

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**January 2, 2018, at 7:30 p.m. - City Council Chambers**  
**100 N. Island Ave. Batavia, Illinois**

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.

**2. INVOCATION followed by PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

**14 of 14 aldermen were present.**

Aldermen (by ward): Scott Salvati (1), Michael O'Brien (1), Alan Wolff (2), Martin Callahan (2), Dan Chanzit (3), Elliot Meitzler (3), Susan Stark (4), Anthony Malay (4), Lucy Thelin Atac (5), Mark Uher (5), Michael Russotto (6), Nicholas Cerone (6), David Brown (7) and Drew McFadden (7) were present.

Also present were BATV and members of the press, public and the following:

City Administrator	Laura Newman
City Clerk	Ellen Posledni
Fire Chief	Randy Deicke
Police Chief	Daniel Eul
Administrative Assistant	Anthony Isom
City Attorney	Roman Seckel
Building Commissioner	Jeff Albertson
Communications Coordinator	Chris Cudworth
Finance Director	Peggy Colby
Community Development Director	Scott Buening

**4. ITEMS REMOVED/ADDED/CHANGED**

None.

**5. OATH OF OFFICE: Oath of Office for Officer Nick Burdett and Officer William Konovsky (Chief Eul 12/22/17)**

Chief Eul introduced both officers, and Mayor Schielke administered the oaths of office.

## **6. CONSENT AGENDA**

Ald. Atac read the consent agenda as follows:

### **Approvals:**

- A. December 29, 2017 Payroll \$797,517.92
- B. Accounts Payable Check Register \$912,867.11
- C. City Council Minutes for December 18, 2017

**Motion by Ald. Atac, seconded by Ald. McFadden, 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)**

Batavia resident and Batavia Township Trustee Joe Bertalmio addressed the Council regarding concerns about prescription drug and heroin abuse in Batavia. He attended a township seminar in November that included Batavia within an area deemed an overdose hot spot in Illinois. Mr. Bertalmio lobbied Dr. Lisa Hitchens, Batavia schools superintendent, to make Naloxone available in Batavia schools to respond to a drug overdose, and Dr. Hitchens efficiently followed through with the request. Mr. Bertalmio is looking to partner with others who would like to help tackle this problem, partly by raising awareness and funds. He hopes to plan an event that would be fun, safe, entertaining and educational, and he asked those who would be interested in working with him to contact him.

Batavia resident Bob McQuillan asked two questions regarding the Campana development: 1. Will Evergreen provide the Council and public details about the changes to their proposal before the February 5 meeting in order to determine if the proposed changes are minor or major?, and 2. Does the current protest remain in place, or will it need to be refiled before every vote? Director Buening responded that the city has not received the proposed changes from Evergreen, and he noted that the current objection will remain in place for the current application, but if a new application is filed, the protest would need to be refiled.

## **8. PRESENTATION: Senator Karen McConnaughay**

Lea Negron, legislative assistant for State Senator Karen McConnaughay, presented a death resolution honoring Batavian Phil Elfstrom, who passed away in 2017. The senator introduced the resolution to the Illinois State Senate on July 1, 2017, and it was adopted. Ms. Negron read the resolution, which was presented to Mayor Schielke to be placed on file at the city.

**Motion by Ald. Brown, seconded by Ald. Wolff, to accept the resolution as presented. Motion carried 14 yea/ 0 nay/ 0 absent.**

## **9. ORDINANCE 18-09: Amended and Restated RDA for One Washington Place (Laura Newman 12/27/17)**

City staff recommends approval of ORD 18-09 to amend and restate the redevelopment agreement with One North Washington LLC. The amendment reflects changes in the building's composition and funding approved at the December 4, 2017, City Council meeting. Change summary includes reducing parking spaces from approximately 351 to 335; reducing commercial square footage from approximately 14,350 square feet to 5,664 square feet; and increasing the

number of rental units from approximately 186 to 194. The changes are the result of construction estimates being higher in 2017 than originally estimated in 2015 due to the bedrock that needs to be removed for the underground parking deck and the slope along Wilson Street. The document also includes the City Council's approval to increase the city bond by \$2 million, for a total of \$16 million, to be paid by later increment. The agreement now includes language stating that the developer would make initial bond payments in cash if the increment and SSA would be insufficient, as expected, until the project is further along in approximately years two and three. Language has been updated to reflect that certain obligations on behalf of both parties have already been met.

Ald. Wolff noted that on page 7, in the amended section regarding commercial space (Part D, 1b), the language notes the commercial space would be built partially on top of the parking structure. That is no longer accurate, and the language should be revised. After some discussion, it was agreed that the line should state the commercial space will be *adjacent to* the parking structure.

Ald. Wolff also asked for clarification regarding the bond repayment. He noted that if the increment that comes in over the timeframe is insufficient to pay off the bond by the time the TIF is over, the developer will have to come up with the remaining money or institute the SSA to make the payment. Administrator Newman concurred. Ald. Wolff clarified that the cost would not fall back on the general funds or the city to pay. Administrator Newman asked Attorney Seckel to confirm that the SSA would remain in place to satisfy the bond payments; Attorney Seckel confirmed this.

Ald. Brown said he had received several phone calls from citizens concerned that this development would lead to an increase in their taxes. He stated that is not true, and the developer will be responsible for the costs. Ald. Wolff agreed, and said it didn't matter if the TIF was still in place or not, it is the property itself that funds the TIF and pays off the bond. Administrator Newman added that it is an obligation on successive owners as well.

Ald. O'Brien added if the developer wasn't successful with the TIF funds, payments would be bridged with the SSA funds, but if the development is successful, the developer will only get the \$16 million up front from the city; there is no shared revenue as proposed in the original RDA. If the TIF goes above and beyond, the TIF district and residents of Batavia will benefit from the funds. Administrator Newman concurred, adding that \$12 million of the \$16 million is the public parking garage, so only \$4 million of reimbursable costs are associated with the private development.

Ald. Chanzit asked if there was a different taxation or what is the reason that Shodeen would write a check to the city for those early payments. Administrator Newman noted that for the first couple of years, the SSA would be very low and potentially no increase in increment for the first 12-18 months because it would be a public structure and off the tax rolls. The payments would be a cash back-stop made to cover the bond payments.

Ald. Stark asked if the staff's position has changed at all on the amended RDA. Administrator Newman said staff is still in support of the project. However, Community Development would

have preferred to see the commercial development along Wilson Street to be consistent with the city's comprehensive plan. But the goals of Economic Development in the comprehensive plan were in conflict with other elements of the plan. Ultimately, staff feels that the advantages of the project are sufficient to recommend approval.

Ald. Brown noted that this vote is for the RDA; staff and the attorney will need to decide whether the project will have to go through the Plan Commission, Historic Preservation, COW and back to the City Council again for final approval of the plans presented. Even if the RDA is approved tonight, the project isn't completely approved. Administrator Newman concurred.

Ald. Callahan stated that he is a no vote because the development does not fit the city's comprehensive plan and does not fit the Council's vision for downtown.

Ald. Stark said she continues to support the project. She noted that she was in a Mill Creek apartment over the holidays that was built by Shodeen, saying it was very nice and the type of housing stock Batavia needs. She believes that people who say Batavia shouldn't be compared to Geneva and St. Charles are wrong, and that Batavia needs something more upscale.

Ald. O'Brien said he is a yes vote, and explained that we are not losing retail because there is no retail there currently. He noted this is a \$50 million investment in downtown Batavia, and the Council has invested too much time and effort in the project to let it go.

Ald. Uher said he thinks more creativity could have maintained the retail space, and he will vote no.

Ald. McFadden said he will continue to support the project, noting it was never about retail space for him. It supports the comprehensive plan to build a revitalized downtown, and it will be the engine to fuel extended retail. He said dislike of Shodeen is not a valid reason to vote no.

Ald. Chanzit said the city at one time could have accepted 12 townhouses, but the Council asked the developer for more parking and more units.

Ald. Atac said if the development is built and fuels a demand for more retail, there will be a way to bring more retail space to downtown to meet the demand.

Mayor Schielke noted that he was born and raised in Batavia, and he knows a lot of people, including people who have left the city. He said an old friend of his mother called him the other day. Her family is still in Batavia, and she wants to return to Batavia, and she wanted to know where to send a deposit to Mr. Shodeen for one of his units. He explained that the project is not quite approved yet, and she was disappointed because her children, grandchildren and great-grandchildren are in Batavia and she wants a nice place to live downtown so she can walk to McDonald's to meet up with her friends for coffee. He said there is a demand for this type of housing in Batavia.

**Motion by Ald. Brown, seconded by Ald. McFadden, to approve the amended Ordinance. Motion carried 8 yea/ 7 nay/ 0 absent. Mayor Schielke cast the tie-breaking vote.**

## **10. CHAMBER**

Chamber President and CEO Holly Deitchmann said the next Networking-IT event will be January 17, 5 – 7 pm, at Bar Evolution. The event is free and open to all, but a \$10 donation is suggested, which will be given to the Batavia United Way.

The Valley Industrial Association and Waubensee Community College are holding education programming in 2018 focused on human resources issues. On January 25, the class will focus on record-keeping and retention of paperwork.

Also on January 25, the Chamber will hold the Inspire Awards at Abbey Farms from 6 – 9 pm, along with the Ole Awards. Marcia Boyce will be honored as Citizen of the Year.

Batavia-opoly arrived in town just in time for Christmas. Two events were held at Funway to distribute the games. About 50 copies of the game are left. Those interested in purchasing a copy can contact the Chamber at 630.879.7134. Extra pewter pieces also are available. Games are also being sold at Fawn Gifts, K. Hollis Jewelers and Batavia Floral.

The new owners of Aliano's were present to discuss the restaurant's offerings. Amir and Ashley spoke to the Council about the new menu, high-quality food, catering services and resumption of delivery. Aliano's is open Monday –Thursday from 11:30 am – 9 pm, and Friday – Sunday from 11:30 am – 10 pm. The restaurant can be reached at 630.406.9400, and the website is [alianosbatavia.com](http://alianosbatavia.com). Ald. Brown noted that as a long-time patron of Aliano's, he would vouch for the restaurant's excellent food and service, noting that if you order pizza for delivery, it's possible the owner himself may end up at your door. Mayor Schielke added that Aliano's has become a favorite among some long-term visitors doing work at Fermilab. Ald. Meitzler said he and his family had lunch on Christmas Eve at the restaurant and agreed that the food was excellent.

## **11. ADMINISTRATOR'S REPORT**

Administrator Newman said Fire Marshall Rick Rubo will retire on January 5. Rick started as a Paid on Call Firefighter in 1978, and a party will be held for him on Friday.

The project to completely replace the electronic controls at the McKee substation has been completed. This project was similar in scope to what was completed earlier in the year for the downtown main substation.

The damaged power pole at the corner of Raddant and Wilson was replaced. The Police Department is working to identify the driver who hit the pole. A structural analysis of the remaining poles will be conducted.

Engineering has developed high-level spending projections for use of the bond funds for storm water improvements.

A lack of snow has allowed crews to get an early start on winter tree pruning and storm sewer catch basin cleaning. These activities will continue through the winter months, weather permitting.

The city is interviewing internal candidates for the administrative assistant position in Community Development.

Chris Cudworth has been working with the organizers of the Post to Present skating event on the Depot Pond this Saturday from noon to 4 pm to commemorate the 60<sup>th</sup> anniversary of the *Saturday Evening Post* cover featuring skaters on the Batavia pond. He has also been in contact with local news media to encourage them to cover the event. It should be a good opportunity for some great publicity for Batavia.

The Public Works cabling project at Public Works wrapped up this week. NetSource did a great job with the installation and minimizing the impact and interruptions for employees.

Ald. O'Brien asked for an update on the Kackert property. Administrator Newman said that following the meeting that Mr. Kackert had with city staff, the city is awaiting his formal application. Director Buening concurred.

Mayor Schielke shared his concerns about selling the Thomle building without any control over what the buyer may do with the property. He said the city should sell it to someone who wants to do something with it that is in line with the city's vision, and he is concerned that a speculator may just purchase it and leave it empty for the foreseeable future. He said that property can have a major impact on the downtown. He wondered if the issue should be discussed in committee. Ald. Brown said he didn't think it needed to go to committee, and that by way of this conversation, the aldermen have alerted Director Newman to their desires and concerns. Director Newman said it sounds like a Request for Proposal may be a better approach for the sale, and she wondered whether the broker would still be interested in handling the property with that requirement. She will find out more information, and bring her findings to the COW next week. Mayor Schielke reiterated that he thinks the city should maintain control over that property while we can. Ald. Brown said that Director Newman can come back to committee with ideas from city staff.

## **12. COMMITTEE REPORTS**

Ald. Brown said the Plan Commission meeting has been canceled. Historic Preservation will meet January 8 at 5:30 pm. The next Committee of the Whole will be held January 9 and include public hearings on ORD 18-06, ORD 18-07, ORD 18-10, ORD 18-11, ORD 18-08 and ORD 18-13.

Ald. Atac said RES 18-020R will be considered at the next COW as will the City Hall main staircase.

## **13. OTHER BUSINESS**

Ald. Chanzit thanked Mayor Schielke for remembering photographer Bob Gerard in tonight's invocation. Ald. Chanzit worked with Mr. Gerard at the *Kane County Chronicle* and was always impressed with his knowledge and his skill in creating beautiful photographs.

Ald. Brown announced that while there was concern at the last City Council meeting about whether there would be ice on the Depot Pond for the Post to Present event, the weather has cooperated and there is plenty of ice for the event, which will include music and possibly games on the ice. At 1:00, a fire truck will hoist photographers in the air to photograph the skaters, so everyone who wants to be part of the recreation should plan to be skating between 1 and 1:30 pm. The Women's Club will sell hot chocolate, with donations being given for the Depot Museum expansion. The Batavia Historical Society will sell marshmallows and chocolate for making s'mores at the fire pits, and also will donate proceeds to the expansion project. Bernie's Dogs will be selling hot dogs, soup and cider. Alice Gustafson Elementary School third grade artwork will be on display highlighting students' interpretation of the *Post* cover. The Depot Museum will be open, as will the Peg Bond Center for warming. Mr. Cudworth said he is hoping to truly recreate the cover, but he is still working out the details, and Mayor Schielke said that would be fun to see. Ald. Brown said there are 8 inches of ice on the pond, and people are already skating. The Batavia Park District will be clearing more snow this week in preparation for Saturday. Ald. Cerone asked if there was a website for the event, and Administrator Newman suggested people see event details on the city's Facebook page. The *Daily Herald* and the *Kane County Chronicle* will also carry event details.

#### **14. MAYOR'S REPORT**

The Batavia High School football team will attend the next City Council meeting to be honored for their state championship. All 140 players will be introduced by name by Ald. Wolff. The ceremony will be held at the beginning of the meeting.

The Mayor shared concerns about a new way of skirting city rules about overnight parking on the street by parking cars parallel to the street along the driveway apron. This is becoming a more common sight, and city staff is discussing how to approach it.

The Mayor also discussed the presence of a couple of homeless people becoming familiar around Batavia. He said both situations are complicated, and the city is involved in learning more about them. This is a common sight in many cities. The Batavia Police Department has done a great job working with these individuals, and the Batavia Public Library has also been very helpful.

#### **15. ADJOURNMENT**

**Motion to adjourn by Ald. Brown, seconded by Ald. Chanzit. Motion carried by voice vote.**  
The City Council meeting adjourned at 9:07 p.m.

*Minutes prepared and submitted by Ellen Posledni, City Clerk, January 8, 2018.*