

**CITY OF BATAVIA
COMMITTEE OF THE WHOLE
MEETING MINUTES
FEBRUARY 15, 2017**

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 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.

Chairman Brown called the meeting to order at 8:00 p.m.

1. ROLL CALL 10 of 14 Members Present.

Members Present: Chair Brown; Ald. Salvati, Callahan, Wolff, Meitzler, Mueller, Stark, Atac, Russotto, and McFadden

Members Absent: Ald. O'Brien, Chanzit, Botterman, Cerone

Others Present: Jeff Schielke, Mayor; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Scott Buening, Community Development Director; Jeff Albertson, Building Commissioner; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Bari Rahat, City Engineer; Christopher Aiston; Economic Development Consultant; and Cheryl Shimp, Recording Secretary

2. ITEMS REMOVED/ADDED/CHANGED

None.

3. MATTERS FROM THE PUBLIC (Items NOT on the Agenda)

None.

4. PRESENTATION – TRICITIES “THE ROAD” SONG CHALLENGE

Scott Corbin, The Jank Guitar Store, St. Charles, Illinois – The Jank Guitar Store will be introducing a song challenge to the schools in the TriCities. A presentation was made to the Batavia schools earlier. The Song Challenge is where a student does a cover of a song and the contest winner will receive a cash prize of \$10,000. The city of the winning contestant will also receive a cash prize of \$2,000 in addition a cash prize to the winning student's school will also be awarded. Corbin stated that he is a studio guitar player who grew up in St. Charles and has always appreciated events oriented to the TriCities. They have also developed an ambassador program, which is currently running in the City of St. Charles as well as the St. Charles Park District. Looking to expand this program to the TriCities. This program is for high school students involved in the arts whose goal is to become an ambassador.

The Song Challenge is open to all students from the age of 10 to 19. Students register through the website <http://www.thejankguitarstore.com/the-road-contest> and must register with a parent or guardian. Upon registration, the student will receive the song that they will cover. They will then perform a video of this song. This contest runs until August with the winner being announced in December 2017. The winning parties can use the cash prize as they see fit. It could be for college, scholarships, new instruments, donated, anything. This is a way for all the TriCities to come together and for the students to have a creative outlet so that they can be recognized for their talents. This is the first year of this challenge and Corbin believes this is something special and positive for the students and gives them a way to show off their creative interpretation of music rather than just their skill set. The challenge allows a 10-year-old as much of a chance to win as a 19-year-old. Corbin will be making this same presentation at a future City Council meeting.

5. RESOLUTION 17-18-R: AUTHORIZING APPLICATION FOR KANE COUNTY COMMUNITY DEVELOPMENT FUNDS

Stark reported that every year Kane County receives a Community Development Block Grant for funding projects to benefit persons of low and moderate income levels. The County receives data that designates these low to moderate income levels. In Batavia, the designated areas are east of North River Street, north of East Wilson Street and south of Douglas Road. The grant monies cannot be used in industrial areas. Staff has decided to pursue grant monies for resurfacing and ADA compliance for portions of Madison, North College and Lathem Streets. The total cost of the project is estimated at \$145,000. Staff is requesting a grant in the amount of \$58,000. The remaining monies would come from the City budget.

Motion: To recommend approval of Resolution 17-18-R: Authorization for Kane County Community Development Block Grant Application in the amount of \$58,000

Maker: Wolff

Second: McFadden

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

CONSENT AGENDA

6. ORDINANCE 17-17: AUTHORIZING EXECUTIVE OF AN ANNEXATION AGREEMENT WITH ANDREW AND RITA FEUERBORN FOR 2S495 HART ROAD

Stark reported that in 2007, the City allowed 2S495 Hart Road to connect to City water and sewer exchange for annexing the property into City limits. Although a public hearing was held, the terms of the annexation agreement were not fully negotiated. The City now has a signed annexation agreement with the following terms:

- Annexation of the property with R0 Zoning
- Owners will dedicate 40 feet of ROW for Hart Road and perimeter utility easements

- Owners will pay for a sidewalk when sidewalk becomes contiguous to this property but no sooner than 10 years
- Owners will connect to City electric within five (5) years
- Payment of standard fees (already paid when utilities connected)

Another public hearing is scheduled for 02/20/2017 at 7:35 p.m. After this hearing, the City Council may act on and annexation agreement and annexation ordinances. The annexation will not become effective until the day after the election, 04/05/2017. There are no cons to the approval of this annexation. Some additional property tax revenue will be realized.

Motion: To recommend approval to City Council of Ordinance 17-17: Authorizing Execution of an Annexation Agreement with Andrew and Rita Feuerborn for the property at 2S495 Hart Road

Maker: Wolff

Second: Salvati

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

7. ORDINANCE 17-18: ANNEXING AND ZONING PROPERTY AT 2S495 HART ROAD

Motion: To recommend approval to City Council of Ordinance 17-18: Annexing and Zoning Property at 2S495 Hart Road

Maker: Wolff

Second: Salvati

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

PUBLIC HEARING 02/20/2017

8. ORDINANCE 17-16: GRANT OF VARIANCE FOR A TEMPORARY PARKING LOT – 111-117 NORTH RIVER STREET

Stark reported that the Zoning Board of Appeals (ZBA) held a public hearing on 02/01/2017 reference variances for a temporary parking lot located at 111-117 North River Street, Larson-Becker property. This parking lot will replace parking that would otherwise not be available during the construction of the new public parking deck at One Washington Place. A recommended condition would limit the variances for five (5) years. Stark gave a brief review of the public hearing as well as the pros and cons.

ZBA included a condition to allow for Staff review of the revised parking lot expansion to the south. The Plan Commission approved the Design Review for the proposed temporary parking lot, conditioned on the approval of the variances. Prompt approval will allow for Spring construction making the parking available prior to construction of One Washington Place. Rackow noted that the current plans do not indicate the additional parking that would be realized with the removal of the pump station to the south of the property. The HPC did review the demolition of the pump house along with the other buildings and did approve the COA. This

item will be on the next COW agenda. The consulting engineer did add the auto-turn requested by the Plan Commission, which will allow a large vehicle (i.e. Chevy Suburban) to maneuver through the parking lot. The slope is about 6% to 8%, it is listed at 6% in the memo. Approximately 12 more parking spaces will be realized with the parking added to the south of the property. Callahan requested that the variances stipulate they are for the current applicant (City of Batavia) only. These variances will not transfer to new owners. This condition will be added. If the property is not redeveloped within the 5-year limit, the City would have to request an extension.

Brett Larson, Larson-Becker, stated that there is a chain-link fence on the northern portion of the property. There is currently an agreement with the Challenge Property with a recorded easement that allows access to the gate through the Larson-Becker property. Unsure if the new parking lot configuration allows for access through this gate. Rahat noted that the City has proposed a curb at the north end of the temporary lot but that can be changed. Larson noted that numerous customers of Pal Joey's have used the lot to park, temporarily, for pick-ups. Inquired if a portion of the lot will be designated for this purpose. After a brief discussion, it was decided that temporary parking for Pal Joey's (with time restrictions) will be designated on North River Street.

Brown requested, that although this is a temporary lot, that a more decorative type of lighting be used as opposed to a large pole with a light on top. Something that will look nicer on a new lot. A brief discussion was held. Rahat will see what is available within the City's stock.

Motion: To recommend approval to City Council of Ordinance 17-16: Grant of Variance for a Temporary Parking Lot located at 111-117 North River Street with the proposed change to the ordinance that the recommendation for the condition applies to the City of Batavia solely.

Maker: Callahan

Second: McFadden

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

REGULAR AGENDA

9. PROJECT STATUS

Newman stated that the Branding kick-off meeting was held. The committee requested the names of 15-16 individuals from the community from different walks of life and different experiences in Batavia for interviews to get a flavor of what Batavia sees as their city. What things make Batavia special.

All the public comments reference the bridge sculpture have been received. Bill McGrath will review all comments and Artist Jim Jenkins will give his respective. Public comments and the artist's respective will be together in a memo to City Council to be discussed at a forthcoming COW meeting.

A letter was sent to Caterpillar inviting them to consider Batavia as the home of their next world headquarters. This was prompted by an article indicating Caterpillar would be moving their headquarters office from Peoria, Illinois to a yet undetermined location near Chicago. Want them to know that Batavia would be very interested in them coming to our community.

Newman stated that several inquiries have been received from aldermen for copies of the financial analysis reports that are conducted by an outside consultant to analyze the financial implications of development projects. Certain aspects of these reports must be kept confidential due to the proprietary and confidential financial information included within. There is an expectation of privacy on the end of the applicant that this information will only be shared with the consultant to perform this analysis. The City does not have permission to share this information outside of this process without obtaining additional permission from the applicant. There is still a lot of data within the report, however, that may be shared. The financial analysis is used to determine the but-for need part of the development project, which shows what may happen without TIF assistance. Staff may also share what the EAV on a project will be as well as whether a project will pay for itself. Callahan noted that in the RDA with One Washington Place, the applicant did agree to release the Proforma to the City and all its agents in the City. Aldermen, as agents of the City, should be able to see this information. It is not a document eligible through a FOIA request or released to the public but the members should be able to review it through executive session. Aiston stated that the "Open Book" part of the RDA is supposed to mean that the City will have access to all the documentation with respect to proof of expenses, proof of certified waivers and liens, and that the applicant pays the prevailing wage on certain projects, etc., so that the City may determine the expenses presented for reimbursement are accurate. It is not necessary for the City to see the Proforma to make these determinations. A non-disclosure agreement may be necessary to release this information to City Council members. Discussion was held reference who should have access to this information, aldermen requiring this information to make an informed decision, how future applicants will react to their proprietary information being released to council members, consequences of sharing this information, competitive advantages in the market place, submitting specific questions on specific issues as opposed to the entire report, council members being held legally liable for financial decisions, council members needing this information because public funds are involved, data used by the professional consultants in making their determinations, what are the legal rights of council members, etc. Newman will submit this request to the City Attorney, Kevin Drendall, for an opinion.

Stark inquired about the status of the pig issue. A resident of Batavia has a pot-bellied pig as a pet. These pigs are not allowed within the code of Batavia. Buening reported that the resident was supposed to attend a City Council meeting reference this issue but did not. The resident has been put on notice. Outside of changing the code, enforcement action will be the next step. Discussion was held on whether this type of animal should be added to the code, leashed, violations of health codes, defining the type of pigs (livestock), therapy animals and certification, something in written form to allow Staff to enforce the code, other residents having to get rid of their pig, etc. Buening will bring something back to COW for review.

Salvati stated he has had several requests from his constituents for the release of closed/executive session minutes. The Open Meetings Act (OMA) requires a minimum of 2 dates per year for this review. Newman stated here are several minutes outstanding and these minutes will be reviewed once per quarter. The plan is to review 1 year per quarter beginning with the most recent year.

10. OTHER

None.

11. EXECUTIVE SEESION: SETTING THE PRICE OF LAND FOR SALE

Motion: To enter Executive Session to discuss setting the price of land for sale.

Maker: Stark

Second: Salvati

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

The members entered Executive Session at 8:58 p.m.

The members returned to Open Session at 9:05 p.m.

ROLL CALL: Salvati, Callahan, Wolff, Meitzler, Mueller, Stark, Atac, Russotto, McFadden,
Brown

12. ADJOURNMENT

There being no further discussion. A motion was made by Wolff to adjourn the meeting. Seconded by Salvati. All in favor. Motion carried.

10 Ayes

0 Nays

4 Absent

The meeting was adjourned at 9:06 p.m.

Respectfully submitted by Cheryl A. Shimp, Recording Secretary