

CITY OF OLNEY
CITY COUNCIL MEETING
AUGUST 10, 2020

AGENDA #1 “CALL TO ORDER” The August 10, 2020, meeting of the Olney City Council was called to order at 7:00 p.m. in the Council Chambers of the Olney City Hall located at 300 S. Whittle Avenue, Olney, Illinois, with Mayor Mark Lambird presiding.

AGENDA #2 “PLEDGE OF ALLEGIANCE TO THE FLAG-PRAYER” Council members and visitors joined in the pledge of allegiance to the flag. Tim Loomis led the group in prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Mark Lambird, John McLaughlin, Belinda Henton, Morgan Fehrenbacher, and Greg Eyer. Also present were City Manager Allen Barker, City Treasurer Jane Guinn, City Clerk Kelsie Sterchi, and City Engineer Mike Bridges.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on July 27, 2020”

4-B “Approve and Authorize Payment of Accounts Payable August 11, 2020” Pooled Cash \$90,478.31, Manual Pooled Cash \$712,598.74, Petty Cash \$211.50, Unclaimed Funds \$323.97, Foreign Fire \$67.96, Cemetery Perpetual Care \$7,000.00, MFT \$18,801.66, IMRF \$30,618.08, Liability Insurance \$2,500.00, Tourism \$3,300.00

4-C “Appointments: Natalie Shryock to the Tree Board & David Abell to the Library Board”

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” No items were requested for removal from the consent agenda.

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilwoman Fehrenbacher moved to approve the items on the consent agenda, seconded by Councilman McLaughlin. A majority affirmative voice vote was received to approve the items on the consent agenda.

AGENDA #7 “CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA” No consideration was necessary since no items were removed from the consent agenda.

AGENDA #8 “PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC.”

8-A “Discussion/Possible Ordinance: Amend Section 12.16.080 (Steering and Sailing Rules) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would amend Section 12.16.080 (Steering and Sailing) of the City of Olney Municipal Code.

Mr. Barker reminded the Council that at the last meeting, the Council had heard a request from Travis Sharp requesting a Code amendment to allow for personal watercraft (e.g. jet skis) to tow water skiers and tubers. At that time, the Council seemed interested in such a Code

amendment, but requested that Lake Patrol be present at this meeting to help answer questions. Park Department Supervisor Frank Bradley was also present to help answer questions.

Councilwoman Fehrenbacher wondered if Lake Patrol had been asked their opinion on the request. Mr. Bradley responded that he had spoken with Lake Patrol Officer Martin Dunn. Mr. Dunn expressed opposition to the request. The State of Illinois did allow for certain kinds of jet skis with spotters to tow tubers and skiers, however.

Councilwoman Fehrenbacher stated that a few people that lived on the lake that also owned jet skis had told her they would not be in favor of the request.

Mr. Bradley told the Council that he was also not in favor of the request as he felt it was a safety issue in regards to having an appropriate spotter. Councilwoman Fehrenbacher agreed that many jet skis would not have an appropriate spotter.

Lake Patrol Officer Martin Dunn was on his way to this evening's meeting. The Council wished to table this topic until Mr. Dunn arrived.

8-B "Discussion/Possible Action: Regulations for Food Trucks" The Council was provided with a copy of a proposed ordinance that was given to the Council in 2018 that would authorize food trucks and food trailers on public property.

Mayor Lambird reminded the Council that at the last meeting, the Council had also discussed possible regulations and/or permitting of food trucks. At that time, the Council requested more time to review the proposed ordinance in order to make additional recommendations and to research the issue further.

Councilman McLaughlin had researched the food truck ordinances in Vincennes and Effingham. He was shocked by how different they were as both towns were similar in size. Vincennes' ordinance was two and a half pages long while Effingham's was 17 pages long. He noted that both towns allowed for food trucks on private commercial property. They also both allowed food trucks on public property with the permission of the municipality. Some stipulations were also included on how far away food trucks must be from certain areas such as other food establishments, curbs, and fire hydrants.

Councilman McLaughlin asked those present what their specific issues were with food trucks coming to Olney.

Michelle Brooks, owner of HV's Food & Spirits, indicated that she wished for more fairness between food trucks and brick and mortar establishments. She did not believe it was fair for a food truck to just pull in and take away restaurant business, especially when brick and mortar establishments were drawing in sales tax and paying for health inspections and property tax. Unsure of a total solution, Mrs. Brooks offered that food trucks could be required to pay a \$100.00 permit fee per day. From there, funds raised could go into a fund to help alleviate Olney restaurants' fees for health inspections.

Councilman McLaughlin pointed out that Effingham charged a \$100.00 food truck permit fee per year or a \$40.00 fee for a 48-hour permit. Some members of the Council felt that such fees were appropriate while others felt that the fees were too low.

Councilman Eyer noted that the topic was sensitive because of free enterprise in the economy. He could see value in both kinds of businesses. Councilman McLaughlin somewhat agreed, but felt it would be helpful to have reasonable rules with a fee and application process. The Councilman also offered that perhaps there could be a different fee structure for Richland County food trucks versus out of county food trucks.

Mayor Lambird felt that if permit fees were too high, there would not be food trucks. From the audience, Julie Hill from Ginger Ale's stated that Effingham, Vincennes, and Champaign were all getting ready to increase their permit fees for food trucks.

Also representing Ginger Ale's, Mike Hill noted that many restaurants had private commercial property right next door. He requested that the Council include an appropriate distance that food trucks would need to stay away from brick and mortar restaurants.

Councilman McLaughlin did not believe it would be right to limit access to private commercial property. Councilwoman Fehrenbacher agreed, but did not see any other way of protecting restaurants other than instituting guidelines for how far or near food trucks could be to an existing restaurant. Even so, Councilman McLaughlin pointed out that there was no such protection to keep someone from building a restaurant next door to another existing restaurant.

Mr. and Mrs. Hill stated that they would also like to see permitting to ensure that food trucks were inspected by a health department and were paying appropriate sales tax. They clarified that a passed inspection from a health department would not necessarily need to be supplied by the Wabash County Health Department, especially if the food trucks were from outside of Richland County.

Councilman Eyer suggested a permit fee of \$50.00 per event and/or per 48 hours and \$150.00 for an annual permit. Some members of the Council felt that Councilman Eyer's proposal was either too high or too low. Mr. Hill felt that any decent and established food truck should have no problem paying \$400.00 per year.

Overall, the Council agreed that for the time being, food trucks should only be allowed on private commercial property. They also felt that applications should be made at least 14 days in advance of the intended date for the beginning of food sales.

Councilman Eyer then suggested a permit fee of \$50.00 per event and/or 48 hours and \$250.00 for an annual permit. The Council was mostly in agreement.

The Council then discussed whether or not Paragraph C under Section IV should be removed. The paragraph stated that no food trucks would be allowed within 500 feet of the nearest property line of any City recreational facility without written permission. After some discussion, the Council decided to leave this provision as-is.

Under Section VI, the Council wished to strike the last paragraph that set a time limit for vending.

With the noted changes to the proposed ordinance, the Council requested that the appropriate changes be made and a fresh ordinance be presented at the next Council meeting for action.

For clarification, Mrs. Sterchi asked the Council if food trucks would still be permitted to vend on public property when included as part of a Special Event such as the Fall Festival or White Squirrel Cruisers Car Show. The Council agreed that food trucks would be permitted at Special Events with no food truck permit required.

Seeing that Mr. Dunn had arrived, the Council wished to revisit item 8-A.

Mr. Dunn told the Council that he had spoken with Dusty Taylor from IDNR regarding the request to amend the Code to allow for personal watercraft (PWC) to tow skiers and tubers. Mr. Dunn learned that there were some requirements in the allowance from the State that many people may not know. For example, a designated spotter would be needed on the PWC. This would mean that at least three people would be required; one driver, one spotter, and at least one person being towed. The PWC would need to include enough seating for anyone being towed, as well. Additionally, an orange flag would be needed if having persons in the water, just like a boat.

Mr. Dunn continued to state that another problem was that there were about four times as many accidents with PWCs compared to accidents with boats. The reason for this is that PWCs are fast, turn faster, and are harder to see.

Councilman McLaughlin recalled that Mr. Sharp had told the Council that his PWC was a three-seater and was designed to pull tubes and skiers. Mr. Sharp had also stated that surrounding lakes allowed for such a provision.

If the Council authorized the Code amendment, Councilwoman Fehrenbacher pointed out that the key would be to have people be educated on the actual requirements. She felt that if the amendment was passed, then many people would think that any PWC could pull tubes and skis. At a minimum, the PWC would need to have three seats. Councilman McLaughlin agreed and felt that the Code amendment could be more specific.

Mayor Lambird did not believe that the City's Code needed to go into much detail if the provision was already allowed by the State. The City Code detailed provisions that were stricter than State law. Councilwoman Henton agreed, but felt it would be easier for the public to see the details regarding PWCs laid out in the City Code.

Councilwoman Fehrenbacher and Councilman Eyer expressed concerns with how old a person would need to be to act as a spotter. Mr. Dunn indicated that some could argue that a toddler was a designated spotter. The legal key was that someone would actually need to be able to speak in order to inform the driver if someone fell.

Mayor Lambird suggested that the State law regarding PWCs be presented at the next Council meeting to see if the Council was comfortable with the State's restrictions, or if the Council wished to add further restrictions.

8-C “Ordinance: Amend Section 13.08.500 (Billing Charge and Basic User Rate) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would amend Section 13.08.500 (Billing Charge and Basic User Rate) of the City of Olney Municipal Code. The Council was also provided with a memo from Mr. Barker.

Mrs. Guinn reminded the Council that at the last Council meeting, a rate increase for sewer was discussed so that the City of Olney would be eligible for CDBG grants related to sewer projects. The rates would increase by \$0.2134 per 100 gallons of usage. That would bring the City to the minimum level to apply at \$30.52 per 5,000 gallons of usage.

Mr. Barker then recommended that the additional sewer revenue be earmarked for the repair and replacement of sanitary sewer lines in the downtown area on Main Street. Mr. Barker believed it could be possible for the City to anticipate three CDBG awards over the next five years. If both sources of revenue from grants and the rate increase were used, the total should exceed the current estimated cost of the overall project and allow construction to be continuous. But as it stood, the City could not even apply for a CDBG grant because its sewer rates were too low.

Councilman Eyer noted that the proposed rate increase was in line with the water rate increase the City had placed in 2019 for the same purpose of applying for CDBG grants.

Councilman McLaughlin made it known that he was absolutely not in favor of a rate increase. He felt the City had raised rates too much and too frequently in the past few years. Councilwoman Fehrenbacher asked the Councilman what other solution there was to pay for the needed repairs. Councilman McLaughlin was unsure, but felt it was too harsh to raise the rates by 54% in a time where the world was hurting and many peoples’ financial situations were even more difficult.

Councilwoman Fehrenbacher moved to approve Ordinance 2020-26, seconded by Councilman Eyer. A majority affirmative voice vote was received with Councilman McLaughlin voting no.

8-D “Resolution: Amend the Fiscal Year 2020-2021 Budget for the City Park Drainage Ditch” The Council was provided with a proposed resolution that would amend the Fiscal Year 2020-2021 budget for the City Park Drainage Ditch Project.

Mr. Barker reminded the Council that at the last meeting, he had informed them of a problem in the City Park where the drainage ditch was eroding and needed repair work. The work was estimated to cost between \$11,000.00 and \$12,000.00. The funds would come from Contingencies.

Councilman McLaughlin moved to approve 2020-R-55, seconded by Councilman Eyer.

Councilwoman Fehrenbacher pointed out that the repair work would need to be completed before the new walking trail was constructed. Mr. Barker agreed. In addition to that reason, the erosion was presenting a safety issue.

A majority affirmative voice vote was received.

8-E “Adoption of an IDOT Resolution for Improvement Under the Illinois Highway Code – East Street Bridge” The Council was provided with a proposed IDOT resolution for improvement under the Illinois Highway Code for repairs to the East Street Bridge.

Mr. Barker explained that the Council had taken previous action that designated the additional MFT funds to be received by the City over a three-year period for repairs to the East Street Bridge. The project would need to be completed by 2025.

Councilman McLaughlin moved to approve the IDOT Resolution for Improvement Under the Illinois Highway Code for the East Street Bridge, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-F “Adoption of an IDOT Resolution for a Preliminary/Construction Engineering Service Agreement for Motor Fuel Tax Funds for the East Street Bridge Project” The Council was provided with an IDOT resolution for a preliminary/construction engineering service agreement for MFT funds for the East Street Bridge Project.

Mr. Barker explained that this IDOT resolution was also related to the repairs of the East Street Bridge. The resolution would name Charleston Engineering as the engineer of record for the project.

Councilman McLaughlin moved to approve the IDOT Resolution for a Preliminary/Construction Engineering Service Agreement for Motor Fuel Tax Funds for the East Street Bridge Project, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-G “Discussion/Possible Resolution: Use of City Hall as a Polling Place for the November 3, 2020, Election and/or City Closure on that Date” The Council was provided with a memo from City Attorney Zuber and information on a lawsuit filed to clarify the General Election Day holiday.

Mrs. Sterchi told the Council that the County Clerk had asked whether or not City Hall would be allowed to be a polling place for the November 3, 2020, election due to the COVID-19 pandemic. If other arrangements needed to be made, the County Clerk would need to know as soon as possible. A quick poll of the Council had indicated that most of the Council would be in favor of continuing to have City Hall as a polling place if City Hall was closed for business so that employees would not be in close contact with election judges, voters, etc., while those people also used doors, restrooms, the break room, tables, and re-circulated air. City Hall would also then need to be thoroughly cleaned.

The State of Illinois had made November 3, 2020, “General Election Day” as a State holiday. Municipalities that did not also act as a polling place would require closure. Those that did participate as a polling place had the option as to whether or not to observe the holiday. Mrs. Sterchi noted that if a holiday was declared, then holiday pay would be required for any department that did work on that day.

Councilwoman Fehrenbacher felt it might be easiest to have the County Clerk seek an alternative and not have City Hall be a polling place for the November election.

Councilman McLaughlin was in favor of having City Hall continue to act as a polling place followed by a deep cleaning. He added that City Hall was still a polling place back in March when COVID-19 was first emerging locally. Councilwoman Henton pointed out that cases of COVID-19 in Richland County were currently higher than ever. Additionally, it was possible that the County Clerk may end up putting more precincts into City Hall if other regular polling places could not be used.

Councilman Eyer asked if all departments would need to be closed on November 3rd if City Hall was closed. Mayor Lambird felt that employees could possibly do some work elsewhere if contact in and out of City Hall's doors was the problem. Employees would have home phones or cell phones in case they needed to be contacted.

Councilwoman Henton felt that the intention of the statute was to have City Hall staff not working that day. She and Councilman Eyer did not feel that any other department would need to be closed.

Mayor Lambird wondered when the lawsuit judgement would be determined as to whether or not City Hall would be required to close. The Council was unsure. Most of the Council felt it would be easier to just close City Hall for business on November 3rd.

Councilman McLaughlin noted the importance of the November 3rd election. He did not want to confuse the voters and possibly discourage people to vote.

Councilman McLaughlin moved to continue to allow City Hall to be used as a polling place for the November 3, 2020, election, with City Hall closed for business if City Hall was not already to be closed for business due to the General Election Day holiday, seconded by Councilwoman Henton. A majority affirmative voice vote was received. Resolution 2020-R-56 would be created.

8-H "Discussion/Possible Action: Purchase of Bulletproof Vests for the Police Department" Chief Paddock told the Council that funds from a Department of Justice (DOJ) Grant and Illinois Public Risk Fund (IPRF) Grant were requested to be used towards the purchase of bulletproof vests. He noted that the DOJ Grant was usually a reimbursement grant.

Chief Paddock expected the bulletproof vests and vest care to cost around \$16,700.00. An amount of \$21,450.00 had been budgeted for the purchase of vests. Budgeted for income was \$6,925.00 for the IPRF Grant and \$7,702.00 for the DOJ Grant. Chief Paddock wondered if the Council would be in agreement for him to go ahead and order the vests.

The Chief added that once ordered, it would be about 12 weeks before the vests would be received. The current vests would expire in October.

Councilwoman Fehrenbacher wondered if enough funds would be available to cover the entire purchase of vests and vest care without a formal quote. Chief Paddock believed so, and added that two other places were likely to help with the purchase cost. Additionally, the department had funds budgeted for uniforms. If needed, money could be transferred from that line item to cover the much needed bulletproof vests.

Councilman McLaughlin moved to authorize the purchase of bulletproof vests for the Police Department, seconded by Councilwoman Henton.

Councilman Eyer told the Chief that he had looked at bulletproof vests online and could not find any that were priced over \$1,000.00. Chief Paddock asked what kind or brand of vest the Councilman had seen. Councilman Eyer was unsure.

Chief Paddock clarified that DOJ guidelines required that the vests be a certain type to meet their standards. The vests would last five years.

A majority affirmative voice vote was received.

AGENDA #9 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

9-A “Status Report-City Manager” City Manager Barker had nothing to add.

Councilman McLaughlin told the Council that the JEDS Board had not been able to meet for quite some time due to COVID-19. The JEDS’ proposed budget had since been released, and the Councilman reported that the budget had come in less than the year prior.

9-B “RCDC Report” Mr. Yockey told the Council that the Love’s Truck Stop was seeing a lot of activity. The foundation for the new Dollar General was also in place. The Carle clinic and Best Western Event Center were also coming along nicely.

9-C “Chamber of Commerce Report” Councilwoman Fehrenbacher said the Chamber’s golf outing on July 31st was a rainy event, but 13 teams did participate. The Chamber had no other events planned for the moment.

9-D “Parks & Recreation Board Report” No report was given.

9-E “Tourism Board Report” Councilwoman Henton reported that the ILLINOISouth Tourism Bureau would have their next quarterly meeting on August 26, 2020, via Zoom.

AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS”

10-A “Ron Estes” Mr. Estes distributed a handwritten drawing of the intersection of Linn and W. North Avenue. Mr. Estes told the Council that he resided at 1102 W. North Avenue. He requested that the Council make the intersection of Linn and W. North a four-way stop instead of a two-way stop. Mr. Estes believed that drivers frequently sped through the area, and felt that the intersection was dangerous.

Mr. Estes stated that he had also spoken with the Police Department about the problem and was told that there was not enough manpower to monitor that area frequently for speeders.

From the audience, Bob Vinson agreed with Mr. Estes and said that he had a dog get hit in front of his property last summer.

Councilwoman Fehrenbacher asked Chief Paddock for his opinion. Chief Paddock said that officers did patrol that area, but cannot patrol very often. The department has two officers working during the afternoons in a town of over 9,000 people. The Chief had not physically seen a speeding issue in that area, but noted that it may be taking place at different times. The

Chief offered to set up the speed trailer in that area for awareness, but felt that the trailer and/or stop signs would likely not solve the problem.

Mr. Vinson told the Council that a neighbor of his had a large bush on the side of the road. When asked to trim the bush back, the neighbor refused because the bush was the only thing in that area that made people slow down.

The Council did not see any harm in making the intersection of Linn Street and W. North Avenue a four-way stop. An ordinance would be presented at the next Council meeting for action. Mr. Estes asked if he should attend that meeting. Councilwoman Henton felt that would be a good idea.

AGENDA #11 “CLOSED SESSION: COLLECTIVE NEGOTIATING MATTERS”

Councilman McLaughlin moved to adjourn to closed session to discuss sale or lease price of real property; acquisition of real property; appointment, employment, compensation, and performance of specific employees; and collective negotiating matters, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

The meeting adjourned to closed session at 8:15 p.m.

AGENDA #12 “RECONVENE OPEN SESSION” Upon return of those who were in closed session to the Council Chambers, Councilwoman Henton moved to enter back into open session, seconded by Councilman McLaughlin. A majority affirmative voice vote was received. Open session resumed at 8:31 p.m.

12-A “Ordinance: Establish the Hourly Rate of the Administrative Assistant in the Police Department” The Council was provided with a proposed ordinance that would establish the hourly rate of the Administrative Assistant in the Police Department.

Mr. Barker had told the Council that Jessica Bahl had been hired as the Administrative Assistant in the Police Department. Mrs. Bahl would begin work on August 12, 2020.

Councilman McLaughlin moved to approve Ordinance 2020-27, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Councilwoman Fehrenbacher informed the Council that she would not be in attendance at the next meeting.

Regarding food trucks, Councilman McLaughlin wondered if it would be better to come up with a different pricing structure if they started coming to Olney mid-year. Councilwoman Fehrenbacher felt that if the yearly fee did not seem warranted, then the food truck operator could purchase 48-hour permits. Mrs. Sterchi also offered that if the Council truly wished to adjust pricing, it may be easier to simply pro-rate the cost instead of come up with a new fee schedule. The Council decided to leave the fee structure as discussed earlier in the meeting.

AGENDA #13 “ADJOURN” With no further business to discuss, Councilwoman Fehrenbacher moved to adjourn, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

The meeting adjourned at 8:36 p.m.

Kelsie J. Sterchi
City Clerk

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