

CITY OF BATAVIA – SPECIAL CONFERENCE MINUTES MONDAY, JANURAY 11, 2021

Present were Council President Jankowski and Councilmembers Bialkowski, Briggs, Christian, McGinnis, Pacino, Canale, Karas, and Viele.

In attendance from the City of Batavia were Shawn Heubusch, Raymond Tourt, Lisa Neary, and Lisa Casey.

Call to Order

Council President Jankowski called the meeting to order at 7:00 PM.

Invocation and Pledge of Allegiance

Councilmember Christian led the invocation and the pledge of allegiance.

Public Comments

John Roach, 116 Grandview Ter, sent an e-mail asking Council to only give GoArt their original amount of \$2,000, not the extra that was asked for a few years ago from their Director. He also asked that if it's given at all, to provide it quarterly so if the City has further financial problems the payments can be discontinued.

Timothy L Dusen, sent an e-mail stating that with COVID-19 still around, the City should reconsider having anyone play baseball at Dwyer Stadium this year. He suggested the City take Major and Minor League Baseball to court for violating anti-trust laws. He also thinks the NY Penn League stole the Muckdogs name so they should pay the \$3 million fee to the City for this name. He closed by saying he didn't care what league played at the stadium as long as there was baseball at Dwyer Stadium soon.

Bill Hayes, 22 Meadowcrest Dr, sent an e-mail stating that he is a strong supporter of baseball in the City and felt that the NY Penn League referring Mr. Nichols to us was huge for this community. He said collegiate baseball was very exciting to watch, it was the next step from high school and felt it was attainable by any of our own high school players. Mr. Hayes mentioned the elderly and retired people in the community who also love baseball and going to the games and have paid their dues by going to games in the past. He stated that he is not alone as a business owner who would support this team if allowed to come. He saw much promise in the events and celebrities that the Nichols would bring to the city and felt the fan base would increase. He asked Council to vote yes for baseball and noted that the Nichols would allow other community groups to use the stadium as well.

Council Response to Public Comments

Council President asked Mr. Van Nest if there was anything to the lawsuit that was mentioned. Mr. Van Nest noted that anti-trust legislation was very expensive and not feasible on a community-by-community basis. Councilmember Pacino noted that other programs get cut when you cut GoArt funding, not just Picnic in the Park.

Communications

None.

Council President's Report

Council President Jankowski announced that the next City Council Conference Meeting would be held on Monday, January 25, 2021 at 7:00pm at City Hall Council Board Room, 2nd Floor, City Centre.

Oath of Office – Councilmember Jeremy Karas – completed in the Clerk's Office on January 4, 2021.

Batavia Business Improvement District Application for 2020 Main Street Anchor Grant

Mrs. Tabelski noted that the Batavia Business Improvement District (BID) was here to apply for a Main Street Anchor Grant for 6 Alva Place, which is the movie theatre. She noted that the City would just support the application if they agreed to do so, as well as the BDC project. Beth Kemp, Director of the BID, noted that they wanted to convert the current movie theatre to a multi-functioning event space, including the theatre, but also a stage, etc. She noted there would be upgrades to the space to fill the entertainment void and provide event space. Councilmember Christian noted that during the \$100 Million I'm All In survey, there was a lot of support for the theatre but they never got anything. Councilmember Bialkowski noted that COVID has been the death of movie theatres and if we were not careful, we would be looking at another closed building so he was all in favor of this proposal. Council President Jankowski noted that Council was just endorsing the grant submission and this was not even a pass-through grant. Council agreed to move the item to the business meeting immediately following.

Presentation – Robbie Nichols – CAN-USA Sports, LLC

Robbie Nichols, owner of CAN-USA Sports, along with his wife Nellie, thanked Mrs. Tabelski for her professionalism and communication skills in keeping him informed about the Muckdogs situation and thanked Mr. Van Nest for the legal side of things. He noted that he owned the Elmira Pioneers baseball team for about 10 years, played professional hockey for 10 years, and ran another Elmira team for six years. He noted that they use the stadium for career fairs, concerts, and other events besides just baseball. Mr. Nichols explained that his baseball players are mostly from D-1 colleges, are between 18 and 21 years old, and have to have college eligibility to play. He noted that it's good, quality ball and they bring their families who help generate revenue to the City. Mr. Nichols noted that if a team came here, players would be part of the community, GCBC fully supports his company coming here, and then he explained the different aspects of his commitment to Batavia. He explained that he needed Council's vote today because they are a little behind the

eight ball compared to other established teams. He noted those other teams have the host families all set and the league needs to know if Batavia will be on the schedule. Councilmember Christian noted that she loves baseball but was concerned with the \$1 rent for the first few years and asked how much tickets were. Mr. Nichols noted that even though rent was low there were many other bills they would be paying so the \$1 per year would be closer to \$100,000. He also stated that season tickets would be \$99, or \$3.33 per ticket, and individual game tickets would be around \$5 but wasn't sure yet. Councilmember Pacino noted that the high school had to pay to play there and was hoping the amount they paid wouldn't go up since we are a small community. Mr. Nichols said that the price would stay close to what they pay now. Councilmember Viele suggested an outdoor hockey game and Mr. Nichols said it was a possibility. Councilmember Bialkowski thought it was commendable to take on this project but was concerned about remote management. Mr. Nichols responded that he planned on being at every game and liked to be hands on. Councilmember Bialkowski stated that he was concerned because they didn't receive a business plan to review and is afraid we are up against another tough year. Mr. Nichols noted that he owns a hockey and baseball team and over over \$1 million in the last year, he's been through the worst year, and if he makes a commitment then he is committed.

Amended and Restated Dwyer Stadium Lease Agreement and Sublease Agreement

Councilmember Bialkowski asked if it was more advantageous just to have a one-year lease in case this didn't work out. Mr. Van Nest noted that the league already approved Batavia and the CAN-USA to be part of the league but they want a longer term and we felt this was a better option for the operator to get set up. Council President Jankowski hadn't heard anyone say they didn't want baseball in Batavia and felt the City Manager and attorney had done a lot of work to get this done. Mr. Van Nest noted that he had discussions with Perfect Game's attorneys and the tone was very different from the NY-Penn League discussions and was much more community based. Councilmember Christian asked about the \$25,000 we usually put in the budget and wondered if we still have to fund that. Mr. Van Nest noted that was a required capital contribution of the NY-Penn League and that requirement has been removed. Council agreed to move the item to the business meeting immediately following.

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Conference Meeting adjourned at 7:55 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**