



**CITY COMMISSION MEETING
 AGENDA FOR NOVEMBER 14, 2023
 5:00 PM
 WKCTC CROUNSE HALL ROOM 101
 4810 ALBEN BARKLEY DRIVE
 PADUCAH, KY 42003**

*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

ADDITIONS/DELETIONS

PUBLIC COMMENTS

MAYOR'S REMARKS

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.

	I.	<u>CONSENT AGENDA</u>
	A.	Approve Minutes for October 24, 2023, Board of Commissioners Meeting
	B.	Receive & File Documents
	C.	Appointment of Ian McVicker to the Paducah-McCracken County Riverport Authority
	D.	Appointment of Michael Campbell to the Historical and Architectural Review Commission (HARC)
	E.	Personnel Actions
	F.	Approve Contract Modification #5 for Midstates Construction for the Civic Center renovation project in an amount of \$4,790.15 - A. CLARK
	G.	Approve Addendum to Lease Agreement with Heritage Operating, LLC D/B/A Cremation Society of Paducah - A. CLARK
	H.	Approval of Contract Modification for increase of Scope in Contract with Chambers Roofing Co., Inc. for the Market House Roof replacement change of \$1,288.17 - C. YARBER

		I.	Approve the Application for a Creating Vibrant Communities Grant - N. HUTCHISON
		J.	Authorize the application for and acceptance of a Kentucky Equitable Entrepreneurial Ecosystems in Rural Communities Grant in the amount of \$5,000 for the Paducah Main Street Program - N. HUTCHISON
		K.	Approve the Contract for Uniform Services for the Fire Department - S. KYLE
	II.	<u>MUNICIPAL ORDER(S)</u>	
		A.	Approve amendment to MO #1667 Schedule of Fees for the Robert Cherry Civic Center - A. CLARK
		B.	2024-2025 Annual Agreement Kentucky Main Street Designation - N. HUTCHISON
	III.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Annexation of four City-owned lots for potential redevelopment - J SOMMER
		B.	Authorizing the Closure of 33,722 Square Feet of Vermont Street Between 124 & 169 Nolan Avenue, 100 & 137 Vermont Street, and 125 Ridgeview Street - R. MURPHY
		C.	Approval of Contract Modification #1 for S. 25th St Improvement Project with Central Paving Co. in the amount of \$69,535.09 - R. MURPHY
		D.	Approve Contract Modification #2 of Construction Contract with Jim Smith Contracting, LLC in the amount of \$127,300.00 - R. MURPHY
		E.	Approve a Residential Infill Agreement By and Between the City of Paducah and EMD Properties, LLC for LaBarri Subdivision Not to Exceed \$197,991.86 - R. MURPHY
	IV.	<u>DISCUSSION</u>	
		A.	High Level Financial Overview - FY2023 - J. PERKINS
	V.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
	VI.	<u>EXECUTIVE SESSION</u>	

Agenda Action Form Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approve Contract Modification #5 for Midstates Construction for the Civic Center renovation project in an amount of \$4,790.15 - **A. CLARK**

Category: Municipal Order

Staff Work By: Amie Clark
Presentation By: Amie Clark

Background Information: Approve contract modification #5 for Midstates Construction for the Civic Center renovation project in the amount of \$4,790.15. Contract modification #5 includes the following:

New ventilation for the bathroom exhaust fans in the amount of \$3,803.40.

Additional Hardware necessary for doorways in Kitchen and Mechanical room in the amount of \$986.75.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: ARPA Funding

Account Number: MR0093

Staff Recommendation: Approval.

Attachments:

1. MO - contract modification 5 – Midstates Robert Cherry Civic Center
2. 2147 - Cherry Civic Center - Construction RFP - 20231106

Agenda Action Form Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approve Addendum to Lease Agreement with Heritage Operating, LLC D/B/A Cremation Society of Paducah - **A. CLARK**

Category: Municipal Order

Staff Work
By: Amie Clark
Presentation
By: Amie Clark

Background Information: In 2008, a Lease Agreement was formed with Evergreen Services of Paducah for the operation of a crematorium in Oak Grove Cemetery. In 2009, an amendment to the lease agreement was executed authorizing the assignment of the lease from Evergreen to Cremation Society of Paducah, LLC. In 2010, a Memorandum for the purpose of further defining the term of the lease and identifying the leased property (2.5 acres located on the west and south side of Oak Grove Cemetery) was executed.

In 2021, a second amendment to the lease agreement was executed authorizing alterations and improvements to the facility located on the leased premissis.

Cremation Society of Paducah, LLC was acquired by Heritage Operating, LLC d/b/a Cremation Society of Paducah.

Requesting approval for the Mayor to authorize this addendum to the lease with Heritage Operating, LLC d/b/a Cremation Society of Paducah for the design and development of a cremation garden on the leased property to include sale of above ground inurnments, and the daily maintenance of the cremation gardens. Heritage Operating, LLC d/b/a Cremation Society of Paducah shall remit payment in the amount equal to 30% of all fees collected to the City of Paducah and provide a record of all sales and services performed.

The original lease expires December 16, 2048, with one (1) renewal term extending the Lease for ten (10) additional years.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
 Account Number:

Staff Recommendation: Approve

Attachments:

1. MO Cremation Society Addendum 2023 – Crematorium
2. Addendeum to Lease Agreement 102623 (002)
3. Cremation Society Property

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approval of Contract Modification for increase of Scope in Contract with Chambers Roofing Co., Inc. for the Market House Roof replacement change of \$1,288.17 - **C. YARBER**

Category: Municipal Order

Staff Work By: Chris Ferrell,
Marcey Simmons
Presentation By: Chris Yarber

Background Information: On August 3, 2023, sealed bids were opened for the Market House roof replacement. One bid was received from Chambers Roofing Co., Inc, with a responsive evaluated bid in accordance with the specifications, at a price of \$83,887.04.

On August 22, 2023, the Board of Commissioners approved Municipal Order 2780 for a contract in the amount of \$83,887.04 with Chambers Roofing Co., Inc. During the roofing contract, it was discovered that additional materials and labor were necessary to complete the scope of work. This makes the total contract amount \$85,175.21.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: City Facilities Improvements

Account Number: PF0079

Staff Recommendation: Authorize the Mayor to sign Contract Modification to the roofing contract with Chambers Roofing Co., Inc for the increase in the scope of the Market House Roof replacement for \$1,288.17.

Attachments:

1. MO Contract Modification 1 - Chambers Roofing - Market House roof replacement
2. MARKET HOUSE INVOICE Nxlsx (003)
3. MARKET HOUSE carpentry INVOICE Nxlsx (003)

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approve the Application for a Creating Vibrant Communities Grant - **N. HUTCHISON**

Category: Municipal Order

Staff Work By: Nicholas Hutchison, Hope
Reasons, Palmer Stroup
Presentation By: Nicholas Hutchison

Background Information: This program is part of the KY Transportation Cabinet's Transportation Development Planning Assistance Program. It aims to proactively help communities plan for land use, transportation, and future development options for a targeted area containing one or multiple properties. Through the program, a community will create a plan that will outline the vision, conceptual development plan, and actionable next steps necessary to create a transformative and unique destination for the community. KYTC has a team of consultants that will be working directly with each community to create their unique plan. There is no direct financial award included with this grant.

The Planning Department is applying for the commercial district in the Southside Community of Paducah. The goal is to make this area a safe and attractive destination for all modes of transportation and development, including residential development.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Southside Enhancements, Quality of Life, Bike Lanes and Trails

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve the application for the Creating Vibrant Communities Grant program and authorize the Mayor to sign all documentation related to same.

Attachments:

1. MO app – Kentucky Transportation Cabinet – Vibrant Communities Grant 2023

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Authorize the application for and acceptance of a Kentucky Equitable Entrepreneurial Ecosystems in Rural Communities Grant in the amount of \$5,000 for the Paducah Main Street Program - **N. HUTCHISON**

Category: Municipal Order

Staff Work
By: Angela Schade
Presentation
By: Nicholas Hutchison

Background Information: Main Street America is leading Equitable Entrepreneurial Ecosystem work to scale and expand program offerings as part of a local Main Street program's overall economic vitality activities. Main Street America (MSA), in partnership with Forward Cities, is accepting applications for Phase 2 of its Pilot Program. This program grant offers technical assistance, virtual programming, \$5,000 implementation dollars, and a \$1,500 IEDC (International Economic Development Conference) stipend for professional certification. If awarded, the technical assistance will be used to assist Main Street staff with the implementation of an E3 development process to better assist Main Street Merchants. The process helps Main Street staff assess, upgrade, and disburse information to merchants about financial opportunities, networking and relationships, positive entrepreneurial culture, talent pools, education, and training.

There is no local match requirement for this grant.

The anticipated timeline for the grant is as follows:

- September 21, 2023: Application is Live
- November 17, 2023: Application Deadline
- November, 2023: Community Selections
- December 2023: Announce Communities and Pre-Work for Phase 2
- January 2024: E3 in Rural Communities Program Begins
- May/June 2024: E3 in Rural Communities Program Wrap Up

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Downtown.

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Authorize the application for and acceptance of a Kentucky Equitable Entrepreneurial Ecosystems in Rural Communities Grant and authorize the Mayor to execute all documents related to same.

Attachments:

1. MO app & award – Main Street America 2023

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approve the Contract for Uniform Services for the Fire Department - **S. KYLE**

Category: Municipal Order

Staff Work
By: Steve Kyle
Presentation
By: Steve Kyle

Background Information: The Fire Department contracts uniform services for its personnel. The most recent 2 year contract expired and a new 2 year uniform contract with a 2 year renewal option was advertised for bid. The bid had each item that the fire department uses and vendors were to return the bid with their price per item. One vendor submitted a bid for the contract. It was Galls Inc. The bid was evaluated and is being recommended for award. The Galls bid was a responsive bid and is being recommended to accept.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Accept contract for uniforms from Galls Inc.

Attachments:

1. MO bid-Galls Uniforms Fire Department 2023
2. 2023 Galls Uniform Spec Unit Pricing
3. 2023 Galls Bid Proposal - Uniform Services
4. 2023 Galls Uniform Services Contract
5. 2023 Galls, LLC Evaluation Form

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approve amendment to MO #1667 Schedule of Fees for the Robert Cherry Civic Center - **A. CLARK**

Category: Municipal Order

Staff Work By: Amie
Clark
Presentation
By: Amie Clark

Background Information: In April 2023, crews broke ground on the renovation project for the Robert Cherry Civic Center. A comp study was performed to assess the fee structure for the facility once reopened. Based on local comps, the Parks and Recreation Department recommends an amendment to Municipal Order No.1667 Schedule of Fees.

Does this Agenda Action Item align with a Commission Priority? Yes
If yes, please list the Commission Priority: Facility Enhancements/Improvements

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve

Attachments:

1. MO Robert Cherry Civic Center Updated Schedule of Fees

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: 2024-2025 Annual Agreement Kentucky Main Street Designation - **N. HUTCHISON**

Category: Municipal Order

Staff Work
By: Nicholas
Hutchison
Presentation
By: Nicholas
Hutchison

Background Information: Designated Main Street Communities must sign this document and return to Kentucky Main Street no later than January 16, 2024 to remain active in the program. This Letter of Commitment is the formal and binding statement of the plans, expectations, and responsibilities required for future certification by the Kentucky Main Street Program from the City of Paducah and Paducah Main Street. This commitment is for January 15, 2024 through January 30, 2025.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Downtown.

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation:

Attachments:

1. MO-Kentucky Main Street 2024-2025
2. 2024-2025 KYMS MOU updated (008)

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Annexation of four City-owned lots for potential redevelopment - **J SOMMER**

Category: Ordinance

Staff Work
By: Josh
Sommer
Presentation
By: Josh
Sommer

Background Information: These four lots are at 3110 & 3112 New Holt Road and 5065 & 5075 Concord Avenue. These lots were purchased by the City of Paducah from Ms. Betty Owens to facilitate New Holt Road being extended beside Kentucky Oaks Mall. Said purchase took place in October of 2013. There used to be a single-family home on the primary lot, which burned down approximately three years ago. This annexation is being performed to bring these lots into the City before potential redevelopment.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Community Growth

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval.

Attachments:

1. ORD Annex – Consensual 3110-3112 New Holt Road and 5065-5075 Concord Avenue
2. Location Map
3. 2023-040p1
4. DESCRIPTION OF TRACT 1

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Authorizing the Closure of 33,722 Square Feet of Vermont Street Between 124 & 169 Nolan Avenue, 100 & 137 Vermont Street, and 125 Ridgeview Street - **R. MURPHY**

Category: Ordinance

Staff Work By: Melanie Townsend, Josh Sommer

Presentation By: Rick Murphy

Background Information: The following adjacent property owners have submitted an executed application requesting the closure of 33,722 Square Feet of Vermont Street between 124 & 169 Nolan Avenue, 100 & 137 Vermont Street, and 125 Ridgeview Street:

- Brian Walker, Walker Properties of Western Kentucky LLC
- Fifty North LLC
- Alfred Neihoff

The following applicant executed a guarantee for the closing of the portion of Vermont Street adjacent to the property of Richard & Patty Hayton & Etals:

- Brad Walker, Walker Properties of Western Kentucky, LLC

On June 5, 2023, the Paducah Planning Commission held a public hearing and made a positive recommendation to the City Commission for the closure. All of the utility companies have agreed to this closure.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: To adopt an ordinance authorizing the closure of 33,722 Square Feet of Vermont Street between 124 & 169 Nolan Avenue, 100 & 137 Vermont Street, and 125 Ridgeview Street, and authorizing the Mayor to execute the closure plat and all necessary documents to complete the transfer of property to the adjacent property owners.

To authorize, empower and direct the Corporate Counsel of the City of Paducah, Kentucky to institute and prosecute, pursuant to KRS 82.405, an action in McCracken Circuit Court for a judgment ordering the closing of 33,722 square feet of Vermont Street between 124 & 169 Nolan Avenue, 100 & 137 Vermont Street and 125 Ridgeview Street.

Attachments:

1. ORD Vermont Street, Nolan Avenue and Ridgeview Street
2. Vermont St_100-137_plat
3. Vermont St_100-137_PC Resolution

Agenda Action Form Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approval of Contract Modification #1 for S. 25th St Improvement Project with Central Paving Co. in the amount of \$69,535.09 - **R. MURPHY**

Category: Ordinance

Staff Work
By: Melanie Townsend
Presentation By: Rick
Murphy

Background Information: Summary: Approving a contract modification with Central Paving Co. for \$69,535.09 for the S. 25th St Improvement Project that consisted of the reconstruction of pavement, the construction of a storm sewer system, water line relocation along S. 25th Street from Jackson Street to Alabama Street and the installation of sidewalks on the west side of S. 25th Street.

Background: On November 26, 2019, the Paducah Board of Commissioners adopted Municipal Order #2306 approving a Memorandum of Agreement with the Commonwealth of Kentucky, Transportation Cabinet Department of Highways for a grant in the amount of \$650,000.00 for S. 25th St. Improvement Project.

On March 11, 2021, the American Rescue Plan Act funding was signed into law. The City of Paducah was notified of \$6,439,016.00 of available funding. On July 13, 2021, Municipal Order #2481 was authorized by the Paducah Board of Commissioners to appropriate \$4M of ARPA funding toward specific stormwater mitigation projects. ARPA funding will be used for the balance of the project cost.

On May 24, 2022, the Board of Commissioners approved Ordinance 2022-05-8736 for \$1,878,792.30 with Central Paving Company.

Ordinance 2022-05-8736 authorized the Finance Director to transfer \$1.4M from the ARPA Project Fund into the S 25th Street Project account.

A final adjusting Contract Modification is recommended to increase the project by \$69,535.09, adjusting the construction project from \$1,878,792.30 to \$1,948,327.39. The change order includes:

Reductions from original contract	(\$56,871.10)
Additional work due to change conditions	\$126,406.19
TOTAL CONTRACT MODIFICATION	\$69,535.09

The S 25th Street Project Account (ST0040) retains sufficient fund balance to cover the contract modification without further transfer from the ARPA Project Fund (MR0089). Therefore, no additional transfer of funds is required.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority: Stormwater

Communications Plan:

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approve Contract Modification #2 of Construction Contract with Jim Smith Contracting, LLC in the amount of \$127,300.00 - **R. MURPHY**

Category: Ordinance

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

Background Information: Summary: Contract Modification #2 to Jim Smith Contracting, LLC in the amount of \$127,300.00 due to the addition of eight (8) sluice gates, resulting in a final contract amount of \$1,815,900.00.

Background: On July 27, 2021, Ordinance 2021-07-8696 was approved by the Paducah Board of Commissioners to award a construction contract to Jim Smith Contracting, LLC in the amount of \$2,152,000.00 for the Floodwall Flap Gate Replacement Project.

On April 26, 2022, Ordinance 2022-04-8731 was approved by the Paducah Board of Commissioners, authorizing a contract modification of (\$463,400.00) for a contract cost of \$1,688,600.00 resulting from a change in the flap gate vendor. Due to supply chain issues, vendor non-responsiveness, and excessive cost of materials and items to fulfill the Buy American Act, the City issued a waiver of the Buy American Act to Jim Smith Contracting, LLC. The City consulted with the U.S. Army Corps of Engineers to verify the authority to issue the waiver.

The cost savings of the Buy American Act waiver allow the City to replace an additional eight (8) sluice gates for a contract increase of \$127,300.00 with a final contract cost of \$1,815,900.00. By replacing these eight (8) sluice gates, all flap gates and sluice gates within the Paducah Local Flood Protection Project (LFPP) will be replaced.

The Floodwall Flap Gate Replacement Project is part of the larger US Army Corps of Engineers' Paducah Local Flood Protection Project (LFPP) System rehabilitation project. This approximately \$36M project involves the rehabilitation of all pump stations, discharge pipes, flap gates, and other structures associated with the Paducah Local Flood Protection Project (LFPP) System.

The federal government is a 65% partner, with the City contributing 35% to the project. The Floodwall Flap Gate Replacement Project is part of the City's in-kind match and counts toward the City's 35% project portion.

Does this Agenda Action Item align with a Commission Priority? No
If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: FW Flap Gates

Account Number: FW0010

Staff Recommendation: Authorize and direct the Mayor to sign Change Order #2 with Jim Smith Contracting, LLC for the construction contract on the Floodwall Flap Gate Replacement Project in the amount of \$127,300.00 with a final contract amount of \$1,815,900.00

Attachments:

1. ORD Contract Amend No. 2 – Jim Smith Contracting Flapgate Replacement Project
2. Paducah Flap Gate CO2
3. Flap Gates_Change Order2_Form

Agenda Action Form

Paducah City Commission

Meeting Date: November 14, 2023

Short Title: Approve a Residential Infill Agreement By and Between the City of Paducah and EMD Properties, LLC for LaBarri Subdivision Not to Exceed \$197,991.86 - **R. MURPHY**

Category: Ordinance

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

Background Information: Summary: EMD Properties, as Developer, and the City of Paducah desire to enter into a Residential Infill Agreement for the reimbursement of expenses incurred during the construction of eligible public infrastructure for the La Barri Subdivision.

Background: On February 12, 2019, the Paducah Board of Commissioners approved Ordinance 2019-2-8560, authorizing the Mayor to sign the final plat of subdivision entitled “LaBarri 1720 & 1740 New Holt Rd, Paducah, KY 42001.” The Developer provided an Escrow Agreement of \$250,000 for the completion of public roadways, curbs, gutters, sidewalks, storm drainage systems, and other designated public improvements in accordance with the proposed subdivision plans and the City’s specifications.

On November 14, 2022, the City Engineer accepted all public improvements for maintenance consisting of roadways, storm sewers, sidewalks, easements, and right-of-ways within the LaBarri Subdivision.

During the construction of public infrastructure for the LaBarri Subdivision, the Developer incurred actual costs of \$197,997.86 for all eligible infrastructure associated with this subdivision. The City desires to enter a Residential Infill Agreement to reimburse those costs up to the ad valorem property tax received on the property or the cost of the public improvements, whichever is the lessor.

The City agrees to an eight (8) year Agreement with EMD Properties, LLC for reimbursement of Ad Valorem taxes up to but not to exceed \$197,991.86.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approve and authorize the Mayor to sign a Residential Infill Agreement between the City of Paducah and EMD Properties, LLC for reimbursement of Ad Valorem property taxes for La Barri Subdivision for a term of eight (8) years for the period beginning July 1, 2023, through June 30, 2031, and a Not-To-Exceed amount of \$197,991.86.

Attachments:

1. ORD Residential Infill Agreement - LaBarri Subdivision
2. La Barri Infill Agreement
3. Plat Cab. M Pg. 1366