**BEREA CITY COUNCIL REGULAR MEETING AUGUST 21, 2018**

The Berea City Council met in a regular session, Tuesday, August 21, 2018; Mayor Steven Connelly presiding. A quorum being present the meeting was called to order at 6:30 p.m.

**COUNCIL PRESENT:** J. Davis, B. Fraley, T. Schultz, D. Rowlette, J. Little, S. Caudill. C. Wilson, R. Terrill

**OFFICIALS:** J. Gilbert, C. Chasteen, D. Gregory, S. Sandlin, D. Isaacs, D. Brumley, K. Hensley, A. Haney, K. Howard, P. Bloom, D. Brindley

**INVOCATION AND PLEDGE**

**APPROVAL OF AGENDA:**

Schultz motioned, Little seconded to add Marian Abbott to the agenda; all ayes. Fraley motioned to delete item #6, Davis seconded; all ayes. Terrill motioned to delete the City Administrator’s report due to his absence, Little seconded; all ayes. Fraley motioned to approve the amended agenda, Caudill seconded; all ayes.

**APPROVAL OF MINUTES: AUG. 07, 2018**

Caudill motioned, Little seconded to approve the minutes of August 7, 2018; all ayes.

**KY VETERANS HALL OF FAME – EMERSON MCAFEE**

Mr. McAfee, President of the Vietnam’s Veterans Chapter 66, distributed a pamphlet, and informed the council about the Kentucky Veteran’s Hall of Fame. He encouraged the city to nominate a military person, deceased or alive, from the city to be inducted into the Kentucky Veterans Hall of Fame. With a nomination of a veteran, a proclamation, and a submittal of $100 to the KVHOF, the city will receive a sign to erect in the community designating the “City of Berea” as “Kentucky Veteran’s Hall of Fame City”. Councilman Fraley stated he would like to work with Mr. McAfee to coordinate a nomination.

**MITCHELL TOLLE BUILDING – MARIAN ABBOTT**

Ms. Abbott stated she has lived in Berea for almost 10 years, she loves Berea, and has always admired the Mitch Tolle Building. She was concerned with the gardens, and about the overgrown ivy around the sidewalks, and front of the building. She took it upon herself to volunteer to work on the garden areas and remove much of the overgrown ivy and weeds. She displayed before and after pictures of her work, and new walking stones she placed on a walk-way. The landscaping/garden will need to be maintained to keep it looking good, she suggested the city contact some garden groups, civic groups, or even students to come help.

**ORDINANCE #13-2018; PENALTY FEE FOR TAMPERING OR SERVICE – 1ST READING**

Corporate Counsel read the ordinance by title and summary.

**COMMITTEE REPORTS:**

**Audit & Finance – S. Caudill**

No report.

**Economic Development – J. Davis**

The next meeting will be Sept. 17th at 5:30. Mr. Danny Isaacs gave us some projects to continue and make the transition as smooth as possible; we have lost an asset to the city, but he received a wonderful opportunity to better himself and make more money. We wish him well in his future, and we look forward to working with our new director.

**Parks – T. Schultz**

The meeting next week is cancelled; will reschedule for a later date.

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**Personnel – C. Wilson**

No report.

**Public Works – J. Little**

The committee will hold a special called meeting, Tuesday, Sept. 11th to discuss the drainage on Blythe Court at 5:30 p.m. He reminded residents to not blow their grass clippings out into the street.

**DEPARTMENT HEADS:**

Police Chief, David Gregory reminded everyone that school starts tomorrow; due to the construction on US 25 North, officers will be located at all intersections to help with the traffic flow. He asked for everyone’s patience during this time, and to try and take an alternate route, or allow extra time if you need to go to any of the schools, during peak morning, and afternoon times.

**PUBLIC COMMENTS:**

Ed Lafontaine, resident, requested the city to slam the brakes on the renovation of Tolle Gallery. The gallery was designed for a display of arts and crafts; if Berea wants to continue to lay claim as the Arts & Craft Capital of KY, it would be foolish to lose it. As a friend to Berea he reminded the council of his previous visits to council when he spoke about reasonable doubt; Mr. McGlure, nor anyone with AMP have told Berea that we need additional capacity, but the mayor has not given us any reason to stay with KYMEA. Public request records he has submitted have not produced explanations for us to stay with KYMEA. He feels things that the mayor said he would do, have not been done, things that would be good to know about, and understand for our future power purchase. As a friend of Berea, he has concluded two things that are consistent with what we able to find out about our future power purchase. They are; Mr. Mayor, “you don’t know, consequently the people of Berea don’t know, and you don’t care”; and/or Mr. Mayor, “you have motivations for your choices other than what are is in the best interest of Berea”. From his numerous open records request, implications for Berea are not good. As of friend of Berea, he wants to be wrong about this, and he wants the mayor to prove him wrong; but hopes he understands the seriousness of this matter, and will demonstrate that he has the ability to make a satisfactory response as our mayor.

Mayor Connelly asked Mr. LaFontaine when he would like his response; two weeks?

**MAYOR’S COMMENTS:**

Susan Buckmaster has resigned her term on the Ethics Board; we currently have three members, we need an alternate person; he asked for submittals of names for nomination to fill the seat.

The council has budgeted $5,000 in support towards the Spoonbread Festival; before any tax payers money is distributed out in advance, a contract is signed. He asked the council if they would like to approve the contract at the next council meeting before it is signed? There is a requirement of Facts and Findings like the one the council approved for the crafts fair, with Mr. Rick Terrill. This is the first time we have had an employee of the Chamber of Commerce who is a council member. The council doesn’t have to consider it, but it is a way for the council to make findings and qualify the contract. Ronnie Terrill asked if, at that next meeting, the council could raise the contribution to $10,000 like what they did for the Levitt Amp series.

Mayor Connelly read the statue:

KRS. 61.252 (insert)

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 **61.252 Prohibition against city officers and employees contracting with city or city agency for property or services -- Exceptions -- Penalty.**

(1) No officer or employee of any city or city agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the officer's or employee's city or city agency, with the following exceptions:

(a) The prohibition in this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to the office, or before an employee was hired by the city or city agency; provided that if the contract is renewable, the prohibition shall apply to any renewal of the contract that occurs after the officer is elected or appointed, or after the employee is hired, unless the provisions of paragraph (c) of this subsection are satisfied;

(b) The prohibition in this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, or awarding, or managing the contract, in which case the provisions of paragraph (c) of this subsection shall be satisfied;

(c) The prohibition in this section shall not apply if the following requirements are met:

1. The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency;

2. The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed;

3. A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, supply, or other specific reasons; and

4. The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(2) Violation of this section is a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, violation of this section shall be grounds for removal from office or employment, in accordance with applicable provisions of law.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 379, sec. 2, effective July 15, 1994

Without objection, the contract will be on the next agenda. Mayor Connelly stated in addition to the findings, the council could ask for financial information from 2017 contract to determine how much the Chamber made, or lost on the Spoonbread Festival, to consider whether or not, having the $5,000 donation, is in the best interest of the city. Little asked if we have requested other financial reports; Connelly stated the city has the right to ask for it, if the council doesn’t want it, it is up to them. Terrill motioned to not ask for a financial report from the Chamber of Commerce, Little seconded, all ayes; Rowlette abstained.

**COUNCIL COMMENTS:**

**Davis** – he remined everyone to be careful on US25 tomorrow and be courteous to other drivers.

**Terrill** – he also emphasized for drivers to be careful and avoid the construction area.

**Fraley** - he announced a group of citizens are organizing a city-wide, week-end clean-up, that will likely take place the third week of October during the annual fall clean-up, be watching for more information, and the locations.

**Rowlette** – thanks to Ms. Abbott; if we had more people like her we wouldn’t have to spend any money on beautifying anything, she does a great job. He reminded residents that it is important to stay away from Richmond Road during the critical times of the mornings and afternoons, but don’t forget there are businesses located there, it’s important to shop there as well. The Spoonbread Committee recently submitted a proposal to Tourism for some advertising and a request for sponsorship to help grow the festival, they were unable to meet last month. Their funding comes through Tourism who supposedly an independent body.

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**Little** – thanks to Ms. Abbott for bringing attention to the Tolle Building, it takes all of us working together; it is important when Tourist come to our city that they see a good clean city.

**Schultz** – he thanked all the people sitting in the last two rows, thanks for all their hard work and dedication to our city, and thanks to Ms. Abbott for taking it upon herself to do something good for the city. She is also an avid walker; in her neighborhood, if she sees a piece of trash, she will pick it up, and she also has a beautiful home.

**Wilson** – she thanked everyone for coming and special thanks to Ms. Abbott, she did a wonderful job. There has a lot of controversy about the “Bee Kind” signs; in the last 6 weeks, she has had a nephew in Hospice, it makes you look at things different. The “Bee Kind” signs are nice, we should practice that all the time, but she has not seen so many kind people in the last 6 weeks. It kinda makes us look bad, and the people of Berea are kind; maybe we need to be a little bit more gracious, maybe use our wording a little different, say kinder things. If you don’t have anything good to say, maybe just zip it!

**Caudill –** School is starting, it is an exciting time for the kids, be patient with the traffic, give yourself extra time, this is not the first time we’ve experienced construction. Be mindful of the construction workers, also watch for the police officers directing traffic, the last thing anyone wants to do, because they are running late, is to cause an accident, or injury. People often criticize the work that’s done with Economic Development because it’s outcome-based projects. Many people will not know that there will be things that will continue to happen within our city, in the next two to ten years that will be fruits from seeds that Danny Isaacs planted. He will have a finger print on this city for years to come, and we thank him for all he has done. He considers him a friend and he has enjoyed working with him, Danny will be sorely missed. We are excited for our next chapter, we will move forward and be stronger because of him. Cora is right, people jump to conclusions, most people want the best outcome for our city at heart, we can work together and move forward, we will be a much stronger city.

Meeting adjourned: 7:39 p.m.