

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
May 20, 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 7:31 p.m.

2. INVOCATION followed by PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

12 of 14 aldermen were present; 1 of 14 aldermen attended by phone.

Aldermen (by ward): Michael O'Brien (1), Scott Salvati (1), Martin Callahan (2), Alan Wolff (2), Elliot Meitzler (3), Dan Chanzit (3), Mark Uher (5), Abby Beck (5), Nicholas Cerone (6), Michael Russotto (6), Drew McFadden (7) and Keenan Miller (7) were present. Joe Knopp (4) attended by phone. Ald. Malay (4) 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
Public Works Director	Gary Holm
Human Resources Director	Wendy Bednarek
Community Development Director	Scott Buening
Communications Coordinator	Griffin Price

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

At the request of Mayor Schielke, Ald. McFadden requested the Mayor's Report be split in the agenda, with an additional Mayor's Report added as 6a on the agenda in order for the Mayor to read a special proclamation for National Gun Violence Awareness Day on June 7.

**Motion by Ald. McFadden, seconded by Ald. Cerone, to amend the agenda as described.
Motion carried 13 yea/ 0 nay/ 1 absent.**

6. CONSENT AGENDA

Ald. McFadden read the Consent Agenda as follows:

Accept and Place on File:

- A. January, February and March 2019 City Council Reports (LP 04/30/19 COW 5/07/19 12/0)
- B. Building Reports April 2019

Approvals:

- C. May 17, 2019 Payroll \$863,954.58
- D. Accounts Payable Check Register \$3,305,212.91
- E. City Council Minutes for May 6, 2019
- F. Class B-1 (Package Sales) Liquor License Application for Chicago Tavern Group, Batavia LLC., d/b/a Crown Liquor - 135 First Street (DE 5/09/19 COW 5/14/19 13/0) CS

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

6a. MAYOR'S REPORT

Mayor Schielke noted that many mayors around the Chicago area are reading a proclamation declaring June 7 National Gun Violence Awareness Day. This is the fifth annual observance, held on the first Friday in June. Supporters are encouraged to wear orange to promote awareness, which symbolizes the orange color that hunters wear for safety during hunting season. The Mayor read the proclamation, which he then presented to two representatives of Kane-Kendall Moms Demand Action. The representatives thanked the city for their support of this event.

Ald. Chanzit requested the opportunity to take a vote in support of the proclamation.

**Motion by Ald. Chanzit, seconded by Ald. McFadden, to approve the proclamation as read.
Motion carried 13 yea/ 0 nay/ 1 absent.**

7. APPOINTMENT: Paid-On-Call Recruits Sean Adams, Jared Beckman, Tyler Hoffman, Craig Lottie And Brendan Sullivan (RD 5-15-19) CS

Chief Deicke introduced the five new recruits. Mayor Schielke administered the oaths of office to all five.

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

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

None.

9. MAINSTREET

MainStreet director Chris Faber said June 1 is the kickoff of the 24th annual outdoor farmers market in Batavia. Also that day will be the WellBatavia Expo and the Race to Market 5K. A few thousand attendees are expected. This year, 35 weekly vendors will participate in the market with 20 monthly vendors for the Artisan Collective. Registration is open for the 5K, and participants will get a reusable shopping bag and \$5 farmers market coupon in lieu of a T-shirt. Sarah Greenhagen is heading up the WellBatavia Expo, which will feature local environmental and health experts and activists. More information is at wellbatavia.com.

MainStreet recently participated in a meeting on wayfinding with city officials and other interested parties.

Cocktails in the Park tickets went on sale last week. The event is July 20. Ticket packages are being offered that combine the Cocktails in the Park and Batavia Dinner Table tickets together. Other options include buying a picnic table with wait staff for the event. The Dinner Table event is August 4.

Cathy McNally will be leaving MainStreet, and three new part-time employees will be joining the staff.

Volunteers are needed for upcoming events – email info@downtownbatavia.com if interested.

10. PRESENTATION: Batavia Water Voted Best Tasting In Illinois (Jeremy Barkei)

Mr. Barkei announced that Batavia's water was named the best-tasting in Illinois. The contest started in December 2018 with a countywide contest, in which Batavia tied with Geneva. The cities then advanced to the statewide competition held during the March 2019 ISAWWA Conference in Springfield.

Jennifer Barliss, who chaired the competition, addressed the Council. She noted there were six contestants at the state level – Rockford, Batavia, Geneva, Park Forest, Champaign County - Mattis Water Treatment Plant, Moline (returning champs) and Central Lake County Joint Action Water Agency. She explained the process for the competition and said each state winner advances to the National Conference to be held in Denver in June. Ms. Barliss congratulated the city on the hard work it does to ensure safe and accessible water to its residents. She presented a trophy (engraved mug) and certificate to the water utility staff in attendance.

Mayor Schielke noted that he used to get complaints about the water, but the last few years, he has been fielding compliments about how good it tastes.

11. PROCLAMATION: National Public Works Week (Gary Holm 4/26/19)

Ald. McFadden read the proclamation to be presented to Public Works Director Gary Holm for National Public Works Week. Director Holm thanked the Council and acknowledged Mr. Barkei and the Water Department for doing such a great job producing safe, clean water for Batavia. Tomorrow at Batavia Public Library will be Truck Tales, including giveaways and storytime with Public Works staff. The event is at 10 am and geared toward preschool-aged children.

Motion by Ald. McFadden, seconded by Ald. Meitzler, to approve the proclamation as read. Motion carried 13 yea/ 0 nay/ 1 absent.

**12. ORDINANCE 19-28: Amending The Text Of The Zoning Code (DMR 5/09/19)
(Continued From 4/9/19 COW – COW 4/23/19 10/1 – COW 5/14/19 12/2) CD**

Ald. Wolff introduced the item, which deals with a zoning code amendment regarding accessory structure regulation that has been a topic of discussion in recent COW meetings. The item was amended at the May 14 COW to say that no more than 10% of a lot could be an accessory structure. It also bans the use of shipping containers as structures.

Ald. Uher expressed concern that 10% may not be enough for some small lots. Those with detached garages may already be close to 10%. Ald. Wolff agreed it could be difficult for those who have small lots, and on the other hand, it may not be restrictive enough for those with large lots.

Ald. Callahan said the St. Charles code is closer to Batavia than the North Aurora code. He said he is still reluctant and not sure the city has really identified the issue trying to be corrected. He wondered what the code change is trying to accomplish, and said it would be easier to support this if it was similar to surrounding towns.

Ald. Chanzit noted that staff did say they are getting complaints. Director Buening concurred, saying complaints are coming in about the size of accessory structures. He also clarified that St. Charles code is 30% of the yard, not the entire lot. Ald. Wolff noted that he could put an entire house on his lot and not be within 10%.

Ald. Chanzit wondered if 10% is so restrictive that it would trigger an inundation of variance requests. Director Buening said he did not think it would. Ald. Chanzit suggested those requests be fast-tracked.

Ald. Uher said without an inventory of what is already on existing properties, they don't know what problems this code change might cause. Ald. Callahan agreed, saying without any empirical data, they can't make an educated decision. Ald. Chanzit said he would not object to sending the item back to the COW again.

Ald. Russotto said the problem seemed to be the number of units on the lot, so the 10% rule doesn't address that issue. Ald. Wolff agreed the ordinance should go back to the COW for further discussion. No motion was made and no vote was taken.

13. ORDINANCE 19-39: Annexing 216, 221, 224 And 229 Whipple Avenue (SCB 5/06/19 COW 5/14/19 14/0) CD

Ald. Wolff introduced the item relating to the ongoing efforts by the city to annex islands of unincorporated property. Some of these are voluntary and some are involuntary. Typically, owners are not forced to hook up to city services as long as their existing services are functioning properly. All four of these properties are being annexed voluntarily.

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

14. ORDINANCE 19-40: Annexing 741, 749, 757 And 801 Pine Street (SCB 5/06/19 COW 5/14/19 14/0) CD

This item will annex four lots of Pine Street. Three are involuntary, and one is voluntary. The owners of 741 Pine and 749 Pine approached the podium to ask questions about the annexation. First they asked the cost of hooking up to city water. Director Buening said the fees vary but would likely be between \$7,000 and \$11,000 in city fees. The plumbing fees would be separate. They asked if hookup was mandatory, and Director Buening said hookup is not mandatory as long as they are not making substantive improvements to the property. It is up to the city and the Health Department to determine if existing systems are working properly.

One homeowner said he has been in Batavia Township since 1997 and doesn't even have a sidewalk. Director Buening said there is a sidewalk program through which the city is adding sidewalks over time to areas where they are missing.

The homeowners questioned what the benefits were of annexing. Ald. Chanzit noted that it makes the property more valuable, and while they will not be required to make any changes to their property at this time, the city does have a program to help them pay the fees over time if they do eventually connect to city services.

Mayor Schielke noted that when unincorporated property owners call 911, the Batavia Police Department is not dispatched; the Kane County Sheriff responds instead. There could be an unnecessary delay for emergency services. He did not that the Batavia Fire Department responds to all calls as part of the Fire Protection District.

Ald. Wolff noted that this move makes it easier to plan for future work. If there is a failure of services down the road, Kane County will not allow unincorporated homeowners to repair existing systems. He said it also adds to the value of the lot over time.

One homeowner noted that his neighbor never received a notice. Director Buening said at least two notices are sent, one by certified mail to confirm receipt.

Ald. Callahan said he understands they have property rights, but he noted that their neighbors also have rights as residents of the city, and they have no recourse if an unincorporated neighbor is not meeting city code. He said the city needs to have consistency.

Ald. Chanzit noted that the homeowners may not even still own their homes when the property improvements need to be made.

Ald. Callahan added that the initial numbers can be intimidating, but city staff is willing to work with homeowners to come up with solutions that will meet their needs.

Mayor Schielke noted that if their water or sewer lines break, Kane County will not allow them to repair the lines. They would be forced to hook up to city services anyway, and city residents should not be expected to pay to hook up their services for them.

Director Buening noted that just after one property recently annexed, they found a problem with their septic system, and the cost to hook up to the city sewer was less than it would have been to rebuild the septic.

One homeowner asked about the tax increase. Director Buening said about 4% is usually added to the tax bill to cover city services. He added that because of the Fire Department's ISO rating, they could get a lower homeowners' insurance rate.

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

15. ORDINANCE 19-41: Annexing 615 And 621 Pine Street (SCB 5/06/19 COW 5/14/19 14/0) CD

Ald. Wolff noted that this was another item relating to annexation. Director Buening said that half of the property is already in city limits. Both annexations are involuntary.

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

16. ORDINANCE 19-38: Grant Of Conditional Use For A Microblading/Permanent Make-Up Establishment – 3 E Wilson St Gabriel Sosa, Applicant (DMR 5/09/19 COW 5/14/19 13/0) CD

Ald. Wolff explained the item will allow the addition of a service at Urban Salon and Spa that requires a conditional use permit. This type of service is becoming more common.

Ald. Callahan said the business owner was not able to attend the meeting.

Mayor Schielke added that he has not heard any concerns or complaints about the request.

Ald. Wolff also added that one of the tattoo parlors in town recently had an art show that brought about 150 attendees into the downtown.

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

17. RESOLUTION 19-061-R: Authorizing Execution Of Certified Community Form For Exempt Properties To Be Included In June 1, 2019 Kane County Stormwater Ordinance Update (AMP 5/02/19 COW 05/07/19 12/0) GS

Ald. McFadden introduced the item. He explained that Kane County is updating a 2002 stormwater ordinance, which will be adopted in June 2019. The form would allow properties in Batavia to apply for an exemption to the new rules based on the fact that their development is already in process and compliance with the new rules would be cost-prohibitive. This form would be adopted as the standard application for exemption.

Motion by Ald. McFadden, seconded by Ald. O'Brien, to approve the resolution as presented. Motion carried 13 yea/ 0 nay/ 1 absent.

18. RESOLUTION 19-062-R: Approval Of The Agreement Between The COB And Illinois Fraternal Order Of Police, Lodge 224 For January 1, 2019 – December 31, 2019 (WB 5/20/19) GS

Human Resources Director Wendy Bednarek introduced the three-year agreement with FOP Sergeants, negotiated in good faith. Mayor Schielke noted that there was an error on the agenda, and the agreement extends through December 2021.

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

19. ORDINANCE 19-42: Amending Chapter 5 Of Title 1 Of The City Code And Appointing Standing Committee Chairmen And Vice Chairmen (LN 5/15/19) GS

Ald. McFadden explained that the item amends the code regarding how committee chairs and vice chairs are selected.

The new chairs and vice chairs are as follows:

Community Development: Chair, Callahan; Vice Chair, Cerone

Public Utilities: Chair, O'Brien; Vice chair, Salvati

Government Services: Chair, Chanzit; Vice Chair, McFadden

City Services: Chair, Wolff; Vice Chair, Russotto

Ald. Chanzit noted he would vote "present" because he is a beneficiary of the change. He suggested that the ordinance also be amended to name Wolff as Mayor Pro Temp. Attorney Seckel noted that this amendment was not necessary because the existing ordinance already states the longest-serving member is the Mayor Pro Temp.

Ald. Callahan noted that the ordinance was previously amended to remove the rule that two aldermen from the same ward could not be on the same committee. That issue became moot when the COW structure was established.

Ald. Malay joined the meeting at 9 p.m.

Motion by Ald. McFadden, seconded by Ald. Callahan, to approve the ordinance as presented. Motion carried 12 yea/ 0 nay/ 0 absent / 2 present.

20. ADMINISTRATOR'S REPORT

Administrator Newman noted a temporary certificate of occupancy has been issued for the first floor of the Flynn Street wastewater treatment plant.

The Police Department has held a candidate testing process that involved 86 applicants who attended an orientation, went through a physical abilities assessment and completed a two-hour written exam.

She thanked everyone who supported the Cop on a Rooftop event to raise money for Special Olympics, which will be held June 7-9 at Normal West High School.

She also introduced Griffin Price, the new Communications Coordinator. He worked for Lombard Park District previously and earned industry awards in the two subsequent years he worked for that organization. Mr. Price addressed the Council, noting he previously lived in Batavia for 22 years before leaving for work. He is happy to be working for city and sees opportunities to improve efficiency and provide a facelift for the city's materials, including a new logo. He has been through the rebranding process several times. He said he has reviewed previous proposals and research, and thinks those materials will be informative and provide an opportunity to make some changes that will not be costly.

Mayor Schielke welcomed Mr. Price to the staff and said the city is optimistic about the contributions he will make in his role.

21. COMMITTEE REPORTS

Ald. Wolff said the Mill Creek water shed plan will be on the COW agenda.

22. OTHER BUSINESS

None.

23. MAYOR'S REPORT

Mayor Schielke said he attended several meetings in the last week and heard many opinions about the current state government. While hearts and minds seem to be in the right place, the state is broke. He said we won't be able to count on state funds for any projects. There will be a lot of pain and suffering involved in turning this state around. Many cities are struggling financially, but Batavia is fortunately thriving and is the envy of many surrounding towns. The state continues to make small changes that are essentially unfunded mandates that cause a lot of pain for cities that have to pay for them. Mayor Schielke said he's not sure the legislators always fully understand what they're voting for. Fortunately, Batavia has a great staff and Council making the right decisions.

One concerning item is the legalization of recreational marijuana. Although he has no strong feelings about legalization, the Mayor did note that Chief Eul is concerned about people growing their own marijuana because there won't be any way to keep it away from children. Also, the

state won't gain any tax revenue from legalization if people can grow their own. He applauded the Police Department for following this issue so closely and keeping the Council informed about how this is unfolding.

Mayor Schielke also noted that there were 780 drug-related 911 calls in the tri-cities in the last year, proving that drug use is a growing problem in our area.

Chief Eul said the home grow item is the worst part of the marijuana plan because oversight would be impossible. The current legislation is also not regulating potency, noting that today's marijuana is much different than previous generations.

Ald. Wolff said that the state is so concerned about tax revenue, he doesn't believe we will ultimately have a home-grow provision. He added that there is a lot to be learned from other states that have already legalized recreational marijuana.

24. ADJOURNMENT

Motion by Ald. Wolff, seconded by Ald. Salvati, to adjourn. Motion carried by voice vote. The meeting adjourned at 9:20 pm.

Minutes prepared and submitted by Ellen Posledni, City Clerk, May 29, 2019.