

**Village of Batavia – MINUTES of COUNCIL MEETING,  
April 26, 2021**

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**Batavia Village Council  
Minutes of Meeting  
Monday, April 26, 2021**

The Batavia Village Council met in regular session on Monday, April 26, 2021, at 7:00 pm with Mayor Thebout presiding. Mayor Thebout called the meeting to order and led the Pledge of Allegiance to the Flag.

Roll Call of Members Present

Ms. Turner, Mr. Handra, Mr. Garrison, Ms. Cole, Ms. Moore, Mr. Gipson.

Village Officials Attending the Meeting: Mayor John Thebout, Administrator Dennis Nichols, Fiscal Officer John Waite

Others Attending the Meeting: Joanne Martino, Adam Huber, Courtney Huber

**Approval of Minutes:**

Mr. Handra made a motion to approve the minutes of April 12, 2021 Regular Council Meeting, seconded by Mr. Gipson. The motion passed 6-0

**Village Administrator: Dennis Nichols**

Ordinance to approve amendment to Planned Unit Development Zoning to include Harvest Meadows Residential Development

**Ordinance 1475-21** 2<sup>nd</sup> reading

The Planning Commission voted to recommend Council to approve the PUD zoning. There will be 51 acres of open space as part of the PUD.

234 E Main Street, N. David property (Moon-Lite Chili)

The David family has offered to donate the property at 234 E Main Street to the Village in “as is” condition. We will check to see if there is an asbestos issue. We plan to accept the property and tear it down.

Mr. Handra made a **Motion** to accept ownership of 234 E Main Street (Parcel 060203.103C) from Naimeh David; seconded by Ms. Turner.

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Mr. Handra, yes, Ms. Turner, yes **Motion** passed 6-0

Red Hawk Development

Red Hawk Development has asked to annex 82 acres into the Village for a 177-house residential development in exchange for an infrastructure bond to be financed with a CRA/PILOT. The property is located behind the Crossings Church and has access from Clough Pike.

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Under the proposed CRA/PILOT agreement, the real estate tax would be diverted to the Village of Batavia for 15 years.

We propose that the Village of Batavia adopts Standard Terms for new residential developments where the Village offers to pay the schools and the fire district 50% of the rate they otherwise would receive on the developed property for the duration of the CRA 15-year period. The balance of the diverted real estate tax would be used by the Village of Batavia to pay off the infrastructure bonds and other purposes deemed by Village Council.

At the February 8, 2021, Council Meeting, Council passed a Motion 6-0, “to give the Administrator direction to proceed with negotiations for residential development annexations as long as there is substantial compensation to the schools and the fire district.”

Ms. Moore asked if this approval is specifically for Red Hawk or if it is to be a blanket formula for all future annexations. The Administrator responded that this request has been prompted by the Red Hawk proposal, but that he is asking for a blanket approval so that he can go forward with negotiations with multiple other proposals also in the works. The Fiscal Officer responded that the numbers aren’t going to change regardless of the development. If we are going to offer infrastructure incentive to a developer, we are going to need a certain amount of money to pay off the bonds, and the amount remaining to share with the schools and fire department is limited by the amount remaining and the needs of the Village.

Ms. Moore expressed concern about real estate developments eliminating green space around the Village. The Administrator responded that we don’t own the property, and so far the developments have been a few hundred acres in an area of thousands of acres of crop fields. It is up to the owners to decide what they are going to do with their property. Ms. Turner expressed concern about the Village growing too fast.

Mr. Garrison asked the Administrator about our obligations regarding the bonds if we pay for infrastructure and then the developer fails to build the houses that would generate the funds to make bond payments. The Administrator responded that the Village would be responsible for the bond payments, but we can require the developer to obtain a performance bond that would cover us.

**STANDARD TERMS TO BE OFFERED TO THE SCHOOL DISTRICT AND TO THE FIRE DISTRICT FOR NEW RESIDENTIAL DEVELOPMENTS WHERE THERE IS A 15-YEAR CRA AND A CORRESPONDING 15-YEAR PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR THE PURPOSE OF PAYING OFF BONDS ISSUED TO PAY TO INFRASTRUCTURE COSTS**

**Motion** by Ms. Cole that the Batavia Village Council acknowledges their agreement with the concept for new residential developments where there is a 15-year CRA on the improvements and 15-Year Payment in Lieu of Taxes (PILOT) diverting the real estate tax to the Village of Batavia to provide the funds to pay off the infrastructure bonds, of **offering to pay the school district and the fire district 50% of the rate they otherwise would receive on developed property** for the 15-year duration of the CRA, and to direct the Village Administrator to proceed

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with negotiations with developers for new residential developments either already in or to be annexed into the Village of Batavia and to execute documents for new residential developments on behalf of the Village of Batavia with terms in accordance with this agreement by Village Council approving this development concept; seconded by: Mr. Gipson

Vote by roll: Mr. Gipson, yes, Ms. Cole, yes, Ms. Moore, yes, Mr. Garrison, yes, Mr. Handra,

**Committee Reports:**

Joint Cemetery w/ Township Trustees		Next Meeting Monday, May 10 @ 6:30pm
Village Council	Mayor Thebout	Next Meeting Monday, May 10 @ 7:00pm
Planning Commission	Bob Handra	Next Meeting Tuesday, May 18 @ 7:00pm
Finance Committee	Bob Handra	Next Meeting Thursday, May 27 @ 6:00pm

**Adjournment:**

Mr. Handra made a motion to adjourn, seconded by Mr. Gipson. Motion passed 6-0  
The meeting adjourned at 8:20 pm.

ATTEST:

  
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John Thebout, Mayor

  
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John Waite, Clerk for Meeting