

# Village of Lombard

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



## Minutes

**Thursday, December 20, 2012**

**7:30 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Acting Village President Bill Ware*

*Village Clerk: Brigitte O'Brien*

*Trustees: Greg Gron, District One; Keith Giagnorio, District Two;  
Zachary Wilson, 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 was called to order by Acting Village President Peter Breen at 7:30 p.m. Thursday, December 20, 2012 in the Board Room of the Lombard Village Hall. Village Clerk Brigitte O'Brien led the Pledge of Allegiance.

## II. Roll Call

Staff Present:  
Village Manager David Hulseberg  
Director of Finance Tim Sexton  
Director of Community Development Bill Heniff  
Director of Public Works Carl Goldsmith  
Chief of Police Ray Byrne  
Fire Chief Paul DiRienzo  
Executive Coordinator Carol Bauer

Acting President Breen asked for a Moment of Silence for the victims and families of the Sandie Hook Elementary School shooting.

## III. Public Hearings

## IV. Public Participation

Marymae Meyer, 414 W. Windsor, spoke with regard to the Fire Department request for an additional firefighter. She felt the position had been approved and was included in the budget. She questioned why the Village Board would not approve this request and also felt there was established reasoning for the request. She spoke of the department heads being competent and highly qualified professionals. She spoke of the Village mission to provide superior service to the residents.

[120610](#)

### **Sustainability Award**

Trustee Laura Fitzpatrick introduced Mike Feingenbaum and Tim

Pierce of The Westin Lombard. She noted a presentation had been made to the Environmental Concerns Committee with regard to green practices put into place at The Westin and the benefits and cost savings realized by these practices. The ECC awarded The Westin the Sustainability Award for these accomplishments.

Tim Pierce spoke of the 38% reduction in electricity, the 20% reduction in water and the continued efforts of the staff to reduce and reuse.

Mike Feingenbaum talked about supporting a clean world and repurposing shampoo, etc. and shipping those partially used products to Florida.

## V. Approval of Minutes

A motion was made by Trustee Keith Giagnorio, seconded by Trustee Zachary Wilson, that the Minutes of the Regular Meeting of December 6, 2012 be approved. The motion carried by the following vote:

## VI. Committee Reports

### **Community Relations Committee - Trustee Keith Giagnorio, Chairperson**

No report

### **Economic/Community Development Committee - Trustee Peter Breen, Chairperson**

Trustee Peter Breen Chairperson of the Economic and Community Development Committee, reported the committee had further discussed funding for Lombard Town Centre and had unanimously recommended funding for LTC. The next meeting is scheduled for January 14th.

### **Environmental Concerns Committee - Trustee Laura Fitzpatrick, Chairperson**

No report

### **Finance Committee - Trustee Greg Gron, Chairperson**

No report

**Public Works Committee - Trustee Bill Ware, Chairperson**

Trustee Bill Ware, Chairperson of the Public Works Committee, reported the committee had approved the alley improvements for Charlotte and Martha and that project should be moving forward in the spring. He spoke of a policy with regard to alleys and flooding for future requests.

**Transportation & Safety Committee - Trustee Zachary Wilson, Chairperson**

No report

**Board of Local Improvements - Trustee Greg Gron, President**

No report

**Community Promotion & Tourism - Trustee Laura Fitzpatrick, Chairperson**

No report

**Lombard Historical Commission - Clerk Brigitte O'Brien**

No report

**VII. Village Manager/Village Board Comments**

No report

**VIII Consent Agenda**

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Trustee Giagnorio noted that Item P on the Consent agenda was awarding a new company a contract for landscape restoration, and hoped this would provide faster restoration services to the residents. Acting President Breen noted that Item I on the Consent agenda would provide licensing for additional taxicab and limo services and give residents more options and hopefully better pricing.

**Payroll/Accounts Payable**

- A.      [120635](#)      **Approval of Village Payroll**  
For the period ending December 1, 2012 in the amount of \$915,451.05.

This Payroll/Accounts Payable was approved on the Consent Agenda

B. [120636](#)

**Approval of Accounts Payable**

For the period ending December 7, 2012 in the amount of \$532,158.38.

This Payroll/Accounts Payable was approved on the Consent Agenda

C. [120643](#)

**Approval of Accounts Payable**

For the period ending December 14, 2012 in the amount of \$300,899.52.

This Payroll/Accounts Payable was approved on the Consent Agenda

**Ordinances on First Reading (Waiver of First Requested)**

D. [120639](#)

**Amending Title 11, Chapter 112 of the Lombard Village Code**

Revising the Class "C" liquor license category granting a liquor license to Kobe IL, Inc. d/b/a Kobe Hibachi Sushi Buffet, 551 E. Roosevelt Road. (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 6782

E. [120644](#)

**Amendment of the Village Code Regarding Motor Vehicle Licensing**

Clarifying there will be no refund or proration of a rental motor vehicle license as a result of the repeal of Section 70.09 of the Village Code. Waiver of first is requested by staff.

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

Enactment No: Ordinance 6783

F. [120645](#)

**Repealing Title 7, Chapter 70 of the Lombard Village Code**

Ordinance repealing Title 7, Chapter 70 of the Lombard Village Code repealing the motor vehicle vehicle sticker licensing program from the 2013 budget effective April 30, 2013. Waiver of first is requested by staff.

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

Enactment No: Ordinance 6784

\*G. [120604](#)

**ZBA 12-04: 151 N. Charlotte St.**

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow for an emergency standby generator unit in the required six foot (6') interior side yard setback. (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 6785

### Other Ordinances on First Reading

- H. [120624](#) **Arboretum Drive, Yield Signs**  
Request to install yield signs at the intersections of Arboretum Drive with Lincoln and Edson Streets. (DISTRICT #3)  
**This Ordinance was passed on first reading on the Consent Agenda**  
Enactment No: Ordinance 6793

### Ordinances on Second Reading

- I. [120334](#) **Taxicabs and Liveries - Text Amendments to Chapter 121 of Village Code**  
Establishing Title 11, Chapter 121, of the Lombard Village Code with regard to Transportation Operations of Taxicabs.  
**This Ordinance was passed on second reading on the Consent Agenda**  
Enactment No: Ordinance 6786
- J. [120626](#) **Village Board Policy Manual Update - Employee Reimbursement Policies Associated with Use of Village Vehicles**  
Request to adopt a new Village Board Policy entitled "Employee Reimbursement Policies Associated with Use of Village Vehicles" as part of the Village Board Policy Manual.  
**This Ordinance was passed on second reading on the Consent Agenda**  
Enactment No: Ordinance 6781

### Resolutions

- K. [120615](#) **FY2012B Sewer Cleaning and Televising, Change Order No. 1**  
Reflecting a 60 day increase in the length of the contract with Chicago Trenchless Rehabilitation, Inc. (DISTRICTS - ALL)  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: Resolution 70-13
- L. [120637](#) **2012B Driveway Apron, Curb and Sidewalk Restoration Program, Final Balancing Change Order No. 2**

Reflecting a decrease to the contract with Kings Point General Cement in the amount of \$47,514.57. (DISTRICTS - ALL)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Resolution 71-13

M. [120638](#)

**Tree & Stump Removal, Change Order No. 1**

Reflecting an increase to the contract with Steve Piper & Sons Tree Service in the amount of \$18,000.00. (DISTRICTS - ALL)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Resolution 72-13

**\*N. FY 2013 Funding for Lombard TownCentre (Moved to Separate Action IX-B)**

O. [120653](#)

**Snow and Debris Hauling**

Award of a contract to Nagel Trucking, the lowest responsible bid of two bidders, in an amount not to exceed \$41,340.00. Bid in compliance with Public Act 85-1295.

**This Bid was approved on the Consent Agenda**

**Other Matters**

P. [120641](#)

**Landscape Restoration**

Request for a waiver of bids and renewal of a contract with TNT Landscape Construction, Inc. in the amount of \$49,750.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)

**This Bid was approved on the Consent Agenda**

**\*Q. Local Debt Recovery Program (Moved to Separate Action IX-C)**

R. [120648](#)

**PC 09-08: 331 W. Madison (CPSA School), Time Extension Request**

Motion to concur with Village staff's recommendation and deny the request for the adoption of an Ordinance granting a further time extension for taking action pursuant to Ordinance Numbers 6347, 6481, 6625 & 6721, with a waiver of first reading. (DISTRICT #6)

**This Request was approved on the Consent Agenda**

S. [120650](#)

**ZBA 03-27: 25 E. North Avenue, Time Extension Request**

Motion to concur with the Village staff's recommendation and deny the request for the adoption of an Ordinance granting a further time extension for taking action pursuant to Ordinance Numbers 5423, 5605, 5809, 5995, 6147, 6303, 6443 & 6584, with a waiver of first reading. (DISTRICT #4)

This Request was approved on the Consent Agenda

- T. [120651](#) **Appointment - Community Promotion & Tourism Committee**  
Request for concurrence in the appointment of Robyn Healy-Pike to the Community Promotion & Tourism Committee.

This Appointment was approved on the Consent Agenda

### Approval of the Consent Agenda

A motion was made by Trustee Zach Wilson, seconded by Trustee Keith Giagnorio, to Approve the Consent Agenda The motion carried by the following vote

## IX. Items for Separate Action

### Ordinances on First Reading (Waiver of First Requested)

Acting President Breen noted that Brice Matthews, a star Scout, was in the audience observing the Board meeting and that he was working toward his Eagle Scout badge.

- A. [120652](#) **Amending the Budget Ordinance (2/3 Vote Required)**  
Recommendation that the Village not adopt an Ordinance amending the Budget Ordinance to appropriate funds for the Debt Service for the Series 2005-A bonds for the Hotel and Conference Center, in the response to the request from the Lombard Public Facilities Corporation to do so. Waiver of first reading is requested by staff. (2/3 Vote Required)

Acting President Breen noted that an AdHoc Committee of Trustee Bill Ware, Ken Florey and himself had been formed with regard to The Westin.

A motion was made by Trustee Bill Ware, seconded by Trustee Greg Gron, that the Village Board not adopt an Ordinance amending the Budget Ordinance to appropriate funds for the Debt Service for the Series 2005-A bonds for the Hotel and Conference Center, in the response to the request from the Lombard Public Facilities Corporation to do so. The motion carried by the following vote:

### Other Ordinances on First Reading



## Ordinances on Second Reading

### Resolutions

\*B. [120595](#)

#### **Lombard Town Centre Request for Funding - Calendar Year 2013**

Request to provide Lombard Town Centre with funding in the amount of \$50,000 for the 2013 calendar year, subject to certain terms and provisions set forth in the resolution.

Walter Smith, 411 S. School Street, and President of Lombard Town Centre, spoke with regard to the funding request of LTC. He indicated eight new businesses had opened in downtown Lombard. He thanked former President Mueller, the Village Board, Manager Hulseberg and the Village staff for all of their assistance. He also spoke with regard to old businesses who had continued to stay in downtown Lombard through good times and bad. He spoke of the 100 year anniversary of the Lombard Fire Department, the outdoor seating code amendment, the Carriage House expansion, the Great Western Trail Bridge completion scheduled for 2013, and the white lights in the trees in the downtown area. He stated that bringing new businesses to downtown Lombard is not an overnight process. He stated that LTC can not take all of the credit and indicated this is a team effort. He felt the various events in downtown benefited everyone. He touched on key properties becoming available and about the advantages of collective advertising being cost-effective and reaching out to more residents and visitors. He talked about the strong volunteer group and encouraged "live, work and play purple".

Colleen Whittington 39 N. Elizabeth, stated she had been involved with LTC for five years. She thanked the Village Board for their sponsorship of the Lombard Town Centre in the past, and about a growing and thriving downtown. She encouraged the Board to continue the momentum. She thanked Director Heniff, Assistant Director Stilling, Director Goldsmith, the Police and Fire Departments for all of their assistance. She noted the blood, sweat and tears of all involved in the downtown revitalization and the dedication of the volunteers. She asked "when is enough, enough", and felt the answer was "never". She talked about the partnership of the Village and LTC. She spoke of a healthy and vibrant downtown, creating jobs, Lombard pride, and the request for funding for one part-time person and operating expenses. She indicated LTC has been diligent in its spending, but no longer has a reserve. She spoke of the events bringing vital awareness to the downtown. She stated LTC is requesting \$50,000. She spoke of the success that the downtown has realized. She talked of funding that the Elmhurst and Glen Ellyn downtown organizations receive. She talked about LTC wanting to be the best that they can be, and the 2,000 volunteer hours that had been

donated. She asked for continued Village support and noted that LTC does look for corporate sponsorship as well. She spoke regarding Tax Increment Funding.

Trustee Gron stated that he has supported LTC since its inception and the Main Street Program, but was looking for documentation as to where the money was being spent similar to what the Village requests from the Jaycees and the Lilac Parade Committee. He indicated he had no issue with LTC and would be supporting their request.

Trustee Ware indicated that he had reservations about LTC, but felt they had done a fantastic job, congratulated them and indicated he would support their request.

Trustee Giagnorio indicated he knew the difficulty with small business. He complimented Dan and Colleen Whittington and Walter Smith and the LTC organization and congratulated them.

Acting President Breen indicated the funding request had been submitted to the ECDC, and that the committee had put LTC through the wringer reviewing their request. He noted that the TIF expires in 2023 and spoke with regard to long-term funding. He stated the ECDC had unanimously concurred with approving the funding request.

Trustee Fitzpatrick congratulated LTC, spoke of their high energy and dedication, how they had shown results, spoke of the number of volunteers who donate hours and felt LTC was "the best bang for the buck".

**A motion was made by Trustee Greg Gron, seconded by Trustee Keith Giagnorio, that the Resolution approving funding for Lombard Town Center for FY 2013 in the amount of \$50,000 be adopted. The motion carried by the following vote:**

Enactment No: Resolution 73-13

## Other Matters

\*C. [120505](#)

### Local Debt Recovery Program

Intergovernmental Agreement with the Illinois Comptroller's Office and request to contract with XSELL Technologies for Match File Assistance.

Village Manager Hulseberg indicated that a law had been passed effective January 1, 2012 with regard to unpaid fees including parking tickets, ambulance fees and water bills. The Village would be able to receive upwards of \$350,000 in unpaid fees and fines if the Board approved the adoption of the Local Debt Recovery Program. At this

point, only the unpaid parking tickets could be sought using this program. He stated in the past the Village has sent unpaid fees and fines to a collection agency, but that in the past five years, the Village has only received about \$13,000 from this action. He stated with the Local Debt Recovery Program, the Village could receive approximately \$70,000 the first year and pay only 10% in fees. He talked of the negativity of booting vehicles for unpaid parking fines. He spoke of this being an alternative and a tool in the tool box. He spoke of the responsibility of getting monies owed to the Village paid to the Village. The Local Debt Recovery Program, if approved, would attach the fines to the individuals's State income tax check up to the amount of \$250. He talked about this program placing this debt first in line for collection. He felt it was the individuals's obligation to pay the debt and noted that debt is debt. He noted that the Finance Committee had approved a one-year trial period for this program. He noted the majority of parking tickets are for non-residents. They are provided numerous opportunities to satisfy their fines, but do not appear in court or respond.

Trustee Ware asked what other communities are doing.

Manager Hulseberg indicated that other communities are using this method to collect the fees and fines. He stated that a \$25 parking ticket jumps to \$250 if the person does not pay the ticket or appear in court.

Trustee Giagnorio asked about the 10% fee. He proceeded to talk about a set of his license plates being stolen, placed on a car and how he has received notices about parking tickets in Chicago.

Manager Hulseberg indicated in such a case, communication to the Village would handle the situation.

Director Sexton stated the State puts a hold on the income tax check and it is held in a trust fund for 60 days. The individual has 60 days to appeal the decision.

Trustee Giagnorio asked if there were a lot of people contesting.

Director Sexton indicated that he had not heard of a lot of people contesting. He spoke of the City of Chicago partnering with XSell to confirm that the person is the correct person who was issued the ticket.

Trustee Wilson indicated he will not support this.

Trustee Fitzpatrick spoke of the State income tax refund being the person's money, stated she did not trust the State handling the money, would not support this program and felt this was too invasive.

Trustee Gron asked where do we stop. He felt that not pursuing collection of these fines was encouraging people to park illegally, receive a ticket and not pay it. He asked about not paying and not having the ability to pay. He felt people need to abide by the rules.

Manager Hulseberg suggested instituting a new amnesty program where individuals are given a date by which to pay a reduced fine to see if that would help resolve the unpaid parking tickets. He

suggested the Board review this at a later time.

Acting President Breen was in favor of the amnesty program.

Manager Hulseberg indicated this would be sending a message and staff could look at this avenue.

Trustee Ware concurred with Manager Hulseberg and felt this could be revisited in the spring.

Trustee Wilson moved that this matter be tabled indefinitely.

Trustee Fitzpatrick suggested sending the amnesty program to the Finance Committee for review.

Trustee Ware suggested also sending this to the Transportation & Safety Committee.

Trustee Wilson withdrew his motion.

**Trustee Wilson moved to table the Local Debt Recovery Program. The motion was withdrawn.**

**A motion was made by Trustee Fitzpatrick and seconded by Trustee Ware to refer the proposed amnesty program to the Finance Committee and the Transportation and Safety Committee for review and recommendations to the Village Board.**

Acting President Breen wished everyone a Merry Christmas and Happy New Year.

## **X. Agenda Items for Discussion**

## **XI. Executive Session**

**A motion was made by Trustee Keith Giagnorio, seconded by Trustee Greg Gron, that the Regular Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, December 20, 2012 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 8:37 p.m. for the purpose of Reviewing and Approving Executive Session Minutes. The motion carried by the following vote:**

**To Discuss: Reviewing and Approving Executive Sessions Minutes**

## **XII. Reconvene**

The recessed Regular Meeting of the President and Board of Trustees of the Village of Lombard was called o order by Acting President Breen at 8:46 p.m. Thursday, December 20, 2012 in the Board Room of the Lombard Village Hall. Upon roll call by Village Clerk O'Brien, the following were:

## **XIII Adjournment**

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**A motion was made by Trustee Bill Ware, seconded by Trustee Keith Giagnorio, that the Regular Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, December 20, 2012 in the Board Room of the Lombard Village Hall be adjourn. The motion carried by the following vote:**