

MINUTES
August 28, 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.

Vice-Chair Wolff called the meeting to order at 7:00pm.

1. Roll Call

Members Present: Ald. Russotto, Atac, Stark, Chanzit, Wolff, Salvati, O'Brien, Callahan, Malay, Uher, Cerone, and McFadden

Members Absent: Chair Brown; Alderman Meitzler

Also Present: Laura Newman, City Administrator; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Peggy Colby, Director of Finance; Chris Aiston, Economic Development Consultant; Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Rahat Bari, City Engineer; Byron Ritchason, Wastewater Division Superintendent; Anthony Isom, Administrative Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for August 14, 2018

Motion: To approve the minutes for August 14, 2018
Maker: Stark
Second: Uher
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

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 Agenda)

Chris Aiston announced that at an upcoming Committee of the Whole (COW) meeting there would be a discussion regarding a grant application submitted by John Happel. The City awarded a grant to Mr. Happel in 2017 and he is coming in for a grant application for Phase Two. However, due to scheduling conflicts, his wife, Dr. Mary Ellen Bratu, would not be able to attend the meeting. Aiston stated that he would like to have her describe her business and answer any questions the Committee may have prior to the grant application discussion.

Dr. Mary Ellen Bratu addressed the Committee. She overviewed her background and her private practice she has in Naperville Illinois with the COW. Dr. Bratu discussed with the Committee

the business to be placed in 129 South Batavia Avenue named The Well Within Workshop. She explained that we are all sitting on a well and when we figure out how to tap into it, the well brings forth a feeling of wholeness and vitality, which are key components of health and well-being. The Well Within Workshop is a supportive creative sanctuary that invites people to come home to themselves, many of whom who haven't done that since they were kids. The Well Within Workshop will offer experiences in the form of classes and practices predicated on the belief that creativity comes inherent in all and emphasizes process over product. Dr. Bratu distributed a flyer to the Committee titled 'Practice #7, Water & Words' and clarified that all skill levels are welcome to attend this practice, talent is not the important thing, it's in the making. Dr. Bratu expressed her gratitude towards her husband, whose hard work on this building is making this all possible. Alderman Cerone asked what are the ages for the workshop. Dr. Bratu stated that all ages are welcome. Alderman Callahan asked if the practices and classes are covered by insurance. Dr. Bratu answered that they are not. There were no further questions from the Committee.

5. 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. **Resolution 18-102: Approving a Plat of Easement and Abrogation – Lot 1 of Lot 87/88 Batavia Business Park Re-Subdivision (D. Rackow 8/22/18) CD**
- b. **Ordinance 18-58: Amending the Official Zoning Map of the City of Batavia – 1900 Hubbard Avenue, City of Batavia, applicant (J. Strassman 8/22/18) CD**

Motion: To approve the Consent Agenda as presented
Maker: Chanzit
Second: Stark
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

6. **Ordinance 18-56: Amending the Official Zoning Map of the City of Batavia 620, 625, 629, 639 and 646 South Van Buren Street 320, 322, 328, 336, 344, 428, 435, 451, and 511 Pine Street, Burlington Northern Railroad and Adjacent Rights of Way, City of Batavia, Applicant (D. Rackow 8/17/18) CD**

Rackow overviewed the memo for the Committee.

Motion: To recommend approval of Ordinance 18-56: Amending the Official Zoning Map of the City of Batavia 620, 625, 629, 639 and 646 South Van Buren Street 320, 322, 328, 336, 344, 428, 435, 451, and 511 Pine Street, Burlington Northern Railroad and Adjacent Rights of Way, City of Batavia, Applicant
Maker: Malay
Second: Chanzit

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

7. Ordinance 18-57: Amending the Official Zoning Map of the City of Batavia – 750-812 Main Street, City of Batavia, applicant (J. Strassman 8/22/18) CD

Stark summarized the memo. Staff recommends that the zoning be changed from Light Industrial (LI) and the Plan Commission has recommended that the zoning remain at Light Industrial. Strassman explained that at the August 15 hearing, two Trudy Court residents addressed the Commission. One noted that Vandeventer has been a good neighbor. He expressed concern that the Community Commercial (CC) District would allow uses such as tattoo parlors, pawnshops, and garden supply stores that would be out of character in the area. He preferred the Neighborhood Commercial (NC) District. The other neighbor questioned whether businesses' operating hours would be limited with a zoning change noting that there are no current issues with night activity. He noted that the NC District limits businesses to be open to the public between 6 am and 11 pm, but that hours may be increased through Conditional Use approval. The current LI District and the CC District do not have hours of operation limitations. The Commission discussed the proposal and some Commissioners felt that a number of uses allowed in the CC District, including tattoo parlors, pawn shops, and hotels could negatively affect the neighborhood and are not allowed in the NC District. Statements of support for the CC District included identifying this district as a good compromise between how the property could be used with the existing LI District and the more restrictive NC District option that could be pursued at a later date. Some Commissioners stated a preference for the NC District, however, the consensus was to not change the zoning at this time, and leave the LI District in place. The Plan Commission voted unanimously to keep the remaining LI District in place and not recommend either the NC or CC districts.

The Committee discussed the various zoning options. Stark stated that she believes leaving the property as LI opens the door to potentially going out of the direction we are looking for with the West Town area. She could see why we would want to make changes to the zoning. Cerone asked if there were any businesses that were interested in the property that would make the City consider changing the zoning. Strassman answered no, there are no inquiries that would prompt a zoning change at this time. Wolff stated that the south end of the west property backs up to four or five houses there and it is really in their backyard. He would like to see a change and something happen there. Wolff stated that he does not believe the school district leaving that area and he does not think LI is appropriate for that area. Wolff stated that having the setback similar to the LI District is important as well and CC does just that.

**Chanzit exited at 7:40pm.

Alderman Stark opened the floor for public comment.

Attorney Kate McCracken, representing a property owner, addressed the Committee. She stated that when her client was notified that NC was up for consideration he appeared, objected and discussed options with staff. What we are talking about here is a substantial reduction on what can or cannot happen on that property. What we did when we came to staff with the CC, we did

an analysis of uses approved under LI versus realistic uses in NC versus realistic uses in CC. There is no dispute that her client would prefer this to be LI. But we understand that this is a LI use surrounded by a certain amount of residential. As a result, this is something the municipality would like to modify but we have to look at what NC would do to the value of the property. If this is reduced to NC you have substantially reduced what can and cannot happen with that property. So if you're goal is to see something happening with that property, NC is not going to increase the likelihood that you would see a quick and substantial increase in potential development. CC is a reasonable compromise that still retains the value of the underlying property for each of the property owners. It still provides the municipality with the potential of something more appealing of LI and that is the purpose of the discussion of CC. At the Plan Commission meeting, the most significant objection to CC was the fact that it had a permitted use for a tattoo parlor. If tattoo parlors needs to be removed as a permitted use from CC my client does not have any objection. This is not a likely location for any tattoo parlor. She asked everyone to consider CC as a compromise between LI and NC. It is not entirely appropriate, when we are talking about rezoning, substantially reducing and affecting the value of someone's property and not just a small piece but a significant piece of property.

The Committee discussed the property owners' concerns and the uses that each zoning district entitles.

Motion: To recommend to Council approval of Ordinance 18-57: Amending the Official Zoning Map of the City of Batavia – 750-812 Main Street, City of Batavia, applicant making the zoning Community Commercial (CC)

Maker: O'Brien

Second: Atac

Discussion was held on the motion. Wolff asked if the COW wanted to change the permitted uses after this vote what would that entail. Buening stated that it would require a public hearing in front of the Plan Commission. Cerone asked if there were a light industrial business that came to town what is the process. Buening stated that if a business that was not compatible with the zoning district wanted to move to Batavia staff would find vacancies that are compatible for the business' use. Wolff stated that we did want to reduce the uses when we decided on creating West Town and he feels that if we step down to Community Commercial the neighbors would be okay with that zoning change. We should look into some uses that do not fit in the CC District and ask staff to make that change. O'Brien called to question.

Roll Call Vote: **Aye:** O'Brien, Malay, Cerone, McFadden, Russotto, Atac, Stark, Salvati, Wolff

Nay: Callahan, Uher

9-2 Vote, 3 Absent, Motion carried.

Aldermen Stark and Salvati directed staff to make tattoo parlors and pawnshops as conditional uses in the Community Commercial (CC) District. Callahan noted that his nay vote was because there were uses that the neighbors did not approve of and if those were removed prior to the vote he would have voted in favor of the zoning change.

8. Ordinance 18-59: Amending the Text of the Zoning Code, City of Batavia, applicant (J. Strassman 8/22/18) CD

Strassman overviewed the proposed amendments to the text of the Zoning Code: eliminate the requirement in the multi-family district that causes a double tree requirement for residential subdivisions, require conditional use approval by City Council for any business that has video gaming machines, exempt the height of the light pole base from the measurement of the overall height of light pole installation, allow four foot fences, and exempt City utility facility sites that do not have occupied buildings from needing Design Review approval. There were no objections from the Committee regarding the changes.

Motion: To recommend approval of Ordinance 18-59: Amending the Text of the Zoning Code
Maker: O'Brien
Second: Salvati
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

9. Resolution 18-101-R: Authorizing a Contract with LIHEAP (P. Colby) GS

Atac explained that this resolution is for Low Income Housing Energy Assistance Program (LIHEAP) and a contract was provided to the City for a three-year agreement from July 1, 2018 to June 30, 2021. Colby stated that LIHEAP helps our low-income residents who have had their power disconnected. In order for us to accept the money we have to sign this agreement.

Motion: To recommend approval of Resolution 18-101-R: Authorizing a Contract with LIHEAP
Maker: Atac
Second: McFadden
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

10. Resolution 18-103-R: Authorizing Change Order No. 6 with Williams Brothers Construction Inc. for the Phase 1 WWTP Rehabilitation Project (B. Ritchason 8/23/18) PU

Ritchason overviewed the change order with the COW including various delays, replacement of the side gate, and costs.

Motion: To recommend approval of Resolution 18-103-R: Authorizing Change Order No. 6 with Williams Brothers Construction Inc. for the Phase 1 WWTP Rehabilitation Project
Maker: Malay
Second: Russotto
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.
CONSENT AGENDA

11. Presentation: Mid Year Reports – Community Development and Economic Development (Scott Buening and Chris Aiston)

Scott Buening conducted a PowerPoint presentation on Community Development. The PowerPoint included discussion on the following items:

- Budgetary Items
- Enforcement efforts
- Current projects
- Annexation
- Strategic Plan Goals (put on hold until Home Rule decision)
- Future and Ongoing Projects

Chris Aiston distributed handouts of his PowerPoint presentation to the COW. The Economic Development PowerPoint had the following information:

- New Business Activity
- Significant Retail Siting Opportunities
- Statistics
- Randall Road Corridor
- Batavia Randall Road Corridor
- North East Business Park
- Batavia North East Business Park
- New Development Other Areas
- Miscellaneous Recruiting Priorities – Other Areas

12. Presentation: Mid Year Reports – Public Works (Gary Holm)

Holm presented a PowerPoint presentation to the Committee on the Public Works Department and included the following:

- Motto: Do it once, do it right and be done with it
- Seven divisions
- Total numbers of employees
- Budget
- Streets Division
- Water/Sewer Division
- Infrastructure
- Projects for 2018
- Additional Items for 2018
- Budget recommendations
- Wastewater Division
- Budget recommendations for 2019
- Electric Division
- Engineering Division
- Projects budgeted for 2018
- Budget recommendations for 2019
- Buildings and Grounds Division
- Facilities

- Projects budgeted for 2018
- Administration
- Dam warning signs
- Recommendations for 2019
- Strategic Initiatives
- 2019 Budgeting Options
 - Public Works budget scope will be greatly impacted by strategic policy decisions made by City Council
 - Critical juncture for Council to determine the future direction of the City

13. Project Status

Newman reported on the following:

- There will be no COW meeting next week and no Plan Commission meeting on September 5th. City Council will be meeting on Tuesday, September 4th due to the holiday.
- The Mobile Stroke Unit has been implemented and lives are being saved due to the availability of it. Northwest Medical would like people to be able to recognize the symptoms of stroke and there will be a presentation in October on this subject with the COW.

14. Other

Uher asked about the power outage over the past weekend. Holm explained the situation with the Committee.

15. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 10:06pm; Made by O'Brien; Seconded by Salvati. Motion carried.