

CITY OF OLNEY  
CITY COUNCIL MEETING  
FEBRUARY 12, 2018

AGENDA #1 “CALL TO ORDER” The February 12, 2018, 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. Zachary Caress led the group in prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Morgan Fehrenbacher, Les Harrison, Belinda Henton, John McLaughlin, and Mark Lambird. Also present were City Manager Allen Barker, City Clerk Kelsie Sterchi, City Treasurer Chuck Sanders, Assistant City Treasurer Jane Guinn, and City Attorney Bart Zuber.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on January 22, 2018”

4-B “Approve and Authorize Payment of Accounts Payable February 13, 2018” Pooled Cash \$143,036.98, Manual Pooled Cash \$104,189.18, Housing Rehab Grant \$19,200.00, IMRF \$33,257.60, Tourism \$3,278.83, Christmas Light Display \$325.80, Petty Cash \$205.00, Utility Refunds \$1,440.91

4-C “Raffle License: Olney AERIE #2549”

4-D “Raffle License: Olney Central College Phi Beta Lambda”

4-E “Raffle License: Olney Firefighters Association”

4-F “Approve City Council Travel Expense Reports from January 2018 - Present”

4-G “Appointments: Leah Shan & Nathan Britton to the Parks & Recreation 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” Councilman McLaughlin moved to approve the items on the consent agenda, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

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 “Possible Action: Recommendation for Restructure of the Disc Golf Course at Rotary Park” The Parks & Recreation Board recommended a restructure of the current Disc Golf Course at Rotary Park. Representing Frisbee Golf was Marty Ellison.

Mr. Ellison explained that the recommendation would make the course layout better for tournaments. The current structure was too compact.

Councilman McLaughlin asked if both Rotary Clubs were in favor of the request. Mr. Ellison confirmed. Mr. Barker added that the Park Department Supervisor was also in favor of the recommendation.

Councilman McLaughlin moved to approve a restructure of the Disc Golf Course at Rotary Park, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-B “Ordinance: Approve Granting of a Special Use Permit for Placement of an Airport, Landing Field, or Landing Strip for Aircraft at 3666 N. IL 130” The Council was provided with a proposed ordinance that would grant a Special Use Permit for 3666 N. IL 130, and a copy of the draft minutes from the February 5, 2018, Plan Commission meeting.

The Plan Commission unanimously voted to recommend granting a Special Use Permit for 3666 N. IL 130 in order to place a helicopter landing pad for the operations of an air medical transport business.

From the audience, Air Evac representative Whitney Miller clarified that the Special Use Permit would be strictly for a helipad and not an airport. The helipad would be for exclusive use by the Air Evac company.

Councilman McLaughlin asked if approvals would also be needed from other agencies. Ms. Miller and her counterpart indicated that other approvals would be necessary, and would be taken care of within their company. They saw no apparent reason that any additional approvals would not be granted.

Councilman McLaughlin then asked the City Attorney what would happen to the Special Use Permit if the City granted it, but the other approvals were not attained. Mr. Zuber replied that if granted, the Special Use Permit would not trump the other necessary approvals. If the approvals were not given, the Special Use Permit would become null and void.

Councilwoman Fehrenbacher moved to approve Ordinance 2018-07, seconded by Councilwoman Henton. Councilwomen Henton, Fehrenbacher, Councilmen McLaughlin, Harrison, and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

8-C “Discussion/Possible Action: Amending the Tourism Grant Application” The Council was provided with a proposed amendment to the Tourism Grant Application.

Mrs. Sterchi told the Council that two amendments were proposed. The first amendment would be to change the City website to read [www.cityofolney.com](http://www.cityofolney.com). The second amendment would be to clarify that not-for-profit organizations or individuals would only be eligible. After consulting with the Tourism Board, it was clear that the intention of the Tourism Grant was not to provide funds to those who would make a profit.

Councilman Harrison moved to approve amending the Tourism Grant Application with the changes listed above, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-D “Discussion/Possible Action: Temporary Suspension of the Tourism Grant Program Except for Those Who Have Applied and Been Granted in FY 2017/2018” Mrs. Sterchi told the Council that after meeting with the Tourism Board, it was proposed to suspend the Tourism Grant program until after the Walldogs event in 2020 due to the fact that the City would be making a large contribution. One exception to the proposed suspension would be for any entity that had applied for, and been granted, a Tourism Grant in the 2017/2018 fiscal year. In that case, the entity would be eligible to re-apply through the suspension period.

Councilman McLaughlin asked how much was given away in Tourism Grant funds in the last year. Mrs. Sterchi recalled approximately \$7,000.00 with two grantees.

Mr. Sanders noted that approximately \$50,000.00 was received each year in Hotel/Motel Tax, and that about \$92,000.00 was in the Tourism Fund.

It was Councilman McLaughlin’s preference to keep the program in place since so few applications were received each year. That way, the Council could decide at that time whether or not to grant the requested amount(s). Councilwoman Fehrenbacher agreed.

Councilwoman Henton noted that many communities do not offer Tourism Grants at all. Typically, communities will use the funds on events they sponsor themselves.

No action was taken on the proposal.

8-E “Ordinance: Authorize Sale of Items of Personal Property from the Park Department to Wilson Metals – Miscellaneous Scrap & Old Fencing” The Council was provided with a proposed resolution to allow the sale of miscellaneous scrap metal and fencing from the Park Department to Wilson Metals of Noble, Illinois.

Mr. Barker told the Council that the Park Department would soon be removing the fencing along Route 130 at the City Park. The fencing, along with other miscellaneous scrap metal, would need to be disposed. Because the Fair Board utilized the fencing on the south side of the park, the fencing on the northern portion would be removed first, and the Fair Board would be consulted on how to handle the remaining fencing.

Councilman Harrison moved to approve Ordinance 2018-08, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-F “Discussion/Possible Ordinance: Franchise for Residential Solid Waste Collection and Disposal Services” The Council was provided with a copy of the memo from Mr. Barker that was originally presented at the January 22, 2018, Council meeting. Mr. Barker had also asked representatives from Republic Services to be present.

Mr. Barker told the Council that no changes had been made since the original proposal from January 22, 2018. The main features of the agreement would be the provision of eight, 30 yard dumpsters for the City to use annually. Additionally, no increases would be made to the \$11.25 per month fee for at least two years. Past that point, Republic Services would have the option of raising the fee by three percent.

Councilman McLaughlin commented on the large increase in the monthly rate. He wondered why Republic Services was increasing the price so greatly. From Republic Services, Kenneth Depasse indicated that the current monthly rate was inherited by Republic Services back in 2009 when they had taken over servicing Olney. Republic Services had never increased the fees since that time and unfortunately, the cost of doing business had caught up with them.

Mr. Barker reminded the Council that the proposal was for a 20 year contract that could be reviewed every five years by the Council.

Councilwoman Henton was aware that many members of the public were not happy with the proposed rate increase. She pointed out that many residents participated in curbside recycling which, in turn, reduced the amount of garbage being taken to the landfill. She wondered if the reduction in trash volume had been considered in the pricing.

Mr. Depasse believed that the average resident of Olney had about 45 to 50 pounds of trash per month. If the reduction in trash volume went to 30 to 32 pounds per month, perhaps a different price could be provided.

From the audience, Jeff Doan asked why the City had not investigated other sanitary hauling businesses. He felt there had to be another company that would be more reasonable.

Mr. Barker replied that the only other hauler in the area had been consulted, and was not quite ready to step up to this volume of business.

Councilwoman Henton added that Republic Services had been decently reliable over the years, and wondered if a much smaller company would be as such.

Mr. Doan greatly disagreed. He felt that he could never get in touch with Republic Services regarding complaints, and that no one would return his calls. He felt that his complaints were few of many.

Councilwoman Henton asked for the City Clerk's opinion. Mrs. Sterchi replied that since Mr. Depasse had stepped into his position, the complaints had greatly decreased.

Councilman McLaughlin voiced his opinion that the 60% increase was much too large and should have been broken down into smaller increases over the years. The Councilman was also aware that the City's hands were tied with no other options for waste disposal.

Councilman McLaughlin moved to approve Ordinance 2018-09, seconded by Councilwoman Fehrenbacher. Councilwomen Fehrenbacher, Henton, Councilmen Harrison, McLaughlin, and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

8-G "Discussion/Possible Ordinance: Franchise for Operation, Maintenance and Distribution of Artificial or Natural Gas" Mr. Barker told the Council that the City's franchise with Illinois Gas Company would terminate on February 28, 2018. The proposed agreement would allow Illinois Gas Company to use easements and rights of way in the City.

Councilman McLaughlin moved to approve Ordinance 2018-10, seconded by Councilwoman Henton. Councilmen Harrison, McLaughlin, Councilwomen Henton, Fehrenbacher, and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

8-H “Discussion/Possible Ordinance: Amend Ordinance 2017-13 (City of Olney Food Ordinance)” The Council was provided with a copy of Ordinance 2017-13 (City of Olney Food Ordinance), and a copy of a proposal, as submitted by the Mayor.

Mayor Lambird explained that he was proposing an amendment to the Food Ordinance that would exempt private clubs, such as the Petroleum Club or VFW, from inspections. The Mayor believed that such clubs were a dying breed all over the country, and noted that two were lost in Olney over the past few years. He felt that the City should do what it could to keep the clubs around.

From the audience, local restaurateur Michelle Brooks stated that she was strongly opposed to the proposal. She recalled how greatly a health inspection program was pushed during its origination. Since being passed a year ago, Ms. Brooks had spent much time and money to come into compliance. Because private clubs sold food, and some to the public, she felt that they should be inspected like any other restaurant. Additionally, Ms. Brooks felt that anyone having a fundraiser should have someone on-site with a food sanitation license, and that a temporary permit should be required.

Mayor Lambird asked Ms. Brooks if she charged people to enter her restaurants. She replied that she did not.

The Mayor felt that private clubs were in place for the purpose of giving back to the community. In that case, Ms. Brooks felt they should increase their membership dues.

If not being inspected, Olde Tyme Steakhaus owner Penny Densmore wondered how to be sure the private clubs were handling food safely.

Ms. Brooks noted that she could concede with private, not-for-profit clubs being charged less, but that was all. She felt that the bottom line was the safety of the food being consumed.

Mayor Lambird asked if Ms. Brooks would like for churches to be inspected. Ms. Brooks replied that she would.

Mr. Doan, representing the Petroleum Club, stated that stores such as Napa Auto Parts sold chips and candy bars. He wondered why they were not inspected.

Councilman McLaughlin explained that the City’s current ordinance followed the State guidelines. City Attorney Zuber quickly pointed out that the ordinance did not follow State guidelines, but rather State laws.

Mayor Lambird commented that the City was not required to have food inspections. While true, Councilman McLaughlin felt that deviating from State law would open a can of worms. He then asked how the inspections were going.

Mrs. Densmore felt that the Olde Tyme Steakhaus had been treated fairly so far, and that the inspector was accommodating. Her staff had Servsafe licensure, but due to new State laws, staff

would also have to have allergen training by July 1, 2018. The allergen training would be \$22.00 per person, plus the cost of the employees' time to take the course.

Mayor Lambird stated that the private clubs did not make the public become members, and that no one had to go into any of the clubs. A few other places in the country had exempted private clubs from their ordinances. Ms. Brooks felt that in that case, the clubs should not serve food to their members. Mrs. Densmore added that Servsafe trainings were required all over the country. State of Illinois law did not exempt private clubs.

Councilwoman Henton commented that she was proud of the local restaurants. To her knowledge, only one establishment had not passed, and that was the establishment complaining about private clubs being inspected.

From the VFW, Karen Scherer asked if vendors at the Fall Festival were inspected. Mr. Zuber replied that because the Fall Festival took place for less than two days, inspections were not required.

Also from the VFW, Nancy O'Connell commented that VFW members take great care with food preparation, and no one had gotten sick from their food. Ms. Brooks noted that no one had gotten sick from her establishments either, but that did not stop the food ordinance from going into effect. Mayor Lambird commented that with all due respect, he did not put the program into place.

The Mayor then asked the representatives from the VFW how much of their income went back to the community. While no exact number could be provided at this meeting, Mrs. Scherer did point out that the club was not-for-profit, and much of their income did go back to the community.

Ms. Brooks felt that she could also argue about the philanthropy of her establishments, but reiterated that the bottom line was the safety of the food being served.

Mr. Doan told the Council that the Petroleum Club's building was very old. After their inspection, they were told that many things needed to be changed. Unlike Ms. Brooks, Mr. Doan stated that he did not have nice, new buildings to work with. To come into compliance would take about \$20,000.00. Ms. Brooks understood, and noted that many others had to also spend money to come into compliance. Mr. Doan felt that the Petroleum Club would go under with such expenses being necessary, but felt maybe that would be what Ms. Brooks wanted. Ms. Brooks indicated that it was no concern to her if the Petroleum Club was open or not. Mr. Doan told that he would be sure to pass on Ms. Brooks' comment.

Mayor Lambird cautioned everyone to retain civility.

From the audience, Earl Tannahill commented that as a member of a club, a main purpose was to go there to eat.

Mrs. Densmore questioned where the liability would lie if someone became ill from eating at the Petroleum Club. Mr. Doan replied that they had liability insurance through Runyon Insurance Agency.

Councilman McLaughlin asked if there were any grandfather provisions for buildings that are older. Councilman Harrison reminded Councilman McLaughlin that the Council chose not to add such a provision and to go strictly off of State law.

Mayor Lambird moved to amend Ordinance 2017-13 to allow “Clubs” under exemptions.

The motion died due to lack of a second.

8-I “Discussion/Authorization: Payment of Fiscal Year 2017/2018 Annual Contribution to the U.S. Route 50 Four-Lane Coalition” This topic was tabled.

8-J “Ordinance: Establish an Administrative Procedure for Assessing and Determining Claims Under PSEBA” The Council was provided with a proposed ordinance that would establish an administrative procedure for assessing and determining claims under the Public Safety Employee Benefits Act (PSEBA).

Mr. Zuber explained that the Act served an important role in protecting the well-being of public safety officers who had suffered extreme injury or death in the line of duty. Since enactment, determinations on eligibility for PSEBA benefits had been loosened due to the lack of a clear definition of a “catastrophic injury” as referenced in the Act. This had led to frequent abuse of the system, which can become costly to municipalities.

The Illinois Municipal League drafted an ordinance for non-home rule communities to adopt that clearly defines a “catastrophic injury”, “gainful work”, and “injury.”

Councilwoman Henton moved to approve Ordinance 2018-11, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-K “Ordinance: Authorize the Sale of Items of Personal Property from the Fire Department on GovDeals.com – Streamlight Flashlights & Hale Portable Water Pump” The Council was provided with a proposed ordinance that would authorize the sale of Streamlight flashlights and a Hale portable water pump from the Fire Department on GovDeals.com. The Council was also provided with a copy of an e-mail from Fire Chief Hill explaining the request.

Mr. Barker told the Council that the flashlights and water pump were no longer used or needed in the Fire Department. Additionally, Fire Chief Hill asked other departments if they could use the items, but no other departments expressed a need.

Councilman McLaughlin moved to approve Ordinance 2018-12, seconded by Councilman Harrison. A majority affirmative voice vote was received.

#### AGENDA #9 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

9-A “Status Report-City Manager” The Council was provided with a Status Report from the City Manager. .

9-B “RCDC Report” RCDC Executive Director Courtney Yockey had nothing to report.

9-C “Chamber of Commerce Report” Councilman McLaughlin had nothing to report.

9-D “Parks & Recreation Board Report” The Parks & Recreation Board had not yet met for the month, so there was nothing to report.

9-E “Tourism Board Report” Councilwoman Henton distributed a summary from the ILLINOISouth Tourism Bureau on social media numbers from October 2017 to December of 2017.

Twenty-three counties were now a part of the Bureau. Additionally, the 2018 Visitors Guide was out and available. Approximately 110,000 copies of the guide were printed and distributed in a variety of ways.

Over the next few months, the Bureau would be making many community visits, and would be focusing on featuring videos from the counties.

The Councilwoman continued that the Richland County Board had just re-certified Richland County with the ILLINOISouth Tourism Bureau.

Mayor Lambird asked if any social media posts had been made about Olney during the last quarter. Councilwoman Henton and Mrs. Sterchi were not certain, but did note that a recent ad was placed on social media for the Chocolate Tour. Speaking of the Chocolate Tour, Councilwoman Henton felt that the event was very successful. She appreciated the input and advice from the City Manager and would be looking forward to other events.

City Treasurer Sanders told the Council that a letter had been received on February 5, 2018, from the DCEO confirming that the City had completed the requirements necessary to close out the RLF accounts. Now, the City could make application to have those funds returned to be used on up to two projects. The City had available, in the form of bond competitive funds, \$260,813.68. The City would need to determine up to two projects before December 31, 2020.

Councilwoman Fehrenbacher asked what criteria the projects must meet. Mr. Sanders replied that proposed projects in blighted areas, low to moderate income areas, and economic development projects were some options.

Mayor Lambird asked how long it would take for the City to determine how and where the funds could be best utilized. Mr. Sanders felt that he and the City Manager could make such recommendations sooner rather than later.

Before going into Closed Session, Mayor Lambird commented that Lincoln’s birthday was that day, and that President’s Day would be celebrated on February 19, 2018.

AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS”

10-A “Brian O’Neill” Mr. O’Neill was not present.

AGENDA #11 “CLOSED SESSION: SALE OR LEASE PRICE OF REAL PROPERTY; ACQUISITION OF REAL PROPERTY; AND APPOINTMENT, EMPLOYMENT, COMPENSATION, AND PERFORMANCE OF SPECIFIC EMPLOYEES” Councilman McLaughlin moved to adjourn to closed session to discuss sale or lease price of real property; acquisition of real property; and appointment, employment, compensation, and performance of

specific employees, seconded by Councilman Harrison. A majority affirmative voice vote was received.

Councilmen Harrison, McLaughlin, Councilwomen Fehrenbacher, Henton, Mayor Lambird, City Treasurer Sanders, Assistant City Treasurer Guinn, City Attorney Zuber, and City Clerk Sterchi left the Council Chambers at 7:48 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 Councilwoman Fehrenbacher. A majority affirmative voice vote was received. Open session resumed at 8:07 p.m.

Councilman McLaughlin told the City Manager that the traffic lights at the intersection of Main and East Streets may be malfunctioning.

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

The meeting adjourned at 8:09 p.m.

Kelsie J. Sterchi  
City Clerk