

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**March 18, 2019, 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. Russotto led the Pledge of Allegiance.

**3. ROLL CALL**

**13 of 14 aldermen were present.**

Aldermen (by ward): Michael O'Brien (1), Scott Salvati (1), Alan Wolff (2), Elliot Meitzler (3), Dan Chanzit (3), Anthony Malay (4), Susan Stark (4), Mark Uher (5), Lucy Thelin Atac (5), Nicholas Cerone (6), Michael Russotto (6), Drew McFadden (7) and David Brown (7) were present. Martin Callahan (2) was absent.

Also present were BATV and members of the press, public and the following:

City Attorney	Roman Seckel
City Clerk	Ellen Posledni
City Administrator	Laura Newman
Fire Chief	Randy Deicke
Police Chief	Dan Eul
Finance Director	Peggy Colby
Community Development Director	Scott Buening
Public Works Director	Gary Holm
Human Resources Director	Wendy Bednarek

**4. REMINDER: Please speak into the microphone for BATV recording**

Mayor Schielke reminded all in attendance to use the microphones.

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

None.

**6. OATH OF OFFICE: Oath of office for Officer David E. Saad and Officer Jose Barrera**  
Chief Eul presented the officers to be sworn in.

David Saad is a graduate of College of DuPage and West Aurora High School with previous law enforcement experience. Jose Barrera graduated from the Chicago Police Academy in 2018 and is a former middle school PE teacher, and also has prior law enforcement experience.

Mayor Schielke administered the oath to each new officer.

**7. CONSENT AGENDA**

Ald. Atac read the Consent Agenda as follows:

**Accept and Place on File:**

- A. Historic Preservation Commission Minutes for February 25, 2019
- B. Committee of the Whole Minutes for February 19, 2019
- C. Building Reports February 2019

**Approvals:**

- A. March 8, 2019 Payroll \$883,932.33
- B. Accounts Payable Check Register \$3,412,883.51
- C. City Council Minutes for March 4, 2019
- D. **ORDINANCE 19-13:** Amending the Zoning Code Table 2.403: Land Use Regulations Downtown Mixed Use District, Darren Enger, applicant (JLS 2/26/19 COW 3/5/19 12/0) CDC
- E. **RESOLUTION 19-029-R:** Approval of 2019 Zoning Map (SCB 2/27/19 COW 3/12/19 12/0) CD
- F. **ORDINANCE 19-17:** Annex 705-723 Pine Street (SCB 3/4/19 COW 3/12/19 12/0) CD
- G. **ORDINANCE 19-18:** Annex 34W144 Giese Road (SCB 3/4/19 COW 3/12/19 12/0) CD
- H. **ORDINANCE 19-19:** Annex 514 Roberts Lane (SCB 3/4/19 COW 3/12/19 12/0) CD
- I. **RESOLUTION 19-028-R:** Authorizing Execution of a Master Services Agreement with Bollinger Lach for Phase III Engineering Services (TG 3/6/19 COW 3/12/19 12/0) CS
- J. **RESOLUTION 19-031-R:** Authorizing Execution of a Contract with Schroeder and Schroeder, of Skokie, Illinois, for the 2019 Sidewalk and Curb Replacement Program in the amount NTE \$125,000.00 (CCB 3/8/19) CS
- K. **RESOLUTION 19-023-R:** Authorizing purchase of Water Meters (JPB 3/4/2019 COW 3/12/19 12/0) PU

**Motion by Ald. Atac, seconded by Ald. Stark, to approve the Consent Agenda as presented. Motion carried 13 yea/ 0 nay/ 1 absent.**

Ald. Wolff noted that a map of the sidewalk replacement plan is available on the city's website.

**8. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)**

None.

**9. PRESENTATION: Post Prom check from Mayor Schielke and Chief Eul**

Chief Eul and Mayor Schielke presented a check for \$3,000 to representatives of the Batavia High School Post-Prom Committee. Co-chair Amy Nelson thanked the city on behalf of the students, staff and parents.

Mayor Schielke thanked the committee for hosting this event every year and said he is very proud of Batavia for it. Years ago, the city decided that fines collected during compliance checks from establishments with liquor licenses should be dedicated to causes surrounding drug and alcohol abuse and education in Batavia. This event is a good fit for that purpose.

Prom is May 4 this year.

#### **10. PROCLAMATION: Clark Family (Laura Newman)**

Mayor Schielke introduced the proclamation in honor of the Clark family, which has been a backbone of Batavia for several generations. The family, which owned Avenue Motors Chevrolet originally on Batavia Avenue, was among the original developers along Randall Road in 1988.

Ald. Atac read the proclamation declaring April 2019 to be Clark Family Month in Batavia.

**Motion by Ald. Atac, seconded by Ald. Stark, to approve the proclamation as presented.  
Motion carried 13 yea/ 0 nay/ 1 absent.**

Mayor Schielke shared that in 1953, John Clark's father sold a rescue van to the Batavia Fire Department at a low cost in order for Fire Chief Bud Richter to be able to operate a rescue squad in Batavia. Funds were raised from citizens for the necessary equipment for the van, which was ultimately put into operation without any taxpayer funds being spent.

The dealership also donated a car to Batavia High School for the driver education program there, and hundreds of students, including Mayor Schielke, learned to drive using that vehicle.

John Clark thanked the Council for the proclamation. He said the family's philosophy has always been to treat customers well and give back to the community. This philosophy was instilled in him from a young age, and now the sixth generation of the Clark family is growing up in Batavia.

Ald. Brown asked how many people in the room recall buying a vehicle from Avenue Chevrolet when it was still on Batavia Avenue. Several people noted they had. Mr. Clark said he found several photos of the area before the Depot Museum was located there. He said his grandfather, Roy Feece and Art Swanson were instrumental in moving the depot to its Houston Street location. They each paid \$50 for the building at the time.

#### **11. MAINSTREET**

Director Chris Faber introduced Abby Beck and Sarah Greenhagen from the WellBatavia Initiative, who gave an update on the organization, which operates on the belief in Healthy People, Healthy Place. Ms. Beck explained that infectious disease used to be rampant in cities, but now modern cities battle obesity and cardiovascular disease as the biggest killers. Ms. Beck recently completed Walking College to learn about walkability in cities.

Ms. Greenhagen shared that their organization received a grant from Active Transportation Alliance to research how people in Batavia travel downtown. Chalkboards in downtown establishments enabled visitors to mark how they got there that day – walking, biking or other. She shared results of this research, which was also presented to a panel of Batavia businesses and other interested parties at an event on March 7.

At this event, participants also had the opportunity to brainstorm ways to improve downtown design to encourage more downtown visitors. Three final designs were shared focusing on a specific area of downtown. Features included wide bike lanes, one wide sidewalk on one side of the street, and parklets. Ms. Beck noted that business groups eliminated on-street parking and turn lanes to make these improvements possible. The next step is to share these mock-ups with downtown businesses that did not participate in the March 7 event to get their feedback.

The Well Batavia Expo will be June 1, the opening day of the Farmers' Market, from 8 am to 1 pm. Details can be found at [wellbatavia.com](http://wellbatavia.com).

Mayor Schielke shared that he was impressed with the efforts of the group, the ideas presented and the willingness of the volunteers to devote time to this initiative.

Ald. Brown noted that it took a lot of enthusiasm and determination to transform River Street and Houston Street into the inviting areas they are today, and he encouraged the group to continue their efforts and vision.

Ald. O'Brien said he was a proponent of shared streets and embraces the vision presented. He thanked the group and noted that the River Street woonerf concept should be expanded to more downtown areas.

**12. ORDINANCE 19-20: Annex 505 Pine Street (SCB 3/4/19 COW 3/12/19 12/0) CD**

Ald. Brown introduced the item relating to an unincorporated island in the city that staff proposed for annexation. Items on the consent agenda are there because the property owners consented. Those on the regular agenda are to be considered for annexation regardless of the property owners' willingness to annex. This property owner did subsequently agree to annex. This property is already on city utilities.

**Motion by Ald. Brown, seconded by Ald. Meitzler, to approve the ordinance as presented.  
Motion carried 13 yea/ 0 nay/ 1 absent.**

**13. ORDINANCE 19-21: Annex 36W283 McKee Street (SCB 3/4/19 COW 3/12/19 12/0) CD**

This property is not on city utilities, and the property owner did not respond to the city's request for their voluntary annexation.

**Motion by Ald. Brown, seconded by Ald. Malay, to approve the ordinance as presented.  
Motion carried 13 yea/ 0 nay/ 1 absent.**

**14. ORDINANCE 19-06: Authorizing the Execution of an Annexation Agreement, Winding Creek, 2500 and 37W330 McKee Street, M/I Homes of Chicago, LLC, applicant (JLS 3/14/19 COW 2/26/19 13/0) CDC**

Ald. Brown introduced the item related to the Winding Creek development. A public hearing was held and no comments were made. Plan Commission has completed its review and recommendations. A few adjustments were made to the item after the Committee of the Whole: the phrase referring to amending the comprehensive plan was removed; the addition of “future street improvement” signs at the end of streets; language regarding city staff reviewing building permits within 30 days, when possible; and language addressing city fees in the future. The development will include townhouses with first floor master bedrooms and some single-family homes. A park will be part of Geneva Park District.

**Motion by Ald. Brown, seconded by Ald. Russotto, to approve the ordinance as presented. Motion carried 13 yea/ 0 nay/ 1 absent.**

Mayor Schielke noted the total number of units in this development is 201 (133 single-family and 88 townhouses). Combined with the 242 approved at Wind Energy and Kirk Road, that’s 443 new living units to be built in Batavia with new design options, including first floor bedrooms. He said he is pleased to bring these options to Batavia at attractive price points. Older people are moving to town because they want to live close to their children and grandchildren.

Ald. Brown noted that the approval of this development make the redevelopment of the Sam’s Club property even more attractive.

**15. ORDINANCE 19-14: Approving a Conditional Use Permit for a Motor Vehicle Sales and Leasing, New & Used – Internet Based Establishment in the DMU Downtown Mixed Use District at 321 East Wilson Street, Darren Enger, applicant (JLS 2/26/19 COW 3/5/19 12/0)**

Ald. Brown introduced the item relating to a new type of vehicle sales business model. Similar items have been passed at previous meetings. This business would bring additional retail tax dollars to town. The owner will not have any vehicles on the property; it is strictly internet-based.

Ald. Wolff noted this is a great additional use for a downtown business that does not require more parking but brings in additional tax revenue.

Mr. Enger said he appreciated everyone’s time, energy and support. Mayor Schielke said he was pleased Mr. Enger has chosen Batavia for his business. Mr. Enger noted his website is [fuzzydicemotors.com](http://fuzzydicemotors.com).

**Motion by Ald. Brown, seconded by Ald. Wolff, to approve the ordinance as presented. Motion carried 13 yea/ 0 nay/ 1 absent.**

**16. Raising Cane's, 1998 McKee Street, Batavia McKee, LLC, applicant  
(JLS 2/28/19 COW 3/5/19 12/0) CDC**

Ald. Brown introduced the three items related to the redevelopment of the Avenue Chevrolet property on Randall Road, which will include a new restaurant. He noted the proposal was very strong after the developer worked closely with city staff and the Plan Commission and made requested adjustments. This will be a four-lot subdivision, with the restaurant one of the four lots. The restaurant wants to be up and running by the end of the year.

**a. ORDINANCE 19-15: Amending the Zoning Map-Planned Development Overlay**

**Motion by Ald. Brown, seconded by Ald. Malay, to approve the ordinance as presented. Motion carried 12 yea/ 0 nay/ 1 absent. Ald. O'Brien abstained due to his existing professional relationship with the developer on a different project.**

**b. ORDINANCE 19-16: Conditional Use Permit for a Drive-Through Restaurant**

**Motion by Ald. Brown, seconded by Ald. Meitzler, to approve the ordinance as presented. Motion carried 12 yea/ 0 nay/ 1 absent. Ald. O'Brien abstained due to his existing professional relationship with the developer on a different project.**

**c. RESOLUTION 19-027-R: Preliminary/Final Plat of Raising Cane's Subdivision**

**Motion by Ald. Brown, seconded by Ald. Russotto, to approve the ordinance as presented. Motion carried 12 yea/ 0 nay/ 1 absent. Ald. O'Brien abstained due to his existing professional relationship with the developer on a different project.**

John from Kensington, the developer, introduced Olivia, development director for Raising Cane's across Illinois. She noted they are actively involved in their communities, looking to hiring within the community, including high school students. She said the company sells chicken fingers, and was started in Baton Rouge, Louisiana. This is one of six Raising Cane's in Illinois. Mayor Schielke shared that he was recently asked by many surrounding mayors how Batavia attracted a Raising Cane's. Ald. Chanzit noted that this restaurant would be across the street from another chicken restaurant and asked what would make this one different. Olivia said the chicken is fresh, never frozen, and hand-battered when it's ordered.

**17. RESOLUTION 19-030-R: Authorizing Approval of the City of Batavia New Sidewalk Policy "100 Year Plan" (CCB 3/5/19 COW 3/12/19 12/0) CS**

Ald. Wolff explained that for FY19, \$100,000 was budget for new sidewalks, adding new sidewalks to areas where none currently exist. At that budgetary level, it would take about 100 years to add all of the missing sidewalks. He said the city has been trying since about 2000 to work with Safe Routes to School to identify the areas of highest need, and the current plan was prepared with that in mind. It is higher priority to have at least one continuous sidewalk along one side of the street as opposed to full sidewalks on both sides of the street so there is at least a safe pathway along every block. At budget time each year, the same process will be repeated, trying to fill in the gaps on the map. He noted that the more sidewalk we have, the more people can walk rather than drive their children to school, which would relieve some traffic congestion

around school drop-off and pick-up. He stressed the importance of funding this initiative every year.

Ald. Atac said she agreed with everything Ald. Wolff said, and added that there is a direct link between walkability and property values. She said for the past 6 to 8 years, the sidewalk program has not been a priority in the budget, but that aldermen should remember that walkability could improve EAV and thus increase property tax revenue.

Mayor Schielke said he was proud of the staff for their work on this issue. He added that it indicates the importance the city places on sidewalks, and that new developers should expect to be required to include sidewalks in their building plans. There are some long-time citizens who do not want sidewalks built in front of their homes.

**Motion by Ald. Wolff, seconded by Ald. Stark, to approve the resolution as presented.  
Motion passed 13 yea / 0 nay / 1 absent.**

**18. RESOLUTION 19-032-R: Authorizing execution of the IDOT Engineering Services Agreement and the Resolution to appropriate Motor Fuel Tax (MFT) Funds for design engineering services for Prairie Street Improvements Project (Pine Street to Wilson Street) in the amount of \$300,000 (TG 3/5/19) CS**

Ald. Wolff introduced the item related to designating MFT funds for use in the rebuilding of Prairie Street. He said there are many steps that need to be taken per IDOT in order to get the Prairie Street project off the ground, and this is one of them. Mayor Schielke noted that to get IDOT funds, this project needs to be started by October 2020.

**Motion by Ald. Wolff, seconded by Ald. Meitzler, to approve the resolution as presented.  
Motion passed 13 yea / 0 nay / 1 absent.**

**19. RESOLUTION 19-037-R: Approval of Voluntary Separation Agreement between the City of Batavia and Christopher Cudworth (WB/LN 3/18/19) GS**

Administrator Newman introduced the item that would provide 30 days' pay to the former Communications Coordinator in exchange for a release of any claims against the city.

**Motion by Ald. Uher, seconded by Ald. Salvati, to approve the resolution as presented.  
Motion passed 13 yea / 0 nay / 1 absent.**

**20. ADMINISTRATOR'S REPORT**

Administrator Newman reported that Human Resources has been busy, with a number of open positions, including Communications Coordinator, Engineering Intern, IS Technician, Manager of Electrical Operations, Metering, Streets Crew Leader, Maintenance Worker and Receptionist. Jobs are posted on the city's website.

Also on the city's website is a map of all of the sidewalks that will be worked on this year. Many city maps are on the website that are interesting and may be helpful to residents, including maps of construction projects.

Administrator Newman also reported:

- Batavia MainStreet Restaurant Madness is this week. Coupons were mailed to homes, or can be printed out at the MainStreet website.
- Early voting continues this week and next, 9 am to 3 pm at City Hall.
- Prior to the COW last week, city staff met with residents who have property adjacent to Mahoney Creek. They discussed maintenance and visions for the area. Staff will present residents with a summary of the discussion and next steps.
- This week you can still put out yard waste with no sticker.
- Tomorrow at the COW, Batavia Fire Department, Batavia Police Department and Human Resources will share their annual reports.
- The Winding Creek Comprehensive Plan has been approved. The developer now has nine months to close on the property.
- Work continues on the Windmill Landings site on Hawks Drive, another senior living community.
- Work is underway on spec buildings on Nagel Blvd.
- MetroNet continues to apply for permits across the city. Three underground and one overhead permit are in active review right now.
- Staff has received plans for replatting of the Wilson-Spuhler parcel, which was sold to Habitat Humanity. The organization plans to build four units there.
- Work continues on the Funway project. A lot has been added, and they anticipate finishing around Memorial Day.
- Work continues on a variety of new restaurants. Bocadito's at 109 E. Wilson, Oak and Swine at 107 E. Wilson and Riverside Pizza at 142 W. Wilson.
- The bidder for 2150 Main Street has withdrawn their bid, so the property is no longer under contract. The future of the property will be discussed at an upcoming COW meeting.
- Special Olympics spring games are Sunday, May 5, 8 am to 5 pm at Marmion Academy.
- Cop on a Rooftop fundraiser is on Friday, May 17, 5 am to 10 pm at all Dunkin' Donuts locations. That supports Special Olympics summer games, which are June 7 to June 9 at Normal West High School.

## **21. COMMITTEE REPORTS**

Ald. Brown shared that tomorrow's COW starts at 7 pm, Plan Commission meeting is cancelled, and Historic Preservation meets next Monday at 5:30 pm. The next COW will include a discussion of three more properties to be annexed and the Barkei Farms SSA.

Ald. Wolff shared that the next COW would also include a discussion of an upcoming truck purchase and a variance on S. River Street for an above-ground fuel tank.

Ald. O'Brien said the March 26 COW would include discussion of Task Order 15 with Engineering Enterprises. Tomorrow's COW will include an update on the wastewater treatment plant project.

## **22. OTHER BUSINESS**

Ald. Chanzit shared that he is more optimistic about the state's future after the recent trip to Springfield, saying it was the best trip there he's made. However, funding remains a problem, with \$24 billion in road projects having only \$2 billion in funding. The state has \$8 billion in unpaid bills. Legalizing marijuana is estimated to bring in only \$200 million, and a progressive income tax is expected to generate an additional \$3 billion. But he is optimistic. IDNR and IDOT are under new leadership and are open to discussing new projects.

Ald. Meitzler noted he is not as optimistic as Ald. Chanzit, but agreed it was better than in past years, with 30 percent of legislators new to Springfield. There was a lot of discussion about capital expenses, but no funding. The state is woefully unfunded, and is in for rough times to get out of the mess it is in.

Ald. Uher added that the head of IDOT was surprised there were different rules for different districts and surprised that Batavia was not allowed to have the HAWK system. He also asked that another alderman join him to add a discussion about video gaming to an upcoming COW agenda. He'd like to explore putting a moratorium on video gaming. Ald. Malay agreed to join him in that request.

## **23. MAYOR'S REPORT**

Mayor Schielke shared that Ron Dakan, who was a lineman for the city for 25 years, has passed away. He was very dedicated and while he always did things his way, he always did them the right way. He was not afraid to climb poles in the worst weather. He was on staff in 1967 when Batavia High School was hit by a tornado. He served the city well.

Mayor Schielke is a representative for the Chicago Metropolitan Agency for Planning on the Policy Committee, which approves federal legislation regarding alterations to routes, funding, etc. Thursday the committee was presented with a plan for South Lake Shore Drive in Chicago. Jackson Park, which is south of the museums, was the site of the World's Fair. The government has chosen it as the site of Barack Obama's Presidential Library. It could be a \$200 million project in an area in need of restoration. However, Save the Parks in Chicago doesn't want any changes made to Jackson Park. Mayor Schielke noted that his great-grandfather, who lived at 203 North Washington Street, was a pharmacist and had participated in the World's Fair, so he was tasked with making the motion to reroute South Lake Shore Drive through Jackson Park. The move would then call for Jackson Park to be rebuilt along Lake Michigan, and for the library to be built in the proposed location.

On Friday, Mayor Schielke participated in the groundbreaking on the new accelerator at Fermilab. Governor Pritzker, both U.S. senators and some state legislators were also in attendance. Five countries are contributing funds to the project, which will cost about \$1 billion and be very positive for Batavia, adding 40 to 50 years of life to Fermilab. The accelerator will make possible a new realm of research that has never been conducted. Mayor Schielke added that MRI technology was first developed at Fermilab. In 50 years of operation, there are very few negative things that can be said about Fermilab. They have been good stewards of the land with their nature restoration, and new restaurants are popping up that want to serve the influx of visitors to Fermilab.

**24. ADJOURNMENT**

**Motion by Ald. Brown, seconded by Ald. Meitzler, to adjourn the meeting. Motion carried by voice vote.**

The City Council meeting adjourned at 9:08 pm.

*Minutes prepared and submitted by Ellen Posledni, City Clerk, April 9, 2019.*