

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on September 6, 2016.

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, YEA 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 (6:31 p.m.), Fire Chief Tony Nichols, Police Chief Jeff Branson, Arts & Tourism Director Angelia Burgett, and City Clerk Susan O'Brien.

Mayor Gover called for a moment of silence in honor of the passing of James Leming, a former Commissioner.

#### CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting August 16, 2016 and special meeting August 30, 2016, Fire Department reports for the month of August, 2016, and bills and payroll for the last half of August, 2016.

#### **Bills & Payroll** **last half of August, 2016**

<b><u>General Fund</u></b>	
Payroll	\$ 270,625.46
Bills	<u>\$ 143,797.42</u>
Total	\$ 414,422.88
<b><u>Hotel Tax Administration</u></b>	
Payroll	\$ 2,883.61
Bills	<u>\$ 1,975.18</u>
Total	\$ 4,858.79
<b><u>Mobile Equipment Fund</u></b>	
Bills	<u>\$ 28,717.99</u>
Total	\$ 28,717.99
<b><u>Festival Mgt Fund</u></b>	
Bills	<u>\$ 9,589.37</u>
Total	\$ 9,589.37
<b><u>Insurance &amp; Tort Jdgmnt</u></b>	
Bills	<u>\$ 6,373.73</u>
Total	\$ 6,373.73
<b><u>Midtown TIF Fund</u></b>	
Bills	<u>\$ 219,856.05</u>
Total	\$ 219,856.05

		<b><u>Capital Project Fund</u></b>	
Bills		\$	18,110.91
	Total	\$	18,110.91
		<b><u>South Rt 45 TIF Dist</u></b>	
Bills		\$	6,054.00
	Total	\$	6,054.00
		<b><u>Broadway East Bus Dist</u></b>	
Bills		\$	4,630.78
	Total	\$	4,630.78
		<b><u>Water Fund</u></b>	
Payroll		\$	33,016.87
Bills		\$	35,116.79
	Total	\$	68,133.66
		<b><u>Sewer Fund</u></b>	
Payroll		\$	33,884.78
Bills		\$	112,339.22
	Total	\$	146,224.00
		<b><u>Health Insurance Fund</u></b>	
Bills		\$	270,112.59
	Total	\$	270,112.59
		<b><u>Motor Fuel Tax Fund</u></b>	
Bills		\$	48,575.74
	Total	\$	48,575.74

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

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

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

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

**NEW BUSINESS**

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance No. 2016-5388, amending Section 133.11(C) of Chapter 133 Drugs, Drug Paraphernalia, and Synthetic Alternative Drugs of the Municipal Code to regulate 10 grams or less of cannabis.

**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2016-5388**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES CHAPTER 133 OFFENSES AGAINST PUBLIC ORDER SECTION 133.11 PROHIBITING DRUGS, DRUG PARAPHERNALIA, AND SYNTHETIC ALTERNATIVE DRUGS SECTION 133.11 (C): POSSESSION OF 10 GRAMS OR LESS OF CANNABIS**

**WHEREAS**, the City of Mattoon (“City”) is a municipal corporation organized and existing under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq; and

**WHEREAS**, the City has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the City has established a comprehensive set of regulations concerning drugs, drug paraphernalia, and synthetic alternative drugs within the City in Chapter 133, §133.11 Drugs, Drug Paraphernalia, and Synthetic Alternative Drugs, as amended (“Code”); and

**WHEREAS**, commencing August 1, 2016, the treatment of possession of cannabis less than ten (10) grams and possession of paraphernalia associated with possession of cannabis less than ten (10) grams has been amended by Governor Rauner’s execution of Senate Bill SB 2228; and

**WHEREAS**, the new State law provides that possession of cannabis less than ten (10) grams has been defined as a civil violation punishable by a minimum fine of One Hundred Dollars (\$100.00) and a maximum fine of Two Hundred Dollars (\$200.00); and

**WHEREAS**, the corporate authorities of the City have determined that it would be in the best interest of the City and its residents to amend certain provisions of Chapter 133 Section 133.11 of the municipal 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. Amendment.** Section 133.11 (C) of Chapter 133 of the Mattoon Code of Ordinances is hereby repealed and replaced with the following:

**Section 133.11 (C): POSSESSION OF 10 GRAMS OR LESS OF CANNABIS:**

It is unlawful for any person to knowingly possess 10 grams or less of any substance containing cannabis. Any person who violates this section shall be fined an amount not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).

**Section 3.** All prior ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict or inconsistent with this Ordinance are hereby repealed only to the extent of such conflict or inconsistency.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon the day of its adoption and approval by the City Council. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6<sup>th</sup> day of September 2016, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 6<sup>th</sup> day of September, 2016.

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

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien  
Susan J. O'Brien, City Clerk

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

Recorded in the Municipality's Records on September 6, 2016.

Mayor Gover opened the floor for comments/questions. Chief Branson explained the ordinance was to bring the City into compliance with the new State Statutes.

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

Mayor Gover seconded by Commissioner Cox moved to adopt Ordinance No. 2016-5389, amending Sections 95.01 and 95.06 of Chapter 95: Nuisances of the Municipal Code to provide for regulation of the storage of materials and failure to comply citations.

---

**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2016-5389**

**AN ORDINANCE AMENDING CHAPTER 95 OF THE MUNICIPAL CODE REGARDING NUISANCE VIOLATIONS**

**WHEREAS**, 65 ILCS 5/11-60-2 enables the corporate authorities of each municipality to define, prevent and abate nuisances; and

**WHEREAS**, the City Council desires to sanction procedures that are intended to enable more expedient abatement of nuisance conditions; and

**WHEREAS**, the corporate authorities of the City have determined that it would be in the best interest of the City and its residents to amend certain provisions of Chapter 95 Sections 95.01 and 95.06 of the municipal 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. Code Amendment.** Section §95.01 (B) (20) (a) and (b) of Chapter 95 of the Code of Ordinances of the City of Mattoon is hereby amended to include the following:

**95.01 PUBLIC NUISANCE DEFINED**

**(B) PUBLIC NUISANCES** shall include but not be limited to the following acts, conduct, omissions, conditions or things:

- ~~(20) The keeping or storage of building supplies, construction materials, landscaping materials, salvageable metals, lumber, bricks or blocks outside of a building, garage or shed.~~
- (a) The keeping and storage of such materials shall be allowed if in compliance with a permitted use in a C4, General Commercial District or I, Industrial District zone listed in Chapter 159.
- (b) The keeping and storage of such materials is also allowed during the construction and remodeling of a structure or property, however the items shall not be kept or stored longer than three months outside of a building, garage or shed.

**Section 3. Code Amendment.** Sections §95.06 (C) and (D) of Chapter 95 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

**95.06 FAILURE TO COMPLY CITATIONS; SERVICE, CONTENT, FINE.**

(C) The citations issued under this section shall be a courtesy in lieu of arrest. The person issued a failure to comply citation may compromise and settle the claim by paying the sum of ~~\$25~~ \$50 and correcting the violation prior to the issued court appearance. ~~within seven days from the time the failure to comply citation is issued or by paying the sum of \$50 subsequent to such seven day period and prior to the person being charged by written complaint with such violation.~~ Any person issued a citation any additional failure to comply citations alleging the same type of violation at the address within a 12-month period of the last violation may compromise and settle the claim prior to the person being charged by written complaint in accordance with the following schedule:

Second offense	\$100 + court costs
Third offense	\$200 + court costs
Fourth offense	\$400 + court costs

(D) ~~If the person accused of the violation does not settle the claim within seven days after being issued a failure to comply citation, a complaint may be filed with the Circuit Court for that violation.~~ Upon conviction of a citation issued under this Chapter 95, the person shall be subject to a fine of not less than ~~\$50~~ \$75 nor more than ~~\$500~~ \$750 for each violation.

**Section 4. 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 or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

**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 publication and approval as provided by law. The City Clerk is directed to publish this ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Cox, adopted this 6<sup>th</sup> day of September, 2016, by a roll call vote, as follows:

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

Approved this 6<sup>th</sup> day of September, 2016.

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

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien  
Susan J. O'Brien, City Clerk

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

Recorded in the Municipality's Records on September 6, 2016.

Administrator Gill noted strengthening of nuisance codes including a three-month timeframe for cited properties and removal of excess lumber along the sides of houses. Mayor Gover opened the floor for questions with no response.

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

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2016-1714, approving the employment of Brett W. Hall as a probationary patrol officer pending successful completion of exams and evaluations, effective September 27, 2016.

Mayor Gover opened the floor for comments/questions/discussion. Chief Branson noted Captain Finley's upcoming retirement and provided accolades for Mr. Hall's work experience at Lake Land College and auxiliary. Mr. Hall introduced his family members present. Commissioner Cox noted his abstention due to his employment at Lake Land College.

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

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2016-1715, ratifying the re-appointments of Chris Considine, Justin Grady, Rich Fanelli, and Stephanie Packard and the appointment of Blake Fairchild to the Tourism Committee for terms ending 09/01/2019.

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

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

Commissioner Hall seconded by Commissioner Owen moved to approve Council Decision Request 2016-1716, approving and authorizing the purchase of Fire Rescue Pumper in the amount of \$564,626 from Banner Fire Equipment, Inc.; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for comments, questions, and discussion. Mayor Gover noted a pending receipt of a \$300,000 grant. Chief Nichols explained the option of paying in full to receive a \$16,000 discount and the City's share of \$279,626, and anticipated receiving the pumper in eight months. Commissioner Hall with input from Treasurer Wright and Administrator Gill discussed the MEF and repayment to the fund upon receipt of the grant funds.

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

Commissioner Graven seconded by Commissioner Cox moved to adopt Resolution No. 2016-2973, authorizing the MFT expenditure in the amount of \$14,500 for an environmental, noise, and accident analysis along Dettro Drive at IL-16 as requested by IDOT and surveying fees; and authorizing the Public Works Director to sign the Professional Services Proposal/Agreement – Amendment #1 and Amendment #2. 13-00259-00-PV

**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2016-2973**



**Resolution for Improvement by  
Municipality Under the Illinois**

BE IT RESOLVED, by the City Council of the \_\_\_\_\_ of the \_\_\_\_\_  
 City \_\_\_\_\_ of Mattoon Council or President and Board of Trustees \_\_\_\_\_ Illinois  
 \_\_\_\_\_  
 City, Town or Village  
 that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Dettro Drive at IL-16	FAU-7665	1600' West	1400' South

BE IT FURTHER RESOLVED,

- That the proposed improvement shall consist of The original engineering contract included Preliminary Engineering services for intersection improvements at IL-16 & Dettro Drive, and a new roadway along the west And south side of Wal-Mart. Certain contingencies for the environmental Survey Request were excluded.

This Request includes additional fees for a Noise Study and Accident Analysis requested by IDOT at the The FHWA Coordination Meeting, and surveying fees.

\_\_\_\_\_ and shall be constructed \_\_\_\_\_ 36' \_\_\_\_\_ wide and be designated as Section 13-00259-00-PV

2. That there is hereby appropriated the (additional  Yes  No) sum Fourteen thousand Five Hundred Dollars ( \$14,500.00 ) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract \_\_\_\_\_ ; and,

Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved	I, <u>Susan O'Brien</u> Clerk in and for the
Date	<u>City</u> _____ of <u>Mattoon</u>
Department of Transportation	<u>City, Town or County of</u> <u>Coles</u> _____, hereby certify the
Regional Engineer	foregoing to be a true, perfect and complete copy of a resolution adopted
	by the <u>City Council</u>
	at a meeting on <u>Council or President and Board of Trustees</u>
	<u>September 6, 2016</u> _____
	IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this
	<u>6th</u> _____ day of <u>September, 2016</u>
	(SEAL)
	<u>/s/Susan J. O'Brien</u>
	_____ City, Town, or Village Clerk

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

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

#### DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted attendance with the Mayor of a Coles Together meeting, pre-planning with GE properties and Staples' property; and noted steady inspections with construction plans. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY had nothing to report. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted business as usual. Mayor Gover opened the floor for questions with no response.



FINANCE noted processing of TIF payments just over \$230,000 total and preparation of the 2016 TIF report to the State. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on Public Works projects. Council inquired as to the completion date and streetscaping for Heritage Park with Director Barber noting several functional sections by the beginning of October and landscaping this Fall and Spring and the standard streetscaping.

FIRE announced the Fire Department collecting for MDA, noted the public service events, hydrant painting, and attendance at the annual school district's safety review. Mayor Gover opened the floor for questions with no response.

POLICE provided a Safe Streets Task Force update, expressed appreciation for the work on the DUI grants which Captain Ray Hall processes, and noted business as usual. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM provided an update on events in the Lone Elm Room and Depot. Mayor Gover opened the floor for questions with no response.

#### COMMENTS BY THE COUNCIL

Commissioners Cox, Graven, and Owen had no further comments. Commissioner Hall thanked the unions of the Fire Department and Police Department for their donations to the group who supported the display of flags for a fallen soldier.

Commissioner Hall seconded by Commissioner Cox moved to adjourned at 6:56 p.m.

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

/s/ Susan J. O'Brien  
City Clerk