

**CITY OF OLNEY  
CITY COUNCIL REGULAR MEETING  
JULY 14, 2014**

**1. Call to Order** - The July 14, 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: 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 Deputy City Clerk Cindy Harlan.

**4. Presentation of Consent Agenda**

**4-A Approve Minutes of Council Meeting on June 23, 2014**

**4-B Approve and Authorize Payment of Accounts Payable July 15, 2014**

**4-C Raffle License - Star Studio Boosters**

**4-D Raffle License - Olney Firefighters Association, Inc.**

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

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

**8. Public Comments/Presentations**

**8-A Parents, Children, Law Enforcement/Officers that Don't Care and the Rules of the Road, Etc.-** Brian J. O'Neill II informed the audience he was running for president. He gave his opinion on the challenge it is for blind people to cross streets. He believes cameras should be installed at intersections so that if someone is hurt there is evidence. He believes some bike riders are reckless and ride against the traffic. Mr. O'Neill videoed at the park which revealed illegal parking and he also has videos of illegal drinking. It is his opinion that the law enforcement officials are not enforcing the law.

**9. Presentation of Ordinances, Resolutions, Etc.**

**9-A Ordinance: Amend Chapter 8.20 (Property Nuisances) - Byproducts, Waste, or Scraps from Operation of Business** - City Manager Taylor explained the ordinance proposed at the last Council meeting was amended in response to some concerns expressed regarding fencing. As provided in the amended ordinance, any fence enclosing byproducts, waste or scraps from the operation of a business must satisfy the following requirements: (1) the fence must not be less than six (6) feet in

height; (2) the fence must be constructed of commercial fencing material that prevents the visibility of the stored material by the public and is uniform in style and color and aesthetically consistent with the neighborhood; (3) the fenced area used for the keeping, storage or collection of byproducts, waste or scraps from the operation of a business must not be more than thirty percent (30%) of the area of the property on which the business is located and not located within the required front yard setback for the property; (4) the fenced area must have a hard surface of aggregate, asphalt, concrete or similar construction; and (5) the fence must be properly maintained. The remainder of the proposed new section is the same as presented at the last meeting.

If an occupant or owner of the premises is in violation, notice is served and the occupant or owner has 14 days to abate the nuisance. If not abated, a citation is issued.

City Manager Taylor has not received any comments from the public with respect to this proposed amendment to the code. An email was received earlier that addressed a specific property, but did not address the language in the ordinance.

The ordinance provides for the City Clerk to serve, or cause to be served, a notice to the violator. Patrol officers and the Code Enforcement Officer could respond to these violations as well.

Councilman McLaughlin moved to approve Ordinance No. 2014-22 as presented, seconded by Councilwoman Thomas. Councilwoman Thomas, Councilmen Brown and Ferguson, Mayor Vaughn and Councilman McLaughlin voted yes. There were no opposing votes. The motion carried.

Ordinance No. 2014-22 will go into effect ten days after its passage.

**9-B Resolution: Accept Bid for Multi-Purpose Field in Musgrove Park** - City Manager Taylor reported bids were solicited for the construction of a multi-purpose field at Musgrove Park. Doll's Inc. submitted a bid in the amount of \$5,300.00 and Fritschle Land Improvement submitted a bid in the amount of \$7,800.00. There is \$5,000.00 budgeted this fiscal year for this project. It was recommended to accept the low bid from Doll's.

The field will not be available for use this fall. Once the field is constructed it will have to be seeded. The field may have to be roped off until it is ready for use.

Mayor Vaughn moved to approved Resolution No. 2014-R-40, seconded by Councilman McLaughlin. A majority affirmative voice vote was received. The motion carried.

Councilwoman Thomas inquired what the procedure would be for someone to contribute to this project. City Manager Taylor clarified that if a project is already included in the fiscal year budget and someone wants to contribute funds toward the project, the funds may be accepted and it just reduces the amount the City itself is contributing. The donation would not have to go before the City Council for approval.

If an individual or group wants to donate funds toward a project that is not included in the budget, the project would have to be approved by the City Council to be included in the current budget or budgeted for the next fiscal year. For example, a comprehensive plan for the parks may be adopted and there may be several future projects planned, but each project will have to be budgeted for specific years.

Councilman McLaughlin reported the Park Board is meeting on Wednesday and hopes to have a time line available soon for a comprehensive plan.

**9-C Discussion: Update on Preparation for New Enterprise Zone Application** - City Manager Taylor reported that he has notified the taxing bodies concerning the request to establish a committee to meet and discuss the boundaries for an enterprise zone, tax abatement, eligibility requirements, etc. All of these issues have to be agreed upon by each taxing district.

Mr. Taylor has been in contact with Jasper County. Representatives of Jasper County are exploring the benefits of continuing the joint Richland County / Jasper County enterprise zone or applying for an enterprise zone on their own. Some information on this topic will be available to Mr. Taylor later this week. By the next Council meeting, Mr. Taylor will have additional information available and there are consultants available to prepare the application. Mr. Taylor believes it is feasible to have the application prepared this year.

**9-D Appointment to Airport Authority** - Mayor Vaughn advised that a letter was received from Wayne Schuetz that Jim Coleman had resigned from the Olney-Noble Airport Authority. Mr. Schuetz is requesting that Bryan Pierce, who was appointed to the Board by Richland County and who has moved to Olney, be re-appointed to the Airport Authority by the City Council.

Councilwoman Thomas moved to appoint Bryan Pierce to the Olney-Noble Airport Authority, seconded by Councilman Ferguson. A majority affirmative voice vote was received. The motion carried.

**9-E Ordinance: Sale of Misc. Scrap Metal at Public Works Center to Scrap Daddy** - City Manager Taylor advised an ordinance was prepared to authorize the sale of miscellaneous scrap metal at the Public Works Center to Scrap Daddy.

Councilman McLaughlin moved to approve Ordinance No. 2014-23, seconded by Mayor Vaughn. A majority affirmative voice vote was received. The motion carried.

**9-F Resolution: Accept Quote for Two Trash Pumps for the Sewer Department and Waive Bidding Procedures** - City Manager Taylor referred to a memo prepared by Sewer Dept. Supervisor Tony Steber with quotes attached to it for two trash pumps. Two quotes were received for a 4" trash pump and a 6" trash pump. KM Specialty Pumps & Systems from Chandler, Indiana, quoted \$61,848.00 and Heartland Pump from Carterville, Illinois, quoted \$49,751.70. There was \$95,000.00 budgeted for these two items, \$30,000 for a 4" trash pump and \$65,000.00 for an 8". However, it was determined that a 6" pump would be more practical and can be used at a number of the lift stations. The 4" pump is replacing an existing pump. Usually two trash pumps are kept in service, however, the Department has been one short for 1 ½ years. A resolution has been prepared to accept the quote from Heartland Pump and to waive formal bidding procedures.

Councilman Ferguson moved to approve Resolution No. 2014-R-41, seconded by Councilman McLaughlin. A majority affirmative voice vote was received. The motion carried.

**9-G Discussion: Support for Potential Medical Cannabis Cultivation Facility and Processing Plant** - Mayor Vaughn opened the discussion for support of a potential medical cannabis cultivation facility and processing plant. The Richland County Development Corporation (RCDC) is trying to

keep up with economic development in southern Illinois. Illinois legislation recently approved cultivation centers for medical marijuana.

RCDC Director Courtney Yockey summarized the law that went into effect January 1, 2014. The pilot program will be in effect until December 31, 2017. The law will allow each Illinois state police district to have one medical cannabis facility, greenhouse and processing facility. There are a lot of regulations and the application process is very strict. A business plan has to be submitted and the application details all aspects of the business. Recently, the Farm Bureau advertised that an organization was searching for an area to put in a cultivation facility. There are regulations where a facility can be located. Major restriction is no closer than 2,500 feet to a school, daycare, or residential area. These companies can bring a lot of employment, revenue, and contributions to the community. Commercial greenhouses are anywhere from 50,000 to 200,000 square feet and processing facilities are anywhere from 30,000 to 100,000 square feet.

Mayor Vaughn voiced that one of the concerns of an organization willing to invest in this type of business is locating in a community that is ready to support them. The RCDC Board is in favor of pursuing this possibility and is soliciting community support.

It is anticipated the application will be released by the State by the end of Summer. It is believed the application fee may be in excess of \$25,000, non-refundable. The license fee may be in excess of \$200,000.

Support from the City of Olney and Richland County is shown to the organization through the application process. Illinois is the 19<sup>th</sup> state to enact laws and regulations of medical cannabis. Twenty-three states have already legalized cannabis. At the end of last month, four more states have legalized it.

Dr. David Eckiss, a member of the audience, voiced his support of this type of facility and stressed the importance of getting involved in the process early.

Mayor Vaughn stressed that the state of Illinois has endorsed this project and the question is as a community do we want to endorse this type of facility for a legal substance for medical use.

Mike McKinney, a member of the audience, stated that as a business person and a resident of Olney, and based upon what he has read with regard to the fact that it is very restricted that it is only prudent the opportunity be pursued.

RCDC Director Yockey briefly outlined the history of using cannabis for medical purposes. Records show that its use goes back nearly 5,000 years. The National Academy of Sciences' Institute has confirmed the beneficial uses of cannabis in treating or alleviating the pain, nausea, and other symptoms associated with a variety of conditions such as cancer, multiple sclerosis, HIV/AIDS, glaucoma and hepatitis C. Medical cannabis has been recommended by thousands of licensed physicians to thousands of patients in states with medical cannabis laws. Medical cannabis is recommended by several associations as beneficial treatment.

Both Councilwoman Thomas and Councilman Ferguson had seen a special on 60 Minutes about medical cannabis helping a little girl who had 300 seizures per day and reported that the family is contemplating moving to Colorado so the little girl can get the assistance she needs.

Mayor Vaughn stressed that RCDC has had good discussions concerning this and that Mr. Yockey has done a lot of research on this topic. It is a business opportunity for something that is sanctioned by the state of Illinois. It will be a difficult process to become one of the selected sites and there has to be someone interested in locating in Olney. Mayor Vaughn expressed his support of any development in this area and endorsed RCDC investigating the potential of this economic opportunity.

Councilman Ferguson expressed his support of this opportunity to bring jobs to the community. The other Council members were in agreement. It was pointed out that the State's application covers extensively the security and access to these facilities.

Mayor Vaughn emphasized that the Council would support this type of economic development opportunity in Olney.

## **10. Reports from Elected and Appointed Officials**

**10-A City Manager - Status Report** - City Manager Taylor reported that weather permitting the crews will be working on some roads to get them ready for oil and chip. Mt. Carmel Stabilization will be in Olney the first part of August.

Mr. Taylor informed the Council of a letter from the attorney general as a result of a Request for Review regarding the Open Meetings Act (OMA). The Request for Review alleged that the City of Olney violated the OMA on September 23, 2013 by failing to provide proper notice. The ultimate result is that the Attorney General's office and the Public Access Bureau found that the individual submitting the request did not support facts of any violation. Therefore, the matter is considered closed. The objection was filed by John Craft from Paris, Illinois.

The contractor working on the Boone Street project will be completed by next week. Seeding work will need to be done at that point. The water main construction project on E. Main is moving along slowly. There are many obstacles that have been encountered along the way. The project is pretty much on schedule. The Holly Road construction project will begin next week. To Mr. Taylor's knowledge, the recycling program is going well.

Councilman McLaughlin inquired about the possibility of the brush dump being open on Sundays and questioned the necessity of being manned. In the past, when the brush dump was not manned, old furniture and refrigerators were dumped off. At one time, the City even had a key available at the Water Plant for those wanting to use the brush dump. However, there continued to be problems with illegal dumping.

Mr. Taylor stated that an employee needs to be monitoring the brush dump. Cameras may be an option, but there stills needs to be someone monitoring the activity. It is possible to explore the brush dump being open on Sundays.

Mayor Vaughn said this brush dump is a nice perk for the City, but suggested the idea that those who don't live in the City be charged a fee. This fee could pay for additional manpower. Also, if it is being used by a commercial business, maybe a fee should be charged. It may be surprising how much revenue could be generated with charging a nominal fee. Mr. Taylor said it has been discussed several times charging a fee for use of the dump. Users do not want to come to City Hall to pay before dumping so maybe the employee monitoring the brush dump could take care of collecting a fee,

however, there is always the question of trying to determine if the users are inside City or outside City limits.

Councilman McLaughlin suggested looking into having the brush dump open on Sundays or expanding Saturday hours.

The contractor on the W. North Ave. Lift station is waiting on equipment. It is hoped the contractor will be back next week.

**11. Closed Session: Sale Price of Real Property and Deliberation Concerning Salary Schedules for One or More Classes of Employees** - Councilman McLaughlin moved to adjourn to closed session to discuss the sale price of real property and deliberation concerning salary schedules for one or more classes of employees, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

Councilmen Brown, Ferguson, McLaughlin, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and Deputy City Clerk Harlan left the Council Chambers at 7:53 p.m.

**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 Councilwoman Thomas. A majority affirmative voice vote was received. Open session resumed at 8:40 p.m.

### **13. Action Taken as Result of Closed Session**

**13-A Ordinance: Establish Hourly Wages for PT (Seasonal) Employees with Special Skills in the Public Works Departments** - City Manager Taylor presented a proposed ordinance to establish the maximum hourly rate for part-time seasonal employees in the Public Works Department when designated by a supervisor to perform duties that require special skills. The ordinance provides for the new rate to be in effect as early as July 7, 2014.

Councilman McLaughlin moved to approve Ordinance No. 2014-24 as presented, seconded by Councilwoman Thomas. A majority affirmative voice vote was received. The motion carried.

Mayor Vaughn welcomed Knolan Sterchi, City Clerk Kelsie Sterchi's new baby, to the community.

City Treasurer Sanders summarized the financial reports. Cash balances are down slightly. Levied funds have not been received yet. Income tax, telecommunications tax, hotel tax and corporate replacement tax are down compared to last year. However, sales and use tax and MFT are up. There is not enough data available at this point to come to a conclusion as to why figures are down or up. Mr. Taylor suggested that the general assembly may want to use corporate property replacement tax to help pay for court reporters.

**14. Adjourn** - Councilman McLaughlin moved to adjourn, seconded by Mayor Vaughn. A majority affirmative voice vote was received. The meeting adjourned at 8:46 p.m.

Cindy L. Harlan  
Deputy City Clerk