

MINUTES
February 23, 2021
Committee of the Whole
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, Knopp, Chanzit, Baerren, O'Brien, Callahan, Meitzler, Uher and McFadden

Members Absent: Aldermen Malay and Cerone

Also Present: Mayor Schielke; Laura Newman; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Howard Chason, Director of Information Technology; Peggy Colby, Director of Finance; Joel Strassman, Planning and Zoning Officer; Wendy Bednarek, Director of Human Resources; Andrea Podraza, Senior Civil Engineer; and Jennifer Austin-Smith, Recording Secretary

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

3. Items to be Removed/Added/Changed

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

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

There were no matters from the public at this time.

5. CONSENT AGENDA

- a. **Ordinance 21-17: Amendment to the Comprehensive Plan Land Use Map, 1320 Kielion Drive, 1728 Wiesbrock Lane, 1007 Edwards Drive, 700 Norcross Drive, City of Batavia, applicant (DR 2/15/21) CD**
- b. **Ordinance 21-18: Amendment to the Official Zoning Map, 1320 Kielion Drive, 1728 Wiesbrock Lane, 1007 Edwards Drive, 700 Norcross Drive, City of Batavia, applicant (DR 2/15/21) CD**

Motion: To approve the Consent Agenda as presented

Maker: Wolff

Second: Uher

Roll Call Vote: **Aye:** Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay:

12-0 Vote, 2 Absent. Motion carried.

6. Ordinance 21-15: Amendment to the Comprehensive Plan Land Use Map, 106-110 North Raddant Road, City of Batavia, Applicant (JLS 2/17/21) CD

Strassman reported staff periodically evaluates land uses and zoning for properties to determine if there is a more appropriate classification to better balance existing uses and neighborhood context. We have and continue to do this for detention areas. The property at 106-110 North Raddant is zoned LI Light Industrial and has been occupied by automobile repair shops and offices for construction contractors. The City initiated this rezoning and there is no proposal for alternate use or any development on this property, nor has any change been contemplated. This property and the adjacent stormwater management property under the same ownership are the only properties in this area south of the railroad tracks with industrial zoning. The existing uses are allowed in the proposed SB Service Business zoning district – a district that is located immediately west of this property on the west side of Raddant Road. Staff feels this property should be considered for Service Business land use and zoning classifications. Such classifications will increase the distance to nearby residences from land that allows light and general industrial uses.

Regarding the proposed Land Use Map Amendment, the existing uses in the 9,000 square foot building fit the proposed Service Business designation. The staff report to the Plan Commission details Comprehensive Plan Goals and Policies that would be positively addressed with this proposed amendment. Service Business designation can provide a land use transition from industrial uses to the north to commercial and residences to the south. The City can adequately serve the property with Service Business uses. Service Business uses include medical uses not allowed in industrial areas.

For the proposed Zoning Map Amendment, the Commission made findings as listed in draft Ordinance 21-16. The property owner was notified of staff's intention to propose the rezoning and was again notified when the hearing date was assigned. Staff notified the owner in the days before the hearing to remind him of the hearing and informed him of the Commission's action and the probable February 23rd date for COW consideration. Staff informed the owner again last week of tonight's meeting and provided information to register to participate in this meeting. Staff has not received any communication from the owner regarding this proposal.

At the February 3rd Commission remote meeting and hearing, the owner did not attend nor did any citizens attend. The Commission stated the proposed land use and zoning designations are appropriate for the property, meeting some Comprehensive Plan goals and policies. By votes of 6-0 the Commission recommend approval of an amendment to the Comprehensive Plan Land Use Plan to classify the subject properties Service Business and to amend the Zoning Map for the SB Service Business District.

Motion: To recommend approval of Ordinance 21-15: Amendment to the Comprehensive Plan Land Use Map, 106-110 North Raddant Road, City of Batavia, Applicant

Maker: Callahan

Second: Knopp

Roll Call Vote: **Aye:** Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien

Nay:

12-0 Vote, 2 Absent. Motion carried.

7. Ordinance 21-16: Amendment to the Official Zoning Map, 106-110 North Raddant Road, City of Batavia, Applicant (JLS 2/17/21) CD

Motion: To recommend approval of Ordinance 21-16: Amendment to the Official Zoning Map, 106-110 North Raddant Road, City of Batavia, Applicant

Maker: Callahan

Second: Knopp

Roll Call Vote: **Aye:** Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien

Nay:

12-0 Vote, 2 Absent. Motion carried.

8. Ordinance 21-19: Authorizing Execution of a Purchase and Sale Agreement for the Purchase of Real Property Comprised of 400-500 N. Raddant, Batavia, Illinois and 901 Swanson Drive, Batavia, Illinois; Identified by Permanent Index Number 12-14-402-020 (LN)

Newman reported that this building would be utilized for Public Works for much needed storage as well as house the Interfaith Food Pantry and Clothes Closet, which is in need of more space. Additionally, this building could house the annual toy drive, which has to find a new location for storage every year. There is a space that is 14,600 square feet at the south end of the building that is currently being leased for warehousing activities and the City could continue to lease that space to a private entity and utilize the income as a revenue source to offset the cost of servicing the debt and future maintenance costs. We do know that sometime in the next six to ten years a portion of the roof of this building will need to be replaced. Staff is recommending that the City purchase this building and there will be money needed to make the improvements for the area that would be utilized by Public Works. The Food Pantry has indicated that if they take the center 20,000 square foot space that they would finance their own build out of that area. It would be recommended that the City issue five million dollars in general obligation bonds to cover both the purchase and Public Works build out. The debt would be serviced by a property tax levy as a source of funding and that would add to the tax bill of a home worth \$300,000 approximately \$24.40 for the next twenty years to service this debt. Staff is recommending that City Council authorize the purchase and sale agreement that would allow the City to acquire the real estate. Newman noted that the City has seventy days as a due diligence period to look at all of the systems of the building as well as the structure of the building. We would be able to look over any environmental testing that has been done within the buildings and assess the roof. After the seventy-day period we have a thirty-day period to close.

The Committee discussed timing of bonds from start to finish, funding, finding revenue to pay the debt service, identifying other revenue resources, abatement, bond for only the purchase price, estimated cost to operate and maintain the cost of the building, due diligence period, and Public Works storage needs. Chair Wolff opened the floor for public comment.

Mary Meitchem addressed the Committee virtually. She stated that she knows families in Batavia who are truly strapped right now and asked for this to be postponed or at the very least reduce the cost to the taxpayers by selling other properties.

Nick Diemus addressed the Committee virtually. He stated that he has a concern about the difference between donating the use of a building that we already own at a very low cost to the City compared to buying real estate at market rate. This is a noble ambition but he does not think it is feasible financially so he would weigh on the side of no.

Sylvia Keppel addressed the Committee virtually. The money from the rental property for repairs would not be enough. She explained that the School District's roof replacement project of 43,000 square feet was over one million dollars. For a commercial property to rent out a quarter of the space the income would be peanuts compared to the cost to replace a roof. She objects of her tax dollars being used to subsidize private industry. If the City departments could use a portion of their budget to pay for that space and the charity contributes to the yearly cost to greatly reduce the cost of the taxpayers would be the only way it would be fair to us taxpayers.

Knopp stated that there are still a lot of unknowns in his mind and we are trying to rush things through. For those reasons he is against this. Newman stated that they have asked for a longer than average due diligence period. This proposal is to enter into the Purchase of Sale Agreement with a seventy day due diligence period followed by thirty additional days to close. Meitzler stated during budget discussions we were made aware of significant costs coming our way with a capital improvement project that we still do not have a funding source to. There was discussion how we would need to do a tax increase in a few years to come. This building acquisition was unplanned and impromptu and the math does not add up to him with all of the tax increases. It will be a struggle for the Council to find ways to find funding. Callahan stated that he could not leave his successor with a commitment to a purchase that he would not be here to help figure out a way to pay for it so he will be a no vote.

Motion: To recommend approval of Ordinance 21-19: Authorizing Execution of a Purchase and Sale Agreement for the Purchase of Real Property Comprised of 400-500 N. Raddant, Batavia, Illinois and 901 Swanson Drive, Batavia, Illinois; Identified by Permanent Index Number 12-14-402-020

Maker: Wolff

Second: McFadden

Roll Call Vote: **Aye:** Wolff, O'Brien, Uher, McFadden, Russotto, Beck, Chanzit, Baerren
Nay: Callahan, Meitzler, Miller, Knopp
8-4 Vote, 2 Absent. Motion carried.

9. Resolution 21-019-R: Authorizing Execution of Task Order #2 for Phase 2 Design Engineering Services for Mahoney Creek Tributary Detention Basin with HR Green in the Amount not-to-exceed \$84,300 (AMP 2/12/21) CS

Podraza overviewed the memo with the Committee.

Motion: To recommend approval of Resolution 21-019-R: Authorizing Execution of Task Order #2 for Phase 2 Design Engineering Services for Mahoney Creek Tributary Detention Basin with HR Green in the Amount not-to-exceed \$84,300

Maker: Wolff

Second: Baerren

Roll Call Vote: **Aye:** Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay:

12-0 Vote, 2 Absent. Motion carried.

10. Resolution 21-020-R: Authorizing Rescind of MFT Fund Expenditure for 2020 Resurfacing Program in the amount of \$1,475,000 (RB 2/19/21) CS

Holm overviewed the memo.

Motion: To recommend approval of Resolution 21-020-R: Authorizing Rescind of MFT Fund Expenditure for 2020 Resurfacing Program in the amount of \$1,475,000

Maker: Wolff

Second: Uher

Roll Call Vote: **Aye:** Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay:

12-0 Vote, 2 Absent. Motion carried.

11. Resolution 21-021-R: Authorizing Using Local Fund for 2020 Resurfacing Program in the amount of \$1,448,947.01 (RB 2/19/21) CS

Motion: To recommend approval of Resolution 21-021-R: Authorizing Using Local Fund for 2020 Resurfacing Program in the amount of \$1,448,947.01

Maker: Wolff

Second: Uher

Roll Call Vote: **Aye:** Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay:

12-0 Vote, 2 Absent. Motion carried.

12. Resolution 21-022-R: Authorizing BLR 14220 to Allocate \$1,450,000.00 MFT Fund Towards Main Street Reconstruction Project (RB 2/19/21) CS

Motion: To recommend approval of Resolution 21-022-R: Authorizing BLR 14220 to Allocate \$1,450,000.00 MFT Fund Towards Main Street Reconstruction Project

Maker: Wolff

Second: Uher

Roll Call Vote: **Aye:** Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay:

12-0 Vote, 2 Absent. Motion carried.

13. Ordinance 21-20: Amending 2021 Wage and Salary Ordinance (WB 2/23/21) GS

Bednarek overviewed the memo.

Motion: To recommend approval of Ordinance 21-20: Amending 2021 Wage and Salary Ordinance
Maker: Wolff
Second: Baerren
Roll Call Vote: **Aye:** Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren
Nay:
12-0 Vote, 2 Absent. Motion carried.

14. Resolution 21-024-R: IPBC Removal of Sub Pool and becoming Individual Entity (WB 2/23/21) GS

Bednarek discussed the memo with the Committee.

Motion: To recommend approval of Resolution 21-024-R: IPBC Removal of Sub Pool and becoming Individual Entity
Maker: Chanzit
Second: Uher
Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp
Nay:
12-0 Vote, 2 Absent. Motion carried.

15. Resolution 21-014-R: 2020 Tax Levy Abatements (LP 2/12/21) GS

Motion: To recommend approval of Resolution 21-014-R: 2020 Tax Levy Abatements
Maker: Chanzit
Second: Baerren
Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp
Nay:
12-0 Vote, 2 Absent. Motion carried.

16. Resolution 21-015-R: 2020 Tax Levy Abatements (LP 2/12/21) GS

Motion: To recommend approval of Resolution 21-015-R: 2020 Tax Levy Abatements
Maker: Wolff
Second: Baerren
Roll Call Vote: **Aye:** Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren
Nay:
12-0 Vote, 2 Absent. Motion carried.

17. Resolution 21-016-R: 2020 Tax Levy Abatements (LP 2/12/21) GS

Motion: To recommend approval of Resolution 21-016-R: 2020 Tax Levy Abatements

Maker: Chanzit

Second: Wolff

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp

Nay:

12-0 Vote, 2 Absent. Motion carried.

18. Resolution 21-017-R: 2020 Tax Levy Abatements (LP 2/12/21) GS

Motion: To recommend approval of Resolution 21-017-R: 2020 Tax Levy Abatements

Maker: Chanzit

Second: Wolff

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp

Nay:

12-0 Vote, 2 Absent. Motion carried.

19. Resolution 21-018-R: 2020 Tax Levy Abatements (LP 2/12/21) GS

Motion: To recommend approval of Resolution 21-018-R: 2020 Tax Levy Abatements

Maker: Chanzit

Second: Baerren

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp

Nay:

12-0 Vote, 2 Absent. Motion carried.

20. Discussion: Painting Of Utility Boxes

Holm overviewed the February 16, 2021 memo titled "Discussion: Decorative Painting of Electric Utility Distribution Equipment" with the Committee. He stated that it is not a matter of code but a matter of policy. It has always been the City's policy to not paint the boxes as we follow the Energy Education Council (EEC) guidelines. We strive to make a distinction between a place where a child should be playing and should not be playing. While the electric utility boxes are not aesthetically pleasing, having consistent colored green boxes around town tells grown ups and children alike that these are not things to play on. Holm noted that Aurora does not have any electric utilities painted but they do have traffic control boxes painted.

The Committee discussed how more research is needed on municipalities who have been painting utility boxes, warning labels remaining on the boxes, research incident rates, likelihood of an incident with painted versus unpainted, how people use the utility box at the boardwalk shop area as a drink holder, and making the area more art friendly.

Chair Wolff stated that there are a lot of creative things we could do and it is something we should explore to add something different to the downtown. Beck stated that past plans could be reviewed by the Streetscape Advisory Committee to see if the City would like to facilitate a plan.

21. Discussion: City Of Batavia Parklet/Pedlet Pilot Program Review Of Draft Policy Document (LMN)(CD)

Newman overviewed the Parklet/Pedlet Pilot Program with the Committee and showed pictures of both the parklet and pedlet. The Committee discussed comparable ordinances, how the pilot program was created, comparable fees, flexibility with indoor/outdoor spaces, and economic incentives. Chair Wolff stated that he would like the fee equivalent to the outdoor dining fee and we could always reassess the cost later. After discussion, the Committee directed staff to bring an ordinance in with a reduced fee (for discussion) so that businesses could start planning for the spring.

22. Project Status

Newman reported on the following:

- ComEd fraud. The Police Department responded immediately by putting out a public service message this afternoon. It will be put into this Friday's e-news blast.
- Newman thanked members of the Fire Department who on their own time over the weekend dug out fire hydrants from the snow. In an emergency situation it would be very critical to have exposed fire hydrants. Many members of the community took it upon themselves to do this as well. Baerren suggested having a contact set up in the Street Department or Fire Department for residents to call if they cannot physically remove the snow from the fire hydrant themselves.
- We are switching platforms for our hybrid public meetings to the Zoom platform.

23. Other

There were no other items discussed at this time.

24. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:41pm; Made by Uher; Seconded by Callahan. Motion carried.