

Village of Lombard

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



Minutes

Thursday, May 1, 2014

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; Peter Breen, District Four;

Laura Fitzpatrick, 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, May 1, 2014 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:32 p.m. Acting Village Clerk Janet Downer led the Pledge of Allegiance.

II. Roll Call

- 7 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware
- 1 - Sharon Kuderna

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
Fire Chief Paul DiRienzo
Assistant Village Manager Nicole Aranas
Executive Director Carol Bauer

III. Public Hearings

IV. Public Participation

Village President Giagnorio indicated that persons in the audience will be allowed to speak as the specific item comes up on the agenda.

[140187](#)

Presentations - Youth Leadership Program

Village President Keith Giagnorio spoke briefly about the program. He asked Trustee Dan Whittington and students to the front. Trustee Whittington provided an overview of the Youth Leadership Program and stressed how successful the Youth Leadership Program had been. Each student was presented with a certificate for completing the program.

[140168](#)

Proclamation - Municipal Clerks Week

Acting Village Clerk Janet Downer read the proclamation for Municipal

Clerk's Week.

President Giagnorio asked Village Clerk Sharon Kuderna and Acting Clerk Janet Downer to come to the front and presented a proclamation to them.

Village Clerk Kuderna presented a plant to Janet and thanked her for her assistance.

[140172](#)

Proclamation - Autism Month

Acting Village Clerk Janet Downer read the proclamation for Autism Month.

Village President Giagnorio indicated the proclamation would be forwarded to DuPage County Board Member Peter DiCianni.

[140170](#)

Proclamation - Lombard Pride Week

Acting Village Clerk Janet Downer read the proclamation for Lombard Pride Week.

President Giagnorio presented the proclamation to Director of Public Works Carl Goldsmith.

Carl Goldsmith spoke about Lombard Pride and the clean-up prior to Lilac Time. Anyone wishing to assist may contact the Public Works Department.

[140171](#)

Proclamation - Lilac Time

Acting Village Clerk Janet Downer read the proclamation for Lilac Time in Lombard.

President Giagnorio provided information on activities scheduled during Lilac Time in Lombard including the Lilac Queen Coronation, Art and Craft Fair, Lilac Bush and Plant Sale, Lilac Ball, Multi Media Art Show, Kiwanis Housewalk, Mutt Strut 5K and 1 Mile Walk and the Lilac Parade.

[140182](#)

Presentation - Lilac Parade Committee

Village President Keith Giagnorio called Lilac Parade Committee Chairperson Erica Fisette to the front.

Erica Fisette asked Parade Committee members to stand. She talked about the selection of the Grand Marshal for the 2014 Lilac Parade and announced that Clifford "Smitty" Smith had been selected as the Grand Marshal. She provided a bio of Smitty's volunteer efforts, and stated he was too busy volunteering to be at the meeting.

V. Approval of Minutes

A motion was made by Trustee Dan Whittington, seconded by Trustee Bill Ware, that the minutes of the Regular Meeting of the Village Board of April 17,

2014 be approved. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

VI. Committee Reports

Community Relations Committee - Trustee Dan Whittington, Chairperson

No report

Economic/Community Development Committee - Trustee Laura Fitzpatrick, Chairperson

No report

Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson

Trustee Mike Fugiel, Chairperson of the Environmental Concerns Committee, reminded residents that the first electronics recycling event for 2014 would be held on Saturday from 9 am to noon. He spoke about Pride clean-up including River Sweep.

Finance Committee - Trustee Peter Breen, Chairperson

No report

Public Works Committee - Trustee Bill Ware, Chairperson

No report

Transportation & Safety Committee - Trustee Reid Foltyniewicz, Chairperson

No report

Board of Local Improvements - Trustee Bill Ware, President

No report

Community Promotion & Tourism - Trustee Laura Fitzpatrick, Chairperson

No report

Lombard Historical Commission

No report

VII. Village Manager/Village Board Comments

Trustee Whittington thanked Communications Coordinator Bridget Doyle for all of her assistance with the Youth Leadership Program and thanked the students for participating.

Trustee Foltyniewicz talked about the Ribbon Cutting event at Yorktown and encouraged residents to visit the newly renovated Yorktown Center.

VIII Consent Agenda

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Trustee Foltyniewicz spoke about the improvements to Beacon Hill and how this would be great for the residents and the Village. He indicated there was a concern about the parking garages and hoped that could be resolved.

Payroll/Accounts Payable

- A. [140167](#) **Approval of Accounts Payable**
For the period ending April 18, 2014 in the amount of \$958,201.84.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [140184](#) **Approval of Village Payroll**
For the period ending April 19, 2014 in the amount of \$893,384.40.
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [140185](#) **Approval of Accounts Payable**
For the period ending April 25, 2014 in the amount of \$826,460.17.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- D. [140142](#) **PC 14-06: 2400 & 2600 S. Finley Road - Beacon Hill**
Requests that the Village take the following actions regarding the expansion of their facility and various site improvements for the subject property located in the R5PD:
Pursuant to Section 155.504 of the Zoning Ordinance, the petitioner requests approval of a major amendment to Ordinances 1536 and 2183, which granted planned development approval and a conditional

use approval for a convalescent and nursing home, located in the R5PD General Residence District, Planned Development. Said amendment would provide for an additional dining/gathering center and a modified access/circulation plan. (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 6940

- E. [140175](#) **Liquor License Amendment - TGI Friday's, 601 E. Butterfield Rd.**
Amending Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code reflecting a classification change to TGI Friday's Inc. from an A/B-II to an A/B-III. (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 6941

- F. [140180](#) **Indemnification Agreement - Use of Private Property for Firefighting Exercises**

Ordinance amending Title 3, Chapter 33 of the Lombard Village Code with regard to the Fire Chief being able to execute a Release and Indemnification Agreements on behalf of the Village for the use of private property for Firefighter training.

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

Enactment No: Ordinance 6942

Other Ordinances on First Reading

- G. [140105](#) **PC 13-09: 951 N. Main Street**
Requests that the Village grant approval of a conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for Motor Vehicle Service within the I Limited Industrial Zoning District. (DISTRICT #1)

This Ordinance was passed on first reading on the Consent Agenda

- H. [140107](#) **PC 14-04: Comprehensive Plan**
The Village of Lombard requests the approval of an overall update to the Comprehensive Plan. (DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

Ordinances on Second Reading

Resolutions

- I. [140174](#) **Circle Avenue Design Engineering**
Approving a contract with Civiltech Engineering, Inc. in an amount not to exceed \$129,325.00 for design engineering services. (DISTRICT #6)
This Resolution was adopted on the Consent Agenda
Enactment No: R 23-14

- J. [140176](#) **Vista Pond Expansion Design Engineering**
Approving a contract with Christopher B. Burke Engineering Ltd. (CBBEL) in an amount not to exceed \$59,206.36 for design engineering services. (DISTRICT #4)
This Resolution was adopted on the Consent Agenda
Enactment No: R 24-14

Other Matters

- K. [140135](#) **Sidewalk Snow Removal**
Request for a waiver of bids and approval to increase a contract with Beverly Snow & Ice, Inc. by \$27,888.00 for a total contract amount of \$44,888.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)
This Bid was approved on the Consent Agenda
- L. [140183](#) **FY 2014 Crack Sealing Program**
Request for the award of a contract to Denler, Inc. in the amount of \$121,775.42. Public Act 85-1295 does not apply. (DISTRICTS - ALL)
This Bid was approved on the Consent Agenda
- M. [140163](#) **Lombard Ale Fest Event Signage Request**
Request from the Lombard Ale Fest committee to place temporary banners on Village-owned properties for the promotion of their Lombard Ale Fest from May 26 through June 14, 2014. (DISTRICT #6)
This Request was approved on the Consent Agenda
- N. [140178](#) **LTC Spooktacular Event Signage Request**
Request from the Lombard Town Centre to place temporary banners on Village owned properties for the promotion of their LTC Spooktacular Event from August 4, 2014 through October 20, 2014. (DISTRICTS #1 and #6)
This Request was approved on the Consent Agenda
- O. [140179](#) **LTC Passport Program Event Signage Request**
Request from the Lombard Town Centre to place temporary banners

on Village owned properties for the promotion of their Passport Program from May 21, 2014 through August 1, 2014. (DISTRICTS #1 and #6)

This Request was approved on the Consent Agenda

P. [140177](#)

Appointment - Police Pension Board of Trustees

Re-appointment of Jerry Peterson for to the Police Pension Board of Trustees for a two-year term of office.

This Appointment was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Peter Breen, to Approve the Consent Agenda The motion carried by the following vote

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

A. [140186](#)

Approval of Accounts Payable

Approval of a \$1,000 scholarship for Lilac Princess Morgan Fugiel.

Trustee Mike Fugiel disclosed that Morgan Fugiel was his daughter, and was a member of this year's Lilac Court, and as such, would be abstaining from voting on the issuance of the traditional \$1,000 Lilac Court scholarship, but had already voted on the issuance of scholarship checks to the other members of the Lilac Court.

Penny Chanez, 119 S. Chase, President of the Lombard Juniors Club, asked the members of the Lombard Juniors in the audience to please stand. She then spoke with regard to the scholarship program for the Lilac Princesses and that one scholarship had been pulled from the Consent approval. She spoke about transparency and the Board members not enriching themselves. She outlined in depth how the process is completed and stressed that the panel of judges do not

know the young women who have come forth with interest in serving on the Lilac Court. The candidates are judged individually on their own merit and accomplishments. She spoke of the long-standing tradition and urged the Board members to support all of the Lilac Princesses.

Ken Wojcik, 128 S. Third, asked the Board to support Princess Morgan Fugiel and approve the scholarship to her. He spoke of the Kiwanis Key Club and how she has worked so hard. He asked the Board to not punish a student who had stepped up to serve the community just as her father had also done. He talked of transparency and felt she deserved the scholarship based on her own merit.

Trustee Ware indicated that he was appalled that the Village Board was having this discussion.

Trustee Breen stated that he had thought about this matter very deeply. He stated this was not about the Lilac Princess program and stated he supported the Lombard Juniors. He felt that awarding a cash prize to the family member of a Village Board member was a conflict of interest. He talked of a similar situation with another Board member a year and a half ago. He stated that he is proud of the Lilac Princesses. He talked about the law and a conflict of interest. He noted that under limited circumstances the Board can make exceptions. He talked about looking over taxpayers' dollars and the Board acting as guardians of taxpayers' dollars. He indicated that the pay for Trustees is \$4,800 per year. He felt that being a Village Board member resulted in foregoing certain benefits.

Trustee Whittington asked if a check could be given to the Juniors and they in turn write a check to Ms. Fugiel.

Attorney Bayer indicated this could be done.

Trustee Foltyniewicz stated he did not want this issue to taint the Lilac Time festivities and felt a check should be issued to Ms. Fugiel.

Trustee Ware indicated there was a motion on the floor.

Trustee Fitzpatrick indicated that she agreed with Trustee Breen. She spoke of her son taking his first job, a potential conflict of interest with the company and a possible land purchase in Lombard and her taking it upon herself with the advice of an attorney to avoid any impropriety, not charging her son rent. The end result was the land was not purchased. She talked about the Board setting standards and that the Board voted to discontinue service from another member of the Board. She felt the Board members should not financially benefit from the

Village. She felt it was morally wrong for Ms. Fugiel to accept a scholarship check from the Village. She also felt that forwarding a check to the Juniors for distribution was just going through a loophole.

President Giagnorio indicated he was speaking from his heart and was furious that this matter just came up two days before the Coronation. He talked about his duty of upholding the traditions and values and noted the Lilac Court had been selected a month ago. Now two days before the Coronation the scholarship check for one of the Princesses is questioned. He stated he could not imagine what the Princess was thinking and what she has gone through. He was embarrassed. He emphasized there was no impropriety with this scholarship award and that this matter had been made totally transparent. He spoke about the daughter of a Trustee being selected as a Princess on her own merit and that this has been the policy of the Village to award each Princess a scholarship check. He indicated that Mike Fugiel had volunteered to fill the remainder of the District #2 Trustee seat when he was elected as Village President and there were two years left for his Trustee term. He spoke of a policy being established to prohibit this from happening again. He felt the policy should not be changed at this time and hoped that this issue did not put a damper on the Lilac Time festivities.

A motion was made by Trustee Bill Ware, seconded by Trustee Reid Foltyniewicz, that the Board approve the Accounts Payable in the amount of \$1,000 for a scholarship check for Princess Morgan Fugiel. The motion carried by the following vote:

Aye: 4 - Keith Giagnorio, Dan Whittington, Reid Foltyniewicz, and Bill Ware

Nay: 2 - Peter Breen, and Laura Fitzpatrick

Abstain: 1 - Mike Fugiel

X. Agenda Items for Discussion

A. [140158](#)

Video-Gaming

Consideration and discussion of rescinding Ordinance 6442 prohibiting video gaming within the Village of Lombard.

Ken Wojcik, 128 S. Third, asked the Village Board to not change the ordinance and not support video-gaming in the Village. He spoke of being in the entertainment field for so many years and spoke of the effects on video-gaming on people. He felt it was a tax on the poor.

Kathy Gilroy, 230 W. Division, Villa Park, a former Lombard resident, indicated she was against video-gaming. She felt businesses who need video-gaming are failing businesses. She also felt this was unfair to businesses who would not offer video-gaming. She asked

the Board to not change the ordinance.

Marymae Meyer, 414 W. Windsor, spoke about people's lives being changed by addictions, not only to gambling. She spoke of the Lilac Village and the appeal of the community with high morale values. She asked the Board not to repeal the ordinance to allow video-gaming.

Tom Campos, 328 W. Roosevelt Road, Manager of the Lombard Moose Lodge, spoke about the the profits from video-gaming being able to be used to help other organizations that the Moose support such as the Lombard Fire and Police Departments and Mooseheart. He felt people were not born to be gamblers and that people can make a choice to gamble or not to gamble. Video-gaming machines would be separated from the main part of the Moose Lodge.

Stafa Amin, 801 E. Roosevelt, Manager of Overtime Bar, indicated he also manages the Villa Park OTB and that video-gaming and gambling do not bring in bad people. He talked about a group of ladies who come in regularly and enjoy having fun and doing a little gambling. He asked the Board to support video-gaming and felt that increased revenues would also mean more money to the Village.

Robert Taglia, 110 N. Wisconsin, Villa Park, a Villa Park Trustee, spoke about video-gaming in his community. He talked about the Villa Park community looking up to Lombard and felt this was a difficult decision. He asked the Lombard Board if this is what they want in Lombard.

David Lutes, 681 N. Martha, asked the Board how they make decisions on matters and if they listen to their constituents.

Antonios Topalidis, 352 E. Roosevelt, owner of Maxfield's. talked about his customers going to Villa Park to gamble and spend their money. He asked the Board to support video-gaming in Lombard.

Joe Schrantz, 532 S. Princeton, Villa Park, spoke against bars and taverns and felt that alcohol inhibits people's decisions and they could end up spending more money on video-gaming and gambling than they can afford.

Dawn Capone, 105 W. St. Charles Road, owner of Capone's, indicated this was her 20th year in business. She asked the Board to support video-gaming. She indicated customers ask for video-gaming, that people have a choice and if they want to gamble, they will travel to another town where gambling is allowed.

Village Manager Scott Niehaus provided a brief overview regarding

materials on video-gaming that had been provided to the Board. He noted that revenue distribution is 35% to the business, 35% to who owns the terminals, 25% to the State and 5% to local government. He indicated that video-gaming machines are only allowed where alcohol is served on the premises, does not include package sales establishments and there is a five machine limit per establishment. Video-gaming needs to be physically separated from the regular area and restricted to 21-years of age and older.

Chief of Police Ray Byrne indicated that he contacted 9 neighboring communities who allow video-gaming and reported that none of the communities had any increase in crime or criminal activity, and that Police Departments had not been impacted by video-gaming.

Village Attorney Tom Bayer reported that the primary licensing is done by the State through the Gaming Board. If the Village Board makes a decision to allow video-gaming, an amendment to the Village Code would be required to add the \$25 fee as the Village is a non-Home Rule community. He stated inspections are handled through the Gaming Board. The Village retains the right to hold hearings if a violation occurs and can revoke a liquor license thus creating the loss of the gaming license. The ban can be reinstated at any time. Staff will prepare the ordinance and necessary application forms for review by the Board at a future meeting.

Trustee Ware thanked the Board for allowing the discussion of video-gaming to proceed, and felt it was crucial for now and the future. He indicated he had been approached by business owners inquiring about allowing video-gaming as they felt they were losing business to local communities who allow video-gaming. He talked of other means of gambling that are allowed such as selling of Lottery tickets, office pools, church raffles and bingo. He felt that 75% of businesses would not request video-gaming machines, and that there would still be a lot of choices for people to visit that did not have gaming machines. He also felt the business owners would reinvest profits back into their businesses.

Trustee Breen talked about half of the people in the State of Illinois wanting to move to another state and spoke about Illinois being corrupt and bankrupt. He wants to keep Lombard safe and family-friendly. He felt that the minimal amount of money brought to the Village was not worth allowing gaming. He talked about the surrounding communities who had voted no to allowing video-gaming. He spoke of Lombard being a leader and should continue to be a leader and find other ways to help businesses. He indicated gaming parlors are targeting women; how people can become addicts; and how some women are spending grocery money on gambling. He felt

gambling at pubs and restaurants was different then gambling at parlors adjacent to grocery stores. He spoke of gambling at church festivals. He suggested adding more outside dining downtown and felt the Board should reject the proposal to allow video-gaming.

Trustee Whittington inquired about a public poll and possible further discussion by the Board.

Trustee Fitzpatrick talked about revenue streams for the community and the Board making responsible decisions. The Board banned video-gaming in 2010 and felt the ban was enacted for a reason while both she and Trustee Ware were on the Board. At the time the Village reached out to residents and made a conscientious decision. She talked about the cost versus the harm that it may cost the Village.

Trustee Fugiel spoke of choices and referred to the minutes of the committees that reviewed video-gaming. He felt families can make a choice, but was more concerned about businesses struggling and allowing gaming a possibility of increased sales. He supported the request for video-gaming to be allowed and felt the Board could decide to reinstate the ban in the future.

Trustee Foltyniewicz indicated he was not a big gambler. He did not feel it was up to the Board to tell a business how to run its business and that businesses should be able to know what is best for their business. He felt if gambling was to be banned, it should include all gambling even bingo, the Lottery, church raffles, split-the-pot raffles and all other gambling.

Trustee Whittington felt a public opinion poll should be taken.

Trustee Ware indicated the Board had polled residents, the matter had gone through committees, a press release had been sent out, and the Board had been talking about it. He felt it was impossible to take a poll every time an issue arises. He asked the Board to keep small business in mind.

Trustee Whittington felt residents had a right to an opinion.

Trustee Fitzpatrick spoke of Lombard as the Lilac Village and talked about the gambling industry coming into the community. She felt gambling could get out of control. She did not feel residents were interested in that type of lifestyle in Lombard. She stated the Village had conducted a poll; that the Board was here to serve the residents; the Village was not broke; and the Village had money in reserve.

President Giagnorio indicated that he had heard both pros and cons.

He stated that he has been to establishments that offer video-gaming and not witnessed any fights or massive losses. He has seen a couple playing a video-gaming machine, having a few drinks and enjoying themselves. He spoke of running his campaign as a small business owner and spoke of the difficulty with small business and all of the regulations. He stated this was not about generating revenue for the Village, but about allowing small business to possibly increase their business. He did not feel that walking into an establishment and playing a video-gaming machine would turn you into an addict. He felt strongly that video-gaming could be monitored and revisited in a year, and that businesses be alerted to the fact that this will be revisited. He talked about businesses having a choice.

Trustee Fitzpatrick called for a Point of Order.

Trustee Ware asked about staff drawing up the necessary ordinance.

Village Attorney Tom Bayer indicated he could draft an ordinance for consideration for the meeting in June.

Village Manager Scott Niehaus indicated he will work with Bill Heniff and Tim Sexton to draft the application. Item to be scheduled for June 19th.

A motion was made by Trustee Bill Ware, seconded by Trustee Mike Fugiel, that the ban be lifted on video-gaming in the Village of Lombard, that staff be directed to draft the necessary ordinance and application forms and this matter be brought back to the Village Board for further consideration on June 19th. The motion carried by the following vote:

Aye: 4 - Keith Giagnorio, Mike Fugiel, Reid Foltyniewicz, and Bill Ware

Nay: 3 - Dan Whittington, Peter Breen, and Laura Fitzpatrick

XI. Executive Session

XII. Reconvene

XIII Adjournment

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A motion was made by Trustee Mike Fugiel, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, May 1, 2014 in the Board Room of the Lombard Village Hall be adjourned at 9:45p.m. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware