

MINUTES
May 1, 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 7:00pm.

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac, Stark, Chanzit, Wolff, Salvati, Callahan, Meitzler (entered at 7:02pm), Malay, Uher, and McFadden

Members Absent: Aldermen O'Brien and Cerone

Also Present: Laura Newman, City Administrator; Shawn Mazza, Deputy Chief of Administration, Batavia Police Department; Scott Buening, Director of Community Development; Bob Rodge, Electric Division Senior Engineer; Anthony Isom, Administrative Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

Agenda item twelve was moved to agenda item number five for discussion.

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.)

Motion: To approve the Consent Agenda

Maker: Chanzit

Second: Salvati

Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

5. Ordinance 18-26: Annexing Part of 908 Bernadette Lane (SCB 4/16/18) CD

Stark overviewed the memo.

Motion: To recommend approval of Ordinance 18-26: Annexing Part of 908 Bernadette Lane
Maker: Wolff
Second: Salvati
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

6. Ordinance 18-28: Vacation of Part of Goldenrod Drive Turnaround (SCB 4/20/18) CD
Stark reviewed the memo with the Committee of the Whole (COW).

Motion: To recommend approval of Ordinance 18-28: Vacation of Part of Goldenrod Drive Turnaround with proof of delivery of resident notification by certified mail
Maker: Salvati
Second: Wolff
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

Stark asked how the City would ensure that future vacation parcel notification would be sent by certified mail. Buening stated that there would have to be a change to the internal procedures.

7. Resolution 18-56-R: Authorizing Pennsylvania Transformer Technology to furnish and install transformer at Northeast Distribution Station for an Amount Not to Exceed \$487,022.00 plus 5% Contingency Amount (RB 4/27/18) PU

Bob Rodge and the Committee discussed the delivery time, tariffs, City staff's experience with Northeast Distribution Station, the transformers and price difference.

Motion: To recommend approval of Resolution 18-56-R: Authorizing Pennsylvania Transformer Technology to furnish and install transformer at Northeast Distribution Station for an Amount Not to Exceed \$487,022.00 plus 5% Contingency Amount
Maker: Chanzit
Second: Stark
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

8. Resolution 18-57-R: Authorizing Siemens Industry to Design, Manufacture, Furnish and Delivery of Two 34.5kV Power Circuit Breakers for Northeast Distribution Substation for an amount not to exceed \$58,722.00 plus 5% Contingency Amount (RB 4/27/18) PU

Motion: To recommend approval of Resolution 18-57-R: Authorizing Siemens Industry to Design, Manufacture, Furnish and Delivery of Two 34.5kV Power Circuit Breakers for Northeast Distribution Substation for an amount not to exceed \$61,658.00 plus 5% Contingency Amount
Maker: Chanzit
Second: Malay

Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

9. Resolution 18-58-R: Approving the Location of the Flag Day Memorial on City-Owned Property (LMN 4/27/18) GS

Austin Dempsey, Batavia Enterprises Inc., overviewed the development of the Flag Day Memorial. Dempsey showed the COW a revised rendering for the potential location of the memorial. He shared there is a donor that is interested in providing the funding for a water feature. After meeting with the Park District, they came up with some ideas and feedback for the concept of the water feature. Jumping Jet Fountains with the option of lighting is the concept that came out of the feedback from the meetings with the Park District. The flagpole will also be a sundial that would cast shadows over particular periods of time in US history located on the monument. The monument would be used as an educational tool for school aged children as well.

Dempsey stated that the Fox Valley Patriotic Organization is a 501(c)(3) and the concept behind this is that it would cost the City next to nothing except for staff time and the dedication of land. Our organization would raise the funds to create, erect and maintain this monument. We will partner with the Community Foundation of the Fox River Valley. We are hopeful that the Committee would support this ordinance.

Motion: To recommend approval of Resolution 18-58-R: Approving the Location of the Flag Day Memorial on City-Owned Property

Maker: Chanzit

Second: Stark

Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

10. Approval: Purchase of Three Windmills from Batavia Resident Francine Popeck for \$11,375 (LMN 4/27/18) GS

Atac summarized the memo. Atac stated a windmill walking tour is being created and this would be a great addition to the tour. Wolff asked that any documentation and spare parts be included.

Motion: To recommend approval of the Purchase of Three Windmills from Batavia Resident Francine Popeck for \$11,375

Maker: Brown

Second: McFadden

Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

11. Approval: Mayoral Reappointment of City Department Heads as of May 1, 2018 for a One Year Term (JDS 5/1/18) GS

Motion: To recommend approval of the Mayoral Reappointment of City Department Heads as of May 1, 2018 for a One Year Term

Maker: Salvati

Second: Meitzler
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

12. Discussion: Whether to Adopt Tobacco 21 Ordinance Prohibiting the Sale of Tobacco and Related to Persons Younger than 21 Years Old (Lucy Atac) GS

Atac stated that she is bringing this back to the Council after fifteen months. Since then, Aurora has adopted this measure. The Senate has passed this and it has moved on to the House.

Carolyn Surf, Government Relations Director for the State of Illinois for the American Heart Association, addressed the Committee. She stated that 22 other cities and Lake County has passed Tobacco 21. She discussed statistics with the Committee as well as announced that all United States Military Bases worldwide should be tobacco free by 2020.

Michael Isaacson, Kane County Health Department, addressed the Committee. He stated that due to vaping teen smoking rates are going up. The teen smoking rate in Kane County is 8%, which is a low rate and we would like to keep it going lower. School Resource Officers are reporting the rise in vaping use as one issue teens are facing. He stated that Aurora passed Tobacco 21 a month ago and they are in the works in Elgin and the mayor of Geneva is interested in entertaining this discussion. Tobacco 21 will be brought to the Kane County Board and interest in this has really picked up. He stated that the COW could use him as a resource and he would be happy to answer any questions.

Nancy Vance, Executive Director of Living Well Cancer Resource Center part of Northwestern Medicine, shared that while she was on the Council there was discussion of banning smoking in public places. At that time we had to decide if we wanted to be a thought leader or wait and see what the State did or other municipalities in the area were doing. She is really proud that we were a thought leader and we went ahead and passed this before the State mandated it. She stated that knowing how smoking affects our health she hopes that the Committee could support our effort.

Ann Shallot, Hospital Systems Manager from the American Cancer Society, thanked the Committee for considering this and stated that she hopes that this will be passed in Batavia.

Sarah Greenhagen, WellBatavia Initiative, stated that WellBatavia would love for Batavia to be a leader in this initiative and support this because it would be instrumental in the health and happiness of our youth.

The COW discussed the Tobacco 21 initiative and the following topics were discussed:

- Personal experiences with family and friends who have smoked as well as personal experiences of those with cancer.
- Government over-reach.
- If passed in Batavia, people will find a way to get cigarettes elsewhere until the entire State supports Tobacco 21.

- Laws that are patch-worked just allows people to move around to do what they want to do.
- Would be supported one hundred percent if this were mandated from the State level. Until everyone does it, this does not make sense.
- Send a letter to our representatives asking to pass Tobacco 21 and informing them of the City of Batavia's support for this State mandate.
- To send a strong message to our representatives we should adopt the ordinance and then send out a letter to our representatives showing our support.
- The right thing to do is to do what we think we should do. We do not need to wait for the State.
- We should aim higher. If we want to protect people's health, why are we just making this about age. Education and good parenting are important to reduce smoking. We should be working with the community and getting their buy-in. Put this into a referendum so that the community could decide. An option could be getting rid of smoking in totality.
- Cigarette smoking is going down and vaping is going up. The 18-21 year olds are the ones that could get addicted more easily. It would be great to ban tobacco but we should do things on step at a time.
- This is one step at a time to protecting the health of the public.

Carolyn Surf addressed the COW once again and noted that State legislation is not close to passing. It is not a guarantee to be passed in the House and they could use all the votes they could get. The change to save lives is now with this ordinance. After a lengthy discussion, the COW voted on adopting Tobacco 21. A roll call vote was requested.

Motion: To support adopting Tobacco 21 Ordinance prohibiting the sale of tobacco and related to persons younger than 21 years old

Maker: Atac

Second: McFadden

Roll Call Vote: **Aye:** Russotto, Atac, Wolff, Brown, Malay, McFadden

Nay: Stark, Chanzit, Salvati, Callahan, Meitzler, Uher
6-6 Vote, 2 Absent, Motion failed.

Motion: To send a letter to State representatives supporting the state's efforts to support adopting Tobacco 21 Ordinance prohibiting the sale of tobacco and related to persons younger than 21 years old

Maker: Chanzit

Second: Callahan

Roll Call Vote: **Aye:** Chanzit, Wolff, Salvati, Brown, Callahan, Meitzler, Malay, McFadden, Russotto, Atac, Stark

Nay: Uher
11-1 Vote, 2 Absent, Motion carried.

Atac asked staff to draw up an ordinance. Chanzit stood with this request.

13. Project Status

Newman reported on the following:

- We received 1,055 responses to the community survey, which closed this Monday. A report on those results will be created and distributed shortly.
- The next Strategic Planning meeting will be held on Monday, May 14th at the East Side Fire Station beginning at 7pm. This meeting, as always, is open to the public.
- The May 2nd Plan Commission will have the Funway Inspection.
- The final inspections for the Windmill Manor senior project on Hawks Drive and Winding Creek are being reviewed.
- The East Side Community Center parking lot and playground site plans are being reviewed.
- Community Development Block Grants continues to be worked on.
- They are continuing work with the land swap with the Park District around City Hall and Peg Bond Center.
- Meetings continue on the One Washington Street project.
- Economic Development is completing a business survey to be administered starting May 15th.
- Structural integrity of the electric poles on Wilson Street is being reviewed.
- Utility capital planning and capital budgets will be coming to the COW later in May.
- The Area Three Drainage Project is beginning as well as Ward One Drainage project.
- Sidewalk replacement project is well underway and should be completed in the next two weeks.
- Solid waste contract has been advertised for proposals.
- Staff prepared over four hundred tree saplings for distribution to local grade schools as part of our annual Arbor Day efforts.
- The City's website now has a Development Project Map.
- Newman updated the COW on financial snapshots over the past three months.
- May is National Bike Month.

14. Other

Callahan asked if another alderman would stand with him requesting that the Mayor ask IDOT to look at the speed from Merlo South to Millview. There have been accidents and speed is fifty to sixty miles per hour and there are a lot of parks and walking to school in that area. Brown suggested that the police department be asked for their opinion on this matter. Stark supported the request and asked staff to do some additional work to get the speed limit lowered there.

Wolff asked for someone to stand with him to support suicide prevention in the month of September. Callahan stood with Wolff's request.

15. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 9:19pm; Made by Stark; Seconded by Salvati. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith