

Village of Lombard

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



Minutes

Thursday, April 15, 2021

6:00 PM

Village Hall Board Room

Village Board of Trustees

Village President Keith Giagnorio

Village Clerk Sharon Kuderna

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

NOTICE IS HEREBY GIVEN THAT THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD WILL HOLD A REGULAR VILLAGE BOARD MEETING ON THURSDAY, APRIL 15, 2021, AT 6:00 P.M. AT THE LOMBARD VILLAGE HALL, BOARD ROOM, 255 EAST WILSON AVENUE, LOMBARD, ILLINOIS.

NOTICE OF MEETING MODIFICATION DUE TO COVID-19

In light of Public Act 101-0640, which created new Section 7(e) of the Open Meetings Act, and as a Disaster Declaration has been issued by the Governor of the State of Illinois relative to the COVID-19 pandemic, the Village President has determined that an in-person meeting of the Village Board, or a meeting conducted under the Open Meetings Act requirements, relative to a quorum of the members of the Village Board having to be physically present at a meeting when some members of the Village Board are participating remotely, is not practical or prudent because of the disaster. In this regard, members of the Village Board may be participating in the meeting through a virtual meeting platform.

Physical attendance at this public meeting will be capped to a maximum capacity of 50 persons in total, inclusive of Village officials, staff and consultants (whose physical attendance will be given precedence), with strict social distancing requirements in place. While the public is welcome to attend the meeting, and provide comments, in person, given capacity limitations and the COVID-19 pandemic, residents are invited to view and participate remotely through the means offered below. Residents may view the meeting live on television, at Comcast Channel 6 or AT&T Channel 99, or on online at www.villageoflombard.org/220/view-meetings-live.

Public comments may be submitted in advance of the meeting on the Village website at www.villageoflombard.org/publiccomment, via email to communications@villageoflombard.org or by calling and leaving a voicemail at (630) 620-5929. The Village requests that written comments be submitted to the Village by 4:00 p.m. on Thursday, April 15, 2021. Notwithstanding this request, all written comments received before the public comment portion of the agenda will be read into the public meeting record.

Individuals who wish to speak during the live meeting, other than in person, or wish to listen to the meeting by telephone should contact the Village by 5:00 p.m. on Thursday, April 15th by calling (630) 620-5929, on the Village website at www.villageoflombard.org/publiccomment or via email to communications@villageoflombard.org. Individuals who sign up to speak during the live meeting, other than in person, or listen to the meeting by telephone by

5:00 p.m. on Thursday, April 15th, will receive information about how to join the meeting by e-mail or phone, based upon their request, after the sign-up time ends.

The physical attendance restrictions in place for this meeting have been adopted to comply with Governor Pritzker's Executive Orders regarding social distancing and the need to maximize residential self-isolation to slow the spread of COVID-19 to the greatest extent possible.

I. Call to Order and Pledge of Allegiance

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, April 15, 2021 in the Board Room of the Lombard Village Hall was called to order at 6:00 pm by Village President Keith Giagnorio. Trustee Bill Ware led the Pledge of Allegiance.

II. Roll Call

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

Staff Present:
Village Manager Scott Niehaus
Director of Finance Tim Sexton
Director of Community Development Bill Heniff
Director of Public works Carl Goldsmith
Deputy Chief of Police Tom Wirsing
Fire Chief Richard Sander
Assistant Village Manager Nicole Aranas
Executive Coordinator Carol Bauer
Village Attorney Tom Bayer

III. Public Hearings

IV. Public Participation

[210115](#)

Proclamation - Arbor Day

Village Clerk Sharon Kuderna read the Arbor Day proclamation.

V. Approval of Minutes

A motion was made by Trustee Bill Ware, seconded by Trustee Dan Whittington, that the minutes of the regular meeting of April 1, 2021 be approved. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

VI. Committee Reports

Community Promotion & Tourism - Trustee Andrew Honig, Chairperson

No report

Community Relations Committee - Trustee Dan Militello, Chairperson

Trustee Dan Militello, Chairperson of the Community Relations Committee, reported the following:

The committee met on Monday and reviewed proposed technology upgrades for the Board Room and Community Room that would enhance live broadcasts of the Village Board and Plan Commission meetings; reviewed the proposed Lilac Time Photo Contest.

Economic/Community Development Committee - Trustee Anthony Puccio, Chairperson

Trustee Anthony Puccio, Chairperson of the Economic & Community Development Committee, reported the following:

At last Monday's meeting of the Economic and Community Development Committee, the ECDC unanimously recommended approval of Downtown Improvement & Renovation Grant for Rebel Restaurant & Bar located at 229 W. St. Charles Road. To facilitate their proposed construction activity, this recommendation is placed upon tonight's Village Board agenda for consideration and approval.

Village staff also provided an update of many pending Downtown Lombard construction and tenant occupancy projects that may occur this Spring and Summer, for informational purposes.

The next meeting of the ECDC will be on May 10.

Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson

No report

Public Safety & Transportation Committee - Trustee Dan Whittington, Chairperson

No report

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

Trustee Bill Ware, Chairperson of the Public Works & Environmental Concerns Committee, reported the following:

The committee met on Tuesday and reviewed proposed changes to Chapter 99 regarding trees and reviewed the concept plan for downtown sidewalks.

Board of Local Improvements - Trustee Bill Ware, President

No report

Lombard Historic Preservation Commission - Village Clerk Sharon Kuderna

No report

VII. Village Manager/Village Board/Village Clerk Comments

Village Clerk Sharon Kuderna read the following announcements:

The Lombard Police Department is participating with the Drug Enforcement Agency National Take Back Day where residents can safely dispose of unwanted or expired prescription drugs by bringing them to the Police Department, 235 E. Wilson Ave., on Saturday, April 24, between 8 a.m. - 12 p.m.

Thank you blood donors. Yesterday's blood drive was a huge success with 75 pints of blood collected. These donations will help save over 250 lives. Be a hero - donate blood - it saves lives. The next drive is scheduled at Yorktown on May 19th from 9:30 am until 2:30 pm and will be held at Yorktown.

April marks National Safe Digging Month across the United States. Homeowners and contractors are reminded to call JULIE at 8-1-1 before every digging project regardless of the size or depth.

April is also Distracted Driving Awareness Month across the nation, and the Lombard Police Department is urging drivers to drop their phones and focus on the road with a not-so-subtle reminder: "Phone in One Hand. Ticket in the Other."

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [210112](#) Approval of Village Payroll**
For the period ending March 27, 2021 in the amount of \$914,846.55.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [210113](#) Approval of Accounts Payable**
For the period ending April 2, 2021 in the amount of 471,770.71.
This Payroll/Accounts Payable was approved on the Consent Agenda

- C. [210123](#) **Approval of Accounts Payable**
For the period ending April 9, 2021 in the amount of \$264,857.57.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- D. [210114](#) **Village Equipment To Be Declared Surplus**
Ordinance approving the request of the Police Department, Public Works and IT Departments to sell and/or dispose of surplus equipment as more specifically detailed in Exhibit "A" attached to the Ordinance, to be sold at auction, sold for scrap, or recycled as these items have extended beyond their useful life or are obsolete to include: Police Department items: one (1) traffic tally unicorn vehicle traffic classifier; one (1) Kodak DC280 digital camera, serial#EKN00205026; one (1) Canon Powershot SX40 digital camera, serial #462032006343; one (1) Kodak EasyShare Z650 digital camera, serial# KCKFL63116137; four (4) CPR training dummies with bag; two (2) Extech sound level meters with calibration tube; large tan metal shelving unit; black four drawer metal filing cabinet; one (1) Nikon Coolpix 5700 digital camera, serial#3085207; three rolling office chairs with no arms; fourteen (14) BTC Ultra Slim computer keyboards; nineteen (19) Motorola Roadster 2 bluetooth speakers; Public Works Department items: six (6) rolled plans steel storage cabinets, SAFCO, no serial numbers, value \$0, scrap, one (1) hanging plans steel storage cabinet, SAFCO, no serial number, value \$0, scrap; One (1) 2016 Ford Transit Connect VIN# NM0LS7E76G1271958 to be sold for scrap due to the vehicle being involved in an accident; IT items: seventy (70) Dell one (1) I-INC monitors as listed in Exhibit A. Staff is requesting a waiver of first reading.

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

Enactment No: Ordinance 7941

- E. [210118](#) **Amending Title XI, Chapter 112 of the Village Code - Alcoholic Beverages**
Ordinance amending Title XI, Chapter 112 of the Village Code in regard to alcoholic beverages and the Class "N" liquor license subcategories and authorizing a new Class "N-II-VG" liquor license to Eighteen West LLC d/b/a Corridor Kitchen and Tap located at 18 W. St. Charles Road. (DISTRICT #1)

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

Enactment No: Ordinance 7942

- F. [210120](#) **Amending Title XI, Chapter 112, Section 112.13 (A) of the**

Lombard Village Code - Alcoholic Beverages

Ordinance amending Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code in regard to the termination of a Class "O" liquor license issued to Westin Hotel Management L.P. d/b/a Westin Lombard Yorktown Center and the issuance of a new Class "O" liquor license to Crescent Hotels and Resorts LLC d/b/a Westin Chicago Lombard located at 70 Yorktown, as a result of new management. (DISTRICT #3)

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

Enactment No: Ordinance 7943

F-2. [210128](#)

Amending Title XI, Chapter 112, Section 112.18(B) of the Lombard Village Code (Alcoholic Beverages)

Ordinance amending Title XI, Chapter 112, Section 112.18(B) of the Lombard Village Code relative to the service and consumption of alcoholic liquor in connection with a temporary event at The Carlisle, 435 E. Butterfield Road, on May 23, 2021. (DISTRICT #3)

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

Enactment No: Ordinance 7944

Other Ordinances on First Reading**Ordinances on Second Reading**

G. [210062](#)

PC 21-09: Text Amendment to Chapter 154 of Village Code - Fees in Lieu of Public Improvements and Public Improvements in ROW's Not Controlled by the Village of Lombard

The Plan Commission submits, for Village Board approval, its recommendation to amend Section 154.308 of, and add a new Section 154.309 to, the Lombard Village Code, relative to the payment of a fee in lieu of constructing required public improvements, and the construction of public improvements in regard to rights-of-ways that are not under the jurisdiction of the Village. (DISTRICTS - ALL)

This Ordinance was passed on second reading on the Consent Agenda

Enactment No: Ordinance 7945

H. [210073](#)

PC 21-11: Apartment Building, 215 S. Westmore Meyers Road

The Plan Commission transmits for your consideration its approval recommendation regarding the petitioner's request for the following for a property located within the R4 Limited General Residential District:

1. A variance for a transitional building setback of 15', where 50' is required, on the north side pursuant to Section 155.409(1)(2) of Village Code;

2. A variance for a transitional landscape yard of 15', where 30' is required, on the north side pursuant to Section 155.409(J) of Village Code;
3. A variance for perimeter yard landscaping of 0', where 5' is required on the south side at the parking lot, pursuant to Section 155.709(B) of Village Code; and
4. A variance for density to allow for 15 units, where 14 units are allowed, pursuant to Section 155.409(D)(4) of Village Code.
(DISTRICT #5)

This Ordinance was passed on second reading on the Consent Agenda

Enactment No: Ordinance 7946

Resolutions

H-2. [210122](#)

Downtown Improvement & Renovation Grant; 229 W St. Charles Road (Rebel Restaurant & Bar)

The Community Development Department received an application for the Downtown Improvement and Renovation Grant Program (also known as the Façade Grant Program) for Rebel Restaurant and Bar located at 229 W. St. Charles Road. The applicant is seeking to install exterior improvements consisting of a new patio, new front façade, and new signage. The patio area would be regraded to be one level and allow for outdoor seating. The total cost of project is \$54,855 and is grant eligible up to \$27,427.50 (up to 50% of the eligible project costs; not to exceed \$50,000, unless specifically approved by the Village Board). (DISTRICT # 1)

This Resolution was adopted on the Consent Agenda

Enactment No: R 14-21

Other Matters

I. [210074](#)

Catch Basin Cleaning Project

Award of a contract to National Power Rodding, the lowest responsible bid of five (5) bids received, in an amount not to exceed \$60,000.00. (DISTRICTS #1, #4, #5 & #6)

This Bid was approved on the Consent Agenda

J. [210111](#)

2021 Water & Sewer Pump Station Arc Flash Project

Request for a waiver of bids and award of a contract to Seam Group, LLC in an amount not to exceed \$29,901.00. Of the two proposals received, Seam Group, LLC was the only proposal submitted that met all of the requirements and scope.

This Bid was approved on the Consent Agenda

- K. [210119](#) **Wilson Avenue Path Connections Project****
Request for a waiver of bids and award of a contract to Globe Construction, Inc. in the amount of \$72,219.33. Globe Construction, Inc. has agreed to extend unit prices from the 2018 bid which was handled through the Municipal Purchasing Initiative (MPI) and included two one-year extensions. The Village Board approved the 2021 contract on February 4, 2021. (DISTRICT #2)
This Bid was approved on the Consent Agenda
- L. **Downtown Improvement & Renovation Grant, 229 W. St. Charles Road (Rebel Restaurant & Bar) (Moved to Consent H-2)****
- M. [210130](#) **General Release and Settlement of All Claims - Sinnott v. Village of Lombard****
Proposed General Release and Settlement agreement in the matter of Sinnott v. Village of Lombard in the amount of \$40,000.
This Request was approved on the Consent Agenda
- N. [210131](#) **Rebound Illinois Multi-year Services Agreement****
Recommendation to approve a 4 year Services Agreement between the Village of Lombard and Rebound Illinois for injury treatment, rehabilitation and claims management services. These services will continue existing services under two prior contracts. The contract amounts are \$15,260.32 in 2021, \$17,061.18 in 2022, \$19,074.13 in 2023 and \$21,325.80 in 2024, for an estimated 127 police and fire employees.
This Request was approved on the Consent Agenda

Approval of the Consent Agenda

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

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

- A. [210092](#) **Repealing Title XI, Chapter 118, Section 118.10 of the Village Code - Peddlers and Solicitors****
Ordinance repealing Title XI, Chapter 118, Section 118.10 relative to solicitation for contributions on a highway.

Assistant Village Manager Nicole Aranas provided a Power Point overview as follows:
Federal Court ruling on *Dumiak v. Village of Downers Grove*; reviewed the State of Illinois Vehicle Code for solicitation; Village of Downers Grove had a local ordinance making it illegal to solicit money without a permit; no permit needed for "political or religious activities; plaintiffs, two homeless individuals, were ticketed and fined for panhandling at a four-way intersection; plaintiffs sued the Village of Downers Grove, individual police officers, Director of State Police and DuPage State's Attorney Bob Berlin for violating their free speech rights under the First Amendment; the Court concluded as a matter of law, that State Vehicle Code section "is a content-based restriction on the freedom of speech that is not justified by any compelling interest and that the provision violates the First Amendment and is unconstitutional on its face; the Peddlers and Solicitors Section 118.10 of the Village of Lombard Municipal Code provision is similar; the Lombard Traffic Code adopts the Illinois Vehicle Code section by reference and is proposed to be deleted (Section 10-19-1); upon approval the following changes will take place: (a) permits for fund soliciting in the street will no longer be required; (b) solicitor of funds at the intersection alone is not a basis for a ticket or fine; ((c) contact will be made with groups who annually apply for fund soliciting permits; (d) constitutionality of provisions barring solicitors from "impeding the flow of pedestrian or vehicular traffic" not impacted by Court Decision.

A motion was made by Trustee Bill Ware, seconded by Trustee Dan Militello, that the Ordinance repealing Title XI, Chapter 118, Section 118.10 of the Village Code - Peddlers and Solicitors be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinance 7947

B. [210093](#)

Amendment to Article XIX., Section 10-19-1 of the Lombard Traffic Code (Ordinance No. 1186, as amended) - Soliciting for Funds in the Roadway

Ordinance amending Section 10-19-1 of the Lombard Traffic Code, in regard to the adoption of the Illinois Vehicle Code by reference, to remove the adoption of the Illinois Vehicle Code section, relative to the solicitation for funds in the roadway, from those provisions of the Illinois Vehicle Code adopted by reference, due to said section having been held to be unconstitutional.

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Dan Whittington, that the Ordinance approving an Amendment to Article XIX, Section 10-19-1 of the Lombard Traffic Code (Ordinance No. 1186), as amended,

be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinance 7948

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

Village Manager/Village Board/Village Clerk Comments

Village Manager Scott Niehaus thanked Village Clerk Sharon Kuderna, Trustee Dan Whittington, Trustee Reid Foltyniewicz, and Trustee Bill Ware for their combined 36 years of service to the Village of Lombard, the community and the residents. He spoke of the "time" they had given over the 36 years and stated that as a token of appreciation, each received a clock.

Village Clerk Sharon Kuderna thanked the Village Board, staff and residents.

Trustee Dan Whittington also thanked the Village Board, staff and residents.

Trustee Reid Foltyniewicz thanked the Village Board, staff and residents and talked about the rewarding experience serving the community.

Trustee Bill Ware thanked the Village Board, staff and residents, congratulated Trustee-elect Bachner on his election as Trustee of District #6, thanked the Police, Fire and Public Works staff for their support over the years.

Village President Keith Giagnorio also thanked Sharon Kuderna, Dan Whittington, Reid Foltyniewicz and Bill Ware for their 36 years of combined service.

XIII Adjournment

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A motion was made by Trustee Bill Ware, seconded by Trustee Reid Foltyniewicz and Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, April 15, 2021, in the Board Room of the Lombard Village Hall be adjourned at 6:35 pm. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware