

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on November 6, 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: Interim City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Police Chief Jeff Branson, Deputy Fire Chief Sean Junge, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting October 16, 2012; and bills and payroll for the last half of October, 2012.

Bills and Payroll for the last half of October, 2012

General Fund

Payroll		\$	241,705.05
Bills		\$	<u>169,117.22</u>
	Total	\$	410,822.27

Hotel Tax Administration

Payroll		\$	1,810.91
Bills		\$	<u>19,477.46</u>
	Total	\$	21,288.37

Festival Management

Bills		\$	<u>299.00</u>
	Total	\$	299.00

Insurance & Tort Judgment

Bills		\$	<u>5,242.86</u>
	Total	\$	5,242.86

Midtown TIF Fund

Bills		\$	<u>5,523.29</u>
	Total	\$	5,523.29

Capital Project Fund

Bills		\$	<u>69,023.28</u>
	Total	\$	69,023.28

So Rte 45 TIF

Bills		\$	<u>60,616.97</u>
	Total	\$	60,616.97

Water Fund

Payroll		\$	28,553.63
Bills		\$	<u>302,107.36</u>
	Total	\$	330,660.99

Sewer Fund

Payroll		\$	34,010.48
Bills		\$	46,363.49
	Total	\$	80,373.97

Revolving Loan Fund

Bills		\$	613.86
	Total	\$	613.86

Heath Insurance Fund

Bills		\$	172,750.39
	Total	\$	172,750.39

Motor Fuel Tax

Bills		\$	18,725.96
	Total	\$	18,725.96

Mayor Gover opened the floor for discussion, but there was no further discussion.

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

Mayor Gover called for a moment of silence in observance of the passing of Hal Kottwitz, former Commissioner and member of the Public Works Advisory Board until his death.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS:

- Public comments/presentations and non-agenda items

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

Police Chief Branson recognized Lt. Carl Oakley for his more than 27 years of service to the City and presented him a retirement plaque. Mayor Gover also congratulated Lt. Oakley and expressed gratitude for his service.

NEW BUSINESS

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance No. 2012-1502, granting a rezoning of 1200, 1204, 1208, 1212, 1216, 1220 Shelby Avenue and 1201, 1205, 1209, 1213, 1217, 1221 Moultrie Avenue from Single-Family Residential (R1) to One and Two-Family Dwelling (R2), and a front yard setback variance from 25 feet to 10 feet to Lots seven (7) and twelve (12) of said location for the purpose of constructing duplexes. (Bill Standerfer, Applicant)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2012-1502

ORDINANCE TO APPROVE PETITION FOR REZONING

WHEREAS, a Petition for Rezoning was filed with the City Clerk for the City of Mattoon by Bill Standerfer, Trustee, requesting that the City of Mattoon, Illinois rezone from R1 Single Family Residence District (R1) to R2 Two-Family Residence District for the real estate described as follows:

Lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12), in Block fifty-four (54), in the original town, now city of Mattoon, Coles County, Illinois.

Also known as, 1200, 1204, 1208. 1212, 1216, 1220 Shelby Ave. and 1201, 1205, 1209, 1213, 1217, 1221 Moultrie Ave., Mattoon, Illinois

and also requesting a variance to the front yard setback requirement of 25 feet on Lots seven (7) and twelve (12) to allow a 10 foot setback on the North 12th St. and North 13th St. front yards;

WHEREAS, a public hearing was held before the Planning Commission of the City of Mattoon on the 6th day of November, 2012 pursuant to published notice;

WHEREAS, said Mattoon Planning Commission considered said Petition and recommended the petition for rezoning be approved and the variance granted;

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the rezoning of the premises and grant the variance described in this ordinance.

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 rezoned from R1 Single Family Residence District, to R2, Two-Family Residence District and be granted variance to the front yard setback requirements on lots seven (7) and twelve (12) to reduce the front yards on N. 12th St. and N.13th St. to 10 feet.

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

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

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

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

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

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of November, 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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

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

Mayor Gover opened the floor for discussion or comments. Administrator Gill noted the Planning Commission recommended the zoning and variance. Commissioner Hall inquired when the project would be implemented. Mr. Standerfer stated construction could begin tomorrow with one to two buildings constructed each year over the next four to six years.

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 Becker moved to adopt Special Ordinance No. 2012-1503, authorizing an ordinance for the sale of Lot 52 and easement rights pertaining to Lot 61 in Lake Paradise Subdivision to Jeffrey M. Harshbarger and Grace Giorgio-Harshbarger, owners of a home on leased premises at Lot 52, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2980 E Lake Paradise Road)

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2012-1503
AN ORDINANCE AUTHORIZING THE SALE OF
SURPLUS REAL ESTATE

WHEREAS, State Statute 65 ILCS 5/11-76-4.1 enables corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, Jeffery M. Harshbarger and Grace Giorgio-Harshbarger, owners of a cabin located on premises leased from the municipality located at 2980 East Lake Paradise Road, also known as Lot 52 of Lake Paradise Subdivision, have requested to purchase said Lot 52 at the appraised value of \$16,000.00; and

WHEREAS, the City Council declared Lot 52 “no longer necessary or required for the use of the municipality” and “authorized management staff to negotiate contracts to sell said lots” by virtue of Resolution No. 2006-2642; and

WHEREAS, the City Council established certain Covenants, Restrictions, and Limitations for Lake Paradise Subdivision in a Declaration made May 16th, 2006 and caused said document to be recorded at the Coles County Clerk and Recorder’s Office as Document No. 0690359; and

WHEREAS, the City Council has determined that certain easement rights be granted across Lot 61 of Lake Paradise Subdivision for access to Lake Paradise from Lot 52.

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

Section 1. The City Council determines that it would be inappropriate to offer this property to competitive bidding since the leasee has already invested in permanent improvements on the premises that can not be conveniently separated.

Section 2. The Mayor and City Clerk are authorized to sign documents conveying, by Warranty Deed, attached as Exhibit ‘A’, title to the real estate described in Section 3 of this ordinance to Jeffery M. Harshbarger and Grace Giorgio-Harshbarger in exchange for payment in the amount of \$16,000.00.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 52 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois.
Commonly known as 2980 East Lake Paradise Road, Mattoon, Illinois.

Excepting any interest or estate in the minerals underlying the surface of the land which may have been heretofore conveyed or reserved, and all rights and easements in favor of any such mineral interest or estate.

Together with the following permanent easement which shall inure to the benefit of, and run with the land conveyed, as follows:

Grantor conveys to Grantees the non-exclusive right, easement, and privilege to enter upon Lot 61, Lake Paradise Subdivision, Paradise Township, Coles County, Illinois for the purpose of constructing and maintaining a sanitary leach field serving the property located at Lot 52 of Lake Paradise Subdivision, if needed, and further for the purpose of general pedestrian access to Lake Paradise, to and from Lot 52 of

Lake Paradise Subdivision, and further for the purpose of constructing, maintaining and accessing a boat dock on the shoreline of Lot 61 of Lake Paradise Subdivision. No other permanent improvements other than as stated above shall be made to Lot 61, or the shoreline thereof, except as mentioned herein. Grantor expressly reserves the right to grant and assign similar permanent easements for the use of said Lot 61 to other property owners of lands situated at Lake Paradise Subdivision, Paradise Township, Coles County, Illinois.

Section 4. The Covenants, Restrictions, and Limitations for Lake Paradise Subdivision, Paradise Township, Coles County, Illinois, attached as Exhibit 'B', shall run with the land, as provided by law, and shall be binding on all parties and all persons claiming under them and for the benefit of, and limitations on, future owners in such subdivision.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

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

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

Approved this 6th day of November, 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/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

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

Mayor Gover opened the floor for discussion, but there was no further 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.

Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2012-1374, ratifying the re-appointments of Terry Brotherton, Dean Coleman, Bill Standerfer, and David Stapleton to the Public Works Advisory Board for terms ending December 31, 2015.

Mayor Gover opened the floor for discussion and acknowledged the attendance of Mr. Brotherton and Mr. Standerfer.

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 Ervin moved to approve Council Decision Request 2012-1375, allowing House's Tavern to open its facilities to the public at 7:00 a.m. on November 11, 2012 for the purpose of having a breakfast for veterans. Liquor shall not be sold until 12:00 noon and all other liquor ordinances of the City shall remain in full force and effect.

Mayor Gover opened the floor for discussion. Mayor Gover noted liquor could not be given away per the liquor ordinance.

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 2012-1376, approving a \$10,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon YMCA for hosting the Weightlifting Competition on January 19 & 20, 2013 and the YMCA Junior District Swim Meet on February 22 & 23, 2013; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion, but there was no further 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 Hall seconded by Commissioner Becker moved to approve Council Decision Request 2012-1377, approving a \$3,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Youth Wrestling Club for hosting the Mattoon Youth Wrestling 2013 Mattoon Kids Open to be held January 6, 2013; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion, but there was no further 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 Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2012-1378, approving a \$4,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to Charleston Weightlifting Club for the Mattoon YMCA Weightlifting Meet & Strength Clinics to be held January 19 & 20, 2013; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion. Commissioner Hall commented on Tourism's intent to promote winter events. Mayor Gover noted the economic impact of the events.

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 meeting with Eastern Illinois University's marketing department, review of departments' budgets, upcoming Mid-town TIF walk, commercial remodeling plans, depot remodeling, and Freddy's Frozen Custard & Steakburgers Restaurant's upcoming opening. Mayor Gover opened the floor for questions. Commissioner Rankin requested an update of the Comprehensive Plan. Administrator Gill conveyed the requested material updates and completion at the end of January 2013.

CITY ATTORNEY—noted a dry closing on the Harshbarger property purchase and transfer completion. Mayor Gover opened the floor for questions with no responders.

CITY CLERK—announced 931 absentee and early voters in the office and large voter turnout in the precincts, and completion of various reports. Mayor Gover opened the floor for questions with no responders.

FINANCE—noted compiling numbers for year-to-date and preparing for next year's budget. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS—announced with a successful passage of the electrical aggregation question, and two public meetings regarding the Plan of Operation and Governance Document would be conducted on November 15th and 20th. Director Barber announced an upcoming council decision request authorizing him to approve negotiated prices on electrical

aggregation with parameters accepted by Council. He noted each community would determine its parameters. Mayor Gover opened the floor for questions of the Council or public with no responders.

FIRE–Deputy Chief Junge reported on training, reminded smoke detector battery changes, and noted budget preparations and business as usual. Mayor Gover opened the floor for questions with no responders.

POLICE–announced a new squad car, and work on first draft of budget. Mayor Gover opened the floor for questions with no responders.

COMMENTS BY THE COUNCIL

Commissioners Becker, Hall, and Rankin had no further comments.

Commissioner Ervin announced a budget meeting with the Mayor, Beth and Kyle; and echoed compliments with thanks to Carl Oakley.

Commissioner Hall seconded by Commissioner Becker moved to adjourn at 7:03 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