**BEREA CITY COUNCIL REGULAR MEETING MARCH 15, 2016**

The Berea City Council met in a regular session; Tuesday, March 15, 2016, Mayor Steven Connelly presiding. A quorum being present, the meeting was called to order at 6:30 p.m.

**COUNCIL MEMBERS PRESENT**: Terrill, Hembree, Caudill, Wagers, Farmer, Little, Kerby, Powell

**OFFICIALS:** J. Gilbert, R. Stone, C. Chasteen, S. Meeks, D. Gregory, S. Sandlin, E. Fortner, K. Hensley, P. Bloom, D. Brumley, D. Isaacs, D. VanWinkle

**VISITORS:** Over 50 people in attendance.

* A work session was held at 5:30 in the Community to review the final plans of the new Fire Station Municipal Center Project.

**APPROVAL OF MINUTES: March 1, 2016**

Wagers motioned, Caudill seconded to approve the minutes of March 1, 2016; all ayes.

**COURT APPOINTED SPECIAL ADVOCATES; BOB SOFFEL**

Bob Soffel, interim executive director of the CASA of Madison County distributed information to bring awareness of this issue. In 2014 there were 366 cases of child abuse and neglect in Madison County alone, 419 in 2015, and over 500 projected for 2016. Court appointed special advocates make a difference in these children’s lives. He asked for support from the local elected officials to stand up and represent these kids in a meaningful way. The CASA program representative is appointed by the family court judge to be the eyes and ears for the children. Most of the abuse coincides with the drug and heroin epidemic and the CASA program is in need of help now. He encouraged the council to contact him for more information.

**RESOLUTION #03-2016; AFFIRMATIVE ACTION PLAN**

Statement of Policy; The affirmative action policy of the City is to promote equal employment opportunity; to prohibit discrimination in employment on account of race, color, religion, national origin, sex, age or handicapped status; and to bring about a fair representation and utilization of females, minorities and veterans on all levels of City employment.

Corporate Counsel read the resolution by title and summary. Kerby motioned, Farmer seconded to approve and adopt Resolution #03-2016; all ayes.

**RESOLUTION #04-2016; COMMUNITY DEVELOPMENT BLOCK GRANT - PROJECT #15-048**

The City of Berea is currently involved in securing community development block grant (CDBG), funds for the CDBG Project #15-048 for the Berea Fire Station and Municipal Project. Corporate Counsel read the resolution in its entirety. Kerby motioned, Farmer seconded to approve and adopt Resolution #04-2016; all ayes.

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**RESOLUTION #05-2016; PROJECT GUIDE FORM RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN UNDER SECTION 14(d)**

The City of Berea will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended as relative to the Berea Fire Station and Municipal Center Project, CDBG Project #15-048 (as described in 24 CFR 570.606(b) (1).

Corporate Counsel read the resolution by title and summary. Little motioned, Caudill seconded to approve and adopt Resolution #05-2016; all ayes.

**RESOLUTION #06-2016; DRUG FREE WORK PLACE**

Employees are not to: unlawfully manufacture, distribute, dispense, have possession of, use illegal drugs or alcohol on the job, or report to work under the influence of illegal drugs or alcohol. It is the City’s intent to maintain a drug-free workplace so that all employees have a safe and productive work environment.

Corporate Counsel read the resolution by title and summary. Caudill motioned, Farmer seconded to approve and adopt Resolution #06-2016; all ayes.

**RESOLUTION #07-2016; FAIR HOUSING RESOLUTION**

A resolution stating that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

Corporate Counsel read the Resolution by title and summary. Little motioned, Kerby seconded to approve and adopt Resolution #07-2016; all ayes.

**RESOLUTION #08-2016; PROCUREMENT STANDARDS – COMMUNITY DEVELOPMENT BLOCK GRANT**

All procurements made by the City of Berea, Kentucky, by and through its City Council involving the expenditure of Kentucky Community Development Block Grant Funds will be made in accordance with the procurement standards.

Corporate Counsel read the Resolution by title and summary. Farmer motioned, Little seconded to approve and adopt Resolution #08-2016; all ayes.

**RESOLUTION #09-2016; TITLE VI**

The City of Berea hereby adopts the State of Kentucky Title VI Implementation Plan, provided by the Department of Local Government, dated, 2014.

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Corporate Counsel read the resolution in its entirety. Hembree motioned, Caudill seconded to approve and adopt Resolution #09-2016; all ayes.

**RESOLUTION #10-2016; LOAN RESOLUTION**

A resolution of the City Council of the City of Berea, Kentucky, authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its FY16 Municipal Complex facility to serve an area lawfully within its jurisdiction to serve.

Corporate Counsel read the resolution by title and summary. Kerby motioned, Little seconded to approve and adopt Resolution #10-2016; all ayes.

**RESOLUTION #11-2016; ASSIGNMENT OF LAND USE FOR THE PROJECT**

A resolution of the city council of the City of Berea, Kentucky, affirming ownership of real property on which the Berea Fire, Police, and City Hall consolidation reconstruction project will be located; and authorizing the mayor to execute USDA forms necessary for a loan from the United States Department of Agriculture, Rural Development, for the Project.

Corporate Counsel read the resolution by title and summary. Little motioned, Farmer seconded to approve and adopt Resolution #11-2016; all ayes.

**CHANGE ORDER – NO.2 CLAY DRIVE/WOODFORD AVE. SEWER REHAB PROJECT**

Utility Director, Ed Fortner informed the council the change order is a balancing change order as a credit to the job. It came in under the budgeted amount; original contract price was $144,628.00. Cost of change ($35,835.62), bringing the revised contract price is $126,732.08. With no objections, change order approved.

**CHANGE ORDER – ROOF PROJECT – BEREA MUNICIPAL UTILITY BLDG.**

There is an additional amount of $10,500 dues to some additional repairs that needed to take place; original bid was $298,500.00 bringing the revised contract to $309,000.00. With no objections, change order approved.

**ORDINANCE #05-2016; AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING ORDINANCE NO. 12-2015, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BEREA BE AMENDED BY REVISING SECTIONS 56.600 – 56.003, PROVIDING FOR THE LICENSING AND REGULATION OF CERTAIN RESTAURANTS AND DINING FACILITIES FOR THE LIMITED SALE OF ALCOHOLIC BEVERAGES. – 2ND READING**

Corporate Counsel read the ordinance by title and summary. Kerby motioned, Wagers seconded to approve and adopt Ordinance #05-2016; roll call vote, all ayes.

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**ORDINANCE #06-2016; AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING THE 2015-2016 FISCAL YEAR BUDGET FOR THE CITY OF BEREA, ORDINANCE #06-2015 REVENUES AND EXPENDITURES. – 2ND READING**

Corporate Counsel read the ordinance by title and summary. Little motioned, Farmer seconded to approve and adopt Ordinance #06-2016. Roll call vote; Powell – yes, Kerby – yes, Little – yes, Farmer – yes, Wagers – yes, Caudill – yes, Hembree – yes, Terrill – no. Ordinance adopted.

**COMMITTEE REPORTS:**

**Audit & Finance –** No report.

**Personnel** – V. Farmer; we will hold interviews for the police department promotions on March 29th at 3pm.

**Public Works** – No report.

**Economic Development** – C. Hembree; the next meeting will be in April.

**RECOGNITION OF VISITORS:**

Meta Mendel-Reyes, representing Berea United for Racial Justice. She thanked the Mayor and council for passing the recent resolution, and she encouraged the Chamber of Commerce to sign the agreement banning the sale of Confederate Flag memorable. Her organization has many concerns regarding the sale of the Confederate Flag merchandise and ask that it be prohibited. The city supports the Spoonbread with a donation and many in-kind services; if an individual displays the flag it is their right as free speech, but there is no constitutional requirement that the City of Berea subsidize this symbol of hate. It is frightening to members of our community and visitors who are African-American. The Kentucky State Fair, and State Parks system has already banned the sale of Confederate Flag merchandise; she ask for support of the mayor to prohibit the sale of this type of merchandise. It is a great festival, people don’t come to the festival to just buy Confederate Flag items, and they come to enjoy the festival.

Jennifer Napier, current President of the Berea Chamber of Commerce wanted to set the record straight for what has happened. After last year’s festival, someone brought it to their attention that some people were offended because of some items that were sold at the festival. Last year we had record numbers attend our festival, (60,000) and we ran out of Spoonbread many times. We want to do the right thing and support our community and business; the festival is run by one full-time staff member, two part-time staff members, and hundreds of volunteers. The contract that we normally sign in August was given to us immediately after the Christmas Holidays. We were blind sighted with a four-page contract listing many things that are not our job to do, such as ensuring the vendor has a business license and has paid their taxes, this is not our job to do. We were asked to limit the number of vendors, why would we want to limit this when we can continue to grow? There were things in the contract that we do not agree on; the one thing that the media has picked up on and how it got about is that a copy of the contract was given to the Human Rights Commission who then posted it on

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Facebook two weeks before the Chamber even saw it. We were not aware of it, as we were preparing for our retreat and it totally caught us off guard, our year runs through the calendar year, we are already getting in sponsorships levels and recruiting businesses for the festival. The contract is for an appropriation contract so that we can get tax dollars, but I find it odd that the individual who spoke in front of me wants the Chamber to sign the contract, but not get the tax dollars? We feel there are a lot of items in the contract that we do are not sure if we agree with, and feel it is inappropriate for the Chamber to abide by. We will take this contract to our Spoonbread Committee and ask them if they even want to have the $5,000. In the terms of cities across the Kentucky and the US, festivals that draw sixty thousand people and this much tourism dollars, typically get the support of more than just $5,000, plus the location, they get a lot more support than that. We appreciate the cities support for Memorial Park and things like that and the $5,000 was what we asked for, but we can increase the rates and make it up in other ways and not take the money. We did not promote some of the items in the contract, social media blew it up, we did not instigate it, and the media picked up on the one instance of the confederate flag. Take into consideration also, The Battle of Richmond Association is one of our members; if the city bands the confederate flag we essentially will be saying that we will take your membership fee, but you can’t set-up at our event because you might have something with a confederate flag on it.

What we are asking for is, just the cities support, if we choose not to take the appropriation contract for the $5,000, let the twentieth anniversary of the festival continue at its present location. We were not made aware of incidents or discriminations. There was a note of an induvial who went through the festival to look for things racial offensive, then posted it and ask for people to come and take pictures to antagonize our vendors. It’s always been a family friendly festival, just because something is offensive to one person doesn’t mean its offensive to another. If you know your history, the Kentucky state flag is made from one of original Confederate flags, originally it was blue with a white symbol. We ask you to support the festival and show that the 20th can go and we don’t have to end the festival on the best terms of the19th and suffer with the city and businesses.

Councilman Little ask if the Chamber saw the second draft; Napier stated it was delivery about 20 minutes before their meeting and they did not have time to review it. There weren’t many changes in the second, it made changes in the title that included license to use city property. We are asking for public forum to be able to host the event; if we opt to not take the $5,000, we are asking the city to take into consideration what impact it will have on your residents, businesses and tax revenues if the festival ends. Little stated the agreement wants to make sure that we have reliable electricity to serve the booths. Napier stated her purpose to be here tonight was not to cause controversy, but to educate; you know how the media does, it takes and runs. Electricity is not the issue, we have confirmed there is room to grow. Council person Kerby ask for things to be more specific, Napier stated the Chamber doesn’t understand why so many things have

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been added to the contract, and why they were given this contract in the middle of January, doubled in length, from two pages to four.

Mayor Connelly stated a meeting needs to take place to talk about the contract. The contract was given early to help the Chamber with the planning for the 2016 festival. Mr. Rowlette reported to the city about the increased size of future festivals; so early planning and early conversations need to take place and the city needs to be a part of placing the booths and balancing the electrical use. It was our impression that Memorial Park is full and the growth needs to take place across the street in the park expansion and around the Folk Center. The contract went out early to allow the Chamber time to review the contract and discuss it at the retreat. As soon as the Chamber has time to review draft #2, we need to have further discussions, planning, and preparation. Good festivals result from lots of hard work and planning and volunteers, like what the chamber puts on. There are a number of issues that the city needs to know to be better prepared. He asked to meet with Chamber at 4pm tomorrow. Napier feels the mayor is bulling the Chamber but they want to negotiate.

Sandy Rowlette came not representing the Chamber of Commerce but here to give a lesson in how the Spoonbread Festival came to be! In 1997 the chamber came together to create a revenue in order to have more than a part-time person in the office. We identified the many segments of our community, and we wanted to do something to bring everyone together that was fun and inexpensive. The festival would not be here today if it was not for Ms. Imogene Hogg, and the many meetings held to plan for it. There are no fees to attend any events during the festival; be mindful when you kill the festival you are taking thousands of dollars out of the city and our tax base. We don’t want anyone to feel they are not welcome, that is not what the festival is about, and to imply that there has been harassment is sad. How many of the council members has once said they wanted to attend a Spoonbread Festival meeting? I have served thousands of hours, my children has served thousands of hours, and my husband (David Rowlette) has just about killed himself to give back to this community to a project that’s worth much, much more than the cities $5,000 and the cities backing. To narrow it down to little things is silly; she puts together the electrical schematic each year, we do not break breakers and there is room to grow, but the city doesn’t want them to grow. Little stated we need to get the communication straightened out and he cannot sit here is good faith in representing the people that elected him to think we have an unsafe project, he has to listen to our Codes Enforcement and our electrician; he wants the festival to continue, it is a good thing. Ms. Rowlette doesn’t want the council to take this wrong, but her point is that the event has been in existence since 1997; she asked how many councilman actively participated in the preparation of the festival, or even cared to come down? If you want to have suggestions you need to be at the table instead of handed us a contract.

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Gayle Bowman; it’s an amazing experience to be in a room and have a conversation like this that is so depictive of our democracy, and what we represent together as a nation. This is not easy work, its uncomfortable work, its painful work, but necessary work. She appreciates the great pride Ms. Napier displayed during her conversation, the frustration, and her disappointment. She has a huge responsibility for an event in which she has taken great pride, it is a wonderful thing; Ms. Bowman thanked her for that. One point though in the statement that she made was, that everybody came, and everybody had a good time, and it was all ok. Her point is; it’s not ok when the flag is there; not everybody has a good time. Growing up as a child in the South she was taught to fear this flag, it was the continuation of Jim Crowe, a continuation of segmentation and discrimination. She understands to some people it means other things, but speaking for African Americans it is not pleasant. She appreciates the conversation taking place this evening and feels this issue can be worked out.

**CITY ADMINISTRATOR’S REPORT – R. STONE**

* Appreciated the attendance during the work session regarding our new Fire Department/City Hall Renovation. We have been approved for the five hundred thousand dollar CDBG Grant that will be used towards the building and we have been approved by Rural Development for a 10.4 million dollar loan at 3.125 percent over the course for forty years for the final financing. We have received the final review of the building from the architects and we expect to go out for bid in next few weeks. The Codes Office has relocated to the Tolle Building, the Finance Office is located in the Utility Building. The Administrative Office will also be moving to the Utility Building and our Business and Economic Development will be moving to the Tolle Building.
* The 25 North Project is moving forward, we hope bid it out in the spring.
* The By-Pass is still in the 6-year plan, but no word when we will be able to bid it.
* Our department heads are beginning the work on their 2016-2017 budgets. The Police Department is surveying the pay scale for surrounding areas, but we also consider all departments if upgrades need to be made.
* We are beginning to negotiate our Health Insurance but we have a high experience factor, we will bring something to the Finance Committee soon for review.
* There are a number of city vehicles that will need to be replaced next year’s budget.
* We are advertising for three new fire fighters.

Little suggested we look at cutting cost and/or operating more efficient? Stone stated we have 103 vehicles, and last year even with doing most of our services in house, we still spent just a little over twenty-seven thousand dollars in maintenance fees; which most was for sending the fire trucks or larger trucks out for repairs. Our department heads, once their budgets are passed, as you notice, they do not spend 100%. On a daily basis they are very mindful of spending. Once our new network is connected to all our

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buildings, with our people doing the majority of the work, we will have saved a lot of money.

* We will have a meeting next Wednesday on the 23rd at 5pm with AMP, they will be here to make a presentation. Shortly after we will have a meeting with the council to talk over your concerns and formulate questions towards the decision for our electrical service.

**QUESTIONS:**

Kerby asked if we would still consider to take comments from the public regarding our electric service.

**MAYORS COMMENTS:**

In anticipation of meeting with the Chamber of Commerce regarding the issue of the contract; when discussing the contract for appropriation and license to use city property, all issues can be resolved without much problem if the Chamber will include one paragraph in their contract, which reads as follows. “Commencing immediately the Berea Chamber of Commerce shall include in all booth or vendor contracts for sites at the Spoonbread Festival on, or associated with city property, a ban on the sale or give away of any merchandise that resembles the Confederate Battle Flag, or bears its image, with the limited exception related to history books or other educational and interpretative media with the Confederate Battle Flag is depicted in its historical context such as literature related to the Battle of Richmond enactment. Vendors and exhibitors shall be informed in the contract that intentional violation of this ban shall result in disqualification from the festival in the following years.”

Terrill asked if the city itself outlaw the Confederate Flag, is it unconstitutional? Mayor Connelly stated the council could formulate or make a motion to do so, but he feels if the Chamber follows the policy of the State Fair and the State Parks that everything else can be worked out. He would like feedback from the council.

**COUNCIL COMMENTS:**

**Hembree** – thanked everyone for coming this evening.

**Caudill** – thanked everyone for coming, we had a long but a good discussion. It is important to note; the reason the mayor presented this to us and ask for feedback is we can’t vote, it’s not ours, it is not in our power, it is not in the responsibility of the council as set forth by Kentucky Revised Statues. Continue to call us and give us feedback. We can change ordinances, but when it comes to contracts, we can talk to the mayor and we can talk to the chamber but we cannot vote on it, it is not our responsibility.

**Little** – I just hope we get the Spoonbread issue worked out for both parties, it’s good for the city and good for our people.

**Kerby** – I appreciate all the work the Chamber and all the volunteers do during the Spoonbread Festival, and I appreciate the conversation this evening. I would like to say that I support the language the mayor has put forward; we as a council passed a

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Resolution saying that we want to be a welcoming community to all people. I think this is step in the right direction and Mr. Little is right; communication is the key to sit down with open hearts and open minds across the table and figure out how we can keep the Spoonbread in town and to make it a welcoming and exciting event to continue the long history that we have.

**Powell** – I think the Spoonbread Festival is one the best things that has happened in Berea as far as bringing people to town. And, I think it’s a shame that a hundred and fifty years after the Civil War that the flag is being used to divide our nation, divide our city, divide our neighbors and friendships and show ignorance and hatred for nothing or what it is doing! That is a shame!

Meeting Adjourned: 8:02 pm