

**MINUTES**  
**September 15, 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 7:00pm.

**1. Roll Call**

**Members Present:** Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Baerren, O'Brien, Callahan (on phone), Meitzler (joined via phone at 7:30pm); Malay (on phone), Uher, McFadden (on phone)

**Members Absent:** Aldermen Chanzit and Cerone

**Also Present:** Chief Deicke, City of Batavia Fire Department; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Anthony Isom, Assistant to the City Administrator; Drew Rackow, Planner (on phone); Joel Strassman, Planning and Zoning Officer (on phone); and Jennifer Austin-Smith, Recording Secretary

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

**3. Approve Minutes for August 25, 2020**

**Motion:** To approve the minutes for August 25, 2020

**Maker:** Knopp

**Second:** Beck

**Roll Call Vote:** **Aye:** Knopp, Baerren, Wolff, O'Brien, Callahan, Malay, Uher, McFadden, Miller, Russotto, Beck

**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)**

There were no matters from the public 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. Ordinance 20-61: Annexing 1450 Thoria Road (Voluntary)(SCB 9/9/20)**

**Motion:** To approve the Consent Agenda as presented  
**Maker:** Wolff  
**Second:** Knopp  
**Roll Call Vote:** **Aye:** Wolff, O’Brien, Callahan, Malay, Uher, McFadden, Miller, Russotto, Beck, Knopp, Baerren  
**Nay:** None  
11-0 Vote, 3 Absent, Motion carried.

**7. Ordinance 20-60: Establishing Special Service Area 66 – Kingsland, Batavia Land Company and Menard Subdivisions (Mill-McKee Retail Center) (DMR 9/9/20) CD**

Callahan overviewed the memo. Rackow stated that this is a backup SSA in the event that the Menards or the owner’s association fails to maintain the property. The Public Hearing is scheduled for September 21, 2020. No petitions have been received at this time regarding the SSA.

**Motion:** To recommend approval of Ordinance 20-60: Establishing Special Service Area 66 – Kingsland, Batavia Land Company and Menard Subdivisions  
**Maker:** Callahan  
**Second:** Beck  
**Roll Call Vote:** **Aye:** Callahan, Malay, Uher, McFadden, Miller, Russotto, Beck, Knopp, Baerren, Wolff, O’Brien  
**Nay:**  
11-0 Vote, 3 Absent, Motion carried.

\*Alderman Meitzler entered the meeting at 7:30pm

**8. Ordinance 20-25: Amendments to the Text of the Zoning Code Regarding Regulation of Bed and Breakfast Homes (JLS 9/9/20) CD**

Strassman overviewed the memo regarding bed and breakfast regulation. Uher stated he does not understand what problem we are trying to solve with some of the things that are included in the regulation. For example, requiring two spaces in the garage does not make sense. He stayed at a B and B that had a gravel driveway and no garage. He could have chosen not to stay there so he does not understand why this is a requirement. Uher continued that the requirement that linens need to be changed everyday, hotels do not do that anymore so why is it required here. Uher stated that he does not understand the problem trying to be solved by not allowing a bed and breakfast in a second dwelling. He added that requiring that the room to be cleaned daily is unreasonable. Uher continued that he agrees with safety and fire protection but some of the items in the regulations he does not understand what problem we are trying to solve. Chair Wolff agreed with Uher about the garage space requirement and changing linens daily. Chair Wolff stated that he does not see the need to have those items in the Zoning Code regulations.

Buening noted that a lot of these things were already things in the existing ordinance. We mirrored the State Statute when we first did this years ago. That is not to say that we should keep them. Buening stated that with the garage, we wanted to make sure that the number of spaces that were required were there. We could change the wording to minimum spaces total and forget the language about the garage. Beck stated that as long as we are enforcing that you cannot park across a sidewalk and you can't park on the street overnight we don't necessarily need the parking space requirement at all. Knopp stated he wants to make sure properties that are home share or short-term rentals cannot use the online overnight parking system because he does not want that system to be abused.

Uher questioned if the City is trying to do too much with one ordinance. Beck stated that this ordinance is supposed to address an Air B&B. Buening stated she is correct and anything rented more than thirty days is considered a lease. Beck clarified that this is a bed and breakfast ordinance and not a home share ordinance so we would need something separate to address Air B&B's and home share.

Callahan asked if anyone wanted to make any modifications to Ordinance 20-25. Uher stated that there is too much to change to even entertain doing that. Beck asked that staff have the ordinance separated for bed and breakfasts and Air B&B/home share. Buening stated that staff has considered a separate ordinance for the home share ordinance and could come back with an ordinance that covers that. Most of what staff has been notified of are the short-term rental issues. Chair Wolff stated that the driveway/garage requirement should be changed to required onsite parking.

The concerns of the Committee were:

- Linen requirement of changing daily removed
- Driveway/garage requirement removal and add requirement of onsite parking
- Adding notice of no overnight parking
- Cleaning between rentals (not cleaned everyday)
- Creating a separate ordinance for home share
- Add up to three unit buildings.

The consensus of the Committee was to have staff make the changes to the ordinance and bring the revised ordinance back to the Committee.

**Motion:** To table Ordinance 20-25 until the next Committee of the Whole meeting

**Maker:** Callahan

**Second:** Uher

**Roll Call Vote:** **Aye:** Callahan, Meitzler, Malay, Uher, McFadden, Miller, Russotto, Beck, Knopp, Baerren, Wolff, O'Brien

**Nay:**

12-0 Vote, 2 Absent, Motion carried.

**9. Ordinance 20-26: Amendments City Code Title 3 Regarding Regulation of Bed and Breakfast Establishments (JLS 9/9/20) CD**

**Motion:** To table Ordinance 20-26 until the next Committee of the Whole meeting  
**Maker:** Callahan  
**Second:** Uher  
**Roll Call Vote:** **Aye:** Callahan, Meitzler, Malay, Uher, McFadden, Miller, Russotto, Beck, Knopp, Baerren, Wolff, O'Brien  
**Nay:**  
12-0 Vote, 2 Absent, Motion carried.

**10. Resolution 20-108-R: Authorizing the purchase of a Sutphen Fire Engine/Pumper (RD 9/9/20) CS**

Chief Deicke summarized the memo. He stated that this purchase was authorized in the 2020 budget and this purchase would be under budget. The total cost is \$546,329 and \$700,000 was budgeted. Chief Deicke shared that they have researched pricing and this is the best price that they found. Once the order is placed the lead-time is one year.

**Motion:** To recommend approval of Resolution 20-108-R: Authorizing the purchase of a Sutphen Fire Engine/Pumper  
**Maker:** Wolff  
**Second:** Knopp  
**Roll Call Vote:** **Aye:** Wolff, O'Brien, Callahan, Meitzler, Malay, Uher, McFadden, Miller, Russotto, Beck, Baerren, Knopp  
**Nay:**  
12-0 Vote, 2 Absent, Motion carried.

**11. Resolution 20-107-R: Authorizing the Sale of Municipally Owned Real Estate North and West of 917 N. Van Buren Street (SCB 9/3/20) GS**

Wolff overviewed the memo. Buening discussed the parcels with the Committee. He stated that the benefits of selling are not having to maintain the property and the property could go back onto the tax rolls.

**Motion:** To recommend approval of Resolution 20-107-R: Authorizing the Sale of Municipally Owned Real Estate North and West of 917 N. Van Buren Street  
**Maker:** Wolff  
**Second:** O'Brien  
**Roll Call Vote:** **Aye:** Wolff, O'Brien, Callahan, Meitzler, Malay, Uher, McFadden, Miller, Russotto, Beck, Baerren, Knopp  
**Nay:**  
12-0 Vote, 2 Absent, Motion carried.

**12. Resolution 20-109-R: Authorizing Certain Elected Officials and Staff to Receive Confidential Prairie State Information (GH 9/10/20) PU**

Holm overviewed the memo.

**Motion:** To recommend approval of Resolution 20-109-R: Authorizing Certain Elected Officials and Staff to Receive Confidential Prairie State Information

**Maker:** Uher

**Second:** Russotto

**Roll Call Vote:** **Aye:** Uher, McFadden, Miller, Russotto, Beck, Baerren, Knopp, Wolff, O'Brien, Callahan, Meitzler, Malay  
**Nay:**  
12-0 Vote, 2 Absent, Motion carried.

### **13. Discussion: Intergovernmental Agreement with Batavia School District Regarding Tax Increment Financing Districts (LN)(GS)**

After discussion, Chair Wolff stated that the COW would like to hear updates from the City Administrator and the Mayor. He asked that discussion be continued at the next COW meeting.

### **14. Project Status**

Isom reported on the following:

- Special City Council Meeting on September 16 at 7pm (Remote meeting) with Park District Board regarding a Fox River Corridor Master Plan
- Colony will deliver eleven standard bikes this week. They will be split between two bike racks: South Plaza and Depot Museum
- The Sign Department has created signage identifying the bikes as part of the County-wide Bike Share Program and instructions on how to rent a bike.
- We have received four applications for the COVID-19 Small Business Grant from the following:
  - Elder Day Center
  - Gammon Coach House
  - DeCarlo Salon
  - Water Street Studios
- We have received part two of the Menards permit for the building additions. This and the revised engineering plans for the detention ponds are under staff review.
- There has been an uptick in burglaries to motor vehicles throughout the Fox Valley region this summer. The Police Department has published PSAs on social media encouraging citizens to remove valuables from their vehicles when unattended and always lock car doors, particularly at night.
- Last week the Finance Department submitted the application and documentation for the 1.5 million dollars of CARES funding to the County and we were approved. The next step is to do an Intergovernmental agreement with the County. Once that is completed, the County will notify us how to submit the detail data for the funding for the City.
- The preliminary deadline for the 2021 budget was last week.
- 2020 resurfacing project has commenced. Construction should be completed by early October.
- Area 3 Sewer Separation Project is on schedule to be completed by the end of construction season.
- Prairie Street is ahead of schedule to be completed by mid October.

- Work along Batavia Avenue is anticipated to be completed by the end of construction season.
- Work along Main Street will be partially completed on a block-by-block basis as crews progress westward. It is anticipated that final asphalt surface and landscaping will continue into 2021.
- The parking lot on South Batavia Avenue will be patched and filled.

### **15. Other**

Chair Wolff stated that the South Batavia Avenue parking lot lights have made a huge difference in the amount of light in the parking lot. He stated that we should pay some more attention to that area during the upcoming budget cycle.

### **16. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 8:34pm; Made by O'Brien; Seconded by Knopp. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on October 6, 2020.