

Village of Lombard

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



Minutes

Thursday, June 18, 2020

6:00 PM

SPECIAL MEETING

Village Hall Board Room

Village Board of Trustees

Village President Keith Giagnorio

Village Clerk Sharon Kuderna

*Trustees: Dan Whittington, District One; Anthony Puccio, District Two;
Reid Foltyniewicz, District Three; Andrew Honig, District Four;
Dan Militello, District Five; and Bill Ware, District Six*

I. Call to Order and Pledge of Allegiance

The Special meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 18, 2020 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 6:00 p.m. Trustee Anthony Puccio led the Pledge of Allegiance.

II. Roll Call

- 7 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware
- 1 - Reid Foltyniewicz

Present and in the Board Room:
Village President Keith Giagnorio
Village Clerk Sharon Kuderna
Trustee Dan Whittington
Trustee Anthony Puccio

Present via remote access:
Trustee Andrew Honig
Trustee Dan Militello
Trustee Bill Ware

Absent
Trustee Reid Foltyniewicz

Staff Present:
Village Manager Scott Niehaus
Village Attorney Tom Bayer
Assistant Village Manager Nicole Aranas

Via conference call in:
Assistant Director of Finance Jamie Cunningham
Director of Community Development Bill Heniff
Assistant Director of Public Works Dave Gorman
Chief of Police Roy Newton
Fire Chief Richard Sander
Executive Coordinator Carol Bauer

III. Public Hearings

IV. Public Participation

Village President Keith Giagnorio conveyed sympathy and condolences to Trustee Reid Foltyniewicz and family in the passing of Reid's grandmother earlier in the day.

Village President Keith Giagnorio read the following statement:

Today is our first meeting since the tragic and avoidable death of George Floyd at the hands of a Minneapolis police officer. I wanted to take a moment to publicly condemn the deeply disturbing acts we all observed, as well as all acts of police brutality, hate, and discrimination.

Under the leadership of Lombard Police Chief Roy Newton, the men and women of our Lombard Police Department serve our community with integrity, courtesy and professionalism. As a CALEA accredited agency, our police department has committed to continually uphold the highest standards and very best practices in law enforcement. Along these lines, we are committed to engage our community to actively listen, reevaluate, communicate and grow.

Chief Newton and Village management have already begun dialogue with the public and community members wishing to share their perspectives on these issues and I know these conversations will be ongoing. Lombard is a proudly diverse community and, as we find our way forward, let's hold strong to our common values and stand together for the betterment of our community.

V. Approval of Minutes

A motion was made by Trustee Dan Whittington, seconded by Trustee Anthony Puccio, that the minutes of the Special Meeting of May 21, 2020 be approved.

The motion carried by the following vote:

Aye: 5 - Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

Absent: 1 - Reid Foltyniewicz

VI. Committee Reports

Community Promotion & Tourism - Trustee Andrew Honig, Chairperson

No report

Community Relations Committee - Trustee Dan Militello, Chairperson

No report

Economic/Community Development Committee - Trustee Anthony Puccio, Chairperson

No report

Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson

No report

Public Safety & Transportation Committee - Trustee Dan Whittington, Chairperson

No report

Public Works & Environmental Concerns Committee - Trustee Bill Ware, Chairperson

No report

Board of Local Improvements - Trustee Bill Ware, President

No report

Lombard Historic Preservation Commission - Village Clerk Sharon Kuderna

No report

VII. Village Manager/Village Board/Village Clerk Comments

Village Clerk Sharon Kuderna read the following announcements:
The regularly scheduled July 2nd Village Board meeting has been cancelled pursuant to action taken by the Village Board at the December 5, 2019 Village Board meeting cancelling the first meetings in June, July and August. The next regularly scheduled meeting will be July 16th.
The Village Summer Blood Drive was held yesterday at Yorktown and at the First Church, 220 S. Main. A total of 81 units of blood were collected. Because of the dedication of our blood donors, 243 lives were saved. In conjunction with the blood drives, food drives sponsored by State Representative Terra Costa Howard and staff were held which resulted in about 300 pounds of food as well as cash donations that will help our local food pantries replenish their shelves and help those residents in need. We thank all of those citizens who came out yesterday to make a difference.

It takes just minutes to be counted in the 2020 U.S. Census. The distribution of more than \$675 billion in federal funds, grants, and support to states, counties, and communities are based on census data. Ensuring a complete count for Illinois and Lombard is critical for appropriate funding. It only takes a few minutes to complete the census online at www.my2020census.gov.

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [200175](#) **Approval of Accounts Payable**
For the period ending May 22, 2020 in the amount of \$214,000.24.
- B. [200181](#) **Approval of Village Payroll**
For the period ending May 23, 2020 in the amount of \$818,083.57.
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [200182](#) **Approval of Accounts Payable**
For the period ending May 29, 2020 in the amount of \$1,138,071.81.
This Payroll/Accounts Payable was approved on the Consent Agenda
- D. [200183](#) **Approval of Accounts Payable**
For the period ending June 5, 2020 in the amount of \$491,086.73.
This Payroll/Accounts Payable was approved on the Consent Agenda
- E. [200189](#) **Approval of Village Payroll**
For the period ending June 6, 2020 in the amount of \$923,968.74.
This Payroll/Accounts Payable was approved on the Consent Agenda
- F. [200190](#) **Approval of Accounts Payable**
For the period ending June 12, 2020 in the amount of \$698,606.43.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- G. [200094](#) **PC 20-10: Text Amendment to the Zoning Ordinance, Landscape Requirements**
The Plan Commission transmits its recommendation to approve text amendments to the following Sections of Village Code, and other relevant sections for clarity:

1. Amend Section 155.703 (B) of the Village Code to replace "American Association of Nurserymen" with "National Standards Institute's ANSI A300 Part 6".
2. Amend Section 155.704 (B) of the Village Code relative to the tree species that should be avoided.
3. Amend Section 155.705 (B) of the Village Code to provide for exceptions to the grading and sodding requirement if determined appropriate by the Public Works Department.
4. Amend Section 155.705 (C) of the Village Code to reference Section 99.04 of the Village Code.
5. Amend Section 155.706 (C) of the Village Code to replace "Lombard Park District" with "properties located in the CR Conservation/Recreation District".
6. Amend Section 155.711 of the Village Code to remove "request for a variance" and add "may be approved by the Director of Community Development provided that such designs meet the intent of Section 155.704 and that the alternate species selection and placement of plant materials otherwise does not conflict with this Chapter".
7. Amend Section 155.712 of the Village Code to remove the term "deviation" and add "or are otherwise not deemed to meet the intent of Section 155.711".
8. Create a new Section 155.713: Conflict with Other Regulations, to read as follows:
"In cases in which the provisions set forth within this Chapter conflict with landscape requirements of the DuPage County Stormwater and Floodplain Ordinance or other State of Illinois or federal regulations, the County, State or federal regulations shall apply". (DISTRICTS - ALL)

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

Enactment No: Ordinance 7821

H. [200132](#)

Village Equipment To Be Declared Surplus

Ordinance approving the Village Public Works, Police and Fire Departments requests to sell and/or dispose of surplus equipment as more specifically detailed in Exhibit "A" attached to the Ordinance, to be sold at auction, sold for scrap, or recycled as these items have extended beyond their useful life or are obsolete to include twelve (12) A-15 rifles to be sold to Kiesler's Police Supply, one (1) GBC shredder, one (1) Monroe calculator, nine (9) Cabella cots, two (2) Stihl 20' chain saws, two (2) Life Fitness treadmills, one (1) LG television, one (1) Sony receiver, one (1) JBL surround sound speaker system, one (1) video server and system automation controller, one (1) VHS player and two (2) DVD players. Staff requests 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 7822

I. [200149](#)

ZBA 20-01: 117 West Windsor Ave

The Zoning Board of Appeals transmits its recommendation to approve a variation from Section 155.407(H) of the Village Code to allow for 49 percent of the lot area to be preserved in open space, where a minimum of 50% lot area preserved in open space is required 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 7823

J. [200152](#)

PC 20-11: 130-144 E. St. Charles Road

The Plan Commission transmits its recommendation to approve the following actions for the properties at 130, 136, and 140 E. St. Charles Road:

1. Approve a map amendment (rezoning) from B2 General Neighborhood Shopping District to the B5A Downtown Perimeter District;
2. Approve an amendment to a conditional use for a planned development and as established by Ordinance 7194, pursuant to Section 155.419(C)(18) of Village Code, to add the properties at 136 and 140 E. St. Charles Road to the previously established planned development for the property at 130 E. St. Charles Road, and;
3. Approve a conditional use for maximum building height pursuant to Section 155.419(G)(2) of Village Code for thirty-six feet (36'), where thirty feet (30') is required to allow for an elevator and accessible roof; and associated with a proposed building to be located at 140 E. St. Charles Road.

Concurrent with this petition, the Village requests a companion map amendment (rezoning) from B2 General Neighborhood Shopping District to B5A Downtown Perimeter District for the property located at 144 E. St. Charles Road. (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 7824, 7825

K. [200153](#)

PC 20-17: Text Amendments to the Zoning Ordinance, Timeframe to complete construction

The Plan Commission transmits its recommendation to approve the text

amendments to Sections 155.103, 155.203 and 155.601 of the Village Code, and any other relevant sections for clarity. The amendment removes the completion time from the Zoning Ordinance, as such provisions are established in the Building Code. (DISTRICTS - ALL)

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

Enactment No: Ordinance 7826

L. [200185](#)

Amending Title XI, Chapter 112, Section 112.13 (A) of the Lombard Village Code (Alcoholic Beverages)

An Ordinance amending Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code decreasing the number of authorized licenses in the Class "N-I" liquor license category by one as a result of DOC West LLC d/b/a DOC Wine Bar located at 326 Yorktown no longer conducting business. (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 7827

M. [200186](#)

Amending Title XI, Chapter 112, Section 112.13 (A) of the Lombard Village Code (Alcoholic Beverages)

An Ordinance amending Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code decreasing the number of authorized licenses in the Class "A/B-I" liquor license category by one as a result of Sakura Sushi, Inc. d/b/a Sakura Sushi located at 1005 E. St. Charles Road no longer conducting business. (DISTRICT #5)

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

Enactment No: Ordinance 7828

Other Ordinances on First Reading

N. [200188](#)

Tax Levy Ordinance - Special Service Area Number Three

Ordinance providing for the levy and assessment of taxes for the Village of Lombard Special Service Area Number Three (SSA #3) in the amount of \$9,270.00 for the fiscal year beginning January 1, 2020 and ending December 31, 2020. (DISTRICT #6)

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7833

Ordinances on Second Reading

Resolutions

- O. [200163](#) **Resolution Accepting the Public Improvements at 1S535 Finely Road (Woodmoor Development)**
The Department of Community Development transmits for your consideration a proposed resolution to accept the public water main, fire hydrants and sanitary sewer at 1S535 Finley Road (Woodmoor Development). All public improvements were designed, constructed and tested in conformance with Village requirements. (DISTRICT #3)

This Resolution was adopted on the Consent Agenda

Enactment No: R 19-20

- P. [200184](#) **Downtown Lombard Sidewalk Improvement Project Professional Engineering Services**
Staff recommends that the Village President and Board of Trustees approve a contract with Robinson Engineering of Itasca, Illinois in the amount of \$50,180.00 for the St. Charles Rd. Sidewalk Improvement Project. (DISTRICT #1)

This Resolution was adopted on the Consent Agenda

Enactment No: R 20-20

Other Matters

- Q. [200142](#) **FY2020 Concrete Rehabilitation**
Bids for the project were opened on April 2, 2020. Per the contract specifications, the Village had sixty (60) days to award the contract from the date of the bid opening. The Village did not take action to award the contract within the sixty (60) day time frame. As such, staff recommends that the Village reject the bids received at the April 2, 2020 bid opening, waive the competitive bidding process and award a contract to Globe Construction, who submitted the lowest responsible bid and will honor their submitted price of \$720,615.40. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda

- R. [200167](#) **FY2020 Asphalt Paving and Patching Program**
Award of a contract to Schroeder Asphalt Services, Inc., the lowest bidder of seven (7) bids received, in the amount of \$884,644.52. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda

- S. **ZBA 20-02: 210 S. Finley Road (this matter has been moved to Separate Action)**

- T. [200178](#) **FY2020 Surface Treatment Program**

Award of a contract to Denler, Inc., the lowest responsible bidder of three (3) bids received, in the amount of \$67,452.00. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda

U. [200179](#)

FY2020 Commuter Parking Lots Program

Award of a contract to Chicagoland Paving Contractors, Inc., the lowest bidder of seven (7) bids received, in the amount of \$75,000.00. (DISTRICT #1)

This Bid was approved on the Consent Agenda

V. [200180](#)

Three (3) Year Contract Extension for School Crossing Guard Services

Motion to waive bids and approve a three (3) year contract extension for school crossing guard services not to exceed 5040 Hours per School Year or \$106,000 in 2020-2021, \$110,900 in 2021-2022, and \$116,200 in 2022-2023.

This Bid was approved on the Consent Agenda

W. [200038](#)

Expansion of the Boundaries of the Lombard Butterfield-Yorktown Tax Increment Financing District

All interested parties are hereby advised that the First Supplement to the Original TIF Qualification Report for the Butterfield-Yorktown Tax Increment Financing District, and the Second Amendment to the Butterfield-Yorktown Tax Increment Financing District Redevelopment Plan, are available for review by the public. Copies thereof can be viewed on the Village's website, or at the Village's Community Development Department during those hours that the Village Hall is open to the public. (DISTRICT #3)

This Request was approved on the Consent Agenda

Enactment No: Ordinance 7831 (previously approved: R 5-20)

X. [200176](#)

COVID-19 Financial Impact & Recommendations

Motion to concur with the Finance and Administration (F&A) Committee recommendation on the use of reserve funds to the extent needed for use in 2020 and 2021 to help cover anticipated revenue shortfalls. The F&A Committee voted unanimously that the Village Board of Trustees approve the recommendations.

This Request was approved on the Consent Agenda

Y. [200187](#)

Intergovernmental Agreement Between the Village of Lombard and the Village of Glen Ellyn in Regard to the Provision of Fire Protection and Emergency Medical Services

Motion to approve an Intergovernmental Agreement between the Village

of Lombard and the Village of Glen Ellyn in regard to the provision of fire protection and emergency medical services by the Village of Lombard to certain property located in unincorporated DuPage County, but currently provided with fire protection and emergency medical services by the Village of Glen Ellyn. (UNINCORPORATED)

This Request was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Dan Whittington, seconded by Trustee Anthony Puccio, to Approve the Consent Agenda The motion carried by the following vote

Aye: 5 - Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

Absent: 1 - Reid Foltyniewicz

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

A. [200162](#)

Ordinance Amending the Village's Fiscal Year 2019 Budget Ordinance

Increase of \$2,738,244.94 to the General Fund for expenditures required for Workers Compensation Claims (\$88,284.94), an increase of (\$2,649,960) for additional payments to IMRF, Police and Fire pension funds and transfers to the Building Reserve Fund; an increase of \$29,851.99 to the Parking Systems Fund for expenditures required for depreciation of capital assets, an increase of \$90,241.21 to the Waterworks and Sewerage fund for expenditures required for depreciation of capital assets and an increase of \$3,018.20 to Fleet Services Reserve fund for expenditures required for depreciation of capital assets. Waiver of first reading is requested. (2/3 vote of Corporate Authorities required)

A motion was made by Trustee Dan Whittington, seconded by Trustee Anthony Puccio, that the Ordinance amending the Village's Fiscal Year 2019 Budget Ordinance be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Aye: 6 - Keith Giagnorio, Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

Absent: 1 - Reid Foltyniewicz

Enactment No: Ordinance 7829

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

B. [200174](#)

ZBA 20-02: 210 S. Finley Road (moved from Consent Agenda)

Concur with the recommendation of the Zoning Board of Appeals and deny a variation from Section 155.210(A)(3)(b) of the Village Code to allow for a detached garage with the vertical distance (height) measured from the average grade to the highest point on the roof or parapet for 19.5', where 17' is required in the R2 Single-Family Residence District. (DISTRICT #1)

A motion was made by Trustee Dan Whittington as follows:

We are in receipt of the recommendation from the Zoning Board of Appeals relative to ZBA 20-02, in which the petitioner is seeking a height variance for a proposed detached garage at 210 S. Finley Road. However, in deliberation of this recommendation, I move that the Village Board reject the findings of the Zoning Board of Appeals and adopt new findings in support of the requested variance. These findings shall include that the requested variance for the detached garage does meet the standards for a variance, as set forth in Section 155.103(C)(7) of Village Code, and as submitted by the petitioner. Given these new findings, I therefore move that staff and Village Counsel prepare an Ordinance for approval of the petition at the July 16, 2020 Village Board meeting, with a waiver of first reading, and subject to the proposed plans submitted as part of the petition, seconded by Trustee Anthony Puccio. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

Absent: 1 - Reid Foltyniewicz

Enactment No: Ordinance 7834

X. Agenda Items for Discussion

XI. Executive Session

A motion was made by Trustee Dan Whittington, seconded by Trustee Anthony Puccio, that the Special Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 18, 2020 in the Board Room and via remote access be recessed to Executive Session at 6:22 p.m. for the purpose of discussion of Pending Litigation; Acquisition of Real Property and Approval of Executive Session Minutes and the Review of Executive Session Minutes to Determine Whether the Need for Confidentiality Still Exists as to Those Executive Session Minutes Which Have Not Previously been Made Available for Public Inspection. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

Absent: 1 - Reid Foltyniewicz

XII. Reconvene

The recessed Special Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 18, 2020 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 6:35 p.m.

7 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

1 - Reid Foltyniewicz

XIII Adjournment

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A motion was made by Trustee Dan Whittington, seconded by Trustee Anthony Puccio, that the Special Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 18, 2020 in the Board Room and via remote access be adjourned at 6:36 p.m. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

Absent: 1 - Reid Foltyniewicz