

The Berea City Council met in a regular session Tuesday, June 7, 2011 at 6:30 p.m., Mayor Connelly presiding.

A quorum being present, Mayor Connelly called the meeting to order.

COUNCIL MEMBERS PRESENT: Fields, Wagers, Farmer, Little, Kerby, Burnside

ABSENT: Bellando, Jennings

OFFICIALS: Gilbert, Stone, Chasteen, Gregory, Curtis, Meeks, Schrader, Jackson, Blackburn, Eirich, Fortner

VISITORS: Beth Myers, Ronica Shannon, Emogene Hogg, John Payne, Guy & Jeanne Townsend, Joyce Mosher, Margaret Dotson, Judy Kauffman, John Kaufman, Virginia Rowland, Sarah Broomfield, William Broomfield, Diana Hays, Lezlie Struss, Deborah Payne, Margaret Gregory, Fern Botkin, Karen Botkin, Lindsey Lamb, Vickie Ellis, Henry Jackson, Zach Durham, Jacob Carter, David Rowlette, Stephanie Horn, Richard Olsen, Cheyenne Olson, William Stolte, Judge Wilson

Mayor Connelly read the oath and swore in two new police officers to the cities police force: Robert Ballinger and Casey Botkin. Police Chief David Gregory announced the promotion of Kenneth Puckett from Sergeant to Lieutenant.

Lezlie Struss, representing the East Center Street Association thanked the council for listening to their concerns, they are ready to begin the design for the possible overlay process, and they are looking forward to the public meeting on June 16th. Their association believes their overlay design will become a pilot project for other neighborhoods as well as other cities. We are hoping members of the City Planning and Zoning Commission, the Codes Department, the City Council and neighborhood associations could all meet at the June 16th or at another public meeting to develop guidelines for an overlay district. They are hoping this could become a part of the Comprehensive Plan for future preservation of green space and neighborhood preservation, and are looking forward to working with the city entities during this process. Ms. Struss thanked Mr. VanWinkle for setting up the informational meeting for the possible overlay district on Thursday, June 16th; the fliers have been distributed on Center Street and the surrounding streets. Mayor Connelly stated the purpose of having Mr. Crankshaw on site is to explain and provide introductory information of what is an Overlay, and to explain regulations and guidelines to create an Overlay District. There may need to be a follow up meeting.

Adrian Dodson, 114 Forest Street; distributed a follow up letter from the Codes letter about the June 16th meeting, he has some concerns about this letter. He and other property owners in the area would like to postpone the meeting, this is the first that they have heard about this meeting and would like to have more time to prepare. We are particularly concerned about a sentence in the letter stating "a report will be made back to the city council and authorization will be sought from the council to proceed with the project". He is proposing to delay the meeting until after Labor Day at which time more property owners would be available to attend, many are out of town at this time. Mayor Connelly stated this meeting is not meant to be a decision making meeting; it is to provide information. It is a meeting to see if there is interest in moving in this direction, it does not have to be limited to one meeting. If there is an overlay zone it could be limited to a single street, but if more citizens of surrounding streets want it, and there are similar characteristics, it could include Forest Street. We currently have two overlay districts in town now, one is on North Broadway and one on West Chestnut, both were established to control development. Overlay zones are not imposed on any neighborhood, we would like to insure you that the council is not trying to impose this onto Forest, Crescent, Fairway or the other surrounding streets, it is an option for them to be included. We can have additional meetings after this one to create a greater understanding and to see if there is an interest. The letter sent out was not meant to mean we are on a fast track to get something done. Burnside added that this was not rushed, this was the time that Mr. Crankshaw could attend, he is a very busy man and his schedule may not allow him to come at another time. Mr. Little questioned the cost of having Mr. Crankshaw here, and what is the majority of an area of a street that approves it. Mayor Connelly stated that once a neighborhood makes a request to create an overlay district, it has to be a consensus of the neighborhood; it will then happen only if they want it. Mr. Stone added that during the process of the past overlays Mr. Crankshaw was brought in to explain the process to the residents and there were many follow up meetings. The first meeting is only an informational type meeting to make sure people understand what an overlay is; it is not forced on anyone. Mr. Dodson asked when a decision will be made; Mayor Connelly stated nothing have been scheduled yet.

Laura Maggard, 303 Jackson Street; she did receive the letter yesterday, she looked up K.R.S. Chapter 82, regulations relating to an overlay; it would impose significant restrictions on home owners. She would like to postpone the meeting so she can consult an attorney to know what her legal ramifications would be. Residents should be notified by mail not by a flier being passed out. She would like more time to prepare. Mayor Connelly stated if an overlay is created it would be by ordinance form which would determine the restrictions.

John Payne, Fairway Drive; is there a rule that states for an overlay district that the streets have to be contiguous properties?

Diane Hayes, Center Street; understands the role of the consultant is to ask the residents what they want. Everyone involved would have a voice until they come to an agreement. Nothing is going to be forced upon anyone. Mayor Connelly stated that in addition, the consultant would present pictures and criteria requirements for the defined area.

Kerby moved to cancel the meeting on the 16th and reschedule it for a later date for further research, Little seconded. Roll call vote: Kerby-yes, Little-yes, Fields-yes, Farmer-no, Wagers-no, Burnside-no. Mayor Connelly added his vote to continue with the June 16th meeting; and we will then see if there is further interest. Mr. Fields suggested sending a letter to each resident involved. The meeting will be at 6pm here in the council chambers.

APPROVAL OF MINUTES; MAY 17, 2011

Fields moved, Wagers seconded after amending corrections to the spelling of Mr. Crankshaw's name, and adding an n to Bellando. All ayes, minutes approved.

HENRY JACKSON – ARC ENERGY COST SAVINGS PLAN

Mr. Jackson introduced himself; he is a freelance city planner and his particular area of interest is Energy Conservation and Sustainable Planning. The ARC Plan is a joint project of the City of Berea, The Kentucky Environmental Corporation and Sustainable Berea Incorporated. In 2010 a grant was submitted and Berea was one of the two recipients of this program. The purpose of the Energy Plan is to try to maximize energy efficiency within the City of Berea and to maximize cost savings. We have been working on the project for about 75 days now and we are currently gather data that will include all energy type usage in and around the city. We will look into commuting patters of the employees to assist with savings. Mr. Jackson passed out an informational sheet of other governmental energy cost-savings programs that are in use at this time. Web site information was included for further research. For more examples council was instructed to view www.icleisusa.org. He plans to return in early August to report back.

AUDIT MANAGEMENT LETTER – RAY, FOLEY, HENSLEY & CO. INC.

Wagers moved, Farmers seconded for Mayor Connelly to sigh the acceptance letter for the budget audit year ending June 30, 2011. All ayes. Motion approved.

ORDINANCE #07-11; ANNUAL BUDGET FOR FISCAL YEAR 2011-2012 – 1ST READING

Corporate Counsel read the Ordinance in its entirety. There were no questions.

ORDINANCE #08-11; ADOPTING SUPPLEMENT TO CODE OF ORDINANCE 2008 AND 2010

Corporate Counsel read the Ordinance in its entirety. There were no questions.

AUDIT & FINANCE COMMITTEE – V. BURNSIDE

No additional report.

DEPARTMENT HEADS:

D. Gregory, Police Chief; stated that at the last council meeting he had passed out changes to update the department policies. He read the changes as approved by Corporate Counsel. Mayor Connelly stated that without any objections, the changes will be implemented.

S. Meeks, Senior Accountant; displayed an overhead of the cities new web site design; it will be much more user friendly and easier to navigate through the departments and information. There will be links to the city council meetings as well as viewing the agendas and minutes. The new web site address is www.bereaky.gov

ADMINISTRATOR'S REPORT – R. STONE

- Ed Fortner was introduced to the council and audience as the Director of Utilities; he will be replacing Donald Blackburn after his retirement.
- The Center Street drainage project is completed, and the Elkins Street alley way project is completed.
- We have created and completed the berm to deter the water coming off of Water Street going into Todd's Heating and Cooling. We have budgeted \$200,000 to work on Water and Rockcastle Streets and HWY 1016 to permanently take care of this problem.
- The Street Department will be working at 115 Highland Drive to repair a drain that is causing a water problem.
- The Bond Street wall is falling in; we have spoken to the property owners adjacent to it and it has been determined to not rebuild the wall but to take it out and install a new head wall to divert the water.
- Mr. Taylor and Mr. Schrader met with the Allen Company today on Rawlins and Center Street; The Allen Company has come up with an idea to mill out the street to solve the problem with the sidewalk.
- The Stream Cleaning Grant Project through NRCS has been completed.

- Silver Creek from the Prospect Bridge to the Utility Building has been cleaned and will next move our equipment to US25 North near the Moore Farm and clean the creek towards White Station, we will then proceed onto Short Line Pike to Mr. Dee's property.
- A request has been received to install a sidewalk in the Roselawn area.
- We are continuing to work on the easements for Hidden Creek through the Utility Department and we hope to have them completed in this fiscal year.
- A notice will be sent out of a meeting with Jerry Hensley for next Friday, June 17th at 9am; a meeting of the Audit & Finance Committee.
- Several members of the staff have listened to three presentations by the Software Vendors; we will have another one tomorrow. We will visit other cities to see how they utilize the software.
- We have received a contract from CSX Railroad; they have designed a crossing with an estimated price of \$148,071.00, which is considerably less than anticipated. We are asking for council approval for the mayor to sign the proposed contract. We are hoping to get the crossing arms in place prior to school starting back in the fall. Burnside moved, Kerby seconded to approve the authorizing of the mayor's signature on the contract. All ayes, motion approved.

MAYOR'S COMMENTS: None

REQUEST FOR EXECUTIVE SESSION; POSSIBLE PURCHASE OF PROPERTY AND ONE PERSONNEL ISSUE

Farmer moved, Little seconded to move into executive session after council comments.

COUNCIL COMMENTS:

Fields: There will be a Fairness Ordinance Committee meeting Tuesday, June 14th at Berea Community School at 6:30 p.m.

Kerby: Just to clarify about the meeting next Tuesday; we will be talking about the possibility of establishing a Human Rights Commission and it will be open to the public. Congratulations on the work on the web site, it is well done.

Burnside: Not a comment, but an observation; often we hear how slow government operates but tonight we heard the opposite, it moves too fast!

The council moved into executive session at 8:25 p.m.

Council reconvened at 9:10 p.m. with no action on either matter taken.

Meeting adjourned; 9:10 p.m.

