

MINUTES
April 29, 2013
Community Development Committee
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 Brown called the meeting to order at 7:30 pm.

1. Roll Call

Members Present: Chair Brown; Vice-Chair Wolff; Ald. Sparks, Atac and Stark

Members Absent: Ald. Chanzit and Clark

Also Present: Mayor Schielke (arrived at 7:31pm); Ald. O'Brien; Jeff Albertson, Building Commissioner; Bill McGrath, City Administrator; Drew Rackow, Planner; and Jennifer Austin-Smith, Recording Secretary

2. Items Removed/Added/Changed

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

3. Resolution 13-53-R: Accepting the Quit Claim Deed for Lot 37 in Beechen & Dill's Fox Trail South Unit 1 Subdivision (Scott Buening 3/22/13)

Buening reported that this is a deed for one of the retention ponds in the subdivision on the south side of the City. This is one of the properties that should have been deeded to the City a long time ago. The City has been maintaining this property for a number of years. City staff contacted the former developer of this property and they agreed to Quit Claim this property to us in order for us to take ownership and continue maintenance. This property has a dormant SSA on it and discussion has been had on activating the SSA. Staff recommends accepting this deed so the City can take ownership on it and relieve the developer of any maintenance responsibilities.

O'Brien asked if the City collects taxes on this property. Buening stated that because it is a common area there are no property taxes assessed. Staff will file for an exemption once we take ownership on the property. Chair Brown asked if we are planning to activate the SSA and Buening responded that this will be discussed once the new council is established. Wolff asked for data on how much we spend on maintaining this property each year for the discussion on establishing the SSA and what kind of SSA amount we would need to have to cover it.

Motion: To recommend to Council Resolution 13-53-R: Accepting the Quit Claim Deed for Lot 37 in Beechen & Dill's Fox Trail South Unit 1 Subdivision

Maker: Wolff

Second: Sparks

Voice Vote: 5 Ayes, 0 Nays, 2 Absent
Motion carried.

CONSENT AGENDA

4. Resolution 13-56-R: Accepting the Quit Claim Deed for a Parcel on South River Street (Scott Buening 4/5/13)

Buening stated that the southeast corner of Wilson and South River Street has a number of issues. The City has acquired several properties in this area and there are several properties that still have some ownership issues, this is one of those properties. The parcel is a small size and therefore no property taxes are being assessed on it. The property owner, Jeffery Schielke, gave the City a Quit Claim deed for the property. Staff is recommending approval of this resolution.

Motion: To recommend to Council Resolution 13-56-R: Accepting the Quit Claim Deed for a parcel on South River Street

Maker: Wolff

Second: Sparks

Discussion was held on the motion. O'Brien commended Buening on cleaning up the loose items that have been overlooked in the past. He thanked Buening for his work.

Voice Vote: 5 Ayes, 0 Nays, 2 Absent
Motion carried.
CONSENT AGENDA

5. Ordinance 13-19: Amending the City of Batavia Zoning Code, Title 10 of the City Code Chapter 2.4-Downtown Mixed Use District and Chapter 6-Use Definitions (Joel Strassman 4/25/13)

Buening reported that as part of the zoning clean-up, we have been looking at the entire Zoning Ordinance. There has been a list of recommendations created by staff for potential changes to the Ordinance. The focus of the changes tonight is on the Downtown Mixed Use district (DMU).

Rackow stated that, currently in the DMU, tattoo parlors are a Permitted Use. This change was made in the 2010 code update. Previously, tattoo parlors were a Conditional Use only. There has been a request to review this change and the Plan Commission has recommended removing tattoo parlors as a Permitted Use in the DMU. There are other districts that would allow for tattoo parlors including the Mixed Use and Community Commercial districts. The amendment to personal services would remove the piercing portion except for ear piercing for the personal services definition. This would clarify that a personal service business could not offer tattoo or body piercing other than ear piercing in the DMU.

Rackow shared that the other items are more for clean-up. Crematoriums had been listed separately as a Conditional Use that would be allowed in relation to any other use. Under State law, crematoriums are allowed as an added use to any funeral home or cemetery. This is more of a change to bring this into alignment with the State law and removes crematoriums as a standalone item. Drive-throughs would continue to be permitted as a Conditional Use but they are basically removed as individual listings in the permitted use list. Duplex residences would be changed to be in alignment with the International Building Code which staff uses for building standards. The International Code does not make a distinction between duplexes and a two-flat. This would remove the separate duplex definition in the code and just zone and regulate duplex use in the same way we would do a two-flat. Community garden changes would include adding a

definition of what a community garden is in the Code and add the allowance of a small shed on a community garden property. Staff will return at a later date with specific regulations for community garden use. Rackow concluded that staff is recommending the changes as presented.

Brown asked if anyone spoke at the Plan Commission (PC) meeting. Rackow responded that there were no meeting attendees at the PC meeting and therefore no one spoke.

Atac questioned changing the drive-through restriction to make it a Conditional Use for all businesses instead of for only banks. She asserted that it conflicts with our goals of making the downtown more pedestrian and bike friendly. Rackow responded that staff is not changing the allowances that we have for drive-throughs in the downtown. Restaurants and banks were listed as having the ability to have drive-throughs, other uses did not have that specific listing. Atac suggested not allowing drive-throughs in the DMU. O'Brien stated that we have a Comprehensive Plan and our goal is to pursue healthy lifestyle choices for our residents and part of that is having pedestrian access in our downtown. O'Brien stated that it is staff's responsibility to enforce our Comprehensive Plan and to pursue healthier alternatives for our residents. We could have grandfathered in people who already have a drive-through and not allow for further drive-throughs. O'Brien commented that he wants to do what is best for all of Batavia. Buening shared that if drive-throughs become a non-conforming use, then those drive-throughs that have been grandfathered in would not be allowed to be rebuilt if something should happen to them. Brown commented that the fact of the matter is we all have cars. He agrees that the more people walk the better. However, there are people that cannot get out and walk around easily. We have to consider all of those things when making a decision. Mayor Schielke stated that he could not support a decision to prohibit drive-throughs in the downtown. He explained that he does not want to chase out businesses in downtown Batavia because we have a prohibition on drive-through windows.

Stark asserted that we seem to regulate in odd ways. Stark questioned that when we talk about doing what is best for all of Batavia, which group of Batavians are those. Everyone has a different opinion on who those Batavians are. She questioned who we are really accommodating when we make these decisions. Stark stated her concern with changing this zoning and the conflict it would have with the potential new Walgreen's building. It seems to her that we are saying to Walgreen's that they cannot come to the downtown because we have changed our ordinances so that you cannot have a drive-through. That seems to be preemptively unfair. She stated that we are making decisions in an odd way here. O'Brien commented that he does want the Walgreens to be in the downtown. He is just looking to support our ordinances. Buening added that with any use, the business could come and request a variance to receive a drive-through. Stark responded that that is just one more obstacle a business has to go through.

McGrath pointed out that there is going to be a new Council to be seated on this coming Monday. He stated that since this has become a substantive value discussion, any decision on Ordinance 13-19 could wait until the new Council is seated. Atac stated that she would like the discussion to include the vision for the downtown. The Committee agreed to table this discussion until the new Council is established.

6. Streetscape

McGrath stated that he is working on the schedule for the Committee of the Whole (COW) meetings. At one of the COW meetings he will be bringing the spreadsheet for the TIF for review. He would like to continue to use that tool as we move forward with discussion on streetscape. The money to possibly be used to stabilize the Baptist church has to be looked at in terms of the streetscape plan because it is a major expenditure.

McGrath continued that we will have to start moving forward with the Houston Street project. Staff feels that with the new Council, there are some projects that are close or within several months to begin. It is not fair to not raise the status of those projects as part of orientation so that we are not waiting until the last minute to have discussions about them. We have to discuss Houston Street to make sure everyone is comfortable.

McGrath reported that we are trying to finish off River Street. We are still waiting for the last granite prices. There are three granite planters where the reveal is below the minimum six inches that was called for in the original plan. Staff has been working to get prices to find out what it would have cost if it was done right the first time. The Council will have to make a decision on how to move forward on this. The Self-Made Man statue base is moving forward. Leopardo has the best bid on the foundation and the granite cladding. Two prices are being received from electrical contractors for the wiring of the arch. The lights are picked out and will be ordered. The Committee discussed the bollards, drainage provisions, and working the contractors to make corrections on unsatisfactory items.

McGrath stated that the Wilson Street public meeting is tomorrow night. The pre-construction meeting held today was successful. Letters will be sent out to all the residents on Wilson Street who will be impacted by the noise. There will be night work but the heavy work will have to be completed by 11pm. The work has to be done at night otherwise Wilson Street will come to a halt. The work is expected to be completed by July 4th. O'Brien stated that on Island Avenue and Wilson Street it will be a difficult process to get the streetscape completed there. He stated that it might not be as simple as putting plates down on the street. He would like to see a written task order or protocol on how we are going to attack that area. O'Brien explained that the protocol will be useful if the City is told that we would have to shut the street down for two weeks. We cannot do that. If the contractors are incapable of formulating a plan for that area, we have to have a plan to follow in order to not shut the street down. O'Brien stated that he would like to be proactive and not reactive. McGrath stated that he knows that the contractor and City Engineer have been discussing this.

7. Project Status Update

There was no project status update at this time.

8. Other

Sparks stated that we briefly discussed the COW meetings at Government Services but did not make a decision on whether we should move forward on the COW meetings. McGrath stated that a vote will be held at the Monday night City Council meeting regarding the COW meetings.

Mayor Schielke stated that he is going to write a memo to all the new City Council members regarding the COW. He shared his thoughts on the COW with the Committee. Mayor Schielke suggested that the Committee process that is already in the books continues to exist for the time-being. We would name the chairmen of the committees and they would be based on seniority as it has always been done. The Chairmen would be as follows: Community Development would be Alderman Brown, City Services would be Alderman Wolff, Public Utilities would be Alderman Clark, and Government Services would be Alderman Sparks. He would ask each ward, as we currently do, to meet and decide who will serve on the committees. Mayor Schielke stated that on the second or fourth night of the Monday night meetings, he would like as a continuation of the committee meetings and whoever the chairman is sits in the mayor's seat and runs the meeting. The other seven will be able to listen and learn and understand what is going on. That way everyone who is on the City Council will be at the meeting and hear the discussion about the items. He stated that his thoughts are different than the staff's thoughts on how to proceed. However, this is how he would prefer to start this out. He would ask at the beginning of next year we take a review and see if it needs to be changed. Right now he would prefer to leave things the way it is and keep the four committee chairmen in place, have one alderman from each ward on every committee, and the other seven will be here listening to the conversation on what the committee is discussing. The committee will make a recommendation and we will continue with business as usual for the foreseeable future. Then the Council could make a decision to change the structure or keep it the way it is. This would be an educational process for the new Council members and they will be able sit in on these meetings. Hopefully we will be able to reduce the number of committee meetings on Tuesday and Wednesday nights.

Stark questioned how we will be able to fit all the Committee meetings into two nights. Mayor Schielke stated that he has heard that sometimes there is an issue and the COW meetings in the surrounding communities can last until 11pm. He suggested having a cap on the time a meeting can go to in the evening. Stark suggested having four COW meetings a month to keep on top of the issues. She noted that it is easier to cancel a meeting than it is to add a meeting. Stark commented that it seems unrealistic to go from eight committee meetings a month to two. She would much rather have regular meeting nights than having meetings called last minute. She liked knowing which nights of the week she is expected to be at City Hall.

McGrath stated that the tentative COW schedule would be having a City Council meeting then a COW meeting the next night (Tuesday), then a COW meeting (Monday), then a City Council meeting (Monday), then a COW meeting (Tuesday). There would be four COW and two City Council meetings a month. The fifth Monday would still be there if needed. The Committee discussed possibly videotaping the COW meetings and transparency.

Stark commented that we have an exemplary staff working for the City of Batavia. If you think about how few people that we have to run the entire city it is amazing. It is the day-to-day operations of our staff that keeps the City running smoothly. She wants to make sure as the new council is added that we let staff do their jobs and not micromanaging staff. Brown agreed that our staff truly cares about exactly what is being done and shared a story about how Scott Haines goes above and beyond his job requirements when purchasing beautiful and specific flowers for the hanging flower pots on the bridge.

9. Matters From the Public

There were no matters from the public.

10. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 8:32pm; Made by Wolff; Seconded by Sparks. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith