

CITY OF OLNEY
CITY COUNCIL MEETING
JANUARY 13, 2014

AGENDA #1 "CALL TO ORDER" The January 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.

AGENDA #2 "PLEDGE OF ALLEGIANCE TO THE FLAG-PRAYER" Council members and visitors joined in the pledge of allegiance to the flag. John Monroe led the group in a prayer.

AGENDA #3 "ROLL CALL" The following Council members were present: John McLaughlin, Barb Thomas, Brad Brown, Bob Ferguson and Ray Vaughn. Also present were 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 Special Council Meeting on December 9, 2013, Council Meeting on December 9, 2013, Two Special Council Meetings on December 16, 2013

4-B Approve and Authorize Payment of Accounts Payable January 14, 2014-Pooled Cash \$127,994.28, Manual Pooled Cash \$303,922.58, Water Deposit Refunds \$692.06, Boone Street Grant \$105,651.00, Motor Fuel Tax \$53,133.16, Levied Insurance \$138,725.00, Tourism \$6,750.00 and Christmas Light Display \$1,353.63

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 McLaughlin 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.

Mayor Vaughn reviewed the decorum for City Council meetings. All remarks from anyone from the public will be addressed to the Council as a whole and not to any single member of the Council. Any person making personal, impertinent, slanderous or profane remarks will be removed from the meeting.

AGENDA #8 "PUBLIC COMMENTS/PRESENTATIONS"

8-A “Mayor Vaughn, Police Chief, Law Enforcement and Government Criminal/Conduct” Brian O’Neill stated the federal courts have said the government and its officials cannot prohibit or suppress expression of speech merely because a public official opposes the speaker’s view. Mr. O’Neill then threatened a lawsuit and said, “you can’t do nothing.” According to Mr. O’Neill, every citizen of this country has the right to walk into this room, the right to sit down and the right to video. Mr. O’Neill said, “you cannot tell them or remove them from the room and that is what you did to me on December 9.”

Mayor Vaughn told Mr. O’Neill he will not direct his comments to any individual member of this Council. Mr. O’Neill said, “I am talking to you.” Mayor Vaughn told Mr. O’Neill he would not direct any comments to him. Mr. O’Neill yelled, “oh yes I will.” Mayor Vaughn said, “no you will not.” Mr. O’Neill then said, “I will because you are addressing me. You are violating the law now.” Mayor Vaughn tried to speak but Mr. O’Neill continued talking loudly. Mayor Vaughn explained there are very simple rules, but was not able to continue because Mr. O’Neill would not stop talking. Finally, Mayor Vaughn was able to say that he was controlling this meeting. Mr. O’Neill then said that Mayor Vaughn did not control his speech. Mayor Vaughn told Mr. O’Neill he has a right to speak at this meeting within the rules. Mr. O’Neill said Mayor Vaughn did not make the rules, the court does. Mayor Vaughn asked Mr. O’Neill to stop talking for a second and listen. There are simple rules which he just read. They are 1. Do not address any member of this Council individually. Mr. O’Neill interrupted again and said, “and you don’t address me by my name either.” Mayor Vaughn told Mr. O’Neill he was being disruptive at this time, but if he wanted to continue with his remarks he would allow him to do so, but he will not address any member of this Council individually. He asked if Mr. O’Neill understood that. Mr. O’Neill commented his constitutional rights were being violated.

Mr. O’Neill continued making his comments and telling Mayor Vaughn that he committed a hate crime against him. He also talked about other rights of his that have been violated. Every person that comes in front of his house and says anything that he does not like he will go after them for alarming and disturbing him. He went on and said he was alarmed and disturbed at the December 9 meeting when Mayor Vaughn told him he smelled. He said this was language people use against people with disabilities, which are hate crimes. He said Mayor Vaughn has made plenty of hate crimes against people with disabilities.

Mr. O’Neill continued to tell Mayor Vaughn that he violated his first amendment rights, Open Meetings Act, eaves dropping act, Freedom of Information and the city ordinance for the right to video record. He stated, “if everyone else has a right to be here, I have. You can’t remove me any different, otherwise you would be sued.”

Mayor Vaughn addressed Mr. Taylor, and was trying to find the grounds to make sure there is proper decorum at the City Council meetings. He personally did not mind having barbs thrown at him, but he does not want them thrown at the Council members now or in the future.

Mr. Taylor agreed that is what is in the City Code and is in compliance. The state statute and Open Meetings Act states that individuals have the right to speak subject to reasonable rules and regulations established by the governing body.

Mayor Vaughn stated he intends to enforce these rules. If someone wants to address this Council, they will address the Council as a whole and not individual Council members.

AGENDA #9 “PRESENTATION OF ORDINANCES. RESOLUTIONS. ETC.”

9-A “Presentation: MFT Audit Report No. #74” Mr. Sanders reported that the Illinois Department of Transportation conducted an audit of the Motor Fuel Tax fund in October 2013 for the calendar year ending December 31, 2012. The 2012 audit report has been received and the MFT records are true, correct and in agreement with MFT receipts and disbursements. There were no findings or issues that needed to be addressed. No action is required except the audit is required to be presented to the Council and put on permanent file.

Mayor Vaughn clarified MFT money is generated from gas taxes. Mr. Taylor confirmed this fact and explained MFT income is based on population.

Mayor Vaughn commented the City is restricted in the use of MFT funds on certain types of projects. Mr. Taylor agreed and commented generally MFT funds can be used for road maintenance, storm sewer work, match for federal or state road construction projects and the purchase of concrete and asphalt for repairs.

Mr. Sanders indicated the State is approximately one to two months behind on MFT payments which is unlike last year when they were four to five months behind.

Mayor Vaughn asked if there was anything that the Council can do to affect MFT income. Mr. Taylor commented about the only thing that would affect MFT income would be the annexation of residential property causing an increase in population. Townships receive their MFT income based on miles of roads not population.

Councilman McLaughlin moved to accept the 2012 MFT Audit Report No. 74, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

9-B “Resolution: Appointment of Kelsie Sterchi as Deputy City Clerk” Mr. Taylor explained the Council needs to finalize the appointment of Kelsie Sterchi as Deputy City Clerk effective January 20, 2014 and City Clerk upon Mrs. Henton's retirement. The Council was provided with a proposed resolution. The City Clerk's term runs until April 30, 2017.

Councilman McLaughlin moved to approve Resolution 2014-R-01, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

9-C “Ordinance: Establish Salary for Deputy City Clerk” The Council was provided with a proposed ordinance establishing the salary for Kelsie Sterchi effective January 20, 2014. The proposed ordinance sets Mrs. Sterchi’s salary at \$32,500 which will remain in effect until amended by a subsequent ordinance. Mr. Taylor noted the budget will need to be amended to accommodate the addition of the new Deputy City Clerk. That proposed ordinance will be presented at the next meeting.

Councilman Ferguson moved to pass Ordinance 2014-01, seconded by Councilwoman Thomas. Councilman Ferguson, Mayor Vaughn, Councilman McLaughlin, Councilwoman Thomas and Councilman Brown voted yes. There were no opposing votes. The motion carried.

9-D “Ordinance: Sale of Personal Property-Scrap Metal from City Park” The Council was provided with a proposed ordinance authorizing the disposal of some scrap metal at the City Park by recycling it at Scrap Daddy’s in Olney.

Councilman McLaughlin moved to approve Ordinance 2014-02, seconded by Councilman Ferguson. A majority affirmative voice vote was received.

AGENDA #10 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor reported that a letter was received from EPA stating they have completed their review and approve the Sewer Use Ordinance and User Charge System, along with other supplementary financial information provided by the City. They have determined that the user charge system will produce sufficient revenue to ensure that adequate operation, maintenance and replacement funds are available to provide service on a continuing basis, and provide a continuing source of revenue adequate to make the loan repayments for the term of the loan for the W. North pumping station project.

Mayor Vaughn questioned the drop in the number of residents participating in the City’s electric aggregation program. Staff investigated the drop in revenue and residents participating. According to Good Energy the numbers were correct. Recently, Direct Energy has been in town going door to door soliciting energy customers which probably explains the drop. Mayor Vaughn urged residents to check their energy rate before they switch providers.

Mayor Vaughn asked Mr. Taylor if he has received any direction from Springfield concerning the possibility of doing work at the golf course. Mr. Taylor had no further information on that project.

The Boone Street project is on hold until spring. Mayor Vaughn questioned the status of the East Fork Lake shoreline protection project. Mr. Charleston explained he and Mr. Taylor have been in touch with the State. The grant for this project is good until December 31, 2014.

Considering the use of Rotary Park during the summer, Mr. Charleston suggested not starting this project until after Labor Day.

Mayor Vaughn also requested an update on the W. North pumping station project. Mr. Taylor reported that an Intent to Award notice has been issued. He is awaiting final approval from EPA. Earlier in the meeting he reported that the Sewer Use Ordinance and User Charge System was approved by EPA. Paul Muhs, from Charleston Engineering, will be in Springfield on January 14 to discuss this project with EPA.

April 25 is the date scheduled for the bid letting for the Safe Routes to School project. Mr. Charleston estimated work will begin in May after school is dismissed for the summer.

Councilman McLaughlin commented there was confusion and questions concerning the City shutting down the roads during the snow storm. He asked who made the decision to shut down the roads and who has power to make that decision. Mr. Taylor was not sure who actually made that decision, but assumed it was the Street Department Supervisor. Mr. Taylor felt it was a poor choice of words to say the roads were closed instead of the roads were open only for emergency services.

Councilman McLaughlin questioned if anyone has the power to shut the roads down. Mr. Taylor commented the ordinances do not address that issue. Since there is no authority by ordinance to close roads, it was Councilman McLaughlin's opinion Mr. Taylor should have a conversation with the Street Department Supervisor about taking action without talking to the City Manager or Mayor. Councilman McLaughlin learned about this situation on Facebook. For the record, Mayor Vaughn heard about the situation about the same time as Councilman McLaughlin.

Mayor Vaughn expressed his appreciation for the residents' patience during the last snow storm and extended his thank you to the city crews and emergency personnel for extraordinary work under extraordinary circumstances.

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

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

Councilmen McLaughlin, Brown, Ferguson, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 7:27 p.m.

AGENDA #12 "RECONVENE OPEN SESSION" Upon the return of those who were in closed session to the Council Chambers, Councilman McLaughlin moved to enter back into open

session, seconded by Councilman Brown. A majority affirmative voice vote was received. Open session resumed at 8:30 p.m.

AGENDA #12 "RECONVENE OPEN SESSION" No action was taken as a result of the closed session.

Mayor Vaughn reported he and Mr. Taylor have talked with a group who is interested in taking over the City's recycling program. The City would continue to bill residential customers for recycling. This group is interested in also recycling metal, appliances, tv's and electronics in addition to the items that are already accepted. This group is also interested in commercial recycling, but the City would not be involved in that aspect. This group proposed setting out bins and giving 4-H all the paper that they collect. Mayor Vaughn expects a written proposal within the next two weeks.

Residents will still be allowed to opt out of the program. Councilman McLaughlin expressed concern about the program if this group ceased to operate, and questioned if this change would put Secure Processors out of business.

Mayor Vaughn commented the cost of recycling would continue to be \$3.50. The City would keep \$.25 as an administrative fee. This group proposed picking up the entire City in two days. If an agreement is reached, the City would enter into a contract for recycling services. They would also provide reporting on the poundage of each commodity they picked up.

Mr. Sanders commented there is an interest of residents outside the city limits for recycling.

Mayor Vaughn commented recycling will change from a non business entity to a business entity. If people want to recycle, he believed this was the entity the City should be dealing with because they will get the job done.

The Council was reminded about the budget planning meeting scheduled for January 23 at 6:30 p.m. at the Fire Station. It was decided that pizza will be served.

AGENDA #13 "ADJOURN" Councilman Brown moved to adjourn, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

The meeting of the City Council adjourned at 8:41 p.m.

Belinda C. Henton
City Clerk