

**CITY OF OLNEY
CITY COUNCIL MEETING
OCTOBER 13, 2014**

1. Call to Order - The October 13, 2014 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.

2. Pledge of Allegiance to the Flag-Prayer - Council members and visitors joined in the pledge of allegiance to the flag. Steve Wingert led the group in a prayer.

3. Roll Call- The following Council members were present: Barb Thomas, Brad Brown, Bob Ferguson and Ray Vaughn. Also present were City Manager/City Attorney Larry Taylor, City Treasurer Chuck Sanders, City Engineer Roger Charleston and Deputy City Clerk Cindy Harlan. Councilman John McLaughlin was absent.

4. Presentation of Consent Agenda

4-A Approve Minutes of Council Meeting from September 22, 2014

4-B Approve and Authorize Payment of Accounts Payable October 14, 2014-Petty Cash \$205.47, Pooled Cash \$153,078.66, Manual Pooled Cash \$121,688.65, Alltel \$172.40, Utility Deposit Refunds \$1,283.49, E. Main Water Main Grant \$52,527.42, MFT \$1,496.82, EDA \$15.23, Christmas Light Display \$936.52

4-C Raffle License - Center Shrine Club

4-D Raffle License - American Legion

4-E Raffle License(s) - OCC

5. Removal of Items from Consent Agenda - No items were requested for removal from the consent agenda.

6. Consideration of Consent Agenda - Councilwoman Thomas moved to approve the items on the consent agenda, seconded by Mayor Vaughn. A majority affirmative voice vote was received to approve the consent agenda.

7. Consideration of Items Removed from the Consent Agenda - No consideration was necessary since no items were removed from the consent agenda.

8. Presentation of Ordinances, Resolutions, Etc.

8-A Request: Changing Time Frame of Trick or Treat to 7 p.m. - 9 p.m. as Requested by TrustBank - The Council was provided with a printed e-mail from Deborah Phillips, representing TrustBank, requesting that Trick or Treat on Halloween be changed from 6 p.m. to 8 p.m., as previously approved by the City Council, to 7 p.m. to 9 p.m. to allow children to participate in the TrustBank sponsored parade that is scheduled on the same evening to begin at 6 p.m.

Councilman Brown moved to schedule Trick or Treat on Friday, October 31, from 7 p.m. to 9 p.m., seconded by Councilman Ferguson. A majority affirmative voice vote was received.

8-B Discussion/Ordinance: Social Media Policy - The Council was presented with two memos from City Clerk Sterchi, a proposed social media policy and a proposed social media moderator form. City Manager Taylor stated the social media policy was discussed at the last meeting and a question was raised as to what would happen to all of the records if the City of Olney discontinued its service with ArchiveSocial. According to information that City Clerk Sterchi was given, the City would have 30 days to export all archived material if the City's service with ArchiveSocial was discontinued. Mr. Taylor suggested approving the policy in ordinance form and incorporating the policy into the Municipal Code Book.

Mayor Vaughn summarized that at the last meeting the only question the Council had was about the retention policy. He believes the use of social media will be a great way to keep the public informed on City activities, street closings, recycling, etc. Mr. Taylor stressed the importance of retaining information for Freedom of Information purposes, which is what this policy provides.

Mayor Vaughn moved to adopt the proposed Social Media Policy as an ordinance to include in the Municipal Code Book, seconded by Councilman Brown. A majority affirmative voice vote was received. Ordinance No. 2014-30 will be prepared.

Mayor Vaughn moved to amend the budget by using contingency funds for the \$149.00 per month expense for social media archiving services as provided by ArchiveSocial, seconded by Councilman Brown. A majority affirmative voice vote was received. Resolution No. 2014-R-47 will be prepared.

8-C Ordinance: Proposed Landscape Waste Facility Fees - The Council was provided with a proposed ordinance to amend Section 8.16.140 (Landscape Waste Facility) of the Olney Municipal Code. As presented at the last Council meeting, the ordinance proposes amending Paragraph D to provide for a \$5.00 fee for non-residents, a \$10.00 fee for a landscape contractor, and no fee for a City resident or City property owner. The sentence "Other arrangements for payment may be made as approved by the City Manager" was added to the last paragraph which provides for the landscape fees to be paid at City Hall. There may be some situations when it is more appropriate for a landscape contractor to pay fees in advance rather than having employees handling company checks or cash. Based upon the recommendation of Supervisor Tom Umfleet, Section 3 states the ordinance will take effect January 1, 2015. This was suggested since the leaf pick up program is just beginning and to allow time for information to be prepared to assist the employees in distinguishing between inside and outside City limit property owners.

Mayor Vaughn moved to approve Ordinance No. 2014-31 as presented, seconded by Councilman Brown. A majority affirmative voice vote was received.

8-D Discussion: Animal Control and Feral Cat Problem - The Council was provided with a letter from State's Attorney David Hyde requesting a meeting with Mayor Vaughn to discuss the renewal of the animal control intergovernmental agreement, including the contribution by the City of Olney.

Councilman Ferguson stated that he has noticed an increase in cat activity around his house. He wondered if it was because of the cats that were on Mack Avenue and Butler Street not being taken care of since their owner was no longer feeding them due to health issues. He just recently saw a cat chasing a white squirrel in his yard.

Mayor Vaughn mentioned that while working on the squirrel count the past two Saturdays, he has seen more cats than white and grey squirrels. In Belinda Henton's report from the squirrel count last year, she specifically mentioned that there was an average of 112 cats counted as running loose in the city each week of the three weeks of the count. The City does have an ordinance that prohibits cats from running loose.

Dr. David Eckiss stated that the Council has discussed before the idea of cats affecting the white squirrel population. He said that squirrels are very fast with good teeth. If a cat has a squirrel in its mouth, the squirrel is most likely sick. Also, if an increased number of cats is seen, most likely someone is feeding them.

Marie Riggs informed the audience that the Animal Control Officer, Sandy Millman, told her that the daughter of the lady who had all the cats on W. Mack and Butler spent several weeks relocating all of the cats to various homes and farms. There haven't been any cats at these locations for a month to six weeks. The cats that were at W. Mack and Butler have been spayed, neutered, and micro-chipped. Councilman Ferguson stated he didn't realize the cats were no longer being fed at these two locations. However, Sandy knows there have been cats dumped in these areas.

City Manager Taylor said that when people call animal control or the Police Department with respect to a cat running loose, it is hard to prosecute because you don't know who actually owns the cat, and they are hard to catch.

Marie Riggs, who operates Shelter Friends, has a program to assist pet owners in getting their cats spayed/neutered. There is also a State program that pays for up to five cats per feral cat colony to be spayed/neutered. An individual is eligible for this program if they have been designated as a feral cat colony manager by the Mayor or County Board Chairman. If neighborhoods would coordinate their efforts, the feral cat situation could be more controlled. Mrs. Riggs said she would provide the traps for the cats. She also stated that various cities are starting trap, neuter and release programs. This will allow the cats to defend their own territories and stop the breeding.

Dr. Eckiss again stated that if people want the cats to be gone, they need to quit feeding them.

Mayor Vaughn agreed that the issue seems to be spaying and neutering and wondered if the City should pass an ordinance limiting the number of cats per household. He is concerned at the number of cats being reported as seen running loose during the squirrel counts. The City has an ordinance on cats running loose, but there are more cats than squirrels. Unless this issue is addressed with an ordinance with teeth in it, there will be larger problems down the road. He expects the ordinances that have been passed to be enforced. However, unless cats are collared with identification, it is a difficult to enforce.

Marie Riggs stated that very few animal complaints are prosecuted. She believes the citations are dropped or just ignored. Susan Bromm said that the animal control officer receives complaints, but by the time she responds, the cats are gone and she can't prove they were on someone's property.

Councilman Ferguson suggested that maybe the Council should discuss limiting the number of cats similar to the limitations on dogs.

Marie Riggs stated that if a cat is picked up, taken to the pound, and then returned to the owner, it cannot be required that the cat be spayed/neutered. Two cats were taken to Dr. Eckiss from the pound today, and one of them had already been spayed.

The City's ordinance does provide for cats to have the rabies vaccine. Dogs are addressed in the state statutes. The fee for non-compliance is \$75.00.

Mayor Vaughn mentioned that the group of persons interested in animals was successful in getting a tethering ordinance passed. He agrees with Councilman Ferguson that limiting the number of cats should be addressed.

Mrs. Riggs informed the Council of another program available through the State that pays for all but \$15.00 for two cats per family to be spayed/neutered if the family is on food stamps, disability, etc. Shelter Friends is willing to pay the \$15.00 fee. However, when Dr. Eckiss ran an ad on the radio to promote the program, no one took advantage of it. Mrs. Bromm believes that unless people are ticketed and it affects them financially, compliance will not occur.

Mayor Vaughn will invite the Animal Control Officer to the Council meeting when this topic is discussed again.

8-E Ordinance: Sale of Personal Property Through GovDeals - Water Distribution - The Council was presented with a proposed ordinance to sell a 1991 Dodge D150 from the Water Distribution Department by auction through GovDeals.

Councilman Ferguson moved to approve Ordinance No. 2014-32 as presented, seconded by Councilman Brown. A majority affirmative voice vote was received.

8-F Ordinance: Sale of Personal Property Through Scrap Daddy's - Water Distribution - The Council was provided with a proposed ordinance to sell a 1994 Ford Crown Victoria from the Water Distribution Department to Scrap Daddy's in Olney, Illinois.

Councilwoman Thomas moved to approve Ordinance No. 2014-33 as presented, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

8-G Ordinance: Recycling of Small Electronics Through Wilson Metals - City Clerk - The Council was provided with a memo from City Clerk Sterchi and an ordinance to recycle small electronics through Wilson Metals of Noble, Illinois.

Mayor Vaughn moved to approve Ordinance No. 2014-34 as presented, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

8-H Request: Solicitation of Donations for the M.D.A. at the Intersection of Main and East Streets by the Olney Fire Department - The Council was presented with a memo from Fire Chief Holmes, a copy of the Illinois Public Act 97-0692 Fact Sheet and a flyer from the MDA. Fire Chief Holmes was present to explain to the Council that the firefighters are interested in soliciting donations for MDA at the intersection of Main and East on Friday, October 17, from 3 - 6 p.m. with a firefighter boot. In the past, the firefighters have set up at Walmart and at the Fall Festival, but never stood out in the streets. If the request is approved, the media will be contacted so that citizens are aware of the event. Also, if it is dark prior to 6 p.m, fund raising efforts will cease prior to 6 p.m.

City Manager Taylor said that in 2012 a bill was passed and signed by the governor which allows firefighters, law enforcement personnel and other public safety employees to make application to conduct charitable solicitations in public roadways. Otherwise, the event is purely regulated by the local municipality.

Mayor Vaughn moved to allow the firefighters to conduct the fund raising efforts as requested, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

8-I Appointments to the Library Board - The Council was provided with a letter from Charles Roberts, President of the Library Board, to appoint Crystal Trout to replace Jason Kern, who recently resigned from the Board, and to reappoint Emily Blackford, Marie Riggs, and Dan Zuber.

Councilman Ferguson moved to approve the appointments as requested, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

8-J Ordinance: Donation of Personal Property to Local Businesses or Other Interested Parties - The Council was provided with a proposed ordinance to donate the leftover 1991 Sesquicentennial Temporary License plates to local businesses or other interested parties. City Manager Taylor reported there are a number of these plates available and they are no longer useful. It has been suggested that the City donate the plates to local businesses or other parties who may be interested in

them for historical or commemorative purposes. It was suggested to Mayor Vaughn that some of the plates go to the Richland Heritage Museum. Mayor Vaughn would like to have one of the plates. The ordinance authorizes the City Manager to donate the plates accordingly.

Councilman Brown moved to approve Ordinance No. 2014-35 as presented, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

8-K Resolution: Accepting the Safe Routes to School Grant with Revised Scope of Project - The Council was provided with a proposed resolution to accept the \$250,000 Safe Routes to School grant with the revised scope of project. The Illinois Department of Transportation (IDOT) recently approved revising the route to provide sidewalks from the East Richland Middle School north to Hall Street, east on Hall Street to Holly Road, and south on Holly Road to the East Richland Elementary School. The resolution also authorizes the Mayor and City Clerk to execute any documents required by IDOT to proceed with the project. The estimated cost of the entire project is in excess of \$300,000.

Councilman Brown moved to approve Resolution No. 2014-R-48 as presented, seconded by Councilman Ferguson. A majority affirmative voice vote was received.

Submittal of all necessary information to IDOT prior to the November 14th deadline will qualify the project for a March bid letting. The City does have the right to reject bids if the amounts are much higher than estimated.

8-L Resolution: Authorize Legal Proceedings to Demolish the Buildings at 425 E. South Avenue - The Council was provided with a proposed resolution to authorize legal proceedings to demolish the buildings at 425 E. South Avenue. City Manager Taylor reported there is both a residence and an unattached garage on the property. The resolution applies to both structures. The resolution authorizes an attorney representing the City to give required written notice of not less than 15 days to demolish or repair said buildings and put in a safe condition. If the owner does not comply, the resolution authorizes legal proceedings to begin in circuit court. This is the third demolition resolution presented to the Council this year.

Councilman Brown said he received a call from the owner of this property, and the owner assured him this property would be worked on as soon as another piece of property she is having repaired is completed. Mayor Vaughn reminded everyone that passage of these resolutions gives Code Enforcement Officer Mike Mitchell more legal grounds to enforce demolition or repair and that by the time a resolution is presented to the Council, the Code Enforcement Officer has been working with the owner for months and months.

The Council was in agreement to allow the property owner two weeks to contact Mike Mitchell. This item will be on the agenda of the next Council meeting on October 27, 2014.

8-M Ordinance: Authorize Sale of 310 E. Main Street by Sealed Bids - The Council was provided with a proposed ordinance to authorize the sale of 310 E. Main Street (Senior Citizens Park)

by sealed bids. The notice of the sale has to be published in the Olney Daily Mail once each week for three weeks and the bids have to be opened during a regular meeting of the City Council. The earliest the bid opening could occur is November 24, 2014. The bid opening date also has to be at least 30 days after the first publication of notice.

Mrs. Riggs asked why the property was being sold. Mr. Taylor responded with all the other park properties that have to be maintained, it is difficult to maintain this particular piece of property.

Councilwoman Thomas moved to approve Ordinance No. 2014-36 as presented, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

8-N Discussion: Water Shut-Off Procedure - The Council was provided with a memo from Billing Clerk Lori Zimmerle, a calendar of the billing schedule, and a small survey of other communities with number of late notices mailed each month and the amount of the reconnect fee.

Councilman Brown referenced a calendar that had been provided in the packet. Mayor Vaughn explained that in a typical billing period, the bill is mailed out and due approximately two weeks later. If the bill is not paid, a late notice is sent approximately six days after the bill was originally due. In the meantime, the individual would have received a new bill for water used which includes the amount from the previous month's bill that has not been paid. Shut off is approximately two weeks after the late notice was sent and about a week after the new bill was sent. So, each account holder has received the first bill, the late notice, a new bill, and in many cases, receives a courtesy phone call.

Billing Clerk Lori Zimmerle explained that if she has a current phone number on file, she will try to call the account holder to advise of the shut off date with instructions to leave payment in the drop box before City Hall opens the next day to avoid shut off. The penalty for late payment is 10% of the current bill.

Councilman Brown explained the gist of he and Councilman McLaughlin's proposal is to increase the late fee, but to extend the time for the shut off.

Mayor Vaughn mentioned the city of Detroit's issues with only 40% of its residents paying their utility bills. Mrs. Zimmerle explained the bad debt for the City is very low because policies have been put into place that once a person's account has been finalized, bills are sent for three months afterward, and there is an agreement with landlords that if the bill is not paid, service cannot be provided for anyone else to live there. Since 1999 to current, bad debt is only \$19,000.

Mrs. Zimmerle said she and Mr. Taylor reviewed a couple of listings today and there were an average of 35 or 40 accounts that were just above the \$25.00 past due amount. There were still another 200 accounts that were past due that were under \$25.00. Mrs. Zimmerle questioned if the payment due date is extended for shut off, would the customer be required to pay the current bill due also? This will put them in more of a bind.

Councilman Brown's idea is that when the water bill comes out, instead of having the late notices mailed on the 11th, send the new bill out on the 21st with both months due at the same time. Assuming there will be a few people who do not pay at all, raising the late fee will make up some of the lost revenue. The whole goal is to keep from shutting off services unless absolutely necessary.

Mrs. Zimmerle commented that the late notices are sent to the same people from month to month. These people are not new to the system or the procedures. A minimum bill is \$22.56 and with the penalty is still below the \$25.00 amount used as criteria to send a late notice. If the amount is raised to \$30.00, there would be fewer past due notices mailed and fewer accounts shut off for non-payment. But, if a customer has a \$30.00 bill he cannot pay, he probably would not be able to pay a \$60.00 bill. Mrs. Zimmerle stated she has worked with several customers on how and when to pay on their accounts to avoid penalties.

Councilman Brown asked if it was correct that if a person is renting a house, there is a \$125.00 deposit that will usually cover any outstanding bills if the account is finalized. Mrs. Zimmerle said yes and that usually it takes that much to pay a three month bill which is usually what is owed by the time meters are read, bills prepared and sent to the customer.

Mayor Vaughn inquired if there is anything else that could be done to improve the number of delinquent accounts. Mrs. Zimmerle suggested the possibility of sending email notices, but she was not sure what it would cost to add this feature to the utility billing program. The customers would also have to provide email addresses to the City for it to be effective.

Councilman Brown believes the City's calendar is shorter than other utilities. Mrs. Zimmerle stated that as soon as the meters are read, bills are printed and then sent to the customers by the 20th of the month, due the following month on the 5th. Sending the bills out earlier in the month was implemented earlier this year to extend the period between receipt of the bill and the due date. Customers do have the option of paying their bills electronically and that has helped. There are almost 3,900 accounts and 1/4 of the customers pay late. There is an average of 400 late notices mailed each month. Plus, there are an extra 200 accounts that are past due, but below \$25.00. This makes it close to 600 accounts each month that are not paid on time. A lot of Mrs. Zimmerle's time is spent dealing with accounts that are past due. There are 475 customers who have their bills paid each month by auto draft.

Councilman Brown wondered if the City should implement some type of discount system if an account is enrolled in auto pay. This would be one less transaction at the window and would save time for Mrs. Zimmerle. Mrs. Zimmerle will check with Incode to see if the system supports a discount rate structure. It was also suggested that a one time credit could be applied to a customer's bill if signed up for auto pay, or a gas card could be issued.

Mayor Vaughn stated that he has witnessed what it is like at City Hall around 2:30 p.m. on shut off day. The volume of calls and people at the window made it seem like a circus. Mayor Vaughn

thanked Mrs. Zimmerle and City Clerk Sterchi for the information that was provided and said he would discuss this information with Councilman McLaughlin.

9. Reports from Elected and Appointed Officials

9-A City Manager - Status Report - The Council was provided with a Status Report from City Manager Taylor. The leaf collection program with the leaf machine will begin on October 20th. The crews are not going to try to pick leaves up the day after sanitary hauling as was scheduled last year. A systematic route will be used and the City will try to let individuals know where crews will be working each day.

Olney Township has approved the tax abatement resolution for the enterprise zone. Tax abatement resolutions have been provided to the school district and the college district to be discussed during their October meetings. Ordinances for the City and the County to approve an Intergovernmental Agreement are being prepared. The public hearing for the Enterprise Zone Application has been scheduled for Tuesday, October 28, the day after the next regularly scheduled Council meeting. Keith Moran will be in attendance at the public hearing, and there will be a court reporter. The public hearing is required in the state statute to be held to address any questions or issues regarding the boundaries of the Enterprise Zone and the eligibility for benefits. It is anticipated the City and County will pass their ordinances and intergovernmental agreement at their first meetings in November. Any changes that are made to the tax abatement schedule, boundaries, and what type of projects eligible for benefits will be provided to the consulting firm.

Good results were received from the sampling on the Main St. Water line project. An application for an operating permit was sent to IEPA. Once the permit is received, the contractor will start connecting service lines to the new main. City Engineer Charleston stated some type of winter seeding will have to be done and then final shape up done later.

Frank Bradley provided information regarding a project that a number of people have suggested needs to be done. It is replacing the walkways and boat slips between the boat ramp at East Fork Lake and Rotary Park. A company that has done work for individuals in the area, as well as Jerry Cravatta at the campground behind the dam, provided a proposal for the project. The total cost, including installation, is \$69,255. Mr. Bradley believes this work needs to be done before the next boating season. Copies of the proposal and drawings were provided to the Council. This proposal requires a 40% deposit. There is nothing in this year's budget for this project. However, the budget could be amended to pay for 40% of the project this fiscal year and the remaining 60% from next year's budget. Councilman Ferguson inquired if the proposal was for a handicap accessible walkways and boat slips. He believes the grant that was used to install the existing walkway was required to be handicap accessible.

This item will be put on the next meeting's agenda.

City Engineer Charleston advised the W. North Avenue lift station project is complete except for shaping and seeding. The East Fork Lake shoreline project is complete and looks very nice. The

Boone Street drainage project is also completed. The parking lots at East Fork were oiled and chipped and look very nice.

City Treasurer Chuck Sanders reported that receipts are running less than last year at this time. Sales and use tax, video gaming, and MFT are ahead of last year which is good. A six month report will be available next month to review the revenue and expenses to date.

10. Public Comments/Presentations

10-A Citizens of Olney Don't Love Their Community. Instead They Are Too Lazy to Appear at Council Meetings, Because of Low Self Esteem and Their Endless List of Excuses - Brian O'Neill expressed his opinion that no one cares enough about the community to attend Council meetings. People drive recklessly in front of his house and talk on their cell phones while driving. He went on to discuss animals, water bills, the park, and then again stated that most people do not care about the community.

11. Closed Session: Sale Price of Real Property; Appointment, Employment and Performance of Specific Employees - Councilman Brown moved to adjourn to closed session to discuss the sale price of real property and appointment, employment and compensation of specific employees, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

Councilmen Brown, Ferguson, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and Deputy City Clerk Harlan left the Council Chambers at 8:42 p.m.

12. Reconvene Open Session - Upon the return of those who were in closed session to the Council Chambers, Councilwoman Thomas moved to enter back into open session, seconded by Mayor Vaughn. A majority affirmative voice vote was received. Open session resumed at 8:57 p.m.

13. Adjourn - Councilman Brown moved to adjourn, seconded by Councilwoman Thomas. A majority affirmative voice vote was received. The meeting adjourned at 8:58 p.m.

Cindy L. Harlan
Deputy City Clerk