

**CITY OF BATAVIA  
MINUTES OF THE BATAVIA CITY COUNCIL  
July 20, 2020, at 7:30 p.m. - City Council Chambers  
100 N. Island Ave., Batavia, Illinois**

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. Minutes 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. Any references to discussion and /or statements are only to provide greater clarity to the public and they may not reference all, some, or any of an individual speaker's comments.

**1. MEETING CALLED TO ORDER**

The meeting was called to order by Mayor Schielke at 7:30 p.m.

**2. INVOCATION followed by PLEDGE OF ALLEGIANCE**

Mayor Schielke offered a brief invocation. Ald. Uher led the Pledge of Allegiance.

**3. ROLL CALL**

**14 of 14 aldermen were present at roll call.**

Aldermen (by ward):

Jennifer Baerren (1), Alan Wolff (2), Martin Callahan (2), Dan Chanzit (3), Joe Knopp (4), Mark Uher (5), Michael Russotto (6), Nicholas Cerone (6) and Keenan Miller (7) attended in person.

Michael O'Brien (1), Abby Beck (5), Elliot Meitzler (3), Tony Malay (4), and Drew McFadden (7) attended by phone.

Also present were members of the public and the following:

City Attorney	Roman Seckel
City Clerk	Ellen Posledni
City Administrator	Laura Newman
Public Works Director	Gary Holm

**4. REMINDER: Please speak into the microphone**

Mayor Schielke reminded everyone to use their microphones.

**5. ITEMS REMOVED/ADDED/CHANGED**

Mayor Schielke asked that item 10 be moved down in the agenda to occur just prior to item 15. He explained that Ald. Beck would leave the meeting (hang up) during those votes and will dial back in after the vote on item 15.

**Motion by Ald. Chanzit, seconded by Ald. Knopp to revise the agenda as requested. Motion carried 14 yea/ 0 nay/ 0 absent.**

## 6. CONSENT AGENDA

Ald. Chanzit read the Consent Agenda as follows.

### Accept and Place on File:

- A. Historic Preservation Commission Minutes June 22, 2020
- B. Building Reports June 2020

### Approvals:

- C. July 10th Payroll is \$903,265.26
- D. Accounts Payable Check Register \$4,267,352.59
- E. APPROVAL: Reject Bids for 2020 Self-Contained Leaf Collection Trailer (SH 7/8/20 COW 7/14/20 12/0) CS
- F. RESOLUTION 20-088-R: Approving a Plat of Dedication for Part of the 900 Block of North Van Buren Street (SCB 6/30/20 COW 7/14/20 11/0) CD
- G. ORDINANCE 20-44: Proposing the Establishment of Special Service Area Number 66 (Mill-McKee Retail Center) (DMR 7/9/20 COW 7/14/20 11/0) CD
- H. ORDINANCE 20-47: Declaring Certain Property to be Surplus and Authorizing Sale Thereof (SH 7/8/20 COW 7/14/20 11/0) CS
- I. RESOLUTION 20-090-R: Resolution Approving Statements of Work between City Of Batavia and Fermilab for Construction, Lease, and Maintenance of Certain Fiber Optic Infrastructure (R. Rogde 6/29/20 COW 7/14/20 12/0) PU

**Motion by Ald. Chanzit, seconded by Ald. Knopp, to approve the Consent Agenda as presented. Motion carried 14 yea/ 0 nay/ 0 absent.**

## 7. MATTERS FROM THE PUBLIC: (For Items NOT On The Agenda)

None

## 8. MAINSTREET

MainStreet Executive Director Sherri Wilcox said it has been a busy month, with new board members recently elected. The Batavia Boardwalk Shops continue to draw crowds from across the west suburbs, with visitors then exploring the rest of downtown. Themed weekends are on tap, and retailers are already thinking about brick and mortar shops downtown.

The Farmers Market continues with 40 vendors weekly. Outdoor dining continues as well, and the city has assisted with signage on River Street. The last Second Friday had full patios from Pepe's to Gammon. Programs include trivia night, live music, bingo and more. More tables and lighting would be preferred on River Street.

The Cocktails in the Yard event is being well received, with only a couple dozen boxes left to sell. The annual Block Party is being planned for September. Planning free events has been difficult during the pandemic because of the importance of crowd control. The Sunday of Labor Day weekend will feature a car show and food vendors well spaced downtown, providing a free event for families to enjoy. This may be capped with a 5-minute fireworks show to celebrate the sense of community that endures in Batavia.

## **9. PRESENTATION: Batavia Mainstreet Request for Additional Funding to Construct an Additional 4 Boardwalk Shops (Bob Hansen) CD**

New Batavia MainStreet President Bob Hansen presented a history of the building of the Batavia Boardwalk Shops. Eight shops have been built, and tenants need to reapply each year. Mr. Hansen reviewed costs and donations. He reported that in the first eight days of operation, the shops tallied nearly \$70,000 in sales with 4,286 transactions.

MainStreet is requesting an additional \$32,000 grant to build four additional shops for next year. The building process is expected to be supported by the Batavia High School Building Trades classes. The estimated cost is a maximum without any donations. Cutting would begin in January, and the classes would build kits that would be assembled later on-site.

Ald. Wolff said he is excited that the shops have done so well that we are already discussing building four additional ones. They have had a constant flow of shoppers when they are open, and the shops have become a draw to the city. Now people can use the bike share program to travel into downtown on bike from the train station.

Ald. Callahan said the request has his total support. He is impressed with the quality of the construction, and noted his vision paled in comparison to the final design of the shops.

Ald. Chanzit asked if it is too soon to think of these shops as incubators. Mr. Hansen said a couple of vendors are looking at space downtown, with some downtown landlords offering tours of vacant property. The vendors are excited and trying new things. Most of the owners have no business experience, but they meet monthly and are supporting each other. He said they considered building just two new shops and leaving space for two pop-up shops, but the current vendors said they would prefer four permanent shops, noting that pop-up vendors can set up at the Farmers Market.

Ald. Uher said he also supports the request, noting that it will pay for itself.

Mayor Schielke admitted he was an early skeptic of the idea, but he is now a true believer. He said that several fellow mayors are interested in touring the boardwalk.

Administrator Newman asked the City Council what the source of funding would be for this grant. She said that previous funding came from a \$296,000 federal grant for economic development. That fund could still be tapped, although the money has been earmarked for the Gateway Improvement Grant and the COVID-19 relief grant.

Ald. Wolff said this is economic development, and the initial funding is already paying off. He said it is easy to justify using the grant funds for this purpose.

Ald. Callahan agreed, noting that they knew half of the federal grant money would be used for other purposes. They assumed \$150,000 would be needed for this project, but only \$110,000 has been spent.

Mr. Hansen added that MainStreet has already invested \$5,000 in building platforms for this year's pop-up vendors. He added that the funding for the Boardwalk Shops is not coming from tax revenue.

**Motion by Ald. Chanzit, seconded by Ald. Callahan, to approve \$32,000 in additional funding to construct four new Batavia Boardwalk Shops. Motion carried 14 yea/ 0 nay/ 0 absent.**

**11. RESOLUTION 20-087-R: Awarding Gateway Improvement Program Grant Funds to Frank Giampoli Law Offices, Tenant 428 S. Batavia Ave (SB 7/07/20 COW 7/07/20 13/0) CD**

Ald. Cerone introduced the item that had full COW support. The grant will cover half of the cost of signage and landscaping. Administrator Newman noted that this request is a classic example of why the grant program was created. This property is adjacent to a TIF district but not eligible for TIF money. The program encourages businesses at city gateways to upgrade their exterior to improve the look of the city to those entering town. The owner has done an excellent job choosing a design.

**Motion by Ald. Cerone, seconded by Ald. Callahan, to approve the resolution as presented. Motion carried 14 yea/ 0 nay/ 0 absent.**

**12. ORDINANCE 20-38: Amending the Text of the Zoning Code for Cannabis Establishments in Employment Districts (DMR 7/16/20 COW 7/14/20 12/0) CD**

Ald. Callahan introduced the item related to cannabis manufacturing facilities. In March the COW sent a request to the Zoning Board asking for recommendations for changes to the zoning code for these facilities. Last week, the COW requested some additional changes to those recommendations regarding locations. He noted that this item does not relate to the sale or consumption of recreational marijuana in the city; that will be decided by a referendum in November.

**Motion by Ald. Callahan, seconded by Ald. Cerone, to approve the ordinance as presented. Motion carried 14 yea/ 0 nay/ 0 absent.**

**13. RESOLUTION 20-091-R: Authorizing Purchase of One 2020 Ford F-150 Truck from Morrow Brothers Ford for \$28,670.00 (SH 7/8/20 COW 7/14/20 12/0) CS**

Ald. Wolff reported that a city truck that had been scheduled for replacement next year was totalled in an accident, so replacement has been moved up. Insurance money will be used toward the purchase of the new vehicle.

**Motion by Ald. Wolff, seconded by Ald. Russotto, to approve the resolution as presented. Motion carried 14 yea/ 0 nay/ 0 absent.**

**14. RESOLUTION 20-092-R: Authorizing execution of the Contract for the 2020 Street Resurfacing Program with Builders Paving LLC in the amount not to exceed \$1,522,500 which includes bid price plus 5% contingency amount and Adopt IDOT Resolution (BLRB 14220 form) to appropriate \$1,475,500 from the state Motor Fuel Tax (MFT) fund. (RB 7/20/20) CS**

Ald. Wolff introduced the item related to street resurfacing. The contract will cover 6.75 miles of streets in Batavia. Block grant funds in the amount of \$47,000 will also be used to fund the program.

**Motion by Ald. Wolff, seconded by Ald. Callahan, to approve the resolution as presented.  
Motion carried 14 yea/ 0 nay/ 0 absent.**

**Ald. Beck left the meeting at 8:13 p.m.**

**10. APPROVAL: Waive Annual Liquor Tax Renewal Fees for 2020 (LN COW 7/07/20 12/0) (GS)**

Ald. Chanzit introduced the item related to the waiver of liquor license fees as a way to provide relief for business owners during the pandemic. The city takes in about \$75,000 in liquor license fees annually. This money would be replenished with federal COVID relief funds.

Ald. Miller noted that this move could result in a \$75,000 hole in the city's budget. He asked for confirmation that the COVID relief funds could be used for this purpose. Administrator Newman said that Kane County is going with the federal definition of small business economic assistance, so this would qualify. She noted that the biggest expense right now is public safety salaries, and through the CARES Act, all of those expenses are coverable. The city looks to receive about \$2 million in relief funds.

Ald. Callahan said that while it looks like this is coverable under federal grant funds, the need to use that money for public safety is more pressing. He said the budget has already been exceeded in some areas and the city needs to be looking at where to cut. He added that everyone is suffering right now, but this action would only benefit some businesses. In fact, it's possible major corporations would also take advantage of this benefit, and the city would be essentially asking residents to subsidize these large companies.

Ald. Uher said he is also having second thoughts about the proposal because the city would be picking and choosing who to help.

Ald. Chanzit said a lot of people are hurting, but this industry has been hit very hard. This feels like a small lifeline. Ald. Wolff agreed, adding that he is concerned Batavia will lose 20-30% of its bars and restaurants if the city doesn't provide assistance. He added that if they go out of business, that revenue won't be coming anyway. This is an investment to keep those businesses going.

Administrator Newman said that these establishments also generate liquor tax revenue, and Finance Director Peggy Colby also felt comfortable with this action.

Ald. Chanzit said two business types are growing during the pandemic: packaged liquors and home improvement stores. He suggested they could remove packaged liquor stores from benefiting from this. Administrator Newman said the city does have some small packaged liquor stores, and it would be difficult to pick and choose which businesses should benefit.

Ald. Callahan said the city is trying to do good, but the budget was based on having that \$75,000, so the budget needs to be cut or another funding source located.

Administrator Newman said that \$400,000 in general fund expenses have been put on hold.

Ald. Chanzit said he is open to bringing this item to the COW for further discussion. Ald. Baerren asked whether state license fees are being suspended. Administrator Newman said that the state has suspended license renewals to December 31.

Ald. McFadden said this is an investment to protect a future revenue stream. Ald. O'Brien and Ald. Malay also indicated support.

**Motion by Ald. Chanzit, seconded by Ald. Wolff, to waive annual liquor tax renewal fees for 2020. Motion carried 7 yea/ 6 nay/ 1 absent.**

**15. ORDINANCE 20-43: Limiting the Number of Video Gaming Sites in the City of Batavia (LN 6/30/20 COW 7/02/20 6/6 Motion Failed) GS**

Ald. Chanzit noted this item was discussed extensively at the last COW meeting. Ald. Uher said on further reflection, he would like to revisit the discussion and requested it be sent back to the COW.

**Motion by Ald. Uher, seconded by Ald. Chanzit, to send the ordinance back to the Committee of the Whole for further discussion. Motion carried 11 yea/ 2 nay/ 1 absent.**

**Ald. Beck returned to the meeting at 8:35 p.m.**

**16. ADMINISTRATOR'S REPORT**

Administrator Newman demonstrated the City Maps feature on the city website. She also highlighted the 211 service available in Batavia. With 13% unemployment in the area now, this service can help connect people with resources they need, such as food or rent assistance, counseling, or help for domestic violence. The service was brought to Batavia by Batavia United Way.

In Finance, a new software system will improve online bill payment for utilities. The city hopes to launch this in August. It will also allow residents to set up payment plans, and Community Development can use it to collect payment for permits. Residents will be able to apply for and pay for permits 24 hours a day.

Additional news:

- Nineteen outdoor dining licenses have been issued.

- One Washington Place work continues.
- A few new possible developers have come forward for the industrial park.
- There will be no brush pickup until August.
- City Hall is a cooling center during hot weather. If it's a weekend, check in with the Batavia Police Department. If it's a weekday, check in with reception upstairs.
- When rain is expected, please check that street drains are clear of debris.
- Please do not discharge grass clippings into the road, as rain and grass make for a slick, dangerous surface for bikes and motorcycles.

Ald. O'Brien asked if there is any updated on the wastewater treatment plant reimbursement. Administrator Newman said the contractor is claiming that city delays caused them to miss deadlines. The city has hired a consultant to study that claim.

## **17. COMMITTEE REPORTS**

None.

## **18. OTHER BUSINESS**

Ald. Callahan received a call from a resident near the baseball field by the West Cemetery. Parking during Batavia Youth Baseball games is becoming problematic, and the resident is concerned that emergency services vehicles would have issues accessing homes in the neighborhood behind the field.

Administrator Newman said there is a small parking lot and telephone poles, and the agreement is that parking is supposed to be between those poles. She said staff would address this with BYB. She added that they may be outgrowing that space, and the city may also be expanding the cemetery to add a columbarium. Someone who passed away left a donation to be used for this cemetery. The city may do a shorter contract with BYB next time while they find a more suitable space.

Ald. Wolff added that no one is carpooling right now because of the pandemic, but they still can't block the street and create an unsafe condition.

## **19. MAYOR'S REPORT**

Mayor Schielke reiterated that he has no control over decisions about the school system. It is run by an elected School Board of seven people. He said there is a lot of controversy right now about reopening schools, but he has no control over those decisions.

Last week, Batavia Police Department was involved in an arrest of a man who stole a car in DuPage County and drove it to Batavia. The man and a passenger ultimately fled on foot, and scent dogs were used to locate them. Area residents were concerned, but the men were captured. Because of the great number of questions coming in to the city about the event, the Mayor said he would work with Administrator Newman on a communication plan so they could inform the public when events like this happen.

Batavia Fire Department continues to respond to many calls, which are now complicated by the pandemic. They respond to an average of seven calls a day, and sometimes up to 15 or 20 calls a

day. Each fire station has a fully staffed ambulance, with access to additional ambulances shared with Geneva. This could be the busiest city service. Due to COVID-19, crews now have to completely disinfect everything in the ambulance after each call.

A lot of kindness continues to be shown across the city. Several volunteers have come forward offering to build more tables for downtown. COVID-19 numbers remain among the lowest in the county, with just 158 cases across the city, which is remarkable especially with the number of senior living communities in town. Requests have come in for the Mayor to tell residents they don't have to wear masks. The city attorney wrote up an opinion stating that the order is in place in Kane County, and we need to comply.

## **20. ADJOURNMENT**

**Motion by Ald. Wolff, seconded by Ald. Knopp, to adjourn. Motion carried by voice vote. The meeting adjourned at 9:03 pm.**

*Minutes prepared and submitted by Ellen Posledni, City Clerk, July 29, 2020.*