

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on March 6, 2012.

Mayor Gover presided and called the meeting to order at 6:31 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Bob Becker, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting February 21, 2012; payroll and bills for the last half of February, 2012; Special Ordinance 2012-1474, ratifying the employment agreement of Sean Junge as Assistant Fire Chief; Ordinance 2012-5346, amending Chapter 72§72.06 (B)(4) of the municipal code regarding penalties assessed for parking violations; Ordinance 2012-5347, correcting Ordinance No. 2011-5338, Section 114.22 of the municipal code due to a scrivener's error relating to the principal businesses within D-2 Liquor Licenses.

Bills and Payroll for the last half of February, 2012

	<u>General Fund</u>		
Payroll		\$	228,864.24
Bills		\$	<u>187,219.27</u>
	Total	\$	416,083.51
	<u>Hotel Tax Fund</u>		
Payroll		\$	2,023.99
Bills		\$	<u>15,480.97</u>
	Total	\$	17,504.96
	<u>Festival Management Fund</u>		
Bills		\$	<u>334.80</u>
	Total	\$	334.80
	<u>Midtown TIF Fund</u>		
Bills		\$	<u>47.94</u>
	Total	\$	47.94
	<u>Insurance & Tort Judgment</u>		
Bills		\$	<u>17,953.47</u>
	Total	\$	17,953.47
	<u>Capital Project Fund</u>		
Bills		\$	<u>62,039.00</u>
	Total	\$	62,039.00
	<u>Water Fund</u>		
Payroll		\$	26,093.20
Bills		\$	<u>23,290.15</u>
	Total	\$	49,383.35

Sewer Fund

Payroll		\$	35,016.79
Bills		\$	<u>23,911.29</u>
	Total	\$	58,928.08

Motor Fuel Tax Fund

Bills		\$	<u>9,675.16</u>
	Total	\$	9,675.16

Health Insurance Fund

Bills		\$	<u>135,857.50</u>
	Total	\$	135,857.50

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2012-1474**

**AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENT OF
SEAN JUNGE FOR A MANAGERIAL POSITION**

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The City Council hereby approves an Employment Agreement with Sean Junge for the position of Assistant Fire Chief, a copy of which is attached hereto and incorporated herein by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6th day of March 2012, by an omnibus vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of March, 2012.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 6, 2012.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2012-5346**

**AN ORDINANCE AMENDING PARKING REGULATIONS TO ADDRESS THE PENALTIES ASSESSED FOR
PARKING VIOLATIONS IN THE CITY OF MATTOON**

WHEREAS, the City of Mattoon provides and regulates parking with the city limits; and

WHEREAS, the City of Mattoon previously adopted penalties for parking violations; and

WHEREAS, the City of Mattoon codification needs updated to reflect the revised penalties within the parking regulation ordinance.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Chapter 72 § 72.01; 72.02; 72.03; 72.04; 72.05; 72.06; 72.07; 72.41; and 72.60 of the Mattoon Code of Ordinances are amended by repealing said Penalty and adopting in lieu thereof new Penalty shown below. If the Penalty listed below is in conflict with the same Penalty now contained in the Mattoon Code of Ordinances, the Penalty listed below shall have precedence.

Penalty, see §35.01 (B)(11)

Section 3. Chapter 72 §72.06 (B)(4) shall be amended as follows:

(4) The penalties as provided in § 35.01 (B)(11) shall be assessed for any violation of this section and the costs of towing and storage of any vehicle towed and stored pursuant to this division shall be assessed upon plea or conviction in addition to any fine or costs of prosecution.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council. The City Clerk is hereby directed to publish this Ordinance in pamphlet form.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6th day of March, 2012, by an omnibus vote, as follows:

AYES (Names):	<u>Commissioner Becker, Commissioner Ervin,</u> <u>Commissioner Hall, Commissioner Rankin</u> <u>Mayor Gover</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 6th day of March, 2012.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 6, 2012.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2012-5347**

**AN ORDINANCE CORRECTING CHAPTER 114 OF THE MUNICIPAL
CODE REGARDING D-2 LIQUOR LICENSES**

WHEREAS, on December 6, 2011 the City Council adopted a series of ordinances regarding changes in the liquor code; and,

WHEREAS, within the series, Ordinance 2011-5338 entitled "An Ordinance Amending Chapter 114 of the municipal code regarding liquor control" contained a scrivener's error in Section 114.22 Classifications of Licenses and Fees (D)(2) by not transferring the language of "The principal business of the licensee shall be a retail sale of groceries and/or convenience store items."

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Liquor Control. Sections §114.22 (D)(2) of Chapter 114 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

(D)

2) Class D-2 licenses shall authorize the retail sale of beer and wine, only, upon the licensed premises in original packaged forms, but not, for consumption on the premises where sold. The principal business of the licensee shall be a retail sale of groceries and/or convenience store items. Not more than nineteen (19) such licenses shall be issued and outstanding.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication in pamphlet form and approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6th day of March, 2012, by an omnibus vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover
NAYS (Names): None
ABSENT (Names): None

Approved this 6th day of March, 2012.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 6, 2012.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Public comments/presentations and non-agenda items:

Mr. John Kirkendoll requested a street to be named "Finnegan Way" memorializing his family's public service. Mayor Gover noted there were currently no unnamed streets, but there may be an opportunity when the City expands; and thanked him for his suggestion and attending the meeting.

Presentation: Doug McDermand & Kelly Lockhart - CCRP-DC

Mr. Doug McDermand, Executive Director of Coles County Regional Planning & Development Commission, announced his retirement at the end of March and revisited CCRP-DC's 20-year partnership with the City while highlighting several achievements; and thanked the City for his opportunity to work with the City. Mayor Gover thanked Mr. McDermand and wished him well in his retirement.

Mayor Gover opened the floor for public comments with no responders.

NEW BUSINESS:

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2012-1297, awarding the Fire Training Center bid in the amount of \$179,997.00 to American Fire Training Systems, Inc.; requesting an additional \$6,000 for other expenses; and authorizing the Mayor to sign the contract.

Mayor Gover opened the floor for discussion. Council with input from Chief Nichols discussed the sole vendor, hosting of cornerstone classes, professionally-trained staff and maintaining of standards, MABAS training, and majority of funding from the sale of the old fire training building.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded Commissioner Ervin moved to approve Council Decision Request 2012-1298, approving a \$15,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon Pride Softball for hosting four tournaments: ASA Season Opener April 14-15; NJCAA Region 24 Tourney for May 3-6; Mattoon NSA World Series Qualifier June 8-10; and Mattoon Bagelfest Tournament July 20-22; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Becker moved to approve Council Decision Request 2012-1299, approving a \$5,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Percy's ATA Martial Arts for hosting the ATA Regional Taekwondo Tournament to be held on April 28, 2012; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall , YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2012-1300, approving a \$5,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Lake Land College Softball for hosting the Laker Classic Softball Tournament to be held July 6 -8, 2012; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Becker moved to approve Council Decision Request 2012-1301, approving a \$2,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Coles County Historical Society for hosting "Baseball Across the Three Centuries in Coles County" to be held May 12 – August, 2012; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Rankin moved to adopt Special Ordinance 2012-1475, approving the replat of Coles Centre Subdivision.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2012-1475

AN ORDINANCE APPROVING THE REPLAT OF
COLES CENTRE SUBDIVISION

WHEREAS, Coles Centre L.L.C. as owner and Agracel Inc. as acting managing partner of the following described property:

A part of Section 16, Township 12 North, Range 8 East, of the Third Principal Meridian, Coles County, Illinois, being more particularly described as follows:

BEGINNING at the Southeast Corner of Lot 1 of Coles Centre Subdivision First Addition, reference made to Book 5, Page 231, in the Coles County Recorder's Office, being an iron pin; Thence, S 00° 00' 24" W, along the West Right-of-Way line of Lerna Road, to the South line of said Section 16, a distance of 1234.86 feet, to an iron pin; Thence, S 88° 39' 33" W, along the South line of said Section 16, a distance of 1855.50 feet, to an iron pin; Thence, N 00° 17' 37" E, to the South line, of the North Half, of the Southwest Quarter of said Section 16, a distance of 1336.49 feet, to an iron pin; Thence, S 88° 45' 56" W, along the South line, of the North Half, of the Southwest Quarter of said Section 16, to the East Right-of-Way line of F.A.I. Route 04, a distance of 1720.98 feet, to an iron pin; Thence, N 04° 55' 25" E, along the East Right-of-Way line of F.A.I. Route 04, a distance of 234.86 feet, to an iron pin; Thence, N 17° 41' 38" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 317.84 feet, to an iron pin; Thence, N 48° 25' 01" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 404.60 feet, to an iron pin; Thence, N 23° 47' 19" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 352.33 feet, to an iron pin; Thence, N 73° 32' 46" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 286.40 feet, to an

iron pin; Thence, N 86° 54' 14" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 500.62 feet, to an iron pin; Thence, N 86° 19' 58" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 250.45 feet, to an iron pin; Thence, N 89° 45' 57" E, along the South Right-of-Way line of F.A.I. Route 17, to the West Right-of-Way line of Lerna Road, a distance of 1923.02 feet, to an iron pin; Thence, S 31° 40' 02" E, along the West Right-of-Way line of Lerna Road, a distance of 114.27 feet, to an iron pin; Thence, S 00° 00' 24" W, to the Northeast Corner of Lot 1, Coles Center Subdivision, First Addition, reference made to Book 5, Page 231, in the Coles County Recorder's Office, a distance of 1020.58 feet to an iron pin; Thence, N 44° 59' 36" W, along the North line of said Lot 1, a distance of 56.57 feet, to an iron pin; Thence, N 89° 59' 36" W, along the North line of said Lot 1, a distance of 245.00 feet, to an iron pin; Thence, S 45° 23' 44" W, along the North line of said Lot 1, a distance of 35.59 feet, to an iron pin; Thence, N 87° 27' 07" W, along said Right-of-Way line of Coles Centre Parkway, a distance of 60.00 feet, to an iron pin; Thence, along said Right-of-Way line of Coles Centre Parkway, being a curve to the Right having a radius of 285.00 feet, an arc length of 156.91 feet, a chord direction of S 18° 19' 12" W, a chord length of 154.93 feet, to an iron pin; Thence, S 55° 54' 29" E, along said Right-of-Way line of Coles Centre Parkway, to the Southwest Corner of said Lot 1, a distance of 60.00 feet, to an iron pin; Thence, S 89° 59' 36" E, along the South line of said Lot 1, a distance of 369.27 feet, to the POINT OF BEGINNING, and containing 146.70 acres, more or less.

has caused said premises to be surveyed and a replat submitted to the City Council for approval in accordance with the Statute of the State of Illinois in such made and provided; and

WHEREAS, said replat of the subdivision known as Coles Centre Subdivision, City of Mattoon, Coles County, Illinois has been submitted to the City Council of the City of Mattoon for approval in the manner as by law required, which said replat is attached hereto as Exhibit "A" and made a part hereof by reference thereto; and

WHEREAS, it appears from an examination of said replat that the same is in due form as required by law and complies with all rules, regulations, and requirements relative to subdivisions and zoning in the City of Mattoon, Illinois, and that by said plat should be approved; and

WHEREAS, the Planning Commission of the City of Mattoon, Coles County, Illinois, has recommended that said replat be approved with the condition any division of land within the Coles Centre Subdivision shall be platted and brought before the Planning Commission and the Council of the City of Mattoon.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority, that the replat, of **Coles Centre Subdivision**, to the City of Mattoon, Coles County, Illinois, be hereby approved with the condition any division of land within the Coles Centre Subdivision shall be platted and brought before the Planning Commission and the Council of the City of Mattoon, and that a certificate of such approval be endorsed upon said plat signed by the Mayor and the City Clerk in the manner as provided by law.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Gover, seconded by Commissioner Rankin, adopted this 6th day of March, 2012, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of March, 2012.

/s/ Timothy D. Gover

Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 6, 2012.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR – updated the Council on the budget status, meeting with the new director of the Historical Society, upcoming TIF committee meeting to address Library change orders and Hunan's renovations, and opened the floor for questions with no responders.

ATTORNEY & TREASURER – noted work on the budget and end-of-year planning. Mayor Gover opened the floor for questions with no responders.

CITY CLERK – noted business as usual with work on budgets, insurance, HR issues and Primary Early Voting. Mayor Gover inquired as to the status of the voting with Clerk O'Brien stating 39 voters to date. Mayor Gover opened the floor for further questions with no responders.

PUBLIC WORKS – Administrator McLaughlin stated Director Barber was working on spring work bids, cost-reductions for the South Side Detention, and budgets.

COMMUNITY DEVELOPMENT – noted work on the remodeling plans for the Depot, nuisances, inspections and commercial contractors/architects inquiries. Mayor Gover opened the floor for questions with no responders.

FIRE – noted weekly training, vehicle machinery ops, attendance at LLC Career Day and IESA wrestling regional stand-by, walkthroughs, his attendance at MABAS conference, and budgets. Mayor Gover opened the floor for questions with no responders.

POLICE – noted work on the budget and year end report. Mayor Gover opened the floor for questions with no responders.

COMMENTS BY THE COUNCIL

Commissioners Becker, Ervin, and Hall had no further comments. Commissioner Rankin wished Mr. McDermand the best.

Mayor Gover seconded by Commissioner Rankin moved to recess to closed session at 6:59 p.m. pursuant to the Illinois Open Meetings Act for the purchase or lease of real property (5 ILCS 120(2)(c)(5)).

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Council reconvened at 7:24 p.m.

Commissioner Hall seconded by Commissioner Rankin moved to adjourned at 7:24 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

/s/ Susan J. O'Brien
City Clerk