

# Village of Lombard

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



## Meeting Agenda

**Thursday, January 7, 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**

[090799](#) Swearing-in Ceremony - Probationary Patrol Officer Andrea Rider

**Attachments:** [pdswearing122109.doc](#)

[090798](#) Good Neighbor Award - Dominic Messina

**Attachments:** [090798.pdf](#)

[090800](#) Introduction - K9 Chico and Officer Greg Sohr

**Attachments:** [pdk9memo122109.doc](#)

[090801](#) Proclamation - Blood Donor Month

**Attachments:** [Proclamation.pdf](#)

**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 Dick Tross, Chairperson**

**Board of Local Improvements - Trustee Richard J. 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. [090772](#) Approval of Village Payroll  
For the period ending November 21, 2009 in the amount of \$812,811.70.
- B. [090773](#) Approval of Accounts Payable  
For the period ending November 27, 2009 in the amount of \$1,173,836.38.
- C. [090779](#) Approval of Accounts Payable  
For the period ending December 4, 2009 in the amount of \$325,081.55.
- D. [090789](#) Approval of Village Payroll  
For the period ending December 5, 2009 in the amount of \$940,544.60.
- E. [090790](#) Approval of Accounts Payable  
For the period ending December 11, 2009 in the amount of \$276,272.33.
- F. [090803](#) Approval of Accounts Payable  
For the period ending December 18, 2009 in the amount of \$1,075,147.11.
- G. [090804](#) Approval of Accounts Payable  
For the period ending December 16, 2009 in the amount of \$480,729.11.
- H. [090813](#) Approval of Village Payroll  
For the period ending December 19, 2009 in the amount of \$819,778.75.
- I. [090814](#) Approval of Accounts Payable  
For the period ending December 31, 2009 in the amount of \$886,464.28.

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

- J. [090770](#) Liquor License Amendment - Bricks WoodFired Pizza & Cafe, 132 W. St. Charles Road  
Amending Title 11, Chapter 112 of the Alcoholic Liquor Code reflecting an increase in the Class C liquor license category granting a liquor license to Brix WoodFired Pizza Incorporated. (DISTRICT #1)  
**Attachments:** [Ordinance 6426.pdf](#)  
[090770.pdf](#)

- K. [090771](#) Amending Title 11, Chapter 112 of the Alcoholic Liquor Code Reflecting an increase in the Class H liquor licenses granting a liquor license to Walgreens #4780, 225 E. Roosevelt Road and Walgreens #9217, 309 W. St. Charles Road. (DISTRICTS #1 & #6)  
**Attachments:** [Ordinance 6427.pdf](#)  
[090771.pdf](#)
- L. [090795](#) Amending Title 3, Chapter 37 of the Lombard Village Code Relating to the appointment of the Deputy Village Clerk as the Freedom of Information Officer for the Village of Lombard and amending the fees to be charged for copies requested pursuant to the Freedom of Information Act.  
**Attachments:** [Ordinance 6428.pdf](#)  
[090795.pdf](#)

### Other Ordinances on First Reading

- M. [050656](#) PC 05-41: 1301 North Lombard Road  
Granting a fourth time extension to Ordinance 5794, amended by Ordinances 5964, 6122, and 6432 for a 2-year time period (January 5, 2014) relative to the O'Hare/DuPage Business Park Planned Development. (DISTRICT #1)

**Attachments:** [APO Names 05-41.doc](#)  
[Cover sheet.doc](#)  
[ORDINANCE 05-41 final.doc](#)  
[publichearnot.doc](#)  
[ReferralLetter 05-41.doc](#)  
[Report 05-41.doc](#)  
[WTL referral memo.doc](#)  
[Cover sheet2.doc](#)  
[WTL referral memo time ext.doc](#)  
[ORD 5964.pdf](#)  
[Ord 5964.pdf](#)  
[Cover sheet3.doc](#)  
[Ord 2nd time Extension 05-41.doc](#)  
[WTL referral memo time ext PC 05-41.doc](#)  
[61220001.pdf](#)  
[Ord 5794.pdf](#)  
[Cover sheet3rd time extension.doc](#)  
[DAH referral memo 3rd time ext PC 05-41.doc](#)  
[Ordinance 6432.pdf](#)  
[050654.pdf](#)  
[050656.pdf](#)  
[060656.pdf](#)  
[050656.pdf](#)  
[050656BOT12\\_27\\_11.pdf](#)  
[050656Coverpage12-27-11](#)  
[Ordinance 6669](#)

*Prior to the start of the public hearing Commissioner Martin Burke recused himself from the petition. He stated that he has a business involvement with the project. He noted that after the Plan Commission and Village Board approved the project earlier this year, his employer, Location Finders International, acquired the property from the previous developer. His firm then contacted one of its clients, Walter E. Smithe, as to whether they would be interested in locating their business on the subject property. With their petition now being brought forward to the Village for consideration, he is removing himself from considering this petition.*

*Mark Smithe, petitioner, stated that his business Walter E. Smithe Furniture is proposing to construct their corporate headquarters on the subject property. He noted that the proposal will be for a single building of 179,000 square feet in size, with a future expansion of 53,000 square feet on the property. The site will have 42,000 square feet of office space for their headquarters. They anticipate 225 additional employees and 30 delivery contractors will be located out of the site.*

He then discussed the zoning actions requested as part of the petition. He stated the additional fence height is requested to screen the contractor's yard west of the property. The additional fence height is intended to minimize the amount of dust that blows onto the subject property. He then noted that they are requesting an amendment to the proposed use list to allow for temporary retail sales on the site. The intent of this request is to allow for special clearance events.

Chairperson Ryan then opened the meeting for public comment. There were no comments in favor or in opposition to the proposal. Chairperson Ryan then requested the staff report.

William Heniff, Senior Planner, reiterated the requested actions, summarized the project and submitted the IDRC report to the public record in its entirety. In August, 2005, the Village Board approved a conditional use for a planned development for the subject property (PC 05-17). A condition of this approval was a requirement that any future developers of the property seek site plan approval from the Village for their respective project.

Since the Village Board approved the petition, a substitute developer has acquired the property and is now seeking to develop the entire property with a single user (Walter E. Smith Furniture). The development proposal attempts to follow the guidelines established by the planned development approval and follows the single-user building concept.

As a refinement to the development petition, the petitioner is also seeking relief for perimeter fence height requirements. Also, this petition includes provisions to allow temporary retail sales on the property, which would require an amendment to the planned development approval.

Regarding the Inter-departmental Review Comments, he noted that the engineering comments related to the construction project are under separate cover and were given directly to the petitioner.

In the initial planned development approval, three plans were approved in order to provide maximum development flexibility. The current proposal being brought forward is the single building option. The initial phase proposes a single 184,500 square foot building, of which 25,000 square feet of the building will be used for office purposes. The plan includes a truck dock for 27 small and 6 full docks and a single drive-in door. Parking for 304 cars is also proposed for the initial phase. Future phases will include an additional 53,000 square feet of building space as well as 20 additional docks and parking for 156 additional spaces. The primary use of the property will be the warehouse/distribution activities. Although furniture manufacturing will be done elsewhere, there may be minor furniture repair activities that may occur on the site as well.

The plans also depict future development activity that may occur. The plan shows an additional 53,000 square feet of warehouse spaces as well as additions to the parking lots and loading docks. From staff's perspective, knowing the future development plans for the property is also advantageous, so all facets of the site design could be considered early in the review process.

Staff also finds the idea of the property to be occupied by a single entity to be desirable. First, all infrastructure improvements can be completed at once, rather than in phases. Second, cross-access, parking and property maintenance

issues will either not be a concern or will be more easily addressed.

He noted that the site plan approval process provides the ability of the Plan Commission to review, approve, deny or modify the individual components within the overall development.

He then described the proposed project elements. The office area is located on the north side of the building. Short loading docks for local delivery vehicles and long receiving berths are located along the east and south sides of the building. The building's design and orientation maximizes the available space on the property and incorporates the existing wetland site constraints. The plan proposes to segregate automobile parking and truck delivery functions. Moreover, among the automotive parking areas, the north parking lot will be for office employees while the east lot will be for truck delivery staff.

The petitioner has submitted building elevations depicting pre-cast concrete exterior walls with additional glass and masonry treatments at the office entrance on the north elevation. This treatment is typical of most modern hi-cube warehouse/distribution facilities. Trash collection will be addressed with a compactor to be located on one of the east loading dock areas.

The petitioner prepared a concept landscape plan. The plan shows landscape improvements for those areas that may be developed at a later date. The plan conceptually meets the provisions of the Zoning Ordinance, except as varied as part of the planned development approval. The plan does not show landscaping within the wetland area - the final plant materials and maintenance requirements will be established by DuPage County as part of the wetland review process.

While the final light pole fixtures have not been selected by the petitioner to date, the light poles and fixtures to be utilized for all private roadway lighting and parking lot lighting should be uniform. The petitioner intends to meet this request. The petitioner shall provide complete specifications and photometric plans for the fixtures. The lighting plan shall be reviewed and approved by the Village as part of a building permit submittal prior to installation.

The plan has been reviewed to ensure that truck and emergency vehicle turning movements can be met. The plan intends to minimize conflict points between truck loading/circulation and customer/employee parking areas. The main entrance drive into the property may include a guardhouse and/or additional lanes to segregate the truck operations from automotive traffic.

To ensure proper traffic flow to the eastern parking lot, staff recommends that the parking spaces be reconfigured to allow for a direct access aisle linking the southern access aisle to the entrance drive proposed south of the building.

About 400 employees are proposed to be based out of the building or work on-site. Most of the on-site activities will be during daytime hours.

Regarding the Lombard Road improvements, the petitioner as new property owner, will fulfill the obligations set forth in the initial development approvals, including constructing a new cul-de-sac bulb at the current roadway terminus of Lombard Road and full street improvements shall be made in front of the Haney & Sons property. He also noted that the Village Board has approved the first vacation of Lombard Road as provided for in the development agreement.



*Mr. Heniff then stated that in the original planned development plan proposal, the detention was proposed to be located on an unutilized portion of the Commonwealth Edison property southeast of the subject property and on property located in unincorporated DuPage County. The petitioner's current proposal will utilize the Commonwealth Edison property immediately south of the proposed building and within the planned development boundaries. The detention relocation will supplant the previously approved parking/storage area as conceptualized in the initial plans. As this area is within Lombard's corporate limits, stormwater detention requirements will be reviewed and approved by Village staff. The rights to construct the detention on the Commonwealth Edison property will be memorialized through a permanent stormwater detention easement granted to the subject property owner.*

*The final development agreement outlines the types of uses that would be permitted through the conditional use process or prohibited within the development. The planned development use list does not provide for retail activities as a permitted or conditional activity. Staff notes that occasionally warehouse uses for retail establishments have requested approval for temporary sales events. These requests have been made to the Village for seasonal sales, overstock sales or liquidation sales. As retail activities are not listed as permitted uses within the underlying zoning district and hence, their respective certificates of occupancy/zoning certificates, the business entity would need to apply to the Village for a special event permit to allow for the sales activity. The proposed use list amendment would allow for temporary retail sales as a permitted ancillary use to the office/warehouse activities on the property.*

*Immediately west of the subject property are heavy industrial contractor's yards. As the petitioner's use is a light industrial/office use, they would like to increase the permitted fence height along the west property line. The proposed solid wood fence will provide a visual screen and noise buffer to the subject property. Moreover, a higher fence may help reduce some of the dust that can be created through the adjacent neighbor's business operations.*

*At this point in time, the petitioner has not determined the final signage package for the project. As such, if their future plans require additional relief, the petitioner will be required to apply for another site plan approval from the Plan Commission.*

*The Comprehensive Plan identifies the site for industrial uses. The proposed site plan will meet both of these provisions and will meet the recommendations of the Comprehensive Plan.*

*Regarding compatibility with adjacent uses, the proposed development is surrounded on three sides (north, south and west) by industrial activity. Staff finds that the proposed office/warehouse development as a type of light industrial use will be compatible with the adjacent industrial uses. On the east side of the subject property is property owned by the DuPage County Forest Preserve District and is part of the Fullerton Woods Forest Preserve. In discussions with the District, they envision their property remaining as passive regional open space. To ensure that encroachments do not occur into the District property (a common occurrence elsewhere in the County), the petitioner is proposing to install a ten-foot high chain link fence along the eastern property line. Moreover, the petitioner has been working with DuPage County to ensure that the development meets the County's wetland buffer requirements on the subject property as well as the adjacent Forest Preserve property. At the request of the District, he read their correspondence they submitted relative to*

*this petition into the record.*

*Chairperson Ryan opened the hearing for discussion and questions by the Plan Commission.*

*Commissioners Olbrysh and Sweetser discussed potential encroachments into the District's property. Mr. Heniff noted that most of the District's comments pertain to construction activity, which will be addressed as part of the permit review and inspection processes.*

*Commissioner Sweetser asked if the proposed 10 foot high fence needs to be conditioned in their approval. Mr. Heniff stated that as the submitted plans depict the fence on their plans, staff can require the fence as part of their construction project. Therefore, it does not need to be placed as an additional condition.*

*Commissioner Olbrysh asked about the Lombard Road vacation. Mr. Heniff stated that the final development agreement provided for the right-of-way to be vacated to the adjacent property owner, but if the Village requests after a 20-year period, the right-of-way will be rededicated back to the Village.  
R2006-038996*

**N. [090791](#)**

**ZBA 09-11: 617 E. Berkshire Avenue**

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1) A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6'). The ZBA recommended approval of this variation.

2) A variation from Section 155.205(A)(1)(e) of the Lombard Zoning Ordinance to allow a solid wood fence six feet (6') in height in the clear line of sight area. The ZBA recommended denial of this variation.  
(DISTRICT #4)

**Attachments:** [apoletter 09-11.doc](#)

[Cover Sheet.doc](#)

[DAH referral memo.doc](#)

[PUBLICNOTICE 09-11.doc](#)

[Referral Letter 09-11.doc](#)

[Report 09-11.doc](#)

[Ordinance 6433.pdf](#)

[090791.pdf](#)

*Nicholas Bruhn, 617 E. Berkshire Avenue, owner of the subject property, present the petition. He stated the house was newly purchased by him and his wife. He stated that his primary objective is to keep his residence and pedestrians safe. He wanted to discuss two issues, the height and clear line of sight for the fence. He stated that he would be willing to correct the clear line of sight except for about six inches to one foot of a gate area because of the placement of a post. He stated that he is, however, concerned about the height of the fence at four feet due to the presence of a school across the street.*

*Mr. Bruhn stated that he had visited the property at Pleasant and Vista mentioned in the staff report. They have an above ground pool which allows some added safety. He also stated that completely changing the fence would be very costly and it was built by the previous owner.*

*Elizabeth Wilson-Bruhn, 617 E. Berkshire Avenue, stated that she understood why the Village might want a four foot fence. However, she thinks that a sixth grader could jump it to get into the pool. It is a danger and she would not want that responsibility. Also, this fence is along the street between the house and the garage, not at the corner of the street.*

*Chairperson DeFalco explained what a corner side yard is and why a four foot fence is required.*

*Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.*

*Chairperson DeFalco then requested the staff report.*

*Stuart Moynihan, Associate Planner, present the staff report. The subject property is located at the southwest corner of Vista Avenue and Berkshire Avenue. The petitioner is requesting a variation to allow an existing solid wood fence six feet (6') in height in the corner side yard where a maximum height of four feet (4') is permitted. The previous owner of the property constructed the fence in October of 2009, without a building permit, as a replacement for an existing non-conforming six foot (6') fence in the same area. The fence is located along the Vista Avenue side of the property and conflicts with the clear line of sight area where the driveway meets the public right of way. As the existing non-conforming fence has been replaced, the new fence would be required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.*

*The subject property currently has an existing solid wood fence six feet (6') in height within the corner side yard and within the clear line of sight area. This fence was constructed as a replacement for a non-conforming fence of the same height. The fence was constructed in October of 2009 by the previous property owner, without a building permit. After becoming aware of the fence replacement, the Village informed the previous property owner of the need for the requested variations. However, as the property was under contract and in the process of being sold, staff determined that it would be best to process the request after the sale. The new owner was informed of the need for variations prior to the closing, and they are now the petitioner.*

*The Zoning Ordinance allows non-conforming fences to remain in existence provided that once a non-conforming fence reaches the end of its useful life any replacement fence will meet current code requirements. In time, this allows for full compliance with the Zoning Ordinance.*

*The newly constructed fence currently stands within the clear line of sight triangle at the driveway on the subject property.*

*Six foot high fences are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the fence requires that the new fence meet the four-foot height restriction or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other*

*properties in the area.*

*Within the response to standards, the petitioner has raised concerns regarding safety on the property due to the presence of an in-ground pool. Specifically, the petitioner identifies the pool as a hazard to children in the area and states that the existing fence would prevent them from seeing the pool and entering the property. Furthermore, the petitioner states that these concerns are exacerbated by the elementary school located across Vista Avenue. While staff recognizes that these concerns are reasonable, staff does not believe these concerns are demonstrative of a hardship.*

*In order to be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The following standards have not been affirmed:*

*1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

*Staff finds that there are no conditions related to the property that prevent compliance with the fence height regulations. The petitioner's property does not have physical surroundings, shape, or topographical features that differ substantially from other corner lots in the neighborhood as to be demonstrative of a hardship. The property is relatively flat and the existing topography does not impact the ability of the property owner from meeting the fence height provisions. There are no conditions which prevent the fence from being removed from the clear line of sight area.*

*2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

*Staff finds that the conditions are not unique to the subject property. Many other properties with a similar layout and design have been able to meet the established regulations. The presence of an in-ground pool and the proximity of a school are not unique or even rare circumstances in the Village. The nearby property at the corner of Vista Avenue and Pleasant Avenue, 616 E. Pleasant Avenue, has met the established regulations. This property also contains a pool. Building Code provisions require a 4' high fence around pools. The petitioner can meet both the Building Code and Zoning Ordinance by modifying the fence height to 4 feet.*

*4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

*Staff finds that the fence could be constructed per the ordinance requirements by lowering the fence to four feet (4'). The fence could also be moved out of the clear line of sight area or constructed to be seventy-five percent (75%) open. The hardship has been created by the petitioner as a result of the petitioner's preference for the fence's height and location.*

*5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

*It is staff's opinion that a solid wood fence located within a clear line of sight area could be injurious to the public welfare if the lack of visibility contributed to an accident.*

*6. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

*As stated above, the fence in the clear line of sight area could be a danger to public safety.*

*Staff recommends that the petition be denied in its entirety. However, if the Zoning Board of Appeals finds that it would be appropriate to grant a variation for fence height, staff recommends that petitioner adhere to the submitted plans and address the clear line of sight issue. Also, the petitioner should be required to obtain a fence permit for the proposed fence.*

*Mr. Bedard asked if the petitioner was aware of the violations when the home was under contract.*

*Mr. Bruhn stated that they were.*

*Chairperson DeFalco asked when staff became aware of the issues.*

*Mr. Moynihan stated that staff became aware following code enforcement actions. Staff informed the new owners previous to the sale and the previous owner paid for the public hearing.*

*Mr. Young stated that the ZBA has a history of supporting six foot fences when pools are involved. However, the clear line of sight is not negotiable.*

*Chairperson DeFalco asked the petitioner why the gate was at issue.*

*Mr. Bruhn stated that the fence post the gate is attached to is about one foot into the clear line of sight. There is also a concrete area behind it that would inhibit placing a new post.*

*Mr. Young asked if the clear line of sight could be looked at as nineteen by twenty-one foot triangle.*

*Mr. Moynihan stated the Zoning Ordinance calls for a twenty by twenty foot triangle.*

*Mrs. Newman stated that there is concern that the concrete would not allow a twenty by twenty foot.*

*Mr. Young stated that he thought the petitioner should fully meet the requirement.*

*Mr. Bedard stated that he did not see it as a large expense.*

## **Ordinances on Second Reading**

**Resolutions**

- O. [090762](#) Westmore-Meyers Spiral Lining, Change Order No. 1  
Authorizing a decrease in the amount of \$16,746.48 to the contract with C.T.R. Systems, Incorporated. (DISTRICT #5)  
**Attachments:** [090762.pdf](#)  
[R 56-10.pdf](#)  
[Change Order 1 CTR.pdf](#)  
*Dratnol reviewed this item with the committee. Explained what the spiral lining is and how it works. Discussion ensued.*
- P. [090778](#) SA 217B Final Balancing Change Order No. 3  
Authorizing a decrease in the amount of \$45,775.43 to the contract with ALamp Concrete Contractors, Incorporated. (DISTRICT #4)  
**Attachments:** [090778.pdf](#)  
[R 57-10.pdf](#)  
[Change Order 3 Alamp.pdf](#)  
*Dratnol reviewed the item with the committee. Preins questioned Illinois American's responsibility regarding water main in this area. Discussion ensued regarding Illinois American.*

**Other Matters**

- Q. [090805](#) Olde Towne Lift Station Conduit  
Requesting for a waiver of bids and award of a contract to Okeh Electric Company in an amount not to exceed \$30,000.00. Public Act 85-1295 does not apply. (DISTRICT #1)  
**Attachments:** [090805.pdf](#)  
[Okeh Contract.pdf](#)
- R. [090806](#) Olde Towne Lift Station Control Panel  
Request for a waiver of bids and award of a contract to The Flolo Corporation in an amount not to exceed of \$67,475.00. Public Act 85-1295 does not apply. (DISTRICT #1)  
**Attachments:** [090806.pdf](#)  
[Flolo Contract.pdf](#)
- S. [090807](#) Olde Towne Lift Station Pump Replacement  
Request for a waiver of bids and award of a contract to ITT Flygt in an amount not to exceed \$34,796.94. Public Act 85-1295 does not apply. (DISTRICT #1)  
**Attachments:** [090807.pdf](#)  
[ITT Contract.pdf](#)
- T. [090808](#) Civic Center Reservoir Facility Transformer Replacement  
Request for a waiver of bids and award of a contract to The Flolo

Corporation in an amount not to exceed \$28,669.00. Public Act 85-1295 does not apply. (DISTRICT #6)

**Attachments:** [090808.pdf](#)

[Flolo-Civic Center.pdf](#)

- U. [090676](#) Recycling Education Grant, Montini Catholic High School  
Request in the amount of \$2,500.00.

**Attachments:** [090676.pdf](#)

*Bartt: some concern about the high number that they are ordering.*

*Why are so many bins needed? Where will they be placed? Will the bins be used right away? What will happen to the compost?*

*Tabled until questions are answered.*

*Bartt stated she felt Montini was being aggressive with their environmental programs and that they were very responsive in getting back to the committee. She felt they had accomplished a lot.*

*Durdic spoke regarding composting and the indicated uses of the compost such as being given to staff members for their own use. He questioned using public funds for this program and then giving the compost to staff members.*

*Lyons felt this was a minor point and the compost would be used in various ways as stated in the letter presented by Montini. She felt as long as the compost was not wasted, the program should be approved.*

- V. [090723](#) Grant Application For 2010 Lilac Time Advertising  
Request from the Lombard Park District for \$18,091.80 from Hotel/Motel funds for costs associated with the 2010 Lilac Time advertising. The Community Promotions & Tourism Committee recommended a grant in the amount of \$12,674.88.

**Attachments:** [090723.pdf](#)

*Kathy McManis presented the grant request on behalf of the Lombard Park District.*

*In year's past, the Lombard Park District has requested grant funds to be used toward print advertising. This year, the Park District indicated that they are fortunate to have video gathered for a gold medal video, lilac time, concerts, etc. that they would like to use to change from print to television advertisements. With that, costs go up quite a bit but it is a matching fund grant. Kathy McManis indicated that they have received the grant from the State and one stipulation on the grant is that the video spots must be shown from more than a 50 mile radius away from Lombard. The list of proposed spots and channels was included in the grant application.*

*Last year, the Village grant to the Park district was \$12,674.88. This year, the Lombard Park District grant request is \$18,091.80. This only covers the television ads as the print advertising will be paid for by the Park District.*

*The TV spot is 30 seconds and would be running within a three week period.*

*Marguerite Micken asked about getting them to do a program on HGTV about the park district since some of the spots are scheduled to run on that channel.*

*Kathy McManis said that it would be worth a try.*

*Bill Mueller questioned the expected attendance of 18,000? Kathy McManis indicated that last year they did not charge for entrance into the park and they did not have that many counters so the number is off.*

*Marymae Meyer interjected a comment about this from the Lombard Garden Club perspective. She indicated that when conducting the lilac bush sale in the park, the Garden Club has asked the purchasers where they are from and there are an amazing number of people who come from out of state to buy lilac bushes.*

*Kathy McManis added that 63% of people from last year are from outside of the 60148 area code.*

*Skip Strittmatter questioned whether or not the Park District considered electronic media and social marketing? U-tube?*

*Kathy McManis indicated that they are considering those strategies as well and if approved, they will be trying the 30 second spot out on some of those endeavors as well.*

*Ed Murphy said that there is no question about the need of the money but how much is the hotel/motel tax revenue down? Brian Koehler, Assistant Finance Director, indicated that this year the fund is down about \$600,000 from last year. Ed Murphy said that if we give them \$18,000, we're not being fair to our constituents.... Kathy McManis indicated that if they don't get the entire grant amount, they'd have to cut the amount of spots that were ordered.*

*Bill Mueller asked if the consensus was to stay with the \$12,674.88, same as last year?*

*Ed Murphy made a motion to approve a grant in the amount of \$12,674.88 to the Lombard Park District, for Lilac Time advertising. Second? With no seconding, additional discussion ensued.*

*Marguerite Micken indicated that the return is there and that there is a time to cut and a time not to cut. She asked if they could up it a little to \$15,000? I don't think the money is misspent as it goes to the hotels and the area in general. Bill Mueller indicated that the Village doesn't have a good handle on the amount of money generated for the Village as a result of Lilac time. Kathy McManis indicated that after Lilac Time last year, the Lombard Park District contacted DCVB and the hotels to see the economic impact as it relates to Lilac Time and based on day trip estimates from the Illinois Bureau of Tourism and International Association of Convention and Visitors Bureau, the most recent economic impact study on Lilac Time for 2009 concluded that the direct economic impact of the festival was approximately \$1 million. In addition, most of Lombard hotels enjoyed a nearly 65% average occupancy during the period of Lilac Time 2009.*

*Marguerite Micken said that what we have to offer at that time of year is extremely important to promote because we all benefit from this. Bill Mueller suggested that the committee recommend what was budgeted based on last year and ask the Park District to go back and see what they can do.*

*Rosalie Loeding asked if funds were available, could the committee reconsider*



*it? President Mueller indicated that it was possible to reconsider it at a later date.*

*Deb Dynako asked if the funding received from the Village of Lombard drop the matching grant money from the State? Kathy McManis indicated that it does but President Mueller added that matching funds could be gotten somewhere else.*

*The motion was brought back presented by Ed Murphy, to recommend a grant to the Lombard Park District in the amount of \$12,674.88, seconded by Rosalie Loeding.*

**W. [090725](#)**

**Grant Application From Friends of the DuPage Theatre  
Request for \$3,000 from Hotel/Motel funds for costs associated with the  
DuPage Invitational Sculpture Show. The Community Promotions &  
Tourism Committee recommended a grant in the amount of \$3,000.**

**Attachments:** [090725.pdf](#)

*Deb Dynako gave a brief presentation on the grant request on behalf of the DuPage Sculpture Show. She indicated that last year, the group presented an art & sculpture show and it was a resounding success. They were able to give away three prizes to the top winners and scholarships to the student artists. The Village of Lombard provided \$3,000 seed money last year and the balance of \$11,000 was raised from private, corporate, individual, grant and fundraisers. The result was a magnificent display with more than 1,200 guests attending last year. She indicated that it was an all volunteer force committee utilizing Village partnerships, especially the Lombard Park District's cooperation with the event.*

*Some of the committee members had questions. Ed Muphy questioned funds to supporting organizations in the amount of \$1,666. Deb Dynako indicated that it was reimbursement to "Friends of the DuPage Theatre" on reimbursable items but that she would have to get a more definitive answer on this.*

*Bill Mueller asked, "What was the total profit made?" Marguerite Micken pointed out that the group receives money from the State and offered that there are a number of organizations that would be applicable to request grants from. Deb said they have applied for grants from these. She also added that DuPage County does not have any kind of art/sculpture show of this type and since it was the first year, groups were trying to see if we were going to make it.*

*Rosalie Loeding offered the Naperville Art League for contributions and/or participation? Deb Dynako indicated that she would be happy to look into and call whomever the committee thinks might be of help.*

*Skip Strittmatter indicated that a \$7,000 item is listed for a public art purchase. Deb Dynako indicated that the organization would like to purchase a substantial piece of sculpture and place it in a public venue for people to enjoy.*

*Ed Murphy advised that having worked on this type of thing before, think large-two days is a must for this type of event. He motioned to recommend approval of a grant in the amount of \$3,000. The motion was seconded by Rosalie Loeding. Discussion followed. Marguerite Micken did not agree with this motion and felt that based on the lower award on the previous grant that if the committee is going to cut things, they should cut everything and only award \$2,000.*

*Deb Dynako responded that they are having a fundraiser in February and last year they raised nearly made \$3,000 for this event. She indicated that the organization is out there and is trying to get corporate sponsorships. The vote was made on the motion to recommend a grant in the amount of \$3,000.*

- X. [090759](#) Permanent Easement Agreement  
For the property at 1165 S. Westmore/Meyers Road to construct and maintain public sidewalk. (DISTRICT #6)  
**Attachments:** [090759.pdf](#)  
[Grant of Public Sidewalk Easement.pdf](#)

- Y. [090782](#) Grant Application From International Lilac Society, Inc.  
Request for \$1,000 from Hotel/Motel funds for start-up costs associated with the 2011 International Lilac Society Convention. The Community Promotions & Tourism Committee recommended a grant in the amount of \$1,000.

**Attachments:** [090782.pdf](#)

*\$1,000 was requested by Marymae Meyer. She began by explaining that the International Lilac Society Convention is a private meeting -typically they choose venues from around the world. The 2011 event will be held at the Westin, as well as the dinner. The only public part of the event will be the auction. They are hoping to attract 75 people to this auction.*

*The grant request is for seed money to begin making deposits, etc., on things. Funds will need to be paid out prior to it coming in, which is estimated at a few months.*

*International Lilac Conference has been around since 1970. The \$1,000 grant would go to the conference? Marymae Meyer indicated that there must be a non-profit organization that disperses the money so she has to form a new, non-profit organization to disperse this money through for the conference. This may perhaps be called the "Lombard Lilac League" or "Friends of the Lilacs" committee. Marymae Meyer indicated that the membership in the International Lilac Society has dwindled from 400 to about 200 and they are working on building back up the membership.*

*Ed Murphy questioned the request for \$1,000 as it was mentioned additional funds would be needed down the road, so will another request be forthcoming? Marymae Meyer indicated that her best math at this time is that not more than \$10,000 will be needed but that's from the community, not just the Village.*

*Margerite Micken recommended to award \$1,000 for the start up fees for the hosting of the 2011 International Lilac Convention. The motion was seconded by Ed Murphy.*

## 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

## X. Agenda Items for Discussion

- A. [090649](#) Video Gaming Ordinance  
Ordinance banning video gaming in the Village of Lombard.

**Attachments:** [videogamingmemo122809toth.doc](#)

[Ordinance 6442.pdf](#)

[090649.pdf](#)

[090649.pdf](#)

[090649.pdf](#)

[Video Gaming.pdf](#)

*Village Manager Hulseberg requested Assistant to the Village Manager Mike Toth to give an overview of this proposed ordinance.*

*Assistant to the Village Manager Mike Toth indicated that the Illinois Gaming Board did not have a start date for the official rules. He noted that video gaming machines are allowed, but that machines are prohibited from paying off in currency in certain locations. He noted that several communities had banned video gaming machines including Elmhurst, Naperville, Wheaton and DuPage County. Several municipalities such as Addison and Buffalo Grove are not taking action until the Illinois Gaming Board establishes for rules. He stated the Gaming Board was meeting the next day and hopefully the Village would receive some additional information.*

*Village Attorney Tom Bayer indicated that currently video poker machines do not pay out in cash, but in points. This could be changed. Currently the Village does not allow any video gaming machines to pay off in cash.*

*Trustee Wilson questioned if video gaming machines could still be installed.*

*Attorney Bayer stated the machines can be installed, but can not pay off in cash. Trustee Wilson felt that legalized gambling might be a good revenue source for the Village. He reported that eventually the rules will be established in Illinois and throughout the nation. He felt that people gamble voluntarily and that revenue could be derived for the Village from gambling. He stated he is not completely for or against video gambling. He stated there had not ben sufficient input from the community. He felt banning gambling outright was a knee-jerk reaction without sufficient information and facts. He stated he was not opposed to a temporary ban and that after a certain period, the ban could be lifted. He felt the Village needed to have their ordinances in place so that once the Illinois Gaming Board made a decision, the Village would be ready. He stated that gambling was like off-track betting and playing the lottery. He noted that \$31 million was generated in gambling and there was a lot of revenue to be made for the Village from gambling. He stated he was a gambler.*

*Trustee Tross indicated the ordinance was premature and that video gambling was already prohibited in the Village. He reported that 5% of the revenue generated would go to the Village. He felt the rules would not be established for 12-18 months. He spoke about passing a capital improvements bill for \$31 million and not having the money. He felt gambling was a choice and the Village should not turn down a funding source. He stated DuPage County was the strongest Republican county in the State of Illinois and the county should not turn down a revenue source that feeds money to the State, County and municipalities. He stated the Village is looking for new revenue sources that do not add any additional tax on the residents and that video gaming was a choice just as taxes on alcohol and cigarettes are choices. He talked about liquor license holding establishments being assisted by allowing them to have video gaming machines. He noted that the Mayor reminds residents to shop and dine in Lombard and this would help the businesses.*

*Trustee Gron felt those municipalities adopting a video gambling ban were making a statement to the State of Illinois. He felt there must be a better way to generate revenue. He felt this was an easy way for the State to generate money and felt the State would be increasing the state income tax anyway.*

Trustee Moreau felt that Naperville had done a survey and that is why they passed the ordinance. She felt that gaming did not match the idea of a family-friendly community. She stated that video gambling was very addictive just like crack cocaine. She questioned as to how much money the Village was really looking at from this.

Trustee Fitzpatrick felt there was not enough information to make a decision. She asked about the cost to the community. She suggested a public hearing. She also questioned the expense, crime and quality of life in the Village. She felt a temporary ban was OK, but wanted the residents to contact their trustees with their opinions.

President Mueller questioned the income generated.

Director of Finance Tim Sexton indicated \$10,000 - 11,000 per establishment.

President Mueller noted there were 54 establishments in the Village.

Trustee Fitzpatrick questioned if it was worth the cash coming in.

Trustee Ware stated he was not necessarily opposed to video gaming, but felt he wanted more information from the residents. He wanted to look at all aspects including revenue. He felt a temporary ban for a shorter period of time was good.

Trustee Wilson felt that residents should be allowed to make their own decisions just like purchasing a lottery ticket. He stated he was not opposed to gambling. He felt people should have a place they can go and gamble if they want to do so. He felt the majority of residents already gamble on the Internet. He stated the Village does not ban alcohol, because there are people who are alcoholics and the Village does not ban food, because there are people who eat at restaurants. He did not feel the Village should ban gambling.

Trustee Tross stated there was limited information available to the Board, but that video gaming machines are already illegal in the State of Illinois. He noted it was illegal for machines to pay off in cash, so he questioned why the Village Board was looking at passing an ordinance that says they are illegal. He noted if there are establishments allowing pay-offs in cash, that was illegal. He felt the Village should wait and see what the Illinois Gaming Board decides before passing any ordinance. He also felt that those establishments affected by this, should be allowed to have a say.

President Mueller stated he did not disagree with the comments he had heard. He reported that at the recent Illinois Municipal League Conference, there was a vendor selling these machines which prompted this action. He felt this did not offer the quality of life for the residents in the Village that he wanted. He felt the majority of residents do not gamble and he had already received several calls from residents and business owners. He felt the Board needed additional information. He stated he wanted to protect the community until further information was received from the State. He felt there should be a review in one year. He stated he did not think this could be stopped in Springfield. He felt just because the Village would receive funds, this was not something that would enhance the community. He further indicated that this did not mean the Village was banning them, but felt while the Village was waiting for additional information, that a ban was needed. He indicated the vendor could come to Lombard and sell machines to businesses here.

Trustee Wilson questioned what the Mayor wanted to protect the community from.

President Mueller spoke about the quality of life in Lombard.

Trustee Wilson stated residents purchase lottery tickets and go to Las Vegas to gamble.

President Mueller felt that allowing video gambling was not going to make Lombard a better place to live. He said he would rather hear of great things like the Park District receiving an award and not how someone's husband or wife lost their paycheck by playing video gambling games. He stated they can

*gamble in other communities.*

*Trustee Wilson did not think that slot machines and video gaming machines would change the quality of life in Lombard.*

*Trustee Tross stated we are talking dollars. He suggested tabling this item and stated the press would pick up on this and the trustees would receive more input from residents and businesses who are affected. He stated the machines are already illegal and did not feel the Village had to do anything until the State advised to move forward.*

*Trustee Fitzpatrick felt this should be referred to the committees and that the Village should have an on-line survey for residents.*

*Trustee Wilson asked that this be referred to the Finance Committee.*

*Trustee Tross requested this be referred to each of the committees.*

*President Mueller felt the Village needed to stay on top of this matter. He stated the trustees were elected by the residents to represent them and make decisions. He did not want this to turn into a referendum. He stated if the Village Board did not want to make a decision tonight, this item could be brought back after input was received. He stated it was the Village Board's responsibility to protect the residents and the community and he did not want the Board to do nothing and then later ask how it happened.*

*Trustee Ware suggested having a timeframe to get back to the Board with input. Trustee Moreau indicated that surveys included in the packet showed residents were opposed to this.*

*Trustee Tross moved that the item be removed from the agenda and placed on the first agenda in January 2010 and that every chairperson have the item placed on their respective agendas for review and discussion. He felt that even the Public Works Committee and Environmental Concerns Committee be asked to review this so that it was getting out to the public. He felt the debate was meaningless as video gaming was illegal.*

*Trustee Gron felt with the ordinance in place the Board would be preserving the quality of life in the community. He stated on a recent visit to Colorado, a 13-year old girl was begging her mother to stop playing the video gaming machines as they had no money and no food and she was hungry.*

*Mr. Heniff summarized the staff memo stating that staff presented an update to the Board with regards to the recently approved Video Gaming Act, which legalizes video gaming in certain liquor establishments, truck stops and fraternal/veterans clubs throughout the state. The Village Board tabled this item until their January 7, 2010 meeting in order to solicit the thoughts and recommendations of each of the Village Committees. Mr. Heniff explained that the Economic and Community Development Committee (ECDC) is asked to review the attached memorandum and provide a recommendation as to its level of support for video gaming. Comments and recommendations received from the ECDC will be combined with comments from other committees and commissions and will be forwarded to the Village Board for their consideration.*

*Mr. Irion stated that he does not necessarily support video gaming but suggested that before any decision is made; he would like to make sure that Lombard businesses have the same competitive advantage as surrounding communities that may support it.*

*Mr. Grant wanted to revenue projections before making a final decision. Mr. Giagnorio agreed with Mr. Grant.*

*Ms. Gannon suggested that the Village should move forward with caution.*

*A motion was made by Mr. McNicholas to recommend that the Village Board proceed with investigating the details of video gaming. The motion was*

seconded by Mr. Irion and was unanimously approved by the members present. Trustee Fitzpatrick explained that there is a lot of infrastructure shot and that many county or state owned streets are deteriorating and are in bad shape. Governor Pat Quinn said that in order to fund a plan to get the streets in shape, the funding is going to come from video gaming. These video poker machines will be in bars.

Quinn said to fund capital roads with gambling-many of the DuPage County communities have said "no" to gambling. Potential funding is one half million dollars-if the Village licenses all that it can. Each machine would be a payback of 5% or about \$10,000, with the state getting 25%. Now there is a problem where the state is going to have to create a video gaming entity to oversee this. Licensing is not finalized. Rules are not finalized yet either. Trustee Fitzpatrick emphasized to the committee that saying "no" says no to the funding that would be received.

For a business to have video gaming, it must possess a valid liquor license and cannot be within 100 feet of a school or place of worship. The Village could impose their own fees on these as well with the establishment of an ordinance. Communities such as Wheaton, Naperville and others have already said "no" to these video games.

The Village Board is taking two months to run this through the Village committees to see what their opinions are and each committee is to send its recommendation to the Board.

What is the downside? Addiction and other factors that are unknown.

The Board of Trustees tabled this item to get the feelings of the various boards and commissions.

Pam Bedard asked if the amount of money would be enough to lower property taxes and Trustee Fitzpatrick indicated no. Governor Quinn has rather held the streets hostage over these funds. However, President Mueller indicated that in the past we have not received what we have thought we would from the State. Stuart Moynihan, Associate Planner, introduced a memorandum regarding the possibility of video gaming in the Village of Lombard. A vote is requested from the ZBA indicating their level of support for video gaming.

Chairperson DeFalco asked if the state rules for this law had been established.

Mr. Moynihan stated that the rules are not clear.

Mr. Young stated that the law does not currently provide the final rules for video gaming.

Chairperson DeFalco stated that the ZBA could table the issue until the rules are established or take an immediate vote.

Mr. Bedard that the Village Board is looking for a vote at this time in order to gauge the temperature of the committees.

Mr. Young stated the some communities are waiting on the final rules. He would not be in favor of shooting video gaming down immediately.

Chairperson DeFalco stated that gambling has been used as a fundraising

*mechanism in the past if you consider the Taste of Lombard and the Jaycees using bingo and pull-tabs. He stated that some gambling is not a major concern as long as it is recreational and not harmful. Until the rules are setup by the state, it is unclear what the Village would be getting. The Village should consider it until then.*

*Mr. Young stated that the downturn in the economy should be looked at in terms of what this could do for local businesses. It would provide some additional attraction. The Board could pass a resolution to wait to see the final rules.*

*Mr. Tap stated that this could be a revenue stream for both the Village and local businesses. It could be useful if well regulated.*

*Mrs. Newman stated that they could reject it now and come back to it later.*

*Mr. Bedard stated that the gaming would probably require an annual license.*

*Mr. Young stated that the memo indicates that the ZBA could vote to prohibit gaming now until the rules have been promulgated.*

*Chairperson DeFalco stated that gaming could be allowed to operate under the existing rules. There are three choices: ban it, allow it, or wait for the rules.*

## **XI. Executive Session**

## **XII. Reconvene**

## **XIII Adjournment**

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