

Village of Lombard

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



Meeting Minutes

Thursday, February 18, 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 7:32 pm, Thursday, February 18, 2010 in the Board Room of the Lombard Village Hall. Village Clerk Brigitte O'Brien led the Pledge of Allegiance.

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

Staff Present:

Village Manager David Hulseberg

Director of Finance Tim Sexton

Director of Community Development Bill Heniff

Director of Public Works Carl Goldsmith

Chief of Police Ray Byrne

Fire Chief Ed Seagraves

Executive Coordinator Carol Bauer

III. Public Hearings

None

IV. Public Participation

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V. Approval of Minutes

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It was moved by Trustee Gron, seconded by Trustee Wilson, to approve minutes of the Special Meeting of January 21, 2010; minutes of the Special Meeting of January 28, 2010; minutes of the Special Meeting of February 4, 2010; and minutes of the Regular Meeting of February 4, 2010. 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

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Trustee Laura Fitzpatrick, Chairperson of the Community Relations Committee, reported the committee met on February 8. She stated that Joanne Mitrenga, the Executive Director of the Tri-Town YMCA, and Lee Lewis attended the meeting. She

indicated the committee had received a grant request and that they were looking at expanding the social services program in Lombard. She stated that she made no promise to them for funding. The committee suggested better fundraising efforts to assist. She stated \$71,000 was requested by the DuPage Senior Citizen Council and that the Village was able to provide \$30,000 which was a substantial gap for the Senior Citizen Meals on Wheels Program. She noted that the Village of Downers Grove had cancelled the program. The next meeting is scheduled for March 8.

Economic/Community Development Committee - Trustee Bill Ware, Chairperson

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

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 February 23.

Finance Committee - Trustee Zachary Wilson, Chairperson

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Trustee Zach Wilson, Chairperson of the Finance Committee, reported the Village Board and Finance Committee met on February 16 to review the proposed FY 2010-2011 Village of Lombard budget. At the meeting he introduced Dan Cord who will be appointed to the Finance Committee. He noted the next meeting is scheduled for March 2 and that the March 16 meeting will be cancelled.

Public Works Committee - Trustee Greg Gron, Chairperson

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Trustee Greg Gron, Chairperson of the Public Works Committee, reported the committee had not met. The next meeting is scheduled for March 9.

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. He noted that on the Consent Agenda were two items from the committee and he requested Village Board approval. The one item was a request for additional no parking on Oak Creek and Springer due to the semi-trucks having difficulty in maneuvering with cars parking along the street. The second item was a denial from the committee for a speed reduction on Foxworth and Valley. He felt it was an issue of perception and that the committee had insufficient data to warrant the request. He noted the area will continue to be monitored. He advised Village Board members that he will be bringing all denials from the committee to the Board so that the Trustee in that district is aware of the denials and the item does not die in committee without their knowledge. The next meeting is scheduled for March 1.

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

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Trustee Dick Tross, President of the Board of Local Improvements, reported the board met on February 11. The board approved a payout for SA 217B in the amount of \$5,635.04; a payout for SA 217 in the amount of \$468.49 for design engineering; and a

payout for SA 217B in the amount of \$11,982.75. The board also approved the Certificate of Final Cost and Completion for SA 217B. The Village Attorney will take this back to court. The bills have all been paid and the attorney will ask the court to close out the special assessment. He noted the project came in on-time and significantly under-budget. He indicated the recommendation will be to abate 25% of installment 12 plus all of installments 13, 14 and 15 to the residents. The next meeting is scheduled for March 11 and the board will review Special Assessment 217C. President Mueller noted the abatement was well over \$1 million. Trustee Tross noted that this may be about \$2,400 for each resident based on an \$800 installment and three installments being abated.

Community Promotion & Tourism - President William J. Mueller, Chairperson

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President William Mueller, Chairperson of the Community Promotion & Tourism Committee, reported the committee had not met.

Lombard Historical Commission - Clerk Brigitte O'Brien

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Village Clerk Brigitte O'Brien, member of the Historical Commission, reported the commission had not met. The next meeting is scheduled for April 20.

US Census Complete Count Ad Hoc Committee - Trustee Laura Fitzpatrick, Chairperson

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Trustee Laura Fitzpatrick, Chairperson of the US Census Complete Count AdHoc Committee, reported the committee had not met. The next meeting is March 23. She thought in April the committee would begin receiving census information. President Mueller encouraged all residents to take ten minutes and complete the census form and return it. He noted in these tough economic times, the Village wants to make certain that they receive their fair share of money from the federal and state governments. His thought "take ten". Trustee Fitzpatrick concurred. Trustee Tross added that the residents who had already paid off their special assessments, will be receiving a refund.

VII. Village Manager/Village Board Comments

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Village Manager David Hulseberg spoke regarding the DuPage Mayors and Managers Conference Legislative Action Program item that was on the agenda. He indicated that legislative initiatives will be posted on the Village's website so that residents can see what the Village and the DuPage Mayors and Managers Conference are working on. He spoke about the Springfield DriveDown. Village President William Mueller expressed congratulations to firefighters Adam Johnson and Juan Placencia. They were recognized by Elmhurst Hospital for their excellent response with a heart attack patient and their arrival at the hospital with the patient in less than 32 minutes.

VIII. Consent Agenda

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President Mueller requested that Consent Item I, a liquor license for RockinBurger,

1000 N. Rohlwing Road, be tabled until this can be further reviewed. He will bring this item back to the Village Board at a later time.

Payroll/Accounts Payable

- A. [100059](#) **Approval of Village Payroll**
For the period ending January 30, 2010 in the amount of \$856,740.94.
- This Matter was approved on the Consent Agenda.**
- B. [100060](#) **Approval of Accounts Payable**
For the period ending February 5, 2010 in the amount of \$173,922.29.
- This Matter was approved on the Consent Agenda.**
- C. [100070](#) **Approval of Accounts Payable**
For the period ending February 12, 2010 in the amount of \$381,751.59.
- This Matter was approved on the Consent Agenda.**

Ordinances on First Reading (Waiver of First Requested)

- D. [090025](#) **ZBA 03-27: 25 E. North Avenue**
Granting a further time extension of Ordinances 5423, 5605, 5809, 5995, 6147 and 6303 relative to further extending the time period in which to start construction for an additional twelve-month period. (DISTRICT #4)
- This Matter was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda.**
- Enactment No:** Ordinance 6443
- E. [100049](#) **Oak Creek East of Springer**
Staff recommendation to prohibit parking on the north side of Oak Creek Drive east of Springer. Committee requests a waiver of first. (DISTRICT #2)
- This Matter was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda.**
- Enactment No:** Ordinance 6444
- F. [100055](#) **Liquor License Amendment - Adobo Grill Yorktown, 356 Yorktown**
Amending Title 11, Chapter 112 of the Village Code reflecting a decrease in the Class A/B-III liquor license category due to the closure of Adobo Grill Yorktown. (DISTRICT #3)

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

Enactment No: Ordinance 6445

Other Ordinances on First Reading

- G. [080693](#) **PC 08-32: 215 and 220 S. Lincoln Street (St. John's Evangelical Lutheran Church & School/Creative Day Care)**
Granting a time extension of Ordinance 6306 extending the time period for construction of the conditional use for an additional 12 months. (DISTRICT #1)

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

- H. [100024](#) **Liquor License Amendment - Lombard Grill, 1300 S. Main St.**
Amending Title 11, Chapter 112 of the Alcoholic Liquor Code reducing the Class A/B-I liquor license category previously assigned to Lombard Grill, Inc. (DISTRICT #2)

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

Ordinances on Second Reading

- I. [100032](#) **Liquor License Amendment - RockinBurger, 1000 N. Rohlwing Road**
Amending Title 11, Chapter 112 of the Alcoholic Liquor Code reflecting an increase in the Class A/B-II liquor license category granting a liquor license to SBBL, LLC. (DISTRICT #1)

This item was tabled to a date uncertain.

Resolutions

- J. [100064](#) **Resolution for Three Cruise Nights Parking License Agreements**
Resolution authorizing signatures of the President and Village Clerk on three license agreements authorizing the Village use of parking lots at 118, 126 and 211 W. St. Charles Road for 2010 Cruise Nights parking. (DISTRICT #1)

This Matter was adopted on the Consent Agenda.

Enactment No: Resolution 64-10

- K. [100065](#) **Resolution for Cruise Nights Temporary Parking Restrictions**
Resolution temporarily limiting parking along St. Charles Road between Main Street and Lincoln Avenue and along Park Avenue between Orchard Terrace and Michael McGuire Drive for 2010 Cruise Nights. (DISTRICT #1)

This Matter was adopted on the Consent Agenda.

Enactment No: Resolution 65-10

- L. [100067](#) **Legislative Action Program**
Adopting the DuPage Mayors and Managers Legislative Action Program and Municipal Legislative Positions and Priorities for 2010.

This Matter was adopted on the Consent Agenda.

Enactment No: Resolution 66-10

- M. [100072](#) **725 W. Roosevelt Road - License Agreement**
Authorizing signatures of the Village President and Village Clerk on a License Agreement allowing Village entry signage to be placed on private property at 725 W. Roosevelt Road. (DISTRICT #2)

This Matter was adopted on the Consent Agenda.

Enactment No: Resolution 67-10

- N. [100073](#) **St. Charles LAPP, Local Agency Agreement**
Authorizing the Village President to sign an Agreement with the Illinois Department of Transportation. (DISTRICTS #1 & #4)

This Matter was adopted on the Consent Agenda.

Enactment No: Resolution 68-10

Other Matters

- O. [100068](#) **Purchase of Backhoe**
Request for a waiver of bids and award of a contract to West Side Tractor in the amount of \$59,986.00; and approving an ordinance authorizing the trade-in of Village Unit #WT472. Staff is requesting a waiver of first. Public Act 85-1295 does not apply.

This Matter was approved on the Consent Agenda.

Enactment No: Ordinance 6447

- P. [090637](#) **Foxworth and Valley**
Recommendation of the Transportation & Safety Committee to deny the request for a speed limit reduction. (DISTRICT #2)

This Matter was approved on the Consent Agenda.

- Q. [100071](#) **Lombard Park District Temporary Sign**
Request approval to place a temporary sign on Village-owned property located at the

southeast corner of Main Street and Wilson Avenue for purposes of promoting their Gold Medal Celebration. (DISTRICT #6)

This Matter was approved on the Consent Agenda.

Passed The Consent Agenda

It was moved by Trustee Fitzpatrick, seconded by Trustee Ware, 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

A. [100027](#)

ZBA 10-01: 41 S. 2nd 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 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to sixteen and eight-tenths feet (16.8').
2. A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three and ninety-five one-hundredths feet (3.95').
3. A variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to six feet (6'). (DISTRICT #6)

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Village Manager Hulseberg stated that this item had been placed on Separate Action as the Zoning Board of Appeals did not have a recommendation.

Director of Community Development Bill Heniff gave an overview of the request for the property located at 41 S. 2nd Avenue. He noted that in 2009, there was a fire in the home that caused damage in excess of 50% of the value of the home. He stated the exterior walls of the home were sound. The home is located at 2nd and Kenilworth. The petitioner is requesting to rebuild the home and to construct a second floor. He noted the site plan and documentation were contained in the packet. In addition, the petitioner is looking at removing a small attached office from the rear of the home which is located within one foot of the property line and will allow the home to have a six-foot setback off that property line. He stated the home was not a total loss and staff did recommend approval with conditions. He noted the petitioner was in the audience. Dustin Smith, 41 S. Second, petitioner for the property, spoke regarding the topography

of the land and the neighborhood. He stated he was a landscape architect and had researched and studied the water runoff of the property and the neighborhood. The house sits on the highest part of the property. If he was forced to tear down the house and reconstruct a new house on another part of the lot, this would cause him to have to regrade the lot and remove a substantial amount of the landscaping and mature trees that were reasons for purchasing this home. He noted that he was trying to keep the character of the house and improve the home and the neighborhood. He indicated he purchased the home in March of 2009. He was not aware of an electrical problem in the house until just prior to the fire. He noted the house was built in 1907 and the wiring was original to the home and over 100 years old. He commended the quick response of the Fire Department in keeping the damage to a minimum and was glad that no one was injured. He noted that more than 50% of the home had fire, smoke and water damage and that estimate was \$40,000-\$70,000 to repair. He stated the repairs are more than 50% of the value of the home. He was asking for the variances to allow him to rebuild the home on its present location with modifications. He spoke about the six mature trees and the 126 mature shrubs on the property along with perennial gardens. He also stated if he had to rebuild the home on another part of the lot, the garage would have to be torn down and rebuilt and the driveway relocated. He talked about the current issues with the home being located so close to the property line and that access to that part of the house is not able to be done due to proximity to the fence. He is proposing removing a small 6-foot section of the home and to build a second floor. This will allow access to all sides of the house. He noted it was less expensive to build a second floor and that the bedrooms would be located upstairs. He stated the foundation was in good condition and would be substantial enough to hold a second floor. He felt the home would blend into the neighborhood and would improve the neighborhood. The same character of the home will be maintained with the renovation. No trees would need to be removed using this plan. He stated he will abide by all building codes and this will be an improvement as the home will be six feet from the property line. He requested Village Board support of his petition. Joseph Gilles, 1045 E. Kenilworth, stated he is a neighbor to the west of the property owned by Dustin Smith and supported the petitioner's request. He indicated Dustin's home was one of the oldest in the neighborhood. He stated he had spoken to other neighbors and they all supported the request. He felt this would be an improvement to the neighborhood and to Lombard. He noted how Dustin had remove a large bush from the property that was causing a hazard. He requested the Village Board grant Dustin's request.

Trustee Fitzpatrick requested approval of the petition with a waiver of first reading.

Trustee Gron questioned the foundation.

Director Heniff indicated the foundation would support the second story. He stated the staff had made a cursory review and if modifications were needed, the petitioner was willing to do those modifications.

Trustee Tross questioned if this would have to come back for approval if a modification to the foundation was needed.

Director Heniff indicated it did not.

It was moved by Trustee Fitzpatrick, seconded by Trustee Wilson, that this matter be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

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

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

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The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, February 18, 2010 was recessed to Executive Session at 8:10 pm for the purpose of discussion of setting the price for the sale of property owned by the Village.

It was moved by Trustee Moreau, seconded by Trustee Ware, 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, February 18, 2010 in the Board Room of the Lombard Village Hall was called to order by Village President William J. Mueller at 8:32 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, February 18, 2010 in the Board Room of the Lombard Village Hall was adjourned at 8:33 pm.

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

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