

CITY OF OLNEY  
CITY COUNCIL MEETING  
NOVEMBER 23, 2020

AGENDA #1 “CALL TO ORDER” The November 23, 2020, 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. Mayor Lambird led the group in prayer.

AGENDA #3 “ROLL CALL” The following Council members were physically present: Mark Lambird, John McLaughlin, Morgan Fehrenbacher, and Greg Eyer. Also physically present were City Manager Allen Barker, City Treasurer Jane Guinn, City Clerk Kelsie Sterchi, City Attorney Bart Zuber, Code Enforcement Officer Dallas Colwell, and City Engineer Mike Bridges. Several State of Illinois Executive Orders allowed for attendance to take place via video, audio, and/or telephonic means as the COVID-19 crisis continues. Attending by audio were Councilwoman Belinda Henton and City Attorney Bart Zuber.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A “Approve Minutes of Council Meeting on November 9, 2020”

4-B “Approve and Authorize Payment of Accounts Payable November 24, 2020” Pooled Cash \$77,500.64, Manual Pooled Cash \$6,799.03, Adjustments \$30.03, Utility Refunds \$1,376.40, Fire Pension \$2,775.00, Police Pension \$175.00, Route 130 TIF \$320.00

4-C “Ordinance: Amend Sections 12.32.030 (Annual License Fees) & 12.32.040 (Daily Boating Licenses) of the City of Olney Municipal Code” **2020-49**

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

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilwoman Fehrenbacher moved to approve the items on the consent agenda, seconded by Councilman Eyer. Councilmen Eyer, McLaughlin, Councilwomen Fehrenbacher, Henton, and Mayor Lambird voted yes. There were no opposing votes. The motion carried.

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 “Presentation/Possible Action: Use of East Fork Lake for Commercial Boat Slips and Potential Lease Agreement” The Council was provided with a letter and exhibits from Narrow Path, LLC., a copy of Ordinance 94-9, a copy of a lease between the City of Olney and Lakeside R.V. Park & Bait Shop dated March 3, 1994, a copy of Ordinance 98-125, a copy of a lease with Lakeside R.V. Park & Bait Shop dated September 28, 1998, a copy of minutes excerpts

regarding discussion on leases and boat slips, a copy of Ordinance 2012-46, and a copy of a lease with Lakeside R.V. Park & Bait Shop dated October 1, 2012.

Physically present to discuss this topic were Austin and Carrie Hallam and Michael Weiler. Mr. Hallam told the Council that he and Mr. Weiler were interested in putting boat slips on the east side of property they recently purchased with their wives. The Hallams and Weilers wanted to then lease those boat slips. One tract had a Tax I.D. of 06-26-400-016, and the second tract adjoined that property, but had a Tax I.D. yet to be determined.

Councilwoman Fehrenbacher asked what the properties were zoned. Mr. Colwell replied they were zoned R-S (Single-Family Residence District). Because this would be a commercial venture, Councilwoman Fehrenbacher wondered if they planned on rezoning. Mr. Weiler replied that options had been discussed, but they were not yet sure on the best approach. He felt that labeling the properties as commercial would send a message that they were wanting to do more with the property than simply leasing boat slips.

Councilwoman Fehrenbacher then asked where people would park. Mr. Weiler replied that there would be parking areas on the properties.

Councilwoman Fehrenbacher asked Mr. Colwell for his opinion on the best approach. Mr. Colwell replied that he felt rezoning would be the most appropriate. The only other option would be to request a Special Use Permit for parking or recreational areas. Mr. Colwell believed that rezoning to C-2 (Commercial District) would be the most appropriate because the Hallams and Weilers would be running a business and earning money from the properties.

Mr. Hallam asked how the Gassmann or Cravatta properties were handled. Mr. Colwell was unsure on the Gassmann property, but noted that the land being used for the Cravatta boat slips was City land.

If the properties were kept with residential zoning, Councilwoman Fehrenbacher wondered what would keep other property owners on the lake from putting in boat slips to rent. Mr. Weiler indicated that an approval process would still be needed. In certain areas, covenants and ordinances were in place to prevent such. In this case, no covenants existed that would prevent their venture. It was not their desire to have people loitering on the properties to party or turn the land into a recreational space. Mr. Weiler stated that they were simply wanting to offer a service not yet available for people to utilize the lake.

Councilman Eyer was aware that the properties had already had brush cleared. Mr. Weiler confirmed. Councilman Eyer was also aware that the property at the very northern tip of the point was not cleared. He wondered if that property would be used for this project. Mr. Hallam replied that the property the Councilman was referencing was separate and would not be owned by the Hallams and Weilers, nor used for the purpose of boat slips.

Councilman Eyer noticed that Holly Road would be used to access the properties. He wondered who would be responsible for its maintenance. Councilman McLaughlin indicated that particular portion of Holly Road was owned and maintained by Olney Township.

Councilman McLaughlin noted that the only area that may require a lease with the City would be East Fork Lake as the lake was City property. He wondered if anyone with a boat dock would require a lease with the City. Councilwoman Fehrenbacher felt those were different circumstances when residents were using boat docks for personal use rather than making profit.

Councilman McLaughlin stated that he had no problem whatsoever with the Hallam and Weiler request, but the process of how to go about it was out of his realm. Councilwoman Fehrenbacher strongly disagreed and noted that she would have a real problem with it in regards to zoning.

Councilman McLaughlin wondered if the properties would be taxed differently if they were rezoned to commercial. Mr. Colwell believed so.

Mr. Weiler told the Council that he was not completely against rezoning the properties, but he felt like the term “commercial” was an awfully big word for a venture they did not feel was so elaborate. In the future, he noted that there may be other opportunities for them to offer more to the community, but they may likely only want to offer boat slips.

Councilman McLaughlin wondered how difficult it was to get a property rezoned. Mrs. Sterchi explained that once an application was received, notice needed to be sent to certain property owners, published in a newspaper, and published on the City’s website. From there, the Plan Commission would hear the request. Historically, requests for rezoning typically only saw issues if there was opposition from the public. Ultimately, the Plan Commission’s recommendation for approval or denial would be presented to the Council for a final decision.

Councilwoman Fehrenbacher wondered if the City’s liability would increase if commercial docks were placed on the City’s lake. Mr. Hallam wondered if insurance was required in the Cravatta lease. Mayor Lambird indicated so.

Councilwoman Fehrenbacher and Councilman McLaughlin felt the best process would be to go for rezoning. They expressed concern with other residents renting out their docks without correct zoning. Councilwoman Fehrenbacher requested that the City Attorney provide some advice.

Mr. Zuber agreed that the property should be rezoned and the request heard by the Plan Commission. He stated that Cindy Harlan had looked into the insurance issue and was told that the City would need to require proper insurance from the business operator with a liability minimum of \$1,000,000.00. Since there was no shoreline to lease, Mr. Zuber was not certain that any lease would be needed.

Instead of rezoning, Councilwoman Henton felt that a Special Use Permit should be considered. Referencing the City Code, she pointed out that a Special Use Permit would be appropriate for “commercial, recreational or amusement developments for temporary or seasonal periods.” She felt that a Special Use Permit would give the City more control over what development was being proposed, and would also allow for the City to add in any conditions felt to be appropriate.

Mr. Zuber pointed out that the condition listed in the excerpt Councilwoman Henton provided was that the permit would be for temporary or seasonal periods. He felt the proposal was somewhat seasonal, but certainly not temporary.

Councilwoman Fehrenbacher asked how many boat slips the Hallams and Weilers wanted to place. Mr. Weiler expected to start with about 10 boat slips. The Councilwoman wondered if the Hallams and Weilers could continue placing boat docks or if they would need approval for any past 10. Mr. Zuber was aware that a sort of building permit was needed before docks were placed on the lakes. Mr. Colwell agreed. If a lease was created, the lease would need to be changed each time docks were increased. Mr. Zuber still was not certain that a lease was needed.

Councilwoman Henton again encouraged a Special Use Permit. If in that permit the City stated that 10 docks would be allowed, the Hallams and Weilers would need to come back to the City before they could expand. If the properties were simply rezoned, the Hallams and Weilers could add as many docks as they pleased. Mayor Lambird pointed out that a Special Use Permit would also not carry over to any new property owners if the properties were sold. Alternatively, a rezoning would stay with the property and new owners could put almost any type of commercial business there.

Mr. Zuber offered that an S-1 (Commercial Recreation District) or S-2 (Resort District) may be appropriate rezoning options versus C-2 (Commercial District). He also agreed with Councilwoman Henton that a Special Use Permit would give the Council more control, but he was not sure that the Hallams and Weilers wanted a Special Use Permit.

Mr. Weiler was aware that such a venture was brand new not only to them, but also to the City. Originally, Mr. Hallam and Mr. Weiler believed they needed to submit a request for a Special Use Permit, but what they requested on the application was not correct. They were requesting a variance in dock size which would need to be heard by the Board of Appeals. Past the variance, it was still uncertain what was needed.

Councilman McLaughlin advised the Hallams and Weilers to think about what they may want to do in the future. If they may want to use the properties for other types of commercial purposes in the future, it may be of benefit to try and get the properties rezoned. If they received a Special Use Permit now and wanted to do something different, they would need to come back to the City and again request a rezoning.

Because the properties would be used commercially, Councilman Eyer was concerned about surrounding residential properties. He felt it was important to safeguard residential areas, and had concerns with other areas of the lake having commercial properties amongst residential. He wondered if any opposition had been received from landowners.

Mr. Weiler pointed out that one of the exhibits was a letter of support from the Dolores Hemrich Life Estate. That was the neighbor across the cove. Councilman Eyer asked if any contact had been made with other property owners such as the Eaglesons, Schreys or Batemans. Mr. Weiler replied that they had been in contact with the Eaglesons and Batemans. The big concern from the Eaglesons and Batemans was in regards to putting more traffic in their cove. After learning more about what the Hallams and Weilers were proposing, Mr. Weiler indicated

that they seemed fine. Mr. Weiler stated that the intent was to keep the west side of the cove private.

Councilman Eyer asked if any notice had been sent to the surrounding landowners. He would feel more comfortable with the proposal if he had something in writing that the neighbors were in favor of the proposal. Mrs. Sterchi replied that at this time, no notice had been sent. Requests to be heard by the Board of Appeals and/or Plan Commission would require that notices be sent to certain property owners.

Even though this was a new venture, if it went through, it was likely that similar requests would be received in the future. Looking ahead, Councilwoman Fehrenbacher wondered how the Council could protect the City from continuous placement of commercial docks if it became a problem. Mr. Zuber offered that a Special Use Permit good for only a specified period of time may be sufficient.

Mr. Colwell pointed out that East Fork Lake did have a Tax I.D. like any other real estate. He wondered if that fact would require a lease with the City. Mr. Zuber was not completely certain since this was the first time such a circumstance had arisen. His first instinct was that a lease would not be needed.

Another problem that Councilwoman Henton pointed out about having the properties rezoned was that a rezoning to C-2 (Commercial District) would open the properties up to have a huge number of businesses there that perhaps the City would not like to see on the lake. She would prefer to preserve the integrity of the lake by trying to keep some habitat and undeveloped areas.

It was clear that the Hallams and Weilers were just needing some direction on whether it would be best to apply for a rezoning or Special Use Permit. Either request would need to start with the Plan Commission. Mr. Zuber noted it was not a Council position to recommend one or the other and that the decision would be up to the Hallams and Weilers on what they felt would best suit their needs.

Mr. Weiler knew that a variance would be needed. From there, he felt that a Special Use Permit would likely be most appropriate. The Council did not appear to have any issue with a request for a Special Use Permit, but Councilwoman Fehrenbacher stressed the importance of limiting the amount of boat slips that would be authorized.

Mr. Hallam asked what some concerns may be. Councilwoman Fehrenbacher could not give a full scope of concerns at the moment, but she did have one. The Hallams and Weilers had indicated that they did not want the land to have people loitering on it for any recreational purposes other than accessing the slips, but she did not believe that they would be out there all day, every day to patrol. Mr. Weiler indicated that there would be security and that the location would be monitored. Even so, Councilwoman Fehrenbacher knew there was no way to monitor the area 24/7. She just wanted to be certain to protect the City and be sure that such a venture was a good fit for the lake.

Mr. Weiler agreed, and expressed how he and Mr. Hallam wanted to be good neighbors. The request was not just about business, but also about their families. Additionally, he felt the

request was an opportunity to offer something to others in the community, such as those that paid taxes but had no way to use the lake. He stated that they may look into renting out boats in the future.

Mr. Zuber stated that the concerns presented at this evening's meeting were valid, but reminded everyone that a forum for such concerns and discussion was the purpose of having a Plan Commission.

Mrs. Sterchi advised the Hallams and Weilers of the date to submit paperwork to be heard at the January 4, 2021, meetings of the Board of Appeals and Plan Commission. Councilman McLaughlin requested that the Hallams and Weilers specify the number of docks they would be placing. Mr. Weiler wanted to ask for the maximum that would be allowed.

Councilwoman Henton asked if the Hallams and Weilers planned on adding a boat ramp. Mr. Weiler replied that was not currently in their plan, but he would like to hear the Council's thoughts. Councilwoman Henton informed Mr. Weiler that boat ramps would also need to be approved.

Councilwomen Henton and Fehrenbacher stressed that they felt the proposal was great, but wanted to be sure that the City knew what it was doing. They hoped their comments were not seen as negative against the overall idea.

Mr. Weiler then added that the docks would be built in a uniform manner. They would also be kept up and would not fall into disrepair as some others around the lake were.

8-B "Discussion: Tax Levy" Mrs. Guinn told the Council that she had spoken with Tim Hahn at the Richland County Assessor's Office. Mr. Hahn estimated the EAV range for the City to remain flat or go up to 1%. Mrs. Guinn and Mr. Barker recommended a 0.0% increase for the City and a 0.0% increase for the Library. This would keep the rate flat but still allow the City to add an extra \$75,000.00 to the Fire Pension and \$53,000.00 to the Police Pension above the amount recommended by the Illinois Department of Insurance.

Mrs. Guinn hoped for the Council to take action and establish the new tax levy at the December 14, 2020, meeting. She requested that the Council make her or Mr. Barker aware of any other options they might want to consider so that they could be looked into.

Councilman McLaughlin was pleased to see a 0.0% increase.

8-C "Discussion/Possible Action: Cancellation of Current Community Building Reservations and/or Suspension of Future Facility Reservations & Special Event Applications" The Council was provided with a Tier 3 Resurgence Mitigations document. On November 17, 2020, the Governor announced that the entire State of Illinois would be moved into Tier 3 Mitigation Requirements due to the rapid increase in COVID-19 cases across the state. The mitigation requirements would not allow for indoor meeting rooms, banquet centers, private party rooms, etc. to host gatherings. The City of Olney's Community Building would fall under

that category. Mayor Lambird asked the Council if they would support continuing to reserve park facilities or not.

Councilwoman Henton was not in favor of violating the mitigation. Councilman McLaughlin disagreed and wished to continue reserving facilities.

Councilwoman Fehrenbacher did not believe that reservations should continue at this time. She asked how many reservations remained on the books through the end of the year. Mrs. Sterchi indicated that there were three Community Building reservations for the rest of the year.

Mayor Lambird believed it was time to discontinue such reservations. He had spoken to some local medical professionals and Olney was seeing quite a bit of COVID-19 activity. He did not believe the City needed to be involved in making it worse.

Councilman Eyer stated he was in favor of keeping the current reservations on the books, but not to make any more.

Councilwoman Henton moved to cancel and suspend park facility reservations through the end of 2020, seconded by Councilwoman Fehrenbacher. Councilwomen Fehrenbacher, Henton, and Mayor Lambird voted yes. Councilmen McLaughlin and Eyer voted no. The motion carried.

For clarification, Mrs. Sterchi reminded the Council that the Community Christmas Tree Lighting was scheduled for the evening of November 25, 2020. This would be a spectator event only with no activity, refreshments, etc. She wondered if the City wished to cancel or keep that occasion. The Council was in favor to allow the Community Christmas Tree Lighting to continue. They also suggested closing off Chestnut Street from the alley near the Fireside to Whittle Avenue to help with social distancing.

Mrs. Sterchi then told the Council that a group of about 14 girl scouts had scheduled to do some Christmas caroling in Bower Park the evening of December 4, 2020. The girl scouts wanted to carol for passersby during Moonlight Madness. Councilwoman Henton was on the fence, but then requested that the two occasions be publicly advertised to require masks and social distancing.

8-D "Discussion/Possible Action: Closure of City Lobbies to the Public" Mayor Lambird reminded the Council that City Hall's lobby had been closed to the public in the Spring due to COVID-19. He asked the Council if the lobby should again close until the COVID-19 numbers dropped.

Councilman McLaughlin was not in favor of closing City Hall. Plexiglass partitions had been added to the front window and visitors were asked to wear masks. Councilwoman Fehrenbacher and Councilman Eyer agreed.

8-E "Discussion/Possible Action: Taking All Public Meetings to Zoom" A few public meetings were currently on the books and would take place soon. Mrs. Sterchi requested to

know from the Council if they wished to have all public meetings go to Zoom only for the time being like what was done earlier in the year.

Councilman McLaughlin asked Mr. Zuber who had the authority to close the Council Chambers to the public and go to Zoom only for meetings. Mr. Zuber replied that the head of the public body could make that decision. In the Council-Manager form of government, it would most likely be the Mayor, but Mr. Zuber felt it could be debated that the City Manager would also have that authority.

Councilman McLaughlin asked if the Council needed to take any action. Mr. Zuber stated that the Council did not need to make a formal decision. As long as the checklist of items to be complied with was being taken care of, there would be no other issue.

Councilman McLaughlin told the Council he was not in favor of shutting the public out of attending in-person. He wanted to give the public the option to attend either in-person or via Zoom. In the future, he also suggested looking into streaming Council meetings as he felt it would offer better engagement with residents. He felt that streaming should continue to take place even after the pandemic. Councilwoman Fehrenbacher and Councilman Eyer agreed.

Councilwoman Henton saw no problem with Zoom meetings. She felt everyone could be heard better if everyone attended that way.

Mayor Lambird asked if the Chairpersons of City Boards and Commissions could make the decision to go to Zoom only. Mr. Zuber clarified that it is only the head of the public body that can make that decision and not the Chair of any particular board or commission.

With support of the Council, the Mayor decided for the time being to keep the Council Chambers open to the public but to also make the meetings available via Zoom. Attendance would be encouraged through Zoom rather than in-person.

8-F “Discussion/Possible Action: Any Other Topics Related to the Tier 3 Mitigations as Mandated by the State of Illinois” Mayor Lambird stated that the City needed to encourage its residents to be vigilant in regard to the COVID-19 resurgence in Richland County. He wanted to encourage citizens to wear masks in public. He pointed out that masks were proven to help. In speaking with a local medical professional, the Mayor was told that most people would not get extremely sick with COVID-19, but some people certainly would not be as lucky. He wanted to be sure that resources were not drained at the hospital. The Mayor stressed that the issue at hand was to avoid these hospitals from getting to a point where they could no longer help people.

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

9-A “Status Report-City Manager” Mr. Barker reported progress was being made on the lift station on Route 130 that would help service Love’s. Valves had been ordered and work would be taking place on the installation that would be done by Kieffer Brothers. Mr. Barker estimated a cost of \$10,000.00 on labor.

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

9-C “Chamber of Commerce Report” Councilwoman Fehrenbacher told the Council that Moonlight Madness would still take place on December 4, 2020. Participants were encouraged to social distance and wear masks. Additionally, the Chamber was hosting a Let it Glow contest. Anyone interested in more information would need to call the Chamber.

Councilman McLaughlin said that Mt. Gilead Church would be hosting a Bethlehem Drive versus a Bethlehem Walk for this year. The event would take place on December 5, 2020. Attendees would be encouraged to visit the Christmas Light Display afterwards.

9-D “Parks & Recreation Board Report” Parks & Recreation Board Vice Chair Morgan Henton was attending via Zoom. Mr. Henton told the Council that the Board was recommending appointment of Josh Feddes to fill its vacancy. Mayor Lambird would make the appointment at the next Council meeting.

Permanent pickleball locations were also discussed at the Board’s last meeting. They were researching locations at Musgrove Park for seven courts. The Board was looking at the southwest corner of Musgrove Park near the multi-purpose field, the area east of the old Musgrove House, and the eastern edge of N. East Street south of the main sidewalk that dissects the park. ADA considerations were also being made.

Mr. Henton continued by stating that the 2015 Parks & Recreation Board Comprehensive Plan was also being re-evaluated.

The Board had also discussed hosting a half marathon, and opening a fund for Parks & Recreation fundraisers. Funds raised could be given out to projects such as the pickleball courts, splash pad, Together We Play Park, etc.

Councilwoman Fehrenbacher asked why the Board was not piggybacking with RCRC in terms of fundraising. Mr. Henton agreed that could be an option, but noted that RCRC was not an arm of the City. Even so, Councilwoman Fehrenbacher thought it would be worth a conversation.

Mr. Henton then informed the Council that hunters were spotted on City property at East Fork Trails. Hunting was not allowed in this area, so No Hunting signs were suggested and seemed to be moving forward. Deer stands were also noticed in the area. Mr. Henton recommended a laminated letter from the City that could be attached to the stands saying that they would need to be removed by a certain date.

9-E “Tourism Board Report” Councilwoman Henton told the Council that COVID-19 had found its way into the ILLINOISouth Tourism Bureau office. Because of this, the office closed and employees were working from home.

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

AGENDA #11 “CLOSED SESSION: APPOINTMENT, EMPLOYMENT, COMPENSATION, AND PERFORMANCE OF SPECIFIC EMPLOYEES” Councilman McLaughlin moved to

adjourn to closed session to discuss appointment, employment, compensation, and performance of specific employees, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

The meeting adjourned to closed session at 8:16 p.m.

AGENDA #12 “RECONVENE OPEN SESSION” Councilwoman Fehrenbacher moved to enter back into open session, seconded by Councilwoman Henton. A majority affirmative voice vote was received. Open session resumed at 9:20 p.m.

12-A “Resolution: Authorize an Employment Agreement” The Council was provided with a proposed resolution that would authorize an employment agreement with Cindy Harlan. The Council was also provided with a copy of the proposed agreement.

Councilman McLaughlin moved to approve 2020-R-67, seconded by Councilwoman Fehrenbacher. A majority affirmative voice vote was received.

Councilwoman Fehrenbacher requested that the City explore its own ways of creating additional revenue from the lakes. Councilwoman Henton agreed and wished to see a camping option. In the 2021/2022 budgeting process, the Council requested that some options be included in the discussions. Grants may also be available.

Councilwoman Fehrenbacher requested that the Cravatta lease price be re-evaluated.

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 9:28 p.m.

Kelsie J. Sterchi  
City Clerk