



**CALLED CITY COMMISSION MEETING  
AGENDA FOR APRIL 28, 2020  
5:30 PM  
VIDEO TELECONFERENCE MEETING**

*Any member of the public who wishes to make comments to the Board of Commissioners is asked to fill out a Public Comment Sheet and place it in the box located at the end of the Commissioner's desk on the left side of the Commission Chambers. The Mayor will call on you to speak during the **Public Comments** section of the Agenda.*

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**DELETIONS**

*Items on the Consent Agenda are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Agenda and considered separately. The City Clerk will read the items recommended for approval.*

|  |            |  |  |
|--|------------|--|--|
|  | <b>I.</b>  | <b><u>CONSENT AGENDA</u></b>   |  |
|  | A.         | Approve Minutes for April 14, 2020   |  |
|  | B.         | Receive & File Documents   |  |
|  | C.         | Personnel Actions  |  |
|  | D.         | Authorize application for the FY2020 Certified Local Government matching grant program (\$37,500) through the Kentucky Heritage Council - <b>T TRACY</b>                                   |  |
|  | E.         | Authorize transfer of property located at 1400 Martin Luther King Dr and 501 North 14th Street to Midtown Alliance of Neighbors for the construct of single-family homes. - <b>T TRACY</b> |  |
|  | F.         | Application for the Coronavirus Emergency Supplemental Funding Grant Program through the Department of Justice in the amount of \$34,145.75 - <b>B LAIRD</b>                               |  |
|  | G.         | FY 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Application and Acceptance - <b>B LAIRD</b>   |  |
|  | <b>II.</b> | <b><u>RESOLUTION(S)</u></b>  |  |
|  | A.         | Supporting Beltline Electric Company by Rebating the 1% Payroll Tax on Certain KEDFA Program Eligible Positions - <b>K BYERS</b>   |  |

|  |             |   |   |
|--|-------------|---|---|
|  | <b>III.</b> | <b><u>ORDINANCE(S) - ADOPTION</u></b>   |   |
|  |             | A. Zone Change three lots located at 1128 & 1140 Broadway and 1143 Kentucky Ave from B-3 General Business Zone to M-2 Heavy Industrial Zone - <b>T TRACY</b>            |   |
|  |             | B. Fiscal Year-End Business License Due Date Clarification - <b>J PERKINS</b>   |   |
|  |             | C. Authorize a professional services agreement with Kroll Associates in the amount of \$45,000 for Endpoint IT Protection Services & Threat Monitoring - <b>S CHINO</b> |   |
|  | <b>IV.</b>  | <b><u>ORDINANCE(S) - INTRODUCTION</u></b>   |   |
|  |             | A.  | Approval of a Contract with Jim Smith Contracting, LLC in the amount of \$299,726.50 for the 24th Street Bridge Rehab Project - <b>R MURPHY</b> |
|  | <b>V.</b>   | <b><u>COMMENTS</u></b>  |   |
|  |             | A.  | Comments from the City Manager  |
|  |             | B.  | Comments from the Board of Commissioners  |
|  | <b>VI.</b>  | <b><u>EXECUTIVE SESSION</u></b>   |   |

April 14, 2020

At a Called Meeting of the Board of Commissioners, held on Tuesday, April 14, 2020, at 5:30 p.m., Mayor Harless presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless (5).

In order to keep the Commission and public safe in the midst of the COVID-19 outbreak and in accordance with Kentucky Executive Order 2020-243, all members of the Board of Commissioners participated using video teleconferencing. Further, this meeting was not open to the public. The public was invited to view the meeting on YouTube at <https://www.youtube.com/user/paducahkygov> or on the government access channel Government 11 (Comcast channel 11).

**INVOCATION:**

In lieu of an invocation, Mayor Harless requested that everyone observe a moment of silence for those affected by COVID-19.

**PLEDGE OF ALLEGIANCE**

Mayor Harless led the pledge.

**CONSENT AGENDA**

Mayor Harless asked if the Board wanted any items on the Consent Agenda removed for separate consideration. There were no items removed. Mayor Harless asked the City Clerk to read the items on the Consent Agenda.

|      |   |
|------|---|
| I(A) | Approve Minutes for the March 31, 2020 Called Meeting of the Board of Commissioners of the City of Paducah  |
| I(B) | <p>Receive and File Documents:</p> <p><u>Minute File:</u></p> <ol style="list-style-type: none"><li>1. Declaration of a Local State of Emergency – March 16, 2020</li><li>2. Notice of Cancellation of Board of Commissioners meeting on March 24, 2020</li><li>3. Notice of Called Board of Commissioners meeting on March 31, 2020</li><li>4. Certificate of Liability Insurance – 3C’s Concrete Work, LLC</li><li>5. Certificate of Liability Insurance – MP Lawson Construction, LLC</li><li>6. Notice to Rescind Invitation to Bid for the City of Paducah’s Pavement Marking Contract for 2020-2021</li><li>7. Notice to Rescind Invitation to Bid for the City of Paducah’s supply of limestone for 2020-2021</li></ol> <p><u>Contract File:</u></p> <ol style="list-style-type: none"><li>1. Agreement with BFW Engineering &amp; Testing, Inc. – Professional Services for the Buckner Lane Bridge Project in the amount of \$154,036 (<b>ORD 2020-03-8626</b>)</li><li>2. Amendment to Tyler Technologies ERP Contract – Change Order (<b>MO #2333</b>)</li><li>3. Designation of Applicants Agent authorizing Engineering Project Manager as Applicant Agent for all FEMA and KYEM documentation required for Federal Disaster Assistance (<b>Resolution Adopted 3-31-2020</b>)</li></ol> <p><u>Bids File:</u></p> |

April 14, 2020

|      |  |
|------|--|
|      | Clerk's Office Digitization Project – 2020<br>1. DRMS<br>2. U.S. Imagine<br>3. Scanning America<br>4. DocScan<br>5. Kofile<br>6. Courthouse Computer Systems<br>7. Justin Beard (Individual)<br>8. Integrity One<br>9. Keeforce – No Bid<br>10. Information Systems – No Bid<br><br><u>Proposals:</u><br><br>1. MER Commercial Diving Division – proposal for Riverfront Soundings - 2 |
| I(C) | Personnel Actions  |

Mayor Harless offered motion, seconded by Commissioner Wilson, that the consent agenda be adopted as presented.

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

### **ORDINANCE(S) – EMERGENCY**

#### **SMALL BUSINESS RELIEF GRANT CRITERIA AND EXPENDITURE APPROVAL**

Mayor Harless offered motion, seconded by Commissioner Watkins, that the Board of Commissioners introduce and adopt an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN THE SMALL BUSINESS RELIEF FUND IN THE FORM OF GRANT AWARDS TO BUSINESSES THAT MEET CERTAIN CRITERIA AND DECLARING AN EMERGENCY TO EXIST” This ordinance is summarized as follows: This ordinance establishes the criteria for businesses applying for a grant from the Small Business Relief Fund and the eligible expenditures for which funding must be used. Further, this ordinance authorizes the Finance Director to appropriate \$150,000 of the \$250,000 currently in the COVID-19 Stimulus (MR0079) Project for the Small Business Relief Fund Program, upon approval of applications submitted in the form of \$2,000 grants to the first 75 awarded-recipients. Further it authorizes the Finance Director to appropriate the remaining \$100,000 as a matching grant in the form of 1-to-1 matching funds received through donations. Those grants will also be in the form of \$2,000 but the number of businesses awarded will be determined by the amount of funds donated.

Adopted on call of the roll, yeas, Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). (ORD 2020-04-8628, BK 36)

#### **AUTHORIZE CONTRACT FOR EMERGENCY REPAIRS OF THE BUILDING LOCATED ADJACENT TO THE KRESGE BUILDING**

Mayor Harless offered motion, seconded by Commissioner Abraham, that the Board of Commissioners introduce and adopt an ordinance entitled, “AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT THROUGH NON-

April 14, 2020

COMPETITIVE NEGOTIATIONS WITH A QUALIFIED CONTRACTOR TO MAKE CERTAIN REPAIRS TO A BUILDING ADJACENT TO THE FORMER KRESGE BUILDING SITE THAT RESULTED FROM THE DEMOLITION OF THE KRESGE BUILDING AND RATIFYING THE CITY MANAGER’S DECLARATION OF AN EMERGENCY” This ordinance is summarized as follows: This ordinance ratifies the City Manager’s determination of an emergency and authorizes the execution of an agreement for emergency repairs to the building located at 314-315 Broadway in accordance with the scope of work and specifications developed by the City’s consulting structural engineer. Further, this ordinance declares an emergency to exist due to the need for immediate action to prevent public harm and property damage that could result from the instability of the building.

Adopted on call of the roll, yeas, Commissioners Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD 2020-04-8629, BK 36)**

**ORDINANCE(S) – ADOPTIONS**

**CLOSURE OF A PORTION OF AN ALLEY BETWEEN 160 AND 200 BRUCE AVENUE**

Mayor Harless offered motion, seconded by Commissioner McElroy, that the Board of Commissioners adopt an ordinance entitled, “AN ORDINANCE PROVIDING FOR THE CLOSING OF A PORTION OF PORTON OF AN ALLEY BETWEEN 160 AND 200 BRUCE AVENUE, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME.” This ordinance is summarized as follows: The City of Paducah does hereby authorize the closure of a portion of an alley between 160 and 200 Bruce Avenue, and authorizes, empowers and directs the Mayor to execute a quitclaim deed from the City to the property owners in or abutting the public ways to be closed.

Adopted on call of the roll, yeas, Commissioner Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD #2020-04-8630, BK 36)**

**APPROVAL OF A CONTRACT WITH JIM SMITH CONTRACTING, LLC, IN THE AMOUNT OF \$479,350.50 FOR THE GREENWAY TRAIL PHASE V PROJECT**

Mayor Harless offered motion, seconded by Commissioner McElroy, that the Board of Commissioners adopt an ordinance entitled, “AN ORDINANCE ACCEPTING THE BID OF JIM SMITH CONTRACTING, LLC, IN THE AMOUNT OF \$479,350.50 FOR THE GREENWAY TRAIL PHASE V PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME.” This ordinance is summarized as follows: This Ordinance authorizes the Mayor to execute a professional services agreement in an amount of \$479,350.50 with Jim Smith Contracting, LLC, for the Greenway Trail Phase V project and authorizes the transfer of \$50,000 from the Boyles Estate Trust into the Greenway Trail Phase V Project Account.

Adopted on call of the roll, yeas, Commissioner Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD #2020-04-8631, BK 36)**

**APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH BFW ENGINEERING & TESTING, INC., IN THE AMOUNT OF \$250,000 FOR THE ENVIRONMENT ASSESSMENT SERVICES FOR THE PADUCAH RIVERFRONT INFRASTRUCTURE IMPROVEMENT PROJECT (BUILD GRANT)**

April 14, 2020

Mayor Harless offered motion, seconded by Commissioner Wilson, that the Board of Commissioners intro an Ordinance entitled, “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BFW ENGINEERING & TESTING, INC. IN THE AMOUNT OF \$250,000 FOR ENVIRONMENTAL SERVICES FOR THE PADUCAH RIVERFRONT INFRASTRUCTURE IMPROVEMENT PROJECT (BUILD GRANT).” This Ordinance is summarized as follows: This Ordinance authorizes the Mayor to execute a professional services agreement in an amount of \$250,000 with BFW Engineering & Testing, Inc. for the Environmental Assessment Services for the Paducah Riverfront Infrastructure Improvement Project (BUILD Grant).

Adopted on call of the roll, yeas, Commissioner Abraham, McElroy, Watkins, Wilson and Mayor Harless (5). **(ORD #2020-04-8632, BK 36)**

### **ORDINANCE(S) – INTRODUCTION**

#### **ZONE CHANGE – 1128 AND 1140 BROADWAY, 1143 KENTUCKY AVENUE**

Mayor Harless offered Motion, seconded by Commissioner McElroy, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE APPROVING THE RECOMMENDATION OF THE PADUCAH PLANNING COMMISSION AND AMENDING THE PADUCAH ZONING MAP FOR PROPERTY LOCATED AT 1128 & 1140 BROADWAY AND 1143 KENTUCKY AVENUE FROM THE B-3 (GENERAL BUSINESS) ZONE TO THE M-2 (HEAVY INDUSTRIAL) ZONE CLASSIFICATION” This Ordinance is summarized as follows: Rezone property located at 1128 & 1140 Broadway And 1143 Kentucky Avenue, from B-1 (General Business) Zone to M-2 (Heavy Industrial) Zone classification, and amending the Paducah Zoning Ordinance to effect such rezoning.

#### **FISCAL YEAR-END BUSINESS LICENSE DUE DATE CLARIFICATION**

Mayor Harless offered Motion, seconded by Commissioner McElroy, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH.” This Ordinance is summarized as follows: This Ordinance amends Section 106-65 of the Code of Ordinances of the City of Paducah to clarify the due date for fiscal year-end (non-calendar year-end) business license filers and to correct certain grammatical errors. Said non-calendar year-end business license filers shall file the return and application on or before the 15th day of the fourth month following the close of the business entity’s fiscal year.

#### **AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH KROLL ASSOCIATES**

Mayor Harless offered Motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled, “AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KROLL ASSOCIATES FOR ENDPOINT I.T. PROTECTION SERVICES & THREAT MONITORING IN THE AMOUNT OF \$45,000 FOR THE PADUCAH INFORMATION TECHNOLOGY DEPARTMENT AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$45,000 FROM THE ADMINISTRATIVE CONTINGENCY ACCOUNT TO THE COMPUTER SOFTWARE ACCOUNT AS FUNDING FOR THE PROFESSIONAL SERVICES AGREEMENT.” This ordinance is summarized as follows: This ordinance approves a professional services contract with Kroll Associates for EndPoint I.T. protection

April 14, 2020

in an amount of \$45,000 including Incident Response, Remediation Services, Red Canary Managed Threat Detection Services, and CarbonBlack Endpoint Sensors. Further, this ordinance approves a transfer of \$45,000 from the Administrative Contingency Account to the Computer Software Account for payment to Kroll Associates.

**COMMENTS FROM CITY MANAGER**

Clarified a Press Release on collection of brush in the City.

**COMMENTS FROM COMMISSION**

- Commissioners McElroy, Wilson and Abraham offered concerns about closing all Park offerings.
- Commissioner Abraham made further comments about the budget
- Commissioner Wilson made comments regarding federal loans/grants available to the City

**COMMENTS FROM MAYOR**

- Mayor Harless urged citizens to continue social distancing and staying home

**ADJOURN**

Mayor Harless offered motion, seconded by Commissioner McElroy, to adjourn the meeting. All in favor.

Meeting ended at approximately 6:21 p.m.

ADOPTED: April 28, 2020

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Brandi Harless, Mayor

ATTEST:

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Lindsay Parish, City Clerk

April 28, 2020

Minute File:

1. Notice of Cancellation of Board of Commissioners meeting on April 14, 2020
2. Notice of Called Board of Commissioners meeting on April 14, 2020

Contract File:

1. Contract with Jim Smith Contracting LLC in the amount of \$479,350.50 – Greenway Trail – Phase V project (**ORD 2020-04-8631**)
2. Contract for Professional Services with BFW Engineering & Testing, Inc. in the amount of \$250,000 for the Environmental Assessment Services – Paducah Riverfront Infrastructure Improvement Project (BUILD Grant) – (**ORD 2020-04-8632**)
- 3.

Financials File:

1. Paducah Water – Financial Statement - March 2020

CITY OF PADUCAH  
April 28, 2020

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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.

*Michelle Smolen*

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City Manager's Office

4/24/2020

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Date

**CITY OF PADUCAH  
PERSONNEL ACTIONS  
April 28, 2020**

**PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS**

| <b><u>PARKS AND RECREATION</u></b> | <b><u>PREVIOUS POSITION<br/>AND BASE RATE OF PAY</u></b> | <b><u>CURRENT POSITION<br/>AND BASE RATE OF PAY</u></b> | <b><u>NCS/CS</u></b> | <b><u>FLSA</u></b> | <b><u>EFFECTIVE DATE</u></b> |
|------------------------------------|--|---|----------------------|--------------------|------------------------------|
| Downing, Jr., David W.             | Parks Maintenance Supervisor<br>\$22.50/hr               | Parks Maintenance Supervisor<br>\$22.50/hr              | NCS                  | Ex                 | May 7, 2020                  |
| Meadows, Chelsi                    | Parks Maintenance Supervisor<br>\$22.50/hr               | Parks Maintenance Supervisor<br>\$22.50/hr              | NCS                  | Ex                 | May 7, 2020                  |
| <b><u>911 COMMUNICATIONS</u></b>   |  |   |                      |                    |                              |
| Hood, Robyn                        | 911 Division Manager<br>\$36.54/hr                       | 911 Division Manager<br>\$37.45/hr                      | NCS                  | Ex                 | May 7, 2020                  |
| <b><u>PLANNING</u></b>             |  |   |                      |                    |                              |
| Byers, Katheryn E.                 | Business Development Specialist<br>\$24.04/hr            | Business Development Specialist<br>\$24.64/hr           | NCS                  | Ex                 | May 7, 2020                  |
| <b><u>FINANCE</u></b>              |  |   |                      |                    |                              |
| Gipson, Erica                      | Revenue Technician<br>\$15.00/hr                         | Revenue Technician<br>\$15.38/hr                        | NCS                  | Non-Ex             | May 7, 2020                  |

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

| <b><u>POLICE</u></b>   | <b><u>POSITION</u></b> | <b><u>REASON</u></b> | <b><u>NCS/CS</u></b> | <b><u>FLSA</u></b> | <b><u>EFFECTIVE DATE</u></b> |
|------------------------|------------------------|----------------------|----------------------|--------------------|------------------------------|
| Bolton, Christopher A. | Police Sergeant        | Resignation          | NCS                  | Non-EX             | April 29, 2020               |
| <b><u>FINANCE</u></b>  |                        |                      |                      |                    |                              |
| Oliver, Dylan          | Accountant             | Resignation          | NCS                  | Ex                 | April 17, 2020               |

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 28, 2020

**Short Title:** Authorize application for the FY2020 Certified Local Government matching grant program (\$37,500) through the Kentucky Heritage Council -**T TRACY**

**Category:** Municipal Order

Staff Work By: Tammara Tracy

Presentation By: Tammara Tracy

**Background Information:** FY2020 Certified Local Government matching grant program through the Kentucky Heritage Council provides funds in 8 priority categories.

This application requests funds from the Historic Building Survey category to enable a preservationist, preservationist intern or volunteer to survey the Northside Neighborhood and possibly nominate an area to the National Register of Historic Places if it is so warranted. National Register designation offers the formalization of an area's history and makes the rehabilitation of the buildings eligible for state and/or federal tax credits. Required local match is 40% (\$15,000) of project cost (\$37,500). Local match will be \$750 for an intern stipend and community volunteer time (Midtown Alliance of Neighbors) valued at \$3,213 and staff time valued at \$14,250.

**Does this Agenda Action Item align with a Strategic Plan Action Step? Yes**

If yes, please list the Action Step Item Codes(s): N-1 Encourage, incentivize, and/or support more housing options throughout the City

N-2 Engage and empower neighborhoods to thrive

**Funds Available:** Account Name: Wages

Account Number: 1000 1201 510010

**Staff Recommendation:** Authorize application

**Attachments:**

1. MO

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER AUTHORIZING AN APPLICATION FOR A FY 2020 CERTIFIED LOCAL GOVERNMENT MATCHING GRANT PROGRAM THROUGH THE KENTUCKY HERITAGE COUNCIL THE AMOUNT OF \$22,500, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAME

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. The City of Paducah hereby authorizes the submission of an application for a Certified Local Government matching grant through the Kentucky Heritage Council in an amount of \$22,500. This application requests funds from the Historic Building Survey category to enable a preservationist, preservationist intern or volunteer to survey the Northside Neighborhood and potentially nominate an area to the National Register of Historic Places if it is so warranted.

SECTION 2. The required local match is 40% (\$15,000) of the project cost (\$37,500). The local match will be provided with \$750 for an intern stipend, community volunteer time (Midtown Alliance of Neighbors) valued at \$3,213, and City of Paducah staff time valued at \$14,250. Local match funding will be provided by Account Number 1000 1201 510010.

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

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Brandi Harless, Mayor

ATTEST:

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Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, April 28, 2020  
Recorded by Lindsay Parish, City Clerk, April 28, 2020  
\\mo\grants\app-KY Heritage Grant 2020

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 28, 2020

**Short Title:** Authorize transfer of property located at 1400 Martin Luther King Dr and 501 North 14th Street to Midtown Alliance of Neighbors for the construct of single-family homes. - **T TRACY**

**Category:** Municipal Order

**Staff Work By:** Tammara Tracy

**Presentation By:** Tammara Tracy

**Background Information:** The Midtown Alliance of Neighbors has been working toward achieving Community Housing Development Organization (CHDOs) status with the Kentucky Housing Corp (KHC) by demonstrating that as a nonprofit, community-based service organization they have significant capacity to develop affordable housing for the community it serves. One of the last steps is to complete a new construction project.

To facilitate this new construction project, an 8-lot subdivision plat has been prepared for the property located at 1400 Martin Luther King and 501 North 14th Street (1.1 acres) for the construction of new homes. Three homes are scheduled for construction in 2020.

This authorization would allow the transfer of the property to the Midtown Alliance of Neighbors.

**Does this Agenda Action Item align with a Strategic Plan Action Step? Yes**

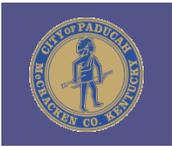
If yes, please list the Action Step Item Codes(s): N-1 Encourage, incentivize, and/or support more housing options throughout the City.

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

**Staff Recommendation:** Approval

**Attachments:**

1. REPORT SOA2020-039 501 N 14th St-1400 MLK St
2. Municipal Order



# STAFF REPORT & DETERMINATION

## DISPOSITION OF ASSETS

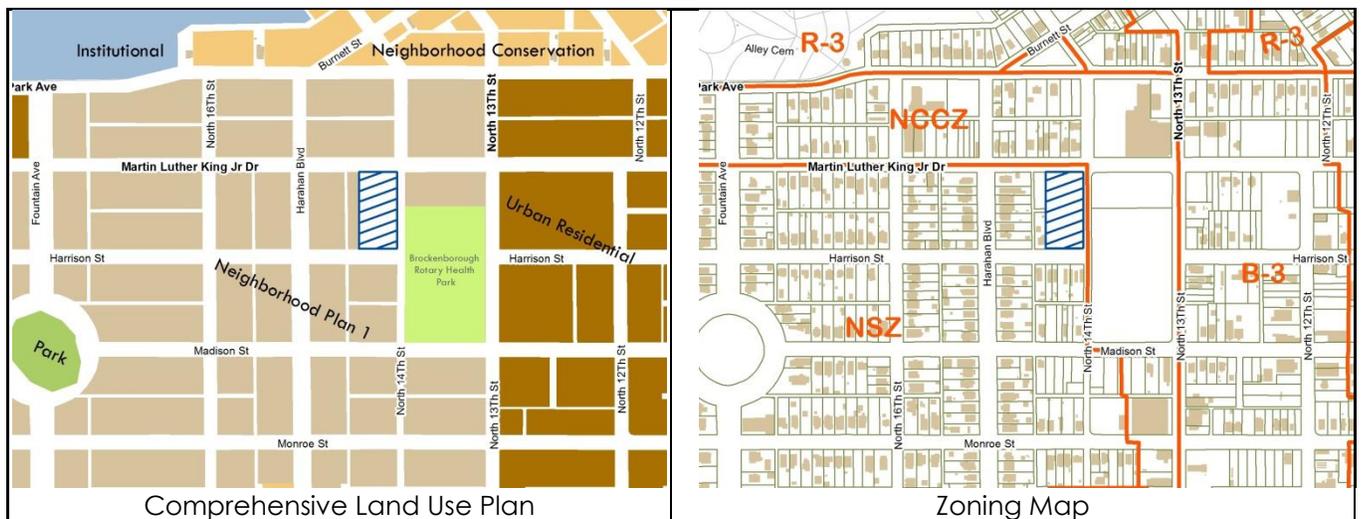
SOA 2020-039 4/28/2020

### General Information

The disposition of property is governed by City Code Section 2-668, and consequently KRS 82.083. The disposition of any city property requires a written determination describing the following four elements: a) description of the property; b) its intended use at the time of acquisition; c) the reason why it is in the best interest of the city to dispose of the item; and d) the method of disposition to be used.

### Property Description & Information

|                    |   |                             |
|--------------------|---|-----------------------------|
| ADDRESS            | 501 N. 14 <sup>th</sup> St and 1400 Martin Luther King Street | <p>General Vicinity Map</p> |
| CASE NO.           | SOA 2020-039  |                             |
| SIZE OF PROPERTY   | 160' by 343' approx. 1.3 acres                                |                             |
| IMPROVEMENTS       | None  |                             |
| ZONING             | NSZ   |                             |
| COMPREHENSIVE PLAN | Neighborhood Plan 1   |                             |
| FLOODPLAIN         | Protected by Levee  |                             |



### Acquisition of the Property

The City of Paducah acquired the property in 2009 from the Housing Authority of Paducah after the housing units on site were demolished, as per agreement. This acquisition was in part due to the Fountain Ave revitalization project that began in 2007. In August 2009 the City transferred the property to Hutcheson Properties, LLC, for a mixed use project. This project never transpired and the City regained ownership in March of 2016.

Reason for Sale

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The site is within the Fountain Ave revitalization area. This area, with the property across the street, is specifically addressed in the Fountain Ave Neighborhood Plan in Goal 4-5: Encourage quality new development of the city-owned 6.5 acres of the former site of Paducah Housing Authority.

The plan further directs redevelopment, including:

- Goal 6-9, Improve existing infrastructure (new street surfaces, sidewalks, curbs & gutters as needed).
- Goal 4-2, Provide incentives to encourage rehabilitation of existing structures and promote quality new infill construction,
- Goal 4-3, Seek opportunities to help low income families remain residents in the neighborhood.

The sale of the property to Midtown Alliance of Neighbors for the construction of single-family homes that are affordable is in keeping with this plan.

Disposition of the Property

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There are nine ways that a city may dispose of real or personal property under KRS 82.083. Since the property is located in a redevelopment area, which means that blight is present, and was transferred to the city for housing purposes, the method of disposition is:

*(b) Transferred, with or without compensation, for economic development purposes, which shall include but not be limited to real property transfers for the elimination of blight;*

Accordingly, the proposal is to transfer to Midtown Alliance of Neighbors to construct housing.

Staff Recommendation

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It is recommended to transfer of property to the Midtown Alliance of Neighbors and authorize the Mayor to execute necessary documents pertaining to such transfer.

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY, AUTHORIZING THE MAYOR TO EXECUTE THE DEED CONSIDERATION CERTIFICATE FOR THE TRANSFER OF REAL PROPERTY LOCATED AT 1400 MARTIN LUTHER KING DRIVE AND 501 NORTH 14<sup>TH</sup> STREET, PADUCAH, KENTUCKY TO THE MIDTOWN ALLIANCE OF NEIGHBORS

WHEREAS, the Midtown Alliance of Neighbors has been working toward achieving Community Housing Development Organization (CHDOs) status with the Kentucky Housing Corp (KHC) by demonstrating that as a nonprofit, community-based service organization they have significant capacity to develop affordable housing for the community it serves; and

WHEREAS, one of the last steps is to complete a new construction project. To facilitate this new construction project, an 8-lot subdivision plat has been prepared for the property located at 1400 Martin Luther King and 501 North 14th Street (1.1 acres) for the construction of new homes; and

WHEREAS, the City now wishes to transfer the property to the Midtown Alliance of Neighbors for three homes to be constructed in 2020.

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

SECTION 1. Recitals and Authorizations. The Board of Commissioners hereby authorizes the Mayor to certify and execute the consideration certificate contained in the deed of conveyance for property located at 1400 Martin Luther King Drive and 501 North 14<sup>th</sup> Street to the Midtown Alliance of Neighbors. It is determined that it is necessary and desirable and in the best interest of the City to execute the consideration certificate contained in said deed of conveyance, which deed of conveyance and consideration certificate is hereby authorized and approved.

SECTION 2. Effective Date. This Order shall be in full force and effect on and after the date as approved by the Board of Commissioners of the City of Paducah, Kentucky.

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Mayor

ATTEST:

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Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, April 28, 2020

Recorded by Lindsay Parish, City Clerk, April 28, 2020

\mo\transfer prop- 1400 M. L. King Drive and 501 N. 14<sup>th</sup> Street to Midtown Alliance

# Agenda Action Form Paducah City Commission

Meeting Date: April 28, 2020

**Short Title:** Application for the Coronavirus Emergency Supplemental Funding Grant Program through the Department of Justice in the amount of \$34,145.75 - **B LAIRD**

**Category:** Municipal Order

Staff Work By: Ty Wilson  
Presentation By: Brian Laird

**Background Information:** The Coronavirus Emergency Supplemental Funding (CESF) Program will provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus.

Funds awarded under the CESF Program must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in state, local, and tribal prisons, jails, and detention centers.

The Paducah Police Department wishes to use these funds to purchase an unmanned aerial system (UAS) in the amount of \$34,145.75. This drone will be used to enhance surveillance and response capabilities of the department. This will be helpful in our current situation in this pandemic, as it will allow the department to predict potential dangers as well as to more effectively implement social distancing efforts. There is no match for this grant.

**Does this Agenda Action Item align with a Strategic Plan Action Step? No**

**If yes, please list the Action Step Item Codes(s):**

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

**Staff Recommendation:** Authorize and direct the Mayor to execute all required grant application documents. Authorize and direct the Mayor to execute all required documents to accept the award if offered.

**Attachments:**

1. Municipal Order

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY FOR A CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING GRANT THROUGH THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$34,145.75, TO BE USED BY THE PADUCAH POLICE DEPARTMENT TO PURCHASE AN UNMANNED AERIAL SYSTEM  
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 Coronavirus Emergency Supplemental Funding Grant through the U.S. Department of Justice in the amount of \$34,145.75, to be used for the purchase of an unmanned aerial system (UAS) for the Paducah Police 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:

\_\_\_\_\_  
Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, April 28, 2020  
Recorded by Lindsay Parish, City Clerk, April 28, 2020  
\\mo\grants\ App – coronavirus emergency supplemental funding – PD

# Agenda Action Form Paducah City Commission

Meeting Date: April 28, 2020

Short Title: FY 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Application and Acceptance -  
**B LAIRD**

Category: Municipal Order

Staff Work By: Ty Wilson  
Presentation By: Brian Laird

**Background Information:** The Edward Byrne Memorial Justice Accountability Grant (JAG) is a federal formula grant funded through the U.S. Department of Justice. Last year's funding was for \$11,280. The allotment for this year is not yet available.

The Paducah Police Department proposes to purchase five (5) hand held radios, with an estimated cost of \$13,094.65. The amount of radios to be applied for will be adjusted once the funding allotment has been decided so that there is no cost burden on the City of Paducah.

Does this Agenda Action Item align with a Strategic Plan Action Step? No  
If yes, please list the Action Step Item Codes(s):

Funds Available:   Account Name:  
                                  Account Number:

**Staff Recommendation:** Authorize and direct the Mayor to execute all required grant application documents. Authorize and direct Mayor to execute all required documents to accept award if offered.

**Attachments:**

1.    Municipal Order

MUNICIPAL ORDER NO. \_\_\_\_\_

A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION AND ALL DOCUMENTS NECESSARY FOR AN FY2020 EDWARD BYRNE MEMORIAL JUSTICE ACCOUNTABILITY GRANT THROUGH THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$13,094.65, TO BE USED BY THE PADUCAH POLICE DEPARTMENT FOR THE PURCHASE FIVE (5) HAND-HELD RADIOS

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 an FY2020 Edward Byrne Memorial Justice Accountability Grant (JAG) in the amount of \$13,094.65, for the Paducah Police Department's Hand-Held and Mobile Radio Replacement Project. 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.

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Mayor

ATTEST:

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Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, April 28, 2020  
Recorded by Lindsay Parish, City Clerk, April 28, 2020  
\\mo\grants\ App - PPD JAG hand-held radios April, 2020

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY, SUPPORTING BELTLINE ELECTRIC COMPANY, INC. BY REBATING THE 1% PAYROLL TAX ON CERTAIN KEDFA PROGRAM ELIGIBLE POSITIONS**

**WHEREAS**, a strong economy is important to the City of Paducah and the region, and the Board of Commissioners of the City of Paducah, Kentucky, strives to support the expansion of existing businesses; and

**WHEREAS**, Beltline Electric Company, Inc. is a well-known and respected heavy industrial and commercial electrical and mechanical construction contractor serving the Southeastern United States; and

**WHEREAS**, Beltline Electric Company, Inc. expanded their operation by relocating to a new location, invested \$1.2 million and created 15 new full-time jobs with a minimum hourly wage of at least \$10.88 per hour; and

**WHEREAS**, in order to assist in the project, Beltline Electric Company, Inc. is eligible for a 1% payroll tax rebate for up to five years, to be offered in conjunction with the Kentucky Economic Development Finance Authority (KEDFA) program that grants forgiveness of 3% State payroll tax.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF PADUCAH, KENTUCKY, ACTING BY AND THROUGH ITS BOARD OF COMMISSIONERS AS FOLLOWS:**

SECTION 1. It is hereby found, determined and declared that the statements of fact set forth in the Resolution are true and accurate.

SECTION 2. That the City of Paducah may grant a rebate of 1% payroll tax on KEFA program eligible positions, upon remittance of the full amount of the payroll tax due, for a period of up to five years to help support the expansion of Beltline Electric Company.

SECTION 3. The adoption of the Resolution shall not be deemed to and shall not impose any liability or responsibility, financial or otherwise, upon the City of Paducah, beyond the 1% payroll tax for a period of up to five years.

SECTION 4. This resolution shall be in full force and effect from and after this adoption.

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Brandi Harless, Mayor

ATTEST:

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Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, April 28, 2020

Recorded by Lindsay Parish, April 28, 2020

\\resoln\Beltline Electric

# Agenda Action Form Paducah City Commission

Meeting Date: April 28, 2020

Short Title: Zone Change three lots located at 1128 & 1140 Broadway and 1143 Kentucky Ave from B-3 General Business Zone to M-2 Heavy Industrial Zone -**T TRACY**

Category: Ordinance

Staff Work By: Josh Sommer

Presentation By: Tammara Tracy

**Background Information:** Paducah Planning Commission held a public hearing on January 6, 2020, pertaining to the rezoning of the property 1128 & 1140 Broadway and 1143 Kentucky Avenue from the B-3 (General Business) Zone to the M-2 (Heavy Industrial) Zone Classification. The Planning Commission recommended approval subject to the following conditions:

1. The only permitted uses are principal uses in the B-3 Zone and a self-storage facility; and
2. The design of the elevations shall be subject to review and approval of the Zoning Administrator.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available: Account Name:  
Account Number:

**Staff Recommendation:** Approval.

As per KRS 100.211(2)(i) unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

**Attachments:**

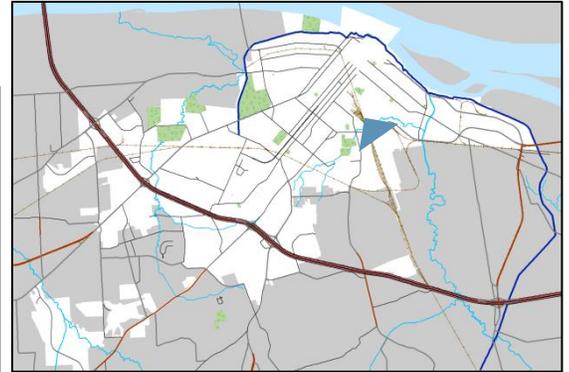
1. Staff Report ZON2019-245
2. Ordinance ZON2019-245 1128 Kentucky



# STAFF REPORT PADUCAH PLANNING COMMISSION

## APPLICATION INFORMATION

|           |   |
|-----------|---|
| ADDRESS   | 1128 & 1140 Broadway and 1143 Kentucky Avenue |
| CASE NO.  | ZON2019-243                                   |
| OWNER     | Steve & Jill Durham                           |
| APPLICANT | Same  |
| AGENT     | Siteworx Survey & Design, LLC                 |
| REQUEST   | Zone change from B-3 to M-2 Heavy Industrial  |



General Vicinity Map

## GENERAL SITE INFORMATION

|                      |  |
|----------------------|--|
| CURRENT ZONING       | B-3 General Business Zone  |
| CURRENT LAND USE     | Commercial building, vacant and abandoned commercial             |
| COMPREHENSIVE PLAN   | Commercial   |
| CURRENT IMPROVEMENTS | Brick commercial building, vacant and metal commercial structure |
| FLOODPLAIN           | No   |
| PUBLIC UTILITIES     | Power, gas, water  |
| PUBLIC SERVICES      | Storm sewer, Paducah Fire, Paducah Police                        |

## SURROUNDING AREA INFORMATION

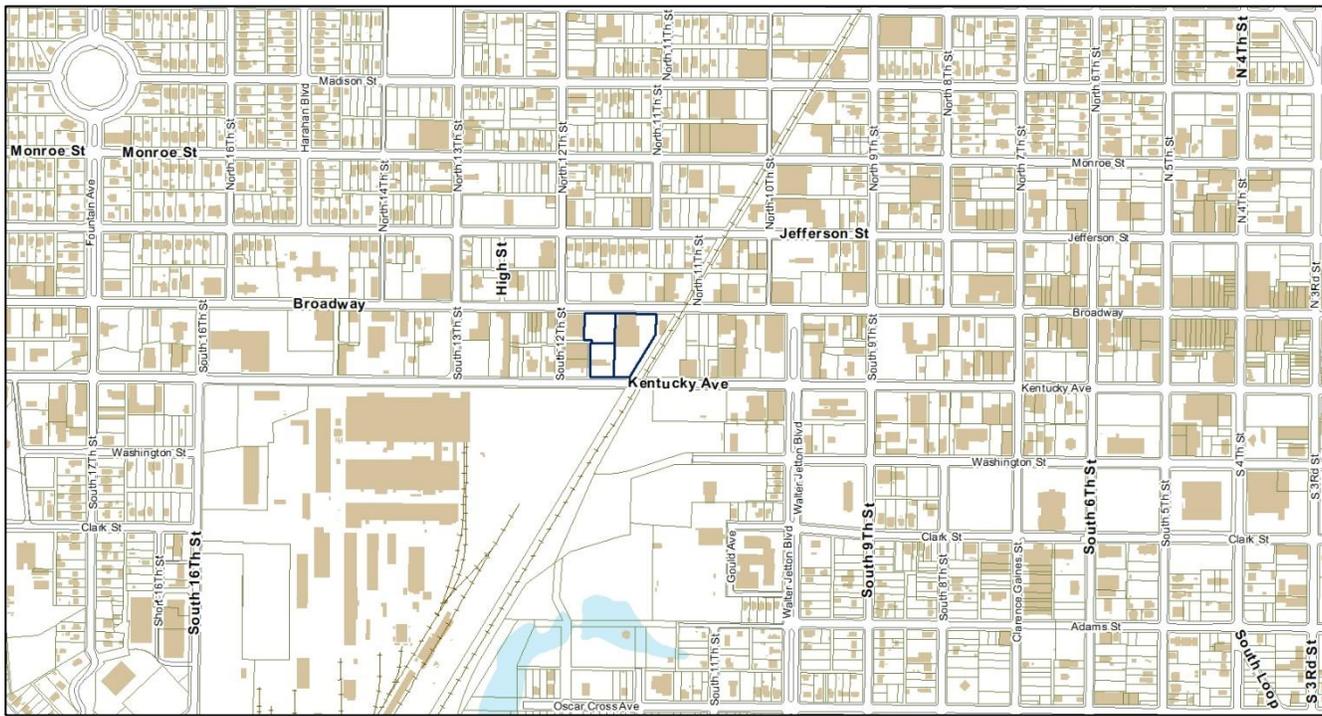
|       | SURROUNDING ZONING | SURROUNDING LAND USE            |
|-------|--------------------|---------------------------------|
| NORTH | B-3                | Broadway/ Office building       |
| SOUTH | M-2                | Kentucky Avenue/ Industrial use |
| EAST  | B-3                | Office building                 |
| WEST  | B-3                | Automotive-related commercial   |



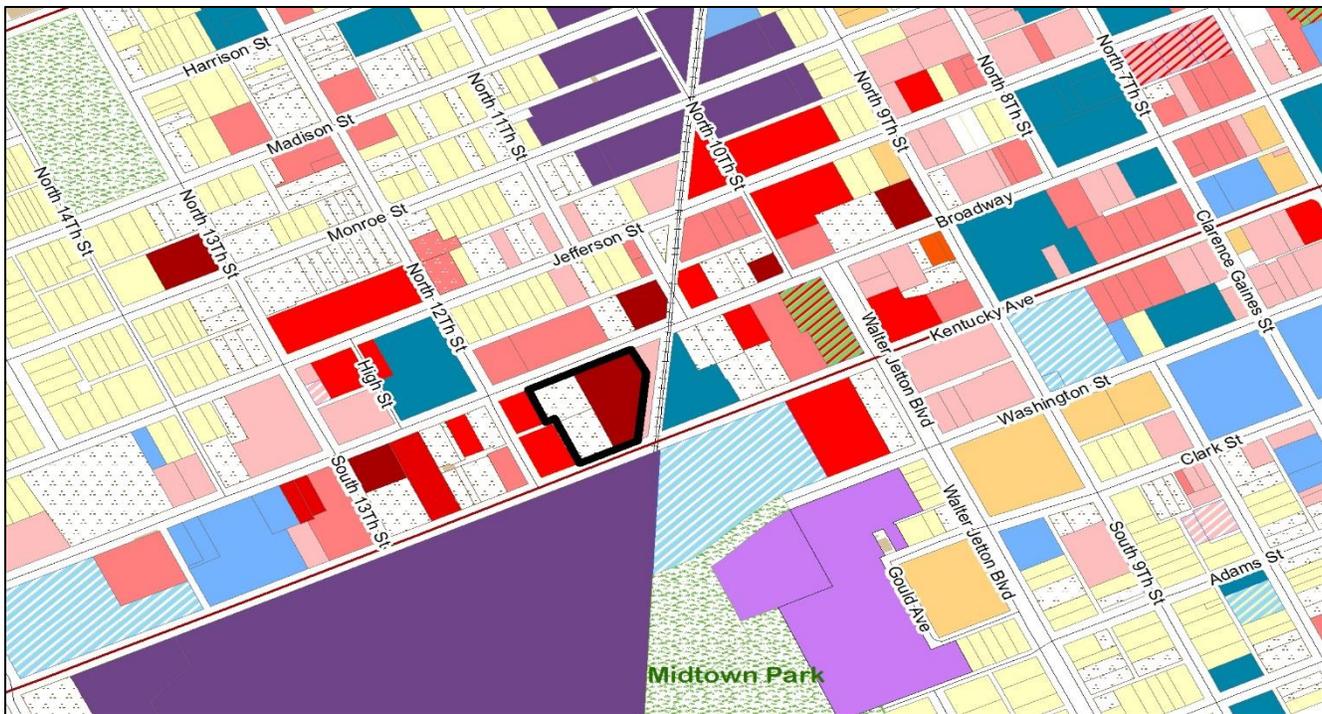
Zoning Base Map



Comprehensive Plan Map



Vicinity Map



Land Use Intensity Map

## HISTORY

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A rezoning petition for 1140 Broadway was brought before the Planning Commission on August 20, 2018. There was much discussion about how to make the property touch the M-2 Zone across Kentucky Avenue. The obtainment of 1143 Kentucky Avenue was mentioned as an option. However, the Petitioners were cautioned that the rezoning still may not be approved by the City Commission. The Petitioners decided to withdraw the application until another piece of property (either 1143 Kentucky Avenue and/or 1128 Broadway) could be included as part of the application. A new petition was tabled at the November 4, 2019 meeting in order for more information to be gathered regarding the proposed site plan. The Petitioners would like to submit a third petition that includes 1128 Broadway and 1143 Kentucky Avenue in the rezoning request.

## CONSIDERATIONS

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The Petitioner requests to rezone three lots (3.23 acres) from B-3 General Business Zone to M-2 Heavy Industrial Zone to construct a climate-controlled storage building on two of the lots. The lots would be combined via waiver of subdivision upon approval of the rezoning request. Storage units are not allowed by right in the B-3 Zone, but are permitted in the M-1 and M-2 Zones.

The Future Land Use Map, adopted as part of the Comprehensive Plan, recommends that this site, and the area around it, to remain commercial. Since the proposed request for industrial zoning is contrary to the Comprehensive Plan's Land Use recommendation, KRS 100.213 would apply.

## STATUTORY REQUIREMENTS KRS 100.213

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"Before any map amendment is granted, the planning commission or the legislative body or fiscal court **must** find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission or the legislative body or fiscal court:

- (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
- (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area. "

## MAJOR UNANTICIPATED ECONOMIC, PHYSICAL OR SOCIAL CHANGES

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The site is located on Broadway and Kentucky Avenue – in the heart of Paducah. There is arguably not a more recognized address; Broadway is a central factor in Paducah's identity as is Kentucky Avenue to a lesser extent.

The development pattern to the east and west of the site is typified by buildings close to the street with a high portion of the lot covered by building. The land uses are primarily consumer service-oriented in this area. The redevelopment occurring only reaffirms this pattern. The festivals & parades that march down Broadway each year do so to embrace the heart of our community.

There has not been any major change of an economic, physical or social nature that has substantially altered the basic character of the area in an unanticipated way. In fact, the intrusion of an industrial use between these prominent corridors would actually be the unanticipated major change.

Therefore, the remaining question before the Planning Commission is if the B-3 zoning classification is inappropriate and the M-2 zoning classification is appropriate.

#### APPROPRIATE VS. INAPPROPRIATE CLASSIFICATIONS

When looking down Broadway toward the river, the historic downtown core is easily visible. Churches and commercial businesses surround the immediate vicinity. The dominant development pattern is close to the street with extensive lot coverage. The proximity of businesses is safe and desirable because commercial uses have a relatively low level of risk of crime, hence the reduced setbacks; and function best when clustered together.

In contrast, heavy industrial uses bring the most risk and the highest severity of problems, such as hazardous or explosive materials, pollutants, processes that generate noxious noises, odors, and contaminants. Storage facilities can be utilized to store a variety of noxious materials. These risks as well as increased truck traffic are the reason industrial districts have large setbacks – to absorb the impact when accidents happen. Within the last few years, two manufacturing facilities in Paducah have suffered explosions. Single-family residences are located within 300 feet of this site.

Since the Comprehensive Plan is a forward-looking document, it is important to focus on what a rezoning may produce in the future. If the site is sold years later, it would still be zoned M-2 and any number of manufacturing uses, even very dangerous and noxious uses such as a salvage yard, may locate there. This would be highly detrimental to the surrounding area. While the future is fluid pertaining to a specific piece of property, we can plan for the highest and best outcome through the application of zoning principles.

Based on the above, staff concludes that the existing B-3 zoning is appropriate and that M-2 zoning would be inappropriate. Protecting property values and mitigating potential noxious uses are fundamental goals that planning and zoning are intended to achieve.

#### SPOT ZONING

Kentucky courts have generally not upheld “spot zoning” cases. This case was the first time Hannan Plaza was considered for a rezoning from R-1 to B-1 in 1957. The rezoning pertained

only to the Hannan Plaza parcel and was struck down by the Court of Appeals (*Mathis v. Hannan* 306 S.W.2d 278 (1957)). In this decision, the Court of Appeals stated the following, which also includes findings from another case:

*"What is known as 'spot zoning' is generally frowned upon by the courts. While the City Council has broad powers in respect to zoning, it is without authority to single out one lot in an amendatory ordinance and arbitrarily remove therefrom restrictions imposed upon the remaining portions of the same zoning district. There must be reasonable ground or basis for the discrimination. It is only where zoning ordinances are related in some way to the health, safety, morals and general welfare that they are valid. Selligman v. Von Allmen Bros., 297 Ky. 121, 179 S.W.2d 207."*

While the proposed rezoning is adjacent to an M-2 Zone across Kentucky Avenue, this may still be considered "spot zoning". Approximately 140,947.06 square feet (3.23 acres) is being proposed to be rezoned that would form an intrusion into the B-3 Zone. The B-3 Zone would be present on the north, east and west sides of the property. In contrast, the M-2 Zone on the south side of Kentucky Avenue covers 540.57 acres. The three lots in question are proposed to be rezoned for a specific use on two of those lots and to increase the proposed rezoned area to form a more geometric area.

#### SITE DESIGN

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One climate-controlled storage building is being proposed. The building is proposed to be accessed off both Broadway and Kentucky Avenue.

If the site were rezoned to the M-2 district as requested, the proposed development would not meet minimum standards. This fact further indicates that the M-2 district is inappropriate here. The Petitioner is requesting a side variance of 8.5 feet on the east side of the lot and a side yard variance of 13.5' on the west side of the lot to allow the building to be constructed 16.5' from the east property line and 11.5' from the west property line.

This site plan depicts a 100' X 260' building. However, the Petitioner's engineer has advised staff the building would be constructed at 100' X 258' in order to prevent going over 50% of the maximum lot coverage in the M-2 Zone. The actual size would be shown and reviewed on the site plan submittal.

#### EXCERPT FROM THE PADUCAH ZONING ORDINANCE

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##### **Section 126-110. Light Industry Zone, M-1.**

*The following provisions shall apply in the M-1 Light Industry Zone unless otherwise provided herein:*

- (1) *Principal permitted uses.*
  - a. *Any use permitted in the B-3 zone*
  - b. *Any industrial, manufacturing, fabrication or processing use which does not emit objectionable noise, smoke, odor or dust beyond the confines of its property*

- c. *Warehouses & storage buildings*
- d. *Public and commercial sewage disposal plant*
- e. *Any other use which, in the Commission's opinion, would be compatible in the B-3 zone.*
- (2) *Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment.*
  - a. *Any other industrial use determined to be of the same general character as the above permitted uses.*
  - b. *Animal hospital or kennel, located not closer than 300 feet to an R zone.*
  - c. *Heliports*
- (3) *Minimum yard requirements.*
  - a. *Permitted uses having a total plan floor area of 10,000 square feet or less:*
    - 1. *Front yard: 25 feet, except for highway strip uses for which a 50-foot front yard is required.*
    - 2. *Side yard: Ten feet.*
    - 3. *Rear yard: None, except where abutted by a residential zone, in which case a rear yard of 25 feet.*
    - 4. *No storage of materials or equipment shall be allowed in the minimum front yard.*
  - b. *Permitted uses with a total plan floor area of more than 10,000 square feet:*
    - 1. *Front yard: 50 feet.*
    - 2. *Side yard: 25 feet.*
    - 3. *Rear yard: None, except where abutted by a residential zone, in which case a rear yard of 25 feet.*
- (4) *Minimum area requirements.*
  - a. *Permitted uses having a total plan floor area of 4,000 square feet or less:*
    - 1. *Minimum lot area: 7,500 square feet.*
    - 2. *Minimum lot width: 60 feet.*
  - b. *Permitted uses with a total plan floor area of more than 4,000 square feet:*
    - 1. *Minimum lot area: 15,000 square feet.*
    - 2. *Minimum lot width: 75 feet.*
- (5) *Maximum building height. None.*
- (6) *Parking requirements. See section 126-71.*
- (7) *Maximum lot coverage.*
  - a. *Principal structures: 50 percent of gross lot area.*
  - b. *Total coverage by principal structures, accessory structures and outside storage: 70 percent of gross lot area.*

### **Section 126-111. Heavy Industrial Zone, M-2.**

*The following provisions shall apply in the M-2 Heavy Industry Zone unless otherwise provided herein.*

- (1) *Principal permitted uses.*
  - a. *Any use permitted in the M-1 zone*
  - b. *Animal hospital or kennel*
  - c. *Junkyards (solid fence, minimum height of eight feet, enclosing junkyards) in no instance shall stored materials be visible from any roadway.*
  - d. *Any industrial use that is determined to be non-detrimental to the properties immediately surrounding the use.*
- (2) *Minimum yard requirements. Same as section 126-110 (3).*
- (3) *Minimum area requirements. Same as section 126-110 (4).*
- (4) *Maximum building height. None.*
- (5) *Parking requirements. See section 126-71.*
- (6) *Maximum lot coverage. Same as section 126-110 (7).*

#### STAFF RECOMMENDATION

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It is staff's opinion that neither statutory finding can be met for a zone change; therefore, staff **strongly recommends denial** of the application and offers the following motion:

*I move that the Planning Commission recommend to the City Commission that case ZON2019-245 pertaining to 1128 & 1140 Broadway and 1143 Kentucky Avenue **not be rezoned** to the M-2 zoning classification.*

*I further move that the following findings of fact be adopted:*

- *The proposed M-2 Zone is not in compliance with the City of Paducah Comprehensive Plan.*
- *There have not been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area.*
- *The B-3 Zoning designation is appropriate because it mimics the existing development pattern which is walkable, desirable and supportive of commercial development.*
- *The proposed M-2 Zoning is inappropriate because it allows many more dangerous and risky uses without any protective measures.*
- *The M-2 Zoning for just these parcels could be considered spot zoning, which is not typically supported by the Kentucky courts as demonstrated in Mathis V. Hannan.*
- *The rezoning of this parcel would allow noxious uses in the future that could lead to detrimental views along Broadway & Kentucky Avenue, increase the probability of contaminants, hazardous materials & dangerous processes and decrease the likelihood of commercial reinvestment in the surrounding area.*

However, in the event the Planning Commission would like to forward a positive recommendation to the City Commission, the following motion may be used:

*I move that the Planning Commission recommend to the City Commission that case ZON2019-245 pertaining to 1128 & 1140 Broadway and 1143 Kentucky Avenue be rezoned to the M-2 zoning classification.*

*I further move that side yard variances of 8.5' on the east side of the lot and 13.5' on the west side of the lot be granted in accordance with Section 126-176 (e) of the Paducah Zoning Ordinance.*

*I further move that the following conditions be attached to this recommendation:*

- A. The only uses permitted are principal uses in the B-3 Zone and a self-storage facility;*
- B. The design of the elevations shall be subject to the Zoning Administrator's approval.*



Looking southeast into the site



Looking southwest into the site



Looking northwest into the site



Looking northeast into the site

**ORDINANCE NO. 2020 - \_\_\_\_ - \_\_\_\_\_**

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE PADUCAH PLANNING COMMISSION AND AMENDING THE PADUCAH ZONING MAP FOR PROPERTY LOCATED AT **1128 & 1140 BROADWAY AND 1143 KENTUCKY AVENUE** FROM THE B-3 (GENERAL BUSINESS) ZONE TO THE M-2 (HEAVY INDUSTRIAL) ZONE CLASSIFICATION.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

**SECTION 1.** At a public hearing held on January 6, 2020, the Paducah Planning Commission forwarded a favorable recommendation to the Board of Commissioners that case ZON2019-245 pertaining to 1128 & 1140 Broadway and 1143 Kentucky Avenue be rezoned from the B-3 General Business Zone to M-2 Heavy Industrial Zone.

**SECTION 2.** The Paducah Planning Commission attached conditions to the forwarded recommendation, being that:

- A. The only permitted uses are principal uses in the B-3 Zone and a self-storage facility; and
- B. The design of the elevations shall be subject to review and approval of the Zoning Administrator.

**SECTION 3.** That the zone classification of the following described property be changed from B-3 General Business Zone to M-2 Heavy Industrial Zone:

**Beginning at a point**, said point being in the south Right-of-Way of Broadway and the common property line of the Steve & Jill Durham and Auto Upholstery Shop, Inc. properties;

Thence with the Right-Of-Way of Broadway North 65 Degrees One Minute 24 seconds East for a distance of 393' feet to a point, said point being the common property line of the Steve & Jill Durham and Peteybo Properties, LLC, properties;

Thence with the common line of the Peteybo Properties, LLC, property South 25 Degrees 2 Minutes 27 seconds East for a distance of 111.39' to a point;

Thence continuing with the Peteybo Properties, LLC line South 5 Degrees 23 Minutes 39 Seconds West for a distance of 313.28' to a point, said point being the centerline of Kentucky Avenue;

Thence with the centerline of Kentucky Avenue South 64 Degrees 57 Minutes 33 Seconds West for a distance of 217.90' to a point,

Thence in a northerly direction a distance of 33' to a point, said point being the north Right-of-Way of Kentucky Avenue, the east line of a 15' public alley and the west line of the Steve & Jill Durham property;

Thence with the 15' alley the next four calls in a northerly direction:

North 25 Degrees 2 Minutes 27 Seconds West for a distance of 185 feet;

North 64 Degrees 57 Minutes 33 Seconds E for a distance of 4.96 feet;

North 25 Degrees 2 Minutes 27 Seconds West for a distance of 15 feet;

South 64 Degrees 57 Minutes 33 Seconds West for a distance of 40 feet;

Thence leaving the north Right-of-Way line with the alley and with the common property line of the Steve & Jill Durham and Auto Upholstery Shop, Inc., properties North 25 Degrees 2 Minutes 27 Seconds West for a distance of 150.05' to the **Point of Beginning**.

The above described Tract contains 2.62 acres.

**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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Lindsay Parish, City Clerk

Introduced by the Board of Commissioners on  
Adopted by the Board of Commissioners on  
Recorded by City Clerk on  
Published by the Paducah Sun on  
R:\Planning\40 Land Use\Boards\PC -- URCDA\Open Cases\ZON2019-245 1128 & 1140 Broadway and 1143 Kentucky Avenue\Ordinance ZON2019-245 1128 Kentucky.docx

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 28, 2020

Short Title: Fiscal Year-End Business License Due Date Clarification - **J PERKINS**

Category: Ordinance

Staff Work By: Stacey Young, Jonathan Perkins

Presentation By: Jonathan Perkins

**Background Information:** In order to clarify the due date for fiscal year-end (non-calendar year-end) business license filers, it is necessary to change Section 106-65 by striking the word '~~may~~' and inserting 'shall'. The intention of this change is to make the meaning of the Section clearer and less ambiguous. There were several grammatical errors in the Section also corrected.

Does this Agenda Action Item align with a Strategic Plan Action Step? No

If yes, please list the Action Step Item Codes(s):

Funds Available:   Account Name:  
                                  Account Number:

**Staff Recommendation:** Staff strongly recommends the proposed clarification changes for Section 106-65.

**Attachments:**

1.     106-65 – Due Date Clarification

**ORDINANCE NO. 2020-\_\_\_\_\_ - \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 106  
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

**WHEREAS**, the Kentucky Revised Statutes authorize the collection of license taxes; and

**WHEREAS**, in order to clarify the due date for fiscal year-end (non-calendar year-end) business license filers and correct grammatical errors, it is necessary to amend Section 106-65 of the Code of Ordinances of the City of Paducah, Kentucky;

**BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:**

SECTION 1. That the City of Paducah, Kentucky hereby amends Chapter 106 of the Paducah Code of Ordinances by amending the following sections:

Sec. 106-65. – Annual license tax imposed on business entities; ~~filing~~ [filing] of annual license tax return and business license application; payment of annual license tax; due date for filing and payment of tax.

(a) Each business entity which conducts business in this ~~city~~ [City] shall be required to pay an annual license tax based upon its taxable gross receipts which are realized by the business entity from such business. The amount of the license tax shall be determined in accordance with this section, and the provisions which are set forth under division 2 of this article. The annual license tax imposed under this section shall be for the privilege of doing business in the City, and is utilized as a measure to raise revenue to help defray the costs incurred by the City in providing municipal services which support, protect and promote the business of all business entities.

(b) Each business entity shall be required to prepare and file an "Annual License Tax Application." This return and application shall include the annual license tax return which is required to be filed under this section, and the annual application for a business license certificate which is required to be filed under section 106-69.

(c) The business entity shall file the return and application on or before the due date of April 15 of each calendar year; provided, however, that if the business entity operates on a fiscal year which is not based on the calendar year, the business entity ~~may~~ [shall] file the return and application on or before the 15th day of the fourth month following the close of the business entity's fiscal year. The return and application shall be filed with the Finance Director.

(d) The return and application shall be made on a form provided by the Finance Director. Each return and application shall identify the name and address of the business entity as reflected on the business entity's State tax return, each kind of business which the business entity conducted in the City in the reporting period, the address of each location or locations of each business, the gross receipts and taxable gross receipts which are realized from each business during the reporting period, and the annual license tax which is due. The business entity shall attach a copy of its Federal tax return, together with all supporting statements and schedules, to its return and application.

(e) The business entity shall make its return based on the preceding calendar year period, and shall report all taxable gross receipts realized by the business entity during such reporting period. Provided, however, that if a business entity makes a Federal income tax return on a fiscal year basis, the business entity shall make its return based on its fiscal year period, and shall report all taxable gross receipts realized by the business entity during such reporting period.

(f) The business entity shall also report the annual license fee which is to be paid by the business entity. The annual license fee shall be based on the business entity's taxable gross receipts realized during the reporting period, and shall be computed in accordance with the classifications and the schedules as set forth under division 2 of this article. The business entity shall pay the annual license fee to the Finance Director at the time that the business entity files its return and application. The annual license tax shall be paid without regard to any extension of time for filing of the return and application.

SECTION 2. Nothing herein shall be construed to invalidate or waive the provisions of Ordinance No. 2020-03-8623 which extended the 2020 deadline for the filing of the annual Gross Receipts License Tax (Business License Tax) as outlined in Section 106-61 through 106-160 of the Code of Ordinances of the City of Paducah, Kentucky, to July 15, 2020, for calendar year filers. Ordinance No. 2020-03-8623 shall remain in full force and effect.

SECTION 3. The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

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

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Brandi Harless, Mayor

ATTEST:

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Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, April 14, 2020

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

Recorded by the City Clerk, \_\_\_\_\_

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

ord\106-65 – Due Date Clarification

# Agenda Action Form Paducah City Commission

Meeting Date: April 28, 2020

**Short Title:** Authorize a professional services agreement with Kroll Associates in the amount of \$45,000 for Endpoint IT Protection Services & Threat Monitoring - **S CHINO**

**Category:** Ordinance

Staff Work By: Stephen Chino

Presentation By: Stephen Chino

**Background Information:** This ordinance approves a professional services contract with Kroll Associates in an amount of \$45,000 for endpoint IT Protection including Incident Response, Remediation Services and Red Canary Managed Threat Detection Services and CarbonBlack Endpoint sensors.

These services will provide endpoint protection for 300 City of Paducah computers and devices at a cost of \$150 per device.

The initial term of the contract will be for one (1) year and will automatically renew for successive one-year periods unless either Party provides written notice of termination to the other Party no later than thirty (30) days before the end of the then-current Initial Term or Renewal Term.

A written determination has been made by the City Manager that this constitutes a professional services purchase and will be a noncompetitive negotiation purchase, pursuant to KRS 45A.380(3).

Further, this ordinance approves a transfer of \$45,000 from the Administrative Contingency Account to the Computer Software Account #10000501522020.

**Does this Agenda Action Item align with a Strategic Plan Action Step? No**

**If yes, please list the Action Step Item Codes(s):**

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

**Staff Recommendation:** Approve the ordinance to enter into a professional services agreement with Kroll Associates and transfer \$45,000 from the Administrative Contingency Account to the Computer Software Account.

**Attachments:**

1. 1 year term City of Paducah Kroll End Point Services statement of work
2. Ordinance

**STATEMENT OF WORK  
FOR  
Kroll CyberDetectER® Endpoint powered by Red Canary**

This Statement of Work (“SOW”), dated 4/6/20, is entered into pursuant to and incorporates herein by reference the letter of engagement, entered into as of 2/1/20 (together with this SOW, the “Agreement”), by and between City of Paducah, Kentucky (“Client”) and Kroll Associates, Inc. on behalf of itself and its affiliates (“Kroll”) for the Kroll Services described herein. Capitalized terms herein shall have the meaning ascribed in the letter of engagement or master terms and conditions.

Kroll Services and Red Canary Services are described below and subject to the respective terms and conditions referenced herein.

**A. Description of Kroll Incident Response and Remediation Services (“Kroll Services”)**

As part of **Kroll CyberDetectER® Endpoint powered by Red Canary** service, Kroll will provide the following Kroll Services to Client:

| <b>Description of Kroll Services</b>   |
|--|
| <p><b><u>Kroll Threat Alert Response and Remediation Support:</u></b></p> <p>Kroll will provide response and remediation support associated with specific Threat Alerts and other suspicious Endpoint activity reported by Kroll or Red Canary, as requested by Client, including:</p> <ul style="list-style-type: none"> <li>• Supplemental threat analysis and intelligence</li> <li>• Malware sandboxing and analysis</li> <li>• Configuration and activation of manual and/or automated response and remediation actions supported within the Portal and/or directly through Endpoint Collection Software (e.g. hash banning, file deletion, process termination, and endpoint isolation)</li> <li>• Threat Alert correlation and root cause analysis using the Endpoint Collection Software</li> <li>• Remediation guidance</li> </ul> <p>Client understands and accepts that, while not anticipated, any response and remediation actions taken could cause unforeseen system errors, outages, or data loss.</p> <p><b><u>Kroll Incident Response and Investigation Services</u></b></p> <p>Kroll will provide additional incident response or investigative services, as requested by Client, including:</p> <ul style="list-style-type: none"> <li>• Emergency and after-hours incident response support</li> <li>• Remote evidence collection and analysis</li> <li>• In-lab forensic imaging and analysis</li> <li>• Malware reverse engineering</li> <li>• Event log collection, analysis and correlation</li> <li>• Custom threat hunting or forensic investigation using the Endpoint Collection Software</li> <li>• Custom analysis and reporting</li> </ul> <p>Kroll Incident Response and Investigation Services and are billed hourly and invoiced separately in accordance with the terms of this Agreement.</p> <p>Unless otherwise noted, Kroll Threat Alert Response and Remediation support is available 09:00 to 18:00 EST/EDT, Monday through Friday– excluding US Federal holidays. After-hours Incident Response and Investigation Services are available on an emergency basis.</p> |

**B. Fee Structure and Invoicing**

The initial term of this Statement of Work shall be for one (1) year (“Initial Term”) from the date above (“Effective Date”) and shall automatically renew for successive one-year periods (each a “Renewal Term”), unless either Party provides written notice of termination to the other Party, and in any case no later than thirty (30) days before the end of the then-current Initial Term or Renewal Term. Upon receipt of written notice, the effective date of the Termination shall be then end of the then-current Initial Term or Renewal Term. From the Effective Date, the Initial Term and any Renewal Term(s) together until termination hereunder shall be the “Term”.

Invoicing for Managed Threat Detection Services. On behalf of its strategic partner, Red Canary, Kroll shall invoice Client for **Kroll CyberDetectER® Endpoint powered by Red Canary**, Red Canary Services, on a fixed fee basis for a minimum of 300 # of Endpoints Endpoints per year (“End User’s Endpoints”). The cost per Endpoint per year is \$150 per Endpoint. “Endpoint” means any kind of computing device that the Endpoint Collection software supports and from which it can collect data, and may include by is not limited to computer workstations, laptops, file and print servers, e-mail servers, Internet gateway devices, storage area network servers (SANS), and terminal servers.

Kroll shall invoice the Client in full for the annual cost of this service in advance of the Effective Date of the Initial Term, or up to thirty (30) days prior to the start of any Renewal Term. **The Term is not cancellable, and all payments are non-refundable.** Payment is due upon receipt of the invoice.

Endpoint True-ups. In the event that during the Term, the number of Endpoints increases beyond the minimum listed above, Client will be invoiced for the additional Endpoints on installation of each added Endpoint, at the price listed above per Endpoint per year. Incremental Endpoints will be billed during the calendar quarter immediately subsequent to the increase in Endpoints and be pro-rated retroactively from date of implementation. The Term will be measured from the date of implementation for each added Endpoint.

Invoicing for Additional Incident Response and Investigation Services.

In accordance with the description of Kroll Services above, during the Term, Kroll may provide Additional Incident Response and Investigation services to Client. The Professional Fees for this service will be charged at Kroll’s then-current rates, less a discount of 15%.

Invoicing for Additional Services. In addition to the **Kroll CyberDetectER® Endpoint powered by Red Canary** services described above, Client may, at its option, request that Kroll provide additional services, pursuant to an additional Statement of Work, for an additional cost (“Additional Services”). To the extent the Client requests Kroll to perform such Additional Services, the Professional Fees for such Additional Services will be charged at Kroll’s then-current rates, less a discount of 15%. Kroll’s current rates are as follows:

|                                      |                               |
|--------------------------------------|-------------------------------|
| Consulting Services .....            | \$500/hour                    |
| Travel Time .....                    | 50% of Consultant hourly rate |
| Media Preservation/Replication ..... | \$400/media                   |
| Media / Data Storage .....           | \$25/media/month              |

For Incident Response and Remediation Support hours, or any other Additional Services, Kroll shall invoice Client for the services performed on a monthly basis with the fee due and payable within thirty (30) days of the date of the invoice. In addition to the Professional Fees identified above, additional charges may include reasonable out-of-pocket expenses incurred in connection with these services.

To the extent any expedited and/or emergency services are requested by Client, including work that must be performed over a weekend or holiday, or on an overtime basis, Kroll reserves the right to charge for such expedited services at 1.5 times its normal hourly rates for the applicable services.

To the extent Kroll is requested to provide any written testimony or reports, such additional services will be provided at Kroll's standard applicable hourly rates. However, oral testimony at deposition, a hearing or trial will be provided at 1.5 times such rates.

Accepted and agreed:

**City of Paducah, Kentucky**

**KROLL ASSOCIATES, INC.**

\_\_\_\_\_  
Name:  
Title:  
Date:

\_\_\_\_\_  
Name:  
Title:  
Date:

**[CONTINUE TO NEXT PAGE]**

**C. Red Canary Managed Threat Detection Services (“Red Canary Services”)**

As Kroll’s strategic partner in providing the **Kroll CyberDetectER® Endpoint powered by Red Canary** service, Red Canary will be responsible for providing the following Red Canary Services to Client, subject to Client’s acceptance of, and provided pursuant to, the Red Canary End User Security Platform Agreement and Statement of Work (“EUSPA”), which terms and conditions are accessible via the applicable link below.

Additionally, Client further accepts and agrees to the terms of the Software End User License Agreement(s) (“Software EULA”) for the Endpoint Collection Software, which is defined and accessible via the link(s) listed in the table below.

**In connection with the Kroll CyberDetectER® Endpoint powered by Red Canary services, Client acknowledges and agrees that Client’s acceptance of and agreement to the EUSPA and the Software EULA as evidenced by Client’s signature below, is required for the provision of the Red Canary Services by Red Canary.**

| Description of Red Canary Services  |
|---|
| <p><b>Third Party Services:</b> Red Canary Managed Threat Detection Services, provided by Red Canary for use by Client and Kroll pursuant to the terms and conditions of the Red Canary End User Security Platform Agreement and Statement of Work at <a href="https://www.redcanary.com/wp-content/uploads/Red-Canary-Incorporated-Security-Platform-Agreement.pdf">https://www.redcanary.com/wp-content/uploads/Red-Canary-Incorporated-Security-Platform-Agreement.pdf</a>.</p> <ul style="list-style-type: none"><li>• Includes 24x7x365 Red Canary Threat Alert escalation and Portal access.</li><li>• Includes Automate features</li></ul>   |
| <p><b>Threat Alerts:</b> Red Canary will provide, as appropriate, Threat Alerts. “Threat Alerts” means analyst-vetted alerts on malicious activity detected by Red Canary on Client Endpoints.</p> <p>Threat Alerts will be sent to Kroll and Client’s technical contacts as configured in the Red Canary Portal. Where applicable, each Threat Alert includes information describing the background of the threat related to the particular Alert.</p> <p>Threat Alerts will contain information that is known to Red Canary about the threat at the time, which typically includes but is not limited to:</p> <ul style="list-style-type: none"><li>• Summary of the detected threat</li><li>• Name of affected endpoint and user</li><li>• Artifacts such as file names, Internet Protocol (IP) addresses, domain names and registry keys that help support both Client remediation efforts and identification of similar threats.</li></ul> |
| <p><b>Client Portal:</b> Client and Kroll will be provided with access to the Red Canary portal (“<u>Portal</u>”) through which Client and Kroll can view data and Threat Alerts.</p>   |

**Client's Software License ("Software EULA")**

**Third Party Software:** The Red Canary Services include the provision of endpoint monitoring using Carbon Black Enterprise Response software ("Endpoint Collection Software"), which is provided to Client in connection with the Red Canary Services and licensed hereunder for use by Red Canary on behalf of Client per the terms and conditions of the Carbon Black Response EULA accessible at <https://www.carbonblack.com/license-agreements/cb-response-license-agreement>

**D. Client Responsibilities**

In connection with the Kroll Services and Red Canary Services, Client agrees to be responsible for performing the following tasks:

1. Installing and maintaining active Endpoint Collection Software on all Client systems to be monitored.
2. Provide Kroll and Red Canary with continuous access to Client's instance of the Endpoint Collection Software to facilitate ongoing monitoring and response activities for the monitored Endpoints.
3. Obtaining all required authorizations to perform the Managed Threat Detection Services and any data or information required thereby. Client shall obtain consents and authorizes for Kroll and Red Canary and their employees and agents to gain access to and retrieve Technical Data and analyze Threat Alerts and to perform the Red Canary Services and the Kroll Services.
4. In the course of accessing, obtaining and otherwise using the Managed Threat Detection Services and Threat Alerts, Client shall have sole responsibility for the accuracy, quality, integrity, and authorization for use, and intellectual property ownership or right to use necessary for the transferability to Red Canary and Kroll of Technical Data.
5. Client will permit Kroll to include anonymized data that Kroll obtains from the monitoring of Client's endpoints in Kroll's proprietary threat intelligence database or feeds, as well as sharing any such data with its intelligence partners. This data includes binary hashes, binary metadata, and Carbon Black Response event data such as process hashes, IP addresses, domain names, user context (System vs. Local, Root, Network Service, etc.) and operating system version identifiers.

**Client's signature below hereby accepts and agrees to the description of Services and Client Responsibilities above and to the terms and conditions accessible in the links below for the Red Canary Services and Endpoint Collection Software:**

1. the EUSPA: <https://www.redcanary.com/wp-content/uploads/Red-Canary-Incorporated-Security-Platform-Agreement.pdf> and
2. the Carbon Black Response EULA: <https://www.carbonblack.com/license-agreements/cb-response-license-agreement>

**City of Paducah, Kentucky**

\_\_\_\_\_  
Name:  
Title:  
Date:

**CONFIDENTIAL**

**ORDINANCE NO. 2020-\_\_\_\_\_ - \_\_\_\_\_**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KROLL ASSOCIATES FOR ENDPOINT I.T. PROTECTION SERVICES & THREAT MONITORING IN THE AMOUNT OF \$45,000 FOR THE PADUCAH INFORMATION TECHNOLOGY DEPARTMENT AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$45,000 FROM THE ADMINISTRATIVE CONTINGENCY ACCOUNT TO THE COMPUTER SOFTWARE ACCOUNT AS FUNDING FOR THE PROFESSIONAL SERVICES AGREEMENT

WHEREAS, a written determination has been made by the City Manager that this constitutes a professional services purchase and will be a noncompetitive negotiation purchase, pursuant to KRS 45A.380(3).

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby authorizes the Mayor to execute a professional services agreement with Kroll Associates in an amount of \$45,000 for Endpoint I.T. Protection Services & Threat Monitoring. These services will provide endpoint protection for 300 City of Paducah computers and devices at a cost of \$150 per device. The initial term of the contract will be for one (1) year and will automatically renew for successive one-year periods unless either Party provides written notice of termination to the other Party no later than thirty (30) days before the end of the then-current Initial Term or Renewal Term.

SECTION 2. That the Finance Director is hereby authorized and instructed to transfer \$45,000 from the Administrative Contingency Account No. 10000106524500 into the Computer Software Account No. 10000501522020. The expenditure, authorized by Section 1 above, shall be charged to the Computer Software Account No. 10000501522020.

SECTION 3. 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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Brandi Harless, Mayor

ATTEST:

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Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, April 14, 2020

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

Recorded by Lindsay Parish, City Clerk, \_\_\_\_\_

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

\ord\agree & transfer – Kroll Associates IT Endpoint Protection

# Agenda Action Form

## Paducah City Commission

Meeting Date: April 28, 2020

**Short Title:** Approval of a Contract with Jim Smith Contracting, LLC in the amount of \$299,726.50 for the 24th Street Bridge Rehab Project.

**Category:** Ordinance

**Staff Work By:** Melanie Townsend  
**Presentation By:** Rick Murphy

**Background Information:** On April 26, 2018, a major disaster declaration FEMA-4361-DR-KY was signed by the President for the 2018 Flooding and Severe Weather Events occurring February 21, 2018 through March 21, 2018. As a result, the City of Paducah applied for and received Disaster Relief Funding for the rehabilitation of the 24th Street Bridge under Event 4361DR-KY. The Federal Emergency Management Agency (FEMA) has estimated \$256,010.00 total bridge rehab cost with 75% Federal Share and 25% Non-Federal Share. FEMA has obligated \$192,000.50 in Federal funds for the 24<sup>th</sup> Street Bridge Rehab Project. The Non-Federal Share of \$64,002.50 is split between State (\$30,721.20) and Local (\$33,281.30) cost shares.

Three (3) bids on the project were received and opened on April 16, 2020 with Jim Smith Contracting, LLC submitting the lowest responsive bid at \$299,726.50. The estimated total project cost is \$338,161.50.

|                   |                     |    |            |
|-------------------|---------------------|----|------------|
| Project:          | 24th Street Bridge  |    |            |
|                   | Design              | \$ | 25,435.00  |
|                   | Construction        | \$ | 299,726.50 |
|                   | Contingency         | \$ | 9,000.00   |
|                   | Admin & Inspection  | \$ | 4,000.00   |
| Est Project Cost: |                     | \$ | 338,161.50 |
|                   | FEMA                | \$ | 192,000.00 |
|                   | State               | \$ | 30,721.00  |
|                   | City Initial Design | \$ | 25,435.00  |
|                   | Funds               |    |            |
|                   | City Addl           | \$ | 90,005.50  |

The City has received a recommendation from BFW Engineering & Testing that the bid from Jim Smith Contracting, LLC is the lowest responsive bid and should be accepted as such. The bid is within 4% of the Engineer's Estimate submitted by BFW to the City.

In order to fully fund the project, the Finance Director is authorized to transfer \$90,000 from the MAP Fund Fund Balance into the 24<sup>th</sup> Street Bridge Project Account (PF0077).

**Does this Agenda Action Item align with a Strategic Plan Action Step? Yes**

If yes, please list the Action Step Item Codes(s): I-1: Connect main commercial corridors with sidewalks and bike paths

I-6: Improve street conditions within the city

N-1: Design and construct pedestrian walkways, bike lanes and bike pathways to connect our neighborhoods

**Funds Available:** Account Name: 24th Street Bridge

Account Number: PF0077

**Staff Recommendation:** Authorize the Mayor to sign the construction contract with Jim Smith Contracting, LLC in the amount of \$299,726.50 for the 24th Street Bridge Rehab Project. In addition, authorize the Finance Director to transfer \$90,000 from the MAP Fund Fund Balance into the 24th Street Bridge Project account (PF0077).

**Attachments:**

1. Legal ad\_24th St Bridge\_3.15.20
2. 24th Street Bridge Rehab Project - Bid Tabulation
3. 24th Street Bridge Rehab Project\_Engineers Bid Recommendation
4. 24th St Bridge Agreement\_Smith Contracting

**ANNOUNCEMENTS**

**0107 SPECIAL NOTICE**

**BATHROOM RENOVATIONS. EASY, ONE DAY updates!** We specialize in safe bathing. Grab bars, no slip flooring & seated showers. Call for a free in-home consultation: 1-844-519-3621

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On all personal and happy ads, The Paducah Sun reserves the right to divulge the name of the party placing the ad. Also, we will no longer put any age on happy birthday ads.

**Classified Advertising Dept.**  
270-575-8700  
MONDAY-FRIDAY 8:00AM TO 4:30PM  
OR EMAIL: [classifieds@paducahsun.com](mailto:classifieds@paducahsun.com)

In-Column Deadlines  
Sunday-12PM Friday  
Monday-1:30PM Fri.  
Tuesday-Saturday  
10AM Previous Day

**CHECK YOUR AD**

Advertisers are requested to check the first insertion of ads for any error. The Paducah Sun will be responsible for only ONE INCORRECT INSERTION. Any error should be reported immediately so corrections can be made. CHECK YOUR AD carefully and notify The Classified Advertising Department during business hours Monday through Friday 8:00AM - 5:30 PM in case of an error.  
**270-575-8700**

**0107 SPECIAL NOTICE**

Eliminate gutter cleaning forever! LeafFilter, the most advanced debris-blocking gutter protection. Schedule a FREE LeafFilter estimate today. 15% offentire purchase. 10% Senior & Military Discounts. Call 1-866-329-2415

**END ROLLS FOR SALE**

The Paducah Sun has newspaper end rolls available for sale while supplies last at our office located at 408 Kentucky Ave., Paducah, KY, from 8 a.m. to 4:30 p.m., Monday through Friday. Depending on size, large rolls are priced from \$3 to \$6 and half rolls are priced from \$2 to \$4. There is no charge to non-profits or teachers with school ID.

**FREE PALLETS**

The Paducah Sun is pleased to offer free wood pallets to the community. They may be picked up daily while supplies last in the alley behind The Paducah Sun building.

Two great new offers from AT&T Wireless! Ask how to get the new iPhone 11 or Next Generation Samsung Galaxy S10e ON US with AT&Ts Buy one, Give One offer. While supplies last! CALL 1-866-478-8859

**0114 HAPPY ADS**

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**0135 PERSONALS**

**A PLACE FOR MOM.** We're the nation's largest senior living referral service. Call today to connect with one of our trusted, local Senior or Living Advisors. Our service is no cost to you. No obligation! Call 1-855-670-0186

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**0142 LOST**

**LOST YOUR DOG??** Check your local Humane Society 270-443-5923

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Garage Sale SPECIAL Single Family 5 lines / 3 days \$30 270-575-8700

**0114 GARAGE/ESTATE SALES**  
Garage Sale SPECIAL Single Family 5 lines / 3 days \$30 270-575-8700

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**EMPLOYMENT**

**0204 ADMINISTRATIVE**

**HOTFACTS** by hotjobs by monster  
**32%** of workers go into work sick because they're afraid they'd lose their job if they don't.  
Source: Monster poll week of 2/3/2020  
GET WELL SOON WITH A NEW JOB FROM [paducahsun.com/jobs](http://paducahsun.com/jobs)

**0212 PROFESSIONAL**

**WEST KENTUCKY COMMUNITY AND TECHNICAL COLLEGE**  
is seeking to fill the following position:  
**Part-time Tutor**  
For more details and to apply please visit <https://careers.kctcs.edu>

West Kentucky Community and Technical College is an equal educational and employment opportunity institution.

**0216 EDUCATION/TEACHING**

**ATTENTION ALL HOMEOWNERS** in jeopardy of foreclosure? We can help stop your home from foreclosure. The Foreclosure Defense helpline can help save your home. The Call is absolutely free 1-855-685-9465

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**Telecommunicator and Accountant**  
Applicants can apply at [www.paducahky.gov](http://www.paducahky.gov)

**0216 EDUCATION/TEACHING**  
AGC of Western Kentucky 2201 McCracken Blvd Paducah, KY 42001

**BID SECURITY**  
A satisfactory Bid Bond executed by the bidder or a certified bank cashier's check in an amount equal to five percent (5%) of the bid shall be submitted with each bid. No other forms of security will be accepted. Failure to submit a bid bond or certified bank cashier's check will result in disqualification of the bid.

**PREQUALIFICATION**  
The Bidder's qualifications, along with all proposed Sub-Contractor's shall include, but be not limited to, being pre-qualified with the Kentucky Transportation Cabinet. A copy of the Certificate of Eligibility for the Bidder and all proposed Sub-Contractor's shall be included with the Bid Proposal for proof of Qualification.

**BID EVALUATION - AWARD OF CONTRACT**  
After reasonable consideration of all bids received, a Notice of Award will be given to the responsible bidder who submits the lowest responsive bid in accordance with the specifications.

**CONTRACT TIME**  
The Project Contract Time Period is One Hundred Twenty (120) consecutive calendar days. Liquidated Damages will be assessed at the sum of Five Hundred Dollars (\$500.00) for each consecutive calendar day thereafter until the Project is completed as provided in accordance with the Specifications.

**FEDERAL-AID CONSTRUCTION REQUIREMENTS**  
This Project is funded by Federal Highway Funds and will require the Contractor and all Sub-Contractors employed by the Contractor to strictly and fully comply with all Federal laws and regulations identified within the Specifications. Failure to comply with these provisions during the duration of the contract shall be grounds for cancellation of the contract and disqualification of the eligibility for future contracts.

**PREVAILING WAGE RATE REQUIREMENTS:**  
This Project will involve the use of Federal Funds and therefore the Contractor and all Sub-Contractors shall comply with the Federal prevailing wage requirements. The prevailing hourly wage as determined by the US Department of Labor has been inserted within these specifications.

**EQUAL EMPLOYMENT OPPORTUNITY**  
The Contractor shall ensure that employees and applicants for employment are not discriminated against because of their race, religion, color, sex, national origin, age or disability.

**DRUG FREE WORKPLACE**  
The City of Paducah has adopted a Drug and Alcohol-Free Workplace Policy in compliance with 803 KAR 25.280, in which drug and alcohol use and abuse in the workplace is prohibited. All contractors and subcontractors doing business for the City of Paducah shall adhere to this policy.

**OWNER'S RIGHTS RESERVED**  
No bid shall be withdrawn for a period of Sixty (60) days subsequent to the opening of bids. The City reserves the right to reject any and all bids in accordance with the City of Paducah's Code of Ordinances and the Project Specifications.

**MURRAY STATE UNIVERSITY**

**Data Analyst**  
Application Deadline: Open until filled To apply please visit: [www.murraystatejobs.com/postings/9228](http://www.murraystatejobs.com/postings/9228) Women/minorities encouraged to apply an EEO/M/F/D,AA employer.

**The Paducah Sun**

Now available **Classified Specialist** Taking your calls starting at 8 am Monday-Friday Call Jodi at 270-575-8705 Walk-Ins Welcome 8am-4:30pm

CITY OF PADUCAH, KY ADVERTISEMENT FOR BIDS

**RECEIPT OF PROPOSALS**  
The City of Paducah, Engineering Department will receive sealed bids for the "24th ST. BRIDGE REHAB PROJECT" on Thursday, April 16, 2020, at 2:00 p.m. CST. All Bids received will be publicly opened and read aloud in the Commission Chambers, Second Floor, City Hall, 300 South 5th Street, Paducah, Kentucky. A MANDATORY PRE-BID MEETING will be held at the City of Paducah Commission Chambers on Thursday, March 26, 2020 at 2:00 p.m. CST.

**PROJECT DESCRIPTION**  
This project will consist of the construction of a replacement superstructure for the 24th Street bridge along with associated asphalt roadway widening. The new bridge will include an ADA compliant sidewalk to facilitate future expansion of 24th Street. The project limits are between Center Street and Seitz Street. All work will be completed in full accordance with the plans and specifications.

**OBTAINING CONTRACT DOCUMENTS**  
Copies of Plans and Specifications may be obtained at: Paducah Blueprint & Supply Co., Inc. 999 Broadway, Paducah, Kentucky 42001 270-444-6171 or 800-423-6479 <http://www.padblueprint.com>

There is a Non-Refundable Deposit of \$100.00 required per set.

An electronic copy of the plans may be obtained upon payment as required by Paducah Blueprint.

Plans and specifications can be viewed and are on file at the following locations:

City of Paducah Engineering Department City Hall, 300 S 5th St Paducah, KY 42003

AGC of Western Kentucky 2201 McCracken Blvd Paducah, KY 42001

**BID SECURITY**  
A satisfactory Bid Bond executed by the bidder or a certified bank cashier's check in an amount equal to five percent (5%) of the bid shall be submitted with each bid. No other forms of security will be accepted. Failure to submit a bid bond or certified bank cashier's check will result in disqualification of the bid.

**PREQUALIFICATION**  
The Bidder's qualifications, along with all proposed Sub-Contractor's shall include, but be not limited to, being pre-qualified with the Kentucky Transportation Cabinet. A copy of the Certificate of Eligibility for the Bidder and all proposed Sub-Contractor's shall be included with the Bid Proposal for proof of Qualification.

**BID EVALUATION - AWARD OF CONTRACT**  
After reasonable consideration of all bids received, a Notice of Award will be given to the responsible bidder who submits the lowest responsive bid in accordance with the specifications.

**CONTRACT TIME**  
The Project Contract Time Period is One Hundred Twenty (120) consecutive calendar days. Liquidated Damages will be assessed at the sum of Five Hundred Dollars (\$500.00) for each consecutive calendar day thereafter until the Project is completed as provided in accordance with the Specifications.

**FEDERAL-AID CONSTRUCTION REQUIREMENTS**  
This Project is funded by Federal Highway Funds and will require the Contractor and all Sub-Contractors employed by the Contractor to strictly and fully comply with all Federal laws and regulations identified within the Specifications. Failure to comply with these provisions during the duration of the contract shall be grounds for cancellation of the contract and disqualification of the eligibility for future contracts.

**PREVAILING WAGE RATE REQUIREMENTS:**  
This Project will involve the use of Federal Funds and therefore the Contractor and all Sub-Contractors shall comply with the Federal prevailing wage requirements. The prevailing hourly wage as determined by the US Department of Labor has been inserted within these specifications.

**EQUAL EMPLOYMENT OPPORTUNITY**  
The Contractor shall ensure that employees and applicants for employment are not discriminated against because of their race, religion, color, sex, national origin, age or disability.

**DRUG FREE WORKPLACE**  
The City of Paducah has adopted a Drug and Alcohol-Free Workplace Policy in compliance with 803 KAR 25.280, in which drug and alcohol use and abuse in the workplace is prohibited. All contractors and subcontractors doing business for the City of Paducah shall adhere to this policy.

**OWNER'S RIGHTS RESERVED**  
No bid shall be withdrawn for a period of Sixty (60) days subsequent to the opening of bids. The City reserves the right to reject any and all bids in accordance with the City of Paducah's Code of Ordinances and the Project Specifications.

**The Paducah Sun**

To Place An Ad:  
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or **1-800-599-1771**  
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Advertisers are requested to check the first insertion of their ads for any error. The Paducah Sun will be responsible for only one incorrect insertion. Any error should be reported immediately so corrections can be made.

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| Lines | Per Day | 1 Day   | 2 Days  | 3 Days  | 4 Days  | 5 Days  | 6 Days  | 7 Days |
|-------|---------|---------|---------|---------|---------|---------|---------|--------|
| 2     | \$10.45 | \$15.44 | \$18.00 | \$24.00 | \$22.50 | \$27.00 | \$28.00 |        |
| 3     | \$14.53 | \$21.22 | \$25.44 | \$33.92 | \$33.15 | \$39.78 | \$41.23 |        |
| 4     | \$18.61 | \$27.00 | \$32.88 | \$43.84 | \$43.80 | \$52.56 | \$54.46 |        |
| 5     | \$22.69 | \$32.78 | \$40.32 | \$53.76 | \$54.45 | \$65.34 | \$68.69 |        |
| 6     | \$26.77 | \$38.56 | \$47.76 | \$63.68 | \$65.10 | \$78.12 | \$80.92 |        |
| 7     | \$30.85 | \$44.34 | \$55.20 | \$73.60 | \$75.75 | \$90.90 | \$94.15 |        |

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**ABSOLUTE AUCTION**

**SATURDAY, MARCH 21ST, AT 10:00 A.M.**  
LOCATION: 87 Ridgeway Lane (Pirates Cove), Hardin, KY.

**Selling ABSOLUTE A 3 Bedroom, 2 Bath, Move In Ready Modular Home In Pirate's Cove! Great Lake Home Opportunity!! NO BUYERS PREMIUM!**



TRACT 1 - Super Nice 3 Bedroom, 2 Bath, Double Wide Modular Home on Brick Foundation, on .14 Acre Lot. Kitchen, Dining, Utility, Living Room, Family Room w/Gas Logs, Sun Room - All Season Room w/Gas Logs, Central Heat & Air, LP. 2 Car Portable Carport.  
TRACT 2 - .14 Acre Adjoining Lot  
TRACT 3 - .14 Acre Adjoining Lot

Terms on Real Estate: 20% Down day of sale with balance due within 30 business days or upon delivery of deed. Property sells in AS-IS Condition.  
**ALSO SELLING:** ANTIQUES, COLLECTIBLES, FURNITURE, APPLIANCES, & MORE!

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Terms on Personal Property: Cash or Check day of sale. No Debit or Credit Cards.

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Cell: (270) 748-8080 Website: [bunchbrothersauctioneers.com](http://bunchbrothersauctioneers.com) Fax: (270) 376-2997

**ABSOLUTE AUCTION**  
**SATURDAY MARCH 21, 2020 • 10:00 AM RAIN OR SHINE**  
At the home of Dean and Linda Lester, 1028 Mountain Ridge Rd. Hickory, KY. From 58 Highway East in Mayfield take 131 highway 4.3 miles to highway 483 then 1.9 miles to Mountain Ridge Rd. 1.2 miles to auction site. Signs Posted.

**TRACTOR - EQUIPMENT - BOAT - COINS - ANTIQUES - COLLECTIBLES**

**TRACTOR & EQUIP-** 504 INTERNATIONAL DIESEL, 6"WOODS FINISHING MOWER, 3PH 6' TILLER, 7' BLADE, HYDRAULIC DISC, 200 GAL. SPRAYER, 3PH FORKS, LINCOLN WELDER, BENCH GRINDER, 3/4" SOCKET SET, TROY REAR TIN TILLER, 16' TANDEM TRAILER W/WINCH, SEVERAL OTHER TOOLS.

**BOAT-** 1990 BASS CAT WITH 100 HP JOHNSON MOTOR AND TRAILER.

**FURNITURE-** ROUND OAK TABLE W/4 CHAIRS, OAK CHINA CABINET, 2 LAMP TABLES, KIDS ROCKER, 2 SIDE CHAIRS, COUCH, END TABLES & COFFEE TABLE, 3 PIECE BEDROOM SUITE, 5 PIECE BEDROOM SUITE, WICKER DESK & CHAIR, BOOK CASE, KENMORE WASHER, WHIRLPOOL DRYER, 50" SAMSUNG TV, DINING TABLE W/6 CHAIRS, KITCHEN CABINET.

**GLASSWARE-** SET OF CANNES CHINA, 4 PIECE SET OF JOHNSON BROS. ENGLAND, 2 SETS OF HOMER LAUGHLIN DISHES, LEFTON TEA SET, COMPOTES, KERO LAMPS, REFRIGERATOR DISHES, BEAUTIFUL RED GLOBE LAMP, 50'S BLUE CARNIVAL DISHES, MUCH MUCH MORE.

**COINS-** 1896 SILVER DOLLAR, BUFFALO NICKLES, STEEL PENNIES, SEVERAL ROLLS OF WHEAT PENNIES, 1860 INDIAN HEAD PENNY & OTHERS, MEXICAN PESOS, FOREIGN COINS, OLD STAMPS, GOLD BABY RINGS.

**COLLECTIBLES & MISC.-** IRON SKILLETS GRISWOLD, WAGNER & OTHERS, METAL PITCHER W/GLASSES, LARGE SAFE, COKE BOTTLE PADUCAH, KY, POT BELLY STOVE, LIGHTERS, OLD FOUNTAIN PENS, POCKET KNIVES, STRAIGHT RAZOR, DICK CAP GUN, 1933 FOOT X-RAY MACHINE, BALL CARDS, 4 NICE QUILTS, OLD MAGAZINES, RECORDS, MEAT SAW WITH GRINDER, LARGE SET OF BRISTRO STAINLESS COOKWARE, SEVERAL CANNING JARS AND EQUIPMENT, METAL SHELVING

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|------------------------|---------------------------------------|----------|------------|----------------------|--------------|-----------------------|--------------|----------------------------|--------------|----------------------|--------------|
| ITEM                   | QUANTITY                              | UNIT     | UNIT PRICE | AMOUNT               | UNIT PRICE   | AMOUNT                | UNIT PRICE   | AMOUNT                     | UNIT PRICE   | AMOUNT               |              |
| <b>100</b>             | <b>GENERAL</b>                        |          |            |                      |              |                       |              |                            |              |                      |              |
| 2568                   | Mobilization                          | 1        | LS         | \$ 4,239.58          | \$ 4,239.58  | \$ 8,000.00           | \$ 8,000.00  | \$ 11,850.00               | \$ 11,850.00 | \$ 13,000.00         | \$ 13,000.00 |
| <b>200</b>             | <b>EROSION &amp; SEDIMENT CONTROL</b> |          |            |                      |              |                       |              |                            |              |                      |              |
| 2701                   | Temp Silt Fence                       | 158      | LF         | \$ 3.00              | \$ 474.00    | \$ 2.00               | \$ 316.00    | \$ 2.00                    | \$ 316.00    | \$ 3.00              | \$ 474.00    |
| 2705                   | Silt Trap Type C                      | 4        | EACH       | \$ 403.00            | \$ 1,612.00  | \$ 350.00             | \$ 1,400.00  | \$ 100.00                  | \$ 400.00    | \$ 150.00            | \$ 600.00    |
| 2708                   | Clean Silt Trap Type C                | 12       | EACH       | \$ 10.00             | \$ 120.00    | \$ 150.00             | \$ 1,800.00  | \$ 5.00                    | \$ 60.00     | \$ 1.00              | \$ 12.00     |
| 2709                   | Clean Temp Silt Fence                 | 474      | LF         | \$ 1.00              | \$ 474.00    | \$ 1.00               | \$ 474.00    | \$ 0.10                    | \$ 47.40     | \$ 0.10              | \$ 47.40     |
| 5950                   | Erosion Control Blanket               | 200      | SQYD       | \$ 1.80              | \$ 360.00    | \$ 4.50               | \$ 900.00    | \$ 2.00                    | \$ 400.00    | \$ 4.00              | \$ 800.00    |
| 5952                   | Temp Mulch                            | 125      | SQYD       | \$ 0.60              | \$ 75.00     | \$ 2.00               | \$ 250.00    | \$ 0.10                    | \$ 12.50     | \$ 2.00              | \$ 250.00    |
| 5953                   | Temp Seeding and Protection           | 182      | SQYD       | \$ 0.50              | \$ 91.00     | \$ 3.00               | \$ 546.00    | \$ 0.10                    | \$ 18.20     | \$ 2.00              | \$ 364.00    |
| 5963                   | Initial Fertilizer                    | 1        | TON        | \$ 400.00            | \$ 400.00    | \$ 1,300.00           | \$ 1,300.00  | \$ 50.00                   | \$ 50.00     | \$ 1,000.00          | \$ 1,000.00  |
| 5964                   | 20-10-10 Fertilizer                   | 1        | TON        | \$ 875.00            | \$ 875.00    | \$ 1,200.00           | \$ 1,200.00  | \$ 50.00                   | \$ 50.00     | \$ 1,000.00          | \$ 1,000.00  |
| 5985                   | Seeding and Protection                | 182      | SQYD       | \$ 0.70              | \$ 127.40    | \$ 4.50               | \$ 819.00    | \$ 5.00                    | \$ 910.00    | \$ 4.00              | \$ 728.00    |
| 5990                   | Sodding                               | 68       | SQYD       | \$ 8.00              | \$ 544.00    | \$ 10.00              | \$ 680.00    | \$ 15.00                   | \$ 1,020.00  | \$ 10.00             | \$ 680.00    |
| 5992                   | Agricultural Limestone                | 3        | TON        | \$ 260.00            | \$ 780.00    | \$ 350.00             | \$ 1,050.00  | \$ 25.00                   | \$ 75.00     | \$ 300.00            | \$ 900.00    |
| 23143ED                | KPDES Permit and Temp Erosion Control | 1        | LS         | \$ 300.00            | \$ 300.00    | \$ 1,200.00           | \$ 1,200.00  | \$ 5,500.00                | \$ 5,500.00  | \$ 2,500.00          | \$ 2,500.00  |
| <b>300</b>             | <b>ROADWAY</b>                        |          |            |                      |              |                       |              |                            |              |                      |              |
| 1                      | DGA Base                              | 33       | TON        | \$ 30.00             | \$ 990.00    | \$ 45.00              | \$ 1,485.00  | \$ 35.00                   | \$ 1,155.00  | \$ 76.00             | \$ 2,508.00  |
| 214                    | CL3 ASPH BASE 1.00D PG64-22           | 25       | TON        | \$ 95.00             | \$ 2,375.00  | \$ 300.00             | \$ 7,500.00  | \$ 350.00                  | \$ 8,750.00  | \$ 255.00            | \$ 6,375.00  |
| 324                    | CL3 ASPH SURF 0.50B PG64-22           | 12       | TON        | \$ 105.00            | \$ 1,260.00  | \$ 400.00             | \$ 4,800.00  | \$ 350.00                  | \$ 4,200.00  | \$ 305.00            | \$ 3,660.00  |
| 356                    | Asphalt Material for Tack             | 1        | TON        | \$ 400.00            | \$ 400.00    | \$ 1,000.00           | \$ 1,000.00  | \$ 100.00                  | \$ 100.00    | \$ 2,100.00          | \$ 2,100.00  |
| 20550ND                | Sawcut Pavement                       | 315      | LF         | \$ 4.00              | \$ 1,260.00  | \$ 4.00               | \$ 1,260.00  | \$ 5.00                    | \$ 1,575.00  | \$ 4.00              | \$ 1,260.00  |
| 520                    | Storm Sewer Pipe – 12 Inch            | 41       | LF         | \$ 62.00             | \$ 2,542.00  | \$ 75.00              | \$ 3,075.00  | \$ 85.00                   | \$ 3,485.00  | \$ 75.00             | \$ 3,075.00  |
| 522                    | Storm Sewer Pipe – 18 Inch            | 118      | LF         | \$ 65.00             | \$ 7,670.00  | \$ 83.00              | \$ 9,794.00  | \$ 98.00                   | \$ 11,564.00 | \$ 77.00             | \$ 9,086.00  |
| 1200                   | Pipe Culvert Headwall – 12 Inch       | 1        | EACH       | \$ 2,335.00          | \$ 2,335.00  | \$ 2,000.00           | \$ 2,000.00  | \$ 1,500.00                | \$ 1,500.00  | \$ 1,800.00          | \$ 1,800.00  |
| 1310                   | Remove Pipe                           | 92       | LF         | \$ 21.00             | \$ 1,932.00  | \$ 10.00              | \$ 920.00    | \$ 5.00                    | \$ 460.00    | \$ 35.00             | \$ 3,220.00  |
| 1559                   | Drop Box Inlet Type 13G               | 4        | EACH       | \$ 3,030.00          | \$ 12,120.00 | \$ 5,500.00           | \$ 22,000.00 | \$ 6,600.00                | \$ 26,400.00 | \$ 2,800.00          | \$ 11,200.00 |
| 1810                   | Standard Curb and Gutter              | 16       | LF         | \$ 50.00             | \$ 800.00    | \$ 100.00             | \$ 1,600.00  | \$ 100.00                  | \$ 1,600.00  | \$ 190.00            | \$ 3,040.00  |
| 2001                   | Curb to Barrier Wall Transition       | 4        | EACH       | \$ 5,800.00          | \$ 23,200.00 | \$ 2,900.00           | \$ 11,600.00 | \$ 5,800.00                | \$ 23,200.00 | \$ 4,000.00          | \$ 16,000.00 |
| 20196ED                | Earthwork                             | 44       | CUYD       | \$ 60.00             | \$ 2,640.00  | \$ 60.00              | \$ 2,640.00  | \$ 140.00                  | \$ 6,160.00  | \$ 130.00            | \$ 5,720.00  |
| 2268                   | Remove & Replace Fence                | 30       | LF         | \$ 8.00              | \$ 240.00    | \$ 89.00              | \$ 2,670.00  | \$ 50.00                   | \$ 1,500.00  | \$ 60.00             | \$ 1,800.00  |
| 2381                   | Remove Guardrail                      | 64       | LF         | \$ 5.00              | \$ 320.00    | \$ 12.00              | \$ 768.00    | \$ 15.00                   | \$ 960.00    | \$ 10.00             | \$ 640.00    |
| 23274EN11F             | Turf Reinforcement Mat 1              | 145      | SQYD       | \$ 6.00              | \$ 870.00    | \$ 9.00               | \$ 1,305.00  | \$ 5.50                    | \$ 797.50    | \$ 3.08              | \$ 446.60    |
| 2484                   | Channel Lining Class III              | 4        | TON        | \$ 30.00             | \$ 120.00    | \$ 35.00              | \$ 140.00    | \$ 150.00                  | \$ 600.00    | \$ 125.00            | \$ 500.00    |
| 2545                   | Clearing and Grubbing                 | 1        | LS         | \$ 2,500.00          | \$ 2,500.00  | \$ 2,500.00           | \$ 2,500.00  | \$ 40,000.00               | \$ 40,000.00 | \$ 20,000.00         | \$ 20,000.00 |
| 2596                   | Fabric – Geotextile Type I            | 190      | SQYD       | \$ 5.00              | \$ 950.00    | \$ 2.00               | \$ 380.00    | \$ 3.00                    | \$ 570.00    | \$ 3.00              | \$ 570.00    |
| 2650                   | Maintain & Control Traffic            | 1        | LS         | \$ 2,500.00          | \$ 2,500.00  | \$ 2,500.00           | \$ 2,500.00  | \$ 2,200.00                | \$ 2,200.00  | \$ 15,000.00         | \$ 15,000.00 |
| 2726                   | Staking                               | 1        | LS         | \$ 2,500.00          | \$ 2,500.00  | \$ 2,000.00           | \$ 2,000.00  | \$ 3,500.00                | \$ 3,500.00  | \$ 10,000.00         | \$ 10,000.00 |
| 8301                   | Remove Superstructure                 | 1        | LS         | \$ 25,000.00         | \$ 25,000.00 | \$ 12,000.00          | \$ 12,000.00 | \$ 40,500.00               | \$ 40,500.00 | \$ 50,000.00         | \$ 50,000.00 |
| 20418ED                | Remove & Relocate Signs               | 5        | EACH       | \$ 300.00            | \$ 1,500.00  | \$ 300.00             | \$ 1,500.00  | \$ 100.00                  | \$ 500.00    | \$ 275.00            | \$ 1,375.00  |
| <b>400</b>             | <b>BRIDGE</b>                         |          |            |                      |              |                       |              |                            |              |                      |              |
| 8100                   | Concrete – Class A                    | 24.6     | CUYD       | \$ 729.00            | \$ 17,933.40 | \$ 1,100.00           | \$ 27,060.00 | \$ 1,400.00                | \$ 34,440.00 | \$ 2,200.00          | \$ 54,120.00 |
| 8104                   | Concrete – Class AA                   | 36.6     | CUYD       | \$ 1,129.00          | \$ 41,321.40 | \$ 1,400.00           | \$ 51,240.00 | \$ 1,400.00                | \$ 51,240.00 | \$ 1,850.00          | \$ 67,710.00 |
| 8150                   | Steel Reinforcement                   | 3,380.00 | LB         | \$ 1.19              | \$ 4,022.20  | \$ 1.25               | \$ 4,225.00  | \$ 2.85                    | \$ 9,633.00  | \$ 1.25              | \$ 4,225.00  |
| 8151                   | Steel Reinforcement – Epoxy Coated    | 8,050.00 | LB         | \$ 1.34              | \$ 10,787.00 | \$ 1.50               | \$ 12,075.00 | \$ 2.00                    | \$ 16,100.00 | \$ 1.45              | \$ 11,672.50 |
| 8001                   | Structure Excavation - Common         | 134      | CUYD       | \$ 64.00             | \$ 8,576.00  | \$ 40.00              | \$ 5,360.00  | \$ 50.00                   | \$ 6,700.00  | \$ 85.00             | \$ 11,390.00 |
| 8019                   | Cyclopean Stone Rip Rap               | 92       | TON        | \$ 51.10             | \$ 4,701.20  | \$ 35.00              | \$ 3,220.00  | \$ 35.00                   | \$ 3,220.00  | \$ 60.00             | \$ 5,520.00  |
| 2231                   | Structure Granular Backfill           | 48.4     | CUYD       | \$ 68.74             | \$ 3,327.02  | \$ 70.00              | \$ 3,388.00  | \$ 55.00                   | \$ 2,662.00  | \$ 75.00             | \$ 3,630.00  |
| 8652                   | Precast PC Box Beam B17-48            | 160.8    | LF         | \$ 287.00            | \$ 46,149.60 | \$ 310.00             | \$ 49,848.00 | \$ 310.00                  | \$ 49,848.00 | \$ 350.00            | \$ 56,280.00 |
| 3299                   | Armored Edge for Concrete             | 72       | LF         | \$ 119.00            | \$ 8,568.00  | \$ 60.00              | \$ 4,320.00  | \$ 45.00                   | \$ 3,240.00  | \$ 75.00             | \$ 5,400.00  |
| 23378EC                | Concrete Sealing                      | 1,881.00 | SQFT       | \$ 4.56              | \$ 8,577.36  | \$ 1.00               | \$ 1,881.00  | \$ 2.75                    | \$ 5,172.75  | \$ 2.50              | \$ 4,702.50  |
| 8257                   | Handrail – Pedestrian Aluminum        | 85.9     | LF         | \$ 230.00            | \$ 19,757.00 | \$ 130.00             | \$ 11,167.00 | \$ 130.00                  | \$ 11,167.00 | \$ 165.00            | \$ 14,173.50 |
| X                      | Rail System Single Slope – 40 Inch    | 65.25    | LF         | \$ 117.00            | \$ 7,634.25  | \$ 162.00             | \$ 10,570.50 | \$ 185.00                  | \$ 12,071.25 | \$ 250.00            | \$ 16,312.50 |
| <b>BASE BID AMOUNT</b> |                                       |          |            | <b>\$ 287,850.41</b> |              | <b>\$ 299,726.50</b>  |              | <b>\$ 407,479.60</b>       |              | <b>\$ 446,867.00</b> |              |

**CITY OF PADUCAH, KENTUCKY  
ENGINEERING-PUBLIC WORKS DEPARTMENT  
AGREEMENT FOR 24<sup>TH</sup> STREET BRIDGE REHAB**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the **CITY OF PADUCAH**, hereinafter called the **OWNER**, and **JIM SMITH CONTRACTING, LLC**, hereinafter called the **CONTRACTOR**, for the consideration hereinafter named, agree as follows:

ARTICLE 1. SCOPE OF WORK

The Contractor agrees to furnish all the necessary labor, materials, equipment, tools and services necessary for the construction of the **24<sup>TH</sup> STREET BRIDGE REHAB**. All Work shall be in accordance with this Agreement, the Plans, Specifications and any Addendum(s) issued.

Throughout the performance of this Contract, the Engineering-Public Works Department of the City of Paducah shall, in all respects, be acting as both Engineer and agent for the Owner, City of Paducah. All work done by the Contractor shall be completed under the general supervision of the Engineer.

ARTICLE 2. TIME FOR COMPLETION AND LIQUIDATED DAMAGES

The Contractor hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project **within ONE HUNDRED-TWENTY (120)** consecutive calendar days thereafter.

Failure of the Contractor to complete the work in the time specified above plus any extensions allowed in accordance with the General Conditions shall result in the assessment of liquidated damages for the delay (not as a penalty). Liquidated damages shall be in the amount of **\$500.00** per consecutive calendar day for failure to meet the final completion date and shall be withheld from final payment.

ARTICLE 3. THE CONTRACT SUM

The Owner agrees to pay the Contractor for the performance of the Contract, subject to additions and deductions provided therein: **TWO HUNDRED, NINETY-NINE THOUSAND, SEVEN HUNDRED TWENTY-SIX and 50/100** (\$299,726.50) as quoted in the Bid Proposal by the Contractor dated 16 APRIL 2020 which shall constitute full compensation for the work and services authorized herein.

ARTICLE 4. PROGRESS PAYMENTS

Payments for Work Completed will be made in accordance with the Specifications.

ARTICLE 5. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due sixty, **(60)** days after substantial completion of the work, provided the work will then be fully completed and the Contract fully performed in accordance with the specifications.

ARTICLE 6. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky, both as to interpretation and performance, as it is made and entered into in the Commonwealth of Kentucky. Venue for any legal action brought to enforce any provision of this Agreement or based upon or arising out of this Agreement shall exclusively be in the state courts of McCracken County, Kentucky, and the parties hereto irrevocably agree to submit to the personal jurisdiction of any such court.

**ARTICLE 7. THE CONTRACT DOCUMENTS**

The Plans, Specifications and any addendum that may have been issued are fully a part of this Contract as if thereto attached or herein repeated.

IN WITNESS WHEREOF:

The parties hereto have executed this Agreement, the day and year first above written.

**JIM SMITH CONTRACTING, LLC**

BY \_\_\_\_\_  
TITLE \_\_\_\_\_

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

**CITY OF PADUCAH, KENTUCKY**

BY \_\_\_\_\_  
Brandi Harless, Mayor

ADDRESS:

Post Office Box 2267  
Paducah, Kentucky 42002-2267

**ORDINANCE NO. 2020-\_\_\_\_ - \_\_\_\_\_**

AN ORDINANCE ACCEPTING THE BID OF JIM SMITH CONTRACTING, LLC, IN THE AMOUNT OF \$299,726.50 FOR THE 24<sup>th</sup> STREET BRIDGE REHAB PROJECT, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME, AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER \$90,000 FROM THE MAP FUND FUND BALANCE INTO THE 24<sup>TH</sup> STREET BRIDGE PROJECT ACCOUNT

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah accepts the bid of Jim Smith Contracting, LLC, in the amount of \$299,726.50, for the 24<sup>th</sup> Street Bridge Rehab Project, said bid being in substantial compliance with bid specifications, and advertisement for bids, as contained in the bid of Jim Smith Contracting, LLC, of April 16, 2020.

SECTION 2. That the Mayor is hereby authorized to execute a contract with Jim Smith Contracting, LLC, for the 24<sup>th</sup> Street Bridge Rehab Project, authorized in Section 1 above, according to the specifications, bid proposal and all contract documents heretofore approved and incorporated in the bid.

SECTION 3. That the Finance Director is hereby authorized and instructed to transfer \$90,000 from the MAP Fund Fund Balance into the 24<sup>th</sup> Street Bridge Project Account (PF0077). The expenditure, authorized by Section 1 above, shall be charged to the 24<sup>th</sup> Street Bridge Project Account.

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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Brandi Harless, Mayor

ATTEST:

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Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, April 28, 2020

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

Recorded by Lindsay Parish, City Clerk, \_\_\_\_\_

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

\ord\eng\agree- Jim Smith Contracting 24<sup>th</sup> Street Bridge Rehab