

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on January 18, 2005 at 7:05 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve the minutes of the regular meeting held on January 4, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the reports of the Police Department for the month of December, Annual 2004 Police Report, Fire Department for the months of November and December, and the Annual 2004 Fire Report.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve bills and payroll for the first half of January.

Bills and Payroll for the first half of January

General Fund

Payroll		\$	217,297.08
Bills		\$	<u>169,159.39</u>
	Total	\$	386,456.47

Hotel Tax Fund

Payroll		\$	1,359.23
Bills		\$	<u>926.44</u>
	Total	\$	2,285.67

Festival Management Fund

Bills		\$	<u>4,606.09</u>
	Total	\$	4,606.09

Midtown TIF Fund

Bills		\$	<u>19,750.00</u>
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	Total	\$ 19,750.00
<u>Capital Project Fund</u>		
Bills		\$ 242.40
	Total	\$ 242.40
 <u>Water Fund</u>		
Payroll		\$ 35,535.03
Bills		\$ 17,689.32
	Total	\$ 53,224.35
 <u>Sewer Fund</u>		
Payroll		\$ 30,984.48
Bills		\$ 394,907.12
	Total	\$ 425,891.60
 <u>Cemetery Fund</u>		
Payroll		\$ 2,100.94
Bills		\$ 288.38
	Total	\$ 2,389.32
 <u>Motel Fuel Tax Fund</u>		
Bills		\$ 723.28
	Total	\$ 723.28
 <u>Health Insurance Fund</u>		
Bills		\$ 68,367.64
	Total	\$ 68,367.64

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to approve the December and January Expenditures for the Mattoon HOME GRANT Housing Rehabilitation Project.

December 2004

520 Piatt	\$ 8,150.00	Custom Windows & Siding
520 Piatt	\$ 646.00	CCRP & DC (Recorder fee, Termite search, Insurance
805 Marion	\$11,350.00	Finney Construction
805 Marion	\$ 156.00	CDRP & DC (Fee Reim)

805 Marion	\$ 1,000.00	CDRP & DC (Partial Project Delivery)
2225 Broadway	\$10,005.00	Finney Construction
2225 Broadway	\$ 156.00	CCRP & DC (Fee Reim.)
2225 Broadway	\$ 1,000.00	CCRP & DC (Partial Project Delivery)

January 2005

715 N. 2 nd Division	\$ 9,515.00	Custom Windows & Siding
715 N. 2 nd Division	\$ 156.00	CCRP & DC (Fee Reim. – Recorders Fee Title & Termite Searches)
715 N. 2 nd Division	\$ 750.00	CCRP & DC
1504 N. 11 th	\$15,950.00	GEM Carpentry
1504 N 11 th	\$ 156.00	CCRP & DC (Fee Reim.)
1504 N. 11 th	\$ 1,000.00	CCRP & DC (Partial Project Delivery)
1805 DeWitt	\$15,060.00	GEM Carpentry
1805 DeWitt	\$ 156.00	CCRP & DC (Fee Reim)
1805 De Witt	\$ 1,000.00	CCRP & DC (Partial Project Delivery)

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mr. Rich Berning President, Illinois Chapter, American Public Works Association made a public presentation of certificates to Steve Camden, Rick Pinnell and Bill Kingery for successfully completing the coursework and graduation from the Illinois Public Service Institute.

Commissioner Donnell seconded by Mayor Carter moved to adopt Ordinance 2005-5197, amending Section 136.22 of the Mattoon Code of Ordinances to increase the value of prizes for raffles which may be conducted within the municipality from \$30,000 to an unlimited amount.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2005-5197

AN ORDINANCE AMENDING SECTION 136.22 OF THE MATTOON CODE OF ORDINANCES TO INCREASE THE VALUE OF PRIZES FOR RAFFLES WHICH MAY BE CONDUCTED WITHIN THE MUNICIPALITY FROM \$30,000 TO AN UNLIMITED AMOUNT

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Section §136.22 of Chapter 136 (Gambling Offenses) of the Mattoon Code of Ordinances is hereby repealed and re-enacted as follows:

136.22 APPLICATION OF CERTAIN LIMITATIONS.

The following limitations shall apply to all licenses:

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed ~~\$30,000~~ be limited.

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed ~~\$30,000~~ be limited.

(C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed \$100.

(D) The maximum number of days during which chances may be issued or sold for any raffle shall not exceed 180 days.

(E) Each license shall be valid for only one raffle.

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 Donnell, seconded by Mayor Carter, adopted this 18th day of January, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of January, 2005.

/s/ David E. Carter

David E. Carter, 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 January 19, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to adopt Special Ordinance 2005-1062, approving a re-zoning from Neighborhood Commercial District (C1) to Service Commercial District (C3) to enable an employment service agency use and other commercial uses at 700 through 720 Broadway Avenue, Lots 7, 8, 9, 10, 11, 12 in Block 126 in the Original Town of Mattoon, now City of Mattoon, Illinois. (First National Bank Trust #2600-2788, First Mid-Illinois Trust #44-0344-30 and Okaw Building & Loan, Applicants)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1062

AN ORDINANCE APPROVING A REZONING FROM NEIGHORHOOD COMMERCIAL DISTRICT (C1) TO SERVICE COMMERCIAL DISTRICT (C3) TO ENABLE AN EMPLOYMENT SERVICE AGENCY AND OTHER COMMERCIAL USES AT 700 THROUGH 720 BROADWAY AVENUE, LOTS 7 THROUGH 12, BLOCK 126 IN THE ORIGINAL TOWN OF MATTOON, NOW CITY OF MATTOON, COLES COUNTY, ILLINOIS

WHEREAS, a Petition for Rezoning was filed with the City Clerk for the City of Mattoon by FIRST MID-ILLINOIS BANK & TRUST, N.A., AS TRUSTEE UNDER LAND TRUST DATED JUNE 16,2003 AND KNOWN AS TRUST NO. 44-0344-30, THE FIRST NATIONAL BANK, MULBERRY GROVE, ILLINOIS, AS TRUSTEE UNDER LAND TRUST #2600-2788 and OKAW BUILDING & LOAN, s.b. on the 13th day of December, 2004 requesting that the City of Mattoon, Illinois rezone from a Neighborhood Commercial District (C1) to a Service Commercial District (C3) the real estate described as follows:

LOTS SEVEN (7), EIGHT (8), NINE (9), TEN (10), ELEVEN (11), AND TWELVE (12) IN BLOCK ONE HUNDRED TWENTY SIX (126) IN THE ORIGINAL TOWN, NOW CITY OF MATTOON, COLES COUNTY, ILLINOIS (COMMONLY KNOWN AS 720, 712, 708, 706, 704 AND 700 BROADWAY AVENUE, MATTOON, ILLINOIS.)

WHEREAS, a public hearing was held before the Zoning Board of Appeals for the City of Mattoon on the 4th day of January, 2005, pursuant to published notice;

WHEREAS, the Zoning Board of Appeals forwarded the report of the public hearing to the Mattoon Planning Commission;

WHEREAS, said Mattoon Planning Commission considered said Petition for Rezoning and recommended the Petition for Rezoning be approved by the Zoning Board of Appeals and the City Council of the City of Mattoon with variances to parking requirements to preserve street trees on Broadway Avenue when applications are sought for building permits on the premises;

WHEREAS, said Zoning Board of Appeals considered said Petition for Rezoning at a meeting held on the 18th day of January 2005 and recommended that said Petition for Rezoning be approved;

WHEREAS, this City Council believes that said Petition for Rezoning should be approved.

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. It is hereby determined and found by the City Council of the City of Mattoon, Illinois and corporate authorities of said City of Mattoon that the Petition for Rezoning submitted by FIRST MID-ILLINOIS BANK & TRUST, N.A., AS TRUSTEE UNDER LAND TRUST DATED JUNE 16,2003 AND KNOWN AS TRUST NO. 44-0344-30, THE FIRST NATIONAL BANK, MULBERRY GROVE, ILLINOIS, AS TRUSTEE UNDER LAND TRUST #2600-2788 and OKAW BUILDING & LOAN, s.b. is in compliance with Chapter 159 of the Code of Ordinances of the City of Mattoon and is hereby approved and that the premises described in said Petition for Rezoning shall henceforth be zoned Service Commercial District (C3).

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 Commissioner Schilling, seconded by Commissioner Donnell, adopted this 18th day of January, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill

Commissioner Hesse, Commissioner Schilling

Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 18th day of January, 2005.

/s/ David E. Carter

David E. Carter, 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 January 19, 2005.

Mayor Carter opened the floor. Mayor Carter announced that the rezoning passed the Zoning Board of Appeals unanimously.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve Council Decision Request 2005-401, approving a \$20,000 grant of hotel/motel tax funds to Mattoon Pride Softball, Inc. for hosting 2005 softball tournaments.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve Council Decision Request 2005-402, authorizing the Fire Chief to procure an \$18,266.33 replacement command vehicle from Miles Chevrolet of Decatur at a price established by state joint purchase agreement.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve Council Decision Request 2005-403, reappointing Pat Gaines, Scott Claypool and Beth Ellen Covington to the Mattoon Arts Council for terms expiring September 30, 2006.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to approve Council Decision Request 2005-404, authorizing an application for a grant to acquire Live Scan Fingerprinting Equipment. The local share of this grant and future maintenance expenses will be financed by the School District.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. City Administrator Richard Underkofler inquired whether the Council would be willing to adopt an ordinance limiting when, where, how and how often a charitable organization may solicit contributions within street right-of-way. Police Chief Larry Metzelaars explained examples of issues, stated currently no ordinance regulating the charitable solicitation for contributions within street right-of-ways, and requested the Council to consider an ordinance. Commissioner Schilling stated he wanted to be involved with developing the ordinance.

Mayor Carter seconded by Commissioner Donnell moved to recess to closed session at 7:22 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees

of the municipality (5 ILCS 120(2)(c)(1), the setting of a price for sale or lease of property owned by the municipality (5 ILCS 120(2)(6), litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11); review Council Decision Request 2005-405; review Council Decision Request 2005-406; and review performance appraisal report for Erin Spurgeon, Administrative Assistant, Police Department.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Council reconvened from closed session at 8:13 p.m.

Commissioner Schilling seconded by Commissioner Donnell moved to approve Council Decision Request 2005-406, approving the release of all Executive Session minutes from May 3, 1991 through December 21, 2004, except for May 3, 7, 8, 16, 23, 1991; May 19, 1992; May 3, 1994; September 5, 19, 2000; July 16, 2002; August 8, 2002; September 6, 2002; October 15, 2002; December 10, 2002; March 4, 18, 2003; April 1, 15, 2003; May 6, 20, 2003; June 3, 17, 2003; July 1, 15, 2003; August 19, 2003; September 2, 2003; November 4, 16, 2003; December 2/3, 2003; January 6, 20, 2004; February 3, 2004; March 2, 16, 2004; April 6, 20, 2004; May 4, 18, 2004; June 1, 15, 2004; July 7, 20, 2004; August 3, 17, 2004; September 7, 21, 2004; October 5, 19, 2004; November 16, 2004; December 7, 21, 2004.”

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to adjourn at 8:14 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

/s/ Susan J. O'Brien
City Clerk