

CITY OF OLNEY
CITY COUNCIL MEETING
MAY 14, 2018

AGENDA #1 “CALL TO ORDER” The May 14, 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. Tim Loomis 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 Jane Guinn, City Attorney Bart Zuber, and City Engineer Charleston.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on April 23, 2018”

4-B “Approve and Authorize Payment of Accounts Payable May 15, 2018” Pooled Cash \$239,675.57, Manual Pooled Cash \$123,338.05, Utility Refunds \$1,042.72, Petty Cash \$93.24, Housing Rehab Grant \$10,000.00, IMRF \$31,488.59, Tourism \$2,328.19, Route 130 TIF \$242.50

4-C “Resolution: Authorize an Amendment to Employment Agreement with L. Allen Barker as City Manager” **2018-R-37**

4-D “Application for Permit to Sell Merchandise in City Park-Farmers Market”

4-E “Raffle License: Fraternal Order of Police #402”

4-F “Raffle License: Shelter Friends”

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

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

4-I “Raffle License: Olney Quilt Guild”

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” Item 4-A “Approve Minutes of Council Meeting on April 23, 2018” was removed from the consent agenda as requested by Mayor Lambird.

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilman McLaughlin moved to approve the items on the consent agenda, except for 4-A, seconded by Councilman Harrison. A majority affirmative voice vote was received.

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

Councilman McLaughlin moved to amend the City Council minutes from April 23, 2018, to strike the \$21,000.00 favorable amount in the Sewer Department budget and insert \$21.00 as the

favorable amount, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

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

8-A “Ordinance: Rezone 1403 E. Elm Street from R-2 (Single Family Residence District) to R-3 (Two Family Residence District) as Applied for by Doll Real Estate, LLC.” The Council was provided with a proposed ordinance to rezone 1403 E. Elm Street from R-2 (Single Family Residence District) to R-3 (Two Family Residence District). The Council was also provided with minutes from the Plan Commission meeting held on May 7, 2018, and a letter of Findings of Fact from the Plan Commission Vice Chair.

Mr. Barker told the Council that the Plan Commission had voted unanimously to recommend approval of the rezoning request. If the request is granted, Doll Real Estate, LLC., would be building a duplex.

Councilman McLaughlin moved to approve Ordinance 2018-28, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-B “Request: Class S Liquor License HV’s Food & Spirits’ Anniversary Party” The Council was provided with a Class S Liquor License Application submitted by HV’s Food & Spirits. Michelle Weiler was present to speak on the request.

Ms. Weiler explained that her restaurant’s one year anniversary was coming up in June. She would be hosting an anniversary party on June 2, 2018, and was requesting to sell alcohol on the adjoining lot, which she also owned.

Councilman McLaughlin moved to approve a Class S Liquor License for HV’s Food & Spirits on June 2, 2018, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-C “Request: Class S Liquor Licenses for the Sounds of Summer Free Concert Series” The Council was provided with a Class S Liquor License Application submitted by The Fireside. Tosha Hancock was present to speak on the request.

Mrs. Hancock was seeking the Class S Liquor License in order to sell alcohol during the dates of the 2018 Sounds of Summer Concert Series.

Councilwoman Fehrenbacher asked if the Friends of Olney had given approval for alcohol sales. Mrs. Hancock replied that she had met with the Friends of Olney, and they were in favor of the request as long as the other Whittle Avenue tavern, Bobalou’s, was consulted to see if they would also like to participate. Unfortunately, Bobalou’s had indicated that they could not participate with Mrs. Hancock this year.

Councilwoman Fehrenbacher then asked if alcohol consumption would only be allowed in a certain area. Mrs. Hancock confirmed that an area would be partitioned off that would allow

for consumption only on the southern portion of her building, and slightly into the closed off portion of Chestnut Street.

Councilman McLaughlin moved to approve a Class S Liquor License for The Fireside on June 7, 14, 21, 28, July 5, and 19, 2018, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-D “Appointment: Mayor Pro-Tem” Each year, the Council needs to select from its members at the first regular meeting in May a new Mayor pro-tem.

Councilman Harrison moved to appoint Councilman McLaughlin as Mayor pro-tem, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-E “Adoption of a Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code” The Council was provided with a proposed IDOT resolution that would appropriate \$175,000.00 of MFT funds for the 2018 road maintenance program. Mr. Barker added that \$175,000.00 was budgeted for the program.

Councilman Harrison moved to approve the Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code, as presented, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-F “Discussion/Possible Action: Ordinance to Allow Food Trucks on Public Property” The Council was provided a draft ordinance that could allow for food trucks on public property.

Mr. Barker explained that he was wanting the Council to discuss regulation and requirements that could allow for food trucks on public property. The drafted ordinance was based off of the food truck ordinance of Carbondale, Illinois. Before the meeting, Mr. Barker had also disbursed a copy of an e-mail sent from the Wabash County Health Department’s inspector, Marina Sample, with her input.

Councilman McLaughlin felt that a six page ordinance was overkill. He felt that the ordinance could be simplified based on current needs.

Because interest had been shown for food trucks to be on City property and not just private property, Councilwoman Henton felt that regulations were certainly needed. In fact, Councilwoman Henton favored that food trucks be permitted only on private property.

Councilman McLaughlin offered that food truck owners could come before the Council to ask permission to set up if they wanted to be at a special event, such as a fishing tournament. Councilwoman Henton recalled that food trucks had been at Rotary Park before, but only when invited by a group for a formal special event. She was also concerned with the City providing food trucks a place to do business, but not other restaurants.

The Council then briefly discussed the proposed time limits for food trucks on public property.

Again referencing the lengthy ordinance, Councilman McLaughlin wondered if the City was created a problem that was not there. In the audience, Nitro Food Service owner Zion Piercefield was present with his mother. Councilman McLaughlin asked Mr. Piercefield if he had plans to park his food truck on City streets. Mr. Piercefield replied that he did not currently have interest in parking on City streets unless such a street was the location of a special event.

Mrs. Piercefield pointed out that the draft ordinance would not allow for food trucks to use any City utilities, but another part of the ordinance also prohibited the use of generators. She was unsure what her son would use for power if both were prohibited.

Mayor Lambird asked Mr. Piercefield if he would ever want to set up on a City street. State statutes required that food trucks be set up adjacent to some sort of public restroom. Because of this, the Piercefields felt that setting up on City streets would be difficult.

Mayor Lambird felt that such State requirements were ridiculous, and felt that other cities seemed to get around that requirement. He felt that requirements were such that they may be too discouraging.

Councilman McLaughlin felt that a one page listing of guidelines should be sufficient. From there, interested parties could possibly receive permission from the City Manager only. Mayor Lambird agreed with the Councilman's one page suggestion, and felt that a \$10.00 permit fee would be appropriate.

Special events such as the White Squirrel Cruisers' Car Show and the Richland County Fair typically had food truck vendors. Councilwoman Henton wondered in such scenarios if the sponsors' Special Event Application would be sufficient in that case only. The Council felt so.

Councilman McLaughlin felt that the topic should be tabled so that a simplified version could be created. Until something was officially in place, if Mr. Piercefield wanted to set up on public property, the Councilman requested that he ask permission first.

Councilwoman Fehrenbacher felt that without an ordinance, it would be confusing if sometimes permission was needed, but other times permission would not be needed. Councilwoman Henton agreed that a formal ordinance should be in place.

Mayor Lambird asked the City Attorney how hard it would be to sue a City, and if it would be difficult to win a suit. Mr. Zuber replied that no matter what, the process would be very costly.

Mayor Lambird felt that everything brought a level of risk. He believed that having an allowance for food trucks to be on public property would make the City a better place.

From the audience, Dr. David Eckiss asked if a food truck business' liability insurance would allow for them to sign a waiver. Councilwoman Henton replied that the City would not know whether or not a food truck business even had liability insurance unless it was required for them to supply a certificate saying so.

While there was currently only one food truck in town trying to do business on public property, Councilwoman Fehrenbacher felt that it would only be a matter of time before more requests came if the allowance was made. Because of this, she felt a formal ordinance should be set.

Understanding the Council's opinions, Mr. Zuber added that a few sections of the draft ordinance could possibly be removed, but pointed out a few topics that the Council should consider more before deleting. He recommended that after this evening's meeting, the Council review the ordinance again. From there, they should get in touch with the City Clerk on what each person would like to remove and why.

8-G "Resolution: Accept Quote for Rehab to the Fehrenbacher Lift Station and Waive Formal Bidding Procedures" The Council was provided with a proposed resolution to accept a quote for rehab to the Fehrenbacher lift station and waive formal bidding procedures. The Council was also provided with a copy of the quote received from Straeffer Pump & Supply, Inc.

Mr. Barker explained that each year, rehab work is scheduled for various lift stations. For 2018, the Fehrenbacher lift station was scheduled.

Sewer Department Supervisor Jeff Lathrop has received a quote from Straeffer Pump & Supply, Inc., of Chandler, Indiana, in the amount of \$30,975.00. The City had worked with Straeffer Pump & Supply, Inc., many times in the past due to the limited number of companies that can perform the rehab work.

Mayor Lambird asked if the rehab work had been budgeted for in the new fiscal year. Mr. Barker confirmed that an amount of \$32,000.00 had been budgeted for the project. The resolution requested approval of spending up to \$32,000.00 on the project, in case of any incidentals.

Councilman McLaughlin moved to approve 2018-R-38, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-H "Resolution: Accept Quote for Two Riding Lawn Mowers for the Park Department, and Waive Formal Bidding Procedures" The Council was provided with a proposed resolution to accept a quote for two riding lawn mowers for the Park Department and waive formal bidding procedures. The Council was also provided with a memo from Park Department Supervisor Frank Bradley, and a copy of the two quotes received.

Mr. Barker told the Council that the purchase of two riding lawn mowers for the Park Department had also been budgeted. Mr. Bradley had received two quotes. The first quote was from Alliance Tractor, LLC., for John Deere models in the amount of \$17,348.48. The second quote was from Stanley's Mower Repair & Sales, LLC., for Husqvarna models in the amount of \$14,400.00. Mr. Barker recommended accepting the low bid of \$14,400.00 from Stanley's Mower Repair & Sales, LLC., of Olney, Illinois.

Councilwoman Henton asked if the Husqvarna models purchased the year before were holding up as well as John Deere models. Mr. Barker confirmed, noting that Mr. Bradley was very pleased with the Husqvarnas.

Councilwoman Henton moved to approve 2018-R-39, seconded by Councilman Harrison. A majority affirmative voice vote was received.

8-I “Ordinance: Amend Section 12.08.020 (Creation and Establishment of a City Tree Board) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance to amend Section 12.08.020 (Creation and establishment of a City Tree Board) of the City of Olney Municipal Code.

Mrs. Sterchi, also a member of the Tree Board, explained that there had been a vacant position on the Tree Board for quite a few months. Recently, a certified arborist, believed to be an excellent candidate by the Board, had expressed interest in serving.

Currently, the Code read that Tree Board members must be citizens and residents of Olney. The proposed candidate did not live in Olney. Mrs. Sterchi added that the only other City Board or Commission with a residency requirement was the Plan Commission.

Mrs. Sterchi had been in touch with Mr. Zuber who confirmed that no State law would forbid a code amendment to allow for non-resident members of a Tree Board.

Councilwoman Henton moved to approve Ordinance 2018-29, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-J “Ordinance: Sale of Personal Property on GovDeals.com – Street Department” The Council was provided with a proposed ordinance that would authorize, from the Street Department, the sale of a 1980 Chevrolet C-70 with Etnyre oil distributor, 1996 7840 Ford New Holland Tractor, and a Bush Hog SM60 Side Mount Mower on GovDeals.com.

Mr. Barker told that Street Department Supervisor Tyler Kocher was requesting permission to sell the Chevrolet because it had not been used in eight years. The Ford tractor and Bush Hog were both replaced the year prior with the purchase of a new tractor and boom mower.

Councilman McLaughlin moved to approve Ordinance 2018-30, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-K “Discussion/Possible Ordinance: Amend Section 12.12.130 (Summer Recreation Fees) of the City of Olney Municipal Code” The Council was provided with a proposed ordinance that would amend Section 12.12.130 (Summer recreation fees) of the City of Olney Municipal Code.

Councilman McLaughlin told the Council that he had been approached about the current fee structure for Summer Recreation fees. Currently, residents of Olney receive a lower rate than non-residents, regardless of whether or not individuals own property inside of City limits.

Councilman McLaughlin felt that the residency requirement originally came about because of the recreation tax. Because all property owners are now charged such tax, he felt that the Code should be amended to allow lower Summer Recreation fees for residents or property owners of the City.

Mrs. Sterchi pointed out that the term “legal guardians” was added because some children visit relatives or friends for a few weeks out of the summer.

Councilwoman Henton moved to approve Ordinance 2018-31, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Councilman McLaughlin asked if reimbursements could be authorized for those who paid the higher rate this year, but that owned property inside of City limits. The Council was in consensus to authorize reimbursements for the price difference.

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 pointed out the new format of the tax receipts summary on the Status Report. The newer format would be easier to read.

The Stage had been completed in Bower Park, courtesy of the First National Bank in Olney. Mr. Barker felt The Stage was a nice addition to the park system, and looked forward to its first formal use at the June 7th Sounds of Summer event.

Now that the new budget had been passed, supervisors were working on various projects to be completed this year.

9-B “RCDC Report” RCDC Executive Director Courtney Yockey told the Council that the RCDC 2017 Annual Report would soon be released, and he would provide copies to the City.

Additionally, Mr. Yockey reported that a Request for Information (RFI) had been received for a company looking for 10 acres of land. Mr. Yockey had been working with Mr. Barker on the request, and a site near Miller Drive had been submitted.

The 2017/2018 school year was about to wrap up, and with it the first year of the Richland County CEO Program. Mr. Yockey told the Council that at the Senior Awards Night, four CEO scholarships were awarded.

9-C “Chamber of Commerce Report” Councilman McLaughlin told the Council that the Chamber’s monthly luncheon was set to take place the next day. The guest speaker would be Mrs. Sterchi who would give a presentation on the upcoming Walldogs event.

Councilman McLaughlin also reported that a ribbon cutting ceremony would be taking place on May 16, 2018, for the Whole Family Medical Health Center.

9-D “Parks & Recreation Board Report” The Parks & Recreation Board had cancelled their May meeting, so there was no report.

9-E “Tourism Board Report” Councilwoman Henton stated that the ILLINOISouth Tourism Bureau’s Executive Director had made a visit, along with a few other staff members. A good discussion had taken place on current needs, upcoming events, and additional benefits that the Bureau could offer.

Councilwoman Fehrenbacher wished to take a moment to recognize Fire Chief Hill and the Olney Fire Department on their award of a lower ISO rating. She also thanked the Tree Board for the recent program held at the Olney Public Library, and noted that she had received a citizen compliment about the City Manager taking an interest in the community.

AGENDA #10 “PUBLIC COMMENTS/PRESENTATIONS” No one from the public wished to speak.

AGENDA #11 “CLOSED SESSION: SALE OR LEASE PRICE OF REAL PROPERTY; ACQUISITION OF REAL PROPERTY; APPOINTMENT, EMPLOYMENT, COMPENSATION, AND PERFORMANCE OF SPECIFIC EMPLOYEES; AND COLLECTIVE NEGOTIATING MATTERS” Councilwoman Fehrenbacher 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 Councilman Harrison. 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 City Clerk Sterchi left the Council Chambers at 7:38 p.m.

AGENDA #12 “RECONVENE OPEN SESSION” Upon return of those who were in closed session to the Council Chambers, Councilman McLaughlin moved to enter back into open session, seconded by Councilman Harrison. A majority affirmative voice vote was received. Open session resumed at 7:58 p.m.

12-A “Discussion/Possible Resolution: Cancellation or Rescheduling of City Council Meeting Scheduled for May 28, 2018” Mr. Barker reminded the Council that the next scheduled meeting on May 28, 2018, would be Memorial Day. He asked the Council if they would like to reschedule or cancel the meeting. The Council wished to cancel.

Councilwoman Henton moved to approve 2018-R-40, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

Mr. Barker informed the Council that signage for The Stage had been ordered and would be placed on the wall at the back of The Stage.

Mr. Barker was aware of the need for more trash receptacles and benches along Main Street. He asked the Council if they would be willing to match funds raised, for example, by the Friends of Olney. He expected that trash receptacles and benches would total about \$15,000.00.

Councilwoman Henton asked if the City had funds available to make a match. Mr. Barker replied that money could be found.

Mr. Barker continued by telling that he had been working with Ameren on removing unnecessary overhead lines and unused poles.

Mayor Lambird commented that the local coon hunters group had asked him if any Tourism funds were available to help defray some of the costs of an upcoming event. Councilwoman Henton noted that coon hunting events were becoming more popular. Mayor Lambird would again get in touch with the coon hunters about application for a Tourism Grant.

Councilman McLaughlin had noticed that work on the new Best Western Plus was coming along. He asked if there were any updates on the laying of water and sewer lines. Mr. Barker replied that the City's portion of the project was complete. He would be meeting with Eric Seals the next morning to discuss the developer's portion of the work, along with the process of TIF reimbursement.

Councilwoman Fehrenbacher asked if landscaping was supposed to be placed as part of the Verizon project on the Taylor water tower. Mr. Barker indicated so, but pointed out that the project was not yet complete, and the Verizon panels were not active. He commented that the landscaping had not been forgotten.

Councilwoman Fehrenbacher asked if that was a similar situation to the landscaping that was supposed to come along with the new alley extension near Prairie Farms. Mr. Barker explained that Ameren was still working in the area. Once Ameren was complete with their work, sidewalk would be laid and then landscaping.

Mr. Barker told the Council that a few City employees were out due to injuries, therefore putting a strain on departments' projects.

A few years ago, the Service Line Warranties of America had approached the Council for permission to solicit in the area, and to use the City logo as endorsement. He wondered how long the company would be soliciting. No one at the meeting could recall if there was a time limit. It was noted that the City did receive some compensation on local participation. Mr. Barker would look into the agreements made with Service Line Warranties of America.

Councilwoman Henton and Mrs. Sterchi commented their desires that the City logo no longer be used in the return address portion of the envelope because it was confusing to residents. Councilman McLaughlin also was not aware that the letters would show the City as “signers.”

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

The meeting adjourned at 8:12 p.m.

Kelsie J. Sterchi
City Clerk

DRAFT