

MINUTES
May 26, 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 meeting to order at 7:30pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren (entered the meeting at 7:39pm), O'Brien, Callahan, Meitzler, Malay, Uher, Cerone and McFadden (entered the meeting at 7:32pm)

Members Absent:

Also Present: Mayor Schielke; Chief Eul, Batavia Police Department; Laura Newman, City Administrator; Kevin Drendel, Legal Counsel; Scott Buening, Director of Community Development; Gary Holm, Director of Public Works; Howard Chason, Director of Information Systems; Chris Aiston, Economic Development Consultant; Drew Rackow, Planner; and Jennifer Austin-Smith, Recording Secretary

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

3. Approve Minutes for March 24, 2020, April 14, 2020 and April 28, 2020

Motion: To approve the March 24, 2020, April 14, 2020 and April 28, 2020 minutes
Maker: Knopp
Second: Uher
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

4. Items to be Removed/Added/Changed

Chair Wolff announced that agenda items 8-10 would be discussed directly after the Consent Agenda.

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

There were no matters from the public.

6. 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.)

a. Approval: COW Executive Session Minutes March 10, 2020

Chair Wolff noted that the acronym in the minutes should read VWR. The Recording Secretary stated that the correction would be made and the updated minutes would be sent to the City Administrator.

Motion: To approve the Consent Agenda with correction to the minutes
Maker: Chanzit
Second: Knopp
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

7. Discussion: Opportunities for Additional Outdoor Public Dining Areas on N. River Street and Elsewhere Downtown (LMN)(GS)

Newman reported on the possibility of creating three public outdoor dining areas: 1) redevelopment site for One Washington Place, 2) Houston and North Island, and 3) North River Street. Additional outdoor dining would be considered in the future as well. Newman announced that the Batavia Park District has allowed the City to utilize their picnic benches that they would otherwise have used in outdoor festivals at no cost. Newman displayed the sites for possible outdoor dining areas, emergency access, table placement and spacing. A permit would be needed from IDOT to close River Street. During the time we are applying for the IDOT permit we would make River Street one-way.

Newman stated that at the recommendation of Batavia MainStreet and the Chamber of Commerce people would be able to consume food (carry-out or delivery) along with alcohol consumption in this area. The tables would be used for food and alcohol that has been purchased from our downtown businesses. The suggested times for use are Monday through Friday 11am-9pm and Saturday and Sunday, 9am-9pm.

The Committee discussed how this would become a lifeline to our businesses, incorporating Peace Bridge, utilizing the space in the 5/3 bank parking lot, providing outdoor seating for all downtown businesses, Governor’s Office guidelines and regulations.

Beck requested discussing the use of Parklets at a future Committee of the Whole meeting. Callahan joined Ald. Beck with this request.

James Joseph, owner of The Book Shop, shared his observation that the people in Batavia are excellent at following safety guidelines. He is in favor of anything that we could do for special table allocation. He stated that this would drive commerce on River Street. Several other business owners in the area are in support of this as well. He stated that the City will need more room on River Street and more space will make people feel better and safer. The Tea Tree and

Tusk would really benefit. He thanked everyone who has put these plans in place for River Street. He believes it could go further down. He is all for this and is looking forward to it.

Callahan made a motion to direct staff to seek approval from IDOT to close River Street from Wilson to Spring Street. Meitzler seconded. Discussion was held on the motion. Newman stated that staff's intention was to have the barricade placed at the north end of River Street before State Street. Holm stated that IDOT is only concerned about the intersection of River and Route 25. IDOT will not care what the north limit is. Chair Wolff suggested that the motion be amended to attain approval from IDOT to close River Street at Wilson Street. Callahan concurred.

Callahan amended the motion to the following:

Motion: To attain approval from IDOT to close River Street at Wilson Street

Maker: Callahan

Second: Meitzler

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

Motion: To close River Street to the end of the Fox River Trail where it adjoins the bricked portion on River Street as the northern boundary

Maker: Callahan

Second: O'Brien

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

Nay:

14-0 Vote, 0 Absent, Motion carried.

Motion: To move forward with establishing outdoor dining spaces in areas 1, 2 and 3 as presented in the memo with a spacing of 8ft per table

Maker: Callahan

Second: Uher

Voice Vote: 14 Ayes, 0 Nays, 0 Absent

Motion carried.

The consensus of the Committee was to allow alcohol consumption starting on River Street to start with the understanding that it will not be policed.

8. Resolution 20-075-R: Awarding a Grant under the Downtown Signage Assistance Grant Program within the Downtown Historic District for Soma Studio, 5 N River Rd. (CA/LN 5/18/2020) CD

Callahan overviewed the memo. Aiston discussed the signage project and expressed his support for this grant.

Motion: To recommend to Council approval of Resolution 20-075-R: Awarding a Grant under the Downtown Signage Assistance Grant Program within the Downtown Historic District for Soma Studio, 5 N River Rd.

Maker: Callahan

Second: Malay

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

CONSENT AGENDA

9. Ordinance 20-35: Amending the Official Zoning Map for a GC General Commercial District with PD Planned Development Overlay District. 300 North Randall Road, 1899 and 1990 McKee Street. Menard Inc. Applicant (DMR 5/22/2020) CD

Rackow overviewed the memo. He discussed the changes to the property including the existing retention pond will be moving to free up room for a new accessory structure/storage building and expansion of the yard. In addition to that there will be expansions to the existing building as well as a new entrance canopy into the yard to the north. The Plan Commission held a hearing on November 6, 2019. Within the hearing there was a condition before it could move on to approval and that was to ensure the drainage issues could be worked out. Staff is to that point now and that is why it is before the Committee tonight. This Ordinance would expand the overlay district to the south of McKee street to pick up what would be the new detention lot as well as the previous detention lot that would become part of the Menards site as well. Also on the agenda tonight is the Resolution to approve a final plat. Rackow discussed the setback relief proposed to accommodate the expansion and the two conditions of approval. Rackow stated that at the Public Hearing there was one speaker from an adjoining property who asked the Plan Commission (PC) to take into account noise concerns. The PC did vote to recommend approval for the planned development overlay and the final plat of subdivision.

Motion: To recommend to Council approval of Ordinance 20-35: Amending the Official Zoning Map for a GC General Commercial District with PD Planned Development Overlay District. 300 North Randall Road, 1899 and 1990 McKee Street. Menard Inc. Applicant

Maker: Callahan

Second: Knopp

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

10. Resolution 20-077-R: Approving a Final Plat of Subdivision for Menard Batavia Second Re-Subdivision. 300 North Randall Road. Menard Inc., Applicant (DMR 5/22/2020) CD

Motion: To recommend to Council approval of Resolution 20-077-R: Approving a Final Plat of Subdivision for Menard Batavia Second Re-Subdivision. 300 North Randall Road. Menard Inc., Applicant

Maker: Callahan

Second: Knopp

Voice Vote: 14 Ayes, 0 Nays, 0 Absent

All in favor. Motion carried.

11. Resolution 20-074-R: Accepting a Deed of Dedication for Main Street at 1033 Main Street (SB 5/4/2020) CD

Callahan overviewed the memo. Buening noted that the former developers and property would be looking to unwind the development. This would come before the Plan Commission with an annexation agreement.

Motion: To recommend to Council approval of Resolution 20-074-R: Accepting a Deed of Dedication for Main Street at 1033 Main Street

Maker: Callahan

Second: Russotto

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.
CONSENT AGENDA

*Alderman Meitzler exited the meeting at 9:32pm.

12. Resolution 20-64-R: Authorizing Execution of a Contract with Performance Construction & Engineering, LLC for the Area 3 Storm Sewer Separation – Phase 3 in the amount not-to-exceed \$1,979,766.00 (AMP 5/21/2020) CS

Chair Wolff overviewed the memo.

Motion: To recommend to Council approval of Resolution 20-64-R: Authorizing Execution of a Contract with Performance Construction & Engineering, LLC for the Area 3 Storm Sewer Separation – Phase 3 in the amount not-to-exceed \$2,000,680.00 (with contingency)

Maker: Wolff

Second: O'Brien

Voice Vote: 13 Ayes, 0 Nays, 1 Absent
All in favor. Motion carried.

13. Resolution 20-065-R: Authorizing Execution of Low Interest loan for Public Water Supply with the Illinois Environmental Protection Agency in the amount not-to-exceed \$860,000.00 (AMP 5/21/2020) CS

Motion: To recommend to Council approval of Resolution 20-065-R: Authorizing Execution of Low Interest loan for Public Water Supply with the Illinois Environmental Protection Agency in the amount not-to-exceed \$860,000.00

Maker: Wolff

Second: O'Brien

Voice Vote: 13 Ayes, 0 Nays, 1 Absent
All in favor. Motion carried.
CONSENT AGENDA

14. Resolution 20-066-R: Authorizing Execution of Low Interest Loan with WPS with the Illinois Environmental Protection Agency in the Amount not-to-exceed \$850,000.00 (AMP 5/21/2020) CS

Motion: To recommend to Council approval of Resolution 20-066-R: Authorizing Execution of Low Interest Loan with WPS with the Illinois Environmental Protection Agency in the Amount not-to-exceed \$850,000.00

Maker: Wolff

Second: O'Brien

Voice Vote: 13 Ayes, 0 Nays, 1 Absent
All in favor. Motion carried.
CONSENT AGENDA

15. Resolution 20-079-R: Authorizing a Contract with WGI, Inc. to Provide Parking Consultant Review Services on Behalf of the City for One Washington Place (GH 5/21/20) CS

Holm stated that this is a review role and not a design role. Only would we act and spend money for review duties when the developer has given us something to review. Callahan asked where the \$20,000 is coming from. Newman answered that in the immediate term it would be something that would be paid out of the General Fund but it would be a reimbursable cost. The increment will give us the opportunity to be recouped for our costs for land acquisition, site preparation and other soft costs associated with our investment in this project (once it exceeds the amount necessary to pay off the bond). Callahan asked if this would be reimbursable under TIF 5 or potentially TIF 6. Newman responded that with the limited amount of time remaining on TIF 5 we would never be able to recoup our costs under that. There isn't sufficient time under TIF 5 for even bond payments to be made for the existing RDA. If we created a TIF 6 the act is silent so it allows us to take the position of expenses incurred while TIF 5 existed. What we are trying to do here is be prepared for the day the parking garage plans come in that we have contract with a parking lot consultant as to avoid any further delay. Aiston noted that this would not be money well spent if the City does not create a TIF 6 and we never build a garage unless you could incorporate a garage into a new project in TIF 5. Uher stated that there is a 10% retainer so we are paying something to retain them. We are spending money as to not cause any more delay. But if we are getting another 23 year TIF a couple months of a delay on the garage should not make a difference. They were ready to do this with 21 years left on the TIF. Uher stated that we are throwing money away, in his opinion. Uher shared that he is a no and that we should wait until we have a project before we spend any more money. Aiston commented that we don't have a project unless we can approve the PUD and part of the PUD is approval of the garage design. We have to know if the garage design is valid. This is an expense associated with any review of a project that we are not going to do in house to seek expertise. Newman stated that if we put this on hold before TIF 6 is established than we would not be moving forward with this until next year. Buening added that the idea was that they would be parallel, the TIF along with the planned development and HPC review. Newman stated that there is no reason to delay the start of this project when people need good paying jobs that would build it and our downtown needs the customers that project will provide.

Motion: To recommend to Council approval of Resolution 20-079-R: Authorizing a Contract with WGI, Inc. to Provide Parking Consultant Review Services on Behalf of the City for One Washington Place

Maker: Wolff

Second: O'Brien

Roll Call Vote: **Aye:** Wolff, O'Brien, Malay, McFadden, Miller, Russotto, Beck, Chanzit, Baerren

Nay: Knopp, Callahan, Uher, Cerone

9-4 Vote, 1 Absent, Motion carried.

16. Resolution 20-073-R: Execution of an Independent Contractor Agreement for Economic Development Consultant (LN 5/12/2020) CD

Chanzit discussed the memo regarding the extension of the Independent Contractor Agreement. Newman stated that the City is lucky to have the assistance of someone who is so knowledgeable about the establishment process. We are glad to have his expertise right now. Aiston discussed the compensation and expected hours of work with the Committee.

Motion: To recommend to Council approval of Resolution 20-073-R: Execution of an Independent Contractor Agreement for Economic Development Consultant

Maker: Chanzit

Second: Malay

Voice Vote: 13 Ayes, 0 Nays, 1 Absent

Motion carried.

18. Project Status

Newman reported on the following:

- Revitalization Committee has worked on a pledge for businesses to demonstrate to their customers that they are following all of the guidelines that are provided by the CDC, IDPH, KCHD in order to keep their customers safe. Jamie Saam has come up with an awesome logo for this, which is called 'Batavia Reconnects' because we have all become disconnected under the restrictions COVID-19 has placed on our ability to interact with one another. It will offer the opportunity for local business to sign a pledge that they would do these things and in exchange they will receive an 8 1/2 x 11 cling that they could put in their front window. That will be the indication to their customers that they are a business that has promised to abide by this. This will establish trust.
- The City has had an opportunity to purchase 28,000 medical masks at a reasonable price. We will utilize these for several purposes: provides enough PPE to ensure we are always protecting our City employees in their work environments, we can give them to the public when they attend our Farmer's Market, and provide a mask give-away event.
- Shodeen has provided us with changes to the RDA that were recommended by their attorney and we will be incorporating those changes into our document and providing that to our counsel for their review.
- Public counters in City Hall clear barriers will be installed to assist with keeping City staff safe while interacting with the public. Markings will be placed on the floor to make

people aware of what a six-foot distance is. We hope to be opening up City Hall to the public at some point in the next few weeks.

- Area 3 and the 2019 project are coming to a close. The 2020 project is scheduled to commence construction in just a few days. We have been working on catching up with some of the issues that were identified in the most recent flooding event.

19. Other

Knopp asked if there is a timeframe on when the new fire engine would be going out for bid. Newman stated that she would get that date since Chief Deicke is not on the call. Knopp asked about the building permits and if there is a plan now that we are in Phase 3. Buening answered that they are working on that right now and anticipate it will be coming forward to opening up those things soon. We are waiting until June 1st at this point of time but it is something we are still working on and it will be soon.

Uher asked about rezoning South River to something more of a DMU. He has noticed a lot of buildings for sale in that area and suggested it might be a good time to rezone the area to be ahead of anyone who buys it and wants to do something industrial in that area. Buening stated that staff is working on this and studying the area to determine what the best zoning would be.

20. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 10:18pm; Made by O'Brien; Seconded by Malay. Motion carried.