

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on September 20, 2022. Mayor Hall presided and called the meeting to order at 6:30 p.m.

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

Mayor Hall led the Pledge of Allegiance.

The following members of the Council answered roll call physically present in person: YEA Commissioner Jim Closson, YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Dave Phipps and YEA Mayor Rick Hall.

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, Arts & Tourism Director Angelia Burgett, Fire Chief Jeff Hilligoss, Police Chief Sam Gaines, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Hall seconded by Commissioner Cox move to approve the consent agenda consisting of Regular Meeting minutes of September 6, 2022; bills and payroll for the first half of September, 2022; and Resolution No. 2022-3209, approving the continuance of a Local State of Emergency due to the Coronavirus (COVID – 19).

Bills and payroll for the first half of September, 2022

General Fund

Payroll		\$	270,659.81
Bills		\$	127,216.32
	Total	\$	<u>397,876.13</u>

Hotel Tax Administration

Payroll		\$	4,376.21
Bills		\$	448.93
	Total	\$	<u>4,825.14</u>

Festival Mgmt Fund

Bills		\$	25,864.18
	Total	\$	<u>25,864.18</u>

Capital Project Fund

Bills		\$	7,980.00
	Total	\$	<u>7,980.00</u>

East Tif District

Bills		\$	188,915.82
	Total	\$	<u>188,915.82</u>

Broadway East Tif Dist

Bills		\$	29,000.00
	Total	\$	<u>29,000.00</u>

	<u>Broadway East Bus Dist</u>		
Bills		\$	2,449.84
		Total	\$ 2,449.84
	<u>Insurance & Tort Jdgmnt</u>		
Bills		\$	12,110.00
		Total	\$ 12,110.00
	<u>Water Fund</u>		
Payroll		\$	45,919.83
Bills		\$	71,867.27
		Total	\$ 117,787.10
	<u>Sewer Fund</u>		
Payroll		\$	43,338.38
Bills		\$	30,754.89
		Total	\$ 74,093.27
	<u>Health Insurance Fund</u>		
Bills		\$	152,073.35
		Total	\$ 152,073.35
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	48,431.28
		Total	\$ 48,431.28

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2022-3209

DECLARATION OF LOCAL STATE OF EMERGENCY

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, Rick Hall, Mayor of the City of Mattoon do hereby declare that a Local State of Emergency exists as of this date, September 20, 2022, 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, Rick Hall, 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/Rick Hall
Rick Hall, Mayor
City of Mattoon, Coles County, Illinois

Mayor Hall declared the motion carried by the following omnibus vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meetings Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments. We would also ask you to state your name and address for the record as well as stand when speaking.

Mayor Hall opened the floor for comments from the Public with no response.

PRESENTATION: Alex Benishek – “Move to Mattoon” Program

Mr. Alex Benishek introduced himself and his background with Mattoon in Motion. Mr. Benishek described the potential for remote workers relocating to Mattoon, affordable housing, differences between remote and manufacturing workers, remote salary comparisons, incentives for remote workers, nearly \$12,000 in incentives from local businesses in the community, examples of other communities, MakeMyMove program, application system, subscription plan,

pilot program objectives, operational costs, statistics, three-month results, residential recruitment and welcoming strategies, areas to improve, Fortune magazine and Governing magazine articles, Wall Street Journal acknowledgement, and community support. Mr. Benishek opened the floor for questions. Mayor Hall noted the great job and great opportunity for Mattoon. Commissioner Cox noted a great presentation and appreciation; and inquired about onsite visits. Mr. Benishek stated onsite opportunities are available as well as tours of the city.

NEW BUSINESS

Commissioner Graven seconded by Commissioner Phipps moved to adopt Resolution No. 2022-3210, authorizing the public works director to approve the bid and the execution of a service agreement for the electrical aggregation program for the City of Mattoon.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2022-3210

A RESOLUTION AUTHORIZING THE APPROVAL OF BIDS AND THE EXECUTION OF A SERVICE AGREEMENT FOR THE ELECTRICAL AGGREGATION PROGRAM FOR THE CITY OF MATTOON.

WHEREAS, a Referendum was approved on November 06, 2012 to allow the City of Mattoon to solicit bids, and to enter into service agreements, for the supply of electricity for the residential and small commercial retail electric customers within the City Limits of the City of Mattoon; and

WHEREAS, the City currently utilizes a consultant named Good Energy to provide advice on market conditions, and to bid the electrical supply contracts for our residential and small commercial retail electric customers; and

WHEREAS, said program has saved the average residential and small commercial retail customer in the City of Mattoon approximately \$610.00 since the start of the program in February of 2013; and

WHEREAS, the current electrical supply contract expires with the billing cycle ending in December of 2022; and

WHEREAS, Good Energy is expected to solicit bids in the coming months for the billing period beginning in December of 2022; and

WHEREAS, said bids are required to be approved or declined within an hour of bidding.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that the Public Works Director be authorized to approve the bid determined to be in the best interest of the City.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that the Public Works Director be authorized to execute a service agreement with the selected vendor.

Upon motion by Commissioner Graven, seconded by Commissioner Phipps, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, 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 September 20, 2022.

Mayor Hall opened the floor for comments. Director Barber noted aggregation since 2013 and explained the consultant bids for electrical supply and volatility of the market with bids near Ameren rates this year. Mr. Ed Dowd announced similar increases with the Chambers' experience. Commissioner Closson requested clarification on participation in the program and length of commitment. Director Barber stated residents did not have to do anything to be in the aggregation, and the entire aggregation had to sign for the same term.

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

Mayor Hall seconded by Commissioner Graven moved to adopt Special Ordinance No. 2022-1825, approving the annexation of property containing 2.36 acres located in Section 16 of Lafayette Township and containing 3.64 acres located in Section 21 of Lafayette Township both lying west of I-57. Petitioner: Melvin RE Holdings, L.L.C. This is property next to the sports complex area and interstate.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1825

A SPECIAL ORDINANCE ANNEXING PROPERTY CONTAINING 2.36 ACRES LOCATED IN SECTION 16 OF LAFAYETTE TOWNSHIP (PIN 06-0-00510-002) AND CONTAINING 3.64 ACRES LOCATED IN SECTION 21 OF LAFAYETTE TOWNSHIP (PIN 06-0-00763-004), BOTH LYING WEST OF INTERSTATE 57.

WHEREAS, Melvin RE Holdings LLC, Speer RE, Holdings Inc. and AJM LLC, are the owner of the following described property:

Tract 1: Part of the W1/2 of the SW1/4 of Section 16 lying west of Interstate 57, Township 12 N, Range 8 E, in Lafayette Township containing 2.36 acres **(PIN 06-0-00510-002)**.

Tract 2: Part of the NW 1//4 of the NW1/4 of Section 21 lying west of Interstate 57, Township 12 N, Range 8 E, in Lafayette Township containing 3.64 acres **(PIN 06-0-00763-004)**.

has filed a petition to have said property annexed to the City of Mattoon; and

WHEREAS, on September 13, 2022, after a properly noticed public hearing at which potential objectors were given rights of due process, the City of Mattoon Planning and Zoning Commission recommended approving the annexation of said tracts of land; and

WHEREAS, properties annexed into the corporate limit are designated R1 Single-Family Residence District unless another classification is specifically requested and approved.

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the annexation of said tracts of land containing 6 acres combined lying west of Interstate 57.

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

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The annexation of 6 acres legally described as follows:

Tract 1: Part of the W1/2 of the SW1/4 of Section 16 lying west of Interstate 57, Township 12 N, Range 8 E, in Lafayette Township containing 2.36 acres (PIN 06-0-00510-002).

Tract 2: Part of the NW 1//4 of the NW1/4 of Section 21 lying west of Interstate 57, Township 12 N, Range 8 E, in Lafayette Township containing 3.64 acres (PIN 06-0-00763-004)

, along with the annexation map which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

Section 3. The zoning of the above said properties be designated R1 Single-Family Residence District.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law.

Section 5. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Hall, seconded by Commissioner Graven, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

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

Dan C. Jones
Dan C. Jones, City Attorney

Recorded in the Municipality's Records on September 20, 2022.

Mayor Hall opened the floor for questions/comments. Administrator Gill explained the area as southeast of Home Depot consisting of two slivers and willingness to be annexed.

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

Mayor Hall seconded by Commissioner Cox moved to adopt Special Ordinance No. 2022-1826, updating the Mattoon Comprehensive Plan by amending the Commercial Areas Plan map and the Land Use Plan map.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1826

**A SPECIAL ORDINANCE UPDATING THE MATTOON COMPREHENSIVE PLAN
BY AMENDING THE COMMERCIAL AREAS PLAN MAP AND THE LAND USE
PLAN MAP**

WHEREAS, the City of Mattoon desires to amend the COMMERCIAL AREAS PLAN map and the LAND USE PLAN map of the Mattoon Comprehensive Plan adopted in 2013 by the City; and

WHEREAS, both amendments reflect similar amendments, to an area south of Illinois Rt. 16 and west of Interstate 57, that were approved by a zoning map amendment in 2015; and

WHEREAS, both amendments remove the Light Industrial/Business Park designation and places a Region Commercial and Residential designation on the area; and

WHEREAS, the proposed amended maps as well as the current comprehensive plan have been placed on the City's website for review and a legal notice of public hearing published in the Journal Gazette – Times Courier newspaper on August 25, 2022; and

WHEREAS, on September 13, 2022, after a public hearing at which the public and potential objectors were given rights of due process, the City of Mattoon Planning and Zoning Commission recommended approving the amendments to the City's comprehensive plan; and

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the amendments to the City's comprehensive by adopting the new COMMERCIAL AREAS PLAN map and the LAND USE PLAN map.

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

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The amended COMMERCIAL AREAS PLAN map (Exhibit A) and the LAND USE PLAN map (Exhibit B) which is attached hereto and incorporated herein by reference as Exhibit A and Exhibit B, is hereby approved.

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

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

Upon motion by Mayor Hall, seconded by Commissioner Cox, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, 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 September 20, 2022.

Mayor Hall opened the floor for comments. Administrator Gill noted the same area east and southeast of Home Depot and changed area from Industrial to Service Commercial and Residential.

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

Mayor Hall Seconded by Commissioner Cox moved to adopt Ordinance No. 2022-5457, establishing, and designating the Remington Road and I-57 Business District; and approving the Remington Road and I-57 Business District Plan within the City of Mattoon, Illinois along with a change to page 20 of the actual plan where “Downtown” should read “Remington Road”.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2022-5457

AN ORDINANCE ESTABLISHING AND DESIGNATING THE REMINGTON ROAD AND I-57 BUSINESS DISTRICT AND APPROVING THE REMINGTON ROAD AND I-57 BUSINESS DISTRICT PLAN WITHIN THE CITY OF MATTOON, ILLINOIS

WHEREAS, the City of Mattoon, Coles County, Illinois (the “City”), is authorized under and pursuant to Division 74.3, the Business District Development and Redevelopment Law, 65 ILCS 5-11-74.3-1 through 3-7 (“the Business District Law”), to establish a business district to be named the Remington Road and I-57 Business District, the “Business District,” and adopt and approve the related business district plan for said Business District, the “Plan;” and

WHEREAS, the purpose of the Plan and the designation of the Business District is to eradicate the blighting conditions that exist and to assure opportunities for development or redevelopment, encouraging private investment, and attracting sound and stable business and commercial growth to the Business District; and

WHEREAS, on August 26, 2022 and September 02, 2022 notice of a public hearing to consider the establishment of the Business District and adoption of the Plan, dated July 29, 2022 were published in the Journal Gazette & Times Courier; and

WHEREAS, the City conducted a public hearing on September 6, 2022. At the public hearing, all interested persons were given the opportunity to be heard with respect to the subject matter of the public hearing.

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

Section 1. The City Council of the City makes the following additional findings:

- a. That the Business District, on the whole, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed or redeveloped without the adoption of the Business District Plan.
- b. That the Business District Plan conforms to the comprehensive plan for the development of the City as a whole.
- c. There exist conditions that cause the area located within the Business District to be classified as a “blighted area” as defined in Section 11-74.3-5 of the Business District Law.

- d. The Business District is a contiguous area and includes only parcels of real property directly and substantially benefited by the proposed Business District Plan.

Section 2. The City hereby designates the area described in the attached **Exhibit A** as the **Remington Road and I-57 Business District**.

Section 3. The City hereby adopts and approves the **Business District Plan for the Remington Road and I-57 Business District**, dated August 26, 2022, attached hereto as **Exhibit B**.

Section 5. The City Clerk shall file a certified copy of this ordinance and attached exhibits with the Illinois Department of Revenue along with a current list of business addresses for the businesses located within the Business District.

Section 6. If any portion of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining portions of this ordinance.

Section 7. That the City Clerk is hereby authorized and directed to publish notices of this public hearing as required under the Business District Law.

Section 8. This ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.

Upon motion by Mayor Hall, seconded by Commissioner Cox, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Mayor Hall
NAYS (Names): Commissioner Phipps
ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, 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 September 20, 2022.

Administrator Gill noted the typo not caught earlier. Commissioner Phipps asked if we had a written legal opinion on the debt limits. Administrator Gill noted no answer yet, but inquiry into attorney. Mayor Hall did not believe there would be an impact. Commissioner Phipps agreed the need for a business district regardless of the sports complex and stated the need to strike Pages 16-20 because it references the business development to the sports complex. Administrator Gill stated PGAV understood the sports complex may not go and had no concerns of changing out the business district plan. Commissioner Closson noted the City would retain the 1.5% sales tax if the project did not go with Administrator Gill stating the one percent sales tax had nothing to do with the 1.5% tax, which would be addressed later.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, NAY (due to no legal opinion) Commissioner Phipps, YEA Mayor Hall.

Commissioner Graven seconded by Commissioner Phipps moved to adopt Ordinance No. 2022-5458, establishing and imposing business district taxes to the Remington Road and I-57 Business District.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2022-5458

AN ORDINANCE ESTABLISHING AND IMPOSING CERTAIN BUSINESS DISTRICT TAXES IN THE CITY OF MATTOON REMINGTON ROAD AND I-57 BUSINESS DISTRICT

WHEREAS, the City of Mattoon, the “City,” passed Ordinance No. 2022-5457: Establishing and Designating the Remington Road and I-57 Business District, or the “Business District,” and Approving the Remington Road and I-57 Business District Plan, or the “Plan,” within the City in accordance with the Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3-1 through 11-74.3-7 (the “Business District Law”); and

WHEREAS, as part of Ordinance No. 2022-5457, the Corporate Authorities of the City made the requisite findings that the Business District qualified as a “blighted area” as defined in Section 11-74.3-5 of the Business District Law; and

WHEREAS, in furtherance of the Business District, the Corporate Authorities of the City desire to establish and impose a Business District Retailers’ Occupation Tax, a Business District Service Occupation Tax pursuant to Section 11-74.3-3 (10) of the Business District Law and an occupation tax upon all persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act pursuant to Section 11-74.3-3 (11) of the Business District Law; and

WHEREAS, the City intends to use said tax to fund certain improvements within the Business District in accordance with the Business District Law and as set forth in the Plan; and

WHEREAS, the Corporate Authorities of the City find and determine that it is in the best interests of the City and its residents to establish the taxes as set forth herein.

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

Section 1. The above stated recitals are incorporated by this reference.

Section 2. Business District Retailers' Occupation Tax. A tax is hereby imposed to be known as the "Business District Retailers' Occupation Tax" upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail within the boundaries of the Business District at the rate of one percent (1.0%) of the gross receipts from such sales made in the course of such business while this ordinance is in effect. This "Business District Retailers' Occupation Tax" shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes and needles used by diabetics, for human use.

Section 3. Business District Service Occupation Tax. A tax is hereby imposed to be known as the "Business District Service Occupation Tax" upon all persons engaged, within the Business District, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the tax imposed in Section 2 above upon the selling price of tangible personal property so transferred within the business district. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

Section 4. Business District Hotel Operators' Occupation Tax. A tax is hereby imposed to be known as the "Business District Hotel Operators' Occupation Tax" upon all persons engaged in the Business District in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, 35 ILCS 145/1, et seq., at the rate of one percent (1.0%) of the gross rental receipts from the renting, leasing or letting of rooms within the Business District, excluding, however, from the gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act.

Section 5. Notice to Illinois Department of Revenue. Within ninety (90) days of commencement of construction of the initial business to be located within the Business District,

the City Clerk or other appropriate City staff, as assigned by the Mayor, are directed to provide the Illinois Department of Revenue (the “Department”) with a certified copy of this Ordinance and such other information required by the Department, so that the Business District Retailers’ Occupation Tax provided for in Section 2 above, and the Business District Service Occupation Tax provided for in Section 3 above may be administered and enforced by the Department, beginning on the following January 1 or July 1, depending on and subject to the IDOR notification deadlines provided for in the Business District Law. Thereafter, the appropriate City staff are directed to provide any address change, addition, or deletion of businesses located within the Business District to the Department on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1 and on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1.

Section 6. Remington Road and I-57 Business District Tax Allocation Fund. All proceeds of the taxes imposed, civil penalties, and interest, which accrues from the Business District Taxes imposed hereby, shall be deposited into a special fund of the City to be called the “Remington Road and I-57 Business District Tax Allocation Fund” in accordance with the Business District Law.

Section 7. Enforcement. The Illinois Department of Revenue shall have the authority to administer and enforce the Business District Retailers’ Occupation Tax and the Business District Service Occupation Tax imposed under Sections 2 and 3 of this Ordinance. The City shall have the authority to administer and enforce the Business District Hotel Operators’ Occupation Tax imposed under Section 4 of this Ordinance.

Section 8. Rescinding of Business District Taxes and Business District Dissolution Date. When business district project costs, including, without limitation, all obligations paying or reimbursing business district project costs have been paid, any surplus funds then remaining in the Remington Road and I-57 Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the general corporate fund of the City. Upon payment of all business district project costs and retirement of all obligations paying or reimbursing business district project costs, but in no event more than 23 years after the date of adoption of this Ordinance imposing the taxes pursuant to the Business District Law, the City shall adopt an ordinance immediately rescinding the taxes imposed. The dissolution date of the Business District shall be not later than 270 days following payment to the City of the last distribution of taxes as provided in Section 11-74.3-6 of the Business District Law.

Section 9. If any portion of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining portions of this ordinance.

Section 10. The City Clerk is hereby directed to cause this ordinance to be published in pamphlet form.

Section 11. This ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.

Upon motion by Commissioner Graven, seconded by Commissioner Phipps, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, 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 September 20, 2022.

Mayor Hall opened the floor for comments with no response.

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

Mayor Hall seconded by Commissioner Cox moved to adopt Special Ordinance No. 2022-1827, granting a special use located at 1208 Charleston Avenue allowing for a cannabis dispensary. Petitioner: T C Applico, L.L.C. 07-1-04140-000

Mayor Hall opened the floor for comments. Administrator Gill noted during the Planning Commission, public concerns were addressed and the vote was 5-2 in favor by members. Attorney Craig Krandel represented Mr. Mitch Zaveduk of Justice Cannabis described the tax ramifications of a three percent of gross sales at a \$400-\$800,000 range, number of dispensaries and recipients of the recreational licenses. Commissioner Phipps inquired as to medicinal permits with Attorney Krandel stating no medicinal permit only recreational and difference in taxing on medicinal. Mayor Hall inquired if they would apply for a medical permit. Mr. Mitch Zaveduk explained his plans to absolutely apply for a medical license since the State currently does not have combination medical and recreational licenses, only 55 medicinal licensees in Illinois, and no State tax discount for recreational. Commissioner Closson inquired as to the anticipated annual gross revenues. Mr. Zaveduk stated an anticipated average of \$10 million dollars in taxes per year, which the City would receive three percent or \$300,000 directly to the

City. Commissioner Phipps noted \$5 million was discussed at the Planning Commission meeting. Commissioner Closson inquired as to the original location guidelines were not to be within 2,500 ft of an educational facility. Administrator Gill stated that the zoning was reduced to the 1,500 ft from a dispensary and 1,000 ft from schools. Commissioner Graven noted a citizen's inquiry as the Fit-2-Serve program partnership as part of an annex to the school. Attorney Jones stated Fit-2-Serve was not a school. Mayor Hall opened the floor for further questions with no response.

Mayor Hall declared the motion failed by the following vote: NAY Commissioner Closson, YEA Commissioner Cox, NAY Commissioner Graven, NAY Commissioner Phipps, YEA Mayor Hall.

Commissioner Closson seconded by Commissioner Phipps moved to adopt Special Ordinance No. 2022-1828 (SUBSTITUTE), declaring personal property owned by the municipality surplus; and authorizing the sale or disposal of the property.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1828 (SUBSTITUTE)

A SPECIAL ORDINANCE DECLARING PERSONAL PROPERTY OWNED BY THE MUNICIPALITY SURPLUS AND AUTHORIZING THE SALE OR DISPOSAL OF THE PROPERTY

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

Section 1. Supplies and equipment identified on Exhibit A to this ordinance are no longer necessary or useful to, or for the best interest of, the City of Mattoon, and are hereby declared surplus to the needs of the City of Mattoon.

Section 2. The City of Mattoon, Illinois does not express any warranty or imply any statement of condition of this surplus property. The Department Heads are hereby authorized to administratively sell by the most advantageous means and to negotiate the conditions for the sale, recycle, or other disposition of the property without further formal consideration or approval by the City Council. The City of Mattoon shall reserve the right to accept or reject any and/or all offers for this property.

Section 3. The Mayor and City Clerk are authorized and directed to execute any documents necessary to complete the sale or disposal of the property.

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.

Upon motion by Commissioner Closson, seconded by Commissioner Phipps, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, 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 September 20, 2022.

Mayor Hall opened the floor for comments. Mayor Hall noted the addition of a toolbox for the substitute ordinance.

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

Mayor Hall seconded by Commissioner Closson moved to approve Council Decision Request 2022-2297, approving the purchase of 2022 Ford Explorer Police Interceptor in the amount of \$39,745 from Pilson Auto Center for the Mattoon Police Department; and authorizing the police chief to sign the Retail Buyers Order.

Mayor Hall opened the floor for comments. Chief Gaines noted the replacement of a damaged squad car. Commissioner Phipps inquired if the replacement was a hybrid with Chief Gaines responding not this time and next year's order would include hybrids.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, ABSTAIN Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Cox seconded by Commissioner Phipps moved to adopt Special Ordinance No. 2022-1829, approving a Memorandum of Understanding (MOU) between the

City of Mattoon and the Mattoon Firefighters Association Local 691, providing clarification on hiring probationary firefighters; and authorizing the mayor to sign the MOU.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1829

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE CITY OF MATTOON AND THE MATTOON FIREFIGHTERS ASSOCIATION LOCAL 691 PROVIDING A TEMPORARY VARIANCE REGARDING THE HIRING OF NEW PROBATIONARY FIREFIGHTERS AND RELATED CERTIFICATION REQUIREMENTS.

WHEREAS, the City of Mattoon (hereinafter “City”) entered into a Collective Bargaining Agreement (hereinafter “CBA”) with the Mattoon Firefighters Association Local 691 (hereinafter “Firefighters”) on January 20, 2022 which remains in effect until a successor contract is approved; and,

WHEREAS, the City and the Firefighters agree to amend various provisions of the CBA, until the parties execute a new CBA through a MOU; and

WHEREAS, said MOU is to provide a temporary variance of the parties’ collective bargaining agreement with regard solely to the hiring of new probationary Firefighters related certification requirements; and,

WHEREAS, the City and Firefighters have drafted said MOU to memorialize the terms of their agreement.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The City Council hereby approves and ratifies the Memorandum of Understanding (“MOU”) attached hereto as Exhibit “A” and incorporated herein by this reference.

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 Commissioner Cox, seconded by Commissioner Phipps, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
 Commissioner Graven, Commissioner Phipps,
 Mayor Hall

NAYS (Names): None
ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, 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 September 20, 2022.

Mayor Hall opened the floor for comments with no response.

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

Mayor Hall seconded by Commissioner Graven moved to adopt Resolution No. 2022-3211, adopting the Coles County Multi-Hazard Mitigation Plan.
<https://www.colesco.illinois.gov/static/plans/Coles%20County%20HMP.pdf>

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2022-3211

ADOPTING THE COLES COUNTY MULTI-HAZARD MITIGATION PLAN

WHEREAS, the City of Mattoon recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted multi-hazard mitigation plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, the City of Mattoon participated jointly in the planning process with the other local units of government within the County to prepare a Multi-Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City of Mattoon hereby adopts the Coles County Multi-Hazard Mitigation Plan as an official plan; and

BE IT FURTHER RESOLVED that the Coles County Emergency Management Agency will submit on behalf of the participating municipalities the adopted Multi-Hazard Mitigation Agency for final review and approval.

Upon motion by Mayor Hall, seconded by Commissioner Graven, adopted this 20th day of September, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of September, 2022.

/s/Rick Hall
Rick Hall, 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 September 20, 2022.

<https://www.colesco.illinois.gov/static/plans/Coles%20County%20HMP.pdf>

Mayor Hall opened the floor for comments. Administrator Gill noted the need to adopt the Plan for upcoming grants and previously adopted plans.

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

Commissioner Cox seconded by Commissioner Closson moved to approve Council Decision Request 2022-2298, approving the re-appointments of Jon Clarkson, Melissa Harden, Skylor Harden, Joyce Jackson, and Joy Miller; and appointing Dustin Maninfior to the Mattoon Arts Council (MAC) for terms ending September 30, 2024.

Mayor Hall opened the floor for comments/questions. Commissioner Cox acknowledged the dedicated, artistic good group who contributed much time to MAC. Director Burgett noted the addition of next generation of Arts Council and appreciated them.

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

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted preparation of agenda items, attendance at the IML Conference, arbitration discussions with Attorney Jones and Chief Hilligoss, upcoming solar field licenses on the November 1st Council meeting, resolution of property disputes and selling of City property; and updated Council on the Inspections Department permits. Mayor Hall opened the floor for questions with no response.

CITY ATTORNEY noted several projects with Administrator Gill and Director Barber, and discussions with the solar power attorney. Mayor Hall opened the floor for questions with no response.

CITY CLERK noted RFP distribution for broker services and day-to-day items. Mayor Hall opened the floor for questions with no response.

FINANCE distributed and reviewed the August Financial Report, cash position, revenue tracking, receipt of Department of Revenue second quarter sales tax information, TIF payments, and receipt of second ARPA check in the amount of \$1,198,565.56, unrestricted cash, and budgets were in line. Mayor Hall opened the floor for questions with no response.

PUBLIC WORKS announced a lot of positive movement on three grant projects: Downtown, Bike Trail and Sidewalk by Middle School. Mayor Hall opened the floor for questions with no response.

FIRE reported on calls for service, inspections & follow-up, 805 Moultrie suspicious fire, training, school timed fire drills, used ambulance for inspection, hydrant flow testing, and explained the upcoming new life safety code for our inspector to utilize.

POLICE reported on calls for service and arrests. Mayor Hall opened the floor for questions with no response.

ARTS AND TOURISM provided information on Lightworks including double the waiting list, Fall Follies on October 6th in the Lone Elm Room, and the Mattoon Library's Manhattan Short Films presentation with five opportunities. Mayor Hall opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioner Closson had some inquiries on the chicken ordinance or revision with Director Barber stating an update was prepared, but no intention to bring back to the Council at this time. Commissioners Cox and Graven had no further comments. Commissioner Phipps thanked Mr. Benishek. Mayor Hall noted the IML Conference was a worthwhile trip.

Commissioner Closson seconded by Commissioner Cox moved to adjourn at 7:34 p.m.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, NAY Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

/s/Susan J. O'Brien
City Clerk