

CITY OF OLNEY
CITY COUNCIL MEETING
FEBRUARY 10, 2014

AGENDA #1 “CALL TO ORDER” The February 10, 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.

AGENDA #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.

AGENDA #3 “ROLL CALL” The following Council members were present: Barb Thomas, Brad Brown, Bob Ferguson and Ray Vaughn. John McLaughlin was absent. Also present were City Manager Larry Taylor, City Treasurer Chuck Sanders, City Engineer Roger Charleston, City Clerk Belinda Henton and Deputy City Clerk Kelsie Sterchi.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

- 4-A Approve Minutes of Council Meetings on January 23, 2014 and January 27, 2014
- 4-B Approve and Authorize Payment of Accounts Payable February 11, 2014-Pooled Cash \$83,641.31, Manual Pooled Cash \$113,674.74, Tourism \$31.61 and Christmas Light Display \$1,008.88
- 4-C Raffle License-OCC Cosmetology Club
- 4-D Raffle License-Olney K of C
- 4-E Raffle License-VFW Men’s Auxiliary

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

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilman Brown moved to approve the items on the consent agenda, seconded by Councilwoman Thomas. A majority affirmative voice vote was received to approve the consent agenda.

AGENDA #7 “CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA” No consideration was necessary since no items were removed from the consent agenda.

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “What I Did that Law Enforcement Has Not” Brian O’Neill, 818 E. Main, expressed his opinion that false rumors have been going around. He wanted to come to the meeting to point out items on the agenda and also Council meeting procedures that he does not agree with. He will not be treated any differently than anyone else.

Mr. O'Neill will also be video recording everything he can to document what he feels are violations of his rights. Once he has the documentation he needs, Mr. O'Neill stated he will use the recordings in court.

Mr. O'Neill also feels that he has been a victim of age discrimination. At past meetings where children were present, Mr. O'Neill felt that the children were too loud and causing a disturbance. Mayor Vaughn did not excuse the children for disturbing Mr. O'Neill. Mr. O'Neill felt there was special treatment given to the children and that he did not receive the same treatment as an adult.

Mr. O'Neill went on to question who is responsible for the neighborhood watch program. Since the 1990's, Mr. O'Neill feels he has been the one to take charge of the neighborhood watch program and that the Olney Police Department is not providing the proper upkeep of that program.

Mr. O'Neill then went on to claim that members of the Olney Police Department, as well as others in the community, go around town calling other citizens libelous and derogatory names. Mr. O'Neill also believes he has witnessed the Police Department, specifically Chief Paddock, not being compliant with the law. Mr. O'Neill gave an example where he saw non-compliance and claims that if he would have been the one in violation, he would have surely received a ticket. Mr. O'Neill then went on to threaten that he will walk down the street with his video camera to document these violations as well. With said documentation, Mr. O'Neill will also be starting a live-feed television program.

In the limited time remaining, Mr. O'Neill quickly listed other instances where he felt he took the law into his own hands because the Olney Police Department would not.

8-B "Request: Liquor License" Johnny Trupiano came before the Council to request a Class A liquor license in Olney. He requested the liquor license to eventually open a video gaming facility in the 200 block of Main Street near the Arcadia Theater and Resale Shop. In order to receive a video gaming license, the State would also require Mr. Trupiano to be in possession of a liquor license. Mr. Trupiano has brothers in Altamont, Illinois who are currently running two video gaming locations there with success. Mr. Trupiano asked the Council if they had any questions regarding his application.

In regards to the selling of alcohol, Councilman Ferguson was curious if Mr. Trupiano planned on having a drink maximum such as the three drink limit currently set in place at Nikki's Place, another video gaming facility in town. Mr. Trupiano again stated that the only reason he is seeking a liquor license is to be able to attain the video gaming license that he is focusing on. Mr. Trupiano would be interested in seeking a drink maximum at his facility and indicated that he will look into what that limit will be.

Councilman Brown then inquired about the timeline Mr. Trupiano was expecting for receiving his liquor license to opening an operational facility. Mr. Trupiano estimates about eight to ten months from approval to the opening of doors. His estimate is based on the length of time it took his brothers in Altamont to receive their approval for video gaming.

City Treasurer Sanders reported that there are currently seven establishments in possession of a video gaming license and these establishments total 32 machines.

Councilwoman Thomas expressed concern that the Council may be setting a precedent of openly approving liquor license applications and then the applicant turns around and never follows through. She then gave an example of a past applicant who was approved approximately one year ago, but has yet to do anything with his license and seemingly has no plans to follow through. She does not want this to become a bad habit in the City. With this in mind, she states that it will be more difficult for her to vote in approval on future liquor license applications.

Mayor Vaughn and Councilman Brown both openly expressed their support in Mr. Trupiano's desire to open another video gaming facility; however, Mayor Vaughn wondered what the best way is to go about it.

Councilman Ferguson then inquired about an establishment whose building recently burned down. City Manager Taylor informed Councilman Ferguson that it is his understanding that the building will be torn down. That business' liquor license cannot be transferred without the Council's approval.

Mr. Trupiano then interjected that he would rather be a beer and wine establishment versus a full service bar. In previous conversation, City Clerk Henton informed Mr. Trupiano of the liquor license requirements which led him to apply for the Class A. Mayor Vaughn then wanted to know if any liquor license currently exists for beer and wine only. City Manager Taylor made him aware that there is not, unless the establishment is also a restaurant.

Mayor Vaughn addressed the Council asking if they should have a limit on the number of liquor licenses, a limit on how many facilities can host video gaming terminals or even if certain locations are better than others. The reason he asks is because the Council could very well have five more applications in the next month and if the Council has no criteria, it would be difficult to make a proper decision. Moving forward, he would like to see some sort of template created that will help the Council make a better decision as more applications are received.

In response to Mayor Vaughn's questions, Councilman Brown felt that the market will be what dictates the specifications and needs. He believes that he would favor most situations although there is always a chance that a liquor license application would need to be denied. Councilwoman Thomas agreed.

Mayor Vaughn asked City Manager Taylor if there are any current issues with the location that Mr. Trupiano is scouting for his establishment. City Manager Taylor indicated that Mr. Trupiano's establishment would certainly need to be in a C-2 zone. Main Street is mainly a C-3 zoning area which means that a C-2 is encompassed in that. Mayor Vaughn wondered if the new eye center on East Street was rezoned to a C-1. City Manager Taylor confirmed that it was and also offered that liquor licenses are not allowed in a C-1. The City Manager and Mayor then utilized the zoning map to visualize where "C" zones are located. City Manager Taylor indicated that anyone with a liquor license may also establish in M-1 or M-2 zones.

Mayor Vaughn again addressed the Council asking if location for a liquor license establishment would ever be an issue; if the current zoning is offering enough protection for residents. Councilmen Brown and Ferguson believed that the zoning ordinances are established with enough protection for residents.

Mayor Vaughn suggested that surrounding neighbors of the potential establishment on Main Street should be notified so they may voice their opinions, if there is an issue. While Mr. Trupiano's request for a liquor license was on the evening's agenda, the agenda did not reflect a location. The Mayor feared it may be an unpleasant surprise to fellow Main Street businesses if this application was suddenly approved and they had to read about it in the Daily Mail the next day. Past the need to send out notices, Mayor Vaughn agreed with the Council that a C-2 zone is acceptable for this type of business.

Councilman Ferguson wanted to keep Mr. Trupiano's request on the table to bring up at the next Council meeting. He would also like to keep discussing how many liquor licenses the Council would like to have in the area. Video gaming is bringing a new perspective to the industry that warrants new discussion. He also noticed that the amount of income generated so far from video gaming establishments is more than originally projected. City Treasurer Sanders confirmed this fact.

Councilman Brown moved to table Mr. Trupiano's request until the next Council meeting, seconded by Councilwoman Thomas. A majority affirmative voice vote was received. Mr. Trupiano verified waiting until February 24 would not be a problem.

AGENDA #9 "PRESENTATION OF ORDINANCES. RESOLUTIONS. ETC."

9-A "Ordinance: Approve Special Use Permit for a Manufactured Home at 331 W. North Avenue" The Council was provided with minutes from the Plan Commission's meeting on February 3, as well as a proposed ordinance to grant a special use permit to Yvette Baltzell for a manufactured home at 331 W. North Avenue. The Plan Commission voted unanimously to recommend approval of a special use permit, so it was brought before the City Council for consideration.

Most “R” zones will require a special use permit; however, R-1 zones prohibit trailers and manufactured homes.

Councilman Ferguson moved to pass Ordinance 2014-03, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

9-B “Discussion: Use of Budgeted Funds for Rescue Equipment” The Council was provided with a memo from Fire Chief Rusty Holmes regarding Snorkel Capital Improvement Funds. Chief Holmes presented three purchases he would like the Council to consider. Funds for these purchases are still available due largely to the under-budget purchase of a \$20,000 snorkel. The snorkel was originally budgeted for \$90,000.

The first purchase that Chief Holmes recommended was for upgrades or replacement of rescue tools. The current tools are nearly 23 years old and it will be necessary to upgrade. Because of the continuous changes in metals, such as Boron, the current tools may not be effective for much longer. Chief Holmes has been researching and demonstrating pieces of new equipment to familiarize himself with what is available. The prices that Chief Holmes listed in his memo are worst-case-scenario pricing. He believed that he will be able to acquire the needed equipment for a lower price. He also mentioned that the tools do not need to be brand new.

Mayor Vaughn spoke that his preference was to go through the original budget process that staff is currently working on. The Fire Department needs were discussed at the Special City Council meeting on January 23, 2014. City Manager Taylor estimated the General Fund will be presented to Council at the last meeting in March. Mayor Vaughn; however, did want to compliment the Fire Department on the significant savings resulting from the \$20,000 snorkel purchase. The Mayor will also keep that savings in mind when it is time to fully present the budget requests.

Councilman Brown brought up the request for four tires on one of the rear axles of the snorkel, at an estimated cost of \$2,214.60. Councilman Brown felt that tires would certainly be part of the snorkel.

Councilman Brown moved to approve the purchase of the four tires, seconded by Councilman Ferguson. A majority voice vote was received.

Councilman Ferguson also suggested to Chief Holmes to go ahead and get a head start on seeking replacement tools. Chief Holmes agreed to do so.

9-C “Discussion: Curbside Recycling Proposal” The Council was provided with a proposal from Fred Honaker, owner and operator of Baby Huey’s Recycling of Mattoon, Illinois, regarding curbside recycling. Mr. Honaker has been providing the City of Olney with

electronics recycling on the first Saturday of every month since November of 2013. Because of this fact, Mr. Honaker believes that he should have first dibbs on the curbside recycling. Mr. Honaker had heard that offers were being accepted for curbside recycling. After speaking with City Clerk Henton, Mr. Honaker decided to make an offer of his own to provide the curbside recycling service. The figures were determined by the estimation that 900 people donate \$3.50 per month. Mr. Honaker was under the impression that the other bidder would give the City \$25 per month for administrative fees. Mr. Honaker also believed that the retrieval of electronic recycling from the curb would not be possible, because, according to Mr. Honaker, it is illegal per EPA. In order to take items such as televisions, one would need a special license. Mr. Honaker has applied for this license. Mr. Honaker also made the Council aware that microwaves are not considered an electronic by EPA; they are considered hazardous waste because they hold radiation in the transformer.

Mayor Vaughn wanted to be sure that he understood Mr. Honaker correctly in that his employees would be going house to house for pickup. Mr. Honaker confirmed but also mentioned that he is not offering to take care of the recycling in two days, as offered by the other bidder, because he feels that the businesses will also want to be involved. Mr. Honaker was told that businesses were also proposed to have trailers on-site, which he would not offer.

Mayor Vaughn asked if Baby Huey's had ever done curbside recycling before. Mr. Honaker said that they had attempted to do curbside recycling in Dietrich, Illinois, but the town simply could not afford it.

Mayor Vaughn then asked how Baby Huey's Saturday morning recycling was doing. Mr. Honaker indicated that business has been fine. According to City Manager Taylor and City Clerk Henton, there have been no recent issues with citizens leaving electronics at the parking lot when Baby Huey's is not present for recycling.

Councilman Ferguson wanted to know if the City's main reason for looking to change providers was to include electronics pickup. Mayor Vaughn made him aware that the Council was approached by someone who was interested in taking over our curbside recycling program with their own people and equipment. The City would handle the billing. The items accepted at curbside would also be expanded past plastics, paper and aluminum. It was the Mayor's opinion that Baby Huey's proposal and Wilson Metal's recycling proposal are both better than what Secure Processors in Flora, Illinois is currently offering the City. In speaking with City Clerk Henton, the Mayor understands that Secure Processors is not interested in changing their current services.

Councilman Ferguson would be interested in seeing a comparison spreadsheet to help compare the different proposals in order to easily see the advantages and disadvantages of each.

Mr. Honaker then asked the Council if the City receives any kind of kickback from Flora on cans, plastics or cardboard. Mayor Vaughn requested not to use the word “kickback” and replied that the City does not receive any kind of compensation. Mr. Honaker then suggested that he will provide some donation back to the City on cans, plastics and/or cardboard. He feels the items from this community should somehow also benefit the community.

Mayor Vaughn wants to be sure that the City’s recycling program is working in the best way possible. If the City is able to expand its program by being able to take more items and also getting more participants, then the purpose of the program is fulfilled. The City is not providing this program as a way to make money. The City is providing the program as a low cost service that helps to keep the community clean.

Councilman Ferguson asked Mr. Honaker if there were any markets for the recycling of glass. Mr. Honaker said that unfortunately there is not, mainly because glass is too heavy.

Mayor Vaughn thanked Mr. Honaker for his time. Mr. Honaker immediately left City Hall.

Kenny Wilson of Wilson’s Metals was in the audience. Mayor Vaughn addressed Mr. Wilson by asking what license Mr. Honaker was speaking of in his presentation. Mr. Wilson indicated that the license in question was a license stating that electronics could be recycled and also saying that a salvage yard has to be open for at least five hours, five days per week. Mr. Wilson then presented his license. Mr. Wilson maintains that he can pick up a television from curbside and also made the Council aware that he has been recycling microwaves. He feels that EPA would have said something to him by now if any of that was a problem.

The Mayor then asked Mr. Wilson if they could box up clothing and shoes. Mr. Wilson currently does not and does not feel that the Salvation Army would appreciate that either.

Mayor Vaughn provided Mr. Wilson with a copy of acceptable items to be recycled by Baby Huey’s recycling.

9-D “Discussion: Clearwave Telephone and Internet Proposal.” The Council was provided with a one page proposal from Clearwave Communications which presents two options for service. The City’s focus is on Voice Option 1, the voice only option. Instead of Frontier Communications providing the service, Clearwave would provide and use the same phone lines.

City Manager Taylor did want to point out two things. The analysis provided on the proposal was based on a review of one bill from January/February of 2013. Clearwave compared that cost with what they believe the City would pay for the same type of service based on their fees. The comparison shows a monthly savings of \$110.97. However, Clearwave

would need a 5 year contract, which seemed quite lengthy to City Manager Taylor due to how fast telecommunication changes.

Mayor Vaughn was curious if Clearwave and Frontier were the only two service providers in the area. City Manager Taylor was unsure. He thought others may be available, but they may not offer this particular service.

Mayor Vaughn went on to mention that he is aware of a business that switched their service to Clearwave and had many problems during the switch over. Consequently, the business did switch back to their previous provider. The Mayor mentioned that any sort of interruption in service, specifically to the Olney Police Department and the Olney Fire Department, would be quite serious. The Mayor wants more information and references from other Clearwave users before he can recommend a switch over. If it is then proven that the City can attain the same service for the same price, he would approve.

For Councilman Brown, the 5 year contract was a deal breaker. He is not interested in switching to Clearwave unless the contract terms change. Mayor Vaughn thought the contract length could be negotiable.

9-E “Resolution: Amend Budget for the Purchase of Laptop.” The Council was provided with a resolution to amend the current budget for the purchase of a laptop in the City Clerk’s Department. City Manager Taylor noted that the laptop currently being used by Deputy City Clerk Sterchi was close to 11 years old. The laptop to be purchased would include Windows 7 as opposed to Windows 8. There was \$1,500 budgeted in the City Clerk budget for digitalizing cemetery maps. Lori Zimmerle has been doing the work for the City so it is no longer necessary to spend money on that line item. The proposed resolution amends \$675 from the Digitalize Cemetery Maps line item to the Computer & Monitor line item in order to purchase the laptop in the 2013/2014 fiscal year.

Councilwoman Thomas moved to approve Resolution 2014-R-03, seconded by Councilman Brown. A majority affirmative voice vote was received.

9-F “Ordinance: Establish Parks and Recreation Advisory Board.” The Council was provided with a proposed ordinance to establish a Parks and Recreation Advisory Board. At the last Council meeting on January 27, City Manager Taylor was asked to look into language for a Parks and Recreation Advisory Board. He has since looked at other city codes for language. Most code language was in line with the current State statute in regards to parks. This advisory board would provide for seven members. Members would be appointed with three of the members serving three year terms, two members serving four year terms, two members serving five year terms and then thereafter would serve three year terms.

The Parks and Recreation Board would be expected to meet quarterly, sooner if they wish. The board would be involved with park master planning, budget planning, policies, fees, capital improvements and any other items suggested by the City Council. City Manager Taylor reminded everyone that Councilman McLaughlin requested this new board. Although Councilman McLaughlin was unable to attend this meeting, he reviewed the ordinance and indicated that if the Council is in agreement, he will have no objections and would like for the Council to approve the ordinance, even if he is not present.

Mayor Vaughn wanted to know what constitutes as a park. For example, would the gun club's area be classified as a park? City Manager Taylor advised him it would not be defined as a park. Parks would be limited to Musgrove Park, Rotary Park, Olney City Park and Bower Park. Councilman Ferguson then questioned whether the area east of the Senior Citizens Center was considered a park. City Manager Taylor indicated that it originally was designated as a park.

The original park board that was established in 1935 was a five member board.

Councilman Brown moved to approve Ordinance 2014-04, seconded by Councilman Ferguson. A majority affirmative voice vote was received.

9-G "Discussion: Free Swim Days at Musgrove Aquatic Center." City Manager Taylor made the Council aware that the City has typically designated a free swim day to be the day of the ERFAE Duck Race. This year, the Duck Race will be on June 14. There has also been a suggestion to use July 4 as the second free swim day of the year; however, these days are subject to Council approval. It is required that there are two free swim days available each year since the new pool at the Musgrove Aquatic Center has been in existence.

Councilman Ferguson moved to approve June 14 and July 4 as the free swim days for 2014, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

9-H "Resolution: Accept Bid for E. Main Street Watermain Replacement Project." Bids were opened on February 7, 2014 for the E. Main Street Watermain Replacement Project. The Council was provided with a resolution of intent to award the contract of the E. Main Street Watermain Replacement Project to Kieffer Bros. Construction Co., Inc., along with a bid tabulation for the project. There were a total of four bids ranging between a low of \$515,967 and a high of \$848,426. Kieffer Bros. was the lowest bidder. Because of requirements that must be satisfied by the low bidder and approved by the Capital Improvement Development Board, City Manager Taylor suggested that the Council approve the notice of intent.

City Manager Taylor noted that the City needs to get approval from the Capital Improvement Development Board with respect to the Business Enterprise Program Utilization Plan submitted by Kieffer Bros. The City will need that approval before the final award can be

given. Any additional disbursements are contingent on the approval from the Capital Improvement Development Board. The City has 60 days to make the actual award

The City's most recent cost estimate came in at \$626,000. With the low bid from Kieffer Bros. and the engineering cost, the project is expected to come in at approximately \$600,000. The City will also be receiving a \$300,000 grant, but this also means that the City must spend at least \$300,000 out of the Water Fund.

Councilman Ferguson moved to approve Resolution 2014-R-04, seconded by Councilwoman Thomas. Councilman Ferguson, Mayor Vaughn, Councilwoman Thomas and Councilman Brown voted yes. There were no opposing votes. The motion carried.

Before closing the topic, Mayor Vaughn asked City Manger Taylor what the City's time frame was to attain final approval before the project can begin. City Manager Taylor replied that he will be sending the BEP Utilization Plan to the Department of Commerce and Economic Opportunities, which will then be forwarded to the Capital Improvement Development Board. City Manager Taylor anticipates quick approval and suspects the contractor could be ordering materials by late March or early April depending on speed of approval.

AGENDA #10 "REPORTS FROM ELECTED AND APPOINTED OFFICIALS"

10-A "City Manager - Status Report" The Council was provided with a Status Report from City Manager Taylor. City Manager Taylor mentioned concerns with roads at Maple Dale Cemetery. Twenty-five thousand dollars has been budgeted to extend some of the roads into the east portion of that cemetery. The project is hoped to be underway sometime in the spring. There are two ways of completing this project. One would be to do it using City workers and supplies, or the City could bid out the project. In regards to these two options, discussion has taken place about possibly using some of the ballast that is in the railroad right-of-way as a base instead of buying additional materials for a base. It is currently City Manager Taylor's preference to go out for bids to see what the prices would be to hire a contractor for the job. The contractor would need to retrieve ballast from right-of-way and deliver it to Maple Dale. However, City Manager Taylor was open to comments and suggestions from the Council.

Councilman Ferguson wanted to know if there would be a need to go in and reshape the area as well as to put in some ditches. City Engineer Charleston confirmed. Councilman Ferguson was also curious if the preference to bid would be for the purpose to free City workers for other projects. City Manager Taylor also confirmed that assumption based on the fact that the project would require much equipment and many man hours to complete. The recommendation to bid is for the purpose of gaining information; the City is not required to accept any of the bids.

Moving on, City Manager Taylor wanted to note the great snow removal efforts of employees, particularly the after hours, spent this year. He also wanted to mention the extra effort and time that the Water Department employees, and some other department employees, have put in because of 11 water main breaks or leaks which have occurred in the past couple of weeks. It is unusual to have all of these issues at once, but this winter's cold weather is proving to be a challenge. Mayor Vaughn agreed that all City employees deserve a pat on the back. This winter has been the worst that he can remember.

AGENDA #11 "CLOSED SESSION: SALE PRICE OF REAL PROPERTY AND APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES"

Councilwoman Thomas moved to adjourn to closed session to discuss the sale price of real property and appointment, employment and performance of specific employees, seconded by Councilman Brown. A majority affirmative voice vote was received.

Councilmen Brown, Ferguson, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders, City Clerk Henton and Deputy City Clerk Sterchi left the Council Chambers at 8:05 p.m.

AGENDA #12 "RECONVENE OPEN SESSION" Upon the return of those who were in closed session to the Council Chambers, Mayor Vaughn moved to enter back into open session, seconded by Councilman Brown. A majority affirmative voice vote was received. Open session resumed at 9:11 p.m.

AGENDA #13 "RECONVENE OPEN SESSION" No action was taken as a result of the closed session.

AGENDA #14 "ADJOURN" Councilman Ferguson moved to adjourn, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

The meeting of the City Council adjourned at 9:11 p.m.

Kelsie J. Sterchi
Deputy City Clerk