

**MINUTES**  
**March 29, 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, Russotto, Beck, Connelly, Solfa (remote), Leman, Uher, Cerone and Vogelsinger (remote)

**Members Absent:** Ald. Chanzit, Baerren, Ajazi, Malay

**Also Present:** Mayor Schielke; Laura Newman, City Administrator; Scott Buening, Director of Community and Economic Development (remote); Rahat Bari, City Engineer; Joel Strassman, Planning and Zoning Officer (remote); Shannon Jarmusz, Economic Development Manager (remote); Wendy Bednarek, Director of Human Resources; Anthony Isom, Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary (remote)

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

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

None.

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

None.

**5. Presentation: Progress Update Water Treatment Plant**

Emily Conti presented a PowerPoint presentation for the progress of the Wastewater Treatment Plant that included the following information:

- Project Scope
- Proposed Site Plan
- Backwash Storage Tank
- Water Treatment Plant #2
- Well #11 Rehab/Well #10 Rehab
- High Service Pump Rehab
- Dualator #2 Rehab
- Next Steps
  - Next Month's Forecast
  - Anticipated Construction Schedule

**6. Ordinance 22-17: Proposing the Establishment of an Amendment to Special Service Area Number 58 (SCB 3/14/22) CD**

Buening discussed the memo with the Committee of the Whole (COW).

**Motion:** To recommend approval of Ordinance 22-17: Proposing the Establishment of an Amendment to Special Service Area Number 58

**Maker:** Wolff

**Second:** Miller

**Roll Call Vote:** **Aye:** Wolff, Leman, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Solfa

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

*Ald. Uher exited the meeting at 7:13pm*

**7. Ordinance 22-19: Granting a Variance for a Side Setback for a Deck, 416 N. Batavia Ave., Sue Wohld, Applicant (JS 3/24/22) CD**

Strassman summarized the memo with the Committee. Committee action on the ordinance this evening would allow for final City Council action on April 4<sup>th</sup>. Staff recommends approval of Ordinance 22-19 as presented. The City Council granting of a variance for a setback different from the Zoning Board's recommended six feet would require City Council to arrive at alternate findings, different from what is in the ordinance, and would require a 2/3 vote from City Council for approval if there is a change to the ordinance.

The Committee discussed the memo. Leman pointed out that at the end of the memo there are four different letters from neighbors expressing they are okay with the deck as it is including the neighbor who expressed concerns but is in support of the variance. Chair Wolff opened the floor for public comment.

Sue Wohld, applicant, addressed the Committee. She stated by changing the variance to a six foot she would have to tear down the deck to rebuild it. She did have conversations with her neighbor, James Cardis, and if you wanted to speak with him first that is fine with her.

James Cardis, neighbor, addressed the COW. Cardis clarified that his letter is in support of the variance at 3ft, not at 6ft as voted on by the Zoning Board of Appeals. Cardis stated he would prefer that they be allowed to keep the deck as is. It is built and is neither here nor there at this point. The six-foot compromise would require them to tear it down and rebuild it. It would create a hardship on them that he would prefer they don't have to be subjected to.

Sue Wohld explained to the COW why she did not pursue a permit. She stated that she didn't think she needed one because it was an extension but she really should have known better. She has been rehabbing the house and obtained several different permits on different things in the house. She actually obtained a permit that she did not need after all. All she can say is this is on here. She thought that the setback was three foot since her deck was at that and Downers Grove recommends three foot. When she found out the setback was twelve feet she was horrified. To

build the deck in the way she needed it to be built to minimize the stairs and have it lowered and create extra light in the windows and create privacy screening between her house and the neighbors house, the deck needs to be pulled away from the house. In order to stay within the twelve-foot setback it would have to be attached to the house. There is a big, glorious two hundred year old oak tree that is in the way. She applied for the variance, not only because it was already built, but she truly believes it was the only way to build it. She shared that she had a very stressful year the year she built the deck with her husband nearly dying and trying to find people to work during COVID. When the opportunity arose to build she jumped on it and built the deck and that was her bad and she is here now trying to fix it.

The COW discussed the variance of six feet versus three feet. Strassman stated that if the COW feels these findings can be met based on a three-foot setback for the deck extension then Strassman suggested including a statement to that affect in the motion. The ordinance would then be amended to include COW findings based on a three-foot deck setback. Strassman noted that a 2/3 majority would require ten positive votes at the Council level.

**Motion:** To recommend approval of Ordinance 22-19: Granting a Variance for a Side Setback for a Deck, 416 N. Batavia Ave., Sue Wohld, Applicant with the change from the Zoning Board recommendations of a six foot setback to a three foot setback

**Maker:** Wolff

**Second:** Leman

**Roll Call Vote:** **Aye:** Wolff, Leman, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Solfa

**Nay:**

9-0 Vote, 5 Absent, Motion carried.

*Ald. Uher returned to the meeting at 7:44pm*

**8. Ordinance 22-18: Amending the Zoning Code City Code Title 10 Chapter 2.1 Regarding Garage Setbacks, City of Batavia, Applicant and Chapter 4.4 Regarding Electronic Changeable Message Signs, Aurora Sign Co., Applicant (JS 3/24/22) CD**

Strassman reviewed the memo with the COW. The COW discussed the garage setback and the electronic changeable message signs. Buening discussed the basis for the thirty seconds on the electronic changeable message signs is to essentially allow for one message to be seen by one driver ask you are passing by the signs. The idea is to reduce any distraction. Uher stated that he does not like electronic changeable message signs at all but he is okay with having them in the Industrial District. He is not okay with them being in the Commercial District. Uher suggested separating the two. He is okay with approving the garage setback portion but not the signs as it is written. The Committee discussed creating standards for maintenance. Chair Wolff opened the floor for public comment.

Michelle Forsys, Aurora Sign Company, addressed the COW. She shared that they were presenting this application on behalf of a client that is a light industrial area who was seeking a sign for similar usage. While they are not advertising to the general public they are advertising business to business. This client is a trucking company where their customers are the other

industrial businesses that would need transportation, storage or towing and that is the service that they provide. It would be erroneous to say that just because they are not advertising to the general public that they should have a smaller sign. That is why they had asked for the equivalency of the 50% just as the commercial locations have.

Forys stated that she asked at the zoning meeting the request to change the duration of the hold time for the messages. She shared that St. Charles has a 15 second hold time, Elgin is 10 seconds, South Elgin is 10 seconds, Warrenville is 10 seconds, Wheaton is 4 seconds, and the City of Chicago (inclusive of the billboards on 294 and 290) is 10 seconds. We did find that 10 seconds would be a little bit short and 15 seconds would be an immediate answer. Because they do this work in other communities we do feel that the one minute hold time was a bit extreme and that is why she brought this up at the zoning meeting.

The COW discussed the sign illumination, what other communities are doing, properties that would qualify, making some signage conditional, prohibition of the signs within a certain number of feet from a residential property, separate out light industrial from the industrial, and time change. Several COW members voiced approval of a fifteen second time frame. Uher stated that he finds those signs garish and finds them to be distracting. After Committee discussion, only the garage setback portion of the Ordinance was moved forward to Council. Buening stated that staff would work on the electronic changeable message sign language to potentially bring forward to Monday's City Council meeting for Council review.

**Motion:** To recommend to Council approval of Ordinance 22-18: Amending the Zoning Code City Code Title 10 Chapter 2.1 Regarding Garage Setbacks, City of Batavia, Applicant and removing Chapter 4.4 Regarding Electronic Changeable Message Signs

**Maker:** Wolff

**Second:** Uher

**Roll Call Vote:** **Aye:** Wolff, Leman, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Solfa

**Nay:**

10-0 Vote, 4 Absent, Motion carried.

*Ald. Beck exited the meeting at 8:36pm*

**9. Resolution 22-047-R: Approval for a Sign Grant, Façade Grant and Downtown Improvement Grant for Sturdy Shelter Brewing, 10 S. Shumway (SJ 3/24/22) CD**

Jarmusz reviewed the memo with the COW. She concluded the three programs combined would offer up to \$31,000 in grant assistance and this would all be verified at the time the work is completed and final receipts are paid. Staff recommends approval of the three grants.

Frank Mercadante addressed the COW. He expressed that he is excited about this possibility and hopes to open in the summer. He discussed his independent craft brewery business with the COW.

**Motion:** To recommend approval of Resolution 22-047-R: Approval for a Sign Grant, Façade Grant and Downtown Improvement Grant for Sturdy Shelter Brewing, 10 S. Shumway  
**Maker:** Wolff  
**Second:** Connelly  
**Roll Call Vote:** **Aye:** Wolff, Leman, Uher, Cerone, Vogelsinger, Miller, Russotto, Connelly, Solfa  
**Nay:**  
9-0 Vote, 5 Absent, Motion carried.

*Ald. Beck returned to the meeting at 8:51pm*

### **10. Project Status**

Newman reported on the following:

- Newman spoke with the Secretary of Transportation regarding the removal of the crosswalk on Route 31 and the road diet.
- The Plan Commission would be considering a conditional use and Design Review for Mocha Coffee who is hoping to open their second location in Batavia on Independence Drive.
- Restaurant Madness ended on March 24<sup>th</sup>.
- Crews have begun preparation to close North River Street for the outdoor dining season. The tables will be arranged the same as they were in 2021.
- MainStreet has provided the City with artwork for a new banner that will be installed on the arch to let people know that the businesses and restaurants are open.
- IDOT has responded about the permanent one-way on North River Street. They have issued several new comments related to the traffic signals that were not included in the initial review. They are now requiring that all pedestrian crossings at the intersection be retrofitted with audible controls. Engineering is reviewing what needs to be done with IDOTs new comments.

### **11. Other**

Strassman announced that there would be another ordinance regarding developer Pulte Homes for Council consideration and possible adoption on Monday. Chair Wolff asked that any questions be directed to Joel Strassman.

### **12. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:03pm; Made by Uher; Seconded by Cerone. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary