**BEREA CITY COUNCIL \_\_\_\_ \_ REGULAR MEETING \_\_\_ \_\_\_\_\_\_ SEPTEMBER 6, 2022**

The Berea City Council met in regular session, Tuesday, September 6, 2022.

Mayor Bruce Fraley presiding.

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

WORK SESSION

6:00 PM - 6:30 PM

Ordinance #14-2022 Transient Room Tax Revision - Susan Meeks, Finance Director

Ordinance #15-2022 Fireworks Use Code Revisions - Teresa Scenters, City Council Member

**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, Rose Beverly, Robin Adams, Daniel Brindley, Donna Angel,

Priscilla Bloom, Shawn Sandlin, Jason Hays, Susan Meeks, Josh Gabbard,

Roy Curtis

**INVOCATION:** Cora Wilson

**PLEDGE OF ALLEGIANCE:** Cora Wilson

**APPROVAL OF AGENDA**

Davis motioned, Payne seconded motion to amend agenda to include Constitution Week 2022 Proclamation.

Voice Vote: All ayes

Caudill motioned; Davis seconded motion to approve agenda as amended.

Voice Vote: All ayes

**APPROVAL OF MINUTES - August 16, 2022**

Startzman motioned; Little seconded motion to approve minutes as presented.

Voice Vote: All ayes

**PUBLIC COMMENTS**

Eleanor Workman, Berea

Commented on the fireworks ordinance. Since the fireworks did not start until 9:00 p.m., it should at least be until 11:00 p.m.

Jacquelyn Bowling, Berea

Expressed concerns about events and happenings at Berea College.

Neena Ambrose, Highland Drive, Berea

Inquired about repaving all of Highland Drive.

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**BEREA COLLEGE UPDATE -** Dr. Lyle Roelofs, President

In response to Bowling’s comments regarding Berea College, Roelofs stated at a college they provide opportunities for all points of view to be part of conversation. No one person likes everything. All ideas, within reason, may be discussed and held up to the light of critique in commentary. That is how folks learn.

Although delayed by concrete rationing, Berea College’s first phase of their Technology Program, i.e., the Computer Science and IT building, was going well with expectations of moving in by the summer of 2024. Berea College had submitted a substantial amount, over one million dollars, of funding to the flood damaged counties in which many of their students were from. Of the funding, some would be going into businesses, $750,000 would be going to the school systems, and approximately $500,000 would be for Appalachia Kentucky supporting communities, individuals, non-profits, etc. Horse loggers, archivists, and individuals with special skills had gone to help with flood victims and/or issues. The College had an upcoming Presidential transition with June 30, 2023, being the last day for him and his wife at Berea College. The search process had launched and going well with October set for interviewing finalists for the Presidential position and plans to begin serving on July 1, 2023. The hydro project at Lock 12 survived the flood and they had improved management of large floating debris. The Lock 14 construction project had begun and should be on-line, producing electricity within one year for Jackson County. As Berea College does not charge tuition, they do fundraising through endowment returns with Fiscal Year ending June 30, 2022, being the best ever with the most money being brought into the school and their largest single bequest ever received of $17M. Campus was currently torn up due to the last pair of fiber lines of over 20 years, connecting the buildings, had deteriorated. They were in a 2-year project of replacing every single network connection. Thirty-one of the sixty-one connecting poles were done and once connected, the fiber lines would not need to be replaced again for twenty to twenty-five years. Wished the City well in all the work they do.

**CONSTITUTION WEEK 2022 PROCLAMATION**

Mayor Fraley read Proclamation in entirety and presented to Melissa Jennings, Patty Davis, and Debbie Carpenter, members of the Berea Laurel Ridges Chapter, Daughters of the American Revolution (DAR). On behalf of Berea’s Laurel Ridges Chapter’s National Society, DAR, Jennings thanked Mayor Fraley for signing the Proclamation. Their mission was to promote historic preservation, education, and patriotism. They looked forward to everyone helping to celebrate the Constitution.

**WATER & WASTEWATER TREATMENT CHEMICALS BID OPENING -** Mayor Fraley

The following bids were received:

* UNIVAR Solutions USA, Inc. Fairfield, OH $ 12,516.00 Received 8/29/22
* CedarChem, LLC Cedartown, GA $ 135,640.00 Received 9/2/22
* Brenntag Mid-South, Inc. Lexington, KY $ 116,475.35 Received 9/6/22
* CITCO Water Lexington, KY $ 162,999.00 Received 9/6/22

Mayor Fraley presented bids to Josh Gabbard, Assistant General Manager, Berea Municipal Utilities, for review and recommendation.

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**MUNICIPAL ORDER #06-2022 - A MUNICIPAL ORDER OF THE CITY OF BEREA, KENTUCKY, DECLARING CERTAIN MOTOR VEHICLES TO BE SURPLUS AND AUTHORIZING THE MOTOR VEHICLES TO BE DONATED TO THE WOLF COAL VOLUNTEER FIRE DEPARTMENT.**

Corporate Counsel, Gilbert, read Municipal Order #06-2022 in entirety.

Terrill motioned; Payne seconded motion to approve and adopt Municipal Order #06-2022.

Voice Vote: All ayes

**RESOLUTION #11-2022 - A RESOLUTION OF THE CITY OF BEREA, KENTUCKY, APPROVING THE AGREEMENT BETWEEN THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET AND THE CITY OF BEREA FOR THE SCAFFOLD CANE TRAIL SHARED USE PATH, AND AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE THE AGREEMENT.**

Corporate Counsel, Gilbert, read Resolution #11-2022 in entirety.

Payne motioned; Caudill seconded motion to approve and adopt Resolution #11-2022.

Voice Vote: All ayes

**ORDINANCE #13-2022 - AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREA, KENTUCKY, BY ADDING CHAPTER 42, REQUIREMENTS FOR CITY TOW OPERATORS, SECTIONS 42.01 - 42.04, PROVIDING FOR REQUIREMENTS FOR TOW OPERATORS PROVIDING WRECKER SERVICE TO THE CITY. - 2ND READING**

Being subject to a Work Session, Corporate Counsel, Gilbert, read Ordinance #13-2022 by summary.

Davis motioned; Startzman seconded motion to approve and adopt Ordinance #13-2022.

Roll Call Vote: All ayes

**ORDINANCE #14-2022 - AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREA, KENTUCKY, BY REVISING SECTIONS 61.01 AND 61.02 TO SPECIFICALLY PROVIDE FOR THE IMPOSITION OF THE TRANSIENT ROOM TAX TO CABINS, LODGINGS, CAMPSITES, OR OTHER ACCOMMODATIONS CHARGED BY ANY HOTEL, MOTEL, INN, TOURIST CAMP, TOURIST CABIN, CAMPGROUNDS, RECREATIONAL VEHICLE PARKS, OR ANY OTHER PLACE IN WHICH ACCOMODATIONS ARE REGULARLY FURNISHED TO TRANSIENTS FOR CONSIDERATION OR BY ANY PERSON THAT FACILITATES THE RENTAL OF THE ACCOMMODATIONS BY BROKERING, COORDINATING, OR IN ANY OTHER WAY ARRANGING FOR THE RENTAL OF THE ACCOMMODATION. -**

**1ST READING**

Being subject to a Work Session, Corporate Counsel, Gilbert, read Ordinance #14-2022 by summary.

**ORDINANCE #15-2022 - AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREA, KENTUCKY, BY REVISING ARTICLE VII OF CHAPTER 54, SECTION 54.603, USE OF FIREWORKS, TO REVISE THE DATES AND THAT CONSUMER FIREWORKS MAY BE USED, IGNITED, FIRED, OR EXPLODED WITHIN THE CITY OF BEREA. - 1ST READING**

Being subject to a Work Session, Corporate Counsel, Gilbert, read Ordinance #15-2022 by summary.

Scenters motioned; Caudill seconded motion to amend Ordinance #15-2022 by amending language throughout the ordinance, referring to consumer fireworks, from ‘consumer fireworks’ to ‘consumer aerial fireworks,’ in Section §54.603.

Voice Vote: All ayes

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Payne motioned to amend the amendment to read ‘consumer firecrackers and aerial fireworks excluding 200 gram or smaller repeaters, aerial spinners, Roman candles, and parachutes.’

No second; motion failed.

**ORDINANCE #16-2022 - AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, DECLARING CERTAIN PROPERTY TO BE SURPLUS AND AUTHORIZING IT TO BE SOLD. - 1ST READING**

Corporate Counsel, Gilbert, read Ordinance #16-2022 in entirety.

**DEPARTMENT HEAD REPORTS**

**Roy Curtis, Public Works Director**

Curtis discussed and shared the following projects:

**Finished Projects** included roadside and short grass mowing and spraying, stage for First Friday, street resurfacing, removal of fallen tree on Rose Street, street cut and base failure repairs on miscellaneous streets within the City, placement/removal of tents at Mountain Bike Park & Battlefield, and clearing of cul-de-sac on Brown Street for resurfacing.

**Current Projects** included mowing, brush pick-up, building maintenance, tables/benches at dog park, street sign repairs, and cleaning storm drains.

**Future Projects** included water fountain & pavilion at Mountain Bike Park, assisting with Spoonbread Festival, assisting with Madison Southern High School band competition, removal of two trees from rights-of-way on Estill Street & VanWinkle Grove, street striping, blacktop repairs, storm box & curb repairs, stormwater drainage on Rose Street, installation of light at pavilion sign, removal of trees in ditch on Richmond Road, and repair of ditch & installation of channel liner on Johnson Road.

As this had been a very busy time of year for Public Works, they were taking advantage of the weather to finish numerous projects. Their mechanic’s shop had also been busy repairing city vehicles and equipment.

**CITY ADMINISTRATOR’S REPORT -** Rose Beverly

* The City Street resurfacing project was complete except for punch list items and striping. Streets included were Highland Drive, Oakwood Drive, Scruggs Street, Ellipse Street (Hwy 595 to Laurel Drive), Forest Street (Jackson Street to Center Street) South Cumberland Street, Delancey Street, Rose Street, Plumtree Drive, and Peachtree Drive.
* Saturday, September 10th, 2:00 p.m. – 4:00 p.m., the Parks Department was hosting its annual Grill & Chill Skateboard Competition at the skatepark. The event included a DJ, free food, and prizes which would include skateboards, wheels, trucks, t-shirts, trophies, and other accessories.
* Three picnic tables, with umbrellas, had been placed at the Dog Park for seating. Benches would soon be added.
* Working on the final easement details for the Ellipse Street Shared Use Path with hopes to go out for bid this fall.
* The Memo of Agreement (MOA) to be signed, after Resolution approval, and working on the easement phase of the Scaffold Cane Shared Use Path project. As this was a Federal Grant, how quickly the project moves was mostly dependent on the meeting phase requirements/reviews.

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* The Spoonbread Festival was scheduled for Friday, September 16th - Sunday, September 18th.

The festival was a fun and affordable 3-day family event with approximately 180 vendors, food, a carnival, a 5K run, and more. Visit the Berea Chamber of Commerce website for more information.

**MAYOR’S REPORT / COMMENTS**

* Encouraged everyone to attend the Spoonbread Festival and invite others to attend.

The festival was scheduled for the third weekend in September, please support your Chamber of Commerce.

* Shared a note received from the ‘Swing for a Cure Team’ regarding this year’s Swing for a Cure event. The team thanked the City and appreciated their support of the 2022 Softball Tournament as this year was a great success.

**COUNCIL COMMENTS**

**Davis** Thanked Roy Curtis for his report and all the Department does for the City. Encouraged everyone to attend and support the Spoonbread Festival as it’s the largest event in our town. Let’s see if we can have a record-breaking year.

**Scenters** Thanked and appreciated the citizens for their input. Appreciated John Payne’s research and input regarding the Use of Fireworks Ordinance.

**Startzman** Grateful for the Public Works Department and the work they do. Thank you to Curtis for highlighting what the crew was doing. Grateful for and admire Berea College’s financial contributions to the region that had been affected by the flooding.

**Payne** Tourism continued to have performers at the Chestnut Street Pavilion on Saturday nights. The next performers, The New Developments, were scheduled for Saturday, September 10th, 7:00 p.m. - 8:30 p.m. Encouraged everyone to come out.

**Little** We have over 60 miles of City streets to pave. Plans were to pave more streets in the spring of 2023. Asked everyone to please put brush and/or tree limbs in their yard, not in the streets and/or gutters, to save and protect our streets.

**Caudill** Hoped everyone enjoyed the city events. Appreciated the work done on the ordinances.

The work Public Works does was tremendous. Complimented the Parks Department for maintenance of the City ball/soccer fields as they looked fantastic.

**Wilson** Thanked Roy Curtis for his report. Thanked all Department Heads and employees for the work they do. Don’t forget the Spoonbread Festival, it’s really great. Lots of people come from all over the United States, even from Australia and England.

**Terrill** The Highway 1016 bridge was still dangerous, even more so than Scaffold Cane hill. Work needs to be done before a kid gets hurt. The bridge is near a school, kids walk across the bridge, and more dangerous when two cars pass on the bridge with children crossing. Received a call from a local resident regarding the Berea Police Department, appreciating their quick and professional response during a break-in. They were proud of the Police Department’s services.

**ADJOURNMENT**

Caudill motioned; Payne seconded motion to adjourn at 8:01 p.m.

Voice Vote: All ayes

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Mayor Bruce Fraley

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City Clerk