**BEREA CITY COUNCIL \_\_\_\_\_\_\_\_ \_ REGULAR MEETING \_\_ \_\_\_\_\_ \_\_\_\_\_AUGUST 15, 2023**

The Berea City Council met in regular session, Tuesday, August 15, 2023.

Mayor Bruce Fraley presiding.

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

PUBLIC HEARING

6:20 PM – 6:30 PM

PROPOSED TAX RATE FOR 2023 TAX YEAR - Susan Meeks, Finance Director

**COUNCIL PRESENT:** Jim Davis, Teresa Scenters, Katie Startzman, David Rowlette, Jerry Little,

 Steve Caudill, Cora Jane Wilson, Ronnie Terrill

**COUNCIL ABSENT:** None

**OFFICIALS PRESENT:** Jerry Gilbert, Rose Beverly, Robin Adams, Daniel Brindley, Donna Angel,

Priscilla Bloom, Aaron Boycan, Susan Meeks, Kevin Howard

**INVOCATION:** Katie Startzman

**PLEDGE OF ALLEGIANCE:** Jim Davis

**APPROVAL OF AGENDA**

Wilson motioned; Little seconded motion to approve agenda as presented.

Voice Vote: All ayes

**APPROVAL OF MINUTES - AUGUST 1, 2023**

Rowlette motioned; Scenters seconded motion to approve minutes as presented.

Voice Vote: All ayes

**BEREA CITIZENS FOR FIREWORKS SAFETY**

Jackie Pullum, on behalf of Berea Citizens for Fireworks Safety, came to Council regarding fireworks safety, a more community minded fireworks ordinance. Asked everyone to work together to complete a revision before next year and requested Council to keep everyone informed on the status of the revision. She had spoken with various counties and states which have strict ordinances with no problem of enforcement. Pullum provided statistics, from the US Consumer Product Safety Commission, regarding firework related fires, injuries and/or deaths, and cost of property damage. Due to illegal uses, chemicals, noise, etc. fireworks could be detrimental to the elderly, pets, those who need rest, have anxiety, and other miscellaneous illnesses and/or disorders, etc. As a community, we could limit types of fireworks sold, limit the days fireworks were sold, enforce a new ordinance, educate the community, make wise and safe choices for our community as a whole. Looked forward to working with the Council as a team to make a change for the community, come up with a plan fair to everyone, and needed a reasonable resolution.

**CODE ENFORCEMENT BOARD APPOINTMENTS**

Mayor Fraley requested City Council approval for the re-appointment of a three-year term on the Code Enforcement Board for Andrew Baskin, Chair.

Little motioned; Startzman seconded motion to re-appoint Andrew Baskin to a three-term on the Code Enforcement Board.

Voice Vote: All ayes

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Mayor Fraley requested City Council approval for the re-appointment of a three-year term on the Code Enforcement Board for Ken Vasey, Vice Chair.

Caudill motioned; Wilson seconded motion to re-appoint Ken Vasey to a three-year term on the Code Enforcement Board.

Voice Vote: All ayes

**ORDINANCE #07-2023 AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, DECLARING CERTAIN PROPERTY TO BE SURPLUS AND AUTHORIZING IT TO BE SOLD - 2ND READING**

Corporate Counsel, Gilbert, read Ordinance #07-2023 in entirety.

Little motioned; Caudill seconded motion to approve and adopt Ordinance #07-2023.

Roll Call Vote: All ayes

**ORDINANCE #08-2023 AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR CITY PURPOSES UPON ALL PROPERTY, NOT OTHERWISE EXEMPT, IN TH CITY OF BEREA, KENTUCKY. - 2ND READING**

As a Public Hearing, for Ordinance #08-2023, took place prior to City Council Meeting, Corporate Counsel, Gilbert, read Ordinance #08-2023 by summary.

Davis motioned; Scenters seconded motion to approve and adopt Ordinance #08-2023.

Roll Call Vote: All ayes

**DEPARTMENT HEAD REPORTS**

**Kevin Howard, General Manager, Berea Municipal Utilities (BMU)**

* G.T. Construction had completed the final switchover to the new 6” waterline on Glades Street. They would be filling in the road cuts to prepare the road for the topcoat. Extended a huge thank you to the affected residents for their cooperation and patience. Approximately 800’ of new line was added replacing the existing galvanized line in the area, a fire hydrant was added at the end of the street, and thirteen meter connections were replaced from the main the meter setter.
* Currently conducting interviews for a Wastewater Treatment Plant (WWTP) Class I Operator or an Operator Trainee.
* Recently completed a trial phase on another Aluminum Chlorohydrate (ACH) solution for the dissolved air floatation treatment process with better results than the current ACH. They would be issuing a Request for Proposal (RFP) in the coming weeks to switch over the new chemical, allowing to achieve equal or better results while using less chemical in the treatment process.
* Would be issuing an RFP for street cut repairs in the coming weeks with a goal to complete the existing street cuts before plants close for the winter.
* The water division had begun distribution system flushing. This was done annually to flush the lines across the City’s service areas improving taste, odor, and water quality. They would be reaching out to each section of town as they neared their area.
* Continuing work on their Lead and Copper Service Line Inventory requirement mandated by KY Division of Water (DOW) and the Environmental Protection Agency (EPA) by October 2024. They must identify and/or show proof of ALL customer service line material which included 4300 connections in the City’s water service area. Approximately 75% of review of building permits on file with Codes Enforcement had been completed in efforts to identify pipe material with a

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goal of completing the first identification effort by October 2023.

* In the coming weeks, all customers would be receiving a mailing from HomeServe USA, an organization that offers a voluntary insurance program which covered the expense of customer water and sewer service lines from the home to the interconnect point with city infrastructure. They had been working with HomeServe and felt many customers may see a benefit in the program. The program was strictly an independent company and 100% voluntary. Encouraged customers to evaluate the age and condition of their existing service lines, considering the coverage options if they felt it may be a benefit to them in the future to avoid costly repairs.
* Lake levels were holding steady with the periodic storms. Owsley and B-Lake were down 1 to 1 ½ feet and Cowbell was down 3 feet.

Owsley Fork Update

* Currently finalizing agreements with Cultural Resource Associates to perform the required artifact studies at the new site offered by Berea College at the end of Radford Hollow Road.

 It had been determined that the previous site which was being considered across the

 roadway from the existing graveyard may not be large enough to move all graves, if

 unmarked graves were encountered during the relocation. Agreements should be in place by

 the end of next week and anticipated the archaeological digging to be performed during the

 month of September. They had confirmed with Kentucky Natural Resources Conservation

 Service (KYNRCS) the project could go to construction before the graves were relocated and

 only needed to have the relocation plan finalized and approved before construction could

 begin. No delays were anticipated due to relocations.

* Having been in discussion with the Jackson County Judge Executive and Berea College on the best action to take on the roadway at the end of Owsley Fork Road, they were preparing to move forward in following the proper channels to close the road before final construction and Berea College would assume ownership past the closure point. The new normal pool would cover the roadway past the current park/parking lot area near the end of the blacktop on Owsley Fork Road.
* All additional boring had been completed in June and samples sent to CMT Labs for analysis. Preliminary reports had been received and confirmed the presence of swell potential was found in the rock cores. To what degree had yet to be determined but would be included in the final report.

The Design Team was prepared to present a final design regardless of the sample results. The final report would dictate the level of upheave mitigation that would need to be incorporated into the final design. There should be no negative impact on the timeline for beginning construction.

* Over the past several months, many questions had been received from residents near the project. Plans were to have a public meeting once 90% design approval was received from Forth Worth. The design was due by November 1st with anticipation of a couple months for review. Once the 90% approval was obtained, they would begin working primarily with KYNRCS on finishing touches for the final design.

Although it had been a journey to get to this point which had covered several years, they were very near to the project getting underway.

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**PUBLIC COMMENTS**

Peggy Coyne, 1024 Burnell Drive, Berea

Thanked Berea Municipal Utilities for great notifications regarding areas and dates for fire hydrant flushing. As Berea was working on the reservoir construction, requested consideration for better boat parking/turn-around areas and restroom facilities at the reservoir.

Regarding the fireworks ordinance, she loved the 4th of July and liked fireworks. Thought 365 days/year was excessive for fireworks. Fireworks and noise from fireworks created all kinds of problems. Had talked to Council members last year, was told she would be kept informed, and disappointed nothing was done. Also sent notifications this year to Council and the Mayor with only one response from the Mayor. Coyne to send additional information to Beverly, City Administrator.

Eleanor Workman, Christmas Ridge Road, Berea

Although she was against fireworks other than at the City Park, hoped Council took into consideration Pullum’s comments. Would appreciate if an ordinance was considered for July 3rd through July 5th with restrictions, i.e., citation, fine, jail. Did not see why the City did not have the personnel to enforce an ordinance. Had HomeServe at her home twice in response to a water problem inside home, they came quickly, and service was very good.

John Coyne, 1024 Burnell Drive, Berea

Supported and endorsed Pullum’s presentation and other comments regarding fireworks. Requested consideration of others who suffer health issues.

Krystin Porter, Dinsmore Street, Berea

Regarding fireworks, requested Council look at personal and community responsibility, by creating guidelines, limiting the days for fireworks for those who do not like fireworks and could make plans to take care of themselves.

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

* Requested permission to pay invoice that would put line item #010-6005-54520, Vehicle R&M, over budget. A two-vehicle accident, in the Parks Department, occurred in March with only $4000 budgeted for this Fiscal Year. With deductibles, the repairs came to $12,377.49. Requested approval to pay Gregg’s Body Shop $12,377.49.

Little motioned; Terrill seconded motion to approve overage for Parks Department line item #010-6005-54520, Vehicle R&M, and pay invoice to Gregg’s Body Shop in the amount of $12,377.49.

Voice Vote: All ayes

* Had been working with Tourism on an event for the Kentucky City County Management Association (KCCMA). The event was scheduled for next week, August 23 – August 25, with City and County Managers from across Kentucky. Attendees would be staying at Boone Tavern, attending a dinner at Honeysuckle, attending a Murder Mystery, and exploring Old Town and other areas of Berea.
* Rose Street project was almost complete, seeing a lot of improvement.

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**MAYOR’S REPORT / COMMENTS**

* Complimented Beverly regarding Salute to Service Luncheon, departmental lunches, showing gratitude and appreciation to employees for the work they do on a daily basis. The lunches developed from a survey and Council Members’ feedback providing a way of seeing all employees, those at City Hall and those who are not in contact with City Hall on a regular basis.
* Council should soon be receiving a Kentucky City magazine in which featured Berea and Versailles relating to Product Development Initiative in Economic Development funding. Berea and Versailles were viewed as leaders in Economic Development and regionalism, encouraging regional cooperation and/or collaboration with other governments for regional industrial parks in utilizing Product Development Initiative funding available for the state.

**COUNCIL COMMENTS**

**Wilson** Thanked everyone for coming and comments. Noted the Council does not always respond to citizen e-mails as the Mayor often responds with the same comments from Council. Appreciated everyone who came tonight. Understood the fireworks concerns as she had a brother with PSD in which others did not think about.

**Rowlette** Previously drawing attention to Committee work, challenging coworkers to resume Committee Meetings, the Economic Development Committee did have a meeting and hoped other Committees could get something going. A lot of things needed to be renewed, a lot of work to be done, and some things had changed. Would like to see meetings more often than ‘as needed.’ As opportunity arose, would also like to see Committee reports return to Council.

**Little** As one employee survey had been done last year, asked if surveys were going to be done every year. Beverly commented every two to three years.

**Terrill** Asked if Council ever received a copy of the survey results. Beverly commented she did do a summary, thought it was sent to Council, and could re-send.

**Startzman** Great to have citizens at Council meeting, thanked them for coming and sharing their thoughts. Always great to hear updates from Howard regarding their work at Berea Municipal Utilities.

**Davis** Thanked Howard, always great to hear updates, hopefully they would be able to get bids going by the first of the year. As the Surplus Ordinance was passed, provided website for the online surplus auction.

**Caudill** Thanked everyone who came tonight, always good to hear from citizens as citizen engagement was important. As last year’s discussion regarding the Fireworks Ordinance kind of died on the vine, thought they should take another look to see where they were on the ordinance. Thought they needed to figure out a way to do better on enforcement. Reminded everyone that as school begins, be patient. Exciting to know the dam project was getting close.

**Scenters** Thought they were close last year on the Fireworks Ordinance with thoughts they would certainly have something in place by the time this year rolled around. Appreciated those willing to come out and state their opinion(s) in public. Howard was doing a great job. Shared that Caudill’s daughter was at The Lyric last night, performing on Woodsongs Old Time Radio Hour. Have a good week.

**ADJOURNMENT**

Wilson motioned; Rowlette seconded motion to adjourn at 7:38 p.m.

Voice Vote: All ayes

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Mayor Bruce Fraley \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 City Clerk