

MINUTES
March 1, 2016
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.

Brown called the meeting to order at 7:30pm.

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac, Stark, Chanzit, Wolff, Fischer, O'Brien, Callahan, Hohmann, Botterman, Cerone, and McFadden

Members Absent: Ald. Mueller

Also Present: Mayor Schielke; Chief Schira, Batavia Police Department; Bill McGrath, City Administrator; Roman Seckel, City Attorney; Rahat Bari, City Engineer; Jeff Albertson, Building Commissioner; Scott Buening, Director of Community Development; Joel Strassman, Planning and Zoning Officer; John Dillon, Water/Sewer Superintendent; Mustafa Kahvedzic, Project Engineer; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

The Closed Session portion was removed from the agenda.

3. Matters From The Public (For Items NOT on Agenda)

There were no matters from the public for items not on the agenda.

4. Resolution 16-24-R: Approval of 2016 Zoning Map (SCB 2-19-16) CD

Motion: To recommend approval of Resolution 16-24-R: Approval of 2016 Zoning Map

Maker: O'Brien

Second: Russotto

Voice Vote: 13 Ayes, 0 Nays, 1 Absent

Motion carried.

CONSENT AGENDA

5. Ordinance 16-09: Variances for Dunkin' Donuts Drive Through at Shell Gas Station and Discussion for Conditional use for Drive Through – 108 North Batavia Ave. (JLS 2/24/16) CD

Strassman reported in January, the Zoning Board of Appeals and Plan Commission held a joint hearing to consider variances and a conditional use to add a drive through to the Shell gas station on Batavia Avenue and Houston Street. Variance requests were for:

- Separation of the subject property and the drive through lane from residential property and residences (both of these variances are needed for conditional use approval)
- The drive through lane being narrower than required
- Additional wall and monument sign area, and for canopy sign projection
- Reduced parking geometry and allowing wheel stops
- Adding pavement in 50 foot Batavia Avenue setback to add parking

Several members of the public spoke. The owner and a resident of the adjacent property to the north cited concerns with increased noise and traffic, refuse storage odors, longer hours of operation, adding parking close to the house, and potential damage to this property's fence with snow removal. Other speakers commented that the changes to the aesthetics of the building would be an improvement, drive through traffic would increase air pollution, and there would be potential for debris discarded by Dunkin' Donuts customers accumulating in the neighborhood.

The Zoning Board of Appeals recommended against the two variances needed for conditional use approval, which are the ones for the separations from the property to the north. The Board found that the property can yield a reasonable return without the proposed drive through and that the drive through would negatively impact the property to the north. The Board recommended against the drive through lane width again finding that the property can yield a reasonable return without the drive through. The Board also recommended against the increase for the monument sign area finding that there are no unique circumstances warranting an increase in sign area to an already nonconforming sign, it would have no effect on the property being able to yield a reasonable return, and approving the variance would constitute a grant of special privilege. These recommendations are consistent with staff's conclusions and its recommendation to the Board. With the Board's recommendation against the 2 variances needed for conditional use approval, the Plan Commission effectively recommended denial of the conditional use. The Commission continued its consideration of design review until after Council action.

Ordinance 16-09 is drafted consistent with Board's recommendations, and consistent with staff's recommendations. While this Ordinance is drafted to approve the variances for wall and canopy signs, parking geometry and wheel stops, and pavement in the Batavia Avenue setback, approval of the Ordinance would effectively result in the project being unable to move forward. Again, the 2 variances needed for consideration of, and approval of the conditional use would not be approved as the Ordinance is drafted.

If the Committee reaches a conclusion that the project should be approved, the Committee would need to give direction to staff to revise draft Ordinance 16-09 accordingly, and to draft an ordinance approving the conditional use. The Committee may direct staff to include in the conditional use ordinance conditions of approval for specific site improvements such as landscaping, sign and retaining wall design, and inclusion of a bicycle path, and operational restrictions such store hours and refuse collection and fuel delivery hours. Staff would present the revised variance ordinance and the draft conditional use ordinance at a Committee meeting later this month. Stark noted that there would be a need for a supermajority vote by Council to pass.

Atac asked staff how the reasonable return was calculated. Wolff added that it is bad in the fuel sales market and without another supporting enterprise he does not know how you could support the business as just a gas station. Wolff explained that he is in this field and he does not know how the reasonable return determination was found. There are two stations in the area that have closed who just relied on fuel sales alone. He does not agree that you could make enough money by just selling gas alone. Strassman answered that the reasonable return was based upon the tenure of the ownership of the current owner.

Steve Vasilion, Vasilion Architects, presented on the project to the Committee. He introduced the representatives with him tonight: Harry and Anecia Meta, owners; John Green, Civil Engineer; Jim Derr, representing the Dunkin' Donuts franchisee; and Steve Colbert, Dunkin' Donuts architect.

Vasilion stated that this project involves the addition of a new tenant, Dunkin' Donuts and the subsequent need for building signage, monument signage, and a drive-through. The building façade and canopy would undergo much-needed facelifts and parking would be added and reconfigured to accommodate the new tenant. Landscaping is also being redesigned. Vasilion stated that the impetus of this project is that the presence of Randall Road has directly affected this gas station. The improvements are needed to help this gas station be viable, as Alderman Wolff had mentioned. Vasilion commented on the reasonable return. The Meta's are the fourth owners since 2012 speaks volumes as to the viability of this station. It has been closed for three months at one time. The evidence has been presented on how the sales have declined. From peaks of 120-150,000 gallons of sales per month, it had dropped down to 70,000 gallons. Since the purchase of the gas station it has dropped to only 50-60,000 gallons. The site used to receive five tankards of gasoline per week, now there is only two. There used to be multiple weekly trash pick-ups and now there is only one. There has been a similar drop of inside sales. Vasilion stated that a neighbor presented at the Zoning Board meeting about increased traffic concerns. Vasilion stated that we would be fortunate if the addition of Dunkin' Donuts would increase the traffic levels and service levels to the levels it was when the neighbor originally purchased his property. The schedules of costumers, deliveries, and trash pick up have been carefully considered to avoid site congestion.

Vasilion listed the positive impacts of this project:

- Façade improvements
- ADA Accessibility
- Elimination of the steep slope near the front entry
- Providing all new landscaping
- New trash enclosure, much smaller than the size of the existing one
- Improve the appearance of the canopy and monument sign
- Upgrades inside the convenience store
- Increasing the amount of parking to comply with the current zoning requirements
- Bike and pedestrian friendly (addition of a patio and bike rack)
- This project would be a nice complement to the Houston Street renovation
- Generating sales tax revenue to the City
- No public funding requested

- Creation of jobs (2-3 Shell employees and 12 Dunkin' Donut employees)
- Dunkin' Donuts is a great supporter of local events.

Vasilion reported on the hours of operation. He stated that when the station functioned at its peak of sales, it was a 24-hour operation. It started closing at 11pm when Philips 66 took over. When our applicant purchased the gas station, the hours were 4:30am to 11pm, Monday through Friday, and 6am to 11pm on Saturday and 6am to 10pm on Sunday. Currently, the hours were extended from 11pm to midnight. The proposed hours of operation are 4am to midnight. Hours of operation are going to fluctuate to reflect the anticipated business. The applicant has obtained 500 signatures of Batavia residents who support this business plus over 100 signatures of non-residents.

Vasilion discussed the variances with the Committee. He explained that the drive-through width requested is identical to the approved Walgreen's drive-through width and they both do not have an escape lane. The monument sign itself predates the zoning ordinance and was modified and approved in 2012. Reducing the height would block visibility for traffic coming up Houston Street and looking to turn. Vasilion noted that some of the zoning ordinances are not business friendly. For a project that has a couple of legitimate variance items, such as this one does, there are additional variances that automatically happen resulting in an excessive amount of variance requests.

Jon Green, President of Engineering Resource Associates, went over the civil engineering and site plan with the Committee. The engineering site plan was displayed for the Committee to view and Green discussed the site circulation, curbed islands, parking, landscaping, menu board location (moved to eliminate any noise pollution to the surrounding properties), pick up window location, retaining wall (with flash on the top to block any headlights), lighting, and the masonry refuse area. Green noted that the refuse area would be half the size of the existing refuse area. Green reported that a traffic report was completed and the site is suitable for a drive-through location. An auto-turn analysis was completed and staging for deliveries on the site was set for non-peak hours. Green stated that site plans received approval by the Historic Preservation Commission. The proposed retaining wall would have a decorative stone and areas available to display artwork.

Brian Fornek, 439 Waubensee, addressed the Committee. He stated that he thinks this is workable and reasonable plan and that it should be approved. He stated that the hardship that the owners are facing is real and it cannot be questioned. He added that even he finds himself refueling on Randall Road. He stated that if the Committee says no to this, you are sending a message to the business community that the City is not business friendly. He noted that the property has as a permitted use, a restaurant, under the zoning. The traffic circulation, odors, and trash could happen as a matter of right. He suggested that the setback be measured from the pick up window itself. He reasoned that once you get your food you are like any other customer leaving that location. He asserted that the design is well done in the effort to minimize any impacts that the drive-through may have. He does not see any headlight impact until you are leaving the property itself.

Tom Brown, 118 North Batavia Avenue, stated that he lives right next door and 4am to midnight is long hours with deliveries. The headlights are an issue. Aside from his personal issues, this is a good plan and he is sorry that the business is not viable. He feels that they are trying to fit too much onto a small site. He encouraged the Committee to look at the property. They are projecting two million a year in revenues and six to seven hundred transactions per day. He expressed his concern with traffic backing up onto Route 31. He asked the Committee to look into the volume of traffic. If a drive-through was really going to save a business, than look at Burger King and Hardees, having a drive through did not help those businesses. He concluded that his biggest concerns are the hours of operation and the traffic.

Jim Warwick, owner of 118 North Batavia Avenue, shared that he bought the two flat ten years ago. The gas station closed at 9pm and it was nice and peaceful. There was very little traffic at night. All three of the bedrooms face the gas station. He built a six-foot fence between the property and the gas station for privacy and a noise buffer. When Harry bought the gas station, business hours were extended from 5am and midnight. When asked, he said he needed the extra money and the business could not survive. Warwick asked if there are business hour regulations in downtown Batavia. He had to install black out curtains on the two flat. His tenants need to be able to sleep and should be entitled to that. He is worried about tenants moving out because the increased noise by their bedrooms. The tenants have a right to privacy and the parking is too close to their bedroom windows. He was told that the drive-through would close at 9pm at night but what is to keep him from extending those hours. He asked what is to keep them from being open 24/7 or adding a Baskin Robbins.

Warwick discussed his concerns about the dumpster. He expressed that the new dumpster and corral are way too small. However, if it were any bigger it would be an eyesore for his tenants. He listed his concern with the dumpster pick up noise from the garbage trucks, odor, pests, and how the dumpster and drive-through could hurt his business. Warwick listed other concerns such as trash, proper grease removal, car exhaust and fumes, snow removal, site safety with the storage tanks underneath the ground in conjunction with the excess weight on the property, and the safety of bicyclists and pedestrians walking to the site around the corner of his six-foot fence. He asserted that there are already a lot of donut places in town and the opening of Dunkin' Donuts might affect Dimple Donuts business. He asked the Council to protect his property, his business and his tenants. He thanked the Committee for their time.

Callahan asked how long he has owned the property. Warwick responded ten years. Callahan questioned how many units he has and if he is one hundred percent occupied. Warwick answered two units and they both are occupied. Callahan asked if he has been one hundred percent occupied the entire time and Warwick answered he has.

Laura Williams, 244 North Batavia Avenue, addressed the Committee. She stated that she currently works at the Shell gas station that is being discussed tonight. She has worked there since 2014 and the job helped her save up money to buy a used car. She does not want to see another shuttered business in the downtown. She can't see how it would be good for the person next door's business to live next to a shuttered business nor would it be good for downtown Batavia in general. The façade improvements are well needed. Customers have asked her if there is a bike rack or patio available as well as how close the nearest Dunkin' Donuts is. We have

declining sales and we have interest in this gas station and this is a viable option. It would not make any sense to close this gas station and this project would provide more jobs for the community. As long as the neighbor owned the property, there has been a gas station next door.

Don Gregory, 124 North Batavia Avenue, shared that he read an article in the Chronicle this morning and is disappointed with the alderman who represent the fifth ward. They should have talked to us and maybe then they would not have been so excited to have a Dunkin' Donuts at this location. He would not mind one in Batavia but not next door. He is only 65 feet away from the gas station.

Linda Brown, 118 North Batavia Avenue, shared that she used to work for the previous owner of this gas station. At that time, the hours were from 6am to 9:30pm. She is concerned about the longer hours and the noise and the constant annoyance it would cause. In addition, she does not think a drive-through would properly fit at this location. She added that there is no place to put the snow, even with the current configuration. She asked if they plan to move the vacuum cleaner in the parking lot. The owner stated that it would not be removed or moved.

Vasilion stated that the parking stalls along the north property line are existing and are not new parking stalls. The garbage pick up used to be three time per week and now it is down to one. They do not plan on exceeding the previous three times per week garbage pick up. He noted that the current enclosure has a small dumpster in a much too large enclosure. We are reducing the size of the enclosure. The hours of operation used to be 24/7 and we are not approaching that. A grease trap would be provided in the building to collect grease. This location and this proximity of the business has been here for a very long time.

Stark asked that since this will be primarily a drive-through function, would that provide for less trash than a sit down restaurant. Vasilion stated that it would be less trash than a sit down restaurant. At the absolute maximum the trash pick up would be three days a week. Stark asked if there would be an eat-in option. The response was that there would be seating for twelve. O'Brien asked about the snow removal. Vasilion answered that there would be a contracted snow removal service. O'Brien asked about the safety of pedestrians while exiting the site. Green stated that the cars will be pushed fourteen to fifteen feet south, further away from the north lot line so that the driver would have a wider perspective, which will actually increase the safety that exists today. O'Brien asked, to be a good neighbor, if the scheduling could be shared. Vasilion stated that they would be happy to share the schedules they have established. If we could tweak that to better accommodate him and his tenants they would be happy to do so. Brown asked if there are any regulations for hours of business. Strassman stated that there are none in the City Code that would apply here but through the conditional use you can assign particular hours. Brown asked if a six-foot fence permitted all the way up to the sidewalk. Strassman answered that it is not permissible. Wolff commented on the traffic study and 44% of the customers only use the drive-through.

Strassman commented that Walgreen's does have an escape lane that is ten feet wide and drive through lane that is ten feet drive through. He added that a canopy edge that is white is not considered signage, a canopy that has corporate branding or colors is signage. Strassman stated that the flashing on the retaining wall would not be the most attractive option but it would serve

the purpose of blocking out the headlights. Strassman stated that if the Committee feels that the property can yield a reasonable rate of return it would be acceptable to consider granting variance for the width of the drive-through lane because that was the only Finding of Fact that could not be met, thus creating the recommendation of denial. Strassman explained how staff measures the setbacks with the Committee. Buening added that there are several drive throughs in the area without an escape way which were constructed prior to the changes in the code.

O'Brien asked about the flashing on the retaining wall to reduce headlights and if they could make that wall higher. Vasilion stated that it is 32 inches of concrete with a metal panel on to of that to block the headlights. O'Brien suggested a more attractive options, such as a preformed wall. Callahan stated that it is a priority of the community to help the downtown area. It is commendable that he is doing these improvements to the business. Botterman asked if the fire department has any concerns with the absence of an escape way. Strassman stated that the fire department did not express a concern. Callahan asked how many time has a car gotten stuck in a drive-through. Bari stated that he is not aware of any car being stuck in the drive-through lane. Bari reported on the traffic count to the Committee and how the stacking of cars is planned on the plan itself.

Motion: To recommend approval of Ordinance 16-09: Variances for Dunkin' Donuts Drive Through at Shell Gas Station and Discussion for Conditional Use for Drive Through
Maker: Brown
Second: Callahan

Vasilion asked if a super-majority vote is required at the Committee level. Stark answered no. Stark clarified the motion and stated that if you would like to have the ordinance amended and brought back to staff to be revised you would vote nay. O'Brien added that amending it would be for allowing the drive-through. Brown stated that it is important to recognize all the residents who spoke tonight and the business owner for trying to do this project. They all made very valid points. Personally, he would like to see this project happen. The only thing he does not like about this project is the location of the dumpster but unfortunately there is no other place for it to go. He does not believe that it would be allowed to build up with garbage because that would be detrimental to their business. He noted that this used to be a full service gas station, which fixed cars at all hours of the night. It used to be a three bay gas station and if it were to return to that function he is not sure that would be the best for the neighboring residents either. He is in favor of what they are looking to do and hope that it moves forward and that everyone works together to make it the best it can possibly be. Callahan asked if there are any code violations for trash. Stark stated that it is written in the code that there cannot be any overflowing trash. Callahan stated that this could be enforced as a violation of the zoning code. Buening stated that if there is a problem they would address it. O'Brien likes the civil design of this. This is an old river town and the streets are small and narrow. We as a Council need to be more flexible with our ordinances to make things work. This business owner is making an investment in his business. O'Brien stated that he will be an advocate for this project. He stated that this would add value to our City and hopefully this project will help establish this business.

Roll Call Vote: Aye: Chanzit

Nay: Brown, Russotto, Atac, Stark, Wolff, Fischer, O'Brien, Callahan, Hohmann, Botterman, Cerone, McFadden
1-12 Vote, 1 Absent, Motion carried.

Staff was directed to rewrite the ordinance so that it allows for the drive-through as long as it meets the criteria. Buening stated that staff would return in two weeks with a revised ordinance and a conditional use ordinance. A list of conditions would be assembled.

6. Fox River Issues CD

There were no updates at this time.

7. Resolution 16-25-R: Police Authorized Tow Contract (GJS 2/25/16) GS

Chief Schira referred the Committee to the February 25th memo. This would be the third three-year contract with Police Authorized Tows. The City sent out twenty-nine RFPs and five responded back. We are recommending that three be selected which are the three we are using now and plug in a fourth in case one of the three has some deficiencies so that we continue to have a choice of three. The companies are rotated per tow due to State Legislation. This is at no cost to the City. The Resolution has the option that if everything goes well in 2016 the Police Chief would have the option to extend it for 2017 and 2018. This is similar to what we have done twice already, with a three-year contract.

Motion: To recommend approval of Resolution 16-25-R: Police Authorized Tow Contract

Maker: O'Brien

Second: Callahan

Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

CONSENT AGENDA

8. Resolution 16-26-R: Authorizing Task Order #19 with RJN Group for Engineering Study of the First St. Sewer Basin (JD 2/25/16) PU

Dillon reported that this task order is with RJN Group from Wheaton Illinois who we have done work with in the past on issues related to the sewer collection system. The first basin is a major lift station for the City and has sub-basins that are a tributary to First Street. This proposal is to help prevent basements and sewer back ups from overflowing. We are proposing to start off with flow monitoring.

This proposal includes six meters that would be monitor the areas and another meter would be put in for the gravity flows. This will help us identify the areas that contribute the most in flow so that you could target those neighborhoods for further investigation. Within this proposal, the City is proposing to buy a couple of meters that could be used on an ongoing, annual basis. These would be placed in areas on VanNortwick at the Colonial Village basin. We know that there are excess flows at that basin and we want to quantify where the flow is coming from. Another meter would be placed on Harrison Street, where there is an area on Blaine and Morton where there are combined sewers. Purchasing the meters will be an advantage to the City in regards to data collection. The RJN personnel will train our personnel on the meters.

Wolff asked for a map showing which way the different basins flow. O'Brien agreed that it would be helpful. Dillon stated that all the GIS maps have directional flow and he could provide that to the Committee. Cerone asked if this is all in the budget for this year. Dillon stated that it is, it is under collection systems. O'Brien discussed the twelve scope items with Dillon.

Motion: To recommend approval of Resolution 16-26-R: Authorizing Task Order #19 with RJN Group for Engineering Study of the First St. Sewer Basin
Maker: Stark
Second: Fischer
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

9. Resolution 16-27-R: Award of Contract for NE and SE Substation Maintenance to Siemens Industries, Inc. (Mustafa Kahvedzic 2/25/16)

Kahvedzic reported that these two substations enforce all the NERC requirements for the protection system. We received a quote from Siemens and we have worked with them before and were happy with their work. The amount of this project was approved in the 2016 budget for the substation maintenance. Staff is recommending that the agreement be entered with Siemens Industry. O'Brien asked about the pricing per mile. Kahvedzic answered that this is specialized work and is usually completed in two weeks. The price is estimated, it could be less but it would not be exceeded. Wolff added that they have to bring out so much specialized equipment to do this project and that is why it is not a typical mileage charge. O'Brien asked if this is a T&M project. Kahvedzic answered yes. He stated that our guys would be there along with them at the substation. O'Brien noted that just for clarity sake, the City employees would be at the substation working along with this company so that it costs more than what is written in the memo. Kahvedzic stated that our alignments are not included in this work.

Motion: To recommend approval of Resolution 16-27-R: Award of Contract for NE and SE Substation Maintenance to Siemens Industries, Inc.
Maker: McFadden
Second: Cerone
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

10. Presentation: Process to Decrease Size of City Council

City Attorney Seckel reported on his memo and the four different options: 1) citizen-driven (getting signatures and getting a referendum on the ballot), 2) the City Council could take the initiative to do that, 3) wait until the census in 2020 and under that statute create an ordinance to reduce the number of aldermen down, or 3) since Batavia is home rule you could place an advisory referendum on the ballot and if it does pass then the number of aldermen could be reduced based upon the referendum. Seckel stated that it is really up to the discretion of the Council.

Hohmann stated that we have one of the largest councils for the surrounding communities and our size range. He continued that studies have shown that the ideal working group is no more than ten people, it fosters better communication and questions and more conversations. There is a cost savings though it would not be a lot of money. The cost savings could be used towards a communications position that we have been looking to fund. Staff has commented in the past that there is so many of us around the table that it is difficult to communicate with us. Some of the citizens feel that it would be an acceptable thing to happen. Overall, he envisioned going down to ten aldermen, drawing four wards, and having two aldermen per ward, and having two elected at large from the whole population from the City. There has been uncontested races and prodding to fill the seats. Hopefully there would be some contested races if the size went down.

Callahan agrees that there is value of having a discussion on this. We disagree on format because he would like to keep the ward system and is not in favor of at large. He would suggest waiting for the next census but if residents really felt strongly about it they should know what their options are. Callahan stated that the Council should not decide on anything without the full understanding on what the community wants.

Botterman stated that just reducing the amount of aldermen but keeping the wards as they are might be more appropriate for a referendum. One of the aspects of reducing the wards to four is that each of the four wards would have a portion of the downtown, which would be beneficial. This would need more of an extensive discussion. For tonight's point, we should have a consensus on whether we want a referendum or wait until the 2020 census and building a plan based on those numbers.

Brown proposed a third option, which is not to do anything. Brown stated that he sees the pros and cons on each of the options. Brown continued if we are concerned about small committees, then we should go back to the committee structure. If he were to vote on it tonight he would leave it alone.

Stark stated that as our population increases it is odd to her that we would consider decreasing their representation. We spend a lot of time talking about how the residents of the town don't want it to seem that there is a select and small group of people making decisions for the City. Atac stated that there has to be a compelling reason why we would want to do this to make a change at this time. She does not feel that we have identified this reason.

Wolff stated that he does not want to see us go to an at-large committee. Wolff expressed concern with voter turn out for a referendum. Wolff agreed with Atac and would like to see a compelling argument as to why. He feels that the larger number leads to better discussions and better decisions.

Russotto stated that alderman at large or changing the wards would cause more people to vote. He is doubtful that changes to the system would create contested races.

Fischer stated that the only compelling reason he heard was to save some money. He agreed with Wolff, if it went to a reduction he would like to see it kept with wards and not at-large but he does not see a compelling enough reason.

McFadden stated that there are good arguments for and against. He is in favor of maintaining the ward system as opposed to the at-large. He likes that there is someone in your area to go to. This is not something that we should drive through referendum at this point. It makes sense to wait until the 2020 census and if there is interest or a compelling reason then that is the time to reopen the discussion again. Botterman stated that this ought to be citizen driven.

O'Brien stated that there needs to be a compelling reason to do it. We should have more in-depth discussions on things as a COW now. O'Brien stated that he is an advocate for the small committee structure because topics could be covered in more detail with a smaller group of people. However, everyone is invited to attend the Committee meetings and could be represented. The discussions were detailed and a lot of people talked and there were more interaction with staff and wrap our heads around issues because we have time to do it. Tonight we have sixteen items and we are not wrapping our heads around this. We are not doing a service to the people we represent because of the COW structure.

Brown asked if any option would be a big cost to the City. McGrath answered it would not be. Mayor Schielke stated that he has seen all different compilations of the Council. With his past knowledge he asserted that it is best to have as much representation as we have had. There are a lot of different viewpoints on items. With our City growing in size and the amount of issues our City faces, reducing the number would put a lot more responsibility onto the ten aldermen. Our City has a strong Council and weak mayor form of government. When you get elected as an alderman here, you have a lot of responsibility. If it were made as at-large there is the potential to not have representation in certain areas in town so he would caution against that structure. Mayor Schielke expressed his support of the current structure as it is today.

Brown opened the floor for public comment.

Joyce Keane, 2030 Wagner Road, stated that she wrote the COW an email regarding this subject. She stated from a citizen's perspective she empathizes knowing and feeling that you are doing the best possible job. As a citizen, she read through the Municipal Code. For Batavia, once you hit the 20,000 threshold you go to fourteen alderman. But if within a year the City says they want to do something else (like Geneva, St. Charles and Naperville) you could but Batavia didn't do it. From a citizen standpoint, there are two reasons why she is addressing the Committee. One is a quote from Steve Heronymous "productivity of groups more than ten declines." There is forty percent more of you that need to discuss anything at any point of time. Another is the fairness to the citizens. There should be contested elections in order to give residents choices. Keane calculated that 73% of all aldermen elected in Batavia over the last fifteen years were uncontested. She advocated for having at least two people running for office in order to give people choices.

Wolff asked if we reduced the size of the Council that would motivate more people to run. He stated that if they do not want to run now, why would they run with a reduced Council. Keane responded that at least if the two aldermen from each ward ran against each other then the citizens could at least look at the issues. Keane concluded that if you dilute the stock of potential aldermen you take democracy out of the process. There is a lot of inefficiency in a group over ten. Callahan stated that he would like to inspire more people to run. The most that he would like

to run in this seat is eight years. We need find two people out of five thousand to run in each ward.

The discussion was tabled until there is a need for further discussion.

**11. Discussion: Implementing Contractor Registration in the City of Batavia (Continued)
(SCB 2/10/16) CS**

Due to the late hour, this discussion was tabled and would be brought back to the Committee in two weeks.

12. Discussion: Science Bridge Sculpture (WRM 2/23/16) GS

Due to the late hour, this discussion was tabled and would be brought back to the Committee in two weeks.

13. Project Status

Bill McGrath reported on the following:

- Walgreen's plans to open on April 11, 2016
- Community Land Trust Meeting on March 14th in St. Charles City Council Hall

Mayor Schielke reported on the possibility of the Federal Tiger Grants. Mayor Schielke stated that he would be meeting with Congressman Hultgren on whether or not Batavia would be a good applicant for a Tiger grant to fund the construction of railroad crossing gates on the southeast side of the seven crossings where the trains to though town in the middle of the night. Mayor Schielke would report back to the Committee. Mayor Schielke asked if there was anyone on the Council opposed to exploring this further. There was no objection.

14. Closed Session

- a. Purchase and Sale of Electric Power**
- b. Purchase and Sale of Real Property**

This item was removed from the agenda.

15. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 10:59pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith