

MINUTES
February 23, 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.

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

1. Roll Call

Members Present: Ald. Russotto, Stark (entered at 8:10pm), Atac, Wolff, Fischer (via telephone), Callahan, Hohmann, Mueller, Botterman, Cerone, and McFadden

Members Absent: Chair Brown; Ald. O'Brien and Chanzit

Also Present: Mayor Schielke; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; Drew Rackow, Planner;

2. Approve Minutes for February 9, 2016

Motion: To approve the minutes for February 9, 2016

Maker: Atac

Second: Wolff

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

3. Items to be Removed/Added/Changed

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

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

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

5. Ordinance 16-11: A Variance for a Detached Garage – Spillane & Sons, Inc., Applicant, 514 Main Street (DMR 2/15/16) CD

Rackow reported that this ordinance is to grant two variances for setbacks. The first for an interior side setback of two feet rather than five feet that is required and the rear setback to be two feet rather than the required five feet. The Zoning Board of Appeals (ZBA) approved the variances at their meeting on February 3rd. The ZBA was receptive to the proposal by the applicant and felt that was the best location for a garage on the property. They did consider other options but felt that the proposed location by the applicant was the best fit. The ZBA voted 4-1 to recommend approval of the variance. One condition was that the garage door face internally to the property, on the east elevation, which is included in the ordinance. Wolff agreed with the

ZBA recommendation and added that with the shared driveway he does not know how else it could be done.

Motion: To recommend approval of Ordinance 16-11: A Variance for a Detached Garage – Spillane & Sons, Inc., Applicant, 514 Main Street
Maker: Hohmann
Second: McFadden
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.
CONSENT AGENDA

6. Ordinance 16-13: Update to 2015 Property Maintenance Code (JSA 2/15/16) CS

Albertson reported that staff has been working on updating our various code series. This one is the Property Maintenance Code, which is used for maintenance and repair for all properties in the City. These items include painting, weeds, junk storage and all those various issues. Currently, we are under the 2006 edition of the property maintenance code. Our last adoption was in 2007 and staff tries to do these every six years. The format and requirements have remained similar and the significant changes are highlighted in the memo. There are changes to what is considered a dangerous structure, in the criteria for unsafe conditions both for interior and exterior structures, and changes to overcrowding. Standards were put in the code for how many occupants could occupy a room. The code we have now is very vague; the revision is more specific to make it easier to enforce. Callahan questioned the defacement of property section. Albertson stated that this addresses graffiti and makes the property owner responsible for cleaning up the vandalism immediately.

Motion: To recommend approval of Ordinance 16-13: Update to 2015 Property Maintenance Code
Maker: Mueller
Second: Callahan
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.
CONSENT AGENDA

7. Resolution 16-06-R: Authorization to Purchase One 2016 International 7400 4x2 Dump Truck Chassis from Rush Truck Centers for \$75,992.00 (Scott Haines 2/16/16) CS

Holm reported that the chassis are coming from the State Purchase Process and there is no formal waiving of bid. Staff is recommending approval for this resolution.

Motion: To recommend approval of Resolution 16-06-R: Authorization to Purchase One 2016 International 7400 4x2 Dump Truck Chassis from Rush Truck Centers for \$75,992.00
Maker: McFadden
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

8. Resolution 16-23-R: Authorization to Purchase Truck Equipment from Monroe Truck Equipment for \$63,064.00 (Scott Haines 2/16/16) CS

Holm reported that this resolution is for all the equipment to outfit the truck and this would need to officially waive formal bidding. The City received three bids. Holm noted that we are under budget.

Motion: To waive formal bidding
Maker: Cerone
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

Motion: To recommend approval of Resolution 16-23-R: Authorization to Purchase Truck Equipment from Monroe Truck Equipment for \$63,064.00
Maker: Cerone
Second: McFadden
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

9. Resolution 16-22-R: Authorization to Purchase Truck Equipment from Henderson Truck Equipment for \$42,300.00 (Scott Haines 2/3/16) CS

Holm reported that this is the equipment to outfit the truck previously purchased by the City. We are five thousand less than the total budget amount. Holm noted that this would require a waiver of formal bidding.

Motion: To waive formal bidding
Maker: McFadden
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

Motion: To recommend approval of Resolution 16-22-R: Authorization to Purchase Truck Equipment from Henderson Truck Equipment for \$42,300.00
Maker: Hohmann
Second: McFadden
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

10. Discussion: Homes for a Changing Region Community Land Trust (Scott Buening 1/26/16) CD

Buening reported that this is another part of the housing study done with St. Charles, Geneva and North Aurora. There were local priorities and regional priorities that were part of that project. A Community Land Trust is to have a consortium of multiple municipalities to create an organization that would help provide land, housing or assistance for affordable and attainable housing. This housing would house police, fire, and local people working in the community that

are not making a large wage. Buening stated that the state requires having at least ten percent affordable housing in the community. That is a State mandate and we are right above that number. It is a concern that that we might drop below that requirement. Staff is looking to do a study to see if it is feasible to do a Community Land Trust with other communities and if such a land trust should be run as a non-profit or run as part of the municipalities.

Buening reported that staff has found an advocacy firm that has worked on the Highland Park Community Land Trust, which is the most successful in the state. Staff would like to have this study conducted. The cost of the study is about \$12,000 and it does not require us to establish a Community Land Trust but it would help to figure out the framework and what we would need to do to establish one. The cost would be shared with the other communities, which would come out to roughly \$3,000 apiece. Staff is looking at other sources to offset some of those costs, such as grant funding. This is no money budgeted this year for this but it is not a large sum of money. Staff would like the Committee's thoughts and direction on if they would be willing to be a part of that study. All the other towns are addressing their councils and feedback would be given when the communities meet again in April.

Cerone asked if this decision could be tabled until the Committee gets to see the presentation. Buening stated that if the Committee would like to postpone this until after the presentation, that would be fine. Cerone asked if the senior restricted housing would help towards the affordable housing component. Buening answered that senior housing is considered affordable under the guidelines. Atac stated that she is in favor of the study because it is very expensive to build in our town now. Atac asked what is the threshold for affordable housing as defined by the state. Buening stated that for purchased housing it is \$168,000 and anything below that is affordable. A rental is \$900 a month or below. Cerone asked if we have the option to not do the study and then participate at a later time. Buening stated that we would have to share in the cost later just to be fair. Cerone asked what are the advantages of going along with the other municipalities. Buening stated that if we go with other communities than we use all that area as part of our zone. If there is an affordable housing built in partnering community that would go towards our affordable housing requirement. Buening stated that if North Aurora was in, they have more affordable housing than us. We would be able to use that as a partnership to get any other amounts that we need to have. Geneva fell under the 10% and it had to do the housing plan, St. Charles has always been right at the requirement, and we are at 11% affordable housing. Cerone stated that he is not against affordable housing but is against paying for a study. He explained that we have tools in our toolbox now to help developers create affordable housing. The trusts have a lot of fraud involved and a lot of problems. He would be open to wait until the presentation but at this time he would not support it. Buening noted that the other communities would not have their meetings on this until March. Callahan suggested that since other communities are not having this discussion until March, to wait until the Committee sees the presentation to give us a better idea from there. Mayor Schielke encouraged the Committee to consider doing the study.

*Alderman Stark entered the meeting at 8:10pm

Callahan asked about the taxes and affordability. Buening answered that as part of a Community Land Trust, we could own the land and therefore the taxes would be lower by being either

exempt or buying down the taxes. The consensus of the Committee was to wait until after the March 14th presentation before a decision on the study is made.

Motion: To table the discussion until after the presentation on March 14th
Maker: Cerone
Second: Botterman
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

Buening asked if the discussion could be held on the 15th. There was no objection by the COW. Buening stated that he would send out details on the presentation on March 14, 2016 in St. Charles. McGrath stated that it would be nice to have the presentation recorded so that it could be put onto the website. Wolff stated that if St. Charles allows for cameras than BATV would record the presentation.

11. Discussion: Continued Discussion Regarding Sidewalk Requirements (SCB 2/12/16) CD

Buening reported that this was originally brought to the Committee of the Whole in October and November of 2015 and staff was directed to proceed with an option drafted in the ordinance. It was brought to the Plan Commission (PC) and the PC approved the changes in the Subdivision Code. This allowed for a waiver of sidewalks in areas at least five hundred feet from an existing sidewalk and are one thousand feet away from parks, schools and bus routes. Staff did bring this back to the COW on 1-26-16 and there was a motion that failed on a vote of 6-7 and City Council had discussion on it on 2-1-16. Staff was asked to bring back further options. A series of options have been provided:

- 1) Keep the subdivision ordinance as is, require sidewalks to be constructed on all infill lots.
- 2) Follow the ordinance, require sidewalk segments only for lots within a certain distance of parks, schools, bus routes or other sidewalks. Outside those areas there would be an option to do cash in lieu. The sidewalks could then be built by the City in other places.
- 3) To follow the draft ordinance to allow for sidewalk segments only within those certain distances and outside those areas require cash escrow to be submitted to be held by the City until a future sidewalk in front of that property is built when a neighboring walk is built.
- 4) Follow the ordinance regarding sidewalk segment differences but outside of those areas to allow for a full waiver without reimbursement. If sidewalks are desired at some point in the future by the City or by the neighborhood it would have to be done by tax payers as a whole or by a Special Service Area (SSA) special assessment.
- 5) To amend the setback distances for sidewalk segments in some manner and follow one of the reimbursement procedures in numbers 2, 3, or 4.
- 6) Only require sidewalks as part of a development proposal. Define what development means. When it is adjacent to an existing sidewalk follow one of the reimbursement protocols.
- 7) Do not require sidewalks be constructed at all.

Buening stated that staff continues to recommend the current policy but is supportive of the draft ordinance that was presented to the Committee. If that is not acceptable staff does concur with

the escrow deposits as well. The least preferred would be option 4, to waive the sidewalk requirement reimbursement outside of those boundaries. The Committee held a discussion on the options. McGrath noted that every new homeowner paid for the sidewalk outside of their house. He asserted that the sidewalk outside of a house is not for just the homeowner, it is for everyone, it is for every child and pedestrian. It is on City, public property. He stated that does not understand the ownership concept we have. The City is short on money and there is a necessity for sidewalks. People coming in are a revenue source. Callahan asked if it is a necessity or is it a luxury. Callahan stated that there are people that do not believe that it is a necessity. Callahan stated that if we truly value the need for sidewalks as a community than we need to consider how much it would cost to do it all at once or in piece mail and raise taxes to pay for it. McGrath stated that is a policy issue and the Committee could decide to do so. Callahan stated that this would be more equitable and would get more done. Stark gave the example that if she built a home in Batavia she would have to connect to the City's water and sewer. She would not have an option to build her own well or septic system. It is part of being part of the City. That also speaks to the fact that I have to have a sidewalk in front of my house, the code requires it. Stark would like things to be consistent for all people. It does not seem fair that some do have to build a sidewalk and some do not.

Mike Spillane addressed the Committee. He stated that as a member of the community, he enjoys the sidewalk in front of his house. It is a reasonable expectation that when you build you have to put sidewalks in. When you redevelop a piece of property that does not have sidewalks and has not had sidewalks for the past seventy years then it is unreasonable to ask that new homeowner to put sidewalks in because by the time the City Council gets around to that whole entire neighborhood, the sidewalk that was put in is probably going to be failing and broken and needed to be replaced anyway. He does not want to see a homeowner taxed twice or have the homeowner pay twice. If there are no sidewalks in the neighborhood, don't make people put them in. That is a reasonable expectation.

Botterman stated that he supports number four. He stated that until the sidewalks become a priority again by the Council or the circumstances exist where it could be a priority again, until that point he can not support the other provisions.

Motion: To have staff draft the resolution for option four
Maker: Callahan
Second: Hohmann

Discussion was held on the motion. Atac stated that at this meeting we are considering a policy change that is against what has been decided by the community that have worked on approving the code, developing our Comprehensive Plan and developing our Strategic Plan. We are considering changing policy for a very specific situation, which is very arbitrary. We understand that the people, in this particular case, should not have to put a sidewalk in and pay for it. She would rather see a variance for the whole thing and not change the policy. Atac feels that this policy is so important for connectivity for sidewalks in our community. Everyone uses the sidewalks. They are not just for the people building a house. She feels that we are going down a slippery slope. Callahan stated that option four is recognizing the people who came before us. The people who came before us created the goals and the Comprehensive Plan but in the

intervening years the Council made the decision to not fund it anymore. The Council changed it as a priority and stopped funding that. Atac responded that it was changed because there wasn't any money. Callahan stated that we don't have money for numerous reasons but there should be a better way to find money that if we believe that the true community goal is that than we should have never stopped funding that. It is one way or the other. You can't say that it is a priority and then stop funding it. That does not mean that we don't care about sidewalks. Wolff stated that if we have the opt out for a waiver for the sidewalk and contribute the money it is over and done with. The money could be spent on the specific ward if we so choose. Unless the City Council approves otherwise we could always waive that for them. They could petition and we could say that they would not have to pay for it. Atac stated that when we were cutting costs it was not a light decision. Callahan asked if we want more staff to do a number of things or do we want more sidewalks. There is only so much money in order to do all of those things. Cerone stated that these are all good points. The biggest problem he has is being equitable. He does not want to have money sitting there for thirty years causing an administrative problem. He would like to keep the policy as is and have the option for variances. Mueller stated that a variance would be the easiest way to go. This is a minute detail on two properties. Wolff stated that this is more of a policy issue. Mueller stated that she would rather have a variance than change policy forever. McGrath stated that the Council should not have to spend time working with individual people on one sidewalk on one house. A variance would take a lot of staff time and homeowners time. The CC's shouldn't have to deal with individual sidewalks. Its job is to draft policy. It has to be something staff could administer and administer easily. Russotto stated that the two properties that we could collect from now would not make a big difference in funding the sidewalks. Fischer stated he supports all of the plans we have put together. He agrees with Spillane's comments and would support number four.

Roll Call Vote: **Aye:** Fischer, Callahan, Hohmann, Botterman, Cerone, Russotto, McFadden
 Nay: Wolff, Stark, Mueller, Atac
 7-4 Vote, 3 Absent, Motion carried.

Buening stated that the resolution would be brought to the March 7, 2016 City Council meeting.

12. Fox River Issues CD

McGrath reported that staff met with the Conservation Foundation this week and discussed the river and working with stormwater. Discussion on managing the open spaces was held due to the Thompson Farm being put on the market. There is a lot of water and movement and terrain on the Thompson Farm. Staff should consider a conservation easement over that property. McGrath discussed the process of a conservation easement with the Committee. Firm contacts will be sent to Gary Holm to contact prior to the RFQ. The dam removal and keeping the Depot Pond was discussed. The Conservation Foundation would serve as a consultant with that process.

13. Community Boundary Signage (WRM 2/15/16) GS

McGrath stated that he would like to know the Committee's preference with the submitted designs. Staff is proposing a single-sided Peachtree Foamcraft monument sign. This is a synthetic EPS Foam sign. It is virtually indestructible with zero to little maintenance. Callahan stated that he likes the ideas that Atac sent out to the Committee because of its simplistic nature.

Cerone stated that he would like to see the pricing. McGrath stated that he could get price estimates. Wolff noted that 4a is too busy for a monument sign. Callahan stated that he likes the image number two, the green sign with the limestone sides but he does not think that the sign itself has the timeless character needed for a sign. Wolff added that he likes the limestone sides. Fischer asked if we could compare the new signage with the sign on Fabyan and Route 25 to ensure consistency. He likes 5a right now. McGrath stated that he will bring this discussion back and get some cost estimates. Stark asked if the sale of the land could be used towards the signs. McGrath stated that some of the money for the sale of the land is planned on being used towards signage. Stark noted that she does not want to go cheap just so that we could have signs. Several Committee members voiced their agreement to Stark's comment. Atac questioned with the rebranding if the windmill should remain on the sign.

14. Project Status

Bill McGrath reported on the following:

- Staff has been working on property acquisition
- Bridge sculpture discussion would be held at the Committee meeting next Tuesday
- Personnel issues and succession planning is being worked on while being cognizant of a new City Administrator coming shortly
- City staff and the Chief of Police are going to have a meeting with the resident on State Street regarding her concerns.
- Revenues will be discussed next week.
- Staff is working with Comcast on the agreement and discussing WiFi boosters and will be meeting with them next week.
- Buening will be asked to have a discussion about the types of housing the Council would like to see in this town. Atac asked for the staff to bring the cost of City fees in order to build a single-family home. Atac stated that she would like some hard facts on the trend towards smaller-sized homes. McGrath agreed.

Scott Buening reported on the following:

- The Building Activity Report that had some skewed numbers has been redone to show some revenues classified as Utility Permit (including materials reimbursement) as opposed to a Single Family Permit and the corrected version has been distributed to the Committee.
- Siemens has submitted the IEPA report and initial feedback has been received. They did a thorough investigation and it is a comprehensive report. Once the report is accepted by IEPA then they could do the actual remediation of the site.
- Surplus Land Disposal Project: Staff was directed to do this several years ago and this has been a long-term project. This project has not taken a lot of staff time. We are down to the last three parcels and then we would be done with that project.

Botterman stated that a resident asked if we could put in speed bumps along Route 31 in conjunction with the flashing light pedestrian walkway. He asked staff if this would be possible. McGrath stated that there is no way that the State would allow for speed bumps on Route 31. McGrath noted that the intersection of Fabyan and Batavia Avenue is going to be discussed with KDOT and City Staff. The meeting is next week. Wolff noted that he has been driving on

Batavia Avenue and suggested doing something about the signs on southbound Route 31 before McKee Street. The sign that states you have to stop is covered by another sign. You cannot see the sign until you are on top of the sign. There are so many signs on that block they stack up and you cannot see them. McGrath would have staff check into that with IDOT.

Hohmann asked if legal counsel updated staff on the reduction of alderman and the discussion we are supposed to have on that. McGrath stated that he would contact Kevin Drendel. McGrath will try to have him attend the next COW meeting for discussion. Stark noted that Drendel sent out an email asking for more direction. Wolff stated that we would like to know what our options are and what we could do legally or go to referendum. McGrath will schedule this discussion for a future COW meeting.

15. Closed Session

- a. Purchase and Sale of Electric Power**
- b. Property Acquisition – Addition (WRM)**

Motion: To enter into closed session for the purpose of purchase and sale of electric power and property acquisition
Maker: Callahan
Second: Stark
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

16. Adjournment

There being no other business to discuss, Wolff asked for a motion to adjourn the meeting at 10:15pm; Made by Cerone; Seconded by Wolff. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith