

**MINUTES**  
**October 15, 2019**  
**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, Chanzit, Salvati, Callahan, Meitzler, Uher, Cerone (entered at 7:06pm), and McFadden

**Members Absent:** Ald. Knopp, O'Brien, Malay

**Also Present:** Mayor Schielke; Laura Newman, City Administrator; Joel Strassman, Planning and Zoning Officer; Anthony Isom, Assistant to the City Administrator; Jeff Albertson, Building Commissioner; Scott Buening, Director of Community Development; and Jennifer Austin-Smith, Recording Secretary

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

**3. Approve Minutes for September 10, 2019, September 17, 2019, and September 24, 2019**

**Motion:** To approve minutes for September 10, 2019, September 17, 2019 and September 24, 2019

**Maker:** Chanzit

**Second:** Salvati

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

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

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

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

Bob McQuillan, 465 Wolcott Lane, stated several weeks ago he was reading through Facebook and there was a comment about Batavia trying to develop a logo and the troubles going about adopting such logo. He read his response on Facebook to the Committee suggesting that the City consider a community-wide contest open to any Batavia resident with Batavia residents voting on the future logo. The logo designer with the most votes could get a \$1,000 reward and light the 2020 Christmas tree. A plaque could be hung at the library or City Hall with the logo and photos of the winning designer. This would make it the residents' decision on not just the decision of the Council members. He explained how this could be a fun community event.

**6. 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. COW Executive Session Minutes for September 17, 2019**

**b. Ordinance 19-71: Annexing and Zoning 1340 and 1414 N. Washington Avenue and 1341 Orion Road (SCB 10/7/19)**

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

**Maker:** Wolff

**Second:** Chanzit

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**7. Ordinance 19-69: Amending Title 4 of the City Code Related to Body Art Establishments (JLS 10/9/19) CD**

Callahan overviewed the memo with the Committee. Strassman reported on how this would allow up to three body art establishments in the Downtown Mixed Use District (DMU).

**Motion:** To recommend to City Council approval of Ordinance 19-69: Amending Title 4 of the City Code Related to Body Art Establishments

**Maker:** Chanzit

**Second:** Salvati

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**8. Ordinance 19-70: Granting a Conditional Use Permit in the DMU Downtown Mixed use District for a Tattoo Parlor/Piercing Studio at 127 State Street, Richard Nelson, Classic Tattoo, Applicant (JLS 10/9/19) CD**

Strassman reported that a Public Hearing was held regarding this application and no one from the public addressed the Plan Commission. The Commission did recommend approval of the Conditional Use. The Committee of the Whole (COW) discussed business procedures, economics, and growth of the tattoo industry. Richard Nelson discussed his proposed tattoo business, business operation and his participation with Suicide Prevention through the Semi-Colon project.

**Motion:** To recommend approval of Ordinance 19-70: Granting a Conditional Use Permit in the DMU Downtown Mixed use District for a Tattoo Parlor/Piercing Studio at 127 State Street, Richard Nelson, Classic Tattoo, Applicant

**Maker:** Cerone

**Second:** Uher

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**9. Ordinance 19-72: Authorizing Sale of Georgetown Detention Pond Property by Solicitation of Bids (SCB 10/8/19) GS**

Buening reported that the City owns the pond but the Homeowners Association maintains it. After discussion with the Homeowners Association, staff felt it would be appropriate to sell this property to them. Buening discussed the next steps with the Committee including the bidding process. It takes a three quarters vote by the City Council to approve the sale of this property.

**Motion:** To recommend approval of Ordinance 19-72: Authorizing Sale of Georgetown Detention Pond Property by Solicitation of Bids

**Maker:** Chanzit

**Second:** Meitzler

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**10. Resolution 19-103-R: Recommending Award of a Façade Improvement Grant (117 ½ and 119 S. Batavia Ave.) to Dan Moser (AI 9/24/19) CD**

Isom reported that the Façade Improvement Grant would be used towards replacing two rear wood windows facing a public parking lot. The windows would be replaced with aluminum wrapped wood windows to improve the energy efficiency in the building. Isom explained that since this is facing a public parking lot it is eligible for the grant. Isom noted that details are included in the packet of information distributed to the Committee.

Dan Moser, applicant, addressed the Committee. He explained the work he plans on doing to the building and how he has been working with the Historic Preservation Committee in regards to the building improvements.

**Motion:** To recommend approval of Resolution 19-103-R: Recommending Award of a Façade Improvement Grant (117 ½ and 119 S. Batavia Ave.) to Dan Moser

**Maker:** Chanzit

**Second:** Meitzler

**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**11. Resolution 19-110-R: Awarding a Grant under the Gateway Improvement Program Batavia Buildings, LLC, 9& 3-15 S. Batavia Avenue (CA 10/3/19) CD**

Isom discussed the matching grant with the Committee. This is hardscape improvement, repairing and resurfacing a private parking lot. Isom noted that details are included in the packet of information distributed to the Committee.

Michael Marconi, applicant, explained that this is completing a project that was started over a year ago. This would be the final end of the project. They are trying to restore the building to look the way his dad wanted several years ago. Marconi discussed the various improvements he made to the building itself. Marconi distributed pictures of the building for the Committee to

view. He reported that it cost him \$180,000 to restore the house. Chair Wolff suggested if the driveway in the front is not utilized to remove it completely. Marconi stated that he does not utilize the driveway and was considering removing the asphalt and adding additional landscaping/grass to that area. The consensus of the Committee was in favor of more green space in the front of the building made possible by removing the existing driveway.

**Motion:** To recommend approval of Resolution 19-110-R: Awarding a Grant under the Gateway Improvement Program Batavia Buildings, LLC, 9& 3-15 S. Batavia Avenue  
**Maker:** Callahan  
**Second:** Meitzler  
**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**12. Ordinance 19-68: Grant of Variances for Front Setbacks, 804 North Van Buren Street, Judd Lofchie, TK Green Enterprises, LLC, Applicant (JLS 10/9/19) CD**

Strassman reported that this Ordinance would grant front setback variances for the existing home at 804 North Van Buren Street. Granting of the variances would allow the property to be divided into two lots: a south lot for the existing home and a north lot for building a new residence. Strassman overviewed the memo. The Zoning Board reviewed the application and found in the affirmative two of the five findings. The Zoning Board did state they felt the character of the neighborhood could be supported by having two houses on this property and was not opposed to dividing the property.

Salvati asked the applicant what the intentions would be for the north lot. Tonya McCullaugh stated that they invested in this property to invest in Batavia. She stated that she loves Batavia, which is one reason they invested in this property. They plan to build another home on the north lot. They would like to leave the existing home how it is and build a new 1,500 square foot home on the north lot. They do not plan on building the new house in the immediate future. They would prefer to leave the existing home and build a new house that would fit with the character of the neighborhood. Cerone asked about the community garden that currently exists. Tonya stated that the garden existed before they purchased the property and, as property owners, they have allowed the garden to continue on the property. The garden will be there next summer as well because they do not plan on building next year. They want to be neighborly and therefore they are allowing the garden to continue on the property. Beck asked if a house could be built without removing the large tree that is of concern to the neighbors. Tonya answered that their goal is to keep the character of the neighborhood. Judd Lofchie, applicant, added that he does not think that the location of the tree would be a problem at all to building on the site. Callahan stated that having a large tree on the site would be a great selling point to the proposed new home. Callahan announced that Alderman Knopp reached out to him and informed him that he is opposed to dividing the parcel due to concerns that the neighbors have also expressed.

Judd Lofchie discussed how the majority of the Zoning Board of Appeals (ZBA) was in favor of subdividing the property. The neighbor who addressed the ZBA was not in favor of a house being built because it would block his view. Lofchie stated that if the City or the neighbor would

like to buy the property to continue the community garden his client would sell the property at a reasonable price.

Chair Wolff stated that this is another opportunity for two families to move into this town. This would be affordable with a smaller sized lot. He thinks this is something we should vote in favor of.

Mayor Schielke expressed his support for the applicant. This neighborhood to the north of this location was the Nagle farm. There is a mixture of properties in that area. This was the area where new families would move into the neighborhood. The homes developed in this area have been a nice addition to our town. What is being proposed here is a great opportunity and these are minor variances to allow for this to happen. He encouraged the Committee to approve this Ordinance. Buening noted that the variance is only needed because of the existing house. If the house were not there they would not need a variance to divide the property to comply with the Zoning Code.

**Motion:** To recommend approval of Ordinance 19-68: Grant of Variances for Front Setbacks, 804 North Van Buren Street, Judd Lofchie, TK Green Enterprises, LLC, Applicant  
**Maker:** Callahan  
**Second:** Meitzler  
**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**13. Resolution 19-111-R: Authorization to Execute a Contract for 2019-2020 Snow and Ice Removal Services with Kozak Custom Landscapes Inc. for an Amount Not to Exceed \$70,000 (SH 10/8/19) CS**

**Motion:** To recommend approval of Resolution 19-111-R: Authorization to Execute a Contract for 2019-2020 Snow and Ice Removal Services with Kozak Custom Landscapes Inc. for an Amount Not to Exceed \$70,000  
**Maker:** Wolff  
**Second:** Russotto  
**Voice Vote:** 10 Ayes, 0 Nays, 4 Absent  
Motion carried.

**14. Project Status**

Newman reported on the following:

- Upcoming leaf and brush pick up.
- Small Business Information Forum with the Chamber of Commerce, Batavia Main Street and City staff on November 13<sup>th</sup> in City Council Chambers. Zoning, building codes, signage, historic preservation, parking, online information and grant funding are some examples of topics to be discussed.
- Raising Cane's restaurant construction continues
- Oak and Swine restaurant, 107 East Wilson, is now open for business.

- The water services sub pump connection is underway in Area 3.
- Carriage Crest engineering study is being performed to solve some drainage issues.
- Crews are nearing completion on the new station transformer being installed in the northeast substation. Final testing is scheduled for the next few weeks.
- All departments reviewed the VueWorks asset management software. The resident portion of this software system will be implemented early next year. This portion will allow residents to request services online. The City could then track the responses to those inquiries.
- Saturday, October 26<sup>th</sup> will be Take Back Prescription Drugs Day. The Batavia Police Department is participating in this event.

## **15. Other**

Uher asked that the Committee discuss the possibility of an additional brush pick up at a future meeting. Newman stated that she would like to have Gary Holm and Scott Buening as part of that discussion. Uher agreed.

Mayor Schielke announced that the federal government changed the rules on federally awarded projects. If you had a grant awarded and did not complete the project within the allotted five-year period the project is now considered dead. One major city in the area lost forty-six projects because they asked for a lot of money but did not complete the projects. There now is money to be spent towards grant funding. Batavia submitted a project that did get funded. That project was for the intersection at Prairie and Wilson for traffic signals and railroad crossing improvements. We will begin conversations about engineering this project in the near future.

Meitzler announced that next Wednesday the Batavia Community Marching Band is hosting a community performance. This is also a fundraiser for Ronald McDonald's House Charity.

Callahan stated that there are more complaints regarding MetroNet. Newman stated that everyone should bring any complaints to her attention. There has been a staffing transition within Metronet and some communication could have been lost in the transition.

Callahan asked where are we at with the City Logo. He understands that there have been some meetings. Salvati answered that they have met as a committee and direction was given to City staff. New iterations should be given to the committee in early November.

Uher asked who is responsible for the clock on Batavia Avenue that does not work. Mayor Schielke answered that it is Mr. Marconi's clock. Uher asked who is responsible for the gazebo between Mobil and Newton House. The red, white and blue banners look awful. No one knew who the owner of the gazebo was at that time.

Chair Wolff asked everyone to visit the Batavia Arts Council website and vote on the Halloween Hooligans charity event.

## **16. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 8:29pm; Made by Salvati; Seconded by Uher. Motion carried.

Minutes submitted by Jennifer Austin-Smith, Recording Secretary, on October 28, 2019.