

Village of Lombard

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



Minutes

Thursday, October 17, 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, October 17, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:30 p.m. Deputy Village Clerk Janet Downer led the Pledge of Allegiance.

II. Roll Call

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

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

III. Public Hearings

IV. Public Participation

[130414](#)

Presentation of the William J. Mueller Lombard Heritage Award

Lyn Myers, Lombard Historical Commission member, spoke regarding the William J. Mueller Lombard Heritage Awards. She stated the three nominees were Pat Poscokil, Richard Hoch and the late Margot Fruehe, and provided a background for each. She announced the winner of the William J. Mueller Heritage Award as Margot Fruehe. Margot's husband accepted the award.

[130516](#)

Proclamation - Lombard History Month

Deputy Village Clerk Janet Downer read the proclamation for Lombard History Month.
President Giagnorio presented the proclamation to Rita Schneider

President of the Lombard Historical Commission.
Rita Schneider thanked the Village and the volunteers.

[130517](#)

Proclamation - GFWC Advocates for Children Week

Deputy Village Clerk Janet Downer read the proclamation for the General Federation of Women's Clubs.
President Giagnorio presented the proclamation to members of the GFWC.
Barb Madagin spoke about the various programs and thanked the Village.

Tom Masterson, 128 W. St. Charles Road, spoke regarding the parking and garages at the Park West Condos. He indicated that he had 11 unanswered questions and asked about transparency. He noted that this is the fourth time he had spoken at the Village Board meetings, and he still has not received answers to his 11 questions. Trustee Foltyniewicz stated that he did not know if Mr. Masterson's accusations were correct or not, but felt he should receive answers. He stated he was fighting for open communication, and he felt the Village needed to improve communication.

Trustee Breen indicated that he had had a forty-five minute conversation with Tom Masterson and he noted that his I-pad showed some 167 e-mails back and forth between Mr. Masterson and Village staff. He felt that the Board and staff were trying to move forward and that none of the members of the current Village Board were on the Village Board at the time that the Park West Condos were constructed.

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Dan Whittington, Chairperson

Dan Whittington, Chairperson of the Community Relations Committee, reported the committee had met. The committee reviewed the 2013 Senior Fair. He noted that a new layout of the rooms had been suggested and this may allow for four additional vendors. He thanked the volunteers and staff for a successful event. The committee is also reviewing a Youth Firefighter Program. The next meeting is scheduled

for November 11th. There will be no meeting in December.

Economic/Community Development Committee - Trustee Laura Fitzpatrick, Chairperson

Trustee Laura Fitzpatrick, Chairperson of the Economic and Community Development Committee, reported the committee had met. The committee reviewed current regulations regarding the sale of animals in the Village and has made a recommendation banning the sale of animals at flea markets and other outdoor events. Staff will prepare an ordinance for the Board's consideration. The committee approved the purchase of a portable movie screen from the TIF funds for use at any outdoor viewing of sporting events, etc. Since the purchase was made with TIF funds, the screen will only be able to be used in the TIF District. The committee reviewed the Retail Business Grant Program. They also reviewed and recommended changes with regard to parking permits making them renewable on a yearly basis instead of a six-month basis. The next meeting is scheduled for November 11th.

Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson

Trustee Mike Fugiel, Chairperson of the Environmental Concerns Committee, reminded residents of the November 9th scheduled clean-up of the Prairie Path and the Great Western Trail. He asked anyone wishing to volunteer to contact Public Works or to call him. The next meeting is scheduled for October 22nd.

Finance Committee - Trustee Peter Breen, Chairperson

Trustee Peter Breen, Chairperson of the Finance Committee, reported the committee had met and reviewed the proposed budget and the tax levy. The next meeting is scheduled November 18th.

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 met. He spoke of a resident request for a stop sign at Charlotte and Hammerschmidt from a few years ago and that the request had again been submitted due to some accidents. The committee will be looking at the neighborhood

as a whole before making a recommendation. The committee is also looking at commuter parking downtown and possible parking for mopeds and motorcycles. He spoke of possible development of the DuPage Theatre lot in the future and the loss of parking resulting from the development of the lot. The committee felt that the moped/motorcycle parking would open up additional parking spots. The committee also reviewed the Prairie Path crossing at Main Street and at Westmore-Myers. The committee feels that a study is necessary and this recommendation will be coming to the Board for approval. The next meeting is scheduled for November 11.

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

Acting Village Manager Tim Sexton indicated that due to construction of the entrance and lobby of the Public Works facility to make that facility more handicap accessible, the administration offices will be closed from October 18-22nd and relocated to the Village Hall. He announced that anyone needing to speak to the administrative staff during that time, should come to the Village Hall to do so.

Trustee Bill Ware talked about the Police and Fire Departments and how important they are and how much people depend on them. He told of his personal experience recently where he became ill at home and called his wife to come home. His wife in turn called 911 and the paramedics responded. He thanked Paramedic Dan Campbell and Paramedic Bill Kline for their quick response and their assistance.

Trustee Dan Whittington thanked the volunteers for all of their hard work at the Spooktacular event held this past Sunday. It was estimated that about 4,000 people were in attendance.

Trustee Dan Whittington spoke about the ground breaking event that was held for Native Floral at 1300 N. Lombard Road. He asked Director of Community Development Bill Heniff to speak about the business.

Director Heniff indicated that the business was located in Lombard and looking to expand. They will be constructing a new 59,000 square foot facility at 1300 N. Lombard Road. He stated they do floral

arrangements for various merchants.

Trustee Laura Fitzpatrick spoke about the Spooktacular event and talked about her Facebook page with Trustee Breen's picture of him on the zip line.

President Giagnorio talked about the Outdoor Viewing of the Bears and the Green Bay Packers game scheduled for Monday, November 4th. He noted the game begins at 7:30 pm, but recommended people get there early to get good seats.

President Giagnorio also spoke about the Lombard Town Centre wine dinner event scheduled for Monday, December 9th beginning at 6:30 pm.

Trustee Dan Whittington suggested residents purchase their tickets early for the LTC Wine Dinner as the tickets sell out quickly.

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [130511](#) **Approval of Accounts Payable**
For the period ending October 4, 2013 in the amount of \$386,026.30.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [130528](#) **Approval of Village Payroll**
For the period ending October 5, 2013 in the amount of \$853,544.26.
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [130529](#) **Approval of Accounts Payable**
For the period ending October 11, 2013 in the amount of \$989,695.82.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- D. [130475](#) **ZBA 13-05: 640 N. Charlotte Street**
Requests that the Village grant a variation from Section 155.205 (A)(1) (c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6'), located within the R2 PD Single-Family Residential Planned Development (Prairie Place) Zoning District. (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 6877

E. [130476](#)**ZBA 13-07: 330 W. Potomac Avenue**

Requests that the Village grant a variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back twenty-two feet (22') feet where twenty-five feet (25') is required for the front yard, all located within in the R2 Single-Family Residence 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 6878

F. [130512](#)**Disposal of Surplus AED**

Ordinance declaring 19 AED as surplus and authorizing their sale to Integris Equipment in the amount of \$2,375. 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 6879

G. [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 first reading on the Consent Agenda

Enactment No: Ordinances 6891, 6892, 6893

Other Ordinances on First Reading***H. Proposed Tax Levy Ordinance (Moved to IX-A1)****Ordinances on Second Reading**I. [130462](#)**PC 13-15, Text Amendments to the Zoning Ordinance - Permitted Uses in the B2 District**

The Village of Lombard is proposing the following texts amendment to the Lombard Zoning Ordinance: An amendment to Section 155.414, B2 General Neighborhood Shopping District Requirements (B) to include the additional permitted uses of Bicycle sales; Business machine sales; Carpet and rug stores, retail sales only; Closet and storage organizer stores; Compact disc, record and sheet music

stores; Electrical and household appliance stores, including radio and television sales; Furrier shops; Garden supply, tool and seed stores; Health services and weight reduction services; Home improvement stores and showrooms; Leather goods and luggage stores; Locksmith shops; Mail order, catalog store; Musical instrument sales; Office supply stores; Paint, glass, and wallpaper stores; Pet shops; Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises; Picture framing, when conducted for retail trade on the premises only; Printing and duplicating services; Repair, rental and servicing of any article the sale of which is a permitted use in the district; Sewing machine sales and service-household appliances only; Shoe stores; Sporting goods stores; Ticket agencies, amusement; Toy shop; Travel bureaus and transportation ticket offices. (DISTRICTS - ALL)

This Ordinance was passed on second reading on the Consent Agenda

Enactment No: Ordinance 6880

Resolutions

- J. [130453](#) **Asphalt Paving & Patching, Change Order No. 3**
Reflecting an increase to the contract with James D. Fiala Paving Company, Inc. in the amount of \$8,804.79. (DISTRICTS - ALL)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 151-13
- K. [130507](#) **Finley Road Pavement Rehabilitation, Phase 2, Change Order No. 3**
Reflecting an increase of \$14,718.23 to the contract with ALamp Concrete Contractors. (DISTRICT #1)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 152-13
- L. [130508](#) **Terrace View Pond Improvements, Change Order No. 3**
Reflecting an increase to the contract with Martam Construction, Inc. in the amount of \$13,537.20.
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 153-13
- M. [130513](#) **FY2013 Sanitary Sewer Cleaning & Televising Program, Change Order No. 3**
Reflecting a decrease to the contract with Chicagoland Trenchless Rehab, Inc. in the amount of \$234.13. (DISTRICTS - ALL)
This Resolution was adopted on the Consent Agenda

Enactment No: Resolution 154-13

- N. [130518](#) **Yorktown Center Event Agreement - Public Works Training Event**
Authorizing the signature of the Director of Public Works on an agreement with Yorktown Center for the use of the Highland Avenue Parking Lot between November 4, 2013 and November 6, 2013 for Public Works Driver Training. (DISTRICT #3)

This Resolution was adopted on the Consent Agenda

Enactment No: Resolution 155-13

Other Matters

- O. [130506](#) **Pension Fund Accounting Services**
Request for a waiver of bids and authorization for the Director of Finance to sign an engagement letter with Lauterbach & Amen for Police and Fire Pension Accounting Services for FYE 2014-2016.

This Request was approved on the Consent Agenda

- P. [130468](#) **ENERNOC Electrical Load Shedding Program**
Staff recommendation to authorize Village enrollment in the program. (DISTRICTS - ALL)

This Request was approved on the Consent Agenda

- Q. [130526](#) **Jaycees Haunted House Special Event Signage: 356 Yorktown Shopping Center**
Request from the Lombard Jaycees to place temporary signage in the public right-of-way for the promotion of their Haunted House valid to November 2, 2013. (DISTRICT #3)

This Request was approved on the Consent Agenda

Approval of the Consent Agenda

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

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

- *A. [130477](#) **ZBA 13-06: 521 S. Lewis Avenue (Request to Continue to**

November 7, 2013)

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. (DISTRICT # 5)

A motion was made by Trustee Laura Fitzpatrick, seconded by Trustee Reid Foltyniewicz, that this matter be continued to November 7, 2013. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

A-1. [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.

President Giagnorio indicated that the Tax Levy had been pulled from the Consent Agenda by Trustee Breen and asked Trustee Breen to comment.

Trustee Breen stated that he was the Chairperson of the Finance Committee, and talked about the difference between the Village's budget planning and your own personal budget planning. He spoke of the Village Board and the Finance Committee reviewing the proposed budget line-item by line-item. He talked about the Village being financially solid and having \$46 million in investments in addition to fund balances being higher than the 25% recommended in the Village Policies. He spoke about the success of the ERI and the monies saved based on the ERI and also the savings in risk management costs. He felt the Village had \$1.8 million above what is needed at this time. He noted the tax levy has been increased year after year for at least the last ten years and wanted to see a freeze on the tax levy at this point. He hoped that each taxing entity would consider doing the same to help lower the tax bills of residents. He spoke of the Village receiving 1/4 million dollars from the proposed tax levy increase. He felt the Village should act responsibly and freeze the tax levy.

Trustee Laura Fitzpatrick indicated that she concurred with the recommendation of Trustee Breen. She talked of how she had recommended the elimination of the vehicle stickers and would not ever vote to reinstate that fee.

Trustee Ware stated that he had reservations regarding freezing the tax levy. He indicated that the amount is \$250,000 this year, but that next year it would be \$260,000 and it would continue to grow. He asked the Board members to think about the Village's future and their children and grandchildren. He asked Acting Village Manager Tim Sexton to further explain the tax levy.

Acting Village Manager Tim Sexton stated that this year the amount would be a \$250,000 loss in revenue and talked about how it continues to grow and talked about the CPI. He estimated that the

loss in a ten year period would be \$2.9 million.

Trustee Ware commented about pension costs and being able to keep Village services to the residents at the current levels. He stated the cost per household was something like \$6.60. He felt all of the other taxing bodies would raise their tax levies and thus all of the tax bills will still increase. He talked about having to dip into reserves. He spoke of the Village's credit rating being lowered and that the Village will have to go on a cash-only purchase basis. He talked about the long-term effects of freezing the tax levy. He stated he could not support the freeze.

Acting Manager Sexton indicated the tax freeze would equate to \$6.67 per household.

Trustee Mike Fugiel stated the he was opposed to the tax levy freeze. He talked about pension costs, flooding and infrastructure problems that he felt needed to be addressed. He felt freezing the tax levy to make a statement was poor judgment.

Trustee Foltyniewicz asked questions about the tax levy and the freeze.

Trustee Dan Whittington stated that it was an opportunity for the Village Board to do something for the residents, and not increase taxes, and would support the tax freeze this year.

Trustee Laura Fitzpatrick talked about the \$60 million and felt if the Village did not need the money at this time, they should not take it. She felt that someone needed to stop raising taxes and supported the freeze.

Trustee Breen encouraged the Village Board to support his recommendation of a tax freeze.

Attorney Bayer indicated that if the motion passed, that staff would need to update the proposed ordinance accordingly. This matter should be scheduled for the next Village Board meeting and could be done with a waiver of first, which would be the same passage date as this proposed ordinance was on first reading and would have been scheduled for second reading at the next Village Board meeting.

A motion was made by Trustee Peter Breen, seconded by Trustee Dan Whittington, that the Village Board concur in freezing the tax levy for January 1, 2013 to December 31, 2013. The motion carried by the following vote:

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

Nay: 2 - Mike Fugiel, and Bill Ware

A motion was made by Trustee Peter Breen, seconded by Trustee Dan Whittington, that the Ordinance proposing the tax freeze be continued to the November 7, 2013 Village Board meeting. The motion carried by the following vote:

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

Nay: 2 - Mike Fugiel, and Bill Ware

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Peter Breen, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, October 17, 2013 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 8:37 pm for the purpose of discussion of Information Regarding the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of a Specific Employee or Specific Employees of the Village. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

XII. Reconvene

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, October 17, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 8:58 p.m. in the Board Room of the Lombard Village Hall. Upon roll call, the following were:

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

XIII Adjournment

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A motion was made by Trustee Dan Whittington, seconded by Trustee Peter Breen, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, October 17, 2013 be adjourned at 8:59 pm. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware