

Village of Lombard

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



Meeting Agenda

Thursday, January 6, 2011

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; Keith Giagnorio, District Two;

Zachary Wilson, District Three; Peter Breen, District Four;

Laura Fitzpatrick, District Five; and Bill Ware, District Six

I. Call to Order and Pledge of Allegiance

II. Roll Call

III. Public Hearings

IV. Public Participation

[100685](#) Proclamation - National Blood Donor Month

Attachments: [procblooddrive2011.doc](#)

V. Approval of Minutes

VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Bill Ware, Chairperson

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

Finance Committee - Trustee Zachary Wilson, Chairperson

Public Works Committee - Trustee Greg Gron, Chairperson

Transportation & Safety Committee - Trustee Keith Giagnorio, Chairperson

Board of Local Improvements - Trustee Greg Gron, President

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

Lombard Historical Commission - Clerk Brigitte O'Brien

VII. Village Manager/Village Board Comments

VIII Consent Agenda

.

Payroll/Accounts Payable

- A. [100682](#) Approval of Accounts Payable
For the period ending December 17, 2010 in the amount of
\$1,049,774.61.

- B. [100693](#) Approval of Village Payroll
For the period ending December 18, 2010 in the amount of \$827,547.30.
- *C. [100695](#) Approval of Accounts Payable
For the period ending December 24, 2010 in the amount of \$920,226.23.

Ordinances on First Reading (Waiver of First Requested)

- D. [100687](#) Liquor License Amendment - Claim Jumper Restaurant, 92 Yorktown Amending Title 11, Chapter 112 of the Village Code reflecting a change of ownership in the Class A/B III liquor license classification. (DISTRICT #3)
- Attachments:** [Ord Corporation Change.doc](#)
[memo new corporation.doc](#)
[Agenda Form.doc](#)
[Ordinance 6562.pdf](#)
[100687.pdf](#)

Other Ordinances on First Reading

- E. [100661](#) ZBA 10-13: 320 S. Martha Court
Requests a variation to Section 155.407(F)(4) to reduce the rear yard setback from thirty-five feet (35') to twenty-three feet (23') to allow for the construction of an addition in the R2 Single Family Residential District. (DISTRICT #5)

Attachments: [apoletter 10-13.doc](#)
[Cover Sheet.doc](#)
[PUBLICNOTICE 10-13.doc](#)
[Referral Let.doc](#)
[Report 10-13_final.doc](#)
[100661.pdf](#)
[Ordinance 6567.pdf](#)

Barb Hansen, 337 S. Martha Ct., presented the petition. Ms. Hansen stated that she is the daughter of the property owner and is presenting the petition on behalf of her parents. She stated that her parents wish to tear down the existing deck in the rear of the house and construct a three-season room. She stated that the addition would face the Prairie Path. Ms. Hansen stated that they spoke with all of the neighbors and none of them had a problem with the addition. She then stated that her father has Parkinson's disease and needs a place to enjoy where he will not be bothered by bugs. She added that the interior of the home will also be remodeled to accommodate her father's condition. Lastly, Ms. Hansen stated that the addition will be smaller than the existing deck, which will increase the amount of open space on the property.

Marsha Huber, 337 S. Martha Ct. stated that she is also a daughter of the

property owners. She stated that the majority of the homes in the immediate area have also been updated. She added that her parents want to add an addition to stay in line with the neighborhood.

Chairperson DeFalco opened the meeting for public comment.

Chairperson DeFalco then requested the staff report.

Michael Toth, Planner I, presented the staff report. The existing residence on the subject property is setback thirty-five (35) feet from the rear property line. The petitioner is proposing to construct a twelve foot by fourteen foot (12'x14') (168 sq. ft.) one-story addition, which would subsequently reduce the rear yard setback to twenty-three (23) feet.

The property currently maintains sixty-three percent (63%) open space. The petitioner plans to remove the two hundred and forty (240) square foot wood deck on the northwest portion of the house and construct the one hundred and sixty-eight (168) square foot addition. As such, the amount of open space would actually be increased to sixty-four percent (64%).

In their response to standards, the petitioner cites irregular lot configuration as the reason for needing a variation. The minimum lot width in the R2 - Single Family District is sixty (60) feet with a minimum lot area of 7,500 square feet; however, the Zoning Ordinance does not require a minimum lot depth. According to the definition of 'lot width', the subject lot is approximately sixty (60) wide and is 8,136 square feet in area. As such, the lot width and area requirements are met. However, due to the trapezoidal configuration of the subject lot, the lot depth is substandard to the typical depth of a lot in the R2 - Single Family District. If the minimum area is 7,500 square feet and the lot width has to be a minimum of sixty (60) feet, this suggests that the minimum lot depth would need to be at least one hundred and twenty-five (125) feet ($7,500/60 = 125$). The subject lot is one hundred and seventeen (117) in depth (at its longest point); therefore, the lot could be considered substandard in depth, which reduces the buildable area of the lot.

The residence located on the subject property has a front setback of thirty (30) feet and a rear setback of thirty-five (35) feet. As such, the residence was built to the maximum buildable area relative to the front and rear yard requirements of lots in the R2 - Single Family District. Due to the trapezoidal configuration of the subject lot, the side yard setbacks are greater (16.75', 14.45', 10.85' & 6.08') than a typical lot in the R2 - Single Family District. However, the buildable area within the side yards is still not enough area to construct a three-season room. There is additional buildable area within the front yard; however, (for aesthetic reasons) staff does not recommend constructing a three-season room in the front of the residence.

The proposed addition would be constructed on the northern portion of the building in the rear portion of the property. The rear of subject property directly abuts the Illinois Prairie Path, which runs the entire length of the rear yard. As there are no abutting properties to the north, the proposed addition would have a minimal impact on the surrounding residential neighborhood.

In 2006, the Village Board approved a variation to reduce the rear yard setback to twenty-one feet (21') where thirty-five feet (35') is required to allow for the construction of an addition for the property located at 332 S. Martha (ZBA 06-09). 332 S. Martha is located two lots to the west of the subject property. At

the May 24, 2006 Zoning Board of Appeals meeting, the ZBA discussed the intent of the ordinance as it relates to the rear yard setback. The ZBA noted that the intent of the ordinance was to give a sense of openness in rear yards. The ZBA made a finding of fact that in the case of 332 S. Martha, the intent of the ordinance was met. The ZBA also noted that there have been two rear yard variations granted in the past because the properties backed up to Glenbard East. Moreover, the ZBA specifically stated that the properties located behind 332 S. Martha would be most impacted. Lastly, based upon the testimony of the petitioner, who stated that the rear yard of the property was lined with trees on their property, the ZBA stated that the addition will have very little impact on the neighboring properties because it would not be visible.

Staff believes that because the subject property abuts the Illinois Prairie Path, the proposed addition would not have a significant impact on the surrounding neighborhood.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-13, subject to the five conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Bartels stated that he belongs to the Illinois Prairie Path Association and does not like that staff disregarded the Illinois Prairie Path in the staff report.

Chairperson DeFalco stated that staff mentioned the Prairie Path as not being a residential property and that the addition would not affect any residential properties.

Mr. Bedard agreed with Chairperson DeFalco and stated that the staff report states that, aside from the two neighboring properties, there are no other residential properties that would be affected by the addition.

Mr. Tap asked if the addition would be a four-season room.

Ms. Hansen stated that it will be a three-season room as there will be no heat or air-conditioning.

Chairperson DeFalco read the five conditions associated with the case.

Chairperson DeFalco stated that the plat associated with the case was done in 1972. He then asked staff if the Village requires new plats for variations.

Mr. Toth stated that (due to cost) the Village does not require that the plat be current, but the Village does require that all improvements on the property are depicted on the plan and that the plat is accurately scaled.

Chairperson DeFalco then referred to a past ZBA case on Wilson Avenue where the plat was inaccurate, which caused issues with the case. He stated that it should be required of all petitioners to have an up-to-date plat of survey.

Mr. Bedard stated that condition #1 in the staff report should read something other than 'substantial'. He stated that the property should be developed in exact conformance with the submitted plans.

Requests a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to eleven and one half feet (11.5') to allow for the construction of an addition in the R2 Single Family Residential District. (DISTRICT #5)

Attachments: [100662.pdf](#)
[apoletter 10-14.doc](#)
[Cover Sheet.doc](#)
[DAH referral memo with waiver.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE 10-14.doc](#)
[Referral Let.doc](#)
[Report 10-14_final.doc](#)
[Ordinance 6563.pdf](#)

Robert Heilman, Airoom LLC, Lincolnwood, IL presented the petition. Mr. Heilman explained that he is the architect for the proposed addition. He then gave a brief overview of the proposed addition. Mr. Heilman stated that the principal structure on the property is non-conforming with respect to the corner side yard setback. He then stated that the location of the addition was selected (as proposed) due to the configuration of the home. He stated that the location of the kitchen window, concrete staircase and detached garage prevent the addition from being constructed on the east side of the house. Mr. Heilman stated that the space will be air conditioned so it would be a four-season room. He then stated that the addition will maintain the building line of the house and will maintain the original appearance of the home.

Chairperson DeFalco opened the meeting for public comment.

Chairperson DeFalco then requested the staff report.

Michael Toth, Planner I, presented the staff report. The subject residence is situated eleven and eighty-two hundredths feet (11.82') from the eastern property line along 2nd Ave, which is considered the corner side yard of the subject property. The petitioner wishes to maintain the current building line and construct a three-season room to the rear of the residence. As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed location at the southeast portion of the residence. The southwest portion of the residence contains a concrete staircase, which provides access to the basement of the house. Also, if the addition were to be constructed on the southwest portion of the home, it would block access to/from the detached garage that is located behind that portion of the home. Lastly, a sliding glass door is located two (2) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly in front of that door.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the existing residence and does not further encroach into the requisite corner side yard. The property at 117 S. Stewart received a variation in 2006 to reduce the corner side yard setback from twenty feet (20') to fourteen feet - eight inches (14'8") to allow for the construction of an addition (ZBA 06-26). More recently, the property located at

103 W. Collen received a variation to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of a three-season room (ZBA 10-07). ZBA 10-07 is similar in nature to the subject variation as the case involved a legal non-conforming corner sideyard setback with a hardship based upon the configuration of the home.

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-14, subject to the four conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Tap asked if the addition would be larger than the existing deck. Mr. Heilman stated that, for the most part, the addition will have the same size footprint as the deck.

Chairperson DeFalco asked if the addition would be fully heated. Mr. Heilman replied, yes.

Mrs. Newman asked about the height of the fence. More specifically, she asked if the fence was greater than the allowable four (4) feet in height (in the corner side yard), would they be able to replace it if they needed to remove it for construction.

Mr. Bartels stated that he visited the site and the fence is only four (4) feet in height.

Chairperson DeFalco gave an overview of the case and read the conditions of approval.

Mr. Bartels asked if the lot is considered to be larger than a typical lot. Mr. Toth stated that the minimum lot width in the R2 - Single Family District is sixty (60) feet and the minimum area is 7,500 square feet. He then stated that because the subject lot is seventy-six (76) feet wide and over 11,000 square feet, it is larger than the typical lot in the R2 - Single Family District. Mr. Toth added that there are a lot of lots in the Village that do not even meet the minimum requirement.

G. [100679](#)

PC 10-23: 660 Western Ave

Requests a Minor Plat of Resubdivision to include a variation from Section 155.420 (D) of the Zoning Ordinance to reduce the minimum lot area for the subject property in the I-Limited Industrial District from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. (DISTRICT #4)

Attachments: [APO Letter.doc](#)
[Cover Sheet.doc](#)
[PUBLIC NOTICE.doc](#)
[Referral Letter.doc](#)
[Report_final.doc](#)
[100679.pdf](#)
[Ordinance 6568.pdf](#)

Daniel McCormick, 5205 S. Washington, Downers Grove, IL presented the petition on behalf of his client who is the owner of the property. Mr. McCormick stated that he is requesting a variation to reduce the minimum lot area from 20,000 to 15,246 square feet. He added that the variation is being requested to make the existing lot a single lot of record. He stated that there are seven standards that need to be met in order to be considered for the variation. He believed they met all seven standards. Mr. McCormick then reviewed his response to the standard to variations. He then stated that of the 27 lots in the area only two lots were of the same size as his clients. He stated that his client is using the property as a warehouse to store his own records as well as other incidentals. He added that because his client just purchased the property that he didn't create the non-conforming situation. He stated that the prior owner used the property as a contractor's yard. He then stated that his client's use will be less intense than the prior use. Lastly, Mr. McCormick stated that the petition involves a warehouse that is privately used and asked that the Plan Commission to forward a positive recommendation.

Michael Toth, Planner I, presented the petition. The subject property is legally nonconforming with respect to lot area. The petitioner is requesting a variation from the Zoning Ordinance to reduce the minimum lot area from twenty thousand (20,000) square feet to fifteen thousand two hundred forty-six (15,246) square feet. The relief is requested in order to make the petitioner's existing lot a single lot of record.

The principal building located on the subject property was built in 1977. The petitioner acquired the property in 2010 to be utilized as a warehouse/storage/office use. The lot is currently a tax assessment division of two lots. As part of a 2,496 square foot addition to the existing principal building, Section 155.220(B)(2) of the Zoning Ordinance requires that any addition to a principal structure exceeding 350 square feet shall be on a lot of record.

Section 155.420 (D) of the Zoning Ordinance requires a minimum lot area of twenty thousand (20,000) square feet in the I - Limited Industrial District. The subject property has a lot width of fifteen thousand two hundred forty-six (15,246) square feet, which is 76% of the required lot area.

While the subject lot does not meet the minimum lot area requirement, it exceeds the amount of lot width required by Code. Lots in the I - Limited Industrial District are required to have a minimum width of eighty feet (80'). The subject property is one hundred and five (105) feet wide, which exceeds the required minimum lot width by twenty-five (25) feet.

Staff finds that the variation request to reduce the minimum lot area to fifteen thousand two hundred forty-six (15,246) square feet meets the Standards for Variations. There are unique physical limitations on the property in that, due to

the length of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lot immediately east of the petitioner's property is 14,660 square feet, so there would be no way for the lot to be brought into conformance by purchasing land from the east because that would only warrant another variation. The property to the west could not provide the amount of land required to bring the subject property into conformance as the business located on that property has an outdoor component of the business that is critical to its operation.

The requested relief is not needed due to the actions of anyone presently having an interest in the property. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff also notes that there are several lots in the immediate area that are less than the required twenty thousand (20,000) square feet in area. As such, staff is therefore supportive of the lot area variation request.

Staff also notes that the relief only pertains to the lot area. Any future development would be required to meet all of the underlying I - Limited Industrial District, including bulk regulations and lot area coverage.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Light Industrial for the subject property. As the site is already improved with an industrial use, the development is compatible with the Comprehensive Plan.

Compatibility with Surrounding Land Uses

The proposed use is compatible with the surrounding land uses. Properties to the east, west and south are zoned I - Limited Industrial and consist of industrial uses. The properties to the north are in the R2 - Single-family Residential District. The Union Pacific Railroad is located directly to the north of the subject property. As such, the railroad acts as a buffer between the subject property and the single-family residential residences to the north.

Compliance with the Subdivision and Development Ordinance

The petitioner has submitted a minor plat of resubdivision for the subject property that would make the property a single lot of record. If the lot area relief is granted, the request would meet the requirements of the Subdivision and Development Ordinance.

Concluding, Mr. Toth stated that staff finds that the variations meets the Standards to Variations and is recommending approval of PC 10-23, subject to the condition listing in the staff report.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners. The Commissioners had no comments.

H. [100681](#)

PC 10-24: Text Amendments to the Zoning Ordinance

The Village requests a text amendment to Section 155.205(A)(1) of the Lombard Zoning Ordinance (and other sections where needed for clarity) to prohibit chain link and privacy fences to be installed in the front yard of properties in single-family residential districts. (DISTRICTS

- ALL)

Attachments: [Cover Sheet.doc](#)
[DAH referral memo.doc](#)
[PUBLICNOTICE 10-24.doc](#)
[Referral Letter.doc](#)
[Report 10-24_final.doc](#)
[Ordinance 6569.pdf](#)
[100681.pdf](#)

Michael Toth, Planner I, presented the petition. The Planning Services Division was directed to review the fencing regulations within the Zoning Ordinance, more specifically fencing located in the front yard of residential properties. As a result of this review, staff is preparing text amendments that address fencing material allowed in the front yard. Mr. Toth stated that contrary to the title of the staff report, privacy fences will not be a part of this petition. Also, the text amendments will not only affect single-family residences, but fences in all residential districts.

With the exception of clear line of sight areas, the Zoning Ordinance allows fences, not exceeding four (4) feet in height, to be erected in the front yard of properties in residential districts. However, the Zoning Ordinance does not specify a required or prohibited material for fences in the front yard.

Based upon complaints received by the Village, specifically related to chain link fences in the front yard, staff has reviewed provisions of the Zoning Ordinance relative to the fencing materials allowed in the front yard. As a result, staff revisited aesthetic provisions currently existing within the Zoning Ordinance to determine whether or not chain link fencing is appropriate in the front yard.

Based upon direction from the Village Board, Plan Commission and Zoning Board of Appeals, staff implemented text amendments to the Zoning Ordinance relative to permissible corner side yard fencing materials in 2005 (PC 05-11). The Zoning Board of Appeals and Plan Commission both agreed that solid six-foot fences on reverse corner side yards were unacceptable due to the impact they would have on the front yard of neighboring properties. As such, staff was directed to compose provisions permitting decorative or ornate fencing (wrought iron or comparable materials), which incorporate a 75% open construction, in the corner side yard to a height of six (6) feet. The following provisions were a direct result of PC 05-11 (which still apply to this date):

Fences located in a corner side yard can be up to six (6) feet in height provided that the following conditions are met:

- a) The fence, in its entirety, must consist of decorative materials such as wrought iron or comparable material (chain link fences are specifically excluded);*
- b) The fence, in its entirety, must be a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension.*

As demonstrated in the aforementioned corner side yard fence provisions, the Village does have a history of amending its Zoning Ordinance to address fence design aesthetics on residential properties relative to fencing. The Zoning Ordinance establishes aesthetic guidelines for fences in the corner side yard by

only allowing fences constructed of a decorative material to exceed the maximum four (4) height restriction. Staff believes that fences located in the front yard of residential properties should also be more restrictive relative to the types of permissible fencing materials as such fences are visible to the public right-of-way. As previously mentioned, the Zoning Ordinance does not specify required materials for fences in the front yard of properties in residential districts. Similar to the aforementioned corner side yard provisions, staff believes that chain link fences should be specifically excluded as a permissible fencing material in the front yard to avoid a potential negative visual impact imposed by such fences.

At this time, staff is only proposing amendments to chain link fencing. The Village has not had any recent complaints relative to other fencing materials in the front yard. Understandably, this could be attributed to the fact that property owners do not wish to construct fences in their own front yard that would be considered to be unappealing. Should complaints arise in the future; staff will revisit the issue at such time.

Concluding, Mr. Toth stated that staff finds that the proposed text amendments meet the Standards for Text Amendments and is recommending approval.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. There was no one to speak in favor or against the petition.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that he agrees with staff on the aesthetic reasoning for not wanting chain link fences in the front yard. He then asked staff how many chain link fences exist in the front yard.

Mr. Toth stated that he does not know an approximate number, but they have had a couple of recent complaints on the issue. Mr. Toth then named a property in the vicinity of Route 53 and St. Charles Road that comes to mind. He added that you don't see a lot of chain link fences in front yards. He then stated that, as someone who reviews fence permits, they are few-and-far-between.

Commissioner Olbrysh cited a property on Westmore-Meyers that has a wrought iron fence. He then asked if wrought iron would still be permissible. Mr. Toth replied, yes.

Commissioner Sweetser asked if anyone, who currently has an existing chain link fence in the front yard, would have to come into compliance. Mr. Toth stated that they would be considered legal non-conforming and would only need to come into Code compliance if the fence is being replaced.

Chairperson Ryan asked about fence repairs. Mr. Toth stated anything twenty-five percent (or less) would be considered a repair and not replacement.

- I. [100683](#) Alley Vacation and Granting of Public Utility Easement - Main/Graham/Wilson (3/4 Vote of the Trustees Required - 5 of 6) Vacating a portion of the unnamed public alley west of Main Street between Graham and Wilson Avenues and granting a Public Utility Easement. (DISTRICT #2)
Attachments: [DAH Memo Wilson Graham Alley Vacation.doc](#)
[Submit.doc](#)
[100683.pdf](#)
[Ordinance 6570.pdf](#)
- J. [100684](#) Village Board Policy Manual
Approving an updated Village Board Policy Manual.
Attachments: [BOT Memo January 20 Meeting.doc](#)
[FINAL TABLE OF CONTENTS.doc](#)
[Ordinance 6574.pdf](#)

Ordinances on Second Reading

- K. [100674](#) Declaration of Surplus Property
Declaring unused water meters as surplus property and authorizing their sale to Global Meters of Texas.
Attachments: [100674.pdf](#)
[Ordinance 6564.pdf](#)

Resolutions

Other Matters

- L. [100691](#) Water and Sewer Pump Station Arc Flash Project
Request for a waiver of bids and award of a contract to Littlefuse, Inc. in an amount not to exceed \$29,773.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)
Attachments: [100691.pdf](#)
[Contract PWU-1121.pdf](#)
- M. [100692](#) Water Meters & Accessories
Request for a waiver of bids and award of a contract to HD Supply Waterworks for water meters and accessories in an amount not to exceed \$22,400.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)
Attachments: [100692.pdf](#)
- N. [100694](#) Water Meter Reading Services
Request for a waiver of bids and extension of the contract to Rickman Contract Service, Inc. in an amount not to exceed \$57,150.00 for water

meter reading services. Public Act 85-1295 does not apply.
(DISTRICTS - ALL)

Attachments: [100694.pdf](#)

O. [100676](#)

Street Lighting Policy

Recommendation of the Public Works Committee to add Light Emitting Diode (LED) technology to the current Village Board Policy.

Attachments: [Master Village Standard Lighting new rev 120110.doc](#)
[100676.pdf](#)

Dratnol: this an update of the Village Lighting Policy that includes the LED lights. Kaforski: Item D - is that new? Dratnol: no that is the current policy. Explained why the provision is in the policy. Gron: Item II (A) - questioned the removal of the ComEd lights once new street lighting is put in. (Meadow and West Rd. and Windsor and West Rd. there are still a ComEd lights) Discussion ensued regarding Page 5, Equipment/Concrete Poles. Gron: asked Dratnol to check on the warranty provision. Gron: why do we need samples if they are going to all be black? Dratnol: there are different shades which is why we are requiring color samples to be submitted. Further discussion ensued regarding cables and electrical.

*P. [100677](#)

Appointment - Community Relations Committee

Request for concurrence in the appointment of Michael Ledonne to the Community Relations Committee to fill a vacancy created by the resignation of Barbara Jo Johnson.

Attachments: [appointmentmemocomrelations01162010.doc](#)
[submitcomrelations01162010.doc](#)
[100677.pdf](#)
[100677.pdf](#)

*Q. [100686](#)

Re-appointments - Historical Commission

Request for concurrence in the re-appointment of Tom Feters, Eileen Mueller, Rita Schneider, Jack Jones, Marcy Novak and Tami Urish to the Historical Commission for four-year terms.

Attachments: [appoinatmentshistorical2011.doc](#)
[submithistoricalappts2011.DOC](#)
[100686.pdf](#)
[100686.pdf](#)

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

*A. [100678](#)

Term Limitations

Resolution providing for a term limitation for elected officials to be placed on the April 5, 2011 ballot.

Attachments: [100678.pdf](#)

[100678.pdf](#)

[R 57-11.pdf](#)

[Certification for R 57-11.pdf](#)

Village Manager David Hulseberg reported that Trustee Ware had requested this item be added to the agenda for discussion. He stated that a list of questions had been prepared to help guide the Board and staff.

Trustee Ware indicated that he had spoken to President Mueller regarding this matter and that since the Village is not home-rule, this question would need to be placed on the ballot as a referendum. He felt serving the residents was an honor and a privilege and felt that others should also have the opportunity to serve the community. He felt there were pros and cons to limiting the terms of office. He stated he had given this a lot of thought and after considering everything, he felt that since we are a government of the people, that the people should be allowed to decide. He felt that setting limits on terms was a good idea. He felt that the president, clerk and trustees should have a limit of three consecutive terms. If a trustee lost an election or chose not to run for re-election and came back at a later time, he would have three terms he or she could serve. An elected official could serve three terms in different positions, such as three terms as trustee and three terms as president or clerk. He wanted to see more people get involved.

Trustee Wilson indicated he supported the term limits and felt it should be limited to two terms and that someone should not be on the Board for life.

Trustee Moreau inquired as to what problem Trustee Ware was trying to solve. She felt in reviewing the data provided by staff, only three people had served more than three terms since 1981 - President Mueller, Clerk Gerhardt and Trustee Tross. Everyone else who served only served one or two terms. She felt there was no need to set a limit on terms. She spoke of people running uncontested and also of no one running if the person had already served three terms and was not then eligible to run if this term limitation is passed. She spoke of finding qualified people to run. She felt this was dangerous.

Trustee Gron stated he agreed with Trustee Moreau. He felt if an elected official was not doing a good job, they would hear about it. He felt residents should decide. He referred to Trustee Giagnorio being appointed to fill out the term of Trustee Tross. Other residents indicated they would run for Trustee of District #2, but at this time not one resident in District #2 has come forward, so Trustee Giagnorio is now running unopposed. He felt the pool of people should

not be diluted. He spoke of contests with one another for good government and the ability to have people run for office.

Trustee Fitzpatrick felt it was the decision of the people to make the decision. She stated that the Village of Downers Grove had just passed a limit of three terms for elected officials. She stated she was in favor of having term limits. Trustee Giagnorio stated he applauded Trustee Ware for this. He indicated he had thought about this long and hard. He spoke about Village government running into roadblocks and having locks in certain positions. He talked about someone wanting to run for election and being faced with running against a "click" or "group in power" and felt that groups can hold the reins. He also spoke about losing history and experience when a long-term official leaves. He did like opening up the positions to others and felt this was a good idea.

Trustee Moreau stated she did not see this as a problem in Lombard. She stated with the exception of three people since 1981, no one had served more than two terms. She did not feel asking the residents would change what it is. She felt it was more important to put a cap on campaign dollars and spoke of people running for positions that have a lot more money than someone else may have and spending \$10,000 on a campaign. She felt it was unclear as to what the problem was if there was one.

Trustee Ware indicated he did not think there was necessarily a problem. He stated he was trying to make a better government and trying to get more people involved. He spoke of more people on the boards and people on committees. He felt the more people, the more ideas. He spoke of this question going on a referendum and giving the vote back to the people. He suggested letting the people decide if there should be term limits.

President Mueller stated that generally people appointed to committees are friends of the elected officials. He spoke of a vacancy on the Economic and Community Development Committee and that he had provided Trustee Ware three or four names of residents who had not served on a board previously for his consideration to fill the vacancy. He stated that Trustee Ware appointed a friend of his to fill the vacancy. He felt this was not opening up government to new people. He spoke about the freedom of speech and the need for government to be open. He indicated this is why there is public participation at each Board meeting. He noted the Village needs to continue to be open and emphasized the right to vote. He felt having term limits was taking away from people's rights and limits do not always bring forth candidates. He spoke of running for office and having experience based on time in office. He referred to press releases asking for residents of District #2 who were interested in the appointment to fill the vacancy created by the passing of Trustee Tross to complete an application. He advised that he received 8 or 9 applications. Six residents were interviewed. The Village Board reviewed the applications and selected Keith Giagnorio. He stated three of the residents voiced their intention to run come election time and to date not one of them has come forward. He felt the appointment was an easy way to get on the Board and when it comes down to it, people may not want to go through the work involved in running for office. He spoke of open government. He questioned the cost of the referendum. He asked about terms of office for boards and commissions members.

Trustee Ware indicated term limitations were for the president, clerk and trustees.

President Mueller asked why not include boards and commissions.

Trustee Ware felt this was a separate question.

President Mueller stated that if the Board wanted to be open, he did not recommend putting this question on the upcoming election as that election only covers three trustee positions and does not bring out the majority of residents as an election that includes the election of the president and clerk would. He felt this would not give a true reading of the residents. He felt if the Board wanted

the true voice of the people, this matter should be placed on the following election that way everyone in the Village could come out and vote.

Trustee Moreau felt the Village had given the opportunity to more residents to serve when they increased the number of members on committees from 6 to 8. She referred to the statistics provided by staff and did not see the issue. She felt people can impose their own term limitations. She did not feel this would inspire more people to run for office.

President Mueller felt staff had done a great job. He stated he wanted to reinforce his concerns and the concerns of Trustee Moreau regarding term limitations. He felt term limitations when there was no problem, could create a problem.

Trustee Wilson questioned how many incumbents had lost elections. He felt President Mueller had taken a cheap shot at Trustee Ware regarding appointments. He questioned the reference to unqualified people. He felt that the residents voting for the three trustee positions would be indicative of the residents of the Village. He suggested placing the question of the referendum on the ballot.

President Mueller stated his comment to Trustee Ware was not a cheap shot, but the truth and he wanted residents to know this. He talked about transparency in government.

Trustee Wilson felt the incumbent has the edge in an election. He spoke of the qualifications for someone to run including citizenship, age and residency. He felt the residents voting in the upcoming election would be indicative of the remaining population of the Village. He was absolutely in favor of term limitations and putting this on the ballot. He felt this would bring more people to run.

Trustee Moreau spoke about incumbents and running for election.

Trustee Ware made a motion directing staff to move forward and draft the necessary ordinance to be voted on at the January Board meeting to go on the April ballot. He asked for a three term limit.

Village Attorney Bayer asked the Board to review the questions and provide answers so that he could draft the ordinance. He spoke about being pro-active. He asked if this would become effective with the election in April 2011.

Trustee Fitzpatrick questioned if this included the current Board and the terms served so far.

Trustee Bayer indicated that for those running for re-election in April, it would be that term plus two additional terms. He spoke of being more defensible.

Trustee Moreau inquired about the Board members currently on the Board.

Attorney Bayer stated this effects terms that start after the referendum and not terms prior. He indicated the Board can say including terms already served, but felt this muddies up the waters. He spoke of Board members who had already served terms and term limits. He noted it would be more defensible if this became effective after the April election and moving forward.

President Mueller spoke on the figures that staff had put together and indicated he still had a hard time understanding where the Board was going with this. He spoke of former Trustee Dick Tross and his 20 years of service to the Village and residents.

Trustee Gron questioned paragraph two and counsel.

Attorney Bayer indicated there are two ways to have something placed on the ballot. The Village Board can adopt a resolution calling for the item to be placed on the agenda or by petition from the residents with 10% of the registered voters' signatures.

Trustee Giagnorio stated he did not want to wait until the election in 2013 and noted that the April election will include Park Board and Library Board elections and felt residents will come out to vote for those people.

President Mueller stated this was a Village matter and felt more residents come

out when it is time to vote for president and clerk. He did not feel it was fair to have this question on the 2011 ballot as less residents will come out then. He felt the opportunity to get the most residents' opinions, was to have the question on the 2013 ballot. He stated the last election, only 12% of the residents came out to vote. He felt this may not give much value to the question.

Trustee Ware stated that he first became involved in the Village when Dick Tross asked him to serve on the Finance Committee. He stated this is not because Dick Tross served so many years or because Bill Mueller sat on the Board for so long, but felt it was important for good government as a whole. He felt Dick Tross did a fabulous job.

Attorney Bayer asked for clarification.

Trustee Ware stated to have the term limitations as of the April 2011 election.

Attorney Bayer asked for confirmation on creating an ordinance for the terms of president, clerk and trustees with a three term limit, becoming effective with the April 2011 election and there after and with full terms only counting in the three terms.

Trustee Ware indicated this was correct.

Other Matters

- *B. [100699](#) Purchase on Weekly Accounts Payable for December 24, 2010
Request to approve a purchase in the amount of \$326.00 to Giagnorio's
Pizza.

Attachments: [100699.pdf](#)

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

.