



**CITY COMMISSION MEETING  
AGENDA FOR APRIL 11, 2017  
5:30 P.M.  
CITY HALL COMMISSION CHAMBERS  
300 SOUTH FIFTH STREET**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS/DELETIONS**

**PRESENTATION: Community Scholarship Program -Dr. Anton Reece and Lee Emmons**

	<b>I. <u>CONSENT AGENDA:</u></b>
	<b>A. <u>MINUTES</u></b>
	<b>B. <u>MOTION</u></b>
	1. R & F Documents
	<b>C. <u>MUNICIPAL ORDER(S)</u></b>
	1. Personnel Actions
	2. Contract with Paducah Convention & Visitors Bureau – <b>CITY MGR</b>
	<b>II. <u>MUNICIPAL ORDER(S)</u></b>
	<b>III. <u>ORDINANCE(S) – INTRODUCTION</u></b>
	A. Zone Change for Property Located at 4231 Pecan Drive – <b>J. SOMMER</b>
	B. Amendment to Cable Television Franchise Agreement with Comcast – <b>P. SPENCER</b>
	C. Authorize Change Order for Final Quantities for Olivet Church Road Improvement Project – <b>R. MURPHY</b>
	<b>IV. <u>COMMENTS</u></b>
	A. Comments from the City Manager
	B. Comments from the Board of Commissioners

		C. Comments from the Audience
	V.	<u>EXECUTIVE SESSION</u>

MARCH 28, 2017

At a Regular Meeting of the Board of Commissioners, held on Tuesday, March 28, 2017, at 5:30 p.m., in the Commission Chambers 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).

**INVOCATION**

Commissioner Holland gave the invocation.

**MINUTES**

Commissioner Abraham offered motion, seconded by Commissioner Holland, that the reading of the Minutes for the March 21, 2017, City Commission meeting be waived and that the Minutes of said meeting prepared by the City Clerk be approved as written.

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

**MOTION**

**R & F DOCUMENTS**

Commissioner Holland offered motion, seconded by Commissioner Abraham, that the following documents and bids be received and filed:

**DOCUMENTS**

1. Certificates of Liability Insurance:
  - a. Beltline Electric Co., Inc.
  - b. Hansen Brothers Concrete
2. Right of Way Bond:
  - a. Central Paving Co. of Paducah, Inc.
  - b. Gill Family Properties, LLC
3. Payment Bond and Performance Bond for Brehm Striping Co., Inc.
4. Contracts/Agreements:
  - a. Agreement with Youngblood Excavating & Contracting, LLC for Noble Park Lake Bank Stabilization Project – Phase II (ORD # 2017-2-8477)
  - b. Agreement with Strand Associates for the development of a Comprehensive Storm Water Master Plan (ORD # 2017-3-8480)
5. Edwin J. Paxton Park Financial Statements for 2016

**BIDS FOR CONVENTION CENTER CORPORATION**

**Tables, Chairs, Risers and Dance Floor**

1. MITYLITE
2. Great Spaces
3. SICO

**BIDS FOR ENGINEERING-PUBLIC WORKS DEPARTMENT**

**Limestone for 2017-2018**

1. Vulcan Materials Co. LLC \*
2. Lafarge Holcim
3. Pine Bluff Sand & Gravel

MARCH 28, 2017

**BIDS FOR PLANNING DEPARTMENT**

**921 & 923 North 7<sup>th</sup> Street and 705 Finley Street**

1. Van-Key Properties, LLC\_\*

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

**MUNICIPAL ORDER(S)**

**PERSONNEL ACTIONS**

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, 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 upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5).

**APPROVE GRANT APPLICATION FOR REIMBURSEMENT OF SPRING CLEAN-UP DAY EXPENSES**

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that a Municipal Order entitled, "A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A 2017-2018 KENTUCKY HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATION AND ALL DOCUMENTS NECESSARY THROUGH THE KENTUCKY DIVISION OF WASTE MANAGEMENT IN THE AMOUNT OF \$25,500 TO ASSIST IN FUNDING THE CITY/COUNTY ANNUAL CLEAN-UP DAY," be adopted.

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5). M.O.#1959; BK 10

**SALE OF SURPLUS PROPERTIES: 705 FINLEY STREET, 921 & 923 NORTH 7<sup>TH</sup> STREET**

Commissioner Abraham offered motion, seconded by Commissioner Wilson, that a Municipal Order entitled, "A MUNICIPAL ORDER AUTHORIZING THE SALE OF 921 & 923 NORTH SEVENTH STREET AND 705 FINLEY STREET TO VAN-KEY PROPERTIES, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSFER," be adopted.

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5). M.O.#1960; BK 10

**ACCEPT BID FOR PURCHASE OF LIMESTONE FOR 2017 – 2018**

Commissioner Holland offered motion, seconded by Commissioner Abraham, that a Municipal Order entitled, "A MUNICIPAL ORDER ACCEPTING THE BID OF VULCAN MATERIALS CO., LLC FOR SALE TO THE CITY OF ITS REQUIREMENT OF LIMESTONE FOR THE 2017 AND 2018 CALENDAR YEARS, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME," be adopted.

MARCH 28, 2017

Adopted upon call of the roll, yeas, Commissioners Abraham, Holland, Rhodes, Wilson and Mayor Harless (5). M.O.#1961; BK 10

### **THANK YOU**

Before the presentation began, Mayor Harless thanked Planning Director Steve Ervin for his many years of service. He is retiring as of March 31, 2017. Mr. Ervin became employed with the city's Planning Department in 1990 and was promoted to Planning Director in 2008. City Manager Jeff Pederson and each member of the Paducah Board of Commissioners thanked Ervin for his professionalism. Ervin certainly will be missed.

### **PRESENTATION(S) BY STAFF**

#### **PRESENTATION ON FOOD TRUCK ORDINANCE**

Planning Director Steve Ervin gave an overview of a proposed food truck ordinance. A copy of the PowerPoint Presentation and a draft of the ordinance are in the Minute file.

Details of the report are provided below in an excerpt from the City Commission Highlights prepared by Pam Spencer, Public Information Officer.

#### **'Food Truck Ordinance Presentation**

Planning Director Steve Ervin updated the Paducah Board of Commissioners on the research regarding food trucks also known as mobile food vending. Currently, mobile food trucks are allowed in Paducah only in the HBD (Highway Business District) zones which are along a section of U.S. 60/Hinkleville Road and a section of Lone Oak Road. Ervin first made a presentation regarding this topic to the Commission in February 2016. Since then, the Planning Department staff has looked at ordinances and guidelines in more than a dozen other cities. They also reviewed the Food on Wheels document through the Kentucky League of Cities, reviewed the NFPA guidelines, and met with the Purchase District Health Department.

Ervin says, "They [food trucks] are a food establishment as defined by the State, and they have to meet a lot of the same requirements that a food establishment has to meet."

A proposed ordinance has been drafted which would first be presented at a Planning Commission meeting in the format of a public hearing. The draft ordinance addresses several topics including location and length of time a food truck could stay in a particular location. After completing an application process through the Planning Department, the trucks would be allowed in commercial zones. There is no fee for the application. Written permission would be required for any truck to locate on private property. The food truck may not operate for more than 14 consecutive days in one location and must wait 30 days before returning to that location. Also, the food truck may not be within 100 feet of the main entrance of any restaurant. The draft ordinance also addresses traffic and parking concerns and hours of operation. Several provisions also will be required such as a three compartment sink and hot and cold water within the unit. There also are provisions on how close the food truck could get to special events unless it is permitted as part of a special event. To address noise concerns, the food truck may not use bells, music, horns, or other sounds to attract customers and the noise level must comply with the City's noise ordinances. Also, generators will not be permitted on Broadway, 2<sup>nd</sup> Street, or within 100 feet of a residence.

Jermaine Frederick of Paducah addressed the Commission. He wants to offer food truck service near the Lourdes Hospital. Frederick says, "I really believe and I know in my heart that this is going to work. Paducah is on the rise. This is a great city." Mayor Harless says, "I am very excited about this."

MARCH 28, 2017

The next step will be a public hearing at a Planning Commission meeting. Once the Planning Commission provides their recommendation, an ordinance would be before the City Commission.'

**COMMENTS**

**COMMENTS FROM CITY MANAGER**

Finance Department is in budget preparation this week with directors. Usually this is a 2½ week process but due to the ongoing software conversion project for the City that Finance staff is heavily involved in, and the "Go Live" date for the Finance portion being July 1, schedules have been made a lot tighter to try to get the budget prep completed in a week. A pre-budget workshop will be held on April 18<sup>th</sup>.

At the request of the City Manager, City Engineer Rick Murphy gave the following update on Engineering-Public Works projects.

- As of yesterday a Notice to Proceed was given to the contractor for the Noble Park Bank Stabilization Project Phase II.
- Riverfront – Decking is being constructed on the transient boat dock. The placement of the dock is being coordinated with the arrival of the gangway.

**COMMENTS FROM THE BOARD OF COMMISSIONERS**

The Board thanked Steve Ervin again for his many years of hard work and dedication.

**ADJOURN**

Mayor Harless offered motion, seconded by Commissioner Wilson, that the meeting be adjourned at approximately 6:11 p.m. All in favor. Motion carried.

**ADOPTED:** April 11, 2017

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City Clerk

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Mayor

APRIL 11, 2017

I move that the following documents be received and filed:

**DOCUMENTS**

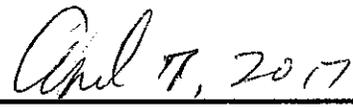
1. Notice of Cancellation for the Board of Commissioners for April 4, 2017
2. Certificate of Liability Insurance and Right of Way Bond for Burnett Custom Homes
3. Commissioner's Deed for 718 North 7<sup>th</sup> Street
4. Contract for Services with the Yeiser Art Center (Executed by CM)
5. PHA Certifications of Compliance with the US Department of Housing and Urban Development for City of Paducah Section 8 Housing Program Annual Plan FY17-18 (MO 1957)
6. Paducah Water Works Financial Highlights for February 2017
7. GPEDC, Inc. Financial Statements for Years ended June 30, 2016 and 2015

CITY OF PADUCAH  
April 11, 2017

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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

  
\_\_\_\_\_  
Date

**CITY OF PADUCAH  
PERSONNEL ACTIONS  
April 11, 2017**

**NEW HIRES - PART-TIME (P/T)/TEMPORARY/SEASONAL**

<b><u>PARKS SRVCS - RECREATION</u></b>	<b><u>POSITION</u></b>	<b><u>RATE</u></b>	<b><u>NCS/CS</u></b>	<b><u>FLSA</u></b>	<b><u>EFFECTIVE DATE</u></b>
Alford, James M	Recreation Leader Internship	\$8.50/Hr	NCS	Non-Ex	May 4, 2017
Archer, Reagan	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	May 18, 2017
Baird, Kolbie L	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Bilak, Chloe	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Blanks, Emilio A	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Cates, Tristan G	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	May 4, 2017
Clark, Morgan	Summer Camp Coordinator	\$9.50/Hr	NCS	Non-Ex	May 4, 2017
Davidson, Reagan E	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Drew, Rodney L	Sports Official	\$20.00/Game	NCS	Non-Ex	April 13, 2017
Elrod, Robert L	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Freeman, Peyton S	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Hobbs, Sarah E	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Hodge, Kennedy G	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Jernigan, Jaylen A	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Jez, Elise N	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	May 4, 2017
Lambert, Rianna F	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	May 4, 2017
Lowery, Claren	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Meier, Kevin C	Lifeguard	\$8.25/Hr	NCS	Non-Ex	May 4, 2017
Meier, Matthew C	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Myers, Mallory M	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Newberry, Hannah M	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Raber, Grace F	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Rich, Ashley E	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Seitz, Leigh Anne	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Smith, Ceriae A	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Smith, Jalisa M	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 4, 2017
Smith, Joya S	Pool Attendant	\$7.75/Hr	NCS	Non-Ex	May 25, 2017
Via, Elizabeth G	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017
Via, Mary-Kate	Recreation Leader	\$8.50/Hr	NCS	Non-Ex	April 13, 2017

**TERMINATIONS - FULL-TIME (F/T)**

<b><u>POLICE OPERATIONS</u></b>	<b><u>POSITION</u></b>	<b><u>REASON</u></b>	<b><u>EFFECTIVE DATE</u></b>
Guill, S. Austin	Police Patrol Officer	Resignation	April 7, 2017
<b><u>911 COMMUNICATIONS</u></b>			
Teel, Christina	Telecommunicator	Resignation	March 28, 2017

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 11, 2017

**Short Title:** Contract with Paducah Convention & Visitors Bureau - \$25,000 (conduit for AQS)

Ordinance  Emergency  Municipal Order  Resolution  Motion

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

### Background Information:

As part of the Investment Fund Decision Items for FY2017 (current year), the Commission approved appropriation to fund the American Quilters Society for the 2017 Quilt Show in the amount of \$25,000.

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

In order to expedite and simplify the process, the Paducah-McCracken County Convention Visitor Bureau (CVB) has agreed to act as a conduit through which local agency funds may flow. Therefore, the City will need to execute a contract with the CVB to handle the \$25,000 payment.

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*History - In July 2007, the City verbally committed to a cash incentive of \$25,000 for the spring 2008 American Quilter Society (AQS) Show. Other local agencies also committed funds to the AQS show. The funds were to be used to market and promote events and venues related to the 2008 show.*

*On March 18, 2008 the City Commission authorized a municipal order committing \$25,000 in Commission contingency funds to the 2008 AQS show.*

*This process was repeated in 2009-2016. This payment request/contract is for Quilt Show 2017.*

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**Goal:**  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

**Funds Available:** This expenditure was appropriated in the FY2017 Budget.

Account Name: Services-Other  
Account Number: 004-0401-536-8072

Finance
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### Staff Recommendation:

Authorize the Mayor to execute an agreement (and a one-time written Contract for Services) with the Paducah Convention & Visitors Bureau in the amount of \$25,000 on behalf of the AQS to be used for marketing and promoting events and venues related to the 2017 AQS Show.

**Attachments:**

Ordinance

Contract

Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER \_\_\_\_\_

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE  
A CONTRACT WITH THE PADUCAH-MCCRACKEN COUNTY CONVENTION  
AND VISITORS BUREAU FOR SPECIFIC SERVICES

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Mayor is hereby authorized to execute a contract with the Paducah-McCracken County Convention and Visitors Bureau in the amount of \$25,000 to be used for marketing and promoting events and venues related to the 2017 American Quilters Society Show. This contract shall expire June 30, 2017.

SECTION 2. This expenditure shall be charged to the Services-Other (004-0401-536-8072) account.

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

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Mayor

ATTEST:

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Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, April 11, 2017  
Recorded by Tammara S. Sanderson, City Clerk, April 11, 2017  
\\mo\contract-Convention & Visitors Bureau (AQS 2017)

## **CONTRACT FOR SERVICES**

This Contract for Services, effective this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the **CITY OF PADUCAH** ("City") and the **PADUCAH-McCRACKEN COUNTY CONVENTION & VISITORS BUREAU** (hereinafter referred to as Paducah CVB).

### **WITNESSETH:**

WHEREAS, the Paducah CVB is a government organization funded by the transient room tax; and

WHEREAS, the Paducah CVB is dedicated to providing destination marketing for Paducah-McCracken County and is responsible for generating incremental economic benefit to the community through the attraction of leisure traveler, convention, trade show and group tour visits; and

WHEREAS, City funding would assist the Paducah CVB in assuring the American Quilters Society (AQS) 2017 show is held in Paducah; and

WHEREAS, the City of Paducah desires to contract with the Paducah CVB for the services to be described herein under the terms and conditions set forth in this Contract for Services.

NOW THEREFORE, in consideration of the foregoing premises and the mutual covenants as herein set forth, the parties do covenant and agree as follows:

### **SECTION 1: TERM**

The term of this contract for services shall be from the effective date of the contract until June 30, 2017.

### **SECTION 2: TERMINATION**

Either party may terminate this Contract for Services upon failure of any party to comply with any provision of this agreement provided any such party notifies the other in writing of such failure and the breaching party fails to correct the breach within thirty (30) calendar days of the notice.

### **SECTION 3: OPERATIONS PAYMENT**

In consideration of the fact that City funding assists the Paducah CVB, in assuring that the American Quilter Society (AQS) 2017 show is held in Paducah, the City shall, upon receipt of an invoice, pay the Paducah CVB, a one-time amount of Twenty-Five Thousand Dollars (\$25,000).

**SECTION 4: OBJECTIVES AND SERVICES**

During the term of this contract, the Paducah CVB will, on behalf of the City of Paducah, provide funds, including this \$25,000 to the AQS for the 2017 show to be used for marketing and promoting events and venues related to the show.

**SECTION 5: ACCOUNTING**

- (A) Paducah CVB shall continue to conduct all accounting, financial management, and
- (B) The Paducah CVB shall provide the City Commission their annual financial audit report for the Fiscal Year 2017.

**SECTION 6: ENTIRE AGREEMENT**

This contract for services embodies the entire agreement between the parties and all prior negotiations and agreements are merged in this agreement. This agreement shall completely and fully supersede all other prior agreements, both written and oral, between the parties.

**SECTION 7: WITHDRAWAL OF FUNDS**

Notwithstanding any other provision in this Contract for Services, in the event it is determined that any funds provided to Paducah CVB are used for some purpose other than in furtherance of the services described herein, the City shall have the right to immediately withdraw any and all further funding and shall immediately have the right to terminate this Contract for Services without advance notice and shall have the right to all remedies provided in the law to seek reimbursement for all monies not properly accounted.

Witness the signature of the parties as of the year and date first written above.

**CITY OF PADUCAH**

By \_\_\_\_\_  
BRANDI HARLESS, Mayor

Date: \_\_\_\_\_

**PADUCAH-MCCRACKEN COUNTY & VISITORS BUREAU**

By Mary Hammond

Title Executive Director

Date: 3-27-17

# Agenda Action Form

## Paducah City Commission

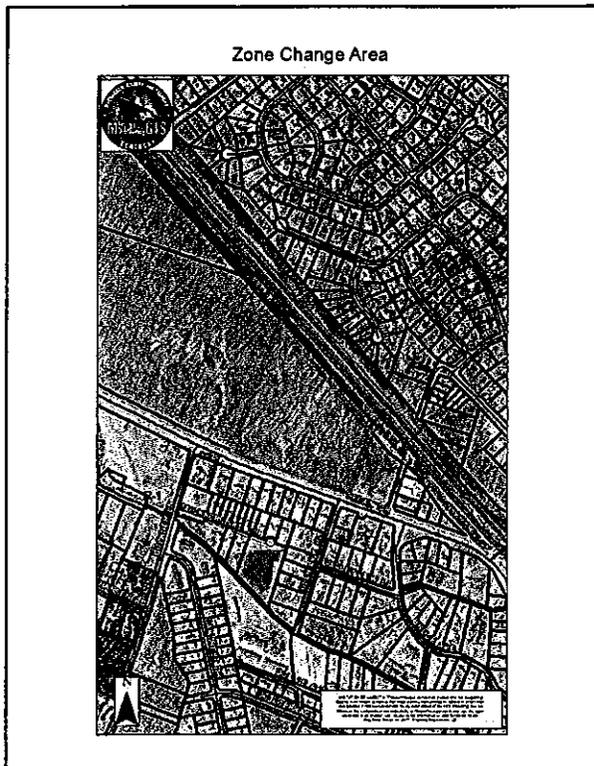
Meeting Date: April 11, 2017

Short Title: CDB Service Finance, LLC Zone Change

Ordinance  Emergency  Municipal Order  Resolution

Staff Work By: Joshua P. Sommer  
Presentation By: Joshua P. Sommer

### Background Information:



### Key Components:

The applicant, CDB Service Finance, LLC, is requesting a zone change for 4231 Pecan Drive from R-1 (Low Density Residential Zone) to R-4 High Density Residential Zone.

A new skilled nursing facility is proposed for this site. Skilled nursing facilities are principally permitted in the R-4 Zone, pursuant to Section 126-105 (1) (c) of the Paducah Zoning Ordinance.

### Site Data:

Area: 18.246 acres

Public Utilities: Adequate water and sewer service available.

Public Services: Sanitation, police and fire service available.

Physical Characteristics: This site is wooded and vacant.

### Development Plan:

A 77,300 square foot skilled nursing facility is proposed that will have 100 beds. Staff has reviewed the plan and relayed to the Engineer that:

- The parking stalls will need to be 10' X 18'

- The total number of stalls needed is 129, based on one stall per 600 feet of gross floor area.

These comments will not impede the submittal of a final site plan.

**Land Use Patterns:**

This parcel was once considered for a campus for Mid-Continent University. After the University ceased operations, the property was sold. Interstate 24 provides the north boundary and Pecan Drive the south boundary. Single-family homes are located on the south side of Pecan Drive.

**Adjacent Properties:**

North: Interstate 24.

East: Vacant wooded lot.

South: Pecan Drive and single-family homes.

West: Large lot with one single-family home.

**Zoning:**

R-1 Low Density Residential Zone on all four sides. The parcel is proposed to be rezoned to R-4 High Density Residential as follows:

**Sec. 126-105. High Density Residential Zone, R-4.**

The purpose of this zone is to provide an area that will combine compatible residential and business uses in such a manner that it will buffer low-density residential property from high density and commercial uses.

- (1) Principal permitted uses.
  - a. Any use permitted in the R-3 zone
  - b. Multi-family dwellings
  - c. Nursing homes
  - d. Professional office buildings (yard requirements for office buildings shall be the same as the B-1 zone requirements)
  - e. Day-care nurseries
  - f. Cemeteries
  - g. Assisted care dwellings (yard and lot requirements shall be the same as 126-104 (7)).
  - h. Bed and breakfast
  - i. Places of worship

- j. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses in the R-4 zone.
- (2) Conditionally permitted uses.
- a. List of uses.
    - 1. Commercial greenhouses
    - 2. Funeral homes
    - 3. Home occupations
    - 4. Hotels or motels
    - 5. Beauty shops and barbershops
    - 6. Mobile home parks.
  - b. Board of Adjustment approval. The conditionally permitted uses listed above shall be considered as business uses and shall meet the requirements of the B-1 zone. All plans will be submitted to the Planning Commission prior to Board approval and the Commission shall require such conditions as are necessary to maintain the character of this zone. The Board may grant dimensional variances to businesses when lot requirements cannot be met.
- (3) Single and two-family dwellings. Single-family dwellings and two-family dwellings shall comply with the requirements of the R-3 zone.
- (4) Multi-family dwellings and town houses.
- a. Minimum yard requirements.
    - 1. Front yard: 25 feet.
    - 2. Side yard, each side: Six feet.
    - 3. Rear yard: 25 feet.
  - b. Minimum area requirements.
    - 1. Minimum lot area, per unit: 2,000 square feet.
    - 2. Minimum lot width: 50 feet.
  - c. Maximum building height. None.
  - d. Public parking area. Same as section 126-104 (5) (e).

**Findings required for map amendment:**

KRS – 100.213 Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the comprehensive plan, or in the absence of such a finding, that one or more of the following apply and such findings shall be recorded in the minutes and records of the Planning Commission and City Commission:

That the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; or

That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of the area.

Staff Analysis – The area proposed to be re-zoned is in compliance with the Future Land Use Map. The Future Land Use Map shows the area to be zoned “Urban Residential”. A skilled nursing facility is a principal permitted use. Staff is supportive of this zone change request



Attachments:

Planning Commission Resolution  
Zone Change Map/Development Plan

Department Head	City Clerk	 City Manager
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A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONE CHANGE FROM R-1 (LOW DENSITY RESIDENTIAL ZONE) TO R-4 (HIGH DENSITY RESIDENTIAL ZONE) FOR PROPERTY LOCATED AT 4231 PECAN DRIVE.

WHEREAS, a public hearing was held on April 3, 2017 by the Paducah Planning Commission after advertisement pursuant to law, 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, and

WHEREAS, the existing zoning, R-1 (Low Density Residential), is inappropriate and R-4 (High Density Residential Zone) is appropriate, and

WHEREAS, the Future Land Use Map of the City of Paducah reflects said parcels to be zoned Urban Residential.

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

SECTION 1. That this Commission recommend to the Mayor and the Board of Commissioners of the City of Paducah the amendment of the Paducah Zoning Map so as to change the zoning for the aforementioned area from R-1 (Low Density Residential Zone) to R-4 (High Density Residential Zone) and being more particularly described as follows:

BEING A TRACT OF LAND WITH AN AREA DESIGNATED AS 18.246 ACRES AS SHOWN ON WAIVER OF SUBDIVISION OF THE MID-CONTINENT UNIVERSITY PROPERTY OF RECORD IN PLAT SECTION "M", PAGE 366 IN THE McCRACKEN COUNTY CLERK'S OFFICE, AND BEING THAT PORTION OF PECAN DRIVE LOCATED ADJACENT TO AND CONTIGUOUS WITH SAID 18.246 ACRE TRACT, LOCATED BETWEEN THE SOUTH LINE OF SAID 18.246 ACRE TRACT AND THE CENTERLINE OF PECAN DRIVE, SITUATED IN THE CITY OF PADUCAH, McCRACKEN COUNTY, KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING PIN WITH PLASTIC CAP (3219) LOCATED AT THE SOUTHEAST CORNER OF SAID 18.246 ACRE TRACT, BEING S70°23'E, 61 FEET, MORE OR LESS, FROM THE POINT WHERE THE CENTERLINE OF DEER LICK PLACE, IF EXTENDED, INTERSECTS THE SOUTH LINE OF SAID 18.246 ACRE TRACT; THENCE FROM SAID POINT OF BEGINNING AND ALONG A LINE COMMON WITH THE CITY OF PADUCAH PROPERTY (DEED BOOK 1049, PAGE 223), N18°49'47"E, 523.80 FEET TO AN EXISTING PIN WITH PLASTIC CAP (1842) LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 24; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 24, N39°59'27"W, 1079.50 FEET TO AN EXISTING PIN WITH PLASTIC CAP (1842); THENCE CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 24, N41°46'31"W, 40.49 FEET TO AN EXISTING PIN WITH PLASTIC CAP (1842); THENCE LEAVING INTERSTATE 24 AND ALONG A LINE COMMON WITH STEPHEN AND BECKY LUGS (DEED BOOK 637, PAGE 87), S20°57'31"W, 1078.22 FEET TO AN EXISTING PIN WITH PLASTIC CAP (3219) LOCATED AT THE SOUTHWEST CORNER OF SAID 18.246 ACRE TRACT; THENCE CONTINUING S20°57'31"W, 70.05 FEET TO THE CENTERLINE OF PECAN DRIVE; THENCE ALONG THE CENTERLINE OF PECAN DRIVE AND ALONG THE ARC OF A CURVE TO THE LEFT, 372.95 FEET TO THE END OF SAID CURVE, HAVING A RADIUS OF 6000.00 FEET, A CHORD DISTANCE OF 372.89 FEET AND A CHORD BEARING OF S68°37'57"E; THENCE CONTINUING ALONG THE CENTERLINE OF PECAN DRIVE, S70°23'22"E, 629.04 FEET TO THE EAST PROPERTY LINE OF SAID 18.246 ACRE TRACT, IF EXTENDED; THENCE N18°49'47"E, 70.01 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 19.85 ACRES.

BEING THE SAME PROPERTY CONVEYED TO CDB SERVICE FINANCE, LLC IN DEED BOOK 1276, PAGE 446 DATED MAY 2, 2014 ALONG WITH A PORTION OF PECAN DRIVE ALONG THE SOUTH SIDE OF SAID PROPERTY.

**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 Creelins, Chairwoman

Adopted by the Paducah Planning Commission on April 3, 2017

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE APPROVING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONE CHANGE FOR PROPERTY LOCATED AT 4231 PECAN DRIVE FROM R-1 (LOW DENSITY RESIDENTIAL ZONE) TO R-4 (HIGH DENSITY RESIDENTIAL ZONE)

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That a Resolution passed by the Paducah Planning Commission on April 3, 2017, and entitled, "A RESOLUTION CONSTITUTING THE FINAL REPORT OF THE PADUCAH PLANNING COMMISSION ON THE PROPOSED ZONE CHANGE FROM R-1 (LOW DENSITY RESIDENTIAL ZONE) TO R-4 (HIGH DENSITY RESIDENTIAL ZONE) FOR PROPERTY LOCATED AT 4231 PECAN DRIVE" be approved as the final report of said Commission respecting the matters therein set forth.

SECTION 2. That the zone classification and the map amendment proposed in said resolution be and the same are hereby declared to be in agreement with the Comprehensive Plan of the City of Paducah.

SECTION 3. That the zone classification of the following described property be and it is hereby changed from R-1 to R-4 :

BEING A TRACT OF LAND WITH AN AREA DESIGNATED AS 18.246 ACRES AS SHOWN ON WAIVER OF SUBDIVISION OF THE MID-CONTINENT UNIVERSITY PROPERTY OF RECORD IN PLAT SECTION "M", PAGE 366 IN THE McCracken County Clerk's Office, AND BEING THAT PORTION OF PECAN DRIVE LOCATED ADJACENT TO AND CONTIGUOUS WITH SAID 18.246 ACRE TRACT, LOCATED BETWEEN THE SOUTH LINE OF SAID 18.246 ACRE TRACT AND THE CENTERLINE OF PECAN DRIVE, SITUATED IN THE CITY OF PADUCAH, McCracken County, Kentucky AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING PIN WITH PLASTIC CAP (3219) LOCATED AT THE SOUTHEAST CORNER OF SAID 18.246 ACRE TRACT, BEING S70°23'E, 61 FEET, MORE OR LESS, FROM THE POINT WHERE THE CENTERLINE OF DEER LICK PLACE, IF EXTENDED, INTERSECTS THE SOUTH LINE OF SAID 18.246 ACRE TRACT; THENCE FROM SAID POINT OF BEGINNING AND ALONG A LINE COMMON WITH THE CITY OF PADUCAH PROPERTY (DEED BOOK 1049, PAGE 223), N18°49'47"E, 523.80 FEET TO AN EXISTING PIN WITH PLASTIC CAP (1842) LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 24; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 24, N39°59'27"W, 1079.50 FEET TO AN EXISTING PIN WITH PLASTIC CAP (1842); THENCE CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 24, N41°46'31"W, 40.49 FEET TO AN EXISTING PIN WITH PLASTIC CAP (1842); THENCE LEAVING INTERSTATE 24 AND ALONG A LINE COMMON WITH STEPHEN AND BECKY LUGS (DEED BOOK 637, PAGE 87), S20°57'31"W, 1078.22 FEET TO AN EXISTING PIN WITH PLASTIC CAP (3219) LOCATED AT THE SOUTHWEST CORNER OF SAID 18.246 ACRE TRACT; THENCE CONTINUING S20°57'31"W, 70.05 FEET TO THE CENTERLINE OF PECAN DRIVE; THENCE ALONG THE CENTERLINE OF PECAN DRIVE AND ALONG THE ARC OF A CURVE TO THE LEFT, 372.95 FEET TO THE END OF SAID CURVE, HAVING A RADIUS OF 6000.00 FEET, A CHORD DISTANCE OF 372.89 FEET AND A CHORD BEARING OF S68°37'57"E; THENCE CONTINUING ALONG THE CENTERLINE OF PECAN DRIVE, S70°23'22"E, 629.04 FEET TO THE EAST PROPERTY LINE OF

SAID 18.246 ACRE TRACT, IF EXTENDED; THENCE N18° 49'47"E, 70.01 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 19.85 ACRES.

BEING THE SAME PROPERTY CONVEYED TO CDB SERVICE FINANCE, LLC IN DEED BOOK 1276, PAGE 446 DATED MAY 2, 2014 ALONG WITH A PORTION OF PECAN DRIVE ALONG THE SOUTH SIDE OF SAID PROPERTY.

BEARINGS IN THE ABOVE DESCRIPTION ARE BASED UPON STATE PLANE COORDINATES, KENTUCKY SOUTH ZONE (1602), NAD 83.

THIS DESCRIPTION IS PREPARED BY SITEWORX SURVEY AND DESIGN, LLC, 124 SOUTH 31st STREET, PADUCAH, KENTUCKY 42001.

SECTION 4. That if any section, paragraph or provision of this ordinance 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 ordinance to make each and every section, paragraph and provision hereof separable from all other sections, paragraphs and provisions.

SECTION 5. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

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Mayor

ATTEST:

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Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, April 11, 2017

Adopted by the Board of Commissioners, \_\_\_\_\_

Recorded by Tammara S. Sanderson, City Clerk, \_\_\_\_\_

Published by the Paducah Sun, \_\_\_\_\_

\\ord\plan\zone\CDB Service Finance - 4231 Pecan Drive

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 11, 2017

**Short Title:** Amendment to Cable Television Franchise Agreement with Comcast

Ordinance    Emergency    Municipal Order    Resolution    Motion

Staff Work By:            Pam Spencer, PIO and Jeff Pederson, City Manager  
Presentation By:         Pam Spencer, PIO

**Background Information:**

The non-exclusive franchise agreement, adopted in October 2006, between the City of Paducah and Comcast expired November 1, 2016. Last December, the Paducah Board of Commissioners approved a franchise agreement extension through April 11. This action amends the franchise agreement to extend the term through October 11, 2017.

It is in the interest of both parties to reserve all of their respective rights under state and federal law during this franchise renewal process.

With the assistance of telecommunications attorney Brian Grogan with Moss & Barnett, the City has entered into negotiations with Comcast for a new franchise agreement. Furthermore, the City and Comcast are awaiting the Kentucky Supreme Court to issue an opinion regarding the telecommunications tax. The Supreme Court has granted discretionary review in the case, and parties made oral arguments last September. However, at this time the court has not issued an opinion. At issue is whether KRS 136.660 violates Sections 163 and 164 of the Kentucky Constitution. KRS 136.660 pertains to the telecommunications tax which bars localities from collecting franchise fees from telecommunications service providers.

**Goal:**    Strong Economy    Quality Services    Vital Neighborhoods    Restored Downtowns

Finance
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**Funds Available:** Account Name:  
Account Number:

**Staff Recommendation:** Adoption of franchise agreement extension

**Attachments:** Contract

Department Head	City Clerk	City Manager
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ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY  
GRANTING COMCAST CABLE, HEARTLAND REGION FORMERLY KNOWN AS  
COMCAST OF THE SOUTH, L.P. A FRANCHISE EXTENSION THROUGH OCTOBER 11,  
2017

WHEREAS, on or about December 5, 2006, the City of Paducah, Kentucky granted Cable Television Franchise Agreement (“Franchise”) which is currently held by Comcast Cable, Heartland Region formerly known as Comcast of the South, L.P. (“Comcast”); and

WHEREAS, the initial term of the Franchise expired on or about November 1, 2016; and

WHEREAS, in December of 2016 the City and the Franchise executed a Franchise Extension which extended the agreement to April 11, 2017; and

WHEREAS, the parties are in negotiations concerning a renewal of the Franchise utilizing the informal procedures set forth in the Cable Act and desire to execute a second Franchise Extension; and

WHEREAS, both the City and Comcast desire to reserve all of their respective rights under state and federal law regarding the franchise renewal process, specifically all rights provided by 47 U.S.C. 546.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Paducah, Kentucky:

SECTION 1. The Franchise Agreement between the City of Paducah and Comcast Cable, Heartland Region formerly known as Comcast of the South, L.P., is hereby amended by extending the term of the Franchise from April 11, 2017 through and including October 11, 2017 and the Mayor is hereby authorized to execute said Franchise Agreement.

SECTION 2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

SECTION 3. The City and Comcast hereby agree that neither party waives any rights either may have under the Franchise or applicable law.

SECTION 4. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

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Mayor

ATTEST:

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Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, April 11, 2017

Adopted by the Board of Commissioners, \_\_\_\_\_

Recorded by Tammara S. Sanderson, City Clerk, \_\_\_\_\_

Published by The Paducah Sun, \_\_\_\_\_

\ord\cable-franchise extension 4-2017

## FRANCHISE EXTENSION

THIS AGREEMENT, effective as of April \_\_, 2017 between the City of Paducah, KY (the "LFA"), and Comcast Cable, Heartland Region ("Comcast"), formerly Comcast of the South, L.P.

WHEREAS, on or about December 5, 2006, the LFA granted Comcast a non-exclusive franchise to construct, operate and maintain a cable television system (the "Franchise"); and

WHEREAS, Comcast timely filed a request with the LFA to activate the formal process for renewing the Franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 ("Cable Act"); and

WHEREAS, the initial term of the Franchise expired on or about November 1, 2016; and

WHEREAS, the parties are in negotiations concerning a renewal of the Franchise utilizing the informal procedures set forth in the Cable Act; and

WHEREAS, the parties desire to extend the current Franchise term from April 11, 2017 through and including October 11, 2017 in order to accommodate such negotiations;

NOW, THEREFORE,

Section 1. Section 23 of the Franchise is hereby amended by extending the term of such Franchise through and including October 11, 2017.

Section 2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

Section 3. The LFA and Comcast hereby agree that neither party waives any rights either may have under the Franchise or applicable law.

\_\_\_\_\_  
Brandi Harless, City of Paducah, KY Mayor

Attest: \_\_\_\_\_  
Tammara S. Sanderson, City Clerk

\_\_\_\_\_  
Timothy P Collins, Senior Vice President  
Comcast Cable, Heartland Region

# Agenda Action Form Paducah City Commission

Meeting Date: April 11, 2016

Short Title: Olivet Church Road Improvement Project Change Order #1 and Final Quantities

Ordinance  Emergency  Municipal Order  Resolution  Motion

Staff Work By: Angela Weeks, EPW Proj Mgr

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

### Background Information:

On May 19, 2015, the Board of Commissioners adopted Ordinance #2015-05-8239, authorizing the Mayor to execute a contract with Jim Smith Contracting Company, LLC, in the amount of \$6,380,137.40 for the construction of the Olivet Church Road Improvement Project.

On May 20, 2015, a Notice to Proceed was given to the Contractor to commence work and complete the work within 400 consecutive calendar days with the exception of the Mandatory Work Shut Down time period during the winter. Subsequently, work progressed during the remainder of 2015 until the Project work Shut Down on December 1, 2015. A Notice of Back to Work as given to the Contractor on March 14, 2016, with a Project Completion date of October 14, 2016. Work continued and was completed within the allotted time period and a Ribbon Cutting Ceremony was held on November 3, 2016.

At this time, a final invoice has been submitted by the Contractor which results in an overall savings to the City in the amount of \$114,000.95. Therefore, a Change Order in the reduced amount of \$114,000.95 is requested to be adopted which will reduce the original contract amount of \$6,380,137.04 to \$6,266,136.09. Please see the attached Change Order and attached comprehensive list of Project Work items completed.

Additional note: The majority of the funding for the Olivet Church Roadway Project was allocated from the \$6.2 million state reimbursable funding provided by the Kentucky Transportation Cabinet, with the City providing the remaining balance.

Goal:  Strong Economy  Quality Services  Vital Neighborhoods  Restored Downtowns

Funds Available: Account Name: Olivet Church Rd Const.  
Account Number: 040-3315-532-2307  
Project Number: ST0039

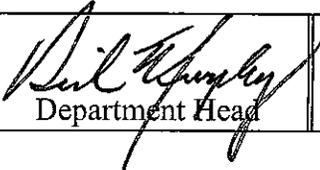
Finance
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**Staff Recommendation:**

To adopt Change Order #1 in the amount of \$114,000.95 reducing the contract amount with Jim Smith Contracting Company, LLC, for the construction of the Olivet Church Road Improvement Project. Therefore, the original contract amount of \$6,380,137.04 would be reduced to \$6,266,136.09.

**Attachments:**

Original Ordinance, Contract, Notice to Proceed, Work Shut Down and Back to Work Notifications and Change Order #1 with Attachment.

 Department Head	City Clerk	City Manager
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ORDINANCE 2017-4-\_\_\_\_\_

AN ORDINANCE APPROVING CHANGE ORDER NO. 1 FOR THE  
OLIVET CHURCH ROAD IMPROVEMENT PROJECT

WHEREAS, the City approved Ordinance No. 2015-05-8239 to enter into a contract with Jim Smith Contracting Company, LLC, in the amount of \$6,380,137.40 for construction of the Olivet Church Road Improvement Project; and

WHEREAS, a final invoice has been received which results in an overall savings to the City, therefore, Change Order No. 1 in the amount of \$114,000.95, is required to finalize the total project cost for the above referenced contract to \$6,266,136.09.

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

SECTION 1. The Mayor is hereby authorized to execute Change Order 1 for an overall price reduction in the amount of \$114,000.95 for the City of Paducah's Olivet Church Road Improvement Project, henceforth, decreasing the total contract price to \$6,266,136.09.

SECTION 2. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

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Mayor

ATTEST:

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Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners April 11, 2017

Adopted by the Board of Commissioners, April 18, 2017

Recorded by Tammara S. Sanderson, City Clerk, April 18, 2017

Published by The Paducah Sun, \_\_\_\_\_

\\ord\eng\chgord 1-Olivet Church Road Improve Project

**CITY OF PADUCAH  
ENGINEERING PUBLIC-WORKS DEPARTMENT  
CHANGE ORDER**

CHANGE ORDER NO: 1  
DATE: March 03, 2017  
NAME OF PROJECT: Olivet Church Road Improvement Project  
OWNER: City of Paducah, Kentucky  
VENDOR: Jim Smith Contracting Company, LLC

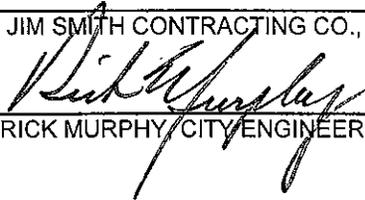
THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

ADDITIONS	\$738,128.71
DEDUCTIONS	-\$852,129.67
TOTAL CHANGE ORDER	<b>-\$114,000.95</b>

See the Attached Comprehensive List of the Project Work Items Revised

CONTRACT PRICE DUE TO THIS CHANGE ORDER WILL BE <b>DECREASED</b> BY:	<u><b>-\$114,000.95</b></u>
ORIGINAL CONTRACT PRICE:	<u>\$6,380,137.04</u>
CURRENT CONTRACT PRICE ADJUSTED BY PREVIOUS CHANGE ORDERS:	<u>\$0.00</u>
NEW CONTRACT PRICE INCLUDING THIS CHANGE ORDER WILL BE:	<u>\$6,266,136.09</u>
THE CONTRACT TIME WILL BE INCREASED BY:	<u>0 Days</u>

APPROVALS REQUIRED:

JIM SMITH CONTRACTING CO., LLC, VENDOR  
  
RICK MURPHY, CITY ENGINEER-PUBLIC WORKS DIRECTOR  
BRANDI HARLESS, MAYOR

DATE  
4/6/17  
DATE  
DATE