

CITY OF OLNEY
CITY COUNCIL MEETING
SEPTEMBER 23, 2019

AGENDA #1 “CALL TO ORDER” The September 23, 2019, 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. Jeff Belmear led the group in prayer.

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

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on September 9, 2019”

4-B “Approve and Authorize Payment of Accounts Payable September 24, 2019” Pooled Cash \$127,632.52, Manual Pooled Cash \$4,356.67, Elliott St. Bridge \$472.00, MFT \$72,613.76, Tourism \$239.50, Christmas Light Display \$1,800.00, Route 130 TIF \$833.00

4-C “Raffle License: Olney VFW Post #4226 (Weekly)”

4-D “Raffle License: Olney VFW Post #4226 (Daily)”

4-E “Appointment: Mark Richardson to the Parks & Recreation Board”

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA”

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilman McLaughlin moved to approve the items on the consent agenda, seconded by Councilman Eyer. 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 “Discussion: Use of Golf Carts/UTVs on Streets Inside City Limits” The Council was provided with a spreadsheet summary of golf carts and UTV use that compared requirements from other communities, as prepared by Councilwoman Henton.

Councilwoman Henton felt that if Olney adopted an ordinance to allow golf carts and/or UTVs, that seatbelts should be required. Additionally, a windshield or eye protection and a horn should be required. She also felt that no one under the age of 21 should drive such a vehicle, and that no one under the age of eight should be allowed to ride. The Councilwoman was aware that

some eight year olds were very small. As such, anyone needing a safety seat should not be allowed in a golf cart or UTV on City streets.

Councilwoman Fehrenbacher wondered who would inspect the vehicles. Councilwoman Henton replied that the Police Department could provide the inspections. In Flora, Car Corral was also allowed to conduct inspections. Councilwoman Henton recommended that if in Olney, the vehicles be inspected each year.

Councilwoman Henton then detailed State requirements such as liability insurance, brakes, steering apparatus, tires, brake lights, turn signals, etc. Additionally, the vehicles are not allowed on streets or highways under the jurisdiction of IDOT, but could cross such streets or highways.

From the audience, John Snider stated that he had contacted Vincennes, Indiana. He was told that Vincennes had no issues with their ordinance allowing such vehicles or enforcement.

Councilman McLaughlin expressed that he had no problem with Olney having such an ordinance as long as a clear cut set of rules and regulations were defined. He also felt they should only be allowed on roads with a 35 mph speed limit or under. Councilwoman Henton questioned whether they should be allowed on Main Street as it had a 30 mph speed limit.

Councilman Eyer had no issue with the idea overall, but when he applied the concept to the City of Olney, he did not find it appropriate. Olney had so many well-traveled roads such as Main, Butler, and East Streets where people often exceed the speed limit. He had concern with cars passing golf carts or UTVs. If such vehicles were restricted to neighborhoods or subdivisions, he would have less of an issue. Golf carts and UTVs were not designed for commute on City streets. Overall, the Councilman felt it was a safety issue.

Councilman McLaughlin felt that at some point, people needed to take responsibility for their own safety. If the City had rules in place and a citizen chose not to abide, then the individual should accept such responsibility. Councilman Eyer disagreed. He felt that if such an opportunity were off the table, there would be less mishap.

Councilwoman Fehrenbacher was worried about school-related traffic, specifically on Hall Street. Councilman McLaughlin felt that Hall Street could be added to a list of prohibited streets.

From the audience, Bruno Biava told the Council that he used to ride a recumbent bicycle up until about five years ago. He had noticed over the years that riding the bicycle has become more hazardous, so he has stopped riding in town. Mr. Biava believed that the City needed to start thinking about if they were creating a town that was reasonable. Mr. Biava believed that a golf cart or UTV was the only kind of vehicle that some people could afford. With unpredictable winters, he also felt a UTV might be the most practical way to get around. Even with this in mind, it should be up to the citizens to drive with care in order to watch out for all slow moving vehicles.

From the audience, Phillip Bennett believed that if Vincennes was not having issues with their ordinance, then he just could not believe that Olney would be more problematic.

Steve Bryan clarified that he was only seeking authorization to use his golf cart on side streets.

Mr. Snider was aware that some UTVs could go up to 70 mph in a half block distance. He felt those were more troublesome than golf carts.

Some discussion then took place on allowable times that people could drive slow moving vehicles.

If some streets were going to be permitted for use by slow moving vehicles, Councilwoman Fehrenbacher asked if such streets would need to be marked. Mr. Zuber advised that statute indicated that posting signage would be a requirement. Councilwoman Fehrenbacher and Councilman Eyer felt that could lead to a considerable expense.

Mr. Zuber then cautioned that there was a big difference between a golf cart and a UTV. He felt a UTV could provide additional risk to officers and others by veering off road whenever they felt like it.

The Council took no action on this topic, but would discuss it again in the future. Until that time, additional public input would be accepted, a proposed listing of restricted streets should be created, and a cost estimate should be created of how much it would cost the City to implement the allowance.

8-B “Resolution: Transfer Money from the General Fund to the Fire Pension Fund” The Council was provided with a proposed resolution that would transfer \$44,000.00 from the General Fund to the Fire Pension Fund.

Mrs. Guinn reminded the Council that during tax levy and budget discussions, the Council had been in favor of transferring \$44,000.00 from the General Fund to the Fire Pension Fund. As such, the transfer had been included in the 2019-2020 budget, but would need formal action by the Council for the transfer to actually take place.

Councilwoman Henton moved to approve 2019-R-65, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

8-C “Resolution: Amend the City of Olney Sewer Plant Budget for Fiscal Year 2019-2020 for the Purchase of a Computer” The Council was provided with a proposed resolution that would amend the 2019-2020 Sewer Plant budget for the purchase of a computer.

Mr. Barker told the Council that the Sewer Department was in need of a new computer. The proposed \$1,500.00 budget amendment would not provide for any new allocations, but extra funds were available in other line items that could be used.

Councilwoman Fehrenbacher moved to approve 2019-R-66, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-D “Ordinance: Authorize the Disposal of Items of Personal Property by Recycling or Sale – 47 Bicycles at the Police Department” The Council was provided with a proposed resolution that would authorize the sale or recycling of 47 bicycles from the Police Department.

Councilman McLaughlin asked how the Police Department got the bicycles. Police Chief Paddock replied that they were accumulated as “lost and found” items that were never claimed. Some of the bicycles were eligible to be sold by auction on Govdeals.com. Others were not in good condition. For those, it was recommended to recycle them through Scrap Daddy.

Councilman McLaughlin wondered how citizens would know if the Police Department had their bicycle. The Council and Chief indicated that if a report was made, officers could work from there. Additionally, citizens could register their bicycles by description and serial number at the Police Department or City website. That would provide contact information to the owner if and when bicycles were recovered.

Councilman McLaughlin moved to approve Ordinance 2019-27, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

From the audience, Mr. Biava recommended that the bicycles could be given to organizations that teach skills to those with disabilities.

8-E “Ordinance: Authorize the Disposal of Items of Personal Property by Recycling or Sale – Printer from the Sewer Department” The Council was provided with a proposed ordinance that would authorize the recycling or sale of an HP Laserjet Pro 400 from the Sewer Department.

Mr. Barker told the Council that the Sewer Department had recently purchased a used printer/copier that better suited their needs. The HP Laserjet Pro 400 was no longer needed. Other departments were asked if they could use the printer, but no other department expressed interest. Mr. Barker recommended trying to sell the printer on GovDeals.com. If it could not be sold, the recommendation would then be to recycle the printer.

Councilwoman Fehrenbacher moved to approve Ordinance 2019-28, seconded by Councilwoman Henton. A majority affirmative voice vote was received.

8-F “Ordinance: Amend Ordinance No. 76-20 to Allow Parking on the South Side of W. Elm Street Between S. Kitchell Avenue and S. Camp Avenue” The Council was provided with a proposed ordinance that would amend Ordinance No. 76-20, as amended, to allow for parking on the south side of W. Elm Street between S. Camp and S. Kitchell Avenues.

Mr. Barker explained that he had received a request that parking be allowed on the south side of Elm Street, between S. Camp and S. Kitchell Avenues as overflow parking for businesses in the area.

Chief Paddock noted that parking was allowed on the north side of W. Elm Street in this area. He wondered if the north side parking would be taken away, or if the ordinance would allow for parking on both sides of the street. Mayor Lambird replied that north side parking would be removed. It was noted that the proposed ordinance did not state removal of north side parking.

Councilman McLaughlin wondered if there was a big difference in available parking on the south side versus the north side. Mayor Lambird indicated that the north side was cut up with some driveways.

Councilman Eyer was apprehensive about changing the parking on a well-traveled street for something that may not even be used frequently. Councilwoman Fehrenbacher did not believe that parking on the south side would allow for that many more parking spaces. Councilwoman Henton added that parking was also allowed on the west side of S. Kitchell Avenue in this area, but she had never seen anyone even park there.

The Council took no action on this item.

8-G “Ordinance: Impose a Municipal Cannabis Retailers’ Occupation Tax” The Council was provided with a proposed ordinance that would impose a 3% Municipal Cannabis Retailers’ Occupation Tax.

Mr. Zuber told the Council that the Illinois Municipal League (IML) recommended the passage of an ordinance that would establish a sales tax for possible future sales of cannabis. The maximum percentage amount was capped at 3%. The sale of cannabis would require proper zoning regulation before becoming legal. If the ordinance was passed and submitted to the Illinois Department of Revenue by October 1, 2019, then the City of Olney would officially have the tax in place for any cannabis movement after January 1, 2020.

Councilman McLaughlin asked what State law allowed versus what rights municipalities had. Mr. Zuber replied that municipalities would have authority to approve or deny adult recreational use dispensaries. Municipalities could not, however, prohibit a medicinal dispensary.

Mr. Zuber then detailed the strict structural and security requirements for such facilities. He then told about the differences between craft growers, infusers, transporters, and cultivation centers.

Councilman McLaughlin asked if the passage of a Municipal Cannabis Retailers’ Occupation Tax would mean that the City was also approving the sale, distribution, etc. of cannabis. Mr. Zuber replied that the passage would not approve anything else. It would be establishing a tax rate for if and when cannabis business was approved.

Councilman McLaughlin then asked if the Municipal Cannabis Retailers’ Occupation Tax received would be restricted to certain expenditures by the City. Mrs. Guinn replied that this particular tax would not be restricted.

Councilwoman Henton moved to approve Ordinance 2019-29, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

AGENDA #9 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

9-A “Status Report-City Manager” Mr. Barker reminded the Council of Councilman Eyer’s question about outlining the lettering of the Industrial Park water tower that would soon be painted. Mr. Barker had received a quote of an additional \$7,000.00 per side for the outlining. The Council appreciated the information, but did not wish to move forward.

Mr. Barker then reported that Fire and Police testing had been completed. The Board of Fire and Police Commissions would begin conducting interviews on October 7 and 8, 2019.

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

9-C “Chamber of Commerce Report” Councilwoman Fehrenbacher had nothing to report.

9-D “Parks & Recreation Board Report” Mayor Lambird told the Council that the Parks & Recreation Board had met on September 18, 2019, and had approved the recommendation for a splash park as presented by Project Community. Councilwoman Fehrenbacher added that Project Community would be requesting Council approval of splash park plans in October.

Councilman McLaughlin asked if minutes were yet available from that meeting. Mrs. Sterchi replied that none were available at this time. When submitted by Morgan Henton, she would make the Councilman aware.

9-E “Tourism Board Report” Councilwoman Henton had nothing to report.

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” A closed session was not needed.

AGENDA #12 “RECONVENE OPEN SESSION” Reconvening open session was not needed.

12-A “Resolution: Authorize Destruction of Closed Session Audio” The Council was provided with a proposed resolution that would authorize destruction of closes session audio from May of 2017 through December of 2017.

Councilwoman Henton moved to approve 2019-R-67, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

12-B “Resolution: Authorize Release of Closed Session Minutes” The Council was provided with a proposed resolution that would authorize the release of some full and partial closed session minutes from January 14, 2013, through December 11, 2017.

Councilwoman Henton moved to approve 2019-R-68, seconded by Councilwoman Fehrenbacher.

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 7:48 p.m.

Kelsie J. Sterchi
City Clerk

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