

**MINUTES**  
**January 5, 2021**  
**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.

Chair Wolff called the meeting to order at 7:00pm.

**1. Roll Call**

**Members Present:** Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren, O'Brien, Callahan, Malay, Uher, Cerone

**Members Absent:** Alderman Meitzler and McFadden

**Also Present:** Mayor Schielke; Laura Newman; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

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

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

There were no items to be removed, added or changed.

**4. Matters From the Public (For Items NOT on the Agenda)**

There were no matters from the public at this time.

**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. **Reject Bids for 2021 West Side Property Maintenance (SH 12/17/20)**
- b. **Ordinance 21-07: Declaring Certain Electric Transformers to be Surplus Property (GH 12/23/20) PU**

**Motion:** To approve the Consent Agenda as presented

**Maker:** Chanzit

**Second:** Russotto

**Roll Call Vote:** **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Mallay, Uher, Cerone, Miller, Russotto, Beck, Knopp

**Nay:**

12-0 Vote, 2 Absent. Motion carried.

**6. Ordinance 20-75: Landmark Designation for 210 North Washington Ave (JA 12/2/20)  
CD**

Callahan reported that this is a continuation from the meeting we had on December 15, 2020 for this landmark designation where at that time the applicant was not in attendance. Callahan invited the applicant to address the Committee of the Whole (COW).

Doris Sherer, applicant, reviewed the mission of the Historic Preservation Commission (HPC) and the process they used to apply for landmark status of 210 North Washington Avenue. When the City of Batavia established the HPC in 2002, its mission was to help protect the historic areas and structures in the City. The HPC works to identify structural problems in the buildings in the downtown Historic District and works with owners to correct those problems. We are available to help historic property owners with rehabilitation questions. In 2016 the HPC updated the Design Guidelines to reflect the building materials available today. The HPC has gone on record as wanting to work with building owners and not hinder them as we preserve our historic buildings and cultures. The HPC is also responsible for reviewing all the evidence for any proposed landmarks or historic district. After reviewing the application, our recommendations are passed on to City Council. It should be noted that our landmark status application process is nearly identical to the process in Geneva and St. Charles. Part of our mission is to ensure Batavia's historical structures and cultures are not destroyed through demolition unless the structure is not salvageable.

Sherer continued upon hearing that the last surviving Conde owner of 210 North Washington lost the home to foreclosure and the home became bank owned the HPC discussed the various ways we could ensure that this historic structure does not lose its identity and no longer recognizable. The HPC concluded that gaining landmark status was the only solution to saving the Conde house from being changed or demolished, now or in the future. Sherer stated that she volunteered to fill out the application and file it. She did this because she cares about the history of Batavia and the buildings and the culture of the early settlers that made Batavia the community it is today. Sherer shared that she personally loves this house because her home was on the south side from 1951-1960. The HPC spent several hours reviewing the landmark application for 210 North Washington Avenue. We listened to the testimony from Mayor Schielke who informed the Commission about the Conde family and their place in the history and culture of Batavia.

Sherer discussed how only one of the criteria needs to be met to qualify the structure with landmark status. The HPC went through each of the criteria individually and voted yes or no on each one. The Conde house met five of these criteria as follows:

- Criteria A: Have significant value as part of the historic heritage or cultural characteristics of the community, county, state or nation.
  - HPC Response: The Conde's were early settlers of Batavia in 1841. The home was constructed, starting in 1845. While there are many old homes in Batavia, there are very few homes left from such early settlers. Seven generations of the Conde family lived in the home for over 175 years until mid 2020. This

distinction caught the attention of the Chicago Historical Society and some of the staff made a trip to Batavia to view this house.

- Criteria B: Is identified with a person(s) who contributed to the development of the community, state or nation.
  - HPC Response: Cornelius B. Conde opened a blacksmith shop shortly after arriving in 1841. Several of the Conde ancestors have played roles in the development of Batavia. His granddaughter, Louise White, was a public school educator and the northeast side elementary school is named in her honor. His great grandson is Mayor Schielke.
- Criteria C: Is representative of the distinguishing characteristics of architecture and valuable for studying of period-type method of construction or use of indigenous materials.
  - HPC Response: The large widow's watch platform in the center of the roof is a unique feature. The framework still sits on the top of the roof until this day.
- Criteria D: Has a unique location or singular physical characteristic that make it an established or familiar visual feature.
  - HPC Response: The home sits atop what was once the highest point in Batavia. The home's location and unique architectural feature, the large widow's watch, allowed neighboring residents to view the great Chicago fire in 1871.
- Criteria J: Is suitable for preservation or restoration.
  - HPC Response: The home is suitable for preservation and restoration based on the home's exterior.

Sherer reported that the HPC motion to approve the landmark status was unanimous and as the applicant she abstained from voting. Sherer overviewed the timeline for the application. September 21, 2020: filed the application for landmark status with the owner, this was sent by certified mail to Bill Seldment, Federal National Mortgage Association, Plano Texas. September 24, 2020: A contract to purchase the house was submitted. This was not a sale. October 7, 2020: Contract for the house closed and it was sold. Sherer concluded that she hopes this information would be considered as the Committee makes their decision on the landmark application for the Conde home at 210 North Washington Avenue.

Knopp stated that he reviewed the HPC minutes and supports the HPC mission. At the same time, we have to be cognizant of the property owner's rights and make sure that we follow the process to the letter. There are a couple of things that the nomination form does not have on it that are required per 12-4-1: name and address of the property owner and the property owner is notified and then the nomination is submitted. One of the pieces of information you have to have on the form is the date you notified the property owner. The notification of the property owner is shown on the form and that date is after the submission date. They were done in the reverse order. Knopp would like to see the property owner notified before the nomination is submitted. That way we have followed our process and make sure we are doing everything the right way that properly designates a historic property.

Heidi Hoff, homeowner of 210 North Washington Avenue, addressed the Committee. She stated that she was pending on the house in August 2020 and fully closed and purchased the house

three days after the landmark designation submission. At no point of time was she notified, being the homeowner. No one contacted her. If you are voting on whether or not the law was followed, it most certainly was not. This is causing her a tremendous amount of anxiety. She does not want this. She does not have the resources to use these materials and she does not have the time to go through this process. She also did her due diligence and made sure she bought a house that was not designated as a historic home. She has no plans on demolishing or changing the structure or the integrity of the house. She does not feel that this decision has to be made without her consent or without her being involved in the very beginning of this process.

Albertson discussed the landmark process with the Committee. He noted that this does not affect anything done to the interior of the home, it strictly deals with the appearance of the exterior of the structure such as siding, roofing, changing windows, and porches. The HPC is not concerned with the accessory structure or the pool on the property. The HPC was concerned with the main house and the front steps coming up from North Washington Avenue. Buening noted that, in his opinion, he feels that this is a valid petition and we would not need to make any changes to that because the deficiencies were corrected before we considered it an official application. Buening explained that they consider a petition valid once everything is in place that is required.

Heidi Hoff expressed that this process was not followed at all considering that she, the current homeowner, was not informed properly. She wanted to add that this has tremendous impact around her neighbors. She does not live in an historic district and yet you are trying to deem her house as historic. This was done very quickly when she was pending to buy the house and she was not informed. She came upon this whole scenario by luck and feels that the City could have done this behind her back. This does not set a good precedent for the other residents in the City of Batavia. She received no notification of this, not even a post-it on her door. Newman noted that the post office recorded that they attempted to deliver the City's certified letter three times. Buening added that they sent the letter via regular mail as well. Albertson commented that the dates the Post Office attempted to deliver were: 10/24, 10/29 and 11/10 and they returned it to the City as unclaimed on 12/9. We do not have an explanation as to why it wasn't delivered.

Callahan stated that this could be tabled until the next COW where we could obtain some determination from counsel that the process has or has not been followed. The Committee considered having this discussion go back to the HPC and/or obtaining legal counsel's opinion. Mayor Schielke reported on the history of the house in question. Mayor Schielke concluded that what was the original structure that was there in 1845, through all the remodeling, this is a much different house than what was there in the very beginning. The historical aspect of the actual structure is not real strong. There is not a lot there that that we could say is a landmark because the landmark has been altered, changed and remodeled. As a property, this is one of the very few houses in the Chicago-land area that has been owned and occupied by the same family for 170 years. That is the historic significance to it. He appreciates what the HPC and Ms. Sherer is trying to do but the biggest thing is the land that is sitting there is the same family lived there for 170 years. He stated that he is able to share with the new owner any records or pictures of the house. He is hard pressed to say we need to preserve what is there now because what was there now was not there thirty or forty years ago. Sherer stated that the house today looks just like it did when she lived in the area in 1950. Newman stated the question is whether or not the history that this structure represents is worth preserving.

**Motion:** To table Ordinance 20-75 to the 1/12/21 Committee of the Whole meeting for further direction from legal counsel

**Maker:** Callahan

**Second:** Malay

Discussion was held on the motion. Heidi Hoff asked that this be brought back to the Commission so that she could be part of the process since this has not been followed to the letter of the law. Callahan answered that they are trying to find out from counsel if we need to send it back or was the law followed. Once we have that information before us the Committee could vote on the ordinance or send it back to HPC. Since people have brought up questions regarding the legality and the process, it is the most prudent course at this point.

**Roll Call Vote:** **Aye:** Callahan, Malay, Uher, Cerone, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien

**Nay:** Miller

11-1 Vote, 2 Absent. Motion carried.

## 7. Project Status

Newman reported on the following:

- The Kane County Health Department (KCHD) on their website has a place where residents can go and register their name and email address and receive information about when the vaccine would be available for them. People can go to get signed up to receive this information.
- Today we had internal discussions along with MainStreet and Chamber to discuss our One Washington Place communications plan.
- The Comedy Vault agreement will be going to the COW next week.
- The City Council meeting will be on Tuesday, January 19<sup>th</sup> due to the Martin Luther King Jr. holiday. At that meeting Bob Hansen and Jamie Saam will be presenting an annual report about the boardwalk shops.

## 8. Other

Uher asked about the crosswalk in the middle of Wilson and Route 25. Newman answered that they have not yet heard back from the Illinois Department of Transportation (IDOT). Holm stated that they have made three inquiries to the State and we were told that they are studying it. Holm commented that he does not believe the State will make any changes or add any additional crosswalks.

## 9. Adjournment

Chair Wolff asked for a motion to adjourn the meeting at 8:10pm; Made by O'Brien; Seconded by Cerone. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on January 20, 2020.