

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on May 6, 2025. 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 David Phipps and YEA Mayor Rick Hall.

Also physically present were City personnel: Interim & City Manager Kyle Gill, City Attorney Daniel C. Jones, Finance Director/Treasurer Beth Wright, Arts & Tourism Director Angelia Burgett, Assistant Public Works Director Doug Homann, Fire Chief Jeff Hilligoss, Police Chief Sam Gaines, Code Enforcement Alex Benishek 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 April 15, 2025, bills and payroll for the last half of April 2025 and Mayor's Lobby Day bills.

<u>Bills and payroll for the last half of April, 2025</u>			
<u>General Fund</u>			
Payroll		\$	344,011.94
Bills		\$	<u>463,086.02</u>
	Total	\$	807,097.96
<u>Hotel Tax Administration</u>			
Payroll		\$	8,265.51
Bills		\$	<u>50,571.30</u>
	Total	\$	58,836.81
Bills	<u>Festival Mgmt Fund</u>	\$	<u>18,694.86</u>
	Total	\$	18,694.86
Bills	<u>Mobile Equipment Fund</u>	\$	<u>50,182.00</u>
	Total	\$	50,182.00
Bills	<u>Insurance & Tort Jdgmnt</u>	\$	<u>500.00</u>
	Total	\$	500.00
Bills	<u>Capital Project Fund</u>	\$	<u>82,186.60</u>
	Total	\$	82,186.60
Bills	<u>Broadway East Bus Dist</u>	\$	<u>2,872.04</u>
	Total	\$	2,872.04
Payroll	<u>Water Fund</u>	\$	45,356.29
Bills		\$	<u>84,266.27</u>
	Total	\$	129,622.56

Sewer Fund

Payroll		\$	42,738.85
Bills		\$	48,691.10
	Total	\$	91,429.95

Health Insurance Fund

Bills		\$	458,108.12
	Total	\$	458,108.12

Motor Fuel Tax Fund

Bills		\$	24,833.53
	Total	\$	24,833.53

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.

Mayor Hall recognized the service of Commissioner Graven by acknowledging her three terms in office, thanked her for all the years and what she had accomplished with the Council and provided Commissioner Graven with a picture of the Council. Commissioner Graven thanked everyone and stated it was great working with the group.

Commissioner-Elect Erica Butler joined the Council for the administration of the Oath of Office by the City Clerk. All Council members were sworn into Office.

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 requested all comments on the cannabis issue to be held until Council considered the issue later in the meeting. He opened the floor for Public comments both in person and online. Mrs. Dixie Freeland (109 Arbogate Drive) inquired as to the varying sales taxes within the City. Interim Manager Kyle Gill explained the 7.75% rate across the City with an additional 1% in Business Districts and Mall for a total of 8.75% and a 2% economic development fee by Rural King in the Sports Complex area for a total of 10.75%. Mayor Hall added the 2% economic development fee was to pay for the bonds by the businesses.

Presentation: Dr. Julie Elbert, 1439 County Highway 5, Shelbyville, Illinois, of the Daughters of the American Revolution Governor Edward Coles-Sally Lincoln Chapter presented the distinguished Citizens Medal to first responders and military once in a lifetime recognizing Officer Anthony J. Roley for his actions in rescuing several people and pets from a fire.

Presentation: Police Chief Sam Gaines acknowledged the retirement of Lt. Scott Robison with 20 years of service from the Police Department on May 2, 2025, provided his background with the City including Head of the CSI program, and wished him the best in retirement. Lt. Robison was not able to attend the meeting in person.

Presentation: Police Chief Sam Gaines acknowledged the promotions of Sergeant Peter Lusk to Lieutenant effective May 3, 2025, Officer Mike Bennett to Sergeant effective May 3, 2025, and Probationary Officer Grant Gaines to Regular Officer status effective May 5, 2025.

NEW BUSINESS

Commissioner Butler seconded by Commissioner Cox moved to adopt Ordinance No. 2025-5492 (SUBSTITUTE), Updating the municipal code to reflect the change in government including the city manager.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2025-5492 (SUBSTITUTE)

AMENDING CITY CODE PROVISIONS CONSISTENT WITH STATUTORY MANAGER GOVERNMENT FORM

WHEREAS, the City of Mattoon is a non-home rule municipality and is organized, operates and elects its officers under Article 4 of the Illinois Municipal Code, known as the Commission Form Government, 65 ILCS 5/4-1-1 et seq.; and

WHEREAS, at the general election held Tuesday, November 5, 2024, a majority of the registered voters casting their vote at the election approved a public referendum to change the form of government in the City of Mattoon by adopting the statutory manager form of government under Article 5 of the Illinois Municipal Code, known as the Managerial Form of Municipal Government, 65 ILCS 5/5-1-1 et. seq.; and

WHEREAS, with the adoption of the statutory manager form of government, the City of Mattoon will retain its governmental structure while adopting and implementing the new features of the manager form; and

WHEREAS, with the adoption of the manager form of government, the manager will be hired by the City Council and will become the administrative and executive head of the City of Mattoon for most purposes, while the City Council establishes goals, strategic plans, sets policy and approves the budget for the City; and

WHEREAS, the City Council has provided for and created the statutory office of City Manager, as approved by the voters of the City of Mattoon, by prior amendment of the City Code and now adopts the following amendments to its City Code to render the provisions of said Code consistent with the powers of the City Manager within the City of Mattoon.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois, as follows:

SECTION 1: Code Amendments – Chapter 31. The current provisions of §31.02 Bonds, §31.04 Compensation, §31.10 Authority to Sign Documents, § 31.21 City Treasurer, § 31.22 City Clerk, § 31.36 City Attorney, § 31.37 City Engineer and § 31.39 Health Officer of Chapter 31 CITY OFFICIALS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

[31.02](#) Bonds

[31.04](#) Compensation

[31.10](#) Authority to sign documents

Appointed City Officials

[31.21](#) City Treasurer

[31.22](#) City Clerk

Other Officials

[31.36](#) City Attorney

[31.37](#) City Engineer

[31.39](#) Health Officer

§ 31.02 BONDS.

(A) *Amount.* Every officer of the city shall execute a bond before entering upon the duties of the office, with good and sufficient security to be approved by the Council, payable to the city, conditioned as hereinafter provided, and in the penal sums respectively as follows:

- (1) Mayor, \$3,000.
- (2) City Council members ~~Commissioner of Accounts and Finances~~, \$3,000.
- (3) ~~Commissioner of Public Health and Safety~~, \$3,000.
- ~~—(4) Commissioner of Streets and Public Improvements, \$3,000.~~
- ~~—(5) Commissioner of Public Property, \$3,000.~~

(6) City Treasurer. Not less than three times the latest Federal census population or any subsequent census figure used for motor fuel tax purposes.

(7) City Clerk. Double the estimated amount of all receipts coming into or remaining in his hands in any one time during the year, but in no event less than \$50,000.

(8) City Manager. Double the estimated amount of the unilateral spending authority of the City Manager authorized by the City Council, but in no event less than \$50,000.

(~~8~~ 9) Other officers. In such amount as the Council shall specify by resolution.

(B) *Surety; premium.* The City Manager, City Treasurer and City Clerk shall each furnish a bond secured by a responsible surety company. The bond shall be accompanied with a sworn financial statement of such surety company. Where personal bonds are given they shall be secured by two responsible sureties, at least one of whom must be a property owner of the county.

(C) *Officer surety for another.* No member of the Council and no person holding any office in this city shall become surety on the official bond of any other officer of this city.

§ 31.04 COMPENSATION.

(A) Salaries of city officers and employees shall be as established by ordinance.

(B) All salaries of officers and employees of the city shall be paid every other Friday, unless provision is made to the contrary, by the City Council. The City Clerk shall prepare changes to payroll every other week, which when signed by the City ~~Manager Administrator or commissioner in charge~~, the Clerk shall authorize the issuance of checks for the salaries indicated to be due. Deductions as provided by law shall be made for pension funds, social security, withholding tax (income tax), insurance, and also for voluntary deductions as authorized by employees.

§ 31.10 AUTHORITY TO SIGN DOCUMENTS.

Unless otherwise provided by the City Council, ~~a~~All contracts, bonds of every description, obligations, city warrants, licenses, permits, franchises and every document required by the action of the Council, or requiring the signature of any city officer to make it valid, shall be signed by the City Manager ~~Mayor~~ (except as otherwise especially provided) and countersigned by the City Clerk, who shall also affix the seal of the city thereto.

§ 31.21 CITY TREASURER.

(A) *Position established.* There is hereby created the office of City Treasurer. The Treasurer plans, organizes and directs the activities and staff of the Finance Department. The Treasurer prepares various financial and policy analysis reports relating to the city's financial position. The work of the Treasurer is performed in accordance with statutory procedures. The City ~~Administrator~~ Manager and City Council prescribe policies for departmental operations and hold the Treasurer responsible for the effectiveness of departmental programs.

§ 31.22 CITY CLERK.

(A) *Position established.* There is hereby created the office of City Clerk. The Clerk plans, organizes and directs the activities and staff of the City Clerk Department. The City Clerk Department is responsible for the human resource functions of municipality, as delegated by the City Manager. The work of the Clerk is performed in accordance with statutory procedures. The City ~~Administrator~~ Manager and City Council prescribe policies for departmental operations and hold the Clerk responsible for the effectiveness of departmental programs.

(B) *Appointment.* ~~The Mayor with the advice and consent of the City Council shall appoint and evaluate the performance of the City Clerk. The person appointed by the Mayor to the position of City Clerk shall be nominated solely on the basis of his or her training, and administrative qualifications and experience in personnel administration.~~ His or her qualifications and experience shall be consistent with a job description adopted by the City Council.

(C) *Tenure of office.* ~~The term of the office of the City Clerk shall be coterminous with the term of the Mayor.~~ The City Council and the City Clerk may enter into an agreement with respect to other terms and provisions of employment and may provide for salary, salary adjustments, fringe benefits, severance provisions and payment, and other remuneration and benefits of office.

(D) *Compensation.* The City Clerk shall receive compensation in such amount and manner, as the Council shall affix from time to time by ordinance or resolution and by agreement.

(E) *Statutory duties.* The City Clerk's duties are prescribed by ILCS Ch. 65, Act 5, § 3.1-35-90 as these state statutes may be amended from time to time, except as otherwise provided within this Code, consistent with the law.

(1) The Municipal Clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers belonging to the municipality the custody and control of which are not given to other officers.

(2) The Clerk shall attend all meetings of the corporate authorities and keep a full record of their proceedings in the journal. The record of those proceedings shall be made available for public inspection within seven days after being approved or accepted by the corporate authorities as the official minutes of their proceedings.

(3) The Municipal Clerk shall have other duties prescribed by the corporate authorities.

(4) Copies of all papers duly filed in the Clerk's office and transcripts from the journals and other records and files of the Clerk's office, certified by the Clerk under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

(F) *Other duties of the City Clerk.* Other prescribed duties of the City Clerk and the departmental staff include, but are not limited to:

(1) Directs and oversees preparation and distribution of the City Council meeting agendas; ensures compliance with legal requirements regarding official postings, public notices and advertising.

(2) Develops, implements and manages the records management system and responds to citizen inquiries.

(3) Processes all requests for access to city records in compliance with state and federal freedom of information laws.

(4) Serves as a local registrar for the State of Illinois Office of Vital Records for Coles County for birth and death certificates.

(5) Administers the municipality's employment policies and procedures as prescribed by personnel ordinances, employee handbooks and collective bargaining agreements. The Clerk manages document preparation and retention pertaining to job descriptions, employee classification and compensation, recruitment, selection, performance appraisal, discipline, grievances and termination, as delegated by the City Manager.

(6) Facilitates organization wide training to assure employer compliance with state and federal equal employment opportunity, affirmative action and discrimination laws, as delegated by the City Manager.

(7) Administrates the municipality's risk management program including property, casualty, auto, inland marine, law enforcement liability, public officials liability, employment practices liability, workers compensation, medical, dental, life and disability insurance, as delegated by the City Manager.

(8) ~~Staffs~~ Serves on the safety committee. The Safety Committee consists of the City ~~Administrator~~ Manager, as Committee Chair and representatives of each department of the municipality. It meets on a quarterly basis for the purpose of identifying and correcting unsafe or unhealthy working conditions.

(a) The Safety Committee reviews and approves written policies and procedures for each of the written programs required by state and federal occupational health and safety regulations.

(b) The Safety Committee conducts safety audits; reviews accident reports, formulates accident prevention recommendations and otherwise critiques the city's safety and risk management program.

(c) The Safety Committee makes personal inspections, participates in government inspections and investigates complaints concerning allegations of unsafe or unhealthy conditions.

(d) The Safety Committee promotes education programs, which will motivate adoption of safe working habits.

(9) Issues licenses in accordance with state statutes and the ordinances of the municipality and keeps a record in a suitable book of each license granted, to whom granted, for what purpose, for what length of time granted, the location of the place of business for which the license was obtained and the amount of the license fee paid.

(10) Serves as the authorized agent of the municipality for administration of the Illinois Municipal Retirement Fund.

(11) Serves as a member of the Board of Trustees for the Firemen's Pension Fund and maintains the accounting system for ~~both the Firemen's and Police Pension Funds.~~

(12) Records payments received on the Economic Development Revolving Loan Fund ~~and files semi-annual reports on principal and interest recaptured to the Illinois Department of Commerce and Community Affairs.~~

(13) Manages billings to commercial property owners outside the city limits for stand-by fire protection contracts.

(14) ~~Supervise absentee election balloting for the Coles County Clerk.~~ Serves as the Administrator of the City's 457 and 125 plans.

(15) Directs rental of the Burgess Osborne Auditorium building ~~public buildings and parking lots, issues boat permits and maintains records of campground rentals.~~

§ 31.36 CITY ATTORNEY.

(A) ~~The Mayor with the advice and consent of the City Council~~ City Manager shall appoint a City Attorney. The term of office of the City Attorney shall be coterminous with the term of the Mayor. The person appointed by the ~~Mayor~~ City Manager to the position of City Attorney shall be nominated solely on the basis of training, qualifications and experience. The City Attorney shall have a Juris Doctor degree and be a licensed attorney under the laws of the State of Illinois, authorized to practice in the Illinois Circuit and Appellate Courts and the Federal District Court for the Central District of Illinois. The City Attorney shall be a member in good standing with the Illinois State Bar Association. The City Council may enter into an agreement with the City Attorney that prescribes legal services to be performed, the compensation for such services and residency requirements equivalent to requirements that apply to employees of the municipality.

(B) It shall be the duty of the City Attorney to prosecute or defend in behalf of the city (when the services of an attorney are necessary) in all cases in which the interest of the city or the official acts of any officer or agent of the city are involved, except in local improvement matters. He shall pass upon all fee bills of officers and courts and the liability of the city therefor. He shall attend all City Council meetings, and, when required, advise the Council, or any city officers, in relation to all matters of law arising, in which the interests of said city are in question. He shall make reports concerning any suits as to which the city may be a party, whenever directed to do so by the Council.

(C) The City Attorney shall prepare and draft ordinances. He shall furnish opinions, orally or written, as requested by the Council, or any officer, board or department of the city government, on any legal

question concerning the rights and liabilities of the city. He shall advise the officials of the city with reference to their duty. He shall draw contracts, bonds, or instruments in writing, in behalf of the city, or examine and approve the same when required by the Council, ~~or the Mayor~~ or the City Manager, so to do.

(D) It shall be his duty when his services are necessary, to prosecute any suit brought in the name of the city for the recovery of any penalty, or fine, for the violation of any of the laws or ordinances of the city. He shall cause execution to issue upon all judgments recovered in favor of the city, and shall direct the Chief of Police to attend to their prompt collection. The City Manager shall be the regular contact for the City Attorney and ~~He~~ he shall report to the Council, ~~or the~~ and Mayor, all cases in which he shall deem it expedient to take an appeal or writ of error on behalf of the city, and the Mayor, or City Manager as authorized, shall enter into such bonds, or other obligations as required, on the part of the city, under the corporation seal, and the sureties on said bond shall be indemnified by the city from all loss and damage. The City Clerk shall deliver to the City Attorney any bond or other paper necessary to be used in any suit or other proceeding, taking his receipt for same.

§ 31.37 CITY ENGINEER.

(A) The City Council may from time to time as needed, ~~necessity~~ authorize the employment of ~~requires employ~~ a competent civil engineer or engineers to do the general engineering work of the city, exclusive of engineering work to be performed in connection with any local or public improvement instituted under the Local Improvement Act of the state. The City Engineer shall be paid such compensation as shall be fixed by the Council. The City Manager shall be responsible for the selection and employment of such City Engineer or Engineers.

(1) The City Engineer shall prepare and submit plans, estimates and specifications for such work as the ~~Council~~ City Manager may direct. He shall supervise the construction of all public work for which he is employed and see that it is properly executed; and if the contractor fails or refuses to execute the work in accordance with his contract, the Engineer shall suspend the work and report the facts to the City Manager ~~Mayor~~.

(2) He shall, when required, receive, inspect and measure all material to be used in any public work of the city, and if necessary, shall keep an accurate account of the quantity and quality of the same, the cost thereof, from whom received and for what purpose used, or to be used; he shall examine all bills for material so received by him or in connection with his department, and, if found correct, shall certify same to the Council for allowance.

(3) He shall give or mark the grade of any street or alley, where established, at the request of any person desiring to erect any building or enclosure or to lay any sidewalk thereon. He shall make surveys within and for the city that he may be called upon to make by the City Manager ~~Mayor, Council~~ or Board of Local Improvements, and shall employ the necessary chairpeople and such other assistants as the City Manager or Council may authorize.

(4) All records, plans, specifications, and maps prepared or kept by him in connection with the foregoing services shall be the property of the city.

§ 31.39 HEALTH OFFICER.

~~—(A) There is hereby created the office of Health Officer. He shall be a competent, experienced, licensed physician of recognized medical reputation.~~

~~—(B) The Health Officer shall examine into, report and act upon all matters pertaining to public health and the sanitary condition of the city. He shall cause inspections to be made and all nuisances to be~~

~~abated, and in case of any contagious diseases he shall take all necessary steps to prevent the spread thereof. He shall enforce all ordinances relating to public health.~~

~~(68 Code, § 11.01)~~

SECTION 2: Code Amendments – Chapter 32. The current provisions of § 32.03 Rules of Order, § 32.05 Powers, Functions and Duties, § 32.16 Insurance Study Committee, of Chapter 32: CITY COUNCIL of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 32: CITY COUNCIL

Section

General Provisions

32.03 Rules of order

32.05 Powers, functions and duties

Council Committees

32.16 Insurance Study Committee

§ 32.03 RULES OF ORDER.

At a City Council meeting:

(A) The Mayor shall take the chair at the appointed hour and call to order, and at the instance of any two members present compel the attendance of absent members. Should the Mayor fail to appear for a quarter hour thereafter, the City Clerk shall call the meeting to order and the Council shall appoint one of its members to act as Chairperson and Mayor pro tem, during such absence of the Mayor.

(B) (1) The order of business at all regular meetings shall be as follows:

(a) Pledge of Allegiance.

(b) Roll call.

(c) Consent agenda. Items listed on the consent agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the consent agenda, the Mayor will ask if anyone desires to remove an item from the consent agenda for public discussion. No separate discussion of these items will occur unless a Council member requests the item to be removed from the consent agenda. If an item is removed from the consent agenda, it will be considered elsewhere on the meeting agenda.

(d) Minutes of previous meetings.

(e) Reports of ~~special committees~~ the City Manager.

~~(f) Reports of municipal officers, departmental commissioners or department heads.~~

~~(g)~~ (f) Approval of the payroll and bills submitted since the last Council meeting.

~~(h)~~ (g) Public 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.

(i) Unfinished business.

(j) New business.

(k) Miscellaneous business.

(l) Recess to closed session. The agenda must cite the specific statutory exception to the Illinois Open Meetings Act, being ILCS Ch. 5, Act 120, §2(c), that allows discussion of topics in closed session.

(m) Reconvene from closed session; consider motions or notice of motions pertaining to topics discussed in closed session, if noticed in the agenda.

(n) Adjourn.

(2) This order of business may be changed during any meeting as may be convenient by a vote of a majority of all the members elected.

(C) The Mayor shall preserve order and decorum and shall decide all questions of order, subject to an appeal to the Council. A majority of all the members elected shall carry the appeal, unless the subject matter sought to be considered requires a large vote for its adoption, in which case a like vote shall be necessary to overrule the decision of the chair.

(D) Any member called to order shall immediately take his seat until the point of order is decided.

(E) Appeals shall be decided without debate, but the chair and the appealing member may each speak once to explain.

(F) On appeal the question shall be in the following form, "Shall the decision of the chair be sustained?"

(G) Any member desiring to speak on any question (or proposing a motion) shall rise and address the chair, but shall not proceed until recognized by the chair. He shall not speak longer than ten minutes, or more than once, except by general consent. The mover may, however, speak to close debate for not to exceed five minutes.

(H) Any member indulging in personalities, reflections injurious to any member of the Council or not speaking in order, or smoking, shall be called to order.

(I) All petitions and other communications shall be in writing.

(J) While any member has the floor and is speaking no other member shall engage in conversation, or pass between him and the chair or otherwise interrupt the speaker.

(K) When a question is stated every member present shall vote, unless excused by the Council, or unless pecuniarily or personally, directly or indirectly, interested in the result of the vote, in which case he shall not vote.

(L) No motion shall be entertained unless seconded; when seconded it shall be stated by the chair, and if he or any other member requires it, reduced to writing.

(M) When a motion or resolution has been so stated it shall be in the possession of the Council, but it may by consent of the Council be withdrawn at any time before it is acted upon.

(N) If a question contains more than one distinct proposition, it may be divided by the chair on the request of any member.

(O) When a blank is to be filled or the motion is to strike out and insert, and different sums or times are proposed, the question shall first be put upon the largest sum or the longest time.

(P) When a question is under debate no motion shall be entertained unless for the previous question, to refer, to postpone, to adjourn to a certain day, to lay on the table, to amend, or to adjourn the Council.

(Q) A motion for the "previous question," or to lay on the table, until decided, preclude all amendment and all debate or to adjourn to a certain day, shall, until decided, preclude all amendment to the main question.

(R) The previous question shall be put as follows: "Shall the main question be now put?"

(S) A motion to adjourn (without conditions or time) shall always be in order and decided without debate.

(T) The name of a member offering a motion, ordinance, resolution or other proposition, shall be entered with it upon the journal.

(U) The following city officers shall attend all regular meetings of the Council unless excused by the Mayor: City Clerk, City Attorney, Treasurer, Chief of Police, ~~Health Officer~~, Fire Chief, Community Development and Planning Director, Tourism Director, City Engineer and ~~Superintendent of Streets~~, Public Works Director.

(V) No vote of the Council shall be reconsidered or rescinded at any meeting of the Council, unless at such meeting there be present as many members as were present when such vote was taken.

(W) All ordinances, resolutions or other propositions or motions in writing, which are finally disposed of unfavorably shall, unless returned to the introducer at his request, be destroyed by the Clerk after 30 days.

(X) All ordinances, resolutions or other motions and propositions in writing which shall remain on file for more than 90 days without any action being taken thereon shall be deemed abandoned, and shall be destroyed by the Clerk.

(Y) All ordinances or resolutions for the consideration of the Council shall be filed with the City Clerk at least 72 hours before the meeting at which they are to be presented and considered, and the Clerk shall furnish copies thereof to each member of the Council and the City Attorney 48 hours before the meeting at which same are to be considered, unless waived by a vote of at least four members of the Council.

(Z) On all questions of order not herein specially provided for, Roberts Rules of Order for Parliamentary Practice is adopted and made the law governing the deliberations of the Council.

§ 32.05 POWERS, FUNCTIONS AND DUTIES.

(A) The City Council has and shall exercise all legislative powers, functions and duties conferred upon the city or its officers.

(1) It shall make all orders for ~~the doing of work, or~~ the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls, and claims, and order payment thereof. It shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the city unless either made by

ordinance or resolution adopted by the Council or reduced to writing and approved by the Council, or expressly authorized by ordinance or resolution adopted by the Council.

(2) ~~All commissioners of departments and officers are the agents of the Council only, and all their acts shall be subject to review or approval or revocation by the Council. Every commissioner or officer shall, from time to time, as required by law or ordinance, or when requested by the Council, or whenever he or she shall deem necessary for the good of the public service, report to the Council in writing respecting the business of his or her department, office or matters connected therewith. Each commissioner or department head may make such rules and regulations or issue such commands and directions as he or she may deem wise and expedient for the proper conduct of the business of his or her department.~~

(3) The Council may, by ordinance or resolution, assign to an ~~commissioner~~, officer or employee, duties in respect to the business of any other City departments, offices or employment, and such service shall be rendered without additional compensation.

(B) The Council shall adopt rules governing its order of business and prescribe the manner in which legislation shall be considered, which rules shall not be inconsistent with the law and ordinance.

(C) Classification of employees.

(1) *Probationary employees.* Except for police officers and firefighters, an employee is a probationary employee for his or her first six months of employment unless otherwise stated in a collective bargaining agreement. A police officer or firefighter is a probationary employee for his or her first 12 months of employment. The City Manager may discharge the employee with or without cause during this probationary period.

(2) *Regular full-time employees.* A person working the regularly scheduled number of hours is considered a regular full-time employee. Temporary employees are not considered regular full-time employees.

(3) *Regular part-time employees.* A person working less than the regularly scheduled number of hours is considered a regular part-time employee.

(4) *Temporary employees.* A person expected to be employed for a period of less than six consecutive months or less than 1,000 hours in the next 12-month period is considered a temporary employee. Temporary employees may work the regularly scheduled number of hours (full- time) or less than the regularly scheduled number of hours (part-time).

(5) *Exempt employees.* A person appointed to a management, supervisory or confidential position as defined by the Fair Labor Standards Act and/or the Illinois Labor Relations Board.

(6) *Non-exempt employees.* A person appointed to a position that is not an exempt position.

(D) Appointment authority. Except as otherwise provided by law, the City Manager shall determine the need for and hire ~~A~~ new probationary, regular full-time, regular part-time, exempt and non-exempt employees of the municipality ~~may be hired only by the affirmative vote of a super majority (75% or more) of the total members of the City Council then holding office.~~ If such authority is delegated by the City Manager, ~~temporary employees may be appointed by departmental directors. with the approval of the departmental commissioner.~~

(A) An Insurance Study Committee is hereby appointed with each member to serve until replaced by a subsequent appointee.

(B) The Committee shall consist of nine members, with the membership electing a chairperson and a secretary at its first meeting subsequent to the adoption of this section.

(C) The Committee shall adopt its own rules of procedure, and, in the absence of such rules of procedure, shall follow "Robert's Rules of Order."

(D) The Committee is a public body and shall comply with the Illinois Open Meetings Act by giving public notice of its meetings.

(E) The Committee shall receive its assignments from the City Council and the City Manager, ~~through the Finance Commissioner.~~

(F) The Committee shall make recommendations to the City Council and City Manager, in its advisory capacity with respect to insurance coverages purchased by the city in all forms and all coverages.

SECTION 3: Code Amendments – Chapter 33. The current provisions of § 33.001 Distribution of Powers, § 33.002 Appointment of Assistants and Employees, § 33.015 Powers and Duties of Mayor as the Commissioner of the Department of Public Affairs, § 33.025 Powers And Duties of the Commissioner of Accounts and Finances, § 33.035 Powers and Duties of the Commissioner of Streets and Public Improvement, § 33.045 Powers and Duties of the Commissioner of Public Property, § 33.055 Powers and Duties of the Commissioner of Public Health and Safety, § 33.065 Arts Council Regulations, § 33.075 Establishment, § 33.076 Appointment, § 33.077 Qualifications, § 33.078 Compensation, § 33.079 Officers and § 33.095 Membership of Chapter 33 CITY COUNCIL of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 33: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

General Provisions

33.001 Distribution of powers

33.002 Appointment of assistants and employees

Department of Public Affairs

33.015 Powers and duties of Mayor and City Manager ~~as the Commissioner of the Department of Public Affairs~~

Department of Accounts and Finances

33.025 Powers and duties of the Finance Director ~~Commissioner of Accounts and Finances~~

Department of Streets and Public Improvement

33.035 Powers and duties of the Public Works Director ~~Commissioner of Streets and Public Improvement~~

Department of Public Property

33.045 Powers and duties of the Public Works Director ~~Commissioner of Public Property~~

Department of Public Health and Safety

33.055 Powers and duties of the Fire Chief ~~Commissioner of Public Health and Safety~~

City Arts Council

33.065 Arts Council regulations

Public Works Advisory Board

33.075 Establishment

33.076 Appointment

33.077 Qualifications

33.078 Compensation

33.079 Officers

Community Planning and Zoning Commission

33.095 Membership

§ 33.001 DISTRIBUTION OF POWERS.

The executive and administrative powers, authority and duties in the city are generally vested in the City Manager. ~~distributed into and among the several departments and powers and duties to be performed are determined and assigned to the appropriate departments and officers, all as hereinafter set forth in §§ 32.05, 33.002, 33.003, and 33.015 through 33.055.~~

(Ord. 2001-5083, passed 9-18-2001)

§ 33.002 APPOINTMENT OF ASSISTANTS AND EMPLOYEES.

- (A) Except as otherwise provided by law or ordinance, the City Manager ~~the Superintendent of each department~~ shall make and enforce such rules and regulations adopted by the Council as may be necessary to secure efficient conduct of the service of the ~~Commissioner's~~ City departments and of the business in charge thereof.
- (B) Except as otherwise provided by statute, the ordinances of the city, applicable labor agreements, and the applicable personnel codes, the ~~Council~~ City Manager is vested with the right, power and authority to approve and confirm all appointments and has the power to discharge at any time the heads of all departments ~~subordinate to the Commissioners thereof~~, as well as any and all employees within such departments. ~~All ex-officio members and officers shall have the right to vote.~~
- (C) ~~The Commissioner or Mayor in charge of any department~~ City Manager shall submit to the Council for its approval his or her candidate for appointment to fill a vacancy of a department head, if the vacancy be created by reason of retirement, resignation or discharge, not less than 15 days before the vacancy shall exist as soon as possible if not before the vacancy exists. ~~If the Commissioner or Mayor fails or refuses to submit a candidate for consideration and approval, or if the candidate submitted is not acceptable to the Council, then the Council shall proceed to fill the vacancy. In the event of a vacancy by death, or otherwise without notice, the Commissioner or Mayor in charge of such department shall submit his or her candidate to the Council to fill the vacancy not later than 30 days thereafter.~~

~~DEPARTMENT OF PUBLIC AFFAIRS~~

~~§ 33.015 POWERS AND DUTIES OF MAYOR AND CITY MANAGER AS THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC AFFAIRS.~~

(A) The Mayor shall be the president of the Council and preside at its meetings. The ~~Mayor~~ City Manager shall supervise all departments and report to the Council for its action all matters requiring Council attention in any department. The City Manager shall be the chief executive officer, responsible for the day-to-day operations and implementing the policies set by the Mayor and City Council. The ~~Mayor~~ City Manager shall have and exercise all the powers and perform all the duties provided or prescribed by law or the ordinances of the city, not in conflict with the provisions of this chapter. ~~The Mayor shall be Commissioner of the Department of Public Affairs, and as such shall be the chief~~

~~executive officer of the municipal corporation.~~ The Mayor or City Manager shall sign all contracts on behalf of the city. ~~and~~ The City Manager shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the Council.

(B) The ~~Mayor~~ City Manager shall grant all licenses or permits, unless otherwise provided by law or ordinance, ~~and in the absence or inability of any of the Commissioners to act, shall exercise temporary supervision over the department assigned to said Commissioner. He or she~~ The City Manager shall have supervision of all purchases of all materials, apparatus and supplies ~~of his or her department or the offices and departments assigned thereto.~~

(C) The ~~Mayor~~ City Manager shall have general supervision and control of the Police Department and all officers and members thereof. The ~~Mayor~~ City Manager shall see that all police officers are prompt and faithful in the discharge of their respective duties and from time to time shall take such measures as he or she may deem expedient for the preservation of peace and good order and the enforcement of the laws and ordinances of the city.

(D) The ~~Mayor~~ City Manager shall have general supervision and control of the Community Development and Planning Department and its land use regulatory functions, including planning, zoning and building code enforcement. The ~~Mayor~~ City Manager shall provide general supervision and control of the office of the City Clerk and all business regulatory functions of the municipality. The Public Library trustees shall be appointed ~~under by~~ the supervision of the Mayor in the manner and form prescribed by statute.

(E) The ~~Mayor~~ City Manager appoints the City Attorney and the City Council appoints the Treasurer, and City Clerk ~~and City Administrator with the advice and consent of the City Council.~~ Except when another appointment authority is prescribed by statute or ordinance, the Mayor appoints members of boards, commissions and advisory committees of the municipality with the advice and consent of the Council. The Mayor may appoint another commissioner or official to represent the city's interest in organizations of which the city is a member, subject to advice and consent of the Council. the mayor retains the appointment power over membership on certain boards and commissions, subject to advice and consent of the council. Thus, the mayor appoints, with the approval of the council, the members of the board of local improvements, the zoning board of appeals, and the plan commission.

(F) The City Manager, or his/her designee, shall have charge and supervision of Arts Council.
Cross-reference: § 33.065 ARTS COUNCIL REGULATIONS

(G) The City Manager shall have charge of and supervision over the Tourism Department, including operations of the Hotel/Motel Tax Fund and Festival Management Fund.

(F) ~~All other officers or employees not by statute or ordinance apportioned or assigned to some other department are hereby assigned to the Department of Public Affairs and shall be under the control and supervision of the Mayor.~~

(G) ~~The Commissioner of the Department of Public Affairs shall have charge of and supervision of organizational technology for the municipality.~~

(H) When not otherwise provided for by law or in this Code, the City Manager shall have the authority to appoint or designate such department heads, superintendents, directors as may be established by the City Council or this Code, or to delegate such authority to appropriate administrative personnel.

(I) *Local state of emergency.*

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning:

CURFEW. A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

EMERGENCY. (a) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (b) Any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the city, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(2) *Declaration.* Whenever an emergency, as defined in division (H)(1) of this section exists, the Mayor is authorized to declare the existence of a local state of emergency by means of a written declaration of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a local state of emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the Municipal Clerk as soon as practicable after issuance.

(3) *Curfew authorized.* After proclamation of a local state of emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(4) *Orders authorized.* After the proclamation of a local state of emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issues caused threatened by the emergency, make take any or all of the following actions by executive order during the state of emergency:

- (a) All actions reasonably necessary to respond to the emergency;
- (b) Approve previously appropriated expenditures of the city for the purpose of continuing the operations of the municipality;
- (c) In the event the local state of emergency extends beyond the current fiscal year and a new budget has not been approved, Mayor shall be authorized to approve new spending by the city during the existence of the local state of emergency.
- (d) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
- (e) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- (f) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- (g) Order restrictions on ingress or egress to parts of the city to limit the occupancy of any premises;
- (h) To make provisions for the availability and use of temporary emergency housing;

- (i) Temporarily postpone, all meetings of the City Council, and any city committee, commission, board authority, or other city body as deemed appropriate by the Mayor;
- (j) Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways;
- (k) Approve application for local, state, or federal assistance;
- (l) Establish and control routes of transportation, ingress and egress;
- (m) To the extent not superseded by authorities with superior jurisdiction, control ingress and egress from any designated disaster or emergency area or home, building or structures located therein;
- (n) Accept services, gifts, grants loans, equipment, supplies, and /or materials whether from private, nonprofit, or governmental sources;
- (o) Close or cancel the use of any municipally owned or operated building or public facility; or
- (p) Issue any and all such other orders or undertake such other functions and activities as the Mayor reasonably believes is required to protect the health, safety, and welfare of persons or property within the city or otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster.

(5) *Duration.* The declaration herein authorized shall be effective for a period of up to 21 days or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 21-day period during the time said emergency exists.

(6) *Notice.* Upon issuing the proclamation herein authorized, the Municipal Clerk shall notify the news media situated within the city, and shall cause at least four copies of the proclamation declaring the existence of the emergency and any curfew to be posted at the following places within the city: the city hall, the police station and in the area of any curfew.

(7) *Violations.* Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the city and shall be punished as provided by § 10.99.

(8) *Effect on other ordinances.* Nothing contained in this section shall be construed to impair the powers contained in this code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the city.

~~DEPARTMENT OF ACCOUNTS AND FINANCES~~

§ 33.025 POWERS AND DUTIES OF THE FINANCE DIRECTOR ~~COMMISSIONER OF ACCOUNTS AND FINANCES.~~

(A) The Finance Director shall be appointed by the City Manager. ~~Commissioner of Accounts and Finance~~ Finance Director shall have charge of and supervision over all accounts and records of the city, and of all officers, boards or departments required to keep or make accounts, records or reports. Said ~~Commissioner~~ Finance Director shall inspect or cause to be inspected all records or accounts required to be kept in any of the offices or departments of the City and shall cause proper accounts and records to be kept and proper reports to be made. The ~~Commissioner~~ Finance Director shall audit or cause to be audited at frequent intervals the accounts of every officer or employee who does or may receive or disburse money. The ~~Commissioner~~ Finance Director shall examine or cause to be examined and report to the

Council upon all bills, accounts, payrolls and claims before they are acted upon or allowed, unless otherwise provided by law.

(B) The ~~Commissioner of Accounts and Finances~~ Finance Director shall procure, from all persons or corporations operating public service utilities on, in or about the city, and cause to be placed on file, such reports as they are by law or ordinance or otherwise required to make to the city, or any of its officers, and shall procure copies of such reports as are made to the state or any public office or department, and shall cause same to be placed on file, and shall collect, or cause to be collected, all license fees, franchise taxes, rentals or other monies which may be due or become due to the city; the ~~Commissioner~~ Finance Director shall report to the Council any failure to make reports or pay money due to the city, which such recommendations in relation thereto as the ~~Commissioner~~ Finance Director may deem proper. The ~~Commissioner~~ Finance Director shall, whenever the city has authority so to do, cause to be examined the accounts and records of any person or corporation operating a public service utility in the city, and shall report to the Council any refusal to permit such examination.

(C) The ~~Commissioner of Accounts and Finances~~ Finance Director, with approval of the Council, shall have control and supervision over all matters of bonds and insurance purchased or to be purchased, including any renewals or re-issuance thereof, in all departments of the city with the advice and consent of the Council.

(D) The ~~Commissioner of Accounts and Finances~~ shall be the Vice President of the Council, and in case of a vacancy in the office of Mayor or the absence or inability of the Mayor to act, shall perform the duties of the Mayor.

(E) The ~~Commissioner of Accounts and Finances~~ Finance Director shall have charge of all accounts, collections and disbursements of all departments and all bills for city salaries, and all demands coming from the judicial branch of the city government, and shall approve same if just and correct.

(F) The ~~Commissioner of Accounts and Finances~~ City Manager, of his/her designee, shall have charge of city beautification and the environmental committee.

(G) The ~~Commissioner of Accounts and Finances~~ Finance Director shall, upon application, be entitled to such assistance from other departments as may be necessary for any purpose pertaining to his or her department, and the ~~Commissioner~~ Finance Director shall have control and supervision over all department employees or officers as may be assigned authorized or delegated by the City Manager to the ~~Commissioner's~~ Finance Director department.

DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENT

§ 33.035 POWERS AND DUTIES OF THE PUBLIC WORKS DIRECTOR ~~COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENT.~~

(A) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director, ~~who ex officio shall be Commissioner of Public Works~~, shall have authority over and charge of the cleaning, sprinkling and repair of streets, alleys, and public places, except as otherwise provided herein, and the entire erection, making and reconstruction of all street improvements, paving, curbing, sidewalks, bridges, viaducts, subways and all public improvements and the repair thereof, including the improvement and repair of water and sewer mains, unless otherwise provided by law or by ordinance.

(B) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall have charge of and supervision of all right-of-way owned by the city together with the care and maintenance of trees, other landscape and street furniture within the right-of-way.

(C) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall approve the estimates of the ~~Public Works Director~~, which may be made from time to time, of the cost of such work, as the same progresses, and shall recommend to the Council the acceptance of the work done or improvement made, when completed according to contract, and perform such other duties as may be required by ordinance or resolution.

(D) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall have charge of, and have the control, management and direction of lighting of streets, alleys, parking lots, public grounds, bridges, viaducts, subways and buildings not otherwise assigned by law and this chapter. The ~~Commissioner~~ Public Works Director shall have charge of, control and management of the connection of all electric wiring to and with the wires of any public utility corporation, or person rendering service under any franchise, grant or contract; and to issue permits for the same.

(E) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall have charge of the location of the excavations to be made in paved streets or alleys or other places for the purpose of repairing, tapping, inspecting or otherwise, but the issuing of permits for said excavations shall be by the Community Development and Planning Department, provided the ~~written~~ consent of the Street Superintendent is first had and obtained. The ~~Commissioner~~ Public Works Director shall have charge of keeping open all catch basins and of making ordinary repairs thereon.

(F) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall have charge and control of the inspections made upon matters pertaining to the ~~Commissioner's~~ Public Works Director's department and collect for same according to law. The ~~Commissioner~~ Public Works Director shall have supervision of the purchasing of all material, apparatus and supplies to the ~~Commissioner's~~ Public Works Director's department, and of the offices and departments assigned thereto. The ~~Commissioner~~ Public Works Director shall, upon application, be entitled to such assistance from any other department as may be necessary for any purpose pertaining to the ~~Commissioner's~~ Public Works Director's department and the ~~Commissioner~~ Public Works Director shall have control and supervision over all ~~department~~ employees or officers as may be ~~assigned~~ authorized or delegated by the City Manager to the ~~Commissioner's~~ Public Works Director.

(G) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall have supervision of the purchase of material and supplies for construction or repair work or for use in the ~~Commissioner's~~ Public Works Director's department or the offices and departments assigned thereto, the Superintendent of Streets and all employees, all sidewalk work, all officers and employees employed in connection with the work of the department, are apportioned and assigned to the ~~Commissioner of Streets and Public Improvement~~ Public Works Director and shall be under the supervision and direction of the ~~Commissioner~~ Public Works Director, as may be authorized or delegated by the City Manager thereof.

(H) The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall have charge of and supervision over the placement, installation, repair and maintenance of traffic signs and traffic control lights.

(J) ~~Except for water, sewer, cemetery, park and lake operations, t~~ The ~~Commissioner of Streets and Public Improvement~~ Public Works Director shall have general supervision and control over sanitation, construction inspection and equipment maintenance functions.

(J) The ~~Commissioner of Public Property~~ Public Works Director shall have charge of and supervision and control over the water and sewer treatment plants, the Lake Mattoon and Lake Paradise water reservoirs, and all officers, employees, as may be authorized or delegated by the City Manager, and the property, apparatus and equipment used or capable of being used therewith.

~~(K) The Commissioner of Public Property~~ Public Works Director shall have charge of and supervision and control over all buildings and grounds owned by the city.

DEPARTMENT OF PUBLIC PROPERTY

§ 33.045 POWERS AND DUTIES OF THE PARKS AND RECREATION DIRECTOR ~~COMMISSIONER OF PUBLIC PROPERTY.~~

~~(A) The Commissioner of Public Property shall have charge of and supervision and control over the water and sewer treatment plants, the Lake Mattoon and Lake Paradise water reservoirs, and all officers, employees, property, apparatus and equipment used or capable of being used therewith.~~

~~—(B) The Commissioner of Public Property shall have charge of and supervision and control over all buildings and grounds owned by the city.~~

~~(C)~~ **(A)** ~~The Commissioner of Public Property~~ Parks and Recreation Director shall have general supervision and control of all public parks, playgrounds and pleasure grounds within or belonging to the city, and all animals, birds, livestock, plants, trees and shrubbery contained therein or kept or used in connection with parks.

~~—(D)~~ **(B)** ~~The Commissioner of Public Property~~ Parks and Recreation Director shall have charge of and supervision over the improvement, maintenance and care of Dodge Grove Cemetery.

~~(E) The Commissioner of Public Property shall, upon application, be entitled to such assistance from other departments as may be necessary for any purpose pertaining to the Commissioner's department and the Commissioner shall have control and supervision over all employees or officers as may be assigned to the Commissioner's department.~~

DEPARTMENT OF PUBLIC HEALTH AND SAFETY

§ 33.055 POWERS AND DUTIES OF THE FIRE CHIEF ~~COMMISSIONER OF PUBLIC HEALTH AND SAFETY.~~

~~(A) The Commissioner of Public Health and Safety~~ Fire Chief shall have general supervision and control of the Fire Department and all fire fighters, officers and employees therein and supervision over all Fire Stations, property and apparatus used in or by the Fire Department.

~~—(B) The Commissioner of Public Health and Safety shall have charge of and supervision over the Tourism Department, including operations of the Hotel/Motel Tax Fund and Festival Management Fund.~~

~~—(C) The Commissioner of Public Health and Safety shall have charge and supervision of the Mattoon Arts Council.~~

CITY ARTS COUNCIL

§ 33.065 ARTS COUNCIL REGULATIONS.

(A) Purpose.

(1) *Vision.* The Mattoon Arts Council envisions a vibrant, creative community where arts activities are frequent and evident, where members of the community have opportunities to experience and engage in the arts directly and where arts activities are appreciated as an asset for the community and economic development.

(2) *Mission.* The Mattoon Arts Council supports, develops, facilitates and promotes high-quality, affordable arts programs and events for people of all ages.

(3) *Values.*

(a) Our work must be done in collaboration with others to make the most of our assets as a small community.

(b) We define *ART* to include the widest possible interpretation of the language, visual and performing arts.

(c) The presence of arts intrinsically enhances a community's quality of life.

(d) We especially value, seek out and support events that offer opportunities to educate.

(e) Engagement in artistic activities stimulates community creativity and attracts people to a community in ways that have long term social and economic benefits.

(B) *Council Board of Directors.*

(1) *General powers.* The affairs of the Mattoon Arts Council shall be managed by its Board of Directors.

(2) *Membership.* Directors of the Mattoon Arts Council are appointed by the Mayor with confirmation by the City Council from the nominations of the Mattoon Arts Council Board of Directors. The Board will consist of 11 voting members, a majority of whom shall be residents of the City. The City Administrator City Manager, ~~the designated City Council member overseeing the Arts Council~~ and the Tourism Director will serve as ex officio (non-voting) members of the Board.

(3) *Terms.* Length of term is two years. The terms of the Board membership are staggered. Annual appointments by the City Council take place in September. Directors are limited to three full terms. Past Board Directors may be re-appointed to an additional term after being off the Board for a minimum period of one year. Term limits can be waived one time in a special circumstance by a two-thirds vote of the Board of Directors.

(4) *Compensation.* No Director of the Mattoon Arts Council shall be compensated for the performance of services for the Council, but may, by resolution of the Council, be reimbursed for expenses incurred on behalf of the Council. No part of net earnings or other assets of the Council shall inure to the benefit of, or be distributable to its members, directors or any private persons.

(5) *Responsibilities.* Council Board Directors are expected to be active in the management and activities of the Mattoon Arts Council. Council Directors are expected to attend a minimum of two-thirds of all meetings, be actively involved in at least one committee and publicly support the arts and the Arts Council.

(a) The Mattoon Arts Council Board members shall make final approval, by majority vote, of any expenditures greater than \$500 from funds collected by donations, membership fees and other fundraising activities.

(b) Any expenditures greater than \$100, but less than \$500 shall be approved by any two of the four sitting Arts Council officers.

(c) Any expenditures less than \$100 shall be approved by the Tourism Director or the Arts Coordinator at the Director's discretion.

(d) Upon approval of expenditures as set forth herein above, the ~~Commissioner of Accounts and Finance~~ **Finance Director** of the City shall prepare or shall direct the preparation of checks and distribute said checks for payment in a timely manner.

(6) *Resignation.* Any Council Board Director may resign by submitting a letter of resignation to the Chairman.

(7) *Removal.* A Director who misses 50% of the meetings or three consecutive meetings during a one- year period may be removed from the Board by the Chairman.

(8) *Vacancies.* For any vacancy on the Council Board, the Board Chairman will make the appointment, with approval by the Board and the City Council. A Director appointed to fill a vacancy shall serve for the unexpired term of his/her predecessor.

(9) *Council advisers.* The Chairman may invite members of the community to sit as Council advisers, with the approval of the Council Board, on such terms as determined by the Council Board. Advisers will be welcomed to share knowledge and expertise that may assist Council Board in attaining the Mattoon Arts Council's objectives. There shall be no fixed term or maximum number of Council advisers. Council advisors shall not have voting privileges at Board meetings but may make recommendations to the Council Board.

(C) *Officers.*

(1) *Officers.* The officers of the Mattoon Arts Council shall be Chairman, Vice-Chairman, Secretary and Treasurer and other such officers as the Board may direct. No two offices may be held by the same person.

(2) *Elections and terms of office.* The officers shall be elected annually in October. The officers shall hold an office for a two-year term. The Board may grant up to two one-year extensions to an officer's term. A Director may return to an office after one year.

(3) *Removal.* An officer elected or appointed by the Board of Directors may be removed by a two-thirds vote of the members of the Board of Directors.

(4) *Vacancies.* A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

(5) *Chairman.* The Chairman shall preside at all meetings of the Mattoon Arts Council and shall have general supervision over all business, affairs and activities of the Mattoon Arts Council. The Chairman shall appoint all standing committees.

(6) *Vice Chairman.* The Vice Chairman shall preside in the absence of the Chairman.

(7) *Secretary.* The Secretary shall be responsible for the usual duties including keeping minutes of all meetings, and other duties, from time to time, as assigned by the Chairman.

(8) *Treasurer.* The Treasurer shall be responsible for the usual duties including maintaining all financial accounts and records and presenting a financial report at each Board meeting, and other duties, from time to time, as assigned by the Chairman.

(D) *Meetings.*

(1) *Regular meetings.* Meetings shall be held monthly. Time and location will be determined by the Council Board.

(2) *Quorum.* A quorum shall consist of a simple majority of all appointed voting Mattoon Arts Council Directors. Routine business shall be transacted by a simple majority vote. If a quorum is present, the affirmative vote of a majority of those present at the meeting shall be the act of the Mattoon Arts Council. Each Director of the Mattoon Arts Council is entitled to cast one vote. There shall be no proxy voting. Whenever permissible, a Director may attend by telephone or web connection.

(3) *Notice.* Notice of Board meetings shall be given at least five days prior to the meeting. Each Director shall receive notice by regular mail, phone or email. The notice shall include the date, time and place of the meeting.

(4) *Special meeting.* Special meetings of the Directors may be called at any time by the Chairman, or by any three Directors. Notice of a special meeting of the Council Board shall be given five days prior to the meeting.

(5) *Rules of Order.* Current Robert's Rules of Order shall govern the Mattoon Arts Council when not inconsistent with the by-laws of the Mattoon Arts Council or any other special rules of order the Council may adopt.

(6) *Fiscal year.* The fiscal year shall begin on the first day of May and end on the last day of April.

(E) *Committees.* The Mattoon Arts Council shall have the following committees and such other committees as the Council deems appropriate. Each committee shall choose a chair and may appoint community advisers to assist with committee activities.

(1) *Governance Committee.* Create and oversee structured mechanisms and tools that ensure competent management and high quality operations, guided by the objectives of our strategic plan.

(2) *Program Committee.* Provide compelling and coherent programming, competently offered, that provides value to our community and makes optimal use of our resources, guided by the objectives of our strategic plan.

(3) *Development Committee.* Provide or create increased fundraising efforts, for both the short term and long term financial operations of the Mattoon Arts Council, guided by the objectives of our strategic plan.

(4) *Nomination Committee.* Annually accept nominations and prepare a slate of officers for the Board of Directors. Develop policies and procedures that it deems necessary to ensure the successful succession of the Council.

(F) *Records and reports.*

(1) *Records.* The Mattoon Arts Council shall maintain adequate and correct books, records and accounts of its operations. All such books, records and accounts shall be kept by the Secretary and/or Treasurer, and surrendered upon completion of their term of office. Accurate minutes shall be kept of the proceedings of the Board of Directors. A record of the names and addresses of each member of the Council shall be kept on file, and updated annually. Past records shall be kept permanently in files for future reference.

(2) *Reports.* All books and accounts of the Mattoon Arts Council shall be open to inspection by the members of the Board of Directors and subject to public inspection under the Illinois Freedom of Information Act. All committees are expected to give monthly reports of their activities or non-active time. Any event needs to provide a written report to the secretary of details including income, expenses

and attendance. The calendar year shall be used for annual reporting to City Council during the month of January.

(3) *Financial reporting.* The ~~Commissioner of Accounts and Finance~~ **Finance Director** shall provide financial reporting and financial accounting in a manner consistent with the achievement of the stated vision, mission and values of the Mattoon Arts Council. The ~~Commissioner~~ **Finance Director** shall be charged with providing financial services including check writing responsibility; generating and circulating monthly financial reports; segregating Mattoon Arts Council funds; reviewing internal financial control; and providing a regular annual audit of financial records.

(G) *Other.*

(1) *Conflict of interest.* No Director of the Mattoon Arts Council shall use their position, or knowledge gained therefrom, in such a manner that a conflict between the organization and their personal interests arise. Each Council Director has a duty to place the interest of the Mattoon Arts Council foremost in dealings with the organization. If any Council Director has a personal interest in business or activity proposed, they are expected to fully disclose such interest. Any Director aware of a potential conflict should not be present for any discussion or vote in connection with the matter. Official minutes will reflect any abstaining votes.

(2) *Political activism.* The Mattoon Arts Council shall use neither its monies nor its name in furtherance of, nor engage in, political activity in support of any candidate for public office or issue for referendum. This shall not be construed to limit the exercising of the constitutional rights of any individual Director.

(3) *Non-discrimination.* The Mattoon Arts Council will not discriminate against people on the basis of race, color, sex, religion, income, national origin, age, disability, sexual orientation, political affiliation or any other legally protected characteristic in any of its policies, recommendations or actions.

(4) *Endowment.* The Board of Directors shall have the power to accept gifts of money or securities from donors and to designate the gifts as an endowment fund. The Mattoon Arts Council shall spend only the income from the interest generated by the endowment fund. The Board of Directors shall designate the institution for the deposit of funds.

(5) *Amendments to by-laws.* These by-laws may be amended or revised by the Board of Directors at any time, with 30 days prior notice of the amendment and a two-thirds vote of the Board quorum present at a regular meeting of the Mattoon Arts Council. By-laws then will go to the City Council for approval.

PUBLIC WORKS ADVISORY BOARD

§ 33.075 ESTABLISHMENT.

A Public Works Advisory Board is hereby created to advise the Public Works Director, ~~the Parks and Recreation Director~~ and the City Council on policy matters pertaining to the activities and functions of both the Public Works Department and ~~Parks and Recreation Department~~. All ~~corporate~~ **legislative** powers of the city and its Public Works Department and ~~Parks and Recreation Departments~~ are vested in the City Council. No individual member of the Board or collective action of the Board may direct action to be taken by the City Council, the Public Works Director, Parks and Recreation Director, employees or contractors of the city.

COMMUNITY PLANNING AND ZONING COMMISSION

§ 33.095 MEMBERSHIP.

The City Planning Commission authorized by this section shall consist of 11 members, with the power to vote so as to represent practically all the industrial, commercial, service, civil and labor interests. By virtue of their offices, the Superintendent of Schools, or his or her appointed designee, and the executive director of the Mattoon Chamber of Commerce shall be two of the 11 representing the community. Said 11 members are to be appointed by the Mayor, on the basis of their particular fitness or competency for their duty on said Commission, and who shall hold no other office in said city government, and such appointments are to be officially ratified by the City Council. The City ~~Administrator~~ Manager, City Attorney and the ~~City Building Inspector~~ Community Development and Planning Director shall serve in an advisory capacity only, without the power to vote. Members of the Planning Commission shall reside within the City of Mattoon or within territory contiguous to the municipality and not more than one and one-half miles beyond the corporate limits and not included within any other municipality.

SECTION 4: Code Amendments – Chapter 34. The current provisions of § 34.016 Police Chief, § 34.017 Deputy Police Chief, § 34.019 Auxiliary, Special and Temporary Police, § 34.026 City Jail, § 34.041 Fire Chief, § 34.043, Other Fire Officials, § 34.048 Safety Inspection of Public Buildings, § 34.049 Scene of Fire, § 34.050 Reports and § 34.090 Definitions of Chapter 34: **POLICE AND FIRE DEPARTMENTS** of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 34: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 34.016 Police Chief
- 34.017 Deputy Police Chief
- 34.019 Auxiliary, special, and temporary police
- 34.026 City jail

Fire Department

- 34.041 Fire Chief
- 34.043 Other fire officials
- 34.048 Safety inspection of public buildings
- 34.049 Scene of fire
- 34.050 Reports

Private Medical Transportation; Ambulance Service Regulations

- 34.090 Definitions

POLICE DEPARTMENT

§ 34.016 POLICE CHIEF.

(A) The Police Chief shall be the highest-ranking position of the Police Department. The ~~Police Commissioner with the advice and consent of the City Council~~ City Manager shall appoint and evaluate the performance of the Police Chief. The person appointed to the position of Police Chief shall be nominated solely on the basis of training, qualifications and experience in the administration of a local law enforcement agency. The City Council and the Police Chief may enter into an employment agreement with respect to terms and provisions of employment that may provide for salary, salary adjustments, fringe benefits, severance provisions and payment and other remuneration and benefits of office.

(B) The Police Chief shall be the departmental director of the Police Department. The Chief shall manage the affairs of the department subject to general policy ~~guides~~ oversight and guidance provided by the City Manager ~~Police Commissioner and City Council~~. The Chief implements departmental strategies consistent with goals and objectives approved by the City Council. The Chief assigns officers and employees to different tasks and shifts and evaluates performance of departmental employees.

(C) The Police Chief manages the human resource and financial administration functions of the department with the oversight of and in coordination with the City Manager, ~~City Administrator~~, City Attorney and Treasurer. The Chief, with the approval of the City Council, prescribes departmental policies and rules as may be necessary to the discipline and efficiency of the police service. The Chief assists in the negotiation of successor collective bargaining agreements. The Chief has custody of property of the municipality assigned to the Police Department.

(D) The Police Chief shall cause to be served all writs, summons, warrants, processes and executions placed in his or her hands. The Chief shall assist the City Attorney in the prosecution of municipal ordinance violations and in the collection of fines.

(E) The Police Chief shall keep a record of all arrests, the nature of the charge, the final disposition of the case, the amount of the fine if imposed and other statistics required by state and federal law enforcement agencies. From such records, the Chief shall make monthly reports to the City Council of activities of the department.

(F) The Police Chief or his or her designee attends all meetings of the City Council.

(G) If a member of the Mattoon Police Department is appointed Police Chief prior to being eligible to retire on pension, he or she shall be considered as on furlough from the rank he or she held immediately prior to his or her appointment as Chief. If he or she resigns as Chief or is discharged as Chief prior to attaining eligibility to retire on pension, he or she shall revert to and be established in whatever rank he or she currently holds, except for previously appointed positions, and thereafter be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.

(H) A Police Chief having been appointed from among members of the Mattoon Police Department shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he or she currently holds, without having to resign as Police Chief.

(K) The Police Chief may be removed or discharged from the Police Chief position by the City Manager with or without cause according to procedures specified by ILCS, Ch. 65, Act 5, 10-2.1-4. In such case, the ~~Police Commissioner~~ City Manager shall file with the City Council the written reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the City Council. 65 ILCS 5/5-3-7(2).

§ 34.017 DEPUTY POLICE CHIEF.

(A) There is established authority for one Deputy Police Chief position as may be authorized by the City Council. The Deputy Chief position shall be an exempt rank immediately below that of Chief.

(B) The Deputy Police Chief may be appointed from any rank of sworn, full-time officers of the Police Department but must have at least five years of full-time service as a police officer in that department. The Deputy Chief shall serve at the discretion of the Police Chief, subject to the approval of the City Manager, and, if removed from that position, shall revert to the rank currently held without regard as to whether a vacancy exists in that rank.

(C) The Deputy Police Chief, having been appointed from any rank of sworn full-time officers of the Police Department, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified than he or she currently holds without having to resign as Deputy Police Chief.

§ 34.019 AUXILIARY, SPECIAL, AND TEMPORARY POLICE.

~~—(A) *Establishment of Auxiliary Police Department.* This section is amended to include the official establishment and recognition of the unit to be officially known as the “Mattoon Auxiliary Police Department”.~~

~~—(B) *Auxiliaries.* The Auxiliary Police Department shall be under the direction and control of the Mayor. Auxiliary police, in number from time to time authorized by the Council, may be appointed by the Police Chief, and such appointees may be removed by the Chief at will.~~

~~—(C) *Appointment.* Before any such auxiliary police officer is so appointed, an investigation of the character and reputation of the candidate for appointment of such depth and scope as shall be deemed sufficient by the Police Chief shall be made. Prior to such appointment of any auxiliary police officer, his or her fingerprints shall be taken and no person shall be appointed as such auxiliary police officer if he or she has been convicted of a felony or other crime involving moral turpitude.~~

~~—(D) *Qualifications and limitations on duties.* Auxiliary police officers shall not be members of the regular Police Department of the city and shall not supplement members of the regular Police Department~~

~~in the performance of their assigned and normal duties except as otherwise provided in this chapter or as provided by applicable statute. The identification symbols worn by such auxiliary police officers shall be different from those worn and used by members of the regular Police Department which symbols shall be selected by the Police Chief. Auxiliary police officers shall at all times during the performance of their duties be subject to the direction and control of the Police Chief or his or her designee.~~

~~—(E) *Powers and duties.* When properly assigned and on duty and so authorized by the Police Chief, auxiliary police officers shall have the following powers and duties:~~

~~—(1) To aid or direct traffic, both pedestrian and vehicular, within the municipality;~~

~~—(2) To aid in the control of natural or man-made disasters;~~

~~—(3) To aid in case of civil disorder;~~

~~—(4) Auxiliary officers do not possess “conservator of the peace” powers;~~

~~—(5) Auxiliary officers shall only have arrest powers as provided by Illinois State Statute regarding “Assisting a Peace Officer” or “Arrest by Private Person”.~~

~~—(F) *Firearms.* Auxiliary police officers shall not carry firearms except with the permission of the Police Chief and then only while in uniform and in the performance of their duties.~~

~~—(G) *Training.* Auxiliary police officers prior to entering upon any of their duties shall complete the 40 hour Mandatory Firearms Training Course and other police procedures as shall be conferred upon them hereunder, which training and course of study shall be determined and provided by the Police Chief and which shall be reasonably sufficient to equip such auxiliary police officers to perform their duties; said training shall be as outlined in the Mattoon Auxiliary Police Department’s by-laws. The Police Chief shall file with the City Clerk a certificate attesting to the successful completion of such training by each auxiliary police officer before such auxiliary police officer enters upon any duty.~~

~~—(H) *Compensation.* Auxiliary police officers shall serve without any compensation or benefits, except as may be from time to time otherwise authorized by the City Council.~~

~~—(I) *Special and temporary police officers.* On the petition of any persons interested, the Mayor, by and with the consent of the Council, may appoint any qualified person as special police officer without pay, who shall hold office for a term not beyond the fiscal year, and shall qualify and give a like bond as a regular police officer. The Mayor may, when an emergency so demands, appoint temporary police officers, who shall give like bond and take a like oath as regular police officers, but who shall not hold office longer than until the next regular meeting of the Council.~~

~~(Ord. 2008-5252, passed 3-18-2008)~~

§ 34.026 CITY JAIL.

(A) The city jail or prison is hereby declared and established in the rooms provided in the city building. The county jail may be also used as a prison for the incarceration of persons who shall have been arrested or convicted of offenses against the ordinances of the city.

(B) The Chief of Police shall have charge and control of the city jail and shall be responsible for the custody and safe keeping of every person committed therein. With the consent of the ~~Mayor~~ City Manager or by order of a court he or she shall be authorized to transfer prisoners to the county jail. For such time as such prisoner is confined in the county jail, the city shall be liable for the legal expenses of transferring and the board of such prisoner.

FIRE DEPARTMENT

§ 34.041 FIRE CHIEF.

(A) The Fire Chief shall be the highest-ranking position of the Fire Department. ~~The Fire Commissioner with the advice and consent of the City Council~~ City Manager shall appoint and evaluate the performance of the Fire Chief. The person appointed to the position of Fire Chief shall be nominated solely on the basis of training, qualifications and experience in the administration of a fire department. The City Council and the Fire Chief may enter into an employment agreement with respect to terms and provisions of employment that may provide for salary, salary adjustments, fringe benefits, severance provisions, payment and any other remuneration and benefits of office.

(B) The Fire Chief shall be the departmental director of the Fire Department. The Chief shall manage affairs of the department subject to general policy guidelines and oversight provided by the City Manager ~~Fire Commissioner and City Council~~. The Chief implements departmental strategies consistent with the

goals and objectives approved by the City Council. The Chief assigns captains, driver/engineer and firefighters to different tasks and shifts and evaluates performance of all departmental employees.

(C) The Fire Chief manages the human resource and financial administration functions of the department with the oversight of and in coordination with the City Manager ~~City Administrator~~, City Attorney and Treasurer. The Chief, with the approval of the City Council, prescribes departmental policies and rules as may be necessary to the discipline and efficiency of the fire service. The Chief assists in the negotiation of successor collective bargaining agreements. The Chief has custody of property of the municipality assigned to the Fire Department.

(D) Investigation of fires; records. The Chief shall investigate the cause of all fires which shall occur in the city and keep a record of his or her investigation and the circumstances of each case. The Chief shall insure that the department works closely with all law enforcement agencies in the investigation of all fires of a suspicious nature or origin. From such records, the Chief shall make monthly reports to the City Council of activities of the Department.

(E) The Fire Chief or his or her designee attends all meetings of the City Council.

(F) If a member of the Fire Department is appointed Fire Chief prior to being eligible to retire on pension, he or she shall be considered as on furlough from the rank he or she held immediately prior to his or her appointment as Chief. If he or she resigns as Chief or is not discharged for cause as Chief prior to attaining eligibility to retire on pension, he or she shall revert to and be established in whatever rank he or she currently holds, except for previously appointed positions, and thereafter be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.

(G) A Fire Chief having been appointed from among members of the Fire Department shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he or she currently holds, without having to resign as Fire Chief.

(H) The Fire Chief may be removed or discharged from the Fire Chief position by the City Manager with or without cause ~~by the Fire Commissioner~~ according to procedures specified by ILCS Ch. 65, Act 5, § 10-2.1-4. In such case, the ~~Fire Commissioner~~ City Manager shall file with the City Council the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the City Council. 65 ILCS 5/5-3-7(2)

§ 34.043 OTHER FIRE OFFICIALS.

(A) *Shift Captains.*

(1) There is hereby created three positions within the rank of Shift Captain in the Fire Department of said city, who shall hold office until replaced and their successor or successors appointed and qualified. The rank of Shift Captain in the Fire Department shall be appointed by the rules and regulations governing the Board of Fire and Police Commissioners of said city.

(2) Any appointment to the rank of Shift Captain in the Fire Department shall be from within the ranks of Captain of said department.

(B) *Captains.*

(1) There is hereby created three positions within the rank of Captain in the Fire Department of said city, who shall hold office until replaced and their successor or successors appointed and qualified. The rank of Captain in the Fire Department shall be appointed by the rules and regulations governing the Board of Fire and Police Commissioners of said city.

(2) Any appointment to the rank of Captain in the Fire Department shall be from within the ranks of Engineer of said department.

(C) *Engineers.*

(1) There are hereby created nine positions within the rank of Engineer in the Fire Department of said city, who shall hold office until replaced and their successor or successors appointed and qualified. The rank of Engineer in the Fire Department shall be appointed by the rules and regulations governing the Board of Fire and Police Commissioners of said city.

(2) Any appointment to the rank of Engineer in the Fire Department shall be from within the ranks of Firefighter of said department.

(D) *Cause and origin fire investigators.*

(1) The City Manager can delegate to the Fire Chief is hereby authorized the authority to appoint any and all members of the Fire Department as cause and origin fire investigators and to assign to such investigators the responsibility of determining the cause and origin of suspicious fires within the city; and

(2) All members of the Fire Department appointed as a Cause and Origin Investigator shall possess the following minimum qualifications:

- (a) Have obtained the certification of Fire Fighter II by the State of Illinois;
- (b) Have successfully completed the Fire/Arson Investigation Training Modules I, II and III as provided by the Fire Service Institute of the University of Illinois, or equivalent thereof;
- (c) Have successfully completed a Basic Arson Investigator Course as approved by the Illinois Law Enforcement Training and Standards Board, or equivalent thereof;
- (d) Shall have been appointed as a Certified Fire Investigator by the Office of the Illinois State Fire Marshal;
- (e) Shall have been appointed a Certified Arson Investigator by the Office of the Illinois State Fire Marshal; and
- (f) Shall have successfully completed a course on the Reid Technique of Interviewing and Interrogation as offered by John E. Reid and Associates, or an equivalent thereof.

(3) As delegated by the City Manager, the Fire Chief shall make his or her appointments in his or her sole discretion, and shall have the authority to remove any such appointment, in his or her sole discretion.

§ 34.048 SAFETY INSPECTION OF PUBLIC BUILDINGS.

(A) The Chief of the Fire Department shall at least once in every six months inspect or cause to be inspected all public school buildings, public halls, churches and all buildings used for manufacturing purposes and all flats, apartments and tenement houses designed or used for the residence of more than two families, all hotels and lodging houses, for the purpose of determining the safety of the building, the sufficiency of its doors, passage ways or aisles and stairway and generally its facilities for egress in case of fire or other accident happening, the overloading of floors and the storage of combustibles, and shall cause to be prosecuted all violations of law or ordinance, in any way concerning the prevention or extinguishment of fires.

(B) The Chief and his or her agents or assistants under his or her direction, are authorized to enter into any premises or buildings in the city at any and all reasonable hours for the purpose of inspection, relative to compliance with the ordinances of the city relating to fire hazards, fire appliances or apparatus.

(C) Whenever upon such inspection any building or structure is in any respect liable to become dangerous to life or property in panic, or fire, the Chief shall thereupon issue any orders or directions necessary in his or her judgment to the owner, lessee or occupant of said premises to alter, remove, or remedy same within such reasonable time as the Chief may direct and every owner, lessee and occupant of said premises shall within the time prescribed within said order and direction cause such alteration, removal or other work necessary to be done.

(D) In the event of the failure of any owner, lessee or occupant to cause such alteration, removal or remedy or other necessary act, or work necessary to be done in accordance with the order and direction of the Chief and within the time prescribed in said order or direction, the Chief shall cause same to be done or shall close the building, as circumstances may necessitate, and the person so neglecting to comply with the order and direction of the Chief aforesaid, shall be deemed guilty of a violation of this section. The refusal to comply with the orders of the Chief after the expiration of the time limited in the order and direction shall constitute a separate offense.

(E) The Chief of the Fire Department shall examine all buildings and walls reported dangerous, or damaged by fire, or accident and shall when requested by the City Manager ~~Commissioner in charge of the department~~, examine all buildings under application to raze, enlarge, alter or rebuild and make a report of the condition thereof to the Council.

§ 34.049 SCENE OF FIRE.

(A) It shall be the duty of the Chief of the Fire Department, if in his or her power, to attend all fires happening in the city. He or she shall not leave the city without the consent of the City Manager ~~Commissioner in charge of the Department~~.

(B) *Powers at fires.*

(1) The Chief of the Fire Department or other officer in command may prescribe limits in the vicinity of any fire within which no persons excepting those who reside therein, firefighters, police

officers and those admitted by order of any officer of the Fire Department, shall be permitted to go. The Police Department shall on request of the Chief of the Fire Department, or other officers in command of the Fire Department at any fire, enforce the provisions of this division.

(2) Removal of property. The Chief of the Fire Department shall have the right and power to cause the removal of any property from any building, whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire or to protect adjoining property.

(3) Destroying buildings. The Chief, or in his or her absence the officer in command at any fire shall have the right and power to direct the members of the Fire Department to cut down and remove any building, erection or fence for the purpose of checking the progress of the fire, and the Chief or officer in command shall have the power to blow up, or cause to be blown up with powder, or otherwise any building or structure, during the progress of any fire for the purpose of extinguishing or checking the same.

(4) Authority of Chief. Every person who shall be present at a fire, shall obey the orders of the Chief or other officer in command of the Fire Department extinguishing the fire and in the removal and protection of property.

(5) Assistance. The Chief or other officer in command of the Fire Department shall have the power to require the aid of any citizen, inhabitant or bystander at a fire. Refusal or neglect of any person to comply with such requisition, shall be a violation of this section.

(C) No person shall take away any property in the possession of the Fire Department saved from any fire until proof of ownership is made to the satisfaction of the Chief of the Fire Department or Acting Chief and his or her consent obtained thereto.

(D) The Chief of the Fire Department shall have the right to enter upon the premises wherein any fire has occurred, if necessary, in order to investigate the origin of the fire.

§ 34.050 REPORTS.

(A) The Chief of the Fire Department shall make a report to the ~~City Manager~~ Commissioner in charge of the department once every month showing the number of fires happening during the month, the causes thereof, all accidents by fire, the number and description of the buildings destroyed or injured and the amount of property destroyed by fire.

(B) He or she shall in the month of April in each year make a full and complete report to the City Manager ~~Commissioner in charge of the Department~~ of all transactions in the Department for the preceding year. Such report shall also show as nearly as can be ascertained, the number of fires, causes thereof, accidents by fire, the number and descriptions of the buildings destroyed and injured, together with the names of the owners and occupants, the amount of property destroyed by fire and the insurance thereon, together with such other statistics and suggestions he or she may deem suitable. Such report shall also show all moneys received, from what source same was received, together with the amounts paid out and for what paid and also all expenditures of every kind and nature whatsoever an account of the Fire Department.

PRIVATE MEDICAL TRANSPORTATION; AMBULANCE SERVICE REGULATIONS

§ 34.090 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVANCED EMERGENCY MEDICAL TECHNICIAN (AEMT). Staff or employees of an ambulance service operating at the intermediate life support currently licensed by the Department of Public Health who has completed a Department-approved course of instruction in specific advanced life support-mobile intensive care services and who is currently functioning in a program approved by the Illinois Department of Public Health to provide such services under the supervision and control of a EMS Medical Director.

ADVANCED LIFE SUPPORT/MOBILE INTENSIVE CARE (ALS/MIC). An advanced level of pre-hospital and inter-hospital emergency care that includes basic life support functions (including cardiopulmonary resuscitation (CPR) plus cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy,

administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures) initiated for the treatment of real or potential acute life threatening conditions under the direction of a physician licensed to practice medicine in all of its branches or a registered professional nurse/MICN or registered professional nurse/field RN, and where authorized by a medical director in an Illinois Department of Public Health approved advanced life support system.

ADVANCED PROVIDER. A person who has successfully completed an Illinois Department of Public Health approved course of instruction in advanced life support-mobile intensive care services and is currently certified by the Illinois Department of Public Health as a Paramedic (P).

AMBULANCE. Any vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless and is licensed by the State of Illinois to operate as an ambulance.

AMBULANCE REVIEW COMMITTEE. The **AMBULANCE REVIEW COMMITTEE** will review recommendations of the Fire Chief and make final decisions (a majority vote is need for final decisions) on all fines, suspensions or revocation of licenses of an ambulance service for any violation of the provisions of this chapter. The **AMBULANCE REVIEW COMMITTEE** is made up of the [City Manager](#) ~~City Administrator~~, the City Finance Director ~~and the Commissioner of Public Health and Safety~~, and the [City Attorney](#).

AMBULANCE SERVICE. The operation of an enterprise which has one of its purposes the operation, or use on the streets, alleys, or any public way within the city, an ambulance which responds to emergency calls for the transportation of persons who are reported to be sick, injured, wounded, otherwise incapacitated or helpless and is licensed as a provider agency with the State of Illinois.

AMBULANCE SERVICE LOCATION. The location at which ambulances are stored, maintained or from which ambulances are dispatched by an ambulance service.

BASIC LIFE SUPPORT SERVICES. The rendering of basic level of pre-hospital and inter-hospital emergency care, including but not limited to, airway management, cardiopulmonary resuscitation, control of shock and bleeding and splinting of fractures, as outlined in a basic emergency care course approved by the Illinois Department of Public Health and meeting the current national curriculum requirements of the United States Department of Transportation.

CHANGE IN AMBULANCE. A change by either adding or removing from service an ambulance from the list of those previously approved by the Fire Chief.

CHANGE IN AMBULANCE SERVICE LOCATION. A change by either adding or removing from use as part of the ambulance service storage, dispatch or maintenance facility used in the ambulance service.

CONTINUOUS QUALITY IMPROVEMENT. The process by which the performance of individual ambulance service providers will be continuously monitored to ensure compliance with operational policies with the objective of identifying areas of improvement.

EMERGENCY. A condition or situation in which an individual declares a need for immediate medical attention or when that need is declared by emergency medical personnel or a public safety official.

EMERGENCY RESPONSE BUSINESS RECORDS. Those records kept in the ordinary course of business which include the staff on duty for the ambulance service at any time, records which establish the staff's minimum qualifications required by this subchapter, documents which record the number of responses to emergency calls, response times to emergency calls, maintenance records of the ambulance agency IDPH license, agency certificates of insurance, ambulance inspections forms, Secretary of State corporation documents listing business name and all ambulance service trade names, copies of any variance granted by IDPH, signed mutual aid agreements and survey forms.

EMERGENCY CALL. The request by radio, telephone, text message, telecommunications device for the deaf (TDD), any other means of communication, or in person for an emergency response by the Fire Department or ambulance service.

EMERGENCY MEDICAL TECHNICIAN BASIC (EMT-B). Staff or employees of an ambulance service operating at the basic life support who has successfully completed a course of instruction in basic life support services as required by and is currently certified by the Illinois Department of Public Health in accordance with standards prescribed by the Emergency Medical Services (EMS) Systems Act for the State of Illinois or by rules adopted pursuant to said Act, who provides emergency medical services.

EMERGENCY NON-TRANSPORT RESPONSE VEHICLE. Any publicly or privately-owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated by an ambulance service licensed in the State of Illinois and by the city for the emergency response but is not for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

EMS RESPONSE RULES AND REGULATIONS. Procedures as defined by the city in conjunction with Cecom and IDPH for the purposes of establishing ambulance response times and the standards by which ambulances respond.

FIRE CHIEF. The duly appointed chief of the City of Mattoon Fire Department or the Fire Chief's designee.

FIRE DEPARTMENT. The Fire Department of the City of Mattoon.

HOSPITAL. The meaning ascribed to that term in the State of Illinois Hospital Licensing Act, as that Act is now or may hereafter be amended.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH. The Department of Public Health, State of Illinois, or its successor in function.

THE INCIDENT COMMAND SYSTEM (ICS). The standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

INTERMEDIATE LIFE SUPPORT CARE. Intermediate level of pre-hospital and inter-hospital emergency care that includes BLS care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures initiated for the treatment of real or potential acute life-threatening conditions, under the direction of a physician licensed to practice medicine in all its branches or a pre-hospital registered professional nurse or registered professional nurse, and where authorized by a medical director in a Department-approved EMS system.

MUTUAL AID AGREEMENT. An intergovernmental or interagency agreement providing for shared and common assistance when requested by one of the member agencies. The equipment and personnel provided by a mutual aid request may be predetermined for a particular type of incident or determined at the time of the request in consideration of available resources.

PARAMEDIC (P). Staff or employees of an ambulance service operating at the advanced life support who has successfully completed an Illinois Department of Public Health approved course of instruction in advanced life support-mobile intensive care services and is currently certified by the Illinois Department of Public Health.

POLICE CHIEF. The duly appointed Chief of the City of Mattoon Police Department or the Police Chief's designee.

POLICE DEPARTMENT. The Police Department of the City of Mattoon.

PRE-HOSPITAL REGISTERED PROFESSIONAL NURSE (PHRN). A registered professional nurse, licensed under the Nurse Practice Act (ILCS Ch. 225, Act 65, §§ 50-1 *et seq.*) who has successfully completed supplemental education in accordance with rules adopted by the Department of Financial and Professional Regulation pursuant to the Act, and who is approved by an EMS Medical Director (EMSMD) to practice within an EMS system, Illinois EMS system as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports.

REPORTING CYCLE. A one-month period for which a licensed ambulance company must submit reports of calls to which it responded in that time period.

SERVICES ZONE. A geographical area defined by boundaries mutually agreed to by the City of Mattoon Chief and ambulance services and illustrated by a map.

TRANSFER. A non-emergency transport of a patient from one location to another.

SECTION 5: Code Amendments – Chapter 35. The current provisions of § 35.03 Checks; Facsimile Signatures, § 35.18 Purchase Authority, § 35.20 Invoice Processing, § 35.21 Purchasing Procedures, § 35.23 Service Contracts, § 35.24 Budget Amendments, § 35.25 Bond; Failure to Enter Into, § 35.26 Special Clauses in Contracts, § 35.27 Payment on Contract, § 35.28 Contractual Liabilities, Limitation, § 35.29 Procurements Using Federal Grants, § 35.35 Revolving Loan Fund Committee, § 35.40 Revolving Loan Fund Strategy, § 35.51 Appointment of Budget Officer and § 35.70 Interfund Loans Within the Pooled Cash Fund of CHAPTER 35: FINANCE AND REVENUE of the City

Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 35: FINANCE AND REVENUE

Section

General Provisions

35.03 Checks; facsimile signatures

Purchasing Policies and Procedures

35.18 Purchase authority

35.20 Invoice processing

35.21 Purchasing procedures

35.23 Service contracts

35.24 Budget amendments

35.25 Bond; failure to enter into

35.26 Special clauses in contracts

35.27 Payment on contract

35.28 Contractual liabilities, limitation

35.29 Procurements using federal grants

Revolving Loan Fund Lending and Management Procedures

35.35 Revolving Loan Fund Committee

35.40 Revolving Loan Fund strategy

Budget Officer; Annual Budget

35.51 Appointment of Budget Officer

Interfund Loans

35.70 Interfund loans within the Pooled Cash Fund

§ 35.03 CHECKS; FACSIMILE SIGNATURES.

The Mayor ~~and~~ **City Treasurer and City Clerk** of the city are hereby authorized to sign checks issued by the city by stamping thereon facsimile signatures. **At least one signature on every check issued by the City of Mattoon shall bear an original signature of the City Treasurer or City Clerk.**

§ 35.18 PURCHASE AUTHORITY.

(A) In general, all supplies, materials, equipment and contractual/professional services required for operational efficiency will have been included in the annual budget.

(B) Purchase of same as required during the fiscal year shall proceed in accordance with these procedures upon approval of the annual budget by the City Council.

(C) Department directors may authorize purchases, as identified in the operating budget, up to \$9,999.99. The City **Manager Administrator**, or his/her designee, must approve all purchases in excess of \$10,000. Purchases in excess of \$25,000 require City Council approval.

(D) Each department director of the city shall be responsible for its own department's purchasing needs in strict compliance with the procedures set forth herein.

(E) The City **Manager Administrator**, or his/her designee, is responsible for determining if an item is budgeted, if adequate funds are available and if the proper purchasing procedures have been followed.

(F) If a budgeted expenditure is to be financed by an anticipated grant, the expenditure shall not be authorized until the grant is actually received or the City Council has authorized an agreement that assures reimbursement.

(G) Contracts for a public improvement or for the maintenance of the public property of the municipality that will exceed \$25,000 may only be authorized by a contract let to the lowest responsible bidder after advertising for bids. The specifications for such contracts shall be formally approved by the City Council before the contract is advertised for bids. The City Council may waive the bidding process when deemed necessary.

(H) Procurements of supplies and services need not be formally advertised for bids, but departmental directors shall endeavor to locally shop the procurement, choose from a pre-approved vendor list and assure that the municipality is receiving the best value for its expenditures.

(I) Department directors may authorize expenditures exceeding individual line item amounts in the approved budget with the prior approval of the City ~~Manager~~ Administrator. A formal budget amendment with City Council approval at a regular or special meeting, at the time of the transaction or by the end of the fiscal year, shall be required in all of the following circumstances:

(1) For any deviation that would increase the number of full or part-time positions authorized by the budget;

(2) For any deviation from the approved budget that will exceed the “bottom line” established for total departmental expenditures;

(3) For any deviation from the approved budget that will transfer money between funds; and

(4) For expenditures valued greater than \$25,000, regardless if the project or program has been authorized in the approved budget.

(J) Procurements shall not be broken up into less expensive transactions to avoid the expenditure approval limitations prescribed by this policy.

§ 35.20 INVOICE PROCESSING.

(A) Generally, the payment process for invoices received shall not be initiated until such time as goods or services are received and accepted by the department initiating the purchase. Exceptions to this practice may include pre-payment of dues and subscriptions, expenses associated with conferences or training seminars, insurance premiums, certain service contracts and other purchases where pre-payment is approved by the City ~~Manager~~ Administrator.

(B) Invoices received directly by Administration will be promptly forwarded to the department initiating the purchases. In the interest of expediting payments to vendors, at the time of the order, departments may request vendors to remit invoices directly to the attention of their department. It is the responsibility of the department initiating the purchase to ensure all invoices have been processed and forwarded to the Assistant Finance Director for payment.

(C) All invoices submitted for payment must be approved by the department director responsible for the purchase. In the absence of the department director, invoices may be approved by the department director’s immediate subordinate.

(D) Invoices shall be submitted with the account number, the department director’s initials and date. The Treasurer or City ~~Manager~~ Administrator reserve the right to change the account number charged if he/she believes that the nature of the goods or services purchased are not properly classified.

(E) All approved invoices presented for payment as part of the next Schedule of Bills must be received by the Finance Department no later than 12 noon on the Wednesday preceding the following Tuesday’s Council meeting. Invoices received after 12 noon on Wednesday the week prior to a Council meeting will not be paid until the next regularly scheduled Council meeting.

(F) A final copy of the Schedule of Bills will be reviewed by the Treasurer and provided to the City ~~Manager’s~~ Administrator’s office no later than 1:00 p.m. on the Friday preceding a City Council meeting.

(G) Following City Council approval of invoices, all payments will be promptly mailed to vendors unless otherwise specified in writing by a department director. Checks may be held for vendor pick-up following the Council meeting if prior arrangements are made by the vendor. Unless the vendor’s representative picking up the check is personally known to city staff, then the vendor must be notified, they must specify the representative and the representative will need to show identification before release of the check.

§ 35.21 PURCHASING PROCEDURES.

(A) *Purchases less than \$5,000.*

(1) Purchases in this category can best be described as those day to day purchases needed to perform a job or service.

(2) Department directors are responsible for the purchases made by personnel within their department. They may delegate this purchasing authority to subordinates, but still bear responsibility that these procedures are followed.

(3) Although day to day purchasing will be done without prior approval, the responsibility still exists for making the most economical purchases. Spot price checks and surveys must be made from time to time to ensure that the price being paid is the best price available and that the quality is the best that is required.

(4) Day to day purchasing shall be made through that vendor who offers the best usable product at the lowest price. Also, accepting deliveries shall rate preference over picking up where no delivery charges are involved and there is no immediate need for the item.

(5) Invoices are forwarded to the Finance Department with account code, initials and date for processing.

(B) *Purchases in excess of \$5,000 but less than \$10,000.*

(1) Every effort shall be taken to secure at least three quotations before deciding on a suggested vendor. The requesting department shall secure the quotations themselves.

(2) In the event that a department director feels that a purchase under this category should be made from one certain vendor rather than through quotations, he/she should submit a memo to the City ~~Manager Administrator~~ stating the reasons for the certain vendor preference.

(C) *Purchases in excess of \$10,000.*

(1) All paperwork for such purchases must be approved by signature of the City ~~Manager Administrator~~ or his/her designee.

(2) All other general purchasing policies will apply.

(D) *Purchases in excess of \$25,000.*

(1) City ordinance requires that all purchases made from one vendor for the particular item or like types of items exceeding a cost of \$25,000 must be accomplished through formal bidding procedures or by a bid waiver approved by the City Council. The splitting of a purchase into two or more purchase orders for the purpose of avoiding the bidding process is not allowed.

(2) In certain circumstances it may be felt by the department director and/or City ~~Manager Administrator~~ that the best interests of the city would be served by a purchase from one particular vendor despite the amount of the purchase being in excess of \$25,000. In such case, a request to waive competitive bidding must be submitted to the City Council for their consideration and approval.

(3) If it is found that an emergency condition exists and a purchase in excess of \$25,000 must be made to remedy the emergency condition, the department director may make such purchase if verbally authorized by the City ~~Manager Administrator~~. The department director must report the purchase to the City Administration by memorandum as expeditiously as possible relating the full facts concerning the emergency and the costs incurred. A report shall then be sent to the City Council for their action as may be required. An emergency condition is described as a condition where the health and/or welfare of the city or its residents are affected.

(E) *Petty cash.*

(1) Petty cash drawers are maintained by the city at the City Clerk's office (\$200), Police Department (\$300), and Finance Department (\$300) for the purpose of reimbursing incidental costs incurred for city operations.

(2) The Finance Department's cash drawer maintains a cash balance of \$400 for the sole purpose of making change for transactions at the cash register. This drawer is balanced daily as part of the end of the day close process.

(3) Petty cash funds will be used primarily to reimburse employees for incidental expenses associated with bona fide city operations. Advances may be requested upon the approval of the department director.

(4) All requests for petty cash reimbursement must be submitted with appropriate receipts and documentation supporting the amount of the request. All requested information must be completed prior to making any disbursements including date of request, payee, account number to be charged, amount due, signature of requestor and a description of the nature of the expense.

(5) Unless otherwise authorized by the City ~~Manager Administrator~~ or his/her designee, petty cash reimbursements shall be limited to no more than \$50 per request. Separate requests for one purchase exceeding \$50 will not be accepted.

(6) Responsibility for the safety, security and proper control of each petty cash drawer rests with the head of the department to which the drawer is assigned. Each department director may assign the day to day duties of petty cash administration to an appropriate custodian. All reimbursements made by the petty cash custodian must be dated and include the initials of the custodian disbursing the funds. Advances should be clearly marked on the request and marked out and revised to the correct total once the proper change is returned with the receipt.

(7) When the balance of the drawer is getting low, the designated custodian shall prepare a reconciliation of the petty cash fund providing a count of cash currently in the box as well as a detailed listing of petty cash reimbursement slips received. Any discrepancies must be documented and reported to the Treasurer.

(8) Unannounced audits of petty cash drawers may be made at any time by the Treasurer or his/her designee.

(F) *Declared emergency purchases.* If an “emergency” has been declared by the Mayor, the following guidelines will be observed:

(1) Any employee designed by their department director may make purchases up to \$500 in estimated cost;

(2) Those emergency purchases with an estimated cost of \$500 to \$1,000 require the verbal approval of the department director or a designee prior to expenditure;

(3) Those emergency purchases with an estimated cost of \$1,000 to \$10,000 for goods and services and up to \$25,000 for Public Works construction or MFT funded projects require the verbal approval of the City ~~Manager Administrator~~ or a designee prior to expenditure;

(4) Those purchases in excess of \$10,000 for goods and services and \$25,000 for Public Works construction or MFT funded projects; the City ~~Manager Administrator~~ is required to ask the Mayor for approval prior to expenditure. If the Mayor is unavailable, the ~~City Manager Administrator~~ will be authorized to enter into an emergency purchase with follow-up notification to the Mayor and City Council.

§ 35.23 SERVICE CONTRACTS.

(A) From time to time, the city enters into contracts for essential services. The purpose of these contracts is varied and is often entered into without bids. When bids are waived, a contract is entered into through negotiations or acceptance of a proposal from the vendor who wishes to supply the service. It must be remembered that in most cases where bids are waived, the same legal requirements as in a bid situation still apply.

(B) All contracts, to be valid, must be signed by an authorized representative of the company to supply the services and an authorized representative of the city. The City ~~Manager Administrator~~, or any authorized department director may enter into a contract for the city provided that all applicable procedures such as formal bidding, bid waivers, quotations, and the like have been met. Copies of the contract are to be immediately forwarded to the City Clerk and Treasurer to be filed.

§ 35.24 BUDGET AMENDMENTS.

(A) The City ~~Manager Administrator~~, as Budget Officer, is authorized to adjust the budget within the fund or department level as long as the total impact of the changes do not exceed the original budget for the department or fund. The City Council must approve all changes that will exceed the total original budget for a department or fund by ordinance.

(B) The City ~~Manager Administrator~~ and Treasurer will meet with department directors at the halfway mark of the fiscal year (after October monthly reports are issued), again after nine months and at the end of the year to discuss actual fiscal results compared to the budget. Based on the analysis of the actual revenues and expenditures, all necessary budget amendments will be documented by department directors. Generally, line items that are expected to exceed the budget by greater than \$1,000 will be adjusted given that a corresponding line item can be reduced so that the total budget of the department is not exceeded.

(C) All proposed changes that will exceed the originally passed department budget or fund budget must be presented in ordinance form to the City Council for approval.

§ 35.25 BOND; FAILURE TO ENTER INTO.

The performance of the contract awarded shall be secured by a sufficient bond. The sufficiency of the bonds, checks or drafts offered in connection with bids or contracts entered into in pursuance of bids accepted, shall be determined by the ~~Mayor~~ ~~City Manager~~ and City Attorney. In the event of the failure of any bidder to enter into contract and bond as may be required in said notice or specifications within ten days after the award has been made by the Council, or officers aforesaid, the award may be cancelled and

the bid of the next lowest responsible bidder accepted, or all bids may then be rejected and the Clerk authorized to re-advertise for proposals.

REVOLVING LOAN FUND LENDING AND MANAGEMENT PROCEDURES

§ 35.35 REVOLVING LOAN FUND COMMITTEE.

(A) *Established.* There is hereby established a Revolving Loan Fund Committee, to consist of five persons each appointed to two-year terms, with two of such persons' terms ending on April 30 of odd-numbered years and three of such person's terms ending on April 30 of even-numbered years. Persons appointed to the Revolving Loan Committee shall be persons having economic development qualifications or experience. Candidates shall be recommended by the Mayor and confirmed by majority vote of the City Council. One member of the Committee shall be a representative of the Mattoon Area Industrial Development Corporation. When a vacancy occurs on the Committee, the Mayor shall seek nominations for replacement committee members from the Coles Together Economic Development Corporation and the Mattoon Chamber of Commerce.

(1) The Executive Directors of the Coles Together Economic Development Corporation and the Mattoon Chamber of Commerce are ex officio non-voting members of the Committee.

(2) The City ~~Manager~~ ~~Administrator~~ is the ex officio non-voting Chair of the Committee.

(3) The City Attorney is an ex officio, non-voting member of the Committee. In the absence of the City ~~Manager~~ ~~Administrator~~, the City Attorney is the ex officio non-voting Chair of the Committee.

(4) The City Clerk shall provide staffing for the Committee, unless the City Council authorizes a third party contractual agreement for administration and coordination of the Revolving Loan Fund.

(B) *Conflict of interest.* No person appointed to the Committee shall participate in any decision with respect to any loan application or other business brought before the Committee by or from any person with whom that committee member has had a significant business relationship within two years prior to the issue being presented to the Committee. Further, committee members shall not consider any loan application from any person with whom the Committee member is related by blood or marriage.

(C) *Rules of procedure.* The Revolving Loan Fund Committee shall follow Roberts Rules of Order.

§ 35.40 REVOLVING LOAN FUND STRATEGY.

(A) *Eligible uses of funds.*

(1) Site development/infrastructure extension costs.

(2) Construction of new facility or additions.

(3) Renovation of existing facilities.

(4) Leasehold improvements.

(5) Purchase of new or used machinery or equipment.

(6) Working capital.

(7) For every \$15,000 of revolving loan funds provided, one full-time equivalent (FTE) job should be created or retained. One FTE job is a position consisting of a minimum of 1,950 hours worked a year. The Revolving Loan Fund participation will be limited to \$15,000 per job created or retained, but in no case will exceed 50% of the total project cost. Jobs created/retained as a result of Revolving Loan Fund investment are required to be in place within 24 months from the date the loan is closed.

(B) *Ineligible uses of funds.*

(1) Refinancing of existing private debts.

(2) Financing for speculative activities or purposes (such as commercial/retail development without lease agreements).

(3) Expenses incidental to general marketing activities.

(4) Expenses to prepare a CDAP grant application.

(5) Except for relocations due to expansion, relocations from within the State of Illinois are ineligible for revolving loan fund participation, unless approved by the Illinois Department of Commerce and Economic Opportunity.

(6) Forgivable loans are prohibited.

(C) *Geographic area.* Revolving Loan Funds will be expended for projects which are located within one and one-half miles of the corporate limits of the city or which are determined to principally benefit residents of the city.

(D) *Targets and priorities.* The funds will be targeted to assist existing industrial and commercial firms, start-up businesses, female and minority owned firms and businesses that will relocate from an out-of-state location on a first come, first served basis, subject to available funding. Applications that demonstrate the greatest potential for job creation/retention and meeting the goals and objectives of the fund will be given the highest priority.

(E) *Marketing of loan funds.* Economic development organizations within Mattoon will coordinate outreach and marketing endeavors to generate loan applications. Coles Together, the countywide economic development corporation, will be the primary contact for marketing loans to the primary job creation sector and "big box retailers." The Chamber of Commerce will be the primary contact for marketing loans to the small business retail and service sectors. Representative outreach and marketing endeavors may include, but will not be limited to:

- (1) Sending Revolving Loan Fund information to existing businesses within the city
- (2) Including Revolving Loan Fund information in the city's public relations and marketing endeavors;
- (3) Participation in business-related seminars or workshops held in the area;
- (4) Providing Revolving Loan Fund information to any local organizations that may represent chapters of the organizations representing minority groups and offering to periodically speak at meetings of such organizations;
- (5) Providing information to area women's entrepreneur associations and women's service organizations;
- (6) Publicizing approved loan projects by sending news releases to area media and holding news conferences, ribbon cuttings and groundbreakings to encourage media coverage;
- (7) Area lending institution will be provided with information about the Revolving Loan Fund and asked to inform potential borrowers of fund availability.

(F) *Management plan.*

(1) The Revolving Loan Fund shall have an administrative organizational structure sufficient to carry out responsibilities and assurances made to the State of Illinois for the day to day operations of the Revolving Loan Fund.

(2) If an employee of the city is not assigned responsibilities for administration of the Revolving Loan Fund, a written third-party agreement may be authorized by the City Council for the administration and coordination of the Fund by an RLF Fund Coordinator. Minimum terms that shall be included in the agreement are:

- (a) A scope of work (with a work description and budget, such as a breakdown of all fees and costs);
- (b) Requirements for the maintenance of records and reports;
- (c) Requirements for the management of the Revolving Loan Fund;
- (d) Applicability of other program requirements;
- (e) Provisions for an annual audit of the Revolving Loan Fund;
- (f) Provisions for suspension and termination of the agreement;
- (g) Terms that final authority for approving any loans made through the Revolving Loan Fund shall remain with the City Council.

(3) Eligible administrative costs of the Revolving Loan Fund include salaries, supplies, utilities and similar expenses necessary for managing the loan portfolio and implementing a revolving loan project. Administrative costs paid from the Fund shall not exceed 10% of the income received each fiscal year (loan repayments, interest earned on invested funds).

(4) Loan applications will be generated by designated marketing representatives of Coles Together and the Chamber of Commerce (the Economic Development Person). The Economic Development Person will generally be the single point of contact with the applicant. The Economic Development Person will meet with the applicant, visit the project site, meet with a representative of the applicant's participating lending institution, package the application and forward it for review by the RLF Fund Coordinator and City ~~Manager~~ Administrator. A team consisting of the Economic Development Person, the RLF Fund Coordinator and the City Administrator will formulate proposed loan terms: the interest rate, the length of the loan, the security and such other conditions necessary to insure compliance with the program goals and objectives as well as consistency with other sources and uses of programs of financial assistance that may be utilized for the project. After consensus is reached among the team members as to

proposed loan terms, the Economic Development Person will forward the proposed loan agreement to the applicant for review and approval. If the loan terms are not acceptable to the applicant, the Economic Development Person will attempt to broker the loan terms with the RLF Fund Coordinator and the City ~~Manager Administrator~~ in a fashion that will be mutually acceptable to the parties.

(5) If the terms are acceptable to the loan applicant, the RLF Fund Coordinator will prepare a report, schedule and give public notice of a meeting of the Revolving Loan Advisory Committee to consider the application. The RLF Fund Coordinator's report shall include a description of the project, project costs, sources and uses of funds, the security required, special conditions and a recommendation for approval or denial. All other information submitted pertaining to the loan application shall be confidential. The Revolving Loan Fund Committee will formally approve or deny the application.

(6) If the Revolving Loan Fund Committee denies the application, the loan application procedures shall terminate subject only to an appeal of the Committee's decision to the City Council.

(7) If the Committee approves the application, the RLF Fund Coordinator shall forward a report containing the recommendation along with a special ordinance that would authorize the loan for consideration at the next regularly scheduled meeting of the City Council. The City Council will formally approve or deny the application.

(8) Loan documents, including commitment agreements, liens, title policies, security obtained, recordings, transfer tax declarations, amortization schedules and security releases, shall be completed and maintained by the RLF Coordinator. The RLF Coordinator shall also monitor repayments of the loan, job creation and/or retention reports required to be provided semi-annually until the commitment is met and monitors other special conditions required by the loan.

(9) The City Clerk records payments received on loans made from the Revolving Loan Fund and files semi-annual reports on principal and interest recaptured to the Illinois Department of Economic Opportunity. The City Clerk gives notices to the RLF Coordinator, if a payment becomes more than ten days past due.

(10) Upon notice from the City Clerk of a non-performing loan, the RLF Coordinator will place a telephone call to the borrower and request payment. At 30 days past due, the City ~~Manager Administrator~~ will send a formal letter requesting payment. Should the payment become 45 days past due, the account receivable will be referred to the City Attorney for collection. All legal rights will be exercised by the city to reclaim funds. Legal counsel will be consulted during foreclosure and liquidation proceedings if events warrant.

(G) *Assurances.* Incidental to the approval of this Revolving Loan Fund Strategy, the City Council has provided these assurances to the Illinois Department of Commerce and Economic Opportunity.

(1) No more than 10% of the annual revenue to the Revolving Loan Fund will be used for administration of the Fund. Administrative expenses will be documented via receipts, bills, invoices, and the like.

(2) Assistance provided from the Revolving Loan Fund will result in at least 51% benefit to low-to-moderate income persons and these benefits will be documented by utilizing Job Training Service providers, Illinois Employment and Training Centers or the employee certification forms found in the Revolving Loan Fund Handbook.

(3) The city agrees to report semi-annually on the status of the Revolving Loan Fund to the Department of Commerce and Economic Opportunity.

(4) Any changes to this Revolving Loan Fund Strategy will be submitted to the Department of Commerce and Economic Opportunity for approval.

(5) The city shall agree to pursue legal remedy to recover delinquent loans. Legal action shall include that authorized by federal and state law, including, but not limited to, efforts to collect and pursue the interests of the Revolving Loan Fund through bankruptcy court.

(6) A minimum leverage ratio of \$1 non-CDAP funds to \$1 CDAP Revolving Loan Funds must be obtained for each project. Revolving Loan Funds may not comprise more than 50% of the financing for any project.

(7) The city shall assure that environmental reviews will be completed for each project funded as well as prevailing wages paid if applicable.

BUDGET OFFICER; ANNUAL BUDGET

§ 35.51 APPOINTMENT OF BUDGET OFFICER.

The ~~Commissioner of Accounts and Finance~~ **City Manager** shall designate the budget officer, ~~with the approval of the Council~~. The budget officer shall take an oath and post a bond as provided in ILCS Ch. 65, Act 5, § 3.1-10-25. The budget officer may hold another municipal office, either elected or appointed, and may receive compensation for both offices. The Budget Officer shall serve at the pleasure of the **City Manager** ~~Mayor~~. 65 ILCS 5/8-2-9.1

INTERFUND LOANS

§ 35.70 INTERFUND LOANS WITHIN THE POOLED CASH FUND.

The City Treasurer is hereby authorized to administer an interfund loan program within the Pooled Cash Fund. The interfund loans administered under this section must relate to the cash contained in the Pooled Cash Fund. Any loan made under this section must be short-term in nature and the fund receiving the loan must have the foreseeable resources to pay the interfund loan back within a three-month period. If the fund receiving the loan does not have the foreseeable resources to repay the loan within a three-month period the interfund loan and/or a permanent transfer of funds must be approved by the City Council. The interfund loans within the Pooled Cash Fund must be balanced at the end of every fiscal quarter. Any loan greater than \$100,000 that is also outstanding for longer than seven calendar days must be reported to the City ~~Manager Administrator and Finance Commissioner~~. Within the above guidelines, the City Treasurer shall make interfund loans within the Pooled Cash Funds as needed to keep the funds of the city solvent.

SECTION 6: Code Amendments – Chapter 36. The current provisions of §36.53 Suspension of License and §36.54 Use of Receipts of CHAPTER 36: TAXATION of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 36: TAXATION

Section

Tax on Gross Rental Receipts from Renting of Hotel or Motel Rooms

36.53 Suspension of license

36.54 Use of receipts

§ 36.53 SUSPENSION OF LICENSE.

The **City Manager** ~~Mayor~~, after notice and hearing, may suspend or revoke all city licenses held by such person provided that the Mayor finds that such person has willfully avoided payment of the tax imposed by this chapter.

§ 36.54 USE OF RECEIPTS.

(A) The amounts collected by the municipality pursuant to this chapter shall be expended by the municipality solely to promote tourism and conventions within the municipality or otherwise to attract non-resident overnight visitors to the municipality. No funds received pursuant to this chapter shall be used to advertise for or otherwise promote new competition in the hotel business.

(B) Expenditures of funds collected by the municipality pursuant to this chapter shall be subject to an annual budget adopted by the City Council for the Hotel/Motel Tax Special Revenue Fund before the beginning of the fiscal year to which it applies. The fiscal year of the municipality begins May 1 and ends April 30.

(C) The Tourism and Arts Director submits requests for appropriation of Hotel/Motel Tax funds as recommended by the Tourism Advisory Committee. The City ~~Manager Administrator~~ uses the request of the Committee as the starting point for formulating a tentative budget. The tentative budget is published and made conveniently available for public inspection for at least ten days prior to the passage of the budget. Not less than one week after the publication of the tentative budget and prior to final action on the budget, the City Council holds at least one public hearing, after which hearing or hearings, the budget may be further revised and passed without any further inspection, notice or hearing. Notice of the budget hearing is given by publication in a newspaper having a general circulation in the municipality at least one week prior to the time of the hearing.

(D) The budget is presented in account code classifications that enable reporting of financial data by fund, function and objects of expenditure. The City Council delegates authority ~~to the departmental~~

~~Commissioner~~ responsible for tourism development to delete, add to, change or create sub-classes within object classes budgeted previously, subject to prior approval by the City ~~Manager~~ Administrator. On recommendation of the Tourism Advisory Committee and a vote of two-thirds of the City Council members, the annual budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

(E) The Tourism and Arts Director is responsible for managing expenditures within limits established by the approved budget. No person shall obligate hotel/motel tax funds for any purpose unless the Tourism and Arts Director has given prior approval as to budget and account coding by signing a source document authorizing the transaction. Expenditures greater than \$5,000 require signature approval of the City ~~Manager~~ Administrator. The Tourism and Arts Director may authorize expenditures exceeding individual line item amounts in the approved budget with the prior approval of the City Manager ~~Departmental Commissioner~~, but formal City Council approval at a regular or special meeting shall be required in all of the following circumstances:

(1) For any deviation that would increase the number of full or part-time positions authorized by the budget;

(2) For any deviation from the approved budget that will exceed the "bottom line" established for total expenditures for the Hotel/Motel Tax Fund;

(3) For any deviation from the approved budget that will transfer money between funds; and

(4) For expenditures valued greater than \$10,000, regardless if the project or program has been authorized in the approved budget.

(Ord. 91-4662, passed 6-18-1991; Am. Ord. 2004-5192, passed 10-5-2004; Am. Ord. 2005- 5211, passed 11-15-2005; Am. Ord. 2012-5359, passed 12-18-2012)

SECTION 7: Code Amendments – Chapter 38. The current provisions of §38.04 Form for Notice of Denial of Request of CHAPTER 38: PUBLIC RECORDS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 38: PUBLIC RECORDS

Section

38.04 Form for notice of denial of request

§ 38.04 FORM FOR NOTICE OF DENIAL OF REQUEST.

NOTICE OF DENIAL

Your request for copies of public records has been denied on: _____.

(Date)

based on the following: _____

Names & Titles or Positions of each person responsible for the denial:

REQUEST FOR REVIEW RIGHT

Pursuant to law you are entitled to contact the Office of the Attorney General's Public Access Counselor (PAC) for a Request for Review on the decision of denying your request for certain information. Contact information for the PAC is: Public Access Counselor; Office of the Attorney

General; 500 S. 2nd Street; Springfield, Illinois 62701 or at 1-877-299-FOIA (1-877-299-3642) or at: publicaccess@ilag.gov.

SECTION 8: Code Amendments – Chapter 39. The current provisions of §39.05 Non-discrimination Policy on the Basis of Disabilities of CHAPTER 36: CITY POLICIES of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 39: CITY POLICIES

Section

39.05 Non-discrimination policy on the basis of disabilities

§ 39.05 NON-DISCRIMINATION POLICY ON THE BASIS OF DISABILITIES.

(A) *Purpose.* The City of Mattoon has established this policy in accordance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended.

(B) *Policy.*

(1) The City of Mattoon resolves that no otherwise qualified person shall, on the basis of a physical or mental disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity in which the City of Mattoon receives federal financial assistance.

(2) The City of Mattoon further resolves that no otherwise qualified person shall, on the basis of physical or mental disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the City of Mattoon independent of the funding source.

(C) *Definitions.*

CITY SERVICES. The City of Mattoon provides a variety of public services including, but not limited to:

- (a) Police protection;
- (b) Fire protection;
- (c) Parks;
- (d) Recreational activities;
- (e) Arts and tourism;
- (f) Streets;
- (g) Sidewalks;
- (h) Public buildings and grounds; and
- (i) Water and sewer service.

OTHERWISE QUALIFIED PERSON.

(a) With respect to employment, a person with a physical or mental disability who, with reasonable accommodation, can perform the essential functions of the job in question.

(b) With respect to services, a person with a physical or mental disability who meets the essential eligibility requirements for the receipt of such services.

REFERENCE MATERIALS. Copies of 29 USC 794 and 29 USC 705 (Definitions) are available online and at the City Clerk's Office at 208 North 19th Street, Mattoon, IL 61938.

SECTION 504 COORDINATOR. The Section 504 Coordinator for the City of Mattoon shall be the City ~~Manager Administrator~~, or a duly appointed designee. The contact information for the Section 504 Coordinator is:

City of Mattoon Section 504 Coordinator
Attn: City Administrators Office
208 North 19th Street
Mattoon, IL 61938
217-258-7931

(D) *Notice of non-discrimination.* A notice of non-discrimination is attached to Ordinance No. 2020-5433 as Exhibit 'X' and incorporated herein by reference. The notice of non-discrimination shall be posted in a conspicuous location in City Hall.

(E) *Employment practices.*

(1) *Employment advertisements.* Employment advertisements shall include the following closing "Equal Opportunity Employer: disability/veteran".

(2) *Processing of applications.* Applications shall not include questions about mental or physical disabilities. Mental and physical disabilities shall not be considered during the review of applications for interview selection. Mental and physical disabilities shall only be taken into consideration at the time of selection of the final candidate. At that time, a review shall be performed to determine if "reasonable accommodation" can be implemented if/when the most qualified candidate is a person with disabilities.

(3) *Physical requirements and testing criteria.* Employment advertisements and position descriptions may include physical performance requirements and testing criteria. Physical or testing requirements shall be reviewed by the Department Director and the City Administrator to verify that all requirements are necessary for the position.

(4) *Interviews.* All interviews shall be conducted in ADA accessible facilities. Interview questions shall be consistent from candidate to candidate, and shall not be discriminatory to persons with disabilities.

(5) *Confidentially.* Disclosure of disabilities and/or requests for reasonable accommodations shall remain confidential within the interview and hiring team.

(6) *Promotions, transfers, demotions, lay-offs, and reinstatements.* The process for promotions, transfers, demotions, lay-offs, and reinstatements shall follow a similar process as described for hiring. Selection of the most qualified individual shall be made without consideration of physical or mental disabilities, then the appropriateness of reasonable accommodations shall be considered if/when the most qualified candidate is a person with disabilities.

(7) *Job assignments.* Existing accommodations for persons with disabilities shall be taken into account when making job assignments. Job assignments shall not be made in a manner which would result in embarrassment for a person with disabilities.

(8) *Leave time and benefits.* Leave time and other benefits shall be uniform based on employee job classifications without disparity between persons with, and without, disabilities.

(9) *Training.* Training opportunities shall be uniform based on employee job classifications without disparity between persons with, and without, disabilities.

(F) *Grievance procedure.*

(1) Grievances shall be submitted to the City of Mattoon Section 504 Coordinator at 208 N 19th Street, Mattoon, IL 61938, within 30 days of the action to be investigated.

(2) Grievances shall be submitted in writing, and shall include the following:

(a) Grievant's name and address;

(b) Grievant's preferred means of contact email, mail, video, phone, or text; and

(c) Brief description of the grievance including the location, date, and item or action to be investigated.

(3) Grievances shall be investigated by the Section 504 Coordinator, or a duly appointed designee, and a response returned to the grievant within 30 days of receipt.

(4) Responses shall include a determination as to whether further action by the city is warranted, a timeline for such action if deemed necessary, or a description of why further is not justified.

(5) Person's with non-city related complaints, or unsatisfied grievants, may contact the following agencies:

(a) State of Illinois, Office of the Attorney General
500 S. Second Street
Springfield, IL 62701
217-524-2660
877-844-5461 (TTY);

(b) State of Illinois, Secretary of State
213 State Capital
Springfield, IL 62756
800-252-8980
888-261-7864 (TTY); or

(c) Chicago Regional Office/Fair Housing Enforcement Center
US Department of Housing and Urban Development

Robert Metcalf Federal Building
77 West Jackson Boulevard, Room
2101
Chicago, IL 60604-3507
312-353-6236
312-353-7143 (TTY).

SECTION 9: Code Amendments – Chapter 51. The current provisions of §51.021 Bill Adjustments; Leaks in Service Lines, Fixtures or Hydrants of CHAPTER 51 TAXATION of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 51: WATER

Section

Terms and Conditions of Service

51.021 Bill adjustments; leaks in service lines, fixtures or hydrants

§ 51.021 BILLING ADJUSTMENTS; LEAKS IN SERVICE LINES, FIXTURES OR HYDRANTS.

(A) The City Treasurer and **City Manager** ~~Commissioner of Finance~~ have the authority to order that a customer's service not be discontinued, to delay service disconnections, to accept partial payments, to adjust or waive fees, penalties and charges, and to make billing adjustments. The Treasurer's adjustment authority shall not exceed a value of \$500. ~~Account adjustments valued between \$500.01 to \$1,000.00 require signature approval by the Commissioner of Finance.~~ Adjustments valued in excess of \$1,000 require formal approval by the City Council.

(B) Upon discovery of a leak in service lines, fixtures, hydrants or valves on the customer's side of a water meter, written notice will be given by the Finance Department to the customer to make necessary repairs.

(C) If a leak occurs on a service line, fixture, hydrant or valve on the customer's side and if it can be reasonably determined that the customer could not have easily ascertained that such a leak existed, an adjustment may be made in the customer's water and sewer bill. Such adjustments shall be made in accordance with the following procedures:

(1) The average monthly water bill during the preceding 12 months shall be computed and deducted from the bill accumulated during the period of the concealed leakage.

(2) From the remainder, the customer shall be credited an amount equal to 50% of the remainder.

(3) The City Treasurer may require written evidence that repairs were made to the customer's service line or fixtures before approving an adjustment authorized by this section, if the Treasurer has reason to believe that the excess water consumption was not caused by estimated or erroneous meter readings.

(4) Billing adjustments are allowed only once per customer in a 12-month rolling period.

(D) No further billing adjustment shall be made to sewer charges for any reason, including the filling of a swimming pool.

(E) No billing adjustments shall apply to leakage from any service line that is constructed of unapproved plastic materials. All plastic material used in service lines must meet city and state plumbing codes.

(F) Customers who have received a billing adjustment due to a high bill may enter into a payment arrangement with the city whereby the adjusted bill is paid off over time. All subsequent bills must be paid in a timely manner in order for the payment arrangement to remain in effect.

SECTION 10: Code Amendments – Chapter 52. The current provisions of §52.48 Public Hearing and §52.49 City Council Approval Use of CHAPTER 52: GARBAGE AND REFUSE of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 52: GARBAGE AND REFUSE

Section

Site Approval of New Pollution Control Facilities

52.48 Public hearing

52.49 City Council approval

§ 52.48 PUBLIC HEARING.

(A) At least one public hearing shall be held by the City Council no sooner than 90 days but no later than 120 days from receipt of the application for site approval.

(B) Within 60 days of receipt of the application, the City Manager ~~Mayor~~ shall notify the applicant, in writing, of the scheduled public hearing date.

(C) The applicant shall be responsible for publishing notice of the public hearing in two newspapers of the largest general circulation in the city. The applicant shall also notify by certified mail all members of the General Assembly from the district in which the proposed site is located, and the agency.

(D) The public hearing shall develop a record sufficient to form the basis of appeal of the decision in accordance with ILCS Ch. 415, Act 5, § 40.1.

(E) The City Manager ~~Mayor~~ shall, ~~with consent of the City Council~~, appoint an independent hearing officer to preside over and conduct the public hearing. The City Manager ~~Mayor~~ may request that the City Legal Counsel, the Coles County Regional Planning and Development Commission and the County Health Department be present at the hearing to assist the hearing officers.

(F) The hearing officer, based upon the application, written comments, transcript of the public hearing and other pertinent documents, shall determine compliance or noncompliance with the review criteria and make recommendations on site approval to the City Manager ~~City Council~~ no sooner than 30 days after the last public hearing but no later than 60 days after the last public hearing.

(G) Any time prior to completion by the applicant of the presentation of the applicant is factual evidence and an opportunity for cross-questioning by the City Council representatives and any participants, the applicant may file not more than one amended application upon payment of additional fees pursuant to § 52.50 in an additional period of 90 days.

§ 52.49 CITY COUNCIL APPROVAL.

(A) No sooner than 30 days after the last public hearing; but no later than 180 days from the receipt of the application for site approval, the City Manager ~~City Council~~ shall, ~~at a regular or special meeting~~, approve or deny the application for a new pollution control facility site.

(B) After reviewing the recommendation of the hearing officer, the City Manager ~~City Council~~ shall base its decision on the application for a new pollution control facility in accordance with ILCS Ch. 415, Act 5, § 39.2(a), as follows:

- (1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
- (4) The facility is located outside the boundary of the 100-year flood plain or the site is flood-proofed;
- (5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- (6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
- (7) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility, which includes notification, containment and evacuation procedures to be used in case of an accidental release;
- (8) If the facility is to be located in a county where the County Board has adopted a solid waste management plan, the facility is consistent with that plan; and
- (9) If the facility will be located within a regulated recharge area, any applicable requirements specified by the City Manager or ~~City Council~~ for such areas have been met;
- (10) The City Manager ~~City Council~~ may also consider as evidence the previous operating experience and the past records of convictions or admissions of violations of the applicant (and any

subsidiary or parent corporation) of any state and/or federal Pollution Control Facilities (PCF) laws, policies, and regulations.

(C) A statement of the decision, reasons for the decision based on the criteria, and conditions imposed by the City Manager or the City Council shall be made in writing. The Illinois Environmental Protection Agency and the applicant shall be notified by registered mail of the decision.

(D) The City Manager's ~~City Council's~~ written decision and any imposed conditions shall be made available for public inspection at the office of the City Clerk and may be copied upon payment of the actual cost of reproduction.

(E) If there is no final action by the City Manager ~~City Council~~ within 180 days of the filing of the application for site approval, the applicant may deem the request approved.
(Ord. 2001-5096, passed 12-21-2001)

SECTION 11: Code Amendments – Chapter 92. The current provisions of §92.21 Authority of Fire Department Chief to Seize or Remove Fireworks, §92.23 License Required for Public Display of Fireworks and §92.23 Storage of Fireworks for Public Display; License Required of CHAPTER 92: FIRE PREVENTION; FIREWORKS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 92: FIRE PREVENTION; FIREWORKS

Section

Fireworks

92.21 Authority of Fire Department Chief to seize or remove fireworks

92.22 License required for public display of fireworks

92.23 Storage of fireworks for public display; license required

§ 92.21 AUTHORITY OF FIRE DEPARTMENT CHIEF TO SEIZE OR REMOVE FIREWORKS.

The Chief of the Fire Department, with the approval of the City Manager ~~Mayor~~, shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks or fireworks or combustibles offered or exposed for sale, stored or held in violation of this subchapter.

§ 92.22 LICENSE REQUIRED FOR PUBLIC DISPLAY OF FIREWORKS.

Licenses for the public display of fireworks by properly qualified individuals or corporations, or by the city officials, under the direct supervision of experts in the handling of fireworks, may be issued by the City Manager ~~Mayor~~ in such form as may be prescribed, and upon furnishing such information as he and the Chief of the Fire Department may require. Such display or displays shall be of such character and so located, discharged or fired, as in the opinion of the Chief of the Fire Department, after proper inspection, shall not be hazardous to property or endanger any person or persons. Application for such licenses shall be made 15 days in advance of the date of display.

§ 92.23 STORAGE OF FIREWORKS FOR PUBLIC DISPLAY; LICENSE REQUIRED.

Such fireworks or devices for pyrotechnic display may be stored within the limits of the city when the license for such storage has been issued by the City Manager ~~Mayor~~. The buildings or premises in or upon which such storage is to be made shall be properly inspected by the Chief of the Fire Department and certified as a proper place for such storage. No license shall be issued for such storage within 500 feet of a school, hospital, church or other public institution or any building used as a place of public assembly.

SECTION 12: Code Amendments – Chapter 97. The current provisions of §97.04 Crossings and Approaches; Construction; Maintenance of CHAPTER 97: RAILROADS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 97: RAILROADS

Section

97.04 Crossings and approaches; construction; maintenance

§ 97.04 CROSSINGS AND APPROACHES; CONSTRUCTION; MAINTENANCE.

(A) At all of the railroad crossings of public highways, streets and alleys, the several railroad corporations shall construct and maintain within their respective right-of-way, sidewalks, culverts and approaches either across, over or under their tracks as the case may be, so that at all times such crossings shall be safe as to persons and property.

(B) Whenever any railroad corporation shall neglect to construct or maintain in good repair any crossing or approach, as aforesaid, the City Manager ~~Mayor~~ shall cause written notice to be given, specifying the nature of the work required, and if within ten days after service of such notice such work is not done, the city may forthwith cause such construction or repairs to be made and recover from the railroad company the cost thereof with all necessary expenses incurred.

(C) Railroad grade crossings over any streets or alleys shall be protected as required by the U.S. Interstate Commerce Commission and the State Commerce Commission.

SECTION 13: Code Amendments – Chapter 99. The current provisions of §99.41 Board of Officers, §99.51 Acceptance of Improvement; Payment, §99.55 Use of Sidewalks for Cafes, §99.60 Bicycle Committee and §99.73 Tree Commission of CHAPTER 99: STREETS AND SIDEWALKS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 99: STREETS AND SIDEWALKS

Section

Sidewalk Construction

99.41 Board of Officers

99.51 Acceptance of improvement; payment

99.55 Use of sidewalks for cafes

Bicycle Committee

99.60 Bicycle Committee

Trees

99.73 Tree Commission

SIDEWALK CONSTRUCTION

§ 99.41 BOARD OF OFFICERS.

The Board of Officers provided for in ILCS Ch. 65, Act 5, § 11-84-2, shall consist of the City Manager ~~Mayor~~, City Clerk and City Engineer, or if there is no City Engineer, then the ~~Superintendent of Streets~~ Public Works Director. The City Manager ~~Mayor~~ shall act ex-officio as chairman of the Board, and the City Clerk as Clerk thereof. The Clerk shall be the keeper of the records of the Board.

§ 99.51 ACCEPTANCE OF IMPROVEMENT; PAYMENT.

Where the improvement provided for in the ordinance is constructed under contract with the city, the Board of Officers shall upon the completion and acceptance of said improvement report such completion and acceptance to the Council. The City Manager ~~Mayor~~ and City Clerk are thereupon authorized to issue noninterest bearing vouchers to the contractor in payment for such improvement, payable solely out of the special tax provided for in this code when the same is collected.

§ 99.55 USE OF SIDEWALKS FOR CAFÉS.

(A) *Permit required.* It shall be unlawful for any person, firm, corporation, organization or association to use the public sidewalk for the operation of a sidewalk café, whether offering direct service to the table or not, without obtaining a sidewalk café permit. Permits will be issued only to businesses owning or

leasing property immediately adjacent to an improved sidewalk within a public right-of-way. No permit shall be issued to any business which is not in compliance with all provisions of this code.

(B) *Definition.* **OUTDOOR CAFÉ** shall mean a use of public sidewalk by a food service establishment for the serving of food and beverages. The use will be characterized by the outdoor use of tables, and chairs, umbrellas, and perimeter boundary defining barriers.

(C) *Application.* Application for an outdoor café permit shall be made on forms supplied by the city, and submitted to the City Clerk for review by the [Community Development and Planning Director](#). The application shall require the following:

(1) The name, address, and telephone number of the owners of the property and the food service establishment related to the permit.

(2) A copy of a valid permit or license from the Coles County Health Department.

(3) A drawing or sketch which will include the dimensions of the proposed permit area and which shows the location and type of the tables, chairs, trash receptacles, and other equipment proposed to be used, location of ingress and egress, the curb line and any existing public or utility-owned equipment facilities in or adjacent to the area proposed which are visible to the eye, including but not limited to parking meters, trees, manhole covers and utility poles or openings.

(4) An operations plan specifying the proposed dates, days and hours of operation of the outdoor café, the hours of operation of the adjacent restaurant, scheduled maintenance of the permit area, maximum seating capacity, and method of providing security and maintenance.

(5) An original of a certificate of insurance listing the required coverage amounts and policy periods of the permittee's general liability policies.

(6) An executed waiver of liability in a form approved by the City Attorney.

(7) Any other information related to the requirements of this chapter that the [City Manager](#) ~~Mayor~~ or City Clerk deems necessary.

(D) *Review of applications.* The City Clerk shall review the application for a sidewalk café permit and determine whether to issue the permit. No permit shall be issued pursuant to this chapter unless the [Community Development and Planning Director](#) has determined the following:

(1) There are no outstanding fines, fees, taxes or other charges due and owed to the city by the applicant or the owners of the real property on which the establishment is located.

(2) The applicant has supplied all of the information required on or by the application, and any additional information requested by the City Clerk.

(3) All of the requirements of this chapter have been met.

(E) *Additional conditions.* The Clerk may impose conditions upon the issuance of a sidewalk café permit in order to protect the use of adjacent right-of-way for its intended purpose, to prevent congestion of vehicular or pedestrian traffic flow and to otherwise carry out the purpose and intent of this chapter and this code.

(F) *Regulations.* All permit holders are subject to the following regulations:

(1) An outdoor café is permitted only on sidewalks. The permit area shall be immediately adjacent to the establishment requesting the permit, or on sidewalks contiguous to the sidewalk adjacent to the establishment.

(2) No permit will be allowed if seats or equipment in the outdoor café result in the need for additional restrooms or additional parking and unless such additional restrooms or parking are provided.

(3) Outdoor café permits are valid from April 1 to October 31 of each year. All permits shall expire annually on November 1 of each year.

(4) The hours when service is permitted at the outdoor café shall be during business hours of the permittee.

(5) Any person making use of an outdoor café shall do so in a reasonable manner with due regard for the health and safety of persons and property. No permittee shall make any physical alteration to public property without the written permission of the Public Works Director. A permittee shall owe a duty to the city and third persons to maintain the permit area in a clean, safe and sanitary condition.

(6) The permittee shall keep the permit area free of litter, cans, bottles and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the outdoor café, including material in the adjacent public right-of-way or property originating from the outdoor café. The permittee shall dispose of any such waste in their trash containers only, no trash may be put into city-maintained trash receptacles.

- (7) No cooking or food preparation shall be permitted at any time within the permit area.
- (8) Upon the expiration or other termination of an outdoor café use permit, the permittee shall immediately remove all tables, chairs, furnishings, equipment and other items of personal property from the permit area. Any such items remaining on the public right-of-way may be removed and disposed of by the city at the sole cost and expense of the permittee.
- (9) No live entertainment shall be allowed at any time within the permit area. This provision shall not prohibit piped-in-sound, so long as such sound otherwise complies with the city's noise regulations.
- (10) Only the following types of furniture or other equipment may be located in an outdoor café; tables and chairs, umbrellas, waste receptacles, bussing carts, one sandwich board sign.
- (11) All items placed on the sidewalk must be located in accordance with the approved drawing submitted with the application for permit. If the permittee wished to change the location of items on the sidewalk a drawing of the new configuration must be submitted to the Community Development and Planning Director for approval.
- (12) All items must be placed so as not to create hazards. Incidental items placed in the public sidewalk during the operations of the permittee shall be properly weighted to prevent a wind-blown hazard and shall be removed at the end of each business day.
- (13) Said furniture and other equipment shall be portable, shall not be chained, bolted or otherwise secured together as a unit, shall not be affixed to the surface of the permit area, and shall be removed on a nightly basis within 30 minutes after cessation of service in the outdoor café.
- (14) Tables shall be freestanding with detached chairs or seating, unless it is determined that another design meets the intent of these regulations and a specific exception is permitted in writing by the Community Development and Planning Director.
- (15) Umbrellas shall have a maximum diameter of six feet, a weighted base and be fabric covered.
- (16) No signs, banners, sandwich boards or other like advertising, except for one sandwich board, no larger than six square feet in area on any one of two sides, no greater than four feet in height, shall be located in the permit area.
- (17) Tables, chairs, umbrellas, sandwich boards, and other permissible equipment shall be located in the outdoor café area so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the Community Development and Planning Director or designee, of a minimum of four feet in width, which distance may be increased if the Community Development and Planning Director deems it necessary for pedestrian safety, with a cross-slope not to exceed Americans and Disability Act (ADA) requirements.
- (18) The placement of portable heaters must be reviewed and approved by the city's Fire Chief.
- (19) The City Clerk and Community Development and Planning Director may promulgate administrative rules relating to the requirements contained in this chapter. Such rules shall be attached to the permit and be followed by the permittee.
- (20) Subject to the requirements of the code, the permit holder shall, as part of the right granted pursuant to the permit, be entitled to remove or exclude persons from the permit area during hours of business operation, such permittee is authorized to give notice to any such person to prevent such entry. No cover charge or minimum purchase may be required for admittance to an outdoor café area in the public right-of-way.
- (G) *Fees.* The fee for a sidewalk café permit shall be \$25 per table per season. The fee shall be paid upon the issuance of the permit.
- (H) *Indemnification; payment for cleaning or damages.* As an express condition of the issuance of the permit, each permittee shall agree in writing to indemnify and hold harmless the city against all claims, liability, loss, injury, death or damage whatsoever in connection with or arising out of the use of the outdoor café by anyone, except where the claim is the result of the sole negligence of the city. Additionally, as an express condition of the issuance of the permit, the permittee shall agree to, within seven days after the billing date, pay to the city all costs associated with damage to the pavement or other city-owned facilities located in or adjacent to the permit area caused by operation of the food service establishment, or the cleaning of or trash removal from the permit area or adjacent premises occasioned by the failure of the permittee to clean or removed such trash.
- (I) *Insurance requirements.* All persons, prior to receiving a permit, shall procure and maintain for the duration of the permit, public liability and property damage insurance pertaining to the permit area in a minimum amount of \$2,000,000 per person and \$2,000,000 in the aggregate per occurrence and property

damage in a minimum amount of \$2,000,000, which shall name the City of Mattoon, its officers and employees as additional insureds and the same shall provide that the policy shall not be terminated or be canceled prior to the expiration date without 30 days advance written notice to the city. Proof of such insurance, issued by an insurance company licensed to do business in the State of Illinois in the form of a certificate of insurance, shall be attached to the application.

(J) *Enforcement.*

(1) The city may inspect the permit area at any time. The city shall mail or deliver the results of the inspection to the permittee.

(2) Any violation of the provisions of this section shall be remedied within the time given in the notice or if not stated in the notice, within seven calendar days from the date of delivery of post-mark on the notice.

(3) The use of a public sidewalk as an outdoor café shall be subject to temporary suspension or termination at any time by the city in the interest of the public health, safety and welfare. To the extent that a permit area is needed by the city for the purposes for which it was dedicated, or any other public purpose, the city may immediately terminate the revocable use permit by sending written notice to the permittee and assume full possession and control of the permit area. The permittee shall remove all furniture from the right-of-way within the time specified by the notice. If the furniture is not removed by the permittee, the city shall be authorized to remove all furniture and other objects of permittee from the permit area. If such furniture is not reclaimed by the permittee within seven days after removal by the city, the property shall be presumed abandoned and subject to disposal.

(4) The permittee shall be subject to the penalty provisions and procedures set forth in § [10.99](#) of this code.

BICYCLE COMMITTEE

§ 99.60 BICYCLE COMMITTEE.

(A) The Bicycle Committee shall consist of community members appointed by the [Mayor](#) ~~Commissioner of Public Property with the approval of the City Council~~. The Bicycle Committee shall present findings and recommendations to the Public Works Advisory Board.

(B) The Bicycle Committee shall have the following duties:

(1) To advocate for, and promote, the city's efforts to establish a network of bicycle routes throughout the city;

(2) To advise and present recommendations to the [City Manager](#) ~~Commissioner of Public Property~~, the Public Works Director, and the Public Works Advisory Board for revisions to the City's Bikeway Plan;

(3) To assist with the preparation of grant applications, and securing of funding for the projects promoted by the Bicycle Committee; and

(4) To advise and present recommendations to the [City Manager](#) ~~Commissioner of Public Property~~, the Public Works Director, and the Public Works Advisory Board for the care and maintenance of the city's Bikeway Network.

TREES

§ 99.73 TREE COMMISSION.

(A) The Tree Commission shall consist of community members appointed by the [Mayor](#) ~~Commissioner of Public Property with the approval of the City Council~~. The Tree Commission shall present findings and recommendations to the Public Works Advisory Board.

(B) The Tree Commission shall have the following duties:

(1) To advocate for, and promote, the proper management of the city's tree inventory;

(2) To assist with the preparation of tree inventories and other studies recommended by the Tree Commission;

(3) To advise and present recommendations to the [City Manager](#) ~~Commissioner of Public Property~~, the Public Works Director, and the Public Works Advisory Board for revisions to the city's standards for tree care and maintenance;

(4) To advise and present recommendations to the [City Manager](#) ~~Commissioner of Public Property~~, the Public Works Director, and the Public Works Advisory Board for new tree planting projects and programs; and

(5) To assist with the preparation of grant applications, and securing of funding for the projects promoted by the Tree Commission.

SECTION 14: Code Amendments – Chapter 110. The current provisions of §110.06 Issuance of Certificates; Exhibition and §110.11 Revocation of CHAPTER 110: GENERAL LICENSE REGULATIONS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 110: GENERAL LICENSE REGULATIONS

Section

110.06 Issuance of certificates; exhibition

110.11 Revocation

§ 110.06 ISSUANCE OF CERTIFICATES; EXHIBITION.

(A) Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the city by the **City Manager** ~~Mayor~~ and City Clerk, and be impressed with the city seal.

(B) Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

Penalty, see § 10.99

§ 110.11 REVOCATION.

Any license or permit issued by the city may be suspended or revoked by the **City Manager** ~~Mayor or Council~~ for any of the following causes:

(A) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

(B) Conviction of any crime or misdemeanor.

(C) Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the city, upon recommendation of the appropriate city official.

(D) Expiration or cancellation of any required bond or insurance.

(E) Actions unauthorized or beyond the scope of the license or permit granted.

(F) Violation of any regulation or provision of this code applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable.

(G) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

SECTION 15: Code Amendments – Chapter 112. The current provisions of §112.24 Revocation of CHAPTER 112: AMUSEMENTS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 112.: AMUSEMENTS

Amusement Devices

112.24 Revocation

§ 112.24 REVOCATION.

Any license issued under this subchapter may be revoked by the ~~City Manager~~ Mayor or by the City Council whenever in the judgment of either the public welfare requires such revocation, or when any mechanical amusement device is used in violation of the laws of the state or the ordinances of the city.

SECTION 14: Code Amendments – Chapter 110. The current provisions of §117.06 Inspection of Vehicles of CHAPTER 117: TAXICABS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 117: TAXICABS

Section

117.06 Inspection of vehicles

§ 117.06 INSPECTION OF VEHICLES.

All taxicabs shall be kept clean, sanitary and mechanically safe at all times. The ~~City Manager~~ Mayor may cause such taxicabs to be inspected from time to time, and if found in an unsanitary or unsafe condition he may order such taxicabs withdrawn from service until placed in a fit and serviceable condition, and upon failure to comply with such order the license for such taxicab may be repealed and no portion of the license fee shall be refunded.

SECTION 15: Code Amendments – Chapter 118. The current provisions of §118.13 Appeal Rights of CHAPTER 118: SEXUALLY ORIENTED BUSINESSES of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. **text**), as follows:

CHAPTER 118: SEXUALLY ORIENTED BUSINESSES

Section

118.13 Appeal rights

§ 118.13 APPEAL RIGHTS.

(A) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the mayor of the municipality by written notice filed with the municipality's clerk within ten days of the effective date of such denial, suspension, or revocation. A suspension or revocation of a license under this chapter shall be stayed pending appeal.

(B) The ~~City Manager~~ mayor shall notify the appellant in writing of the date for the hearing on the appeal. The written notice shall be either served on the appellant personally on or before five days before the hearing, or by placing it in a sealed envelope, addressed to the appellant at the address set forth in the application, and depositing it with the United States Postal Service, proper first class postage prepaid, on or before seven days before the hearing. The ~~City Manager~~ mayor may, but is not required to, serve the written notice by certified or registered mail, as set forth above.

(C) The ~~City Manager~~ mayor shall conduct a hearing on the appeal within 14 days of receipt of the written notice of appeal by the municipality's clerk, at which hearing the appellant may present witnesses or other evidence opposing the denial, suspension or revocation. The enforcement officer may also present witnesses or other evidence supporting the denial, suspension or revocation. Both parties shall have the right to cross-examine witnesses.

(D) The ~~City Manager~~ mayor shall determine whether the preponderance of the evidence presented at the hearing supported the decision of the enforcement officer to deny, suspend or revoke the license of the appellant.

(E) The ~~City Manager~~ mayor shall issue a written decision setting forth his findings regarding the evidence presented at the hearing, and his or her decision to affirm or overrule the decision of the enforcement officer. The ~~City Manager~~ mayor shall serve a copy of his or her written decision on the appellant and the enforcement officer in writing. The written decision shall be either served on the parties

personally on or before five days after the date of the hearing, or by placing it in a sealed envelope, addressed to the respective parties at the address set forth in the application and at the enforcement officer's ordinary business address, and depositing it with the United States Postal Service, proper first class postage prepaid, on or before five days after the hearing. The mayor may, but is not required to, serve the written decision by certified or registered mail, as set forth above.

(F) The written decision of the City Manager ~~mayor~~ shall be considered a final decision.

SECTION 16: Code Amendments – Chapter 151. The current provisions of §151.05 Provisions Changed or Supplemented of CHAPTER 151: ELECTRICAL CODE of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 151: ELECTRICAL CODE

Section

151.05 Provisions changed or supplemented

§ 151.05 PROVISIONS CHANGED OR SUPPLEMENTED.

The following sections of Article 80 of the 2008 edition of the NEC® are hereby changed or supplemented by local amendment.

(A) 80.9. Application.

(A) **New Installations.** This Code applies to new installations. Buildings with construction permits dated after the effective date of this Code shall comply with its requirements.

(B) **Existing Installations.** Existing electrical installations that do not comply with the provisions of this Code shall be permitted to continue in use unless the Electrical Inspector determines that the lack of conformity with this Code presents an imminent danger to occupants. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(C) **Additions, Alterations or Repairs.** Additions, alterations or repairs to any building, structure or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this Code. Additions, alternations, installations or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the Electrical Inspector. Electrical wiring added to any existing service, feeder or branch circuit shall not result in an installation that violates the provisions of the Code in force at the time the additions are made.

(D) **Policy Regarding Existing Installations.** Strict enforcement of updated versions of national codes could make continued use or reuse of existing buildings and structures technically unfeasible or impose disproportionate costs due to characteristics that may not be in compliance with updated versions of the national codes. The various national codes occasionally grant interpretative latitude and administrative discretion to the officials responsible for code enforcement. It is the policy of the City Council to encourage the continued use or reuse of existing buildings and structures throughout the City of Mattoon. The provisions of updated versions of national building, electrical and fire codes relating to the repair, alteration, restoration and change of occupancy shall not be mandatory for existing structures where such structures are judged to not constitute a distinct life safety hazard. Where the building code, electrical code, fire code and other development codes grant discretion and judgment in approving alternative materials, alternative structural or dimensional design features, alternative construction and/or operational features, officials responsible for code enforcement are directed to employ discretion and judgment in the most liberal manner possible provided public safety is not endangered thereby.

(E) **Appeals.** A person, who perceives he has been adversely affected by determinations of the Electrical Inspector regarding imminent dangers, unsafe conditions, electrical system performance or compliance time may appeal to the Electrical Board. The Electrical Board may sustain, modify or reverse determinations of the Electrical Inspector pursuant to the foregoing policy and procedures provided at 80.15 (G) of this Article.

(B) 80.13(13). Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that

such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within 2 business days.

(C) 80.15(A). Creation of the Electrical Board. There is hereby created the Electrical Board of the City of Mattoon, hereinafter designated as the Board, consisting of six (6) members, as follows: The Chief Electrical Inspector of the City in an advisory capacity; a registered professional or Electrical engineer; an electrical contractor licensed within the City of Mattoon; Journeyman Wireman or equivalent as recognized by the Dept. Of Labor; current or acting Mattoon Fire Chief; and a representative of an electric supply utility serving the City of Mattoon.

(D) 80.15(C). Terms. Members shall be appointed by the ~~City Manager Mayor, by and with the advice and consent of the Council.~~ Each appointment shall be for a term of 4 years or until a successor is appointed. The Chair of the Board shall be appointed for a term not to exceed 2 years.

(E) 80.15(D). Compensation. Each appointed member of the Board shall serve without compensation. Subject to the prior approval of the ~~City Manager Mayor,~~ a member of the Board may be reimbursed for direct lodging, travel and meal expenses as covered by policies and procedures established by the City Council.

(F) 80.17(F)(3). When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector or until 2 business days have elapsed from the time of such notification, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

(G) 80.19(E). Fees. An applicant for an electrical permit shall pay fees before the permit is issued. The schedule of fees shall be found in section § 35.01(E)(2) of the City of Mattoon Code of Ordinances.

(H) 80.21. Plans review. Review of plans and specifications shall conform to 80.21(A) through (C), and (1) through (2).

(1) All “commercial installations” or above as determined by Section 334.10 of this ordinance shall be required to submit comprehensive electrical plans. These plans must include panel schedules and load calculations to determine service sizing.

(2) All “residential installations” as determined by section 334.10 of this ordinance which planned service size exceeds 400 Amperes shall be held to the same standards as (1) above.

(I) 80.23 Penalties. Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval or certificate shall be subject to penalties established at § 10.99 of the City of Mattoon Code of Ordinances.

(J) 80.25(C). Notification. If, within 2 business days, after the Electrical Inspector is notified of the completion of an installation of electric equipment, other than a temporary approval installation, the Electrical Inspector has neither authorized connection nor disapproved the installation, the supplier of electricity is authorized to make connections and supply electricity to such installation.

(K) 80.27 Appointment, qualifications and experience of Electrical Inspector.

(A) **Appointment.** The ~~Community Development and Planning Director~~ with the advice of the Electrical Board and consent of the City Council shall appoint the Electrical Inspector and an Interim Electrical Inspector, who serves in the absence of the Electrical Inspector. The Public Works Director and the Electrical Board evaluate the performance of the Electrical Inspectors. A person appointed to an Electrical Inspector position shall be nominated solely on the basis of his or her qualifications and experience consistent with a job description adopted by the City Council.

(B) **Experience.** A person appointed to an electrical inspector position must demonstrate the following experience:

(1) Have a demonstrated knowledge of the standard materials and methods used in the installation of electric equipment.

(2) Be well versed in the approved methods of construction for safety to persons and property.

(3) Have a demonstrated knowledge of the statutes of the Illinois relating to electrical work and the National Electrical Code.

(4) Have had at least 3 years’ experience as an Electrical Inspector or 5 years in the installation of electrical equipment. In lieu of such experience, the applicant shall be a graduate in electrical engineering

or of a similar curriculum of a college or university considered by the Board as having suitable requirements for graduation and shall have had two years' practical electrical experience.

(C) **Certificate.** A nationally recognized inspector certification program accepted by the Board shall certify the Electrical Inspector within 6 months of appointment. The certification program shall specifically qualify the inspector in electrical inspections. No person shall be employed as an Electrical Inspector unless that person is the holder of an Electrical Inspector's certificate of qualification issued by the Board. A person appointed on an interim basis during the absence of the Electrical Inspector or the person serving as the Electrical Inspector on the date this ordinance goes into effect shall be issued a special certificate permitting him or her to continue to serve as the Electrical Inspector in the City of Mattoon.

(D) **Recertification.** Electrical inspectors shall be recertified as established by the provisions of the applicable certification program.

(E) **Revocation and Suspension of Authority.** The Community Development and Planning Director with the consent of the Electrical Board shall have the authority to revoke an inspector's authority to conduct inspections within the City of Mattoon.

(L) 80.29. Liability for damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Mattoon or any of its officers or employees be held as assuming any such liability by reason of the inspection, re-inspection or other examination authorized.

(M) 80.35. Effective date. Article 80 shall take effect after 30 days after its passage and publication.

SECTION 17: Code Amendments – Chapter 157. The current provisions of §157.20 City Council, §157.21 City Planning Commission and §157.33 Final Plat Review Phase of CHAPTER 157: SUBDIVISION REGULATIONS of the City Code of the City of Mattoon (the Code of Ordinances for the City of Mattoon), are hereby amended by showing those provisions to be deleted as stricken through (i.e. ~~stricken~~) and by showing those new provisions to be added as text highlighted in red (i.e. text), as follows:

CHAPTER 157: SUBDIVISION REGULATIONS

Administration

157.20 City Council

157.21 City Planning Commission

Procedure

157.33 Final plat review phase

ADMINISTRATION

§ 157.20 CITY COUNCIL.

Sections 157.20 through 157.23 are concerned with the administration of the regulations contained herein. The City Manager ~~City Council~~ administers regulations, exercises authority and fulfills responsibilities as required by these regulations. The city shall maintain all necessary records, administer the subdivision regulations, be the final authority in cases of appeal, and review the preliminary and final plat. Specifically, with regard to the recommendations of the Planning Commission regarding subdivision review, the role of the City Manager, or designee, ~~Council~~ shall be to consider the proposal in regard to: the regulations and standards within these regulations; reports of other bodies and agencies as they pertain to design standards and specifications herein contained; all other city regulations and ordinances, state statutes and codes and federal codes and regulations deemed to be applicable minimum requirements in the interests of health, safety and convenience of the public of the city and not in conflict with the intent and purpose of these regulations.

§ 157.21 CITY PLANNING COMMISSION.

The City Planning Commission shall review and examine the regulations contained in this chapter and recommend to the city such changes as may be necessary. The Commission shall review preliminary and final plat applications and make recommendations to the City Manager and City Council as applicable and necessary.

§ 157.33 FINAL PLAT REVIEW PHASE.

(A) *Final plat document specifications and support materials.* The developer or his or her representative shall request the Community Development and Planning Director at least 30 days before a regular or special Commission meeting, to place final plat review of the proposed subdivision on the Planning Commission agenda. Three oversized and 15 11x 17 sized copies of final plat documents shall be provided at application for use at the Commission meeting. The applicant will also submit a \$250 non-refundable filing fee at the time of application. The final plat shall meet the following specifications: the final plat shall be prepared by an Illinois Registered Land Surveyor and drawn in India ink on tracing cloth or reproducible mylar at the same scale as the preliminary plat. When more than one sheet is used for any plat, they shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets.

(B) *Final plat contents.*

- (1) Name of subdivision;
- (2) Date, bar scale, and north arrow;
- (3) Locations by distances and bearings from true north or grid north, as established by the Illinois State Plane Coordinate System, East Zone, and angles with reference to a corner or corners established in the United States Public Land Survey;
- (4) All angular and linear data along the exterior boundary of the tract, which meets the criteria for a "second order" accuracy survey, by Illinois Registered Land Surveyor's standards;
- (5) The width, course, and extent of all existing and recorded roads, streets, thoroughfares and other rights-of-way intersecting the boundaries of the subdivision with accurate dimensions in feet and decimal parts of feet (or metric equivalents if utilized in the preliminary plat) and accurate angles to streets, thoroughfares, alleys, and property lines;
- (6) The width, course and extent of all proposed roads, streets, thoroughfares and other rights-of-way with accurate dimensions in feet and decimal parts of feet (or metric equivalents if utilized in the preliminary plat) and accurate angles for all curves included in the plat;
- (7) Complete curve notes for all curves included in the plat;
- (8) Location, type and size of all monuments and lot markers;
- (9) The names of all existing and proposed roads, streets, and other thoroughfares;
- (10) The location and dimensions for all easements and any limitations thereupon;
- (11) Accurate location of all existing abutting tracts, parcels, lots, or blocks;
- (12) All tracts, parcels, lots and blocks contained within the subdivision shall be precisely dimensioned including any property to be dedicated or reserved for public, semipublic, common, or community use;
- (13) All tracts, parcels, lots and blocks contained within the subdivision shall be consecutively numbered;
- (14) All setback lines required by these regulations or fixed within approved protective covenants shall be shown and dimensioned upon the plat;
- (15) The centerlines of streams, rivers, or other similar flows; the normal pool elevation of any lake or impoundment; and, an elevation line indicating the elevation of the 100-year flood, if applicable;
- (16) The name(s), address(es), and signature(s) of the owner(s) and developer(s) of the subdivision or their duly authorized representatives;
- (17) The name, address, registration number and seal, and signature of the Illinois Registered Land Surveyor preparing the final plat;
- (18) Certificates required by these regulations to be included upon the final plat; and
- (19) A statement of maintenance responsibility for any public improvements.

(C) *Supplementary information required.*

- (1) Final water and sewage disposal engineering plans;
- (2) Final drainage and stormwater management engineering plans;
- (3) Final water course and impoundment engineering plans. Complete plans shall be required for improvements, minimally, where impoundments or water courses affect the subdivision, elevations shall be included for the 100-year flood;
- (4) Final topographic and profile studies, certified by the engineer and the owner for the entire site, where topographical change is contemplated;
- (5) Final road and thoroughfare engineering design plans, profiles and cross-sections;

(6) Special studies and engineering plans in final form as required in preliminary plat presentation or as required to provide supporting information for final plat approval;

(7) Final copies of all covenants, restrictions and home owner's association charters and by-laws as intended to be filed simultaneously with the final plat of subdivision; and

(8) Applicable certificates as required by these regulations for final plat approval.

(D) *Reviewing agencies.* At the time of making final plat application to the Planning Commission, the developer shall forward copies of the final plat to all reviewing agencies receiving copies of the preliminary plat. Within 20 calendar days after receipt, interested review agencies shall prepare written reports which shall be available for use and review by the Planning Commission.

(E) *Guarantee of performance.* Prior to the final plat being approved by the City Council, a surety bond shall be posted, as follows:

(1) The improvements shall be completed within two years from approval of the final plat. Developer shall be responsible to maintain all such improvements for one year following acceptance by the City Council. To ensure the satisfactory completion of the required improvements and to ensure the maintenance of such improvements for one year following acceptance by the City Council, the developer shall:

(a) Deposit with the City ~~Manager Administrator~~, cash in an amount equal to 120% of the cost of construction estimate certified by the City Engineer; or

(b) Deposit with the City ~~Manager Administrator~~ a duly executed irrevocable letter of credit in the form as set forth in Appendix C at the end of this chapter, from a financial institution approved by the city and authorized to do business in the State of Illinois. The letter of credit shall name the city as beneficiary, shall be in effect for at least one year from its issuance date, and shall remain in effect thereafter until the city is given 90 days' notice of an expiration date. The amount of the irrevocable letter of credit shall be in an amount equal to 120% of the cost of construction estimate certified by the City Engineer. The letter of credit shall ensure the satisfactory completion of the improvements and their maintenance for one year following acceptance by the city.

(2) During construction of the improvements, the letter of credit or the developer's cash deposit (herein collectively "developer's security") may be periodically reduced upon approval by the City Council. However, in no event, shall be developer's security be less than 120% of the estimated cost of the improvements not yet completed as determined by the City Engineer plus a 10% retainage of the total cost for maintenance of the improvements.

NOTE: For release of surety, see § [157.71](#).

(F) *Final plat approval.*

(1) Upon a finding by the Commission that the final plat submitted is in accordance with the requirements of this chapter, the Chairman and Secretary shall so certify by placing their signatures upon the plat, and shall recommend it to City Council for review and final approval.

(2) Following final approval by the City Council, the final plat may be legally recorded in compliance with the laws of the State of Illinois. Such final approval shall be null and void if the said plat is not recorded within 90 days after the approval, unless application for an extension of time to so record is made in writing during said 90-day period to the City Council and by it granted.

SECTION 4: Elected Officials. Nothing in this Ordinance shall be deemed to diminish or detract from the statutory powers and authority of the City's elected officials, except as provided by law for the implementation of the statutory manager form of government.

SECTION 5: Severability. The invalidity of any provisions of this Ordinance with respect to the law or any existing Code provisions or City ordinances shall not affect the validity of any other provisions herein or the surviving portions.

SECTION 6: Effective Date. This Ordinance shall become effective upon its passage and approval, as provided by law.

Upon motion by Commissioner Butler, seconded by Commissioner Cox, adopted this 6th day of May, 2025, by a roll call vote, as follows:

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

Approved this 6th day of May, 2025.

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

Recorded in the Municipality's Records on 05-06, 2025.

Mayor Hall opened the floor for comments. Interim Manager Gill explained the substitute ordinance as incorporating Resolution No. 2025-3307 allowing the signing of checks by facsimile with an original signature into the municipal codification; therefore, Council would not be considering Resolution No. 2025-3307 later in the meeting.

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

Commissioner Closson seconded by Commissioner Phipps moved to adopt Resolution No. 2025-3304, appointing Kyle M. Gill to the position of City Manager.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2025-3304

A RESOLUTION APPOINTING KYLE GILL AS CITY MANAGER

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that it is in the public interest and the interest of the citizens and taxpayers of the City of Mattoon that a City Manager be employed to manage the business affairs of the City of Mattoon consistent with Illinois statutes and the City of Mattoon Code of Ordinances: and,

WHEREAS, Kyle Gill has served as City Administrator over the past 13 years and has been selected to be in the position of the first City Manager; and,

WHEREAS, negotiations have taken place and an agreement has been reached between negotiators on behalf of the City of Mattoon and Kyle Gill, subject to the approval of the City Council for the City of Mattoon.

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

Section 1. That the Council hereby ratifies the Council's appointment of Kyle Gill as City Manager.

Section 2. That the Employment Agreement between the City of Mattoon and Kyle Gill, entered into between the City and Kyle Gill on or about March 25, 2025, and appointing Kyle Gill as the Interim City Manager shall terminate immediately upon the adoption of the Resolution appointing Kyle Gill as City Manager, and any money the City had placed in escrow relating to Kyle Gill's termination as Interim City Manager shall revert back to the City.

Section 3. This resolution shall be effective upon its approval in accordance with law.

Upon motion by Commissioner Closson, seconded by Commissioner Phipps, adopted this 6th day of May, 2025 by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Butler, Commissioner Closson,</u>
	<u>Commissioner Cox, Commissioner Phipps,</u>
	<u>Mayor Hall</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 6th day of May, 2025.

/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 05-06-2025.

Mayor Hall opened the floor for comments. Mayor Hall acknowledged Interim Manager Gill's 30 years with the City with various positions, the recruitment for position that was apparent and was honored to have Kyle Gill as City Manager.

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

Commissioner Cox seconded by Commissioner Closson moved to adopt Resolution No. 2025-3305, appointing Susan J. O'Brien to the Office of City Clerk and Beth Wright to the Office of City Treasurer.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2025-3305

**A RESOLUTION APPOINTING SUSAN J. O'BRIEN TO THE OFFICE OF CITY CLERK AND
BETH WRIGHT TO THE OFFICE OF CITY TREASURER**

WHEREAS, the status of appointed officers of the municipality are traditionally re-evaluated after the election of new members to the City Council; and

WHEREAS, it is necessary to appoint a municipal clerk and treasurer at the first regular or special meeting of a newly-elected City Council to enable the business of the municipal corporation to continue without interruption.

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

Section 1. The Council hereby ratifies the mayor's appointment of Susan J. O'Brien to the Office of City Clerk.

Section 2. The Council hereby ratifies the mayor's appointment of Beth Wright to the Office of City Treasurer.

Upon motion by Commissioner Cox, seconded by Commissioner Closson,
adopted this 6th day of May, 2025 by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of May, 2025.

/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 05-06-2025.

Mayor Hall opened the floor for comments. Manager Gill stated both do a tremendous job for the City.

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

Commissioner Phipps seconded by Commissioner Cox moved to adopt Resolution No. 2025-3306, designating the depositories in which the funds or moneys of the City may be deposited.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2025-3306

**A RESOLUTION DESIGNATING DEPOSITORIES FOR FUNDS AND MONEYS OF THE CITY
OF MATTOON, ILLINOIS**

WHEREAS, pursuant to the terms of an Act of the General Assembly of the State of Illinois adopted and now in force and effect, it is required that a designation be made of a bank or banks, or other depository in which the funds and monies in the custody of the City Treasurer of the City of Mattoon, Illinois, may be deposited.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that all banks and financial institutions with facilities within the City limits of Mattoon are hereby designated depositories in which the funds and moneys of the City of Mattoon, Illinois, in the custody of the City Treasurer of the City of Mattoon, Illinois, may be deposited.

BE IT FURTHER RESOLVED that no bank herein designated as a depository shall be qualified to receive such funds or moneys until it has furnished the City of Mattoon with copies of the two last sworn statements of Resources and Liability, which such bank is required to furnish to the Auditor of Public Accounts, or to the Comptroller of Currency.

BE IT FURTHER RESOLVED that each bank designated as depository for such funds or moneys shall furnish the City Council of the City of Mattoon with a copy of all bank statements, which it is required to furnish to the Auditor of Public Accounts, or the Comptroller of Currency, while acting as such depository.

BE IT FURTHER RESOLVED that if such funds or moneys are deposited in a bank herein designated as a depository, the amounts of such deposits shall not exceed 75% of the capital stock and surplus of such banks, and the City Treasurer shall not be discharged from responsibility for any such funds or moneys deposited in any bank in excess of such limitation.

BE IT FURTHER RESOLVED that the depositories mentioned herein have furnished that body with copies of their past two statements as furnished to the Comptroller of Currency, or Auditor of Public Accounts, which statements are approved and accepted.

Upon motion by Commissioner Phipps, seconded by Commissioner Cox,
adopted this 6th day of May, 2025 by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Butler, Commissioner Closson,</u>
	<u>Commissioner Cox, Commissioner Phipps,</u>
	<u>Mayor Hall</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 6th day of May, 2025.

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

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien

/s/Daniel C. Jones

Susan J. O'Brien, City Clerk

Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on _____ 05-06-2025.

Mayor Hall opened the floor for comments. Manager Gill stated there were no changes to the depositories.

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

Resolution No. 2025-3307, authorizing the Mayor, City Treasurer and City Clerk to sign checks by facsimile signature was not considered due to incorporation in the municipal code by Ordinance No. 2025-5492 (Substitute).

Commissioner Butler seconded by Commissioner Phipps moved to adopt Special Ordinance No. 2025-1954, ratifying employment contracts with City Manager, City Clerk, Finance Director & City Treasurer.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1954

**AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENTS OF
KYLE GILL, SUSAN O'BRIEN, AND BETH WRIGHT FOR MANAGERIAL POSITIONS**

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The City Council hereby approves an Employment Agreements with:

Kyle Gill for the position of City Manager, and
Susan O'Brien for the position of City Clerk, and
Beth Wright for the position of Finance Director & City Treasurer,

a copy of which is attached hereto and incorporated herein by 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 Butler, seconded by Commissioner Phipps,
adopted this 6th day of May, 2025 by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of May, 2025.

/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 05-06-2025.

Mayor Hall opened the floor for comments. Manager Gill noted the standard contracts. Commissioner Closson inquired as to every year with Manager Gill stating every four years.

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

Commissioner Closson seconded by Commissioner Cox moved to adopt Special Ordinance No. 2025-1955, granting a Special Use for a Tier II Short-Term Rental located at 808 Broadway Avenue. Petitioner: Toby Ferris 07-1-03948-000

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1955

**AN ORDINANCE TO GRANT A SPECIAL USE FOR A TIER II SHORT-TERM RENTAL AT
808 BROADWAY AVENUE | Pin #: 07-1-03948-000**

WHEREAS, the petitioner Toby Ferris has petitioned the City of Mattoon for a special use for a Short-term Rental; and

WHEREAS, a public hearing was held before the Mattoon Planning and Zoning Commission where no objectors were present; and

WHEREAS, The Planning and Zoning Commission of the City of Mattoon voted unanimously for the approval of said special use; and

WHEREAS, said special use conforms with the quality and character of the community.

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

Section 1. Pursuant to the abilities of City Council enshrined in Section 32.05 of the Mattoon Code of Ordinances, the City of Mattoon hereby grants the Special Use for a Tier II "short-term rental" for the address 808 Broadway Ave.

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 Closson, seconded by Commissioner Cox,

adopted this 6th day of May, 2025 by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of May, 2025.

/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 05-06-2025.

Mayor Hall opened the floor for comments. Manager Gill noted consideration at the Planning Committee meeting. CECD Director Benishek noted the Planning Committee passed this unanimously. Commissioner Phipps inquired if it was multi-use with CECD Director Benishek stated residential.

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

Commissioner Cox seconded by Commissioner Closson moved to adopt Special Ordinance No. 2025-1956, granting a Special Use for a Digital Display Sign located currently on a portion of 06-0-00588-000 that will be deeded to the City in the near future. Petitioner: Richard Rhodes of Dusty's Outdoor Media

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1956

AN ORDINANCE TO GRANT A SPECIAL USE ALLOWING FOR A 'DIGITAL DISPLAY SIGN' ON IL-16 | Pin# - TO BE DETERMINED (current is 06-0-00588-000)

WHEREAS, the petitioner, Dusty's Outdoor Media, has approached the City of Mattoon regarding the construction of a 'digital display sign' as part of their Special Use Application; and

WHEREAS, local businesses may be able to utilize the sign for marketing purposes; and

WHEREAS, sexually oriented businesses and/or politically oriented displays are not permitted by Dusty's Outdoor Media; and

WHEREAS, the Planning and Zoning Commission of the City of Mattoon voted unanimously to approve their Special Use petition on April 22, 2025.

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

Section 1. Pursuant to the abilities of City Council enshrined in Section 32.05 of the Mattoon Code of Ordinances, the City of Mattoon hereby approves adopts this ordinance as outlined in Exhibit A.

Section 2. Certain conditions are placed upon the issuance of this special use permit, and said special use permit shall be revoked if the following conditions are not adhered to: The operator/owner of the sign must ensure that the ground where the ‘digital display sign’ will be erected shall be located on city-owned property.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its 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 Commissioner Cox, seconded by Commissioner Closson, adopted this 6th day of May, 2025 by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Butler, Commissioner Closson,</u>
	<u>Commissioner Cox, Commissioner Phipps,</u>
	<u>Mayor Hall</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 6th day of May, 2025.

/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 05-06-2025.

Mayor Hall opened the floor for comments. Manager Gill explained this was the first one to apply and Director Benishek had worked on the sign regulations. CECD Director Benishek noted several attorneys also assisted and that the special use passed unanimously at the Planning Commission. Mayor Hall inquired as to the location. Manager Gill stated the location would be in the area of Phillips 66 and Jack Flash. Mayor Hall added across from the Wendy’s restaurant area.

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

Mayor Hall seconded by Commissioner Cox moved to adopt Special Ordinance No. 2025-1957, granting a Special Use for a Cannabis Dispensary located at 511 Lake Land Boulevard. Petitioner: T C APPLICO, L.L.C. 07-1-05018-000

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1957

**AN ORDINANCE TO ISSUE A SPECIAL USE PERMIT FOR A CANNABIS DISPENSARY
LOCATED AT 511 LAKE LAND BOULEVARD | PIN #: 07-1-05018-000**

WHEREAS, the petitioner T C APPLICO, LLC has submitted an application for a Special Use for a Cannabis Dispensary; and

WHEREAS, adequate public notice was given related to this Special Use Permit application; and

WHEREAS, said application exceeds all required city ordinance related to distance from schools, preschools, and daycares; and

WHEREAS, said application exceeds all city ordinance related to parking requirements; and

WHEREAS, state law requires that the product sold at this facility will be secured and the city further recognizes a former bank building as being a suitable location for said Cannabis dispensary; and

WHEREAS, the City of Mattoon recognizes the positive impact the tax revenues generated from this business would have on our annual budget; and

WHEREAS, 22 employees consisting of 18 full-time and 4 part-time positions will be created locally to benefit our economy; and

WHEREAS, the Planning and Zoning Commission voted unanimously in favor of this Special Use on April 22, 2025 during a regularly scheduled meeting.

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

Section 1. Pursuant to the abilities of City Council enshrined in Section 32.05 of the Mattoon Code of Ordinances, the City of Mattoon hereby approves adopts this ordinance as outlined in Exhibit A.

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 Cox,
adopted this 6th day of May, 2025 by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Butler, Commissioner Closson,</u>
	<u>Commissioner Cox, Mayor Hall</u>
NAYS (Names):	<u>None</u>

ABSENT (Names): Commissioner Phipps

Approved this 6th day of May, 2025.

/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 05-06-2025.

Mayor Hall opened the floor for comments from the Public and online. Mrs. Dixie Freeland, Mr. Gary Stephen (216 Essex Avenue), Mr. Mike Croy (5 Manor Lane), Dr. John Coin (3519 DeWitt Avenue), Angela Hampton (4782 NCR 100E), and Melissa Hardin (21 Lafayette Avenue) spoke against the dispensary. Mr. Tom Wright and Mr. William Wright (116 Wabash Avenue) spoke for the dispensary. Mr. Craig Krandel of Zukowski Rogers Flood & McArdle representative of TC Applico, L.L.C. presented to the Council information including the special use request, meeting criteria of location, no drive thru, customers must be 21 years of age or older, limitation on quantities purchased, no schools within 1,000 feet, participate and support the community, employment in community, adequate parking, no advertisements, described interior design and customer process. Mayor Hall called for further questions with no response.

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

Commissioner Butler seconded by Commissioner Closson moved to adopt Special Ordinance No. 2025-1958, authorizing the city manager to sign an outright grant agreement by and between the City of Mattoon and First Neighbor Bank. reimbursing up to \$108,892.50 from Broadway Avenue East TIF Revenues over a three-year period for engineering costs, pavement removal, earthwork site utilities and seeding to the property located at 808 Broadway Avenue East; and authorizing the city manager to sign the agreement. 06-0-00554-006

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1958

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND FIRST NEIGHBOR BANK FOR 808 BROADWAY AVE EAST (06-0-00554-006) IN CONNECTION WITH THE MATTOON BROADWAY AVENUE EAST TIF DISTRICT

WHEREAS, FIRST NEIGHBOR BANK (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Broadway Avenue East Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, referred to as the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

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

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

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 Butler, seconded by Commissioner Closson, adopted this 6th day of May, 2025 by a roll call vote, as follows:

AYES (Names): Commissioner Butler, Commissioner Closson,
Commissioner Cox, Mayor Hall

NAYS (Names): None

ABSENT (Names): Commissioner Phipps

Approved this 6th day of May, 2025.

/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 05-06-2025.

Mayor Hall opened the floor for comments. Manager Gill explained the new building for investments, TIF, site work, utility work, payments over three years, and location between the former Blaw Knox and Annamet site.

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

Commissioner Closson seconded by Commissioner Cox moved to adopt Special Ordinance No. 2025-1959, granting a variance for Fire Station #3 to allow yard setback requirements for a building addition located at 2700 Marshall Avenue. Petitioner: City of Mattoon

Mayor Hall opened the floor for comments. Manager Gill explained the addition to Fire Station #3 including a new bay, other plans, setback and had unanimously passed at the Planning Commission.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1959

AN ORDINANCE TO ISSUE A VARIANCE TO THE YARD SETBACK REQUIREMENTS FOR THE FIRE STATION #3 BUILDING ADDITION

WHEREAS, the City of Mattoon desires to amend the zoning ordinance of the City of Mattoon to allow for a Variance to the yard setback requirements for the planned Fire Station #3 addition located at 2700 Marshall Ave | Pin Number 07-2-11799-000; and

WHEREAS, said Variance would enable the expansion of fire protection and EMS services; and

WHEREAS, the Planning and Zoning Commission of the City of Mattoon unanimously approved the request for Variance on April 22, 2025 at a regularly scheduled meeting.

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

Section 1. Pursuant to the abilities of City Council enshrined in Section 32.05 of the Mattoon Code of Ordinances, the City of Mattoon hereby approves adopts this ordinance as outlined in Exhibit A.

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 Commissioner Closson, seconded by Commissioner Cox,
adopted this 6th day of May, 2025 by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of May, 2025.

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

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien

/s/Daniel C. Jones

Susan J. O'Brien, City Clerk

Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on 05-06-2025.

Mayor Hall opened the floor for comments. Manager Gill explained the addition to Fire Station #3 including a new bay, other plans, setback and had unanimously passed at the Planning Commission.

Mayor Hall noted the design was to allow expansion. Chief Hilligoss explained the engine and a drive through ambulance area, and the first time for an ambulance on the west side of the railroad track. Commissioner Cox commended Chief Hilligoss on his time and knowledge, explained the 60-year-old building which needed updates and extra space.

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

Commissioner Cox seconded by Commissioner Phipps moved to adopt Ordinance No. 2025-5493, updating the municipal code to increase the effectiveness of the Corridor Development by amending Sections 159.56, 159.57, 159.58, 159.59, 159.60 and 159.61.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2025-5493

AN ORDINANCE TO INCREASE THE EFFECTIVENESS OF THE CORRIDOR DEVELOPMENT DISTRICT

WHEREAS, the City of Mattoon and City of Charleston have a collaborative and shared zoning district; and

WHEREAS, the City of Mattoon and City of Charleston have jointly agreed to streamline procedures to facilitate development opportunities in said shared zoning district; and

WHEREAS, the City of Mattoon desires to make housing development opportunities readily available for developers; and

WHEREAS, the Planning and Zoning Commission of the City of Mattoon unanimously approved these changes at their April 22, 2025 meeting.

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

Section 1. Pursuant to the abilities of City Council enshrined in Section 32.05 of the Mattoon Code of Ordinances, the City of Mattoon hereby approves the repeal of Sections 159.56, 159.57, 159.58, 159.59, 159.60 and 159.61 and replace as outlined as follows:

C/D CORRIDOR DEVELOPMENT DISTRICT

159.56 Purpose

159.57 District boundaries

159.58 Use controls

159.59 Lot controls

159.60 General requirements and restrictions

159.61 Approval process

C/D CORRIDOR DEVELOPMENT DISTRICT

§ 159.56 PURPOSE.

The purpose of the C/D (Corridor Development) District is to encourage economic development activity along the Route 16 corridor between the Cities of Charleston and Mattoon, thus expanding employment opportunities in Coles County and enhancing its tax base. This district is founded on a cooperative working relationship between those parties with an interest in encouraging the economic development in the county and facilitating quality development along the corridor. To that end, the requirements of this district are intended to encourage development that both enhances the economy of the county and the aesthetics of the area and maintains and encourages environmental quality.

§ 159.57 DISTRICT BOUNDARIES.

The C/D District extends along Route 16 and encompasses that area shown in “Appendix A”, on file in the office of the City Clerk. It is the intent of the city to annex all properties within this area. Upon such annexation, it is the intent of the city to zone such property C/D.

§ 159.58 USE CONTROLS.

The designation of a proposed activity as a permitted, conditional or prohibited use shall be upon the determination of the City Clerk.

(A) Uses permitted. Except as specifically limited in this section, the following uses and no others shall be permitted in the C/D District:

(1) Agricultural uses and any other similar uses or enterprises customarily carried on in the field of general agriculture and not obnoxious or detrimental to the public welfare;

(2) Accessory structures to permitted uses;

(3) Commercial: retail;

(4) Commercial: wholesale;

(5) Distribution;

(6) Educational institutions/services;

(7) Health/medical services;

(8) Light manufacturing;

(9) Offices; and

(10) Storage.

(11) Planned Unit Development (PUD). See Planned Unit Development Code Ordinance Number 88-4851 and 2024 update.

(B) Special uses. Any use of land not specifically listed in division (A) or (C) of this section shall be classified as a “special use” and shall be permitted only when authorized

under the requirements of the city Zoning Code.

(C) Prohibited uses. Permitted uses and conditional uses shall not be construed to include the following uses which are prohibited in the C/D District:

- (1) Asphalt plants;
- (2) Auto salvage yards;
- (3) Batching plants;
- (4) Commercial feed lots;
- (5) Concrete plants;
- (6) Foundry;
- (7) Hides, skins and raw furs processing;
- (8) Junkyards;
- (9) Landfills;
- (10) Refuse incinerators;
- (11) Residential uses on zoning lots smaller than ten acres in size; and
- (12) Slaughterhouses.

§ 159.59 LOT CONTROLS.

(A) Minimum lot size.

(1) The minimum lot size for a zoning lot, any part of which is located within 1,000 feet of Route 16, shall be two acres (87,120 square feet).

(2) The minimum lot size for a zoning lot located more than 1,000 feet from Route 16 shall be one acre (43,560 square feet).

(B) Minimum lot width.

(1) The minimum lot width for a zoning lot, any part of which is located within 1,000 feet of Route 16, shall be 200 feet.

(2) The minimum lot width for a zoning lot located more than 1,000 feet from the Route 16 right-of-way shall be 100 feet.

(C) Corridor open space.

(1) In order to ensure quality development and preserve views along Route 16, a corridor open space is established abutting Route 16. The open space corridor shall be located in the 100 feet closest to the property lines abutting Route 16. The 50 feet of the open space corridor closest to Route 16 shall be defined as the front 50 feet. The 50 feet of the open space corridor located farthest from Route 16 shall be defined as the rear 50 feet. Unless otherwise noted in this chapter, no activities or obstructions other than as listed in § 159.60 shall be allowed in the front 50 feet of this open space area as measured perpendicular from the property line abutting Route 16 and this area shall be planted and maintained with live landscape material.

(2) Parking as required under § 159.60(G) shall be permitted within the rear 50 feet

from Route 16. Should parking be located within this portion of the corridor open space, it shall be landscaped as required in § 159.60(I)(4).

(3) Low profile ground signs as permitted in § 159.60(F)(3) shall be set back at least 25 feet from Route 16.

(4) Directional signs as permitted by § 159.60(F)(3)(d) shall be permitted in the corridor open space when said signs are used in indication of site ingress and egress.

(5) The 100-foot corridor open space is to be landscaped as required in § 159.60(I)(4).

(6) Pole signs as permitted by § 159.60(F)(3)(c) shall be set back at least 50 feet from Route 16.

(7) Signs not listed in this section are prohibited in the open space corridor.

(D) Yard requirements.

(1) All structures shall be set back a distance of at least 25 feet from all front, side and rear lot lines and the corridor open space.

(2) In the case of zoning lots adjacent to major roads in the C/D District, all structures shall be set back a distance of at least 50 feet from the road. Major roads shall be defined as Loxa Road, Lerna Road, Old State Road and Township Road 800N.

(E) Transitional yards.

(1) There shall be established a transitional yard of the first 50 feet abutting the edge of the zoning district. Open storage, refuse containers or other structures accessory or otherwise, shall not be located within the transitional yard and shall be adequately screened from view if visible from any residential lot(s).

(2) Every parking lot in a transitional yard shall be buffered and screened by a perimeter landscaped open space having a width of at least five feet. The landscaping and screening treatment of such space shall be designed and maintained to a height of at least three feet above the surface of the parking lot.

(F) Height.

(1) Structures located on a zoning lot, any part of which is located within 1,000 feet of Route 16 shall have a maximum height of 60 feet.

(2) Structures located within 200 feet of the C/D District boundary shall have a maximum height of 35 feet.

(3) Notwithstanding the foregoing, all structures in the C/D District shall also be subject to the height limitation established by the Coles County Memorial Airport Hazard Zoning Regulations, as directed by § 159.60(B).

(G) Maximum lot coverage. The maximum coverage of any zoning lot within the C/D District by building, parking, roads or any other impervious surface shall not exceed 70%.

§ 159.60 GENERAL REQUIREMENTS AND RESTRICTIONS.

(A) Nonconforming uses. Where, at the effective date of adoption of this zoning district, a lawful use of land exists that is made no longer permissible under the terms of this district, such use may continue subject to the nonconforming use provisions of 159.45.

(B) Airport restrictions. Any development within the Corridor Development District that is also within the area controlled by the Coles County Memorial Airport Hazard Zoning Regulations must meet the requirements of both sets of regulations. In cases where differences exist between the two codes, the more restrictive standard shall apply.

(C) Performance standards. All uses in the C/D district which require buildings and/or open areas for manufacturing, fabrication, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes shall conform to the performance standards defined in 159.31(N) as concerns smoke, fly ash, dust, odor, gases and fumes, glare, vibration, noise and sound.

(D) Severe slope restrictions. To protect the visual and environmental quality of the C/D District, no building shall be constructed on any portion of a zoning lot that exceeds 30% slope. In addition, all buildings and structures shall be set back from the toe of the slope a minimum of ten feet and an average of 20 feet.

(E) Curb cuts.

(1) In order for the city to support an application to the Illinois Department of Transportation for a new vehicular ingress/egress onto Route 16, the zoning lot which will gain access to Route 16 must conform to the requirements of this division (E).

(2) Vehicular ingress/egress onto Route 16 shall be permitted only if it:

- (a) Is at least 20 acres in size;
- (b) Has a minimum frontage on Route 16 of 1,000 feet; and
- (c) Is not within 1,250 feet of an existing road or curb cut.

(3) As a condition of approving any development with a curb cut onto Route 16, the property owner shall grant an easement for the purpose of linking adjacent

properties with an access road. Such easement shall be 50 feet in width, parallel and abutting the property line along Route 16. The access road shall be centered within the easement. Such road will be utilized in cases where an applicant meets the requirements of § 159.60(E)(2)(a) and § 159.60(E)(2)(b) but not § 159.60(E)(2)(c).

(4) Access roads in the C/D District will be constructed to the specifications defined in the city's Subdivision Regulations, except as defined otherwise in this section. The applicant for whom the access road is constructed will bear responsibility of construction and maintenance of the access road and submit to the city a letter of credit, which shall ensure adequate design, construction and maintenance of the road. The terms of the letter of credit, as to period and amount, shall be established by the City Council.

(5) Where a zoning lot has access from a road that intersects with Route 16, the center line of the road providing that access shall be at least 150 feet from the Route 16 right-of-way.

(F) Signs.

(1) Master Sign Plan required. For any zoning lot on which the owner proposes to erect one or more signs, the owner, his or her agent or assignee shall submit a Master Sign Plan to the City Clerk. The City Clerk shall approve the Master Sign Plan, which will meet the requirements of this division (F) prior to the issuance of a building permit and all signs placed on the zoning lot shall conform to the Master Sign Plan and the requirements of this division (F). The Master Sign Plan shall contain the following information:

- (a) An accurate plot plan of the zoning lot, at a specified scale;
- (b) The location of all buildings, parking, driveways and landscaped areas on the zoning lot;
- (c) The computation of the maximum total sign area, the maximum area for each individual sign, the height of each individual sign and the total number of signs to be erected on the zoning lot; and
- (d) An accurate indication on the plan of the proposed location of each present and future sign, except temporary signs need not be shown. Such plan may be amended from time to time upon approval by the Zoning Administrator.

(2) Maximum sign area.

(a) Maximum total sign area. The maximum total sign area for all signs on a zoning lot in the C/D District, except incidental signs, building markers and temporary signs shall not exceed the lesser of the following:

1. Maximum number of total square feet: 500; and
2. Square feet of signage per linear foot of street frontage: 1.

(b) Area per frontage. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocations that is derived from the lot, building or wall area frontage on that street.

(c) Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(d) Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

(e) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the existing grade prior to construction; or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(3) Permitted signs. The following signs are permitted in the C/D District:

(a) Flat signs, provided that such signs shall not extend more than 24 inches from the wall or building to which they are attached, the bottom of such signs shall be at least 10 feet above grade and such signs shall not cover or block any window, opening, architectural feature or architectural detail. The sign and any appurtenant devices or structural supports shall not project above the cornice or fascia of the building to which it is attached;

(b) Low profile ground signs, provided there shall be only one sign per street frontage and further provided that each such sign shall not exceed a height of eight feet and an area of 96 square feet;

(c) Pole signs, provided there shall be only one sign per street frontage and further provided that each such sign shall not exceed a height of 25 feet and an area of 125 square feet;

(d) Directional signs, provided the total aggregate sign area of all incidental signs shall not exceed 48 square feet and further provided that each individual sign shall not exceed a height of three feet;

(e) Temporary real estate signs, provided there shall be only one sign per street frontage and further provided that each sign shall not exceed an area 12 square feet and a height of five feet. Temporary real estate signs shall be removed from the property upon the completion or discontinuance of the sale of said property;

(f) Temporary construction signs, provided there shall be only one sign per street frontage and further provided that each sign shall not exceed an area of 12 square feet and a height of five feet. Temporary construction signs shall be removed from the property upon the completion or discontinuance of said construction;

(g) Temporary non-commercial signs, provided that such signs for purposes of public elections are displayed only during the duration of the campaign and shall be removed within seven days after the date of the election for which they are displayed;

(h) Governmental signs;

(i) Corporate flags, flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flags shall be limited to a total of four and each flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes;

(j) Building marker, provided such sign shall not exceed an area of four square feet;
and

(k) An industrial/business park containing at least four sites or ten acres may be permitted one directory sign identifying the industrial/business park by name and identifying the occupants of the industrial/business park. Said sign shall not exceed 100 square feet in size for the first ten acres of the industrial/business park area plus 100 square feet for each additional ten-acre increment of the industrial /business park area, to a total of 400 square feet. The portion of the directory sign area dedicated any given tenant shall be deducted from that tenant's allowable sign area, as controlled by § 159.60(F)(2)(a).

(4) General requirements. The following general requirements shall apply to all signs in the C/D District.

(a) All signs except non-commercial messages shall be appurtenant to a permitted use of the property on which displayed.

(b) No sign shall exceed a height of 15 feet when said sign is located on a lot on which the primary use of the property is agricultural or the property is vacant.

(c) No sign shall be erected in any location where, by reason of its position, it will obstruct the view of any authorized traffic sign, signal or other traffic control device.

(d) No spotlight, floodlight or lighted sign shall be installed in any way which will permit the rays of such sign's light to penetrate beyond the property on which such light or lighted sign is located in such manner as to constitute a nuisance.

(e) All signs shall be imprinted with the sign owner's name and address and the sign erector's name and address. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.

(f) All signs shall comply with the applicable provisions of the Building Code, the Fire Code and the Electrical Code of the city.

(g) All signs shall be maintained in good structural condition and in compliance with all applicable city codes as well as the provisions contained in this chapter.

(h) No sign shall be animated in the C/D District.

(i) No signs shall be erected upon or project through the roof of any building nor shall any sign attached to a building extend above the roof line.

(j) Notwithstanding any other provisions in this chapter, the following signs shall be exempted from these regulations and need not be designated in the Master Sign Plan:

1. Official signs promulgated by municipalities, state government, special districts or the Department of Transportation; and

2. Signs affixed by public utilities to their poles and other facilities for identification.

(k) No sign may be erected or maintained which contains, includes or is illuminated by any flashing, intermittent or moving lights except those giving public service information such as weather, date and temperature.

(l) No sign may be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any street or road so as to cause glare or impair the vision of the driver of any motor vehicle.

(m) Structures for any ground or pole sign shall be more than 100 feet from any other structure for a ground or pole sign. This requirement shall not apply to structures which are separated or screened by buildings, natural surroundings or other obstructions in such a manner that only one sign facing located within such distance is visible at anyone time.

(n) Vehicles with exterior markings of any size, identifying or advertising a commercial enterprise, shall not be stored in any front or corner side yard. Such vehicles shall also be screened from view from all adjoining properties and streets.

(5) Legal non-conforming signs.

(a) Any legal non-conforming sign may continue in use and be maintained for the life of the sign in order to amortize the investment therein.

(b) A legal non-conforming sign shall not be enlarged upon, expanded or extended.

(c) Any legal non-conforming sign damaged by fire, flood, explosion, war, riot or act of God may be restored or reconstructed, provided that said restoration or reconstruction does not expand the pre-existing non-conformity and is completed within two months.

(G) Parking requirements.

(1) The off-street parking requirements for uses permitted in the C/D district shall be as follows:

Use type	Spaces per 1,000 square feet of building area
Use type	Spaces per 1,000 square feet of building area
Commercial: retail	4
Commercial: wholesale	1
Distribution	1
Educational institutions/ services	3
Health/medical services	3
Manufacturing/assembly/ production of materials	2.5
Offices	3
Storage	1

(2) Off-street parking shall not be located in any yards in the C/D District, except as otherwise permitted in this section.

(H) Loading requirements.

(1) The off-street loading berths required for uses permitted in the C/D district shall be as follows:

Use type	Square Feet Per One Off-Street Loading Berth
Use type	Square Feet Per One Off-Street Loading Berth
Commercial: retail	10,000
Commercial: wholesale	10,000
Distribution	10,000
Educational institutions/ services	100,000
Health/medical services	100,000
Manufacturing/assembly/ production of materials	10,000
Offices	100,000
Storage	40,000

(2) No loading dock shall be located in the front yard of any zoning lot in the C/D District.

(3) No loading dock shall be located within the open space corridor or any transitional yard.

(4) Screening of the loading dock shall be in conformance with § 159.60(I)(4).

(I) Landscaping and screening.

(1) Landscape Plan. A Landscape Plan shall be required for all exterior construction and development activity. Such Landscape Plan shall be drawn in conformance with the requirements specified herein. Landscape Plans must be approved by the City Clerk prior to the issuance of a building permit for exterior construction and development. All Landscape Plans submitted for approval shall contain or have attached the following information unless certain requirements are waived by the City Clerk due to non-applicability:

(a) The location and dimensions of all existing and proposed structures, above- or below-ground utilities, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities and other freestanding structural features as determined necessary by the City Clerk. This drawing may be incorporated with the Master Sign Plan as determined in § 159.60(F)(1);

(b) The location, quantity, size and name, both botanical and common, of all proposed planting materials;

(c) The location of existing buildings, structures and plant materials on adjacent public or private property within 20 feet of the site;

(d) Existing and proposed grading of the site indicating contours at two-foot intervals. Proposed berming indicating contours at one-foot intervals;

(e) Specification of the size and type and boundaries of all proposed ground cover;

(f) The location, quantity, size and name, both botanical and common, of all existing planting materials;

(g) Elevations of all fences proposed for location on the site; and

(h) Elevations, cross-sections and other details as determined necessary by the City Clerk.

(2) Selection, installation and maintenance of plant materials.

(a) Planting materials used in conformance with the provisions contained herein shall be of good quality, of a species normally grown in Central Illinois and capable of withstanding the extremes of individual site microclimates. Size and density of plant material, both at the time of planting and at maturity, are additional criteria which must be considered when selecting plant materials.

(b) All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association Nurserymen. The installation of all plant material required by this chapter may be delayed until the next optimal planting season, that being the period between April 1 and October 30.

(c) The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas and street right-of-ways, as may be required by the provisions of this chapter.

(3) All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance and plant material not in this condition shall be replaced when necessary and shall be kept free of refuse and debris. Fences, walls and other barriers shall be maintained in good repair. Design criteria. Landscape plans described above shall be prepared based on the following design criteria. The evaluation and approval of landscape plans shall also be based on these design criteria:

(a) The scale and nature of landscaping materials should be appropriate to the size of the structures and surrounding existing materials. Large-scaled buildings, for example, should generally be complemented by larger- scaled plants.

(b) Plant material should be selected for its form, texture, color, pattern of growth and adaptability to local conditions.

(c) Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas screening parking lots.

(d) All shade trees and ornamental trees shall have a minimum trunk size of two and one-half inches in diameter upon installation, as measured six inches above the established ground level.

(e) Plant material should be placed intermittently against long expanses of building walls, fences and other barriers to minimize their stark appearance and create a softening effect.

(f) Planting beds should be mulched with bark chips, feather rocks or similar materials. Mulch shall not be used as a substitute for plant materials.

(g) Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, sod and/or other planting materials.

(h) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun. Evergreens and other materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.

(i) Existing plant materials should be, wherever practical as determined by the City Clerk, incorporated into the landscape treatment of a site. The removal of trees within public rights-of-way is expressly forbidden without the approval of the City Clerk.

(j) Earthen berms and existing topographic features should be, whenever determined practical by the City Clerk, incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening.

(4) Open space corridor and transitional yards.

(a) Except as provided elsewhere in this chapter, the open space corridor and all transitional yards shall be devoted exclusively to landscaping. Driveways and sidewalks needed to serve a permitted use may be located within the open space corridor and transitional yards subject to the requirements of § 159.60(E) and approval of the City Clerk.

(b) Landscaping for the open space corridor and transitional yards shall consist of a combination of ground cover, shade trees, ornamental trees and shrubs, decorative paving material and appropriate screening devices such as decorative walls or berms. The use of

shade trees and ornamental trees shall be provided at the rate of one tree for every 50 linear feet of landscaped open space. Evergreen trees may be substituted for shade trees or ornamental trees upon approval of the Building and Zoning Enforcement Officer. Ornamental shrubs shall be provided at a rate of one shrub for every 50 linear feet of landscaped open space and except as otherwise required shall be maintained at a height of not more than four feet. A mixture of shrub species shall be provided, of which at least 25% shall be evergreen. Areas not planted with shrubs or trees shall be maintained with groundcover.

(c) Where, as permitted under § 159.59(C)(2), parking is provided in the rear 50 feet of the corridor open space, the parking lot shall be buffered and screened by a perimeter landscaped open space having a width of at least five feet. The landscaping and screening treatment of such space shall be designed and maintained to a height of at least three feet above the surface of the parking lot.

(5) Refuse containers, outdoor storage.

(a) All refuse containers and all areas of permitted outdoor storage shall be fully enclosed by an opaque fence, wall or densely planted evergreen hedge of a height sufficient to completely screen such containers or storage areas from view from all adjoining properties and all streets.

(b) No refuse containers or storage areas shall be located within any required yard.

(c) Outdoor storage of semi-tractor trailers, heavy construction vehicles and agricultural vehicles, as permitted in this section, shall not require screening.

(6) Parking lots. Every parking lot shall be buffered by a perimeter landscaped open space of at least five feet. The landscaping treatment of such space shall be designed and maintained with ground cover or a combination of ground cover, ornamental shrubs and trees, unless otherwise specified in this chapter.

§ 159.61 APPROVAL PROCESS.

Site plan review shall be required pursuant to the provisions of this chapter in addition to the other requirements of this code before building permits may be issued and shall apply to all uses whether permitted, conditional or accessory. The following regulations shall apply generally to all uses contained within the C/D District.

(1) Intent. The intent of these regulations is to promote safe and efficient use of land, to contribute to an orderly and harmonious appearance of the Route 16 corridor and to further enhance property values. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that adverse impacts of development are minimized. The site plan review process in the C/D District is to provide for review of: Compatibility of a project with its environment, other land uses and existing buildings in the area;

(2) Compatibility of a project with the site plan review criteria for development of the Route 16 corridor, as defined in division (E) of this section.

(3) Compliance of a project with the use, lot and general requirements of this zoning district, as depicted in Route 16 Corridor Design Manual.

(B) Hearing body. A Corridor Review Committee (hereafter referred to as the CRC) is hereby authorized to hear and make recommendations to the City Council on uses proposed in the C/D district. The CRC shall consist of a representative from each of the

following:

- (1) The City of Charleston City Council;
- (2) The City of Mattoon City Council;
- (3) The City of Charleston Board of Zoning Appeals and Planning;
- (4) The City of Mattoon Plan Commission;
- (5) Coles Together;
- (6) Coles County Airport Authority; and
- (7) Corridor Zone Land Owners' Associations.

(C) Procedures. Prior to issuance of a building permit, all development within the C/D District that does not conform to the requirements of this section, must be approved by the City Council in conformance with the following process:

(1) Applicant will complete an application for zoning compliance in the C/D District on forms provided by the city.

(2) Within 15 days of receipt of an application for zoning compliance approval, the City Clerk shall schedule the applicant before the next available plan review meeting of the CRC and shall notify the public of such meeting in conformance with the requirements of § 159.05(C).

(3) The CRC shall conduct a plan review hearing to consider the merits of the development proposal and its compliance with the standards of the C/D District.

(4) Upon completion of the hearing, the CRC shall make a recommendation to the Mattoon City Council regarding compliance of the proposed development with the requirements of this section.

(5) The City Clerk shall schedule a public hearing before the City Council within 30 days and shall make a public notice regarding the City Council hearing, in compliance with § 159.05(C).

(6) Upon completion of the public hearing, the Council shall vote to approve or deny the plan or to approve the plan subject to specific modifications. The Mayor shall sign a concept plan, noting any approved or required changes from said plan, and file it with the City Clerk.

(7) Upon application for building permit, the City Clerk shall compare the building permit application to the filed concept plan. The building permit application must substantially conform to the concept plan and fully comply with the requirements of this section.

(8) Requests for departures from approved plans will be required to follow the same procedure as outlined in this chapter.

(D) Submission requirements.

(1) A concept plan including the following information shall be prepared by the applicant and submitted to the CRC at the formal review meeting:

- (a) Land use on the site;
- (b) Land uses within 1,000 feet of the property;

- (c) Location of available utilities;
- (d) Property boundaries;
- (e) Topographical data showing flood plain if any;
- (f) Access points to the site;
- (g) Location of buildings;
- (h) Distances for setbacks and height;
- (i) Tabulation of relevant lot and building data;
- (j) Address and phone of applicant;
- (k) Scale and north arrow; and
- (l) Location and direction of surface and subsurface drainage and retention.

(2) At the time of pre-application the CRC may, by majority vote, require that the Landscape Plan as required by § 159.60(I) and Master Sign Plan as required by § 159.60(F) be presented at their formal review meeting.

(3) Review criteria. In evaluating a concept plan for development in the C/D District the CRC shall consider how the proposed plan meets the following land use and design criteria: Land use criteria:

(a) Avoid incompatibilities with larger existing users in corridor (i.e., Coles County Memorial Airport and Sarah Bush Lincoln Hospital), understanding that they are important economic development components of the corridor and county;

(b) Focus office, commercial and light industrial development (enclosed activities) along the frontage of Route 16 to enhance its appearance and image;

(c) Locate industrial uses which may have an adverse impact on the appearance and image of the corridor away from Route 16;

(d) Attract airport-related uses near the airport;

(e) Attract additional medical-related uses near the hospital; and

(f) Facilitate reuse or redevelopment of residential structures along Route 16 for commercial uses.

(4) Design criteria:

(a) Avoid overburdening of soil, air, water or infrastructure in the Route 16 corridor;

(b) Protect and enhance open/recreation uses in the study area, particularly the Charleston Country Club, the hiking/biking trail, wooded areas and creeks and rivers;

(c) Encourage redevelopment of older nonproductive uses;

(d) Build private roads to public standards;

(e) Protect residential uses from adverse impacts of non-residential activities;

(f) Minimize changes in natural terrain;

- (g) Separate residential uses from major noise-producing sources;
- (h) Separate internal traffic circulation from parking aisles;
- (i) Minimize visual impact of parking visible from the street; and
- (j) Minimize impacts of airport

noise.

ADMINISTRATION AND ENFORCEMENT

§ 159.65 PLANNING COMMISSION.

(A) Creation and membership.

(1) The Planning Commission is hereby established. The word "Commission" when used in this section shall be construed to mean the Planning Commission. The Commission shall consist of nine members who shall be freeholders appointed by the Mayor upon approval by the City Council. The terms of office of the members of the Commission shall be for five years, excepting that the nine members first appointed shall serve respectively for terms of one for one year, two for two years, three for three years, two for four years and one for five years.

(2) Vacancies shall be filled for the unexpired term of the member whose place has become vacant by the Mayor upon approval by the City Council. The City Council shall have the power to remove any member of the Planning Commission for cause and after notice and public hearing. The Planning Commission shall elect its own Chairperson and Vice President each of whom shall serve for one year. The Planning Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the powers herein given it.

(B) Meetings.

(1) All meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Commission may determine.

(2) All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, specifying the reasons for making or denying such variation.

(3) Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission shall immediately be filed in the office of the City Clerk and shall be a public record. The Commission shall adopt its own rules of procedure not in conflict with the statute in such cases made and provided.

(C) Appeal and review.

(1) An appeal shall be taken within such time as shall be prescribed by the Planning Commission by general rule, by filing with the Building Inspector and with the Commission, a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Commission all of the papers constituting the record upon which the action appealed from was taken.

(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Commission after the motion of appeal has been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be

staid otherwise than by a restraining order which may be granted by the Commission or by a court of record on application, on notice to the Building Inspector and on due cause shown.

(3) The Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent, or by attorney. The Planning Commission may reverse or affirm wholly or partly or may modify the order, requirements, decision or determination as in its opinion ought to be made in the premises and to that end shall have the power of the Building Inspector from whom appeal is taken.

(4) All final administrative decisions of the Commission made under ILCS Ch. 65, Art. 5, §§ 11-13-1 through 11-13-20 as now enacted and may be hereafter amended or modified, shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" approved May 8, 1945, Chapter 110, Section 264 et seq., and all amendments and modifications thereof, and the rule adopted pursuant thereto.

(D) Jurisdiction.

(1) The Planning Commission shall hear and decide appeals for the review of any order, requirement, decision or determination made by the Building/Code Official, who is charged with the enforcement of this chapter.

(2) It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter. The concurring votes of five members of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Building/Code Official or to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

(3) Where in specific cases permits are applied for and there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions or regulations of this chapter relating to the use, construction or alteration of buildings or structures, or the use of land, the Planning Commission may determine and vary their application in harmony with their general purpose and intent and in accordance with the following rules.

(4) No variation in the application of the provision of this chapter shall be made by the Council concerning the use of land, the intensity of such use, the size, shape or location of yards or open spaces, or the height of structures now existing or to be constructed, unless, after a hearing by the Planning Commission as provided for in this section, the Council shall find that such variation will not:

- (a) Impair an adequate supply of light and air to adjacent property;
- (b) Will not increase the hazard from fire and other dangers to said property;
- (c) Will not diminish the taxable value of lands and buildings throughout the city, the area, nor the immediate vicinity;
- (d) Will not increase the congestion in the public streets; and
- (e) Will not otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of said city; nor shall any such variation be made in any case unless the same shall comply with the following limitations:

1. Such variation, whether applicable to new buildings, or to addition to or alterations or extensions of existing buildings, shall not reduce the required dimensions of open spaces by more than 20%, nor reduce the required total area to open spaces by more

than 10%, nor reduce the required total lot area by more than 5%.

2. Such variation shall not permit an increase in the height of structure of more than 10% above the maximum height permitted by this chapter.

3. Such variation shall not permit the extension of a nonconforming use throughout a building or lot contrary to the limitations imposed in the immediately preceding paragraphs.

4. Any variation or other zoning amendments described in this section shall conform with the general review procedures as defined in § 159.05.

§ 159.66 PLATS.

Each application for a building permit shall be accompanied by a plat, in duplicate, drawn to the scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as shall be necessary to provide for the enforcement of this chapter. A careful record of such application and plats shall be kept in the office of the Building/Code Official.

§ 159.67 OCCUPANCY AND COMPLIANCE PERMITS.

(A) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the Building/Code Official stating that the building and use comply with all the building and health laws and chapters and with the provisions of this chapter. No change of use shall be made in any building or part thereof now or hereafter erected or altered, without a permit having been issued by the Building/Code Official, and no permit shall be issued to make such change unless it is in conformity with the provisions of this chapter or amendments thereto duly enacted.

(B) Nothing in this section shall prevent the continuances of the present occupancy or use of any existing building, except as may be necessary for safety of life or property.

(C) Certificate for occupancy and compliance shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection or alteration of such building shall have been completed. A record of all certificates shall be kept on file in the office of the Building/Code Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

(D) No building or premises shall be occupied until such certificate has been issued.

§ 159.68 BOUNDARIES OF DISTRICTS.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zone map, the following rules shall apply:

(A) The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the zone map indicates that the various districts are approximately bounded by street or alley lines, such alleys or streets shall be construed to be the boundaries of such districts.

(B) Where the district boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks and lots, and where the designations on the zone map indicate that the various districts are approximately bounded

by lot lines, such lot lines shall be construed to be the boundaries of such districts.

(C) Where the district boundaries are not shown by streets or alleys, or lot or block lines, the district boundaries shall be determined by use of scale shown on the zone map.

§ 159.69 AMENDMENTS AND CHANGES.

(A) The regulations imposed and the districts created by this chapter may be amended from time to time by ordinance, but no such amendments shall be made without a hearing before the Planning Commission.

(B) Any application for re-zoning inside the corporate limits will be considered by the Planning Commission if, and only if, the physical area to be re-zoned, or the area resulting from re-zoning is at least 40,000 coterminous square feet, as defined herein.

(C) The Commission may, of its own motion, or upon petition signed by 50% or more of the property owners of the area in question, or upon instruction from City Council, cause to be prepared a notice indicating the changes proposed to be made in the regulations or in the district boundary lines, describing the boundaries or the territory to be affected. Such notice shall state the time and place of the public hearing for consideration of such proposed amendments, supplement or change, and the place where maps of the proposed amendment, supplement or change will be accessible for examination by interested parties.

(D) Notice of such public hearing shall be published no more than 30 days nor less than 15 days in advance thereof in at least one newspaper of general circulation in the city. After such public hearing, the Commission shall submit a copy of the decision together with the pertinent considerations in the proposed amendment to the City Council for its decision.

(E) The Commission shall report to the City Council on the proposed amendment, supplement, or change and may cause an ordinance authorizing such amendment, supplement, or change to be introduced in the City Council. Such hearing may be adjourned from time to time. Whenever a written protest against such proposed amendment, supplement, or change, signed and acknowledged by the owners of the following property:

(1) Owners of 20% of the frontage property proposed to be altered;

(2) Owners of 20% of the property immediately adjoining or across an alley; or,

(3) Owners of 20% of the property located within a distance of 150 feet from any boundary line of the property sought to be altered; shall have been filed with the City Clerk within 30 days after said public hearing, the chapter providing for such proposed amendment, supplement, or change shall not be passed except by the favorable vote of three-fourths of the members of the City Council.

(F) At the time application is made to zone or rezone, alter or vary the use of property under the provisions of this chapter, the applicant therefore shall pay to the City Clerk the sum of \$100.

§ 159.70 VIOLATIONS.

(A) Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall, upon conviction, be fined as set forth in § 159.99. The Zoning Official is hereby designated and authorized to enforce this chapter.

(B) In case any building or structure is erected, constructed, reconstructed, altered,

repaired, converted, or maintained, or any building, structure, or premises is used in violation of this chapter or other regulations made under the authority conferred thereby, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or premises; or to prevent any illegal act, conduct, or use in or about such premises.

§ 159.99 PENALTY.

Whoever violates any provision of this chapter shall be subject to a fine according to the general penalty of § 10.99 upon conviction. Each day that a violation is permitted to exist shall constitute a separate offense.

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 Commissioner Cox, seconded by Commissioner Phipps, adopted this 6th day of May, 2025, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of May, 2025.

/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 05-06, 2025.

Mayor Hall opened the floor for comments. Manager Gill noted the changes to encumbrance codes, speed up processes, and eliminated extra meetings. CECD Director Benishek explained Charleston approached the City about the changes and planning developments.

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

Commissioner Phipps seconded by Commissioner Butler moved to approve Council Decision Request 2025-2597, approving Change Order #5 in the amount of \$313,989.65 for the Sports Complex Roadway Project to extend Wooddell Way west of Dettro Drive; and authorizing the Public Works Director to sign the request. 23-00353-00-PV

Mayor Hall opened the floor for comments. Manager Gill explained the EDP grant through DCEO to match spending for the rest of the grant, and will open area for development, and DCEO grant will pay for half of the expenses.

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

Commissioner Butler seconded by Commissioner Closson moved to approve Council Decision Request 2025-2598, waiving the formal bidding requirement; approving the proposal in the amount of \$34,300.00 from Midwest Marine Construction to construct a sea wall at the Lake Paradise Pump House; and authorizing the city manager to sign the proposal.

Mayor Hall opened the floor for comments. Manager Gill noted there were three companies that unload on our lakes, waived the formal bidding, and chose the low bidder.

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

Commissioner Closson seconded by Commissioner Phipps moved to approve Council Decision Request 2025-2599, waiving the formal bidding requirement; approving the proposal in the amount of \$72,118.00 from Hydro-Kinetics for the replacement of the modulating electric actuators on Filter #4 at the Water Treatment Plant; and authorizing the city manager to sign the proposal.

Mayor Hall opened the floor for comments. Manager Gill noted not many companies do the work and have performed the last replacements and were the only bidder.

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

Mayor Hall seconded by Commissioner Butler moved to Approve Council Decision Request 2025-2600, ratifying the appointment of Toby Ferris to the Planning Commission with an unexpired term of 08/17/2028.

Mayor Hall opened the floor for comments. CECD Director Benishek explained Mr. Ferris' background in real estate and looked forward to working with him.

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

Commissioner Phipps seconded by Commissioner Cox moved to adopt Ordinance No. 2025-5494, authorizing the boundary modifications amendment to the area known as the Coles County Enterprise Zone for boundary expansion to include the Rural King Hangar Project; and authorizing the mayor to sign the intergovernmental agreement.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2025-5494

CITY OF MATTOON AN ORDINANCE AUTHORIZING BOUNDARY MODIFICATIONS TO THE AREA KNOWN AS THE COLES COUNTY ENTERPRISE ZONE AMENDMENT 1

- RURAL KING HANGAR -

WHEREAS, the City of Charleston, the City of Mattoon, the City of Oakland and the County of Coles, entered into an agreement on November 30, 2018, and adopted ordinances and resolutions establishing an Enterprise Zone including incorporated portions of the City of Charleston, the City of Mattoon, the City of Oakland and unincorporated portions of the County of Coles; and,

WHEREAS, the Coles County Enterprise Zone was certified by the Illinois Department of Commerce and Economic Opportunity effective January 1, 2020; and,

WHEREAS, there is a need to expand the boundary of the Coles County Enterprise Zone to include the area as described in Exhibits A and B; and,

WHEREAS, the proposed area to be added is contiguous to the existing Coles County Enterprise Zone boundaries; and,

WHEREAS, there is adequate available acreage in the Coles County Enterprise Zone to accommodate the expanded boundary; and,

WHEREAS, a public hearing regarding such amendments has been held as provided by law on April 30, 2025; and,

WHEREAS, this Ordinance and the related Amendment to the Coles County Enterprise Zone Intergovernmental Agreement found in Exhibit C shall be in effect from and after their passage, approval and recording according to law.

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

SECTION 1. The City of Mattoon hereby approves and concurs with expanding the boundary of the Coles County Enterprise Zone to include those areas as described in Exhibits A and B, also referred to as Amendment 1 to the Zone.

SECTION 2. That the Mayor of the City of Mattoon is authorized to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the City of Charleston, the City of Mattoon, the City of Oakland and the County of Coles (the "Enterprise Zone Intergovernmental Agreement") attached as Exhibit C.

SECTION 3. That this Ordinance shall become effective immediately upon the adoption thereof, subject to approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION 4. That the City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward one original and two certified copies of this Ordinance to the Coles County Enterprise Zone Administrator for inclusion in the Illinois Department of Commerce and Economic Opportunity's Application to Add Territory- Option 1 for its approval and to file a certified copy of this Ordinance.

Upon motion by Commissioner Phipps, seconded by Commissioner Cox, adopted this 6th day of May, 2025, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Butler, Commissioner Closson,</u>
	<u>Commissioner Cox, Commissioner Phipps,</u>
	<u>Mayor Hall</u>
NAYS (Names):	<u>None</u>

ABSENT (Names): None

Approved this 6th day of May, 2025.

/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 05-06, 2025.

Mayor Hall opened the floor for comments. Manager Gill explained the addition to the Enterprise Zone, 15 square miles and had an extra 5 square miles to add per the State, potential for additional hangars and building at the airport property with more on Charleston side. Commissioner Cox noted the great project for the Airport as well as future development. Mayor Hall noted the Airport's expansion would be good for economic growth.

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

COMMENTS BY THE COUNCIL

Council welcomed Commissioner Butler to the Council. Commissioner Butler thanked everyone for welcoming her. Commissioner Closson announced the Professional Municipal Clerks Week and thanked Clerk O'Brien for her service. Mayor Hall thanked her as well. Commissioner Cox added Mr. Ferris was a great addition to the Planning Commission and looked forward to working with the new council. Commissioner Phipps thanked former Commissioner Graven for her 12 years, respected attendees' views and appreciated their comments, appreciated the Council's decision as well, noting the accountability and more regulated. Mayor Hall noted this Council has a bright future in working together, good things going on by the work established by former Commissioner Graven and the Council.

Commissioner Butler seconded by Commissioner Cox moved to adjourn at 7:44 p.m.

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

/s/Susan J. O'Brien
City Clerk