

Village of Lombard

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



Minutes

Thursday, August 20, 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

This approval includes suspension of the rules, waive first reading and pass on second reading, waive competitive bidding and award contracts, approve and adopt resolutions as needed for the preceding items as read by the Clerk on the Consent Agenda

II. Roll Call

III. Public Hearings

IV. Public Participation

Swearing-in Ceremony - Lt. Roy Newton, Sgt. Will Mitchell and Sgt. Bill Marks

Proclamation - Sheldon Peck Homestead 10th Anniversary

Proclamation - Beacon Hill Retirement Community 25-Year Anniversary

V. Approval of Minutes

It was moved by Trustee Ware, seconded by Trustee Wilson, to approve the regular meeting of June 18, 2009 The motion carried by the following vote:

VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Bill Ware,
Chairperson

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

Finance Committee - Trustee Zachary Wilson, Chairperson

Public Works Committee - Trustee Greg Gron, Chairperson

Transportation & Safety Committee - Trustee Dick Tross, 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

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Payroll/Accounts Payable

- A. Approval of Accounts Payable**
For the period ending June 19, 2009 in the amount of \$1,279,630.51.
This Matter was approved on the Consent Agenda.
- B. Approval of Village Payroll**
For the period ending June 20, 2009 in the amount of \$824,965.89.
This Matter was approved on the Consent Agenda.
- C. Approval of Accounts Payable**
For the period ending June 26, 2009 in the amount of \$652,137.52.
This Matter was approved on the Consent Agenda.
- D. Approval of Accounts Payable**
For the period ending July 3, 2009 in the amount of \$1,152,434.75.
This Matter was approved on the Consent Agenda.
- E. Approval of the Village Payroll**
For the period ending July 4, 2009 in the amount of \$877,946.31.
This Matter was approved on the Consent Agenda.
- F. Approval of Accounts Payable**
For the period ending July 10, 2009 in the amount of \$223,609.73.
This Matter was approved on the Consent Agenda.
- G. Approval of Accounts Payable**
For the period ending July 17, 2009 in the amount of \$919,211.71.
This Matter was approved on the Consent Agenda.
- H. Approval of Village Payroll**

For the period ending July 18, 2009 in the amount of \$860,927.54.

This Matter was approved on the Consent Agenda.

- I. Approval of Accounts Payable**
For the period ending July 24, 2009 in the amount of \$1,724,186.70.
This Matter was approved on the Consent Agenda.
- J. Approval of Accounts Payable**
For the period ending July 31, 2009 in the amount of \$857,259.87.
This Matter was approved on the Consent Agenda.
- K. Approval of Village Payroll**
For the period ending August 1, 2009 in the amount of \$797,081.29.
This Matter was approved on the Consent Agenda.
- L. Approval of Accounts Payable**
For the period ending August 7, 2009 in the amount of \$211,250.46.
This Matter was approved on the Consent Agenda.

Ordinances on First Reading (Waiver of First Requested)

- M. PC 03-27: 240 Progress Road**
Granting a further time extension of Ordinances 5358, 5550, 5717, 5918 and 6236 extending the time period for construction of the conditional use an additional 12 months. (DISTRICT #4)
This Matter was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda.
- N. PC 09-16: Text Amendments to the Lombard Zoning Ordinance**
The Village of Lombard is proposing text amendments to Section 155.223, Section 155.412 through Section 155.420 and Section 155.802 (and any other relevant sections for clarity) pertaining to live entertainment, in the following respects:
1. In addition to current General Provisions, add standards regulating live entertainment; and
2. In addition to current definitions, add a definition for "live entertainment".
This Matter was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda.
- O. Sale of Surplus Equipment**
Declaring one Village-owned vehicle #SM449 as surplus and authorizing its sale to Standard Equipment of Chicago in the amount of \$61,000. Staff is requesting a waiver of first reading.
This Matter was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda.
- P. Special Assessment 217B Reduction of Interest Rate**
Providing for the amendment of Ordinance #6281, adopted December 4, 2008, with regard to the paving and improving of portions of Edgewood Avenue, Vista Avenue, LeMoyne Avenue and Joyce Avenue in Special Assessment 217B as it relates to the reduction in the interest rate charged to residents for their portion of the project costs.

(DISTRICT #4)

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

Q.

PC 09-19: Text Amendments to the Zoning Ordinance

The Village of Lombard is proposing text amendments to the Lombard Zoning Ordinance, amending Section 155.212 to establish replacement central air-conditioning systems as permitted obstructions in certain required yards.

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

R.

PC 09-21: Text Amendments to the Lombard Zoning Ordinance

The Village of Lombard is proposing text amendments to Section 155.205 (A) (1) (c) of the Lombard Zoning Ordinance to allow fences in residential districts to be up to eight (8') in height along property lines that adjoin and parallel railroad right-of-way. (DISTRICTS #1 and #4)

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

***S. PC 09-23: Text Amendments to the Lombard Zoning Ordinance (218 E. St. Charles Road) (Moved to IX-A1)**

T.

Declaration of Surplus Property

Declaring four Village-owned vehicles as surplus property and authorizing their sale at the Tri-State Automobile Auction of Chicago. Staff is requesting a waiver of first reading.

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

U.

Seizure and Impoundment of Motor Vehicles

Amending Title VII, Chapter 75 of the Lombard Village Code with regard to the seizure and impoundment of motor vehicles.

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

***V. Amending Title 3 of the Lombard Village Code (Moved to IX-A2)**

W.

Declaration of Surplus Property

Declaring one ambulance as surplus property and authorizing its sale to Apgar Ambulance in the amount of \$19,000.00. Staff is requesting a waiver of first reading.

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

X.

Disposal of Village Property - Police Canine Dog

Declaring retiring Police canine dog "Doc" as surplus and authorizing the sale of the dog to Officer Bruce Bradford.

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

Other Ordinances on First Reading

- Y. ZBA 06-21: 820 E. St. Charles Road**
Granting a further time extension to Ordinance 5935, as amended by Ordinances 6094 and 6247, relative to the approval of a reduction in the minimum required lot area for the property located at 820 E. St. Charles Road. (DISTRICT #4)
This Matter was passed on first reading on the Consent Agenda.
- Z. PC 05-42: 218-226 W. St. Charles Road (The Pointe at Lombard)**
Ordinance granting a further time extension to Ordinance 5816, as amended by Ordinances 5973, 6141, and 6327 relative to the property located at 218-226 W. St. Charles Road. (DISTRICT #1)
This Matter was passed on first reading on the Consent Agenda.
- AA. ZBA 08-13: 1008 S. Lewis**
Granting a time extension to Ordinance 6234 extending the time period for construction of the variation for an additional twelve month period (August 20, 2010). (DISTRICT #6)
This Matter was passed on first reading on the Consent Agenda.
- BB. PC 09-10: 404 East North Avenue**
Requests that the Village grant a conditional use pursuant to Section 155.416(C)(4) and (5) of the Lombard Zoning Ordinance to allow automobile service and automobile repair in the B4 Corridor Commercial Shopping District. (DISTRICT #4)
This Matter was passed on first reading on the Consent Agenda.
- CC. PC 09-17: Text Amendments to the Zoning Ordinance**
The petitioner (Lux Chateau) requests text amendments to Section 155.417(G)(2) and Section 155.802 of the Lombard Zoning Ordinance (and other sections where needed for consistency within the Zoning Ordinance, clarity with the Smoke Free Illinois Act or as deemed appropriate) to allow for "Smoking Establishments" to be listed as a conditional use within the B4A - Roosevelt Road Corridor District. (DISTRICTS #2 and #6)
This Matter was passed on first reading on the Consent Agenda.
- DD. PC 09-18: 1221 S. Main (Lux Chateau)**
Requests that the Village grant a conditional use, pursuant to amended Section 155.417(G)(2) of the Zoning Ordinance to allow a "Smoking Establishment" within the B4A - Roosevelt Road Corridor District. (DISTRICT #6)
This Matter was passed on first reading on the Consent Agenda.
- EE. PC 09-22: 555 E. Butterfield Road (Comar Offices Planned Development)**
Requests that Village grant approval of the following actions for the subject property located within the O-Office District:
1. A conditional use to establish the subject property as a planned development, pursuant to Section 155.502(F)(3), with the following deviations:
a. A deviation from Section 153.502(B)(5)(b) of the Sign Ordinance to increase the maximum allowable area of a freestanding sign from thirty (30) square feet to ninety-eight (98) square feet.

b. A deviation from Section 153.502(B)(5)(c) of the Sign Ordinance to increase the maximum allowable height of a freestanding sign from six (6) feet to twenty (20) feet.

c. A deviation from Section 153.502(B)(5)(f) of the Sign Ordinance to decrease the minimum allowable distance of a freestanding sign from a property line from ten (10) feet to two (2) feet. (DISTRICT #3)

This Matter was passed on first reading on the Consent Agenda.

FF.

Going Out Of Business Sales

Amending Title 11, Chapter 120 of the Lombard Village Code with regard to Going Out of Business Sales.

This Matter was passed on first reading on the Consent Agenda.

***G Washington Boulevard West of Main Street, One-way Reversal (Moved to G. IX-C)**

HH.

Oak Creek Drive, No Parking

Staff request to establish a No Parking zone to reduce a vehicular line of sight issue. (DISTRICT #3)

This Matter was passed on first reading on the Consent Agenda.

II.

North Chase Avenue, Parking Issue

Committee recommendation to remove No Parking restrictions on the east side of the street for the length of the business at 730 E. St. Charles Road. (DISTRICT #4)

This Matter was passed on first reading on the Consent Agenda.

JJ.

St. Charles Rd. East of Garfield, Additional Parking

Committee recommendation to allow on-street parking on the north side of the 100 block of E. St. Charles Road. (DISTRICT #4)

This Matter was passed on first reading on the Consent Agenda.

Ordinances on Second Reading

Resolutions

KK.

Village Complex Paving Project, Final Balancing Change Order No. 2

Authorizing a decrease to the contract with R.W. Dunteman Company in the amount of \$71,801.60. (DISTRICT #6)

This Matter was adopted on the Consent Agenda.

LL.

FY2009 Dust Control Program, Final Balancing Change Order No. 1

Approving a decrease to the contract with CAM, LLC in the amount of \$10,150.00.

This Matter was adopted on the Consent Agenda.

MM.

Craig Place & Willow Street Storm Sewer Improvements and Westmore-Meyers Road/Roosevelt Road Sidewalks Design Engineering

Approving a contract with Baxter & Woodman, Inc. in the amount of \$28,157.00. (DISTRICTS #1, #4, & #6)

This Matter was adopted on the Consent Agenda.

***NN Great Western Trail Bridges Design Engineering Amendment No. 1 (Moved to IX-D)**

- OO. 2009 Driveway Apron and Sidewalk Restoration Program Final Balancing Change Order No. 1**
Authorizing a decrease to the contract with Strada Construction in the amount of \$39,868.74.
This Matter was adopted on the Consent Agenda.
- PP. Agreement for Lobbying Services**
Authorizing an Agreement between the Village of Lombard and Roger C. Marquardt & Company, Inc. to provide lobbying services for the Village through July 1, 2010.
This Matter was adopted on the Consent Agenda.
- QQ. SA 217B Change Order No. 2**
Authorizing an increase to the contract with Alamp in the amount of \$12,041.30. (DISTRICT #4)
This Matter was adopted on the Consent Agenda.
- RR. Olde Towne East Phase 4 Change Order No. 1**
Authorizing a decrease in the amount of \$11,969.64 to the contract with John Neri Construction Company. (DISTRICT #4)
This Matter was adopted on the Consent Agenda.
- SS. St. Charles Road Resurfacing, Intergovernmental Agreement with the Village of Villa Park**
In the amount of \$32,506.00 to pay for a portion of paving St. Charles Road from Westmore-Meyers Road going east. (DISTRICTS #4 & #5)
This Matter was adopted on the Consent Agenda.
- TT. 101 S. Main St. Remediation Phase 2 Change Order No. 1**
Authorizing a decrease in the amount of \$5,770.00 to the contract with Anthem Excavation and Demolition, Inc. (DISTRICTS #1 & #4)
This Matter was adopted on the Consent Agenda.
- UU. Intergovernmental Agreement Between the Village of Lombard and Helen M. Plum Library**
Authorizing signatures of the President and Clerk on an Intergovernmental Agreement regarding the funding of the Library's IMRF, FICA and Medicare contributions related to their conversion to a public library district.
This Matter was adopted on the Consent Agenda.
- VV. 100 S. Main Street**
Authorizing the signatures of the President and Clerk on a Parking Lot Lease for the property located at 100 S. Main Street. (DISTRICT #1)
This Matter was adopted on the Consent Agenda.
- WW. 2210 & 2220 Fountain Square Drive (Sunrise Senior Living)**

Accepting public watermain and fire hydrants for the development known as Sunrise Senior Living located at 2210 and 2220 Fountain Square Drive. (DISTRICT #3)

This Matter was adopted on the Consent Agenda.

XX.

2780 S. Highland Avenue (The Patio Restaurant)

Accepting public watermain and fire hydrant for the development known as The Patio Restaurant located at 2780 S. Highland Avenue. (DISTRICT #3)

This Matter was adopted on the Consent Agenda.

YY.

2770 S. Highland Avenue (Highlands III)

Accepting public fire hydrant for the development known as Highlands III located at 2770 S. Highland Avenue. (DISTRICT #3)

This Matter was adopted on the Consent Agenda.

Other Matters

ZZ.

Fire Engine Purchase

Request for a waiver of bids and award of a contract to Pierce Manufacturing in the amount of \$469,652. Public Act 85-1295 does not apply.

This Matter was approved on the Consent Agenda.

AAA.

Ford Expedition Purchase

Requesting a waiver of bids and award of a contract to Sutton Ford in the amount of \$26,936; and approving an ordinance declaring Village unit FR4 as surplus and authorizing its sale at the Tri-State Automobile Auction of Chicago. Public Act 85-1295 does not apply. Staff is requesting a waiver of first reading.

This Matter was approved on the Consent Agenda.

BBB.

Water & Sewer System Supplies

Award of a contract to Ziebell Water Service Products, the lowest responsible bidder of two bids, in the amount of \$90,000. Bid in compliance with Public Act 85-1295.

This Matter was approved on the Consent Agenda.

CCC.

One Ton Dump Truck with Plow

Request for a waiver of bids and award of a contract to Packey Webb Ford in the amount of \$41,550.00; and approving an ordinance authorizing the trade-in of unit #ST394. Staff is requesting a waiver of first reading. Public Act 85-1295 does not apply.

This Matter was approved on the Consent Agenda.

DDD.

Pump Station Valve Replacement

Request for a waiver of bids and award of a contract to John Neri Construction in the amount of \$30,350.00. Public Act 85-1295 does not apply.

This Matter was approved on the Consent Agenda.

EEE.

FY 2010 Sewer Televising

Award of a contract to United Septic, the lowest responsible bid of four bidders, in the amount of \$105,000.00. Bid in compliance with Public Act 85-1295.

This Matter was approved on the Consent Agenda.

- FFF.** **2010 Asphalt Paving and Patching**
Award of a contract to R.W. Dunteman Company, the lowest responsible bid of four bidders, in the amount of \$717,945.44. Bid in compliance with Public Act 85-1295.
This Matter was approved on the Consent Agenda.
- GGG.** **Parker Drive Cul-de-sac Improvements**
Recommendation to create a cul-de-sac on Parker Drive as part of Special Assessment 217C. (DISTRICT #4)
This Matter was approved on the Consent Agenda.
- HHH.** **SUB 09-01: 1799 S. Fairfield Ave.**
Requests approval of a one-lot major plat of subdivision. (DISTRICT #3)
This Matter was approved on the Consent Agenda.
- III.** **2780 S. Highland Avenue - The Patio Restaurant**
Request to approve a Plat of Easement for watermain located at 2780 S. Highland Avenue and known as The Patio Restaurant development. (DISTRICT #3)
This Matter was approved on the Consent Agenda.
- JJJ.** **Village Board Policy - New Business Promotion Policy**
Request to adopt a "New Business Promotion Policy" as part of the Village Board Policy Manual for promotion of new businesses within the Village of Lombard.
This Matter was approved on the Consent Agenda.
- KKK.** **2210 and 2220 Fountain Square Drive - Sunrise Senior Living**
Request to approve a Plat of Easement for watermain located at 2210 and 2220 Fountain Square Drive and known as the Sunrise Senior Living development. (DISTRICT #3)
This Matter was approved on the Consent Agenda.
- LLL.** **Authorizing Execution of an Agreement with Highland Hills Sanitary District**
Motion authorizing an Agreement regarding discontinuation of water service for nonpayment of sewer service charges.
This Matter was approved on the Consent Agenda.
- MMM.** **Appointments to Various Boards, Commissions and Committees**
Appointments and re-appointments to the Community Relations Committee, Economic and Community Development Committee, Environmental Concerns Committee, Finance Committee, Public Works Committee, Transportation and Safety Committee and Board of Local Improvements as submitted.
This Matter was approved on the Consent Agenda.
- NNN.** **Main Street LAPP Design Engineering**
Approving a contract with Baxter & Woodman in the amount of \$158,323.00. (DISTRICTS #1 & #4)
This Matter was adopted on the Consent Agenda.

Passed The Consent Agenda

This approval includes suspension of the rules, waive first reading and pass on second reading, waive competitive bidding and award contracts, approve and adopt resolutions as needed for the preceding items as read by the Clerk on the Consent Agenda

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

- *A1.** **PC 09-23: Text Amendments to the Lombard Zoning Ordinance (218 E. St. Charles)**
Next Stop Thrift Shop, requests a text amendment to Section 155.414(B) of the Lombard Zoning Ordinance allowing "Secondhand stores and rummage shops" to be listed as a permitted use within the B2 - General Neighborhood Shopping District.
- It was moved by Trustee Gron, seconded by Trustee Tross, that this matter be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:**
- *A2.** **Amending Title 3 of the Lombard Village Code**
With regard to changes in the composition of Standing Advisory Committees.
- It was moved by Trustee Fitzpatrick, seconded by Trustee Gron, that this matter be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:**

Other Ordinances on First Reading

- A.** **ZBA 09-05: 460 S. Main Street (Lombard Cemetery)**
Requests a variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to allow supporting members of a fence in the clear line of sight area exceed six inches (6") in width. (DISTRICT #6)
- It was moved by Trustee Ware, seconded by Trustee Tross, that this matter be waived of first reading and passed on second reading with suspension of the rules to override the recommendation of the Zoning Board of Appeals with a waiver of first reading The motion carried by the following vote:**
- B.** **ZBA 09-06: 736 Hammerschmidt Avenue**
Requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one-half feet (4.5') where six feet (6') is required within the R2 Single-Family Residence District to allow for the installation of a generator unit. (DISTRICT #6)
- It was moved by Trustee Ware, seconded by Trustee Fitzpatrick, that this matter be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:**
- *C.** **Washington Boulevard West of Main Street, One-Way Reversal**

Committee recommendation to reverse the one-way direction to reduce vehicular line of sight issues, not to implement a right-turn-only onto Main Street and to grant the Village a variance for the fence posts. (DISTRICTS #1 & #6)

It was moved by Trustee Tross, seconded by Trustee Ware, that this matter be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Ordinances on Second Reading

Resolutions

***D.**

Great Western Trail Bridges Design Engineering Amendment No. 1

Reflecting an increase of \$359,541.36 to the contract with Bollinger, Lach & Associates. (DISTRICTS #4 & #5)

It was moved by Trustee Fitzpatrick, seconded by Trustee Gron, that this matter be adopted. The motion carried by the following vote:

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

It was moved by Trustee Tross, seconded by Trustee Gron, to recess to Executive Session. The motion failed by the following vote:

Reconvene

XII. Adjournment

It was moved by Trustee Fitzpatrick, seconded by Trustee Ware, adjourn. The motion carried by the following vote: