

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on June 4, 2013.

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 Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Gover.

Also physically present were City personnel: Interim City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Deputy Police Chief Jason Taylor, and Deputy City Clerk Marsha True.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting May 21, 2013; and bills and payroll for the last half of May, 2013.

Bills and Payroll for the last half of May, 2013

	<u>General Fund</u>		
Payroll		\$	290,104.76
Bills		\$	<u>75,706.12</u>
	Total	\$	365,810.88
	<u>Hotel Tax Administration</u>		
Payroll		\$	<u>2,230.24</u>
	Total	\$	2,230.24
	<u>Festival Management</u>		
Bills		\$	<u>1,048.00</u>
	Total	\$	1,048.00
	<u>Insurance & Tort</u>		
Bills		\$	<u>245.00</u>
	Total	\$	245.00
	<u>Capital Projects</u>		
Bills		\$	<u>12,247.90</u>
	Total	\$	12,247.90
	<u>Water Fund</u>		
Payroll		\$	37,856.21
Bills		\$	<u>79,197.71</u>
	Total	\$	117,053.92
	<u>Sewer Fund</u>		
Payroll		\$	38,659.48
Bills		\$	<u>53,743.67</u>
	Total	\$	92,403.15

	<u>Heath Insurance Fund</u>	
Bills	\$	66,308.92
	\$	66,308.92
	<u>Motor Fuel Fund</u>	
Bills	\$	708.42
	\$	708.42

Mayor Gover opened the floor for discussion. No discussion followed.

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

PRESENTATIONS, PETITIONS, AND COMMUNICATIONS

Mayor Gover opened the floor for public discussion. There was no public discussion.

Mayor Gover seconded by Commissioner Hall moved to adjourn to closed session pursuant to the Illinois Open Meetings Act for the purpose of the discussion of employment, performance or dismissal of employees of the municipality (5 ILCS 120 (2)(C) (1) at 6:34 p.m.

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

Council reconvened at 7:09 p.m.

NEW BUSINESS

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance 2013-1522, granting a variance from front yard building set back requirements to enable construction of an addition to the building at 1800 Dewitt Avenue, for the purpose of constructing handicapped-accessible restrooms. (Don Dow, Petitioner)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2013-1522

AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SET BACK REQUIREMENTS TO ENABLE CONSTRUCTION OF AN ADDITION TO THE BUILDING AT 1800 DEWITT AVENUE.

WHEREAS there has been filed a written Petition by Don Dow for a variance, respecting the property legally described as:

Lots eleven (11) and twelve (12) in Block seventeen (17) in the original town, now City of Mattoon, Coles County, Illinois; commonly known as 1800 DeWitt Avenue, Mattoon.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of an addition on the east side of the building, which will eliminate the front yard setback on North 18th Street; and

WHEREAS, the zoning code requires a 25-foot front yard setback from North 18th Street on the corner lot of 1800 DeWitt Ave. which is currently zoned C3, Service Commercial District; and

WHEREAS, the existing building currently has a 4 feet setback from North 18th Street; and

WHEREAS, the Planning Commission held a properly noticed, public hearing on May 28th 2013 regarding petitioner's request for said variance; and

WHEREAS, the Planning Commission for the City of Mattoon, Coles County, Illinois, 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 from the front yard setback requirement, allowing a zero foot setback on the North 18th Street, to enable construction of an addition to the existing building, which will eliminate the front yard setback from the east property line of 1800 DeWitt Avenue.

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 4th day of June, 2013, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
 Commissioner Hall, Commissioner Owen,
 Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of June, 2013.

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

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
by Marsha A. True, deputy
Susan O'Brien, City Clerk

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

Recorded in the Municipality's Records on June 4, 2013.

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

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

Mayor Gover seconded by Commissioner Owen moved to adopt Special Ordinance 2013-1523, granting a variance from the front yard building set back requirements for property located at 3300 Marshall Avenue from 25 feet to 15 feet and a Zoning Variance for the purpose of constructing a new building and mini rental storage units. (Todd & Kimberly Fuller, Petitioner)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2013-1523

AN ORDINANCE GRANTING A VARIANCE FROM THE FRONT YARD BUILDING SET BACK REQUIREMENT AND A ZONING VARIANCE AT 3300 MARSHALL AVENUE

WHEREAS, there has been filed a written Petition by Brent D. Holmes and Jennifer A. Koebele of Heller, Holmes & Associates, P.C., attorneys for Michael Todd Fuller and Kimberly Fuller, for a variance, respecting the property legally described as:

PARCEL A: THE EAST HALF (E.½) OF THE WEST 92 FEET OF THE SOUTH 75 FEET OF EVEN WIDTH OF LOT TWO (2) IN OAK PARK SUBDIVISION OF EXECUTOR'S SUBDIVISION OF THE SOUTHEAST QUARTER (SE.1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS.

PARCEL B: BEGINNING AT THE SOUTHEAST CORNER OF LOT TWO (2) IN OAK PARK SUBDIVISION OF EXECUTOR'S SUBDIVISION OF THE SOUTHEAST QUARTER (SE.1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID LOT, 75 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT, 297 FEET TO THE WEST LINE OF SAID LOT; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT, 75 FEET TO THE SOUTH LINE OF SAID LOT; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT, 297 FEET TO THE PLACE OF BEGINNING, SITUATED IN THE CITY OF MATTOON, EXCEPT THE FOLLOWING DESCRIBED LAND:

BEGINNING AT THE SOUTHEAST CORNER OF LOT TWO (2) IN OAK PARK SUBDIVISION OF EXECUTOR'S SUBDIVISION OF THE SOUTHEAST QUARTER (SE.1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT A DISTANCE OF 205 FEET TO THE POINT OF BEGINNING; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID LOT, 75 FEET; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID LOT, 92 FEET; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT, 75 FEET; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT, 92 FEET TO THE POINT OF BEGINNING, SITUATED IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS.

PARCEL C: LOT TWO (2) IN OAK PARK SUBDIVISION OF EXECUTOR'S SUBDIVISION OF F. V. NOYES' ESTATE IN THE SOUTHEAST QUARTER (SE. 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN AND BEING THE SAME PROPERTY DESCRIBED AS PARCEL NO. 2 IN DEED DATED FEBRUARY 5, 1896, RECORDED IN DEED BOOK 89 PAGE 350 OF THE RECORDS OF COLES COUNTY, ILLINOIS, EXCEPT A TRACT OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT TWO (2) IN OAK PARK SUBDIVISION OF EXECUTOR'S SUBDIVISION OF THE SOUTHEAST QUARTER (SE.1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID LOT, 75 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT, 297 FEET TO THE WEST LINE OF SAID LOT; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT, 75 FEET TO THE SOUTH LINE OF SAID LOT; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT, 297 FEET TO THE PLACE OF BEGINNING, COLES COUNTY, ILLINOIS.

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT TWO (2); THENCE AZIMUTH 75 DEGREES 02 MINUTES 03 SECONDS, 47.75 FEET ALONG THE NORTH LINE OF SAID LOT TWO (2); THENCE AZIMUTH 180 DEGREES 32 MINUTES 48 SECONDS, 45.50 FEET; THENCE AZIMUTH 270 DEGREES 32 MINUTES 13 SECONDS, 46.05 FEET; THENCE AZIMUTH 0 DEGREES 32 MINUTES 48 SECONDS, 32.60 FEET TO THE POINT OF BEGINNING, COLES COUNTY, ILLINOIS.

PARCEL D:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION FIFTEEN (15) TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, MEASURE NORTH ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) A DISTANCE OF 1,078.7 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF THE CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILROAD FOR THE PLACE OF BEGINNING; THENCE SOUTHWESTWARDLY ALONG THE SOUTH LINE OF SAID RIGHT OF WAY TO A POINT 68.6 FEET NORTH OF THE NORTHWEST CORNER OF LOT TWO (2) IN OAK PARK, A SUBDIVISION BY THE EXECUTORS OF F. V. NOYES' ESTATE IN THE SOUTHEAST QUARTER (SE.1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 68.6 FEET TO THE NORTHWEST CORNER OF SAID LOT TWO (2) IN SAID OAK PARK SUBDIVISION; THENCE NORTHEASTWARDLY ALONG THE NORTH LINE OF SAID LOT TWO (2) OF SAID OAK PARK SUBDIVISION EXTENDED TO A POINT IN THE EAST LINE OF SAID SECTION FIFTEEN, TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN TO THE PLACE OF BEGINNING, COLES COUNTY, ILLINOIS;

EXCEPT THE WESTERLY 47.75 FEET THEREOF AS CONVEYED BY WARRANTY DEED, DATED JULY 21, 1983 AND RECORDED JULY 22, 1983, IN DEED RECORD 612 PAGE 31 IN THE RECORDS OF COLES COUNTY, ILLINOIS.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow the construction of a storage building with attached office that encroaches into the front yard on the east portion of the real estate located at 3300 Marshall Avenue, a corner lot which runs along 33rd street, and which will reduce the front yard set back from the required 25 feet to 15 feet from the east property line; and

WHEREAS, said petition requests a variance be granted pursuant to applicable ordinances of the municipality to allow the construction of mini rental storage units on the west side of the lot which would exceed the maximum amount of building improvements devoted to storage allowed under C-3 Zoning; and

WHEREAS, the Planning Commission for the City of Mattoon held a properly noticed public hearing on May 28, 2013, regarding petitioner's request for said variance; and

WHEREAS, the Planning Commission for the City of Mattoon has recommended 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 front yard setback requirement on the east side of the property running along 33rd street to allow the setback to be reduced from 25 feet to 15 feet and enable the construction of a new building on the real estate located at 3300 Marshall Avenue, and further is granted a variance of the C-3 Zoning restriction regarding the maximum amount of building improvements on said property devoted to storage to allow for the construction of mini rental storage units.

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 Owen, adopted this 4th day of June, 2013, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of June, 2013.

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

ATTEST:
/s/ Susan J. O'Brien
By Marsha A. True, deputy
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ Janett Winter-Black
Janett Winter-Black, City Attorney

Recorded in the Municipality's Records on June 4, 2013.

Mayor Gover opened the floor for discussion. Commissioner Hall noted the setback would not affect traffic on Marshall Avenue because it faces 33rd Street where there is less traffic. Commissioner Graven was contacted by neighboring property owners who had concerns about lighting at the new storage units. However, the issue was resolved after speaking with Interim Administrator Gill, who said city ordinance required downward lighting. Mayor Gover mentioned that there were other storage units in that area.

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

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2013-1422, authorizing the employment of Rachel Howell as a probationary firefighter pending successful medical and psychological exams to fill the vacancy created by the retirement of Captain Jim Norviel.

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

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

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2013-1423, approving the price quote in the amount of \$39,833.93 from Ameren Illinois for the relocation of a gas main for the 9th Street Drainage Improvements.

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

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

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2013-1424, approving plans and specification for Generator project at Mattoon City Hall.

Mayor Gover opened the floor for discussion. Administrator Gill stressed the importance of updating the City Hall generator, considering the current one is only 60 amps. Mayor Gover and Chief Nichols both talked about a recent power outage where the fire department was unable to open the bay doors and required Charleston's assistance on a few calls. Administrator Gill described the new generator as 400 amps, having enough power to completely run City Hall. Commissioner Graven inquired about the life of the generator. Administrator Gill stated a 5 year warranty but with regular maintenance and testing it should have a life span of 15 to 20 years or longer. The new generator will be monitored from the Inspection office, with monthly tests.

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

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT – finalization of budget books, noting the change in appearance due to the help of Beth Wright who found a different incode program with larger print; working on finalizing 2 demo projects; 2 new TIF applicants; several nuisance complaints with nuisance court this coming Friday. Mayor Gover opened the floor for discussion, no discussion followed.

CITY ATTORNEY – preparation for nuisance court. Mayor Gover opened the floor for discussion, no discussion followed.

CITY CLERK – sent out 35 liquor license renewal letter – helped Administrator Gill with preparation of the budget books for disbursement to the Council and Department Heads. Mayor Gover opened the floor for discussion, no discussion followed.

FINANCE – preparing for the 2013 fiscal audit in August. Mayor Gover opened the floor for discussion, no discussion followed.

PUBLIC WORKS – Carl Bartels would start work on the Broadway Avenue Sidewalk project next Monday. Mayor Gover inquired as to the cross over, with Director Barber explaining the documents were not back from the state. Mayor Gover opened the floor for discussion. No discussion followed.

FIRE – Fire Chief and Deputy Fire Chief recently returned from Peoria Leadership seminar which was very informative; the Fire Department completed SBLHC skills review training; and Ronnie Spurgeon completed his Fire Inspector I certification.

POLICE – Deputy Chief Taylor noted that Chief Branson returns from vacation next week, recently handled 1100 calls of service, and starting work on the parking lot repair.

COMMENTS BY THE COUNCIL – Commissioner Hall welcomed Rachel Howell to the Mattoon Fire Department. Commissioner Graven inquired as to when the Commissioner’s portion of the web site would be updated with Administrator Gill replying he would have technology department take care of it as soon as possible. Commissioners Cox and Owen had no further comments. Mayor Gover thanked Mrs. True for filling in for the City Clerk.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:32 p.m.

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

/s/ Marsha A. True
Deputy City Clerk