

MINUTES
September 1, 2020
Committee of the Whole
City of Batavia

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 meeting to order at 7:01pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Chanzit (entered at 7:03pm), Baerren, Callahan, Malay (on phone), Uher, Cerone (on phone); McFadden (on phone, joined meeting at 7:03pm)

Members Absent: Aldermen Knopp, O'Brien, Meitzler

Also Present: Mayor Schielke; Laura Newman, City Administrator; Chief Eul, City of Batavia Police Department (on phone); Roman Seckel, Legal Counsel; Gary Holm, Director of Public Works; Rahat Bari, City Engineer; Scott Buening, Director of Community Development (on phone); Drew Rackow, Planner (on phone); and Jennifer Austin-Smith, Recording Secretary

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

3. Approve Minutes for August 18, 2020

Motion: To approve the minutes for August 18, 2020

Maker: Uher

Second: Baerren

Roll Call Vote: **Aye:** Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren, Wolff, Callahan, Malay

Nay: None

11-0 Vote, 3 Absent, Motion carried.

4. Items to be Removed/Added/Changed

There were no items to be removed, added or changed.

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

Natalie Anderson, Co-Owner of Beardsgaard Barbers and River Peak Apothecary, spoke on behalf of all of the businesses on 31, Main, Lincoln and First Streets, which they have collectively been calling the corridor. She reported this block is full of charm and history being a legitimate historic district. They have more and more businesses opening up on the block full of driven creative people who care deeply about Batavia and the community here. They have a huge parking lot in back that not many know about that would be a wonderful spot for events in

addition to parking for those who patronize the businesses there. For businesses everywhere 2020 has been rough. They all closed down in March and when we reopened in June there was disruptive construction up front. Almost all businesses here have lost business to potential customers assuming that we were not open, leaving because they could not find parking out front and there is no signage as to where to find parking instead. They have been informed that in October and November leading up to the busiest time of the year where we make most of our money we would be losing our front sidewalk and all access to the front entrances of our building. All customers would have to enter our businesses through the parking lot doors in the back. That is a problem. The parking lot is full of potholes.

Additionally, the six years they have been in business here staff and clients have been harassed, cat called, vile graffiti directed at particular staff members of some businesses, and guns have been pulled out on people in this parking lot. They have found constant broken bottles of glass, needles, bags of trash, blood, vomit and actual teeth and more and worse that she will not recount in this setting. It gets exponentially worse as the sun goes down. When the City and police are contacted we are often told that the parking lot here is private property and the responsibility of the property owners to deal with such things. On the other hand, when we want to use the parking lot for an event, food truck or make a dumpster corral so dumpsters are not strewn all over the lot then suddenly it is City property and we are not allowed to do those things. They know the City of Batavia wants to have storefronts to be filled with a variety of businesses that are truly invested in Batavia. Here we are. She has two storefronts and her entire life is invested here. It is time we started investing in the parking lot that we all share. The City and businesses need full clarity on who is responsible for this parking lot and give us the authority to make decisions regarding its use and maintenance. With the front sidewalk being removed next month this is not an issue we could wait on until next year or until the pandemic is over. Businesses on this block will be facing things that none of the other businesses in Batavia will be facing. They need help specifically and they need help now. They need this parking lot cleaned, patrolled regularly, better lit, and real signage to point people there. Anderson concluded they are here to make an actionable plan with the City to make this a safe and clean area for staff and customers.

Cyndi, Ryan and Andrea, 115 South Batavia Avenue, addressed the Committee. Cyndi stated that they are in a building with six women. They have encountered cat calling and her gate that was put up to protect her property has been vandalized. Ryan shared that when they moved into the space they immediately had problems with the bar next store. He has tried talking to the owner of the bar, who has been apologetic, but it does not go beyond that. The bar owner states that he cannot control the people who come in and out of his place. Cyndi stated that he would not help with camera footage that he supposedly has. We have made multiple police reports of the damage done to our property. Immediately after the fence was put up to prevent people from using their property as a trash can or restroom there was obscenities put up directed towards specific stylists and the customers who come into their building. Cyndi stated that they had to paint their fence black to cover up what they wrote. Cyndi stated that there has been no help of compensation from the owner of the neighboring bar for clean up and repairs. There has been blood, a lot of drugs, empty bottles, and the patrons go in and out of that establishment without masks on. The patrons at night will stare out of the windows and mouth profanities towards the stylists and clients inside her building. Cyndi continued that nobody has helped us deal with this issue and nobody hears us when we try to talk to them directly.

Ryan stated that they spoke to the Police Department multiple times and was informed that unless they have cameras and they catch someone in the act of doing something there is nothing they could do about it. Cyndi stated that she has cameras inside her building but the police have told them they need to hardwire cameras outside of their building to have some sort of physical proof. One of the issues she has with that is her property has already been damaged and she feels that putting cameras up will either be broken or taken down. She has everything in this building. She fell in love with this building, it needed a lot of work, she has done everything herself along with Ryan. It has been really hard. She moved her business from Geneva to Batavia. She loves working in Batavia and having her business in Batavia but this has gotten really hard. Ryan stated that it has caused some of the clients not feeling safe.

Andrea added that they do not feel safe at night and usually salons are open until nine or ten. Andrea does not feel safe walking her clients to their car. Ryan stated that there is nothing being done. Andrea shared she has a twelve year old daughter who comes to the salon with her friends and they do not feel comfortable. This is a sad situation. Andrea added that the lighting in the back parking lot is not good. It is very dark. People are in different corners doing transactions and drinking. Ryan noted that it is an all day and all night belligerences. He saw a fight break out in the parking lot at 2pm. It should not affect the businesses around in this way. We are the building right next store and we are coming to you for help.

Chair Wolff stated that we need to work with the police and discuss what can be done at a patrol standpoint. The City could then work with the Public Works Department to see what he have back there as far as lighting so that we could light the parking lot up better. We need to have our staff figure out what the boundaries are on the property to figure out a plan going forward at a City standpoint with the lot and figure out what our next steps should be. Natalie Anderson stated that signage would help to direct front parking to the back. Chair Wolff stated that they should be able to provide signage in a quick turn around.

Scott Queen, 121 South Batavia Avenue, shared that he has been there since 1997. He has learned that if you want to ditch a car you can do that in the back parking lot. There are spots in the parking lot that are unsafe. There are dips and a hole that continues to sink. He picks up garbage once a week and there are dumpsters everywhere. Someone has to watch the back door of that establishment. So many people have spent so much money on this block and are going through such strife. They feel unsafe and they are unsafe.

Sue, 312 First Street, stated that she and her husband are there 24/7 and there is quite a bit of illegal activity in that parking lot. There is more activity in the parking lot than in the bar. The bar lights on the outside are off at night, which does create more shadows. The people who hang out in that parking lot are completely dependent on who is bartending that night. Certain people draw certain people to that area.

Ariane Scholl, Hearth and Hammer, shared that the parking lot is her front door. This parking lot is more visited by our town than most would think. Children ride their bikes through there, families walk through there, overflow parking for funerals, and parking for services. The state of the parking lot is embarrassing for visitors. We get a lot of visitors from out of town and the

parking lot is messy and we have to clean up six packs. She has called the police and has a case number for finding such litter in the parking lot. She often works late and there are parking lot happenings happening. It is not always the bar patrons. It is pervasive and it is stemming from the lack of lighting and the status of the parking lot. If things don't look nice people do not want to treat them nicely. We want the parking lot to be taken care of. There are a lot of things that we would like to do in the parking lot but when there are holes and water collecting we can't do that.

John Happel, 129 South Batavia Avenue, stated that he invested a lot of money into the building he has rehabbed and is behind everything that has been said and watched several of the same things. He is concerned for sure.

Alderman Beck thanked everyone for his or her comments. Beck stated that the dumpsters in that parking lot get dumped haphazardly throughout that space. A dumpster corral is high on her priority list. This seems to be doable. Beck will be reaching out to everyone to better understand waste needs and what consolidation we might be able to accomplish back there and find a spot to install a corral. Beck stated that as we get more people back there and more uses get created for this parking lot that are positive, artsy and productive for everyone that will create more casual surveillance back there and we will see a turn in the way it is used and treated.

Mayor Schielke stated that many of the issues that have been heard tonight have not gone unnoticed or unreacted by the Batavia Police Department. The Batavia Police Department has quite the case file in the works but particular details cannot be discussed. The Batavia Police Department does have their eyes on what is going on here. Mayor Schielke suggested to the Council that it is time to rework the liquor ordinance to bring some new teeth into it. We are working the City's legal counsel about this and we are working on an updated liquor ordinance for the Committee's review. That ownership in that alley is one of the most intricate puzzles of ownership that we have in the entire City of Batavia. The ownership and lots were drawn in the 1800's. Mayor Schielke expressed that he is pleased that this group has shown up tonight and expressed their concerns and complaints because it is something that needs close attention. This is a high priority issue and it is not being overlooked. Mayor Schielke stated that he could be contacted along with the City Administrator or any of the aldermen to keep us informed on what is going on. We are very interested to hear the neighborhood's concerns and what is happening there and we will be trying to address it.

Chief Eul addressed the Committee and apologized for what is going on in that area. He stated that it is a complex area over there with public/private, commercial, residential areas. He assured the group that they are not ignoring that area. They are regularly out there for bar checks. They have had many calls for service. The Police Department will be happy to listen to any specific concerns people may have and to feel free to give him a call any time of day. They could send someone out there to listen to specific issues or concerns. The suggestion to install cameras was possibly a suggestion for improvements by environmental design to increase the safety level.

Andrea addressed the Committee to discuss issues with construction. They have had a couple of times where water has been turned off when we have gone to work at the salon. There was no warning. No note was placed on the door. We have put chemicals on people's heads and had to rinse them off with bottles of water. We really need to know if the water is going to be shut off.

This has happened twice. Newman apologized and stated that it is the policy to leave a note on the door. When we affect utilities we do door hangers and it should be at least 24 hours notice that utilities would be affected. Newman stated that she would look into this instance because it is outside what our policy is.

6. Discussion: Update on Road Diet Study (Strategic Plan) (LN) GS

Newman reported that the ITEP Grant funding has been increased to up to two million dollars. In our Strategic Plan studying the appropriateness of a road diet on Route 31 was listed. Newman stated that it would be necessary to demonstrate as part of our ITEP Grant application that there is public support for pursuing this as a project at this time so that in the event we are awarded the grant that there are assurances that it would move forward. Newman asked whether or not the Committee still wanted to pursue the studying of the road diet going forward in the current time. Beck shared that the webinar she attended regarding the ITEP funding talked about not only applying for Phase 1 but also bundling Phase 1 and Phase 2 and even construction into the grant proposal because they like to fund whole projects. Newman noted that the City was encouraged by IDOT to go forward with the steps of this process. They would accept the counts of a traffic study during this unprecedented time.

The consensus of the Committee was in favor of going forward with the road diet study and applying for applicable grants, such as the ITEP Grant. City Staff and Alderman Beck will seek out letters of support from local businesses, organizations, and City Commissions.

7. Ordinance 20-56: Amending the Land Use Map of the Comprehensive Plan of the City of Batavia – 2041 Stiers Court (DR 8/30/20) CD

Callahan overviewed the memos from 20-56 and 20-57. Rackow overviewed the Plan Commission meeting discussion with the Committee.

Motion: To recommend approval of Ordinance 20-56: Amending the Land Use Map of the Comprehensive Plan of the City of Batavia – 2041 Stiers Court

Maker: Callahan

Second: Beck

Roll Call Vote: **Aye:** Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren, Wolff

Nay:

11-0 Vote, 3 Absent, Motion carried.

CONSENT AGENDA

8. Ordinance 20-57: Amending the Official Zoning Map – 950 Moorehead Drive, 734 Ridgelawn Trail, 2041 Stiers Court, 960, 970, 1101 and 1106 Wind Energy Pass, City of Batavia Applicant (DR 8/30/20) CD

Motion: To recommend approval of Ordinance 20-57: Amending the Official Zoning Map – 950 Moorehead Drive, 734 Ridgelawn Trail, 2041 Stiers Court, 960, 970, 1101 and 1106 Wind Energy Pass, City of Batavia Applicant

Maker: Callahan

Second: Beck

Roll Call Vote: **Aye:** Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren, Wolff
 Nay:
 11-0 Vote, 3 Absent, Motion carried.
 CONSENT AGENDA

9. Resolution 20-098-R: Variation from the Subdivision Regulations for an Extension of the Expiration of the Final Plat for Menard Second Batavia Resubdivision (DR 8/27/20) CD

Callahan overviewed the memo.

Motion: To recommend approval of Resolution 20-098-R: Variation from the Subdivision Regulations for an Extension of the Expiration of the Final Plat for Menard Second Batavia Resubdivision 300 North Randall Road, Menard Inc

Maker: Callahan

Second: Beck

Roll Call Vote: **Aye:** Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren, Wolff
 Nay:
 11-0 Vote, 3 Absent, Motion carried.
 CONSENT AGENDA

10. Resolution 20-106-R: Authorizing Execution of Task Order #21 with Engineering Enterprises, Inc. for Carriage Crest Recharge Basin Dewatering Well Analysis Phase I, Part B (GH 8/26/20) CS

Holm summarized the memo for the Committee. Holm stated that this Part B study is to try to look into other alternative options and see if we could develop another alternative option that works from an engineering standpoint, provides high level protection, and has a life cycle cost less than 3.5 million dollars. The 3.5 million dollars is the estimated cost of installing a gravity sewer option and is being used as a benchmark for the Part B study.

Motion: To recommend approval of Resolution 20-106-R: Authorizing Execution of Task Order #21 with Engineering Enterprises, Inc. for Carriage Crest Recharge Basin Dewatering Well Analysis Phase I, Part B for an amount not to exceed \$109,250.00

Maker: Wolff

Second: Chanzit

Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren
 Nay:
 11-0 Vote, 3 Absent, Motion carried.
 CONSENT AGENDA

11. Resolution 20-105-R: Amending the Intergovernmental Agreement for Tri-Com Central Dispatch (7th Amendment). (DME 8/25/20) CS

Motion: To recommend approval of Resolution 20-105-R: Amending the Intergovernmental Agreement for Tri-Com Central Dispatch

Maker: Wolff

Second: Russotto

Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren

Nay:

11-0 Vote, 3 Absent, Motion carried.

CONSENT AGENDA

12. Discussion: Entering into an IGA with the Park District for Dam Removal and Preserving the Depot Pond (LN) GS

Newman reported that the Batavia Park District has coordinated with an outside consultant, Hitchcock Design, and they are proposing a project that is in two different parts. The first part of the project would consist of an in-depth analysis of the data gathering, community engagement and focus on further evaluation of the options surrounding the dam and depot pond. The second step would be to expand the vision of the river corridor with the best options on how to address the dam and depot pond. There will also be a focus on branding, connectivity to the river, expanded recreation options, economic opportunities and impacts. We would enter into an intergovernmental agreement for those consulting services so those to be fifty-fifty between the City and Park District. Newman provided the Committee with draft documents: Memorandum of Understanding Points provided by the Department of Natural Resources, Draft Intergovernmental Agreement from the Park District, and the Draft Scope of work from the consultant. Newman noted that the consultant, Hitchcock Design, has worked with both St. Charles and Geneva and has provided them with a familiarity with our zone of the Fox River.

Uher stated that he wants to make sure that the Park District understands that the City of Batavia is not going to pay for all of the construction. He suggested that something be worded that it is joint effort between the Park District and the City of Batavia. Newman and Wolff concurred.

Newman reported that no decision is needed tonight. Newman suggested as a next step to have a joint meeting of the boards. There was no objection from the Committee. Newman will schedule a joint meeting with the Committee of the Whole (COW) and the Park District for either September 15 or 22, 2020.

13. Approval: Third Round of COVID-19 Grants for Small Businesses and Not-for-Profits

Newman reported on the background of creating these grants, budget, churches are included, and there will be a press release tomorrow morning that we will be accepting applications. The grants will be provided on a first come first served basis until the allotted \$20,000 has been reached. There are two different types of reimbursement that could be applied for. The first is if items were purchased between April 1st and September 1st of this year and they fall into the approved categories we will reimburse that. For items that have not yet been purchased, we have identified local businesses from which the applicants must purchase the eligible items. Applications must be received by September 17th.

Motion: To recommend approval of the third round of COVID-19 grants for small businesses and not-for-profits

Maker: Wolff

Second: Callahan

Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren

Nay:

11-0 Vote, 3 Absent, Motion carried.

14. Project Status

Newman reported on the following:

- Bike Share Program: No update on the date the City will receive the e-bikes. The bike share program requested that the Forest Preserve District reconsider their prohibition of e-bikes on the trail system and they decided that they would not. E-bikes will continue to be prohibited from being used on that portion of the bike trail system, which is under the jurisdiction of the Forest Preserve District. Newman stated that she would continue to seek the City of Batavia getting the value for whatever it has invested in this program. Chair Wolff requested that a representative from Colony attend a future COW meeting to give answers to why the Batavia program is not running. Miller questioned if the City should consider going with pedal bikes versus E-bikes due to the ban of E-bikes in the Forest Preserve District.
- Rahat Bari gave status updates on the projects he is working on this year and discussed the delays due to COVID-19 with the Committee.
- Newman shared that Scott Haines in the Public Properties and Services Department explored the possibility of hiring a cleaning service to help with the clean up in the public dining areas and it is less than \$300 to have them come out periodically between Thursday and Sunday. The City will be hiring that service for the remainder of this season. Holm noted that this would be for both River Street and Washington.
- Newman asked if the dining areas could be rented out by private organizations for ticketed events. In this case, this first request comes from Batavia Chamber of Commerce. Chair Wolff stated that as long as the Chamber has everything worked out than one time is fine but the City should check with BEI to make sure that it is okay with them.
- Advanced Disposal pick up schedule is one day later.
- Mask Up for Batavia yard signs organizers are available for any aldermen who would like to take a sign for your yard can take one tonight. Anyone who wants a sign for your yard there is a website they set up and you could request a sign from them: maskup4batavia.com.
- Holm announced that next Tuesday night before the City Council meeting is the tour of the new substation. He will send out a reminder email with the details.

15. Other

Mayor Schielke shared that he has had several inquiries if the City of Batavia is going to lighten up on the masking protocol and his answer is not that he is aware of until there are statistics showing things are going in a better direction. He noted that there are people who feel that the

mask requirement is stepping on their constitutional rights and he wanted to make the Committee aware.

Callahan asked about State mandated shut offs. Newman stated that the giant private utilities are under the regulation of the ICC. The rules that are part of that message have been developed for those organizations and mandated by the ICC. As a municipal utility we don't fall under the ICC rules and sometimes we cannot match those kinds of terms because we are a tiny company compared to the giants. However, we are incredibly flexible as well. It does not have to be COVID for us to come up with payment plans with our residents. As long as they communicate with us and come up with a plan on how they are going to catch up we work with our residents to do that.

16. Executive Session: Sale and Purchase of Real Estate (GH)

Motion: To enter into Executive Session: Sale and Purchase of Real Estate

Maker: Wolff

Second: Russotto

Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Chanzit, Baerren

Nay:

11-0 Vote, 3 Absent, Motion carried.

The Committee entered into Executive Session at 9:21pm and exited at 9:48pm.

17. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:49pm; Made by Callahan; Seconded by Russotto. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on September 23, 2020.