

MINUTES
December 11, 2012
Community Development Committee
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 7:30 pm.

1. Roll Call

Members Present: Chair Brown; Aldermen Sparks, Chanzit, Clark, Atac (arrived at 7:44pm) and Stark

Members Absent: Vice-Chair Wolff

Also Present: Ald. Volk, Jungels, Liva, and Tenuta; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Scott Buening, Community Development Director; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Noel Basquin, City Engineer; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes

There were no minutes to approve at this time.

3. Items Removed/Added/Changed

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

4. Ordinance 12-41: An Ordinance Amending Historic District Review Interval (Jeff Albertson 12/5/12)

Albertson stated that this Ordinance is based on the Historic Preservation Commission's (HPC) review of the downtown Historic District and the classifications of the properties. The HPC discussed the interval in which the review is done. Currently, the Ordinance requires a two-year interval. The HPC felt that two years is a short time frame and it should be lengthened. The reasoning is that very little happens to these properties in a two-year time frame. The HPC feels that four years is a more reasonable interval and staff concurs. This Ordinance changes the interval from two years to four years. Staff and the HPC are in support of this change.

Phil Bus, 615 Winnebago Trail, Chair of the HPC, addressed the Committee. Bus stated that the HPC is in support of the four-year time frame. He stated that the Commission is made of volunteers who meet twice a month in order to review Certificates of Appropriateness that come before the Commission. The HPC feels that the four-year time frame is sufficient and they recommend approval.

Motion: To recommend to Council approval of Ordinance 12-41: An Ordinance amending Historic District Review Interval

Maker: Stark

Second: Sparks

Voice Vote: 5 Ayes, 0 Nays, 2 Absent
All in favor. Motion carried.

*Alderman Atac entered the meeting at 7:44pm.

5. Ordinance 12-42: An Ordinance Updating Historic District Classifications for 5 Properties (Jeff Albertson 12/5/12)

Albertson reported that the HPC has gone through all the properties in the district and used criteria to decide which classification the properties should be. The HPC recommends four properties to be upgraded from Contributing to Significant and the downgrade of one property from Contributing to Non-Contributing. The properties are listed in the exhibit within the memo distributed to the Committee. The building that is recommended for a downgrade more than likely was listed as Contributing by error. Albertson clarified that the building was built in the nineties.

Albertson continued that a public meeting was held on November 26th. Notice was given to all the property owners of these properties to allow them to attend and speak to the Commission. One property owner attended the meeting. The resident was concerned that the upgrade would result in more restrictive measures for upgrades. The Commission views the upgrade as a way to protect the integrity of the property. The HPC does acknowledge the concerns of the resident that spoke to the Commission regarding the upgrade. The Commission would like to preserve the historic property and feel that they are very flexible when working with property owners. Staff spoke to the owner of the property recommended for a downgrade and they had no objection. The HPC and staff recommend approval of Ordinance 12-42. Chair Brown opened the floor for public comment.

Susan Witson, 2359 Kane Lane, stated that she is here to represent Bethany Lutheran Church as Vice-President of the Church Council. Bethany Lutheran Church owns the 335 First Street property that is being considered for an upgrade this evening. She thanked the Community Development Committee (CDC) for letting her speak this evening. Witson shared that Bethany Lutheran Church has 670 members, 75% are Batavia residents. They currently accepted 26 new members two-weeks ago and have the possibility of an additional 13 more members joining. Bethany has always been an integral part of the history of Batavia. Bethany participated in a three-way-land-swap between the Batavia School District, Park District and the Library ten years ago. Bethany bought the old school district property. The school district still owns 30 parking spaces on Bethany's property.

As part of the ministry of Bethany, we are financially subsidizing the elder day program, AID program, boy scout troop, and a residence of a single mom. Bethany has found it difficult to retain and attract new tenants. The current resident may not stay even with the subsidized rent we are providing. Bethany wants to meet the needs of the Batavia community. Bethany now participates with three other locations, with a total of four locations providing a free meal once a

month for anyone who shows up. Bethany does this the last Friday of every month. Bethany is looking for current gaps and needs for the City of Batavia. They would like to utilize the structures of Bethany more by the City of Batavia other than its current uses. Bethany truly wants to be an integral part of the City of Batavia.

Currently, the 335 First Street property is listed as Contributing. Tonight, the Committee is considering designating this property as Significant. Witson stated that a church representative attended last night's HPC meeting and was informed that the upgrade is not based on a historic business or person, it is based on style. She asked the Committee to postpone voting on this property because Bethany does not have a vision as to how they would like to use this property. Additionally, they do not fully understand the criteria in which this property was designated to be upgraded to Significant. She noted that their representative is out of town otherwise he would be addressing the Committee this evening. Bethany would like additional time to discuss this matter further.

Clark questioned if they are concerned with improvements becoming more costly if they are upgraded to Significant. Witson answered that they are concerned about the cost of improvements since they do not ultimately know how they would like to use the property. Albertson noted that the upgrade to Significant does have stricter guidelines to make improvements or changes. It is hard to say if the implications of the upgrades will be more expensive or the same without knowing what improvements would be made. Witson added that they would like to know what architectural elements would make this property Significant. They would like to have more clarity and time to investigate what the financial implications that will affect us as a non-profit organization. She added that they will abide by what the Committee decides because they would like to be an integral participant to the City. Stark expressed her concern that this structure may be removed to create additional parking. Witson stated that initially that was the reason for purchasing the property ten years ago. The ministry center has made the church landlocked.

Motion: To recommend to Council approval of Ordinance 12-42: An Ordinance Updating Historic District Classifications, omitting 335 First Street to go back to the HPC for further discussion

Maker: Clark

Second: Stark

Roll Call Vote: **Aye:** Brown, Sparks, Chanzit, Clark, Atac, Stark
Nay: None
6-0 Vote, 1 Absent; Motion carried.
Consent Agenda

Witson asked the Committee if they knew of any need that Bethany's structures could be used for to let Bethany Lutheran Church know.

6. Resolution 12-119-R: Contract Amendment Christopher B. Burke Engineering for the River St. Streetscape Project and Wilson Street Streetscape Project (Noel Basquin 12/6/12)

Basquin reported that a couple things came up during the design and construction process: irrigation system, project coordination with IDOT for the Interconnect Project, and the redesign for the foundation for Newsboy Alley and the Self-Made Man statue for a total of \$19,958.

The Committee discussed the irrigation system, foundations, what staff can approve without City Council approval, and subcommittee action. Stark wondered why an amendment has been brought to the Committee if the work has already been completed. Stark added that the subcommittee was informed about some of these amendments but we are discussing Wilson Street and the scope of the subcommittee is River Street only. Brown stated that discussion should be held on whether there will be a need for a continuance of the subcommittee for future streetscape projects.

Motion: To recommend to Council approval of Resolution 12-119-R: Contract amendment with Christopher B. Burke Engineering for the River St. Streetscape Project and Wilson Street Streetscape Project in the amount not to exceed \$19,958.00.

Maker: Clark

Second: Stark

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

CONSENT AGENDA

7. Resolution 12-118-R: Authorizing Temporary Construction Easement Agreement with Batavia Enterprises Inc. (WRM 12-6-12)

McGrath stated that staff met with Batavia Enterprises (BEI) this past Wednesday in order to discuss an orderly approach to its request to obtain some or all of the City property behind the former bike store to accommodate a new Walgreens facility.

Due to the fact that the area has been filled in, that McDonald's experienced some difficulties with foundation work due to the nature of the fill in its recent project, and the presence of a large storm water line that might have to be moved, it is in everyone's interest to get an accurate idea of just what lies beneath the surface. As in most real estate transactions, successful or not, there is usually an opportunity for a party to exercise due diligence. As BEI will be asking for TIF assistance as part of the project, getting accurate costs is very important. The work would be done at BEI's expense and the City would receive copies of all reports and underlying data. The agreement has been reviewed by the City Engineer, Public Works and the City Attorney. Staff recommends approval of Resolution 12-118-R.

Austin Dempsey, BEI, addressed the Committee. He requested that BEI have more time on the timeline. McGrath suggested that the date be changed to April 15th. There were no objections by BEI or the Committee.

Motion: To recommend to Council approval of Resolution 12-118-R: Authorizing temporary construction easement agreement with Batavia Enterprises Inc, amending the completion date from 1-15-12 to 4-15-13

Maker: Clark

Second: Atac

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

8. Downtown Improvement Grant Program – Updated Award Information (Jason Bajor 12/11/12)

McGrath reported that Bajor has been negotiating labor agreements and would like to discuss the Downtown Improvement Grant Program at a meeting in January. McGrath discussed the memo from Bajor with the Committee. He noted that all the businesses that have received the Downtown Improvement Grants from the City are still in business. Brown stated that it would be good to see where the money is going for all of the grants and a summary or identification of the properties and how successful they have been. Brown would like to know what the benefits have been in the opinion of staff and the business owners. Atac would like to have data from other communities who have similar programs and how these grants improved their community development. Sparks asked if the Downtown Improvement Grant is still accepting applications even though the Committee has not formally discussed the program. McGrath stated that staff is not accepting applications for this program since the program is under discussion. Brown stated that discussion on this program will continue when Bajor attends the January 15th CDC meeting.

9. Streetscape

McGrath distributed a spreadsheet titled “12-11-12 Another Way to look at Future Streetscape Priorities.” He stated that staff would like to acquire the priorities of the Committee to develop a program that is acceptable. Based on the input received this evening, staff would like to return with a listing of possible improvements for CDC approval. The important concepts to consider are safety (sidewalks and crossings), the City’s ‘front door’ streets, development and utilities.

The CDC considered the concepts listed in the spreadsheet handout. Atac stated that she likes the idea of beginning with Batavia Avenue but she would like to see sidewalk and bike path connection on Houston and Route 31 intersection and on Water Street. The sidewalk and bike path connections in those areas are based on safety concerns and should be a priority. Volk suggested that the matrix include the number of doorways that face out to any particular street. He explained that the number of doorways would point towards the number of people utilizing the area. He would like objective numbers such as quantifying the number of events happening on each street. Brown noted that the sidewalk on Water between First and Main Street is in terrible condition, it is very narrow and the trees have overgrown it. He would like staff to investigate if it is BEI’s or the City’s responsibility to repair the condition the sidewalks in that area.

Tenuta suggested revisiting the framework of the five neighborhoods and five streets that came before the Council. She feels the Council did set a schedule of what was a priority. She agrees that Batavia Avenue is important. She also feels that Houston Street is a priority as well. If staff continues with the matrix, she would like the streetscape framework be considered. The cost and what we are getting for the cost is also important. She would like to revisit the streetscape framework and would like staff to include the ideas in which the community contributed and information the City had already acquired. Stark added that it is important to have dollar amounts attached to projects.

Brown questioned when a decision would have to be made on Houston Street as it is already planned to begin Houston Street in 2014. Basquin responded that if there are no changes, Fall of 2013 is fine. If changes are made, staff would have to start from scratch. Brown noted that if we start from scratch there would be redundant spending since the plan for Houston Street has already been created.

Brown stated that City Council has approved the streetscape project order as follows: River Street, Wilson Street, and then Houston Street. He added that City Council approved Houston Street as drawn. Tenuta stated that the streetscape committee identified five streets in five neighborhoods to perform streetscape improvements on as well such as Batavia Avenue and Water Street, in that order. Stark would like to see how much the City thought the River Street streetscape would cost and how much it actually cost. Tenuta agreed that it would be helpful to have those numbers. Basquin stated that they will be under budget. He could get the numbers to the Committee in the next few months.

The Committee discussed improvements on the hillside by the library. Brown asked for a probable cost for that area. Basquin stated that a probable cost has been developed due to the retaining wall. Tenuta asked if the sidewalk and retaining wall will be included in the Wilson Street project. McGrath stated that it could because it is a relatively minor project.

McGrath stated that staff will return with the neighborhoods and how long it will take to get costs, lay out the time-frame over the years and come up with numbers for some of the other projects. They will add safety and access concepts to the five neighborhoods and remove projects that are not included within the five neighborhoods. He noted that City Council decided to ensure that sidewalks are included. Staff will return with a narrowed down version and recommendations on what can be done and in what year it could be done.

10. Project Status Update

Buening reported McDonald's is open. A ribbon cutting is scheduled for this Saturday. Golden Corral is open and operating. Chick-fil-A is under construction and anticipates being open in February. Wal-Mart is under construction. They are hoping to finish during the winter. O Sole Mio, 27 North River, a gelato restaurant, is under a demolition permit and working on the building permit. 8 West Wilson, Limestone Coffee Shop, is under construction. \$10 Yoga is under construction. Final inspection is scheduled for tomorrow morning and they plan on opening the same day.

11. Other

Sparks asked for clarification on the Downtown Improvement Grant. He wanted to know if the allotted money for the grant would be distributed prior to the Committee having further discussion on the program. Buening stated that staff's position on the program is that the program is frozen until further notice.

12. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 9:10pm; Made by Chanzit; Seconded by Stark. Motion carried.