

MINUTES
June 28, 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, Chanzit (entered at 7:31pm), Wolff, Callahan, Hohmann, Mueller, Botterman and Cerone

Members Absent: Ald. Stark, O'Brien, Fischer, and McFadden

Also Present: Mayor Schielke (entered at 7:31pm); Chief Schira, Batavia Police Department; Peggy Colby, Director of Finance; Wendy Bednarek, Human Resources Director; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; Joel Strassman, Planning and Zoning Officer; Rahat Bari, City Engineer; Bill McGrath, City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

Chair Brown stated that he would be renumbering the agenda to accommodate those presenting to the Committee of the Whole (COW). There was no objection from the Committee.

Brown announced that personnel would be added to the closed session portion of the meeting. There was no objection from the Committee.

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

There were no matters from the public at this time.

4. Consent Agenda

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

Motion: To recommend to City Council approval of the Consent Agenda as presented

Maker: Hohmann

Second: Botterman

Voice Vote: 10 Ayes, 0 Nays, 4 Absent

Motion carried.

5. Presentation: 2015 Comprehensive Annual Financial Report by Brian LeFevre of Sikich LLP (PLC)

Colby stated that everyone should have received a copy of the 2015 Comprehensive Annual Financial Report. She introduced Brian LeFevre from Sikich LLP. LeFevre discussed the sections of the financial report and overviewed the report and financial statements with the Committee.

Motion: To accept the 2015 Comprehensive Annual Financial Report and present to City Council
Maker: Cerone
Second: Russotto
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

6. Approval: Class B-5 Liquor License – Speedway (Chief Schira 6-21-16) GS

Chief Schira reported that the applicant is requesting a B-5 license, which is sale of any and all alcohol. The department performed a background check and there were no issues found. Chief Schira noted that there may be more applications for liquor licenses coming to the Committee.

Motion: To recommend to City Council approval of the Class B-5 Liquor License for Speedway LLC
Maker: Wolff
Second: Callahan
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

7. Approval: Windmill City Fest Carnival Permit and Fee Waiver (Jeff Albertson 6-21-16) GS

Albertson stated that this is the standard permit that is requested every year for the Windmill City Fest Carnival.

Motion: To recommend to City Council approval of the Windmill City Fest Carnival Permit and Fee Waiver
Maker: Cerone
Second: Botterman
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

8. Ordinance 16-38: Grant of Variance for Deferred Parking, Vista Investments, Applicant 1801 Suncast Lane. (Rackow 6/20/16)

Rackow stated that this variance is to increase the amount of deferred parking, which is parking that is designed but not built for the Suncast building expansion. The Zoning Board held a Public Hearing on the 15th regarding this change and agreed to the deferred parking. The Board recommended conditions if there is a change in use in the future or if there is parking issues on

the property then the City could begin discussions with the property owner to get parking in to address those issues. The Zoning Board of Appeals did recommend approval of the ordinance for grant of variance and staff is recommending approval as well.

Motion: To recommend to City Council approval of Ordinance 16-38: Grant of Variance for Deferred Parking, Vista Investments, Applicant 1801 Suncastr Lane
Maker: Wolff
Second: Callahan
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.
CONSENT AGENDA

9. Ordinance 16-39: Amending the Text of the Zoning Code (Rackow 6/17/16) CD

Rackow stated that the Zoning Board held a Public Hearing to review two changes to the Zoning Code in two chapters, one being Chapter 3.1 to amend the requirements for a planned development overlay district and expand what a development overlay district could modify. The other chapter is Chapter 4.1, in response to other applications that are pending for lighting in general industrial sites, the lighting heights allowed have been amended for practicality purposes.

Motion: To recommend to City Council approval of Ordinance 16-39: Amending the Text of the Zoning Code
Maker: Wolff
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.
CONSENT AGENDA

10. Initial Land Use Proposal Review: Crash Champions Auto Body Shop, 2080 Main Street (Strassman 6/23/16) CD

Strassman reported that Crash Champions are looking to locate in the former Aldi store at 2080 Main Street. This property is zoned General Commercial. To allow for a body shop this property would have to be zoned Service Business. In addition to being zoned Service Business a body shop could require approval of a conditional use. The discussion tonight is only intended to review the proposed change in use.

Strassman stated that this property was annexed to the City in 1990 and designated and used for retail since the Aldi Store was built in 1992 through its closing in 2011. Windmill Creek has limited site lines from Randall Road and Main Street and it also has difficult access. In recent years, three other businesses have left Windmill Creek. Service Business is intended for areas of quasi-industrial use and for small-scale office and service uses. The land use element of the Comprehensive Plan identifies maintaining the commercial viability of the Randall Road corridor along with balancing land uses to serve the community's goals and policies. The City's Economic Development Consultant is in favor of this proposal. The property is not a prime retail site and the building is in need of renovation. This business has generated sales tax revenue and building improvements would add assessed value to the property. Staff recommends that the City conduct the review.

Tracy Cass, attorney, presented on the proposed auto body shop. The aerial view of the property was presented to the Committee using Google Earth. He noted that the other uses in this area are mostly automotive uses and not for retail. Direct access and visibility is needed for retail and this site does not have those two necessities. The proposed business would still collect retail sales tax on parts and supplies. We anticipate putting in one million dollars to enhance the site.

Craig Willowbridge, exclusive broker for Aldi foods, stated that they have been marketing this property since vacating the site in December 2010. The challenge here is the retail market gravitated to the north. Since 2011, we have had five or six legitimate offers for this property and most of which were automotive. The proposed business, Crash Champions, should revitalize this area.

Cass stated that Mr. Ebert, from Crash Champions, is here to answer any questions as well. Cass listed the other locations for this company. Callahan asked if as part of the business model there would be any rental car companies. Ebert stated that they have a partnership with Enterprise Rent a Car. Mayor Schielke stated that there was concern with outdoor storage getting out of control. The residents were wondering about any restrictions that we would have. He questioned if the view looking down into the property would be a big auto junkyard. Ebert stated that he has never had a vehicle for more than two months and that would be the worst wreck he has ever fixed. The average cycle on a drivable car is three-and-a-half days and a towed in vehicle is eight days. Those are the standards that he has to meet to satisfy the accounts he has. Cars will not sit there for more than two months and they put everything inside overnight to prevent potential storm damage. Mayor Schielke asked if he would be willing to say that automobiles will not sit outside for more than two months. Ebert stated that he would. Cass noted that these conditions could be written into the conditional use. Brown stated that there should be no smell. Ebert stated that there would be no smell. They work inside to reduce any noise pollution. Callahan and Brown were in support of this. Wolff stated that there would be sales tax produced. Ebert added that the surrounding existing uses would benefit from his business.

Brown asked if there was anyone from the public to address the Committee on this. There were no comments from the public.

11. Presentation: Fox River Stabilization Concept Design Presentation by the City's Consultant – Engineering Resource Associates (Bari 6/24/16) CS

The City of Batavia Fox River Streambank Stabilization project was presented by Erin Pande, CRM, PWS, Engineering Resources Associates, Inc. The presentation included the following:

- Shoreline Erosion (causes)
- Overall Project Area (Divided into six segments)
- Segment 1 Option A: Fabric Encapsulated Soil Lifts with Rock Toe
- Segment 1 Option B: Terrance Wall with Rock Toe
- Segment 2 Issues
- Segment 2 Option A: Fabric Encapsulated Soil Lifts with Rock Toe
- Segment 2 Option B: Double Terrace Wall with Rock Toe

- Segment 3 Issues (severe bank erosion from river, unprotected electrical, sanitary and water utilities)
- Segment 3 Option A: Triple Terrace Wall with Rock Toe
- Segment 3 Option B: Poured Concrete Wall
- Segment 4 Issues
- Segment 4 Option: Native Plants
- Segments 5 and 6 Issues (and potential to put trails behind these buildings)
- Segments 5 and 6 Options: Poured Concrete Wall with Trail Connection below Wilson St. Bridge
- Segments 5 & 6 Option A: Single & Double Terrace Wall with Rock Toe
- Segments 5 & 6 Option B: Poured Concrete Wall
- Segment 6 Options: Retaining Wall Repair
- All Segments: Limestone Outcroppings
- All Segments: Root Wads
- All Segments: Rock Vanes
- All Segments: Rock Outlet Protection
- Preliminary Cost Estimate (Low \$895,000; High \$1,515,000)
 - There are grants available

Mayor Schielke would like to see that this would be continuously maintained to remove or remediate the poison ivy issue. Pande stated that it would be three years of maintenance and after that it would be up to the community to maintain. Atac asked about the life expectancy of the landscaping. Pande stated that if you have success with the landscaping the deep-rooted system would hold the bank in perpetuity. The rocks along the shoreline, if placed properly, should remain in place in perpetuity. A retaining wall needs to be maintained but could remain permanently for up to fifty years. McGrath stated that we should prioritize the main areas of erosion. We also need to consider access, which is a whole different specialty. Temporary measures were discussed to protect the utilities in segment 3. Pande stated that you could stabilize the toe with rock and would recommend removing the buckthorn and honeysuckle that is there and removing any trees that are adding biomass and additional weight onto that area. You could open it up a little bit to get sunlight and establish vegetation there. Gabions, baskets with rocks, are another option but not an ideal solution.

Botterman asked about maintaining the native vegetation and covering future maintenance costs. Pande stated that low profile grass could be proposed and areas where wildflowers are incorporated. Maintenance people could use a broad leaf herbicide to get rid of thistle, poison ivy and other things of that nature. Hohmann suggested beginning to start the budgeting process for this. He was wondering if there are any other funding sources we could utilize. Wolff agreed, and stated that the funding mechanism needs to be discussed. Brown commented that TIF funds should be able to be used towards this. Atac stated that our river is our number one asset.

Bari stated that it makes sense to prioritize the segments that have utility issues. That would be the approach he would take. Bari stated that a final plan and financials would be developed. The next steps are to move ahead with the design. McGrath stated that staff would meet with the Park District (PD) and then the COW would meet with the PD. The COW and PD have a meeting

being planned for the month of July. Then a design would be created and staff would look at this prioritization and consider viable options. McGrath will be working on setting a meeting date with the Park District.

Brown noted that O'Brien wanted him to express his thoughts on this. O'Brien stated that this is a long-term investment and he would not like to go for the cheapest option. He would like to see a plan to do this and to do it right. Wolff stated that we should have a holistic view of this project, including what the PD envisions, before we spend our money designing plans. Wolff asked staff to create a priority list. He asked them if there is any possibility for grants to look into if there is a watershed plan for this section of the Fox River.

McGrath suggested having the COW meet with the PD and then decide on the river plan and partnerships. During that time, staff would look into the prioritizations. Brown suggested that Bari and Engineering Resources could discuss how to protect our utilities in that area without costing us a lot of money because we might want to do something different in the future but in the meantime we need to protect the utility.

12. Project Status

McGrath stated that there is activity on downtown developments and information would go out in writing this week.

13. Other

Mayor Schielke asked the press to stay until after closed session for a press release.

14. Closed Session:

- a. Acquisition of Property**
- b. Personnel**

Motion: To enter into closed session for acquisition of property and personnel

Maker: Callahan

Second: Botterman

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

Closed session began at 9:30pm and ended at 9:54pm. The COW returned to open session. Roll call was made. There were no changes to the attendance.

Press Release Statement

Mayor Schielke announced the hiring of the new City Administrator. At the next City Council meeting on July 5th, he is honored and excited to submit to City Council Laura Newman as the new City Administrator for the City of Batavia. We anticipate she will report to work the very next day on July 6th. She will have transition time with Bill McGrath before his retirement on August 4th. Laura Newman is a resident of Batavia and the final choice out of forty-six candidates.

15. Adjournment

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There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 9:58pm; Made by Callahan; Seconded by Cerone. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith