

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on July 5, 2023. 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, Community Development/Planning Manager Alex Benishek, Police Chief Sam Gaines and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Hall seconded by Commissioner Cox moved to approve the consent agenda consisting of Regular Meeting minutes of June 20, 2023; bills and payroll for the last half of June 2023; Rescinding Council Decision Request 2023-2382, waiving the formal bidding requirements; and authorizing the purchase of 2024 Chevrolet E450 Traumahawk Ambulance from American Emergency Vehicles (AEV) in the amount of \$281,746.11 and the mayor to sign the purchase order.

Bills and payroll for the last half of June, 2023

	<u>General Fund</u>		
Payroll		\$	297,205.23
Bills		\$	<u>1,151,539.66</u>
	Total	\$	1,448,744.89
	<u>Hotel Tax Administration</u>		
Payroll		\$	4,935.12
Bills		\$	<u>18,799.98</u>
	Total	\$	23,735.10
Bills	<u>Festival Mgmt Fund</u>	\$	<u>509.98</u>
	Total	\$	509.98
Bills	<u>Insurance and Tort Judgement</u>	\$	<u>110,346.38</u>
	Total	\$	110,346.38
Bills	<u>Midtown TIF Fund</u>	\$	<u>59,401.78</u>
	Total	\$	59,401.78
Bills	<u>Capital Project Fund</u>	\$	<u>204,777.78</u>
	Total	\$	204,777.78
	<u>Water Fund</u>		
Payroll		\$	44,549.68
Bills		\$	<u>55,088.26</u>

	Total	\$	99,637.94
	<u>Sewer Fund</u>		
Payroll		\$	41,892.15
Bills		\$	188,336.16
	Total	\$	230,228.31
	<u>Health Insurance Fund</u>		
Bills		\$	166,592.18
	Total	\$	166,592.18
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	8,456.06
	Total	\$	8,456.06

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 Public comments/questions. Mr. Dave Maxedon, 1009 Piatt, voiced his concern over the looks of curbside trash containers left on the streets, and the reason why the sports complex was not put before the public to vote on. Administrator Gill, Mayor Hall and Commissioner Cox explained the attempts to contact Waste Management, removal of containers within 24 hours, and consumers having a choice to switch providers. Mayor Hall explained the number of meetings on the sports complex, which addressed questions at that time, and noted the sales and property taxes which will be collected.

Mrs. Heather Strack, 2308 Moultrie, voiced her concern over City Hall being locked. Mayor Hall explained that City Hall was not defined as locked (limited access) and was open for every Committee/Council meeting and served the Public. Mr. Michael Strack voiced his concern of City Hall not open (full access), his Ameren issue and complaint with being arrested.

NEW BUSINESS

Commissioner Closson seconded by Commissioner Phipps moved to adopt Special Ordinance No. 2023-1861, authorizing the purchase of 1.111 acres of real estate in the amount of \$24,442 from Speer Re Holdings, L.L.C. and AJMA Holdings, L.L.C. for the Bike Trail/Hotel Connection Project; and authorizing the mayor and city clerk to sign the warranty deed. 06-0-00562-001

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2023-1861

AN ORDINANCE AUTHORIZING THE PURCHASE OF 1.111 ACRES OF REAL ESTATE FOR THE BIKE TRAIL / HOTEL CONNECTION PROJECT

WHEREAS, the City of Mattoon is in the planning phase for a combination pedestrian/bicycle trail from the north end of McFall Road to the Mattoon-Charleston Bike Trail; and

WHEREAS, said project is known as the Bike Trail / Hotel Connection Project; and

WHEREAS, the City of Mattoon has been awarded a grant in the amount of \$150,000.00 for the construction of said trail from the Illinois Transportation Enhancement Program (ITEP) administered by the Illinois Department of Transportation (IDOT); and

WHEREAS, the City of Mattoon is in need of 1.111 acres of real estate from the farm field north of McFall Road; and

WHEREAS, the said farm field is owned by Speer RE Holdings, LLC and AJMA Holdings, LLC and is further identified on the Coles County Tax Records as PIN 06-0-00562-001; and

WHEREAS, Speer RE Holdings, LLC and AJMA Holdings, LLC have agreed to sell the requested 1.111 acres, by Warranty Deed, to the City of Mattoon for the appraised value of \$24,442.00; and

WHEREAS, a Location Map is attached as Exhibit 'X', the proposed Warranty Deed is attached as Exhibit 'Y', and the Survey Plat is attached as Exhibit 'Z'.

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

Section 1. The purchase of 1.111 acres of real estate described as:

Part of the Northeast Quarter of Section 17, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois described as follows:

Commencing at a concrete monument with #2645 cap marking the northwest corner of Lot 2 in McFall/Swords Eastview Complex Phase I Development (recorded as Document No. 535562 in Plat Book 5, Page 110 dated Aug. 21, 1991 in the Coles County, Illinois Recorder's Office); thence azimuth 89 degrees 41 minutes 09 seconds along the north line of said Lot 2 a distance of 349.94 feet to a concrete monument with #2645 cap on the west right of way line of McFall Road; thence azimuth 359 degrees 41 minutes 09 seconds along the said west right of way line of McFall Road 62.29 feet to a concrete monument with #2645 cap and the Point of Beginning; thence continue azimuth 359 degrees 41 minutes 09 seconds along the extended said west right of way line of McFall Road 33.87 feet; thence northeasterly 397.75 feet being a tangential curve to the right having a radius of 285.00 feet, chord azimuth 39 degrees 40 minutes 00 seconds, chord distance 366.24 feet; thence easterly 169.28 feet being a tangential curve to the right having a radius of 1525.00 feet, chord azimuth 82 degrees 49 minutes 40 seconds, chord distance 169.19 feet; thence northerly 52.16 feet being a tangential curve to the left having a

radius of 35.00 feet, chord azimuth 43 degrees 18 minutes 41 seconds, chord distance 47.47 feet; thence azimuth 00 degrees 36 minutes 55 seconds 326.93 feet to the southerly line of the City of Mattoon Property, said line being the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence azimuth 81 degrees 47 minutes 23 seconds along the said southerly line 45.54 feet; thence azimuth 180 degrees 36 minutes 55seconds 412.74 feet; thence azimuth 266 degrees 00 minutes 28 seconds 73.41 feet; thence westerly 163.73 feet being a tangential curve to the left having a radius of 1475.00 feet, chord azimuth 262 degrees 49 minutes 40 seconds, chord distance 163.65 feet; thence southwesterly 327.97 feet being a tangential curve to the left having a radius of 235.00 feet, chord azimuth 219 degrees 40 minutes 00 seconds, chord distance 301.99 feet; thence azimuth 179 degrees 41 minutes 09 seconds 33.87 feet to a point on the north line of McFall/Swords Eastview Complex Phase I Development; thence azimuth 269 degrees 41 minutes 09 seconds along said north line 50.00 feet to the Point of Beginning, containing 1.111 acres, more or less. As shown by the plat attached hereto and made a part hereof.

Part of PIN Number 06-0-00562-001.

and in the Warranty Deed attached as Exhibit 'Y', and the Survey Plat attached as Exhibit 'Z', is approved at the appraised value of \$24,442.00, and that the mayor and the city clerk are authorized to execute the document.

Section 2. The mayor, city clerk and city attorney are authorized to take such other actions and sign such other documents as are necessary to close this real estate acquisition transaction.

Section 3. Expenditures allocable to this ordinance shall be expensed to the Capital Improvement Fund, General Ledger Account 130-5321-730.

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.

Section 6. The public works director shall file a copy of this ordinance with the Coles County Recorder of Deeds together with a request to exempt this real estate from the property tax roll.

Upon motion by Commissioner Closson , seconded by Commissioner Phipps , adopted this 5th day of July , 2023, 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 5th day of July , 2023.

/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 07-05, 2023.

Mayor Hall opened the floor for comments. Administrator Gill noted the property would allow for connection of the bike trail to the Business East TIF District.

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 Phipps added that this was an important step for grant access.

Commissioner Phipps seconded by Commissioner Cox moved to adopt Resolution No. 2023-3253, approving the funding of Motor Fuel Tax funds in the amount of \$275,296.42 for the milling and HMA resurfacing of the roads located on 14th Street, 6th Street and Melody Lane; and authorizing the city clerk to sign the document. 23-00351-00-RS



(SEAL, if required by the LPA)

**Resolution for Improvement
Under the Illinois Highway Code**

Clerk Signature & Date

07/05/2023

Approved

Regional Engineer Signature & Date
Department of Transportation

Mayor Hall opened the floor for comments. Administrator Gill noted the last Council meeting had approved the bid and this provided the approval of MFT funds.

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 Closson seconded by Commissioner Cox moved to adopt Resolution No. 2023-3254, authorizing the partnership with Rent Fun for the establishment of a self-service kayak rental system at Lake Mattoon and allocation of funds from the Revolving Loan Fund in the amount of \$18,000.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2023-3254

A RESOLUTION OF THE CITY OF MATTOON, ILLINOIS, AUTHORIZING A PARTNERSHIP WITH RENT FUN FOR THE ESTABLISHMENT OF A SELF-SERVICE KAYAK RENTAL SYSTEM AT LAKE MATTOON AND ALLOCATION OF FUNDS FROM THE REVOLVING LOAN FUND

WHEREAS, the City of Mattoon recognizes the importance of providing and enjoyable recreational opportunities for residents and visitors; and

WHEREAS, Rent Fun, a reputable outdoor recreation company, has proposed a partnership to establish a self-service Kayak rental system at Lake Mattoon; and

WHEREAS, the City of Mattoon acknowledges the benefits of such a partnership, including seamless checkout processes, increased revenues, and extended access to nature amenities for residents; and

WHEREAS, Rent Fun will handle the operational aspects of the rental system, including maintenance, customer service, and insurance coverage; and

WHEREAS, the City of Mattoon seeks to allocate funding from the Revolving Loan Fund to support the initial costs of the program and anticipates revenues to recoup the initial expenses;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mattoon, Illinois, that:

Section 1: Partnership Authorization

The City of Mattoon hereby authorizes the mayor to enter into a partnership agreement with Rent Fun for the establishment of a self-service kayak rental system at Lake Mattoon.

Section 2: Funding Allocation

The City of Mattoon allocates the sum of \$18,000.00 from the Revolving Loan Fund to support the initial costs of the self-service Kayak rental system. The City further acknowledges that the allocated funding will be reimbursed through the profits generated by the rental system, which shall be split between both parties in the agreement.

Section 3: Implementation and Administration

The City of Mattoon acknowledges that Rent Fun will be responsible for the operational aspects of the self-service kayak rental system, including maintenance, customer service, and insurance coverage. The City will collaborate with Rent Fun to ensure smooth implementation and administration of the program.

Section 4: Effective Date and Duration

This resolution shall come into full force and effect upon its adoption. The partnership with Rent Fun and the allocation of funds from the Revolving Loan Fund shall remain in effect for five years per the agreement, or until such time that the program is no longer viable or no longer determined to be in the best interest of the City of Mattoon.

Upon motion by Commissioner Closson, seconded by Commissioner Cox, adopted this 5th day of July, 2023, 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 5th day of July, 2023.

/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 07-05, 2023.

Mayor Hall opened the floor for comments. Commissioner Graven inquired as to a revenue projection and the recovering of the City's funding. Manager Benishek noted the rentals would pay for themselves eventually, Charleston's kayak rental is on track to repay in two years instead of the five years, and setting a fee or pay-as-you-go for rentals which would be based on usage.

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 Graven seconded by Commissioner Phipps moved to adopt Resolution No. 2023-3255, approving an updated Intergovernmental Agreement by and between the Illinois Office of the Comptroller and the City of Mattoon to allow access to the Comptroller's Local Debt Recovery Program; and authorizing the mayor to sign the agreement.

CITY OF MATTOON, ILLINOIS

RESOLUTION 2023-3255

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE ILLINOIS OFFICE OF THE COMPTROLLER AND THE CITY OF MATTOON REGARDING ACCESS TO THE COMPTROLLER'S LOCAL DEBT RECOVERY PROGRAM

WHEREAS, the Illinois Office of the Comptroller has a Local Debt Recovery Program for the purposes of collecting both tax and non-tax debts owed to a named local unit; and,

WHEREAS, the City of Mattoon believes it is in the best interest of the City to sign the Intergovernmental Agreement attached hereto.

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

Section 1. That the **Intergovernmental Agreement by and between the Illinois Office of the Comptroller and the City of Mattoon regarding access to the Comptroller's Local Debt Recovery Program** attached hereto be and is hereby approved; and,

Section 2. That the Mayor is hereby authorized to execute and sign the Intergovernmental Agreement by and between the Illinois Office of the Comptroller and the City of Mattoon regarding access to the Comptroller's Local Debt Recovery Program and any and all other documents necessary to give effect thereto.

Section 3. This resolution shall be in full force and effect from and after its adoption and approval as provided by law.

Upon motion by Commissioner Graven, seconded by Commissioner Phipps, adopted this 5th day of July, 2023, 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 5th day of July, 2023.

/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 July 5, 2023.

Mayor Hall opened the floor for comments. Treasurer & Director Wright explained the program and new option of collecting unpaid water bills over the past seven year, which amounted to \$350,000.

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 Closson seconded by Commissioner Cox moved to approve Council Decision Request 2023-2386, approving the cost proposal in the amount of \$86,170 from Crawford, Murphy & Tilly (CMT) for the preparation of plans and specifications to replace the existing pump at the Lake Mattoon Raw Water Pump Station.

Mayor Hall opened the floor for comments. Administrator Gill explained the improvements and reinvestment into the current pump.

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 Phipps seconded by Commissioner Closson moved to approve Council Decision Request 2023-2387, promoting Dennis Cole to Assistant Public Works Superintendent with an annual salary of \$67,000 effective July 6, 2023.

Mayor Hall opened the floor for comments. Administrator Gill noted the four interviews with Mr. Cole as a standout and unanimous decision by the interview panel.

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. 2023-5468, adopting the amendments to Chapter 114: Liquor Control, Section 114.22 (F) of the Mattoon Code of Ordinances to increase the number of T-1 and T-2 Special Event licensing and to regulate fencing and operations of the events.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2023-5468

AN ORDINANCE OF THE CITY OF MATTOON, ILLINOIS AMENDING THE LIQUOR ORDINANCE BY AUTHORIZING THE EXPANSION OF T-1 AND T-2 SPECIAL EVENT LIQUOR LICENSES.

WHEREAS, the City of Mattoon recognizes the importance of providing nightlife opportunities for residents; and

WHEREAS, the City of Mattoon currently sets limits for special event liquor licenses for nonprofits and businesses holding a pourers license to six events per year; and

WHEREAS, the City of Mattoon acknowledges the cultural benefits special events can bring to our community; and

WHEREAS, the City of Mattoon desires to increase nightlife opportunities for residents to increase quality of life for residents.

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. Section 114.22 (F)(5), 114.22 (F)(7)(b)(i) and 114.22 (F)(7)(f) of Chapter 114 of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

§ 114.22 CLASSIFICATIONS OF LICENSES.

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

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

and shall be specifically provided for in the T-1 license and the licensee shall not sell alcoholic beverages at any other times except for those provided and allowed in the T-1 license.

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

(3) A Class T-3 license may be issued a special use permit for licensees to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a special event with approval by the Local Liquor Commissioner. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the city as an additional insured. The license fee for a Class T-3 license shall be in the amount of \$100 for each 24-hour period or fraction thereof.

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

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

(a) Notwithstanding the limitations in Section (5) of this ordinance, any business with a pourers license may apply for additional Class T-2 licenses to host events beyond the annual maximum specified. Such applications shall be subject to approval by the Local Liquor Commissioner, who may consider factors such as the nature of the event, impact on the community, availability of the city property, and compliance with city regulations. The maximum number of additional Class T-2 licenses granted to any business or organization for events on city property shall not exceed 24 per calendar year;

(b) Additional Class T-2 licenses granted through Section (5)(a) may be revoked at any time at the sole discretion of the Liquor Commissioner or their designee.

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

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

- (a) Use only paper or plastic products to serve alcoholic liquor or food;
- (b) Provide fencing or a barricade with at least two means of ingress and egress around the area designated in the license;

(i) Types of fencing shall contribute positively to the character of the community as determined by the Liquor Commissioner, in writing prior to the event license approval.

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

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

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

(f) Any portion of a Class T-1 and T-2 licensed event held outside shall cease operations at midnight [or at a time communicated by the Liquor Commissioner in writing prior to the event license approval.](#)

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause and phrases may be declared unconstitutional.

Section 4. The City Clerk is hereby directed to cause this ordinance to be published in pamphlet form.

Section 5. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 10 days after its publication in pamphlet form as herein provided.

Upon motion by Mayor Hall, seconded by Commissioner Cox, adopted this 5th day of July, 2023, 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 5th day of July, 2023.

/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 _____ 07-05, 2023.

Mayor Hall opened the floor for comments. Manager Benishek explained the request for increased opportunities with more stipulations held on city property. Commissioner Graven inquired to Chief Gaines of issues with the police. Chief Gaines stated no issues with the previous venues. Commissioner Phipps inquired as to location. Manager Benishek explained the City parking lot property behind Joe's and the use during events.

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. 2023-1862, approving the petition for rezoning from R-1 Single-Family Residential to C-1 Neighborhood Commercial and granting a special use and a variance for the construction and operation of an Indoor Sports Facility with a Medical Walk-in Clinic. Petitioner: Mattoon Sports Complex, Inc. 06-0-00587-001;06-0-00559-002

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2023-1862

AN ORDINANCE TO APPROVE A PETITION FOR REZONING, GRANTING A SPECIAL USE AND A VARIANCE FOR CONSTRUCTION AND OPERATION OF AN INDOOR SPORTS FACILITY WITH A MEDICAL WALK-IN CLINIC.

WHEREAS, Mattoon Sports Complex, Inc., Non-Profit is the owner of approximately fifteen (15) acres south of the intersection of Remington Road and Swords Drive as follows:

Part of the South Half of Section 17, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois, being more particularly described as: Commencing at the Southeast corner of the Southwest Quarter of said Section 17; thence South 88 degrees 25 minutes 35 seconds West (Assumed Bearings) —475.01 feet on the South line of the Southwest Quarter of said Section 17; thence North 00 degrees 05 minutes 31 seconds West — 18.64 feet to the Point of Beginning on the proposed Northerly Right-of-Way line of Country Club Road; thence continuing North 00 degrees 05 minutes 31 seconds West — 789.47 feet on the East line of a parcel of land described in Special Warranty Deed Document Number 201600766233 recorded in the Coles County Recorder's Office; thence North 89 degrees 45 minutes 02 seconds East — 477.95 feet; thence South 38 degrees 17 minutes 24 seconds East — 37.46 feet; thence North 89 degrees 45 minutes 02 seconds East — 60.00 feet; thence North 45 degrees 13 minutes 57 seconds East — 42.07 feet; thence North 00 degrees 14 minutes 58 seconds West — 54.02 feet; thence North 89 degrees 45 minutes 02 seconds East — 139.45 feet; thence South 00 degrees 14 minutes 58 seconds East — 105.02 feet; thence North 89 degrees 45 minutes 02 seconds East — 134.00 feet; thence South 00 degrees 14 minutes 58 seconds East — 401.38 feet; thence South 88 degrees 32 minutes 09 seconds West — 27.75 feet on the North line of a parcel of land described in Warranty Deed Document Number 201000722683 recorded in the Coles County Recorder's Office; thence South 00 degrees 03 minutes 28 seconds West — 319.87 feet on the West line of said parcel of land described in Warranty Deed Document Number 201000722683 to the proposed Northerly Right-of-Way line of Country Club Road; thence South 88 degrees 36 minutes 43 seconds West

— 837.36 feet on said proposed Northerly Right-of-Way line to the Point of Beginning, containing 15.26 acres, more or less.

PIN # 06-0-00587-001; 06-0-00559-002.

Mattoon Sports Complex, Inc., has filed a Petition with the City Clerk's Office of the City of Mattoon, requesting that said premises be granted a rezoning of the property from R1, Single Family Residence District to C1, Neighborhood Commercial District, a special use to for construction and operation of an Indoor Sports Facility with a Medical Walk-in Clinic, and a variance from the maximum 1,500 square feet of floor area of the Medical Walk-in Clinic (Physician Office) in a C1, Neighborhood Commercial District.

WHEREAS, said premises is zoned R1, Single Family Residence District which does not allow said uses unless a rezoning and a special use is granted; and

WHEREAS, upon examination of all the facts and circumstances, the property is well suited for the operation of an Indoor Sports Facility and Medical Walk-in Clinic; and

WHEREAS, the Petition for the rezoning, a special use and variance was the subject of a public hearing before the Planning and Zoning Commission for the City of Mattoon, Coles County, Illinois, and following that Public Hearing, the Commission considered the facts and the relevant ordinances and thereafter recommended to the City Council that the requested rezoning, special use permit and variance be granted; 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 rezoning, special use permit and variance to allow the construction and operation of an Indoor Sport Facility with a Medical Walk-in Clinic.

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 provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as follows:

Part of the South Half of Section 17, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois, being more particularly described as: Commencing at the Southeast corner of the Southwest Quarter of said Section 17; thence South 88 degrees 25 minutes 35 seconds West (Assumed Bearings) —475.01 feet on the South line of the Southwest Quarter of said Section 17; thence North 00 degrees 05 minutes 31 seconds West —. 18.64 feet to the Point of Beginning on the proposed Northerly Right-of-Way line of Country Club Road; thence continuing North 00 degrees 05 minutes 31 seconds West — 789.47 feet on the East line of a parcel of land described in Special Warranty Deed Document Number 201600766233 recorded in the Coles County Recorder's Office; thence North 89 degrees 45 minutes 02 seconds East — 477.95 feet; thence South 38 degrees 17 minutes 24 seconds East — 37.46 feet; thence North 89 degrees 45 minutes 02 seconds East — 60.00 feet; thence North 45 degrees 13 minutes 57 seconds East — 42.07 feet; thence North 00 degrees 14 minutes 58 seconds West — 54.02 feet; thence North 89 degrees 45 minutes 02 seconds East — 139.45 feet; thence South 00 degrees 14 minutes 58 seconds East — 105.02 feet; thence North '89 degrees 45 minutes 02 seconds East — 134.00 feet; thence South

00 degrees 14 minutes 58 seconds East — 401.38 feet; thence South 88 degrees 32 minutes 09 seconds West — 27.75 feet on the North line of a parcel of land described in Warranty Deed Document Number 201000722683 recorded in the Coles County Recorder's Office; thence South 00 degrees 03 minutes 28 seconds West — 319.87 feet on the West line of said parcel of land described in Warranty Deed Document Number 201000722683 to the proposed Northerly Right-of-Way line of Country Club Road; thence South 88 degrees 36 minutes 43 seconds West — 837.36 feet on said proposed Northerly Right-of-Way line to the Point of Beginning, containing 15.26 acres, more or less.

PIN # 06-0-00587-001; 06-0-00559-002,

be rezoned from R1, Single Family Residence District to C1, Neighborhood Commercial District, granted a special use to for construction and operation of an Indoor Sports Facility with a Medical Walk-in Clinic with a variance from the maximum 1,500 square feet of floor area of the Medical Walk-in Clinic (Physician Office) in a C1, Neighborhood Commercial District.

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.

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 Graven, adopted this 5th day of July, 2023, 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 5th day of July 2023.

/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 07/05, 2023.

Mayor Hall opened the floor for comments/questions. Administrator Gill explained discussion held on the sports complex included the need for an indoor facility which required as special use, the medical clinic requiring a variance on floor space, and the buffering between C-3 and residential. He also

announced a unanimous vote by the Planning Commission. Commissioner Cox noted all parcels were originally R-1. Administrator Gill added this rezoning would create the same zoning as the other commercial property near Remington Road.

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 approve Council Decision Request 2023-2388, awarding the bid in the amount of \$63,595 from Grant Western Abatement, Inc. for the City Hall Lead-Based Paint Remediation Project; and authorizing the mayor to sign the proposal.

Mayor Hall opened the floor for comments. Administrator Gill explained the areas of lead-based paint in City Hall, all bids were close, repairs to be funding from video gaming; and recommended the City proceed with the removal.

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 noted ordinance changes, staffing, final changes to TIF plan, file for public review on Friday, Lee's Recipe Restaurant not to rebuild, information gathering for Coles County Emergency Services, numerous calls for downed trees, assisted Manager Benishek on subdivision plats and Attorney Jones on the annexation agreement for 43rd Street. Commissioner Cox noted the annexation to be heard at the Planning Commission on July 11th with Administrator Gill adding the annexation on the Council Meeting of July 18th.

CITY ATTORNEY noted business as usual including working with Administrator Gill and Manager Benishek. Commissioner Cox inquired as to the status of the former Brown Shoe Factory with Attorney Jones stating the property owner contracting with a demolition company and the property superintendent appeared in city court last month.

CITY CLERK noted business as usual.

FINANCE announced the receipt of the first installation of property taxes just under one million dollars, which was less than 20% levied; distributed and reviewed the Revenue Tracking Report, unrestricted cash; and noted preparation of the audit with field work starting July 17th. Commissioner Closson inquired as to the resuming of the State grocery tax with Treasurer & Director Wright stating the City should receive all of that tax and the State's announcement to make City's whole on the grocery tax, which consisted of an unknown amount.

PUBLIC WORKS in Director Barber's absence, Administrator Gill noted Public Works had many ongoing projects.

POLICE report on calls for service and 59 arrests. Mayor Hall opened the floor for questions with no response.

ARTS AND TOURISM in the absence of Director Burgett, Commissioner Cox reported on the largest 4th of July parade in 18 years, need for volunteers to help with parking at the fireworks, good feedback on the fireworks, Coles County Airport as a good partner, Bagelfest operations at Peterson

House, good concert sales, full schedule of what's new this year, and no air conditioning at the Depot. Administrator Gill noted delay in receiving a new drive shaft with parts on order.

COMMUNITY DEVELOPMENT reported on site plans for the Sports Complex, housing walk survey training to create data for grants, Lakes employee John Wurstbaugh preparing for a \$600,000 IDNR grant, a revision on the liquor ordinance, Business District/TIF applications, revision of a housing ordinance; and explained Next Site Alpha Map as an economic tool. Mayor Hall opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioner Closson acknowledged the Street Department's tedious process of cleanup after the storms. Commissioner Cox apologized to Chief Gaines for the issues the Police Department faces and their professionalism in handling situations with citizens appreciating what the Police Department does. Commissioner Graven acknowledged the Street Department's work after the storms. Commissioner Phipps complimented the Street Department's job and appreciated their continuing efforts in storm cleanup. Mayor Hall had no further comments.

Administrator Gill announced a compliment from Matt Henson, Director of 911 on Fire Chief Hilligoss' assistance with storm help; and complimented the Police and Public Works Departments on their efforts during and after the storm.

Commissioner Cox seconded by Commissioner Closson moved to adjourn at 7:35 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