

TO: Marty Callahan, Community Development Chair

FROM: Chris Aiston, Economic Development Consultant

THRU: Laura Newman, City Administrator

DATE: May 18, 2020

RE: Consideration of an Application for Grant Funds Offered through the City's Downtown Signage Assistance Program to Somo Studios, 5 N. River St. in the Amount of \$1000.00 (Res. 20-075-R)

Background

The City of Batavia has established a Downtown Signage Assistance Program through which downtown business building owners or their tenants (lessees) may apply for grant funds up to \$1,000.00, or 50% of actual improvement costs, whichever is the lesser amount. Denise Espinosa, on behalf of Somo Studios, LLC, has applied for a \$1,000.00 matching signage assistance grant to produce and install a new building façade sign. Total cost of signage project is \$2,810.40 (excludes permit fees paid).

It should be noted that the consideration and would-be approval of this grant award falls outside of normal administrative processes in the City's consideration for signage grant applications, in that the sign has been produced and already installed. However, in a strict reading of the "Eligibility" requirements of the Signage Assistance Program, this fact does not preclude the City from granting the funds under the Program (see immediately below):

Eligibility

1. Projects must be located in the Downtown Historic District and in one of the City's Tax Increment Finance Districts. **Yes.**
2. Entire grant amount is payable upon completion of the sign and passing final inspection by the City. **Yes.**
3. Business must be in a permanent location. Incubator businesses subsidized by the City through controlled rent costs would not be eligible. Business must have a lease for an additional period of time. **Yes.**
4. Projects must have a minimum budget of \$500.00. **Yes.**
5. Projects eligible for grants may receive reimbursement for up to 50% of the actual façade improvement costs to a maximum of \$1,000. **Yes.**
6. Any signage requests must still be reviewed and approved by the Historic Preservation Commission (HPC) and be processed through the proper channels. **Yes.**
7. Signs may be relocated elsewhere within the City limits if the business relocates. Signs may not be used outside the City limits. **NA.**

Recommendation

Although Ms. Espinosa did undertake and complete the project before she was awarded any grant funds, she did so at her own financial risk and should not necessarily be disqualified from receiving a signage grant. Staff recommends that the City approve the attached Resolution 20-075-R, awarding a Downtown

Signage Assistance Program grant in the amount of \$1,000.00 or 50% of actual cost, whichever is lower, to Soma Studios, LLC.

Attachments: Resolution 20-075-R, with Exhibit Agreement; Somo Studio Grant Application

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 20-75-R**

**A RESOLUTION AWARDING A GRANT UNDER THE
DOWNTOWN SIGNAGE ASSISTANCE GRANT PROGRAM
WITHIN THE DOWNTOWN HISTORIC DISTRICT
(SOMA STUDIO, 5 NORTH RIVER STREET)**

WHEREAS, the City of Batavia has established a Downtown Signage Assistance Program Grant; and

WHEREAS, Soma Studio, LLC, Lessee in the premises commonly known as 5 N. River St., has applied for Downtown Signage Assistance Program Grant in the amount of \$1000.00, or 50% of total costs, whichever is less, to reimburse costs for a new building façade sign placed above its office’s main entrance; and

WHEREAS, the City Council has determined that it is in furtherance of the goals and objectives of the Downtown Signage Assistance Program Grant to approve the request of the owner; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batavia, Kane and DuPage Counties, that the application for the grant of Downtown Signage Assistance Program Grant funds in the amount of **\$1,000.00 or 50% of the actual cost of the project, whichever is less**, to reimburse certain costs of the aforementioned new building façade signage at the property commonly known as 5 N. River Street, is hereby approved, and the Mayor and City Clerk are authorized to execute the agreement between Soma Studios, LLC, Lessee, a copy of which is attached hereto as EXHIBIT “A,” be and is hereby approved.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2020.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ____ day of _____, 2020.

Jeffery D. Schielke, Mayor

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-075-R

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Knopp					Malay				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 Aldermen								

ATTEST:

 Ellen Posledni, City Clerk

**CITY OF BATAVIA
SIGN GRANT AGREEMENT**

THIS AGREEMENT, entered into this ____ day of _____, 2020, between the City of Batavia, Illinois (hereinafter referred to as the “CITY”) and the following designated OWNER/LESSEE, to wit:

Name of Business: Somo Studio
Address of Property: 5 N. River St, Batavia, IL 60510
Lessee Name: Somo Studios LLC

WITNESSETH:

WHEREAS, the CITY has established a Downtown Signage Assistance Program for application within a certain area of the CITY known as the Downtown Historic District (“DISTRICT”); and

WHEREAS, said Downtown Signage Assistance Program is administered by the CITY is funded from the Riverfront Tax Increment District and Downtown Tax Increment Finance District Funds for purposes of preserving the character and history of the downtown historic structures, and for furthering economic development goals by assisting with funding improvements; and

WHEREAS, pursuant to said Program the CITY agreed to participate, through offering Program grant funds, subject to its sole discretion, in sharing the cost of exterior building signage to commercial establishments within the District for up to 50% of the actual improvement costs to a maximum of \$1,000.00 per project; and

WHEREAS, the LESSEE’s property is located within the Downtown Historic District and the OWNER desires to participate in the Signage Assistance Program pursuant to the terms and provisions of this Agreement and the Policies and Procedures of the Program; and

WHEREAS, the LESSEE has submitted a complete application for a Sign Grant (Signage Assistance) in accordance with program guidelines, and City staff has determined that the application and proposed grant-supported project, to wit: a new building façade sign (“Project”), is in conformance with applicable City program requirements.

NOW THEREFORE, in consideration of the mutual covenants and agreement set forth herein, the CITY and OWNER hereby agree as follows:

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-075-R

SECTION 1: The CITY shall share up to fifty (50%) of the Project cost for the OWNER's property, provided that the actual amount to be paid pursuant to this Agreement shall not exceed \$1,000.00 (One Thousand Dollars and No Cents). The signage costs which are eligible for CITY participation may include, but not necessarily limited to design, materials, production and installation necessary for the proper execution and completion of the work as designated from the design drawings and conditions approved by the CITY.

SECTION 2: This improvement work shall not be eligible for cost sharing unless the application therefore and this Agreement have been approved by the City Council. The OWNER shall complete all such work within one hundred eighty (180) days from the date of such approval.

SECTION 3: Illinois Prevailing Wages: To the extent the proposed contract calls for the construction of a "public work," within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 *et seq.* ("the Act"), Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen, and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act 820 ILCS 130/1-12 including, without limitation, the submission of certified monthly payroll reports as required by 820 ILCS 30/5. The contractor is advised that failure to timely submit such reports shall be cause for the withholding of payments otherwise due the contractor until compliance with the reporting requirements is achieved. The current Illinois Department of Labor Prevailing Wage Rates for the County of Kane are available at their website <http://www.state.il.us/agency/idol/>. Prevailing wage rates are subject to revision monthly. Copies of the current prevailing wage rates are also available at the Kane County Purchasing Department, 719 Batavia Avenue, Geneva, Illinois.

Any bond furnished under this contract shall include such provisions as will guarantee the faithful performance of such prevailing wage clause as provided by the contract. The Contractor and each of his Sub-Contractors shall pay each of its employees engaged in work on the project under this Contract in full (less deductions made mandatory by law) not less often than once each week.

If a contractor or subcontractor deems the work is not subject to the Act, the contractor or subcontractor shall then submit to the City, a letter indicating receipt of this notice and their determination that the Act does not apply. If the contractor or subcontractor believes the work is not subject to the Prevailing Wage Act, and it is later determined by the Illinois Department of Labor or a court of competent jurisdiction that prevailing wages should have been paid, the contractor shall indemnify and hold the City harmless therein for all costs and penalties incurred by the City related to the violation, including reasonable attorneys fees incurred by the City to defend such an action.

SECTION 4: The CITY may periodically review the progress of the contractor's work on the improvement pursuant to this Agreement. Such inspections shall not replace any required permit inspections by the Building Commissioner. All work which is not in conformance with the approved drawings and specifications shall be immediately remedied by the Owner, or its successor, and deficient or improper work shall be replaced and made to comply with the approved

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-075-R

drawings, specifications, and terms of this Agreement.

SECTION 5: Upon completion, final inspection and approval of the improvement by the CITY, the OWNER, or its successor, shall submit to the CITY a properly executed and sworn contractor statement showing the full cost of the work as well as a notarized lien waiver for each separate component amount paid. The CITY shall, within thirty (30) days of receipt of the contractor's statement and signed lien waivers, issue a check to the OWNER, or its successor, on a reimbursement basis only and for no more than fifty percent (50%) of such cost, not to exceed \$1,000.00 (One Thousand Dollars and No Cents). *The parties to this Agreement acknowledge that all activities eligible for cost reimbursement have been completed to the satisfaction of the CITY.*

SECTION 6: If the OWNER, or its successor, fails to complete the improvement work provided for herein in conformity with the approved plans and specifications and terms of this Agreement, or fails to complete such work within 180 days from the date described in Section 2 above, then, upon written notice by certified or registered mail to the OWNER, or its successor, this Agreement shall terminate and the financial obligation on the part of the CITY shall cease and become null and void.

SECTION 7: Nothing herein is intended to limit, restrict or prohibit the OWNER, or its successor, from undertaking any other work in or about the subject premises which is unrelated to the improvement provided for in this Agreement.

SECTION 8: This Agreement shall be binding upon the CITY OF BATAVIA and upon the OWNER of the property and its successors, for a period of three hundred and sixty-five (365) days from and after the date of approval of this agreement provided for herein.

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-075-R

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

LESSEE

CITY OF BATAVIA

For: Somo Studio, LLC

Jeffrey D. Schielke
Mayor

DATE: _____

DATE _____

ATTEST: _____
Ellen Posledni
City Clerk

DATE _____



City of Batavia
 Community Development Department
 100 North Island Avenue
 Batavia IL 60510
 Phone (630) 454-2700
 Fax (630) 454-2775

Application for Downtown Signage Assistance Program

Property / Project
 Address 5 N. RIVER ST, BATAVIA

Property Owner's Name
MARY HARRIS

Name of Tenant DENISE ESPINOSA (SOMA STUDIO) Phone Number 630-638-0952

Lease Expiration Date 11/30/2020 Mobile Number _____

Submittal Date 2/24/20 E-Mail MC@BRUCEHARRIS.COM

Project Description :

NEW LED SIGNAGE FOR BUILDING
5 N. RIVER ST. BATAVIA
SOMA STUDIO (yoga studio)
Removal of previous tenants
sign (SHINE) and installation
of SOMA STUDIO sign

Business/Applicant Name SOMA STUDIO/DENISE ESPINOSA
 Business Address 5 N. RIVER ST / 7 N. RIVER ST.
 Phone Number 847-691-9082
 Mobile Number 847-691-9082
 E-Mail Denise.espinosa04@gmail.com

Business/Applicant
 Signature * 

Property Owner
 Signature MARY HARRIS

*By signing this application I acknowledge this project is subject to the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et. seq.)

Additional Information to be Submitted with Application Check Each Completed Item

- Total Anticipated Budget: \$ 2,900
- Total Anticipated Grant Request: \$ \$1,000
- Completed Certificate of Appropriateness (COA) Application Form (attached)
- Itemized List of Proposed Improvements
- Completed Bids, Based on Prevailing Wage, From Three Contractors For Work Specified on the Itemized List
- Digital Photographs of Building where Signs will be installed (include CD or flash memory, or copies of photos already sent to the City of Batavia via email)
- Drawings and/or Modified Photographs Showing Proposed Signage
- Paint and Material Samples
- Proof of Ownership of Property or Executed Lease



City of Batavia
 Community Development Department
 100 North Island Avenue
 Batavia IL 60510
 Phone (630) 454-2700
 Fax (630) 454-2775

Application for Certificate of Appropriateness

Property Address 5 N. RIVER ST. BATAVIA

Property Identification Number _____
 Existing/Proposed Zoning Ordinances ___ Yes ___ No
 Zoning _____

Submission Date 2 / 24 / 2020

Owner's Name DENISE ESPINOSA
 Phone Number 847-691-9087
 Mobile Number 847-691-9082
 E-Mail Denise.espinosa4@gmail.com

Project Description :

5 N. RIVER ST
NEW LED BUILDING SIGN
SOMA STUDIO

Applicant's Name DENISE ESPINOSA
 Applicant Address 5 N RIVER ST / 7 N. RIVER
 Phone Number 847-691-9082
 Mobile Number <<
 E-Mail denise.espinosa4@gmail.com

Applicant Signature 

Owner Signature 

TYPE OF WORK
 (Check All That Apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Exterior Alteration/Repair | <input type="checkbox"/> New Construction | <input type="checkbox"/> Demolition |
| | <input type="checkbox"/> Primary Structure | <input type="checkbox"/> Whole Primary Structure |
| | <input type="checkbox"/> Addition | <input type="checkbox"/> Part Primary Structure |
| | <input type="checkbox"/> Garage/Outbuilding | <input type="checkbox"/> Garage/outbuilding |
| | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Relocation of Building |

Additional Information to be Submitted with Application – Digital Format If Available

- | | |
|---|--|
| <input type="checkbox"/> Exterior Alteration/Repair | <input type="checkbox"/> Porch – Maintenance and Minor Repair |
| <input type="checkbox"/> Architectural Feature (Decorative Ornamentation) | <input type="checkbox"/> Porch – Major Repair and Reconstruction |
| <input type="checkbox"/> Awning or Canopy | <input type="checkbox"/> Retaining Walls |
| <input type="checkbox"/> Deck | <input type="checkbox"/> Roof (Change in Shape, Features, Materials) |
| <input type="checkbox"/> Door | <input type="checkbox"/> Satellite Dish |
| <input type="checkbox"/> Fence | <input type="checkbox"/> Security Doors or Windows |
| <input type="checkbox"/> Gutters | <input type="checkbox"/> Sidewalks |
| <input type="checkbox"/> Light Fixture | <input type="checkbox"/> Shutters |
| <input type="checkbox"/> Mechanical System Units | <input type="checkbox"/> Siding |
| <input type="checkbox"/> Masonry Cleaning, Repointing, Painting | <input checked="" type="checkbox"/> Signs |
| <input type="checkbox"/> Material Change (wood, brick, etc) | <input type="checkbox"/> Solar Collectors |
| <input type="checkbox"/> Painting (paint removal etc) | <input type="checkbox"/> Storm Doors or Windows |
| <input type="checkbox"/> Paving (Parking Lot, Driveways, Landscaping) | <input type="checkbox"/> Windows, Skylights |
| <input checked="" type="checkbox"/> Photographs of building(s) | <input type="checkbox"/> Others _____ |

Attach a detailed description of all work to be done for each item. Include the following materials where appropriate and check appropriate box if included

- A. Drawings, photographs, specifications, manufacturer's illustrations or other description of proposed changes to the building's exterior, to-scale drawings with dimensions will be required for major changes in design (e.g., roofs, facades, porches, and other prominent architectural features)
- B. If application is for any feature not on the primary structure, include a site plan. A site plan will not be required if there is no change to the existing structure or any proposed new structure.
- C. If changes to building materials are proposed, include samples.

New Construction/Additions

Include the following materials where appropriate and check appropriate box if included.

- For primary structure, outbuilding or addition:
 - 1. Fully dimensioned site plan
 - 2. Elevation drawings of each façade with dimensions and specifications
 - 3. Drawings, photographs, samples and manufacturer's illustrations
- Drawings or other descriptions of site improvements, e.g., fences sidewalks, lighting, pavements, decks.

Structure Demolition

- 1. Photographic evidence supporting the reason for demolition
- 2. Describe the proposed reuse of the site, including drawings of any proposed new structure
- 3. If economic hardship is claimed, include evidence that hardship exists (Criteria set forth in Section 7-2 of Title 12)

Structure Relocation

- 1. Explain what will be moved, where and why.
- 2. If a structure will be moved into the district from outside, include photographs.
- 3. Include a site plan showing proposed location of the structure on the new parcel. Describe any site features that may be altered or disturbed (e.g., foundations, walls)

THIS FORM IS NOT A BUILDING PERMIT APPLICATION

FOR OFFICE USE ONLY BELOW

Property is: **Significant** **Contributing** **Non-Contributing**

Signature of Historic Preservation Commission Chair

Date of Commission Review

City Council Action: **Date** _____ **Vote Record** _____ **Not Applicable** _____

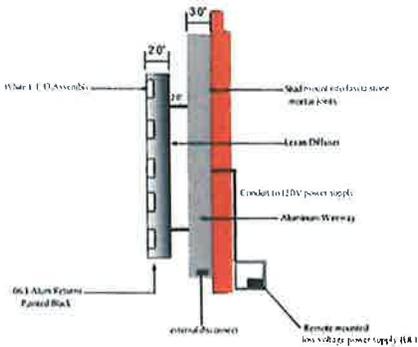
Conditions: YES*/ NO

*See Attachment

The Batavia Historic Preservation Commission, or its authorized agent, has reviewed the proposed work and has determined that it is in accordance with the applicable criteria set forth in Section 6-2 of Title 12 of the Code of the City of Batavia. Accordingly, this Certificate of Appropriateness is issued.

Any change in the proposed work after issuance of this Certificate of Appropriateness shall require inspection by Commission staff to determine whether the work is still in substantial compliance with the Certificate of Appropriateness.

This certificate is not a permit, does not authorize work to begin, does not ensure building code compliance, and does not imply that any zoning review has taken place.



CUSTOMER

Account:
SOMA
STUDIO

Location:
5 N. River St.
Batavia, IL 60510

Date: 11/25/19

THIS ARTWORK REMAINS THE INTELLECTUAL PROPERTY OF THE AUBREY SIGN CO. UNTIL PAID FOR, IN FULL, BY CUSTOMER. USE OF THIS ARTWORK FOR ANY COMMERCIAL PURPOSE WITHOUT OUR WRITTEN PERMISSION WILL RESULT IN A \$1,000 PENALTY.

PLEASE REVIEW, SIGN AND DATE THIS -- INDICATING YOUR APPROVAL.

approved by _____

date _____

Aubrey
SIGN CO.

1847 Suncast Lane
Batavia, IL 60510

Ph: 630-482-9901
Fax: 630-482-9906

www.aubreysigns.com

Email:
mike@aubreysigns.com

Sign details: Reverse "halo" channel letters mounted to custom aluminum wireway. Black returns.

"STUDIO" is routed letters with white plex backer. Satin aluminum finish on wireway.

Type of Illumination: White LEDs, 12V x 60 watt power supplies, external disconnect, UL listing

Dimensions: Cabinet 32" H x 60" W x 3" D = 13.5 sq. ft.

Special Notes: All penetrations into mortar joints. Frontage = 30 ft.

CITY OF BATAVIA BUILDING DEPT.
PLANS APPROVED AS NOTED
Follow all City Codes & Ordinances
Date of Issue 1-14-20 Permit # 2019.2799
Building Official *Jeff Albert*



ESTIMATE

EST-22666

Business Sign Specialists
www.aubreysigns.com

Payment Terms: Cash Customer

Created Date: 11/18/2019

DESCRIPTION: Custom illuminated sign

Bill To: Soma Studio
7 N. River St.
Batavia, IL 60510
US

Installed: Soma Studio
7 N. River St.
Batavia, IL 60510
US

Requested By: Alain and Denise Espinoza
Email: somastudiobatavia@gmail.com

Salesperson: Mike Hoffer
Work Phone: 6304829901
Entered By: Mike Hoffer

NO.	Product Summary	QTY	UNIT PRICE	TAXABLE	AMOUNT
1	Custom illuminated sign	1	\$2,600.00	\$2,000.00	\$2,600.00
1.1	Channel Letters - Halo channel letters on wireway Part Qty: 1 Text: SOMA Studio (logo) PER YOUR APPROVED ARTWORK Notes: SOMA (black halo channel letters with "O" as compound channel with illuminated logo on white acrylic in center STUDIO (routed with white plex backer) On custom brushed aluminum wireway				
1.2	Installation - Installation - Retail Price: \$600.00 Notes: Install sign				

Our terms are 50% down at the time the order is placed and the entire balance is due when the order is picked up or installed. A finance charge of 1.5% per month will be assessed on any outstanding balance after 30 days.

There will be a 3% service charge for any credit card payment over \$500.00.

The price of your estimate does not include any required licenses, bonds or permits and Aubrey Signs survey/permit procurement fee (\$175.00). There is an additional charge to attend any governmental meetings which may be necessary to obtain permit approval.

Subtotal:	\$2,600.00
Taxable Amount:	\$2,000.00
Taxes:	\$160.00
Grand Total:	\$2,760.00
Deposit Required:	\$1,380.00

This quote is based upon normal installation during regular business hours and unrestricted access to the installation site. Adequate power must be provided to site of sign installation. Additional charges may apply.

Any additions, deletions or other changes to this order by customer may result in a price change to one or more line items – and/or the installation charges.

All signs, sign materials and awnings remain the property of The Aubrey Sign Company until the order has been paid in full. Customer agrees that, in the event that the invoice is not paid within the stated payment terms, The Aubrey Sign Company reserves the right to remove/ repossess the sign or awning.

Any insurance requires in addition to our standard coverage will incur additional charges. This includes, but is not limited to, requests for special endorsements, additional insured, waivers of subrogation, non-contributory coverage or Bonds.

Cancelled orders are subject to a cancellation penalty up to 100% of the deposit amount.

Completion and installation dates are only a good faith estimate and are not guaranteed.

It is our policy to match the price of any local, full service, licensed and insured, UL listed sign company – for the exact same quality, construction, specifications and components.

Signature: _____ **Date:** _____

BUSINESS SIGN SPECIALISTS

1847 Suncast Lane Batavia, IL 60510 (630) 482-9901

SEAM

RENOVATIONS INC.

23481 N. Meadow Lane

Barrington, IL 60010

630-544-0982

ASIERRA@SEAMRENOVATIONS.COM

WWW.SEAMRENOVATIONS.COM

GC100562-1

Client: Soma Studio
Email: somastudiobatavia@gmail.com
Phone: 847-691-9082
Location: 7 N. River St., Batavia, IL 60510
Date: 11/17/2019
Job: Sign w/ Installation

- Provide/Install Custom illuminated sign
- Artwork - SOMA w/ LOGO
- Per drawing specs provided by client
- Channel Letters - Halo channel letters on wireway

Materials	→	\$2,750
Labor	→	\$825
Grand Total	→	\$3,575

Our terms are 50% down at the time the order is placed and the entire balance is due when the order is installed.

ALL MATERIALS ARE GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN A PROFESSIONAL MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATIONS OR DEVIATIONS FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE.