

CITY OF OLNEY  
CITY COUNCIL MEETING  
JULY 8, 2013

AGENDA #1 “CALL TO ORDER” The July 8, 2013 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 and Ray Vaughn. Bob Ferguson was absent. 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 Council Meeting on June 24, 2013

4-B Approve and Authorize Payment of Accounts Payable July 9, 2013-Pooled Cash \$157,436.45, Manual Pooled Cash \$134,274.70, Water Deposit Refunds \$1,799.87, MFT \$2,801.25 and Tourism \$4,000.00

4-C Raffle License-Ralph Carter’s Benefit Poker Run

4-D Raffle License-Eagles #2549 (Tuesday Nights)

4-E Raffle License-Eagles #2549 (Thursday Nights)

4-F Raffle License-Eagles #2549 (September 30, 2013)

AGENDA #5 “REMOVAL OF ITEMS FROM CONSENT AGENDA” Mayor Vaughn asked to remove 4-D Raffle License-Eagles #2549, 4-E Raffle License-Eagles #2549 and 4-F Raffle License-Eagles #2549 from the consent agenda.

AGENDA #6 “CONSIDERATION OF CONSENT AGENDA” Councilman McLaughlin moved to approve items 4-A Approve Minutes of Council Meeting on June 24, 2013, 4-B Approve and Authorize Payment of Accounts Payable July 9, 2013 and 4-C Raffle License-Ralph Carter’s Benefit Poker Run 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” City Hall received an anonymous complaint about the Eagles’ raffles. Allen Hagen, representative from the Eagles #2549, was present to explain the rules concerning the raffles in question. Mr. Hagen brought in the list of rules for their progressive jackpot drawing. He explained tickets are purchased for \$2 for 1, \$5 for 3 or \$10 for 20. Ticket holders must be present to win. Each week a ticket is pulled. If the ticket holder is present, they win \$200 and a

chance on the cash board. If the ticket holder is not present, they win \$100 and another ticket is pulled. If the second ticket holder is not present, they win \$100 and the drawing is finished for the night. Drawings continue each week until a person draws the grand prize on the cash board. The cash board has 100 windows, but 99 windows are marked “sorry, try again”. The club receives 50% and the game will receive 50% of all ticket sales. Taxes are withheld from grand prize winnings.

Mayor Vaughn asked if one raffle license can be used to cover an ongoing raffle. Mr. Taylor replied a raffle license can be valid for multiple dates within a 90-day period.

Mayor Vaughn questioned if the rules explained by Mr. Hagen are compliant with the rules for a raffle license. Mr. Taylor commented the complaint was the money rolls over to another time. Mr. Hagen explained the rules further. Some money does roll over from the jackpot of the cash board, but the winning ticket drawn each week is guaranteed \$200 if they are present and \$100 if they are not present. Mr. Hagen left the rules for the Council’s consideration.

The Council tabled this matter for further investigation.

#### AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “Richland County Coalition-Choices” Linda Lamb was not present.

8-B “Freedom of Speech, Unequal Treatment & Separation of Church and State Within Government” Mayor Vaughn told Mr. O’Neill to keep his comments to the point. Mr. O’Neill commented that before he can take “you birds” into court for violating his first amendment right, an act has to be committed more than once. Since Mr. O’Neill is video taping the Council meetings, he has proof his speech has been violated. According to Mr. O’Neill if the Mayor violates his speech, he is committing gender discrimination, unequal treatment and sexual discrimination.

Mr. O’Neill also discussed the separation of church and state which according to him Mayor Vaughn participated in religion when talking about a religion purpose. Mr. O’Neill stated it was time they realize he is not an everyday person, he is a gadfly, a god and a king. He has powers and he can go after “yous.” The last time he had not taken his constitutional course where he figured out he must give the Council an alternate channel. He told the Council in the future they should not alter his speech. He has a right to say what he chooses to say.

8-C “Sunday Liquor Sales” Samuel Jenkins thanked the Council for giving him time to speak. He talked about open containers of liquor on the road. He read his letter that was provided to the Council prior to the meeting. He requested the Council revisit their decision of Sunday alcohol sales, rescind the vote, have another public meeting and another vote. Mr. Jenkins then read several Bible verses.

Mayor Vaughn noted there are approximately 9,000 citizens in the City of Olney and if everyone wanted 10 minutes at each meeting, the Council would not get anything accomplished. The matter of public comments will be revisited for the next Council meeting. The Council is not going to take valuable time listening to matters that are not germane to this Council.

Mr. O'Neill kept interrupting Mayor Vaughn. Mayor Vaughn told him he would buy him the soapbox and he can stand out on the courthouse steps all he wants, but this Council meeting will conduct Council business.

Lee Laughlin read a prepared speech concerning road work in the Eastgate Addition. She addressed the Council on June 10, but wanted to clear up some things. She discussed the base of the streets in this subdivision, drainage and property values. She asked if there have been any further developments since the June 10 meeting.

Mayor Vaughn reiterated that there is a road program in place for the summer. New equipment has been recently purchased. Once the weather becomes suitable, road work will begin. She was told on June 10 to check back in 90 days for an update.

Mr. Taylor commented there are specific streets in the plan. If time permits, it is hoped that additional work can be done on the Eastgate Subdivision streets.

Mayor Vaughn would appreciate the residents giving the City some time and to come back in August for an update. Mrs. Laughlin commented she is already on the agenda for August 12.

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

9-A “Ordinance: Rezoning of 902 E. Locust” The Council was provided with minutes from the July 1 Plan Commission meeting, an email from a citizen and a proposed rezoning ordinance.

Darlene Fritschle filed a Petition to Rezone the property located at 902 E. Locust Street from R-1 (Single-Family Residence District) to C-1 (Neighborhood Shopping District) so that the property could be sold and converted into a medical office, specifically for an eye clinic. The Plan Commission considered this request and heard comments from individuals for and against the request. At the conclusion of the hearing, the Plan Commission voted on a 4 to 3 vote to recommend approval of the rezoning.

Mayor Vaughn questioned if a C-1 was the recommended zoning for this request. Mr. Taylor replied C-1 is the appropriate zoning for a medical office.

Jeff Fleming, representing Darlene Fritschle, explained this request for rezoning is to allow an eye clinic to be placed on the property. The actual building itself will be retained and remodeled inside. The character of the lot will not change. There will be adequate off-street

parking for the office. An engineer will determine the storm water detention needs. There are expected to be 2 to 3 cars at any one time during the day with a total of 20 cars per day. The additional parking and traffic created by the clinic is not significant considering the rest of the traffic in the area.

Mr. Fleming noted this property is located near the area of the hospital which is a growing area. Richland Memorial Hospital has plans to acquire additional properties in this area. The idea is to have the eye clinic close to the hospital.

Discussion took place during the Plan Commission meeting if this property is rezoned to C-1, and it ceases being an eye clinic it could become something else. Recognizing this as a concern, the petitioner proposed that there be a restrictive covenant placed in the deed. The rezoning ordinance would require the restrictive covenant so the location could only be used as a medical related facility. Other C-1 uses would not be allowed. In the event there is a change in the zoning for any property within 100 feet, the covenant would no longer be in effect.

Mr. Fleming noted the fence to the north of the property will remain, and no special lighting will change the character of the property. He asked that the Council approve the Plan Commission's recommendation.

Mayor Vaughn questioned if a deed were recorded with the restrictive covenant, would it be enforceable when the property transfers. Mr. Taylor answered yes.

Amy Read commented she was still opposed to the rezoning even with the restriction. She believed there are many other properties properly zoned for this facility.

Mayor Vaughn understood this property has been sitting empty for some time. Mr. Fleming confirmed that fact.

Councilman McLaughlin questioned the difference between a deed restriction and a special use permit. Mr. Taylor commented there is not a great deal of difference, but currently there are no provisions for a special use for a medical facility. If the Council wanted to amend the special uses for a medical facility, it would have to go back to the Plan Commission and then be approved by the Council. Mr. Taylor noted that if it were a special use, the zoning would not change.

Councilman McLaughlin asked Mr. Taylor if he had any other concerns about the proposal. Mr. Taylor did not have any special concerns pertaining to the City or City's facilities.

Mayor Vaughn's concern was not the traffic or the proposed use of the property, but what would happen with the property if this business decided to relocate in the future. That is the reason he was intrigued by the restrictive covenant which would prohibit any other use providing the neighborhood remains consistent.

Councilman Brown moved to approve the rezoning from R-1 (Single-Family Residence District) to C-1 (Neighborhood Shopping District) with a restrictive covenant, seconded by Mayor Vaughn. Councilwoman Thomas, Councilman Brown and Mayor Vaughn voted yes. Councilman McLaughlin voted no. The motion carried. Ordinance 2013-24 will be prepared.

Mr. Fleming was asked to consult with Mr. Taylor to finalize the ordinance.

9-B “Resolution: Accept Bid for Watermain Materials for Morgan Street Watermain Replacement” On July 3 bids were opened for 1,500 lineal feet of 6" watermain and related equipment for the Morgan Street Watermain Replacement Project from Monroe Street to Glenwood Avenue. The low bidder was Illinois Meter, Inc. of Springfield, Illinois in the amount of \$27,124.60. The bid was for materials only. City employees will install the watermain and related equipment.

Councilman McLaughlin commented the Monroe watermain replacement project took almost a year which was very frustrating for the community. He hoped Mr. Taylor works with the city crews to make sure this project does not take as long. If this project does take that long, consideration should be given to contract future projects. Mr. Taylor commented that the Morgan Street project will be approximately 1,000 feet less than the Monroe Street project so it should go faster.

Councilman McLaughlin moved to approve Resolution 2013-R-38, seconded by Councilman Brown. A majority voice vote was received.

9-C “Request: Tourism Grant-Olney Events” The City received a Tourism Grant Application from Brad Williams on behalf of his business, Olney Events, for \$2,000 to increase the advertising for the New Years Eve event at The Holiday. In 2011 this event attracted 275 people and 350 in 2012 and they hope to increase attendance to 500 in 2013. The Council was also provided with budget information about this event.

Mayor Vaughn noted that this event is different from the other grant applications recently considered by the City Council. The other grants approved were for nonprofit events. Mayor Vaughn asked if being nonprofit was a requirement of the grant. Mr. Taylor indicated nonprofit is not a requirement, but the intent is to assist events that are new. The purpose of the tourism grant is to get new events started and encourage them to become self sufficient. Events sponsored by Olney Events have been successful in the past without the assistance of Tourism money.

Mayor Vaughn noted that this event is being held at the Holiday which is the largest contributor to the Tourism Fund. He clarified that the 4% hotel/motel tax generates funds for the Tourism. Mr. Taylor confirmed that fact and explained the Tourism Fund can only be used to promote tourism.

Mayor Vaughn wanted to review the grant criteria before a decision is made.

9-D “Resolution: Accept Quote for the Purchase of a Radio Communications System for the Water Towers” This item was tabled from the last Council meeting for additional information about the warranties. The Council was provided with a proposed resolution, a memo from Water Plant Supervisor Frank Bradley and supporting documents regarding the purchase and installation of radios at the water towers to transmit information back to the Water Plant. The quote from VEI Communications of Vincennes, Indiana was \$13,839.55 which includes the radios and related equipment and installation. The other two quotes received did not include installation. The Kenwood radios from VEI Communications have a three-year warranty. The Zetron communications system has a one-year warranty. The City has used Kenwood radios for a number of years. The radio system at the water tower on the north side of town had a Kenwood radio for more than 10 years. Radios were replaced last year in order to be compliant with the FCC narrow banding equipment. It was recommended that the Council accept the quote from VEI Communications and waive the formal bidding procedures.

Councilman McLaughlin moved to approve Resolution 2013-R-39, seconded by Councilwoman Thomas. Mayor Vaughn, Councilman McLaughlin, Councilwoman Thomas and Councilman Brown voted yes. There were no opposing votes. The motion carried.

9-E “Resolution: Authorizing Execution of Grant Agreement for Shoreline Protection at Rotary Park” Mr. Taylor reported that the City recently received notice from Illinois Environmental Protection Agency that there was grant money available for shoreline protection work. Mr. Charleston prepared the grant application and the application was submitted. The City received preliminary approval from the IEPA for the \$40,000 grant for shoreline protection at Rotary Park. IEPA provided a draft of the Financial Assistance Agreement for review. Mr. Taylor and Mr. Charleston have both reviewed the agreement. Mr. Taylor thought it would be appropriate for the Council to approve a resolution approving the financial assistance agreement.

City crews will provide some labor for removing a tree, shaping and seeding. The grant will provide for the restoration of 590 lineal feet of eroded shoreline at Rotary Park.

Mayor Vaughn asked if this project was on the list of work that needed to be done. Mr. Taylor did not know if it was on a specific list, but it is something that needs to be done. There is a lot of erosion that is occurring because the existing rip rap has slid down into the lake. As much rip rap as possible will be salvaged and replaced.

Mayor Vaughn moved to approve Resolution 2013-R-40, seconded by Councilman Brown. Councilman McLaughlin, Councilwoman Thomas, Councilman Brown and Mayor Vaughn voted yes. There were no opposing votes. The motion carried.

9-F “Resolution: Authorizing Representative to Sign Loan Documents for North Street Pumping Station Replacement Project” The Council was provided with a proposed resolution that would authorize the Mayor to sign loan application forms and other necessary documents related to a loan for the North Street pumping station replacement project from the Water Pollution Program of the Illinois Environmental Protection Agency.

The proposed project would replace the North Street sanitary pumping station and eliminate the W. Elm Street pumping station. The estimated cost is \$556,000. The City would be applying for a loan for no more than \$600,000. The interest rate is 2.5% for as long as 20 years.

In addition to a cost break down for the project, the Council was provided with an analysis prepared by the City Treasurer in February 2013 regarding the debt service charge in relation to the current debt. Since this analysis was prepared, one debt was paid off as of June 1, 2013. The City's rate structure includes debt service of \$2.75. Even with the proposed \$600,000 loan for 20 years at 2.5%, there is enough money being generated from the debt service to pay both loans.

Mayor Vaughn pointed out the Park Lift Station will not be paid off for 17 years and the North Street project would extend the debt for 20 more years. Mayor Vaughn believed it was likely there would be other projects needed within the next 17 years. He questioned if the City would have the financial ability to borrow additional funds if there are additional projects. Mr. Taylor explained additional debt may cause the debt service fee to increase.

Mayor Vaughn remembered being told that the Sewer Plant is at near capacity especially during heavy rains. He understands this project has been on the list for several years. He questioned what project is next. He also questioned if the debt service issue should be dealt with now so funds can be accumulated, or wait until the next project is needed. Mr. Taylor thought the appropriate thing to do was to look at the expenses and try to set aside money for future projects. This approach would require analyzing the user charges.

Mayor Vaughn would like Sewer Plant Supervisor Tony Steber to make a presentation next month concerning needs for the Sewer Plant within the next 5 years.

Councilman McLaughlin expressed his preference for a 10-year loan instead of a 20-year loan. Mr. Taylor indicated both options have been considered. Money would be saved in interest with the 10-year loan, but the 20-year loan enables the City to set aside money for future projects.

If an EPA loan is pursued, Mr. Taylor will contact a bond counsel in Champaign to prepare the initial ordinance and related documents necessary to satisfy the IEPA requirements, including the opinion of bond counsel.

Councilman McLaughlin moved to approve Resolution 2013-R-41, seconded by Councilman Brown. Councilwoman Thomas, Councilman Brown, Mayor Vaughn and Councilman McLaughlin voted yes. There were no opposing votes. The motion carried.

Mr. Taylor questioned the consensus on the term of the loan. Councilman McLaughlin preferred 10 years. Mayor Vaughn debated the merits of securing a 20-year loan with the low interest rate.

## AGENDA #10 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor reported that the delivery of the asphalt zipper is expected on July 12 or 13 and training will occur on July 15.

Brandi Stennett, Executive Director of the Richland County Development Corporation, reported RCDC is celebrating their 27th year as an organization in Richland County. This would not have been possible without the support of the City and the other 35 contributors. Expenses remain below the contribution level.

With the passage and signing of the fracking bill, RCDC has had a steady flow of inquiries from businesses wanting to lease property in the area. Mrs. Stennett will be meeting with Mr. Taylor to discuss the various business' needs for parking of equipment. These oil field service and leasing companies are also looking for industrial and office space. The Orion building and the Doll property on Baird Street have industrial space available.

The TIF agreement was delivered to the Kroenke Group.

Mrs. Stennett handed out information concerning the US 50 Coalition and some marketing material with the City and RCDC's advertisement.

Councilman McLaughlin questioned the status of the possible placement of communications equipment on top of the water towers. Mr. Taylor explained the company was primarily interested in the Washington Street water tower. That tower is the tower that is in the greatest need of painting. Mr. Taylor was concerned with putting anything on the tower until it is painted.

10-B “City Manager - Recycling” Secure Processors is closing their operations in Olney effective August 31, 2013 which will affect the recycling project. Staff has begun to explore various options. There are a number of issues and options that will need to be addressed in the very near future to continue to provide recycling at an economic value for the customers. Republic Services is willing to provide mandatory recycling for \$3.50 per month. Hopefully, an alternative will be in place very soon.

Councilman Brown questioned if the Secure Processor's facility in Flora offers the same services as the Olney facility. Mr. Taylor answered yes, but it is an issue of transporting the materials to Flora.

10-C “Mayor Vaughn-Appointments to Various Boards and Commissions” Mayor Vaughn recommended appointing Neva Casstevens to the Plan Commission and Board of Appeals.

Councilman Brown moved to approve Mayor Vaughn's recommendation of appointing Neva Casstevens to the Plan Commission and Board of Appeals, seconded by Councilman McLaughlin. A majority voice vote was received.

AGENDA #11 “CLOSED SESSION: ACQUISITION OF REAL PROPERTY AND APPOINTMENT AND EMPLOYMENT OF SPECIFIC EMPLOYEES” Councilman McLaughlin moved to adjourn to closed session to discuss the acquisition of real property and appointment and employment of specific employees, seconded by Councilman Brown. A majority affirmative voice vote was received.

Councilmen McLaughlin, Brown, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 8:22 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 10:16 p.m.

AGENDA #13 “ACTION ON CLOSED SESSION” No action was taken as a result of the closed session.

AGENDA #14 “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 10:17 p.m.

Belinda C. Henton  
City Clerk