

MINUTES
June 16, 2020
Committee of the Whole
City of Batavia
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. 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 remote meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren (entered the meeting at 7:39pm), O'Brien, Callahan, Meitzler, Malay, Uher, Cerone and McFadden (entered the meeting at 7:32pm)

Members Absent:

Also Present: Mayor Schielke; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Howard Chason, Director of Information Systems; and Jennifer Austin-Smith, Recording Secretary

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

3. Approve Minutes for May 26, 2020

Motion: To approve the minutes for May 26, 2020

Maker: Knopp

Second: Russotto

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

Nay: None

13-0 Vote, 1 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)

There were no matters from the public for items not on the agenda.

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. Approval: COW Executive Session Minutes July 30, 2019, September 10, 2019, October 22, 2019, October 29, 2019, December 3, 2019, December 10, 2019, January 28, 2020, February 11, 2020, February 25, 2020 and April 14, 2020**

Motion: To approve the Consent agenda for approval of COW Executive Session Minutes from July 30, 2019, September 10, 2019, October 22, 2019, October 29, 2019, December 3, 2019, December 10, 2019, January 28, 2020, February 11, 2020, February 25, 2020 and April 14, 2020

Maker: Chanzit

Second: Knopp

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

Nay: None

13-0 Vote, 1 Absent, Motion carried.

7. Ordinance 20-36: Surplus Property Police Vehicles (SM 6/08/20) CS

Chair Wolff overviewed the memo.

Motion: To recommend approval of Ordinance 20-36: Surplus Property Police Vehicles

Maker: Wolff

Second: Russotto

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

Nay: None

13-0 Vote, 1 Absent, Motion carried.

CONSENT AGENDA

8. Resolution 20-056-R: Approving Service Agreement with Koloni Inc. for Bike Share Program (LN 6/12/20) CS

Chair Wolff stated that this discussion is whether or not we would like to move forward with this program. Wolff continued that he feels that this is something that would be used quite a bit by the community and it is something that we should be a part of having bike paths on both sides of our town. The Committee of the Whole (COW) discussed the cost, other participants in the network, and sanitation. Chair Wolff asked if there were any questions or comments from the meeting attendees and there were none.

Motion: To recommend approval of Resolution 20-056-R: Approving Service Agreement with Koloni Inc. for Bike Share Program

Maker: Wolff

Second: Beck

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

Nay: None

13-0 Vote, 1 Absent, Motion carried.

9. Resolution 20-083-R: Approval for Exception to City Employee Handbook Policy Regarding Maximum Carryover Hours (WB 6/16/20) GS

Chanzit summarized the memo and stated that this is a change to allow 20 days to be advanced into 2021 and up to 15 days of carry over to go into 2022. There is a need for appropriate staffing and this policy would prevent the payment of overtime. Newman added that this policy is 100% COVID-19 driven and we have had to shift and adjust schedules. Under our ordinary policy, they would have to use their vacation time or lose it. Allowing a greater amount of carry-over would allow us to extend over the next couple of years the ability to work back down to our ordinary policy in two years.

Motion: To recommend to City Council approval of Resolution 20-083-R: Approval for Exception to City Employee Handbook Policy Regarding Maximum Carryover Hours

Maker: Chanzit

Second: Knopp

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

Nay: None

13-0 Vote, 1 Absent, Motion carried.

CONSENT AGENDA

*Alderman McFadden entered the meeting.

10. Presentation: Report on the Findings and Conclusion of a Conservation Area TIF Feasibility Study

Aiston presented the results of the study that he headed but relied on the help of City staff to complete with the respect of the feasibility of creating a brand new TIF District in the City of Batavia. The tentative name for this new TIF district is the 'Near East Downtown District.' Aiston presented a PowerPoint presentation via 'GoToWebinar' for the meeting attendees to view. The presentation included the following information:

- Redevelopment Project Area
- Prevalent Factors
- City of Batavia EAV Data: Assessment Years 2014-19
- Moving forward
- Questions

The Committee discussed the EAV data, taxes, potential projects for TIF increments, funding source for grants made possible by the TIF, property statuses, nonconforming uses, benefits to the downtown, and pedestrian traffic.

Callahan asked if we want to do this because this is what we are going to do with One North Washington. If we are not, if the votes are not there to continue with One North Washington than

we should not create this new TIF because we would be doing what we are trying to prevent, cutting into time until it is actually needed. If One North Washington is going to move forward then we could re-TIF. If it is not going to go forward, than starting a new TIF with its clock already running is pointless. Newman stated that since the One Washington Place Redevelopment is not on the agenda tonight she recommended that it be placed onto a future COW agenda so that members of the public have the opportunity to weigh in on that discussion. Malay suggested getting the Redevelopment Agreement in place and then do the TIF so that we have the longest possible window. Aiston stated that we hope that does happen. We expect to have an amended RDA for your consideration this fall.

Newman stated that what put us in the position to do a Feasibility Study was the unanimous approval of doing the Feasibility Study after the developer made a presentation of the revised plan that he put forth. All we are asking for tonight is to go from the Feasibility Study to the Redevelopment Plan in moving forward towards establishment of the TIF. We are trying to move forward in a parallel sequence so that should the project be approved we could start to build it as early as possible, either before the end this year or when construction becomes possible next year. If the project is approved, the sooner we build it the sooner the increment comes in. Callahan stated that his recollection of the unanimous approval was to discuss the pros and cons of the establishment of it. His vote towards the unanimous was not a go ahead and do this and get it all ready to go. It was do we want to do this and that is this part.

Members of the public were welcomed to address the Committee. Sylvia Keppel thanked the Committee for their discussion on this matter. She continued that the State limits the TIFs to 23 years plus a single possible extension of 12 years. What was the point behind that? They had to have a reason for doing that. She would say that the reason was to limit the duration of the TIFs because taxing bodies are missing out of their taxes during that time. Keppel stated she knows that there is a concern to go through this process quickly before anything changes but why would it change. There are enough loopholes to drive a truck through and one of which is what you are talking about doing tonight. TIF 1 and roll into TIF 6, you are talking about parcels that are taken off the tax rolls for 54 years. That is an awfully long time. It would have an increase from a new base EAV but the 35 years that you lost they do not come back for the School District, the Library or the Park District. She would like to make a suggestion, there is no requirement and you could do whatever you want in a formation of a TIF. Even if the Joint Review Board voted against this TIF the City has all of the authority to make the decision on the TIF. However, on the extension it must be approved by 100% of the taxing bodies and then it goes to legislature for approval. She is asking the City to commit to applying the same standards to the Joint Review Board if you decide to go through with TIF 6 as you would do with the extension, which means 100% of the taxing bodies have to agree to this TIF. If it is a great idea they would support it. Fifty-four years is a long time for the taxing bodies to go without that money. Second, she would like to point out that one of the issues we didn't talk about is the 'but for' standard. 'But for' this TIF development would not occur. She does not think you could go through with the 'but for' because if nothing happened and a new TIF was not formed, all of these properties are in existing TIFs that were created for the exact reasoning 'but for' the TIF no development would occur. If you did nothing the parcels are still in a TIF and you cannot argue that 'but for' this new TIF that development would occur. Finally, she asked the COW to take a look at the boardwalk shops. It's a great idea and has had great success. What has made them a great success is that they are

small and they have a low rent. Keppel suggested smaller scale retail with apartments over it and still have parking behind it. Look at the success of the boardwalk shops, see why they are such a success and see how you could expand that into the downtown.

Juliana Consuelo, owner of Bocaditos, addressed the Committee. She stated that she was hoping to provide some perspective as a business owner and a tenant of a business in the historic downtown in a building that was on the presentation as a blighted building. There were many interesting points and many in which she agreed with. She felt that the conversation moved away from the presentation. She does think it is important to think about the current state of things and it is easy to see up to now the owners of the buildings have not been incentivized to make any changes to the buildings. The responsibility has laid with the tenants. And as a tenant that is in between a rock and a hard place we see the downside of being in a blighted building. There is a lot to be said about improving the existing spaces. The tiny shops are a great incubator space and that is what they are meant to be. She would like to see a lot more attention made towards fixing up the historic downtown in order for the incubated businesses to move into a permanent space. If the building itself does not look great or up to code there would be no desire to move into that space and pay a higher rent. She would like to see more focus on repairing these existing buildings and if this TIF is created, how is this going to be presented to land owners and businesses owners. Is there anything the City would do to help tenants and landlords come into agreement where these funds could be appropriately used.

Callahan stated that in regards to her building, there was a significant incurred cost as it related to the easement and the approval of those funds that went to that building owner. We know when we gave that money there were specific improvements to be incentivized for exterior and interior improvements. As comes with these things, we could not make a building owner do anything with those funds. We did specifically give money in this project to the owner of that building. Whether or not it is being spent still goes to the owner of that building. Callahan stated he believes that the amount was \$125,000. Newman stated that establishing this new TIF would allow for increments to be used towards TIF eligible expenses for any properties within the TIF. With the existing TIF we have done Façade Grants and those in the district have used those funds to improve their buildings. Callahan stated that she is in a building that had deficiencies cited for being considered blight and under the existing TIF 5 we have already supplied funds that could have resolved some of that and those things go to the property owner. Newman stated that was a matter of the way that the easement agreement was written was in order for us to obtain the easement rights the business owner required that the mandatory language be removed from that purchase agreement.

Motion: To accept the findings in the Feasibility Report and direct the consultant to move to the next stage of creating the Redevelopment Plan

Maker: Wolff

Second: McFadden

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

Nay: Miller, Knopp, Callahan, Meitzler, Uher

9-5 Vote, 0 Absent, Motion carried.

11. Project Status

Newman reported on the following:

- The IEPA has approved and signed the two loans which makes it possible for us to move forward with the 2020 planned improvements for Area 3.
- The South Water Street tables and umbrellas have been installed and Advanced is putting the garbage receptacles in that area. Al fresco dining will be available on the east side on North River Street and also on the west side on South Water Street.

12. Other

Malay announced he had a meeting with the owners of Wilson Street Tavern and Oak and Swine. They are excited about the traffic that was created by the boardwalk shops. They would like to collaborate to put up a tent in the alley on the side of their buildings. They are prepared to make a significant investment while the time is right. Malay expressed his support to allow these businesses to have a tent installed. Newman stated that there is an application process and Community Development will process the application.

O'Brien announced that the Supreme Court made a landmark decision regarding the LGBTQ community and he applauds that decision. Additionally, across the nation we have had protests for Black Lives Matter and we as community leaders need to keep that on the forefront at all times. We are all equal citizens under the law and equal rights for all people under the law.

13. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:39pm; Made by O'Brien; Seconded by Knopp. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on June 24, 2020.