

**MINUTES**  
**July 9, 2019**  
**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.

Vice-Chair O'Brien called the meeting to order at 7:00pm.

**1. Roll Call**

**Members Present:** Ald. Miller, Russotto, Chanzit, Beck, Salvati, O'Brien, Meitzler, Malay, Uher, Cerone, McFadden

**Members Absent:** Chair Wolff; Ald. Knopp, Callahan

**Also Present:** Mayor Schielke; Chief Eul, Batavia Police Department; Roman Seckel, Legal Counsel; Laura Newman, City Administrator; Scott Buening, Director of Community Development; Gary Holm, Director of Public Works; Byron Ritchason, Wastewater Division Superintendent; Jeff Albertson, Building Commissioner; Griffin Price, Communications Coordinator; Anthony Isom, Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

**2. Reminder: Please speak into the microphone for BATV recording**

**3. Items to be Removed/Added/Changed**

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

**4. Matters From the Public (For Items NOT on the Agenda)**

There were no matters from the public for items not on the agenda.

**5. Presentation: Bike Sharing –Ryan Peterson Kane County**

Ryan Peterson presented on bike sharing with the Committee. The presentation included the following information:

- What is Bike Sharing
- Docked Bike Share
- Video on How Bike Sharing Works
- Docked Bike Share Equipment
- Benefits of Bike Sharing
  - Economic
  - Transportation
  - Health/Environment
- Creating a Bike Share System

- Ideal locations
- Revenue Streams
- Sponsorship Opportunities
- Bike Sharing Myths
- Creating a Kane County Bike Share System
- Proposed System Objectives
- Proposed Timeline
  - 2019
  - 2020
- Contact Information

The Committee discussed the potential bike sharing program. Cerone asked if other adjacent counties are participating. Peterson answered that McHenry County just launched on June 15<sup>th</sup> and there is interest from Will, DuPage and Kendall County. Peterson stated that it is our hope to bridge the gap between our County systems so that you could take a bike from Aurora and go all the way to McHenry County. Ten stations are all that is needed to start a system and he believes that we will get ten stations for development very easily. Each station usually costs about ten thousand dollars each with a three thousand dollar installation fee. He would recommend reverse engineering, see how much you want to spend and work backwards from there.

Mayor encouraged the Council to support this by installing one to two stations. Mayor Schielke stated that we do get a lot of visitors here to bike ride along the Fox River and we could be a model for the rest of the region. Malay asked about the bike share program and how bike shops would be affected. Peterson answered that one local bike shop would be chosen to do the maintenance on the bikes as well as storage during the winter. Also, bike ridership increases with bike share programs so local bike shops tend to be supportive of this program. The Committee discussed safety, contract negotiations with insurance, the bicycle friendly community award and other transportation programs (e.g. electric scooters). Beck stated that the next Fox Valley Sustainability Network Forum is on July 24<sup>th</sup> and is focused on transportation and invited all to join her at the event.

Peterson stated that the City could sign the MOU and not participate later on if it is too much from a financial or feasibility standpoint. If the MOU is not signed the City could still participate, but the advantage is that you get a City RFP and you could talk with some of these companies before we decide on which one to contract with. Newman added another reason to sign the MOU is that the greater interest that we could show from more communities within Kane County there would be a greater amount of interest from these companies in order to get the best deal possible. Peterson stated that the Forest Preserve of Kane County and the Gale Bordon Library in Elgin have already signed MOUs. He is looking for more signees and he hopes that Batavia is one of them.

JoAnne Fitz, Bicycle Commission (BC) member, addressed the Committee. She stated the BC is in complete support of the Bike Share Program and have already considered recommended locations such as:

- Outside City Hall

- River Street
- Batavia Public Library
- Batavia Park District Buildings

The BC would be willing to help with sponsorships, finding locations and community support. This is a win-win for the whole County. Batavia should support this and continue to be a bicycle friendly community. Other locations to consider are:

- The Quarry
- Funway
- Batavia Apartments
- FermiLab
- Aldi Headquarters/stores
- Delnor
- Kirk Road next to the trails

**Motion:** To sign the MOU  
**Maker:** Malay  
**Second:** Chanzit  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**6. Ordinance 19-49: Annexing Parts of the Old Burlington Northern Right-of-Way Between Bernadette Lane and Millview Drive (SCB 7/1/19) CD**

Buening showed a map of plats of annexation to the Committee. Buening stated that this is the continuous effort to annex the various islands throughout the City. This area is unique because they involve properties that are already within the City limits, with the exception of the rear of the property fifty feet on each side of the former railroad property. Buening stated that the sixteen property owners have been contacted regarding voluntary annexation and the City received some but not all from these property owners. This would just bring the property owners into the City limits. The tax impact from a tax standpoint would be very minimal because they are remnant parcels and would be anywhere of \$4 to \$6.

Robert and Jeanne Porter, 1201 Brandywine Circle, addressed the Committee. Jeanne stated that they own one of the railroad properties and when they received the original letter they responded that they respectfully decline. When they received the last letter we were able to see what they perceived to be the property behind our place. We had sent in response to the first letter a copy of the Burlington Northern exhibit and the property was listed as 50x100ft. Everyone would get a piece of property exactly the same distance as their rear piece of property 50ft to the center of the railroad. When we received the last letter the size of the parcel was incorrect and reduced our back line by 95ft. They went to the courthouse to reestablish what we had proof of back to the year 1967. We had to show a survey. The survey that was handed by that example was never surveyed on site and the information is incorrect. Robert said that the lot line shown on the letter went right through his storage barn. He wants to make sure that the lines are in-line with the survey. Jeanne stated that they are here tonight because we sent that information in response to the first letter and no one cared. The City owns the large parcel from our property to the south

and there are weeds, trees, poison ivy and we have asked the City to clean it up. You own it, fix it, and yet no one has come out and done anything to that City-owned property. Jeanne stated that they want to make sure that when they plan on selling their property that we would not have to go through hours straightening the property lines out. Newman stated that she and Scott Buening would reach out to the residents.

Buening stated that the document in front of us today is the annexation document and not statute of property ownership so this shows what the property lines and City boundaries are that we have annexed so far. This does not mean they do or don't own any of this property. Buening stated that staff is aware of the discrepancy in the property lines and will clarify and address that situation separately with the Porters.

**Motion:** To recommend to City Council approval of Ordinance 19-49: Annexing Parts of the Old Burlington Northern Right-of-Way Between Bernadette Lane and Millview Drive  
**Maker:** Cerone  
**Second:** Chanzit  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**7. Resolution 19-078-R: Executing a Ground Space Lease Agreement with New Cingular Wireless PCS for 200 N. Raddant Road (GH 7/3/19) GS**

Holm overviewed the memo. Attorney Drendal's office is reviewing the document for the leased area. The lease agreement is the same as what was approved by Council in 2014. Holm showed the Committee an aerial view of the proposed ground space location. The space they would like to lease is sitting vacant and the City would get money from allowing them to lease it. Staff feels it is beneficial to the City to lease it and gain revenue. Final comments from the attorney will be shared prior to the City Council meeting. The start date for the lease has not yet been established.

**Motion:** To recommend to Council approval of Resolution 19-078-R: Executing a Ground Space Lease Agreement with New Cingular Wireless PCS for 200 N Raddant Road  
**Maker:** Meitzler  
**Second:** Malay  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.  
CONSENT AGENDA

**8. Ordinance 19-47: Establishing an Amending Special Service Area Number 61 for the One Washington Place Development (SCB 7/1/19) GS**

Chanzit stated that this is a continuation of what was previously approved in May. The City of Batavia is the landowners for the Special Service Area. Buening showed a graphic of the area for the Committee to review. There will be a Public Hearing on July 15<sup>th</sup>.

**Motion:** To recommend to City Council approval of Ordinance 19-47: Establishing an amended Special Service Area Number 61 for the One Washington Place Development  
**Maker:** Chanzit  
**Second:** Uher  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**9. Ordinance 19-48: Revising Title 3, Chapter 3, Sections 3-3-15, 3-3-16, 3-3-18, and 3-3-27 of the Batavia Municipal Code Creating a Park District Liquor License (DME 7/2/19) GS**

Chief Eul overviewed the memo with the Committee. He stated that legal counsel has reviewed this liquor license. Only properties owned by the district that has a full structure, in the shape of a building (four walls, ceiling and restroom facility) for only private party/Park District activities (e.g. if someone rents a facility from the Park District). Third party vendors would still need a Class G license. Quarry Beach would be prohibited from this use as well as any future pool, water park or similar attraction. Chief Eul explained that the Police Department is not comfortable with that right now but are open to revisiting it at a later time. Uher stated that four walls and a ceiling could be read as a tent. Uher suggested adding the word 'permanent' to discuss building. Chief Eul stated that it is not the desire of the City to license liquor service in tents.

**Motion:** To recommend to City Council approval of Ordinance 19-48: Revising Title 3, Chapter 3, Sections 3-3-15, 3-3-16, 3-3-18, and 3-3-27 of the Batavia Municipal Code Creating a Park District Liquor License  
**Maker:** Chanzit  
**Second:** Malay  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.  
CONSENT AGENDA

**10. Resolution 19-077-R: Authorizing Change Order No. 8 with Williams Brothers Construction Inc. for the Phase 1 WWTP Rehabilitation Project (7/9/19 COW) PU**

Ritchason stated that this is for leftover items over the course of the entire project. There are a lot of little numbers and some big numbers. There will be one more final change order that is being currently worked on. O'Brien asked about the change orders and Ritchason overviewed the larger change orders with the Committee: Sanitary sewer on Shumway Avenue that was too high for the road, pumping cover, and pipe fitter labor.

**Motion:** To recommend to City Council approval of Resolution 19-077-R: Authorizing Change Order No. 8 with Williams Brothers Construction Inc. for the Phase 1 WWTP Rehabilitation Project  
**Maker:** Malay  
**Second:** Uher  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

## CONSENT AGENDA

### **11. Presentation: Overview of New Illinois Law Legalizing the Recreational Use of Marijuana by City Attorney, Roman Seckel**

This presentation did not have any formal action required. Roman Seckel presented a PowerPoint presentation to the City that included the following information:

- Batavia's current Zoning Code
- New Definitions
- State Control of Licensing
- Number of Licenses Effective date is January 1, 2020
- Possession
- Prohibited Places of Use – public accessible is a public place
- Smoke Shops
- Home Grown
- Local Control
- Authority to Tax
- DUI Enforcement

Mayor Schielke stated that he believes that this is going to be a whole bunch of additional work onto our Police Department. O'Brien asked for the Chief of Police's input on this. Chief Eul stated that they have been monitoring this for several years now, ever since medical marijuana was approved. Medical marijuana users are allowed to grow from home. He continued that oversight would be difficult for this. The upside is that there will not be any open grows in backyards. Russotto asked how the Police would know if the marijuana was purchased legally or illegally. Chief Eul stated that medical marijuana users have canisters from medical marijuana facilities that are clearly marked and labeled. Law enforcement is fairly pleased with how Illinois conducts the medical marijuana program. He shared concern that this would be a cash-only business and the increased risk of robbery. Field testing for DUI is a more arduous process for cannabis since there is no portable breath test for cannabis. The Police Department has to ship blood samples off to a contract laboratory at \$180 a test.

The Committee discussed the Smoke Free Illinois Act and how the same rules apply. Seckel clarified smoking cannabis in a public place, where one could be seen by others, is a prohibited use. Chief Eul agreed that is how they interpret the law. Buening noted that in the future the Committee would be discussing the sale of CBD oil as well. Newman suggested that the COW allow staff to provide the Committee with a memo that outlines all of the different decisions that we need to make and ways we need to change or create new ordinances. Under each of those staff could provide the best information we can about the pros and cons on whether to do it or not to do it. This memo will be available to the public and the public would have the opportunity to address the Committee. Newman suggested having this on the agenda sometime in August when the agendas are not as full. There was no objection from the Committee. Chanzit stated that this could be a two meeting discussion and the City should plan accordingly.

## **12. Presentation: Mid Year Reports – Communications (Griffin Price)**

Newman stated that Griffin Price has been with the City for two months and it is clear that he has a high degree to technical skills and has already been collaborating with other departments. Griffin Price presented his report to the Committee, which consisted of the following information:

- Internal Communication
  - Calendar
  - Timely press releases
- Analytical Report
- City Rebranding
  - Beginning stages of working with a designer
  - Items would be brought to the Committee for evaluation

## **13. Project Status**

Newman reported on project status:

- Ground water testing at the One Washington Place site is underway and results are expected in early August.
- Emergency Operations Center tabletop exercises were completed with the Department Heads. Staff will be doing emergency operation drills once per year to ensure that we are ready as we possibly can be.
- Staff has been working with the Park District on one of our strategic action plan items, which is future planning for our riverfront and the future of the dam and depot pond. A meeting is scheduled with a member of the Active River Project in St. Charles to talk about the process St. Charles went through.
- Staff has completed the conflict resolution and customer service training for over one hundred employees in conjunction with the Workforce Training department at Waubensee Community College.
- Data Center recruiting program is being created. Data Centers are high-energy users and the City of Batavia having its own electric utility is uniquely positioned to offer some very competitive advantages to Data Centers locating their businesses here in the City of Batavia.
- An update of our website has now gone into the production stage. It will re-launch on August 2<sup>nd</sup> and there will be a completely new face to our website. This was part of our contract agreement with the website company to do a refresh this year. When we get to the end of our contractual phase we could decide whether we should continue on this platform or if we want to look at other platforms as well.
- Next Tuesday we will have mid-year presentations from our finance and public works department. Newman would also like to provide the Committee with a second quarter update on our strategic action plan at an upcoming COW meeting.
- BATV will be producing the Municipal Minute once again.
- Annual Strategic Action Plan Meeting proposed to be scheduled in early August.

#### **14. Other**

Mayor Schielke stated that he would like to plan a downtown walk prior to a COW meeting at 6:30pm. The walk would include sites that the Committee needs to have future discussions on. The meeting date is still to be determined.

Mayor Schielke announced that Mark Foster is the new editor of the Historical Society Newsletter.

Cerone asked that a discussion regarding policy decisions for River Street and how we are going to use the street be added to a future agenda.

O'Brien stated that there was an electrical outage caused by ComEd and the people of Batavia did not go out of power as long as those under ComEd. O'Brien stated that he wanted to point out how reliable our system is.

O'Brien asked if there has been any movement on Newsboy Alley. Newman stated that there has been no movement as of yet. O'Brien stated that it has been approved and it should be moved onto a to do list.

Mayor Schielke announced that Alderman Russotto would be serving as the Tri Com representative, taking Alderman Stark's former position. This will be brought to City Council for approval on Monday night. There was no opposition from the Committee.

#### **15. Executive Session: Review Executive Session Minutes**

**Motion:** To enter into Executive Session for review of Executive Session minutes  
**Maker:** Chanzit  
**Second:** Salvati  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

The COW entered into Executive Session at 9:18pm and exited at 9:30pm.

#### **16. Adjournment**

There being no other business to discuss, O'Brien asked for a motion to adjourn the meeting at 9:30pm; Made by Salvati; Seconded by Meitzler. Motion carried.