

MINUTES
May 18, 2010
CITY SERVICES COMMITTEE
City of Batavia

Chair Volk called the meeting to order at 7:30pm

1. Roll Call

Members Present: Ald. Volk, Tenuta, Dietz, and Jungels

Members Absent: Ald. Liva, O'Brien, and Frydendall

Also Present: Gary Holm, Public Works Director, Jeff Albertson, Building Commissioner; Mayor Schielke (arrived at 7:40pm); Karen Young, Assistant City Engineer (arrived at 7:51pm); and Noel Basquin, City Engineer (arrived at 8:30pm)

2. Approve Minutes

There were no minutes to be approved.

3. Items Removed/Added/Changed

There were no items to be removed, added or changed.

4. Continued Discussion: Guard Rail along Wilson near Raddant (Gary Holm 4/20/10)

Holm summarized that at the April 6th committee meeting staff was directed to obtain price quotes for additional roadside barrier options along East Wilson Street. Specifically, staff was directed to obtain price quotes for wood bollards to be installed along the back side of the existing sidewalk. Holm pointed out that staff has distributed a memo with various price-points. He added that there is no money in the budget for this proposed project. Volk reported that McGrath informed him that staff does not recommend approval of a guard rail due to budgetary reasons. The City Services Committee (CSC) members discussed the type of wood used for the bollards, the necessary height needed, and the desired spacing of the proposed bollards. Pat O'Brien, 25 Cottonwood Circle, addressed the CSC. She recalled the accident for the committee. Pat O'Brien stated that the car flew three (3) feet above the ground and she believes the only reason why the car did not go farther onto her property was because there was a foot of snow on the ground. Dietz stated his preference to have the bollards taller than proposed. Holm stated that there are no engineering complications as to how long the posts would be. Volk stated that there would be a fairly large gap between the wooden bollards leaving some angles in which a car can get through. He would recommend a continuous guardrail. Michael O'Brien, 25 Cottonwood Circle, addressed the committee. He asked if the guardrail would still be an option and what is the primary halt in having this project move forward, cost or aesthetics. Volk responded that cost is an issue since it has not been budgeted for and explained how the City is managing its financial deficit.

Dietz asked if the residents would be interested in a public-private partnership. Mr. Sabora, 15 Cottonwood Circle, addressed the committee. He stated that he could not commit to a public-private partnership without considering the other two (2) households and without knowing how much it would be. Dietz stated that in a public-private partnership he could offer \$8,000 from the

City with the residents to pay the remaining balance. Dietz commented that unfortunately he is constrained by the budget and legalities but his comfort level with the City's budget is \$8,000. This money would essentially be a down payment from the City with the remaining due to the residents. Volk suggested another option to form a Special Service Area (SSA) as a way of financing the extra amount. Dietz responded that the legal fees for such an option would not be feasible.

Motion: To recommend to the City Council an expenditure not to exceed \$8,000.00 for the purpose of supplying bollards to the residents of East Wilson Street.

Maker: Dietz

Second: Jungels

CSC held a discussion on the motion. Tenuta stated that if the City were to spend money it should be used towards a product that would prevent these types of accidents in the future. The main concern is for the resident's safety. After a lengthy discussion, the committee members felt that a guardrail would provide the best continuous protection.

A subsidiary motion was made to amend the previous motion.

Motion: Amending the previous motion for expenditure not to exceed \$8,000.00 for the purpose of installing a guardrail along East Wilson Street.

Maker: Tenuta

Second: Dietz

Roll Call Vote: **Aye:** Tenuta, Dietz, Jungels

Nay: Volk

3-1 Vote, Motion to amend carried.

Motion: To recommend to the City Council expenditure not to exceed \$8,000.00 for the purpose of installing a guardrail along East Wilson Street.

Maker: Dietz

Second: Jungels

Roll Call Vote: **Aye:** Tenuta, Dietz, Jungels

Nay: Volk

3-1 Vote, Motion carried.

Dietz requested that the negotiation of a public-private partnership be discussed with the residents prior to the next Council meeting in June. Holm stated that the residents should communicate amongst themselves regarding the remaining balance and staff will be in contact with the residents. Michael O'Brien asked for clarification on the remaining balance. Volk responded that the lowest bid for a guardrail is from GFS Fence in the amount of \$9,744.00 leaving a \$1,744.00 balance for the residents.

5. Water Heater & HVAC permits – (Jeff Albertson 5/12/10)

Volk summarized that on June 1, 2009 the City Council adopted Ordinance 09-22 establishing permit fees for certain permits that had not been previously required by the City, although the International Building Codes do require these items to be permitted. The Council at that time

voted to defer the effective date of the fees to be charged for these new permit types to June 1, 2010. This was done because of the state of the economy and to not impose an additional fee on residents at that time. Staff was requested to come back to Committee after a year to present the statistics of permits and inspections for these types of installations. Albertson reported on the statistics of permits and inspections. The inspection fees will kick in automatically on June 1, 2010. Jungels asked if the fees are comparable to other towns and Albertson stated that they were. Since this was a report to the CSC no action was taken. The new fees will take effect on June 1, 2010.

6. Ordinance 10-17 Amending Title 7 of the Code relating to Excavations (Gary Holm)

Holm reported that during the committee's discussion on building permits and fees at the April, 2009 meeting the topic of ROW permits was raised. It was stated that Staff needed to review the procedures related to ROW permits and attempt to streamline the process. Since that time the administration of ROW permits has shifted from Public Works to Community Development. New permitting software has been implemented which has improved the review process. Field inspections have been consolidated and we have begun receiving JULIE requests via e-mail as opposed to having them sent to an old dot matrix printer. One of the remaining items that still needs to be resolved is the issue of deposits. Our current ordinance requires deposits in the amount of \$300 to \$600 for work in the ROW. The deposits were originally meant to ensure that improvements were completed satisfactorily. In reality, there have been very few occurrences when deposits have actually been kept by the City. A vast majority of deposits are collected, processed by the City and then returned to the permit holder. The deposit process was identified during the Financial Sustainability Project as being inefficient. We are proposing to eliminate the deposit process. Ordinance #10-17 will require contractors to provide a bond which will ensure satisfactory completion of a project. Private homeowners will not be required to obtain a bond. Instead, they will simply be required to provide an insurance certificate.

Holm specifically discussed 7-1B-2: Bond and Insurance Certificate Required with the committee. This section was attached to the memo titled 'Ordinance #10-17 Amending Title 7 of the Code relating to Excavations' addressed to the CSC. The CSC discussed the various elements of this section including elimination of deposits, administration complications, implementing bonds, and how bonds are utilized as a means of protecting the City and property owners. Dietz commented on his concern with approving Ordinance 10-17 as it stands without knowledge on how the City will work with insurance policies of private property owners.

Motion: To recommend to Council approval of Ordinance 10-17 Amending Title 7 of the Code relating to excavations

Maker: Tenuta

Second: Jungels

Roll Call Vote: **Aye:** Volk, Tenuta, Jungels

Nay: Dietz

3-1 Vote, Motion carried.

7. Rural Roadway Improvements – Aggregate Shoulder & Parkway Parking (Gary Holm, 5/11/10)

Holm reported that the memo titled 'Rural Roadway Improvements – Aggregate Shoulders and Parkway Parking' sent to the CSC was created to facilitate discussion. There are no pending projects which necessitate quick decisions. Staff is simply looking for clarification on several issues that have remained unsolved. Staff is looking for direction from the committee in order to perform additional research, develop formal policies or continue with the current practices. After discussion, the CSC decided on including the Batavia Police Department in the discussion. To move forward, the CSC recommended that a policy be created, have future discussions including the Police Department, and get additional information such as a map illustrating which streets have curb and gutter and which do not. The CSC requested that this discussion be continued next month.

8. Driveway Aprons & Service Walks (Karen Young 5/14/10)

Young stated that the goal of the discussion on driveway aprons and service walks is to develop a City-wide policy for these items. Young clarified that technically a right-of-way is the City's property and that a driveway apron going up to a person's property is personal access to the property allowed to have on the City's property. The property owner is required to maintain the driveway apron.

Young reviewed the memo titled 'City Services Committee Meeting – May 18, 2010 Driveway Apron and Service Walks' with the CSC. Young discussed with the CSC driveway aprons, materials, economic impacts, permits, Hold Harmless agreements and how other adjacent cities are addressing driveway aprons.

The CSC addressed the driveway apron discussion points listed in the memo. The first discussion point asked if the City should patch or replace driveway aprons. Volk stated that he likes the City of Geneva policy to patch when the affected area is less than 50% of the total area and to do a full replacement when the affected area is greater than 50%. The second discussion point asks that if patching is the policy, should the City implement a program to allow the homeowner to replace the entire driveway apron at the contract unit price. The CSC supported a program to allow the homeowner to replace the entire driveway apron at the contract unit price. The third discussion point addressed asked if the City should allow specialty driveway apron materials such as brick, stamped asphalt, and stamped concrete. The CSC was not opposed to allowing specialty driveway apron materials. Basquin asked what will be done with existing brick driveways. Tenuta responded that the standard replacement would be concrete but the City would contribute the money that would have been used towards the concrete to the homeowner to replace the brick. Young noted that the homeowner would have to hire their own contractor since the City will not have anything to do with such replacement. In regards to discussion items four and five, the committee supports the Hold Harmless agreement concept and having the homeowner receive cash in lieu for the area of driveway disturbed based on standard driveway materials

The CSC discussed the service walks section of the memo. After a brief discussion, Volk asked to have this discussion rolled over to the next meeting when all CSC members are in attendance. Volk asked if postponing the discussion would negatively affect any projects that City has in progress. Young responded that there would be no negative impact with delaying the discussion.

Young added that staff will begin working on the Hold Harmless agreement policy and bring it back for the next meeting for a vote.

9. Other

Tom Jergens, 313 South Raddant Road, presented his request for a route change for the annual Fox and Turkey race. Jergens has had a conversation with Bill McGrath regarding this race. McGrath was to forward the information from that meeting via a memo to the CSC. The CSC notified Jergens that they have yet to receive the memo.

Jergens reported on the history of the Fox and Turkey race. This race has been in existence since 1996. Proceeds from the race go towards a local food pantry as well as food donated as part of the event. The race has grown from 250 participants last year to 1,000 this year causing it to be impossible to hold the race on the bike trails where it was held before. Businesses in downtown Batavia will be encouraged to add flyers and advertisements to the goody bags of the race participants. Jergens asked the CSC if they could use the streets of Batavia on Thanksgiving morning for the race.

The race will be held at 9am on Thanksgiving morning which, Jergens reported, is the lowest traffic day of the year. Volk asked if the race organizers would consider having the race begin at an earlier time. Jergens responded that an earlier start time would be considered if needed. Jergens continued that the route was designed with the intention to cause minimal impact to traffic. The only cross street the race participants would cross is Route 31. Jergens discussed the proposed route with the committee. Scott Kerr, City of Batavia Police Department, stated that Route 31 would not completely be shut down. Cars will be allowed to pass intermittently, when there are no race participants in the vicinity. The race is anticipated to conclude within one (1) hour. Jergens added that all manpower, volunteers and money to support this event will be provided for by the organizers of the Fox and Turkey race. Volk stated that he would like to hear from Police Department. Mayor Schielke agreed that a recommendation from the Police Department is needed. Jergens was directed to return to the CSC meeting in June with a memo from McGrath or Recklaus, a recommendation from Chief Schira, and include information of the impact on cost. Dietz stated that he is impressed with what has been proposed and supports this event.

10. Adjournment

There being no other business to discuss, a motion was requested by Chair Volk to adjourn the meeting at 9:28pm; Made by Ald. Dietz; Seconded by Ald. Jungels. All in favor. Motion carried.

Minutes prepared by: Jenny Austin-Smith