

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on May 1, 2012.

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: YEA Commissioner Bob Becker, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, and YEA Mayor Tim Gover.

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

#### CONSENT AGENDA

Mayor Gover seconded by Commissioner Ervin moved to approve the consent agenda consisting of minutes of the regular meeting April 17, 2012; Fire and Police Pension reports for the month of March, 2012; bills and payroll for the last half of April, 2012.

#### **Bills and Payroll for the last half of April, 2012**

	<b><u>General Fund</u></b>		
Payroll		\$	250,602.25
Bills		\$	<u>105,591.76</u>
	Total	\$	356,194.01
	<b><u>Hotel Tax Fund</u></b>		
Payroll		\$	2,005.99
Bills		\$	<u>12,193.43</u>
	Total	\$	14,199.42
	<b><u>Festival Mgmt Fund</u></b>		
Bills		\$	<u>416.50</u>
	Total	\$	416.50
	<b><u>Insurance &amp; Tort Judgment</u></b>		
Bills		\$	<u>3,891.12</u>
	Total	\$	3,891.12
	<b><u>Midtown TIF Fund</u></b>		
Bills		\$	<u>65,977.00</u>
	Total	\$	65,977.00
	<b><u>Water Fund</u></b>		
Payroll		\$	29,582.65
Bills		\$	<u>26,650.05</u>
	Total	\$	56,232.70
	<b><u>Sewer Fund</u></b>		
Payroll		\$	36,579.87
Bills		\$	<u>32,140.90</u>
	Total	\$	68,720.77

**Motor Fuel Tax Fund**

Bills		\$ 17,114.61
	Total	\$ 17,114.61

**Health Insurance Fund**

Bills		\$ 201,154.00
	Total	\$ 201,154.00

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, and YEA Mayor Gover.

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

Mayor Gover opened the floor for public discussion. There were no public comments.

**NEW BUSINESS**

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance No. 2012-5353, establishing the Rules & Regulations of the Board of Fire & Police Commissioners.

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**CITY OF MATTOON, ILLINOIS  
ORDINANCE NO. 2012-5353**

**AN ORDINANCE RATIFYING THE MATTOON CODE OF ORDINANCES TO ESTABLISH RULES AND REGULATIONS FOR THE OPERATION OF THE BOARD OF FIRE & POLICE COMMISSIONERS**

WHEREAS, the City of Mattoon currently has no ordinance that establish the rules and regulations for the Board of Fire and Police Commissioners; and

WHEREAS, the City wishes to ratify those rules and regulations for the Board of Fire and Police Commissioners.

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. Amendments. Section 34.002 of Chapter 34 of the Code of Ordinances of the City of Mattoon is hereby repealed. Section 34.002 of Chapter 34 is reenacted as the attached and incorporated Exhibit A.

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 publication in pamphlet form and approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 1st day of May, 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 1st day of May, 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 May 1, 2012.

Exhibit attached

**CITY OF MATTOON, ILLINOIS  
BOARD OF FIRE & POLICE COMMISSIONERS**

**RULES  
&  
REGULATIONS  
(Board Approved: April 11, 2012)**

**Commissioners:  
Dennis A. Gathmann, Secretary  
Richard F. Record, Jr.  
Jon T. Spitz**

**DEFINITIONS**

For the purpose of these Rules and Regulations, the following words shall have the meanings ascribed to them as follows:

Agent: Any entity or person acting on behalf of the Board.

Applicant: An individual applying for an entry level position in either the Mattoon Fire or Police Department, or a current employee appointed by the Board who is seeking promotion to a higher rank.

Board: The three (3) citizen Board of Fire and Police Commissioners of the City of Mattoon, Illinois.

Captain: Promotable rank in both the Fire and Police Departments for which Firefighters and Police Officers may advance upon meeting the specified prerequisites.

Chairperson: Refers to the Commissioner designated at each meeting as the presiding officer who shall perform all duties pertaining to the office.

Chief: Refers to the ranking officer and department director of either the Fire or Police Department.

City: Refers to the corporate local government entity of the City of Mattoon, Illinois and its corporate limits.

City Administrator: Refers to the chief administrative officer of the City.

City Council: The City Council of the City of Mattoon, Illinois.

Code of Ordinances: Refers to the City of Mattoon Code of Ordinances as duly approved and in force on any given date.

Commissioner: Refers to a duly appointed and approved citizen of the City of Mattoon having met the qualifications of the Statutes and the Code of Ordinances of the City of Mattoon.

Departments: Refers to the Fire and Police Departments when used in the singular or the plural without specific identification.

Driver: Promotable rank in the Fire Department for which Firefighters may advance upon meeting the specified prerequisites.

Eligibility List: A rank order Preliminary, Initial, and Final lists of all eligible candidates successfully passing the initial steps of the selection process for original entry-level or promotable positions.

Engineer: Promotable rank in the Fire Department for which Firefighters may advance upon meeting the specified prerequisites.

Examinations: Refers to a process of all testing elements for a position that includes, but is not limited to, all physical agility, written, oral, polygraph, psychological, medical and any other exam or test deemed advisable by the Board that leads to the establishment of an eligibility list.

Firefighter: Refers to all qualified and sworn Members at the entry-level rank in the Fire Department.

FOIA: Refers to the Freedom Of Information Act of Illinois.

FOIA Officer: Refers to the City Clerk of the City of Mattoon, Illinois.

Gender: Whenever the male gender is used, it includes the female gender.

Grade: Refers to a numeric or pass/fail mark assessed for a test element in the selection process for a position.

Hearing: A formal meeting of the Board to hear charges against a Member of the Fire or Police Departments or to hear an appeal of such Members of a suspension or change in employment status by a Chief.

Lieutenant: Promotable rank in the Police Department for which Police Officers may advance upon meeting the specified prerequisites

Mayor: Refers to the elected official head of the City and City Council.

Members: Refers to all sworn personnel in the Fire and Police Departments appointed by the Board, but not civilian personnel.

Police Officer: Refers to all qualified and sworn Members at the entry level rank in the Police Department.

Probationary Period: Refers to a 12 month period from the date of original employment in the Fire or Police Departments.

Promotion: Refers to the advancement from one rank to the next after passing the appropriate examination process as established by the Board and ranked on an eligibility list.

Rules: Refers to the published rules and Standing Operating Guidelines (SOG) issued by the Chief of the Fire Department and the published rules and Policy Manual issued by the Chief of the Police Department.

Rules and Regulations: The published Rules and Regulations of the Board and such other policies as may be issued by the Board on selection or hearing procedures.

Secretary: The Commissioner responsible for recording minutes, maintaining a correspondence file, recording and filing all Board documents with the Board FOIA Officer.

Sergeant: Promotable rank in the Police Department for which Police Officers may advance upon meeting the specified prerequisites.

Shift Captain: Promotable rank in the Fire Department for which Firefighters may advance upon meeting the specified prerequisites.

## **CHAPTER I**

### **Board of Fire and Police Commissioners Administration**

#### **100.00 SOURCE OF AUTHORITY OF BOARD**

The Board of Fire and Police Commissioners of the City of Mattoon derives its power and authority from an Act of the General Assembly entitled "Illinois Municipal Code," Article 10, Division 2.1 Board of Fire and Police Commissioners of Chapter 65 of the Illinois Compiled Statutes and as amended from time to time and from the City of Mattoon under its Non-Home Rule powers.

#### **110.00 QUALIFICATION - OATH - BOND**

Commissioners are officers of the City and shall take an oath or affirmation of office administered by the City Clerk. Each appointed Commissioner may be required by the City Council to give a bond in such amount and with such sureties as may be determined by the City Council, conditioned upon the faithful performance of the duties of his office or position. No person employed by the City shall be a Commissioner of the Board of Fire and Police Commissioners.

#### **120.00 DUTIES**

120.10 Chairperson: The Chairperson shall be the presiding officer at all meetings, and shall attend to all the duties ordinarily pertaining to such office. The Chairperson shall call such meetings as the need arises.

120.20 Board Secretary Appointment: The Board of Fire and Police Commissioners may designate one of its own members to act as Secretary.

120.25 Duties: The Secretary shall keep the minutes of the Board proceedings, shall be custodian of all papers pertaining to the business of the Board, shall keep a record of all examinations held and shall perform such other duties as the Board may prescribe. All such documents shall be forwarded to the Board FOIA Officer.

120.30 Board: The Commissioners shall make such rules and regulations as may be necessary to provide for the appointment, promotion, suspension and removal of the Members of each Department, and from time to time may make such changes in the Rules and Regulations as may be indicated. The Commissioners shall appoint all Members of the Fire and Police Departments of the City, with the exception of the Assistant Fire Chief, the Fire Chief, the Deputy Police Chief and the Chief of Police, each of whom shall be appointed by the City Council.

The Board shall conduct and hold open competitive entrance and promotional examinations for both Departments in accordance with statutes pertaining thereto and in adherence with local, state and federal laws.

The sole authority to issue certificates of appointment is vested in the Board of Fire and Police Commissioners and all certificates of appointments issued to any Member of the Fire or Police Departments of the City shall be signed by the Chairperson and/or Secretary respectively of the Board of Fire and Police Commissioners upon appointment.

#### **130.00 ROOMS FOR OPERATION OF THE BOARD**

The City authorities shall provide suitable rooms for the Board, and shall allow reasonable use of public buildings for holding meetings and/or examinations by the Board.

#### **140.00 ANNUAL REPORT**

Annually, the Board shall submit to the Mayor and City Council a report of its activities and of its Rules & Regulations in force.

## **150.00 PUBLICATION OF RULES AND REGULATIONS**

Copies of the current Rules and Regulations and subsequent amendments will be available in the City Clerk's Office for inspection.

## **160.00 MEETINGS**

Meetings of the Board of Fire and Police Commissioners shall be governed by an Act of the General Assembly entitled "Open Meetings Act" (OMA), of Chapter 5 of the Illinois Compiled Statutes and as amended from time to time.

160.10 Meetings: Meetings of the Board shall be held as determined necessary by the Commissioners.

160.15 Meeting Notices: Meetings shall be published Seventy-Two (72) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and signed either by the Secretary of the Board or any two Members thereof. This notice shall contain a brief Agenda of items to be considered by the Board.

160.20 Executive Session: During any meeting an executive session may be called for by any single Commissioner for any proper purpose. Attendance during Executive sessions may be limited to Commissioners and such persons as the Board may invite. As required by FOIA, the Secretary will record both confidential written minutes and audio recordings during the Executive Session.

160.30 Public Notice: Public notice for all meetings shall be sent seventy-two (72) hours prior to the Board meeting by the City Clerk's office to appropriate parties.

160.40 Rules of Procedure: Meetings shall be conducted in an orderly way. Parliamentary procedure prescribed in Robert's "Rules of Order" shall be followed as applicable.

160.50 Quorum: A majority of the Board constitutes a quorum for the conduct of all business.

160.60 Order of Business: The order of business shall be as follows: 1) meeting called to order; 2) roll call; 3) reading of minutes; 4) correction and approval of minutes; 5) consideration of old business; 6) new business; 7) adjournment. In order for the Commissioners to facilitate their proceedings, the order of business may be suspended or amended at any time by a majority of the Commissioners.

160.70 Motions: Motions may be stated orally by any Commissioner and shall be recorded in the minutes along with the action taken on the motion.

160.80 Document Management: The Board documents shall abide by all state statutes regarding document retention. All Board documents shall be in electronic format whenever possible.

## **CHAPTER II**

### **Board of Fire and Police Commissioners Rules and Regulations for Entry-Level Appointments to the Fire and Police Departments**

## **200.00 ELIGIBILITY REQUIREMENTS**

200.10 Citizenship: All Applicants for the position of Firefighter or Police Officer shall be a citizen of the United States or an alien admitted for permanent residency or authorized to work in the United States.

All Applicants must be able to communicate fluently in English (including reading, speaking and comprehension).

200.20 Character and Fitness: All Applicants must be of good character, have not been convicted of a felony, have temperate habits, be able to conform with a "Drug Free Work Place" environment, and demonstrate a personality status which is consistent with business necessity. The burden of establishing these facts rests upon the Applicant.

200.30 Physical Requirements: All Applicants must be physically and mentally able to perform the essential functions of the job with or without reasonable accommodations Applicants must have vision correctable to 20/20 and have the ability to distinguish colors.

The initial assessment of the physical ability to perform the essential functions of the job shall be determined by the successful completion of entry-level physical ability examinations for the Mattoon Fire Department or the Mattoon Police Department.

200.40 Age Requirements: All Applicants for the position of Firefighter must be at least 21 years of age but must not be 35 years of age or older unless the Applicant has had previous employment status as a full-time firefighter in a regularly constituted fire department of any municipality or fire protection district located in Illinois at the time the written examination is administered, or is otherwise exempt from this age requirement pursuant to applicable law.

All Applicants for the position of Police Officer must be at least 21 years of age but must not be 35 years of age or older at the time the written examination is administered unless the Applicant has had previous employment status as a full-time police officer in a regularly constituted police department of any municipality located in Illinois at the time the written examination is administered, or is otherwise exempt from this age requirement pursuant to applicable law.

If an Applicant is placed on an eligibility list and becomes over age before he is appointed, he remains eligible for appointment until the list is abolished pursuant to authorized procedures.

200.50 Education Requirements: All Applicants for the positions of Firefighter or Police Officer must possess a high school diploma or equivalent high school education.

200.60 Proof of Special Qualifications or Eligibility for Preference Points: If the application for examination includes special qualifications or offers certain statutory preference points, the Board may require evidence of attainment or eligibility. The Board may authorize specific points for special qualifications or statutory preference points as announced at the time of notice of examination.

200.70 Other Requirements: All Applicants must possess a valid Driver's License and must be legally eligible to operate a motor vehicle in the State of Illinois.

200.80 Entry-Level Examination Notices: At least three (3) weeks prior to entry-level examinations, the Board shall put a Legal Notice plus a display ad in the local newspaper announcing the date, time, location, and requirements for Applicants to apply for Mattoon Fire Department and Mattoon Police Department entry-level employment testing.

## **210.00 APPLICATION PROCESS**

210.10 Application Forms: Application forms for members of the Fire or Police Department shall be approved by the Board.

210.20 Filing Deadlines: Deadline dates for filing applications shall be determined by the Board with respect to each examination. Such dates shall be included in the publication of examination notice.

210.30 Defective Applications: Defective Applications shall be returned to the Applicant for correction, provided the Applicant is otherwise qualified for the position he seeks.

210.40 Fraud in Applications: A false statement knowingly made by any person on an application for examination, connivance of any false statement made in any certificate which may accompany such application, or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination, or from the eligibility list; but no Applicant shall be removed from the eligibility list, or from service, under this section, until he has been given an opportunity to be heard by the Board.

## **220.00 TESTING PROCESS**

220.05 Notice of Examinations: Examinations shall be held on the dates determined by the Board. Advertisement shall be in accordance with local, state and federal laws.

Examinations may be postponed by order of the Board; such order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the new date fixed for said examination.

220.10 Purpose and Scope: The subject matter for the examination components shall be such as will fairly test the capacity of the Applicant to discharge the duties of the position to which the Applicant has applied. All elements of the selection process shall be administered, scored, evaluated and interpreted in a uniform manner. No examination shall contain questions regarding Applicant's political or religious opinions or affiliations.

220.15 General Testing Procedure: The selection process and test components will be conducted under the supervision of the Board to preserve the integrity of the examination process. Individual components of the process may be delegated, at the Board's discretion, to qualified agents. Applicants may be assigned numbers, photographed and/or fingerprinted before and/or after the examination. Time duration of the examinations will be announced.

It is the responsibility of the Board or its Agent to safeguard all testing materials. All Applicants shall be notified within a reasonable time of their test results. All examination materials shall become the property of the Board or its Agent and the grading thereof by the Board or its agent shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

220.20 Orientation Session: All Applicants shall attend any mandatory orientation session designed to explain the responsibilities of the position they seek and pertinent information about the Department and lifestyle of Members of the Fire or Police Department.

220.25 Written Entry-Level Examination: All Applicants shall participate in a written examination designed to determine their suitability for the position for which they are applying.

The subject matter for such an examination shall be of a general nature, and will not require previous training or experience in Fire or Police Service. Failure to pass this examination removes the Applicant from the remainder of the testing process.

220.30 Physical Ability Test: All Applicants shall submit themselves to a Physical Ability Test as determined by the Board and conducted in the manner in which the Board shall direct. Such examinations shall determine the physical ability of the Applicant to perform the essential functions of the Firefighter or Police Officer jobs. Failure to pass this test removes the Applicant from participating in the remaining phases of the selection process. Such physical ability tests shall include any testing criteria required by applicable law.

In lieu of conducting a physical ability test in-house, the Board may require that Firefighter Applicants provide proof of the successful completion of the Candidate Physical Ability Test (CPAT) and proof of passing a Ladder Climb Test within six (6) months prior to the written examination. If an Applicant on the eligibility list has not been appointed to a firefighter position within two (2) years after the date of his physical ability examination, the Applicant must retake the physical ability component prior to his appointment. In lieu of conducting a physical ability test in-house, the Board may require that Police Officer Applicants provide proof of completion of the Peace Officer Wellness Evaluation Report (POWER) Test within six (6) months prior to the written examination. All Applicants that are appointed will be required to successfully complete the POWER Test at the Police Academy.

220.35 Personal Security Profile: At the discretion of the Board, a Personal Profile instrument may be included as an element in an original entry testing cycle.

220.40 Background Investigation: An in-depth background investigation shall be conducted on all Applicants for the position of Firefighter or Police Officer. Applicants shall be informed of the scope of the investigation prior to it being conducted. The purpose of this investigation is to verify information obtained in the testing activities, and includes checking criminal, credit, business, education, personal and employment records and references.

220.50 Oral Interview: The Board will conduct an oral interview of all entry-level and promotional Applicants.

220.55 Conditional Offer of Employment: An Applicant who has successfully advanced through the various stages of the selection process will be made a conditional offer of employment by the Board at the appropriate time when a written requisition has been made and approved to fill a vacant position. Said job offer is subject to the Applicant's successful completion of a psychological assessment and a medical examination, including a drug screening.

220.60 Psychological Assessment: All Applicants, upon notice of a conditional offer of employment, shall undergo a psychological assessment from qualified and licensed examiners selected by the Department. These assessments are conducted to determine whether the Applicant's mental, emotional and personality status is consistent with business necessity. A copy of a successful Applicant's report will become part of the personnel record. A copy of the unsuccessful Applicant's report will be securely maintained by the Department until a minimum of five (5) years have lapsed after the expiration of an eligibility list for an Applicant not hired.

The Board may withdraw its conditional job offer based on information obtained on the psychological examination.

All reports are confidential and will not be surrendered to any agency or individual by the Board or Department, unless otherwise required by law.

220.65 Medical Examination: All Applicants, upon notice of a conditional offer of employment, shall undergo a medical examination by a licensed physician designated by the Department. The Board may withdraw its job offer based on information obtained from the medical examination that shows the Applicant is not able to perform the essential functions of the job with or without reasonable accommodation.

An Applicant whose conditional offer of employment has been withdrawn based on the results of a medical examination may refute the conclusion of the examination by submitting to the Department evidence from his personal, or other licensed physician. Examination results will be maintained in a Department file separate from the personnel file and be accessible as prescribed by law.

The Board may withdraw its conditional job offer based on information obtained on the medical examination.

220.70 Applicant's Review: Any Applicant deemed disqualified to continue in the hiring process shall be notified in writing by the Board. Applicants who disagree with the Board's decision may request the Board to review the Applicant's file for reconsideration by submitting such request in writing to the Board within five (5) days after the date of such notice. After review, the Board shall affirm or reverse its decision and notify the Applicant accordingly.

## **230.00 ADMINISTRATION OF TEST COMPONENTS**

### 230.10 Scoring of Test Components:

- Written Examination – Minimum 70% required or State Statute
- Oral Interview – Scored
- Physical Ability – Pass or Fail
- Background Investigation – Recommended or Not Recommended

### Conditional Offer of Employment:

- Psychological Assessment – Recommended or Not Recommended
- Medical Examination – Qualified or Not Qualified

If an Applicant is not advanced from one step to the next in the selection process, he shall be considered as being disqualified from appointment during that testing cycle.

230.20 Review or Release of Examination Materials: No Applicant's examination materials shall be released to or reviewed by any person or agency.

230.30 Sequence of Test Components: The sequence of the testing components is subject to change without notice.

230.40 Eligibility List for Firefighters: The Board shall prepare and maintain an initial eligibility list of the Applicants. The Applicant's position on the initial eligibility list shall be determined by his score on the written examination and if the Applicant successfully passed the physical ability component. The Board will prepare, post, and maintain the initial eligibility list of Applicants based on a minimum qualifying score of either 70 or for entry-level firefighters, the mean score. All entry-level firefighters on this initial list will be scored on an oral interview. The cumulative score of the entry-level test

and oral interview (equated to 100 points) shall determine the entry-level Applicant's position on the preliminary eligibility list. Applicants who are eligible for available statutory preference point credit (as determined by the Board prior to the start of the testing process) shall make a claim in writing to the Board within 10 days after the posting of the preliminary eligibility list or the claim shall be deemed waived. The Board will prepare, post, and maintain a final eligibility list of the Applicants. The final eligibility list shall be established after the awarding of verified statutory preference points. The Board shall give preference point credits by adding them to the score of the written examination (subject to any veterans' preference or alternative procedures required by law).

In the event of a tie score on the Preliminary List, the placement of the tied Applicants' names on the Final Eligibility List shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate. The Final Eligibility List shall remain in force for two years from the date of posting. The official date of posting shall be the date the Board approves the Final Eligibility List but no later than 120 days after the completion of the testing process. No Applicant shall be appointed from an expired eligibility list. Testing cycles should be coordinated in order to anticipate the expiration of eligibility lists. There shall be no integration of eligibility lists. It is incumbent upon Applicants and persons whose names are placed upon an eligibility list to notify the Board, by letter, of any change of address.

230.45 Eligibility List for Police Officers: The Board shall prepare, post, and maintain an eligibility list of the Applicants who pass the testing components up to and including the written examination and physical ability test. Applicants shall be listed in the order of their written examination score. In the event of a tie score on the Preliminary List, the placement of the tied Applicants' names on the Preliminary Eligibility List shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate. The eligibility list shall remain in force for two years from the date of posting. However, the Board reserves the right to extend the Eligibility List for a period of up to six (6) months or until a new Eligibility List has been established, whichever occurs first. The official date of posting shall be the date the Board approves the eligibility list. No Applicant shall be appointed from an expired eligibility list. Testing cycles should be coordinated in order to anticipate the expiration of eligibility lists. There shall be no integration of eligibility lists. It is incumbent upon Applicants and persons whose names are placed upon an eligibility list to notify the Board, by letter, of any change of address.

230.50 Veteran's Preference: Applicants for appointment may elect to use Veteran preference points during the entry-level selection process. Veteran preference points shall be granted in accordance with Chapter 65 of the Illinois Compiled Statutes and as amended from time to time.

230.60 Re-examination: No person who has failed to pass any component of the testing process shall be re-examined within six (6) months from the date of such failure.

230.70 Fraud in Examination: No Applicant shall make false representations regarding himself or any of the Applicants at any examination or in any document signed and/or furnished, either by him or in cooperation with others; nor shall he impersonate anyone or allow anyone to impersonate him, nor use or provide aid in using any memoranda, printed or written, whereby an advantage is obtained over other competitors at such an examination. Any Applicant found in violation of the aforementioned shall be allowed to be heard in his own defense before the Board and any Applicant found to have made false representations shall be excluded from the examination and his name stricken from any eligibility lists upon which it may appear.

230.80 Disqualification: The Board may refuse to examine an applicant, or after examination, to certify him as eligible:

- Who is found lacking in any of the established preliminary requirements for the service for which he applies.
- Who is physically or mentally unable to perform the essential functions of the position to which appointment is sought with or without reasonable accommodations.
- Who uses illegal drugs, misuses prescription or over-the-counter medications, fails a confirmed drug test or has a record of illegal drug activity.
- Who uses intoxicating beverages to the extent that the ability to perform the essential functions of the job is so affected as to be inconsistent with business necessity.
- Who has been convicted of a felony or misdemeanor.
- Who has attempted to practice any deception or fraud in his application.
- Who has attempted to practice any deception or fraud in the examination process.
- Whose character and employment references are unsatisfactory.

- Who, upon being made an offer of employment conditioned on successfully undergoing a psychological assessment or medical examination, is subsequently disqualified.

## **240.00 APPOINTMENT PROCESS**

240.10 Requisition to Fill Vacancy: When it is sought to declare a vacancy, the Department Chief shall obtain approval from the City Administrator and then submit a written requisition to the Board. The Board shall forward the top three names of qualified entry-level Applicants to the Department Chief from which one will be chosen. If the top Applicant is not chosen, the Department Chief must explain his reasoning to the Board.

240.20 Waiver of Appointment: An Applicant may waive appointment one time only by submitting within ten days from the date of notification a written request to the Board. The Applicant's name shall be returned to its original ranking and become eligible for vacancies occurring thereafter. In no case shall an appointment be postponed due to a request for waiver.

240.30 Birth Certificate/Military Service and Discharge Records: Applicants for the positions of Firefighter or Police Officer shall furnish to the Board a certified copy of their birth certificates and, when applicable, certified copies of their Military Service Record and Discharge papers.

240.40 Temporary Appointments: To prevent the stoppage of public business or to meet other exigencies, the Board of Fire and Police Commissioners may make one or more temporary appointments to remain in force not exceeding 90 days, and only until regular appointments can be made under these rules.

## **250.00 PROBATIONARY APPOINTMENTS - ASSIGNMENTS**

250.10 Probationary Period: Firefighters who have been appointed to their respective department shall be classified as probationary for a period of 12 months. Police officers who have been appointed to their respective department shall be classified as probationary for a period of 12 months. If a new hire has successfully completed training in accordance with the Illinois Law Enforcement Training Board as an Illinois State Certified Law Enforcement Officer prior to employment with the City, and has not been out of law enforcement for a period of more than two (2) years, then the Board of Fire & Police Commissioners may, at its sole discretion, lessen the period of probation to six (6) months on a case-by-case basis.

During the probationary period, the employee's work habits, abilities, attitude, promptness and other characteristics will be observed and evaluated periodically by Department supervisory personnel.

Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course as provided by the Illinois Local Governmental Law Enforcement Officers Training Board within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

Failure of Firefighters or Police Officers to pass their respective training program within the specified time limit may result in their termination.

If at any time during the probationary period, the Department Chief determines that the employee's performance is unsatisfactory, the Chief may recommend to the Board that the employee be terminated or his probationary period be extended to correct deficiencies. The Board shall have the power to act upon the Chief's recommendation.

At least 15 days prior to the end of a probationer's probationary period, the Department Chief shall recommend to the Board on the following:

- a.) Whether the employee has successfully passed the required training program and is capable of performing the duties of the position satisfactorily and is therefore recommended for permanent appointment.
- b.) Whether the employee has failed to perform satisfactorily and is therefore recommended for termination.
- c.) Whether the probationary period should be extended in the event a probationary employee is absent and/or on leave of 30 days or more during the first twelve (12) months of employment). The probationary period may also be extended due to training as described by statute.

250.20 Restoration of Probationer to Register: Should the work for which the probationer has been certified prove temporary, and he is laid off without fault or delinquency on his part before his time of probation is completed, his name shall be restored to its proper position upon the register of eligibility and the term he has served shall be credited to his probationary period.

250.30 Assignment to Duty: All persons appointed to, or promoted in either Department, shall be assigned to and perform the duties of the position of rank to which appointed or promoted.

## **CHAPTER III**

### **Board of Fire and Police Commissioners Rules and Regulations for Promotional Appointments to the Fire and Police Departments**

#### **300.00 PROMOTIONAL APPOINTMENTS**

Promotional appointments are made to vacancies in the Fire and Police Departments upon a request from the Department Chief and City Administrator. The scheduling of the promotional examination process will be at the discretion of the Board.

#### **310.00 ELIGIBILITY PREREQUISITES**

No Applicant shall be examined for promotion unless they meet service, education, certification/licenses and any other prerequisites as may, from time to time, be established by the Board.

310.10 Service Eligibility: Within the Fire and Police Department any Member may participate in the promotion process. To be promoted to the next rank in the Fire Department an Applicant must have at least one year of service in the next lowest rank. To be promoted to the position of Police Sergeant, an Applicant must have at least five years of service following the completion of the probationary period. To be promoted to any other rank in the Police Department an Applicant must have at least one year of service in the next lowest rank. If a position comes open and the top person on the promotional list does not have the service requirement he shall not be considered for that promotion, but does not lose his position on the promotional listing.

310.20 Certification/License Eligibility: To participate in the promotional examination process for certain positions, the possession of specified certifications and licenses will be required. A list of promotional prerequisites, as approved by the Board and in accordance with the labor agreement, will be distributed to all applicable Applicants. Such promotional prerequisites may be modified from time to time as standards change or are updated

#### **320.00 NOTICE OF PROMOTIONAL TESTING**

At least one (1) year prior to the start of any promotional examination for any position in the Fire Department, and at least 30 days for the positions of Police Sergeant and Lieutenant, the Board shall have posted a written notice identifying, at a minimum, promotional ranks to be tested, testing elements and the percentage weight of each element, eligibility requirements and a bibliography of reading materials used as sources for any written examination. Applicants for promotion must comply with the requirement of application deadlines and testing procedures identified in the notice of promotional testing.

#### **330.00 PROMOTIONAL EXAMINATION PROCESS**

330.10 Purpose and Scope: The subject matter for the examination components shall be such as will fairly test the capacity of the Applicant to discharge the duties of the positions to which the Applicant has applied. All examinations for promotion shall be competitive among eligible Members submitting themselves to such examination.

330.20 General Testing Procedure: Tests will be conducted under the supervision of the Board or its Agent to preserve the integrity of the examination process and to ensure that all elements of the promotional process are job-related and non-discriminatory.

### 330.30 Promotional Elements and Scoring to Establish Eligibility List:

- Written Examination - The weight of the written examination element for qualifying on the eligibility list may vary for different promotable ranks as follows:
  - Fire Promotions: 100 Points
  - Police Promotions: 100 Points
- Oral Interview with Board of Fire and Police Commissioners - The weight of the oral interview element for qualifying on the eligibility list may vary for different promotable ranks as follows:
  - Fire Promotions: 25 Points
  - Police Promotions: 100 Points
- Chief's Points -The weight of the Chief's Points element for qualifying on the eligibility list may vary for different promotable ranks as follows:
  - Fire Promotions: A maximum of 50 Points per candidate
  - Police Promotions: A maximum of 20 Points per candidate
- Experience Points - The weight of the Experience Points element for qualifying on the eligibility list may vary for different promotable ranks as follows:
  - Fire Promotions: 1 Point per year of employment with the Department and shall be prorated for partial years.
  - Police Promotions: 1 Point per year of employment with the Department and shall be prorated for partial years.

### **340.00 DEVELOPMENT OF PROMOTIONAL LIST**

340.10 Promotional Eligibility List: The Board will prepare, post, and maintain a preliminary promotional eligibility list of the Members who passed the written examination/evaluation process for promotable positions. A Member's written examination, Oral Interview, Chief's Points, seniority credits shall be equated to a 100 point scale on this Preliminary Promotional List and then any eligible military statutory preference points shall be added to determine Final ranking on the promotional eligibility list.

All promotion lists shall be in effect for three (3) years from the date of posting, which shall be the date the Board adopts the list, or until the list is exhausted, whichever occurs first.

340.20 Veteran's Preference: Applicants for promotion may elect once in their career to use Veteran preference points during a promotional examination. Veteran's points shall be granted in accordance with Chapter 65 of the Illinois Compiled Statutes as amended from time to time

### **350.00 PROBATIONARY PERIOD**

Subject to contractual agreements of the City of Mattoon or Statutes, all promoted Members shall be on probation for a period of 12 months. At the end of this period, if the conduct and capacity of the Member is satisfactory, the promotion will be certified as complete. If the Board determines the newly promoted Member has unsatisfactorily performed the duties of the position he is filling, he shall, by Board action, assume the position held prior to promotion.

## **CHAPTER IV**

### **Board of Fire and Police Commissioners Rules and Regulations for Removal, Suspension, Demotions, Discharges, Hearings, Department Records, Department Rules & Conflicts, and Violation of Laws for the Fire and Police Departments**

Subject to the limitations contained hereinafter and in any contractual undertaking by the City of Mattoon, the infraction of any of the Rules and Regulations of the Fire and Police Commissioners, or any other misconduct, shall subject the Department Member to reprimands, fines, forfeitures of leave time, suspension, demotion or discharge. Fines shall be assessed on the basis of an amount not to exceed the Member's regular pay, per day and shall be collected by withholding from the Member's paycheck.

400.10 Day: "Day" shall mean a regular tour of duty. Regular tour of duty is defined as 24 hours for fire personnel and 12 hours for police personnel assigned to 12 hour shifts and 8 hours for those assigned to a 5-2 schedule. For the purposes of this Chapter, "discipline day" is defined as 12 hours for fire and police personnel.

400.20 Wages: Wages shall not be credited during any period of suspension.

400.30 Suspension Pending Investigation: The Chief, with the concurrence of the Board, may place a Member on Administrative Leave, with pay, pending investigation and without a hearing when the charges under investigation, if ultimately established, would constitute a felony. Any suspension beyond this period for charges being processed through the Board shall be only by further order of the Board, which shall have the right to continue such suspension pending investigation or order its termination and set the matter for hearing

400.40 Authority of Department Chiefs: Reprimands, fines, forfeitures or suspensions (with or without pay) totaling not more than five discipline days for a single act or omission may be imposed for cause by the Department Chief, subject to the right of the Member to appeal this action within 48 hours to the Board after being notified thereof or as may be provided by a collective bargaining agreement. An appeal to the Board shall be heard in as expeditious manner as possible. When appealed to the Board, the Board may impose any sanction warranted without regard to the sanction from which the appeal is taken.

## **410.00 HEARINGS**

The discharge of any Member, or the imposition of fines, forfeitures or suspensions, or any combination thereof for a period of more than five (5) discipline days for a single act or omission shall be only by the Board unless modified under a collective bargaining agreement, and shall be for cause upon written charges, and after the Member has been afforded an opportunity to be heard in his own defense.

The Board shall conduct a fair and impartial hearing of the charges which must be commenced within 30 days of the filing thereof or the date of the election by the Member for the matter to be heard by the Board under a collective bargaining agreement or as expeditiously as possible for appeals of a Department head's action, and may be continued from time to time.

410.10 Charges: All charges for which an appeal has been made by the Member to the Board, shall be in writing and shall set forth, with sufficient details to permit the Member to prepare his defense. The written charges shall include the names of all witnesses. The Member shall have the right to request the Board to issue subpoenas to any persons whom he may wish to call as witnesses.

410.20 Findings: In case any Member is found guilty, the Board may demote, may discharge, may fine, may impose forfeitures of leave time, may suspend such Member, or any combination thereof. If the charges are not sustained, the Member shall be reimbursed for all sanctions imposed.

410.30 Conduct: In the conduct of any hearing, each Commissioner of the Board shall have power to administer oaths and affirmation, and the Board shall have power to secure by its subpoena, both the attendance and testimony of witnesses and the production of any and all evidence relevant to the hearing.

## **420.00 DEPARTMENT RECORDS**

The Department shall provide the Board with copies of all disciplinary actions taken against any of the Members of the Department with respect to which records have been kept by the Department.

## **430.00 RULES & CONFLICTS**

The personnel of the Fire and Police Departments shall be governed by the Rules of the Fire and Police Departments as approved by the Board. In case of conflict, the Rules and Regulations of the Board shall govern.

## **440.00 VIOLATION OF LAWS**

Violation of any local, state, or federal law, by any Member of the Fire or Police Departments of such municipality shall be cause for the filing of charges against said Member.

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 Becker moved to adopt Special Ordinance No. 2012-1483, declaring unclaimed bicycles surplus property and authorizing the sale by Police Chief.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2012-1483**

**A SPECIAL ORDINANCE DECLARING THIRTEEN BICYCLES SURPLUS AND AUTHORIZING THEIR SALE  
BY THE POLICE CHIEF**

**WHEREAS**, the City of Mattoon currently has 13 bicycles that are surplus to the needs of the Mattoon Police Department.

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

**Section 1.** Thirteen "Giant" and "Schwinn" bicycles all hereby be declared surplus to the needs of the City of Mattoon.

**Section 2.** The Police Chief is hereby authorized to dispose of said bicycles to the venue of his choice and to administratively sell and convey the bicycles that are the subject of this ordinance without further formal consideration or approval by the City Council. These bicycles will be sold "as is" with no warranty expressed or implied.

**Section 3.** The Mayor and City Clerk are authorized and directed to execute any documents necessary to affect the sale of these bicycles.

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

Upon motion by Mayor Gover, seconded by Commissioner Becker, adopted this 1st day of May, 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 1<sup>st</sup> day of May, 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 May 1, 2012.

Mayor Gover opened the floor for discussion. Chief Branson wanted to clarify the bicycles to be sold were not unclaimed, but outdated City-owned bicycles. Commissioner Hall inquired whether the bicycles would go to auction with Chief Branson stating City employees have first choice and the remaining bicycles would go to Bauer's auction.

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 Becker seconded by Commissioner Rankin moved to approve Council Decision Request 2012-1315, awarding the bid of \$203,731.03 for resurfacing 26<sup>th</sup> Street from Walnut Avenue to Charleston Avenue to Beniach Construction of Tuscola.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired about the timeline with Director Barber stating resurfacing would commence after school was out and finish before school resumes.

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 Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2012-1316, approving the plans and specifications for the Canadian National (CN) Railroad/US Route 45 water main relocation project near Riley Creek.

Mayor Gover opened the floor for discussion. Commissioner Hall stated the project was negotiated well.

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 Ervin seconded by Commissioner Becker moved to adopt Special Ordinance No. 2012-1484, approving the rescinding of the Mid-town TIF grant agreement made to E. David & Janet Walker Young, Jan & Terry Kroening, and J&T Enterprises, due to non-completion of work specified at prevailing wage in the grant agreement.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2012-1484**

**A SPECIAL ORDINANCE RESCINDING THE TIF GRANT MADE TO JAN & TERRY KROENING, E. DAVID & JANET WALKER YOUNG AND J & T ENTERPRISES IN CONNECTION WITH THE MATTOON MID-TOWN REDEVELOPMENT PROJECT AREA**

**WHEREAS**, by Special Ordinance 2011 – 1465 the City of Mattoon approved a Tax Increment Financing (TIF) Grant Agreement with Jan & Terry Kroening, E. David & Janet Walker Young, and J & T Enterprises (hereinafter collectively “Kroening”); and,

**WHEREAS**, said TIF grant agreement required Kroening to pay prevailing wage to complete the repairs and improvements to the properties located at 1624 and 1626 Broadway Avenue in Mattoon; and,

**WHEREAS**, paragraphs (1.)(A.) and (6.) of the grant agreement contain provisions that state after 30 days notice of default and non-compliance with the terms of the Agreement the City may rescind the agreement and cease any further payment of the grant amount; and,

**WHEREAS**, on January 23, 2012 and March 20, 2012 the City of Mattoon notified Kroening of their non-compliance with the provisions of the Grant Agreement, specifically that they had not paid prevailing wages for the completed work specified in the Grant Agreement; and,

**WHEREAS**, Kroening has not responded to the repeated requests to provide the required proof of the prevailing wages paid to complete the work on the buildings and the City of Mattoon has made no payment under the Grant.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION**, as follows:

**Section 1.** 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 Special Ordinance.

**Section 2.** The City of Mattoon hereby rescinds the TIF Grant Agreement entered into on the 6<sup>th</sup> day of December 2011 by and between the City of Mattoon and Jan & Terry Kroening, E. David & Janet Walker Young, and J & T Enterprises, and declares the same to be null and void under the terms contained in said TIF Agreement.

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

Upon motion by Commissioner Ervin, seconded by Commissioner Becker, adopted this 1st day of May, 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 1st day of May, 2012.

/s/ Timothy D. Gover  
Timothy D. 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 May 1, 2012.

Mayor Gover opened the floor for discussion or comments 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 Rankin seconded by Commissioner Hall moved to adopt Special Ordinance No. 2012-1485, authorizing the purchase of a small tract of land adjacent to the Roundhouse Complex on Richmond Avenue from Todd Gardner.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2012-1485**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A SMALL TRACT OF LAND ADJACENT TO THE  
ROUNDHOUSE COMPLEX.**

**WHEREAS**, the City of Mattoon has developed the "Roundhouse Complex" (hereinafter "Complex") into one of the premier youth sports facilities in Central Illinois; and,

**WHEREAS**, during many events, visitors to the Complex park on vacant lots adjacent to the complex that are owned by private individuals; and,

**WHEREAS**, Mr. Todd Gardner has purchased some of these vacant properties adjacent to the Complex; and,

**WHEREAS**, the City desires to purchase one of the properties owned by Mr. Gardner to secure the future right to continue

utilizing the property for parking; and,

**WHEREAS**, the City Council has long supported the continued development of the Complex and realizes its importance to the youth of Mattoon as well as the continued economic development associated with the multitude of events held there each year.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION**, 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.** The Mayor and City Clerk are authorized and directed to execute any and all documents necessary to affect the purchase of Lot One (1) in Block Ninety Seven (97) in the Original Town, now City of Mattoon, Coles County, Illinois for the price of Twenty-Five Hundred and No/100 Dollars (\$2,500.00) from Mr. Todd Gardner.

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

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 1st day of May, 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 1st day of May, 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 & Treasurer

Recorded in the Municipality's Records on May 1, 2012.

Mayor Gover opened the floor for discussion. Director Barber explained the proposition from Mr. Gardner and the benefit to the City for expanded parking.

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 2012-1317, authorizing the purchase of a 2012 Chevy G4500 Ambulance at the State bid price of \$133,703.00 from Foster Coach Sales, Inc.

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 Hall moved to adopt Special Ordinance No. 2012-1486, granting an intensity of use variance for 901 North 31<sup>st</sup> Street.

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2012-1486**

**AN ORDINANCE GRANTING A VARIANCE FROM THE INTENSITY OF USE AT 901 NORTH 31<sup>ST</sup> STREET**

**WHEREAS** there has been filed a written Petition by Matt and Tina Coverstone for a variance, respecting the property legally described as:

Lot 5, Hamilton's 4<sup>th</sup> Addition; Also known as: 901 North 31<sup>st</sup> Street, Mattoon, Illinois

**WHEREAS**, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow the construction of a new house that increases the intensity of use of the property located at 901 North 31<sup>st</sup> St., from 30% to 35%, and

**WHEREAS** the Planning Commission for the City of Mattoon held a properly noticed, public hearing on April 24, 2012 regarding petitioners' request for said variance; and

**WHEREAS** the Planning Commission for the City of Mattoon has recommended that the requested variance be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

**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 variance of the intensity of use to enable the construction of a new house in which the intensity of use of the lot would be increased from 30% to 35%.

**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 1<sup>st</sup> day of May 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 1<sup>st</sup> day of May, 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 May 1, 2012.

Mayor Gover opened the floor for discussion. Council discussed the area and regulation of intensity-of-use permits. Mr. Matt Coverstone stated the variance was needed for the backyard pool. Coordinator Gill explained the above-ground pool is considered in property total, and noted with the next code update the regulation would be raised to 35% of the property.

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 2012-1318, approving a \$4,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon American Legion for hosting the Grande du Illinois Grande Promenade event to be held on July 27-29, 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 Rankin moved to approve Council Decision Request 2012-1319, approving a \$1,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to EIU Kinesiology & Sports Studies Department for hosting the IHSA Girls State Badminton Tournament to be held on May 11-12, 2012; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion. Mr. Harold Burwell inquired whether the funds were going to Eastern and expressed his opposition in supporting outside of the City events. Commissioner Ervin explained the disbursement of grants, economic impact of the events, and requests of financial assistance.

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 2012-1320, approving a \$3,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to EIU Athletic Department for hosting the IHSA Girls and Boys State Track & Field Meets to be held on May 17-19 and 24-26, 2012 respectively; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion or comments. Commissioner Ervin noted the enormity of the events and economic impact for the community.

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 2012-1321, approving a \$6,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon American Legion Post 88 Baseball for hosting the American Legion Baseball Firecracker Tournament to be held on June 25 - July 1, 2012; and up to \$13,000 for room costs associated with the 2012 American Legion Baseball Illinois State Tournament to be held July 31-August 4, 2012 with an additional \$1,000 for advertising; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion or comments.

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 Ervin seconded by Commissioner Hall moved to adopt Special Ordinance No. 2012-1487, amending a grant agreement by and between the City of Mattoon and Mae Chen in connection with the Mattoon Mid-town TIF Redevelopment Project Area. [Hunan Restaurant 116 S. 17th Street]

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2012-1487**

**AN ORDINANCE AMENDING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON,  
ILLINOIS AND MAE CHEN IN CONNECTION WITH THE MATTOON MIDTOWN TIF REDEVELOPMENT  
PROJECT AREA**

**WHEREAS**, on September 6, 2011 the Mattoon City Council approved, by Special Ordinance 2011-1453, a Grant Agreement between the City of Mattoon and Mae Chen, and;

**WHEREAS**, in the process of constructing the improvements that were the subject of the original Grant Agreement the contractor ran into unforeseen issues, including issues with the I beam supporting the front façade of the structure, and;

**WHEREAS**, change orders were approved in the total amount of \$15,685, and;

**WHEREAS**, Mae Chen requested an additional amount of \$11,764 from the Mattoon Midtown TIF, and;

**WHEREAS**, it is the recommendation of the Mattoon Midtown TIF Committee to amend the Special Ordinance and Grant Agreement to increase the total amount of the grant from \$68,850 to \$80,000 (an increase of \$11,150), which is the maximum amount allowed under the Midtown TIFs guidelines.

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

**Section 1.** Special Ordinance 2011-1453 and the Grant Agreement attached thereto are hereby amended so as to specify that the total amount granted to Mae Chen shall be \$80,000.00. All other details of the Special Ordinance and Grant Agreement are not amended and remain in full force and effect as originally approved.

**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 Commissioner Ervin, seconded by Commissioner Hall, adopted this 1<sup>st</sup> day of May, 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 1<sup>st</sup> day of May, 2012.

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

Recorded in the Municipality's Records on May 1, 2012.

Mayor Gover opened the floor for discussion.

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 Ervin seconded by Commissioner Becker moved to adopt Special Ordinance No. 2012-1488, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and the United Way for \$30,652.00 from Mid-town TIF Revenues for property located at 114 N. 16<sup>th</sup> Street.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2012-1488**

**AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND THE UNITED WAY OF COLES COUNTY, ILLINOIS IN CONNECTION WITH THE MATTOON MIDTOWN TIF REDEVELOPMENT PROJECT AREA**

**WHEREAS**, the United Way of Coles County, Illinois (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown 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, 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 Commissioner Ervin, seconded by Commissioner Becker, adopted this 1st day of May, 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 1st day of May, 2012.

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

Recorded in the Municipality's Records on May 1, 2012.

Attachment (1) - EXHIBIT "A"

Mayor Gover opened the floor for discussion or comments.

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 – noted work with economic development new business activities and other expanding businesses, personnel policy review finalized and ready for Council review, and meetings with Information Technology Director Brian Johanpeter to resolve software nuisance issues. Mayor Gover opened the floor for questions with no responders.

ATTORNEY & TREASURER – noted end of fiscal year and audit preparation work. Mayor Gover opened the floor for questions with no responders.

CITY CLERK – noted work on various reports, audit preparation, and business as usual. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS – announced the City-wide cleanup date of May 19<sup>th</sup>, and provided an update on the Pocket Park landscaping. Mayor Gover noted several positive comments on the Progress Square project. Director Barber stated the Pioneer Club was to finish their volunteering on Wednesday. Mayor Gover opened the floor for questions with no responders.

COMMUNITY DEVELOPMENT – noted business as usual with nuisances, building inspections and electrical work at Lawson Park. Mayor Gover opened the floor for questions with no responders.

FIRE – noted several public service activities, the attendance of two firemen at State Fire Marshal training for inspection of public schools, Firefighter Dustin Rhoads' graduation and Firefighter II status, and training center site completion with galvanized items remaining to be installed. Mayor Gover thanked the Fire Department for completing the concrete work at the training facility. Administrator McLaughlin noted appreciation for the firefighters' assistance with City Clerk Office furniture. Chief Nichols briefly explained inspection of public schools.

POLICE – noted the status quo for the Department. Mayor Gover opened the floor for questions with no responders.

COMMENTS BY THE COUNCIL:

Commissioners Becker, Ervin, and Rankin had no further comments. Commissioner Hall expounded on his attendance for the Mayor at the VFW program, Junior Girls League, where 150 girls ages six to sixteen participated in self-belief and achievement. Mayor Gover, who had a prior commitment, appreciated Commissioner Hall's attendance.

Mayor Gover seconded by Commissioner Ervin moved to recess to closed session at 7:00 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussing the purchase or lease of real property (5 ILCS 120(2)(c)(5)).

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 7:17 p.m.

Commissioner Hall seconded by Commissioner Rankin moved to adjourned at 7:17 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