



CITY COMMISSION MEETING
AGENDA FOR FEBRUARY 7, 2017
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>APPOINTMENTS</u>
	A. Commissioners of Water Works
	B. Electric Plant Board
	C. Paducah Area Transit Authority
	D. Paducah-McCracken County Joint Sewer Agency
	E. Paducah Riverfront Development Advisory Board
	III. <u>MOTION</u>
	A. R & F Documents
	IV. <u>MUNICIPAL ORDER</u>
	A. CLG Grant Application – S. ERVIN
	B. Homeland Security Grant Program Application - S. ERVIN
	V. <u>ORDINANCE(S) – INTRODUCTION</u>
	A. Amend Ordinance for Artist Setup Area – S. ERVIN
	VI. <u>CITY MANAGER REPORT</u>
	VII. <u>MAYOR & COMMISSIONER COMMENTS</u>
	VIII. <u>PUBLIC COMMENTS</u>
	IX. <u>EXECUTIVE SESSION</u>

JANUARY 31, 2017

At a Called Meeting of the Board of Commissioners, held on Tuesday, January 31, 2017, at 5:30 p.m., in the Lower Level Training Room of City Hall located at 300 South 5th Street, Mayor Harless presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, Holland, Rhodes, Wilson, and Mayor Harless (5).

MOTION

R & F CALLED MEETING NOTICE

Commissioner Abraham offered motion, seconded by Commissioner Holland, that the Notice of Called Meeting for Tuesday, January 31, 2017, be received and filed.

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

The Board of Commissioners held a Board of Commissioners-Management Team Workshop.

WORKSHOP

COMMISSION-MANAGER PARTNERSHIP GUIDELINES

City Manager Pederson discussed updating the Commission Protocol Operating Guidelines adopted in 2009 by the Board. He reviewed the roles and responsibilities of the Board and City Manager and explained the importance of partnership between staff and the Board. Copies of the proposed Commission-Manager Partnership Guidelines were distributed and once finalized will be adopted as a municipal order.

SELECTION OF CRITERIA FOR RANKING CAPITAL PROJECTS

Assistant to the City Manager Michelle Smolen and City Manager Pederson led a discussion with the Board and directors to select criteria for ranking capital projects which are proposed during the fiscal year budget process. Selected directors formed a project team to develop criteria options. The project team chose two types of criteria, outcome and technical, with outcome criteria having nine options and technical having five. Each set of criteria should have five options. Therefore, the Board was asked to narrow down the nine outcome criteria options to five. The outcome criteria options are safety; transportation & mobility; property, plant & infrastructure integrity; city services; community development; economic vitality; recreation; environmental stewardship and technological enhancement. Technical criteria options are legal mandate/regulatory compliance; implications of deferring the project; relationship to other projects/coordination; capital fiscal impact and operational budget impact.

After much discussion, the Board and directors selected the following five options for outcome criteria.

1. Safety
2. Property, Plant & Infrastructure Integrity
3. Recreation
4. Community Development
5. Economic Vitality

During the budget process the outcome and technical criteria with options will be used to rank capital projects to develop and maintain a Capital Improvement Plan. (For more details please read a copy of the City Commission Workshop Highlights which are located at the end of the minutes.)

Mayor Harless adjourned the meeting.

ADOPTED: February 7, 2017

City Clerk

Mayor

City Commission Workshop Highlights

Commission-Manager Partnership Guidelines

City Manager Jeff Pederson discussed with the Paducah Board of Commissioners and the Department Directors the updating of a document approved in 2009 that outlines partnership guidelines and roles and responsibilities for the elected officials, city manager, and staff. Paducah operates under a City Manager Plan as outlined in KRS 83A.150. Pederson explained that governance in Paducah's form of government relies on the partnership of elected officials, who set policy and priorities, and city staff, who analyze problems and issues, make recommendations, and implement the policies. Pederson says, "This is a working relationship intended to maximize the efficiency and effectiveness of city government." Mayor Brandi Harless says she finds the structure of Paducah's government very appealing due to its consistency and partnerships. Mayor Harless says, "It's obvious that we get to have a high-level professional staff." The group in attendance received a draft document that addresses roles of elected officials and staff in addition to communication guidelines and concepts that would maximize the effectiveness of this form of government. Once in final form, the document will be adopted as a Municipal Order at a future Commission meeting.

Selection of Criteria for Ranking Capital Projects

Each year, the City of Paducah develops a list of capital projects for discussion during the budget season. However, there has not been a formal ranking process. Discussion about capital projects and the need for a prioritization process occurred during the Next Steps Workshop held July 27, 2016 following the National Citizen Survey. At this meeting, City Manager Jeff Pederson and Assistant to the City Manager Michelle Smolen led the Paducah Board of Commissioners and Department Directors through a process to select criteria that will be used to prioritize projects. Selecting criteria and implementing a capital project prioritization process aid in decision-making since the criteria are used to objectively rank projects, which is especially helpful when a project may exceed available resources.

Over the last few months, an internal team has been researching and evaluating best practices used to prioritize projects. The internal team evaluated the process used in ten other organizations including Bowling Green, KY, Tyler, TX, and the North Dakota University System. The team found that the organizations used a range of 5 to 13 criteria in evaluating projects with the most common number of criteria being nine. The criteria are often divided into two categories: outcome and technical. The outcome criteria relate to how the project impacts a goal while the technical criteria focus more on finances, legislation, and timing.

The internal team determined a list of nine possible outcome-based criteria with the goal of having the list reduced to five. After discussion and voting, the elected officials and staff selected these five outcome-based criteria:

- Safety – Does the project improve public safety and/or promote well-being while reducing risk for the community?
- Property, Plant & Infrastructure Integrity – Does the project sustain the maintenance and/or improve existing systems and facilities
- Community Development – Does the project promote strategic and sustainable residential and commercial districts?

JANUARY 31, 2017

- Economic Vitality – Does the project promote or contribute to the economic vitality?
- Recreation – Does the project enhance cultural, recreational, or learning opportunities by making the City a more favorable place to live?

The outcome criteria will be used to rank projects during the budget process. Each project also will be ranked using five technical criteria:

- Legal Mandate/Regulatory Compliance – Is the project legally required by legislation to address a current or future mandate?
- Implications of Deferring the Project – Will deferring the project create unsafe conditions and/or result in significant future costs, loss of service, or system failure?
- Relationship to Other Projects/Coordination – Is the project timely, and will it sequentially work with other existing or proposed community projects?
- Capital Fiscal Impact – Are the funds already dedicated or available for the project, and/or does the project leverage outside funding?
- Operational Budget Impact – Does the City have the existing capacity (staff, equipment, resources, etc.) to support the project?
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The next step will be for staff to use the prioritization process on a list of potential capital projects in February. Then, the project rankings and funding options will be presented at a City Commission pre-budget workshop.

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FEBRUARY 7, 2017

I move that the following documents be received and filed:

DOCUMENTS

1. Notice of Cancellation for the Board of Commissioners of the City of Paducah for January 10, 2017
2. Certificates of Liability Insurance:
 - a. J.C. Cates Construction, Inc.
 - b. Central Paving Co. of Paducah, Inc.
 - c. Jay-Ton Construction Co. Inc.
3. Deed with Kenneth W. Knight for 151 Clements Street (MO # 1945)
4. Deed of Conveyance with Enoch Chapel Cumberland Presbyterian Church in America for properties located at 900 & 904 North 10th Street (MO# 1942)
5. Contracts/Agreements
 - a. Agreement with Kentucky Department of Housing, Buildings and Construction for enforcement responsibilities within the boundaries of the City and State (ORD 2017-1-8465)
 - b. Contract with Municipal Code Corporation for recodification of the City of Paducah Code of Ordinances (Executed by CM)
 - c. City of Paducah Fleet Maintenance Service Agreement with Concord Fire Protection District (ORD 2017-1-8464)
6. City of Paducah Financial Report for Period Ending November 30, 2016

**Agenda Action Form
Paducah City Commission**

Meeting Date: 7 Feb 2017

Short Title: FY2017 Certified Local Government Program competitive matching grant application

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Steve Ervin, Adam Shull

Presentation By: Steve Ervin

Background Information:

Local governments certified under the Certified Local Government (CLG) Program are eligible to compete for annual CLG grant funds. As a certified local government, Paducah can apply for the FY2017 Certified Local Government Program competitive matching grant. The program provides a list of proposed grant projects based on goals, strategies and action items outlined in the Kentucky State Historic Preservation Plan. The Planning Department seeks to apply for professional development training under the Preservation Education category so that the five members of the Historic & Architectural Review Commission (HARC) can meet state requirements for professional training. Our proposal would send HARC members to the 2017 Past Forward Conference in Chicago on Nov. 14-17. Planning professionals and commissioners are required by HB55 to obtain hours of continuing education, and educational sessions from the National Trust for Historic Preservation qualify as state-approved continuing education. The National Trust for Historic Preservation hosts the Past Forward conference that is considered a premier educational event for historic preservation professionals. The matching requirement is 40% by the applicant, which is \$4,146.56 of the total \$10,366.40 project cost in our proposal. Grant funds would cover the other 60% (\$6,219.84). Award notification will be sometime in the spring. Matching funds will come from the Planning Department's FY2018 travel budget (001-1202-513-3801).

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

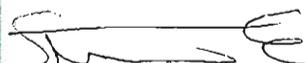
Funds Available:

Account Name: *FY 2018 Planning*
Account Number: *accounts*
Project Number:

2/3/2017
Finance

Staff Recommendation: Authorize and direct the Mayor to execute all required grant application documents.

Attachments: None

 Department Head	 City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR A MATCHING GRANT IN THE AMOUNT OF \$\$6,219.84, THROUGH THE KENTUCKY HERITAGE COUNCIL/STATE HISTORIC PRESERVATION OFFICE AND NATIONAL PARK SERVICE FOR A CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT FOR PROFESSIONAL DEVELOPMENT TRAINING REQUIRED FOR THE HISTORIC & ARCHITECTURAL REVIEW COMMISSION

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute an application and all documents relating to same, requesting a matching grant in the amount of \$6,219.84 through the Kentucky Heritage Council/State Historic Preservation Office and National Park Service for a Certified Local Government Program grant to be used for the Historic & Architectural Review Commission to attend the 2017 Past Forward Conference for professional development training to meet state requirements.

SECTION 2. This grant will require a local cash match of \$\$4,146.56 which will be provided from the Planning Department's FY2016 travel budget.

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 7, 2017
Recorded by Tammara S. Sanderson, City Clerk, February 7, 2017
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**Agenda Action Form
Paducah City Commission**

Meeting Date: 7 Feb 2017

Short Title: FY2017 Homeland Security Grant application

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Chief Steve Kyle, Sheryl Chino, Adam Shull
Presentation By: Chief Steve Kyle

Background Information:

The Paducah Fire Department seeks to apply for \$104,500 of grant funds through the Kentucky Office of Homeland Security to purchase portable radios. No match is required. Federal Engineering's needs assessment and alternates report from Jan. 20, 2017, details the need for the radios in its examination of system upgrades or replacements recommended for the current 9-1-1 call taking, computer aided dispatch, records management and radio dispatch. The Paducah Fire Department is looking to upgrade or replace 66 portable and/or mobile radios, and \$104,500 of grant funds will pay for approximately 19 radios.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available:

Account Name:
Account Number:
Project Number:

Finance

Staff Recommendation: Authorize and direct the Mayor to execute all required grant application documents.

Attachments: None

 Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY FOR A FY2017 KENTUCKY OFFICE OF HOMELAND SECURITY GRANT IN THE AMOUNT OF \$104,500, FOR THE REPLACEMENT OR UPGRADE OF PORTABLE AND/OR MOBILE RADIOS FOR THE PADUCAH FIRE DEPARTMENT

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The Mayor is hereby authorized to execute a grant application and all documents necessary for a FY2017 Kentucky Office of Homeland Security Grant in the amount of \$104,500, for the replacement or upgrade of portable and/or mobile radios for the Paducah Fire Department. No local cash match or in-kind contributions are required.

SECTION 2. This order shall be in full force and effect from and after the date of its adoption.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, February 7, 2017
Recorded by Tammara S. Sanderson, City Clerk, February 7, 2017
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Agenda Action Form

Paducah City Commission

Meeting Date: February 7, 2017

Short Title: Artist Setup Area Text Amendments

Ordinance Emergency Municipal Order Resolution

Staff Work By: Melinda Winchester

Presentation By: Stephen Ervin

Background Information:

The intent of the Artist Setup Area Text Amendment is to streamline the application and administration process within the City of Paducah Planning Department of the Artists Setup Area at the Gazebo and Texaco Station. The amendment will also align the permit fees and structure with the City of Paducah's Finance Department.

Staff Recommendation:

Approval of text changes

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

Finance

Motion:

Attachments:

Planning Commission Resolution

 Department Head	City Clerk	 City Manager
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CITY OF PADUCAH
ORDINANCE NO. 2017 - _____

AN ORDINANCE AMENDING CHAPTER 98,
ARTICLE VIII, "ARTIST SETUP AREA" OF
THE CODE OF ORDINANCES OF THE CITY
OF PADUCAH, KENTUCKY

WHEREAS, this Ordinance amends Chapter 98, Article VIII, "Artist Setup Area," of the *Code of Ordinances of the City of Paducah, Kentucky*; and

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

SECTION 1. That Chapter 98, Article VIII, "Artist Setup Area," is hereby amended and restated to read as follows:

CHAPTER 98 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE VIII. ARTIST SETUP AREA

Sec. 98-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artist Permit is defined as a permit granted to a person pursuant to this Article to allow the permittee to create and/or sell Original Works of Art in those areas of the City of Paducah defined as "The Gazebo Artist Setup Area, or "The Texaco Station Artist Setup Area."

Commercial transaction means the selling of any service or goods for any type of price, set fee, or required donation, or the display, wearing, posting or distribution of verbiage or signs that describe or refer to a price, set fee or required donation for any service or goods other than the selling of Original Works of Art. ~~original fine art including but not limited to paintings, sketches, drawings, sculpture, ceramics, fine art glass and handmade jewelry; or other fine art crafts as approved by the Artist Committee.~~

The Gazebo Artist Setup Area area means the primary area extending from the corner of 2nd and Broadway to the two entrances of the carriage turn-around on 2nd Street and Broadway respectively and including the Gazebo area proper. It does not mean the drive-through areas designated for horse carriage traffic or directly in front of the Gazebo entrance facing Broadway. The use of this area is not meant to conflict with the provisions of section 122-71 et seq. The auxiliary over-flow only to be used when this space is filled shall be the 2nd Street promenade sidewalk extended along the old Sinnott Hotel building from Broadway to the alley.

Guest Permit permit is defined as a permit that will allow an artist that desires to create or demonstrate Original Works of Art in the stated areas ~~on limited occasions~~ but does not

intend to sell their work. A guest permit ~~shall be~~ is granted by the City of Paducah, Department of Planning ("Paducah Planning Department") in accordance with the terms and conditions of this Article.~~an artist with an existing permit for stated areas.~~

Handmade artifact means merchandise which is entirely handmade by the labor of the permittee or workers of the permittee; it shall not include any finished products bought for resale, or perishable or edible merchandise.

Original Works of Art means only those works produced and for sale by the artist which have been accomplished essentially by hand and any prints of original work of art by the artist including but not limited to paintings, sketches, drawings, sculpture, ceramics, fine art glass, handmade artifact, and handmade jewelry; or other fine art crafts as approved by the Paducah Planning Department after consultation with the authorized designee of the Paducah Art a 'la Cart Association or other local artist association selected by the Paducah Planning Department.

~~A permit is defined as a permit granted to a person pursuant to this section and subsections to allow the permittee to create and/or sell original works of art in that area defined as "The Gazebo Artist Setup Area, or "The Texaco Station Artist Setup Area."~~

~~The Texaco Station Artist Setup Area~~ means the city's park area at the northeasterly corner of 7th Street and Madison Street.

Sec. 98-222. - Permits required.

Every person who shall desire to use the public parks, sidewalks establishments defined in the two Artist Setup Areas for creation, demonstration and/or sale of Original Works of Art ~~art~~ as must obtain either an "Artist Permit" or a "Guest Permit." Permits shall only be issued to persons determined to be in compliance with the terms and regulations of this Article and all other ordinances and policies of the City of Paducah. No other similar permit will be issued by ~~the City Manager~~ the City of Paducah for the Gazebo Artist Setup Area ~~2nd-Street Gazebo area~~ or the Texaco Station Artist Setup Area ~~Texaco station~~ in contravention with this Article ~~article~~.

The permit approval and administration of the program will be handled by the Paducah Planning Department. Duties and powers of the Paducah Planning Department under this Article shall include:

- (a) Create an application form for prospective artist. The applications shall be approved by the Director of Planning or his designee.
- (b) The Paducah Planning Department shall receive and review applications for an Artist Permit or a Guest Permit; and shall approve or deny such permits in accordance with this Article. In the event the Paducah Planning Department determines that the permit application does not comply with the terms of this Article, the Paducah Planning Department shall provide the applicant with written advice of the reasons for same. Thereafter, the applicant shall be accorded a period of three (3) days to correct or resolve the matters defined under the written advice. If the applicant fails to correct or resolve the matters within this period of time, the Paducah Planning Department shall issue a formal written notice of denial and shall mail a copy of the notice to the applicant at the address set forth in the application. The notice of denial shall set forth the following information:

(i) the specific grounds for the denial; and (ii) an explanation of the applicant's right to appeal the denial to the Director of Planning within five (5) days of the date of the notice. The Director of Planning shall answer said appeal within fourteen (14) days of receipt.

- (c) A permit issued under this Article is a privilege. Upon acceptance of a permit, each artist agrees to fully comply with all of the conditions and regulations under this Article. In the event the artist fails to comply, the Paducah Planning Department shall have the power to revoke the permit for up to one (1) year in accordance with the following provisions: (i) The Paducah Planning Department shall issue a formal written notice of revocation of the permit and shall mail a copy of the notice to the artist at the address set forth in the initial application; (ii) the Artist may submit a written response and/or correct or resolve the matters defined under this notice within three (3) days of the date of the notice; (iii) this notice shall set forth the specific grounds for the revocation and an explanation of the artist's right to appeal; (iv) the artist shall have five (5) days from the date of the notice of revocation to appeal to the Director of Planning, and (v) the Director of Planning shall answer said appeal within 14 days of receipt. The artist shall immediately cease, desist, and vacate the applicable Artist Setup Area upon receipt of the written notice of revocation.

Sec. 98-223. - Fees.

~~The applicant shall pay for the permits issued under this ordinance at the time to the following schedule:~~

- ~~(a) Any permit issued under this subsection shall be designated on the face of the permit as "Artist Permit". Since renewals will be in January, first time permits shall be pro-rated as follows. First time permits from January 1 until June 30 is \$35.00. From July 1 until December 31, the cost shall be \$17.50.~~
- (a) Any applicant or permittee of the Artist Permit shall pay an annual permit fee of \$35.00 in accordance with Section 98-227. Renewals of Artist Permits are due by January 31 of each year and are \$35.00.
- (b) For a "Guest Permit" to be granted by existing permitted artist, there is no fee. Guest Permits are only valid for a single occurrence and only for creation and/or demonstrations of Original Works of Art, not sales.

Sec. 98-224. - Exhibition of work.

- (a) While an Artist Permittee ~~permittee~~ under this Article ordinance is working, he or she may also exhibit and sell his or her own Original Works of Art ~~original fine art work~~ on the permitted site.

- (b) ~~An Artist Permittee or a Guest Permittee shall, he or she may not engage in any commercial transaction as defined herein, other than producing or selling his or her own original fine art.~~
- (c) Only persons holding an Artist Permit or a Guest Permit permits may place approved carts, easels, tables, chairs or similar furniture within either Artist Setup Area.
- (d) To protect the public health, safety, and welfare, the ~~City Manager~~ Director of Planning, or his designee, is hereby authorized to resolve any disputes by altering permits, reallocating spaces granted to permit holders of this Article, section, or reducing the number of artist spaces in order to accommodate the various parties using the city's public places.

Sec. 98-225. - Postings required.

- (a) Permits granted under this Article ~~article~~ shall be weatherproofed and posted in a conspicuous location.
- (b) The total sales price for Original Works of Art completed original fine art shall be displayed on a removable temporary sign no larger than eight and one-half inches by 11 inches.

Sec. 98-227. - Regulations for permits.

- (a) Any person who shall apply for an "Artist Permit" or a "Guest Permit" under this Article ~~article for the first time~~ shall obtain ~~an application from the Artist Committee~~ and shall submit ~~such~~ the required application to the Paducah Planning Department Artist Committee for approval. Applicant for an Artist Permit shall pay the annual permit fee as set out in Section 98-223 to the City of Paducah's Finance Department prior to issuance of the Artist Permit. The Artist Committee shall have 30 days to respond and shall notify the applicant in writing, at the address on the application, that such applicant is allowed 15 days to secure the permit from the date of the letter of notification. Failure of the applicant to appear in person at the City of Paducah's Finance Department finance department to pay the annual permit fee and secure the permit within fifteen (15) days of the date of the letter of notification the 15 day period shall invalidate the application, and the applicant shall be required to submit a new application in accordance with this Article. pursuant to the above process.
- (b) Artist Permits shall be valid from the date of issuance to the date when artist permittee is next required to submit its annual renewal application and pay the annual permit fee to the City Finance Department. Annual Artist Permit fees are due to the City of Paducah's Finance Department ("Paducah Finance Department") and renewal applications are due to the Paducah Planning Department on or before the 15th day of April of each calendar year. Each artist permittee shall submit the renewal application, and pay the annual Artist Permit fee, on or before the close of city business on the due date. Whenever the due date for submittal of the renewal application and payment of the annual Artist Permit fee falls on a Saturday or Sunday, the permittee shall be given an extension until the following Monday to submit the renewal application and pay the annual permit fee. In the event the following Monday is a city holiday, the permittee shall be given an additional extension to the city's

next business day to submit the renewal application and pay the annual permit fee. Notwithstanding the aforementioned extension, the permittee shall nevertheless comply with the requirements for a timely filing as defined under this Article. are valid for one year and shall be renewable within 31 days before or after its expiration date. The renewal application shall not require application process outlined above. The permit may be obtained immediately upon the request for renewal and payment of fee.

- (c) If a permit is not secured as required by this Article and posted in accordance with Section 98-225, such violator of this Article shall immediate cease, desist, and vacate the applicable Artist Setup Area. Should any artist working under an "Artist Permit" fail to renew such permit within the month of January of the following calendar year in which it was issued, the renewal of such permit shall be obtained pursuant to the process for obtaining a new permit as outlined in subsection (a) of this section.
- (d) Any permit issued under this Article shall be designated on the face of the permit as "Artist Permit" or "Guest Permit".

Sec. 98-228. - Artist regulations.

- (a) Each permit holder may occupy only one space in either the Gazebo Artist Setup Area or the Texaco Station Artist Setup Area. A permittee may not occupy a space in both the Gazebo Artist Setup Area or the Texaco Station Artist Setup Area. A typical space is six (6) feet by ten (10) 12 feet. Placement and usage of allocated spaces in the Artist Setup Areas shall be coordinated by the Paducah Planning Department after consultation with the authorized designee of the Paducah Art a 'la Cart Association or other local artist association selected by the Paducah Planning Department.
- (b) Spaces within the designated Artist Setup Area artist setup area will be available daily, only, on a "first come, first served" basis. A particular space shall not become the exclusive space of any permittee. Spaces may not be held overnight.
- (c) No person may be allowed to place easels, tables, chairs or similar furniture in the location occupied by another artist or directly in front thereof. An artist who simultaneously displays his work in two contiguous or noncontiguous locations shall immediately remove his work from one such location.
- (d) An artist who is working a location shall not display his work or place his equipment or himself in such a way as to block the sidewalk or interfere with pedestrian traffic or the artist next to them. They shall keep their sidewalk clean. When a member of the public is in front of an artist's location, no other artist will solicit or in any way try to attract attention.
- (e) Artists with permits shall will yield to any new or existing permitted functions specifically authorized by the City of Paducah and occupying space within either of the Artist Setup Areas, which might be issued by the city that would occupy said Artist Setup Areas. To the extent reasonably possible, the Paducah Planning Department director will be notified in advance of permitted events in order to will use its best efforts to notify permitted artists of such restrictions. from setting up on restricted time or day. Failure to notify will not absolve the permittee from complying with such restrictions. does not affect the validity of the newly issued permit.

- (f) Artist may display one sponsorship placard provided it does not exceed 8½ × 11 inches.
- (g) The hours of exhibition may be anytime between 5:00 a.m. and 10:00 p.m.

SECTION 2. That Chapter 98, Article VIII, Section 98-226. – “Artist Committee,” is hereby repealed in its entirety as follows:

~~Sec. 98-226. – Artist Committee.~~

~~It is intended that, that to a significant degree, the program will be self governed. The forum for decisions shall be known as the Artist Committee. The Artist Committee made up of one directing member and two committee members, one of which shall be a Mayoral appointment, shall perform governing of the artist setup areas.~~

~~(a) Duties and powers of the Artist Committee.~~

- ~~(1) Create an application form for prospective artist. The application will be approved as to form by the City Manager, or his designee.~~
- ~~(2) The Artist Committee will issue permit applications and approve or deny applications in accordance with the ordinance. Upon receipt of an application, the Artist Committee has 30 days to respond and shall notify the applicant in writing of their decision. Upon approval, the applicant has 15 days to secure a permit by appearing in person at the city's finance department and paying the fee.~~
- ~~(3) The acting director of the Artist Committee shall coordinate the usage of the allocated spaces and enforce the regulations of section 98-228.~~
- ~~(4) The body of permit holding artists will hold elections alternating Januarys to elect the Artist Committee members for a service period of two years.~~
- ~~(5) For willful violation of the terms of the ordinance and conditions of the permit, the Artist Committee shall have the power to revoke permits for up to one year. Any person aggrieved by any decision of the Artist Committee may appeal to the City Manager. Appeals must be made within seven days. The City Manager shall answer said appeal within 14 days of receipt.~~

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

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

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

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

MAYOR

ATTEST:

City Clerk

Introduced by the Board of Commissioners, _____, 2017

Adopted by the Board of Commissioners, _____, 2017

Recorded by City Clerk, _____, 2017

Published by *The Paducah Sun*, _____, 2017