

Village of Lombard

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



Minutes

Thursday, January 8, 2015

7:30 PM

Rescheduled Regular Meeting

Village Hall Board Room

Village Board of Trustees

Village President Keith Giagnorio

Village Clerk Sharon Kuderna

*Trustees: Dan Whittington, District One; Mike Fugiel, District Two;
Reid Foltyniewicz, District Three; Vacancy, District Four;
Laura Fitzpatrick, District Five; and Bill Ware, District Six*

I. Call to Order and Pledge of Allegiance

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, January 8, 2015 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:30 p.m. Village Clerk Sharon Kuderna led the Pledge of Allegiance.

II. Roll Call

7 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Laura Fitzpatrick, 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 Ray Byrne
Fire Chief Paul DiRienzo
Assistant Village Manager Nicole Aranas
Executive Coordinator Carol Bauer

III. Public Hearings

[140512](#)

BOT 14-02: 1200 and 1204 High Ridge Road

A Public Hearing regarding a proposed Annexation Agreement for the property located at 1200 and 1204 High Ridge Road.
(UNINCORPORATED/DISTRICT #6)

Village Attorney Tom Bayer called the Public Hearing regarding a proposed Annexation Agreement (BOT 14:02) for the property located at 1200 and 1204 High Ridge Road to order at 7:31 p.m. Being that no one spoke for or against the matter, the Public Hearing was closed at 7:32 p.m.

IV. Public Participation

V. Approval of Minutes

A motion was made by Trustee Dan Whittington, seconded by Trustee Mike Fugiel, that the minutes of the regular meeting of December 18, 2014 be approved. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Laura Fitzpatrick, and Bill Ware

VI. Committee Reports

Community Relations Committee - Trustee Dan Whittington, Chairperson

No report

Economic/Community Development Committee - Trustee Laura Fitzpatrick, Chairperson

No report

Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson

No report

Finance Committee - Trustee Laura Fitzpatrick, Alternate Chairperson

No report

Public Works Committee - Trustee Bill Ware, Chairperson

No report

Transportation & Safety Committee - Trustee Reid Foltyniewicz, Chairperson

No report

Board of Local Improvements - Trustee Bill Ware, President

No report

Community Promotion & Tourism - Trustee Laura Fitzpatrick, Chairperson

No report

Lombard Historical Commission

No report

VII. Village Manager/Village Board Comments

Trustee Foltyniewicz reminded residents of the Blood Drive scheduled for January 14 at Yorktown from 9:30 am to 1 pm and at the Village Hall from 1:30 pm to 7 pm; the Lombard Historical Society Roaring 20's event scheduled for January 24th; and his coffee with residents event scheduled for January 31st at 9:30 am.

Trustee Fugiel reminded residents of the holiday lights recycling bin

located outside of the entrance to the Public Works facility through January 16 as well as live Christmas tree disposal on residents' regular trash pick-up day also through January 16th.

Trustee Ware provided an update on snow removal operations; less than 5 inches of snow so far this year; 5500 tons of salt in salt dome; Public Works staff work 12 hour shifts during storm events for added coverage; Public Works staff responding to frozen waterlines; suggested leaving water running very slowly to help prevent freezing in extreme temperatures.

President Giagnorio reminded residents that Village facilities will be closed on January 19 in observance of the Dr. Martin Luther King holiday.

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [140506](#) **Approval of Village Payroll**
For the period ending December 13, 2014 in the amount of \$801,116.57.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [140507](#) **Approval of Accounts Payable**
For the period ending December 19, 2014 in the amount of \$1,245,767.97.
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [140508](#) **Approval of Accounts Payable**
For the period ending December 26, 2014 in the amount of \$554,549.22.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- D. [140489](#) **PC 14-39: 131 Eisenhower Lane North (True Lacrosse)**
Requests that the Village grant a conditional use, pursuant to Section 155.420 (C) (18) of the Zoning Ordinance, to allow for a Learning

Center (indoor athletic training facility) within the I Limited Industrial District. (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 7036

E. [140491](#)

PC 14-40: Amendment to an Existing Planned Development (Homestead Village) - DuPage Medical Group, 2725 Technology Drive

Pursuant to an intergovernmental agreement approved by the Village of Lombard (Resolution 93-13), the petitioner, DMG Real Estate Holdings, LLC, requests that the Village amend the geographical boundaries of the previously established Homestead Village Planned Development (Ord. No. 4497) and any companion development approvals for the property at 2775 Technology Drive. (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 7037

Other Ordinances on First Reading

F. [140492](#)

PC 14-38: Text Amendment to the Zoning Ordinance - Smoking Establishments

Requests an amendment to Section 155.802 (and any other sections for clarity) of the Lombard Zoning Ordinance to distinguish between the retail sales of e-cigarettes and the indoor use of such e-cigarettes as an assembly function. (DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

Ordinances on Second Reading

Resolutions

Other Matters

G. [140515](#)

Water & Sewer System Supplies

Award of a contract to HD Supply, the lowest responsible bid of four (4) bidders, in an amount not to exceed \$42,000.00. Bid in compliance with Public Act 85-1295.

This Bid was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Bill Ware, to Approve the Consent Agenda The motion carried by the following

vote

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Laura Fitzpatrick, and Bill Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

A. [140513](#)

BOT 14-02: 1200 and 1204 High Ridge Road - Annexation & Map Amendment (Rezoning)

1. Ordinance Authorizing the Execution of an Annexation Agreement (2/3 of Corporate Authorities Vote required)
2. Ordinance Annexing Certain Territory to the Village of Lombard.
3. Ordinance approving a map amendment (rezoning) from the R0 Single-Family Residence District to the R1 Single-Family Residence District. (UNINCORPORATED/DISTRICT #6)

A motion was made by Trustee Bill Ware, seconded by Trustee Dan Whittington, that this Ordinance authorizing the execution of an Annexation Agreement for the property located at 1200 and 1204 High Ridge Road (BOT 14-02) be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

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

Enactment No: Ordinances 7038, 7039 and 7040

A motion was made by Trustee Bill Ware, seconded by Trustee Reid Foltyniewicz, that this Ordinance annexing certain territory to the Village of Lombard (BOT 14-02: 1200 and 1204 High Ridge Road) be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Laura Fitzpatrick, and Bill Ware

Enactment No: Ordinances 7038, 7039 and 7040

A motion was made by Trustee Bill Ware, seconded by Trustee Reid Foltyniewicz, that this Ordinance approving a map amendment (rezoning) from the RO Single-Family Residence District to the R1 Single-Family Residence District be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Laura Fitzpatrick, and Bill Ware

Enactment No: Ordinances 7038, 7039 and 7040

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions**Other Matters**

- B. 140412 PC 14-32: 510 E. 22nd Street; MMRE, LLC. (Request by petitioner for continuance to January 8, 2015)**
- Requests that the Village grant approval of a conditional use, pursuant to Section 155.412 (C) of the Village of Lombard Zoning Ordinance, to allow for a medical cannabis dispensing organization within the O Office Zoning District. (DISTRICT #3)
- Village President Giagnorio indicated that the Village Board would be continuing their consideration of the request from MMRE, Inc. relative to a petition for a conditional use to provide for a medical cannabis dispensing facility at 510 E. 22nd Street. He noted there had been significant public comment at the last meeting and all those who wished to speak on the matter were afforded the opportunity to do so. He noted that he will open up the floor to any final comments from the public and the petitioner and then the Village Board will continue with their consideration of the petition. He asked Village Attorney Tom Bayer to clarify the voting requirements for the petition in light of the fact that the Village Board had only 5 Trustees.
- Village Attorney Tom Bayer provided the voting requirements based upon the fact that there were only five sitting Trustees.
- President Giagnorio stated he was opening up the floor to final comments on the petition from the public and the petitioner. He reminded everyone that any comments from the public hearing or the last meeting and any written comments received are already a part of the public record and do not need to be repeated. He asked that everyone adhere to the three minute time limit.
- Dean Nicholas indicated that he is an owner of the building as well as having his dental practice in the building at 510 E. 22nd Street. He felt the rewards far outweighed the risks and he stated that he would not allow this or any other business in the building if he felt it was a risk to his employees, his family, any other businesses or the residents. He felt a jewelry business would be a far greater risk. He encouraged the Village Board to approve the request.
- James VanHekken stated he had no issue with medical marijuana, but did not feel the location was best suited for this business. He spoke of pedestrian traffic, joggers, paved walking paths, small children living in the area, 24-hour security, thousands of dollars in cash, marijuana as an illegal drug, the proposed location within 250 feet of a residential community, felt housing values would be negatively impacted and felt the medical marijuana dispensing facility should be located in an industrial park.
- Jim Segredo of Montini Catholic High School urged the Board to deny

the request to allow a medical marijuana dispensing facility to be located at 510 E. 22nd Street as he felt it was too close to the school and would be a threat to the existence of Montini.

Ken Wojcik spoke of an article in the newspaper relative to medical marijuana that showed an increase in crime and urged the Board to deny the request. He submitted the article for the record.

Sean Daley, representing MMRE, Inc., the petitioner, thanked the Board and spoke of the long petition process. He stated that he found the exact opposite relative to an increase in crime, etc. and there were facts showing that having a medical marijuana dispensing facility actually decreased crime. He spoke of the requirements by the State relative to safety and that this was not a high-risk operation.

Trustee Reid Foltyniewicz thanked everyone for coming out and stated he had no issues with medical marijuana. He felt that the petition did not meet all 7 of the standards required by the Plan Commission for a variance to allow the dispensary for the proposed location. He moved that the Village Board overturn the recommendation of the Plan Commission and deny the request of the petitioner for a medical marijuana dispensing facility to be located at 510 E. 22nd Street.

Trustee Dan Whittington indicated that he did not feel the petition met the 7 standards and was concerned about the safety of the children as well as property values.

Trustee Mike Fugiel stated that while at the IML Conference he attended a session relative to medical marijuana. The State noted this was a two-year pilot program and the program was already a year behind schedule. He noted a municipality cannot deny a request for a medical marijuana dispensing facility without possible recourse and litigation. He reported the State did not have any revenue sharing with municipalities, but that the State was projected to receive \$3-6 billion. He also noted the vote in Springfield was 49 yes and 5 no and 98 yes and 18 no. Medical marijuana is not currently covered by insurance and currently Medicare was not going to pay for medical marijuana. He spoke of only three medical marijuana dispensing facilities being approved in DuPage County and there was no guarantee that approval would be given for a dispensary in Lombard. He noted that he was more fearful of the litigation than a facility being approved in Lombard, and would support the request.

Trustee Bill Ware thanked the Board for taking the time and doing their due diligence in reviewing the petition. He indicated he echoed Trustee Fugiel's opinion and would support the petition.

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Laura

Fitzpatrick, that the Village Board overturn the recommendation of the Plan Commission and deny the request of MMRE, LLC for a conditional use pursuant to Section 155.412 (C) of the Village of Lombard Zoning Ordinance, to allow for a medical cannabis dispensing organization within the O Office Zoning District proposed for 510 E. 22nd Street be denied. The motion carried by the following vote:

Aye: 3 - Dan Whittington, Reid Foltyniewicz, and Laura Fitzpatrick

Nay: 2 - Mike Fugiel, and Bill Ware

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

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A motion was made by Trustee Bill Ware, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, January 8, 2015 in the Board Room of the Lombard Village Hall be adjourned at 8:02. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Laura Fitzpatrick, and Bill Ware