



Village of Lombard

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

Minutes

Economic & Community Development Committee

*Trustee Peter Breen, Chairperson
Trustee Keith Giagnorio, Alternate Chairperson
Dennis McNicholas, Matthew Phillips, Garrick Nielsen,
Jodee Baker, Matthew Pike, Joe Glazier, Jr.,
Brenda Gannon and Angel Camacho
Student Member Jolie-Grace Wareham
Staff Liaison: William Heniff*

Tuesday, February 7, 2012

7:00 PM

Village Hall - Community Room

1.0 Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Breen at 7:00 p.m.

2.0 Roll Call

Present 9 - Trustee Peter Breen, Dennis McNicholas, Jodee Baker, Brenda Gannon, Matthew Pike, Joe Glazier Jr., Matthew Phillips, Jolie-Grace Wareham, and Angel Camacho
Absent 1 - Garrick Nielsen

Also in attendance: William Heniff, AICP, Director of Community Development; Christopher Stilling, AICP, Assistant Director of Community Development; Karen Stonehouse, AICP, Executive Director of Lombard Town Centre; Dan Whittington, President of Lombard Town Centre Board and Paul Elliot, owner of Shannon's Butcher Shop.

3.0 Public Participation

There was no public participation.

4.0 Approval of Minutes

A motion was made by Dennis McNicholas, seconded by Jodee Baker, to approve the minutes of the December 12, 2011 meeting. The motion passed by an unanimous vote.

5.0 Unfinished Business

There was no unfinished business.

6.0 New Business

[120058](#)

11 S. Park Avenue - Downtown Retail Business Grant (DRBG)

Request to approve a Downtown Retail Business Grant for Shannon's Deli located at 11 S. Park Avenue in an amount not to exceed \$20,000. (DISTRICT #1)

Christopher Stilling, Assistant Director of Community Development, provided background on the request. He stated that staff has recently received a request for a Downtown Retail Business Grant (DRBG) for Shannon's Deli located at 11 S. Park Avenue. Shannon's, who also has the butcher shop at 15 S. Park Avenue, is seeking to add the deli component to complement their existing butcher shop. Although the deli and butcher are under the same control and will share a kitchen, both businesses are separate and distinct.

Mr. Stilling gave the ECDC a general overview of the program, highlighting a few of the recent changes. He said that since this business will operate as a restaurant, they will not be subject to a lien and would be eligible for up to \$20,000. He also stated that Shannon's Deli is in the process of undertaking an extensive interior renovation to the tenant space at 11 S. Park Avenue. This business will operate as a restaurant offering lunch and dinner; however, it will also have a deli component offering various meats, cheeses, takeout sandwiches and prepared foods not available at their butcher shop. The interior will include approximately 42 seats where customers can order their food and consume it on premises. There will also be 2 deli counters for the prepared foods and meats.

The estimated cost of the project is stated to be over \$200,000 for a complete interior renovation, including furnishings. Although not all of these expenses (such as equipment costs and furnishings) are eligible for reimbursement under the grant program, the costs of the extensive plumbing, electrical, HVAC, 2 bathrooms, full commercial kitchen and other general interior work will likely be in excess of \$40,000. Therefore, the applicant is eligible to receive up to \$20,000 from the Downtown Retail Business Grant program. This request will require approval from the Board of Trustees. If the application is approved, the applicants will need to provide the necessary paid invoices, receipts, and waivers of lien from all contractors prior to any reimbursement.

Mr. Stilling also stated that when Shannon's signed their lease for the butcher shop at 15 S. Park Avenue, effective March, 2009, that lease also included rights to occupy the tenant space at 11 S. Park Avenue. The terms of that lease were for five (5) years or until March 31, 2014. As outlined in the DRBG requirements, eligible businesses must have a minimum of a three (3) year lease or in this case until March, 2015. To accommodate the requirements of the DRBG program, Shannon's and their landlord have agreed to an extension until March 31, 2015. Both the lease and the extension are attached to staff's memo. Staff has reviewed both documents and finds that the applicant will meet the minimum required lease provisions. Mr. Stilling then stated that as part of the DRBG process, Village staff solicited the input from the Lombard Town Centre. Their Board unanimously supports the grant and feels that it will be an outstanding new business to the downtown.

He said that staff is supportive of the request for the following reasons:

- 1. The proposed use will generate foot traffic in the downtown.*
- 2. It will occupy a previously vacant property.*
- 3. The restaurant and deli will provide an unfilled market niche.*

It should be noted that Village Counsel has recently provided the opinion that all grant requests paid for by Village of Lombard TIF dollars shall comply with the Illinois Prevailing Wage Act. Therefore, if the grant is approved, the applicant shall sign an acknowledgement form indicating that they are aware that this project is subject to prevailing wages.

Paul Elliot, owner of Shannon's Butcher Shop and the proposed deli, provided some additional background on their request. He highlighted their experience and stated that they plan to invest over \$200,000 into the space. Ms. Gannon asked what their hours would be. Mr. Elliot stated that they plan to be open from 11 AM to 8 PM.

Mr. McNicholas asked if staff waived the Small Business Development Center review. Mr. Stilling stated that given their track record and experience, staff felt that SBDC review was not necessary.

Trustee Breen asked if they plan to have outdoor seating. Mr. Elliot stated that there is very little room for tables and chairs but that as a future phase 2, they were looking at the possibility of having a roof deck. Mr. Elliot also stated that they may ask for a liquor license in the future, especially as part of the phase 2 plans.

Mr. Camacho asked about the kitchen. Mr. Elliot stated that the

current butcher shop does not have a kitchen and as part of the improvements, a full commercial kitchen would be built to service both the deli and butcher shop.

A motion was made by Matthew Pike, seconded by Jodee Baker, that this request be recommended to the Board of Trustees for approval in an amount not to exceed \$20,000. The motion carried by the following vote:

Aye: 7 - Dennis McNicholas, Jodee Baker, Brenda Gannon, Matthew Pike, Joe Glazier Jr., Matthew Phillips, and Angel Camacho

Absent: 1 - Garrick Nielsen

110722

FY 2012B and 2013 Capital Improvements Program (CIP) - TIF Expenditures

Request to review, discuss and provide a recommendation relative to expending TIF dollars for the projects referred to in the FY 2012B and 2013 CIP.

Trustee Breen opened the discussion on this item saying that at a recent Village Board meeting regarding the CIP budget, he asked to have certain expenditures associated with the TIF dollars be reviewed by the ECDC.

Bill Heniff, Director of Community Development, provided some additional background. He stated that the CIP is a primary management document that identifies specific projects and projected expenditures for capital improvements to be undertaken by the Village. The CIP is funded through the Capital Projects Fund, the Water/Sewer Capital Fund, the Hotel/Motel Tax Proceeds and though Tax Increment Financing (TIF) Dollars. At the meeting, the draft CIP was recommended for approval as proposed, with the caveat that the expenditures that are proposed to be undertaken using TIF dollars be reviewed by the Economic and Community Development Committee (ECDC). As such, staff is bringing the TIF portion of the CIP forward for consideration by the ECDC.

Staff has provided abridged versions of the documentation provided to the Village Board and Public Works Committee, focusing upon the TIF allocations. Utilization of TIF dollars for capital improvements was one of the primary purposes of establishing the District and the capital improvements expended through these projects benefit the District as a whole.

He stated the following projects are associated with the Downtown Lombard TIF:

- *Train Station Underpass (aesthetic enhancement to Metra project) - \$150,000*

- *Carriage House Addition (facility enhancements and expansion) - \$81,000*
- *Downtown Streetscape Improvements (ongoing maintenance, repair and enhancements) - \$25,000*
- *Right-of-Way Beautification Program (ongoing maintenance and enhancements, as set forth within the 2009 Landscape Plan) - \$15,000*

He explained that TIF funds can be allocated to project improvements without being placed within the CIP. Examples of these projects include the grant program funds or some repairs to infrastructure (such as repairing the screen wall at the Marathon/Dunkin Donuts). Moreover, other downtown projects may be funded through other sources (such as the funds for the St. Charles Road roadway resurfacing project). Moreover, as the CIP is reviewed annually, it can be adjusted to accommodate a variety of factors including market conditions and need.

Mr. Heniff stated that of the items previously listed, the Village Board had already directed staff to include the train station enhancements to be included within the Metra project schedule and they are incorporated into the final engineering drawings. The Carriage House project had already received zoning approval to proceed and the Village Board will be considering final approval of the project within the month. The streetscape improvement and landscaping enhancements received a mixed response from the ECDC in their budget exercise conducted in November, 2011, with the Lombard Town Centre and grant funding receiving higher ratings, but above some of the other identified projects. However, staff notes that these expenditures also provide for immediate ongoing and repair activities (such as sidewalk leveling and repair), special requests (such as public banners) and for smaller enhancements (such as the decorative bicycle rack at 139 W. St. Charles Road).

Trustee Breen asked why the cost associated with the train station underpass have increased. Mr. Heniff responded by stating that the project is still in design phase and certain costs associated with the Village's requested enhancements and additional cameras, etc. have increased.

Mr. Phillips asked if the train station costs were accounted for in the TIF budget exercise. Mr. Heniff stated yes.

Mr. Heniff explained the history of the Museum as a Village facility. Ms. Gannon asked about the Historical Society's receipt of grant money for the project and what it will be used for. Mr. Heniff stated

that they are making ADA enhancements and need additional meeting space.

Trustee Breen asked for the LTC's thoughts on the project. Ms. Stonehouse stated that TIF is meant to be used to revitalize the district. She questioned how this project encourages investment into the downtown. Trustee Breen stated that he felt the Historical Society and its efforts at the Museum does tie together and people can both shop downtown and go to the Museum.

Ms. Baker asked how this project affects future TIF dollars. Mr. Heniff stated that costs associated with the carriage house project would decrease the amount of available TIF dollars.

Mr. McNicholas provided some additional information about the project and the Historical Society's fund raising efforts.

Trustee Breen questioned how the entire \$315,000 project would be funded. He asked if the Village funds did not come from TIF, what other funds would pay for it. Mr. Heniff stated that it would likely have to be from the General Fund.

Trustee Breen indicated that he is very supportive of the project but that the funding source needs to be reviewed in greater detail. A few members said that the general fund would be better as the TIF funds are limited and finite.

At the request of the committee, Mr. Heniff provided some additional discussion related to streetscape enhancements, landscape improvements and the Great Western Trail Bridge.

Ms. Stonehouse suggested that additional maintenance on some of the street furniture could reduce the need for future replacement.

Mr. Camacho asked if repairs and work could be done in house. Mr. Heniff said that some smaller projects may be done in-house, but larger projects are contracted out. He also stated that the annual TIF reports provide a detailed description of how TIF dollars were spent.

Ms. Stonehouse suggested that kiosks and directional signage should be provided on the various trails to direct riders to the downtown.

Mr. McNicholas had a few general suggestions about the overall CIP related to sidewalks on North Ave, signal at Finley and Wilson, documenting ash trees efforts and consider alternatives and Great Western Trail bridge.

A motion was made by Matthew Phillips, seconded by Jodee Baker, to recommend to the Village Board that the ECDC review all future Downtown TIF expenditures and future allocations associated with the CIP. The motion carried by the following vote:

Aye: 6 - Jodee Baker, Brenda Gannon, Matthew Pike, Joe Glazier Jr., Matthew Phillips, and Angel Camacho

Abstain: 1 - Dennis McNicholas

Absent: 1 - Garrick Nielsen

Furthermore, the ECDC suggested that the Historical Society make a formal request and presentation at a future ECDC meeting related to the future Downtown TIF expenditure for the Carriage House project.

120057

Metra Outreach - Downtown Lombard Parking

Discussion and recommendation relative to the Village sending a letter to Metra initiating an outreach effort to explore funding opportunities for future additional parking within the Downtown Lombard area.

Mr. Heniff stated that the Community Development Department is seeking the input and recommendation of the Economic and Community Development Committee (ECDC) to initiate an outreach effort to Metra to explore funding opportunities for future additional parking within the Downtown Lombard area. He said that as part of the downtown planning effort last year, Chapter 6 of the Plan included a discussion of the need for additional parking. Future parking demands can be classified into two distinct categories - additional customer/business parking needs and commuter parking needs. The Plan noted that should the plan be fully realized and implemented, the new businesses would create additional demand for parking, which could be accommodated by additional surface lots, parking lot consolidation and redesign, on-street parking or a parking structure. These facilities could also be used for shared parking purposes between uses and activities.

With respect to commuter parking needs, Metra offered their comments as part of a work team developing the Plan. Metra completed a separate study that suggested that Metra may have a future need or demand for 200 additional commuter parking spaces for the Lombard station in the long term. They stated that their immediate concern was to ensure that the existing supply remains available and that the Plan recognizes the anticipated future demand. Metra also represented that they do not have ready capital funds available for such a project. However, Village staff notes that Metra was able to

secure funding for a recently completed parking structure in Elmhurst.

Mr. Heniff said the issue for additional future parking in the downtown area was also mentioned as part of the Village Board's annual strategic planning process. The Board expressed a desire to advance the parking recommendations of the Plan (page 87), to include additional downtown parking. While some additional parking can be created through private development, as was done for Lincoln Place and Elmhurst Memorial Healthcare, additional commuter parking should be explored with Metra.

Staff had an initial discussion with Metra staff regarding this issue. Their staff recommended that the Village formally send a letter to Metra noting the need for future commuter parking, noting our downtown plan implementation efforts and Elmhurst's grant. This request would be to initiate a discussion between Metra and the Village regarding future parking needs. Ultimately, the request would be made to Metra to begin to look at exploring this possibility and/or placing the item in a future capital improvements program. A draft letter is attached for consideration.

A motion was made by Dennis McNicholas, seconded by Matthew Pike, to recommend to the Board of Trustees for approval that a letter be sent to Metra requesting that they work with the Village of Lombard and facilitate funding opportunities for additional parking in Downtown Lombard. The motion passed by an unanimous vote.

7.0 Other Business

There was no other business.

8.0 Information Only

Firearms Regulations

Mr. Heniff stated that staff is offering the Economic and Community Development Committee (ECDC) members an overview of the pertinent regulations relating to the sale of firearms in Lombard. This review includes the pertinent regulations pertaining to the sale of firearms and the local land use provisions. This information is offered in the context of receiving inquiries regarding such regulations and their applicability to a recently opened firearms dealer at 315 S. Main Street, in the B5A Downtown Perimeter Zoning District. For reference purposes, staff has also attached a legal opinion from Village Counsel stating the current legal standing of firearm sales.

Mr. Heniff provided information related to federal regulations for the

sale and ownership of firearms. He said the Gun Control Act of 1968 grants the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) the power to regulate businesses involved in firearms sales and service. Anyone wishing to engage in the sale or service of firearms must make an application for a federal firearms license (FFL) to the ATF. Such licensing to engage in such activities has been required in the US since the initial passing of the Act.

With reference to purchasing and selling firearms in Illinois, the State of Illinois defers to local government as it relates to regulating firearms sales. The Firearms Owner's Identification card was created in 1968 by the Firearm Owner's Identification Card (FOID) Act as a way to regulate possession and acquisition of firearms and firearm ammunition as part of public safety initiative in Illinois. Unless specifically exempted by statute, any Illinois resident who acquires or possesses firearms or ammunition within the State must have in his or her possession a valid FOID card issued in his or her name. During the FOID application process, the applicant's identification and background information is checked by the State. The Firearms Services Bureau of the Illinois State Police is responsible for administering the FOID Program and the Firearm Transfer Inquiry Program (FTIP). Through the FTIP program, background checks are conducted on prospective firearms purchasers attempting to acquire a firearm from an Illinois firearm dealer. Potential violations of law uncovered by these programs are quickly referred to local law enforcement entities. Individuals with prohibiting factors, such as mental illness, felony or domestic battery conviction, are prohibited from obtaining a FOID card. Furthermore, residents must be at least 18 years of age to purchase a long gun and at least 21 years of age to purchase a handgun in Illinois.

Mr. Heniff said with regard to the sales of firearms in Lombard, they have been a permitted use in the B3 District, and hence by reference in the B4, B4A, B5 and B5A Districts, under the broad categories of sporting goods stores. Dick's Sporting Goods at Fountain Square is one current example; while previously, Sportmart on Roosevelt Road was another example. In another case (Ray O'Herron), such sales were allowed as part of the category of office business supply, as they provide firearms to security and law enforcement personnel. As such, given the Zoning Ordinance provisions and the past application of the Ordinance to other like businesses, it was deemed a like and permitted use and therefore can be operated at the location as a matter of right and not subject to additional review and approval by the Village, provided that they secure all their requisite federal licenses.

FFL dealers can also sell firearms as part of a home occupation within

the Village, provided that the individual meets the sixteen requirements (Section 155.211) set forth therein. According to the Police Department, there are ten such FFL dealers in Lombard.

In the case of the new establishment at 315 S. Main Street, the business operation is located in an existing office suite. The use is comparable to other types of smaller office uses locate within the community. The business owner/operator previously operated the business as part of a home occupation in Lombard. However, as the retail display of firearms is prohibited as part of a home occupation, he decided to expand the business activity and create an office and business presence in the community. In this case, the use primarily consists of an office, whereby previous purchasers of firearms by mail order or the internet can utilize his role as an FFL dealer and take delivery of firearms. This process has been established by the ATF to prevent direct on-line sales and delivery to customers, without ensuring that applicable laws are being met. As such, this activity is comparable to a mail order facilitator and intermediary in the sales process. Based upon a staff visit to the site this week, less than a dozen firearms were on display.

Ms. Gannon asked how other communities regulate the sale of firearms. Mr. Heniff said that it varies, but many communities do treat similarly as Lombard.

LTC Report

The LTC provided the committee with an update on their recent activities. Mr. Whittington stated that he will no longer be President of the LTC and thanked the ECDC for all their support. The LTC indicated that they will be having their annual meeting on February 20th at Capone's starting at 6 PM. They also provided an update on several of the new businesses that are in the process of opening. As a follow up from past discussions, the ECDC requested that at the next meeting, the LTC is to provide some ideas and suggestions regarding what code changes or other steps could be taken to ensure that the Village is business friendly in the downtown.

9.0 Adjournment

A motion was made by Jodee Baker, seconded by Angel Camacho, to adjourn the meeting at 8:59 p.m. The motion passed by an unanimous vote.