

MINUTES
June 2, 2020
Committee of the Whole
City of Batavia
REMOTE MEETING

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 Wolff called the remote Committee of the Whole meeting to order at 7:08pm immediately following the City Council Emergency Meeting.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Callahan, Meitzler, Malay (entered at 7:12pm), Uher, Cerone and McFadden

Members Absent: Alderman O'Brien

Also Present: Mayor Schielke; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Howard Chason, Director of Information Systems; and Jennifer Austin-Smith, Recording Secretary

2. Reminder: Please speak into the microphone for BATV recording

3. Items to be Removed/Added/Changed

There were no items to be removed, added or changed.

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

There were no matters from the public.

5. Resolution 20-078-R: Authorizing a Construction Contract with Primoris Electric Inc to Perform Feeder Installation from Northeast Substation to Kirk Road in the Amount of \$675,572.00 which includes 10 Percent Contingency Amount (RB 5/28/2020) PU

Holm overviewed the memo with the Committee.

*Alderman Malay entered the meeting at 7:12pm

Motion: To recommend to Council approval of Resolution 20-078-R: Authorizing a Construction Contract with Primoris Electric Inc. to Perform Feeder Installation from Northeast Substation to Kirk Road in the Amount of \$675,572.00 Which Includes 10 Percent Contingency Amount

Maker: Wolff

Second: Meitzler

Roll Call Vote: **Aye:** Wolff, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay: None
13-0 Vote, 1 Absent, Motion carried.

6. Discussion: Allowing “Parklets” to be Used as an Expansion of Outdoor Seating for Restaurants and Bars (LN)

Beck defined Parklets as extensions into a public parking space by a business or an organization to create an inviting space for extra seating, bike parking or additional sidewalk space. In light of the COVID-19 pandemic and the call for spreading out as our businesses reopen she wanted to propose this as another tool in the tool kit for businesses if they so choose. She would like to have an ordinance at the ready to explain what we expect in terms of its construction, safety precautions, liability insurance, and appropriate fees. This is something in response to COVID-19 that we could offer to our businesses as another way to rebuild and would be a great downtown attraction for years to come.

The Committee discussed allowing Parklets for outdoor seating. They considered renting out Parklets utilizing trailer beds, supporting businesses in the downtown, safety, ADA compliance, and license agreement for public space including certificate of insurance. Beck highlighted statistics reported in an article about People Spots in Downtown Chicago demonstrating how nearby Parklets help attract customers to business establishments. Beck stated that she would send more information regarding Parklets to the Committee of the Whole members for their review.

Chair Wolff and Alderman McFadden directed City staff to prepare an Ordinance allowing Parklets to be used as an expansion of outdoor seating for restaurants and bars. Two other aldermen voiced their support for drafting this ordinance.

Chair Wolff stated, while on the topic of outdoor seating for restaurants and bars, he has heard some talk on possibly adding outdoor seating on Water Street in the area between Wilson Street and First Street. Newman stated that she has been in discussion with Austin Dempsey of Batavia Enterprises about this matter. The suggestion was to close South Water Street from Wilson Street to the north side of the alley that runs behind the Batavia Plaza building. Chair Wolff and Alderman Baerren asked staff to move this forward. The consensus of the Committee was in favor of closing South Water Street from Wilson Street to the north side of the alley.

7. Discussion: Changes to the Video Gaming Ordinance (Mark Uher) GS

Knopp stated that in past meetings there was consideration on setting a limit on video gaming establishments in our downtown but no decision was made. Knopp stated that he would like a discussion on whether or not we are going to put a limit on video gaming in our downtown. He would like staff asked to draft an Ordinance that puts a hard limit on the number of video gaming licenses we have.

The Committee discussed the video gaming ordinance. Newman stated that in order to have a ‘betting café’ one would have to pay rent for an entire year and a liquor license for an entire year with an empty store and no revenue coming in. She does not think people would be willing to do that. She has had inquiries and once they find out about our ordinance they are done inquiring. Callahan stated that he does not have a problem with limiting video gaming. He continued that

we did set a limit to tattoo parlors and it did get changed to three. Malay stated that he would like to see a cap. Miller stated that he would be in favor of capping this use as well. He continued that he would be in favor of not allowing it but we are past that point so he would be in support of a cap, whatever we decide. Baerren stated that she is not in favor of a cap. She feels that this is a tool that we provide to potential business owners. It has been used responsibly. She does not believe that we should tell business owners how they should be running their businesses. She would not be in favor of gradually getting rid of this tool for the business owners and future business owners or putting a cap on it. Uher noted that a cap would be there for future councils to decide on but at least it would be there and provide some regulation.

Uher directed staff to write an Ordinance to cap the current number of video gaming establishments we have in town. Aldermen Knopp, Meitzler, and Malay stood with Alderman Uher's direction to staff.

8. Project Status

Newman reported on the following:

- The Batavia Reconnected website is up and running. It can be accessed from the City's website.
- There was an emergency meeting of the City Council in which the Council approved an emergency ordinance declaring a State of Disaster due to regional civil unrest. The Mayor will issue Executive Order 20-06 that is declaring an emergency and establishing a curfew, which would be effective at 7pm June 3, 2020 until 6am on June 4, 2020. This will be posted tonight.
- Tomorrow there is a scheduled protest at the City Government Center. It will take place at the Peg Bond Center from 12pm-3pm. We are expecting a couple of hundred people will be here for the sit-in protest. The organizers stated that this protest will take place in that specific area and there is no march planned to any other location. Newman stated that unfortunately in neighboring communities we have seen some opportunistic groups take advantage of the situation where attention is focused on protests such as these and they take the opportunity to engage in lawless and violent behavior. Newman wants to make sure that the community rests assured that our police department, fire department, public works in cooperation with neighboring governments have a plan in the event that should occur to control that situation. Owners of downtown businesses may wish to close their business at the time of the protest or before the day if you so wish. That applies to any downtown business and any business located in the City of Batavia. We hope that our local protest will be a peaceful one and an opportunity for people to share their message while we have plans to keep everyone in our town safe.

9. Other

Meitzler stated that he has asked in the past about getting some additional markings and signage for pedestrian crosswalks. He has not seen any follow-up and would like to see this discussion on the next Committee of the Whole meeting and get an update from staff about where we are with some of these crossings. The crosswalks he would like addressed are:

- Western Avenue at Thorsen and Navajo
- Western Avenue by the high school on the west side crossing at Wilson

- South end of the high school where we have the crosswalk at Millview

Meitzler asked for another Alderman to stand with him with his request. Wolff and Knopp supported Meitzler's request of staff. Newman stated that she would be happy to give a status on these crosswalks since this is something that staff has already been working on.

10. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 8:07pm; Made by Knopp; Seconded by Malay. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on June 14, 2020.