

CITY OF OLNEY  
CITY COUNCIL MEETING  
JUNE 11, 2018

AGENDA #1 “CALL TO ORDER” The June 11, 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. Chris Jennette 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, Deputy City Clerk Cindy Harlan, City Treasurer Jane Guinn, and City Engineer Charleston. City Attorney Bart Zuber entered the meeting later.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on May 14, 2018”

4-B “Approve and Authorize Payment of Accounts Payable June 12, 2018” Pooled Cash \$226,399.41, Manual Pooled Cash \$108,547.65, Petty Cash \$292.79, Utility Refunds \$2,099.13, Water Tower \$2,500.00, Police Pension \$897.88, MFT \$1,545.95, IMRF \$44,286.86, Tourism \$2,500.00, Route 130 TIF \$91,392.05

4-C “Raffle License: Rolling Thunder”

4-D “Raffle License: RMH Foundation”

4-E “Raffle License: VFW Post #4226”

4-F “Raffle License: Olney Eagle Aerie #2549”

4-G “Appointments/Re-Appointments: Library Board and Tree Board”

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” Councilwoman Henton requested to remove Item 4-E from the consent agenda. Mayor Lambird requested to remove Item 4-G 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.

AGENDA #7 “CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA”

Councilwoman Henton noted that an attachment should have been included with the VFW’s raffle license application since the prize was firearms/weapon. A gentleman in the audience stated he was a member of the VFW and would follow-up on this application.

Mayor Lambird had originally proposed to appoint Crystal Trout, Sarah Britton, and Shiela Ritter to the Library Board. As a result of the recent resignation of Bridgett Jensen, there

is another position available on the Board. Mayor Lambird recommended the appointment of Julia Eichhorst to the Library Board to fill this newly created position. Councilman McLaughlin moved to approve the appointments as recommended, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Mayor Lambird recommended the appointment of Dustin Marshall to the Tree Board. Councilwoman Fehrenbacher moved to approve the appointment as proposed, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

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

8-A “Request: Class A Liquor License for Deuces Wild Saloon, LLC.” Brad and Becky Ederer were present to speak to the Council on their request for a Class A Liquor License. Mr. & Mrs. Ederer recently purchased the property at 433 S. West Street, formerly known as Friday Nite Lites. They wish to re-open the bar as Deuces Wild Saloon, LLC. There is a Class A liquor license available since Friday Nite Lights did not renew for the 2018/2019 year. The Council was provided with a copy of the liquor license application submitted by Brad Ederer.

Councilman McLaughlin moved to approve the application for a Class A liquor license as submitted by Brad Ederer, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-B “Request/Possible Ordinance: Liquor License for Olney Bowling Center, LLC.” Rex Mattoon, owner of the Olney Bowling Center, submitted a liquor license application for the bowling center. The Council was provided with a copy of the application, as well as information from the municipal code on the various classifications of liquor licenses.

Tony Mattoon, Rex’s son, was present to speak on this request. Mr. Mattoon indicated that liquor had been sold at the bowling alley in the past, but since then the classifications of licenses had changed. At this time, only pre-packaged snacks are sold. Mr. Mattoon indicated they wish to sell liquor to the public, not just on league night.

The City Council members were in support of Mr. Mattoon’s request for a liquor license. However, it was decided to postpone action on the request until the City Attorney had an opportunity to provide input on either creating a new classification or amending a current classification concerning beer and wine sales. Currently, the Class C and E licenses for restaurants have specific sales requirements for food purchases. Mayor Lambird suggested changing the wording in the Class E classification to “gross receipts” instead of total purchases. This request will be placed on the June 25<sup>th</sup> City Council agenda.

8-C “Discussion/Possible Action: Request New Classification of Liquor License to Authorize Package Sales Stores to Allow Consumption On-Premises for the Purpose of Video Gaming” Lekhraj Ahuja, owner of Midtown Package Liquors, was present to speak to the Council about his request for a new classification of liquor license that would allow for on-premise consumption at liquor stores for video gaming purposes. A similar request was made a while back by the owners of Marilyn’s Liquor Cabinet which was denied by the City Council.

Mr. Ahuja stated that with his location on the highway, many customers come in requesting video gaming. He would like to have a license to provide gaming and consumption of alcohol on his property.

Bill and Marilyn Riggs, owners of another package liquor store in Olney, advised they were opening a new store in Newton for which they have a dual license that allows video gaming and consumption of alcohol on the premises. Alcohol consumption will be permitted only in the lounge area and gaming room.

Mr. Ederer, as a future bar owner, was not excited about the prospect of alcohol consumption at a liquor store. It was also pointed out that if the Council allows one package liquor store to have video gaming and consumption of alcohol on the premises, there will be requests from the owners of the other package liquor stores.

Mayor Lambird inquired if the Council members were interested in creating a new liquor classification to allow video gaming and on-premise alcohol consumption for package liquor stores. None of the Council members were in favor of doing this.

8-D “Discussion/Possible Ordinance: Restricted Parking in Municipal Parking Lot Between E. Market and E. Chestnut Streets” Greg Eyer requested that no parking be allowed in one of the spaces of the municipal parking lot between E. Market and E. Chestnut Streets. Mr. Eyer is remodeling the property at 117 E. Market Street for future use as a business. Mr. Eyer also owns the property at 115 E. Market Street being used as a business. Both properties have rear access, but many times cannot be accessed when trying to load and unload building materials because of cars parked directly in front of the doors. Mr. Eyer also mentioned a car parked in the lot that has an expired registration. He will be requesting assistance from the Police Department on this problem.

After a short discussion, Councilman Harrison moved to restrict parking in one of the spaces near 117 E. Market Street in the Municipal Parking Lot between E. Market and E. Chestnut Streets, seconded by Councilwoman Henton. A majority affirmative voice vote was received. An ordinance will be presented at the next Council meeting for approval.

8-E “Discussion: Potential Fireworks Ordinance to Allow Limited Sale of Fireworks” An ordinance passed by the Effingham County Board in reference to the sale, possession and use of consumer fireworks was included in the Council packets. Mayor Lambird wanted to bring this ordinance to the Council’s attention to see if there was any interest in doing this in Olney to generate revenue and business.

Fire Chief Mike Hill informed the Council that he had researched this topic with Effingham County, and he is of the opinion that what is allowed to be sold in this ordinance is what Walmart sells now. Even if this ordinance is passed, the state will not allow it. Anyone permitted has to be approved through the state fire marshal’s office. Since it is county wide, each fire jurisdiction has to provide inspections prior to permitting. Olney already has Walmart selling these products. The only difference would be a portable type of building. There would potentially be more hazards depending upon the location.

Mayor Lambird was of the opinion that the ordinance passed by the Effingham County Board allowed more fireworks to be sold than what is being sold at a local retail store. No action was taken by the Council at this time.

8-F “Ordinance: Authorize Disposal of Items of Personal Property from the Fire Department on GovDeals.com or By Disposal” Fire Chief Hill is requesting permission to dispose of some items from his department that are no longer needed or used. If approved, the items will be posted for sale on GovDeals.com. If no bids are received, Chief Hill requests to discard the items. The Council was provided with a proposed ordinance and exhibit listing the items for sale.

Councilwoman Henton moved to approve Ordinance 2018-32, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

8-G “Resolution: Amend the 2018/2019 Budget for Unmanned Aerial Vehicles for the Fire Department’s UAS Program” Fire Chief Hill reported that he had talked to the City Council about the purchase of a drone during the budget preparation process, but funds were not available for this capital improvement item. Mr. Hill then approached the Richland County Board for funding from the public safety tax. Drones are now used in every county for fire and law enforcement purposes. The Richland County Board authorized the transfer of \$32,000 to the City of Olney from the Public Safety Tax Fund to aid in the purchase of two drones, one as the main unit and a trainer unit for personnel. The Council members were provided with a memo from Fire Chief Hill and a proposed resolution to accept the donation from the Richland County Board and amend the 2018-2019 budget.

Councilwoman Henton thanked the Richland County Board for the donation.

Councilwoman Fehrenbacher moved to approve Resolution 2018-R-41, seconded by Councilwoman Henton. Councilman Harrison, Councilwoman Henton, Councilman McLaughlin, Mayor Lambird, and Councilwoman Fehrenbacher voted yes. There were no opposing votes. The motion carried.

8-H “Resolution: Amend the 2018/2019 Budget for a Commercial Ventilation Hood system for the Fire Department” Fire Chief Hill advised the Council members that another capital improvement item that was removed from the proposed 2018-2019 budget was a commercial ventilation hood system. The Foreign Fire Insurance Board, made up of full time staff and officers, approved the purchase of the hood system for the kitchen at the Fire Department at their May 24<sup>th</sup> meeting. The Council was provided with a memo from Fire Chief Hill about the donation and a proposed resolution to accept the donation in the amount of \$15,000 and to amend the FY 2018-2019 budget.

Councilman McLaughlin moved to approve Resolution 2018-R-42, seconded by Councilman Harrison. Councilwoman Henton, Councilman McLaughlin, Mayor Lambird, Councilwoman Fehrenbacher, and Councilman Harrison voted yes. There were no opposing votes. The motion carried.

8-I “Resolution: Accept Bid for Replacement HVAC at the Fire Department & Amend the 2018/2019 Budget” City Manager Barker reported that just recently both heating and air conditioning units at the Olney Fire Department failed. Sealed bids were received to replace either one unit or both units. Fire Chief Hill stated the new unit serving the office area has already been installed. If the other unit is not replaced now, it will most likely have to be replaced next year. The electric unit that was not replaced is for the living quarters. Gas units were bid, which should be more economical. The Council was provided with a resolution to accept the low bid for one unit and to amend the FY 2018-2019 budget. After a short discussion, the Council was in agreement to wait until later to replace the other unit.

Councilman McLaughlin moved to approve Resolution 2018-R-43 seconded by Councilwoman Fehrenbacher. Councilman McLaughlin, Mayor Lambird, Councilwoman Fehrenbacher, Councilman Harrison, and Councilwoman Henton voted yes. There were no opposing votes. The motion carried.

8-J “Ordinance: Authorize Sale of Items of Personal Property from the Park Department on GovDeals.com – 2 John Deere Riding Lawn Mowers” The Council was provided with an ordinance to sell two 2012 John Deere riding lawn mowers from the Park Department on GovDeals.com.

Councilwoman Henton moved to approve Ordinance 2018-33, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-K “Resolution: Authorize a Five Year Product Sale Agreement with Airgas USA, LLC., for Carbon Dioxide for the Musgrove Aquatic Center and Waive Formal Bidding Procedures” The Council was provided with a memo from Water Plant Supervisor Frank Bradley about a proposal received from Air Gas in Vincennes offering a five year agreement to provide carbon dioxide for the swimming pool with an annual increase not to exceed 5%. It is estimated the City will save approximately \$500 this year and approximately \$700 next year. A resolution authorizing the City Manager to execute a Product Sale Agreement between the City and Airgas USA, and to waive formal bidding procedures for the years the agreement is in effect, was provided to the Council.

Councilwoman Henton moved to approve Resolution 2018-R-44, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-L “Ordinance: Address the Payment of Cable Television Franchise Fees” This item was tabled until later in the meeting when City Attorney Zuber was present.

8-M “Resolution: Accept Quote for Rear Differential Rebuild for the Loader at the Street Department and Waive Formal Bidding Procedures” The Council was provided with a resolution to accept a quote from Erb Equipment in the amount of \$10,925 to rebuild the rear differential in the loader at the Street Department and to waive formal bidding procedures. City Manager Barker reported there is money in the Street Department’s equipment maintenance

budget for this expense, however, it will need Council approval since the amount exceeds \$10,000.

Councilwoman Henton moved to approve Resolution 2018-R-45, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-N “Resolution: Accept Quote for Street Striping and Waive Formal Bidding Procedures” The Council was provided with a resolution to accept a quote from Varsity Striping in the amount of \$49,632.50 to stripe various streets and to waive formal bidding procedures. A copy of the quote was also provided. City Manager Barker stated that during the budget process there was a lot of discussion about having the street striping done by a professional company. Longevity and cost factors were considered, and the Council decided to try this method. Mr. Barker asked if the Council wanted to move forward on this project and accept the quote that was received.

Councilman McLaughlin moved to approve Resolution 2018-R-46, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-O “Request/Possible Action: Contribution to 2018 Summer Tiger Zone Program at the Richland County Elementary School” The Council was provided with a letter from the Richland County Elementary School requesting funds on behalf of the Tiger Zone Program. It is a program that provides food for children after school and during the summer.

Mayor Lambird asked if the Council members were interested in donating to the program. The Council members were in support of the program, but did not believe that tax receipts from the City should be donated.

#### 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. Mr. Barker informed the Council there are six projects included in this year’s budget that he will speak about later. The City Hall roof project will be on the next City Council agenda.

9-B “RCDC Report” No report was received.

9-C “Chamber of Commerce Report” Councilman McLaughlin told the Council that Business After Hours was held this evening at McDonald’s. The Chamber may be coming to the next meeting to request street closures for the Bike Classic.

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

9-E “Tourism Board Report” Councilwoman Henton stated that she will be interviewed on Wednesday about the City’s white squirrels.

City Attorney Bart Zuber entered the meeting at 7:46 p.m.

Councilman McLaughlin advised he had read something in the state's budget about the State keeping less income tax and turning more over to local municipalities. City Treasurer Guinn will investigate and make a report to the City Council.

Item 8-L, addressing the payment of Cable Television Franchise Fees, was discussed at this time with City Attorney Zuber present. Mr. Zuber reported that NewWave sent a letter to the City which included a model ordinance that other communities are adopting. A percentage fee will need to be determined.

City Manager Barker thought there was a cap on the amount the City could collect in franchise fees. Mr. Zuber suggested tabling this item for discussion at a later date.

AGENDA #10 "PUBLIC COMMENTS/PRESENTATIONS" Fire Chief Hill reported that the Olney Firefighters Association made a decision to purchase a side by side and trailer in the amount of \$30,000 for the Fire Department. Monies received from the last three fundraisers will be spent on the department.

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 Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Councilmen Harrison, McLaughlin, Councilwomen Fehrenbacher, Henton, Mayor Lambird, City Manager Barker, City Treasurer Guinn, City Attorney Zuber, and Deputy City Clerk Harlan left the Council Chambers at 7:52 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 8:21 p.m.

12-A "Resolution: Authorize Destruction of Closed Session Audio" No action was taken on this item.

12-B "Resolution: Authorize Release of Closed Session Minutes" No action was taken on this item.

John Walden asked if he could address the City Council at this time. Mr. Walden informed the Council about a couple different incidents at the Borah Lake public access area. One was about a vehicle doing donuts in the driveway of the parking lot area and slinging rocks on parked vehicles and children. The other one involved trash left at the beach parking area.

Both the police department and sheriff's department were contacted. Mr. Walden also complained about the conditions of the roads. Mayor Lambird advised Mr. Walden that the roads were in Preston Township which is outside of the City's jurisdiction.

City Manager Barker referenced a list of projects that he will be working on. One of the items is painting the water tower. Bids will be sought and most likely the painting will be done next year. Mr. Barker inquired if the Council was interested in spending money to clean the Brentwood water tower. Councilwoman Henton indicated she was. Mr. Barker just recently received a phone call inquiring if the Council would entertain a quote to clean it.

Mr. Barker also reported that Street Supervisor Kocher will be reaching out to Phil Kuenstler to possibly work together on the roads around the lake.

Councilman McLaughlin stated that there were a number of RV's and trailers parked on the grass at Musgrove Park last weekend during the softball tournament. Evidently they were parked from the new parking lot almost to East Street. This area is not designed for camping. Police Chief Paddock stated that the park closes at 10:00 p.m. City Manager Barker suggested contacting Jon Wright so that it doesn't happen again. Mayor Lambird is not concerned with people parking in the grass, and that tournaments help local businesses in Olney. Mayor Lambird expressed opposition to visitors to Olney being ticketed for parking in the grassy area.

Councilman McLaughlin stated there needs to be some regulations on RV's parking on the grass. He expressed concern that the City incurs a lot of expenses related to the park, but is not benefiting from any of the revenue from tournaments held at the park.

City Manager Barker will speak to Park Supervisor Bradley about this situation.

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 8:49 p.m.

Cindy L. Harlan  
Deputy City Clerk