

AGENDA
BEREA CITY COUNCIL
BUSINESS MEETING
TUESDAY, OCTOBER 19, 2021
COUNCIL CHAMBERS
304 CHESTNUT STREET
6:30 PM

WORK SESSION

5:45 PM

ZONE CHANGE APPEAL - 100, 136, 164 NEELY STREET
JERRY GILBERT, CITY ATTORNEY

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 - Jim Davis
3. PLEDGE OF ALLEGIANCE - Jim Davis
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - October 5, 2021
6. PUBLIC COMMENTS
7. KENTUCKY LEAGUE OF CITIES TRAINING CERTIFICATE PRESENTATIONS - Terrie Johnson, KLC
8. AUDIT REPORT - Baldwin CPAs
9. BEREA POLICE DEPARTMENT UPDATE - Eric Scott, Police Chief
10. BOARD OF ADJUSTMENTS APPOINTMENT / Denise Hagan-Rubin - Mayor Fraley
11. **ORDINANCE #25-2021 - ONE-TIME WAIVER OF UTILITY LATE PAYMENTS - 2ND READING**
12. ZONE CHANGE APPEAL FOR 100, 136, 164 NEELY STREET - Jerry Gilbert
13. MAYOR'S COMMENTS
14. COUNCIL COMMENTS
15. 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, October 5, 2021.
Mayor Bruce Fraley presiding.
A quorum being present, the meeting was called to order at 6:31 p.m.

A WORK SESSION WAS HELD AT 6:15 PM
ORDINANCE #25-2021 ONE-TIME WAIVER OF UTILITY LATE PAYMENTS
SUSAN MEEKS

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, Susan Meeks,
Donna Angel, Kevin Howard, Priscilla Bloom, Ken Puckett

INVOCATION: Steve Caudill

PLEDGE OF ALLEGIANCE: Steve Caudill

APPROVAL OF AGENDA:

Caudill motioned; Payne seconded motion approve agenda.
Vote: All ayes

APPROVAL OF MINUTES: September 21, 2021 & September 29, 2021

Payne motioned; Davis seconded motion to approve minutes as presented.
Vote: All ayes

PUBLIC COMMENTS

None

HEALing COMMUNITIES STUDY (HCS) - Karrie Adkins, Community Coordinator, & Abbygail Broughton, Prevention Specialist

Adkins and Broughton introduced The HEALing Communities Study (HCS) that began in September 2018. The National Institutes of Health (NIH) released a funding opportunity to “test the immediate impact of implementing an integrated set of evidence-based interventions across healthcare, behavioral health, justice, and other community-based settings to prevent and treat opioid misuse and Opioid Use Disorders (OUD) within highly affected communities.” Four states (Kentucky, Massachusetts, New York, Ohio) were funded for the study with a committed grant total of \$354.1 million per year for three years across the four states, as well as, additional funds for a fourth year. The study was the first of its kind using a community engaged intervention to work with communities to identify their needs and resources and help determine evidence-based practices that had been shown to work and make positive change in opioid addictions and implement those throughout the county. Hopefully creating a blueprint for other communities across the nation to do the same, finding lasting solutions to the national crisis.

HOUSING AUTHORITY BOARD APPOINTMENTS - Mayor Fraley

Mayor Fraley requested Council approval of Katherine 'Cassie' Alexander for a four-year term on the Housing Authority Board of Commissioners as a resident member.

Caudill motioned; Scenters seconded motion to approve the appointment of Katherine 'Cassie' Alexander for a four-year term on the Housing Authority Board of Commissioners as a residential member.

Voice Vote: All ayes

Mayor Fraley requested Council approval of Linda Leforce for a four-year term on the Housing Authority Board of Commissioners as an alternate resident member.

Payne motioned; Startzman seconded motion to approve the appointment of Linda Leforce for a four-year term on the Housing Authority Board of Commissioners as an alternate residential member.

Voice Vote: All ayes

CHANGE ORDER #02 - RUSSEL ACTON FOLK CENTER CHINKING / STAINING - R. Beverly

Change Order #02 for the Russel Acton Folk Center would complete the chinking and staining project. With the additional cost of \$2,904.00, for chinking material, they were still under the nearest bid, with a revised contract price at \$30,296.50. There was no additional cost for labor.

Little motioned; Wilson seconded motion to approve Change Order #02.

Voice Vote: Motion carried with 7 ayes, 1 nay.

ORDINANCE #25-2021 - AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, REVISING THE CODE OF ORDINANCES BY REVISING SECTIONS 31.105, 32.103 AND 32.104 TO PROVIDE FOR A ONE-TIME WAIVER OF UTILITY LATE PAYMENTS. - 1st READING

Corporate Counsel read Ordinance #25-2021 by summary.

CITY ADMINISTRATOR'S REPORT - Rose Beverly

- According to the budget procedures ordinance, the Council must be alerted when a budget line item goes over by the greater of 10% or \$5000. Beverly notified the Council of a budget overage on the Cherry Road Drainage Project. The design services for the project put line item #010-1035-56610 (Drainage Projects) over budget by \$8,855.33. This was from storm water calculations from the new engineering firm, Thoroughbred Engineering, which also included some drainage issues for Chestnut Court / Farmers Market.
- The Kentucky Guild of Artists and Craftsmen Fall Fair was scheduled for Saturday & Sunday, October 8th & 9th, at Indian Fort Trail.
- Trick-or-Treat was scheduled for Sunday, October 31st, 6:00 p.m. - 8:00 p.m. Trick-or-Treat in the Park would be Sunday, October 31st, drive-thru, 6:00 p.m. - 8:00 p.m.
- The Chestnut Court Project was wrapping up. The apron work had been completed today.
- Kevin Howard, Berea Municipal Utilities General Manager, stated the City had worked with the State, the National Resources Conservation Service (NRCS) Office, and the National Design Center, Fort Worth, Texas, on design submittals for the Owsley Fork Municipal Dam Project. Due to 192 comments from NRCS, a recommendation was made for a 12-month extension date on the design of raising the dam by 6.3 feet. Moving forward, a meeting would be scheduled to discuss critical comments, a resubmittal, and beginning construction as soon as possible.

MAYOR'S REPORT / COMMENTS

- Announced the retirement of Public Works Director, Donnie Davidson, as of September 30, 2021.
- Announced the appointment of an Interim Public Works Director, Roy Curtis.
- Tourism had scheduled Tree Week kick-off for Saturday, October 9th, 10:00 a.m., at the Forestry Outreach Center, located at Indian Fort Trail, presented by the Urban Forest Initiative. Additional information could be found on Tourism's website, visitberea.com.

COUNCIL COMMENTS

Davis No comment.

Terrill No comment.

Payne Parks Committee had a Parks Master Plan meeting this week and asked that the on-line survey be placed back the City's website and/or Facebook pages. Reminded everyone of the Kentucky Guild Fair scheduled for Saturday & Sunday, October 9th & 10th, at Indian Fort.

Little Requested for the Police Chief to attend a future Council meeting to provide an update on the department's hazardous duty pay. Was not aware of a pre-payment option for paying utility bills, thought it was a great idea. Reminded everyone of the Tire Collection Event scheduled for October 7th – 9th at the Madison County Road Department South, 208 Clarksville Lane, in Richmond.

Startzman Had not considered Payne's thoughts regarding the waving of late fees for utility billing. Agreed with Payne and felt like it would be a good customer service to extend the forgiveness to those who may not have a perfect payment record and could more likely use the benefit.

Scenters Encouraged everyone to attend the Kentucky Guild Fair as it was also their 60th Anniversary. The Parks Department was once again having movie night, October 15th, 7:00 p.m., showing Hocus Pocus. The Parks Department was also having Fall Crafts, October 9th. Thanked Kevin Howard for the report on the Owsley Fork Dam Project. Appreciated Adkins' and Broughton's presentation with the HEALing Communities Study.

Wilson No comment.

Caudill Kentucky Mountain Bike Association (KYMBA) had their Mountain Bike Park Clinics this past weekend at the new Silver Creek Mountain Bike Park and could not have been happier with the turnout, a great program. Had a Parks meeting for strategic planning and was excited about the work and where it ends up. Encouraged those who received a mail survey to complete it and send it in. Thanked HEALing Communities Study for their presentation and the work they were doing.

ADJOURNMENT

Payne motioned; Wilson seconded motion to adjourn at 7:40 p.m.

All ayes

Mayor Bruce Fraley

City Clerk

ORDINANCE NO. 25 - 2021

AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, REVISING THE CODE OF ORDINANCES BY REVISING SECTIONS 31.105, 32.103 AND 32.104 TO PROVIDE FOR A ONE-TIME WAIVER OF UTILITY LATE PAYMENTS.

WHEREAS the Berea City Code includes provisions in Sections 31.105 (Sewer), 32.103 (Water) and 32.104 (Electric) requiring the imposition of late fees on delinquent utility payments; and

WHEREAS, the Mayor and City Council have determined that it would be good public policy to provide for a potential one-time waiver of utility late payments due to the COVID-19 pandemic and current economic conditions; and

WHEREAS, it is necessary to amend the Code of Ordinances to achieve this objective;

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 31.105 so that such section shall read as follows:

§ 31.105 PENALTY FOR FAILURE TO PAY

In the event any consumer of any utility services furnished by the city fails to pay his the bill when the it is due, ~~a penalty as determined by the city council shall be imposed a~~ late payment penalty of ten percent (10%) shall be added to the bill; provided that a Customer may request a one-time waiver of the penalty due to extenuating circumstances, conditioned upon the following:

- a. The Customer has a payment history of twelve (12) months or more with Berea Municipal Utilities;
- b. A written request for a one-time waiver is submitted to Berea Municipal Utilities, specifying the reason for the request and the extenuating circumstances underlying the request;

- c. The Customer has had no other penalties disconnection fees, returned checks, or fees for tempering with the utilities' services within a twelve (12) month period preceding the request;
- d. The request for a one-time waiver is made within thirty (30) days of the imposition of the penalty;
- e. The account excluding the penalty is brought current by the 20th of the next succeeding month; and
- f. Acknowledgment by the Customer that the waiver does not prevent disconnection of service for non-payment.
- g. The Director of Berea Municipal Utilities shall make the final determination of the eligibility of any applicant for a one-time waiver, and the determination shall be final and non-appealable.

SECTION II

That the Code of Ordinances is hereby amended by revising Section 32.103 so that such section shall read as follows:

§ 32.103 WATER RATES

The following rates and tariffs be and the same are hereby adopted by the city for the operation of the water utility.

(A) *Class A Residential*

First 200 cubic feet (minimum bill)	\$10.00/monthly
Cubic feet over first 200	\$3.76/100 cubic feet

(B) *Class 2 Commercial*

First 200 cubic feet (minimum bill)	\$10.45/monthly
Next 1,800 cubic feet	\$3.86/100 cubic feet
Next 3,000 cubic feet	\$3.51/100 cubic feet
Next 5,000 cubic feet	\$3.11/100 cubic feet
Next 5,000 cubic feet	\$2.56/100 cubic feet
Over 15,000 cubic feet	\$2.26/100 cubic feet

(C) *Class 3 Industrial*

First 200 cubic feet (minimum bill)	\$10.45/monthly
Next 1,800 cubic feet	\$3.86/100 cubic feet
Next 3,000 cubic feet	\$3.51/100 cubic feet
Next 5,000 cubic feet	\$3.11/100 cubic feet
Next 5,000 cubic feet	\$2.56/100 cubic feet
Over 15,000 cubic feet	\$2.26/100 cubic feet

(D) *Class 6 Wholesale Service* - This class of service is also subject to the applicable rules and regulations adopted from time to time for the Berea Municipal Water Utility by the City Council.

Garrard County Water Association

Per cubic foot for all water used \$0.0162490
Southern Madison Water District
Per gallon for all water used \$0.0021720

(E) *Class 7 Fire Protection*

6 inch sprinkler line \$41.00/monthly
8 inch sprinkler line \$57.00/monthly
10 inch sprinkler line \$74.00/monthly
12 inch sprinkler line \$90.00/monthly

(F) *All Classes*

(1) *Late payment charge:* 10% will be added if bill is not paid by the 10th day after billing date; provided that the one-time waiver of delinquent utility bills specified in Section 31.105 shall also apply to water bill delinquencies.

(2) *Reconnect charges:* \$20.00.

(3) *Discontinuance of service for non-payment:* If the account is not paid by the 20th day after the date of mailing of the monthly bill, service may be discontinued in accordance with the rules and regulations of the Berea Municipal Water Utility.

(4) *Additional charges:* There shall be added to the bill of each customer as a separate item:

(a) A franchise replacement fee equal to 3% of the gross bill for the water service provided, pursuant to Ordinance No. 16-04; and

(b) An amount equal to the proportionate share of any license, franchise or similar fee or tax now or hereafter imposed upon the Berea Municipal Water Utility by any governmental body or entity, including but not limited to Berea Independent School District or the Madison County School District, or the Kentucky River Authority or similar administrative or governmental body.

(5) *Revenue stabilization adjustment:* A monthly adjustment, which may either be a charge or credit, shall be applied for the purpose of providing for the difference between Berea's budgeted cost of service and projected revenues for the current fiscal year. Cost of service shall include operation and maintenance expenses, interest and principal on debt, average extensions and replacements, and margins. The adjustment shall be determined prior to the beginning of each fiscal year and remain in effect for the entire fiscal year. For customers taking service under Residential Service - Class 1, Commercial - Class 2, or Industrial - Class 3, the revenue stabilization adjustment shall be applied as charge or credit per cubic foot or gallon, whichever is applicable.

(6) *Penalty fee for tampering with metering device:* In the event a customer, or anyone on the customer's behalf, reconnects service or otherwise tampers with the service connection or metering device after service is terminated for non-payment, then

(a) BMU is authorized to disconnect the service and/or remedy the tampered with service connection or metering device, and (b) the customer shall be assessed a penalty fee of \$500.00, in addition to any reconnect charges, to be added to the customer's bill of account at BMU, and BMU shall not provide service to the customer until the full amount of the customer's account, including any penalty fee and overdue service payment, is paid and satisfied in full.

SECTION III

That the Code of Ordinances is hereby amended by revising Section 32.104 so that such section shall read as follows:

§ 32.104 ELECTRIC RATES

The following rates and tariffs be and the same are hereby adopted by the city for the operation of the electric utility.

(A) *Class 1 Residential*

Service charge (minimum bill)	\$12.00/monthly
Energy charge (each kwh)	\$0.0559

(B) *Class 2 Commercial*

Service charge (minimum bill)	\$15.00/monthly
Energy charge (each kwh)	\$0.0595

(C) *Class 3 Large Commercial*

Minimum charge	\$18.75/monthly
Demand charge (each kwh)	\$3.90
Energy charge (each kwh)	\$0.0485

(D) *Class 4 Industrial and Large Commercial*

Minimum charge	\$939.00/monthly
Demand charge (each kwh)	\$8.10
Energy charge (each kwh)	\$0.0485

(E) *Class 5 Primary Metering Customer Owned/Leased Transformers*

Minimum charge	\$900.00/monthly
Demand charge (each kwh)	\$7.85
Energy charge (each kwh)	\$0.0359

(F) *Class 6 Primary Metering Non-Owned/Leased Transformers*

Demand charge (each kwh)	\$7.15
Energy charge (each kwh)	\$0.0369

(G) *Class 8 Private Outdoor Lighting Service*

Mercury vapor

175 watt standard overhead	\$7.05/monthly
175 watt existing pole	\$6.05/monthly
400 watt existing pole	\$9.50/monthly

High pressure sodium

70 watt standard overhead	\$4.15/monthly
70 watt existing pole	\$3.15/monthly
100 watt standard overhead	\$5.10/monthly
100 watt existing pole	\$4.55/monthly
250 watt standard overhead	\$10.00/monthly
250 watt existing pole	\$9.35/monthly

(H) *Class 9 Net Billing Service*

(1) *Applicability.* In all territory served by Berea Municipal Utilities (BMU).

(2) *Availability of service.* Available to customers who lease or own, operate, and maintain a generation system located on customer's premises that use as its total fuel source solar, wind or hydro energy, or fossil fuel in parallel with BMU's written net metering notification form. The generations system shall be limited to a maximum capacity of ten kilowatts for residential customers and 60 kilowatts for non-residential customers/ This service will be made available to BMU electric customers. not to exceed 1% of BMU peak system demand, who execute and submit a net metering application and notification form. the initial limit will be 360kW to be re-evaluated every three years.

(3) *Application.* The customer shall submit a completed net metering application form including generator sizing with schematic prior to construction. BMU will provide technical guidance and forms within application process.

(4) *Notification.* The customer shall submit a completed net metering notification form to BMU at least 30 days prior to the date the customer intends to interconnect his generator to BMU's facilities. Customer shall have all equipment necessary to complete the interconnection installed prior to such notification. The company shall have 30 days from the date of notification to determine whether the customer has satisfied the section requirements and shall notify customer. The date of notification shall be the third day following the mailing of the net metering notification form by customer. Customer may interconnect his generator 31 days after the date of notification, and begin operation unless BMU provides notification of non-compliance to the section, prior to the thirty-first day.

(5) *Metering and billing.* Net metering service shall be measured in accordance with standard metering practices by metering equipment capable of measuring (but not necessarily displaying) power flow in both directions. If electricity generated by the customer and fed back to BMU's system exceeds the electricity supplied to the customer for the system during a net metering period, the customer shall receive no compensation from BMU unless the customer has entered into a purchase power contract with BMU. If electricity generated by the customer and fed back the system exceeds the electricity supplied to the customer from the system during any monthly billing period, resulting in a billing period credit, the customer shall be required to pay only the non-energy charged for that billing period. Any excess net generation by the customer shall be accumulated, carried forward and applied at the first opportunity to any monthly billing periods having a positive net consumption. Any accumulated billing period credits remaining unused at the end of a monthly net metering period shall be carried forward into the next monthly net metering period for a 12 month period when all credits will expire and zero out. Net metering service shall be measured using a single meter or, as determined by BMU, additional meters.

(6) *Rates.*

(a) For customers with rated generating capacity not exceeding ten (10) kilowatts, net energy usage shall be billed at currently kWh residential rates.

(b) For customers with rates generating capacity exceeding ten (10) kilowatts, net energy usage shall be billed at avoided cost or wholesale kWh currently charged by KU to BMU.

(7) *Liability insurance.* A customer with a generator with a rated capacity not exceeding ten (10) kilowatts shall maintain homeowners, commercial, or other

insurance providing coverage in the amount of at least \$100,000 for the liability of the insured against loss arising out of the use of a generator, and for a generator with a rated capacity exceeding ten (10) kilowatts such coverage shall be in the amount of at least \$300,000.

(8) *Additional controls and tests.* BMU may install additional controls of meter, or conduct additional test as it may deem necessary.

(9) *Net metering service interconnection guidelines.* Customer shall operate the generating facilities in parallel with BMU's system under the following conditions and any other conditions required by BMU where unusual conditions arise not covered herein:

(a) Customer to own, install, and maintain all generating facilities on their premises. Such facilities shall include, but not be limited to, necessary control equipment to synchronize frequency, voltage, etc., between customer's and BMU's system as well as adequate protective equipment between the two systems. Customer's voltage at the point of interconnection will be the same as BMU's system voltage.

(b) Customer will be responsible for operating generators and all facilities owned by customer except as specified hereinafter. Customer will maintain its system in synchronization with BMU's system. Customer's equipment must be located in a BMU approved location and may not interfere with the operation, maintenance and access of BMU equipment.

(c) Customer will be responsible for any damage done to BMU's equipment due to failure of customer's control, safety, or other equipment.

(d) BMU, at its discretion, may require a suitable lockable, BMU accessible, load breaking manual disconnect switch or similar equipment, as specified by BMU, to be furnished by customer at a location designated by BMU to enable the separation or disconnection of the two electrical systems. The load breaking manual disconnect switch must be accessible to BMU at all times.

(e) Customer agrees to inform BMU of any changes it wishes to make in its generating and/or associated facilities that is different from those initially installed and described to BMU in writing and obtain prior approval from BMU.

(f) BMU will have the right to inspect and approve customer's facilities, described herein, and conduct any tests necessary to determine that such facilities are installed and operating properly. However, BMU will have no obligation to inspect, witness tests or in any manner be responsible for customer's facilities or operation.

(g) The customer assumes all responsibility for the electric service on the customer's premises at and from the point of delivery of electricity from BMU and for the wires and equipment used in connection therewith, and will protect and save BMU harmless from all claims for injury or damage to persons or property occurring on the customer's premises or at and from the point of delivery of electricity from BMU, occasioned by such electricity or said wires and equipment, except where said injury or damage will be shown to have been occasioned solely by the negligence of BMU.

(10) *Conditions of interconnection.* A customer may begin operation of his generator on an interconnected basis when all of the following have been satisfied:

(a) The customer has properly notified Berea municipal utilities (BMU) of his intent to interconnect by submission of the completed net metering notification form.

(b) The net metering customer has installed a lockable, BMU accessible, load-breaking manual disconnect switch, if required.

(c) A licensed electrician has certified, by signing the net metering notification form, that any required manual disconnect switch has been installed properly and that the generator has been installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code.

(d) The vendor has certified, by signing the net metering notification form, that the generator being installed is in compliance with the requirements established by underwriters laboratories, or other national testing laboratories.

(e) The customer has had the inverter settings inspected by BMU, if the generator is a static inverter-connected generator with an alternating current capacity in excess of ten (10) kilowatts. BMU may impose a fee on the customer for such inspection, which will be actual cost not exceeding \$50 per inspection.

(11) *Definitions.* The following definitions shall apply to this subchapter as written unless context indicates or requires a different meaning.

BILLING PERIOD. The time period between the dates on which Berea municipal utilities issued the customer's bills.

BILLING PERIOD CREDIT. The electricity generated by the customer that flows into the electric system and which exceeds the electricity supplied to the customer for the electric system and which exceeds the electricity supplied to the customer for the electric system during any billing period.

NET METERING PERIOD. Each successive twelve (12)-month period beginning with the first meter reading date following the date and final interconnection of the generator with the Berea municipal utilities facilities.

(12) *Rules and regulations.* Except as provided herein, service will be provided under Berea municipal utilities' rules and regulations or terms and conditions.

(l) *All classes*

(1) *Late payment charge:* 10% will be added if bill is not paid by the 10th day after billing date; provided that the one-time waiver of delinquent utility bills specified in Section 31.105 shall also apply to electric bill delinquencies.

(2) *Reconnect charges:* \$20.00.

(3) *Discontinuance of service for non-payment:* If the account is not paid by the 20th day after the date of mailing of the monthly bill, service may be discontinued in accordance with the rules and regulations of the Berea Municipal Electric Utility.

(4) *Additional charges:* There shall be added to the bill of each customer as a separate item:

(a) A franchise replacement fee equal to 3% of the gross bill for the water service provided, pursuant to Ordinance No. 16-04; and

(b) An amount equal to the proportionate share of any license, franchise or similar fee or tax now or hereafter imposed upon the Berea Municipal Electric Utility by any governmental body or entity, including but not limited to Berea Independent School District or the Madison County School District, or the Kentucky River Authority or similar administrative or governmental body.

(5) *Revenue stabilization adjustment:* A monthly adjustment, which may either be a charge or credit, shall be applied for the purpose of providing for the difference between Berea's budgeted cost of service and projected revenues for the current fiscal

year. Cost of service shall include operation and maintenance expenses, interest and principal on debt, average extensions and replacements, and margins. The adjustment shall be determined prior to the beginning of each fiscal year and remain in effect for the entire fiscal year. For customers taking service under Residential Service - Class 1, Small Commercial - Class 2, Large Commercial - Class 3, Industrial and Large Commercial - Class 4, Industrial and Large Commercial - Class 5, Industrial and Large Commercial - Class 6, and Net Billing Service - Class 9, the revenue stabilization adjustment shall be applied as charge or credit to the customer service charges or minimum charges. For customers taking service under Private Outdoor Lighting - Class 8, the revenue stabilization adjustment shall be applied as a charge or credit per light per month.

(6) Changes in wholesale energy costs. All increases or decreases in the cost of electric power by the Municipal Utility's wholesale energy provider shall be applied as a charge or credit per KW and/or KWh.

(7) *Penalty fee for tampering with metering device:* In the event a customer, or anyone on the customer's behalf, reconnects service or otherwise tampers with the service connection or metering device after service is terminated for non-payment, then (a) BMU is authorized to disconnect the service and/or remedy the tampered with service connection or metering device, and (b) the customer shall be assessed a penalty fee of \$500.00, in addition to any reconnect charges, to be added to the customer's bill of account at BMU, and BMU shall not provide service to the customer until the full amount of the customer's account, including any penalty fee and overdue service payment, is paid and satisfied in full.

SECTION IV

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

FIRST READING: October 5, 2021.

SECOND READING AND ENACTMENT: October 19, 2021.

APPROVED BY:

Bruce Fraley, Mayor

ATTEST:

Clerk of the City Council

Published this 20 day of October, 2021.

PREPARED BY:

Corporate Counsel

CITY OF BEREA, KENTUCKY
PLANNING COMMISSION

In Re: Application for Zone Change for

RUTH BAKER
100, 136 & 164 Neely Street

FINDINGS OF FACT AND RECOMMENDATION

This matter having been heard on August 24, 2021, at a public hearing before the Berea Planning Commission, and the Planning Commission having considered the proposal for zoning map amendment made by Ruth Baker, and the records of the City of Berea, including the Comprehensive Plan, and the statements and testimony offered by the applicant and members of the general public, and having further considered the application filed herein, and the records of the City Clerk; the Planning Commission makes the following FINDINGS OF FACT:

1. That proper notification of the hearing was given pursuant to KRS 100.212. § 401.2 of the Land Management and Development Ordinance of the City of Berea, by notices published in the Berea Citizen, and by posting signs on the property.

2. That the subject property consists of two (2) lots, all zoned R-1 (Single Family Residential) located at 100, 136 and 164 Neely Street, and the applicant seeks to amend the zoning classification of her property to rezone to MP/C (Mobile/Manufactured Home Park/Community District).

3. That 164 and 136 Neely Street is a 4.96 acre tract. Mrs. Baker's residence is at 164 Neely Street which serves as an office for the trailer park located at 136 Neely Street. 100 Neely Street is a vacant lot containing .46 acre. One of the mobile homes encroaches approximately three (3) feet onto the vacant lot.

4. That the current comprehensive plan was adopted on October 27, 2020, and the future land use element of the comprehensive plan designates the property as R-1 (Single Family Residential).

5. A summary of the evidence and testimony and arguments presented by the applicant of the proposed amendment is as follows:

- a) The current zoning classification is R-1 (Single Family Residential).
- b) The future land use component of the Comprehensive Plan specifies that the area is appropriate for its current classifications.
- c) Larry Baker, Mrs. Baker's son, gave testimony in favor of the zone change.
- d) The applicant wishes to continue to operate and maintain a trailer park on said property and to have a zoning classification consistent with the use of the property.
- e) The justification for the zone change is that the owner believes the R-1 designation is in error or an oversight as the property has been operated as a trailer park since the mid-1960's, several years prior to it's annexation into the City.
- f) The mobile home license issued by the State of Kentucky encompasses the residence/office at 164 Neely Street and the mobile home park at 136 Neely Street. The license allows a maximum of eleven (11) mobile homes. Mrs. Baker has also maintained a business license from the City of Berea to operate the mobile home park. The PVA lists all three (3) lots on one (1) tax bill.

g) The vacant lot is utilized as green space for the residents of the mobile home park. There was also testimony that residents of the mobile home park occasionally parked vehicles on the lot.

h) The Berea Zoning classification of MP/C would allow the placement of recreational vehicles (RV's) in the mobile home park under a Conditional Use Permit.

6. A summary of the evidence and arguments presented as evidence opposing the proposed amendment is as follows:

Property owners in the adjoining neighborhood objected to the change due to increased traffic and safety of the area residents; that the property had not been maintained properly; that it was inappropriate for the vacant lot to be included in the request as it was not an original part of the park and is not recognized by the State as part of the park; that the appropriate zone for the property and the vacant lot is R-1; that RV's would attract a transient less stable residents to the park; that allowing RV's in the mobile home park would change the character of the park and neighborhood.


7. That upon motion and second, a majority of the commission finds (a) that the proposed map amendment is not in agreement with the adopted comprehensive plan; and (b) that the existing zoning classification was appropriate and that the proposed zoning classification of MP/C was inappropriate.

RECOMMENDATION

Based on the foregoing, the Planning Commission recommends to the City Council that the classification of the property involved herein not be changed to MP/C (Mobile/Manufactured Home Park/Community Development) and remain R-1 (Single Family Residential).

Dated: 9-24-21

By: 
Chairman, City Planning
Commission

Prepared by:

Corporation counsel



CITY OF BEREA
PUBLIC WORKS DEPARTMENT

200 HARRISON ROAD * BEREA, KENTUCKY 40403
Office (859) 986-8792 * Fax (859) 986-1360

rcurtis@bereaky.gov

BRUCE FRALEY
MAYOR

ROY CURTIS
PUBLIC WORKS DIRECTOR

TO: Mayor Fraley, City Council, and City Administrator Beverly
FROM: Roy Curtis, Public Works Director
DATE: 10/18/2021
REF: Department Activity Report

The Public Works Department has recently worked on the following projects:

The completion of the Chestnut Court drainage project. We cut down the drain box due to it being too tall and reseeded the grass area at the end of the street.

Preparation for the upcoming brush collection and fall clean-up during the week of October 18-22, and servicing the leaf machines in preparation for leaf collection in November.

Assistance with the Guild Fair by setting up the tent and putting up signs.

Assisted Donna Angel and the Tourism Department with National Tree Week by hanging banners and planting a tree at the dog park.

We removed and replaced several sections of sidewalks on Ridgewood Drive and in the area of the Oaks Subdivision that needed repair.

At the request of the property owner of the building next to the old Train Depot cabin, we trimmed the trees off the building so that the owner could do needed maintenance. The trees were on city property.

Our crews are in the process of staining the wooden fence that we constructed at the Brushy Fork Trail on the Boone St end.

We continue to do routine street, storm drain, vehicle, equipment, and building maintenance, as well as taking care of call in complaints.

CITY OF BEREA FALL CLEAN-UP

RESIDENTS OF THE CITY OF BEREA

The City of Berea and Waste Connections will hold FALL CLEAN-UP within the city limits of Berea, the week of October 18 - 22, 2021. The clean-up will coincide with your normal garbage pickup. The collection crews will remove a normal pick-up truck load on your scheduled day. Items for collection must be placed at curbside by 5:00 am on the day of your pickup. If you have bulk items other than bagged waste or dry boxed items to be collected, you will need to call the Waste Connections Office to schedule a pickup date. If you should require a pickup other than your scheduled day and time, that service will be provided at the rate of \$25.00 per request, not to exceed a legal pick-up load. All refuse must be placed in plastic bags or containers. Compost materials (wood, grass clipping, etc.) must be kept separate from normal garbage or trash. Larger limbs must be stacked in neat piles at the curb with all limbs facing the same direction. Small limbs and twigs must be placed in securely tied bundles or in plastic bags. Used appliances and furniture will be collected and charged at Waste Connections scheduled rates as listed below:

Appliances (White Goods) -----	\$20.00
Stuffed Chairs -----	\$10.50
Couches and Loveseats -----	\$20.00
Non-Stuffed Chairs -----	\$ 7.00
Carpeting -----12x12-----	\$15.00 Per Room
Fencing and Wire -----	\$3.25 Per Foot

ALL APPLIANCES THAT USE FREON must have a certificate that this liquid has been removed by a certified technician or Waste Connections will charge \$50.00 for the following items: Refrigerators, Dehumidifiers, Air Conditioners, and Freezers. All bulky items will be picked up the same day as your normal pickup. These items must be placed at the curb at the same time as all other materials.

If you have any questions, please call 866-428-4208, 606-877-7760, or 606-864-7996

**THIS IS ALSO BRUSH PICK-UP WEEK FOR THE CITY OF BEREA.
ALL LEAVES MUST BE BEHIND THE CURB, LOOSE OR IN BAGS.
THANK YOU FOR HELPING TO KEEP THE STREETS CLEAN.**

BEREA PARKS AND RECREATION

20TH ANNUAL HALLOWEEN AT THE PARK

Berea Community School parking lot

Sunday October 31st

6:00pm-8:00pm

Drive-thru style trick or treat

Local vendors will hand out candy

For more information call

986-9402

