



Village of Lombard

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

Minutes

Economic & Community Development Committee

*Trustee Laura Fitzpatrick, Chairperson
Trustee Peter Breen, Alternate Chairperson
Dennis McNicholas, Garrick Nielsen, Matthew Pike,
Angel Camacho, Brian LaVaque,
Markus Pitchford, Christopher Carter and
Andrea Harnden
Staff Liaison: William Heniff*

Monday, October 14, 2013

7:00 PM

Village Hall - Community Room

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Fitzpatrick at 7:00 PM.

The Pledge of Allegiance was recited, led by Andrea Harnden.

2.0 Roll Call

Present 7 - Trustee Laura Fitzpatrick, Dennis McNicholas, Garrick Nielsen, Matthew Pike, Markus Pitchford, Christopher Carter, and Andrea Harnden
Absent 2 - Angel Camacho, and Brian LaVaque

3.0 Public Participation

There was no public participation.

4.0 Approval of Minutes

A motion was made by Mr. Pike, seconded by Mr. McNicholas, to approve the minutes from the September 9, 2013 meeting. The motion passed by a unanimous vote.

5.0 Unfinished Business

There was no unfinished business.

6.0 New Business

[130535](#)

Animal Sale Regulations

Review draft ordinance pertaining to the sale of animals within the

Village. (DISTRICTS - ALL)

Diane Arp, representative for Companion Animal Protection Society (CAPS), opened the discussion regarding CAPS' request that the Village consider amending its Zoning Ordinance in order to further regulate the sale of animals within the Village. Ms. Arp began her presentation by discussing "puppy mills" that supply dogs to retail pet stores such as Happiness is Pets. According to Ms. Arp, puppy mills are facilities where many dogs are held on-site for the sole purpose of breeding. The puppies are then sent to retail pet stores. There is very little veterinary care and few employees to care for the animals at such facilities. Ms. Arp continued by discussing the conditions inside the facility as well as some of the common animal health issues associated puppy mill puppies.

Ms. Arp then discussed the memo prepared by staff. Ms. Arp stated that CAPS was not seeking a ban of pet stores, but regulations so that no more pet stores that sells dogs from puppy mills may open. Instead, Ms. Arp encouraged the idea of rescue dogs being sold at pet stores. She called this option, "going humane." Ms. Arp also stated that she believes it is not just the CAPS organization that deems the treatment of dogs at puppy mills inappropriate, but society in general. Ms. Arp continued that sale of pets at flea-, and other open air-markets should be prohibited, as was done in Villa Park. Ms. Arp then stated that she understood the Village has no jurisdiction over out of state puppy mills, but she disputed the staff report's analogy of puppy mills to sweatshops.

Concluding, Ms. Arp stated that Happiness is Pets has seen a reduction in sales, which is partly attributable to class action lawsuits over consumer fraud. Finally, Ms. Arp stated the difficulty in regulation through the State of Illinois as there are only eight (8) inspectors for all of Illinois. The inspectors are part of the Department of Agriculture, which means they are also responsible for inspecting all farms.

Bill Heniff, Director of Community Development, then spoke on behalf of Village staff. Mr. Heniff stated that there are two sections of Village Code that specifically regulate pet stores; the permitted and conditional uses sections of the Zoning Ordinance and Title IX, Chapter 90 of the Village Code. Mr. Heniff pointed out that many of the concerns stated by CAPS are outside the jurisdiction of the Village. Mr. Heniff stated that a text amendment similar to Villa Park's prohibition of the temporary sale of dogs, excluding animal rescue events, could be entertained by the Village, but there is concern regarding CAPS' recommendation that sales occur only at buildings with at least a one year lease.

Mr. Heniff reminded the ECDC that any regulations adopted locally, the Village is responsible for enforcing, which may require additional staff and money from the Department of Community Development budget. Furthermore, whether right or wrong, animals are considered property, which means for land use purposes it does not matter from where the property originates.

Mr. Heniff concluded by applauding CAPS advocacy efforts and stating that, based on input from the ECDC, staff could further examine the Villa Park ordinance prohibiting the temporary sale of animals.

Trustee Fitzpatrick asked for more information regarding a "Puppy Lemon Law," to which Ms. Arp answered that the pet store has to notify the Department of Agriculture and the consumer may have the option to: a.) exchange the animal; b.) obtain reimbursement for medical costs; or c.) obtain a refund from the store.

Trustee Fitzpatrick asked staff if Villa Park has personnel to enforce their pet store regulations. Mr. Heniff responded that there are no pet stores currently operating within Villa Park and therefore there is no need for enforcement.

Trustee Fitzpatrick then asked if there were any DuPage County programs that could assist with monitoring pet stores for compliance. Mr. Heniff responded that he was not aware of any such program. Trustee Fitzpatrick asked for clarification as to whether the temporary sale of any item requires a permit from the Village. Mr. Heniff confirmed that this was the case.

Mr. McNicholas stated that the Village cannot ban future pet stores or regulate from where the animals originate. He continued that the Village is trying to move away from programs where the cost of enforcement exceeds the revenue generated by said enforcement and asked what the penalties may be for those found to violate any proposed regulation. Mr. Heniff responded that as a non-home rule community that, if found guilty, the maximum penalty could be up to \$750 per occurrence. Mr. McNicholas followed his original question by asking if there was any certainty the prosecutor would even hear the case due to the difficulty in providing information to the court.

Trustee Fitzpatrick added that CAPS has not indicated that animals are abused or subjected to poor living conditions within the Village limits.

Ida McCarthy of CAPS stated her preference that the Village either

prevent pet stores with less than a one year lease from opening or allow for the sale of shelter dogs only.

Mr. Heniff clarified that CAPS meant a pet store must have at least a one year lease, not already be open for one year prior to the selling of animals.

There was a brief exchange among ECDC members due to confusion over CAPS request. Some members interpreted the presentation as a request to close all existing pet stores within the Village.

Ms. Arp and Ms. McCarthy stated their desire for quick action due to rumors of a new pet store opening in the Village.

On a motion by Mr. Nielsen, seconded by Mr. Pike, a recommendation to the Village Board to amend Title IX, Chapter 90 of the Lombard Village Code in regard to the limitation or restriction of the temporary sale of animals associated with special events such as flea markets, farmer's market and the like, with an exemption for human associations to have animals on-site if associated with the outreach effort of the organization, with the ability of said animals to be adopted separately from the temporary event, was carried by the following vote:

Aye: 7 - Laura Fitzpatrick, Dennis McNicholas, Garrick Nielsen, Matthew Pike, Markus Pitchford, Christopher Carter, and Andrea Harnden

Absent: 2 - Angel Camacho, and Brian LaVaque

[130532](#)

Portable Movie Screen Purchase

Consideration and approval of an expenditure in Downtown Lombard TIF funds to Open Air Cinema for the purchase of a portable movie screen and related audio/video equipment. (DISTRICTS #1 and #4)

Mr. Heniff described the portable screen and associated audio/video equipment to be used for events within the Village's TIF districts.

Mr. Nielsen stated that this item should be viewed as an investment.

Mr. McNicholas asked if the portable screen could be used by businesses not located within the TIF districts. Mr. Heniff answered that the portable screen could be used by anyone, but because it is being purchased with TIF funds it must be used in the TIF districts.

Mr. McNicholas then asked if the Village could use non-TIF funds to purchase the portable screen so that it could be used or rented by anyone in the Village similar to the "party wagon." Mr. Heniff responded that based on their experience and potential for damage to the unit, the Village does not want it to be rented. Hr. Heniff concluded that if there is a lot of excitement generated by the

proposed screen for the TIF districts then the Village could examine the feasibility of purchasing a second unit.

Ms. Richardt stated that at prior events there was a large increase in sales at businesses such as Punky's, Shannon's, and Sweet Street.

On a motion by Mr. McNicholas, seconded by Mr. Carter, approval of an expenditure of \$3,249.00 (plus any shipping/delivery charges) in Downtown Lombard TIF funds to Open Air Cinema for the purchase of a portable movie screen and related audio/video equipment, was carried by the following vote:

Aye: 7 - Laura Fitzpatrick, Dennis McNicholas, Garrick Nielsen, Matthew Pike, Markus Pitchford, Christopher Carter, and Andrea Harnden

Absent: 2 - Angel Camacho, and Brian LaVaque

[130533](#)

Retail Business Grant Program

Discussion regarding the lien component of the program when the potential business owner is also the property owner.
(DISTRICTS #1 and #4)

Mr. Heniff opened the discussion by identifying the two different items under review. First, in an effort to clarify the program language, the Downtown Retail Business Grant Program Policy is edited so that the term "Downtown" is replaced with "eligible TIF Districts."

The second item under review is the lien provision and the possibility of it being waived for owner occupied buildings. The lien provision could be declared a liability against the property when obtaining a bank loan. As the owner occupier already has a stake in the building Mr. Heniff asked for input from the ECDC as to whether a waiver of the lien provision could be granted through either a case by case review or an amendment to the text of the program.

Mr. McNicholas stated that he opposes a case by case review and the complete elimination of the lien provision. He suggested a provision such that the money would be returned if the building is sold within five (5) years.

Trustee Fitzpatrick asked if there have been any problems with businesses being able to obtain loans because of the lien provision. Mr. Heniff responded that he is aware of one business still looking at an eligible location that is having difficulty.

Trustee Fitzpatrick then asked if Mr. McNicholas' suggestion would help in this case. Mr. Nielsen responded that each bank will have its own lending policy. He then suggested an early release of the lien if the business is paying back the lien through strong sales tax.

Trustee Fitzpatrick asked if a business could appeal the lien. Mr. Heniff responded that an appeal is possible and that the Village Board ultimately makes the decision.

Mr. Heniff then suggested there may be potential to update the policy through the establishment of criteria that determine eligibility of a business for a waiver of the lien. Standard criteria would help avoid capricious and arbitrary decisions. Staff is to further research such possible criteria.

[130534](#)

North Park Municipal Parking Lot - 21 N Park

Review current regulations and proposed change to the business parking permit application from a semi-annual renewal to an annual renewal. (DISTRICT #1)

Mr. Heniff opened the discussion by stating that when the North Park municipal lot was established in 2000 the north end of the lot was for use by condo owners and the south end of the lot was intended for shoppers, store employees, and other visitors. Currently, residential permits are renewed annually while business permits are renewed semi-annually. This proposal is to make all of the permits renewed annually.

On a motion by Mr. McNicholas, seconded by Mr. Pike, approval of annual renewal of business parking permits, was carried by the following vote:

Aye: 7 - Laura Fitzpatrick, Dennis McNicholas, Garrick Nielsen, Matthew Pike, Markus Pitchford, Christopher Carter, and Andrea Harnden

Absent: 2 - Angel Camacho, and Brian LaVaque

7.0 Other Business

Mr. Pitchford stated his concern regarding the Village's ability to remove inoperable motor vehicles from residential properties. He is aware of a vehicle that received a warning from Code Administration in the summer but the vehicle has still not been moved. Code Administration cannot force its removal because it has license plates and inflated tires. Mr. Pitchford suggested the definition of an inoperable motor vehicle should be revisited

8.0 Information Only

Billboard Amortization Study

On a motion by Mr. McNicholas, seconded by Mr. Pitchford, the Billboard Amortization Study was tabled until the next ECDC Meeting on November 11, 2013.

Lombard Town Centre Report

Ms. Richardt reported that the Spooktacular event was a great success. Initial estimates are between 4,000-5,000 people in attendance.

Development Project Update

Staff provided an update on recent development activity.

9.0 Adjournment

A motion was made by Mr. McNicholas, seconded by Mr. Pike to adjourn the meeting at 8:27 PM. The motion passed by a unanimous vote.