

# **Village of Lombard**

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



## **Minutes**

**Thursday, December 5, 2019**

**7:00 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President Keith Giagnorio*

*Village Clerk Sharon Kuderna*

*Trustees: Dan Whittington, District One; Anthony Puccio District Two;  
Reid Foltyniewicz, District Three; Andrew Honig, District Four;  
Dan Militello, District Five; and Bill Ware, District Six*

## I. Call to Order and Pledge of Allegiance

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, December 5, 2019 in the Board Room of the Lombard Village Hall was called to order at 7:00 p.m. by Village President Keith Giagnorio. Director of Public Works Carl Goldsmith led the Pledge of Allegiance.

## II. Roll Call

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

### Staff Present:

Village Manager Scott Niehaus

Director of Finance Tim Sexton

Assistant Director of Community Development Jennifer Ganser

Director of Public Works Carl Goldsmith

Chief of Police Roy Newton

Fire Chief Richard Sander

Assistant Village Manager Nicole Aranas

Executive Coordinator Carol Bauer

## III. Public Hearings

## IV. Public Participation

Tracy Gzamduramis noted she was a resident of the Village for fourteen years and was reaching out to the village Board relative to the sale of puppies that are coming from puppy mills. She noted that a new puppy store had just opened up in unincorporated Lombard, and the Village already had two puppy stores in town. She stated that the Village did not need to have Home Rule to pass legislation relative to puppy stores and stated that other communities had legislation such as Lisle and Crest Hill. She felt the puppy stores should help find homes for rescued dogs and puppies.

Trustee Anthony Puccio, Chairperson of the Economic & Community Development Committee, noted that this matter will be referred to ECDC for review and that the residents in the audience would be notified of the date of this meeting when this matter is reviewed.

Village Manager Scott Niehaus noted that staff will gather information relative to this matter and as noted, the topic will be reviewed by the ECDC at a future meeting.

Betsy Swinson stated she was a 48 year resident of the Village and wanted to voice her opinion against the Village allowing the sale of cannabis in the community. She questioned the financial aspect of selling cannabis; knew that people can go to other communities to purchase cannabis; felt the use of one drug would lead to the use of other drugs by individuals.

President Giagnoro indicated ECDC will review the sale of puppies and possible legislation.

Village Manager Scott Niehaus noted that staff would not have sufficient time to review and gather information on the matter of the sale of puppies for the December meeting, but assumed the matter could be reviewed in January.

#### [190470](#)

#### **Presentation - Don Ryan**

Director of Community Development Bill Heniff provided a Power Point presentation relative to the accomplishments that had occurred during the time that Don Ryan served the Village as a member and Chairperson of the Plan Commission from 1991 to 2019.

President Keith Giagnorio thanked Don for his 28 years of service.

Don Ryan noted how he loved serving the community and being on the Plan Commission, but due to the fact that he will be out of state for several months during the winter, he did not feel it was fair to the other Plan Commission members or the Village and has opted to retire from the Plan Commission.

### **V. Approval of Minutes**

**A motion was made by Trustee Anthony Puccio, seconded by Trustee Dan Whittington, that the minutes of the regular meeting of November 21, 2019 be approved. The motion carried by the following vote:**

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

### **VI. Committee Reports**

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

No report

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

Trustee Dan Militello, Chairperson of the Community Relations Committee, reported that the committee had reviewed the proposal to

authorize the expenditure of \$15,000-\$20,000 for participation in the National Citizen Survey. The recommendation from the committee is not to proceed at this time.

Village Manager Scott Niehaus indicated this matter will be reviewed again at the Strategic Planning session with the Village Board.

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

No report

**No Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson  
report**

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

No report

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

No report

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

No report

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

No report

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

Village Clerk Sharon Kuderna read the following announcements: Saturday, December 7 residents are invited to attend the Jingle Bell Jubilee at Lilacia Park and downtown Lombard from 5 - 8:30 pm., with the lighting of Lilacia Park at 5:30 p.m. Enjoy music and treats from Historical Society, the Helen Plum Library, the Maple Street Chapel, Calvary Episcopal Church, and Lombard Bible Church. For more information visit [facebook.com/jinglebelljubilee](https://www.facebook.com/jinglebelljubilee). Kick off the holiday season with free train rides, live music, holiday performances, sing-alongs, and more, in downtown Lombard.

The Lombard Fire Department Toy Drive is collecting donations of new, unwrapped toys or baby supplies, at fire stations (50 E. St. Charles Road and 2020 S. Highland Avenue), Village Hall, Schroeder's Ace Hardware, Clark Orthodontics, Sunset Knolls Recreation Center, and the Madison Meadows Athletic Center.

Join the Fire Department for the Toy Parade, on Saturday, Dec. 14th. The parade will begin at 10:30 a.m., at St. Charles and Main Street, traveling south on Main Street - ending at Glenbard East. Donations will be collected along the parade route and will benefit local families who are in need this holiday season making their holiday a little bit brighter. Next week is the last week for the Village's Free Leaf Pick-up, and yard waste pick up for the season. Residents can place an unlimited number of paper bags full of leaves out for pick-up on their regular trash pick-up day at no cost. The free leaf pick-up does not include brush collection. Visit [villageoflombard.org/yardwaste](http://villageoflombard.org/yardwaste) for additional information.

## VIII Consent Agenda

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### Payroll/Accounts Payable

- A. [190469](#)      **Approval of Accounts Payable**  
For the period ending November 22, 2019 in the amount of \$635,597.24.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [190475](#)      **Approval of Village Payroll**  
For the period ending November 23, 2019 in the amount of \$823,104.31.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [190476](#)      **Approval of Accounts Payable**  
For the period ending November 29, 2019 in the amount of \$1,153,052.45.  
This Payroll/Accounts Payable was approved on the Consent Agenda

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

- D. [190279](#)      **Proposed First Amendment to the Butterfield Road/Yorktown Business District No. 2 Plan and a Boundary Amendment - Ordinance Providing for a Public Hearing in Regard to a Boundary Amendment to the Butterfield Road/Yorktown Business District No. 2 and a First Amendment to the Business District Plan in Relation Thereto**

Ordinance setting a Public Hearing Date of January 9, 2020 to consider the approval of a Boundary Amendment to the Butterfield Road/Yorktown Business District No. 2, and the approval of a First Amendment to the Business District Plan in relation thereto. The proposed amendment would remove the property at 435 E. Butterfield Road and Gilmore Lane from the previously established Business District. (DISTRICT #3)

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

Enactment No: Ordinance 7757 (Other Ordinance previously approved: 7703)

E. [190368](#)

**Butterfield-Yorktown Tax Increment Financing District - First Amendment to TIF Plan and correction of Scrivener's Error within the Legal Description**

An ordinance approving the correction of a scrivener's error within the legal description of the previously approved Butterfield-Yorktown Tax Increment Financing (TIF) District, and approving a First Amendment to the TIF Plan in relation thereto. (DISTRICT #3)

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

Enactment No: Ordinance 7758 (Other Ordinances previously approved: 7716, 7705)

F. [190460](#)

**PC 19-24, Lilac Station 101-109 S. Main Street**

A recommendation from the Plan Commission to approve the following actions on the subject property, located within the B5PD Central Business District Planned Development:

1. Amend Ordinance 7704 and approve a Major Change to a Planned Development, pursuant to Section 155.504(A)(4) of the Lombard Village Code, to provide for the previously approved southern commercial building to change its physical location by more than ten feet. The petition also includes the following companion and amended variances to landscaping/fencing requirements, as set forth more fully within the submitted development plans:
  - a. A zoning variation from Section 155.205(A)(2)(f)(iii) of the Village Code for a fence or wall in the B5 District exceeding six feet (6") in height;
  - b. A zoning variation from Section 155.418(K), Section 155.508(C)(6)(b), Section 155.707(B)(3), Section 155.707(A)(3), and Section 155.709(B) of the Village Code to allow for the elimination of the transitional landscape yard improvements (on the east side), including fencing, and perimeter lot landscaping;
  - c. A zoning variation from Section 155.706 of the Village Code to eliminate the interior and perimeter parking lot landscaping requirement; and
  - d. A zoning variation from Section 155.709(B) of the Village Code to eliminate the requirement to provide one (1) shade tree for every

seventy-five (75) lineal feet of required perimeter lot landscaping  
(DISTRICT #4)

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

Enactment No: Ordinance 7759

## **Other Ordinances on First Reading**

### **Ordinances on Second Reading**

- G. [190329](#) **Text Amendments to Section 150.142 of Village Code: Time Limits for Building Permit**  
The Board of Building Appeals (BOBA) recommends approval of the proposed amendments to Section 150.142 of the Village Code to correct and clarify the processes for permit renewals and time extensions. The amendments modify the completion time limits for issued building permits, modifies and clarifies the processes for the time extensions, the commencement date to start construction and the applicable fees should a three-year deadline period has passed. (DISTRICTS - ALL)  
**This Ordinance was passed on second reading on the Consent Agenda**  
Enactment No: Ordinance 7760
- H. [190451](#) **Text Amendments to Section 150.143 of the Village Code: Contractor Registration Change From Calendar Year to Annual**  
The Board of Building Appeals (BOBA) recommends approval of the proposed amendments to Section 150.143 of the Village Code to change the effective period for contractor registrations from a calendar year period to a one-year period from the date the contractor registration is approved by the Village.  
**This Ordinance was passed on second reading on the Consent Agenda**  
Enactment No: Ordinance 7761

### **Resolutions**

- I. [190473](#) **Resolution Accepting the Public Improvements at 400 S. Finley Road (Finley Park Subdivision)**  
The Department of Community Development transmits for your consideration a proposed resolution to accept the roadway, water main, fire hydrants, sanitary sewer, storm sewer, streetlights, and sidewalks in the public rights-of-way at 400 S. Finley Road (Finley Park Subdivision). (DISTRICT #1)  
**This Resolution was adopted on the Consent Agenda**

Enactment No: R 49-19

**Other Matters**

- J.**      [190466](#)                    **Contract Extension for Banking Services**  
Motion to waive bids and approve a three (3) year extension for the Village's banking service contract with Wheaton Bank & Trust Company through April 30, 2023. The Finance and Administration Committee voted unanimously to recommend the three (3) year extension to the Village Board of Trustees.  
**This Request was approved on the Consent Agenda**
- K.**      [190467](#)                    **2020 Risk Management and Insurance Renewal Program**  
Approval of the 2020 Insurance Program with Safety National. Village Board approval will allow staff to execute the necessary contracts and agreements to assure that coverage is in place for January 1, 2020. The Finance and Administration Committee voted unanimously to recommend approval of the 2020 Insurance Program.  
**This Request was approved on the Consent Agenda**
- L.**      [190474](#)                    **Regular Village Board Meeting Dates - 2020**  
Approval of the rescheduling of the regularly scheduled first and third Thursday Village Board meetings in January (January 2, 2020 and the January 16, 2020) to the second and fourth Thursdays of January (January 9, 2020 and January 23, 2020); and the cancellation of the first meetings in June, July and August (June 4, 2020; July 2, 2020 and August 6, 2020).  
**This Request was approved on the Consent Agenda**
- M.**      [190478](#)                    **Agreement with Fraternal Order of Police (FOP)-Police Sergeants**  
Approval of an Agreement between the Fraternal Order of Police - Police Sergeants and the Village of Lombard. Contract begins January 1, 2020 and ends December 31, 2023.  
**This Request was approved on the Consent Agenda**
- N.**      [190472](#)                    **Appointments - Plan Commission**  
Request for concurrence in the appointment of Ronald Olbrysh as Chairperson of the Plan Commission replacing Donald Ryan; appointment of Bill Johnston as new member of the Plan Commission to fill a vacancy created by the resignation of Don Ryan and the appointment of Ron Olbrysh as Chairperson, and extend the terms of Commissioners Stephen Flint and Ruth Sweetser for four additional years until 2023.  
**This Appointment was approved on the Consent Agenda**

## Approval of the Consent Agenda

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

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

## IX. Items for Separate Action

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

#### Other Ordinances on First Reading

- A. [190479](#) **An Ordinance Repealing Ordinance No. 7646, Adopted April 4, 2019, Entitled, "An Ordinance Providing for and Requiring the Submission of an Advisory Public Question Concerning Whether to Permit Video Gaming in the Village of Lombard, DuPage County, Illinois, to Appear on the Ballot of the Electors of the Village of Lombard at the General Primary Election to be held on March 17, 2020", and Setting a Date for Consideration of an Ordinance that Would Place the Same Advisory Public Question on the November 3, 2020 General Election Ballot**
- The Ordinance repeals the Ordinance calling for an Advisory Public Question concerning video gaming on the March 17, 2020 ballot, and directs the Village Manager to place an Ordinance on a Village Board agenda, after March 17, 2020 and before August 16, 2020, calling for a November 3, 2020 Advisory Public Question concerning video gaming.
- Village Manager Scott Niehaus presented a Power Point noting: April 4, 2019 the Village Board passed two ordinances relative to video gaming: one ordinance for a non-binding referendum question on video gaming to be placed on the March 17, 2020 general primary ballot and the second ordinance allowing amendments to the Village code to permit video gaming with certain conditions and restrictions with an automatic repeal on July 1, 2020 which would conceptually allow video gaming to be implemented with substantial operational period prior to March 17, 2020. On November 7, 2019 two business owners spoke at the Village Board meeting indicating they had still not received their video gaming licenses from the State of Illinois and asking for an extension to allow them the full trial period. As of that date only two of the applications submitted by Lombard businesses had received their licenses. The Village Board reviewed this matter and direction was given to staff to draft revised ordinances. The following items are listed on the agenda for consideration: ordinance repealing the advisory public question concerning video gaming scheduled for March 17, 2020 and placing an

ordinance on the November 3, 2020 advisory question on the Village Board agenda before August 16, 2020, and an ordinance amending the date for the automatic repeal of video gaming from June 30, 2020 to December 31, 2020. The ordinance repeals the April 2019 ordinance which set video gaming advisory public question on March 17, 2020 general primary election ballot; directs the Village Manager to place an ordinance to reset video gaming advisory public question to November 3, 2020 general election ballot after March 17, 2020 and before August 16, 2020; and ordinance placing an advisory referendum question on November 3, 2020 ballot cannot be approved until after the March 17, 2020 election. Absent any future action by the Village Board, ordinance currently permitting video gaming will automatically repeal effective 11:59:59 pm on June 30, 2020; proposed ordinance amends the date of automatic repeal from June 30, 2020 to December 31, 2020. The Village Manager then reviewed all of the communication efforts that had been done to provide residents with this information.

Village President Keith Giagnorio stated that this action requested tonight has nothing to do with residents being in favor or against video gaming, but about changing dates of two items - the date of the referendum and the date of the sunset clause on video gaming.

Lewis Delin noted he was a 22 year resident of the Village and and is opposed to allowing video gaming in the community; does not see how it would benefit the community; would like to see it on a ballot; works as a volunteer for the VA, and feels people in need spend more money on gambling instead of necessities; feels gambling is an affliction and an addiction; feels it will bring crime to Lombard.

Dennis McGuire noted he was a resident for 32 years and supports the Village Board extending the deadlines so that the businesses have a fair amount of time to try having video gaming and see its impact on the businesses, the patrons, and the community; the State has fallen behind on issuing licenses and the business owners should not be penalized for that; businesses are spending a substantial amount of money to ready their businesses for video gaming and should have a fair amount of time to use as a trial period.

Tom Kelly noted he was a 20 year resident and was opposed to extending the time on video gaming; spoke of former President Mueller and former Trustee Gron indicating they would not allow video gaming in Lombard; talked about residents losing their grocery money to video gaming; felt Lombard was a class community and does not want to see Lombard go down in class; spoke of a lot of new residents on West Road with children and wondered if they would have moved to Lombard if they had known Lombard would allow video gaming.

Chris Tinnon stated that he may not personally agree with video gaming, he feels the businesses should be allowed a full year trial to see how video gaming impacts their business; did not feel the Village Board was

breaking a contract with the residents, but felt a year trial should be allowed; and felt the referendum in November would be a better indicator with more residents voting; spoke of a direct democracy and that the Trustees were elected by residents and were tasked with making hard decisions; did not feel a referendum was necessary; felt confident in the decision of the Village Board.

Theresa Brzezinski works for O'Neil's and asked the Village Board to support the proposed changes to the video gaming dates; asked that the businesses be given a fair shot at video gaming to see how it impacts their businesses; spoke about the number of video gaming licenses that had not as yet been approved by the State.

Village Manager Scott Niehaus noted that 159 licenses had been approved of 681 applications that had been submitted.

Maryann O'Neill, a resident of Lombard for 48 years and business owner for 32 years, asked the Village Board to approve the extension of time for the businesses to be able to see the impact video gaming might have on their business; spoke of the revenue to the Village; did not feel there were any safety concerns; had been told they would have their video gaming license by August and still do not have it; finally had video gaming inspection so hoping for license soon; asked the Board to give the businesses the year to evaluate; did not feel the Board was breaking a contract; did not feel it was good to have a referendum on St. Patrick's day.

Brendan Fitzharris owner of Punky's agreed with Maryanne O'Neill and stated he has had his license for four days and has already seen an increase in food and beverage tax and that means more money to the Village as well.

Don Ryan noted he had been a resident for 45 years and served on the Village's Plan Commission for 28 years; stated he was against video gaming; but now looks at it video gaming differently. He feels the businesses should be allowed to have video gaming should they desire and use the year as a trial period to see how video gaming impacts their businesses. By not allowing businesses to opt for video gaming, the Board is hurting Lombard businesses as patrons can go to other towns; he feels that video gaming may help businesses stay open and asked the Village Board to approve the time extension.

Trustee Bill Ware stated he supported both recommendations and noted the intent was to give the businesses a full year to see how video gaming impacts their businesses; felt this was in the spirit of the compromise.

Trustee Dan Militello also felt the compromise was to allow the businesses a year of video gaming to see the impact on their businesses and supported the extension.

Trustee Anthony Puccio supported both time extensions to allow the businesses a full year to see the impact of video gaming.

Trustee Bill Ware moved \_\_\_\_\_ with a waiver

of first.

A motion was made by Trustee Bill Ware, seconded by Trustee Anthony Puccio, to approve AN ORDINANCE REPEALING ORDINANCE NO. 7646, ADOPTED APRIL 4, 2019, ENTITLED, "AN ORDINANCE PROVIDING FOR AND REQUIRING THE SUBMISSION OF AN ADVISORY PUBLIC QUESTION CONCERNING WHETHER TO PERMIT VIDEO GAMING IN THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, TO APPEAR ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LOMBARD AT THE GENERAL PRIMARY ELECTION TO BE HELD ON MARCH 17, 2020," AND SETTING A DATE FOR CONSIDERATION OF AN ORDINANCE THAT WOULD PLACE THE SAME ADVISORY PUBLIC QUESTION ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT, with a waiver of first reading, so as to remove the advisory public question, concerning whether to permit video gaming within the Village, from the March 17, 2020 General Primary Election ballot, and direct the Village Manager to bring forward an Ordinance, calling for the same advisory public question to be placed on the November 3, 2020 General Election ballot, for consideration by the Village Board after March 17, 2020, but before August 16, 2020. The motion carried by the following vote:

**Aye:** 4 - Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

**Nay:** 2 - Dan Whittington, and Reid Foltyniewicz

Enactment No: Ordinance 7762

**B.**      [190480](#)

**An Ordinance Amending Ordinance No. 7647, Adopted April 4, 2019, Entitled, "An Ordinance Amending Title XI, Chapter 110, Section 110.11; Title XI, Chapter 112; and Title XI, Chapter 115 of the Lombard Village Code in Regard to Video Gaming and Liquor Licenses for Establishments with Video Gaming**

The Ordinance amends Ordinance No. 7647 to extend the date for the automatic repeal of video gaming from June 30, 2020 to December 31, 2020.

A motion was made by Trustee Bill Ware moved, seconded by Trustee Anthony Puccio, to approve AN ORDINANCE AMENDING ORDINANCE NO. 7647, ADOPTED APRIL 4, 2019, ENTITLED, "AN ORDINANCE AMENDING TITLE XI, CHAPTER 110, SECTION 110.11; TITLE XI, CHAPTER 112; AND TITLE XI, CHAPTER 115 OF THE LOMBARD VILLAGE CODE IN REGARD TO VIDEO GAMING AND LIQUOR LICENSES FOR ESTABLISHMENTS WITH VIDEO GAMING, with a waiver of first reading, so as to allow video gaming to be permitted in the Village through December 31, 2020. The motion carried by the following vote:

**Aye:** 4 - Anthony Puccio, Andrew Honig, Dan Militello, and Bill Ware

**Nay:** 2 - Dan Whittington, and Reid Foltyniewicz

Enactment No: Ordinance 7763

**Ordinances on Second Reading**

**Resolutions**

**Other Matters**

**X. Agenda Items for Discussion**

**XI. Executive Session**

None

**XII. Reconvene**

**XIII Adjournment**

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**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Dan Militello, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, December 5, 2019 in the Board Room of the Lombard Village Hall be adjourned at 7:55 p.m. The motion carried by the following vote:**

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