**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

The Berea City Council met in a regular session: Tuesday, April 5, 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, D. Gregory, S. Sandlin, P. Bloom, D. Isaacs, K. Hensley, D. Brumley, D. VanWinkle

**VISITORS:** Twenty-nine visitors signed the guest sheet.

**APPROVAL OF MINUTES: March 15, 2016**

Kerby motioned, Little seconded to approve the minutes of March 15, 2016; all ayes.

**PROCLAMATION: SARACARE**

Mayor Connelly read the annual SaraCare Proclamation declaring the week of April 11th – April 15th as SaraCare Week in the City of Berea. Eddie & Norma Kennedy thanked the mayor and city council for all their support, and accepted the proclamation. They invited everyone to the fundraiser event at Union Church on Friday evening, April 15th. There will be flyer out soon announcing the groups from Nashville and locally that will be preforming. There will a spaghetti supper and auction to raise funds for UK Children’s Hospital and local children’s events. Everyone is welcome!

**PROCLAMATION – AMERICORPS SUPPORT FOR NATIONAL SERVICE**

Mayor Connelly read the proclamation declaring April 5, 2016 as National Service Recognition Day; encouraging residents to recognize the positive impact of national service in our county; to thank those who serve; and to find ways to give back to our communities. Alix Burke and her group, as part of the Berea College Grow Appalachia Summer Food Service Program accepted the proclamation.

**PROCLAMATION – YOUNGER WOMEN’S CLUB**

Mayor Connelly read the proclamation declaring April as Child Abuse Prevention Month. Tourism Director, Kerri Hensley, representing member of the Younger Women’s Club, invited everyone to participate with the group this Friday on the lawn of city hall as they place out “Pinwheels”; one for each child abuse case that took place in Madison County last year.

**ORDINANCE #07-2016; VACATING AND CLOSING A PORTION OF PARKWAY STREET – 1ST READING**

Corporate Counsel read the ordinance in its entirety.

**COMMITTEE REPORTS:**

**Audit & Finance** – no report.

**Personnel** – **V. Farmer**; the committee met on March 29th; Jake Reed was promoted to Lieutenant, Lonnie Sams was promoted to Sargent and new hires in the Police

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 2

department are Austin Davis and Amanda Kerns. Nancy Conelly was promoted to Program Manager in the Tourism Department.

**Public Works – C. Powell**; the committee met Monday and reviewed old business.

* The Oak Grove drainage project will be pushed back for further observation.
* The walking trail I.D. markers will be going up soon; after certification.
* We are still working on the South Cumberland/Hughes Ave. water issue; the department will look into extending the retention pond.
* Atkins Excavating is evaluating Plaza Drive to determine the best approach to resolve the storm water problem.

New Business:

* The Volunteer Fire Dept. have requested to yellow the curb on Melody Drive on the same side as the building. Powell motioned; Caudill seconded to yellow the curb 163 feet on Melody Drive; all ayes.
* The committee discussed handicap parking on Chestnut Street; the Public Works director is reviewing the laws and requirements, and will follow up.
* We have received several complaints of people parking on both sides of Boone Street near the Chestnut Street area. The committee ask the Public Works Director to measure the street; it is causing a visibility problem for people exiting Peoples Bank and Dr. King’s office and is narrow, it is not safe for parking on both sides. Powell motioned; Caudill seconded to yellow the curb 273 feet on the People’s Bank side. Wagers stated it’s hard to see coming off of the Pearl Street side; Caudill motioned, Wagers seconded to table the original motion until further research is made.
* The blacktop is breaking up on Woodford Avenue; temporary patching is all we can do at this time.
* We will address a water problem on South Dogwood.

**Economic Development – C. Hembree**; announced an upcoming event:

Main Street Clean Sweep happening on Friday, April 22nd from noon to 4pm. For more information the sponsors have a website – bggreensource.org.

**VISITORS:**

Meta Mendel Reyes, representing the Berea United for Racial Justice wanted to clean up some misrepresentation of the press release that was put out by the Chamber of Commerce. Their issue is simply to prohibit the sale of Confederate Flag merchandise at the Spoonbread Festival; they want the festival, but also want everyone to feel welcome. The group ask for the Chamber to agree to the wording that the KY State Fair and the KY State Parks established. They were shocked, as were many others were that the Chamber decided to shut down the festival. A second reason the Chamber sited was a safety issue. The group that assembled in front of the Chamber building last week prior to their meeting was a group of young and old, half abled and disabled, half white, half black, half students and half towns people. There was nothing scary about the group; they were only there to exercise their right to freedom of assembly, they were not there to be labeled as protestors, they were there for the

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 3

Chamber to know that the citizens of Berea care about the festival and hopes something can be worked out about the festival.

Corey Bush stated he supports the Mayor’s and city council’s efforts to make our city more inclusive and safe for all members of our community. It is sad that the Chamber of Commerce decided that the only option was to cancel the festival is on safety concerns. No “protestors” were aggressive, none were violent, none were overtly controversial; it was an invitation to stand on the side of peace, love, and community against hated, oppression, and racism. He encouraged the Chamber to reconsider their decision and include the ban of hate merchandise, or for even the city to take up a new festival to embody the ideas Berea was established on. He distributed statements from other individuals.

Mike Cope; he is discouraged/frustrated by the decision of the Chamber made to cancel the Spoonbread Festival. He feels their decision was influenced by the body of the elected officials because of the Rebel Flag. How far do we go in making sure that people aren’t offended by things and are satisfied? If we limit the sale of things with confederate flags in the city parks, do we stop people walking in the parks with their confederate flag shirt on? How far do we go? The people elected the mayor and council to represent everyone; although the flag doesn’t have any meaning to him, he can sympathize with people that have seen the flag as being oppressive or a representation of slavery. There are millions of people in this country who see that flag as a symbol of heritage or a symbol of Southern pride for the Southern States. Their heritage was about more than just slavery, so we have to accommodate the people who support the flag. He ask to make the Spoonbread Festival happen, it’s very important to this city, even if we have to put a disclaimer on something saying there may be materials that might offend someone; so be it! We have to accommodate everyone’s views.

Ed Lafontaine, a resident of Berea for about 30 years. He wanted it established that he came to the issue late; there are things about it that he does not know and if there are things that bares correction, please let him know. In his efforts to see why we have come to this point in the Spoonbread Festival, he noted items that we need to consider. He discovered there was a booth that had a symbol that was attached to a belt buckle for purchase and a group of people congregated there at the booth with signs and protest. The parade began later and the same group choose to interfere with the parade and disrupted things. People were fearful for the children, and someone said “don’t touch me” people were confused. Not to second guess the actions of our police that day but no arrest were made, but he believed conditions were there to justify an arrest for disturbance of the peace. We have a Human Rights Commission in this town; what do they do? He read the letters that were exchanged between the Human Rights Commission and the city and discovered some of their members took part in the event. Please consider, we had a symbol that wasn’t bothering anybody, and you have a

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 4

disturbance of peace, what should we be outraged about? Where are we today because of the events that took place that day? I assume it was premediated because members of the HRC took part in the events, why didn’t the HRC take an interest in the welfare of our citizens and children on that day, so he wonders where the sympathies of our HRC really lay. He feels the handling of the proposed contract between the city and the chamber was terrible. It should have been an exchange of information between the city and the chamber, and not become public knowledge by a different method, it draws into question motive, and suggest impropriety. He feels things need to start all over again; there are towns that allow festivals to take place on public property, take the cities money out of it and let the people running the festival establish what will, or not be available for sale.

Katie Wilds, a citizen of Berea for twenty years and has attended nearly every festival since its beginning. Her daughter entered the pageant this year and she loved it. She feels that not one time has she, or any of her friends said that they weren’t going to the festival because of a specific booth that sold specific things. Most everyone goes to just enjoy being at the festival and seeing all the items for sale, and the people there. She finds offense in seeing items with Marijuana items on it, and her kids ask what it is; there are a lot of things there that might offend someone, if they see something like that, they just don’t go through that booth. Last year she drove her daughter through the parade, normally they stand and watch, but during the parade route, when they turned the corner on Broadway, she nearly hit protestors who were lunging at her car and were yelling at them. She feels we can overcome this issue for our community, if people want to protest, they should do it on the outskirts. Find something that works for everybody; rather than canceling the festival.

Diane Turner, State Director with Kentucky Festival Pageants; she has been with the Spoonbread Festival for ten years. She supports the pageant members and their families who came this evening. She supports what the festival has stood for-for them. The festival offers many things to the community and activities for the kids; it helps Tourism and brings more revenue to Berea, and helps in many other ways. There are a lot of things that offend people, she doesn’t take her kids around things like that. She spoke on the integrity of David and Sandy Rowlette; she has worked with them for twelve years and has never witnessed anything racism, or anything to the fact of wanting to disclude anything, or any person with the festivals committee. When they have meetings they always look for what they can bring to this community, to expand the love of what Berea stands for. The committee members work hard for what they do, and they don’t get money or recognition or thanks for what they do. She has witnessed people that love Berea and their families, it’s an unfair label to put on such good people. The KY Festivals Pageant Association encourages the girls who attend the pageants to bring things to donate to their communities. Last year they had over 500 items donated. This event has always been an event of inclusion, and helps to grow Berea. She thanked the parents and girls who came to support what she does, and she came

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 5

to support David and Sandy and the staff; we appreciate everything they have done, they are outstanding people that should not be unfairly labeled. We love Berea.

Laura Wick, recently moved to Berea; she has attended the Spoonbread and applauds the city for taking a stand, this is not an easy issue. The Spoonbread Festival benefits so much from what the city does and the services that the city offers. She heard what Reverend Bowman had to say; this is not a little issue for a lot of people, and to dismiss what they have to say would be a disservice to our community. The city gave an opportunity for discussion to work out the differences before it was cancelled, hopefully we can learn, and the Spoonbread can still happen. Next time we can talk first, when you do things in kindness and listening, you can’t go wrong.

Sue Ann Crutcher, local business owner and resident for almost thirteen years; she is very disappointed that we aren’t having the festival. She has bragged about our community to so many people across the world. We can take any object and make into a symbol of hate; when does it come to tomorrow that our flag that our families fought for, becomes offensive to anybody in this community. Granted to some people they see the Confederate Flag as a symbol of hate, to some it is a pride to those soldiers who fought for their beliefs in that time, it wasn’t just about slavery, there were other issues too. She challenged our community to really put some history out there and bring all of history to it. We have a fabulous community, and she is very proud of our community but also disappointed that certain things are looked at as racial/hatred. If you have hatred in your heart, you are going to find it, you can find it in anything around you. We have beautiful girls that compete in the pageant; there are so many things in our community that pulls us together. If you have love in your heart, you are going to find love in your heart. Her challenge to our community, and everyone here; why don’t we all get together instead of hating, and posting things about hate and everything, come together like a community.

**DEPARTMENT HEADS:**

David Gregory, Police Chief reminded everyone of the 7th annual 5K Walk and 10K Race this coming Saturday for the Kentucky Cops Chapter. The funds from the event helps to send families of police officers who have been killed in the line of duty to Washington DC. for the Police Memorial Week, May 11-15. This will be a big event, and many people have already registered. The course will be from the Berea Municipal Utility office, out Short Line Pike and to the Pinnacles and back. The police department apt has the event information on it. As to date, 1076 downloads have taken place already. Councilman Caudill commended the Chief for choosing to use this walking path for the event, it is a great course, with a much better view of Berea.

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 6

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

* Update on our building process; two weeks ago we put out the bids for our interim financing for our Police/Fire/City Hall building. Bids will be due April 8th by 1pm. We sent bids out to thirty-two (32) financing entities. We have received a lot of local interest with our banks; up to seven and a half million in borrowed funds. Once the project is at 80% completion, Rural Development steps in and closes the loan, we will then pay off our interim financing. I expect to have a recommendation by the next council meeting.
* We are continuing the work on this building; we spoke with the judges last week and a wall is now being constructed between their office and the county clerk’s office. A vestibule is being built on the back entrance.
* The Food Bank is 75% complete and the volunteers are preparing for their move.
* The Volunteer Fire building additions are coming along very well, and should be completed soon.
* Our new telephone system should be installed in the next 6 weeks in all of our city buildings.
* Allen Company has started moving in their equipment for the widening project on Hwy595.
* We are working on a project, and a possible lease of the old train depot. A special vote for alcohol sales will take place in the Gay Stephens Precinct. A vote is needed for historic sites to help maximize use of two locations, the Tate Building, and the old Train Depot. Letters are going out now and if we receive enough approvals for a vote; the vote will take place in the fall.
* Rights-of-way are being made to connect the Indian Fort Trail; we have completed the approval with Berea College.
* US25 North Project is now pushed out to September for bidding. We need another contract from the state to pay our design with our engineering firm for our utility design and our lighting design. Money was appropriated and signed off on, but with the changing of the administration, we did not get our contracts back. We will bring a resolution to the council once we receive the documents back and construction should be able to begin. We will have to move a few utility poles.
* Senator Rand Paul made a campaign stop in Berea last week and Congressman Andy Barr was in town yesterday; Congressman Barr visited with one of our local industry and the Chamber. We gave each of these elected officials a packet concerning an upgrade to our Owsley Fork Dam. We need to upgrade our damn to hold additional water. We have been working with NRCS and our two engineering firms for two years, along with the Core of Army Engineers. In December the Army Core of Engineers started a denial of our project for an upgrade. We have written a letter and NRCS is supporting us, we have received great support, they will write a letter to the Army Core in support of our efforts to get the upgrade. We appreciate Ed Fortner’s work on this project.
* We have two additional police officers that we have hired that will be going to the academy at the end of this month. We have an open vacancy for an Operator at

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 7

* the water plant, we will be reviewing the applicants this week. We also have a vacancy in our collections and distribution system in the Utilities Department, and we will also be hiring three new fire fighters.
* I commend the council in all the time they have contributed towards our Purchase Power decision; we now need to schedule two more meetings, one a public meeting to hear input from citizens, and second a meeting of the council to talk about what you have heard and the direction to take. Councilman Powell commented we should hold the public meeting first.
* We will be scheduling a public meeting for our Parks Department for a grant we are applying for to help with funding for a Splash-Pad at our city pool.

**Questions:**

**Little:** did the program director for Tourism replace the assistant director’s position? Stone stated that no, we have not replaced that particular position; there was money in the budget for this position. Ms. Hensley and the commission will determine how to fill their full time help. The program director is a new position and will directly work with the learn shops.

In reference to our short term financing for our new building, what is the reason that the city wouldn’t use part of the money we have in reserve? Stone stated that we can do so, but due to the Rural Developments money, we, as city must show that we are fully funded. It is more less a line of credit backed by RD, if we want to use the cities money we can.

**Powell**: during the 25 North upgrade will the state assist us on the water problem? Stone stated that we will be working with our engineers towards this project, we will bring it before the Public Works Committee for the plans for Glades Road and Powell Street area. Little stated the water will move faster because as of now, it empties in the grass and dirt ditches.

**Kerby:** please remind us of the difference of historical property alcohol statues and the statues that was recently voted on to cover our restaurants. Stone stated on our limited license that we have, our restaurants must seat at least 50 people and derive 70% of the sales in food and 30% of alcohol. Alcohol must be purchased with food; they are not allowed to have an open bar. Boone Tavern is a historic location and can have what they want. If Churchill opens a restaurant, they can sell the same as Boone Tavern. A caterer who has a state wide liquor license can sell at events.

**MAYORS COMMENTS:**

He received a letter from the Berea Urban Farm reporting the recent progress and updates to the farm, they are nearing their one year anniversary. To date, Sustainable Berea has acted as the fiscal agent for the Berea Urban Farm; a situation that was designed to be a temporary bridge for the organization until they achieved their 501C3

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 8

status and the infrastructure to manage its own fiscal affairs. Sustainable Berea has achieved the name recognition that the Urban Farm has not yet received. The Urban Farm governance committee has decided to dissolve and transfer its assets to the Sustainable Berea. The committee is requesting by this letter to transfer the lease for the property at corner 205 Adams Street and 103 Grant Street from the Urban Farm to Sustainable Berea. The insurance coverage will reflect the name change. There were no objections from the council.

**COUNCIL COMMENTS:**

**Terrill** – he agrees with the public comment to re-set, and see if we can get our Spoonbread Festival going. He motioned to go back to last year’s contract with the Chamber, and we request that they suggest to their vendors, to not sell any confederate flag items, and we provide police protection, if needed. Mayor Connelly stated that this would be an action item and suggested it be placed on the next agenda, but the council can set the agenda. Terrill stressed the emergency need to act on the motion. Powell seconded to amend the agenda. Mayor Connelly restated the motion, and included to re-open discussion with Chamber Board Committee (if they are willing). Police Chief stated the police department is limited as to what level of security the council is asking for, but they are always available. Little motioned to table the motion to amend the agenda; Kerby seconded. Powell-yes, Kerby-yes, Little-yes, Farmer-yes, Wagers-yes, Caudill-yes, Hembree-yes, Terrill-no. Motion to table passed. Terrill commented the people are thinking the council doesn’t support the businesses in Berea, especially the Mayor.

**Hembree** – there is an industry in town that is upset over some un-fair trade issues that took place recently that cost them to lose some jobs and not being able to be competitive in the National Market. The Chamber worked with Mr. Barr’s office and our Economic Development office to try and get some things moved; it was very nice to see everyone working together trying to do something positive.

He appreciates everyone who comes here regardless of what side of an issue they are on, whether it be the Spoonbread or anything else. It is delightful that our residents supports and wants the festival. Government is not easy, it’s not always pretty or fun, kind of like making sausage; sometimes you end up with a good product but you may not have the stomach to see what goes in to it, but the fact they you are here, means a lot.

**Caudill** – motion or no motion, he challenges both parties to continue working on this, if it’s even possible; it may to a point where we can’t go forward. We need, as a city to stop tearing each other down, and start building each other up. It really irks him when we can’t come together and talk about what we can do to move forward, he has a hard time believing that there is nothing we can do to make this work. Maybe he is wrong and maybe the confederate flag is much bigger than he realizes. The fact is, I still challenge the city to continue working with the Chamber, and the Chamber continue having discussions, this is a great festival and we need to continue having it. He reiterated the fact that he wished more people would stick around, it is important to note

**BEREA CITY COUNCIL REGULAR MEETING APRIL 5, 2016**

Page 9

that this isn’t our decision, people need to email the mayor like he ask. The mayor really wants to hear from the residents, it will be really sad in September if we don’t have a Spoonbread Festival over this issue.

Mayor Connelly added that the city remains ready to continue the conversation. The discussion has, and will continue, if it does to cover more issues than just the confederate flag. In this context, the city is a landlord, it is expressing certain conditions on use on its property, not unlike that of a no pet requirement. The city is not attempting to regulate the conduct of citizen’s city wide, but merely the conduct of activities on city property, and we remain ready to talk about it.

**Little** – my motion to table this wasn’t to kill Mr. Terrill’s motion, his motion wasn’t going to pass tonight. If we are going to work this out, (and we all want to see this worked out), we need to have some serious discussion. All we would have done tonight is run together again, I think sometimes time takes care of things. It would be to everybody’s advantage if we could get this worked out, and if we need to have some serious conversations, I would like to see this pass, we all want the same thing, we want the festival.

**Kerby –** echo what Mr. Little said.

**Powell** – he hates to see the Spoonbread Festival end, a lot of people have put in a lot of volunteer hours and a lot of work, I don’t know of anyone who doesn’t like it. I really wish the Chamber would be good and let us put one put one word in there, “prohibit”. I do hope we can all get together and could get this all worked out for everyone’s sake. People in Berea and around the county depends on it, not just businesses, it gives people something to do.

We lost a real good citizen recently, Mr. George Oberst. He put in many years for the city, both paid and volunteered, and I disagreed with him many times, but he really made it a point to see the city streets, sidewalks and bike paths were safe and he put in a lot of time for the concerns of the citizens of Berea. He laid the rock wall going down North Broadway and I would everyone to consider placing a plaque on the rock wall with his name on it, or name the sidewalk for him. I think it would be a good thing to do. Mayor Connelly asked if a Resolution would be would be proper to express a more formal way to recognize Mr. Oberst. Powell motioned for the Mayor to create the wording to recognize Mr. Oberst, Little seconded; all ayes.

Meeting adjourned: 8:12 p.m.

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Mayor Steven Connelly

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City Clerk