

# Village of Lombard

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



## Minutes

**Thursday, August 13, 2015**

**7:30 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President Keith Giagnorio*

*Village Clerk Sharon Kuderna*

*Trustees: Dan Whittington, District One; Mike Fugiel, District Two;*

*Reid Foltyniewicz, District Three; Bill Johnston, District Four;*

*Robyn Pike, 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, August 13, 2015 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:30 p.m. Trustee Robyn Pike led the Pledge of Allegiance.

## II. Roll Call

- 7 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware
- 1 - Reid Foltyniewicz

### Staff Present:

Village Manager Scott Niehaus  
Director of Finance Tim Sexton  
Director of Community Development Bill Heniff  
Assistant Director of Public Works Dave Gorman  
Chief of Police Ray Byrne  
Fire Chief Paul DiRienzo  
Executive Coordinator Carol Bauer

## III. Public Hearings

[150364](#)

### **BOT 15-02: 207-221 & 223 E. Roosevelt Road and 120-124 E. 13th Street**

A Public Hearing regarding a proposed Annexation Agreement for the properties located at 207-221 & 223 E. Roosevelt Road and 120-124 E. 13th Street. (DISTRICT #6)

The Public Hearing relative to BOT 15-02: 207-221 and 223 E. Roosevelt Road and 120-124 E. 13th Street was called to order by Village Attorney Tom Bayer at 7:31 p.m. Village Attorney Bayer provided an overview of the Public Hearing. Being that no one spoke for or against the matter, the Public Hearing was closed at 7:32 p.m.

## IV. Public Participation

[150366](#)

### **Swearing-in Ceremony - Probationary Patrol Officer Evan Boros**

Chief Ray Byrne called Probationary Patrol Officer Evan Boros to the front and provided a bio.

Village Clerk Sharon Kuderna issued the Oath of Office to Probationary Patrol Officer Evan Boros.

Evan Boros introduced his family and thanked the Village.

## **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 July 16, 2015 and the minutes of the Special Meeting of July 30, 2015 be approved. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

**Absent:** 1 - Reid Foltyniewicz

## **VI. Committee Reports**

### **Community Promotion & Tourism - Trustee Mike Fugiel, Chairperson**

No report

### **Community Relations Committee - Trustee Robyn Pike, Chairperson**

No report

### **Economic/Community Development Committee - Trustee Bill Johnston, Chairperson**

Trustee Bill Johnston, Chairperson of the Economic & Community Development Committee, reported the committee had met and they were in the process of working on policy and reviewing the Facet Program.

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

No report

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

Trustee Dan Whittington, Chairperson of the Public Safety & Transportation Committee, reported the committee had met and they are reviewing enhancements for the Main Street crossing at the Prairie Path. The meeting date has changed to the first Monday of each month at 7pm beginning October 5.

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

Trustee Bill Ware, Chairperson of the Public Works & Environmental Concerns Committee, reported the committee had met and after reviewing the second draft of the CIP, have approved it. The CIP will be reviewed at a joint meeting of the Village Board and Public Works Committee.

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

No report

**Lombard Historical Commission**

No report

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

Village Manager Scott Niehaus thanked Public Works Union Representative Tom Opolony for attending the meeting. He thanked the Public Works employees for approving the collective bargaining agreement.

Village President Keith Giagnorio provide an update relative to the Lombard Pride Committee: have had three meetings; in the process of reviewing a Request for Proposal (RFP) to be sent out to various not-for-profits and organizations relative to a community event in 2016; asked the Board to review and provide any comments and if there were no comments or suggested revisions, the Pride Committee would move forward with mailing out the RFP; tentative date for the next Pride Committee meeting is September 2.

**VIII Consent Agenda**

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Director of Finance Tim Sexton stated that IMET, one of the funds that the Village invests in, discovered in September 2014 that one of their investments was in a fraudulent loan. About 2.8%, or \$327,000 of the Village's investment in IMET was restricted. IMET continues their efforts to recover money, however this will be a lengthy process. The

tolling agreement reserves the Village's rights to take legal action against IMET in the future if at some point it is in the Village's best interest.

### **Payroll/Accounts Payable**

- A.     [150328](#)           **Approval of Village Payroll**  
For the period ending July 11, 2015 in the amount of \$849,716.19.  
  
          approved on the consent agenda
- B.     [150330](#)           **Approval of Accounts Payable**  
For the period ending July 17, 2015 in the amount of \$1,495,372.28.  
  
          This Payroll/Accounts Payable was approved on the Consent Agenda
- C.     [150336](#)           **Approval of Accounts Payable**  
For the period ending July 24, 2015 in the amount of \$605,392.53.  
  
          This Payroll/Accounts Payable was approved on the Consent Agenda
- D.     [150359](#)           **Approval of Village Payroll**  
For the period ending July 25, 2015 in the amount of \$776,979.61.  
  
          This Payroll/Accounts Payable was approved on the Consent Agenda
- E.     [150360](#)           **Approval of Accounts Payable**  
For the period ending July 31, 2015 in the amount of \$1,317,168.52.  
  
          This Payroll/Accounts Payable was approved on the Consent Agenda
- F.     [150370](#)           **Approval of Accounts Payable**  
For the period ending August 7, 2015 in the amount of \$817,639.92.  
  
          This Payroll/Accounts Payable was approved on the Consent Agenda

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

- G.     [150323](#)           **PC 15-19: 27 W. Grove Street - Single-Family Residential Planned Development**  
Requests that the Village take the following actions on the subject property located within the R6 Central Residence District:  
      A. Approve a Major Plat of Subdivision; and  
      B. Pursuant to Section 155.502 (F)(1), approve a conditional use for a planned development for the subject property with companion deviations from the Lombard Subdivision and Development and Zoning Ordinances, as follows;

1. For Lot 1 and Lot 2 of the proposed resubdivision, approve a deviation from Section 154.506 (D) to allow for a lot without public frontage;
2. For Lot 1 through Lot 6 of the proposed resubdivision for the detached single-family dwellings, approve the following:
  - a. A deviation from Section 155.212 to reduce the minimum required front yard setback for a roofed-over porch not projecting more than seven feet (7') from the front wall of the principal structure from twenty five feet (25') to six feet (6');
  - b. A deviation from Section 155.411 (D)(1) to reduce the minimum required lot area from 7,500 square feet to 2,000 square feet;
  - c. A deviation from Section 155.411 (E)(1) to reduce the minimum required lot width from sixty feet (60') to thirty feet (30');
  - d. A deviation from Section 155.411 (F)(a)(i)(b) to reduce the minimum required front yard setback from thirty feet (30') to thirteen (13');
  - e. A deviation from Section 155.411 (F)(c) to reduce the minimum required interior side yard setback from six feet (6') to three and one-half feet (3.5'), exclusive of any publicly recorded easement areas;
  - f. A deviation from Section 155.411 (F)(d) to reduce the minimum required rear yard setback from thirty feet (30') to fifteen feet (15'); and
  - g. A deviation from Section 155.411 (F)(l) to reduce the minimum required open space from fifty percent (50%) to thirty-three percent (33%). (DISTRICT #1)

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

Enactment No: Ordinance 7104

**H. [150326](#)**

**PC 15-16: Text Amendment to the Subdivision and Development Ordinance**

The Village of Lombard, is requesting the following text amendments to the Lombard Subdivision and Development Ordinance:

An amendment to Sections 154.306 and 154.703 (and any other relevant sections for clarity) of the Lombard Subdivision and Development Ordinance regarding "major development." (DISTRICTS - ALL)

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

Enactment No: Ordinance 7105

**I. [150327](#)**

**ZBA 15-09: 18 W. LeMoyne Avenue**

Requests that the Village approve a variation from Section 155.407(F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirteen and five tenths feet (13.5') for the subject property located within the R2 Single-Family Residential Zoning District. (DISTRICT #1)

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

Enactment No: Ordinance 7106

J. [150329](#)

**PC 15-18: Text Amendment to the Zoning Ordinance**

The Village of Lombard, is requesting the following text amendments to the Lombard Zoning Ordinance:

An amendment to Section 155.103 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance adding a new subsection (L) establishing an order of applications for relief for multiple or competing zoning requests for the same property. (DISTRICTS - ALL)

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

Enactment No: Ordinance 7107

K. [150334](#)

**Sale of Surplus Equipment**

Declaring seven (7) vehicles and pieces of equipment as surplus equipment and authorizing their sale and/or disposal. Staff is requesting 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 7108

L. [150352](#)

**1 E. Roosevelt Road - Groundwater Restriction Ordinance (Rescind)**

Rescinding Ordinance No. 7079, enacted May 21, 2015, to prohibit the use of groundwater for potable purposes in the vicinity of Roosevelt Road and Main Street due to soil contamination at 1 E. Roosevelt Road. A separate replacement ordinance will be enacted concurrently due to the Illinois Environmental protection Agency necessitating different groundwater protection boundaries. Staff is requesting a waiver of first reading. (DISTRICTS #2 & #6)

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

Enactment No: Ordinance 7109

**Other Ordinances on First Reading**

M. [150324](#)

**PC 15-13: 1125 E. St. Charles Road**

The petitioner requests that the Village grant:

1. a conditional use, pursuant to Section 155.416 (C) (30) of the Zoning Ordinance, to allow for Storage centers, provided that the use fronts along an arterial roadway with an average daily trip volume (ADTV) of less than 25,000 within the B4 Corridor Commercial District;
2. a conditional use, pursuant to Section 155.416 (G) of the Zoning Ordinance, to allow for a building to exceed three stories or 40 feet within the B4 Corridor Commercial District; and
3. a variance from Section 155.602, Table 6.3, to allow for less than the required spaces for a Warehouse Use. (DISTRICT #5)

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

Enactment No: Ordinance 7118

### Ordinances on Second Reading

- N.**      [150258](#)                      **ZBA 15-07: 720 E. Prairie Avenue**  
Requests that the Village grant approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to four feet (4') where six feet (6') is required, to allow for an emergency generator unit within the R2 Single-Family Residence District (LaVere's Pleasant Avenue Subdivision). (DISTRICT #4)

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

Enactment No: Ordinance 7110

### Resolutions

- O.**      [150333](#)                      **Fuel Station, Change Order No. 4**  
Reflecting an increase to the contract with Accurate Tank in the amount of \$5,208.47. (DISTRICT #6)  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: R 58-15
- P.**      [150358](#)                      **Intergovernmental License Agreement with DuPage County School District 45**  
Resolution authorizing an Intergovernmental Agreement to establish the relationship with School District 45 as it relates to the placement, operation and maintenance of an outdoor warning siren on the site of the Westmore Elementary School. (DISTRICT #5)  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: R 59-15
- Q.**      [150367](#)                      **Agreement with American Federation of State, County & Municipal Employees, AFL-CIO, Council 31, Local 89**



Resolution approving an Agreement between the Village of Lombard and the American Federation of State, County & Municipal Employees, AFL-CIO , Council 31, Local 89 (AFSCME) on a four year Agreement beginning January 1, 2016 and concluding on December 31, 2019.

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

Enactment No: R 60-15

- R. [150371](#) **Tolling Agreement with the Illinois Metropolitan Investment Fund**  
Resolution authorizing a Tolling Agreement with the Illinois Metropolitan Investment Fund.

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

Enactment No: R 61-15

### Other Matters

- S. [150353](#) **Two Rivers Nation Family Fun Night - Public Signage Request**  
Request from Two Rivers Nation to allow the use of public rights-of-way and public property for the display of signage associated with the Family Fun Night event through September 12, 2015.  
(DISTRICTS - ALL)

**This Request was approved on the Consent Agenda**

- S-2. [150381](#) **Adidas Tent Sale at Yorktown Mall**  
Request for a Temporary Event Permit for the Adidas Tent Sale to take place at Yorktown Shopping Center from August 26 thru August 31, 2015. (DISTRICT #3)

**This Request was approved on the Consent Agenda**

- S-3. [150383](#) **Dania Furniture Labor Day Warehouse Tent Sale**  
Request for a Temporary Event Permit for the Dania Furniture Labor Day Warehouse Tent Sale to take place at 515 W. Roosevelt Road from September 4 thru September 7, 2015. (DISTRICT #2)

**This Request was approved on the Consent Agenda**

- T. [150369](#) **Appointment - Community Promotion & Tourism Committee**  
Concurrence in the appointment of Nancy Schukat to the Community Promotion & Tourism Committee filling a vacancy created by the resignation of France Langan with a term of office until May 2017.

**This Appointment was approved on the Consent Agenda**

- T-2. [150382](#) **Appointment - Community Relations Committee**  
Concurrence in the appointment of Anthony Pacilli to the Community Relations Committee filling a vacancy created by the resignation of Jenny Swenson with a term of office until May 2017.

This Appointment was approved on the Consent Agenda

**Approval of the Consent Agenda**

A motion was made by Trustee Dan Whittington, seconded by Trustee Bill Johnston, to Approve the Consent Agenda The motion carried by the following vote

**Aye:** 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

**Absent:** 1 - Reid Foltyniewicz

**IX. Items for Separate Action**

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

A. [150342](#)

**1 E. Roosevelt Road - Groundwater Restriction Ordinance (Revised)**

Prohibiting the use of groundwater for potable purposes in the vicinity of Roosevelt Road and Main Street due to soil contamination at 1 E. Roosevelt Road. This ordinance replaces Ordinance No. 7079, previously enacted on May 21, 2015. The revision is due to the Illinois Environmental protection Agency necessitating different groundwater protection boundaries. Staff is requesting a waiver of first reading (DISTRICTS #2 & #6)

**A motion was made by Trustee Bill Ware, seconded by Trustee Mike Fugiel, that the Ordinance relative to the groundwater restriction for 1 E. Roosevelt 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, Bill Johnston, Robyn Pike, and Bill Ware

**Absent:** 1 - Reid Foltyniewicz

Enactment No: Ordinance 7111

B. [150365](#)

**BOT 15-02: 207-221 & 223 E. Roosevelt Road and 120-124 E. 13th Street (V-Land Planned Development)**

Requests that the Village take the following actions on the subject properties:

1. Ordinance authorizing an amendment to an annexation agreement (2/3 of Corporate Authorities Vote required)
2. Ordinance authorizing an amendment to a conditional use for a planned development of the Lombard Zoning Ordinance pertaining to the maximum number of tenant spaces within the existing retail center. (DISTRICT #6)

**A motion was made by Trustee Bill Johnston, seconded by Trustee Bill Ware, that the ordinance authorizing an amendment to the annexation agreement relative to BOT 15-02: 207-221 and 223 E. Roosevelt Road and 120-124 E. 13th Street (V-Land Planned Development) 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, Bill Johnston, Robyn Pike, and Bill Ware

**Absent:** 1 - Reid Foltyniewicz

Enactment No: Ordinance 7112, 7113

**A motion was made by Trustee Mike Fugiel, seconded by Trustee Robyn Pike, that this Ordinance authorizing an amendment to a conditional use for a planned development of the Lombard Zoning Ordinance pertaining to the maximum number of tenant spaces within the existing retail center for BOT 15-02: 207-221 & 223 E. Roosevelt Road and 120-124 E. 13th Street 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, Bill Johnston, Robyn Pike, and Bill Ware

**Absent:** 1 - Reid Foltyniewicz

Enactment No: Ordinance 7112, 7113

## **Other Ordinances on First Reading**

## **Ordinances on Second Reading**

## **Resolutions**

## **Other Matters**

## **X. Agenda Items for Discussion**

## **XI. Executive Session**

**A motion was made by Trustee Bill Johnston, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, August 13, 2015 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 7:53 p.m to discuss Collective Negotiating Matters. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Mike Fugiel, Bill Johnston, Robyn Pike, and Bill Ware

**Absent:** 1 - Reid Foltyniewicz

## **XII. Reconvene**

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, August 13, 2015 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 8:20 p.m. Upon roll call by Village Clerk

Sharon Kuderna, the following were:

- 8 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

### **XIII Adjournment**

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**A motion was made by Trustee Bill Johnston, seconded by Trustee Reid Foltyniewicz, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, August 13, 2015 in the Board Room of the Lombard Village Hall be adjourned at 8:21 p.m. The motion carried by the following vote:**

- Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware