

CITY OF OLNEY
CITY COUNCIL MEETING
JUNE 10, 2013

AGENDA #1 “CALL TO ORDER” The June 10, 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. Jerry Bush 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 Council Meeting on May 28, 2013

4-B Approve and Authorize Payment of Accounts Payable June 11, 2013-Pooled Cash \$123,819.26, Manual Pooled Cash \$134,442.05 and Water Deposit Refunds \$2,133.04

4-C Raffle License-Richland County Farm Bureau Young Leaders

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 for items removed from the consent agenda.

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “Community Neighborhood Cleanup” Mary Spillman expressed interest in starting a community cleanup program with the help of local citizens. She commented that the downtown area is well kept, but the neighborhoods need to be cleaned up. She questioned if there could be a dumpster available for people to use after they clean an area.

Mrs. Spillman also suggested that the location of dog pens be approved prior to their placement.

Mayor Vaughn asked Mrs. Spillman to give him a call later this week. He had a couple of ideas he would like to follow up on with her.

Phyllis Fehrenbacher wanted citizens to be aware that they can complain to the Police Department about junk around homes.

8-B “Illinois Smoke Act Versus City Ordinance Section and Provisions” Brian O’Neill reported that Musgrove Park is now in compliance with “No Smoking” signs, but the City is still not in compliance at other locations.

Mayor Vaughn told Mr. O’Neill he gave the Council the same information at the last meeting. Signs have been ordered. He asked Mr. O’Neill if all of the county buildings are in compliance.

8-C “Doll Street Repairs” Lee and Gary Laughlin addressed the Council about their concern for the condition of Doll Street. They addressed the Council with this same problem two years ago. In the past the Council indicated they were in favor of improving the streets in Eastgate Subdivision

Mayor Vaughn commented that Doll Street is in good condition compared to Shipley and Kennedy. Mayor Vaughn noticed a lot of patch work on the streets in the Eastgate Subdivision. Mr. Laughlin commented that the patching does hold.

Mayor Vaughn asked if any of the streets mentioned are included in the proposed oil and chip program for this summer. Mr. Taylor indicated none of them were included in the eight or nine streets planned for improvements, but with the new street equipment it may be possible to do some extra work this year. With the new equipment the streets could be torn up, materials added to create a crown and then oil and chipped.

Mayor Vaughn asked the Laughlin’s to give the City 90 days to see if Doll Street can be added to the program. They were told to get back on the agenda for an August meeting to readdress this issue. Mayor Vaughn assured them this matter would not be ignored.

Mrs. Laughlin explained they feel like this matter has been pushed back. The City did fix the dip in the road which was appreciated. Street improvements will benefit the property values in the neighborhood.

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

9-A “Request: Class S Liquor License and Closing of the 200 Block of S. Whittle Avenue on July 6” Bart Zuber, representing The Gypsy, Inc., requested a Class S liquor license for July 6, 2013 for the 2nd annual RCRC Night Dash-Bar Bash. They would like to close the 200 block of S. Whittle from 6:00 p.m. until 1:00 a.m. for this event. The Gypsy will provide crowd control with fencing and barricades at the north and south ends of the 200 block of S.

Whittle. Extra employees will provide security and the verification of identification at the gate. There will be no businesses affected by the requested closing.

Councilman McLaughlin moved to approve the Class S liquor license and the closing of the 200 block of S. Whittle on July 6 as requested, seconded by Councilman Brown. A majority affirmative voice vote was received.

9-B “Ordinance: Sunday Liquor Sales” At the last meeting Bill Riggs requested the City Council to consider the sale of liquor by Class B (package liquor stores) holders on Sundays. Mr. Taylor prepared a proposed ordinance that would authorize the sale of liquor by package liquor stores on Sundays during the same hours that clubs are permitted to sell liquor to their members which is 12 noon to 12 midnight. The Council was provided with a spreadsheet showing the results of a survey of other area communities concerning Sunday sales and a letter from Sam Jenkins opposing the sale of liquor on Sundays.

Councilman Ferguson clarified that a Class D liquor license only allows consumption on the premises.

Ada Mae Riley was opposed to allowing liquor stores to sell on Sundays.

Marco Hannel stated statistics about deaths related to alcohol consumption. There will be more risk if the Council allows liquor stores to be open on Sunday.

Wayne Berger, a member of the Calvary Baptist Church, was against Sunday sales. He stated Sunday was the Lord’s day, and there are six other days to purchase alcohol.

Bill Riggs, co-owner of Marilyn’s Liquor Cabinet, explained since people cannot shop locally, they will drive to Flora, Claremont or St. Marie to purchase their liquor. By driving these distances, they are increasing the risks. He also did not believe religion needed to be brought into the issue. If people want liquor on Sunday, they will drive to get it.

Beverly McDowell, from Reclaiming Christian Values, read a prepared speech. She said the bar has been lowered through the years. The 1950's were a sweet time with no drugs, less alcohol, honesty, and people bought their needs on Saturdays.

Mayor Vaughn commented he did some reading of the Bible on Sunday concerning the issue of liquor, alcohol and wine. He did not find that alcohol was prohibited, but people are not to become drunkards and abuse alcohol. He did not want to make this a religious issue.

Mrs. McDowell asked to continue with her speech. Mayor Vaughn told her that her comments did not have anything to do with the issue. Mrs. McDowell continued by talking about pornography and alcohol. She asked that the Council reject the special interest groups so Olney can receive God’s blessing.

Councilman McLaughlin stated he was a conservative, but did not agree with the crowd on this issue. He fully supported Sunday alcohol sales and not just for package liquor stores, but for all liquor classes. He believed this was something that will benefit the City.

Councilman Brown believed in giving people the choice. He agreed with Councilman McLaughlin and also supported allowing all liquor classes to sell on Sunday.

Mayor Vaughn originally thought this would be a good opportunity to clean up the liquor code, but the only request received was for the Class B liquor licenses.

Councilman Ferguson questioned Mr. Riggs about selling liquor to someone that was drunk. Both Bill and Marilyn Riggs commented that they have the right to refuse service and would do so if someone appeared to be drunk.

Councilman Ferguson asked Chief Paddock if his department had any thoughts on allowing the sale of liquor on Sundays. Chief Paddock comes from a community where Sunday sales were allowed. He did not believe this situation would be any different, but he could not predict if the staffing patterns would have to be changed because of Sunday sales.

Mr. O'Neill expressed his opinion that Sunday liquor sales would create more fighting and waste tax payers' money.

Bart Zuber expressed his thought that there is a liquor commissioner, but the City does not have a liquor commission. Since there are a lot of opinions on the subject of liquor, he thought it may be wise to appoint or take nominations for a liquor commission that would consider input and pass an opinion to the Council. He believed things go to the Council with little or no announcement.

Councilman McLaughlin moved to allow all liquor classes to sell alcohol from 12 noon until 12 midnight on Sundays, seconded by Councilman Brown.

Councilman Ferguson expressed concern with allowing all classes to sell on Sundays. If all classes are being considered, he believed the matter should be opened back up for community input.

Councilman Brown explained the option to open on Sunday would be available, but the decision to open on Sunday would be up to the individual owners. He believed all classes should have a choice to run their business as they see fit.

Councilwoman Thomas suggested limiting Sunday hours from 12 noon to 10 p.m.

Councilmen Brown, McLaughlin and Councilwoman Thomas voted yes. Councilman Ferguson and Mayor Vaughn voted no. The motion carried. Ordinance 2013-20 will be prepared.

Mayor Vaughn did not object to allowing Class B liquor license holders selling on Sunday, but preferred to consider each class one at a time.

9-C “Request: Tourism Grant-Rotary Club” City Treasurer Sanders, City Clerk Henton and City Manager Taylor reviewed the Tourism Grant Application submitted by Rotary Club of Olney for their annual All American Picnic scheduled for July 20, 2013 at Rotary Park. They requested \$2,700 from the Tourism fund to be used for advertising the event. The Rotary Club of Olney has plans to purchase several print and radio advertisements from our area and surrounding areas. Other area businesses have also committed to sponsoring the event. Rotary estimates approximately 300 people attend this event, but most are local. They recommended that \$2,700 be approved for advertising in the hopes that more non-local people will be drawn to the event.

Councilman McLaughlin asked if he should abstain from voting since he was the past president and is currently on the board of the Rotary Club of Olney. Mr. Taylor indicated it would be better to abstain.

Councilman Ferguson moved to approve \$2,700 from the Tourism fund for the Rotary Club of Olney to be used for advertising their All American Picnic, seconded by Councilwoman Thomas. Councilman Ferguson, Mayor Vaughn, Councilwoman Thomas and Councilman Brown voted yes. Councilman McLaughlin abstained. There were no opposing votes. The motion carried.

9-D “Request: Tourism Grant-White Squirrel Cruisers Car Club” City Treasurer Sanders, City Clerk Henton and City Manager Taylor also reviewed the Tourism Grant Application submitted by the White Squirrel Cruisers Car Club for a car show scheduled at the City Park on August 17, 2013. On the first page of the grant application, they requested \$2,000, but on the detailed budget they indicated \$1,000. In the past the White Squirrel Cruisers have hosted an annual cruise-in and car show which was a 2-day event. Last year neither event was scheduled due to the club not having enough members to organize the event. This year the event will only be a 1-day show. Since the event is only a 1-day event, their budget indicates income of \$1,000 from the Olney Tourism Grant and they project a profit of \$1,395, it was recommended that \$1,000 be granted with the intent that it be used for advertising for the event.

City Clerk Henton explained following the event, each recipient of a grant is required to report back to the Council on how the money was spent and relative facts about the event. Mayor Vaughn agreed with the need for oversight on how the Tourism money is spent.

Mayor Vaughn moved to approve \$1,000 for the White Squirrel Cruisers Car Club to be used for advertising, seconded by Councilman McLaughlin. Councilman McLaughlin, Councilwoman Thomas, Councilmen Brown, Ferguson and Mayor Vaughn voted yes. There were no opposing votes. The motion carried.

9-E “Ordinance: Sale of Personal Property” The Council was provided with a proposed ordinance authorizing the sale of a 1972 Ford tank truck and a 1974 Ford F500. The sale of the

1994 Ford F150 will also be authorized, however, it will not be sold until the new truck for the Park Department arrives. The sale of the Rex Pulvi-Mixer and the steel wheel roller is made possible by the purchase of the Street Department road equipment.

Earlier this year, City crews took down two railroad crossing signals at the south end of Whittle Avenue. It has been suggested that the City place one or both of the railroad crossing signals at Bower Park near the monument commemorating the railroad industry. An individual has expressed interest in acquiring one of the railroad crossing signals.

Councilman Ferguson asked how much renovations will be required on the railroad crossing signal to place it in Bower Park. Mr. Taylor did not believe a great deal of renovations would be required unless the Council wants it to be operational.

Councilman Ferguson wanted to make the signal presentable and put it up in Bower Park.

Councilman Ferguson moved to pass Ordinance 2013-21 with the exception of selling only one railroad crossing signal, seconded by Councilman McLaughlin. Councilman McLaughlin, Councilwoman Thomas, Councilmen Brown, Ferguson and Mayor Vaughn voted yes. There were no opposing votes. The motion carried.

9-F “Ordinance: Prevailing Wage” Pursuant to the Illinois Prevailing Wage Act, the City is required to pass an ordinance adopting the prevailing wages. Ordinarily, the City adopts the prevailing wages as adopted by the Illinois Department of Labor for Richland County. Contractors are required to keep up with the prevailing wages on a monthly basis in the event that the prevailing wages change for the different types of laborers. The prevailing wage ordinance does not apply to city employees. It only applies to contractors on public works projects. The proposed ordinance also includes rates established for seal coat oil maintenance.

Mayor Vaughn questioned how the wages are established by the Department of Labor. Mr. Taylor explained the prevailing wages are established based on collective bargaining agreements from various types of work being done. The information for the oil and chip work was obtained from a local contractor and the wages they pay.

Mayor Vaughn questioned why the oil and chip work differs from the state prevailing wage schedule. Mr. Taylor explained the oil and chip work is typically lower than the traditional prevailing wages. The state does not determine prevailing wages for oil and chip.

Councilman McLaughlin clarified that passing the prevailing wage ordinance is mandatory. Mr. Taylor explained if the prevailing wage ordinance is not approved, the City would be required to establish wages which would be a time-consuming project in addition to being futile.

Councilman McLaughlin moved to pass Ordinance 2013-22, seconded by Councilwoman Thomas. Councilwoman Thomas, Councilmen Brown, Ferguson and McLaughlin voted yes. Mayor Vaughn voted no. The motion carried.

AGENDA #10 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

10-A “City Manager - Status Report” Mr. Taylor advised the Council that the East Fork boat ramp will be closed June 25 and 26 for ramp repairs.

Councilman Brown questioned the status of the new street equipment. Mr. Taylor advised that the asphalt zipper and pulverizer have been ordered, but he did not know the expected delivery dates. A decision will be made very soon about purchasing the vibratory roller. The cost should be no more than \$39,000. Prior to the equipment delivery, crews will be doing prep work on Monroe Street. Monroe will be the first street scheduled for repairs followed by Locust.

An MFT bid letting has been scheduled for June 24.

Councilman McLaughlin asked about the status of the portable restrooms at the City Park. Mr. Taylor reported that the concrete pad for the restrooms was poured last week and utilities will be run this week or next.

Mayor Vaughn asked for an update on the drainage issue for Mr. Cooley. Mr. Taylor reported he and Mr. Charleston have been discussing various alternatives, but at this time a definite plan has not been determined.

Mayor Vaughn commented that people have been parking everywhere in Musgrove Park in addition to driving through the grass to and from East Street. Park Department Supervisor Frank Bradley has put up “Do Not Enter” signs near East Street and at the end of the swimming pool employee parking lot. The signs are being moved. Mayor Vaughn suggested an ordinance to prohibit parking on the grass except on designated days and times to prevent Musgrove Park being turned into a mud bog.

Councilwoman Thomas agreed, but suggested that Brad Doll be consulted for suggestions.

Mayor Vaughn commented that there were approximately 65-70 people parked in the alfalfa field. He hoped that Mr. Graves, the farmer of the alfalfa field, was advised. Mayor Vaughn saw no reason they should be parking any place except the gravel parking lot. Parking elsewhere would be at the expense of ruining what little grass space is left.

Mayor Vaughn wanted to allow Mr. Bradley to replace the signs and authorize the Police Department to write tickets to people parked in the grass. An ordinance would give the ability to enforce parking. He wanted people to understand the rules.

Councilman Ferguson urged people to share rides, walk or ride their bikes to the ball diamonds.

Mr. Taylor will prepare an ordinance for the Council to consider at the next meeting. Mr. Taylor believed there may be provisions in the vehicle code that can be used until an ordinance is passed.

10-B “Mayor Vaughn-Appointment to Chamber of Commerce Board” The Chamber of Commerce has contacted the City with the possibility of appointing someone to their board to represent the City. Currently, the Chamber Board is elected by their membership. Since the City provides funding for the Chamber, they are offering the opportunity for a City representative on the board.

Mayor Vaughn was thrilled to be able to have an influence on the Chamber Board and recommended Councilman Brown to this position since he is a small business owner. Councilman Brown declined the appointment because Chamber meetings take place during his business hours.

Mayor Vaughn commented this offer will not be rejected, but further considered.

AGENDA #11 “CLOSED SESSION: ACQUISITION OF REAL PROPERTY AND APPOINTMENT AND EMPLOYMENT OF SPECIFIC EMPLOYEES” Councilman Brown moved to adjourn to closed session to discuss the acquisition of real property and appointment and employment of specific employees, seconded by Mayor Vaughn. 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 8:20 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 Councilwoman Thomas. A majority affirmative voice vote was received. Open session resumed at 9:29 p.m.

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

AGENDA #14 “ADJOURN” Councilman McLaughlin moved to adjourn, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

The meeting of the City Council adjourned at 9:29 p.m.

Belinda C. Henton
City Clerk