

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Minutes

Thursday, November 7, 2013

7:30 PM

Village Hall Board Room

Village Board of Trustees

Village President Keith Giagnorio

Village Clerk Sharon Kuderna

Trustees: Dan Whittington, District One; Mike Fugiel, District Two;

Reid Foltyniewicz, District Three; Peter Breen, District Four;

Laura Fitzpatrick, District Five; and Bill Ware, District Six

I. Call to Order and Pledge of Allegiance

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, November 7, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:30 p.m. Acting Village Clerk Janet Downer led the Pledge of Allegiance.

II. Roll Call

- 6 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick
- 2 - Sharon Kuderna, and Bill Ware

Staff Present:
Acting Village Manager Tim Sexton
Director of Community Development Bill Heniff
Director of Public Works Carl Goldsmith
Chief of Police Ray Byrne
Fire Chief Paul DiRienzo
Assistant Village Manager Nicole Aranas
Communications Coordinator Bridget Doyle
Executive Coordinator Carol Bauer

III. Public Hearings

[130560](#)

Budget Ordinance for Fiscal Year 2014

A Public Hearing for the purpose of hearing written and oral comments from the public concerning the proposed Village of Lombard Annual Budget for the Fiscal Year beginning January 1, 2014 and ending December 31, 2014.

Village Attorney Tom Bayer called the Public Hearing with regard to the Budget Ordinance for Fiscal Year 2014 to order at 7:31 p.m.

Attorney Bayer reviewed the budget publication requirements.

Acting Village Manager/Director of Finance Tim Sexton provided an overview of the proposed budget.

Attorney Bayer asked if anyone wanted to speak for or against the proposed Budget Ordinance.

Being that no one wanted to speak, the Public Hearing was closed at 7:40 p.m.

IV. Public Participation

[130570](#)

Proclamation - School Board Members Day

Acting Village Clerk Janet Downer read the proclamation for School Board Members Day.

Village President Giagnorio presented proclamations to Superintendent Dr. James Blanche of School District #44, Superintendent Dr. Tony Palmisano of School District #45 and Superintendent David Larson of School District #87.

Dr. Blanche spoke of the work School Board members do and thanked the Village.

Dr. Palmisano thanked the Village and thanked the School Board members for their dedication.

Dr. Larson indicated he and Dr. Palmisano are new to the districts. He thanked the Village.

[130571](#)

Proclamation - DuPage Community Foundation Week

Acting Village Clerk Janet Downer read the proclamation for DuPage Community Foundation Week.

Village President Giagnorio presented the proclamation to Joelyn Kott. Joelyn Kott thanked the Village and spoke about the organization.

Public Participation

Pamela Lonman, 1020 Fullerton, representing Chicagoland Signs Corporation of Addison, requested a waiver of first reading for the First United Methodist Church sign petition.

Tom Masterson, 128 W. St. Charles Road, thanked staff for the answers to his questions. He spoke about the Park West Condos parking garages.

Trustee Foltyniewicz asked if he received the answers to his questions and asked what he wanted the Board to do.

Trustee Fitzpatrick called for a Point of Order as this item was not listed on the agenda.

Public Participation was closed.

V. Approval of Minutes

A motion was made by Trustee Dan Whittington, seconded by Trustee Mike Fugiel, that the minutes of the Special Meeting of August 29, 2013, the minutes of the Special Meeting of September 19, 2013, the minutes of the Regular Meeting of October 17, 2013 and the minutes of the Special Meeting of October 29, 2013 be approved. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

VI. Committee Reports

Community Relations Committee - Trustee Dan Whittington, Chairperson

No report

Economic/Community Development Committee - Trustee Laura Fitzpatrick, Chairperson

No report

Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson

Trustee Mike Fugiel, Chairperson of the Environmental Concerns Committee, reminded residents of the Autumn Clean-up planned for November 9th from 9 am to noon. Anyone interested in helping can call Public Works.

Finance Committee - Trustee Peter Breen, Chairperson

No report

Public Works Committee - Trustee Bill Ware, Chairperson

No report

Transportation & Safety Committee - Trustee Reid Foltyniewicz, Chairperson

Trustee Reid Foltyniewicz, Chairperson of the Transportation and Safety Committee, reported the committee had two items listed on the November 11th agenda and encouraged residents to attend if they wanted to speak with regard to the items.

Board of Local Improvements - Trustee Bill Ware, President

No report

Community Promotion & Tourism - Trustee Laura Fitzpatrick, Chairperson

No report

Lombard Historical Commission

No report

VII. Village Manager/Village Board Comments

Trustee Breen spoke with regard to the new state program of taking red light camera and parking ticket fees out of residents' state income tax refunds and an article that had been in the paper recently with regard to abuses in this program. He noted that the Village Board had been prescient in rejecting this program in the Village. He talked about this being an unnecessary burden on taxpayers.

Trustee Fugiel indicated that the Illinois Prairie Path would be closed on November 14th for one day due to maintenance that was needed and asked any trail-users to look at other options. He indicated he had recently attended the Illinois Municipal League Conference and felt that the sessions were very interesting.

Trustee Whittington spoke about the Bears vs Packers game that had been broadcast downtown similar to the Blackhawks game. He said this was a great event and that there would be more of these events planned.

Trustee Foltyniewicz reminded residents of the Veterans Day events planned for Monday.

President Giagnorio indicated the Bill Mueller Memorial Blood Drive will be held on Monday at Yorktown from 9:30 am to 2 pm and at the Village Hall from 2 pm to 7:30 pm. There will be a Veterans Day Ceremony at 11 am at the Sunken Garden at the Commons Park. There will also be a Memorial Day Ceremony at 2 pm at the Lombard Cemetery followed by the Historical Society Cemetery Walk from 2 pm to 4 pm.

President Giagnorio asked the Village Board for concurrence in canceling the January 2, 2014 Village Board meeting. Consensus.

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [130545](#) **Approval of Accounts Payable**
For the period ending October 18, 2013 in the amount of \$923,122.03.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [130550](#) **Approval of Village Payroll**
For the period ending October 19, 2013 in the amount of \$782,508.13.
This Payroll/Accounts Payable was approved on the Consent Agenda

- C. [130551](#) **Approval of Accounts Payable**
For the period ending October 25, 2013 in the amount of \$555,770.32.
This Payroll/Accounts Payable was approved on the Consent Agenda
- D. [130565](#) **Approval of Accounts Payable**
For the period ending November 1, 2013 in the amount of \$1,238,072.96.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- E. [130520](#) **Title 11, Chapter 121, Section 121.03A.(2) - Number of Taxicab Business Licenses**
Amending Title 11, Chapter 121, Section 121.03A.(2) increasing the number of Taxicab Business Licenses from ten (10) to eleven (11).
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6881
- F. [130537](#) **Sale of Surplus Property**
Declaring four Village owned vehicles as surplus and authorizing their sale through Obenauf Auto Auction Service. Staff is requesting a waiver of first reading.
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6882
- G. [130538](#) **PC 13-16: 1103-1177 S. Main Street and 150 E. Roosevelt Road**
Requests an amendment to Ordinances 5538 and 5624 to allow for modification to the approved Shopping Center Identification sign plan for the Lombard Pines Shopping Center property located within the B4APD Community Shopping District, Planned Development. (DISTRICT #6)
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6883
- H. [130651](#) **PC 13-17: 155 S. Main Street**
Requests Site Plan Approval for the following signage deviations from the Lombard Sign Ordinance for property located within the B5A Downtown Perimeter District:
1. A deviation from Section 153.208 (H) to allow for a sign to be located within a clear line of sight area;
2. A deviation from Section 153.210 to allow for an Automatic Changeable Copy Sign to be located on a property with less than 500

lineal front footage;

3. A deviation from Section 153.210 (E) to allow for a thirteen (13) square foot display screen of an Automatic Changeable Copy Sign to exceed the maximum permitted area of nine (9) square feet; and

4. A deviation from Section 153.508 (B)(6)(b)(ii) to allow for a 37.5 square foot freestanding sign to exceed the maximum thirty (30) square feet when the principal structure on the zoning lot is set back at least thirty (30) feet from the property line. (DISTRICT #4)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6884

I. [130540](#)

PC 13-18: 540-550 W. North Avenue

Requests that the Village grant a conditional use pursuant to Section 155.305 of the Lombard Zoning Ordinance to allow for the re-establishment of an existing building (gas station) on the subject property located in the B4 Corridor Commercial District. (DISTRICT #1)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6885

J. [130548](#)

Fairview Lift Station Property Acquisition

Authorizing the acquisition of the property commonly known as 1134 South Fairview Avenue, and accepting a Temporary Construction License Agreement in relation to the property immediately south thereof, pursuant to the Local Government Property Transfer Act. Waiver of first reading is requested by staff. (DISTRICT #6)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6886

K. [130554](#)

Ordinance Amending Title 11, Chapter 112, Section 112.13 of the Lombard Village Code with Regard to Alcoholic Beverages

Revising the Class A/B-II liquor license category reflecting the closing of Trademark Tavern LLC d/b/a Trademark Tavern & Tap located at 777 E. Butterfield Road. (DISTRICT #3)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6887

L. [130556](#)

Ordinance Amending Title 11, Chapter 112, Section 112.13 of the Lombard Village Code in regard to Alcoholic Beverages

Revising the Class A/B-I liquor license category reflecting the closing of Lioness Restaurant Group d/b/a French Quarter, New Orleans

Kitchen located at 44 Yorktown Convenience Center. (DISTRICT #3)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6888

M. [130563](#)

John Deere Front-End Loader Purchase

Request for a waiver of bids and award of a contract to West Side Tractor in the amount \$129,776.00; and declaring Village unit ST363 as surplus and authorizing its trade-in. Staff is requesting a waiver of first reading. Public Act 85-1295 does not apply.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6889

N. [130564](#)

Ford Transit Connects Purchase

Request for a waiver of bids and award of a contract to Currie Motors in the amount of \$44,984.00 for the purchase of two Ford Transit Connects; and declaring Village units PP207 and SM424 as surplus, and authorizing their sale at public auction. Staff is requesting a waiver of first reading. Public Act 85-1295 does not apply.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6890

Other Ordinances on First Reading

O. [130536](#)

PC 13-13: Text Amendments to the Zoning Ordinance (Medical Cannabis)

The Village of Lombard is proposing the following text amendments to the Lombard Zoning Ordinance:

1. An amendment to Section 155.802, Rules and Definitions, (and any other relevant sections for clarity) of the Lombard Zoning Ordinance regarding the definition of "smoking establishment" and add provisions for "medical cannabis dispensing organization" and
2. An amendment to Section 155.412, Office District Requirements, (C) the conditional use status to add provisions for "medical cannabis dispensing organization." (DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 6896

P. [130562](#)

Budget Ordinance for Fiscal Year 2014

Adopting the FY 2014 Annual Budget for the Village of Lombard.

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 6897

Ordinances on Second Reading

- Q.** [130491](#) **Proposed Water/Sewer Rate Increase**
Three Ordinances amending the Village Code as it relates to water and sewer rates for FY2014. The overall rate increase is 4.15% compared to the 8.94% increase on January 1, 2013. The capital rate portion of the water and sewer rates remain frozen at \$1.20 per 1,000 gallons until May 31, 2016 (FYE 2016).
This Ordinance was passed on second reading on the Consent Agenda
Enactment No: Ordinances 6891, 6892, 6893

Resolutions

- R.** [130547](#) **Stormwater Needs Assessment, Hydraulic & Hydrology Engineering**
Approving a contract with Christopher B. Burke Engineering, Ltd. in an amount not to exceed \$57,083.48. (DISTRICTS - ALL)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution R 156-13
- S.** [130552](#) **Public Highway At-Grade Crossing Maintenance and Use Agreement**
Resolution approving an Agreement with Union Pacific Railroad Company relative to the Finley Road crossing. (DISTRICT #1)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 157-13
- T.** [130555](#) **Train Station Coffee Vendor - Assignment of Sublease**
Authorizing signatures of the Village President and Village Clerk on an Assignment of Commercial Sublease. (DISTRICT #1)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 158-13
- U.** [130558](#) **Holiday Decoration 2013 Contract**
Authorizing a one-year contract with Folgers Flag and Decorating in an amount of \$28,966, for live greenery wreaths & roping, lights and bow decorations per attached specifications. (DISTRICTS #1, #4, #5 & #6)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 159-13
- V.** [130561](#) **St. Charles Road at Grace Street Intersection Improvements**

Supplemental Resolution

Supplemental Resolution for the use of MFT funds for MFT Section 97-00136-00-CH. This is required by IDOT to close out the project per the recently completed MFT audit. (DISTRICTS #4 & #5)

This Resolution was adopted on the Consent Agenda

Enactment No: Resolution 160-13

W. [130569](#)

Joint Funding Agreement, Madison Street/IL Route 53 Intersection Improvements

Approving an Agreement with the Illinois Department of Transportation to share the cost (50% State/50% Local) of the design engineering for the Route 53 improvements. (UNINCORPORATED)

This Resolution was adopted on the Consent Agenda

Enactment No: Resolution R 161-13

Other Matters

X. [130527](#)

48" Sanitary Sewer Chemical Grouting

Request for a waiver of bids and approval of a payment to National Power Rodding in an amount not to exceed \$21,121.63. Public Act 85-1295 does not apply. (DISTRICT #1)

This Bid was approved on the Consent Agenda

Y. [130557](#)

Snow and Debris Hauling

Request for a waiver of bids and approval to extend the contract with Nagle Trucking and Material in an amount not to exceed \$20,000.00. Public Act 85-1295 does not apply.

This Bid was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Mike Fugiel, seconded by Trustee Reid Foltyniewicz, to Approve the Consent Agenda The motion carried by the following vote

Z. [130566](#)

Water Meter Reading Services

Request for a waiver of bids and extension to a contract for a period of two (2) years with three (3) one year options not to exceed \$75,000 for water meter reading services. Public Act 85-1295 does not apply.

This Bid was approved on the Consent Agenda

AA. [130477](#)

ZBA 13-06: 521 S. Lewis Avenue (Continued from November 7, 2013) (Request to Withdraw and Fee Reimbursement)

Requests that the Village grant a variation from Section 155.205 (B)(3) of the Lombard Zoning Ordinance to increase the maximum allowable

hedge height in a clear line of sight area from two feet (2') to two feet and six inches (2' 6"), located within the R2 Single-Family Residential Zoning District. The petitioner is withdrawing his request and seeking reimbursement for public hearing fees in the amount of \$450.00.
(DISTRICT # 5)

This Request was approved on the Consent Agenda

BB. [130542](#)

SUB 13-02: LFI 1301 N. Lombard Road

Requests approval of a three-lot major plat of subdivision for the property located at 1301 N. Lombard Road.
(DISTRICT #1)

This Request was approved on the Consent Agenda

CC. [130549](#)

Appointment - Liquor Commission

Request for concurrence in the appointment of Melissa Schmitz to the Liquor Commission to fill a vacancy created by the resignation of Frank Hayes.

This Appointment was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Mike Fugiel, seconded by Trustee Reid Foltyniewicz, to Approve the Consent Agenda The motion carried by the following vote

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

A. [130494](#)

Proposed Tax Levy Ordinance

Providing for the levy and assessment of taxes for the fiscal year beginning January 1, 2013 and ending December 31, 2013.

Trustee Fugiel thanked the Finance Committee, staff and department heads for all of their work on the budget and tax levy. He spoke of the Park District tax levy freeze in 1994 and the seven year struggle the Park District had with regard to legislation and the tax levy. He noted the Park District lost over \$8 million and has recovered, but that they are 10 years behind schedule with infrastructure improvements and noted how much more costly the projects are today compared to 10 years ago. He felt no other taxing agencies will provide tax breaks

and that the taxes will continue to rise. He talked about the 25% fund balances and the reality of a \$6.67 tax break to residents. He talked about campaign tactics and transparency.

Trustee Breen indicated his commitment in his 2011 campaign literature was to hold the line on tax increases. He noted that he voted against both tax levies, although last year he was out-voted. He talked about savings to residents and spending money responsibly. He spoke of eliminating the vehicle sticker tax and the \$500,000 savings residents received. He spoke about declining home values. He talked about the Village Board's control over a portion of the tax bills and he hoped other taxing agencies would follow the Village in freezing the tax levy. He commended the Board for ending the maximum tax levy increase year after year. He felt previously the Village was not looking at whether they needed the money or not, but just increased the tax levy each year. He noted the County levy went down in 2011-2012.

President Giagnorio stated he hoped the Trustees had done their homework with regard to the tax levy and that they each knew the ramifications of not passing the tax levy. He stated that 90% of the calls that he receives from residents are service-related. He hoped that this freeze would not affect Village services provided to residents. He felt that if Village services were impacted due to the freeze, that the Board would have made a mistake by freezing the tax levy. He talked about the other governmental bodies and tax levies, but feared that if the tax freeze impacted Village services, it was not the right action to take. He indicated the amount of money the Village receives on tax bills is a very minimal amount. He noted that he will be tracking this with Director of Finance Tim Sexton.

Trustee Breen asked that the Board be kept advised.

A motion was made by Trustee Peter Breen, seconded by Trustee Dan Whittington, that this Ordinance be passed on first reading. The motion carried by the following vote:

Aye: 4 - Dan Whittington, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Nay: 1 - Mike Fugiel

Absent: 1 - Bill Ware

Enactment No: Ordinance 6898

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

A motion was made by Trustee Peter Breen, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, November 7, 2013 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 8:30 p.m. for the purpose of discussion of Pending Litigation and the Acquisition of Real Property. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Sharon Kuderna, and Bill Ware

XII. Reconvene

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, November 7, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 8:41 p.m.

6 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

2 - Sharon Kuderna, and Bill Ware

XIII Adjournment

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A motion was made by Trustee Mike Fugiel, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, November 7, 2013 in the Board Room of the Lombard Village Hall be adjourned at 8:42 p.m. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Sharon Kuderna, and Bill Ware