

**MINUTES**  
**September 13, 2022**  
**Committee of the Whole – Hybrid Meeting**  
**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, Ajazi (remote), Beck, Chanzit (remote), Solfa, Baerren (remote), Leman, Cerone, Vogelsinger (remote)

**Members Absent:** Ald. Russotto, Connelly, Uher and Malay

**Also Present:** Mayor Schielke; Laura Newman, City Administrator; Scott Buening, Director of Community and Economic Development; Gary Holm, Director of Public Works; Anthony Isom, Assistant to the City Administrator; Drew Rackow, Planning and Zoning Officer; and Jennifer Austin-Smith, Recording Secretary (remote)

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

**3. Approve Minutes for July 26, 2022, August 16, 2022 and August 23, 2022**

**Motion:** To approve the minutes for July 26, 2022, August 16, 2022 and August 23, 2022

**Maker:** Solfa

**Second:** Beck

**Roll Call Vote:** **Aye:** Solfa, Baerren, Leman, Cerone, Vogelsinger, Wolff, Miller, Ajazi, Beck, Chanzit

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

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

Executive Session was proposed to be added to the agenda for possible litigation.

**Motion:** To approve the updated agenda to include Executive Session for possible litigation

**Maker:** Solfa

**Second:** Miller

**Roll Call Vote:** **Aye:** Solfa, Baerren, Leman, Cerone, Vogelsinger, Wolff, Miller, Ajazi, Beck, Chanzit

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

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

None.

**6. Presentation: Peace Day, September 21, 2022 – Britta McKenna**

McKenna presented on behalf of the Batavia Peace Team. Peace Day is coming up next Wednesday, September 21 from 5:30-7:30pm outside of City Hall and along Peace Bridge. McKenna reported that the United Nations established Peace Day as September 21 in 1981. This year the theme is ‘End Racism, Build Peace’ inspired by our current Peace Bridge project we thought we would join in Batavia style and amplify the United Nations’ message of peace to the world. McKenna discussed the schedule of events with the Committee of the Whole (COW).

*Ald. Beck exited the meeting at 7:10pm*

**7. Presentation: Request to Allow Video Gaming for Holders of E-5 Salon Liquor License Holders Jennifer DeCarlo-J DeCarlo Salon and Spa**

Jennifer and Jason DeCarlo, J DeCarlo Salon and Spa, addressed the Committee. Jennifer DeCarlo shared that they plan on spending about \$50,000 on their basement and turn it into a lounge and have video gaming down there. The guests have expressed they would like someplace to spend time that is not the typical bar to lounge with a bar type of feeling. Newman reviewed the current ordinance allowances with the COW. She explained that what is being asked for tonight is an expansion of the current ordinance.

Cerone asked if there would be a separation between the salon and the lounge to prevent underage people from entering the basement. Jennifer responded that there would be a door and they could provide a person to oversee the area. Jennifer discussed the business hours and how the lounge would only be open during the normal business hours.

Chanzit commented that this request is a pivot from the ordinance. Chanzit stated that he regrets voting in favor of allowing video gaming. He would like to have these removed from businesses. This scenario in particular is not what he envisioned when we talked about installing these machines in town. Chanzit recommended bringing this discussion back when more Committee members are in attendance. Cerone agreed to bring this discussion to a future COW meeting.

The general consensus of the Committee was to have this presentation brought back to the Committee of the Whole (COW) for further discussion with all COW members.

**8. Approval: Class B-5 (Package Sales – Gas Stations and Convenience Stores) Liquor License Application for Casey’s Retail Company, d/b/a Casey’s #6544 – 2074 Main Street, Batavia, IL (8/31/22 SRM) GS**

Chanzit reviewed the memo with the Committee.

**Motion:** To approve the Class B-5 (Package Sales – Gas Stations and Convenience Stores) Liquor License Application for Casey’s Retail Company, d/b/a Casey’s #6544 – 2074 Main Street, Batavia, IL

**Maker:** Chanzit

**Second:** Solfa

**Roll Call Vote:** **Aye:** Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger, Wolff, Miller, Ajazi

**Nay:**

9-0 Vote, 5 Absent, Motion carried.

**9. Ordinance 22-42: Conditional Use Permit for a Video Gaming Establishment in the DMU Downtown Mixed Use District. Wilson Street Tavern, 105 East Wilson Street, Mark Hogan – 105 WST LLC, Applicant (DMR 8/23/22) CD**

Rackow discussed the memo with the Committee. Rackow noted that there are no video gaming machines in this establishment and would require a Conditional Use Permit.

Mark Hogan, Wilson Street Tavern, addressed the Committee. He stated that he has been in business there since May 2012. He was part of the original group who requested video gaming but he never put them in. Right now it is time for the installation since COVID and business not being what it used to be.

**Motion:** To approve the Ordinance 22-42: Conditional Use Permit for a Video Gaming Establishment in the DMU Downtown Mixed Use District. Wilson Street Tavern, 105 East Wilson Street, Mark Hogan – 105 WST LLC, Applicant

**Maker:** Wolff

**Second:** Cerone

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:** Miller, Chanzit

7-2 Vote, 5 Absent, Motion carried.

*Ald. Beck joined the meeting at 7:31pm*

**10. Resolution 22-091-R: Awarding a Downtown Improvement Grant to New Moon Vegan at 119 S. Batavia Ave. in the Amount not to Exceed \$20,650.00 (AI 9/13/22) CD**

Isom discussed the memo and noted that this was once a Boardwalk Shop business. The Downtown Improvement Grant would facilitate improvements to plumbing, HVAC, ADA bathrooms, grease traps and other items for this bakery operation.

Jo Colagiacomi, applicant, addressed the Committee. She discussed the improvements, menu for New Moon Vegan, and proposed future events.

**Motion:** To recommend approval of Resolution 22-091-R: Awarding a Downtown Improvement Grant to New Moon Vegan at 119 S. Batavia Ave. in the Amount not to Exceed \$20,650.00

**Maker:** Wolff

**Second:** Leman

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

Chair Wolff welcomed Jo Colagiocomi to attend the City Council meeting to speak about her business there.

**11. Motion: Approve of a Bid to Purchase Land at 916 Park Street for \$72,900.00 (SCB 8/30/22) CD**

Buening discussed the memo with the Committee.

**Motion:** To approve a bid to purchase land at 916 Park Street for \$72,900.00

**Maker:** Wolff

**Second:** Solfa

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**12. Discussion: N. River Street Parking Structure Repairs (GPH 9/8/22) CS**

Holm stated that the City has been operating for many years now under the impression that the North River Street parking structure would eventually be demolished as part of redevelopment of that property. When the proposed One Washington Project did not go forward late last year the City attained the services of a structural engineering firm. The firm made a list of maintenance needs for the structure to last another ten or so years. What they did not include was a surface membrane for the

The consensus of the COW was for staff to go forward with the process for North River Street parking structure repairs.

**13. Resolution 22-092-R: Authorizing Execution of a Contract with Mauro Sewer Construction, Inc. for the City Hall Watermain Project (SH 9/7/22) CS**

Holm discussed the memo with the Committee. Holm explained that bedrock is an issue for this project. Rock excavation would be a large part of this project.

**Motion:** To recommend approval of Resolution 22-092-R: Authorizing Execution of a Contract with Mauro Sewer Construction, Inc. for the City Hall Watermain Project

**Maker:** Wolff

**Second:** Miller

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**14. Resolution 22-097-R: Approving Master Services Agreement with Carnow, Conibear & Assoc. Ltd. (SH 9-8-22) CS**

Holm discussed the memo with the Committee.

**Motion:** To recommend approval of Resolution 22-097-R: Approving Master Services Agreement with Carnow, Conibear & Assoc. Ltd.

**Maker:** Wolff

**Second:** Solfa

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**15. Resolution 22-098-R: Authorizing Execution of Task Order #1 with Carnow, Conibear & Assoc. Ltd. (SH 9/8/22) CS**

Holm discussed the memo with the Committee.

**Motion:** To recommend approval of Resolution 22-098-R: Authorizing Execution of Task Order #1 with Carnow, Conibear & Assoc. Ltd.

**Maker:** Wolff

**Second:** Solfa

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**16. Resolution 22-094-R: Approving a resolution to apply for Illinois Transportation Enhancement Program (ITEP) funding and commitment of matching funds for Batavia Ave (IL Rt 31) Road Diet conversion from Fabyan Parkway to Millview Drive (RB 9/8/22) CS**

Holm announced that the City is officially in phase one of the project. He discussed finding funding for this project by achieving a grant through ITEP. Beck asked about sidewalks and pedestrian bike lanes. Holm explained that this project is focused curb to curb to enhance safety for the IDOT process.

**Motion:** To recommend approval of Resolution 22-094-R: Approving a resolution to apply for Illinois transportation Enhancement Program (ITEP) funding and commitment of matching funds for Batavia Ave (IL Rt 31) Road Diet conversion from Fabyan Parkway to Millview Drive

**Maker:** Wolff

**Second:** Beck

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**17. Resolution 22-095-R: Approving a resolution to apply for Illinois Transportation Enhancement Program (ITEP) funding for Fox River Bike Path Construction (RB 9/8/22) CS**

Holm displayed on the shared screen feature of Zoom PowerPoint slides titled “Conceptual Bike Path Concept #1, #2 and #3a” with the Committee. The COW viewed a slide titled “Conceptual Bike Path Typical Profile Sections”. The Committee discussed stabilization utilizing concrete walls, stabilization for the future, bridge option, no impact from dam removal since south of the dam, and corridor study. Chair Wolff stated that he would recommend approval of the resolution and whatever plan we decide on we will be able to use that money for towards this project.

**Motion:** To recommend approval of Resolution 22-095-R: Approving a resolution to apply for Illinois Transportation Enhancement Program (ITEP) funding for Fox River Bike Path Construction

**Maker:** Wolff

**Second:** Beck

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**18. Resolution 22-096-R: Approving a resolution accepting public utilities easement at 470 N. Randall Road (RB 9/8/22) CS**

Holm discussed the memo with the Committee.

**Motion:** To recommend approval of Resolution 22-096-R: Approving a resolution accepting public utilities easement at 470 N. Randall Road

**Maker:** Wolff

**Second:** Miller

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

CONSENT AGENDA

**19. Resolution 22-099-R: Approving a contract with Ray’s Electrical & Boring services to install HDPE conduit at 1435-1451 Lathem Street/Waste Management Facility for an amount not to exceed \$31,856 which includes 10 percent contingency amount (RB 9/8/22) PU**

Holm discussed the memo with the Committee.

**Motion:** To recommend approval of Resolution 22-099-R: Approving a contract with Ray’s Electrical & Boring services to install HDPE conduit at 1435-1451 Lathem Street/Waste Management Facility for an amount not to exceed \$31,856 which includes 10 percent contingency amount

**Maker:** Wolff

**Second:** Cerone

**Roll Call Vote:** **Aye:** Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman, Cerone, Vogelsinger

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**20. Resolution 22-093-R: Approving a change order to the Electric Conduit Construction Contract to install underground conduit and cable at Windmill Cove Subdivision in the amount not to exceed \$200,000 (RB 9/8/22) PU**

**Motion:** To recommend approval of Resolution 22-093-R: Approving a change order to the Electric Conduit Construction Contract to install underground conduit and cable at Windmill Cove Subdivision in the amount not to exceed \$200,000

**Maker:** Cerone

**Second:** Solfa

**Roll Call Vote:** **Aye:** Cerone, Vogelsinger, Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

**21. Discussion: Single Use Bag Fee (LN)**

Newman discussed the proposed single use bag fee. She stated that staff is seeking the authorization to move forward with getting a specific proposal from the marketing firm to do a six month campaign and also direction to seek collaboration with our neighboring communities to make it a tri-cities campaign and in the meantime continue to look at what ordinance we would want to put into place and consider the referendum question.

Cerone stated that he is in support of the education component and he is in support of collaborating with the neighboring communities. He would not move forward with the fee until we have results from the education campaign so we could make informed decisions then. Leman voiced support of the education campaign first. Beck stated that she is in favor of the campaign packaged along with the fee in order to see change. She expressed a campaign alone would have no metrics on whether or not it was successful. Oak Park, Woodstock and Edwardsville all did education in conjunction with their fees. She has reached out to Woodstock to ask how it was during roll out. Once the retailers were all on board it ran very smoothly. The retailers have to fill out an online form with their monthly bags sold. If we could learn best practices from other municipalities on how to do this program more efficiently would be beneficial. Beck concluded if the Council does not see that this is a problem that they want to solve than she does not think we should invest in an education campaign.

The COW discussed Advanced Disposal Waste Management issues with plastic bags, major decreases in plastic bags, retailers this would apply to, any changes could be made to the proposed ordinance, gaining support from other communities,

Vogelsinger stated that the City has signed on to the Greenest Region Compact and our agreement with Prairie State leaves us hamstrung as far as energy goes. This is something that we could do to show that we are serious with the commitment to that compact. She is fully in support of education followed by the bag fee. Chair Wolff stated that the main purpose of this is

to reduce the bag usage. If we could get the County to come on board with this program it would be much better.

Chair Wolff opened the floor for public comment. Karen Brooker, Batavia resident, addressed the COW. Brooker stated as a Batavia resident and as a consumer on a budget she would like to voice her support for single use bag fees. If there were single use bag fees in Batavia it would not change her shopping practices.

Susan Russo, Batavia resident, stated that she is in favor of single use bag fees for retailers of 5,000 square feet or more. Ultimately, this is the right thing to do. The City has signed on to the Greener Regions Compact Climate Action Plan. Nothing has been implemented yet but this is consistent with the things the City has said they wanted to move towards greener and more environmentally friendly practices. She sees this working only if you initiate the educational program and pass an ordinance establishing bag fees at the same time. She suggested getting the education program in place and inform everyone that this is going to happen in six months time. She does not believe that single use bag fees would drive people away from shopping in Batavia. She would like to see Batavia be at the forefront and moving in the right direction on environmental issues.

William Pelico, 623 Elm Street, addressed the COW. He has been doing river clean ups in Batavia since 1995. Bags have been on the top of our list when cleaning up the river. Bags are up and down the river. Bags are there and in our river and we should stop this from happening.

Carolyn Burnam, Batavia Environmental Commission, stated that this is a great opportunity to follow the guidance that we agreed to in the Greenest Regions Compact and the Regional Climate Plan. We cannot do much with Prairie State so we have to find other ways in which we could make an impact. We have the opportunity to be the first in the Fox Valley and hopefully that would lead to other communities to do the same thing. She would like to see the statistics of how many leave town for a bag. She would also like to see the statistics of those who bring a bag with them. That is the behavior change that we are seeking. We would not propose this if we did not think it was very important. We have found that this is an effective way to change behavior and will help the bottom line of businesses, recyclers, garbage haulers, and the community at large. During the education campaign she would like businesses to start counting the bags even if they are not charging for them and people could see how much they are doing each week. We could start gathering the figures we need to see if this is effective. If we find in a year that it doesn't work at all we could stop doing it. If we are successful than other communities would follow and hopefully the County as well.

Emma Cole, Batavia Environmental Commission, shared she teaches Environmental Science and this upcoming generation thinks about improving the environment very much. This is an opportunity to be on the forefront of this issue. Last year she did a plastic bag collection in her school and it was terrifying how many bags came in from the small number of people who donated from Geneva and Batavia. The bag fee would help inspire people to use less bags.

Britta McKenna stated that she supports the plastic bag fee.



Linda Sauner, Batavia resident, shared she has been using her own bags for a long time. It is a matter of transforming how we live. By passing this we would be encouraging people to make that transformation. That transformation is what the world needs. She shared with the COW a bag that she thoroughly enjoys utilizing over and over again. She hopes that Batavia passes this.

The general consensus of the Committee was in favor of staff moving forward on this process.

## **22. Project Status**

Newman reported on the following:

- There is a new City Planner start on September 8<sup>th</sup>, Zach Ewoldt
- Construction has started on the Culver's restaurant on Randall Road
- The road between Wilson and McKee has been completed
- 126 South Mallory will be remodeled into a furniture showroom and warehouse
- Plan Commission will meet on September 21<sup>st</sup> will review a truck trailer storage and maintenance facility at 1001 North Raddant

## **23. Other**

None.

## **24. Executive Session: Possible Litigation**

**Motion:** To enter into Executive Session for possible litigation

**Maker:** Cerone

**Second:** Solfa

**Roll Call Vote:** **Aye:** Cerone, Vogelsinger, Wolff, Miller, Ajazi, Beck, Chanzit, Solfa, Baerren, Leman

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

The Committee entered Executive Session at 9:22pm and exited at 9:44pm.

## **25. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:44pm; Made by; Seconded by. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary