

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on April 3, 2018.

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 Daniel C. Jones, Finance Director & Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Asst. Fire Chief Sean Junge, Police Chief Jason Taylor, and City Clerk Susan O'Brien.

**CONSENT AGENDA**

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting March 20, 2018; Fire department report for the month of February, 2018; bills and payroll for the last half of March, 2018.

**Bills & Payroll**  
**last half of March, 2018**

	<b><u>General Fund</u></b>		
Payroll		\$	257,055.97
Bills		\$	<u>48,636.41</u>
	Total	\$	305,692.38
	<b><u>Hotel Tax Administration</u></b>		
Payroll		\$	3,590.82
Bills		\$	<u>1,750.98</u>
	Total	\$	5,341.80
	<b><u>Festival Mgmt. Fund</u></b>		
Bills		\$	<u>9,585.79</u>
	Total	\$	9,585.79
	<b><u>Mobile Equipment Fund</u></b>		
Bills		\$	<u>23,479.00</u>
	Total	\$	23,479.00
	<b><u>Midtown TIF Fund</u></b>		
Bills		\$	<u>43.40</u>
	Total	\$	43.40
	<b><u>Capital Project Fund</u></b>		
Bills		\$	<u>3,385.45</u>
	Total	\$	3,385.45

	<b><u>Water Fund</u></b>		
Payroll		\$	39,030.39
Bills		\$	15,949.61
	Total	\$	54,980.00
	<b><u>Sewer Fund</u></b>		
Payroll		\$	42,048.63
Bills		\$	74,022.82
	Total	\$	116,071.45
	<b><u>Health Insurance Fund</u></b>		
Bills		\$	154,572.32
	Total	\$	154,572.32
	<b><u>Motor Fuel Tax Fund</u></b>		
Bills		\$	8,670.67
	Total	\$	8,670.67

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

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

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

Mrs. Cheryl Lee presented the Council with information regarding National Services Recognition Day, her designation as Americorp VISTA in Mattoon (Volunteer In Services to America), partnership with Fit-to-Serve; thanked the Council and Departments for their help; notified the Council of a service project, Community Bridges, where elementary students learn the Farm-to-Table concepts; and invited the Council to the awards ceremony on May 4<sup>th</sup> and May 11<sup>th</sup> at Williams Elementary School. Mayor Gover opened the floor for questions with no response. Mayor Gover read the following proclamation:

**PROCLAMATION**

**WHEREAS**, service to others is a hallmark of the American character, and central to how we meet our challenges; and

**WHEREAS**, the nation’s cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

**WHEREAS**, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21<sup>st</sup> century, to fighting the opioid epidemic, to responding to natural disasters, to supporting veterans and military families; and

**WHEREAS**, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

**WHEREAS**, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

**WHEREAS**, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

**WHEREAS**, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

**WHEREAS**, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

**WHEREAS**, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 3, 2018.

**THEREFORE, BE IT RESOLVED** that I, Timothy D. Gover, Mayor of Mattoon do hereby proclaim April 3, 2018, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities; and have hereunto set my hand and caused the seal of the City of Mattoon, Coles County, Illinois to be affixed this 3rd day of April, 2018.

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

Mayor Gover opened the Budget Hearing for the Fiscal Year 2019 at 6:45 p.m. in the City Hall Council Chambers on April 03, 2018. Administrator Gill reviewed the current year's FY18 Budget, FY19 General Fund Obstacles, Projected Revenues and Expenditures, FY19 Changes/Cuts, the result of a deficit budget of -\$746,704, Budgeted Revenues, Budgeted Expenditures, and Overviews of the Health Insurance, General Fund Departments, Tax Increment Financing (TIF), Business District, Hotel/Motel Tax Fund and Festival Management Fund, Water & Sewer Funds, Mobile Equipment Fund (MEF) and future acquisitions; FY19 Recommendations and a projected FY20 deficit of -\$1,546,437. Mayor Gover opened the floor for questions of the Council and Public. Commissioner Hall noted the budget numbers are not concrete and the goal is to reverse the deficit and have a balanced budget through departments and labor negotiations. Mayor Gover commended Administrator Gill and Director & Treasurer Wright as well as the Department Heads in their efforts to attain a balanced budget; and noted the City's surplus would only last so long. Mayor Gover closed the Budget Hearing at 7:14 p.m.

Mayor Gover announced the City received more than four inches of rain, commended the Fire, Police and Public Works Department staff and thanked staff for their help. Director Barber noted the City received 4.3" from midnight to 11:00 a.m. and described the flooding around town. Chief Nichols

described the evacuations and sheltering of those impacted; and thanked Chief Taylor and Deputy Chief Gaines and Officers for their help as well as Lincoln Fire Protection District with the help of a boat to transfer a resident. Mayor Gover opened the floor for further comments with no response. Mayor Gover thanked all for the updates.

### **NEW BUSINESS**

Mayor Gover seconded by Commissioner Cox moved to adopt Ordinance No. 2018-5404, amending Chapter 114 of the municipal code regarding Class T liquor licenses and establishing regulation of alcohol in the Burgess Osborne Auditorium; and amending Chapter 35 Schedule of Fees for the Burgess Osborne Auditorium rentals.

Mayor Gover thanked the efforts of Director Barber, Administrator Gill and Deputy City Clerk Marsha True for their work on the ordinance. Commissioner Graven stated the damage deposit should equal the rent for those rentals involving alcohol in order to place more responsibility on renters to \$400.

Commissioner Graven seconded by Commissioner Cox moved to amend the damage deposit for rentals involving alcohol to \$400.

Mayor Gover declared the motion to amend Ordinance No. 2018-5404 carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Absent Commissioner Owen, YEA Mayor Gover.

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## **CITY OF MATTOON, ILLINOIS**

### **ORDINANCE NO. 2018-5404**

#### **AN ORDINANCE AMENDING THE CITY OF MATTOON REGULATIONS FOR CLASS T SPECIAL USE PERMITS, ESTABLISHING AN ALCOHOL POLICY FOR BURGESS-OSBORNE AUDITORIUM, AND AMENDING THE RENTAL FEES FOR BURGESS-OSBORNE AUDITORIUM**

**WHEREAS,** the City of Mattoon regulates Liquor Licenses and Permits in conformance with State Regulations established by the Illinois Liquor Control Commission; and

**WHEREAS,** the City of Mattoon wishes to amend the City Ordinance regulations for Class T Licenses to allow greater flexibility and to more closely match the Illinois Liquor Control Commission regulations for Special Use Permits; and

**WHEREAS,** the City of Mattoon operates and maintains a Community Building known as Burgess-Osborne Auditorium at 1701 Wabash Avenue; and

**WHEREAS,** the City of Mattoon wishes to make the Burgess-Osborne Auditorium more attractive to rental customers by allowing alcohol to be served under certain specific conditions, and for certain specific events; and

**WHEREAS**, the City of Mattoon wishes to amend the rental rates for Burgess-Osborne Auditorium for said events.

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

**Section 1.** Chapter 114 Subsection 22(F) of the City of Mattoon Code of Ordinances, Class T Licenses, be amended as shown below. Proposed verbiage to be inserted shall be as underlined. Existing verbiage to be deleted shall be as struck through. All other verbiage is existing and shall remain.

(F) Class T licenses shall authorize the retail sale of alcoholic liquor at a picnic, outing, festival or other such special occasion, including, but not limited to "special events" as defined in this chapter, for consumption on the premises or within an area specifically designated in such licenses. Class T licenses shall be designated as Class T-1, T-2, or T-3 and shall be issued as follows:

(1) Class T-1 Special Event license may be issued to an educational, civic, service, charitable or other not-for-profit organizations. The provision that alcoholic liquor may not be consumed on public property shall not apply to such premises designated in the area specifically designated for the Class T-1 license; provided, however, that no alcoholic beverage may be sold or consumed in an area within ten feet of any public street open to vehicular traffic. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the city as an additional insured. The time and days of operation shall be specifically requested in the application and shall be specifically provided for in the T-1 license and the licensee shall not sell alcoholic beverages at any other times except for those provided and allowed in the T-1 license.

(2) A Class T-2 license may be issued for Special Events to licensees holding other classifications of licenses for premises which the licensee otherwise owns or has a right to use and which is contiguous to and which extends no further than 100 feet from the business premises for which the licensee holds an existing license. The provision that alcoholic liquor may not be consumed on public property shall not apply to such premises designated in the area specifically designated for the Class T-2 license; provided, however, that no alcoholic beverage may be sold or consumed in an area within ten feet of any public street open to vehicular traffic. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the City as an additional insured. The license fee for a Class T-2 license shall be in the amount of \$100 for each 24-hour period or fraction thereof.

(3) A Class T-3 license may be issued a Special Use Permit for licensees to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a special event with approval by the Local Liquor Commissioner. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of

not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the City as an additional insured. The license fee for a Class T-3 license shall be in the amount of \$100 for each 24-hour period or fraction thereof.

(4) Class T-1 and T-2 licenses shall be issued for a specific period of time not to exceed three consecutive days.

(5) No applicant or licensee shall be issued more than three Class T-1 or three Class T-2-licenses in any one calendar year.

(6) A Class T license, if issued, shall not in any manner be regarded as to relieve the license holder from complying with all other requirements of law.

(7) When a picnic, outing, festival or other similar special event is held out of doors pursuant to any category of Class T license, the license holder shall:

(a) Use only paper or plastic products to serve alcoholic liquor or food;

(b) Provide fencing or a barricade with at least two means of ingress and egress around the area designated in the license;

(c) Monitor each means of ingress and egress so as to provide adequate crowd control;

(d) Prevent alcoholic liquor from being removed from the designated area by patrons, invitees or customers of the licensee;

(e) Remove as quickly as feasible, and not longer than 24 hours after the ending time of the event, all refuse, litter, debris, garbage and the like from the property used for the event in the abutting public right-of-way. Failure to comply with this division (F)(6)(e) may be deemed a public nuisance and the licensee prosecuted under applicable provisions of the City of Mattoon, Illinois Code of Ordinances relating to public nuisances. Failure to comply with this division (F)(6)(e) may preclude the issuance of Class T licenses to the licensee at any time in the future and shall be considered by the Local Liquor Control Commissioner in determining whether the Local Liquor Commissioner should issue subsequent Class T licenses.

(f) Any portion of a Class T-1 and T-2 licensed event held outside shall cease operations at midnight.

**Section 2.** Chapter 114 of the City of Mattoon Code of Ordinances be amended by the addition of proposed Subsection 55, Burgess-Osborne Auditorium.

### **§114.55 BURGESS-OSBORNE AUDITORIUM**

(A) Alcohol shall only be allowed to be served and/or consumed at Burgess-Osborne Auditorium under the following conditions:

(1) When served by a Caterer licensed by the City of Mattoon in accordance with Section 114.22.1.

(2) When served by a licensed alcohol retailer in accordance with Section 114.22(F)(2), (Class T-3 License) subject to approval of the Liquor Control Commissioner.

(B) Alcohol use at Burgess-Osborne Auditorium shall only be allowed for the following events:

Wedding Receptions

Class Reunions

Family Reunions

Corporate Meetings and/or Corporate Holiday Parties

(C) Alcohol use shall be limited to events hosting the families and company employees traditionally associated the type of events listed in Section 114.55(B). Alcohol use shall not be allowed for use under the provisions of Sections 114.55(A)&(B) for events which are open to the public.

(D) Alcohol use allowed under Sections 114.55(A)(B)&(C) shall be confined to the inside of the facility, and shall be prohibited outside.

(E) Alcohol use for events other than those specifically described in Sections 114.55(A)(B)(C)&(D) may be considered for approval, on a case by case basis, by the Liquor Commissioner.

**Section 3.** The fees set forth in Section 35.01(G)(24) of the City of Mattoon Code of Ordinances are amended as follows:

Burgess-Osborne Auditorium	
8:00 A.M. to 4:00 P.M. (No Alcohol)	\$50
4:00 P.M. to 11:00 P.M. (No Alcohol)	\$75
8:00 A.M. to 11:00 P.M. (No Alcohol)	\$125
8:00 A.M to 11:00 P.M. (Special Event with Alcohol)	\$400
Damage Deposit (Auditorium Only, No Alcohol, No Access to Changing Rooms)	\$100
Damage Deposit (Special Event with Alcohol, and/or Access to Changing Rooms)	\$400

**Section 4.** All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 5.** This ordinance shall be in full force and effect on May 1, 2018 and 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 3rd day of April 2018, by roll call vote, as follows:

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

Approved this 3rd day of April, 2018.

/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/Daniel C. Jones  
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on April 3, 2018.

Mayor Gover declared the amended 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 2018-1830, approving a water adjustment in the amount of \$1,847.59 on behalf of Suite Dreams Hospitality due to a water leak.

Mayor Gover opened the floor for questions/comments. Director & Treasurer Wright noted when the adjustment covers two different months, there are two water adjustments made – one from January and this second one from February.

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

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2018-1831, approving the re-appointment of Joe Tilman to the Electrical Board with a term expiring 04/30/2022.

Mayor Gover opened the floor for questions/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 2018-1832, approving the re-appointment of Beth Wright to the Fire Pension Board with a term expiring 04/30/2021.

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, Absent Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Cox moved to approve Council Decision Request 2018-1833, approving the re-appointment of John W. Hedges to the Police Pension Board with a term expiring 04/30/2020.

Mayor Gover opened the floor for questions/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 Graven moved to approve Council Decision Request 2018-1834, approving the appointment of Officer Eric Haughee to regular employment status with the Mattoon Police Department after successful completion of his probationary period effective April 10, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Chief Taylor stated Officer Haughee has done a good job.

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 Cox moved to approve Council Decision Request 2018-1835, awarding the bid in the amount of \$2,890 to Lasko Backhoe and Construction for demolition of 1512 N. 10<sup>th</sup> Street; and authorizing the mayor to sign the demolition contract.

Mayor Gover opened the floor for questions/comments. Administrator Gill noted the inexpensive demolition due to a smaller house.

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

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

CITY CLERK noted open enrollment for our 457b and 125 cafeteria plans and preparation of insurance rates; otherwise business as usual. Mayor Gover opened the floor for questions with no response.

FINANCE noted an update on the bond rating by Moody's to an A3; and processed TIF reports and filed with the State Comptroller's Office. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS noted Street crews were clearing out the old building. Mayor Gover opened the floor for questions with no response.

FIRE announced a fire occurred right before this meeting and was contained at American Select Tubing, the Department's community events, ladder inspections and testing, annual hose testing; and thanked the firefighters for their efforts during the busy night and day. Mayor Gover opened the floor for questions with no response.

POLICE announced all was well. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM Commissioner Hall had nothing to report.

#### COMMENTS BY THE COUNCIL

Commissioners Cox, Graven, and Hall had no further comments.

Mayor Gover seconded by Commissioner Cox moved to recess to closed session at 7:40 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of the appointment, compensation, discipline, performance, or dismissal of specific employees of the City or legal counsel for the City. (5ILCS/20 (2)(C)(1)); collective negotiating matters between the City of Mattoon and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees (5ILCS/20 (2)(C)(2)); and litigation that is affecting the City (5ILCS/20 (2)(C)(11)).

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 8:21 p.m.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 8:21 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.

/s/Susan J. O'Brien  
City Clerk