

Village of Lombard

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



Meeting Agenda

Thursday, January 20, 2011

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****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 Keith Giagnorio, Chairperson

Board of Local Improvements - Trustee Greg Gron, President

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

Lombard Historical Commission - Clerk Brigitte O'Brien

VII. Village Manager/Village Board Comments**VIII Consent Agenda**

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Payroll/Accounts Payable

- A. [100707](#) Approval of Accounts Payable
For the period ending December 31, 2010 in the amount of
\$705,199.51.

Attachments: [100707.pdf](#)

- B. [100715](#) Approval of Village Payroll

For the period ending January 1, 2011 in the amount of \$1,030,683.71.

Attachments: [100715.pdf](#)

- C. [100716](#) Approval of Accounts Payable
For the period ending January 7, 2011 in the amount of \$490,532.07.

Attachments: [100716.pdf](#)

- D. [100731](#) Approval of Accounts Payable
For the period ending January 14, 2011 in the amount of \$1,300,746.01.

Attachments: [100731.pdf](#)

Ordinances on First Reading (Waiver of First Requested)

- E. [100735](#) Ordinance Amending Title 15 - Fire Alarm System Supervision
Ordinance directing all new fire alarm systems be connected to DuComm and mandating all existing fire alarm systems be connect by six years from the date of this ordinance.

Attachments: [BluecoverRiforgiate.doc](#)

[dahmemoOrdFA.DOC](#)

[ORDFireAlarmSystemSupervision.doc](#)

[FAOrdmemoriforgiate.DOC](#)

[Ordinance 6565.pdf](#)

[100735.pdf](#)

Other Ordinances on First Reading

- F. [100684](#) Village Board Policy Manual
Approving an updated Village Board Policy Manual.

Attachments: [BOT Memo January 20 Meeting.doc](#)

[FINAL TABLE OF CONTENTS.doc](#)

[Ordinance 6574.pdf](#)

Deferred to the January 20, 2011 meeting

- G. [100688](#) Olde Towne East
Staff recommendation to eliminate the No Parking Anytime restriction on the east side of Charlotte Street between St. Charles Road and Grove Street and on both sides of Windsor Avenue between Martha Street and Craig Place. (DISTRICT #4)

Attachments: [Ordinance 6575.pdf](#)

[100688.pdf](#)

Kalisik reviewed the item.

- H. [100689](#) 300 S. Westmore-Meyers Road
Modifying the existing parking restriction for two parking spaces from 2-Hour Parking to 10-Minute Parking. (DISTRICT #5)

Attachments: [Ordinance 6566.pdf](#)
[100689.pdf](#)

Kalisik reviewed the item.

- I. [100724](#) BOT 11-01: Alley Vacation/Easement Dedication - Hickory/Brewster/Edson (3/4 Vote of the Trustees Required - 5 of 6)
Vacating a portion of the unnamed public alley south of Hickory Street between Brewster Avenue and Edson Street and granting of a pedestrian access and public utility easement. (DISTRICT #1)
Attachments: [Cover Sheet.doc](#)
[DAH Memo Brewster_Edson Alley Vacation.doc](#)
[100724.pdf](#)
[Ordinance 6576.pdf](#)
- J. [100725](#) BOT 11-02: Alley Vacation/Easement Dedication - Martha/Parkside/Randolph (3/4 Vote of the Trustees Required - 5 of 6)
Vacating a portion of the unnamed public alley west of Martha Street between Parkside Avenue and Randolph Street and granting of a public utility easement. (DISTRICT #4)
Attachments: [Cover Sheet.doc](#)
[DAH Memo Parkside_Randolph Alley Vacation.doc](#)
[100725.pdf](#)
[Ordinance 6577.pdf](#)
- K. [100726](#) BOT 11-03: Alley Vacation/Easement Dedication - Martha/Parkside/Randolph (3/4 Vote of the Trustees Required - 5 of 6)
Vacating a portion of the unnamed public alley between Martha and Charlotte Streets south of Randolph Street and granting of a public utility easement. (DISTRICT #4)
Attachments: [Cover Sheet.doc](#)
[DAH Memo Martha_Charlotte Vacation.doc](#)
[100726.pdf](#)
[Ordinance 6578.pdf](#)

- L. [100727](#) BOT 11-04: Alley Vacation/Easement Dedication
Martha/Charlotte/Maple (3/4 Vote of the Trustees Required - 5 of 6)
Vacating a portion of the unnamed public alley between Martha and
Charlotte Streets south of Maple Street and granting of a public utility
easement. (DISTRICT #4)
Attachments: [Cover Sheet.doc](#)
[DAH Memo Martha_Charlotte Vacation.doc](#)
[100727.pdf](#)
[Ordinance 6579.pdf](#)
- M. [100728](#) Text Amendments to the Lombard Village Code - Registration Process
and Insurance Requirements
Amending Title 15, Chapter 150, Section 150.143 of the Lombard
Village Code with regard to adding a contractor registration process and
removing insurance requirements.
Attachments: [Contractor Registration Insurance BOT Memo.doc](#)
[Contractor Registration Insurance Submit.doc](#)
[Ordinance 6580.pdf](#)
[100728.pdf](#)
- N. [100730](#) Text Amendments to the Lombard Village Code - Bonds for Protection
of Public Properties
Amending Title 15, Chapter 150, Sections 150.144 and 150.145 of the
Lombard Village Code with regard to bonds for protection of public
property.
Attachments: [Bond Requirements BOT Memo.doc](#)
[Bonds for protection of public properties Submit.doc](#)
[Ordinance 6581.pdf](#)
[100730.pdf](#)

Ordinances on Second Reading

- O. [100661](#) ZBA 10-13: 320 S. Martha Court
Requests a variation to Section 155.407(F)(4) to reduce the rear yard
setback from thirty-five feet (35') to twenty-three feet (23') to allow for
the construction of an addition in the R2 Single Family Residential
District. (DISTRICT #5)

Attachments: [apoletter 10-13.doc](#)
[Cover Sheet.doc](#)
[PUBLICNOTICE 10-13.doc](#)
[Referral Let.doc](#)
[Report 10-13_final.doc](#)
[100661.pdf](#)
[Ordinance 6567.pdf](#)

Barb Hansen, 337 S. Martha Ct., presented the petition. Ms. Hansen stated that she is the daughter of the property owner and is presenting the petition on behalf of her parents. She stated that her parents wish to tear down the existing deck in the rear of the house and construct a three-season room. She stated that the addition would face the Prairie Path. Ms. Hansen stated that they spoke with all of the neighbors and none of them had a problem with the addition. She then stated that her father has Parkinson 's disease and needs a place to enjoy where he will not be bothered by bugs. She added that the interior of the home will also be remodeled to accommodate her father's condition. Lastly, Ms. Hansen stated that the addition will be smaller than the existing deck, which will increase the amount of open space on the property.

Marsha Huber, 337 S. Martha Ct. stated that she is also a daughter of the property owners. She stated that the majority of the homes in the immediate area have also been updated. She added that her parents want to add an addition to stay in line with the neighborhood.

Chairperson DeFalco opened the meeting for public comment.

Chairperson DeFalco then requested the staff report.

Michael Toth, Planner I, presented the staff report. The existing residence on the subject property is setback thirty-five (35) feet from the rear property line. The petitioner is proposing to construct a twelve foot by fourteen foot (12'x14') (168 sq. ft.) one-story addition, which would subsequently reduce the rear yard setback to twenty-three (23) feet.

The property currently maintains sixty-three percent (63%) open space. The petitioner plans to remove the two hundred and forty (240) square foot wood deck on the northwest portion of the house and construct the one hundred and sixty-eight (168) square foot addition. As such, the amount of open space would actually be increased to sixty-four percent (64%).

In their response to standards, the petitioner cites irregular lot configuration as the reason for needing a variation. The minimum lot width in the R2 - Single Family District is sixty (60) feet with a minimum lot area of 7,500 square feet; however, the Zoning Ordinance does not require a minimum lot depth. According to the definition of 'lot width', the subject lot is approximately sixty (60) wide and is 8,136 square feet in area. As such, the lot width and area requirements are met. However, due to the trapezoidal configuration of the subject lot, the lot depth is substandard to the typical depth of a lot in the R2 - Single Family District. If the minimum area is 7,500 square feet and the lot width has to be a minimum of sixty (60) feet, this suggests that the minimum lot depth would need to be at least one hundred and twenty-five (125) feet ($7,500/60 = 125$). The subject lot is one hundred and seventeen (117) in depth (at its longest point); therefore, the lot could be considered substandard in

depth, which reduces the buildable area of the lot.

The residence located on the subject property has a front setback of thirty (30) feet and a rear setback of thirty-five (35) feet. As such, the residence was built to the maximum buildable area relative to the front and rear yard requirements of lots in the R2 - Single Family District. Due to the trapezoidal configuration of the subject lot, the side yard setbacks are greater (16.75', 14.45', 10.85' & 6.08') than a typical lot in the R2 - Single Family District. However, the buildable area within the side yards is still not enough area to construct a three-season room. There is additional buildable area within the front yard; however, (for aesthetic reasons) staff does not recommend constructing a three-season room in the front of the residence.

The proposed addition would be constructed on the northern portion of the building in the rear portion of the property. The rear of subject property directly abuts the Illinois Prairie Path, which runs the entire length of the rear yard. As there are no abutting properties to the north, the proposed addition would have a minimal impact on the surrounding residential neighborhood.

In 2006, the Village Board approved a variation to reduce the rear yard setback to twenty-one feet (21') where thirty-five feet (35') is required to allow for the construction of an addition for the property located at 332 S. Martha (ZBA 06-09). 332 S. Martha is located two lots to the west of the subject property. At the May 24, 2006 Zoning Board of Appeals meeting, the ZBA discussed the intent of the ordinance as it relates to the rear yard setback. The ZBA noted that the intent of the ordinance was to give a sense of openness in rear yards. The ZBA made a finding of fact that in the case of 332 S. Martha, the intent of the ordinance was met. The ZBA also noted that there have been two rear yard variations granted in the past because the properties backed up to Glenbard East. Moreover, the ZBA specifically stated that the properties located behind 332 S. Martha would be most impacted. Lastly, based upon the testimony of the petitioner, who stated that the rear yard of the property was lined with trees on their property, the ZBA stated that the addition will have very little impact on the neighboring properties because it would not be visible.

Staff believes that because the subject property abuts the Illinois Prairie Path, the proposed addition would not have a significant impact on the surrounding neighborhood.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-13, subject to the five conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Bartels stated that he belongs to the Illinois Prairie Path Association and does not like that staff disregarded the Illinois Prairie Path in the staff report.

Chairperson DeFalco stated that staff mentioned the Prairie Path as not being a residential property and that the addition would not affect any residential properties.

Mr. Bedard agreed with Chairperson DeFalco and stated that the staff report states that, aside from the two neighboring properties, there are no other residential properties that would be affected by the addition.

Mr. Tap asked if the addition would be a four-season room.

Ms. Hansen stated that it will be a three-season room as there will be no heat or air-conditioning.

Chairperson DeFalco read the five conditions associated with the case.

Chairperson DeFalco stated that the plat associated with the case was done in 1972. He then asked staff if the Village requires new plats for variations.

Mr. Toth stated that (due to cost) the Village does not require that the plat be current, but the Village does require that all improvements on the property are depicted on the plan and that the plat is accurately scaled.

Chairperson DeFalco then referred to a past ZBA case on Wilson Avenue where the plat was inaccurate, which caused issues with the case. He stated that it should be required of all petitioners to have an up-to-date plat of survey.

Mr. Bedard stated that condition #1 in the staff report should read something other than 'substantial'. He stated that the property should be developed in exact conformance with the submitted plans.

P. [100679](#)

PC 10-23: 660 Western Ave

Requests a Minor Plat of Resubdivision to include a variation from Section 155.420 (D) of the Zoning Ordinance to reduce the minimum lot area for the subject property in the I-Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. (DISTRICT #4)

Attachments: [APO Letter.doc](#)
[Cover Sheet.doc](#)
[PUBLIC NOTICE.doc](#)
[Referral Letter.doc](#)
[Report_final.doc](#)
[100679.pdf](#)
[Ordinance 6568.pdf](#)

Daniel McCormick, 5205 S. Washington, Downers Grove, IL presented the petition on behalf of his client who is the owner of the property. Mr. McCormick stated that he is requesting a variation to reduce the minimum lot area from 20,000 to 15,246 square feet. He added that the variation is being requested to make the existing lot a single lot of record. He stated that there are seven standards that need to be met in order to be considered for the variation. He believed they met all seven standards. Mr. McCormick then reviewed his response to the standard to variations. He then stated that of the 27 lots in the area only two lots were of the same size as his clients. He stated that his client is using the property as a warehouse to store his own records as well as other incidentals. He added that because his client just purchased the property that he didn't create the non-conforming situation. He stated that the prior owner used the property as a contractor's yard. He then stated that his client's use will be less intense than the prior use. Lastly, Mr. McCormick stated that the petition involves a warehouse that is privately used and asked that the Plan Commission to forward a positive recommendation.

Michael Toth, Planner I, presented the petition. The subject property is legally nonconforming with respect to lot area. The petitioner is requesting a variation from the Zoning Ordinance to reduce the minimum lot area from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. The relief is requested in order to make the petitioner's existing lot a single lot of record.

The principal building located on the subject property was built in 1977. The petitioner acquired the property in 2010 to be utilized as a warehouse/storage/office use. The lot is currently a tax assessment division of two lots. As part of a 2,496 square foot addition to the existing principal building, Section 155.220(B)(2) of the Zoning Ordinance requires that any addition to a principal structure exceeding 350 square feet shall be on a lot of record.

Section 155.420 (D) of the Zoning Ordinance requires a minimum lot area of twenty thousand (20,000) square feet in the I - Limited Industrial District. The subject property has a lot width of fifteen thousand two hundred forty-six (15,246) square feet, which is 76% of the required lot area.

While the subject lot does not meet the minimum lot area requirement, it exceeds the amount of lot width required by Code. Lots in the I - Limited Industrial District are required to have a minimum width of eighty feet (80'). The subject property is one hundred and five (105) feet wide, which exceeds the required minimum lot width by twenty-five (25) feet.

Staff finds that the variation request to reduce the minimum lot area to fifteen thousand two hundred forty-six (15,246) square feet meets the Standards for Variations. There are unique physical limitations on the property in that, due to the length of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lot immediately east of the petitioner's property is 14,660 square feet, so there would be no way for the lot to be brought into conformance by purchasing land from the east because that would only warrant another variation. The property to the west could not provide the amount of land required to bring the subject property into conformance as the business located on that property has an outdoor component of the business that is critical to its operation.

The requested relief is not needed due to the actions of anyone presently having an interest in the property. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff also notes that there are several lots in the immediate area that are less than the required twenty thousand (20,000) square feet in area. As such, staff is therefore supportive of the lot area variation request.

Staff also notes that the relief only pertains to the lot area. Any future development would be required to meet all of the underlying I - Limited Industrial District, including bulk regulations and lot area coverage.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Light Industrial for the subject property. As the site is already improved with an industrial use, the development is compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. Properties to the east, west and south are zoned I - Limited Industrial and consist of industrial uses. The properties to the north are in the R2 - Single-family Residential District. The Union Pacific Railroad is located directly to the north of the subject property. As such, the railroad acts as a buffer between the subject property and the single-family residential residences to the north.

*Compliance with the Subdivision and Development Ordinance
The petitioner has submitted a minor plat of resubdivision for the subject property that would make the property a single lot of record. If the lot area relief is granted, the request would meet the requirements of the Subdivision and Development Ordinance.*

Concluding, Mr. Toth stated that staff finds that the variations meets the Standards to Variations and is recommending approval of PC 10-23, subject to the condition listing in the staff report.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

Q. [100681](#)

PC 10-24: Text Amendments to the Zoning Ordinance

The Village requests a text amendment to Section 155.205(A)(1) of the Lombard Zoning Ordinance (and other sections where needed for clarity) to prohibit chain link and privacy fences to be installed in the front yard of properties in single-family residential districts. (DISTRICTS - ALL)

Attachments: [Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE 10-24.doc](#)
[Referral Letter.doc](#)
[Report 10-24_final.doc](#)
[Ordinance 6569.pdf](#)
[100681.pdf](#)

Michael Toth, Planner I, presented the petition. The Planning Services Division was directed to review the fencing regulations within the Zoning Ordinance, more specifically fencing located in the front yard of residential properties. As a result of this review, staff is preparing text amendments that address fencing material allowed in the front yard. Mr. Toth stated that contrary to the title of the staff report, privacy fences will not be a part of this petition. Also, the text amendments will not only affect single-family residences, but fences in all residential districts.

With the exception of clear line of sight areas, the Zoning Ordinance allows fences, not exceeding four (4) feet in height, to be erected in the front yard of properties in residential districts. However, the Zoning Ordinance does not specify a required or prohibited material for fences in the front yard.

Based upon complaints received by the Village, specifically related to chain link fences in the front yard, staff has reviewed provisions of the Zoning Ordinance

relative to the fencing materials allowed in the front yard. As a result, staff revisited aesthetic provisions currently existing within the Zoning Ordinance to determine whether or not chain link fencing is appropriate in the front yard.

Based upon direction from the Village Board, Plan Commission and Zoning Board of Appeals, staff implemented text amendments to the Zoning Ordinance relative to permissible corner side yard fencing materials in 2005 (PC 05-11). The Zoning Board of Appeals and Plan Commission both agreed that solid six-foot fences on reverse corner side yards were unacceptable due to the impact they would have on the front yard of neighboring properties. As such, staff was directed to compose provisions permitting decorative or ornate fencing (wrought iron or comparable materials), which incorporate a 75% open construction, in the corner side yard to a height of six (6) feet. The following provisions were a direct result of PC 05-11 (which still apply to this date):

Fences located in a corner side yard can be up to six (6) feet in height provided that the following conditions are met:

- a) The fence, in its entirety, must consist of decorative materials such as wrought iron or comparable material (chain link fences are specifically excluded);
- b) The fence, in its entirety, must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.

As demonstrated in the aforementioned corner side yard fence provisions, the Village does have a history of amending its Zoning Ordinance to address fence design aesthetics on residential properties relative to fencing. The Zoning Ordinance establishes aesthetic guidelines for fences in the corner side yard by only allowing fences constructed of a decorative material to exceed the maximum four (4) height restriction. Staff believes that fences located in the front yard of residential properties should also be more restrictive relative to the types of permissible fencing materials as such fences are visible to the public right-of-way. As previously mentioned, the Zoning Ordinance does not specify required materials for fences in the front yard of properties in residential districts. Similar to the aforementioned corner side yard provisions, staff believes that chain link fences should be specifically excluded as a permissible fencing material in the front yard to avoid a potential negative visual impact imposed by such fences.

At this time, staff is only proposing amendments to chain link fencing. The Village has not had any recent complaints relative to other fencing materials in the front yard. Understandably, this could be attributed to the fact that property owners do not wish to construct fences in their own front yard that would be considered to be unappealing. Should complaints arise in the future; staff will revisit the issue at such time.

Concluding, Mr. Toth stated that staff finds that the proposed text amendments meet the Standards for Text Amendments and is recommending approval.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

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

Commissioner Olbrysh stated that he agrees with staff on the aesthetic

reasoning for not wanting chain link fences in the front yard. He then asked staff how many chain link fences exist in the front yard.

Mr. Toth stated that he does not know an approximate number, but they have had a couple of recent complaints on the issue. Mr. Toth then named a property in the vicinity of Route 53 and St. Charles Road that comes to mind. He added that you don't see a lot of chain link fences in front yards. He then stated that, as someone who reviews fence permits, they are few-and-far-between.

Commissioner Olbrysh cited a property on Westmore-Meyers that has a wrought iron fence. He then asked if wrought iron would still be permissible. Mr. Toth replied, yes.

Commissioner Sweetser asked if anyone, who currently has an existing chain link fence in the front yard, would have to come into compliance. Mr. Toth stated that they would be considered legal non-conforming and would only need to come into Code compliance if the fence is being replaced.

Chairperson Ryan asked about fence repairs. Mr. Toth stated anything twenty-five percent (or less) would be considered a repair and not replacement.

- R. [100683](#) Alley Vacation and Granting of Public Utility Easement - Main/Graham/Wilson (3/4 Vote of the Trustees Required - 5 of 6) Vacating a portion of the unnamed public alley west of Main Street between Graham and Wilson Avenues and granting a Public Utility Easement. (DISTRICT #2)

Attachments: [DAH Memo Wilson Graham Alley Vacation.doc](#)
[Submit.doc](#)
[100683.pdf](#)
[Ordinance 6570.pdf](#)

Resolutions

- S. [100675](#) 2011 Sewer Televising Change Order No. 1
Reflecting an increase in the amount of \$20,000.00 to the contract with United Septic.

Attachments: [100675.pdf](#)
[R 58-11.pdf](#)
[Change Order #1 United Septic.pdf](#)

*Goldsmith: reviewed the change order with the members. Televising sewers at Lombard Commons and Rte. 53 area before construction begins in the area.
Arnold: in a large capacity sewer is there a time where there will be low flow?
Goldsmith: yes and the contractor is aware of these times.*

- T. [100700](#) Main Street Lighting Phase 2 Change Order No. 1
Authorizing a decrease in the amount of \$15,472.06 to the contract with Gaffney's PMI. (DISTRICTS #1 & #4)

Attachments: [#100700.pdf](#)
[R 59-11.pdf](#)
[Change Order #1 Gaffney's PMI.pdf](#)

Gron: I love the lights. Asked Goldsmith to provide the locations where there was excess underground water.

- U. [100706](#) Alley Improvements Lombard to Elm, Final Balancing Change Order No. 1
Reflecting a decrease in the amount of \$12,629.88. (DISTRICT #4)

Attachments: [100706.pdf](#)
[R 60-11.pdf](#)
[Change Order #1 Final Neri.pdf](#)

Goldsmith: asphalt surface will be placed in the Spring. This project has greatly improved the situation out there. The asphalt will be under a separate contract. The vacation of alleys in town is moving forward.

- V. [100714](#) North Industrial Park Pavement Rehabilitation Change Order No. 3
Authorizing a decrease in the amount of \$99,004.34 to the contract with Plote Construction. (DISTRICTS #1 & #4)

Attachments: [100714.pdf](#)
[R 61-11.pdf](#)
[Change Order #3 Plote.pdf](#)

- W. [100733](#) 300 E. Roosevelt Road - Public Improvements
Accepting public watermain and fire hydrants for the project located at 300 E. Roosevelt Road and known as McDonalds. (DISTRICT #6)

Attachments: [Memo - PES to VM.doc](#)
[cover-BOT.doc](#)
[R 62-11.pdf](#)
[100733.pdf](#)

- X. [100736](#) CDBG Disaster Recovery "IKE" Program Application
Authorizing the committment of \$138,000 from Water & Sewer Capital Reserve Fund towards the CDBG grant application.

Attachments: [R 63-11.pdf](#)
[R 64-11.pdf](#)
[R 65-11.pdf](#)
[100736.pdf](#)
[100736.pdf](#)
[100736 rev res.pdf](#)
[R 82-11.pdf](#)
[100736.pdf](#)

Other Matters

- Y. [100721](#) Tandem Axle Dump Truck
Request for a waiver of bids and award of a contract to Prairie International in the amount of \$142,394.00 and approving an ordinance declaring Village unit ST329 as surplus and authorizing its trade-in. Staff is requesting a waiver of first reading. Public Act 85-1295 does not apply.

Attachments: [Ordinance 6571.pdf](#)
[100721.pdf](#)

- Z. [100463](#) Downtown Retail Business Grant Program (DRBG) Assessment
Amending Title 3, Chapter 36 of the Lombard Village Code with regard to amendments to the Downtown Retail Business Grant Program and the adoption of the revised DRBG Program Policy. (DISTRICTS #1 & #4)

Attachments: [Retail Grant Assessment.pdf](#)
[Retail Grant Program.pdf](#)
[Retail Grant Program Assessment.pdf](#)
[Retail Grant Program Assessment.pdf](#)
[bot memo4.doc](#)
[DRBG program policy-changes 1.11.11.doc](#)
[DRBG Worksheet BOT.pdf](#)
[Coversheet.doc](#)
[Ordinance 6572.pdf](#)
[100463.pdf](#)

Mr. Stilling started the discussion by stating that at the last meeting, staff introduced several proposed revisions to the Downtown Retail Business Grant (DRBG) program for the committee's consideration. Since several of the members were unable to attend last month's meeting, staff's memo is intended to provide the committee with a review of their comments (from the September 1, 2010 and October 6, 2010 meetings) and offer some additional options for the committee to consider. Also included is the first draft of the revised program reflecting the latest comments from the ECDC.

Mr. Stilling stated that at the last meeting, staff introduced six (6) revisions to the DRBG program for the committee to consider. The staff memo provides a summary of the comments generated by the members along with some additional considerations from staff. Staff would like the committee to discuss each item separately.

Mr. Stilling introduced item #1 regarding a performance based reimbursement for 50% of the grant amount approved. He stated that a concern has been raised by Trustee Gron relative to the performance based reimbursement. Mr. Stilling highlighted some of the previous comments and offered the following additional suggestions:

- * Create a provision which allows restaurants the ability to receive the full grant amount upfront, after improvements are completed.*
- * Cap the years for reimbursement to no more than five (5) years.*
- * A maximum 5 year lien will be placed on the property to cover the up front grant approved (first 50%). 20% of the grant money provided up front would be forgiven for every year that the business is open. In the event that a business was to close within that first 5 years, property owners will be given a 1 year grace period to find another tenant to fill the space. Once the space has been filled with a new tenant (retail or service), the remaining years left on the lien would be forgiven for every year that business remains open.*
- * Once a property receives a DRBG, it can not apply for another DRBG for five (5) years, unless it is for a restaurant.*

Chairperson Ware opened the meeting to the committee for discussion.

Mr. Irion stated that the intent of the grant is to be an added incentive to choose a location downtown. Businesses should not need the grant money in order to be successful.

Mr. Carroll expressed a concern about the lien and the 5 year cap on no other

grants.

Mr. McNicholas stated that there should be some type of property owner commitment.

Mr. Nielsen stated that there should be a strong commitment to restaurants and retail. He said the lien will not be an incentive for the property owner to act.

Mr. Carroll felt that the lien is a disincentive and we should allow the up front money and the ECDC has the authority to review each situation.

Mr. Hogan stated that landlords should be part of the process and he does not support the 5 year cap on grants. He also suggested that the Village consider all the sales tax as an incentive. Mr. Irion supports the concept and the payment of only 50% up front.

Mr. Glazier stated that property owners need to be positively engaged and that he does not support the lien.

Karen Stonehouse from the LTC suggested that the program also include provisions to allow property owners to be apply for the grant, despite not having a tenant, to prepare their space.

Mr. McNicholas suggested that the lien cover only the upfront 50% that is used for capital expenses or permanent improvements. He also suggested that rather than performance based reimbursement, the remaining 50% should be paid out over a 5 year period (20%/year) so long as the business remains in operation.

Mr. Nielsen suggested that property owners who make capital improvements within 18 months of getting an eligible tenant, be allowed to include those capital expenses as part of the grant request.

The committee agreed to the following changes to item #1:

** 50% of the approved grant amount is available to be paid up front. A forgivable lien should be placed on the property to cover the capital/permanent improvements that are being reimbursed up front. 20% of the lien would be forgiven for every full year the business is in operation.*

** Instead of a performance based reimbursement for the remaining 50% of the grant amount approved, the Committee suggested that it be paid out over a 5 year period (20%/year), so long as the business is in operation.*

** No cap on properties.*

Mr. Stilling introduced item #2 regarding services businesses. He highlighted the previous comments and suggestions.

The committee generally supported the proposed changes by staff. They suggested that the reimbursement match the reimbursement for retail businesses.

Mr. Stilling introduced item #3 regarding Village Board approval. The committee supported this proposed change.

Mr. Stilling introduced item #4 regarding business expansion. The committee supported this proposed change.

Mr. Stilling introduced item #5 requiring that a business plan should be reviewed by the Small Business Development Center, unless waived by staff. The committee supported this proposed change.

Mr. Stilling introduced item #6 recommending a provision which allows the Director of Community Development to not allow requests to be heard before the ECDC until all items outlined in the criteria are met and a complete application has been submitted. The committee supported this proposed change. Chairperson Ware introduced the item stating that at the last meeting, the Committee directed staff to invite the downtown property owners to discuss the proposed changes to the DRBG program. He then introduced staff for a presentation.

Mr. Stilling said at the last meeting, staff introduced several proposed revisions to the Downtown Retail Business Grant (DRBG) program for the Committee's consideration. He also mentioned that staff sent out notices to 63 commercial property owners within the Downtown TIF and TIF 1 West inviting them to the January 5, 2011 ECDC meeting.

Mr. Stilling went through staff's PowerPoint presentation providing background on the proposed changes. He highlighted the following key changes being proposed to the program:

- o Revised the DRBG program to allow 50% of the approved grant amount to be paid up front.*
- o Created a provision which allows restaurants the ability to receive the full grant amount upfront (up to \$20,000), after improvements are completed.*
- o A forgivable lien will be placed on the property to cover only the capital costs that are being reimbursed up front. 20% of the lien would be forgiven for every full year the business is in operation. In the event that a business was to close within the first 5 years, property owners will be given a 1 year grace period to find another tenant to fill the space. Once the space has been filled with a new tenant (retail or service), the remaining years left on the lien would be forgiven for every year that business remains open.*
- o The remaining 50% of the grant amount approved will be paid out over a 5 year period (20%/year), so long as the business is in operation.*
- o Staff has also clarified what is considered capital costs and soft costs. Staff suggests that soft costs be capped at 25% of the total eligible expenditures.*
- o Program was revised to allow capital improvements made to a building within 18 months of an eligible business making a grant request for that tenant space may seek to include those capital costs as part of their grant request.*

Chairperson Ware opened the meeting to the Committee for discussion. Several members provided some clarification on the provision related to allowing capital improvements made to a building within 18 months of an eligible business making a grant request

Mr. McNicholas suggested changing language on page 3 of the draft program policy.

Chairperson Ware asked the downtown property owners for their comments.

Vern Hammersmith, owner of 106 W St Charles, stated that he owned the property since 2006. He expressed a concern about the lien. He said existing owners already take a risk by leasing a property because the chances for failure

of the business. He supports the proactive improvements prior to having a tenant. He ended by stating that he has an incentive to do something because he has a mortgage on the property.

Art Frerichs, owner of Arts Master Mechanics at 1 N Grace, expressed a concern about wasting money on landscaping. He said the downtown needs more foot traffic.

Ken Moy, owner of 13-15 S Park suggested that more foot traffic is needed to help spur new businesses downtown. He felt that the grant programs were not doing enough to help attract businesses. He also suggested that the Village should construct a parking garage.

Peter Garifalis, owner of Main Street Café, stated that he has owned the property since 1973. He suggested that more foot traffic is needed and something needs to be done differently.

Dan Harris, owner of 241 W St Charles, supports the grants and the restaurant provisions.

Following the discussion by the property owners, Mr. Grant provided some feedback he received from a property owner, Tom Masterson, who feels that the lien is unnecessary and that property owners should do their due diligence on a tenant.

Mr. Irion stated that businesses and property owners are making a big investment and the lien should not "make or break" a deal.

Karen Stonehouse suggested that the grant program be amended to allow resale shops as an eligible business.

Mr. McNicholas stated that there are several other properties outside that TIF that are successful in leasing their space without any grants.

Mr. Grant stated that he understands the need for the lien but is concerned about some of the logistics with it.

Mr. Hogan suggested that the payback for the lien should be spread out over 10 years or upon the sale of the property. Several of the members agreed with this concept.

Mr. McNicholas also suggested that the payback should come within 10 years or prior to the expiration of the TIF. He suggested that the Village legal counsel review this provision.

- AA.** [100732](#) 300 E. Roosevelt Road - Watermain Easement
Motion approving a watermain easement for the property located at 300 E. Roosevelt Road and known as McDonald's. (DISTRICT #6)
Attachments: [submit.doc](#)
 [McD Easements.doc](#)
 [100732.pdf](#)
- BB.** [100734](#) Illinois State Toll Highway Authority (ISTHA) Strategic Advisory Report
Request authorizing the signature of the Village President on a letter to

ISTHA summarizing the issues set forth in the report and transmitting the comments accordingly.

Attachments: [ISTHA Strategic Advisory Report BOT.doc](#)
[ISTHA Strategic Advisory Report.doc](#)
[ISTHA Strategic Advisory Report T & S.doc](#)
[ISTHA Strategic Advisory Report Submit.doc](#)
[ISTHA Report.pdf](#)
[ISTHA Strategic Advisory report Letter.pdf](#)

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

XI. Executive Session

XII. Reconvene

XIII Adjournment

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