

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on June 2, 2020.

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

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox , YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall (Commissioner Hall attended by virtual means per Governor Pritzker’s Executive Order 2020-07), YEA Commissioner Preston Owen (Commissioner Owen attended by virtual mean per Governor Pritzker’s Executive Order 2020-07), 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, Arts & Tourism Director Angelia Burgett- Audio, Public Works Director Dean Barber – Audio, Deputy Police Chief Sam Gaines – Audio, and City Clerk Susan O’Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Cox moved to approve the consent agenda consisting of minutes of the regular meeting May 19, 2020; bills and payroll for the last half of May, 2020.

Bills & Payroll
last half of May, 2020

General Fund

Payroll		\$	253,084.59
Bills		\$	<u>91,581.99</u>
	Total	\$	344,666.58

Hotel Tax Administration

Payroll		\$	2,309.82
Bills		\$	<u>9.87</u>
	Total	\$	2,319.69

Insurance & Tort Jgmt

Bills		\$	<u>1,125.00</u>
		\$	1,125.00

Capital Project Fund

Bills		\$	<u>1,869.00</u>
	Total	\$	1,869.00

I-57 East TIF Dist

Bills		\$	<u>2,190.00</u>
	Total	\$	2,190.00

Water Fund

Payroll		\$	44,466.49
Bills		\$	<u>14,391.86</u>
	Total	\$	58,858.35

Sewer Fund

Payroll		\$	42,876.01
Bills		\$	<u>27,086.99</u>
	Total	\$	69,963.00

Health Insurance Fund

Bills		\$	<u>125,752.76</u>
	Total	\$	125,752.76

Motor Fuel Tax Fund

Bills		\$	7,308.41
	Total	\$	7,308.41

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

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

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

NEW BUSINESS

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2020-2042, ratifying the re-appointments of Justin Grady, Phyllis Karpus and Candice Rankin to the Mattoon Public Library Board for terms ending 06/30/23.

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 Cox seconded by Commissioner Graven moved to approve Council Decision Request 2020-2043, awarding the bid of \$190,311.00 from Bartels Construction for the Champaign Avenue Sidewalk Project – Phase 3.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Hall inquired as to Phase 3 being the final portion of the project with Administrator Gill answering affirmatively.

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 approve Council Decision Request 2020-2044, approving the plans and specifications for the Broadway Avenue Streetscaping Project from 16th – 17th.

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 Graven seconded by Commissioner Cox moved to adopt Resolution No. 2020-3089, committing Local Funds for the Broadway Avenue Streetscaping Project from 16-17th Street in conjunction with the Rebuild Illinois Competitive Public Infrastructure Grant.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2020-3089

A RESOLUTION COMMITTING LOCAL FUNDS FOR THE BROADWAY AVENUE STREETSCAPING PROJECT FROM 16TH STREET TO 17TH STREET

WHEREAS, the City of Mattoon Illinois has taken action to submit a Rebuild Illinois Competitive Public Infrastructure Grant Application; and

WHEREAS, receipt of Rebuild Illinois Grant Assistance is essential to allow the City of Mattoon to proceed with the Broadway Avenue Streetscaping Project from 16th Street to 17th Street; and

WHEREAS, criteria are such the financial participation by the City of Mattoon is required in conjunction with Rebuild Illinois Funds; and

WHEREAS, the City of Mattoon wishes to allocate certain funds for the above named project from cash reserves in the Midtown TIF Fund; and

WHEREAS, the estimated division of costs between Rebuild Illinois Grant Funds and City of Mattoon Midtown TIF Funds is attached as Exhibit 'X'.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mattoon, Coles County, Illinois, that Midtown TIF Funds in the amount of \$119,900.00 be committed for use in conjunction with a Rebuild Illinois Public Infrastructure Grant for the construction of the Broadway Avenue Streetscaping Project from 16th Street to 17th Street.

Upon motion by Commissioner Graven seconded by Commissioner Cox adopted this 2nd day of June, 2020 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 2nd day of June, 2020.

/s/Tim Gover
Tim 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/Dan C. Jones
Dan C. Jones, City Attorney

Recorded in the Municipality's Records on June 2, 2020.

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 Graven seconded by Commissioner Hall moved to approve Council Decision Request 2020-2045, approving the fee proposal in the amount of \$15,000 from the Upchurch Group for Construction Engineering Assistance with Phase 3 of the Marshall Avenue Reconstruction Project; and authorizing the mayor to sign the Engineering Services Agreement. [14-00266-03-PV]

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 Hall moved to adopt Resolution No. 2020-3090, approving the MFT expenditure in the amount of \$15,000 for construction engineering services for the Upchurch Group design fees of the Marshall Avenue Reconstruction Project Phase 3 from 14th to 17th Street; and authorizing the city clerk to sign the document. [14-00266-03-PV]

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2020-3090

Resolution for Improvement by Municipality Under the Illinois Highway Code



Resolution Type	Resolution Number	Section Number
Original	2020-3090	14-00266-03-PV

BE IT RESOLVED, by the _____ Council
 _____ Governing Body Type
 of the City _____ of Mattoon _____
 Local Public Agency Type

Illinois that the following described street(s) road(s)/structure be improved under the Illinois Highway Code.

Work shall be done by Contract .
 Contract or Day Labor

For Roadway /Street Improvements

Name of Street(s);	Length	Route	From	To
Marshall Avenue	0.24	FAU-7676	14 th Street	17 th Street

For Structures:

Name of Street(s)/ Road(s)	Existing Structure No.	Route	Location	Feature Crossed

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of _____
 Construction Engineering Services on an "as needed" basis.

2. That there is hereby appropriated the sum of Fifteen thousand and 00/100 Dollars (\$15,000) for the improvements of said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Susan J. O'Brien City City Clerk in and for said City
Name of Clerk Local Public Agency Type Local Public Agency Type

of Mattoon in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by

Council of Mattoon at a meeting held on June 02, 2020.
Governing Body Type Name of Local Public Agency Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 2nd day of June, 2020.
Day Month, Year

(SEAL)

Clerk Signature	Date
<u>/s/Susan J. O'Brien</u>	06-02-2020

Approved

Regional Engineer
Department of Transportation Date

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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 Cox seconded by Commissioner Graven moved to adopt Resolution No. 2020-3091, authorizing the application through an IEPA Loan Program for the connection of the north side of the community to the Combined Sewer Overflow (CSO) Satellite Treatment Facility on north 6th Street; and authorizing Public Works Director Dean Barber to sign all loan application forms and documents.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2020-3091

SIGNATURE AUTHORIZATION FOR IEPA LOAN PROGRAM

WHEREAS, the City of Mattoon is preparing to construct a piping project to connect the Combined Sewer System on the north side of the community to the Combined Sewer Overflow (CSO) Satellite Treatment Facility at 2521 North 6th Street; and

WHEREAS, the City of Mattoon intends to seek funding for said project from the IEPA Water Pollution Control Loan Program; and

WHEREAS, the application provisions for loans from the IEPA Water Pollution Control Loan Program require that the City of Mattoon authorize a representative to sign the loan application forms and supporting documents.

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

Public Works Director, Dean Barber, be authorized to sign all loan application forms and documents.

Upon motion by Commissioner Cox, seconded by Commissioner Graven, adopted this 2nd day of June, 2020, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

ABSTAIN (Names): None

Approved this 2nd day of June, 2020.

/s/Tim Gover
Tim 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/Dan Jones
Dan Jones, City Attorney

Recorded in the Municipality's Records on June 2, 2020.

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.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance No. 2020-5431, amending the municipal code Chapter 120: Production and Distribution of Cannabis to establish regulation of cannabis production and distribution and Chapter 159: Zoning Section 159.46 Table 2 Special Uses, Districts and Parking Requirement to update the zoning of business establishments and locations.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2020-5431

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE BY ESTABLISHING
CHAPTER 120: "PRODUCTIONS AND DISTRIBUTION OF CANNABIS"
AND AMENDING THE ZONING ORDINANCE**

WHEREAS, the City of Mattoon, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the City may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive; and

WHEREAS, the City initiated amendments to Title XI, and XV, Chapter 159 “ZONING” to review and consider additional amendments to further regulate adult-use cannabis facilities within the City of Mattoon; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing as required by law, on March 10, 2020, in regards to the proposed amendments to Title XI, and XV, Chapter 159 “ZONING” of the City Code of Ordinance Code pertaining to adult-use cannabis; and

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendments to Title XI, and XV, Chapter 159 “ZONING” on March 10, 2020.

WHEREAS, the City in order to protect the public health, safety and welfare of its residents believes it is now necessary to amend Title XI of the City Code of Ordinances to establish a new Chapter 120, “PRODUCTION AND DISTRIBUTION OF CANNABIS” and text changes to Title XV, Chapter 159 “ZONING”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, 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. Amendments. Title XI is hereby amended to add Chapter 120: “PRODUCTION AND DISTRIBUTION OF CANNABIS” to the Code of Ordinances of the City of Mattoon as set forth in Attachment “A” to this Ordinance, which is considered to be part of this Ordinance as if fully set forth herein.

Section 3. Amendments. Title XV, Chapter 159 “ZONING” is hereby amended by redacting § 159.46 TABLE 2 SPECIAL USES, DISTRICTS AND PARKING REQUIREMENTS and reenacting with Attachment “B” to this Ordinance, which is considered to be part of this Ordinance as if fully set forth herein.

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 its approval as provided by law. The City Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 2nd day of June, 2020, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 2nd day of June, 2020.

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

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O’Brien

/s/Dan C. Jones

Recorded in the Municipality's Records on June 2, 2020.

Exhibit "A"

PRODUCTION AND DISTRIBUTION OF CANNABIS

120.01 - Definitions.

Adult-Use Cannabis Business Establishment. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Adult-Use Cannabis Craft Grower. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, and subsequent amendments.

Adult-Use Cannabis Cultivation Center. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate process transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act and subsequent amendments.

Adult-Use Cannabis Dispensing Organization. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis- infused products, cannabis seeds paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, and subsequent amendments.

Adult-Use Cannabis Infuser Organization or Infuser. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product per the Cannabis Regulation and Tax Act, and subsequent amendments.

Adult-Use Cannabis Processing Organization or Processor. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act and subsequent amendments.

Adult-Use Cannabis Transporting Organization or Transporter. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act and subsequent amendments.

Adult-Use Cannabis Wholesaler. A business that sells Cannabis products in large quantities at low prices, typically to retailers.

Area zoned for residential use. Means the R-1, R-2, R-3, as well as similar districts in adjacent jurisdictions.

Cannabis. Has the meaning given that term in the Illinois Cannabis Regulation and Tax Act and the Illinois Compassionate Use of Medical Cannabis Pilot Program Act and any subsequent amendments.

Enclosed, locked facility. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's or a craft grower's agents or a dispensing organization's agents working for the registered cultivation center or the registered dispensing organization to

cultivate, store, and distribute cannabis as per the Illinois Cannabis Regulation and Tax Act and the Illinois Compassionate Use of Medical Cannabis Act and any subsequent amendments regulations implementing same.

Medical cannabis cultivation center, or cultivation center. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture under the Illinois Compassionate Use of Medical Cannabis and any subsequent amendments, to perform necessary activities to provide registered medical cannabis dispensing organization within the State of Illinois with usable medical-cannabis.

Medical cannabis cultivation center agent(s) and/or medical cannabis dispensing organization agent(s). Shall be defined as provided in the Illinois Compassionate Use of Medical Cannabis Act and subsequent amendments.

Medical cannabis cultivation center or dispensing center registration, or registration. A registration issued by the Illinois Department of Agriculture for the operation of a medical cannabis cultivation center or the Illinois Department of Financial and Professional Regulation for the operation of a medical cannabis dispensing organization subject to the provisions of the Illinois Compassionate Use of Medical Cannabis Act and subsequent amendments.

Medical cannabis dispensing organization, or dispensing organization, or dispensary. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation under the Illinois Compassionate Use of Medical Cannabis Act and subsequent amendments, to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

Pre-existing. Existing as of the date of submission of a petition for the zoning of a cultivation center or dispensing organization to the City of Mattoon Zoning Official.

120.02 - Purpose and intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the location and development of facilities intended for the production and distribution of medical cannabis and adult use cannabis as provided in the Illinois Cannabis Regulation and Tax Act and the Illinois Compassionate Use of Medical Cannabis Act and any subsequent amendments. The intent of these regulations is to protect the public health, safety and community welfare while allowing the development of centers for the regulated and controlled production and distribution of cannabis for medical purposes, and adult-use purposes while ensuring that the provisions of state and city law are met.

120.03 – Special permitted use. Maximum 2 of each in the City of Mattoon.

Medical cannabis cultivation centers, Adult-Use cannabis cultivation centers, Adult-use craft growers, Adult-Use cannabis Infusers, and Adult Use Processing Organizations shall be special permitted uses in the C-D & (I) Industrial zoning districts on single parcels of land. Medical cannabis dispensing organizations and Adult-Use cannabis dispensing organizations shall be Special permitted uses in the C-3, C-4, C-D and (I) Industrial zoning districts on single parcels of land. Cannabis transporting Organizations and Wholesalers shall be a special permitted use in C-4, C-D and (I) Industrial zoning districts.

120.04 - Conformance with regulations.

Cultivation centers and dispensing organizations, Adult-Use cultivation centers, Adult-Use dispensing organizations, Adult-use craft growers, Adult-Use cannabis Infusers, Adult Use Transporting Organizations and Adult Use Processing Organizations shall conform to and meet all regulations established by the State of Illinois and the City of Mattoon. Nonconformance may be considered a dissolution of use, allowing for the revocation of zoning.

120.05 - Principal use.

Cultivation centers, Adult-Use cultivation centers, Adult-use craft growers shall be considered a principal use. Nor shall they be established on multiple use property or tenant property, or on a property that shares parking with other uses. They shall not be located on the same parcel as the offices of a physician or other medical provider, nor shall they share a facility that includes the offices of a physician or other medical provider. Dispensing organizations, Adult-Use dispensing organizations, Adult-Use graft growers, and Adult-Use infusers shall follow the zoning rules for the zoning district in which it is located.

120.06 - Petition.

All policies, procedures and standards of 159.45 (special permitted uses) shall apply except as otherwise noted in this section. In addition to other information that may be required of a zoning petition by the zoning Official, the petition for a special permitted use (SPU) under this section shall include:

- (1) *Relevant parties.* The name(s), address(es), and phone numbers(s) of the owner(s), operator(s) and agents(s) of the cultivation center or dispensary.
- (2) *Site plan.* A site plan of the cultivation center or dispensary, drawn to scale, showing:
 - (a) Boundaries of the facility site and parcel on which the facility will be located;
 - (b) Nature of the structure to be used for the purpose of medical cannabis or Use production or distribution;
 - (c) Demonstration that the facility meets the conditions for an enclosed, locked facility;
 - (d) Distance from all facilities and uses requiring setbacks as described in 120.07
 - (e) All locally required perimeter setback lines;
 - (f) Public access roads and the location of access drives into the site with respect to their creating traffic or security hazards;
 - (g) Location of all existing structures on the site with their uses identified;
 - (h) Current uses, zoning, public roads and structures adjacent to the site;
 - (i) Location of video surveillance equipment;
 - (j) Proposed lighting of the premises;
 - (k) Proposed signage for the premises;
 - (l) Location, height and nature of any fences or any other barriers meant to provide security for the site;
 - (m) Nature and adequacy of supervision and security at the site.
- (3) *Setbacks.* Evidence demonstrating that the cultivation center or dispensing organization or Adult-Use cultivation center. Adult-use craft grower or dispensing organization would meet all requirements of state law regarding setbacks required in the Illinois Cannabis Regulation and Tax Act and the Illinois Compassionate Use of Medical Cannabis Act and any subsequent amendments.
- (4) *State fees.* Evidence demonstrating that all state required fees have been or can be paid.
- (5) *Limitation of liability.* At the time of submission of a zoning petition under this section, the petitioner shall submit a written acknowledgement that the petitioner agrees to and accepts the limitations of

liability and the requirement to indemnify, hold harmless and defend the City of Mattoon and the city's employees and agents, including that: the City of Mattoon shall not be liable to the cultivation center or dispensing organization, cultivation center's or dispensing organization's employees, qualifying patients or caregivers, qualifying patient's or caregiver's employer or employees, family members or guests, for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the property for which the zoning is requested being used pursuant to the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to federal or state laws, any fire, robbery, theft, mysterious disappearance or any other casualty; or the actions of any other registrants or persons. This limitation of liability provision shall survive expiration or the early termination of the registration if the registration is granted, or dissolution of use or any subsequent change in zoning.

At the time of submission of a zoning petition under this section the petitioner shall submit a written acknowledgement that the petitioner agrees to and accepts the limitations of liability and the requirement to indemnify, hold harmless and defend the City of Mattoon and the city's employees and agents, including that: the City of Mattoon shall not be liable to the Adult-Use cultivation center or Adult-Use dispensing organization. Adult-Use cultivation center's or Adult-Use dispensing organization's employees, customers, customer's employer or employees, family members or guests. for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the property for which the zoning is requested being used pursuant to the Illinois Cannabis Regulation and Tax Act, including, but not limited to the following: arrest, seizure of persons or property. prosecution pursuant to federal or state laws any fire, robbery, theft, mysterious disappearance or any other casualty: or the actions of any other registrants or persons. This limitation of liability provision shall survive expiration or the early termination of the registration if the registration is granted, or dissolution of use or any subsequent change in zoning.

- (6) *Provision of notice.* At the time of submission of a zoning petition under this section, the petitioner shall submit a signed statement certifying that the petitioner has actual notice that, notwithstanding state law and any action by the City of Mattoon, that:
- (a) Cannabis is a prohibited Schedule I controlled substance under federal law;
 - (b) Participation in either the Illinois Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program is permitted only to the extent provided by the strict requirements of the Act and subsequent implementing regulations;
 - (c) Any activity not sanctioned by either the Illinois Cannabis Regulation and Tax Act or the Medical Cannabis Pilot Program Act and its subsequent implementing regulations may be a violation of state law and may result in the revocation of zoning;
 - (d) Growing, distribution or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
 - (e) Use of medical cannabis or Adult-Use cannabis may affect an individual's ability to receive federal or state licensure in other areas;
 - (f) Use of medical cannabis or Adult-Use cannabis , in tandem with other conduct, may be a violation of state or federal law;
 - (g) Participation in the Compassionate Use of Medical Cannabis Pilot Program or the Illinois Cannabis Regulation and Tax Act or approval of zoning by the City of Mattoon does not

authorize any person to violate federal or state law and, other than as set out in Section 25 of the Compassionate Use of Medical Cannabis Pilot Program Act or the Illinois Cannabis Regulation and Tax Act does not provide any immunity from or affirmative defense to arrest or prosecution under federal or state law; and

- (h) Petitioners for the zoning of cultivation centers or dispensaries or Adult-Use cultivation centers or Adult-Use dispensaries or Adult-Use craft growers or Adult-Use infusers by the City of Mattoon shall indemnify, hold harmless, and defend the City of Mattoon for any and all civil or criminal penalties resulting from participation in the Compassionate Use of Medical Cannabis Pilot Program the Illinois Cannabis Regulation and Tax - Act.

120.07 - Special requirements for cultivation centers, Adult-Use cultivation centers and Adult-use craft growers. Maximum 2 of each in the City of Mattoon.

- (a) *Location.* No cultivation center or Adult-Use cultivation center shall be located within 2,500 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part day care facility, or an area zoned R-1, R-2, R-3 or C-D. Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. This requirement shall not be subject to variance. If a boundary line measured touches upon any portion of a parcel or lot, the parcel or lot shall be within the area being identified by the city zoning Official.
- (b) *Setback from other cultivation centers-dispensaries.* Adult-Use cultivation centers, and Adult- Use dispensaries. No cultivation center or Adult-Use cultivation center or Adult-use craft grower may: be located within 1,500 feet of another cultivation center, dispensary, Adult-Use cultivation center, or Adult-Use dispensary or Adult-Use craft grower absent demonstration of a variance provided by the Illinois Department of Agriculture or the Illinois Department of Financial and Professional Regulation. Such setback shall be measured from property line to property line. Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. This requirement shall not be subject to variance. If a boundary line measured touches upon any portion of a parcel or lot, the parcel or lot shall be within the area being identified by the City Zoning Official.
- (c) *Perimeter setbacks of structures on a site.* Unless otherwise limited under this chapter, the perimeter setback for a cultivation center or Adult-Use cultivation center or Adult-Use craft grower shall be the same as that of the zoning district in which it is located.
- (d) *Minimum yard requirements.* Unless otherwise limited under this chapter, cultivation centers or Adult-Use cultivation centers must meet the requirements for the zoning district in which it is located.
- (e) *Parking.* Cultivation centers or Adult-Use cultivation centers shall minimally have three visitor parking spaces and one parking space per employee per shift. Unless otherwise provided in this chapter, the parking area shall meet all requirements for off-street parking and loading applicable to the zoning district in which it is located. Parking areas shall be lit in accordance with 151.02 of the Mattoon City Ordinances and monitored by video surveillance equipment whose live images can be viewed by cultivation center or Adult-Use cultivation center staff and continually recorded and stored for 180 days in a tamper proof format.
- (f) *Exterior signage.*
 - (1) Other than the signs as specified in subsections (h)(3) and (4) of this section, all signage shall be limited to one flat wall sign not to exceed ten square feet in area, and one identification sign not to exceed two square feet. This identification sign may only include the cultivation center or Adult-Use cultivation center address. Signage shall not be directly illuminated.

- (2) Electronic message boards and temporary signs are not permitted.
- (g) Signs shall not include any realistic or stylized graphical representation of the cannabis plant or its parts, or any realistic or stylized graphical representation of drug paraphernalia, or cartoonish imagery oriented toward youth. *Age and access limitations.* It shall be unlawful for any cultivation center, Adult-Use cultivation center or Adult-Use craft grower to allow any person who is not at least 21 years of age on the premises. Cultivation centers, Adult-Use cultivation centers or Adult Use craft growers shall not employ anyone under the age of 21 years. Access shall be limited exclusively to cultivation center, Adult-Use cultivation center, Adult Use craft grower staff and local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program and the Illinois Cannabis Regulation and Tax Act and any subsequent amendments.
- (h) *Security and video surveillance.*
- (1) The cultivation center, Adult-Use cultivation center and Adult-use craft grower shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by high security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied to an access control system.
 - (2) The cultivation center, Adult Use cultivation center and Adult-use craft grower parking area, cultivation, production, warehousing areas and shipping bays and entrance shall be monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and continually recorded and stored for 180 days in a tamper proof format.
 - (3) A sign shall be posted in a prominent location at each entrance to the facility which reads: "These premises are under constant video surveillance."
 - (4) A sign shall be posted in a conspicuous location at each entrance to the facility that reads: "Persons under 21 years of age not permitted on these premises."
 - (5) The zoning Official shall review the adequacy of lighting, security and video surveillance installations with assistance from the City of Mattoon Police Chief.
 - (6) The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.
 - (7) A medical cannabis cultivation center, Adult-Use cultivation center or Adult-use craft grower shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.
- (I) *Noxious odors.* Cultivation centers, Adult Use cultivation centers, Adult-use craft growers, Adult Use transporting organizations, and Adult Use processing organizations shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the Coles County Department of Public Health.
- (J) *Conduct on site.* It shall be unlawful to engage in the retail sale of medical cannabis or medical cannabis infused products at or on the site of a cultivation center. It shall also be unlawful to cultivate, manufacture, process or package any product, other than medical cannabis and medical cannabis infused products, at a cultivation center. It shall be unlawful to engage in the retail sale of Adult-Use cannabis or Adult-Use cannabis infused products at or on the site of an Adult-Use cultivation center, a cultivation center or Adult-use craft grower. It shall also be unlawful to cultivate, manufacture, process or package any product, other than Adult-Use cannabis and Adult-Use cannabis infused products, at an Adult-Use cultivation center, cultivation center or Adult-use craft grower.

120.08 - Special requirements for dispensing organizations or Adult-Use dispensing organizations. Maximum 2 of each in the City of Mattoon.

- (a) *Location.* No dispensing organization or Adult-Use dispensing organizations shall be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or 500 feet from a day care center, day care home, place of worship, park, group day care home, or part day care facility. It may not be located in a house, apartment, condominium, the offices of a physician, or an area zoned for residential use. These requirements shall not be subject to variance. Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. If a boundary line measured touches upon any portion of a parcel or lot, the parcel or lot shall be within the area being identified by the city zoning Official.

Additionally, dispensing organizations or Adult-Use dispensing shall be a minimum of 1,500 feet from all other dispensing organizations or Adult-Use dispensing organizations as measured from the parcel boundaries. It is further required they must be a standalone business, no gaming or Alcohol consumption or sale on the premises.

- (b) *Reserved.*
- (c) *Parking.* The dispensary or Adult-Use dispensary shall have a minimum of one parking space per employee, and one for every 200 square feet available to the public. Unless otherwise provided in this section, the parking area shall meet all requirements for off-street parking and loading. Parking shall be located in an area which is visible from a public road that is accessible to the public. It may not be screened from the roadway with vegetation, fencing or other obstructions, but such may be allowed with the presentation of evidence of a safety or security need. Parking areas shall be lit in accordance with 151.02 of the Mattoon City Ordinances and monitored by video surveillance equipment whose live images can be viewed by dispensing organization staff and continually recorded and stored for 180 days in a tamper proof format.
- (d) *Exterior display.* No medical cannabis dispensary or Adult-Use dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, Adult- Use cannabis, medical cannabis infused products, Adult-Use cannabis infused products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way, or any property other than the lot on which the dispensary or Adult-Use dispensary is located. No portion of the exterior of the dispensary or Adult-Use dispensary shall utilize or contain any flashing lights, search lights, spot lights, or any similar lighting system.
- (e) *Exterior signage.*
 - (1) All exterior signs shall conform to the provisions set forth in article XV of the City of Mattoon Municipal Code. Exterior signs of the dispensary or Adult-Use dispensary building shall not obstruct the entrance or windows of the dispensary.
 - (2) Electronic message boards and temporary signs are not permitted.
 - (3) Signs shall not include any realistic or stylized graphical representation of the cannabis plant or its parts, smoke, any realistic or stylized graphical representation of drug paraphernalia, or cartoonish imagery oriented toward youth.
 - (4) A sign shall be posted in a conspicuous place at or near all dispensary or Adult-Use dispensary entrances and shall include the following language: Persons under the age of 21 are prohibited from entering." The required text shall be no larger than one inch in height.

- (f) *Drug paraphernalia sales.* Medical cannabis dispensaries or Adult-Use cannabis dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control and the Illinois Compassionate Use of Medical Cannabis Pilot Program Act and the Illinois Cannabis Regulation and Tax Act and any subsequent amendments
- (g) *Hours of operation.* Medical cannabis and Adult-Use dispensaries shall operate only between the hours of 6:00 a.m. and 9:00 p.m.
- (h) *Age and access limitations.* It shall be unlawful for any medical cannabis or Adult-Use cannabis dispensary to allow any person who is not at least 21 years of age on the premises. Dispensaries or Adult-Use dispensaries shall not employ anyone under the age of 21 years. Access shall be limited exclusively to dispensary or Adult-Use dispensary staff, customers, local and state officials and those specifically authorized under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act and the Illinois Cannabis Regulation and Tax Act and any subsequent amendments.
- (i) *Security and video surveillance.*
 - (1) The medical cannabis dispensary or Adult-Use dispensary shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft.
 - (2) The dispensary or Adult-Use dispensary parking area, client entrance, sales area, back room, storage areas, and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary or Adult- Use dispensary staff and continually recorded and stored for 180 days in a tamper proof format.
 - (3) A sign shall be posted in a prominent location which includes the following language: "These premises are under constant video surveillance."
 - (4) The zoning Official shall review the adequacy of lighting, security and video surveillance installations with assistance from the City of Mattoon Police Department.
 - (5) A medical cannabis dispensary or Adult-Use dispensary shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.
 - (6) Deliveries shall occur during normal business hours within a secure enclosed delivery bay. No delivery shall be visible from the exterior of the building.
- (j) *Conduct on site.*
 - (1) *Residential co-location.* No person shall reside in or permit any person to reside in a dispensary or Adult-Use dispensary or on the property of same.
 - (2) *Drive-through services.* Drive thorough services shall be prohibited. This regulation shall not be varied.
 - (3) *Outdoor seating.* Outdoor seating shall be prohibited.
 - (4) *Loitering.* Loitering is prohibited on dispensary property.
 - (5) *Smoking and use of cannabis products.* It shall be prohibited to smoke, inhale, or consume cannabis products in the medical cannabis dispensary or Adult-Use dispensary or anywhere on the property occupied by the dispensary or Adult-Use dispensary. A sign, at least 8.5 inches by 11 inches, shall be posted inside the dispensary or Adult-Use dispensary building in a conspicuous place and visible to a

client or customer and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

- (6) *Noxious odors.* Dispensing organizations and Adult-use dispensing organizations shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the Coles County Department of Public Health

120.09 - Dissolution of use and revocation of zoning.

- (a) *Failure to obtain state registration.* Should a cultivation center, dispensing organization, Adult- Use cultivation center, Adult-use craft grower, Adult Use transporting organization, Adult Use processing organization or Adult-Use dispensing organization fail to provide evidence to the zoning Official that the facility has achieved its approval of registration from the State of Illinois within 180 days of the approval of its zoning by the city council, its conditional permitted use shall become null and void, and the zoning of the parcel shall revert to that which existed prior to the city council action which provided the SPU under this section.

Within 90 working days of the date upon which such conditional permitted use was approved, a cultivation center, dispensing organization, Adult-Use cultivation center, Adult-use craft grower, Adult Use transporting organization, Adult Use processing organization or Adult-Use dispensing organization may request of the city council through the zoning Official an extension of the 180 days for an additional 90 days, upon the provision of evidence providing the cause of the delay and the need for an extension. Such additional extensions may be allowed only at the discretion of the city council.

- (b) *Failure to comply with state and city regulations.* Should a cultivation center, dispensing organization, Adult-Use cultivation center, Adult-use craft grower, Adult Use transporting organization, Adult Use processing organization or Adult-Use dispensing organization fail to conform to and meet all laws, rules and regulations established by the State of Illinois and the city council pursuant to the production and distribution of medical cannabis and other associated products as allowed under Illinois Compassionate Use of Medical Cannabis Pilot Program Act and the Illinois Cannabis Regulation and Tax Act and any subsequent amendments this may be considered a dissolution of use, allowing for the revocation of zoning by the city council. Should zoning be revoked, the zoning of the subject parcel shall revert to that which existed prior to the city council action which provided for the SPU under this section.
- (c) *Termination of use.* Should a cultivation center, dispensing organization, Adult-Use cultivation center, Adult-use craft grower, Adult Use transporting organization, Adult Use processing organization or Adult-Use dispensing organization fail to use the property for the purpose under which the SPU was provided for a period of 180 days, this may be considered dissolution of use, allowing for the revocation of zoning by the city council. Should zoning be revoked, the zoning of the subject parcel shall revert to that which existed prior to the city council action, which provided for the SPU under this section.

Exhibit "B"

§ 159.46 TABLE 2 SPECIAL USES, DISTRICTS AND PARKING REQUIREMENTS.

Type of Use	Permitted In	Parking Identifiers
Adult-Use cannabis cultivation centers, Adult-use craft growers, Adult-Use cannabis Infusers, and Adult Use Processing Organizations, Medical cannabis cultivation centers	C-D, I	See Article 120

Adult-Use cannabis dispensing organizations, Medical cannabis dispensing organizations	C-3, C-4, C-D, I	See Article 120
Agriculture	All districts	Not applicable
Amusement Park	See Planned Unit Development Code Ordinance No. 88-4581	
Art & music schools	CI, C2, C3	26 & 39
Auditorium, arena, field house, stadiums	RS, C3, C4	50
Barber & beauty schools	CI, C2, C3	26 & 39
Boarding, lodging house	R3, CI, C2, C3, C4	26 & 38
Boat rentals	RS, C2	22 & 26
Botanical gardens, zoos & other native exhibits	RS	26 & 50
Business schools	CI, C2, C3	26 & 39
Camping and/or picnic areas	RS, CI, C2, C3	35 or 23 & 50
Cannabis transporting Organizations and Wholesalers	C-4, C-D, I	See Article 120
Cemeteries	All except C5 & I	50
Churches, synagogues & temples	RS, RI, R2, R3, CI, C2, C3 & C4	24
Civil defense activities	CI, C2, C3, C4 & I	See § 159.47
Civic, social, or fraternal organizations	C2, C3	5 & 26
Communications Towers	C4, I	N/A
Colleges or universities	CI, C2, C3	26 & 40
Dancing schools	CI, C2, C3	26 & 39
Driving schools	CI, C2, C3	26 & 39
Elementary schools (grades K-6, public or parochial)	RS, RI, R2, R3, CI, C2, C3	26 & 41
Equipment rental and leasing	CI, C2,C3,C4	12
Exhibition halls	All except RI, R2, R3	50
Fairgrounds	All except RI, R2, R3	50
Fire station	All	26
Golf course, country club	RS, RI, R2, R3, CI, C2	
Gymnasium	RS, CI, C2	26 & 36

Heliport	C2, C3	26 & 34
Historical- sites & monuments	All	50
Homeless Shelter	CI, C2, C3, C4	26 & 38
Home occupation	All	See § 159.04
Industrial park**	RS, CI, C2, C3, C4 & I	See § 159.45
Junior colleges	CI, C2, C3	26 & 40
Labor unions & halls	C1	8
Theatre	C1,C2,C3	24
Libraries, museums, planetariums, aquariums	RS, CI, C2, C3	16
Livestock - wholesale	RS, I	
Mental hospitals & other rehabilitation institutions	R3, CI, C2	16 & 30
Military bases, administration	C2, C3	26 & 34
Military school	CI, C2, C3	39
Mineral extraction	RS, C4, I	26
Mobile homes	R3, CI, C2 (see Municipal Code, § 158.61)	
Mobile home parks	See Planned Unit Development Code	
Motion picture theaters (indoors)	C2,C3, C5	24
Motion picture theaters (outdoors)	RS, I	26 & 49
Nursery schools, preschools, day care homes and day care centers	All except C4, C5 & I	25
Nursing homes or homes for aged	R3, CI, C2, C3	26 & 31
Park	All	50
Parks - leisure & ornamental	RS, RI, R2, R3, CI, C2, C5	50
Police station	CI, C2, C3, C4 & I	26 & 34
Post office or postal sub-station	CI,C2, C3	26 & 44
Playfields or athletic fields	RS, R1, R2, R3, CI	50
Playgrounds	RS, R1, R2, R3, CI	50
Professional schools	CI, C2, C3	26 & 39
Public utility transmission lines, substation & equipment storage to be permitted in all districts	Parking requirements not applicable	

Race tracks or go-cart tracks	All except RI, R2, R3, & CI	50
Radio, Television Tower	C3	N/A
Recreational centers	RS, CI	8
Riding stables	RS, C4, & I	36
Salvage yards, scrap, waste materials, demolition storage, recycling center	I	32
Sanitary Landfills	I	32
Sexually Oriented Businesses	I	5 & 26
Secondary schools, public or parochial - grades 7-12	RS, RI, R2, R3, CI, C2, C3	26 & 45
Shopping centers*	C5	See § 159.47
Sorority or fraternity houses	R3, CI	26 & 51
Stockyard	I	32
Swimming beaches (public)	RS, R3, CI, C2	50
Swimming pools (public)	RS, R3, CI, C2	36
Tennis clubs or other athletic clubs	RS, CI, C2, C3	36
Tennis courts	RS, RI, R2, R3	36
Planned Unit Development	See Planned Unit Development Code	
Utilities company	CE, C3, C4, C5 & I	26 & 44
Vocational or trade schools	CI, C2, C3	26 & 39
Welfare and charitable services	C1	25
**Must conform to Planned Unit Developmental Code.		
*Must conform to § 159.47 , Requirement Standards.		

Mayor Gover opened the floor for questions/comments/discussion. Administrator Gill described the process, public hearing on March 10, input from the Planning Commission, City Attorney and Code Enforcement Inspector Matt Frederick creating a good starting plan with expected amendments in the future.

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 Owen moved to adopt Special Ordinance No. 2020-1742, approving the final plat of Bauer Subdivision at 2619 Lake Land Boulevard into two separate parcels for Bauer Auction Service and Daisy Lane Scrapbooking and Craft Mall; and authorizing the mayor and city clerk to sign all documents. Bauer 4, L.L.C. – Petitioner

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2020-1742

APPROVING THE FINAL PLAT OF BAUER'S SUBDIVISION

WHEREAS, Bauer 4 L.L.C. as owner of the following described property:

PART OF THE SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS: THE NORTH 544.5 FEET OF THE EAST 400.0 FEET OF THE SOUTHEAST QUARTER

(SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

A PART OF THE NORTH 130 FEET OF THE SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE AZIMUTH FROM GRID NORTH 180 DEGREES 22 MINUTES 22 SECONDS, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4), 130.00 FEET; THENCE AZIMUTH 269 DEGREES 53 MINUTES 58 SECONDS 400.62 FEET TO A PIPE; THENCE AZIMUTH 0 DEGREES 17 MINUTES 18 SECONDS 130.00 FEET TO A FOUND SURVEY MARKER; THENCE AZIMUTH 89 DEGREES 53 MINUTES 58 SECONDS, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4), 400.81 FEET (400 FEET RECORD) TO THE POINT OF BEGINNING, SITUATED IN MATTOON TOWNSHIP, COLES COUNTY, ILLINOIS.

(TAX PARCEL: 07-1-00999-000)

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

WHEREAS, said replat of the property 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 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 on March 10, 2020.

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 Bauer Subdivision, described as follows:

PART OF THE SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER

(NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS: THE NORTH 544.5 FEET OF THE EAST 400.0 FEET OF THE SOUTHEAST QUARTER

(SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY, ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

A PART OF THE NORTH 130 FEET OF THE SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER

(SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE AZIMUTH FROM GRID NORTH 180 DEGREES 22 MINUTES 22 SECONDS, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4), 130.00 FEET; THENCE AZIMUTH 269 DEGREES 53 MINUTES 58 SECONDS 400.62 FEET TO A PIPE; THENCE AZIMUTH 0 DEGREES 17 MINUTES 18 SECONDS 130.00 FEET TO A FOUND SURVEY MARKER; THENCE AZIMUTH 89 DEGREES 53 MINUTES 58 SECONDS, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE.1/4) OF THE NORTHEAST QUARTER (NE.1/4), 400.81 FEET (400 FEET RECORD) TO THE POINT OF BEGINNING, SITUATED IN MATTOON TOWNSHIP, COLES COUNTY, ILLINOIS.

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.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 2nd day of June, 2020, 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 2nd day of June, 2020.

/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 June 2, 2020.

Mayor Gover opened the floor for questions/comments/discussion. Administrator Gill noted the separation of services to the building including a fire wall, siblings currently owning the building, and sewer line having easement, making the building easier to sell.

Mayor Gover seconded by Commissioner Hall moved to adopt Resolution No. 2020-3092, approving the continuance of a Local State of Emergency (Coronavirus COVID-19).

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2020-3092

DECLARATION OF LOCAL STATE OF EMERGENCY

State of Illinois
County of Coles
City of Mattoon

Pursuant to the authority vested in the office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Ordinance No. 2020-5430 of the City of Mattoon, I, Timothy D. Gover, the Mayor of the City of Mattoon do hereby declare that a Local State of Emergency exists as of this date, June 2, 2020, and shall continue until such time as provided in Ordinance No. 2020-5430.

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois has issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, the City Administration has coordinated its response with other Coles County governmental entities.

The nature of the emergency is related to the COVID-19 virus which is causing or anticipated to cause widespread impacts on the health of members of the community.

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act and Ordinance No. 2020-5430.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, Timothy D. Gover, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

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

NOTARY ACKNOWLEDGMENT

On this 2nd of June, 2020, personally appeared the above-named Timothy D. Gover and acknowledged the foregoing to be his free act and deed, before me.

/s/Susan J. O'Brien

Notary Public

My Commission Expires: 06-10-2023

(Seal)

Print Susan J. O'Brien

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 explained the Zoom meeting with the AFSCME union, preparation of the cannabis ordinance, upcoming PBPA union negotiations, peaceful protestors in the wake of George Floyd's death in Minneapolis and the various law enforcement agencies in attendance for crowd control. Mayor Gover added other peaceful protests at the Mall and complimented the Police Department attending those protests. Administrator Gill also noted the 12-13 businesses which have opened with outside seating due to the easing of the COVID-19 Governor's Executive Order. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY announced the rescheduled April 6 City Court to be held outside of City Hall and two other dates to be rescheduled at the Burgess Osborne Auditorium, and work with Administrator Gill on other matters. Mayor Gover opened the floor for questions with no response.

CITY CLERK stated summer help was continuing to start, preparation for the audit; otherwise, business as usual. Clerk O'Brien also noted the IML Conference for 2020 had been cancelled due to the COVID-19. Mayor Gover opened the floor for questions with no response.

FINANCE distributed and reviewed the FY21 revenue sheet noting the only difference from last meeting was the Utility Tax for May of \$86,000 was somewhat down and unrestricted cash was at \$4,481,506.86 from \$4.750 million last meeting; announced the pending audit with fieldwork to commence in July, with interviews complete the Meter Reader candidate to be considered on next agenda, and an online signup for water service to be established with assistance from Blue Heron to help reduce customer traffic flow in City Hall once reopened. Mayor Gover noted the Coles County Real Estate Taxes were distributed. Director & Treasurer Wright stated the first installment was due July 1st. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on the Corporate Donors of the Bike Trail which were Sarah Bush Lincoln Health Center, Lumpkin Family Foundation and 1st Mid-Illinois Bank and Trust, and thanked those donors; Ne-Co Asphalt to begin the bike trail in Charleston, Marshall Avenue Project to start June 15, Otto Baum to start on the BCBS building, Clearwell online at Water Treatment Plant, and Anderson Electric had started the WWTP Transformer Relocation. Mayor Gover opened the floor for questions with no response.

FIRE Commissioner Hall updated Council on the search for the new chief as reviewing the final background check with a recommendation for consideration at the next meeting. Mayor Gover opened the floor for questions with no response.

POLICE Deputy Chief Gaines noted the MPD was busy and the officers' great job during the peaceful protests with another protest scheduled for Friday at Peterson Park. Mayor Gover thanked the Deputy Chief and other police officers for their presence during the peaceful march on Monday. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM announced Bagelfest was cancelled due to COVID-19, the rescheduling of 4th of July fireworks to coincide with the Coles County Airport Airshow on August 29th, reduction of staff due to the resignation of Mrs. Degler-Whitmore with Mrs. Burgett's engaging of the Arts this summer, and the restaurants had adjusted well to the outdoor seating requirements. Mayor Gover opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

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

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 6:58 p.m.

Mayor Gover declared the motion carried 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