

**MINUTES**  
**FEBRUARY 7, 2017, 7:30 P.M.**  
**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.

Vice Chair Wolff called the meeting to order at 7:30 pm.

**1. Roll Call**

Present Aldermen Salvati, O'Brien, Callahan, Wolff, Chanzit, Meitzler, Stark, Mueller, Botterman, Cerone, Russotto, McFadden

Absent: Chairman Brown, Ald. Thelin-Atak

Staff Present: Mayor Jeff Schielke; City Administrator Laura Newman; Police Chief Deputy Autenreith; Building Commissioner Albertson; I.T. Specialist Todd Davis; Community Dvlpmt. Dir. Scott Buening & Planner Klaber; Public Works Dir. Gary Holm; Howard Chason, Jeremy Barkei, Joel Strassman; Finance Dir. Colby; Recording Secretary Celeste Weilandt

Others Present: Christopher Aiston, Economic Development Consultant; Don McKay with Nagle Hartray Architecture; Dave Patzelt with Shodeen, Inc.; Residents Bill McGrath; Robert Baty, 339 Elm St.; Carl Dinwiddie, 1165 Pine St.; Kurt Hagemann, 1233 Violet Lane; Chris Lowe, 2071 Alexander; Mark York, Dave Wodworth (phonetic)

**2. Items Removed/Added/Changed**

Vice Chair Wolff requested to switch Agenda Item Nos. 10 and 11.

**3. Matters from the Public (non-Agenda Items)**

None.

**4. Consent Agenda**

**a. Purchase of Police Department Vehicles (GJS 1/31/17) GS**

**b. Resolution 17-14-R: Variation from the Subdivision Code for a Recorded Building Line 1095/1097 First Street (Rackow 2/1/17) CD**

**Motion:** To recommend to Council the Consent Agenda for the above two items

**Maker:** Stark

**Second:** Chanzit

**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
All in favor, Motion carried.

**5. Approval – Waive Bidding to Purchase Servers (Howard Chason 2/20/17) GS**

I.T. Specialist Todd Davis discussed the need to replace two computer servers for the city's processing and asked to waive the bidding in order to obtain Dell's quote. No down time was expected during the server replacement.

**Motion:** To recommend to Council to waive the bidding process to purchase two (2) computer servers  
**Maker:** Stark  
**Second:** Chanzit  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
All in favor; Motion carried.

**6. Resolution – 17-19-R Servers Purchase (Howard Chason 2/20/17) GS**

**Motion:** To recommend to Council approval of Resolution 17-19-R authorizing purchase of two (2) computer servers from Dell in an amount not to exceed \$29,287.00.  
**Maker:** Stark  
**Second:** Chanzit  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
All in favor; Motion carried.

**7. Ordinance 17-03 Amending Title 8 of the Batavia Municipal Code (Peggy Colby 1/27/17) GS**

Finance Director Colby summarized the request was for an amendment to the City's code regarding electric rates for solar customers. After hearing from solar customers and some research, it was determined that the prior proposal to give the customer 90% of the city's rate on an average year price, was determined to not be the best option. (Mayor Schielke arrives 7:35 p.m.) Dir. Colby recommended the City follow the State's plan (1 to 1 kilowatt hour) based on the number of customers the city had. Details followed. Also recommended was having a cap versus an annual period. Wolff inquired as to what happens with built-up credits should a solar customer relocate and the panels remain. Dir. Colby believed the changes being made would be a positive and would encourage solar power. Further discussion followed whether transmission costs were factored into the cost, the fact that the city should offer green energy to its residents, and whether tracking data existed for those customers making the transition from the original recommendation to the one being proposed. Dir. Colby stated she did not calculate individual customer usage but added that most of the customers had very low usage.

The public was invited to speak.

Resident Bob Flora, stated he is a solar customer, endorsed the amendment and commended staff. As to the cost of transmission, he did not have the data, but believed the benefit to the city for unloading the electric grid at peak usage produced a benefit that was very close or even more closer to the net metering of one-for-one. He commended City Administrator Newman for reaching out to the solar residents on this matter.

**Motion:** To recommend approval of Ordinance 17-03, Amending Title 8 of the Batavia Municipal Code for electric rates  
**Maker:** Stark  
**Second:** Meitzler  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
All in favor; Motion carried.

**8. Resolution 17-13-R Authorizing Execution of Contract to Purchase Water Meters**

Ald. O'Brien summarized that the city was purchasing Badger water meters and was about half way through its meter program update. Public works director Mr. Barkei provided details on the meter change-out stating the technology was being phased out by the manufacturer. Through the bidding process, staff recommended the purchase of the Badger meters and Itron reading devices from Midwest Meter for an amount not to exceed \$200,000 (budgeted amount).

**Motion:** To recommend to Council approval of Resolution 17-13-R Authorizing Execution of Contract to Purchase Water Meters in an amount not to exceed \$200,000.  
**Maker:** Stark  
**Second:** Russotto  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
All in favor; Motion carried.

**9. Ordinance 17-05 Amending the Text of the Zoning Code, Title 10 of the City Code regarding RV Parking (Joel Strassman, 1/31/17) CD.**

Ald. Stark reported that in November a resident asked Council to discuss this matter. The proposal was brought before the Plan Commission/ZBA where RV owners spoke at a public hearing on this matter. After hearing the public's comments the commission felt that if additional limits/fees were placed on the RV owners it would become too restrictive. However the commission agreed that within the zoning code it should be spelled out that recreational vehicles cannot be parked over a right-of-way, sidewalk or over a property line, which language current existed in the zoning code but would now be "spelled out" specifically for RVs.

No public comment received.

**Motion:** To recommend to Council approval of Ordinance 17-05 Amending the text of the Zoning Code, Title 10 of the City Code regarding RV Parking  
**Maker:** Callahan  
**Second:** Salvati  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
All in favor; Motion carried.  
PLACED ON CONSENT AGENDA

(A change in the agenda followed: Agenda Item Nos. 10 and 11 returned to their sequential order.)

**10. Ordinance 17-14: Amending the Official Zoning Map/Downtown Building Height Overlay District, 111-133 E. Wilson Street and 20 N. River Street (J. Strassman 2/2/17) CD**

**Motion:** To recommend to Council approval of Ordinance 17-14: Amending the Official Zoning Map/Downtown Building Height Overlay District, 111-133 E. Wilson Street and 20 North River Street

**Maker:** Cerone

**Second:** McFadden

**Roll call:** 11 Ayes, 1 Nays (Botterman), 2 Absent  
Motion carried.

**11. Ordinance 17-15: Amending the Official Zoning Map/Planned Development Overlay District for One Washington Place Development, 111-133 East Wilson Street and 20 North River Street (J. Strassman, 2/2/17) CD.**

Ald. Stark shared the background on the One N. Washington LLC development agreement which was approved in September 2016. The agreement requires certain zoning approvals to be made. The Plan Commission held a meeting on this proposal and due to concerns raised at the public hearing, the commission asked the developer to look at their project again.

Mr. Don McKay with Nagle Hartray Architecture provided an overview of the One Washington Place Development on the overhead projector, reviewing each of the building's four (4) elevation options. Street views of the proposed development were presented on the overhead.

Comments from the aldermen were that it was nice to see the various elevations but the roof lines were important. Per Ald. Stark, next steps included the project moving to the design committee. Mr. McKay stated that ultimately, he would like to firm up the number of units for this project.

Mr. Dave Patzelt, with Shodeen Inc., discussed that he was open to the options being presented and agreed the issue was the building's corner at State and River, stating that attempts had been made to reduce its height. However, he explained that if the discussion turned to unit reduction there would be impacts to the project since reducing units would reduce parking revenue. At the same time, he stated there was room to add parking spaces under the pool. Mr. Patzelt reminded the committee that on the one hand adding spaces would add costs, but on the other hand reducing units meant reduction in revenue. He asked the committee to consider what it was trying to accomplish.

The differences between the four architectural options were explained in more detail with Mr. Patzelt stating that he preferred Option 2 and agreed to "clip out" the corner of the building to create a plaza. Ald. Stark then reviewed the changes made by the architect, as was requested by the Plan Commission, stating the Plan Commission preferred the Washington Street elevation. Economic Development consultant Chris Aiston proceeded to explain the economic impact if 8 units were removed.

Ald. Salvati stated the project was good, the height was an issue, but it came down to 45 parking spaces. Mr. Aiston concurred but recalled the city's comprehensive plan called for maximization of residential downtown because it generated economic impact. He also recalled the city's comprehensive plan stated that building height was important. Ald. Callahan recalled the original proposal presented at the Plan Commission meeting had 171 units and 304 parking spaces and the developer said he would make the numbers work with the economical impact and with the

additional factors. But Callahan also questioned what was being sacrificed by having the additional height on the building, i.e., One Million Dollars. Further, he recalled the Plan Commission indicated that if the developer returned without the reduction they wanted to see, the plan “would not go through.” Ald. Stark recalled the study was done after the initial proposal was presented in September 2015 and it was at this time where the city had to listen to the TIF experts to determine where the project became economically feasible. Callahan stated that he wanted the project to succeed and pay for itself but pointed out that all of the studies were based on the initial design of the building which had 171 units. He also shared the contention of the building’s northwest corner, noting the community wanted that area “to come down.”

Mr. Aiston clarified that the economic impact study, traffic study and parking analysis were based on the 186 units/350 parking space numbers but added that there was an initial 171-unit study done by the fiscal analysis consultant (Kay McKenna) whose figures were updated since. Further dialog followed. Asked if the removal of the 8 units would be a deal killer for the developer, Mr. Patzelt stated he would like to see a few more parking spaces added underneath the pool but would not know the cost for those spaces. As for removing the 8 units and seeing if it worked economically or not, Mr. Patzelt could not confirm that. Rather, he preferred to return to the consultant to see how the reduction impacted the bond.

Mr. Patzelt stated he wanted get clear direction from the committee on which units they wanted removed or, if that could not be done, then to consider other funding sources, if necessary. Mr. McKay with Nagle Hartray Architecture acknowledged that the building’s height along River Street appeared to be the concern. He also added that topography was a challenge.

Aldermen provided their comments either in support or against the project and spoke of how the project should work economically, financially and aesthetically for the community. Wolff closed the discussion by stating the city was at a pivotal point in time where it would become more urban. He recalled that early on in this proposal that Council made it clear to the developer to maximize the on-site parking, with variances, so it could fund itself, and, the only way to do that was to develop upwards. Wolff believed that if the development did not move forward now, the city would continue to see an empty lot and another empty lot four blocks away. Some give and take was in order.

Mayor Schielke appreciated and encouraged the public to send in their comments. He stated the City had an exceptionally good experience with Shodeen Development and proceeded to share a story about Mr. Shodeen’s assistance with the city many years ago. To a more pressing issue, the mayor discussed how he serves as a member on the Executive Board of the Metropolitan Mayors Caucus and expressed concern about some of the comments being made at such meetings about a “grand deal” coming from the State of Illinois regarding the alteration of the tax system and income systems in the state. He stated he is fearful of what the state’s deal will be as it relates to the proposed project and that the City may or may not be able to build the development if the states goes in the direction it is discussing. He cautioned the council on this matter.

Ald. Stark shared her own thoughts about the proposed development and how it would change the area’s landscape. However, she also pointed out that the council bases its decision on the goals of the city’s comprehensive plan and the studies provided.

The public was invited to speak.

Mr. Bill McGrath, who resides on Elm Street, emphasized that the council's job is to balance what is existing today with tomorrow's future. He discussed the loss of 2000 Batavia residents from years 2000 to 2010 (age 25 to 44 years old) and how this project was for them. He agreed the way to develop was up, discussing the costs involved when constructing homes on sprawling lots. He believed the proposed building was an efficient way to live and the rental units could be smaller because those residents renting them wanted to live outside. While he wished the development was smaller it was not reality. He supported removing the building's corner and creating a plaza. Mr. McGrath reminded the community there had to be compromise with the residents yet ensure that the infrastructure around the building was beautiful so that the residential area became a place where more people wanted to live in single-family homes similar to those residents living in downtown Naperville, Downers Grove, etc.

Mr. Bob Baty-Barr, 339 Elm Street, appreciated the good conversation between the public and the council. He stated that his generation needs developments like the one being proposed in the downtown in order to walk to the downtown shops. He believed similar developments would come after this one.

Mr. Carl Dinwiddie 1156 Pine Street, thanked Mr. Aiston for his transparency on this project. He had no negative Shodeen comments in his paper. Recalling that Mr. Aiston said revenue projections were from \$16M to \$21M, Mr. Dinwiddie asked whether that was based on 18, 20 or 23 years after build-out. Taking redevelopment project costs from his last presentation, which were \$22,745,000, and comparing them to Mr. Aiston's revenue projections of \$16M to \$21M, Mr. Dinwiddie did not see a payback. He also qualified residents "as experts" since there were 13 resident concerns and only 3 positive resident summaries. Recalling the second vote from the Plan Commission, which was against modifications to the zoning code list, Mr. Dinwiddie stated it was a vote of 2-4 against the modifications. Also, he said he would have liked to have seen the seven (7) zoning code concerns on a list. Finally he read a quote from a smart business analysts that said "there are hard predictable costs and there are soft speculative benefits."

Mr. Kurt Hagemann, 1233 Violet Lane, appreciated the council reviewing the various studies but also appreciated the conversation among the business owners and the residents on this matter. He stated there is much "hype" about a project of this size coming to the city and how it can bring other businesses to the city. While he said there was a concern about creating the TIF district, he appreciated the city creating a safety net by establishing the SSA district to protect its citizens. Mr. Hagemann also reminded the council that the developer has taken into account the public's comments and concerns and has included historical features of Batavia, including bricks from the Baptist Church, and incorporating them into the development. He stated the City needs to draw developers to it and to progress forward.

Mr. Christopher Lowe, 2071 Alexander Drive, commended the council on this project as well as other projects and wanted to see the progress continue. He supported the city using an underutilized property and producing more tax revenue.

Mr. Mark York, commented on the empty parking lot he saw walking to tonight's meeting and told the council not "to get hung up on the parking." He stated he lives in the downtown area now and spends more money in town than when he and his family lived a mile away. He supported this project and appreciated the positive comments.

Mr. Dave Wodworth (phonetic) appreciated the active conversation. He spoke about the changes he has seen the town go through when he first moved here in 1990. He stated the rental property that was available back in the late 1980s did not exist in the city and still did not exist today. He believed more young people would jump at the opportunity to live downtown and use the nearby amenities.

Lastly, Ald. Stark read a comment from a resident that stated that if the residents would have seen a color rendering of the building earlier in the process that people would not be so nervous about “it looking like a big block of yellow cheese.”

No further comments were voiced.

For purposes of clarification, Mr. Aiston explained that in addition to amending the Planned Development Overlay District, the amendment would include the composition of the building, which will list the square footage of retail in the plan, the number of units in the plan, and the number of parking spaces. The amendment would not include the architectural details, since the project had to return to the Plan Commission for design review. Community Development Dir. Buening recommended that the committee approve the ordinance numbers in sequence.

Ald. Callahan, once again, reiterated the concerns raised by the mayor regarding the State of Illinois and ensuring that the project’s economics work. While he supported the discussion he believed it would be prudent to see the financial numbers and how they impact the project. He requested that the information be ready for the council meeting.

**Motion:** To recommend to Council approval of Ordinance 17-15: Amending the Official Zoning Map/Planned Development Overlay District for One Washington Place Development, 111-133 East Wilson Street and 20 North River Street  
**Maker:** O’Brien  
**Second:** Wolff  
**Roll call:** 11 Ayes, 1 Nay (Botterman), 2 Absent  
Motion carried.

## 12. Project Status

City Admin. Newman reported the branding project kick-off meeting will be held on February 9<sup>th</sup> at 5 p.m. with the steering committee and the consultant. Also, last Friday was the last day to receive public comments on the bridge sculpture competition. Staff will be seeking input from a sculptor who will be putting together a presentation before the council on who will be the recipient of that commission. Lastly, City Admin. Newman provided an update on the communications position.

## 13. Other – None.

## 14. Adjournment

The meeting was adjourned at 10:18 p.m. on motion by Ald. O’Brien, seconded by Ald. Callahan. Motion carried unanimously by voice vote of 12-0.