

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
January 19, 2021, at 7:30 p.m. - City Council Chambers
100 N. Island Ave., Batavia, Illinois
REMOTE MEETING

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

The meeting was called to order by Mayor Schielke at 7:30 p.m. The meeting was held remotely on GoToWebinar due to restrictions in place during the COVID-19 pandemic.

2. INVOCATION followed by PLEDGE OF ALLEGIANCE

Mayor Schielke offered a brief invocation. Ald. Wolff led the Pledge of Allegiance.

3. ROLL CALL

14 of 14 aldermen were present at roll call.

Aldermen (by ward) in attendance: Jennifer Baerren (1), Michael O'Brien (1), Alan Wolff (2), Martin Callahan (2), Elliot Meitzler (3), Dan Chanzit (3), Tony Malay (4), Joe Knopp (4), Abby Beck (5), Mark Uher (5), Michael Russotto (6), Nicholas Cerone (6), Keenan Miller (7) and Drew McFadden (7)

Also attending were the following:

City Clerk	Ellen Posledni
City Attorney	Roman Seckel
Public Works Director	Gary Holm
City Administrator	Laura Newman
Community and Economic Development Director	Scott Buening
Building Commissioner	Jeff Albertson
Police Chief	Dan Eul

4. REMINDER: Please speak into the microphone

Mayor Schielke reminded everyone to use their microphones.

5. ITEMS REMOVED/ADDED/CHANGED

None.

6. CONSENT AGENDA

Ald. Chanzit read the Consent Agenda as follows.

Accept and Place on File:

- A. Committee of the Whole Minutes November 17, 2020, December 1, 2020 and December 15, 2020
- B. Building Reports December 2020

Approvals:

- C. January 8, 2021 Payroll \$1,003,358.30
- D. Accounts Payable Check Register \$3,880,808.17
- E. City Council Minutes for December 21, 2020 and January 4, 2021
- F. November 2020 City Council Financial Report
- G. Reject Bids for 2021 West Side Property Maintenance (SH 12/17/20)
- H. **ORDINANCE 21-07:** Declaring Certain Electric Transformers to be Surplus Property (GH 12/23/20 COW 1/05/21 12/0) PU

Motion by Ald. Chanzit, seconded by Ald. Knopp, to approve the Consent Agenda as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

7. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)

None.

8. MAINSTREET - Annual Report on Boardwalk Shops (Bob Hansen & Jamie Saam)

Executive Director Beth Walker presented the 2020 annual report for Batavia MainStreet. She presented the organization's mission and vision and the specific COVID relief efforts it was involved in last year. Cocktails in the Park became Cocktails in the Yard to allow for physical distancing, but raised similar funds in a new format. The Farmers Market had another successful season, and the Winter Indoor Market has been well-attended so far. Volunteer hours were mainly donated to help build the Boardwalk Shops. The organization's 2021 budget is \$181,700, and it hopes to bring back many of its traditional events that were canceled due to the pandemic last year.

Jamie Saam presented a report on the Boardwalk Shops, which are now closed for the season. From June through December, the shops reported \$330,000 in sales. Sales in the first weekend covered some tenants' rent for the season. An average weekend saw 300+ individual sales. Pop-up vendors added variety to the offerings and became a draw in themselves. Six Boardwalk Shops have signed brick-and-mortar leases. Larson Pet Shack will open on South Water Street and focus more on online sales. Dash 10 Works will open on North River Street below Instrument Exchange. The Wilson Street Mercantile will open at 222 E. Wilson Street, the former Music Matters building, to house Light and Pine Collective, Unboring Granola, Other Half and Desmond Brown.

Bob Hansen talked about the future of the Boardwalk Shops. He noted that the city has approved a \$32,000 grant for Phase 2, which was intended to build four more shops. However, MainStreet would like to move forward to build only two for the 2021 season and keep two open pads for

pop-up vendors. Hines Lumber is donating some lumber, and additional donations are still being sought. The new plan would also include a picnic area on the south side of the shops, modified decking to reduce the slick surface, and fencing for additional screening around the east side.

Nineteen applications have been received so far for this season. A 14-person jury will select which shops to host. The focus is on applicants who will bring business to downtown Batavia.

Ald. Beck thanked MainStreet for being such a great asset to the downtown area. She asked if the city owns the former gas station land adjacent to the shops. Ms. Saam noted the property is privately owned.

Ald. Malay noted that Ms. Saam and Mr. Hansen had made the Boardwalk Shops such a success, and said these are a gem for the whole region.

Ms. Saam said MainStreet would need approval from the City Council for the revised plan for the grant funding. Administrator Newman said the subject could be put on the next COW agenda and action considered at the next City Council meeting. Mr. Hansen said that timing should be fine.

Motion by Ald. Callahan, seconded by Ald. Malay, to authorize staff to work on an expansion plan for the Boardwalk Shops. Motion carried 14 yea/ 0 nay/ 0 absent.

9. ORDINANCE 21-08: Authorizing Execution of a TIF Redevelopment Agreement with Comedy Vault, LLC (D/B/A The Comedy Vault) Relating to the Building Improvements at 18 East Wilson, River Street. (LN 1/07/21 COW 1/12/21 13/0) CD

Ald. Beck left the meeting at 7:58 p.m.

Ald. Callahan introduced the item related to a highly anticipated entertainment venue. The business is seeking a low-interest loan and grant funding for improvements to the building. Administrator Newman noted the proprietors already have a successful concert venue in Geneva.

Ald. Callahan explained this would be a \$100,000 investment from the city with \$75,000 going back to the TIF, and the business owners and building owner are investing a considerable amount of money in the building as well.

Motion by Ald. Callahan, seconded by Ald. Cerone, to approve the ordinance as presented. Motion carried 13 yea/ 0 nay/ 1 absent.

10. ORDINANCE 20-75: Landmark Designation for 210 North Washington Ave (JA 12/02/20 COW 1/12/21 0/14)

Ald. Beck rejoined the meeting at 8:02 p.m.

Ald. Callahan introduced the item. He noted that the Historic Preservation Commission recommended landmark designation for the property while it was up for sale. At the last COW meeting, the item did not pass.

Doris Scherer from HPC shared that the Commission had spent many hours considering this item. She said Batavia is the way it is today because of the people who first lived here. The Conde family was very active in the community, as were their children. The Conde House is well known on the East Side, and she asked Council members to preserve city history by approving the ordinance.

The homeowner, Heidi Hoff, shared that she is against the item. She said she has no intention to demolish or make major changes to the property. She said it does not meet requirements to be historic because it's been significantly modified already.

Mayor Schielke asked Ms. Hoff if she would be open to adding a sign to the home noting it was inhabited by the Conde family for 175 years. Ms. Hoff agreed as long as it wasn't overly large. She noted the house already does have a plaque on it. Mayor Schielke noted that some people come to Batavia specifically to see the Conde House, as it may be the home longest-occupied by the same family in the Chicago area.

Ald. Callahan noted that there are other ways to recognize the history of the site without the historic designation. Ald. Knopp noted his gratitude for the work and dedication that Ms. Scherer has put into the HPC, and then inquired what would happen if no motion was made for the item. Discussion ensued about the legality around whether the item could just not be voted on or if action had to be taken. The consensus was that no action from the Council would leave the item unresolved and the process would remain open, and could be in committee indefinitely. Ald. Knopp acknowledged that would leave the homeowner in limbo, and would affect future ability to get permits for work on the property. Ald. Callahan said it would be cleaner to make a motion and vote on the item.

Motion by Ald. Callahan, seconded by Ald. Wolff, to approve the ordinance as presented. Motion denied 0 yea/ 14 nay/ 0 absent.

Mayor Schielke suggested a landmark signage program should be developed by city staff for this property and others in the city. Ald. Callahan said he would fully support that plan, which would also enhance the city's attractiveness for walking.

11. ADMINISTRATOR'S REPORT

Administrator Newman said she would like to allow Chief Eul to discuss H.B. 3653 awaiting the governor's signature. He said many in law enforcement have grave concerns about the criminal justice reform bill and are imploring the governor to send the bill back to the legislature for amendments. The bill has improved since its original draft but still contains many concerning items. The original bill removed qualified immunity. The qualified immunity piece has been restored, but a task force will be created to consider its merits and make a recommendation on that policy. The bill contains many other items related to misconduct and disciplinary actions. Body-worn cameras would be required, but also could trigger punitive measures based on footage, and officers would not be allowed to review their own footage when preparing reports. Law enforcement is trying to discern the legislature's intent so they can find better solutions to address their concerns. If the bill is signed as-is, it will likely end up in case law. The bill would also impact the ability of schools to have safety officers.

Chief Eul noted that he supports a statewide use-of-force policy, so that is one good outcome of the bill. He is concerned about the bill's impact on recruiting and retention. People may begin retiring earlier and new officers are more likely to decide not to continue on their career path.

Ald. Callahan said the City Council authorized payment for an additional school safety officer at Rotolo Middle School because they understood the importance of that role for our community. He noted that the massive bill was delivered in the middle of the night and required a quick vote, which was an assault on the legislative process and an assault on law enforcement officers.

Chief Eul said he is not implying the bill is an assault on them, although it is perceived that way by some in the field. He said any loss of an officer impacts the department's ability to protect the public. The pandemic has placed a lot of pressure on police academies, and there is now a 9- to 12-month backlog for seats in the academy. The department has pending retirements, and they may not be able to replace even one officer until summer or fall of 2022.

Ald. Callahan said Chief Eul has been exemplary in leading the department. He acknowledged that officers put their lives on the line to serve and protect, and he knows any issues can be remedied if approached proactively. Chief Eul said they are all striving for continual improvement, but this bill contains items that may not be the best approach.

Ald. Baerren asked who would be on the task force to consider qualified immunity. Chief Eul said there is a rubric that includes law enforcement executive organizations, labor leadership and other stakeholders. Ald. Baerren noted that the Batavia Police Department does a great job every day, and many of the measures in the bill are directed at forcing other departments to meet the standards that our department already meets.

Administrator Newman thanked Chief Eul for his leadership and for digesting all of the information and breaking it down for the City Council. She said she was on a call today with state legislators, and many conveyed their displeasure at how the bill was rushed through. Mayors of major cities were never even contacted for their thoughts or input.

Administrator Newman moved on to share additional news:

- The Batavia Chamber of Commerce will award Boardwalk Shops an OLE Award this year.
- The Finance Department has been busy with end-of-year processes.
- The Communications Coordinator is working on a website dedicated to One Washington Place information.
- City staff will host a meeting February 1 with businesses adjacent to the OWP development to discuss how to minimize construction impacts.
- Community and Economic Development is receiving many inquiries from businesses looking to open in Batavia. Expect some big announcements soon.
- Public Works has submitted a permit application to IDOT to close River Street through summer 2021 to allow for outdoor dining. They are also looking at table placement on River and Water streets.

Ald. Beck said if construction is going on on that block of North River Street and large road closed signs are posted, no one will come to River Street. She said they should consider sticking with one-way traffic. Administrator Newman said they have not gotten a permit for one-way traffic yet. Ald. Beck suggested they have a larger discussion about how to proceed with traffic on North River Street, and Administrator Newman indicated she would add it to the next COW agenda.

12. COMMITTEE REPORTS

Ald. Wolff reminded everyone to keep cars off the street when the weather is snowy, and to keep snow cleared from street drains and fire hydrants.

13. OTHER BUSINESS

Ald. Uher asked about plans to put in a mid-block crossing across Wilson Street to the Boardwalk Shops. Administrator Newman said she would add it to the next COW agenda.

Ald. Baerren said she is hearing from residents concerned about the increased presence of coyotes in neighborhoods. Mayor Schielke said the city has large areas of natural land on both sides of the city, so wild animals are likely to find their way into neighborhoods. He said the city perhaps should be educating residents about how to dissuade animals from coming on to your property. Ald. Wolff said it's important to keep garbage protected so they don't find food in your yard. Ald. Baerren said some kind of reminder program from the city is a good idea.

Ald. Beck asked about a timeline for an ordinance on parklets. Administrator Newman said staff has to look at the latest program, but it should be back on the agenda in February. Ald. Beck also asked about parking minimums, and Administrator Newman said that would also be February. Ald. Callahan said that could be added under Community Development.

Ald. Chanzit said he was on a Zoom call with a group of residents in Downers Grove looking to organize a pride event. During the discussion, the city of Batavia received high praise, and he was proud to see the city reflected in such a positive light. Administrator Newman said the city has purchased a pride flag and will fly it proudly.

14. MAYOR'S REPORT

Mayor Schielke noted that many area mayors are angry about the law enforcement bill and how the legislative process has been handled. He was on a call with several mayors plus a new state representative and new state senator during which mayors expressed their dismay. He said Batavia has had great success with the school officer program. He encouraged everyone to contact their legislators about the bill.

New business continues to be attracted to Batavia.

15. ADJOURNMENT

Motion by Ald. Wolff, seconded by Ald. O'Brien, to adjourn. Motion carried 14 yea/ 0 nay/ 0 absent. The meeting adjourned at 8:57 p.m.

Following the meeting, the City Council convened an Executive Session. No business was undertaken after the Executive Session.

Minutes prepared and submitted by Ellen Posledni, City Clerk, January 26, 2021.