

MINUTES
January 12, 2021
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 Wolff called the meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller (joined at 7:05pm), Russotto, Beck, Knopp, Chanzit, Baerren, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden

Members Absent:

Also Present: Mayor Schielke; Laura Newman; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

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

3. Approval of Minutes for: November 17, 2020, December 1, 2020, and December 15, 2020

Motion: To approve the minutes for: November 17, 2020, December 1, 2020 and December 15, 2020

Maker: Knopp

Second: Uher

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

Nay:

13-0 Vote, 1 Absent. Motion carried.

4. Items to be Removed/Added/Changed

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

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

There were no matters from the public at this time.

**Ald. Beck left the meeting for agenda items six and seven and was recorded as absent. She exited the meeting at 7:05pm.*

6. Ordinance 21-08: Authorizing Execution of a TIF Redevelopment Agreement with Comedy Vault, LLC (D/B/A The Comedy Vault) Relating to the Building Improvements at 18 East Wilson, River Street (LN 1/07/21) CD

Newman overviewed the memo. She noted that this was also discussed at the December 15th Committee of the Whole (COW) meeting. Mike Knuth shared that they plan on taking advantage of the back of the building for signage as well. Callahan asked if there is anything written into the agreement to protect them and the City due to a pandemic such as it is written about a fire or natural disaster. He asked if there would be a potential option to convert some of the loan to a grant. Newman answered that it could be done at any time. The business owners would seek some relief from having to pay back a portion of the loan in the future. We could entertain that and agree to do that at anytime.

Motion: To recommend to City Council approval of Ordinance 21-08: Authorizing Execution of a TIF Redevelopment Agreement with Comedy Vault, LLC (D/B/A The Comedy Vault) Relating to the Building Improvements at 18 East Wilson, River Street

Maker: Callahan

Second: Knopp

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

Nay:

13-0 Vote, 1 Absent. Motion carried.

7. Discussion: Increase the Allowed Hours of Sale of Liquor to begin at 8:00am (GS)

The Committee discussed how those who are at high-risk and take advantage of the early shopping hours are unable to purchase liquor at that time.

Motion: To have the Liquor Commissioner change the hours to 8am and to direct staff to prepare an Ordinance change to the Liquor Code

Maker: McFadden

Second: Chanzit

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

Nay:

13-0 Vote, 1 Absent. Motion carried.

** Ald. Beck rejoined the meeting at 7:32pm*

8. Tabled ORD 20-75: Landmark Designation for the Conde House at 210 N Washington Street

This discussion was tabled from the December 15th and January 5th COW meetings.

Heidi Hoff, applicant, addressed the Committee. She reiterated that she never received a single notification about this process.

Callahan asked Newman to discuss the City Attorney's counsel on what constitutes a notice. Newman answered that the City Attorney reviewed what our process is that we had not accepted the application until the applicant showed that she had in fact notified the owner of record at that time she was submitting the application. Thereafter, the City followed its own process to provide notice to the new homeowner when meetings were occurring such that they would have an opportunity to participate and share any information that they wanted to with the body that was making the decision. Not only did the City follow its own internal process but the City Attorney also said due process was followed as well. Buening added that the attorney stated that the property owner is participating in the process now, whether she got notice or not, she is aware of what is being asked for. The COW could either send this back to the HPC or send it forward to the City Council.

Heidi Hoff stated that she does not believe she was given due process because she was not notified of the HPC's meetings. If sending a letter to the bank after she purchased the home is due diligence, that is sorely mistaken. She would like to be able to be a part of the process and be involved in the process. If she is attending the meeting as an "attende" and not even able to show her face shows her that she is not being considered that much as a part of this process.

Callahan explained that the HPC would be voting on the application based only on the criteria based on the characteristics of a Landmark Designation. If it meets the characteristics then they would be deciding on that. Ms. Hoff stated that this house is nothing like the house was in 1845 when it was constructed. The widow's walk does not exist anymore. There have been four additions to this house all within the past fifty years. She would like to be able to build her case with the Committee about the historical aspects of her home. Callahan noted that the COW is the body that would make the ultimate decision; the HPC is the recommending body. Callahan assured Ms. Hoff that she is being heard and the Committee is considering it as part of our vote.

Motion: To recommend to City Council Approval of Ordinance 20-75: Landmark Designation for 210 North Washington Ave
Maker: Knopp
Second: Miller

Discussion was held on the motion. Albertson noted that if this does not pass it would create a 90 period in which no further application could be filed but after that 90-day period someone else could file an application for this property. The Committee discussed the option of sending this back to the HPC. Callahan stated that there is a motion and if that fails, then another motion could be made to send it back to the HPC or it goes directly to City Council. Ms. Hoff stated that she likes the idea of making the vote and if it goes through to send it back to the HPC. Knopp clarified that his motion is to not send this back to the HPC because he does not think that is a good use of anyone's time. He believes that due process has been made in front of the Council that makes the final decision. Ms. Hoff stated that she has no intention of raising the house and she is in full support of some sort of plaque. This house does not meet historic preservation given the fact that it has been remodeled so many times. She has windows from the 1980's and to have to revert back to single pane windows, it is just not going to happen. She is willing to work with the City to come with a compromise but it is not a historic home in the traditional sense.

Roll Call Vote: **Aye:**
Nay: Knopp, Chanzit, Baerren, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Wolff, Miller, Russotto, Beck
0-14 Vote, 0 Absent. Motion failed.

9. Project Status

Newman reported on the following:

- Griffin Price, Communications Coordinator, has been creating a stand-alone website to provide information to residents and businesses about the One Washington Place project. This site would be a one-stop shop and will include contact information, background information about the project, documents (current plans, redevelopment agreement), traffic and parking studies, economic impact study and much more.
 - A meeting is being scheduled for adjacent business owners to provide basic information about the project to the business owners as well as an opportunity to share their concerns.
 - Price is completing the final touches on our annual report, which is the report on our budget and also on our Strategic Action Plan.
 - The Strategic Action Plan will be brought to City Council for final decision next week.
- The City has received permits for the renovation of the Park District's Quarry Beach Parking Lot. The Park District has made a request that the City pay for a portion of that. This will be brought to the COW for more discussion.
- The Plan Commission (PC) will have a Public Hearing on the proposed cannabis amendments at their meeting on January 20th.
- Staff is working on completing and recording all of the documents necessary to establish TIF 6.
- The State Historic Preservation Office has approved our application to be a Certified Local Government. Scott Buening and his staff have put in a tremendous amount of documentation in order to complete this documentation process. This qualifies us for Federal grants. Buening added that property owners could receive certain tax credits for being in the historic district as well.
- In Public Works, residents received a survey card in the mail to locate lead water service lines. We have been in the process of applying for IEPA grand funding. The City has not heard if we have been awarded or not, but our Water Department is spearheading this to see if we might be able to secure funding that would help residents replace their lead water service lines.

10. Other

Chair Wolff asked about the page on the City's website regarding the One Washington Place project. He questioned if business owners would have the ability to ask questions ahead of time so that way we could have the answers for them. Newman answered yes. Chair Wolff stated that the Farmer's Market should remain at its current location to help all the businesses in that area and we should be involved with MainStreet and the Chamber of Commerce to figure out how we could keep that traffic down there during the construction. Chair Wolff stated that we want to increase the foot traffic so that the businesses know that we want to make it work. Baerren stated

that residents have contacted her and suggested a brainstorming session with Commerce, MainStreet, City and citizens. She suggested the developer making a small statement each week similar to the Mayor's Weekly Address. As we are ramping up this communication, we should have a campaign to have residents sign up to get this information. Baerren explained that due to data privacy laws we can't send a bulk email out to everyone, people have to subscribe to that so we need to tell them how to subscribe.

Miller asked about the weekly update that states the 5/3 Bank Access Agreement for One North Washington. Newman stated that if we are not able to negotiate an appropriate Access Agreement, which the developer promised to secure in the Redevelopment Agreement, the developer getting financing is a contingency here should they not be able to secure financing they could terminate the agreement.

Uher asked about the animal shelter on South River. Buening stated the applicant withdrew the petition. The cost for acquisition and improvements to the facility were too great. There is a potential other tenant that is looking at that property. Buening commented that this area should be a sub area study of the Comprehensive Plan in the Zoning Code. To just go in and down zone all the properties may come to opposition with all the business owners there. We should do this as a planning study for that area and ask what is it that we really think we want to see here. We don't feel what is going on there is the best use or the best gateway to our community. We should look at this in the greater scale rather than just downsizing. He will be bringing this to the COW for feedback in a couple of months.

11. Executive Session

- a. Setting the Price of Land for Sale (SCB)**
- b. Purchase or Sale of Real Estate (GH)**

The Committee entered into Executive Session at 8:51pm and exited at 9:35pm.

12. Adjournment

There being no other business to discuss during open session, Chair Wolff asked for a motion to adjourn the meeting at 8:50pm to enter into Executive Session; Made by Knopp; Seconded by Malay. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on January 28, 2021.