

Village of Lombard

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



Minutes

Thursday, April 19, 2012

7:30 PM

Village Hall Community Room

Village Board of Trustees

Village President: William J. Mueller

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 held on Thursday, April 19, 2012 in the Community Room of the Lombard Village Hall was called to order by Village President William J. Mueller at 7:30 p.m. Village President Mueller led the Pledge of Allegiance.

II. Roll Call

Present 7 - William J. Mueller, Greg Gron, Keith Giagnorio, Zachary Wilson, Peter Breen, Laura Fitzpatrick, and Bill Ware

Absent 1 - Brigitte O'Brien

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
Acting Fire Chief Jerry Howell
Business Administrator Denise Kalke
Executive Coordinator Carol Bauer

III. Public Hearings

[120191](#)

Public Hearing

To obtain input on the Electric Residential Aggregation Plan for residents and small businesses of the Village of Lombard.

Village Attorney Tom Bayer called the Public Hearing to order at 7:33 p.m. He noted that a referendum had been passed with regard to electric aggregation. The Village Board will conduct two public hearings - one tonight and one on May 3rd.

David Hoover, NIMEC, stated NIMEC is a consulting firm that handles about 60 communities with regard to electric aggregation. He spoke of the Village taking action in hopes of lowering residents' and small businesses' electricity bills. He indicated deregulation occurred in 1997 and that deregulation broke up ComEd and thus offered other alternative companies providing electricity. He spoke of the Village acting as a purchasing agent for the residents. He talked about the Plan of Governance and how this will be administered. He stated NIMEC will go out to bid and will likely receive 7 to 10 bids. NIMEC will compare the bids and present the comparisons to the Village

Board. He noted that all residents will receive two mailings with regard to the electric aggregation and will have the option to opt-out of the plan. He stated that electric bills will remain the same and ComEd will still provide service. He felt the average homeowner will save approximately \$250 annually. He felt this was a win-win situation. He talked about keeping approximately \$2.5 million in Lombard instead of going to ComEd.

Marymae Meyer, 414 W. Windsor, supported electric aggregation, but asked the Village Board to look at 100% renewable energy when awarding a bid.

Lonnie Morris, 209 W. Sunset, thanked the Village Board for pursuing electric aggregation. She felt this was in the best interest of the residents. She spoke of people with asthma and asked the Village Board to look at renewable energy. She spoke of coal burning electricity not being clean and causing health issues. She asked the Board to look at providing the most renewable energy possible in the contract.

Cynthia Ward, 700 Chase Lane, asked the Board to support renewable energy when awarding a contract for electric aggregation.

Doug Gotham, 410 N. Garfield, stated he supported electric aggregation. He spoke of breaking away from the ComEd cycle and using alternative suppliers. He questioned how the 7-10 bidders will qualify.

David Hoover stated there are about 23 suppliers in Illinois and that packets were sent to all of them. Eight responses were received. He spoke of the contractor being awarded the bid guaranteeing that if the ComEd rate dropped lower than the current rate they offered, that they would lower their rate.

Doug Gotham asked several questions of David Hoover and Mr. Hoover responded. He spoke of people purchasing highbred cars and paying more for them, but knowing they were more efficient and compared that to electric aggregation. He talked about buying from the smaller business rather than the larger.

Trustee Fitzpatrick asked if a resident opted out, could that resident then purchase 100% renewable energy on their own.

David Hoover indicated residents can do that.

Dana Moreau, 116 N. Charlotte, spoke about opting-out and felt the Board should look out for all Lombardians. She felt the Board should look at not only cost, but renewable energy as well. She felt if a resident tried to purchase renewable energy on their own, the cost could be 30% higher.

David Hoover stated all information on the providers is listed on the pluginillinois.org website. He felt the green cost was less than ComEd currently. He stated when they present the bids to the Board, they will show the green options.

Trustee Giagnorio asked if a resident or small business currently has a contract with another company, and they opt out, will they after the

contract expires, be able to opt in.

David Hoover stated that all residents and businesses that have contracts will be automatically opted out of the program. They will not have to opt out. At the end of the contract, those residents and businesses can then opt in.

Allen Meyer, 414 W. Windsor, spoke of electric aggregation and questioned it as it relates to the purchase of Lake Michigan water from the City of Chicago. He asked if the rates can be increased like the water with no notice.

President Mueller stated that the City of Chicago cannot raise the water rates without increasing the rates to Chicago residents as well.

Attorney Tom Bayer stated Com Ed is regulated by the Illinois Commerce Commission and cannot raise the rates, and would need to petition the ICC for any rate increases.

David Hoover indicated that ComEd is not adversely affected by aggregation as they are compensated on the delivery of the electricity. They no longer produce electricity. He stated that everyone uses ComEd to deliver electricity.

Being no other persons wants to speak, the Public Hearing was closed at 8:05 p.m.

President Mueller asked for a moment of silence in memory of West Chicago Mayor Mike Kwasman who had passed away.

IV. Public Participation

[120187](#)

Swearing-in - Probationary Patrol Officer Charles Brack

Chief Byrne provided a bio on Probationary Patrol Officer Brack. Village President Mueller issued the Oath of Office to Probationary Chuck Brack.

Probationary Patrol Officer Brack introduced his family and thanked the Village.

[120212](#)

Proclamation - Lombard Pride Week

Acting Village Clerk Denise Kalke read the proclamation for Arbor Day.

[120201](#)

Proclamation - Arbor Day

Acting Village Clerk Denise Kalke read the proclamation for Lombard Pride Week.

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Keith Giagnorio, Chairperson

Trustee Keith Giagnorio, Chairperson of the Community Relations Committee, reported the committee had not met. The next meeting is scheduled for May 14th.

Economic/Community Development Committee - Trustee Peter Breen, Chairperson

Trustee Peter Breen, Chairperson of the Economic & Community Development Committee, reported the committee had not met. He spoke of the ECDC recommendation on the agenda. The next meeting is scheduled for May 1st. He stated the committee may have a special meeting with regard to outdoor cafes.

Environmental Concerns Committee - Trustee Laura Fitzpatrick, Chairperson

Trustee Laura Fitzpatrick, Chairperson of the Environmental Concerns Committee, reported the committee had not met. The next meeting is scheduled for April 22nd. The committee will discuss dog tags and garden plots.

Finance Committee - Trustee Greg Gron, Chairperson

Trustee Greg Gron, Chairperson of the Finance Committee, reported the committee had not met. The next meeting is scheduled for April 23rd.

Public Works Committee - Trustee Bill Ware, Chairperson

Trustee Bill Ware, Chairperson of the Public Works Committee, reported the committee had not met. The next meeting is scheduled for May 8th.

Transportation & Safety Committee - Trustee Zachary Wilson, Chairperson

Trustee Zach Wilson, Chairperson of the Transportation and Safety Committee, reported the committee had not met. The next meeting is scheduled for May 7th.

Board of Local Improvements - Trustee Greg Gron, President

Trustee Greg Gron, President of the Board of Local Improvements,

reported the board had not met. The next meeting is scheduled for May 10th.

Community Promotion & Tourism - President William J. Mueller, Chairperson

President William Mueller, Chairperson of the Community Promotion and Tourism Committee, reported the committee had met. The committee reviewed grant applications for Lombard Restaurant Week, for the Civil War Reenactment and for the Lombard Chamber of Commerce. The recommendations will be coming to the Village Board.

Lombard Historical Commission - Clerk Brigitte O'Brien

Deputy Village Clerk Denise Kalke reported on behalf of Brigitte O'Brien that the commission had met. The Commission made a preliminary conclusion that 2 buildings submitted for designation as landmark sites did meet the criteria. After the necessary documentation is submitted, public hearings will be scheduled. The Commission will soon begin accepting nominations for the Lombard Heritage Award, which will be introduced through notices in local newsletters, publications, and websites. The application deadline will be July 31st for an award presentation at an October Village Board meeting. The Commission intends to promote October as Lombard History Month through informative displays in downtown storefronts. The National Register of Historic Places application for the Sheldon Peck Homestead will be re-introduced at the Friday, June 29 Illinois Historic Sites Advisory Council meeting (tentatively scheduled in Springfield). The next meeting will be on July 17th.

VII. Village Manager/Village Board Comments

Village Manager David Hulseberg reported the 5/3 Bank had offered the Village free space at the bank to use as a small off-site Village location.

Trustee Fitzpatrick reminded residents of the 4th annual Sculpture Show to be held from 10a - 4p on May 12.

Village President William Mueller reminded residents that the Board meetings are being held in the Community Room temporarily while renovations to make the Board Room handicap accessible are underway. He spoke of Lilac Time In Lombard and the many activities including: May 5th 1pm Queen Coronation; the Arts and Crafts Fair to be held on May 6th from 10a to 4p with 90 crafters; the Lombard Garden Club Plant Sale on May 10th from 3p-7p, May 11th from 8a - 5p and May 12 from 8a until sold out; the Lilac Ball on May 11th at 6p; the Sculpture Show on May 12th; the Kiwanis Housewalk on May 18th with the house on the vehicle sticker being on the Housewalk; Lilac

Mutt Strut on May 19th; and the Lilac Parade at 1:30p on May 20th. President Mueller congratulated Trustee Gron for being recognized for his service at the Glenbard Wastewater Meeting before the Board meeting. He indicated Trustee Ware will now serve on that committee.

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [120194](#) **Approval of Village Payroll**
For the period ending April 7, 2012 in the amount of \$803,516.46.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [120195](#) **Approval of Accounts Payable**
For the period ending April 13, 2012 in the amount of \$175,613.23.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- C. [120170](#) **Purchase of F250 Pick-up with Plow**
Requesting a waiver of bids and authorization to purchase a vehicle from Currie Motors through the Suburban Purchasing Cooperative in the amount of \$25,944.00; and approving an ordinance declaring Village Unit #FR81 as surplus property, and authorizing its trade-in. Waiver of first is requested by staff. 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: 1224
- D. [120186](#) **Purchase of Vibratory Asphalt Compactor with Trailer**
Award of a contract to West Side Tractor, the lowest responsible bid of three bidders, in the amount of \$20,744 for a new Asphalt Compactor with Trailer, and approving an ordinance declaring Village Units ST370, ST371 and ST904 as surplus property, and authorizing their trade-in. Waiver of first reading is requested by staff. Bid in compliance with Public Act 85-1295.
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6708

Other Ordinances on First Reading

- E. [120179](#) **Amending Title 11, Chapter 112 of the Lombard Village Code**
Increasing the Class "A/B-I" liquor license category and granting a liquor license to Masala located at 801 E. Butterfield Road.
(DISTRICT #3)
- This Ordinance was passed on first reading on the Consent Agenda**
- Enactment No: Ordinance 6720

Ordinances on Second Reading

- F. [120111](#) **Village of Lombard Fire Life Safety Code - Title 15, Chapter 150**
Granting approval of text amendments to Title 15, Chapter 150, Sections 150.102 through 150.113 of the Lombard Village Code and to provide for the adoption of the National Fire Protection Association (NFPA) Life Safety Code.
- This Ordinance was passed on second reading on the Consent Agenda**
- Enactment No: Ordinance 6709
- G. [120104](#) **Village of Lombard Building Code - Title 15, Chapter 150**
Granting approval of text amendments to Title 15, Chapter 150, Sections 150.001 through 150.092 and Sections 150.140 through 150.999 of the Lombard Village Code and to provide for the adoption of the 2012 International Energy Code, the 2009 International Plumbing Code and the Federal and State Accessibility Codes.
- This Ordinance was passed on second reading on the Consent Agenda**
- Enactment No: Ordinance 6710
- H. [120118](#) **Budget Ordinance for FY 2012-B**
Adopting the FY 2012-B Annual Budget for the Village of Lombard.
- This Ordinance was passed on second reading on the Consent Agenda**
- Enactment No: Ordinance 6711
- I. [120119](#) **Parkside Avenue Right-of-Way Vacation**
Authorizing the vacation of a portion of the public right-of-way on the north side of Parkside Avenue between Park Avenue and Main Street to Metra for the installation of a pedestrian underpass at the train station. (DISTRICT #1)
- This Ordinance was passed on second reading on the Consent Agenda**
- Enactment No: Ordinance 6712

Resolutions

- J. [120178](#) **Maintenance Within State Owned Rights-Of-Way**
Authorizing the Village to do work within the State right-of-way.
Adoption of the resolution is accepted in lieu of securing a surety bond.
(DISTRICTS - ALL)

 This Resolution was adopted on the Consent Agenda

 Enactment No: R 79-12
- K. [120184](#) **Finley Road Pavement Rehabilitation Design Engineering
Contract Amendment #1**
Contract Amendment #1 addresses modifications and updates related
to splitting the project into two phases. (DISTRICT #1)

 This Resolution was adopted on the Consent Agenda

 Enactment No: R 80-12

Other Matters

- L. [120141](#) **SCBA Compressor Purchase**
Request for a waiver of bids and award of a contract to Breathing Air
Systems, Inc. in the amount of \$33,753.95. Public Act 85-1295 does
not apply.

 This Bid was approved on the Consent Agenda
- M. [120190](#) **Tree and Stump Removal Contract**
Award of a contract to Dawson Tree Service, the lowest responsible
bid of seven bidders, in the amount of \$41,700.00 for the Tree and
Stump Removal Program. Bid in compliance with Public Act 85-1295.
(DISTRICTS - ALL)

 This Bid was approved on the Consent Agenda
- N. [120196](#) **Lift Station Improvements, Purchase of Control Panels**
Request for a waiver of bids and authorization to directly purchase two
new control panels (Charles Lane and Lincoln/Ash/Willow) from the
Flolo Corporation at a cost of \$137,579.00. Public Act 85-1295 does
not apply. (DISTRICT #1)
- O. [120181](#) **Kiwanis House Walk Event**
Request to place temporary signs on Village owned properties for the
promotion of the Kiwanis House Walk event on May 18, 2012.

 This Request was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Greg Gron, seconded by Trustee Bill Ware, to Approve the Consent Agenda The motion carried by the following vote

Aye: 6 - Greg Gron, Keith Giagnorio, Zachary Wilson, 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. [120123](#) **Amendments to Section 119 of the Village Code - Outdoor Cafes and Seating**

Discussion of options and direction relative to amending Village Code pertaining to outdoor cafes and seating within the public right-of-way. (DISTRICTS #1 and #4)

Director Heniff gave an overview of the recommendations from the Economic & Community Development Committee with regard to outdoor cafes and seating in the public rights-of-way. The ECDC wants to encourage outdoor dining by businesses within visible area of the downtown. Director Heniff explained that Option 1 proposed amendments to Chapter 119 and would create an overlay liquor license class for outdoor right-of-way seating within Chapter 112 which would be in addition to the alcoholic liquor licensee's underlying alcoholic liquor license. This option would give the Liquor Commissioner review and administrative responsibilities and the new liquor license class could also have additional operational and design elements associated with the review of the license itself. The Village Board would still need to approve any amendments with regard to the number of liquor licenses in each category. Option 2 proposed an amendment whereby the Village Board could establish the specific parameters for alcohol consumption or any other dining activity within the public right-of-way and include those parameters within Section 119 of the Village Code. This would create new provisions within the Village Code to allow current liquor licensees, in certain existing liquor license classes to make such sale, provided the liquor licensee also has obtained an outdoor cafe/right-of-way permit. He noted that staff was looking for direction so that Village legal counsel could include the proposed amendments in an ordinance.

Trustee Breen spoke of new businesses coming to the downtown and about bringing more people to the downtown. The committee felt that by offering outdoor seating/cafes in he downtown area, this would accomplish that idea. He indicated there is no cost to the Village for offering the outdoor seating. He spoke of this option providing jobs and being a visible sign to residents that there is new life and vitality in the downtown area. He spoke of the committee wanting to be able to

insure that every outdoor eatery will be able to have this option. He talked of the dining establishments making an investment by having to purchase chairs, tables and umbrellas. He spoke of the options that had been presented. He felt that option 1 was a step back and required yet an additional license on top of those already required. He stated Option 2 was the unanimous recommendation of the ECDC. He felt Option 2 can work quickly. He stated the committee may hold a special meeting to further discuss this and come back to the Village Board with a more complete recommendation. He stated he and the committee wanted to provide the outdoor dining options for this summer.

Trustee Breen moved that this matter be referred back to the ECDC for further discussion and that Option 2 be pursued.

Trustee Wilson inquired as to why this was limited to downtown. Director Heniff felt the Board would be very supportive of this throughout the Village. He spoke of outdoor seating being very common in the surrounding towns.

President Mueller questioned the difference from the current outdoor seating to this proposal.

Director Heniff indicated this would provide more clarity and address the consumption of alcohol for the outdoor cafes.

President Mueller spoke of the new coffee shop opening later this month. He asked about health department and fire department regulations, and asked if all of those codes had to be met.

Director Heniff indicated that both health department and fire department provisions had to be met and he indicated that compliance with the Smoke Free Illinois Code could not be violated.

President Mueller stated a disabled resident had asked about improving the community for the disabled. He spoke of downtown being pedestrian friendly. He asked about businesses allowing smoking.

Director Heniff stated that the code requires fifteen feet from the entrance, a window or the ventilation system for smoking to be allowed.

Trustee Gron asked about seating outside the fifteen foot parameter.

Director Heniff indicated smoking can occur outside of the fifteen feet.

Trustee Gron felt each restaurant was unique and that some have sufficient property, but some do not have sufficient property for tables and chairs to be placed without impeding pedestrians.

Director Heniff indicated staff had reviewed this and that some level of possibility was found for each establishment.

Trustee Gron questioned alcoholic consumption and having the tables and chairs on public property when the cafes are not open.

Trustee Fitzpatrick indicated this does not require a grant and provides a safe and friendly environment in the downtown.

referred to Economic & Community Development Committee

Aye: 6 - Greg Gron, Keith Giagnorio, Zachary Wilson, Peter Breen, Laura Fitzpatrick, and Bill Ware

Enactment No: Ordinance 6713

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

A. [120199](#)

Trustee Redistricting

Request to discuss the options for redistricting as a result of the 2010 Census results. (DISTRICTS - ALL)

Village Manager David Hulseberg gave a powerpoint presentation regarding redistricting. He spoke of the six districts in the Village and trying to keep the population equally distributed among the six districts. He stated that the population is 43,321, and each district should have approximately 16.67% of the population or 7,220 residents so that the districts are balanced. He indicated that by State Statute, the districts should also be compact in geographic design. He stated the the current districts are no longer balanced in terms of population as a result of the 2010 census data. He noted that each trustee will remain in his or her current district. He stated that currently District #3 has the largest population and District #2 has the smallest. He talked about using Main Street as a common boundary line as much as possible. He stated that there are at least three options being offered to the Village Board for consideration and that each attempts to have approximately equal population and be compact in geographic design. He proceeded to review the current boundaries, and the three options as proposed. He noted that the Village Board will need to consider the options presented and ultimately approve an ordinance approving redistricting. Once approved, the ordinance will be need to be filed with the DuPage County Board of Elections prior to October 22, 2012.

Trustee Fitzpatrick asked a question with regard to living in a district and representing another district and how that would effect residency requirement for running for election.

Attorney Bayer stated that the law requires a person to reside in their district for six months prior to an election; however, there is an exception when redistricting has occurred and that the person does not lose their prior residency.

Trustee Ware asked about the October deadline.

Attorney Bayer stated that the new districts would need to be filed with the Board of Elections no less than thirty days before the first day for nominating petitions for office to be filed. He further explained about non-partisan elections for the primary and thus the deadline of October.

Trustee Wilson indicated he did not like Option 2.

Trustee Fitzpatrick suggested having an overlay produced to show the various configurations.

Trustee Ware indicated he did not like Option 2.

Trustee Breen suggested keeping the precinct boundaries whole.

Trustee Wilson stated he liked clearly defined boundaries.

President Mueller asked staff to prepare an overlay of the boundaries.

Trustee Fitzpatrick asked for the borders to be provided in writing.

Trustee Breen stated he was not ready to make a recommendation on the proposed options at this time and asked for additional information.

President Mueller reiterated that the majority of the Village Board did not favor Option 2 and requested staff prepare the overlay of the boundaries for further review and discussion by the Village Board.

XI. Executive Session

The regular meeting of the President and Board of Trustees held on Thursday, April 19, 2012 in the Community Room of the Lombard Village Hall was recessed to Executive Session at 9:20 p.m. for the purpose of discussion of Acquisition of Real Property, Collective Negotiating Matters, Information Regarding the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of a Specific Employee or Specific Employees of the Village, and Reviewing and Approving Executive Session Minutes.

A motion was made by Trustee Peter Breen, seconded by Trustee Zachary Wilson, that this be to recess. The motion carried by the following vote:

Aye: 6 - Greg Gron, Keith Giagnorio, Zachary Wilson, 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, April 19, 2012 in the Community Room of the Lombard Village Hall was reconvened at 9:30 p.m.

- Present** 7 - William J. Mueller, Greg Gron, Keith Giagnorio, Zachary Wilson, Peter Breen, Laura Fitzpatrick, and Bill Ware
- Absent** 1 - Brigitte O'Brien

XIII Adjournment

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The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, April 19, 2012 in the Community Room of the Lombard Village Hall, was adjourned at 9:41 p.m.