

**GENEVA CITY COUNCIL MEETING MINUTES**

**Monday, May 16, 2022**

City Hall Council Chambers  
109 James St., Geneva, IL 60134

**CALL TO ORDER**

The May 16, 2022 meeting of the Geneva City Council was called to order at 7:00 p.m. in the Council Chambers of City Hall by Mayor Kevin Burns.

**Elected Officials present:**

Alderspersons: Mike Bruno, Tara Burghart, Becky Hruby, Gabriel Kaven, Dean Kilburg, Craig Maladra, Richard Marks, Amy Mayer, Robert Swanson.

Mayor Kevin Burns, City Clerk Vicki Kellick.

**Elected Officials attending by video or teleconference:** None

**Elected Officials absent:** Alderman Brad Kosirog.

**Others Present:** City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, City Attorney Ron Sandack, Community Development Director David DeGroot, Economic Development Director Cathleen Tymoszenko, Water Division Superintendent Bob Gyseghem, Public Works Director Rich Babica

**Others attending by video or teleconference:** None

**PLEDGE OF ALLEGIANCE**

The pledge was led by Alderman Mike Bruno.

Mayor Burns thanked everyone for their words of kindness on the passing of his mother on May 3. He also thanked those who celebrated her life on May 10 at the Herrington.

## **PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS**

### **Recognize Geneva Resident and Special Olympian Mari Landwehr.**

Mayor Burns welcomed and introduced Mari Landwehr who will be participating in the June 5-10 Special Olympics USA Games in Orlando FL in swimming. She will compete with 5,000 other athletes in this year's games. The Mayor presented Mari with a gift bag of Geneva-themed items on behalf of the City Council. The Mayor also proclaimed May 17, 2022 as "Mari Landwehr Day" in the City of Geneva. On June 3, Mari and her family will head to the games and will receive a Geneva Police escort to the airport.

### **Proclaim June as Pride Month in the City of Geneva.**

Moved by Ald. Bruno, seconded by Ald. Burghardt.

Mayor Burns noted that the City has proclaimed June as Pride month for several years which acknowledges and celebrates Geneva's LGBTQ+ friends and the strides that they have made, while also acknowledging the struggles they still face. The proclamation of Pride month will include the raising of the Pride flag at City Hall on June 1.

Geneva resident Martha Paschke thanked the Mayor and City Council for acknowledging Pride month and presented statistics about the likelihood of LGBTQ+ youth committing suicide and being bullied. She thanked the City Council for being part of the progress for Geneva LGBTQ+ residents and visitors. The Mayor noted that the inaugural Queer Prom was held recently in St. Charles and conveyed the message of the inclusivity of the Fox Valley community. Ms. Paschke noted upcoming LGBTQ+ events in the area during June.

MOTION CARRIED unanimously by voice vote of those present 9/0.

### **Proclaim June 3, 2022 as Gun Violence Awareness Day**

Moved by Ald. Marks, seconded by Ald. Swanson.

Mayor Burns invited Lauren Kuntsler of Kane and Kendall County Moms Demand Action to speak. She thanked the Mayor and City Council for

recognizing Gun Violence Awareness Day and for honoring gun violence survivors. She provided statistics regarding gun violence and noted that gun violence also includes suicides and domestic violence incidents.

MOTION CARRIED unanimously by voice vote of those present 9/0.

Proclaim National Safe Boating Week in the City of Geneva

Mike Jandacek of the Coast Guard Auxiliary spoke and asked that boaters boat safely. He noted that 2021 saw the most boating deaths than in past years. Alcohol consumption and lack of wearing personal floatation devices are the reasons for boating tragedies.

Moved by Ald. Bruno, seconded by Ald. Kaven.

MOTION CARRIED unanimously by voice vote of those present 9/0.

Consider Approval of Special Event Application from Geneva Chamber of Commerce for Geneva Fine Arts Festival July 23-24, 2022 Including Use of Public Right-of-Way and City Services.

Moved by Ald. Kilburg, seconded by Ald. Kaven.

City Administrator Dawkins noted that this is the annual arts fair requiring significant City services as in the past and a set-up similar to 2021 when tents were spaced out for social distancing.

MOTION CARRIED unanimously by voice vote of those present 9/0.

Consider Mayor's Reappointments to City Boards and Commissions

Mayor encouraged affirmative support of the list of reappointments.

Moved by Ald. Marks, Seconded by Ald. Mayer.

MOTION CARRIED unanimously by voice vote of those present 9/0.

**AMENDMENTS TO AGENDA**

None.

**OMNIBUS AGENDA** (OMNIBUS VOTE)

*All Items listed with an asterisk (\*) are considered to be routine by the City 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. All items on the Omnibus Agenda require a simple majority vote unless otherwise indicated.*

\*6. Approve Regular City Council Meeting Minutes from May 2, 2022.

\*7. REPORTS

Tax Revenue Report

March Financial Report

\*8. COUNCIL COMMITTEES

Moved by Ald. Mayer, Seconded by Ald. Swanson to approve the agenda as presented. Roll call:

AYES: 9 (Bruno, Burghardt, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson).

NAYS: 0

ABSENT: 1 (Kosirog)

**OTHER ITEMS AND CORRESPONDENCE**

None.

**MUNICIPAL BILLS FOR PAYMENT:**

Total expenditures: \$4,190,477.90

Moved by Ald. Bruno, Seconded by Ald. Marks to pay bills as presented. Roll call:

AYES: 9 (Bruno, Burghardt, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson).

NAYS: 0

ABSENT: 1 (Kosirog)

MOTION CARRIED

## **PRESENTATION OF ORDINANCES, RESOLUTIONS, PETITIONS, BIDS**

Consider Approval of Ordinance No. 2022-21 Granting Variations to Increase the Allowable Lot Coverage from 45% to 47.15% and to Decrease the Required Side Yard and Rear Yard Setbacks from 5' to 1.5' for a detached garage at the Northeast Corner of Fulton Street and 5th Street (Joseph McMahon, Petitioner).

Moved by Ald. Mayer, Seconded by Ald. Bruno.

Mr. McMahon spoke of his building business and public service during the past 40 years in Geneva as representative of his commitment to the community. He noted that his prior home on Fargo Blvd. is for sale and when sold, he will lose his current workshop. Therefore, he desires to construct a new workshop and 2-car garage on his current lot to total 708 sq. ft. (10.5% of his total lot coverage). The Zoning Board approved 576 sq. ft. of space (8.5% of the total lot) at their April meeting. He asked that the City Council consider his request to increase the variance on his lot to 2.1% more than what was granted by the Board.

Ald. Bruno noted that he understood how the Planning Commission reached their conclusion as to restricting the 8 ft. of encroachment to the neighbors' property that the workshop would cause. There is not a gable roof on the garage. Ald. Mayer asked if the driveway would be altered. The existing driveway will not be changed per Mr. McMahon. Mr. McMahon added that the garage does not back up to an unfenced property. There is a 6 ft. fence on the property to the north so what is visible from the neighbors' property is the gutter and roof at a 6 ft. pitch. The workshop will be located approximately 3 ft. from the fence.

Ald. Maladra asked Director DeGroot to explain the minimum use requirement. Dir. DeGroot explained that there is a minimum use necessary for a reasonable use of the land. The Commission found that a 2-car garage was sufficient for the reasonable use of the land but that the workshop did not meet this standard. Ald. Burghardt asked if Mr. McMahon considered a 2-story garage but he said that he did not think that this was the best idea. Ald. Burghardt stated that she was inclined to give him the extra space on the lot as the plan was thoughtfully done. Ald. Swanson also stated that he would

support the motion. Ald. Bruno stated that if the workshop portion of the garage could be moved farther away from the lot line in conformance, he would be inclined to move with Ald. Burghardt's motion should it become a motion. However, he would not be comfortable adding an additional 8 ft. of encroachment to the neighbors' lot line.

Ald. Burghart moved to amend the variation to increase the allowable lot coverage from 45% to 49%; Seconded by Ald. Swanson.

Ald. Maladra agreed that the question isn't about lot coverage but deciding whether or not the minimum requirement is being exceeded and a customary use. The Mayor asked Mr. DeGroot about the design being approved. Mr. DeGroot stated that that is still a matter for review. Mr. DeGroot stated that the amended motion on the floor is to approve allow what is recommended on the site plan on pg. 141.

On the amendment to the main motion: Roll call:

AYES: 8 (Burghardt, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson).

NAYS: 1 (Bruno)

ABSENT: 1 (Kosirog)

MOTION CARRIED

Vote on main motion amended.

Ald. Bruno offered a motion that the plan submitted be altered to move the workshop away from the north lot line in compliance with the underlying zoning setback. During discussion, Mr. McMahon reminded the Council that his yard was enclosed by a 6 ft. tall fence so that the garage and workshop won't visually affect the neighboring property. 22 feet of rear yard setback variance,

There were no seconds to the motion and the motion failed.

On the main motion as amended: Roll call:

AYES: 9 (Bruno, Burghardt, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson).

NAYS: 0

ABSENT: 1 (Kosirog)

MOTION CARRIED

Mr. McMahon thanked the Council for their consideration.

Consider Approval of Ordinance No. 2022-24 Amending Title 11 (Zoning Ordinance), Section 11-4A-4 (Table of Permitted and Special Uses) to Expand the List of Permitted Uses in the D-CM Downtown Commercial Mixed-Use District to Include "Tattoo Shop."

Moved by Ald. Mayer, Seconded by Ald. Burghart.

Admin. Dawkins stated that the Petitioner, Joseph Sherman, a professional tattoo artist, would like to lease space at 524 W. State St. to open a second location along with his current location in South Elgin. Applicant and owner of 524 W. State St., David Waggonar, is requesting that tattoo shops be included in the permitted use in D-CM permitted district. Planning and Zoning Commission discussed issue and recommended approval of the request as presented.

Ald. Bruno asked if nail salons were a permitted use in the same areas and Dir. DeGroot affirmed that they were. Mr. Waggonar spoke that his first floor space has been vacant now for three years and this tattoo shop is a viable opportunity. He noted that there is a cosmetic tattoo shop in the area which has been allowed.

Roll call:

AYES: 8 (Bruno, Burghardt, Hruby, Kaven, Maladra, Marks, Mayer, Swanson).

NAYS: 1 (Kilburg)

ABSENT: 1 (Kosirog)

MOTION CARRIED

Consider Approval of Ordinance No. 2022-25 Amending the City's Comprehensive Plan to Change the Future Land Use Designation of the Southern Portion of the Subject Realty from Single-Family Residential to Neighborhood/Corridor Commercial (Valley Animal Hospital)

Moved by Ald. Kilburg, Seconded by Ald. Mayer.

Roll call:

AYES: 9 (Bruno, Burghardt, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson).

NAYS: 0

ABSENT: 1 (Kosirog)

MOTION CARRIED

Consider Approval of Ordinance No. 2022-26 Amending the Valley Animal Hospital Preliminary and Final Planned Unit Development to Allow for the Demolition of a Residential Dwelling Unit and the Expansion of an Existing Parking Lot.

Moved by Ald. Marks, Seconded by Ald. Mayer.

Roll call:

AYES: 9 (Bruno, Burghardt, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson).

NAYS: 0

ABSENT: 1 (Kosirog)

MOTION CARRIED

### **NEW BUSINESS / PUBLIC COMMENT**

Ald. Kaven stated that a resident reached out to him regarding the fence regulations for pool owners. He noted that the ISPCA regulations dictate that fences must be 48", while Geneva's fence height limits are 42", resulting in residents seeking variations. Dir. DeGroot shared that there are two residents asking about this issue and that both are on corner lots. Residents on these lots can have a 48" fence but when the fence goes beyond the plane of the home, it must drop to 42" per code. The residents could consider sharing the cost of a text amendment to allow for changes to the code for their situation or to revise the regulations completely. On a question regarding whether and how the city council could seek a text amendment, Admin. Dawkins shared that there are already many projects that staff are working on so this is a question of priority. She noted that whether a resident submits a formal

application or the council approves it, it will become a priority. Ald. Mayer noted that aluminum picket metal security fencing would not create a visual wall. This “visual wall” is what the council did not want during the last fence variation discussion in 2014 and Ald. Mayer noted that she would prefer the security fencing. Ald. Kilburg believes that this should be an agenda item to discuss at a future Committee of the Whole meeting. Ald. Burghart noted that the two residents who are concerned about the fencing consider filing variances as the COW will not meet again until June. There were no objections to the recommendation that this issue be advanced in tandem with the consideration of the homeowners as quickly as possible but with the knowledge that this might not be considered until mid-June.

### **ADJOURNMENT**

There being no further business, moved by Ald. Kaven to adjourn the Geneva City Council meeting.

MOTION CARRIED by unanimous voice vote of those present.  
The meeting adjourned at 8:42 PM.

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Vicki Kellick  
Geneva City Clerk