Vice Chairman Sparks called the meeting to order at 7:30 p.m.

1. Roll Call

Members Present: Aldermen Chanzit, Dietz (7:40 p.m.), Liva (7:35 p.m.), Sparks, Stark, and Thelin Atac

Members Absent: Alderman Tenuta

Also Present: Aldermen Brown, O'Brien, and Wolff; Scott Buening, Community Development Director; William McGrath, City Administrator; and Connie Rizo, Recording Secretary

2. Items Removed/Add/ed/Changed

Vice Chairman Sparks commented that Mayor Schielke desired to be present for discussion on Agenda Item #6 and although the Mayor could not be present the discussion on the topic of Committee of the Whole would begin this evening.

3. Ordinance 13-21 Authorizing Community Development Department to Enforce Certain Ordinances and Code Provisions (Scott Buening 4/12/13)

Scott Buening stated that as the review of code enforcement was taking place it was shown to be effective in certain ways, but long and cumbersome in other ways. Buening went through a brief explanation on how the different code enforcement steps occur. Buening stated in other communities warnings are given and then local ordinance tickets are written to notify residents of a violation with the appropriate fine. Buening mentioned if the violation is not addressed additional tickets are issued with escalating fines and if still not resolved then it is a matter for adjudication. Buening added repeat offenders would receive a local ordinance ticket rather than a warning. Buening opined this would be a more effective way to handle certain types of violations.

Buening stated that some of the code sections that local ordinance tickets would be written for would assist the Public Works and the Police Department for certain
violations (i.e. parking) and would be an additional tool for enforcement of the various ordinances.

Ald. Thelin Atac inquired if Buening had experience with this type of approach before. Buening indicated he had previous experience and most communities he has worked for have already had code enforcement with the ability to write these types of tickets. Buening commented when he worked for North Aurora the adjudication process started later and if that process failed then the last resort would be going through the court system, which was also more cost effective for both parties. Ald. Thelin Atac inquired if offenders typically pay. Buening indicated payment was typically made because if there was non-compliance then there are escalating fines.

Ald. O'Brien inquired how many warnings would be given before a monetary local ordinance ticket would be issued. Buening replied two warnings would be given. Ald. O'Brien inquired who on the City Staff would have the authority to write the tickets. Buening replied the code enforcement officer, Community Development Director, and Head Building Inspector in addition to the Police.

Ald. Stark stated she was pleased that those on River Street that are parking in front of the “DO NOT PARK HERE” signs are being ticketed. Bill McGrath stated that the memo from the Police Chief indicated those tickets would be warning tickets for the next two weeks. McGrath pointed out that starting with the StreetScape area it was discovered there was insufficient manpower from the Police to handle the parking enforcement and other non-parking code violations. McGrath added that the policy on non-parking code violations is the same and the City is looking for compliance rather than punishment and revenue. McGrath mentioned that the code already has the limitations on what a fine could be. McGrath added that the Committee has not finished reviewing all the offenses, so those can be discussed further at future meetings. McGrath expressed that the main objective in giving warnings is to teach residents and educate them on what the real scenario is. Ald. O'Brien stated he appreciated the clarification especially since Batavia is trying to bring patrons to River Street. Ald. Stark stated she had no tolerance for parking violators and indicated they should be ticketed. McGrath agreed with Ald. Stark.

Ald. Brown inquired if code enforcement issues the local ordinance tickets would they be entered into any system to be able to obtain historical information. McGrath indicated the tickets are written on “O” ticket forms that are entered into the records system, so it would be just as if the tickets were written by the Police. Buening stated code enforcement would issue the tickets, but the Police Department does the processing of the actual tickets.

Ald. Brown stated if this approach were to be put into place he suggested having a 1-year sunset clause and then have the staff bring the results of how the approach was working. McGrath stated local ordinance tickets are already common in so many municipalities. McGrath indicated a year from now a report could be provided and the Committee could revisit it also. McGrath commented there may not be a lot of activities if residents begin to learn quickly. McGrath added this approach is just an extension of
the Police Department and if there were more Police Officers or Community Service Officers they would be handling these ticketing situations. Buening stated he has worked with a number of municipalities and knew of none where the code enforcement division or building division did not have the ability to write these types of tickets. Buening mentioned that the current code enforcement officer has had experience writing these types of tickets.

Vice Chairman Sparks stated he was concerned that the local ordinance tickets would be perceived by the public as a way for the city to obtain revenue. Vice Chairman Sparks stated Police can already issue these types of tickets and that adjudication was put into place to solve these issues. McGrath indicated the Police do not detail people to parking enforcement. McGrath commented that adjudication can in some ways be like court, but is used as a step to avoid the matter from going to court. McGrath mentioned these violations are minor to the court system, but to the City of Batavia they are important because they affect quality of life in the neighborhoods.

Buening stated the ticketing system provides an immediate consequence for a violation. Buening expressed that a significant part of this approach is code enforcement and under this proposed ordinance tickets could be written instead of first going to adjudication. Buening briefly explained the steps and time typically taken for the adjudication process.

Vice Chairman Sparks stated the proposed ordinance was too broad. Vice Chairman Sparks also inquired if inspecting property meant that those writing the tickets could go on private property. Vice Chairman Sparks stated there should be further clarification of that aspect. Buening stated it would be no different than normal due process. Buening indicated in the proposed ordinance there was text allowing being broad enough, but also restrictive to cover circumstances that code enforcement might be asked to review.

Ald. O’Brien stated his concern in the First Ward was the Woodland Hills section where historically there has been construction, roads, and drainage all with poor quality. Ald. O’Brien stated since Batavia has taken over Woodland Hills from Kane County the area is still experiencing drainage issues. Ald. O’Brien commented on the issues with connecting with the storm drains, the cost involved, residents who still are struggling with the challenging economy, and now the potential for them to be ticketed further for ordinance violations. McGrath inquired why it is perceived as being so different from having the local ordinance tickets issued by City employees rather than the Police. McGrath pointed out the Police do not have enough officers to handle the violations that exist in the community, so having City employees handle the ticketing is a way to address the different matters that arise. Ald. Stark stated if there is someone who is in direct violation the adjudication process is lengthy and writing tickets would be a quicker way to handle the violations. Ald. O’Brien stated his ward was affected first and the other wards would soon experience similar issues, but Ald. O’Brien opined the residents do not have the funds to pay for these tickets. Ald. Stark stated if residents comply with the local ordinances they would not be fined. Ald. O’Brien stated he did not want to see residents in his ward being fined for sustainable design rain gardens if they choose to go that route. McGrath stated if the storm drainage issue needs to be dealt with it
should be done as a City Council. McGrath added the engineering department was not doing any more than what the City code requires. Ald. Wolff commented that Ward 1 would need to work with Kane County on storm water management before rain gardens would be accepted as a way to handle storm water. McGrath pointed out the City has 13% fewer employees than a few years ago and bringing all the non-compliant residents through adjudication is timely and costly. McGrath stated those who violate the local ordinance should receive tickets. Buening stated with the adjudication process the adjudicator already has the ability to retroactively impose fines from the date the violation began. Buening mentioned a lot of the complaints regarding ordinance enforcement are brought to the City’s attention by residents and not something the code enforcement officer is searching out. Ald. Brown agreed that with the proposed ordinance the residents could see that action is being taken at a faster pace. McGrath stated tickets cannot be issued for drainage.

Vice Chairman Sparks pointed out some property owners had sheds on their property even before there was a City code regulating sheds. Vice Chairman Sparks spoke to his concern of those residents receiving tickets even before they have a chance to come before an unbiased judge to have their case heard. Buening stated a project has been spearheaded by engineering for areas that have been annexed that may result in some grandfathering of structures for non-conformity relative to current zoning regulations. Buening indicated no one has requested a ticket be given for those types of instances.

Ald. Dietz inquired where the tickets went after being issued. Ald. Dietz stated if someone receives a ticket they have a right to take the matter to trial. Buening replied if the offender demands a trial it would go before the Circuit Court. Ald. Dietz inquired if the ordinance could be reworded so that the offender would come back to the adjudicator to avoid the court system. Buening and McGrath stated they could discuss it further with the City Attorney to see if Ald. Dietz’s suggestion would be possible.

Ald. Wolff stated the ticket system might result in residents taking quicker action on rectifying their issue of violation to avoid court situations. Ald. Wolff stated he realized the situation with limited staff and expressed that complaints from residents would be how the City might be made aware of different areas of violation. McGrath stated if the Committee would like to limit the specific City Staff who would write the local ordinance tickets they should advise who they would prefer. Vice Chairman Sparks spoke in favor of letting issues that fall into a gray area come before an adjudicator to be handled fairly. Buening stated City Staff deal with situations that are clear cut violations.

Ald. Liva stated for residents to understand clearly what are areas of violations he suggested a hyperlink be incorporated into the ordinance to give the individual the opportunity to review the information fully. Buening stated Ald. Liva’s suggestion was something that could be done.

Vice Chairman Sparks inquired what positions would be authorized to issue the local ordinance tickets. McGrath stated the Department Head, Building Inspectors, and Code Enforcement Officers.
Ald. Stark inquired as to what would be considered a gray area. McGrath stated he could come back to the Committee with examples of the scenarios that have been brought to adjudication.

Ald. Thelin Atac stated she was in support of the ordinance. Vice Chairman Sparks stated he would support the ordinance with limits.

4. Ordinance 13-23 An Ordinance accepting Bond Order and confirming sale of General Obligation Refunding Bonds, Series 2013, of the City of Batavia, Kane and DuPage Counties, Illinois, and amending and superseding a certain previous ordinance. (Peggy Colby 4/20/13)

Bill McGrath stated that Peggy Colby’s memo was self-explanatory. McGrath stated Batavia was the first municipality to take advantage of some of the changes in the tax code that allowed some refinancing. McGrath indicated that refinancing happens all the time, but not in the manner available now. McGrath stated the firm that came out with the paperwork confused the bond year from Batavia’s fiscal year and there was an error in it. McGrath shared that the bond attorneys advised to have the paperwork redone.

Motion: To recommend to the City Council approval of Ordinance 13-23 general obligation refunding of bonds.
Maker: Liva
Second: Thelin Atac
Voice vote: 6 Ayes, 0 Nays, Motion Carried.

Ald. Dietz inquired if this was the bond voted on on April 15, 2013. McGrath replied that it was that bond. McGrath stated at the sale where other documents are produced the numbers provided were incorrect. McGrath indicated the closing never happened and the matter was delayed pending the passing of Ordinance 13-23.

5. Ordinance 13-24 Authorizing Alcohol Sales and Consumption on Certain City Property at Certain Times in Conjunction with Authorized and Issued Liquor Licenses Pursuant to Title 3 Chapter 3 of the Batavia Municipal Code (WRM 4/18/13)

Bill McGrath stated that the City Attorney advised that in order for alcohol to be served/consumed on City property it needs to be listed out. McGrath indicated there have been changes so that alcohol can be served/consumed in City buildings. McGrath explained that Mario Aliano has worked with Albright Theater to provide alcohol for their events on the third floor, south area of the Government Center building that is rented by Albright Theater. McGrath pointed out that in order for alcohol to be served/sold it must be done in conjunction with a city liquor license, dram shop insurance, and BASSET training.

Mario Aliano, 90 N. Island Avenue, Batavia, Illinois, introduced himself as representing Aliano’s Ristorante. Aliano indicated that present at the meeting were
members and actors from the Albright Theater who were there in support of Aliano’s providing liquor service at the Albright Theater events. Aliano mentioned he has been a liquor license holder in Batavia for a year and a half and that his establishment has been responsible with assuring patrons are not under age alcohol consumers and that he would do the same at Albright Theater. Aliano expressed providing this service at Albright Theater would attract more business for them as well as creating revenue for his business, which he would be giving back a percentage of the sales to Albright Theater. Aliano stated he is proud to be a part of Batavia. Aliano requested the Committee approve Ordinance 13-24 and spoke to the fact that his serving of alcohol at Albright Theater would be a responsible service as well as being covered by dram shop insurance. McGrath indicated Aliano’s insurance would need to indicate the City of Batavia as a named insured. Aliano stated he has been in contact with his insurance agent and the coverage would be done through a rider to his policy.

Vice Chairman Sparks stated Aliano would need to return to the City for the proper liquor license. McGrath stated Aliano could obtain a Class G liquor license as an added license to his main liquor license. McGrath mentioned at the request of the Police Department there should be signage at the elevator area on the third floor that no alcohol should leave the Albright Theater area.

Ald. O'Brien inquired if the liquor license would only be in effect during Albright Theater productions. McGrath replied the liquor license would only be in effect during Albright Theater productions. Ald. O'Brien opined that it was an economic development tool for the City and supported Ordinance 13-24.

Ald. Dietz was concerned about the City being part of the chain of liability. Ald. Dietz stated the City should assure it is protecting its assets.


**Motion:** To recommend to the City Council approval of Ordinance 13-24 authorizing alcohol sales and consumption on certain city property at certain times in conjunction with authorized and issued liquor licenses pursuant to title 3 chapter 3 of the Batavia municipal code.

**Maker:** Stark
**Second:** Thelin Atac
**Voice vote:** 6 Ayes, 0 Nays, Motion Carried.

6. Discussion: Committee of the Whole (WRM 4-19-13)

Vice Chairman Sparks advised that discussion on this agenda item should be brief since Mayor Schielke was not present and the Mayor did want to take part in discussion on this matter.
Ald. Stark commented on the amount of time it takes for each Committee to go through their agenda items and was concerned about the length of time four Committees would take to cover in two meetings per month as proposed in the COW approach.

Ald. Dietz stated the Committee of the Whole was discussed over a year ago in the Strategic Planning sessions. Ald. Dietz mentioned at that time the COW was endorsed by one alderman and it did not receive a second even for further discussion. Ald. Dietz was interested in knowing whether the existing and continuing City Council would change their stance on the COW approach as well as hearing from the aldermen-elect on the COW approach. Vice Chairman Sparks stated tonight was just for discussion and the vote would be taken by the next City Council to be seated.

McGrath stated that the Mayor’s suggestion was to try the COW approach because there would be 40% new aldermen on the City Council. It also meant there would be six vacancies on one Committee. McGrath stated because of that it would not be good to place all of new aldermen on one committee and using the COW approach would reduce the amount of switching aldermen around to different committees. McGrath mentioned he supported the COW approach and that this might be the good time to experiment with the COW approach. McGrath indicated he wanted to hear from the aldermen and the aldermen-elect on this matter.

Vice Chairman Sparks stated he wanted to research the issue more. Vice Chairman Sparks commented that the average committee meeting is two and a half hours and opined if several meetings were combined the end time would be 11:00 p.m., 12:00 a.m. or 1:00 a.m. McGrath encouraged aldermen to call neighboring towns that use COW. Ald. Wolff stated he has been to some of the COW meetings in other towns and when there are agenda items that are big issues they establish an end time and then carry over discussion to a future meeting or use the 5th Monday in a month to accomplish further discussion. Ald. Wolff stated when that is not done meetings do go until 11:30 p.m. or 12:00 a.m. Ald. Wolff expressed if Batavia changes to the COW approach the City Council would need to exercise caution because of new quorum count and perception of the public of being a voting block if a group were to meet, for example, for lunch or other activity. Ald. Wolff indicated one of the reasons he liked the COW approach was that everyone would be present for all discussions. Ald. Wolff shared if everyone worked the COW approach to operate quicker and efficiently the meetings could potentially be shorter. Ald. Wolff opined the COW approach was definitely a much easier way for the new aldermen to find out what is happening in the committees.

McGrath stated in Geneva they begin their meetings at 7 p.m. and that they end their meetings at 10:00 p.m. McGrath indicated the chairing of the COW meetings could be rotated.

Buening stated in another community that he worked in they also tried the COW approach and it worked great. Buening shared in that community the issues were reviewed beforehand and the discussions at the COW meeting were more focused on pertinent issues. Buening mentioned in that community they eventually went to having
the Village Board meeting first and then on the same night they had the COW meetings following that. Buening added at times the meetings did run long and there were times when special meetings were necessary.

Ald. Brown stated he has learned the positives and negatives of the COW approach. Ald. Brown indicated he likes the ability for five or six to be able to get together and communicate on issues. Ald. Brown stated the time to handle those discussions points is at committee meetings. Ald. Brown stated the agenda item “Other” quite often leads to items that the committee does not get time to talk about or for some reason or another do not get on the agenda. Ald. Brown mentioned presently when there are short meetings that the “Other” portion of the meetings are used. Ald. Brown spoke of his concern that the “Other” portion of the meetings would go by the way side with the COW approach.

Ald. Stark cautioned against aldermen joining together outside of committee meetings because it could lead to imbalance on topics to be discussed at committee. McGrath stated the aldermen could not meet as five or more because the Committee of the Whole is 14 and the Open Meetings Act indicates that a majority of a quorum with the COW approach would be eight and the majority of eight would be five. McGrath commented that the idea for implementing the COW approach would be so that the City Council can focus on policy. McGrath stated that Geneva keeps a running list of policies and so they utilize their fifth Mondays to meet over issues that they want to get ahead of without the pressure of legislation or other matters.

Ald. O'Brien expressed concern about not being able to discuss topics long enough. Ald. O'Brien stated instead of contacting staff beforehand he was under the impression that discussion at committee was the reason for the committee meetings. Ald. O'Brien stated for knowledge on topics it is important to discuss items at a deeper level and longer if that is what the topic warrants. Ald. O'Brien mentioned to make the COW approach work it may result in not talking about a topic deep enough and that could be risky. McGrath mentioned there was an added onus upon the staff to make sure as much material is provided to the aldermen in advance so that they can review it. McGrath encouraged the aldermen to call if they need clarification on agenda topics. McGrath added providing that material also puts the onus on the City Council to read all materials. McGrath commented that if the City adopts the COW approach the City Staff would put out materials early so there is sufficient time for review. Ald. O'Brien stated even after reading materials time is needed to absorb and reflect prior to discussion and then once discussion occurs the differing views come to light.

Ald. Dietz stated if the COW approach was adopted for Monday meetings the aldermen should be open to the fact that if a topic or agenda was too heavy the group should consider additional other nights to complete the discussions needed. Vice Chairman Sparks inquired how long in advance was needed to notify the public of the committee meetings. McGrath stated an agenda needs to be available 48 hours before the committee meetings. Vice Chairman Sparks suggested perhaps for the first few weeks of experimenting with the COW approach additional evenings should be contemplated for committee meetings and if not needed they could be cancelled.
McGrath agreed with Ald. Dietz and commented if the COW approach was adopted and there was agreement on what days the meetings would occur then everyone has an opportunity to attend, which would be a fair approach. Ald. Stark stated she worried about the length of time to vet out topics and slowing down the process. Ald. Stark indicated perhaps additional evenings should be planned for. Ald. Liva spoke in favor of asking for a continuance on a potential topic on a Monday evening and perhaps then scheduling a meeting for Thursday to allow for the 48 hours to announce it to the public if needed. McGrath encouraged some permanent dates for COW meetings to aid members in knowing what nights they would be free for other activities. Ald. O'Brien indicated the current committee meetings structure has two nights a week and sometimes three, so it would be no benefit having the COW approach if the same amount of evenings would end up being used. Ald. Stark and Ald. Wolff proposed different numbers of evenings the COW would meet and the length of time to experiment with the COW approach. Ald. Wolff added that BATV would be able to provide live coverage of the COW meetings. Ald. Brown stated that could be discussed at another time. Ald. Stark spoke in favor of establishing set evenings for the COW meeting to be able to schedule appropriately on her calendar. Ald. Wolff spoke in favor of letting the aldermen-elect weigh in on the COW approach.

Ald. O'Brien stated the structure of the COW approach should also be discussed. Ald. O'Brien inquired if there would still be four chairman and four vice-chairman. Ald. Stark replied it was her belief the Mayor would chair the COW meeting. McGrath indicated each aldermen would take a turn chairing the meeting to give them the experience of conducting the meeting.

Ald. Dietz inquired if the City Clerk would be the recording secretary at the COW meetings or if the other recording secretaries would still be contracted. McGrath replied all the current committee meetings are recorded. Ald. Dietz inquired if the contracting of recording secretaries would still be carried out in some form. McGrath confirmed they would.

Steve Vasilion (alderman-elect 5th ward), 426 Illinois, Batavia, Illinois, stated he liked the idea of being able to serve on more than two committees. Vasilion indicated he shared concern about not having adequate time in COW meetings. Vasilion mentioned he would be fine duplicating the structure of two City Council meetings and four committee meetings into the COW meeting schedule.

Drew McFadden (alderman-elect 7th ward), 601 Twin Elms Lane, Batavia, Illinois, stated he liked the idea of COW meetings. McFadden indicated he would like to see the meetings on a regular and consistent schedule.

Martin Callahan (alderman-elect 2nd ward), 1025 Towne Avenue, Batavia, Illinois, stated he was in agreement with McFadden. Callahan commented he saw the positive and negative aspects of the COW meetings.
McGrath stated he was concerned about six aldermen being replaced on one committee because of the lack of cross pollination from other committees. McGrath indicated if the COW approach is adopted that would not be an issue. McGrath shared that the City Staff would come up with more details about the COW approach and the aldermen can discuss further to be comfortable in whatever decision is made relative to the COW approach.

Ald. Thelin Atac inquired if at this point all that was being proposed was a six month experiment. McGrath indicated what is being proposed to use the COW approach until the end of 2013.

Ald. O'Brien reminded the group that most aldermen work all day prior to coming to the committee meetings and some who rise at 5:00 a.m. might not be thinking as sharply by 10:00 p.m. or 11:00 p.m. and then too may find it a challenge after being at the COW meeting until late hours to get up and go to work again at 5:00 a.m. Ald. Dietz shared as a Committee Chairman that the quality of discussion deteriorates at 9:00 p.m. and is non-existent after 9:30 p.m. Ald. O'Brien indicated the fatigue factor has to be weighed in on discussions of whether to adopt the COW approach.

7. Closed Session: Personnel

Motion: To adjourn to Closed Session for the purposes of discussion of personnel and to include the aldermen-elect in the closed session.
Maker: Dietz
Second: Stark
Voice vote: 6 Ayes, 0 Nays, Motion Carried.

The meeting was adjourned to Closed Session at 8:45 p.m. and when Regular Session resumed at 8:57 p.m. all the same committee members were present.

8. Project Status Update

- Bill McGrath commented that currently the City Staff is working on orientation for the aldermen-elect and working through their availability. McGrath stated the City Attorney is working on a memorandum on fiduciary duties.

- McGrath indicated it has not yet been determined which part of the city code would be discussed next. McGrath stated if the City Council votes to adopt the COW approach there would likely be a need for a temporary ordinance to address that and adopt a protocol.

- McGrath mentioned currently there is a focus on Prairie State and Streetscape.

- Ald. Stark inquired when the next legislative drive down would be. McGrath replied it would be May 13-14 and that he had information on that if the aldermen were interested. McGrath stated he along with Gary Holm would be going to St.
Louis regarding Prairie State. Ald. Chanzit stated he would not be able to go to St. Louis, but was interested in the legislative drive down. McGrath stated he could send out the information on the drive down. Ald. Dietz stated the drive down is when the aldermen participate as part of the Illinois Municipal League and meet with legislatures from this area and from some of the key positions within the legislature (majority/minority leaders). Ald. Dietz recommended the aldermen-elect take the time to participate in a drive down early on. Ald. Dietz opined it would be good for half of the City Council to attend every time.

9. Other

- Vice Chairman Sparks stated he would like to have a discussion on the topic of aldermen phoning in to City Council meetings and to establish a limit on how many times that can be done in a year. Vice Chairman Sparks said there should be a procedure. Vice Chairman Sparks inquired if more than one alderman could phone in if they were not able to be present. Ald. Liva and Ald. Dietz indicated two aldermen have called in in the past. Ald. Wolff stated it would be easier to implement a Skype or Facetime session rather than having the person call in. McGrath stated that policy would need to be established by the aldermen. Ald. Wolff stated other neighboring councils set a two or four times a year limit for phoning in. Vice Chairman Sparks indicated currently two absences are allowed where the aldermen still receive compensation. Vice Chairman Sparks requested that this topic be added to the next Government Services/COW meeting agenda.

- Ald. Dietz acknowledged Vice Chairman Sparks for covering for him as the absentee Committee Chairman for the Government Services committee. Ald. Dietz expressed his awareness and appreciation to Vice Chairman Sparks for his service in Ald. Dietz’s behalf.

10. Matters From The Public

None.

11. Adjournment

A motion was made by Ald. Stark and seconded by Ald. Dietz to adjourn the meeting at 9:04 p.m. All were in favor and the motion was carried.

Minutes prepared by
Connie Rizo