

**MINUTES**  
**January 29, 2013**  
**Community Development Committee**  
**And**  
**City Services Committee Joint 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 Brown called the meeting to order at 7:30 pm.

**1. Roll Call**

**Community Development Committee Roll Call-**

**Members Present:** Chair Brown; Vice-Chair Wolff; Aldermen Sparks, Clark, and Stark

**Members Absent:** Aldermen Chanzit and Atac

**City Services Committee Roll Call-**

**Members Present:** Chair Volk; Vice-Chair Liva; Ald. O'Brien, Frydendall and Jungels

**Members Absent:** Aldermen Tenuta and Dietz

**Also Present:** Mayor Schielke (arrived at 7:34pm); Jeff Albertson, Building Commissioner; Scott Buening, Community Development Director; Drew Rackow, Planner; Andrea Podraza, Civil Engineer; Deputy Fire Chief Randy Banker, Batavia Fire Department; and Jennifer Austin-Smith, Recording Secretary

**2. Approve Minutes for City Services on December 4, 2012 and January 8, 2013; Approve Minutes for CDC for January 15, 2013**

**Motion:** To approve the minutes for City Services on December 4, 2012 and January 8, 2013

**Maker:** Jungels

**Second:** Liva

**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
Motion carried.

**Motion:** To approve the minutes for the Community Development Committee for January 15, 2013

**Maker:** Wolff

**Second:** Sparks

**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent

Motion carried.

### **3. Items Removed/Added/Changed**

Buening stated that staff would like to remove agenda item number nine from the meeting. Additional information is needed for staff to investigate and discuss before presenting this to the Committee. There were no objections to the removal of this discussion.

### **4. Resolution 13-14-R: Agreement with WBK for Braeburn Marsh Maintenance (Andrea Podraza 1/Ordinance 13-06: Variance for a Covered Front Porch Setback, 610 Ritter 18/13)**

Podraza updated the Committee on the Braeburn Marsh maintenance. Podraza reported there is a mandatory five-year monitoring to the U.S. Army Corps of Engineers (USACE). WBK did the work for the design for the Braeburn Marsh and did the first recording document that is going to the USACE. Staff has asked WBK to prepare a proposal to monitor the project which will be done twice a year, in the spring and the fall. WBK would then prepare the report. WBK would be charged with getting the Braeburn Marsh up to the standard in order to be released from the USACE. This resolution is to authorize an agreement with WBK for those services for five years.

Podraza continued that staff will be putting bids out for qualified consultants for services to actually do the work since staff was unable to do the work in-house last year. There will also be a scheduled burn this year as well.

The City Services Committee (CSC) discussed the five-year mandatory monitoring and invasive species removal. Mayor Schielke spoke in favor of approving this resolution. He noted that the marsh needs a lot of work. He shared that there is a lot of garbage in that area and the marsh's undergrowth has become significant. The marsh desperately needs to be burned off.

Jungels stated that a couple of years ago there were several residents in Braeburn who were interested in cleaning up the marsh. She stated that she has had residents contact her and ask her if City Staff and the Forest Preserve are forming a group for cleaning up the marsh. Jungels noted that this would be a good facet for cleaning up the garbage that has accumulated there as well. Podraza responded that the marsh is a Forest Reserve parcel. She will contact the Forest Preserve and speak with Noel Basquin, City Engineer, as well regarding this issue. Podraza shared that she will report back to the Committee sometime in February or March.

Liva discussed the contract. He stated that he would like the contract written per year, not to exceed on an annual basis versus a five-year total.

**Motion:** To approve Resolution 13-14-R: Authorizing an agreement with WBK for Braeburn Marsh Maintenance not to exceed \$25,591.11

**Maker:** Jungels

**Second:** O'Brien

**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
Motion carried.

CONSENT AGENDA

**5. Resolution 13-18-R: Authorizing Execution of Easement Agreement and Grant of Easement for 10-90 N. Island Avenue (Karen Young 1/24/13)**

Podraza reported that this resolution is for streetscape improvements. On Wilson Street there is a two foot easement strip that staff is requesting for additional sidewalk. On the corner on Island Avenue it is for the landscape improvements. She noted that all of the improvements are shown in the exhibits.

Brown stated that the landlord, Alex Brothers, have been very cooperative with the City and he would like to thank them for their support.

**Motion:** To approve Resolution 13-18-R: Authorizing execution of easement agreement and grant of easement for 10-90 N. Island Avenue  
**Maker:** Stark  
**Second:** Wolff  
**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**6. Resolution 13-05-R: Declaring Surplus Property (Randy Banker 1/16/2013)**

Banker reported that the Fire Department recently took possession of a new Ford F550 Squad and it is now in service. This vehicle was a replacement for a 1991 GMC/Pierce Squad Pumper. Banker would like to recommend that the Committee declare the 1991 GMC/Pierce Squad Pumper surplus property so that we may sell or auction the vehicle.

**Motion:** To approve Resolution 13-05-R: Declaring the 1991 GMC/Pierce Squad Pumper surplus property  
**Maker:** Liva  
**Second:** Jungels  
**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**7. Dedications Hamlet Union and Van Buren (Scott Buening 1/24/13)**

**Resolution 13-15-R Dedication of Part of Hamlet Street**

**Resolution 13-16-R Dedication of Part of Union Street**

**Resolution 13-17-R Dedication of Part of S. Van Buren Street**

Buening reported that these are parcels of land that the City owns that were acquired over a period of time through deeds from various property owners. They are all areas that are actively used as roadways but are not dedicated as roadways. That creates some problems when using motor fuel tax funds to improve the streets and there is some question on the ability to enforce traffic laws on these parcels of land that are not dedicated roadways. Staff is working on acquiring parcels under private ownership that Hamlet Street is over to dedicate as right-of-way. Staff has a couple other parcels that are unincorporated that are owned by the City. Once the City annexes those parcels staff will return to the Committee to have those dedicated as well.

**Motion:** To approve Resolution 13-15-R: Dedication of Part of Hamlet Street  
**Maker:** Wolff  
**Second:** Stark  
**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**Motion:** To approve Resolution 13-16-R: Dedication of Part of Union Street  
**Maker:** Stark  
**Second:** Wolff  
**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**Motion:** To approve Resolution 13-17-R: Dedication of part of S. Van Buren Street  
**Maker:** Wolff  
**Second:** Stark  
**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**8. Ordinance 13-09: Granting a Variance for an Interior Side Setback (Drew Rackow 1/24/13)**

Rackow reported that the variance for an interior side setback would facilitate the construction of an elevator. The R0 setback is 15 feet. The request would be a 12 foot setback allowing the elevator to project three feet into the interior side setback on the east side of the property. Rackow stated that at the Zoning Board of Appeals hearing, one member of the public spoke in favor of the proposed ordinance. The Zoning Board felt that this would be an appropriate situation to use the reasonable accommodation provision that is allowed under the Americans with Disabilities Act. The Zoning Board found in favor the subsequent findings required for a variance. The Zoning Board recommendation was a vote of 6-0 to approve this variance and staff recommends approval of this variance as presented.

The Community Development Committee discussed the variance and setback. Rackow noted that the elevator projection is a little wider than the standard chimney but will have a similar appearance from the outside. Sparks questioned if the applicant would still have to hold to the light and vent requirements under the building code for the basement due to the removal of a window. Albertson answered that the light and vent requirements can be provided artificially in the basement. The only requirement is that they have an escape window in which the applicants will still have. Wolff asked about fire protection requirements. Albertson stated that there is no fire protection in a single family house that the elevator would affect.

**Motion:** To approve Ordinance 13-09: Granting a Variance for an Interior Side Setback  
**Maker:** Wolff  
**Second:** Stark

**Roll Call Vote:**       **Aye:** Brown, Wolff, Sparks, Clark, Stark  
                                  **Nay:**  
                                  5-0 Vote, 2 Absent, Motion carried.

**9. Discussion: Multifamily Concrete Floor Separations (Jeff Albertson 1/23/13)**

This item was removed from the agenda.

**10. Project Status Update**

Buening reported that Wal-Mart is underway with construction. Chick-Fil-A is opening February 7<sup>th</sup> and staff is coordinating with them for crowd control with the Police Department. Pep Boys and the retail building next to it have submitted for permit and staff is reviewing the request and the permit should be issued in a few weeks.

**11. Other**

Volk stated that there has been a determination by staff to move the Peapod half marathon completely to the bike path. Volk stated that he and Alderman Clark have received several emails opposed to this change. Volk and Clark invited the organizers, runners and various stakeholders to the February 5<sup>th</sup> City Services Committee meeting. Also to be discussed at the February 5<sup>th</sup> meeting is the issue with train horns.

Volk stated that several members of the public wish to address the Committee regarding the sidewalk program, particularly on Spring and Washington. Volk invited the meeting attendees to address the Committee.

Jerry Miller, 220 Spring Street, addressed the Committee. He stated that he and his neighbors have all lived at their homes for forty years or more. Miller stated that they have all survived without a sidewalk for those years. He was informed this week that the City would like to put in a sidewalk this year. Originally, the sidewalk was planned for 2015. Miller does not understand why there is a need for a sidewalk. There is not a lot of foot traffic on Spring Street. Having a sidewalk on his side of the street will result in a loss of privacy. He is totally opposed to the sidewalk.

Felix Bowen, 130 North Washington Ave, stated that he also received the letter regarding the proposed sidewalk. His main complaint with the placement of this sidewalk is that it would be very close to his bedroom window the way his house sits on the lot. He is very opposed to the sidewalk placed on his side of the street. He noted that if there has to be a sidewalk, he would like to see it placed on the north side of the street. He knows that it will cost more money on the north side of the street but if we wait five years longer to put it onto the north side of the street it would surely become more expensive. He does not see how being cheap this year will help.

Manuel Martinez, 129 North Van Buren St, stated that there is not a lot of foot traffic on their street. He has a problem with the sidewalk being close to his house. He shared that he already experienced theft at his house and does not want to encourage more. He asserted that the sidewalk would bring people closer to his house which may cause more theft.

Volk stated that staff will notify them once the discussion regarding the Spring Street sidewalk is scheduled for City Services. Brown stated that if there were to be a sidewalk on Spring Street, he feels that it would be more appropriate on the north side. Volk stated that he will email McGrath and Buening regarding the location of the sidewalk.

**12. Matters From the Public**

There were no matters from the public.

**13. Adjournment**

There being no other business to discuss, Chair Volk asked for a motion to adjourn the City Services Committee meeting at 8:04pm; Made by O'Brien; Seconded by Jungels. Motion carried.

There being no other business to discuss, Chair Brown asked for a motion to adjourn the Community Development Committee meeting at 8:04pm; Made by Wolff; Seconded by Sparks. Motion carried.