

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on January 20, 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 Rick Hall, YEA Commissioner Joe McKenzie, YEA Commissioner David Schilling, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Tourism Director Angelia Burgett, Police Chief David Griffith, Fire Chief Mike Chism, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting January 6, 2009; Police Department report for the month of December, 2008; and December 2008 Financial Reports; payroll and bills for the first half of January, 2009.

Bills and payroll for the first half of January 2009

			-
	<u>General Fund</u>		
Payroll			\$ 248,194.50
Bills	-		<u>\$ 765,578.97</u>
		Total	\$ 1,013,773.47
	<u>Hotel Tax Fund</u>		
Payroll			\$ 1,618.08
Bills	-		<u>\$ 1,348.41</u>
		Total	\$ 2,966.49
	<u>Festival Management</u>		
Bills	-		<u>\$ 2,834.53</u>
		Total	\$ 2,834.53
	<u>Insurance & Tort Judgment</u>		
Bills	-		<u>\$ 206,378.82</u>
		Total	\$ 206,378.82
	<u>Midtown TIF Fund</u>		
Bills	-		<u>\$ 23,025.25</u>
		Total	\$ 23,025.25
	<u>Capital Project Fund</u>		
Bills	-		<u>\$ 45.00</u>
		Total	\$ 45.00
	<u>Water Fund</u>		
Payroll	-		\$ 36,050.35
Bills	-		<u>\$ 54,063.62</u>
		Total	\$ 90,113.97
	<u>Sewer Fund</u>		
Payroll			\$ 35,880.87
Bills	-		<u>\$ 371,734.92</u>
		Total	\$ 407,615.79
	<u>Cemetery Fund</u>		
Payroll	-		\$ 3,501.93
Bills	-		<u>\$ 501.47</u>
		Total	\$ 4,003.40
	<u>Motor Fuel Tax Fund</u>		
Bills	-		<u>\$ 12,745.48</u>
		Total	\$ 12,745.48
	<u>Health Insurance</u>		
Bills	-		<u>\$ 112,755.49</u>
		Total	\$ 112,755.49
	-		-

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

Mayor Cline opened the floor for presentations, petitions and communications.

PUBLIC PRESENTATION: Mattoon Middle School Reading Group Presentation of Read Across Mattoon – Rules by Cynthia Lord. Commissioner Hall introduced Anita Trame of Mattoon Middle School, who presented a background for their reading program. Mr. Brock Taylor, Casey Considine, and Lexi Kramer presented their selection of Rules by Cynthia Lord and urged citizens to participate in the Read Across Mattoon program. Council thanked the group and their efforts.

PUBLIC PRESENTATION: Arts Council. Commissioner Ervin introduced Scott Claypool, Justin Grady, and Bruce Karmazin of the Mattoon Arts Council, who introduced Arts Council attendees, thanked Tom LeVeck for his contributions, discussed past and future projects, described mission statement, assets, use of the committee, and upcoming dinner theatre. Commissioner Hall inquired as to changes to the bylaws with Mr. Grady stating there were no previously written bylaws.

PUBLIC PRESENTATION: Recognition of 10 years of service with the Mattoon Arts Council to Tom LeVeck. Commissioner Ervin recognized the contributions of Mr. Tom LeVeck and presented Mr. LeVeck with a plaque. Mr. LeVeck spoke of his background and significant enrichments to the community through the Arts Council.

PUBLIC PRESENTATION: Brian Janes to present a flag from Iraq. Since returning from private contract employment, Mr. Brian Janes, retired Police Captain, presented to Mayor Cline an American flag and a certificate of authenticity (certifying that the American flag had been flown on combat operations in Northern Iraq by the Soldiers of 3rd Squad, 3rd Platoon, 552nd Military Police Company in an armored HMMWV by SSG Kephars over Mosul, Iraq on 24 May 08 and symbolizing the unshakable resolve of the United States to keep our Country safe).

COMMUNICATIONS: Mrs. Jackie Record of the Historical Society requested an update from Administrator Gilmore on the Depot project. Administrator Gilmore stated the pre-construction meeting was to be held on January 29, 2009, twenty-eight sets of plans had been distributed, and February 6, 2009 was the bid opening for the project.

Commissioner McKenzie seconded by Commissioner Hall moved to approve Council Decision Request 2009-930, accepting two quotes from Dean Drainage for replacement of two culverts on West Lake Paradise Road.

Mayor Cline opened the floor for questions or comments. Administrator Gilmore commented on the narrow bridge with Director Wortman stating the pavement would be 20 feet wide with two shoulders.

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

Mayor Cline seconded by Commissioner Schilling moved to adopt Resolution 2009-2764, accepting a grant from the Illinois Housing Development Authority' Energy Efficient Residential Retrofit Programs; and authorizing the Mayor and City Clerk to sign the document.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2009-2764

A RESOLUTION ACCEPTING A GRANT FROM THE ILLINOIS HOUSING DEVELOPMENT AUTHORITY'S RETROFIT PROGRAM, RET-50024.

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 Mayor Cline seconded by Commissioner Schilling, adopted this 20th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 20th day of January, 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 /s/ J. Preston Owen
Susan J. O'Brien, City Clerk J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 21, 2009.

Mayor Cline opened the floor for questions or comments. Mr. Doug McDermund explained the Retrofit program was for lower-income residences; and anticipated future allocations to be larger.

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

Mayor Cline seconded by Commissioner McKenzie moved to adopt Resolution 2009-2765, authorizing the city attorney to initiate proceedings in the circuit court seeking a court order directing the owners of real estate to abate a dangerous building and nuisance condition at 612 Wabash Avenue.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2009 - 2765

A RESOLUTION CONCERNING A DANGEROUS BUILDING

WHEREAS, it is the desire of the City Council for the City of Mattoon , Coles County, Illinois, to remove unsafe and unsightly buildings or to require the owners to repair them; and,

WHEREAS, the building located at 612 Wabash Avenue, Mattoon, Illinois has deteriorated to the point that it is in and unreasonably dangerous and unsafe condition.

NOW THEREFORE BE IT RESOLVED, by the City Council for the City of Mattoon, Coles County, Illinois, that

Section 1. The recitals set forth above are incorporated herein as part of this Resolution.

Section 2. The building located at 612 Wabash Avenue is dangerous and should be condemned.

Section 3. The City Attorney & Treasurer and Community Development Coordinator hereby are instructed to take whatever steps necessary to demolish or cause to be repaired the building at 612 Wabash Avenue, Mattoon, including bringing an appropriate lawsuit in the Coles County Circuit Court against the owners compelling the repair and/or demolition thereof.

Upon motion by Mayor Cline, seconded by Commissioner McKenzie, adopted this 20th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 20th day of January, 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 January 21, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

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

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2009-931, approving a \$23,000 Tourism Grant with \$17,000 to Mattoon Pride Softball, Inc. for hosting five 2009 softball tournaments and \$6,000 to Mattoon Parks Department for field preparation for the events.

Mayor Cline opened the floor for questions or comments. No questions or comments.

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

Commissioner Schilling seconded by Commissioner Ervin moved to approve Council Decision Request 2009-932, accepting the recommendation of the TIF and BD Incentive Review Committee for Thomas Rogers Jr. and Barbara J. Rogers, owners of a building located at 1406 Broadway, by granting a subsidy of \$5,400 from Mid-town TIF funds upon satisfactory completion of a roof replacement project.

Mayor Cline opened the floor for questions or comments. Commissioner Hall inquired about the location with Administrator Gilmore stating Club Oasis and noted a 75% subsidy of the new roof cost.

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

Commissioner Schilling seconded by Commissioner Ervin moved to approve Council Decision Request 2009-933, accepting the recommendations of the TIF Incentive Review Committee subject to availability of Mid-town TIF funds for:

1. Bernard H. deBuhr Jr. dba: deBuhr's Seed & Feed Inc., 2001 Western Avenue, an annual subsidy grant of \$2,818.58 disbursed over a term of 5 years for façade improvements; and,
2. Joseph A. Gillette dba; Commercial Refrigeration of Central Illinois, Inc., 720 N. 33rd Street, an annual subsidy grant of \$5,396.10 disbursed over a term of 10 years for façade restoration and interior renovations.

Mayor Cline opened the floor for questions or comments. No questions or comments.

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

Mayor Cline seconded by Commissioner McKenzie moved to adopt Ordinance 2009-5267, approving redevelopment agreement between the City of Mattoon and Coles Centre Hospitality, LLC.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2009-5267

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF MATTOON, ILLINOIS AND COLES CENTRE HOSPITALITY L.L.C. AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.

WHEREAS, pursuant to the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, as amended (the "TIF Act"), the City Council on December 5, 2006 (1) approved a plan entitled "Tax Increment Financing Redevelopment Project and Plan – I-57 East Redevelopment Project Area" (the "Redevelopment Plan"), (2) designated certain real property located in the City as the I-57 East Redevelopment Project Area, which includes land currently under a purchase contract held by Coles Centre Hospitality L.L.C., and (3) adopted tax increment financing for the I-57 East Redevelopment Project Area; and

WHEREAS, pursuant to the Business District Development and Redevelopment Act, 65 ILCS 5/11-74.3 *et seq.*, as amended (the "Business District Act"), the City Council on December 4, 2007 (1) approved a plan entitled "Business District Plan – Broadway East Business District" (the "Business District Plan"), (2) designated certain real property located in the City as a business district (the "Business District"), which includes land currently under a purchase contract held by Coles Centre Hospitality L.L.C., and (3) authorized the imposition of certain additional sales taxes within the Business District; and

WHEREAS, in response to a solicitation of proposals by the City for redevelopment of certain property that includes the land currently under a purchase contract held by Coles Centre Hospitality L.L.C. (the "Redevelopment Area"), Coles Centre Hospitality L.L.C. (the "Developer") submitted a proposal (the "Redevelopment Proposal") for redevelopment of the Redevelopment Area; and

WHEREAS, pursuant to the TIF Act and the Business District Act the City is authorized to enter into a redevelopment agreement (the "Redevelopment Agreement") with the Developer setting forth the respective rights and obligations of the City and the Developer with regard to the redevelopment of the Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, AS FOLLOWS:

Section 1. The City Council hereby ratifies and confirms its approval of the Redevelopment Plan, the Business District Plan and the redevelopment project described in the Redevelopment Proposal (the "Redevelopment Project") and its findings in connection therewith. The City Council finds and determines that it is necessary and desirable to enter into an agreement with the Developer to implement the Redevelopment Plan, the Business District Plan and the Redevelopment Project and to enable the Developer to carry out the Redevelopment Proposal.

Section 2. The Mayor is hereby authorized and directed to execute, on behalf of the City, and the City Clerk is hereby authorized and directed to attest, and affix the seal of the City to, the Redevelopment Agreement (attached hereto as **Exhibit A**). The Redevelopment Agreement, in substantially the form attached hereto, is hereby approved by the City Council, with such changes therein as shall be approved by the officers of the City executing the same.

Section 3. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

Section 4. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner McKenzie, adopted this 20th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of January, 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 January 21, 2009.

Mayor Cline opened the floor for questions or comments. Administrator Gilmore reviewed the agreement; development area; possible three hotels; convention center, no upfront funding from City; and future developments. Mr. Chris Rankin inquired as to hotel/motel tax funds application to the project with Administrator Gilmore and Commissioner Ervin stated the funds would be for operation of the convention center, since accommodations have been inadequate for many of the tourism events. Mayor Cline added the funds would only be from funds generated from the convention center and the regular hotel/motel funds would be available from the other hotels. Mr. Bob McElwee of Charleston offered support for the project and would be available for any questions on his Green Mill Village project in Tuscola. Mr. Herb Meeker of the Journal Gazette reiterated the upgrading of roadways and addition of waterlines were under Agracel's 23 acres with Administrator Gilmore stating Agracel is to develop the general area with Agracel's decision on restaurants/retail establishments and subsidies were solely generated by the developer from the developer's portion of revenues. Mayor Cline stated the subsidies were development-driven and only involving the 23 acres of the convention center and hotel.

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

Commissioner McKenzie seconded by Commissioner Hall moved to adopt Ordinance 2009-5268, approving agreement with IDOT concerning the Coles Centre LLC required intersection upgrades based on increase ADT (average daily traffic) generated by Coles Centre projects.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2009-5268

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MATTOON, ILLINOIS AND THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of Mattoon has implemented a Tax Increment Financing District and a Business District near the intersection of Illinois Route 16 and Lerna Road in Mattoon, known as the I-57 East TIF District and the I-57 East Business District; and

WHEREAS, through the I-57 East TIF District and the I-57 East Business District, the City intends to enter into certain redevelopment agreements with Coles Centre, L.L.C. and Coles Centre Hospitality L.L.C. that call for the redevelopment of over one hundred thirty (130) acres at the intersection of Illinois Route 16 and Lerna Road; and

WHEREAS, the City of Mattoon has caused to be prepared and submitted to the Department of Transportation Intersection Design Studies for the intersection of Illinois Route 16 and Lerna Road and the intersection of Lerna Road and Thomason Drive; and,

WHEREAS, the Public Works Director has been working with the Department of Transportation to come to an agreement on the terms and timing for the construction necessary to handle the increased traffic caused by the redevelopment of the 130 acres; and,

WHEREAS, The State of Illinois Department of Transportation is asking the City of Mattoon to enter into an agreement (attached hereto and incorporated herein as **Exhibit A**) memorializing the understandings with regard to the rights and obligations of each party concerning the future upgrades necessitated by the redevelopment; and,

WHEREAS, the City intends to pay for any improvements required under this agreement with monies from the I-57 East TIF District and the I-57 East Business District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, 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. The Mayor is hereby authorized and directed to execute, on behalf of the City, and the City Clerk is hereby authorized and directed to attest, and affix the seal of the City to, the Agreement (attached hereto as **Exhibit A**). The Agreement, in substantially the form attached hereto, is hereby approved by the City Council, with such changes therein as shall be approved by the officers of the City executing the same.

Section 3 The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval as provided by law.

Upon motion by Commissioner McKenzie, seconded by Commissioner Hall, adopted this 20th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of January, 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 January 21, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

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

Commissioner McKenzie seconded by Commissioner Hall moved to adopt Ordinance 2009-5269, prohibiting parking along IDOT Route 16 to Lerna Road and Lerna Road to Thomason Drive.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2009-5269

AN ORDINANCE IN RELATION TO MOTOR VEHICLE PARKING

WHEREAS, the CITY of MATTOON, has entered into an Agreement with the STATE OF ILLINOIS, acting by and through its Department of Transportation, for the construction of a municipal roadway system connecting to both FAP 91 (IL Route 16), and FAU 7705 (Lerna Road), in order to aid in the development of adjacent land; and

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

Section 1: It shall be unlawful for any person, firm or corporation to park any motor vehicle within the area indicated below:

FAP 91 (IL Route 16), for its entire length from FAI 57 to Lerna Road and

FAU 7705 (Lerna Road) from IL 16 to 550 feet past Thomason Drive

Section 2: Any person who violates any provision of this ordinance is guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense.

Section 3: This ordinance is intended to be and shall be in addition to all other ordinances, rules and regulations concerning parking and shall not be construed as rescinding or repealing any other ordinance or part of any ordinance unless it is in direct conflict therewith.

Section 4: This ordinance shall take effect and be in full force upon its passage, approval and legal publication as required by law, and the City Clerk is hereby directed to cause this ordinance to be published immediately after its due passage and approval.

Upon motion by Commissioner McKenzie, seconded by Commissioner Hall adopted this 20th day of January 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of January, 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 January 21, 2009.

Mayor Cline opened the floor for questions or comments. Commissioner Schilling requested an elaboration of purpose of the ordinance with Director Wortman stating IDOT's requirement of granting permission to access the property and IDOT's control of the right-of-way.

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

Commissioner Hall seconded by Commissioner Schilling moved to adopt Ordinance 2009-5270, prohibiting the discharge of sanitary sewage and industrial waste water into the storm sewer or drainage facility constructed along Route 16 and Lerna Road.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2009-5270

AN ORDINANCE IN PROHIBITING THE DISCHARGE OF SANITARY SEWAGE AND INDUSTRIAL WASTE WATER INTO THE STORM SEWER OR DRAINAGE FACILITY CONSTRUCTED WITH IMPROVEMENT FAP 91 (IL ROUTE 16), AND FAU 7705 (LERNA ROAD), IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS

WHEREAS, the CITY of MATTOON, has entered into an Agreement with the STATE OF ILLINOIS, acting by and through its Department of

Project right of way is defined as those areas within the project right of way lines established jointly by the City of Mattoon and the State which will be free of encroachments except as hereinafter defined;

Encroachment is defined as any building, fence, sign (excluding certain signs located over sidewalks) or any other structure or object of any kind (with the exception of utilities and public road signs), which placed, located or maintained, in, on, under or over any portion of the project right of way or the roadway right of way where no project right of way line has been established;

Permissible encroachment is defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is no sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported by poles constructed outside the project right of way line and not confined by adjacent buildings;

Construction easement area is defined as the area lying between the project right of way limits and the platted street limits within the City of Mattoon, by concurrence in the establishment of the project right of way lines, will permit the STATE to enter to perform all necessary construction operations; and

WHEREAS, representatives of the city, the state and the Federal Highway Administration, will have, by visual inspection, cooperatively establish project right of way line and mutually determine the disposition of encroachments,

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

Section 1: It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (herein above defined), except as provided in Section 3, within the limits of the project right of way or the roadway right of way where no project right of way limits have been established.

Section 2: The Project right of way limits have been established and shown in the plans.

Section 3: No revocable permits have been issued by the State for the temporary retention of PERMISSIBLE ENCROACHMENTS.

Section 4: This ordinance is intended to be and shall be in addition to all other ordinances, rules and regulations concerning Encroachment and shall not be construed as rescinding or repealing any other ordinance or part of any ordinance unless it is in direct conflict therewith.

Section 5: Any person, firm or corporation violating this Ordinance shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense and separate offense shall be deemed committed each and every day during which a violation continues or exists.

Section 6: That this Ordinance shall be published one time within ten days after its passage in a newspaper having a general circulation in the City of Mattoon, Illinois, and shall be in full force and effect after its passage, approval and publication as provided by law.

Upon motion by Commissioner McKenzie, seconded by Commissioner Ervin adopted this 20th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of January, 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 January 21, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

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

Mayor Cline seconded by Commissioner Schilling moved to adopt Ordinance 2009-5272, approving redevelopment agreement between the

City of Mattoon and Coles Centre, LLC.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2009-5272

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF MATTOON, ILLINOIS AND COLES CENTRE L.L.C. AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.

WHEREAS, pursuant to the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, as amended (the "TIF Act"), the City Council on December 5, 2006 (1) approved a plan entitled "Tax Increment Financing Redevelopment Project and Plan – I-57 East Redevelopment Project Area" (the "Redevelopment Plan"), (2) designated certain real property located in the City as the I-57 East Redevelopment Project Area, which includes land owned by Coles Centre L.L.C., and (3) adopted tax increment financing for the I-57 East Redevelopment Project Area; and

WHEREAS, pursuant to the Business District Development and Redevelopment Act, 65 ILCS 5/11-74.3 *et seq.*, as amended (the "Business District Act"), the City Council on September 2, 2008 (1) approved a plan entitled "I-57 East Business District Plan" (the "Business District Plan"), (2) designated certain real property located in the City as a business district (the "Business District"), which includes land owned by Coles Centre L.L.C., and (3) authorized the imposition of certain additional sales taxes within the Business District; and

WHEREAS, in response to a solicitation of proposals by the City for redevelopment of certain property that includes the owned by Coles Centre L.L.C., (the "Redevelopment Area"), Coles Centre L.L.C. (the "Developer") submitted a proposal (the "Redevelopment Proposal") for redevelopment of the Redevelopment Area; and

WHEREAS, pursuant to the TIF Act and the Business District Act the City is authorized to enter into a redevelopment agreement (the "Redevelopment Agreement") with the Developer setting forth the respective rights and obligations of the City and the Developer with regard to the redevelopment of the Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, AS FOLLOWS:

Section 1. The City Council hereby ratifies and confirms its approval of the Redevelopment Plan, the Business District Plan and the redevelopment project described in the Redevelopment Proposal (the "Redevelopment Project") and its findings in connection therewith. The City Council finds and determines that it is necessary and desirable to enter into an agreement with the Developer to implement the Redevelopment Plan, the Business District Plan and the Redevelopment Project and to enable the Developer to carry out the Redevelopment Proposal.

Section 2. The Mayor is hereby authorized and directed to execute, on behalf of the City, and the City Clerk is hereby authorized and directed to attest, and affix the seal of the City to, the Redevelopment Agreement (attached hereto as **Exhibit A**). The Redevelopment Agreement, in substantially the form attached hereto, is hereby approved by the City Council, with such changes therein as shall be approved by the officers of the City executing the same.

Section 3. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

Section 4. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Schilling, adopted this 20th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 20th day of January, 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

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 21, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

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

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1315, vacating the Coles Centre Plat.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1315

AN ORDINANCE VACATING THE DEED OF DEDICATION AND THE FINAL PLAT OF SUBDIVISION FOR LAND OWNED BY COLES CENTRE, L.L.C. AND MANAGED BY AGRACEL, INC., COMMONLY KNOW AS COLES CENTRE

WHEREAS, Coles Centre L.L.C. as owner and Agracel Inc. as acting managing partner has surveyed and subdivided into a blocks and street right-of-ways as shown on the final plat **Coles Centre** provided to the City Council in accordance with the Statute of the State of Illinois in such made and provided; and

WHEREAS, said plat of the subdivision known as **Coles Centre**, City of Mattoon, Coles County, Illinois has been submitted to the City Council of the City of Mattoon and approval on December 16th 2003, in the manner as by law required; and

WHEREAS, said plat of the subdivision known as **Coles Centre**, City of Mattoon, Coles County, Illinois has been filed and recorded with the Coles County Recorder's Office on October 6th 2004, in the manner as by law required; and

WHEREAS, construction of street right-of ways and other portions of **Coles Centre** has not been implemented and there has been a desire to redesign said subdivision;

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, that the plat, of **Coles Centre** and the **Deed of Dedication**, to the City of Mattoon, Coles County, Illinois, be hereby vacated by the City Council in the manner as provided by law.

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

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

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

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 20th day of January, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of January, 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 January 21, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

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

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1316, approving the Final Plat of Coles Centre.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1316

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT OF
COLES CENTRE SUBDIVISION**

WHEREAS, Coles Centre L.L.C. as owner and Agracel Inc. as acting managing partner of the following described property:

A part of Section 16, Township 12 North, Range 8 East, of the Third Principal Meridian, Coles County, Illinois, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of said Section 16, being an iron pin; Thence, S 00° 46' 14" W, all bearings are referenced to the Illinois State Plane Coordinate System, East Zone Datum 1983, along the East line of the Southeast Quarter of said Section 16, to the Northeast corner of the Southeast Quarter of said Section 16, a distance of 1331.09, to a point; Thence, S 88° 45' 56" W, along the North line of the Southeast Quarter of the Southeast Quarter of said Section 16, to the West Right-of-Way line of Lerna Road, a distance of 1339.95 feet, to the POINT OF BEGINNING, being a point; Thence, S 00° 00' 24" W, along the West Right-of-Way line of Lerna Road, to the South line of said Section 16, a distance of 1332.88 feet, to an iron pin; Thence, S 88° 39' 33" W, along the South line of said Section 16, a distance of 1855.50 feet, to an iron pin; Thence, N 00° 17' 37" E, to the South line of the North Half of the Southwest Quarter of said Section 16, a distance of 1336.49 feet, to an iron pin; Thence, S 88° 45' 56" W, along the South line of the North Half of the Southwest Quarter of said Section 16, to the East Right-of-Way line of F.A.I. Route 04, a distance of 1720.98 feet, to an iron pin; Thence, N 04° 55' 25" E, along the East Right-of-Way line of F.A.I. Route 04, a distance of 234.86 feet, to an iron pin; Thence, N 17° 41' 38" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 317.84 feet, to an iron pin; Thence, N 48° 25' 01" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 404.60 feet, to an iron pin; Thence, N 23° 47' 19" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 352.33 feet, to an iron pin; Thence, N 73° 32' 46" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 286.40 feet, to an iron pin; Thence, N 86° 54' 14" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 500.62 feet, to an iron pin; Thence, N 86° 19' 58" E, continuing along the East Right-of-Way line of F.A.I. Route 04, to the South Right-of-Way line of F.A.I. Route 17, a distance of 250.45 feet, to an iron pin; Thence, N 89° 45' 57" E, along the South Right-of-Way line of F.A.I. Route 17, to the West Right-of-Way line of Lerna Road, a distance of 1923.02 feet, to an iron pin; Thence, S 31° 40' 02" E, along the West Right-of-Way line of Lerna Road, a distance of 114.27 feet, to an iron pin; Thence, S 00° 00' 24" W, along the West Right-of-Way line of Lerna Road, a distance of 1085.61 feet, to the POINT OF BEGINNING and containing 147.94 acres, more or less.

has caused said premises to be surveyed and subdivided into a lots and street right-of-ways as shown on the plat submitted to the City Council for approval in accordance with the Statute of the State of Illinois in such made and provided; and

WHEREAS, said plat of the subdivision to be known as Coles Centre Subdivision, City of Mattoon, Coles County, Illinois has been submitted to the City Council of the City of Mattoon for approval in the manner as by law required, which plat is attached hereto as Exhibit "A" and made a part hereof by reference thereto; and

WHEREAS, it appears from an examination of said plat that the same is in due form as required by law and complies with all rules, regulations, and requirements relative to subdivisions and zoning in the City of Mattoon, Illinois, and that by said plat should be approved; and

WHEREAS, the Planning Commission of the City of Mattoon, Coles County, Illinois, has recommended that said plat be approved.

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, that the plat, of **Coles Centre Subdivision**, to the City of Mattoon, Coles County, Illinois, be hereby approved and that a certificate of such approval be endorsed upon said plat signed by the Mayor and the City Clerk in the manner as provided by law.

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.

and economic benefits.

(B) Council Board of Directors.

- (1) **General Powers.** The affairs of the Mattoon Arts Council shall be managed by its Board of Directors
- (2) **Membership.** Directors of the Mattoon Arts Council are appointed by the Mayor of Mattoon with confirmation by the City Council, from the nominations of the Mattoon Arts Council Board of Directors. The Board will consist of 11 voting members, at least 6 of whom shall be residents of the City of Mattoon. The City Administrator, the City Council member overseeing the Arts Council and the Tourism Director will serve as ex officio (non voting) members of the board.
- (3) **Terms.** Length of term is two (2) yrs. The terms of the board membership is staggered. Annual appointments by the Mattoon City Council take place in September. Directors are limited to three (3) terms. Past board directors may be re-appointed after one (1) yr. to new terms. Term limit can be waived one time in special circumstances by a 2/3 vote of the remaining board directors.
- (4) **Compensation.** No director of the Mattoon Arts Council shall be compensated for the performance of services for the Council, but may, by resolution of the Council, be reimbursed for expenses incurred on behalf of the Council. No part of net earnings or other assets of the Council shall inure to the benefit of, or be distributable to its members, directors or any private persons.
- (5) **Responsibilities.** Council Board directors are expected to be active in the management and activities of the Mattoon Arts Council. Council directors are expected to attend a minimum of 2/3 of all meetings, be actively involved on at least one committee and publicly support the arts and the Arts Council.
- (6) **Resignation.** Any Council Board director may resign by submitting a letter of resignation to the Chairman.
- (7) **Removal.** A Director who misses fifty percent (50%) of the meetings or three (3) consecutive meetings during a one (1) yr. period may be removed from the Board by the Chairman.
- (8) **Vacancies.** For any vacancy on the Council Board, the Board Chairman will make the appointment, with approval by the board and the Mattoon City Council. A Director appointed to fill a vacancy shall serve for the unexpired term of his/her predecessor.
- (9) **Council Advisors.** The Chairman may invite members of the community, to sit as council advisors, with the approval of the Council Board, to such terms as determined by the Council Board. Advisors will be welcomed to share knowledge and expertise that may assist Council Board in attaining the Mattoon Arts Council's objectives. There shall be no fixed term or maximum number of council advisors. Council advisors shall not have voting privileges at Board meetings but may make recommendations to the Council Board.

(C) Officers.

- (1) **Officers.** The officers of the Mattoon Arts Council shall be Chairman, Vice-Chairman, Secretary and Treasurer and other such officers as the board may direct. No two (2) offices may be held by the same person
- (2) **Elections and Terms of Office.** The officers shall be elected annually in October. The Governance Committee will be responsible for submitting a nomination list one month prior to the election. The officers shall hold an office for a one (1) year term. An officer may hold an office for two (2) terms. A director may return to an office after one (1) yr.
- (3) **Removal.** An officer elected or appointed by the Board of Directors may be removed by a 2/3 vote of the members of the Board of Directors.
- (4) **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.
- (5) **Chairman.** Shall preside at all meetings of the Mattoon Arts Council and shall have general supervision over all business, affairs and activities of the Mattoon Arts Council. The Chairman shall appoint all standing committees.
- (6) **Vice Chairman.** Shall preside in the absence of the Chairman.
- (7) **Secretary.** Shall be responsible for the usual duties including keeping minutes of all meetings, and other duties, from time to time, assigned by the Chairman.
- (8) **Treasurer.** Shall be responsible for the usual duties including maintaining all financial accounts and records and presenting a financial report at each Board Meeting, and other duties, from time to time, assigned by the Chairman. The Treasurer shall also be charged with working with the Mattoon City Treasurer to insure compliance with all fiscal rules of the City of Mattoon.

(D) Meetings.

- (1) **Regular meetings.** Meetings shall be held monthly. Time and location will be determined by the Council Board.
- (2) **Quorum.** A quorum shall consist of a simple majority of voting Arts Council directors being in attendance at the meeting for the transaction of business. Routine business shall be transacted by a simple majority vote. If a quorum is present, the affirmative vote of a majority of those present at the meeting shall be the act of the Mattoon Arts Council. Each director of the Mattoon Arts Council is entitled to cast one vote.

There shall be no proxy voting. Where possible, a Director may attend by telephone or web connection.

- (3) **Notice.** Notice of Board meetings shall be given at least five (5) days notice prior to the meeting. Each director shall receive notice by regular mail, phone or email. The notice shall include date, time and place of the meeting
 - (4) **Special Meeting.** Special meetings of the directors may be called at any time by the Chairman, or by any three (3) directors. Notice of a special meeting of the Council Board shall be given five (5) days notice prior to the meeting.
 - (5) **Action Without a Meeting.** When business requires, action may be taken without a meeting. All directors of the Council must be polled, either by e-mail, telephone or mail. A deadline for response must be conveyed. The nature of the action must be in writing. The action will have the same effect as a vote of the board at a regular meeting and will be included in the records of minutes of the Council
 - (6) **Rules of Order.** Current Robert's Rules of Order shall govern the Mattoon Arts Council when not inconsistent with the By-laws of the Mattoon Arts Council or any other special rules of order the Council may adopt.
 - (7) **Fiscal Year.** The fiscal year shall begin on the first day of May and end on the last day of April.
- (E) **Committees.** The Mattoon Arts Council shall have the following Committees and such other committees as the council deems appropriate:
- (1) **Governance / Nomination Committee.** Create and oversee structured mechanisms and tools that ensure competent management and high quality operations, guided by the objectives of our strategic plan. Annually accept nominations and prepare a slate of officers for the Board of Directors.
 - (2) **Program / Event Committee.** Provide compelling and coherent programming, competently offered, that provides value to our community and makes optimal use of our resources, guided by the objectives of our strategic plan.
 - (3) **Development Committee.** Provide direction and action in the areas of promotion and advertising of the Mattoon Arts Council. Provide or create increased fundraising efforts, for both the short term and long term financial operations of the Arts Council, guided by the objectives of our strategic plan.
 - (4) **Venue Committee.** Seek opportunities for various venue locations in the community to provide greater variety of programming. Build relationships with individuals and organizations for support and promotion of Arts opportunities in our community, guided by the objectives of our strategic plan.
- (F) **Records and Reports.**
- (1) **Records.** The Mattoon Arts Council shall maintain adequate and correct books, records and accounts on its operations. All such books, records and accounts shall be kept by the Secretary and/or Treasurer, and surrendered upon completion of their term of office. Accurate minutes shall be kept of the proceedings of the Board of Directors. A record of the names and addresses of each member of the Council shall be kept on file, and updated annually. Past records shall be kept permanently in files for future reference.
 - (2) **Reports.** All books and accounts of the Mattoon Arts Council shall be open to inspection by the members of the Board of Directors and subject to public inspection under the Illinois Freedom of Information Act. All committees are expected to give monthly reports of their activities or non active time. Any event needs to provide a written report to the secretary of details including income, expenses and attendance. The calendar year shall be used for annual reporting to The Mattoon City Council during the month of January.
- (G) **Other.**
- (1) **Conflict of Interest.** No director of the Mattoon Arts Council shall use their position, or knowledge gained there from, in such a manner that a conflict between the organization and their personal interests arise. Each Council director has a duty to place the interest of the Mattoon Arts Council foremost in dealings with the organization. If any Council director has a personal interest in business or activity proposed, they are expected to fully disclose such interest. Any director aware of a potential conflict should not be present for any discussion or vote in connection with the matter. Official minutes will reflect any abstaining votes.
 - (2) **Political Activism.** The Mattoon Arts Council shall use neither its monies nor its name in furtherance of, nor engage in, in political activity in support of any candidate for public office or issue for referendum. This shall not be construed to limit the exercising of the constitutional rights of any individual director.
 - (3) **Non-Discrimination.** The Mattoon Arts Council will not discriminate against people on the basis of race, color, sex, religion, income, national origin, age, disability, sexual orientation, political affiliation or any other legally protected characteristic in any of its policies, recommendations or actions.
 - (4) **Endowment.** The Board of Directors shall have the power to accept gifts of money or securities from donors and to designate the gifts as an "Endowment Fund." The Mattoon Arts Council shall spend only the income from the interest generated by said endowment fund. The Board of Directors shall designate the institution for the deposit of funds.

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.

