

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
April 4, 2011 at 7:30 p.m. - City Council Chambers
100 N. Island Ave. Batavia, Illinois

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. Minutes 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. Any references to discussion and /or statements are only to provide greater clarity to the public and they may not reference all, some, or any of an individual speaker's comments.

1. MEETING CALLED TO ORDER by Mayor Schielke at 7:30 p.m.

2. INVOCATION followed by PLEDGE OF ALLEGIANCE led by Ald. Clark

3. ROLL CALL: 13 of 14 aldermen were present.

Aldermen (by ward): Garran Sparks (1), Michael O' Brien (1), Victor Dietz (2), Alan Wolff (2), Janet Jungels (3), Dan Chanzit (3), James Volk (4), Thomas Schmitz (4), Eldon Frydendall (5), Lucy Thelin Atac (5), Lisa Clark (6), Dawn Tenuta (7), and David Brown (7) were present. Ald. Robert Liva (6) was absent.

Also present were BATV and members of the press, public and the following:

City Administrator	Bill McGrath
City Attorney	Kevin Drendel
City Clerk	Heidi Wetzel
Community Development Director	Jerry Swanson
Fire Chief	Randall Deicke
Finance Director	Peggy Colby
Police Chief	Gary Schira
Public Works Director	Gary Holm
Electric Division Superintendent	Robert Rogde
Manager of Electric Operations	Steve Lusted
Senior Project Engineer- Electric	Steve Allen
Wastewater Division Superintendent	Byron Ritchason

4. ITEMS REMOVED/ADDED/CHANGED-

Remove Item C – City Service Minutes for March 8, 2011 from the Consent Agenda to be revised.

Move Item 7 PROCLAMATION: Recognizing Assistant Fire Chief Rodney Oxe to Item 20 a

Motion by Ald. Schmitz, seconded by Ald. Dietz, for the approval of the proposed changes to the agenda. Motion Carried 13 yea/ 0 nay/ 1 absent

5. CONSENT AGENDA

Accept and Place on File:

- A. Historic Preservation Minutes for Dec. 16, Jan. 10, and Feb. 14, 2011
- B. Public Utilities Minutes for February 8, 2011
- C. Removed
- D. Plan Commission Minutes for Jan. 5, Feb. 9, and Feb. 23, 2011

Approvals:

- A. April 1, 2011 Payroll of \$661,583.26
- B. April 1, 2011 Payables of \$908,444.29
- C. City Council Minutes for March 21, 2011
- D. RESOLUTION 11-21-R: Authorizing Execution of Contract for Well No. 9 Repairs in the amount of \$87,778.00 (John Dillon 3/28/11 Public Utilities 3/22/11 Vote 5/0)**
- E. RESOLUTION 11-23-R: 2011 Tree Trimming Contract/Bid Results in the Amount of \$150,000.00 (Steve Lusted 3/9/2011 Public Utilities 3/22/11 Vote 5/0)**

Motion by Ald. Schmitz, seconded by Ald. Dietz to approve the Consent Agenda as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

6. PRESENTATION: Roger Breisch

Executive Director of the Batavia Chamber of Commerce Roger Breisch announced the presentation by Mike McKinley on Laughing Your Way to Success & Happiness Through Life Labor and Love , to be held at Rotolo Middle School on April 21 from 7:00 p.m.to 8:30 p.m. The presentation is sponsored by the Chamber and Breisch asked the citizens of Batavia to open their homes and gather in small groups sometime after the presentation to discuss what it is to live a successful life. He further pointed out the difference between an admirable and an enviable life and noted it is easy to find lives of those we are to envy but an admirable life is a life of meaning where we give more to the community than we take.

7. PROCLAMATION: Recognizing Assistant Fire Chief Rodney Oxe (JDS 4/1/11) Moved to Item 20a

8. PROCLAMATION: Loyalty Day Parade (JDS 3/10/11)

Ald. Schmitz read the annual proclamation honoring VFW Post 1197 for all the time, effort and money that goes into the annual Loyalty Day Parade which reinforces community commitment to patriotism volunteerism and the vibrancy of the American spirit as well using the theme to promote different community concerns and causes. Sunday May 1st 2011 will be Loyalty Day and all citizens are invited to attend and participate in the festivities. Bob Zeman of VFW Post 1197 accepted the proclamation on behalf of the post and announced this will be the 38th annual parade and This year's theme will be the Support of Ten Years of Enduring Freedom. The VFW supports the soldiers being deployed and offers it's thanks to the soldiers who gave previous service to insure our freedoms.

Motion by Ald. Schmitz, seconded by Ald. Dietz to Approve the Proclamation for Loyalty Day. Motion Carried 13 yea/ 0 Nay/ 1 absent

9. PUBLIC HEARING: 7:35 PM Equity Growth Group Annexation Agreement Approval Called to order at 7:46 p.m.

Ald. Brown gave an overview of the proposal:

Richard and Dennis Hawks own approximately 8.6 acres of unincorporated property on both sides of South Drive, east of Branson Drive. The Hawks have agreed to make available to Equity Growth Group, LLC (EGG) approximately 4.5 acres on the south side of South Drive so they could request annexation and zoning of the property for multiple family use. EGG is seeking to construct a senior rental apartment building using the Illinois Housing Development Authority Affordable Housing Tax Credit (IHDA “tax credit”) program. EGG contemplates construction of an 80-unit building having three stories of residential units over a partially below grade garage. Eight of the units would be market-rate rentals.

On March 9th, the Plan Commission held a public hearing for the requested amendments to the Comprehensive Plan Land Use Map and the Official Zoning Map. The Plan Commission also approved the preliminary plat of subdivision for the property. Several neighboring residents and other residents from Batavia addressed the Commission citing concerns with the proposed change to the Comprehensive Plan Land Use Map from the current Community Commercial designation to the proposed Residential >15 – 25 dwelling units per acre designation. They prefer the existing commercial designation to remain. They stated that the R5 Multi-Family High Density zoning district would allow a building that is too tall (up to 45 feet) for the neighborhood. The Plan Commission voted 8-0 to approve the plan.

The Community Development Committee determined that the annexation of the land and the planned use would be beneficial to the City of Batavia and recommended by a vote of 7-0 passage of Ordinances 11-06, 11-07, 11-08.

No one else wished to speak on the matter.

Motion by Ald. Brown, seconded by Ald. Wolff to Close the Public Hearing on the Equity Growth Group Annexation Agreement Approval. Motion Carried 13 yea/ 0 nay/ 1 absent

Hearing Adjourned 7:51 p.m.

10. ORDINANCE 11-06: An Ordinance Authorizing the Execution of an Annexation Agreement Between the City of Batavia and Equity Growth Group, LLC, Dave Smith, Equity Growth Group, LLC, (Joel Strassman 3/11/11 CDC 3/15/11 Vote 7/0)

Ald. Brown presented Ordinance 11-06.

Ald. Clark gave general comments on the next several ordinances on the agenda regarding development of senior living. She has expressed her feeling in committee that the developers should not be asking for zoning changes but rather the zoning changes should come from the council. She is not opposed to the concept but is concerned about the stipulation that if state

funds are not available for this project then the zoning will go to R-4 and questions why the property would be rezoned R-5 for this project if it is believes that R-4 is the best zoning for the community. Staff explained that an R-5 senior restricted development would have the an equivalent impact as an R-4 non age restricted development. Clark believes the zoning should not be specific to a project but what is considered to be best planning for the area. She believes the projects are good in concept and is not opposed to them in any way which is why she voted yes at committee level. She is concerned because the process has seemed rushed. She noted that the developers have said they could apply for the credits next year and would like to take more time for well thought zoning and planning. Clark also noted that after reviewing the number of senior living units available it shows that Batavia has more available than St. Charles, a city three times the size of Batavia.

Ald. Tenuta believes the focus first must be on planning and land use -- Planning for the appropriate transitional land use for these pieces of property. The purpose of the Comprehensive Plan, Zoning Codes and the ruling this evening are intended to ensure consistency and conformity among zoning districts, maintain and enhance the appearance and function of both the new and existing development, ensure the compatibility among land uses, ensure that service demands of new developments will not exceed the capacities of the existing streets, utilities and public services.

The proposed EGG Multifamily High Density development will be sharing property lines with a Single Family zoning district. (Single Family Residential districts densities are based on a single dwelling on various lot sizes and the dwelling heights are 30 – 35 feet. Multifamily High Density District, R5, density is 15-25 dwelling units per acre and the dwelling height is 45 ft.) and agrees that the zoning district of Multifamily Residential is better suited for this land use than community commercial. However, Multifamily Residential High Density, R5, is not the appropriate transitional land use and does not ensure consistency, conformity and compatibility amongst zoning districts when it is adjacent to a Single Family Residential zoning district. This annexation agreement communicates that if the IHDA does not select this project for tax credit allocations the conditional land use could be changed from age restricted high density multifamily to a medium density project. She asked - If multifamily medium density is the appropriate transitional land use the why is the City considering what the developer wants for this land use?

Ald. Tenuta believes the City Council has much work to do in regards to understanding, developing and preserving our housing stock in our community. Over the past several years there have been discussion about proposed age restricted developments as well as rental housing developments in our community. There is no doubt a need for them; however she has great concerns that we are not aware of the balance needed for the total scope of senior housing in our community and also believes there must be rental housing regulations in place to help manage current and future developments. It is her strong feeling the council must have these conversations and determine our plan before the Council moves forward. It is the City Council's responsibility to create a vision and to communicate that vision to our community. Through the processes, the Council shall determine what the needs for Land Use and needs for Age Restricted Housing. She does not feel the Council is in a good position to

approve these ordinances this evening and will not make these decisions that will impact our residents, neighborhoods and community based on a developer's time line.

Ald. Volk stated there are two proposals for senior housing in Batavia. The first one involves an annexation and zoning of a parcel of land on South Drive west of the Wal-Mart, the second is a change to the comprehensive plan and change in zoning for the parcel on the North West corner of Main Street and Deerpath Road. The time line for both is being driven by the need of the developers to have the necessary zoning in place before April 15th so as to be able to possibly get State issues Tax financing to make these projects economically feasible. He has serious reservations about both proposals and has stated at the Plan Commission hearings and in a memo to the Council and at the CDC meeting the process is upside down. We are reacting to the needs of the developers and marching to their drum beat. The neighbors i.e. adjacent property owners are upset at the pace and lack of input allowed them. The Plan Commission hearing went on way too late without enough time for allowed for reflection and consideration by the Commissioners. All to meet the developers April 15th deadline.

He believes the council needs to work with the property owners and neighbors in a relaxed and informal setting to brainstorm on possible uses for these parcels. He pointed out that Mr. McGrath in his March 11th memo claims

"there simply is not enough time to conduct a Siemens-type process if it is envisioned that it would be properly organized and implemented in time for the current projects"

And notes that there is no time if the council is moving on a time line that is set by the developers. Ald. Volk believes there is plenty of time if we chose to study the issue and listen to all.

He further quoted the McGrath memo:

"that the Council NOT go through and conduct such meetings in any area where there is vacant property and disagreement in the neighborhood, or you will be setting a serious, time-consuming precedent"

Ald. Volk stated there are a few parcels left in the City that are surrounded the neighbors bought those properties with certain expectations and in most cases have invested their entire savings in them. He stated his belief that the Council owes it to the Citizens of Batavia to listen to them and try to find the best uses for these few remaining pieces of property.

Other than the entire rush of this and the objections of the neighbors He also has a few particular issues;

1. He believes EGG should pay the school impact fees. Though they will not send any students into the Geneva school district we are all responsible for the education of the young that duty never stops no matter how old you are. They should pay just like any other business or manufacture pays into that fund.
2. For the DIK proposal there are issues with infrastructure in the area in particular signalization of the intersection at Main and Deerpath, sidewalks in and around there, and tie in with the other neighbors.

Ald. Volk announced he shall vote No on all of these proposals and continue to ask the rest of the council to work on understanding the real need for senior housing and to the desires of the neighbors so the Council can come to some reasonable development for these properties.

Ald. Dietz stated that when he looked into affordable senior housing for his mother he was told the waiting list for Riverrain was 5 years. That experience tells him there is a need in this community. He is looking forward to supporting the EGG proposal as he looked at an EGG property in the Quad Cities and noted that it was an impressive facility. He further noted that the real determination on the projects will be made in Springfield and he will support both.

Ald. Brown does not feel the process has been rushed. It was fast but the staff will not make a recommendation to the council unless the issue is fully explored and researched. The Plan Commission and the CDC have both also reviewed, researched and explored the proposals and listened to community input. The process has been a good one and he would like to see more items move this fast and have action taken rather than being talked about too long. There is a need for this type of housing in this town so this affects not only the immediate community but it also affects the entire city.

Ald. Clark clarified that she is more in favor of the EGG development as she believes it is the better of the two.

Motion by Ald. Brown, seconded by Ald. Wolff to Approve Ordinance 11-06. Motion Carried 11 yea/ 2 nay (Volk, Tenuta) / 1 absent

11. ORDINANCE 11-07: An Ordinance Amending the Land Use Map of the Comprehensive Plan of the City of Batavia, 1501 South Drive, Dave Smith, Equity Growth Group LLC, applicant (Joel Strassman 3/11/11 CDC 3/15/11 Vote 7/0)

Motion by Ald. Brown, seconded by Ald. Wolff to Approve Ordinance 11-07. Motion Carried 11 yea/ 2 nay (Volk, Tenuta) / 1 absent

12. ORDINANCE 11-08: An Ordinance Annexing and Zoning Certain Territory to the City of Batavia, 1501 South Drive, Dave Smith, Equity Growth Group LLC, applicant (Joel Strassman 3/11/11 CDC 3/15/11 Vote 7/0)

Motion by Ald. Brown, seconded by Ald. Wolff to Approve Ordinance 11-08. Motion Carried 11 yea/ 2 nay (Volk, Tenuta) / 1 absent

13. ORDINANCE 11-09: Amending the Land Use Map of the Comprehensive Plan of the City of Batavia, Northeast Corner of Deerpath Road and Main Street (Drew Rackow 3/31/11 CDC 3/29 Vote 5/0)

Ald. Brown explained the Ordinance :

Tim Hedges of DKI Inc. has submitted applications to amend the Comprehensive Plan (CP) Land Use Map and the Official Zoning Map for the property at the northeast corner of Deerpath Road and Main Street. The property, known as Irongate when it was originally annexed and zoned, is owned by Batavia Enterprises. The property was annexed in 1996 and zoned for Office

and General Commercial uses. The application requests to change the current CP designation of Office to Residential >8-15 Dwelling Units per Acre, and the Zoning Map to R4, Multiple Family Residential Medium Density. It would also create a CP designation of >5-8 Dwelling Units per Acre with R2 zoning for the area around the existing farmhouse. The General Commercial CP and zoning line would be adjusted to meet the new lot dimensions.

On March 29th the CDC reviewed the three draft Ordinances for the subject property. The applicant, Tim Hedges of DKI, introduced the project and their land planner John Green of Groundworks, Ltd., explained their rationale for seeking out this location. They cited sections of the Comprehensive Plan that support the need for additional housing opportunities for seniors and a greater housing mix. The CDC invited comments from the audience. Several residents spoke in opposition to the project or asked questions of the Committee and staff about it. One resident spoke in favor of the proposed development. Sue Peterson, Chair of the Plan Commission, spoke to the Committee regarding the Commission's concerns with the project, including the short time frame and the appropriateness of this location for multi-family residential zoning near single family and multi-family townhomes. She noted that other locations in the community were available for the use. The property owner, Gerard Dempsey of Batavia Enterprises, also spoke to the Committee and answered questions about marketing of the property and the current state of the office market. The Committee discussed the need for extra infrastructure, such as additional off-site and on-site sidewalks. Staff explained to the CDC that such requirements could be stipulated with the approval of the Plat of Subdivision and design review for the property. The property is currently not subdivided, and subdivision would have to occur prior to the development of the property. On-site sidewalks can also be required as part of the Design Review approval.

The Committee discussed the City's ability to revert the zoning approval, should DKI Inc., not be a recipient of the IHDA Tax Credit. The CDC asked whether a reversion clause could be added to Ordinance 11-10, or if a separate zoning action would need to be taken. Legal Counsel has researched the issue and has since advised the City Council that it believes such a condition may be made in the Ordinance. Based on this information, staff has revised Ordinance 11-10 to include new language that would require IHDA funding approval of the proposed senior housing project and submission of a complete application for design review by December 31, 2012. This date would allow the applicant to participate in the 2011 and 2012 application cycles with IHDA before reversion would occur. The condition would provide sufficient time for the applicant, upon being notified of an award by IHDA, to prepare and submit a design review application. IHDA applications are due by April 15th each year, with applicants generally being notified by July. Should these actions not occur the zoning of the property will automatically revert back to the base Office zoning district. The Committee also discussed whether a super-majority (2/3) vote of the City Council is required to approve Ordinance 11-10 despite the Plan Commission's negative recommendation. Counsel has since advised staff that a super-majority is not required to do so.

Ordinance 11-11 is necessary only if the City Council does not approve Ordinances 11-09 and 11-10, but wishes to remove the existing Conditional Use for Planned Development tying the property to the 1996 site plan. This would be done because the existing site plan does not meet current zoning standards.

There is no Public Hearing on this matter on the agenda. The following are comments from citizens who wished to speak on issue.

Burt Krieter, 2328 Collins Ct, is a neighbor of the Irongate development and is opposed to the project as presented. He feels this rezoning is a betrayal to the people who have invested in their properties and would like to see more discussion and public input on the project. He asked if the ordinances if passed will allow other developments to come in or is this specifically for the senior living proposals. Jerry Swanson, Director of Community Development explained the zoning allows only for as senior housing project to be placed there in the next two years and if that does not happen it will revert back to the current zoning. Krieter next asked about community input on the development. Ald. Wolff reminded him that resident input has already altered the plans for the property. Ald. Brown noted that there will be more opportunities for design review and public hearings on the development as the action taken this evening is only for rezoning. The residents will have input on landscaping, roof height and host of other design issues. Krieter has concerns about fire truck and paramedic access. Ald. Brown explained that every department will review the plans to make sure this project is properly engineered and suitable for emergency vehicle access. When it comes to design the City still has the right to refuse designs that will not work for that area, such as a three story building. Ald. Brown explained that it was the CDC opinion that this developer should be allowed to pursue the project and see which project gets approval from the state. As far as placement of the senior living housing is concerned the CDC cannot force property owners to develop properties for a specific purpose. The committee can only review the petitions brought before the CDC. There might be better locations in the City for this project however the City is not in the position to tell property owners how to develop their properties.

Krieter thinks the basic plan is not bad but would like to see a discussion about underground parking and other ideas to see what is doable and what is presentable and acceptable for the community.

Michael Huddleston, 2626 W Wilson St, for him zoning is the transparency that people moving into a community have for the area and before he moved into his home he looked at the zoning to see what type of community this was designed to be. To change zoning based on a real estate developers inability to sell the property because there is little market for office properties sends a wrong message. As all the property owners in the area have made decisions based on current zoning it is inappropriate to change the zoning. He also believes the community should get behind the property that makes the most sense and does not like the idea of having two competing properties vying for the credits and having the possibility of two projects developed in tandem.

Scott Vance, 2721 Sperry Ct, is concerned that this will be R4 medium density with the idea that it is a transitional property and cannot understand how placing single family homes with 1 unit per acre against R4 can be considered transitional.

He has other concerns that while the development is age restricted it only requires that only 1 person in the residence be over age 55.

Ald. Tenuta does not doubt the need for these projects or the quality of the projects these developers have put before the City. She does have great concerns about **transitional land use**. The proposed DKI Multifamily Residential Medium Density development will also be sharing

property lines and is across the street from a Single Family Residential zoning district. She agrees that Multifamily Residential is a better suited land use than the present land use of Office but that multifamily residential, R4, medium density is not the appropriate transitional land use when it is adjacent to a Single Family Residential zoning district. With this particular proposed development she is concerned that it will exceed the capacities of the existing streets, sidewalks and utilities. When do these needed improvements that are not a part of this site development get addressed, planned for and paid for? She wants to plan for development not react or catch up to what a developer puts before us.

Motion by Ald. Brown, seconded by Ald. Wolff to Approve Ordinance 11-09 Amending the Land Use Map of the Comprehensive Plan of the City of Batavia, Northeast Corner of Deerpath Road and Main Street. Aldermanic vote was 7 yea (Brown , Chanzit, Wolff , Sparks, O'Brien , Dietz , Jungels) / 6 nay (Clark, Atac, Schmitz, Volk, Frydendall, Tenuta) / 1 absent

Final Decision On the Vote on Ordinance 11-09 was Deferred

City Attorney Drendel took a few minutes to research if Ordinance 11-09 needs an affirmative vote, a majority of all the sitting aldermen as opposed as to a simple majority of those who are present, in order to pass.

PROCLAMATION: Recognizing Assistant Fire Chief Rodney Oxe (JDS 4/1/11)

Ald. Schmitz read the proclamation honoring retiring Assistant Fire Chief Rodney Oxe on his 40 years of service with the Batavia Fire Department, beginning his career on April 7, 1971.

Mayor Schielke presented the Proclamation to Asst. Fire Chief Oxe and stated that he searched the records and was unable to find any other person who had served the Fire department for 40 years. He thanked Oxe for his dedication and service to the people of the City of Batavia.

Oxe thanked the assembled, which included the entire Batavia Fire Department, He said his time chasing fire trucks as a fireman are over and he will go back to chasing fire trucks for fun as he did as boy.

Motion by Ald. Schmitz, seconded by Ald. Dietz to Approve the Proclamation . Recognizing Assistant Fire Chief Rodney Oxe Motion Carried 13 yea/ 0 Nay/ 1 absent

At 8:56 p.m. the Mayor called a 2 minute recess to let the Fire Department leave the room and reconvened at 8:58 p.m.

ORDINANCE 11-09 City Attorney Drendel announced that according to Illinois Statute the Mayor will need to vote on the Ordinance as half the council voted in favor of the matter. Mayor Schielke voted no which tied and defeated Ordinance 11-09. He cast his vote reluctantly as he believes this is piece of property that is deserving of some serious study and conversation and the City needs to examine what it wants to do there. He has hopes that in the future there will be a more timely discussion with input from the neighbors. He has are other concerns about the

burden of the cost of traffic lights , the rebuilding of Deerpath Rd and sidewalks. The Mayor hopes this to be revisited at a later date.

**On the Motion to approve Ordinance 11-09 Mayor Schielke voted nay thus bringing the final vote to 7 yea (Brown , Chanzit, Wolff , Sparks, O'Brien , Dietz , Jungels) / 7 nay (Clark, Atac, Schmitz, Volk, Frydendall, Tenuta, Schielke) / 1 absent.
MOTION FAILED.**

**14. ORDINANCE 11-10: Amending the Official Zoning Map of the City of Batavia, Northeast Corner of Deerpath Road and Main Street (Drew Rackow 3/31/11 CDC 3/29 Vote 5/0)
No motion was made.**

15. ORDINANCE 11-11: Revocation of a Conditional Use for a Planned Development Granted by Ordinance 96-54 (Drew Rackow 3/31/11 CDC 3/29/11 Vote 4/1)

Ald. Brown explained that as Ordinance 11-09 failed to pass and Ordinance 11-10 died due to lack of motion the owner has asked for Ordinance 11-11 to be approved to continue to same office zoning but does not wish to have the Conditional Use passed in 1996 imposed on it. Ald. Tenuta asked about the conditional use for a two story office development to make sure that if that was revoked the zoning would still be for office of 35ft. Jerry Swanson noted the site plan in place right now was passed in 1996 and calls small two story office buildings that were in vogue at the time. Ordinance 11-11 would revoke the original plan and would then make current zoning code apply to that parcel. Ald. Volk noted that the original plan was put in place before the design review process and updated zoning code. He supports this change because dropping the conditional use will give the City more control over what happens with this parcel of land.

Ald. Clark still has concerns about the zoning and will not support this plan.

Ald. Frydendall asked if this is one lot or two, Swanson replied the lot is one parcel but has two different zonings.

Gerald Dempsey of Batavia Enterprises explained his understanding that the residential house on the property is in the section zoned for commercial and the back section is zoned office /research

Ald. Tenuta will not support the change as she knows this was part of the comprehensive plan that residents used to determine their home purchases and this will change the office specification from two story to 35 ft. She agrees that the property needs to be reviewed and the best use and zoning debated.

Ald. Brown agrees with Ald. Tenuta about the understanding of the use of land by the homeowners of the area and will vote no.

Motion by Ald. Brown, seconded by Ald. Wolff to Approve Ordinance 11-11. Motion Carried 10 yea/ 3 nay (Brown, Clark, and Tenuta) / 1 absent

16. ORDINANCE 11-12: Amending the city of Batavia Zoning Code, Title 10 of the City Code (Joel Strassman 3/30/11 CDC 3/29/11 Vote 5/0)

The Batavia Plan Commission held public hearings on February 9th and 23rd to take testimony from the public on proposed changes to the Code prepared by staff, and continued discussion of the changes to March 23rd. During this review, only one resident spoke. The Commission considered numerous changes to the Zoning Code text, both substantive and minor. Many of the proposed amendments are minor in nature, simply to provide better internal consistency or clarify existing rights/restrictions.

Ald. Brown explained that in the process of revising the Zoning Code it was discovered that the requirement to mail notification to residents within 250 ft. radius of a proposal was deemed inadequate . The radius will be changed to 500 ft. to make sure that all affected property owners are informed about proposed changes.

Motion by Ald. Brown, seconded by Ald. Wolff to Approve Ordinance 11-12. Motion Carried 13 yea/ 0 nay / 1 absent

17. RESOLUTION 11-24-R: Request for Budget Amendment for 25 kw Solar System Project (Steve Allen 3/22/11 Public Utilities 3/22/11 Vote 4/1)

Steve Allen ,Senior Project Engineer Electric Utility, explained in 2209 the City put in for an ARRA Grant to put solar panels on the public works garage in hopes of being an example to local business and encouraging them to use roof space for solar panels to offset electricity use during peak hours and in summer.

ARRA funds must be used for USA made panels which are now made in Rockford, Illinois. New Edison Energies of Batavia was the successful bidder for the project.

Director of Public Works Gary Holm noted that the ARRA grant covers half the cost and the City still needs to put in \$90,000 to fully fund the project. He believes that while the project will not pay for itself in the short term it is important for the community to set an example and be a model for other business in the industrial park. He also noted the economics of solar energy will get better as time goes on and the cost will come down to make the projects more viable.

Ald. Clark stated she was the lone no vote on the Public Utilities Committee and the vote was based solely on economics. She thinks the City needs to be careful with every penny spent and reminded the Council the money is coming out of the reserve fund. She stressed her belief that this is a good project but for economic reasons it is not appropriate at this time.

Ald. Sparks also does not believe this is the right time economically especially as the project will not pay for itself in the short term. He believes the cost of solar will come down with new technology and would like to wait to see what the future brings

Ald. Volk noted this is the D in R&D and this projects gives New Edison experience in such projects and serves an example. This will generate jobs in Rockford, Jobs in Batavia, experience for New Edison and power for the public works garage. He further pointed out that if the Coty waits for the new and better it will always wait for the new and better. He is voting for the Resolution because it will serve as a demonstration, shows the City's commitment , and gives a Batavia company more experience in doing the work.

Ald. O'Brien agrees with Ald. Volk and noted that the cost might not be the full 90,000 as that includes the contingency , so actual cost could be as little as \$83,000 He believes this is money well spent for our children and it Batavia a leader in energy conservation and sustainable building in the Fox River Valley.

Ald. Frydendall offered his support for the Resolution as he believes it shows interest in the technology through research and investment in the future.

**Motion by Ald. Frydendall, seconded by Ald. Clark to Approve Resolution 11-24-R.
Motion Carried 11 yeay/ 2 nay (Clark. Sparks) / 1 absent**

18. RESOLUTION 11-25-R: Authorize Agreement to Install 25 kw Solar System Project for the amount of \$179,295.00 (Steve Allen 3/22/11 Public Utilities 3/22/11 Vote 4/1)

Ald. Sparks stated his belief that this is good idea but wishes it did not come in the middle of the year after the budget process.

**Motion by Ald. Frydendall, seconded by Ald. Clark to Approve Resolution 11-25-R.
Motion Carried 11 yeay/ 2 nay (Clark. Sparks) / 1 absent**

19. RESOLUTION 11-26-R: Authorizing Contract to Replace Lighting in the Public Works Garage for the amount of \$3,413.00 (Steve Allen 3/22/11 Public Utilities 3/22/11 Vote 5/0)

Steve Allen told the Council that this project also uses ARRA funds to replace the overhead lights in the Public Works garage. The current lights are the old mercury vapor metal halide lamps that use a lot of energy and do not throw a lot of light. The old lights use half the electricity in the Public Works facility, this includes air conditioning and computer electrical usage. The florescent replacement will cut the energy use in half and the use of motion doctors will further decrease electricity usage most likely by an overall reduction of 75-80%

Ald. Dietz asked about funding for the full project. Allen explained the full cost of the project is about \$15,000 with approximately \$6,000 coming from the ARRA grant and the rest split among the Electric, Water, and Street department with the money coming from already budgeted funds for building maintenance.

**Motion by Ald. Frydendall, seconded by Ald. Clark to Approve Resolution 11-26-R.
Motion Carried 13 yea/ 0 nay / 1 absent**

20. RESOLUTION 11-29-R: Award of Final Engineering Services Contract to Walter E. Deuchler, Associates, Inc. for the Carriage Crest Lift Station Project in the amount of \$39,500 (Gary Holm 3/30/11 Public Utilities 4/4/11)

Ald. Frydendall explained Resolution 11-29-R.

At the March 22 meeting the Committee reviewed various design alternatives that had been prepared by Walter E. Deuchler Assoc. as part of the preliminary engineering phase for the Carriage Crest Lift Station project. The Committee determined that Alternative A.4 with the addition of landscape screening walls was the best option. These are prefabricated masonry walls that screen the building from local residences.

Deuchler submitted a final engineering scope that includes all services through the bid process. The scope does not include construction management services. Deuchler's not-to-exceed fee for final engineering is \$39,500.00. When combined with the \$13,500.00 fee for preliminary engineering, the total cost for engineering design is approximately 6% of the projected construction cost. Staff feels that this fee structure is fair to both parties.

**Motion by Ald. Frydendall, seconded by Ald. Clark to Approve Resolution 11-29-R.
Motion Carried 13 yea/ 0 nay / 1 absent**

21. ADMINISTRATOR'S REPORT- Bill McGrath

The Downtown Streetscape project is moving along very well. Two discussion are scheduled for this week with the first on the Wilson St. neighborhood and the second on the Shumway area. These two meetings will complete the neighborhood meetings On April 28 there will be an open house in the Council Chambers at 5:30 at followed by a community meeting at 7:00 p.m.to discuss the project.

The City has taken control over some sensitive wetland area and storm drains that were doing damage to the area in between the Windmill Lakes center and Holy Cross Church . The Conservation Foundation and the Army Corps of Engineers are working on the 5 acre project to preserve the area and provide for the annual maintenance of the area. On June 4 from 9 a.m.-12 p.m. the Conservation Foundation and the City ask citizens to come help set 1300 plantings in the area.

Due to the economy There has been an uptick in the community of people who are having problems coping and with people who are threatening to hurt themselves or commit suicide, The police have recently gone through a training on state laws concerning involuntary commitment so we can help those who are having a difficult time and have hit bottom.

The State Legislature is talking about removing 50% of the city's share of state income tax which would result in 1 million dollar loss in the general fund revenue , 3.5% of total general fund revenues, for the City of Batavia. Citizens are encouraged to call their representatives and express their concerns over this issue

22. COMMITTEE REPORTS

Community Development Committee- Ald. Brown

The Plan Commission meeting scheduled for April 6 has been cancelled. The Historic Preservation Committee will meet on Monday April 11th at 5:50 pm. The Community Development Committee will meet on April 12th at 7:30 p.m.

Government Services Committee- Ald. Schmitz

The Government Services Committee will meet on April 11, this meeting will include a discussion on strategic planning. There will be a special meeting on April 25th which will be in closed session to interview applicants for the Assistant City Administrator position.

City Services Committee – Ald. Volk

The next City services meeting will be Tuesday May 3rd at 7:30 in the Council Chambers. They will be working on the final version of the backyard Chicken ordinance. At the last committee meeting there were several changes to the ordinance made, everyone is encouraged to look it over and understand what was being proposed. Baring any more major modification it should come to the May 16th Council meeting.

Public Utilities – Ald. Frydendall

The Public Utilities Committee will meet on April 19th.

23. OTHER BUSINESS

Ald. Brown related the experience of one of the residents of the 7th ward who awoke to discover he had no power in half the house. His neighbor had the same problem and they called the Electric Department. Within 30 minutes on a Sunday morning the city electric truck was there and city workers Matt and Matt had electricity to the affected homes in another 20 minutes.

Ald. Wolff reminded all that the BATV offices have moved and people visiting the office need to go in through the Main Street office of the school; as always with transitions please call ahead to see if anyone will be in the office. Also there will be a few disruptions of service during the move.

24. MAYOR'S REPORT

In December of 2010 the Federal Highway Administration placed the Wilson Street Bridge on a list of bridges in need of repairs. Several news outlets and other groups and government agencies also have re reported the erroneous information. The Mayor called the FHA administrator in Springfield who was embarrassed that his agency put out this list. There is no deficient bridge in Batavia. It was simply a bureaucratic mix up.

The Batavia Historical society has a plan to build an addition on the Depot Museum and will be doing some fundraising in the next year. The mayor will invite the Historical Society to a future Council meeting to do a presentation on the plan.

Everyone is encouraged to vote tomorrow.

25. ADJOURNMENT 9:56 p.m.

Motion to adjourn by Ald. Frydendall, seconded by Ald. Volk, motion passed by voice vote.

Minutes prepared and submitted by,
Heidi Wetzel
City Clerk