

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on May 19, 2015.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, Absent Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, Arts & Tourism Director Angelia Burgett, and Deputy City Clerk Marsha True.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting May 5, 2015 and bills and payroll for the first half of May, 2015.

Bills and Payrolls for the first half of May, 2015

General Fund

Payroll		\$	273,226.58
Bills		\$	209,925.57
	Total	\$	483,152.15

Hotel Tax Administration

Payroll		\$	2,313.11
Bills		\$	4,744.97
	Total	\$	7,058.08

Arts Council

Bills		\$	2,311.25
	Total	\$	2,311.25

Festival Mgmt Fund

Bills		\$	268.46
	Total	\$	268.46

Insurance & Tort Fund

Bills		\$	337.50
	Total	\$	337.50

Midtown TIF Fund

Bills		\$	10,165.00
	Total	\$	10,165.00

Capital Project Fund

Bills		\$	11,651.72
		\$	11,651.72

Broadway East Bus Dist

Bills		\$	3,032.19
		\$	3,032.19

Water Fund

Payroll		\$	41,676.41
Bills		\$	26,863.74
	Total	\$	68,540.15

Sewer Fund

Payroll		\$	51,489.67
Bills		\$	75,224.04
	Total	\$	126,713.71

Heath Insurance Fund

Bills		\$	73,696.68
	Total	\$	73,696.68

Motor Fuel Tax Fund

Bills		\$	15,070.72
	Total	\$	15,070.72

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

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover opened the floor for Public questions or comments. Ms. Laura Seils from A Cut Above, located at 3320 Marshall Avenue addressed the Council in regards to fence permit and setback variance issued to Todd Fuller at 3300 Marshall Avenue. Ms. Seils passed out to the Council a transcript and pictures expressing her main concerns, the fence which obstructs the view of her business sign; the equipment parked outside; and the setback requirements. Ms. Seils mentioned talking with the City Administrator and expressed her concerns with his response. She also contacted Clint Bergbower with IDOT since the setback would be from the State Route and Ms. Seils felt it was in violation. Commissioner Graven inquired about the zoning of the property. Administrator Gill responded C-3, which allows farm equipment, but not some of the other items that were pictured outside. City Administrator Gill noted having a discussion with Matt Frederick and Ms. Seils, explaining to Ms. Seils that the fence followed the zoning ordinance regulations, and Mr. Fuller had applied for a variance which was approved by Planning Commission and Council. Commissioner Hall asked about the State violation, with Administrator Gill explaining, if the property were in State violation, Mr. Fuller would be sent a letter. Commissioner Cox asked Administrator Gill what could be done if the property had a storage violation. Administrator Gill stated a letter would be sent requiring items removed. Mayor Gover asked Administrator Gill along with Matt Frederick and Luke Edwards to follow up on the complaints. Administrator Gill answered affirmatively.

Sid Guill owner of 3320 Marshall, where Ms. Seils operates her beauty salon expressed his concerns, possible losing Ms. Seils as a tenant and worrying about the value of his property. Commissioner Graven asked if the fence had been surveyed. Administrator Gill was not sure, but stated that when customers are issued fence permits, they are told to either have the property surveyed or look for the pins.

Mayor Gover opened the floor for any other questions or comments with no response.

NEW BUSINESS

Mayor Gover seconded by Commissioner Cox moved to adopt Ordinance No. 2015-5378, amending Chapter 114 of the Municipal Code Regarding Liquor Control.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2015-5378**

**AN ORDINANCE AMENDING CHAPTER 114 OF THE MUNICIPAL CODE
REGARDING LIQUOR CONTROL**

WHEREAS, Chapter 114 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the licensing and control of the sale of alcoholic liquor within the City limits;

WHEREAS, the current ordinance is outdated and in need of updating; and

WHEREAS, the City Council desires to modify certain provisions of the liquor control code.

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. Liquor Control. Section 114.03- Definitions; Section; 114.04 (B), Section. 114.18 (D) (2); Section 114.21 (A); Section 114.22 (A) (2) (D) (1); and (E) (1),(2) of Chapter 114 of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

114.03 DEFINITIONS

RESTAURANT - Shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests and which during the preceding three-month period has generated more than 50% of its total gross revenues from the sale of prepared food.

114.04 PUBLIC POSSESSION, CONSUMPTION OF ALCOHOLIC LIQUOR:

(B) *Public consumption of alcoholic liquor.* It shall be unlawful to drink any alcoholic liquor on any public street, parkway, park, public or private school grounds or public place, with the exception of that space occupied by a properly licensed outdoor café', that space occupied by a licensee with a Class T (Special Use) permit, or that space occupied by a properly licensed caterer or Class T licensee at a location approved by the Local Liquor Control Commissioner.

114.18 APPLICATION FEE AND CONDITIONS TO GRANTING LICENSE OR PERMIT

(D) Before a new liquor license or permit may be issued, the following requirements must be met:

(2) An Application fee of \$100 must be remitted (for all except a new Class A & B1 – the application fee is \$5,000, new Class D2 – the application fee is \$2,500 and Class T has no application fee.

114.21 PROHIBITED LICENSE HOLDERS

(A) Any law enforcing public official - The City of Mattoon shall follow Illinois State Statute and the Liquor Control Act of 1934.

114.22 CLASSIFICATIONS OF LICENSES.

(A) Class A licenses as follows:

(2) Not more than 17 such licenses shall be issued and outstanding. No such license shall be issued to a hotel, restaurant or bowling alley. In the event that a licensee holding a Class A license applies for and is issued a Class R license at any time after the effective date of this chapter for the same premises for which the Class A license was issued, the total number of Class A licenses authorized to be issued and outstanding shall be reduced accordingly.

(D) Class D licenses as follows:

(1) Class D-1 license shall authorize the retail sale of beer and wine, only, upon the licensed premises to the general public for consumption in an enclosed structure on the premises only. The principal business of the license shall be the service of food and shall follow the public health department

regulations and guidelines for operation of a business with the service of food being the principle business. The licensed premises shall seat not less than 25 customers at any one time. Not more than (9) nine such licenses shall be issued and outstanding.

The Local Liquor Control Commissioner may require the applicant of a Class D-1 license or a licensee with a Class D-1 license to submit reasonable proof, from time to time, that the licensee is in fact operating a business with the principal business of service of food, and which during the preceding three-month period has generated more than 50% of its total gross revenues from the sale of prepared food.

(E) Class R licenses as follows:

- (1) Class R license shall authorize the sale of alcoholic liquor by the drink on the premises specified, for consumption on the premises. The principal business of the licensee shall be the business of conducting a “restaurant”, which shall meet public health kitchen code regulations. The number of such licenses to be issued is not limited.
- (2) The Local Liquor Control Commissioner may require the applicant for a Class R license or a licensee with a Class R license to submit reasonable proof, from time to time, that the licensee is in fact operating a restaurant, and which during the preceding three-month period has generated more than 50% of its total gross revenues from the sale of prepared food.

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

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Cox, adopted this 19th day of May, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Mayor Gover

NAYS (Names): None

ABSENT (Names) : Commissioner Owen

Approved this 19th day of May, 2015.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien, by Marsha A. True
Susan J. O'Brien, City Clerk
by: Marsha A. True
Deputy City Clerk

/s/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on May 19, 2015.

Mayor Gover opened the floor for questions or comments. Commissioner Hall asked the City Administrator to highlight the sections changed. Administrator Gill replied with definitions of Restaurants – service of food being 50% of gross revenue; Public Consumption allowing Class T-1 license holders with approval from the Local Liquor Commissioner to hold functions in parks, Lone Elm Room at Depot, etc. ; application fees were included in the appropriate section of the Ordinance; and City of Mattoon following Illinois State Statutes.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Graven moved to adopt Special Ordinance No. 2015-1594, authorizing an ordinance for the sale of Lot 72 in Lake Paradise Subdivision to Charles Armstrong, owner of a home on leased premises at Lot 72, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2948 East Lake Paradise Road)

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2015-1594**

**AN ORDINANCE AUTHORIZING THE
SALE OF SURPLUS REAL ESTATE**

WHEREAS, State Statute 65 ILCS 5/11-76-4.1 enables corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, Charles Armstrong, owner of a cabin located on premises leased from the municipality located at 2948 East Lake Paradise Road, also known as Lot 72 of Lake Paradise Subdivision, has requested to purchase said Lot 22 at the appraised value of \$17,000.00; and

WHEREAS, the location of Lot 72 is shown on the attached aerial photo labeled Exhibit ‘C’; and

WHEREAS, the City Council declared Lot 72 “no longer necessary or required for the use of the municipality” and “authorized management staff to negotiate contracts to sell said lots” by virtue of Resolution No. 2006-2642; and

WHEREAS, the City Council established certain Covenants, Restrictions, and Limitations for Lake Paradise Subdivision in a Declaration made May 16th, 2006 and caused said document to be recorded at the Coles County Clerk and Recorder’s Office as Document No. 0690359.

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

Section 1. The City Council determines that it would be inappropriate to offer this property to competitive bidding since the lessee has already invested in permanent improvements on the premises that cannot be conveniently separated.

Section 2. The Mayor and City Clerk are authorized to sign documents conveying, by Warranty Deed, attached as Exhibit ‘A’, title to the real estate described in Section 3 of this ordinance to Charles Armstrong in exchange for payment in the amount of \$17,000.00.

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

Lot 72 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois. Commonly known as 2948 East Lake Paradise Road, Mattoon, Illinois.

Excepting any interest or estate in the minerals underlying the surface of the land which may have been heretofore conveyed or reserved, and all rights and easements in favor of any such mineral interest or estate.

Section 4. The Covenants, Restrictions, and Limitations for Lake Paradise Subdivision, Paradise Township, Coles County, Illinois, attached as Exhibit ‘B’, shall run with the land, as provided by law, and shall be binding on all parties and all persons claiming under them and for the benefit of, and limitations on, future owners in such subdivision.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Cox, seconded by Commissioner Graven, adopted this 19th day of May, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Mayor Gover

NAYS (Names): None

ABSENT (Names): Commissioner Owen

Approved this 19th day of May, 2015.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien, by Marsha A. True
Susan J. O'Brien, City Clerk
by: Marsha A. True, Deputy City Clerk

/s/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on May 19, 2015.

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

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Hall moved to adopt Special Ordinance No. 2015-1595, authorizing the transfer of real estate owned by the City to Upchurch Group Properties, L.L.C. located between 15th & 16th Street – north of Broadway Avenue in exchange for real estate owned by Upchurch Group Properties, L.L.C. for the purpose of the Broadway Avenue Alley Paving Project and future bike trail expansion.

Commissioner Cox seconded by Commissioner Hall moved to amend the motion to adopt SO 2015-1595 to read: Authorizing the purchase of real estate and temporary easements from the Upchurch Group for the construction of the Broadway Avenue Alley Paving Project and a future Bike Trail Extension Project.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2015 -1595

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE AND TEMPORARY EASEMENTS

WHEREAS, the City of Mattoon is preparing to construct new concrete pavement in the alley between 15th Street and 16th Street, 1/2 block north of Broadway Avenue, said project known as the Broadway Avenue Alley Paving Project; and

WHEREAS, the City of Mattoon is planning a future project to the extend the existing bike trail from 10th Street to 16th Street, said project known as the Bike Trail Extension Project; and

WHEREAS, 284 square feet of right-of-way and 2,652 square feet of temporary easement are required to be purchased from the adjacent property owner, Upchurch Group Properties LLC, for the Broadway Avenue Paving Project; and

WHEREAS, 1,085 square feet of right-of-way and 3,003 square feet of temporary easement are required to be purchased from the adjacent property owner, Upchurch Group Properties LLC, for the Bike Trail Extension Project; and

WHEREAS, the City of Mattoon has agreed to construct 1,650 square feet of parking lot replacement in return for the stated right-of-way and easements, said work valued at approximately \$12,970.00.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that the transfer of 1,369 square feet of real estate from Upchurch Group Properties LLC to the City of Mattoon, as described on the attached Warranty Deed and Survey Plat, be approved, and that the Mayor and the City Clerk are hereby authorized to execute the necessary documents to complete the transaction.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that the transfer of 5,655 square feet of temporary easements from Upchurch Group Properties LLC to the City of Mattoon, as described on the attached Temporary Easement and Survey Plat, be approved and that the Mayor and the City Clerk are hereby authorized to execute the necessary documents to complete the transaction.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that the reconstruction of approximately 1,650 square feet of adjacent parking area owned by Upchurch Group Properties LLC, be reconstructed as part of the Broadway Avenue Alley Paving Project.

Upon motion by Commissioner Cox, seconded by Commissioner Hall, adopted this 19th day of May, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven, Commissioner Hall, Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Owen

Approved this 19th day of May, 2015.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/Susan J. O'Brien by Marsha A. True
Susan J. O'Brien, City Clerk
by: Marsha A. True, Deputy City Clerk

/s/Janett Winter-Black
Janett Winter-Black, City Attorney

Recorded in the Municipality's Records on May 19, 2015.

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

Mayor Gover declared the motion to amend carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Hall moved to approve the amended motion to adopt Special Ordinance No. 2015-1595, authorizing the purchase of real estate and temporary easements from the Upchurch Group for the construction of the Broadway Avenue Alley Paving project and a future Bike Trail Extension Project.

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

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2015-1609, ratifying the Mayor's appointment of Robert Grierson to the Board of Fire & Police Commissioners to fill the vacancy created due to the resignation of Richard Record, Jr. for the unexpired term of 04/30/2017.

Mayor Gover opened the floor for questions or comments. Mayor Gover informed the Council that Mr. Record was resigning due to health reasons and accepted his resignation with regrets. Mayor Gover added Robert Grierson will make a good replacement.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2015-1610, approving the Professional Services Proposal/Agreement in the amount of \$20,000 from the Upchurch Group to coordinate the revisions to the Flood Insurance Rate Maps resulting from the completion of the Southside Drainage Projects; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for questions or comments with no response

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT noted meeting with PADS, working on future development, and nuisance.

CITY ATTORNEY had nothing to report.

CITY CLERK processing boat registrations issued at marina and clerk's office, preparing renewal letters to liquor license holders and business as usual.

FINANCE distributed and reviewed the April' 15 Financial Report with comparisons to last year and noted the year ending in a positive manner. Treasurer/Director Wright noted that the Arts Council totals had been broke out from the general fund so the citizens could see where it stood and also mentioned scheduling with auditors. Mayor Gover opened the floor for questions or concerns. Commissioner Hall stated that he had asked that the Arts Council Fund be separated from the General Fund.

PUBLIC WORKS crews are busy working on sidewalks, Bartels working on Charleston Ave., Howell Paving 17th Street from Marshall to Wabash and Rudy Avenue parking lanes. Final plans for Heritage Park should be complete within 30 days. Mayor Gover noted Heritage Park was located at 17th and Broadway.

FIRE - Commissioner Hall explained Chief Nichols leaving meeting early to respond to a fire in Charleston. Mayor Gover explained Charleston and Mattoon meet on a regular basis regarding mutual aid. The Fire Department, Police Department and Public Works all work together with Charleston's crews, sharing equipment and manpower when necessary.

POLICE noted working with Charleston Police Department and Coles County Sheriff's Department on a Crime Data Map. Chief Branson explained that it will take some time to complete, but the outcome will be rewarding. Mayor Gover opened floor for question or comments. Mayor Gover inquired about cell phone traffic stops. Chief Branson stated about 5 to 6 a day are still being issued, noting numbers were down. Mayor Gover mentioned article in paper concerning Police stops for front and back seat belt violation this week-end. Chief Branson answered affirmatively and patrols will also be looking for DUIs.

ARTS AND TOURISM- Director Burgett stressed May was a busy month for tourism with the boys and girls IHSA Track meets, graduation, preparations for Bagelfest and 4th of July. Director Burgett noted the Lone

Elm hosted EIU musical classes and invited the public to the music event this Friday night at the Lone Elm Room located in the Depot.

COMMENTS BY THE COUNCIL

Mayor Gover opened the floor for comment from the Council. Commissioner Cox expresses his thanks to the crews working on Dodge Grove Cemetery in preparing for Memorial Day. Commissioners Graven and Hall had nothing further to add.

Mayor Gover seconded by Commissioner Graven moved to recess to closed session pursuant to the Illinois Open Meetings Act for the purpose of considering confidential medical information regarding a dependent of a City employee (citation) (5 ILCS 120/2(c)(12); litigation (5ILCS120/2.06(a)(1); and discussing the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the City (5ILCS/120(2)(C)(1) at 7:04 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

Council reconvened at 7:45 p.m.

Mayor Gover seconded by Commissioner Cox moved to approve the request for Medical Insurance Administrative Override 2015-01.

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

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover,

Mayor Gover opened the floor. The City Administrator and Council began a discussion concerning the property located between the 1300 & 1400 block of Richmond to determine the best use of this property. Administrator Gill noted PADS' interest in leasing this property and asked thoughts of the Council. Council and Chief Branson discussed the concerns with some of the internal policies of PADS, but noted they have made progress over the years. Council also discussed the green space currently at this location, the demolishing of the old Public Works building, clean-up of the Young Radiator site, and the potential for economic development of this area.

Commissioner Hall seconded by Commissioner Graven moved to adjourn at 8:40 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, NAY Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

/s/ Marsha A. True
Deputy City Clerk

