

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on August 2, 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, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, 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.

Mayor Gover seconded by Commissioner Ervin moved to approve the consent agenda consisting of minutes of the regular meeting July 19, 2011; Library Annual Report and Fire and Police Pension Financial Reports for the month of June, 2011; bills and payroll for the last half of July, 2011 and HOME Rehab Expenditures.

Bills and Payroll for the last half of July, 2011

	<u>General Fund</u>		
Payroll		\$	263,223.65
Bills		\$	<u>61,482.03</u>
	Total	\$	324,705.68
	<u>Hotel Tax Fund</u>		
Payroll		\$	2,984.97
Bills		\$	<u>303.79</u>
	Total	\$	3,288.76
	<u>Festival Management Fund</u>		
Bills		\$	<u>162.50</u>
	Total	\$	162.50
	<u>Capital Project Fund</u>		
Bills		\$	<u>9,602.32</u>
	Total	\$	9,602.32
	<u>Water Fund</u>		
Payroll		\$	31,200.67
Bills		\$	<u>32,571.95</u>
	Total	\$	63,772.62
	<u>Sewer Fund</u>		
Payroll		\$	38,986.71
Bills		\$	<u>18,332.36</u>
	Total	\$	57,319.07
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>34,925.98</u>
	Total	\$	34,925.98
	<u>Health Insurance Fund</u>		
Bills		\$	<u>85,590.29</u>
	Total	\$	85,590.29

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, YEA Mayor Gover.

**PRESENTATIONS, PETITIONS & COMMUNICATIONS**

Mayor Gover opened the floor for public comments/presentations and non-agenda items. Mrs. Janie Youhas of 2313 Charleston Avenue inquired as to status of the nuisance property at 2400 Broadway Avenue; and noted the block's sidewalks were in disrepair. Coordinator Gill responded that the property owner had been contacted, while noting outside storage is allowed as zoned. Mayor Gover requested further dialogue to be continued while Council was in closed session. Mrs. Cynthia Godden of 2405 Lafayette Avenue inquired as to flooding issues around her neighborhood; questioned the replacement of a removed fire hydrant; and questioned the Farris Construction corner. Director Barber would review the flooding and sidewalk situation and contact Mrs. Godden. Coordinator Gill answered her inquiry on the Farris Construction corner.

With no further public comments, Mayor Gover moved to recess to closed session pursuant to the Illinois Open Meetings Act for the purpose of discussing collective bargaining negotiating matters (5 ILCS 120/2(c)(2)). At the Commissioners' request Mayor Gover withdrew his motion until other agenda items were addressed.

**NEW BUSINESS:**

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2011-1233, ratifying the Mayor's appointment of Jon Spitz to the Board of Fire & Police Commissioners to fill the vacancy created due to the resignation of Gary Rollings for the unexpired term of 4/30/2013.

Mayor Gover opened the floor for discussion with no responders.

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

Mayor Gover seconded by Commissioner Ervin moved to adopt Special Ordinance 2011-1447, approving a variance to the zoning ordinance for a property located at 2501 Marshall Avenue to allow parking on the east boulevard. Petitioner – Duane Stewart

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2011-1447**

**AN ORDINANCE APPROVING A VARIANCE FROM THE PARKING REQUIREMENTS OF THE ZONING ORDINANCE OF THE MUNICIPALITY ON REAL ESTATE KNOWN AS 2501 MARSHALL AVENUE**

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

Lot 1, Block 174 of Noyes' Addition to the City of Mattoon, Coles County, IL.  
Also known as: 2501 Marshall Avenue, Mattoon, Illinois

WHEREAS, said petition requests a variance be granted from the parking requirements, and believe a variance would not be detriment to the general public interests or to the premises; and

WHEREAS, the Planning Commission held a public hearing on said petition on July 26, 2011; and

WHEREAS, said Petition was considered by the Planning Commission on July 26, 2011; and was recommended that the Petition be allowed, and that a variance be granted from the parking requirements of the zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon 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 Ordinance.

Section 2. A variance is hereby granted from the parking requirements of the Zoning Ordinance of the City of Mattoon to reduce the number of parking spaces from 19 to 15 parking spaces provided on the above described property and the boulevard.

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

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

Upon motion by Mayor Gover, seconded by Commissioner Ervin, adopted this 2nd day of August, 2011, 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 2nd day of August, 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 August 2, 2011.

Mayor Gover opened the floor for discussion. Commissioner Hall asked questions on the proposed variance concerning the building and parking spaces with Mr. Keith Stewart, (son representing Mr. Duane Stewart) responding with additional input from Coordinator Gill. Commissioner Rankin questioned whether junk cars on the City's right-of-way would pertain to inoperable vehicles with Chief Branson answering affirmatively. Coordinator Gill noted the zoning would provide an auto repair business to not violate the nuisance ordinance. Commissioner Ervin inquired whether the Planning Commission had any concerns. Coordinator Gill stated no concerns with inoperable vehicles, only turning-onto-the-road concerns.

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 adopt Special Ordinance 2011-1448, approving a variance to the sign ordinance for a property at 4920 Lake Land Court. Petitioners – SNC JJ Holdings, LLC and H&D Restaurants, LLC. (Subway)

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2011-1448**

**AN ORDINANCE APPROVING A VARIANCE TO THE SIGN CODE OF THE MUNICIPALITY ON REAL ESTATE KNOWN AS MARATHON SUBWAY LOCATED AT 4920 LAKE LAND COURT**

WHEREAS, there was filed with the Community Development Coordinator of the City of Mattoon, County of Coles, Illinois, a certain Petition by SNC JJ Holdings, LLC and H&D Restaurants, LLC praying that variance be granted from requirements of the sign code of the municipality on real estate described as:

4920 Lake Land Court

WHEREAS, said Petition was reviewed by the Community Development Coordinator and recommended to the City of Mattoon Planning Commission; and

WHEREAS, said Petition was submitted to the Planning Commission for their recommendation on July 26, 2011; and

WHEREAS, said Petition was considered by the Planning Commission on July 26, 2011; and was recommended by a majority vote, that the Petition be allowed, and that a variance be granted from requirements of the sign code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon 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 Ordinance.

Section 2. A variance is hereby granted from requirements of the sign code as authorized by Section §160.13 of Chapter 160 of the Code of Ordinances of the City of Mattoon for real estate described as 4920 Lake land Court, a.k.a. Marathon Subway, to allow the placement of an additional sign of the main freestanding sign and to increase the sign area of said sign.

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

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

Upon motion by Mayor Gover, seconded by Commissioner Rankin, adopted this 2nd day of August, 2011, 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 2nd day of August, 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 August 2, 2011.

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 Becker seconded by Commissioner Ervin moved to approve Council Decision Request 2011-1234, approving the plans and specifications for the Progress Square Parking Lot Project.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired about corrections to spacing, visibility of mural, trees obstructing view, and cost of previous plans. Administrator McLaughlin stated the issues had been addressed with value engineering by closing the gap and downsizing the scale.

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 approve Council Decision Request 2011-1235, approving the rejection of the single bid for the Lake Paradise Spillway Repairs; directing staff to modify the bid documents in order to keep the project within budget; and authorizing the rebidding of the project in early Spring.

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 Ervin seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1236, approving the recommendation to dedicate the One Hundred Seventy-Five Thousand Dollars (\$175,000) received from the property sale to the YMCA to be used to shore up the financial stability of the City and not be expended during the current fiscal year.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired about the accessibility of the funds if a necessity arose. Council and Administrator McLaughlin discussed budget amendments for access of the funds.

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 removed Special Ordinance 2011-1449, approving a three-year successor Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees (AFSCME) Council 31, AFL-CIO, on behalf of the Mattoon Local 3821 from the agenda for consideration at a later meeting.

## **DEPARTMENT REPORTS:**

**CITY ADMINISTRATOR** – noted final research on union contracts and opened the floor for questions. Mayor Gover opened the floor for questions from the Council and Public with no responders.

**ATTORNEY & TREASURER** – distributed report for the month of June 2011 and explained revenues acknowledging non-receipts of sales tax; reviewed the general summary of tax receipts noting 92% of the City's revenues; finalized the sale closing to YMCA; noted work on audits and reports. Mayor Gover opened the floor for questions from the Council and Public with no responders.

**CITY CLERK** – noted gathering of audit items, reports, and business as usual. Mayor Gover opened the floor for questions from the Council and Public with no responders.

**PUBLIC WORKS** – updated Council on Public Works crews finishing the sanitary sewer trunkline in the alley which will connect to the YMCA building, work on the storm sewers and Progress Square, Beniach Construction work on 31<sup>st</sup> Street, and Byers Construction on South Side Detention Basin. Commissioner Ervin asked for a savings on the sanitary sewer trunkline project completed in-house compared to contracting the work. Director Barber's estimate was \$200,000. Commissioner Ervin complimented the crews on the work. Commissioner Hall complimented Director Barber on the Mattoon Works Program. Director Barber noted the community services workers who have participated. Mayor Gover noted returning class reunion attendees' compliments on the City's appearance. Mayor Gover opened the floor for questions from the Council and Public with no responders.

**COMMUNITY DEVELOPMENT** – updated the Council on nuisance enforcements, YMCA & Petsmart's upcoming final inspections, NCI's inspection, and issuance of smaller permits. Mayor Gover opened the floor for questions from the Council and Public with no responders.

**FIRE** – noted the upcoming blood drive, Operation Community Pride's issuance of 66 citations, and Bagelfest update. Mayor Gover opened the floor for questions from the Council and Public with no responders.

POLICE – provided a Bagelfest update and encouraged donations at the blood drive. Mayor Gover opened the floor for questions from the Council and Public with no responders.

**COMMENTS BY THE COUNCIL**

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

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:08 p.m. pursuant to the Illinois Open Meetings Act for the purpose of discussing collective bargaining negotiating matters (5 ILCS 120/2(c)(2)).

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.

Council reconvened at 8:09 p.m.

Mayor Gover seconded by Commissioner Ervin moved to adopt Special Ordinance 2011-1450, approving a four-year successor Collective Bargaining Agreement with Police Benevolent and Protective Association Unit #35.

**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2011-1450**

**AN ORDINANCE APPROVING A FOUR YEAR CONTRACT RENEWAL OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE POLICE BENEVOLENT AND PROTECTIVE ASSOCIATION UNIT # 35**

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

Section 1. The Council hereby approves a four year contract renewal to the “Collective Bargaining Agreement” dated May 1, 2010 with the Police Benevolent and Protective Association Unit #35, a copy of which is attached and incorporated by reference.

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 Ervin, adopted this 2<sup>nd</sup> day of August, 2011, by a roll call vote, as follows:

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

APPROVED this 2<sup>nd</sup> day of August, 2011.

/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 August 2, 2011.

Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Hall seconded by Commissioner Rankin moved to adjourned 8:10 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