



COMMITTEE OF THE WHOLE
Monday, February 1, 2021
immediately following City Council Meeting at 7:00 p.m.

City Hall Council Chamber
109 James Street
Geneva, IL 60134

In adherence to Gov. Pritzker's Executive Order 2021-01 and 2021-03 (updated mitigation tiers and phases) limiting meeting gatherings to the lesser of 25 people or 25% of overall room capacity and the requirement to wear a face covering in public places; attendance at public meetings may be limited or restricted. City of Geneva meetings are now a combination of live and virtual. In addition, meetings are livestreamed for the public to provide the ability to contemporaneously hear all discussion, testimony and roll call votes of the open meeting in real time. Please visit the City website for details on how to watch the meeting live. While the public may be limited or restricted from attending meetings in person, individuals wishing to provide public comment may do so in advance (recommended) or during the meeting by sending an email to: publiccomment@geneva.il.us. In addition, individuals unable to attend in person (due to gathering restrictions) may be recognized during the meeting (audio only) by accessing the meeting via the link below:

<https://attendee.gotowebinar.com/register/8950568221477708816>

For more information please see:

["Notice Regarding Meeting and Public Comment Rule Modification Due to COVID-19"](#).

AGENDA

- 1. Call to Order**
- 2. Approve Regular Committee of the Whole Minutes from January 4, 2021**
- 3. Items of Business**
 - a. Consider Ordinance Amending Title 4 (Business & License Regulations, Chapter 5 (Cable Communications), Article A (Pole Attachments) and Title 8 (Public Ways and Property), Chapter 3 (Utilities Facilities Construction) of the Geneva City Code.
- 4. New Business/Public Comment**
- 5. Adjournment**

COMMITTEE OF THE WHOLE MINUTES

January 4, 2021 immediately following City Council Mtg.

In strict adherence to Gov. Pritzker's Executive Order 2020-73 (with exceptions permitted only for compliance with the Illinois Open Meetings Act), prohibiting indoor meeting gatherings of any size; public City of Geneva meetings are now virtual. Meetings are livestreamed for the public to provide the ability to contemporaneously hear all discussion, testimony and roll call votes of the open meeting in real time. Please visit the City website for details on how to watch the meeting live. While the public may not attend meetings in person, individuals wishing to provide public comment may do so in advance (recommended) or during the meeting by sending an email to <mailto:publiccomment@geneva.il.us>. In addition, individuals may be recognized during the meeting (audio only) by accessing the meeting via the link below:

<https://attendee.gotowebinar.com/register/5813012834329237261>

For more information please see: "Notice Regarding Meeting and Public Comment Rule Modification Due to COVID-19".

ELECTED OFFICIALS PRESENT	ELECTED OFFICIALS ATTENDING BY TELECONFERENCE	ELECTED OFFICIALS ABSENT	STAFF PRESENT	STAFF ATTENDING BY TELECONFERENCE
Burns (Chair)	Bruno Burghart Hruby Kilburg Kosirog Maladra Marks McGowan Swanson Godskesen (Clerk)	Kaven	Dawkins McCready	Sandack Babica

AGENDA

1. CALL TO ORDER

Chair Mayor Burns called the meeting to order at 7:14 PM.

The attendance roll call noted that Ald. Kaven was absent, and that the other 9 aldermen were attending by teleconference.

2. Approve Committee of the Whole Minutes from December 21, 2020

Moved by Ald. McGowan, seconded by Ald. Kilburg to approve the measure as presented.

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kilburg, Kosirog, Maladra, Marks, McGowan, Swanson)

ABSENT: 1 (Kaven)

ABSTAIN: 0

NAYS: 0 MOTION CARRIED

3. Items of Business

a. Consider Approval of Certificate of Acceptance for South Street Estates

Moved by Ald. Bruno, seconded by Ald. Marks to approve the measure as presented.

There being no discussion or questions, the matter was put to a vote.

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kilburg, Kosirog, Maladra, Marks, McGowan, Swanson)

ABSENT: 1 (Kaven)

ABSTAIN: 0

NAYS: 0 MOTION CARRIED

b. Consider Draft Resolution Authorizing Execution of First Amendment to a License Agreement with Level 3 Communications for Fiber Optic Installation in City Right-of-Way

Moved by Ald. Marks, seconded by Ald. Kosirog to approve the measure as presented.

There being no discussion or questions, the matter was put to a vote.

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kilburg, Kosirog, Maladra, Marks, McGowan, Swanson)

ABSENT: 1 (Kaven)

ABSTAIN: 0

NAYS: 0 MOTION CARRIED

4. NEW BUSINESS / PUBLIC COMMENT

Ald. Kilburg noted that the Chamber of Commerce had launched a program to encourage residents to support our local restaurants during the pandemic by ordering take-out, and added his encouragement for the public to help with the effort.

5. ADJOURNMENT

There being no further business, moved by Ald. Kosirog to adjourn the meeting.

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kilburg, Kosirog, Maladra, Marks, McGowan, Swanson)

ABSENT: 1 (Kaven)

ABSTAIN: 0

NAYS: 0 MOTION CARRIED

The meeting adjourned at 7:22 PM.

- *Submitted by City Clerk Godskesen*



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Consider Ordinance Amending Title 4 (Business & License Regulations, Chapter 5 (Cable Communications), Article A (Pole Attachments) and Title 8 (Public Ways and Property), Chapter 3 (Utilities Facilities Construction) of the Geneva City Code.		
Presenter & Title:	Hal Wright, Superintendent of Electrical Services		
Date:	February 1, 2021		
<i>Please Check Appropriate Box:</i>			
<input checked="" type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input checked="" type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: EV-II, & EMS-II			
Estimated Cost: N/A	Budgeted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If "Other Funding," please explain how the item will be funded:</i>			
Executive Summary:			
<p>The City has moved away from a one size fits all ordinance for pole attachments and supports individual pole attachment agreements as a better method of licensing companies to attach to city owned utility poles.</p> <p>With the approval of a separate agreement for Comcast, there is no longer a need for an ordinance specifically for Cable Communications Pole Attachments.</p> <p>Staff recommends modifying the City Code to delete the Cable Communication chapter and the addition of a section defining pole attachment regulations for city owned utility poles.</p>			
Attachments: <i>(please list)</i>			
<ul style="list-style-type: none"> · Ordinance 2021-XX 			
Voting Requirements:			
<p><i>This motion requires <u>6</u> affirmative votes for passage.</i></p> <p><i>The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i></p>			
Recommendation / Suggested Action: <i>(how the item should be listed on agenda)</i>			
Staff recommends approval and execution of the ordinance amending Title 4 (Business and License Regulations), Chapter 5 (Cable Communications), Article A (Pole Attachments) and Title 8 (Public Ways and Property), Chapter 3 (Utilities Facilities Construction) of the Geneva City Code.			

ORDINANCE NO. 2021-_____

**AN ORDINANCE AMENDING TITLE 4 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 5 (CABLE COMMUNICATIONS), ARTICLE A (POLE ATTACHMENTS)
AND TITLE 8 (PUBLIC WAYS AND PROPERTY), CHAPTER 3 (UTILITIES
FACILITIES CONSTRUCTION) OF THE GENEVA CITY CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That Article A (Pole Attachments) of Title 4, Chapter 5 of the Geneva City Code is hereby deleted in its entirety and the following is substituted therefor, *instanter*:

“Section 4-5A (Pole Attachments): See Section 8-3-21 of this Code. Cable television franchising agreements and other licensing agreements entered into by the City which involve pole attachments may include specific and special conditions, requirements and fees, on case by case basis, in addition to the provisions at Section 8-3-21.”

SECTION 2: That Title 8 (Public Ways and Property), Chapter 3 (Utilities Facilities Construction) of the Geneva City Code is hereby amended by renumbering Section 8-3-21 (Penalties) as Section 8-3-22 (Penalties) and adding the following as Section 8-3-21 (Pole Attachment Regulations) *instanter*:

“Section 8-3-21 POLE ATTACHMENT REGULATIONS:

Section 8-3-21.1. Scope of Regulations.

In the event any third-party user including but not limited to those under a franchise agreement with the City or holder of an Illinois Commerce Commission authorization who desires to attach any fixture, wire, cable or other apparatus on City-owned poles, such user or holder must be first granted a license by agreement with the City. The City reserves the right to exclude from joint use such poles which, in the City’s non-discriminatory judgment, are necessary for its sole use for electrical transmission or distribution.

Section 8-3-21.2. Code Specifications.

Any joint use, construction and maintenance of poles covered by a written license issued by the City shall be in conformity with the National Electrical Safety Code (2012), and the National Electrical Code (2014), as amended from time to time and as such amendments are adopted by the City.

Section 8-3-21.3. Placing, Transferring or Rearranging of Pole Attachments.

- A. A prospective third-party user as described in Section 8-3-21.1 shall make written application in accordance with Section 8-3-3 specifying (1) the location of the pole in question, and (2) the number or kind of attachments which it desires to place thereon. After receipt of such application, the City shall notify the applicant, in writing, whether or not said pole is excluded from joint use. In the event said pole is not so excluded, and after completion by City of any transferring or rearranging of City's attachments, including any necessary pole replacements as, the applicant, as a licensee, shall have the right to use such space for its attachments and circuits as required in the application and with approval of City through the issuance of a license or permit specifying the conditions of use.

- B. Where licensee's attachments can be located on existing poles of the City and rearrangement of the City's attachments is necessary to provide licensee with a portion of the standard space, licensee shall reimburse City, within thirty (30) days from the date of invoice, for the actual costs and expenses incurred by City for such transferring and/or rearranging its attachments including the actual costs of strengthening (guying) such poles. However, in the event that City determines that such poles are inadequate to accommodate licensee's attachments, City shall notify licensee and provide licensee with an estimate of expenses, for the: (1) actual cost of a new pole; (2) the actual cost of transferring City's facilities to the new pole; and (3) any other estimated costs incurred by City in such replacement, such as the expense of removing an old pole. Licensee shall reimburse City, within thirty (30) days from the date of invoice, for the: (1) actual cost of the new pole; (2) the actual cost of transferring City's facilities to the new pole; and (3) any other actual costs incurred by City in such replacement, such as the expense of removing an old pole.

- C. For purposes of this Section, "attachment" or "attachments" means the placement of licensee's facilities, including but not limited to cables, equipment, associated hardware fiber optic and other cable, wires, strands and fixtures used for the support of such fiber, cable wires and strands, that is used by licensee in providing or allowing others to provide cable and/ or broadband service and that is placed on City poles pursuant to this Section.

Section 8-3-21.4. Rentals and Other Payments.

- A. There shall be a license/rental fee for each pole attached to or reserved by the licensee. The rental period for joint use poles shall be one (1) year.

- B. The amount of the annual rental fee for pole attachments shall be established by the city council from time to time.

- C. Payments for other amounts due under this Section shall be invoiced upon completion of the work and payable by the Licensee within thirty (30) days' receipt thereof and shall accrue a late payment penalty of 1-1/2% per month on the unpaid balance from the billing date for any late payment.”

SECTION 3. That Chapters 5 of Title 4 and Chapter 8 of Title 8 of the Geneva City Code, as amended above, shall otherwise remain in full force and effect.

SECTION 4: This Ordinance shall become effective from and after its passage as in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 16th day of February, 2021.

Ayes: _____
 Nays: _____
 Abstain: _____
 Holding office: 10

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this 16th day of February, 2021

 Kevin R. Burns, Mayor

Attest:

 Roger Godskeken, City Clerk