

MINUTES
January 24, 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, Russotto, Beck, Connelly, Chanzit, Solfa, Baerren, Leman, Ajazi (remote), Malay, Uher (remote), Cerone (joined remote at 7:04pm), Vogelsinger (remote)

Members Absent:

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; Steve Allen, Assistant Electric Superintendent; and Jennifer Austin-Smith, Recording Secretary (remote)

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. Discussion: Mahoney Creek Basin

Podraza presented an exhibit titled "Mahoney Creek Storm Sewer Outfalls" to the Committee of the Whole (COW). Podraza discussed the fifty-four parcels that have been affected by flooding and severe erosion. Podraza reported that the total project cost, including all of the studies dating back to 2018 and construction, was a total of \$800,000. Podraza discussed the tree and scrub removal. She explained that the benefit of the removal is that all of these properties see less water coming through their property. Podraza noted that the tree plantings went from fifty to over eighty new tree plantings.

Holm stated that the City has been studying Mahoney Creek as a whole. City staff is ultimately going to be seeking grant funding for improvements along Mahoney Creek. As part of the overall improvements to Mahoney Creek the main channel is mapped but the tributary is not. We plan on mapping the tributary. By doing this project now, we have mitigated the flood plain area.

When we do map the tributary there is very likely homes that would have been in the flood plain but won't be in the flood plain. That is a critical thing for a homeowner's flood insurance.

Chair Wolff opened the floor for public comment.

Mike Choffin, 1338 Wintergreen Terrace, stated that no one has ever questioned the need for this project. He has lived here for about thirty years and has seen the creek that used to be along the east side of his property flood over three or four times. The whole concern is the increase of noise and the loss of property value. He put out a survey, using the app Next Door, and the results were out of the thirty-five people who responded, twenty responded that they have noticed an increased level noise. Also the wind intensity has changed. The City took down two hundred and twenty feet of forest that was thirty to forty-feet tall. You have changed the wind direction in the area. There is an increased level of noise and we would like something to be done about it. It is hard to sit out on the patio because the noise level is so loud it is difficult to hear. The noise affects our property values.

Zach Hoffman, 1318 Astor Court, stated that he chose the house because there was a buffer zone between his house and the road. When it was knocked down the noise and light pollution increased. A fence would only mitigate noise for some neighbors. His property is lower than where the road is. The road noise is incredible. He would like to see more trees planted there.

A resident at 1329 Violet Lane addressed the COW. He stated that there were supposed to be thirty large trees left on this project not cut down. He came back home to discover the largest tree is gone. He walked up to the engineer and asked what happened and the response was 'it happens' and that was the answer to losing thirty full grown trees that were supposed to stay. We need more trees put into that section. We are not saying that this should not have been done. We knew it needed to be done but the ball was dropped completely. The sound and wind have increased. He has a pool in his backyard that he had for twenty years and it is the dirtiest it has ever been due to the road dust coming in from the wind and dumping in the pool. He can't afford to block the wind. He spent \$6,000 on trees to block the wind that will take ten years to grow. We would like a lot more trees planted. He requested that more trees be planted higher up by the road.

Jeff Beckley, Bluebelle Lane, expressed his concern with resale values. He is a former real estate broker. These properties have lost their real estate values. The City has a responsibility to take care of the homeowners. This has cost us money, enjoyment of our property, and it didn't have to happen this way. Don't do a project unless you are going to do it right and this one was not done right. This project is not complete and has not been done to the satisfaction of the homeowners.

Andy Howison, 1339 Wintergreen Terrace, stated he has been in the neighborhood for seventeen years. He agrees with all of the previous statements. He agrees that something had to be done. He stated that the lights are constantly flashing onto his house, the noise is consistent and the light pollution has drastically increased. This has been disappointing. He does not believe the project should be completed. He could be patient and wait for something to grow. He would appreciate it if something could be done to remedy their situation. There has also been a big hit to their property value as well.

Quinton Heely, 1360 Astor Court, stated that the wind change and sound has drastically increased. Before this project you could not hear Kirk Road, now you literally cannot talk until the noise dissipates. He is hoping for improvements with sound, light and wind even if it is temporary to allow time for the trees to take over. That is what he is looking for from the City.

The COW discussed ensuring that any program additions benefits the whole, the cons of adding a fence because it would not help every property owner, the City not having a tree preservation ordinance for private landowners, the 50/50 Tree Program, and working more with the consultant to solve the residents concerns.

City staff will work with the consultant on a plan to add more to the buffer. This work will take three to four months before it will come back to the Committee.

6. Ordinance 23-01: Grant of Variance for a Building Canopy – DLR Group, Applicant 334 William Wood Lane (ZE 1/19/23)

Ewoldt discussed the ordinance and memo with the COW. Keri Van Sant, DLR Group, discussed the request for a variance for a building canopy.

Beck stated that she is in support of the canopy but she was not in support of the electronic changing signs when they were on Randall Road. She received comments from a resident nearby that the proposed sign is quite close to a number of homes. Having a flashing electric sign feels excessive and not necessary there.

Ewoldt reported that the Plan Commission approved the Design Review for the sign. Zoning restrictions for electronic signs is if it is within a distance of a residential property that there are hour restrictions from 11pm-7am. Staff did a condition that this sign would be shut off no later than 8pm for the last event of the night and the School District agreed. The School District does not intend to have this sign operating over the summertime. It is a single faced digital sign that would face southward towards drivers driving northbound on Williamwood Lane. It is restricted by hours of operation and the Zoning Code restricts the sign to be a static message of fifteen seconds so no animations or flashing lights. There are illumination restrictions as well.

Motion: To recommend approval of Ordinance 23-01: Grant of Variance for a Building Canopy – DLR Group, Applicant 334 William Wood Lane

Maker: Wolff

Second: Solfa

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

Nay: Beck

13-1 Vote, 0 Absent, Motion carried.

7. Ordinance 23-02: Amendment to a Planned Development – Chick-Fil-A Restaurant 185 North Randall Road, Interplan LLC Applicant (DMR 1/19/23) CD

Rackow discussed the memo with the Committee.

Motion: To recommend approval of Ordinance 23-02: Amendment to a Planned Development – Chick-Fil-A Restaurant 185 North Randall Road, Interplan LLC Applicant
Maker: Wolff
Second: Miller
Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa
Nay:
14-0 Vote, 0 Absent, Motion carried.

8. Resolution 23-018-R: Final Plat of Subdivision for Batavia Logistics Center (DMR 1/19/23) CD

Rackow discussed the memo with the Committee.

Motion: To recommend approval of Resolution 23-018-R: Final Plat of Subdivision for Batavia Logistics Center
Maker: Wolff
Second: Connelly
Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa
Nay:
14-0 Vote, 0 Absent, Motion carried.

9. Resolution 23-019-R: Approving a Development Agreement for a Kirk Road Traffic Signal at Batavia Logistics Center Subdivision (DMR 1/19/23) CD

Motion: To recommend approval of Resolution 23-019-R: Approving a Development Agreement for a Kirk Road Traffic Signal at Batavia Logistics Center Subdivision
Maker: Wolff
Second: Connelly
Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa
Nay:
14-0 Vote, 0 Absent, Motion carried.

10. Discussion: N. River Street One-Way Conversion – Authorization to Proceed to Bid

Holm discussed the North River Street one-way conversion with the COW. Leman stated that she has seen River Street over these past few years and how people are supporting the street. She is in support of the one-way so that the City would have control of closing the street for events and take down the awful barricades. She stated that she would like the City Council and City staff to continue to be flexible and listen to the businesses. This is a very active spot in our downtown that has a lot of potential for business growth and the community to gather. She asked that the City continue to see how we could continue to develop not just this area but also other areas in our downtown.

The consensus of the COW was to authorize staff to proceed to bid.

Craig Foltos, business owner, addressed the COW. He stated that he loves the growth in this town and is in favor of this. His only complaint is he is trying to understand what the design is going to look like. He would appreciate a picture depiction of what this one-way conversion would look like. He asked for the City to be as visual as they can with it, show him what you are doing and why he should buy-in to this thing.

Ryan Schaffer, restaurant owner, stated that the intent is to continue with trivia night and bluegrass on Sunday and asked that it could still be a thing they could continue doing. Newman stated that the change would be there would not be as much space for an outdoor public dining area. If individual businesses want to expand their own patio areas the City would continue to work with businesses on expansion.

11. Resolution 23-005-R: Authorizing Execution of the Construction Engineering Services Agreement with Federal Participation for Prairie Street and Wilson Street Intersection Improvements with V3 Companies (TG 1/17/23) CS

Bari discussed the agenda items eleven through fifteen with the Committee. Bari noted how the project is dependent on the cooperation of two property owners.

Motion: To recommend approval of Resolution 23-005-R: Authorizing Execution of the Construction Engineering Services Agreement with Federal Participation for Prairie Street and Wilson Street Intersection Improvements with V3 Companies

Maker: Russotto

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

12. Resolution 23-006-R: Authorizing Execution of the Local Public Agency Agreement for Federal Participation with Illinois Department of Transportation for Prairie Street and Wilson Street Intersection Improvements (TG 1/17/23) CS

Motion: To recommend approval of Resolution 23-006-R: Authorizing Execution of the Local Public Agency Agreement for Federal Participation with Illinois Department of Transportation for Prairie Street and Wilson Street Intersection Improvements

Maker: Russotto

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

13. Resolution 23-015-R: Authorizing Execution of BNSF Construction and Maintenance Agreement for Prairie Street and Wilson Street Intersection Improvements (TG 1/17/23) CS

Motion: To recommend approval of Resolution 23-015-R: Authorizing Execution of BNSF Construction and Maintenance Agreement for Prairie Street and Wilson Street Intersection Improvements

Maker: Russotto

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

14. Resolution 23-016-R: Authorizing Execution of BNSF Grade Crossing and Sidewalk Easement Agreement for Prairie Street and Wilson Street Intersection Improvements (TG 1/17/23) CS

Motion: To recommend approval of Resolution 23-016-R: Authorizing Execution of BNSF Grade Crossing and Sidewalk Easement Agreement for Prairie Street and Wilson Street Intersection Improvements

Maker: Russotto

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

15. Resolution 23-017-R: Authorizing Execution of Supplemental Agreement for Design Services with TranSystems for Prairie Street and Wilson Street Intersection Improvements (TG 1/17/23) CS

Motion: To recommend approval of Resolution 23-017-R: Authorizing Execution of Supplemental Agreement for Design Services with TranSystems for Prairie Street and Wilson Street Intersection Improvements

Maker: Russotto

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

16. Resolution 23-013-R: Authorizing Task Order #10A with Baxter & Woodman for GIS/GPS Stormwater utility Field Data Collection for \$75,000 (AMP 1/11/23) CS

Podraza discussed the memo with the COW.

Motion: To recommend approval of Resolution 23-013-R: Authorizing Task Order #10A with Baxter & Woodman for GIS/GPS Stormwater utility Field Data Collection for \$75,000

Maker: Russotto

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

17. Resolution 23-014-R: Approving a Resolution Accepting Public Improvements at Raising Cane's Chicken Fingers (1998 McKee St.)(CCB 1/17/23) CS

Bari discussed the memo with the COW.

Motion: To recommend approval of Resolution 23-014-R: Approving a Resolution Accepting Public Improvements at Raising Cane's Chicken Fingers

Maker: Russotto

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

18. Resolution 23-001-R: Approval of Telecommunications Franchise Agreement with Level 3 Communications (GH 12/20/22) PU

Holm discussed the memo with the COW.

Motion: To recommend approval of Resolution 23-001-R: Approval of Telecommunications Franchise Agreement with Level 3 Communications

Maker: Cerone

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

19. Resolution 23-002-R: Approving Agreement in Lieu of Code Violation with Suncast Corp. and Vista Investments, Inc. (GH 12/19/22) PU

Holm discussed the memo with the COW.

Motion: To recommend approval of Resolution 23-002-R: Approving Agreement in Lieu of Code Violation with Suncast Corp. and Vista Investments, Inc.

Maker: Cerone

Second: Malay

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

20. Resolution 23-020-R: Authorizing Execution of a Real Estate Contract to Purchase Property Needed for Completing Phase 2A of the Wastewater Treatment Plan Rehabilitation Project (LN 1/20/23) GS

Chanzit discussed the memo with the COW.

Motion: To recommend approval of Resolution 23-020-R: Authorizing Execution of a Real Estate Contract to Purchase Property Needed for Completing Phase 2A of the Wastewater Treatment Plan Rehabilitation Project

Maker: Chanzit

Second: Leman

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

21. Resolution 23-021-R: Authorizing Execution of an Easement Agreement to Acquire Utility Easements Needed for Completing Phase 2A of the Wastewater Treatment Plant Rehabilitation Project (LN 1/20/23) GS

Chanzit summarized the memo with the COW.

Motion: To recommend approval of Resolution 23-021-R: Authorizing Execution of an Easement Agreement to Acquire Utility Easements Needed for Completing Phase 2A of the Wastewater Treatment Plant Rehabilitation Project

Maker: Chanzit

Second: Leman

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

22. Project Status

Newman reported on the following:

- Batavia has received the funding to move the food pantry. Staff is looking at several potential sites for possible relocation.
- The Downtown Plan Visioning Workshop is tomorrow evening at 6pm at the Batavia Public Library.
- Discussion will be brought to a future COW meeting for installing public washrooms. Vogelsinger asked for water bottle filling stations to be included in the installation of public washrooms.

23. Other

Leman asked if there is a permit for street performers also known as busking. Newman answered there is no permit required for busking at this time.

Beck announced that she would now be able to join in on the discussions for liquor licenses.

Chanzit thanked staff and colleagues for their support while recovering from surgery.

Holm shared the proactive response of Jeremy Barkai in obtaining a supplier for an essential chemical for our water treatment system. Without this chemical there is no way we would have met Federal standards for water quality.

24. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:34pm; Made by Beck; Seconded by Solfa. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary