

MINUTES
January 9, 2018
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, Chanzit, Wolff, Salvati, O'Brien, Meitzler, Mallay, Uher, Cerone and McFadden

Members Absent: Alderman Callahan

Also Present: Mayor Schielke; Chief Deicke, Batavia Fire Department; Laura Newman, City Administrator; Wendy Bednarek, Director of Human Resources; Scott Buening, Director of Community Development; Gary Holm, Director of Public Works; Andrea Podraza, Senior Civil Engineer; Jeff Albertson, Building Commissioner; Drew Rackow, Planning; Anthony Isom, Administrative Assistant to the City Administrator; Timothy Grimm, Senior Civil Engineer; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

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

3. Matters from the Public (For Items NOT on 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.)

- a. **Ordinance 18-02: Amending the Comprehensive Land Use Map. 315 S. River Street. Batavia Park District and the City of Batavia, co-applicants (Rackow 12/15/17) CD**
- b. **Ordinance 18-03: Amending the Official Zoning Map for the City of Batavia, 315 S River Street, Batavia Park District and City of Batavia, co-applicants (Rackow 12/15/17) CD**

- c. **Ordinance 18-04: Amending the Official Zoning Map for the City of Batavia, 711 Mather Lane, City of Batavia, Applicant (Rackow 12/15/17) CD**
- d. **Ordinance 18-05: Amending the Official Zoning Map for the City of Batavia, Fox River Island, 183B, City of Batavia, Applicant (Rackow 12/15/17) CD**

Motion: To approve the Consent Agenda as presented
Maker: McFadden
Second: Salvati
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

5. Presentation – Monthly Wastewater Treatment Plant Project Update - Trotter

Jerry Ruth, Trotter and Associates, presented the monthly wastewater treatment plant update. He overviewed the Phase 1 rehabilitation, project highlights, and showed pictures of the main building and project. The estimated progress is at 46%. They estimated that the digesters would start up again in nine to ten months.

6. Approval: Class D-1 Liquor License for Vito Brandonisio/ 35 North Water Street

There was no action to be made on the Class D-1 Liquor License for Vito Brandonisio, founder of Acquaviva Winery. Mayor Schielke expressed his support of the liquor license for Acquaviva Winery. Vito Brandonisio addressed the Committee and shared the success of his businesses in Maple Park and Sycamore. This will be his third location. A folder of information on Aquaviva Winery was distributed to the Committee. The folder consisted of a brochure, the menu, and the site plan for the restaurant created by Norris Architects Inc.

7. Public Hearing: 7:35pm Annexation Agreement for 920 Main Street

8. Public Hearing: 7:35pm Annexation Agreement for 209 Whipple Avenue

9. Public Hearing: 7:35pm Annexation Agreement for 215 Whipple Avenue

The public hearings were opened for 920 Main Street, 209 Whipple Avenue, and 215 Whipple Avenue.

Buening stated that these are all separate but related properties that are all contiguous to each other. Staff has been working with the property owners to annex their properties into the City limits. Each agreement is slightly different with each other because they were negotiated at different periods of time. There was no public in attendance for comment.

Motion: To close the public hearing for annexation agreements for 920 Main Street, 209 Whipple, and 215 Whipple Avenue
Maker: Stark
Second: Russotto
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

10. Ordinance 18-06: Authorizing the Execution of an Annexation Agreement between Jedd P Theilk & J Nelson Couch and the City of Batavia for Property Located at 920 Main Street (Buening/Rackow 12/28/17)

Stark summarized the memo for Ordinance 18-06.

Motion: To recommend approval of Ordinance 18-06: Authorizing the Execution of an Annexation Agreement between Jedd P Theilk & J Nelson Couch and the City of Batavia for Property Located at 920 Main Street
Maker: Atac
Second: Wolff
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

11. Ordinance 18-10: Annexing and Zoning Property at 920 Main Street to the City of Batavia (Buening/Rackow 12/28/17) CD

Stark summarized the memo for Ordinance 18-10.

Motion: To recommend approval of Ordinance 18-10: Annexing and Zoning Property at 920 Main Street to the City of Batavia
Maker: Atac
Second: Wolff
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

12. Ordinance 18-07: Authorizing Execution of an Annexation Agreement with Nata-Leigh Foulkes & Kevin V. Preas for Property Located at 209 Whipple Avenue (Buening/Rackow 12/28/17) CD

Stark summarized the memo for Ordinance 18-07.

Motion: To recommend approval of Ordinance 18-07: Authorizing Execution of an Annexation Agreement with Nata-Leigh Foulkes & Kevin V. Preas for Property Located at 209 Whipple Avenue
Maker: Uher
Second: Wolff
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

13. Ordinance 18-11: Annexing and Zoning Property at 209 Whipple Avenue (Buening/Rackow 12/28/17) CD

Motion: To recommend approval of Ordinance 18-11: Annexing and Zoning Property at 209 Whipple Avenue
Maker: Uher
Second: Wolff
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

CONSENT AGENDA

**14. Ordinance 18-08: Authorization Of An Annexation Agreement For 215 Whipple Ave
(Buening/Rackow 12/ 28/17) CD**

Stark summarized the memo regarding Ordinance 18-08.

Motion: To recommend approval of Ordinance 18-08: Authorization Of An Annexation Agreement For 215 Whipple Ave

Maker: Atac

Second: Salvati

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

CONSENT AGENDA

**15. Ordinance 18-12: Annexing And Zoning Property At 215 Whipple Avenue
(Buening/Rackow 12/ 28/17) CD**

Motion: To recommend approval of Ordinance 18-12: Annexing And Zoning Property At 215 Whipple Avenue

Maker: Atac

Second: Salvati

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

CONSENT AGENDA

**16. Demolition: Certificate Of Appropriateness--27 North Prairie Street (Albertson 1/3/18)
CD**

Stark read the memo regarding Ordinance 18-11 to the meeting attendees. Albertson announced that the plans for the parking lot would be going to the Plan Commission (PC) for the approval process and it should be filed soon. Brown asked about water retention and if it has been considered. Andrea Podraza stated that they had their engineers at a meeting with City staff and water retention has been discussed. Currently, it is a preliminary concept. Albertson added that it would be reviewed as part of the approvals of the permits. Brown asked if there is a person interested in moving one of the houses. Jim Eby, Batavia Park District, answered that there is indeed one person interested in moving one of the houses and Eby will be meeting with the Board to discuss this possibility.

Motion: To recommend approval of Demolition and Certificate Of Appropriateness--27 North Prairie Street

Maker: Salvati

Second: Meitzler

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

**17. Demolition: Certificate Of Appropriateness--13 North Prairie Street (Albertson 1/3/18)
CD**

Motion: To recommend approval of Demolition and Certificate Of Appropriateness--13 North Prairie Street
Maker: Salvati
Second: Meitzler
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

18. Discussion – City Hall Main Staircase (Gary Holm 12/20/17) CS

Holm reported that there are a number of safety issues associated with the City Hall main staircase. The staircase would not be up to code if built today. Fiscally, it would be very expensive to remove and replace the staircase. The cost was over one hundred thousand dollars. Since the improvements to the staircase were so costly, City staff looked into making improvements to City Hall by relocating the staircase and moving all public services to the first floor of the building. Funding for these renovations was approved in the City's budget, but staff was asked to suspend the project to be reconsidered after mid-year. Holm stated that as long as no major improvements are done to the staircase, the City could probably avoid any ADA and EBA issues. Temporary fixes were discussed.

Holm informed the Committee in order to address the openings of the balusters the City could install glass, which is a temporary fix that could help to reduce the City's liability. This improvement would cost less than \$20,000. City staff is looking for the Committee's direction on this at this time. Wolff stated that if we are to do this we should do this right and not put a band-aid on the situation. Newman stated that there was a phased project and the first phase was to move the stairway to where the reception area is currently. The second phase would be moving the reception area and moving utility billing downstairs so all of the entities that the public utilizes be down on the main floor of the building. Stark asked if we could remove the staircase completely and have people use the elevators rather than rebuilding something. Albertson stated that there are code implications with that. All of our stairways, other than the main stairway, are non-public at this point and there are egress concerns.

O'Brien stated that until we are ready to do the whole project we should invest money to get this fixed. He noted that staff has been spending a lot of time on this issue. Brown stated that staff's recommendation is to do the entire project but we do not want to spend the money. Staff is concerned about the liability of the staircase. Holm stated that staff is looking for direction from the COW for this temporary fix.

Motion: To direct staff to proceed with the installation of glass on the City Hall main staircase
Maker: Brown
Second: Meitzler
Roll Call Vote: **Aye:** O'Brien, Meitzler, Malay, Uher, Cerone, McFadden, Russotto, Salvati
Nay: Brown, Atac, Stark, Chanzit, Wolff

8-5 Vote, 1 Absent, Motion carried.

19. Resolution 18-03-R: Authorizing Task Order #15 With WBK For Phase II Engineering For Watermain Replacement In The Area 3 Storm Sewer Separation Plans In The Amount Not To Exceed \$44, 139.00 (A Podraza 1/3/18) CS

Podraza overviewed the project to the COW.

Motion: To recommend approval of Resolution 18-03-R: Authorizing Task Order #15 With WBK For Phase II Engineering For Watermain Replacement In The Area 3 Storm Sewer Separation Plans In The Amount Not To Exceed \$44,139.00

Maker: Salvati

Second: Uher

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

20. Resolution 18-04-R: Authorizing Execution Of A Contract With Steve Piper & Sons, Inc. For Removal Of Trees On Various City Properties In The Amount Not To Exceed \$21,045 (Chris Bong 1/5/18) CS

Wolff summarized the memo. Podraza discussed the project with the COW. O'Brien stated that this is not a good area to mulch it up and leave it. Mahoney creek behind those homes needs to be dredged. The creek continues to gather soil, leaves and brush. He asked what the City is planning on doing for that section of Mahoney Creek. Podraza answered that they are planning on putting in a detention basin on the west side of Kirk Road.

Motion: To recommend approval of Resolution 18-04-R: Authorizing Execution Of A Contract With Steve Piper & Sons, Inc. For Removal Of Trees On Various City Properties In The Amount Not To Exceed \$21,045

Maker: O'Brien

Second: Salvati

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

21. Resolution 18-01-R: Authorizing Execution Of A Contract With Engineering Resource Associates For The College Ave And Wilson Street Storm Sewer Phase II Engineering Services In The Amount Not To Exceed \$39,908.85 (Timothy Grimm 1/3/2018) CS

Timothy Grim overviewed the project with the Committee. Podraza stated that this area has natural filtration and it does not necessarily have to have as big of a pipe because it infiltrates naturally through the ground. Staff did review the sizes of pipes but the numbers were not consistent to what they see in that area.

Motion: To recommend approval of Resolution 18-01-R: Authorizing Execution Of A Contract With Engineering Resource Associates For The College Ave And Wilson Street Storm Sewer Phase II Engineering Services In The Amount Not To Exceed \$39,908.85

Maker: O'Brien

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

22. Resolution 18-07-R: Purchase A Zoll Cardiac Monitor Not To Exceed \$26,000 (Chf. Deicke 1/3/18) CS

Chief Deicke reported that this falls into the 2018 budget year and is the same memo presented in December and costs the same as well.

Motion: To recommend approval of Resolution 18-07-R: Purchase A Zoll Cardiac Monitor Not To Exceed \$26,000
Maker: Meitzler
Second: Salvati
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

23. Discussion: Thomle Building Disposition (Laura Newman 1/4/18) CD

Aiston reported that last fall we were at the point of extending the Fawn Gifts lease for their incubator time at the 2 East Wilson Thomle Building. There was a discussion on what was the long-term vision for the building. Staff evaluated and there are a number of things that could be done with the building: surplus property, continue the incubator program, sell it with no conditions, sell the building with conditions, or put out an RFP to see what a developer would propose. Back in the fall an RFP was presented to the Council. Staff was then directed to find a broker to sell the building in late November. Staff went out to half a dozen brokers and asked for them to submit a proposal with the criteria that they did not own any buildings or are currently selling any buildings in the downtown area. Staff executed an agreement with Kevin O'Donnall. Upon further review, it was thought it would behoove the City to put a condition on the purchase of the building. Aiston stated that if the City were to put a condition on the sale of the building it needs to be done now before the City starts brokering the building. He stated that he told the broker to stall on moving forward so that he could talk to the Council one more time to see what the COW specifically wants.

The Committee discussed the options for the Thomle building. Mayor Schielke shared that he has had people interested in buying the building but they had no idea what they would want to do with the property. They were interested in the river frontage and some asked if the City of Batavia would provide a strong incentive to redevelop this property. Mayor Schielke stated that his opinion is to hold onto the Thomle building until the right deal comes along. Stark asked if communities participate in controlled development and should the City be in the real estate development business. Aiston responded that it is not uncommon for municipalities to put a plan in place to acquire land when it comes available if the long range plan is to acquire the land to have a purpose for it such as open space, stormwater management or to turn over to a private developer so that they could invest in it. Municipalities usually do not purchase a building to become a landlord. It is not unusual for a municipality to purchase a blighted building that becomes available when the market does not have a demand for it. Aiston continued that the incubator is not very common but a non-profit group, such as MainStreet, could be charged with it.

After discussion the COW directed staff to set up an RFP and use the Thomle building as an incubator space during that time. Aiston stated that there was one individual interested in the incubator space and that he would begin work on the RFP.

24. Ordinance 18-01 Amending Title 8 Of The Batavia Municipal Code Relating To Electric Service Rates (Gary Holm 12/20/17) PU

O'Brien summarized that this is to amend the code in regards to electric rates for vehicle charging stations.

Motion: Recommend to Council approval of Ordinance 18-01 Amending Title 8 Of The Batavia Municipal Code Relating To Electric Service Rates

Maker: Meitzler

Second: Uher

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

25. Project Status

Newman reported on following:

- Mobile Stroke Unit purchased by CDH
- Windmill Lakes Shopping Center has had a lease executed with Frenzy Furniture
- No update on the Indoor Farming Operation from the State of Illinois
- Strategic Planning will be on the 1-23-18 Agenda
- The 2-13-17 COW will have the annual Staff Reports
- The City has obtained software that will allow the City to monitor all media sources for news that is mentioning the City of Batavia and/or other topics that are a concern to us
- Accommodations from the police department for life saving efforts for several members of our police department have been sent to the COW. The Police Department has been provided with Naloxone that saves members of our community from a potential heroin overdose. There have been four incidences in the fourth quarter. The superintendent of our School District is interested in participating in community discussion and education on the opioid epidemic and its impacts.
- The One Washington Place redevelopment agreement is fully executed and an updated timeline is being worked on and when available it will be distributed.
- Proper placement of garbage cans and recycling carts was reviewed.
- January 16th City Council meeting will begin at 7pm to honor the State Champions Batavia Bulldogs
- January 30th is an extra Tuesday and the COW meeting will be scheduled.

26. Other

Mayor Schielke shared that the liquor fine money would be used towards the post-prom party and will be utilized towards a prescription drug abuse education program in Batavia Schools with the assistance of the School Superintendent.

27. Executive Session: Collective Bargaining and Setting Price of Land for Sale

Motion: To enter into Executive Session for collective bargaining and setting the price of land for sale
Maker: Meitzler
Second: Uher
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

The executive session portion of the meeting began at 9:42pm and exited at 10:19pm.

28. Adjournment

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

Minutes respectfully submitted by Jennifer Austin-Smith