

MINUTES
December 15, 2020
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, Callahan, Malay, Meitzler, Uher, Cerone, McFadden

Members Absent: Alderman O'Brien

Also Present: Mayor Schielke; Laura Newman; Chief Eul, City of Batavia Police Department; Gary Holm, Director of Public Works; Wendy Bednarek, Director of Human Resources; Scott Buening, Director of Community Development; Rahat Bari, City Engineer; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

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

3. Approve Minutes for October 27, 2020 and November 10, 2020

Motion: To approve the minutes for October 27, 2020 and November 10, 2020

Maker: Russotto

Second: Knopp

Roll Call Vote: **Aye:** Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller

Nay:

13-0 Vote, 1 Absent. Motion carried.

4. Items to be Removed/Added/Changed

The Committee discussed agenda item 8 after agenda item 6.

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

There were no matters from the public at this time.

6. Presentation: Proposal for a Comedy Club Business at 18 E. Wilson Street and TIF Incentive – Michael Knuth

Newman reported that this proposal is for a comedy club that is offering live comedy and entertainment in a bright and lively atmosphere. This would be an incredible complement to downtown Batavia. They are going to focus on bringing amazing entertainment in and serving up

fun cocktails, wine and local craft beers. They will also be serving food. The applicant, Michael Knuth, is currently the owner of Evenflow in downtown Geneva. They are proposing a major renovation to the building, taking it from a bank operation to completely designing it into a nightclub atmosphere. They estimate the build out cost to be \$250,000. What the City has typically done for TIF incentive is a grant amount of \$25,000 and a low interest loan in the amount of \$75,000. The term of the loan would be four years, which is the remaining amount of time that TIF 1 will exist and the interest of that loan would be 2%. Financial information, business plan for the Comedy Vault, profit and loss statements for Evenflow and copies of tax returns have been received. Staff is recommending that the City Council consider providing the incentive of the \$25,000 grant and \$75,000 low interest loan for four years to Mike Knuth and Liz Valaitis so they could bring this business to fruition. Newman noted that the building will need to be sprinklered in order for this business to open and that will be a significant cost on the part of the building owner who may also be requesting assistance in order to facilitate accomplishing the project.

Michael Knuth, applicant, added that they would like to be more than a comedy venue. They would like to get brunches, lunches, and local meetings on the nights that they are not doing comedy. They plan on doing two shows on Thursday, Friday and Saturday every week.

Michael Marconi, building owner, announced that he would be requesting assistance for the building's safety improvements.

Motion: To direct staff to proceed to prepare the documents necessary to effectuate the grant and the loan to the business owners of the 'Comedy Vault'

Maker: Callahan

Second: Cerone

Roll Call Vote: **Aye:** Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller Russotto, Beck, Knopp, Chanzit, Baerren, Wolff

Nay:

13-0 Vote, 1 Absent. Motion carried.

7. **Presentation: Streetscape Progress (Abby Beck)**

Ald. Beck presented on the Streetscape Advisory 2020 Review utilizing a shared screen via GotoWebinar. The presentation included the following information:

- Committee Members
- Presentation Agenda
- Big Picture
 - Streetscape Plan Goes
 - Placemaking
 - Beautification
- Process
- Next Steps
 - Community
 - Council

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

Albertson overviewed the process for nomination of landmark designation. Knopp stated that reading through Title 12 to understand what the process is to file a nomination on a property, one of the requirements is the nominating form has to indicate when the property owners were talked to. The application was submitted on the 21st of September and it states that the property owners were contacted on the 29th of September after the nomination was filed. The property was listed for sale in March of 2020. The sale closed on September 24th. The notice was filed on the 21st of September. The new owner moved in on the 28th of September. Why then, and why this property. The only other property that has gone through this process is the Campana building. Knopp is curious why Belleview Place, where Mary Todd Lincoln has stayed, has not gone through this process yet because it is outside the Historic District. Albertson stated that the owner at that time was the bank of record, right after that notice was sent and before the Public Hearing we found out that the property was sold. That is when the Public Hearing notice was sent to the current property owner. There was some concern that this property might be subject to demolition. The applicant found it necessary to file the application to move forward with this property at this time. The applicant is on the Historic Preservation Commission (HPC) but she is unfortunately not in attendance at tonight's meeting. Anyone could file an application to landmark a building, including the Belleview Place, and it would then go through this process. Albertson overviewed the HPC meeting and the criteria in which the HPC approved the recommendation for landmark designation.

Heidi Hoff, owner of 210 North Washington, addressed the Committee. She shared that she has been here since the 28th of September. In that time, she has received no formal notice whatsoever about any hearing or designation for her property. She heard that it was going through this designation after she bought the house by a fluke. She found out while Googling her property to find out more about the house and the property. She had spoken with her real estate attorney and realtor who assured her that it does not have historical designation so that she would not have to go through the extra hoops or incur the extra expenses when purchasing the house. She has no intentions on demolishing the house. She has a large problem with after buying a home the welcome to the neighborhood is being told what I can and cannot do with her property. She shared that she is a descendent of the Conde family. Her middle name is Candy, which she explained is the Americanized version of Conde. She stated that one of the reasons why she bought the home was because of the familial tie.

Hoff continued that she is very upset by this and it is causing her a lot of anxiety. She does not think this is a great way of welcoming someone in the neighborhood. No one came to talk to her or ensured that she received any sort of notice whatsoever about these hearings. Albertson stated that he is unsure of why she did not receive notice. The certified mail was attempted to be delivered three times on 10-24, 10-29 and 11-10. It was unclaimed so it was sent back to the City. He does not understand that. She replied that no one had knocked on the door or left a post it note. Nothing. She did not hear about this meeting until last night.

Hoff explained there are a lot of financial implications of having your house designated as a historical home. There are a lot of hoops one has to go through and she already has a big enough project on her hands and she does not need it to be any harder. She is not planning on doing

anything major to the structure. Down the road she may want to pop up the roof and actually have more than one bedroom where an average person could stand. She is not in favor of this designation.

Albertson stated that, similar to a property that is in the Historic District, nothing done on the interior of the structure would be applicable to this designation. This would only apply to the exterior view of the structure, such as windows, doors, and roof. There would be an additional step of applying for a Certificate of Appropriateness (COA) and go the HPC meeting. The HPC has been very good at working with property owners. They are very reasonable and are willing to work with newer technology to keep the look of the old structure.

Knopp stated that the homeowner stated that she does not plan on demolishing this home. Is this something that we should pursue? Newman stated that the only issue there, and she doesn't doubt Ms. Hoff at her word, but as owner of the property she could dispose of the property tomorrow if she so wishes and the next owner could very well decide demolition is exactly what they would like to do and build something new. Having promises from homeowners is great but it is not enforceable unless we have that designation. It is up to City Council to determine. Up to this point, we have had very good experiences with people with historic homes and we could have that continue to be the norm.

Miller stated that regardless of who submitted the application, the homeowner does not want it. We should not be saying yes to this if the homeowner is not on the application and does not want it. None of us would want this for our own personal house unless we wanted it. Malay agreed. If finding out a home was not under landmark status and that influenced my decision to buy a house to later find out that this is happening he finds that very problematic.

Callahan pointed out that the applicant was unable to attend tonight's meeting. Callahan stated that we owe it to the applicant to hear what her thought process was and her concerns as to why she submitted the application. Callahan stated that he is of the opinion to table this since there is no immediate action necessary.

Motion: To table Ordinance 20-75 until the next Committee of the Whole meeting on January 5, 2021

Maker: Knopp

Second: Malay

Roll Call Vote: **Aye:** Knopp, Chanzit, Baerren, Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller Russotto, Beck

Nay:

13-0 Vote, 1 Absent. Motion carried.

9. Ordinance 20-78: Declaring Surplus Property (SRM 12/8/20) CS

Wolff overviewed the memo.

Motion: To recommend approval of Ordinance 20-78: Declaring Surplus Property

Maker: Wolff

Second: Baerren

Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller Russotto, Beck, Knopp, Chanzit, Baerren
Nay:
13-0 Vote, 1 Absent. Motion carried.

10. Resolution 20-135-R: Authorization of Employee Agreement with John Dillon (GH 12/10/20) GS

Newman expressed the value that John Dillon has provided in regard to our windmills. The windmill on the south plaza was damaged in a severe windstorm a couple of years ago. Without John Dillon's expertise and him being able to harness the work of several volunteers in the area and rebuilt every little wooden spoke and the mechanics to see it reinstalled. If we relied on external experts like that there is one that we know of in Illinois and there are very few in the United States. John has been a very valuable resource to us. Holm stated that if there is anything that is a community identity asset that falls in the realm of City Council, this is it. These are the windmills that are the City's symbol and are on our City's logo. Callahan noted that the windmills are a part of the economic development and are an attraction to our area. Chanzit added that it is a public museum. Newman announced that, last week, a freelance writer who was writing an article for the Chicago Tribune about the Fox River bicycle trails interviewed her. The writer wanted to focus on the stretch between Batavia and North Aurora and she asked which side of the river could people view the windmill collection in Batavia. It is important thing that people come to our community to see.

Motion: To recommend approval of Resolution 20-135-R: Authorization of Employee Agreement with John Dillon
Maker: Chanzit
Second: Knopp
Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller Russotto, Beck, Knopp
Nay:
13-0 Vote, 1 Absent. Motion carried.

11. Resolution 20-138-R: Authorizing a Contract with GovHR in the amount of \$21,000 for Recruiting of the Project Engineer Position (GH 12/11/20) PU

Holm overviewed the memo. The Committee discussed the credentials of GovHR, the difficulty filling this role, and the advantage of partnering with GovHR.

Motion: To recommend approval of Resolution 20-138-R: Authorizing a Contract with GovHR in the amount of \$21,000 for Recruiting of the Project Engineer Position
Maker: Wolff
Second: Russotto
Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller Russotto, Beck, Knopp, Chanzit, Baerren
Nay:
13-0 Vote, 1 Absent. Motion carried.

12. Ordinance 20-76: Amending Title 8, Chapter 1 of the Municipal Code Related to Interconnecting Small Photovoltaic Systems (GH 12/3/20) PU

Holm overviewed the memo. Knopp requested that the redline version of this document be provided prior to City Council. Holm stated that he would provide that document.

Motion: To recommend approval of Ordinance 20-76: Amending Title 8, Chapter 1 of the Municipal Code Related to Interconnecting Small Photovoltaic Systems
Maker: Wolff
Second: Knopp
Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller Russotto, Beck, Knopp, Chanzit, Baerren
Nay:
13-0 Vote, 1 Absent. Motion carried.

13. Resolution 20-136-R: Authorizing a Contract Execution with Michels Power to Provide Substation Construction Services for Paramount Park Substation Upgrade for an Amount not to exceed \$1,949,731 Which Includes 10 Percent Contingency Amount (RB 12/10/20) PU

Holm overviewed the memo.

Motion: To recommend approval of Resolution 20-136-R: Authorizing a Contract Execution with Michels Power to Provide Substation Construction Services for Paramount Park Substation Upgrade for an Amount not to exceed \$1,949,731 Which Includes 10 Percent Contingency Amount
Maker: Wolff
Second: Knopp
Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Russotto, Beck, Knopp, Chanzit, Baerren
Nay:
12-0 Vote, 2 Absent. Motion carried.

**Alderman Miller had technical difficulty and was marked as absent for this vote.*

14. Resolution 20-137-R: Authorizing Task Order #13 with Power System Engineering (PSE) to Provide Construction Supervision for Paramount Park Substation Upgrade for an amount not to exceed \$244,344 (RB 12/10/20) PU

Holm summarized the memo.

Motion: To recommend approval of Resolution 20-137-R: Authorizing Task Order #13 with Power System Engineering (PSE) to Provide Construction Supervision for Paramount Park Substation Upgrade for an amount not to exceed \$244,344
Maker: Wolff
Second: Uher
Roll Call Vote: **Aye:** Wolff, Callahan, Malay, Meitzler, Uher, Cerone, McFadden, Miller Russotto, Beck, Knopp, Chanzit, Baerren
Nay:

13-0 Vote, 1 Absent. Motion carried.

15. Discussion: Police Department Input on Zoning Code Changes to Allow Adult Use Cannabis Dispensaries (DE 12/09/20) (GS)

Newman reported that the Police Department did a tremendous amount of research with municipalities that have experience with this. She welcomed Chief Eul to present the findings. Chief Eul extended gratitude to the Council for taking a ‘wait and see’ approach to this. Being able to wait and see how this has gone with other communities has been very helpful in formulating their opinion. The most significant considerations were site security of these establishments (e.g. real time security camera feeds shared with local police departments), vehicle traffic and pedestrian congestion, hours of operation, and on-site consumption. Chief Eul stated that on-site consumption is the most important to address. He explained that this is an entirely different product and the absorption rate into the human body is vastly different than it is with alcohol. The potency of cannabis products is all over the board, especially with vapor products. Edibles have the likelihood of being over consumed. The best way to go forward would be no on-site consumption and no hookah lounges.

16. Project Status

Newman reported on the following:

- Finance is working on the year-end audit. The preliminary audit will be Friday, December 18th.
- The City has received permits for the Suncast solar array installation. We have also received the permit for the industrial building on Pearson Drive.
- Plan Commission is going to have a Public Hearing on the proposed changes to the cannabis regulations. This meeting will be held remotely via GotoWebinar.
- The Historic Preservation Commission reviewed a replacement sign on the Campana building at their meeting on December 14th.
- Anthony Isom and Scott Buening attended the International Council of Shopping Centers show in New York last week. This year it was online. They are following up with some retailers by showing them spaces here that would be appropriate for their businesses.
- Public Works has sent out a survey to homeowners that potentially have lead water service lines. Those homeowners are strongly urged to reply to the survey. The survey is being done in support of the City’s application for grant funding to assist with the replacement of those lead service lines.
- Engineering is to discuss the conceptual ideas related to the Fermi Lab detention basin along the Mahoney Creek Tributary. And electric completed a quality based selection process for construction engineering for the Paramount Substation reconstruction project.

17. Other

Callahan stated some residents had trouble logging in to the GotoWebinar. He asked that further directions be added as well as highlighting the phone option. Newman stated that Howard Chason reengineered the process for those registering to attend a meeting.

Cerone shared information on the Facebook initiative titled “We Side For Batavia Restaurants” and asked for those to join and help our restaurants out and take a break from cooking.

Newman stated that she heard from Margaret and the Chamber today that out of five thousand dollars in Chamber Bucks that they were selling for downtown businesses they only have \$21 of Chamber Bucks remaining.

18. Adjournment

Chair Wolff asked for a motion to adjourn the meeting at 9:54pm; Made by Knopp; Seconded by Cerone. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on January 8, 2020.