

Village of Lombard

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



Minutes

Monday, December 3, 2012

7:00 PM

Village Hall Community Room

Transportation & Safety Committee

Trustee Zach Wilson - Chairperson

Trustee Peter Breen - Alternate Chairperson

Michael Corso, John Larkin, John Schwarz,

Bob Corbino and Jerry Schaefer

Staff Liaisons: Deputy Chief Pat Rollins - Police and

Frank Kalisik - Public Works

1.0 Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Wilson at 7:00 p.m.

2.0 Roll Call

Present 6 - Trustee Zachary Wilson, Michael Corso, John Larkin Jr., John Schwarz, Bob Corbino, and Jerry Shaefer

Staff Present:

Frank Kalisik, Public Works
Deputy Chief Pat Rollins, Police Department
Joelyn Kott, Village Managers Office

3.0 Public Participation

M. Jensby

Julie Masterson

Both residents were in attendance to discuss item 120523, therefore, public comment was taken at that time.

[120523](#)

Noise Ordinance

Discussion regarding the current noise ordinance.

To accomodate the residents in attendance Chairperson Wilson rearranged the agenda to discuss this item first.

Rollins explained that he has been in contact with Ms. Jensby regarding a few issues. He went on to explain that the noise ordinance is really in effect for commercial. The Police Dept. has other means of enforcing residential complaints. If it is a persistent issue it is usually handled as disorderly conduct. If it rises to a certain level someone can sign a complaint, however, that individual would have to go to traffic court. He went on to say that both the Police and Community Development Departments have looked at the ordinance and staff on both sides are of the opinion that the ordinance does not need to be changed.

Ms. Jensby said that the beat police officers appear to not know that they can charge someone with disorderly conduct. There have been incidents of loud music being played outside of her daughters bedroom for 8 hours at a time, April through August. She called the Police Department once in 2010 and once in 2011. Both times the

officer was very professional, kind and helpful, but both said all they can do is go over and ask the neighbor to turn down the music. She went on to say that the Police Department should have decibal meters to measure levels and the acceptable levels should be stated in the Lombard ordinance. She gave the example that if a car is speeding, there is no guessing at how fast they are going because the Police use a radar detector, or if someone is charged with a DUI they use a breathalyzer.

Ms. Jensby referred to the City of Elmhurst ordinance. The chart on Page 6 is divided by residential, commercial and manufacturing. The residential portion has specific time limits assigned to specific decibal levels. Ms. Jensby said that she also called Elmhurst and as stated in her notes written on Page 10, the Police Department and Code Enforcement work together.

Ms. Jensby then spoke regarding enforcement of animal noise. In the Lombard Code it is under animals and requires two residents to sign a written complaint and then go to court. It is her opinion that an unhappy person should not have to go knock on other doors to have someone else complain.

She then went on to say that there is very expensive equipment to measure construction noise, however, the Police Department is not trained to use it. This equipment can only be used during Village hours. She lives near the Great Western Trail where they are building the bridge. They have been working Saturdays, so there would be no way someone could get help.

Ms. Jensby closed with stating that she is asking the Committee to send it to the Board if for no other reason than its from 1996 and needs to be updated.

Ms. Masterson commented that what Ms. Jensby said makes complete sense. There should be standards otherwise its just subjective. An officer coming on the scene may not think it's that bad, but when you live with it day after day it can be difficult.

Chairperson Wilson explained that Chief Byrne asked Deputy Chief Rollins to look into it. We do have a decibal meter. Part of the problem may be that when the Police come out they turn it down and then perhaps turn it back up. Chairperson Wilson asked Rollins what the down side would be to updating.

Rollins explained that the reality is these are neighborhoods where people are sharing common walls, we try to resolve it with the neighbor first. As far as complaints, we do have to have a member of

the neighborhood to sign a complaint and there does have to be a complainant at court. To answer to the construction noise after normal Village hours issue, the Police Department is open 24-hours, but as to this specific construction project, they are trying to finish it up.

He went on to say that particularly in multi-family dwellings, the Police Department does get a lot of noise complaints and officers do know that someone can sign a complaint, but they don't want to create a rift between the neighbors. Chairperson Wilson asked Ms. Jensby if she was willing to sign a complaint. Ms. Jensby answered that she would, however, she does not get paid if she takes off from work and it's intimidating. She added that it is intimidating for people because they may ask themselves do I have to speak, do I have to hire an attorney, does the Village provide an attorney. Chairperson Wilson explained that typically the police officer can't testify as to what happened, because they are not there when it occurs, that's why the complainant has to testify. They witnessed it. Even if the ordinance was changed a complainant would still have to go to court.

Ms. Masterson asked if the Police Department had a decibal reading wouldn't that satisfy the judge. Rollins answered that it also depends on where the noise is occurring. It would not be impossible for that to happen, but the Department really tries to resolve the issue amongst the neighbors. ZW-that would be one of the easier cases to win. Ms. Masterson commented that if it's gotten to that point, the neighbors are not friends anyway and it would provide documentation.

Schaefer asked if the Police Department gets a lot of calls for noise complaints. Rollins replied that they get quite a few and most are resolved, but there are some neighbors that don't respect each other. Schaefer asked if the Village then does neighbor mediation. Rollins answered that they do and when it gets beyond staff, we go to the victims advocacy.

Chairperson Wilson told the Committee they can decide to update or not, however, the Village doesn't want to rewrite ordinances because of a neighbor dispute. Rollins added that the Police have charged people and sometimes certain judges will put things in a judgement because they are tired of seeing the same people come back. The Police do handle lots of noise complaints and do their best to get everyone in agreement, but there are tools in place to take people to court if need be.

Larkin asked Ms. Jensby what she thinks would be the ideal ordinance. Ms. Jensby answered that she would be perfectly happy with Page 6 of the Elmhurst ordinance, she is just looking for a decibal level standard.

This item will be discussed further at the next meeting.

4.0 Approval of Minutes

A motion was made by Bob Corbino, seconded by Michael Corso, that the Minutes of the October 1, 2012 meeting be approved. The motion carried unanimously.

5.0 Unfinished Business

[120468](#)

Park Avenue, Temporary No Parking Zone

A request to approve a temporary No Parking zone on both sides of Park Avenue from Michael McGuire Drive to Orchard Terrace.
(DISTRICT #1)

Kott explained that there are two special events that the Village does downtown; Cruise Nights and the Art & Craft Fair. During Cruise Nights South Park is the hub of where things happen, entertainment, etc. It is also used for cruise car parking. During cruise season Public Works puts up signs that say "Cruiser Parking Only, Saturday 5-10 p.m." On occasion when the crew gets there to start running the event, there will be a car or two, sometimes 3, parked on South Park. She then has to go into all of the businesses that are open and ask if it's someones car until she finds the owners, but several times there has been one left. That presents a problem because once the event gets going they are blocked in. 90% of the time it's someone that's gotten on the train. Staff does call the Police Department and ask them to try to get hold of the owner, but if they can't locate them and the car isn't moved it prohibits the event from happening in the best possible way. There is also a risk of damage to the vehicle and if someone comes back during event, they can't move their car. We want to be able to tow the car that's parked there. We've had the Police write tickets, but they are still in the way. Staff is open to any other ideas that might help alleviate the situation.

Schaefer commented that he is concerned about possible liability if the car is damaged. Corso asked who the would bear the cost of the towing. Corbino suggested that we could barricade the street. Schaefer pointed out that there are businesses open. Kott clarified that she does not want the committee to think this is a horrible problem, it's just when it does happen it's a pain. Chairperson Wilson asked if the Village has any tow zones. Rollins answered that we do not, this would be the first. Schaefer suggested installing a more enforceable sign. Chairperson Wilson commented that a lot of people will park in a no parking zone, but people are less likely to park in a

tow zone. However it is bad PR as soon as we tow someone. General discussion ensued regarding tightening up the parking restriction vs. creating a tow-zone.

Kott reminded the committee members that it is a sensitive PR issue, also because we are already inconveniencing the businesses, they are not all great supporters of the events. They might feel like their customers are going to be inconvenienced.

Schaefer suggested signage saying Special Event Parking Restriction Enforced May-September, or something saying at the very least that they may be ticketed. Corso asked how many nights this is including. Kott answered 14 and the Art Fair. Chairperson Wilson asked if there would be a problem towing the cars to a neighborhood lot and they can get their car for free from there. Corso stated that he would not be opposed to putting a temporary sign on a barricade saying parking limited, car will be towed. Chairperson Wilson added that he thinks it would be doing them a favor by moving it. Kott said that there have been incidents where bikes have run into cars, so there has been damage done to cars. She went on to add that they wouldn't necessarily have to be towed every time it happens, but if it's going to interfere with what we're trying to do, for as much money as we spend on this event we try to make it the best we can and having a van in the middle when you're trying to see the band is not good. Chairperson Wilson suggested that the Village just move the vehicles to where it's not a problem, at no cost to the owner. Corso agreed. Larkin commented that he wouldn't even do selective towing, if anyone parks there tow them. Kott said that the next event is the Art Fair which is May 5, 2013, however if the pedestrian access tunnel goes through, it may not be an issue.

Kalisik commented that to make the signs enforceable it has to be approved by the Public Works Director and the Police Chief. If we put signs up for Cruise Nights then have to do an ordinance change. Kott suggested trying temporary signs and see how it works for the Craft Fair. Rollins added that the signs would have to go up 3-4 days ahead. The Police have been very successful in getting owners to move the car, but there have been a couple instances when we couldn't get hold of them. He went on to say that March/April construction is going to start, so Park is going to lose several stalls anyhow.

Chairperson Wilson asked for a consensus for temporary sign saying car will be towed for the Art Fair. Schaefer stated that he is not proponent of towing. Corbino added that he not either, but is willing to try it. Kott said that she would be willing to try the extra signage without the towing. Chairperson Wilson summarized stating that staff

will start with special event parking signs for the Art Fair and if that works the same signage will be used for Cruise Nights and then we will go to towing if necessary. Chairperson Wilson reiterated that he is not opposed to relocating the car at the Village's expense.

6.0 New Business

[120624](#)

Arboretum Drive, Yield Signs

Request to install yield signs at the intersections of Arboretum Drive with Lincoln and Edson Streets. (DISTRICT #3)

Kalisik reviewed the item. He explained that he received a call from a resident who was concerned because there had been many near misses. Both of these intersections are strangely configured and it makes it difficult to determine who has the right-of-way. Staff installed temporary signs at these intersections and it is staffs recommendation to make them permanent. Larkin commented that he drove through the area and is absoutely for making them permanent.

A motion was made by John Larkin, Jr., seconded by Bob Corbino, that this Request be recommended to the Board of Trustees for Approval . The motion passed by an unanimous vote.

7.0 Other Business

8.0 Information Only

Chairperson suggested that the committee talk about a succession plan on the next agenda. He also reminded members that there are still three open positions on the committee.

Schaefer commented that he was concerned when he saw a school bus make a left from westbound St Charles into Walgreens. He was surprised that the driveway is not right-in, right-out.

Corso asked if there were plans ready for the underpass at the Metra station. He also asked if PR has been done at the train station. Rollins responded that there had been, but it has been a long time, so new commuters might not know. Corso pointed out a few issues at the station; the platform is too skinny and you can get stuck by the railing with no where to go, also there are only two rain shields. He also asked if there are plans to widen the platform. Kalisik replied that he does not know, as he hasn't seen the plans in a year. Corso asked if they are moving the commuters during the construction. Kalisik responded that it is not a village project. Rollins added that there will be a lot of canopy, however, from Park west will remain about the same width. It appears that there will be several cut-outs placed in the driveway, on the south side stairways and ramps will have to be placed.

9.0 Adjournment

A motion was made by Michael Corso, seconded by John Larkin, Jr., to adjourn the meeting. The motion carried unanimously.