# Village of Lombard

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



## **Meeting Agenda**

Thursday, April 15, 2010

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

#### II. Roll Call

## **III. Public Hearings**

## IV. Public Participation

<u>100168</u>	Proclamation - Arbor Day
	Attachments: procarborday2010.doc
<u>100169</u>	Proclamation - Healthy Lombard
	Attachments: prochealthylombard2010.doc
<u>100170</u>	Proclamation - National Telecommunicator's Week
	<u>Attachments:</u> proctelecommunicatorswk2010.doc
<u>100171</u>	Proclamation - Global Love Day
	Attachments: Procgloballoveday2010.doc
<u>100172</u>	Proclamation - Congregation Etz Chaim 50 Year Anniversary
	Attachments: procetzchaim50yranniv2010.doc
<u>100190</u>	Proclamation - Lombard Pride Week
	Attachments: procprideweek2010.doc
<u>100201</u>	Proclamation - Maple Street Chapel 140th Anniversary

## V. Approval of Minutes

## 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 Richard Tross, Chairperson

**Board of Local Improvements - Trustee Richard Tross, President** 

Community Promotion & Tourism - President William J. Mueller, Chairperson

**Lombard Historical Commission - Clerk Brigitte O'Brien** 

US Census Complete Count Ad Hoc Committee - Trustee Laura Fitzpatrick, Chairperson

## VII. Village Manager/Village Board Comments

### **VIII Consent Agenda**

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#### Payroll/Accounts Payable

A.	<u>100165</u>	Approval of Village Payroll For the period ending March 27, 2010 in the amount of \$1,147,653.08.
В.	<u>100166</u>	Approval of Accounts Payable For the period ending April 2, 2010 in the amount of \$182,343.41.
C.	<u>100184</u>	Approval of Accounts Payable For the period ending April 9, 2010 in the amount of \$241,945.23.

#### Ordinances on First Reading (Waiver of First Requested)

D. 100162 Liquor License Amendment - CVS/Pharmacy #6497, 350 E. North Avenue, & CVS/Pharmacy #2791, 1005 E. Roosevelt Road Amending Title 11, Chapter 112 of the Alcoholic Liquor Code reflecting a change in corporate entity for both locations. (DISTRICTS #1 & #6)

Attachments: memo new corporation 2.doc

ordownerchange.doc
Agenda Form.doc
Ordinance 6462.pdf
100162.pdf

E. <u>100191</u> Intergovernmental Agreement

Approving and authorizing the execution of an Intergovernmental Agreement establishing the Northern Illinois Municipal Gas Franchise Consortium.

Attachments: Ordinance 6463.pdf

Agreement Northern IL Gas.pdf

100191.pdf

#### Other Ordinances on First Reading

F. 100136 Hammerschmidt School, No Parking on Madison

A request to establish a no parking zone on the south side of Madison

Street 85 feet in either direction from Hammerschmidt Avenue.

(DISTRICTS #5 & #6)

Attachments: 100136.pdf

Ordinance 6476.pdf

Johnson reviewed the item.

#### **Ordinances on Second Reading**

G. 090018 PC 09-03: 500 E. Roosevelt Road (Westgate Lincoln Mercury)

(Continued from April 1, 2010)

Granting a time extension to Ordinance 6312 extending the time period for construction of the conditional use for motor vehicle sales, service and repair in the B4APD Roosevelt Road Corridor District Planned Development for a ninety (90) day period subject to certain timelines and compliance with provisions. (DISTRICT #6)

Attachments: APO letter 09-03.doc

Cover Sheet.doc

PUBLIC NOTICE 09-03.doc
Referral Letter 09-03.doc

Report 09-03.doc

WTL referral memo.doc

Ordinance 6312.pdf

BOT ext memo.doc

Cover Sheet ext 1.doc

BOT ext memo continue2.doc

BOT ext memo continue.doc

BOT ext memo final 4-15-2010.doc

500 E. Conditional use Extension.pdf

090018.pdf

090018.pdf

090018.pdf

Ordinance 6464.pdf

John Moroni, 605 Midwest Club, Oak Brook, IL, stated that he is owner of subject property and owner of the former Westgate Lincoln Mercury dealership. Mr. Moroni stated that he wishes to reopen the auto dealership at 500 E.

Roosevelt for used vehicle sales, light service and maintenance repairs. He added that the operation would be the same as before without the new vehicle franchise. He mentioned that there will be no structural changes, except that they will put the light poles back up on the north side of the facility that was removed. Mr. Moroni stated that they have not decided on the name of the facility - it may be called "Westgate", it may not. He added that he will let the Village know at later dater. Lastly, Mr. Moroni stated that nothing will be different from before.

Chairperson Ryan opened the meeting for public comment.

Steve Benthine, 1171 S. Fairfield Lombard, IL, stated that he lives directly north of the subject property and is not opposed to the dealership reopening. Mr. Benthine mentioned that he purchased the property in 2007. He added that there is a retaining wall that runs along his driveway, which the maintenance of is his biggest concern. Mr. Benthine wanted to ask the petitioner if the retaining wall will be maintained. He also added that there is some drainage issues related to the retaining wall. Mr. Benthine also mentioned the shrubbery along the retaining wall. He added that if someone drove by they would think the shrubbery is on his property. Mr. Benthine questioned whether the facade of the retaining wall will be maintained and also mentioned that the petitioner did a fine job of taking care of the shrubbery after Code Enforcement was contacted.

Mr. Moroni stated that he will assure Mr. Benthine that the landscaping will be properly maintained by the petitioner's maintenance person.

Mr. Benthine questioned the lighting in the back. He added that those light shine into his kitchen and bedrooms.

Mr. Moroni assured Mr. Benthine that the lighting issue will be properly handled by the petitioner's maintenance person.

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Staff has drafted this IDRC report to submit to the public record in its entirety. Ordinance 5163, which was approved on July 18, 2002 as part of PC 02-22, granted Westgate Lincoln Mercury conditional use approvals for a planned development; the sales, service and repair of automobiles and two principal buildings on a lot of record. Westgate Lincoln Mercury has since closed their business for more than 12 months. The Zoning Ordinance states that conditional use approval shall expire if the conditional use shall cease for more than 12 months for any reason. Westgate Lincoln Mercury plans to reopen their business as it once operated; therefore, conditional use approval is required to reestablish the sales, service and repair of automobiles and maintain two principal buildings on a lot of record on the subject property.

The petitioner intends to reopen the existing car sales and automotive repair as previously granted. The petitioner has indicated that it would be for the sale of used cars only; however, new cars may come at a later date. The petitioner anticipates the sales of between 25-30 cars per month after the initial opening. Light auto repair, such as oil changes, brake and tires will also be conducted on-site as it was before. There are currently no plans to make exterior modifications, aside from new signage, which will come at a later date. The subject property has a number of previously approved signage deviations that would still apply today.

The Comprehensive Plan recommends that the subject property be developed as a Community Commercial use. The proposed use is therefore compatible with the intent of the Community Commercial designation.

Mr. Toth then made reference to a number of the Standards for Conditional Uses that he believed were important to note during the hearing:

- \* The proposed use has been conducted on the subject property since 1970. Preserving the same automobile sales, service and repair use that has occurred for almost 40 years would maintain consistency in relation to the surrounding neighborhood.
- \* The petitioner plans to conduct conditional use within the confines of the existing building and current site layout as it was once approved through Ordinance 5163. From a land use perspective, the type of use being proposed is compatible with the surrounding properties; as such, the normal and orderly development and improvement of the surrounding properties would not be adversely affected.
- \* The ability to provide adequate parking and loading facilities should be provided for all commercial sites. The subject property is 5.5 acres. Over 75% of the subject property is reserved as parking and staging area for the automobiles, which leaves over 4 acres for parking, staging and sales. The petitioner has indicated that the business will not contain the large sales inventory that it had prior to closing its doors.
- \* As is, the site conforms to all requirements set forth in the Zoning Ordinance and all other applicable ordinances. The petitioner would need to receive an updated Certificate of Occupancy/Zoning Certificate that permitted the proposed conditional uses.

Furthermore staff is recommending approval of PC 09-03, subject to the conditions outlined.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that he was pleased that the auto dealership would be reopening, albeit that it is a used car dealership. Commissioner Olbrysh then commended the petitioner for working with the adjacent property owner to address his concerns. He added that he does not have a problem with this petition.

Commissioner Sweetser stated that she was pleased with Mr. Benthine's letter, which addressed the property issues. She stated that she was also pleased with the demeanor of the petitioner to work together with the adjacent property owner to resolve the issues. She added that it is rare to see people work together with such common sense and good will.

#### **H.** 100109 PC 10-03: 115 E. St. Charles Road

The petitioner, the Village of Lombard and the Lombard Town Centre, requests approval of a conditional use for a Farmer's Market (French Market) in the B5 Central Business District. (DISTRICT #4)

Attachments: apoletter 10-03.doc

Cover Sheet.doc

DAH referral memo.doc

publichearingnot.doc

Referral Letter.doc

Report 10-03.doc

DAH memo for Operators Agreement.doc

Ordinance 6465.pdf

100109.pdf

Christopher Stilling, Assistant Director of Community Development, presented the petition. The Village of Lombard and the Lombard Town Centre (LTC) requests conditional use approval for a Farmer's Market (French Market) to be held Saturday mornings, from 9 a.m. to 1 p.m. in the existing Village of Lombard commuter parking lot of the retail strip center located at 115 E. St. Charles Road. The Bensidoun Company has been contracted by Lombard Town Centre to operate the market and will provide all staff, equipment and necessary marketing.

The Comprehensive Plan denotes this area as Central Business District Mixed Use Area. The French Market concept is clearly appropriate to a Central Business District and is considered as an enhancement to downtown development and activities. With regard to compatibility with the surrounding land uses, the subject property is bounded by commercial and railroad uses. The proposed French Market is compatible with such downtown uses. With regard to compatibility with the Zoning Ordinance and a conditional use for a Farmer's Market, the LTC wishes to operate a Farmers (French) Market on the Hammerschmidt parking lot on Saturday mornings. The market was previously located here on Saturdays in 2004 & 2005 (PC 04-06), however it was moved to 102 W. St. Charles in 2007 and 2008 (PC 07-22) on Tuesdays to accommodate more vendors. Last year, the market was also held on Tuesday, but was relocated to North Park Avenue right-of-way. The LTC and its operator, Bensidoun, were not satisfied with the North Park Avenue location and therefore the LTC is requesting to move the market back to the Hammerschmidt lot. They will be working with the same operator, who has indicated that having the market on Saturday should not impede their ability to get quality vendors.

Relative to the site plan, the market will be located on the eastern half of the existing Hammerschmidt parking lot. In consideration of the site for the market, staff noted many benefits of this site over the existing site including:

- 1. Greater visibility to pass-by traffic on St. Charles Road and visibility from riders on the Metra Union Pacific West Line.
- 2. Greater parking options.
- 3. Greater flexibility in site operations. As the site will not be shared with other land-uses, conflicts with garbage disposal and set-up operations will be diminished.
- 4. Additional space for expansion. The subject property will have space for 47 tents
- 5. No need for Village barricades. Last year, the Village spent approximately \$7,000 for barricades.

As with the existing market, it will be operated according to a License

Agreement that will ensure that it will not endanger the public health or safety. The market will meet all code requirements which will assure that all requirements for public utilities and safety concerns will be met during its limited hours and days of operation in a manner consistent with their existing site. As staff believes that the subject property can more adequately meet the needs of the market, it supports the conditional use request.

The existing Hammerschmidt parking lot has 113 parking spaces. Based on the representations made by the LTC and Bensidoun, approximately 27 parking spaces will be used for the tents leaving 86 spaces for customer parking.

Staff finds that the request for a conditional use for this property meets the conditional use standards set by the Zoning Ordinance. Any potential negative impacts of the activity (i.e., trash, noise, etc.) will be continually overseen and managed. The market use will not impact overall redevelopment activity along St. Charles Road. In fact, the use could be considered an asset to the corridor. The use serves as an enhancement to the downtown area as it is an attraction for visitors to the area and is consistent with the retail objectives in the Comprehensive Plan.

In order for any conditional use to be approved, the standards for conditional uses must be affirmed. Mr. Stilling recited the seven standards as well as staff's response to each. Staff believes the standards have been met and recommends approval of the conditional use subject to the three conditions noted in the staff report.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

Dan Whittington, 39 North Elizabeth, Lombard, and President of Lombard Town Centre stated that while he felt the various vendors were happy on Park Avenue, the Village encountered some expenses with the barricades. We felt it would be best to relocate some place else and this was the best place for it. He indicated they have had success working with Bensidoun and that having the market on Saturdays would not deter vendors. We will be meeting with Bensidoun on Wednesday if everything goes well tonight.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh indicated that he had no problem with the French Market at the Hammerschmidt lot as the parking situation is better. He questioned who would be obtaining the vendors. Mr. Whittington answered that Bensidoun would. Commissioner Olbrysh asked if that is the same company that operates the Wheaton French Market. Mr. Whittington answered yes. Commissioner Olbrysh asked if Lombard had any vendors signed up yet. Mr. Whittington answered that they have some vendors signed up and they hoped to have 10-12. He didn't know who they were and will find out when they meet on Wednesday to finalize documents.

Commissioner Olbrysh asked if the operation dates for the market were May 1 through October 31. Mr. Whittington answered yes.

Liquor License Amendment - Famous Dave's, 206 Yorktown Amending Title 11, Chapter 112 of the Village Code reflecting a change in the Class A/B liquor license category for Famous Dave's. (DISTRICT #3)

Attachments: Ordinance 6466.pdf

100134.pdf

J. <u>100137</u> Lombard Public Facilities Corporation

Appointing William Lichter as a Director of the Lombard Public Facilities

Corporation due to the resignation of Toni Sherman.

<u>Attachments:</u> ordlombardpfcapptlichter3182010.doc

SUBMIT.DOC

Ordinance 6467.pdf

100137.pdf

K. 100145 Titles 3 and 15 of the Lombard Village Code (Building Permit Fees)

Amending Title 15, Chapter 150, Sections 150.41 and 150.283 and Title 3, Chapter 36, Section 36.21 of the Lombard Village Code with regard to

increasing building permit fees. (DISTRICTS - ALL)

<u>Attachments:</u> Permit Fee Increase cover sheet.doc

Permit Fee Increase FY11 BOT memo.doc

3%Permit Fee Increase FY11 Ordinance.doc

Ordinance 6468.pdf

100145.pdf

#### Resolutions

L. 100154 St. Charles Road Water Main Replacement, Resident Engineering

Approving a contract with Thomas Engineering Group, LLC in the

amount of \$86,357.44 (DISTRICT #1)

Attachments: 100154.pdf

100154 revised memo & cover sheet.pdf

R 90-10.pdf

Contract WA-11-01.pdf

M. 100174 Olde Towne East Phase 5 Change Order No. 1

Reflecting an increase in the amount of \$17,755.99 to the contract with

ALamp Concrete Contractors. (DISTRICT #4)

Attachments: 100174.pdf

R 85-10.pdf

Change Order 1 Alamp.pdf

Dratnol reviewed the change order which reflects the additional cost to use concrete instead of asphalt. When the bid was approved by the Board, they inadvertently did not clarify which option they were in favor of. This change

order clarifies which option will be used.

N. 100176 Annual Geotechnical Engineering and Construction Material Testing

Contract Amendment No. 2

Authorizing a renewal of the annual services contract with Testing Services Corporation in the amount of \$65,000.00 and a renewal of the annual services contract with Seeco in the amount of \$65,000.00 to perform geotechnical engineering and construction testing services. (DISTRICTS - ALL)

100170

Attachments: 100176.pdf

R 87-10.pdf

Agreement to Amend Contract- Seeco.pdf

R 86-10.pdf

Agreement to Amend Contract- testing & Envir. Services.pdf

O. 100180 French Market Agreement - 115 E. St. Charles Road

Authorizing the signatures of the Village President and Clerk on a French Market Operators' Agreement relative to the operation of the French Market at 115 E. St. Charles Road (Hammerschmidt Parking

Lot). (DISTRICT #4)

<u>Attachments:</u> DAH memo for Operators Agreement.doc

French market Operators Agreement 2010.doc

R 88-10.pdf

French Market Operator's Agreement.pdf

100180.pdf

P. 100031 Capital Improvement Program

Approving the Village of Lombard FY2011-FY2020 Capital Improvement

Program.

Attachments: R 89-10.pdf

100031.pdf

**Draft CPI-PW-Finance Edititon.pdf** 

Draft CIP by project.pdf

#### Other Matters

#### \*Q. Wilson Avenue and Cherry Lane (Moved to IX-C)

R. 100143 St. Charles Water Main Replacement

Award of a contract to ALamp Concrete Contractors, the lowest responsible bid of four bidders, in the amount of \$312,463.00. Bid in

compliance with Public Act 85-1295. (DISTRICT #1)

Attachments: 100143.pdf

100143 revised memo & cover sheet.pdf

Contract # WA-10-01 Alamp.pdf

#### S. <u>100177</u> One Medium Duty Dump Truck

Award of a contract to Freeway Ford, the lowest responsible bid of three bidders, in the amount of \$29,890.00; and approval of an ordinance authorizing the trade-in of Village unit SM485. Staff is requesting a waiver of first reading. Bid in compliance with Public Act 85-1295.

Attachments: 100177.pdf

Ordinance 6469.pdf

#### T. 100178 Five Pickup Trucks with Plows

Award of a contract to Freeway Ford, the lowest responsible bid of three bidders, in the amount of \$71,254.00; and approval of an ordinance authorizing the trade-in of Village units WT441, ST308, ST309, ST321, FO312 and EL347. Staff is requesting a waiver of first reading. Bid in compliance with Public Act 85-1295.

Attachments: 100178.pdf

Ordinance 6470.pdf

#### U. 100179 2010-2011 Mosquito Abatement Program

Award of a contract to Clarke Mosquito Abatement, the lowest responsible bid of two bidders, in the amount of \$88,059.80. Bid in compliance with Public Act 85-1295.

Attachments: 100179.pdf

Contract # EMM-2010.pdf

#### V. 100186 IT - HVAC System Replacement Project

Request for award of a contract to KCW Environmental Conditioning, Inc., the lowest responsible bid of five bidders, in an amount not to exceed \$65,387.00. Bid in compliance with Public Act 85-1295.

Attachments: 100186.pdf

#### \*W. Main Street Lighting Phase 2 (Moved to IX-D)

X. 100189 Sewer Lateral Lining

Request for a waiver of bids and award of a contract to Performance Pipelining, Inc. in the amount of \$30,000.00. Public Act 85-1295 does

not apply.

Attachments: 100189.pdf

Contract Pipelining.pdf

# \*Y. 2011-2016 Solid Waste Contract (this item has been removed from the agenda)

**Z.** 100182 Contract with Constellation New Energy, Inc.

Motion to ratify a contract with Constellation New Energy, Inc. for the provision of electrical energy for the Village Hall for the period of May

2010 through May 2011. *Attachments:* 100182.pdf

AA. 100183 2009 Property Tax Levy Rate Reallocation Report

Motion to concur with the decision of the Director of Finance regarding

the Village's 2009 Property Tax Levy.

Attachments: 100183.pdf

100183 presentation.PDF

### IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

#### Other Ordinances on First Reading

#### Ordinances on Second Reading

A. 100088 Budget Ordinance for Fiscal Year 2010-2011

Adopting the FY 2010-2011 Annual Budget for the Village of Lombard.

Attachments: Ordinance 6471.pdf

Budget Submittal Sheet 2011.doc
Budget Filed Ordinance.pdf

100088.pdf

Tim Sexton reviewed the proposed budget with the Committee and mentioned there are no changes since the preliminary budget was reviewed at the joint Village Board and Finance Committee meeting on February 16, 2010. Discussion followed.

Manager Hulseberg indicated he would be willing to answer any questions. Trustee Tross indicated he had removed this item from the Consent Agenda and that he was not supporting the item. He noted that the Village Board and staff had worked long and hard. He stated he can not reconcile the \$2 million for the new water meters. He felt there were several issues that needed to be resolved and there should be additional number crunching.

Trustee Wilson felt the road to this budget was long and arduous. He felt it was a very difficult year and that the Village Board, Finance Committee and staff had worked hard and had done a good job. He hoped next year would be even better.

Trustee Fitzpatrick thought the Village Board and committees had done an excellent job and she was proud of the hard work involved that went into the budget. She spoke about all of the departments taking cuts and she was pleased to approve the proposed budget.

President Mueller asked Trustee Tross what concerns he had. He did not want anyone to have misinformation. He suggested Trustee Tross meet with Village Manager Dave Hulseberg.

B. 100126 Amending Title 5, Chapter 50 of the Lombard Village Code with Regard to Water and Sewer Rates

Three Ordinances amending the Village Code as it relates to water and sewer rates for FYE 2011.

Attachments: Ordinance 6472.pdf

Ordinance 6473.pdf
Ordinance 6474.pdf

100126.pdf

Village Manager Hulseberg noted he was willing to answer any questions and that this item had been pulled by Trustee Tross.

#### Resolutions

#### **Other Matters**

\*C. 100048 Wilson Avenue and Cherry Lane

Request for a 4-Way Stop. This was recommended for denial by the

Transportation and Safety Committee. (DISTRICT #6)

Attachments: 100048.pdf

Chairperson Tross suggested that the committee wait to discuss this issue when staff has collected all of the information. Staff will try to conduct the speed

study prior to the March meeting if the weather breaks.

Kalisik reviewed the item and explained that this intersection does not meet warrants for a four-way stop. Schwarz asked what the motivation for the request was. Chairperson Tross explained that a resident contacted Trustee Ware because he and his neighbors are concerned that cars are speeding. Chairperson Tross went on to say that if traffic were doing 45 mph he could justify a speed reduction, but that is not the case. Schwarz asked about the three accidents. Deputy Chief Cuny responded that they were in the vicinity, but not related to the intersection. General discussion ensued regarding MUTCD warrants.

#### \*D. Main Street Lighting Phase 2

## X. Agenda Items for Discussion

A. 100188 Red Light Photo Enforcement

Presentation by the Lombard Police Department.

Attachments: 100188.pdf

100188 Presentation.pdf

**\*B.** <u>100200</u> DuPage Mayors and Managers Conference

Discussion of participation with the DMMC with regard to the legislative

initiative related to the DuPage Water Commission.

Attachments: dupagewaterrcommissionmemodahtovb4152010.doc

#### XI. Executive Session

XII. Reconvene

XIII Adjournment

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