

MINUTES
March 15, 2016
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.

Brown called the meeting to order at 7:30pm.

1. Roll Call

Members Present: Ald. Brown, Russotto, Atac, Stark (entered at 8:11pm); Wolff, Fischer, Callahan, Hohmann, Mueller, Botterman, Cerone (entered at 8:04pm); and McFadden

Members Absent: Ald Chanzit and O'Brien

Also Present: Mayor Schielke (entered at 8:24pm); Bill McGrath, City Administrator (entered at 8:18pm); Scott Buening, Director of Community Development; Rahat Bari, City Engineer; Wendy Bednarek, Human Resources Director; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for February 16 and March 1, 2016

Motion: To recommend approval of COW minutes from February 16, 2016 and March 1, 2016

Maker: Mueller

Second: Hohmann

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

3. Items to be Removed, Added or Changed

Agenda item number nine was moved to number six for discussion purposes. There were no objections by the Committee regarding this change.

4. Matters From The Public (For Items NOT on Agenda)

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

5. 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. **Resolution 16-30-R: Approving Contract with Asplund Tree Expert Co. for the 2016 Electric Tree Trimming Program for an Amount Not to Exceed \$130,000 (Brian Bettin 3/4/16) PU**
- b. **Ordinance 16-15: Annexing Island 183B in the Fox River (Scott Buening 3/7/16) CD**

Motion: To approve the consent agenda as presented
Maker: McFadden
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

6. Discussion: Homes for Changing Region Community Land Trust (continued) (Scott Buening 1/26/16) CD

Stark stated that this is a discussion is on whether to obtain a further study on a Community Land Trust (CLT). Stark stated that we met about this already. In 2015 a Housing Study was approved with St. Charles, North Aurora, Geneva and CMAP. There were recommendations of additional actions to be taken. The first priority was to encourage employer assisted housing. The second priority was to create a CLT. We received a presentation from Scott Buening and it discussed exploring of a CLT.

Buening reported that the City of St. Charles held a presentation in regards to a CLT. It is very similar to the program in Highland Park and was extended to the adjacent communities. Buening stated that he was informed that St. Charles is in favor of doing a study of this, which would cost \$12,000 divided amongst the communities (\$3,000 for the City of Batavia to fund). A CLT could either be run by a non-profit agency or an intergovernmental group to provide affordable, attainable housing that would remain in the communities wherever they are. There are different ways to do this, you could own the land and rent the properties, you could own the land and sell the rights to use the land, and there are other possibilities. Buening stated that the study would give us the possibilities for our community and we could decide whether or not we would like to pursue them.

Stark asked if there are other communities where this has been successful in Illinois other than Highland Park. Buening stated that there are not many in Illinois but he has viewed a successful program that was in Seattle that had twenty different communities. Some provided land, some provided funding, some provided zoning relief and each town was able to decide what was comfortable for them. There are 280 of these in 45 states. Stark asked how the study would be funded. Buening answered that the initial study would be funded through the general fund and the second phase would be different. It would be part of the analysis on how the second phase could be funded. Fischer stated that he saw, through the presentation, what the positives are and asked what are the cons. Buening answered that you have to ensure that the affordable housing stays and does not get sold for profit. One of the ways to do that is to have the land trust own the

physical land and they sell the rights to build on it. Other ways it could be done is by deed restrictions.

Cerone stated that the mission is a good one and noble. However, he does not feel that this is a good fit. He does not see any capital gains for the potential homeowners. Cerone asked if we have any inventory of affordable homes. Buening stated that there is still an inventory of affordable homes out there. He added that it seems that they have all the information already and what exactly would they be studying. Buening answered that the study would include what each specific community would want and the format. Callahan stated that he attended the St. Charles' presentation and noted that no one wants to take the lead and do a \$12,000 study by themselves. He suggested that we take a step back and find out what the other municipalities want to do first so we could decide whether or not we want to be a part of it. There are too many moving pieces to go forward with the study right now.

Callahan suggested having the mayors get together to discuss this further, such as this is our need and this is what we want to gain out of it. He would like to see more conversation on this matter. Russotto and Fischer agreed with Callahan's suggestion. He added that if we did phase one then we would have to do phase two. There is so much that has to be involved with this, it would take years to put it together. Wolff stated that he was at the presentation as well. The more he listened last night, he thought that if we all do phase one and only one community decides to do phase two it is not worth it. He does not want to spend the money when the cities are not all in. There are still some more questions. Would we have to keep going and would we have to convince other cities continue further. Buening stated that at any time we could abandon this and get out of it. If we think that at the end of the study that this is not for us and then we could do it at a later time. He noted that Highland Park was the only community that did this and then other communities were added on after that.

Cerone stated that for our communities there are other avenues that we could take to support affordable and attainable housing. McGrath stated that if we don't think that we have an issue with affordable and attainable housing than why go forward with the study. He suggested having someone from Highland Park to discuss what was going on in their community that had them have this conversation. McFadden stated that there are areas that are zoned and a potential project that would bring more affordable housing to the City. There are things in the unknown future that would address that need.

Mayor Schielke stated that he applauds what we are trying to do here but there is no easy answer to it. He questioned how a lender would react to this proposal with the constraints on the deal. He is not sure if lending would be very attractive. Mayor Schielke noted that in Highland Park there was King Harris who provided incentives towards this project. He stated that without his help it would be a lot harder to implement a program like this. Callahan stated that they put as a positive that the lenders would be motivated to have these bought out. Callahan stated that he does not believe that to be true and that part of the presentation seemed to be disingenuous. McFadden asked about the staffing it would take to run this. Russotto stated that it would take years to implement and who would fund this. Callahan stated that they said that you could pick and choose what you want later. He stated that there are currently seventeen board members on the Highland Park Community Trust.

Stark stated that since she is in sales she always looks for the sales aspect in things. She explained that the Housing Study stated that our number two priority is to create a Community Land Trust and amazingly there is a company that could perform a study on this for us for \$12,000. It is a large cost for knowledge that is already known. It is also not guaranteed that it will go anywhere. In addition, trying to get something like this off the ground would be a difficult endeavor. Callahan stated that we should know why we are doing this for our community, not just because the study said we should do it. Stark stated that this is a revolving door of studies. McGrath stated that we have known that we have had a housing problem here. We have talked about losing our seniors, not having college-aged-people coming back into town, and we have talked about the state statute on affordable housing. Atac asked if this is a priority for this Council and we need to define affordable and we need to understand the Batavia market. Atac stated that we have to discuss this as a Council and see if this is a priority and then obtain more information. Atac noted that there are tiny home communities and homes that are smaller and homes that have smaller densities. She suggested that the City pursue those types of developments. Buening noted that Bigalow Homes is building products such as that in the east side of Aurora. Stark stated that what used to be affordable in the City are being remodeled and being sold for a higher price. She asked about Habitat for Humanity homes in the Fox Valley. Buening stated that a lot of what they are doing is rehab. They do a lot more rehabs than building.

Jason Stubbes, 1051 Crystal Court, addressed the Committee. He stated that he flips houses in the tri-cities and he knows the inventory that is out there. He suggested that Batavia focus on not only the seniors and empty nesters but also the Generation X people who are trying to relocate into the area. Those are the fastest growing market places that we have all over. DuPage County and Kane County have a lot of affordable homes being bought by families and rehabbed. The flipper market is coming back and he has been doing real estate for twenty years. If you need a real estate perspective, he feels that this kind of study is throwing money at something that we already have realized. We have known this for ten plus years yet we continue to build developments, such as Tanglewood. We need starter homes in this community and that would help us with empty nesters and seniors to transition out of large family homes and stay in the community. We are community-centric and we don't want to drive our residents out. We need to see what our opportunity cost is. We already know the answer without doing a study like this. We need more affordable housing. That does not mean we have to designate it all to section 8 or that we have to offer incentives. He suggested approaching some of our major employers here to see if this is something that they would be interested in. Have the public sector have some responsibility and the social conscious of this. He thanked the Committee for their time.

Callahan agreed with what he was saying. The discussion here tonight is do we want to do this to address our affordable housing issue. He wants people in this town to feel that they could live here and could afford to live here. We want to make it as affordable as possible. He does not think that the CLT is the direction we should be going. He believes that there are other options out there and he would like to see those options presented, more tailored to our community and more community specific. The more towns we have involved in it we get bogged down.

Buening stated that at this point, it does not seem that there is enough interest by the Committee to proceed with the study at this point of time. However, the Committee would like to explore options locally with incentives. Stark stated that she is hearing, as of right now, we do not want to pursue paying for the CLT study. We do need to have further discussion so that we can give staff direction in terms of staying with our comprehensive plan, helping to decide what we are going to do with the pieces of land long term. Stark asked the Committee to ponder the 'not in my backyard' issue that we always seem to come up against.

7. Ordinance 16-14: Annex Part of BNR ROW Burlington Northern Railroad Right-of-Way (Scott Buening 2/29/16) CD

The COW referred to the memo.

Motion: To recommend approval of Ordinance 16-14: Annex Part of BNR ROW Burlington Northern Railroad Right-of-Way
Maker: Hohmann
Second: Mueller
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

Buening noted that on the 21st there would be a Public Hearing on the annexation.

8. Discussion: Implementing Contractor Registration in the City of Batavia (Continued) (SCB 2/10/16) CS

Wolff reported that this discussion has been held in the past. He stated that he has no problem with the City going with this because it would provide a better service to the community. He noted that even though staff states that there would be no impact if we are adding something to their jobs it would impact them. Callahan stated that he is in support of this based on what he has heard from contractors and developers. He has heard also from residents in town. There should be an extra layer of municipal government over those who are already licensed. The state already licenses them but currently there are no regulations on the municipal level. He stated that a person should be able to hire someone who is not on the list without any extra cost. There should be a waiver stating that they know that the contractor is not on the list and they do not have to be.

Jason Stubbes, 1051 Crystal Court, commented that he works with contractors in town and out of town and he likes working with people he knows. He sees the benefit but he feels that there are some negatives to this. He asked how the average homeowner would even know that there is a list. Buening stated that if someone inquired then staff would be able to provide the list. The list is not a recommendation. On a regular basis we get contractors contacting the City assuming we have contractor registration and a lot of contractors expect that there is that program. Stubbes asked what happens if there is a bad contractor on the list. Buening stated that there would be an ability to revoke a contractor from the list. Stubbes asked if there would any liability to the City. Buening stated that these would be registered contractors but the City could not recommend anyone. Stubbes suggested that the language be very clear on something like that.

McGrath stated that we need to ask how much do we protect a person to demand an insurance policy. He would have to talk to other towns but he could see the City being pulled into the

middle of a contractor-homeowner conflict. He would like to talk to other towns to see how it really works. Mueller asked how common is this type of program. Buening answered that Sugar Grove and North Aurora has this currently. There are a lot of towns that have this. Mueller stated that her contractor husband does this often and she feels that it is a common program. Stark stated that South Elgin does not do this. St. Charles, Geneva and Yorkville do not and there are as many who don't than do. Her husband has been a contractor for a number of years and he does carry liability insurance and has an insurance bond and he doesn't need to City to tell him to. Mueller stated that a program like this weeds out the contractors who do not have those things. Fischer stated that you may not call it a preferred vendor list but it looks like that with this list and the City would then become the middleman for the complaints.

Brown stated that he is not in support of this. This was brought up last year and we told staff to go back and keep track of instances that if we had required people to be licensed then it would have solved the problems. This was brought up again due to the Town Hall meeting and he does not see any compelling reason as to why this should be done. Stark questioned that, when we consider a subcontractor, who has to be licensed. She stated that this would be much more work than what it is worth. McFadden stated that this program offers a lot for companies that operate with proper insurance.

The Committee decided to table this discussion for three months. Brown stated that he would like to see some solid reasons why this should go into effect. Cerone stated that he would like to have time to talk to contractors about this and do research. McGrath noted that the larger the community the more likely they have contractor registration.

9. Ordinances 16-09 and 16-10: Variances and Conditional Use for a Drive Through Eating Establishment – Dunkin Donuts/Shell Gas Station, 108 N. Batavia Avenue (Joel Strassman 3/10/16) CD

This discussion was moved to number six. Buening reported that staff prepared revised ordinances for the variances and a new ordinance for the conditional use. Staff has met with the petitioner and there are several conditions that we need direction from the Committee of the Whole (COW). Buening discussed the recommended conditions with the Committee:

1. Additional landscaping is added adjacent to the north parking spaces, with Plan Commission design review approval;
 - Buening stated that this would go to the Plan Commission (PC) for consideration as part of the design review process.
2. A curb is added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what is proposed for the south parking; inside this area shall be suitable landscaping, including a tree, with Plan Commission design review approval;
 - Buening stated that this would go back to the PC as part of the Design Review, especially regarding the location of the tree.
3. The area south and west of the west end curb for the new south parking spaces shall be suitably landscaped, including a tree, with Plan Commission design review approval.
 - Buening stated that this would go back to the PC as part of the Design Review.
4. No illuminated elements are allowed to be added to the north canopy edge;

- Buening stated that under our ordinance we do not allow for signs to be lighted adjacent to a residential area. Staff would like guidance from the COW on this.
5. Replace and/or widen the Batavia Avenue sidewalk with an 8-foot wide sidewalk;
 - Buening stated that the City has agreed to amend this to be done in conjunction with a widening that the City would do between McKee and would link in with the Houston Street bike path area. This would be done together so that there would be a complete element.
 6. The owner/applicant shall be responsible for relocating any City utility in the Batavia Avenue right-of-way necessary for completion of the project;
 - Buening stated that there is a light pole in the middle of the sidewalk and staff has agreed to not require the petitioner to remove that and it would be paid through TIF funds as an improvement.
 7. Removal of the proposed metal panel on top of the proposed retaining wall and increasing the height of the retaining wall by approximately 1 foot, with Plan Commission design review approval of the wall's decorative finish;
 - Staff would like direction on material from the Committee.
 8. Refuse pick-up shall be limited to between the hours of 7:00 am and 10:00 pm, and shall be conducted a minimum of 2 times per week, and may be limited further at staff direction;
 - Buening stated that the petitioner would like the hours to be as early as possible so that it would not interfere with the drive-through peak hours of operation.
 9. Fuel deliveries shall be limited to between the hours of 7:00 pm and 10:00 pm and may be limited further at staff direction;
 - Buening stated that the petitioner would like hours of 7:00pm to midnight.
 10. Drive through operation hours shall be limited to between the hours of 5:00 am and Midnight. The owner/applicant may request City Council approval of alternate hours without requiring an amendment to this conditional use, provided such request is accompanied by approval of the owner of the property to the north;
 - The petitioner would like the hours extended to 4:00am for the Dunkin Donuts operation being an early morning operation. Buening stated that staff would like the Committee's direction on this matter.
 11. A water faucet shall be added to the exterior of the building in close proximity to the proposed refuse enclosure;
 - The operation has a spigot on the south side of the building and the concern is that they would be running a hose along the entire building to get to the trash enclosure to do any cleaning. This is an item that the COW would have to decide on.
 12. The site plan shall identify, and signs shall be installed on site for employee only parking to facilitate fuel deliveries and refuse pickups;
 - Buening stated that this condition has been agreed upon and is fine.
 13. Stairs shall be built from the Houston Street sidewalk to the entrance area of the drive through lane;
 - Buening reported that staff has agreed to withdraw this condition.
 14. The owner/applicant shall dedicate ten (10) feet of right-of-way along the south property line for future improvements to Houston Street upon request by the City of Batavia. The City may alternately request an easement in lieu of dedication;

- This also has been withdrawn by the City.
15. The owner/applicant shall have the Illinois Bell utility easement (Document #1489421) that crosses the building vacated or relocated prior to issuance of any permits.
 - Buening reported that the City has agreed to withdraw that and the applicant stated that they would do their best effort in order to resolve it.
 16. The development of the property shall be in substantial compliance with the plans submitted.
 17. Lower the sign height to be more in compliance with our current sign ordinance.
 - Buening stated that there is no agreement on this particular issue.

After hearing staff's presentation, Chair Brown stated that any testimony from the audience should be new testimony and not repeating what was brought up at the last meeting since it has been heard and recorded. Chair Brown opened the floor for public comment.

Jim Warwick, 118 North Batavia Avenue, stated that he likes the compromised business hours of 7am to 10pm. He stated that if this plan goes through he would be upset and disappointed because he thought that variances were put into place to protect the little guy like him. He is upset that no one took him up on his offer to see his residence to see his perspective but the offer still stands. He is mostly upset about the location of the dumpster. If this plan was approved this would help, he asked if there could be a dumpster that has a key lock bar to keep out people from utilizing the dumpster in the middle of the night. The dumpster should lock when you close it and unlock when you open it. He thanked the Committee for their time. The Committee reviewed each condition.

Conditions one and two, there were no problems from the Committee.

The Committee discussed condition number three. Callahan agreed to staff's recommendation and voiced reservations he has about trees and placement regarding the type of trees. He stated that it is a tricky intersection and it does not need additional line of sight issues. He hopes that the line of sight would be taken into consideration. Brown agreed and stated that we all want trees but we don't want them where they do not belong. Brown asked that this concern be brought to the PC.

The Committee discussed condition number four. Vasilion stated that it is the corporate standard that the canopy be illuminated on all sides. The concern is that not illuminating the north face would give the appearance of being a burnt out light, which would actually look worse. The illumination from the canopy is insignificant and they would like to see the canopy illuminated on all sides. Wolff asked if there are photometric plans on this. Vasilion stated that photometric plans are not required and that is an extra expense and extra delay in the plan. Vasilion stated that he could guarantee that there would be no change to the light at the property line. Brown stated that the illumination on all sides is important for continuity. Mueller stated that she saw a similar canopy in St. Charles and it doesn't shine off the property. Brown asked if this would have to go back to the PC and Buening answered that it would not have to. The Committee agreed that the canopy should be lit all around.

The COW discussed condition number five. Brown stated that the frontage of that property is already concrete. He asked why would we remove good concrete to put in good concrete. He asked if we would have to remove trees or if there are utilities in the way. Buening stated that staff would be able to do this as part of the sidewalk replacement program. Buening continued that there are trees there and they are small trees in that section and there is one utility with the fire hydrant but we could work the sidewalk around the fire hydrant. Most of the work would be done by the City. Brown suggested that this not be added as part of the conditional use. He explained that we should wait on this and look into it further to see if we want to do it. If we want to do it, then it could become part of the sidewalk program. The consensus of the Committee was in agreement with Brown's comments and recommended to remove this condition.

Condition number six was removed.

The COW discussed condition number seven. Vasilion stated that they have talked about having the top eighteen inches of the wall to be in metal as a cost saving item. It was discussed to do it in all concrete. Vasilion stated that they would like to do the most cost efficient way to block the headlights. Vasilion stated that an overall better appearance for the wall is not to do a slip form but rather mimic the adjacent retaining walls and match the eight-foot grid. In addition, we would plant ivy on the base and after a few seasons the ivy would cover the wall completely. The landscape plans would be adjusted to show that. The consensus of the Committee was that it was reasonable and to let the PC work on this. Buening asked for the applicant to bring a photograph to the PC meeting to show how the wall would appear. Brown stated that he wants to ensure that the wall is high enough to make sure that there are no headlights going into the neighbor's property. Brown and Wolff asked for the applicant to consider the height of Ford F250s.

The COW discussed condition number eight. Vasilion stated that the applicant would like to see the pick up as early as 5:00am to give the owner maximum flexibility. Brown stated that having the garbage picked up at 5:00am is too early next to a residence. The Committee agreed with the proposed 7am to 10pm hours.

The Committee discussed condition number nine. Vasilion stated that it would be more reasonable if we recognized our drive-through peak hours of 7am to 10am and to make the fuel delivery hours from 10am to midnight. That is not inconsistent to what is done now. Wolff stated that he has no problem with this request. Vasilion noted that the employee only parking stalls would have signs stating the hours allowed for parking (10am-midnight). The consensus of the Committee was in support of the hours of 10am to midnight.

*Cerone entered the meeting at 8:04pm

The COW discussed condition number ten. Callahan referenced Ordinance 4-4-6 noise standards and stated if noise became a problem that there is a remedy. Callahan is supportive of 4am. McFadden stated that he does not anticipate the drive-through to be any louder than when it was a 24-hour gas station. The Committee was in support of the 4am opening.

The Committee discussed condition number eleven. Vasilion commented that this would be an additional cost of \$3-5,000 to do this. There have been no complaints about the trash enclosure or its cleanliness. There are already City ordinances in place regarding cleanliness and there is a spigot available. He noted that Shell does quarterly inspections to make sure that things are up to the cleanliness code and they feel that it is not a necessary expense to this project. Cerone stated that there are remedies if they could not keep it up to standard. The Committee requested that condition eleven be eliminated.

*Stark entered the meeting at 8:11pm

The Committee discussed condition number twelve. Chair Brown stated that this was discussed and all agreed upon.

Chair Brown stated that conditions thirteen, fourteen, and fifteen could be removed.

Chair Brown stated that number sixteen makes sense. The exhibits have to be changed to reflect the changes.

The Committee discussed condition number seventeen. Brown asked how high is it above what is allowed right now. Buening answered that it is four feet above. When the sign was originally built it was supposed to be 22 feet in height and it was built as 26 feet in height. Brown noted that the compromise would still leave the sign as non-conforming. Brown stated that since it is not being brought into conformance he does not see the merit in the extra expense. McFadden agreed. McFadden stated that the only change to the sign is adding an additional panel into the existing framework. It is not getting higher. Wolff stated that if you bring the signage closer to the ground then you are taking away line of sight. That is what he does not like about dropping the height. The COW decided to leave the sign the way it is.

Motion: To recommend approval of Ordinance 16-09 as amended by the Committee

Maker: Mueller

Second: Hohmann

Roll Call Vote: **Aye:** Brown, Russotto, Atac, Stark, Wolff, Fischer, Callahan, Hohmann, Mueller, Botterman, Cerone, McFadden

Nay:

12-0 Vote, 2 Absent, Motion carried.

Motion: To recommend approval of Ordinance 16-10 as amended by the Committee

Maker: Mueller

Second: Fischer

Roll Call Vote: **Aye:** Brown, Russotto, Atac, Stark, Wolff, Fischer, Callahan, Hohmann, Mueller, Botterman, Cerone, McFadden

Nay:

12-0 Vote, 2 Absent, Motion carried.

10. Project Status

Bill McGrath reported on the following:

- He will send out a formal update every week with project updates, activity updates and thoughts.
- A memo was distributed regarding alcohol sales in convenience stores who also sell fuel for next Tuesday. If there are strong feelings from people who would not be in attendance to let him know. He would have a representative from the Pride station regarding liquor sales at that COW meeting.
- There would be no meeting on March 29th
- Staff has a meeting with a potential business owner of bulk teas, essential oils and vinegars. There are some issues with the rules and regulations of the health department.
- The contract for the Deerpath Road Bridge was approved by IDOT. There is a preconstruction meeting on March 22nd. Staff has prepared a plan. Once the timeline is formulated it would be distributed to Council and to the residents affected.
- Public works is working with the professional building on Houston Street. There was a leak coming from the ceiling.
- Staff is waiting on a response from Len Davis and a development agreement for a banquet facility on the second floor. Accessibility will need to be discussed.
- The Park District has an RFP for conceptual work to be done by Hitchcock and they are all on board to work on the river. They know the erosion part will be handled by the City. The Park District supports protecting the Depot Pond and they are in support of a long-term plan for the entire river. They will meet with the COW in the future. An outline for this joint meeting will be presented to the COW prior to the meeting for approval.
- Staff will have some news on the Baptist Church soon. A discussion about taking down the church this summer will be conducted. Brand new building construction costs are not TIF eligible. The project may be changed a little bit and that would be reported back to the Committee.
- Staff is still bargaining with the electric union.
- The top candidate for the Engineering and Business Manager position withdrew his application. This position will be revamped and brought back to the Committee for review.
- The franchise agreement with Comcast is being worked on. Comcast will contact the Mayor or City Administrator by the end of this month. Wolff noted that BATV has no capital money and this agreement needs to be finalized.

Buening reported:

- An application has been received for an assisted living center on South Drive. Staff is still working through the details. It would be market rate based and would not be subsidized. That should be coming to the Committee soon.

Callahan asked about paving at Walgreens and when that would be done. Albertson stated that as soon as the weather breaks they are planning on that work.

McGrath stated that the crosswalk at Foltos is a concern of the Batavia Police Department because there is no twenty-foot clear space upstream of the crossing. The City will not lose

parking spaces and will restripe when the weather is good. The City would be restriping the first block of Shumway to make things safer as well.

11. Other

There were no other items discussed at this time.

12. Closed Session

- a. Setting the Price of Land for Sale (SB)**
- b. Purchase and Sale of Electric Power**

Motion: To enter into closed session for the purpose of setting the price of land for sale and purchase and sale of electric power

Maker: Cerone

Second: Callahan

Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

Closed session began at 9:58pm.

13. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 10:10pm; Made by Wolff; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith