



City Commission Meeting Highlights

Tuesday, December 13, 2011

Firefighter Overtime Lawsuit

The Mayor and Commission approved an emergency ordinance for the City of Paducah to satisfy the legal liability as established by the McCracken County Circuit Court's rulings this year regarding the lawsuit filed by current and former firefighters against the City of Paducah. The lawsuit was filed in January 2006. The suit pertains to the interpretation of how overtime is calculated for the firefighters' annual \$3100 incentive pay provided by the state. The City has the responsibility to administer the funds using the directives issued by the state; however, firefighters in Paducah and other Kentucky cities disagreed with the way their overtime wage rates were being calculated. Even though Paducah was using Kentucky Labor Cabinet guidance, the McCracken Circuit Court determined that the City was liable under the Kentucky Wage and Hour laws for failing to correctly pay overtime on the state incentive funds. Paducah is not unique with this overtime lawsuit. Many other Kentucky cities computed and paid wages to their firefighters by following a methodology acknowledged by the Kentucky Labor Cabinet. Senate Bill 46 was signed into law in March 2009 which clarified how to calculate the \$3100 state incentive supplement.

The summary of the City's liability is \$1,482,742 which excludes attorney fees. This amount includes the back wages, interest, pension contribution, Medicare contribution, and unemployment & workers' compensation for the 71 former and current firefighters listed in the lawsuit. The firefighters will receive amounts ranging from \$3141 to a little more than \$29,490. The City of Paducah will use general fund money previously set aside for the lawsuit in addition to borrowing funds from its own fleet trust fund and having the health insurance fund pay back money it borrowed a couple of years ago from the general fund.

MAP-GIS Consortium Interlocal Agreement (vote Dec. 20)

The Mayor and Commissioners introduced an ordinance for an interlocal agreement with the McCracken and Paducah Geographic Information System (MAP-GIS) consortium members and a contract with the GIS software vendor ESRI. The new contract with ESRI will allow each agency to pool their licenses and obtain virtually unlimited copies of most of ESRI's software. Currently each agency maintains separate software, licenses, and maintenance with ESRI. The new three year contract will cost the consortium \$50,000 per year which will be divided among the consortium. The new contract is a cost savings for the City. The public can view the MAP-GIS system by visiting www.paducahky.gov and clicking the link on the left side of the homepage. MAP-GIS was created in 1999 and includes the following members: City of Paducah, McCracken County, Paducah Water, Paducah Power, E911, and the Joint Sewer Agency.

Homeless Shelter Text Agreement (vote Dec. 20) and Tent City Response

The Mayor and Commissioners introduced an ordinance that would allow homeless shelters within the Paducah city limits. The ordinance creates section 126-72 within the zoning ordinance. On November 21, the Paducah Planning Commission held a public hearing and made a positive recommendation regarding the addition of the new section. The new section outlines requirements for a homeless shelter including location constraints, permit requirements, and shelter standards. Among other items, for a shelter to be approved it must have a continuous, on-site operator, an approved code of conduct for its residents, adequate external lighting, laundry facilities, and a written



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management plan. The Planning Department also feels the ordinance will satisfy the Fair Housing Act. Before any structure could be utilized as a homeless shelter, an application for a Conditional Use Permit would need to be filed which would include a public hearing and Planning Commission and Board of Adjustment approval.

In response to today's notification by the Police Department to those living in the area known as Tent City that they would need to find alternate shelter by noon tomorrow, City Manager Jeff Pederson read the City's news release to those in attendance. Each Commissioner voiced their thoughts about this sensitive issue. Commissioner Richard Abraham says, "The City is liable if we don't adhere to the building code. This is not pleasant. It's very challenging." Commissioner Gayle Kaler says, "We are doing this to protect the City from liability but also to protect the people who are living there." Michele Thomas with Tent City Missions addressed the Commission with her concerns. Mayor Paxton suggests that she work with the City's Inspection Department to determine the legal options for the tent city area.

Convention Center Paducah Power Bills

Mayor Bill Paxton and City Manager Jeff Pederson in addition to Judge Executive Van Newberry and Deputy Judge Doug Harnice met last week to discuss the Julian Carroll Convention Center and the Expo Center's outstanding Paducah Power bills. At tonight's Commission meeting, Pederson asked the City Commission for their support in paying half the utility bill. The bill through November 29 totals \$113,581.42. The Commission voiced their support in paying half the bill which will be brought before the Commission as an ordinance. City Manager Jeff Pederson says, "This will bring the operation close to being flush for today."

Paducah Renaissance Alliance Discussion

City Manager Jeff Pederson discussed with the City Commission options to modify Paducah Renaissance Alliance (PRA) to optimize the efforts of the newly hired three-member staff team. He provided four options to restructure PRA including leaving the organization as-is, modifying the ordinance to eliminate the volunteer board that oversees PRA, or eliminating PRA as a city department and simply providing funds through Paducah Main Street. However, the fourth option, which is the one recommended, is to modify the ordinance to transform the current PRA volunteer board from a management board to an advisory board. Pederson states, "An advisory board would not be involved in the implementation of day-to-day services, but rather would provide PRA vision, monitor progress, recruit volunteers, provide a stakeholder forum, and in general provide advocacy for the PRA mission." PRA would then function as a City department with the added benefit of an appointed stakeholder group. The City Commission approved a motion supporting the City Manager's recommendation. The PRA ordinance will be amended at a later meeting.

Quick Highlights:

- Recreation Superintendent Amie Clark presented trophies and prizes to the winners of the City of Paducah Christmas Parade Contest. The annual Christmas Parade was held December 3. The top three entries in each category receive cash prizes. First place receives \$300 with 2nd and 3rd place entries receiving \$200 and \$100, respectively. The entire list of parade winners can be found at www.paducahky.gov.
- Commissioner Gayle Kaler presented Certificates of Achievement to Bob and Terrie Dwyer and Pat Herring for their private investment in LowerTown. Bob and Terri Dwyer have renovated 323 and 315 Madison. Plus, they take care of the property located at 4th and Madison. Pat Herring has renovated 524 and 528 North 8th Street in addition to 813 Harrison. Commissioner Kaler also recognized Sharon Graves and Delbra Keyser for their investments in LowerTown. Graves is responsible for revitalizing the Colonial and the Friedrich while Keyser is responsible for 219 North 9th and 407 and 409 North 5th.
- Boards and Commissions: Lorraine Schramke appointed to Paducah Planning Commission and Bill Pinkston and Leo Green reappointed to Brooks Stadium Commission.



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- Municipal order approved to amend the 2011 Hazardous Mitigation Grant Program application to include the Parks Department Generator Project and the Police Department Emergency Generator Project.
- Municipal order approved for the renewal of the one-year lease between the City of Paducah and Josh Goodwin. Goodwin is leasing approximately 120 tillable acres of the sports park property off Sheehan Bridge Road for agricultural purposes. The City will receive \$7400.
- Ordinance introduced (vote Dec. 20) for an updated interlocal agreement between the City of Paducah and McCracken County fire departments to provide mutual aid when an emergency arises that overwhelms the resources of the responding department. The participating departments are Barkley Regional Airport Authority, City of Paducah, Concord Fire Protection District, Hendron Fire District, Lone Oak Fire District, Melber-New Hope Fire Protection District, Reidland-Farley Fire District, and West McCracken Fire District.
- Ordinance introduced (vote Dec. 20) to annex the property located at 156 Bleich Road. The property owner, Mike Falconite, has requested the annexation. Currently a 14,000 square foot mixed-use center is being constructed on the site with two additional structures planned. The 3.5 acre property is adjacent to the Paducah city limits. A public hearing will be held with the Planning Commission to assign zoning.
- Ordinance introduced (vote Dec. 20) to purchase for the Engineering-Public Works Department a 2012 Ford F150 truck in the amount of \$23,186.40 utilizing the state contract.
- Ordinance introduced (vote Dec. 20) to repeal the 1975 ordinance that closed the 15 foot wide alley located between Kentucky Avenue and Washington Street just east of South 17th Street.
- Ordinance introduced (vote Dec. 20) to provide an addendum to the City Manager's employment contract. Amendments include adjusting the salary to reflect the July 2011 cost of living adjustment and terms of payment into a deferred compensation plan.

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