

MINUTES
February 14, 2023
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 (joined at 7:06pm), Beck, Connelly, Chanzit (remote), Solfa, Baerren, Leman, Ajazi (remote), Malay, Uher, Cerone (remote), Vogelsinger

Members Absent: Russotto, Connelly

Also Present: Mayor Schielke; Chief Shawn Mazza, Batavia Police Department; Laura Newman, City Administrator; Wendy Bednarek, Director of Human Resources; Gary Holm, Director of Public Works; Drew Rackow, Planning and Zoning Officer; Scott Buening, Director of Community and Economic Development; Zach Ewoldt, Planner; Peggy Colby, Director of Finance (remote); Anthony Isom, Economic Development Manager; and Karen Morley, Deputy Clerk/Administrative Assistant

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. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a “package” in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)

- a. **RESOLUTION 23-024-R: Authorizing the Purchase of a Spyder Crane for WWTP from Smiley Lifting Solutions for \$93,200.00 (ZB 1/25/23) PU**

- b. **RESOLUTION 23-025-R: Approving Task Order #30 with RJN Group for Construction Engineering Services for Randall Road Lift Station not to exceed \$78,300.00 (ZB 1/25/23) PU**
- c. **RESOLUTION 23-030-R: Authorizing execution of amended Task Order #23 with Engineering Enterprises for construction engineering services related to the Water Treatment Plant rehabilitation (JPB 2/7/23) PU**
- d. **ORDINANCE 23-03: Declaring Surplus Property – Electric Transformers (SA 2/8/23) PU**
- e. **ORDINANCE 23-06: Amending 2023 Wage & Salary Ordinance (WB) GS**
- f. **RESOLUTION 23-028-R: Authorizing execution of the contract with V3 Construction Group, Ltd. for the 2023-2025 Maintenance of Naturalized Areas (CB 2/2/23) CS**
- g. **RESOLUTION 23-023-R: Authorizing Execution of a One-Year Renewable Contract with W. A. Management for 2023 West Side Property Management not to exceed \$93,549.88 (SH 1/25/23) CS**
- h. **RESOLUTION 23-031-R Authorizing The Execution Of Task Order #3 With V3 Companies, Ltd. For Safe Routes To School Project Land Surveying And Concept Engineering (CB 2/3/23) CS**
- i. **RESOLUTION 23-032-R: Abating \$392,800 for the tax heretofore levied for the tax year 2022 to pay debt service on \$9,120,000 General Obligation Bonds (Refunding Series 2013) of The City of Batavia, Kane and DuPage Counties, Illinois (LP 2/07/23) GS**
- j. **RESOLUTION 23-033-R: Abating \$1,491,850 for the tax heretofore levied for the tax year 2022 to pay debt service on \$22,570,000 General Obligation Bonds (Refunding Series 2015) of The City of Batavia, Kane and DuPage Counties, Illinois (LP 2/07/23) GS**
- k. **RESOLUTION 23-034-R: Abating \$411,206.26 for the tax heretofore levied for the tax year 2022 to pay debt service on \$6,000,000 General Obligation Bonds, Series 2017 of The City of Batavia, Kane and DuPage Counties, Illinois (LP 2/07/23) GS**
- l. **RESOLUTION 23-035-R: Abating \$694,400 for the tax heretofore levied for the tax year 2022 to pay debt service on \$3,195,000 General Obligation Bonds (Refunding series 2019) of the City of Batavia, Kane and DuPage Counties, Illinois (LP 2/07/23) GS**
- m. **RESOLUTION 23-036-R: Abating \$258,400 for the tax heretofore levied for the tax year 2022 to pay debt service on \$4,000,000 General Obligation Bonds, Series 2020 of The City of Batavia, Kane and DuPage Counties, Illinois (LP 2/07/23) GS**
- n. **RESOLUTION 23-038-R: Authorization to Execute a Settlement Agreement and Release of all claims between William Brothers Construction, Inc. and the City of Batavia (LN 2/8/23) GS**

Motion: To approve the Consent Agenda as presented
Maker: Chanzit
Second: Solfa

Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Beck
 Nay:
 11-0 Vote, 3 Absent, Motion carried.

Ald. Miller joined the meeting at 7:06pm

6. PUBLIC HEARING: Revocation of a Conditional Use Granted by Ordinance 16-67 Per 5.404-C of the Batavia Zoning Code

Chair Wolff opened the Public Hearing at 7:06pm.

Rackow discussed the staff report regarding Ordinance 16-67 and the violations that were occurring. Rackow discussed the findings for revocation and reasons for revocation. Notice was provided as required by code. Rackow stated that the return receipts and certificates of publication and service verifying that all required notices were met would be entered into the record.

The Committee discussed the ordinance and violations. Chair Wolff opened the floor for public comment. Mark Kihowski, Corporate Counsel for Crash Champions, introduced Shane Dimmitt, Vice President of Operations for the Midwest and Adam Liska, Assistant Vice-President of Facilities. Kihowski stated that they are equally disappointed to use the City's time and use of resources for these matters that continue to go uncorrected. We do take this very seriously. Kihowski discussed the parts supply shortage, the success of this location, and how the communication was the underlying problem. The notices were going to the wrong people, which is why there was no response from the corporate level. When it came to the corporate level we began to investigate and hope that the City will give us a prove-up period. He discussed how there would be a change in management, the heavy hit cars would be sent to other Crash Champions locations to provide this location some relief, and how they desire to continue to serve this community.

Shane Dimmitt, Vice President of Operations for the Midwest, shared the manager was written up with a final notice for placing a damaged vehicle on the public road. Kihowski asked that the Committee of the Whole (COW) give them time to work with staff, present the action plan, give them time to prove up and postpone the vote this evening.

Newman stated that there has been a subpoena that has not been fully complied with for two months time. She asked why should the COW not take this action tonight with the subpoena not being fully complied with. Kihowski answered he has been in touch with Detective Lieutenant LaBarbara regarding information for the subpoena. Newman asked if the manager in question remains the manager today. Kihowski answered that he is the manager until they can find an appropriate replacement. The industry as a whole has a lack of qualified employees. Newman stated that there continues to be violations as recently as last Monday. Dimmitt stated that would not be an issue going forward.

Chair Wolff stated that he has forty years of automotive experience and it seems that Crash Champions needs more space for the volume they are working with. Kihowski agreed and noted

that the City of Batavia owns a lot next to the property that may be part of the long-term solution to talk about with the City. The COW discussed possible penalties for violations. Chair Wolff commented that he believes the business could have one chance to remedy this situation.

Motion: To continue the Public Hearing to March 14, 2023
Maker: Malay
Second: Uher
Roll Call Vote: **Aye:** Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi
Nay:
12-0 Vote, 2 Absent, Motion carried.

7. Ordinance 23-04: Revocation of a Conditional Use Ordinance 16-67 Crash Champions, 2080 Main Street per 5.404-C of the Batavia Zoning Code (DR) CD

The ordinance was tabled until March 14, 2023.

8. APPROVAL: Class A Liquor License Application for Puzzled Minds Batavia, LLC Dba JT's Tavern & Tap, 113 S. Batavia Ave. (SRM 2/3/23)

Chief Mazza discussed the liquor license application and no issues were found that would preclude the business or owner from receiving a Class A Liquor License. Jeremy, applicant, addressed the COW. He stated that they own two other family-owned restaurants/bars, one in Lombard and one in Carol Stream. He discussed their specialty food and how they would be an excellent business addition to Batavia.

Motion: To recommend approval of the Class A Liquor License to City Council
Maker: Malay
Second: Uher
Roll Call Vote: **Aye:** Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi
Nay:
12-0 Vote, 2 Absent, Motion carried.

9. Resolution 23-029-R: The Police Adoption of 10 Shared Principles (SM 2/3/23) CS

Chief Mazza reported that these principles are all about showing love and compassion to people and that is what our mission is at the end of the day. Chief Mazza noted that this would be included in field training program and the manual. Chief Mazza discussed the charitable events the Police Department will be involved with, placing officers into the community (Coffee with a Cop program), and partnering with the State's Attorney's Office regarding elder fraud education. Mazza read the 10 Shared Principles to the COW.

Motion: To recommend approval of Resolution 23-029-R: The Police Adoption of 10 Shared Principles
Maker: Leman
Second: Malay
Roll Call Vote: **Aye:** Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit, Solfa, Wolff, Baerren

Nay:

12-0 Vote, 2 Absent, Motion carried.

10. Resolution 23-012-R: Authorizing the Purchase of Eleven (11) GETAC VR-X20 In-Car Video Cameras For \$66,100.00 (MJ 1/10/23) CS

Chief Mazza discussed the resolution with the COW. He discussed how this purchase would improve training opportunities and transparency.

Motion: To recommend approval of Resolution 23-012-R: Authorizing the Purchase of Eleven (11) GETAC VR-X20 In-Car Video Cameras For \$66,100.00

Maker: Wolff

Second: Malay

Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit, Solfa

Nay:

12-0 Vote, 2 Absent, Motion carried.

11. Resolution 23-26-R: Awarding a Downtown Improvement Grant to Geneva Winery, 5-9 River Street (AI 2/14/23) CD

Isom discussed the memo with the Committee. Brent Copsted, owner of Geneva Winery, addressed the Committee. He shared the origin of his business, the improvements he is making to the building in Batavia, and how they are keeping their name Geneva Winery but will offer Bulldog, Batavia, River Street and Windmill City wine.

Motion: To recommend approval of Resolution 23-26-R: Awarding a Downtown Improvement Grant to Geneva Winery, 5-9 River Street

Maker: Wolff

Second: Leman

Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit, Solfa

Nay:

12-0 Vote, 2 Absent, Motion carried.

12. Ordinance 23-05: Amending the Zoning Code, Batavia City Code, Title 10 (ZE 2/9/23) CD

Ewoldt discussed the proposed changes included in Ordinance 23-05 with the COW. The Committee discussed examples of open fences in the Downtown Mixed-Use Zoning District and displayed pictures of some examples.

Motion: To recommend approval of Ordinance 23-05: Amending the Zoning Code, Batavia City Code, Title 10

Maker: Wolff

Second: Solfa

Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit, Solfa

Nay:

12-0 Vote, 2 Absent, Motion carried.

13. Resolution 23-22-R: Approving Intergovernmental Agreement with Fermi Research Alliance, LLC and The Department of Energy Fermi Site Office for Supply of Public Water Service (GH 1/30/23) PU

Holm discussed the memo with the COW.

Motion: To recommend approval of Resolution 23-22-R: Approving Intergovernmental Agreement with Fermi Research Alliance, LLC and The Department of Energy Fermi Site Office for Supply of Public Water Service

Maker: Malay

Second: Solfa

Roll Call Vote: **Aye:** Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi

Nay:

12-0 Vote, 2 Absent, Motion carried.

14. Discussion: Trailer and Semitrailer Licensing, Storage Tax and Site Regulations (SCB 1/11/23)

Buening stated that the City has been inundated with trailer parking, maintenance facility requests, and has received over half a dozen requests for truck parking without warehousing use. Staff has looked into what other communities are doing and there are some communities that charge a fee for them based on the number of trailers being used. Staff found Bartlett's regulations most relevant. Bartlett has a tax for \$300 per year per trailer that will be increasing to \$500 a year in 2025. The \$500 was in the Chicago Heights ordinance as well. Buening asked the COW if this is something that they would be interested in doing. This would apply solely to businesses that are doing truck traffic in and out without any warehousing associated with that business.

The COW discussed other communities, the possibility of not allowing this use, and the locations of trailer and semitrailer storage. The general consensus of the COW was to have this as a Conditional Use. Buening stated that staff could bring to the COW language as a Conditional Use and if the COW would like a prohibition that is still an option.

15. Resolution 23-037-R: Authorizing Execution of the Notice of Award to Brandt Excavating, Inc for the Lead Service Line Replacement Project (JPB 2/7/23) PU

Holm discussed the memo with the Committee.

Motion: To recommend approval of Resolution 23-037-R: Authorizing Execution of the Notice of Award to Brandt Excavating, Inc for the Lead Service Line Replacement Project

Maker: Beck

Second: Solfa

Roll Call Vote: **Aye:** Beck, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller

Nay:

12-0 Vote, 2 Absent, Motion carried.

16. Project Status

Newman reported on the following:

- The Community Survey is receiving a good response from the control group the surveys were sent out to.
- Engineering will be meeting with residents of Mahoney Creek.
- Koloni has submitted a proposal for the bike share program.
- The City has five job openings at this time.

17. Other

Uher asked for someone to join him in asking staff to put on the next COW agenda a conversation on the possibility of bringing on a consultant to review processes in Community Development. Cerone joined Uher in his request.

18. Executive Session – Purchase of Real Estate

Motion: To enter into Executive Session for the purchase of real estate

Maker: Solfa

Second: Malay

Roll Call Vote: **Aye:** Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Beck, Chanzit

Nay:

12-0 Vote, 2 Absent, Motion carried.

The COW entered Executive Session at 9:20pm and exited at 10:35pm

19. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 10:35pm; Made by Solfa; Seconded by Malay. Motion carried.