

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on August 18, 2009.

Mayor David W. Cline presided and called the meeting to order at 6:30 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: Interim City Administrator John Kolata, City Attorney & Treasurer J. Preston Owen, Police Chief David Griffith, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Gover moved to approve the consent agenda consisting of minutes of the regular meeting August 4, 2009; Fire Department report for the month of July, 2009 and Financial Report for July, 2009; Payroll and Bills for the first half of August, 2009.

**Bills and payroll for the first of August, 2009**

**General Fund**

Payroll		\$ 296,209.66
Bills		<u>\$ 1,008,232.35</u>
	Total	\$ 1,304,442.01

**Hotel Tax Fund**

Payroll		\$ 2,638.07
Bills		<u>\$ 1,087.33</u>
	Total	\$ 3,725.40

**Festival Management**

Bills		<u>\$ 16,130.94</u>
	Total	\$ 16,130.94

**I-57 East TIF  
District**

Bills		<u>\$ 172.53</u>
	Total	\$ 172.53

**Water Fund**

Payroll		\$ 29,939.24
Bills		<u>\$ 31,244.37</u>
	Total	\$ 61,183.61

**Sewer Fund**

Payroll		\$ 31,553.15
Bills		<u>\$ 70,218.28</u>
	Total	\$ 101,771.43

**Cemetery Fund**

Payroll		\$ 5,252.94
Bills		<u>\$ 1,354.71</u>
	Total	\$ 6,607.65

**Motor Fuel Tax**

Bills		<u>\$ 2,243.66</u>
		\$ 2,243.66

**Revolving Loan Fund**

Bills		<u>\$ 90.00</u>
		\$ 90.00

**Health Insurance**

Bills		<u>\$ 66,735.95</u>
	Total	\$ 66,735.95

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

Mayor Cline opened the floor for non-agenda communications. There was no discussion.

Mayor Cline opened the floor for review and discussion of agenda items. Administrator Kolata reviewed each of the items on the agenda with Council and City staff discussing the fence ordinance and possible amendments.

Mrs. Jackie Record addressed the Council with regard to a missing main door at the Depot, which was to be investigated.

Mr. Herb Meeker of the Journal Gazette inquired about changes to the Waterfowl Hunting Rules. Commissioner Gover stated his request for the Public Works Advisory Board (PWAB) to review proposed changes before Council consideration. Commissioner Ervin explained the conformance with State statutes and additional safety concerns without the review of the PWAB.

Mayor Cline seconded by Commissioner Hall moved to remove Ordinance 2009-5278 from the table.

Mayor Cline called for comments. No additional comments.

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

Mayor Cline seconded by Commissioner Gover moved to adopt Ordinance 2009-5278 (Substitute), amending Chapter 152 of the Municipal Code; and approving updated fence regulations, as amended.

Commissioner Rankin seconded by Commissioner Hall moved to amend Ordinance 2009-5278 (Substitute), amending Chapter 152 of the Municipal Code; and approving updated fence regulations by adding to Section § 152.06 PERMIT REQUIRED the language of “Vegetation fences are exempt from obtaining a permit.”

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## CITY OF MATTOON, ILLINOIS

### ORDINANCE NO. 2009-5278 (SUBSTITUTE)

#### AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES TO UPDATE THE FENCING REGULATIONS

**WHEREAS**, the City of Mattoon currently has an ordinance that regulates the alteration and construction of fences within the City; and

**WHEREAS**, there are portions of the fence ordinance which are outdated and need to be updated; and

**WHEREAS**, City staff has written updates to the fence ordinance and the Planning Commission has made recommendations to those updates.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

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

**Section 2. Amendments.** Chapter 152 of the Code of Ordinances of the City of Mattoon is hereby repealed. Chapter 152 is reenacted as follows:

#### CHAPTER 152: FENCE CONSTRUCTION

Section

- [152.01](#) Construction materials allowed
- [152.02](#) Residential zones

<a href="#">152.03</a>	Commercial and Industrial zones
<a href="#">152.04</a>	Commercial and Industrial zones used as residential property
<a href="#">152.05</a>	Vegetation fences
<a href="#">152.06</a>	Permit required
<a href="#">152.99</a>	Penalty

**§ 152.01 CONSTRUCTION MATERIALS.**

- (1) Permitted materials. Fences may be constructed of stone, brick, masonry or concrete, with proper foundation for stability, or wooden boards, or pickets, chain link, metal tubing, wrought iron or other such metals having no horizontal projections which might be hazardous, plastic and other new materials designed specifically for the construction fencing.
- (2) Prohibited materials.
  - (a) No person shall use rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials. The building official of the building inspection division of the community development department may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
  - (b) No person shall construct, install or permit an electrically charged fence of any kind in the city.
  - (c) No person shall construct a fence of wood, metal or plastic products that are not specifically for fence construction.
  - (d) No person shall construct a fence of damaged or unsafe materials.

[Penalty, see § 152.99](#)

**§ 152.02 RESIDENTIAL ZONES.**

Fences constructed upon any lot or parcel of real estate located in a residential zoned district shall not exceed four feet in height from the building line to any street property line and shall not otherwise exceed six feet in height. On a corner lot, the four feet height requirement shall apply to the front yard in which the front entry of the structure is facing. Furthermore on a corner lot the vision clearance shall conform to Section 159.51 of the Zoning Ordinance and shall apply to all street intersection and any entrance to a public right of way from a street, alley or driveway.

[Penalty, see § 152.99](#)

**§ 152.03 COMMERCIAL AND INDUSTRIAL ZONES.**

In Zones C-3 Commercial, C-4 General Commercial, and I-Industrial districts, the owner of commercial and industrial property therein may erect and construct upon said property a protective cyclone chain link metal fence, screening or privacy fence not to exceed eight feet in height; and further provided that fences shall be free of signs and shall be subject to the provisions of the Building Code and Zoning Ordinances of the city. On such eight foot high protective cyclone chain link metal fences, barbed wire may be used on the top one foot of such fence. Barbed wire may not be used on any other fence constructed in the city.

[Penalty, see § 152.99](#)

**§ 152.04 COMMERCIAL AND INDUSTRIAL ZONES USED AS RESIDENTIAL PROPERTY.**

Any parcel or lot zoned C-3 Service Commercial, C-4 General Commercial or I-Industrial which is primarily used as residential property, shall conform to § [152.02](#) hereof with respect to the construction of fences.

[Penalty, see § 152.99](#)

**§ 152.05 VEGETATION FENCES.**

The same regulations that apply to fences shall apply to vegetation fences as to the height from the building line to any street line. Vegetation fences shall be cut back and trimmed smooth on the outside thereof so as not to encroach upon any sidewalk, street, alley line, or vision clearance triangle, defined in Sections 159.51 of the Zoning Ordinance.

[Penalty, see § 152.99](#)

**§ 152.06 PERMIT REQUIRED.**

It shall be unlawful for any person to erect, construct, enlarge, alter, replace any fence regulated by this article without first obtaining a permit for each fence and a fee of \$12.00 been paid to the Building Inspections Office or other authorized municipal agency and approved by the Building Inspector. The Building Inspector may revoke a permit or approval issued under the provisions of this section in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

Vegetation fences are exempt from obtaining a permit.

[Penalty, see § 152.99](#)

**§ 152.99 PENALTY.**

Any person who shall erect, construct, enlarge, alter or replace any fence, without obtaining a permit before the commencement of work shall be in violation of this chapter, shall pay a permit fee of \$36.00 and could be fined not less than

\$10 nor more than \$500, and shall be liable to further penalty of not less than \$10 nor more than \$500 for each day the same is suffered to remain after the first conviction of an offense hereunder.

**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 Cline, seconded by Commissioner Gover, adopted this 18<sup>th</sup> day of August, 2009, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 18<sup>th</sup> day of August, 2009.

/s/ David W. Cline, 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 19, 2009.

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

Mayor Cline seconded by Commissioner Ervin moved to approve Council Decision Request 2009-999, authorizing the Mayor and Police Chief to apply for a fully-funded Justice assistance Grant through the Illinois Criminal Justice Information Authority in the amount of \$20,621.00 to purchase a squad car.

Mayor Cline called for comments or questions. No additional comments.

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

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1352, granting a front yard setback for a covered front porch and garage addition located at 2920 Washington. Wayne Kirby – Petitioner

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2009-1352**

**AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SET BACK REQUIREMENTS TO ENABLE CONSTRUCTION OF A COVERED PORCH AND ADDITION TO THE GARAGE AT 2920 WASHINGTON AVENUE**

**WHEREAS** there has been filed a written Petition by Kenneth Wayne Kirby for a variance, respecting the property legally described as:

Lot thirty (30), Block B of Green Ridge Subdivision, of the City of Mattoon, Coles County, Illinois; commonly known as 2920 Washington Ave., Mattoon

**WHEREAS**, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of a new covered porch and an addition to the front of the garage, which will reduce the front yard setback on Washington Ave.; and

**WHEREAS** the zoning code requires a 25-foot front yard setback from both streets on corner lots in R1, Single Family Residence Zoning District; and

**WHEREAS** the Zoning Board of Appeals held a properly noticed, public hearing on August 4<sup>th</sup>, 2009 regarding petitioner’s request for said variance; and

**WHEREAS** both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

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

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

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the front yard setback requirement to enable construction of a covered front porch, extending ten feet out from the main structure, and an addition to the front of the garage at 2920 Washington 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 Cline, seconded by Commissioner Ervin, adopted this 18th day of August, 2009, by a roll call vote, as follows:

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

Approved this 18th day of August, 2009.

/s/ David W. Cline  
David W. Cline, 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 19, 2009.

Mayor Cline noted passage at the Zoning Board of Appeals and Planning Commission meetings.

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

Commissioner Gover seconded by Commissioner Rankin moved to adopt Resolution 2009-2784, accepting a grant from the Illinois Housing Development Authority’s energy saving Retrofit program, RET-50174, to provide energy efficient devices for lower income single family homeowners to be administered by Coles County Regional Planning & Development Commission.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2009-2784**

**A RESOLUTION ACCEPTING A GRANT FROM THE ILLINOIS HOUSING DEVELOPMENT AUTHORITY’S RETROFIT PROGRAM, RET-50174.**

**WHEREAS**, the Illinois Housing Development Authority (the “Authority”), has agreed to allocate funds (the “Grant”) to the City of Mattoon (the “Sub-Grantee”) to make grants to certain households for the installation of energy efficiency measures under the Authority’s Low Income Energy Efficient Residential Retrofit Program (the “Program”), and the Sub-Grantee will administer the funds allocated pursuant to such Grant, and the Sub-Grantee’s execution of certain documents, including but not limited to the Grant Agreement (the “Agreement”), is required in connection with the Grant.

**THEREFORE BE IT RESOLVED**, that the Sub-Grantee shall enter into the Agreement with the Authority wherein the Authority agrees to make the Grant to the Sub-Grantee, which shall be used by the Sub-Grantee to lend funds to eligible households for the installation of energy efficiency measures in single family owner-occupied homes, all in accordance with the terms and conditions as set forth in the Agreement.

**FURTHER RESOLVED**, that the Mayor of the Sub-Grantee, and the City Clerk of the Sub-Grantee, are hereby authorized and empowered to execute and deliver in the name of or on behalf of the Sub-Grantee the Agreement and any and all amendments, modifications and supplements thereto, and to execute and deliver such additional documents, instruments and certificates, as may be necessary or desirable for the Sub-Grantee to perform its obligations under the Agreement.

**FURTHER RESOLVED**, that the Mayor and the City Clerk be and hereby are authorized and directed to take such additional actions, to make further determinations, to pay such costs and to execute and deliver such additional instruments (including any amendments, agreements or supplements) as he or she deems necessary or appropriate to carry into effect the foregoing resolutions.

**FURTHER RESOLVED**, that the Sub-Grantee hereby ratifies, authorizes and confirms and approves all documents and instruments executed in connection with the Grant and the Agreement, including those acts taken prior to the date hereof.

Upon motion by Commissioner Gover, seconded by Commissioner Rankin, adopted this 18<sup>th</sup> day of August, 2009, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of August, 2009.

/s/ David W. Cline  
David W. Cline, 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 19, 2009.

Mayor Cline called for comments. No additional comments.

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

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2009-1000, authorizing the Mayor to sign a Letter of Intent to enter into an energy performance contract with Siemens Building Technologies.

Mayor Cline called for comments. Commissioner Hall stated his concern of commitment of the \$18,000 with Council, Administrator Kolata, Attorney & Treasurer Owen and Director Wortman discussing the financing of a potential project, viability of a project, and scenarios where the \$18,000 would have to be expended.

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

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2009-1001, authorizing the Mayor to sign a design and construction phase architecture contract with Hance, Utz & Associates for the Public Works Building located on South 5<sup>th</sup> Place.

Mayor Cline called for comments. Commissioner Hall inquired if the action would grant permission to move forward on the project without Council consideration. Director Wortman stated negatively and re-emphasized the action was authorizing the design and construction phase architecture contract.

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

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2009-1002, approving the revised Waterfowl Hunting Rules at Lake Mattoon.

Mayor Cline called for comments. Commissioner Gover reiterated his request for PWAB review before Council consideration.

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

Commissioner Rankin seconded by Commissioner Gover moved to approve Council Decision Request 2009-1003, authorizing the Mayor and City Clerk to sign an Agreement for Warranty Deed with Jack Gilbert, Sr. pertaining to a 0.1 acre parcel of property at Lake Mattoon.

Mayor Cline called for comments. No additional comments.

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

Commissioner Gover seconded by Commissioner Hall moved to adopt Special Ordinance 2009-1353, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Marilyn McClean reimbursing up to \$45,000 over ten years from available Mid-town TIF revenues for façade improvements to a building located at 1813 Broadway Avenue.

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## CITY OF MATTOON, ILLINOIS

### SPECIAL ORDINANCE NO. 2009-1353

#### AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND MARILYN MCCLEAN IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

**WHEREAS**, Marilyn McClean (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

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

**Section 1.** The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

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

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

Upon motion by Commissioner Gover, seconded by Commissioner Hall, adopted this 18th day of August, 2009, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of August, 2009.

/s David W. Cline  
/s/David W. Cline, 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 19, 2009.

Attachment (1) - EXHIBIT "A"

Mayor Cline called for comments. No additional comments.

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

Commissioner Gover seconded by Commissioner Hall moved to approve the Council Decision Request 2009-1004, authorizing the Mayor to sign Change Order #6 with Gunloh Construction in the amount of \$1,872.72 for the Depot Project.

Mayor Cline called for comments. No additional comments.

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

Commissioner Hall seconded by Commissioner Ervin moved to adjourn at 7:33 p.m.

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

/s/ Susan J. O'Brien  
City Clerk