

SPECIAL COMMITTEE OF THE WHOLE MINUTES

August 17, 2020

7:00 PM

Visitors are welcome to all City meetings; however, pursuant to Governor Pritzker’s Executive Order 2020-43 limiting gatherings of no more than 50 persons (or 50% of room occupancy) and a requirement to wear a face covering in public places, physical attendance at public meetings may be limited or restricted. Meetings will be 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.

For more information please see the [“Notice Regarding Meeting and Public Comment Rule Due to COVID-19”](#)

| ELECTED OFFICIALS PRESENT | ELECTED OFFICIALS ATTENDING BY TELECONFERENCE | ELECTED OFFICIALS ABSENT | STAFF PRESENT |
|--|--|-------------------------------------|---|
| Burghart Hruby Kilburg Maladra McGowan Swanson Burns (Chair) | Bruno Marks Godskesen (Clerk) | Kaven (Ward 2 - one vacancy) | Dawkins Sandack DeGroot Tymoszenko |

1. CALL TO ORDER

Mayor Burns called the meeting to order at 7:00 PM noting that Ald. Kaven was absent, and all other aldermen were present or attending by teleconference. One seat in Ward 2 was vacant.

2. NEW BUSINESS / PUBLIC COMMENT

Mayor Burns noted recent increases in Covid-19 infections in our area, and reminded the public to follow mask and social-distancing guidelines.

3. Consider Resolution 2020-48 Authorizing Execution of Development Economic Incentive and Reimbursement Agreement Between the City of Geneva and Industry House, L.L.C.

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

Administrator Dawkins read the resolution, noting that this is a new agreement, different from the one presented at the August 3, 2020 meeting, and highlighted a section that had been modified defining backstop or reimbursement, among other changes.

Ald. Bruno gave his support for the measure, noting the location as a gateway property and that non-home rule status gives sales tax incentives as one of the few incentives available to the city.

Ald. Maladra spoke in favor of the measure, noting his feeling that it helped further the Strategic Plan for a vibrant downtown, would add to the city's tax base and upgrade an older building. Maladra added comment about incentives being one of the few tools available to the city to promote such development and that they should be used when appropriate to help promote growth and improvement. Maladra added that down-side risk to the City is limited in this measure.

Ald. Swanson voiced his opposition to the measure, reviewing his reasons, including the impact of a new restaurant on existing businesses, the quality of jobs to be created, compared the City's assistance to existing businesses during the pandemic as small dollar amounts compared to a \$500,000 incentive for this new business, and concern over the City being involved in a real-estate transactions. Finally, Swanson added his concern over the process that brought this measure back to the council for reevaluation.

Ald. Kilburg, stating that in light of the fact that one Alderman was absent and there was one vacancy, moved to table the vote until the council is at full strength at the September 21 COW meeting.

Moved by Ald. Kilburg, seconded by Ald. Burghart to table the measure until the September 21, 2020 COW meeting.

Mayor Burns spoke against tabling the measure, adding that he wished that he had been informed ahead of time that the alderman planned to do this, and that the prospective owners and real estate agent had again been invited to a meeting with the expectation the measure would be addressed. In contrast, Burns noted, Ald. Kaven informed him a week ago of his planned absence. Burns implored the council to vote down the motion to table, and added that the Council should not suspend doing business due to absences and vacancies unless decided upon prior to a scheduled meeting.

Ald. Burghart gave reasons for her intention to vote to table the measure, noted that the council had voted the resolution down two weeks prior after significant discussion over concerns about the timing and amount of the incentive, and questioned the rationale and approach for putting this measure back on the agenda after it had been defeated at the previous COW on August 3. Burghart added that many years of experience and extensive deliberation went into

consideration of this matter by the council, and concern that reintroducing this resolution in this manner may have an impact on the reputation and on the future process of the council.

Ald. Hruby questioned how notification of an alderman's absence and a plan to table the measure ahead of time were or were not communicated, and why either event should make a difference in deliberation.

Burns related how individual meetings were held with each council member after the August 3 meeting to discuss the measure, solicit recommendations and answer any questions, and the procedure he followed to bring an amended measure back before the council. Burns noted his strong desire to follow the strategic plan and to promote a strong downtown. Burns also related the benefits of past incentive agreements to the city, including the development of Geneva Commons, the East State Street corridor, Dodson Place, and south Third Street among others and added his concern about the message to future investors if this incentive is not approved.

There being no further discussion on the motion to table the measure until the September 21, 2020 COW meeting, the matter was put to a vote.

Roll Call:

AYES: 5 (Ald. Burghart, Hruby, Kilburg, Marks, Swanson)

NAYS: 3 (Ald. Bruno, Maladra, McGowan)

VACANT: 1 (Ward 2)

ABSENT: 1 (Kaven) MOTION CARRIED

After a brief recess, an approximately 90-minute discussion followed.

Mayor Burns asked if anyone would like to say anything.

Cody and Chanel Renkosik, told the council that they did not know if their Small Business Administration loans and other financing would still be available if the incentive package was delayed a month. Cody added that this had been a year-long process for them and that the incentive was a major part of the financial arrangement for the closing. With the Covid-19 pandemic also causing delay, waiting another month was potentially a deal-breaker.

Real estate broker Charles Kirkwood, who is handling the sale between the seller and the buyers, approached the podium three times, each time warning with increasing certainty that the deal would collapse if it were delayed. Kirkwood added that the seller thought the building should be leased instead of sold if the council did not support the incentive, that that building could not sit there vacant and that it would be hard to find another buyer for the property.

Mayor Burns asked for a motion to reconsider the motion to table the measure.

A somewhat contentious discussion continued, with input from the council as to the process by which this issue had been handled, questions to the investors to clarify the impact of a delayed vote, opinion given that the council needed more interaction with staff to make a fully informed decision and to what degree this measure supports the strategic plan for the downtown business district.

Also given were responses to assertions made over the reasons some aldermen changed their votes, and comment that it had been insulting and unprofessional for aldermen to be treated in the way this matter was being handled.

Scott Lebin spoke in favor of the measure.

Director Tymoszenko spoke of the difficulty in finding a deal for a property like this, of data showing minimal impact to existing businesses when a new business opens, and of the goal to strengthen and grow the downtown district.

After a brief recess, Ald. Burghart stated that for the good of the council and because of her faith in the integrity of the council, she would reconsider her motion for tabling the measure.

Moved by Ald. Burghart, seconded by Ald. Hruby to rescind the motion to table the measure until the September 21, 2020 COW meeting.

Roll Call:

AYES: 8 (Ald. Bruno, Burghart, Hruby, Kilburg, Maladra, Marks, McGowan, Swanson)

NAYS: 0

VACANT: 1 (Ward 2)

ABSENT: 1 (Kaven) MOTION CARRIED

There being no further discussion a vote was held on the original resolution:

Consider Resolution 2020-48 Authorizing Execution of Development Economic Incentive and Reimbursement Agreement Between the City of Geneva and Industry House, L.L.C.

Roll Call:

AYES: 5 (Ald. Bruno, Maladra, Marks, McGowan, Burns)

NAYS: 4 (Ald. Burghart, Hruba, Kilburg, Swanson)

VACANT: 1 (Ward 2)

ABSENT: 1 (Kaven) MOTION CARRIED

4. ADJOURNMENT

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

Roll Call:

AYES: 8 (Ald. Bruno, Burghart, Hruba, Kilburg, Maladra, Marks, McGowan, Swanson)

NAYS: 0

VACANT: 1 (Ward 2)

ABSENT: 1 (Ald. Kaven) MOTION CARRIED

The meeting adjourned at 9:09 PM.

- *Submitted by City Clerk Godskesen*