

CITY OF OLNEY
CITY COUNCIL MEETING
FEBRUARY 13, 2017

AGENDA #1 “CALL TO ORDER” The February 13, 2017, 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 Ray Vaughn 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: Les Harrison, Belinda Henton, and Ray Vaughn. John McLaughlin and Bob Ferguson were absent. Also present were City Attorney Bart Zuber, City Clerk Kelsie Sterchi, City Treasurer Chuck Sanders, Assistant City Treasurer Jane Guinn, and City Engineer Charleston.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on January 23, 2017, January 24, 2017 (Special), & January 30, 2017 (Special)”

4-B “Approve and Authorize Payment of Accounts Payable February 14, 2017” Pooled Cash \$108,877.33, Manual Pooled Cash \$98,511.39, Project Fund Account \$250,689.00, Utility Refunds \$1,439.82, MFT \$180.00, IMRF \$29,627.17, Tourism \$147.92, 175th Anniversary \$5,000.00, Christmas Light Display \$1,215.83, Petty Cash \$301.59, Fire Pension \$648.00, Police Pension \$648.00

4-C “Raffle License: American Legion Post #30”

4-D “Raffle License: First National Bank in Olney”

4-E “Raffle License: St. Joseph School”

4-F “Raffle License: Olney Little League”

4-G “Raffle License: MS Join the Movement (1)”

4-H “Raffle License: MS Join the Movement (2)”

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

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Mayor Vaughn moved to approve the items on the consent agenda, seconded by Councilwoman Henton. A majority affirmative voice vote was received to approve 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 “Request: Waive Community Building Fees on May 19 and May 20 for ‘Bikers With a Heart’ Event” The Council was provided with a Special Event Application, two draft event flyers,

notes for the Council, and a letter of request, all submitted by Bethany Jarvis. Mayor Vaughn asked Ms. Jarvis to provide a brief description of the proposed event.

Ms. Jarvis told the Council that the Bikers with a Heart event was in effort to raise funds for Dale Howser. Dale was currently awaiting a heart transplant, and funds raised would go towards his medical expenses. Additionally, Ms. Jarvis felt that the event would bring good attention to Olney.

A group of volunteers would be hosting the event, and Ms. Jarvis explained that start-up funds were very tight, which was why she was requesting a waiver of rental fees for the Community Building. Ms. Jarvis also noted that Fair Board President Mark Doris had authorized use of the fairgrounds for the event.

Mayor Vaughn asked if admission would be charged for the Bikers with a Heart event. Ms. Jarvis replied that the event would be free to the public, but bikers would be charged \$5.00 for each bike entered into the show.

Councilman Harrison moved to approve waiver of Community Building rental fees for the Bikers with a Heart event, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-B “Ordinance: Rezone 800 E. Locust and 702 N. Silver Streets from R-1 (Single-Family Residence District) to R-4 (Multiple Dwelling District) as Requested by Richland Memorial” The Council was provided with a proposed ordinance to rezone 800 E. Locust and 702 N. Silver Streets from R-1 (Single-Family District) to R-4 (Multiple Dwelling District), and a copy of the Plan Commission meeting minutes from February 6, 2017.

Mr. Barker told the Council that at their February 6, 2017, meeting, the Plan Commission voted to recommend rezoning of 800 E. Locust and 702 N. Silver Streets to R-4 (Multiple Dwelling District). Because the hospital properties were now privately owned, it was recommended that the properties be rezoned in order to be in compliance with the current zoning requirements.

Mayor Vaughn asked if any objections had been received for the rezoning requests. Councilwoman Henton, who is also a member of the Plan Commission, indicated that there were no objections.

Councilwoman Henton moved to approve Ordinance 2017-10, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

8-C “Request/Possible Ordinance: Amend Ordinances 80-8 and 77-44 for Overnight Parking on Market Street Between S. Kitchell Avenue and S. Fair Street” The Council was provided with a proposed ordinance to allow for overnight parking on Market Street between S. Kitchell Avenue and S. Fair Street, and a letter of request for the parking amendment from Jon N. and Elaine M. Racklin.

Mayor Vaughn asked Mrs. Racklin to provide a brief summary of her request. Mrs. Racklin explained that she had her husband had owned 202 S. Whittle Avenue for approximately 17 years. The bottom floor of the building currently housed Citizens National Bank, and the second floor held some office spaces and also an apartment. Mr. and Mrs. Racklin now had the desire to change the apartment into a two unit temporary rental space, similar to The Loft at 116. As a result, Mrs. Racklin

was requesting that the parking spaces on the south side of Market Street, adjoining 202 S. Whittle Avenue, be available for overnight parking to accommodate their future guests.

Mayor Vaughn could not recall why an overnight parking restriction could have been placed in that area. Councilwoman Henton believed that it had to do with the hours of the street sweeper. Now, the street sweeper does not run past regular business hours. The Councilwoman then noted that even if the overnight parking restrictions were released, Snow Route parking rules would still apply.

City Attorney Zuber pointed out that the proposed ordinance was written to allow overnight parking for all areas on Market Street that were restricted by Ordinances 80-8 and 77-44. Since Mrs. Racklin only desired overnight parking allowance for the parking spaces on the south side of Market Street from S. Whittle Avenue to the alley, he recommended that the Council take that into consideration before any motions were made.

Mayor Vaughn moved to approve Ordinance 2017-11 which would allow overnight parking on the south side of Market Street from S. Whittle Avenue to the north/south alley running between Chestnut and Market Streets, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-D “Ordinance: Amend Section 12.16.100 (Hunting) of Chapter 12.16 (East Fork Lake) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance to amend Section 12.16.100 (Hunting) of Chapter 12.16 (East Fork Lake) of the City of Olney Municipal Code.

Mr. Zuber told the Council that changes to Section 12.16.100 had been a work in progress for several months. He had been working with Councilwoman Henton on some specific changes, and had since faxed a copy of the proposed ordinance to Dr. Brown for his review. Mr. Zuber had not yet heard back from Dr. Brown on his thoughts.

From the audience, Aaron Gertsch indicated that he was present on behalf of Dr. Brown. The only edit that Mr. Gertsch and Dr. Brown suggested would be to Section 1 of the proposed ordinance. The current draft showed that all duck blinds should be properly identified with the owner’s contact information, and that the information should be posted in a conspicuous place on the duck blind. Due to duck hunters’ desire to be as camouflaged as possible, Mr. Gertsch suggested allowance for the identification information to be posted anywhere on the duck blind, even if it that meant on the back or inside of the blind. Since the proposed ordinance also required that all duck blinds be registered at City Hall, Mr. Gertsch did not feel that the request would be too severe. The Council and City Attorney agreed.

Mayor Vaughn recalled that the last time changes to this section of the Code were presented that there was some concern from duck hunters that they may not be able to tether their blinds at their properties on the lake. Mr. Zuber indicated that changes had been made to the ordinance to allow for duck blinds to be stored by the owner either on or directly tethered to their own private property.

Mayor Vaughn moved to approve Ordinance 2017-12, which would also allow for identification to be posted anywhere on the duck blind, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-E “Discussion/Possible Ordinance: Implementation of a Food Establishment Inspection Program” The Council was provided with a proposed ordinance to implement a food establishment inspection program within the City of Olney.

Mr. Barker told the Council that a Special Council Meeting/Public Hearing was held on January 24, 2017, to discuss the implementation of a food establishment inspection program. Since that time, Mr. Barker had met with various restaurant owners on two occasions to discuss restaurant inspections. At this evening’s meeting, Stacey Dunlap and a few others, had a list of additional questions.

Before starting in with the questions, Mr. Zuber pointed out that there were two errors in the proposed ordinance where “Wabash County” was named instead of the “City of Olney.” He also wanted the Council to decide who the ultimate authority would be over the inspection program: the Wabash County Health Department or a designated party within the City of Olney. Mr. Zuber recommended that the City Manager be designated as the ultimate authority.

From the question list, Mrs. Dunlap’s group wondered why the inspection program would not include the County. Mayor Vaughn indicated that the County was approached a few years ago, but provided no response. Mayor Vaughn felt that the County’s interest was growing, but instead of continuing to drag feet, the City decided to move forward.

Mrs. Dunlap’s group then asked why Wabash County would be utilized. Mayor Vaughn told that when food inspection conversations had started, the City Manager at that time had reached out to various counties for such a service, but the City was not receiving any reasonable offers. Wabash County then made a proposal that was by far the most reasonable of those that had been received.

Mrs. Dunlap’s group also wondered how many reinspections for violations would be allowed before any penalty fines were imposed. Mr. Zuber told that Wabash County’s last resort would be to fine any business. More importantly, Wabash County would be educating the restaurant owners. Councilwoman Henton added that Wabash County would be providing a training to restaurants before any ordinance would go into effect.

From the audience, Mrs. Dunlap expressed concern with what potential changes may be needed, especially since Olney restaurants had never before been inspected. Mr. Zuber indicated that what Wabash County would be inspecting is based on State laws, and the City ordinance would adopt those laws by reference. State laws should always be complied with.

In regard to her concerns with time allowed to make structural changes, Councilman Harrison asked Mrs. Dunlap what sort of a time frame for remediation she would feel to be appropriate. For her business, she felt at least two months would be needed, but noted that some other restaurants may have more work to be done.

From the audience, Brian O'Neill II felt that the owner of the Olde Tyme Steakhaus was trying to "bribe" the Wabash County Health Department by telling them that she was concerned with them inspecting during restaurants' busiest times. He felt that restaurants should be in compliance at all times. Mrs. Dunlap agreed with the Olde Tyme Steakhaus on concerns with the inspectors arriving over the lunch hour because as an owner, she would like to be available to walk with the inspectors to see what they see. Councilwoman Henton felt that times and dates of inspections could be flexible.

Under Section 3.5, Mayor Vaughn recommended that wording could be added to allow a 12 month remedy for structural issues related to restaurant buildings, only if such structural issues were not deemed as a major health violation.

Mayor Vaughn felt that the City was not yet in the position to pass an ordinance for food inspections. He wanted some revisions to be made, and for an updated proposed ordinance to be available for public inspection.

From the audience, Tania Cullison asked for clarification if the City's proposed ordinance was based off of Wabash County's. The City Attorney confirmed.

Another question from Mrs. Dunlap's group was as to why the City would not bear the expense of the inspections. Mayor Vaughn replied that Wabash County had a certified health department, so the citizens are taxed for that purpose. Additionally, the Mayor noted that the proposed fees from Wabash County were drastically lower than others received from the other counties.

Mrs. Dunlap's group was also curious if any current conditions could be grandfathered in to the program. Mr. Barker felt that while nothing would be formally grandfathered in permanently, the restaurants would be given a fair amount of time to come into compliance before any penalty.

Mrs. Dunlap then asked if the restaurants could have a free walk through of their establishments with the inspector. Mr. Zuber indicated that the first inspection would be the free walk through.

Looking at Section 3.8, Councilman Harrison suggested that exemptions be allowed for establishments already being inspected by the Department of Public Health such as assisted living facilities, nursing homes, schools, and hospitals. Mr. Zuber would investigate as to why Wabash County did not list those exemptions in their ordinance.

The topic of food inspections would be discussed again at the February 27, 2017, meeting.

8-F "Discussion/Possible Action: Reduced Swimming Pool Rates for Groups" The Council was provided with a listing of swimming pool rates for Newton and Robinson, Illinois. City Clerk Sterchi told the Council that last summer, Mayor Vaughn had requested that the Council discuss reduced swimming pool rate requests for groups that coming February. Mrs. Sterchi was already in receipt of her first letter requesting discounted rates.

Mayor Vaughn noted that Newton and Robinson did not allow for reduced rates for groups. Mrs. Sterchi confirmed. Councilwoman Henton pointed out that the only discounts that Newton provided were for those entering the pool at 5:00 p.m. or after. She felt that could be something good for the City to implement.

The Councilwoman also recalled that perhaps discounts were initially allowed by the City because larger groups were bringing their own supervision. Mayor Vaughn pointed out that even so, the City would be required to maintain and pay a certain amount of lifeguards.

Mayor Vaughn felt that the City's pool rates were very reasonable compared to others. The Mayor was aware that the pool was very expensive to maintain and would soon need to go under a renovation.

Councilwoman Henton commented that while the pool generated revenue, it never makes a profit nor breaks even. While keeping low entry fees and losing money on providing the service, the City was continuously being requested to drop the rates further. Mayor Vaughn recommended setting a price that would be fair to everyone.

From the audience, Dr. David Eckiss asked if the City should increase the swimming pool fees. Mayor Vaughn replied that a fee increase was explored a few years ago, but it was determined that it would hinder much attendance.

It was Mayor Vaughn's preference to keep the pool rates the same, but no longer offer a discounted rate for groups unless there was an extraordinary request. Mayor Vaughn gave an example that an extraordinary request may be that the school district would like to hold some physical education classes at the pool for a certain amount of time at a lower rate.

Mayor Vaughn moved to keep the pool rates the same, but no longer offer a discounted rate for groups, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-G "Resolution: Establish a Class II Designated Truck Route on Whittle Avenue from Illinois 130 to Brentwood Street" The Council was provided with an Illinois Department of Transportation (IDOT) resolution to establish a Class II designated truck route on Whittle Avenue from Illinois 130 to Brentwood Street.

Mr. Barker explained that in order to be eligible for funds from the Truck Access Route Program (TARP), the City would need to formally designate the Class II truck route. The TARP funds would be used on the Whittle Avenue reconstruction project.

Mayor Vaughn asked for an estimated cost for the project. Mr. Barker replied that the cost estimate was at \$1,900,000.00, but may come in a little bit higher.

Councilwoman Henton moved to approve the Resolution Establishing a Class II Designated Truck Route on Whittle Avenue from Route 130 to Brentwood Street, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

8-H “Resolution: Authorize Execution of a Local Public Agency Agreement for Federal Participation for Section 14-00082-00-WR – Whittle Avenue Reconstruction Project” The Council was provided with an IDOT resolution and Local Public Agency Agreement. Mr. Barker told the Council that the resolution and agreement would allow the City to utilize Surface Transportation Urban (STU) and TARP funds for the reconstruction of Whittle Avenue. The documents would also allow appropriation of \$303,100.00 from Motor Fuel Tax (MFT) funds as the local share.

Councilwoman Henton moved to approve the IDOT Resolution for Fund Appropriation and Local Public Agency Agreement for Federal Participation in relation to the Whittle Avenue reconstruction project, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-I “Discussion: Policy for Use of White Squirrel Costume” The Council was provided with a proposed list of policies and regulations for use of the white squirrel costume, and a proposed rental agreement for use of the white squirrel costume. Mrs. Sterchi reminded the Council that at the last meeting, Councilman McLaughlin requested that the decision on a rental agreement and policies related to use of the white squirrel costume be tabled until the next meeting.

Because the costume was an asset of the City’s, Councilwoman Henton was not sure that it should be loaned. She noted that the City does not allow for any assets such as jackhammers or trucks to be loaned out for any reason. Referencing the proposed policy and regulation list, she wondered what would be defined as a “non-commercial, local community event.” Additionally, it would be her preference that the costume only be used indoors.

Ultimately, the Council decided to wait until the next Council meeting to discuss the topic further, so that Councilmen Ferguson and McLaughlin could be in attendance.

8-J “Discussion: Easement for Maintenance of Water and Sewer Mains Running Through Fehrenbacher Trailer Court” The Council was provided with a letter from Tommie Fehrenbacher requesting that the City formally accept the water and sewer mains servicing Fehrenbacher Trailer Court.

Mr. Barker told the Council that when the lines were put in, the lines connected into City mains on both ends. The City has been maintaining these lines over the years, but no formal dedication had been made.

Mayor Vaughn asked if the lines were in accordance with City standards. Mr. Fehrenbacher and Mr. Barker confirmed.

When new subdivisions are placed, the City is typically granted an easement for access to water and sewer lines. When the trailer court was added in 1976, neither party had asked for a formal easement.

Mayor Vaughn asked how water and sewer charges were billed in the trailer court. Mr. Fehrenbacher replied that each of the 102 lot tenants are hooked on with their own meter, and each tenant receives an individual bill for water and sewer service.

If the Council decided to move forward with the request, a blanket easement would be created that Mr. Fehrenbacher would sign. The easement would then be recorded with the County Clerk.

Councilwoman Henton moved to approve authorization for a blanket easement that would allow the City to maintain water and sewer lines in Fehrenbacher Trailer Court, seconded by Councilman Harrison. A majority affirmative voice vote was received with Mayor Vaughn abstaining. The motion carried. Mr. Zuber will draft all necessary paperwork.

8-K “Resolution: Accept Quote for Restroom Plumbing at Musgrove Park and Waive Formal Bidding Procedures” The Council was provided with a proposed resolution to accept a plumbing quote for the Musgrove Park restrooms, a memo from Park Department Supervisor Frank Bradley, and copies of two quotes for the plumbing work.

Mr. Bradley was in receipt of two quotes for the plumbing work at the new Musgrove Park restrooms. Ochs Plumbing & Heating, Inc., bid \$23,000.00 and Royse’s Plumbing, Heating, and A/C, Inc., bid \$14,500.00. Mr. Barker recommended accepting the low quote from Royse’s Plumbing, Heating, and A/C, Inc., in the amount of \$14,500.00.

Mayor Vaughn moved to approve 2017-R-05, 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” Mr. Barker reported that budget meetings were taking place with department heads to help finish up budget discussions. Mr. Barker also told that the City Engineer was still completing plans for the Kitchell Avenue resurfacing project, and that the City had formally been given notice of Enterprise Zone approval.

Councilwoman Henton expressed great appreciation to the Friends of Olney for the success of the 1st Annual Chocolate Lovers Tour. Mayor Vaughn agreed, noting that approximately 200 tickets had been sold from the event.

Mr. Sanders told the Council that Income Tax receipts were still behind, and only getting worse. He was also becoming concerned with Telecommunications Tax which was \$45,000.00 behind that of last year. Mayor Vaughn noted that Telecommunications Tax was not a franchise tax, but a tax imposed by the State of Illinois.

AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS”

10-A “Brian O’Neill” Brian O’Neill told the Council of his success with the Pokemon Go app. Mr. O’Neill also felt that food inspections would bring additional revenue and visitors to the City.

AGENDA #11 “CLOSED SESSION: SALE OR LEASE PRICE OF REAL PROPERTY; ACQUISITION OF REAL PROPERTY; CONSIDERATION FOR THE SELECTION OF A PERSON TO FILL A PUBLIC OFFICE; AND APPOINTMENT, EMPLOYMENT,

COMPENSATION, AND PERFORMANCE OF SPECIFIC EMPLOYEES” Councilman Harrison moved to adjourn to closed session to discuss sale or lease price of real property; acquisition of real property; consideration for the selection of a person to fill a public office; and appointment, employment, compensation, and performance of specific employees, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

Councilman Harrison, Councilwoman Henton, Mayor Vaughn, City Treasurer Chuck Sanders, City Attorney Zuber, and City Clerk Sterchi left the Council Chambers at 8:21 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 Harrison. A majority affirmative voice vote was received. Open session resumed at 8:49 p.m.

AGENDA #13 “ADJOURN” Councilwoman Henton moved to adjourn, seconded by Councilman Harrison. A majority affirmative voice vote was received.

The meeting adjourned at 8:50 p.m.

Kelsie J. Sterchi
City Clerk