

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
February 1, 2016 at 7:30 p.m. - City Council Chambers
100 N. Island Ave. Batavia, Illinois

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. Minutes 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. Any references to discussion and /or statements are only to provide greater clarity to the public and they may not reference all, some, or any of an individual speaker's comments.

1. MEETING CALLED TO ORDER by Mayor Schielke 7:30 p.m.

2. INVOCATION followed by PLEDGE OF ALLEGIANCE led by Ald. Russotto

3. ROLL CALL: 13 of 14 aldermen were present.

Aldermen (by ward): Michael O'Brien (1), Carl Fischer (1), Martin Callahan (2), Alan Wolff (2), Kyle Hohmann (3), Dan Chanzit (3), Paula Mueller (4), Susan Stark (4) Lucy Thelin Atac (5), Kevin Botterman (5), Nicholas Cerone (6), Michael Russotto (6), and Drew McFadden (7) were present. David Brown (7) was absent.

Also present were BATV and members of the press, public and the following:

City Administrator	William McGrath
City Attorney	Roman Seckel
City Clerk	Heidi Wetzell
Community Development Director	Scott Buening
Finance Director	Peggy Colby
Fire Chief	Randy Deicke
Police Chief	Gary Schira
Public Works Director	Gary Holm

4. ITEMS REMOVED/ADDED/CHANGED -none

5. CONSENT AGENDA

Accept and Place on File:

A. Plan Commission Minutes from January 6, 2016

Approvals:

B. January 29, 2016 Payroll \$765,542.67

C. Accounts Payable Check Register \$ 956,537.33

D. City Council Minutes for January 4 and 19, 201

**E. ORDINANCE 16-08: Vacating a Portion of South Harrison Street
(SCB 1/15/16COW 1/26/16 13/0) CD**

F. RESOLUTION 16-02-R: Adoption of 2015 Kane County Natural Hazards Mitigation Plan

(Gary Holm 12/29/15 COW 1/26/16 13/0) CS

G. RESOLUTION 16-07-R: Accepting a Plat Dedication a Portion of Main Street (SCB 1/5/16 COW 1/26/16 13/0) CD

H. RESOLUTION 16-01-R: Authorizing Execution of a One-Year Renewable Contract for 2016 East Side Property Maintenance with W.A. Management, Inc. for \$40,204.00

(Scott Haines 1/20/16 COW 1/26/16 /0) CS

I. ORDINANCE 16-05: Declaring Surplus Property

(Scott Haines 1/20/16 COW 1/26/16 13/0)CS

J. APPROVAL: Authorize the Mayor to Sign Five (5) Deeds for the Sale of Municipally Owned Real Estate between Danforth Drive and Garfield Street

(SCB 1/14/2016 COW 9/15/2015 14/0) GS

K. RESOLUTION 16-04-R: Authorizing Sale of Municipally Owned Real Estate on Walnut Street (SCB 1/6/16 COW 1/26/16 13/0) CD

L. APPROVAL: Authorization to Purchase Police Department Vehicles

(GJS 01/13/16 COW 1/26/16 13/0) CS

Motion by Ald. Atac, seconded by Ald. Stark, to approve the Consent Agenda as presented. Motion Carried 13yea/ 0 nay/ 1 absent

6. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)

Joe Essling, 1930 Bilter Aurora, announced the 47th annual Brotherhood Banquet will be held on Tuesday Feb 16th at 6:30 p.m. at Immanuel Lutheran Church. Tickets are \$15 and all are invited. Mike Gaspari, former BHS Football Coach will be the guest speaker.

7. CHAMBER OF COMMERCE

Holly Deitchman, Executive Director of the Chamber of Commerce announce the Inspire awards had an increase in attendance of 10 % this year. She thanked Ald. Callahan for all the hours of work he put in to determine the award winners.

Ole Award honorees are:

Remodeling -- Industrial: Challenger Lighting, 1400 Kingsland Dr.

Remodeling -- Industrial: Safety Supply, 1055 Kingsland Dr.

Remodeling -- Commercial: Wendy's, 1905 W. Wilson St.

Remodeling -- Commercial: Crosstown Pub, 1890 Mill St.

New Construction -- Industrial: Aldi, Inc., 1200 N. Kirk Road

New Construction -- Industrial: Chicago Expert Importers, 1229 Pierson Dr.

New Construction -- Commercial: BP Pride Oil, 200 N. Randall Road

Citizen of the Year – Joanne Spitz

Deitchman introduced John Carey and Dennis Allen, the new owners of Advanced Windows and Siding, a 40 year old company started in Winfield which they purchased and moved the showroom to Batavia at 309 Oswalt Ave They deal in window replacement, doors and siding.

8. APPROVAL: Liquor License for Walgreens Downtown Relocation (Chief Schira 1/21/16)

Ald. Atac announced Walgreens is transferring their license from the old facility address to the new address. This will be the same terms and conditions and per the code the new license with all the same terms and conditions will cost \$50.00. The opening date is scheduled for March 11th.

Motion by Ald. Atac, seconded by Ald. Stark, to approve the Liquor License for Walgreens Downtown Relocation 122 W. Wilson St. Motion carried 13 yea/ 0 nay/ 1 absent

9. ORDINANCE 16-06: Amending Title 11 Chapter 5, Section 9 of the Batavia Municipal Code Re: Subdivision Regulations (DMR 1/29/16 COW 1/26/16 6/7) GS

Ald. Atac informed all that a few months ago a resident from the NE area of town is building a new home in an old subdivision in an area that does not have sidewalks. The Code requires all new construction to have a sidewalk. The residents asked that the requirement be waived as there are no other sidewalks in the area. The council did agree that the requirement be waived and recommended a fee be impose to provide a sidewalk in another area of town where a sidewalk would be appropriate. The council voted 7-6 to not support this Ordinance.

Scott Buening explained that at the direction of the Committee of the Whole staff put together a fee in lieu proposal that included designated areas where it was appropriate to put in sidewalks. This was sent to the committee for review where there was consensus then it went to the Plan Commission. It went back to the Committee where he understand the ordinance was turned down however if the ordinance is not approved the old code requiring sidewalks will go back into place.

Ald. Russotto had asked how many times this has happened and was told twice in the past 6 years. He does not want to add barriers to new construction in older areas of town. He welcomes further discussion but would prefer to not do this.

Ald. Wolff believes the Council needs to do this and noted that if one person does not have to put in a sidewalk or pay the fee that will become the default and no one will put in a sidewalk. There will be no money in the New Sidewalk Program and no one will be funding it.

Ald. Russotto is just having a hard time adding to construction costs by adding a fee for a sidewalk that will be built in another part of town.

Scot Buening noted that every time there is a home built there are impact fees that are applied whether it is one home or 40 it is part of the cost of development. The goal and policy of the City

is to have sidewalks on both sides of every street in the City and the taxpayers will be paying for that sidewalk which would have otherwise been paid for by the fee. The fees will go to the sidewalk program and the price of the sidewalk is the cost of new development.

Ald. O'Brien asked for a clarification on what happens when the fee is paid and then 10 years later a sidewalk goes in on the subject property.

Buening stated that there will be no double paying of the fee and anyone who pays for a section will have a credit for future sidewalk construction on the property so they are not double paying. Ald. O'Brien further asked then why then there is no fee at construction and the cost of putting in a sidewalk several years later is then paid for by the owners. To which Ald. Wolff pointed out that if the house has been sold the new owners will now have to pay the sidewalk fee. Ald. O'Brien stated that the new owners will just have to know that this will be part of the cost.

Buening offered that a special assessment could be placed on sections of the City to cover the cost but the City has not historically done that.

Ald. O'Brien applauds the goals of connectivity and walkability but in this instance there are no sidewalks to which this one would connect so it makes no sense to make the owners pay.

Ald. Atac asked for clarification about the funding of the sidewalks. Buening responded that in the past the City has paid for sidewalks that were infill sidewalks. The special assessment is another way the City could pay for the sidewalks.

McGrath offered some history on the subject. The original sidewalk program was for homeowners that wanted to replace existing sidewalks where the City would pay for 50% of the cost. Then the discussion shifted to putting in sidewalks where none existed. This was prioritized by sidewalks near schools, parks and on dangerous roads. There was much discussion at that time as there was a feeling that it was unfair that some homeowners were getting sidewalks for free but the Council at that time decided that the need for sidewalks in the prioritized areas outweighed the unfairness. He further pointed out that in situations like this there will never be one fair solution. He reminded all that every dollar is important to the operation right now and sidewalks are important so the City will get the money to build them where it can. He noted that the council has the final say on how to pay for this and if they wanted to even designate areas as country so no sidewalks will go in.

Ald. Callahan observed the council has not made sidewalks a priority. There seems to be loose ends and administrative costs that make this more of an issue than it is. In the past 6 years only two people would have qualified for the fee. He thinks the council has turned a nonissue into an issue. Callahan noted that sidewalks are an amenity in the community not a necessity of life. He believes there is agreement that sidewalks are needed in new development or in an area where it connects but putting one in where there is no connectivity does not make sense and having staff keep track of the money seems burdensome.

Ald. Atac read the following statement:

I do not support waiving a sidewalk fee.

Our strategic plan and comp plan call for making Batavia a walkable City. These documents call out to:

- Require sidewalks in all new development and redevelopment of properties*
- Continue to offer and improve the variety of these routes, by continuing to connect trails and sidewalks.*
- Continue implementation and enhancement of the City sidewalk program, with immediate goal of interconnecting public places and parks with sidewalks, and an ultimate goal of having sidewalks on both sides of all streets*

These are the documents provide the framework for Councils decision-making. If we change codes without fully considering these documents and consciously making plans to update the documents with new goals, The CC is setting policy with no direction.

If we wave this fee the financial responsibility of putting in the Public sidewalk in the future and/or elsewhere becomes the City's. I see the sidewalk fee as similar to other building costs like permits, curbs and gutters, landscaping, utility hook-ups. We wouldn't wave these fees. And, as we are all aware of from our most recent budget discussion, Batavia doesn't have the money to put in public sidewalks in residential neighborhoods when a new home is constructed.

As part of the sidewalk maintenance program the City used to install sidewalks where none exist but funds now are only available for repair or replace where the existing sidewalk as needed. We need funds to do this.

- Public sidewalks are network to the community.*
- Side walks increase safety and health and reduce the need for short car trips and encourage walking, saving gas and lowering emissions*
- Sidewalks improve access to business and other community amenities.*
- Homes tend to have higher value in walkable neighborhoods*
- Sidewalks make it easier for children, students, seniors and disabled folks in addition to recreational users to get around.*

I feel waving the fee for a sidewalk fund is a step backwards for Batavia.

Ald. Wolff agrees with Ald. Atac. He thinks the city has staff to track this and if the Ordinance is denied the process will be more onerous to the homeowner. This is an impact fee that is collected at the time of the building for when the City decides it is time to put in sidewalks just as the school district collects an impact fee it holds for future bulding. Walkability is part of the comprehensive plan and the council asked staff to do this. He is fully in support of this and thinks it needs to be passed.

Ald. Botterman noted that Ald. Hohmann asked to have this put aside for further discussion to establish some consensus points. He sees it as common sense issue since the three block area in which this is occurring has no sidewalks or gutters and one of the streets is not a through street. He did like the section of the staff memo that articulates how to put in a sidewalk where there are

none. Requiring a sidewalk where there are no others makes no sense as when the City gets around to He did not like the codifying of the idea of one developer that did not want to put sidewalks in their development and offered to pay for sidewalks elsewhere which then became policy for the City. He had hoped that this could be discussed further to keep the articulation of where sidewalks should go but remove the language where a homeowner would pay for a sidewalk in front of their home or in another area of town. He hopes to be able to postpone this for further discussion. He will vote no as he does not think the two parts are essential just the articulation of where the sidewalks should be required.

Ald. Atac noted this does not have anything to do with a whole development but with a single household. Ald. Botterman replied that there was much that the council found consensus on in this Ordinance such as the idea that a new development should be required to put in sidewalks and the need for a homeowner doing an infill on a single lot to put in a sidewalk where others exist. He cannot support the idea a fee that would put in a sidewalk in another part of town,

Ald. Wolff thinks that was the whole point of this that if it makes no sense to put a sidewalk in that area that the money then be used to put in a sidewalk in another area of town where it makes sense. Ald. Botterman understand his point and disagrees with it. Ald. Wolff does not see this as one instance but rather it is the setting of a policy the staff can enforce in the future.

Ald. Botterman disagrees with the part of the proposal that funds sidewalks in other areas of town.

Ald. Atac asked how the City would fund the sidewalks in the City where needed if they are not collecting the fees. She pointed out that this policy was put into place in 2012 and building activity has been slow. In her opinion that is why only two homes have been affected by this. Ald. Botterman believe that points to this plan as not being an effective way to fund sidewalks. Ald. Atac disagrees and thinks the low number of homes affected is an effect of the current economy.

Ald. Callahan thinks this should be solved by priorities. If it is a top priority then it is solved through the collection of taxes. If it is a middle priority then the council needs to decide how much sidewalks are to be funded in comparison to other competing priorities. There needs to be a discussion about priorities.

Ald. Atac stated the City has a Strategic Plan and a Comprehensive Plan that puts walkability and connectivity as high priorities.

Ald. Callahan reminded all the Comprehensive Plan is a set of goals and the Strategic Plan is a blue print. There are many issues and goals and there are no priorities. He thinks it is important to list the priorities and find the funding.

Mayor Schielke explained that on Windsor Lane south of Waubensee trail the developer came to the council because the purchasers of the first three lots did not want sidewalks. He came with the idea of paying for the cost of the sidewalks for the 10 house development if he did not have to build the sidewalks. The money to build sidewalks that infilled in four areas to create

connectivity to schools. Parents came down and thanked the City Council for building the sidewalks. He believes the staff was trying to emulate that model so no one was off the hook and the City would have an as needed fund for sidewalks.

McGrath wondered if this was an issue of putting the sidewalks where appropriate which is defined in the Ordinance as being within 500 ft. Of an existing sidewalk and that could be changed to an adjacent sidewalk.

Motion by Ald. Hohmann, seconded by Ald. McFadden to return Ordinance 16-06 to committee for further discussion. Motion carried 8 yea/ 5 nay (Atac, Stark, Chanzit, Wolff, Mueller)/ 1 absent

Ald. Wolff asked that anyone who has changes to the Ordinance they would like discussed that they bring them to the next COW meeting.

10. ADMINISTRATOR'S REPORT – City Administrator Bill McGrath

The City has contacted the Army Corps of Engineers to set up files on sections of the riverbank and has been in contact with the owners of the strip center at Wilson and the River to get permission to gather data on riverbank erosion.

Chris Aiston has been working companies in town to find industrial buildings that suit their needs and keep them in the City.

On Wednesday April 13 the Conservation Foundation will be making a presentation on how to be environmentally sensitive in setting up a garden

Brush pick up will start the week of May 9 and May 16.

In April the landscape waste season will start and the brown landscape bags will be picked up.

New lights have been installed on Houston Street

Chief Schira has been working with the Tri Com board to extend services to other municipalities. He noted the mayor was important in starting Tri Com in 1976 and has since been expanded from the original three cities by contracting out to Elburn, North Aurora and Sugar Grove. Tri Com has have been approached by other municipalities to join and the voting agreement needs to be revisited so new members have a voice while the original three keep some control.

There will be an Inducement Agreement coming before the council, which is required by statute whenever there is a project that may be eligible for TIF reimbursement. The agreement is just a formality that recognizes the project is eligible.

Ald. Callahan announced that he and other aldermen met with residents in Batavia who are contractors and they would like to see a fee for contractor and business licensing in the City as they feel it would benefit them. McGrath will meet with Scott Buening to get the discussion going.

McGrath remarked that Braeburn Marsh is the Forest Preserves responsibility and they did not do their fall burn and will do a burn off there this spring. Staff is concerned about the growth as it impedes the water run off and if it not maintained it will back up into the subdivision. This is a maintenance issue for the county.

11. COMMITTEE REPORTS

Community Development Committee- Ald. Stark

The Community Development Committee meet in the Committee of the Whole on February 16. The Plan Commission will meet on February 3 and February 17 and the Historic Preservation Commission will meet February 8.

Mayor Schielke noted that many of the Council wanted to be involved in the discussion on the Dunkin Donuts. Due to the Brotherhood Banquet on the February 16th it was determined that the discussion should be on March 1st.

Government Services Committee- Ald. Atac

The Government Services Committee will meet in the Committee of the Whole on February 2 and February 9.

City Services Committee – Ald. Wolff

The City Services Committee will meet in the Committee of the Whole on February 2 to discuss the stormwater utility.

Public Utilities – Ald. O'Brien

The Public Utilities Committee will meet in the Committee of the Whole on February 2 and 23.

Ald. Atac noted the Bicycle Commission will meet on February 8 and the Environmental Commission on February 10.

12. OTHER BUSINESS

Ald. Callahan remarked that at the Inspire Awards all the industrial awards went to women owned businesses.

Ald. O'Brien was a strong voice opposed to Walgreens but does want to commend Batavia Enterprises for the great job they did on the building

Ald. Wolff informed all that BATV is stating podcasts of the City Council meetings at mybatv.com.

13. MAYOR'S REPORT

Mayor Schielke has been asked for an in depth review of the impacts that Prairie State has on the rates

14. CLOSED SESSION: 8:42-8:51

a. Purchase and Sale of Electric Power

Motion by Ald. O'Brien, seconded by Ald. Cerone, to enter into Closed Session to discuss Purchase and Sale of Electric Power. Motion Carried 12 yea/1 nay (Wolff)/ 1 absent

All those who entered Closed Session returned to Regular Session.

McGrath had one more item to state in open session. Gaetano and his landlord have been having issues and he would like to purchase the building. Gaetano asked if the Council would consider holding back on the requirement for sprinklers in one section that has none for five years. This section would be the upstairs area currently used as office space, used for dining only, and would not include any kitchen space or flaming food. The Fire Chief is of the opinion that this a reasonable request. This is not a formal request and no action is needed. Now is the time for the council to express and questions or concerns. This just came up this morning and McGrath needs to get a sense of the opinions of the aldermen as he gathers more information.

Ald. O'Brien noted that if the fire chief is good with it then he is. He asked about the liability and was informed that the City can have a variance.

Ald. Callahan asked about the need for second staircase and was informed one is not required if there are under 49 seats. Gaetano does not think there will be anything close to that.

Ald. Botterman asked about fire suppression in the basement and there is none.

McGrath noted that this a change of use and the change in use des not add any more chance for a fire as it would just be extra seating and in the space currently used for office. McGrath noted that we do not know what happens in the offices and having all the space use accounted for by one person is probably better.

Ald. Botterman is concerned about the five years as providing safety is part of the cost of business. He has reservations about the length of time.

15. ADJOURNMENT 8:56 p.m.

Motion to adjourn by Ald. Wolff, seconded by Ald. O'Brien, motion passed by voice vote.

Minutes prepared and submitted by,
Heidi Wetzell
City Clerk