



Village of Lombard

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

Minutes

Economic & Community Development Committee

Trustee Peter Breen, Chairperson
Trustee Keith Giagnorio, Alternate Chairperson
Dennis McNicholas, Matthew Phillips, Garrick Nielsen,
Jodee Baker, Matthew Pike, Joe Glazier, Jr.,
Brenda Gannon and Angel Camacho
Student Member Jolie-Grace Wareham
Staff Liaison: William Heniff

Tuesday, July 31, 2012

7:00 PM

Village Hall - Community Room

1.0 Call to Order and Pledge of Allegiance

Trustee Peter Breen called the meeting to order at 7:02 p.m.

Mr. McNicholas led the Pledge of Allegiance.

2.0 Roll Call

Present 6 - Trustee Peter Breen, Dennis McNicholas, Garrick Nielsen, Matthew Pike, Joe Glazier Jr., and Matthew Phillips
Absent 3 - Jodee Baker, Brenda Gannon, and Angel Camacho

Note: Garrick Nielsen arrived at 7:14 p.m.

Also present: William Heniff, AICP, Director of Community Development; Christopher Stilling, AICP, Assistant Director of Community Development; Walter Smith, President of Lombard Towne Center; and Janet Downer, Administrative Coordinator.

3.0 Public Participation

Trustee Breen announced that public participation would be allowed throughout the meeting as various topics were introduced.

4.0 Approval of Minutes

Mr. Phillips referred to page 4, second full paragraph under the numbered items. He indicated that the sentence should be amended to reflect that Mr. Pike made the statement about supporting the concept of requiring food not him. Trustee Breen asked Mr. Pike if

the proposed amendment was accurate. Mr. Pike concurred.

A motion was made by Matthew Phillips, seconded by Matthew Pike, that the minutes of the April 24, 2012 meeting be approved subject to the change proposed by Mr. Phillips. The motion passed by an unanimous vote.

Trustee Breen called the order of the agenda and indicated that the Chick-fil-A item would be the first item to be considered.

[120394](#)

Chick-fil-A Appreciation Day

Recommendation to support "Chick-fil-A Appreciation Day" and affirm freedom of speech and religious expression.

Trustee Breen referred to the draft resolution included with the revised Committee agenda supporting Chick-fil-A Day and affirming freedom of speech and religious expression. He explained he authored the resolution. Village Counsel reframed it in a proper format for consideration. He also referred to the legal opinion prepared by Village Counsel which explains what powers and authorities the Committee has relative to passing resolutions. This opinion states that the Committee has no power to pass resolutions but only to make recommendations regarding whether the Village Board should pass a resolution. Ultimately, there is a difference in his role as Trustee (a policy making role) versus the Committee's role (an advisory role).

He then explained how this issue evolved. Chick-fil-A (CFA) recently opened a business in Lombard. Since that time they have proved to be a good corporate citizen, donating many items for various causes as well as immediately joining the Chamber of Commerce. Elected Chicago officials Rahm Emmanuel and Joe Moreno recently made comments about one of the leaders of CFA as to his stance on the issue of same sex marriage and premised government decisions to not allow a business based on CFA owner's beliefs. As his role as an attorney he was outraged and decided to propose a resolution to support CFA Appreciation Day and to affirm First Amendment rights relative to freedom of speech and religious freedom. His comments in support of CFA appeared in a newspaper article where he asked any business that has been forced out of Chicago to come to Lombard. As a result of this newspaper article, he received both positive and negative comments from his constituents. In particular, he exemplified a telephone call received from a gay business owner and after they engaged in conversation, the owner supported the opinion on First Amendment rights. He further represented that the owner of

Chick-fil-A is in favor of the concept as well and is glad for the support.

Trustee Breen stated that this Chicago incident is a misuse of government authority. With Lombard having the strongest transparency policy in the state as well as having a committee that makes supportive recommendations to aid businesses whether it be for outdoor dining permits or grants, it has demonstrated its position as stepping forward as a front runner. We should be a front runner in this issue too. Lastly, he indicated that he spoke to one of the committee members who could not be in attendance tonight. She expressed her position that we should come to the defense of any other business impacted by a government decision based on First Amendment rights.

Trustee Breen then opened the meeting for public participation and asked if anyone would like to speak.

Rick Newton, 31W636 Nancy Lane, Wayne, Illinois stated he was taken aback when this became a news issue. He stated that we are walking a slippery slope when elected government officials can say that if you don't share their values you cannot do business in their community. He commends the Village for responding with a resolution that affirms our First Amendment rights.

Barb Temborius, 1083 Cherry Lane, Lombard, stated she has been a community member leader for years. She is pro-business and also wanted to commend Trustee Breen for initiating this resolution. She asked for the Committee's support and recommendation of approval.

Kevin Fitzpatrick, 348 S. Lewis, Lombard, stated he concurs with the two previous speakers. The matter at hand is not someone's view on marriage but the bigger, more important issue is having a public official who takes a zoning matter and bases their decision to allow a business in their community on First Amendment beliefs. This is an abuse of public power and a public intrusion and he commends Trustee Breen on the handling of this issue. People have a choice to honor a business and it must be the market that decides the success of a business. If a public official has the power to decide whether you can do business based on a specific issue, this would be a terrible precedence to send. The Village of Lombard has pro business tendencies and is open to any business as long as you follow the zoning rules. He asked the Committee what would happen if a Lombard Trustee was allowed to do the

same thing.

Trustee Breen opened the meeting to the Committee members for questions, comments and discussion.

Mr. Phillips agreed with Ms. Gannon's recommendation and the language she proposed.

Mr. McNicholas suggested deleting the second to the last "Whereas" paragraph on page 1, specifically referring to the phrases "subjected to negative government treatment" and "sincerely held religious beliefs". He felt that the paragraph held too much emotion which could be retriggered at a future date. He suggested that the Committee could accomplish its goal without this paragraph. Also on page 2, in SECTION 1, specifically the phrase "all people of good will" - he suggested changing or eliminating those words as people may interpret this as saying that if they do not agree, they are not of good will. He is in favor of the resolution and all businesses except those which are in violation of local ordinances. The resolution must include a broadening of all issues and not be specifically geared toward Chick-fil-A.

Trustee Breen suggested using the word "we" instead of "all people of good will". The Committee agreed.

Referring to the "Whereas" paragraph on page 1, Mr. Phillips stated there is an important point in that paragraph whereby we can distinguish ourselves from neighboring communities who are using their powers for political speech. He recommended removing the words "sincerely held religious beliefs".

Mr. Pike agreed to take those words out due to beliefs of our neighboring area leaders.

Mr. McNicholas stated that having this resolution sets us apart from other communities.

Mr. Nielsen asked what the objective of this was since it will be after the fact. Trustee Breen explained that while their appreciation day is tomorrow there will be events similar to this in the future. Doing this now ensures that something was done prior to the appreciation day and the aim was to add "other instances" for the future. Mr. Nielsen stated that the resolution needs to be passed by the Village Board while the objective is to say we are standing against the type of treatment this organization received by another municipality.

Trustee Breen answered yes and that we support this local business.

Mr. Glazier agreed with the broadening of the resolution to include that we are doing this in defense of all businesses that might be impacted by a government decision based on First Amendment rights.

Mr. McNicholas added that this resolution should be written in such a way so that people do not interpret our position being one in the same as those comments made by Chick-fil-A.

Mr. Nielsen stated that while the Committee is trying to make this resolution appear neutral and include all businesses, the title of the resolution specifically names Chick-fil-A. While he agrees with the spirit of the resolution, he suggested the Chick-fil-A name be removed from the title.

Ms. Wareham suggested that the resolution should include all businesses not just Chick-fil-A. Trustee Breen indicated that on page 2, SECTION 2, it refers to all businesses.

Mr. Nielsen referred to the top of page 2, first line, and indicated that those words reflect the spirit of the entire resolution. If that is the case, why can't the resolution be simple and not run the risk of mentioning Chick-fil-A and just tying it with certain occurrences. Trustee Breen answered that it is important to mention the Chick-fil-A appreciation day as it needs to be more positive.

Trustee Breen summarized the Committee's suggested changes:

- On page 1, strike the second to last "Whereas" paragraph*
- Delete Chick-fil-A Appreciation Day from the title*
- On page 2, SECTION 1, strike the words "all people of good will" and replace with "we"*
- Insert the date of August 1, 2012 in the last "Whereas" paragraph on page 1 after the words "Chick-fil-A Appreciation Day"*

A motion was made by Matthew Pike, seconded by Matthew Phillips, that this resolution be recommended to the Board of Trustees for approval subject to the proposed changes. The motion passed by an unanimous vote.

5.0 Unfinished Business

[120334](#)

Taxicabs and Liveries

Discussion of additional analyses and response to the desire for additional accommodations for limo operations.

Mr. Heniff provided a brief update stating that this topic was introduced for discussion at the June meeting involving a livery business in town, Flat Rate Cab. Flat Rate Cab is looking to have a unique business model which focuses on negotiated rates for delivering people to a specific location in order to supplement their existing livery services. Their proposal would operate in a manner similar to a taxi during off times.

Trustee Breen added that he requested staff to research current regulations in order to make a comparison between taxis and limousines. He noted that the State regulates limousines and the Village regulates taxis so the challenge would be how to regulate a business that is considered a hybrid. Village Counsel reviewed this item and noted that the Statute is intended to distinguish between the manner in which vehicles operate specifically as it relates to the term "prearranged". He read the State Statute definition of limousine and indicated that after doing his own research he believes that "prearranged" is an issue of intent and that the payment is determined by prearrangement not the ride itself.

Some of the concerns associated with this issue are:

- Vehicle Plating - The Secretary of State's Office issues different license plates for taxicabs and liveries*
- Inspections - Limousines are subject to inspection by the State where taxis are not*
- Taximeters - would a meter have to be installed in limousines*
- Queuing - would they be allowed to queue at places such as the Westin and the train station*
- Municipal Regulations - taxis are regulated by the Village and must secure an annual operator's license as well as participate in the Senior Taxi Ridesharing Program*

Staff researched other communities and found that a few have some provisions for licensing and registration due to having certain venues in their community such as the World Music Theater.

Trustee Breen explained how he came to know the owner of Flat Rate Cab after using their service multiple times. It was the owner who expressed an interest in operating as a hybrid type of business. In order to do this, it would require a review of our local code, Chapter 121, to see if it could be amended to include this type of business model and meet the needs of the community.

Trustee Breen opened the meeting for public participation and asked if anyone would like to speak. Hearing none, he opened the meeting to the Committee members for questions, comments and discussion.

Mr. Phillips referred to page 3 of staff's memorandum and asked if any other municipalities reported being overrun by gypsy cabs. Mr. Heniff answered that they were not aware of any. There are regulations and consumer protection provisions in place which are meant to protect the consumer. Business demand would also come into play. He mentioned the Village's Senior Taxi Ride Program and how we use public funds to subsidize the cost for seniors.

Mr. McNicholas asked if the meter cabs are the same rate. Mr. Heniff answered that they can charge their own rate but cannot exceed the rate established within Village Code. Each community can set their own rate. Mr. McNicholas stated that we need to ensure that the vehicles being used are safe. He also commented that by amending the code we would be facilitating freedom of competition which would result in successful businesses staying in Lombard. We need to explore how to facilitate this amendment as well as price competition. Mr. Heniff responded that the operative words would be "shall not exceed" as nobody is charging those rates as those are the peak rates. They are used as negotiation options.

Mr. Glazier stated that he shared some of the same concerns previously mentioned but thought that we should reach out and share this concept with other businesses to see what their concerns and issues may be before code is amended for all businesses. Mr. Stilling noted that staff did research and found there will be a significant cost to installing a meter. Trustee Breen stated that putting in a meter is a non-issue. Mr. Nielsen agreed.

Mr. Pike suggested that if staff has a meeting with the business community we should note that we are not looking to change the regulations but want to hear their opinions of the concept. Trustee Breen added that we want them to know that if they want to do this, then that will be the focus.

Mr. Heniff stated that staff will use the approach that we are convening so that all businesses can take advantage of this business model and have the ability to modify their business accordingly relative to meters and how they operate now.

Mr. McNicholas agreed with staff's recommendation as we don't know what there is to operating this kind of business. People will know they

have an opportunity to speak their opinion and this will assist in making a decision.

Trustee Breen also commented that we are not changing how cabs operate just bringing in new folks. By looking at this issue it also presents a good time to take a look at our taxi regulations and see if they are outdated. Mr. Heniff added that Section 121.08 was the last Section to be changed.

Mr. Phillips stated that businesses are trying to adapt themselves to market conditions. As they do, we need to acknowledge innovation when it occurs, embrace it and see how we can serve businesses by relaxing regulations to let everyone take advantage.

Trustee Breen summarized that the Committee is requesting staff to initiate meetings with owners that currently have licenses and then a separate meeting for prospective businesses. We can then bring the issue back to this Committee with their comments and look at actual code language and how other communities have relaxed theirs.

6.0 New Business

Trustee Breen indicated that the next two grant items were previously discussed at a prior meeting but due to a lack of a quorum, no vote was taken. The Committee needs to take definitive action tonight. He then explained that both of following grant requests for 104 and 106 W. St. Charles Road are to improve properties in the Downtown and the grant money will be taken out of the Downtown TIF fund.

[120323](#)

104 W. St. Charles Road (Fringe Salon)

Request to approve a Downtown Improvement & Renovation Grant in the amount of \$350.00. (DISTRICT #1)

Mr. Nielsen asked if the owner, Community Bank of Wheaton, was the owner of the business or building. Mr. Stilling answered they were the owner of the building.

A motion was made by Matthew Pike, seconded by Dennis McNicholas, that this matter be approved. The motion passed by an unanimous vote.

[120330](#)

106 W. St. Charles Road (Desert Rose Design)

Request to approve a Downtown Improvement & Renovation Grant in the amount of \$1,506.50. (DISTRICT #1)

Mr. Heniff stated that the awning has been erected but no grant money has been paid out yet.

A motion was made by Matthew Pike, seconded by Joe Glazier, Jr., that this matter be approved . The motion passed by an unanimous vote.

[120332](#)

Downtown Tax Increment Financing (TIF) District

Discussion of the Carriage House project as well as other TIF projects in the existing CIP and suggestions for expenditures for future programs and activities for the remaining TIF life. (DISTRICTS #1 and #4)

Trustee Breen introduced the item and explained that the Carriage House is owned by the Village but administered by the Historical Society. The Village has agreed to install the sanitary sewer, sidewalks and alarm and fire suppression system as outlined in the Capital Improvement Plan (CIP) and pay for these improvements with funds from the Downtown Tax Increment Financing (TIF) fund. The State granted \$70,000 toward the project with the condition that the work be completed by the end of this calendar year. The Village in turn agreed to loan the Historical Society the rest of the money for the improvements so they could secure the State grant but that it would have to be repaid within a 2 year period. This loan money would also come out of the Downtown TIF fund. When approval of the CIP came before the Village Board, which included the Carriage House project costs, as Trustee he raised an objection to the funds coming out of the Downtown TIF since earlier reports had the TIF being expended in two years. Since that time, the TIF has been renegotiated with the various taxing entities and amended. The amendment will ensure that the TIF will be viable and continue substantially but the Committee still needs to discuss the Carriage House project costs and recommend whether it should be considered a TIF expenditure. This recommendation will be forwarded to the Board of Trustees.

Trustee Breen asked staff to give a brief overview of the status of the Downtown TIF. Mr. Heniff explained that the TIF amendment will result in an additional 4-1/2 to 6-1/2 million dollars through 2013. Those additional funds will allow us to do a lot of the things for the future of the TIF and will enable us to implement our Downtown vision. The TIF will be able to fund the CIP with projects like this one, especially when the project is owned by the Village, identified by others as a physical improvement and taxpayers will be getting what they are paying for. With the TIF renegotiation we are less constrained and it is consistent with the decision of the Village Board of Trustees and the recommendation of the Public Works Committee that we make a commitment to this resource.

Trustee Breen confirmed that the amount allocated is \$81,000. Mr. Heniff answered yes and that the work is starting. Trustee Breen explained that the project has to start before the end of this year in

order to comply with state grant criteria. The Board of Trustees confirmed the loan but didn't know where the funds would come from.

Trustee Breen opened up the meeting for public participation. Hearing none, he opened the meeting to the Committee members for questions, comments and discussion.

Mr. Glazier asked if the \$81,000 includes the loan. Mr. Heniff answered that it is the grant and the loan is \$120,500 from the Village to the Lombard Historical Society. They have collateral backing it up. Trustee Breen confirmed that the expenditure is \$81,000.

Mr. McNicholas stated that the funds should come from the TIF rather than the general fund so as not to compete with other meritorious projects. The Carriage House is a Village owned, not-for-profit property not a private one. The Village owns the building and the land.

Trustee Breen addressed Walter Smith and asked if Lombard Town Centre has a position on the matter. Mr. Smith stated that the LTC doesn't have an issue with the funds coming out of the CIP and the Downtown TIF. Mr. Smith added that the addition will be an asset to the Downtown and once it is completed, people will be able to cross the street and visit Lilacia Park.

Mr. Phillips asked if anyone considered estimates of the numbers of people this addition will bring or the revenue that will be generated to the Downtown area. Mr. Heniff answered that he has not seen any definitive numbers from the Historical Society but it will be one of those community resources in close proximity to the Downtown. He said he would ask the Historical Society to see if they have any projections. Trustee Breen added that they had a record attendance this year. Mr. Heniff added that they are doing a lot of marketing and supplementing their activities.

Mr. McNicholas stated that the new space will allow for traveling exhibits which will draw additional visitors that otherwise would not have been possible. He concluded that might have been the thinking of where the extra foot traffic would come from.

Trustee Breen summarized that it was the consensus of the Committee that the funds for the Carriage House project should be taken from the Downtown TIF. The Committee concurred.

A motion was made by Joe Glazier, Jr., seconded by Matthew Pike, to use Downtown TIF funds for the Carriage House project. The motion passed by an

unanimous vote.

7.0 Other Business

September ECDC meeting date

Trustee Breen indicated that the September ECDC meeting is scheduled for the day after the Labor Day holiday and he will be out of town. He asked if the Committee could pick an alternate date that would be convenient for all.

Mr. Glazier stated that the Committee needs to establish a date, stick with it and not keep changing it. Mr. Heniff suggested staff will provide dates to provide a permanent solution. These dates will be provided to the Committee at the next meeting to get a final decision.

The Committee concurred and picked Monday, September 10, as the September meeting date.

8.0 Information Only

Lombard Town Centre Report

Walter Smith President of Lombard Town Centre (LTC) mentioned they released their Executive Director. They are currently putting together a job description and already have 5 to 6 people interested. LTC is still functioning. They are in the office everyday doing activities such as showing properties, and preparing for golf outings, Jinglebell Jubilee and Spooktacular.

Trustee Breen asked for an update on Shannon's and Vinos Cellar and a few other businesses in the Downtown. Mr. Smith responded that Shannon's should open by the end of the month. Randall Bullen at 5 S. Park, a photography business, is outside painting today and should also open shortly. He is also looking to add photography classes sometime in the future. The Vino Cellar is also looking to open by the end of the month. They will have wine tastings and have a bar. Fairy Tales switched locations and now can be found in the old Morningstar location. Their store looks great and they will be having a grand re-opening. Mr. Smith mentioned that he has met with another potential business owner who is very interested in locating in the Downtown.

Trustee Breen asked how many vacancies are left. Mr. Smith answered 7 to 9. Mr. Stilling added that we can also look at vacancies from a square footage aspect and that percentage is low. When we meet in September, staff will provide a summary report.

Mr. Nielsen asked about the R & R Video space. Mr. Stilling answered there has been interest in that location and as well as the old DuPage Heating space. Mr. Glazier made the connection to us.

Development Project Update

Mr. Stilling stated that the Firestone and Goodwill projects will be starting construction shortly. Trademark Tavern on Butterfield Road is now open. Staff is currently working on finding a tenant for The Great Indoors. He mentioned the development agreement and how certain uses approved in the late 1990's are prohibited. These types of uses such as a gasoline component are now part of the bigger box stores. In order to put the Village at a competitive advantage, staff took this matter to the Plan Commission to amend the Planned Development to include these types of ancillary uses. The property owners in the planned development also need to agree. Staff wants to show the development community that we are ready to meet this need. The challenge facing us is that the space is 135,000 square feet.

Mr. Nielsen asked about the Great Western Trail bridges. Mr. Heniff answered that the supports for the bridges are underway and are being put in place. He mentioned how these bridges were included in the Downtown Plan as having a lot of aesthetics like using certain fonts and exterior materials. Completion of the bridges will have them tying in with the Downtown. Construction will continue through the summer and are on target to have all three bridges completed in November.

Mr. Nielsen asked if they would be lit. Mr. Heniff answered no but it is identified in the Capital Improvement Plan for 2015 or 2016.

Downtown Lombard Outdoor Seating

Mr. Stilling referred to staff's memo. We have issued three permits to date with two others in the process of finalizing their applications. We will likely see more applications with the addition of new businesses opening soon, as well as a number of existing restaurants that have requested and have the application in hand.

Praga's outdoor seating already received separate zoning approvals so there is nothing for us to issue. Bricks Pizza has tables along St. Charles Road. We will issue them a permit, waive the \$150 fee so next year their fee will only be \$50.

We are anticipating Vino Cellar and Shannon's to apply so they will not have a renewal fee next year. We will have at least seven

outdoor dining permits issued.

9.0 Adjournment

A motion was made by Matthew Pike, seconded by Garrick Nielsen, to adjourn the meeting at 8:32 p.m. The motion passed by an unanimous vote.