

**AGENDA
BEREA CITY COUNCIL
BUSINESS MEETING
TUESDAY, AUGUST 17, 2021
COUNCIL CHAMBERS
304 CHESTNUT STREET
6:30 PM**

The public is given an opportunity to speak to the City Council during public comment portion of the meeting. Any public comments exceeding three-minutes should be scheduled as a presentation through the Mayor's office and will be placed on the agenda. When recognized by the mayor, please go to the podium, state your name for the record. Comments should be business oriented and we ask for no inappropriate language or naming any person individually during your comments.

1. CALL TO ORDER
2. INVOCATION - Katie Startzman
3. PLEDGE OF ALLEGIANCE - Cora Wilson
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - August 3, 2021
6. PUBLIC COMMENTS
7. TRAIL USAGE PART 2: TRAIL USAGE CHANGE DURING & AFTER COVID-19 - Dr. Louisa Summers
8. **CHANGE ORDER #01** - ADDITIONAL MILLING & PAVING OF JEFFERSON STREET - S. Sandlin
9. **ORDINANCE #23-2021** - OPEN RECORDS RULES & REGULATIONS - **1ST READING**
10. CITY ADMINISTRATOR'S REPORT - Shawn Sandlin
11. MAYOR'S COMMENTS
12. COUNCIL COMMENTS
13. ADJOURNMENT

"Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of private citizen. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker."

The Berea City Council met in a regular session, Tuesday, August 3, 2021.
Mayor Bruce Fraley presiding.
A quorum being present, the meeting was called to order at 6:30 p.m.

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, Shawn Sandlin, Robin Adams, Tommy Horn, Donna Angel,
Kevin Howard, Amanda Haney, Priscilla Bloom, Jason Hayes

INVOCATION: Teresa Scenters

PLEDGE OF ALLEGIANCE: Teresa Scenters

APPROVAL OF AGENDA:

Davis motioned; Caudill seconded motion to approve agenda.

Vote: All ayes

APPROVAL OF MINUTES: July 20, 2021 & July 27, 2021

Caudill motioned; Payne seconded motion to approve minutes as amended.

Vote: All ayes

PUBLIC COMMENTS

Ali Blair, Levitt Amp Music Series, stated as they were halfway through this year's series, invited everyone to the concerts on Friday and Saturday, August 6th & 7th, at the Berea City Park Expansion (skate park) / Football Field. Lots of activities for all ages and encouraged wearing masks. For more information visit their website at firstfridaybera.com or on Facebook & Instagram pages. Thanked AppHarvest, the City of Berea, and the Mountain Association for their support.

BID RECOMMENDATION - REPAIR/MAINTENANCE OF VARIOUS CITY STREETS - Shawn Sandlin

The Public Works Committee met on August 2nd to review the only bid submitted, by Allen Company, Inc., in the amount of \$187,773.04 for repair / maintenance of various city streets. This amount also provided the opportunity to extend the milling and paving another 1400 feet on Jefferson Street in the amount of \$82,356.20. A grand total of \$270,129.24.

On behalf of the Public Works Committee, Little motioned for approval and acceptance of bid from Allen Company, Inc., in the amount of \$270,129.24, from City Council.

No second motion required.

Voice Vote: All ayes

BID RECOMMENDATION – FY 2022 WATER & WASTEWATER TREATMENT PROCESS

CHEMICALS – Kevin Howard, Utilities General Manager

Howard presented a spreadsheet summarizing the three received bids for treatment process chemicals. After analyzing the results, it was the recommendation of Berea Municipal Utilities (BMU) to accept the lowest bid for each chemical as follows:

CedarChem \$ 5,473.60 - Water Treatment Plant Filter Aid Polymer
\$ 25,044.80 - Wastewater Treatment Plant Polymer

CITCO Water \$ 9,600 - Chlorine
\$ 10,320 - Corrosion Inhibitor
\$ 57,760 - Water Treatment Plant Treatment Coagulant
\$ 19,800 - Wasterwater Treatment Plan Aluminum Sulfate

Univar \$ 9,640 - Water Treatment Plant Fluoride

Payne motioned; Terrill seconded motion to approve and accept recommendation.
Voice Vote: All ayes

UTILITIES UPDATE – Kevin Howard, Utilities General Manager

The Utilities outage that happened on Monday, July 26th, at approximately 11:00 a.m., was due to power loss on a phase of an incoming transmission line from KU's system. As every meter had an outage, there was a forced drop load on both substations to protect equipment. Berea was at the mercy of the transmission providers working together to find the problem and restore power. Berea had been fortunate as this had not happened since 2009. At approximately 1:00 p.m., Berea Municipal Utilities were notified that they were being transitioned to an East Kentucky Power transmission line, which was completed at approximately 1:45 p.m. with power restored to both substations and customers by 1:55 p.m. He was proud of his electric crew and customer service representatives and thanked everyone involved in assisting to get through the outage. They did have a debriefing to discuss any improvements on future outages.

The Owsley Fork Dam Project was very important to Berea as it was Berea's future water supply. The design was at 90% completion, which was a milestone achievement. The design was submitted to the state's National Resource Conservation Service (NRCS) in April of 2021. Comments were returned in June of 2021 from the National Design Center. Numerous comments were returned with clarification requests. Some were deemed critical for approval. An in-person meeting took place in July, with the state's NRCS officials, and later with the National Design Center, to review/discuss and seek clarification on all comments in detail. Confident that with cooperation from the state and the federal agency there would not be a noticeable hindrance on the timeline. Currently, looking at approximately a six-month delay in getting the project out to bid.

ROOM IN THE INN – Jeanie Hogg / Edliniae Sweat

Hogg expressed gratitude and appreciation to Mayor Fraley, the City Council, and especially Donna Angel for their support and assistance on the Room in the Inn Program this last season. This was their third year providing solutions for the homeless in Berea and those passing through. They had also received a grant through the Kentucky Housing Authority which also offered solutions on where they might best serve the homeless.

Creekside Lodge assisted in lodging and breakfast. Through the community and other miscellaneous sponsors, they were able to cover the remaining cost of rooms which the grant did not provide. Private restaurants, individuals, retail stores, and churches packaged individual lunches and dinners. Thankful, as they could not have done this without everyone's support. They would never have been able to acquire the funds necessary to continue supporting the community's unhoused population. Due to the care and dedication of the citizens of Berea they were able to provide meals, housing, and resources. For information and/or to provide assistance, they can be reached at riti.berea@gmail.com.

CODES & PLANNING DEPARTMENT EMPLOYEE INTRODUCTIONS – Amanda Haney

Haney, Codes & Planning Administrator, introduced Jeff Harness, their newest employee as an electrical inspector. Although Harness had served in the Berea Police Department since 2013, he had also had a master's Electrical License for over twenty years. He would also be working on building and mechanical certifications.

CITY STREETS – Jerry Little

As Sandlin had discussed recommendation for the street repair / maintenance with the Allen Company, he was glad there was extra funding for part of Jefferson Street.

Thanked Kevin Howard and Berea Municipal Utilities for the recent street cuts, they had really done a good job.

ORDINANCE #22-2021 - AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, CHANGING THE ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS 171 HERNDON LANE AND OWNED BY KASEY COX HERIN FROM R-1/PLANNED UNIT DEVELOPMENT (PUD) TO AGRICULTURE (A-1). – 2ND READING

Corporate Counsel, Gilbert, read Ordinance #22-2021 by summary.

Terrill motioned; Little seconded motion to approve and adopt Ordinance #22-2021.

Roll Call Vote: All ayes

CITY ADMINISTRATOR'S REPORT - Shawn Sandlin

- Berea Farmers Market was 95% complete. Punchlist was planned for next week.
- Chestnut Court was near completion. The Allen Company planned to add the final coat of blacktop next week.
- Per Parks Director, Bloom, the City pool would be closing on August 8th and a two-hour annual dog swim was scheduled for August 10th, 5pm – 7pm.
- Thanked Berea Municipal Utilities (BMU) and all affected departments for their willingness to work as one during the power failure on Monday, July 26th, from directing traffic, setting out signs, answering calls, etc. Utilities did an excellent job working with two other electric providers restoring power to the citizens. Great team effort. Also thanked local business for donating supplies, i.e., water, food, etc.

MAYOR'S REPORT / COMMENTS

- Thanked and appreciated Sandlin for stepping up to interim City Administrator during the transition of City Administrator.

- Complimented and thanked staff members involved with planning David Gregory's retirement celebration.
- New City Administrator, Rose Beverly, was expected to report for duty the week of September 7th.
- Update regarding the proof rolling for the pavilion parking lot as areas near Highway 25 and an area near the entrance failed the proof rolling and required remedial work. This would create additional cost and would later be determined how to cover the additional cost.

COUNCIL COMMENTS

Davis Thanked Sandlin for stepping up as interim City Administrator. Welcomed Jeff Harness and thanked Haney for stepping up and getting help in the Codes Office. Saturday, August 7th, was L&N Day at the Train Station / Welcome Center, a free event. Thanked Howard, Berea Municipal Utilities Director, for his work on the Owsley Fork Dam.

Scenters No comment.

Startzman Impressed with Room in the Inn and their follow through. Thought it was love in action and what our community needed more of. Looked forward to continuing to support their work.

Payne Echoed sentiments of Davis and Startzman, along with L&N Day and the Levitt Amp Music Series coming up this weekend. Things were changing quickly again, while Berea Community Schools were requiring masks, Madison County Schools were not requiring but requesting the wearing of masks. Richmond hospital was requiring vaccinations for their staff. With the Delta variant out and recommendations were changing daily, quicker than we would like, it was tough on all of us. Encourage family and friends to get vaccination as it was the best long-term road to recovery that we had.

Little No comment.

Caudill Thanked Kevin Howard and his staff on the immense amount of work on the Owsley Fork Dam. They had done a fantastic job in getting the City to this point. Thanked Sandlin for stepping into the City Administrator's role. Requested a Work Session, for November, with Room in the Inn as he would like to know their plans and needs so he and others could offer support.

Wilson Echoed other Council Members' comments. Thanked Sandlin for stepping up. Would also like to help Room in the Inn. Thanked Kevin Howard and Berea Municipal Utilities for a great job during the power outage and a good job on the Owsley Fork Dam. Amanda did good with hiring Jeff Harness, he was a sweetheart and would do good. The pavilion looked great, good job Berea Tourism, Donna.

Terrill Asked if there was an update on blacktopping Chestnut Street as he thought it was the most important thing, at this time, in Berea. Mayor commented last he had heard from a follow-up with District 7 that plans were to have the blacktopping finished by the end of the calendar year.

ADJOURNMENT

Payne motioned; Caudill seconded motion to adjourn at 8:39 p.m.

All ayes

Mayor Bruce Fraley

City Clerk



CHANGE ORDER # 1

PROJECT Street Resurfacing

PROJECT LOCATION Jefferson St.

CONTRACTOR The Allen Co.Inc **DATE PREPARED** 08/06/21

ADDRESS 3009 Atkinson Ave **ACCOUNT NUMBER** Fund 22

CITY Lexington **STATE** Ky **ZIP** 40392

This document shall become an amendment to this contract and all provisions of this contract will apply thereto.

ITEM NO.	ITEMIZED DESCRIPTION OF CHANGE(S)	COST OF CHANGE
1	Mill and Resurface 1400 feet of Jefferson St. From Lewis to Morning view.	
	Based on the unit price from the original bid.	\$ 82,356.20

COST OF THIS CHANGE (Net) \$ 82,356.20

ORIGINAL CONTRACT PRICE \$ 187,773.04

PREVIOUS CHANGE ORDERS (Net) \$ 0.00

REVISED CONTRACT PRICE \$ 270,129.24

The time provided for completion of this contract is increased decreased unchanged
by _____ calendar days. The revised contract completion date is: _____

Mayor Date

Date Approved By City Council

Attest Date

*The contractor is authorized to proceed with the described changes after receipt of an accepted copy of this document.

CITY OF BEREA MILLING/SURFACING STREETS
 THE ALLEN COMPANY, INC. PROPOSAL
 26-Jul-21
 ASPHALT PAVING

BID ITEM	STREET NAME	LENGTH FT.	STREET WIDTH FT.	SY	EST. SURFACE DEPTH INCHES	EST. SURFACE TONS	SURFACE UNIT PRICE PER TON	TOTAL PAVING COST
120	JEFFERSON STREET (MORNING VIEW TO LEWIS STREET)	1400	33	5133	1.5	423	\$88.40	\$37,393.20
				5133		423	TOTAL	\$37,393.20

7' WIDTH GUTTERLINE MILLING

BID ITEM	STREET NAME	LENGTH FT.	GUTTER WIDTH FT.	GUTTER (7') MILLING SY	EST. MILLING DEPTH INCHES	EST. GUTTER MILLING TONS	GUTTER MILLING LF	MILLING UNIT PRICE PER LF	TOTAL MILLING COST
220	JEFFERSON STREET (MORNING VIEW TO LEWIS STREET)	1400	7	2178	0.75	90	2800	\$ 1.88	\$5,264.00
				2178		90	2800		\$5,264.00

BASE FAILURE REPAIR

BID ITEM	STREET NAME	SY	UNIT PRICE/SY	BASE FAILURE REPAIR COST
320	JEFFERSON STREET (MORNING VIEW TO LEWIS STREET)	721.8	\$55.00	\$39,699.00

TOTAL ASPHALT PAVING, 7' WIDTH GUTTERLINE MILLING, BASE FAILURE REPAIR FOR JEFFERSON STREET (MORNING VIEW TO LEWIS STREET)				\$82,356.20
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ORDINANCE NO. 23 - 2021

AN ORDINANCE OF THE CITY OF BERA, KENTUCKY, REVISING THE CODE OF ORDINANCES BY REVISING SECTION 26.011 PROVIDING FOR A FIVE-DAY PERIOD TO COMPLY WITH AN OPEN RECORD REQUEST RATHER THAN A THREE-DAY PERIOD, BASED ON A STATUTORY REVISION

WHEREAS, in its 2021 session, the Kentucky General Assembly revised KRS 61.880 in House Bill 312, Section 5 (Chapter 160 of 2021 Ky. Acts), to extend the time period that a public agency must respond to an open record request from three (3) days to five (5) days; and

WHEREAS, the current Berea City Code in Section 26.011 must be revised to be in conformity with the statutory revision; and

NOW, THEREFORE, be it ordained by the City Council of the City of Berea, Kentucky, that the Code of Ordinances of the City of Berea be revised as follows:

SECTION I

That the Code of Ordinances is hereby amended by revising Section 26.011 so that such section shall read as follows:

§ 26.011 REQUEST FOR RECORDS INSPECTION

(A) The principal office of the City is located at 212 Chestnut Street, Berea, Kentucky 40403. Any request for public records inspection may be made in person at the office of the appropriate custodian at this address.

(B) The title and address of the official custodians of the records is City Clerk, 212 Chestnut Street, Berea, Kentucky 40403; Berea Police Chief, 212 Chestnut Street, Berea, Kentucky 40403, and Berea Human Resources Officer, 212 Chestnut Street, Berea, Kentucky 40403.

(C) Any person shall have the right to inspect nonexempt public records during the regular office hours.

(D) Facilities available to each person for inspection of public records will consist at a minimum of a chair and top space of a desk or table in the City Hall.

(E) If the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records. However, refusal under this section must be sustained by clear and convincing evidence.

(F) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all written public records not exempted by the provisions of KRS 61.878. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee. If the applicant desires copies of public records other than written records, the custodian of the records shall permit the applicant to duplicate the records; however, the custodian may ensure that duplication will not damage or alter the records.

(G) The fee for the agency to make copies of nonexempt public records shall be \$0.10 per page which is the actual cost thereof, not including the cost of staff required.

(H) No official of the agency shall willfully conceal or destroy any record with the intent to violate the provisions of the Act and these rules and regulations.

(I) The minutes of action taken at every meeting of the agency, setting forth an accurate record of votes and actions at the meetings, shall be promptly recorded and these records shall be open to public inspection at reasonable times, no later than immediately following the next meeting of the body.

(J) The provisions of KRS 61.872 shall govern the limitations on the right to inspect public records, and the provisions of KRS 61.878 shall exempt certain public records from inspection except on order of a court of competent jurisdiction.

(K) The provisions of KRS 61.880 shall govern the denial of inspection of public records, and specifically as follows:

1. Upon receipt of a written or in-person request for records made under KRS 61.870 to 61.884, the Official Custodian shall determine within ~~three~~ five ~~(3)~~ (5) days, excepting Saturdays, Sundays, and City recognized holidays, whether to comply with the request and shall notify in writing the person making the request, within the ~~three~~ five ~~(3)~~ (5) day period, of his or her decision. If the Official Custodian denies the request, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or the City's legal counsel, and it shall constitute final agency action.

2. If a complaining party wishes the Attorney General to review the City's denial of a request to inspect a public record, the complaining party shall forward to the Attorney General a copy of the written request and a copy of the written response denying inspection. The Attorney General shall review the request and denial and process the review pursuant to KRS 61.880.

SECTION II

All ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published according to law.

FIRST READING: August 17, 2021.

SECOND READING AND ENACTMENT: September 7, 2021.

APPROVED BY:

Bruce Fraley, Mayor

ATTEST:

Clerk of the City Council

Published this 8 day of September, 2021.

PREPARED BY:

Corporate Counsel