



CITY COMMISSION MEETING
 AGENDA FOR FEBRUARY 10, 2015
 5:30 P.M.
 CITY HALL COMMISSION CHAMBERS
 300 SOUTH FIFTH STREET

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

	I. <u>MINUTES</u>
	II. <u>MOTIONS</u>
	A. R & F Documents
	III. <u>MUNICIPAL ORDER</u>
	A. Personnel Actions
	B. Sale Property Located 603 South 8 th Street – S. ERVIN
	C. Sale Property Located 605 South 8 th Street – S. ERVIN
	IV. <u>ORDINANCES – INTRODUCTION</u>
	A. Ratify Contract for Strategic Health Risk Advisor and Strategic Benefit Placement Services – S. DOOLITTLE
	B. Authorize Purchase of 2015 ½ Ton Pickup Truck for Use by the Fire Dept. Prevention Division – R. MURPHY
	C. Downtown and Market House Historic District Assessment and Reassessment Moratorium – S. ERVIN
	D. Amend Sign Regulation Ordinance – S. ERVIN
	V. <u>CITY MANAGER REPORT</u>
	VI. <u>MAYOR & COMMISSIONER COMMENTS</u>
	VII. <u>PUBLIC COMMENTS</u>
	VIII. <u>EXECUTIVE SESSION</u>

JANUARY 27, 2015

At a Regular Meeting of the Board of Commissioners, held on **Tuesday**, January 27, 2015, 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

Eric Grogan, Fellowship of Christian Athletes, gave the invocation.

PLEDGE OF ALLEGIANCE

Reagan Davidson, Paducah Tilghman High School Sophomore, **led the** pledge.

MINUTES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the reading of the Minutes for January 13 and January 20, 2015, 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

ELECTRIC PLANT BOARD

Mayor Kaler made the following reappointment: "WHEREAS, subject to the approval of the Board of Commissioners, I hereby reappoint Hardy Roberts as a member of the Electric Plant Board. This term will expire February 6, 2019."

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners approve the action of Mayor Kaler in reappointing Hardy Roberts as a member of the Electric Plant Board.

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

MOTION

R & F DOCUMENTS

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

1. Certificates of Liability Insurance:
 - a. Chester Mechanical, Inc.
 - b. Metzger Construction
 - c. Jay-Ton Construction Co. Inc.
2. Right of Way Bond for Chester Mechanical, Inc.
3. Contracts/Agreements:
 - a. One-Year Renewal Agreement with Brehm Striping Company, Inc. for pavement marking (ORD # 2013-02-8013)
 - b. One-Year Renewal Agreement with Central Paving Company of Paducah, Inc. for compost grinding of tree debris and yard waste (ORD # 2014-03-8125)
 - c. Promissory Note Modification Agreement with Paducah Golf Commission (ORD # 2015-01-8208)
4. McCracken County Health Taxing District Financial Statements for years ended June 30, 2014 and 2013

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

RESOLUTION

SUPPORT OF HOUSE BILL 1 "LOCAL INVESTMENTS FOR TRANSFORMATION"

Mayor Kaler offered motion, seconded by Commissioner Wilson, that the following resolution be adopted.

JANUARY 27, 2015

**“A RESOLUTION SUPPORTING THE LOCAL INVESTMENTS FOR
TRANSFORMATION LEGISLATION (HOUSE BILL 1) DURING THE 2015
LEGISLATIVE SESSION OF THE KENTUCKY GENERAL ASSEMBLY.**

WHEREAS, Section 181 of the Kentucky Constitution does **not** allow the General Assembly to permit any unit of local government to levy a tax paid on the purchase of a specific good, making Kentucky **one** of only 12 states that does not allow any local governments to levy a local option sales tax; and

WHEREAS, a main focus of the 2015 Kentucky Regular Session is House Bill 1, known as the Local Investments for Transformation or LIFT legislation, which would allow citizens to vote on a one-cent additional local sales tax to create a source of revenue for transformational local projects that has a pre-determined end date; and

WHEREAS, those funds collected from levying a local option sales tax would be invested back into the community for voter-approved infrastructure projects and quality of life improvements that are decided by the citizens; and

WHEREAS, the Kentucky League of Cities estimates that a one-percent local option sales tax would produce \$15.9 million in total sales tax revenue per year for Paducah based on population and 2013 sales tax revenue data; and

WHEREAS, the ability to generate funds from a local option sales tax would have a significant impact on the quality of life for those who live, work and visit Paducah.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:**

SECTION 1. The City of Paducah supports House Bill 1 to allow local governments to create a source of revenue by levying a local option sales tax not to exceed one percent (1%) of the retail trade, accommodation and food service sectors and to be used for voter approved investments in infrastructure and quality of life projects in Paducah.

SECTION 2. The City of Paducah encourages its state-wide elected officials to pass House Bill 1, thusly affording local governments the right to bring a local option sales tax to a vote in Paducah and allowing the voters to determine what significant investments, if any, are best suited for our community.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption.”

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

MUNICIPAL ORDERS
PERSONNEL ACTIONS

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).

JANUARY 27, 2015

2015 CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION

Commissioner Abraham offered motion, seconded by Commissioner Gault, that a Municipal Order entitled, "A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR A MATCHING GRANT IN THE AMOUNT OF \$3,795, THROUGH THE KENTUCKY HERITAGE COUNCIL/STATE HISTORIC PRESERVATION OFFICE AND NATIONAL PARK SERVICE FOR A CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT TO BE USED TO EMPLOY AN INTERN TO CREATE A GIS DATABASE /INVENTORY OF COMMERCIAL HISTORIC PROPERTY AND ARCHAEOLOGICAL RESOURCES IN THE CITY", be adopted.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). M.O.#1813; BK 9

KEEP AMERICA BEAUTIFUL – CIGARETTE LITTER PREVENTION PROGRAM GRANT APPLICATION

Commissioner Gault offered motion, seconded by Commissioner Abraham, that a Municipal Order entitled, "A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION THROUGH THE KEEP AMERICA BEAUTIFUL FOUNDATION FOR A 2015 KEEP AMERICA BEAUTIFUL – CIGARETTE LITTER PREVENTION PROGRAM IN THE AMOUNT OF \$10,000 FOR THE PREVENTION OF CIGARETTE LITTERING IN THE DOWNTOWN AREA," be adopted.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). M.O.#1814; BK 9

ORDINANCES – ADOPTION

ACCEPT GRANT AWARD FOR PURCHASE OF BODY ARMOR VESTS

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH ACCEPTING A 2014 LAW ENFORCEMENT PROTECTION PROGRAM GRANT AWARD FOR THE PADUCAH POLICE DEPARTMENT AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL DOCUMENTS RELATING THERETO WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY." This ordinance is summarized as follows: That the City of Paducah accepts grant funds in the amount of \$9,310 through the Office of Homeland Security for a reimbursable 2014 Law Enforcement Protection Program Grant Award to purchase body armors for police officers to be used by the Paducah Police Department. This award does not require a local cash match. Further, the Mayor is authorized to execute a grant agreement and all documents relating thereto for the grant award.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.#2015-1-8212; BK 34

AUTHORIZE CHANGE ORDER NO. 1- FINAL QUANTITIES FOR THE GREENWAY TRAIL PHASE II PROJECT

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners adopt an ordinance entitled, "AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH HARPER CONSTRUCTION, LLC FOR THE GREENWAY TRAIL PHASE II PROJECT." This ordinance is summarized as follows: The City of Paducah hereby authorizes the Mayor to execute Change Order No. 1 for an increase in the amount of \$17,123.27 with Harper Construction, LLC for adjustment of actual quantities installed to finalize the Greenway Trail Phase II Project, increasing the total cost to \$689,625.72.

Adopted on call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.#2015-1-8213; BK 34

CITY MANAGER REPORT

No report was given.

JANUARY 27, 2015

MAYOR AND COMMISSIONER COMMENTS

No comments

PUBLIC COMMENTS

Conrad Rehberg, resident of 4015 Phillips Avenue, was unhappy with the decision of the Board of Adjustment to grant a Conditional Use Permit to construct a condominium and or apartment complex at 4040 Minnich Avenue.

EXECUTIVE SESSION

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

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

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

Upon motion the meeting adjourned.

ADOPTED: FEBRUARY _____, 2015

City Clerk

Mayor

FEBRUARY 3, 2015

At a Regular Meeting of the Board of Commissioners, held on Tuesday, February 3, 2015, 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

Pastor Brandt Lyon, Senior Pastor, Twelve Oaks Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Haddon Shively, Clark Elementary School 4th Grader, led the pledge.

WORKSHOP with McCracken County Fiscal Court

KENTUCKY STATE POLICE'S E-911 DISPATCHING PROPOSAL

KSP Lt. Brent White and Major John Bradley held a question and answer session with the Board and Fiscal Court regarding the E-911 dispatching proposal submitted to the Paducah-McCracken County Emergency Communications Board. Dispatching services would be transferred from the Allie Morgan Communications Center to the Kentucky State Police Post 1 in Mayfield, Kentucky. A copy of the proposal will be received and filed. (For more details, please review the excerpt from the City Commission Highlights prepared by Public Information Officer Pam Spencer placed at the end of the minutes.)

MUNICIPAL ORDER

PERSONNEL ACTIONS

Commissioner Abraham offered motion, seconded by Commissioner Gault, 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).

CITY MANAGER REPORT

- Mr. Pederson informed the Board he is working on a transition plan with Greater Paducah Sustainability as they prepare to evacuate the Paducah Water building at the end of June 2015.
- He is meeting with Republic Services in the morning to discuss setting up drop-point recycling facilities at the transfer station located on Burnett Street and the need to extend the current contract until a decision is made as to whether if the City is moving forward with curbside recycling or not.
- He requested an executive session to discuss economic development.

MAYOR AND COMMISSIONER COMMENTS

No comments

EXECUTIVE SESSION

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

- Issues which might lead to the appointment, dismissal, or disciplining of any employee, as permitted by KRS 61.810(1)(f).
- A specific proposal by a business entity where public discussion of the subject matter would jeopardize the location, retention, expansion or upgrading of a business entity, as permitted by KRS 61.810(1)(g).

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

Upon meeting motion was adjourned.

The Board did not go into Executive Session. They reconvened in Open Session to hold a time for public comments.

OPEN SESSION

Commissioner Abraham offered motion, seconded by, Commissioner Gault, to reconvene in Open Session.

All agreed by acclamation.

PUBLIC COMMENTS

Ron Ward, resident, addressed the Commission about the following items:

- Paducah Power System debt
- The amount paid by Paducah Power to consultants such as the Interim General Manager
- Paducah-McCracken County Riverport Authority Foreign Trade Zone designation

After public comments the Commission then went into Executive Session.

Upon motion the meeting adjourned.

ADOPTED: FEBRUARY 10, 2015

City Clerk

Mayor

**EXCERPT FROM CITY COMMISSION HIGHLIGHTS PREPARED BY
PUBLIC INFORMATION OFFICER, PAM SPENCER**

Kentucky State Police's E-911 Dispatching Proposal – Workshop with McCracken County Fiscal Court

The Paducah Board of Commissioners held a joint workshop with the McCracken County Fiscal Court to review the Kentucky State Police's E-911 Dispatching Proposal. The E-911 Board, the City, and the County have been reviewing a proposal for KSP to provide E-911 dispatching services for Paducah-McCracken County from KSP Post 1 in Mayfield. KSP Lt. Brent White and Maj. John Bradley addressed the elected officials and answered several questions. Lt. White says, "We are not here to be a vendor or to sell our services. We want to be a resource to you. Whether you decide to consolidate with us or not, there won't be any hard feelings."

Lt. White says the proposal by KSP which officially expired last month was a bare-bones proposal to be the public safety answering point (PSAP) for Paducah-McCracken County and to provide comprehensive dispatching services. Regarding many of the services currently provided locally but not addressed in the proposal, Kentucky State Police believes those services could be provided through additional technology and with a possible extra cost. Maj. Bradley says, "I think we could work anything out. We have time to consider it and to try to work it out." Regarding the initial cost proposal Maj. Bradley says, "I think there was some belief that this was a turnkey operation. That's not the case. You will still have some local costs." The elected officials asked several questions including questions about the number of dispatchers needed. Currently, Paducah-McCracken County employs 18 dispatchers; however, the KSP is proposing only adding ten. Pointing to efficiencies gained due to economies of scale, Maj. Bradley says, "We know based on our experience how many people we will have to staff to handle 'x' number of calls."

The next step if the City and County choose to continue to pursue the possibility of having the KSP provide the dispatching services is to outline each specific service that Paducah-McCracken County would want. The KSP would then draft a new proposal with a detailed list of services and costs. City Manager Jeff Pederson says, "I think we learned tonight that KSP would be willing to respond if we outlined it."

The Paducah-McCracken County E-911 Center has 18 dispatchers and operates with a \$1.6 million budget. The revenue from landline and cell phone taxes generates approximately \$640,000 with the City and County using their general funds to supplement the operation using a funding equation based on call volume. The City has approximately 60 percent of the call volume. Adding Paducah-McCracken County's call volume to Post 1 would double the call volume for that KSP post. The KSP estimates that more than \$1.2 million will be needed in startup costs from Paducah and McCracken County to expand the dispatching in Mayfield which would include the construction of a 2520 square foot addition to Post 1. That startup cost would be in addition to an annual 911 service agreement with KSP for approximately \$700,000 depending upon the services provided. At the January 6, 2015 City Commission meeting, Paducah Fire Chief Steve Kyle and Paducah Police Chief Brandon Barnhill, provided an estimate that the annual local cost will be nearly \$1.3 million which would include the annual 911 service agreement with KSP.

February 10, 2015

I move that the following documents be received and filed:

DOCUMENTS

1. Certificates of Liability Insurance for Brehm Striping Co., Inc.
2. Deed of Conveyance with Edith Brown for 342 Ashbrook Avenue (MO # 1809)
3. Contracts/Agreements:
 - a. Interlocal Cooperation Agreement with the Paducah-McCracken County Convention and Visitors Bureau for the cooperative financing of an economic development project (ORD # 2014-12-8207)
4. Paducah Water Works Financial Statements and Reports for November & December 2014
5. Paducah Junior College, Inc. financial report from August 2013 to December 2015
6. City of Paducah Department of Finance Financial Report for period ending September 30, 2014
7. City of Paducah Investments Summary Report for the second quarter of fiscal year 2015
8. Paducah-McCracken 911 Consolidation Proposal
9. Kentucky State Police Dispatching Proposal presented to Paducah-McCracken County Emergency Communication Service Board

BIDS FOR ENGINEERING-PUBLIC WORKS DEPARTMENT
2015 One-Half Ton Pick-Up Truck for use by the Fire Department

1. Linwood Motors *
2. Paducah Ford

* denotes winning bid

CITY OF PADUCAH
February 10, 2015

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.



City Manager's Signature

2/6/15

Date

CITY OF PADUCAH
PERSONNEL ACTIONS
February 10, 2015

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

<u>PARKS</u>	<u>POSITION</u>	<u>REASON</u>		<u>EFFECTIVE DATE</u>
Allen, Sarah J	Recreation Leader	\$11.00/Hr	NCS Non-Ex	February 6, 2015
	Previously adopted as a PT/New Hire on the Personnel Actions dated 01-27-15 At that time, the Effective Date of hire was 01-29-15. The new Effective Date is February 6, 2015			
Atkinson, Emily	Recreation Leader	*		January 29, 2015
	*Previously adopted as a PT/New Hire on the Personnel Actions dated 01-27-15 No return calls or email from Ms. Atkinson to confirm and schedule post-offer, pre-employment testing			

NEW HIRE - FULL-TIME (F/T)

<u>EPW - FLOODWALL</u>	<u>POSITION</u>	<u>RATE</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Dodson, James F	Floodwall Operator	\$16.77/Hr	NCS	Non-Ex	February 12, 2015
<u>POLICE - OPERATIONS</u>					
Kimball, Daniel W	Recruit Officer	\$21.17/Hr**	NCS	Non-Ex	February 26, 2015
	**per PPSC - "Mr. Kimball is a lateral hire, being brought in at a two-year officer salary."				
Smith, John P	Recruit Officer	\$19.98/Hr	NCS	Non-Ex	February 26, 2015
Wrye, Blair B	Recruit Officer	\$19.98/Hr	NCS	Non-Ex	February 26, 2015
Hudson, Ryan K	Recruit Officer	\$19.98/Hr	NCS	Non-Ex	February 26, 2015

Agenda Action Form Paducah City Commission

Meeting Date: January 20, 2015

Short Title: Declaration and Sale of Surplus Property at 603 South 8th Street

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Nancy Upchurch and Steve Ervin
Presentation By: Steve Ervin

Background Information:

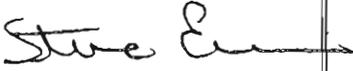
This action would declare 603 South 8th Street surplus property owned by the City of Paducah and authorize the transfer to the property to the sole bidder. The City of Paducah foreclosed on the property and has owned and maintained the property since July 2014. The Planning Department ran an ad in the Paducah Sun and posted the ad on the City's website on Dec. 21, 2014 requesting proposals for the purchase of this property. Bids were accepted through January 5, 2015 at 9 AM. Only one bid was submitted. Harland Brazier offers to pay \$300 for the vacant lot.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

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

Finance

Attachments: Additional supporting documentation to meet requirements Sec. 2-668 of the Paducah Code of Ordinances.

 Department Head	City Clerk	 City Manager
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Sec. 2-668. Disposition of surplus or excess property.

1. Description of property: 603 South 8th Street

603 South 8th Street is a vacant property located on the southwest intersection of Oscar Cross Ave. and S. 8th Street.



2. Its intended use at the time of acquisition:

This lot was acquired by the City of Paducah on by Deed recorded in Deed Book 1281 Page 633 on July 15, 2014 The City did not have a specific use for the property at he time of the acquisition.

3. The reason why it is in the best interest of the City to dispose of the item:

This lot is on the list of properties staff deemed as surplus. The City of Paducah has owned and maintained the property since July 2014. It is in the best interest of the City of Paducah to transfer that property to a responsible owner that will take over and maintain the property and possibly develop in the future.

4. The method of disposition to be used:

The property will be sold to Harland Brazier. He submitted a bid and offers to pay \$300 for the property.

Therefore, staff recommendation is that it is in the best interest of the city to declare this property surplus and approve the transfer of this property to Mr. Harland Brazier.



Steve Ervin,
Director Planning Department



Jeff Pederson,
City Manager

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ACCEPTING THE BID OF HARLAND BRAZIER IN THE AMOUNT OF \$300 FOR PURCHASE OF THE REAL PROPERTY LOCATED AT 603 SOUTH 8TH STREET AND AUTHORIZING THE MAYOR TO EXECUTE A DEED FOR SAME

WHEREAS, pursuant to 2-668 of the Code of Ordinances of the City of Paducah, Kentucky, a written determination has been made by the City Manager that the City does not have any use at this time or in the future for property located at 603 South 8th Street. which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on December 21, 2014, and opened proposals on January 5, 2015; and

WHEREAS, one bid was received from Harland Brazier for the property located at 603 South 8th Street; and

WHEREAS, the City desires to accept the bid of Mr. Brazier.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah accepts the bid of Harland Brazier in the amount of \$300 for the purchase of real property located at 603 South 8th Street.

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

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

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, February 10, 2015
Recorded by Tammara S. Sanderson, City Clerk, February 10, 2015
\\mo\prop sale-603 S 8th

Agenda Action Form Paducah City Commission

Meeting Date: January 20, 2015

Short Title: Declaration and Sale of Surplus Property at 605 South 8th Street

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Nancy Upchurch and Steve Ervin
Presentation By: Steve Ervin

Background Information:

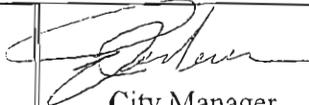
This action would declare 605 South 8th Street surplus property owned by the City of Paducah and authorize the transfer to the property to the sole bidder. The City of Paducah foreclosed on the property and has owned and maintained the property since July 2014. The Planning Department ran an ad in the Paducah Sun and posted the ad on the City's website on Dec. 21, 2014 requesting proposals for the purchase of **this property**. Bids were accepted through January 5, 2015 at 9 AM. Only one bid was **submitted**. Harland Brazier offers to pay \$300 for the vacant lot.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

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

Finance

Attachments: Additional supporting documentation to meet requirements Sec. 2-668 of the Paducah Code of Ordinances.

 Department Head	City Clerk	 City Manager
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Sec. 2-668. Disposition of surplus or excess property.

1. Description of property: 605 South 8th Street

The property is currently vacant.



2. Its intended use at the time of acquisition:

This lot was acquired by the City of Paducah on by Deed recorded in Deed Book 1282 Page 338 on July 24, 2014 The City did not have a specific use for the property at he time of the acquisition.

3. The reason why it is in the best interest of the City to dispose of the item:

This lot is on the list of properties staff deemed as surplus. The City of Paducah has owned and maintained the property since July 2014. It is in the best interest of the City of Paducah to transfer that property to a responsible owner that will take over and maintain the property and possibly develop in the future.

4. The method of disposition to be used:

The property will be sold to Harland Brazier. He submitted a bid and offers to pay \$300 for the property.

Therefore, staff recommendation is that it is in the best interest of the city to declare this property surplus and approve the transfer of this property to Mr. Harland Brazier.


Steve Ervin,
Director Planning Department


Jeff Pederson,
City Manager

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ACCEPTING THE BID OF HARLAND BRAZIER IN THE AMOUNT OF \$300 FOR PURCHASE OF THE REAL PROPERTY LOCATED AT 605 SOUTH 8TH STREET AND AUTHORIZING THE MAYOR TO EXECUTE A DEED FOR SAME

WHEREAS, pursuant to 2-668 of the Code of Ordinances of the City of Paducah, Kentucky, a written determination has been made by the City Manager that the City does not have any use at this time or in the future for property located at 605 South 8th Street, which constitutes surplus real estate; and

WHEREAS, the City advertised for bids on December 21, 2014, and opened proposals on January 5, 2015; and

WHEREAS, one bid was received from Harland Brazier for the property located at 605 South 8th Street; and

WHEREAS, the City desires to accept the bid of Mr. Brazier.

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah accepts the bid of Harland Brazier in the amount of \$300 for the purchase of real property located at 605 South 8th Street.

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

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

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, February 10, 2015
Recorded by Tammara S. Sanderson, City Clerk, February 10, 2015
\\mo\prop sale-605 S 8th

Agenda Action Form Paducah City Commission

Meeting Date: February 3, 2015

Short Title: Strategic Health Risk Advisor and Strategic Benefit Placement Services
Renewal with Peel and Holland.

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Missi Dotson
Presentation By: Steve Doolittle

Background Information:

The City has utilized the Health Risk Advisor services of Greg Carlton through Peel & Holland since July 1999 pertaining to issues regarding the administration, renewal, claim resolution, cost containment and bidding process of the City's health insurance plan. During this time the City has received exceptional service from Greg Carlton. The City will pay Peel and Holland \$71,900 for the 2015 years' service. This fee is payable in four equal installments of \$17,975 to be billed quarterly. The fee includes the same \$65,000 advisor fee as last year, and includes the use of data analytics via Acclaim health Analytics and NavMD Design 180 with customized reporting and care management integration. Data analytics of this nature are critical to the success of the Edumedics layer of Health Coaching that we added in 2014. There is also use of compliance dashboard which is needed to stay in compliance with the changing laws related to ACA and other employer reporting of health information.

There will be an additional fee of \$200 per hour subject to a minimum retainer of \$5,000 for services requested by the City or the City's legal counsel for issues that arise in connection with employer and employee bargaining, legal matters, disputes, or other similar issues. The services provided by Greg Carlton will continue effective January 1, 2015.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Insurance Claims
Account Number: 07302085422307

 1/29/2015
Finance

Staff Recommendation: Authorize the Mayor to execute a contract between the City of Paducah and Peel & Holland pertaining to the administration of the City's health insurance.

Attachments: Strategic Health Risk Advisor and Strategic Benefit Placement Services Agreement

 Department Head	City Clerk	 City Manager
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**STRATEGIC HEALTH RISK ADVISOR &
STRATEGIC BENEFIT PLACEMENT SERVICES**

THIS CONTRACT, made and entered into on this 3 day of November 2014, by and between Peel & Holland Financial Group, 1120 Main, P.O. Box 427, Benton, Kentucky 42025, hereinafter referred to as "ADVISOR," and City of Paducah, Kentucky hereinafter referred to as the "CLIENT,"

WITNESSETH:

WHEREAS, CLIENT desires to engaged ADVISOR to access its "Strategic Health Risk Advisor System and Strategic Insurance Placement Services System", hereinafter referred to as "SYSTEM" and ADVISOR desires to accept such engagement; and

NOW, THEREFORE, in consideration of their mutual promises, the parties hereto agree as follows:

A. ADVISOR perform the following services on behalf of the CLIENT:

1. Review all Insurance contracts and employer forms relating to health, vision, dental, and drug benefits, HRA, H.S.A. and make recommendations to the CLIENT on such contracts.
2. Coordinate on-site enrollers or web-based enrollments and assistance with annual open enrollment for eligible employees during the period(s) contracted.
3. Provide assistance with questions on behalf of CLIENT including but not limited to health insurance claims, eligibility, plan selection for employees.
4. Provide consultation on issues relating to cost share, stop-loss and plan administration, and oversight in bid processes annually.
5. Review and provide commentary on plan data such as claims, administrative and reinsurance costs and comparisons of data for varying years on a quarterly basis agreed to committees and/or the City Commission, or City Manager as agreed to by CLIENT.

6. Prepare annual request for proposals (RFP) for years CLIENT requests formal bid processes. Provide oversight and coaching services in review of bids, assembly of data received by bidders and make specific recommendations to CLIENT for placement or procurement of health/drug, dental and vision Insurance contracts.
7. Review preferred provider agreements and assist client in comparing and selecting preferred provider organizations (PPO).
8. Assist CLIENT with meetings and coach on benefit plan issues with employee groups as requested by CLIENT.
9. When qualified provide advice for all other areas of health, dental and drug plan operations as requested by CLIENT.
10. Provide COBRA administrative services via a separate administrative party as per a separate agreement between, U.S. Admin, LLC. and CLIENT.
11. Provide expert witness services in connection for employer and employee bargaining, legal matters, disputes, or similar issues, as requested by the employer or the employer's legal counsel.
12. Provide data analytics via Acclaim Health Analytics and NavMD Design180 with customized reporting and care management integration with disease management firms chosen independently by CLIENT.
13. Access to Compliance Dashboard, tool to help assure compliance with health plan laws.

B. For the services rendered as described in Paragraph A, Subparagraphs 1 through 10, CLIENT shall pay ADVISOR a fee of \$71,900 per annum (fee includes \$65,000 for Items 1-10, \$6,300 for Item 12, and \$600 for Item #13). Services shall be billed and payable at a rate of \$17,975 per quarter and due each of the following dates: January 1, 2015, April 1, 2015, July 1, 2015, and October 1, 2015, payable within 30

days of each billing statement. Services shall continue for one calendar year from the inception date of this agreement. For services rendered as described in Paragraph A, Subparagraph 11 above, CLIENT shall pay ADVISOR a separate fee of \$200.00 per hour subject to a minimum retainer of \$5,000.00 per year should services be requested in item 11 above. Invoice for services rendered or retained under Paragraph A, Subparagraph 11, shall be billed monthly as accrued and payable no later than the 10th of the following month after the billed date. Assuming no services Paragraph A, Subparagraph 11 are requested, then no fee shall be paid under this separate section of the services. Also, due to the nature of benefits such as dental, vision, life, voluntary plans, etc. certain carriers may not waive standard commissions and if such relationship exists then these commissions shall be disclosed and commissions may be earned in addition to other fees specified within this agreement. The charging of these fees and expenses by ADVISOR for the services enumerated shall not preclude his charging and receiving a commission or fee as an agent or consultant in a separate transaction between CLIENT and ADVISOR should there be any such separate transaction.

C. CLIENT acknowledges that, with respect to providing advice and assistance placing insurance-related products, ADVISOR is acting as an insurance agent (as defined in KRS Chapter 304.9-020) and subject to provisions of KRS Chapter 304.11-020 TO 304.11-050. Further CLIENT meets the definition of "client" as denoted in KRS Chapter 304.11-020 TO 304.11-050 for health insurance.

D. CLIENT agrees that ADVISOR's sole responsibility is to provide its best advice in an objective manner in accordance with the terms of the contract. CLIENT understands and acknowledges that in many instances ADVISOR's advice will simply consist of his opinion. Although CLIENT may delegate to ADVISOR certain decisions as part of the service rendered by ADVISOR pursuant to this contract, only CLIENT, and not ADVISOR, shall be responsible for such decisions. ADVISOR's obligation to CLIENT shall be limited to providing CLIENT with his best opinion based upon his professional experience at the time such opinion is presented. CLIENT acknowledges

that ADVISOR makes no representations nor warranties concerning the quality, effectiveness, or results of his coaching services, and CLIENT assumes full risk for, and shall hold ADVISOR harmless from, all results of following or rejecting ADVISOR's advice or recommendations.

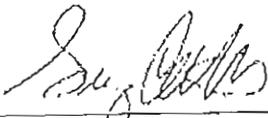
E. CLIENT shall release ADVISOR from providing any services required herein and ADVISOR shall provide a refund to CLIENT, prorated with the length of service rendered, if ADVISOR is prevented from providing the services by sickness, death, or events beyond his control, or if any outstanding bill which is due and payable by CLIENT to ADVISOR for past services is not paid in accordance with this contract.

F. Termination: CLIENT agrees that the initial term of this agreement and associated fees shall continue through December 31, 2015 and may continue into the future, as mutually agreed and by extending the agreement in writing. Afterward, either party may terminate this agreement, at any time, for any reason, provided a ninety (90) day notice is provided in writing. Fees shall continue to become due and payable throughout the length and term of the entire agreement, even if terminated, unless stipulated otherwise in section E. above.

G. This agreement has been entered into by City of Paducah, Paducah, Kentucky and Peel & Holland Financial Group.

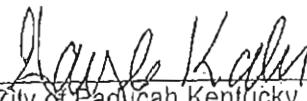
IN TESTIMONY WHEREOF, Peel & Holland Financial Group and City of Paducah each has caused their name to be hereunto affixed on this date first written above.

11-3-14
Date:



Gregory W. Carlton, CLU, ChFC
Senior VP – Health & Wellness
Peel & Holland Financial Group

11-3-14
Date:



Dawn Kaden
City of Paducah Kentucky

ORDINANCE NO. 2014-2-_____

AN ORDINANCE RATIFYING AND APPROVING THE MAYOR'S EXECUTION OF A CONTRACT FOR A STRATEGIC HEALTH RISK ADVISOR & STRATEGIC BENEFIT PLACEMENT SERVICES WITH PEEL & HOLLAND FINANCIAL GROUP FOR ADMINISTRATION OF THE CITY OF PADUCAH'S HEALTH INSURANCE

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah hereby ratifies the execution of a contract for a Strategic Health Risk Advisor and Strategic Benefit Placement Services with Peel & Holland Financial Group, in the amount of \$71,900.00, payable in four equal installments of \$17,975 each, for administration services pertaining to the administration of the City of Paducah's health insurance. An additional fee of \$200 per hour, subject to a minimum retainer of \$5,000.00, will be charged for services requested by the City or the City's legal counsel for issues that arise in connection with employer and employee bargaining, legal matters, disputes or other similar issues. This contract is for the 2015 calendar year.

SECTION 2. This expenditure shall be charged to the Insurance Claims account-07302085422307.

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, February 10, 2015
Adopted by the Board of Commissioners, February _____, 2015
Recorded by Tammara S. Sanderson, City Clerk, February _____, 2015
Published by *The Paducah Sun*, _____
\\ord\pers\contract-Greg Carlton 2015

Agenda Action Form Paducah City Commission

Meeting Date: January 10, 2015

Short Title: Purchase of a 2015 ½ Ton Pickup Truck for use by the Fire Department - Fire Prevention Division

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Randy Crouch, EPW Maintenance Supt.
Neal Ford, EPW Fleet Supervisor
Angela Weeks, EPW Proj Mgr

Presentation By: Rick Murphy, P.E., City Engineer-Public Works Director

Background Information:

On January 27, 2015, sealed written bids were opened for the purchase of a ½ ton Pickup Truck to be used by the Fire Department - Fire Prevention Division. Two responsive bids were received, with Linwood Motors submitting the lowest evaluated bid of \$31,246.00. The budgeted amount for the pickup truck is listed on the FY2015 Fleet Plan as \$30,000.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available: Account Name: Rolling Stock/Vehicles
Fleet Lease Trust Fund

Finance

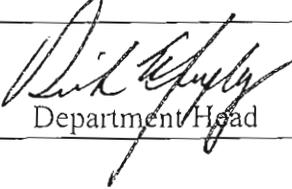
Account Number: 071-0210-542-4005

Staff Recommendation:

To receive and file the bids and adopt an Ordinance authorizing the Mayor to execute a contract with Linwood Motors for the purchase of a ½ ton Pickup Truck for use by Fire Department - Fire Prevention Division in the total amount of \$31,246.00

Attachments:

Bid Proposal, Bid Tab, Proposed Contract

 Department Head	City Clerk	City Manager
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CITY OF PADUCAH, KENTUCKY
ENGINEERING-PUBLIC WORKS DEPARTMENT

2015 One-Half Ton Pick-Up Truck for use by the Fire Department
LOWEST EVALUATED BID

BID OPENING: 2:00 p.m. CST on Tuesday, January 27, 2015

OFFICIAL BIDDER OF RECORD Contact: Mailing Address:	Linwood Motors Philip Morris 3345 Park Ave Paducah, KY 42001	Paducah Ford Rick Hundley 3476 Park Ave Paducah KY 42001
One-Half Ton Pick-Up Truck for use by the Fire Department - Fire Prevention	\$31,246.00	\$33,920.00

Delivery Time	8-10 weeks	Unknown - Not Available
Manufacturer:	Chrysler Ram 4x4	Ford F-150 4WD

DOCUMENTS REQUIRED FOR COMPLIANCE SUBMITTED:

1. Bidder's Required Certification	Yes	Yes
2. Manufacturer Specifications	Yes	Yes
3. Warranty Information	Yes	Yes
4. Compliance with Tech Specs form	Yes	Yes
5. Deviations with Information	Yes	Yes
6. Addendum #1 Received	Yes	Yes
7. Revised Comp with Tech Specs Form Used	Yes	Yes

All Kentucky State Bidders

Responsive & Responsible Bidder:	Yes	Yes
Evaluation Score:	1000.00	776.33
BID RECOMMENDED FOR ACCEPTANCE	Yes	No

ORDINANCE NO. 2015-2-_____

AN ORDINANCE ACCEPTING THE BID FOR SALE TO THE CITY OF ONE HALF-TON FULL SIZE PICK UP TRUCK, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah accepts the bid of Linwood Motors, in the amount of \$31,246.00, for sale to the City of one half-ton full size pick up truck, for use by the Fire Department-Fire Prevention Division, said bid being in substantial compliance with bid specifications, and as contained in the bid of Linwood Motors, of January 27, 2015.

SECTION 2. The Mayor is hereby authorized to execute a contract with Linwood Motors, for the purchase of one half-ton full size pick up truck, authorized in Section 1 above, according to the specifications, bid proposal and all contract documents heretofore approved and incorporated in the bid.

SECTION 3. This purchase shall be charged to Rolling Stock/Vehicles Fleet Lease Trust Fund account, account number 071-0210-542-4005.

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, February 10, 2015
Adopted by the Board of Commissioners, February _____, 2015
Recorded by Tammara S. Sanderson, City Clerk, February _____, 2015
Published by The Paducah Sun, _____
\\ord\pworks\truck-pickup-Fire Dept

Agenda Action Form

Paducah City Commission

Meeting Date: February 3, 2015

Short Title: Downtown Assessment and Reassessment Moratorium

Ordinance Emergency Municipal Order Resolution

Staff Work By: Stephen Ervin

Presentation By: Stephen Ervin

Background Information:

The intent of this agenda item is to adopt an ordinance establishing the Downtown & Market House Historic District Assessment and Reassessment Moratorium. KRS, 99.595 through 99.605 and KRS 132.452 permit local governments to establish property assessment and reassessment moratoriums for qualifying properties.

The Department of Planning proposes to take advantage of the provisions of these laws to encourage the repair, rehabilitation, restoration or stabilization of existing historic properties in the Downtown & Market House Historic District.

The property tax moratorium defers the value of improvements to an existing building from the taxable assessment of the property for five years, rather than being raised to reflect a higher assessment resulting from improvements made to the property. This moratorium does not affect any other property taxes such as county, school, etc.

If the property is sold within the five year time frame of the moratorium, it is transferable to a new owner of the property. This adds an incentive to the property when trying to sell to potential buyers.

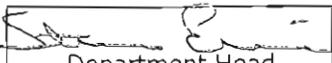
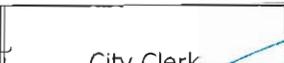
Properties must be a minimum of 50 years old and must have a minimum investment of \$75,000.00.

Funds Available: Account Name: -
 Account Number: -

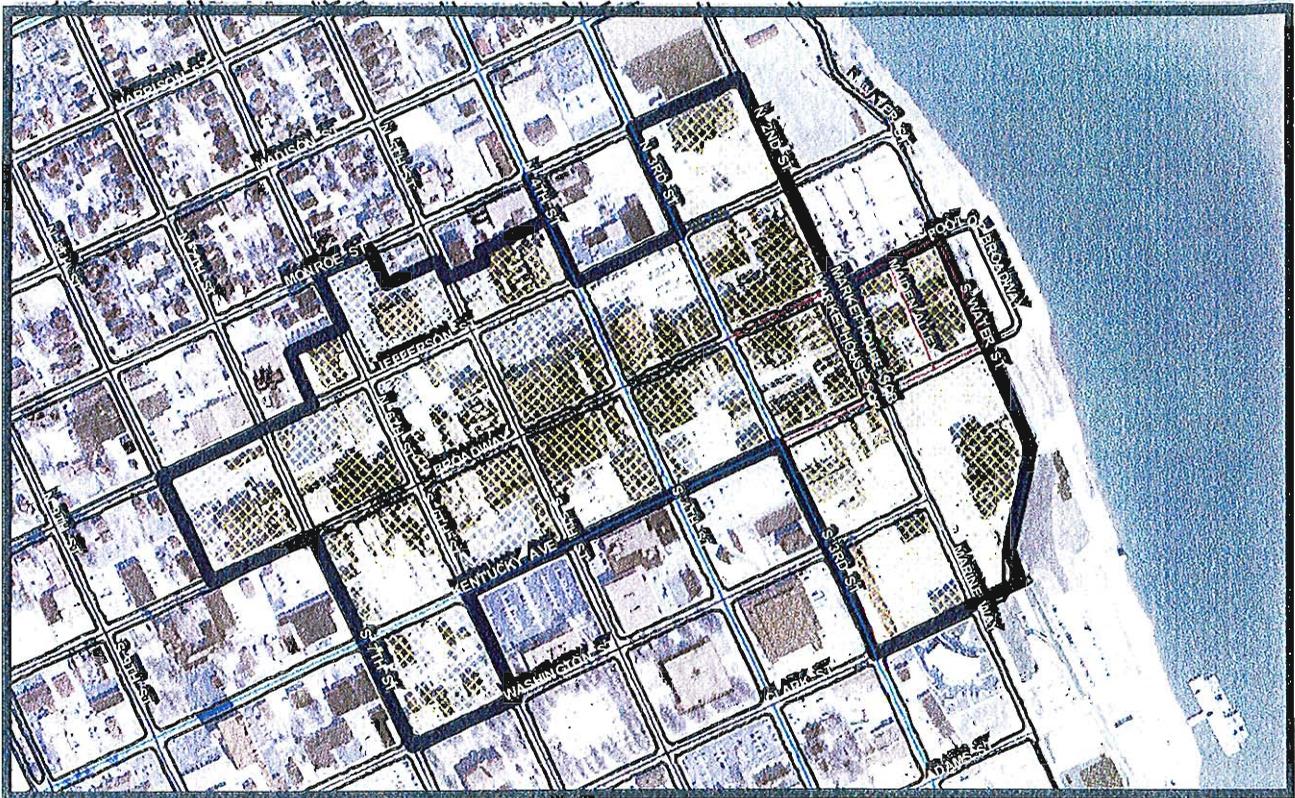
Finance

Motion:

Attachments:

 Department Head	 City Clerk	 City Manager
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City of Paducah Downtown Historic District Assessment Moratorium



Map #1



Downtown District
Assessment Area

City of Paducah
Department of Planning
1/28/2015
Drawn By: se

ORDINANCE NO. 2015-2-_____

AN ORDINANCE REPEALING ARTICLE II, PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUM OF CHAPTER 106, TAXATION OF THE CODE OF ORDINANCES AND RE-CREATING CHAPTER 106, ARTICLE II, ESTABLISHING AND APPROVING THE DOWNTOWN AND MARKET HOUSE HISTORIC DISTRICT ASSESSMENT AND REASSESSMENT MORATORIUM FOR CITY OF PADUCAH TAXES, AND AUTHORIZING THE DIRECTOR OF PLANNING TO ADMINISTER THE PROGRAM

WHEREAS, KRS. 99.595 through 99.605 and KRS 132.452 permit local governments to establish property assessment and reassessment moratoriums for qualifying properties; and

WHEREAS, the City of Paducah wishes to take advantage of the provisions of these laws to encourage the repair, rehabilitation, restoration or stabilization of existing real property in the City of Paducah, Kentucky;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby repeals Article II, Property Assessment and Reassessment Moratorium of Chapter 106, Taxation of the Code of Ordinances of the City of Paducah, Kentucky in its entirety.

SECTION 2. There is hereby established a program for the granting of property assessment or reassessment moratoriums for qualifying units of real property located in the Downtown & Market House Historic Districts (Map #1).

To be eligible, an existing residential building must have been in existence for at least fifty years (50) in the Target Area and must be used to provide independent living facilities for one (1) or more persons.

To be eligible, a commercial facility must have been in existence for at least fifty years (50) in the Target Area and must have as its primary purpose and use the operation of a commercial business enterprise.

To be eligible, the costs of improvements to the commercial facility or the existing residential building, including materials and labor must exceed \$75,000.00.

To be eligible, the rehabilitated portion of the commercial facility or the existing residential building must comply with all applicable building codes.

To be eligible, all required permits (i.e. zoning, building, etc.) must have been obtained, the real property upon which the commercial facility or the existing residential building sits must be free of any liens held by the City of Paducah, and all property taxes and any and all other governmental levies, assessments or taxes of every kind and nature whatsoever, which are assessed, levied, imposed upon, or would become due and payable out of or with respect to the real property upon which the commercial facility or the existing residential building sits must be paid, including without limitation business license fees.

SECTION 3: The administering agency for this moratorium program shall be the City of Paducah Department of Planning.

SECTION 4: All moratoriums shall be for a period of five (5) years, and each shall become effective on the assessment date next following the issuance of the moratorium certificate.

SECTION 5. Any moratorium providing an economic benefit to the applicant above \$20,000 shall require approval by the Commission of the City of Paducah.

SECTION 6. Applications shall be made to the administering agency for a property assessment or reassessment moratorium certificate as follows:

- (1) The application shall be on a form prescribed by the Department of Revenue and shall be filed in the manner prescribed by the Department of Planning.
- (2) The application shall be filed with the administering agency thirty (30) days before commencing the restoration, repair, rehabilitation, or stabilization.
- (3) The application shall contain the following:
 - (a) A general description of the property;
 - (b) A general description of the proposed use of the property;
 - (c) The general nature and extent of restoration, repair, rehabilitation or stabilization to be undertaken and cost estimates based on bids submitted to the applicant;
 - (d) A time schedule for undertaking and completing the project;
 - (e) If the property is a commercial facility, the application shall contain a descriptive list of the permanent building equipment which will be a part of the facility and a statement of the economic advantages expected from the moratorium, including expected construction employment.
 - (f) Proof that the commercial facility or the existing residential building is at least fifty (50) years old.

SECTION 7. The Property Valuation Administrator and the Department of Planning shall maintain a record of all applications for a property assessment or reassessment moratorium. The PVA shall assess or reassess the property within thirty (30) days of receipt of the application. This assessment shall be the value for which the City of Paducah taxes are to be levied for five (5) years after the moratorium certificate has been issued.

SECTION 8: The applicant shall have two (2) years in which to complete the improvements unless granted an extension in writing by the Department of Planning and the Paducah City Commission. In no case shall the application be extended beyond two (2) additional years. This provision shall not preclude normal reassessment of the property.

SECTION 9. Any application not acted upon by the applicant shall become void two (2) years from the date of application and shall be purged from the files of the PVA and the Department of Planning.

SECTION 10. The applicant shall notify the Department of Planning when the project is complete, and the Department of Planning shall then conduct an on-site inspection of the property for purposes of verifying that the improvements described in the application have been completed. Only after the project is complete and the improvements verified shall the moratorium certificate be issued by Department of Planning.

SECTION 11. An assessment or reassessment moratorium certificate may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property.

SECTION 12. At the end of the moratorium period, whether by expiration, cancellation or revocation, the Department of Planning shall send the applicant and the PVA a letter advising of the end of the moratorium and the reassess of the property. On the assessment date next following the expiration, cancellation or revocation of an assessment or reassessment moratorium, the property shall be assessed on the basis of its full fair cash value.

SECTION 13. Any property granted an assessment or reassessment moratorium may be eligible for a subsequent moratorium certification provided that reapplication be made no sooner than three (3) years following the expiration of the original moratorium.

SECTION 14. Definitions for interpreting this ordinance shall be those outlined in KRS Chapter 99 relating to property assessment and reassessment moratoriums.

SECTION 15. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 16. Compliance With Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 17. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 18. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

MAYOR

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, February 10, 2015
Adopted by the Board of Commissioners, February _____, 2015
Recorded by Tammara S. Sanderson, City Clerk, _____, 2015
Published by *The Paducah Sun*, _____
word\plan\DOWN TOWN HISTORIC DISTRICT ASSESSMENT MORATORIUM

Agenda Action Form

Paducah City Commission

Meeting Date: February 10, 2015

Short Title: Zoning Text Amendments

Ordinance Emergency Municipal Order Resolution

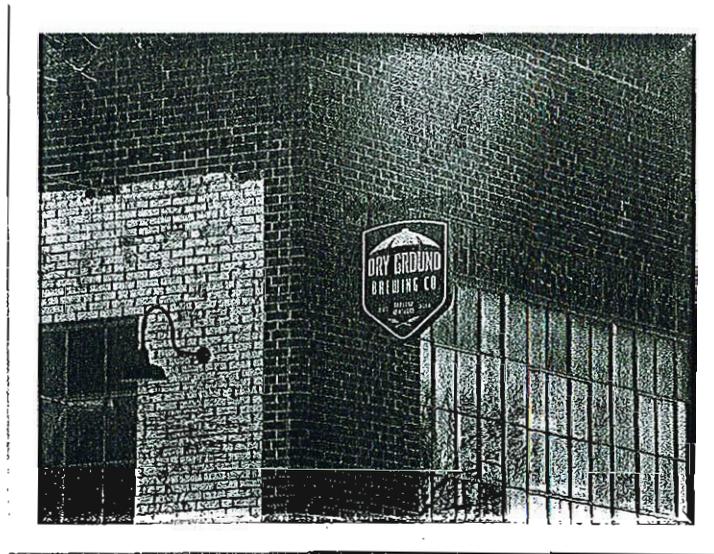
Staff Work By: Stephen Ervin/Josh Sommer

Presentation By: Stephen Ervin

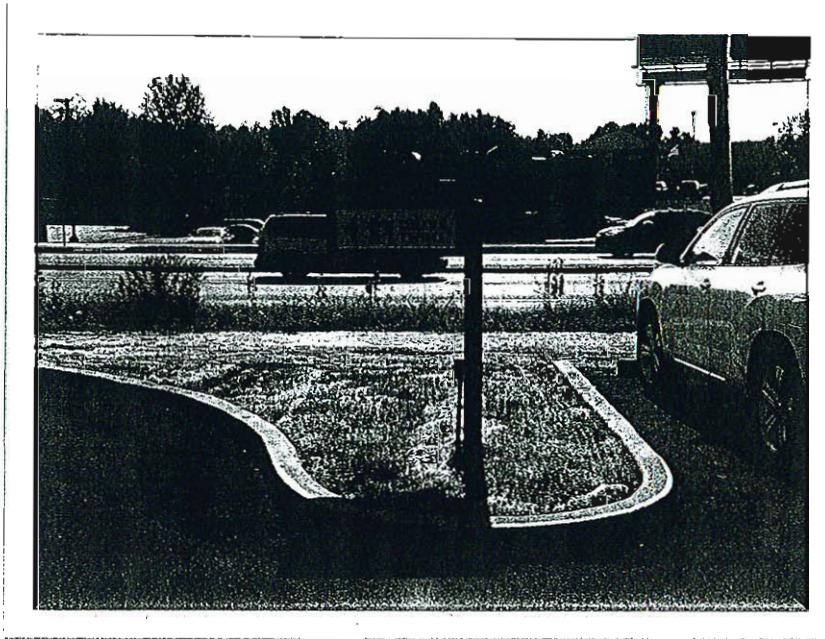
Background Information:

On February 2, 2015, the Planning Commission held a public hearing and made a positive recommendation to the City Commission on sign text changes. Following are the substantial text changes.

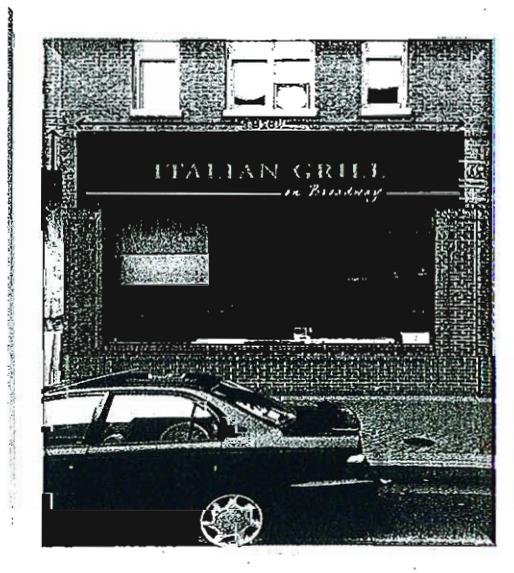
1. Allow for projecting signs in cases where buildings are within one foot of the property line in subsection c (8) for the B-1 and B-3 Zones. Currently projecting signs are only permitted in the historic downtown core. Dry Ground Brewing Company, located at 3121 Broadway shown below, is an example.



2. The height and size for directional signage in various zones is being changed for commercial businesses for better visibility. Dunkin Donuts, located at 3199 Jackson Street shown below, is an example.



3. Allow for awning signs to be the same dimensions as wall signs in the B-2-T Zone. Currently a maximum of 8" letters is allowed. Italian Grill on Broadway, located at 314 Broadway shown below, is an example:



4. Allow awnings to be used as wall signs in the B-1, B-2, B-3, M-1, M-2, M-3 and HBD Zones and follow the same 20% requirement.
5. Add regulations for the A-1 Civic Center Zone in subsection m. Signs for the A-1 Zone will take Planning Commission approval.
6. Clarify enforcement procedures in subsection s. Enforcement will be carried out the same as other nuisances such as stagnant water, weeds, abandoned vehicles, etc. by the Fire Prevention Department.

Staff Recommendation:

Approval of text changes

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

Finance

Motion:

Attachments:

 Department Head	City Clerk	City Manager
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A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED TEXT AMENDMENT OF THE PADUCAH ZONING ORDINANCE BY AMENDING SECTION 126-76 SIGN REGULATIONS.

WHEREAS, a public hearing was held on February 2, 2015 by the Paducah Planning Commission after advertisement pursuant to law, and

WHEREAS, this Commission, at a meeting held on February 2, 2015 adopted a proposal to amend the Paducah Zoning Regulations, specifically amending Sections 126-76 (c) (8) & (18) (j) General Regulations; (g) (6) Signs authorized for R-1, R-2, R-3, NSZ and R-4 Zones; (h) (4) Signs authorized for the B-2-T Zone; (k) (2) & (6) Signs authorized for the B-1, B-2, B-3, M-1, M-2, M-3 and HBD Zones; (l) (7) Signs authorized for the POP Zone; (m) (1) & (2) Signs authorized for the MU Zone; (q) (6) Permitted non-conforming Signs; (r) (1) Replacement advertising signs; and (s) (2) & (3) Signs constituting a nuisance—Abatement; and

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

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

SECTION 1. That this Commission recommend to the Mayor and Board of Commissioners of the City of Paducah the amendment of the Paducah Zoning Ordinance by amending Section 126-76 Sign Regulations, as follows:

Sec. 126-76. Sign regulations.

- (a) **Purpose.**
- (b) **Definitions.**
- (c) **General regulations.**
 - (1) All signs shall be constructed of approved materials and shall be designed to meet the structural requirements of the applicable building code.
 - (2) All electrical work shall conform to all applicable electrical codes.
 - (3) No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
 - (4) No sign shall contain or make use of any word, phase, symbol, shape, form or character in such a manner as to interfere with or confuse vehicular or pedestrian traffic.
 - (5) No illuminated sign which emits artificial light shall be permitted within 50 feet of property in any residential district unless the sign is attached directly to the facade of the structure. Measurement determinations shall be made by the Zoning Administrator.
 - (6) No portion of any sign shall be located at an elevation of less than ten feet measured at a distance of five feet to a street right-of-way line unless the sign is attached directly to the facade of the structure and except as otherwise provided herein. (See Figure #1).
 - (7) No sign shall be placed in any public right-of-way, except those signs for public use and regulatory signs outlined in the MUTCD, except as otherwise provided herein. The provisions of subsection 126-76(s) shall not apply to this subsection.
 - (8) As to signs which are attached to buildings that are located in the B-2-T, B-2, H-1 and H-2 Zones and further as to signs which are attached to buildings that are within one foot of the public right-of-way in the B-1 and B-3 Zones, such signs shall be permitted to encroach into a public right-of-way. However, no portion of any sign and no portion of the mounting of any mast of any sign within the public right-of-way shall be placed at an elevation of less than eight feet above the sidewalk or above the edge of the pavement of the roadway, whichever is higher; nor shall any portion of any such sign, mast or mounting (in the space above eight feet) be placed nearer than two feet from the traveled portion of the roadway or the vertical space above the traveled portion of the roadway, as measured from the face of the curb, or if there is no curb, from the edge of the pavement.
 - (9) Traffic visibility at intersections shall be preserved in accordance with section 126-65 of the Code of Ordinances.
 - (10) No exterior wall signs shall be attached to or obstruct any window, door, stairway or other opening intended for egress, ingress, ventilation and light.
 - (11) No sign shall be attached to any tree, fence or utility pole except by a governmental body or agency.
 - (12) All signs shall be adequately maintained. Such maintenance shall include proper alignment of structures, continued readability of the structure and preservation of the

- structure with paint or other preservatives. Electronic signs shall be free of burned out lights or deadspots.
- (13) All signs placed upon private property must have the written consent of the owner or his agent. If the application is made by a person other than the owner in fee, it shall be accompanied by a verified written statement by the person making the application that the sign is authorized by the owner in fee and that the applicant is authorized to make application.
- (14) The areas of a free standing sign or a wall sign shall be measured by drawing eight or fewer straight lines encompassing the extremities of the sign within the smallest possible area. The area of a free standing sign shall not include poles, supports or other structures which are used solely for support and which do not contain any advertising of any kind. Message signs are allowed as accessory signs on freestanding signs. The area of the message sign shall be included in the total allowable sign area. (See Illustration#1).
Illustration 1
- (15) Interior electronic message signs that change not more than once every 30 seconds shall be permitted in the B-1, B-2, B-3, HBD, M-1 and M-2 zoning districts. Interior electronic message signs in these zones can be no larger than 30 percent of the window.
- (16) Interior electronic signs that change not more than once 30 seconds shall be permitted in the B-2-T and H-1 zoning districts. Interior electronic message signs in these zones can be no larger than four square feet. Only one such sign shall be permitted per structure.
- (17) Hanging banners across or along streets and sidewalks.
- a. In order to promote general events of a civic and public nature in the Downtown Business Townlift Zone any person, firm, corporation or organization in charge of events of a civil and public nature may hang a banner in an area designated below vertically, on cantilevered arms, pennants, flags or banners from utility poles equipped by the city for such purposes, to publicize an event or season or generally promoting the community, providing the subsequent guidelines are followed.
 - b. Generally, it shall be unlawful for any person to suspend any banner across or along any street, sidewalk or other public way of the city for the purpose of advertising a person's candidacy for public office or for any other purpose.
 - c. Banners for commercial advertisements reflecting price, a business or product promotion of goods or services are prohibited. The banners may reflect only one theme at any given time within a district. Different districts may have different themes at the same time.
 - d. Guidelines
 1. Banners hanging over Broadway.
 - (i) Application. Applications for a permit must be submitted to the Parks Services Director 30 days prior to the day the banners are to be installed. Applications are available at the Parks Services office or online from the City's website. Applications should be completed by the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event; the requested dates the banner(s) are to be installed and how long they will be requested to remain above the street.
 - (ii) Material and dimensional requirements. The banner crossing Broadway must be made of heavy-weight, water-resistant material, with air pockets cut in, and contain at least twelve, heavy duty, reinforced grommets as shown in Figure 1 below. The banner shall measure 30 feet long and five feet high.
 - (iii) Review process. The application will be reviewed by the Parks Services Director to insure that the design, material and colors are satisfactory.
 2. Permit for Broadway pole banners.
 - (i) Application. Applications for a permit must be submitted to the Parks Services office 30 days prior to the day the banners are to be installed. Applications are available at the Parks Services office or online from the City's website. Applications should be completed by the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event and the dates the banner(s) are to be installed and remain above the street.

Figure #1

- (ii) Material and dimensional requirements. Banners must be constructed of heavyweight, water-resistant fabric. The size of banners is restricted to 30 inches by 80 inches in order to fit the installed brackets. The banner shall be constructed to fit the mounting hardware where the banner can be mounted by slipping the banner arms through the sewn, looped top and bottom of the banner. The loops must be three inches in order to slip over the banner arms. Figure 2 below illustrates the proper construction and mounting. The design shall be the same on both sides of the banner.

Figure #2

- (iii) Review process. The application will be reviewed by the Parks Services Director to insure that the design, material and colors are satisfactory.
3. Permit for Jefferson Street pole banners.
- (i) Application. Applications for a permit must be submitted to the Parks Services office 30 days prior to the day the banners are to be installed. Application may take the form of a letter from the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event; the dates the banner(s) are to be installed and remain above the street.
 - (ii) Material and dimensional requirements. Banners must be constructed of heavyweight, water-resistant fabric. The size of banners is restricted to 30 inches by 60 inches in order to fit the installed brackets. The banner shall be constructed to fit the mounting hardware where the banner can be mounted by slipping the banner arms through the sewn, looped top and bottom of the banner. The loops must be three inches in order to slip over the banner arms. Figure 3 below illustrates the proper construction and mounting. The design shall be the same on both sides of the banner.

Figure #3

- (iii) Review process. The application will be reviewed by the Parks Services Director to insure that the design, material and colors are satisfactory.
4. Permit for Lower Town Arts District pole banners.
- (i) Application. Applications for a permit must be submitted to the Parks Services office at least 30 days prior to the day the banners are to be installed. Applications are available at the Parks Services office or online from the City's website. Applications should be completed by the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event and the dates the banner(s) are to be installed and remain on the light poles.
 - (ii) Design, materials and colors. Design, materials and color will be reviewed according to the review process as outlined in subsection (c) below. General requirements are as follows:
 - (a) The banner must be made of heavy-weight, water-resistant fabric.
 - (b) Design of the banner. The size of banners is restricted to 24 inches by 48 inches in order to fit the installed brackets. The banner shall be constructed to fit the mounting hardware where the banner can be mounted by slipping the banner arm through the sewn, looped top of the banner and connected to the bottom with a reinforced eyelet in one of the bottom corners. The loop at the top of the banner shall be three inches in diameter in order to slip over the top bracket. The bottom of the banner must have a one-half-inch dowel rod sewn in the bottom for proper display. Figure 4 below illustrates the proper construction and mounting. At a minimum, the banner must contain the Lower Town Arts District logo

and/or the words Lower Town Arts District. The banner may include additional information such as an event, season or other appropriate occasion. The words and designs can be arranged in any manner, but all words and designs must be easily discernable. The design shall be the same on both sides of the banner.

Figure #4

- (c) The color scheme of the banner must be appropriate to the historic district and will be reviewed by the Lower Town Arts District Banner Review Committee.
- (iii) Review process. The application will be reviewed by the Lower Town Arts District Banner Review Committee. The committee shall make an examination to insure that the design, material and colors specified above are met. This committee shall consist of the Director of Planning, Director of Parks Services and the Chairperson of the Historic and Architectural Review Commission.
- e. Installation and removal of banners. Installation and removal of all banners shall be done by the Public Works Department. The city reserves the right to remove any damaged or unsightly banners, or banners that interfere with traffic or the public right of way.
 - (18) Sandwich board Signs: A sandwich board is a freestanding A-Frame sign. Such signs are only authorized in the H-1, B-2-T and B-2 zones and as provided as follows:
 - a. One sandwich board sign shall be permitted per building façade if a projecting sign does not protrude from the façade.
 - b. Sandwich board signs shall be no taller than 36 inches from grade and no wider than 24 inches. Such signs must be secured by a chain or cable in order to remain standing and shall not have moving parts or be illuminated in any manner. Both faces of the sign must have advertising. No blank faces are allowed.
 - c. Such signs can only be placed on a sidewalk that has a minimum of eight (8) feet in width. In no instance can such signs occupy an area that limits any portion of the usable sidewalk to less than five (5) feet and interfere with pedestrian or automobile traffic.
 - d. No portion of any sandwich board sign shall be placed further than 36" from the face of the building.
 - e. Sandwich board signs shall only advertise hours of operation, an event or promotion, or a menu. The sign must be displayed in front of the business for which it is advertising. No off-site advertising is allowed.
 - f. The sandwich board sign can only be displayed during business hours and must be removed when the business is closed. These signs shall be removed from the public right-of-way at any time the weather conditions render the presence of such signs a hazard (i.e. high wind conditions, snow, ice, etc.)
 - g. The sign must be constructed of weather resistant materials and shall be maintained in good repair. Sandwich board signs shall not be constructed of cardboard, OSB or non-marine grade plywood. Sandwich board signs cannot be anchored to the sidewalk, attached or chained to poles, or other structures or appurtenances. Such signs shall be weighted.
 - h. The sandwich board sign may have no protruding features attached. Protruding features include balloons, ribbons, flags, or other similar objects as determined by the Zoning Administrator.
 - i. The City of Paducah shall be entitled to request removal or remove any sandwich board sign in the right-of-way if the sign is considered to be a nuisance. The City of Paducah shall not be required to follow Section 126-76(s) when removing a sign considered a nuisance.
 - j. A sign permit must be obtained from the Fire Prevention Department before any sandwich board sign can be placed on the public right-of-way.
- (d) Regulations for temporary signs.
- (e) Signs permitted in all zones and districts.
- (f) Signs prohibited in all zones and districts.

- (g) **Signs authorized for R-1, R-2, R-3, NSZ and R-4 Zones.** No signs shall be permitted in the R-1, R-2, R-3, NSZ and R-4 zones in the city except as provided in subsection (e) above and as provided in subsection (e) above, subsection (7) below and as provided as follows:
- (1) Signs with nameplates affixed to the exterior wall of a structure and not exceeding 18 inches by 24 inches in area shall be permitted for each single family dwelling unit. Such nameplates shall indicate nothing other than the name of the premises and/or the name and/or address of the occupants. Such signs may only be illuminated indirectly.
 - (2) A sign identifying the name of subdivisions and public or private schools shall be permitted provided such signs do not exceed 48 square feet in area per sign face. Such signs may include an attached or freestanding announcement sign. Subdivision signs may only be illuminated indirectly. Public or private school signs may be lighted. Non-commercial public or private schools may have an electronic message sign. Such signs shall not be erected closer than five feet to any property line unless attached to a building and shall not exceed eight feet in height.
 - (3) Bulletin boards and identification signs shall be permitted at places of worship provided such identification signs or bulletin boards do not exceed 48 square feet in area per sign face. One free-standing identification sign is permitted per lot, however, one additional free-standing identification sign shall be permitted for places of worship on the intersection of two streets or has double frontage on parallel streets. Such signs may indicate the name and/or address and activities relating to the premises. Such signs may be lighted. Such signs shall not be erected closer than five feet to any property line unless attached to a building and shall not exceed ten feet in height. Places of worship may have one electronic message sign, in lieu of one identification sign, provided the following requirements are met:
 - a. Such sign may not exceed 48 square feet in area per sign face.
 - b. Such sign may not exceed ten feet in height.
 - c. Such sign shall meet the requirements provided in 126-76 (k) (5).
 - d. Such sign shall be located at least 200 feet away from any residential structure in residential (R-1, R-2, R-3 and R-4) Zones, except for pastor residences, parishes, rectories and caretaker dwellings, which are owned by the place of worship. The 200 feet measurement includes residential structures on the opposite sides of public ways. Said measurements shall be taken from the nearest outside wall of the structure. Further, such signs shall not be closer than five feet to any property line unless attached to a building.
 - e. Such sign shall be located on the same lot as the principal building.
 - f. Only one electronic message sign (either free-standing or attached to a building) shall be permitted per place of worship.
 - (4) Signs for advertising nurseries or day cares in the R-1, R-2 and R-3 zone shall be permitted provided such signs comply with subsection (e)(6).
 - (5) Free standing business signs, advertising the business uses, in the R-4 zone shall be permitted per lot provided the sign is no larger than 12 square feet in area per sign face and be no taller than ten feet. Such signs may only be illuminated indirectly.
 - a. Only one free standing business sign shall be permitted on any lot.
 - b. Wall signs shall be permitted for each tenant or lessee. The area of the wall signs shall not exceed 20 percent of square footage of face of building, structure or face of tenant or lessee space. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses the building.
 - (6) Private directional signs indicating entrance, exit or location of parking shall be permitted in the R-4 zone. Such signs shall not exceed ~~four~~ six square feet in surface area for each sign and the height must not be more than ~~30~~ 60 inches from the street level. These signs must be placed on private property and not on public right-of-way.
 - (7) One façade sign shall be permitted on any lot in the NSZ. Such signs shall only be approved for Conditional Permitted Uses. Such sign shall be permitted provided the sign is no larger than 8 square feet in area per sign face. Such signs may only be illuminated indirectly.
 - (8) Apartment complexes may have private directional signs indicating entrance, exit or location of parking provided such signs do not exceed four square feet in surface area for each sign face and the height shall not exceed 30 inches from the street level. These signs shall not be placed within the public right-of-way and shall not exceed more than two per public street frontage. Further, apartment complexes may have one free standing apartment complex identification sign on any lot provided; however one additional sign shall be permitted for each additional 300 feet of street frontage. One additional free standing apartment complex identification sign shall be permitted if the business is located at the intersection of two streets. The size of the sign shall not exceed 36 square feet in area per sign face. The outer edge of the sign shall be set back at least seven feet from the side lot line. All permitted apartment complex identification signs shall not exceed a height of 8 feet from the adjacent grade. Such signs shall be illuminated indirectly.

- (h) **Signs authorized for B-2-T zone.** No signs shall be permitted in the B-2-T zone in the city except as provided in subsections (e) and as provided as follows:
- (1) Wall signs for single-tenant buildings. One wall sign per building facade shall be permitted provided that such signs shall be constructed so that each letter thereon runs parallel to the street upon which such business abuts, shall be affixed to the exterior wall of the building and shall not protrude from that wall a distance of more than 18 inches. Wall signs shall be a maximum size of 50 square feet. Building facades with a greater than 50 lineal feet of street frontage are allowed a maximum sign area of 1.5 square feet per lineal foot of street frontage subject to a 100 square foot maximum.
 - a. Internal illumination shall be permitted only when the letters themselves are lighted and not the background. Neon signs are not permitted
 - b. Wall signs may be indirectly illuminated.
 - (2) Wall signs for multi-tenant buildings. One wall sign per tenant shall be permitted provided that such signs shall be constructed so that each letter thereon runs parallel to the street upon which such business abuts, shall be affixed above the business entryway and shall not protrude from the wall a distance of more than 18 inches. Wall signage shall be cumulative size of 50 square feet per façade. Building facades with a greater than 50 lineal feet of street frontage are allowed a maximum sign area of 1.5 square feet per lineal foot of street frontage subject to a 100 square foot cumulative maximum.
 - a. Internal illumination shall be permitted only when the letters themselves are lighted and not the background. Neon signs are not permitted.
 - b. Wall signs may be indirectly illuminated.
 - (3) Projecting signs. One projecting sign per building facade on street frontage shall be permitted provided that such sign may project from a building no more than four feet horizontally and have a maximum area of six square feet.
 - a. The projecting sign shall start no more than six inches from the exterior wall of the building.
 - b. A projecting sign shall be mounted by a metal bracket projecting from the wall of the building.
 - c. Projecting signs shall be located within two feet of the centerline of the building.
 - d. Projecting signs may be indirectly illuminated.
 - e. Projecting signs may be made of wood, metal, aluminum, reinforced canvas or polyurethane foam.
 - f. Secondary entrances to separate dwellings or businesses within the principal structure shall be permitted to have one additional projecting sign. Such sign shall not exceed one square foot in size and shall be installed above the secondary entrance.
 - (4) Awning signs. Signs on awnings shall be limited to lettering displaying no more than the name, street number, logo or trademark and principal business of the occupant of the premise. ~~Letters shall be no larger than eight inches high.~~ Awning signs shall be a maximum size of 50 square feet. Awning signs may be indirectly illuminated.
- (i) **Signs authorized for H-1 zone.**
- (j) **Signs authorized for H-2 zone.**
- (k) **Signs authorized for B-1, B-2, B-3, M-1, M-2, M-3 and HBD zones.** No signs shall be permitted in the B-1, B-2, B-3, M-1, M-2, M-3 and HBD zones in the city except as provided in subsections (e) and (g) and as provided as follows:
- (1) Flag signs attached to a permanent pole shall be permitted. Such signs shall not exceed 12 square feet in area per sign face. One flag sign is permitted per permanent pole. The maximum height of a flag sign shall not exceed a height of 40 feet from the adjacent grade.
 - (2) Private directional signs indicating entrance, exit, or location of parking shall be permitted provided such signs do not exceed ~~four~~ six square feet in surface area for each sign face and the height shall not exceed ~~30~~ 60 inches from the street level. These signs shall not be placed within the public right-of-way.
 - (3) Only one free standing business sign shall be permitted on any lot, provided, however, one additional sign shall be permitted for each additional 300 feet of frontage. One additional free standing business sign shall be permitted if the business is located at the intersection of two streets. The size of the sign shall not exceed 1.5 square foot per lineal foot of street frontage subject to a maximum size of 200 square feet in area per sign face. The outer edge of the sign shall be set back at least seven feet from the side lot line. All permitted freestanding signs shall not exceed a height of 40 feet from adjacent grade, except as may be otherwise authorized in the following subsection. Lighted signs are permitted.
 - (4) Property zoned B-1, B-3, HBD, M-1, M-2 or M-3 and within 2,000 feet of the centerline of I-24 shall have the right to construct one free standing sign permitted under subsection (3) above to a height not to exceed 100 feet in sign height and 300 square feet in area per sign face. For the purpose of calculating the 2,000 feet from the centerline set forth above (see illustration #2). Lighted signs are permitted.

Illustration 2

- (5) Exterior electronic message signs that change messages not more than once every 8 seconds of static image, followed by 2 seconds of transition or animation shall be permitted in the B-1, B-3, HBD, M-1, M-2 and M-3 zones.
 - a. Electronic message signs must have controls in place to prevent flashing when a malfunction or power loss occurs.
 - b. Electronic message signs must contain brightness controls that adjust to the ambient light where the sign is easily readable during daytime hours, but not overbearing at night.
- (6) Wall signs shall be permitted for each tenant or lessee, except as provided in (k) (6) (a) below. The area of wall signs shall not exceed 20 percent of the square footage of the face of the building, structure or the face of tenant or lessee space. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any building. Awning signs shall be considered to be wall signs and shall be subject to 20 percent of the square footage of the face of the building, structure or the face of the tenant or lessee space.
 - a. Covered Mall Buildings. Wall signs shall be permitted on each facade of a covered mall building as defined as follows: A single building enclosing a number of tenants and occupants such as retail stores, drinking and dining establishments, entertainment and amusement facilities, passenger transportation terminals, offices and other similar uses wherein two or more tenants have a main entrance into one or more malls.
 - b. The area of wall signs on any facade of a covered mall building shall not exceed 20 percent of the square footage of each individual facade of the structure. Wall signs may not advertise any business that is not located within the structure the sign is affixed to. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any covered mall building.
- (7) No flat wall signs shall project above the roof or parapet line.
- (8) Gasoline canopy signs: Canopy signs shall not exceed 20% of the face of the canopy on which they are a part of, or are attached to. Island spanner signs shall not exceed 20% of the face of the canopy above. Spandrel signs shall not exceed 20% of the spandrel's structural area. Island spanner signs and spandrel signs shall not be permitted together. These types of signs shall not extend beyond the edges of the canopy.
- (l) **Signs authorized for POP Zone.** No signs shall be permitted in the POP Zone of the city except as provided in subsections (e) and (g) and as provided as follows:
 - (1) Every lot or tract shall be restricted to one free standing business sign.
 - (2) Free standing business signs shall not exceed twelve (12) feet above grade in height or more than 12 square feet in area for each foot of lineal frontage of the building. However, no sign shall exceed 200 square feet in area (100 square feet per face, two-face maximum) except as otherwise provided herein.
 - (3) Hotels, motels and restaurants shall be permitted to have one free standing business sign. Such signs shall not exceed the height of the roof line of the principal structure. Such sign shall not exceed 40 feet in height and shall not exceed 200 square feet in area per sign face.
 - (4) All free standing business signs shall have a minimum setback of 20 feet from the street.
 - (5) Lighted signs shall be permitted. However, all sign lighting shall be only of a type, intensity and direction only necessary to light the sign. Electronic message signs shall be permitted.
 - (6) One sign per tenant, per each facade shall be permitted to be attached to the principal building. However, the total square footage of such signs shall not exceed five percent of the total above-grade elevation building face.
 - (7) Private directional signs indicating entrance, exit, or location of parking shall be permitted in the POP zone. Such signs shall not exceed ~~four~~ six square feet in surface area for each sign and the height must not be more than ~~30~~ 60 inches from the street level. These signs must be placed on private property and not on public right-of-way.
- (m) **Signs authorized for MU and A-1 Zones.** No sign shall be permitted in the MU Zone or A-1 Zone except as provided in subsections (e) and (g) and as provided as follows:
 - (1) Private directional signs indicating entrance, exit, or location of parking shall be permitted provided such signs do not exceed ~~four~~ six square feet in surface area for each sign. The height of such signs shall not be more than ~~30~~ 60 inches from the street level. These signs may only be placed on private property and not on public right-of-way. Such signs may only be illuminated indirectly.
 - (2) All signs in the MU and A-1 districts shall receive approval by the Planning Commission in accordance with the development plan procedure set forth in section 126-176 of the Code of Ordinances.
- (n) **Signs authorized for HM Zone.**

- (o) **Signs authorized for NCCZ.** No sign shall be permitted in NCCZ except as provided in subsections (e) and (g) and as provided as follows:
- (1) Only one freestanding monument sign shall be permitted on any lot in the NCCZ zone. Such sign shall be permitted provided the sign is no larger than 16 square feet in area per sign face and be no taller than 6 feet. Such sign may only be illuminated indirectly.
 - (2) One façade sign shall be permitted per tenant in the NCCZ zone. Such sign shall be permitted provided the sign is no larger than 20 square feet in area per sign face. Such sign may only be illuminated indirectly.
 - (3) Private directional signs indicating entrance, exit, or location of parking shall be permitted in the NCCZ zone. Such signs shall not exceed ~~four~~ six square feet in surface area for each sign and the height must not be more than ~~30~~ 60 inches from the street level. These signs must be placed on private property and not on public right of way.
- (p) **Application Fees and Penalties**
- (q) **Permitted nonconforming signs.**
- (1) Signs are permitted only in those zoning districts where they are designated as permitted under this chapter or where specifically permitted under other sections of the Code of Ordinances, except as otherwise provided herein.
 - (2) Any sign legally existing on the effective date of this chapter which is not in conformance with the provisions of this chapter, or any subsequent amendment thereto, shall be considered a nonconforming sign. Such sign shall be authorized to remain in existence subject to the conditions as herein set forth.
 - (3) A sign which does not comply with the requirements of this chapter may be maintained, repaired, altered or moved, provided that every portion of the sign so enlarged or moved shall be made to conform to all the regulations of the zone in which the structure is located.
 - (4) No nonconforming sign shall become a nuisance as defined under subsection (s).
 - (5) Temporary signs existing at the date of the adoption of this chapter shall be removed within 90 days of the adoption of this chapter.
 - (6) In the event a nonconforming sign is damaged to such extent that the cost of repairs exceeds 50 percent of the replacement value of the sign as determined by the city's ~~Inspection~~ Fire Prevention Department, the authorization as provided herein shall be terminated, at which time such sign shall be deemed in nonconformance with the provisions of this chapter and as such shall constitute a nuisance.
- (r) **Replacement advertising signs.**
- (1) In the event the owner of an advertising sign which is permitted pursuant to subsection (q) desires to remove the advertising sign and construct another advertising sign at the same location or at another location or in the event the owner of an advertising sign desires to reconstruct an advertising sign which has been damaged to such extent that the cost of repairs exceeds 50 percent of the replacement value, the owner may apply for a permit for a replacement advertising sign under subsection (o). A permit for a replacement advertising sign may be issued by the Department of ~~Inspection~~ Fire Prevention only upon the satisfaction of the following conditions:
 - a. The replacement advertising sign plus all other advertising signs owned by the owner do not exceed the number of advertising signs which the owner owned at the effective date of this section.
 - b. The replacement advertising sign shall not exceed the face area and number of faces of the replaced advertising sign.
 - c. The owner has filed an application for permit for a replacement sign within a period of one year following the removal of the advertising sign to be replaced.
 - d. The owner submits reasonable proof of existence of the original advertising sign as of the effective date of this section.
 - e. The replacement advertising sign shall comply with the other requirements as set forth in this section.
 - (2) All replacement advertising signs shall be subject to the following requirements:
 - a. The maximum area of the face of any replacement advertising sign shall be 400 square feet with maximum length of 55 feet, inclusive of any border and trim, but excluding the base supports or other structural members; provided, however, that the foregoing restriction shall not apply to any sign located within 850 feet of an interstate highway, in which case the maximum area of the face of any sign shall not exceed 700 square feet inclusive of border and trim. In the case of two signs erected on one structure, such as back-to-back signs or V-type signs, each sign face shall conform to these restrictions.
 - b. No two advertising signs shall be less than 1,000 feet apart unless the replacement advertising sign is being placed in the same location as the sign being replaced. Back-to-back signs and V-type signs erected on one structure shall be considered one sign.
 - c. No replacement advertising sign shall exceed a height restriction of 40 feet measured from the ground at the base of the sign supports to the top of the sign

- or from the grade of the thoroughfare immediately adjacent to the sign, whichever is of greater height.
- d. External lighting, such as floodlights and thin line and gooseneck reflectors, is permitted provided that the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of a traveled way.
- e. Replacement advertising signs shall only be permitted in the zone where the replaced advertising sign is located or in a less restrictive zone classification and in no event shall any replacement sign be located in a zone classification other than M-3, M-2, M-1, B-3 or HBD or as unless otherwise prohibited herein.
- f. Replacement advertising signs shall not be permitted in the following areas:
 - 1. In the Central Business District. For the purposes of this section, the Central Business District is defined as an area located between the centerlines of Kentucky Avenue and Park Avenue and 28th Street and the Ohio River. Park Avenue and Kentucky Avenue shall be extended to create a polygon.
 - 2. Within 500 feet of the centerline of U.S. 62/Alben Barkley Drive from the intersection of U.S. 62 and Olivet Church Road to the intersection of U.S. 62 and U.S. 45.
- g. No replacement advertising signs shall be constructed within an area of 300 feet from a place of worship or residence. Measurements shall be made from the outermost portion of the advertising sign and the place of worship or residence structure.

(s) **Signs constituting a nuisance--Abatement.**

- (1) The following signs shall constitute a nuisance:
 - a. A sign in a dilapidated or unsafe condition or in a condition of disrepair.
 - b. A business sign which has not advertised an actual bona fide business conducted or product sold on the premises for a period of one year.
 - c. An advertising sign which advertises a business or a product which is no longer in existence or being sold.
 - d. A sign which remains in place following the period of time within which the sign was to have been removed.
 - e. A sign which is in nonconformance with the provisions as set forth in this chapter.
 - f. An electronic message sign which fails to meet the requirements as set forth in this chapter.
- ~~(2) Enforcement of this Section shall be carried out pursuant to Chapter 42 of the Paducah Code of Ordinances.~~
- ~~(3) Appeals stemming from signage enforcement shall be to the Paducah Board of Adjustment, pursuant to KRS 100.261.~~
- ~~(2) Whenever an enforcement officer of the City's Inspection Department shall deem such a nuisance to exist, he shall issue a notice to the parties hereinafter stated and such notice shall:

 - a. Be in writing;
 - b. Specify the identity of the sign and its location;
 - c. Request the nuisance to be abated; and
 - d. Advise the party(ies) that they have three days to abate the nuisance by removal or repair, as the case may be, or to make a written demand for a hearing before the Board of Adjustment or else the nuisance will be removed and abated by the city at the owner's costs.~~
- ~~(3) The notice shall be sent by registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll. Where the owner of the property is not the occupant thereof, such notice shall also be mailed to the occupant. The notice shall also be sent to the owner of the sign if the owner of the sign is not the owner or occupant of the property. If the owner's address is not known or cannot be readily ascertained, the notice to him to abate may be given by attaching such notice to the sign. If the latter method of service is used, the enforcement officer shall make an affidavit attesting to such facts.~~
- ~~(4) In the event the owner, occupant and owner of the sign fail to abate such public nuisance within the time as set forth above following receipt of notice, the enforcement officer is hereby authorized, empowered and directed to remove same and dispose of it.~~
- ~~(5) Any interested party may appeal the decision of the enforcement officer by appealing to the Board of Adjustment in accordance with section 126.175. If an appeal is taken within the three day period, the determination of the enforcement officer is stayed pending the proceedings before the Board of Adjustment. If no appeal is taken within this time~~

period, the enforcement officer shall have the right to cause the sign to be removed and disposed of in any manner as he may provide.

- (6) ~~The cost of the removal and disposal shall be accounted for by the enforcement officer. The owner and occupant of the property upon which the sign is located and the owner of the sign shall be jointly and severally liable for reimbursement of such cost. In the event the full amount due the city for such service is not paid by such persons within 30 days after the disposal of the nuisance, then and in that case, the enforcement officer shall cause to be recorded in the McCracken County Court Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The recordation of the sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus attorney fees and court costs, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amounts due constitutes a charge against the property designated or described in the statement and that the same is due and collectable as provided by law. The city shall be entitled to recover from the responsible party or parties the total cost of removal and disposal, plus interest thereon, and all reasonable attorney fees and other costs incurred by the city by reason of the collection upon and enforcement of the responsible party's or parties' liability hereunder, and the lien which secures same. Interest shall accrue on such costs at the legal rate of eight percent per annum.~~

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

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

Cathy Crecelius, Chairwoman

Adopted by the Paducah Planning Commission on February 2, 2015