

**GENEVA CITY COUNCIL**  
**SPECIAL MEETING MINUTES**

**Monday, August 8, 2022**  
City Hall Council Chambers  
109 James St., Geneva, IL 60134

**CALL TO ORDER**

The August 8, 2022 special 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:**

Alderpersons: Mike Bruno, Tara Burghart, Gabriel Kaven, Dean Kilburg, Brad Kosirog, 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:** Becky Hruby

**Others Present:** City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, City Attorney Scott Fintzen, Community Development Director David DeGroot.

**Others attending by video or teleconference:** City Attorney Ron Sandack

**PLEDGE OF ALLEGIANCE**

The pledge was led by Ald. Kaven.

**ITEMS OF BUSINESS**

**Consider Ordinance No. 2022-33 Amending the Blackberry Planned Unit Development and Approving a Special Use for a Wireless Communication Facility at 1800 W. State Street – Tower North Dev. LLC**

Mayor Burns stated that this was the only item on the agenda and that the matter had received a full public hearing on July 14 before the City's Planning & Zoning Commission, and pursuant to the City's regulatory review and approval processes is now before the City Council for deliberation and a final vote. The Planning & Zoning Commission public hearing was the opportunity for a full vetting for the petitioner's plans and requests. The official public hearing process has concluded. The City Council has reviewed the record referenced and must now address the petitioner's requested action items based solely on the record as it exists. No new information or testimony may be considered. The mayor reminded everyone that while public comments on this matter are welcome, comments cannot be added to the closed public hearing evidence established before the Planning & Zoning Commission. No cross-examination is allowed by residents of the City Council, staff members, or the petitioner or its agents. However, City Council members may ask the petitioner or staff for clarification on any of the information presented during the public hearing. All comments made by those in attendance must be germane, brief, and not such that they repeat what has already been stated by a prior speaker. Anyone speaking should direct comments only to the Mayor.

Mayor Burns then asked for a motion to consider Ordinance 2022-33\_Amending the Blackberry Planned Unit Development and Approving a Special Use for a Wireless Communication Facility at 1800 W. State Street – Tower North Dev. LLC.

Moved by Ald. Marks, Seconded by Ald. Kaven.

Mayor Burns noted that there would be a brief presentation by the petitioner, TowerNorth LLC. Ray Shinkle with the Insite Team representing TowerNorth and Verizon Wireless spoke. He noted that they were there seeking a special use and amendment to the PUD allowing a stealth wireless communications facility at the Oscar Swan property. He stated that he did not plan to bring up new material but that it was important to highlight some of the items in the application and some things that came up at the hearing.

Mr. Shinkle introduced those present who were also involved with this process including Jesse McDaniel, an engineer with Verizon who provided the RF affidavit and testimony; Mark Biesiada, an attorney who works closely with Ari Rosenthal who could not attend; Mark Layne who submitted the application and real estate analysis; and Angie Frye, Verizon attorney.

Mr. Shinkle noted that Verizon is here to keep up with the insatiable demand for seamless coverage and the importance of a robust wireless network for the community. He also noted that over 80% of 911 calls are made from wireless phones. He stated that the number one reason given for purchasing phones for children and the elderly is safety, and that half of wireless users have cut their land lines.

Mr. Shinkle went on to explain that Verizon is the number one carrier in the country, and that a detailed RF affidavit and testimony were submitted explaining that the existing sites surrounding this area are at capacity resulting in a coverage deficiency. The position of this site is important to cover areas including State Street, Randall Road, the Geneva Commons, and the surrounding residential areas. He showed map coverage illustrating that there was a lack of coverage in the area and noted that the Oscar Swan site offloads the overloaded sectors. He acknowledged that the Oscar Swan site is a B1 zone abutting a residential area and that it is difficult to find a non-residential area for a tower in Geneva. Mr. Shinkle noted that this is not uncommon in the surrounding communities, however, as there are two water tanks in nearby residential areas with multiple carriers and antennas similar to those proposed by Verizon. He stated that the wireless facility is a mono-pine which conforms to the Geneva code and will be disguised among the tree canopy.

Mr. Shinkle then presented the four main objections from the Planning and Zoning Commission hearing and Verizon's answers to these:

1. The look of the mono-pine: while many felt that this option would not look good, Mr. Shinkle stated that his is the preferred design of the City zoning code;
2. People fear it will be detrimental to property values: Mr. Shinkle stated that a certified appraiser could not confirm these claims and that existing antenna and tower sites in Geneva have not negatively impacted property values;
3. RF emissions: Mr. Shinkle noted that this site will meet radio frequency guidelines set by the FCC;

4. PUD restricting SUP's on property: Mr. Shinkle stated that the PUD dates to 1987 which is prior to the need for wireless networks in the community and said that it is unfair to restrict something that is needed today.

Mr. Shinkle went on to state that CityScape is a third-party consultant for the City of Geneva and that CityScape agreed that the application met all standards necessary for this special use. He also stated that City staff also agreed that the application met all the standards for special use applications.

Mayor Burns thanked Mr. Shinkle and then asked the City Council members if they would prefer to begin deliberations amongst themselves or to hear from residents who were present for the meeting. Ald. Maladra first asked if Council members were allowed to question the petitioner's representatives and Mayor Burns answered in the affirmative. Ald. Maladra then stated that he preferred that the Council deliberate first and noted that the residents would appreciate being informed by what they would hear during the deliberations, before telling the Council what they have already said through emails and phone calls. Ald. Bruno and Ald. Mayer agreed, and no alderpersons disagreed with proceeding.

Ald. Maladra then asked Mr. Shinkle when he learned about the PUD restrictions. Mr. Shinkle answered that after the petitioners filed the notice for the first hearing, city staff realized the PUD was part of the property, resulting in the first hearing being tabled and the petitioner having to file the application for the PUD. He stated that this was in March or April. Ald. Maladra then asked why the petitioners believed the PUD restrictions wouldn't apply to this tower. Mr. Shinkle noted that they filed in December and believed that since the PUD was in place nine years before the Telecom Act, it was outdated and did not consider wireless networks. The petitioner thought that the City Council and Planning and Zoning Commission would also see this as outdated and follow special use standards. Ald. Maladra asked if there was any alternative available. Mr. Shinkle stated that the tower meets all the requirements. If the tower were to be placed in Geneva Commons as some have asked, the only place to put it would be in the front parking lot where it would stick out as there would be no tree canopy to disguise it. He did note that it is difficult to find a site in the City that meets the necessary requirements for this structure.

On a question from Ald. Mayer, Mr. Shinkle stated that TowerNorth works with Verizon and whenever Verizon cannot co-locate on an existing structure, Verizon works with Insite to find a location and TowerNorth to provide the structure. Ald. Mayer noted that Mr. Shinkle previously stated that the mono-pine would "stick out like a sore thumb" if located in the Commons but would not if located on the Oscar Swan property. Mr. Shinkle stated the mono-pine would blend in well with the landscaping at Oscar Swan. Ald. Mayer noted that the mono-pine branches would begin 26-feet from the base which is unusual for a pine tree but Mr. Shinkle noted that the thick tree canopy would provide good coverage. Ald. Mayer noted that she lives within a 500-foot radius of the site and that Oscar Swan would be locating the tower on the furthest part of its property which is closest to residential homes, not close to its business. She stated that the tower's use is not consistent with Oscar Swan's business and because it is repelling to them, they don't want the tower placed in front of their business but instead next to nearby residential yards. She also noted that the antennas on the water tank at the high school don't affect nearby home values since the homes are located near parks, athletic facilities and the high school which are features that raise home values. She stated that it isn't credible to say that the home values wouldn't be affected in the neighborhood near

Oscar Swan. She noted that this is not acceptable and if it were, Oscar Swan would put the tower in front of their house.

Ald. Swanson then thanked Mr. Shinkle for the presentation and asked if, based on the graphics presented, the Oscar Swan location actually achieves the goal of sufficient coverage for State Street, Randall Road, and Geneva Commons. Jesse McDaniel then spoke and explained that the location is important to the network because it meets two objectives: coverage and offloading the other towers. Mr. Shinkle noted that the map shown was just a guide to help show that there is a gap in coverage but that it is not exact. Ald. Swanson then noted that it was previously stated that it is not uncommon for towers to abut residential areas but the information provided regarding appraised values gave examples that were near cornfields, not residential areas. Mark Layne explained that he tried to show the differences between property values near and away from other towers. He analyzed resale values of homes around the high school water tank and did not find a measurable difference between homes close to and farther from the tank. As there are not many mono-pole towers in Geneva and the surrounding areas, he moved farther out to find data. He performed a similar study in Wilmette where a tower was located in-town and found that homes closer to the tower were incrementally more valuable than those located farther away. Ald. Swanson then listed several locations of cell towers in the Geneva area and noted that residences were not as close to the towers as those near the proposed Oscar Swan tower.

Ald. Kaven then noted that the PUD's restrictions were established to ensure that there would not be any special uses in the area. He stated that since 1987, there have been no special uses granted and therefore, the petitioners have not been treated unfairly. He then asked who is responsible for knowing what requests are needed for a specific project? Mr. Shinkle answered that Verizon's representatives should know about such needs but that they felt that it was worthwhile to move forward to amend the special uses. Ald. Kaven noted that regarding Special Use Standard 2, the proposed use should not diminish property values, but he feels that those homes close to the tower will suffer some type of financial impact.

Ald. Kosirog asked how 911 calls are handled and if they are prioritized on the cellular network. Mr. McDaniel stated that emergency calls are prioritized but that if the site is at capacity, there is a possibility of some blocking of 911 calls, especially if there is not adequate coverage. He did not have statistics on the amount of calls that are dropped. The alderman noted that he agreed with the other alderpersons who spoke regarding the PUD and that it was forward-thinking in that while it may not have anticipated cell towers, it was put in place to prevent any special uses. He asked if the appraisal information given earlier regarding home values increasing was based on something other than the tower, such as an uptick in the market or the fact that without the tower, those home values would have risen higher. Mr. Layne stated that if the tower was causing an impact, properties near the tower would sell below those farther away. On another question from Ald. Kosirog, Mr. Shinkle stated that there are landscaping requirements necessary for approval as well as maintenance of the look of the mono-pole to ensure that the aesthetic integrity of the tower remains intact.

Ald. Bruno acknowledged that he believed that there was a need for the tower regarding coverage. He asked if a flagpole would be an alternative to the mono-pole. Mr. Shinkle noted that it would not because of the need for the number and size of antennas needed. Ald. Bruno then asked if Verizon had considered the open field immediately across Route 38 for placement of the tower. Mr. Shinkle noted that it would be best to locate the tower at Oscar Swan but wasn't sure if the field

had been considered but felt that all possibilities had been considered. Ald. Bruno then asked if they ran a title search regarding the site. When Mr. Shinkle answered that “they must have”, Mayor Burns asked for clarification regarding whether they did or did not run a title search. Mr. Shinkle answered that they had done so. Ald. Bruno asked why it took until mid-June to file an amendment to the PUD. Mr. Shinkle stated that neither the staff nor Verizon noticed this until Verizon sent notice of the public hearing and Chayton True notified Verizon of the PUD. Ald. Bruno noted that the responsibility for knowing about restrictions fell on the petitioner.

Ald. Kilburg stated that on the east side of Geneva, there is a cell tower atop a water tower within 300-feet of his home. He noted that a water tower’s aesthetics are different from a cell tower. He stated that Ald. Kaven and Ald. Mayer already stated what he would have noted. He then thanked the citizens for their communication with the City Council on this matter and commended them for their interest in this issue.

Ald. Mayer stated that it is the developer’s responsibility to find underlying zoning requirements for a site. Mr. Shinkle agreed and stated that Verizon would have applied for a variance whenever the issue was discovered. He stated that the petitioner filed, the City accepted the application, and then Chayton True advised the petitioner that there was a PUD that needed to be amended. Ald. Mayer then stated that tree coverage is critical to this structure looking good. However, there won’t be much tree coverage during the winter. She also noted that drilling a caisson through the root structure of the trees may cause damage to those trees. She stated that the main issue bothering her is that the mono-pine won’t look natural as this is a rigid structure, unlike the natural trees surrounding it.

Mayor Burns asked Dir. DeGroot to join Mr. Shinkle at the podium. Mayor Burns asked if a petitioner is responsible for pulling title. Mr. Shinkle confirmed that TowerNorth had pulled title on this parcel of land. The mayor asked if title was pulled before or after filing the petition with the City and Mr. Shinkle noted that title was pulled prior to filing. Mayor Burns asked if, when title was pulled, there was any reference to a special use with respect to the PUD. Mr. Shinkle stated that he was not involved in that personally and no one was present from the team who could answer that question. Mayor Burns then asked if Chayton True had contacted the petitioner regarding missing items in the application and Mr. Shinkle answered that Planner True reviewed the application and asked that various changes be made which the petitioner addressed. In answer to a further question from the mayor, Mr. Shinkle stated that Planner True told him verbally that the City had acknowledged that this was a PUD needing a special use amendment when the petition was originally filed but that the issue did not come up again until after the balloon test was completed and the petition was refiled. Mayor Burns noted that Mr. Shinkle stated earlier that, “Chayton also missed this,” and asked if Mr. Shinkle could confirm that the omission was owned by TowerNorth. Mr. Shinkle noted that others were involved in filing the application. He noted that when the petitioner sent out the notice of the hearing, City staff acknowledged that the PUD was not addressed and asked the petitioner to complete the application. Mr. Shinkle stated that the staff did not seem concerned with the PUD amendment and the petitioner was also not concerned.

Mayor Burns asked Dir. DeGroot if there was anything that he wanted to correct or amend in Mr. Shinkle’s statement. Dir. DeGroot noted that a digital copy of the PUD application for the special use was received on June 24 and checks associated with the filing were received on June 27.

On a question to the City Council by the Mayor regarding any further questions, Ald. Maladra proposed that they call the question. Attorney Fintzen clarified that calling the question closes debate and upon a second to the motion, the Council would immediately move to a vote on the question before the Council.

Moved by Ald. Maladra, Seconded by Ald. Swanson to call the question.

Roll call:

AYES: 7 (Bruno, Kaven, Kilburg, Kosirog, Maladra, Marks, Swanson)

ABSENT: 1 (Hruby)

NAYS: 2 (Burghart, Mayer)

MOTION CARRIED

Vote to Consider Ordinance No. 2022-33 Amending the Blackberry Planned Unit Development and Approving a Special Use for a Wireless Communication Facility at 1800 W. State Street – Tower North Dev. LLC

Roll call:

AYES: 9 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Hruby)

NAYS: 0

MOTION FAILED

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

None.

#### **CLOSED SESSION TO DISCUSS PENDING LITIGATION BEFORE THE CITY OF GENEVA**

Moved by Ald. Kosirog, Seconded by Ald. Marks to enter closed session.

Roll call:

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

NAYS: 0

ABSENT: 1 (Hruby)

MOTION CARRIED

#### **Return to Open Session.**

Moved by Ald. Marks, Seconded by Ald. Bruno to return to open session.

Roll call:

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

NAYS: 0

ABSENT: 1 (Hruby)

MOTION CARRIED

## **ADJOURNMENT**

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

MOTION CARRIED by unanimous voice vote of those present.  
The meeting adjourned at 8:50 PM.

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Vicki Kellick  
Geneva City Clerk