

**MINUTES**  
**April 5, 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.

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

**1. Roll Call**

**Members Present:** Chair Brown; Ald. Russotto, Atac, Stark, Wolff, Fischer, O'Brien, Callahan, Mueller, Botterman, Cerone (entered at 7:59pm); and McFadden

**Members Absent:** Aldermen Hohmann and Chanzit

**Also Present:** Mayor Schielke (entered at 7:51pm); Chief Deicke, Batavia Fire Department; Ed Jancauskas, Deputy Fire Chief, Batavia Fire Department; Bill McGrath, City Administrator; Wendy Bednarek, Director of Human Resources; Rahat Bari, City Engineer; Drew Rackow, Planner; Andrea Podraza, Senior Civil Engineer; Joel Strassman, Planning and Zoning Officer; Gary Holm, Director of Public Works, Scott Buening, Director of Community Development; and Jennifer Austin-Smith, Recording Secretary

**2. Approve Minutes for November 5, 2015, January 26, February 23, March 8, March 15 and March 22, 2016**

**Motion:** To approve minutes for November 5, 2015, January 26, February 23, March 8, March 15 and March 22, 2016

**Maker:** Mueller

**Second:** McFadden

**Voice Vote:** 11 Ayes, 0 Nays, 3 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. Consent Agenda**

**(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the JCOW. This agenda is placed as a separate item on the JCOW agenda. The items on the Consent Agenda are usually**

**minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a “package” in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)**

- a. **Resolution 16-34-R: Authorizing Execution of an Intergovernmental Agreement with Illinois Department of Transportation for Routine Maintenance of Certain State Routes (Gary Holm 3/23/16) CS**

**Motion:** To approve the consent agenda as presented  
**Maker:** Mueller  
**Second:** McFadden  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**6. Ordinance 16-16: Conditional Use Permit for a Massage Establishment, 11 East Wilson Street, Yune Zhou, Sunshine Massage, Applicant**

Strassman reported on his memo. By a vote of 4-0, the Plan Commission (PC) approved the findings and recommended approval of the Conditional Use. Staff recommends the COW recommend approval of Ordinance 16-16 as presented.

Callahan commented that other cities are experiencing licensing problems and asked how the City would prevent the same from happening in Batavia. Strassman stated that licensing is regulated by the state and staff would investigate if there were any concerns brought to their attention. Stark commented that the Conditional Uses are allowing businesses in the downtown that several residents do not approve of as well as not generating sufficient sales tax.

**Motion:** To approve Ordinance 16-16: Conditional Use Permit for a Massage Establishment, 11 East Wilson Street, Yune Zhou, Sunshine Massage, Applicant  
**Maker:** Wolff  
**Second:** Botterman  
**Voice Vote:** 10 Ayes, 1 Nays, 3 Absent  
Motion carried.

McFadden was the nay vote.

**7. Ordinance 16-17: Amending the Official Zoning Map – 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail. City of Batavia, Applicant (3/21/16) CD**

Buening reported that the PC held a Public Hearing on March 16<sup>th</sup> to review a proposed Zoning Map amendment for several existing stormwater management parcels along Hart Road and one on Ridgelawn Trail. Ordinance 16-17 amends the Official Zoning Map designation for properties from R0, Single Family Residential, to POS, Parks and Open Space District.

**Motion:** To approve Ordinance 16-17: Amending the Official Zoning Map – 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail. City of Batavia, Applicant

**Maker:** Wolff  
**Second:** Fischer  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.  
CONSENT AGENDA

**8. Ordinance 16-18: Amending the Text of the Zoning Code (DMR 3/31/16) CD**

Rackow reported that on March 16, 2016, the PC reviewed a series of amendments to eight chapters of the Zoning Code. These amendments would address a number of items that have been the subject of variances in commercial development projects over the past six years. Other revisions address matters that have arisen in discussions with potential developers, or have been identified by staff for addition to the Code. The intent of many of these revisions is to increase code flexibility and remove items that could return as variance requests. The PC suggested clarifications of language for signage requirements for Electric Vehicle parking, but recommended no further changes. Overall, the Commission agreed that the proposed revisions effectively address matters that may return in future variance requests. The PC recommended that the proposed amendments be forwarded to the COW for approval.

The Committee discussed the proposed changes with staff. Callahan commented that he likes the changes to make things more business friendly.

**Motion:** To approve Ordinance 16-18: Amending the Text of the Zoning Code  
**Maker:** Brown  
**Second:** Atac  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**9. Approval of the Purchase of a Replacement Staff Vehicle (RD 3/29/16) CS**

Jancauskas reported that the Fire Department is requesting authorization to purchase one 2016 Ford Explorer Utility AWD Vehicle to replace a 1999 command car. This purchase was approved in the 2016 Fire Department Budget. The Fire Department is requesting this purchase be made through the Northwest Municipal Conference Suburban Purchasing Cooperative (SPC). The SPC has awarded the contract for the Ford Utility vehicle to Currie Motors Fleet in Frankfort, Illinois. The cost for the Ford Utility Vehicle is \$28,113.00. This purchase is under budget.

Wolff asked what would become of the 1999 command car. Jancauskas answered that it would be transferred to ESDA for their use.

**Motion:** To approve the purchase of a Replacement Staff Vehicle  
**Maker:** Brown  
**Second:** McFadden  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**10. Resolution 16-32-R: Authorizing Execution of the Contract for Ward 1 Drainage Investigation with WBK Engineering, LLC for an Amount not-to exceed \$24,472.37 (AMP 3/30/16) CS**

Podraza reported that this is the first project out of the \$400,000 allocated in the 2016 budget to investigate/study, prepare design drawings and/or construct solutions on a city-wide basis to help alleviate the drainage and sewer back-ups problems encountered most recently with the June 2015 rain event. Staff is in the process of preparing the second request for qualifications for the next area to be looked into further, Area 3 of the combined sewers, in the proximity of Blaine, Morton & Walnut Streets.

O'Brien asserted that Area 3 should be on the top of the list. However, the Mahoney Tributary has had major damage. That area was hit hard and it needs to be addressed. Podraza stated that the area O'Brien discussed is high on the list but money is an issue. O'Brien stated that he would like the City to keep the First Ward in mind when considering drainage concerns.

The Committee discussed the ranking process of contractors. Bari explained that the process was used in his prior office in Naperville and is in compliance with government regulations.

**Motion:** To approve Resolution 16-32-R: Authorizing Execution of the Contract for Ward 1 Drainage Investigation with WBK Engineering, LLC for an Amount not-to exceed \$24,472.37  
**Maker:** Fischer  
**Second:** McFadden  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**11. Resolution 16-37-R: Authorize Execution of an Easement Agreement for Riverbank Erosion Investigation (WRM 3/31/16) GS**

Bari reported as part of the investigation into the erosion occurring at several places along the riverbank, we need to obtain an easement from some private landowners adjacent to the river in certain areas. The owners of the strip center at 33 N Island Avenue are such owners, and they have agreed to give the City an easement. Additional agreements will be required when the actual construction goes ahead, but the owners wanted to wait until they saw the options presented.

**Motion:** To approve Resolution 16-37-R: Authorize Execution of an Easement Agreement for Riverbank Erosion Investigation  
**Maker:** O'Brien  
**Second:** Callahan  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**12. Resolution 16-36-R: Budget Amendment for the Purchase of Software (Peggy Colby 3/3/16)**

Colby reported that staff is manually entering the liquor taxes and it has become cumbersome and inefficient. She is requesting the purchase of a software program that would become part of utility billing software. Several of the taxpayers want to pay their taxes online as that is how the State of Illinois tax files are facilitated. This module would allow the people to file and pay taxes online. Colby stated that the software would pay for itself and it is a one-time investment but there is a monthly balance of \$3,600 for IT support.

Cerone asked if this program could support other types of taxes. Colby answered that this program could manage any kind of tax. Cerone asked about the monthly IT charge. Colby answered that the charge is common with these types of programs. The IT support would include performing updates and maintenance on the program.

**Motion:** To approve Resolution 16-36-R: Budget Amendment for the Purchase of Software  
**Maker:** Stark  
**Second:** McFadden  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**13. Project Status – Fox River Issues CD**

There was no project status at this time.

**14. Other**

There were no others at this time.

**15. Closed Session**

- a. Purchase of Real Property**
- b. Purchase and Sale of Electric Power**
- c. Discussion: Appointment and/or Employment of Specific Individuals**

Purchase of Real Property and Purchase and Sale of Electric Power were removed from closed session.

**Motion:** To enter into closed session for the purpose of discussion of appointment and/or employment of specific individuals  
**Maker:** O'Brien  
**Second:** Callahan  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

Closed Session began at 8:41pm.

**16. Adjournment**

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 9:20pm; Made by O'Brien; Seconded by Callahan. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith