

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on December 20, 2011.

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, Absent Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Tim Gover.

Also physically present were City personnel: Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Assistant Fire Chief Sean Junge, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting December 6, 2011; Fire Department report for the month of October and November, 2011; bills and payroll for the first half of December, 2011 and HOME Rehab Expenditures.

**Bills and Payroll first part of December, 2011**

<b><u>General Fund</u></b>		
Payroll		\$ 240,108.00
Bills		<u>\$ 874,152.24</u>
	Total	\$ 1,114,260.24
<b><u>Hotel Tax Fund</u></b>		
Payroll		\$ 1,699.99
Bills		<u>\$ 50.00</u>
	Total	\$ 1,749.99
<b><u>Mobile Equipment Fund</u></b>		
Bills		<u>\$ 40,527.43</u>
	Total	\$ 40,527.43
<b><u>Insurance &amp; Tort Judgment</u></b>		
Bills		<u>\$ 239,569.25</u>
	Total	\$ 239,569.25
<b><u>Midtown TIF Fund</u></b>		
Bills		<u>\$ 14,311.00</u>
	Total	\$ 14,311.00
<b><u>Capital Project Fund</u></b>		
Bills		<u>\$ 78,841.96</u>
	Total	\$ 78,841.96
<b><u>Water Fund</u></b>		
Payroll		\$ 30,077.02
Bills		<u>\$ 25,884.97</u>
	Total	\$ 55,961.99
<b><u>Sewer Fund</u></b>		
Payroll		\$ 31,368.48
Bills		<u>\$ 381,871.18</u>
	Total	\$ 413,239.66

**Motor Fuel Tax Fund**

Bills		\$	<u>13,457.01</u>
	Total	\$	13,457.01

**Health Insurance Fund**

Bills		\$	<u>61,336.73</u>
	Total	\$	61,336.73

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, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

**PRESENTATIONS, PETITIONS & COMMUNICATIONS**

- Public comments/presentations and non-agenda items

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

Mayor Gover opened the public hearing at 6:32 p.m. regarding the HOME Grant program in the City Hall Council Chambers on December 20, 2011. Ms. Kristy Dawson, Rehabilitation Housing Program Coordinator of Coles County Regional Planning and Development Commission, conducted the hearing. Coordinator Dawson reviewed the 2010 grant elaborating on the eight homes and \$320,000 of construction with \$17,000 administrative fees. Coordinator Dawson described the 2012/2014 HOME Grant application of 12 homes with \$500,000 in grant requests. She further noted there were 37 homes currently on a waiting list, and the appraisal amounts would be the recaptured amount. Coordinator Dawson opened the floor for questions of the Council or public. Commissioner Rankin inquired how the number of homes in the grant was derived. Ms. Dawson stated the application was for ten homes last year and the grant was awarded for eight. With no further questions or comments, Mayor Gover closed the hearing at 6:35 p.m.

**NEW BUSINESS:**

Mayor Gover seconded by Commissioner Hall moved to adopt Resolution No.2011-2848, authorizing and supporting a single family owner occupied rehabilitation grant application; and authorizing the Mayor to execute all documents (HOME Grant 2012/2014).

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**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2011-2848**

**A RESOLUTION OF AUTHORIZATION AND SUPPORT FOR A SINGLY FAMILY OWNER OCCUPIED  
REHABILITATION GRANT APPLICATION**

**WHEREAS**, the City of Mattoon, is applying to the State of Illinois for HOME Single Family Owner Occupied Rehabilitation Program funds administered by the Illinois Housing Development Authority (IHDA), and,

**WHEREAS**, it is necessary that an application by authorized for submission by the City Council and that the Mayor be authorized to sign documents as required by the Illinois Housing Development Authority in connection with said HOME funds,

**NOW, THEREFORE, BE IT RESOLVED** as follows:

- 1) That the City authorizes and supports the submission of an application for HOME Single Family Owner Occupied Rehabilitation Program funds under the terms and conditions of the State of Illinois and shall enter into and agree to the understandings and assurances contained in said application.

- 2) That the Mayor may execute such documents and all other documents necessary for the carrying out of said application and provide such additional information as may be required to accomplish the obtaining of such grant.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 20th day of December, 2011, by a roll call vote, as follows:

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

Approved this 20th day of December, 2011.

/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 December 20, 2011.

Mayor Gover opened the floor for discussion with no responders.

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

Mayor Gover seconded by Commissioner Becker moved to approve Council Decision Request 2011-1278, ratifying the Mayor's re-appointment of Ken Wooddell to the Revolving Loan Fund (RLF) Committee for a term ending 04/30/2013.

Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Becker seconded by Commissioner Hall moved to adopt Ordinance No.2011-5341, amending the Storm Water Detention Requirements for development.

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**CITY OF MATTOON, ILLINOIS**  
**ORDINANCE NO. 2011-5341**

**AN ORDINANCE AMENDING THE STORM WATER DETENTION REQUIREMENTS FOR DEVELOPMENT**

**WHEREAS**, the City of Mattoon is responsible for establishing regulations for residential, commercial, and industrial development within the City Limits, and for a distance of 1-1/2 miles outside the City Limits; and

**WHEREAS**, the City of Mattoon has established regulations for storm water run-off controls for said developments; and

**WHEREAS**, the City Mattoon wishes to consolidate, clarify, and amend the existing regulations for storm water detention.

**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. Code Amendment.** Section §150.55 through 150.59 (Water Detention Structures) of Chapter 150 of the Code of Ordinances of the City of Mattoon are hereby deleted in their entirety.

**Section 3. Code Amendment.** Chapter 157 (Subdivision Regulations), Section 157.64(B) be amended as follows:

(B) Proposed final drainage plan for the subdivision, which shall include symbolic representation of direction of flow of surface runoff along all property lines. The plan shall be drawn to the scale of one inch equals 100 feet. The subdivision drainage plan shall include computations indicating all flows currently entering the subdivision, the current runoff from the subdivision area and anticipated runoff when fully developed. Computations shall be made for both ten-year and 100-year flows. Drainage facilities shall be provided to accept and convey existing flows. All on-street drainage shall be captured in inlets or catch basins designed in accordance with the standard practices of the Illinois Department of Transportation of Local Roads and Streets and shall be conveyed by storm sewer capable of carrying the ten-year storm. Easements forbidding permanent structure shall adequately provide for the conveyance of the 100-year storm wherever it may occur within the subdivision. Methods of conveyance may be by combination of storm sewer and open drainageway for the 100-year storm. ~~Runoff from the subdivision shall be detained to ensure runoff does not exceed the ten-year flow from those conditions existing at the time the drainage plan is prepared. The detention area shall be capable of capturing flows equivalent to the difference between the 100-year developed and the 100-year undeveloped flows.~~

**Section 4. Code Amendment.** Title XV (Land Usage) is amended by the addition of the following language:

#### **CHAPTER 161: STORM WATER DETENTION**

- Section 161.01 Definitions
- Section 161.02 General Requirements
- Section 161.03 Storm Water Detention - Design Method 1
- Section 161.04 Storm Water Detention - Design Method 2
- Section 161.05 Maintenance

##### 161.01 Definitions

**Development:** New construction, or expansion, of any site for residential, commercial, industrial, or mixed uses. This includes, but is not limited to; residential subdivisions, planned unit developments, and mixed use subdivisions. This includes, regardless of the number of buildings or separate entities at a site; multi-family residential sites, commercial sites, industrial sites, and trailer parks.

**Significant Run-Off Potential:** All proposed construction activities that would result in the conversion of 0.40 acres, or more, of permeable surfaces, or aggregate surfaces, to impermeable surfaces.

**Moderate Run-Off Potential:** All proposed construction activities that would result in the conversion of between 0.25 to 0.40 acres of permeable surfaces, or aggregate surfaces, to impermeable surfaces.

**Minor Run-Off Potential:** All proposed construction activities that would result in the conversion of less than 0.25 acres of permeable surfaces to impermeable surfaces.

**Permeable Surfaces:** Naturally occurring surfaces in which significant storm water infiltration is considered by traditional engineering methods to occur. Examples are: bare soil, grass land, wood land, crop land, etc.

**Impermeable Surfaces:** Manmade surfaces in which significant storm water infiltration is not considered by traditional engineering methods to occur. Examples are: roofs, asphalt, brick, concrete, aggregate, etc.

**Storm Water Detention Facilities:** All wet basins, dry basins, surface storage, underground storage, ditches, swales, and piping designed to convey, store, and discharge storm water at a site.

#### 161.02 General Requirements

All Developments resulting in Significant Run-Off Potential shall comply with the requirements of Storm Water Detention - Design Method 1, described below.

All Developments resulting in Moderate Run-Off Potential shall comply with the requirements of Storm Water Detention - Design Method 2, described below.

Storm Water Detention is not required for:

Developments resulting in Minor Run-Off Potential.

The construction of a single-family residence, or two-family residence, that is not constructed in conjunction with a Development resulting in Moderate or Significant Run-Off Potential.

Immediate use versus future use: The ultimate intended future use of the Development shall be used to determine the storm water detention requirements. A residential, or mixed-use, subdivision which is platted and constructed in phases will be allowed to construct the Storm Water Detention Facilities in similar phases. All other Developments shall be required to construct the Storm Water Detention Facilities for full development with the initial construction phase.

All Storm Water Detention Facilities shall be designed by a Licensed Professional Engineer, at no expense to the City of Mattoon, and shall be submitted to the City for approval. Approval by the City of Mattoon shall not relieve the responsibility for the Developer and/or site owner to design, construct, and maintain a functional storm water detention system.

Storm water run-off shall be calculated by the Rational Method ( $Q=CIA$ ). Run-Off Coefficients and Rainfall Intensities versus Time of Concentration Charts shall be in accordance with the current edition of the Illinois Department of Transportation Drainage Manual. Alternate calculation methods can be approved, on a case by case basis, at the sole discretion of the City of Mattoon.

The minimum size for an underground discharge device shall be a 12" pipe, or equivalent. The minimum size for restriction devices shall be 6" diameter short tube restrictors. Restrictor devices shall be conveniently accessible for cleaning and maintenance.

Sideslopes around the perimeter of detention basins shall not be steeper than 4:1, horizontal to vertical.

#### 161.03 Storm Water Detention - Design Method 1

Storm Water Detention Facilities shall be designed to detain the 100 Year Event for the Developed Site and to release the 10 Year Event for the Existing Site.

#### 161.04 Storm Water Detention - Design Method 2

Storm Water Detention Facilities shall be designed such that there is no increase in the storm water discharge from the site between the developed and existing conditions. Calculations shall be provided for the 10 Year Event and the 100 Year Event.

#### 161.05 Maintenance

The current and future site owner(s) shall be responsible for maintaining the Storm Water Detention Facilities in a manner that:

Provides for the original design storage volumes and discharge rates.

Does not cause a public nuisance by virtue of weeds, debris, odors, insects, and/or diminished ability for use of downstream property.

The City of Mattoon reserves the right to require the current property owner of any Storm Water Detention Facility to comply with the requirements of this subsection (161.05 Maintenance). In the case of failure by a property owner to properly maintain a Storm Water Detention Facility, the City shall first issue a 10 day notice specifying the remediation measures required. In the event that the required remediation measures are not completed within 10 days notice, the City of Mattoon reserves the right to; cause such remediation measures to be completed, to file a lien against the property for the remediation costs, and to pursue any other lawful means for collection of the remediation costs.

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

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

Upon motion by Commissioner Becker, seconded by Commissioner Hall, adopted this 20th day of December, 2011, by a roll call vote, as follows:

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

Approved this 20<sup>th</sup> day of December, 2011.

/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 December 20, 2011.

Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Rankin seconded by Commissioner Becker moved to adopt Special Ordinance 2011-1470, declaring the Wallace & Tiernan 32-055 dry chemical feeder as surplus and authorizing its sale to the City of Neoga in the amount of \$1,000.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2011-1470**

**AN ORDINANCE DECLARING A DRY CHEMICAL FEEDER SURPLUS AND AUTHORIZING ITS SALE TO  
THE CITY OF NEGOA, ILLINOIS**

**WHEREAS**, the Mattoon Water Treatment Plant currently owns a Wallace & Tiernan 32-055 dry chemical feeder; and,

**WHEREAS**, Water Treatment Plant Superintendent Dave Basham recommends the equipment be declared as surplus, and has negotiated the sale of the equipment to the City of Neoga.

**WHEREAS**, the City of Neoga has agreed to purchase the dry chemical feeder for \$1,000.00 at their December 12, 2011 Council meeting.

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

**Section 1.** Wallace & Tiernan 32-055 dry chemical feeder is hereby declared surplus to the needs of the City of Mattoon.

**Section 2.** The City of Mattoon, Illinois does not express any warranty nor imply any statement of condition of this surplus property.

**Section 3.** The Water Treatment Plant Superintendent is hereby authorized to administratively sell the equipment to the City of Neoga for \$1,000.00.

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

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

Upon motion by Commissioner Rankin, seconded by Commissioner Becker, adopted this 20<sup>th</sup> day of December, 2011, by a roll call vote, as follows:

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

Approved this 20<sup>th</sup> day of December, 2011.

/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 December 20, 2011.

Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Rankin seconded by Commissioner Becker moved to approve Council Decision Request 2011-1279, awarding the joint bid from Curry Farms of Mattoon, and Welsh Farms of Gays in the amount of \$131.00 per acre per year for hay farming at the South Side Detention Basin; and authorizing the Mayor and City Clerk to sign the Lease Agreement.

Mayor Gover opened the floor for discussion. Director Barber noted conversation with successful bidders on the good price/acre and elaborated on the farming of the property.

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

Commissioner Becker seconded by Commissioner Hall moved to adopt Ordinance 2011-5342: Establishing Landscaping requirements for development.

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**CITY OF MATTOON, ILLINOIS**  
**ORDINANCE NO. 2011-5342**

**AN ORDINANCE ESTABLISHING LANDSCAPING REQUIREMENTS FOR DEVELOPMENT**

**WHEREAS,** the City of Mattoon is responsible for establishing regulations for residential, commercial, and industrial development within the City Limits, and for a distance of 1-1/2 miles outside the City Limits; and

**WHEREAS,** the City of Mattoon wishes to establish landscaping requirements for said developments; and

**WHEREAS,** said Landscaping requirements are intended to increase the curb appeal of the community for the local citizenry, visitors to the community, and the patrons of local businesses.

**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. Code Amendment.** Title XV (Land Usage) of the Code of Ordinances of the City of Mattoon are hereby amended by the addition of the following:

## **CHAPTER 162: LANDSCAPING**

- Section 162.01 Definitions
- Section 162.02 Use of Public Right-of-Ways
- Section 162.03 General Requirements
- Section 162.04 Landscaping Requirements by Zoning Classification
- Section 162.05 Maintenance

### 162.01 Definitions

**Landscaping:** For the purpose of this Ordinance, Landscaping includes Living and Non-Living Landscaping Features. Only those items that are outdoors and are directly visible to the general public qualify as Landscaping.

**Living Landscaping Features:** Ornamental plant material such as, but not limited to; trees, shrubs, ivies, flowers, non-flowering ornamental plants, grass, and ornamental grasses.

**Non-Living Landscaping Features:** Ornamental outdoor features such as, but not limited to; aerated ponds, decorative rock(s), historic or educational markers, fencing, fountains, masonry, monuments (excluding advertising or other business signage), mulch, and sculptures. Decorative rock(s) does not include; limestone, unwashed gravels, soil, sand, or manmade materials.

**Food Crops:** This includes all agricultural field crops typically grown for profit such as, but not limited to; barley, corn, oats, rye, sorghum, soybeans, and wheat. This includes all garden crops typically grown for human consumption and available in the produce section of a grocery store.

**Invasive Species:** Autumn olive and multiflower rose.

**Lot:** The area within the property limits for the site being Developed or expanded.

**Noxious Weeds:** Those plants identified in Illinois Administrative Code, Title 8, Part 220, Section 220.60. The current list of Noxious Weeds at the date of this ordinance are; marijuana, giant ragweed (horseweed), common ragweed, canada thistle, perennial sowthistle, musk thistle (common thistle), perennial members of the sorghum genus (johnsongrass, sorghum alnum, and other johnsongrass x sorghum crosses with rhizomes), and kudzu.

**Patron Parking Areas:** Those parking areas available for; customers, guests, members, residents, and/or visitors. This does not include parking spaces for employees or vehicles/equipment for sale. The area includes the parking spaces and the adjacent traffic lanes.

**Public Right-of-Ways:** Streets, alleys, and utility easements owned by the City, State, or County.

**Street Frontage:** The portion of the Lot that borders a public street.

Tree: A deciduous or evergreen species with a minimum trunk diameter of 2-1/2" measured 2' above the ground. Trees with trunks smaller than 2-1/2" diameter are allowable in planting areas but do not satisfy the requirement for a "Tree" where a Tree is referenced in this Ordinance. Trees with trunks smaller than 2-1/2" diameter shall be considered shrubs for the space coverage requirements of this Ordinance.

Weeds: For the purposes of this ordinance, weeds shall be defined to be those items specifically identified herein; cattails, cockleburrs, dandelions, gypsum weed, lambsquarter, mustard weed, pigweed, pokeberry, poison ivy, poison oak, and teasel.

#### 162.02 Use of Public Right-of-Ways

The size of the Lot shall be calculated exclusive of any Public Right-of-Ways. Public Right-of-Ways shall not be used to meet the Landscaping requirements of this Ordinance except as specifically noted herein. Landscaping features shall not be placed over utilities, or in areas designated for future utility installation.

#### 162.03 General Requirements

These Landscaping requirements only apply to new Developments, or in the case of the expansion of existing Developments, that portion of the Development being expanded. There are no changes required of existing Developments by this Ordinance.

A site plan detailing the proposed Landscaping features shall be submitted for review and approval, by the Community Development Coordinator, prior to the issuance of any building permits for the site. The plan shall show the calculations for the Lot area, Parking Lot area(s), and the Landscaping area(s). The Landscaping plan need not name the specific plant species to be used, but may use general descriptions such as "ornamental grasses", "flowers", "tree", "shrub", etc.

Non-Living Landscaping Features shall serve no other structural purpose, or infrastructure related purpose, in order to be considered Landscaping. For example; building walls, roofs, sidewalks, driveways, parking areas, privacy fencing, or security fencing shall not be considered Landscaping regardless of the materials of construction.

Portions of storm water detention facilities may be used to meet Landscaping area requirements provided that they also meet the remaining requirements of this Ordinance. The permanent water level of un-aerated retention basins shall not be included. Security fencing, such as chain link, shall not be included around detention basins. Living Landscaping Features and intermittent ornamental fencing may be allowed where property owners wish to deter access.

Non-Living Landscaping Features must be mixed with Living Landscaping Features in a ratio not to exceed 1 to 1, by area, to be considered to contribute to the Landscaping requirements of this Ordinance. Lawn areas must be mixed with other Landscaping Features in a ratio not to exceed 1 to 1, by area, to be considered to contribute to the Landscaping requirements of this Ordinance. Solid areas of Non-Living Landscaping Features, and/or lawns, shall not exceed 100 square feet to be considered to contribute to the Landscaping requirements of this Ordinance.

A Tree shall be considered to contribute 100 square feet of Landscaping area. A Tree in a planter area with other Landscaping will be considered to contribute 100 square feet of Landscaping area in addition to the planter size. A shrub will be considered to contribute 5 square feet of Landscaping area, unless specific dimensions are listed otherwise on the landscaping plan. Shrubs and other plants do not add to the Landscaping area of the planters in which they are located.

Food Crops, Invasive Species, Noxious Weeds, and Weeds shall not be used in the Landscaping areas required by this Ordinance. Nothing in this Ordinance shall be interpreted to prevent the planting of Food Crops in appropriately zoned areas, undeveloped lots, or residential yards. Food Crops are merely excluded from being used to fulfill the Landscaping requirements of this Ordinance.

The definitions of Invasive Species, Noxious Weeds, and/or Weeds shall be expanded at any time in which the City Council perceives that a plant has been deliberately established, encouraged, or allowed to grow which is intended to defy the general intent of this ordinance or to cause irritation to the senses of others. The City reserves the right to remove, or cause to be removed, at the property owner's expense after 10 days notice, any plant defined as an Invasive Species, Noxious Weed, or Weed.

#### 162.04 Landscaping Requirements by Zoning Classification

RS, R1, & R2:

There are no specific Landscaping requirements for individual lots or common areas.

New Subdivisions or Planned Unit Developments, or the expansion of existing Subdivisions or Planned Unit Developments, shall include Trees at a minimum spacing of 1 Tree per lot, or 1 Tree per 100', whichever results in the greater number of Trees, on each side of the roadway. These trees shall be located on City Owned Right-of-Ways to the extent practical.

R3, C1, C2, C3, C4 & C5:

Sites with 500' of Street Frontage or less:

The minimum Landscaping requirement shall be; 2 square feet of Landscaping per foot of Street Frontage, or 7.5% of the Patron Parking area(s) whichever is greater.

Sites with more than 500' of Street Frontage:

The minimum Landscaping requirement shall be; 2 square feet of Landscaping per foot of Street Frontage, and 7.5% of the Patron Parking area(s).

I:

The minimum Landscaping requirement is; 1 Tree per 100 feet of Street Frontage, or an equivalent amount of other Landscaping. Sites which border a different zoning classification shall also include 1 Tree per 100 feet of property line bordering the other zoning, or an equivalent amount of other Landscaping. This requirement does not apply to property lines bordering an unzoned agricultural area.

C/D: See Title XV (Land Usage), Chapter 159 (Zoning), Section 159.60(I).

All Zoning Classifications:

Landscaping requirements that are calculated based on Street Frontage are intended to be used along the Street Frontage. Landscaping requirements based on parking area(s) are intended to be spread throughout, and/or around, the parking area(s). However, this shall not be interpreted to limit creativity in the placement of landscaping areas nor to prevent the combining of the individual requirements into common areas.

Landscaping requirements that are described as a number of "square feet of Landscaping per foot of Street Frontage" are intended to describe the method for calculating the total Landscaping area required. They are not intended to require that the Landscaping to be spread continuously along the Street Frontage.

162.05 Maintenance

Landscaping areas shall be maintained at the property owner's expense. Maintenance shall include, but not be limited to; watering, weeding, mowing, trimming, debris removal, and replenishment of mulch or ornamental rock.

The City of Mattoon reserves the right to require the current property owner to comply with the requirements of this subsection (162.05 Maintenance). In the case of failure by a property owner to properly maintain a Landscaping area, the City shall first issue a 10 day notice specifying the remediation measures required. In the event that the required remediation measures are not completed within 10 days notice, the City of Mattoon reserves the right to; cause such remediation measures to be completed, to file a lien against the property for the remediation costs, and to pursue any other lawful means for collection of the remediation costs.

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

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

Upon motion by Commissioner Becker, seconded by Commissioner Hall, adopted this 20th day of December, 2011, by a roll call vote, as follows:

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

ABSTAIN (Names): Commissioner Rankin

Approved this 20th day of December, 2011.

/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 December 20, 2011.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired the need for landscaping ordinance, comparison to other communities, and residents' requirements. Director Barber explained the City had no ordinance regulating landscaping; need for new development to have landscaping regulations to avoid blank, open areas; Cross County Mall as a good example; not effecting existing businesses; requirements increase with larger development; and residential requirement in subdivisions. Commissioner Rankin questioned hindrance to economic development with Director Barber noting proposed landscaping easily achieved. He further noted the comprehensive plan development would determine enhancements. Commissioner Becker cautioned the proposed landscaping regulations may not hinder development, but comprehensive plan could hinder development. Mayor Gover encouraged existing businesses to enhance their facilities and reiterated the non-effect on single-family residences. Director Barber noted the efforts put forth not to hinder small businesses. Mr. Herb Meeker of the Journal Gazette questioned the evaporation of tree canopy and inquired whether tree removal had to be approved by the City. Director Barber stated the annual tree replacement commitment and noted tree removal required approval by the Public Works Department.

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

Commissioner Rankin seconded by Commissioner Becker moved to adopt Special Ordinance 2011-1471: Declaring real estate as surplus and authorizing its sale to John R. Armstrong (Outlot 4 Lake Paradise 10-0-01029-000)

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2011 - 1471**

**AN ORDINANCE AUTHORIZING SALE OF SURPLUS REAL ESTATE OWNED BY THE  
MUNICIPALITY TO JOHN ARMSTRONG**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the 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**, the property being sold is described in the plat of survey, which is attached hereto and incorporated herein as Exhibit "A"; and

**WHEREAS**, the City Council hereby makes a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, this property is the remaining portion of an outlot on the east side of Lake Paradise that is virtually unusable for the City; and

**WHEREAS**, Jason Taylor has already purchased the other portion of the outlot and John Armstrong paid to have a survey and appraisal performed on the property; and

**WHEREAS**, the appraisal indicated existing leach field and septic rights of adjoining property owners and John Armstrong has indicated he will comply with these rights and restrictions;

**WHEREAS**, Stanley D. Gordon of Gordon Appraisal Service, Inc. determined \$4,000 was the fair market value of the real estate as of October 6, 2011 and John Armstrong has offered to purchase the property for 100% of the appraised value.

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

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

**Section 2.** The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a Warranty Deed to the real estate described in Section 3 of this ordinance to John R Armstrong subject to a payment in the amount of \$4,000 total (\$500 earnest money already paid; \$3,500 remaining balance) and the payment of all fees and costs associated with this sale. This lot has restricted use; due to the location of individual septic leech fields for adjoining property owners, no buildings can be built on this lot.

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

A Part of Outlot 4 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois.

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

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

Upon motion by Commissioner Rankin, seconded by Commissioner Becker, adopted this 20th day of December, 2011, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 20th day of December, 2011.

/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 o n December 20, 2011.

Mayor Gover opened the floor for discussion with no responders.

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

## DEPARTMENT REPORTS:

CITY ADMINISTRATOR-absent

ATTORNEY & TREASURER-absent

CITY CLERK- noted business as usual with 7 of 25 liquor license renewals complete; City Hall offices closed 23<sup>rd</sup> & 26<sup>th</sup>; and consensus for the Regular Scheduled meeting on January 3<sup>rd</sup> to be conducted on January 10<sup>th</sup>. Mayor Gover explained the unavailability of staff and council on the 3<sup>rd</sup>. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS –updated Council on the Progress Square Parking Lot finishing items; successful Lightworks; Siemens Energy Conservation Contract; Depot Platform; and Depot Parking Lot. Commissioner Hall inquired whether the Depot lighting would be the same as the City Parking Lot next to YMCA with Director Barber answering affirmatively.

COMMUNITY DEVELOPMENT-updated Council on the demolition bids on three houses and award to be announced soon with commencement in January; noted IDNR violation occurred with the Kickapoo Creek and resolution, six applications for the Plumbing Inspector and interview schedule; and Villa Building 95% demolished; and business as usual. Mayor Gover opened the floor for questions with Mr. Steve Ratliff inquiring about the Villa barrier removal. Coordinator Gill stated a barrier would remain.

FIRE-Assistant Chief Junge thanked the Public Works Department for repair to Station #3's conc rete pad; noted conducting of fire drills, training, safety program, software upgrade of monitors through an SIU School of Medicine grant of \$1460.00, attendance of the Illinois House of Representatives Task Force with the Mayor, successful Operation Sleighride with over \$5,000 for 150 Franklin School and TLC students. Mayor Gover opened the floor for questions with no responders.

POLICE-noted ongoing and continuous observations of the Depot, and the Department experiencing business as usual. Mayor Gover opened the floor for questions with no responders.

## COMMENTS BY THE COUNCIL

Commissioners Becker and Rankin had no comments. Commissioner Hall read a thanks for help article from an injured individual. Mayor Gover extended well wishes for Christmas and the New Year.

Commissioner Hall seconded by Commissioner Rankin moved to adjourn at 7:10 p.m.

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

/s/ Susan J. O'Brien  
City Clerk