

MINUTES
October 13, 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 (entered at 7:06pm), Russotto, Beck, Knopp, Baerren, Callahan, Meitzler (joined via phone at 7:13pm); Malay (joined via phone at 7:13pm), Uher (on phone), McFadden (on phone)

Members Absent: Aldermen Chanzit, O'Brien and Cerone

Also Present: Mayor Schielke; Laura Newman; Chief Eul, City of Batavia Police Department; Gary Holm, Director of Public Works; Peggy Colby, Director of Finance; Scott Buening, Director of Community Development (on phone); Anthony Isom, Assistant to the City Administrator (on phone); Drew Rackow, Planner (on phone); Joel Strassman, Planning and Zoning Officer (on phone); Jeremy Barkei, Sewer Superintendent; and Jennifer Austin-Smith, Recording Secretary

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

3. Approve Minutes for August 4, 2020, September 1, 2020, September 15, 2020 and September 22, 2020

Motion: To approve the minutes for August 4, 2020, September 1, 2020, September 15, 2020 and September 22, 2020

Maker: Knopp

Second: Beck

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

Nay: None

9-0 Vote, 5 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.

*Aldermen Meitzler and Malay entered the meeting via phone at 7:13pm

6. Ordinance 20-58: Annexing and Zoning 1117 North Washington Avenue to the City of Batavia (DMR 9/30/20) CD

Rackow overviewed the memo. Annexing the property would allow the property to be used in the future for banquet use. Annexing would remove an unincorporated island and eliminate jurisdictional issues. The property owner would have to apply for City licensing for liquor and other City regulations in the future. Callahan stated that this property is on City water currently but the septic system is already there. Callahan stated that they would not be required to go onto City sewer until their septic failed. Rackow noted that there would be added cost for this location because the location of the structure there would be a need for a lift station or something similar.

Joseph Sovereign, Columbian Club and owner of the property, asked if the banquet hall would still be allowed. Rackow answered yes. Sovereign asked what would it take to change that. Rackow answered if the City would ever propose a different zoning district it would require a Public Hearing in front of the Plan Commission and City Council action. You as a property owner would receive notification as well as all properties within 500 feet. There would be a Public Hearing process if the City were ever to contemplate a change from the Zoning Classification other than we are considering now. You as a property owner could also apply to change the zoning yourselves. Sovereign stated that they are currently a banquet hall and have closed meetings there and asked if none of that would change. Rackow stated correct. Sovereign asked if there would be a City sales tax on the liquor. Mayor Schielke stated that there would be a City sales tax on anything that is sold.

The septic system was discussed. The property owner asked if they had to attach to the City sewer who would pay for that. Chair Wolff answered that the property owner would pay for the attachment to the sewer. The County would not permit to repair or replace the system. The owner stated that it would shut the facility down because they have looked into the cost and logistics of connecting to the sewer before. They would need a lift station and that is at least up to \$78,000, which is cost prohibitive to their non-profit budget. We are taking the risk annexing into the City because if our septic system fails we would have big issues. Chair Wolff asked if there was sewer availability at that lower elevation. Holm stated that there is a sewer that serves the trailer park just to the south but whether that sewer has capacity he does not know. That sewer runs down River Street. That would be the logical sewer to attach to.

The owner asked why the City is seeking annexation of their property. Newman answered that the City seeks annexation of what they call “donut holes” because they are contiguous on all sides to the City that there are services that are provided and benefits to be located there. For example, should there be an emergency to arise it would be the Batavia Police Department to show up first. That has been the philosophy on why we want to encourage the annexation of those types of properties in our borders. Buening added before we allowed this property to connect to water we were negotiating an annexation for this property and for one reason or the other it never got completed. For whatever reason, the City did not follow through with the annexation. The owner stated what happened was they had put in a lift station as part of the annexation and that was a non-starter because it was a cost prohibitive expense and that is what we fear in the future is that type of expense. Callahan stated that is a very valid point, the cost for

an organization such as this would be monumental. Callahan asked how do we work with our new neighbors as to figuring out a solution to what we would do with the sewer system connection.

Callahan asked that since the amount of connection to sewer is so high, could we come into agreement that if the septic did fail we could possibly support an application to re-install a new septic system until such time a lift station could go in. Buening stated that in this circumstance, the distance for this facility from the nearest sewer might be such that it is larger than the County would compel to connect to City utilities. We have allowed property owners to reuse a septic system in the past if there is no practical way to connect to sewer. Callahan asked if that could be written into the ordinance. Chair Wolff asked that it be written that if the property is sold and in the event of redevelopment connection to the sewer would have to be considered. Callahan stated that a looming cost to their organization would be devastating. He would like to support some kind of consideration that we allow the septic for the time being and while they own the property. Callahan asked that the wording be put into the ordinance prior to City Council. Buening stated that staff could certainly do that.

Buening stated that the property is considered mostly exempt under the way the assessor does it and that would not change. The only thing that would get assessed for taxes would be things that are not tax exempt, so the banquet hall will have a level of tax on it because it has the non tax-exempt activity. That would not change by virtue of the annexation at all. That would stay the same. It's based on the use of the property and not by the zoning of the property.

The property owner asked if there would be any issues at all with them attaining a liquor license. They have one now with Kane County. Chair Wolff stated that as long as the background checks come back okay they would be able to approve a liquor license. The property owner stated that if they had a vote, they would prefer to stay as they are and leave it alone. If not, we need to keep our expenses low. Chair Wolff asked for information on the cost of a County liquor license and a City liquor license and reach out to the assessor's office to see if there would be any cost differences as well as when they drop the fire protection district and add the City tax to it.

Motion: To recommend approval of Ordinance 20-58: Annexing and Zoning 1117 North Washington Avenue to the City of Batavia with items discussed tonight to be added to the Resolution for City Council

Maker: Callahan

Second: Knopp

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

Nay:

11-0 Vote, 3 Absent, Motion carried.

7. Ordinance 20-25: Amendments to the Text of the Zoning Code Regarding Regulation of Bed and Breakfast Homes (JLS 10/7/20) CD

Strassman overviewed the memo regarding bed and breakfast regulation. Beck commented that the memo explicitly says that this ordinance is for bed and breakfasts and not for home share. She asked is the Air B&B and VRBOs going to be a separate ordinance? Strassman clarified that

these regulations address bed and breakfast homes and establishments. They apply to any kind of rental whether it be an individual homeowner doing it by themselves or through an online platform. When we say home share we are referring to a situation where the home owners and their family that live in the house may be away for the weekend or the week and they make their entire home available for another party to come in and use during that short period of time. That could be done through any bed and breakfast listing or through any online platform or by an individual homeowner. The current regulations prohibit someone from renting his or her entire house except for situations where the same owner owns both units in a duplex. We have never allowed a whole home to be rented for a short period of time.

Motion: To recommend approval of Ordinance 20-25: Amendments to the Text of the Zoning Code Regarding Regulation of Bed and Breakfast Homes
Maker: Callahan
Second: Knopp
Roll Call Vote: **Aye:** Callahan, Malay, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Baerren, Wolff
Nay:
11-0 Vote, 3 Absent, Motion carried.
CONSENT AGENDA

8. Ordinance 20-26: Amending Title 3 of the Municipal Code Regulating Bed and Breakfast Establishments (JLS 10/7/20) CD

Motion: To recommend approval of Ordinance 20-26: Amending Title 3 of the Municipal Code Regulating Bed and Breakfast Establishments
Maker: Callahan
Second: Knopp
Roll Call Vote: **Aye:** Callahan, Malay, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Baerren, Wolff
Nay:
11-0 Vote, 3 Absent, Motion carried.
CONSENT AGENDA

9. Resolution 20-119-R: Authorizing Execution of the Local Public Agency Agreement for Federal Participation with IDOT for Prairie Street and Wilson Street Intersection Improvements (TG 10/7/20) CS

Chair Wolff overviewed the memo.

Motion: To recommend approval of Resolution 20-119-R: Authorizing execution of the Local Public Agency Agreement for Federal Participation with IDOT for Prairie Street and Wilson Street Intersection Improvements
Maker: Wolff
Second: Baerren
Roll Call Vote: **Aye:** Wolff, Callahan, Meitzler, Malay, Uher, McFadden, Miller, Russotto, Beck, Baerren, Knopp
Nay:

11-0 Vote, 3 Absent, Motion carried.

10. Resolution 20-116-R: A Resolution Authorizing the Mayor and City Administrator to Execute an Intergovernmental Agreement Authorizing Participation in the Kane County Coronavirus Relief Fund COVID-19 Reimbursement Program and Authorizing the City Finance Director to Sign and Submit Documentation in Support of Cares Act Funding (PC 10/09/20) GS

Newman overviewed the memo.

Motion: To recommend approval of Resolution 20-116-R: A Resolution Authorizing the Mayor and City Administrator to Execute an Intergovernmental Agreement Authorizing Participation in the Kane County Coronavirus Relief Fund COVID-19 Reimbursement Program and Authorizing the City Finance Director to Sign and Submit Documentation in Support of Cares Act Funding

Maker: Wolff

Second: Callahan

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

Nay:

11-0 Vote, 3 Absent, Motion carried.

CONSENT AGENDA

*Alderman Uher left the meeting at 8:00pm

11. Resolution 20-117-R: Authorizing Execution of Task Order #22 with Engineering Enterprises for Professional Services/Design Engineering Related to the Lead Service Line Replacement Program (JB 10/08/20) PU

Holm overviewed the memo.

Motion: To recommend approval of Resolution 20-117-R: Authorizing Execution of Task Order #22 with Engineering Enterprises for Professional Services/Design Engineering Related to the Lead Service Line Replacement Program

Maker: Wolff

Second: Meitzler

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

Nay:

10-0 Vote, 4 Absent, Motion carried.

CONSENT AGENDA

12. Resolution 20-118-R: Authorizing the Water and Sewer Superintendent or his designee(s) to execute Temporary Construction Easement Agreements with regards to the Lead Service Line Replacement Program (JB 10/08/20) PU

Motion: To recommend approval of Resolution 20-118-R: Authorizing the Water and Sewer Superintendent or his designee(s) to execute Temporary Construction

Easement Agreements with regards to the Lead Service Line Replacement Program

Maker: Wolff

Second: Callahan

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

Nay:

10-0 Vote, 4 Absent, Motion carried.

CONSENT AGENDA

13. Discussion: Batavia Police Department Body Worn Camera Research Project Results (DME 10/06/20) GS

Chief Eul reported that in late spring numerous members of the public engaged the Police Department staff on what measures are in place that guarantee that we are practicing fair and partial policing methods. The current theme of the communications was Body Worn Cameras (BWC). Chief Eul gave the history of the use of cameras in the trunks of the police vehicles from VHS tapes to DVRs hardwired into the system. The technology has greatly advanced in the form of BWC. The Police Department researched the three major companies for BWC. The research performed concluded with the decision to enter into a service agreement with Getac Technology due to the cost estimate and that this is the best product to be integrated into the Police Department operations. Chief Eul discussed how the BWC system would work and operator training.

Baerren asked if the police department would continue with Crisis Intervention Team (CIT) training. Chief Eul answered that CIT would not be replaced or cancelled. The training was put on pause due to COVID-19 restrictions. CIT training remains a priority throughout the County.

The consensus of the Committee was in favor of staff drafting an ordinance for the purchase of Batavia Police Department Body Worn Cameras.

14. Project Status

Newman reported on the following:

- Prairie Street has all the major construction completed.
- Area 3 roadway work is anticipated to be completed mid to late November.
- Main Street is progressing westward on a block-by-block basis. The goal is to have the entire roadway paved to the binder course prior to the onset of winter. The final surface course will be put in place in spring of 2021.
- She and the Executive Director of the Batavia Park District will be meeting with Steve Connors from Hitchcock Design to talk about implementation of the Master River Plan. Phase 1 is looking at the removal of the dam and the preservation of the Depot Pond.
- Brush pick up this week will be on the east side and next week we will do the west side. The next time our crews will come through for brush pick-up will be on November 30th for one last citywide collection.
- The leaf program begins next week on the east side and on the west side on October 26th. The next round of leaf pick up is November 2nd on the east side and November 9th on the

west side. If weather permits, we have a third leaf pick up scheduled on November 16th and November 23rd.

- The Public Hearing for TIF 6 will be on November 2nd, the first City Council meeting in November at 7:30pm.
- We are still seeing a high number of bicycle thefts in the community. Even those that are locked and secured are being stolen in broad daylight. The Police Department encourages the public to secure their bicycles while unattended and be observant of any suspicious activity they see taking place near bike racks downtown. If you do observe suspicious activity, do not confront but call 911 and report the issue to police.

15. Other

Callahan complimented the Engineering Department's communication. Mayor Schielke complimented the Public Works department's efforts in beautifying the City.

16. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 8:43pm; Made by Callahan; Seconded by Knopp. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on October 22, 2020.