

COMMITTEE OF THE WHOLE MINTUES
MAY 28, 2013

Present: Mayor Burns, Ald. Brown, Bruno, Cummings Jr., Flanagan, Kilburg, Maladra, Simonian, Singer, Vogelsberg (via telephone conference)

Absent: Ald. Marks

Also Present: Dawkins, Dinges, Divita, Untch, Herman, Buffington

1. Call to Order

Chairperson Kilburg called the meeting to order at 7:00pm noting that Ald. Marks was absent and Ald. Vogelsberg was participating via phone conference.

2. Consider Consent Agenda

Moved by Ald. Singer, second by Ald. Brown V/V: 9-0 Motion carried

***3. Approve Committee of the Whole Minutes from May 13, 2013**

Approved on consent agenda

4. Items of Business

- a. Recommend Approval of Request by Geneva Running Outfitters Fox Valley Marathon Test Runs – Use of Public Parking Lot at Hamilton and Second Street – July 20 and August 18, 2013.

Moved by Ald. Flanagan, second by Ald. Cummings

Eric Ott of Geneva Running Outfitters was present to describe the event and answer questions.
V/V: 9-0 Motion carried.

- b. Recommend Approval of Request for Use of Fulton Street Parking Lot by St. Marks Church Car Wash - June 15, 2013.

Moved by Ald. Brown, second by Ald. Bruno V/V: 9-0 Motion carried.

- c. Recommend Approval of Request by ~~Geneva Chamber of Commerce~~ (Geneva Park District) for "Battle of the Bands" Event and Use of Third Street – June 17, 2013.

Moved by Ald. Maladra, second by Ald. Flanagan

Staff stated that the petitioner was the Geneva Park District and not the Chamber as indicated on the agenda.

V/V: 9-0 Motion carried.

- d. Recommend Approval of Request by Geneva Public Library Digital Bookmobile to Close Portion of Second Street for Bookmobile Event – July 22, 2013.

Moved by Ald. Flanagan, second by Ald. Maladra V/V: 9-0 Motion carried.

- e. Recommend Approval of Special Event Class E Liquor Licenses for Swedish Days June 18 – 23, 2013.

Moved by Ald. Brown, second by Ald. Maladra V/V: 9-0 Motion carried.

- f. Recommend Draft Resolution Granting Easement from The Shodeen Family Property Company, LLC for Utilities at Dodson Townhomes.

Moved by Ald. Maladra, second by Ald. Simonian V/V: 9-0 Motion carried.

- g. Recommend Draft Resolution Awarding Bid Authorizing Execution of Contract with BG Concrete Inc. in the Amount Not to Exceed \$50,000.00 for 2013 Sidewalk and Curb Maintenance Program.

Moved by Ald. Maladra, second by Ald. Cummings, Jr.

Brief discussion on the bid specs and reliability of contractor was heard.

V/V: 9-0 Motion carried.

- h. Recommend Draft Resolution Granting Easement at 810 E. State Street (Valley Animal Hospital) as Part of 2013 Underground Cable Replacement Project.

Moved by Ald. Maladra, second by Ald. Flanagan V/V: 9-0 Motion carried.

- i. Recommend Approval of Certificate of Completion – Geneva Bank and Trust.

Moved by Ald. Brown, second by Ald. Bruno V/V: 9-0 Motion carried.

- j. Recommend Approvals of Certificates of Acceptance: Fox Valley Institute of Medicine, Dodson 8, Roquette, Living Well Cancer Center and Millard Refrigerated.

Moved by Ald. Maladra, second by Ald. Cummings, Jr. V/V: 9-0 Motion carried.

- k. Recommend Draft Resolution Awarding Bid and Authorizing Execution of Contract with DeMar Tree & Landscaping Service Inc. for 2013 -14 Tree Trimming.

Moved by Ald. Flanagan, second by Ald. Cummings, Jr.

Discussion on past work by DeMar and terms of contract were heard. V/V: 9-0 Motion carried.

- I. Recommend Draft Resolution Awarding Bid and Authorize Purchase of 2013 Replacement Computers from EDC in the Amount of \$30,286.00.

Moved by Ald. Brown, second by Ald. Maladra V/V: 9-0 Motion carried.

- m. Recommend Draft Ordinance Establishing Application Fees for Plan Commission Hearings Relating to Title 11 (Zoning).

Development Intern Mark Herman presented an overview of the proposed changes and provided data to support the proposed changes. Herman stated that fees had not been reviewed or amended since 1990. Comparable communities' fee structures were shared. Third part costs were also involved in the process of formulating the new fee structure. On a question from Ald. Singer, Untch stated that requiring a deposit was a better way of securing the funding rather than billing 3rd parties after the fact. On a question from Ald. Flanagan, Untch stated the deposits would be refundable if applicable. On a question from Ald. Cummings, Jr., Untch and Dawkins provided data and information on how staff salaries are paid out from the various city funds.

V/V: 9-0 Motion carried.

- n. Recommend Draft Ordinance Allowing A Special Use at 227 East Side Drive to Allow for Continued Use and Expansion of Church in R2 Medium Density Single-Family Residential District.

Moved by Ald. Singer, second by Ald. Maladra

After discussion on the proposed changes and concerns of adjacent property owner Andrew Mayer of Longmeadow Drive, the motion was withdrawn.

Andrew Mayer, a resident and property owner on Longmeadow Drive, voiced his opposition to the Special Use and stated that it would further exacerbate the situation of loud noise and frequent trespassing along his property as a result of the added church services at the church. Mr. Mayer stated that he sent an email to the council addressing his concerns and asked that it be entered into the minutes of the meeting.

After discussion by both Mr. Mayer and church representatives, a new motion by Ald. Brown, second by Ald. Singer was heard to allow the Special Use Contingent on a Mutually-Agreed Resolution of the issues raised by Mr. Mayer with a proposed fence installation by Fox Valley Presbyterian along the east side of the property. V/V: 9-0

Motion carried.

5. New Business

Ald. Singer thanked the community members who participated in the Memorial Day ceremonies. Ald. Brown noted the new photos of the city council both on the website and displayed in City Hall and complimented the photographer, Geneva resident Tom Nicol.

6. Upcoming Meetings:

City Council: June 3, 2013

Committee of the Whole: June 10, 2013

7. Adjournment

On a motion by Ald. Brown, second by Ald. Flanagan, the meeting was adjourned by unanimous voice vote at 8:45pm.

From: Andrew Mayer <ajmayer@sbcglobal.net>

Date: May 28, 2013, 2:25:11 PM CDT

To: <aldvogelsberg@geneva.il.us>, <aldkilburg@geneva.il.us>

Cc: <mayorburns@geneva.il.us>, <aldbrown@geneva.il.us>, <aldbruno@geneva.il.us>, <aldmarks@geneva.il.us>, <aldcummings@geneva.il.us>, <aldflanagan@geneva.il.us>, <aldsinger@geneva.il.us>, <aldmaladra@geneva.il.us>, <aldsimonian@geneva.il.us>

Subject: committee of the whole meeting

Dear Ald. Vogelsberg and Ald. Kilburg:

I am a resident of the third ward and I would like to draw your attention to a very serious issue on the agenda for the meeting tonight which is the expansion of the Church on East Side Drive. The Church itself is probably already too large for that location. The noise and the parking on days when there are events at the Church are a problem for the people living along the south side of Longmeadow and anyone driving or walking along East Side Drive. However, that problem has become exponentially larger in recent weeks.

As the property owner whose back door is closest to the Church's property line and one of 2 or 3 property owners who have a view of their parking lot, I see and hear a lot of what goes on back there and this Spring I have noticed a lot more going on back there than in the previous 42 years that I have lived here. It has very recently come to my attention that the Church is renting out its facilities to an additional congregation. That means there are effectively 2 churches on the same property! That means double the noise and double the parking. Actually it isn't double in intensity which would be bad enough but rather its double in duration which makes it even worse. Instead of having to tolerate a few hours of noise on Sunday mornings now it is really noisy all day! This second church group also meets there on 2 weeknights so those evenings are now noise filled when they would otherwise be quiet if it was just the one church operating on that property as it should be.

The nature of this second group is also a problem in that they seem to be from out of town so they tend to stay for far longer than the Presbyterians would for the same type of events. As I indicated, I have lived here for 42 years. I am very familiar with the patters of life in the neighborhood and the character of activity here. On Sundays, when church is in session the Presbyterians show up, they go inside and then an hour or so later when church is done they come out, get in their cars and leave. Up to now that has made them perhaps the best possible neighbors. This new group however, seems to spend the entire afternoon at the church. While the adults are inside at religious services and having business meetings, their kids are outside running around the grounds for hours at a time and never with any adult supervision. Some Sundays the noise has been so bad that we can't use our own yard in the

peace and quiet enjoyment that we are entitled to by law and we certainly can't leave any windows or doors open as then our house is invaded with their noise as well.

This proposed expansion of their facility will only allow for more members of either congregation to use that facility or possibly a third or even a fourth congregation. I know that a third or fourth congregation sounds a bit silly but so does the idea of a second congregation! Even if it's not a full congregation, what is to stop the Church from finding groups that will have that building in near continuous use? They are already running a day care facility there and this would presumably allow them to also expand that operation too and in turn increase the noise and traffic from that as well. Their facility is on a residential lot. It is adjacent to residential lots. The character of their use must be more in keeping with the residential neighborhood and not the other way around. Renting out space to a second congregation is not residential! Operating a daycare service is not residential! These are decidedly commercial activities that have no place in a residential neighborhood. I urge you to speak up for the residents of the third ward and to convince your fellow Committee of Whole members to deny this expansion. In the alternative, I would simply ask that this vote be postponed to allow the city and its various departments to evaluate this use of the facility by this other congregation as this has been a very recent development. I myself only recently learned the true reason for all the additional noise and traffic over there or I would have brought this issue up at an earlier point in this process and I am fairly certain that this also means that city officials were not aware of this additional use of the property when they evaluated this proposed expansion. I am not against the congregation of the Fox Valley Presbyterian Church using their property for its intended purpose but they are the ones who are not respecting the limits of that purpose and their neighbor's rights. Please at least slow them down and make them justify their actions before granting them any additional expansion of their property. There are ways this expansion could work but the Church under its current leadership doesn't seem interested in the concerns of their neighbors and does what they want regardless of how significantly it impacts the rights of their neighbors. Please vote "No" on any further expansion at least until the neighbors of the church are satisfied with that expansion. I am not unreasonable nor am I unwilling to compromise but ask yourselves how you would like it if suddenly a small elementary school full of children was playing literally in your backyard every Sunday. That has been the reality of my back yard every weekend this spring and I would very much like the potential size of the school to grow.

Sincerely,

Andrew Mayer
832 Longmeadow Drive
Geneva, IL 60134
630-776-0279 (cell)
630-262-3916 (fax)