



Agenda
Village of Glen Ellyn
Regular Meeting
Monday, April 10, 2017
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room

Village Board Meeting Procedures Statement

Visitors are most welcome to attend all meetings of the Village Board and can find copies of the Agenda on their chairs or online at www.glenellyn.org prior to the meeting. Meetings are taped and also televised on WideOpenWest Channel 6, AT&T Channel 99, and Comcast Cable Services Channel 10. Any individual with a disability requiring a reasonable accommodation in order to participate in a meeting should contact the Village of Glen Ellyn ADA Coordinator, 630-469-5000, at least five (5) business days in advance of the next scheduled meeting. All matters on the Agenda may be discussed, amended, and acted upon.

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Audience Participation

1. Open: Members of the public are welcome to speak to any item *not* specifically listed on tonight's agenda for up to three minutes. For those items which are on tonight's agenda, the public will have the opportunity to comment at the time the item is discussed. In either case, please complete the Audience Participation form and turn it in to the Village Clerk. It is requested that, if possible, one spokesman for a group be appointed to present the views of the entire group. Speakers who are recognized are requested to step to a microphone and state their name, address and the group they are representing prior to addressing the Village Board.

E. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

Motion to approve the following items including Payroll and Vouchers totaling \$1,296,931.54: (Trustee Clark)

1. February 27, 2017 Special Village Board Workshop Minutes.
2. February 27, 2017 Special Village Board Meeting Minutes.
3. March 13, 2017 Regular Village Board Meeting Minutes.
4. Total Expenditures (Payroll and Vouchers) - \$1,296,931.54.

The vouchers have been reviewed by Trustee Clark and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.

5. Approve the Run for Rain special event to take place on April 29, 2017 from 10:00 a.m. to 11:30 p.m. (Assistant Village Manager Stonitsch)
6. Approve the Glen Ellyn Park District Youth Baseball Opening Day Parade to take place on April 22, 2017 from 9:00 a.m. to 10:00 a.m. (Assistant Village Manager Stonitsch)
7. Resolution No. 17-06, A Resolution Approving and Adopting the Memorandum of Understanding with the DuPage Foundation to Establish the Glen Ellyn Fund Initiative. (Assistant Village Manager Stonitsch)
8. Ordinance No. 6489, An Ordinance Authorizing the Execution of an Intergovernmental Agreement with the Village of Lombard for the Disconnection of the Glenbard Wastewater Authority Bemis Road Plant from the Village of Lombard and Annexation of the same to the Village of Glen Ellyn. (Planning and Development Director Hulseberg)
9. Ordinance No. 6490, An Ordinance Authorizing the Execution of a Second Amendment to a Boundary Line Agreement with the Villages of Lombard and Glen Ellyn. (Planning and Development Director Hulseberg)
10. Ordinance No. 6491, An Ordinance Granting Approval of Zoning Variations and the Exterior Appearance of a 3-Unit Attached Single Family Development to be Located at 490 Newton Avenue. (Planning and Development Director Hulseberg)
11. Ordinance No. 6492, An Ordinance Approving Variations from the Minimum Lot and Yard Requirements of the Zoning Code to Allow the New Construction of a Two-Story Residence on the Property Located at 844 Hillside Avenue. (Planning and Development Director Hulseberg)
12. Ordinance No. 6493, An Ordinance Approving a Variation from the Maximum Lot Coverage Ratio Requirement of the Zoning Code to Allow the Construction of a Screened Porch Addition on the Property Located at 267 Scott Avenue. (Planning and Development Director Hulseberg)
13. Ordinance No. 6494-VC, An Ordinance Amending Chapter 6 (Construction of Utility Facilities in Rights-of-Way) of Title 8 (Public Ways and Property) and Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the Village Code to Regulate the Installation of Wireless Communications Sites Constructed Within the Public Right-of-Way. (Planning and Development Director Hulseberg)
14. Pursuant to Section 1-10-7 of the Village Code, adopt the competitive bidding procedures of the Suburban Tree Consortium, West Central Municipal Conference, of River Grove, Illinois, and approve the Village Manager to execute a contract funding the 2017 annual tree planting program, in an amount not to exceed \$132,500, to be expensed to the General Fund. (Public Works Director Hansen)

15. Authorize the Village Manager to execute a contract with Thomas Engineering Group, of Lombard, Illinois, in the total fixed price amount of \$84,500, for construction engineering services for the 2017 Kenilworth-Alley Reconstruction Project, to be expensed to the Water, Sanitary Sewer and Capital Projects Funds. (Public Works Director Hansen)
16. Approve the Police Department's annual contribution to the Glen Ellyn Youth and Family Counseling Service (GEYFCS), in the amount of \$25,000, to be expensed to the General Fund - Police. (Chief Norton)

F. Proposed Fire Services Fee: (Presented by Finance Director Coyle) (Trustee Ladesic)

1. Ordinance No. 6495-VC, An Ordinance to Amend Section 5-3-2 of the Village Code Regarding Fire Services Fees.

G. Reminders

1. A Village Board Workshop is scheduled for Monday, April 17, 2017 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.
2. A Village Board Meeting is scheduled for Monday, April 24, 2017 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.

H. Other Business

I. Adjournment



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Minutes
Prepared By: Caroline Conlon

SCHEDULED

AGENDA ITEM (ID # 2666)

DOC ID: 2666

February 27, 2017 Special Village Board Workshop Minutes.

ATTACHMENTS:

- Minutes 02-27-2017 Special Village Board Workshop (PDF)

**Minutes
Special Workshop Meeting
Glen Ellyn Village Board of Trustees
Monday, February 27, 2017**

Call to Order

President pro tem Clark called the meeting to order at 5:43 p.m.

Roll Call

Upon roll call by Village Clerk Galvin, Trustees Clark, Kenwood, Ladesic, McGinley, O'Shea and Senak answered "Present". President Demos was excused.

In Attendance: Village Clerk Galvin, Village Manager Franz, Village Attorney Mathews, Finance Director Coyle, Director of Planning and Development Hulseberg, Police Chief Norton, Public Works Director Hansen, Professional Engineer Daubert, Professional Engineer Minix, Volunteer Fire Company Chief Clark and Fire Company Administrator John Chereskin.

Pledge of Allegiance

President Demos asked Mr. Greg Mathews to lead the Pledge of Allegiance.

Agenda Item E. - Volunteer Fire Company Fire Service Fee: (Village Manager Franz) (Discussion Only)

Village Manager Mark Franz led the discussion on the proposed Fire Service Fee.

Staff is asking for direction from the Village Board on the potential increase to the Fire Service Fee. This issue was discussed during the budget process and staff is recommending an increase sufficient enough to meet operating and capital costs. The GEVFC continues to provide incredible service and value to the community and by supporting this increase to the Fire Services fee, the Village will be able to meet the short term and long term needs. Manager Franz added that the fee was initiated to replace the donation program and to fund long-term facility needs.

A discussion ensued regarding bond funding and the Service Fee vs. a property tax levy. President Demos suggested that future Boards visit and debate the pros and cons while seeking input from the residents.

Trustee Ladesic asked how many households are included. Director Coyle responded approximately 8,000 water bills are sent out, excluding the area east of Illinois Route 53 which is serviced by the Glenbard Fire Protection District. Manager Franz added that SSA's fluctuate based on the actual costs of the Fire Company.

Trustees O'Shea and Clark stated their approval to move forward to increase the Fire Service Fee.

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Trustee Senak asked which funds support the Fire Company. Director Coyle responded Fire Services Fund for the vehicles and the Facility Reserve Fund for the facilities. Trustee Senak inquired about undesignated expenses. Fire Company Administrator John Chereskin responded they put in \$50,000 annually for unforeseen expenses. They are replacing more tools and equipment due to their new engines. Manager Franz added there may be a matching grant available for equipment. Trustee Senak stated that fees are another name for taxes.

Trustee Kenwood stated that he is fine with the approach to funding and finds it appropriate. He considers it a user fee. Trustee McGinley commented that she is in complete support of this and added that the services are top notch and we need to support the Fire Company. Trustee Ladesic remarked this is a small price to pay for a core service and we may want to consider a reduced rate for seniors and those with sprinkler systems.

President Demos commented that there is a strong consensus to move forward. Trustee Ladesic asked if they can enforce the Ordinance requiring addresses to be visible from the street. Chief Clark thanked the Board for their support.

Agenda Item F. Train Station Pedestrian Improvements Project: (Professional Engineer Daubert) (Discussion Only)

Professional Engineer Rich Daubert presented information regarding proposed Architectural Design.

The CDM Smith team was seen as superior in terms of their experience with having worked on nearly 100 train station projects across all 10 Metra Commuter lines. The CDM Smith team is also currently working on a nearly identical assignment for the City of Elmhurst.

Staff recommends proceeding with retaining CDM Smith of Chicago, Illinois for the completion of Architectural and Preliminary Engineering Services for the Glen Ellyn Metra Station Improvements. The next steps would include negotiating the terms of the agreement including the scope and fee format. Staff would then prepare formal recommendation to the Village Board for consideration of approval.

Trustee McGinley stated that Glen Ellyn and Villa Park are the only 2 remaining stations on this line to have not moved forward. She added that this is a safety issue that should be minimized. In lieu of prolonging this project Trustee McGinley would like to see the project reduced in scope and not including every commission. Trustee O'Shea agreed with Trustee McGinley.

Trustee Kenwood inquired if grants would cover approximately 60-70% of the cost. Manager Franz responded yes and added it is TIF eligible but they need to move forward with Phase I.

Trustee O'Shea asked who is responsible for the platform, as it is deteriorating. Mr. Chris Martel, Vice-President, CDM Smith responded that the UP covers this. In Elmhurst grants were submitted via CMAC. Mr. Martel also clarified that Phase I is not eligible for grants.

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Mr. John Mehdi, Kalsouni Mehdi Incorporated (KMI) Architects stated this is not a detailed design and they need to review the impact of an overpass vs. underpass. Trustee O'Shea responded he is not interested in an underpass or going through commission review. Trustee Clark agreed about commission review but added he is open to an underpass. Trustee Senak indicated he is in favor of renovating the train station with an added rental space. He is not in favor of an overpass as he does not see this as a safety issue, or economic development impacted. Trustee Kenwood favors a pedestrian underpass. Trustee McGinley favors an overpass.

President Demos asked Manager Franz and the committee for further review.

**Agenda Item G - Park Boulevard Rehabilitation Project: (Professional Engineer Daubert)
(Discussion Only)**

Professional Engineer Rich Daubert led a discussion about the Park Boulevard Rehabilitation Project. The issue of roadway width and bicycle accommodation on Park Boulevard - especially in the proposed reconstruction section between Roosevelt Road and Fairview - is a point of some debate.

Staff is seeking resolution to the questions of the appropriateness of the roadway width and bicycle accommodations so the engineer can proceed ahead with the development of final plans. Staff is looking for direction from the Village Board to allow our engineering consultant to finalize the design plans for these improvements and proceed with the overall project on Park Blvd.

Trustee O'Shea is not supportive as he finds it dangerous. Trustee Clark is not wild about it but would consider it appropriate if safe.

Trustee Senak favors the link between COD and the CBD. He considers it a key to economic development. He shares Trustee O'Shea's concerns and prefers a dedicated lane on both sides and widening Park Blvd. if needed. Trustee Ladesic does not support this; while bicyclists prefer roadways, he prefers the sidewalk. Trustee McGinley added that she is all for connectivity this is a safety issue and she is not in favor of. Trustee Kenwood agreed with Trustee McGinley.

Agenda Item H. - Residential Refuse and Recycling Program: (Assistant Village Manager Stonitsch) (Discussion Only)

This agenda item was tabled.

Adjournment:

At 7:38 p.m. a motion was made by Trustee Kenwood and seconded by Trustee Clark to adjourn. Motion carried.



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Minutes
Prepared By: Caroline Conlon

SCHEDULED

AGENDA ITEM (ID # 2667)

DOC ID: 2667

February 27, 2017 Special Village Board Meeting Minutes.

ATTACHMENTS:

- Minutes 02-27-2017 Special Village Board Meeting (PDF)

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Special Village Board Meeting
Glen Ellyn Village Board of Trustees
Monday, February 27, 2017

Call to Order

President Demos called the meeting to order at 7:47 p.m.

Roll Call:

Upon roll call by Village Clerk Galvin, President Demos and Trustees Clark, Kenwood, Ladesic, McGinley, O'Shea and Senak answered "Present".

In Attendance: Village Clerk Galvin, Village Manager Franz, Assistant Village Manager Stonitsch, Village Attorney Mathews, Finance Director Coyle, Director of Planning & Development Hulsberg, Public Works Director Hansen, Police Chief Norton, Village Links General Manager Vesevick and Fire Company Administrator Chereskin.

Pledge of Allegiance:

President Demos asked Mr. Al Stonitsch to lead the Pledge of Allegiance.

Village Recognition:

1. A resident sent an email to compliment Accounts Receivable Specialist Diana Gonzalez for being pleasant, courteous, professional and helpful while obtaining a replacement vehicle sticker.
2. Professional Engineer Rich Daubert was thanked by a resident for the transparency, timeliness and excellent work done on the Elm Street Improvements Project.
3. Stormwater Engineer Ray Ulreich received a thank you note from a resident for assisting with a drainage problem.
4. A resident sent an email of appreciation to Property Inspector Bill Keel for his efforts in cleaning up a residential property littered with debris.
5. The Police Department received a letter from the Bloomingdale Police Department extending their sincere appreciation for their role in honoring Fallen Police Officer Raymond Murrell.

Audience Participation

Trustee Senak introduced Rev. Melody Eastman, Pastor Grace Lutheran Church who led a Prayer for Unity.

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Agenda Item F. - Consent Agenda:

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

1. Total Expenditures (Payroll and Vouchers) - \$1,767,399.73. The vouchers have been reviewed by Trustee McGinley and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
2. Approve the recommendation of Village President Alexander W. Demos that the following reappointments be made: James M. Meyers, Chairman, Board of Fire and Police Commissioners, for a term ending May 31, 2020 and Wesley R. Peters, Board of Fire and Police Commissioners, for a term ending May 31, 2019.
3. Approve a special event permit for the Glen Ellyn Chamber of Commerce 2017 Taste of Glen Ellyn, to take place on Thursday, May 18, 2017 through Sunday, May 21, 2017.
4. Ordinance No. 6475, An Ordinance Designating Lake Ellyn Park as a Local Landmark.
5. Ordinance No. 6483, An Ordinance Denying Sign Variations for 535 Penn LLC Located at 535 Pennsylvania Avenue.
6. Ordinance No. 6484, An Ordinance Amending Ordinance No. 5997 to Extend the Date of Expiration for the Approval of Zoning Variations for the Accommodation of New Impervious Surfaces, Bleachers, Fencing, an Ornamental Gate, Batting Cage, and Lights for Memorial Park located at 671 Crescent Boulevard.
7. Approve an amendment to the Pension Funding Policy to accept a 6.50% investment return assumption to be used for the actuarial valuation to calculate the employer contribution from the General Fund to the Police Pension Fund for CY17.
8. Approve a lease agreement with Yamaha Golf-Car Company, of Newman, Georgia, to install a GPS system in the Village Links golf cars for the 2017 season, at an annual lease price of \$30,020 per year for four (4) years, to be expensed to the Village Links-Reserve 22 Fund.

Item 5, Ordinance No. 6483, An Ordinance Denying Sign Variations for 535 Penn LLC Located at 535 Pennsylvania Avenue was removed from the Consent Agenda.

Trustee Kenwood inquired about Item #4 and future infrastructure improvements. Director Hulseberg responded the ordinance was modified so that plaquing would not restrict stormwater improvements.

A motion was made by Trustee McGinley and seconded by Trustee Senak to approve Consent Agenda Items 1-4 and 6-8, including Payroll and Vouchers totaling \$1,767,399.73.

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Upon roll call, Trustees Clark, Kenwood, Ladesic, McGinley, O'Shea and Senak voted "Aye." Motion carried.

Mr. Lee Marks presented a plaque to Ms. Kathy Cornell and Ms. Chris Wilson designating Lake Ellyn Park as a Local Landmark.

Agenda Item G. - 682-692 Roosevelt Road Zoning Variation: (Planning and Development Director Hulseberg)

A motion was made by Trustee Clark and seconded by Trustee O'Shea to approve Ordinance No. 6485, An Ordinance Granting Approval of a Zoning Variation to allow Outdoor Seating in a Parking Lot Landscape Island for the Property Located at 682-692 Roosevelt Road in the Pickwick Place Shopping Center.

Upon roll call, Trustees Clark, Kenwood, Ladesic, McGinley, O'Shea and Senak voted "Aye." Motion carried.

Agenda Item J. – Reminders:

1. A Village Board Meeting is scheduled for Monday, March 13, 2017 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.
2. A Village Board Workshop is scheduled for Monday, March 20, 2017 at 7:00PM in Room 301 of the Glen Ellyn Civic Center.

Adjournment

At 8:10 p.m. a motion was made by Trustee Kenwood and seconded by Trustee O'Shea to adjourn. Motion carried.



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Minutes
Prepared By: Caroline Conlon

SCHEDULED

AGENDA ITEM (ID # 2668)

DOC ID: 2668

March 13, 2017 Regular Village Board Meeting Minutes.

ATTACHMENTS:

- Minutes 03-13-2017 Regular Village Board Meeting (PDF)

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Regular Village Board Meeting
Glen Ellyn Village Board of Trustees
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Call to Order

President Demos called the meeting to order at 7:02 p.m.

Roll Call:

Upon roll call by Village Clerk Galvin, President Demos and Trustees Clark, Ladesic, McGinley, O'Shea and Senak answered "Present". Trustee Kenwood was excused.

In Attendance: Village Clerk Galvin, Village Manager Franz, Assistant Village Manager Stonitsch, Village Attorney Mathews, Finance Director Coyle, Director of Planning & Development Hulsberg, Public Works Director Hansen, Police Chief Norton, Village Links General Manager Vesevick and Fire Company Administrator Chereskin.

Pledge of Allegiance:

President Demos asked Ms. Ann Elliott to lead the Pledge of Allegiance.

Village Recognition:

The Village would like to acknowledge the outstanding customer service received from Michael Foster, ComEd External Affairs Representative, in going above and beyond in his professionalism and determination while helping our community.

Audience Participation

DuPage County Board Member Tim Elliott made a presentation regarding County initiatives.

Trustee Senak introduced Rev. George D. Smith, St. Mark's Episcopal Church, who led a Prayer for Unity.

Agenda Item F. - Consent Agenda:

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

1. February 13, 2017 Regular Village Board Meeting Minutes.
2. Total Expenditures (Payroll and Vouchers) - \$1,864,751.10. The vouchers have been reviewed by Trustee Senak and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.
3. Ordinance No. 6483, An Ordinance Amending Ordinance No. 5399, the Preliminary Planned Unit Development of Danby Crossing, to Allow an Expansion to the Existing Aldi Food Store Building, to

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Allow a Reduction in the Required Number of Shared Parking Stalls in Danby Crossing, to Amend to the Previously Approved Exterior Appearance for the Aldi Food Store Building, and to Amend to the Previously Approved Variations from the Glen Ellyn Sign Code for the Aldi Food Store building, Located at 700 Roosevelt Road in Danby Crossing.

4. Petition for Disconnection of Certain Real Property at 21W551 Bemis Road from the Village of Lombard.

5. Approval to purchase furniture for use in the new Police Facility, from Villa Park Office Equipment, of Villa Park, Illinois, pursuant to Section 1-10-7 of the Village Code to adopt the competitive bidding procedures of the National Intergovernmental Purchasing Alliance, in lieu of the provisions of Chapter 10 on Village Contracts, in an amount not to exceed \$230,000, to be expensed to the Capital Fund (Bond).

A motion was made by Trustee Senak and seconded by Trustee O'Shea to approve Consent Agenda Items 1-5 including Payroll and Vouchers totaling \$1,864,751.10

Upon roll call, Trustees Clark, Ladesic, McGinley, O'Shea and Senak voted "Aye." Motion carried.

Agenda Item G. First Amendment to the Intergovernmental Agreement between the College of DuPage, the County of DuPage and the Village of Glen Ellyn: (Presented by Village Manager Franz)

Manager Franz, President Demos and College of DuPage President Rondeau all expressed appreciation that COD and the Village would be approving this Intergovernmental Agreement.

A motion was made by Trustee McGinley and seconded by Trustee Ladesic to approve the First Amendment to the Intergovernmental Agreement between the College of DuPage, the County of DuPage, and the Village of Glen Ellyn.

Upon roll call, Trustees Clark, Ladesic, McGinley, O'Shea and Senak voted "Aye." Motion carried.

H. Proposed Development at 825 N. Main Street: (Presented by Planning and Development Director Hulseberg)

Director Hulseberg and representatives from True North presented an overview of the proposed development at 825 N. Main Street.

President Demos requested public comment.

Ms. Ann Abel, 606 Elm Street stated that nothing else at that intersection is open 24/7, Walgreens closes at 10:00 p.m. She urged the Trustees to walk the property as there is a 10-12 foot drop. She finds the vinyl fence ugly and not befitting Glen Ellyn. The fence needs to be sound absorbing. Ms. Abel expressed concern that the trees cannot be saved. She asked President Demos if he had a personal financial stake in this development.

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Mr. David Hartsell, 714 Meredith Place is a 16 year resident who stated he has seen the Village and the Board do a lot of remarkable things but he is astonished that they are considering a 12 pump 24/7 gas station with a liquor licenses. The design is pretty but it should be on North Avenue, not at a gateway to Glen Ellyn. It is unprecedented to override the Plan Commission. Every other gas station at that property has failed. Where is the analysis of property values?

Mr. Rick Massa, 787 Forest Avenue, resides 400 feet from the site, a gas station is not a permitted use and it will harm the neighborhood and quality of life. The previous gas station was not 24/7 and he is curious how we got this far.

Mr. Ron Hladilek, 725 Highland stated that changes should improve the resident's quality of life. He loves Glen Ellyn; we are a community of neighbors. What impacts one of us impacts us all. This is not who we are, there are better uses of the property.

Ms. Jessica Commo, 711 Forest Ave., stated that she started an on-line petition with 711 signatures and over 200 comments. This is not a permitted use, it is one block from Forest Glen. This is not safe for children and she has environmental concerns. Ms. Commo submitted a copy of the petition to the Clerk for the record.

Ms. Cecilia Lad Smith, 792 Forest Ave., remarked that she supports the multiple comments made by those who oppose the gas station. She also thanked President Demos for the work done on the Intergovernmental Agreement with the College of DuPage.

Ms. Megan Clifford, 793 Forest Ave., read her letter of opposition she sent to the Village. She outlined the Village's responsibility to the community and expressed her environmental concerns.

Ms. Kristin Massa, 787 Forest Ave., reiterated prior comments made opposing this project and her concerns at an already busy intersection as she walks her children to Forest Glen.

Ms. Maureen Samsami, 360 Main Street, Batavia spoke on behalf of her parents who are residents at 600 Elm Street. Her parents still live here and are concerned with the impact. She applauds True North for their design but it is still a gas station and liquor store and the trees will be torn down..

Ms. Diane Martinez, 594 Elm St., remarked that the prior gas station sold gas & cigarettes. There is a 12 ft. grade change. We do not want a 24/7 gas station behind our homes. This is 3 X larger than previous gas stations. Ms. Martinez asked why the Environmental Commission was excluded from this discussion. Due diligence has not been done.

Mr. Dan Porter, 594 Elm St., is a 4 year resident. Thank you for listening to us, he is proud to be a part of this community. Is this what is best for us? In Hinsdale and Lake Forest, this would not be happening.

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Mr. Chris Greco, 614 Elm St., does not feel that this is right. The Village may have followed the letter of the law but not the spirit. The scale of the proposed development is not harmonious and it will change the character of the neighborhood. He also has concerns with stormwater. He expressed concerns that the revenue will cannibalize revenue from other businesses.

Mr. Joe Abel, 200 Forest Avenue stated that he has 50 years' experience as a zoning professional and he is a 40 year resident. He has never seen anything like this. He stated the brochure from Village staff looked like an advertising piece. He went to 2 Plan Commission meetings. The representatives from True North did not know Glen Ellyn and there was no opportunity to cross examine them. It feels like this is illegal and he also has concerns about the fence and the arbor vitae.

Ms. Kelley Kalinich, 722 N. Park Blvd., is a lifelong Glen Ellyn resident and this is the first Village meeting she has ever attended. She emailed her opposition to the Trustees today. While she supports developing this property, she is opposed to this development.

Mr. Andy Livingston, 789 Forest Ave., is a 25 year resident and moved here for the schools, parks and community. This 24/7 gas station does not belong here.

Ms. Mary Beth Nelms, 1N144 Stacy Court is a 32 year resident and her home is in close proximity. She said this is the 2nd most dangerous intersection in DuPage County. She is here to support the people who live behind this proposed development. She asked if Glen Ellyn needs another liquor store.

Ms. Dana Samde, 861 Highview Ave., lives on the other side of town but is here to support the other residents. She did not plan on speaking tonight but said we need to be bold for change, we are a community and we need to think of the legacy for our children.

Mr. Leland Livingston, 789 Forest Ave., encouraged the Board to be bold; we do not need the revenue from the gas station that badly and suggested the EPA get involved.

Mr. Gary Prichard, 771 Chidester is a lifelong Glen Ellyn resident. Gas stations release benzene which is a carcinogen and he is horrified to think this will be 1,000 feet from a school.

Mr. William Morgan, 774 Forest Ave., stated we need to put the right development here and protect the integrity of Glen Ellyn and the kids. This would be great on North Ave. This is not right, this is too close to the school, what if a kid is killed, and we do not want that to happen. This is on a hill and the domino effect will happen – there will be more rentals. No one wants to live near renters.

Ms. Ginnie Judd, 955 Highland Ave., agreed with everyone else's prior comments.

Mr. Mike Semprevino, 22W488 Emerson Ave., is a 13 year resident at this address. He lives near the Dairy Queen and he hears the drive thru from his home. Noise from dumpsters and T.V.'s at the pump concern him. He said that Walgreen's was nice at first. Will True North be held accountable for landscaping? His kids are close to school but have to ride the bus as it is already too unsafe to walk.

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Mr. John Micheli, 545 St. Charles Rd., commented that True North has 300 stations and showed photos of their other nearby locations. This is not private property, this is our property. No one will want to go to Forest Glen and no one here wants a gas station.

Mr. Mark Bultman, 453 Stagecoach Run, commented that if the Village has concerns about tax revenue this is going to be negligible compared to the impact. This is not a suitable use. This is the historic gateway to Glen Ellyn.

Ms. Kristy Bockelman, 765 Prairie Ave., There is no shortage of gas stations, we do not need this. There is a potential for crime.

Ms. Jil-Lyn Tedford, 22W533 Emerson Ave., loves Glen Ellyn and loves to jog. Most times she is almost hit by a car at that intersection. Drivers do not follow signage. She will not use this gas station if it is built and will tell others not to use this gas station.

Mr. Peter Clifford, 793 Forest Ave., recalled a little girl crying at one of the Commission meetings. She should not have to grow up under these conditions. Do not let this be your legacy to the children of Glen Ellyn.

President Demos requested a short break from 9:17 p.m. to 9:23 p.m.

Trustee Senak inquired about limited use, environmental issues as well as the potential for increased crime.

Chief Norton responded he was not asked to look into crime statistics but added that you cannot predict crime and added that empty lots do not generally create calls for service. Most crimes at the proposed gas station would most likely be drive-offs and shoplifting.

Trustee Senak asked about the effect on home values. Director Hulseberg responded that a study was not conducted.

Trustee Clark inquired about fence heights. Director Hulseberg responded the maximum allowable is 6 ft. Trustee Ladesic asked if this will require additional Police Department staffing. Chief Norton responded no. Trustee Ladesic asked why they need a special use permit if the property used to be a gas station. Director Hulseberg responded due to the length of time that has passed since it was a gas station (180 days).

Trustees McGinley and O'Shea asked for clarification that the Board would only be voting for sign variances and the special use permit this evening. Director Hulseberg responded yes.

Trustee Ladesic asked if this was the 2nd most dangerous intersection in DuPage County. Chief Norton responded that may not be accurate and this may not be the 2nd most dangerous intersection in Glen Ellyn.

Attorney Mathews provided a definition of Special Use vs. Permitted Use.

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Trustee Senak stated he does not feel that the Board has enough information and made a motion to table this until more information was available. Trustee Senak failed to receive a 2nd to his motion.

A motion was made by Trustee Clark and seconded by Trustee Ladesic to approve Ordinance No. 6486, An Ordinance Granting Approval of A Special Use Permit for a Service Station and Variations from the Glen Ellyn Sign Code for the Construction of a Gas Station and Convenience Store for True North LLC to be Located at 825 North Main Street.

Upon roll call, Trustees Clark, Ladesic, McGinley and O'Shea Senak voted "Aye." Trustee Senak abstained. Motion carried.

Agenda Item I. – Reminders:

1. A Special Village Board Workshop is scheduled for Monday, March 20, 2017 at 5:30PM in Room 301 of the Glen Ellyn Civic Center.
2. A Special Village Board Meeting is scheduled for Monday, March 20, 2017 at 7:00PM in the Galligan Board Room of the Glen Ellyn Civic Center.
3. The Village Board Meeting scheduled for Monday, March 27, 2017 at 7:00PM has been cancelled.

Adjournment

At 10:10 p.m. a motion was made by Trustee Clark and seconded by Trustee O'Shea to adjourn. Motion carried.



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Vouchers
Prepared By: Caroline Conlon

SCHEDULED

AGENDA ITEM (ID # 2665)

DOC ID: 2665

Total Expenditures (Payroll and Vouchers) - \$1,296,931.54.
The vouchers have been reviewed by Trustee Clark and Manager Franz prior to this meeting, and are consistent with the Village's purchasing policy.

Approval of Vouchers
For the Village Board Meeting of April 10, 2017

EXPENDITURES:

Accounts Payable Warrant 0317-2	3/10/2017	\$	253,972.28	
Accounts Payable Warrant 0317-3	3/17/2017	\$	134,545.55	
Sub-Total		\$	388,517.83	Warrant Total \$ 388,517.83

PAYROLL EXPENDITURES

	March 17, 2017	March 31, 2017
Net Employee Payroll Checks	275,322.45	281,913.08
Employee & Employer Payroll Deductions:		
Employee Deductions*	129,712.60	131,081.68
IMRF - Employer contribution	22,754.02	22,968.83
Social Security/Medicare Tax Withheld - Employer portion	22,128.26	22,532.79
Total Payroll	\$ 449,917.33	\$ 458,496.38
	\$	\$ 908,413.71

GRAND TOTAL \$ 1,296,931.54

* Employee deductions include contributions for pensions, health insurance, union dues and other employee directed deductions such as tax withholdings, 457 & 125 plan contributions and supplemental life insurance.

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maryr PAID WARRANT REPORT

TO FISCAL 2017/03 01/01/2017 TO 12/31/2017

WARRANT: 0317-2

VENDOR NAME DOCUMENT	INV DATE VOUCHER PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
7251 DJK TECHNOLOGIES, INC 75824 02/20/17 INVOICE: 26361		225018	P	03/10/17	65000	520970	245.00
VENDOR TOTALS	441.00 YTD INVOICED					441.00 YTD PAID	245.00
2007 AHEAD INC. 75880 02/15/17 INVOICE: INV0313990		225019	P	03/10/17	550	150300	611.64
VENDOR TOTALS	2,201.94 YTD INVOICED					2,201.94 YTD PAID	611.64
7114 ALLIANCE OF DOWNTOWN GLEN ELLYN 75877 02/27/17 INVOICE: 30917 75878 02/27/17 INVOICE: 30917-1		225020	P	03/10/17	126500	521057	12,000.00
VENDOR TOTALS	88,250.00 YTD INVOICED					88,250.00 YTD PAID	5,000.00
52 SOUTH WEST INDUSTRIES INC 75823 03/01/17 INVOICE: 202460		225021	P	03/10/17	121300	521075	17,000.00
VENDOR TOTALS	614.91 YTD INVOICED					614.91 YTD PAID	204.97
8480 APPLIED INDUSTRIAL TECHNOLOGIES, INC 75881 02/24/17 INVOICE: 96776131		225022	P	03/10/17	65000	530105	321.45
VENDOR TOTALS	1,113.63 YTD INVOICED					1,113.63 YTD PAID	321.45
6550 ASA COMPUTERS, INC 75879 02/14/17 INVOICE: 11700331		225023	P	03/10/17	121400	570110	5,604.00
VENDOR TOTALS	5,604.00 YTD INVOICED					5,604.00 YTD PAID	5,604.00
10010 BELLA BREW COFFEE & BEVERAGE CO 75885 02/28/17 INVOICE: 50101		225024	P	03/10/17	550	150305	131.28
VENDOR TOTALS	284.62 YTD INVOICED					284.62 YTD PAID	131.28
10491 BLACK CLOVER ENTERPRISES, LLC 75912 02/24/17 INVOICE: 76296		225025	P	03/10/17	550	150300	271.19
VENDOR TOTALS	389.70 YTD INVOICED					389.70 YTD PAID	271.19
9879 BREAKTHRU BEVERAGE ILLINOIS, LLC							

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500.00

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TO FISCAL 2017/03 01/01/2017 TO 12/31/2017

WARRANT: 0317-2

VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	

INVOICE: IN4563									
VENDOR TOTALS			500.00	YTD INVOICED			500.00	YTD PAID	500.00
8032 PRO-SHOPKEEPER COMPUTER SOFTWARE CO, INC									
75961 03/01/17				225035	P	03/10/17	55700	520600	DUES-SUBSCRIPTIONS-REG FE
INVOICE: 158631									
75962 03/01/17				225035	P	03/10/17	55700	520600	DUES-SUBSCRIPTIONS-REG FE
INVOICE: 158631-2									
VENDOR TOTALS			4,980.00	YTD INVOICED			4,980.00	YTD PAID	4,980.00
9082 COLPO COMMUNICATIONS									
75829 02/28/17				225036	P	03/10/17	65000	530310	PARTS PURCHASED
INVOICE: 10216									
VENDOR TOTALS			617.33	YTD INVOICED			617.33	YTD PAID	198.40
10373 HISTORIC PALM LLC									
75888 03/01/17				225037	P	03/10/17	55730	521055	PROFESSIONAL SERVICES - O
INVOICE: 48174									
VENDOR TOTALS			7,888.49	YTD INVOICED			7,888.49	YTD PAID	2,208.74
7424 DEKALB COUNTY CLERK									
75889 03/07/17				225038	P	03/10/17	134300	520600	DUES-SUBSCRIPTIONS-REG FE
INVOICE: 30917									
VENDOR TOTALS			10.00	YTD INVOICED			10.00	YTD PAID	10.00
225 THE DIRECT RESPONSE RESOURCE, INC.									
75891 03/06/17				225039	P	03/10/17	122200	520905	PRINTING
INVOICE: 17-0114									
75891 03/06/17				225039	P	03/10/17	122200	520900	POSTAGE & SHIPPING
INVOICE: 17-0114									
VENDOR TOTALS			6,499.35	YTD INVOICED			6,499.35	YTD PAID	3,738.67
9921 DORNER PRODUCTS, INC									
75831 02/20/17				225040	P	03/10/17	50100	520975	MAINTENANCE-EQUIPMENT
INVOICE: 136941-IN									
VENDOR TOTALS			105.58	YTD INVOICED			105.58	YTD PAID	105.58
236 DREISILKER ELECTRIC MOTORS, INC.									
75832 02/22/17				225041	P	03/10/17	50100	520975	MAINTENANCE-EQUIPMENT
INVOICE: I039733									
VENDOR TOTALS			575.00	YTD INVOICED			575.00	YTD PAID	575.00
246 DUPAGE COUNTY ANIMAL CARE AND CONTROL									

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WARRANT: 0317-2

TO FISCAL 2017/03 01/01/2017 TO 12/31/2017

VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
75834 INVOICE: 646-23176 75835 INVOICE: 647-23197	11/01/16 12/01/16 647-23197			225042 225042	P P	03/10/17 03/10/17	134200 134200	PROFESSIONAL SERVICES - O PROFESSIONAL SERVICES - O	521055 521055 505.00 YTD PAID
VENDOR TOTALS			505.00 YTD INVOICED						135.00 250.00 385.00
248 DUPAGE COUNTY CLERK 75837 INVOICE: R17-007 75890 INVOICE: 30917 75890 INVOICE: 30917	02/28/17 03/07/17 03/07/17 03/07/17			225043 225044 225044	P P P	03/10/17 03/10/17 03/10/17	122100 134100 134200	AUDIT DUES-SUBSCRIPTIONS-REG FE DUES-SUBSCRIPTIONS-REG FE	520825 520600 520600 86.00 YTD PAID
VENDOR TOTALS			86.00 YTD INVOICED						36.00 10.00 40.00 86.00
2177 DUPAGE CO SENIOR POLICE MGMT ASSN 75836 INVOICE: 30717 75836 INVOICE: 30717	03/02/17 03/02/17 03/02/17			225045 225045	P P	03/10/17 03/10/17	134200 134300	DUES-SUBSCRIPTIONS-REG FE DUES-SUBSCRIPTIONS-REG FE	520600 520600 70.00 YTD PAID
VENDOR TOTALS			70.00 YTD INVOICED						50.00 50.00
8854 KEITH DUVAL 75892 INVOICE: ER030917	03/06/17 ER030917			225046	P	03/10/17	134300	TRAVEL	520625 511.93 YTD PAID
VENDOR TOTALS			511.93 YTD INVOICED						557.45 58.00 -46.15 569.30
291 EUCLID BEVERAGE, LTD 75893 INVOICE: 336-185 75894 INVOICE: 336-187 75895 INVOICE: 336-186	03/02/17 03/02/17 03/02/17 03/02/17			225047 225047 225047	P P P	03/10/17 03/10/17 03/10/17	550 550 550	BEER INVENTORY BEER INVENTORY BEER INVENTORY	150303 150303 150303 3,060.10 YTD PAID
VENDOR TOTALS			3,060.10 YTD INVOICED						226.27 130.31 130.30 486.88
311 THE TERRAMAR GROUP, INC 75896 INVOICE: 67393 75897 INVOICE: 67395 75898 INVOICE: 67394	03/01/17 03/02/17 03/02/17 03/02/17			225048 225048 225048	P P P	03/10/17 03/10/17 03/10/17	24000 24000 24000	VEHICLES VEHICLES VEHICLES	570155 570155 570155 1,288.65 YTD PAID
VENDOR TOTALS			1,288.65 YTD INVOICED						

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VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
7097 FLEETPRIDE, INC 75838 INVOICE: 83253718 75899 INVOICE: 83262629	02/28/17 02/22/17 02/28/17 02/22/17			225049 225049	P P	03/10/17 03/10/17	65000 65000	PARTS PURCHASED PARTS PURCHASED	219.74 62.42
VENDOR TOTALS								452.98 YTD PAID	282.16
6754 FOREST PRESERVE DISTRICT OF DUPAGE CO 75833 INVOICE: 30717	02/22/17 02/22/17			225050	P	03/10/17	65000	GAS AND OIL	90.37
VENDOR TOTALS								90.37 YTD PAID	90.37
2665 GATE OPTIONS 75904 INVOICE: 36819	02/24/17 02/24/17			225051	P	03/10/17	65000	MAINTENANCE-BUILDING & GR	150.00
VENDOR TOTALS								150.00 YTD PAID	150.00
348 GLEN ELLYN CHAMBER OF COMMERCE 75902 INVOICE: 14893 75903 INVOICE: 14495	03/03/17 01/02/17 01/02/17			225052 225052	P P	03/10/17 03/10/17	55730 55700	MARKETING DUES-SUBSCRIPTIONS-REG FE	50.00 100.00
VENDOR TOTALS								1,894.00 YTD PAID	150.00
9692 LOUIS GLUNZ BEER, INC 75901 INVOICE: 953725	02/24/17 02/24/17			225053	P	03/10/17	55730	OPERATING SUPPLIES	12.60
VENDOR TOTALS								1,684.63 YTD PAID	12.60
370 GRAYBAR ELECTRIC COMPANY INC 75839 INVOICE: 989988581	02/22/17 02/22/17			225054	P	03/10/17	50100	MAINTENANCE-BUILDING & GR	67.32
VENDOR TOTALS								4,471.45 YTD PAID	67.32
7688 JAMES V GRUTZMACHER 75900 INVOICE: 2132 75900 INVOICE: 2132	03/03/17 03/03/17 03/03/17 03/03/17			225055 225055	P P	03/10/17 03/10/17	550 550	FOOD INVENTORY NA BEVERAGES INVENTORY	85.00 72.00
VENDOR TOTALS								525.00 YTD PAID	157.00
9982 HAYES MECHANICAL LLC 75840 INVOICE: 384892	02/22/17 02/22/17			225056	P	03/10/17	121300	MAINTENANCE-BUILDING & GR	2,134.83

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VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
VENDOR TOTALS		5,666.70	YTD INVOICED				5,666.70	YTD PAID	2,134.83
198 HERITAGE-CRYSTAL CLEAN INC 75906 INVOICE: 14453425	02/14/17			225057	P	03/10/17	55715	OPERATING SUPPLIES	164.46
VENDOR TOTALS		468.27	YTD INVOICED				468.27	YTD PAID	164.46
6405 HIGHLAND BAKING CO 75907 INVOICE: 1304222	02/28/17			225058	P	03/10/17	550	FOOD INVENTORY	31.22
75908 INVOICE: 1305429	03/01/17			225058	P	03/10/17	550	FOOD INVENTORY	62.39
75909 INVOICE: 1308537	03/04/17			225058	P	03/10/17	550	FOOD INVENTORY	157.36
VENDOR TOTALS		3,577.71	YTD INVOICED				3,577.71	YTD PAID	250.97
9424 HOERR CONSTRUCTION, INC 75905 INVOICE: 117-028	01/31/17		20160014	225059	P	03/10/17	50200	580100 16020 2016 SANITARY SEWER LININ	19,683.76
VENDOR TOTALS		19,683.76	YTD INVOICED				19,683.76	YTD PAID	19,683.76
10488 IAFCI-IL 75841 INVOICE: 30717	03/02/17			225060	P	03/10/17	134300	EMPLOYEE EDUCATION	80.00
VENDOR TOTALS		80.00	YTD INVOICED				80.00	YTD PAID	80.00
1858 IMRF 75873 INVOICE: 205-0423	03/07/17			18319	W	03/10/17	143100	IMRF EMPLOYER CONTRIBUTIO	9,517.21
VENDOR TOTALS		9,517.21	YTD INVOICED				9,517.21	YTD PAID	9,517.21
7606 JR'S AUTO TOWING, INC 75842 INVOICE: 19114	02/26/17			225061	P	03/10/17	134200	IMPOUND FEES	165.00
VENDOR TOTALS		165.00	YTD INVOICED				165.00	YTD PAID	165.00
612 KONICA MINOLTA BUSINESS SOLUTIONS INC 75843 INVOICE: 9003269248	02/24/17			225062	P	03/10/17	121400	COPIER	352.00
75965 INVOICE: 325426799	02/28/17			225063	P	03/10/17	121400	COPIER	231.00
VENDOR TOTALS		3,552.50	YTD INVOICED				3,552.50	YTD PAID	583.00

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VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
3636 LANDS' END INC. 75910 INVOICE: SIN4745132	02/22/17			225064	P	03/10/17	134100	UNIFORMS	82.95
VENDOR TOTALS				132.95	YTD			PAID	82.95
644 NETTOYER, INC. 75924 INVOICE: 7324	02/28/17			225065	P	03/10/17	65000	REPAIRS-CONTRACTUAL/LABOR	358.76
VENDOR TOTALS				853.06	YTD			PAID	358.76
924 VILLAGE OF LOMBARD 75844 INVOICE: 2017-00002023	02/24/17			225066	P	03/10/17	126100	PROFESSIONAL SERVICES-PLA	100.00
VENDOR TOTALS				8,416.40	YTD			PAID	100.00
569 MARCOTT ENTERPRISES, INC. 75846 INVOICE: 17647	02/21/17			225067	P	03/10/17	50100	MAINTENANCE-R.O.W.	712.44
75846 INVOICE: 17647	02/21/17			225067	P	03/10/17	50200	MAINTENANCE-R.O.W.	712.44
VENDOR TOTALS				4,115.50	YTD			PAID	1,424.88
595 MENARDS, INC. 75847 INVOICE: 45441	02/15/17			225068	P	03/10/17	50100	MAINTENANCE-HYDRANTS	34.11
75915 INVOICE: 46418	02/27/17			225068	P	03/10/17	50100	OPERATING SUPPLIES	19.84
75916 INVOICE: 46546	03/01/17			225068	P	03/10/17	50200	MAINTENANCE-STORM SEWERS	30.12
75917 INVOICE: 46557	03/01/17			225068	P	03/10/17	50200	MAINTENANCE-STORM SEWERS	14.28
VENDOR TOTALS				1,104.70	YTD			PAID	98.35
596 METRO PARAMEDIC SERVICES, INC. 75911 INVOICE: 20-00430	01/11/17			225069	P	03/10/17	135200	AMBULANCE SERVICE	29,572.58
VENDOR TOTALS				88,717.74	YTD			PAID	29,572.58
599 MICHAEL'S UNIFORM CO. 75845 INVOICE: 83968	03/01/17			225070	P	03/10/17	143100	UNIFORMS	22.32
75845 INVOICE: 83968	03/01/17			225070	P	03/10/17	50100	UNIFORMS	19.32

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VENDOR NAME		INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	TO FISCAL 2017/03 01/01/2017 TO 12/31/2017	
DOCUMENT											
VENDOR TOTALS				5,421.93	YTD INVOICED			5,421.93	YTD PAID	41.64	
8668 MID-WEST INSTITUTIONAL FOODS DISTRIBUTORS, INC											
75913	03/02/17				225071	P	03/10/17	550	FOOD INVENTORY	161.54	
INVOICE: 683617											
75914	03/03/17				225071	P	03/10/17	550	FOOD INVENTORY	306.37	
INVOICE: 684284											
75914	03/03/17				225071	P	03/10/17	550	NA BEVERAGES INVENTORY	6.16	
INVOICE: 684284											
VENDOR TOTALS				9,211.90	YTD INVOICED			9,211.90	YTD PAID	474.07	
10389 MIDWEST WATER GROUP, INC											
75918	02/13/17				225072	P	03/10/17	50200	EMPLOYEE EDUCATION	800.00	
INVOICE: 8894											
VENDOR TOTALS				800.00	YTD INVOICED			800.00	YTD PAID	800.00	
7350 NATIONAL GOLF FOUNDATION CONSULTING, INC.											
75921	02/28/17				225073	P	03/10/17	55700	DUES-SUBSCRIPTIONS-REG FE	250.00	
INVOICE: 30917											
VENDOR TOTALS				250.00	YTD INVOICED			250.00	YTD PAID	250.00	
9719 NETWORKFLEET, INC											
75922	03/01/17				225074	P	03/10/17	65000	TELECOMMUNICATIONS	1,172.95	
INVOICE: OSV000001006699											
VENDOR TOTALS				8,917.30	YTD INVOICED			8,917.30	YTD PAID	1,172.95	
7183 NEWEGG INC											
75919	02/28/17				225075	P	03/10/17	121400	A/V/WEB COMMUNICATIONS EQ	74.99	
INVOICE: 1300177059											
75919	02/28/17				225075	P	03/10/17	121400	COMPUTER EQUIPMENT/PROJEC	235.79	
INVOICE: 1300177059											
75920	02/27/17				225075	P	03/10/17	121400	COMPUTER EQUIPMENT/PROJEC	19.88	
INVOICE: 1300174262											
VENDOR TOTALS				2,786.51	YTD INVOICED			2,786.51	YTD PAID	330.66	
738 RAY O'HERRON CO. INC.											
75849	02/20/17				225076	P	03/10/17	134100	UNIFORMS	130.99	
INVOICE: 1709882-IN											
75933	02/28/17				225076	P	03/10/17	134200	UNIFORMS	680.32	
INVOICE: 1711461-IN											
VENDOR TOTALS				2,159.15	YTD INVOICED			2,159.15	YTD PAID	811.31	
1458 OFFICE DEPOT, INC											
75848	02/15/17				225077	P	03/10/17	134100	OFFICE SUPPLIES	18.50	

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VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
INVOICE: 906243956001	02/15/17			225077	P	03/10/17	134200	530100	OFFICE SUPPLIES
75848									46.63
INVOICE: 906243956001	02/15/17			225077	P	03/10/17	134300	530100	OFFICE SUPPLIES
75848									8.88
INVOICE: 906243956001	02/23/17			225078	P	03/10/17	122200	530100	OFFICE SUPPLIES
75925									46.00
INVOICE: 908755963001	02/23/17			225078	P	03/10/17	122200	530100	OFFICE SUPPLIES
75926									19.92
INVOICE: 908756010001	02/22/17			225077	P	03/10/17	134100	530100	OFFICE SUPPLIES
75927									11.45
INVOICE: 908076939001	02/22/17			225077	P	03/10/17	134200	530100	OFFICE SUPPLIES
75927									28.84
INVOICE: 908076939001	02/22/17			225077	P	03/10/17	134300	530100	OFFICE SUPPLIES
75927									5.49
INVOICE: 908076939001	02/09/17			225077	P	03/10/17	134100	530100	OFFICE SUPPLIES
75929									14.52
INVOICE: 901711295001	02/09/17			225077	P	03/10/17	134200	530100	OFFICE SUPPLIES
75929									36.60
INVOICE: 901711295001	02/09/17			225077	P	03/10/17	134300	530100	OFFICE SUPPLIES
75930									6.96
INVOICE: 900616087001	02/06/17			225077	P	03/10/17	134200	530100	OFFICE SUPPLIES
75930									15.65
INVOICE: 900616087001	02/06/17			225077	P	03/10/17	134300	530100	OFFICE SUPPLIES
75930									39.45
INVOICE: 900616087001	02/23/17			225077	P	03/10/17	134100	530100	OFFICE SUPPLIES
75931									7.51
INVOICE: 908076890001	02/23/17			225077	P	03/10/17	134200	530100	OFFICE SUPPLIES
75931									44.85
INVOICE: 908076890001	02/23/17			225077	P	03/10/17	134300	530100	OFFICE SUPPLIES
75931									113.02
INVOICE: 908076890001	02/23/17			225077	P	03/10/17	122200	530100	OFFICE SUPPLIES
75932									21.53
INVOICE: 908756009001				225078	P	03/10/17	122200	530100	OFFICE SUPPLIES
75932									1.13
VENDOR TOTALS				2,789.17	YTD INVOICED			2,789.17	YTD PAID
9455 P & W GOLF SUPPLY LLC									486.93
75959				225079	P	03/10/17	550	150300	PRO SHOP INVENTORY
INVOICE: INV17849									297.22
VENDOR TOTALS				297.22	YTD INVOICED			297.22	YTD PAID
676 PACKEY WEBB FORD, INC.									151.70
75850				225080	P	03/10/17	65000	530310	PARTS PURCHASED
INVOICE: 137220									151.70
VENDOR TOTALS				3,885.20	YTD INVOICED			3,885.20	YTD PAID
672 P. F. PETTIBONE & CO.									

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VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
75934 INVOICE: 171797	02/23/17 171797			225081	P	03/10/17	134200	520905	PRINTING
VENDOR TOTALS				1,639.70	YTD	INVOICED		1,639.70	YTD PAID
6552 PROVANTAGE CORPORATION 75851 INVOICE: 7860441	02/20/17 7860441			225082	P	03/10/17	121400	570110	COMPUTER EQUIPMENT/PROJEC
75852 INVOICE: 7860440	02/20/17 7860440			225082	P	03/10/17	121400	570110	COMPUTER EQUIPMENT/PROJEC
75853 INVOICE: 7862100	02/22/17 7862100			225082	P	03/10/17	121400	570110	COMPUTER EQUIPMENT/PROJEC
75854 INVOICE: 7860439	02/20/17 7860439			225082	P	03/10/17	121400	570110	COMPUTER EQUIPMENT/PROJEC
VENDOR TOTALS				8,784.84	YTD	INVOICED		8,784.84	YTD PAID
1254 REINDERS, INC. 75936 INVOICE: 4045516-00	02/21/17 4045516-00			225083	P	03/10/17	55700	580110	EQUIPMENT/CAPITAL OUTLAY
VENDOR TOTALS				22,654.18	YTD	INVOICED		22,654.18	YTD PAID
751 ALBUM FRAMES COM INC 75857 INVOICE: 18726	02/08/17 18726			225084	P	03/10/17	143300	520970	MAINTENANCE-BUILDING & GR
75968 INVOICE: 18731	02/10/17 18731			225084	P	03/10/17	143300	520970	MAINTENANCE-BUILDING & GR
VENDOR TOTALS				1,250.00	YTD	INVOICED		1,250.00	YTD PAID
3604 RITE-WAY CUSTOM HOMES 75935 INVOICE: 20140605	02/23/17 20140605			225085	P	03/10/17	100	240100	ESCROWS - DEVELOPER DEPOS
VENDOR TOTALS				8,405.06	YTD	INVOICED		8,405.06	YTD PAID
4611 MATTHEW J. ROONEY 75855 INVOICE: 20150750	03/06/17 20150750			225086	P	03/10/17	100	240100	ESCROWS - DEVELOPER DEPOS
VENDOR TOTALS				1,000.00	YTD	INVOICED		1,000.00	YTD PAID
764 ROTARY CLUB OF GLEN ELLYN 75928 INVOICE: 6664	02/20/17 6664			225087	P	03/10/17	134100	520600	DUES-SUBSCRIPTIONS-REG FE
75937 INVOICE: 6653	02/20/17 6653			225088	P	03/10/17	121200	520600	DUES-SUBSCRIPTIONS-REG FE
VENDOR TOTALS				735.00	YTD	INVOICED		735.00	YTD PAID

1,639.70

1,639.70

55.52

236.31

24.00

70.15

385.98

22,654.18

22,654.18

250.00

250.00

500.00

8,284.00

8,284.00

1,000.00

1,000.00

147.00

147.00

294.00

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6093 SCHAMBERGER BROTHERS, INC 75940 03/03/17 INVOICE: 407657		225089	P	03/10/17	550 150303	BEER INVENTORY	268.00
VENDOR TOTALS	2,452.90 YTD INVOICED				2,452.90 YTD PAID		268.00
5718 JEREMIAH SCHMIDT 75943 03/02/17 INVOICE: ER030917		225090	P	03/10/17	134300 530445	UNIFORMS	688.63
VENDOR TOTALS	748.61 YTD INVOICED				748.61 YTD PAID		688.63
10181 SOUTHERN GLAZER'S WINE AND SPIRITS, LLC 75939 03/02/17 INVOICE: 1448106 75939 03/02/17 INVOICE: 1448106		225091	P	03/10/17	550 150304	WINE INVENTORY	1,300.50
VENDOR TOTALS	13,837.66 YTD INVOICED				13,837.66 YTD PAID		332.46
2687 STAPLES CONTRACT & COMMERCIAL, INC. 75858 02/21/17 INVOICE: 3331104233 75859 02/23/17 INVOICE: 3331223042 75860 02/23/17 INVOICE: 3331223044 75861 02/23/17 INVOICE: 3331223040 75862 02/18/17 INVOICE: 3330876551 75862 02/18/17 INVOICE: 3330876551 75862 02/18/17 INVOICE: 3330876551 75862 02/18/17 INVOICE: 3330876551 75862 02/18/17 INVOICE: 3330876551		225092	P	03/10/17	121300 530105	OPERATING SUPPLIES	84.28
VENDOR TOTALS	3,618.57 YTD INVOICED				3,618.57 YTD PAID		21.99
830 SUN MOUNTAIN SPORTS, INC. 75942 03/02/17 INVOICE: 402140		225093	P	03/10/17	550 150300	PRO SHOP INVENTORY	79.99
VENDOR TOTALS	141.00 YTD INVOICED				141.00 YTD PAID		16.09
835 SUPERIOR BEVERAGE CO.							6.30
							6.30
							6.30
							7.54
							7.54
							23.99
							260.32
							141.00
							141.00

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75938 INVOICE: 685797	03/03/17			225094	P	03/10/17	550	150303	BEER INVENTORY
VENDOR TOTALS			1,087.93	YTD INVOICED				1,087.93	YTD PAID
10104 SUPREME LOBSTER CO 75941 INVOICE: 6073497	03/03/17			225095	P	03/10/17	550	150301	FOOD INVENTORY
VENDOR TOTALS			2,731.65	YTD INVOICED				2,731.65	YTD PAID
854 TERRACE SUPPLY COMPANY 75945 INVOICE: 973753	02/28/17			225096	P	03/10/17	65000	521125	LEASED EQUIPMENT
VENDOR TOTALS			326.19	YTD INVOICED				326.19	YTD PAID
871 TOWN & COUNTRY GARAGE DOOR INC 75866 INVOICE: 23019-V	03/01/17			225097	P	03/10/17	121300	520970	MAINTENANCE-BUILDING & GR
VENDOR TOTALS			1,447.25	YTD INVOICED				1,447.25	YTD PAID
10019 TRANSMUNION RISK AND ALTERNATIVE DATA SOLUTIONS INC 75865 INVOICE: 30717	03/01/17			225098	P	03/10/17	134300	520600	DUES-SUBSCRIPTIONS-REG FE
VENDOR TOTALS			456.80	YTD INVOICED				456.80	YTD PAID
9487 TREE STUFF INC 75947 INVOICE: 253867	03/02/17			225099	P	03/10/17	143300	530105	OPERATING SUPPLIES
VENDOR TOTALS			408.17	YTD INVOICED				408.17	YTD PAID
10490 TW GROUP, INC 75946 INVOICE: 30917	03/07/17			225100	P	03/10/17	55730	520875	LIABILITY INS DEDUCTABLE
VENDOR TOTALS			1,562.00	YTD INVOICED				1,562.00	YTD PAID
1007 TYLER TECHNOLOGIES, INC. 75944 INVOICE: 293100	03/03/17			225102	P	03/10/17	122100	530105	OPERATING SUPPLIES
75966 INVOICE: 45-182665	02/17/17		20160061	225101	P	03/10/17	122100	580110	EQUIPMENT/CAPITAL OUTLAY
VENDOR TOTALS			6,337.00	YTD INVOICED				6,337.00	YTD PAID
884 U.S. FOODSERVICE, INC. 75948 INVOICE: 45-182665	03/01/17			225103	P	03/10/17	550	150301	FOOD INVENTORY

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INVOICE: 75949	2157312 03/01/17			225103	P	03/10/17	550	150301	57.64
INVOICE: 75950	2157610 02/28/17			225103	P	03/10/17	550	150301	45.37
INVOICE: 75951	2116778 02/24/17			225103	P	03/10/17	550	150301	111.78
INVOICE: 75952	2016849 02/02/17			225103	P	03/10/17	55730	530105	-154.99
INVOICE: 75953	2959874 02/08/17			225103	P	03/10/17	55730	530105	-77.55
INVOICE: 75954	2959875 02/28/17			225103	P	03/10/17	550	150301	2,001.81
INVOICE: 75954	2103007 02/28/17			225103	P	03/10/17	550	150305	113.28
INVOICE: 75954	2103007 02/28/17			225103	P	03/10/17	55730	530105	182.94
INVOICE: 75954	2103007 02/28/17			225103	P	03/10/17	55730	530410	66.46
INVOICE: 75955	2103007 03/03/17			225103	P	03/10/17	550	150301	16.99
INVOICE: 75955	2236314 03/03/17			225103	P	03/10/17	550	150305	1,826.55
INVOICE: 75955	2236314 03/03/17			225103	P	03/10/17	55730	530105	66.75
INVOICE: 75955	2236314 03/03/17			225103	P	03/10/17	55730	530105	81.15
INVOICE: 75955	2236314 03/03/17			225103	P	03/10/17	55730	530410	33.66
VENDOR TOTALS				40,389.59	YTD INVOICED			40,389.59	YTD PAID
10492 VALLEY VIEW ARBORETUM CIVIC ASSN				225104	P	03/10/17	55720	520903	180.00
INVOICE: 30917								180.00	YTD PAID
VENDOR TOTALS				180.00	YTD INVOICED			180.00	YTD PAID
3995 WAREHOUSE DIRECT OFFICE PRODUCTS				225105	P	03/10/17	143100	530100	-2.67
INVOICE: 75869	02/28/17			225105	P	03/10/17	143100	530100	2.67
INVOICE: 75870	02/28/17			225105	P	03/10/17	143100	530100	14.77
INVOICE: 75871	02/27/17			225105	P	03/10/17	143100	530100	14.77
INVOICE: 75871	02/27/17			225105	P	03/10/17	143300	530100	14.77
INVOICE: 75871	02/27/17			225105	P	03/10/17	143400	530100	14.77
INVOICE: 75871	02/27/17			225105	P	03/10/17	50100	530100	14.76

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75871 INVOICE: 3389375-0 75958 03/01/17 INVOICE: 16523-S	02/27/17 02/17/17			225105	P	03/10/17	530100	OFFICE SUPPLIES	14.76
VENDOR TOTALS			611.60 YTD INVOICED					OFFICE SUPPLIES	41.22
935 WATER RESOURCES INC. 75868 02/17/17 INVOICE: 31187	02/17/17			225106	P	03/10/17	50100	MAINTENANCE-WATER METERS	115.05
VENDOR TOTALS			17,726.96 YTD INVOICED					MAINTENANCE-WATER METERS	2,899.80
8016 WESTERN DUPAGE LANDSCAPING INC 75867 03/06/17 INVOICE: 20151822	03/06/17			225107	P	03/10/17	100	ESCROWS - DEVELOPER DEPOS	2,899.80
VENDOR TOTALS			2,000.00 YTD INVOICED					ESCROWS - DEVELOPER DEPOS	2,000.00
7711 WINDY CITY DISTRIBUTION COMPANY 75957 03/02/17 INVOICE: 842110	03/02/17			225108	P	03/10/17	550	BEER INVENTORY	2,000.00
VENDOR TOTALS			4,239.03 YTD INVOICED					BEER INVENTORY	347.64
8565 WIDEOPENWEST FINANCE LLC 75872 03/01/17 INVOICE: 30717	03/01/17			225109	P	03/10/17	134300	TELECOMMUNICATIONS	68.00
VENDOR TOTALS			586.50 YTD INVOICED					TELECOMMUNICATIONS	68.00
970 XEROX CORPORATION 75960 03/01/17 INVOICE: 88232406	03/01/17			225110	P	03/10/17	121400	COPIER	471.34
VENDOR TOTALS			2,643.31 YTD INVOICED					COPIER	471.34
REPORT TOTALS									253,972.28

COUNT	AMOUNT
TOTAL PRINTED CHECKS 93	244,455.07
TOTAL WIRE TRANSFERS 1	9,517.21

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VENDOR NAME DOCUMENT	INV DATE VOUCHER PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
VENDOR TOTALS							88,250.00 YTD PAID
8402 AMG CUSTOM HOME BUILDERS, INC 76126 03/15/17 INVOICE: 76032		225115	P	03/17/17	540	ACCOUNTS REC'D - UTILITY BI	71,250.00
VENDOR TOTALS							72.92 YTD PAID
2959 APWA CHICAGO METRO CHAPTER C/O 76034 02/08/17 INVOICE: 31617		225116	P	03/17/17	50100	DUES-SUBSCRIPTIONS-REG FE	72.92
76034 02/08/17 INVOICE: 31617		225116	P	03/17/17	50200	DUES-SUBSCRIPTIONS-REG FE	560.00
VENDOR TOTALS							560.00
VENDOR TOTALS							1,120.00
9380 ARBORWORKS LLC 75970 03/08/17 INVOICE: 2938		20160006	P	03/17/17	143400	TREE REMOVAL	4,675.00 YTD PAID
VENDOR TOTALS							521095
VENDOR TOTALS							11,451.73 YTD PAID
65 AT&T 75972 03/04/17 INVOICE: 31417		225118	P	03/17/17	50100	TELECOMMUNICATIONS	4,525.50
VENDOR TOTALS							85.00
VENDOR TOTALS							1,142.51 YTD PAID
10495 JOSEF ATHANAS 76029 03/15/17 INVOICE: 76029		225119	P	03/17/17	540	ACCOUNTS REC'D - UTILITY BI	85.00
VENDOR TOTALS							104.83
VENDOR TOTALS							104.83 YTD PAID
8437 B & F CONSTRUCTION CODE SERVICES, INC 76057 01/30/17 INVOICE: 45829		225120	P	03/17/17	126200	BUILDING REVIEWS	142.50
VENDOR TOTALS							142.50
VENDOR TOTALS							9,612.78 YTD PAID
8788 BI-STATE BUSINESS SOLUTIONS 75973 03/08/17 INVOICE: INV68765		225121	P	03/17/17	121400	COMPUTER EQUIPMENT/PROJEC	18.95
VENDOR TOTALS							18.95
VENDOR TOTALS							18.95 YTD PAID
10494 BIRD, INC 75974 02/17/17 INVOICE: 1567		225122	P	03/17/17	40000	LAKE ELLYN RIFORD ROAD IM	11,645.00

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VENDOR TOTALS		11,645.00	YTD INVOICED			11,645.00	YTD PAID	11,645.00
10499 DANIELA BITNER 76058 03/15/17 INVOICE: PR031617			225123	P	03/17/17	5300	440530	311.80
							LEASED PARKING LOT FEES	311.80
VENDOR TOTALS		311.80	YTD INVOICED			311.80	YTD PAID	311.80
9879 BREAKTHRU BEVERAGE ILLINOIS, LLC 76056 03/09/17 INVOICE: 1013663506			225124	P	03/17/17	550	150302	413.22
							LIQUOR INVENTORY	413.22
VENDOR TOTALS		3,445.41	YTD INVOICED			3,445.41	YTD PAID	413.22
103 BRISTOL HOSE & FITTING 76059 03/13/17 INVOICE: 3334271			225125	P	03/17/17	65000	530310	41.67
							PARTS PURCHASED	41.67
76060 03/13/17 INVOICE: 3334273			225125	P	03/17/17	65000	530310	18.34
							PARTS PURCHASED	18.34
VENDOR TOTALS		394.81	YTD INVOICED			394.81	YTD PAID	60.01
5354 UNITED COMMUNICATION SYSTEMS 76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	134100	521195	17.53
							TELECOMMUNICATIONS	17.53
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	134200	521195	168.77
							TELECOMMUNICATIONS	168.77
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	134300	521195	32.88
							TELECOMMUNICATIONS	32.88
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	143100	521195	425.99
							TELECOMMUNICATIONS	425.99
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	121400	521195	1,614.54
							TELECOMMUNICATIONS	1,614.54
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	50100	521195	114.72
							TELECOMMUNICATIONS	114.72
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	50200	521195	163.04
							TELECOMMUNICATIONS	163.04
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	55710	521195	3.52
							TELECOMMUNICATIONS	3.52
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	55720	521195	-132.42
							TELECOMMUNICATIONS	-132.42
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	55730	521195	100.00
							TELECOMMUNICATIONS	100.00
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	55750	521195	111.92
							TELECOMMUNICATIONS	111.92
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	135100	521195	265.97
							TELECOMMUNICATIONS	265.97
76063 03/15/17 INVOICE: 31617			225126	P	03/17/17	55720	521195	466.71
							TELECOMMUNICATIONS	466.71

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VENDOR TOTALS				9,763.57	YTD	INVOICED		9,763.57	YTD PAID
120 CANON SOLUTIONS AMERICA, INC									3,353.17
75975 03/01/17				225127	P	03/17/17	121400	520901	COPIER
INVOICE: 4021655257									83.35
VENDOR TOTALS				722.88	YTD	INVOICED		722.88	YTD PAID
10067 NEW CARBON COMPANY, LLC									83.35
76062 03/10/17				225128	P	03/17/17	550	150301	FOOD INVENTORY
INVOICE: I39032495T02									180.00
VENDOR TOTALS				180.00	YTD	INVOICED		180.00	YTD PAID
137 CDW GOVERNMENT, INC.									180.00
75976 02/28/17				225129	P	03/17/17	121400	570110	COMPUTER EQUIPMENT/PROJEC
INVOICE: HBC6963									548.48
VENDOR TOTALS				2,394.96	YTD	INVOICED		2,394.96	YTD PAID
7273 CMS COMMUNICATIONS, INC.									548.48
75978 03/08/17				225130	P	03/17/17	121400	570110	COMPUTER EQUIPMENT/PROJEC
INVOICE: 1680566									723.07
VENDOR TOTALS				2,319.39	YTD	INVOICED		2,319.39	YTD PAID
175 COMMONWEALTH EDISON COMPANY									723.07
76064 03/10/17				225131	P	03/17/17	40000	580100	CONSTRUCTION PROJECTS
INVOICE: 76064									57.28
VENDOR TOTALS				28,544.77	YTD	INVOICED		28,544.77	YTD PAID
8317 COPY KING OFFICE SOLUTIONS, INC									57.28
75977 03/01/17				225132	P	03/17/17	121500	530105	OPERATING SUPPLIES
INVOICE: 32304									315.74
VENDOR TOTALS				953.21	YTD	INVOICED		953.21	YTD PAID
291 EUCLID BEVERAGE, LTD									315.74
76065 03/09/17				225133	P	03/17/17	550	150303	BEER INVENTORY
INVOICE: 336-208									642.95
VENDOR TOTALS				3,060.10	YTD	INVOICED		3,060.10	YTD PAID
9285 UNITED FITNESS SERVICE, INC									642.95
76066 03/15/17				225134	P	03/17/17	121300	521075	CONTRACT MAINT SERVICE
INVOICE: 6471									140.00
VENDOR TOTALS				140.00	YTD	INVOICED		140.00	YTD PAID
									140.00

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DOCUMENT		CHECK NO T CHK DATE GL ACCOUNT			

10496	ROBERT/ REBECCA FLETCHER	225135	P 03/17/17 540	120210	ACCOUNTS REC V - UTILITY BI
76030	03/15/17				76.12
INVOICE: 76030					
VENDOR TOTALS		76.12	YTD INVOICED	76.12	YTD PAID
6345	FORCE AMERICA DISTRIBUTING, LLC	225136	P 03/17/17 65000	530310	PARTS PURCHASED
76067	03/03/17				61.77
INVOICE: IN001-1125181					
VENDOR TOTALS		661.77	YTD INVOICED	661.77	YTD PAID
9362	G & K SERVICES, CO	225137	P 03/17/17 143100	520970	MAINTENANCE-BUILDING & GR
76074	03/09/17				18.48
INVOICE: 1028468514					
76074	03/09/17	225137	P 03/17/17 65000	521125	LEASED EQUIPMENT
INVOICE: 1028468514					52.90
VENDOR TOTALS		324.10	YTD INVOICED	324.10	YTD PAID
1012	VIL. OF G.E., POLICE-PETTY CASH	225111	P 03/10/17 134100	530105	OPERATING SUPPLIES
75969	03/10/17				51.89
INVOICE: 31017					
75969	03/10/17	225111	P 03/10/17 134200	530105	OPERATING SUPPLIES
INVOICE: 31017					46.08
75969	03/10/17	225111	P 03/10/17 134200	520600	DUES-SUBSCRIPTIONS-REG FE
INVOICE: 31017					40.00
75969	03/10/17	225111	P 03/10/17 134100	520600	DUES-SUBSCRIPTIONS-REG FE
INVOICE: 31017					40.00
75969	03/10/17	225111	P 03/10/17 134200	520625	TRAVEL
INVOICE: 31017					17.00
VENDOR TOTALS		194.97	YTD INVOICED	194.97	YTD PAID
922	VILLAGE OF GLEN ELLYN	18323	W 03/17/17 135100	521200	UTILITIES
120495-141	03/01/17				156.27
INVOICE: 120495-143					
121350-144	03/01/17	18324	W 03/17/17 121600	521200	UTILITIES
INVOICE: 121350-145					32.18
122670-144	03/01/17	18325	W 03/17/17 121600	521200	UTILITIES
INVOICE: 122670-145					42.59
127680-146	03/01/17	18327	W 03/17/17 50100	521200	UTILITIES
INVOICE: 127680-147					19.70
140210-142	03/01/17	18329	W 03/17/17 53000	521200	UTILITIES
INVOICE: 140210-143					19.70
140220-144	03/01/17	18330	W 03/17/17 53000	521200	UTILITIES
INVOICE: 140220-145					19.70
140250-143	03/01/17	18331	W 03/17/17 55720	521200	UTILITIES
INVOICE: 140250-144					22.70
315090-142	03/01/17	18332	W 03/17/17 121300	521200	UTILITIES
INVOICE: 315090-143					326.68

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VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	
410010-143 INVOICE: 410010-144	03/01/17			18333	W	03/17/17	121300	UTILITIES	333.38
411170-132 INVOICE: 411170-133	03/01/17			18334	W	03/17/17	55710	UTILITIES	52.39
413030-139 INVOICE: 413030-140	03/01/17			18335	W	03/17/17	55720	UTILITIES	255.29
413030-139 INVOICE: 413030-140	03/01/17			18335	W	03/17/17	55730	UTILITIES	382.93
423925-144 INVOICE: 423925-145	03/01/17			18336	W	03/17/17	135100	UTILITIES	130.73
4709535 INVOICE: 122675-69	03/01/17			18326	W	03/17/17	121600	UTILITIES	19.70
6348317 INVOICE: 132570-17	03/01/17			18328	W	03/17/17	40000	CONSTRUCTION PROJECTS	34.53
VENDOR TOTALS							6,367.72	YTD PAID	1,848.47
9692 LOUIS GLUNZ BEER, INC 76071 INVOICE: 957406	03/10/17			225138	P	03/17/17	550	BEER INVENTORY	45.50
76072 INVOICE: 957414	03/10/17			225138	P	03/17/17	550	BEER INVENTORY	18.00
VENDOR TOTALS							1,684.63	YTD PAID	63.50
370 GRAYBAR ELECTRIC COMPANY INC 76068 INVOICE: 990231376	03/08/17			225139	P	03/17/17	143300	MAINTENANCE-STREET LIGHTS	73.15
76069 INVOICE: 990256536	03/09/17			225139	P	03/17/17	143300	MAINTENANCE-STREET LIGHTS	235.36
76070 INVOICE: 990276098	03/10/17			225139	P	03/17/17	143300	MAINTENANCE-STREET LIGHTS	63.61
VENDOR TOTALS							4,471.45	YTD PAID	372.12
10301 GREAT LAKES COCA-COLA DISTRIBUTION, LLC 76061 INVOICE: 816208205	03/01/17			225140	P	03/17/17	550	NA BEVERAGES INVENTORY	525.18
VENDOR TOTALS							525.18	YTD PAID	525.18
10282 HEARTLAND BEVERAGE, LLC 76079 INVOICE: 15130	03/10/17			225141	P	03/17/17	550	BEER INVENTORY	154.50
VENDOR TOTALS							397.50	YTD PAID	154.50
6405 HIGHLAND BAKING CO 76075 INVOICE: 1310523	03/07/17			225142	P	03/17/17	550	FOOD INVENTORY	63.13
76076 INVOICE: 1310523	03/08/17			225142	P	03/17/17	550	FOOD INVENTORY	20.62

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INVOICE: 1310827 76077 03/09/17				225142	P	03/17/17	550	150301	56.83
INVOICE: 1311981 76078 03/11/17				225142	P	03/17/17	550	150301	120.49
INVOICE: 1314097									
VENDOR TOTALS				3,577.71	YTD	INVOICED		3,577.71	261.07
388 H-O-H WATER TECHNOLOGY, INC 75980 03/06/17				225143	P	03/17/17	121300	530105	344.68
INVOICE: 500085									
VENDOR TOTALS				818.74	YTD	INVOICED		818.74	344.68
389 HOLSTEIN'S GARAGE 76081 02/28/17				225144	P	03/17/17	65000	521180	165.50
INVOICE: T-3305									
VENDOR TOTALS				615.50	YTD	INVOICED		615.50	165.50
5988 HR SIMPLIFIED 75979 03/10/17				225145	P	03/17/17	60000	520885	128.03
INVOICE: 50400									
VENDOR TOTALS				435.35	YTD	INVOICED		435.35	128.03
8112 JOHN HUBSKY 76080 03/13/17				225146	P	03/17/17	50100	520600	30.70
INVOICE: ER031617									
76080 03/13/17				225146	P	03/17/17	50200	520600	30.71
INVOICE: ER031617									
VENDOR TOTALS				661.41	YTD	INVOICED		661.41	61.41
8359 ILLINOIS PUBLIC WORKS MUTUAL AID NETWORK 76082 02/25/17				225147	P	03/17/17	143100	520600	250.00
INVOICE: 2291									
VENDOR TOTALS				250.00	YTD	INVOICED		250.00	250.00
444 INTERSTATE BATTERY SYS OF SW CHICAGO 76083 03/06/17				225148	P	03/17/17	65000	530310	199.95
INVOICE: 33624835									
VENDOR TOTALS				1,571.30	YTD	INVOICED		1,571.30	199.95
10493 RICHARD JENSEN 75982 03/13/17				225149	P	03/17/17	100	240100	3,000.00
INVOICE: 20141124									

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VENDOR TOTALS			3,000.00	YTD INVOICED			3,000.00	YTD PAID	3,000.00
481 JERRY HAGGERTY CHEVROLET INC 75981 02/13/17 INVOICE: 163991				225150	P	03/17/17	143300	OPERATING SUPPLIES	104.16
VENDOR TOTALS			142,502.18	YTD INVOICED			142,502.18	YTD PAID	104.16
10500 GERRIT/SUSANNE KAMPHUIS 76084 03/15/17 INVOICE: TXR031617				225151	P	03/17/17	4000	REAL ESTATE TRANSFER TAX	1,884.00
VENDOR TOTALS			1,884.00	YTD INVOICED			1,884.00	YTD PAID	1,884.00
10501 WILLIAM LAING 76086 03/15/17 INVOICE: VR031617				225152	P	03/17/17	1000	VEHICLE LICENSES	33.00
VENDOR TOTALS			33.00	YTD INVOICED			33.00	YTD PAID	33.00
8983 ANDREW WOOD INC 76085 03/15/17 INVOICE: 400661				225153	P	03/17/17	55720	MARKETING	1,750.00
VENDOR TOTALS			7,000.00	YTD INVOICED			7,000.00	YTD PAID	1,750.00
546 LEN'S ACE HARDWARE, INC. 75983 02/06/17 INVOICE: 77356				225154	P	03/17/17	55710	OPERATING SUPPLIES	35.04
75984 02/07/17 INVOICE: 77369				225154	P	03/17/17	55710	OPERATING SUPPLIES	8.98
75985 02/08/17 INVOICE: 77385				225154	P	03/17/17	55710	OPERATING SUPPLIES	3.59
75986 02/09/17 INVOICE: 77406				225154	P	03/17/17	55710	OPERATING SUPPLIES	152.69
75987 02/10/17 INVOICE: 77418				225154	P	03/17/17	55715	OPERATING SUPPLIES	4.59
75988 02/10/17 INVOICE: 77424				225154	P	03/17/17	55715	OPERATING SUPPLIES	58.70
75989 02/15/17 INVOICE: 77483				225154	P	03/17/17	55715	OPERATING SUPPLIES	2.69
75990 02/15/17 INVOICE: 77479				225154	P	03/17/17	55710	OPERATING SUPPLIES	17.08
75991 02/21/17 INVOICE: 77550				225154	P	03/17/17	55710	OPERATING SUPPLIES	10.77
75992 02/22/17 INVOICE: 77580				225154	P	03/17/17	55715	OPERATING SUPPLIES	1.60
75993 02/28/17 INVOICE: 77663				225154	P	03/17/17	55710	OPERATING SUPPLIES	26.35
75994 02/28/17				225154	P	03/17/17	55715	OPERATING SUPPLIES	139.4

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INVOICE: 75995	02/01/17	77665		225154	P	03/17/17	521010	MAINTENANCE-SANITARY SEWE	14.93
INVOICE: 75996	02/02/17	77313		225154	P	03/17/17	530310	PARTS PURCHASED	3.75
INVOICE: 75997	02/03/17	77327		225154	P	03/17/17	530105	OPERATING SUPPLIES	6.99
INVOICE: 75998	02/03/17	77335		225154	P	03/17/17	520970	MAINTENANCE-BUILDING & GR	1.66
INVOICE: 75999	02/03/17	77336		225154	P	03/17/17	520970	MAINTENANCE-BUILDING & GR	3.86
INVOICE: 76000	02/06/17	77337		225154	P	03/17/17	520970	MAINTENANCE-BUILDING & GR	5.17
INVOICE: 76001	02/07/17	77360		225154	P	03/17/17	530105	OPERATING SUPPLIES	23.38
INVOICE: 76002	02/14/17	77376		225154	P	03/17/17	530310	PARTS PURCHASED	1.26
INVOICE: 76003	02/14/17	77465		225154	P	03/17/17	520970	MAINTENANCE-BUILDING & GR	3.86
INVOICE: 76004	02/14/17	77468		225154	P	03/17/17	530105	OPERATING SUPPLIES	55.76
INVOICE: 76005	02/15/17	77471		225154	P	03/17/17	530100	OFFICE SUPPLIES	1.79
INVOICE: 76006	02/16/17	77488		225154	P	03/17/17	521020	MAINTENANCE-HYDRANTS	11.45
INVOICE: 76007	02/17/17	77506		225154	P	03/17/17	520975	MAINTENANCE-EQUIPMENT	9.88
INVOICE: 76008	02/22/17	77615		225154	P	03/17/17	530310	PARTS PURCHASED	17.96
INVOICE: 76009	02/24/17	77577		225154	P	03/17/17	530105	OPERATING SUPPLIES	3.99
INVOICE: 76010	02/25/17	77607		225154	P	03/17/17	530105	OPERATING SUPPLIES	35.45
INVOICE: 76011	02/27/17	77620		225154	P	03/17/17	520975	MAINTENANCE-EQUIPMENT	4.49
INVOICE: 76012	02/27/17	77634		225154	P	03/17/17	520970	MAINTENANCE-BUILDING & GR	10.04
INVOICE: 76013	02/27/17	77636		225154	P	03/17/17	520975	MAINTENANCE-EQUIPMENT	3.59
INVOICE: 76014	02/28/17	77638		225154	P	03/17/17	530105	OPERATING SUPPLIES	7.19
INVOICE: 76015	02/28/17	77656		225154	P	03/17/17	520975	MAINTENANCE-EQUIPMENT	7.19
INVOICE: 76016	02/28/17	77658		225154	P	03/17/17	520970	MAINTENANCE-BUILDING & GR	4.49
INVOICE: 76017	02/28/17	77659		225154	P	03/17/17	520975	MAINTENANCE-EQUIPMENT	-7.19
INVOICE: 77660									
VENDOR TOTALS				2,029.77	YTD INVOICED		2,029.77	YTD PAID	692.45

5656 MARKET PLAZA 450 LLC

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76031 INVOICE: 76031	03/15/17 76031	225155	P	03/17/17	500	120210	ACCOUNTS RECV - UTILITY BI 150.45
VENDOR TOTALS		150.45	YTD INVOICED			150.45	YTD PAID
595 MENARDS, INC. 76018 INVOICE: 46914 76090 INVOICE: 47109 76091 INVOICE: 47280	03/06/17 46914 03/08/17 47109 03/10/17 47280	225156	P	03/17/17	143300	521035	MAINTENANCE-STREET PAINTI 59.88
		225156	P	03/17/17	143300	530105	OPERATING SUPPLIES 73.37
		225156	P	03/17/17	143300	530105	OPERATING SUPPLIES 25.44
VENDOR TOTALS		1,104.70	YTD INVOICED			1,104.70	YTD PAID
8668 MID-WEST INSTITUTIONAL FOODS DISTRIBUTORS, INC. 76087 INVOICE: 687260 76088 INVOICE: 687990 76089 INVOICE: 688673	03/09/17 687260 03/10/17 687990 03/11/17 688673	225157	P	03/17/17	550	150301	FOOD INVENTORY 316.57
		225157	P	03/17/17	550	150301	FOOD INVENTORY 316.63
		225157	P	03/17/17	550	150301	FOOD INVENTORY 162.82
VENDOR TOTALS		9,211.90	YTD INVOICED			9,211.90	YTD PAID
5841 GENUINE PARTS CO-NAPA 75923 INVOICE: 403088 76092 INVOICE: 405976 76093 INVOICE: 405276 76094 INVOICE: 406868 76095 INVOICE: 405958 76096 INVOICE: 403079	02/14/17 403088 03/08/17 405976 03/03/17 405276 03/14/17 406868 03/08/17 405958 02/14/17 403079	225158	P	03/17/17	65000	530310	PARTS PURCHASED -1.30
		225158	P	03/17/17	65000	530310	PARTS PURCHASED 4.96
		225158	P	03/17/17	65000	530310	PARTS PURCHASED 89.91
		225158	P	03/17/17	65000	530310	PARTS PURCHASED -16.22
		225158	P	03/17/17	65000	530310	PARTS PURCHASED 14.67
		225158	P	03/17/17	65000	530310	PARTS PURCHASED 16.22
VENDOR TOTALS		1,492.69	YTD INVOICED			1,492.69	YTD PAID
7183 NEWEGG INC 76019 INVOICE: 1300192859 76020 INVOICE: 1300178076 76021 INVOICE: 1300178478 76022 INVOICE: 1300179890	03/08/17 1300192859 02/28/17 1300178076 03/01/17 1300178478 03/01/17 1300179890	225159	P	03/17/17	134200	530100	OFFICE SUPPLIES 26.39
		225159	P	03/17/17	121400	570110	COMPUTER EQUIPMENT/PROJEC 11.19
		225159	P	03/17/17	121400	570110	COMPUTER EQUIPMENT/PROJEC 17.88
		225159	P	03/17/17	121400	570110	COMPUTER EQUIPMENT/PROJEC 19.98

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VENDOR TOTALS		2,786.51	YTD INVOICED				2,786.51	YTD PAID	75.44
651 NORTHERN ILLINOIS GAS COMPANY 76025 03/01/17 INVOICE: 76025				225160	P	03/17/17	21000	STREET LIGHTING/ENERGY CO	49.90
VENDOR TOTALS		20,464.80	YTD INVOICED				20,464.80	YTD PAID	49.90
655 NORTHERN ILLINOIS UNIVERSITY 76023 03/09/17 INVOICE: PRI003817				225161	P	03/17/17	126100	PROFESSIONAL SERVICES-PLA	1,540.00
VENDOR TOTALS		3,080.00	YTD INVOICED				3,080.00	YTD PAID	1,540.00
676 PACKEY WEBB FORD, INC. 76098 03/09/17 INVOICE: 137353				225162	P	03/17/17	65000	PARTS PURCHASED	393.32
VENDOR TOTALS		3,885.20	YTD INVOICED				3,885.20	YTD PAID	393.32
10045 OJA ENTERPRISES, INC 76026 02/27/17 INVOICE: 9838				225163	P	03/17/17	121300	PROFESSIONAL SERVICES - O	647.70
76097 03/06/17 INVOICE: 9844				225163	P	03/17/17	121300	PROFESSIONAL SERVICES - O	520.70
VENDOR TOTALS		3,403.60	YTD INVOICED				3,403.60	YTD PAID	1,168.40
700 THE PITNEY BOWES BANK INC 76124 03/16/17 INVOICE: 31617				18337	W	03/16/17	122100	POSTAGE & SHIPPING	2,000.00
VENDOR TOTALS		6,000.00	YTD INVOICED				6,000.00	YTD PAID	2,000.00
751 ALBUM FRAMES COM INC 76099 03/15/17 INVOICE: 18769				225164	P	03/17/17	143300	MAINTENANCE-BUILDING & GR	250.00
VENDOR TOTALS		1,250.00	YTD INVOICED				1,250.00	YTD PAID	250.00
3604 RITE-WAY CUSTOM HOMES 76125 03/15/17 INVOICE: 76033				225165	P	03/17/17	500	ACCOUNTS RECV - UTILITY BI	93.39
VENDOR TOTALS		8,405.06	YTD INVOICED				8,405.06	YTD PAID	93.39
8689 RUSH TRUCK CENTERS OF ILLINOIS, INC 76100 03/08/17 INVOICE: 305696868				225166	P	03/17/17	65000	PARTS PURCHASED	290.33
76101 03/07/17				225166	P	03/17/17	65000	PARTS PURCHASED	21.64

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INVOICE: 3005682549 76102 03/06/17 INVOICE: 3005669899				225166	P	03/17/17	65000 530310	PARTS PURCHASED	134.70
VENDOR TOTALS			2,144.98	YTD INVOICED				2,144.98 YTD PAID	446.67
6093 SCHAMBERGER BROTHERS, INC 76106 03/10/17 INVOICE: 407789				225167	P	03/17/17	550 150303	BEER INVENTORY	154.60
VENDOR TOTALS			2,452.90	YTD INVOICED				2,452.90 YTD PAID	154.60
9801 REGINA SCHWAN 76027 03/13/17 INVOICE: 20151612				225168	P	03/17/17	100 240100	ESCROWS - DEVELOPER DEPOS	1,000.00
VENDOR TOTALS			1,000.00	YTD INVOICED				1,000.00 YTD PAID	1,000.00
141 SENTRY SECURITY 76028 03/01/17 INVOICE: 204464				225169	P	03/17/17	121600 521055	PROFESSIONAL SERVICES - O	192.39
VENDOR TOTALS			720.38	YTD INVOICED				720.38 YTD PAID	192.39
10181 SOUTHERN GLAZER'S WINE AND SPIRITS, LLC 76107 03/09/17 INVOICE: 1458487				225170	P	03/17/17	550 150302	LIQUOR INVENTORY	3,511.86
VENDOR TOTALS			13,837.66	YTD INVOICED				13,837.66 YTD PAID	3,511.86
10502 DAN SRONKOSKI 76104 03/10/17 INVOICE: 31617				225171	P	03/17/17	100 240100	ESCROWS - DEVELOPER DEPOS	300.00
VENDOR TOTALS			300.00	YTD INVOICED				300.00 YTD PAID	300.00
2687 STAPLES CONTRACT & COMMERCIAL, INC. 76111 03/03/17 INVOICE: 3332556025 76112 03/03/17 INVOICE: 3332556024				225172	P	03/17/17	121300 530105	OPERATING SUPPLIES	119.43
VENDOR TOTALS			3,618.57	YTD INVOICED				3,618.57 YTD PAID	238.86
9084 STATE INDUSTRIAL PRODUCTS CORPORATION 76109 01/31/17 INVOICE: 98119891 76110 01/31/17 INVOICE: 98119889				225173	P	03/17/17	121300 530105	OPERATING SUPPLIES	207.60
				225173	P	03/17/17	121300 530105	OPERATING SUPPLIES	182.61

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VENDOR TOTALS		789.32	YTD INVOICED				789.32	YTD PAID	390.21
4590 STEVE PIPER & SONS, INC. 76108 03/07/17 INVOICE: 6483				225174	P	03/17/17	143400	TREE REMOVAL	990.00
VENDOR TOTALS		990.00	YTD INVOICED				990.00	YTD PAID	990.00
10503 HOLLY STEVENS 76113 03/15/17 INVOICE: PR031617				225175	P	03/17/17	5300	LEASED PARKING LOT FEES	128.40
VENDOR TOTALS		128.40	YTD INVOICED				128.40	YTD PAID	128.40
10104 SUPREME LOBSTER CO 76103 03/10/17 INVOICE: 6078549				225176	P	03/17/17	550	FOOD INVENTORY	383.74
VENDOR TOTALS		2,731.65	YTD INVOICED				2,731.65	YTD PAID	383.74
853 TERMINAL SUPPLY CO, INC 76117 03/06/17 INVOICE: 92666-00				225177	P	03/17/17	65000	PARTS PURCHASED	393.26
VENDOR TOTALS		556.44	YTD INVOICED				556.44	YTD PAID	393.26
854 TERRACE SUPPLY COMPANY 76118 02/28/17 INVOICE: 974289				225178	P	03/17/17	55715	OPERATING SUPPLIES	12.32
76119 03/07/17 INVOICE: 70340665				225178	P	03/17/17	65000	LEASED EQUIPMENT	206.91
VENDOR TOTALS		326.19	YTD INVOICED				326.19	YTD PAID	219.23
10360 TIMOTHY A ARMSTRONG 76035 02/15/17 INVOICE: 31617				225179	P	03/17/17	121700	LEGAL - HEARING OFFICER	165.00
VENDOR TOTALS		165.00	YTD INVOICED				165.00	YTD PAID	165.00
865 ACUSHNET COMPANY 76116 03/06/17 INVOICE: 903721666				225180	P	03/17/17	550	PRO SHOP INVENTORY	374.24
VENDOR TOTALS		22,046.83	YTD INVOICED				22,046.83	YTD PAID	374.24
870 TOUR EDGE GOLF MFG INC 76115 03/06/17 INVOICE: IN-01132406				225181	P	03/17/17	550	PRO SHOP INVENTORY	95.06

03/31/2017 14:00 VILLAGE OF GLEN ELLYN
maryr PAID WARRANT REPORT

WARRANT: 0317-3

P 28
appdwarr
TO FISCAL 2017/03 01/01/2017 TO 12/31/2017

VENDOR NAME DOCUMENT	INV DATE	VOUCHER	PO	CHECK NO	T	CHK DATE	GL ACCOUNT	GL ACCOUNT DESCRIPTION	95.06	YTD PAID	95.06	YTD PAID
VENDOR TOTALS									95.06	YTD PAID	95.06	YTD PAID
10293 RACHEL ALCORN 76114 03/13/17 INVOICE: 774				225182	P	03/17/17	55700	PROFESSIONAL SERVICES - O	521055		875.00	
VENDOR TOTALS									875.00	YTD PAID	875.00	
1190 HD SUPPLY FACILITIES MAINT LTD. 76120 01/24/17 INVOICE: 162730				225183	P	03/17/17	50200	MAINTENANCE-BUILDING & GR	520970		66.97	
VENDOR TOTALS									66.97	YTD PAID	66.97	
948 WEST PUBLISHING CORPORATION 76122 03/01/17 INVOICE: 835694818				225184	P	03/17/17	121700	DUES-SUBSCRIPTIONS-REG FE	520600		317.69	
VENDOR TOTALS									953.07	YTD PAID	317.69	
7711 WINDY CITY DISTRIBUTION COMPANY 76121 03/09/17 INVOICE: 845238				225185	P	03/17/17	550	BEER INVENTORY	150303		1,523.35	
VENDOR TOTALS									4,239.03	YTD PAID	1,523.35	
970 XEROX CORPORATION 76123 03/01/17 INVOICE: 88232408				225186	P	03/17/17	55700	OFFICE SUPPLIES	530100		416.51	
VENDOR TOTALS									2,643.31	YTD PAID	416.51	
REPORT TOTALS											134,545.55	
COUNT												
AMOUNT												
TOTAL PRINTED CHECKS										76	130,697.08	
TOTAL WIRE TRANSFERS										15	3,848.47	



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Special Event
Prepared By: Brendon Mendoza

SCHEDULED

AGENDA ITEM (ID # 2661)

DOC ID: 2661

Approve the Run for Rain special event to take place on April 29, 2017 from 10:00 a.m. to 11:30 p.m. (Assistant Village Manager Stonitsch)

Background

The Montessori Academy of Glen Ellyn ("MAGE") has requested to host a new special event, called Run for Rain. Although the name of the event is Run for Rain, this event is a walk, that will take place entirely on sidewalks. The purpose of the Run for Rain special event is to raise funds for a non-profit organization by demonstrating the difficulties and lengths that an individual may have to endure for a source of water. The Run for Rain special event is scheduled to take place on April 29, 2017, from 10:00 AM through 11:30 AM. Anticipated attendance for the Run for Rain is upwards of 40 attendees. The event will begin in the parking lot at 577 Geneva Road, located behind Stacy's Tavern Museum and continue along the proposed route (Attachment #3). As this is an entirely new event, Village Board approval is required.

Issues

Parking

The Glen Ellyn Historical Society has approved the event organizer utilizing Stacy's Tavern parking lot for the starting location and parking during the event. Limited parking is available at The Glen Ellyn Historical Center, located at 800 Main Street. To accommodate for overflow parking, the event organizer has been requested by staff to obtain approval from School District 41 for use of their two (2) adjacent parking lots.

Event Route

Because this a new route, Village staff has collaborated with the event organizer to develop a safe route for participants. The route will take place entirely on public sidewalks owned by the Village, Park District, and School District 81. The event organizer has been required to provide written approval from the Glen Ellyn Park District and School District 81, for use of their property. Village staff will continue to coordinate with the event organizer to finalize any remaining route details.

Recommendation

Village staff recommends approval of the proposed Run for Run special event permit request, contingent upon final approval by Village staff, and receipt of written approval from The Glen Ellyn Park District, and School District 81.

Action Requested

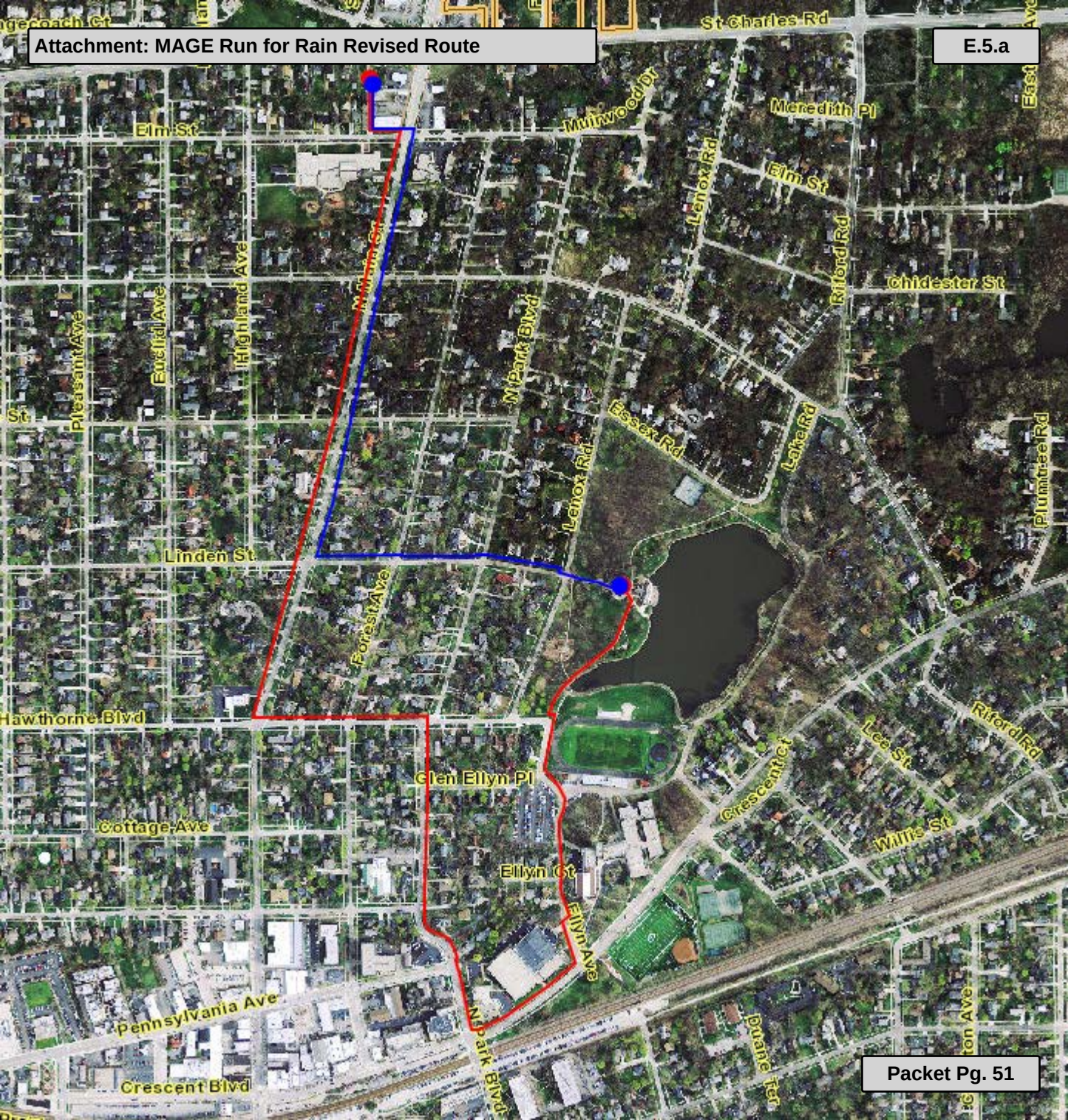
Approve MAGE Run for Rain special event permit request with route approval contingent upon final approval from the Glen Ellyn Police Department designee & receipt of written approval form the Glen Ellyn Park District and School District 81.

Agenda Item (ID # 2661)

Meeting of April 10, 2017

ATTACHMENTS:

- MAGE Run for Rain Revised Route (PDF)
- MAGE Run for Rain Special Event Permit Request (PDF)
- MAGE Run for Rain Draft Approval Letter (DOC)





Village of Glen Ellyn Special Event Permit Application

PAID
MAR 28 2017
Chk # 1073 \$50.00
VILLAGE OF GLEN ELLYN

The Special Event Permit Application must be submitted at least sixty (60) days prior to the event date in order to ensure sufficient time for processing. Please contact the Administration Department at 630-469-5000, or refer to the Special Event Permit Application Guidelines at www.glenellyn.org for more information. The Special Event Permit processing fee is \$50.00.

EVENT INFORMATION			
Event Title		Run for Rain	
Type of Event	☐ Carnival or Rides ☐ Business Special Event ☐ Festival ☐ Outdoor Concert ☐ Parade ☐ Tent Sale ☒ Walk/Run/Bike ☐ Zoo/Circus ☐ Other (please specify): _____		
Event Date(s)	4/29/17	Time	10:00 - 11:30 AM
Alternate Date(s)	5/06/17	Time	10:00 - 11:30 AM
First Time Applicant?	☒ Yes ☐ No	Is it an Annual Event?	☐ Yes ☒ No
Event Website (if any)	N/A	Anticipated Attendance	40+
Location of Event Please list all requested street or sidewalk closures noting time(s) each street will be closed.	Starting at Stacy Park, down main st, up Crescent, E on Ellyn Ave. Final destination Lake Ellyn.		
Describe the Event Please describe your event in detail including any additional information that may be important to understanding its scope and purpose. Please attach any promotional materials regarding the event.	We will be doing a walk to raise money for a non-profit organization. We want to walk from Stacy Park to Lake Ellyn and get water to mimic how people have to walk a long time to get water. We want to attract the attention of people in hopes that they will join us.		
Please see <u>Section 3</u> of the Special Event Application Guidelines for more information regarding Event Activities			
Event Activities Please check all items that will be included in your event. *Extraordinary activities may require additional licenses, fees or submittals (See Guidelines for additional information).	☐ Alcohol* ☐ Animals* ☐ Automobiles ☒ Balloons/Signs/Decorations ☐ Bands/Live Music ☐ Carnival Rides* ☐ Floats ☐ Food Booth(s) ☐ Parade/Race* ☐ Parking Lots* ☐ Portable Toilets ☐ Promotional Signage* ☐ Sound Equipment ☐ Stage/Bandshell ☒ Streets/Sidewalks* ☐ Tents* ☐ Vendors ☐ Raffle* ☐ Other (please specify): _____		
For tents and promotional signage checked above, please indicate type, size and location(s): _____			

Draw Event Site Plan

Please provide a draft site plan for your event. Please include the following applicable locations; food/drink vendors, bathrooms, entry/exit points, parking, tents, and any additional details. (See guidelines for additional information).

All applications should be completed and submitted **not less** than sixty (60) days prior to the event date. Applications that are complete and submitted to the Village along with any necessary submittals will be processed by Village staff. Incomplete applications will be held for processing until it is complete. Please return your completed Special Event Permit Application to:

By Mail/Drop Off: Village of Glen Ellyn, Administration Department, 535 Duane Street Glen Ellyn, IL 60137

By Email: events@glenellyninfo.org

EVENT ORGANIZER INFORMATION					
Name (First/Last)	Don Carlson				
Address	927 Main St			Apt./Unit	
City	Glen Ellyn	State	IL	Zip Code	60139
Home Phone	630-469-4727	Cell Phone	630-469-4727		
E-mail Address					
Name of Sponsoring Organization(s) (If applicable/different)	MAGE middle school				
Organization's Legal Status	☐ Governmental Entity ☒ Non-profit Entity ☐ Commercial Business				
Sponsoring Organization Main Contact (If applicable/different)					
Address				Apt./Unit	
City		State		Zip Code	
Daytime Phone		E-Mail			

Applicant Signature:

Donald L. Carlson

Date: 02/28/17



April 3, 2017

Village President
Alexander W. Demos
Trustees
Dean Clark
John Kenwood
Pete Ladesic
Diane McGinley
Tim O'Shea
Mark Senak

Village Manager
Mark T. Franz

Village Attorney
Gregory S. Mathews

Civic Center
535 Duane Street
Glen Ellyn, IL 60137

Administration
630-469-5000

Finance
630-547-5235

Planning and Development
630-547-5250

Police
630-469-1187

Public Works
30 South Lambert Road
Glen Ellyn, IL 60137
630-469-6756

The Village Links
485 Winchell Way
Glen Ellyn, IL 60137
630-469-8180

www.glenellyn.org
www.villagelinksgolf.com

Donald Carlson
Montessori Academy of Glen Ellyn
927 North Main Street
Glen Ellyn, IL 60137

RE: Run for Rain

Dear Mr. Carlson:

This letter is to confirm approval for the Run for Rain event scheduled for April 29, 2017, as described in your special event application. Approval of the event is outlined below. Please contact the appropriate Village Department should you have any questions on the Village's approval.

1. Approval for the event to begin at 10:00 AM and continue until 11:30 A.M on Saturday, April 29, 2017. The walk will begin in the parking lot of 557 Geneva Road and continue along the approved route. Approval is **contingent** upon written approval from the Glen Ellyn Park District and Glenbard West High School for use of their respective properties for the event route.
2. Please contact Sergeant Norm Webber at 630-547-5325 from the Glen Ellyn Police Department by Friday, April 14, 2017 if you have further questions regarding your event route.
3. The Montessori Academy of Glen Ellyn ("MAGE") is reminded that the use of permanent spray paint along the event route on streets or sidewalks is prohibited. Please use chalk for marking purposes along the approved route.
4. MAGE will be responsible for any clean-up required following the event.
5. You may display Special Event Signs in the public right-of-way in accordance with Section 4-5-7(C) of the Sign Code.
6. MAGE is reminded that if balloons, signage or other attention getting devices are utilized to direct guests, they must be in accordance with Section 4-5-9 of the Sign Code.
7. Evidence of insurance from MAGE in the amount of \$2 million listing the Village as additionally insured must be presented to Administrative Intern Brendon Mendoza no later than Friday, April 14, 2017.

Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. Please keep a copy of this approval letter with you or your onsite appointed

Donald Carlson
MAGE Middle School

April 3, 2017
Page 2

representative during the event. If you have any questions, please contact the appropriate Village personnel. The Village wishes you best of luck in your event!

Sincerely,

Mark Franz
Village Manager

cc: Al Stonitsch, Assistant Village Manager
Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Bill Holmer, Assistant Police Chief
Norm Webber, Police Sergeant
Dave Buckley, Assistant Public Works Director
Steve Witt, Building and Zoning Official



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Special Event
Prepared By: Brendon Mendoza

SCHEDULED

AGENDA ITEM (ID # 2662)

DOC ID: 2662

Approve the Glen Ellyn Park District Youth Baseball Opening Day Parade to take place on April 22, 2017 from 9:00 a.m. to 10:00 a.m. (Assistant Village Manager Stonitsch)

Background

The Glen Ellyn Park District (“the District”) has requested to host its Glen Ellyn Youth Baseball Opening Day Parade. The special event is scheduled to take place on Saturday, April 22, 2017, from 9:00 AM until 10:00 AM in the Central Business District (“CBD”). The parade will begin at the First Presbyterian Church (550 N. Main St.) and continue along the attached route in the CBD (Attachment #3).

This parade had historically taken place on an annual basis, but has not occurred in recent years. Consequently, this special event permit request is considered a “new” request that requires Village Board approval.

Issues

Event Route & Traffic

The parade will require street closures of main traffic arteries (portions of Crescent Boulevard, Main Street, and Anthony Street) in the CBD (Attachment #3). As the Earthy Day/Recycling Extravaganza Event will also occur on the April 22, 2017 in the Duane/Lorraine Parking Lot, there may be some disruption in traffic within the CBD.

Loss of CBD Parking Spaces

Because the parade route will take place on Crescent Boulevard, Main Street, and Anthony Street, there is will be some potential loss of CBD parking spaces for the duration of the event. Village staff will coordinate with the event organizer to minimize the public parking impact.

Closure of East Portion of Glenwood/Crescent Parking Lot

The event organizer has requested closure of the east portion of the Glenwood/Crescent Parking Lot, in order to allow parents to pick up their children at the end of the parade. The event organizer will be required to coordinate details of the Glenwood/Crescent Parking Lot closure with Village staff.

Police Staffing

The Village’s Annual Recycling Extravaganza/Earth Day special event is also scheduled to take place on April 22, 2017 from 9:00 A.M. until 1:00 P.M. Given that Public Works and Police both provide additional support staff for the event, there are concerns with staffing both events. Village staff will work with the event organizer to ensure adequate staffing is provided by the Village to accommodate the necessary street closures and traffic control deemed necessary by the Police Department.

Recommendation

Village staff recommends approval of the proposed Glen Ellyn Youth Baseball Opening Day Parade special event permit request, contingent upon final approval by Village staff, and written approval from the First Presbyterian Church.

Action Requested

Approve Glen Ellyn Youth Baseball Opening Day Parade special event permit request with route approval contingent upon final approval from the Glen Ellyn Police Department designee & receipt of written approval form the First Presbyterian Church.

ATTACHMENTS:

- GE Youth Baseball Opening Day Parade Special Event Permit Request (PDF)
- GE Youth Baseball Opening Day Parade Draft Approval Letter (DOC)
- GE Youth Baseball Opening Day Parade Proposed Route (PDF)

Village of Glen Ellyn
Parade and Event Permit
APPLICATION



(Application must be submitted 30 days prior to the event.
 Certificate of Insurance must accompany permit application.)

Date of Event: April 22, 2017

Village Use Only:
 Date Received _____

Sponsor: Name Glen Ellyn Youth Baseball/Glen Ellyn Park District
 Address 185 Spring Avenue, Glen Ellyn, IL 60137

Applicant: Name Brett Hepner
 Address 339 Elm Street Telephone 630-742-8509
 Alternate Telephone(s) _____

Complete **ONE** of the three following blocks:

PARADE

Purpose of Parade: Glen Ellyn Youth Baseball Opening Day
 Route Desired: From the corner of Anthony Street and Main Street, head south on Main Street, west on Crescent Avenue to Glenwood parking lot
 Number of Units: 2 Starting Time: 9am Ending Time: 10am

OPEN MEETING

Purpose of Meeting: _____
 Place of Meeting: _____
 Estimated Attendance: _____ Starting Time: _____ Duration: _____
 Sound amplification system to be used? Yes _____ No _____
 Output of System in Watts: _____ Direction it will be pointed: _____

RUNNING OR BICYCLE EVENT

Estimated number of participants _____

Race Course: We wish to use the following established course (select one)

North Course _____ South Course _____ No Preference _____

Distance (select one): 10K Course _____ 5K Course _____ Both _____ Other _____

Based on the Administrative Rules, the Sponsor will provide _____ chemical toilets to be located at _____

Based on the Administrative Rules, the Sponsor will provide _____ mobile and/or _____ fixed location first-aid treatment. If fixed location, first-aid treatment will be provided at _____

Based on the Administrative Rules, the Sponsor will notify the affected residents, churches and governmental bodies by the following method(s) _____

The Sponsor agrees to provide, on request, copies of such notifications and to identify those persons so notified.

Time of Event: Time(s) contained in the Administrative Rules will be used _____, or;

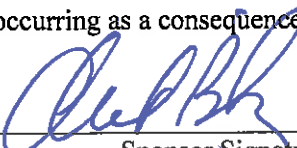
We propose the following starting time(s) _____

Sound Amplification System to be used? Yes _____ No _____

Output of System in Watts: _____ Direction it will be pointed: _____

The Glen Ellyn Park District _____ agrees to purchase insurance coverage which is valid on the
 (Sponsor Organization)
 date of the event, with coverage limitations of **\$2,000,000.00** to insure the Village of Glen Ellyn, their employees, agents or members from and against any and all loss, damage, and any and all claims, suits, costs, or liability to persons other than officers, employees, and agents of Glen Ellyn and for damage to property, resulting from or arising out of the event stated in this application.

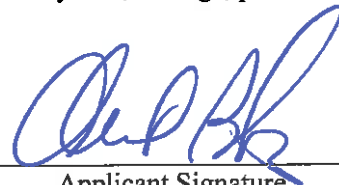
Further, the Glen Ellyn Park District _____ agrees to indemnify and hold harmless the Village of Glen
 (Sponsor Organization)
 Ellyn, its officers, agents, and employees from all claims or actions for any loss, damage, personal injury, or death occurring as a consequence of the event stated in this application.



Sponsor Signature

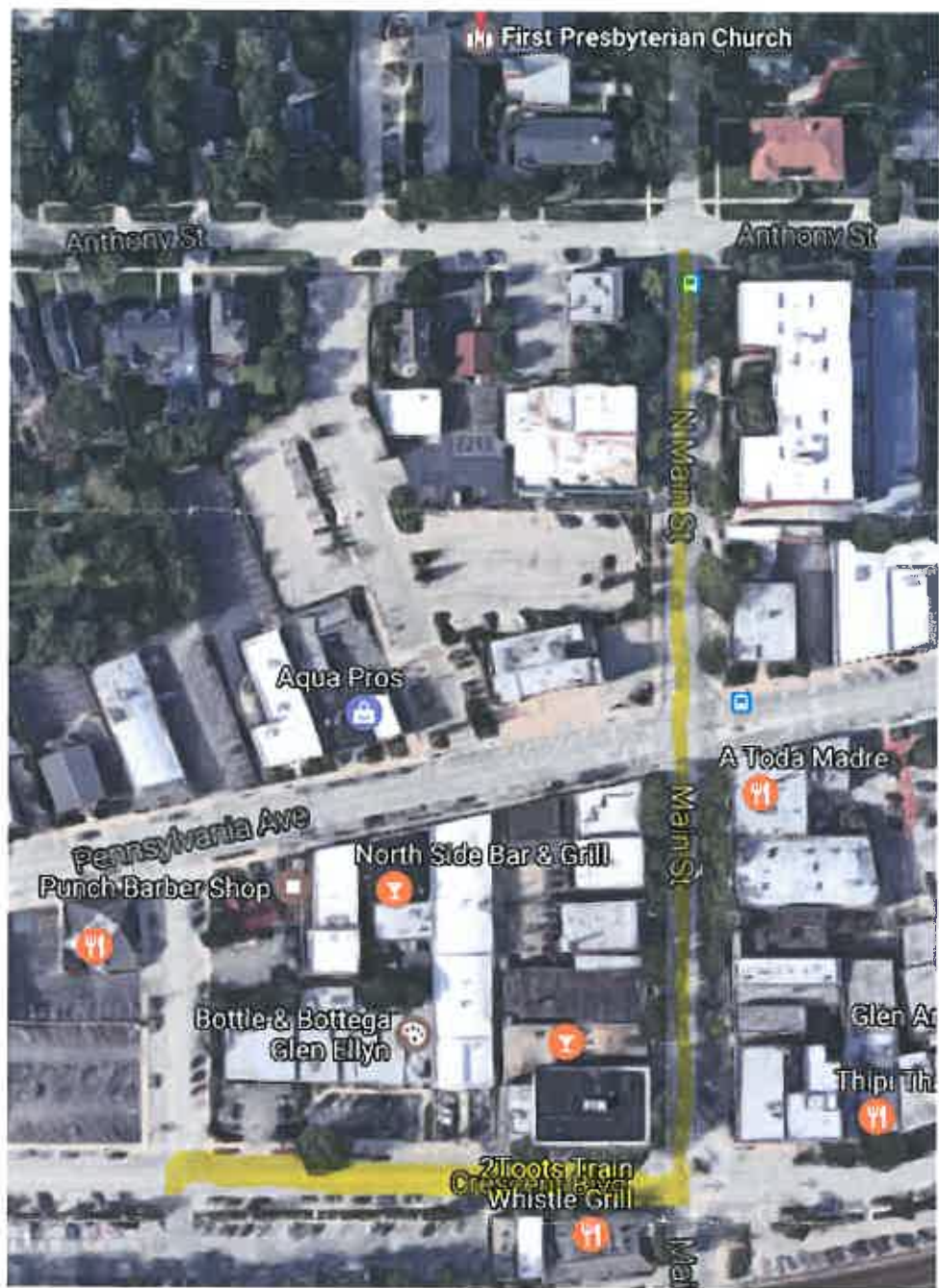
ASSISTANT SUPERINTENDENT ATHLETICS

Recommendation of the Chief of Police:



Applicant Signature

Chief of Police



CERTIFICATE OF COVERAGE

Name and Address of Agency

Park District Risk Management Agency
2033 Burlington Avenue
Lisle, Illinois 60532-1646
630-769-0332

Name and Address of Member

Glen Ellyn Park District
185 Spring Ave.
Glen Ellyn, IL 60137

SCOPE OF COVERAGE

The Park District Risk Management Agency (PDRMA) is an intergovernmental self-insurance and risk management pool established under the constitution and the statutes of the State of Illinois to provide coverage for its members against certain claims and losses. Each member of PDRMA is entitled to the scope and amounts of coverage set forth below. In addition, PDRMA may extend the same scope of coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, and amendments that are applicable to the members.

The above named entity is a member in good standing of the Park District Risk Management Agency. The scope of coverage provided by the agency may, however, be revised at any time by the actions of PDRMA's governing body. As of the date this certificate is issued, the information set out below accurately reflects the scope of coverage established for the current coverage year.

Scope of Coverage	Coverage Document	Coverage Dates	Limits Each Occurrence	In millions (000,000)
General Liability * Commercial general liability * Occurrence * Liquor liability	L010117	01/01/2017 - 12/31/2017	Bodily Injury and Property Damage combined	\$2,000,000
			Personal Injury	\$2,000,000
Automobile Liability * any auto	L010117	01/01/2017 - 12/31/2017	Bodily Injury and Property Damage combined	\$2,000,000
Workers' Compensation	WC010117	01/01/2017 - 12/31/2017		Statutory
Employer's Liability	WC010117	01/01/2017 - 12/31/2017		\$3,000,000
Property	P0700116	01/01/2017 - 12/31/2017		
Other		01/01/2017 - 12/31/2017		

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

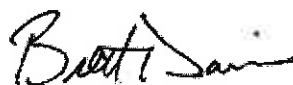
Village of Glen Ellyn is/are additionally insured for Glen Ellyn Park District use of facilities for various park district activities and Village Streets for 5K run/walk.

Coverage is for general liability with respect to the operations of the Glen Ellyn Park District. Additional insured coverage shall not apply to any liability resulting from the certificate holder's own negligence or the negligence of its servants agents or employees.

Certificate Holder

Village of Glen Ellyn
attn: Joe Caracci
535 Duane Street
Glen Ellyn, IL 60137

Date Issued: 12/1/2016



Authorized Representative



April 4, 2017

Village President
Alexander W. Demos
Trustees
Dean Clark
John Kenwood
Pete Ladesic
Diane McGinley
Tim O'Shea
Mark Senak

Village Manager
Mark T. Franz

Village Attorney
Gregory S. Mathews

Civic Center
535 Duane Street
Glen Ellyn, IL 60137

Administration
630-469-5000

Finance
630-547-5235

Planning and Development
630-547-5250

Police
630-469-1187

Public Works
30 South Lambert Road
Glen Ellyn, IL 60137
630-469-6756

The Village Links
485 Winchell Way
Glen Ellyn, IL 60137
630-469-8180

www.glenellyn.org
www.villagelinksgolf.com

Brett Hepner, Program Co-Chair
Glen Ellyn Park District
339 Elm Street
Glen Ellyn, IL 60137

RE: Glen Ellyn Youth Baseball Opening Day Parade

Dear Mr. Hepner:

This letter is to confirm approval for the Glen Ellyn Youth Baseball Opening Day Parade scheduled for Saturday, April 22, 2017, as described in your special event application. Approval of the event is outlined below. Please contact the appropriate Village Department should you have any questions on the Village's approval.

1. Approval for the event to begin at 9:00 a.m. on Saturday, April 22, 2017 and to continue until 10:00 a.m. The parade will begin in the parking lot of the First Presbyterian Church, continue along the approved route. Approval is **contingent** upon written approval from the First Presbyterian Church, for use of their property for the event.
2. Approval of the use of the east portion of the Glenwood/Crescent parking lot from 9:00 a.m. through 10:00 a.m. on Saturday, April 22, 2017. The Glenwood/Crescent parking lot will be closed at 6:00 a.m. on Saturday, April 22, 2017 and reopened at 10:30 a.m. on Saturday, April 22, 2017.
3. Approval to close Main Street between Anthony Street and Crescent Boulevard, portion of Anthony Street between Western Avenue and Main Street, and Crescent Boulevard between Main Street and Glenwood Avenue on Saturday, April 22, 2017 at to be determined times. The Park District will be responsible for coordinating the times for these street closures and any other requested detours with the Police Department. Planning, implementation and final approval of all street closures and detours will be handled by the Police Department.
4. Please contact Sergeant Norm Webber at 630-547-5325 from the Glen Ellyn Police Department by Friday, April 14, 2017 to go over specific details regarding your event and route.
5. The Glen Ellyn Park District ("the District") is responsible for set up and take down of Village provided barricades. Upon completion of the event, the District must bring all Village provided street barricades to the start location to be picked up by Public Works. Please work with Sergeant Norm Webber to arrange pick up of barricades.

Mr. Brett Hepner, Program Co-Chair
Glen Ellyn Youth Baseball Opening Day Parade

April 4, 2017
Page 2

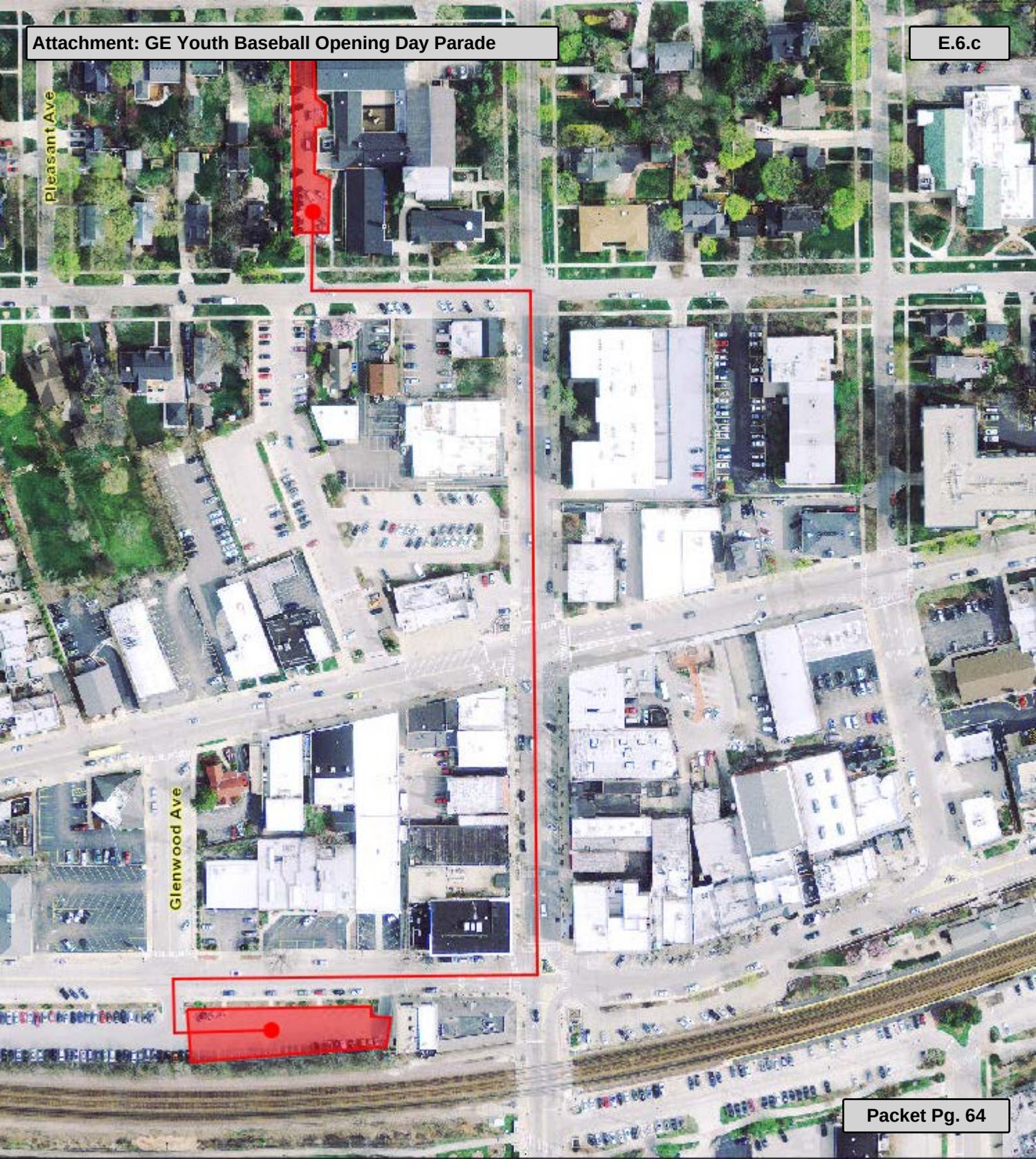
6. Per Glen Ellyn Police Department discretion, the District may be required to hire back police officers at specified intersections along the approved route. Please work out the exact details of police assignments with Assistant Police Chief Bill Holmer at 630-469-1187 or his designee in advance of the event.
7. The District is reminded that the use of permanent spray paint along the event route on streets or sidewalks is prohibited. Please use chalk for marking purposes along the approved route.
8. The District will be responsible for any clean-up required following the event.
9. Evidence of insurance from the District in the amount of \$2 million listing the Village as additionally insured must be presented to Administrative Intern, Brendon Mendoza by Friday, April 14, 2017.

Copies of your correspondence, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. If you have any questions, please contact the appropriate Village personnel. Otherwise, we wish you a very safe and successful event.

Sincerely,

Mark Franz
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Bill Holmer, Assistant Police Chief
Norm Webber, Police Sergeant
Dave Buckley, Assistant Public Works Director
Al Stonitsch, Assistant Village Manager
Steve Witt, Building and Zoning Official





Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Administration
Department Head: Al Stonitsch
Category: Resolution
Prepared By: Al Stonitsch

SCHEDULED

RESOLUTION 17-06

DOC ID: 2663

Resolution No. 17-06, A Resolution Approving and Adopting the Memorandum of Understanding with the DuPage Foundation to Establish the Glen Ellyn Fund Initiative. (Assistant Village Manager Stonitsch)

Background:

In late 2015, the Environmental Commission (“the Commission”) started efforts to identify alternative funding sources, outside of Village revenues, for some of its desired projects and initiatives. The Commission and Village staff initially evaluated the cost/benefit of the Village establishing its own 501c3 non-profit to use as a fundraising apparatus for the Commission’s priorities. After further review, staff and the Commission agreed that the on-going costs, management, and legal requirements involved in establishing and operating a 501c3 would be impractical.

As part of its continued efforts in identifying alternative funding sources, the Commission made a connection with the DuPage Foundation (“the Foundation”), and began having very informal, discussions with their staff about the feasibility of a partnership. The Foundation is Downers Grove-based 501c3 public charity serving the DuPage County through philanthropy. As parts of its mission, the Foundation strives to help area residents and organizations realize their unique charitable goals; provide impactful support to DuPage County not-for-profits; and foster key partnerships to address critical issues affecting the broader DuPage community and help raise the quality of life throughout the County. Since its inception over 30 years ago, the Foundation has built its assets to approximately \$64 million, and awarded more than \$26 million in grants to not-for-profits serving the residents of DuPage County and beyond.

These initial conversations with the Foundation lead to the Environmental Commission identifying this potential partnership as one of its priorities in its Strategic Alignment Plan (*Attachment 1*). After further dialogue with the Commission, Foundation officials expressed a keen interest in the possibilities that could come with funding not only environmental initiatives, but also establishing a fund dedicated specifically to the Glen Ellyn community that would include a broad mix of important community projects or programs that could appeal to prospective donors that conceptually could entail the following:

I. Arts and Cultural Programming

- 4th of July Celebration, Jazz Up Glen Ellyn, The Taste, etc.
- Permanent and Seasonal Public Art Installations
- Enhancement of Sister City Partnership and Cultural Exchanges

II. Social and Recreational Programs

- Enhanced Senior Services Initiatives or Programs
- Opportunities to support the Glen Ellyn Public Library's Initiatives

III. Environmental Sustainability

- Tree Preservation and Reforestation Programs
- Community Recycling Programs
- Environmental Outreach and Education Initiatives
- Sustainable Landscaping Initiatives and Programs

IV. Green Space/Open Space

- Enhancements to Downtown Pocket Parks, Plazas, Bike Trails
- Enhancements to Panfish Park and/or Lambert Lake
- Opportunities to Support Glen Ellyn Park District Initiatives

V. Infrastructure and Capital Improvements

- Enhancements to Stacy's Tavern and/or other historic buildings
- New Senior Center to Encourage Community Engagement and an Active Lifestyle
- Downtown Streetscape Beautification and Pedestrian Enhancements
- Bicycle-friendly Infrastructure Improvements

An initial meeting in January 2016 was held between the DuPage Foundation senior staff and several of its Board members, along with Village Trustee Senak, Environmental Commission Chairman Adam Kreuzer, Environmental Commissioner Mike Malone, and Assistant Village Manager Stonitsch. From this meeting, both organizations expressed mutual support to continuing the dialogue with an eye toward formally establishing a funding vehicle that would merry community projects and programs with philanthropically-minded Glen Ellyn residents. A follow up meeting between the parties was held in May 2016 to discuss how the parties would structure and memorialize this potential partnership between the Village and the DuPage Foundation.

Initially, the parties discussed a hybrid model in which Village staff (and elected or appointed officials) would actively assist with marketing, promotion, and donor solicitation activities as well as the administrative support functions. In turn, the Foundation would be responsible for managing the donor funds in accordance with IRS regulations and assisting with marketing, promotion, and solicitation efforts. Upon reviewing the matter with the Village Attorney, staff identified various concerns with having staff and/or Village officials directly involved in fundraising efforts while acting in their official Village capacity. First, there was concern about the feasibility of the Village being able to dedicate the necessary staffing resources that would be needed to support the day-to-day support functions. Additionally, Village staff and the Foundation shared equal concern about the challenges of being able to maintain the confidentiality of a prospective donor's private and personal information given the open records laws. If Village employees or officials were conducting fundraising activities as an agent of the Village, any correspondence, documents, and information that is received from or provided to the Village becomes a matter of public record due to the Freedom of Information Act requirements.

Needless to say, both the Village and Foundation agreed that the public disclosure of an individual's private information could have a chilling effect on a donor's willingness to participate in funding community initiatives. As a result, the parties agreed that for this concept to be viable, an alternative staffing arrangement would be required that did not include Village staff providing direct support. After further deliberations, the Foundation expressed a willingness to take on and absorb more of the direct and indirect administrative support for this effort in order to maintain the privacy and confidentiality of donor information. Additionally, the parties agreed that the Foundation would be solely responsible for appointing volunteer members of the Advisory Committee and overseeing the Committee's efforts. This structure provides a clear and distinct bifurcation between the Village and the Foundation's roles, responsibilities, and legal obligations.

Issues:

Following subsequent meetings between the parties, Village staff and Foundation representatives discussed the idea of memorializing the potential partnership by way of Memorandum of Understanding ("MOU") that spells out the general terms and conditions of this arrangement, including roles and responsibilities. Key characteristics of the proposed MOU include:

Foundation Responsibilities:

- ✓ Solely responsible for facilitating, managing, and administering the charitable giving program and exclusively receive, deposit, manage, and administer and provide acknowledgement for all charitable contributions in compliance with Internal Revenue Service regulations.
- ✓ Provide donors with the following fund options for their charitable gifts:
 - i. Field of Interest Funds (Endowed)
 - ii. Designated Funds (Endowed/Pass-Through)
 - iii. Donor-Advised Funds (Endowed/Pass-Through)
- ✓ Establish an ad hoc Advisory Committee that would be dedicated to the Glen Ellyn Fund Initiative ("the Initiative"), and be focused on promoting charitable giving opportunities within the Glen Ellyn Community.
- ✓ Appoint standing members to the Committee, whose make up shall consist of:
 - (2) DuPage Foundation Trustees
 - (5) Glen Ellyn residents and/or Glen Ellyn community leaders
 - Ex-official-DuPage Foundation Senior Management Official (e.g. V.P. for Advancement)
- ✓ Provide direct and indirect assistance to the Advisory Committee in identifying, qualifying, soliciting, and facilitating charitable gifts

Village Responsibilities:

- ✓ Assist with passive forms of marketing and solicitation, such as promoting the Initiative generally, and fundraising events or activities specifically, by making available the Village's existing communication vehicles.
- ✓ Allow the Foundation and Advisory Committee the use of the Village's corporate name and logo for marketing and promotional purposes as it relates to the Initiative

- ✓ Endeavor to facilitate, as necessary, the timely review and consideration of any projects, initiatives or other opportunities proposed by prospective donors through the Initiative.
- ✓ Appoint a representative to serve as the primary point of contact with the Foundation and Advisory Committee.
- ✓ Develop and authorize an annual budget for the Initiative that the Advisory Committee can utilize to develop marketing materials and host fundraising and promotional events. *Note:* Each year the Village Board, in its sole discretion, would approve the annual budget.
- ✓ Assuming Board adoption of an annual budget, the Village would agree to pay for any and all direct expenses (within the allotted budget) associated with the marketing and promotion of the Initiative provided the Village Manager has pre-authorized, in writing, such expenditures.

Termination Clause:

In the event that either party wishes to dissolve the partnership, there is a 30-day written notice requirement. In the parties terminate the MOU, the following shall occur:

- ✓ Endowed funds shall continue on for their designated purposes (primary or contingent) pursuant to the terms of the fund agreements governing them.
- ✓ Non-endowed funds shall also continue to be utilized for their designated purposes (primary or contingent) pursuant to the terms of their fund agreements until they are spent down.
- ✓ Remaining, unused marketing funds that were budgeted by the Village as part of this Agreement, will remain available for the Advisory Committee to use under the same terms and conditions of the MOU, until such funds are exhausted or the Village's fiscal year has ended, whichever comes first.

Budget Impact:

If the Village Board is receptive to moving forward with the adoption of the MOU, it would be necessary for the Village to appropriate budget dollars (est. \$8,000) to provide initial "start-up" funds that the Foundation's Advisory Committee could use in order to effectively solicit and promote the Glen Ellyn Fund to prospective philanthropic residents.

UPDATE: The Village Board reviewed and discussed this proposed partnership at its March 20, 2017 Board Workshop. After deliberating on the topic, the Village Board expressed overall support for moving forward with approval of the MOU with the Foundation. The Board did express a desire to include more specific language that specifies any donor project proposals or initiatives will require ultimate Village Board approval, in addition to any standard regulatory reviews (if required under Village Code) by the Plan Commission, Architectural Review Commission, Zoning Board of Appeals, etc.). The following proposed amendments have been collectively reviewed and approved

by the Village Attorney and the DuPage Foundation representatives for the Village Board's consideration:

Proposed Amendments to MOU		
Section #	Proposed Changes	Proposed by
1, C.	Clarify that small charitable gifts less than \$500 will not be encouraged or be the focus of the Advisory Committee's fundraising efforts	Foundation
1, D.	Clarifies that Foundation will support the Advisory Committee's efforts and activities	Foundation
2, D.	Underscores Village Board authority to provide final approval to proposed donor projects or initiatives, in addition to requiring normal regulatory reviews by Village Commissions, as may be required under Village Code.	Village

Strategic Plan Initiative(s):

- ✓ Strategic Issue **III. ATTRACTIONS.** Encourage a variety of events and shopping and dining options, and provide amenities that attract visitors to the Village and produce resident and visitor presence downtown, day and evening, weekdays and weekends.
- ✓ Strategic Issue **IV. COMMUNICATIONS AND INVOLVEMENT.** Communicate with, educate and involve the community and volunteers to support and act on the Village's high priority needs and opportunities.
- ✓ Strategic issue **V: INFRASTRUCTURE.** Invest in infrastructure to meet key Village needs.
- ✓ Strategic issue **VI: FINANCIAL SUSTAINABILITY.** Grow revenue and focus spending in line with anticipated resources to meet the highest priority needs and maintain the Village's Aaa bond rating.

Action Requested:

Staff is recommending Village Board approval of Resolution that adopts the proposed Memorandum of Understanding ("MOU") to form a partnership with the DuPage Foundation in order to establish the Glen Ellyn Fund charitable giving initiative.

Attachments:

1. Draft Memorandum of Understanding (MOU) between Village and DuPage Foundation (red-lined version) and Pertinent Exhibits
2. Resolution

Resolution 17-06

Meeting of April 10, 2017

RESOLUTION NO. _____**A RESOLUTION APPROVING AND ADOPTING THE
MEMORANDUM OF UNDERSTANDING WITH THE DUPAGE FOUNDATION TO
ESTABLISH THE GLEN ELLYN FUND INITIATIVE**

WHEREAS, the Village of Glen Ellyn (“the Village”) is a home rule municipality in accordance with the Constitution of the State of Illinois 1970;

WHEREAS, the Village’s Environmental Commission provided an advisory recommendation to the Village Board to consider establishing a partnership with the DuPage Foundation (“the Foundation”), a Downers Grove, Illinois based 501c3 public charity that serves the DuPage County area through philanthropy;

WHEREAS, the corporate authorities have reviewed and discussed the proposed Memorandum of Understanding (“the MOU”);

WHEREAS, the corporate authorities believe that establishing a partnership with the Foundation represents an opportunity to invest in the community’s quality of life by encouraging and promoting charitable giving opportunities throughout the Village;

WHEREAS, the Village Board has authorized an initial project budget of \$8,000 that the Foundation and its Glen Ellyn Advisory Committee may use to promote the Glen Ellyn Fund to prospective philanthropic residents; and

WHEREAS, the Village Board has determined that it is in the public interest to formally adopt the MOU.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in exercise of its home rule powers, as follows:

That the Village President and Village Clerk are hereby authorized and directed to formally approve and adopt by Resolution the Memorandum of Understanding with the DuPage Foundation.

Resolution 17-06

Meeting of April 10, 2017

PASSED by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 10th day of April, 2017.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2017.

Village President

Village Clerk

ATTACHMENTS:

- MOU - Dupage Foundation Glen Ellyn Fund Initiative (PDF)

Memorandum of Understanding

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this day of , 2017 by and between the **Village of Glen Ellyn** (the "Village") and **The DuPage Community Foundation, d/b/a the DuPage Foundation** ("the Foundation"), for the purpose of establishing and administering the **Glen Ellyn Fund Initiative** ("the Initiative").

WHEREAS, the Foundation is an established, independent, not-for-profit corporation with its own Board of Trustees, based in Downers Grove, Illinois, and organized exclusively for charitable purposes as provided for under Section 501(c)(3) of the Internal Revenue Code;

WHEREAS, the Village is a municipal corporation organized under the laws of the State of Illinois;

WHEREAS, the Village and certain community-minded residents of Glen Ellyn have determined that they wish to partner with an established community foundation experienced in building and administering endowments and other charitable funds to create opportunities for funding through charitable donations to support agencies and current and future programs, projects, capital improvements and other opportunities for and within the Village designed to benefit its residents;

WHEREAS, the Village and the Foundation desire to collaborate and encourage the establishment of one or more charitable funds at the Foundation for the Initiative with such fund or funds not being supported by Village tax dollars but rather through charitable contributions, both outright and deferred, from Village residents and other individuals, corporations and entities seeking to benefit the community of Glen Ellyn now and into the future;

WHEREAS, the Village and the Foundation desire to enter into this MOU to establish certain parameters and working arrangements which they agree are necessary to successfully implement and manage the Initiative; and

WHEREAS, the parties acknowledge that no contractual relationship is created between them by this MOU, but agree to work together in the true spirit of collaboration to ensure that there is united, visible, and responsive leadership for the Initiative, and to demonstrate financial, administrative, and managerial commitment to it;

NOW, THEREFORE, in consideration of the aforementioned objectives, the parties hereby agree to the following terms:

1. Foundation Role and Responsibilities:

- a. The Foundation shall appoint standing members of its Board of Trustees, Committees and/or staff and various representatives of the Glen Ellyn community to serve on an ad hoc Advisory Committee for the Glen Ellyn Fund Initiative (hereafter the "Advisory Committee"), as further described in ~~Exhibit A~~ **Exhibit A**;
- b. The Foundation shall facilitate, manage and administer the Initiative's charitable giving program

and exclusively receive, deposit, manage, administer and provide acknowledgment for all charitable contributions made in support of it.

- c. Gifts, grants and other contributions in support of the Initiative must adhere to the Foundation's Gift Acceptance Policy (**Exh. B**) and other relevant policies. A minimum gift or deposit of \$25,000 is required to establish any named or endowed fund at the Foundation. Proposed gifts of less than \$500 ~~or less in~~ support of the Initiative ~~are strongly discouraged and~~ are not to be encouraged by the Advisory Committee, Foundation or Village. **The Foundation expressly reserves the right to refuse any gift, grant or other contribution offered in support of the Initiative.**
- d. The Foundation shall ~~assist support~~ the Advisory Committee in identifying, qualifying, soliciting and facilitating charitable gifts for the Initiative from current and prospective donors. This may include Foundation staff accompanying Initiative Advisory Committee members on prospecting calls (as necessary), attending and speaking at certain Initiative events and activities, reviewing documents, letters and other communications, and helping coach Advisory Committee members on how to field basic inquiries ~~with regard to~~regarding giving opportunities, ~~techniques gift strategies~~ and fund options.
- e. The Foundation shall work directly with donors and, as necessary, the Village and Advisory Committee, to establish parameters for the various charitable funds that may support this Initiative.
- f. The Foundation shall provide donors with the following fund options (~~See Exh. C~~):
 - i. Field-of-Interest Funds (Endowed)
 - ii. Designated Funds (Endowed/Pass-Through)
 - iii. Donor-Advised Funds (Endowed/Pass-Through)
- g. Certain proposed gifts may require additional review by Village representatives. Whenever necessary, the Foundation shall communicate with the Village in conjunction with the Advisory Committee Chair to obtain the requisite approval before accepting any contribution that would bind, encumber or otherwise obligate the Village.
- h. The Foundation shall allow the Advisory Committee and Village the use of its corporate name and logo for marketing and promotional purposes relating to the Initiative, subject to advance written approval by the Foundation.

2. **Village Role and Responsibilities:**

- a. The Village shall appoint a representative to serve as the primary point of contact between it, the Foundation and Advisory Committee regarding the Initiative and any activities pertaining to it.
- b. The Village, at the sole discretion of the Village Board, shall provide the Foundation and Advisory Committee with an annual budget for the Initiative that they can utilize to plan Initiative activities and events. Said budget should be discussed in conjunction with the Foundation and Advisory Committee so that all parties are informed of one another's plans and have knowledge of the amount of resources available to be utilized.

~~b.~~

- c. The Village shall pay for any and all direct expenses associated with the implementation, marketing

and promotion of the Initiative provided that the Village Manager or his/her designee has pre-authorized, in writing, such expenditures. -Certain expenses can and should be paid directly by the Village. The Advisory Committee may seek additional resources, either direct or in-kind, through contributions, sponsorships, etc. in conjunction with the Foundation.

- d. The Village shall help facilitate, as necessary, the timely review and consideration of any projects, initiatives or other opportunities proposed to be funded by current or prospective donors through the Initiative for the benefit of the Village and its residents. **Village review will include, but not be limited to, any standard regulatory reviews from the Plan Commission, Zoning Board of Appeals, and Architectural Review Commission, in addition to the Village Board's final approval that would ordinarily take place before a project moves ahead.**
- e. The Village shall allow the Advisory Committee and the Foundation the use of its corporate name and logo for marketing and promotional purposes relating to the Initiative, subject to advance written approval by the Village.
- f. While no Village employee will actively engage in the direct solicitation of charitable gifts for the Initiative, the Village and its employees may assist the Foundation and Advisory Committee in passive forms of marketing and solicitation for the Initiative such as promoting events, activities and giving opportunities by making available the Village's existing communication vehicles as space and time permits. Inquiries regarding charitable gifts shall be directed to the Foundation or designated representatives of the Advisory Committee.
- g. The Village shall at all times take any and all reasonable measures to maintain and protect the confidentiality of current and prospective donors to the Initiative to the fullest extent permitted under both Illinois and federal law.

3. **Miscellaneous**

- a. The Foundation and Village agree to adhere to and abide by the terms and conditions of the Foundation's Articles of Incorporation (**Exh. D**), Bylaws (**Exh. E**), and other policies including, but not limited to, the Foundation's Gift Acceptance Policy (**Exh. B**), Fee Structure (**Exh. F**) and Statement of Investment Policy (**Exh. G**).
- b. Any funds established at the Foundation in conjunction with this Initiative shall be charged standard investment and administrative fees by the Foundation and used for the general charitable purposes of the Foundation as provided in its Bylaws, subject to the following paragraphs:
 - 1. It is understood and declared that, except as otherwise specifically provided, any and all contributions to any fund relating to this Initiative are irrevocable. The funds shall be the property of the Foundation held by it in its corporate capacity and shall not be deemed trust funds held by it in a trustee capacity.
 - 2. It is also understood that any fund agreements established in association with this Initiative are subject to the Foundation's authority to vary the terms of any gift given to a fund as stated in Article IV of the Foundation's Bylaws (**Exh. ~~E~~**). The Foundation adheres to Treasury Regulation 1.170A-9(f)(11)(v)(B)(1), commonly known as Variance Power. This allows the Foundation to "modify any restriction or condition on the distribution of funds for any specified charitable purpose or to any specified organization if in the sole judgment of the governing

body (without the necessity of the approval of any participating trustee, custodian, or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served.”

3. The Pension Protection Act prohibits grants, loans, compensation, expense reimbursement, and similar payments to donors, advisors or related parties from donor-advised funds. It also prohibits grants to individuals from donor-advised funds, which includes checks written directly to an individual or checks written to an entity for the benefit of a specified individual.
 4. A representative of the Foundation shall periodically consult with the Advisory Committee regarding potential distributions from any fund or funds for which it has been appointed Advisor. All grant recommendations from the Advisory Committee shall be in writing from the Advisory Committee Chair. Each grant distribution shall be at least \$500.00. Recommendations for grants from the Advisory Committee shall be advisory only, with the final decision to be made by the Foundation Board of Trustees. No distribution from any Fund of the Initiative shall be used to satisfy any charitable pledge made by any donor to said Fund. All distributions must be for charitable purposes and consistent with the exempt purposes of the Foundation as specified in its Articles of Incorporation and Bylaws.
 5. Should the charitable purposes of any fund of the Initiative become unnecessary, incapable of fulfillment or inconsistent with the charitable needs of the community, they shall be devoted to benefit the community of Glen Ellyn, Illinois and area agencies and programs which serve its residents.
- c. This MOU sets forth the entire understanding between the parties as of the date of its full execution by all parties. No representation, promise or condition, whether oral or written, not incorporated herein shall be binding upon any party to this MOU. This MOU shall not be waived, amended or modified except in writing and signed by the authorized representative(s) of all parties.
- d. The Parties reserve the right to terminate their collaboration upon providing thirty (30) days written notice to the other. ~~3.~~ If the collaborative is terminated by either party, the following shall occur:
1. Endowed funds shall continue on for their designated purposes (primary or contingent) pursuant to the terms of the fund agreements governing them.
 2. Non-endowed funds shall also continue to be utilized for their designated purposes (primary or contingent) pursuant to the terms of their fund agreements until they are spent down.
 3. Remaining, unused marketing funds that were budgeted by the Village as part of this Agreement, will remain available for the Advisory Committee to use under the same terms and conditions of this MOU, until such funds are exhausted or the Village’s fiscal year has ended, whichever comes first.

~~3.~~

~~e.~~ The recitals (WHEREAS clauses) are incorporated into this MOU.

e.

- f. Whenever the concurrence or approval of the Village and the Foundation is required, such concurrence or approval shall not be unreasonably withheld, conditioned or delayed by either party, and both parties agree to cooperate with each other to accomplish the terms and conditions of this MOU.
- g. Nothing contained in this MOU shall be construed to constitute the Village or the Foundation as an agent, representative or employee of any of the other parties hereto. Nor shall anything contained in this MOU be construed in any manner to create any relationship between the Village and the Foundation other than what is expressly specified herein, and the parties shall not be considered partners or co-venturers for any purpose on account of this MOU.
- h. Any notice required to be delivered shall be deemed to have been received when the notice has been sent by certified mail, return receipt, overnight carrier, or hand delivered with signed receipt to the following addresses:

To the Village:

Mark Franz, Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

with a copy to:

Greg Mathews, Village Attorney
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

To the
Foundation:

David M. McGowan, CFRE
President & CEO
DuPage Foundation
3000 Woodcreek Drive, Ste. 310
Downers Grove, Illinois 60515-5048

with a copy to:

Michael R. Sitrick, JD
V.P. for Advancement
3000 Woodcreek Drive, Ste. 310
Downers Grove, Illinois 60515-5408

|

IN WITNESS WHEREOF, the parties have executed this MOU the day and year first written above.

VILLAGE OF GLEN ELLYN

| _____
Alexander W. Demos, Village President _____ Date

Attest:

Catherine Galvin, Village Clerk _____ Date

DUPAGE FOUNDATION

| _____
David M. McGowan, CFRE, President & CEO _____ Date

Attest:

Michael R. Sitrick, JD, Vice President for Advancement _____ Date

EXHIBIT A

**Roles and Expectations for Members of the
Glen Ellyn Fund Initiative Advisory Committee**

The Glen Ellyn Fund Initiative Advisory Committee (Advisory Committee) shall be an ad hoc Committee of the DuPage Foundation focused on promoting charitable giving opportunities for current and former residents of Glen Ellyn and other donors who are passionate about the community and who wish to help sustain and enhance its quality of life.

Committee Member Responsibilities:

- a) Be the driving force in the identification, qualification, solicitation and facilitation of charitable gifts from current and prospective donors for the Glen Ellyn Fund Initiative.
- b) Be the primary ambassadors and champions of the Glen Ellyn Fund Initiative and coordinate with the Village and Foundation to plan, promote and market the Initiative's activities, events and giving opportunities;
- c) Devise and execute activities, events, solicitations and other tactics aimed to help grow the Initiative and provide stewardship for its supporters, subject to Foundation approval and the obtaining of requisite funding (if needed) from the Village or other sources.
- d) Develop and maintain, in conjunction with the Village, a current list of approved Village projects or initiatives that would be eligible for charitable support through one or more of the Initiative's funds.
- e) Serve as an independent reviewing body for the Initiative that may evaluate and recommend to the Foundation and Village proposed initiatives, programs, projects, capital improvements and other opportunities that could potentially be funded through the Initiative, and serve as a liaison between the Foundation and Village as needed;
- f) Make grant recommendations to the Foundation Board of Trustees regarding distributions from certain Initiative funds to support current and future programs, projects, capital improvements and other opportunities aimed at benefiting the Village.

Composition:

The Advisory Committee shall be comprised of the following members:

- ❖ (2) DuPage Foundation Trustees
- ❖ (5) Glen Ellyn residents and/or Glen Ellyn community leaders
- ❖ *Ex-Officio* - DuPage Foundation Senior Management Official (e.g., V.P. for Advancement)

The Committee shall annually elect a Chair who will convey the Committee's recommendations to the Foundation and Village with regard to grants from certain Initiative funds and other matters as appropriate.

Time Commitment:

The Advisory Committee shall meet as needed with the expectation that members attend most meetings in person. ~~Special meetings may be called when circumstances require Committee discussion (e.g., the acceptance or disposition of a major gift). Such meetings may be conducted in person or via teleconference.~~

Advisory Committee members shall be expected to attend most informational/marketing events and other activities hosted for the Initiative ~~that it sponsors~~ in addition to appropriate Village and Foundation events/meetings.

Terms:

Advisory Committee members may serve one three-year term, renewable for one additional three-year term at the discretion of the Foundation's Board of Trustees for a total of six years.

The DuPage Foundation
GIFT ACCEPTANCE POLICY

Last Amended: 3/16/15

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SCOPE

In order to protect the interests of The DuPage Community Foundation, d/b/a the DuPage Foundation (Foundation), and the persons and other entities who support this organization, these policies are designed to assure that all gifts to, or for the use of, the DuPage Foundation, are structured to provide maximum benefits to all parties. The asset development program of the DuPage Foundation encompasses the solicitation and acceptance of gifts which may be current, planned, or testamentary.

The goal is to encourage funding of the DuPage Foundation without encumbering the organization with gifts which may prove to generate more cost than benefit, or which are restricted in a manner which is not in keeping with the mission of the DuPage Foundation.

It is understood that except where stated otherwise, these policies are intended as guidelines, and that flexibility must be maintained since some gift situations can be complex, and decisions only made after careful consideration of a number of interrelated factors. Therefore, these policies will in some instances require that a gift acceptance committee considers the merits of a particular gift and a final decision be made only by that body. The DuPage Foundation will comply with all federal, state, and local laws in the conduct of development activities, including acceptance of gifts. The DuPage Foundation endorses and subscribes to A Donor Bill of Rights, **Appendix A.**

AUTHORIZATION

It is the policy of the DuPage Foundation's Board of Trustees to encourage donors to make outright, planned and testamentary gifts. Planned and testamentary gifts include bequests, charitable gift annuities, charitable remainder trusts, charitable lead trusts, retained life estates, gifts of life insurance or retirement assets, interest in business entities such as partnerships, limited liability companies, or closely-held corporations, and such other gift arrangements as the Board may from time to time approve. It is the Board's directive that staff shall seek such gifts, and that adequate staff and resources for a fully effective program are maintained. All programs, solicitation plans, and activities shall be subject to the oversight of the Board.

PURPOSE OF GIFTS

The purposes of all gifts to the Foundation must relate to the mission of the Foundation, **Appendix B.** The purpose of the gift and the procedures for its administration shall, whenever possible, be defined in a letter or agreement signed by the donor.

Fundamental considerations for Gift Acceptance will include the following:

- Does the purpose of the gift fall within the broad charitable mission of the Foundation?
- Does the gift place other assets of the Foundation at risk?
- Can the donation be utilized or easily converted into assets that support our investment strategy?
- Can the Foundation assure adherence to the terms of the gift in accordance with the donor's wishes?

In conformance with the Treasury Department's regulations governing community foundations, gifts to the Foundation may not be directly or indirectly subjected by a donor to any material restriction or condition that prevents the Foundation from freely and effectively employing the transferred asset, or the income derived therefrom, in furtherance of its exempt purposes. If a gift must be refused, the Foundation will communicate the reason in writing to the donor or fiduciary.

RESPONSIBILITIES OF GIFT ACCEPTANCE COMMITTEE

The Executive Committee of the Foundation acts as the Gift Acceptance Committee, and will meet on an as-needed basis to review the details of unique or complex gifts and perform a cost/benefit analysis. The Committee will assume the following responsibilities:

- determine whether a specific gift contributes to the mission of the Foundation;
- outline steps to be taken in the acceptance/rejection process;
- advise staff how to protect the Foundation from any possible repercussions; and
- recommend to the Foundation Board of Trustees whether or not to accept the gift.

BUSINESS PRACTICES

It is the business practice of the Foundation to inform, serve, guide or otherwise assist donors who wish to support the Foundation's activities, but never under any circumstance to pressure or unduly persuade.

It is the Foundation's intention to properly acknowledge all completed gifts within 7-10 business days.

All information concerning donors and prospective donors shall be held in strict confidence by the Foundation, subject to legally authorized and enforceable requests for information by government agencies and courts. All other requests for or releases of information concerning a donor or prospective donor will be honored or allowed only if permission is obtained from the donor prior to the release of such information.

Persons acting on behalf of the Foundation shall encourage the donor to discuss the proposed gift with the legal and/or tax advisors of the donor's choice, at the donor's expense. This is to ensure that the donor receives a full, accurate, and independent explanation of all aspects of the proposed charitable gift.

Persons acting on behalf of the Foundation shall advise the donor that it is the donor's responsibility to obtain any necessary appraisals, file appropriate personal tax returns, and defend against any challenges to claims for tax benefits.

The Foundation's staff and third parties (such as attorneys) retained by the Foundation for this purpose are authorized to negotiate planned gift agreements with prospective donors, following program guidelines approved by the Board.

All planned giving agreements requiring execution by the Foundation shall first be reviewed and approved as to form by the Foundation's legal counsel. However, each agreement need not be reviewed provided it is based on a prototype agreement that has been reviewed and approved.

PROCEDURES FOR REVIEW OF GIFTS

In reviewing gifts to the Foundation, the Gift Acceptance Committee and/or staff will consider the following criteria:

- The charitable intent and ultimate community benefit
- The nature of any restrictions, if any
- The permanency of the gift; or in the case of a non-permanent fund, the amount of time the fund will remain with the Foundation
- Projected costs of managing the gift asset
- Fee revenues to the Foundation for administering the gift

Acceptance by staff of gifts consistent with the purposes, bylaws and procedures of the Foundation shall not require review by the Acceptance Committee if the gifts are in any of the following forms:

- Cash
- Marketable securities
- Gifts of precious metals, where the value is easily established
- Charitable remainder trusts, charitable lead trusts, or charitable gift annuities, if funded with cash or publicly traded securities
- Gifts of real estate or any other asset that has real estate holdings as an element of its value (e.g., certain limited partnerships or other business entities)
- Interests in business entities (i.e., closely-held corporations, partnership and limited liability company interests)

Gifts requiring review and approval of the Acceptance Committee include the following:

- Charitable remainder trusts, charitable lead trusts, or charitable gift annuities, if funded with assets other than cash or publicly traded securities
- Remainder interest in a residence, ranch, or farm
- Rights in copyrighted materials, patents, and royalties
- Tangible personal property
- Other property that may be unusual or fall outside the type of gifts usually handled by the Foundation, including tangible personal property unrelated to the Foundation's charitable purpose.

Gifts requiring Committee review will be handled promptly. Foundation staff will deliver to the Committee all information necessary to make a decision. If a gift is not accepted, the donor or prospective donor will be notified in writing by staff immediately. All gift reviews will be handled with confidentiality.

Note: Gifts requiring immediate action (e.g., gifts on December 31 or pending sale of property) may be exempted from full Committee review if, in the judgment of the President, in consultation with designated members of the Committee a gift may be accepted without significant reservations or in any way jeopardizing the Foundation's tax exempt status.

FUND OPTIONS

The Foundation establishes component funds and supporting organizations in response to community needs and donors' charitable concerns. While funds may be built in increments, the minimum balance for distributions to begin is generally \$25,000. Endowed funds require a \$25,000 minimum within a five-year period. Options for fund structures at the Foundation include the following:

Unrestricted Funds

Unrestricted funds are available to the Foundation for any of the charitable purposes encompassed by the Foundation's mission. The Grant Committee recommends to the Foundation Board of Trustees how unrestricted funds might best be used.

Field-of-Interest Funds

Field-of-interest funds are limited in their use by the donor's stated preference for a specific area of charitable purpose. The Grant Committee recommends to the Foundation Board of Trustees which organizations and programs might receive grants from field-of-interest funds and the amount and timing of such grants. Examples of field-of-interest funds include but are not limited to:

- Arts
- Basic Human Needs
- Children and Youth
- Community Development
- Education
- Environment
- Health

Donor-Advised Funds

Donors establish donor-advised funds when they wish to actively participate in the grant making activities of the fund. The donor-advisors may offer recommendations to the Foundation regarding the recipients and amounts of grants from the fund. When the advisors are no longer living or no longer wish to serve in an advisory capacity, the donor-advised fund will become unrestricted unless the original fund agreement specifies that it shall become an alternate type of fund. In addition, advisors can designate successor advisors.

Agency Endowments

Tax exempt organizations may establish an agency endowment fund at the Foundation. The Foundation shall receive, administer and disburse money deposited with the Foundation in such fund, for the Agency's use. Upon dissolution of the Agency, the fund shall continue for the benefit of such other organizations as identified by the Agency's Board of Trustees or Directors.

Designated Funds

Designated funds are earmarked for one or more charitable organizations, and all grants made from such funds will be made to (or for the use of) the designated recipient organization(s). If the recipient organization(s) cease(s) to exist or changes its\their status or mission as (a) charitable organization(s), the Foundation's Board of Trustees may exercise its variance power, selecting an alternate use for the fund compatible with its original charitable purpose.

Supporting Organizations

Donors may establish supporting organizations at the Foundation as independently incorporated tax-exempt not-for-profit organizations with separate governance, **Appendix C**. A supporting organization is a grantmaking entity that is operated, supervised, controlled by, or in connection with the Foundation. The Board of Trustees of the Foundation appoints a majority of the Board of Trustees of the supporting organization.

Affiliate Funds

Affiliate funds are established to support of a variety of charitable purposes including one or more organizations within a specific community or region. A local advisory board may be appointed for each affiliate fund, which has grantmaking and asset acquisition responsibility for that area organization. Affiliate funds enable smaller communities or organizations to enjoy many of the benefits of a community foundation while taking advantage of the Foundation's services, staff and expertise and avoiding the costs and administrative burdens of a separate community foundation. Affiliate funds must abide by the DuPage Foundation's gift acceptance policies.

Community Projects

The Community Foundation may serve as fiscal sponsor for various community projects designed to improve the quality of life for residents in DuPage County. These non-endowed funds are created to hold contributions raised for specific purposes until disbursements are made to cover the costs of the project. When the money for the project has been expended, the temporary fund ceases to exist.

Expenditure or “Pass-Through” Funds

A donor or not-for-profit organization may create a temporary fund for a specific charitable project that exists for a pre-determined period of time per the fund agreement.

Operating Funds

These funds are used to support the general operations of the Foundation.

GIFT OPTIONS**Asset Types**

The Foundation will accept gifts in the form of the following assets, subject to the conditions described in this policy. In order to provide written substantiation for gifts over \$250, the donor's name and address must be provided.

Cash

Gifts of cash and money orders should be paid to the Foundation accompanied by a written document (fund agreement, letter or other written instruction) signed by the donor indicating to which fund the contribution should be credited.

Checks should be made payable to the Foundation. The specific fund for which the check is intended should be noted on the memo line in the bottom left corner of the check, or in an attached correspondence.

Gifts in the form of credit card charges may be accompanied by a written document signed by the donor indicating to which fund the contribution should be credited, or by an online registration form through the Foundation's website.

Pledges

Pledges of future monetary gifts must be in writing and shall include the name of the fund that will benefit from the gift, the anticipated payment schedule, and the signature of the donor.

Marketable Securities

Publicly traded stocks and bonds may be electronically transferred, re-registered in the name of the Foundation, or conveyed through use of a stock power form. The Foundation also will accept interests in mutual funds. Generally, these securities are sold upon receipt. Stock controlled under Securities and Exchange Commission Rule 144 will be

held until the restriction on sale expires and then will be sold. Gifts of bonds that require a holding period may be accepted and cashed when the holding period has expired.

Securities which shall not be accepted include, but are not limited to, those which are assessable or which in any way may create a liability; those which, by their nature, may not be assigned (such as series E savings bonds); and those which have no apparent value.

Insurance Policies and Proceeds

Donors may transfer ownership of a paid-up policy to the Foundation and claim a tax deduction for the interpolated terminal reserve (typically cash surrender value). Donors may also transfer ownership of premium-due policies to the Foundation and make tax deductible contributions in the amount of the premiums. In either case, the Foundation shall be the owner and permanent beneficiary of the policy and retain the policy in its offices. Upon redemption, the value of the policy may establish a new fund, or contribute to any existing fund at the Foundation.

Paid-up policies of any value may be accepted by the Foundation. Premium-due policies must have a minimum face value equal to the amount specified by the Foundation for a fund to be eligible for payout.

Interests in business entities (i.e., closely-held corporations, partnership interests, interests in limited liability companies)

Donors may make gifts of interests in business entities (e.g., closely-held corporations, partnership interests, interests in limited liability companies). These can be accepted if the Foundation assumes no liability in receiving them. In evaluating a gift proposal of such assets, the Committee may consider the probability of conversion to a liquid asset within a reasonable period of time, projected income that will be available for distribution and administrative fees, and the nature of the business from which the asset is derived.

A completed IRS Form 8283 ("Noncash Charitable Contributions") and/or a letter from the attorney drafting the partnership agreement or articles of organization must accompany gifts of limited partnership interests or interests in limited liability companies, providing the following information:

- independent appraisal of value of the subject entity and statement of the percentage of the entity to be gifted to the Foundation;
- assurance that the Foundation will be held harmless in the event the entity becomes bankrupt or is otherwise unable to satisfy its obligations; and
- assurance that the Foundation will be held harmless in the event the entity is sued.

The Foundation does not accept gifts of general partnership interests due to potential unlimited liability.

Further, under the Pension Protection Act of 2006 (PPA), the private foundation excess business holdings rule applies to donor-advised funds as if they were private

foundations.¹ That is, the holdings of a donor-advised fund in a business enterprise, together with the holdings of persons who are disqualified persons with respect to that fund, may not exceed any of the following:

- Twenty percent² of the voting stock³ of an incorporated business;
 - Twenty percent of the profits interest of a partnership or joint venture or the beneficial interest of a trust or similar entity; or
 - Any interest in a sole proprietorship⁴
- A “disqualified person” is a donor, donor- advisor, a member of the family of a donor or donor-advisor, or a 35% controlled entity of any such person. For each gift offered, the Committee will seek guidance from legal counsel to assure compliance.

When an interest in a business entity cannot be promptly liquidated, and the documented present value of the interest is equal to the amount specified by the Foundation for a fund to be eligible for payout, that interest may be credited to a new, named component fund at the Foundation. The fund may be treated as a donor-advised, designated, scholarship, field-of-interest, or unrestricted fund as requested by the donor. Grants may be made only from income generated by the business interest or from other liquid assets in the component fund, provided the fund’s documented present value remains at least equal to the amount specified by the Foundation for a fund to be eligible for payout.

In cases where an interest gifted to the Foundation is promptly liquidated, but its value is less than the amount specified by the Foundation for a fund to be eligible for payout, the gift generally shall be directed to the Foundation’s discretionary funds, or to one of the Foundation’s field-of-interest funds.

Real Property

Unencumbered real property will be accepted at fair market value as established by at least one qualified appraisal, provided by the donor. Appraisal fees are “out of pocket” expenses to be borne by the donor before completion of the gift; said fees are not deducted from the value of the gift or treated as part of the charitable contribution; they may be claimed by the donor as a miscellaneous deduction on Schedule A of Form 1040 (Section 1061). Evidence of clear title to the property must be provided by the donor to the Foundation; property with multiple owners will be accepted only if all owners of the

¹ The language is clear that it is only the donor-advised fund—not the sponsoring charity—that is to be treated as a private foundation. Accordingly, it appears that this section does not apply to assets held by the sponsoring charity’s investment pools, or assets held by funds that are not donor-advised.

² Thirty-five percent if it can be shown that persons who are not disqualified persons have effective control of the business.

³ Additionally, the donor-advised fund will be barred from holding non-voting stock of an incorporated business unless the disqualified persons collectively own less than 20% of the voting stock.

⁴ According to Treas. Reg. Section 53.4943-10(e), a sole proprietorship is a business enterprise which is actually and directly owned by the private foundation and not held by a corporation, trust or other business entity for the foundation. Further, to be considered a sole proprietorship, the foundation must have a 100 percent equity interest. If the foundation has less than a 100 percent equity interest, the business enterprise would be treated as a partnership for the purposes of the excess business holding rules.

property agree in writing to the gift. No real estate may be accepted as a gift if the donor has already contracted for its subsequent sale by the Foundation.

Real property that is encumbered by a trust, deed, loan or mortgage will be accepted only in exceptional circumstances. Prior to acceptance of a gift of real property, the Foundation and the donor must agree, in writing, on arrangements for paying expenses associated with the property, including taxes and assessments, insurance coverage, and maintenance costs.

A Phase I Environmental Impact Audit and other studies deemed necessary by the Foundation must be completed before real estate may be accepted as a gift. The Phase I fees are “out of pocket” expenses to be borne by the donor before completion of the gift. Said fees are not deducted from the value of the gift or treated as part of the charitable contribution.

In addition to the considerations listed above, commercial properties and businesses will be examined in relationship to the potential for exposure of the Foundation to unrelated business taxable income.

A completed IRS Form 8283 (“Noncash Charitable Contributions”) must accompany gifts of real property. The Foundation is required to file Form 8282 if it sells or disposes of an asset for which it signed Form 8283 within 2 years of receipt.

Further details related to gifts of real property are included in **Appendix D**.

Tangible Personal Property

Gifts of such assets as boats, airplanes, automobiles, artwork, furniture, equipment, jewelry, gems, and metals valued in excess of \$5000 must be accompanied by a qualified estate appraisal. Unless the property is to be used in connection with the Foundation’s tax-exempt purpose, it will be sold at the highest possible price as soon as possible after conveyance. No commitment will be made to keep gifts of personal property. The Foundation discourages gifts of personal property which cannot readily be sold or which require unusual expenses prior to sale. If a lengthy selling period is anticipated, the Foundation may ask the donor to cover such expenses with a cash gift.

A completed IRS Form 8283 (“Noncash Charitable Contributions”) must accompany gifts of tangible personal property.

Royalties, Distribution Rights

The Foundation may accept gifts of royalties or distribution rights on published works (such as books or films) where there is clear evidence of marketability or assurance of an income stream. A qualified appraisal is required.

A completed IRS Form 8283 (“Noncash Charitable Contributions”) must accompany gifts of royalties or distribution rights.

Retirement Assets

Account type retirement plans, in which a balance accumulates as principal, may be gifted to the Foundation. These include Individual Retirement Accounts (IRA), 401(k), Keogh, 403(b), and defined contribution plans. (Annuity plans, such as defined benefit plans, in which retirement benefits are paid out as income and the principal does not accumulate, generally cannot be used for charitable gifts.)

Methods for gifting retirement assets include:

- naming the Foundation as successor or contingent beneficiary for all or part of the assets upon the death of either the retirement asset owner or spouse (***Note: this direction is made on the beneficiary designation form of the retirement account, not by last Will & Testament***);
- creating a testamentary charitable remainder trust with the assets upon the death of the asset owner, naming the DuPage Foundation as remainder beneficiary and non-charitable heirs as income beneficiaries.

Planned and Testamentary Gifts

The Foundation's planned and testamentary giving program encompasses all forms of gifts whose benefits do not fully accrue to the Foundation until some future time (such as the death of the donor or other income beneficiaries or the expiration of a predetermined period of time), or whose benefits to the Foundation are then followed by the interests of noncharitable beneficiaries.

Donors using planned and testamentary gift techniques may add to or establish any of the fund types listed above. A will, trust, or other documents should specify The DuPage Community Foundation, d/b/a the DuPage Foundation, as the charitable recipient and name the fund to which the donor's gift will be contributed. The type of fund and its purpose(s) may be described in detail in a separate fund agreement.

Bequests

Bequests may be from a will or trust and may be specific or contingent in nature.

Representatives of the Foundation are authorized to solicit direct testamentary charitable contributions through wills or trusts, as well as testamentary contributions to establish gift annuities and charitable remainder and lead trusts. Advice offered by representatives of the Foundation must be accompanied by a written recommendation that the prospect consult his/her own attorney and/or tax counsel.

A bequest through will or trust to the Foundation should include the following:

- the name of The DuPage Community Foundation, d/b/a the DuPage Foundation.
- the name of the fund to which the bequest is made (this may be a new or existing fund). In the case of a new fund, the Foundation will, upon notification that the bequest has been included in a will or trust, prepare a separate fund agreement defining the purposes for which the fund has been created.

LIFE INCOME GIFTS:

There are many ways to make a charitable gift and still receive income for life or for a specified time. Through these methods donors can retain income for themselves and their spouse while obtaining deductions on current income, estate and gift taxes. The following are examples:

Charitable Remainder Trusts

Unitrusts

The basic form of a Unitrust provides for payment to the donor and/or beneficiary of an amount equal to a set percentage of the fair market value of the assets of the trust, valued annually. The percentage is determined at the time the trust is created, is stated in the trust, and is permanent. The payout should equal no less than 5% of the fair market value of the assets placed in the trust when it is created, and may be made quarterly, semiannually or annually. If the annual income and/or realized capital gains do not equal the committed Unitrust percentage, principal is used to supplement the short fall. If there is any excess income or appreciation in excess of the stipulated payment, it is added to the principal. Additional contributions may be made to Unitrusts.

The present value of the remainder interest must be equal to or greater than 10% of the original contribution to the trust.

A variation of the basic Unitrust, known as the Net Income with Make-Up Unitrust, may be used if the donor and the Foundation agree on its use. When the trust is created, it includes a provision which defines the Unitrust's payments to be the lesser of the specified payout rate or the actual annual income generated from the investments in the Unitrust. In subsequent years, any income generated from the Unitrust in excess of the specified payout percentage is used to make up any deficit from previous years and is paid to the income beneficiary/donor prior to being added to the Unitrust corpus. The Unitrust can also be structured to be a Net Income Unitrust. In this case the payout is made from income only; principal is not accessed for payout.

Another variation of the basic Unitrust is known as the Flip Unitrust. A Flip Unitrust starts as a Net Income Unitrust or a Net Income with Make-Up Unitrust. Upon the occurrence of certain specified events (e.g., a specific date, sale of real property, etc.), a Flip Unitrust "flips" to function as a basic Unitrust. A flip provision typically may be attractive to donors who intend to fund their Unitrust with assets that are not producing income, such as undeveloped real property.

Annuities

Donor and/or beneficiary annually receive a payout that is fixed irrevocably at the time of the gift and stated in the trust agreement. The payout should equal at least 5% of the fair market value of the assets placed in the trust when it is created. Income in excess of the annual payment is added to principal. If the income in any year is less than the annual payment the difference is derived from realized capital gain or principal. Additions may not be made to Annuity Trusts.

The present value of the remainder interest must be equal to or greater than 10% of the original contribution to the trust.

Administration of Remainder Trusts

1. Representatives of the Foundation are authorized to solicit gifts in the form of Charitable Remainder Trusts (including basic Unitrusts, Annuity Trusts, Net Income Unitrusts, Net Income with Make-Up Unitrusts and Flip Unitrusts) with annual payout rates ranging from 5% to 10% of fair market value of trust assets; payout rates of more than 10% must be reviewed for approval by the Executive Committee. (Net Income Unitrusts do not require this approval).
2. Sample trust agreements provided by the Foundation to the donor shall be accompanied by a letter indicating that the sample does not constitute legal advice and strongly advising that the donor seek legal counsel prior to completing the trust.

Charitable Lead Trust

Income earned from the assets within the Charitable Lead Trust is donated for a period of years, or for the remaining life of the donor or beneficiary. The remainder interest is either retained by the donor or given to a non-charitable beneficiary.

A contribution of the income generated from the assets within the trust must be in the form of either an annuity or unitrust interest.

Administration of Lead Trusts

1. Representatives of the Foundation are authorized to solicit gifts for Charitable Lead Trusts. The donor may select any annuity or fixed payout percentage.
2. Sample trust agreements provided by the Foundation to the donor shall be accompanied by a letter indicating that the sample is not a completed legal document and strongly advising that the donor seek legal counsel prior to completing the trust.

Charitable Gift Annuity

The Foundation and the donor enter into a contract providing a fixed dollar return, for the life of the donor and/or other beneficiaries, in exchange for a contribution to the Foundation. The amount of payment is dependent upon the age of the donor and the size of the gift. The date that income payments to the beneficiary begin may be deferred. The annuity contract is a general obligation of the Foundation.

Administration of Charitable Gift Annuities

1. Representatives of the Foundation are authorized to solicit gift annuity agreements. If the Foundation is to serve as trustee, then the Foundation must be at least a 50% beneficiary of the Charitable Gift Annuity (CGA). Such annuities will always be administered in conformity with applicable state and federal tax laws. The Foundation retains the right to refuse to accept any or all charitable gift annuities if deemed not in the best interest of the Foundation.

2. The gift annuity remainder must benefit the Foundation and/or one or more new or existing endowment funds at the Foundation.
3. The Uniform Annuity Rates as published by the American Council on Gift Annuities will not be exceeded without Committee approval.
4. Disclosure to the donor must follow state and federal regulations.
5. The gift annuity will be effective on the date the Foundation first controls the asset.
6. The payout for CGAs will generally begin when the donor is age 60 or over; in the case of two successive life beneficiaries, the younger of the two must be at least 60.
7. Agreements may provide for income payments to no more than two successive life beneficiaries.
8. The CGA will generally require an initial contribution of at least \$10,000 if the remainder interest is designated for deposit to an existing Foundation endowment fund. If the remainder interest is intended to establish a new endowment fund, then the residuum must meet the Foundation fund minimum at the time of death. If the residuum does not meet the fund minimum, it will be deposited in memory of the donor to the Foundation's General Endowment.
9. The CGA Pool shall be separate from the Foundation's Endowment Pool and subject to Investment Policies set by the Foundation. The assets of the CGA Pool shall serve as self-insurance against losses on individual annuities.
10. The DuPage Foundation assumes ultimate responsibility for the risk of all annuities and may, at its discretion, reinsure any or all annuities for which it acts as trustee.
11. Annuities may be charged a reasonable administrative fee and a proportional share of investment costs.
12. Generally, annuity payments will be made either annually, semi-annually, or quarterly at the donor's and Foundation's discretion.

Risk Avoidance:

The DuPage Foundation will generally not accept illiquid assets in exchange for a gift annuity (e.g., real property and closely held stock), but any such offer may be referred to the Committee for review and recommendation.

Life Estate

A donor may wish to contribute a personal residence or other property to the Foundation and retain the right to use the property until death. Upon the donor's death, the Foundation owns the entire interest in the property. This type of planned gift must be evaluated by the Committee.

TRANSFER FROM AN EXISTING PRIVATE FOUNDATION:

The Foundation accepts assets transferred from an existing private foundation in accordance with the above.

APPENDIX A: A DONOR BILL OF RIGHTS

PHILANTHROPY is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To assure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the DuPage Foundation, we declare that all donors have these rights.

I. To be informed of the Foundation's mission, of the way the Foundation intends to use donated resources, and of its capacity to use contributions effectively for their intended purposes. II. To be informed of the identity of those serving on the Foundation's Board of Trustees, and to expect the Board to exercise prudent judgment in its stewardship responsibilities. III. To have access to the Foundation's most recent financial statements. IV. To be assured their gifts will be used for the purposes for which they were given. V. To receive prompt acknowledgment and appropriate recognition for all gifts.	VI. To be assured that information about their contributions is handled with respect and with confidentiality to the extent provided by law. VII. To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature. VIII. To be provided with disclosure of all significant parties involved with the DuPage Foundation. IX. To be assured that the DuPage Foundation will not share mailing lists with any other entity. X. To feel free to ask questions when making a contribution and to receive prompt, truthful and forthright answers.

APPENDIX B: MISSION STATEMENT

Mission of the DuPage Foundation: To foster philanthropy, connect donors to area needs and build community partnerships.

APPENDIX C: SUPPORTING ORGANIZATIONS

A supporting organization provides family members with a mechanism to demonstrate their individual and collective interests. It builds on family relationships and offers significant estate and financial planning advantages. It is the public embodiment of a family's philanthropy.

The Donor who establishes a supporting organization gains

- Establishment of a philanthropic institution to perpetuate a family's legacy. The minimum amount to establish a fund is \$5 million.
- Control and retention of family assets through a Board of Trustees established by the donor and Foundation to oversee financial and grant matters.
- An investment strategy, managers and policy that reflect the donor's investment values
- Board meeting arrangements and facilitation.
- Administration services including obtaining directors' and officers' liability insurance, arranging an annual audit, filing the applicable tax returns, and providing financial reports.
- The benefits of partnership with a public foundation with none of the drawbacks to a private foundation. (e.g. excise taxes, minimum payout requirements, jeopardy investments and self-dealing rules, and regulations concerning excess business holdings).
- Ability to make grant recommendations from a vehicle that reflects the family's values while receiving access to innovative community projects, including major philanthropic initiatives.
- Development of the family's philanthropic "voice" and passage of this philosophy to children and grandchildren.
- Recognition in the Foundation's annual report.
- Invitation to various Foundation events.

In addition, the DuPage Foundation will

- Recognize the fund in its annual report (unless anonymity has been requested).
- Provide publicity for the fund and grants as desired.
- Process disbursements, mail checks to recipients and grant reports to the donor. Charge a modest annual fee based on the Foundation's current fee schedule.

Please note: Donors may choose to establish a Donor-Advised Fund with more than \$5,000,000 and receive the same benefits, without establishing a 509(a)3 Supporting Organization.

APPENDIX D: REAL ESTATE

The Foundation accepts most unencumbered real property. Many donors appreciate the tax benefits and the simplicity of making a gift of real property to the Foundation.

The Role of the Donor

- Establish a permanent charitable fund or life-income producing fund with a gift of real property.
- Avoid capital gains on the sale of property donated to the Foundation, provided the property was not subject to a binding agreement to sell created prior to the gift.
- Take a charitable tax deduction for the fair market value of the real property. Long-term capital gain property is deductible at its fair market value up to 30 percent of Adjusted Gross Income (AGI). Short-term capital gain real property (held for one year or less) is deductible at cost, subject to the 50 percent of AGI limitation.
- Work with the Foundation to make arrangements for expenses associated with the property, including taxes and assessments, appraisal fees, environmental evaluations, insurance coverage, title search expenses and maintenance costs.

Role of the Foundation

- Work with the donor to make arrangements for expenses associated with the property, including taxes and assessments, appraisal fees, environmental evaluations, insurance coverage, title search expenses and maintenance costs.
- Inspect all proposed gifts of all residential and non-residential real property in order to avoid potential liability for environmental cleanup and toxic and hazardous waste issues relating to real estate.
- At its earliest convenience, sell donated property that the Foundation does not plan to use as part of its charitable activities.
- Complete the acknowledgment section of IRS Form 8283 and submit it to the donor so that it may be filed with his/her federal income tax return.
- Recognize the gift and establishment of fund in its annual report (unless anonymity has been requested).

Disposition of Property:

Generally, the Foundation will sell property as quickly as possible after the gift is completed.

1. The Foundation shall consider its investment objectives before selling.
2. The Foundation shall avoid selling property at a distressed price. A quick distress sale may jeopardize the donor's charitable contribution deduction and might negatively impact the market values in the area.

Environmental/Pollution Concerns:

In most cases, a Phase One Inquiry will be required prior to acceptance of proposed real estate gifts. The inquiry should include site observations, building observations, interviews with the current owners and adjacent site reconnaissance.

If concerns are raised by the Phase I Inquiry, additional assessment may be required.

Final Documents for Gift Acceptance Should Include:

A seller/donor agreement containing environmental/pollution disclosure and liability.

Known and unknown liabilities from transfer documents should not included in the agreements.

Gifts Related to Real Estate:

The Foundation may accept trust deed notes and mortgages as gifts. In most cases, a qualified appraisal would determine the value, taking into account the unpaid principal balance, the interest rate payable under the loan, and the current interest rates.

Bargain Sale of Real Estate and Personal Property:

Gifts in the form of a bargain sale need to be appraised by an independent appraiser with the fee to be paid by the donor.

In addition, the asset will be readily marketable (maximum estimated selling period of one year) or a reasonable current use to the Foundation. The minimum gift valuation should be \$50,000 net of the Foundation's investment.

Gifts of Real Estate with Retained Life Tenancy

Consideration of a life tenancy gift requires the Foundation staff to follow the stated guidelines for acceptance of real property. The donor pays for the appraisal and all transfer fees and costs. The gift value and anticipated value of property at the end of the life tenancy will be calculated the Foundation when the gift is made.

There should be reasonable expectation that the property can be sold within one year after the death of the donor or donor's relinquishment of the property.

In accepting gifts of real estate with retained life tenancy, the Foundation will also take into consideration the potential use of the property during the life tenancy to avoid acceptance of a property that may become a liability in future years.

The Foundation shall agree to participate in a gift of real estate with retained life tenancy only if:

- The life tenancy beneficiary is age 55 or older;
- The property value initiating the life tenancy is a minimum of \$300,000;
- The Foundation is named as irrevocable remainder beneficiary, for endowment purposes, for a minimum of 50% of the remaining assets.

Adopted 5/13/14; Amended 3/16/15

Exhibit C**STRUCTURE OF FUNDS**

Field-of-Interest Funds (Endowed) – Gifts to these Funds will be pooled together into permanent endowments which will generate annual distributable income to help address the Village's ever-changing needs and support local agencies, causes, programs, projects and other opportunities within Glen Ellyn under criteria established between the Foundation, Village and each Fund's founding donor(s). Grants will be awarded at the discretion of the Foundation's Grant Committee and Board and, may, if desired, utilize an application process.

Designated Funds (Endowed/Pass-Through) – Will be used to support one or more specific agency, cause, program, project, need or other opportunity for or within the Village identified by the donor(s) at the time the gift is made that, as necessary, has also been approved by the Village Board.

Donor-Advised Funds (Endowed/Pass-Through) – Will be used to support a variety of causes, programs, projects and other needs or opportunities for or within the Village that, as necessary, have been approved by the Village Board, upon the recommendation of either the fund's donor(s)/advisor(s) or the Glen Ellyn Fund Initiative Advisory Committee (if the Committee is appointed to serve as the Fund's advisor) with approval of the Foundation Board.

Exhibit D

**Whereas,**

ARTICLES OF INCORPORATION OF
THE DUPAGE COMMUNITY FOUNDATION
INCORPORATED UNDER THE LAWS OF THE STATE OF ILLINOIS HAVE BEEN
FILED IN THE OFFICE OF THE SECRETARY OF STATE AS PROVIDED BY THE
GENERAL NOT FOR PROFIT CORPORATION ACT OF ILLINOIS, IN FORCE
JANUARY 1, A.D. 1987.

294-156957
RECEIVED
DUPAGE COUNTY

Now Therefore, I, George H. Ryan, Secretary of State of the
State of Illinois, by virtue of the powers vested in me by law, do
hereby issue this certificate and attach hereto a copy of the
Application of the aforesaid corporation.

94 JUL 22 AM 9:00

In Testimony Whereof, I hereto set my hand and cause to
be affixed the Great Seal of the State of Illinois,

at the City of Springfield, this 6TH

day of JULY A.D. 19 94 and

of the Independence of the United States

the two hundred and 19TH

George H. Ryan
SECRETARY OF STATE

Attachment to Articles of Incorporation
of
The DuPage Community Foundation

Article 4. THE DUPAGE COMMUNITY FOUNDATION (the "Corporation") is organized and shall be operated exclusively for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, as amended, including for such purposes the making of distributions to organizations that qualify as exempt organizations under such section 501(c)(3).

The specific purposes for which the Corporation is organized are to accept, hold, administer, invest and disburse such funds for the benefit of the residents of DuPage County, Illinois, as may from time to time be contributed to the Corporation by any person, trust, firm or corporation.

Article 5. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, any of its directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

Notwithstanding any provision of these Articles of Incorporation or the Corporation's By-Laws to the contrary, the Corporation shall not carry on any activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3), or (b) by a corporation, contributions to which are deductible under section 170(c)(2).

Upon dissolution of the Corporation, the Board of Directors of the Corporation shall, after paying or making provision for the payment of all liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the Court of general jurisdiction of the county in which the principal office of the

NOT 102.10
Revised 5-88)

ARTICLES OF INCORPORATION

Do Not Write in This Space

SUBMIT IN DUPLICATE

Payment must be made by Certified Check, Cashier's Check, Illinois Attorney's Check, Illinois C.P.A.'s Check or Money Order, payable to "Secretary of State."

DO NOT SEND CASH!

Date

Filing Fee \$50

Approved _____

TO: GEORGE H. RYAN, Secretary of State

Pursuant to the provisions of "The General Not For Profit Corporation Act of 1986", the undersigned incorporator(s) hereby adopt the following Articles of Incorporation.

Article 1. The name of the corporation is: The DuPage Community Foundation

Article 2: The name and address of the initial registered agent and registered office are:

Registered Agent Barbara Eychaner
First Name Middle Name Last Name

Registered Office 120 E. Wesley Rd.
Number Street (Do Not Use P.O. Box)
Wheaton IL 60187 DuPage
City Zip Code County

Article 3: The first Board of Directors shall be ten in number, their names and addresses being as follows:
(Not less than three)

Director's Names	Number	Street	Address City	State
See attachment.				

Article 4. The purposes for which the corporation is organized are:

See attachment.

Is this corporation a Condominium Association as established under the Condominium Property Act?
☐ Yes ☒ No (Check one)

Is this corporation a Cooperative Housing Corporation as defined in Section 216 of the Internal Revenue Code of 1954?
☐ Yes ☒ No (Check one)

Is this a Homeowner's Association which administers a common-interest community as defined in subsection (c) of Section 9-102 of the code of Civil Procedure? ☐ Yes ☒ No

Article 5. Other provisions (please use separate page):

See attachment.

Attachment to Articles of Incorporation
of
The DuPage Community Foundation

Article 3 - Directors' Names and Addresses

David R. Bertran
999 Huntleigh
Naperville, IL 60540

Joseph Kindlon
2 S. 220 Hawthorne
Wheaton, IL 60187

Jerry C. Bradshaw
506 N. West
Wheaton, IL 60187

Jack T. Knuepfer
901 Washington St.
Elmhurst, IL 60126

Cleve E. Carney
708 Lenox Rd.
Glen Ellyn, IL 60137

Vincent A. Naccarato
8511 Gleneyre Rd.
Darien, IL 60561

Carole Cline
677 Lake Rd.
Glen Ellyn, IL 60137

Charlie Thurston
601 Robinwood Ln.
Wheaton, IL 60187

Elizabeth D. Eben
1001 Wheaton Oaks Dr.
Wheaton, IL 60187

Mary Eleanor Wall
451 S. Kenilworth
Elmhurst, IL 60126

NAMES & ADDRESSES OF INCORPORATORS

The undersigned incorporator(s) hereby declare(s), under penalties of perjury, that the statements made in the foregoing Articles of Incorporation are true.

Dated June 27, 19 94

SIGNATURES AND NAMES		POST OFFICE ADDRESS		
1.	<u>Cleve E. Carnev</u> Signature <u>Cleve E. Carnev</u> Name (please print)	1.	<u>708 Leroy Rd.</u> Street <u>Glen Ellyn, IL 60137</u> City/Town State Zip	
2.	 Signature Name (please print)	2.	 Street City/Town State Zip	
3.	 Signature Name (please print)	3.	 Street City/Town State Zip	
4.	 Signature Name (please print)	4.	 Street City/Town State Zip	
5.	 Signature Name (please print)	5.	 Street City/Town State Zip	

(Signatures must be in ink on original document. Carbon copy, xerox or rubber stamp signatures may only be used on the true copy.)

NOTE: If a corporation acts as incorporator, the name of the corporation and the state of incorporation shall be shown and the execution shall be by its President or Vice-President and verified by him, and attested by its Secretary or an Assistant Secretary.

The registered agent cannot be the corporation itself.

The registered agent may be an individual, resident in this State, or a domestic or foreign corporation, authorized to act as a registered agent.

The registered office may be, but need not be, the same as its principal office.

A corporation which is to function as a club, as defined in Section 1-3.24 of the "Liquor Control Act" of 1934, must insert in its purpose clause a statement that it will comply with the State and local laws and ordinances relating to alcoholic liquors.

FOR INSERTS - USE WHITE PAPER - SIZE 8 1/2 x 11

File No. _____

FORM NFP-102.10

ARTICLES OF INCORPORATION

under the

GENERAL NOT FOR PROFIT

CORPORATION ACT

of

The DuPage Community

Foundation

SECRETARY OF STATE

DEPARTMENT OF BUSINESS SERVICES

CORPORATION DIVISION

SPRINGFIELD, ILLINOIS 62756

TELEPHONE (217) 782-9522

782-9523

These Articles Must Be Executed and Filed in Duplicate

Filing Fee \$50

Corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

All section references hereinabove are to the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States internal revenue law).

Exhibit E

The DuPage Foundation BYLAWS

Last Amended: 3/10/14

**BYLAWS
OF
DUPAGE FOUNDATION
(an Illinois Not-For-Profit Corporation)
3/10/14**

**ARTICLE 1
Purposes**

The name of the corporation is DUPAGE FOUNDATION (the "Foundation"). The Foundation is organized and shall be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, including for such purposes the making of distributions to organizations that qualify as exempt organizations under such Section 501(c)(3).

The specific purposes for which the Foundation is organized are to accept, hold, administer, invest and disburse such funds for the benefit of the residents of DuPage County, Illinois, as may from time to time be contributed to the Foundation by any person, trust, firm or entity.

No part of the net earnings of the Foundation shall inure to the benefit of, or be distributable to, any of its trustees, officers, or other private persons, except that the Foundation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above.

No substantial part of the activities of the Foundation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Foundation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

Notwithstanding any provision of these Bylaws or the Articles of Incorporation of the Foundation to the contrary, the Foundation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3), or (b) by a corporation, contributions to which are deductible under Section 170(c)(2).

All section references hereinabove are to the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue law).

**ARTICLE 2
Powers**

Except as provided otherwise by the Articles of Incorporation or by these Bylaws, the Foundation shall have all powers which a not-for-profit corporation may have if organized under the Illinois General Not-For-Profit Corporation Act of 1986, as amended, and shall have such additional powers as are permitted by any applicable law.

ARTICLE 3 **Office and Agent**

The Foundation shall have, and continuously maintain, in the State of Illinois a registered office and a registered agent whose business office is identical with such registered office, and may have other offices within or without the State of Illinois as the Board of Trustees may from time to time determine.

ARTICLE 4 **No Members**

The Foundation shall have no members.

ARTICLE 5 **Board of Trustees**

5.1 General Powers. The affairs of the Foundation shall be managed by or under the direction of its Board of Trustees.

5.2 Number and Qualifications. The Foundation shall have a range of 17 to 23 Trustees elected by vote of the Foundation's Board of Trustees. Each Trustee shall be a resident of DuPage County or shall have a major business or philanthropic commitment to DuPage County. No person holding any elected public office shall be eligible for membership on the Board of Trustees, and if any person while serving as a Trustee is elected to any public office, such person shall be deemed to have resigned at the time of assumption of the elected office. In making elections to the Board of Trustees, the factors to be considered shall include an individual's ability to contribute and/or attract funds, reputation in the community and knowledge of the charitable needs of DuPage County, geographic representation within DuPage County, and racial and gender diversity for the board.

5.3 Classes of Trustees; Staggered Terms. The Board of Trustees shall be divided into three classes, with each class consisting of five to eight Trustees. Each Trustee of a class shall hold office for a term of three years, commencing on the date of the annual meeting. No Trustee shall be elected to more than three consecutive three-year terms, not including any partial term. However, the Chair, if re-elected, may serve for two additional consecutive one-year terms.

5.4 Resignation. A Trustee may resign at any time by written notice delivered to the Chair, President, or Secretary of the Foundation. A resignation is effective when the notice is delivered unless the notice specifies a date later than the date of delivery. The resignation of a Trustee need not be accepted in order to be effective.

5.5 Removal of Trustees. One or more Trustees or Trustees Emeriti may be removed, with or without cause. Any Trustee or Trustee Emeritus may be removed by the affirmative vote of 2/3 of the Trustees in office at a meeting of the Board of Trustees for which notice of the purpose has been given.

5.6 Vacancies. Vacancies on the Board of Trustees occurring by expiration of term, resignation, death, removal by the Board, removal from DuPage County, election to public office or for any other reason shall be filled for the unexpired or succeeding term by the Board of Trustees.

5.7 Trustee Emeritus. The Board of Trustees may from time to time by resolution designate one or more individuals as a Trustee Emeritus of the Foundation. Each Trustee Emeritus shall hold office for life, except as stated in Article 5.5, and may attend meetings of the Board at the invitation of the Board. A Trustee Emeritus shall not have the right to vote on any action of the Board of Trustees, shall not be responsible for the affairs of the Foundation as provided above in Section 5.1, or shall not be considered a "Trustee" for purposes of any other provision of these Bylaws, except as a member of a Foundation committee.

5.8 Annual Meeting. The annual meeting of the Board of Trustees shall be held in September each year upon notice by the Chair of the Board. In the event the Chair of the Board does not give notice of a date certain in any given year, the annual meeting for that year shall be held on the second Monday in September.

5.9 Regular Meetings. The Board of Trustees may provide by resolution the time and place for the holding of additional regular meetings of the Board without other notice than such resolution.

5.10 Special Meetings. Special meetings of the Board of Trustees may be called by, or at the request of, the Chair or at least 25% of the Trustees in office, and such person or persons may fix any place, within the Chicago metropolitan area, as the place for holding any special meeting of the Board so called.

5.11 Notice of Meetings. Notice of any meeting of the Board of Trustees shall be given in accordance with these Bylaws at least three days in advance thereof by written notice to each Trustee at the address shown for such Trustee on the records of the Foundation. Attendance of a Trustee at any meeting shall constitute a waiver of notice of such meeting except when a Trustee attends a meeting for the express purpose of objecting to the transaction of any business. In the case of a special meeting called for the purpose of removing a Trustee, neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Trustees need be specified in the notice or waiver of notice of such meeting, unless specifically required by law, the Articles of Incorporation or by these Bylaws.

5.12 Action Without a Meeting. Any action required or permitted by law to be taken at a meeting of the Board of Trustees, or any other action which may be taken at a meeting of the Board of Trustees or a committee thereof, may be taken without a meeting, if a consent in writing setting forth the action so taken shall be signed by two-thirds of all Trustees or committee members that would be necessary to authorize or

take such action at a meeting at which all members entitled to vote thereon were present and voting.

If such consent is signed by less than all of the members entitled to vote, then such consent shall become effective only: (1) if, at least 5 days prior to the effective date of such consent, a notice in writing of the proposed action is delivered to all of the members entitled to vote with respect to the subject matter thereof, and (2) if, after the effective date of such consent, prompt notice in writing of the taking of the corporate action without a meeting is delivered to those members entitled to vote who have not consented in writing.

The consent shall be evidenced by written approvals, each of which sets forth the action taken and bears the written or electronic signature of the Trustees or committee members. All the approvals evidencing the consent shall be delivered to the Secretary to be filed in the records of the Foundation. Any such consent shall have the same force and effect as a unanimous vote.

5.13 Attendance by Telephone. Trustees or non-Trustee committee members may participate in and act at any meeting of such board or committee by use of a conference telephone or interactive technology, including but not limited to electronic transmission, internet usage, or remote communication by means of which all persons participating in the meeting can communicate with each other.

5.14 Quorum. A majority of the Trustees in office shall constitute a quorum for the transaction of business at any meeting, provided if less than a majority of the Trustees are present, a majority of the Trustees then present may adjourn the meeting to another time without further notice. Withdrawal of Trustees from any meeting shall not cause failure of a duly constituted quorum at that meeting.

5.15 Action at a Meeting. The act of the majority of the Trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees, unless the act of a greater number is required by law, the Articles of Incorporation or by these Bylaws.

5.16 Proxy Prohibited; Presumption of Assent. No Trustee may act by proxy on any matter. A Trustee who is present at a meeting at which action on any corporate matter is taken by the Board of Trustees, or by a committee thereof acting on its behalf, is conclusively presumed to have assented to the action taken unless such Trustee's dissent is entered in the minutes of the meeting or unless such Trustee filed his or her written dissent or abstention to such action with the person acting as the secretary of the meeting before the adjournment of such meeting or forwards such dissent or abstention by registered or certified mail to the Secretary immediately after the adjournment of such meeting. Such right to dissent or abstain does not apply to a Trustee who voted in favor of such action.

5.17 No Compensation. No member of the Board of Trustees shall receive compensation for services as a member of the Board; provided, however, that the Board may, within its discretion, reimburse Trustees for reasonable, out-of-pocket expenses incurred as a direct result of carrying out their responsibilities as Board members.

5.18 Interested Trustees.

(a) A Trustee who is directly or indirectly a party to a transaction with the Foundation (an "interested Trustee") shall disclose the material facts of the transaction and his or her interest in or relationship to such transaction to the Board of Trustees and to any committee of the Board considering such transaction prior to any action by the Board of such committee to authorize, approve or ratify such transaction. A Trustee is "indirectly" a party to a transaction if the entity which is a party is an entity in which the Trustee has a material financial interest or of which the Trustee is an officer, trustee or general partner.

(b) The presence of the interested Trustee or of a Trustee who is otherwise not disinterested may be counted in determining whether a quorum of the Board of Trustees or a committee of the Board is present but may not be counted when action is taken on the transaction.

ARTICLE 6 **Officers and President**

6.1 Officers. The officers of the Foundation shall be a Chair, a Vice Chair, a Secretary, a Treasurer, President and such other officers or assistant officers as may be elected by the Board of Trustees. Officers whose authority and duties are not prescribed in these Bylaws shall have the authority and perform the duties prescribed from time to time by the Board of Trustees. With the exception of the President, all officers must be Trustees.

6.2 Election and Term of Office. The officers of the Foundation shall be elected at the annual meeting of the Board of Trustees, or as soon thereafter as conveniently possible. Each officer shall hold office for a term of one year or until his or her earlier resignation, death, removal from office, or until his or her successor has been elected. No Trustee shall hold the same office for more than three consecutive one-year terms. Vacancies may be filled or new offices created and filled at any meeting of the Board of Trustees. Election or appointment of an officer or agent shall not of itself create any contract rights.

6.3 Resignation and Removal.

(a) Any officer may resign at any time by giving notice to the Board of Trustees, the Chair or the Secretary. A resignation is effective when the notice is delivered unless the notice specifies a date later than the date of delivery. Any such resignation need not be accepted in order to be effective.

(b) The Board of Trustees may remove any officer, either with or without cause, whenever in its judgment the best interests of the Foundation would be served thereby. The removal of an officer shall be without prejudice to the contract rights, if any, of the person so removed.

6.4 Vacancies. A vacancy in any office, however caused, may be filled by the Board of Trustees for the unexpired portion of the term.

6.5 Officer's Compensation. No elected officer of the Foundation shall receive compensation.

6.6 Chair. The Chair shall be the presiding officer of the Foundation and shall in general supervise the business and affairs of the Foundation, subject to any directions that may be given by the Board of Trustees. The Chair shall be a member of and shall preside at all meetings of the Board of Trustees. The Chair may sign, alone or with the Secretary or any other proper officer of the Foundation authorized by the Board of Trustees, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Trustees has authorized to be executed, except in cases in which the execution thereof shall be expressly delegated by the Board of Trustees or by these Bylaws to some other officer or agent of the Foundation, or shall be required by law to be otherwise executed.

6.7 Vice Chair. In the absence of the Chair or in the event of the Chair's inability or refusal to act, the Vice Chair shall perform the duties of the Chair. When so acting, the Vice Chair shall have all the powers of, and be subject to, all the restrictions upon the Chair. The Board of Trustees may also designate by resolution the Vice Chair as being in charge of designated operations of the Foundation and further specify the Vice Chair's duties and powers.

6.8 Secretary. The Secretary shall (a) keep the minutes of the meetings of the Board of Trustees and committees of the Board of Trustees in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the corporate records and of the seal of the Foundation; (d) keep a register of the post office address of each Trustee or committee member, which shall be furnished to the Secretary by such Trustee or committee member; and (e) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the Chair or the Board of Trustees.

6.9 Treasurer. If required by the Board of Trustees, the Treasurer shall give a bond (which shall be renewed regularly) in such sum and with such surety or sureties as the Board of Trustees shall determine for the faithful discharge of his or her duties. The Treasurer shall; (a) have charge and custody of and be responsible for all funds and securities of the Foundation; (b) receive and give receipts for monies due and payable to the Foundation from any source whatsoever, deposit all such monies in the name of the Foundation in such banks, trust companies or other depositories as shall be selected in accordance with these Bylaws; (c) disburse the funds of the Foundation as ordered by the Board of Trustees or as otherwise required in the conduct of the business of the Foundation and render to the President or the Board of Trustees, upon request, an account of all his or her transactions as Treasurer and on the financial condition of the Foundation; and (d) in general perform all the duties incident of the office of Treasurer and such other duties as from time to time may be assigned to him or her by the Chair or by the Board of Trustees.

6.10 Selection and Evaluation of President. The Board, by affirmative vote of a majority of the Trustees in office, shall (a) hire a President and (b) have the authority to determine all matters related to retention and discharge of the President. The Executive Committee shall conduct an annual review of the performance of the President and make decisions concerning his or her compensation. Such review should be conducted within 60 days of the calendar year end close.

6.11 Duties of President. The President shall be the chief administrator of the Foundation. The duties of the President shall include the overall management of the daily operations of the Foundation including directing the business, personnel and financial affairs in a manner consistent with the Foundation's budget. The President shall have such other duties as may be prescribed by the Board of Trustees from time to time. The President shall, in cooperation with the Board and appropriate committee, facilitate the process of long-range strategic planning; plan and personally implement a comprehensive program of individual major donor and prospect cultivation and solicitation; expand and create new programs for fund raising and planned gift acquisition.

ARTICLE 7 **Committees**

7.1 Committees of the Board of Trustees. The standing committees of the Board shall consist of an Audit Committee, a Board Development Committee, a Bylaws Committee, a Development Committee, an Executive Committee, a Financial Operations Committee, a Grant Committee and an Investment Committee. A majority of the Board of Trustees, by resolution, may create one or more additional standing or *ad hoc* committees of the Board and appoint Trustees or such other persons as the Board shall designate to serve on the committee or committees. Each committee may exercise the authority of the Board of Trustees to the extent permitted by law and as specified by the Board of Trustees or in the Articles of Incorporation or these Bylaws, but the designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the Board of Trustees, or any individual Trustee, of any responsibility imposed upon it or him or her by law. At the annual meeting, each standing committee shall provide the Board of Trustees with a summary report of its activities.

7.2 Committee Membership. Except as otherwise provided, the Chair of the Board shall present to the Board of Trustees for its approval nominees for membership on each committee and the Chair of each committee, except nominees for the Board Development Committee and any committees with less than a majority of Trustee membership which are to be approved by the Executive Committee prior to being presented to the Board for approval. Non-Trustee committee members may serve one three-year term, renewable for one additional three-year term at the discretion of the Board for a total of six years on any given committee. The Chair of each standing committee shall be a Trustee and may serve as Chair for no more than six consecutive years.

7.3 Executive Committee.

(a) The membership of this committee shall consist of the Chair; Vice Chair; Secretary; Treasurer; the Chairs of the Grant, Development, Financial Operations, and Investment committees and the immediate Past Chair. The President shall participate, but not vote, in all activities of the Executive Committee except review and approval of his or her performance and compensation. The Executive Committee shall meet at the call of the Chair or upon the call of any two of its other members upon 24-hour notice.

(b) The Executive Committee shall have the power to transact all regular business of the Foundation between meetings of the Board of Trustees, provided that any action taken shall not conflict with the policies and expressed wishes of the Board of Trustees.

(c) Action may be taken by this committee by a written poll (or telephone poll with a written follow-up). Action, by written poll or telephone poll, must be by unanimous consent of all of the voting members of the committee.

(d) At each regular Board meeting, the Executive Committee shall provide a summary of its activities since the last Board meeting.

7.4 The Financial Operations Committee.

(a) The membership of the Financial Operations Committee shall include at least three Trustees, one of whom shall be the Treasurer of the Foundation. The Financial Operations Committee shall meet on the call of its Chair or any two of its members.

(b) The Financial Operations Committee shall be responsible for general financial policy, general supervision and accounting of all financial transactions of the Foundation. Its responsibilities shall include annual preparation and recommendation of the operating and corporate budgets.

(c) The Financial Operations Committee shall cause the books and records of the Foundation to be established and maintained in accordance with generally accepted accounting principles, and an appropriate system of financial accounting.

7.5 The Investment Committee

(a) The membership of the Investment Committee shall include at least three Trustees. The Investment Committee shall meet on the call of its Chair or any two of its members.

(b) The Investment Committee shall be responsible for managing the Foundation's assets in compliance with its mission, and purpose, and ensuring that the Foundation is in compliance with applicable laws and regulations.

(c) The Investment Committee shall oversee investment of the Foundation's assets per the Statement of Investment Policy approved by the Board of Trustees.

7.6 The Grant Committee.

(a) The membership of the Grant Committee shall include at least three Trustees. The time and frequency of the meetings of the Grant Committee shall be determined by the Committee, with a minimum of one meeting to be held annually. The Grant Committee shall meet at the call of its Chair or any two of its members.

(b) The Grant Committee shall:

(1) Recommend and regularly review policies and guidelines for grant making to the Board of Trustees for its approval.

(2) Ensure the establishment of a system for responding to potential grant-seekers, recording and reviewing applications for grants, and reporting to the Trustees.

(3) Review grant applications on a regular basis and make recommendations to the Board of Trustees concerning disbursement of grant funds.

(4) Oversee the disbursement by the Foundation of all of its charitable funds.

(5) Review the advice from donors of established Donor-Advised Funds, make independent review of proposed use of such funds, and make recommendations to the Board of Trustees concerning disbursements.

(6) Ensure the establishment and review of acceptable application forms and agreements for grant making and monitoring disbursements of grant monies from the various types of funds.

7.7 Development Committee. The membership of the Development Committee shall include at least three Trustees. The Development Committee shall develop long-range fund raising strategies for the Foundation. The Development Committee shall support the President in developing and implementing a comprehensive program of major donor and prospect cultivation and solicitation; annual fund raising programs; programs for planned gift acquisitions; and programs for expanding relationships with professional advisors.

7.8 Board Development Committee. The Board Development Committee, consisting of at least three Trustees, shall compose (a) a list of nominees to fill the positions of Trustees whose terms will expire at the next annual meeting and (b) a list of nominees to fill offices of the Foundation for the succeeding year. In no event shall the Chair of the Board of the Foundation serve as a member of the Board Development Committee. The Committee may, outside of the committee meetings, informally consult with and shall inform the Chair of the Board of its nominees for each position,

and shall present the list of nominees to the Board of Trustees at the regular meeting immediately preceding the annual meeting. The Board shall not be required to elect an individual from the list of nominees presented by the Committee. No person shall be nominated without his or her prior approval.

7.9 Bylaws Committee. The Bylaws Committee shall consist of at least three and not more than five Trustees. The Bylaws Committee shall meet on the call of its Chair or a majority of its members, or whenever a proposal affecting the bylaws is referred to the Committee as the result of action or recommendation by another committee of the Board.

7.10 Audit Committee.

(a) The Audit Committee shall consist of not less than two Trustees excluding the Chair and Treasurer as well as one member who is not a Trustee but has expertise in accounting or financial matters.

(b) The Audit Committee shall review and recommend the independent auditors to be selected. It shall review the independent auditor's reports, the scope of the audit, and report its findings and conclusions to the full Board of Trustees.

(c) The Committee shall evaluate the necessity (with input from management and the independent auditor) of an internal audit function. If an internal audit function is established, the Committee will oversee its activities including its organization, objectivity, responsibilities, plans, budgets, and staffing. The Audit Committee shall check, through independent auditors, the existence and quality of the Foundation's financial controls.

(d) The Audit Committee shall investigate actual or potential instances of conflicts of interest or fraud and recommend action necessary to detect, prevent and protect against illegal acts.

7.11 Action of the Committees of the Board. A majority of a committee of the Board of Trustees, but not less than two committee members, shall constitute a quorum. The act of a majority of committee members of committees other than the Executive Committee present and voting at a meeting at which a quorum is present shall be the act of the committee. A committee may act by two-thirds consent in writing without a meeting or may participate in and act at any meeting through the use of a conference telephone or other similar communications equipment in the manner provided by these Bylaws for written consents and for meetings of the Board of Trustees. No member of such committee of the Board may act by proxy. Except as otherwise provided in these Bylaws or by action by the Board of Trustees, a majority of the members of a committee of the Board shall determine the time and place of meetings and the notice required for meetings.

7.12 Advisory Committees. The Board of Trustees may create one or more advisory committees or other advisory bodies and appoint persons to such advisory committees or bodies who need not be Trustees. Such advisory committees or bodies

may not act on behalf of the Foundation or bind it to any action but may make recommendations to the Board of Trustees or to the officers.

ARTICLE 8

Contracts and Financial Transactions

8.1 Contracts. The Board of Trustees may authorize any officer or officers, agent or agents of the Foundation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Foundation, and such authority may be general or confined to specific instances.

8.2 Loans. No loans shall be contracted on behalf of the Foundation and no evidences of indebtedness shall be issued in the name of the Foundation unless authorized by a resolution of the Board of Trustees or by action of a duly empowered committee of the Board. Such authority to make loans may be general or confined to specified instances. No loan shall be made by the Foundation to a Trustee or staff member of the Foundation.

8.3 Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness, issued in the name of the Foundation, shall be signed by one or more officers of the Foundation and in such manner as shall from time to time be determined by resolution of the Board of Trustees. In the absence of such determination, such instruments may be signed by the Treasurer or an assistant treasurer and countersigned by one other officer.

8.4 Deposits. All funds of the Foundation shall be deposited from time to time to the credit of the Foundation in such banks, trust companies, or other depositories as the Board of Trustees may select.

8.5 Gifts. The Board of Trustees may accept on behalf of the Foundation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Foundation.

ARTICLE 9

Records

The Foundation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its Board of Trustees and committees having any authority of the Board of Trustees. All books and records of the Foundation may be inspected by any Trustee or any Trustee's agent or attorney for any proper purpose at any reasonable time.

ARTICLE 10

Fiscal Year

The fiscal year of the Foundation shall begin on July 1 of each year and shall end on June 30 of the following year.

ARTICLE 11 **Seal**

The Board of Trustees may provide a corporate seal which shall be in the form of a circle and shall have inscribed thereon the name of the Foundation and the words "Corporate Seal" and "Illinois."

ARTICLE 12 **Notices**

12.1 Manner of Notice. Whenever, under the provisions of law, the Articles of Incorporation or these Bylaws, notice is required to be given to any Trustee or member of any committee designated by the Board of Trustees, it shall not be construed to require personal delivery. Such notice may be given in writing by depositing it in a sealed envelope in the United States mail, postage prepaid and addressed to such Trustee or committee member at his or her address as it appears on the books of the Foundation, and such notice shall be deemed to be given at the time when it is thus deposited in the United States mail; or such notice may be given in writing by any other means and if given by such other means, shall be deemed given when received. Such requirement for notice shall be deemed satisfied if actual notice is received orally or in writing by the person entitled thereto as far in advance of the event with respect to which notice is given as the minimum notice period required by law, the Articles of Incorporation or these Bylaws.

12.2 Waiver of Notice. Whenever any notice is required to be given by law, by the Articles of Incorporation or by these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE 13 **Indemnification and Insurance**

Each person who at any time is or shall have been a Trustee, officer, employee or agent of the Foundation or is or shall have been serving at the request of the Foundation as a Trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall be indemnified by the Foundation in accordance with and to the full extent permitted by the General Not-for-Profit Corporation Act of Illinois as in effect at the time of adoption of this Bylaw or as amended from time to time, and by any subsequent Illinois not-for-profit corporation law. The foregoing right of indemnification shall not be deemed exclusive of any other rights to which a person seeking indemnification may be entitled under any bylaw, agreement, vote of disinterested Trustees, or otherwise. If authorized by the Board of Trustees, the Foundation may purchase and maintain insurance on behalf of any person to the full extent permitted by the General Not-for-Profit Corporation Act of

Illinois as in effect at the time of the adoption of this Bylaw or as amended from time to time, and by any subsequent Illinois not-for-profit corporation law.

ARTICLE 14 **Administration of Funds**

The Board of Trustees shall have the power to accept and administer the assets of the Foundation as one or more separate accounts or funds, and the Board in its discretion may appoint one or more trustees, custodians or agents to manage any such funds. Notwithstanding any other provision of these Bylaws or the Foundation's Articles of Incorporation, or of any instrument making a transfer creating or adding to one or more funds, the Board of Trustees shall have the power:

(a) to modify any restriction or condition on the distribution of funds for any specified charitable purposes or to specified organizations, if in the Board's sole judgment (without the approval of any trustee, custodian, or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community that the Foundation serves;

(b) to replace any participating trustee, custodian, or agent for breach of fiduciary duty under the laws of the State of Illinois; and

(c) to replace any participating trustee, custodian or agent if at any time the Board of Trustees determines that such trustee, custodian or agent has, over a reasonable period of time, failed to produce a return of net income (or appreciation where not inconsistent with the Foundation's needs for current income) which is reasonable in the judgment of the Board, with due regard to the safety of principal, except for any assets held for the active conduct of the Foundation's exempt activities.

ARTICLE 15 **Dissolution**

Upon dissolution of the Foundation, the Board of Trustees of the Foundation shall, after paying or making provision for the payment of all liabilities of the Foundation, dispose of all of the assets of the Foundation exclusively for the purposes of the Foundation in such manner, or to such organization or organizations organized and operated exclusively for charitable purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3), as the Board of Trustees shall determine. Any such assets not so disposed of shall be disposed of by the Court of general jurisdiction of the county in which the principal office of the Foundation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE 16 **Meeting Procedure**

All meetings of the Board of Trustees, including the annual meeting, regular and special meetings, shall be conducted using Robert's Rules of Order.

ARTICLE 17
Amendment

These Bylaws may be altered, amended, or repealed, or new Bylaws may be adopted, by the affirmative vote of two-thirds of all Trustees in office. Such action shall be taken at a regular or special meeting for which written notice of the proposed amendment shall be mailed, emailed, or faxed at least 14 days prior to such meeting.

Adopted 7/27/94; Amended 1/95; Amended 9/95; Amended 5/11/98; Amended 9/14/98; Amended 9/14/00; Amended 7/08/02; Amended 9/08/03; Amended 11/25/05; Amended 11/10/08; Amended 11/9/09; Amended 9/12/12; Amended 3/10/14

**Exhibit F***Fee Structure*

Approved 11/17/16

The following endowed funds will be charged a 1% per annum administrative fee assessed quarterly at .0025 or 25 basis points on the fund balance: Designated, Field-of-Interest, and Unrestricted.

*Donor-advised funds will be charged fees per the following schedule:

First \$1,000,000	75 basis points assessed quarterly at .001875
Next \$1,500,000	50 basis points assessed quarterly at .00125
Over \$2,500,000	35 basis points assessed quarterly at .000875#

Agency funds will be charged fees per the following schedule:

First \$250,000	1% assessed quarterly at .0025
Next \$750,000	75 basis points assessed quarterly at .001875
Next \$1,500,000	50 basis points assessed quarterly at .00125
Over \$2,500,000	35 basis points assessed quarterly at .000875#

Scholarship funds will be charged 1.50% assessed quarterly at .00375.

Pass-through funds will be charged 3% upon deposit. Any money passed through an endowed fund with a minimum balance of \$25,000 will be charged a 1% administrative fee as money is deposited with no further administrative fees while the money is being held. In the event that the principal balance dips below \$25,000, any money passed through will be charged a 3% administrative fee upon deposit.

There is no fee to open or close any fund.

Any direct expenses incurred on behalf of a fund, including transaction fees and fees that require approval by the fund advisor(s), will be assessed against the fund.

In addition, funds will be assessed their share of the investment fees incurred on their behalf; however, no investment fees will be assessed against funds which will be kept in the Foundation's money market account.

*All funds in excess of \$500,000 as of March 8, 2010 will be grandfathered in using the prior fee structure.

The President can negotiate fees for balances over \$2.5 million, subject to the approval of the Executive Committee.

Exhibit G

DuPage Foundation STATEMENT OF INVESTMENT POLICY

Last Amended: 03/17/2016

Foundation Vision: To raise the quality of life throughout DuPage County.

Foundation Mission: To foster philanthropy, connect donors to area needs, and build community partnerships.

SCOPE OF THIS INVESTMENT POLICY

This Statement of Investment Policy (SIP) reflects the investment policy, objectives, and constraints of The DuPage Community Foundation d/b/a DuPage Foundation (Foundation). The Investment Committee (Committee) and Board of Trustees must approve any exceptions to the SIP. All individuals covered by this SIP must act with the care, skill, prudence and diligence then prevailing that an ordinary prudent person in like capacity and familiar with such business matters would exercise.

This SIP will be reviewed at least annually, and, if appropriate, can be amended to reflect changes in the capital markets, Foundation objectives, or other factors relevant to the Foundation.

INVESTMENT GOAL OF THE FOUNDATION

The Board of Trustees adheres to the philosophy that the Foundation will exist in perpetuity and should provide for grant making in perpetuity. Therefore, the overriding investment goal of the Foundation is to maintain the purchasing power of the aggregate portfolio by achieving a long-term net annual rate of return that equals or exceeds the rate of grants, fees, and inflation.

PURPOSE OF THIS STATEMENT OF INVESTMENT POLICY

The general purpose of this SIP is to outline a philosophy and attitude which will guide the investment management of the assets toward the desired results. It is intended to be sufficiently specific to be meaningful, yet flexible enough to be practical. The SIP:

1. Defines and assigns the responsibilities of all involved parties.
2. Sets criteria for the selection of investment managers and establishes a basis for evaluating investment results.
3. Establishes a clear understanding for all involved parties of the investment guidelines, goals, and objectives of fund assets.

RESPONSIBILITIES

Board of Trustees

The Board of Trustees of the Foundation has delegated supervisory authority over its investing activities to the Investment Committee. The Committee is responsible for regularly reporting on the Foundation's investments to the Trustees.

The Committee is authorized to retain an investment advisor or investment manager to assume the investment management function. In that regard, the Committee may enter into agreements with, delegate investment authority to, pay compensation to, and receive reports from one or more investment advisors and/or investment managers.

the Board of Trustees. The Committee will con
chairman, who may call upon the advice of other members on a case-by-case basis. The Committee will meet at least quarterly and maintain a record of its activities. The Committee will report at least annually to the Board of Trustees.

Investment Committee

The Committee is responsible for:

1. Managing the Foundation's assets in compliance with its mission and purpose.
2. Ensuring that the Foundation is in compliance with applicable laws and regulations.
3. Preserving and protecting the Foundation's assets as well as earning an appropriate rate of return on investments. To achieve this, the Committee will ensure that the future growth of the Foundation's assets is sufficient to offset or exceed grants, fees, and inflation; maintaining sufficient liquid reserves to meet obligations arising from planned and unplanned activities.
4. Setting return assumption expectations for the Foundation after consultation with outside advisors.
5. Setting and overseeing asset allocation across the total investment portfolio.
6. Identifying, selecting and overseeing the Investment Advisor (Advisor).
7. Identifying, selecting and overseeing Investment Managers not hired by Advisor.
8. Allocating funds for investment among selected Managers.
9. Setting expectations, including performance benchmarks, for Managers, and monitoring their performance at least quarterly; meet with each Manager at least annually.
10. Reporting periodically to the Board of Trustees regarding Committee activities and investment performance.
11. Reviewing and recommending changes to the SIP as needed.

Staff

The Committee expects the Staff, comprised of the President and Vice President for Finance, to provide monthly monitoring, supervision and administration of Foundation assets. At least four times per year, Staff will meet with the Committee and report on (i) the composition of portfolio assets, (ii) the performance of all portfolios and Managers, and (iii) any other significant matters concerning Foundation assets.

The Committee designates Staff to act on behalf of the Foundation to:

1. Negotiate, sign and administer contracts with and terminate service providers as authorized by the Committee.
2. Monitor investment portfolios and compliance with the approved strategies.
3. Review investment management fees/expenses and report to the Committee at least annually.

4. Administer the flow of funds.
5. Coordinate the activities of outside Managers, Committee, Advisor, trustees, and legal advisor.
6. Ensure that all financial aspects comply with applicable laws and regulations.
7. Confirm appropriate level of insurance coverage for each Manager and any changes to policy annually.
8. Communicate exceptions to the Gift Acceptance Policy to the Committee.
9. Maintain a list of active Advisor and Managers.

Investment Advisor

The Northern Trust Company was hired to be the Foundation's Advisor on September 8, 2008. The Advisor will implement the asset allocation strategy as approved by the Committee including a completion strategy to complement the allocation of any other Managers selected by the Committee to ensure the overall mix is consistent with the target allocation.

The Advisor, when designated by the Committee, shall:

1. Advise the Committee on matters relating to the design, construction and implementation of investment portfolios, including performance measurement benchmarks and the allocation of assets.
2. Implement the portfolio asset allocation mix consistent with the directives set out in Attachment A hereto.
3. Periodically rebalance assets among portfolios and Managers to maintain asset allocation within guidelines.
4. Measure and report performance of the overall Foundation assets as well as of the various Managers tasked with managing a portion of the assets. This assumes that the assets in question are on the custody platform of the Advisor.
5. Ensure that Managers act in a manner consistent with the intentions of the Foundation and this SIP.
6. Meet with the Committee at least four times per year.
7. Act as a fiduciary for Foundation assets managed by the Advisor and not those assets delegated to other Managers.
8. Carry appropriate level of insurance coverage.
9. Assist in periodic review of the SIP.

Investment Manager

The duties and responsibilities of each Manager retained by the Committee include:

1. Manage the Foundation's assets under its care, custody, and/or control in accordance with the SIP and as expressed in separate written agreements when deviation is deemed prudent and desirable by the Committee.

2. Exercise investment discretion (including holding cash equivalents as an alternative) within the SIP objectives and guidelines.
3. Report, on a timely basis and on a schedule and format agreed upon with the Committee, portfolio holdings and activity, and investment performance results for all assets under its control, including cash. Results are to be reported on a time-weighted basis, net of all fees and expenses, and vs. benchmarks as agreed upon with the Committee. (See “Performance Objectives for Investment Managers” on page 6.)
4. Be available to meet with the Committee at least annually.
5. Promptly inform the Committee of all substantive matters and events pertaining to the Foundation’s assets it manages including, but not limited to: investment strategy, portfolio structure, market value of managed assets, fees and expenses, recommendations for guideline changes, ownership, organizational structure, financial condition, professional staff, and all material legal, SEC and other regulatory agency proceedings affecting the investment management organization.
6. When the Manager has such discretionary authority, promptly vote all proxies and related actions in a manner consistent with the long-term interests and objectives of the Foundation.
7. Coordinate with the Foundation to meet its liquidity needs.
8. Liquidate non-cash gifts, namely securities, and re-invest proceeds as soon after the gift is completed as possible unless otherwise directed by the Committee.
9. Utilize the same care, skill, prudence, and due diligence under the circumstances then prevailing that experienced investment professionals acting in a like capacity on behalf of the Foundation would exhibit, in accordance and compliance with all applicable laws, rules, and regulations for local, state, and federal entities as they pertain to fiduciary duties and responsibilities.
10. Inform the Advisor or Staff of the “soft-dollar” arrangements between the Manager and brokerage organizations and describing the services that are purchased with the soft-dollars generated by the Foundation’s assets. This information shall be updated annually and conform to industry standards.
11. Acknowledge and agree in writing to its fiduciary responsibility as set forth in the SIP.

SELECTION OF INVESTMENT MANAGERS

The Committee will hire appropriate Managers to manage the Foundation’s assets. Managers may be hired that specialize in specific asset classes, market sectors, or investment styles; managers also may be hired to construct a broadly diversified portfolio with exposure to multiple asset classes, market sectors, and investment styles. Managers that specialize must maintain the investment style and discipline they were hired to implement; style drift is prohibited.

Prospective managers must meet the following minimum criteria:

1. Be a bank, insurance company, investment management company, or investment advisor as defined by the Registered Investment Advisor Act of 1940.
2. Provide historical quarterly performance numbers calculated on a time-weighted basis, based on a composite of all fully discretionary accounts of similar investment style, and reported net and gross of fees.

3. Provide performance evaluation reports prepared by an objective third party that illustrate the risk/return profile of the manager relative to other managers of like investment style.
4. Provide detailed information on the history of the firm, key personnel, key clients, fee schedule, and support personnel.
5. Clearly articulate the investment strategy that will be followed and document that the strategy has been successfully adhered to over time.
6. Have no outstanding legal judgments or past judgments that may reflect negatively on the firm.

DONOR- REQUESTED OR PROFESSIONAL ADVISOR-REQUESTED INVESTMENT MANAGER

When a donor or professional advisor requests that the funds being donated be managed by a specific investment manager or if the funds will be managed using an asset allocation that precludes the Foundation from using an existing pool, the Foundation will consider the request and may accept or reject it in its sole discretion, provided that the donation is \$1,000,000 or more. Exceptions may be made at the discretion of the Investment Committee. If accepted, the requested investment manager shall abide by the Foundation's SIP.

PERFORMANCE OBJECTIVES FOR INVESTMENT MANAGERS

Due to the inevitability of short-term market fluctuations which may cause variations in investment performance, it is intended that the following performance objectives will be achieved by the Manager(s) over a moving five-year period, calculated on a time-weighted basis, net of investment management fees. However, the Committee does not guarantee that the Manager(s) will be given a five-year horizon and reserves the right to evaluate and make Manager changes at any time.

1. Each Manager's performance, net of fees, will be measured against a representative market style index and will be expected to exceed this benchmark over a rolling five-year period.
2. When appropriate, each strategy will also be evaluated against a universe of strategies with a similar investment style and will be expected to rank in the top 50% over a rolling five-year period.

For investment managers hired to construct broadly diversified portfolios, the sub-advisor they employ will be evaluated against the criteria above. These diversified managers will also be evaluated against representative custom-weighted indices when available; otherwise, they will be evaluated against an appropriately weighted composite index consisting of the S&P 500 Index for equities and the Barclays Capital Aggregate Bond Index for fixed income.

MONITORING OF INVESTMENT MANAGERS

Performance will be evaluated at least quarterly to test progress toward five-year performance objectives. It is understood that there are likely to be short-term periods during which performance deviates from market style indices. During such time, greater emphasis shall be placed on performance comparisons with managers employing similar investment styles.

SPENDING POLICY

Long-term expectations may be expressed by the following equation currently:

$$\text{Expected Average Annual Return Net of Fees} \geq \text{Grants} + \text{Inflation} + \text{Administrative Fees}$$

Currently, $(8-9\% \geq 4-5\% + 3\% + 1\%)$

Spending - Moving Average Determination

The Foundation will use the moving average method to plan year-to-year grants in order to reduce annual variations in the amounts distributed from the aggregate portfolio. The amount will be determined based on a 12-averaged-quarter moving average of portfolio market value. (That is, the moving average will be determined in the last quarter of the calendar year based on the twelve averaged quarters ending September 30 before the calendar year in which the funds are to be spent.) For funds less than three years old, the market value will be the average of all averaged quarters to date. This policy creates more consistent and predictable granting by the Foundation over the long term.

INVESTMENT GUIDELINES**I. Allowable Assets****A. Cash Equivalents**

1. Treasury Bills
2. Money Market Funds
3. Short-Term Investment Funds
4. Commercial Paper
5. Banker's Acceptances
6. Repurchase Agreements
7. Certificates of Deposit

B. Fixed Income Securities

1. U.S. Government and Agency Securities
2. Corporate Notes and Bonds
3. Mortgage Backed Bonds
4. Preferred Stock
5. Fixed Income Securities of Foreign Governments and Corporations
6. Planned Amortization Class Collateralized Mortgage Obligations (PAC CMOs) or other "early tranche" CMOs

C. Equity Securities

1. Common Stocks
2. Convertible Notes and Bonds
3. Convertible Preferred Stocks
4. American Depositary Receipts (ADRs) of Non-U.S. Companies
5. Long/Short Strategies
6. Stocks of Non-U.S. Companies (Ordinary Shares)

D. Mutual Funds and Exchange-Traded Funds

1. Mutual and Exchange-Traded Funds which invest in securities as allowed in this SIP.

E. Other Assets

1. Guaranteed Investment Contracts
2. Commodities
3. Real Estate Investment Trusts
4. Hedge Funds
5. Private Equity

F. Derivatives

...e fund strategies, the use of derivatives is limited
as part of a risk management strategy or as investments which are equivalents of securities as
allowed in this SIP.

II. Prohibited Assets and Transactions

Prohibited Investments include, but are not limited to, the following:

- A. Real-Estate Properties
- B. Interest-Only (IO), Principal-Only (PO), and Residual Tranche CMOs
- C. Short-selling and the use of margin trading

Adopted 3/10/03, Amended 9/12/11, Amended 5/20/13, Amended 3/17/16

ATTACHMENT A: INVESTMENT TARGET ALLOCATION

The following targets are to be applied to the allocation of the Foundation's assets until such time as the Board revises this Attachment:

	Lower Range	Policy Normal Level	Upper Range
<u>Equity Portfolio:</u>			
Large Cap U.S. Equity	10%	15.00%	30%
Mid Cap U.S. Equity	0%	2.00%	5%
Small Cap U.S. Equity	0%	3.00%	5%
Developed International Equity	10%	13.00%	20%
International Emerging Markets Equity	<u>0%</u>	<u>6.00%</u>	<u>10%</u>
<i>sub-total</i>			
<i>sub-total long only equity</i>	35%	39.00%	60%
<u>Hedged Equity</u>			
Global Hedged Equity	0%	4.00%	10%
<i>sub-total equity</i>	35%	43.0%	70%
<u>Fixed Income Portfolio:</u>			
"Core" U.S. Fixed Income	14%	21.0%	30%
Inflation Protected Securities	0%	3.0%	10%
International Bonds	0%	2.0%	10%
High Yield Bonds	<u>0%</u>	<u>3.0%</u>	<u>10%</u>
<i>sub-total</i>	20%	29.0%	40%
<u>Alternative Investments:</u>			
Real Estate	0%	6.0%	10%
Commodities	0%	6.0%	10%
Diversified Hedge Funds	0%	4.0%	10%
Diversified Private Equity	<u>0%</u>	<u>10.0%</u>	<u>10%</u>
<i>sub-total</i>	10%	26.0%	30%
<u>Money Market</u>	0%	2.0%	15%
<u>Grand Total:</u>		100.00%	

Overall Portfolio:

Blend of: 60% MSCI ACWI Index and 40% Barclays Capital Aggregate Bond Index

DuPage Custom Benchmark:

16% S&P 500

3% Russell MidCap

2% Russell 2000

16% MSCI EAFE

5% MSCI Emerging Markets

24% BC Aggregate Bond

3% BC High Yield 2% Capped

3% BC US TIPS

6% HFR Hedge FOF – Conservative

8% HFR Equity Hedge

6% FTSE EPRA NAREIT Global Real Estate Index Net

6% DJ UBS Commodity Index Trust

2% 90-day US Treasury Bill

Large Cap U.S. Equity:

S&P 500 Index

Russell 1000 Index

Mid Cap U.S. Equity:

S&P 400 Index

Russell Mid Cap Index

Small Cap U.S. Equity:

S&P 600

Russell 2000 Index

International Equity:

Morgan Stanley Capital International Europe, Australia, and Far East Index (“MSCI EAFE”) Net Dividends (ND)

Morgan Stanley Capital International (“MSCI”) Emerging Markets Free Index

Fixed Income:

Barclays Capital Aggregate Bond Index

Barclays Capital High Yield U.S. Corporate Bond Index (with 2% issuer cap)

Hedge Fund of Funds:

HFR Funds of Funds Index: Composite

HFR Funds of Funds Index: Conservative

HFR Hedged Equity

Commodities:

Dow Jones – UBS Commodities Index

Real Estate:

FTSE – EPRA/NAREIT Global Real Estate Index

Short Term Investments:

90 Day T-Bill

Acceptance and Acknowledgment of the Statement of Investment Policy

I acknowledge receipt of the Statement of Investment Policy on _____ and accept its terms.

INVESTMENT MANAGER

Signature

Print Name

Title

Print Name of Firm

DUPAGE FOUNDATION

David M. McGowan

Signature

David M. McGowan

Print Name

President & CEO

Title

March 17, 2016

Date



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Planning & Development
Department Head: Staci Hulseberg
Category: Ordinance
Prepared By: John Sterrett

SCHEDULED

ORDINANCE 6489

DOC ID: 2656

Ordinance No. 6489, An Ordinance Authorizing the Execution of an Intergovernmental Agreement with the Village of Lombard for the Disconnection of the Glenbard Wastewater Authority Bemis Road Plant from the Village of Lombard and Annexation of the same to the Village of Glen Ellyn. (Planning and Development Director Hulseberg)

Background

The Village of Lombard and the Village of Glen Ellyn have been working to disconnect the Glenbard Wastewater Authority (GWA) treatment facility from the Village of Lombard and annex it to the Village of Glen Ellyn. The property, located at the southeast corner of Bemis Road and Sunnybrook Road, commonly known as 21W551 Bemis Road, is contiguous to the Village of Glen Ellyn and is within the Village's planning boundary. The Village of Glen Ellyn is the underlying property owner and GWA operates the facility through an Intergovernmental Agreement. The GWA property was always intended to be annexed into the Village of Glen Ellyn but contiguity with Glen Ellyn had not previously existed. Instead, the property was annexed to the Village of Lombard, which is contiguous to the property, as temporary measure to allow the facility to be regulated by a one of the member municipalities rather than by DuPage County.

Staff from Glen Ellyn and Lombard have developed an intergovernmental agreement that outlines the process and obligations from both municipalities to disconnect the property from Lombard and annex it to Glen Ellyn. The IGA also addresses how building permits will be handled after the disconnection from Lombard and annexation to Glen Ellyn occurs. The Village of Glen Ellyn has previously approved the petition for disconnection of the property. The disconnection petition and approved IGA will now be forwarded to Lombard, who will then approve a disconnection ordinance. Approval of annexation plats and ordinances will be the next step for Glen Ellyn.

Village Board Action

The Village Board should consider approving the attached ordinance authorizing the execution of an intergovernmental agreement with the Village of Lombard for the disconnection of the GWA treatment facility from the Village of Lombard and the annexation of the same to the Village of Glen Ellyn. The ordinance and intergovernmental agreement are attached for consideration at the April 10, 2017 Village Board Meeting.

Attachments

- Ordinance Authorizing Execution of Intergovernmental Agreement
- Intergovernmental Agreement – Exhibit "A"

CC: William Heniff, Director of Community Development, Village of Lombard

Ordinance No. _____

**An Ordinance Authorizing the Execution of an
Intergovernmental Agreement with the Village of Lombard
For the Disconnection of the Glenbard Wastewater Authority
Bemis Road Plant from the Village of Lombard and
Annexation of the same to the Village of Glen Ellyn
Glen Ellyn, IL 60137**

Whereas, the 1970 Illinois Constitution and Division 12 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-12-1, et seq.) authorizes municipalities to enter into contracts and agreements to further intergovernmental cooperation; and

Whereas, the authorities of the Villages of Glen Ellyn and the Village of Lombard have discussed entering into an intergovernmental agreement regarding the Glenbard Wastewater Authority facility located at 21W551 Bemis Road (hereinafter referred to as the “Bemis Road Wastewater Plant”); and

Whereas, the Bemis Road Wastewater Plant is owned by the Village of Glen Ellyn; and

Whereas, the Bemis Road Wastewater Plant is currently within the corporate limits of the Village of Lombard; and

Whereas, the Bemis Road Wastewater Plant is contiguous to the corporate limits of Glen Ellyn; and

Whereas, the Village of Lombard and the Village of Glen Ellyn have determined that it is in their respective best interest to disconnect the Bemis Road Wastewater Plant from the Village of Lombard and annex the same to the Village of Glen Ellyn.

Now Therefore be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The President and Village Clerk of the Village of Glen Ellyn are authorized

Ordinance 6489

Meeting of April 10, 2017

to enter into an intergovernmental agreement with the Village of Lombard as set forth in Exhibit “A” attached hereto.

Section Two: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Ayes:

Nays:

Absent:

Approved by the President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President

Attest:

Village Clerk

(Published in pamphlet form and posted on the _____day of _____, 20____.)

ATTACHMENTS:

- Intergovernmental Agreement - Exhibit A (PDF)

EXHIBIT "A"

**AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE VILLAGES OF LOMBARD AND GLEN ELLYN,
IN REGARD TO THE GLENBARD WASTEWATER AUTHORITY
BEMIS ROAD FACILITY, AND THE ANNEXATION
OF A PORTION THEREOF BY THE VILLAGE OF GLEN ELLYN**

THIS AGREEMENT (hereinafter referred to as the "Agreement") is entered into this ____ day of _____, 2017 (hereinafter referred to as the "Effective Date") by and between the VILLAGE OF LOMBARD, an Illinois municipal corporation (hereinafter referred to as "LOMBARD") and the VILLAGE OF GLEN ELLYN, an Illinois municipal corporation (hereinafter referred to as "GLEN ELLYN"). LOMBARD and GLEN ELLYN are hereinafter sometimes individually referred to as a "Party" and collectively referred to as the "Parties."

WITNESSETH

WHEREAS, the Glenbard Wastewater Authority Bemis Road Facility (hereinafter referred to as the "BEMIS ROAD FACILITY") is a public wastewater treatment facility jointly owned and operated by the Parties, pursuant to an intergovernmental agreement between the Parties; and

WHEREAS, the portion of the BEMIS ROAD FACILITY, as legally described in EXHIBIT A attached hereto and made part hereof (hereinafter referred to as the "SUBJECT PROPERTY"), is currently located within the corporate limits of LOMBARD; and

WHEREAS, GLEN ELLYN is the legal owner of record of the SUBJECT PROPERTY; and

WHEREAS, the SUBJECT PROPERTY is located West of the West line of an established ultimate municipal boundary line between the Parties, as recorded on November 5, 2015, with DuPage County Recorder's Office as document number R2015-122243 (hereinafter referred to as the "BOUNDARY LINE AGREEMENT"), which means that, pursuant to the BOUNDARY LINE AGREEMENT, the SUBJECT PROPERTY is ultimately intended to be located within GLEN ELLYN'S corporate limits; and

WHEREAS, the SUBJECT PROPERTY is contiguous to the corporate limits of GLEN ELLYN; and

WHEREAS, GLEN ELLYN and LOMBARD have determined that it is in their respective best interests to disconnect the SUBJECT PROPERTY from LOMBARD and annex the SUBJECT PROPERTY into GLEN ELLYN; and

WHEREAS, LOMBARD has issued building permits for construction work relative to that portion of the BEMIS ROAD FACILITY located on the SUBJECT PROPERTY (hereinafter referred to as the “WORK”); and

WHEREAS, as the WORK is not complete, the Parties desire to provide for the orderly completion of the WORK, notwithstanding the disconnection of the SUBJECT PROPERTY from LOMBARD and the annexation of the SUBJECT PROPERTY to GLEN ELLYN; and

WHEREAS, the Parties are in agreement with the terms and conditions pertaining to the completion of the WORK, as more fully set forth below; and

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution and 5 ILCS 220/1 through 220/9 provide the authority for this Agreement; and

WHEREAS, it is in the best interests of the Parties to enter into this Agreement.

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and agreements contained herein, the Parties hereto agree as follows:

1. **INCORPORATION OF PREAMBLES.** The preambles hereto, as set forth above, are incorporated herein by reference and are made part hereof.
2. **LOMBARD OBLIGATIONS.** Subject to all required actions under this Agreement occurring in the order as set forth in Section 4 below, LOMBARD agrees to take the following actions:
 - A. Approve an ordinance consenting to the disconnection of the SUBJECT

PROPERTY, and any dedicated right-of-way adjacent thereto, from LOMBARD, pursuant to 65 ILCS 5/7-1-24 (hereinafter referred to as the “DISCONNECTION ORDINANCE”);

- B. Provide GLEN ELLYN with photocopies of all open permits issued by LOMBARD relative to the WORK (hereinafter referred to as the “WORK DOCUMENTATION”);
- C. Continue to perform inspections relative to the WORK, based upon the building permits for the WORK, and, if appropriate, approve said WORK based upon the terms and conditions of the previously issued building permits by LOMBARD (hereinafter referred to as the “INSPECTIONS AND APPROVALS”); and
- D. Upon final approval of the WORK by LOMBARD, provide written notice to GLEN ELLYN that the WORK has been completed in accordance with all applicable LOMBARD codes, ordinances and regulations (hereinafter the “WORK COMPLETION NOTICE”).

3. **GLEN ELLYN OBLIGATIONS.** Subject to all required actions under this Agreement occurring in the order as set forth in Section 4 below, GLEN ELLYN agrees to take the following actions:

- A. File a Petition for Disconnection with LOMBARD, in substantially the form attached hereto as EXHIBIT B and made part hereof; requesting that the SUBJECT PROPERTY, and any dedicated right-of-way adjacent thereto, be disconnected from LOMBARD pursuant to 65 ILCS 5/7-1-24 (hereinafter referred to as the “DISCONNECTION PETITION”);
- B. Prepare a plat of annexation for the SUBJECT PROPERTY, and any dedicated right-of-way adjacent thereto, (hereinafter referred to as the “ANNEXATION I PLAT”);
- C. Prepare a plat of annexation for the additional property owned by GLEN ELLYN (hereinafter referred to as the “ANNEXATION II PLAT”), as legally described and depicted on EXHIBIT C attached hereto and made part hereof (hereinafter referred to as the “ADDITIONAL PROPERTY”), and any dedicated right-of-way adjacent thereto, which is adjacent to and contiguous with the SUBJECT PROPERTY;
- D. Adopt an Ordinance annexing the SUBJECT PROPERTY, and any dedicated right-of-way adjacent thereto, pursuant to 65 ILCS 5/7-1-24 (hereinafter referred to as the “ANNEXATION I ORDINANCE”);
- E. Adopt an Ordinance annexing the ADDITIONAL PROPERTY pursuant to 65 ILCS 5/7-1-8 (hereinafter referred to as the “ANNEXATION II ORDINANCE”); and

F. Allow the WORK to be completed in accordance with the LOMBARD approved plans and building permits, and to be subject to the inspection and approval of LOMBARD.

4. **TIME SCHEDULE.** The various actions to be taken by the Parties hereunder shall occur in the following order:

- A. GLEN ELLYN shall file the DISCONNECTION PETITION with LOMBARD, pursuant to 65 ILCS 5/7-1-24.
- B. LOMBARD shall approve the DISCONNECTION ORDINANCE, pursuant to 65 ILCS 5/7-1-24.
- C. GLEN ELLYN shall prepare the ANNEXATION I PLAT and the ANNEXATION II PLAT.
- D. GLEN ELLYN shall approve the ANNEXATION I ORDINANCE pursuant to 65 ILCS 5/7-1-24.
- E. GLEN ELLYN shall approve the ANNEXATION II ORDINANCE, pursuant to 65 ILCS 5/7-1-8.
- F. LOMBARD will provide the WORK DOCUMENTATION to GLEN ELLYN.
- G. LOMBARD will continue to inspect the WORK.
- H. LOMBARD will issue the WORK COMPLETION NOTICE to GLEN ELLYN when the WORK is complete.

Except as extended as a result of Section 5.E. below, the actions set forth above, except those set forth in subsections G and H above, shall be completed within three (3) months of the date of this Agreement. The Parties shall proceed in an expeditious manner, relative to the actions set forth above, so that said three (3) months deadline can be met.

5. **GENERAL CONDITIONS/REQUIREMENTS.**

- A. This Agreement is entered into for the benefit of each of the Parties, solely, and not for the benefit of any third party.
- B. Any costs associated with any attorney preparation and/or review of this Agreement, as authorized by a Party, shall be paid for by the Party so authorizing same.
- C. GLEN ELLYN shall reimburse LOMBARD for fifty percent (50%) of the costs borne by LOMBARD in regard to the preparation of the legal descriptions set forth

in EXHIBIT A and EXHIBIT C to this Agreement.

- D. The failure of either Party to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained, or any of them, by any other Party, shall not constitute or be construed as a waiver or relinquishment of any Party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.
- E. If the performance by any Party hereunder is delayed as a result of circumstances which are beyond the reasonable control of such Party (which circumstances shall only include acts of God, war, strikes or similar acts of *force majeure*), the time for such performance shall be extended by the amount of time of such delay.
6. **NOTICES.** Notice or other writings which either Party is required to, or may wish to, serve upon the other Party in connection with this Agreement shall be in writing and shall be delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

A. If to LOMBARD:

Village Manager
Village of Lombard
255 East Wilson Avenue
Lombard, Illinois 60148

B. If to GLEN ELLYN:

Village Manager
Village of Glen Ellyn
535 Duane St.
Glen Ellyn, Illinois 60137

or to such other address, or additional individuals/entities, as either Party may from time to time designate in a written notice to the other Party.

7. **COUNTERPARTS.** This Agreement shall be executed simultaneously in two (2) counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.
8. **ENTIRE AGREEMENT.** This Agreement contains the entire understanding between the Parties and supersedes any prior understanding or written or oral agreements between them regarding the within subject matter. There are no representations, agreements, arrangements or understandings, oral or written, between and among the Parties hereto

relating to the subject matter of this Agreement which are not fully expressed herein.

9. **EFFECTIVE DATE.** This Agreement shall be deemed dated and become effective on the date the last of the Parties execute this Agreement as set forth below, which date shall be inserted on page one of this Agreement as the Effective Date.

IN WITNESS WHEREOF: LOMBARD, pursuant to authority granted by the adoption of a Resolution by its Board of Trustees, has caused this Agreement to be executed by its President and attested by its Clerk; and GLEN ELLYN, pursuant to the authority granted by the adoption of a Resolution by its Board of Trustees, has caused this instrument to be signed by its President and attested by its Clerk.

VILLAGE OF LOMBARD

By: _____
Keith T. Giagnorio
Village President

Dated: _____

ATTEST:

Sharon Kuderna, Village Clerk

Dated: _____

VILLAGE OF GLEN ELLYN

By: _____
Alexander W. Demos
Village President

Dated: _____

ATTEST:

Catherine Galvin, Village Clerk

Dated: _____

STATE OF ILLINOIS)
) SS
COUNTY OF DuPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named Keith T. Giagnorio and Sharon Kuderna, personally known to me to be the Village President and Village Clerk the Village of Lombard, and also known to me to be the same persons whose names are subscribed to the foregoing instrument as such Village President and Village Clerk, respectively, appeared before me this day in person and severally acknowledged that as such Village President and Village Clerk they signed and delivered the signed instrument, pursuant to authority given by the Village of Lombard, as their free and voluntary act, and as the free and voluntary act and deed of said Village of Lombard, for the uses and purposes therein set forth, and that said Village Clerk, as custodian of the corporate seal of said Village of Lombard, caused said seal to be affixed to said instrument as said Village Clerk’s own free and voluntary act and as the free and voluntary act of said Village of Lombard, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this _____ day of _____, 2017.

Notary Public

My Commission Expires: _____

STATE OF ILLINOIS)
) SS
COUNTY OF DuPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named Alexander W. Demos and Catherine Galvin, personally known to me to be the President and Clerk of the Village of Glen Ellyn, and also known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Clerk, respectively, appeared before me this day in person and severally acknowledged that as such President and Clerk they signed and delivered the signed instrument, pursuant to authority given by said Village of Glen Ellyn, as their free and voluntary act, and as the free and voluntary act and deed of said Village of Glen Ellyn, for the uses and purposes therein set forth, and that said Clerk, as custodian of the corporate seal of said Village of Glen Ellyn, caused said seal to be affixed to said instrument as said Clerk’s own free and voluntary act and as the free and voluntary act of said Village of Glen Ellyn, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this _____ day of _____, 2013.

Notary Public

My Commission Expires: _____

EXHIBIT A**Legal Description and Depiction
of the SUBJECT PROPERTY**

(Depiction to be attached)

LEGAL DESCRIPTION FOR P.I.N. 05-24-302-017 (PT.)
THE SOUTH 600.0 FEET (AS MEASURED AT RIGHT ANGLES THERETO) LYING
EAST OF THE EAST LINE OF LOT 22 IN FRED'K H. BARTLETT'S SUNNYSIDE
FARMS SUBDIVISION TOGETHER WITH THAT PART OF THE SOUTHWEST 1/4
LYING SOUTH OF LOTS 20, 21 AND 22 IN SAID FRED'K H. BARTLETT'S
SUNNYSIDE FARMS SUBDIVISION AND ALSO THE 30.0 FOOT STRIP OF LAND
LYING SOUTH OF LOTS 10 THROUGH 25 IN GLEN CREST SUBDIVISION, ALL IN
THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

ALSO

THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24,
TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN
LYING WESTERLY OF THE CENTER OF THE THREAD OF THE STREAM OF THE
EAST BRANCH OF THE DUPAGE RIVER AND SOUTH OF THE SOUTH LINE OF
LOT 56 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS FIRST ADDITION
RECORDED AS DOCUMENT NUMBER 431194, IN DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION FOR P.I.N. NUMBERS 05-24-301-007, 008 & 009
LOTS 20, 21 AND 22 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS
SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24,
TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 430032, IN
DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION FOR P.I.N. NUMBER 05-24-302-019
LOT 67 (EXCEPT THE NORTH 62 FEET OF THE WEST 133 FEET THEREOF) AND
LOTS 20, 21 AND 22 IN F. H. BARTLETT'S SUNNYSIDE FARMS, A SUBDIVISION OF
PART OF THE WEST 2013 FEET OF THE NORTHWEST QUARTER AND THE
SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10,
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT B

**Form of the
PETITION FOR DISCONNECTION**

(attached)

**PETITION FOR DISCONNECTION OF CERTAIN REAL PROPERTY
FROM THE VILLAGE OF LOMBARD
PURSUANT TO THE PROVISIONS OF 65 ILCS 5/7-1-24**

This Petition for Disconnection, dated this ____ day of _____, 2017, is made by the Village of Glen Ellyn, an Illinois municipal corporation (hereinafter referred to as "OWNER"), to the Village of Lombard, an Illinois municipal corporation (hereinafter referred to as the "VILLAGE").

W I T N E S S E T H:

WHEREAS, the OWNER is the owner of certain real property, which is legally described on EXHIBIT "1" attached hereto and made part hereof (hereinafter referred to as the "PROPERTY"); and

WHEREAS, there are no electors residing upon the PROPERTY; and

WHEREAS, the PROPERTY is currently situated within the corporate limits of the VILLAGE, but is also contiguous to the corporate limits of the OWNER; and

WHEREAS, the OWNER desires to disconnect the PROPERTY, and any dedicated right-of-way adjacent thereto, from the VILLAGE, and annex the PROPERTY, and any dedicated right-of-way adjacent thereto, to OWNER, in accordance with the provisions of 65 ILCS 5/7-1-24;

NOW, THEREFORE, the OWNER hereby specifically petitions and requests that the VILLAGE take all necessary and appropriate actions as required to disconnect the PROPERTY, and any dedicated right-of-way adjacent thereto, from the VILLAGE, including the adoption of an Ordinance consenting to and providing for said disconnection, pursuant to 65 ILCS 5/7-1-24.

**OWNER: Village of Glen Ellyn,
an Illinois municipal corporation**

Attest:

By: _____
Alexander W. Demos, Village President

Catherine Galvin, Village Clerk

Date: _____

Date: _____

State of Illinois)
) SS
County of DuPage)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Alexander W. Demos, personally known to me to be the Village President of the Village of Glen Ellyn, and Catherine Galvin, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that, as such Village President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Corporate Authorities of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this ____ day of _____, 2017.

Notary Public

RECEIVED by me on behalf of the VILLAGE OF LOMBARD this ____ day of _____, 2017.

By: _____

Name: _____

Title: _____

EXHIBIT "1"**Legal Description
of the PROPERTY**

LEGAL DESCRIPTION FOR P.I.N. Pt. 05-24-302-017

THE SOUTH 600.0 FEET (AS MEASURED AT RIGHT ANGLES THERETO) LYING EAST OF THE EAST LINE OF LOT 22 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS SUBDIVISION TOGETHER WITH THAT PART OF THE SOUTHWEST 1/4 LYING SOUTH OF LOTS 20, 21 AND 22 IN SAID FRED'K H. BARTLETT'S SUNNYSIDE FARMS SUBDIVISION, ALL IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

ALSO

THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING WESTERLY OF THE CENTER OF THE THREAD OF THE STREAM OF THE EAST BRANCH OF THE DUPAGE RIVER AND SOUTH OF THE SOUTH LINE OF LOT 56 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS FIRST ADDITION RECORDED AS DOCUMENT NUMBER 431194, IN DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION FOR P.I.N.S 05-24-301-007, 008 & 009

LOTS 20, 21 AND 22 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 430032, IN DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION FOR P.I.N. 05-24-302-019

LOT 67 (EXCEPT THE NORTH 62 FEET OF THE WEST 133 FEET THEREOF) AND LOTS 20, 21 AND 22 IN F. H. BARTLETT'S SUNNYSIDE FARMS, A SUBDIVISION OF PART OF THE WEST 2013 FEET OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT C

**Legal Description and Depiction
of the ADDITIONAL PROPERTY**

LEGAL DESCRIPTION FOR P.I.N. Pt. 05-24-302-017
THE 30.0 FOOT STRIP OF LAND LYING SOUTH OF LOTS 10 THROUGH 25 IN
GLEN CREST SUBDIVISION, ALL IN THE SOUTHWEST 1/4 OF SECTION 24,
TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
DUPAGE COUNTY, ILLINOIS.



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Planning & Development
Department Head: Staci Hulseberg
Category: Ordinance
Prepared By: John Sterrett

SCHEDULED

ORDINANCE 6490

DOC ID: 2659

Ordinance No. 6490, An Ordinance Authorizing the Execution of a Second Amendment to a Boundary Line Agreement with the Villages of Lombard and Glen Ellyn. (Planning and Development Director Hulseberg)

Background

The Villages of Glen Ellyn and Lombard entered into a Common Boundary Line Agreement on March 1, 2012 to establish an ultimate municipal boundary line between the two municipalities. The boundary line designates the anticipated future boundary lines of each municipality as well as establishes the planning jurisdiction relative to adjacent unincorporated areas. An amendment to the agreement was approved by both municipalities on September 3, 2015 to accommodate the jurisdictional transfer of the Glenbard Wastewater Authority Bemis Road plant property, located at 21W551 Bemis Road, to the Village of Glen Ellyn. A second amendment to the Agreement is now proposed to provide for the annexation of approximately 2.4 acres at the southeast corner of Roosevelt Road and Lawler Avenue to the Village of Glen Ellyn. The amendment is being made to address pending redevelopment activity on the property.

Specifically, the amendment would adjust the existing boundary line to transfer parcels of land currently within the planning area of Lombard to Glen Ellyn's side of the boundary line. The properties are located on the south side of Roosevelt Road at 21W135 Roosevelt Road, 21W137 Roosevelt Road, 751 Roosevelt Road and 1209 Lawler Avenue. These properties are proposed to be consolidated and developed by Buchanan Energy, LLC as a Mobil gas station and a Bucky's convenience store and car wash. As part of the entitlement process to develop the property as such, Buchanan Energy will seek annexation into the Village of Glen Ellyn. Although the property is currently within the planning boundary of the Village of Lombard, Lombard utilities are not readily available to serve the site. Glen Ellyn sewer and water, however, are located in close proximity to the site.

The original agreement from 2012 identified a Joint Jurisdiction Territory (JJT) located within Lombard's annexation boundary area on the south side of Roosevelt Road. Both municipalities have determined that this area can be best served initially with Glen Ellyn sewer and water for redevelopment opportunities because of the proximity of existing Glen Ellyn utilities. The agreement provides for sales tax sharing arrangements for this unique situation. The proposed second amendment to the boundary line agreement is advantageous for both the Village of Glen Ellyn and Lombard in that it allows for the redevelopment of the property to occur within a municipality and results in increased revenue for both Villages. Without this amendment, the redevelopment of the property would occur in unincorporated DuPage County on well and septic and neither Village would benefit from any sales tax generated from the property.

The proposed second amendment addresses the revenue sharing between the two municipalities for the prospective redevelopment. A portion of the sales tax received by Glen Ellyn from the

redevelopment will be shared with Lombard. Lombard would receive 45% of the sales tax revenues with Glen Ellyn receiving 55%. The 1% Home Rule sales tax will only be shared with Lombard through the remaining term of the agreement, until February 28, 2032, and no portion of any subsequent potential increase in the Glen Ellyn Home Rule sales tax would be shared with Lombard. The 1% Retailers' Occupation Tax and Service Occupation Tax will continued to be shared with Lombard after the term of the agreement expires. All other taxes and fees, such as property tax, building permit revenue, and license fees, will be retained exclusively by Glen Ellyn. If the property is able to be served with Lombard sewer or water services and both communities agree to disconnect the property from Glen Ellyn and annex it to Lombard, then the sales tax revenue sharing will continue but with Glen Ellyn receiving 25% and Lombard receiving 75%. If Lombard is able to serve the property with both sewer and water and both communities agree to the property becoming disconnected from Glen Ellyn and annexed to Lombard, then the sales tax revenue sharing will be discontinued and Lombard will receive all revenue generated from sales tax on the property.

The Village of Lombard will consider the proposed amendment to the current boundary line agreement at their regular Village Board meeting on April 20, 2017.

Action Requested

The Village Board should review the proposed second amendment to the 2012 Boundary Line Agreement with Lombard and make a motion to approve, deny, or approve the agreement with changes.

Attachments

Ordinance

Location Map of Roosevelt Road and Lawler Avenue Properties

Second Amendment of Common Boundary Line Agreement – Exhibit “A”

CC: William Heniff, Village of Lombard, Community Development Director

Ordinance No. _____

**An Ordinance Authorizing the Execution of a
Second Amendment to a Boundary Line Agreement
with the Villages of Lombard and Glen Ellyn, IL 60137**

WHEREAS, the Village of Lombard and the Village of Glen Ellyn entered into a Common Boundary Agreement dated March 1, 2012 and recorded on July 18, 2012, with DuPage County Recorder's Office as document numbers R2012-092711 and R2012-092712 (hereinafter referred to as the "Original Agreement"); and

WHEREAS, the Original Agreement established an ultimate municipal boundary line between Lombard and Glen Ellyn, designating the anticipated extent of the respective municipalities as well as the planning jurisdiction relative to adjacent unincorporated areas; and

WHEREAS, Lombard and Glen Ellyn entered into a First Amendment to the Original Agreement on September 3, 2015 and recorded on November 5, 2015, with DuPage County Recorder's Office as document number R2015-122243 and R2016-025035 (hereinafter referred to as the "First Amendment" – the Original Agreement, as amended by the First Amendment, being hereinafter referred to as the "Amended Agreement"); and

WHEREAS, Lombard and Glen Ellyn have jointly determined that the Amended Agreement should be further amended to address pending redevelopment activity and the companion utility connection provisions located within the previously established Joint Jurisdiction Territory (as defined in the Amended Agreement); and

WHEREAS, 65 ILCS 5/11-12-9 provides authority for jurisdictional boundary lines such as the Amended Agreement; and

WHEREAS, pursuant to 65 ILCS 5/11-12-9, Lombard has provided public notice of this Agreement, by posting a public notice, for not less than fifteen (15) consecutive days, beginning on March 6, 2017, and ending on March 20, 2017, at the location at which notices of Village Board meetings are posted, and by publication of a public notice on March 7, 2017, in the Daily Herald, being a newspaper of general circulation in the territory that is subject to this Agreement; all said notification dates being not less than thirty (30) days, nor more than one-hundred twenty (120) days, prior to the approval of this Agreement by the corporate authorities of Lombard; and

WHEREAS, pursuant to 65 ILCS 5/11-12-9, Glen Ellyn has provided public notice of this Agreement, by posting a public notice, for not less than fifteen (15) consecutive days, beginning on February 25, 2017, and ending on March 11, 2017, at the location at which notices of Village Board meetings are posted, and by publication of a public notice on February 25, 2017, in the Daily Herald, being a newspaper of general circulation in the territory that is subject to this Agreement; all said notification dates being not less than thirty (30) days, nor more than one-hundred twenty (120) days, prior to the approval of this Agreement by the corporate authorities of Glen Ellyn; and

Now Therefore be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: That the Second Amendment to the Common Boundary Agreement Between the Village of Lombard and the Village of Glen Ellyn, attached hereto as Exhibit A and made a part hereof (hereinafter referred to as the “Second Amendment”) is hereby approved, and the Village President and Village Clerk are hereby authorized and directed to execute same.

Section Two: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Section Three: That said Second Agreement shall become effective after copies thereof, certified as to adoption by the Municipal Clerks of the Village of Lombard and Glen Ellyn, have been filed in the Office of the Recorder of Deeds of DuPage County, Illinois, and placed on file in the Office of the Clerk of each municipality.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Ayes:

Nays:

Absent:

Approved by the President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President

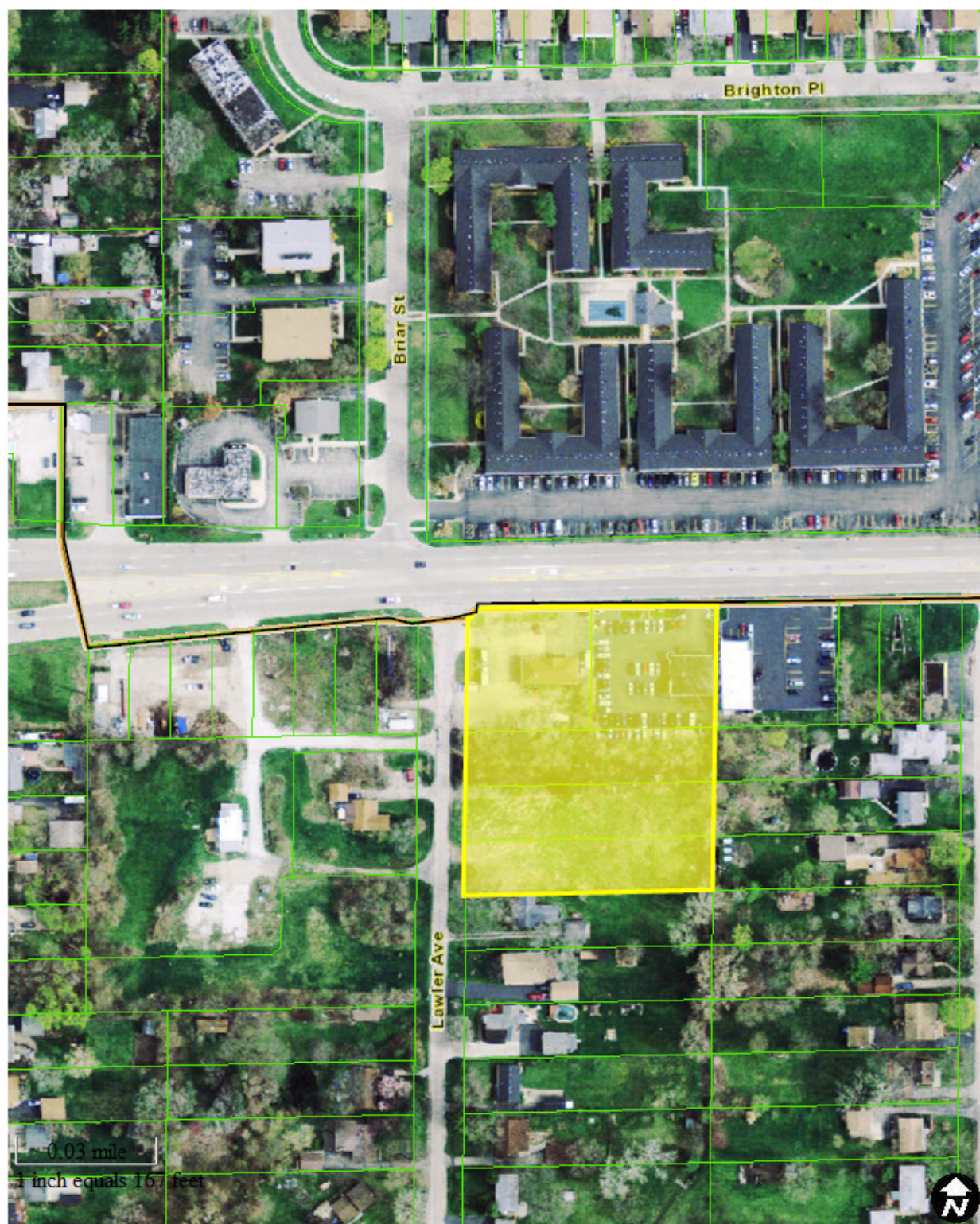
Attest:

Village Clerk

(Published in pamphlet form and posted on the ____ day of _____, 20____.)

ATTACHMENTS:

- Location Map (PDF)
- Second Amendment of Common Boundary Line Agreement - Exhibit A (PDF)



Map created on March 31, 2017.

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The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.

Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

EXHIBIT "A"**SECOND AMENDMENT TO COMMON BOUNDARY AGREEMENT BETWEEN
THE VILLAGE OF LOMBARD AND THE VILLAGE OF GLEN ELLYN**

THIS SECOND AMENDMENT TO COMMON BOUNDARY AGREEMENT (hereinafter referred to as the "Second Amendment"), made and entered into this ____ day of _____, 2017, between the Village of Glen Ellyn, an Illinois municipal corporation (hereinafter referred to as "Glen Ellyn") and the Village of Lombard, a Illinois municipal corporation (hereinafter referred to as "Lombard").

WITNESSETH

WHEREAS, Lombard and Glen Ellyn entered into a Common Boundary Agreement dated March 1, 2012 and recorded on July 18, 2012, with DuPage County Recorder's Office as document numbers R2012-092711 and R2012-092712 (hereinafter referred to as the "Original Agreement"); and

WHEREAS, the Original Agreement established an ultimate municipal boundary line between Lombard and Glen Ellyn, designating the anticipated extent of the respective municipalities as well as the planning jurisdiction relative to adjacent unincorporated areas; and

WHEREAS, Lombard and Glen Ellyn entered into a First Amendment to the Original Agreement on September 3, 2015 and recorded on November 5, 2015, with DuPage County Recorder's Office as document number R2015-122243 and R2016-025035 (hereinafter referred to as the "First Amendment" – the Original Agreement, as amended by the First Amendment, being hereinafter referred to as the "Amended Agreement"); and

WHEREAS, Lombard and Glen Ellyn have jointly determined that the Amended Agreement should be further amended to address pending redevelopment activity and the companion utility connection provisions located within the previously established Joint Jurisdiction Territory (as defined in the Amended Agreement); and

WHEREAS, 65 ILCS 5/11-12-9 provides authority for jurisdictional boundary lines such as the Amended Agreement;

NOW, THEREFORE, in consideration of the foregoing, the mutual agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Lombard and Glen Ellyn, Lombard and Glen Ellyn agree as follows:

1. That the provisions of the preambles set forth above are made a part hereof as if fully set forth herein.
2. That Section 6 of the Amended Agreement is hereby further amended as follows:

A. Subsection B of Section 6 is amended to read in its entirety as follows:

“ B. Lombard shall not adopt any ordinance annexing all, or any portion of, the following properties, located within the Joint Jurisdiction Territory, unless Lombard receives a resolution from Glen Ellyn approving of the terms and conditions of the annexation, the zoning and any annexation agreement.

<u>PIN</u>	<u>FULL ADDRESS</u>
0524202027	ROOSEVELT RD (vacant lot)
0524202028	ROOSEVELT RD (vacant lot)
0524202029	ROOSEVELT RD (vacant lot)
0524202030	ROOSEVELT ROAD (vacant lot)
0524202031	21W304 ROOSEVELT RD
0524202032	ROOSEVELT RD (vacant lot)
0524202033	ROOSEVELT RD (vacant lot)
0524202034	ROOSEVELT RD (vacant lot)
0524203007	ROOSEVELT RD (vacant lot)
0524203008	ROOSEVELT RD (vacant lot)
0524203009	21W051 ROOSEVELT ROAD
0524203028	21W079 ROOSEVELT RD
0524203029	751 W. ROOSEVELT RD
0524203030	21W135 & 21W137 ROOSEVELT RD
0524203010	LAWLER AV (vacant lot)
0524203011	1209 LAWLER AV
0524203012	1209 LAWLER AV
0524208005	665 W. ROOSEVELT RD
0524208006	665 W. ROOSEVELT RD
0524208042	667 W. ROOSEVELT RD

- B. That the opening portion of Subsection D of Section 6, prior to the legal description contained in said Section 6, is amended to read in its entirety as follows:
 “Lombard agrees that upon Lombard’s annexation of the following described portion of the Joint Jurisdiction Territory, said portion shall be zoned for non-single family residential purposes and shall remain so zoned for a period of not less than ten (10) years.”
- C. That Subsection I. of Section 6 is amended to read in its entirety as follows:
 “I. If, at any time during the term of this Agreement, Lombard is able to serve the entire Joint Jurisdiction Territory with water or sanitary sewer service, and serves the entire portion of the Joint Jurisdiction Territory then annexed to Lombard with one of the said utility services, the sales tax revenue sharing percents, as referenced in Subsection E above, shall be revised to twenty-five percent (25%) Glen Ellyn and seventy-five percent (75%) Lombard.”
- D. That subsection J. of Section 6 is amended to read in its entirety as follows:

“J. If, at any time during the term of this Agreement, Lombard is able to serve the entire Joint Jurisdiction Territory with water and sanitary sewer service, and serves the entire portion of the Joint Jurisdiction Territory then annexed to Lombard with both water and sanitary sewer service, then the provisions of this Section 6 shall become null and void.”

- E. That a new Subsection K. shall be added to Section 6, to read in its entirety as follows:

“K. Lombard and Glen Ellyn mutually recognize that the properties located at 21W135 and 21W137 Roosevelt Road, 751 Roosevelt Road and 1209 S. Lawler Avenue, as legally described in Exhibit “E” attached hereto and made part hereof (the “JJT Redevelopment Property”), are located within the Joint Jurisdiction Territory and are currently developed as two motor vehicle sales uses and a residential property. The JJT Redevelopment Property is proposed for redevelopment within the next year, and Lombard water and sanitary sewer are not readily available to the JJT Redevelopment Property. In regard to the redevelopment of the JJT Redevelopment Property, Lombard and Glen Ellyn agree as follows:

- (1.) Lombard will consent to the connection of the JJT Redevelopment Property to existing Glen Ellyn water and sanitary sewer service currently located on the North side of Roosevelt Road. Lombard’s consent to said connections is solely granted for the purpose of a redevelopment consisting of a gas station, convenience store, and car wash facility. In the event that the JJT Redevelopment Property is not redeveloped for this expressed purpose, or not redeveloped at all, by December 31, 2017, Lombard’s consent, as provided for in this Subsection (1) shall be null and void, Glen Ellyn shall not thereafter, without the consent of Lombard, provide water and/or sanitary sewer service to the JJT Redevelopment Property, and this Subsection K shall become null and void.
- (2.) Lombard consents to Glen Ellyn annexing the JJT Redevelopment Property into the corporate limits of Glen Ellyn, provided that the JJT Redevelopment Property is redeveloped in a manner consistent with subsection (1) above. Notwithstanding any other provision of this Agreement, once annexed to Glen Ellyn, Glen Ellyn shall be under no obligation to disconnect the JJT Redevelopment Property, so that same can be annexed by Lombard. In the event that Lombard’s consent under Subsection (1) above becomes null and void, Lombard’s consent under this Subsection (2) shall also be null and void, and this Subsection K shall be null and void.
- (3.) Any sales tax [Retailers’ Occupation Tax, Service Occupation Tax, Home Rule Retailers Occupation Tax and/or Home Rule Service Occupation Tax (the Home Rule taxes being hereinafter referred to as the “Home Rule Sales Tax”)]

received by Glen Ellyn, from the JJT Redevelopment Property, shall be initially shared with Lombard, with Lombard receiving forty-five percent (45%) of said sales tax revenues and Glen Ellyn receiving fifty-five percent (55%) of said sales tax revenues. Upon receipt of any such sales tax revenues, Glen Ellyn shall, within sixty (60) days thereafter, forward to Lombard, Lombard's share of said revenues with a written statement indicating how Lombard's share was calculated. All other applicable taxes assessed by Glen Ellyn, that are specifically attributable to the JJT Redevelopment Property, including, but not limited to, real estate taxes or license fees, may be retained exclusively by Glen Ellyn. The Home Rule Sales Tax shall only be shared with Lombard for the remaining term of the Agreement through February 28, 2032. Upon the expiration of the Agreement, Glen Ellyn will continue to share only the Retailers' Occupation Tax and Service Occupation Tax with Lombard. Lombard shall not be entitled to any increase in Glen Ellyn's Home Rule Sales Tax adopted after the effective date of the Second Amendment to this Agreement. This subsection (3) shall survive the termination of the Agreement for purposes of continuing the sales tax sharing as provided herein.

(4.) If, at any time during the term of this Agreement, Lombard and Glen Ellyn agree to a disconnection of the JJT Redevelopment Property from the corporate limits of Glen Ellyn, and an annexation of the JJT Redevelopment Property into the corporate limits of Lombard, and Lombard serves the JJT Redevelopment Property with water or sanitary sewer service, Lombard shall share the sales tax revenue generated by the JJT Redevelopment Property with Glen Ellyn, in accordance with Subsection I above.

(5.) If, at any time during the term of this Agreement, Lombard and Glen Ellyn agree to a disconnection of the JJT Redevelopment Property from the corporate limits of Glen Ellyn, and an annexation of the JJT Redevelopment Property into the corporate limits of Lombard, and Lombard serves the JJT Redevelopment Property with water and sanitary sewer service, then the provisions of this Subsection K, except for subsection (4) above, shall also become null and void."

3. That the Amended Agreement is further amended, by adding a new Exhibit "E" thereto, which shall read in its entirety as Exhibit "E" attached to this Second Amendment, and made part hereof. (Note: Exhibit "E" is the legal description and PINs for the JJT Redevelopment Property.)
4. That all other provisions of the Amended Agreement, not amended hereby, shall remain in full force and effect.
5. This Second Amendment shall not become effective until a copy hereof, certified by the Village Clerks of Lombard and Glen Ellyn, has been recorded with the DuPage County

Recorder's Office, and copies hereof, certified by the Village Clerks of Lombard and Glen Ellyn, have been placed on file in the Offices of the Village Clerk of Lombard and the Village Clerk of Glen Ellyn.

IN WITNESS WHEREOF, Lombard and Glen Ellyn have caused these presents to executed and delivered on the date first above written.

VILLAGE OF GLEN ELLYN

VILLAGE OF LOMBARD

By: _____
President

By: _____
President

Attest: _____
Village Clerk

Attest: _____
Village Clerk

Date: _____

Date: _____

Exhibit "E"

Legal Description of the JJT Redevelopment Property

LOTS 7, 8, 9, 10, 11, AND 12 (EXCEPT THAT PART OF LOT 12 TAKEN FOR HIGHWAYS), 13, 14 AND 15 IN BLOCK TWO IN GLENBARD ACRES HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 8, 1923 AS DOCUMENT 162673, IN DUPAGE COUNTY, ILLINOIS.

PARCEL IDENTIFICATION NUMBERS:

05-24-203-010, 011, 012, 029 AND 030

COMMON ADDRESSES:

21W135 and 21W137 Roosevelt Road, 751 Roosevelt Road and 1209 S. Lawler Avenue



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Planning & Development
Department Head: Staci Hulseberg
Category: Ordinance
Prepared By: John Sterrett

SCHEDULED

ORDINANCE 6491

DOC ID: 2657

**Ordinance No. 6491, An Ordinance Granting Approval of Zoning Variations and the Exterior Appearance of a 3-Unit Attached Single Family Development to be Located at 490 Newton Avenue.
(Planning and Development Director Hulseberg)**

Background

Evermore Homes LTD., owner of the property located at 490 Newton Avenue, has submitted requests for exterior appearance and zoning variation approvals. The requests are being made to accommodate the construction of a 3-unit townhome development on the site. The subject property is located on the west side of Newton Avenue north of the northwest corner of Pennsylvania Avenue and Newton Avenue in the R4 Residential Zoning District. In order to accommodate the project, the petitioner is specifically requesting approval of the following:

- A. Exterior appearance approval in accordance with the Glen Ellyn Appearance Review Guidelines, Ordinance 5508; and
- B. The following variations from the Glen Ellyn Zoning Code:
 - 1. A variation from Section 10-4-11(D)8(b)2 to permit a lot width of 75 feet in lieu of the minimum required lot width of 90 feet.
 - 2. A variation from Section 10-4-11(D)1(b) to permit a front yard setback of 30 feet in lieu of the minimum required front yard setback of 40 feet.
 - 3. A variation from Section 10-4-11(D)2 to permit a rear yard setback of 25 feet in lieu of the minimum required rear yard setback of 30 feet.
 - 4. A variation from Section 10-5-5(B)4-1 to permit a balcony to have a rear yard setback of 21 feet in lieu of the minimum required rear yard setback of 26 feet.
 - 5. A variation from Section 10-4-11(D)8(a) to permit a three unit attached single family dwelling to be located on a lot with an area of 9,375 square feet in lieu of the minimum required lot area of 14,850 square feet.
 - 6. A variation from Section 10-5-5(B)4-1 to permit a balcony to project 4 feet into the corner side yard setback where one would not be permitted.

Architectural Review Commission Recommendation

The Architectural Review Commission considered the petitioner's request for exterior appearance approval at a public meeting on March 8, 2017. No one from the public spoke in favor or in opposition of the request. By a vote of 7-0, the Commission recommended approval of the request subject to the conditions that the project is constructed in substantial conformance with the plans submitted and the testimony presented at the March 8, 2017 Architectural Review Commission public hearing.

Plan Commission Recommendation

The Plan Commission considered the petitioner's request for approval of zoning variations at a

public hearing on March 9, 2017. No one from the public spoke in favor or in opposition to the request. By a vote of 7-2, the Plan Commission recommended approval of the request subject to the following conditions:

- A. That the project is constructed in substantial conformance with the plans submitted and the testimony presented at the March 9, 2017 Plan Commission public hearing.
- B. That prior to the issuance of a building permit the petitioner receive approval from Village Staff on the appropriate location of a private sidewalk on the south portion of the property.

Village Board Action Requested

The Village Board may approve, approve with conditions or deny the petitioner's request for approval of the proposed exterior appearance and requested zoning variations. Village staff has prepared an Ordinance approving the requests for consideration at the April 10, 2017 Village Board meeting.

Attachments:

- Draft Ordinance
- Location Map
- Draft Minutes from March 8, 2017 Architectural Review Commission Meeting – Exhibit A
- Draft Minutes from March 9, 2017 Planning Commission Meeting – Exhibit B
- Site Plan – Exhibit C
- Landscape Plan – Exhibit D
- Building Elevations – Exhibit E
- Select Materials from Petitioner's Application Packet

Cc: Perry Janke, Evermore Homes LTD.

Ordinance No. _____

**An Ordinance Granting Approval of
Zoning Variations and the Exterior Appearance of a 3-Unit
Attached Single Family Development
to be Located at 490 Newton Avenue
Glen Ellyn, Illinois 60137**

Whereas, Evermore Homes LTD., owner of property located at 490 Newton Avenue has petitioned the Village President and Board of Trustees for approval of the following:

- A. Exterior appearance approval in accordance with the Glen Ellyn Appearance Review Guidelines, Ordinance 5508; and
- B. The following variations from the Glen Ellyn Zoning Code:
 - 1. A variation from Section 10-4-11(D)8(b)2 to permit a lot width of 75 feet in lieu of the minimum required lot width of 90 feet.
 - 2. A variation from Section 10-4-11(D)1(b) to permit a front yard setback of 30 feet in lieu of the minimum required front yard setback of 40 feet.
 - 3. A variation from Section 10-4-11(D)2 to permit a rear yard setback of 25 feet in lieu of the minimum required rear yard setback of 30 feet.
 - 4. A variation from Section 10-5-5(B)4-1 to permit a balcony to have a rear yard setback of 21 feet in lieu of the minimum required rear yard setback of 26 feet.
 - 5. A variation from Section 10-4-11(D)8(a) to permit a three unit attached single family dwelling to be located on a lot with an area of 9,375 square feet in lieu of the minimum required lot area of 14,850 square feet.
 - 6. A variation from Section 10-5-5(B)4-1 to permit a balcony to project 4 feet into the corner side yard setback where one would not be permitted.

all to allow the construction of a new 3-unit attached single-family home development on the site; and

Whereas, the subject property is located on the west side of Newton Avenue just north of

the northwest corner of Pennsylvania Avenue and Newton Avenue in the R4 Residential Zoning District, and is legally described as follows:

LOTS 2 AND 4 IN FLEMING'S ASSESSMENT PLAT OF THE EAST ½ OF THE EAST 250.0 FEET (AS MEASURED ON THE NORTH LINE THEREOF) OF LOT 35 IN COUNTY CLERK'S SEVENTH ASSESSMENT DIVISION OF PART OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO FLEMING'S ASSESSMENT PLAT AFORESAID, RECORDED JULY 2, 1954 AS DOCUMENT 722142, IN DU PAGE COUNTY, ILLINOIS.

P.I.N.: 05-10-409-045

Whereas, the Architectural Review Commission conducted a public meeting to consider the proposed Exterior Appearance on March 8, 2017, at which meeting the petitioner presented evidence, testimony, and exhibits relative to the request for exterior appearance approval; and

Whereas, based upon the evidence, testimony, and exhibits presented at the March 8, 2017 Architectural Review Commission public meeting, by a vote of seven (7) "yes" and zero (0) "no", the Architectural Review Commission recommended approval of the proposed Exterior Appearance with conditions as set forth in the March 8, 2017 minutes of the Architectural Review Commission, a draft of which is attached hereto as Exhibit "A"; and

Whereas, following due and proper publication of notice in The Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on March 9, 2017, at which hearing the Plan Commission considered the petitioner's request for approval of the requested Zoning Variations; and

Whereas, at the March 9, 2017 Plan Commission public hearing, the petitioner presented

evidence and testimony in support of the requested Zoning Variations; and

Whereas, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set forth in the minutes from the March 9, 2017 Plan Commission public hearing, a draft of which is attached hereto as Exhibit “B”, and by a vote of seven (7) “yes” and two (2) “no”, the Plan Commission recommended approval of the requested Zoning Variations; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the March 8, 2017 Architectural Review Commission public meeting and the March 9, 2017 Plan Commission public hearing and have considered the findings of fact and recommendations of the Architectural Review Commission and Plan Commission; and

Whereas, the President and Board of Trustees have determined that approving the Exterior Appearance of the project is consistent with the recommendations of the Glen Ellyn Appearance Review Guidelines and that granting the requested Zoning Variations is consistent with the goals of the Glen Ellyn Zoning Code.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The minutes from the March 8, 2017 Architectural Review Commission public meeting, a draft of which is attached hereto as Exhibit “A”, and the minutes from the March 9, 2017 Plan Commission public hearing, a draft of which is attached hereto as Exhibit “B”, and the findings of fact set forth therein, as well as the findings in the preambles above are

all hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the March 8, 2017 public meeting of the Architectural Review Commission and the March 9, 2017 public hearing before the Plan Commission.

Section Two: Based upon the findings of fact and recommendations of the Architectural Review Commission and Plan Commission, as adopted herein, and the findings of fact and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby grant approval of the proposed Exterior Appearance and requested Zoning Variations to allow the construction of a new 3-unit attached single-family development to be located on the west side of Newton Avenue just north of the northwest corner of Pennsylvania Avenue and Newton Avenue on property, commonly known as 490 Newton Avenue.

Section Three: This grant of approval of proposed Exterior Appearance and requested Zoning Variations is subject to the following conditions:

- A. The project shall be constructed in substantial conformance with the plans submitted and the testimony presented at the March 8, 2017 public meeting of the Architectural Review Commission and the March 9, 2017 public hearing before the Plan Commission and with the petitioner's application packet stamped received February 16, 2017 including the following plans and documents referenced below, as though they were attached to this Ordinance:
1. Narrative Statement dated November 3, 2017
 2. Exterior Appearance Review Application signed November 3, 2016
 2. Application for Zoning Variation signed November 3, 2016
 3. Declaration of Ownership and of Covenants, Conditions, Easements and Restrictions and By-Laws for Newton Townhomes stamped received November 10, 2016
 6. Plat of Survey dated May 20, 2015
 7. Existing Conditions & Tree Survey Plan dated August 24, 2016
 8. Site Plan (Sheet S1.1) date stamped received March 20, 2017, a reduced copy of which is attached hereto as Exhibit "C"
 9. Landscape Plan (Sheet L1.1) date stamped received March 20, 2017, a reduced copy of which is attached hereto as Exhibit "D"
 11. Preliminary North Building Elevation (Sheets A3.3a) date stamped received February 14,

- 2017, a reduced copy of which is attached hereto as Exhibit “E”
13. Foundation/Basement Plan (Sheet A2.1) stamped received February 14, 2017
 18. First Floor Plan (Sheet A2.2) stamped received February 14, 2017
 19. Second Floor Plan (Sheet A2.3) stamped received February 14, 2017
 20. Third Floor Plan (Sheet A2.4) stamped received February 14, 2017
 21. Preliminary Roof Plan (Sheet A2.5) stamped received February 14, 2017
 22. Preliminary South Elevation for Material List only (Sheet A3.1a) stamped received February 14, 2017
 23. Preliminary East and West Elevations for Material List Only (Sheet A3.2a) stamped received February 14, 2017
 24. Preliminary North Elevation for Material List (Sheet A3.3a) date stamped received February 14, 2017
 25. Color Building Elevations stamped received February 14, 2017
 26. C.H.I Carriage House Garage Door, Window, and Door Detail stamped received November 8, 2016
 27. RAB Light Fixture Sheet stamped received November 8, 2016

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department; and

- B. That prior to the issuance of a building permit the petitioner receive approval from Village Staff on the appropriate location of a private sidewalk on the south portion property.

Section Four: The Building and Zoning Official is hereby authorized to issue all necessary building and occupancy permits pursuant to the Exterior Appearance and requested Zoning Variations approved herein, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of approval of the aforementioned requests shall expire and become null and void within 24 months of the date of this Ordinance unless an occupancy permit is applied for within said time period, provided, however, that the Village Board, by motion, may extend the period during which an occupancy permit must be applied for.

Section Five: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

Section Six: Failure of the owners or other party in interest or a subsequent owner or

Ordinance 6491

Meeting of April 10, 2017

other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18 (A) and (B) of the Village of Glen Ellyn Zoning Code.

Section Seven. The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President

Attest:

Village Clerk

ATTACHMENTS:

- Exhibit A - ARC Minutes (PDF)
- Exhibit B - Draft PC Minutes (PDF)
- Location Map (PDF)
- Exhibit C - Site Plan (PDF)
- Exhibit D - Landscape Plan (PDF)
- Exhibit E - Building Elevation (PDF)
- Select Materials from Petitioner's Application (PDF)

MINUTES

BOARD / COMMISSION: Architectural Review

DATE: March 8, 2017

MEETING: Regular

CALLED TO ORDER: 7:05 PM

QUORUM: Yes

ADJOURNED: 10:28 PM

MEMBER ATTENDANCE:

PRESENT: Chairman Burket, Commissioners
Albrecht, Dickie, Klimala, Marchese, Pulver,
Thompson and Wussow

ABSENT: Commissioners Loftus and Strutynsky

ALSO PRESENT:

Village Planner Sterrett, Director Hulseberg,
Trustee Kenwood, Recording Secretary Johnson

I. CALL TO ORDER:

Chairman Burket called the Glen Ellyn Architectural Review Commission (ARC) meeting to order at 7:05 PM in the Civic Center at 535 Duane Street; Glen Ellyn, Illinois. Roll call was taken and a quorum was present.

II. APPROVAL OF JANUARY 25, 2017 MEETING MINUTES

Commissioner Albrecht made a motion, seconded by Commissioner Thompson, to approve the January 25, 2017 minutes of the Glen Ellyn Architectural Review Commission with a small change to correct typos on page 6, second to last paragraph. The motion was approved unanimously.

III. PUBLIC COMMENT (NON-AGENDA ITEMS)

None.

IV. 490 Newton Avenue – EVERMORE HOMES, INC.

Planner Sterrett introduced the project, a 3-unit townhome development. A pre application meeting took place on January 11, 2017. The landscaping plan has been revised in response to comments made at that meeting. The proposed new townhome development will match the development to the south at 344 Pennsylvania Avenue.

The Petitioner, Perry Janke, architect, stated that they eliminated a chimney on the west (rear) façade which eliminated a zoning variation for setbacks. It is a 3 story building. The end unit

facing Newton is 2 stories tall as it faces Newton with a shingle-style façade and a copper canopy covering the front door.

Commissioner Wussow asked if the same materials were on this building as the other building. Mr. Janke stated yes, except the wood shake shingles are new.

Commissioner Klimala believes it will be nice addition for the neighborhood.

Commissioner Dickie said it will be a successful development and fit in nicely.

Commissioner Wussow stated that she is opposed to the setback variations due to the surrounding single family neighborhood. She also does not like the dark colored siding.

Commissioner Thompson thinks the building is very handsome and appreciates the high quality materials.

Commissioner Albrecht appreciates the color scheme and materials.

Commissioner Pulver thinks it is an attractive building.

Commissioner Marchese likes the building, she appreciates the light/dark contrasting facades.

Chairman Burket said it will be a nice building. He asked if there were any comments from the audience, there were no comments.

Commissioner Pulver made a motion to approve, seconded by Commissioner Dickie. The motion was approved by a vote of 7-0.

V. 825 N. Main Street – TRUE NORTH LLC (continued from Feb. 22, 2017)

Commissioner Pulver made a motion to open the public hearing, seconded by Commissioner Dickie. The motion was approved unanimously.

John Sterrett, Village Planner, and Staci Hulseberg, Director of Planning, 535 Duane Street, were sworn in. The property is located at the southeast corner of Main Street and St. Charles Road. At the Feb. 22 hearing, the Petitioner requested 5 sign variations. The sign variations were continued to tonight's hearing. Staff has consulted with legal counsel, who stated that the Petitioner can request the above-mentioned variations.

Planner Sterrett stated that the gas canopy has been redesigned with a mansard roof instead of the illuminated band, which the ARC was not in favor of. The shell logo signs on the gas canopy have also been reduced in size as not to extend above the canopy.

Chairman Burket asked if it was a state law that gas prices had to be visible from the street. Planner Sterrett stated that he was unable to confirm this.

Exhibit "B"

DRAFT
PLAN COMMISSION
MINUTES
MARCH 9, 2017

The meeting was called to order by Chairperson Mary Loch at 7:00 p.m. Plan Commissioners David Allen, Angela Fanella, Tracy Heming-Littwin, Terra Costa Howard, James Ozog, David Rodemann, Jamie Vondruska and Lyn Whiston were present. Plan Commissioners Jeff Girling and Phillip Hartweg were excused. Also present were Trustee Liaison Dean Clark, Village Planner John Sterrett and Recording Secretary Barbara Utterback.

No general comments on non-agenda items were made by the public at this Plan Commission meeting.

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Allen, to approve the minutes of the January 12, 2017 Plan Commission meeting. The motion carried unanimously by voice vote.

Plan Commissioner Howard moved, seconded by Plan Commissioner Whiston, to approve the minutes of the February 1, 2017 Plan Commission meeting. The motion carried unanimously by voice vote.

Two items were on the agenda: 1. 490 Newton Avenue/Evermore Homes, Ltd. – Zoning Variation. 2. Official 2017 Zoning Map.

PUBLIC HEARING – 490 NEWTON AVENUE/EVERMORE HOMES, LTD. – ZONING VARIATION
PUBLIC HEARING WITH DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF VARIATIONS TO THE ZONING CODE FOR 490 NEWTON AVENUE TO ACCOMMODATE THE CONSTRUCTION OF A 3-UNIT TOWNHOME. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF NEWTON AVENUE, NORTH OF PENNSYLVANIA AVENUE IN THE R4 RESIDENTIAL DISTRICT.
(Perry Janke, Architect)

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Fanella, to open the public hearing. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner John Sterrett stated that zoning variations associated with a proposed 3-unit townhome development at 490 Newton Avenue proposed by Evermore Homes and represented by Architect Perry Janke are being requested. He added that the subject development is northwest of the intersection at Pennsylvania Avenue and Newton Avenue in the R4 Residential District. Mr. Sterrett stated that the developer of this project is the same as

PLAN COMMISSION

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MARCH 9, 2017

the recent development located just south of the 4-unit townhome building at 344 Pennsylvania Avenue. Mr. Sterrett displayed a site plan and stated that the developer is proposing to construct a new 3-unit townhome of a similar design. He stated that as part of the proposal, the developer is seeking approval of zoning variations as follows: 1. A variation from Section 10-4-11(D)8(b)2 to permit a lot width of 75 feet in lieu of the minimum required lot width of 90 feet. 2. A variation from Section 10-4-11(D)8(a) to permit a three-unit attached single family dwelling to be located on a lot with an area of 9,375 square feet in lieu of the minimum required lot area of 14,850 square feet. 3. A variation from Section 10-4-11(D)1(b) to permit a front yard setback of 30 feet in lieu of the minimum required front yard setback of 40 feet. Mr. Sterrett stated that the Zoning Code gives a range of anywhere between 30 and 50 feet and whichever building adjacent to the lot on either side that has a greater setback less than 50 is what the structure has to go with. 4. A variation from Section 10-4-11(D)2 to permit a rear yard setback of 25 feet in lieu of the minimum required rear yard setback of 30 feet. 5. A variation from Section 10-5-5(B)4-1 to permit a balcony to have a rear yard setback of 21 feet in lieu of the minimum required rear yard setback of 26 feet. Mr. Sterrett added that balconies are permitted in a rear yard setback but they can only project four (4) feet into the rear yard setback. He stated that this balcony only projects four (4) feet from the building but because the building is already projecting into the rear yard setback, staff's interpretation is this is projecting further into the rear yard than what is permitted. 6. A variation from Section 10-5-5(B)4-1 to permit a balcony to project four (4) feet into the corner side yard setback where a balcony is not normally permitted in a corner side yard setback.

Mr. Sterrett stated that this proposal was discussed by the Plan Commission at a pre-application meeting on January 12, 2017 and at that time there were some concerns raised at that meeting regarding the number of variations being sought as well as the potential impact this development will have on the single-family residence to the north of the property. Mr. Sterrett stated that since that time, the petitioner has eliminated two (2) other requested variations including a variation from the corner side yard setback and a variation to allow a chimney to encroach into the required rear yard. Mr. Sterrett added that this proposal must also receive exterior appearance approval which was discussed by the Architectural Review Commission. He stated that one ARC member expressed a concern regarding the proposed variation request concerning the setbacks and wanted this concern to be conveyed to the Plan Commission.

Responses to Questions to Staff from the Plan Commission

Mr. Sterrett clarified to Plan Commissioner Heming-Littwin that the minimum width for a 2-lane road in the Village is 21 feet and with the public alley, the subject road is 16 feet which is fully paved.

PLAN COMMISSION

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MARCH 9, 2017

Petitioner's Presentation

Architect Perry Janke, Evermore Homes Ltd., 57 E. Hattendorf Avenue, Roselle, IL clarified that the alley right-of-way is 16 feet and the pavement is 12 feet and that they put 2 feet of stone on each side. He stated that the alley pitch is inward by the valley which was preferred by Bob Minix, an engineer for the Village. He added that the lot on the south development as well as the subject development paid for the alley and he believed the Village paid for the small access for a house on the south side.

Mr. Janke described changes that have been made to the subject project since the previous meeting. He stated that the building has been moved a couple of feet to the north so that a variance for a side yard on the south side would not be required and that the side yard on the north side will also be met. He also stated that the front yard will be set back at 30 feet, the building to the south is at approximately 22 feet and the existing building to the north is at 40 feet, adding that this building will be in between those figures. He also stated there will be a rear setback of 25 feet in lieu of 30 feet and they eliminated the chimney on that side which is one less variance. He stated the proposed building will be within the height limitations and the other variances are for the balconies.

Responses to Questions from the Plan Commission

Mr. Janke responded to Plan Commissioner Allen that the materials will be more or less the same as the other buildings as one unit will have brick and one unit will have siding. He added that the third building has a shingle style and is a two-story on the Newton side elevation which he felt would be more in keeping with the residential homes to the north. Mr. Janke responded to Plan Commissioner Allen that he contacted the neighbors and that they had no objections to the proposed plans. Plan Commissioner Heming-Littwin asked what is intended to be outside the door going out the back to the north. Mr. Janke responded there is equipment located there, access to an air conditioning unit and plantings. He also responded that there will be an outlot which is everything outside the building and all elevations have access to that area. Mr. Janke also responded to Plan Commissioner Heming-Littwin that Newton Avenue was reconstructed 5-10 years ago and three sleeves were installed underneath the road for water which will come in from the south side and feed the three residences. He added that sewer will be coming out the north side. Mr. Janke responded to Plan Commissioner Heming-Littwin that they plan to underground utilities. Plan Commissioner Heming-Littwin asked where one would walk to get to the two entrances coming off the alleyway for those units. Mr. Janke responded that he proposed to add two feet to the north of the 12-foot pavement of alley and then there will be a property line with another two feet. He stated he is proposing that that would be a 4-foot carriageway. Plan Commissioner Heming-Littwin asked where the snow will go that falls on the three driveways and Mr. Janke pointed out several areas where he feels snow can be stored. Plan Commissioner Fanella asked for information regarding the retaining wall that will be put up for the neighbors to the north. Mr. Janke stated that the grade continues to go up

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MARCH 9, 2017

about five feet in that area by the time it reaches the far west end so the retaining wall would be approximately from zero to five feet. He stated the zero point would be at the middle of the property going all the way up to five feet at the west end of the property. He also responded to Plan Commissioner Fanella that the three air conditioners would be placed on the north side of the building and he indicated their locations. In response to Plan Commissioner Fanella inquiring about water run-off, Mr. Janke stated that this property is slightly flatter than the property at his previous project, however, water will run off to a rain garden that will have a dry wall underneath it to collect water and once it is filled up to its maximum height it will be able to drain into the storm sewer system. Plan Commissioner Fanella asked what the maximum height is that the water will reach, and Mr. Janke responded that it is below grade. He added that there is a dish in which vegetation that absorbs water is planted. Mr. Sterrett responded to Chairperson Loch that it may not be best management practices to place snow in a rain garden for water quality purposes for water infiltration. He added that he does not believe, however, there is a code that prohibits snow in a rain garden if it is on private property.

Mr. Janke responded to Plan Commissioner Vondruska that the sidewalk along Newton Avenue will remain. Plan Commissioner Rodemann asked if the new carriage walk will be at the same level as the pavement. Mr. Janke responded that there may be a slight roll curb but it will not be 4-6 inches high. Plan Commissioner Heming-Littwin stated one car can fit into the alley—not two—and added she was almost hit by another car when she was in the alley. Mr. Janke responded to Plan Commissioner Howard that the gravel in the driveway will be removed. Plan Commissioner Rodemann asked if condensers are permitted in a side yard, and Mr. Sterrett stated they are provided they have some type of landscape screening around them which the subject condensers will have. Mr. Sterrett responded to Plan Commissioner Fanella that there is no maximum number of access points that can come off of an alley. Mr. Sterrett stated that Public Works confirmed that they maintain and plow the subject public alley. Plan Commissioner Heming-Littwin asked where the electrical box for the property will be located, and Mr. Janke was unsure. Mr. Sterrett confirmed for Plan Commissioner Heming-Littwin that the lot to the north has access off of Newton Avenue and is wider than the subject property. Mr. Sterrett also responded to Plan Commissioner Heming-Littwin that the project proposed for this lot in 2003 was a 3-unit townhome development similar in size except the orientation of the buildings was different and faced out onto Newton Avenue with frontage on Newton Avenue. He stated that the variations being requested dealt with the front yard setback which was 30 feet from the front property line. He also stated there was no rear yard setback variation because of the fact that the building was going north/south and they had an approximately 45-foot rear yard setback. He stated that the side yards were 6-1/2 feet on either side and staff at the time interpreted the property line adjacent to the alley as being an interior lot line so they required only a 7-1/2 foot side yard setback where now we consider this a corner side yard setback so it is much greater than allowing 6-1/2 feet. He added they had to seek variations for lot width and lot size.

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MARCH 9, 2017

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Fanella, to close the public hearing. The motion carried unanimously by voice vote.

Comments from the Plan Commission

Plan Commissioner Ozog felt that the project is great and stated that this type of construction is needed in Glen Ellyn. He added that many baby boomers are looking for townhomes and condominiums and are moving to Wheaton, Lombard and the city for this type of home near the downtown and the train station. He added that the Glen Ellyn community will improve with more projects like this one.

Plan Commissioner Heming-Littwin was not in favor of the project because she felt the developer is trying to put a size 10 foot into a size 3 shoe. She felt there is too much on the site and having the sidewalks along an alleyway that is not wide enough for two cars is not safe. Mr. Janke responded to Plan Commissioner Heming-Littwin that if he had been able to purchase the 340 Pennsylvania property, the alley could have been eliminated. Plan Commissioner Heming-Littwin stated that the petitioner made slight changes from the previous submittal and she feels she still has a concern regarding density. She added that she would be in favor of the project if it was a two-unit development as there is no hardship to put three units on the site. Mr. Janke responded to Plan Commissioner Heming-Littwin that he could move the sidewalk.

Plan Commissioner Allen stated he likes the idea of the roll curb with the separation between the alleyway and the carriage walk. He also stated he likes the landscape and the larger trees and was glad that the petitioner chose some larger trees. He added he preferred that the building was farther south but understands the trade-off with the variation to the north. He also stated that the neighbors gave no negative feedback. He stated that the primary difficulty he is having is the reconciliation between the 2001 Comprehensive Plan and the property that doesn't fit within the R4 guidelines. Plan Commissioner Allen added that he liked the project.

Plan Commissioner Rodemann felt this is an appropriate project due to the building to the south. He added that although he liked this idea, he does not like the precedent it would establish by facing units onto the alleyway. He felt that there is not a solution there yet for protecting pedestrians, understanding the two-way traffic and maintenance. He stated he would not be supportive of this project at this time.

Plan Commissioner Whiston stated he was reluctantly in favor of the proposed project. He stated he agreed with Plan Commissioner Ozog in term of the desirability of this type of housing. He added that he was a bit troubled by the issue of safety in the alley area and stated he was ignorant as far as knowing how much traffic there would be by the alley. He stated that

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while the paved area is narrow, there is gravel on the sides of the alley so that a car could swing over. He stated that although he would vote yes, he was not totally thrilled.

Plan Commissioner Vondruska stated he can live with the proposed variances. He stated he would be a lot more comfortable with the alleyway being paved the full 16 feet. He also stated that if anybody visits the residents, they are going to have cars and getting two cars in there will be an issue. He also did not know how the Fire Department would get ladders into this site. He stated he does not particularly like attached single-family dwellings and although this project is more dense than usual, he can support it. He added that he would like the alley to be wider because of cars and pedestrians there.

Plan Commissioner Howard stated she is struggling with this project because she feels it is very dense on this piece of property. She added that the Fire Department did not object to this project and the Plan Commission has heard no objections from the community. She added people have to use spaces with common sense and the alleyway is a public area. She stated that she will vote yes even though she does not love the project. Plan Commissioner Howard stated Glen Ellyn is a land-locked community and the entire corner in that area is dense.

Plan Commissioner Fanella stated she voted yes for the first project in this area as she felt the density was appropriate on the corner of Pennsylvania and Newton. She added that after viewing the finished project, she feels it is too dense. She stated that she does not have a problem with the orientation of the subject project, however, is concerned regarding the number of access points off the alleyway because people in Glen Ellyn do not know how to operate in an alley which could cause problems. She added that she liked that the project looks like a single-family home and feels that we need this type of project in this location near town, however, there is too much on this property. She stated that she agreed with many of the comments made by the other Plan Commissioners.

Chairperson Loch agreed with everybody even though she stated they were on both sides of the fence and added that she feels the corner is dense. She stated she loved the results of the building on the corner and is trusting that the proposed project will turn out okay. She stated she did not love the density but believes that the Village wants this type of a project and is willing to allow the variations. She stated she was supportive of the proposed project.

The Plan Commission discussed some conditions for inclusion in the motion.

Motion

Plan Commissioner Allen moved, seconded by Plan Commissioner Howard, that having considered the application of Evermore Homes LTD for approval of variations from the Zoning Code for the property located at 490 Newton Avenue in the R4 Residential District for the

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MARCH 9, 2017

construction of a three-unit townhome development, the Plan Commission adopted the findings of fact in the petitioner's application packet and presented by the petitioner at the public hearing as well as the findings included in the deliberations of the Plan Commission and recommended approval of the request subject to the following conditions: 1. Addition of parking signage along the public alley. 2. Prior to issuance of building permit, for the Village staff, at the provisioner's expense, to install a sidewalk north of the alley.

The motion carried with seven (7) yes votes and two (2) no votes as follows: Plan Commissioners Allen, Howard, Fanella, Ozog, Vondruska, Whiston and Chairperson Loch voted yes; Plan Commissioners Heming-Littwin and Rodemann voted no.

OFFICIAL 2017 ZONING MAP

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING THE OFFICIAL 2017 VILLAGE OF GLEN ELLYN ZONING MAP.

Staff Introduction

Village Planner John Sterrett stated that the Plan Commission votes on approval of the Glen Ellyn Zoning Map every year. He displayed three (3) maps, including the unmarked zoning map, a marked-up 11" x 17" map and a map indicating the rezoned areas. He stated that zoning changes were made over the past year at 21W134 St. Charles Road, 65 South Park Blvd./Panfish Park/New Police Station, Enclave of Glen Oak Subdivision, 22W411 Ahlstrand Road and 739-799 Roosevelt Road/Roosevelt Glen Corporate Center.

Motion

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Rodemann, to recommend approval of the Official 2017 Zoning Map. The motion carried unanimously by voice vote.

Trustee Report

Trustee Liaison Clark stated that the gas station at Five Corners will be before the Village Board next Monday night. He also stated that the police station is vastly ahead of schedule.

Chairperson Report

Chairperson Loch stated that Craig Bromann who had been on the Plan Commission for a number of years recently passed away.

PLAN COMMISSION

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MARCH 9, 2017

Staff Report

Village Planner John Sterrett stated that upcoming projects include a special use amendment for Maryknoll Park and a gas station at Roosevelt Road and Lawler. He also stated that at the previous Plan Commission meeting, a discussion was held regarding switching the Plan Commission meetings from Thursdays to Wednesdays and the Architectural Review Commission meetings from Wednesdays to Thursdays. He added that the ARC members are not quite in favor of that change, therefore, after the Plan Commission reviews the Bucky's project, the ARC will review that project two weeks later.

A motion was made to adjourn the meeting at 8:15 p.m. The motion carried unanimously by voice vote.

Prepared by:

Barbara Utterback

Recording Secretary

Reviewed by:

John Sterrett

Village Planner



490 Newton Avenue - Aerial Photo



Map created on January 4, 2017.

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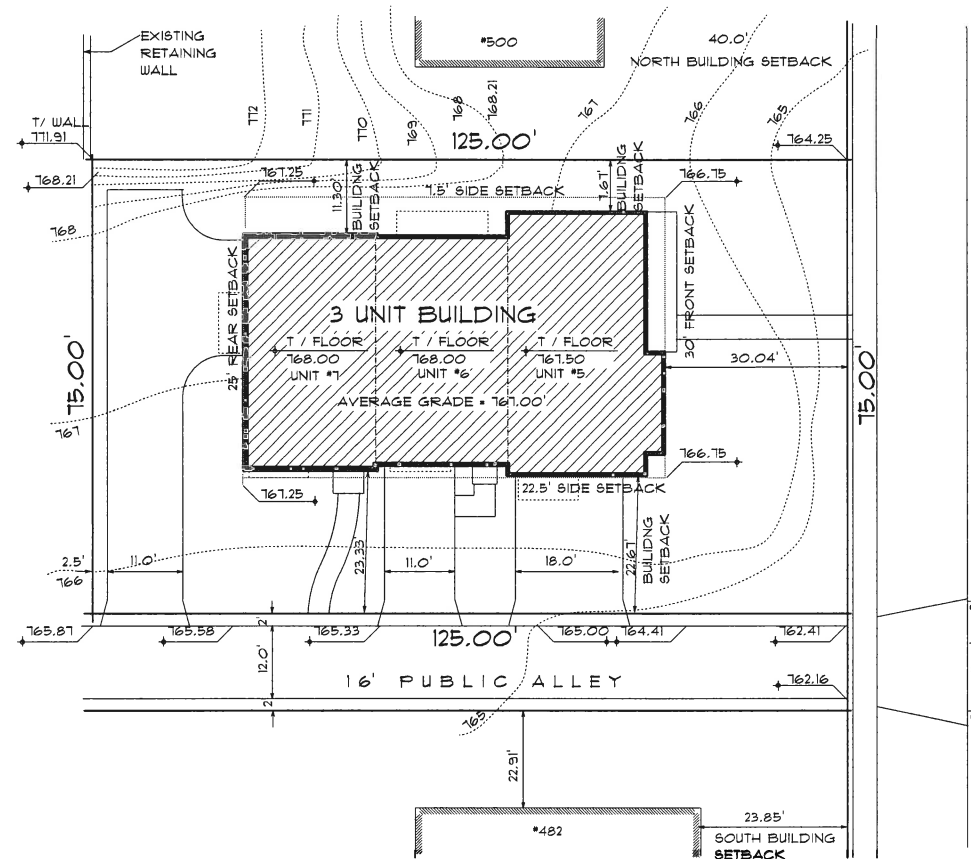
The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.

Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Exhibit "C"

NEWTON TOWN HOMES

490 NEWTON AVENUE GLEN ELLYN, ILLINOIS



SITE PLAN

SCALE 1" = 20'-0"

NEWTON AVENUE

ZONING CALCULATIONS

LOT AREA:	9375 SQ. FT.
FIRST FLOOR AREA:	1211 SQ. FT.
SECOND FLOOR AREA:	2866 SQ. FT.
THIRD FLOOR AREA:	2462 SQ. FT.
GARAGE AREA:	1631 SQ. FT.
BUILDING FOOT PRINT AREA:	2842 SQ. FT.
PAVED SURFACE AREA:	1940 SQ. FT.
TOTAL IMPERVIOUS AREA:	4782 SQ. FT.
IMPERVIOUS AREA PERCENTAGE	51.01%

ARCHITECT OF RECORD
PERRY RICHARD JANKE, AIA

DEVELOPER:
EVERMORE HOMES LTD.

DATE
OCT 12, 2016

REVISION
DEC 9, 2016
JAN 17, 2017
MAR 22, 2017
MAR 30, 2017

JOB #

SHEET #

S1.1

Exhibit "E"

RECEIVED

MAR 20 2017

PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

TAG	DESCRIPTION	COLOR
1	MODULAR BRICK	BEIGE
2	LAP SIDING - 8" SMOOTH	PAINTED DARK BROWN
3	SHINGLE STYLE	LIGHT BUFF / GREY
4	ASPHALT SHINGLE	DRIFTWOOD
5	COPPER	COPPER
6	ALUMINUM GUTTERS & DOWNSPOUT	DARK BROWN
7	ALUMINUM FASCIA & SOFFIT	THATCHER
8	LAP SIDING - 4" SMOOTH	PAINTED THATCHER
9	PANLES	PAINTED LIGHT THATCHER
10	GARAGE DOOR - BOARD APPEARANCE	PAINTED THATCHER
11	ENTRY DOOR - BOARD APPEARANCE	PAINTED THATCHER
12	WINDOWS - FIBER COMPOSITE	DARK BROWN
13	CEDAR RAILING	PAINTED THATCHER
14	LIGHT FIXTURE	DARK BROWN

NORTH ELEVATION

SCALE 1/8" = 1'-0"

ARCHITECT OF RECORD
PERRY RICHARD JANKE, AIADEVELOPER:
EVERMORE HOMES LTD.DATE
OCT 12, 2016REVISION
DEC 9, 2016
JAN 17, 2017
MAR 22, 2017

JOB #

SHEET #

A3.3A

evermore homes ltd

27 East Irving Park Road – 150
Roselle, Illinois 60172
Tel 630 582 6560
Fax 630 582 3733

November 3, 2016

**To: Planning & Zoning Commission
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137**

**Re: Narrative Statement
Newton Townhomes Two
490 Newton Avenue, Glen Ellyn**

This subject property is located approximately 150 feet north of the northwest corner of Pennsylvania Avenue and Newton Avenue. It is approximately 75 feet wide (south to north) and 125 feet deep (east to west).

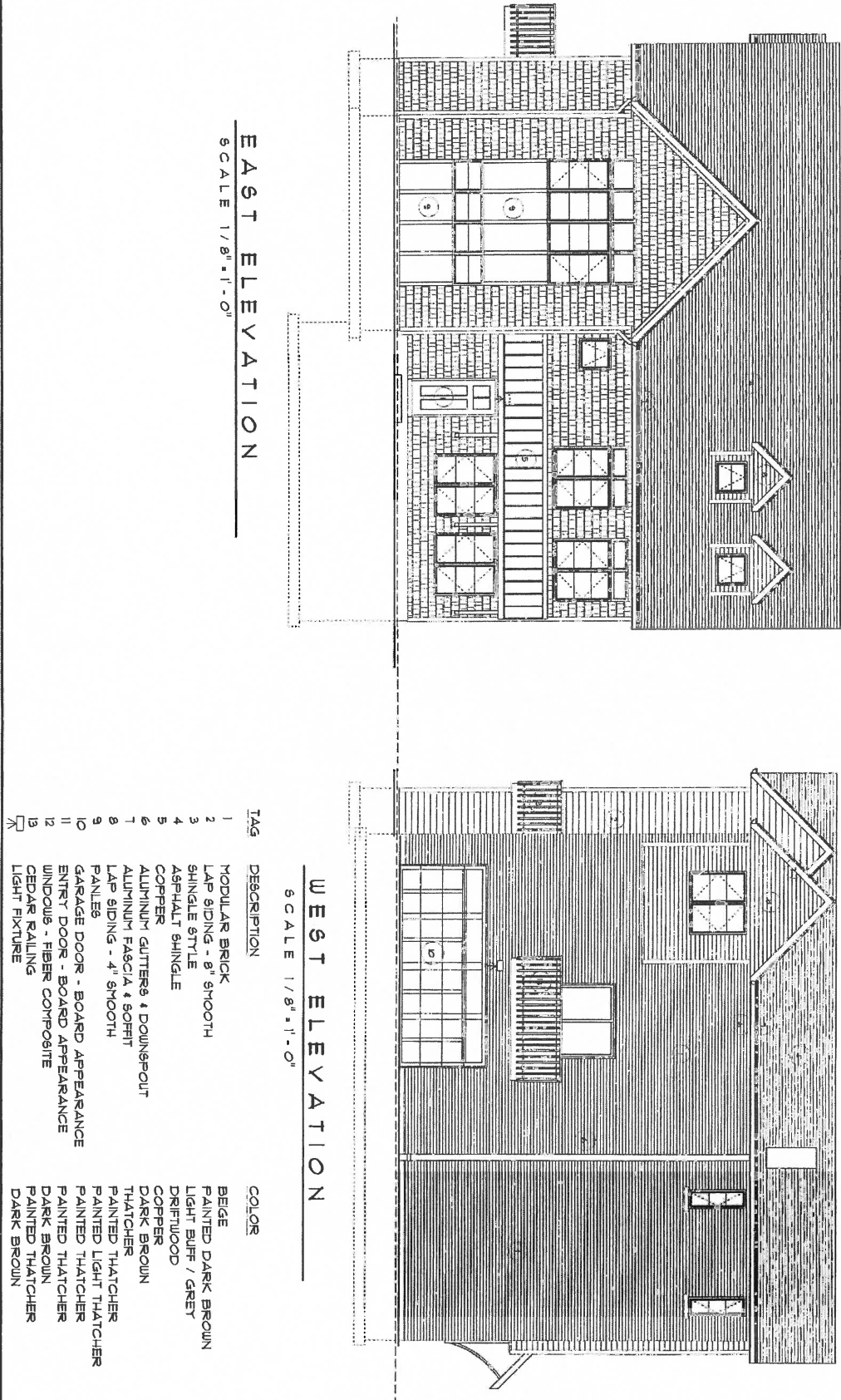
The vacant property is presently zoned R4 Residential. The surrounding zoning and land uses are as follows:

<u>Land Use:</u>	<u>Zoning:</u>
North: Single Family Home	R4
West: Apartments	R4
South: Public Alley and Townhomes	R4
East: Commercial	C5B

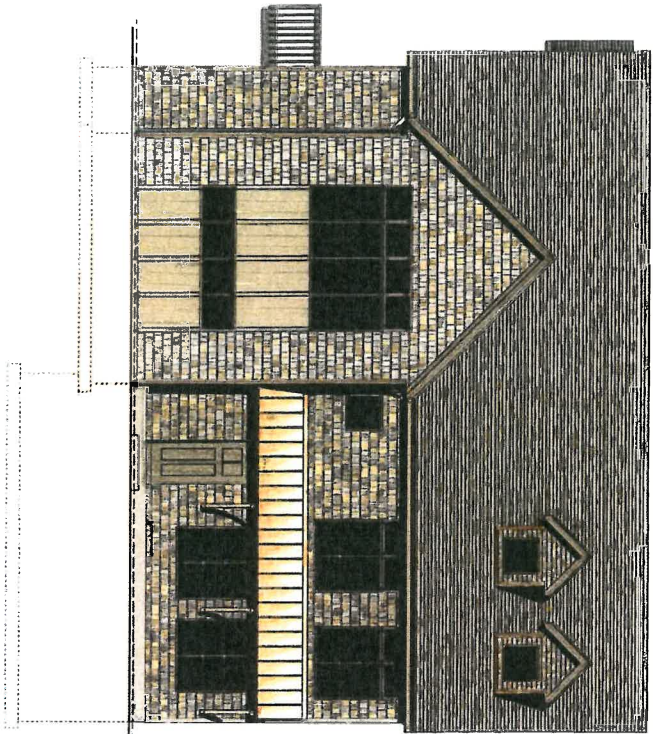
The proposed building is a new 3-unit attached single-family residential development. This use is in keeping with the existing land use. The three rowhouses, three stories high, would each be approximately 2,000 square feet. The building façades are wrapped in masonry or cedar siding and accentuated with bay windows. The building is placed within the required sideyard setbacks, but infringes on the front and rear yard setbacks. The buildings setback along Newton Avenue is set at the standard 30 foot front yard setback, but less than the neighboring building to the south and north.

The property has an area of approximately 9,375 square feet or .22 acres. Therefore, the proposed project would have a density of roughly 14 units per acre. The proposal is in keeping with the 2001 Comprehensive Plan which recommends a medium-density residential development with a density of 10-18 acres. The property to the south has a density of 16 units per acre. The Comprehensive Plan also recommends that the Village "Encourage new residential development that provides for a range of housing types and costs reflecting the needs of the Village's population."

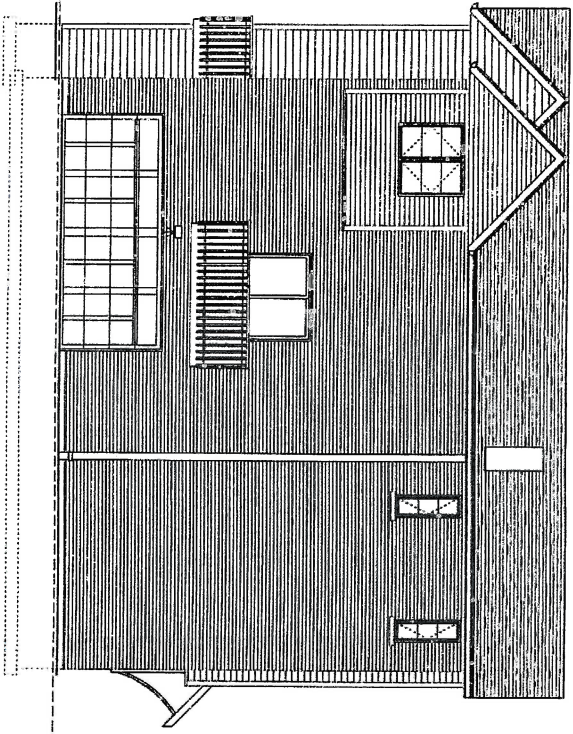
The proposed medium-density development is close to the downtown and train station. The new development will not involve excessive production of any glare, odor, fumes or vibration.



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FEB 14 2017
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN



EAST ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"

RECEIVED
FEB 14 2017
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

DATE
FEB 14 2017
REVISION
NO. 11 2017
A3.2A

DEVELOPER:
EVERMORE HOMES LTD.

ARCHITECT OF RECORD
PERRY RICHARD JANKE,

3'-2" 8'-1" 8'-11" 1'-6 3/4" 8'-1" 1'-4 3/4"

SOUTH ELEVATION
SCALE 1/8" = 1'-0"



3'-2" 8'-1" 8'-11" 1'-6 3/4" 8'-1" 1'-4 3/4"

RECEIVED
JAN 04 2017
PLANNING DEPARTMENT
VILLAGE OF GLEN ELLYN

JOB #
A3.1

DATE
OCT 7, 2016
REVISION

DEVELOPER:
EVERMORE HOMES LTD.

ARCHITECT OF RECORD
PERRY RICHARD JANKE, AIA



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Planning & Development
Department Head: Staci Hulseberg
Category: Ordinance
Prepared By: Kelly Purvis

SCHEDULED

ORDINANCE 6492

DOC ID: 2655

Ordinance No. 6492, An Ordinance Approving Variations from the Minimum Lot and Yard Requirements of the Zoning Code to Allow the New Construction of a Two-Story Residence on the Property Located at 844 Hillside Avenue. (Planning and Development Director Hulseberg)

Background

Alexander and Stephanie Paluka are under contract to purchase the property at 844 Hillside Avenue and are requesting approval of zoning variations from the Glen Ellyn Zoning Code to allow construction of a new two-story single family home on a lot that does not meet the minimum buildable lot requirements at approximately 50 feet by 87 feet (4,350 square feet). In addition, the new construction will require a front yard setback variance to allow a 16 foot front yard in lieu of the required 30 foot front yard.

The property is an interior lot located in the R2 Zoning District on the north side of Hillside Avenue, between Lowell Avenue and Longfellow Avenue. The zoning and land use immediately surrounding the subject property is R2 single-family residential. Notice of the public hearing was published in the Daily Herald on February 27, 2017. The Zoning Board of Appeals conducted a public hearing on the requested variations on Tuesday March 14, 2017.

At the ZBA public hearing on March 14, 2017 it was shown that the current home on the property is non-conforming and beyond simple repair. The solution proposed is to remove the existing residence and build new. The Palukas would like to construct a modest, 867 (first floor footprint) square foot home and a 441 square foot detached garage on the property. The proposed construction would create more space on three sides of the property, most notably bringing the rear yard setback into conformance. The existing home is approximately 9 inches from the rear lot line.

The Architects for the project are not maximizing the buildable area on the lot due to its small size. The proposed project addresses many undesirable aspects of the site in a manner that is both respectful of the surrounding properties and within keeping of the overall neighborhood streetscape (see attached renderings). It is worthwhile to mention that the front yard setbacks on the two adjacent properties are non-conforming with the property to the west (836 Hillside Avenue) at 18.68 feet and the property to the east (846 Hillside Avenue) at 10.89 feet. The 16 foot front yard setback was found by the ZBA to be within keeping of the neighborhood streetscape. To build as proposed in the plans, the Petitioners will need relief from the lot area, lot depth, lot width and front yard setback requirements of the Zoning Code.

Issues

The Zoning Board of Appeals felt that a hardship was created due to the current residence being a nonconforming structure on a nonconforming lot that is beyond simple repair and noted that any

effort to repair the property structurally would require a variation from the zoning code. The Board members agreed that the hardships were not created by the current property owner or the Petitioners.

Recommendation

At the public hearing on March 14, 2017, the Zoning Board of Appeals voted on a motion to recommend approval of the requested variations which carried unanimously with five (5) yes and zero (0) no votes. In accordance with this recommendation for **approval**, staff has prepared an ordinance to approve the requested variations.

Action Requested

It is requested that the Village Board consider the Petitioner's requests, the recommendation offered by the Zoning Board of Appeals and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the requested variations.

Attachments

- Ordinance
- Exhibit A - Draft Minutes of March 14, 2017 ZBA Meeting
- Exhibit B - Aerial View
- Exhibit C - Plat of Survey
- Exhibit D - Photos, Existing Conditions
- Exhibit E - Existing & Proposed Site Plans
- Exhibit F - Floor Plan & Elevations

CC: Staci Hulseberg, Director of Planning & Development
Steve Witt, Building & Zoning Official
Timothy Eberline, Project Manager, TBDA
Alexander & Stephanie Paluka, Petitioners

X:\PLANDEV\BUILDING\ZBA\VARIATION BY ADDRESS\HILLSIDE\844 HILLSIDE\VB MEMO 041017.DOC

Ordinance No. _____

**An Ordinance Approving Variations from the
Minimum Lot and Yard Requirements
of the Zoning Code to Allow
the New Construction of a Two-Story Residence
on the Property Located at
844 Hillside Avenue,
Glen Ellyn, IL 60137**

Whereas, Alexander & Stephanie Paluka, purchasers of the property at 844 Hillside Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 9 (EXCEPT THE WEST 120 FEET) IN BLOCK 8 IN THAIN'S ADDITION TO GLEN ELLYN, BEING A SUBDIVISION IN SECTION 11, 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 22, 1890 AS DOCUMENT 44105, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-12-310-012

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for variations from Section 10-4-1(L) to allow the construction of a new two-story single family residence on a lot which is currently used for single-family dwelling purposes but does not meet the minimum lot area requirements or bulk requirements of the zoning district in which it is located, Section 10-4-8(D)1 to allow the construction of a two-story single family residence with a front yard setback of 16 feet in lieu of the minimum 30 foot required front yard setback, Section 10-4-8(D)7 to allow construction of a two-story single family residence on a lot with an area of 4,374.25 square feet in lieu of the minimum 8,712 square feet required, Section 10-4-8(D)8a to allow the construction of a two-story residence on a lot with a width of 50 feet in lieu of the minimum required 66 foot lot width, and Section 10-4-8(D)9 to allow the construction of a two-

story residence on a lot with a depth of 87.07 feet in lieu of the minimum required 100 foot lot depth; and

Whereas, following due notice by publication in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on March 14, 2017, at which the petitioners presented evidence, testimony, and exhibits in support of the variations requested and three (3) persons appeared in favor of the requested variations and zero (0) persons appeared in opposition thereto; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on March 14, 2017, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the variations, which carried by unanimous vote of five (5) “yes” and zero (0) “no”, resulting in a recommendation for approval as set forth in its Draft Minutes dated March 14, 2017, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

Whereas, the President and Board of Trustees make the following findings of fact:

- A. That the plight of the owner is due to the size of the lot being smaller than most lots within the Village with a non-reparable, nonconforming structure on the lot; and

- B. That the variations, if granted, will not alter the essential character of the locality, but will improve upon the appearance of the streetscape and bring the lot more in to conformance with the Zoning Code than it currently is; and
- C. That the conditions upon which the variations are based would not be applicable generally to other property within the same zoning district; and
- D. That the purpose of the variations is not based exclusively upon a desire to make more money out of the property since the applicants intend to make these improvements for their own personal use and have no desire to sell the property or move from the home in the foreseeable future; and
- E. That the practical difficulty or particular hardship has not been created by any person presently having an interest in the property; and
- F. That the variations will not be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located; since the use is permitted in the zoning district and the residence will be constructed in accordance with all applicable zoning code regulations other than the variations granted; and
- G. That the variations will not substantially increase the hazard from fire or other dangers to said property and not otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since the residence will be constructed in accordance with all applicable building code regulations; and
- H. That the variations will not diminish or impair property values within the neighborhood since the variations allow property improvements that will increase

property values; and

- I. That the variations will not unduly increase traffic congestion in the public streets and highways, as the traffic pattern on site will not be changed; and
- J. That the variations will not result in an increase in public expenditures or create a nuisance since the proposed construction is a single-family residential use in a residential zoning district where there is currently a single-family residence; and
- K. That the variations are the minimum variations that will make possible the reasonable use of the land, building or structure; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the variations as recommended by the Zoning Board of Appeals.

Now, Therefore, Be It Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: The Draft Minutes of the March 14, 2017 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preamble above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve variations from Section 10-4-1(L) to allow the construction of a new two-story single family residence on a lot which is currently used for single-family dwelling purposes but does not meet the minimum lot area requirements or bulk requirements of the zoning district in which it is located, Section 10-4-8(D)1 to allow the construction of a two-story single family residence with a front yard setback of 16 feet in lieu of the minimum 30 foot required front yard

setback, Section 10-4-8(D)7 to allow construction of a two-story single family residence on a lot with an area of 4,374.25 square feet in lieu of the minimum 8,712 square feet required, Section 10-4-8(D)8a to allow the construction of a two-story residence on a lot with a width of 50 feet in lieu of the minimum required 66 foot lot width, and Section 10-4-8(D)9 to allow the construction of a two-story residence on a lot with a depth of 87.07 feet in lieu of the minimum required 100 foot lot depth, for the property at 844 Hillside Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 9 (EXCEPT THE WEST 120 FEET) IN BLOCK 8 IN THAIN'S ADDITION TO GLEN ELLYN, BEING A SUBDIVISION IN SECTION 11, 12 AND 13, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 22, 1890 AS DOCUMENT 44105, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-12-310-012

Section Three: This granting of variations is conditioned upon the residence being constructed in substantial compliance with the plans and the application for variation dated February 23, 2017, and the testimony and exhibits provided at the March 14, 2017 Zoning Board of Appeals public hearing.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variations granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This granting of variations shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on these variations is applied for within said twenty-four (24) month time period and construction is

continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

Section Five: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the variations to be recorded with the DuPage County Recorder of Deeds.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Section Seven: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this day of _____, 20____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President

Attest:

Ordinance 6492

Meeting of April 10, 2017

Village Clerk

(Published in pamphlet form and posted on the _____ day of _____).

ATTACHMENTS:

- Exhibit A - Draft Minutes of March 14,2017 ZBA Meeting (PDF)
- Exhibit B - Aerial View (PDF)
- Exhibit C - Plat of Survey (PDF)
- Exhibit D - Photos, Existing Conditions (PDF)
- Exhibit E - Existing & Proposed Site Plans (PDF)
- Exhibit F - Floor Plans & Elevations (PDF)

Exhibit "A"

DRAFT
ZONING BOARD OF APPEALS
MINUTES
MARCH 14, 2017

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Matthew Jones, John Micheli, Chip Miller and Reed Panther were present. ZBA Members Gregory Constantino, Adam Miller and Thomas Whalls were excused. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Steve Witt, Planning Associate Kelly Purvis and Recording Secretary Barbara Utterback.

Chairperson Garrity explained the procedures of the Zoning Board of Appeals.

ZBA Member Micheli moved, seconded by ZBA Member Chip Miller, to approve the minutes of the February 28, 2017 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were public hearings regarding the properties at 267 Scott Avenue and 844 Hillside Avenue.

PUBLIC HEARING – 267 SCOTT AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A SCREENED PORCH ADDITION THAT RESULTS IN A LOT COVERAGE RATIO OF APPROXIMATELY 22.1% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% ON A LOT WITH A TWO-STORY HOME. 2. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Ryan and Alison Overtoom, owners)

Staff Presentation

Building and Zoning Official Steve Witt and Associate Planner Kelly Purvis were present to speak regarding the proposed variation requests. Ms. Purvis stated that Ryan and Alison Overtoom, property owners of 267 Scott Avenue, are requesting variations from the Glen Ellyn Zoning Code to allow the construction of a screened porch addition on a two-story single-family residence resulting in a lot coverage ratio of approximately 22.1% in lieu of the maximum permitted lot coverage ratio of 20% and any other zoning relief necessary to construct the project as depicted on the plans presented. Ms. Purvis stated that the subject property is an interior lot located in the R2 Zoning District between Rosalind Road and Oxford Road near the Village's eastern limits. She stated that the zoning and land use surrounding the subject property is R2 Single Family Residential. She added that the notice of public hearing was published in the February 24, 2017 edition of the Daily Herald, mailed to property owners within 350 feet of the subject property and a placard was also placed on the property. Ms.

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MARCH 14, 2017

Purvis stated that no Village records were found related to the granting of any zoning variations for this property and Village records indicate that permits were issued for a garage in 1954, a deck in 2000, a single-family home demolition and new home in 2005 and a fence in 2014. She added that the subject residence has a lot coverage ratio of approximately 19.96% and the rear yard slopes approximately 8 feet. She also stated that there is a 218-square foot deck in the rear yard and the owners would like to screen in a shaded area outside. Ms. Purvis stated that Mr. Overtoom has a medical condition that requires total shade when he is outdoors and a screened porch would protect him from the sun and other outdoor elements.

Ms. Purvis stated that in order to construct the screened-in porch as proposed, the petitioners would need to be granted a variation from the Zoning Code to allow a lot coverage ratio of approximately 22.1% in lieu of the maximum allowed coverage of 20% percent for a two-story residence. She added that the screened-in porch will meet all other bulk requirements of the Zoning Code.

Petitioners' Presentation

Architect Daryl Drake, 422 Phillips Avenue, Glen Ellyn, Illinois and Ryan and Alison Overtoom, owners of the property at 267 Scott Avenue, were present to speak on behalf of the variation requests. Mr. Drake displayed a site plan and stated that the garage is in front of the house. He stated that the lot slopes almost eight (8) feet to the northeast in the rear of the property. He also stated that when the contractor originally built this house approximately 7-10 years ago, it was probably very difficult to put an undetached garage in the rear because of the slope. He stated that as a result, they put the garage in the front of the house to make it easier to function, however, it created a situation where the first floor of the house essentially is the second floor of the house from the back because it is almost eight (8) feet out of the ground. He stated that when one walks directly out of the kitchen onto the existing deck, one is approximately seven (7) feet off the ground and the ground slopes toward the north another two (2) to three (3) feet. He stated that, in reality, the back yard is the deck because one has to go down several steps to get into the back yard.

Mr. Drake stated that Mr. Overtoom has an autoimmune skin condition that does not allow him to be in the sun which is part of the reason for the hardship and why the subject room is necessary. He stated that the house was built to the 20 percent maximum lot coverage ratio which does not allow any expansion of the house. He also stated that if it were possible for the subject house to have an unattached garage, it could be 500 square feet if the garage door that is open in the front of the building had closed office windows. He also stated that it would be ridiculous to have a screened-in room on the front of the home because there is no privacy there, it would be surrounded by rooms, no light nor sun would enter the room and there would be no shadowing which is what the petitioners need. Mr. Drake stated that where the house sits on the property, there are a few trees to the east and north and no trees to the south and that none of the trees shade the property. He added that the lack of shade trees

ZONING BOARD OF APPEALS

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MARCH 14, 2017

comes into play as to what the hardship is. Mr. Drake stated he has tried to minimize the requested variation to the absolute smallest amount they could apply for at 218 square feet which is the exact same size as the existing deck. He added that when designing the deck, he brought it farther from the property of the neighbor to the south and farther to the east and that setback is 40 feet which gave them much more room to play with. Mr. Drake stated that the petitioners notified as many neighbors as they could regarding the subject variation request and no one has objected to this proposed project. Mr. Drake summarized that there are medical conditions and site conditions regarding the variation request and that they have tried to minimize this request to a level they feel is small.

Ms. Overtoom stated that her husband grew up in Glen Ellyn and they were excited to move to Glen Ellyn from Indiana. She added that they love their home and want to continue to live there. She stated that after they had lived in their home for one year, her husband was diagnosed with some autoimmune diseases. She added that they would like to cover their deck with a screened-in porch so that they can spend time outdoors.

Questions from the Zoning Board of Appeals

Ms. Purvis verified for Chairperson Garrity that if the garage was detached, a variation would not be necessary. ZBA Member Micheli asked what the difference is between a screened porch and a three-season room, and Ms. Purvis responded that there is no difference because once the porch is screened, it becomes part of the principal structure. Mr. Drake responded to ZBA Member Reed that on the south side, the property slopes six (6) feet but continues to slope down farther on the north side. Ms. Purvis responded to ZBA Member Reed that the deck is nonconforming because it does not extend into the rear yard. Mr. Drake responded to ZBA Member Jones that they do not intend to install windows in the proposed screened porch and added that the framework would probably not support windows. ZBA Member Jones asked if Mr. Overtoom would be better off with his skin condition if windows reflected the light out, and Mr. Overtoom responded it was possible that a window would be helpful. Mr. Overtoom also responded to ZBA Member Jones that water runs off of their property to Abbotsford. Mr. Drake added that the future drainage will be almost exactly the same as it is now because the flat areas of the roof and deck are almost identical with the exception of the overhangs. Mr. Drake confirmed for ZBA Member Micheli that the rear yard faces east. Mr. Overtoom responded to ZBA Member Micheli that the deck is fairly shaded in the early afternoon. ZBA Member Micheli asked if an awning was considered and Mr. Drake said an awning was considered as well as louvers and slats across the top. Mr. Drake added that awnings are expensive, have a problem with wind and do not guard light as UV comes through them.

ZONING BOARD OF APPEALS

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MARCH 14, 2017

Persons in Favor of or in Opposition to the Variation Request

Ian Dawson, 869 Hillside Avenue, Glen Ellyn, IL stated he is a 16-year resident of Glen Ellyn and was in favor of the petitioners' variation request.

Findings of Fact

ZBA Member Micheli stated that the petitioners have requested a variation from Section 10-4-8(E)1 of the Zoning Code to allow the construction of a screened porch addition as one of the petitioners has an autoimmune condition that makes him sensitive to direct light. ZBA Member Micheli stated that Mr. Overtoom was born and raised in Glen Ellyn and he and his wife love Glen Ellyn and want to utilize their property to its fullest extent. ZBA Member Micheli stated that one of the hardships is the unique characteristic of the sloping yard which may have precluded the original builder from having an attached garage on the property. He added that a detached garage would have alleviated the need for a variance because they would no longer be over the lot coverage ratio.

ZBA Member Jones moved, seconded by ZBA Member Chip Miller, to approve the findings of fact. The motion carried unanimously by voice vote.

Comments from the Zoning Board of Appeals

ZBA Member Panther stated that although he struggled with this request, he decided that the variation is not adding any footage to the overall footprint of the lot and he was supportive of the request. ZBA Member Jones stated he was supportive of the request because if the petitioners had a detached garage, they would not need a variation. He also stated that they are not creating drainage problems. ZBA Member Micheli stated he was not buying the detached garage argument because the property was built the way it was and does not leave space for a detached garage. He stated that the building maximizes the coverage of the lot in a way that the surrounding homes don't necessarily seem to. He stated he is very concerned because as the petitioners exceed the size of the lot coverage ratio, they could add windows off the radar and have a four-season room. He stated that awnings could be open or closed and they do automatically close. He stated he is sympathetic to the petitioners but added they are only talking about a few hours in the morning. ZBA Member Chip Miller stated he is not in favor of an awning. He added that the garage bonus makes a difference and suggested adding a motion that this variation does not allow for a three-season room and windows are not added. Chairperson Garrity was in favor of the proposed variation request.

ZBA Member Panther moved, seconded by ZBA Member Micheli, to close the public hearing. The motion carried unanimously by voice vote.

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MARCH 14, 2017

Motion

ZBA Member Chip Miller moved, seconded by ZBA Member Panther, that the Zoning Board of Appeals recommends approval of the variation as submitted by Ryan and Alison Overtoom of 267 Scott Avenue with the special condition that the slope of the lot does not allow for a garage bonus where they would have otherwise been able to build one and also taking into consideration the health issues of one of the petitioners.

The motion carried unanimously with four (4) yes and one (1) no votes as follows: ZBA Members Miller, Panther, Jones and Chairperson Garrity voted yes. ZBA Member Micheli voted no.

PUBLIC HEARING – 844 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(L) TO ALLOW NEW CONSTRUCTION OF A TWO-STORY HOME ON A LOT WHICH IS CURRENTLY USED FOR SINGLE-FAMILY DWELLING PURPOSES BUT DOES NOT MEET THE MINIMUM LOT AREA REQUIREMENT OR BULK REQUIREMENTS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED. 2. SECTION 10-4-8(D)1 TO ALLOW NEW CONSTRUCTION OF A TWO-STORY HOME WITH A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 30 FEET. 3. SECTION 10-4-8(D)7 TO ALLOW NEW CONSTRUCTION OF A HOME ON A LOT WITH AN AREA OF 4,374.25 SQUARE FEET IN LIEU OF THE MINIMUM 8,712 SQUARE FEET REQUIRED. 4. SECTION 10-4-8(D)8a TO ALLOW THE CONSTRUCTION OF A TWO-STORY HOME ON A LOT WITH A WIDTH OF 50 FEET IN LIEU OF THE MINIMUM REQUIRED 66-FOOT LOT WIDTH. 5. SECTION 10-4-8(D)9 TO ALLOW THE CONSTRUCTION OF A TWO-STORY HOME ON A LOT WITH A DEPTH OF 87.07 FEET IN LIEU OF THE MINIMUM REQUIRED 100-FOOT LOT DEPTH. 6. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Alexander and Stephanie Paluka, purchasers)

Staff Presentation

Building and Zoning Official Steve Witt and Associate Planner Kelly Purvis were present to speak regarding the proposed variation requests. Ms. Purvis stated that Alex and Stephanie Paluka, purchasers of the property at 844 Hillside Avenue, are requesting variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-1(L) to allow new construction of a two-story home on a lot which is currently used for single-family dwelling purposes but does not meet the minimum lot area requirement or bulk requirements of the zoning district in which it is located. 2. Section 10-4-8(D)1 to allow new construction of a two-story home with a front yard setback of 16 feet in lieu of the minimum required front yard setback of 30 feet. 3. Section 10-4-8(D)7 to allow new construction of a home on a lot with an area of 4,374.25 square feet in lieu of the minimum 8,712 square feet required. 4. Section 10-4-8(D)8a to allow the construction of a

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MARCH 14, 2017

two-story home on a lot with a width of 50 feet in lieu of the minimum required 66-foot lot width. 5. Section 10-4-8(D)9 to allow the construction of a two-story home on a lot with a depth of 87.07 feet in lieu of the minimum required 100-foot lot depth 6. Any other zoning relief necessary to construct the project depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

Ms. Purvis stated that the subject property is an interior lot located in the R2 zoning district on the north side of Hillside Avenue between Lowell Avenue and Longfellow Avenue. The zoning and land use of the surrounding properties is all R2 single family. Ms. Purvis stated that the Notice of Public Hearing was published in the Daily Herald on February 27, 2017, mailed to property owners within 250 feet of the subject property and a placard was also placed on the property. She also stated that the Village has no record of variations being granted for this property and Village records indicate that permits were issued in the past for a fence and a sewer repair.

Ms. Purvis stated that the petitioners have a contract to purchase the subject site and are proposing to construct a two-story single-family residence on the lot. She stated that this lot does not meet the minimum buildable lot requirements at approximately 50 feet x 87 feet which is approximately 4,350 square feet. She added that the existing home on the site is nonconforming and beyond simple repair. She stated that the most reasonable solution is to remove the existing residence and build a new home. Ms. Purvis stated that the petitioners would like to construct a modest 867-square foot (first floor) home and a 441-square foot detached garage on the property. She added that the proposed home will create more space on three sides of the property than that which currently exists and most notably will bring the rear yard setback into conformance. She added that the rear yard setback is approximately 9 inches from the property line of the house to the north. Ms. Purvis stated that the architect for the project does not intend to maximize the buildable area on the lot due to its small size and added that the proposed project addresses many undesirable aspects of the site in a manner that is both respectful of the surrounding properties and within keeping of the overall neighborhood streetscape. She added that the front yard setbacks on the two adjacent properties are non-conforming with the property to the west (836 Hillside Avenue) at 18.68 feet and the property to the east (846 Hillside Avenue) at 10.89 feet from the front lot line. She added that the petitioners are asking for a 16-foot front yard setback which will look appropriate next to the other homes. She stated that the petitioners are also asking for relief from lot area, lot depth, lot width and front yard setback requirements of the zoning code.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if the proposed house was beyond repair due to a fire, would a variation be required to rebuild. Ms. Purvis stated that she believed a variation would be required because it is a nonconforming structure and the Zoning Code states not to allow nonconformities to the best of our ability. Ms. Purvis added that all that could be done without

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a variation would be to keep the site vacant. ZBA Member Jones also asked if the subject variation was granted and the new house burned down, would a variation be required. Ms. Purvis responded that they would not need a variation if they built the exact house because a variation runs with the property. She also responded to ZBA Member Jones that the existing home never had a variation according to Village records.

Petitioners' Presentation

Alex Paluka, the petitioner, and architect, Tom Bassett-Dilley of 216 Harrison, Oak Park, IL were present to speak on behalf of the subject variation requests. Mr. Bassett-Dilley displayed the existing site plan and stated that the petitioners would like to build a small home on the subject lot. He stated that the subject lot has plenty of width room to conform with side yard setbacks, however, they need a variation to build a home with a footprint of the size they would like. He stated that they needed a variation for the front or rear yard and added that if the front yard was kept conforming, they would not have room for a garage or parking in the rear. They, therefore, decided to request a front yard setback variation. He added that the subject proposed house which will be small and energy efficient would be respectful of the neighborhood. Mr. Bassett-Dilley displayed a site plan that showed how the proposed house compares to other nearby buildings. He also stated that regarding hardships, the only way they could have a house with a garage on the small subject lot is as proposed.

Mr. Paluka stated that he and his wife love Glen Ellyn and have a 2-year-old daughter. He stated they felt this home would be a great opportunity to move to Glen Ellyn and build on a lot that it appeared no one else wanted. He added that he felt this will be a great project. He also presented a petition signed by their immediate neighbors.

Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked why the house would be so far to the front of the lot. Mr. Bassett-Dilley responded that they had to break the front or break the rear and breaking the front seemed to work with the neighbors. ZBA Member Micheli asked what type of materials would be used, and Mr. Bassett-Dilley responded pre-finished siding, cedar stained trim and asphalt shingle roof.

Persons in Favor of or in Opposition to the Variation Request

Carole Tobin, 839 Hillside Avenue, Glen Ellyn, IL stated that she lives across the street from the subject property. She added that that property was a coach house for a property on Lowell Avenue. She stated she is in favor of the proposed request because the home on that property has not been maintained over the years. She added that there is huge neighborhood support for the subject property.

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MARCH 14, 2017

Roseanne Dorger, 436 Lowell Avenue, Glen Ellyn, IL stated that she lives around the corner from the subject property. She stated the subject property is shabby and an eyesore in the neighborhood. She stated that tearing down the subject house and building a new home will be a wonderful asset to the neighborhood.

Ian Dawson, 869 Hillside Avenue, Glen Ellyn, IL 60137 stated he lives to the west of the subject property on the opposite side of the street. Mr. Dawson stated that he really welcomes the subject addition and added that he wants to live in a multi-generational, multi-income neighborhood and the subject house represents all of that. He stated that he looks forward to enjoying this new house.

Findings of Fact

ZBA Member Micheli stated that the petitioners are requesting five (5) variations from the Glen Ellyn Zoning Code and testimony was given that the current construction is a nonconforming structure on a nonconforming lot. He added that the subject home is in poor condition which is why it will be razed and a new building will be constructed. He also stated that although proposed for a unique lot, construction will be in character with the neighborhood and it appears that all aspects of the proposal will improve the current situation in every way and will conform within the context of the neighborhood. ZBA Member Micheli stated that approximately eight (8) residents attended the ZBA meeting and some residents spoke strongly in favor of the request.

ZBA Member Panther moved, seconded by ZBA Member Jones, to approve the findings of fact. The motion carried unanimously by voice vote.

Comments from the Zoning Board of Appeals

ZBA Member Panther was in favor of the variation requests and felt that the proposal fits well with the surrounding properties. He added that he felt it is a great addition. ZBA Member Jones was also in favor of the proposed variations and said he has noticed the subject property for a while as no one had wanted to purchase it. He added a comment not to purchase one's neighbor's property because you will then have one conforming lot. ZBA Member Micheli was strongly in favor of the proposed project based on the petitioner's packet, the testimony and the neighbors' comments. ZBA Member Chip Miller was in favor of the proposed project and liked the way the property was moved forward on the lot.

ZBA Member Micheli moved, seconded by ZBA Member Chip Miller, to close the public hearing. The motion carried unanimously by voice vote.

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MARCH 14, 2017

Motion

ZBA Member Chip Miller moved, seconded by ZBA Member Panther, to recommend approval of the requests by Alex and Stephanie Paluka for the property at 844 Hillside Avenue based on the hardship that the property currently has a non-reparable structure located on a non-conforming lot.

The motion carried unanimously with five (5) yes and zero (0) no votes as follows: ZBA Members Miller, Panther, Jones, Micheli and Chairperson Garrity voted yes.

Trustee Report

No Trustee Report was given.

Chairperson Report

No Chairperson Report was given.

Staff Report

Ms. Purvis stated that one item for 761 N. Park will be on the ZBA agenda for the next meeting.

A motion was made and seconded to adjourn the meeting at 8:17 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Steve Witt
Building and Zoning Official

**AERIAL VIEW 844 HILLSIDE AVE**

Map created on March 27, 2017.

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Of lot 2 (except the West 120 feet in Block 9 in Thain's Addition to Glen Ellyn, being a sub-division in Sections 11, 12 and 13, Township 39 North, Range 10, East of the 3rd Principal Meridian, according to the plat thereof recorded November 22, 1890 as Document 44135 in De Page County, Illinois.



R-4

STEVE WIT - BUILDABLE LOT? - CHECK ZONING



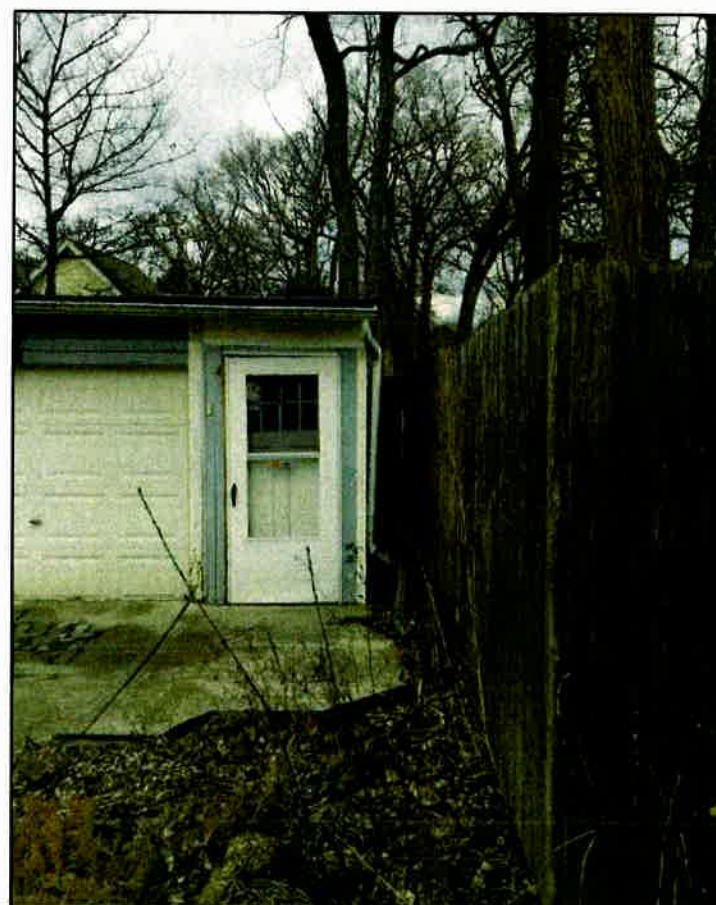
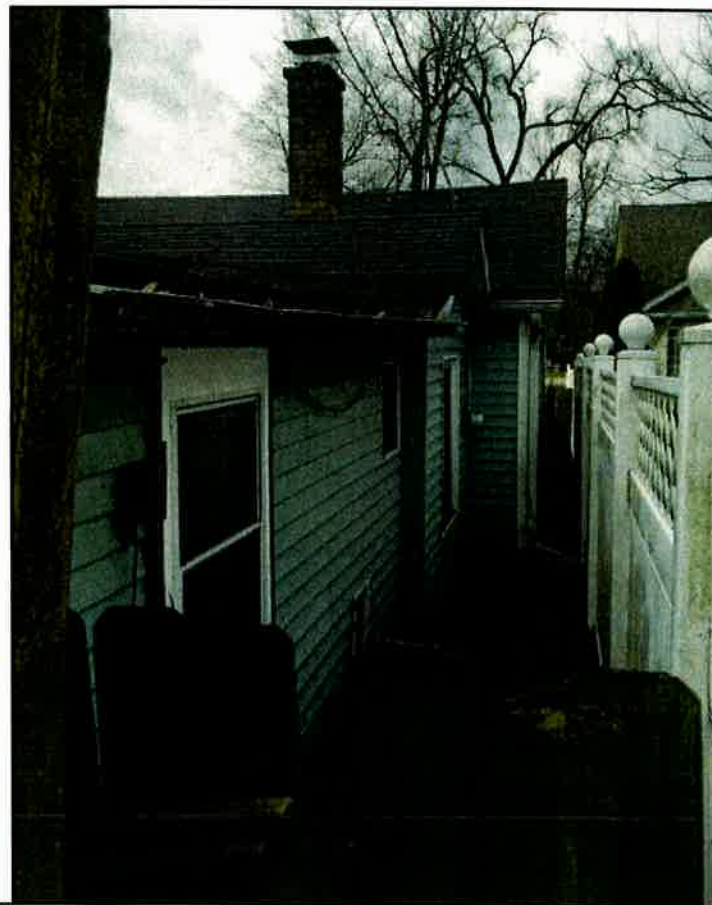
PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
301 HARRISON STREET, 1ST FLOOR, GLEN ELLYN, IL 60137
P. 708.438.0381

TBDA

4

GENERAL SITE CONTEXT (844 HILLSIDE)



R.163

PLOTTED 2/22/2017

ZONING PACKET

02.22.2017

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
301 W. MONROE STREET, 4TH FLOOR, CHICAGO, IL 60604
P. 773.457.0330

TBDA



R.163
02.22.2017 ZONING PACKET
PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

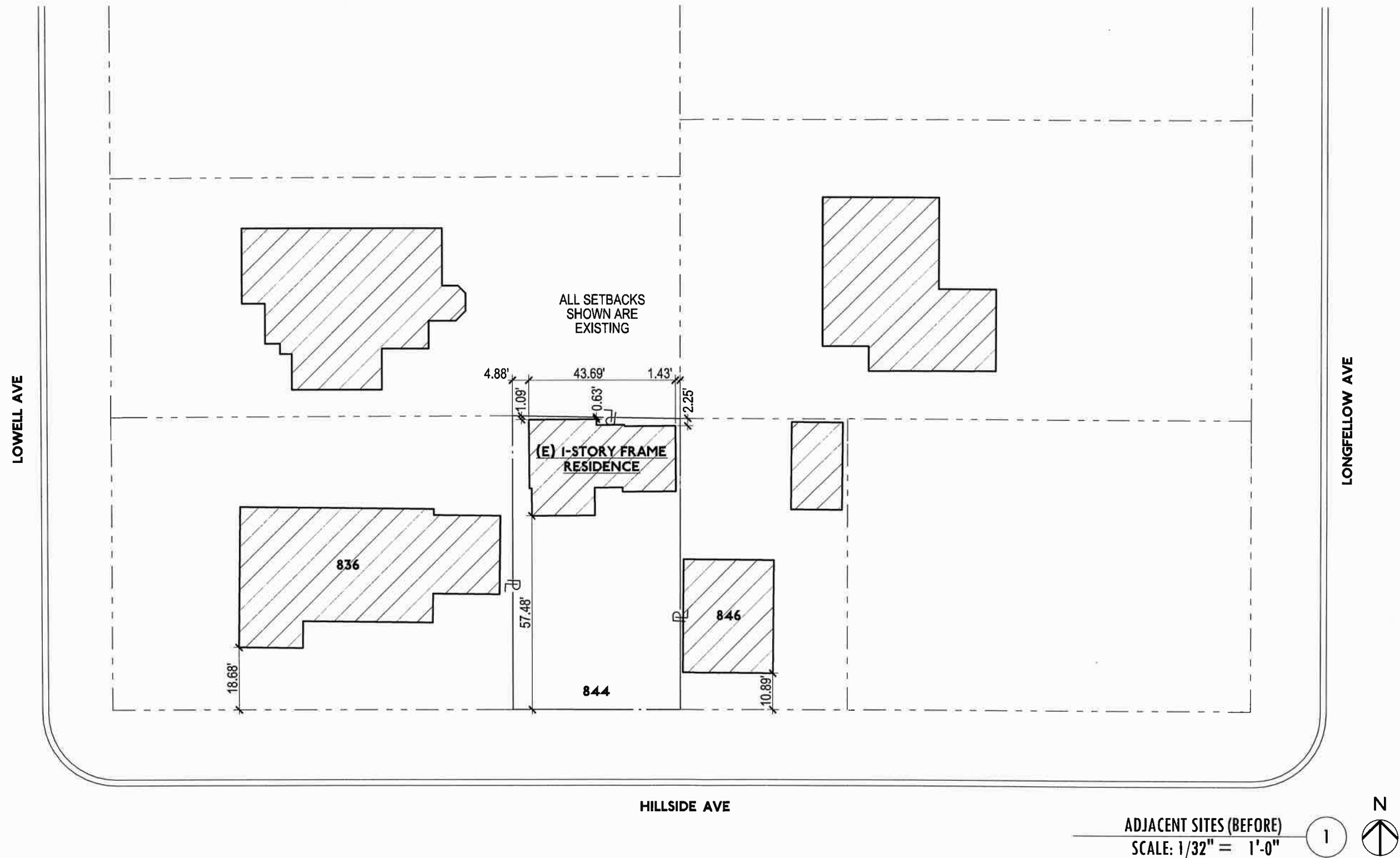
TOM BASSETT-DILLEY ARCHITECT
300 HERRINGTON STREET GAITHERSBURG, MD 20878
P 708 434 0381

TBDA

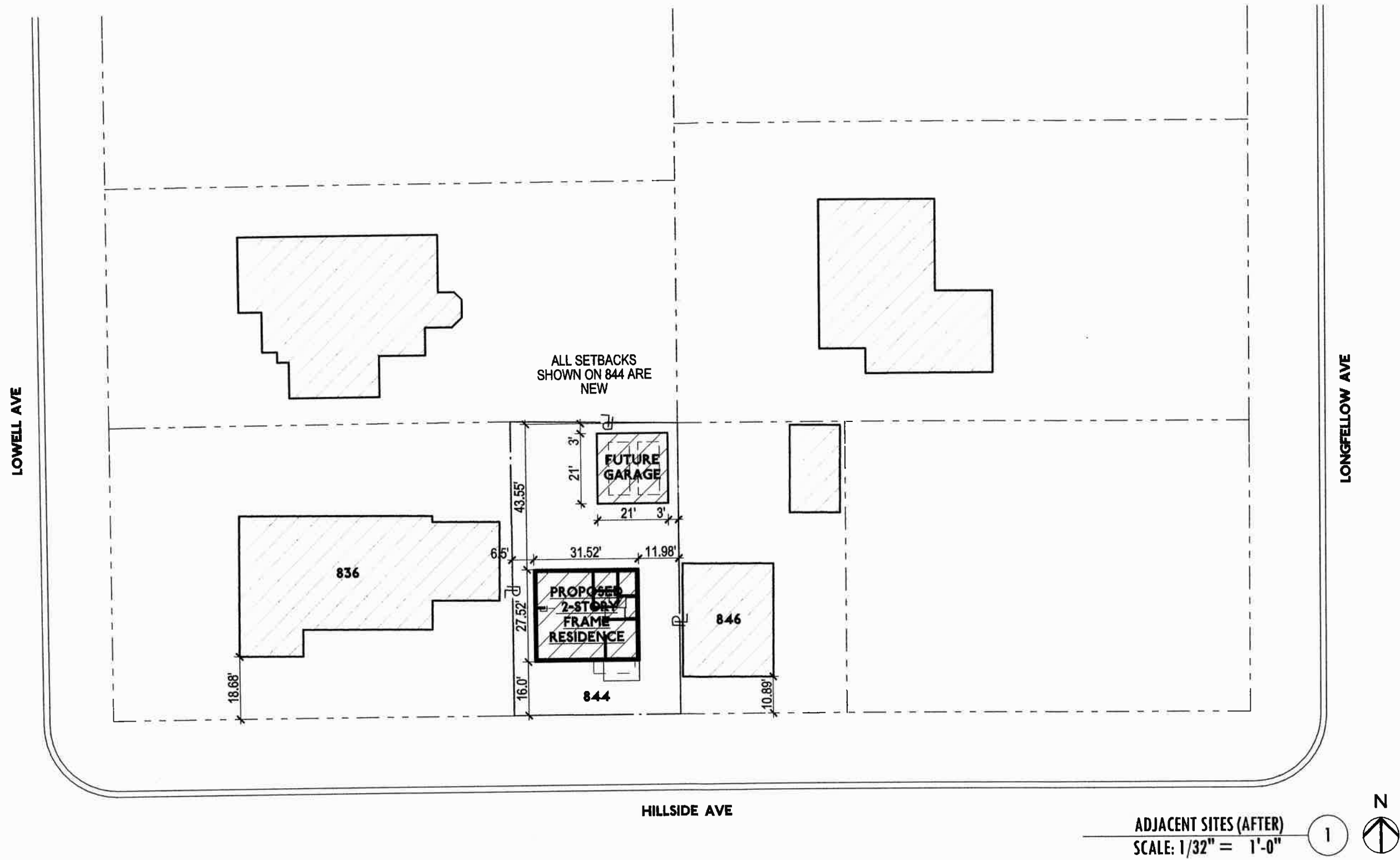


R.163
02.22.2017
ZONING PACKET
PLOTTED 2/22/2017
PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137
TOM BASSETT-DILLEY ARCHITECT
30 WILSON STREET, CHICAGO, ILLINOIS 60604
P. 773.436.0331

TBDA



TBD A	PALUKA RESIDENCE		R.163	02.22.2017	ZONING PACKET	PLOTTED 2/22/201
	844 HILLSIDE AVE					
	TOM BASSETT-DILLEY ARCHITECT					
	301 HARRISON STREET CHICAGO, ILLINOIS 60604					
	P. 708.454.6881					



PROPOSED SITE PLAN

PLOTTED 2017-08-09

ZONING PACKET

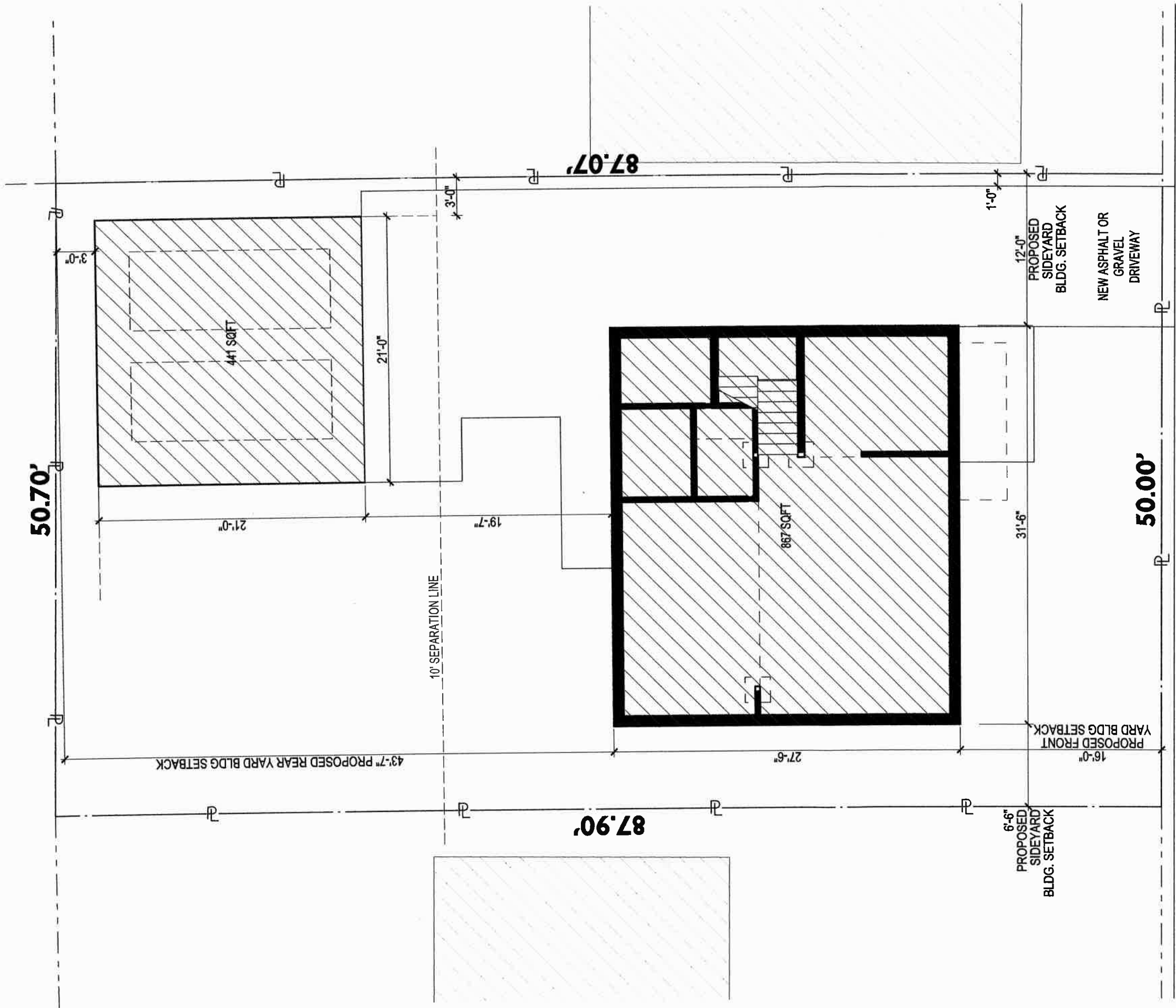
02.22.2017

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
301 HARRISON STREET OAK PARK ILLINOIS 60394
P. 708.434.0381

TBDA

9



(E) CONCRETE SIDEWALK

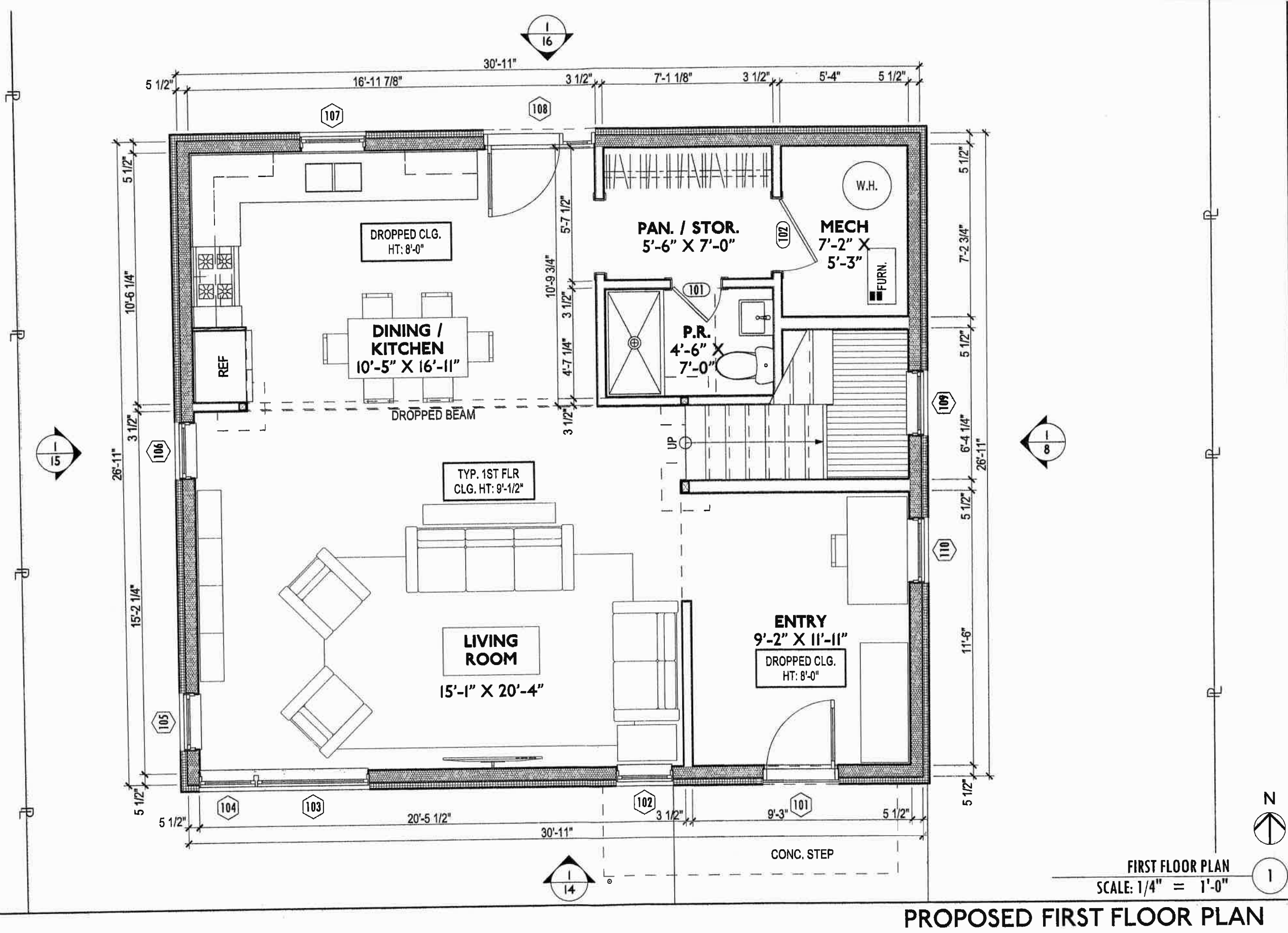
PROPOSED LOT COVERAGE:
PRIMARY STRUCTURE: 867 SQ.FT.
GARAGE: 441 SQ.FT.
TOTAL: 1,308 SQ.FT. PROPOSED

N
SITE PLAN
1
SCALE: 1/8" = 1'-0"

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
301 HARRISON STREET OAK PARK ILLINOIS 60304
P 708 434 9391

TBDA
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PLOTTED 2017-03-09



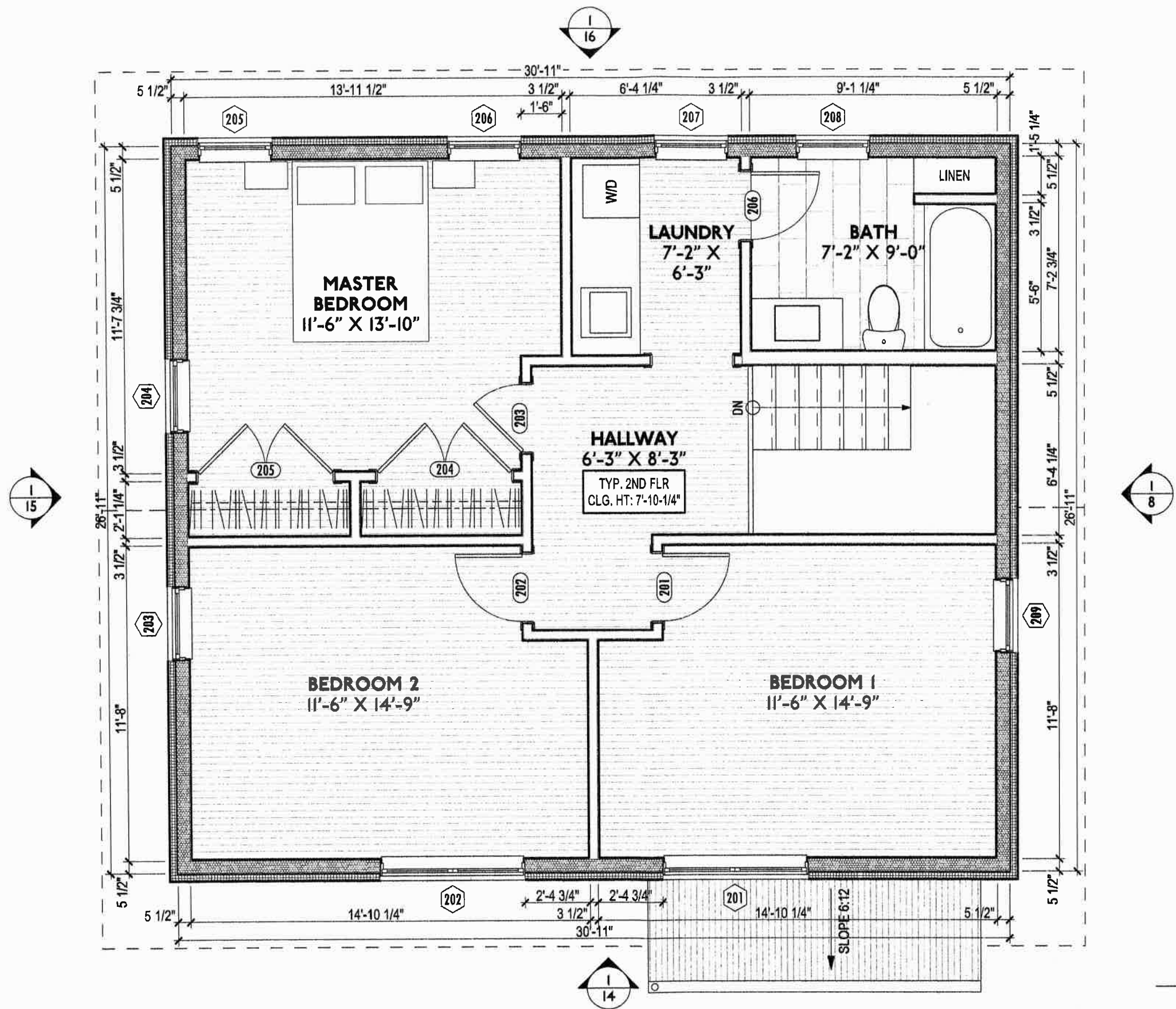
© 2017 TBDA

PROPOSED FIRST FLOOR PLAN

N
1

TBDA	TOM BASSETT-DILLEY ARCHITECT 301 HARRISON STREET OAK PARK ILLINOIS 60304 P. 708.434.0381	PALUKA RESIDENCE 844 HILLSIDE AVE GLEN ELLYN, IL 60137	R.163	02.22.2017 ZONING PACKET	PLOTTED 3/7/201

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SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

PROPOSED SECOND FLOOR PLAN



R.163
02.22.2017 ZONING PACKET
PLOTTED 2/22/2017

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
301 MARION STREET 6TH FLOOR CHICAGO, IL 60604
P 773.434.0281

TBDA



+18'-2 1/4"
ROOF

+10'-1 1/4"
SECOND FLOOR

±0"
FIRST FLOOR

WEST ELEVATION
SCALE: 1/4" = 1'-0"

1

PROPOSED WEST ELEVATION (SIDEYARD)

TBDA

TOM BASSETT-DILLEY ARCHITECTS
101 HARRISON STREET GAITHERSBURG, MD 20878
P: 301.441.0341

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

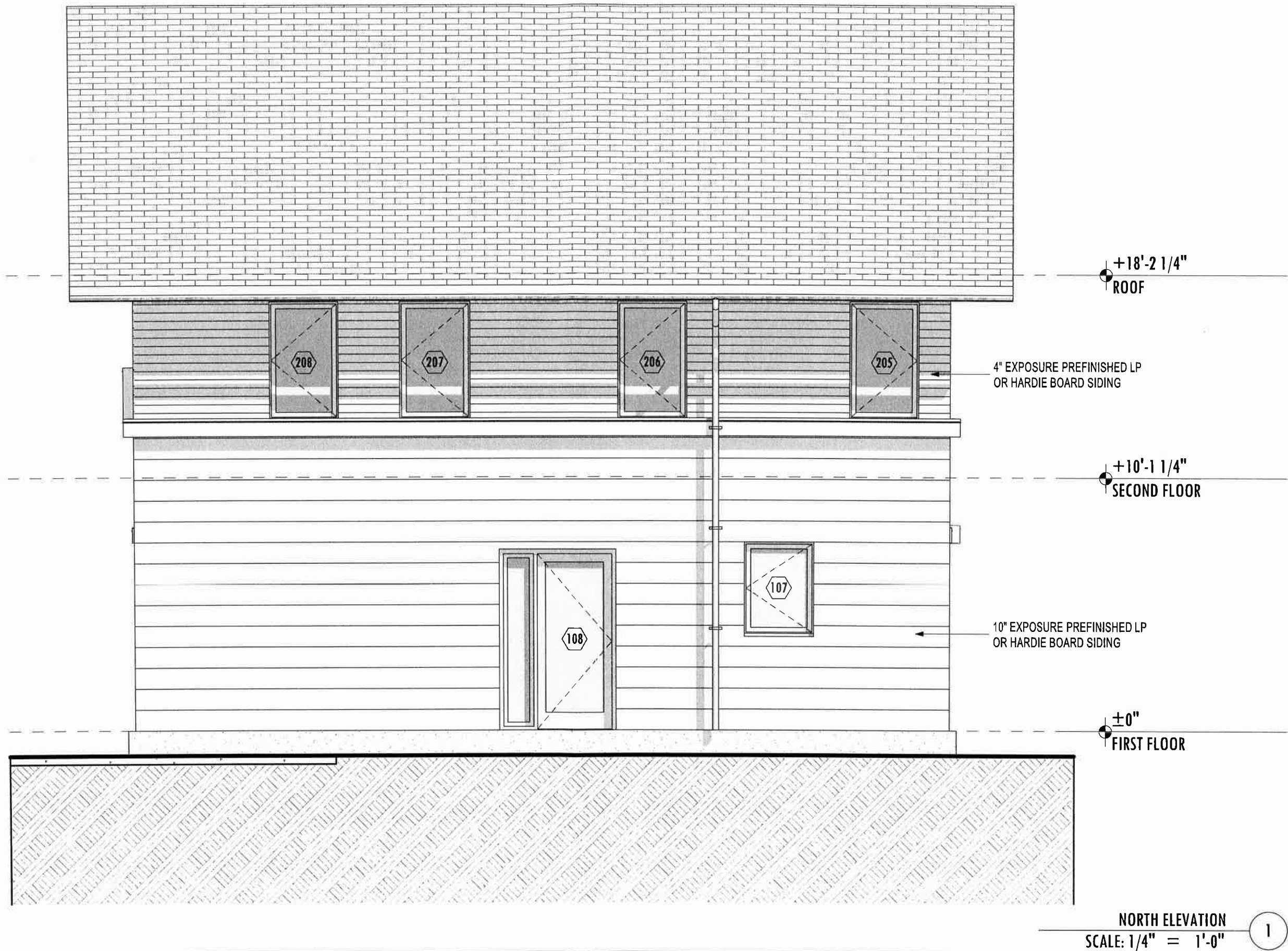
R.163

02.22.2017 ZONING PACKET

PLOTTED 2/22/2017

15

Packet Pg. 224



R.163

02.22.2017

ZONING PACKET

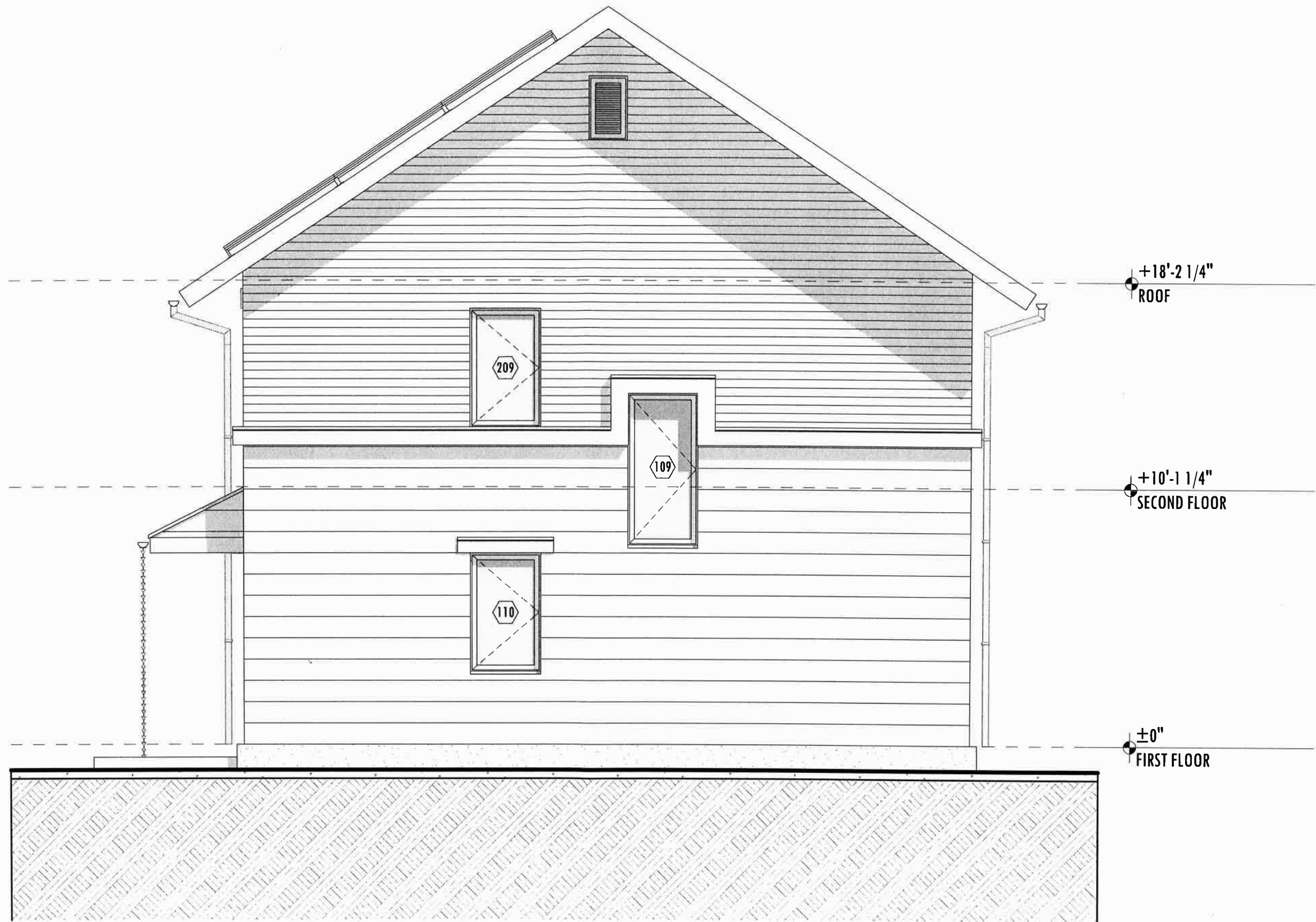
PLOTED 2/22/2017

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
101 HARRISON STREET, SUITE 200, GLEN ELLYN, IL 60137
P. 708.432.0381

TBDA

16



EAST ELEVATION
SCALE: 1/4" = 1'-0" 1

PROPOSED EAST ELEVATION (SIDEYARD)

TBDA	TOM BASSETT-DILLEY ARCHITECT 301 HANCOCK STREET, GAY FALLS, IL 60137 P. 708.434.0341	PALUKA RESIDENCE 844 HILLSIDE AVE GLEN ELLYN, IL 60137	R.163	ZONING PACKET	PLOTTED 2/22/2017
	17				



R.163

PLOTTED 2/22/2017

02.22.2017 ZONING PACKET

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
301 HARRISON STREET, 1ST FLOOR, GLEN ELLYN, IL 60137
P / 708 414 0341

TBDA



R.163

02.22.2017 ZONING PACKET PLOTTED 2/22/2017

PALUKA RESIDENCE
844 HILLSIDE AVE
GLEN ELLYN, IL 60137

TOM BASSETT-DILLEY ARCHITECT
30 W ARKISTON STREET GLEN PARK ILLINOIS 60004
P 708 434 0341

TBDA



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Planning & Development
Department Head: Staci Hulseberg
Category: Ordinance
Prepared By: Kelly Purvis

SCHEDULED

ORDINANCE 6493

DOC ID: 2654

Ordinance No. 6493, An Ordinance Approving a Variation from the Maximum Lot Coverage Ratio Requirement of the Zoning Code to Allow the Construction of a Screened Porch Addition on the Property Located at 267 Scott Avenue. (Planning and Development Director Hulseberg)

Background

The property owners, Ryan and Allison Overtoom, are requesting approval of a variation from the Glen Ellyn Zoning Code to allow construction of a screened porch addition to their existing home which would result in a lot coverage ratio of approximate 22.1% in lieu of the maximum permitted lot coverage ratio of 20% for residences more than one-story in height.

The property is an interior lot located in the R2 Zoning District between Roslyn Road and Oxford Road near the Village's eastern limits. The zoning and land use immediately surrounding the subject property is R2 single-family residential. Notice of the public hearing was published in the Daily Herald on February 24, 2017. The Zoning Board of Appeals conducted a public hearing on the requested variation on Tuesday, March 14, 2017.

At the ZBA public hearing on March 14, 2017, plans of the existing house were presented which showed that the existing residence is just below the maximum allowed lot coverage ratio at 19.96%, leaving no room for the owners to make any modifications to the home. The sloped rear yard most likely prevented the builder from constructing a detached garage in the back of the home, making the property ineligible for the 500 square foot garage bonus. Mr. Overtoom stated that his medical condition does not allow for him to be outside in the sun and that the property has little to no shading that would allow him to enjoy the outdoors. The Overtooms currently have 218 square foot deck on the back of the house that they would like to screen over to provide the protection from the sun that Mr. Overtoom needs in order to spend time outside. To construct the screened porch as presented, the petitioners will need to be granted a variation for a lot coverage ratio of approximately 22.1% in lieu of the maximum allowed 20% lot coverage ratio.

Several of the neighbors signed a petition in favor of the variation and one person spoke in favor of the variation at the public hearing. No one spoke against the proposed variation.

Issues

One of the Zoning Board members felt that allowing the increased lot coverage might open up the possibility that the homeowners could create a three-season room or full addition on the home instead of the proposed screened in porch. The Architect stated that the homeowners had no interest in adding an addition on to the home. Their main purpose is to be able to enjoy the outdoors without being exposed to the sun and creating an addition would defeat that purpose. Staff assured the Zoning Board members that the zoning variation is only valid if the plans submitted are

in substantial compliance with the plans presented at the ZBA meeting. Staff has added a condition that the screened porch may not be enclosed or converted to a three-season room and that no addition is allowed above the screened porch without an additional variation.

The Zoning Board of Appeals felt that a hardship was created due to the topography of the lot which slopes 8 feet in the rear yard and most likely precluded the construction of a detached garage on the property. If the garage were able to be built in the rear yard the petitioners would have enough square footage available to screen in their porch without requesting a variation. The Zoning Board was also sympathetic to the Petitioner's medical condition. The Board members agreed that the hardship was created by a previous owner of the property.

Recommendation

At the public hearing on March 14, 2017, the Zoning Board of Appeals voted on a motion to recommend approval of the requested variation which carried with four (4) yes and one (1) no votes. In accordance with this recommendation for approval, staff has prepared an ordinance to **approve** the requested variation.

Action Requested

It is requested that the Village Board consider the petitioners' requests, the recommendation offered by the Zoning Board of Appeals and any further evidence or testimony presented at the Village Board Meeting and grant, deny or amend the requested variation.

Attachments

- Ordinance
- Exhibit A - Draft Minutes of March 14, 2017 ZBA meeting
- Exhibit B - Location/Zoning Map
- Exhibit C - Aerial View
- Exhibit D - Plat of Survey
- Exhibit E - Existing Conditions - Site Plan
- Exhibit F - Proposed Site Plan
- Exhibit G - Floor Plan & Elevations

CC: Staci Hulseberg, Director of Planning & Development
Steve Witt, Building & Zoning Official
Daryl Drake, Architect
Ryan & Allison Overtoom, owners

Ordinance No. _____

**An Ordinance Approving a Variation from the
Maximum Lot Coverage Ratio Requirement of the
Zoning Code to Allow the Construction of a
Screened Porch Addition on the Property Located at
267 Scott Avenue,
Glen Ellyn, IL 60137**

Whereas, Ryan and Allison Overtom, owners of property at 267 Scott Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 17 IN BLOCK 5 IN ARTHUR T. MCINTOSH AND COMPANY'S GLEN ELLYN GOLF CLUB ADDITION IN THE NORTH HALF OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 24, 1924 AS DOCUMENT 185312, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-13-119-003

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for a variation from Section 10-4-8(E)1 to allow the construction of a screened porch addition on the existing residence, creating a lot coverage ratio of approximately 22.1% in lieu of the maximum permitted lot coverage ratio of 20% for residences greater than one-story; and

Whereas, following due notice by publication in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on March 14, 2017, at which the petitioners presented evidence, testimony, and exhibits in support of the variation request and one (1) person appeared in favor of the variation request and zero (0) persons appeared in

opposition thereto, and a petition in support of the requested variation was signed by the owners of seven (7) neighboring properties; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on March 14, 2017, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the variation, which carried by vote of four (4) “yes” and one (1) “no”, resulting in a recommendation for approval as set forth in its Draft Minutes dated March 14, 2017, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

Whereas, the President and Board of Trustees make the following findings of fact:

- A. That the plight of the owner is due to the slope of the lot in the rear yard, which may have prevented the builder from constructing a detached garage; without the garage bonus the owners cannot screen in the porch and add additional habitable space; and
- B. That the variation, if granted, will not alter the essential character of the locality as the variation will allow for the construction of a porch that is otherwise compliant with the Zoning Code; and
- C. That the conditions upon which the variation is based would not be applicable generally to other property within the same zoning district; and
- D. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the applicants intend to make this

improvement for their own personal use and have no desire to sell the property or move from the home; and

- E. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property; and
- F. That the variation will not be detrimental to the public comfort, morals, and welfare or injurious to other property or improvements in the neighborhood in which the property is located; since the use is permitted in the zoning district and the screened porch will be constructed in accordance with all applicable zoning code regulations other than the variation granted; and
- G. That the variation will not substantially increase the hazard from fire or other dangers to said property and not otherwise impair the public health, safety, or general welfare of the inhabitants of the Village since the screened porch addition will be constructed in accordance with all applicable building code regulations; and
- H. That the variation will not diminish or impair property values within the neighborhood since the variation allows a property improvement that will increase property values; and
- I. That the variation will not unduly increase traffic congestion in the public streets and highways, as the traffic pattern on site will not be changed; and
- J. That the variation will not result in an increase in public expenditures or create a nuisance since this is an improvement to the existing code-compliant single-family residential use in a residential zoning district; and

K. That the variation is the minimum variation that will make possible the reasonable use of the land, building or structure; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the variation as recommended by the Zoning Board of Appeals.

Now, Therefore, Be It Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: The Draft Minutes of the March 14, 2017 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preamble above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby approve a variation from Section 10-4-8(E)1 of the Glen Ellyn Zoning Code to allow the construction of a screened porch addition on an existing residence resulting in a lot coverage ratio of approximately 22.1% in lieu of the maximum permitted lot coverage ratio of 20% for the property at 267 Scott Avenue, Glen Ellyn, Illinois, which is legally described as follows:

LOT 17 IN BLOCK 5 IN ARTHUR T. MCINTOSH AND COMPANY'S GLEN ELLYN GOLF CLUB ADDITION IN THE NORTH HALF OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 24, 1924 AS DOCUMENT 185312, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-13-119-003

Section Three: This grant of variation is subject to the following conditions: (1) The screened porch addition being constructed in substantial compliance with the plans and the

application for variation received and dated February 13, 2017, and the testimony and exhibits provided at the March 14, 2017 Zoning Board of Appeals public hearing; and (2) The screened porch may not be enclosed or converted to a three-season room and that no addition is allowed above the screened porch without requesting an additional variation.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variation granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of variation shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this variation is applied for within said twenty-four (24)-month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

Section Five: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the variation to be recorded with the DuPage County Recorder of Deeds.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Section Seven: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

Ordinance 6493

Meeting of April 10, 2017

day of _____, 20_____.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day
of _____, 20_____.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____).

Ordinance 6493

Meeting of April 10, 2017

X:\Plandev\BUILDING\ZBA\VARIATION BY ADDRESS\SCOTT\267 SCOTT\VB ORD 041117.doc

ATTACHMENTS:

- Exhibit A - Draft Minutes of March 14, 2017 ZBA Meeting (PDF)
- Exhibit B - Location & Zoning Map (PDF)
- Exhibit C - Aerial View (PDF)
- Exhibit D - Plat of Survey (PDF)
- Exhibit E - Existing Conditions - Site Plan (PDF)
- Exhibit F - Proposed Site Plan (PDF)
- Exhibit G - Floor Plan & Elevations (PDF)



267 Scott Avenue - Zoning Map



Map created on February 16, 2017.

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a basis for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

**267 SCOTT AVENUE - AERIAL**

Map created on February 16, 2017.

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

BENCH MARK INFORMATION OBTAINED FROM DUPAGE COUNTY GIS NETWORK UTILIZING GPS COORDINATES. SITE BENCH MARK; SOUTHWEST IRON PIPE ELEVATION: 697.08

RIM OF SANITARY MANHOLE LOCATED ON SCOTT AVENUE APPROXIMATELY 45 FEET NORTH OF THE SITE. ELEVATION 701.14

FINAL GRADING SURVEY

LOT 17 IN BLOCK 5 IN ARTHUR T. MCINTOSH AND COMPANY'S GLEN ELLYN GOLF CLUB ADDITION IN THE NORTH HALF OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 24, 1924, AS DOCUMENT 185312, IN DUPAGE COUNTY, ILLINOIS.

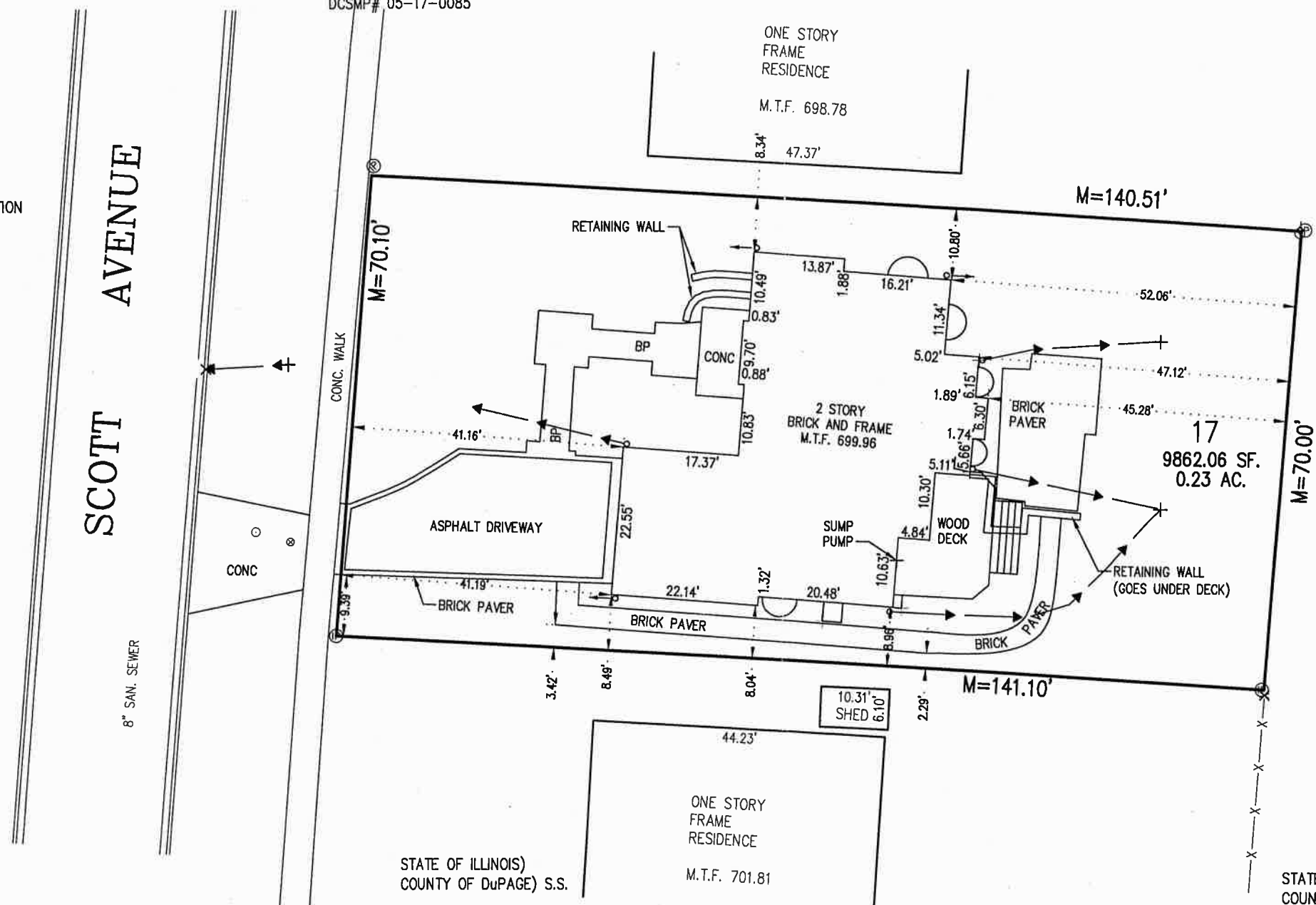
ADDRESS: 267 SCOTT AVENUE, GLEN ELLYN, IL, 60137
P.I.N. 05-13-119-003
DCSMP# 05-17-0085



NORTH

SCALE: 1 IN.=20 FT.

- GS -GROUND SHOT
- FNCR -FENCE CORNER
- FIP -FOUND IRON PIPE
- DK -DECK SHOT
- SPDC -SUMP PUMP DISCHARGE
- AC -AIR CONDITIONER
- EC -EDGE OF CONCRETE
- EP -EDGE OF PAVEMENT
- CO -CLEAN OUT
- BC -BACK OF CURB
- MTF -MEASURED TOP OF FOUNDATION
- WW -WINDOW WELL
- BCR -BUILDING CORNER
- RW -RETAINING WALL



STATE OF ILLINOIS)
COUNTY OF DuPAGE) S.S.

I DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE LOT GRADING HAS BEEN COMPLETED SUBSTANTIALLY IN ACCORDANCE WITH THE APPROVED GRADING PLANS, AND THAT ANY DEVIATION FROM THOSE PLANS WILL NOT ADVERSELY AFFECT THE FUNCTIONING OF THE DRAINAGE SYSTEM.

DATED AT WHEATON, IL. THIS 3RD. DAY OF MAY A.D. 2007.

ILLINOIS REGISTERED LAND SURVEYOR NO. 2971

STATE OF ILLINOIS)
COUNTY OF DuPAGE) S.S.

I, WARREN D. JOHNSON, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED AT WHEATON, IL. THIS 3RD. DAY OF MAY, A.D. 2007.

ILLINOIS REGISTERED LAND SURVEYOR NO. 2971

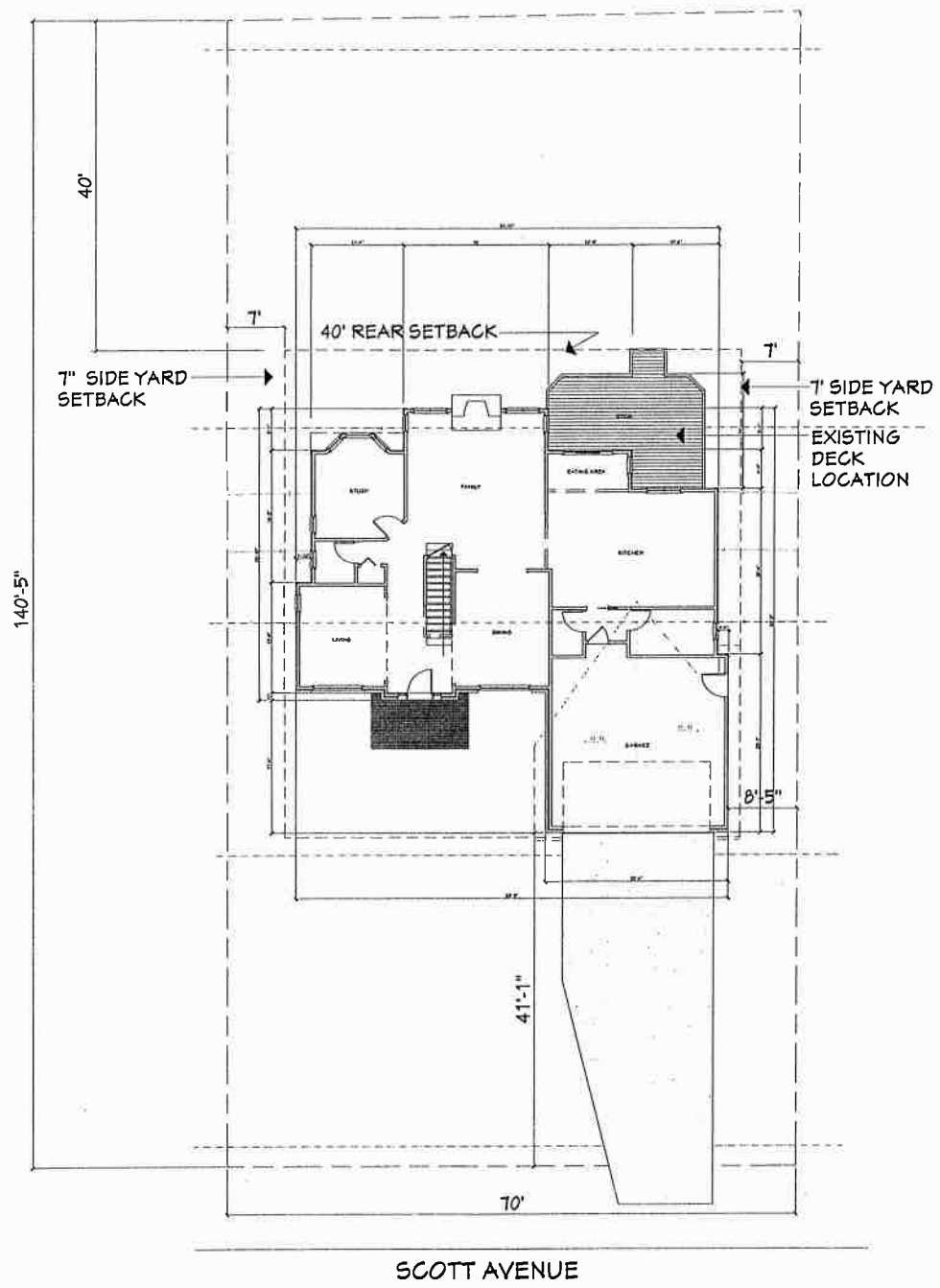
ORDER NO.: 2196

DJA CIVIL ENGINEERS & SURVEYORS

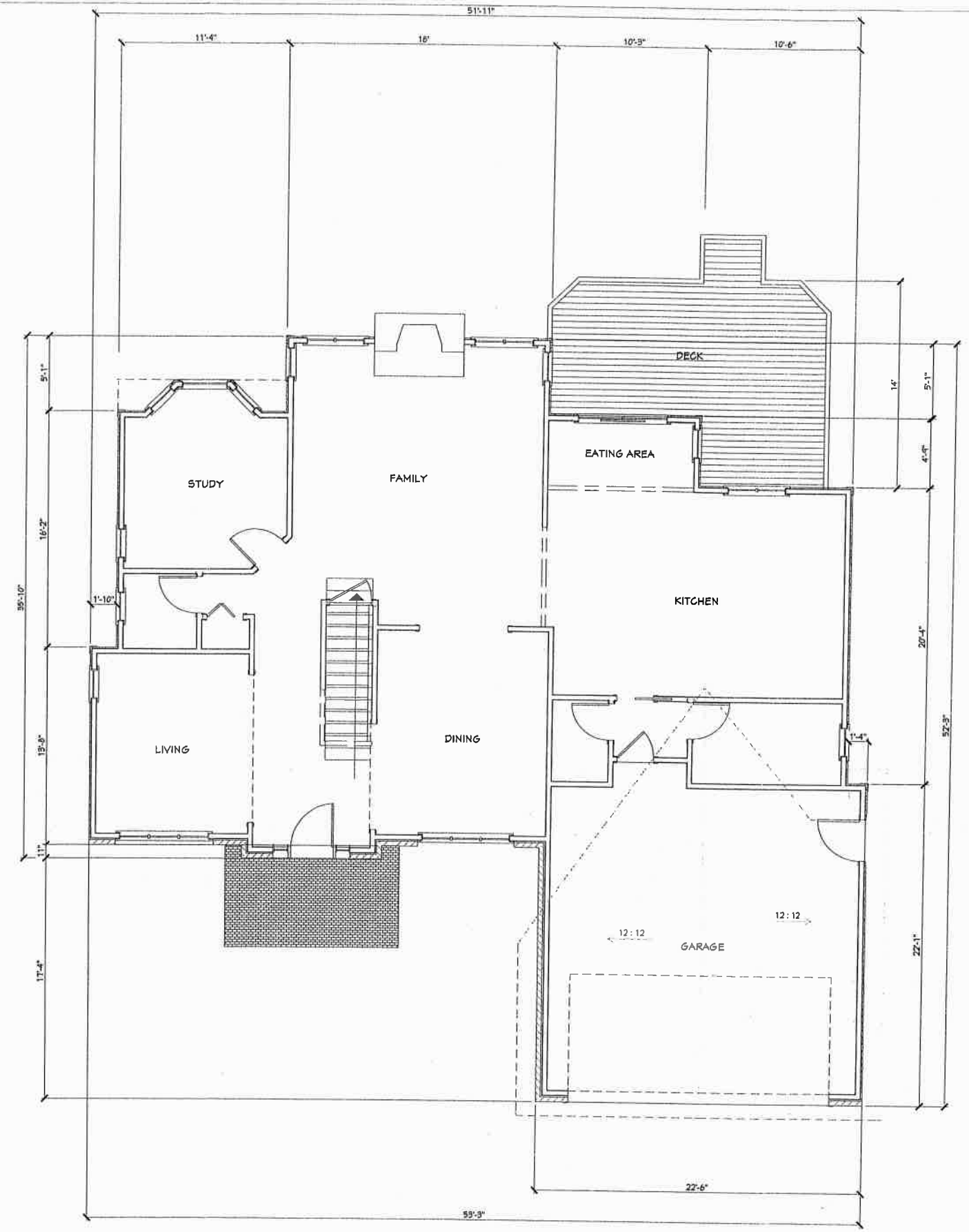
Dave Johnson and Associates, Ltd.
312 S. Hale Street
Wheaton, Illinois 60187
ph. 630 752 8600 fax. 630 752 9556
e-mail: DJA@DJAonline.net

SURVEYOR'S NOTE:
CHECK LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND REPORT ANY DISCREPANCY AT ONCE. BUILDING LINES, IF ANY, SHOWN HEREON ARE BUILDING LINES SHOWN ON THE RECORDED SUBDIVISION PLAT. CONSULT LOCAL AUTHORITIES FOR BUILDING LINES ESTABLISHED BY LOCAL ORDINANCES.

File Name: p:\projects\2196-267scott\2196-267scott.dwg



N
Existing Site Plan
Scale 1" Equals 10'



Existing First Floor Plan
Scale 1/4" Equals 1'-0"

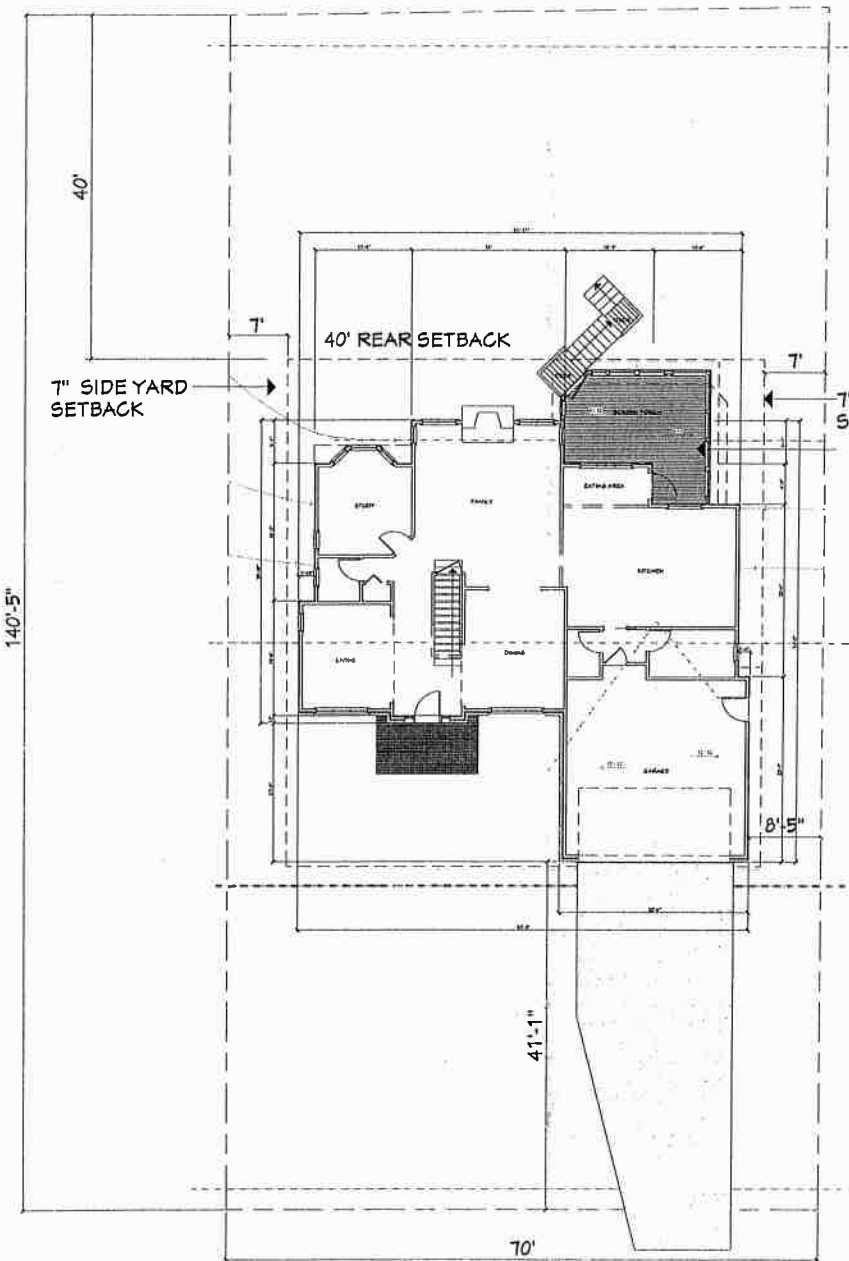
No.	Date	Revised

OVERTOOM PROPOSED ADDITION
267 SCOTT AVENUE,
GLEN ELLYN, ILLINOIS

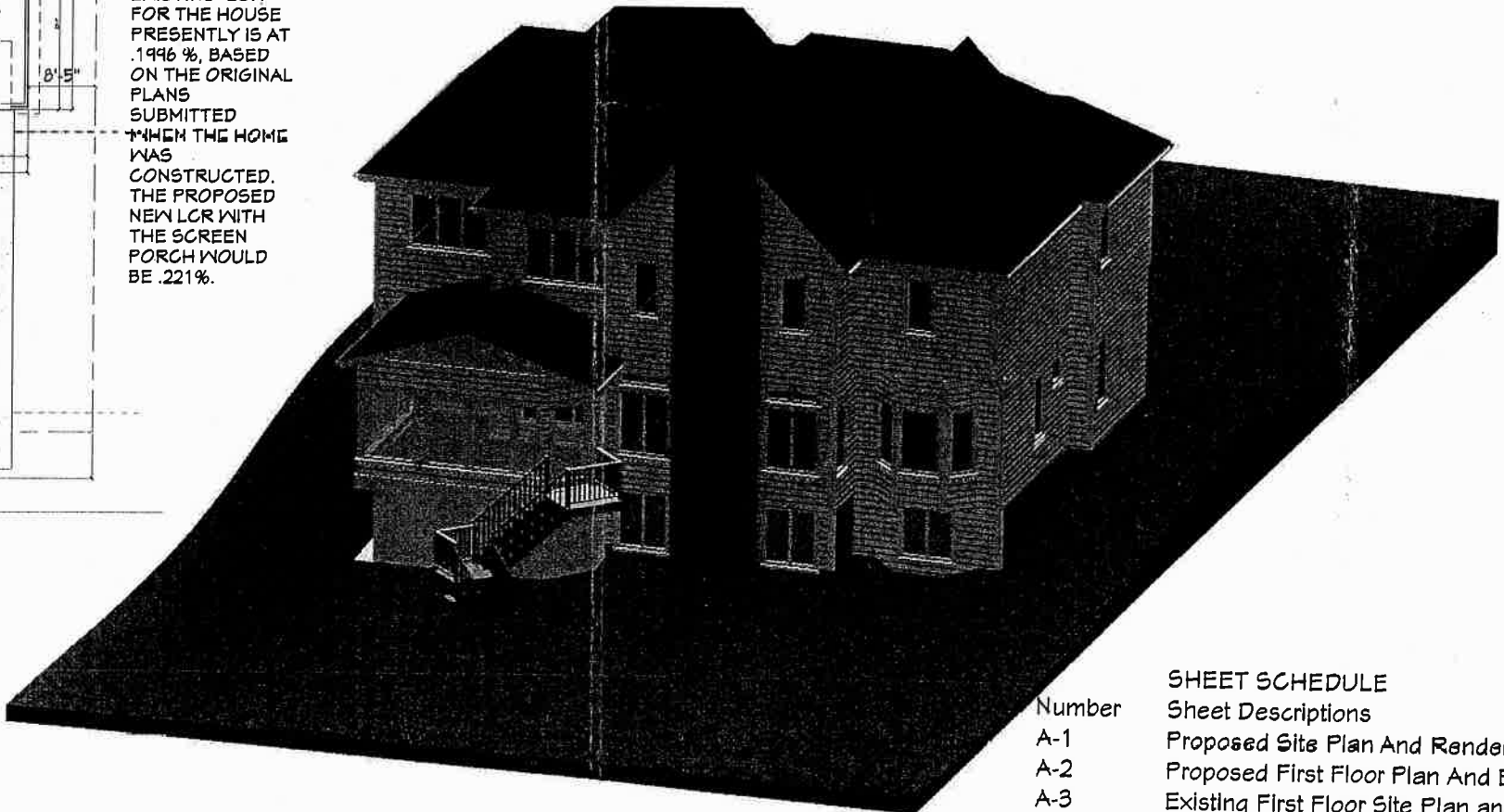
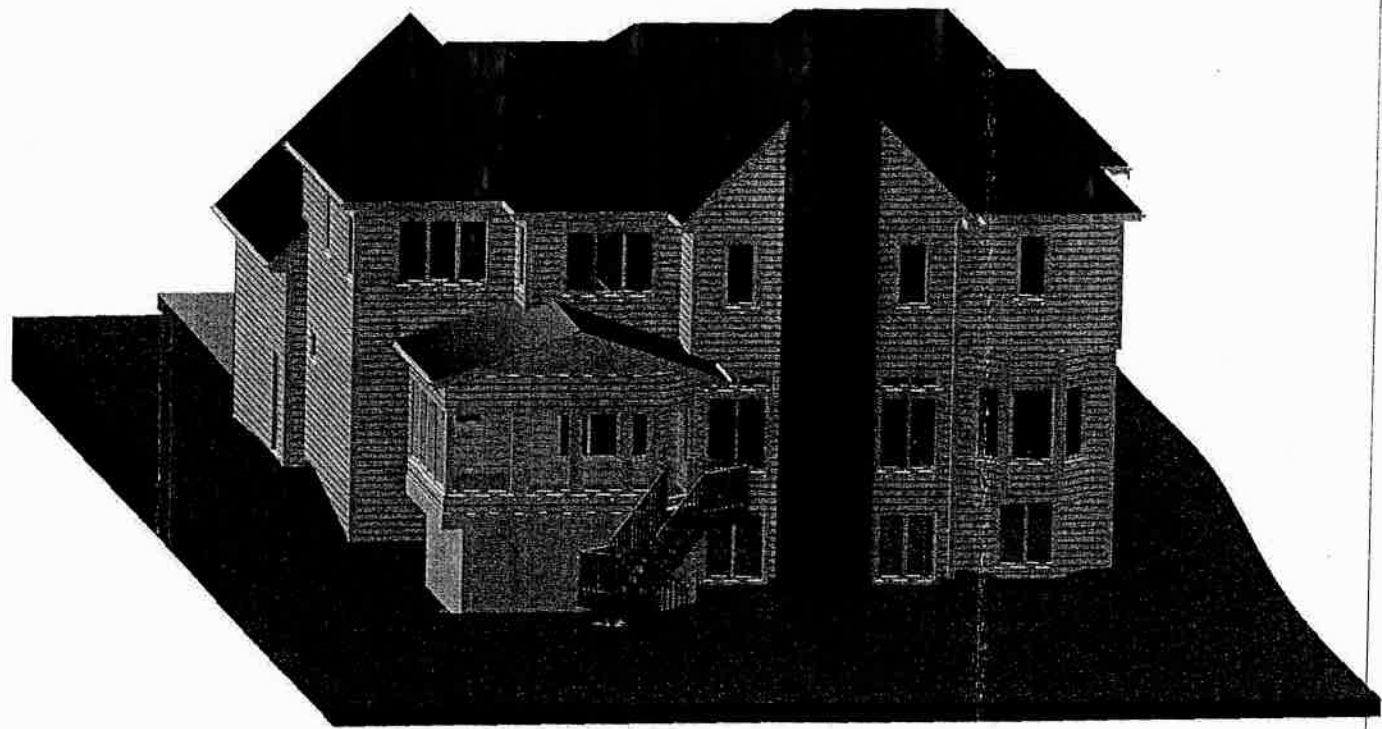
DRAKE DESIGN COMPANY
DARYL A. DRAKE ARCHITECT
422 Phillips Avenue, Glen Ellyn, Illinois, 60137
Phone (630) 790-2545 Fax (630) 790-2565
E-Mail DRAKEDSIGNCO@yahoo.com

Designer
Job #
Date

Sheet No.
A-3



PROPOSED SCREEN PORCH
THE TOTAL AREA OF THE PROPOSED SCREEN PORCH IS THE SAME SIZE AS THE EXISTING DECK PORCH AND IS 218 SQ. FT. THE EXISTING LCR FOR THE HOUSE PRESENTLY IS AT .1996 %, BASED ON THE ORIGINAL PLANS SUBMITTED WHEN THE HOME WAS CONSTRUCTED. THE PROPOSED NEW LCR WITH THE SCREEN PORCH WOULD BE .221%.



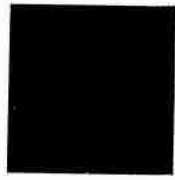
Proposed Site Plan
Scale 1" Equals 10'

SHEET SCHEDULE	
Number	Sheet Descriptions
A-1	Proposed Site Plan And Renderings
A-2	Proposed First Floor Plan And Elevations
A-3	Existing First Floor Site Plan and First Floor Plan

PROFESSIONAL DESIGN FIRM-SOLE PROPRIETOR ARCHITECT LIC. # 184. 006985

No.	Date	Revised

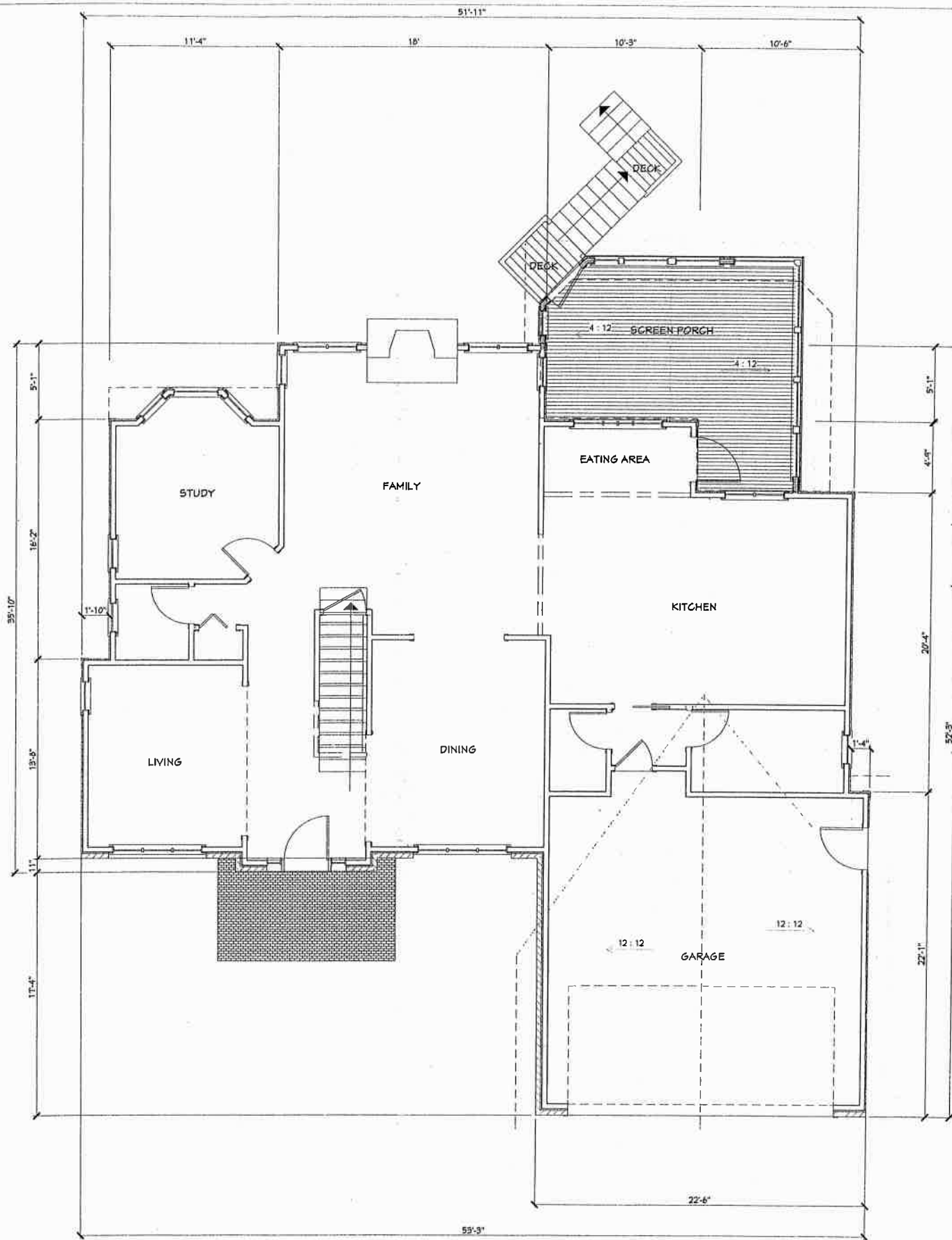
OVERTOOM PROPOSED ADDITION
267 SCOTT AVENUE,
GLEN ELLYN, ILLINOIS



DRAKE DESIGN COMPANY
DARYL A. DRAKE ARCHITECT
422 Phillips Avenue, Glen Ellyn, Illinois, 60137
Phone (630) 790-2545 Fax (630) 790-2565
E-Mail DRAKEDSIGNCO@yahoo.com

Designer _____
Job # _____
Date _____

Sheet No.
A-1



Proposed First Floor Addition Plan
Scale 1/4" Equals 1'-0"



Proposed Rear Elevation-Addition-East
Scale 1/4" Equals 1'-0"



Proposed Rear-Side Elevation-Addition-South
Scale 1/4" Equals 1'-0"

No.	Date	Revised

OVERTOOM PROPOSED ADDITION
267 SCOTT AVENUE,
GLEN ELLYN, ILLINOIS

DRAKE DESIGN COMPANY
DARYL A. DRAKE ARCHITECT
422 Phillips Avenue, Glen Ellyn, Illinois, 60137
Phone (630) 790-2545 Fax (630) 790-2565
E-Mail DRAKEDSIGNCO@yahoo.com

Designer
Job #
Date

Sheet No.
A-2



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Planning & Development
Department Head: Staci Hulseberg
Category: Ordinance
Prepared By: Steve Witt

SCHEDULED

ORDINANCE 6494

DOC ID: 2660

Ordinance No. 6494-VC, An Ordinance Amending Chapter 6 (Construction of Utility Facilities in Rights-of-Way) of Title 8 (Public Ways and Property) and Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the Village Code to Regulate the Installation of Wireless Communications Sites Constructed Within the Public Right-of-Way. (Planning and Development Director Hulseberg)

Background:

There is a growing demand for personal wireless telecommunications services which has resulted in increasing requests nationwide and locally from the wireless industry to place small cell facilities, distributed antenna systems, and other personal wireless telecommunication facilities on utility and street light poles and other structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the Village of Glen Ellyn is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations in the public right-of-way.

Issue:

Currently, we have an application for building permit under review for the installation of a small cell site on a utility pole in the public right of way adjacent to the residential property located at 369 Bryant Avenue. The Village Code does not currently provide regulations for the construction of wireless telecommunications facilities within the public right-of-way.

Recommendation:

In anticipation of continued increased demand for placement of small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations within the public right-of-way, it is recommended that the Village amend Chapter 6 (Construction of Utility Facilities in Rights of Way) of Title 8 (Public Ways and Property) of the Glen Ellyn Village Code in order to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities, systems and installations within the public right-of-way in the Village so as to, among other things:

- (i) Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in public right-of-way or property,
- (ii) Provide specific regulations and standards for the placement and siting of personal wireless telecommunication facilities within public rights-of-way in the Village,
- (iii) Preserve the character of the neighborhoods in which facilities are installed,
- (iv) Minimize any adverse visual impact of personal wireless telecommunication facilities

- and prevent visual blight in the neighborhoods in which facilities are installed,
- (v) Facilitate the location of personal wireless telecommunication facilities in permitted locations within the public right-of-way in the Village, and
- (vi) Assure the continued safe use and enjoyment of private properties adjacent to personal wireless telecommunication facilities.

Additionally, it is recommended that Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the Village Code be amended to allow the Village Manager to execute license agreements to allow communications facilities in the public right-of way subject to the facility's compliance with the amended Chapter 6 of Title 8 of the Village Code.

Action Requested:

It is requested that the Village Board consider the staff recommendation to amend Title 8, Chapter 6 and Title 1, Chapter 7 of the Village Code to establish regulations related to utility facilities constructed within the public right-of-way and any further evidence or testimony presented at the Village Board Meeting and adopt, deny or amend the attached ordinance.

Attachments:

- Ordinance
- Exhibit A - Title 8, Chapter 6 and Title 1, Chapter 7 (Clean)
- Exhibit B - Title 8, Chapter 6 and Title 1, Chapter 7 (Redlined)

Village of Glen Ellyn

Ordinance No. _____ -VC

**An Ordinance Amending
Chapter 6 (Construction of Utility Facilities in Rights of Way) of
Title 8 (Public Ways and Property) and
Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the
Village Code of the
Village of Glen Ellyn, Illinois to
Regulate the Installation of Wireless Communications Sites
Constructed Within the Public Right of Way**

**Adopted by the
President and the Board of Trustees
of the
Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20____.**

**Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this
day of _____, 20____.**

ORDINANCE NO. _____ - VC

**An Ordinance Amending
Chapter 6 (Construction of Utility Facilities in Rights of Way) of
Title 8 (Public Ways and Property) and
Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the
Village Code of the
Village of Glen Ellyn, Illinois to
Regulate the Installation of Wireless Communications Sites
Constructed Within the Public Right of Way**

Whereas, the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, pursuant to the provisions of Division 30 of Article 11 of the Illinois Municipal Code (Chapter 65, Section 5/11-30-1 et seq. of the Illinois Compiled Statutes), have the power and authority to prescribe the strength and manner of constructing all buildings, structures, and their accessories, including life and fire safety requirements, to promote the public health and safety of building occupants and the public; and

WHEREAS, the Village of Glen Ellyn uses the public right-of-way within its Village limits to provide essential public services to its residents and businesses. The public right-of-way within the Village is a limited public resource held by the Village for the benefit of its citizens and the Village has a custodial duty to ensure that the public right-of-way is used, repaired, and maintained in a manner that best serves the public interest; and

WHEREAS, growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell facilities, distributed antenna systems, and other personal wireless telecommunication facilities on

utility and street light poles and other structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the Village of Glen Ellyn is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations in the public right-of-way; and

WHEREAS, in anticipation of continued increased demand for placement of small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations within the public right-of-way, the Village of Glen Ellyn Board of Trustees finds that it is in the best interests of the public health, safety and general welfare of the Village to amend Chapter 6 (Construction of Utility Facilities in Rights of Way) of Title 8 (Public Ways and Property) of the Glen Ellyn Village Code in order to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities, systems and installations within the public right-of-way in the Village so as to, among other things: (i) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in public right-of-way or property, (ii) provide specific regulations and standards for the placement and siting of personal wireless telecommunication facilities within the public right-of-way in the Village, (iii) preserve the character of the neighborhoods in which facilities are installed, (iv) minimize any adverse visual impact of personal wireless telecommunication facilities and prevent visual blight in the neighborhoods in which facilities are installed, (v) facilitate the location of personal wireless telecommunication facilities in permitted locations within the public right-of-way in the Village, and

(vi) assure the continued safe use and enjoyment of private properties adjacent to personal wireless telecommunication facilities; and

Whereas, it is recommended that each communications facility to be located within the public right-of-way be subject to a separate license agreement, the Village of Glen Ellyn Board of Trustees finds that it is in the best interests of the public health, safety and general welfare of the Village to amend Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the Glen Ellyn Village Code in order to allow the Village Manager to execute license agreements to allow communications facilities in the public right-of way subject to the facility's compliance with the amended Chapter 6 of Title 8 of the Village Code; and

Whereas, the President and Board of Trustees deem it to be in the best interest of the Village of Glen Ellyn to adopt proposed amendments to Chapter 6 (Construction of Utility Facilities in Rights of Way) of Title 8 (Public Ways and Property) and Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the Glen Ellyn Village Code which are attached hereto as group Exhibit "A" (Clean), and

WHEREAS, the Village of Glen Ellyn is further authorized to adopt the proposed amendments attached hereto as group Exhibit "A" (Clean) pursuant to its authority to regulate the public right-of-way under section 11-80-1 et seq., of the Illinois Municipal Code.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers as follows:

Section One: That Chapter 6 (Construction of Utility Facilities in Rights of Way) of Title 8 (Public Ways and Property) and Chapter 7 (Officers and Employees) of Title 1 (Administrative) of the Glen Ellyn Village Code shall be and is hereby amended as set forth in group Exhibit "A"

Ordinance 6494

Meeting of April 10, 2017

(Clean) attached hereto.

Section Two: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____,

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

—

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20____).

ATTACHMENTS:

- Title 8 Chapter 6 and Title 1 Chapter 7 (CLEAN) (PDF)
- Title 8 Chapter 6 and Title 1 Chapter 7 (REDLINED) (PDF)

EXHIBIT "A" (CLEAN)

Chapter 6

CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS OF WAY

8-6-1: PURPOSE AND SCOPE:**8-6-2: DEFINITIONS:****8-6-3: ANNUAL REGISTRATION REQUIRED:****8-6-4: PERMIT REQUIRED; APPLICATIONS AND FEES:****8-6-5: ACTION ON PERMIT APPLICATIONS:****8-6-6: EFFECT OF PERMIT:****8-6-7: REVISED PERMIT DRAWINGS:****8-6-8: INSURANCE:****8-6-9: INDEMNIFICATION:****8-6-10: SECURITY:****8-6-11: PERMIT SUSPENSION AND REVOCATION:****8-6-12: CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS:****8-6-13: GENERAL CONSTRUCTION STANDARDS:****8-6-14: TRAFFIC CONTROL:****8-6-15: LOCATION OF FACILITIES:****8-6-16: CONSTRUCTION METHODS AND MATERIALS:****8-6-17: VEGETATION CONTROL:****8-6-18: REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES:****8-6-19: CLEANUP AND RESTORATION:****8-6-20: MAINTENANCE AND EMERGENCY MAINTENANCE:****8-6-21: VARIANCES:****8-6-22: PENALTIES:****8-6-23: ENFORCEMENT:****8-6-1: PURPOSE AND SCOPE: **

(A) Purpose: The purpose of this chapter is to establish policies and procedures for constructing facilities on rights of way within the village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the village rights of way and the village as a whole.

(B) Intent: In enacting this chapter, the village intends to exercise its authority over the rights of way in the village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including, without limitation:

1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

3. Prevent interference with the facilities and operations of the village's utilities and of other utilities lawfully located in rights of way or public property;
4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
5. Protect against increased storm water runoff due to structures and materials that increase impermeable surfaces;
6. Preserve the character of the neighborhoods in which facilities are installed;
7. Preserve open space, particularly the tree lined parkways that characterize the village's residential neighborhoods;
8. Prevent visual blight from the proliferation of facilities in the rights of way; and
9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject To This Chapter:** This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights of way within the jurisdiction of the village. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, Or Similar Agreements:** The village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the village rights of way. Utilities that are not required by law to enter into such an agreement may request that the village enter into such an agreement. In such an agreement, the village may provide for terms and conditions inconsistent with this chapter.

(E) **Effect Of Franchises, Licenses, Or Similar Agreements:**

1. **Utilities Other Than Telecommunications Providers:** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
2. **Telecommunications Providers:** In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Chapters:** This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State And Federal Laws:** In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

(H) **Sound Engineering Judgment:** The village shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the village so determines. Nothing herein shall be construed to limit the ability of the village to regulate its rights of way for the protection of the public health, safety and welfare. (Ord. 5621, 10-22-2007)

8-6-2: DEFINITIONS:

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Illinois administrative code section 530.30, unless the context clearly requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

ANSI: American National Standards Institute.

ASTM: American Society for Testing and Materials.

APPLICANT: A person applying for a permit under this chapter.

BACKFILL: The methods or materials for replacing excavated material in a trench or pit.

BORE OR BORING: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR: That term as defined in 47 USC 522(5).

CABLE SERVICE: That term as defined in 47 USC 522(6).

CABLE SYSTEM: That term as defined in 47 USC 522(7).

CARRIER PIPE: The pipe enclosing the liquid, gas or slurry to be transported.

CASING: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CLEAR ZONE: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area. The desired width is dependent upon the traffic

volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO "Roadside Design Guide".

COATING: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE: The municipal code of the village of Glen Ellyn.

COMMUNICATIONS FACILITY: A Utility facility consisting of wireless communication equipment and antennas for the purpose of providing wireless communication service.

CONDUCTOR: Wire carrying electrical current.

CONDUIT: A casing or encasement for wires or cables.

CONSTRUCTION OR CONSTRUCT: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER: The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY: A facility that crosses one or more right of way lines of a right of way.

DIRECTOR OF PUBLIC WORKS: The village director of public works or his or her designee.

DISRUPT THE RIGHT OF WAY: For the purposes of this chapter, any work that obstructs the right of way or causes a material adverse effect on the use of the right of way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

EMERGENCY: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right of way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT: Provision of a protective casing.

ENGINEER: The village engineer or his or her designee.

EQUIPMENT: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION: The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE: Pipe meeting ASTM standards for this pipe designation.

FACILITY: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights of way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the village.

FREESTANDING FACILITY: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the village director of public works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY: A specific type of right of way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HIGHWAY CODE: The Illinois highway code, 605 Illinois Compiled Statutes 5/1-101 et seq., as amended from time to time.

HOLDER: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois cable and video competition law, 220 Illinois Compiled Statutes 5/21-401.

ICC: Illinois commerce commission.

IDOT: Illinois department of transportation.

JULIE: The joint utility locating information for excavators utility notification program.

JACKING: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE: The use of pole lines, trenches or other facilities by two (2) or more utilities.

MAJOR INTERSECTION: The intersection of two (2) or more major arterial highways.

OCCUPANCY: The presence of facilities on, over or under right of way.

PARALLEL FACILITY: A facility that is generally parallel or longitudinal to the centerline of a right of way.

PARKWAY: Any portion of the right of way not improved by street or sidewalk.

PAVEMENT CUT: The removal of an area of pavement for access to a facility or for the construction of a facility.

PERMITTEE: That entity to which a permit has been issued pursuant to sections [8-6-4](#) and [8-6-5](#) of this chapter.

PETROLEUM PRODUCTS PIPELINES: Pipelines carrying crude or refined liquid petroleum

products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

PRACTICABLE: That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PROMPT: That which is done within a period of time specified by the village. If no time period is specified, the period shall be thirty (30) days.

PUBLIC ENTITY: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION: The repair of a right of way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT OF WAY OR RIGHTS OF WAY: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the village has the right and authority to authorize, regulate or permit the location of facilities other than those of the village. "Right of way" or "rights of way" shall not include any real or personal village property that is not specifically described in the previous two (2) sentences and shall not include village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right of way.

ROADWAY: That part of the highway that includes the pavement and shoulders.

SALE OF TELECOMMUNICATIONS AT RETAIL: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SECURITY FUND: That amount of security required pursuant to section [8-6-10](#) of this chapter.

SHOULDER: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

SOUND ENGINEERING JUDGMENT: A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS: This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated nontraffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form,

content, code and protocol of the information for purposes other than transmission.

"Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end to end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the cable communications act of 1984 (47 USC section 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the rules of the federal communications commission (47 CFR section 76.1500 and following), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER: Any person that installs, owns, operates or controls facilities in the right of way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

TRENCH: A relatively narrow open excavation for the installation of an underground facility.

UTILITY: The individual or entity owning or operating any "facility" as defined in this chapter.

UTILITY POLE: A post structure owned or operated by a public utility or a municipality that is designed specifically to support overhead lines, cables or wires for the distribution of electricity, telecommunications, cable, fiber optics, and related equipment such as transformers, and street lights.

VENT: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE: That term as defined in section 21-201(v) of the Illinois cable and video competition law of 2007, 220 Illinois Compiled Statutes 21-201(v).

VILLAGE: The village of Glen Ellyn.

WATER LINES: Pipelines carrying raw or potable water.

WET BORING: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material. (Ord. 5621, 10-22-2007)

8-6-3: ANNUAL REGISTRATION REQUIRED:

Every utility that occupies right of way within the village shall register on January 1 of each year with the director of public works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right of way and a twenty four (24) hour telephone number for each such person, and evidence of insurance as required in section [8-6-8](#) of this chapter, in the form of a certificate of insurance. (Ord. 5621, 10-22-2007)

8-6-4: PERMIT REQUIRED; APPLICATIONS AND FEES:

(A) Permit Required: No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any village right of way which: 1) changes the location of the facility, 2) adds a new facility, 3) disrupts the right of way (as defined in this chapter), or 4) materially increases the amount of area or space occupied by the facility on, over,

above, along, under, across or within the right of way, without first filing an application with the village director of public works and obtaining a permit from the village therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right of way.

1. In the case of construction of a Communications Facility:

- (a) Building, electric and Work in Parkway or Right-of-Way permit applications shall be filed with the Village Planning and Development Department. A single application shall propose work, new or modification, to no more than one Communications Facility.
- (b) A permit issued by the Village Public Works Department shall be required for any tree trimming required for the installation or maintenance of a Communications Facility.
- (c) In the event that an existing utility pole is to be replaced as part of the construction of a Communications Facility, the owner of the existing utility pole shall provide written authorization for the Communications Facility Licensee to perform the work or secure a separate permit to perform work within the public right-of-way.
- (d) In the event that new utility wires or cables need to be routed to the existing utility pole to service the Communications Facility, that work must be included on the permit submittal drawings or a separate permit to perform work within the public right-of-way must be secured.
- (e) Modifications performed to an existing Communications Facility shall require new permits to be issued by the Village.
- (f) Modifications performed to an existing Communications Facility that result in additional dead load of equipment or antennas, an increase in the number of antennas, or an increase in the exposed surface area of equipment and/or antennas shall require a structural analysis of the utility pole subjected to the modifications to be submitted to the Village for review and approval.

(B) Permit Application: All applications for permits pursuant to this chapter shall be filed on a form provided by the village and shall be filed in such number of duplicate copies as the village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) Minimum General Application Requirements: The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- 1. The utility's name and address and telephone and telecopy numbers;
- 2. The applicant's name and address, if different than the utility, its telephone and telecopy numbers, e-mail address, and its interest in the work;

3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
5. Evidence that the utility has placed on file with the village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the "Illinois Manual On Uniform Traffic Control Devices", to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the village finds that additional information or assurances are needed;
6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
7. Evidence of insurance as required in section [8-6-8](#) of this chapter;
8. Evidence of posting of the security fund as required in section [8-6-10](#) of this chapter;
9. Any request for a variance from one or more provisions of this chapter (see section [8-6-21](#) of this chapter); and
10. Such additional information as may be reasonably required by the village.

(D) Supplemental Application Requirements For Specific Types Of Utilities: In addition to the requirements of subsection (C) of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

3. In the case of water lines, indicate that all requirements of the Illinois environmental protection agency, division of public water supplies, have been satisfied;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois environmental protection agency, division of water pollution control and the metropolitan water reclamation district or other local or state entities with jurisdiction, have been satisfied; or
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
6. In the case of Communications Facilities the following minimum items of information shall be submitted as an attachment to the permit application. Additional information may be required to be submitted as deemed necessary upon completion of the initial plan review.
 - (a) Indication of pole ownership.
 - (b) Letter of Authorization from the Utility that owns the pole, if pole is not owned by the Village.
 - (c) Letter of Authorization from the electric utility approving location of the equipment and antennas with respect to location of existing power lines.
 - (d) List of other utility services to be installed or connected to which are required to support the facility.
 - (e) Drawings prepared by an appropriate licensed design professional to indicate the following information:
 1. geographic coordinates of the proposed facility
 2. ground elevation at base of utility pole
 3. site plan indicating all structures, surface features and trees within 100 feet of the utility pole location
 4. equipment and antenna plans, elevations and details as required to fully describe all equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the Communications Facility
 5. elevation views of utility pole, all equipment and antennas
 6. proposed color of exposed surfaces of equipment, cable covers and antennas
 7. grounding system design
 8. lightning protection design, if provided
 9. pole design and specification for replacement pole, if required
 10. utility pole extension system, if required
 11. point of utility demarcation(s)
 12. proximity of other utilities supported by utility pole to proposed equipment and antennas
 13. radio frequency safety signage
 14. single-line electric distribution diagram
 15. structural supports for equipment and antennas
 16. utility connection requirements including point of connection to each
 17. vertical height from grade to top of antennas
 18. vertical height from grade to top of existing or replacement utility pole
 19. vertical height from grade to underside of all equipment supported by utility pole

20. Tree protection measures in accordance with the Village of Glen Ellyn Arboricultural Specifications Manual, Title 4 Chapter 8, and Title 8 Chapter 4 of this code.

21. Provisions for landscaping and site restoration

- (f) Photograph of the existing utility pole and surrounding site taken from the street and facing the nearest residential structures on same side of the street as the utility pole.
- (g) Specifications of all equipment and antennas.
- (h) Structural analysis of existing or replacement pole.
- (i) Coverage gap maps indicating the location of all nearby Communications Facilities, areas of coverage and lack thereof, location of proposed site, location of alternative site(s), number of customers anticipated to be served by the proposed facility versus those served by adjacent facilities and any other information deemed necessary by the Village to prove a need for a facility at the proposed location.
- (j) For existing Communications Facilities, proof that the proposed work does not substantially change the physical dimensions of the facility.

(E) Applicant's Duty To Update Information: Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the village within thirty (30) days after the change necessitating the amendment.

(F) Application Fees: Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee based on the existing right of way permit fee schedule. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the electricity infrastructure maintenance fee act. (Ord. 5621, 10-22-2007)

8-6-5: ACTION ON PERMIT APPLICATIONS:

(A) Village Review Of Permit Applications: Completed permit applications, containing all required documentation, shall be examined by the village director of public works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the village director of public works shall reject such application in writing, stating the reasons therefor. If the village director of public works is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the village director of public works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the village director of public works, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

(B) Additional Village Review Of Applications Of Telecommunications Retailers:

1. Pursuant to section 4 of the telephone company act, 220 Illinois Compiled Statutes 65/4, a telecommunications retailer shall notify the village that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the village not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The village director of public works shall specify the portion of the right of way upon which the facility may be placed, used and constructed.
2. In the event that the village director of public works fails to provide such specification of location to the telecommunications retailer within either: a) ten (10) days after service of notice to the village by the telecommunications retailer in the case of work not involving excavation for new construction or b) twenty five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
3. Upon the provision of such specification by the village, where a permit is required for work pursuant to section [8-6-4](#) of this chapter the telecommunications retailer shall submit to the village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (A) of this section.

(C) Additional Village Review Of Applications Of Holders Of State Authorization Under The Cable And Video Competition Law Of 2007: Applications by a utility that is a holder of a state issued authorization under the cable and video competition law of 2007 shall be deemed granted forty five (45) days after submission to the village, unless otherwise acted upon by the village, provided the holder has complied with applicable village codes, ordinances, and regulations. (Ord. 5621, 10-22-2007)

8-6-6: EFFECT OF PERMIT:

- (A) Authority Granted; No Property Right Or Other Interest Created:** A permit from the village authorizes a permittee to undertake only certain activities in accordance with this chapter on village rights of way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights of way.
- (B) Duration:** No permit issued under this chapter shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Preconstruction Meeting Required:** No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the village with such village representatives in attendance as the village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights of way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required:** The issuance of a permit by the village does not excuse the permittee from complying with other requirements of the village and applicable statutes, laws, ordinances, rules, and regulations. (Ord. 5621, 10-22-2007)

8-6-7: REVISED PERMIT DRAWINGS:

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the village within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with section [8-6-21](#) of this chapter. If the village denies the request for a variance, then the permittee shall either remove the facility from the right of way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor. (Ord. 5621, 10-22-2007)

8-6-8: INSURANCE:

(A) **Required Coverages And Limits:** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right of way or constructing any facility in the right of way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in subsections (A)1 and (A)2 of this section:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) Five million dollars (\$5,000,000.00) for bodily injury or death to each person;
 - (b) Five million dollars (\$5,000,000.00) for property damage resulting from any one accident; and
 - (c) Five million dollars (\$5,000,000.00) for all other types of liability;
2. Automobile liability for owned, nonowned and hired vehicles with a combined single limit of one million dollars (\$1,000,000.00) for personal injury and property damage for each accident;

3. Workers' compensation with statutory limits; and
4. Employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(B) **Excess Or Umbrella Policies:** The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required:** The utility shall provide copies of any of the policies required by this section to the village within ten (10) days following receipt of a written request therefor from the village.

(D) **Maintenance And Renewal Of Required Coverages:** The insurance policies required by this section shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village President of such intent to cancel or not to renew.

Within ten (10) days after receipt by the village of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the village evidence of replacement insurance policies meeting the requirements of this section.

(E) **Self-Insurance:** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (A) of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection (A) of this section, or the requirements of subsections (B), (C) and (D) of this section. A utility that elects to self-insure shall provide to the village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection (A) of this section, such as evidence that the utility is a "private self-insurer" under the workers' compensation act.

(F) **Effect Of Insurance And Self-Insurance On Utility's Liability:** The legal liability of the utility to the village and any person for any of the matters that are the subject of the insurance policies or self-

insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

- (G) Insurance Companies: All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the state of Illinois. (All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.) (Ord. 5621, 10-22-2007)

8-6-9: INDEMNIFICATION:

By occupying or constructing facilities in the right of way, a utility shall be deemed to agree to defend, indemnify and hold the village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights of way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the village, its officials, officers, employees, agents or representatives. (Ord. 5621, 10-22-2007)

8-6-10: SECURITY:

- (A) Purpose: The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:

1. The faithful performance by the permittee of all the requirements of this chapter;
2. Any expenditure, damage, or loss incurred by the village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the village issued pursuant to this chapter; and
3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the village from the permittee pursuant to this chapter or any other applicable law.

- (B) Form: The permittee shall provide the security fund to the village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the village, or an unconditional letter of

credit in a form acceptable to the village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:

1. Provide that it will not be canceled without prior notice to the village and the permittee;
2. Not require the consent of the permittee prior to the collection by the village of any amounts covered by it; and
3. Shall provide a location convenient to the village and within the state of Illinois at which it can be drawn.

(C) Amount: The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right of way to at least as good a condition as that existing prior to the construction under the permit, as determined by the village director of public works, and may also include reasonable, directly related costs that the village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the village director of public works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.

(D) Withdrawals: The village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

1. Fails to make any payment required to be made by the permittee hereunder;
2. Fails to pay any liens relating to the facilities that are due and unpaid;
3. Fails to reimburse the village for any damages, claims, costs or expenses which the village has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or
4. Fails to comply with any provision of this chapter that the village determines can be remedied by an expenditure of an amount in the security fund.

(E) Replenishment: Within fourteen (14) days after receipt of written notice from the village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection (C) of this section.

(F) Interest: The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the village, upon written request for said withdrawal to the village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (C) of this section.

(G) Closing And Return Of Security Fund: Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the village for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the village to the extent necessary to cover any reasonable costs, loss or damage incurred by the village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) Rights Not Limited: The rights reserved to the village with respect to the security fund are in addition to all other rights of the village, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the village may have. Notwithstanding the foregoing, the village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated. (Ord. 5621, 10-22-2007)

8-6-11: PERMIT SUSPENSION AND REVOCATION:

(A) Village Right To Revoke Permit: The village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
2. Noncompliance with this chapter;
3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights of way presents a direct or imminent threat to the public health, safety, or welfare; or
4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) Notice Of Revocation Or Suspension: The village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

(C) Permittee Alternatives Upon Receipt Of Notice Of Revocation Or Suspension: Upon receipt of a written notice of revocation or suspension from the village, the permittee shall have the following options:

1. Immediately provide the village with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the village, the deficiencies stated in the written notice, providing written proof of such correction to the village within five (5) working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights of way and restore the rights of way to the satisfaction of the village providing written proof of such removal to the village within ten (10) days after receipt of the written notice of revocation.

The village may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

(D) Stop Work Order: In addition to the issuance of a notice of revocation or suspension, the village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection (A) of this section.

(E) Failure Or Refusal Of The Permittee To Comply: If the permittee fails to comply with the provisions of subsection (C) of this section, the village or its designee may, at the option of the village: 1) correct the deficiencies; 2) upon not less than twenty (20) days' notice to the permittee, remove the subject facilities or equipment; or 3) after not less than thirty (30) days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the village. The permittee shall be liable in all events to the village for all costs of removal. (Ord. 5621, 10-22-2007)

8-6-12: CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS:

(A) Notification Of Change: A utility shall notify the village no less than thirty (30) days prior to the transfer of ownership of any facility in the right of way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right of way.

(B) Amended Permit: A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and

conditions of the permit if the new owner uses the facility or allows it to remain on the village's right of way.

- (C) Insurance And Bonding: All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer. (Ord. 5621, 10-22-2007)

8-6-13: GENERAL CONSTRUCTION STANDARDS:

- (A) Standards And Principles: All construction in the right of way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. "Standard Specifications For Road And Bridge Construction";
2. "Supplemental Specifications And Recurring Special Provisions";
3. "Highway Design Manual";
4. "Highway Standards Manual";
5. "Standard Specifications For Traffic Control Items";
6. "Illinois Manual On Uniform Traffic Control Devices" (92 Ill. adm. code section 545);
7. "Flagger's Handbook"; and
8. "Work Site Protection Manual For Daylight Maintenance Operations".

- (B) Interpretation Of Municipal Standards And Principles: If a discrepancy exists between or among differing principles and standards required by this chapter, the village director of public works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the village director of public works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future. (Ord. 5621, 10-22-2007)

- (C) Communications Facilities: In addition to all other provisions in this Chapter, Communications Facilities shall be subject to the following requirements:

- a) Ground-mounted equipment, where approved by the Village, shall be screened from view.
- b) Pole-mounted equipment shall be mounted not less than seven (7) feet above grade at the base of the pole.

- c) No portion of any antenna, cabling or equipment shall be mounted over a sidewalk, private driveway or public street.
- d) No equipment cabinet service door shall swing over a sidewalk, private driveway or public street.
- e) No air mechanically discharged from equipment cabinets shall be directed toward a sidewalk or driveway.
- f) The overall dimension of any individual piece of equipment or antenna shall not exceed four (4) feet in any horizontal or vertical dimension.
- g) Size of Antenna: The overall dimensions of any individual antenna, including panel, whip, dish or other configuration, shall not produce a volume of more than three (3) cubic feet.
- h) Size of Equipment: The total combined volume of all above-ground equipment and appurtenances comprising a Communications Facility, exclusive of the antennas themselves, shall not exceed thirty-two (32) cubic feet.
- i) The outer diameter of an imaginary line encircling any antenna array shall not exceed four (4) feet.
- j) The overall height above grade of any component of a Communications Facility shall not exceed the lesser of seven (7) feet higher than the top of the existing utility pole or the maximum permitted principal building or structure height of the zoning district that borders the portion of the public right-of-way in which the Communications Facility will be located.
- k) The overall height of an extended existing utility pole, including antennas or equipment mounted thereto, shall not be greater than seven (7) feet higher than the top of the existing utility pole.
- l) The use of guy wires or other supplemental supports shall not be used to stabilize or strengthen existing utility poles.
- m) The exposed finish of all equipment, antennas and antenna mounting brackets and components shall have a color that blends with the surroundings of the existing utility pole as determined by the Village.
- n) All cabling, conduit and wiring attached to the utility pole shall be covered with an appropriate cover or cable shield.

8-6-14: TRAFFIC CONTROL:

- (A) Minimum Requirements: The village's minimum requirements for traffic protection are contained in IDOT's "Illinois Manual On Uniform Traffic Control Devices" and this code.
- (B) Warning Signs, Protective Devices, And Flaggers: The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable

federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights of way.

(C) Interference With Traffic: All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) Notice When Access Is Blocked: At least forty eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to section [8-6-20](#) of this chapter the utility shall provide such notice as is practicable under the circumstances.

(E) Compliance: The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the village. (Ord. 5621, 10-22-2007)

8-6-15: LOCATION OF FACILITIES:

(A) General Requirements: In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

1. No Interference With Village Facilities: No utility facilities shall be placed in any location if the village director of public works determines that the proposed location will require the relocation or displacement of any of the village's utility facilities or will otherwise interfere with the operation or maintenance of any of the village's utility facilities.
2. Minimum Interference And Impact: The proposed location shall cause only the minimum possible interference with the use of the right of way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right of way.
3. No Interference With Travel: No utility facility shall be placed in any location that interferes with the usual travel on such right of way.
4. No Limitations On Visibility: No utility facility shall be placed in any location so as to limit visibility of or by users of the right of way.
5. Size Of Utility Facilities: The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
6. Additional Requirements for Communications Facilities: In addition to all other provisions in this Chapter, Communications Facilities shall be subject to the following requirements:

- a) No new poles or transmission towers shall be permitted in the public right-of-way for the installation of Communications Facilities. Communications Facilities shall be located on existing utility poles, or replacement poles installed in the same location as the existing pole to be replaced.
- b) If the existing utility pole selected for installation of a Communications Facility does not have any overhead wires attached to it, all new wires and cables required to service the facility shall be routed underground to the utility pole.
- c) No above ground Communications Facility shall be permitted in any public right-of-way that is contiguous to and having a physical border with the front yard or corner side yard of any residential corner lot property.
- d) No Communications Facility shall be installed within three hundred (300) feet of an existing Communications Facility or within three hundred (300) feet of a site specific location for a Communications Facility already issued a building permit by the Village.
- e) No more than one Communications Facility shall be installed on any existing utility pole.
- f) No Communications facility shall be permitted on any existing pole that supports traffic signal lights.
- g) The Village may choose to adjust the location of a Communications Facility based on tree obstructions, location to existing utilities, and pedestrian or traffic safety.
- h) Communications Facility equipment shall not obstruct traffic sight lines as determined by the Village.

(B) Parallel Facilities Located Within Highways:

1. Overhead Parallel Facilities: An overhead parallel facility may be located within the right of way lines of a highway only if:

- (a) Lines are located as near as practicable to the right of way line and as nearly parallel to the right of way line as reasonable pole alignment will permit;
- (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (2') (0.6 m) behind the face of the curb, where available;
- (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (4') (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
- (d) No pole is located in the ditch line of a highway; and
- (e) Any ground mounted appurtenance is located within one foot (1') (0.3 m) of the right of way line or as near as possible to the right of way line.

2. Underground Parallel Facilities: An underground parallel facility may be located within the right of way lines of a highway only if:

- (a) The facility is located as near the right of way line as practicable and not more than eight feet (8') (2.4 m) from and parallel to the right of way line;
- (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
- (c) In the case of an underground power or communications line, the facility shall be located as near the right of way line as practicable and not more than five feet (5') (1.5 m) from the right of way line and any above grounded appurtenance shall be located within one foot (1') (0.3 m) of the right of way line or as near as practicable.

(C) Facilities Crossing Highways:

1. No Future Disruption: The construction and design of crossing facilities installed between the ditch lines or curb lines of village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
2. Cattle Passes, Culverts, Or Drainage Facilities: Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
3. Ninety Degree Crossing Required: Crossing facilities shall cross at or as near to a ninety degree (90°) angle to the centerline as practicable.
4. Overhead Power Or Communication Facility: An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "construction of electric power and communication lines" (83 Ill. adm. code 305);
 - (b) Poles are located within one foot (1') (0.3 m) of the right of way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
5. Underground Power Or Communication Facility: An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
6. Markers: The village may require the utility to provide a marker at each right of way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 CFR section 192.707 (1989)).

(D) Facilities To Be Located Within Particular Rights Of Way: The village may require that facilities be located within particular rights of way that are not highways, rather than within particular highways.

(E) Freestanding Facilities:

1. The village may restrict the location and size of any freestanding facility located within a right of way.
2. The village may require any freestanding facility located within a right of way to be screened from view.

(F) Facilities Installed Aboveground: Aboveground facilities may be installed only if:

1. No other existing facilities in the area are located underground;
2. New underground installation is not technically feasible; and
3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) Facility Attachments To Bridges Or Roadway Structures:

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

- (b) The type, length, value, and relative importance of the highway structure in the transportation system;
- (c) The alternative routings available to the utility and their comparative practicability;
- (d) The proposed method of attachment;
- (e) The ability of the structure to bear the increased load of the proposed facility;
- (f) The degree of interference with bridge maintenance and painting;
- (g) The effect on the visual quality of the structure; and
- (h) The public benefit expected from the utility service as compared to the risk involved.

(H) Appearance Standards:

1. The village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right of way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed. (Ord. 5621, 10-22-2007)

8-6-16: CONSTRUCTION METHODS AND MATERIALS:

(A) Standards And Requirements For Particular Types Of Construction Methods:

1. Boring Or Jacking:

- (a) Pits And Shoring: Boring or jacking under rights of way shall be accomplished from pits located at a minimum distance specified by the village director of public works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty eight (48) hours in advance of boring or jacking operations and backfilled within forty eight (48) hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) Wet Boring Or Jetting: Wet boring or jetting shall not be permitted under the roadway.
- (c) Borings With Diameters Greater Than Six Inches: Borings over six inches (6") (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (1") (25 mm).
- (d) Borings With Diameters Six Inches Or Less: Borings of six inches (6") or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

(e) Tree Preservation: Any facility located within the drip line of any tree designated by the village to be preserved or protected shall be bored under or around the root system.

2. Trenching: Trenching for facility installation, repair, or maintenance on rights of way shall be done in accord with the applicable portions of section 603 of IDOT's "Standard Specifications For Road And Bridge Construction".

(a) Length: The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half ($1/2$) of any intersection may have an open trench at any time unless special permission is obtained from the village director of public works.

(b) Open Trench And Excavated Material: Open trench and windrowed excavated material shall be protected as required by [chapter 6](#) of the "Illinois Manual On Uniform Traffic Control Devices". Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right of way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off road location.

(c) Drip Line Of Trees: The utility shall not trench within the drip line of any tree designated by the village to be preserved.

3. Backfilling:

(a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications For Road And Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

(b) For a period of three (3) years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the director of public works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the director of public works.

4. Pavement Cuts: Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection (A)4 is permitted under section [8-6-21](#) of this chapter, the following requirements shall apply:

(a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the director of public works.

(b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the village.

(c) All saw cuts shall be full depth.

(d) For all rights of way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is

determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.

5. Encasement:

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one piece fabrication or by welding or jointed installation approved by the village.
- (b) The venting, if any, of any encasement shall extend within one foot (1') (0.3 m) of the right of way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the village. Bell and spigot type pipe shall be encased regardless of installation method.
- (d) In the case of gas pipelines of sixty (60) psig or less, encasement may be eliminated.
- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than sixty (60) psig, encasement may be eliminated only if: 1) extra heavy pipe is used that precludes future maintenance or repair and 2) cathodic protection of the pipe is provided.
- (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right of way.

6. Minimum Cover Of Underground Facilities: Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type Of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	24 inches (0.6 m, as determined by village)
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

(B) Standards And Requirements For Particular Types Of Facilities:

1. Electric Power Or Communication Lines:

(a) **Code Compliance:** Electric power or communications facilities within village rights of way shall be constructed, operated, and maintained in conformity with the provisions of 83 Illinois administrative code part 305 (formerly general order 160 of the Illinois commerce commission) entitled "rules for construction of electric power and communication lines", and the national electrical safety code.

(b) **Overhead Facilities:** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.

(c) **Underground Facilities:**

(1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: a) the crossing is installed by the use of "moles", "whip augers", or other approved methods which compress the earth to make the opening for cable installation or b) the installation is by the open trench method which is only permitted prior to roadway construction.

(3) Cable shall be grounded in accordance with the national electrical safety code.

(d) **Burial Of Drops:** All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the village. Weather permitting, utilities shall bury all temporary drops, excluding snow drops, within ten (10) business days after placement.

2. **Underground Facilities Other Than Electric Power Or Communication Lines:** Underground facilities other than electric power or communication lines may be installed by:

(a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;

(b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(c) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

(d) Tunneling with vented encasement, but only if installation is not possible by other means.

3. **Gas Transmission, Distribution And Service:** Gas pipelines within rights of way shall be constructed, maintained, and operated in a village approved manner and in conformance with the federal code of the office of pipeline safety operations, department of transportation, part 192 - transportation of natural and other gas by pipeline: minimum federal safety standards (49 CFR section 192), IDOT's "Standard Specifications For Road And Bridge Construction", and all other applicable laws, rules, and regulations.

4. **Petroleum Products Pipelines:** Petroleum products pipelines within rights of way shall conform to the applicable sections of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
5. **Water Lines, Sanitary Sewer Lines, Storm Water Sewer Lines Or Drainage Lines:** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights of way shall meet or exceed the recommendations of the current "Standard Specifications For Water And Sewer Main Construction In Illinois".
6. **Ground Mounted Appurtenances:** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right of way, shall be provided with a vegetation free area extending one foot (1') (305 mm) in width beyond the appurtenance in all directions. The vegetation free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the director of public works. With the approval of the director of public works, shrubbery surrounding the appurtenance may be used in place of vegetation free area. The housing for ground mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) Materials:

1. **General Standards:** The materials used in constructing facilities within rights of way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications For Road And Bridge Construction", the requirements of the Illinois commerce commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. **Material Storage On Right Of Way:** No material shall be stored on the right of way without the prior written approval of the village director of public works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right of way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right of way maintenance or damage to the right of way and other property. If material is to be stored on right of way, prior approval must be obtained from the village.
3. **Hazardous Materials:** The plans submitted by the utility to the village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) Operational Restrictions:

1. Construction operations on rights of way may, at the discretion of the village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right of way or other property.
2. These restrictions may be waived by the director of public works when emergency work is required to restore vital utility services.

3. Unless otherwise permitted by the village, the hours of construction are those set forth in section [4-1-5](#) of this code.

(E) Location Of Existing Facilities: Any utility proposing to construct facilities in the village shall contact JULIE and ascertain the presence and location of existing aboveground and underground facilities within the rights of way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by JULIE, a utility shall locate and physically mark its underground facilities within forty eight (48) hours, excluding weekends and holidays, in accordance with the Illinois underground facilities damage prevention act¹. (Ord. 5621, 10-22-2007)

8-6-17: VEGETATION CONTROL:

(A) Electric Utilities; Compliance With State Laws And Regulations: An electric utility shall conduct all tree trimming and vegetation control activities in the right of way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the village as permitted by law.

(B) Other Utilities; Tree Trimming Permit Required: Tree trimming that is done by any other utility with facilities in the right of way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.

1. Application For Tree Trimming Permit: Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
2. Damage To Trees: Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) Specimen Trees Or Trees Of Special Significance: The village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) Chemical Use:

1. Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the village for any purpose, including the control of growth, insects or disease.
2. Spraying of any type of brush killing chemicals will not be permitted on rights of way unless the utility demonstrates to the satisfaction of the director of public works that such spraying is the only practicable method of vegetation control. (Ord. 5621, 10-22-2007)

8-6-18: REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES:

(A) Notice: Within ninety (90) days following written notice from the village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights of way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any village improvement in or upon, or the operations of the village in or upon, the rights of way.

(B) Removal Of Unauthorized Facilities: Within thirty (30) days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights of way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights of way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or
4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) Emergency Removal Or Relocation Of Facilities: The village retains the right and privilege to cut or move any facilities located within the rights of way of the village, as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

- (D) Abandonment Of Facilities: Upon abandonment of a facility within the rights of way of the village, the utility shall notify the village within ninety (90) days. Following receipt of such notice the village may direct the utility to remove all or any portion of the facility if the village director of public works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person. (Ord. 5621, 10-22-2007)
- (E) Relocation of Village utilities: In the event that the Village decides to relocate underground all of the overhead utilities supported by a utility pole upon which a Communications Facility is located, the Licensee of the Communications Facility shall decommission and remove all associated equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the Communications Facility within thirty (30) days written notice from the Village. All utility lines, cables or wiring, or portions thereof that service the affected Communications Facility and will be abandoned due to the decommissioning of the Communications Facility shall be removed by the Licensee of the Communications Facility.
- (F) Interference with Public Project Improvements: In the event the Village undertakes a public improvement requiring the moving a utility pole on which a Communications Facility is located, all such relocation work and expenses shall be borne by the utility pole user including, but not limited to the Licensee of the Communications Facility.

8-6-19: CLEANUP AND RESTORATION:

The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights of way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the village director of public works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right of way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the village director of public works for good cause shown. (Ord. 5621, 10-22-2007)

8-6-20: MAINTENANCE AND EMERGENCY MAINTENANCE:

- (A) General: Facilities on, over, above, along, upon, under, across, or within rights of way are to be maintained by or for the utility in a manner satisfactory to the village and at the utility's expense.
- (B) Emergency Maintenance Procedures: Emergencies may justify noncompliance with normal procedures for securing a permit:
1. If an emergency creates a hazard on the traveled portion of the right of way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right of way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the

shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

2. In an emergency, the utility shall, as soon as possible, notify the village director of public works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the village police shall be notified immediately.
3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) Emergency Repairs: The utility must file in writing with the village a description of the repairs undertaken in the right of way within forty eight (48) hours after an emergency repair. (Ord. 5621, 10-22-2007)

(D) Communications Sites and Facilities including, but not limited to all landscaping, fencing and related transmission equipment shall be maintained in accordance with the approved plans and conditions for approval, and in accordance with the Village's building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety, and structurally sound and in good repair to prevent deterioration of the pole, peeling paint, loose structural or electrical connections or attachments, and unwarranted equipment noise.

(E) Within 30 days of the Communications Facility's first receipt or transmission of communications signals, and annually thereafter, the Licensee of the Communications Facility shall submit to the Village a written report from a consultant approved by the Village of Glen Ellyn which indicates that the level of total electronic transmissions from the Communications Facility does not exceed the maximum permitted electronic transmission exposure limit for general population/uncontrolled permitted by any Federal or State regulatory agency at the time of issuance of the permit. If the total transmission level is found to be in excess of the applicable limits, the Communications Facility Licensee will be required take corrective action within ninety (90) days after receipt of the report.

(F) The Communications Facility Licensee shall remove any graffiti on the facility at the Licensee's sole expense within seventy-two (72) hours of receipt of a written notice to remove the graffiti.

8-6-21: VARIANCES:

(A) Request For Variance: A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the village director of public works as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority To Grant Variances:** The village director of public works shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

(C) **Conditions For Granting Of Variance:** The village director of public works may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right of way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
2. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions For Granting Of A Variance:** As a condition for authorizing a variance, the village director of public works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

(E) **Right To Appeal:** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the village director of public works under the provisions of this chapter shall have the right to appeal to the village board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the village clerk within thirty (30) days after the date of such order, requirement, decision or determination. The village board shall commence its consideration of the appeal at the board's next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The village board shall timely decide the appeal. (Ord. 5621, 10-22-2007)

8-6-22: PENALTIES:

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this code. There may be times when the village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. (Ord. 5621, 10-22-2007)

8-6-23: ENFORCEMENT:

Nothing in this chapter shall be construed as limiting any additional or further remedies that the village may have for enforcement of this chapter. (Ord. 5621, 10-22-2007)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): 220 ILCS 50/1 et seq.

1-7-1: VILLAGE MANAGER (FORMERLY VILLAGE ADMINISTRATOR):

- (A) Authorization To Employ Manager; Appointment: The president and board of trustees are hereby authorized to employ a village manager. Such manager shall be appointed by the president, by and with the advice and consent of the board of trustees.
- (B) To Be Chief Administrator Of Village: The village manager, under and subject to the direction of the president and board of trustees, shall be the chief administrator of the village, and shall be responsible to the president and board of trustees for the proper direction of the administrative affairs of the village.
- (C) Execution Of Administrative Supervision, Control: The village manager shall execute, on behalf of the board of trustees, its administrative supervision and control of the affairs of the village and its employees.
- (D) Relationship With Appointed Boards And Commissions: The village manager shall cooperate with such advisory boards and commissions that the board has and shall create. The manager shall receive direction from the village board.
- (E) Supervision Over All Departments: The village manager shall supervise and coordinate the work of all departments of the village and the employees thereof. (Ord. 1900, 10-28-1974; amd. Ord. 5751, 4-27-2009)
- (F) Appointment Power: The village manager shall hire and promote all employees necessary for the proper functioning of the village except for those offices, boards or institutions whose appointment is otherwise mandated by state statute. The village manager, subject to the approval of the village board and the president, shall appoint village department heads. (Ord. 2190, 4-25-1977; amd. Ord. 5751, 4-27-2009)
- (G) Budget Preparation, Adoption: The village manager, together with the finance director shall prepare budgets and submit such budgets together with his opinions and recommendations covering their important features to the president and board of trustees for their review and approval. Together with the finance director, the village manager shall assume the responsibility for the administration of the budget after its adoption. (Ord. 2118, 8-28-1976; amd. Ord. 5751, 4-27-2009)

- (H) Investigation Of Complaints: The village manager shall receive and have investigated all complaints in relation to matters concerning the administration of the government of the village and the services maintained and provided by the village.
- (I) Recommending Municipal Pay Scale: The village manager shall, in coordination with the department involved, recommend to the president and board of trustees a standard schedule of pay for employee classifications in the service of the village.
- (J) Making General Recommendations: The village manager shall recommend to the president and board of trustees the adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community, or for the improvement of the services rendered by the village when such measures require action by the village board.
- (K) Other Additional Duties: The village manager shall perform such other duties as may be required by the president and board of trustees consistent with law and ordinances of the village.
- (L) Matters Directed To Manager's Attention: All offices and departments shall submit all matters requiring board of trustees' action or attention to the village manager, who shall submit them to the board with recommendations as may be deemed necessary. All department or employee requests by the village board shall be submitted to the village manager and shall receive instruction as to policy and departmental operation from the manager. (Ord. 1900, 10-28-1974; amd. Ord. 5751, 4-27-2009)
- (M) Absence Of Manager, Appointment Of Acting Village Manager: The village manager, at his discretion, shall appoint an acting village manager who shall carry out the functions of the village manager during such time as the village manager is away from the village, or temporarily incapacitated. Upon such appointment, the manager shall promptly notify the village board in writing of the appointment. If the village president should determine that the absence of the village manager will be for such a period to require an appointment of a temporary village manager, the village president may do so and shall thereafter seek the advice and consent of the board of trustees. The acting manager must be an appointed officer or employee of the village. (Ord. 3829, 4-22-1991; amd. Ord. 5751, 4-27-2009)
- (N) Purchase And Sale Or Trade In Of Personal Property: The village manager shall have authority to:

1. Sell or purchase an item of personal property for the village within the scope of the budget approved by the corporate authorities when such item of personal property is either sold or purchased for less than twenty thousand dollars (\$20,000.00);
2. Trade in an item of personal property of the village when the trade in value of such item of personal property is less than twenty thousand dollars (\$20,000.00); and
3. Both trade in and purchase a replacement item of personal property for the village when the trade in value and purchase price, less the value of the trade in, are individually each less than twenty thousand dollars (\$20,000.00). (Ord. 5964, 10-10-2011)

(O) Execute License Agreements:

1. The manager shall have the power to execute license agreements to allow tables and chairs, vestibules, food carts, and other similar structures in the public right of way provided that the village board has previously granted approval of a license agreement for the structure(s) at the location and the village is permitted to terminate the agreement at any time by notifying licensee of its intention at least seven (7) days prior to the termination date. (Ord. 6143, 6-24-2013)
2. The manager shall have the power to execute license agreements to allow Communications Facilities in the public right-of-way subject to the Facility's compliance with Title 8, Chapter 6 of this Code.

EXHIBIT "B" (REDLINED)

Chapter 6

CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS OF WAY

8-6-1: PURPOSE AND SCOPE:**8-6-2: DEFINITIONS:****8-6-3: ANNUAL REGISTRATION REQUIRED:****8-6-4: PERMIT REQUIRED; APPLICATIONS AND FEES:****8-6-5: ACTION ON PERMIT APPLICATIONS:****8-6-6: EFFECT OF PERMIT:****8-6-7: REVISED PERMIT DRAWINGS:****8-6-8: INSURANCE:****8-6-9: INDEMNIFICATION:****8-6-10: SECURITY:****8-6-11: PERMIT SUSPENSION AND REVOCATION:****8-6-12: CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS:****8-6-13: GENERAL CONSTRUCTION STANDARDS:****8-6-14: TRAFFIC CONTROL:****8-6-15: LOCATION OF FACILITIES:****8-6-16: CONSTRUCTION METHODS AND MATERIALS:****8-6-17: VEGETATION CONTROL:****8-6-18: REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES:****8-6-19: CLEANUP AND RESTORATION:****8-6-20: MAINTENANCE AND EMERGENCY MAINTENANCE:****8-6-21: VARIANCES:****8-6-22: PENALTIES:****8-6-23: ENFORCEMENT:****8-6-1: PURPOSE AND SCOPE: **

(A) Purpose: The purpose of this chapter is to establish policies and procedures for constructing facilities on rights of way within the village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the village rights of way and the village as a whole.

(B) Intent: In enacting this chapter, the village intends to exercise its authority over the rights of way in the village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including, without limitation:

1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. Prevent interference with the facilities and operations of the village's utilities and of other utilities lawfully located in rights of way or public property;
4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
5. Protect against increased storm water runoff due to structures and materials that increase impermeable surfaces;
6. Preserve the character of the neighborhoods in which facilities are installed;
7. Preserve open space, particularly the tree lined parkways that characterize the village's residential neighborhoods;
8. Prevent visual blight from the proliferation of facilities in the rights of way; and
9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject To This Chapter:** This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights of way within the jurisdiction of the village. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, Or Similar Agreements:** The village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the village rights of way. Utilities that are not required by law to enter into such an agreement may request that the village enter into such an agreement. In such an agreement, the village may provide for terms and conditions inconsistent with this chapter.

(E) **Effect Of Franchises, Licenses, Or Similar Agreements:**

1. **Utilities Other Than Telecommunications Providers:** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
2. **Telecommunications Providers:** In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the village and any telecommunications provider, the provisions of such franchise,

license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Chapters:** This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State And Federal Laws:** In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

(H) **Sound Engineering Judgment:** The village shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the village so determines. Nothing herein shall be construed to limit the ability of the village to regulate its rights of way for the protection of the public health, safety and welfare. (Ord. 5621, 10-22-2007)

8-6-2: DEFINITIONS:

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Illinois administrative code section 530.30, unless the context clearly requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

ANSI: American National Standards Institute.

ASTM: American Society for Testing and Materials.

APPLICANT: A person applying for a permit under this chapter.

BACKFILL: The methods or materials for replacing excavated material in a trench or pit.

BORE OR BORING: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR: That term as defined in 47 USC 522(5).

CABLE SERVICE: That term as defined in 47 USC 522(6).

CABLE SYSTEM: That term as defined in 47 USC 522(7).

CARRIER PIPE: The pipe enclosing the liquid, gas or slurry to be transported.

CASING: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CLEAR ZONE: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO "Roadside Design Guide".

COATING: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE: The municipal code of the village of Glen Ellyn.

COMMUNICATIONS FACILITY: A Utility facility consisting of wireless communication equipment and antennas for the purpose of providing wireless communication service.

CONDUCTOR: Wire carrying electrical current.

CONDUIT: A casing or encasement for wires or cables.

CONSTRUCTION OR CONSTRUCT: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER: The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY: A facility that crosses one or more right of way lines of a right of way.

DIRECTOR OF PUBLIC WORKS: The village director of public works or his or her designee.

DISRUPT THE RIGHT OF WAY: For the purposes of this chapter, any work that obstructs the right of way or causes a material adverse effect on the use of the right of way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

EMERGENCY: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right of way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT: Provision of a protective casing.

ENGINEER: The village engineer or his or her designee.

EQUIPMENT: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION: The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE: Pipe meeting ASTM standards for this pipe designation.

FACILITY: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights of way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the village.

FREESTANDING FACILITY: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the village director of public works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY: A specific type of right of way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HIGHWAY CODE: The Illinois highway code, 605 Illinois Compiled Statutes 5/1-101 et seq., as amended from time to time.

HOLDER: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois cable and video competition law, 220 Illinois Compiled Statutes 5/21-401.

ICC: Illinois commerce commission.

IDOT: Illinois department of transportation.

JULIE: The joint utility locating information for excavators utility notification program.

JACKING: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE: The use of pole lines, trenches or other facilities by two (2) or more utilities.

MAJOR INTERSECTION: The intersection of two (2) or more major arterial highways.

OCCUPANCY: The presence of facilities on, over or under right of way.

PARALLEL FACILITY: A facility that is generally parallel or longitudinal to the centerline of a right of way.

PARKWAY: Any portion of the right of way not improved by street or sidewalk.

PAVEMENT CUT: The removal of an area of pavement for access to a facility or for the construction of a facility.

PERMITTEE: That entity to which a permit has been issued pursuant to sections [8-6-4](#) and [8-6-5](#) of

this chapter.

PETROLEUM PRODUCTS PIPELINES: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

PRACTICABLE: That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PROMPT: That which is done within a period of time specified by the village. If no time period is specified, the period shall be thirty (30) days.

PUBLIC ENTITY: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION: The repair of a right of way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT OF WAY OR RIGHTS OF WAY: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the village has the right and authority to authorize, regulate or permit the location of facilities other than those of the village. "Right of way" or "rights of way" shall not include any real or personal village property that is not specifically described in the previous two (2) sentences and shall not include village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right of way.

ROADWAY: That part of the highway that includes the pavement and shoulders.

SALE OF TELECOMMUNICATIONS AT RETAIL: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SECURITY FUND: That amount of security required pursuant to section [8-6-10](#) of this chapter.

SHOULDER: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

SOUND ENGINEERING JUDGMENT: A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS: This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated nontraffic sensitive service for a single customer that entitles the customer to exclusive

or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission.

"Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end to end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the cable communications act of 1984 (47 USC section 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the rules of the federal communications commission (47 CFR section 76.1500 and following), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER: Any person that installs, owns, operates or controls facilities in the right of way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

TRENCH: A relatively narrow open excavation for the installation of an underground facility.

UTILITY: The individual or entity owning or operating any "facility" as defined in this chapter.

UTILITY POLE: A post structure owned or operated by a public utility or a municipality that is designed specifically to support overhead lines, cables or wires for the distribution of electricity, telecommunications, cable, fiber optics, and related equipment such as transformers, and street lights.

VENT: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE: That term as defined in section 21-201(v) of the Illinois cable and video competition law of 2007, 220 Illinois Compiled Statutes 21-201(v).

VILLAGE: The village of Glen Ellyn.

WATER LINES: Pipelines carrying raw or potable water.

WET BORING: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material. (Ord. 5621, 10-22-2007)

8-6-3: ANNUAL REGISTRATION REQUIRED:

Every utility that occupies right of way within the village shall register on January 1 of each year with the director of public works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right of way and a twenty four (24) hour telephone number for each such person, and evidence of insurance as required in section [8-6-8](#) of this chapter, in the form of a certificate of insurance. (Ord. 5621, 10-22-2007)

8-6-4: PERMIT REQUIRED; APPLICATIONS AND FEES:

- (A) Permit Required: No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any village right of way which: 1) changes the location of the facility, 2) adds a new facility, 3) disrupts the right of way (as defined in this chapter), or 4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right of way, without first filing an application with the village director of public works and obtaining a permit from the village therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right of way.

1. In the case of construction of a Communications Facility:

- (a) Building, electric and Work in Parkway or Right-of-Way permit applications shall be filed with the Village Planning and Development Department. A single application shall propose work, new or modification, to no more than one Communications Facility.
- (b) A permit issued by the Village Public Works Department shall be required for any tree trimming required for the installation or maintenance of a Communications Facility.
- (c) In the event that an existing utility pole is to be replaced as part of the construction of a Communications Facility, the owner of the existing utility pole shall provide written authorization for the Communications Facility Licensee to perform the work or secure a separate permit to perform work within the public right-of-way.
- (d) In the event that new utility wires or cables need to be routed to the existing utility pole to service the Communications Facility, that work must be included on the permit submittal drawings or a separate permit to perform work within the public right-of-way must be secured.
- (e) Modifications performed to an existing Communications Facility shall require new permits to be issued by the Village.
- (f) Modifications performed to an existing Communications Facility that result in additional dead load of equipment or antennas, an increase in the number of antennas, or an increase in the exposed surface area of equipment and/or antennas shall require a structural analysis of the utility pole subjected to the modifications to be submitted to the Village for review and approval.

- (B) Permit Application: All applications for permits pursuant to this chapter shall be filed on a form provided by the village and shall be filed in such number of duplicate copies as the village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

- (C) Minimum General Application Requirements: The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility's name and address and telephone and telecopy numbers;
2. The applicant's name and address, if different than the utility, its telephone and telecopy numbers, e-mail address, and its interest in the work;
3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
5. Evidence that the utility has placed on file with the village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the "Illinois Manual On Uniform Traffic Control Devices", to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the village finds that additional information or assurances are needed;
6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
7. Evidence of insurance as required in section [8-6-8](#) of this chapter;
8. Evidence of posting of the security fund as required in section [8-6-10](#) of this chapter;
9. Any request for a variance from one or more provisions of this chapter (see section [8-6-21](#) of this chapter); and
10. Such additional information as may be reasonably required by the village.

(D) Supplemental Application Requirements For Specific Types Of Utilities: In addition to the requirements of subsection (C) of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other

regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
3. In the case of water lines, indicate that all requirements of the Illinois environmental protection agency, division of public water supplies, have been satisfied;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois environmental protection agency, division of water pollution control and the metropolitan water reclamation district or other local or state entities with jurisdiction, have been satisfied; or
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

6. In the case of Communications Facilities the following minimum items of information shall be submitted as an attachment to the permit application. Additional information may be required to be submitted as deemed necessary upon completion of the initial plan review.

(a) Indication of pole ownership.

(b) Letter of Authorization from the Utility that owns the pole, if pole is not owned by the Village.

(c) Letter of Authorization from the electric utility approving location of the equipment and antennas with respect to location of existing power lines.

(d) List of other utility services to be installed or connected to which are required to support the facility.

(e) Drawings prepared by an appropriate licensed design professional to indicate the following information:

1. geographic coordinates of the proposed facility
2. ground elevation at base of utility pole
3. site plan indicating all structures, surface features and trees within 100 feet of the utility pole location
4. equipment and antenna plans, elevations and details as required to fully describe all equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the Communications Facility
5. elevation views of utility pole, all equipment and antennas
6. proposed color of exposed surfaces of equipment, cable covers and antennas
7. grounding system design
8. lightning protection design, if provided
9. pole design and specification for replacement pole, if required
10. utility pole extension system, if required
11. point of utility demarcation(s)
12. proximity of other utilities supported by utility pole to proposed equipment and antennas
13. radio frequency safety signage
14. single-line electric distribution diagram

- 15. structural supports for equipment and antennas
 - 16. utility connection requirements including point of connection to each
 - 17. vertical height from grade to top of antennas
 - 18. vertical height from grade to top of existing or replacement utility pole
 - 19. vertical height from grade to underside of all equipment supported by utility pole
 - 20. Tree protection measures in accordance with the Village of Glen Ellyn Arboricultural Specifications Manual, Title 4 Chapter 8, and Title 8 Chapter 4 of this code.
 - 21. Provisions for landscaping and site restoration
- (f) Photograph of the existing utility pole and surrounding site taken from the street and facing the nearest residential structures on same side of the street as the utility pole.
- (g) Specifications of all equipment and antennas.
- (h) Structural analysis of existing or replacement pole.
- (i) Coverage gap maps indicating the location of all nearby Communications Facilities, areas of coverage and lack thereof, location of proposed site, location of alternative site(s), number of customers anticipated to be served by the proposed facility versus those served by adjacent facilities and any other information deemed necessary by the Village to prove a need for a facility at the proposed location.
- (j) For existing Communications Facilities, proof that the proposed work does not substantially change the physical dimensions of the facility.

- (E) Applicant's Duty To Update Information: Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the village within thirty (30) days after the change necessitating the amendment.
- (F) Application Fees: Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee based on the existing right of way permit fee schedule. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the electricity infrastructure maintenance fee act. (Ord. 5621, 10-22-2007)

8-6-5: ACTION ON PERMIT APPLICATIONS:

- (A) Village Review Of Permit Applications: Completed permit applications, containing all required documentation, shall be examined by the village director of public works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the village director of public works shall reject such application in writing, stating the reasons therefor. If the village director of public works is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the village director of public works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to

demonstrate, to the satisfaction of the village director of public works, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

(B) Additional Village Review Of Applications Of Telecommunications Retailers:

1. Pursuant to section 4 of the telephone company act, 220 Illinois Compiled Statutes 65/4, a telecommunications retailer shall notify the village that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the village not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The village director of public works shall specify the portion of the right of way upon which the facility may be placed, used and constructed.
2. In the event that the village director of public works fails to provide such specification of location to the telecommunications retailer within either: a) ten (10) days after service of notice to the village by the telecommunications retailer in the case of work not involving excavation for new construction or b) twenty five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
3. Upon the provision of such specification by the village, where a permit is required for work pursuant to section [8-6-4](#) of this chapter the telecommunications retailer shall submit to the village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (A) of this section.

- (C) Additional Village Review Of Applications Of Holders Of State Authorization Under The Cable And Video Competition Law Of 2007:** Applications by a utility that is a holder of a state issued authorization under the cable and video competition law of 2007 shall be deemed granted forty five (45) days after submission to the village, unless otherwise acted upon by the village, provided the holder has complied with applicable village codes, ordinances, and regulations. (Ord. 5621, 10-22-2007)

8-6-6: EFFECT OF PERMIT:

- (A) Authority Granted; No Property Right Or Other Interest Created:** A permit from the village authorizes a permittee to undertake only certain activities in accordance with this chapter on village rights of way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights of way.

- (B) Duration: No permit issued under this chapter shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.
- (C) Preconstruction Meeting Required: No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the village with such village representatives in attendance as the village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights of way by the public during construction, and access and egress by adjacent property owners.
- (D) Compliance With All Laws Required: The issuance of a permit by the village does not excuse the permittee from complying with other requirements of the village and applicable statutes, laws, ordinances, rules, and regulations. (Ord. 5621, 10-22-2007)

8-6-7: REVISED PERMIT DRAWINGS:

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the village within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with section [8-6-21](#) of this chapter. If the village denies the request for a variance, then the permittee shall either remove the facility from the right of way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor. (Ord. 5621, 10-22-2007)

8-6-8: INSURANCE:

- (A) Required Coverages And Limits: Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right of way or constructing any facility in the right of way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in subsections (A)1 and (A)2 of this section:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:

- (a) Five million dollars (\$5,000,000.00) for bodily injury or death to each person;

- (b) Five million dollars (\$5,000,000.00) for property damage resulting from any one accident; and
- (c) Five million dollars (\$5,000,000.00) for all other types of liability;
- 2. Automobile liability for owned, nonowned and hired vehicles with a combined single limit of one million dollars (\$1,000,000.00) for personal injury and property damage for each accident;
- 3. Workers' compensation with statutory limits; and
- 4. Employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(B) Excess Or Umbrella Policies: The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) Copies Required: The utility shall provide copies of any of the policies required by this section to the village within ten (10) days following receipt of a written request therefor from the village.

(D) Maintenance And Renewal Of Required Coverages: The insurance policies required by this section shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village President of such intent to cancel or not to renew.

Within ten (10) days after receipt by the village of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the village evidence of replacement insurance policies meeting the requirements of this section.

(E) Self-Insurance: A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (A) of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection (A) of this section, or the requirements of subsections (B), (C) and (D) of this section. A utility that elects to self-insure shall provide to the village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements

required under subsection (A) of this section, such as evidence that the utility is a "private self-insurer" under the workers' compensation act.

(F) **Effect Of Insurance And Self-Insurance On Utility's Liability:** The legal liability of the utility to the village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies:** All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the state of Illinois. (All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.) (Ord. 5621, 10-22-2007)

8-6-9: INDEMNIFICATION:

By occupying or constructing facilities in the right of way, a utility shall be deemed to agree to defend, indemnify and hold the village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights of way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the village, its officials, officers, employees, agents or representatives. (Ord. 5621, 10-22-2007)

8-6-10: SECURITY:

(A) **Purpose:** The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:

1. The faithful performance by the permittee of all the requirements of this chapter;
2. Any expenditure, damage, or loss incurred by the village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the village issued pursuant to this chapter; and
3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the village must perform itself or have completed as a

consequence solely of the permittee's failure to perform or complete, and all other payments due the village from the permittee pursuant to this chapter or any other applicable law.

(B) Form: The permittee shall provide the security fund to the village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the village, or an unconditional letter of credit in a form acceptable to the village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:

1. Provide that it will not be canceled without prior notice to the village and the permittee;
2. Not require the consent of the permittee prior to the collection by the village of any amounts covered by it; and
3. Shall provide a location convenient to the village and within the state of Illinois at which it can be drawn.

(C) Amount: The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right of way to at least as good a condition as that existing prior to the construction under the permit, as determined by the village director of public works, and may also include reasonable, directly related costs that the village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the village director of public works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.

(D) Withdrawals: The village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

1. Fails to make any payment required to be made by the permittee hereunder;
2. Fails to pay any liens relating to the facilities that are due and unpaid;
3. Fails to reimburse the village for any damages, claims, costs or expenses which the village has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or
4. Fails to comply with any provision of this chapter that the village determines can be remedied by an expenditure of an amount in the security fund.

- (E) Replenishment: Within fourteen (14) days after receipt of written notice from the village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection (C) of this section.
- (F) Interest: The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the village, upon written request for said withdrawal to the village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (C) of this section.
- (G) Closing And Return Of Security Fund: Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the village for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the village to the extent necessary to cover any reasonable costs, loss or damage incurred by the village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- (H) Rights Not Limited: The rights reserved to the village with respect to the security fund are in addition to all other rights of the village, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the village may have. Notwithstanding the foregoing, the village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated. (Ord. 5621, 10-22-2007)

8-6-11: PERMIT SUSPENSION AND REVOCATION:

- (A) Village Right To Revoke Permit: The village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:
1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
 2. Noncompliance with this chapter;
 3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights of way presents a direct or imminent threat to the public health, safety, or welfare; or
 4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) Notice Of Revocation Or Suspension: The village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

(C) Permittee Alternatives Upon Receipt Of Notice Of Revocation Or Suspension: Upon receipt of a written notice of revocation or suspension from the village, the permittee shall have the following options:

1. Immediately provide the village with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the village, the deficiencies stated in the written notice, providing written proof of such correction to the village within five (5) working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights of way and restore the rights of way to the satisfaction of the village providing written proof of such removal to the village within ten (10) days after receipt of the written notice of revocation.

The village may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

(D) Stop Work Order: In addition to the issuance of a notice of revocation or suspension, the village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection (A) of this section.

(E) Failure Or Refusal Of The Permittee To Comply: If the permittee fails to comply with the provisions of subsection (C) of this section, the village or its designee may, at the option of the village: 1) correct the deficiencies; 2) upon not less than twenty (20) days' notice to the permittee, remove the subject facilities or equipment; or 3) after not less than thirty (30) days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the village. The permittee shall be liable in all events to the village for all costs of removal. (Ord. 5621, 10-22-2007)

8-6-12: CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS:

(A) Notification Of Change: A utility shall notify the village no less than thirty (30) days prior to the transfer of ownership of any facility in the right of way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right of way.

- (B) Amended Permit: A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the village's right of way.
- (C) Insurance And Bonding: All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer. (Ord. 5621, 10-22-2007)

8-6-13: GENERAL CONSTRUCTION STANDARDS:

- (A) Standards And Principles: All construction in the right of way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. "Standard Specifications For Road And Bridge Construction";
2. "Supplemental Specifications And Recurring Special Provisions";
3. "Highway Design Manual";
4. "Highway Standards Manual";
5. "Standard Specifications For Traffic Control Items";
6. "Illinois Manual On Uniform Traffic Control Devices" (92 Ill. adm. code section 545);
7. "Flagger's Handbook"; and
8. "Work Site Protection Manual For Daylight Maintenance Operations".

- (B) Interpretation Of Municipal Standards And Principles: If a discrepancy exists between or among differing principles and standards required by this chapter, the village director of public works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the village director of public works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future. (Ord. 5621, 10-22-2007)

(C) Communications Facilities: In addition to all other provisions in this Chapter, Communications Facilities shall be subject to the following requirements:

- a) Ground-mounted equipment, where approved by the Village, shall be screened from view.
- b) Pole-mounted equipment shall be mounted not less than seven (7) feet above grade at the base of the pole.
- c) No portion of any antenna, cabling or equipment shall be mounted over a sidewalk, private driveway or public street.
- d) No equipment cabinet service door shall swing over a sidewalk, private driveway or public street.
- e) No air mechanically discharged from equipment cabinets shall be directed toward a sidewalk or driveway.
- f) The overall dimension of any individual piece of equipment or antenna shall not exceed four (4) feet in any horizontal or vertical dimension.
- g) Size of Antenna: The overall dimensions of any individual antenna, including panel, whip, dish or other configuration, shall not produce a volume of more than three (3) cubic feet.
- h) Size of Equipment: The total combined volume of all above-ground equipment and appurtenances comprising a Communications Facility, exclusive of the antennas themselves, shall not exceed thirty-two (32) cubic feet.
- i) The outer diameter of an imaginary line encircling any antenna array shall not exceed four (4) feet.
- j) The overall height above grade of any component of a Communications Facility shall not exceed the lesser of seven (7) feet higher than the top of the existing utility pole or the maximum permitted principal building or structure height of the zoning district that borders the portion of the public right-of-way in which the Communications Facility will be located.
- k) The overall height of an extended existing utility pole, including antennas or equipment mounted thereto, shall not be greater than seven (7) feet higher than the top of the existing utility pole.
- l) The use of guy wires or other supplemental supports shall not be used to stabilize or strengthen existing utility poles.
- m) The exposed finish of all equipment, antennas and antenna mounting brackets and components shall have a color that blends with the surroundings of the existing utility pole as determined by the Village.
- n) All cabling, conduit and wiring attached to the utility pole shall be covered with an appropriate cover or cable shield.

—k)

8-6-14: TRAFFIC CONTROL:

- (A) **Minimum Requirements:** The village's minimum requirements for traffic protection are contained in IDOT's "Illinois Manual On Uniform Traffic Control Devices" and this code.
- (B) **Warning Signs, Protective Devices, And Flaggers:** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights of way.
- (C) **Interference With Traffic:** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- (D) **Notice When Access Is Blocked:** At least forty eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to section [8-6-20](#) of this chapter the utility shall provide such notice as is practicable under the circumstances.
- (E) **Compliance:** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the village. (Ord. 5621, 10-22-2007)

8-6-15: LOCATION OF FACILITIES:

- (A) **General Requirements:** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.
1. **No Interference With Village Facilities:** No utility facilities shall be placed in any location if the village director of public works determines that the proposed location will require the relocation or displacement of any of the village's utility facilities or will otherwise interfere with the operation or maintenance of any of the village's utility facilities.
 2. **Minimum Interference And Impact:** The proposed location shall cause only the minimum possible interference with the use of the right of way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right of way.
 3. **No Interference With Travel:** No utility facility shall be placed in any location that interferes with the usual travel on such right of way.
 4. **No Limitations On Visibility:** No utility facility shall be placed in any location so as to limit visibility of or by users of the right of way.

5. **Size Of Utility Facilities:** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

6. Additional Requirements for Communications Facilities: In addition to all other provisions in this Chapter, Communications Facilities shall be subject to the following requirements:

- a) No new poles or transmission towers shall be permitted in the public right-of-way for the installation of Communications Facilities. Communications Facilities shall be located on existing utility poles, or replacement poles installed in the same location as the existing pole to be replaced.
- b) If the existing utility pole selected for installation of a Communications Facility does not have any overhead wires attached to it, all new wires and cables required to service the facility shall be routed underground to the utility pole.
- c) No above ground Communications Facility shall be permitted in any public right-of-way that is contiguous to and having a physical border with the front yard or corner side yard of any residential corner lot property.
- d) No Communications Facility shall be installed within three hundred (300) feet of an existing Communications Facility or within three hundred (300) feet of a site specific location for a Communications Facility already issued a building permit by the Village.
- e) No more than one Communications Facility shall be installed on any existing utility pole.
- f) No Communications facility shall be permitted on any existing pole that supports traffic signal lights.
- g) The Village may choose to adjust the location of a Communications Facility based on tree obstructions, location to existing utilities, and pedestrian or traffic safety.
- h) Communications Facility equipment shall not obstruct traffic sight lines as determined by the Village.

(B) Parallel Facilities Located Within Highways:

1. **Overhead Parallel Facilities:** An overhead parallel facility may be located within the right of way lines of a highway only if:

- (a) Lines are located as near as practicable to the right of way line and as nearly parallel to the right of way line as reasonable pole alignment will permit;
- (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (2') (0.6 m) behind the face of the curb, where available;
- (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (4') (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

- (d) No pole is located in the ditch line of a highway; and
 - (e) Any ground mounted appurtenance is located within one foot (1') (0.3 m) of the right of way line or as near as possible to the right of way line.
2. Underground Parallel Facilities: An underground parallel facility may be located within the right of way lines of a highway only if:
- (a) The facility is located as near the right of way line as practicable and not more than eight feet (8') (2.4 m) from and parallel to the right of way line;
 - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - (c) In the case of an underground power or communications line, the facility shall be located as near the right of way line as practicable and not more than five feet (5') (1.5 m) from the right of way line and any above grounded appurtenance shall be located within one foot (1') (0.3 m) of the right of way line or as near as practicable.

(C) Facilities Crossing Highways:

1. No Future Disruption: The construction and design of crossing facilities installed between the ditch lines or curb lines of village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
2. Cattle Passes, Culverts, Or Drainage Facilities: Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
3. Ninety Degree Crossing Required: Crossing facilities shall cross at or as near to a ninety degree (90°) angle to the centerline as practicable.
4. Overhead Power Or Communication Facility: An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "construction of electric power and communication lines" (83 Ill. adm. code 305);
 - (b) Poles are located within one foot (1') (0.3 m) of the right of way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
5. Underground Power Or Communication Facility: An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance free service life; and

(b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

6. Markers: The village may require the utility to provide a marker at each right of way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 CFR section 192.707 (1989)).

(D) Facilities To Be Located Within Particular Rights Of Way: The village may require that facilities be located within particular rights of way that are not highways, rather than within particular highways.

(E) Freestanding Facilities:

1. The village may restrict the location and size of any freestanding facility located within a right of way.
2. The village may require any freestanding facility located within a right of way to be screened from view.

(F) Facilities Installed Aboveground: Aboveground facilities may be installed only if:

1. No other existing facilities in the area are located underground;
2. New underground installation is not technically feasible; and
3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) Facility Attachments To Bridges Or Roadway Structures:

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or

disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

- (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
- (b) The type, length, value, and relative importance of the highway structure in the transportation system;
- (c) The alternative routings available to the utility and their comparative practicability;
- (d) The proposed method of attachment;
- (e) The ability of the structure to bear the increased load of the proposed facility;
- (f) The degree of interference with bridge maintenance and painting;
- (g) The effect on the visual quality of the structure; and
- (h) The public benefit expected from the utility service as compared to the risk involved.

(H) Appearance Standards:

- 1. The village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- 2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right of way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed. (Ord. 5621, 10-22-2007)

8-6-16: CONSTRUCTION METHODS AND MATERIALS:

(A) Standards And Requirements For Particular Types Of Construction Methods:

1. Boring Or Jacking:

- (a) Pits And Shoring: Boring or jacking under rights of way shall be accomplished from pits located at a minimum distance specified by the village director of public works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty eight (48) hours in advance of boring or jacking operations and backfilled within forty eight (48) hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) Wet Boring Or Jetting: Wet boring or jetting shall not be permitted under the roadway.

(c) Borings With Diameters Greater Than Six Inches: Borings over six inches (6") (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (1") (25 mm).

(d) Borings With Diameters Six Inches Or Less: Borings of six inches (6") or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

(e) Tree Preservation: Any facility located within the drip line of any tree designated by the village to be preserved or protected shall be bored under or around the root system.

2. Trenching: Trenching for facility installation, repair, or maintenance on rights of way shall be done in accord with the applicable portions of section 603 of IDOT's "Standard Specifications For Road And Bridge Construction".

(a) Length: The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half ($\frac{1}{2}$) of any intersection may have an open trench at any time unless special permission is obtained from the village director of public works.

(b) Open Trench And Excavated Material: Open trench and windrowed excavated material shall be protected as required by [chapter 6](#) of the "Illinois Manual On Uniform Traffic Control Devices". Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right of way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off road location.

(c) Drip Line Of Trees: The utility shall not trench within the drip line of any tree designated by the village to be preserved.

3. Backfilling:

(a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications For Road And Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

(b) For a period of three (3) years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the director of public works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the director of public works.

4. Pavement Cuts: Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection (A)4 is permitted under section [8-6-21](#) of this chapter, the following requirements shall apply:

(a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the director of public works.

(b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the village.

(c) All saw cuts shall be full depth.

(d) For all rights of way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.

5. Encasement:

(a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one piece fabrication or by welding or jointed installation approved by the village.

(b) The venting, if any, of any encasement shall extend within one foot (1') (0.3 m) of the right of way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

(c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the village. Bell and spigot type pipe shall be encased regardless of installation method.

(d) In the case of gas pipelines of sixty (60) psig or less, encasement may be eliminated.

(e) In the case of gas pipelines or petroleum products pipelines with installations of more than sixty (60) psig, encasement may be eliminated only if: 1) extra heavy pipe is used that precludes future maintenance or repair and 2) cathodic protection of the pipe is provided.

(f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right of way.

6. Minimum Cover Of Underground Facilities: Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type Of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	24 inches (0.6 m, as determined by village)
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

(B) Standards And Requirements For Particular Types Of Facilities:

1. Electric Power Or Communication Lines:

(a) Code Compliance: Electric power or communications facilities within village rights of way shall be constructed, operated, and maintained in conformity with the provisions of 83 Illinois administrative code part 305 (formerly general order 160 of the Illinois commerce commission) entitled "rules for construction of electric power and communication lines", and the national electrical safety code.

(b) Overhead Facilities: Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.

(c) Underground Facilities:

(1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: a) the crossing is installed by the use of "moles", "whip augers", or other approved methods which compress the earth to make the opening for cable installation or b) the installation is by the open trench method which is only permitted prior to roadway construction.

(3) Cable shall be grounded in accordance with the national electrical safety code.

(d) Burial Of Drops: All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the village. Weather permitting, utilities shall bury all temporary drops, excluding snow drops, within ten (10) business days after placement.

2. Underground Facilities Other Than Electric Power Or Communication Lines: Underground facilities other than electric power or communication lines may be installed by:

(a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;

(b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(c) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

(d) Tunneling with vented encasement, but only if installation is not possible by other means.

3. Gas Transmission, Distribution And Service: Gas pipelines within rights of way shall be constructed, maintained, and operated in a village approved manner and in conformance with the federal code of the office of pipeline safety operations, department of transportation, part 192 - transportation of

natural and other gas by pipeline: minimum federal safety standards (49 CFR section 192), IDOT's "Standard Specifications For Road And Bridge Construction", and all other applicable laws, rules, and regulations.

4. **Petroleum Products Pipelines:** Petroleum products pipelines within rights of way shall conform to the applicable sections of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
5. **Water Lines, Sanitary Sewer Lines, Storm Water Sewer Lines Or Drainage Lines:** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights of way shall meet or exceed the recommendations of the current "Standard Specifications For Water And Sewer Main Construction In Illinois".
6. **Ground Mounted Appurtenances:** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right of way, shall be provided with a vegetation free area extending one foot (1') (305 mm) in width beyond the appurtenance in all directions. The vegetation free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the director of public works. With the approval of the director of public works, shrubbery surrounding the appurtenance may be used in place of vegetation free area. The housing for ground mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) Materials:

1. **General Standards:** The materials used in constructing facilities within rights of way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications For Road And Bridge Construction", the requirements of the Illinois commerce commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. **Material Storage On Right Of Way:** No material shall be stored on the right of way without the prior written approval of the village director of public works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right of way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right of way maintenance or damage to the right of way and other property. If material is to be stored on right of way, prior approval must be obtained from the village.
3. **Hazardous Materials:** The plans submitted by the utility to the village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) Operational Restrictions:

1. **Construction operations on rights of way may, at the discretion of the village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right of way or other property.**

2. These restrictions may be waived by the director of public works when emergency work is required to restore vital utility services.
3. Unless otherwise permitted by the village, the hours of construction are those set forth in section [4-1-5](#) of this code.

(E) Location Of Existing Facilities: Any utility proposing to construct facilities in the village shall contact JULIE and ascertain the presence and location of existing aboveground and underground facilities within the rights of way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by JULIE, a utility shall locate and physically mark its underground facilities within forty eight (48) hours, excluding weekends and holidays, in accordance with the Illinois underground facilities damage prevention act¹. (Ord. 5621, 10-22-2007)

8-6-17: VEGETATION CONTROL:

(A) Electric Utilities; Compliance With State Laws And Regulations: An electric utility shall conduct all tree trimming and vegetation control activities in the right of way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the village as permitted by law.

(B) Other Utilities; Tree Trimming Permit Required: Tree trimming that is done by any other utility with facilities in the right of way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.

1. Application For Tree Trimming Permit: Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
2. Damage To Trees: Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) Specimen Trees Or Trees Of Special Significance: The village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) Chemical Use:

1. Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the village for any purpose, including the control of growth, insects or disease.
2. Spraying of any type of brush killing chemicals will not be permitted on rights of way unless the utility demonstrates to the satisfaction of the director of public works that such spraying is the only practicable method of vegetation control. (Ord. 5621, 10-22-2007)

8-6-18: REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES:

(A) Notice: Within ninety (90) days following written notice from the village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights of way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any village improvement in or upon, or the operations of the village in or upon, the rights of way.

(B) Removal Of Unauthorized Facilities: Within thirty (30) days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights of way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights of way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or
4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) Emergency Removal Or Relocation Of Facilities: The village retains the right and privilege to cut or move any facilities located within the rights of way of the village, as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) Abandonment Of Facilities: Upon abandonment of a facility within the rights of way of the village, the utility shall notify the village within ninety (90) days. Following receipt of such notice the village may direct the utility to remove all or any portion of the facility if the village director of public works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person. (Ord. 5621, 10-22-2007)

(E) Relocation of Village utilities: In the event that the Village decides to relocate underground all of the overhead utilities supported by a utility pole upon which a Communications Facility is located, the Licensee of the Communications Facility shall decommission and remove all associated equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the Communications Facility within thirty (30) days written notice from the Village. All utility lines, cables or wiring, or portions thereof that service the affected Communications Facility and will be abandoned due to the decommissioning of the Communications Facility shall be removed by the Licensee of the Communications Facility.

(F) Interference with Public Project Improvements: In the event the Village undertakes a public improvement requiring the moving a utility pole on which a Communications Facility is located, all such relocation work and expenses shall be borne by the utility pole user including, but not limited to the Licensee of the Communications Facility.

8-6-19: CLEANUP AND RESTORATION:

The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights of way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the village director of public works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right of way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the village director of public works for good cause shown. (Ord. 5621, 10-22-2007)

8-6-20: MAINTENANCE AND EMERGENCY MAINTENANCE:

(A) General: Facilities on, over, above, along, upon, under, across, or within rights of way are to be maintained by or for the utility in a manner satisfactory to the village and at the utility's expense.

(B) Emergency Maintenance Procedures: Emergencies may justify noncompliance with normal procedures for securing a permit:

1. If an emergency creates a hazard on the traveled portion of the right of way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right of way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the

traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

2. In an emergency, the utility shall, as soon as possible, notify the village director of public works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the village police shall be notified immediately.
3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) Emergency Repairs: The utility must file in writing with the village a description of the repairs undertaken in the right of way within forty eight (48) hours after an emergency repair. (Ord. 5621, 10-22-2007)

(D) Communications Sites and Facilities including, but not limited to all landscaping, fencing and related transmission equipment shall be maintained in accordance with the approved plans and conditions for approval, and in accordance with the Village's building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety, and structurally sound and in good repair to prevent deterioration of the pole, peeling paint, loose structural or electrical connections or attachments, and unwarranted equipment noise.

(E) Within 30 days of the Communications Facility's first receipt or transmission of communications signals, and annually thereafter, the Licensee of the Communications Facility shall submit to the Village a written report from a consultant approved by the Village of Glen Ellyn which indicates that the level of total electronic transmissions from the Communications Facility does not exceed the maximum permitted electronic transmission exposure limit for general population/uncontrolled permitted by any Federal or State regulatory agency at the time of issuance of the permit. If the total transmission level is found to be in excess of the applicable limits, the Communications Facility Licensee will be required take corrective action within ninety (90) days after receipt of the report.

(F) The Communications Facility Licensee shall remove any graffiti on the facility at the Licensee's sole expense within seventy-two (72) hours of receipt of a written notice to remove the graffiti.

8-6-21: VARIANCES:

- (A) Request For Variance: A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the village director of public works as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority To Grant Variances:** The village director of public works shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

(C) **Conditions For Granting Of Variance:** The village director of public works may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right of way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
2. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions For Granting Of A Variance:** As a condition for authorizing a variance, the village director of public works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

(E) **Right To Appeal:** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the village director of public works under the provisions of this chapter shall have the right to appeal to the village board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the village clerk within thirty (30) days after the date of such order, requirement, decision or determination. The village board shall commence its consideration of the appeal at the board's next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The village board shall timely decide the appeal. (Ord. 5621, 10-22-2007)

8-6-22: PENALTIES:

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this code. There may be times when the village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. (Ord. 5621, 10-22-2007)

8-6-23: ENFORCEMENT:

Nothing in this chapter shall be construed as limiting any additional or further remedies that the village may have for enforcement of this chapter. (Ord. 5621, 10-22-2007)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) 220 ILCS 50/1 et seq.

1-7-1: VILLAGE MANAGER (FORMERLY VILLAGE ADMINISTRATOR):

- (A) **Authorization To Employ Manager; Appointment:** The president and board of trustees are hereby authorized to employ a village manager. Such manager shall be appointed by the president, by and with the advice and consent of the board of trustees.
- (B) **To Be Chief Administrator Of Village:** The village manager, under and subject to the direction of the president and board of trustees, shall be the chief administrator of the village, and shall be responsible to the president and board of trustees for the proper direction of the administrative affairs of the village.
- (C) **Execution Of Administrative Supervision, Control:** The village manager shall execute, on behalf of the board of trustees, its administrative supervision and control of the affairs of the village and its employees.
- (D) **Relationship With Appointed Boards And Commissions:** The village manager shall cooperate with such advisory boards and commissions that the board has and shall create. The manager shall receive direction from the village board.
- (E) **Supervision Over All Departments:** The village manager shall supervise and coordinate the work of all departments of the village and the employees thereof. (Ord. 1900, 10-28-1974; amd. Ord. 5751, 4-27-2009)
- (F) **Appointment Power:** The village manager shall hire and promote all employees necessary for the proper functioning of the village except for those offices, boards or institutions whose appointment is otherwise mandated by state statute. The village manager, subject to the approval of the village board and the president, shall appoint village department heads. (Ord. 2190, 4-25-1977; amd. Ord. 5751, 4-27-2009)
- (G) **Budget Preparation, Adoption:** The village manager, together with the finance director shall prepare budgets and submit such budgets together with his opinions and recommendations covering their important features to the president and board of trustees for their review and approval. Together with the finance director, the village manager shall assume the responsibility for the administration of the budget after its adoption. (Ord. 2118, 8-28-1976; amd. Ord. 5751, 4-27-2009)

- (H) Investigation Of Complaints: The village manager shall receive and have investigated all complaints in relation to matters concerning the administration of the government of the village and the services maintained and provided by the village.
- (I) Recommending Municipal Pay Scale: The village manager shall, in coordination with the department involved, recommend to the president and board of trustees a standard schedule of pay for employee classifications in the service of the village.
- (J) Making General Recommendations: The village manager shall recommend to the president and board of trustees the adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community, or for the improvement of the services rendered by the village when such measures require action by the village board.
- (K) Other Additional Duties: The village manager shall perform such other duties as may be required by the president and board of trustees consistent with law and ordinances of the village.
- (L) Matters Directed To Manager's Attention: All offices and departments shall submit all matters requiring board of trustees' action or attention to the village manager, who shall submit them to the board with recommendations as may be deemed necessary. All department or employee requests by the village board shall be submitted to the village manager and shall receive instruction as to policy and departmental operation from the manager. (Ord. 1900, 10-28-1974; amd. Ord. 5751, 4-27-2009)
- (M) Absence Of Manager, Appointment Of Acting Village Manager: The village manager, at his discretion, shall appoint an acting village manager who shall carry out the functions of the village manager during such time as the village manager is away from the village, or temporarily incapacitated. Upon such appointment, the manager shall promptly notify the village board in writing of the appointment. If the village president should determine that the absence of the village manager will be for such a period to require an appointment of a temporary village manager, the village president may do so and shall thereafter seek the advice and consent of the board of trustees. The acting manager must be an appointed officer or employee of the village. (Ord. 3829, 4-22-1991; amd. Ord. 5751, 4-27-2009)
- (N) Purchase And Sale Or Trade In Of Personal Property: The village manager shall have authority to:

1. Sell or purchase an item of personal property for the village within the scope of the budget approved by the corporate authorities when such item of personal property is either sold or purchased for less than twenty thousand dollars (\$20,000.00);
2. Trade in an item of personal property of the village when the trade in value of such item of personal property is less than twenty thousand dollars (\$20,000.00); and
3. Both trade in and purchase a replacement item of personal property for the village when the trade in value and purchase price, less the value of the trade in, are individually each less than twenty thousand dollars (\$20,000.00). (Ord. 5964, 10-10-2011)

(O) Execute License Agreements:

1. The manager shall have the power to execute license agreements to allow tables and chairs, vestibules, food carts, and other similar structures in the public right of way provided that the village board has previously granted approval of a license agreement for the structure(s) at the location and the village is permitted to terminate the agreement at any time by notifying licensee of its intention at least seven (7) days prior to the termination date. (Ord. 6143, 6-24-2013)
2. The manager shall have the power to execute license agreements to allow Communications Facilities in the public right-of-way subject to the Facility's compliance with Title 8, Chapter 6 of this Code.



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Public Works
Department Head: Julius Hansen
Category: Purchase
Prepared By: Jennifer Brown

SCHEDULED

AGENDA ITEM (ID # 2652)

DOC ID: 2652

Pursuant to Section 1-10-7 of the Village Code, adopt the competitive bidding procedures of the Suburban Tree Consortium, West Central Municipal Conference, of River Grove, Illinois, and approve the Village Manager to execute a contract funding the 2017 annual tree planting program, in an amount not to exceed \$132,500, to be expensed to the General Fund. (Public Works Director Hansen)

Background

The Village's tree planting program is conducted in both the spring and fall of each year. The objective of the program is to plant trees in the parkway where a tree has been removed if the space will provide a good home for the new tree. Village membership to the Suburban Tree Consortium (STC) continues to be an instrumental part of the village tree planting program. Currently 42 municipalities have become members of the Consortium. This is an increase of two additional municipalities from 2016. The benefits of this collaborative effort continues to result in the buying power of economies of scale, high quality trees consistently meeting specifications, and a diverse inventory to choose from. Last year Public Works staff performed a cost comparison between using STC and nurseries outside STC to purchase and plant trees. The results of this comparison showed a significant savings purchasing trees from STC as well as utilizing the services of the STC tree planting contractor, Pugsley and LaHaie.

Subject

The Village continues to recover from the effects of the Emerald Ash Borer (EAB), which resulted in the removal of hundreds of dead Ash trees from the parkway over the last six years. Currently we have 599 locations in the parkway that need to be planted due to tree removals of dead trees comprised of Ash trees as well as other species. (See chart below of past year planted vs. removed) The Village is intending to plant 231 trees this spring as well as an additional 149 trees in the fall. The goal is to plant at least 380 trees in 2017. The cost to plant an average size tree is \$350 thru the STC. This includes purchase and installation costs. As in past years, to help meet planting goals, we continue our "Resident Cost Share Tree Planting Program" whereas citizens can donate \$100 to purchase a tree to be planted in the parkway. The cost share program remains popular with 56 citizens participating in the spring planting season and another 38 are estimated to participate this fall. (Some trees can only be planted in the fall, so resident tree requests determine which planting season their parkway tree gets planted.)

VILLAGE PARKWAY TREES			
YEAR	PLANTED	REMOVED	+/-
1999	253	283	-30

2000	475	288	+187
2001	391	236	+155
2002	317	275	+42
2003	331	330	+1
2004	139	256	-117
2005	140	235	-95
2006	224	353	-129
2007	278	330	-52
2008	296	343	-47
2009	75	266	-191
2010	112	529	-417
2011	274	345	-71
2012	208	658	-450
2013	150	155	-5
2014	330	349	-19
2015	183	400	-217
2016	323	316	+7
TOTAL	4,499	5,947	-1,448

Budget Impact (Include Funding Source)

FY2017 has budgeted \$132,500 for tree replacement in the Forestry Division General Fund.

Strategic Plan Initiative (If Applicable)

The Tree Purchase and Planting Program helps to achieve Strategic Issue V: Infrastructure by replacing trees in the ROW, and Strategic Issue VI: Financial Sustainability by getting grants and donations.

Recommendation

Approve funding as budgeted in the amount of \$132,500 toward the purchase of 380 parkway trees and the cost to plant them in partnership with the Suburban Tree Consortium.

Action Requested

Motion to approve funding of the 2017 annual tree planting program in partnership with the Suburban Tree Consortium, West Central Municipal Conference of River Grove, Illinois, for the not-to-exceed amount of \$132,500, to be expensed to the General Fund (Account No. 143400-521110).



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Public Works
Department Head: Caroline Conlon
Category: Contract
Prepared By: Thomas Topor

SCHEDULED

AGENDA ITEM (ID # 2658)

DOC ID: 2658

Authorize the Village Manager to execute a contract with Thomas Engineering Group, of Lombard, Illinois, in the total fixed price amount of \$84,500, for construction engineering services for the 2017 Kenilworth-Alley Reconstruction Project, to be expensed to the Water, Sanitary Sewer and Capital Projects Funds. (Public Works Director Hansen)

Introduction

Staff is requesting a motion to approve an agreement for professional construction engineering services to Thomas Engineering Group of Lombard, Illinois in the Total Fixed Price amount of \$84,500.00 for the 2017 Kenilworth-Alley Reconstruction Project. The construction contract for this project was awarded to A Lamp Concrete Contractors on March 20 Village Board Meeting.

Background

Project includes reconstruction of Kenilworth Avenue between Greenfield Avenue and Hill Avenue and reconstruction of three alleys; Center Street Alley (Lorraine Road to east end), Annandale -Park Alley (Hillside Avenue to Duane Street), Chidester-Elm Alley (Lincoln Avenue to east end).

Engineering oversight for the project will be provided by a consultant. Responsibilities of the engineer will include conducting the preconstruction conference, general consultations/meetings, review of the project schedule, shop drawing review, spot grade checking, full time construction observation, resident notifications, material testing (using a sub-consultant), pay estimate and change order processing, final inspection and project close-out, record drawing preparation, and rectification of issues that arise during the warranty period.

A Request for Proposal (RFP) for construction engineering services was issued to twelve (12) engineering firms. Six (6) firms submitted proposals which were evaluated by staff based on the evaluation criteria within the RFP including firm information, firm experience, project team qualifications, ability to meet deadlines, completeness of project approach, additional tasks, and a Total Fixed Price and Not-to-Exceed Price.

A summary of the hours and costs in the proposals is as follows:

2017 Kenilworth-Alley Reconstruction Project Summary of Construction Engineering Proposals			
Consultant	Personnel Hours	Total Fixed Price	Not-to-Exceed Price
Thomas	938	\$84,500	\$87,217.32
HLR	718	\$89,084	\$89,084

ERA	834	\$99,460	\$99,460
Rempe-Sharp	1253	\$114,719	\$114,719
Hancock	1248	\$115,000	\$121,820
Baxter & Woodman	1101	\$124,016	\$124,016

Staff identified Thomas Engineering Group's (TEG) submittal as the most responsive and responsible proposal based on the evaluation factors in the RFP. TEG provided satisfactory construction engineering services for the Village in 2014 on the Lambert Road/IL Route 38 (Roosevelt Road) intersection and widening project. The firm also has experience in working with A Lamp Concrete Contractors, most recently on a roadway reconstruction project with the Village of Deerfield.

Budget Impact

The CY-17 Budget allocates \$120,500 for the assignment in the Water, Sanitary Sewer, and Capital Projects Funds with the requested amounts shown in the following table.

2017 Kenilworth-Alley Reconstruction Recommended Funding For Construction Engineering Services		
Funding Source (CY-17)	Account No.	Requested Amount
Water Fund	50100-580100-16009	\$14,365
Sanitary Sewer Fund	50200-580100-16009	\$14,365
Capital Projects Fund	40000-580160-16009	\$55,770
TOTAL		\$84,500

Strategic Plan Initiative

The project fulfills the following Village of Glen Ellyn Strategic Initiatives and Goals:

Strategic Issue V: INFRASTRUCTURE. Invest in infrastructure to meet key needs, including downtown access, Village facilities, storm water issues and technology improvement

Recommendation

Engineering staff recommends the Village Board of Trustees make the following motions at the April 10, 2017 Village Board Meeting:

1. Motion to authorize the Village Manager to execute a contract with Thomas Engineering Group of Lombard, Illinois in the Total Fixed Price amount of \$84,500.00, for construction engineering services for the 2017 Kenilworth-Alley Reconstruction Project, to be expensed to the Water, Sanitary Sewer and Capital Projects Funds.

Engineering staff will be present at the April, 10 2017 Village Board of Trustees Meeting to make a presentation summarizing this memorandum and to answer any questions.



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Police
Department Head: Phil Norton
Category: Budget
Prepared By: Phil Norton

SCHEDULED

AGENDA ITEM (ID # 2651)

DOC ID: 2651

**Approve the Police Department's annual contribution to the Glen Ellyn Youth and Family Counseling Service (GEYFCS), in the amount of \$25,000, to be expensed to the General Fund - Police.
(Chief Norton)**

Background

The Glen Ellyn Youth and Family Counseling Services has long acted as a social services provider for Glen Ellyn residents. For many years, the Village provided funding for GEYFCS through the Community Grants program. In order to obtain funding, various groups applied and then made presentations to the Village Board at a special workshop meeting dedicated for this purpose. Over time, some groups emerged as valuable community resources whose existence benefited the community as a whole, and whose funding was seen as automatic due to their good works. In 2011, the Village Board decided some groups would be exempt from the annual Grant Program process and placed the funding within the Village Budget.

The Police Department refers many students and families to GEYFCS during the course of the year. GEYFCS provides counseling for families and individuals and does so, on an affordable cost scale so that all are able to benefit. In other municipalities, such social services are provided by paid staff at a much higher cost. The annual contribution by the Village has been \$25,000.

Issues

These funds have been provided for in the 2017 Police Department budget and approved by the Village Board.

Recommendation

Staff recommends Board approval endorse this expenditure in the amount of \$25,000.

Attachments

1. Glen Ellyn Youth and Family Counseling Service.

ATTACHMENTS:

- Village Funding Justification of Resources 2017 (PDF)



535 Forest Avenue, Glen Ellyn, IL 60137 ▪ 630-469-3040 ▪ www.geyfcs.org

January 24, 2017

Chief Norton
Glen Ellyn Police Department
535 Duane St.
Glen Ellyn, IL 60137

Dear Chief Norton,

The Glen Ellyn Youth and Family Counseling Service (GEYFCS) is a Glen Ellyn based mental health service. Our mission statement directs: "The primary mission of the GEYFCS shall be to promote the mental health and well-being of youth, families, and the larger Glen Ellyn community through the provision of professional counseling services and community based support and education. *No individual, family or group shall be denied services based on an inability to pay.*" Our office is located in the First Congregational Church of Glen Ellyn, although not affiliated.

The GEYFCS is pleased to provide mental health referral support and service access to the Glen Ellyn Police Department. Our service area maintains a local focus that includes all Village of Glen Ellyn residents and residents of surrounding communities that have a child who attends or would attend a Glen Ellyn based school. For our most recently ended fiscal year 2016, 65% of our recipients were residents of Glen Ellyn.

In a unique partnership, the GEYFCS Director sits on the Pupil Personnel Services teams of both Glenbard West and Glenbard South High Schools and attends each school's regular Pupil Personnel Services team meetings including deans, counselors, social workers, nurses and the GEPD liaison officer at GWHS. As a direct consequence of this partnership, the referral and linkage of at-risk and high-risk youth and families, particularly those identified as lacking the necessary resources to enter recommended treatment, is expedited. In the context of this relationship, the majority of our referrals are received from GWHS and GSHS.

For the time period of April 1, 2011- January 23, 2017, we received 216 referrals from Glenbard South, 161 referrals from Glenbard West and 18 referrals from the Glen Ellyn Police Department. For our most recent fiscal year which ended April 30, 2016, 47% of all referrals were received from five Glen Ellyn schools including Glenbard West, Glenbard South, Glen Crest Middle School, Hadley Jr. High School and Lincoln Elementary. Referrals of Glen Ellyn residents have also been received from local hospitals and churches, the DuPage County Courts, DuPage County Health Department, and DCFS among others. Five to ten percent of our referrals come from Glen Ellyn residents who have utilized the service and provide our referral information directly to friends, family or neighbors. For our fiscal year ending April 30, 2016, we served 50 cases, which included 120 recipients and we delivered 401 counseling hours of service. Seventy-one percent of counseling services were delivered to individuals, youth and families with incomes at or below 200% of the Federal Poverty Level (FPL) and 78% of these families included youth under the age of 18 and/or minorities.

I hope this provides the information you requested. Please contact me directly if anything further is needed.

Respectfully submitted,

A handwritten signature in black ink that reads "Deanna Filkins, LCSW". The signature is written in a cursive, flowing style.

Deanna Filkins, LCSW
Executive Director- GEYFCS



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/10/17 07:00 PM
Department: Finance
Department Head: Christina Coyle
Category: Ordinance
Prepared By: Christina Coyle

SCHEDULED

ORDINANCE 6495

DOC ID: 2653

Ordinance No. 6495-VC, An Ordinance to Amend Section 5-3-2 of the Village Code Regarding Fire Services Fees.

Executive Summary

On December 9, 2013, the Village Board approved a monthly fee for Glen Ellyn residents and businesses in order to fund the Glen Ellyn Volunteer Fire Company (GEVFC) and maintain a path of financial sustainability. Given the operational, capital and facility needs of the Company and how the long-standing donation program was not keeping up with those needs, the Village Board instituted this new fee that went into effect May 1, 2014. In addition, the donation program was no longer deemed a fair and equitable approach to funding an essential service like fire and emergency response when only 20% of the properties were participating.

The current fire service fee ranges from \$3 per month to \$40 per month, depending on the type of home or size of commercial property. The current fees are as follows:

<u><i>Type of Property</i></u>	<u><i>Monthly Fee</i></u>	<u><i>Annual Fee</i></u>
Residential	\$7.50	\$90.00
Multi-Family Residential per unit	\$3.00	\$36.00
Commercial under 20,000 sq. ft.	\$8.00	\$96.00
Commercial 20,000 to 40,000 sq. ft.	\$20.00	\$240.00
Commercial over 40,000 sq. ft.	\$40.00	\$480.00

Implementation of the monthly fee was necessary to keep up with operational, training and administrative requirements as well as fund some of the future equipment needs of the Glen Ellyn Volunteer Fire Company. At that time, the rate was set relatively low compared to all the needs of the Fire Company, specifically the lack of capital dollars to meet the facility needs and all equipment needs. In addition, the Village was not able to assess a fee in the area east of 355 and north of Roosevelt Rd. since this area is served by the Village of Lombard.

Therefore, our revenue projections were not met. After assessing the long term needs of the Fire Company, as well as the Village's needs to find a capital revenue stream to meet future facility needs of the Fire Company, an adjustment to the fee is necessary. Staff is recommending increasing the fee as follows:

<u><i>Type of Property Monthly Fee</i></u>	<u><i>Annual Fee</i></u>	
Residential	\$15.00	\$180.00
Multi-Family Residential per unit	\$6.00	\$72.00
Commercial under 20,000 sq. ft.	\$16.00	\$192.00
Commercial 20,000 to 40,000 sq. ft.	\$40.00	\$480.00
Commercial over 40,000 sq. ft.	\$80.00	\$960.00

The increase in the fee will be restricted for capital purposes. It will also be separately listed on the Village Services Bill as a capital item.

Background

The Village and Fire Company have had a strong and symbiotic relationship for decades as both agencies have worked collaboratively to provide vital services to the community. This long standing affiliation was formalized through an Intergovernmental Agreement (IGA) in 2014 in conjunction with the approval of the Fire Service Fee. In addition to this funding, the Village supports the Volunteer Fire Company in a number of ways. The Village owns and maintains two fire stations, maintains the Fire fleet and assists in coordinating a replacement schedule, as well as provides IT, HR, and some accounting/financial assistance. The Village also pays for dispatch services through DuComm and assists the overall management of EMS services through a Village contract with Metro. These life safety responsibilities are critical functions for all municipalities, so the Village and Fire Company have and will continue to work closely to provide emergency services through the volunteer model that has saved the Village and Village taxpayers millions of dollars annually.

To that point, in 2013, the Village completed a statistical comparison of Glen Ellyn to nine other comparable communities in the area. This analysis resulted in the 2013 Financial Scorecard which provided some insight as to how the GEVFC benefits the entire Glen Ellyn community. According to the study, the Volunteer Fire Company saves the Village over \$3M per year by using the volunteer model. In addition, Glen Ellyn has the lowest amount of unfunded pensions in the sample group on a per capita basis, which is a direct result of not having a career fire department which creates additional pension liabilities. These benefits are substantial, but do not tell the entire story. The GEVFC is an ISO 3-rated department, which has provided emergency services for this community for over 100 years and oversees and supports EMS services that are provided on a contractual basis. Currently there are over 60 Volunteers that continue to provide this critical service to the community for \$1 per year.

Subject

Attached are updated long term forecasts of fire service revenues and expenditures. The Village currently collects approximately \$800,000 from the fire service fee, yet the costs of just operating the Fire Company is \$700,000 annually, and will be increasing as operating costs continue to rise. Therefore, the flat rate will eventually only be able to pay for operating expenses (projected in 2022), leaving very limited resources for equipment and facility needs. This is insufficient to sustain the Fire Company.

In addition, capital costs continue to escalate. The attached forecast recommends \$400K contribution for equipment annually, and recommends an estimated \$750K contribution for facilities annually.

The Fleet Replacement Schedule identifies a plan to fund the needs of the Fire Company and sets a path towards sustainability. The Village and Fire Company purchased two new engines this year for just under \$1M, but that purchase depleted all Fire Company equipment funds. The next major replacement is the ladder truck that estimated to cost \$1.2M is on the agenda for this meeting. Maintaining a stable fleet replacement reserve and schedule is a key component of sustaining the Fire Company.

Lastly, both Fire Stations are over 40 years old, and due to age, there is growing need for major improvements. The Village and Fire Company plan to complete a Space Needs Study in 2017 to determine what improvements are needed in the two fire stations. Most critical is an evaluation of Fire Station #1 which will determine the need to fund a renovation or new station, possibly at a new location, within the next 10 years. At Station #2, the Fire Company is in need of additional parking and some bay improvements. Given the need of a major renovation or new station for Station #1 and improvements to Station #2, establishing an annual contribution now to build some reserves for these needs over the next 10 to 20 years is good financial planning.

By increasing the rate to generate approximately \$1.6M annually, the short and long term needs of the Fire Company would begin to be met. This would require an increase to the residential rate to \$15/month, and larger commercial rate increase to \$80/month. By establishing this more realistic rate to pay for critical fire and emergency services, the Village would be able to sustain the Fire Company and safeguard the Volunteer model of service delivery. In short, the proposed rate will make up for the following shortcomings with the initial rate:

- Dedicated capital revenue would allow initial fee to be dedicated to operating costs and make up for the loss in revenue \$70K that was expected from the area east of 355 and meet operational cost increases anticipated in the future
- Meet the expected costs of fleet and equipment (initial Fee was not projected to meet this need)
- Begin to generate funds to meet some of the facility needs of both fire stations (initial fee was not projected to meet these needs)

Strategic Plan Initiative

FINANCIAL SUSTAINABILITY. Grow revenue and focus spending in line with anticipated resources to meet the highest priority needs and maintain the Village's AAA bond rating. **Action Step:** Develop short and long term strategies to sustain the Volunteer Fire Company model by October 1, 2016.

Action Requested

Motion to approve an Ordinance to Amend Section 5-3-2 of the Village Code Regarding Fire Services Fees to establish a dedicated capital fee on the Village Services Fund.

Ordinance No. _____ - VC**An Ordinance to Amend Section 5-3-2 of the Village Code of the
Village of Glen Ellyn, Illinois, Regarding Fire Service Fees**

Whereas, the Glen Ellyn Volunteer Fire Company has provided excellent fire service to the community for more than 100 years; and

Whereas, the Village of Glen Ellyn deemed it in the best interest of the Village to provide an ongoing funding program to sustain the Glen Ellyn Volunteer Fire Company and instituted a Fire Services Fee in 2014; and

Whereas, the Village of Glen Ellyn, through the assistance of the Glen Ellyn Volunteer Fire Company has developed a long-range facility and fleet replacement plan which identifies capital expenditures which are needed to ensure continued reliable service for Village residents; and

Whereas, there is insufficient revenue from the current fire service fees paid by the customers of Glen Ellyn Volunteer Fire Company to provide for the facility and fleet replacement needs required; and

Whereas, an increase in the fire services fee will provide the funding needed to meet the fleet and facility needs; and

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: Section 5-3-2 of the Glen Ellyn Village Code is hereby deleted in its entirety and replaced with the following:

5-3-2: FEES: Effective October 1, 2017, or as soon as practical thereafter the fire department service fees shall be as follows:

(A): Fire Service Fee:

Fire Service Fee	
Residential	\$7.50 per month
Multi-family residential	\$3.00 per unit per month
Government	No Charge
Commercial under 20,000 square feet	\$8.00 per month
Commercial 20,000 to 40,000 square feet	\$20.00 per month
Commercial over 40,000 square feet	\$40.00 per month

The Fire Service fee imposed or assessed shall be used by the Village for the exclusive purpose of supporting the operations or capital needs of the Glen Ellyn Volunteer Fire Company.

(B): Fire Service Fee - Capital:

Fire Service Fee - Capital	
Residential	\$7.50 per month
Multi-family residential	\$3.00 per unit per month
Government	No Charge
Commercial under 20,000 square feet	\$8.00 per month
Commercial 20,000 to 40,000 square feet	\$20.00 per month
Commercial over 40,000 square feet	\$40.00 per month

The Capital Fire Service Fee imposed or assessed shall be used by the Village for the exclusive purpose of supporting the capital needs of the Glen Ellyn Volunteer Fire Company.

Ordinance 6495

Meeting of April 10, 2017

Section Two: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Three: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2017.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2017.

Village President of the Village of
Glen Ellyn, Illinois

ATTEST:

Ordinance 6495

Meeting of April 10, 2017

Village Clerk of the Village of
Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 2017.)

ATTACHMENTS:

- GEVFC-Ten Year Forecast-2017-04-02 (PDF)

Village of Glen Ellyn Volunteer Fire Company
Village Financial Support Summary

Item	CY17	CY18	CY19	CY20	CY21	CY22	CY23	CY24	CY25	CY26	Total
<u>Village Revenues</u>											
Fire SSA-1% increase annually	\$ 151,500	\$ 153,015	\$ 154,545	\$ 156,091	\$ 157,652	\$ 159,228	\$ 160,820	\$ 162,429	\$ 164,053	\$ 165,693	
Fire Service Fee-Flat Rate (1)	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	\$ 1,606,000	
Total	\$ 1,757,500	\$ 1,759,015	\$ 1,760,545	\$ 1,762,091	\$ 1,763,652	\$ 1,765,228	\$ 1,766,820	\$ 1,768,429	\$ 1,770,053	\$ 1,771,693	
<u>Fire Company Expenditures</u>											
Operations(2)	\$ 700,000	\$ 721,000	\$ 742,630	\$ 764,909	\$ 787,856	\$ 811,492	\$ 835,837	\$ 860,912	\$ 886,739	\$ 913,341	
Capital-Equipment	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	
Capital-Facilities (4)	\$ 746,882	\$ 746,882	\$ 746,882	\$ 746,882	\$ 746,882	\$ 746,882	\$ 746,882	\$ 746,882	\$ 746,882	\$ 746,882	
Total	\$ 1,846,882	\$ 1,867,882	\$ 1,889,512	\$ 1,911,790	\$ 1,934,738	\$ 1,958,373	\$ 1,982,718	\$ 2,007,793	\$ 2,033,621	\$ 2,060,223	
Overall Shortfall (Rev/Exp)	\$ (89,382)	\$ (108,867)	\$ (128,966)	\$ (149,700)	\$ (171,086)	\$ (193,145)	\$ (215,898)	\$ (239,365)	\$ (263,568)	\$ (288,529)	\$ (1,848,505)

(1) Currently a flat rate generating \$803,000 annually. Need approximately \$1.6 to meet operating and capital needs

(2) Assumes a 3% increase annually

(3) Equipment Replacement \$400K annually, to cover all fleet purchases

(4) Annual contribution of \$746,882 to fund capital facility costs. Assumes Improvements to Station #2=\$1M in CY19 and Improvements to Station #1=\$12M in CY25