

CITY OF OLNEY
CITY COUNCIL MEETING
MAY 27, 2014

AGENDA #1 “CALL TO ORDER” The May 27, 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: Barb Thomas, Brad Brown, John McLaughlin and Ray Vaughn. Bob Ferguson was absent. Also present were City Manager Larry Taylor, City Treasurer Chuck Sanders and City Clerk Kelsie Sterchi. City Engineer Roger Charleston was absent.

AGENDA #4 “PRESENTATION OF CONSENT AGENDA”

4-A Approve Minutes of Council Meeting from May 12, 2014

4-B Approve and Authorize Payment of Accounts Payable May 28, 2014-Pooled Cash \$107,776.88, Manual Pooled Cash \$102,630.56, MFT \$132,960.67, Tourism \$1,300.00, Liability \$4,970.27, Utility Refunds \$902.37

4-C Raffle License-Elks

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.

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS”

8-A “‘N, R, F, G, Q, B, C’ and So Many Other Words Aren’t Funny There Hurtful and Even Cause Deaths” Brian O’Neill, 818 E. Main Street, came before the Council to remind about the Columbine High School and military base murders. It was Mr. O’Neill’s opinion that children and adults thought it funny to bully, tease and use inappropriate language. He claimed that the Disclosure News and certain police officers had used the word “retarded” in reference to Mr. O’Neill. While Mr. O’Neill ignored the comments, he was aware that it offended others with disabilities.

Mr. O'Neill began to cry and went on to explain that he was very hurt when others did not treat people with respect.

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

9-A “Ordinance: Designating Loading Zone on West Side of Silver Street Between Main Street and Chestnut Street” The Council was provided with a proposed ordinance to designate a loading zone on Silver Street for the Charleston Transitional Facility (CTF). City Manager Taylor explained that in 1997, an ordinance was changed to permit parking in an 80 foot area, at the request of the Opportunity Center, to allow accessible parking for the facility. Because of recent changes to the area, the parking along Silver Street is being taken by other individuals. CTF loads and unloads clients along the east side of their building. CTF has requested to change the parking area along the west side of Silver Street from a parking area to a loading zone.

Wendy Chenault, an employee of CTF, was present to speak on the issue. From 8:00 a.m. to 10:00 a.m. and from 2:00 p.m. to 4:00 p.m., CTF loads and unloads about 80 clients, some of which require assistance. When others park in the area being discussed, CTF is unable to have an accessible area to load and unload their clients. CTF would only need room for two shuttle buses, not a full 80 feet.

Mayor Vaughn suggested that City Manager Taylor provide further investigation on the amount of space needed, and to then make the appropriate changes to the ordinance.

Mayor Vaughn moved to approve ordinance 2014-11, subject to the appropriate changes, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-B “Ordinance: Amend Summer Recreation Fees for Classes of Less Than Three Days Per Week” The Council was provided with a proposed ordinance to lower the fees for summer recreation classes that met less than three times per week. On the current summer recreation class list, there was one class that met two days per week instead of five days per week. To provide uniformity, the City Manager suggested amending the code to say that if any classes met less than three days per week, their prices would be at half price per session.

Councilman McLaughlin moved to approve ordinance 2014-12, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

9-C “Discussion: Swimming Pool Rates” The Council was provided with some information about surrounding community's pool fees and the City of Olney's pool fees per the Council's request from the prior meeting. The City Manager had no recommendations for changing the pool fees. Mr. Taylor did mention that the swimming pool was close to breaking even.

The swimming pool had opened for the year on May 24, 2014. While too late to change

fees for 2014, the City Manager had prepared the information in effort to become more prepared for next year. The Council had no questions.

9-D “Discussion: Swim Party Hours” The Council was provided with information regarding the City’s pool party profit margin and the lifeguard staffing requirements per statutes and per City requirements.

At the last meeting, there was a proposal to open up pool party availability on Friday evenings from 7:00 p.m. until 9:00 p.m. This would change Family Swim Night hours from 6:00 p.m. until 7:00 p.m. on Fridays.

For 2014, there are four Fridays that would not allow for pool party reservations due to conflicts with swim meets and other events. Keeping this in mind, City Manager Taylor still recommended opening up Friday availability.

Mayor Vaughn moved to approve the additional swim party availability on Friday evenings, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-E “Request: Discounted Swimming Pool Rate for KidZone” The Council was provided with a letter from KidZone Child Development Partners, LLC. requesting a discounted pool rate for the 2014 pool season. Councilwoman Thomas moved to approve the discounted rate of \$1.50 per child with a waived fee for teachers, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-F “Request: Discounted Swimming Pool Rate for Small Blessings Christian Child Development Center” The Council was provided with a letter from Small Blessings Christian Child Development Center requesting a discounted pool rate for the 2014 pool season.

Councilwoman Thomas moved to approve the discounted rate of \$1.50 per child with a waived fee for teachers, seconded by Councilman McLaughlin. A majority affirmative voice vote was received with Councilman Brown abstaining.

9-G “Resolution: Accept Quote for New 2015 Ford Police Interceptor AWD with Equipment and Waive Formal Bidding Procedures” The Council was provided with a proposed resolution to authorize the purchase of a new police interceptor including necessary equipment while waiving formal bidding procedures, along with a quote from Morrow Brothers Ford, Inc. of Greenfield, Illinois.

City Manager Taylor detailed that \$30,485.00 was quoted for the squad car. The Police Department had \$32,000 budgeted for the purchase of the new vehicle. Police Chief Paddock was present to answer any questions.

Mayor Vaughn wanted to know which car the new interceptor would replace. Chief Paddock replied that the new vehicle would replace car #44 which was a 2008 Crown Victoria. As of April 2, 2014, the Crown Victoria had about 128,000 miles. This particular vehicle was due to be replaced next. The vehicle could be taken out of service and sold, kept as a spare or transitioned into another department.

Councilman McLaughlin moved to approve 2014-R-27, seconded by Councilwoman Thomas. Councilmen McLaughlin, Brown, Councilwoman Thomas and Mayor Vaughn voted yes. There were no opposing votes. The motion carried.

9-H “Ordinance: Authorize Sale of Items of Personal Property-Park Department” The Council was provided with a proposed ordinance to sell three 2007 John Deere lawn mowers from the Park Department through GovDeals.com, along with a recommendation memo from Park Department Supervisor Frank Bradley.

The Council had recently approved the purchase of three new mowers for the Park Department. The items listed for potential sale in the Council packet would be replaced with the new Husqvarna mowers.

Mayor Vaughn moved to approve ordinance 2014-13, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-I “Discussion: Dirt Piles at Musgrove Park” Councilman McLaughlin wanted to put the dirt pile discussion on the agenda. The Councilman had recalled that in August of 2013, it had been mentioned that the dirt would soon be utilized. Looking at past minutes, the Councilman reread that he had stated that he had hoped the dirt piles would not still be at Musgrove Park when the summer of 2014 arrived. In November, the Council had made a motion to authorize the City Manager to take necessary steps to have the dirt piles removed. At the time of this Council meeting, the dirt piles were still at Musgrove Park. Councilman McLaughlin then stated it was one of his pet peeves to have projects started and not finished in a timely manner. He felt that the City should better maintain their properties.

City Manager Taylor replied that not many people would be interested in purchasing the dirt as it had a clay base. The dirt piles had been discussed to be used for a junior pro football field in the area south of the ball diamonds. Additional dirt could also be hauled to the firing range for use there. Councilman McLaughlin then asked if those two potential dirt related projects could be placed on the next meeting’s agenda to vote. City Manager Taylor said they could.

Mayor Vaughn suggested moving dirt only once. He would like to see an estimate for how much it would be to have the dirt put into a field. Once the football field job was complete, he would then like to get an estimate for the cost to have the remaining dirt moved to the firing

range.

9-J “Ordinance: Amend Cemetery Code Regarding Restrictions on Use” The Council was provided with a proposed ordinance that would amend the City code to allow for restrictions on use, along with two letters that City Clerk Sterchi had received from citizens. The topic was originally brought up at the May 12, 2014 meeting where Mayor Vaughn tabled the topic until the Council could hear opinions from the public regarding the issue.

Mayor Vaughn mentioned that he had driven to Haven Hill Cemetery for Memorial Day festivities, and had also driven to Maple Dale Cemetery to look at gravesite decorations. Researching online, the Mayor noticed that the City had approximately 8,000 lots, not all of which were yet occupied.

Based on his research, the Mayor understood the need for the City to have some level of restrictions in place. The proposed ordinance would allow for decorations on the headstones as well as shepherd’s hooks. The ordinance would prohibit construction of decorations such as fencing, glass or tin containers, wire, additional shrubbery and other items of that nature. The Mayor felt that the proposed restrictions were reasonable.

Phil Harbaugh spoke before the Council to state his opinions on the issue. Mr. Harbaugh gave his signature on one of the letters received by City Clerk Sterchi. While Mr. Harbough understood that a few of the gravesites did seem to get carried away with decorations, he suggested allowing any decorations to go out about six to eight inches from the headstones.

Over the Memorial Day weekend, Mr. Harbaugh had visited a cemetery north of Sumner where he saw maintenance performed with mowing and weedeating. Mr. Harbaugh spoke with some of the gentlemen doing the work, and they told him that in order to keep the cemeteries neat, they picked up all decorations, weedeated around them and then put the decorations back on the ground. Councilwoman Thomas asked Mr. Harbaugh what the size of the cemetery was. Mr. Harbaugh estimated the cemetery held anywhere from 3,000 to 4,000 headstones.

Ben Dicus then came before the Council. Mr. Dicus had read the proposed ordinance and was confused. He asked about the older stones that were not designed to hold adornments. Any decoration or memorial item would need to be placed on the ground. Mr. Dicus wondered how the families would be able to decorate those loved ones’ gravesites. Mayor Vaughn told Mr. Dicus that the Superintendent of Cemeteries may need to make contact with families of those with the older headstones to make them aware of the changes, should the ordinance be passed.

The Mayor went on to explain that past councils had been criticized when cemeteries were not maintained to the public’s standards. Mayor Vaughn believed that there needed to be some rules in place or else many more individuals would need to be hired to maintain the very adorned gravesites to the standards of the public.

Mayor Vaughn thanked those who spoke and appreciated their comments. Mayor Vaughn also noted that City Manager Taylor had done a very nice job with the ordinance in giving due consideration to those wanting to memorialize loved ones while at the same time balancing the needs of the cemeteries.

Councilman Brown wondered how widespread the decoration problem was. City Manager Taylor replied that he did not believe the main problem was very large and was more isolated. Councilman Brown then asked if there was a headstone area that was deemed to be overboard, what the current procedure would be to remediate the problem. Mr. Taylor replied that nothing was yet stated in writing to what could or could not be done for decoration in the cemeteries.

Councilman Brown then suggested that if the current problem was in fact a small problem, the cemeteries could deal with the issues on an individual basis instead of passing an ordinance listing two pages worth of rules. The City Manager felt that without specific limitations in writing, asking someone to take down decorations would be difficult to enforce. Councilman Brown felt he would hate to see the proposed ordinance passed if the problem was small. He felt that if it only took a little extra time to maintain, that it should just be lumped into regular maintenance of the cemeteries. He also felt that the ordinance was not very clear on drawing the line for what would be extreme.

Councilwoman Thomas felt that if all that needed mowed was the cemeteries, she would feel differently. However, the City mows multiple areas all over Olney, and she understood how taking longer could be an issue.

Mayor Vaughn moved to approve the proposed ordinance, seconded by Councilwoman Thomas. Mayor Vaughn and Councilwoman Thomas voted yes. Councilmen Brown and McLaughlin voted no. The motion did not carry.

9-K “Ordinance: Amend Fees for Installation of Culverts, Prices of Cemetery Lots and Times for Afternoon Grave Opening Fees” The Council was provided with a proposed ordinance to amend fees for installation of culverts, pricing of cemetery lots and times for afternoon grave opening fees. At the Council meeting on May 12, 2014, the changes were discussed and approved. The ordinance would solidify the changes in the City code.

Councilman McLaughlin moved to approve ordinance 2014-14, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

9-L “Ordinance: Increase Hotel Operators’ Occupation Tax to 5%” The Council was provided with a proposed ordinance to increase hotel operators’ occupation tax.

During prior budget and fee discussions, hotel/motel tax was one of the items discussed.

The current tax rate was at 4% and the maximum tax that could be imposed is 5%. The hotel/motel tax was used to fund tourism.

The City code allowed for an advisory committee for tourism that could include representatives from the hotel/motel industry. If the ordinance passed, Mayor Vaughn indicated that he would want to contact the hotel/motel owners to get their input on additional uses for the monies collected. No funds could be used to promote competition in the hotel/motel business.

Mayor Vaughn gave the example of the City's Christmas light display. Much of the light display was paid for out of general funds. Extra tourism money would be able to help pay for the display.

Mayor Vaughn moved to approve ordinance 2014-15, seconded by Councilman Brown. Mayor Vaughn, Councilmen McLaughlin, Brown and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

9-M "Ordinance: Amend Number of Liquor Licenses for Each Classification to Actual Licenses Issued" The Council was provided with a proposed ordinance to amend the number of liquor licenses available per class. City Manager Taylor explained that because of changes in the liquor code regarding Class V licenses and because of one establishment not renewing their Class A license, the number of licenses being used had changed. The changes proposed would reflect three Class A licenses and one Class V license. Mr. Taylor reminded that anyone would still be able to come before the Council to apply for and request a change in number of liquor licenses available.

Mayor Vaughn moved to approve ordinance 2014-16, seconded by Councilman McLaughlin. A majority affirmative voice vote was received.

9-N "Resolution: Allocation of Health Insurance Premiums for Non Bargaining Employees" The Council was provided with a resolution to change allocation for non bargaining employees. Since 2014-R-21 had been approved, the City had actually found that its true premiums for the different tiers had changed. While not a large change, the resolution listed the corrections based on premiums effective May 1, 2014.

Councilman McLaughlin moved to approve 2014-R-28, seconded by Mayor Vaughn. A majority affirmative voice vote was received.

Mayor Vaughn sent the meeting into a short recess at 7:56 p.m. The meeting reconvened at 8:04 p.m.

9-O "Discussion: Abandoned and/or Dilapidated Properties-City Ordinance and Enforcement Issues" The Council was provided with a summary of provisions found in the state

statutes. City Manager Taylor explained the procedures listed. The first procedure authorized corporate authorities such as the City Council to apply to the Circuit Board for an order authorizing action to be taken with respect to a building. The provision stated that 15 days notice would need to be sent to any owners or lien holders to the property. If the appropriate action was not taken within 15 days, the Code Enforcement Officer and/or attorney would then be authorized to make a complaint to the court. Defendants would then need to be served, and a hearing would need to be held to determine if what was pleaded had any basis. There would not be a right to a jury trial in that type of a case.

Another procedure would be a “fast track” procedure. The “fast track” would not require court approval, but would need to meet certain requirements. For example, the building would need to be open and vacant and would need to pose an immediate hazard. Code Enforcement would determine those requirements.

Notice would then need to be posted on the building. After 30 days had passed with the notice posted, three more steps would need to be taken. First, a Notice to Remediate would need to be sent by certified mail to any owners, beneficiaries or lien holders to the property notifying them of the City’s intent to demolish.

Secondly, a notice would need to be published in the Olney Daily Mail for three consecutive days. The Notice to Remediate would also need to be recorded in the Office of the Richland County Clerk.

If not demolished or repaired within the 30 days, the City would then have the power to demolish or repair the building. If the City chose to take action, the City would need to complete the project within 120 days of mailing the notices. The project would then become a lien against the property.

Mayor Vaughn questioned if the ordinance as written was as strong as the state would allow. City Manager Taylor confirmed. The Mayor then asked how many structures were demolished in Olney during the prior year. Mr. Taylor was unsure, but was certain that the City had needed to take a few properties to demolition.

Mr. Taylor reminded the Council that the City had made application to the Illinois Housing Authority in hopes to attain assistance for demolition cost. Typically, the City budgeted \$20,000 for demolition. Mr. Taylor was aware that around six million dollars in funding was available in Illinois, but that Cook County and other northern counties received the bulk of the funding. Mr. Taylor believed two or three counties in Southern Illinois received funds totaling around \$25,000 each. Olney was not successful in receiving any of the available funds.

Mayor Vaughn was curious what the procedure would be to handle a poorly maintained porches or roof tops. City Manager Taylor replied that Code Enforcement would handle those

situations with citations. Councilman McLaughlin was not sure if the citations were working well for the City.

Mayor Vaughn asked Mr. Taylor if enough personnel was in place to effectively take care of issues of property maintenance to the correct level. Mr. Taylor believed that between Mike Mitchell and the Police Department, there was enough personnel. Mr. Taylor did note that if in the future rental inspections became a part of the City's responsibility, more personnel may be needed.

The Mayor then asked Mr. Taylor his suggestions for accountability on chronic property violations, and how enforcement could be rated in those areas. Mr. Taylor was unsure of how to answer the Mayor's question without doing more research.

The Mayor and City Manager felt that updates could be provided to the Council on a more regular basis. A list of "in process" properties could, for example, be given on June 1 and then revisited on September 1 to see what progress was being made. The Mayor then gave examples of updates he would like to see such as properties where written citations were issued, where enforcement action was initiated and properties where legal proceedings were imminent. Councilman Brown also felt that the list would serve multiple purposes; specifically in giving a status update if someone called in a complaint on a property.

Les Harrison, 420 S. Mill Street, came before the Council to speak. Mr. Harrison resided near the old Cherry Street School. In Mr. Harrison's opinion, the school had been wide open and dangerous for too long, and he consistently witnessed children playing near the property. Mr. Harrison felt the building should have been removed years ago, and pleaded that the Council saw that action was taken on the building.

9-P "Ordinance: Amend Boat License Fees" The Council was presented with a proposed ordinance that would amend the annual boat license fees for the City of Olney for the 2015 year, along with a list of boating fees in other communities. City Manager Taylor summarized that the proposed ordinance would make a few changes, first of which would change the number of classifications available. The change would combine the non-powered watercraft and motorized boats of less than 25 horsepower. The fee for the combined classification would be \$20 for non-residents and \$15 for residents and/or property owners within the City of Olney. The other two classifications would not change pricing for residents or property owners of the City of Olney, but would increase by five dollars for non-residents.

City Manager Taylor described how difficulty could arise in determining if someone was or was not a resident. If a person came into City Hall to purchase their boat license, the employee would be able to verify residency by use of the utility billing program. If a person went to one of the City's authorized third party agents, he or she would need to pay the non-resident pricing, no matter of residency. Should a City of Olney resident pay the non-resident fee

at a third party vendor, he or she would be eligible to provide evidence to City Hall of their purchase and residency to receive their \$5 back as a reimbursement.

For the Council's information, City Manager Taylor reported that 1,356 annual boat licenses were sold in 2013 and only 202 of those licenses were issued to residents. The total breakdowns were as follows: 57 - Class A, 145 - Class B, 552 - Class C and 602 - Class D.

Mr. Taylor went on to indicate that the proposed changes could increase revenue by about \$5,000. Councilman McLaughlin felt that charging non-residents an additional \$5 was not an issue, especially since residents' tax dollars went to support the lakes and their improvements.

Mayor Vaughn asked why the City should charge any fee for boats that were non-powered. Mr. Taylor replied that even without a motor, the fee would be for use of the lake. In addition, a majority of surrounding communities did charge for non-powered boats.

Councilman Brown wondered if \$5 was a high enough increase. He suggested that the additional fee for non-residents should be \$10. Councilman McLaughlin noticed that at a \$10 increase, the fee would still put Olney at one of the lower non-resident fees compared to the surrounding communities.

The Council felt that the amendment to the annual fees was warranted, but wanted to make some changes to the proposed ordinance. The Council suggested to combine Classes A and B into one class for a fee of \$10 for residents and \$20 for non-residents. The current Class C fee would stay the same at \$35 for residents, but change to \$45 for non-residents. The current Class D would then be \$50 for residents and \$60 for non-residents.

Councilman McLaughlin moved to approve ordinance 2014-17 to reflect the changes that the Council had suggested, seconded by Councilman Brown. Mayor Vaughn, Councilmen McLaughlin, Brown and Councilwoman Thomas voted yes. There were no opposing votes. The motion carried.

AGENDA #10 "REPORTS FROM ELECTED AND APPOINTED OFFICIALS"

10-A "City Manager-Status Report" The Council was provided with a Status Report from City Manager Taylor. Mr. Taylor detailed that the groundbreaking for the E. Main Street Watermain Replacement project had commenced and the contractors were moving right along. The goal of the project was to prevent breaks in the main and to also increase the volume of water running through the area.

Mr. Taylor went on to indicate that vandalism had taken place over the prior weekend at the City Park, Musgrove Park, Borah Lake and the high school. The Police Department was following up on leads

Before moving on to Agenda #11, Mayor Vaughn took a moment to thank the veterans' organizations and the ERHS Band for their contributions at the Memorial Day ceremonies at Haven Hill Cemetery.

AGENDA #11 "CLOSED SESSION: SALE PRICE OF REAL PROPERTY, APPOINTMENT, EMPLOYMENT AND PERFORMANCE OF SPECIFIC EMPLOYEES, AND COLLECTIVE NEGOTIATING MATTERS" Councilman McLaughlin moved to adjourn to closed session to discuss the sale price of real property, appointment, employment and compensation of specific employees, and collective negotiating matters, seconded by Councilwoman Thomas. A majority affirmative voice vote was received.

Councilmen Brown, McLaughlin, Councilwoman Thomas, Mayor Vaughn, City Manager Taylor, City Treasurer Sanders and City Clerk Sterchi left the Council Chambers at 8:40 p.m.

AGENDA #12 "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 affirmative voice vote was received. Open session resumed at 10:12 p.m. No action was taken as a result of closed session.

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

The meeting of the City Council adjourned at 10:12 p.m.

Kelsie J. Sterchi
City Clerk