

Village of Lombard

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



Minutes

Thursday, November 21, 2013

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; Peter Breen, 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, November 21, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:30 p.m. Acting Village Clerk Janet Downer led the Pledge of Allegiance.

II. Roll Call

- 6 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick
- 2 - Sharon Kuderna, and Bill Ware

Staff Present:
Acting Village Manager 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

IV. Public Participation

[130597](#)

Swearing-in Ceremony - Firefighter Candidates Matthew Weibler, Dan Stevenson and Johannes Markschat

Fire Chief DiRienzo asked Firefighter Candidates Matthew Weibler, Dan Stevenson and Johannes Markschat to the front. He provided bios on each of the candidates.

Each of the candidates introduced their families and friends.

Chief DiRienzo thanked the Village Board for approving the hiring of the firefighters and fully staffing the Fire Department.

Acting Village Clerk Janet Downer issued the Oath of Office to each of the Firefighter candidates.

[130598](#)

Presentation - Cardiac Care Heart Pins

Chief DiRienzo called Lt. Frank Gallione to the front. Lt. Gallione spoke of the call of a person in cardiac arrest that occurred in October. The Fire Department arrived to find a 68-year-old male in full arrest and the wife of the victim performing CPR after being given instructions by the 9-1-1 operator. The patient, Ron Barger, was transported to the hospital. After receiving a stent and a defibrillator/pacemaker, the patient was released and has had no further complications. Lt. Gallione called Ron Barger to the front. Mr. Barger thanked the Fire Department and presented Cardiac Care pins to Dale Ferris, Nick Soprano, Galen Cardott, Mark Laffrey and Tim Hillsheim and the 9-1-1 operator Tiffany Bury. Lt. Greene was not able to be there to accept his pin.

[130583](#)

Proclamation - Lombard Citizen's Police Academy Alumni Association Day

Acting Village Clerk Janet Downer read the proclamation for Lombard Citizen's Police Academy Alumni Association Day.

Village President Giagnorio thanked the citizens Police Academy alumni for all that they do with so many events. He noted that he and his Wife Angela both attended the academy. He talked about the money that the CPA collects and donates and the money that the Village saves with all of the volunteer hours that the CPA alumni donate.

Chief Byrne talked about the great group of people and talked about how important they are to the Police Department, the Village and the community. He introduced the President Loretta Kearns. He stated that she recently approached him and said the CPA wanted to purchase something for the Police Department and asked for suggestions. The CPA will be purchasing ballistic shields at a cost of \$7,000. He also spoke of a scholarship that the CPA does each year for the son or daughter of a police or firefighter. He thanked them for all that they do.

Loretta Kearns thanked President Giagnorio and Sgt. Bud Marks for the honor and the proclamation. She talked about helping at the Taste of Lombard, Shop with a Cop, and numerous other community events.

V. Approval of Minutes

A motion was made by Trustee Peter Breen, seconded by Trustee Reid Foltyniewicz, that the Minutes of the Regular Meeting of November 7, 2013 be approved. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

VI. Committee Reports

Community Relations Committee - Trustee Dan Whittington, Chairperson

Trustee Dan Whittington, Chairperson of the Community Relations Committee, reported they did not have a quorum at the last meeting.

Economic/Community Development Committee - Trustee Laura Fitzpatrick, Chairperson

No report

Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson

Trustee Mike Fugiel, Chairperson of the Environmental Concerns Committee, spoke of the Prairie Path clean-up and that he had learned a lot about buckthorn.

Finance Committee - Trustee Peter Breen, Chairperson

Trustee Peter Breen, Chairperson of the Finance Committee, reported the committee was provided an update on the 2014 Risk Management and Insurance Program and that item will be coming to the Board.

Public Works Committee - Trustee Bill Ware, Chairperson

Director of Public Works Carl Goldsmith noted that the Public Works Committee would be meeting on Monday and reviewing the sewer separation report. The recommendations will be coming to the Board possibly in January.

Transportation & Safety Committee - Trustee Reid Foltyniewicz, Chairperson

Trustee Reid Foltyniewicz, Chairperson of the Transportation and Safety Committee, reported the committee had met. The committee reviewed a request to change yield signs to stop signs at Charlotte and Harrison which is on the agenda for Board action. He stated the December meeting has been cancelled.

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 Fitzpatrick wished her son a happy birthday and stated he would be heading back to the ski resort where he works.

Trustee Foltyniewicz announced that he would be participating in the 5K Color Run scheduled for November 23 at Montini and it was an opportunity for residents to throw color dye packets at an elected official, a police officer and all participating in the event.

Trustee Whittington reminded residents to shop downtown Lombard the day after Thanksgiving and to also frequent the pizza shop on Main Street.

President Giagnorio announced that Trustee Ware had an excused absence as he was out of town for a funeral.

President Giagnorio stated that he wanted to share the fact that Village Clerk Sharon Kuderna had not be in attendance at the Village Board meetings due to health issues and asked that everyone keep Sharon in their thoughts and prayers. He noted she would return to the dais just as soon as she could.

President Giagnorio indicated that on Monday following the devastating tornadoes that hit the area, his office was in contact with the Mayor of Washington, Illinois offering any assistance that the Village could provide. He stated that Director of Public Works Carl Goldsmith has also been in touch with various agencies coordinating relief efforts. He noted that the Village had vehicles and staff ready to assist once given the word.

Director of Public Works Goldsmith stated that it was not for the lack of desire that Village crews had not yet responded to the area, but that so many of the neighboring communities were assisting Washington, Illinois, that our crews were on stand-by and would be dispatched as soon as he receives the word.

President Giagnorio stated that the Village will be hosting a Tornado Relief Effort and that information will be on the Village website with regard to items that can be donated. Drop off locations for items will be Fire Stations One and Two and the International Village Apartments Complex on Finley Road.

Trustee Whittington noted that cash donations are what are really needed and residents can go on line to make those donations.

VIII Consent Agenda

Trustee Breen inquired regarding Consent item E regarding an amendment to the Zoning Ordinance relative to medical cannabis. Director of Community Development Bill Heniff indicated the Village was taking a pro-active approach with regard to putting text amendments in place.

Payroll/Accounts Payable

- A. [130580](#) **Approval of Village Payroll**
For the period ending November 2, 2013 in the amount of \$861,476.25.
This Payroll/Accounts Payable was approved on the Consent Agenda

- B. [130581](#) **Approval of Accounts Payable**
For the period ending November 8, 2013 in the amount of \$1,214,059.47.
This Payroll/Accounts Payable was approved on the Consent Agenda

- C. [130594](#) **Approval of Accounts Payable**
For the period ending November 15, 2013 in the amount of \$721,891.81.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- D. [130593](#) **Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code - Alcoholic Beverages**
Amending Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code reducing the Class "C" liquor license category by one due to the non-renewal of the liquor license for Thai Sawasdee Restaurant located at 845 E. Roosevelt Road. (DISTRICT #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 6894

- *D-2. [130606](#) **Directors of the Lombard Public Facilities Corporation**
Appointment of George Seagraves as a Director of the Lombard Public Facilities Corporation, and the re-appointment of Jeff Mills, Edward Murphy, Paul Powers and William Lichter as Directors of the Lombard Public Facilities Corporation.
- This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**
- Enactment No: Ordinance 6895

Other Ordinances on First Reading

Ordinances on Second Reading

- E. [130536](#) **PC 13-13: Text Amendments to the Zoning Ordinance (Medical Cannabis)**
The Village of Lombard is proposing the following text amendments to the Lombard Zoning Ordinance:
1. An amendment to Section 155.802, Rules and Definitions, (and any other relevant sections for clarity) of the Lombard Zoning Ordinance regarding the definition of “smoking establishment” and add provisions for “medical cannabis dispensing organization” and
 2. An amendment to Section 155.412, Office District Requirements, (C) the conditional use status to add provisions for “medical cannabis dispensing organization.” (DISTRICTS - ALL)
- This Ordinance was passed on second reading on the Consent Agenda**
- Enactment No: Ordinance 6896
- F. [130562](#) **Budget Ordinance for Fiscal Year 2014**
Adopting the FY 2014 Annual Budget for the Village of Lombard.
- This Ordinance was passed on second reading on the Consent Agenda**
- Enactment No: Ordinance 6897

Resolutions

- G. [130574](#) **Highland Avenue, 22nd Street to IL 56 Reconstruction, Supplemental Resolution**
Supplemental Resolution for the use of MFT funds for MFT Section 00-00140-00-PV. This is required by IDOT to close out the project per the recently completed MFT audit. (DISTRICT #3)
- This Resolution was adopted on the Consent Agenda**
- Enactment No: Resolution 162-13

- H. [130575](#) **Main Street, St. Charles Road to Roosevelt Road Resurfacing, Supplemental Resolution**
Supplemental Resolution for the use of MFT funds for MFT Section 00-00141-00-RS. This is required by IDOT to close out the project per the recently completed MFT audit. (DISTRICTS #1, #2, #4, #5 & #6)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 163-13
- I. [130576](#) **Main Street, Wilson Avenue to IL 38 Widening and Resurfacing, Supplemental Resolution**
Supplemental Resolution for the use of MFT funds for MFT Section 03-00148-00-PV. This is required by IDOT to close out the project per the recently completed MFT audit. (DISTRICTS #2 & #6)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 164-13
- J. [130585](#) **Resolution Supporting the Retrofit of Existing DOT-111 Rail Tank Cars That Transport Packing Groups I and II Hazmat Before the Pipelines and Hazardous Materials Safety Administration in Docket No. PHMSA-2012-0081 (HM-251)**
The Pipelines and Hazardous Materials Safety Administration (PHMSA) of the US Department of Transportation is seeking public input on proposed rules that would require the retrofit of existing tank cars to improve their crash-worthiness in derailments and accidents. The Village supports a petition submitted by the Village of Barrington and the Regional Answer to Canadian National to the PHMSA on April 3, 2013 that seeks to have all DOT-111 tank cars to be retrofitted to match the standards imposed on new DOT-111 tank cars.
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 165-13
- K. [130592](#) **Madison Street/IL. Rt. 53 Intersection Improvements Phase II Design Engineering**
Design Engineering (Phase II) for improvements (including signalization) to the intersection of Madison Street and Illinois Route 53. (DISTRICT - UNINCORPORATED)
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 166-13

Other Matters

- L. [130590](#) **Ford Police Interceptor Utilities**
Request for a waiver of bids and award of a contract to Currie Motors

in the amount of \$57,815.00 for the purchase of two Ford Police Interceptor Utilities. Staff is requesting a waiver of first reading. Public Act 85-1295 does not apply.

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

M. [130586](#)

LTC Passport Program Event Signage

Request from the Lombard Town Centre to place temporary banners on Village owned properties for the promotion of their Passport Program from November 22, 2013 through December 31, 2013. (DISTRICTS #1 & #6)

This Request was approved on the Consent Agenda

N. [130589](#)

Tri-Town YMCA Christmas Tree Sale Banner

Request from the Tri-Town YMCA to place temporary banners on Village owned properties for the promotion of their Christmas Tree Sale from November 25, 2013 through December 23, 2013. (DISTRICT #6)

This Request was approved on the Consent Agenda

O. [130595](#)

Lombard Police Pension Fund Municipal Compliance Report

Accept and file the Lombard Police Pension Fund Municipal Compliance Report for the year ending December 31, 2012.

This Request was approved on the Consent Agenda

P. [130596](#)

Lombard Fire Pension Fund Municipal Compliance Report

Accept and file the Lombard Fire Pension Fund Municipal Compliance Report for the year ending December 31, 2012.

This Request was approved on the Consent Agenda

Approval of the Consent Agenda

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

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

IX. Items for Separate Action

A motion was made by Trustee Dan Whittington, seconded by Trustee Reid Foltyniewicz, that Separate Action items A-1 (130603 - 109-115 W. St. Charles Road - Property Acquisition); A-2 (130604 - 109-115 W. St. Charles Road -

Transfer of Title of Surplus Real Estate) and A-3 (130605 - 109-115 W. St. Charles Road - Contract for the Sale of Surplus Real Estate and the Conveyance of Easement for Ingress/Egress and Parking) be moved to following the Executive Session. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

Ordinances on First Reading (Waiver of First Requested)

109-115 W. St. Charles Road (this item was moved to after Executive Session)

Resolutions

109-115 W. St. Charles Road - Transfer of Title of Surplus Real Estate (this item was moved to after Executive Session)

109-115 W. St. Charles Road - Contract for the Sale of Surplus Real Estate and Conveyance of Easement for Ingress/Egress and Parking (this item was moved to after Executive Session)

Other Ordinances on First Reading

A. [130519](#)

Charlotte Street at Harrison Road

Resident request that existing Yield signs be changed to Stop signs. (DISTRICT #6)

Trustee Foltyniewicz spoke regarding the request for Yield signs to be changed to Stop signs at Charlotte and Harrison. He noted that the Transportation and Safety Committee had reviewed this matter and concurred with the resident request. Staff's recommendation did not support or indicate that Stop signs were warranted at this location. He spoke of Glenbard East students parking on the side streets in close proximity to the school. He also noted that this is a school bus stop, that there are trees blocking the view of the signs and that an accident had occurred whereby a car landed in the front yard of a home at that location and this could have been a very serious incident had the school children been waiting for the bus.

Trustee Breen asked if Trustee Ware had given any recommendation regarding this matter.

Trustee Foltyniewicz indicated he had not.

Trustee Breen felt that Trustee Ware should provide comment.

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Mike Fugiel, that the Village Board pass on first reading an ordinance amending the Traffic Code authorizing the installation of stop signs at Charlotte and Harrison. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

Ordinances on Second Reading

B. [130494](#)

Proposed Tax Levy Ordinance

Providing for the levy and assessment of taxes for the fiscal year beginning January 1, 2013 and ending December 31, 2013.

Trustee Breen asked that a letter he received from DuPage County Board Chairman Dan Cronin be entered into the record of the Village Board Meeting as follows:

(quote)

"November 21, 2013, Statement from Chairman Dan Cronin:

It is my understanding that tonight the Lombard Village Board will consider approval of a (property) tax freeze. I would like to commend members of the board, the mayor and village staff, for working to control spending and for proving that government can continue to provide quality services without asking taxpayers for more of their hard earned money.

We share a common goal of fiscal responsibility and greater accountability to those we serve and the Village should be applauded for the number of reforms you have enacted in recent years, from removal of the vehicle sticker fee to increasing the transparency of Village operations. By developing a budget that is fiscally responsible and holding the line on property taxes, you are saving Lombard residents, both today and in the future, significant dollars due to the compounding effect that increased levies have year-over-year. Together, we will continue to aggressively attack the growing cost of government at all levels and work collaboratively to achieve greater efficiencies through intergovernmental partnerships wherever possible. Your action tonight clearly demonstrates that government can do more with less and will serve as an example to others. I look forward to working with each of you to continue reducing the size, scope, and cost of local government in DuPage County.

Sincerely,
Daniel J. Cronin
Chairman
DuPage County Board"
(end quote)

A motion was made by Trustee Peter Breen, seconded by Trustee Dan Whittington, that the Ordinance providing for a freeze of the Property Tax be passed on second reading. The motion carried by the following vote:

Aye: 4 - Sharon Kuderna, Dan Whittington, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Nay: 1 - Mike Fugiel

Absent: 1 - Bill Ware

Enactment No: Ordinance 6898

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

A motion was made by Trustee Dan Whittington, seconded by Trustee Reid Foltyniewicz, that the Regular Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, November 21, 2013 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 8:16 p.m. for the purpose of discussion of Information Regarding the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of a Specific Employee or Specific Employees of the Village, Setting the Price for the Sale or Lease of Property Owned by the Village and the Acquisition of Real Property. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

XII. Reconvene

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, November 21, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 9:06 p.m.

6 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

2 - Sharon Kuderna, and Bill Ware

Ordinances on First Reading (Waiver of First Requested)

[130603](#)

109-115 W. St. Charles Road - Property Acquisition

Real Estate Purchase and Sales Contract regarding the acquisition of the property commonly referred to as 109 - 115 W. St. Charles Road. (DISTRICT #1)

A motion was made by Trustee Dan Whittington, seconded by Trustee Peter Breen, that this matter be continued to December 5, 2013. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

Resolutions

[130604](#)

109-115 W. St. Charles Road - Transfer of Title of Surplus Real Estate (will require a 2/3rds favorable vote)

Authorizing the Transfer of Title of Surplus Real Estate pertaining to a portion of the property commonly referred to as 109 - 115 W. St. Charles Road. (DISTRICT #1)

A motion was made by Trustee Dan Whittington, seconded by Trustee Peter Breen, that this matter be continued to December 5, 2013. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

[130605](#)

109-115 W. St. Charles Road - Contract for the Sale of Surplus Real Estate and the Conveyance of Easement for Ingress/Egress and Parking (will require a 2/3rds favorable vote)

Approving a Contract for the Sale of Surplus Real Estate and the Conveyance of Easement for Ingress/Egress and Parking for the property at 109 -115 W. St. Charles Road. (DISTRICT #1)

A motion was made by Trustee Dan Whittington, seconded by Trustee Peter Breen, that this matter be continued to December 5, 2013. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware

XIII Adjournment

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A motion was made by Trustee Peter Breen, seconded by Trustee Reid Foltyniewicz, that the Regular Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, November 21, 2013 in the Board Room of the Lombard Village Hall be adjourned at 9:07 p.m. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

Absent: 1 - Bill Ware