

CITY OF OLNEY  
CITY COUNCIL MEETING  
FEBRUARY 13, 2012

AGENDA #1 “CALL TO ORDER” The February 13, 2012 meeting of the Olney City Council was called to order at 7:30 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. Jerry Bush led the group in a prayer.

AGENDA #3 “ROLL CALL” The following Council members were present: Barb Thomas, Gary Foster, Brad Brown, Bob Ferguson and Mark Lambird. Also present were City Attorney/City Manager Larry Taylor, City Treasurer Chuck Sanders, City Engineer Roger Charleston and City Clerk Belinda Henton.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A Approve Minutes of the Council Meeting on January 23, 2012 and Special Council Meeting on January 30, 2012

4-B Approve and Authorize Payment of Accounts Payable February 14, 2012-Pooled Cash \$148,358.34, Manual Pool Cash \$278,666.66, Water Deposit Refunds \$1,298.67, Levied Funds \$131,626.27 and Christmas Light Display \$459.27

4-C Ordinance: Sale of Personal Property-Recycle Metal-Ordinance 2012-03

4-D Ordinance: Sale of Personal Property-Wooden Poles

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” Councilman Foster requested that item 4-D be removed from the consent agenda.

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilman Brown moved to approve the consent agenda with the exception of 4-D, seconded by Councilman Foster. A majority voice vote was received.

AGENDA #7 “CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA” Councilman Foster questioned the sale of wooden poles. The 30 used wooden poles were from the Musgrove pole barn. It was proposed that the wooden poles would be sold for \$5.00 each. Councilman Foster asked if there might be a use for the poles later. New poles could not be purchased for that price. Mr. Taylor did not know of any use in the immediate future for the poles, but they could be stored. Department heads will be consulted for potential use of the poles. This matter was tabled until the next meeting.

AGENDA #8 “STAFF REPORTS”

8-A “City Manager - Project Update” Mr. Taylor recently received a revised grant agreement for the Morgan/Boone Street storm sewer project. He did not believe the terms and

condition have changed, but will review the revised agreement and bring it back to the Council for approval at the next meeting.

Recently, the Council expressed concern with increased fuel costs. Part of the reason for the increase was the cost per gallon, but after further research discovered that the street sweeper has used 1,349 gallons of fuel between August 1 and February 3 at the cost of \$4,669.

Street Department Supervisor Jay Scott has been in contact with Greater Wabash Regional Planning Commission concerning a grant for approximately 80 LED street lights for Main Street and Whittle Avenue. There is a possibility for a \$159 rebate per light. The cost to change over the lights to LED is approximately \$500. The total cost of this project would be \$27,280 with a pay back in 4.5 years. The energy savings would be \$6,000 per year. The Council will be given time to consider if they want to apply for this grant.

Mr. Taylor explained there is also potential electrical cost savings by converting the 29 decorative lights in Doenges and Northside Subdivisions to compact fluorescent. These can be converted as the lights go out and need replaced.

#### AGENDA #9 “NEW BUSINESS”

9-A “Ordinance: Annexation of 103 E. Brentwood” Jean Travers has submitted a petition requesting the City Council to annex her property located at 103 E. Brentwood. The required notices have been mailed and the required affidavit has been recorded.

Councilman Ferguson moved to pass Ordinance 2012-04, seconded by Councilwoman Thomas. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

9-B “Resolution: Request for Permit for Use of Right of Way for Fiber Optic Cable” Mr. Taylor received the Request for Permit from the Illinois Department of Central Management Services to place an underground fiber optic cable within the city right of way beginning at the intersection of E. Main Street and U.S. 50 and ending at the rear of the Richland County Courthouse. Mr. Taylor had copies of drawings showing the design details.

Councilman Foster asked if granting this use of the right of way will cause a problem with the City’s use of the right of way. Mr. Taylor did not believe it would cause any problems. Mr. Taylor recommended approval.

Councilman Brown moved to approved Resolution 2012-R-08, seconded by Councilman Ferguson. Councilmen Brown, Ferguson, Mayor Lambird, Councilwoman Thomas and Councilman Foster voted yes. There were no opposing votes. The motion carried.

#### AGENDA #10 “OLD BUSINESS”

10-A “Presentation: Class D-S Club Special License” Jon Racklin addressed the Council concerning clubs being open to the public. Mr. Racklin explained he is not anti-club, but he has been contacted by individuals and local businesses that wanted to address concerns they have with clubs hosting events that are open to the public. Mr. Racklin did not think the proposed D-S license was necessarily the answer. The Class D license for clubs is intended for club members and their guests. Certain clubs are taking the liberty to hold events that are open to the public. When clubs are open to the public, it is hard to differentiate between a club and a tavern. Taverns pay \$1,700 for a license when clubs only pay \$800. Mr. Racklin did not believe it was fair to give a \$1,000 break to one, but not the other. Clubs do charitable good in the community, but many businesses also support charitable efforts. Another advantage that clubs have is they are allowed to be open on Sundays to serve alcohol. Taverns are not allowed to be open on Sunday and have to pay taxes.

Mr. Racklin asked for the Council to look at the amount different groups are paying for liquor licenses. He believed this issue is a fairness argument. He suggested a license that would allow clubs to hold public events. If there are rules in place, they should be enforced or come up with different rules that work.

Councilman Ferguson questioned the last time liquor license fees were increased. Mr. Taylor reported 2010.

Mayor Lambird asked Mr. Racklin if he really believes public events sponsored by clubs have an effect on attendance at taverns. Mr. Racklin answered yes.

Councilman Brown asked Mr. Taylor if there are any other alternatives to address the situation. Mr. Taylor suggested the creation of a different class liquor license for clubs that would permit them to have events open to the public with a different pricing structure.

Councilman Foster asked Jim Fehrenbacher what percentage of money raised by public gatherings go to charities. Mr. Fehrenbacher explained anything raised through a public event goes to support some type of benefit.

Hank Ginder explained a large part of what is raised by the Knights of Columbus goes back into the community, but he does not see very many non-members attending their fish fries.

A representative from the Eagles commented that they do not make that much money from public events. The Eagles does serve lunch to the public. The Eagles donate more than \$8,000 annually.

Gary Watchel, representing the American Legion, pointed not only does his organization help veterans, but also non-veterans. To raise funds the American Legion host shows, dances, fish fries and breakfasts for the public.

Councilman Foster could not see that the clubs affect the taverns that much. When clubs are open to the public, it is to raise funds for some type of benefit. He was not in favor of changing the liquor license classes or fees.

Councilman Brown asked Mr. Taylor if the ordinance needs to be changed to allow the clubs to host public events. Mr. Taylor answered yes.

It was Councilman Brown's opinion that the ordinance should describe what is actually going on.

Councilman Ferguson asked if a revision to the ordinance could change the organization's status with the state. Mr. Taylor did not believe it would change their status because they are not changing what they are doing.

Paula Duncan commented that she runs a business, but does not serve alcohol. The clubs can operate seven days a week. When clubs have events open to the public, private businesses suffer. She explained the pie is only so large. As a business she has to pay her employees a salary while clubs operate with volunteers. She also has to abide by health standards. The clubs also allow gambling which creates income for them.

Councilman Foster commented that the people that attend the public events at the clubs attend because they want to donate to the cause.

Ms. Duncan commented as a business she is also asked to contribute to these benefits.

Don Smithhenry, representing the VFW, explained his organization does a lot of service work that most people do not see. The local post not only has to support themselves, but have to support the national organization through contribution efforts. Memberships are decreasing. The VFW does not make much money from their bar. If the liquor license fees increase, they will have to cut their contributions to charitable services.

Mr. Taylor will look into language clarification for the Council to review.

10-B "Discussion: Concession Stand Lease" The Council was given a copy of a letter from the Olney Little League and a revised lease for the concession stand at Musgrove Park. The letter proposed that Little League will pay the City \$300 per month for rent of the concession stand during the months May, June and July. The letter also outlines that Little League will contract with ARC community systems to clean the bathrooms three times a week at the park during the three-month period of the ball season and provide a caretaker for the grounds to trim weeds, maintain landscaping and pick up trash during the season.

Councilman Ferguson questioned if the \$300 will cover the electric cost for the concession stand. Mr. Taylor explained the proposed lease does not provide for rent, but requires Little League to pay for the electrical costs of the concession stand. At this time there is no way to know the electrical costs for the concession stand.

Councilman Brown supports the Little League leasing the facility, but he questioned the amount of \$300. Mayor Lambird did not believe that was too bad since they are going to clean the restrooms and maintain the ball fields.

Councilman Ferguson asked if Little League plans to line, drag and prepare the fields. Mr. Taylor thought Little League plans to maintain the boys' fields, but if they do not, the City will have to maintain them.

Councilman Foster wants to know if the concession stand will be open for the girls' league. He knew the concession stand was not open unless the boys had games. Chuck Snyder was in the audience and expressed the same concern. He also questioned who will receive the income from the concession stand.

Mr. Taylor commented Mr. Doll was basically only interested in operating during the Little League season because their insurance only covers them and the concession stand during their season. Mr. Taylor commented that does not keep someone else from operating the concession stand in other seasons.

Councilman Foster commented more tournaments can be scheduled at these new diamonds because there will be no interference with the fair. He wants to make sure the concession stand is open for all events.

Councilman Ferguson noted there is a potential for inventory problems if more than one group uses the concession stand.

Mr. Snyder noted that the girls' season will go longer than boys'.

Councilman Foster stated the City needs to make sure the concession stand is open for all events. This situation needs further thought before a decision is made and to make sure the best decision is reached for everyone. Councilman Foster suggested bidding the use of the facility.

Councilman Brown asked Mr. Taylor to work with the current lease and indicate the concession stand must be open with advanced notice and consider a penalty for not being open.

Councilman Foster asked Mr. Snyder if the girls' league received any donations from the concession stand. Mr. Snyder commented the girls' league received \$100 per year, but he knew the boys' league received more, but he did not know how much.

Councilman Foster contacted Pepsi and asked what kind of equipment they would have available to use in the concession stand. Pepsi would be willing to provide hot dog and nacho machines, coolers, soda fountains and signs for menus. Because of the amount of equipment they are willing to provide, Councilman Foster cannot see a large investment would be needed to start the concession stand.

10-C “Ordinance: Change in Reporting Period for Hotel/Motel Tax” Mr. Taylor prepared an ordinance changing the reporting period for hotel/motel tax in response to one motel owner’s request to the City Council. City Clerk Henton contacted the four businesses that might be affected by the proposed change in the ordinance and there were no objections.

Councilman Ferguson moved to pass Ordinance 2012-05, seconded by Councilwoman Thomas. A majority voice vote was received.

AGENDA #11 “PUBLIC COMMENTS/PRESENTATIONS” No public comments were heard.

AGENDA #12 “REPORT FROM THE MAYOR” Mayor Lambird had no further comments.

AGENDA #13 “REPORTS FROM CITY COUNCIL MEMBERS” Councilman Foster questioned the payment of \$5,003 to Electron Electric included in the accounts payable. Mr. Taylor explained it was for the removal and replacement of a damaged street light on Main Street.

AGENDA #14 “CLOSED SESSION: SALE PRICE OF REAL PROPERTY AND COMPENSATION FOR SPECIFIC EMPLOYEES” Councilman Foster moved to adjourn to closed session to discuss the sale price of real property and compensation for specific employees, seconded by Councilman Brown. A majority voice vote was received.

Councilmen Foster, Brown and Ferguson, Councilwoman Thomas, Mayor Lambird, City Attorney Taylor and City Clerk Henton left the Council Chambers at 8:36 p.m.

AGENDA #16 “RECONVENE OPEN SESSION” Upon the return of those who were in closed session to the Council Chambers, Councilman Foster moved to enter back into open session, seconded by Councilman Brown. A majority voice vote was received. Open session resumed at 10:12 p.m.

AGENDA #17 “ACTION ON CLOSED SESSION” No action was taken as a result of the closed session.

Mayor Lambird asked if the City rebuilds fire hydrants. Mr. Taylor did not know. Councilman Foster commented that almost everything on a fire hydrant can be replaced. Recently, several fire hydrants were purchased for the water line replacement project on W. Catherine and N. Woodlawn because the existing fire hydrants were too small.

Mayor Lambird requested that staff look into rebuilding fire hydrants.

AGENDA #18 “ADJOURN” Councilwoman Thomas moved to adjourn, seconded by Councilman Brown. A majority voice vote was received.

The meeting of the City Council adjourned at 10:15 p.m.

Belinda C. Henton  
City Clerk