

# **Village of Lombard**

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



## **Minutes**

**Thursday, October 3, 2019**

**7:00 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President Keith Giagnorio*

*Village Clerk Sharon Kuderna*

*Trustees: Dan Whittington, District One; Anthony Puccio District Two;  
Reid Foltyniewicz, District Three; Andrew Honig, District Four;  
Dan Militello, 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, October 3, 2019 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:00 p.m. Director of Public Works Carl Goldsmith led the Pledge of Allegiance.

## II. Roll Call

- 7 - Keith Giagnorio, Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware
- 1 - Sharon Kuderna

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 Roy Newton  
Fire Chief Richard Sander  
Assistant Village Manager Nicole Aranas  
Deputy Clerk Janet Downer  
Executive Coordinator Carol Bauer

## III. Public Hearings

[190416](#)

### Proclamation - Fire Prevention Week 2019

Deputy Clerk Janet Downer read the proclamation for Fire Prevention Week.  
President Giagnorio thanked the Fire Department for their great service.

## IV. Public Participation

Christopher Tinnon thanked the Village for allowing residents to have block parties and thanked the Fire and Police Departments for participating. He spoke of cars speeding on North Elizabeth and asked for assistance with monitoring speeding autos due to so many children in the area.

President Giagnorio thanked the Park District for their cooperation with the block party wagon that residents are able to use for events.

## V. Approval of Minutes

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Anthony Puccio, that the minutes of the Regular Meeting of September 19, 2019 and the minutes of the Special Meeting of August 26, 2019 be approved. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

## VI. Committee Reports

### Community Promotion & Tourism - Trustee Andrew Honig, Chairperson

No report

### Community Relations Committee - Trustee Dan Militello, Chairperson

Trustee Dan Militello, Chairperson of the Community Promotion & Tourism Committee, thanked committee members and staff for all of the hard work that was done to prepare for the Senior Fair. He congratulated Senior Woman of the Year Rita Schneider and Senior Man of the Year Michael "Mickey" Rodgers. President Giagnorio also thanked the committee, staff and the residents who came out to the event.

### Economic/Community Development Committee - Trustee Anthony Puccio, Chairperson

No report

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

Trustee Reid Foltyniewicz, Chairperson of the Finance & Administration Committee, reported the committee met and reviewed the 2018 Comprehensive Annual Financial Report (CAFR), Management Report and Recommendation; the Statutorily Permissible 2019 Property Tax Levy; and the 2020 proposed budget. Tim Sexton, Director of Finance, reported the Village had received a clean audit and an award from the Government Finance Officer's

Association.  
The next meeting is November 18th.

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

Trustee Dan Whittington, Chairperson of the Public Safety & Transportation Committee, reported the committee met and reviewed a resident request for a speed limit reduction on Main Street from 30 mph to 25 mph. The committee will also review the Space Needs Study for Fire Station 45. He noted the Village ISO rating had improved. The Village will be serving Meadow and Grove Lane.

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

No report

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

No report

### **Lombard Historic Preservation Commission - Village Clerk Sharon Kuderna**

No report

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

Village Manager Scott Niehaus noted that a company will be doing soil borings at the 101-109 S. Main property and that letters had been delivered to the neighbors. Once the proposed development is scheduled for construction, a neighborhood meeting will be held to provide an update to the residents. Communication will also be posted on the Village's Facebook page as well as other social media sites. Trustee Anthony Puccio welcomed the class of 1999 for their 20th Glenbard East reunion.

Deputy Village Clerk Janet Downer read the following announcements: The Village's 14th Annual Senior Fair was held yesterday and we want to congratulate the Senior Woman of the Year Rita Schneider and the Senior Man of the Year Michael "Mickey" Rodgers. Thank you to everyone that came out for the event.

Please join the Lombard Fire Department on Wednesday, October 9 from 6 until 8 pm at Fire Station 45 located at 50 E. St. Charles Road for their annual Fire Prevention Open House in conjunction with National Fire Prevention Week, October 6-12. There will be demonstrations, displays and tips on fire safety as well as refreshments and activities for children. Don't forget to wear the Breast Cancer Awareness Month's pink t-shirts, for the group photo to be taken at 7 p.m.

## VIII Consent Agenda

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### Payroll/Accounts Payable

- A. [190404](#)      **Approval of Village Payroll**  
For the period ending September 14, 2019 in the amount of \$896,850.63.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**
- B. [190405](#)      **Approval of Accounts Payable**  
For the period ending September 20, 2019 in the amount of \$1,144,122.18.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**
- C. [190413](#)      **Approval of Accounts Payable**  
For the period ending September 27, 2019 in the amount of \$361,110.96.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**

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

- D. [190241](#)      **Ordinances Amending the Lombard Village Code-Title 5, Chapter 51, Section 51.10 in Regard to Water Meters and Title 5, Chapter 50, Section 50.114 in Regard to Water Rates**  
Two (2) Ordinances Amending Title 5, of the Lombard Village Code in Regard to Adding an Administration Service Charge of \$35.00 per Billing Period for Customers That Choose to Opt-out of Having the Required Remote Water Meter Reading Device.  
1. AN ORDINANCE AMENDING TITLE 5, CHAPTER 51, SECTION 51.10 OF THE LOMBARD VILLAGE CODE IN REGARD TO WATER METERS  
Effective January 1, 2020, this ordinance amends Section 51.10(C) to remove the name of the water meter manufacturer and adds a new

Section 51.10(G) to establish a flat fee of \$35.00 per billing period fee for customers that choose to opt-out of having the required remote water meter reading device installed.

2. AN ORDINANCE ADDING TITLE 5, CHAPTER 50, SECTION 50.114 OF THE LOMBARD VILLAGE CODE IN REGARD TO WATER RATES Effective January 1, 2020, this ordinance adds a new Section 50.114(E) to establish a flat fee of \$35.00 per billing period as an administrative service charge to cover the Village's administrative expenses relating to providing for manual water meter reading and manual entry of water consumption for billing purposes, subject to a medical reasons fee waiver provision.

The Public Works & Environmental Committee unanimously recommended to the Village Board approval of the attached Ordinances on 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 7726, 7725

### **Other Ordinances on First Reading**

### **Ordinances on Second Reading**

### **Resolutions**

### **Other Matters**

- E.     [190401](#)     **Street Lighting LED Replacement Project**  
Request for a waiver of bids and award of a contract to Graybar Electric in the amount of \$54,272.00. Graybar Electric is the contractor that submitted the winning bid to U.S. Communities Government Purchasing Alliance for electrical supplies and fixtures. (DISTRICTS #2, #3, #4, & #5)  
**This Bid was approved on the Consent Agenda**
- F.     [190402](#)     **Motion to Accept and File with the Village Clerk the 2018 Comprehensive Annual Financial Report (CAFR), Management Letter, Current Recommendation and Audit Finding with Corrective Action Plan**  
The Finance and Administration Committee voted unanimously to recommend that the Village Board accept and place on file with the Village Clerk the FYE 2018 Comprehensive Annual Financial Report and Management Letter.  
**This Request was approved on the Consent Agenda**

## Approval of the Consent Agenda

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

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

## IX. Items for Separate Action

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

A. [190289](#)

**ZBA 19-05: 244 E St. Charles Road**

The petitioner requests that the Village approve zoning variations from Section 155.205(A)(2)(c)(ii) of the Lombard Village Code for a fence of up to eight (8) feet, where a maximum of four (4) feet in height is permitted in the rear front yard of a through lot in the B2 General Neighborhood Shopping District. As this item received no recommendation from the Zoning Board of Appeals (ZBA) an Ordinance approving the variation requires a two-thirds vote of the Trustees (4 of the 6 Trustees). (DISTRICT #4)

A motion was made by Trustee Bill Ware, seconded by Trustee Dan Militello, that the Ordinance approving ZBA 19-05 for 244 E. St. Charles Road be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinance 7727

B. [190315](#)

**PC 19-19: An Ordinance Amending Title XV., Chapter 155 of the Lombard Village Code in Regard to the Zoning Regulations Applicable to Cannabis Business Establishments**

A recommendation from the Plan Commission to approve amendments to the following Sections of Village Code, and other relevant sections for clarity, as amended by the direction of the Village Board on September 19, 2019:

1. Amend Section 155.412(B) of the Village Code to add "Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto" to the list of permitted uses in the O Office District; also delete Section 155.412 (C)(9) which established medical cannabis dispensing organization as a conditional use in the O Office District;
2. Amend Section 155.413(C) of the Village Code to add "Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto" to the list of conditional uses in the B1 Limited

- Neighborhood Shopping District;
3. Amend Section 155.414(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B2 General Neighborhood Shopping District;
  4. Amend Section 155.415(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B3 Community Shopping District;
  5. Amend Section 155.416(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B4 Corridor Commercial Shopping District;
  6. Amend Section 155.417(G)(1)(a) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the B4A Roosevelt Road Corridor District;
  7. Amend Section 155.418(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B5 Central Business District);
  8. Amend Section 155.419(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B5A Downtown Perimeter District
  9. Amend Section 155.420(B) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the I Limited Industrial District;
  10. Delete the definition for Medical Cannabis Dispensing Organization in Section 155.802 of the Village Code and add a definition of Cannabis Dispensing Facility in Section 155.802 of the Village Code;
  11. Amend the definition for Smoking Establishment in Section 155.802 to delete the word “medical,” thereby prohibiting all types of cannabis in a Smoking Establishment; and
  12. Create a new Section 155.225 of the Village Code: Cannabis Establishments:
    - a. Specifically excluding cultivation centers, craft growers, infuser organizations, processing organizations and transporting organizations as a permitted or a conditional uses in all zoning districts;
    - b. Specifically precluding on-site consumption of cannabis as part of any permitted or conditional land use activity.(DISTRICTS - ALL)

Director of Community Development Bill Heniff gave a PowerPoint



overview relative to the proposed text amendments as follows: summary of Village Board and also Plan Commission recommendations relative to permitted use, prohibited or conditional use; map depicting the districts and permitted or conditional use; State regulations relative to business operations and appearance; photos of cannabis dispensaries; map of the Village depicting permitted, conditional and prohibited use based on Village Board recommendation from July 31st Workshop; map of permitted, conditional use or prohibited based on Plan Commission recommendation; review of final draft for consideration by the Village Board; additional ordinance establishing a 3% sales tax on local cannabis sales to be considered by the Village Board following the vote on the zoning.

Trustee Foltyniewicz suggested residents review information on the Village website relative to the meetings and workshop that have been held relative to this matter and spoke of the healthy debate that the Village Board had regarding cannabis. He asked the price of a piece of candy.

Trustee Militello noted that he will be abstaining from voting on any matters relative to recreational cannabis as he is employed by a company that distributes cannabis. He answered that a piece of candy could be \$30-\$40.

Trustee Foltyniewicz asked how much can be purchased at one time; how are purchases monitored; can you go from one store to another to purchase?

Trustee Militello indicated restrictions are by category; your drivers license is scanned and is used to track purchases; facilities are required to report any purchases that appear to be shady.

Chief of Police Newton indicated the law states you can only have 30 grams in your possession so you might have to take a purchase home to go to another store to make an additional purchase.

Trustee Foltyniewicz spoke of liquor licenses and compliance with facility checks made by the Police Department.

Trustee Militello noted the State Police would monitor sites as well.

Village Attorney Tom Bayer stated the State can suspend, revoke or fine a dispensary for any violations.

Chris Tinnon stated that whether the Village allows the sale of recreational cannabis or not, the State has already approved it and people will consume it; spoke of prohibition and how that did not work relative to alcohol and created bootlegging and bad alcohol; spoke of black market and drug cartels; felt controlling the sale was a better way to handle and that laws will be in effect to control the product and control the places to sell the product; felt no one can overdose on cannabis; felt the Village should take advantage of the revenue from the sales.

Marymae Meyer felt the Village Board did not listen to the concerns of the residents at the last meeting; older population has a vested interest in the

community; felt someone will get harmed or killed by an impaired driver; urged the Village Board to listen to the citizens.

Bill Murphy stated he and his family moved to Lombard three years ago; felt Lombard was a family-friendly community that attracted families; did not feel that allowing the sale of cannabis, especially in the downtown, should be allowed; spoke of growing community and millenials; reflect the values of families; did not feel allowing the sale of cannabis represented the future of the community.

Trustee Ware stated he was not at the last meeting and viewed the tape of the meeting; stated he was listening to the residents; questioned the conditional use versus the permitted use as agreed upon by the Village Board at the workshop; stated he would support allowing the sale of cannabis in the Village.

Trustee Foltyniewicz spoke of proximity to schools and churches.

Director of Community Development Bill Heniff spoke about the permitted and conditional uses along Roosevelt Road and Butterfield Road.

Trustee Honig spoke about proximity to schools and churches.

Trustee Foltyniewicz spoke of the conditional use versus the permitted use districts.

Trustee Ware questioned the permitted use and conditional use on Roosevelt Road and Butterfield Road.

Trustee Puccio spoke about permitted and conditional use.

Trustee Whittington indicated he would be voting in favor of allowing the sale of cannabis in the Village.

**A motion was made by Trustee Bill Ware, seconded by Trustee Anthony Puccio, that this Ordinance relative to PC 19-19, an ordinance amending Title XV., Chapter 155 of the Lombard Village Code in regard to the Zoning Regulations Applicable to Cannabis Business Establishments 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, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Bill Ware

**Abstain:** 1 - Dan Militello

Enactment No: Ordinance 7728

## Other Ordinances on First Reading

## Ordinances on Second Reading

### C. [190394](#)

#### **BOT 19-01: Annexation Agreement - 600 W Pleasant Lane**

An Ordinance approving an annexation agreement. The annexation agreement provides for annexation to the Village of Lombard and a map amendment (rezoning) from the R0 Single-Family Residence District to

the R3 Attached Single-Family Residence District. Upon annexation, the petitioner intends to demolish the current structure and build five (5) buildings each with four (4) units for a total of twenty (20) townhomes. This matter requires a two-thirds (2/3rds) vote of the Corporate Authorities (5 of 7). (DISTRICT #1)

**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Andrew Honig, that the Ordinance relative to BOT 19-01, an Annexation Agreement for 600 W. Pleasant Lane be passed on second reading. The motion carried by the following vote:**

**Aye:** 7 - Keith Giagnorio, Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinance 7729

D. [190317](#)

**PC 19-07: Annexation, Map Amendment (Rezoning) and Approval of Major Plat of Subdivision - 600 W. Pleasant Lane**

A recommendation from the Plan Commission to approve:

1. An Ordinance annexing the subject property in to the Village of Lombard
2. An Ordinance approving a map amendment to rezone the property from the R-0 Single Family Residence District to the R-3 Attached Single Family Residence District
3. An Ordinance approving a Major Plat of Subdivision (DISTRICT #1)

**A motion was made by Trustee Dan Whittington, seconded by Trustee Dan Militello, that the Ordinance relative to PC 19-07, Annexation, Map Amendment (Rezoning) and Approval of a Major Plat of Subdivision for the property at 600 W. Pleasant Lane be passed on second reading. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinance 7732, 7731, 7730

E. [190397](#)

**An Ordinance Amending Title IX., Chapter 98 Of The Lombard Village Code In Regard To The Imposition Of A Municipal Cannabis Retailers' Occupation Tax**

Ordinance imposing a three percent (3%) Municipal Cannabis Retailers' Occupation Tax, effective January 1, 2020, on the sale of cannabis at retail, as directed by the Village Board at the cannabis workshop held on July 31, 2019.

**A motion was made by Trustee Anthony Puccio, seconded by Trustee Dan Whittington, that the Ordinance amending Title IX., Chapter 98 of the Lombard Village Code in regard to the imposition of a Municipal Cannabis Retailers' Occupation Tax be passed on second reading. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, and Bill Ware

**Abstain:** 1 - Dan Militello

Enactment No: Ordinance 7733

**Resolutions**

**Other Matters**

**X. Agenda Items for Discussion**

**XI. Executive Session**

**XII. Reconvene**

**XIII Adjournment**

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**A motion was made by Trustee Dan Militello, seconded by Trustee Reid Foltyniewicz, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, October 3, 2019 in the Board Room of the Lombard Village Hall be adjourned at 7:52 p.m. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware