

**MINUTES**  
**May 23, 2023**  
**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.

Alderman/Chair Chanzit called the meeting to order at 7:01pm.

**1. Roll Call**

**Members Present:** Miller, Lanci, Beck, Chanzit, Solfa, Wolff (Video), Baerren, Leman, Ajazi, Uher, Cerone, Vogelsinger (7:03 p.m.)

**Members Absent:** Ald. Malay and Vogelsinger

**Also Present:** Mayor Schielke; Laura Newman, City Administrator; Scott Buening, Director of Community and Economic Development; Drew Rackow, Planner; Gary Holm, Director of Public Works; Max Weiss, Management Analyst; Drew Rackow, Planning & Zoning Officer, Jeff Albertson, Building Commissioner and Karen Morley, Recording Secretary.

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

**3. Items to be Removed/Added or Changed**

City Administrator Laura Newman asked for an Executive Session for Litigation to be added as Agenda item 15A.

*Alderman Vogelsinger entered the meeting at 7:03 p.m.*

**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 23-072-R:** Authorizing Execution of Contract for 2023 Street Resurfacing and Sidewalk Replacement Program with Builders Paving LLC in the amount of \$1,973,400 (CB 5/15/23)(CS)

- b. **Resolution 23-073-R:** Adopting IDOT Resolution (BLR 14220 Form) to Appropriate \$1,600,000 from the State Motor Fuel Tax (MFT) Fund for the 2023 Street Resurfacing and Sidewalk Replacement Program (CB 5/15/23)(CS)
- c. **Resolution 23-076-R:** Approval of Municipal Sign Easement with Holmstad Inc. (GH 5/18/23)(CS)
- d. **Resolution 23-071-R:** Approving a Resolution Accepting Public Improvements at Bar One Expansion (1063 Pierson Drive) (CB 5/16/23)(CS)
- e. **Resolution 23-078-R:** Approving a Plat of Easement - 830 Blaine Street (CB 5/18/23)(CS)
- f. **Resolution 23-074-R:** Approving The Final Plat Of Winding Creek Phase 2 Subdivision Mill Street At Freedlund Course, Pulte Homes LLC, Applicant (DR 5/18/23) CD

**Motion:** To approve the Consent Agenda as presented  
**Maker:** Chanzit  
**Second:** Solfa  
**Voice Vote:** 12 Ayes, 0 Nays, 1 Absent

**6. Public Hearing 7:05 PM: Annexation Agreement for 2S214 Hart Road**

Alderman/Chair Chanzit opened the Public Hearing at 7:05pm. Applicant was not in attendance. There were no comments from the public.

**Motion:** To close the Public Hearing  
**Maker:** Chanzit  
**Second:** Cerone  
**Voice Vote:** 12 Ayes, 0 Nays, 1 Absent

The Public Hearing closed at 7:06pm.

**7. Ordinance 23-19: Authorizing Execution of an Annexation Agreement for Property at 2S214 Hart Road (SCB 5/15/23 COW 12/0) CD**

**Motion:** To recommend approval of Ordinance 23-19: Authorizing Execution of an Annexation Agreement for Property at 2S214 Hart Road  
**Maker:** Chanzit  
**Second:** Lanci  
**Voice Vote:** 12 Ayes, 0 Nays, 1 Absent

**8. Presentation: Water Street Studios Proposal for Painting a Mural on the City-Owned Parking Deck on N. River Street (LN 5/18/23)**

Bill McGrath and Bonnie Baumgartner discussed the Water Street Studios proposed painting of a mural on North River Street. A Media Company from Chicago has been looking for a location for public artwork, and Water Street identified the River Street Parking Deck as a possible site for them. Lori Botterman is the City's representative for the project. The mural will be paid for by the client of the media company with no advertising. Wave Petunia company is the client and

donated 20 flats of flowers that have been put in front of businesses on Main Street. The Media company will provide \$50K of advertising relating to certain Water Street Studios and City of Batavia events over the next year. Building owners that are interested in having artwork on their property can contact Lori Botterman or Water Street Studios.

**Motion:** Send to council to approve licensing agreement

**Voice Vote:** 12 Ayes/0 Nays/1 Absent

**9. Resolution 22-077-R: Authorizing Execution of an Installation of Artwork on Public Property License (LN 5/18/23 COW 5/23/23 12/0)**

Laura Newman discussed the memo for the resolution.

**Motion:** To recommend approval of Resolution 22-077-R: Authorizing Execution of an Installation of Artwork on Public Property License.

**Maker:** Chanzit

**Second:** Leman

**Voice Vote:** 12 Ayes, 0 Nays, 1 Absent

**10. Resolution 22-070-R: Approval of Plumbing Inspector Contract-Revised Fee Schedule (SCB 5/8/23 COW 5/23/23 12/0)**

Community Development and Economic Development Director Scott Buening discussed the memo for this resolution with the committee. The only changes made to the contract is the fee schedule. Alderman Uher asked how this compared with surrounding areas. Director Buening said they do inspections for Geneva and they made the same request to Geneva.

**Motion:** To recommend approval of Resolution 22-070-R: Approval of Plumbing Inspector Contract – Revised Fee Schedule (SCB 5/8/23 COW 5/23/23 12/0)

**Maker:** Solfa

**Second:** Beck

**Voice Vote:** 12 Ayes, 0 Nays, 1 Absent

**11. Resolution 22-075-R: Authorizing Execution of Change Order #4 with V3 for Mahoney Creek Tributary Detention Basin for Additional Trees not to exceed \$29,390 (AMP 5/16/23 COW 5/23/23 12/0)**

Public Works Director Gary Holm discussed the resolution with the Committee. Alderman Wolff noted that this project is still under budget even with the additional 38 trees purchased.

**Motion:** To recommend Authorizing Execution of Change Order #4 with V3 for Mahoney Creek Tributary Detention Basin for Additional Trees not to exceed \$29,390 (AMP 5/16/23 COW 5/23/23 12/0)

**Maker:** Chanzit

**Second:** Solfa  
**Voice Vote:** 12 Ayes, 0 Nays, 1 Absent

### **12. Discussion: Columbarium Sculpture Competition (GPH 5/18/23)**

Public Works Director Holm discussed the memo regarding this item.

Original call to artists requirements stated City Council would select no more than 5 finalist candidates, and each would provide a scale model that provides an accurate depiction of their work. City Council selected 3 finalist candidates, One artist (Benediction) submitted a formal request for the city to consider waiving requirement for a scale model and instead allow the artist to have the full size piece here for the city council to consider.

The City council came to the consensus to waive the scale model requirement and allow the final work to be selected between the 3 previously selected pieces.

### **13. Discussion: Voting Method Used by City Council to Select Candidates for Council Vacancies (LN 5/18/23)**

City Administrator Laura Newman discussed the memo for this item.

The last time there was a council vacancy the council used a choice of ranked choice voting to fill the vacancy. The method used is called the Borda Count Method. Ranked choice voting is where you have several candidates and you rank them as to your preference. In the Borda Count method the ranks are assigned a score and then those values are added together and in the case of 1, 2 & 3 the lowest score would win. The Instant Runoff Voting method has the candidate who received the majority of votes of 1 as the winner. This would be the candidate preferred by the majority.

Alderman Lemman asked if ranked choice voting changes with the size of the group and Max Weiss responded that the actual ballot for voting is the same for Borda Count and Instant Runoff Voting.

Alderman Cerone said he thinks it's best to stick with what we've been doing and keep consistent. Alderman Chanzit asked if a straw vote should be taken to determine the method to use going forward.

Straw Vote taken: Hands raised –  
Borda Count method – 8 votes, Instant Run-Off Voting method – 4 votes

Alderman Wolff said we should put this policy in our books so the public know what we are doing. Laura said we can update our code with the policy. Will bring this before the council on the June 5<sup>th</sup> City Council meeting agenda.

### **14. Project Status**

City Administrator Newman reported on the following:

- Making changes to the Single Use Bag Fee Ordinance. Allowing an exception for curbside pickup and delivery service. Decision was made by the committee for Laura to make the amendment to the ordinance and bring it back before City Council.
- The Community Flag will stay up until June 1, 2023 then the Unity Flag will go up in celebration of Pride Month.
- Successful Cop on Top event. New Officer Daniel Carpino will be sworn in at the June 5, 2023 City Council meeting.
- North River Street will be closed from Thursday afternoon until Monday mornings through the summer season.
- Public Works will be installing two Dismount your Bikes signs on the East side of Shumway between Wilson Street and First Street.

It was the consensus of the committee to close North River Street the week of July 4<sup>th</sup>.

Mayor Schielke discussed the senior citizens being upset about the federal government budget and the possible cuts to Social Security benefits.

### **15. Other**

Alderman Miller asked about the flags and flagpoles at the government center; the safety concerns about the intersection of Rt. 31 and Millview, and wanted to revisit the discussion on solar panels. Gary Holm explained that the new Flag Day Monument will be incorporating new flag poles, so the ones on Houston Street will be removed once the monument is completed. Laura Newman talked about the intersection of Rt. 31 and Millview are included in the road diet plans, and will prevent people from having to cross 4 lanes of traffic She asked Alderman Miller to send more details to her regarding the solar panels.

Alderman Baerren brought up the location of the Community Garden in Batavia and that she'd like to see the garden used as a learning center for people. Laura Newman responded the park districts usually run the gardens in other communities.

### **16. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting and move to Executive Session. Made by Chanzit; Seconded by Uher. Motion carried.

Minutes respectfully submitted by Karen Morley, Recording Secretary