

MINUTES
May 15, 2018
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.

Chair Brown called the meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac, Stark, Chanzit, Wolff (entered at 7:07pm), Salvati, O'Brien, Callahan, Meitzler, Uher, Cerone (entered at 7:05pm), and McFadden

Members Absent: Alderman Malay

Also Present: Mayor Schielke (entered at 7:28pm); Laura Newman, City Administrator; Kevin Drendel, Legal Counsel; Jeff Albertson, Building Commissioner; Joel Strassman, Planning and Zoning Officer; Scott Buening, Director of Community Development; Scott Haines, Street Superintendent; Gary Holm, Director of Public Works; Chris Aiston, Economic Development Consultant; Anthony Isom, Administrative Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for April 17, 2018 and April 24, 2018

Motion: To approve minutes for April 17, 2018 and April 24, 2018

Maker: Chanzit

Second: Uher

Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

3. Items to be Removed/Added/Changed

Agenda item seven was discussed before agenda item six.

4. Matters from the Public (For Items NOT on Agenda)

There were no matters from the public 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.)

Motion: To approve the consent agenda as presented
Maker: Chanzit
Second: Stark
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

6. Resolution 18-65-R: Execution of Contract for Solid Waste Services (SH 5/11/18) CS

Holm explained the two options, sticker-based program and toter-based program, with the Committee of the Whole (COW) and summarized the memo from 5/11/18. Staff compared the proposals between Advanced and Lakeshore and between the two bids that were opened publically, over the course of a five-year contract, there would be a savings to our residents of about 1.3 million dollars to go with Lakeshore versus Advanced. He stated that staff is recommending Option Two, the toter-based option but they do recognize the benefits of both options.

The Committee reviewed and discussed all options presented by staff. A representative from Lakeshore and representatives and employees from Advanced Disposal addressed the Committee and discussed the advantages of the programs they offer. Chair Brown opened the floor for public comment.

Holly Deitchman, Batavia Chamber of Commerce, addressed the Committee. She announced that she distributed an email to the COW members and hoped that they all had the opportunity to read it. She thanked those who had responded to the email. She stated that the Executive Directors from both the Geneva and St. Charles Chamber of Commerce have presented their opinions to their City Council’s as well. Deitchman stated that the Committee is considering hard numbers and costs but she also wanted the COW to consider the impact to the nonprofit community. She shared what Advanced Disposal has done for our community:

- Advanced Disposal has been a member of the Batavia Chamber of Commerce since 2004 with an increase in their investments since 2011
- Two Route Supervisors completed our Leadership Training Program
- Attendees to our annual Mayor’s Breakfast
- Sponsored our ‘BataviaOpoly’ Game
- They have golfers and provided sponsorship of our annual golf outing fundraiser each year
- They are annual sponsors of our Inspire Awards event
- They are the sole sponsor of our new member breakfast
- They donate hand-washing stations and trash receptacles to our annual chili cook-off that is co-produced by the Batavia Park District
- Their total investment in the Batavia Chamber alone in the past 12 months has been \$5,250
- Their Area Manager is serving a three-year term on our Board of Directors and participates in our large business owners forum each month

Deitchman read a testimonial from the Marketing Director for the Batavia Park District, who was in support of retaining Advanced Disposal. The Sponsorship Committee Chair of the Batavia Bulldog Athletic Boosters was also in support of keeping Advanced Disposal and the testimonial was read to the COW by Deitchman. Lastly, Deitchman read a testimonial from Jamie Saam, Executive Director of Batavia MainStreet, who expressed support of Advanced Disposal. All testimonials spoke to the generosity and support received by Advanced Disposal.

Deitchman listed all of the events that Advanced Disposal helped support with in-kind donations:

- VFW
- Triathlons
- Cocktails in the Park
- Chili Cook Off
- Community Table Dinner
- Oktoberfest
- Bat Fest
- Block Party
- Windmill City Fest
- Well Batavia
- Race to Market
- Egg Hop
- Batavia Mother's Club Fox Trot 5k and 10k
- Farmers Market
- Batavia Environmental Council
- Park District's Touch a Truck
- Bulldog's Unleashed
- Batavia Inspire Awards
- Golf Outing
- Athletic Boosters

Deitchman concluded that she hopes that the COW would consider the costs to all of these community organizations that are being served through sponsorships and in-kind donations by Advanced Disposal. She thanked that Committee for their time.

David Burlack, resident of Batavia, shared his positive experience with Advanced Disposal in remedying garbage that was not picked up. He likes the sticker program because it helps him be fiscally responsible with the number of items that go out to the trash.

Danny Oversalt, Batavia resident, shared that this is a community in which he grew up in and has since returned to. This is a great town to raise your kids in. Advanced Disposal has treated us very well, better than any other company he has worked with. The price should not be the only thing considered.

Sylvia Keppel, 1420 Becker Avenue, stated that she doesn't have any complaints against Advanced Disposal except for the sticker prices going up every year. The rising prices are a concern but she does prefer the sticker option. Keppel shared her experience with the sticker program and how she helps out her neighbor, who has very little trash per month. Keppel stated that she has heard what Advanced Disposal employees have to say and would be interested in what Lakeshore employees would say in comparison. She hopes that this is not the end of discussion for the COW and that the Committee would go to Lakeshore with more questions.

The COW considered staff's recommendation, the possibility of starting open negotiations again, and the benefits of both companies. Holm stated if the Council elects to open proposals again, he would respectfully ask Advanced Disposal to reveal their numbers for the extensions for the thirty, sixty and ninety days because those numbers are pertinent to the conversation because that is a true cost that is going to have to be paid. The representative from Advanced Disposal agreed to staff sharing the numbers with the COW and explained it was only confidential for the bidding process. Holm read the short-term extension options with the Committee.

Motion: To continue negotiations with all RFP respondents

Maker: Stark

Second: Callahan

Roll Call Vote: **Aye:** Stark, Salvati, Callahan

Nay: Chanzit, Wolff, Brown, O'Brien, Meitzler, Uher, Cerone,
McFadden, Russotto, Atac

3-10 Vote, 1 Absent, Motion failed.

Motion: To accept staff's recommendation of Option 1, Sticker and Toter Program with Lakeshore Recycling Systems, and give direction to staff to investigate the pay as you tip program for garbage

Maker: Chanzit

Second: Cerone

Roll Call Vote: **Aye:** Chanzit, Brown, O'Brien, Meitzler, Uher, Cerone, Russotto, Atac

Nay: Wolff, Salvati, Callahan, McFadden, Stark

8-5 Vote, 1 Absent, Motion carried.

7. Resolution 18-64-R: Consider Application for Downtown Improvement Grant, Dan Moser, 119 S. Batavia Ave. (CA 5/8/18) CD

Stark overviewed the memo. Dan Moser, applicant, addressed the Committee. He explained that when showing this for-lease building perspective tenants are interested in the tin ceiling that is in the Beardsguard space. Moser stated that the ceiling is there but is buried under a drop ceiling. The fix would not be as easy as it was in the Beardsguard space. HVAC would have to be moved down to the basement. Once that is rearranged the space could be renovated and brought to the beauty that it originally was. They also would be moving out the office area to make the space more appealing.

Motion: To recommend approval of Resolution 18-64-R: Consider Application for Downtown Improvement Grant, Dan Moser, 119 S. Batavia Ave.

Maker: Chanzit

Second: Meitzler
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

8. Discussion: One Washington Place Public Parking Garage (GH 5/9/18) CD

Newman announced that yesterday results of environmental testing of the site were received. If the project is approved the next step for the City is the removal of the parking deck and any remediation necessary so the redevelopment site could be transferred to the developer to begin construction. Unfortunately the result of that testing is that there is some soil under the current public parking deck that will need to be removed before construction could begin. It looks like it could be a significant amount of soil and a large cost associated with it. Staff will look into the recommendations given by the environmental consultants who did the testing and see what options might exist for remediating the site. Newman stated that staff would like more time to further investigate this. There was no objection from the Committee.

A Geometrics and Conditioning PowerPoint presentation was given to the COW by Gary Holm. The presentation included the following:

- Original Design
- Garage parking layout
- Alternative Designs
- Pictures of the Naperville Garage Lot
- Indigo Hotel Garage Naperville Pictures, compact spaces at the end of each aisle
- Revised Design
- Garage Conditioning
- Background
- Heating
- Windows
- Alternatives in lieu of windows if garage is only ventilated and not conditioned (examples)
- Garage Doors
- Economic Impact
- Recommendations:
 - Option #1
 - Option #2
- Conclusion
 - Recommend approval of revised geometric design with modifications as presented
 - Recommend approval the condition that garage conditioning number one

Dave Patzelt, Shodeen, showed the COW slides from his own PowerPoint presentation showing the North Elevation. The lower level, when first proposed was open air. The upper level of the parking had garage doors and windows. The proposed elevation now has both levels with garage doors and glass in the openings. Patzelt shared that the new energy code does require having a complete insulated envelope. The least costly way to construct this building is to enclose both garages with windows and doors and condition that space. Patzelt stated that they would prefer to

build it that way because it is cheaper to have a completely enclosed both level garage. The residential property taxes are paying for the garage. Patzelt stated he does not want Public Works to maintain the overhead garage door. We would have an overhead garage door service, the same thing with the conditioning elements in the building.

Sylvia Keppel, 1420 Becker Ave, addressed the Committee. She asked since it is a public garage with no reserved parking spaces, what if the Homeowners Association contract is challenged. She asked who's responsibility is it to pay for the plan in option one. Keppel asked was it the developer's responsibility. Holm responded yes. Keppel stated that the 343 spaces with 199 units and assuming each unit has only one car we are talking of a net gain of 24 parking spaces. Sixteen million dollars for 24 parking spaces and that is only if everyone has only one car per unit. She asked the COW to reconsider the whole garage thing. This is a public garage, not a private garage.

Jean Boraber, east side of Batavia resident, asked why are we doing this. If it is to bring people into the downtown than you better have a parking garage where people would want to park. We are not going to drive down there and park if it is difficult and asked that the COW take that into account. She has not found anyone who appreciated putting something of this size in our downtown. She questioned if we would be able to fill all of these apartments and what happens if we don't.

9. Ordinance 18-29: Amending Ordinance 17-15 for a Major Amendment to a Planned Development Overlay District for One Washington Place 111-133 East Wilson Street and 20 North River Street, 1 N Washington, L.L.C., applicant (JS 5/9/18) CD

Motion: To recommend approval of Ordinance 18-29: Amending Ordinance 17-15 for a Major Amendment to a Planned Development Overlay District for One Washington Place 111-133 East Wilson Street and 20 North River Street, 1 N Washington, L.L.C., applicant with option two

Maker: Stark

Second: Brown

Roll Call Vote: **Aye:** Stark, Chanzit, Wolff, Brown, O'Brien, McFadden, Atac
Nay: Salvati, Callahan, Meitzler, Uher, Cerone, Russotto
7-6 Vote, 1 Absent, Motion carried.

Note: Staff noted that the intent of the motion is that the developer assumes all costs, not the City. Drendel, legal counsel, commented that an amendment to the motion is not needed because we verified what the motion meant.

10. Discussion: One Washington Place State Street Design Options (GH 5/9/18) CD
This discussion has been tabled until the next COW meeting.

11. Project Status

Due to the late hour of the meeting this agenda item was not discussed.

12. Other

Due to the late hour of the meeting this agenda item was not discussed.

13. Executive Session: Setting the Price of Land for Sale

Motion: To enter into Executive Session for the purpose of setting the price of land for sale
Maker: O'Brien
Second: Salvati
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

The COW entered into executive session at 11:18pm and exited at 11:26pm.

14. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 11:26pm; Made by Chanzit; Seconded by Wolff. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith