

MINUTES
March 24, 2020
Committee of the Whole
City of Batavia
REMOTE MEETING

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Wolff called the remote meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone and McFadden

Members Absent:

Also Present: Mayor Schielke; Laura Newman, City Administrator; Scott Buening, Director of Community Development; Gary Holm, Director of Public Works; Wendy Bednarek, Director of Human Resources; Howard Chason, Director of Information Systems; Anthony Isom, Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Reminder: Please speak into the microphone for BATV recording

3. Approve Minutes for February 25, 2020

Motion: To approve minutes for February 25, 2020
Maker: O'Brien
Second: Meitzler
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

4. Items to be Removed/Added/Changed

Mayor Schielke suggested that agenda item 12, Discussion: Plan Commission Recommendation for Cannabis Related Uses, be removed from the agenda. He explained how he does not think a remote meeting is the best forum to discuss this topic. The consensus of the Committee was since this is not an ordinance but rather a discussion to keep item 12 on the agenda.

Motion: To remove items 9 and 10 from the agenda
Maker: Wolff
Second: Knopp

Chair Wolff asked that items 9 and 10 be placed on the next in-person, not remote, Committee of the Whole meeting.

Roll Call Vote: **Aye:** Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren
 Nay: None
 14-0 Vote, 0 Absent, All in favor. Motion carried.

5. Matters From the Public (For Items NOT on the Agenda)

Isom stated that there were no matters from the public via email at this time.

6. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a “package” in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)

- a. **Resolution 20-047-R: Requesting a permit from IDOT for closure of various roadways for 2020 Farmer’s Market special events (GH 3/9/20) CS**
- b. **Resolution 20-48-R: Requesting a permit from IDOT for closure of Route 31 for 2020 July 4th Fireworks Display special event (GH 3/9/20) CS**
- c. **Resolution 20-49-R: Requesting a permit from IDOT for closure of various roadways for 2020 Batavia Dinner Table special event (GH 3/9/20) CS**
- d. **Resolution 20-050-R: Requesting a permit form IDOT for closure of various roadways for 2020 Downtown Batavia Block Party and Classic Car Show special event (GH 3/9/20) CS**
- e. **Resolution 20-051-R: Requesting a permit form IDOT for closure of various roadways for 2020 BHS Homecoming Parade special event (GH 3/9/20) CS**
- f. **Resolution 20-52-R: Requesting a permit from IDOT for closure of various roadways for Oktoberfest special event (GH 3/9/20) CS**
- g. **Resolution 20-053-R: Authorization to Purchase Truck Equipment in the amount of \$115,040.00 from Henderson Products, Inc.**

Alderman Chanzit read the Consent Agenda.

Motion: To recommend approval of the Consent Agenda as presented

Maker: Chanzit

Second: Meitzler

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp
 Nay: None
 14-0 Vote, 0 Absent, All in favor. Motion carried.

7. Resolution 20-054-R: Authorize the Draw on Letters of Credit for Property at 1780 Hubbard Avenue (SB 3/19/20) CD

Callahan discussed the memo with the Committee. Buening stated that this is a storage lot and staff has been trying to work with the owner to finish the grading that was required under the existing plan and to confine their operations onto the property and other things they said they were going to do. Most of the things they have not done and they have since expanded their operation. The City is in litigation on this property. Since they are not complying it is the City Attorney's recommendation to draw the letters of credit at this time.

Motion: To recommend to Council approval of Resolution 20-054-R: Authorize the Draw on Letters of Credit for Property at 1780 Hubbard Avenue
Maker: Callahan
Second: Uher
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.
CONSENT AGENDA

8. Ordinance 20-24: Amending the text of the City of Batavia Zoning Code, Title 10 of the City Code related to Sign Regulations (DMR 3/11/20) CD

Buening reported that the Council gave direction to staff to go back and look at the sign height ordinance for industrial districts. Staff did that and brought it to the Plan Commission (PC) and also brought some clean up items onto their agenda such as: how do we do sign face changes, window signage on second floor of employment districts and elimination of gas pump topper signs. The PC reviewed the proposed changes and recommended approval of the changes to the ordinance to allow some sign heights to go from 6ft to 10ft but they also recommended a limitation on the maximum wall area for businesses to make sure it is in compliance with the size of the building.

Motion: To recommend approval of Ordinance 20-24: Amending the text of the City of Batavia Zoning Code, Title 10 of the City Code related to Sign Regulations
Maker: Callahan
Second: Knopp
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.
CONSENT AGENDA

9. Ordinance 20-25: Amending the City of Batavia Zoning Code, Title 10 of the City Code related to Bed and Breakfast Homes (JLS 3/17/20) CD

Removed from this meeting's agenda.

10. Ordinance 20-26: Amending Title 3 of the Batavia City Code related to Bed and Breakfast Establishments (JLS 3/17/20)

Removed from this meeting's agenda.

11. Ordinance 20-28: Amending 2020 Payment for ESDA Volunteer Members (WB 3/24/20) CS

Motion: To recommend approval of Ordinance 20-28: Amending 2020 Payment for ESDA Volunteer Members
Maker: Wolff
Second: Malay
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.
CONSENT AGENDA

12. Discussion: Plan Commission Recommendation for Cannabis Related Uses (DMR 3/11/20)

Chair Wolff restated that the opinion of the Plan Commission (PC) is because of the proposed referendum for November this year we should not do anything with our Zoning Code. Chair Wolff stated that in his opinion craft-growing facilities is not part of the retail sales such as dispensaries. Meitzler stated that this is not the same topic as the referendum. This is the craft growing side and not recreational sales. He does not believe we have to defer conversations around this. This is just another major electric use that could occur in an Industrial District. Chanzit stated that he believes these items are separate and it should be brought back to the PC stating that these are two separate issues and we need their consideration on it. Callahan noted that the medical marijuana cultivation centers were passed in 2014 with the recreational statute that went in this past year now allows medical cultivation centers to grow for recreational use. It is important to remember the referendum was for the public to decide do they want a recreational dispensary for sales in the community. Callahan stated that he does not feel that the other grow facilities is any different than we already allowed. Individually Knopp, O'Brien, McFadden, Baerren, Uher, Beck, Miller, Malay, Cerone and Russotto concurred with Callahan's statement. Chair Wolff asked if there were any opposed to sending this back to the PC. There were none that expressed they were opposed. Chair Wolff asked Isom if there were any questions from the public. Isom answered that there were none at this time.

The Committee directed staff to return this to the PC. Callahan noted that if on-site consumption is something the PC does not want to allow with craft growing facilities, the PC could put that in their recommendation to the Committee along with other regulation recommendations such as odiferous smells. Wolff suggested that these all be Conditional Uses so they have to come back to City Council for approval.

13. Project Status

Newman reported on the following:

- COVID-19 precautions administered in City Hall: all offices of the City Hall are closed to the public and limited staff are reporting to the office, the Police lobby area is still open, the Community Development and Public Works department has split their staff and has staff working on opposite days to increase social distancing while providing the services needed, inspections are no longer being performed on the interior of occupied buildings, virtual inspections will be offered to help people finishing a project, and

interior remodeling permits will not be issued during this restriction but permit applications would be accepted.

- COVID 19 Advanced Disposal precautions: All trash and recycling has to be placed in the company designated bins only. Loose items outside of the container will not be collected. All bulky items for pick up have been suspended until further notice. Yard waste service is unaffected by the changes at this time. Sticker program would pick up items that are bagged or in a bin with a handle. All things are subject to change. Sticker and bag orders could be purchased from Advanced Disposal for mail delivery. One could call 630-587-8282 to purchase stickers or bags M-F 8am-5pm.
- One Washington Place TIF Extension: Newman reported that she was in a meeting with the Batavia School Board this evening and on the agenda was the consideration whether or not to extend the Washington Wilson TIF that is critical to us being able to move forward with the One Washington Project. Unfortunately, there was a unanimous vote against extending the TIF. Newman stated that she made sure that the School Board was aware prior to the vote that they would be made one hundred percent whole for every school aged child who ends up living in that property. Lastly, she informed them that the TIF would be ended when all of the cost for this project has been covered the City was committed to ending the TIF and would enter into an intergovernmental agreement affirming that. Unfortunately that was not enough to convince the School Board in being a partner in bringing a fifty million dollar project into the City.

14. Other

Uher asked if there is any more discussion between staff and the Park District regarding the dam. Newman stated that she would be happy to start that discussion once again.

Baerren asked if River Street would be closed on second Fridays over the summer. Newman answered that so far there has been no discussion regarding closures with MainStreet. Currently, what has been in the works is creating sidewalk events.

Callahan asked about local economic incentives and initiatives. Newman stated that this would be done under the Mayor's power. Measures have already been implemented to offer relief to our residents and our business community. One of those is we have stopped shut off for electric and water. Local liquor licenses that expire at the end of April will be allowed to remain in place for a period of time before we would implement the renewal fees once again.

Mayor Schielke stated that he has had several complaints about burning. No more permits would be issued for active burning until further notice.

The next remote COW meeting will be held on April 14, 2020.

15. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 8:12pm; Made by O'Brien; Seconded by Meitzler. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on April 28, 2020.