

GENEVA CITY COUNCIL MEETING
JULY 7, 2014

CALL TO ORDER

The July 7, 2014 meeting of the Geneva City Council was called to order at 7:05 p.m. in the Council Chambers of City Hall by Mayor Kevin Burns. Aldermen present: Mike Bruno, Don Cummings, Dean Kilburg, Craig Maladra, Richard Marks, Tom Simonian, Ron Singer. Aldermen absent: Chuck Brown, Dorothy Flanagan, Mary Seno. Also attending: City Atty. Charles Radovich, City Administrator Mary McKittrick, Asst. City Administrator/Dir. of Administrative Services Stephanie Dawkins, Interim Public Works Director Brian Schiber, Economic Development Director Ellen Divita, Community Development Director Dick Untch, City Treasurer Pat McQueeny, Building Commissioner Dustin Schultze, Finance Manager Thomas Dahl.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS

Government Finance Officer Association Presents City with Certificate of Achievement for Excellence in Financial Reporting

Finance Mgr. Dahl introduced Government Finance Officer Assn. representative Brian Caputo, who explained the criteria for receiving the award, which he then presented to Mayor Burns.

OMNIBUS AGENDA

All items listed on the Omnibus Agenda are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member or citizen so requests in which event the item will be removed from the Omnibus (Consent) Agenda and considered in its normal sequence on the Agenda. Moved by Ald. Bruno, seconded by Ald. Marks to approve the Omnibus Agenda as presented. Roll call:

AYES: 7 (Ald. Bruno, Cummings, Kilburg, Maladra, Marks, Simonian, Singer)

NAYS: 0 MOTION CARRIED

APPROVE MINUTES OF THE LAST REGULAR MEETING HELD JUNE 16, 2014

Moved by Ald. Bruno, seconded by Ald. Marks to approve motion as presented. Approved by unanimous roll call vote. (Omnibus Agenda). MOTION CARRIED

COUNCIL COMMITTEES

Committee of the Whole July 14, 2014 at 7:00 p.m.

OTHER ITEMS AND CORRESPONDENCE

Policy Discussion on Landmark Status Procedures

Dir. Untch reviewed previous discussions and research conducted on this topic in 2011, that being should the property owner sign off on the application for landmark status of an individual property, or should the community at large have the ability to apply for landmark status without the individual land owner's consent. He called attention to the city ordinance adopted in the 1980s, which closely follows the model ordinance developed by the Illinois Historic Preservation Agency (IHPA), covering the structure for establishing Certified Local Governments (CLG).

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Dir. Untch then explained that CLG status provides for a tax assessment freeze program on individual properties to pre-rehab level, tax credit, and the availability of grant funds involving local historic preservation efforts. Questions were then taken from Council members.

Ald. Maladra asked if CLG status was, in any way, dependent on the local landmark provisions. Dir. Untch answered that the IHPA follows the activities of all CLG communities. He said that he was not sure what the IHPA would do if the landmarking provision was changed with an owner-consent provision, but he noted that the IHPA is not approving of communities which have instituted owner-consent provisions. On another question from Ald. Maladra, Dir. Untch said he was not sure if simply strengthening the landmark application process would endanger Geneva's CLG status.

Ald. Bruno said he was uncomfortable with changing the City's currently accepted historic preservation standards, which he felt have not caused problems in the past. He cited the low incidents of property-owner objections to the current regulations. Mayor Burns now invited audience members to respond.

Marty Smircich, 909 S. Batavia Ave., agreed with the importance of the historic district concept as well as voluntary preservation. But citing sections 10.6.4 and 10.6.5 of the preservation code, he felt the language was unnecessarily divisive. He objected to non-owner applications, saying the code does not provide for the property being informed of the application for up to 45 days, that only six Council members could decide the property's status, that there are no application fees, that the City could be responsible for substantial legal fees. He suggested including the particular ward's aldermen in the process, requiring a supermajority of the Council to approve preservation status, and in the case of proposing a new district, the decision should be voted on by the ward's residents. He said, however, that he would give up his objection if it jeopardized Geneva's preservation efforts.

Teresa Keenan, 1765 Southampton Ct., a local realtor, said she went through a similar situation last year, where attempts were made to landmark a client's property against the owner's wishes. She said the situation was very unpleasant and required a great deal of city staff time. She spoke against landmarking a home without owner consent. She called for code revisions requiring owner involvement, informing the owner of the pros and cons of landmarking.

Ald. Singer asked Ms. Keenan why an owner would not seek landmark status if it provided some type of reimbursement. She said in the case she cited, the property was not in a historic district and that the architects saw no redeeming value in landmarking it.

Ald. Simonian said he went through a similar situation when the City wanted to create a historic district in his area. He said that there was considerable opposition and the Council rejected the attempt; however, he wonder if an individual would be able to mount enough opposition to landmarking a single property. He called for improving the process, having better communication with the property owner, and respecting owners' property rights.

Ald. Kilburg felt Mr. Smircich had some good ideas that should be considered. While acknowledging that problems with the preservation process have been few, he said the process could nevertheless be improved.

Ald. Cummings also felt that the process needed some work. While not necessarily supporting owner consent, he said that property owners should not be unduly restricted in their property usage options without compensation.

After some additional comments from Council members and Mr. Smircich, Mayor Burns summed up by saying that the consensus appears to be to have the City's professional staff investigate the options of fees, supermajority votes to pass, and aldermanic consent.

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Policy Discussion on Temporary Tarp Structures for Storage of Vehicles

Building Commissioner Schultze addressed a specific situation at 500 Fargo Blvd., where an antique car is being sheltered under a temporary structure. He began with a presentation defining the various types of permitted temporary yard obstructions, along with a review of the current code.

Responding to Commissioner Schultze's comments, Robert Miller, 500 Fargo Blvd. explained that he has been sheltering his vehicle for three years from spring to fall under a temporary shelter and is now seeking a code waiver or exemption.

Responding to a question from Ald. Singer, Commissioner Schultze explained that the temporary structure is in the street yard, a violation. He added that this is a corner property, thus having two street yards. Council members then had several questions regarding code interpretation relative to Mr. Miller's specific situation.

Ald. Maladra did not feel that Mr. Miller's structure obstructed the street view from either Rte. 31 or Fargo. Ald. Bruno said that the City has a standard code regarding this situation and feared setting a precedent by varying it. Ald. Cummings felt that Mr. Miller's situation is unique and not encompassed by the intent of the law.

Discussion then followed as to how Mr. Miller's situation could be addressed. Mayor Burns reminded the Council that it did not have the authority to grant a waiver, but rather directing this matter for further consideration by Staff and ultimately to the Plan Commission. Admin. McKittrick said that further consideration should be directed toward either a code amendment or a variance or exemption in this case. She added that until this issue is resolved, her direction to Staff will be to stay this violation notice.

Mayor Burns instructed Dir. Untch to research possible text amendments to the code regarding temporary structures for storage of vehicles.

MUNICIPAL BILLS FOR PAYMENT

The following bills were presented for payment:

General Fund	\$159,667.53
Cultural Arts Fund	2,980.00
Tourism Fund	2,038.57
Tri-Com Fund	21,421.50
Mental Health Fund	168.75
SSA #1	96.61
SSA #4	1,198.89
SSA #5	694.67
SSA #7	209.74
SSA #9	107.34
SSA #11	23,049.94
SSA #16	28,995.87
SSA #18	119.97
SSA #23	76.16
SSA #26	434.50
General Capital Projects	4,025.20
Infrastructure Capital Projects	19,519.47
TIF #2	180.40
Electric	69,836.83
Water/Wastewater	425,027.17
Refuse	21,122.62
Cemetery	3,819.81
Commuter Parking	3,907.48
Group Dental	8,938.00

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Utility Refunds	20,428.19
Misc. Billing Refund	736.08
Total Funds	<u>\$818,801.29</u>

Moved by Ald. Bruno, seconded by Ald. Cummings that the bills be approved and vouchers prepared. Roll call:

AYES: 7 (Ald. Bruno, Cummings, Kilburg, Maladra, Marks, Simonian, Singer)

NAYS: 0 MOTION CARRIED

COMMITTEE OF THE WHOLE ITEMS OF BUSINESS

Approve Removal of Four (4) Homes from Proposed TIF District Based on Amended Downtown Master Plan

Moved by Ald. Bruno, seconded by Ald. Marks to approve motion as presented. Approved by unanimous roll call vote. (Omnibus Agenda). MOTION CARRIED

Approve Resolution 2014-47 Expressing Official Intent Regarding Certain Expenditures to be Reimbursed from the Special Tax Allocation Fund and/or From Proceeds of Debt Issued, if any, in connection with a Proposed Tax Increment Financing District

Moved by Ald. Bruno, seconded by Ald. Marks to approve motion as presented. Approved by unanimous roll call vote. (Omnibus Agenda). MOTION CARRIED

PRESENTATION OF ORDINANCES, PETITIONS, RESOLUTIONS, AND BID AWARDS

Approve Resolution 2014-48 Authorizing Execution of a Contract with Walsh Construction Company in an Amount Not to Exceed \$4,480,000.00 for Construction of the Third Level of the Third Street Commuter Parking Deck

Moved by Ald. Marks, seconded by Ald. Singer to approve Res. 2014-48 authorizing execution of a contract with Walsh Construction Co. in an amount not to exceed \$4,480,000.00 for construction of the third level of the Third St. commuter parking deck.

AYES: 7 (Ald. Bruno, Cummings, Kilburg, Maladra, Marks, Simonian, Singer)

NAYS: 0 MOTION CARRIED

NEW BUSINESS

No New Business was heard.

ADJOURNMENT

There being no further business, moved by Ald. Marks, seconded by Ald. Simonian to adjourn the Geneva City Council meeting. Carried by voice vote.

The meeting adjourned at 8:42 p.m.

Lynn P. Landberg, City Clerk