

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on April 15, 2014.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: Absent Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, Absent Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan J. O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting April 1, 2014; bills and payroll for the first half of April, 2014.

Bills and Payroll for the first half of April, 2014

	<u>General Fund</u>		
Payroll	\$	239,912.31	
Bills	\$	<u>57,744.32</u>	
	Total	\$	297,656.63
	<u>Hotel Tax Administration</u>		
Payroll	\$	2,585.24	
Bills	\$	<u>2,763.56</u>	
	Total	\$	5,348.80
	<u>Insurance & Tort Judgment</u>		
Bills	\$	<u>51,418.15</u>	
	Total	\$	51,418.15
	<u>Capital Project Fund</u>		
Bills	\$	<u>4,050.58</u>	
	Total	\$	4,050.58
	<u>Broadway E Bus Dist</u>		
Bills	\$	<u>2,142.57</u>	
	Total	\$	2,142.57
	<u>Water Fund</u>		
Payroll	\$	35,992.54	
Bills	\$	<u>23,282.68</u>	
	Total	\$	59,275.22

	<u>Sewer Fund</u>		
Payroll	\$		34,003.94
Bills	\$		<u>30,316.72</u>
	Total	\$	64,320.66
	<u>Heath Insurance Fund</u>		
Bills	\$		<u>91,569.98</u>
	Total	\$	91,569.98
	<u>Motor Fuel</u>		
Bills	\$		<u>40,193.67</u>
	Total	\$	40,193.67

Mayor Gover opened the floor for discussion or comments which was followed with no response.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover opened the floor for Public comments. There were no Public comments.

Public Hearing: Bond Issue Notification Act Hearing (BINA)

Mayor Gover opened the Public hearing on Bond Issue Notification Act Hearing (BINA) in the City of Mattoon City Hall Council Chambers on April 15, 2014 at 6:32 p.m. City Finance Director and Treasurer Beth Wright conducted the hearing. Director & Treasurer Wright reviewed the bonds which were considered in refinancing debt with a lower interest rate. The Balances of Water Refunding Bonds of \$3,500,000 and the Sewer Refunding Bonds of \$6,000,000 were to be refinanced. Review of the IEPA loans were not cost effective to refinance. With \$4.75 million to be refinanced at an estimated two percent, a savings of \$165,000 would be realized over the length of the bonds. Council will be considering the refinancing on May 20, 2014 with a June 10th closing date. Commissioner Hall inquired as to one rate. Director & Treasurer Wright stated one rate/series for the general, water, and sewer bonds. With no further questions from the floor Mayor Gover closed the Public Hearing at 6:35 p.m.

NEW BUSINESS

Commissioner Hall seconded Commissioner Graven moved to approve Council Decision Request 2014-1505, approving amendments to the budget for the fiscal year ending April 30, 2014.

Mayor Gover opened the floor for comments or discussion which was followed with no response.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance No. 2014-5367, prohibiting drugs, drug paraphernalia, and synthetic alternative drugs in the City of Mattoon, Illinois and assessing penalties for violations.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2014-5367**

**AN ORDINANCE PROHIBITING DRUGS, DRUG PARAPHERNALIA, AND SYNTHETIC
ALTERNATIVE DRUGS IN THE CITY OF MATTOON, ILLINOIS AND ASSESSING
PENALTIES FOR VIOLATIONS**

WHEREAS, the City of Mattoon desires to update the Code of Ordinances to prohibit the use of synthetic alternative drugs.

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. Section 133.11 of Chapter 133 of the Mattoon Code of Ordinances is hereby repealed. Section 133.11 of Chapter 133 is reenacted and incorporated as follows:

§133:11 Drugs, Drug Paraphernalia, and Synthetic Alternative Drugs

Section 133.11 (1): DEFINITIONS:

All defined terms used in this Chapter 133 which are not expressly defined herein shall have the meaning ascribed to such term in the Illinois Controlled Substances Act or the Illinois Cannabis Control Act. As used in this chapter, unless the context otherwise requires:

CANNABIS: Shall have the meaning ascribed to it in Section 3 of the Illinois Cannabis Control Act, as if that definition were incorporated herein.

CONTROLLED SUBSTANCES: Shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act, as if that definition were incorporated herein.

DELIVER OR DELIVERY: The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

DRUG PARAPHERNALIA:

A. All equipment, products and materials of any kind which are used, intended for use or assigned for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, cannabis or a controlled substance in violation of the Illinois Cannabis Control Act or the Illinois Controlled Substances Act. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or controlled substances.

2. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is cannabis or a controlled substance.
3. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances.
4. Scales and balances used, intended for use or designed for use in weighing or measuring cannabis or controlled substances.
5. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting cannabis or controlled substances.
6. Separation gins and sifters used, intended for use or designed in removing twigs and seeds from, or in otherwise cleaning or refining cannabis.
7. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding cannabis or controlled substances.
8. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of cannabis or controlled substances.
9. Containers and other objects used, intended for use or designed for use in storing or concealing cannabis or controlled substances.
10. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting cannabis or controlled substances into the human body.
11. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.

- h. Carburetor pipes.
- i. Electric pipes.
- j. Air driven pipes.
- k. Chillums.
- l. Bongs.
- m. Ice pipes or chillers.

B. In determining whether an object is “drug paraphernalia”, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance.
3. The proximity of the object in time and space to direct violation of this chapter.
4. The proximity of the object to cannabis or controlled substance.
5. The existence of any residue of cannabis or controlled substances of the object.
6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of the Illinois Cannabis Control Act or the Illinois Controlled Substances Act. The innocence of an owner or of anyone in control of the object as to a direct violation of the Illinois Cannabis Control Act or the Illinois Controlled Substances Act shall not prevent a finding that the object is intended for use or assigned for use as “drug paraphernalia”.
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning its use.

MANUFACTURER: The production, preparation, propagation, compounding, conversion or processing of cannabis or controlled substances, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of cannabis or controlled substances or labeling of its container; except, that “manufacturer” does not include the preparation, compounding, packaging or labeling of cannabis or controlled substances as an incident to lawful research, teaching or chemical analysis and not for sale.

PRODUCT CONTAINING A SYNTHETIC ALTERNATIVE DRUG: Any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein, or a drug that is misbranded or falsely advertised as a product containing a synthetic alternative drug.

PERSON: Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

PRODUCE OR PRODUCTION: Planting, cultivating, tending or harvesting.

STATE: Includes the state of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

SYNTHETIC CANNABINOID: Any compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist.

SYNTHETIC PSYCHEDELIC / HALLUCINOGEN: Any compound that functions similar to the active ingredient of any substance listed on Schedule I(d) and Schedule III(g) of the Illinois Controlled Substances Act, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their “controlled substance analog” (including salts, isomers, esters, ethers and salts of isomers) which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain.

SYNTHETIC STIMULANT: Any compound that functions similar to the active ingredient of any substance listed on Schedule I(f), Schedule II(d) and Schedule III(b) of the Illinois Controlled Substances Act (such as cathinone, methcathinone, MDMA and MDEA), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their “controlled substance analog” (including salts, isomers, and salts of isomers) which have a stimulant effect on the central nervous system.

Section 133.11 (2): UNLAWFUL USE OR POSSESSION OF DRUG PARAPHERNALIA:

It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, cannabis or a controlled substance in violation of the Illinois Cannabis Control Act or the Illinois Controlled Substances Act.

Section 133.11 (3): POSSESSION OF NOT MORE THAN 2.5 GRAMS OF CANNABIS:

It is unlawful for any person to knowingly possess not more than 2.5 grams of any substance containing cannabis. Any person who violates this section shall be fined in an amount not to be less than two hundred fifty dollars (\$250.00).

Section 133.11 (4): DELIVERY OR INTENT TO DELIVER DRUG PARAPHERNALIA:

A. Prohibited Generally: It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, inject, inhale or otherwise introduce into the human body, cannabis or a controlled substance in violation of the cannabis control act or the Illinois controlled substances act.

B. Minors: Any person who is at least eighteen (18) years of age who violates subsection A of this section by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior may be sentenced to imprisonment for a term up to twice the maximum otherwise authorized by subsection A of this section.

Section 133.11 (5): ADVERTISING DRUG PARAPHERNALIA:

It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Section 133.11 (6): SALE OR DELIVERY OF A SYNTHETIC ALTERNATIVE DRUG:

It is unlawful for any person to sell, offer for sale, publicly display for sale or attempt to sell, give, deliver, or barter any product containing a synthetic alternative drug.

Section 133.11 (7): POSSESSION OF A SYNTHETIC ALTERNATIVE DRUG:

It is unlawful for any person to knowingly possess or deliver a product containing a synthetic alternative drug with the intent of using the product for ingestion, consumption, inhaling, or intravenous use. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product to drug paraphernalia; the presence of the product on or within drug

paraphernalia; the proximity of the product to a different controlled substance; and whether or not the individual in possession of the product is exhibiting physical effects commonly associated with being under the influence of a controlled substance.

Section 133.11 (8): USE OF A SYNTHETIC ALTERNATIVE DRUG

It is unlawful for any person to be under the influence of a product containing a synthetic alternative drug.

Section 133.11 (9): MANUFACTURE

It shall be unlawful for any person to manufacture, or assemble the ingredients with the intent to manufacture, a product containing a synthetic alternative drug. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product or ingredients to drug paraphernalia; the presence of the product or ingredients on or within drug paraphernalia; the proximity of the product or ingredients to a different controlled substance.

Section 133.11 (10): PENALTIES:

A. Any person found to be in violation of Section 6 or Section 9 shall be subject to fine of not less than seven hundred fifty dollars (\$750.00) for each violation thereof.

B. Any person found to be in violation of Section 7, or Section 8 shall be subject to fine of not less than five hundred dollars (\$500.00) and not more than seven hundred fifty dollars (\$750.00) for each violation thereof.

C. Any person found to be in violation of Section 6, 7, and 9 shall be subject to a fine as permitted about plus restitution. Restitution shall be the cost of testing the substance and associated testing expenses of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each violation thereof.

D. Each violation of this ordinance, or every day a violation continues to exist, shall constitute a new and separate violation.

Section 3. All prior ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon the day of its adoption and approval by the City Council. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 15th day of April, 2014, by a roll call vote, as follows:

AYES (Names): Commissioner Graven, Commissioner Hall,

NAYS (Names): Mayor Gover
None
ABSENT (Names): Commissioner Cox, Commissioner Owen

Approved this 15th day of April, 2014.

/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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on April 15, 2014.

Mayor Gover opened the floor for comments or discussion. Commissioner Hall inquired if the ordinance was modeled after another community. Chief Branson stated the ordinance mirrors Coles County and City of Charleston.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Graven moved to adopt Special Ordinance No. 2014-1551, adopting the budget for the fiscal year that begins May 1, 2014 and ends April 30, 2015.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2014-1551**

**AN ORDINANCE ADOPTING THE BUDGET FOR THE FISCAL
YEAR THAT BEGINS MAY 1, 2014 AND ENDS APRIL 30, 2015
FOR THE CITY OF MATTOON**

WHEREAS, Sections § 35.50 through § 35.59 of the Mattoon Code of Ordinances approved by the City Council on February 19, 2002 adopted enabling state statutes for an annual budget in lieu of an appropriation ordinance; and

WHEREAS, the proposed budget was filed with the City Clerk and available for public inspection on March 21, 2014; and

WHEREAS, notice of a public hearing to consider review comments on the proposed budget was published in the *Mattoon Journal Gazette*; and

WHEREAS, a public hearing was held on April 1, 2014 at which hearing any taxpayer was given an opportunity to appear and be heard in favor of or against any of the proposed revenues and expenditures assumed in the tentative budget; and

WHEREAS, after the public hearing the City Council adopted changes to the tentative budget as outlined in the final budget which is attached to this ordinance and marked as “Final Budget – April 15, 2014”; and,

WHEREAS, the process and procedures for the annual budget have been completed in accordance with provisions of Illinois Statutes 65 ILCS 5/8-2-9.1 through 65 ILCS 5/8-2-9.10 and Ordinance 2002-5101.

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

Section 1. Estimates of revenues and expenditures shown in the attached budget, as amended, are hereby adopted as the budget for the City of Mattoon’s for the fiscal year that begins May 1, 2014 and ends April 30, 2015.

Section 2. The budget as it has been adopted is attached and incorporated herein by reference.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner Graven, adopted this 15th day of April, 2014.

AYES (Names): Commissioner Graven, Commissioner Hall,
Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Cox, Commissioner Owen

Approved this 15th day of April, 2014.

/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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on April 15, 2014.

Mayor Gover opened the floor for comments or discussion which was followed with no response.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to adopt Special Ordinance No. 2014-1552, granting a special use for the operation of a Community Church located at 5475 South Lerna Road. Gary Gilbert – Petitioner

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2014-1552**

AN ORDINANCE GRANTING A SPECIAL USE FOR OPERATION OF A COMMUNITY CHURCH AT 5475 SOUTH LERNA ROAD

WHEREAS, there has been filed a written Petition by Gary Gilbert requesting a special use permit, respecting the property legally described as:

A part of the Northwest Quartet (NW ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Eight (28), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian

WHEREAS, said site is zoned RS, Rural Suburban District which does allow the operation of a church with the granting of a special use permit; and

WHEREAS, the property is well suited for the operation of a church; and

WHEREAS, the Planning Commission held a public hearing for the City of Mattoon, Coles County, Illinois, and has recommended that the requested special use permit be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve a special use permit to allow the operation of a community church at 5475 South Lerna Road.

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 provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a special use permit allowing for lawful right to operate a church known as the Family Worship Center thereat.

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 record 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 Graven, adopted this 15th day of April, 2014, by a roll call vote, as follows:

AYES (Names): Commissioner Graven, Commissioner Hall,
Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Cox, Commissioner Owen

Approved this 15th day of April, 2014.

/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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on April 15, 2014.

Mayor Gover opened the floor for comments or discussion. Administrator Gill stated the Planning Commission discussed everything including drainage access and had no objections to the special use. Mayor Gover asked if the property was within the mile and one half with Administrator Gill responding affirmatively.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No. 2014-1553, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and the COCOA, L.L.C. reimbursing up to \$33,594.00 from Mid-town TIF Revenues for property located at 2021 Western Avenue for the sole purpose of front and rear façade improvements to the existing building.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2014-1553**

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND COCOA, L.L.C. IN CONNECTION WITH THE MATTOON MID-TOWN REDEVELOPMENT PROJECT AREA

WHEREAS, COCOA, L.L.C. (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Mid-town Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, referred to as the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

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

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

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 15th day of April, 2014, by a roll call vote, as follows:

AYES (Names): Commissioner Graven, Commissioner Hall,
Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Cox, Commissioner Owen

Approved this 15th day of April, 2014.

/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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on April 15, 2014.

Mayor Gover opened the floor for comments/questions/discussion. Council with input from Administrator Gill discussed the location and remodeling of Villa Pizza.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No. 2014-1554, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and E. David & Janet Walker Young and Jan & Terry Kroening and J & T Enterprises of Mattoon, Inc. reimbursing up to \$35,427 from Mid-town TIF Revenues for the sole purpose of roof repairs; flashing at parapet walls and roof penetration, seal roof flashing, and the tear off and replacement of roofing to the existing buildings located at 1624, 1626 and 1630 Broadway Avenue.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2014-1554**

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND E. DAVID YOUNG AND JANET WALKER YOUNG, JAN AND TERRY KROENING, AND J & T ENTERPRISES OF MATTOON, INC. IN CONNECTION WITH THE MATTOON MID-TOWN REDEVELOPMENT PROJECT AREA

WHEREAS, E. DAVID YOUNG and JANET WALKER YOUNG, JAN and TERRY KROENING, AND J & T ENTERPRISES OF MATTOON, INC. (the "**Grantees**"), have submitted a proposal to the City of Mattoon, Illinois (the "**Municipality**") for redevelopment of a part of the Municipality's Mattoon Mid-town Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantees have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, referred to as the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

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

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantees, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

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 15th day of April, 2014, by a roll call vote, as follows:

AYES (Names): Commissioner Graven, Commissioner Hall,
Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Cox, Commissioner Owen

Approved this 15th day of May, 2014.

/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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on April 15, 2014.

Mayor Gover opened the floor for comments or questions. Commissioner Hall inquired as to the location with Administrator Gill explained the properties effected.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to adopt Resolution No. 2014-2911, prescribing contributions required of Employees and Retirees who elect to participate in the group health and life insurance plan of the municipality.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2014-2911

**A RESOLUTION ESTABLISHING CONTRIBUTIONS REQUIRED OF EMPLOYEES AND
RETIREES WHO ELECT TO PARTICIPATE IN THE CITY OF MATTOON'S GROUP
HEALTH, DENTAL AND LIFE INSURANCE PLANS**

WHEREAS, the City of Mattoon is subject to three collective bargaining agreements which prescribe that employees shall pay 15% of the cost of the health insurance plan by payroll deduction beginning with

the first paycheck of May after the cost for the preceding calendar year are disclosed by the Employer's health insurance administrator; and

WHEREAS, actual costs for stop loss insurance, fees, medical, prescription and dental claim expenditures for calendar year 2013 were \$488.45 per month for single coverage and \$1,503.92 per month for family coverage, as reported by Coventry of Illinois and Delta Dental of Illinois, the Employer's health and dental insurance plan administrators; and

WHEREAS, State statutes do not presently require a municipality to pay any portion of the cost of post employment benefits for retired employees; and

WHEREAS, the City began to require retired employees, whose pensions are more than \$1,625 per month, to contribute a higher share of the cost of the health insurance plan by Resolution 2004-2548 adopted April 6, 2004; and

WHEREAS, group life insurance will be provided by Assurant Employee Benefits for a two-year term effective May 1, 2014; and

WHEREAS, the time is now appropriate to prescribe contributions required of employees and retirees for the health and life insurance plans for the 2014/2015 fiscal year.

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

Section 1. The following tables prescribe contributions required of eligible employees and retirees who elect to participate in the City of Mattoon's group health insurance plan.

Eligible Employees and Retirees Whose Pensions Are Less Than \$1,625 Per Month

	Total Monthly Cost	Employer Share 85%	Employee Share 15%
Single Coverage	\$488.45	\$ 415.19	\$ 73.26
Family Coverage	\$1,503.92	\$1,278.32	\$ 225.60

Eligible Retirees Whose Pensions Are More Than \$1,625 Per Month

	Total Monthly Cost	Employer Share 67.50%	Retiree Share 32.50%
Single Coverage	\$ 488.45	\$ 329.70	\$ 158.75
Family Coverage	\$ 1,503.92	\$1,015.15	\$ 488.77

Section 2. Retirees, who are currently enrolled, may participate in the City of Mattoon’s group term life insurance plan by monthly withholdings from pensions, whether paid by the Illinois Municipal Retirement Fund, the Firefighters Pension Fund or the Police Pension Fund. The retiree contribution for life insurance shall be \$14.58 per month for retirees under 70. For retirees age 70 or over, the retiree contribution for life insurance shall be \$7.29 per month.

Section 3. Employee and retiree contributions adopted by this resolution shall become effective May 1, 2014.

Section 4. All contributions for payment of health and life insurance shall be deducted directly on a monthly basis from the pension benefits received by the retiree. The only exception to the direct deduction rule shall be when the IMRF rules and regulations do not allow for said direct deduction.

Upon motion by Mayor Gover, seconded by Commissioner Graven, adopted this 15th day of April, 2014, by a roll call vote, as follows:

AYES (Names): Commissioner Graven, Commissioner Hall,
Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Cox, Commissioner Owen

Approved this 15th day of April, 2014.

/s/ Tim Gover
Tim 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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality’s Records on April 15, 2014.

Mayor Gover opened the floor for questions or comments. Council with Administrator Gill discussed the retirees’ subsidized percentages and pension level.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to adopt Resolution No. 2014-2912, approving the update to the grant application and approval process of the Midtown TIF Policy.

A RESOLUTION APPROVING A POLICY FOR THE GRANT APPLICATION AND APPROVAL PROCESS IN THE MIDTOWN TIF DISTRICT

WHEREAS, the City of Mattoon established a Tax Increment Financing District known as the Mid-Town TIF District in December of 2003; and

WHEREAS, the City of Mattoon subsequently adopted a “Policy and Criteria for Midtown TIF Incentive Grants and Loans” in April of 2005, and

WHEREAS, the City of Mattoon wishes to modify the existing policy as detailed in the attached “Policy for the Grant Application and Approval Process in the Midtown TIF District”; and

WHEREAS, said “Policy for the Grant Application and Approval Process in the Midtown TIF District” was approved by the TIF Incentive Review Committee on March 28, 2014.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that the attached Policy for the Grant Application and Approval Process in the Midtown TIF District be approved.

Upon motion by Mayor Gover, seconded by Commissioner Graven, adopted this 15th day of April, 2014, by a roll call vote, as follows:

AYES (Names): Commissioner Graven, Commissioner Hall,
Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Cox, Commissioner Owen
ABSTAIN (Names): None

Approved this 15th day of April, 2014.

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

ATTEST:

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

/s/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on April 15, 2014.

Mayor Gover opened the floor for comments or discussion. Commissioner Hall inquired as to the changes and boundary lines with Director Barber noted a more reactive application process with guidelines for the Review Committee, capital improvement plan, and no boundary changes.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Hall moved to approve Council Decision Request 2014-1506, approving the Preliminary Engineering Services Agreement from Upchurch Group in the amount of \$87,151.54 for the IL Route16/Detro Drive Intersection Design Study.

Mayor Gover opened the floor for comments or discussion. Commissioner Hall and Director Barber discussed the sidewalk improvements and crossing at Detro Drive.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Hall moved to approve Council Decision Request 2014-1507, awarding the 2014 Water Treatment Plant chemical bids to:

ChemTrade for Alum in the amount of \$.2250/pound;
Thatcher Co of Montana for Ammonium Sulfate in the amount of \$.3425/pound;
Poet for Carbon Dioxide in the amount of \$.05/pound;
Polydyne for Cationic Polymer in the amount of \$.44/pound;
Brenntag for Chlorine in the amount of \$.1840/pound;
Hawkins & Brenntag for Fluoride in the amount of \$.37/pound;
Carus for Permanganate in the amount of \$.89/pound;
Carus for Phosphate Blend in the amount of \$.48/pound; and
Thatcher Co of Montana for Powder Activated Carbon in the amount of \$.5790/pound.

Mayor Gover opened the floor for questions or comments with no response.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT noted negotiations with Fire union, TIF grants, written TIF policy with Director Barber, answering developers' questions, downtown inquiries, and ordinances as progressive work since last meeting. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY noted a short upcoming court list with Chief Branson noting an increase now that the weather has warmed. Commissioner Hall inquired as to the two hotels' delinquent taxes. Attorney Winter-Black and Administrator Gill were to coordinate the process this week.

CITY CLERK noted an increase in hunting and fishing licenses, boat registrations, gaming permit renewals, and insurance adjustments. Mayor Gover opened the floor for questions with no response.

FINANCE distributed and reviewed the Financial Report for March; and noted work on the budgets and bond refunding. Mayor Gover opened the floor for question with response.

PUBLIC WORKS updated Council on various Public Works projects. Commissioner Hall and Director Barber discussed EIU volunteers and the cleanup work to be performed on the east side commercial areas. Mayor Gover opened the floor for further questions with no response.

FIRE reported on Fire union negotiations with Administrator Gill and upcoming attendance of Firefighter Kircher's institute graduation. Mayor Gover opened the floor for questions with no response.

POLICE had nothing to report.

COMMENTS BY THE COUNCIL

Commissioner Graven described her client's positive reaction to the new Civil War ellipse. Commissioner Hall had no comments.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:05 p.m. pursuant to the Illinois Open Meetings Act for the purpose of discussing Collective negotiating matters between the City of Mattoon and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees (5ILCS/20 (2)(C)(2)); the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired (5ILCS/20 (2)(C)(5)); and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the City (5ILCS/20 (2)(C)(1)).

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Council reconvened at 8:08 p.m.

Mayor Gover and Administrator Gill updated Council on a commercial development interest. Council discussed the interest.

Commissioner Hall seconded by Commissioner Graven moved to adjourned at 8:14 p.m.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

/s/ Susan J. O'Brien
City Clerk