

CITY OF OLNEY  
CITY COUNCIL MEETING  
JUNE 25, 2012

AGENDA #1 “CALL TO ORDER” The June 25, 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. Kevin Pittman 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 Manager Larry Taylor, City Treasurer Chuck Sanders, City Engineer Roger Charleston and City Clerk Belinda Henton.

AGENDA #4 “PUBLIC HEARING: RENEWAL OF CABLE FRANCHISE” Mr. Taylor announced that this public hearing is being conducted to give citizens an opportunity to provide public comments regarding New Wave Communications as a cable TV provider.

New Wave District Manager Mark Bookout was not able to attend, but sent Tom Rauch to represent New Wave.

Councilman Foster questioned if New Wave is going to have a local phone number that citizens can call. Mr. Rauch confirmed New Wave will have a local phone number for service. Phone calls will first ring in the Olney office, but if the local office is busy, the call will roll over to the call center.

Mr. Bookout was called and put on a speaker phone so he could hear comments from the public hearing.

Dennis Sivert commented on the cost of the basic service and possible increases that a new agreement will bring. Currently, New Wave offers a basic service for \$24.95. Mr. Sivert complained that the price sheet given by New Wave does not include the basic service. Mr. Sivert explained local stations are important for local weather in case of a disaster, and should be available at a reasonable rate. Mr. Sivert explained the City has the right to set the price for the basic tier. He suggested that the City consider lowering the cost for the basic cable rate. He also provided the Council with a list of suggestions for consideration. Mr. Sivert went on to discuss that the cost of re-broadcasting local channels only costing cents per customer.

Mr. Bookout clarified that New Wave is still offering limited basic service for \$24.95. The cost for local programming is substantially higher than Mr. Sivert indicated. Mr. Bookout explained some stations are asking 50 to 75 cents per channel, and this is per customer. Mr. Bookout concluded by offering to talk to Mr. Sivert in as much detail as he would like.

Councilman Foster questioned if there was any chance of lowering the basic service. Mr. Bookout explained Olney's basic service cost is consistent with surrounding areas. New Wave's long range goals are to make lineups identical in regional markets.

Councilman Foster questioned if New Wave could guarantee the basic service rate for any length of time. Mr. Bookout indicated that would be difficult. He explained there are a lot of cost factors that are beyond New Wave's control.

The public hearing closed at 7:46 p.m.

AGENDA #5 "PRESENTATION OF CONSENT AGENDA"

5-A Approve Minutes of Council Meeting on June 11, 2012 and Special Council Meeting June 14, 2012

5-B Approve and Authorize Payment of Accounts Payable June 26, 2012-Pooled Cash \$72,464.51 and Water Deposit Refunds \$1,620.76

5-C Raffle License-Richland County Farm Bureau Young Leaders Committee

AGENDA #6 "REMOVAL OF ITEMS FROM CONSENT AGENDA" No items were requested for removal.

AGENDA #7 "CONSIDERATION OF CONSENT AGENDA" Councilwoman Thomas moved to approve the consent agenda, seconded by Councilman Foster. A majority voice vote was received.

AGENDA #8 "CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA" No consideration was necessary for items removed from the consent agenda.

AGENDA #9 "PUBLIC COMMENTS/PRESENTATIONS"

9-A "Businesses Violating Citizens Constitutional Rights" Brian O'Neill commented that there have been businesses in this community that think they can order citizens around. In the past Mayor Henby thought he could abuse his power. Mr. O'Neill stated he does not fear the government, but other citizens are brainwashed. Nobody is going to tell him where he can stand or walk.

AGENDA #10 "PRESENTATION OF ORDINANCES, RESOLUTIONS, ETC."

10-A "Ordinance: Renewal of Cable Franchise" The Council was provided with a proposed ordinance authorizing the renewal of the New Wave cable franchise. New Wave requested an extension of their existing franchise for an additional ten years. The current franchise expires November 25, 2014.

Mayor Lambird asked that the renewal of the cable franchise be tabled. The Council was in agreement.

10-B “Request: Class S Liquor License-The Gypsy, Inc.” Brock Zerkle, representing The Gypsy, Inc., requested a Class S liquor license for July 9, 2012 from 3:00 p.m. until 9:00 p.m. at the Richland County Fairgrounds for a wine tasting event prior to the queen pageant.

Bill Jennings explained this event will be one of the White Tent events. So far the wine tasting will be from wineries in Richland County.

Councilman Brown moved to approve the Class S liquor license for The Gypsy for July 9, 2012, seconded by Councilwoman Thomas. Councilmen Foster, Brown, Ferguson, Mayor Lambird and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

10-C “Update: Rotary Park and Request to Remove Ball Diamond Fence” Laurel McClain and Andy Thomann were present representing the Olney Rotary Club and Richland County Rotary Club. Mrs. McClain wanted to make everyone aware of their Rotary Park Festival which is scheduled for July 21, 2012. She requested extra boat patrol for that day for the safety of the ski show. She also asked that Rotary Park be cleaned up the week prior to the event.

Mr. Thomann explained the Rotary Clubs have a couple of work days planned in preparation for the Rotary Park Festival. Mr. Thomann requested permission to remove the ball diamond fence because it is not in good shape. They have already taken down one side. They would like to have the field open for parking and activities. Currently, the fence is in the way of the disc golf course. They would also like permission to eliminate a driveway which was created by vehicles on the west side of the road south of the ball diamond. The Rotary Clubs are also working on painting some of the older playground equipment and landscaping around the new sign.

Mrs. McClain told the Council that the Rotary Clubs are preparing a 10-year plan for the park. She also requested that the disc golf course be included in tourism advertising.

Over the last two years the Rotary Clubs have maintained the fitness trail, erected a new Rotary Park sign and painted playground equipment.

Councilwoman Thomas noted there is a basketball goal south of the ball diamond. Mr. Thomann indicated this court needs improvements and will be included in the 10-year plan.

Mayor Lambird reported there has been interest expressed in turning the Rotary Park ball diamond into a men’s softball diamond by utilizing equipment from the old ball diamonds at the City Park. Councilman Ferguson suggested that someone from the men’s league get together with Rotary.

Mayor Lambird suggested a 10-year plan for both Rotary Park and the City Park. It was suggested that the Rotary Clubs contact the City Manager and Frank Bradley concerning this plan in addition to keeping the Council informed.

10-D “Ordinance: Prevailing Wage” Mr. Taylor explained the prevailing wage ordinance is required to be passed by the City during the month of June. The prevailing wage ordinance adopts the wage determinations as prepared by the Illinois Department of Labor for all construction or maintenance projects that are contracted out with the exception of the oil and chip program which is covered by wage determinations prepared by the Richland County Highway Department.

Councilman Ferguson moved to pass Ordinance 2012-31, seconded by Councilman Brown. A majority voice vote was received.

10-E “Ordinance: Amend Parking on Florence Street East of Silver Street” The Council was provided with a proposed parking ordinance concerning parking on Florence Street east of Silver Street. This ordinance is a result of some discussions at the last City Council meeting. The proposed ordinance prohibits parking on the north side of Florence Street east of Silver Street, but also repeals a section of the previous ordinance which prohibited parking on the south side. Parking will be permitted on the south side of Florence Street. The proposed ordinance also authorizes two handicapped parking spaces on Florence Street at the entrance to the Musgrove Park Ball Diamond Complex.

Councilman Foster questioned if enough space can be provided with parallel spaces for handicap parking. Mr. Taylor agreed parallel parking will not allow enough room for handicap access on the passenger side, but would be helpful for people with limited handicaps.

Councilman Brown moved to pass Ordinance 2012-32, seconded by Councilwoman Thomas. A majority voice vote was received.

10-F “Ordinance: Amend Section 5.12.070 Reducing Number of Banquet Licenses” Mr. Taylor explained May 15 was the deadline for the filing of applications for liquor licenses. The City Clerk did not receive any applications for a banquet license even though one banquet license is currently authorized. The standard procedure has been to maintain the number of authorized liquor licenses at the same level as the number of liquor license applications received. If someone wants to apply for a banquet license, they may request the City Council to increase the number of authorized banquet licenses at that time. Last year, Ty’s Family Buffet was the only banquet license issued.

Councilman Foster moved to pass Ordinance 2012-33, seconded by Councilman Brown. A majority voice vote was received.

10-G “Discussion/Resolution: Repairs to Bucket Truck” It has been discovered that significant repairs are needed on the bucket truck involving one of the booms in order for the bucket truck to be safe to operate, particularly in the vicinity of electrical wires. There are two options submitted by Drake-Scruggs Equipment, Inc. in Springfield, Illinois.

Option A is the cheaper of the two options. This option involves the repair of the lower boom. The work is labor intensive. Not only does the lower boom have to be removed, repaired

and reinstalled, but the upper boom has to be removed, stored, and reinstalled after the lower boom is reinstalled. The approximate cost is \$15,641.64.

Option B is the same as Option A, except that a new lower boom would be installed. The bucket truck could be put back into service two weeks quicker, but the cost is approximately \$23,821.68.

A total of \$30,000 was budgeted for maintenance of equipment in the Street Department. The balance in that line item is now less than \$25,000. It was Mr. Taylor's recommendation to choose Option A. A new bucket truck would cost approximately \$160,000 to \$170,000.

Councilman Foster questioned the overall condition of the bucket truck. The City mechanic believes the truck is worth repairing.

Councilman Foster moved to make the repairs to the bucket truck as described in Option A, seconded by Councilman Ferguson. Councilwoman Thomas, Councilmen Foster, Brown, Ferguson and Mayor Lambird voted yes. There were no opposing votes. The motion carried. Resolution 2012-R-48 will be prepared.

10-H "Discussion: Video Gaming at Package Liquor Stores" Mr. Taylor explained as a result of the Video Gaming Act, licensed liquor establishments are allowed to participate in the new state video gaming if they are licensed to sell liquor for consumption on the premises. The package liquor store license authorizes the sale of liquor only for consumption off the premises, and therefore, package liquor stores would not be eligible to have gaming terminals without some change in the City's liquor code. Local package liquor stores have inquired about video gaming. Mr. Taylor questioned the Council's interest in modifying the code to allow consumption of liquor on the premises at package liquor stores.

Councilman Foster stated he would not be in favor of allowing the consumption of liquor on the premises at a package liquor store. Councilman Brown wanted to know more details concerning a proposed change. Mayor Lambird requested staff to investigate what other communities are doing.

Mr. Taylor expects it will be fall or winter before video gaming is implemented.

10-I "Ordinance: Prohibiting Riding of Bicycles/Skateboards at Ball Diamonds" Mr. Taylor prepared a proposed ordinance prohibiting the riding of bicycles, skateboards or other recreational vehicles on the sidewalks of the Musgrove Park Ball Diamond Complex.

Councilman Foster commented that he had been approached by someone who witnessed a near accident involving a bicycle at the new ball park. There is a lot of congestion around the concession stand area, and he believed it was not a good idea to be riding in this area.

Councilman Brown suggested changing the words "at any time" to "while games are in progress."

Councilman Foster questioned signage. Mayor Lambird suggested an all purpose sign at the entrance to the complex outlining all the rules and regulations.

Councilwoman Thomas questioned who will monitor these rules. Mr. Taylor indicated that is the problem having someone there when a violation occurs. Councilman Foster thought the leagues will monitor the situation. If a problem occurs, the Police Department can be called. He was hopeful everyone would comply.

The Council discussed where to park bicycles. The nearest bike rack is at the swimming pool.

Mr. Taylor suggested changing “at any time” to “when ball games are being played.” He pointed out this does not regulate bicycles riding when teams are practicing.

Councilman Foster moved to pass Ordinance 2012-34 with Mr. Taylor’s suggested wording change, seconded by Councilman Brown. A majority voice vote was received.

10-J “Ordinance: Prohibiting Burning During Burn Ban” It was the staff’s belief that the City Code needs some additional language concerning burning bans. Mr. Taylor provided the Council with a proposed ordinance that makes it unlawful for any person to burn any combustible materials of any kind in the open during any burn ban imposed by the Mayor or Fire Chief.

Councilman Ferguson moved to pass Ordinance 2012-35, seconded by Councilwoman Thomas. A majority voice vote was received.

#### AGENDA #11 “REPORTS FROM ELECTED AND APPOINTED OFFICIALS”

11-A “City Manager - Status Report” Mr. Taylor reported that last week it was determined that the Polk Street storm siren was not working. The siren was repaired and tested today.

The City Clerk prepared a news release announcing the sale of surplus items that have been authorized for sale on GovDeals.com. Auctions will end on July 8, 9 and 10.

City crews have been replacing bad sections of concrete in the Meadowview Subdivision. Councilman Brown questioned what locations will be completed next. Mr. Taylor believed the next location would be Sterchi Subdivision.

Councilman Foster left the Council Chambers at 8:27 p.m.

Mr. Taylor commented he was open for suggestions for other street repairs, and as much work as possible will be done with the money budgeted. Additional funds may be requested if needed.

Mayor Lambird noted that the Sea 2 Shining Sea bike ride will stop in Olney on July 8

at approximately 1:30 p.m. The community is being asked to line up on W. Main to welcome and support the riders.

Mayor Lambird has been receiving complaints regarding the water salesman machines at the City Park and Bower Park. He has been told there is not a problem, but he keeps getting complaints about the machines. He suggested looking into purchasing new machines capable of taking dollar bills.

Councilman Ferguson commended the Eagle Scout for repairing picnic tables at the City Park.

Councilwoman Thomas questioned if there was any new information concerning a leaf vacuum. Mr. Taylor has received information about two different used vacuums he would like to have checked out.

Councilman Foster returned to the Council Chambers at 8:30 p.m.

City Clerk Henton reported several logos have been submitted for the logo contest. A press release has been prepared, but she questioned the contest deadline. The Council suggested August 30.

City Engineer Charleston reported that bid specifications have been prepared and sent out to five potential bidders on the Herman Drive entrance project.

City Treasurer Sanders reported on a training conference he recently attended in Springfield pertaining to municipal debt recovery. Last year the state passed a bill allowing the state to assist cities in recovering debt through state income tax refunds or any payment that goes through the State Treasurer's Department. This new program has worked well for some cities. There is a process the City will need to go through to be able to transmit data to the state electronically for collection. The registration process takes approximately three to six months. At this time it is unclear whether liens can be submitted for collection. It was suggested that cities become registered before January 1 to be able to collect from annual refunds.

Mayor Lambird questioned what impact this program may have on the City. Mr. Sanders saw a benefit for collecting demolition costs or any other fees that are invoiced and not collected. Before data is submitted to the state, the City has to go through the collection process by invoicing and past due notices. The Council believed this service was worth pursuing.

AGENDA #12 "CLOSED SESSION: EMPLOYMENT, COMPENSATION OR PERFORMANCE OF SPECIFIC EMPLOYEES AND REVIEW OF CLOSED SESSION MINUTES" Councilwoman Brown moved to adjourn to closed session to discuss employment, compensation or performance of specific employees and review of closed session minutes, seconded by Councilman Foster. A majority voice vote was received.

Councilmen Foster, Brown, Ferguson, Councilwoman Thomas, Mayor Lambird, City Manager Taylor, City Treasurer Sanders and City Clerk Henton left the Council Chambers at 8:38 p.m.

AGENDA #13 “RECONVENE OPEN SESSION” Upon the return of those who were in closed session to the Council Chambers, Councilman Brown moved to enter back into open session, seconded by Councilwoman Thomas. A majority voice vote was received. Open session resumed at 9:18 p.m.

AGENDA #14 “ACTION ON CLOSED SESSION”

14-A “Resolution: Authorize Release of Closed Session Minutes” Councilwoman Thomas moved to approve Resolution 2012-R-49, seconded by Councilman Brown. A majority voice vote was received.

14-B “Resolution: Authorize Destruction of Audio Recordings” Councilwoman Thomas moved to approve Resolution 2012-R-50, seconded by Councilman Brown. A majority voice vote was received.

Mayor Lambird commented that Alan Travous left a message with City Hall thanking the City for patching the concrete in Meadowview Subdivision. He also received favorable comments from Mr. Eagleson who lives in Meadowview Subdivision.

AGENDA #15 “ADJOURN” Councilman Foster moved to adjourn, seconded by Councilman Brown. A majority voice vote was received.

The meeting of the City Council adjourned at 9:20 p.m.

Belinda C. Henton  
City Clerk