the City's health insurance plan. The effective date of this Agreement is January 1, 2014 and ending December 31, 2014.

SECTION 2. Funding for this service will come **from** the City's Health Insurance Fund.

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, October 22, 2013
Adopted by the Board of Commissioners, November _____, 2013
Recorded by Tammara S. Sanderson, City Clerk, November _____, 2013
Published by The Paducah Sun, _____
\\ord\pers\blue cross blue shield 2014

AN ORDINANCE ACCEPTING THE RATES FOR STOP LOSS INSURANCE COVERAGE WITH ANTHEM BLUE CROSS BLUE SHIELD FOR THE GROUP HEALTH INSURANCE PLAN FOR THE CITY OF PADUCAH, KENTUCKY THE 2014 CALENDAR YEAR AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah accepts the rates offered through Anthem Blue Cross Blue Shield for Stop Loss Insurance Coverage for the group health insurance plan for the City of Paducah, Kentucky. Effective January 1, 2014 the stop loss rates are as follows:

- 1) Individual Stop Loss - \$175,000 maximum City liability per person with a monthly rate of \$92.98 per member; and
- 2) Aggregate Stop Loss - \$3,391,721.04 maximum City liability of total claims combined with a monthly rate of \$6.29 per member.

SECTION 2. The Mayor is hereby authorized to execute a contract with Anthem Blue Cross Blue Shield for coverage authorized in Section 1 above.

SECTION 3. This expenditure will be charged to the Health Insurance Fund.

SECTION 4. 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, October 22, 2013

Amended by the Board of Commissioners, November _____, 2013

Adopted by the Board of Commissioners, November _____, 2013

Recorded by Tammara S. Brock, City Clerk, November _____, 2013

Published by the Paducah Sun, _____

\\ord\pers\health ins-stop loss coverage 2014

ASO

City of Paducah

Group Number(s) : 00210630

Effective Date: 01/01/2014 - 12/31/2014



ENROLLMENT	EE Only	EE + Spouse	EE + Child(ren)	EE + Family	Total Contracts
Total Number of Current Contracts	145	29	49	60	283
ANTHEM ADMINISTRATIVE RATES					
	Current	Proposal 3A			
Administrative Rate	\$38.25	\$39.39	2.98%		
360 Health (Condition Care, 24/7 Nurse Line)	\$0.00	\$0.00			
TOTAL FIXED COST - PEPM	\$38.25	\$39.39	2.98%		
Total [12 Month Contract Period] Premium	\$129,897.00	\$133,768.44			
BROKER COMMISSION					
	Current	Proposal 3A			
Broker Commission Fee	\$0.00	\$0.00			
Total [12 Month Contract Period] Premium	\$0.00	\$0.00			
SPECIFIC STOP LOSS					
	Current	Proposal 3A			
Benefits Covered	Medical and Drug	Medical and Drug			
Contract Basis	24 / 12	24 / 12			
Specific Stop Loss Deductible - Per Member	\$150,000	\$175,000			
Specific Stop Loss Rate	\$51.66	\$92.98	79.98%		
Commission % included in above Rate	0.00%	0.00%			
Total [12 Month Contract Period] Premium	\$175,437.36	\$315,760.08			
AGGREGATE STOP LOSS					
	Current	Proposal 3A			
Benefits Covered	Medical and Drug	Medical and Drug			
Contract Basis	24 / 12	24 / 12			
Aggregate Stop Loss Corridor	125%	125%			
Aggregate Stop Loss Rate	\$5.34	\$5.29	17.79%		
Commission % included in above Rate	0.00%	0.00%			
Total [12 Month Contract Period] Premium	\$18,134.64	\$21,360.84			
EXPECTED CLAIMS LIABILITY					
	Current	Proposal 3A			
Expected Claims	\$754.76	\$688.06	-8.84%		
Total [12 Month Contract Period] Premium	\$2,563,164.96	\$2,336,651.76			
MAXIMUM CLAIMS LIABILITY					
	Current	Proposal 3A			
Maximum Claims Liability	\$943.45	\$860.08	-8.84%		
Total [12 Month Contract Period] Maximum Claims	\$3,203,956.20	\$2,920,831.68			
Minimum Claims Liability	\$896	\$817			
Total [12 Month Contract Period] Minimum Claims	\$3,043,758	\$2,774,804			
OVERALL COST SUMMARY					
	Current	Proposal 3A			
Total Fixed Costs	\$323,469.00	\$471,889.36	45.57%		
Expected Claims	\$2,563,164.96	\$2,336,651.76	-8.84%		
Total Expected Liability	\$2,886,633.96	\$2,807,541.12	-2.74%		
Total Fixed Costs	\$323,469.00	\$471,889.36			
Maximum Claims Liability	\$3,203,956.20	\$2,920,831.68			
Total Maximum Liability	\$3,527,425.20	\$3,392,372.04	-3.85%		

Authorized Signature

Agenda Action Form Paducah City Commission

Meeting Date:

Short Title: Abolish & Recreate Alcoholic Beverage Ordinance to Reflect State Legislative Update

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Tammara Sanderson, City Clerk
Presentation By:

Background Information: The Kentucky General Assembly passed Senate Bill 13 into law during the 2013 Legislative Session. The passage of SB 13 has resulted in many changes to Kentucky's alcoholic beverage statutes. These laws became effective June 25, 2013. In order for the City to be in compliance with state law it is now necessary for changes to be made to the City's local ABC ordinance. Changes will include consolidation of similar licenses, increase of fees for licensees that have supplemental bars and Sunday alcohol sales for restaurants, motels and hotels that fit the criteria in order to sell on Sundays. Another change that will affect Sunday alcohol sales license fees is the City will no longer charge for a Malt Beverage license for Sunday sales for restaurants which results in a \$200 savings.

SB 13 included all 34 recommendations made after a six (6) month study by the Governor's Task Force on the Study of Alcoholic Beverage Control Laws. The Task Force's recommendations focused on simplification and consistency in the licensing process and scheme, clarification regarding local option election laws and additional ways to protect the public. To effectuate these goals, SB 13 consolidated similar license types and fees, (both state and local licensing fees) simplified the licensing process, modernized local option election laws and strengthened the Department's and local government's public protection powers. In addition, SB 13 modernized laws regarding alcohol sales on election days, and reinforced protection of Kentucky's three-tier alcohol distribution system relating to microbreweries.

SB 13 provided a much needed "clean up" of statutory problems and inconsistencies that existed in Kentucky law without changing or expanding existing license privileges. SB 13 reduced and streamlined existing licensing

processes without impairing or reducing regulatory oversight, so as to make the licensing process more “user-friendly” to all licensees and customers of the Department. SB 13 equitably made fees uniform for the same license types while keeping costs and fees low and maintaining revenue neutrality.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name:
Account Number:

Finance

Staff Recommendation:

Attachments:

Department Head	City Clerk	City Manager
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CITY OF PADUCAH
ORDINANCE NO. _____

**AN ORDINANCE ABOLISHING CHAPTER 6,
ALCOHOLIC BEVERAGES, AND ESTABLISHING
A NEW CHAPTER 6, ALCOHOLIC BEVERAGES,
OF THE CODE OF ORDINANCES OF THE
CITY OF PADUCAH, KENTUCKY**

WHEREAS, the City of Paducah (hereinafter “City” or “City of Paducah”) permits the presence of alcohol manufacturing and sales within its corporate limits so long as such is done in accordance with all state and federal laws and local ordinances; and

WHEREAS, the City periodically reviews the adequacy of the local regulations and requirements of the sale and manufacture of alcoholic beverages according to the exigencies of the City and as necessary for compliance with state licensing and regulatory requirements and pursuant to the authorization under KRS Chapters 241 through 244; and

WHEREAS, the Board of Commissioners of the City of Paducah now desires to adjust the City’s regulations and requirements related to the sale, manufacture, and distribution of alcoholic beverages in order to comply with applicable state laws; and

WHEREAS, this Ordinance will repeal and supersede the following ordinances: Chapter 6, Article I, Section 6-1 through Section 6-9, and Chapter 6, Article II, Section 6-31 through Section 6-40; and

WHEREAS, this Ordinance will establish a new Chapter 6, Article I, Section 6-1 through Section 6-9, and Chapter 6, Article II, Section 6-31 through Section 6-43, to be made effective as referenced herein;

NOW THEREFORE, be it ordained by the City Commission of the City of Paducah as follows:

ARTICLE I

Section 6-1. Definitions and General Provisions.

(a) For the purpose of this Chapter words and phrases shall have the same meanings as those set out in the Kentucky Alcoholic Beverage Control laws (KRS Chapter 241 through 244) of the Commonwealth of Kentucky and all amendments and supplements thereto, unless the context indicates the contrary. Specific definitions relevant to the understanding of this Chapter are as follows:

Alcoholic Beverage Control Laws. KRS chs. 241—244.

Board. The State Alcoholic Beverage Control Board established by KRS 241.030.

Restaurant. A facility where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food. KRS 241.010.

(b) This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this Chapter shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance of the City, or of any statutes of the Commonwealth relating to violations pertaining to alcoholic beverages.

(c) Pursuant to this Ordinance, licensees shall be permitted to sell only such type of alcoholic beverage for which the licensee holds a license.

Section 6-2. Alcoholic Beverage Administrator.

- (a) The City Manager is hereby assigned the duties of the Office of the City Alcoholic Beverage Administrator and shall have full and complete charge of the administration and enforcement of all ordinances of the City relating to the granting of licenses for selling, dispensing, manufacturing and dealing in malt beverages within the city and regulating the business of selling whiskey, wine, beer, and other alcoholic and malt beverages at retail and at wholesale within the City. The functions, powers, and duties of the City Manager shall be the same, with respect to city licenses and regulations, as the functions, powers, and duties of the state Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no regulation adopted by the City Manager may be less stringent than the regulations of the Board, and all regulations of the City Manager shall be approved by the Board prior to becoming effective. The City Manager may designate his duties as Alcoholic Beverage Administrator as he or she deems necessary. (Code 1968, § 3-2)
- (b) Before entering upon his duties as such, the City Manager shall take the oath prescribed and execute a bond, with corporate surety approved by the Finance Director, in the penal sum of \$1,000.00 for the faithful performance of his duties and a satisfactory accounting of all money received and disbursed by him. The cost of the bond shall be borne by the city. (Code 1968, § 3-4)

Section 6-3. Appeals.

Appeals from orders of the City Manager may be taken to the state Alcoholic Beverage Control Board as provided in KRS 241.200.

Section 6-4. Operating hours for retail premises.

- (a) Except as otherwise provided under this Section, the lawful operating hours for licensed retail premises under this Article for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall only be permitted for each day of Monday through Saturday, and shall be limited to the following periods of time:

License	Opening Hour	Closing Hour
Package sales:		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
On-premises consumption:		
Malt beverages/beer	6:00 a.m.	3:00 a.m. following day
Distilled spirits	6:00 a.m.	3:00 a.m. following day

- (b) Package sales are prohibited on Sundays.
- (c) The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 1:00 p.m. until 10:00 p.m. for hotels, motels, and restaurants holding a Nonquota 2 license, as defined herein, for the retail sale of distilled spirits, wine and/or malt beverages by the drink: provided such hotel, motel, and restaurant satisfy the following conditions:
- (1) The dining facility of the hotel, motel, and restaurant has a minimum seating capacity of 100 people at tables;
 - (2) At least 50 percent or more of the gross annual income from the dining facilities are received from the sale of food; and
 - (3) The licensee shall apply for and receive a Sunday sales license and pay the applicable Sunday sales license fee.
- (d) In the event that New Year's Eve falls on a Sunday, licensees holding a Nonquota 1, Nonquota 2, Nonquota 3, and/or Nonquota 4 license shall have the right to sell distilled spirits, wine, and/or malt beverages by the drink, for which they hold a license, on such Sundays from 1:00 p.m. until 3:00 a.m. the following day.
- (e) All alcohol sales are prohibited during the hours the polls are open for a primary, regular, school, or special election.
- (f) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees engaged in regular and ordinary post-

closing activities may be on the premises during the closed hours, provided that the licensee has complied with subsection (g) below.

- (g) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

Section 6-5. Underage persons prohibited on premises licensed for on-premises consumption; exceptions.

- (a) No person holding any license for on-premises consumption of distilled spirits, wine, malt beverages or beer shall permit any person under the age of 21 years on the licensed premises except a person who is **working** on the premises either as an employee or an independent contractor.
- (b) No person under the age of 21 years shall enter **premises** licensed for on-premises consumption of distilled spirits, wine, malt beverages or beer, nor shall a person under the age of 21 years attempt to enter or use a fraudulent I.D. for the purposes of entering licensed premises for on-premises consumption of distilled spirits, wine, malt beverages or beer, except that a person who is working on the premises, either as an employee or an independent contractor, may enter and remain on said premises while they are working, and at no other time.
- (c) The prohibition set out in subsections (a) and (b) **above** shall not apply to licensed premises:
 - (1) Which receive 50 percent or more of their gross annual income from sale of food and have a minimum seating capacity of 100 people at tables; or
 - (2) Which are licensed for the sale of malt beverages or beer, and the licensee on said premises does not allow any on-premises consumption of alcoholic beverages.
- (d) Violation of this section shall subject the licensee, **the** manager of the licensed premises, and the person under 21 years of age to the penalties provided in Section 6-6.

Section 6-6. Offenses by minors.

- (a) It shall be unlawful for any parent or guardian to **intentionally** permit his minor child or ward to violate any provision of this chapter. (Code 1968, § 3-65)
- (b) It shall be the duty of every person holding a license for on-premises consumption of distilled spirits, wine, malt beverages, beer, except those exempted by Section

6-5(c), under this Chapter to display at all times, in a prominent place at the entrance of the licensed premises, a printed card which shall read substantially as follows:

WARNING TO PERSONS UNDER 21

You are subject to a fine up to \$500.00 and/or imprisonment of 12 months in jail under the ordinance of the City of Paducah, Kentucky, if you are under 21 years of age and enter premises where alcoholic beverages are sold, or if you are under 21 years of age and purchase alcoholic beverages or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages.
(Code 1968, § 3-66)

- (c) Nothing in this Chapter shall excuse or release the owner, proprietor, employee or person in charge of any licensed premises in the city, where alcoholic beverages are sold, from the restrictions, requirements and penalties of other provisions of this chapter, or of any statutes of the state relating to violations pertaining to alcoholic beverages. (Code 1968, § 3-67)

Section 6-7. Regulation of special temporary licenses.

The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 1:00 p.m. until 10:00 p.m. for licensees holding a special temporary license issued pursuant to KRS ch. 243 and Section 6-40 of the Code of Ordinances of the City of Paducah. Provided, however, the licensee shall only be permitted to sell such type of alcoholic beverage for which it is licensed and shall comply with all restrictions otherwise placed on said license.

Section 6-8. Penalties.

Whoever violates any provision of this Chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500.00, or imprisonment for not more than 30 days, or both, for each offense.

Section 6-9. Alcoholic beverage server training.

- (a) All persons employed to sell alcoholic beverages by the drink, those participating in the selling and serving of or taking order for alcoholic beverages, shall complete a city-approved responsible beverage training program. For such a program to be approved by the City, it must effectively train participants in the identification of false documents, recognition of intoxication and liability issues. The City will not require enrollment in a specific class, but only that the training be obtained from a recognized program meeting the goals presented in this section.
- (b) All license holders employing persons required to complete training under paragraph (a) above, shall be responsible for all employees completing their

training within 90 days of April 24, 2012. Following the 90-day grace period for compliance, any new employees shall have the required training within 60 days after employment. All persons completing the training required by this section shall be re-certified in responsible beverage service training by a city-approved program not less than once every three years thereafter. Records must be maintained on site verifying employment history and training.

Sections 6-10 through 6-30. Reserved.

ARTICLE II. LICENSES TO SELL OR MANUFACTURE

Section 6-31. License Required.

No person shall sell or dispense at retail or wholesale, or have in his possession for sale, any distilled spirits, wine, malt beverages or beer, or manufacture the same in the City, unless he shall first procure and have issued to him a license under the provisions of this Chapter.

Section 6-32. Application.

Any person desiring to obtain a license required by this Chapter shall make application therefor to the City Manager or his designee, which application shall state the name and residence of the applicant and the exact street address within the City where alcoholic beverages are to be sold or dispensed. City licensing fees will be collected at the time which the application is approved by the state Board.

Section 6-33. Issuance; standards.

All licenses required by this Chapter shall be issued by the City Treasurer at the order and direction of the City Manager or his designee. If, in the judgment of the City Manager, the applicant for a license under this Chapter has complied with all requirements of the state alcoholic beverage control laws, as well as the regulatory provisions and standards of this Chapter, the license shall be issued. In such case, the City Manager or his designee shall direct the City Treasurer to prepare and issue the license to the applicant upon payment to the Treasurer of the fee required by this Chapter.

The standards for the issuance and renewal of all licenses required by this chapter shall be as follows:

- (1) The applicant has complied with all requirements of the state alcoholic control laws.
- (2) The applicant has complied with all regulatory provisions and standards of this Chapter.

- (3) The applicant has been issued an occupational business license and has paid all fees and taxes as required by same.
- (4) The applicant has paid all fees and taxes as required under Chapter 106 of this Code.
- (5) The applicant has paid all city ad valorem taxes which are due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.
- (6) The applicant has paid all fees as required under this Chapter.
- (7) The applicant has paid all city property maintenance liens due and payable against the real property upon which the applicant's business is to be located and where alcoholic beverages are to be sold or dispensed.

Section 6-34. Refusal.

- (a) The City Manager or his designee shall refuse to issue a license applied for under this Chapter if the applicant therefor and the premises for which the same is sought do not fully comply with all of the terms and provisions of the state alcoholic beverage control laws, the rules and regulations of the state Alcoholic Beverage Control Board and the provisions of this Chapter, or if the applicant has done any act for which a revocation of such license would be authorized under the state statutes or under this Chapter.
- (b) When a license is refused under the provisions of this Section, the City Manager shall comply with all of the rules of procedure governing the rights of the parties involved as set out in KRS ch. 243.
- (c) If the payment of a license fee was erroneously made or the City Manager refuses to issue the license, the City Manager shall authorize the refund of the amount paid, if at the expiration of ten days no appeal has been filed under Section 6-3 of this Chapter. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.

Section 6-35. Revocation; suspension.

- (a) At any time after a license has been issued under the provisions of this Chapter, the same shall be revoked by the City Manager or his designee, if the alcoholic beverage license issued by the state is revoked.
- (b) The City Manager may, in his discretion, order a suspension of the license for any cause which he may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500 or refuse to issue or renew a license under Section 6-34 or Section 6-37 of this Chapter; provided, however, the licensee may have the

option, subject to the approval of the City Manager, to pay in lieu of part or all of the days of any suspension period, a sum as follows:

- (1) Distillers, rectifiers, brewers and licensees, per day: \$1,000.00
 - (2) Wholesale liquor licensees, per day: \$400.00
 - (3) Wholesale beer licensees, per day: \$400.00
 - (4) Quota Retail drink liquor licensees, per day: \$50.00
 - (5) Quota Retail package liquor licensees, per day: \$50.00
 - (6) Nonquota Retail beer licensees, per day: \$25.00
 - (7) Nonquota 2 licensees holding a Special Sunday retail drink license, per day: \$150.00
 - (8) All remaining licensees, per day: \$10.00
- (c) Payments in lieu of suspension collected by the City Manager shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.
- (d) Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in KRS 243.550—243.590.
- (d) The City Manager, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license under this Section. Revocation or suspension shall be had only upon five days' notice to the licensee, and an opportunity shall be given to him to be heard. All such hearings shall be before the City Manager.

Section 6-36. Term of License.

A license required by this Chapter shall be issued for annual periods from February 1 in each year. If the applicant shall apply for a license to engage in any business authorized by this Chapter for a portion of any annual period, he shall pay the entire annual license fee for such privilege, in the event the application is made in the period from February 1 through July 31. In the event the application is made in the period of August 1 through January 31, the applicant shall only be required to pay one-half of the annual license fee.

Applicants that hold multiple licenses throughout the state and have been prior identified in the state ABC system as a "batch" licensee, shall be issued a license for an annual period from September 1 in each year, in order to correspond their local license expiration month with their state license expiration month. Such applicants, which apply

for a license to engage in any business authorized by this Chapter for a portion of any annual period, shall pay the entire annual license fee for such privilege, in the event the application is made in the period from September 1 through January 31. In the event the application is made in the period of February 1 through August 31, the applicant shall only be required to pay one-half of the annual license fee. The July batch license fees are merged with the August batch license fees.

Section 6-37. Renewal.

(a) Renewal license shall be issued under this Chapter in the same manner as original licenses (see Section 6-33), with respect as to application therefore, standards for same and the execution of the required bond.

(b) Penalties:

(1) Any licensee who fails to file for renewal or pay the license fees on or before the time prescribed in the notice to renew from the state's Department of Alcoholic Beverage Control shall be subject to a penalty in amount equal to five percent of the license taxes due for each calendar month or fraction thereof. Provided, however, the total penalty levied pursuant to this subsection shall not exceed 25 percent of the total license fees due nor shall it be less than \$25.00.

(2) In addition to the penalty described above, the licensee shall also pay, as part of the license fees, an amount equal to 12 percent per annum simple interest on any unpaid license fees which were due until the license fees are finally paid to the city. A fraction of a month is counted as an entire month.

(3) Every license fee imposed under this Article, together with any penalties and interest which are assessed in relation thereto, shall become a personal debt of the person who is liable for same as defined under this article, from and after the date that the license fees were to be paid to the City. The City shall have the right to enforce the collection of the license fees, and all related penalties and interest, by a civil action in a court of competent jurisdiction. To the extent authorized by law, the City shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this Article.

Section 6-38. Business authorized only at place described.

No license issued under this Chapter shall authorize the carrying on and conduct of business in any other place than that specifically described in the license.

Section 6-39. Disposition of funds.

All money derived under the provisions of this Chapter shall be paid into the Treasury of the City and become a part of the general funds of the City.

Section 6-40. License Types and Fees.

All fees due to the City will be collected at the time the application is approved by the State Alcoholic Beverage Control Board.

- (1) Distilled spirit licenses as set forth in KRS 243.030:
 - a. Distiller's license, per annum: \$500.00
 - b. Rectifier's license, per annum: \$3,000.00
 - c. Wholesaler's distilled spirits and wine license, per annum: \$3,000.00
 - d. Quota retail package license, per annum: \$1,000.00
- (2) Quota retail drink license, per annum: \$1,000.00
- (3) Special temporary license, per event: \$165.00
- (4) Non quota type 1 retail drink license, per annum: \$2,000.00
 - a. Nonquota type 1 (also known as "NQ-1") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-1 licenses incorporate the following former license types:
 - a. Convention Center license
 - b. Horse Track license
 - c. Automobile Race Track license
 - d. Air/Rail System license
- (5) Nonquota type 2 retail drink license, per annum: \$1,000.00
 - a. Nonquota type 2 (also known as "NQ-2") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-2 licenses incorporate the following former license types:
 - a. Restaurant drink license
 - b. Motel Drink license
 - c. Restaurant Wine license
 - d. Airport Drink license
 - e. Riverboat license
- (6) Nonquota type 3 retail drink license, per annum: \$300.00
 - a. Nonquota type 3 (also known as "NQ-3") retail drink licenses are combination licenses.

- b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-3 licenses incorporate the following former license type:
 - a. Special Private Club license
 - d. A NQ-3 qualifying as a special private club may not hold a nonquota retail malt beverage package license.
- (7) Distilled spirits and wine special temporary auction license, per event: \$200.00
- (8) Special Sunday retail drink license, per annum: \$300.00
- (9) Caterer's license, per annum: \$800.00
- (10) Bottling house or bottling house storage license, per annum: \$1,000.00
- (11) Malt beverage licenses as follows:
- a. Brewer's license, per annum: \$500.00
 - b. Microbrewery license, per annum: \$500.00
 - c. Malt beverage distributor's license, per annum: \$400.00
 - d. Nonquota retail malt beverage package license, per annum: \$200.00
 - a. A nonquota retail malt beverage package license permits malt beverage package sales only for consumption off the premises.
 - e. Nonquota type 4 retail malt beverage drink license, per annum: \$200.00
 - a. A nonquota type 4 (also known as "NQ-4") permits malt beverage drink sales only on the premises.
 - f. Malt beverage brew- on- premises, per annum: \$100.00
- (12) The fee for each of the first five (5) supplemental bar licenses shall be same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.
- a. A supplemental bar license authorizes the licensee to sell and serve distilled spirits and wine by the drink at retail from an additional bar location other than the main bar.
- (13) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50)
- (14) The activities permitted by the above licenses are defined in KRS Chapter 243, which is incorporated herein as set out in full. Nonprofit organizations are exempted from license fees required by a special temporary license above.

Section 6-41. Severability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 6-42. Effective Date.

This ordinance shall be read on two separate days, published pursuant to KRS Chapter 424, and become effective on _____.

Section 6-43. Repeal of Ordinances.

Upon the publication and on the effective date of this ordinance, the following ordinance shall be repealed in their entirety and superseded with this Ordinance: Chapter 6, Article I, Section 6-1 through Section 6-9, and Chapter 6, Article II, Section 6-31 through Section 6-40.

[Signatures to follow on next page.]

MAYOR

ATTEST:

CITY CLERK

Introduced by the Board of Commissioners October 22, 2013

Adopted by the Board of Commissioners November _____, 2013

Recorded by City Clerk, November _____, 2013

Published by *The Paducah Sun* _____

6-abolish & revise