

Village of Lombard

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



Meeting Agenda

Thursday, May 7, 2009

7:30 PM

Village Hall Board 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

II Roll Call

III Public Hearings

IV Public Participation

- [090255](#) Proclamation - Lilac Time in Lombard
Attachments: [proclilactime2009.doc](#)
- [090257](#) Proclamation - Municipal Clerk's Week
Attachments: [procclerksweek2009.doc](#)
- [090258](#) Proclamation - National Police Week
Attachments: [procpoliceweek2009.doc](#)
- [090259](#) Proclamation - National Public Works Week
Attachments: [procpw2009.doc](#)
- [090260](#) Proclamation - Census Partnership
Attachments: [proccensus2009.doc](#)
- [090261](#) Proclamation - AAUW 50th Anniversary
Attachments: [procaauw50thyear2009.doc](#)
- [090262](#) Proclamation - National Emergency Medical Services Week
Attachments: [090262.pdf](#)

V Approval of Minutes

VI Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Dana Moreau, Chairperson

Environmental Concerns Committee - Trustee Greg Gron, Chairperson

Finance Committee - Trustee Rick Soderstrom, Chairperson

Public Works Committee - Trustee Richard J. Tross, Chairperson

Transportation & Safety Committee - Trustee Jack O'Brien, Chairperson

Board of Local Improvements - Trustee Richard J. Tross, President

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

Lombard Historical Commission - Brigitte O'Brien

VII Village Manager/Village Board Comments

VIII Consent Agenda

Payroll/Accounts Payable

- A. [090228](#) Approval of Village Payroll
For the period ending April 11, 2009 in the amount of \$835,559.98.
Attachments: [090228.pdf](#)
- B. [090229](#) Approval of Accounts Payable
For the period ending April 17, 2009 in the amount of \$243,594.24.
Attachments: [090229.pdf](#)
- C. [090239](#) Approval of Accounts Payable
For the period ending April 24, 2009 in the amount of \$137,269.28.
Attachments: [090239.pdf](#)
- D. [090250](#) Approval of Village Payroll
For the period ending April 25, 2009 in the amount of \$792,201.85.
Attachments: [090250.pdf](#)
- E. [090251](#) Approval of Accounts Payable
For the period ending May 1, 2009 in the amount of \$1,672,112.46.
Attachments: [090251.pdf](#)

Ordinances on First Reading (Waiver of First Requested)

- F. [090224](#) PC 09-06: 433 East St. Charles Road (Paradise Bay Water Park)
The Lombard Park District requests a variation to Section 153.501(B)
(10)(a) of the Lombard Sign Ordinance to increase the maximum
allowable area of a single wall sign from fifty (50) square feet to eighty
and one half (80.5) square feet in the CR Conservation/Recreation
Zoning District. (DISTRICT #5)

Attachments: [APO Letter PC 09-06.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PH notice PC 0-06.doc](#)
[Referral Letter 09-06.doc](#)
[Report 09-06.doc](#)
[Ordinance 6330.pdf](#)
[090224.pdf](#)

Paul Friedrichs, Executive Director of the Lombard Park District, 227 W. Parkside, presented their petition. He also introduced John Dzarnowski, of FGM Architecture. He stated that Mr. Dzarnowski was the lead architect that designed the park and sign.

John Dzarnowski, FGM Architecture, 1121 W. 22nd Street, Oak Brook, IL, summarized their request highlighting the proposed new sign at the Paradise Bay Water Park. He described the sign, gave its dimensions, and noted the distance the sign would be located from St. Charles Road. He said that the proposed sign would be approximately 80½ square feet in size.

Chairperson Ryan opened the meeting for public comment.

There were no comments or questions from the public.

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. On September 18, 2006, the Plan Commission approved PC 06-24, granting a conditional use for an upgrade and modernization of the existing Paradise Bay Water Park facility located within Lombard Common. That approval was associated with the general features of the proposed park; however, specific plans detailing signage were not considered as part of the petition.

The history of zoning relief on the property includes:

** PC 89-03: The property was granted a variation to increase the allowable surface area of a freestanding sign from thirty (30) to forty (40) square feet to increase visibility on Grace Street and St. Charles Road. This sign was located at the corner of Grace and St. Charles and has since been removed.*

** PC 06-24: The property was granted a conditional use for a recreational facility (water park) to allow the upgrade/reconstruction of the existing aquatic facilities.*

** PC 08-22: The property was granted a variation to increase the maximum allowable height of a structure from thirty feet (30') to forty-eight feet (48') to allow the construction of a waterslide tower.*

In February 2009, the Lombard Park District submitted a permit application for a wall sign to be attached to the front security gate on the new aquatic facility building. The submitted plans, which have been included as part of this petition, indicate that the proposed wall sign will have an area of approximately eighty and one half (80.5) square feet.

The proposed sign will face northward toward St. Charles Road. Attached to

the security gate at the water park entrance, the wall sign would be approximately one hundred and ninety-three feet (193') from the northern property line. At this distance, a wall sign that is fifty (50) square feet would likely be illegible from St. Charles Road. However, unlike the commercial districts, in the CR District the Sign Ordinance does not permit increased wall sign area due to greater distance from property lines.

In the case that this water park was a commercial operation and located within a commercial zoning district, the wall sign area could be increased beyond the requested 80.5 square feet. In the B-1 and B-2 zoning districts, the petitioner would have rights to one hundred (100) square feet based on the property's lineal frontage on St. Charles Road. In the B-3 and B-4 zoning districts, the petitioner would have rights to two hundred (200) square feet based on the property's lineal frontage and the sign's distance from the property line.

The Paradise Bay Water Park facility is expected to be functionally similar to a commercial water park. Therefore, it is reasonable to expect that this facility would have similar signage needs to a commercial operation of the same nature. The petitioner is requesting a relatively minor increase in signage size when compared to what would be permitted on the nearby commercially zoned properties along St. Charles Road. Staff finds that the petitioner has met the Standards for Variations and, therefore, recommends approval of this petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

There were no questions or comments from the Commissioners.

- G.** [090237](#) Ordinance Amending Title 15
Increasing the fees charged for various building permit fees.
Attachments: [DAHmemoBISfeeincrease09.DOC](#)
 [BIS 5% increase 4-17-09.doc](#)
 [BISCommercial 4-17-09.doc](#)
 [waterheaterphoto.pdf](#)
 [ORDbuildingpermitfees09.doc](#)
 [90237BlueCover.doc](#)
 [Ordinance 6331.pdf](#)
 [090237.pdf](#)
- H.** [090242](#) Declaration of Surplus Equipment
Authorizing the sale of two vehicles at the Tri-State Automobile Auction
of Chicago. Staff is requesting a waiver of first.
Attachments: [090242.pdf](#)
 [Ordinance 6332.pdf](#)
- I.** [090254](#) Glenbard Wastewater Authority, Authorization Request to Borrow Funds
As required by the Illinois Environmental Protection Agency, ordinances
authorizing the Glenbard Wastewater Authority to borrow funds from the
Water Pollution Control Revolving Fund. Staff is requesting a waiver of
first reading.

- Attachments:** [090254.pdf](#)
[Ordinance 6333.pdf](#)
[Ordinance 6334.pdf](#)
[Certified copy of Ordinance 6333.pdf](#)
[Certified copy of Ordinance 6334.pdf](#)
[090254.pdf](#)

Other Ordinances on First Reading

J. [090035](#)

ZBA 09-01: 418 W. Wilson Avenue

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

1. A variation from Section 155.407(H) of the Lombard Zoning Ordinance to reduce the minimum required open space on the subject property from fifty percent (50%) to thirty-six and one half percent (36.5%).

2. A variation from Section 155.212, Table 2.1, Footnote (A) of the Lombard Zoning Ordinance to reduce the required interior side yard setback to 0.35 feet (0.35') where two feet (2') is required to allow for an open deck not over three feet (3') above the average level of the adjoining ground. (DISTRICT #2)

Attachments: [apoletter 09-01.doc](#)
[contiuance 09-01.doc](#)
[contiuance 09-01 II.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE 09-01.doc](#)
[Referral Letter 09-01.doc](#)
[Report 09-01.doc](#)
[090035.pdf](#)

Jack Kozar of Lewis John Craft & Associates, 250 E. St. Charles Rd., Villa Park, attorney for the petitioners, requested that the petition be continued to the March 25, 2009 Zoning Board of Appeals meeting to allow for the petition to be forwarded to the Board of Trustees with a formal recommendation.

Jack Kozar of Lewis John Craft & Associates, 250 E. St. Charles Road, Villa Park, attorney for the petitioners, requested via e-mail that the petition be continued to a date certain Zoning Board of Appeals meeting to allow for the petition to be forwarded to the Board of Trustees with a formal recommendation.

John Vittorini, 418 W. Wilson Ave., presented the petition. He stated that the asphalt driveway has been in the same configuration for 30 years. Regarding open space, he stated that he telephoned the Village and was told that a paver patio did not require a permit. The garage was built in 1980 and recently destroyed by fire. He applied for a permit to have it rebuilt. He indicated that there was a wooden deck for over 20 years where the new deck is. He installed the pavers and was never told of the need for a variance. He stated that it was built on the fence line. He stated that he applied for all permits that he knew were necessary and that they were approved.

Jack Kozar, 250 E. St. Charles Rd., stated that he is the petitioner's attorney. He asked for the Village's help. John has lived for 30 years in Lombard. He has raised a family that are good members of the community. He has spent a lot of time and equity in his home. The Vittorinis are good examples of Lombard pride. Money and time spent into house. He stated that there are two variances before the ZBA: a setback for the deck and increased impervious space. He

stated that the deck made of paver stones is required to be setback two feet. The deck was built at about ½ foot. However, the deck was built in the footprint of the old wooden deck. Mr. Kozar stated that the staff report said that these setbacks are needed to limit bulk on the property, to protect the privacy of neighbors, and to prevent encroachment. He stated that he did not believe the deck being set at its current location would cause a loss of privacy due to the adjacent privacy fence. He also stated that if the deck were constructed at the required setback there would be a ravine which would be dangerous.

Mr. Kozar addressed the Standards for Variations as they relate to the deck. He stated that there is a hardship to the owner in the cost of removal of the items. He stated that there would be a ravine which would be dangerous. He stated that the request for a variation is not based upon a desire for financial gain as the petitioner does not plan to sell his home. He stated that the deck is not visible from the street or neighbors. He stated that there would be no change to the neighbor's privacy. Mr. Kozar stated that Mr. Vittorini had no intention of wrong doing in this matter. He had the impression that a paver patio does not require permit. He stated that the paver patio was there for two months while all construction was occurring. There was no mention of the patio by any of the inspectors. He stated that the patio will not be a threat to the public. Mr. Kozar stated that the deck and the Vittorini's property as a whole improve the character of the neighborhood. He stated that there would be no impairment of light and air to other properties. Mr. Kozar continued by stating that they were talking about 1.5 feet for a deck that is not visible outside of the property and is adjacent to a 6 foot fence.

Mr. Kozar addressed the Standards for Variations as they relate to open space. He stated that the properties surrounding the Vittorinis' property has been flooding for 30 years, water issues are not recent. He also stated that rainfall has been like last year in that it is above average. He stated the petitioner obtained permits when necessary and never tried to hide anything from the Village.

Mr. Kozar stated that the driveway was installed per permit which was issued in September of 2008. At the time of this permit, the paver patio had been in existence for two and a half months. At this point, Mr. Kozar referred to Exhibit I which depicted dimensions on a plat of survey. He stated that the driveway was resurfaced per the plan. Kozar showed older pictures of the driveway. Then, he showed pictures of how the driveway is now. He asked the ZBA to compare the pictures and stated that the driveway is all the same.

Mr. Kozar stated that there were three other items he would like to address. First, the paver patio had already been in existence. Second, there was no indication on the permit that the removal of the patio or deck was a condition of approval. Third, the contractor could not speak on the Vittorinis' behalf. Mr. Kozar stated that he cannot speak on behalf of the contractor and that the contractor could not be in attendance. He stated that the conversation that the contractor had with Mr. Moynihan is not on record.

Mr. Kozar stated that the paver patio was built on the footprint of the older deck and that the new patio is smaller. He referred to a photograph in order to illustrate this point. He stated that no permit was ever issued and that page three of the report admits that a permit is not needed for a patio paver. He stated that he had asked Mr. Toth about why a permit would be needed. He stated that Mr. Toth told him that this particular rule was not written in the code and was an "in house" rule.

Mr. Kozar stated that he wished to speak to the green space requirement. He stated that rainfall can pass between voids of the paver bricks. He stated that the petitioner built his patio openly. The staff report stated that the patio was built after the driveway, but this is not true. A driveway permit was issued even though the patio was installed. He stated that the staff report states that the patio is not strictly impervious.

Mr. Kozar stated that the contractor put down the strip of asphalt around the garage and Mr. Vittorini agreed to this. He stated the asphalt is 50% covered by the overhang of the garage. He stated that this installation was not a wise decision. He stated that Mr. Vittorini would be willing to remove this additional coverage.

Mr. Kozar returned to the Standards for Variations as they relate to open space. He stated that Mr. Vittorini would have an unfair hardship if forced to remove these improvements. He stated that the Vittorinis made every effort to come into compliance. Now after all work has been done, it would be expensive to undo it. He stated that a fire destroyed the garage. A new foundation had to be built for the garage. Mr. Vittorini felt it was necessary to replace the driveway. Mr. Kozar stated that the Vittorinis did not create the hardship. They made every attempt to improve the property with a number of expensive improvements. He stated that the property is well maintained and that there would be no impairment of light and air. He stated that these improvements would not depreciate property values.

Chairperson DeFalco opened the meeting for public comment.

Al Retherford, 414 W. Wilson Ave, stated that he has lived there since 1966. He stated that there has always been a water problem. Heavy rain would cause water to be retained towards the back of the yard. He showed pictures of flooding. He stated that the flow of water goes west to east. He stated that the property on Graham is taking on more water now. He identified water as the main issue. He stated that he now needs a pump in his back yard. Due to the asphalt and pitch of the driveway at the Vittorinis, water is running off onto neighboring property.

Tom Iwasko, 410 W. Wilson Ave., that he has lived in Lombard for three years and Dupage County for much longer. He stated that he is on disability and that he saw grading on subject property occurring. He stated that Mr. Vittorini and his son were the ones regrading the property. He saw them raking and steamrolling. He stated that Wilson has an issue with water. However, he now needs a two inch pump to deal with the water on his property.

Vincent Vittorini, 418 W. Wilson Ave., stated that he has lived in this house his whole life. He grew up next to Al and has heard a pump running there for years. He stated that no changes they've made can change the problem. He stated that all the properties in the area are essentially level. He also stated that there was no way his father and he graded and steamrolled the property. He said this was a lie.

Chairperson DeFalco requested that testimony be directed to the ZBA and not to other members of the audience.

Vincent Vittorini said only the corners of the property touch. It is mathematically unlikely that these improvement have had this effect.

Chairperson DeFalco then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff has prepared a report and is submitting it to the public record in its entirety. The petitioner is requesting the open space and setback variations to address improvements that were made in excess of what is permitted by code, along with certain improvements made without a permit. In particular, the open deck, constructed from brick pavers, was built without a permit and is located within the required interior side yard setback. The deck, along with other recently constructed improvements, contributes to the deficiency in open space on the property. Overall, the property is currently at 36.5% open space.

On June 4, 2008, a permit was issued for a garage to replace one that was destroyed by fire. The garage was to be built on the existing concrete slab. The existing site improvements were indicated and described to staff by both the petitioner and his contractor. These site improvements, drawn on the plat of survey, occupied 3,779 square feet of the zoning lot. The garage permit was issued with a sticker which indicated: "Improvements shown on these plans will leave the lot with the minimum 50% required open space. No further lot coverage is permitted." For accuracy, the permit also indicated: "Open Space at 50.3%."

On September 16, 2008, a permit was issued to allow the replacement of the existing driveway. The permit indicated that the driveway must be constructed with the same dimensions shown on the plat of survey with the exception of a thirty (30) foot by four (4) foot parking area in the front yard. This additional parking area was allowed on the condition that the wood deck at the rear of the home was removed from the property in order to meet the open space requirement. The contractor verbally indicated that the deck had been removed and was replaced with sod.

Upon an inspection of the lot by Building Division staff, it was discovered that additional impervious surfaces had been constructed which were not depicted on any of the permit applications. These surfaces consist of:

- A. A two and one half foot strip of asphalt located along the eastern property line
- B. Asphalt paving behind and to the east of the garage
- C. A brick paver deck occupying the area to the rear and west of the residence
- D. A brick walkway from the garage to the deck.

The petitioner chose to request a variation and included a survey of the property as part of his petition. The survey indicated that the additional impervious surfaces brought the property to 36.5% open space. From the survey, staff determined that a second variation would be necessary as the brick paver deck was built 0.35 feet from the side property line where two (2) feet is required.

Staff is not supportive of the open space variation for the following reasons:

- * The open space requirements of the Zoning Ordinance are set for the provision of open space, to preserve green space, and to maintain the aesthetics of a suburban setting.
- * The open space standards within the R2 District help to ensure that lots do not have the appearance of being overbuilt and that a more intensive use of the property is prevented.

- * The request for an open space percentage of 36.5% is substantial.*
- * Impervious surfaces can inhibit the absorption of stormwater which results in additional runoff. The additional runoff can cause flooding on the subject property and surrounding properties.*

Staff is not supportive of the setback variation for the deck. The petitioner's packet states that brick pavers do not require a permit. This statement is accurate as long as the pavers are installed at grade level. The brick paver deck on the subject property does require a permit as it has more than one riser. Moreover, all properties are required to meet open space requirements, regardless of the permit requirement. The required setback for decks is necessary to limit bulk on the property, to protect the privacy of neighbors, and to prevent encroachment on neighboring properties.

In order to be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The following standards have not been affirmed:

- 1. Staff finds that there are no conditions related to the property that prevent compliance with the established regulations. The property does not have physical surroundings, shape, or topographical features that differ substantially from other lots in the neighborhood.*
- 2. Staff finds that the conditions are not unique to the subject property. Many other properties with a similar layout and design have been able meet the established regulations.*
- 4. Staff finds that the difficulties have been created by the petitioner as a result of the preference for the deck's location and the desire to have greater impervious coverage than allowed by code.*
- 5. Staff finds that the additional impervious surfaces on the property are substantial and have the potential to cause additional stormwater runoff and/or flooding on other properties.*
- 6. Staff finds that these variations will alter the essential character of the neighborhood by allowing excessive bulk on the subject property. The added bulk caused by the brick paver deck is particularly problematic as it is within a setback area.*
- 7. Staff finds that proposed open space variation may reduce and impair natural drainage on the subject property. Impaired drainage may result in drainage problems and flooding on adjacent properties.*

Staff recommends denial of both variation requests.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Bedard referred to the petitioner's Attachment B. He stated that the old deck seemed to have its west edge set in 8 or 9 feet off of the lot line.

John Vittorini indicated that the deck has always been the same.

Mr. Bedard stated that he could now see the deck was at the property line. However, the survey as drawn showed the deck to be away from the property line.

Chairperson DeFalco stated that the plat was submitted showing the deck set away from the west property line.

Mr. Moynihan indicated that the plat that was used for the permit was drawn at the front counter of the Building Department in the presence of the petitioner using dimensions provided by the contractor and the petitioner.

Mr. Vittorini stated that this was not true.

Mr. Moynihan stated that plat came from Village records and that the only improvement shown on the plat was the residence.

Chairperson DeFalco asked if a survey was provided showing the existing improvements.

Mr. Moynihan stated that there was not.

Mr. Vittorini indicated that Mr. Moynihan gave him the survey to use for his permits. One permit was used to put up a fence on the property. He stated that an aerial view of the property was used to identify the improvements on the lot but cannot be used to measure property improvements.

Chairperson DeFalco stated that it seems that the dimensions were drawn on the plat in what was intended to be a good faith effort.

Mr. Moynihan stated that the dimensioning of the permit was done at front counter with Mr. Vittorini.

Mr. Vittorini stated that Mr. Moynihan drew the improvements.

Mr. Moynihan agreed.

Chairperson DeFalco stated that ordinances and rules change. He referred to the prior building moratorium in the Village. He discussed non-conforming issues involving building and water runoff. He stated that what one department may approve, another may have rules that cause it to deny the request. He stated that open space of 50.3 percent was calculated by staff based upon the worked out survey.

Mr. Bedard stated that he could see the deck did go all the way to the fence by looking at a picture provided by the petitioner.

Chairperson DeFalco again stated that ordinances change. A deck may have been built at one setback, but the setback may be different now.

Mr. Vittorini stated that he has exposed more open space on the property.

Chairperson DeFalco stated that the property now has less open space than allowed.

Mr. Vittorini stated that this is true but the deck was added a while ago. He was told no permit was needed for a paver patio. He stated that if he was told he would have done the right thing.

Chairperson DeFalco stated that there may have been a miscommunication

between staff and the petitioner. However, he stated that they must view the facts of property as they are.

Mr. Kozar asked that staff provide a definition of a deck.

Mr. Moynihan stated that he would send the information.

Chairperson DeFalco stated there may or may not be a difference between decks versus patios. He stated that although a call may have been placed to the Village and there may have been some confusion, the property is still 65 % built upon. The property is over-built and that is what they must examine.

Mr. Tap asked if the staff report's percentage of open space was taken from the staff drawing.

Mr. Moynihan stated that the petitioner had supplied a survey which was included in the petitioner's packet. This survey listed the impervious coverage at 63.5%.

Chairperson DeFalco examined Attachment C in the staff report and compared it to the petitioner's Exhibit C. He stated that the areas constructed without a permit were marked A, B, C, and D in Attachment C. He stated that the extensions of the driveway were not shown on the permit (Exhibit C).

Mr. Kozar asked if Mr. Moynihan went to the petitioner's property to take measurements.

Mr. Moynihan stated that he did not take measurements at the property as they were provided by the petitioner.

Chairperson DeFalco asked the petitioner why, if he had been living on property for 30 years, did he not correct the drawing to show that the driveway extended all the way to the property line.

Mr. Vittorini stated that this was because at the time the issue was the garage only.

Chairperson DeFalco stated that staff had indicated on the permit that the property was at the minimum amount of open space. He asked the petitioner if he thought he should have told staff that there was additional impervious surface not shown on the drawing.

Mr. Vittorini stated that he did not see the dimensions as important at the time. He stated that he is not a surveyor.

Chairperson DeFalco stated that there is no fence at the southeast portion of the property. The posts which hold up a rope are on the neighbor's property. So the asphalt does go to edge of the property.

Chairperson DeFalco stated that the dimensions given were not correct. He stated that with these improvements the property would be under the 50.3% that staff indicated because areas are not shown. He stated that this strip along the driveway would be approximately another 200 square feet of asphalt area.

Mr. Bedard stated that the permit shows this area as open space.

Mr. Vittorini stated that the dimensions were given to permit the garage and this was the primary concern.

Chairperson DeFalco stated that the same survey was used for the driveway permit. He asked Mr. Vittorini if he thought it would be important to correct these dimensions when the driveway was the primary concern. He clarified that the additional driveway strip was not shown on the driveway permit.

Chairperson DeFalco stated that an additional 120 square foot area was included on this permit.

Mr. Moynihan stated that this area was permitted as the contractor informed him that the rear deck had been removed from the property.

Mr. Kozar questioned this information as the brick paver deck had already replaced the wood deck.

Mr. Moynihan stated that the information that was provided was that the deck had been removed. Therefore, additional impervious surface could be permitted on the property.

Mr. Vittorini stated that the 120 square foot area was originally stone. He stated that a sidewalk was attached to the driveway. The sidewalk was stone.

Chairperson DeFalco stated that the plans show that lot was improved at 50%.

Mr. Vittorini asked why he should be made to remove the deck.

Chairperson DeFalco said that this is an area with a history of flooding. He stated that there are two variations to deal with. He asked the ZBA members if they preferred to discuss them separately or together.

Mr. Bedard said that they should be discussed together as one variation affects another. He said that the property is nice, but it creates problems. He stated that ordinances are in place to mitigate these issues. There is a problem here. He stated that he is not in favor of tearing the patio down, but it should be brought back to two feet.

Mr. Vittorini stated that his property still gets flooding when it rains a lot.

Chairperson DeFalco referred to Mr. Kozar's submittal and stated that it reads that Mr. Vittorini graded his property.

Mr. Vittorini stated that he graded a mound of dirt that had been dug from a trench.

Mr. Kozar stated that the term graded is a bit of a misnomer. One man and a rake could only do some much.

Chairperson DeFalco stated that the submittal states that the petitioner graded and added dirt and there is testimony from residents. He said that the statement indicates an unlawful action. The petitioner indicated that it was only raking that was done.

Mr. Kozar stated that it was only raking.

Mr. Polley asked if downspouts were installed on the garage.

Mr. Vittorini stated that there were, but that the driveway was not sloped to allow water to flow to the street.

Mr. Bedard stated that the driveway is also sloped to the east toward the neighbor.

Mr. Vittorini stated that his backyard has flooded many times. His neighbors aren't the only ones experiencing flooding.

Mr. Kozar stated that he would like to come up with a workable solution, but did not know how to improve the stormwater situation.

Mr. Iwasko stated that he must apologize. He stated that upon seeing Mr. Vittorini's son he may have been mistaken about who was grading the property.

Mr. Vittorini stated that he has experienced 5 to 6 inches of water in the garage.

Mr. Kozar stated that Mr. Vittorini had offered to remove the asphalt around the garage.

Chairperson DeFalco stated that the property still would not be at 50% open space.

Mr. Kozar suggested that they run a PVC pipe with holes in it from the rear of the property to the front to allow stormwater to reach the street. Mr. Vittorini would still be willing to remove the asphalt around the garage.

Chairperson DeFalco stated that the ZBA should not be engineering stormwater runoff. He stated that the property is only at 36% open space.

Mr. Toth stated that engineering stormwater runoff would have to be handled by an engineer.

Chairperson DeFalco asked if the petitioner would be willing to work with staff to find a workable solution before the Board of Trustees meeting.

Mr. Vittorini stated that he did not see how working with staff would alleviate the flooding problem.

K. [090080](#)

PC 09-05: 300-312 S. Main Street

Requests that the Village take the following action on the property located within the B5APD Central Business District Planned Development:

Pursuant to Section 155.504(A) of the Lombard Zoning Ordinance (major changes to a planned development), amend the conditional use for the Prairie Path Villas Planned Development, as established by Ordinance 5802, to allow for modifications to the approved signage plan. (DISTRICT #1)

Attachments: [APO LETTER FOR 09-05.doc](#)
[Continuance MEMO 09-05.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE.doc](#)
[Referral Letter 09-05.doc](#)
[Report 09-05.doc](#)
[Ordinance 6345.pdf](#)
[090080.pdf](#)
[090080.pdf](#)

Dan Coffey, 1300 S. Finley Road, Suite 103, Lombard, presented the petition. He explained that he purchased a business condo unit in the Prairie Path Villas for his business. He indicated that about 6 months ago he inquired about signage with the Village and initially thought the panel sign was acceptable. It was not until Mr. Pyter from Olympic Sign submitted details to the Village that the provisions regulating the site came to light. Mr. Coffey explained that David George, the developer of the building, indicated to him that the Planned Development allowed for more signage and awnings. He was not aware of the channel lettering requirement until staff made reference to the planned development ordinance and the Main Street Place requirements. He indicated that these are tough economic times and that the channel letter sign is much more expensive - \$16,500 versus \$3,700. Mr. Coffey said that financing is limited and cannot afford the more expensive sign. He also stated that Mr. George, owner and president of the association, preferred the appearance of the panel sign and having individual letters attached to the wall would create maintenance problems.

He continued that there were concerns about his responses to standards being an obstruction or distraction and don't believe they will do that. He said it is important to have a lit sign because he works late and his patients are accustomed to him staying open until 9 p.m. Without the proper signage, it would make it difficult to find his business. He mentioned the parking being in the back of the building and that his clients may miss the turn onto Ash. He respects Community Development's passion and desires to improve Lombard. He indicated that he plans to be here for many years. He said he is in a bad situation now with financing and so he needs the Commissioners' help. If the petition is denied it will delay his ability to get the proper signage to get downtown going. He added that he cares about Lombard, serving on the Board of Directors for Chamber of Commerce, Rotary and Lombard Town Centre. He said that he would not let a sign go up that doesn't represent Lombard nor will David George. He believes that the panel type sign would look visually better, satisfy the Commissioners and allow him to support his family and employees with the additional savings.

Chairperson Ryan opened the meeting for public comment.

Tom Knapp spoke in support of the request and provided additional documents. He indicated that he is the architect for Mr. Coffey's office space and is also the Vice President of the Lombard Town Centre. He also stated that he is representing himself and the Lombard Town Centre. He said that although he was only the architect to assist Mr. Coffey with his build-out, he got involved

once he learned about the signage issues. He indicated that he contacted staff inquiring about the signage provisions and was told the sign was acceptable. He said that the petitioner proceeded with a sign contractor to put a formal proposal together and submit it to the Village. The sign was rejected and he set up a meeting with Village staff to discuss the matter. He stated that staff did not provide him with anything in writing explaining the requirements. He said the sign meets the zoning requirements and that the Planned Development was unclear. He suggested a better process for business owners with regards to signage approval.

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The petitioner, Dr. Daniel Coffey of D.C. Spinal Wellness and Sport Rehabilitation, is proposing to install a box style wall sign on the eastern façade of the Prairie Path Villas building. Ordinance 5802 (PC 05-43), approved the Prairie Path Villas Planned Development. As part of the approvals, all wall signage associated with the development was to be in accordance with the approved elevation plan as shown on exhibit "A". In addition, as a condition of approval, signage associated with the development was to consist of channel letters. Since the proposed new sign would not be of a design or in a location approved as part of Ordinance 5802, a planned development amendment is required.

Mr. Moynihan stated that the petitioner is proposing to install a box style wall sign at Prairie Path Villas located at 310-312 S. Main St. The wall sign is proposed to be installed on the eastern elevation of the building and will face Main Street. The petitioner is the owner of the far northern commercial condominium unit on the Main Street side of the building. The proposed sign would be installed above the awning just south of the Main Street entrance to this unit. As the sign is proposed to be placed in a location not depicted on the approved building elevations, an amendment to the planned development for signage location would be necessary. In addition, the planned development required that all exterior wall signs on the building be of a channel letter design. As the proposed sign consists of a single interiorly illuminated aluminum cabinet, the petitioner is requesting that the conditional use for a planned development be amended to allow a box style wall sign.

The Comprehensive Plan identifies the site for Community Commercial uses. The existing use is therefore consistent with the Comprehensive Plan.

The subject property is bordered by other commercial uses, a recreational pathway, and multi-family housing. The proposed signage is not expected to negatively impact the surrounding land uses. The request is generally compatible with the surrounding land uses.

Compatibility with the Sign Ordinance

In PC 05-43, Prairie Path Villas was granted the following deviations related to signage:

- g) A deviation from Sections 153.211(F) and 153.508(B)(19)(a) of the Sign Ordinance to allow for awning and canopy signs to be displayed in conjunction with wall signs;
 - h) A deviation from Section 153.508(B)(19)(c) to allow for more than one wall sign per street frontage; and
- The deviation for the number of signs was supported by staff to allow a

sufficient number of signs to identify the individual commercial tenants in the building. The use of mixed signage was supported by staff to promote the aesthetic effect of breaking up the building's street elevations. The intention was to contribute to the impression of a series of separate buildings, effectively reducing the single, larger building to a more pedestrian scale.

The petitioner's proposed wall sign would be installed on the eastern elevation of Prairie Path Villas. The proposed signage measures four feet (4') by twelve feet (12') for a total of forty-eight (48) square feet. The Sign Ordinance requires that the total sign area of all wall signs on a property in the B5A District shall not exceed one times the lineal front footage of the property and that no one wall sign shall exceed fifty (50) square feet. Therefore, no variation for signage area is necessary as the proposed wall sign does meet the pertinent regulations.

Staff also notes that the petitioner has indicated on his submitted permit plans that his tenant space has sixty feet (60') of frontage along Main Street. The proposed signage area would only make use of forty-eight feet (48') of frontage along Main Street.

Ordinance 5802 which established the Prairie Path Villas Planned Development requires that wall signage be of a channel letter design. The following conditions are applicable to this petition:

3. As part of the building permit submittal, the petitioner shall satisfactorily address the comments included as part of the Inter-Departmental Review Report.

9. The proposed wall and awning signs on the building shall be designed and located on the building consistent with the submitted plans.

Regarding Condition 3, staff made several comments concerning signage in the Inter-Departmental Review Report of PC 05-43. Among those comments were the following:

"Based upon the submitted elevations, two deviations are required - a deviation from Sections 153.211(F) and 153.508(B)(19)(a) of the Sign Ordinance to allow for awning and canopy signs to be displayed in conjunction with wall signs, and a deviation from Section 153.508(B)(19)(c) to allow for more than one wall sign per street frontage."

"The petitioner's request for a mixed sign package is intended to break up the scale of the building along Main Street to give it the appearance of multiple structures at a pedestrian level. The awning signage is meant to "frame" the center façade of the Main Street elevation, while the other wall sign elements identify the respective business establishments."

"Staff would be supportive of this request provided that the wall signage follows the same guidelines the Village has approved for many recent developments, including the Main Street Place planned development (SPA 05-05), kitty-corner to the site. These provisions include the requirement that all wall signage to be installed on the building shall be of a uniform design and shall be placed on the building in accordance with the wall sign package as depicted on the submitted building elevations."

As noted above in the IDRC and as a condition of approval, signage in the Prairie Path Villas Development was to be of a uniform design and placed according to submitted building elevations, same as the guidelines established for Main Street Place at 229 S. Main Street (SPA 05-05). That development was approved with the following condition:

1. All wall signage to be installed on the subject property shall be of a channel letter design and shall be placed on the building in accordance with the wall sign package as depicted on the submitted building elevations.

The approval of Prairie Path Villas was conditioned that it meet the same signage design standards required at Main Street Place, specifically channel letter design, and that the signage be located as depicted on the approved plans. These conditions were recommended by staff and approved by the Village Board as a means to improving the overall quality and uniformity of signage design and to ensure consistency in location. As the approved plans were interpreted during the public hearing to be consistent with the requirement for channel letter signs, there was no condition written as part of Ordinance 5802 which specifically stated that channel letter signs would be required at Prairie Path Villas.

It is the opinion of staff that these amendments could potentially reduce the quality of signage on the building and the quality of the development as a whole. A future tenant could replace this box style wall sign with one of an inferior quality. If other signs on the building are to be channel letter in design, a box style sign would also degrade the uniformity of the signage package which was preferred in PC 05-43. Staff also notes that the approval of these amendments may set a precedent for other tenants in the Prairie Path Villas building and other nearby buildings, such as Main Street Place, should they desire to install box style wall signs.

The Planned Development was designed to ensure unified and compatible design of buildings and signage, as authorized in Section 155.502 (D) of the Zoning Ordinance. Staff finds that the proposed amendment to the Planned Development will reduce the quality of signage on the building and the quality of the development as a whole. Therefore staff recommends denial of the request.

If the Plan Commission does determine that proposed amendments are desirable, the Commissioners may want to consider similar amendments for the entire planned development, allowing for any future signage to only meet the requirements of the Sign Ordinance. This would avoid the possible situation in which public hearings are necessary on a sign by sign basis, should similar signs be requested. The following condition could be added to any motion for approval:

1. But for the two deviations granted by Ordinance 5802, wall signs installed on the exterior elevations of the Prairie Path Villas Planned Development shall be subject only to the requirements of the Sign Ordinance.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Nelson asked if the sign would be lit. The petitioner indicated it would be lit and that he needed it that way to help direct his customers.

Commissioner Sweetser indicated that since it was not specially stated that channel lettering was required that there might be a good reason for making some adjustments however she was not sure what they would be. She wanted to know if other Commissioners had any thoughts.

Commissioner Cooper suggested that the petitioner consider other types of signage that would be less expensive but still have channel letters such as steel.

Commissioner Burke suggested that the letter be back lit rather than individually lit to save costs. Commissioner Flint agreed and said there could be an alternative cost effective way to light the sign.

Commissioner Burke stated that he would like this to move forward and that he understands the dilemma and confusion, however based on the information they have, the signage is unacceptable and does not go well with the other signage on the building. He indicated that he is sympathetic to the petitioner regarding costs however he felt that the channel letter goes well with the building and other signage and that he was not in favor of the request.

Commissioner Sweetser suggested they grant a time period for this sign to be up and ready to go and be replaced in 2 years. She then stated that the planned development required channel letters and that the box sign appears to be like a billboard on the building. She stated that they should be consistent with the standards of the planned development since this is the first sign. She suggested to staff to review its process of giving information.

L. [090225](#)

PC 09-07: 355 Eisenhower Lane South (Soaring Eagle Academy)
Requests that the Village grant a conditional use, pursuant to Section 155.420 (C) of the Zoning Ordinance to allow a "Private School" within the I - Limited Industrial District. (DISTRICT #3)

Attachments: [apoletter 09-07.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PH notice.doc](#)

[Referral Letter 09-07.doc](#)

[Report 09-07.doc](#)

[Ordinance 6340.pdf](#)

[090225.pdf](#)

Dan Gardner, 114 E. Van Buren, Naperville, introduced the petitioners. He distributed a PowerPoint presentation which gives more background to the project.

Deanna Tyrpak 2010 Birchwood Ave, Des Plaines, IL, gave background on the proposed school. She said Soaring Eagle Academy is a school for students with autism. It will serve children between the ages of 5-21 years old. She stated that their methodology is unique and cannot be found in many other places in the Midwest. She indicated that the staff report explains the project and reason for approving the conditional use. The site was chosen because of the amenities it offered. She said they draw from a larger region, so the site is good for them and that it is near controlled intersections and well buffered from surrounding uses. She stated that the proposed facility meets their needs for students, staff and parents. Ms. Tyrpak stated that the school is a 512, 501(c)(3), founded by her and 2 speech pathologists. She indicated that there is a growing need for this type of facility and that there are different approaches to treating children with autism. Developing relationships is their philosophy. She described the disorder, the misconceptions people hold about it, and how their school hopes to defy these misconceptions. The approach they will use, DIR, brings hope to families.

She said they will provide a social and academic environment, and explained how they will provide their curriculum. The model allows for safety, and that students will not be left alone. She said they will be certified by the state and there are many stringent guidelines they will need to follow. Their program will be different in that their approach you will see joyful children engaging in meaningful learning. They are excited to bring this to the Midwest and want to be a resource in the community. They will serve up to 60 students with 72 staff members. The property is ideal for safety. She said arrival hours for staff are 8 AM and children will be dropped off in 15 min increments starting at 8:30AM. Families will be driving their children and there will be no buses. She said that it is critical to their operations that the children are in the building safely. She said there will be no lunch, no café, the kitchen and day area is only for educational purposes. Children will depart in 15 minute increments starting at 2:30 PM with staff leaving thereafter.

Chairperson Ryan opened the meeting for public comment.

There were no comments or questions from the public.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The petitioner proposes to operate a private educational facility at 355 Eisenhower Lane South. The proposed school would be known as Soaring Eagle Academy, a private school that is intended to meet the educational needs of grade, middle and high school students with autism and related disorders as an alternative to a traditional public or private school. The school is intended to educate up to sixty (60) students.

The petitioner has submitted a narrative further describing their proposed use. They are a non-public special education school seeking approval from the Illinois State Board of Education. The proposed school is intended to provide a specialized educational model for students with autism or other related disabilities ranging in ages from 5-21 years old. The petitioner has indicated that there are currently no other private or public schools utilizing their educational model in the Midwest. According to their narrative, their educational model consists of some of the following:

- * Focuses on the whole child and seeks to develop a foundation that builds flexible skills for higher-level thinking and learning and interaction with the world around them.*
- * Encourages children to engage in dynamic, meaningful learning through development of social interactions and relationships.*
- * Believes emotional development of the child and ability to relate and interact with others is the critical foundation for future learning.*

They indicated that students diagnosed with autism and related disorders spend most of their school day on tasks related to functional/daily living skills rather than a balance of academics appropriate to their development level, social communication skills and functional skills.

Operations & Building Improvements

Based upon discussions with the petitioner, the facility will accommodate students aged between 5-21 years. Once they reach their projected capacity of 60 students, up to 72 employees including teachers, therapists, and aides will be

onsite.

The petitioner plans to make significant changes to the existing floor plan of the building, which is 20,000 square feet in area. The proposed improvements include:

- * 7 classrooms
- * 2 sensory motor gyms
- * Several floor time and therapy rooms
- * Kitchen and daily living area
- * Vocational work studio
- * Library resource area
- * Administrative and staff offices

They have indicated that some of the improvements would occur in phases as enrollment increases. Initially, they expect to accommodate 28 students and grow approximately 16 students per year until they reach 60 students.

Staff had provided Fire Department/Bureau of Inspectional Services comments to the petitioner with respect to fire sprinklers, ADA and Illinois Accessibility requirements. The petitioner indicated that they will meet all requirements.

The petitioner's proposed plans indicate improvements to the south side exterior of the building including widening the existing entrance and adding another entrance to the east. In addition, they would provide an outdoor play area on the existing green space located east and west of the existing entrance. The proposed play area to the east would be fully fenced with a 6' high chain link fence to ensure proper security for the children. The play area would include playground equipment with slides and climbing areas.

The petitioner has indicated that they would request a sign on the north elevation of the building facing Eisenhower Lane. As details of the proposed sign were not submitted, they would be obligated to meet the underlying provisions of the Sign Ordinance.

Loading/Unloading

Students attending the school would be transported via their parents or taxi cab only. No buses would be used. The school staff would arrive at the facility by 8:00 AM. Students would arrive in 15 minute intervals starting at 8:30 AM and ending at 9:30 AM. Students would be leaving the school and picked up in 15 minute intervals starting at 2:30 PM and ending at 3:30 PM. All drop off and pick up would occur on the south side of the building. Staff encourages the staggered drop off and pick up so as to eliminate any back up onto Eisenhower Lane. The petitioner's site plan does indicate a drop off and pick up area on the south side of the building. That area can accommodate up to 8 cars for stacking/queuing. Based on the representation by the petitioner and the layout of the site, the transporting function of the site should function well.

Site Considerations

Staff provides a series of photographs of the proposed site for reference purposes (see attached exhibits at the end of the report). The property is surrounded by light industrial uses on all sides. The southern portion of the subject property is located on a municipal boundary line shared with the Village of Downers Grove. That portion of Downers Grove abutting the subject property contains properties with light industrial uses as well. Thick vegetation is provided on the southern portion of the subject property whereas the adjacent property to the south is no longer visible from the subject property.

Parking

The Zoning Ordinance requires one (1) space per employee plus eight (8) spaces for visitors for K-8th grades. High schools require one (1) space per employee plus eight spaces for eight (8) students. In review of these parking options and the nature of the operations, staff believes the K-8th grade option to be more appropriate in this instance. This is consistent with a similar request for a private school at 1110 N. Main (PC 04-02).

Based upon the school's proposed demand, they will require 80 total spaces for the school. In review of the plans, this demand can be accommodated by the existing spaces. Pursuant to the Zoning Ordinance and the Illinois Accessibility Code, a minimum of 4 handicap accessible spaces shall be provided. The site currently provides 2 handicap spaces. The petitioner's site plan does show them adding 2 additional handicap spaces. The total parking provided would be 84 parking spaces. As previously noted, the Code requires a minimum of 80 spaces be provided.

The property is surrounded by light industrial uses on all sides. Other tenants occupying those surrounding uses include a variety of "light" industrial and office type uses. From a land use perspective, staff finds that the proposed private school use is compatible with the surrounding land uses. The fact that the school draws from a broader geographic area and given the layout of the existing site being able to accommodate the transportation and parking needs of the school, the proposed use at this location can be supported.

The Comprehensive Plan recommends Planned Business Park at this location. The York Brook Business Park is specifically described in the Comprehensive Plan as being one of the newer, established business park locations within the Village. The York Brook Business Park is also completely developed and generally well maintained. Although described in the Comprehensive Plan, there are no specific recommendations for the types of uses that should occur within the York Brook Business Park. Given this circumstance, the very nature of a business park can be generally summarized as providing light industrial, business and office land uses.

In 2004, the Village approved text amendments to the Zoning Ordinance for private schools as conditional uses in the I - Limited Industrial District (PC 04-01) along with a companion request for a private school located at 1110 N. Main Street (PC 04-02). As noted in PC 04-01, private schools often have greater traffic generations and draw upon a larger than local area. Therefore, from a transportation standpoint, staff believes locating a school outside of a single-family residential area may be more appropriate. The petitioner's specific site can be supported for the school as the building promotes good circulation, provides adequate parking and is not bordered by more heavily industrial uses. Therefore, staff believes the use is consistent with the Comprehensive Plan and recommends approval subject to the attached conditions.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that the educational facility is a positive addition to the community and there is a great need for this type of school. The building sits alone and is isolated from others. He stated that it has a nice parking lot, and some green space to the north.

Commissioner Sweetser stated that she agrees that this is a very wonderful addition to the community and glad to see it. She asked the petitioner if their curriculum has to have ISBE certification or approval. Ms. Tyrpak indicated that the Illinois State Board of Education does have to approve them. The ISBE also comes on regular visits and can access the paperwork in their files. Commissioner Sweetser then asked if the green space and playground equipment previously mentioned would be age appropriate for all the children. Ms. Tyrpak answered that all students have the opportunity to go outside and the area will be fenced in. All the children, including the older ones, will have access to the same playground equipment. She also indicated that part of the green space would be used for gardening.

Commissioner Burke asked if the petitioner is leasing the building. Mark Montana, 225 W Washington, Chicago, said yes.

Commissioner Burke expressed a concern that the petitioner could sublease or the landlord could lease to a use that is not compatible with the school as they are not occupying the entire building. Mr. Montana said they are leasing the entire building from the beginning of the lease, so no other tenant could go in there. He said Phase II is to further understand how they are growing and how the build out can be. They have a plan for Phase II.

Commissioner Burke suggested that the Plan Commission add a condition limiting the use of the building to an academic institution and that the entire building is subject to the conditional use and only used for that purpose. George Wagner, Village Counsel, suggested some language to consider for an added condition #5

Add condition:

5. During the operation of the school, the entire building is subject to the conditional use and shall only be used for activities associated with the school as outlined in their application.

Ordinances on Second Reading

Resolutions

- M. [090235](#) Approval of a Memorandum of Agreement With the Inter-Agency Paratransit Coordinating Council of DuPage County for the continued support and participation of the Village of Lombard in meetings and committee activities.

Attachments: [R 97-09.pdf](#)
[090235.pdf](#)

- N.** [090238](#) South Booster Station, Design Amendment No. 3
Approving an increase to the contract with Christopher B. Burke in the amount of \$18,261.32. (DISTRICT #6)
Attachments: [090238.pdf](#)
 [R 98-09.pdf](#)
- O.** [090241](#) Resolution Urging Passage of a Comprehensive Capital Infrastructure Program
That will equitably allocate road funds throughout the State.
Attachments: [SUBMIT.DOC](#)
 [RESOLUTION URGING PASSAGE OF A COMPREHENSIVE CAPITAL INFRA](#)
 [R 99-09.pdf](#)
 [090241.pdf](#)
- P.** [090248](#) Suburban Tree Consortium
Approving the Village's participation in the Suburban Tree Consortium for the purchase of parkway trees.
Attachments: [R 100-09.pdf](#)
 [090248.pdf](#)
- *Q.** [090263](#) French Market Agreement - North Park Avenue Right-of-Way
Authorizing signatures of the Village President and Village Clerk on a French Market Operator's Agreement with Lombard Town Centre. (DISTRICT #1)
Attachments: [French Market Operators Agreement.pdf](#)
 [R 101-09.pdf](#)
 [Northparkaverowbotmemo.doc](#)
 [SUBMITagreements Park ave row.doc](#)
 [090263.pdf](#)

Other Matters

- R.** [090243](#) FY2010 Crack Sealing Program
Award of a contract to Denler, Inc., the lowest responsible bid of four bidders, in the amount of \$140,000.00. Bid in compliance with Public Act 85-1295.
Attachments: [090243.pdf](#)
 [Contract # M-10-03.pdf](#)
 [Change Order 1 Denler.pdf](#)
 [Change Order 2 Final Denler.pdf](#)
- S.** [090244](#) FY 2010 Preservative Surface Treatment Program
Request for a waiver of bids and award of a contract to CAM, LLC in the amount of \$70,000.00. Public Act 85-1295 does not apply.

Attachments: [090244.pdf](#)
[Contract # M-10-04.pdf](#)
[CAM Change Ord. 1.pdf](#)

- T. [090249](#) 101 S. Main Street Remediation Stage 2
Award of a contract to Anthem Excavation & Demolition, Inc., the lowest responsible bid of three (3) bidders, in the amount of \$14,995.00. Bid in compliance with Public Act 85-1295. (DISTRICT #4)

Attachments: [090249.pdf](#)
[Contract # ENV-08-01A.pdf](#)

- U. [090252](#) Tree Planting
Request for a waiver of bids and award of a contract to the Suburban Tree Consortium in the amount of \$92,960.00. Public Act 85-1295 does not apply.

Attachments: [090252.pdf](#)

- V. [090253](#) Spiral Lining
Request for a waiver of bids and award of a contract to C.T.R. Systems, Inc. in the amount of \$247,735.26. Public Act 85-1295 does not apply. (DISTRICT #5)

Attachments: [090253.pdf](#)
[Contract # M-09-09.pdf](#)

- W. [090098](#) ComEd Proposals to Bury Overhead Wires
Request for directive on ComEd proposals to bury overhead wires in the downtown. (DISTRICT #1)

Attachments: [090098.pdf](#)
[Downtown OH Wires Cover.doc](#)
[Downtown OH Wires Memo to BOT - R1.doc](#)

- X. [090100](#) 2010 Census
Recap of Census Committee.

Attachments: [DAH referral memo.doc](#)
[Census CompleteCount - additional data.doc](#)
[Census-CompleteCount.doc](#)
[Cover sheet - ad hoc creation.doc](#)
[090100.pdf](#)

Pat Hayden announced that the 2010 Census will be coming up next year but there is a lot of planning to do. She explained that the Census determines where the \$300 billion is distributed. The funding is based on Census count and it affects the voice in Congress and brings jobs to the community. When people are counted, those people are counted for 10 years so it is critical to count everyone because the count is valid for 10 years.

There are some changes-only short form will be used, which takes 10 minutes and then is to be put in the mail. Safe and simple. Long form Census is still

being done in another data collection process that occurs throughout the year annually. It is good for population projections. Information is confidential, kept in the processing center in Indiana and locked up for 72 years, which is the life expectancy of individuals.

Ms. Hayden stated that the Census Bureau is looking to partner with communities, individuals, to form a Complete Count Committee (CCC) to ensure that no one is left uncounted. They want help in educating the communities and to ensure that people are better informed about the Census so that the return is higher. Partnerships are made up of various groups in the community-government is a key group. Government wants to get their fair share of the dollars. Asked the highest level elected officials to designate CCC and a proclamation be done for the community; help recruit Census workers. May work with government to set up CCC to help with questions, etc. in the community. CCC-team of community members to develop community characteristics of YOUR Community to help educate and get the word out about the Census. Business, education, faith-based organizations, media, etc. A cross section of the community.

Educators can be involved as they can engage residents who may be difficult to reach-College students also need to be counted but are typically counted not where they live but where they go to school. The rule is to count where you are the most. Census data affects distribution of funds. Important for education to be involved. Census has partnered with Scholastic with programs from K-12 to bring into the classroom to help educate them and by bringing the Census into the schools, so they too, can bring the message home to the parents.

Community-based organizations help as they use data to fill out grant applications. Data is needed and they assist by getting the word out in newsletters, etc. They help by answering questions regarding language barriers, etc. Testing and training as well.

Media-PR committee help in getting the message out to the public. Using all the available resources.

Faith-based communities-credible, respected and can influence people about getting the word out.

Help engage residents who are difficult to reach.

Businesses-employees, customer base-share the message, sponsor activities, print flyers, posters.

CCC takes a complete cross section of the community to help in getting questionnaires filled out and returned by mail. Forms mailed in March of 2010. April 1, 2010 is CENSUS DAY.

Perhaps could have one event per month so that keeps getting the word out. Events, flyers, giveaways to help things get done.

Mail back rate in 2000 was 60% and communities with CCC had a higher rate. Goal is trying to raise that return rate. National campaigns will be in place in December/January.

Andy Draus asked about funds for the committee. Ms. Hayden said while there is no funding available, all the materials are there for the asking-online. Also,

using what you are already doing but incorporate the Census materials into it. Supplementing what you are already doing. Committee will be making copies, etc. and supporting the Census education.

Trustee Fitzpatrick asked how the committee would be formed - would it include all facets of the community? Ms. Hayden indicated that it would be appointed by highest ranking Village official-staff liaison, members of all the different entities mentioned, etc. Pat would come out and speak to the group to help set a calendar of events for the committee.

What's the cost to the community? Ms. Hayden answered whatever the community spends on it is up to them-staff time, copies, etc. but the Village would make up that money in the long run.

Trustee Fitzpatrick thanked Pat for her presentation and Jennifer Henaghan, Senior Planner, who stopped in to answer any questions that the committee might have.

Andy Draus asked what amount of money the Village is willing to put toward this. The Community Relations Committee wants to know the amount of resources, time and money, that the Village is putting toward supporting this. Trustee Fitzpatrick and staff recapped a meeting that was held with President Mueller and Community Development Director Bill Heniff, Trustee Fitzpatrick and Joelyn Kott. (A memo from Bill Heniff was included in the agenda packet.)

The discussion was about the development of the Complete Count Committee, which will be appointed as an ad hoc committee of the Community Relations Committee. It is expected to meet quarterly.

Y. [090199](#)

Grant Application for 2009 Taste of Lombard
Request from the Lombard Jaycees for \$35,000 from Hotel/Motel funds for costs associated with the Fest and fireworks. A grant of \$30,000 was approved.

Attachments: [090199.pdf](#)

A grant in the amount of \$35,000 was submitted by the Lombard Jaycees for costs associated with fireworks for the 2009 Taste of Lombard. Ed Murphy suggested that given the current economic conditions, he felt that the grant should be given at \$30,000 and not the \$35,000 that was requested.

The grant application was reviewed by the committee. No one from the Lombard Jaycees was present at the meeting.

A motion was made by Ed Murphy, seconded by Jill Payne to award a grant in the amount of \$30,000 to the Lombard Jaycees for expenses related to fireworks for the Taste of Lombard Motion carried unanimously. A recommendation will be presented to the Board of Trustees at its May 7, 2009 Board meeting.

IX Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

X Agenda Items for Discussion

XI Executive Session

XII Adjournment