**BEREA CITY COUNCIL \_ \_\_\_\_\_\_ \_\_ \_ REGULAR MEETING \_\_\_\_\_\_\_ \_\_\_\_\_ APRIL 16, 2024**

The Berea City Council met in regular session, Tuesday, April 16, 2024.

Mayor Bruce Fraley presiding.

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

WORK SESSION

5:45PM – 6:15PM

INTERNAL CONTROLS REVIEW - Susan Helton, Director, Finance

**COUNCIL PRESENT:** Jim Davis, Teresa Scenters, Katie Startzman, Jerry Little, Steve Caudill,

Cora Jane Wilson, Ronnie Terrill

**COUNCIL ABSENT:** David Rowlette

**OFFICIALS PRESENT:** Jerry Gilbert, Rose Beverly, Robin Adams, Tommy Horn, Donna Angel,

Priscilla Bloom, Jason Hays, Susan Helton, Kevin Howard, Shawn Sandlin

**INVOCATION:** Katie Startzman

**PLEDGE OF ALLEGIANCE:** Jim Davis

**APPROVAL OF AGENDA**

Startzman motioned; Scenters seconded motion to amend Agenda to add 5a. Legislative Update with Kentucky State Senator, Jared Carpenter, and State Representative, Josh Bray.

Voice Vote: All ayes Motion carried.

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

Voice Vote: All ayes Motion carried.

**APPROVAL OF MINUTES - APRIL 2, 2024**

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

Voice Vote: All ayes Motion carried.

**LEGISLATIVE UPDATE**

Mayor Fraley welcomed Kentucky 34th Senate District Senator, Jared Carpenter, and 71st House District Representative, Josh Bray.

Having concluded the current legislative session in Frankfort, Bray shared that in the Kentucky Transportation Cabinet’s six-year road plan, funding ($1 million) had been included for the Kenway Street Extension adding a second access point to Roselawn/Dixie Park subdivisions, funding ($300,000) had been included for a study to extend the Berea Bypass from Kentucky Highway 21 to U.S. 25 / Mt. Vernon Road, and Mayde Road Extension to Menelaus Road had also been included in the funding.

Both, Bray and Carpenter, expressed thanks to Mayor Fraley and Council Members for their continued advocacy for Kenway Street and other Berea projects.

Carpenter stated when local officials make their voices heard in Frankfort, it could be crucial when it comes to securing state funding for a project. It made a difference when they were involved.

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**LAW DAY PROCLAMATION**

Mayor Fraley read Proclamation, also endorsed by Richmond Mayor Robert Blythe and Madison County Judge Executive Reagan Taylor, in entirety and presented to Brooke Mitchell, Attorney.

Mitchell thanked everyone on behalf of the Madison County Bar Association. This year’s theme was, “Voices of Democracy,” honoring the rule of law, respect for our Constitution, institutions, and processes to ensure people are treated fairly under the law, and upholding the law.

**NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK PROCLAMATION**

Mayor Fraley read Proclamation, also endorsed by Richmond Mayor Robert Blythe and Madison Count Judge Executive Reagan Taylor, in entirety and presented to Wendy Lynch, Director, Madison County 911.

The Proclamation acknowledged contributions of 911 dispatch telecommunicators in the preservation of life, protection of property, and ensuring the safety of police officers, fire fighters, and paramedics who respond to emergencies.

Lynch thanked everyone for recognition on behalf of her staff, a great team. It was nice to see government support. Lynch shared it was a big honor to serve everyone there and to be there on someone’s worst day, For those behind the headsets, the recognition meant a lot. A card, a thank you, etc. goes a long way.

**BEREA HOME VILLAGE (BHV), MAKE BEREA AN AGE-FRIENDLY CITY**

Katie Heckman, Executive Director, Berea Home Village, introduced Patrick Dillon, Ph.D., Gerontologist, BHV Board President. Heckman stated BHV was a non-profit organization that provides help to older Bereans to help them thrive in their own homes. This was done with all volunteers.

Dillon introduced Friends of Aging in Berea (FAB), a coalition of Berea, Kentucky community partners who support a broad system of policies and practices fostering age-inclusion and older adult wellbeing in all stages of life.

Why FAB? The population of Berea is getting older, Ageism is the most socially accepted form of prejudice, and the opportunity of creating a comprehensive system of age-friendliness in Berea had never been greater. FAB’s aim for 2024 was to lay the organizational bedrock for a system of age-friendliness in Berea with community partners and create a survey to assess age-friendliness.

All City Council members were invited to attend FAB’s Inaugural Stakeholders meeting on Wednesday, May 22, 2024, Berea First Methodist Church Parish House, Fee Street, 1:00 p.m. – 4:00 p.m.

More information could be found at FABerea.org.

**BOARD AND COMMISSION APPOINTMENTS**

Mayor Fraley requested City Council approval for the following Board reappointments:

Davis motioned; Terrill seconded motion to approve reappointment of Dr. Althea Webb to the Berea Housing Authority for a 4-year term to expire on April 16, 2028.

Voice Vote: All ayes Motion carried.

Scenters motioned; Little seconded motion to approve reappointment of Mike Cornelison to the Ethics Board for a 3-year term to expire on April 16, 2027.

Voice Vote: All ayes Motion carried.

Terrill motioned; Little seconded motion to approve reappointment of Diane Kerby to the Ethics Board as an Alternate for a 1-year term to expire on April 16, 2025.

Voice Vote: All ayes Motion carried.

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**ORDINANCE #10-2024 AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDNG SECTION 56.006 (B)(7) TO THE CODE OF ORDINANCES, PROVIDING FOR A PROHIBITION OF ALCOHOL SALES ON CITY OWNED PROPERTY. - 2ND READING**

Corporate Counsel, Gilbert, read Ordinance #10-2024 by summary title.

Scenters motioned; Little seconded motion to approve and adopt Ordinance #10-2024.

Scenters shared KRS 222.202 which prohibited drinking alcoholic beverages in public places and thought this alone should give them reason to pass this legislation.

Although a Legal Opinion was requested, Corporate Council was unable to give a legal opinion without research.

Police Chief, Hays, stated, that to his understanding of the law (KRS 525.100), there were exceptions, i.e., if you had a license to sell alcohol, it did not pertain to KRS 222.202.

Following discussion among Council members, Scenters later withdrew original motion.

After further discussion(s), the following motions were made:

Caudill motioned; Startzman seconded motion to table Ordinance #10-2024 due to uncertainty about the legality of the proposed ordinance.

Roll Call Vote: Ayes - Caudill, Startzman, Davis

Nays - Little, Wilson, Terrill, Scenters

Motion failed.

Terrill motioned; Wilson seconded motion to Call the Question to lay on table.

Voice Vote: With five in favor and two opposed, the chair ruled in favor of the “Aye” votes.

Motion carried.

Little motioned; Wilson seconded motion to amend Ordinance #10-2024, Section 56.006 (B)(7) to read as, “No alcohol sales shall be permitted on City owned or leased property.”

Roll Call Vote: Ayes - Scenters, Little, Wilson, Terrill

Nays - Startzman, Davis, Caudill

Motioned carried.

Little motioned; Caudill seconded motion to table pending Corporate Counsel’s legal opinion of legality of Ordinance #10-2024.

Voice Vote: All ayes

Motion carried.

**ORDINANCE #11-2024 AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF BEREA, KENTUCKY. - 2ND READING**

Corporate Counsel, Gilbert, read Ordinance #11-2024 by summary title.

Caudill motioned; Little motioned to approve and adopt Ordinance #11-2024.

Roll Call Vote: Ayes - Little, Caudill, Wilson, Terrill, Startzman, Scenters, Davis

Nays - None

Motioned carried.

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**DEPARTMENT HEAD REPORTS**

**Shawn Sandlin, Chief, Berea Fire Department**

Sandlin shared the following updates:

* The Fire Department’s runs/calls for service continued to run at approximately the same level as last year, i.e., 1,021.
* Jake Lake had retired and the process had begun for a replacement.
* The new Radio System had been implemented.
* Working on FY24-25 Budget.
* The Post Chemical Stockpile Emergency Preparedness Program (CSEPP) Transitional Task Force continued to meet weekly and going well.
* Received a quote ($38,500) from GT Construction to remove the hose tower from the back of Station 2 (Glades Road) and install a garage door, while also replacing all bay doors due to aging and safety hazards.
* Charlie Russell, Assistant Fire Chief, had applied for a SAFER (Staffing for Adequate Fire & Emergency Response) Grant, which was Federal Funds for cost sharing (80/60) for a 3-year period.
* Currently in the interview process for seasonal employees, contemplating the addition of approximately six seasonal employees to continue manpower during vacations, etc.
* As of April 15th, Spring Fire Season was over. If anyone wanted to burn day/night, contact Fire Station 1 to inform them of a control burn. Noted clean brush, no trash, was permitted to burn on property.
* Proud of Wendy Lynch and her staff, Madison County 911, of daily getting critical information to First Responders, making the scene(s) much smoother.

**PUBLIC COMMENTS**

**Jacque Bowling, Berea,** thought there was a misconception of what was trying to be accomplished with the alcohol restrictions, mentioning KRS stated public property, not necessarily city property. Shared an excerpt regarding Kentucky Open Container Laws. Felt if Ordinance was not passed, there would be more problems.

**A.J. Bodnar, 401 Pinnacle Street, Berea,** had noticed, during twilight hours and beyond, a lot of people driving without headlights on. Felt this was an easy fix. For safety reasons, and appreciated all the Police Department did, wondered if we could work together on this and the possibility of the Police Department setting up a “light-trap.”

**Hailey Howard, 128 Johnson Road, Berea,** was happy to hear Ordinance #10-2024 had been tabled to find out more legal information. Having worked in the alcohol industry for many years, there was event licensing allowing a person to obtain a license to sell alcohol. Had called many Tourism offices around the state for information and would love to share names and contact information of those she had spoken with.

**Shane Morris, Berea,** we do not have a democracy, we have a constitutional republic. Would be interesting to find out if a lease from years ago even addressed alcohol. There were loopholes on serving alcohol, what about legally consuming alcohol. When you take the Oath to enforce the laws of the U.S. Constitution, KRS, and City Ordinances, there is not a caveat in there about ignoring misdemeanors.

**Steve Davis, 91 Hughes Avenue, Berea,** thanked Council for handling a difficult situation and their differences of opinions, coming to the census to look further into a matter that does have legal issues involved. Appreciated the fact and it was good to see them working together for our community.

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

* The encroachment permit had been approved for the bypass lighting. Although there was no timeline, currently working on the logistics of getting the lighting installed.
* Requested approval of budget line-item overage for #200-1035-56731 / New Service – Electric in the amount of $9,265.00. The overage was a combination of the inflation of material cost used in new construction and the extensive installation cost of the Harvest Park Development and Starbucks building. The majority of these expenses were reimbursed by the customer and placed under the Revenue portion of the budget in line-item #200-9100-43180 / Customer Reimbursement – Electric.

Caudill motioned; Wilson seconded motion to approve overage for line-item #200-1035-56731 / New Service – Electric in the amount of $9,265.00.

Voice Vote: All ayes Motion carried.

* Shared the following update on Tourism Department’s collaboration with the Kentucky Educational Development Corporation:
* April 13th - Offering the second part of a specially curated History Tour in collaboration with Ashland, the Henry Clay Estate, Transylvania University, and the Lexington Cemetery, encouraging and demonstrating the shared benefit of Regional Tourism.
* May 18th - LearnShops/KEDC Calm-nation. Berea Tourism and KEDC would be hosting a full day of relaxation and outdoor adventure in Berea as a ‘thank you” to Kentucky educators and administrators.
* September 2023 - Grant collaboration began and would continue through May 18th with Berea Tourism LearnShops/KEDC, hosting sixty-two counties in Kentucky.
* Provided presenter (artist) opportunities for twenty-four local and regional artist instructors during slower seasons.
* Shared Berea with visitors who are now “tourists in their own state,” returning time and time again and cultivating relationships.

**MAYOR’S REPORT / COMMENTS**

* Thanked Senator Carpenter and Representative Bray for helping to secure the funding for transportation projects and acknowledged the efforts of the Council Members and others for their advocacy and support regarding transportation projects.
* Shared a letter from Mt. Vernon, Kentucky, Mayor Tim Roberts, expressing grateful appreciation of support from Mayor Fraley, City Council, and especially the Berea Fire Department for their assistance in extinguishing a major structure fire on Main Street that could have resulted in the loss of several historical buildings. Through the efforts of several firefighters from Rockcastle, Laurel, and Madison Counties, the damage from the fire was contained to two buildings. They were impressed by the skill and professionalism of the Berea firefighters that were on the scene and the City of Mt. Vernon was forever grateful to their northern neighbors who came to assist in a time of need.

**COUNCIL COMMENTS**

**Little**  No comment.

**Caudill** No comment.

**Wilson** Thanked everyone for coming.

**Terrill** If anyone sees Carpenter and Bray on the street, thank them for what they have done for Berea.

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**Startzman** No comment.

**Scenters** No comment.

**Davis** Thanked Carpenter and Bray for their efforts and the hard work they have done. Agreed with Mr. Bodnar that those driving at dusk without headlights on was a problem, thought it should be looked into. Thanked Sandlin for his report and his department (Fire). Thanked Wendy Lynch for her department (Madison County 911). Whatever Council does right or wrong regarding the Alcohol Ordinance, felt it did not make a difference of how much time or money was spent, it was important that they do it right.

**ADJOURNMENT**

Caudill motioned; Little seconded motion to adjourn at 7:58 p.m.

Voice Vote: All ayes

Motion carried.

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Mayor Bruce Fraley

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City Clerk