

Village of Lombard

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



Meeting Agenda

Thursday, September 19, 2019

7:00 PM

Revised September 17, 2019

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

II. Roll Call

III. Public Hearings

[190345](#)

Public Hearing Butterfield Road Yorktown Business District No. 2

A public hearing in regard to the proposed imposition of a Business District Retailers' Occupation Tax and a Business District Service Occupation Tax within the boundaries of the Lombard Butterfield Road/Yorktown Business District No. 2. (DISTRICT #3)

[190393](#)

BOT 19-01: Public Hearing Annexation Agreement in regard to 600 W. Pleasant Lane

Pursuant to State Statute, the Village is required to hold a public hearing in regard to the proposed Annexation Agreement for the property in question.

IV. Public Participation

V. Approval of Minutes

Minutes of the Regular Meeting of September 5, 2019

VI. Committee Reports

Community Promotion & Tourism - Trustee Andrew Honig, Chairperson

Community Relations Committee - Trustee Dan Militello, Chairperson

Economic/Community Development Committee - Trustee Anthony Puccio, Chairperson

Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson

Public Safety & Transportation Committee - Trustee Dan Whittington, Chairperson

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

Board of Local Improvements - Trustee Bill Ware, President

Lombard Historic Preservation Commission - Village Clerk Sharon Kuderna

VII. Village Manager/Village Board/Village Clerk Comments

VIII. Consent Agenda

Payroll/Accounts Payable

- A. [190385](#) **Approval of Village Payroll**
For the period ending August 31, 2019 in the amount of \$848,023.56.
- B. [190386](#) **Approval of Accounts Payable**
For the period ending September 6, 2019 in the amount of \$401,394.29.
- C. [190395](#) **Approval of Accounts Payable**
For the period ending September 13, 2019 in the amount of \$2,815,340.16.

Ordinances on First Reading (Waiver of First Requested)

- D. [180330](#) **Butterfield Yorktown Business District No. 2 - Business District Tax Ordinance imposing a One Percent (1%) Business District Retailers' Occupation Tax and a one Percent (1%) Business District Service Occupation Tax within the Boundaries of Lombard's Butterfield Road/Yorktown Business District No. 2. Staff requests a waiver of first reading. (DISTRICT #3)**

Legislative History

7/23/18	Economic & Community Development Committee	approved by the committee
12/6/18	Village Board of Trustees	waived of first reading and passed on second reading with suspension of the rules
7/18/19	Village Board of Trustees	waived of first reading and passed on second reading with suspension of the rules
8/15/19	Village Board of Trustees	waived of first reading and passed on second reading with suspension of the rules

- E. [190387](#) **Ordinance Amending Title 5, Chapter 50, Section 50.100(D) of the Lombard Village Code in Regard to Sanitary Sewer Service Connection Charges**
Recommendation from staff to amend the Village Code to address the Sanitary Sewer Connection Fee structure which was inadvertently omitted in a 2013 amendment. Staff requests a waiver of first reading.

F. [190390](#) **Ordinance Amending Title IX, Chapter 92, Section 92.17 of the Lombard Village Code in Regard to Waste Collection and Disposal Fees**

Recommendation from staff to amend the Village Code to reflect residential refuse collection fee rate increases effective October 1, 2019, due to the State of Illinois gas tax increase, as authorized in the Solid Waste Contract. Staff requests a waiver of first reading.

F-2. [190368](#) **Butterfield-Yorktown Tax Increment Financing District - Ordinance Calling for a Public Hearing and Joint Review Board Meeting Relative to the First Amendment to the TIF Plan, to Correct a Scrivener's Error**

The next step in the formal TIF Plan amendment process is setting a public hearing and a Joint Review Board (JRB) meeting relative to the proposed First Amendment to the TIF Plan. The proposed JRB meeting is scheduled for October 15, 2019 at 3:00 p.m., while the Village Board public hearing is scheduled for the November 7, 2019 Village Board meeting (starting at 7:00 p.m.). Staff requests a waiver of first reading. (DISTRICT #3)

Legislative History

9/5/19 Village Board of Trustees waived of first reading and passed on second reading with suspension of the rules

F-3. [190399](#) **Temporary Event - Parking at the Former Northern Baptist Theological Seminary (NBTS) Site - Ordinance Granting Variations from Sections 110.47 and 110.45 of the Lombard Village Code**

A request from STL Trucking seeking a Temporary Event Permit for truck parking from September 20, 2019 to January 31, 2020 at the former Northern Baptist Theological Seminary (NBTS) site located at 610-690 E Butterfield Road. Associated with the request, the applicant is seeking a time extension for up to 133 consecutive days, where a maximum 3 day limit is permitted for such temporary events, as set forth within Section 110.47 of the Village Code of Ordinances. The applicant also seeks approval of an alternate fee structure for a temporary event, as set forth within Section 110.45 of the Village Code of Ordinances, to allow for the requisite fee to be assessed at a rate of \$50.00 per week in lieu of \$50.00 per day. Staff requests a waiver of first reading. (DISTRICT #3)

Other Ordinances on First Reading

Ordinances on Second ReadingG. [190300](#)**Six (6) Ordinances Amending Title 5, Chapter 50 of the Lombard Village Code in Regard to Water and Sewer Rates****1. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.114 OF THE LOMBARD VILLAGE CODE IN REGARD TO WATER RATES**

Effective January 1, 2020, this ordinance amends Section 50.114(A) to increase the variable water rate within Village limits by \$0.26 each year and outside the Village limits by \$0.39 each year, for the next five years (2020-2024). Section 50.114(B) amends the administrative service charge to \$5.05 per billing period for the next five years (2020-2024). Section 50.114(C) increases the non-residential cross-connection control program charge by \$0.15 each year for the next five years (2020-2024). Section 50.114(D) establishes a flat fixed capital fee of \$5.00 per billing period, effective January 1, 2020, and increases this fee by \$0.25 each year for the next four years (2021-2024).

2. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTIONS 50.106(B) AND 50.107 OF THE LOMBARD VILLAGE CODE IN REGARD TO WASTEWATER COLLECTION AND TREATMENT CHARGES

Effective January 1, 2020, this ordinance amends Section 50.106(B) to increase the wastewater collection and treatment variable charge, within Village limits \$0.14 each year and outside Village limits \$0.21 each year, for the next five (5) years (2020-2024). This ordinance also repeals Section 50.107 that established a minimum usage charge for sanitary sewer service.

3. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.113(A) OF THE LOMBARD VILLAGE CODE IN REGARD TO SANITARY SEWER SERVICE ONLY RATES

Effective January 1, 2020, this ordinance amends Section 50.113(A) to change the administrative service charge to \$5.05 per billing period. Effective January 1, 2020, this ordinance also establishes a flat fixed capital fee of \$5.00 per billing period and increases this fee by \$0.25 each year for the next four years (2021-2024).

4. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.110(A) OF THE LOMBARD VILLAGE CODE IN REGARD TO NON-VILLAGE METERED SEWER CHARGES

Effective January 1, 2020, this ordinance amends Section 50.110(A) to increase the daily variable charge for non-village metered residential sewer charges within the Village limits by \$0.03

and outside the Village limits by \$0.04 or \$0.05, each year for the next five years (2020-2024). This ordinance also increases the daily variable charge for non-village metered commercial sewer charges within the Village limits by \$0.17 or \$0.18 and outside the Village limits by \$0.26 or \$0.27, each year for the next five years (2020-2024).

5. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.103 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE BILLING PERIOD FOR SEWER SERVICE

Effective January 1, 2020, this ordinance amends the billing period for sewer service to monthly billing.

6. AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.117 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE BILLING FOR WATER SERVICE AND SANITARY SEWER SERVICE.

Effective January 1, 2020, this Ordinance amends the water service and sanitary sewer service billing period to monthly billing and provides that all bills shall be due and payable within twenty-one (21) days of the bill date.

The Finance and Administration Committee and the Public Works & Environmental Concerns Committee unanimously recommends these amendments.

Legislative History

8/14/19	Finance & Administration Committee	Recommended to the Board of Trustees with condition(s)
9/5/19	Village Board of Trustees	passed on first reading

Resolutions

H. [190382](#) **Central Pressure Adjusting Station, Change Order No. 7 (Semi-Final)**

Reflecting an increase to the contract with JJ Henderson & Son in the amount of \$22,865.10. (DISTRICT #4)

Legislative History

9/10/19	Public Works & Environmental Concerns	recommended to the Board of Trustees for approval
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Other Matters

I. [190388](#) **Request for Board Policy Variation - Backyard Drainage Grant**

Recommendation from the Public Works & Environmental Concerns Committee to approve a variation to Village Board Policy #4D, to allow a maximum reimbursement of \$7,200 for the residents of the 100 block of West Windsor and the 100 block of North Lincoln, due to the scope and cost of the proposed project. (DISTRICT #1)

Legislative History

9/10/19 Public Works & recommend to the Board of Trustees for
 Environmental Concerns Approval

- J. [190391](#) **Fire Pension Fund Municipal Compliance Report**
 Accept and file the Lombard Fire Pension Fund Municipal Compliance Report for the year ending December 31, 2018.
- K. [190392](#) **Police Pension Fund Municipal Compliance Report**
 Accept and file the Lombard Police Pension Fund Municipal Compliance Report for the year ending December 31, 2018.
- L. [190396](#) **Rejection of Proposals, Charles Lane Storm Water Station and Police Department Generators**
 Recommendation from staff to reject all proposals and authorize staff to negotiate with the pre-selected contractors. (DISTRICTS #1 & #6)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

- 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)

Legislative History

7/24/19	Zoning Board of Appeals	motion
8/15/19	Village Board of Trustees	continued
9/5/19	Village Board of Trustees	continued

- B. [190315](#) **PC 19-19: Text Amendments to the Zoning Ordinance: Cannabis**
 A recommendation from the Plan Commission to approve amendments to the following Sections of Village Code, and other relevant sections for clarity:
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(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 B3 Community Shopping District; (the Plan Commission recommends amending Section 155.415(C), so that it is a conditional use)
 5. Amend Section 155.416(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 B4 Corridor Commercial Shopping District; (the Plan Commission recommends amending Section 155.416(C), so that it is a conditional use)
 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 (the Plan Commission recommends prohibiting the use in the B5 Central Business District); also amend the opening language of Section 155.418 (B) of the Village Code to read “Permitted Uses: Excluding cannabis dispensing facilities, any use permitted in the B3 District shall be permitted in the B5 District and, in addition, the following uses shall be permitted in the B5 District ”(based on the Plan Commission's Recommendation in 4. above, this revision would not be needed if the recommendation is followed);
 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 (the Plan Commission recommends prohibiting the use 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)

Legislative History

7/31/19	Special Meeting Board of Trustees	discussed
8/29/19	Plan Commission	recommended to the Corporate Authorities for approval

C. [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.

D. [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)

E. [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)

Legislative History

8/19/19	Plan Commission	recommend to the Corporate Authorities for approval with conditions
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Ordinances on Second ReadingF. [190343](#)**Harding Road License Agreement**

An Ordinance approving a license agreement for the use of a portion of the Harding Road right-of-way west of IL Route 53 to accommodate the development of a charitable farm at 649 W. Harding Road serving returned Veterans. This matter requires a three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7).

Legislative History

9/5/19

Village Board of Trustees

passed on first reading

Resolutions**Other Matters****X. Agenda Items for Discussion****XI. Executive Session***To Discuss: Collective Negotiating Matters***XII. Reconvene****XIII. Adjournment**