**BEREA CITY COUNCIL \_\_ SPECIAL CALLED MEETING \_\_\_\_ AUGUST 4, 2020**

The Berea City Council met in a special called meeting via videoconference, Tuesday, August 4, 2020.

Mayor Bruce Fraley presiding.

A quorum being present, the meeting was called to order at 6:30 p.m.

A WORK SESSION WAS HELD AT 6:00 P.M. TO DISCUSS

ORDINANCE #13-20 SALARY RANGES

ORDINANCE #14-20 AUTHORIZED POSITIONS & GRADES

**COUNCIL PRESENT:** Jim Davis, David Rowlette, John Payne, Emily LaDouceur, Jerry Little,

 Steve Caudill, Cora Wilson, Ronnie Terrill

**OFFICIALS PRESENT:** J.T. Gilbert, David Gregory, Robin Adams, Daniel Brindley, Eric Scott,

 Priscilla Bloom

**VISITORS PRESENT:** Dr. Lyle Roelofs, Berea College President; Nancy Crewe, Public Health Director, Madison Co. Health Department; Kelley McBride, Public Information Officer, Madison Co. Health Department; Phil Schilffarth, Civic Architect, Brandstetter Carroll, Inc.; Lisa Scheuster, Brandstetter Carroll, Inc.

**INVOCATION:** Jim Davis

**PLEDGE OF ALLEGIANCE:** Jim Davis

**APPROVAL OF AGENDA:**

Caudill motioned; Davis seconded motion to approve agenda.

Roll Call Vote: All ayes

**APPROVAL OF MINUTES: July 21, 2020**

Caudill motioned; Wilson seconded motion to approve minutes as presented.

Roll Call Vote: All ayes

**PUBLIC COMMENT -** D. Gregory

Gregory read public comments submitted regarding the Juneteenth Resolution.

**BEREA COLLEGE UPDATE -** Lyle Roelofs, Berea College President

Dr. Roelofs gave an update on the approach Berea College is taking in welcoming back students. They will be doing their absolute best to prevent COVID-19 outbreaks from occurring on campus.

On March 13, 2020, Berea College was the first college in the state to close their campus due to COVID-19. An early but correct decision. Most students went home and instruction was moved to on-line methods. Soon after, most institutions in the state followed the same decision.

The decision on how to re-open had become equally as challenging. Approximately 1600 students were given as much choice as possible. Approximately 350 first year and transfer students decided to come to Berea College. Dates and times of two scheduled days were divided among these students of when they could move onto campus. All students had been COVID-19 tested and required to submit negative test results. Returning students, non-first year and those who did not graduate, were given the choices of continuing in distance learning format, returning to campus, or to defer for the semester. With all first-year students and half of the continuing students coming in, there would be approximately 950 students living in town, in the residence halls, or in the eco-village.

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Their main point of protection would be very extensive public health measures including universal masking, social distancing, extensive hand hygiene and cleaning of all spaces, and the calendar was rearranged with no time for students to travel. Every student, faculty, and staff member would be tested upon their return to campus, and randomly tested throughout the semester.

Spaces (63) had been reserved for student quarantine. If up to ten current cases of COVID-19 occurred within faculty and staff working on campus, the College would consider closing.

If preventative measures taken did not work, the College would regretfully close the campus again to in-person instruction.

Roelofs was relatively confident in the plans for approaching the semester. As far as concern for the community, they would not let anything get out of hand on campus.

Regarding the Juneteenth Resolution, he was strongly in favor of the Resolution. On June 19, 1865, the end of the Civil War, an American military officer declared to the African Americans of Galveston, Texas, they were free. This date marked the moment in which African Americans became true American citizens.

**PROCLAMATION – MADISON COUNTY HEALTH DEPARTMENT’S 90TH ANNIVERSARY**

Mayor Fraley read the proclamation in its entirety recognizing the 90th Anniversary of the Madison County Health Department and proclaiming August 13, 2020 as Madison County Health Department Day in the City of Berea. All citizens were encouraged to recognize the valuable services provided by the Health Department staff.

Nancy Crewe, Public Health Director, Madison Co. Health Department, stated they were grateful for everyone’s help and support during COVID-19, making a difficult job much easier. Looked forward to continued work with the City and putting COVID-19 to bed someday.

Kelley McBride, Public Information Officer, Madison Co. Health Department, reiterated Crewe’s comments, felt blessed to be with the Madison County Health Department, and thanked everyone for their support.

**ACCEPTANCE OF BIDS -** D. Gregory

**Street Resurfacing**

Bids were due by Friday, July 24, 2020; one bid received on July 24th, 9:30 a.m.

Bid(s) was opened on Monday, July 27th, in the Mayor’s Office with the City Administrator and City Clerk present.

The Allen Company Lexington, KY Received 7/24/20

Total Bid Amount $ 258,321.05

Mayor Fraley referred bid to the City Administrator for review and recommendation to the City Council.

Gregory recommended to City Council to approve and accept the bid.

Little motioned; Wilson seconded motion to approve and accept bid for street resurfacing, in the amount of $258,321.05, with The Allen Company.

Roll Call Vote: All ayes. Motion carried.

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**Landscape Maintenance Services**

After review, Gregory recommended to City Council to approve and accept the bid for landscape maintenance, in the amount of $47,960, from Jade, Inc.

Future shared use trails were included in the RFP for planning purposes only. The City will only be charged for services rendered for existing trails.

As the City was short-handed in the Parks Department and Tourism, Public Works employees were picking up the extra work in these departments. By outsourcing landscaping maintenance services, the City does not pay for employee benefits or Workers Compensation. With the rapidly rising costs of participating in the County Employees Retirement System, there is the need to begin looking for work that can be outsourced. The City of Berea is designated as a trail town. To maintain a safe, neat, and clean appearance it is important to keep our trails clean of debris for citizens to continue using our trail system for quality of life.

Jade Inc. will be required to provide their own supplies, equipment, and gas.

Gregory stated the contract was a fixed amount for all work performed.

Little commented that he felt Tourism should pay a portion of the landscape maintenance as the trails were considered part of tourism.

LaDouceur stated she did not approve of the procurement process and would not be agreeing to this contract.

Caudill stated the City’s procurement process policy was followed. Although additional procedures could be considered for the future, advertising cost also had to be considered.

Corporate Counsel, Gilbert, suggested an additional option for advertising in which he would discuss with City Administrator, Gregory.

Caudill motioned; Wilson seconded motion to approve and accept bid for lawn services and maintenance from Jade, Inc.

Roll Call Vote Ayes: Little, Caudill, Wilson, Terrill, Rowlette, Davis

 Nays: None

 Abstained: LaDouceur

 Motioned carried.

**BID OPENING FOR MULTI-USE PAVILION -** Mayor Fraley

Mayor Fraley opened bids. Four bids received.

* Devere Construction, Inc. Berea, KY Received 8/4/20

Base Bid $733,440.00

Alt. Bid 1 - Lockable swing gate $ 1,050.00

Alt. Bid 2 - Stone bases at shelter columns $ 18,000.00

Alt. Bid 3 - Cupola on shelter $ 1,510.00

Alt. Bid 4 - Two shade structures $ 84,588.00

Alt. Bid 5 - Four plank fencing $ 10,500.00

Alt. Bid 6 - Landscaping $ 8,900.00

Alt. Bid 7 - Pavilion tongue and groove roof deck $ 20,170.00

* Hacker Brothers Construction, Inc. London, KY Received 8/4/20

Base Bid $718,550.00

Alt. Bid 1 - Lockable swing gate $ 2,700.00

Alt. Bid 2 - Stone bases at shelter columns $ 26,000.00

Alt. Bid 3 - Cupola on shelter $ 28,600.00

Alt. Bid 4 - Two shade structures $221,000.00

Alt. Bid 5 - Four plank fencing $ 9,600.00

Alt. Bid 6 - Landscaping $ 13,100.00

Alt. Bid 7 - Pavilion tongue and groove roof deck $ 55,175.00

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* OMNI Commercial, LLC Lexington, KY Received 8/4/20

Base Bid $689,000.00

Alt. Bid 1 - Lockable swing gate $ 1,200.00

Alt. Bid 2 - Stone bases at shelter columns $ 11,400.00

Alt. Bid 3 - Cupola on shelter $ 1,827.00

Alt. Bid 4 - Two shade structures $ 75,600.00

Alt. Bid 5 - Four plank fencing $ 8,900.00

Alt. Bid 6 - Landscaping $ 17,700.00

Alt. Bid 7 - Pavilion tongue and groove roof deck $ 55,800.00

* The Walker Co. Mt. Sterling, KY Received 8/4/20

Base Bid $689,000.00

Alt. Bid 1 - Lockable swing gate $ 5,500.00

Alt. Bid 2 - Stone bases at shelter columns $ 16,500.00

Alt. Bid 3 - Cupola on shelter $ 2,000.00

Alt. Bid 4 - Two shade structures $ 92,700.00

Alt. Bid 5 - Four plank fencing $ 14,500.00

Alt. Bid 6 - Landscaping $ 29,000.00

Alt. Bid 7 - Pavilion tongue and groove roof deck $ 42,500.00

Bids were referred to City Administrator, Gregory, for review with the City’s architect(s), and recommendation.

**RESOLUTION #09-2020 JUNETEENTH RESOLUTION**

Resolution returned to agenda. Motion was made at the July 21st City Council meeting to table Resolution #09-2020.

Corporate Counsel, J.T. Gilbert, read the resolution in its entirety.

LaDouceur motioned; Payne seconded motion to table Resolution #09-2020 indefinitely.

Roll Call Vote: All ayes. Motion carried.

**ORDINANCE #13-20 SALARY RANGES - 2nd READING**

Corporate Counsel, J.T. Gilbert, read Ordinance #13-20 by summary.

Little motioned; LaDouceur seconded motion to approve and adopt Ordinance #13-20.

Roll Call Vote: All ayes. Motion carried.

**ORDINANCE #14-20 AUTHORIZED POSITIONS & GRADES - 2nd READING**

Corporate Counsel, J.T. Gilbert, read Ordinance #14-20 by summary.

Davis motioned; Wilson seconded motion to approve and adopt Ordinance #14-20.

Roll Call Vote: All ayes. Motion carried.

**CITY ADMINISTRATOR’S REPORT -** D. Gregory

* Fiscal Year 19-20 General Funds account line item # 1005-54000 / Legal Services was budgeted for $80,000. The last bill created an overage of $9,678; bottom line did not change. Overage was due to unexpected legal expenses during COVID-19. Requested City Council approval for overage.

Caudill motioned; LaDouceur seconded motion to approve overage for Fiscal Year 19-20.

 Roll Call Vote: All ayes. Motion carried.

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* Delinquent property tax notices were held until after July 15th. The City of Berea wanted to give Berea residents notice prior to publishing delinquent taxes. The drive-thru window was open and available for payments.
* Auditors were in the office last week and met with the Finance Director and Berea Municipal Utilities. Auditors were impressed and gave high remarks to the utility staff. He also commended Utilities for keeping good inventory, quality control over equipment, etc. and appreciated their work.
* The City continued to work with Whitehouse Clinic on COVID-19 testing. Drive-thru testing was taking place behind the Russel Acton Folk Center on Tuesdays, Wednesdays, and Thursdays from 10:30 a.m. to 6:00 p.m. Anyone with symptoms was encouraged to be tested.
* The Public Works Department continued to clean up storm drains and debris on the Brushy Fork Trail, finishing work on the Berea City Annex building, assisting the Parks Department as they were short staffed, and continuing their regular schedule of cutting grass, spraying, cutting tree limbs, and brush pick-up.
* The Fire Department had seen an increase in call volume. Fire Chief, Sandlin, was working on a public assistance grant with funding coming from FEMA. The grant would cover COVID-19 related costs associated with Personal Protection Equipment (PPE) and facility upgrades. He appreciated Chief Sandlin’s leadership on this grant.
* The Police Department had also seen an increase in call volume and were experiencing challenges with the court system.
* The Codes & Planning Department continued to have incoming building permits.
* The Fincastle Development off Exit 77 had been approved and begun construction of the roads, sewer, and water lines.
* The City was still waiting on the final punch list for Richmond Road to be completed. There was very little left for completion and plans were to follow-up in the coming week.
* The City had begun work with the engineers on the easement acquisition for the Ellipse Street Shared Use Path. As this was a state funded project, easements would be submitted to the state and later go out to bid for construction.
* The Brushy Fork Trail was half finished. Everyone was encouraged to walk the trail.

**MAYOR’S REPORT / COMMENTS**

* Mayor Fraley thanked Dr. Lyle Roelofs, Berea College President, for his communication with the City Council and updates on Berea College. The information was also good for the citizens of Berea. The City welcomed back the students and looked forward to a good semester.
* He was glad to see the bid opening for the pavilion. The people, time, and effort put into the project was appreciated.
* ‘Murals of Berea’ volunteers, Sparks and Drezek, provided a proposed mural on the equipment shed on Pirate Parkway at no cost to the City. The Parks & Rec Committee was asked for a recommendation and Dr. Hatchett, Superintendent, Berea Community School, was consulted and she provided constructive recommendations in support of the mural.

Payne motioned; LaDouceur seconded motion to proceed with the mural on Pirate Parkway.

Roll Call Vote: All ayes. Motion carried.

**COUNCIL COMMENTS**

**Davis** thanked Lyle Roelofs for his comments regarding Berea College. He thanked Nancy Crewe for her comments regarding the Madison County Health Department. Happy to see the pavilion project moving forward.

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**Payne** echoed Davis’ comments. Regarding tabled Resolution #09-2020, after speaking with members of the black community, the phrase of “all lives matter,” seemed tone deaf and like a poison pill. Additional comments from the community were that it would be better to table the resolution than for it to become a poison pill.

Encouraged everyone to continue wearing their masks, practice social distancing when in public, and support local businesses. Thanked everyone for their time.

**LaDouceur** echoed Payne on his comments regarding the Juneteenth Resolution. Her decision to table the Resolution indefinitely was that she would hate to see a resolution pass that does not embody what it was truly meant to be.

She was concerned about the COVID response of twenty-seven additional cases in one day for Madison County. It had recently become real to her and her family and felt as if COVID was closing in on us. Asked everyone to take the virus seriously, wear your masks and keep your distance. It is not a hoax and killing people you know and love.

Thanked those who sent in public comments regarding the Resolution #09-2020. Know that you do have representatives who see you and value your life.

**Little** No comment.

**Caudill** appreciated Dr. Roelofs presentation on Berea College’s update and commended Berea College on all they are doing to protect the students and citizens of Berea during the COVID pandemic. We are all in this together.

Appreciated Dr. Roelofs comments on regarding the Juneteenth Resolution.

**Wilson** thanked Roelofs, Berea College, and Crewe and McBride, Madison County Health Department, for their comments.

As to the Juneteenth Resolution, she did not feel like anyone was against the Resolution and freedom of slaves. She felt it was supporting an organization and not the people.

**LaDouceur,** point of order, the Resolution did not state it was supporting an organization, it was supporting a nationwide assertion.

**Terrill** thanked Wilson for her comments. The City Council supported everyone, no matter the color.

**Rowlette** followed up on Back the Blue walk. Thanked the organizers for an outstanding job in recognizing and honoring our Law Enforcement Officials.

Asked everyone to remember Representative Deanna Frazier and family in your prayers for the loss of her husband.

**MOTION TO ADJOURN TO EXECUTIVE SESSION**

LaDouceur motioned; Payne seconded motion to adjourn to executive session.

All ayes; motion carried.

**MOTION TO RETURN TO OPEN SESSION**

Caudill motioned; LaDouceur seconded motion to return to open session.

All ayes; motion carried.

Mayor Fraley stated the City Council met in Executive Session to discuss pending litigations per KRS 61.810 (1) (c). No decisions were made during the Executive Session.

**ADJOURNMENT**

Caudill motioned; Payne seconded motion to adjourn at 8:35 p.m.

All ayes.

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Mayor Bruce Fraley

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 City Clerk