

**MINUTES**  
**February 4, 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, Callahan, Meitzler, Malay, Uher, McFadden

**Members Absent:** Aldermen O'Brien and Cerone

**Also Present:** Mayor Schielke; Chief Eul, Batavia Police Department; Kevin Drendel, Legal Counsel; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Griffin Price, Communications Coordinator; and Jennifer Austin-Smith, Recording Secretary

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

**3. Approve Minutes**

There were no minutes to approve at this time.

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

Agenda item 18, Executive Session, was removed from the agenda.

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

There were no matters from the public.

**6. Discussion: Batavia Public School District Requesting Student Resource Officer for Rotolo Middle School (DE 1/31/20) CS**

Chief Eul shared that the Student Resource Officer position was lost due to the recession. At that time, the School District privatized the position and a retired command staff officer moved into that role at Rotolo Middle School. Chief Eul stated that several times there has been discussion on reinstating this position, and often that discussion was had after an incident of violence at schools around the Country. In 2018 the school considered bringing a Student Resource Officer into the school but the timing was not right. Most recently the School District approached the Police Department about expanding the Student Resource Officer program back into the middle school. Chief Eul stated he could not think of anything better to use allocation of resources from the Police Department. There are 2,000 children and citizens moving through that building. It would be nice to harden the security posture there and expand the outreach to the youth in the community in a way that is different from high school. Chief Eul shared that they are applying for a Federal Grant from the Department of Justice for school safety, which includes school

resource officers. The grant funding, whether the City is awarded or not, should be known prior to the 2020-2021 school year.

Meitzler stated that he is in support of this. He explained that this would help give a positive influence to a demographic at a very early age. He added that he would support this at the elementary school level as well. Newman noted that if we were to implement this at any time this year it would require a 2020 budget amendment to implement this year. Next year there is no revenue source for the ongoing cost for the position so we would need to account for that in the ongoing budgetary cycles. Malay stated that he supports this as it supports the education programming from a safety aspect. Malay asked about the timeframe for this position. Chief Eul answered that the best-case scenario would be to get this in place for the 2020-2021 school year starting in August.

The consensus of the Committee of the Whole (COW) was in favor of staff proceeding with negotiating the memorandum of understanding our intergovernmental agreement with the school district.

#### **7. Approval: Permanent Overnight On-Street Parking Permit Requested by Resident at 613 Houston Street (LN 1/31/20) GS**

Chanzyt overviewed the memo for special consideration for on-street parking. Staff's opinion is the Council should not grant a permanent waiver or long-term variance to our long-standing policy prohibiting overnight street parking. The situation is not unique or medically necessary. Uher stated that this is a person who is currently renting and cannot make any changes to the property. He is looking to purchase a house in June in Batavia. He has three vehicles now and he cannot get three vehicles in the driveway. He has been trying to keep up with the regulations but received a ticket. The Committee discussed the applicable parking restrictions, the situation of the resident, short-term basis overnight parking, online overnight parking system, and enforcement issues with snow plowing and police department.

Mayor Schielke stated that having been seated on the Council for thirty-nine years this is not the first time this has been discussed. This has been discussed repeatedly. He cautioned that if this is opened up for one person the Council would be inundated with calls from other residents with similar situations and similar types of problems wanting to have the same consideration. Once the barrier is broken down the door will be opened to others who want to park on the street overnight. Then there will be issues about cars parked on the streets, theft, and people mad that a junk car is parked in front of their house everyday and so on. If this is allowed a whole bunch of new issues will arise.

Chief Eul stated that from a maintenance perspective the Public Works department has street sweeping and snow plowing. If a car is parked on the street they would have to go around it. Abandoned and junk vehicles are an issue for the Police Department. Lifting the overnight parking ban through his experience would result in people using the public ways as storage. Chief Eul continued that it is in his experience that junk vehicles are parked in front of the neighbor's home and that results in civil disputes. Clear streets help the Police Department as they are patrolling in the overnight hours for preventative patrolling. We receive more calls to the Police Department regarding overnight parking complaints from neighbors. We do try to

work with the citizens to achieve the appropriate outcomes, for example they do allow for a third vehicle to park over the sidewalks in the overnight hours to prevent overnight street parking because the likelihood of someone utilizing sidewalks at that time is rare. Chief Eul stated that he would prefer that the City do not issue a permanent pass.

Callahan stated that we don't create laws for one person. Never do you craft something for one person or one situation. Callahan noted that he does know of residents who have legitimate medical issues but yet they abide by the no overnight parking regulation. Callahan stated that this is not a true emergency when he knows that other people have had emergency situations but still made it work.

No motion made for this discussion.

**8. Resolution 20-026-R: Authorizing Execution of a Master Services Agreement with HR Green (AMP 1/29/20) CS**

Holm overviewed the memo with the Committee. Knopp stated that this project is coming in under budget. Is there any way to utilize those savings and put that towards a School Resource Officer. Newman responded that the short answer to that is yes, however, we will have projects that come in under budget and projects that come in over budget as well. We look towards the end of the year to see how all of those things balance out and how our resources could be allocated. The HR Green project is a one-time project as well whereas the police officer position is an ongoing position. We will have to find funding every year to finance the Student Resource Officer position.

**Motion:** To recommend to City Council approval of Resolution 20-026-R: Authorizing Execution of a Master Services Agreement with HR Green  
**Maker:** Wolff  
**Second:** Meitzler  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**9. Resolution 20-027-R: Authorizing Execution of Task Order #1 for Watershed Concept Plant for Mahoney Creek with HR Green in the amount not-to-exceed \$52,520.00**

Holm pointed out the exhibits provided in the memo to the Committee on pages 17-19. He explained the project with the Committee.

**Motion:** To recommend to City Council approval of Resolution 20-027-R: Authorizing Execution of Task Order #1 for Watershed Concept Plant for Mahoney Creek with HR Green in the amount not-to-exceed \$52,520.00  
**Maker:** Wolff  
**Second:** Malay  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**10. Resolution 20-025-R: Approving Extension to Employment Agreement with John Dillon (GH 1/30/20) GS**

Chanzit summarized the memo. Holm stated that John Dillon worked with the City full-time for thirty-plus years and remains a very important asset to the City. Dillon was retained within an employment agreement to oversee the City Hall window project, masonry project, remodeling project as well as several projects in Public Works. When we created the Public Properties and Services (PPS) Division the responsibilities transferred over the Scott Haines. Dillon has also taken upon himself to serve as the City's point person on the windmills. Dillon was instrumental working with volunteers to rebuild the windmill outside of City Hall that was damaged due to a storm. We are anticipating that Dillon will have many jobs, including windmills, to keep him busy through 2020. There are funds in the 2020 budget for windmill maintenance and that is where the funding for this position is coming from.

**Motion:** To recommend to City Council approval of Resolution 20-025-R: Approving Extension to Employment Agreement with John Dillon  
**Maker:** Chanzit  
**Second:** Callahan  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**11. Ordinance 20-14: Revising Title 3, Chapter 3, of the Batavia Municipal Code Class J Liquor License (DE 1/28/20) GS**

Chanzit overviewed the memo. He explained that we allow liquor sales in movie theaters and this would allow for expansion to live theaters, comedy clubs, etc. Chair Wolff asked if this would be allowed at the Batavia Fine Arts Center in the high school. Drendel answered that by statute the School District cannot have liquor.

**Motion:** To recommend to City Council approval of Ordinance 20-14: Revising Title 3, Chapter 3, of the Batavia Municipal Code Class J Liquor License  
**Maker:** Chanzit  
**Second:** Russotto  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**12. Resolution 20-023-R: Approving Telecommunications Franchise Agreement for Use of Right-of-Way Between the City of Batavia, Illinois and MCImetro Access Transmission Services Corp (GH 1/30/20) PU**

Holm discussed the memo with the Committee.

**Motion:** To recommend to City Council approval of Resolution 20-023-R: Approving Telecommunications Franchise Agreement for Use of Right-of-Way Between the City of Batavia, Illinois and MCImetro Access Transmission Services Corp  
**Maker:** Chanzit

**Second:** Uher  
**Voice Vote:** 11 Ayes, 0 Nays, 1 Abstain, 2 Absent  
Motion carried.

Meitzler abstained due to his employer.

**13. Resolution 20-024-R: Approving Pole Attachment Licensing Agreement Between the City of Batavia, Illinois and MCImetro Access Transmission Services Corp (GH 1/30/20) PU**

Holm discussed telecommunications and summarized the memo. Uher asked for a discussion on aesthetics. Buening stated he would return with that discussion.

**Motion:** To recommend to City Council approval of Resolution 20-024-R: Approving Pole Attachment Licensing Agreement Between the City of Batavia, Illinois and MCImetro Access Transmission Services Corp  
**Maker:** Chanzit  
**Second:** Uher  
**Voice Vote:** 11 Ayes, 0 Nays, 1 Abstain, 2 Absent  
Motion carried.

Meitzler abstained due to his employer.

**14. Discussion: New Entryway Signage Design (GP 1/31/20) CD**

Price showed the Committee four entryway sign options. Mayor Schielke distributed a handout of a The Windmill News newspaper article titled “The Man Behind the Signs” to the COW. Mayor Schielke noted that the man featured in the article is none other than Abby Beck’s grandfather. Beck’s grandfather funded the signs in Batavia and Batavia Access.

The COW discussed the various entryway sign design options. Many Committee members agreed that the simpler the sign the better. Some considerations were: lowering the columns on each side, have a stand alone sign without columns, and use stone versus steel on the left hand side. Newman stated that they would work with those concepts utilizing the considerations brought up by the Committee and return with more ideas.

**15. Discussion: Amending the City Liquor Code to Allow City Officials to Obtain Liquor Licenses for Establishments within the City (LN 1/30/20) GS**

Chanzit overviewed the memos from legal counsel and Mayor Schielke. Chanzit stated that Abby Beck’s family is looking to redevelop an area in Batavia into a restaurant that would also sell liquor sometime this spring. State law has recently been changed to allow local officials to obtain liquor licenses but currently the Batavia code prohibits that. That is up for discussion tonight. Drendel added that Batavia code goes even further to prohibit not just council members and the mayor, it prohibits department heads and employees and any of those who have spouses who might have a direct or indirect interest in the sale and manufacture distribution of liquor. The current State law prohibits council and mayor from having a direct interest but there is an exception for cities under 55,000 people or less so that would apply to the City of Batavia. The exception would allow for an elected official to have a direct interest, which might be a liquor

license, subject to the same conditions that anyone else faces when applying for a license and the laws that go with it. There are a couple of added conditions, one of which being such a person could not participate in any discussion of liquor matters at all. If you have a liquor license and you are on Council you can't participate in discussions of liquor matters that come formally to the Council or Committee of the Whole meeting. The second condition is that it has to come ancillary with the service of food. Food would have to be the primary and liquor would be secondary to that.

Drendel further discussed the first condition. He stated that if you are in the meeting, technically your vote is being counted in the majority if you have a non-vote but you are participating in the meeting. Drendel stated it would be best if someone who has a direct interest in liquor who is on the Council remove himself or herself from the meeting. Drendel explained that the general conflict of issue is anytime anyone on the Council has an interest other than the entire Council and your interest is impacted uniquely then that is a conflict. When something impacts an alderman then they should step aside and not participate in the discussion or vote. This goes way beyond the liquor code and into any circumstance where a decision that comes before the Council is going to impact a council member personally and uniquely. A good litmus test is if my interest is different than everyone else's than I have a conflict. Just because you have a home in the City does not mean you cannot vote on taxes.

Beck addressed the Committee She stated that this was not her dream timing and she appreciates the Committee for entertaining this discussion tonight. She will respect whatever outcome is decided on tonight. She explained that this property has been in her family since the 1970's and the tenant has decided to not renew the lease. She would like to redevelop that corner into a restaurant and bar.

Abby Beck recused herself from the meeting at 9:02pm.

Russotto stated that we have a lot of great people that we are prohibiting from running for license because they have a liquor license. Some of the owners of liquor licenses are a mainstay in our community and they would do nothing but help us. Malay stated that the code as it stands is exclusionary and as we expand our liquor licenses we are excluding more and more people. Drendel stated that the reason that cities under a certain size are excluded from the prohibition because they have fewer people to poll from.

Drendel stated if the Council is going to entertain changing the liquor code from this point forward, Abby Beck should not participate in the discussion. At a COW level it is okay to be at the table when it is not in decision-making mode but for the Council she would need to recuse herself and be in the audience as an audience member for the time. The minutes should note at that point that Abby Beck exited the meeting and when she returned to the meeting. Callahan asked if the Committee was directing staff or making a motion should she be recused for that. Drendel stated that it would be good if she would.

**Motion:** To direct staff to move forward with amending the City Liquor Code to allow City officials to obtain liquor licenses for establishments within the City to mirror the State law

**Maker:** Chanzit  
**Second:** Uher

Discussion was held on the motion. Newman noted that the State law does not prohibit indirect interest. Spouses of the City Administrator, the Mayor or aldermen could have a liquor license. Callahan asked if another mayor was to open a bar than that mayor could not be the liquor commissioner. Drendel stated that the mayor could not with a liquor license but another alderman could step into that role. Newman noted that the way this is written the mayor could still be the liquor commissioner and the spouse could have a liquor license.

**Voice Vote:** 11 Ayes, 0 Nays, 1 Recuse, 2 Absent  
Motion carried.

Alderman Beck returned to the meeting at 9:08pm.

## 16. Project Status

Newman reported on the following:

- A commercial real estate broker contacted the City about the possibility of two craft cannabis growing facilities. Each facility would be growing, infusing or transporting cannabis. The GI and LI districts allow for cultivation centers but to allow for craft cannabis facilities it would require a text amendment to our Zoning Code. Drendel noted that we could not exclude a use by simply not including it. Newman stated that staff would review that aspect of our Zoning Code.

Mayor Schielke stated that since this would be more than just a growing facility perhaps a decision on this could be tabled until after the referendum on dispensaries is completed. Newman noted that this is not a dispensary but an infusing and transportation as well as growing facility at both of these facilities. It is not a dispensary. They would be selling to dispensaries. The only current allowable use is a cultivation center.

- A straw poll was requested for a text amendment to the Plan Commission to include Craft Grower, Infuser, Transporter allowable use in the LI and GI Districts. The consensus of the Committee was in favor of allowing staff to request for a text amendment.
- Newman reported staff will bring it as an allowable use but it could be made into a conditional use.
- Newman invited the Committee to attend the Public Works Open House at 5:30pm on 2/18 prior to the City Council that evening. This would be publicized on social media and postcards would be sent out to those who live in the area.
- Newman stated that there would be a tour of Public Works at 6pm on 2/11 they will plan to be back at 7pm for the meeting. This tour is meant only for Council members to review the changes.

## 17. Other

Callahan asked if staff could provide the Committee with a collection of data points such as a running total of those things that have come under budget in a quarterly report. Newman noted

that the monthly budget reports keep a running total of where all of the budgets from a department level and line items of accounts associated with that department. Callahan asked that Newman give a quick update during one of the administrative reports at the end of the quarter. Meitzler asked that this be included in the quarterly discussion on the Strategic Plan.

Meitzler asked about the meeting with One North Washington. Newman answered that the meeting is this Thursday.

Chanzit announced that he would be out of town for future COW meetings.

**18. Executive Session:**

There was no executive session.

**19. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:35pm; Made by Chanzit; Seconded by Meitzler. Motion carried.