

MINUTES
May 22, 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 (entered at 7:01pm), Stark, Chanzit, Wolff, Salvati, O'Brien, Callahan, Meitzler, Malay (entered at 8:25pm), Uher, Cerone (entered at 7:01pm), and McFadden

Members Absent: Aldermen O'Brien

Also Present: Laura Newman, City Administrator; Scott Buening, Director of Community Development; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

Agenda item nine was discussed before agenda item four. Agenda items 12 and 13 were moved to the June 12th agenda.

Motion: To accept the agenda as amended

Maker: Wolff

Second: Stark

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

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

There were no matters from the public at this time.

4. Ordinance 18-33: Grant of Variances for MetroNet, 602 East Fabyan Parkway, Metro Fiber Net, Applicant (DMR 5/17/18) CD

Stark overviewed the memo.

Dan Kramer, attorney representing the applicant and property owner, stated that if there are any technical questions there are staff members available tonight to answer any questions. Ray Curtis, Project Manager for MetroNet, announced their intent is to have the Batavia area built out by the end of September of 2019.

Motion: To recommend approval of Ordinance 18-33: Grant of Variances for MetroNet, 602 East Fabyan Parkway

Maker: Wolff
Second: Salvati
Voice Vote: 11 Ayes, 0 Nays, 1 Recusal, 2 Absent
Motion carried.

The recusal was Alderman Meitzler.

5. Ordinance 18-34: Conditional use Permit for a Utilities Facility in the GC, General Commercial District. Metro Fiber Net, Applicant (DMR 5/17/18) CD

Wolff overviewed the memo.

Motion: To recommend approval of Ordinance 18-33: Grant of Variances for MetroNet, 602 East Fabyan Parkway
Maker: Cerone
Second: Uher
Voice Vote: 11 Ayes, 0 Nays, 1 Recusal, 2 Absent
Motion carried.

The recusal was Alderman Meitzler.

6. Ordinance 18-35-R: Amending the Land Use Map of the Comprehensive Plan of the City of Batavia. 1305-1355 South River Street. Bob Hansen, Windmill City Entertainment, Applicant (DMR 5/17/18) CD

Rackow overviewed the memo with the COW. John Green, Engineering Resource and Associates representing the applicant, addressed the Committee. He highlighted the project with the COW. They will be improving some traffic flow in front of the property and expanding the parking lot by adding 28 new parking stalls. They will be adding several landscape islands and brining the rear parking lot up to City code compliance. Doug Holzrichter, Williams Architects, discussed the small building addition with the COW. The renderings were shown to the Committee. Bob Hansen shared the improvements he plans on doing with the property, including adding a new go-cart track.

Motion: To recommend approval of Ordinance 18-35-R: Amending the Land Use Map of the Comprehensive Plan of the City of Batavia. 1305-1355 South River Street.
Maker: Chanzit
Second: Russotto
Voice Vote: 11 Ayes, 0 Nays, 1 Abstain, 2 Absent
Motion carried.

The abstention was Alderman Salvati.

7. Ordinance 18-36: Amending the Official Zoning Map for a GC, General Commercial Development with a Planned Development and South River Street Gateway Setback Overlay District. 1305-1355 South River Street. Bob Hansen, Windmill City Entertainment, Applicant (DMR 5/17/18) CD

Motion: To recommend approval of Ordinance 18-36: Amending the Official Zoning Map for a GC, General Commercial Development with a Planned Development and South River Street Gateway Setback Overlay District. 1305-1355 South River Street.
Maker: Cerone
Second: Meitzler
Voice Vote: 11 Ayes, 0 Nays, 1 Abstain, 2 Absent
Motion carried.

The abstention was Alderman Salvati.

8. Ordinance 18-37: Conditional Use Permit for an Entertainment and Recreation Indoor and Outdoor Large Scale Use in the GC, General Commercial District, 1305-1355 South River Street. Bob Hansen, Windmill City Entertainment Applicant (DMR 5/17/18) CD

Motion: To recommend approval of Ordinance 18-37: Conditional Use Permit for an Entertainment and Recreation Indoor and Outdoor Large Scale Use in the GC, General Commercial District, 1305-1355 South River Street.
Maker: Cerone
Second: McFadden
Voice Vote: 11 Ayes, 0 Nays, 1 Abstain, 2 Absent
Motion carried.

The abstention was Alderman Salvati.

9. Resolution 18-66-R: Authorizing the Mayor to Execute a Licensing Agreement with the Fox Valley Patriotic Organization (LMN 5/18/18) GS

Newman reported that the Fox Valley Patriotic Organization is sponsoring the creation of a Flag Day monument, which would commemorate Flag Day. It is expected that the monument would become a prominent feature to our downtown attracting visitors regionally and nationwide. The City has agreed to provide a site for the memorial outside of City Hall. Staff was directed to negotiate a licensing agreement memorializing that site as well as providing for the perpetual maintenance and repair of the monument. The license agreement was distributed to the Committee of the Whole (COW) members in their packets. Newman overviewed the agreement with the COW. Newman noted that the endowment is \$150,000 with 5% to be used annually towards the upkeep and maintenance of the monument and that amount should be sufficient. As the property owners, the City should be the ones to procure the insurance of the monument but the cost of that could be paid for through the endowment. It is expected that the insurance would be about \$450 per year.

Motion: To recommend approval of Resolution 18-66-R: Authorizing the Mayor to Execute a Licensing Agreement with the Fox Valley Patriotic Organization
Maker: Chanzit
Second: Salvati
Voice Vote: 12 Ayes, 0 Nays, 2 Absent

Motion carried.

10. Ordinance 18-30: Requesting Transfer of Certain Parcels from the Batavia Park District (SCB 4/27/18) CD

Stark overviewed the memo with the COW. She concluded that staff recommends that the COW approve the two ordinances. A site map was shown to the COW. Buening explained that this is a three-step process. The first step is vacation of the right-of-way. The second step is to pass the ordinance asking for the property and a resolution authorizing conveyance. The third step is the plat of subdivision, which would go to the Plan Commission (PC). The Park District would get lots 2 and 3 and the City would get lot 1.

Motion: To recommend approval of Ordinance 18-30: Requesting Transfer of Certain Parcels from the Batavia Park District
Maker: Meitzler
Second: Uher
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

11. Resolution 18-59-R: Authorizing the Transfer of Property to the Batavia Park District (SCB 4/27/18) CD

Motion: To recommend approval of Resolution 18-59-R: Authorizing the Transfer of Property to the Batavia Park District
Maker: McFadden
Second: Meitzler
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

12. Ordinance 18-31: Proposing the Establishment of Special Service Area Number 62 for Batavia MainStreet (SCB 4/30/18)

To be placed on the June 12th agenda.

13. Resolution 18-60-R: Accepting a Plat Dedicating a Portion of Wintergreen Terrace (SCB 5/2/18) CD

To be placed on the June 12th agenda.

14. Ordinance 18-38: Annexing and Zoning 511 Pine Street (SCB 5/14/18) CD

Stark summarized the memo for the COW.

Motion: To recommend approval of Ordinance 18-38: Annexing and Zoning 511 Pine Street
Maker: Atac
Second: Meitzler
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

15. Discussion – One Washington Place State Street Design Options (GH 5/9/18) CD

Holm presented on the One Washington Place State Street design options. The presentation included the following information:

- RDA Requirements
- Existing Conditions
- Aerial Photograph
- Design Considerations
- Design Option #1 – Retain parallel parking on the south side
- Design Option #2 – No parallel parking with landscaping buffer similar to Wilson Street
- Design Option #3 – No parallel parking with carriage walk and interior landscaping
- Pros and Cons of each option

Holm stated that staff recommends Option #3. He explained that there would be seven parallel parking spaces that would be lost if parallel parking is eliminated.

Liz Evensen, owner of The Book Shop, expressed concern about the loss of parking. She explained that the availability of parking has a direct impact on her store. She stated that people would not park three or four blocks away to buy a book. She stated that the proposed One Washington Place is getting bigger and bigger and we are sacrificing more and more of what we were willing to compromise on.

James Stickling, owner of The Book Shop, stated that every time they turn there is something happening to the beautiful area of River Street. The business owners on River Street are extremely concerned, vexed and in dread over this impending edifice. He shared that he came to this town because of the way the downtown looked and with this proposed development it would not look that way anymore. He asserted that the proposed development would bring with it a lot of empty apartments, empty retail and no parking. He has serious and grave concerns about this proposed development. He asked that the Committee respectfully not let anything get in the way of listening to those who walk these thoroughfares and who hold these thoroughfares very dear and have an eye for the future resident.

Sylvia Keppel, 1420 Becker Avenue, urged the COW to review the BATV recording and to listen to this couple again because she does not believe that the COW members are really listening and hearing what they have to say. The character is what brings people to the downtown. This project is going to ruin the character of the downtown. The number of units would not provide enough customers to keep their business afloat. She asked that the COW review the meeting and take that into consideration.

Stark stated that last night at the City Council meeting the vote was taken and the Council continued to be split and the Mayor made the deciding vote and the project is moving forward. We are deciding now tonight which one of the three options we would prefer to direct staff to take in terms of the parking options on the north side of the building.

*Malay entered at 8:25pm.

Motion: To go with staff's recommended option three with parallel parking on the west end on the south side of State Street

Maker: Wolff

Second: Salvati

Roll Call Vote: **Aye:** Wolff, Salvati, Brown, Uher, McFadden, Russotto, Atac, Stark, Chanzit

Nay: Callahan, Meitzler, Cerone

9-3 Vote, 1 Absent, 1 Abstention, Motion carried.

Malay was the abstention. He explained that since he missed a majority of the discussion he chose to abstain from the vote at this time.

16. Discussion – Change Order to City Hall Windows/Masonry Project (GH 5/18/18) CS

Holm overviewed the memo and showed the COW drawings for reference. Holm discussed the south entrance. He stated that one of the questions was should we proceed at this time with the replacement of this door, which would have to be replaced in the next couple of years anyways, since we would have masons on site. Holm discussed the replacement door with the Committee. He stated that replacement of the door would allow the masons to do the work around the new door. Brown commented that tuck-pointing is tough to match. The Canopy styles were discussed.

Lane Allen, Lane Allen Architects, addressed the COW. He stated that all of these details came out of looking at how this building is used. These are elements of identity and, in the end, this is for clarity of public use of the building and safety of its users.

Staff was asked to pursue the change order and examine the cost. Holm stated that he would return to the COW with the cost and a formal change order. Holm noted that the design would be reviewed at the June 11th Historic Preservation Commission (HPC) meeting.

17. Project Status

Newman reported on the following:

- June 11th is the next Strategic Planning session
 - COW was asked to prioritize the items on the SWOT analysis utilizing the survey sent out to the COW members

18. Other

The COW meeting on May 29, 2018 is cancelled.

19. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 8:45pm; Made by Salvati; Seconded by Uher. Motion carried.