

Village of Lombard

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



Minutes

Thursday, October 15, 2015

7:30 PM

Village Hall Board Room

Village Board of Trustees

Village President Keith Giagnorio

Village Clerk Sharon Kuderna

Trustees: Dan Whittington, District One; Mike Fugiel, District Two;

Reid Foltyniewicz, District Three; Bill Johnston, District Four;

Robyn Pike, District Five; and Bill Ware, District Six

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, October 15, 2015 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:32 p.m. St. Pius Boy Scout Troop 140 Posted the Colors and led the Pledge of Allegiance.

II. Roll Call

- 7 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware
- 1 - Reid Foltyniewicz

Staff Present:
Village Manager Scott Niehaus
Director of Finance Tim Sexton
Director of Community Development Bill Heniff
Director of Public Works Carl Goldsmith
Chief of Police Ray Byrne
Assistant Fire Chief Jerry Howell
Assistant Village Manager Nicole Aranas
Executive Coordinator Carol Bauer

III. Public Hearings

IV. Public Participation

[150475](#)

Presentation of the William J. Mueller Lombard Heritage Award

Village President Keith Giagnorio introduced Lyn Myers, member of the Historical Commission.

Lyn Myers provided an overview of the William J. Mueller Heritage Award. The three nominations for this award were Jack Brust, long-time Village resident and Village business owner; the Historical Society Carriage House project and the Lombard Cemetery located at 460 S. Main Street project. She asked various civic groups in the audience and volunteers to stand up. Lyn announced the winner of the 2015 William J. Mueller Lombard Heritage Award was the Lombard Cemetery project. The award was presented to Tom Fetters as a member of the Cemetery Restoration Committee.

Tom Fetters thanked everyone who participated in the fundraising and work at the cemetery.

V. Approval of Minutes

A motion was made by Trustee Mike Fugiel, seconded by Trustee Dan Whittington, that the minutes of the Special Meeting of August 24, 2015; the minutes of the Special Meeting of August 27, 2015 and the minutes of the Regular Meeting of October 1, 2015 be approved. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

Absent: 1 - Reid Foltyniewicz

VI. Committee Reports

Community Promotion & Tourism - Trustee Mike Fugiel, Chairperson

No report

Community Relations Committee - Trustee Robyn Pike, Chairperson

No report

Economic/Community Development Committee - Trustee Bill Johnston, Chairperson

Trustee Bill Johnston, Chairperson of the Economic and Community Development Committee, reported the committee had met and reviewed the Downtown Improvement and Renovation Grant program, the Lombard Economic Incentive Policy, business retention initiatives and prevailing wage act applicability and program amendments and a grant for 6 S. Park. He noted that the building permits for Babcock's of Lombard should be submitted to the Village shortly.

Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson

No report

Public Safety & Transportation Committee - Trustee Dan Whittington, Chairperson

Trustee Dan Whittington, Chairperson of the Public Safety and Transportation Committee, reported the committee had met and reviewed the Solicitation Ordinance. No further action to be taken at this time.

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

Bill Ware, Chairperson of the Public Works and Environmental Concerns Committee, reported the committee had met. Public Works staff provided a tour of various Village projects to the committee members. He thanked the Public Works staff.

Board of Local Improvements - Trustee Bill Ware, President

No report

Lombard Historical Commission

No report

VII. Village Manager/Village Board Comments

Village Clerk Sharon Kuderna reminded residents of Spooktacular scheduled for Sunday, October 18th from 11 am to 4pm downtown; fall leaf pick-up begins October 18th and runs through November 28th; the Lombard Police Department offers safety tips for trick-or-treating on the Village website.

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [150471](#) Approval of Accounts Payable**
For the period ending October 2, 2015 in the amount of \$2,816,648.07.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [150489](#) Approval of Village Payroll**
For the period ending October 3, 2015 in the amount of \$769,016.73.
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [150490](#) Approval of Accounts Payable**
For the period ending October 9, 2015 in the amount of \$1,281,029.35.

This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- D. [140096](#) **Ordinance Amending the Lombard Traffic Code**
Recommendation from the Public Safety and Transportation Committee approving an amendment to the Lombard Traffic Code (DISTRICTS #1 & #4)

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

Enactment No: Ordinance 7132

- E. [150386](#) **ZBA 15-11: 350 W. Grove Street**
Requests that the Village grant approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to two feet (2') where six feet (6') is required, to allow for an emergency generator unit within the R2 Single-Family Residence District (Henry's Resubdivision). (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 7133

- F. [150420](#) **PC 15-24: 401 E. Roosevelt Road, Burger King**
Requests that the Village take the following actions on the subject property at 401 E. Roosevelt Road, located within the B4APD Roosevelt Road Corridor District, Planned Development:
 - 1. A conditional use pursuant to Section 155.417(G)(2)(b)(vi) of the Lombard Zoning Ordinance for a drive-through and drive-in establishments;
 - 2. An amendment to the High Point Centre Planned Development, as approved in Ordinance 2867 to allow a third freestanding sign; and
 - 3. A deviation from Section 153.505(B)(19)(b)(i)(a) of the Lombard Sign Ordinance to increase the maximum allowable area of a wall sign from forty (40) square feet to eighty-four (84) square feet. (DISTRICT #6)
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7134

- G. [150477](#) **Title 11, Chapter 121, Section 121.03A.(2) - Number of Taxicab Business Licenses**
Amending Title 11, Chapter 121, Section 121.03A.(2) decreasing the number of Taxicab Business Licenses from fourteen (14) to thirteen

(13) to reflect the voluntary non-renewal of taxicab licenses by FREETAXI.BIZ Dispatch, Inc.

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

Enactment No: Ordinance 7135

G-2. [010876](#)

PC 01-25: 333-377 E. Butterfield Road (Highland Pointe Planned Development) Amended Ordinance of Approval

Ordinance to correct a Scrivener’s error in the original ordinance of approval No. 5049 - a for a conditional use for a planned development with variations and exceptions. (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 5049A - 333, 7136

Other Ordinances on First Reading

H. Ordinances Providing for the Levy and Assessment of Taxes (Moved to Separate Action IX-B)

I. Ordinances Amending Title 5, Chapter 50 of the Lombard Village Board in Regard to Water and Sewer Rates (Moved to Separate Action IX-C)

Ordinances on Second Reading

J. [150380](#)

PC 15-21: 611 E. Butterfield Road - Sam’s Club (Request for continuance to the November 19, 2015 meeting)

Requests that the Village take the following actions on the subject property located within the OPD Office Planned Development District:

1. Approve a Major Plat of Resubdivision;
2. Approve a Map Amendment rezoning the entire property to the B3 Community Shopping District; and
3. Approve a conditional use for a planned development with the following companion conditional uses, deviations, and variations, as follows:
 - a. A conditional use pursuant to Section 155.208 (C) of the Lombard Zoning Ordinance to increase the maximum number of principal structures on a lot-of-record from one (1) to two (2) to allow for a gasoline sales facility;
 - b. A conditional use pursuant to Section 155.415 (C)(9) of the Lombard Zoning Ordinance for gasoline sales;
 - c. A conditional use pursuant to Section 155.415 (C)(17) of the Lombard Zoning Ordinance for motor vehicle service;
 - d. A conditional use pursuant to Section 155.415 (C)(18) of the Lombard Zoning Ordinance for off-site parking;

- e. A conditional use pursuant to Section 155.415 (C)(19) of the Lombard Zoning Ordinance for outside display and sales of products the sale of which is a permitted or conditional use in this district;
- f. A variation from Section 155.205 (A)(c)(i) of the Lombard Zoning Ordinance to increase the maximum fence height in a business district from eight feet (8') to ten feet (10') for a loading dock screening wall;
- g. A variation from Section 155.210 (D)(1) of the Lombard Zoning Ordinance to allow for garbage dumpsters and recycling bins to be located within a corner side yard;
- h. A variation from Section 15.508 (C)(6)(a) and a deviation from Section 155.415 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum corner side yard setback from thirty feet (30') to twenty-five feet (25');
- i. A variation from Section 155.706 (B)(1) of the Lombard Zoning Ordinance to reduce the minimum required landscaping of the interior of a parking lot from five percent (5%) to four percent (4%);
- j. A variation from Section 155.706 (B)(2)(c)(ii) of the Lombard Zoning Ordinance to reduce the required number of shade trees within the parking lot from 125 shade trees to fifty-five (55) shade trees;
- k. A variation from Section 155.706 (C)(1) of the Lombard Zoning Ordinance to reduce the minimum required perimeter parking lot landscape area width from five feet (5') to zero feet (0');
- l. A variation from Section 155.708 (A) of the Lombard Zoning Ordinance to reduce the minimum required building foundation landscape area width from ten feet (10') to zero feet (0');
- m. A variation from Section 155.710 of the Lombard Zoning Ordinance to increase the maximum height of refuse disposal and recycling bin fence screening from eight feet (8') to ten feet (10') and to allow for masonry screening where solid wood or an equivalent material is required;
- n. A deviation from Section 155.415 (G) of the Lombard Zoning Ordinance to increase the maximum building height from thirty feet (30') to thirty-five feet and four inches (35'4");
- o. A deviation from Section 155.508 (C)(7) of the Lombard Zoning Ordinance to reduce the minimum required open space in a planned development with deviations from twelve and one-half percent (12.5%) to eight percent (8%);

- p. A deviation from Section 155.602 (A)(5) of the Lombard Zoning Ordinance to reduce the required length of a parallel parking space from twenty-four feet (24') to twenty feet (20'); (Request withdrawn by the petitioner)
- q. A deviation from Section 155.602 (A)(10)(d)(ii) of the Lombard Zoning Ordinance to decrease the minimum parking lot lighting average intensity from 2.0 foot-candles to 1.0 foot-candles;
- r. A deviation from Section 155.602 (A)(10)(d)(iv) of the Lombard Zoning Ordinance to increase the maximum height for light poles used for a parking lot from forty feet (40') to forty-two feet (42');
- s. A deviation from Section 155.602 (C)(Table 6.3) of the Lombard Zoning Ordinance to reduce the minimum required parking spaces for freestanding stores and neighborhood and community centers (up to 200,000 square feet) from four (4) parking spaces per 1,000 square feet of gross floor area to 3.93 parking spaces per 1,000 square feet of gross floor area;
- t. A deviation from Section 155.603 (A)(1) of the Lombard Zoning Ordinance to not fully screen loading berths from adjacent property in an O Office District;
- u. A deviation from Section 153.208 (H) of the Lombard Sign Ordinance to allow for a freestanding sign within a clear line of sight area; (Request withdrawn by the petitioner)
- v. A deviation from Section 153.505 (B)(6)(c)(ii) of the Lombard Sign Ordinance to reduce the setback from the property line for the leading edge of a freestanding sign from five feet (5') to one foot (1'); (Request withdrawn by the petitioner) and
- w. A deviation from Section 153.505 (B)(19)(a)(i)(a) of the Lombard Sign Ordinance to allow for a sixty-four (64) square foot wall sign on a façade without a street front exposure (south façade). (DISTRICT # 3)

This Request was approved on the Consent Agenda

K. [150403](#)

Building Code Amendments - National Electrical Code (NEC)

Granting approval of text amendments to Chapter 150, of the Lombard Village Code to provide for the adoption of the 2011 National Electrical Code (NEC), its companion publications and local amendments. (DISTRICTS - ALL)

This Ordinance was passed on second reading on the Consent Agenda

Enactment No: Ordinance 7137

L. [150423](#)

Text Amendments to Title 15, Chapter 150 of the Lombard Village

Code (Plumbing)

Approving text amendments to Title 15, Chapter 150 of the Village Code pertaining to new plumbing code provisions. (DISTRICTS - ALL)

This Ordinance was passed on second reading on the Consent Agenda

Enactment No: Ordinance 7138

Resolutions**M. Sam's Club Economic Incentive Agreement (This item has been removed from the Agenda)**

- N. [150476](#) Lombard Meadows Phase 2 & Circle Avenue, Change Order No. 4**
Reflecting an increase to the contract with R.W. Dunteman Company in the amount of \$12,870.90. (DISTRICT #6)

This Resolution was adopted on the Consent Agenda

Enactment No: R 75-15

- O. [150488](#) Legal Representation for Lombard Tax Consortium**
Requesting authorization for the Village to participate in a consortium with School District 44, the Lombard Park District and the Helen Plum Library and to hire Tressler, LLP to intervene in property tax appeals where the taxpayer is seeking a reduction in the assessment of property of at least \$100,000.

This Resolution was adopted on the Consent Agenda

Enactment No: R 76-15

Other Matters

- P. [150478](#) Asphalt Milling Lombard Circle and School Street**
Request for a waiver of bids and award of a contract to Arrow Road Construction in an amount not to exceed \$36,530.00. Public Act 85-1295 does not apply. (DISTRICT #6)

This Bid was approved on the Consent Agenda

- Q. [150482](#) Sidewalk Snow Removal Contract**
Award of a contract to Beverly Snow & Ice, the lowest responsible bid of four (4) bidders, in an amount not to exceed \$17,000.00. Bid in compliance with Public Act 85-1295. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda

- R. [150483](#) Parking Lot Snow Removal Contract**
Award of contract to Kozack Custom Landscaping, the lowest responsible bid of five (5) bidders, in an amount not to exceed

\$15,000.00. Bid in compliance with Public Act 85-1295. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda

- S. [150323](#) **PC 15-19: 27 W. Grove Street - Park Place of Lombard - Final Plat**
Requests approval of Park Place of Lombard Final Plat of Subdivision. (DISTRICT #1)

This Request was approved on the Consent Agenda

Enactment No: Ordinance 7104, 7152

- T. [150422](#) **SUB 15-03: 80 Yorktown**
Requests approval of a plat of resubdivision for a tract of land located at 80 Yorktown to be entitled Resubdivision of Lot 1 in Pehrson Second Resubdivision. The new plat depicts the proposed resubdivision of one property into two lots of record, as defined by the Zoning Ordinance. (DISTRICT #3)

This Request was approved on the Consent Agenda

Approval of the Consent Agenda

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

Aye: 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

Absent: 1 - Reid Foltyniewicz

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

- A. [150418](#) **ZBA 15-12: 251 N. Grace Street - Variances**
Requests a variation from Section 155.407(F)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-five feet (25') and a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30') for proposed Lot 2 located at 251 N. Grace Street and within the R2 Single-Family Residence Zoning District. (DISTRICT #4)

Trustee Bill Johnston read the following:

On the Village Board agenda for consideration tonight is a request for front yard and rear yard setback variations for the property located at 251 North Grace Street. This request was the subject of a public

hearing before the Zoning Board of Appeals on September 23, 2015, at which time the Zoning Board of Appeals voted 4-2 to recommend denial of the variation requests. I have reviewed the materials associated with the variation requests, including the Zoning Board of Appeals' October 15, 2015 recommendation letter to the Village Board, and have spoken with both Village staff and the petitioner. While the Village Board does have the authority to overturn the recommendation of the Zoning Board of Appeals, and approve the variations, based on my analysis of this matter, I believe it would be more appropriate for the matter to be remanded back to the Zoning Board of Appeals for further testimony and deliberation. I, therefore, move that the variation requests be remanded back to the Zoning Board of Appeals for further deliberation and, specifically, the taking of additional testimony relative to the following matters:

1. The hardships any individual or entity would have in developing a marketable new single family residence on the lot without the requested relief;
2. The impacts of the shallow depth of the lot on the ability to construct a modern single family residence, with an attached garage, on the lot; and
3. The front and rear yard setbacks that were applicable in the past for the property, as compared with the petitioner's requested relief;

and that the Zoning Board of Appeals, after taking and considering said additional testimony, vote on each of the requested variations separately when making a further recommendation to the Village Board.

A motion was made by Trustee Bill Johnston, seconded by Trustee Dan Whittington, that this Ordinance be remanded back to the Zoning Board of Appeals. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

Absent: 1 - Reid Foltyniewicz

Enactment No: Ordinance 7144

B. [150484](#)

Ordinance Providing for the Levy and Assessment of Taxes

Ordinance providing for the levy and assessment of taxes for the fiscal year beginning January 1, 2015 and ending December 31, 2015. The Finance and Administration Committee voted unanimously to recommend the statutorily permissible 2015 tax levy to the President and Board of Trustees.

Village Manager Scott Niehaus noted that Trustee Foltyniewicz, the Finance Committee Chairperson, was absent due to a work commitment and that this matter came to the Village Board with a

recommendation from the Committee. He noted that this matter was removed from the Consent Agenda and placed on Separate Action so as to conform with the Village's Transparency Policy and it was felt that the Tax Levy and the water and sewer rates needed to have more information provided so that the residents were better informed.

Director of Finance Tim Sexton noted the following:

The Village of Lombard is proposing a 1.54% property tax levy increase for 2015.

The 2015 proposed property tax calls for an increase in property taxes, which would total \$134,720 for the Village as a whole.

This increase equals approximately \$7.27 per household yearly, or \$0.60 per month.

The tax increase is needed due to increases in the Police Pension Fund, Liability Insurance (workman's comp) and IMRF.

For every dollar spent on property taxes, less than \$0.08 goes to the Village.

- o 79.03% goes to local school districts
- o The remaining amount goes to Townships, DuPage County and other taxing districts

The Property Tax increase is the maximum amount that the Village is allowed to propose without referendum.

The Village is limited to CPI (Consumer Price Index) of 0.8% and new growth estimate (new construction).

Village Manager Niehaus noted that this item is on first reading and will be returned to the Village Board agenda on November 5th for second reading.

Village President Giagnorio noted that this levy is proposed to pay the bills that really need to be paid.

A motion was made by Trustee Bill Ware, seconded by Trustee Bill Johnston, that the Ordinance providing for the levy and assessment of taxes for the fiscal year beginning January 1, 2015 and ending December 31, 2015 be passed on first reading. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

Absent: 1 - Reid Foltyniewicz

Enactment No: Ordinance 7140

Code in Regard to Water and Sewer Rates

Three Ordinances amending the Village Code as it relates to water and sewer rates for FY2016. The Finance Committee voted unanimously to recommend approval of the increase in water and sewer rates.

Director of Finance Tim Sexton noted the following:

A water and sewer rate increase of \$1.24 per 1,000 gallons is recommended beginning January 1, 2016.

The increase would impact a resident that uses an average of 4,000 gallons per month by an additional \$4.96 per month.

The proposed increase would bring the Village's 2016 water rate to \$14.30 per 1,000 gallons, which is the 2015 average rate for DuPage Water Commission customers.

The rate increase is mainly due to under-reporting by aged and slow meter readings.

This under-reporting can cost the Village approximately \$436,872 annually (bullet point #9).

The Village is working with IEPA to secure a grant to move up the start date of a meter replacement program to late 2016/early 2017

Village Manager Scott Niehaus noted that this matter was reviewed at the August 27th Special Village Board Meeting and Workshop. This ordinance is on first reading and will be placed on the November 5th Village Board agenda for second reading. A detailed communication plan would be put into motion to inform residents.

Trustee Fugiel noted that Lombard's water rates are less than other surrounding towns.

President Giagnorio reported that costs are passed along from the City of Chicago with regard to Lake Michigan water.

A motion was made by Trustee Bill Ware, seconded by Robyn Pike, that the Ordinance amending Title 5, chapter 50 of the Lombard village code in regard to water and sewer rates be passed on first reading. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

Absent: 1 - Reid Foltyniewicz

Enactment No: Ordinances 7141, 7142, 7143

Ordinances on Second Reading**Resolutions****Other Matters**

X. Agenda Items for Discussion**XI. Executive Session****XII. Reconvene****XIII Adjournment**

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A motion was made by Trustee Mike Fugiel, seconded by Robyn Pike, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, October 15, 2015 in the Board Room of the Lombard Village Hall be adjourned at 8:02 p.m. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

Absent: 1 - Reid Foltyniewicz