

**MINUTES**  
**June 21, 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, Stark, Atac, Wolff, Fischer, Callahan, Mueller, Botterman and McFadden

**Members Absent:** Ald. Chanzit, O'Brien, Hohmann and Cerone

**Also Present:** Mayor Schielke; Deputy Chief Jancauskas, Batavia Fire Department; Wendy Bednarek, Human Resources Director; and Jennifer Austin-Smith, Recording Secretary

**2. Approve Minutes for May 24, May 31, and June 7, 2016**

**Motion:** To approve COW minutes for May 24, May 31, and June 7, 2016

**Maker:** Mueller

**Second:** Fischer

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**3. Matters From the Public (For items NOT on the agenda)**

There were no matters from the public at this time.

**4. Items Removed/Added/Changed**

There would be no discussion on personnel during the closed session.

**5. Discussion: Amending Intergovernmental Agreement with North Aurora-Hart Road (SCB 6/10/16) CD**

Buening displayed a map noting the existing boundary and the proposed boundary. Buening stated that this is a mutually agreeable solution for both the City of Batavia and the City of North Aurora that clarifies the jurisdiction and maintenance responsibilities for Hart Road south what is now Ritter Drive.

**Motion:** To recommend to City Council amending intergovernmental agreement with North Aurora-Hart Road

**Maker:** Wolff

**Second:** Fischer

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent

Motion carried.  
CONSENT AGENDA

**6. Continued Discussion: Implementing Contractor Registration (SCB 6/3/16) CS**

Wolff stated that this was brought to Committee in March of this year and then continued to the middle of March. Staff does encounter problem contractors on a regular basis and that is why we are discussing this matter tonight.

Buening stated the Committee asked staff to report on a list of situations that were acquired recently. That list has been distributed to the Committee. These are situations in which a contractor registration would have helped. Staff does feel that implementing a program like this would be helpful for the citizens and bring high quality contractors into the City. The COW discussed how staff would implement the program and how discipline action would be performed. Brown noted that since this program would be implemented in the winter months there would not be much staff impact.

Buening stated that an ordinance would be made for COW and CC to approve. Staff is considering free registration for the first go round to work out the bugs and at the first of the year start charging a fee. Brown stated that he does not agree with free registration. He does not see why the City would do a free registration when we are trying to raise revenues. Buening stated that they are trying to be business friendly. The consensus of the COW was in support of charging a fee from the very beginning. Brown asked for some type of public education be developed for this program. Buening stated that there are all sorts of ways this could be advertised.

Callahan stated that he does not feel that there is a pressing need for a contractor registration program. The existing permit system works well and to add another layer of government oversight without a huge pressing need is what he is concerned about it. However, he has heard from contractors that this program would be good. Wolff stated that this program would prevent more things than we would have to remedy. Mueller stated that honest contractors would have no problem becoming a part of this program because this is done in other towns. Botterman stated that he does not know how getting involved in these types of disputes helps the City. He questioned if there was a better use of staff's time. Stark stated that this is government overreaching. Mayor Schielke stated he would support staff's decision but the fear of more government is a real political concern.

**Motion:** To direct staff to draft an ordinance for contractor registration  
**Maker:** Wolff  
**Second:** Callahan  
**Roll Call Vote:** **Aye:** Brown, Russotto, Wolff, Mueller, McFadden  
**Nay:** Stark, Atac, Fischer, Callahan, Botterman  
5-5 Vote, 4 Absent, Motion tied.

Brown asked to table this for thirty days. Wolff agreed and stated that he would like to have more people at the meeting so that it would not be a split vote. There was no opposition from the Committee. Brown stated that this would be discussed at the third meeting of July.

**7. Ordinance 16-37: Declaration of Fire Department Surplus Equipment (Dep. Chf. Jancauskas 6/13/16) GS**

Deputy Chief Jancauskas would like to donate surplus equipment to the charity 'Hearts in Motion.' Mayor Schielke stated that this program is the most admirable program. He would endorse this request.

**Motion:** To recommend to City Council approval of Ordinance 16-37: Declaration of Fire Department Surplus Equipment

**Maker:** Wolff

**Second:** Fischer

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**8. Discussion: Street Name Change from South Drive to Hawks Drive (SCB 6/2/16) GS**

Buening stated that this is an opportune time to change the street name because there are no properties with South Drive on their address. There is a proposed development west of the area and before we address homes with South Drive we should change the street name. This particular street is the most northern drive within the City limits. Staff would like to change the street name to Hawks Drive. Historically there was a family named Hawk that owned the land in that area.

Brown stated that the Walmart retaining wall does not have any landscaping. Residents have complained about this to him. He asked if there is there something that we could do to get landscaping. Buening stated that staff is in discussion with Walmart and we are trying to get the landscaping done this season.

**Motion:** To recommend to City Council approval of the street name change from South Drive to Hawks Drive

**Maker:** Wolff

**Second:** McFadden

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.  
CONSENT AGENDA

**9. Discussion: Short Term Home Rental Regulations (SCB 6/10/16) GS**

Atac stated that we do have an ordinance governing short-term home rentals but we have not been actively enforcing it since there were no complaints. McFadden was in favor of keeping the ordinance as it is and keeping an eye on it. Atac asked for all in favor to say aye. The committee was unanimously in favor of McFadden's comment.

**10. Project Status**

There were no project statuses at this time.

**11. Other**

Brown asked about Internet sales tax. Drendel stated that Amazon is a big player and they do charge sales tax. The tax depends on where the sale is made from and it could depend on where it is sourced. Some states have sales tax and some states have use tax. It is very complicated. The tax goes to either the receiver or the sender. Stark stated that the E-Fairness Law has 6.25% sales tax going to the state.

**12. Closed Session:**

- a. Collective Bargaining**
- b. Personnel**
- c. Purchase of Real Property**

**Motion:** To enter into closed session for collective bargaining and purchase of real property  
**Maker:** Callahan  
**Second:** Stark  
**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

Closed session began at 8:41pm.

**13. Adjournment**

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 9:03pm; Made by Fischer; Seconded by Callahan. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith