

**CITY OF BATAVIA – SPECIAL CONFERENCE  
MINUTES  
MONDAY, FEBRUARY 13, 2017**

Present were Council President Jankowski and Councilpersons Canale, Christian, Viele, Briggs, Pacino, McGinnis, Bialkowski and Tabelski.

**Call to Order**

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

**Council President Presentation**

Recognition Award – Brooks Hawley

Council President Jankowski presented a plaque to former Councilperson Hawley for his dedication and service to the City of Batavia. Mr. Hawley stated that he appreciated his time with the current council and former councilmembers. He voiced his appreciation for the city departments and thanked his family for their support.

**CDBG Public Hearing**

Mr. Molino noted that due to time sensitivity, he would like to move the next few items to the business meeting. He noted that to close out the CDBG program, they needed to hold a public hearing and it was going to be set for February 27<sup>th</sup>. Council agreed to move the item to the next business meeting.

**PDC Re-Zoning Referral**

Mr. Molino noted that he was working with DePaul to bring new housing to the community and was looking at 661-665 East Main St. He noted that it would be about a \$25 million project and there would be 80 units of mixed housing but the zoning needed to be changed to accommodate the use. He noted that the zoning proposal was consistent with the adjacent building and in the comprehensive plan. Mr. Molino explained that they also wanted to extent the re-zoning to the property at 679 East Main St. He felt it was a good, positive project and suggested referral of the re-zoning to the Planning and Development Committee. On roll call, Council agreed 5-4 to move the item to the PDC. Councilpersons Bialkowski, Viele, McGinnis and Briggs voted no.

**A Resolution of Support AIM**

Mr. Molino noted that he was looking to send a resolution of support for AIM aid increase.

### **A Resolution of Support VLT**

Mr. Molino noted that VLT aid had been received pretty steadily for about eight years but there is a proposal from the State to reduce funding slightly and reallocate the fund. He is suggesting they don't reallocate those funds and looking to send a resolution supporting that.

### **A Resolution of Support Arterial Reimbursement Aid**

Mr. Molino noted that we maintain five state highways in the City and the state reimburses those communities that maintain their highways. He noted that the reimbursement rates haven't changed since 1987 and recommended sending a resolution in support of increasing the reimbursement amount by an inflationary amount. Council agreed to move the resolutions to the next business meeting.

### **Update Current Litigation Regarding Mall Concourse**

Mr. Molino presented information about a potential settlement with the mall. He noted that the mall is one of the City's BIG collaborative projects and the outcome will have an impact on the success or failure of all the organizations involved. He noted that the project value is at least \$5 million. He stated that the settlement was not an admission of liability by either the City or the mall merchants and reviewed the litigation that has taken place from 1978 to the present. He explained the suits by each party and discussed three courses of action that were evaluated and ultimately dismissed for a variety of reasons. Mr. Molino noted that the recommended action was to maintain concourse ownership and terminate the existing agreements to allow for potential redevelopment. The settlement framework was presented and noted that primarily the three mall agreements would be terminated and a user fee would be established. He explained that all parties would have to sign off on the agreement or it could be "so ordered" by the court. He noted that the settlement agreement would become effective once it was signed by all parties or so ordered and all appeal rights exhausted. Mr. Molino stated that both parties felt there was an opportunity to reach a settlement without trial and an opportunity to facilitate and lead but there was still a lot of work to be done.

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**Special Conference Meeting adjourned at 8:17 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**

03/13/2017