**BEREA CITY COUNCIL \_\_\_ \_\_ REGULAR MEETING \_ \_\_ \_\_ OCTOBER 19, 2021**

The Berea City Council met in a regular session, Tuesday, October 19, 2021.

Mayor Bruce Fraley presiding.

A quorum being present, the meeting was called to order at 6:33 p.m.

A WORK SESSION WAS HELD AT 5:45 PM

ZONE CHANGE APPEAL - 100, 136, 164 NEELY STREET

JERRY GILBERT, CITY ATTORNEY

**COUNCIL PRESENT:** Jim Davis, Teresa Scenters, Katie Startzman, John Payne, Jerry Little,

 Steve Caudill, Cora Wilson, Ronnie Terrill

**COUNCIL ABSENT:** None

**OFFICIALS PRESENT:** Jerry Gilbert, Robin Adams, Tommy Horn, Susan Meeks, Kevin Howard,

 Amanda Haney, Priscilla Bloom, Eric Scott, Anisa Ross, Jeff Harness,

 Terri Johnson (KLC)

**INVOCATION:** Jim Davis

**PLEDGE OF ALLEGIANCE:** Jim Davis

**APPROVAL OF AGENDA:**

Caudill motioned; Startzman seconded motion to approve agenda.

Vote: All ayes

**APPROVAL OF MINUTES: October 5, 2021**

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

Vote: All ayes

**PUBLIC COMMENTS**

Jacquelyn Bowling, Berea

Gave a citizen’s view of Ordinance #25-2021 regarding the Work Session discussion of October 5, 2021 on forgiveness for late utility payment fees.

**KENTUCKY LEAGUE OF CITIES,** Terri Johnson

Terri Johnson, Member Relations Manager, Kentucky League of Cities (KLC), recognized and presented training certificates to officials within the City of Berea.

Those who received certificates were the following:

Mayor Fraley, Level II, Excellence in City Governance

Robin Adams, City Clerk, Level III, Master of City Governance

John Payne, Council Member, Level I, Achievement in City Governance

Joshua Bills, Board of Adjustments, Level I, Achievement in City Governance

Katherine Berry, Planning & Zoning Commissioner, Level I, Achievement in City Governance

Denise Hagan-Rubin, Planning & Zoning Commissioner, Level I, Achievement in City Governance

Anisa Ross, Codes & Planning, Building & Electrical Inspector, Level I, Achievement in City Governance

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**AUDIT REPORT -** Baldwin CPAs

Susan Meeks, Audit & Finance Director, stated the audit for fiscal year 2021 had been completed. She was proud of her department’s professionalism and knowledge. Thanked her staff and department heads for their hard, earnest work on a daily basis.

Drew Ulmer, CPA / Manager, Baldwin CPAs, presented an overview of the 2021 Audit with no audit issues nor internal control deficiencies. The City remained in strong financial condition.

Caudill motioned; Payne seconded motion to approve fiscal year 2021 audit.

Voice Vote: All ayes

**BEREA POLICE DEPARTMENT UPDATE -** Eric Scott, Police Chief

The Police Department’s morale was great, general support from the community was huge, and they were currently working to hire a replacement for retired detective Danny Brewer. The application pool had increased, which also included more qualified individuals. Once the detective vacancy was filled, the Police Department would be at full staff of 36.

**BOARD OF ADJUSTMENTS APPOINTMENT -** Mayor Fraley

Mayor Fraley requested Council approval of Denise Hagan-Rubin for a four-year term on the Berea Board of Adjustments.

Scenters motioned; Payne seconded motion to approve the appointment of Denise Hagan-Rubin for a four-year term on the Berea Board of Adjustments.

Voice Vote: All ayes

**ORDINANCE #25-2021 - AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, REVISING THE CODE OF ORDINANCES BY REVISING SECTIONS 31.105, 32.103 AND 32.104 TO PROVIDE FOR A ONE-TIME WAIVER OF UTILITY LATE PAYMENTS. - 2ND READING**

As being subject to a Work Session and 1st Reading on October 5, 2021, Corporate Counsel read Ordinance #25-2021 by summary.

Motion to amend Ordinance #25-2021 by removing “other penalties” in Section I, § 31.105 PENALTY FOR FAILURE TO PAY, c., to read as: The Customer has had no disconnection fees, returned checks, or fees for tampering with the utilities’ services within a twelve (12) month period preceding the request.

Payne motioned; Startzman seconded motion to amend Ordinance #25-2021 by removing “other penalties” from Section I, § PENALTY FOR FAILURE TO PAY, c.

Roll Call Vote: Ayes - Payne, Startzman, Little, Caudill

 Nays - Davis, Wilson, Terrill, Scenters

 Mayor voted “Aye”

 Motioned to amend carried.

Caudill motioned; Little seconded motion to approve and adopt Ordinance #25-2021 as amended.

Roll Call Vote: Ayes - Startzman, Payne, Little, Caudill, Scenters

 Nays - Davis, Wilson, Terrill

 Motion carried, 5 to 3

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**ZONE CHANGE APPEAL – 100, 136, 164 NEELY STREET -** Jerry Gilbert

Being subject to a Work Session, Corporate Counsel recapped the City Council’s responsibility regarding a Zone Change Appeal.

The City Council shall determine to a) accept the recommendation of the Planning Commission without a hearing, b) hold an argument type hearing to review the recommendation and the record made before the Planning Commission and make its own adjudicative facts which may differ from those of the Commission, or c) hold its own trial type hearing and make its own adjudicative facts which may differ from those made by the Planning Commission.

Little motioned; Davis seconded motion to hold an argument type hearing to review the recommendation and the record made before the Planning Commission and make its own adjudicative facts which may differ from those of the Commission.

Voice Vote: Ayes: 7

Nays: 1

Motion carried.

**MAYOR’S REPORT / COMMENTS**

* November 2nd, Election Day, the City Council Meeting would proceed as a regular scheduled meeting at 6:30 p.m.
* Presented thoughts and condolences of the passing of Magistrate Paul Reynolds. A great leader, servant, friend, and local business owner.
* The Kentucky Transportation Cabinet had advised the bid sent out in August, for the paving of Chestnut Street (Exit 76 to North of Estill Street), had been rejected. Rebidding was scheduled for October 26th and would push the project out to the next calendar year, 2022.
* The annual Halloween at the Park was scheduled for Sunday, October 31st, 6pm – 8pm, Berea Community School parking lot.
* Donna Angel, Business & Tourism Development Director, was planning a job fair for early November and an Industrial Appreciation luncheon for mid-November.
* Roy Curtis, Public Works Director, requested to remind everyone of Fall Clean-Up week, scheduled for October 18th – October 22nd.

**COUNCIL COMMENTS**

**Terrill** Agreed w/ Mayor Fraley’s thoughts and condolences for Paul Reynolds. We are all going to miss him. It’s a sad day in Berea.

**Wilson** Thanked everyone for coming to tonight’s meeting. Also agreed with Mayor Fraley’s thoughts and condolences for Paul Reynolds. A sad day, hard to believe. Remember his family.
**Little** No comment.

**Payne** Echoed all previous sentiments.

**Startzman** No comment.

**Davis** Thanked Mayor Fraley for his comments regarding Paul Reynolds. An Economic Development meeting was scheduled for October 25th, 6pm, City Hall, Randy Stone Room.

**Scenters** No comment.

**Caudill** Thanked Mayor Fraley for his comments regarding Paul Reynolds, he was a person who gave back to our community, and would be sorely missed. Hoped everyone enjoyed Halloween, be careful, and make sure to watch out for kids in the neighborhood.

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**ADJOURNMENT**

Wilson motioned; Little seconded motion to adjourn at 7:29 p.m.

All ayes

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Mayor Bruce Fraley

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 City Clerk