

**AGENDA**  
**BEREA CITY COUNCIL**  
**SPECIAL CALLED MEETING**  
**MONDAY, SEPTEMBER 19, 2022**  
**COUNCIL CHAMBERS**  
**304 CHESTNUT STREET**  
**6:30 PM**

**WORK SESSION**  
**COUNCIL CHAMBERS**  
**5:45 PM - 6:30 PM**

**Parks & Recreation Department Master Plan - Keith Rodenhauser, Brandstetter Carroll Inc.**

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 - Steve Caudill
3. PLEDGE OF ALLEGIANCE - Steve Caudill
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - September 6, 2022
6. PUBLIC COMMENTS
7. BID RECOMMENDATION - WATER & WASTEWATER TREATMENT CHEMICALS - Kevin Howard
8. WASTEWATER INFRASTRUCTURE ACCEPTANCE - Kevin Howard
9. **RESOLUTION #12-2022** - KENTUCKY CLEANER WATER PROGRAM GRANT ASSISTANCE - Jerry Gilbert
10. PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH - Mayor Fraley
11. **ORDINANCE #14-2022** - TRANSIENT ROOM TAX REVISIONS - **2<sup>ND</sup> READING** - Jerry Gilbert
12. **ORDINANCE #15-2022** - FIREWORKS USE CODE REVISIONS - **2<sup>ND</sup> READING** - Jerry Gilbert
13. **ORDINANCE #16-2022** - FY 22-23 SURPLUS AUCTION - **2<sup>ND</sup> READING** - Jerry Gilbert
14. DEPARTMENT HEAD REPORTS - Daniel Brindley, IT Department
15. CITY ADMINISTRATOR'S REPORT - Rose Beverly
16. MAYOR'S COMMENTS
17. COUNCIL COMMENTS
18. 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 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.

**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.

**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. - 2<sup>ND</sup>**

**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. -**

**1<sup>ST</sup> 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. - 1<sup>ST</sup> 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

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. - 1<sup>ST</sup> 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 10<sup>th</sup>, 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.

- The Spoonbread Festival was scheduled for Friday, September 16<sup>th</sup> - Sunday, September 18<sup>th</sup>. 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 10<sup>th</sup>, 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

RESOLUTION NO. 12 - 2022  
CITY OF BERA, KENTUCKY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERA, KENTUCKY AUTHORIZING THE MAYOR TO ENTER INTO A GRANT ASSISTANCE AGREEMENT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR ASSISTANCE FOR DRINKING WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS PURSUANT TO THE AMERICAN RESCUE PLAN OF 2021/CORONAVIRUS STATE FISCAL RECOVERY FUND, KNOWN AS THE KENTUCKY CLEAN WATER PROGRAM, AND TO EXECUTE THE DOCUMENTS NECESSARY TO OBTAIN AND ADMINISTER SUCH GRANT.

**WHEREAS**, providing quality drinking water and wastewater treatment for citizens is of paramount importance to the government of the City of Berea, Kentucky; and,

**WHEREAS**, the City of Berea proposes to make improvements to the Brushy Fork Sanitary Sewer to provide for the health and well-being of the general public, and

**WHEREAS**, the City of Berea has made application to the Kentucky Infrastructure Authority for assistance under the American Rescue Plan of 2021/Coronavirus State Fiscal Recovery Fund, known as the Kentucky Clean Water Program, and

**WHEREAS**, such application was approved and the Kentucky Infrastructure Authority has offered the City of Berea a Grant Assistance Agreement for the purpose of Brushy Fork Sanitary Sewer Rehabilitation Project in the amount of \$588,571;

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF BERA, KENTUCKY THAT:**

**Section 1-** The City Council of Berea hereby authorizes Mayor Bruce Fraley to execute the Grant Assistance Agreement with the Kentucky Infrastructure Authority as attached hereto, and to execute all necessary documents or agreements for purposes of administering the grant, and to otherwise act on behalf of the City of Berea to implement the grant and the projects(s) included therein.

**Section 2-** This Resolution shall take effect immediately upon passage.

CITY OF BERA, KENTUCKY

APPROVED BY:

\_\_\_\_\_ Date: \_\_\_\_\_

Bruce Fraley, Mayor

ATTEST:

\_\_\_\_\_ Date: \_\_\_\_\_

Clerk of the City Council

Prepared by:

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Corporation Counsel





# PROCLAMATION

- Whereas,** domestic violence has no place in our society, and we have a moral obligation to support the victims and their children while putting into place strategies for preventing it in the future; and
- Whereas,** domestic violence destroys lives and damages the dignity of men, women, and children; and
- Whereas,** domestic violence awareness month is an opportunity to emphasize our commitment to ending domestic violence in our community; and
- Whereas,** a home should be the ultimate place for safety, comfort, and love. Domestic violence shatters these basic foundations of life. We are strongly committed to addressing domestic violence and helping those who have been victimized; and
- Whereas,** during Domestic Violence Awareness Month, we are grateful for the agencies and individuals providing care to those affected by these acts of cruelty and to law enforcement and the court system for bringing offenders to justice. By working together, we can build a community where every home honors the value and dignity of its loved ones.

**Now, Therefore,** the Madison County Fiscal Court, the City of Richmond, and the City of Berea do hereby proclaim October 2022 as:

## *Domestic Violence Awareness Month*

in Richmond, Berea, and all of Madison County. We urge all our citizens to reach out to victims and help end domestic violence.

*In official recognition whereof, we hereby affix our signatures:*

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Reagan Taylor  
Madison County Judge Executive

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Robert Blythe  
Richmond City Mayor

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Bruce Fraley  
Berea City Mayor

ORDINANCE # 14 - 2022

AN ORDINANCE OF THE CITY OF BEREА, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREА, 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 ACCOMMODATIONS 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.

**WHEREAS**, Article II of Chapter 61 of the Bereа City Code provides for the imposition of a transient room tax on the rental of lodgings to transients; and

**WHEREAS**, in HB 8, the 2022 Kentucky General Assembly amended KRS 91A.390 to provide for a broadening of rentals from which the transient room tax may be collected; and

**WHEREAS**, the City Council has determined that provisions of the transient room tax should be revised to be consistent with current state law;

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

SECTION I

That the Code of Ordinances is hereby amended to revise Sections 61.01 and 61.02, so that such sections shall read as follows:

*§ 61.101 IMPOSITION AND RATE*

For the purposes of operation of the tourist and convention commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied a transient room tax of three (3) percent of the rent for every occupancy of a suite, room, or rooms, 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 accommodations 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 accommodations ~~all persons, corporations, or the like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or the like or similar accommodations businesses;~~ provided that this tax shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments, pursuant to KRS 91A.390, and a restaurant tax of three (3) percent of the retail sales by all restaurants, or any person, company, corporation, group or organization selling food at retail, and doing business in the City of Berea, pursuant to KRS 91A.400.

#### *§ 61.102 QUARTERLY PAYMENT*

Every person, company, corporation or the like or similar persons, groups, or organizations doing business as 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 accommodations 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 accommodations, ~~motor courts, motels, hotels, inns, or like or similar business~~ supplying accommodations in the city shall pay to the city a transient room tax of three (3) percent of the gross rent for every occupancy of a suite, room or rooms charged and collected by them, and every restaurant, eating house, eatery, dining room, café, snack bar or any other person, company, corporation, group or organization selling food at retail in the city, shall pay to the city a restaurant tax of three (3) percent of the retail sales of food, during the applicable period. Payments shall be made quarterly for periods ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first of each year. The tax shall be due and payable on or before the last day of the month next following the last day of each quarterly period, and shall be submitted with a return on a form furnished by or obtained from the city treasurer setting forth an aggregate amount of gross rentals charged and collected during the preceding quarter for every occupancy to which the transient room tax applies together, or the gross sales of food at retail charged and collected during the preceding quarter by every person, company, corporation, group or organization subject to the restaurant tax, with such other pertinent information as the city treasurer may require.

#### SECTION II

Pursuant to HB 8, this ordinance shall be effective January 1, 2023.

#### SECTION III

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

FIRST READING: September 6, 2022.

SECOND READING AND ENACTMENT: September 19, 2022.

APPROVED BY:

Bruce Fraley, Mayor

ATTEST:

Clerk of the City Council

Published this 21st day of September, 2022.

PREPARED BY:

Corporate Counsel

ORDINANCE # 15 - 2022

AN ORDINANCE OF THE CITY OF BERA, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERA, KENTUCKY, BY REVISING ARTICLE VII OF CHAPTER 54, SECTION 54.603, USE OF FIREWORKS, TO REVISE THE DATES AND TIMES THAT CONSUMER FIREWORKS MAY BE USED, IGNITED, FIRED, OR EXPLODED WITHIN THE CITY OF BERA.

WHEREAS, the City Council periodically reviews the Code of Ordinances for out-dated provisions and provisions requiring revision; and

WHEREAS, the City Council has determined that provisions of Article VII of Chapter 54, Use of Fireworks, is in need of revision;

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 to revise Section 54.603, so that such section shall read as follows:

*§ 54.603 USE OF FIREWORKS*

(A) *Display fireworks.* Display fireworks shall not be used, ignited, fixed, or exploded in the city without a permit signed by the Mayor and by the Chief of the Fire Department. A permit may be granted for supervised public displays of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Each such display shall be handled by a competent display operator to be approved by the Fire Chief and shall be of such character, and so located, discharged, or fired as in the opinion of the Chief, after proper inspection, as not to be hazardous to property or endanger any person. The competent display operator shall have a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) license. At least one competent display operator shall be on site during display set-up and firing, and the ATF license and city permit shall be on site and presented upon demand of any city law enforcement or fire department officer or official. The display shall comply in all other respects with the requirements of KRS 227.710.

(B) *Consumer aerial fireworks.* Consumer aerial fireworks shall not be used, ignited, fired, or exploded in the City except as follows:

(1) Consumer aerial fireworks must be handled, stored, used, possessed, and sold in accordance with all applicable federal, state, and local law and ordinances.

(2) Consumer aerial fireworks may only be used, ignited, fired, or exploded on the following days ~~between the hours of 10:00 a.m. and 9:00 p.m. except on the following dates, when the applicable ending hour shall be 12:00 a.m. (midnight):~~

(a) December 31;

~~(b) July 3;~~

~~(b)(b) July 4~~

~~(d)(c) Memorial Day holiday; and~~

~~(e) (d) The date specifically named or designated by the City Council as the date to celebrate Independence Day, if other than the actual date of July 4th.~~

(3) No person under the age of eighteen (18) years of age may use, ignite, fire, or explode any consumer fireworks.

(4) No person may use, ignite, fire, or explode any consumer fireworks within 200 feet of any structure.

## SECTION II

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

FIRST READING: September 6, 2022.

SECOND READING AND ENACTMENT: September 19, 2022.

APPROVED BY:

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

ATTEST:

\_\_\_\_\_  
Clerk of the City Council

Published this 21st day of September, 2022.

PREPARED BY:

\_\_\_\_\_  
Corporate Counsel

**ORDINANCE 16 - 2022**

**AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, DECLARING CERTAIN PROPERTY TO BE SURPLUS AND AUTHORIZING IT TO BE SOLD.**

The City Council of the City of Berea, Kentucky, does ordain as follows:

**SECTION I**

The property set out on the attached list marked Exhibit A acquired for use by the City, is hereby declared to be surplus because it is no longer suitable for use by the City, so that it is in the public interest to dispose of such equipment, and the Mayor or his designee is authorized to dispose of said surplus by sale according to law, after due advertisement.

**SECTION II**

All ordinances in conflict herewith are hereby repealed. This Ordinance shall be effective upon publication.

First Reading: September 6, 2022.

Second Reading & Enactment: September 19, 2022.

CITY OF BEREA, KENTUCKY

APPROVED:

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

ATTEST:

\_\_\_\_\_  
City Clerk

Prepared by:

\_\_\_\_\_  
Corporation Counsel

Exhibit A

FY 22-23 Surplus Auction

Item	Dept.	Year	Make	Model	VIN / Serial #	Condition	Description	Miles / Hrs	Notes
2014 Ford Taurus Police Interceptor	POLICE	2014	Ford	Taurus	1FAHP2MK75G163206	Used; very worn interior	GREY	92353	
2015 ZERO MOTORCYCLE	POLICE	2015	Zero		588SD724FCB05152	Used; very worn interior	BLACK	6288	
3 MOPEDS	POLICE								
30 BICYCLES	POLICE								
7FT DISC HARES	PUBLIC WORKS								
6 BIG TRUCK TIRES	PUBLIC WORKS								
SALT BOX	PUBLIC WORKS								
(3) 49" x 7.6" Bulletin Boards Wood w/Fabric Face	TOURISM					USED: Good condition, could use new wood staining	2) Bulletin Boards w/Walnut Wood frames and Royal blue fabric 1) w/Olive Grn Fabric		
CUB CADET WALK BEHIND MOWER	FIRE DEPT		Cub	Cadet	0A05Z30003	USED	BLACK AND YELLOW	5401	
Golf Cart	POLICE		Club Car		PR0832-939594	USED			
Transit Van	IT	2014	Ford	Transit	NM0LS78N3DT174445	USED	WHITE	77733	
2013 FORD TAURUS INTERCEPTOR	POLICE	2013	Ford	Taurus	1FAHP2L84DG134590	USED			
2013 FORD TAURUS INTERCEPTOR	POLICE	2013	Ford	Taurus	1FAHP2MKXDG199907	USED			