

MINUTES
November 10, 2020
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 Wolff called the meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren, O'Brien, Callahan, Meitzler (joined at 7:08pm), Malay, Uher, Cerone, McFadden

Members Absent:

Also Present: Mayor Schielke; Laura Newman; Chief Eul, City of Batavia Police Department; Gary Holm, Director of Public Works; Peggy Colby, Director of Finance; Wendy Bednarek, Director of Human Resources; Scott Buening, Director of Community Development; Rahat Bari, City Engineer; Howard Chason, Director of Information Technology; 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 at this time.

5. Public Hearing 7:00PM: 2021 Budget

The Public Hearing was opened at 7:02pm by Chair Wolff. There were no registered comments and no meeting attendees utilized the "raised hand" option on GoToWebinar. Colby asked that any comments be emailed to either the representing alderman, City Administrator or to her personally prior to next Tuesday's meeting. Chair Wolff asked for a motion to close the Public Hearing.

Motion: To close the Public Hearing

Maker: Knopp

Second: Cerone

Roll Call Vote: **Aye:** Knopp, Chanzit, Baerren, Wolff, O'Brien, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck

Nay:

13-0 Vote, 1 Absent. Motion carried.

The Public Hearing was closed at 7:05pm.

6. Discussion: 2021 Budget (PC) GS

Colby presented a PowerPoint Presentation titled “2021 City of Batavia Draft Budget,” which contained the following information:

- Items for Discussion:
 - Approve using reserves to balance budget
 - Discuss optional delay of water rate increase
 - Approve Street Funding Plan as presented
 - Annual increases funded with new home rule sales tax and property tax (\$500K-\$700K) in years (2025-27).
 - Keep Prairie Street Sidewalk connections in budget?
 - Drainage Fund
 - \$335K going towards debt – Ward 1/Area 3
 - Maintenance – between \$100k & \$200K/year
 - Capital - \$150-\$250/Year Left
 - How much capital should be funded annually?
 - Large projects cannot happen every year with current plan
 - A phased CIP can meet needs over time
 - Policy should require funding decision when projects are requested by Council
 - Fermi - \$1.1M CIP estimate
 - Carriage Crest \$1.7-\$3.7M
 - Recommend tax increase in 2023 of \$150K for future capital needs (or \$75K over two years)

*Alderman Meitzler joined the meeting at 7:08pm.

Peggy Colby discussed the water rate increase. She explained that the City would be in a better position with our reserves if the increase were passed. Newman commented that we are trying to do small increases along the way rather than getting a few years down the road and having to deal with a larger increase. Chair Wolff asked what would the rate increase be for a typical household. Colby answered that it would be \$1.18 a month.

The Committee discussed the reserves, bonds, reallocating money to streets and infrastructure, general fund, sidewalk program. Baerren stated that she would like to see something done with the Prairie Street sidewalks because it is such a high traffic area and near a school. This would provide them a safe route to get to school. Uher stated that he would not want to add an additional \$50,000 to the budget to do this but rather have this done as the \$100,000 sidewalk budget. Callahan agreed that the sidewalk should come out of the already existing \$100,000. We could always bring up a budget amendment later next year depending on the state of the economy. Knopp stated he sees that getting us closer to a balanced budget by removing the \$50,000 as a separate line item and making Prairie part of the \$100,000 plan and putting Millview off for another year. Uher and Chair Wolff agreed. Malay stated that those in Millview are walking on the street. He is no in favor of pushing that back because it is a safety issue.

Miller agreed that it is a safety issue with people walking along the street, especially around 2-3pm.

Motion: To leave the \$50,000 for Prairie Street sidewalk connections in the budget
Maker: Wolff
Second: Malay
Roll Call Vote: **Aye:** Wolff, O'Brien, Malay, McFadden, Beck, Chanzit, Baerren
Nay: Miller, Russotto, Knopp, Callahan, Meitzler, Uher, Cerone
7-7 Vote, 0 Absent. Motion failed.

Mayor Schielke commented that he would vote aye in order to break the tie. Chair Wolff stated that the Mayor would be able to vote at the City Council meeting to break the tie.

Motion: To delay the water rate increase for one year
Maker: Wolff
Second: Uher
Roll Call Vote: **Aye:**
Nay: Wolff, O'Brien, Callahan, Meitzler, Malay, Creone,
McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren
0-13 Vote, 1 Absent. Motion failed.

Alderman Uher had technical difficulties and was unable to join the roll call vote.

The Committee reviewed 6460 Drainage Maintenance and 6470 Drainage Projects shared from Colby's screen. Colby stated that the only way to move forward with Carriage Crest right now would be to have some form of tax increase to fund debt unless an SSA is implemented. Newman added a third option, presented by Holm at a past meeting, would be not to engage in the engineering for these projects at this time and instead long-term save over time incrementally for the project and do the engineering at such point in time when we amassed the capital necessary to do the project. Chanzit commented that we do have to take care of these neighbors and we cannot forget about them. Meitzler started that these residents need help and assistance. O'Brien added that people in the First Ward have been suffering for many years also and he would hate to be putting that off. There has been a lot of flooding issues and he would not want to put off the Fermi Lab project. Chair Wolff stated that this would be an entire COW discussion where we would have to figure out how we are going to fund this. Newman stated that one of the paths forward would be a commitment to keep the funding plan for 2021 in the budget and early in 2021 make these decisions about what to do in future budgets in order to prepare to pay for the actual work itself. Colby noted that there is not enough money in the budget for both projects and the City would have to borrow money. If Carriage Crest was delayed that would free up cash to fund Fermi and then you would have a full year to discuss a tax increase to move that project forward.

Callahan made a motion to spend the \$100,000 on Prairie Street but then Millview gets delayed for one year. He would like it to be looked at holistically, from Main Street all the way down to Ellen to make sure that we are doing it right. If it is a safety issue, we should be doing it all at the same time and it should be connected. He would move to fund Prairie Street this year with the

\$100,000 and delay Millview until next year on the condition that it is done in full next year. Chair Wolff stated that the problem there is the \$100,000 does not get dedicated to Prairie Street, that is the whole program. If you want to fund Prairie Street out of that, Holm's partial job was \$50,000 for Prairie. So we would spend half of our regular budget on connections on that street. Callahan stated Prairie Street should be the priority but making sure we are only delaying Millview so that the entire project could be done in full and correctly. Beck stated that there are still \$100,000 times 100 years of safety projects that we need to account for. She does not believe we should take any of the dollars out of the budget that are currently allocated towards sidewalks. Callahan stated that we could just leave it for Council. Chair Wolff agreed that whether to remove the \$50,000 for Prairie Street from the budget could be voted on at Council. Callahan withdrew his motion.

The Committee considered leaving in the Fermi Lab and Carriage Crest in the budget. The consensus of the Committee was to have the drainage projects to stay as is and the Council would make a decision once the study is done for Carriage Crest.

7. Discussion: Tax Increment Financing District Number 4 (West Town) Status Report (SCB 10/30/20)

Buening recapped the Tax Increment Financing (TIF) District 4 with the following PowerPoint presentation slides:

- Boundary of TIF 4
- Land Uses of Properties in TIF District
- Vacant Pieces
- Current Zoning Districts
- Areas to Change Zoning On
- Ownerships of Parcels
- Infrastructure
- Curbing
- Water mains
- TIF District Long Term

Buening asked for direction to staff on what the Committee would like to do with the TIF funds the City has received so far. Some ideas were:

- Mixed-Use District
- A parking lot for the businesses who lack sufficient parking
- Infrastructure projects on the list fixed once a project comes in
- Once done with Main Street engage with the business owners to see what would be good for this area to make it more attractive and what would be the best way to make that area attractive to their clientele to bring more people in
 - Once more people come in, there will be more development opportunities

8. Resolution 20-126-R: Authorization to Bind Insurance (PC 11/06/20) GS

Chanzit and Colby overviewed the memo.

Motion: To recommend approval of Resolution 20-126-R: Authorization to Bind Insurance

Maker: Chanzit

Second: Knopp

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp

Nay:

13-0 Vote, 1 Absent. Motion carried.

9. Resolution 20-129-R: Approve Copier Refresh Contract with Gordon Flesch for an amount not to exceed \$82,963.75 (HC 11/06/20) GS

Chanzit overviewed the memo. Chason reported that this has been pulled out of the budget in prior years. Gordon Flesch provides excellent service and is located right in Geneva with quick service response for repairs. The past year or two the copiers have been not as reliable due to age. We are adding smaller copiers into areas that don't already have them such as Utility Billing, Public Works warehouse, and Administration. The price proposed is exceptional and he feels this is a good deal for the City. Chair Wolff pointed out that the price is 18% under budget.

Motion: To recommend approval of Resolution 20-129-R: Approve Copier Refresh Contract with Gordon Flesch for an amount not to exceed \$82,963.75

Maker: Chanzit

Second: Malay

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp

Nay:

13-0 Vote, 1 Absent. Motion carried.

10. Resolution 20-127-R: Authorizing Execution of Task Order #23 with Engineering Enterprises, Inc. for Professional Services/Bidding & Construction Engineering Related to the Water Treatment Plant No. 1 & 2 Rehabilitation (JB) PU

O'Brien overviewed the memo.

Motion: To recommend approval of Resolution 20-127-R: Authorizing Execution of Task Order #23 with Engineering Enterprises, Inc. for Professional Services/Bidding & Construction Engineering Related to the Water Treatment Plant No. 1 & 2 Rehabilitation for a fixed fee of \$266,000.

Maker: O'Brien

Second: Knopp

Roll Call Vote: **Aye:** O'Brien, Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Knopp, Chanzit, Baerren, Wolff

Nay:

12-0 Vote, 2 Absent. Motion carried.

Alderman Beck was absent during this vote.

11. Discussion: Results of Cannabis Referendum (SB) CD

Buening reported that currently adult use dispensaries are not an allowable use in our Zoning Code. An amendment was made for our craft growers most recently and put those into certain industrial districts. Buening continued we are looking to amend the Zoning Code in order to allow these uses somewhere. The earliest we could get this to the Plan Commission would be December 16th and once that is done it would be forwarded on to the Committee of the Whole (COW) and then to City Council. He noted that none of the applicants that are in the current cycle with the State for cannabis dispensaries are Batavia because we did not allow them. We have to sign off on a certificate from the State that it is an allowable use, like we did with the craft grower. The State has not announced when the next round for applications are going to be so that is an unknown at this time. This gives us plenty of time to amend the code to address this and we could amend it before the next cycle comes forward. Callahan asked if there were any concerns from the Batavia Police Department. Buening answered that the concerns expressed were on site sampling and tasting bars.

The Committee discussed adult use dispensaries. Chair Wolff commented that we have a lot of room in the industrial area for a growth facility, which would be a phenomenal thing for that area. Beck stated that she has concerns for adult use dispensaries being sited in industrial areas due to the fact that it is a cash business and the safety concerns around that. She thinks it is more prone to incidents but she would like to hear the Chief's opinion on this matter. Chanzit agreed and added that if there are no people around than it would be a target for crime. He continued that he would not be opposed to having one along Randall Road.

Chair Wolff stated that adult use dispensaries should be Conditional Uses because it gives the City more of a review process. Uher stated that he would not allow one of these dispensaries located within 500-1,000 feet of schools or parks. Alderman Callahan made several motions in order to give direction to the Plan Commission and Zoning Board of Appeals. The motions are as follows:

Motion: To allow recreational cannabis dispensaries in the City of Batavia
Maker: Callahan
Second: Wolff
Roll Call Vote: **Aye:** Callahan, Malay, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff
Nay: O'Brien, Cerone
11-2 Vote, 1 Absent. Motion carried.

Motion: To not restrict the number of dispensaries
Maker: Callahan
Second: Wolff
Roll Call Vote: **Aye:** Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien
Nay:
13-0 Vote, 1 Absent. Motion carried.

Motion: To not send any direction on restrictions to Planning and Zoning as to the areas that these could be cited

Maker: Callahan

Second: Beck

Roll Call Vote: **Aye:** Callahan, Malay, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien
Nay: Uher
12-1 Vote, 1 Absent. Motion carried.

Motion: To follow the State law for setbacks with no additional recommendations at this time

Maker: Callahan

Second: Wolff

Roll Call Vote: **Aye:** Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien
Nay:
13-0 Vote, 1 Absent. Motion carried.

Motion: To recommend that adult cannabis dispensaries be a Conditional Use to Planning and Zoning

Maker: Callahan

Second: Wolff

Roll Call Vote: **Aye:** Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien
Nay:
13-0 Vote, 1 Absent. Motion carried.

12. Discussion: Update of the Strategic Action Plan (LN) (GS)

Due to the late hour, this discussion was tabled until then next COW meeting.

13. Project Status

Newman reported on the following:

- The Finance Department has submitted payroll documentation for our request for the 1.5 million dollars in CARES Act funding. We should see that money by the end of the year.
- The Main Street project will have things left to do next year. We are trying to get done the following this year:
 - All concrete work
 - Asphalt pavement up to the binder course
 - Rough grade the public parkways to make them safe during winter conditions
 - Open Main Street to through traffic throughout the winter months
- We have a high rate of unemployment insurance fraud. Citizens who receive suspected fraudulent notices of unemployment insurance claims should immediately contact The Illinois Department of Employment Security and file a fraud claim as well as notifying their employers about it and report with the local law enforcement agency.

- The Police Department has begun the process of our Federal Use of Force Certification as required by the Department of Justice by Presidential Executive Order signed earlier this year.

14. Other

Knopp asked what is the timeline to fill the vacancy in the Plan Commission since Susan Stark has moved. Mayor Schielke responded that she has not submitted her resignation. Mayor Schielke stated that our policy has been that we keep at least one resident from each quadrant of town on the Plan Commission. She was the representative for the northeast side of Batavia. He is looking at the northeast side of Batavia to find those who would be interested in serving on the Plan Commission.

15. Executive Session: Litigation (WB)

Motion: To enter into Executive Session for the purpose of litigation

Maker: Callahan

Second: O'Brien

Roll Call Vote: **Aye:** Callahan, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien

Nay:

13-0 Vote, 1 Absent. Motion carried.

The Committee of the Whole entered into Executive Session at 10:23pm and exited Executive Session at 10:43pm.

16. Adjournment

After roll call was given, there being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 10:44pm; Made by O'Brien; Seconded by Chanzit. Motion carried.