

Village of Lombard

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



Meeting Minutes

Thursday, January 7, 2010

7:30 PM

Village Hall Board Room

Village Board of Trustees

Village President: William J. Mueller

Village Clerk: Brigitte O'Brien

*Trustees: Greg Gron, District One, Richard J. Tross, District Two,
Zachary Wilson, District Three, Dana Moreau, District Four, Laura Fitzpatrick, District
Five and Bill Ware, District Six*

I. Call to Order and Pledge of Allegiance

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The regular meeting of the President and Board of Trustees of the Village of Lombard was called to order by Village President William J. Mueller at 7:34 pm Thursday, January 7, 2010 in the Board Room of the Lombard Village Hall.

II. Roll Call

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Present: Village President William J. Mueller, Village Clerk Brigitte O'Brien, Trustee Greg Gron, Trustee Richard J. Tross, Trustee Zachary Wilson, Trustee Dana Moreau, Trustee Laura Fitzpatrick and Trustee Bill Ware

III. Public Hearings

None

IV. Public Participation

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090799

Swearing-in Ceremony - Probationary Patrol Officer Andrea Rider

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President Mueller called Chief of Police Ray Byrne to the front. Chief Byrne requested Probationary Patrol Officer Andrea Rider to come to the front. Chief Byrne gave a bio of Ms. Rider. Village Clerk Brigitte O'Brien issued the Oath of Officer to Probationary Patrol Officer Andrea Rider. Officer Rider thanked the Village. She stated she was excited to be a member of the Lombard Police Department, looking forward to her working for the Village and would do her best for the department. President Mueller asked if Ms. Rider wanted to introduce her family. Chief Byrne indicated her family was snowed-in in Wisconsin.

090798

Good Neighbor Award - Dominic Messina

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Village President Mueller called Fire Chief Ed Seagraves up to the front. Chief Seagraves requested Battalion Chief Mike Torrence and Chief of Police Ray Byrne to the front as well as Dominic Messina. Chief Seagraves spoke of the heroic actions that Dominic had performed on the night of October 19, 2009 when he attempted to help an occupant of a submerged car located in the pond behind the Champps' Americana Restaurant in Fountain Square where he worked. Without regard for his own safety, Mr. Messina dove into the freezing water in an attempt to rescue the occupant. Although rescue of the individual was not able to be accomplished, Dominic acted without regard for his own safety and well-being and was awarded the Good Neighbor Award. Dominic Messina introduced all of his family in the audience. He noted that night is still vivid in his mind. He stated he just reacted to the situation and his hope to help someone. He thanked the Village.

[090800](#)**Introduction - K9 Chico and Officer Greg Sohr**[Play Video](#)

Village President Mueller called Chief of Police Ray Byrne to the front. Chief Byrne requested Officer Greg Sohr and his partner K-9 Chico to the front. He spoke of Officer Sohr's 14 years of experience on the department in a wide range of assignments and duties.

Officer Sohr introduced K-9 Chico. He stated he was a 2-1/2 year old German Shepherd that came from Hungary. He spoke of the training that he and Chico had attended. He noted that Chico had already been on the street for a short period of time and that he was anxious to get to work. He thanked the Village Board for their continued support of this program.

Chief Byrne noted the K-9 Program is a great public relations tool as well as an asset to the Police Department and the community.

[090801](#)**Proclamation - Blood Donor Month**[Play Video](#)

Village Clerk O'Brien read the proclamation for National Blood Donor Month. President Mueller announced the Village's next Blood Drive would be held on Wednesday, January 13 between 1:30 and 7 pm at the Village Hall and to call Carol Bauer at 630-620-5712 to make an appointment. The proclamation was presented to Public Education Officer Jim Plunket.

Jim Plunket encouraged residents to become donors and spoke of the fact that he was celebrating his 24th anniversary of receiving 93 units of plasma and platelets and 13 pints of whole blood and that donating blood does save lives.

President Mueller thanked Executive Coordinator and Blood Drive Coordinator Carol Bauer for all of her hard work.

V. Approval of Minutes[Play Video](#)

It was moved by Trustee Fitzpatrick, seconded by Trustee Tross, to approve minutes of the Special Meeting of November 19, 2009 The motion carried by the following vote:

Aye: 6 - Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

It was moved by Trustee Gron, seconded by Trustee Ware, to approve minutes of Special Meeting of December 1, 2009 The motion carried by the following vote:

Aye: 6 - Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

It was moved by Trustee Wilson, seconded by Trustee Moreau, to approve minutes of Special Meeting of December 3, 2009 The motion carried by the following vote:

Aye: 6 - Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

It was moved by Trustee Ware, seconded by Trustee Wilson, to approve minutes of Regular Meeting of December 3, 2009 The motion carried by the following vote:

Aye: 6 - Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

[Play Video](#)

Trustee Laura Fitzpatrick, Chairperson of the Community Relations Committee, reported the committee had not met. The next meeting is scheduled for January 11.

Economic/Community Development Committee Trustee Bill Ware, Chairperson

[Play Video](#)

Trustee Bill Ware, Chairperson of the Economic & Community Development Committee, reported the committee had not met. The next meeting is scheduled for February 3.

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

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Trustee Dana Moreau, Chairperson of the Environmental Concerns Committee, reported the committee had not met. The next meeting is scheduled for January 26.

Finance Committee - Trustee Zachary Wilson, Chairperson

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Trustee Zach Wilson, Chairperson of the Finance Committee, reported the committee had not met. He stated that three committee members had attended the Budget Workshop session held on January 5. He noted that he had received a letter of resignation from David Wellehan who had served on the committee for thirty years. Mr. Wellehan hoped that he had contributed over the years. Trustee Wilson thanked Mr. Wellehan for his many years of service to the committee and the community. The next meeting is scheduled for January 19.

Public Works Committee - Trustee Greg Gron, Chairperson

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Trustee Greg Gron, Chairperson of the Public Works Committee, reported the committee met on December 8. He stated there were two items on the Consent Agenda and requested Board approval of items O and P. He stated the January 12 meeting is cancelled and that there will be a joint meeting of the Village Board and Public Works Committee held on January 28.

Transportation & Safety Committee - Trustee Dick Tross, Chairperson

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Trustee Dick Tross, Chairperson of the Transportation & Safety Committee, reported the committee had not met. The next meeting is scheduled for February 1.

Board of Local Improvements - Trustee Richard J. Tross, President

[Play Video](#)

Trustee Dick Tross, President of the Board of Local Improvements, reported the board had met on December 10. The next meeting is scheduled for January 14.

Community Promotion & Tourism - President William J. Mueller, Chairperson[Play Video](#)

President William Mueller, Chairperson of the Community Promotion & Tourism Committee, reported the committee met on December 17. He noted there were three items on the agenda for approval - a request from the Park District for funding for Lilac Time advertising; a request from the Friends of the DuPage for funding for the Sculpture Show; and a request from the International Lilac Society for funding for the National Convention to be held in Lombard in 2011.

Lombard Historical Commission - Clerk Brigitte O'Brien[Play Video](#)

Village Clerk Brigitte O'Brien, member of the Historical Commission, reported the commission had not met. The next meeting is scheduled for January 19.

US Census Complete Count Ad Hoc Committee-Trustee Laura Fitzpatrick, Chairperson[Play Video](#)

Trustee Laura Fitzpatrick, Chairperson of the Census Committee, reported the committee had not met. The next meeting is scheduled for January 26.

VII. Village Manager/Village Board Comments

President Mueller stated the community was fortunate to have so many dedicated residents who serve on the various boards, commissions and committees. He thanked the staff for their work and indicated the community was fortunate to have such committed employees. He stated the Village was also fortunate to have the expertise of legal counsel and Attorney Tom Bayer. He thanked Tom for his 20 years of service to the Village and for the important role that he plays in the Village of Lombard. President Mueller presented Tom Bayer with a clock for his 20 years of service. Tom Bayer thanked the Village for the gift and noted that in 27 years of practicing law, he had never received a gift. President Mueller spoke of the service received from the law firm of Klein, Thorpe and Jenkins where Tom is employed and the firm's attorney Pat Lucansky who served the Village before Tom.

VIII. Consent Agenda[Play Video](#)**Payroll/Accounts Payable**

- A. [090772](#) Approval of Village Payroll**
For the period ending November 21, 2009 in the amount of \$812,811.70.
- This Matter was approved on the Consent Agenda.**
- B. [090773](#) Approval of Accounts Payable**
For the period ending November 27, 2009 in the amount of \$1,173,836.38.

This Matter was approved on the Consent Agenda.

- C. [090779](#) **Approval of Accounts Payable**
For the period ending December 4, 2009 in the amount of \$325,081.55.

This Matter was approved on the Consent Agenda.

- D. [090789](#) **Approval of Village Payroll**
For the period ending December 5, 2009 in the amount of \$940,544.60.

This Matter was approved on the Consent Agenda.

- E. [090790](#) **Approval of Accounts Payable**
For the period ending December 11, 2009 in the amount of \$276,272.33.

This Matter was approved on the Consent Agenda.

- F. [090803](#) **Approval of Accounts Payable**
For the period ending December 18, 2009 in the amount of \$1,075,147.11.

This Matter was approved on the Consent Agenda.

- G. [090804](#) **Approval of Accounts Payable**
For the period ending December 16, 2009 in the amount of \$480,729.11.

This Matter was approved on the Consent Agenda.

- H. [090813](#) **Approval of Village Payroll**
For the period ending December 19, 2009 in the amount of \$819,778.75.

This Matter was approved on the Consent Agenda.

- I. [090814](#) **Approval of Accounts Payable**
For the period ending December 31, 2009 in the amount of \$886,464.28.

This Matter was approved on the Consent Agenda.

Ordinances on First Reading (Waiver of First Requested)

- J. [090770](#) **Liquor License Amendment - Bricks WoodFired Pizza & Cafe, 132 W. St. Charles Road**
Amending Title 11, Chapter 112 of the Alcoholic Liquor Code reflecting an increase in the Class C liquor license category granting a liquor license to Brix WoodFired Pizza

Incorporated. (DISTRICT #1)

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

Enactment No: Ordinance 6426

- K. [090771](#) **Amending Title 11, Chapter 112 of the Alcoholic Liquor Code**
Reflecting an increase in the Class H liquor licenses granting a liquor license to Walgreens #4780, 225 E. Roosevelt Road and Walgreens #9217, 309 W. St. Charles Road. (DISTRICTS #1 & #6)

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

Enactment No: Ordinance 6427

- L. [090795](#) **Amending Title 3, Chapter 37 of the Lombard Village Code**
Relating to the appointment of the Deputy Village Clerk as the Freedom of Information Officer for the Village of Lombard and amending the fees to be charged for copies requested pursuant to the Freedom of Information Act.

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

Enactment No: Ordinance 6428

Other Ordinances on First Reading

- M. [050656](#) **PC 05-41: 1301 North Lombard Road**
Granting a third time extension to Ordinance 5794, amended by Ordinances 5964 and 6122, for a 2-year time period relative to the O'Hare/DuPage Business Park Planned Development. (DISTRICT #1)

This Matter was passed on first reading on the Consent Agenda.

- N. [090791](#) **ZBA 09-11: 617 E. Berkshire Avenue**
Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:
1) A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6'). The ZBA recommended approval of this variation.
2) A variation from Section 155.205(A)(1)(e) of the Lombard Zoning Ordinance to allow a solid wood fence six feet (6') in height in the clear line of sight area. The ZBA recommended denial of this variation. (DISTRICT #4)

This Matter was passed on first reading on the Consent Agenda.

Ordinances on Second Reading

Resolutions

- O. [090762](#) **Westmore-Meyers Spiral Lining, Change Order No. 1**
Authorizing a decrease in the amount of \$16,746.48 to the contract with C.T.R. Systems, Incorporated. (DISTRICT #5)

This Matter was adopted on the Consent Agenda.

Enactment No: Resolution 56-10

- P. [090778](#) **SA 217B Final Balancing Change Order No. 3**
Authorizing a decrease in the amount of \$45,775.43 to the contract with ALamp Concrete Contractors, Incorporated. (DISTRICT #4)

This Matter was adopted on the Consent Agenda.

Enactment No: Resolution 57-10

Other Matters

- Q. [090805](#) **Olde Towne Lift Station Conduit**
Requesting for a waiver of bids and award of a contract to Okeh Electric Company in an amount not to exceed \$30,000.00. Public Act 85-1295 does not apply. (DISTRICT #1)

This Matter was approved on the Consent Agenda.

- R. [090806](#) **Olde Towne Lift Station Control Panel**
Request for a waiver of bids and award of a contract to The Flolo Corporation in an amount not to exceed of \$67,475.00. Public Act 85-1295 does not apply. (DISTRICT #1)

This Matter was approved on the Consent Agenda.

- S. [090807](#) **Olde Towne Lift Station Pump Replacement**
Request for a waiver of bids and award of a contract to ITT Flygt in an amount not to exceed \$34,796.94. Public Act 85-1295 does not apply. (DISTRICT #1)

This Matter was approved on the Consent Agenda.

- T. [090808](#) **Civic Center Reservoir Facility Transformer Replacement**
Request for a waiver of bids and award of a contract to The Flolo Corporation in an amount not to exceed \$28,669.00. Public Act 85-1295 does not apply. (DISTRICT #6)

This Matter was approved on the Consent Agenda.

- U. [090676](#) **Recycling Education Grant, Montini Catholic High School**
Request in the amount of \$2,500.00.

This Matter was approved on the Consent Agenda.

- V. [090723](#) **Grant Application For 2010 Lilac Time Advertising**
Request from the Lombard Park District for \$18,091.80 from Hotel/Motel funds for costs associated with the 2010 Lilac Time advertising. The Community Promotions & Tourism Committee recommended a grant in the amount of \$12,674.88.

This Matter was approved on the Consent Agenda.

- W. [090725](#) **Grant Application From Friends of the DuPage Theatre**
Request for \$3,000 from Hotel/Motel funds for costs associated with the DuPage Invitational Sculpture Show. The Community Promotions & Tourism Committee recommended a grant in the amount of \$3,000.

This Matter was approved on the Consent Agenda.

- X. [090759](#) **Permanent Easement Agreement**
For the property at 1165 S. Westmore/Meyers Road to construct and maintain public sidewalk. (DISTRICT #6)

This Matter was approved on the Consent Agenda.

- Y. [090782](#) **Grant Application From International Lilac Society, Inc.**
Request for \$1,000 from Hotel/Motel funds for start-up costs associated with the 2011 International Lilac Society Convention. The Community Promotions & Tourism Committee recommended a grant in the amount of \$1,000.

This Matter was approved on the Consent Agenda.

Passed The Consent Agenda

It was moved by Trustee Fitzpatrick, seconded by Trustee Gron, to approve the Consent Agenda. This approval includes suspension of the rules, waive first reading and pass on second reading, waive competitive bidding and award contracts, approve and adopt resolutions as needed for the preceding items as read by the Clerk on the Consent Agenda

The motion carried by the following vote:

Aye: 6 - Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)**Other Ordinances on First Reading****Ordinances on Second Reading****Resolutions****Other Matters****X. Agenda Items for Discussion****A. [090649](#) Video Gaming**

Review of recommendations from the various boards, committees and commissions and results of the on-line survey regarding video gaming.

[Play Video](#)

Village Manager Hulseberg requested Assistant to the Village Manager Mike Toth give a presentation and update to the Village Board regarding video gaming.

Assistant to the Village Manager Toth stated this item had been tabled at the October 15 Village Board meeting. He reviewed the information in the memo that had been distributed to the Village Board. He noted that the Village had sought input from the various boards, committees and commissions of the Village as well as residents through the on-line survey. He reported there was little support for or against video gaming. He noted that the on-line survey showed that 43% indicated they felt video gaming should be allowed in the Village and 52% supported banning video gaming. The recommendations from the various Village committees showed four committees supporting banning video gaming (Community Relations; Community Promotion & Tourism; Board of Fire and Police Commissioners; and Historical Commission); three committees supporting allowing video gaming (Zoning Board of Appeals; Board of Building Appeals; and Transportation & Safety); all of the remaining committees wanted additional information before making a recommendation.

Trustee Fitzpatrick expressed appreciation to the Village Board, staff, committee members and residents for their input. She noted the Village Board had just held a budget session and that the Village was looking at revenue sources. She reported the Village Board was having to look at services and cuts to programs and possible increased fees. She stated she is not for or against video gaming. She felt people enjoy gambling as a means of entertainment. She also noted that people can abuse things including gambling, alcohol, drugs or anything else, but that was a person's choice.

she felt the majority of residents did not want to see video gambling in Lombard and even if they supported video gambling, they did not want it allowed in the Village. Based on this, she indicated she was making a motion to have staff draft an ordinance banning video gambling in the Village of Lombard.

Trustee Wilson stated he agreed with Trustee Fitzpatrick, but after the budget workshop of the other evening and the discussion about increasing fees and cutting

services, he felt the Village Board should look at video gambling as a possible revenue source. He requested an amendment to the motion to ban video gambling until the rules are written. He felt the Village should be able to look at this again after the rules are established.

Trustee Tross stated he agreed with Trustee Fitzpatrick and with Trustee Wilson. He noted there was no consensus from the committees. He stressed his concern with banning something that is already illegal in the Village. He stated video gambling is not allowed in the Village of Lombard. He felt the Village would not take on licensing of video gambling until the rules were established. He stated the Village will not enforce this, that the State will enforce. He spoke about possible revenue to the Village. He spoke of the budget workshop and suggestions regarding decreases taxi services for seniors and raising vehicle sticker fees and felt this may be a way to not have to decrease services and increase fees. He stated he did not want a video machine in a bar until he saw how this would weave into the Village. He again stressed banning something that was already illegal. He stated he could not support the ban.

Trustee Gron stated he felt the Board was on the same page and was looking at this as a formality. He noted that in the last 8-9 years, 285,000 jobs had been lost in Illinois; unemployment was over 10% and in actuality was probably more in the 17-19% range. He stated Illinois has lost residents due to births, deaths and moving out of the state. He reported that Illinois has the second lowest credit rating and that there is only one state with a lower credit rating. He stated he would rather see ideas to bring people back to Illinois and bring jobs back. He stated he would not support as this was taking money out of the pockets of residents.

Trustee Ware stated Trustee Fitzpatrick's comments were good. He thanked the Village Board and staff for input. He stated he agreed with Trustee Tross. He stated he would oppose the ban and did not think the Village should get involved in this at this time.

Trustee Fitzpatrick asked Attorney Bayer for clarification.

Attorney Bayer stated the Statute currently allows raffles, bingo and casino licenses. He stated video gaming would be legal unless the community banned it, but there is no timetable at this point. He stated there was a recent push in Springfield during the Veto Session, but the Sunset Law did not pass. The Statute as written allows video gambling unless banned.

President Mueller reminded the Board of vendors at the Illinois Municipal Conference ready to come to Lombard and place video gambling machines. He felt the action taken by the Village Board will grant the Village control over video gambling. He spoke about the budget meeting and dollars and cents and did not feel it was right for the Village to allow something just because of dollars and cents. He stated communities that have gambling have seen reduced revenues. He felt there were no guarantees on revenue. He stated residents and business owners he spoke with were against video gambling. He reported he had calls from the owner of a bar and the owner of a bar/restaurant and both were against video gambling. He felt that whatever action the Village would take can be re-addressed at a later time. He urged the Village board to protect the residents of the community and questioned what video gambling would contribute to Lombard. He did not feel that it contributed to the quality of life in the Village.

Trustee Moreau felt the revenue was not sustainable. She questioned the benefit and how it will be regulated to make certain that a 14-year-old was not able to access video gambling machines. She spoke about people overspending. She referred to this as a slippery slope. She spoke about neighboring communities offering video gambling and the demand may not be there, She questioned additional police supervision.

Trustee Tross questioned Attorney Bayer with regard to the Village's options.

Attorney Bayer stated machines are illegal unless licensed by the State of Illinois so a machine in the Village would need to be licensed. Machines would not be allowed to pay out. He stated there are emergency rules, but there are many holes in the policy.

No licenses have been given out.

Trustee Tross stated video gambling is illegal and until the Village receives the final regulations and policies from the State, he did not think the Village needed to act. He felt there were bigger things in Springfield to help the economy.

President Mueller felt this was not a revenue source that was guaranteed.

Trustee Wilson indicated he could support the ban until the State establishes the final rules. He stated the seniors may take a hit with the budget. He felt it was still a revenue source pitted against cuts.

President Mueller stated anything the State can give, the State can also take away.

Trustee Moreau felt cuts would still need to be made and this would not directly affect seniors.

President Mueller noted there was a motion on the table and that Trustee Wilson had requested an amendment.

Trustee Fitzpatrick stated the Village Board can revisit this issue after the State establishes the rules. She did not feel the Village should be a guinea pig and felt other communities could test the waters. She stated she did not want to amend the motion, but to leave it as it was.

President Mueller stated the motion was to direct staff to prepare an ordinance banning video gaming in the Village.

Trustee Tross requested this not be placed on the Consent Agenda.

It was moved by Trustee Fitzpatrick, seconded by Trustee Moreau, that this matter be referred to staff to have ordinance drafted banning video gaming in the Village of Lombard. The motion carried by the following vote:

Aye: 4 - Mueller, Gron, Moreau and Fitzpatrick

Nay: 3 - Tross, Wilson and Ware

XI. Executive Session

[Play Video](#)

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, January 7, 2010 in the Board Room of the Lombard Village Hall was recessed to Executive Session at 8:33 pm for the purpose of discussion of setting the price for the sale of property owned by the Village; collective negotiating matters; and information regarding the appointment, employment, compensation, discipline, performance or dismissal of a specific employee or employees of the Village.

It was moved by Trustee Wilson, seconded by Trustee Tross, to recess to Executive Session. The motion carried by the following vote:

Aye: 6 - Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

XII. Reconvene

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, January 7, 2010 in the Board Room of the Lombard Village Hall was called to order by Village President William J. Mueller at 9:40 pm.

Present: Village President William J. Mueller, Village Clerk Brigitte O'Brien, Trustee Greg Gron, Trustee Richard J. Tross, Trustee Zachary Wilson, Trustee Dana Moreau, Trustee Laura Fitzpatrick and Trustee Bill Ware

XIII. Adjournment

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, January 7, 2010 in the Board Room of the Lombard Village Hall was adjourned at 9:41 pm.

It was moved by Trustee Moreau, seconded by Trustee Ware, adjourn to The motion carried by the following vote:

Aye: 6 - Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware