

# **Village of Lombard**

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



## **Minutes**

**Thursday, September 19, 2019**

**7:00 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President Keith Giagnorio*

*Village Clerk Sharon Kuderna*

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

## 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, September 19, 2019 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:00 pm. Director of Public Works Carl Goldsmith led the Pledge of Allegiance.

## II. Roll Call

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

### Staff Present:

Village Manager Scott Niehaus  
Director of Finance Tim Sexton  
Director of Community Development Bill Heniff  
Director of Public Works Carl Goldsmith  
Chief of Police Roy Newton  
Fire Chief Richard Sander  
Assistant Village Manager Nicole Aranas  
Deputy Village Clerk Janet Downer  
Executive Coordinator Carol Bauer

## III. Public Hearings

[190345](#)

### **Public Hearing Butterfield Road Yorktown Business District No. 2**

A public hearing in regard to the proposed imposition of a Business District Retailers' Occupation Tax and a Business District Service Occupation Tax within the boundaries of the Lombard Butterfield Road/Yorktown Business District No. 2. (DISTRICT #3)

Village Attorney Tom Bayer called the Public Hearing to order at 7:01 p.m and reported the following:

The public hearing tonight is in regard to the Village's proposal to impose a 1% Business District Retailers' Occupation Tax and a 1% Business District Service Occupation Tax within the boundaries of the Butterfield Road/Yorktown Business District Number 2. In accordance with the business district development and redevelopment law, the Village has taken the following actions on the following dates in regard to the Butterfield Road/Yorktown Business District No. 2:

Approved, by ordinance, the preparation of the business district plan. - December 6, 2018

Approved, by ordinance, the date and procedures for the public hearing regarding the proposed business district designation, approval of a business district plan, and the making of a blighted area finding - July 18, 2019

Made the proposed business district plan available for review by the public - July 18, 2019

Published notice of the public hearing in the newspaper twice (The Daily Herald) - July 22, 2019 and July 23, 2019

Held the public hearing relative to the designation of the business district, the approval of a business district plan and the making of a blighted area finding, including discussion relative to the imposition of a 1% Business District Retailers' Occupation Tax and a 1% Business District Service Occupation Tax within the business district - August 15, 2019

Adopted an ordinance designating the business district, approving a business district plan and making a blighted area finding - August 15, 2019

Approved, by ordinance, the date and procedures for the public hearing relative to the proposed imposition of a 1% Business District Retailers' Occupation Tax and a 1% Business District Service Occupation Tax within the business district - August 15, 2019

Published notice of this public hearing in the newspaper twice (The Daily Herald) - August 29, 2019 and August 30, 2019

Pursuant to the business district development and redevelopment law, the Village is holding this public hearing on the proposal to impose a 1% Business District Retailers' Occupation Tax and a 1% Business District Service Occupation Tax, within the Butterfield Road/Yorktown Business district, for a period of twenty-three (23) years.

The Business District is generally located north of Butterfield Road and south of 22nd Street, from Highland Avenue to Fairview Avenue, and south of Butterfield Road and north of I-88, from just west of Maxant Drive to Gilmore Lane.

The one percent (1%) Business District Retailers' Occupation Tax and the one percent (1%) Business District Service Occupation Tax, as

permitted by the business district development and redevelopment law, are intended to be imposed within the boundaries of the Butterfield Road/Yorktown Business District for the planning, execution and implementation of the business district plan, and to pay for business district project costs as set forth in the business district plan.

Any interested person may file a written objection with the Village Clerk at this time, and may be heard orally with respect to any matters embodied within the notice of this public hearing.

Any alternate proposals or bids for any proposed conveyance, lease, mortgage, or other disposition by the Village of land or rights in land owned by the Village in the business district, and any objections, shall be heard and determined this evening. There currently is no land or rights in land owned by the Village, in the business district, that are proposed for conveyance, lease, mortgage or other disposition by the Village.

Being that no one spoke for or against this matter, the Public Hearing was closed at 7:05 p.m.

[190393](#)

**BOT 19-01: Public Hearing Annexation Agreement in regard to 600 W. Pleasant Lane**

Pursuant to State Statute, the Village is required to hold a public hearing in regard to the proposed Annexation Agreement for the property in question.

Village Attorney Tom Bayer opened the public hearing at 7:05 p.m., announced that it was a public hearing in regard to the proposed annexation agreement for the property located at 600 West Pleasant Lane, and stated that the notice of the public hearing, as required by State law, had been published in the *Daily Herald* on August 30, 2019. Attorney Bayer indicated that the annexation agreement provided for the annexation of the 2.2 acre parcel of property, the rezoning of the property from the R-0 Single Family Residence District to the R-3 Attached Single Family Residence District, with the development of the property consisting of 5 buildings, with each building consisting of 4 townhomes, for a total of 20 townhomes, pursuant to a development agreement. Attorney Bayer asked if there were any comments or questions, relative to the proposed annexation agreement, from those members of the public in attendance. There were none. Attorney Bayer asked if there were any comments or questions, relative to the proposed annexation agreement, from the Village Board. There were none. Attorney Bayer then closed the public hearing at 7:07 p.m.

## IV. Public Participation

Bill Grover spoke relative to the proposed water and sewer rate increases; talked about the need for infrastructure and appreciated having clean, safe water; compared the fees for a single-family residence to a multi-family or condo building and did not feel the fees were equal with a condo building paying for one connection fee, the same as a single-family residence.

Director of Finance Tim Sexton spoke of the \$5 fee going toward capital investment and infrastructure. He also noted that the condo building also has only one-read for water just as a single-family home.

Director of Public Works Carl Goldsmith noted that the consumption fee is based on how much water is used and residents can take precautions to use less water. He spoke of the \$15 million in water and sewer projects the Village has undertaken in the last few years: Central Pressure Adjusting Station, Rt. 53 stormwater project, a proposed new water tower, Roosevelt Road watermain lining project.

Bill Grove's daughter-in-law questioned the new Smart Meter System. Director of Finance Tim Sexton stated that the electronic meter software has been installed and will be more efficient, but there was a significant cost for the computer software.

President Keith Giagnorio spoke of all residents and businesses being hit with the increased fees. He spoke of the water issues in Flint, Michigan and felt that Lombard was focusing on providing clean, safe water to residents and businesses.

Village Manager Scott Niehaus thanked Mr. Grover for his diligence in reading the ordinance and providing his questions.

## V. Approval of Minutes

**A motion was made by Trustee Dan Militello, seconded by Trustee Dan Whittington, that the minutes of the Regular Meeting of September 5, 2019 be approved. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

## VI. Committee Reports

### **Community Promotion & Tourism - Trustee Andrew Honig, Chairperson**

No report

### **Community Relations Committee - Trustee Dan Militello, Chairperson**

No report

**Economic/Community Development Committee - Trustee Anthony Puccio, Chairperson**

No report

**Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson**

No report

**Public Safety & Transportation Committee - Trustee Dan Whittington, Chairperson**

No report

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

No report

**Board of Local Improvements - Trustee Bill Ware, President**

No report

**Lombard Historic Preservation Commission - Village Clerk Sharon Kuderna**

No report

**VII. Village Manager/Village Board/Village Clerk Comments**

Deputy Clerk Janet Downer read the following announcements:  
The Village will host its Annual Recycling Extravaganza on Saturday, September 21st from 8:00 AM to 12:00 PM at the Village Complex, 255 E. Wilson. New items accepted this year include non-expired canned foods that will be collected by the Lombard-Villa Park Food Pantry, as well as #6 Styrofoam. See the Village website for additional information on items that will be collected.

The Village's 14th Annual Senior Fair will be held on Wednesday, October 2, from 9 a.m. to 1 p.m. at the Madison Meadow Athletic Center, 500 E. Wilson Avenue. Please note the new location for this year's event. Popular services and vendors in previous years have included flu shots from local pharmacies, blood pressure readings by the Lombard Fire Department and chair massages. Local agencies, community groups and vendors will also be offering additional services and useful information for seniors. Admission is free. The recipients of the Senior Man and Senior Woman of the Year awards will be announced at the Senior Fair. Visit [villageoflombard.org/seniorfair](http://villageoflombard.org/seniorfair) for additional

information.

Thank you blood donors. 162 pints of blood were collected at the We Remember Blood Drive last week. That blood will help save nearly 500 lives. Donate blood, it is safe, simple and saves lives. The next drive scheduled for November 13th is in recognition of our Veterans and President Bill Mueller.

### VIII Consent Agenda

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#### Payroll/Accounts Payable

- A. [190385](#)      **Approval of Village Payroll**  
For the period ending August 31, 2019 in the amount of \$848,023.56.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [190386](#)      **Approval of Accounts Payable**  
For the period ending September 6, 2019 in the amount of \$401,394.29.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [190395](#)      **Approval of Accounts Payable**  
For the period ending September 13, 2019 in the amount of \$2,815,340.16.  
This Payroll/Accounts Payable was approved on the Consent Agenda

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

- D. [180330](#)      **Butterfield Yorktown Business District No. 2 - Business District Tax**  
Ordinance imposing a One Percent (1%) Business District Retailers' Occupation Tax and a one Percent (1%) Business District Service Occupation Tax within the Boundaries of Lombard's Butterfield Road/Yorktown Business District No. 2. Staff requests a waiver of first reading. (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 7713 (Other ordinances previously approved: 7702, 7689, 7610)
- E. [190387](#)      **Ordinance Amending Title 5, Chapter 50, Section 50.100(D) of the Lombard Village Code in Regard to Sanitary Sewer Service Connection Charges**

Recommendation from staff to amend the Village Code to address the Sanitary Sewer Connection Fee structure which was inadvertently omitted in a 2013 amendment. Staff requests a waiver of first reading.

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

Enactment No: Ordinance 7714

F. [190390](#)

**Ordinance Amending Title IX, Chapter 92, Section 92.17 of the Lombard Village Code in Regard to Waste Collection and Disposal Fees**

Recommendation from staff to amend the Village Code to reflect residential refuse collection fee rate increases effective October 1, 2019, due to the State of Illinois gas tax increase, as authorized in the Solid Waste Contract. Staff requests a waiver of first reading.

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

Enactment No: Ordinance 7715

F-2. [190368](#)

**Butterfield-Yorktown Tax Increment Financing District - Ordinance Calling for a Public Hearing and Joint Review Board Meeting Relative to the First Amendment to the TIF Plan, to Correct a Scrivener's Error**

The next step in the formal TIF Plan amendment process is setting a public hearing and a Joint Review Board (JRB) meeting relative to the proposed First Amendment to the TIF Plan. The proposed JRB meeting is scheduled for October 15, 2019 at 3:00 p.m., while the Village Board public hearing is scheduled for the November 7, 2019 Village Board meeting (starting at 7:00 p.m.). Staff requests a waiver of first reading. (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 7716, 7705

F-3. [190399](#)

**Temporary Event - Parking at the Former Northern Baptist Theological Seminary (NBTS) Site - Ordinance Granting Variations from Sections 110.47 and 110.45 of the Lombard Village Code**

A request from STL Trucking seeking a Temporary Event Permit for truck parking from September 20, 2019 to January 31, 2020 at the former Northern Baptist Theological Seminary (NBTS) site located at 610-690 E Butterfield Road. Associated with the request, the applicant is seeking a time extension for up to 133 consecutive days, where a maximum 3 day limit is permitted for such temporary events, as set forth within Section 110.47 of the Village Code of Ordinances. The applicant also seeks approval of an alternate fee structure for a temporary event, as set forth



within Section 110.45 of the Village Code of Ordinances, to allow for the requisite fee to be assessed at a rate of \$50.00 per week in lieu of \$50.00 per day. Staff requests a waiver of first reading. (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 7717

## Other Ordinances on First Reading

## Ordinances on Second Reading

**G. [190300](#) Six (6) Ordinances Amending Title 5, Chapter 50 of the Lombard Village Code in Regard to Water and Sewer Rates**

**1. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.114 OF THE LOMBARD VILLAGE CODE IN REGARD TO WATER RATES**

Effective January 1, 2020, this ordinance amends Section 50.114(A) to increase the variable water rate within Village limits by \$0.26 each year and outside the Village limits by \$0.39 each year, for the next five years (2020-2024). Section 50.114(B) amends the administrative service charge to \$5.05 per billing period for the next five years (2020-2024). Section 50.114(C) increases the non-residential cross-connection control program charge by \$0.15 each year for the next five years (2020-2024). Section 50.114(D) establishes a flat fixed capital fee of \$5.00 per billing period, effective January 1, 2020, and increases this fee by \$0.25 each year for the next four years (2021-2024).

**2. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTIONS 50.106(B) AND 50.107 OF THE LOMBARD VILLAGE CODE IN REGARD TO WASTEWATER COLLECTION AND TREATMENT CHARGES**

Effective January 1, 2020, this ordinance amends Section 50.106(B) to increase the wastewater collection and treatment variable charge, within Village limits \$0.14 each year and outside Village limits \$0.21 each year, for the next five (5) years (2020-2024). This ordinance also repeals Section 50.107 that established a minimum usage charge for sanitary sewer service.

**3. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.113(A) OF THE LOMBARD VILLAGE CODE IN REGARD TO SANITARY SEWER SERVICE ONLY RATES**

Effective January 1, 2020, this ordinance amends Section 50.113(A) to change the administrative service charge to \$5.05 per billing period. Effective January 1, 2020, this ordinance also

establishes a flat fixed capital fee of \$5.00 per billing period and increases this fee by \$0.25 each year for the next four years (2021-2024).

4. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.110(A) OF THE LOMBARD VILLAGE CODE IN REGARD TO NON-VILLAGE METERED SEWER CHARGES Effective January 1, 2020, this ordinance amends Section 50.110(A) to increase the daily variable charge for non-village metered residential sewer charges within the Village limits by \$0.03 and outside the Village limits by \$0.04 or \$0.05, each year for the next five years (2020-2024). This ordinance also increases the daily variable charge for non-village metered commercial sewer charges within the Village limits by \$0.17 or \$0.18 and outside the Village limits by \$0.26 or \$0.27, each year for the next five years (2020-2024).

5. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.103 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE BILLING PERIOD FOR SEWER SERVICE Effective January 1, 2020, this ordinance amends the billing period for sewer service to monthly billing.

6. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.117 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE BILLING FOR WATER SERVICE AND SANITARY SEWER SERVICE. Effective January 1, 2020, this Ordinance amends the water service and sanitary sewer service billing period to monthly billing and provides that all bills shall be due and payable within twenty-one (21) days of the bill date. The Finance and Administration Committee and the Public Works & Environmental Concerns Committee unanimously recommends these amendments.

**This Ordinance was passed on second reading on the Consent Agenda**

Enactment No: Ordinances 7723, 7722, 7721, 7720, 7719, 7718

## Resolutions

H. [190382](#)

**Central Pressure Adjusting Station, Change Order No. 7  
(Semi-Final)**

Reflecting an increase to the contract with JJ Henderson & Son in the amount of \$22,865.10. (DISTRICT #4)

**This Resolution was adopted on the Consent Agenda**

Enactment No: R 45-19

**Other Matters**

- I. [190388](#) **Request for Board Policy Variation - Backyard Drainage Grant**  
 Recommendation from the Public Works & Environmental Concerns Committee to approve a variation to Village Board Policy #4D, to allow a maximum reimbursement of \$7,200 for the residents of the 100 block of West Windsor and the 100 block of North Lincoln, due to the scope and cost of the proposed project. (DISTRICT #1)  
  
**This Request was approved on the Consent Agenda**
  
- J. [190391](#) **Fire Pension Fund Municipal Compliance Report**  
 Accept and file the Lombard Fire Pension Fund Municipal Compliance Report for the year ending December 31, 2018.  
  
**This Request was approved on the Consent Agenda**
  
- K. [190392](#) **Police Pension Fund Municipal Compliance Report**  
 Accept and file the Lombard Police Pension Fund Municipal Compliance Report for the year ending December 31, 2018.  
  
**This Request was approved on the Consent Agenda**
  
- L. [190396](#) **Rejection of Proposals, Charles Lane Storm Water Station and Police Department Generators**  
 Recommendation from staff to reject all proposals and authorize staff to negotiate with the pre-selected contractors. (DISTRICTS #1 & #6)  
  
**This Bid was approved on the Consent Agenda**

**Approval of the Consent Agenda**

**A motion was made by Trustee Anthony Puccio, seconded by Trustee Dan Whittington, to Approve the Consent Agenda The motion carried by the following vote**

**Aye:** 5 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

**IX. Items for Separate Action**

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

**Other Ordinances on First Reading**

- A. [190289](#) **ZBA 19-05: 244 E St. Charles Road**  
 The petitioner requests that the Village approve zoning variations from

Section 155.205(A)(2)(c)(ii) of the Lombard Village Code for a fence of up to eight (8) feet, where a maximum of four (4) feet in height is permitted in the rear front yard of a through lot in the B2 General Neighborhood Shopping District. As this item received no recommendation from the Zoning Board of Appeals (ZBA) an Ordinance approving the variation requires a two-thirds vote of the Trustees (4 of the 6 Trustees). (DISTRICT #4)

Village Manager Scott Niehaus stated he did not see any of the Windsor residents in the audience, but noted the petitioner was in the audience. He stated the residents, petitioner and staff have been meeting and attempting to come up with a compromise on the fence variance. The petitioner has agreed to several changes relative to the proposed fence - fence to be nine feet off of the sidewalk; fence on the west side, but only 18 feet and not 21 as requested; fence to be white vinyl with lattice at the top; landscaping as buffer in front of fence. A proposed ordinance was provided to the Village Board and if approved, the ordinance would be scheduled for the October 3rd Village Board meeting.

Trustee Andrew Honig noted the Village has worked with the residents and petitioner on the compromise, and the Village has remained open and transparent. He felt a good compromise had been met.

Village President Giagnorio asked if the Village Board concurred with the proposed ordinance, and if the Board did concur, the ordinance would be placed on the next Village Board agenda for their consideration. The Village Board concurred with the recommendation.

**A motion was made by Trustee Dan Whittington, seconded by Trustee Anthony Puccio, that the Village Board concur with the recommendations as submitted and that the proposed ordinance be placed on the October 3, 2019 Village Board agenda for consideration. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

Enactment No: Ordinance 7727

**B.**      [190315](#)

**PC 19-19: Text Amendments to the Zoning Ordinance: Cannabis**

A recommendation from the Plan Commission to approve amendments to the following Sections of Village Code, and other relevant sections for clarity:

1. Amend Section 155.412(B) of the Village Code to add "Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto" to the list of permitted uses in the O Office District; also delete Section 155.412 (C)(9) which established medical cannabis dispensing organization as a conditional use in the O Office

- District;
2. Amend Section 155.413(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B1 Limited Neighborhood Shopping District;
  3. Amend Section 155.414(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B2 General Neighborhood Shopping District;
  4. Amend Section 155.415(B) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the B3 Community Shopping District; (the Plan Commission recommends amending Section 155.415(C), so that it is a conditional use)
  5. Amend Section 155.416(B) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the B4 Corridor Commercial Shopping District; (the Plan Commission recommends amending Section 155.416(C), so that it is a conditional use)
  6. Amend Section 155.417(G)(1)(a) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the B4A Roosevelt Road Corridor District;
  7. Amend Section 155.418(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B5 Central Business District (the Plan Commission recommends prohibiting the use in the B5 Central Business District); also amend the opening language of Section 155.418 (B) of the Village Code to read “Permitted Uses: Excluding cannabis dispensing facilities, any use permitted in the B3 District shall be permitted in the B5 District and, in addition, the following uses shall be permitted in the B5 District “(based on the Plan Commission's Recommendation in 4. above, this revision would not be needed if the recommendation is followed);
  8. Amend Section 155.419(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B5A Downtown Perimeter District (the Plan Commission recommends prohibiting the use in the B5A Downtown Perimeter District)
  9. Amend Section 155.420(B) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the I Limited Industrial District;
  10. Delete the definition for Medical Cannabis Dispensing Organization in Section 155.802 of the Village Code and add a definition of

- Cannabis Dispensing Facility in Section 155.802 of the Village Code;
11. Amend the definition for Smoking Establishment in Section 155.802 to delete the word “medical,” thereby prohibiting all types of cannabis in a Smoking Establishment; and
  12. Create a new Section 155.225 of the Village Code: Cannabis Establishments:
    - a. Specifically excluding cultivation centers, craft growers, infuser organizations, processing organizations and transporting organizations as a permitted or a conditional uses in all zoning districts;
    - b. Specifically precluding on-site consumption of cannabis as part of any permitted or conditional land use activity.
- (DISTRICTS - ALL)

Director of Community Development provided a Power Point presentation as follows:

Village Board Special Workshop relative to recreational cannabis held on July 31, 2019; Village Board expressed desire to consider allowing the retail sale of cannabis in the Village; Village Board directed staff to begin to prepare materials and scheduled a public hearing to consider text amendments to the Zoning Ordinance setting forth the land use aspects of such potential sales.

Communications efforts: July 31, 2019 Board meeting, August 29, 2019 Plan Commission review; dedicated website and e-mail address; September 19, 2019 Village Board meeting.

Director of Community Development Bill Heniff reviewed the direction of the Village Board relative to permitted or conditional use as well as the Plan Commission recommendations.

Trustee Reid Foltyniewicz asked if usage was allowed at the dispensary. Director of Community Development Bill Heniff indicated it was not allowed.

Marymae Meyer spoke against allowing the sale of recreational cannabis in the Village; shared personal story from years ago; questioned the level of impairment from the use of cannabis; burden on police and fire personnel.

Douglas LaSota spoke against allowing the sale of recreational cannabis in the Village; spoke of zoning issues, tax from the sale of cannabis not being paid out until September 1, 2020, number of licenses in state to be up to 500, dispensaries could be like liquor stores, felt all districts should be a conditional use for any cannabis dispensary, suggested referendum; did not want Lombard to become cannabis city. Kevin Christe concurred with the two previous residents; husband and father of five; spoke of making the jobs of parents more difficult by allowing the sale of recreational cannabis in the Village; spoke of obstacles and issues; asked the Board to look beyond the financial aspect; suggested a referendum.

Joe Ciaccio agreed with previous speakers; spoke against allowing the sale of recreational cannabis in the Village; spoke relative to the issues seen recently with vaping, burden on police and fire, crime, home values, homelessness; felt drugs were a problem.

Trustee Reid Foltyniewicz asked staff if they could provide a picture of a recreation cannabis facility to help residents and the Board visualize the concept.

Trustee Andrew Honig asked if a picture of a recreational cannabis facility could be provided at the next meeting.

Trustee Dan Militello stated that due to his employment, he will be abstaining from voting on any matters relative to cannabis.

Trustee Andrew Honig felt those people who want to purchase recreational cannabis will purchase it and even if it is not allowed in Lombard, can bring it to Lombard. He noted that the State has already approved the sale of recreational cannabis.

Trustee Dan Militello noted that the FBI will handle inspections of dispensaries, and that all aspects of the sale of cannabis are very heavily regulated and monitored. All products remain under lock and key, and all rules and regulations are very closely followed.

Village Manager Scott Niehaus noted that the recommendations from the Plan Commission differ from what the Village Board had tentatively proposed at their workshop and asked the Village Board if they wanted to accept the Plan Commission recommendations.

Trustee Dan Whittington asked if there were pictures available of dispensaries.

Trustee Reid Foltyniewicz also felt it would be beneficial to have pictures of a facility so that residents could see what a dispensary looked like.

Trustee Dan Militello indicated that interior pictures of a dispensary are prohibited.

Village Manager Scott Niehaus stated the building is typically 5,000-7,000 square feet in size, has to have sufficient parking, dispensaries are located on high-volume streets, and are stand-alone buildings.

Trustee Anthony Puccio asked if there was a stipulation of distance from a school or church.

Director of Community Development Bill Heniff noted that the distance restriction was repealed by the State.

Trustee Reid Foltyniewicz talked about permitted in and/or conditional use in the various districts.

President Keith Giagnorio asked the reason the State dropped the regulation.

Director of Community Development Bill Heniff noted the distance regulation was dropped for medical cannabis and the State is maintaining the same for recreational cannabis. He reviewed the districts and reiterated the Plan Commission recommendations relative

to permitted and conditional use. He noted a map amendment could be made relative to a property on North Main Street.

**A motion was made by Trustee Anthony Puccio, seconded by Trustee Andrew Honig, to concur with the recommendation of the Plan Commission, except in regard to the B5 Central Business District and the B5A Downtown Perimeter District, with Cannabis Dispensing Facilities to be allowed in said Districts as a Conditional Use, and to direct the Village Attorney to prepare the necessary Ordinance for consideration at the October 3, 2019 Village Board meeting.**

**Aye:** 4 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, and Andrew Honig

**Abstain:** 1 - Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

Enactment No: Ordinance 7728

**C.**      [190397](#)

**An Ordinance Amending Title IX., Chapter 98 Of The Lombard Village Code In Regard To The Imposition Of A Municipal Cannabis Retailers' Occupation Tax**

Ordinance imposing a three percent (3%) Municipal Cannabis Retailers' Occupation Tax, effective January 1, 2020, on the sale of cannabis at retail, as directed by the Village Board at the cannabis workshop held on July 31, 2019.

Village Manager Scott Niehaus indicated the Illinois Municipal League is reviewing this matter.

**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Anthony Puccio, that the Ordinance amending Title IX, Chapter 98 of the Lombard Village Code in Regard to the Imposition of a Municipal Cannabis Retailers' Occupation Tax be passed on first reading. The motion carried by the following vote:**

**Aye:** 4 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, and Andrew Honig

**Abstain:** 1 - Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

Enactment No: Ordinance 7733



**D.**      [190394](#)**BOT 19-01: Annexation Agreement - 600 W Pleasant Lane**

An Ordinance approving an annexation agreement. The annexation agreement provides for annexation to the Village of Lombard and a map amendment (rezoning) from the R0 Single-Family Residence District to the R3 Attached Single-Family Residence District. Upon annexation, the petitioner intends to demolish the current structure and build five (5) buildings each with four (4) units for a total of twenty (20) townhomes. This matter requires a two-thirds (2/3rds) vote of the Corporate Authorities (5 of 7). (DISTRICT #1)

Vic Titu indicated that he owns the property next to the proposed townhome development and is requesting the petitioner provide a fence on the property to help buffer the townhomes from his property. Director of Community Development Bill Heniff indicated a fence is one of the conditions listed in the petition.

**A motion was made by Trustee Dan Whittington, seconded by Trustee Reid Foltyniewicz, that the Ordinance relative to BOT 19-01, an Annexation agreement for 600 W. PLeasant Lane be passed on first reading. The motion carried by the following vote:**

**Aye:** 6 - Keith Giagnorio, Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

Enactment No: Ordinance 7729

**E.**      [190317](#)**PC 19-07: Annexation, Map Amendment (Rezoning) and Approval of Major Plat of Subdivision - 600 W. Pleasant Lane**

A recommendation from the Plan Commission to approve:

1. An Ordinance annexing the subject property in to the Village of Lombard
2. An Ordinance approving a map amendment to rezone the property from the R-0 Single Family Residence District to the R-3 Attached Single Family Residence District
3. An Ordinance approving a Major Plat of Subdivision (DISTRICT #1)

**A motion was made by Trustee Dan Militello, seconded by Trustee Andrew Honig, that the Ordinance relative to PC 19-07, annexation, map amendment (rezoning) and approval of a Major Plat of Subdivision for 600 W. Pleasant Lane be passed on first reading. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

Enactment No: Ordinance 7732, 7731, 7730

## Ordinances on Second Reading

**F. [190343](#)      **Harding Road License Agreement****

An Ordinance approving a license agreement for the use of a portion of the Harding Road right-of-way west of IL Route 53 to accommodate the development of a charitable farm at 649 W. Harding Road serving returned Veterans. This matter requires a three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7).

**A motion was made by Trustee Andrew Honig, seconded by Trustee Dan Whittington, that the ordinance approving a license agreement for the use of a portion of the Harding Road right-of-way west of Illinois Route 53 be passed on second reading. The motion carried by the following vote:**

**Aye:** 6 - Keith Giagnorio, Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

Enactment No: Ordinance 7724

**Resolutions****Other Matters****X. Agenda Items for Discussion****XI. Executive Session**

**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, September 19, 2019 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 8:28 pm for the purpose of discussion of Collective Negotiating Matters. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware

**XII. Reconvene**

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, September 19, 2019 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 8:50 p.m.

6 - Keith Giagnorio, Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

2 - Sharon Kuderna, and Bill Ware

## XIII Adjournment

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**A motion was made by Trustee Anthony Puccio, seconded by Trustee Reid Foltyniewicz, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, September 19, 2019 in the Board Room of the Lombard Village Hall be adjourned at 8:50 p.m. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Dan Militello

**Absent:** 1 - Sharon Kuderna, and Bill Ware