**BEREA CITY COUNCIL REGULAR MEETING JULY 19, 2016**

The Berea City Council met in a regular session, Tuesday, July 19, 2016, Mayor Steven Connelly presiding. A quorum being present the meeting was called to order at 6:30 p.m.

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

**ABSENT**: Hembree, Kerby

**OFFICIALS:** J. Gilbert, R. Stone, C. Chasteen, D. Brumley, S. Meeks, S. Sandlin, J. Hayes, D. Isaacs

**VISITORS:** Beth Meyers, Kenny Davis Jr., Larry Freeman, David Rowlette, Sandy Rowlette, Virginia Bland, Randy Coffey, Andy McDonald

**APPROVAL OF MINUTES: JULY 5, 2016**

Little motioned, Caudill seconded to approve of the minutes of July 5, 2016; all ayes.

**ORDINANCE #11-2016; AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF BEREA, KENTUCKY. – 2ND READING**

Corporate Counsel read the ordinance in its entirety; Farmer motioned, Wagers seconded to approve and adopt the ordinance. Roll call vote all ayes.

**COMMITTEE REPORTS:**

**Audit & Finance** – no report.

**Personne**l – no report.

**Public Works** – We received, and opened one bid for the blacktopping. Powell motioned to accept the bid from Parrett Brothers in the amount of $20 per ton, plus labor, for small repairs and blacktop replacement within the city; Little seconded, all ayes. The Public Works Committee will meet on Monday, August 1st; several items will be on the agenda for discussion.

**Economic Development** – no report.

**RECOGNITION OF VISITORS:**

Randy Coffey, resident of Berea brought concerns of a “framed painting” that had a confederate flag hanging on the front porch of a cabin that was for sale at the Crafts Fair, at Indian Fort. “There was a big issue over the image of the confederate flag, and it’s another example of events that have items for sale with a confederate flag displayed”. He also passed around a postcard that had a confederate flag on it, the postcards are for sale at a local restaurant owned by a Tourism Commission member. He’s not trying to lay anything off on anyone, but we cannot control what people sell, but he is asking the city to reconsider the issue and to let the Spoonbread go on without a contract. Mayor Connelly asked if Mr. Coffey wanted to register a complaint. Our policy says if a vendor violates the policy, they would not be allowed to participate next year. Mr. Coffey stated this is not a complaint but he feels the city can’t control items that are for sale. Mayor Connelly stated the contract is meant to govern the presence of the confederate battle flag on city property, or at a city sponsored event and to report

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violators. The city and the vendor, through the contract agrees to this, that as a condition to receive permission to participate in an event sponsored by, or on city property, the vendor shall not discriminate in the performance of its activities on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, ethnicity, political affiliation, age, genetics, marital status, or disability as defined in the Americans with Disability Act. (Agree not to discriminate). It further states the vendor shall not sell, or give away any merchandise that resembles the confederate battle flag, or bears its image, with the limited exception related to history books, or other educational, cultural, artistic, and interpreted media, where the confederate battle flag is depicted in its historical or cultural context, such as literature related to the Battle of Richmond Enactment, or artistic events or scenes. If a vendor intentionally violates this rule, the sanction is to deny future permission to use city property in the following years. The intent of this rule and its exception, is to protect freedom of expression, while allowing city government to safe guard to the extent possible, the rights of our minority citizens. We have a responsibility to regulate our conduct, and what takes place on city property. There is no prohibition of any private merchant or business, selling whatever they want. The rule is for city activities, or city property use.

A framed picture is not meant to be a symbol of segregation, domination or a suppression of civil rights; context matters. It is difficult balancing act when you have different competing freedoms and rights.

Jennifer Napier, Chamber of Commerce President wanted to make it clear to the council that her point specifically is “were they the first group to be faced with a contract with these regulations”. She was told yes, and she spoke to the mayor about the concerns of the Confederate Flag. The Chamber does not support the flag, they are the entity that collaborates the event, the vendors that come, sell whatever sells. Because of the controversy that has taken place there seems to be more confederate flag memorabilia. She asked if other organizations have been given the same contract. Mayor Connelly stated the anticipated enforcement is for the following year, it is not to call the police to remove people, if there is intentional violation of ignoring the rule, the vendor would not be allowed to return the following year. Napier stated the Chamber is not supporting the flag, it is not our issue; our issue is that we were presented the contract long before any of the other organizations were. The Spoonbread Festival is the largest event in Madison County, every business is the county is going to suffer. We estimated approximately sixty thousand people came. Most of our vendors that have called in to complain, schedule this out years ahead, this event is one of their top events of the year. They are on the road 40 weeks out of the year doing their sales. It’s a huge loss to the entire community; it’s a feeling to the Chamber that we were singled out first, and they felt like it was a bullying tactic because they were singled out first, other events take place before them. Mayor Connelly stated we have had contracts with users of city properties, and city monies for years; the Chamber was the first because it was the first

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event that this particular issue was brought forth. It was the template from which we began to incorporate thereafter the statement of non-discrimination, just like what the

city has to do with our federal contracts. We also have started placing it all our user group contracts, and when appropriate where there might be vendor groups.

Ms. Napier stated that 100% beyond a shadow of a doubt, she stands firmly behind her board’s decision to cancel the Spoonbread Festival this year because of what’s going on throughout our country, turmoil is skyrocketing. Fortunally, and God Bless America, that no one is going to die, or get hurt because of a controversy at the Spoonbread Festival this year. There is no one going to be injured, and no one is going to have to endure any of that controversy that might be going on because of protesting. Since they made their cancellation and other events have taken place, how many protesters have you seen at any of other incidents that the confederate flag was displayed?

Terrill asked if the mayor had ran the other contracts before the Human Rights Commission. Mayor Connelly stated it was presented to the Human Rights due to a complaint that had been issued, and they were planning on acting on the complaint. His purpose was to allow the chamber and the city address the issue first.

Hubert Chasteen, Jr.; he knows what these people are talking about, he has lived here since 1963. This right here (pointing to the council) is the most discriminating-shows favoritism to special interest bunch of people, than he’s ever been around, this right here bunch, is no different. You don’t even enforce the city ordinances, “you people, every one of you”; people can pile brush out in the street, and you people won’t do nothing about it. Who do you go to? I want to ask the lawyer, who do go to, to enforce you people to enforce the city ordinances? Every one of you should to have to go before a jury or something because we can prove that discrimination is taking place, and you show favoritism to the special interest groups! I want to ask the city attorney who we go to, do we need to go to Frankfort to file a complaint against these people? Mayor Connelly stated the corporate counsel works for the city; he suggested Mr. Chasteen to go to his lawyer to get legal advice, to take appropriate measures. He asked if he was y talking about his neighbor who places brush out. Every citizen is allowed to place brush out for pick-up. Further discussion was held regarding the requirements of brush being placed out and picked up. Chasteen wants the city ordinances enforced.

Revered Kenny Davis, Bethel Baptist Church came tonight to say publically that he appreciates our police officers, he thanked God for them. He requested for everyone to stand with him for prayer. Mayor Connelly asked if a moment of silence would be appropriate to allow everyone to bow their heads, with objections; Mayor Connelly stated at the end of the business meeting, all those that would like to stay and pray with Revered Davis are welcome to.

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Sandy Rowlette, thanked the mayor for posting the agenda’s; she requested a clarification to know when the minutes are to be posted to the web-site so that the citizens are able to see them, and could we possibly speed it up so that we have a more

transparent government so that residents can understand, and see what you all are doing. A lot of people don’t have cable and can’t watch it on TV. Do we have a time period that is set up that we place them on the web? It’s not real transparent to our citizens; she requested to have those loaded up within a 24 hour time period. We

would like to see the minutes to know what you have been talking about to make our own decisions on whether we agree or disagree on some things that have happened.

Virginia Bland, resident, was at the meeting in early April when two mothers of pageant winners along with the pageant coordinator, stated that they were scared at the festival during the parade when protestors walked out in front of their cars.

**DEPARTMENT HEADS:**

Fire Chief Shawn Sandlin informed the council that tonight marks the beginning of the Field De-Con Exercises; starting this evening. The exercise will be each month during the next three months, and will take place at the Church on the Rock. He invited everyone to stop by and see the work that has taken place at the Volunteer Station; the firemen will be moving in at the first of the month.

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

* Project updates: Banks Engineering has completed the surveying of the Hughes Avenue/South Cumberland Project, this will be part of our Municipal Road Aid monies. We will meet with the engineers the first week of August to discuss it further and get the base plans of this project. Our Public Works Department will complete the curbs and drainage systems and The Allen Company will complete the blacktopping.
* We are continuing with the Comprehensive Traffic Study; the next step is to hold a meeting with Berea College, once the plans are finalized I will bring it before the council for review.
* The city has decided to accept the $65,000 Transportation Grant to build the connection of the Indian Fort Trail. We have hired Integrated Engineering as required by the Grant, to complete the Rights-of Way purchases.
* Jones Signs is in town, they are placing up the new signage; they will begin at the Artisan Center and work their way into the city.
* The auditors are on site; they will meet with the council prior to the first meeting in August.
* The Festival of Learn Shops is in its last week; we have had a very successful event. We have 1,233 total tickets sold as of this date.
* Rio Grande has applied for their liquor license, they are the 6th restaurant to apply.

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* Codes Department reported that we have 23 residential construction working permits out at this time, and 20 commercial working permits are taking place in the city, including two churches doing work at this time.
* Gold Star Chili should be starting soon.
* A number of development plans have been submitted and are awaiting approval. A lot of construction and activity is taken place in the city.
* We called and cancelled a meeting last week to discuss our Purchase Power Contract, we will have a meeting soon with our consultants, and a representative of AMP will be present.
* We will be meeting with D. W. Wilburn at 9am in the morning to get our contract signed and get a start day for construction.
* July 25th, we will receive and review bids for our interim financing.
* August 2nd we will review and make a selection of the interim financing, and we will have the first reading of the USDA series Interim Financing Bond Ordinance. On August 16th we will have the second reading, the week August 22nd we will have the decision by the bond counsel.

**Questions:**

**Little** – did we rebid the interim financing? Yes

Do we have an estimated cost of purchasing the Rights of Way for our new trail? Stone stated numbers should be less than previously expect.

**Caudill -** Do we have an estimate start time for the trail? We have to clear the Rights of Way first, but I anticipate early spring.

**MAYOR’S COMMENTS:**

Two names have been submitted to fill the vacancies on the Codes Enforcement Board; Mike Barnett and Terry Bingman. Farmer motioned, Little seconded to approve the appointments; all ayes with Terrill abstaining.

**COUNCIL COMMENTS:**

**Powell** – suggested a committee get together and work with the chamber to work on an ordinance to get the Rebel Flag issue resolved. Mayor Connelly stated if the council wishes to do so, it will be a city council activity. He also asked if others have seen the guys that runs and carries the American Flag throughout town, he’s been out on

**Terrill** – don’t forget Preacher Kenny Davis.

Meeting adjourned: 7:26 p.m.