

**Agenda**  
**Village of Glen Ellyn Board Workshop**  
**Monday, April 18, 2011**  
**Immediately Following the Special Board Meeting**  
**Galligan Board Room**  
**Glen Ellyn Civic Center**

1. Call to Order
  
2. Tax Increment Financing District Consultant Services Proposal – Ehlers **(Pages 2-32)**
  
3. Tree Preservation Ordinance Discussion – Staci Hulseberg, Planning and Development Director **(Pages 33-79)**
  
4. Other Items?
  
5. Adjournment



**MEMORANDUM**

**TO:** Village President and Board of Trustees  
**FROM:** Kristen Schrader, Assistant to the Village Manager – ADM *KS*  
**DATE:** April 12, 2011  
**SUBJECT:** Tax Increment Financing District – Proposal for Next Steps

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**Background**

The recently completed Tax Increment Financing (TIF) District Feasibility Study by Ehlers & Associates indicated that the Village's Central Business District is eligible to be designated a TIF District. As a result, the Village requested that Ehlers provide an updated proposal for the next phases of the TIF District designation process. Ehlers recently submitted to the Village this updated proposal and it was reviewed and accepted by the Selection Team. The updated proposal is consistent with the proposal submitted by Ehlers on August 31, 2010 for the feasibility study.

Maureen Barry of Ehlers will present a summary of this proposal at the Village Board Workshop on Monday, April 18 and will also be available to answer any additional questions on the proposal and the TIF designation process in general. Funding for the additional steps of the study (\$21,000) is provided for in the draft FY 11/12 Village Budget – Economic Development, which is attached. Additionally, all surrounding taxing districts have again been invited to the Workshop and have been encouraged to participate in process.

If the Board is interested in moving forward with the TIF District Designation, next steps for the process include the drafting of a TIF Redevelopment Project and Plan document that would incorporate the eligibility findings of this report, formally presented as the TIF Eligibility Study. The TIF Plan and Eligibility Study would serve as the evidence and planning documents to be reviewed and presented to the taxing districts at a Joint Review Board meeting and to the public and other interested parties at a formal public hearing. Also necessary would be a Housing Impact Statement along with an additional public hearing. The compilation of all of these steps would require approximately five to six months as provided by the TIF Act. All of these steps are provided for in the TIF Consulting Services Proposal.

**Action Requested**

The Selection Team is recommending that the Village Board move forward with designating the Central Business District a TIF District and contract with Ehlers for this work. The recommendation to continue with Ehlers is based upon their satisfactory performance for the Feasibility Study, as well as for continuity of the TIF designation process. If the Consultant Services Proposal is acceptable to the Village Board, it can be approved at the Village Board Meeting on April 25, 2011.

**Recommendation**

The Selection Team recommends working towards the designation of the downtown as a TIF District, and award of a contract to Ehlers and Associates for Tax Increment Financing District Consultant Services at the April 25, 2011 Village Board Meeting.

**Attachments**

- TIF Consultant Services Proposal – Ehlers & Associates
- Draft Economic Development Budget and Footnotes

**CC:** Terry Burghard, Interim Village Manager  
Staci Hulseberg, Planning and Development Director  
Larry Noller, Interim Finance Director  
Michele Stegall, Village Planner

April 12, 2011

**Proposal for Tax Increment Financing  
Consulting Services**

**Village of Glen Ellyn, Illinois**

**Contact:**

Maureen Barry, Financial Advisor

Phone: 630-271-3341

Email: [mbarry@ehlers-inc.com](mailto:mbarry@ehlers-inc.com)

**Team Members:**

Nancy Hill, Financial Advisor

Brad Townsend, Financial Advisor

Mindy Barrett, TIF Coordinator

# Proposal for Tax Increment Financing Consulting Services

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# Proposal for Tax Increment Financing Consulting Services

The following proposal is provided by Ehlers & Associates, Inc. (Ehlers) in response to a request from the Village of Glen Ellyn. This proposal addresses the remaining services to be performed in the process of developing, qualifying, and adopting a TIF District following the completion of a Feasibility Analysis of the Central Business District by Ehlers in March 2011.

## Background

The Village of Glen Ellyn issued a Request for Proposals (RFP) in July 2010, which related the Village's interest in seeking proposals from qualified firms to evaluate the potential planning and designation of a Tax Increment Financing (TIF) District, in accordance with the Illinois Tax Increment Allocation Redevelopment Act, to promote the redevelopment and revitalization of the downtown area. The Village subsequently selected Ehlers to conduct this evaluation.

The July 2010 RFP requested services typically conducted in what Ehlers refers to as "Phase I" of our comprehensive process for developing, qualifying and adopting a TIF. Those services primarily concerned the evaluation of whether the area defined as the Central Business District Study Area would be eligible for designation as a redevelopment project area under the Illinois Tax Increment Allocation Redevelopment Act (the "TIF Act").

Ehlers concluded that the Central Business District in downtown Glen Ellyn would be eligible for designation as a redevelopment project area under the TIF Act as a Blighted Area for improved land and for vacant land and as a Conservation Area for improved land.

Therefore, this proposal includes information regarding the tasks, time frames, and costs of the remaining work to be completed, referred to herein as "Phases II, III and IV", to develop, qualify and adopt a TIF in the Central Business District of Glen Ellyn.

## Our Firm

The staff at Ehlers has had the pleasure of providing service to local governments in the Midwest since 1955. Sixty-seven professionals serve clients in Illinois, Minnesota and Wisconsin. These include eight professionals at the Lisle, Illinois office.

The key characteristic of Ehlers is “independence.” Ehlers is an *independent* public finance advisory firm. Our only business is serving local governments. Ehlers is a charter member of the National Association of Independent Public Finance Advisors (NAIPFA).

For over 50 years, Ehlers has been committed to a fiduciary relationship with our clients. This essentially means that we serve *only* your community’s best interests in any financial transaction – not the best interests of investors, underwriters, or banks.

As of October 1, 2010 all Municipal Financial Advisors are now regulated by the Municipal Securities Rulemaking Board (MSRB) and the Securities Exchange Commission (SEC) as Municipal Advisors (MA) and must act in a “Fiduciary Duty” to issuers. Ehlers has registered and complied with the Dodd Frank Act.

At Ehlers, all employees have ownership in the company and take ownership in serving clients. Ownership sets the tone for the operation of the firm and the nature of the services you receive. All-employee ownership at Ehlers means:

- Every Ehlers employee has a vested interest in providing the best possible service.
- Our focus is on the long-term success of our clients, not solely on short-term profit and return on investment.

## Scope of Services

Ehlers will provide the following services to the Village of Glen Ellyn, referred to herein as “Phases II, III and IV”, to complete the process of developing, qualifying and adopting a TIF in the Central Business District of Glen Ellyn.

All services will be performed in conjunction with designated staff of the Village and the community’s designated TIF attorney. Ehlers will provide any sample documents to the TIF attorney as requested. All attorney expenses are to be assumed by the Village.

## Phase II - Prepare Eligibility Report and Redevelopment Plan

### Task 201: Prepare Eligibility Report

- Confirm Project Area Boundary. The Village will confirm the PIN’s to be included in the Project Area Boundary. The recommended Project Area boundaries shall factor in the public infrastructure needs of the Village and redevelopment projects recommended in the Village’s Downtown Strategic Plan.
- Prepare the required Eligibility Report documenting the findings according to the Illinois Tax Increment Law. The report will describe the findings of the survey and analysis of project eligibility. (Information used in the preparation of the Feasibility Analysis will be confirmed and/or updated as necessary for use within the Eligibility Report.)

### Task 202: Prepare Redevelopment Plan

- Prepare Project Redevelopment Goals and Objectives for the TIF Plan in conjunction with the Village Comprehensive Plan (and other relevant documents, such as the Downtown Strategic Plan).
- Develop revenue estimates, program costs, and plan budget.
- Prepare legal findings and certifications under the law.
- Project EAV and Tax Increment for the Redevelopment Project Area for Redevelopment Plan purposes.
- Prepare the required Redevelopment Plan.

### Task 203: Meetings

- An initial meeting with Village staff members to review boundaries, issues to be addressed within the Eligibility Report and Redevelopment Plan, and any additional information requirements.

The Village will provide the Legal Description for the boundary of the proposed Redevelopment Project Area.

Fee for Phase II - Prepare Project Eligibility Report and Redevelopment Plan \$9,000

## Phase III - Adoption of Project

### Task 301: Initiate the Adoption Process.

- Confer with the Village and TIF Attorney on the adoption timeline, including the required Interested Parties Registry.
- Reports prepared as part of Tasks 201 and 202 above will be refined as necessary and prepared in final form for delivery to the Village. An electronic version of the documents and twenty-five (25) copies will be provided for mailing with the Joint Review Board (JRB) Meeting and public hearing notices (see Task 302 below).

### Task 302: Meetings

- Attend and make presentations at meeting with representatives of local taxing districts (the Joint Review Board) to review the eligibility and scope of the proposed redevelopment project and other such information necessary to enable the Joint Review Board to fulfill its purpose in accordance with the TIF Act.
- Attend and make presentations at public hearing on the proposed Redevelopment Project and Plan.
- Provide project plan amendments, if required as a result of the Joint Review Board or public participation process and agreed to by the Village.
- Attend at least one, but not more than three, additional progress meeting(s) to be scheduled at the discretion of the Village staff.

### Task 303: Village Action on TIF Ordinances

- Upon adoption by the Village of Glen Ellyn, assist the community in submitting all forms and data, based on information in the report to the County Clerk to determine the most recent Equalized Assessed Value of each parcel or the frozen base for the base value for the TIF District.

The Village will be responsible for all notifications to the public, residents and property owners, and required publications. Ehlers will furnish sample copies of notices and advertisements.

Fee for Phase III - Adoption of Project:

\$2,000

## Phase IV - Prepare Housing Impact Statement

The Feasibility Analysis determined that there will be ten or more occupied residential units that may need to be relocated and/or seventy-five or more occupied residential units in the redevelopment project area as proposed. Therefore, according to the TIF Act, a Housing Impact Statement will need to be prepared. Ehlers will:

- Prepare a Feasibility Study (as defined within the TIF Act) and Housing Impact Study, in accordance with the law, to include the following: number of residents, number of residents to be relocated, number of low and moderate income residents, and a Relocation Plan.
- Attend and make presentation at a community meeting (a public information meeting is required).

Fee for Phase IV – Preparation of Housing Impact Statement/Feasibility Study: \$10,000

## Project Time Line

The proposed time frame for each phase of the overall TIF process is presented below.

|           |                                                                                                                            |                |
|-----------|----------------------------------------------------------------------------------------------------------------------------|----------------|
| Phase II  | Prepare Eligibility Report and Redevelopment Plan                                                                          | 4 to 6 weeks   |
| Phase III | Adoption of Project                                                                                                        | 90 to 120 days |
| Phase IV  | Prepare Housing Impact Statement / Feasibility Study<br><i>(Phase IV is performed in conjunction with Phases II – III)</i> |                |

Some contingency times have been included in the time frames. However, adherence to the above time frames for each phase is dependent on property tax assessment challenges, timely provision of information and documents from DuPage County and the Village, as well as timely authorization to proceed with each successive phase.

## Project Pricing

The Scope of Services will be completed for the costs provided below, which includes all time, materials and expenses. Invoices will be submitted to the Village at the completion of each Phase and are payable upon receipt.

|                                                                 |                 |
|-----------------------------------------------------------------|-----------------|
| Phase II - Prepare Eligibility Report and Redevelopment Plan    | \$9,000         |
| Phase III - Adoption of Project                                 | \$2,000         |
| Phase IV - Prepare Housing Impact Statement / Feasibility Study | <u>\$10,000</u> |
| Total for Phases II - IV                                        | \$21,000        |

While the costs above include all anticipated services relative to this proposal, any additional service requested or required outside of the Scope of Services (see pages 13-14 for more information) will be submitted to the Village for authorization prior to its completion and will be subject to hourly billing rates of \$195.00 per hour, or on a flat fee basis as appropriate.

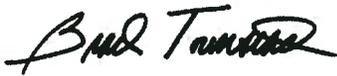
## Duties of the Village

The Village will be responsible for the legal description, and publication and mailing of all notices related to the adoption process.

The Village will authorize and direct its administration, attorneys, bond counsel, accountants, engineers, architects, actuaries, and other consultants to prepare and furnish such information as may be reasonably necessary for Ehlers to carry out its duties and obligations, all at no cost to Ehlers.

## Agreement

This proposal is respectfully submitted by authorized representatives of Ehlers & Associates, Inc.:



Bradford J. Townsend  
Executive Vice President / Financial Advisor



Maureen Barry  
Financial Advisor

The Village of Glen Ellyn, Illinois hereby accepts the above Proposal for Tax Increment Financing Consulting Services with respect to the remaining services needed for the development, qualification and adoption of a TIF District (Phases II, III and IV) in the Central Business District by its authorized officers, this \_\_\_\_ day of \_\_\_\_\_, 2011.

Attest: \_\_\_\_\_ By: \_\_\_\_\_

Please send a copy of the agreement page with original signature to:

Ehlers & Associates, Inc.  
550 Warrenville Road, Ste. 220  
Lisle, Illinois 60532

## Project Team

The Ehlers TIF and economic development team is experienced in all aspects of TIF and public sector funding analysis and strategies. Ehlers' staff has worked in municipal management, administration, and financial management, school district administration, regional planning, economic development, and state legislative support. We serve as advisors to many Illinois local governments, including the Village of Tinley Park, Village of Lemont, Village of Wheeling, Village of Lake Zurich, the Village of Matteson, and the Village of Mokena.

Ehlers uses a team approach. One financial advisor will have primary responsibility for our work with the Village and will be assisted by several other financial advisors and research analysts. This approach affixes responsibility and assures continuity of service for the client from the time the proposal is submitted through any follow-up work. Additionally, it allows a better match of Ehlers' staff expertise and experience to the particular needs of the Village.

Maureen Barry, Financial Advisor, will serve as lead advisor for the Village. Maureen joined Ehlers in January 2008 and has assisted Ehlers' clients in various TIF related projects for the Village of Tinley Park, Village of Wheeling, City of Macomb, Village of Pecatonica, the City of Marengo, Village of Lemont and the Village of Lake Zurich, among others.

Nancy Hill, Financial Advisor, will serve as the second advisor for the Village. Nancy joined Ehlers in February 2008 and has provided her expertise to Ehlers' clients on TIF projects in the Village of Lemont, Village of Tinley Park, Village of Matteson, Village of Oakwood, Village of Glenwood, City of Watseka, and others.

Brad Townsend, Executive Vice President/Financial Advisor, will serve as part of the TIF and economic development team to provide quality control assistance and other expertise as needed.

Mindy Barrett will serve as TIF Coordinator. Mindy joined Ehlers in 2006 and has provided support to the Ehlers TIF team for hundreds of projects.

In addition, the Ehlers Project Team will use expertise and resources from our other offices if needed, to meet the needs of the Village. Resumes for Maureen Barry, Nancy Hill, and Brad Townsend are included as **Appendix 1**.

These team members will be available to provide timely service to the Village with respect to the services included in this proposal, consistent with the Project Time Line provided on page 5.

# Ehlers TIF Experience

The Ehlers Illinois Team has worked successfully throughout Illinois for over 10 years to accomplish development and redevelopment goals through the use of TIF. We will help the Village assess whether TIF makes legal, financial, and political sense in your community. Ehlers has helped communities use TIF to upgrade and improve infrastructure; revitalize deteriorated or outmoded commercial areas; attract development to improve job opportunities and the local economy; rehabilitate neighborhoods; and bring new development to areas that are impaired by market or physical constraints, such as environmental contamination or chronic flooding.

Ehlers provides expertise and a range of professional consulting services to assist the Village in successfully navigating through the complexities of TIF and TIF law. The following summaries describe how Ehlers has recently served other Illinois communities. These examples share similarities in scope to the Village of Glen Ellyn's proposed TIF District.

For a complete list of references, see **Appendix 2**. Additional information on the firm is enclosed as **Appendix 3**.

## City of Macomb

The City of Macomb is located in Winnebago County in Western Illinois and is home to Western Illinois University (WIU). With the assistance of Ehlers, in December 2009, the City adopted a new TIF (West Side TIF) and amended an existing TIF (Downtown TIF), which included an extension of that TIF's term. The new TIF includes downtown commercial parcels surrounding a previous TIF, and added other commercial, light industrial and residential land bordering WIU.

The land uses within the TIF were older, deteriorated and not competing well with other areas of the City, particularly some "big-box" retail uses. The TIF contains enough land for a variety of proposed redevelopment uses that would take advantage of its university-related population and other assets. As part of the establishment of the new TIF District, Ehlers conducted a Housing Study due to the number of residents and potential relocations within the project area.

The amended TIF is in the Downtown area and was at the very end of its 23 year term. The amendment extended the term of the TIF to 35 years, and removed several parcels, some of which were then incorporated into the new TIF. The amendments also updated the Redevelopment Plan to bring the TIF budget and goals in line with the City's current vision for the area and to ensure the plan's compliance with current TIF law.

Ehlers continues to work with Macomb on a historic hotel restoration project within the new TIF and other various economic development and financing initiatives.

### Contact:

Dean Torreson, City Administrator  
232 E. Jackson  
Macomb, Illinois 61455  
Phone: (309) 833-2575  
Email: [cityadm@macomb.com](mailto:cityadm@macomb.com)

## Village of Lemont

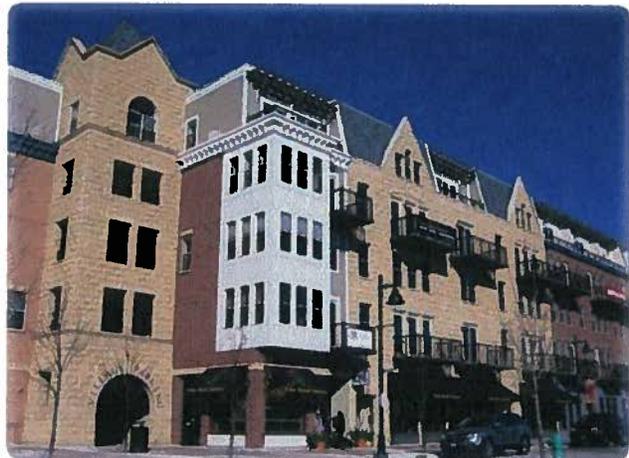
The Village of Lemont is a historic community along the Des Plaines River, the Chicago Sanitary and Ship Canal, and the Illinois and Michigan Canal. The Village of Lemont wished to have their historic assets be a catalyst for new downtown development. Lemont had a successful, older TIF District in place, but realized this TIF would not have enough years remaining to encourage further redevelopment. Ehlers assisted Lemont with the creation of a second TIF District (Downtown Canal TIF) and undertook a financial analysis to make sure that revenue would support a refinancing of TIF bonds. With a development project on the table, Ehlers prepared increment forecasts and pro forma analysis. Ehlers assisted the Village in developer negotiations to create the redevelopment agreement. The project is constructed, and the Village has made many public improvements with the assistance of TIF funds, including the construction of a parking structure.

Lemont then engaged Ehlers in 2008 to assist the community in the creation of an additional TIF (Gateway TIF), located on the Village's northeast border. The area has been occupied by heavy industrial uses, many of which are still present, such as automobile and construction storage, wrecking, and utility transmission uses. Deterioration, a lack of access, and inadequate utilities are the main issues to be overcome in this TIF, as well as environmental issues, which may impact adjacent properties once redevelopment occurs.

Ehlers continues to serve as Lemont's TIF consultant and is currently assisting the Village in planning for the expiration of one of its TIF Districts in 2014. Ehlers also compiles its annual TIF reports and conducts an annual Joint Review Board meeting.

### Contact:

Ben Wehmeier, Village Administrator  
418 Main Street  
Lemont, Illinois 60439  
Phone: (630) 257-1550  
Email: [bwehmeier@lemont.il.us](mailto:bwehmeier@lemont.il.us)



## Village of Rockton

The Village of Rockton is a small community located in Winnebago County, approximately 15 miles north of Rockford. The Village had previously created a TIF to improve an older industrial and commercial area in one part of the Village. Rockton engaged Ehlers in 2008 to help the community deal with the redevelopment of a large industrial area along the Iowa, Chicago & Eastern Railroad. This area is the site of an Environmental Protection Agency (EPA) Superfund clean-up assumed by the Beloit Corporation. While major clean-up was undertaken, there are still actions that must be taken as part of the EPA "Reasonable Steps Letter." EPA and the Illinois Environmental Protection Agency (IEPA) are involved in ongoing monitoring and maintenance related to the site. Likewise, the building itself was a shell, having suffered deterioration problems and no longer able to fulfill its use as a manufacturing facility.

In the course of the adoption process, the local school district expressed its opposition to the creation of this TIF, fearing the loss of revenue it believed a TIF would cause them. Ehlers worked with the Village to provide factual information about how a TIF would actually impact the community, and the Former Beloit Corporation TIF was adopted with the support of most of the taxing bodies. As a result, the Village attracted a chemical company to the building. TIF funds were used on a "pay as you go" basis to off-set the extraordinary environmental remediation and utility costs. The property's significant environmental and utility issues were corrected in a way that never would have occurred if not for the creation of the TIF. In addition over 200 much needed jobs were created and the company relocated its corporate headquarters to a facility outside of the TIF District, benefitting the entire community.

### Contact:

Dale Adams, Village President  
110 E. Main Street  
Rockton, Illinois 61072  
Phone: (815) 624-7600  
Email: [adams@rocktonvillage.com](mailto:adams@rocktonvillage.com)



## Village of Tinley Park

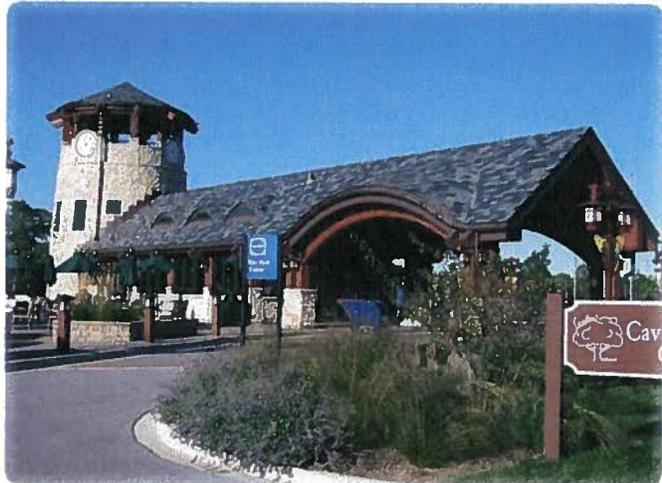
The Village of Tinley Park undertook the development of two TIF Districts in 2003. The focus of these TIFs was to redevelop key projects as identified by a downtown strategic plan. Ehlers was hired to assist the Village with TIF District qualification and adoption, redevelopment implementation and management, developer RFP, developer negotiations, pro forma analysis, and TIF increment projections.

During the TIF District qualification process, the exact boundaries of the District became an issue. The Village had made the decision to minimize the number of properties in the TIF Districts, believing that this would be beneficial to the local School District. However, in negotiations the School District indicated it was desirous of adding parcels not initially identified for the TIF. Ehlers assisted with the creation of TIF boundaries that would not only increase the EAV of the parcels for the School District at the end of the TIF, but encourage a large enough redevelopment effort to stimulate additional redevelopment and increase EAV in areas surrounding the TIF.

This work has resulted in Tinley Park becoming a major retail, restaurant, and hospitality hub for the southern suburbs. Additionally, the School District's belief that activity in the TIFs would result in redevelopment outside the TIF areas has become reality, as significant rehabilitation and renewal of properties in this area has occurred. On an ongoing basis, Ehlers provides TIF increment projections on redevelopment proposals and other TIF Administration services.

### Contact:

Scott Niehaus, Village Administrator  
16250 South Oak Park Avenue  
Tinley Park, Illinois 60477  
Phone: (708) 444-5000  
Email: [sneihaus@tinleypark.org](mailto:sneihaus@tinleypark.org)



## City of Wheaton

The City of Wheaton is a mature community in Chicago's western suburbs. To counter deterioration in its downtown, the community instituted a TIF District and began to incent businesses to locate in and improve their downtown operations. Ehlers provided Project Pro forma Analysis and Financial Impact services for the City of Wheaton. For one proposed redevelopment project, a developer requested sales tax revenue sharing through sales tax abatement. Ehlers conducted a pro forma analysis of the developer's project and established that without incentives, the project would not be possible. This gave the City of Wheaton the needed information to make a decision to provide the developer incentives and to what extent those incentives were appropriate. Ehlers has also assisted Wheaton in the implementation of TIF programs through the structuring and sale of financial instruments and increment projections.

### Contact:

Donald B. Rose, City Manager  
303 West Wesley Street  
Wheaton, Illinois 60187  
Phone: (630) 260-2012  
Email: donrose@wheaton.il.us

## Village of Wheeling

The Village of Wheeling is a suburban community located in northwestern Cook County. The Village has experienced tremendous growth, but growth is slowing as the Village becomes built out. Its older developments are starting to experience decline. Like other communities located on the far edges of Cook County, Wheeling's commercial and industrial development is at a disadvantage when more favorable tax rates are in place in close proximity to the community, such as in Lake County.

Ehlers has provided the Village with TIF Eligibility and Adoption, as well as TIF Amendment services. Recently, Ehlers assisted the Village with the creation of its Southeast (Industrial Lane) TIF, which encompasses the Chicago Executive Airport, which will help redevelop the area around and including the airport with airport-related uses, as well as retail and office development. The TIF will also help the community improve existing residential areas. Ehlers continues to assist the Village by performing various TIF and economic development studies as needed.

### Contact:

Peter Vadopalas, Economic Development Director  
2 Community Boulevard  
Wheeling, Illinois 60090  
Phone: (847) 499-9094  
Email: pvadopalas@wheelingil.gov

## Additional TIF Related Services

Ehlers is available to assist the Village with any of the services listed below:

### Developer Pro forma Analysis

Ehlers can assist the Village in the review of Developer Pro forma information to ascertain the appropriate financial incentive for the proposed development. This pro forma analysis compares the request of the developer to the going rate of return for the area to evaluate whether the level of the incentive being requested is necessary to make the project work. This further confirms the “but for” clause of the Business District. This information can then be translated as part of the feasibility study for bonds of developer’s notes.

Fee: \$195.00 per hour. *(This fee is usually reimbursed to the Village by the developer.)*

### TIF Financial Feasibility Study

Ehlers can provide the necessary financial feasibility study for the construction of Developers Notes or for the issuance of bonds. Would be part of debt issuance if Ehlers serves as Financial Advisor for bonds.

Fee: Based on size of issue.

### Developer Selection, Negotiation and Agreement Implementation

In the course of establishing a TIF, municipalities are often approached by developers seeking TIF funding to support a proposed project. Ehlers has taken a lead role in many development negotiations, as well as provided feedback on redevelopment agreements negotiated by others. The final agreement is subject to attorney approval. Examples of recommendations Ehlers has made include:

- Amount, type, and timing of incentives or assistance to developers.
  - Receipt of incentives geared toward performance.
  - Incentives based on goals of municipality.
- Use of “Look Back” provisions in development agreements, so that if a project is more successful than projected, the developer returns funds to the municipality.
- Intergovernmental Agreements with school districts so that a developer furnishes funds to schools beyond TIF provisions.

Fee: \$195.00 per hour, upset fees can be established.

## **Review of Taxing District Impact**

As part of negotiations with the taxing districts on the expansion, extension of a TIF district, the Village may need to provide fiscal impact information to the school or other taxing district. Working with the Village, Ehlers & Associates can prepare this information on behalf of the Village. Ehlers would be prepared to discuss their findings with both the Village and the taxing district to assist the Village in their final strategy.

Fee: \$195.00 per hour, not to exceed \$5,000.

## **Debt Issuance**

Ehlers will assist the community in the issuance of debt to support the project.

- Exploration of type of debt that best serves the community
- Preparation of Feasibility Study to support the project
- Negotiation of debt

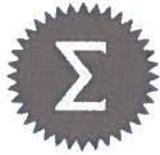
Fee: Dependent upon the size and complexity of issue and form of debt.

## **TIF Reports**

Ehlers is available to prepare annual TIF reports or to assist staff in the preparation of these reports. As part of this activity, Ehlers will attend and present reports to the Joint Review Board meeting.

Fee: \$2,500 per report.

# Appendix 1: Resumes



# EHLERS

LEADERS IN PUBLIC FINANCE



**Maureen Barry**  
 Direct: (630) 271-3341  
[mbarry@ehlers-inc.com](mailto:mbarry@ehlers-inc.com)

## Maureen Barry Financial Advisor

*Maureen joined the Ehlers' Illinois office in 2008 as a Financial Advisor after working in local government management for over 14 years, most recently as the Assistant Village Manager in Wilmette. Her focus is on assisting Illinois cities, villages, townships, counties, and special districts in the design and implementation of financial and economic development solutions. Ehlers' clients benefit from Maureen's broad perspective and hands-on experience in a wide range of local government matters.*

### AREAS OF EXPERTISE

#### Tax Increment Services

- Tax Increment Plans for TIF District Qualification and Amendment
- Business District Plans for Qualification and Amendment
- Developer Negotiations
- Developer Proforma Analysis/But For Test
- TIF Feasibility Studies
- TIF Revenue Bond Financing

#### Development & Redevelopment

- Development Strategic Planning
- Project Management Services
- Developer Attraction & Selection
- Development Incentives Analysis
- Fiscal Impact Analysis

#### Public Participation

- Referendum Strategies
- Public Participation Process
- Community Surveys/Communications/Newsletters/Annual Reports

#### Debt Planning and Issuance

- Analysis & Presentation of Alternative Financing Options, Plans And Tools
- Representation to Bond Market & Credit Rating Agencies
- Refundings
- Special Service Area Financing

#### Strategic and Financial Planning

- Goal Setting & Strategic Planning
- Key Financial Strategies
- Financial Management Planning
- Debt Management
- Capital Improvements Planning
- Fiscal Impact Studies
- Impact Fee Analysis
- Utility Rate Studies

#### Intergovernmental and Public/Private Partnerships

- Intergovernmental and Public/Private Project Studies and Negotiations

### PROFESSIONAL MEMBERSHIPS

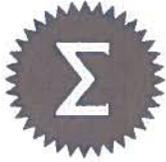
- International City/County Management Association
- Illinois City/County Management Association
- IL Association of Municipal Management Assistants
- Illinois Government Finance Officers Association
- Illinois Tax Increment Association
- Illinois Development Council

### EDUCATION

- Bachelor of Arts (Political Science), University of Dayton
- Master of Public Affairs (Public Management), School of Public and Environmental Affairs, Indiana University

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# EHLERS

LEADERS IN PUBLIC FINANCE



## Nancy Hill Financial Advisor

*Nancy joined the Ehlers' Illinois office in 2008 as a Financial Advisor. She has 14 years of experience working for and with municipalities as an urban planner and community development director, and most recently as the Associate Director for the DuPage Mayors and Managers Conference. Ehlers' clients benefit from Nancy's range of experience and expertise in planning, economic development, project management, budgeting, and intergovernmental relations.*

Nancy Hill  
Direct: (630) 271-3343  
[nhill@ehlers-inc.com](mailto:nhill@ehlers-inc.com)

### AREAS OF EXPERTISE

#### Tax Increment Services

- Tax Increment Plans for TIF District Qualification, Adoption, and Amendments
- Business District Establishment and Plans
- Developer Negotiations
- Developer Proforma Analysis/But For Test
- TIF Feasibility Studies
- TIF Revenue Bond Financing
- TIF Annual Reporting

#### Development and Redevelopment

- Development Strategic Planning
- Project Management Services
- Developer Attraction and Selection
- Development Incentives Analysis
- Fiscal Impact Analysis

#### Public Participation

- Referendum Strategies
- Public Participation Process
- Strategic Communications Planning
- Community Surveys/Communications/Annual Reports

#### Strategic and Financial Planning

- Goal Setting and Strategic Planning
- Financial Management Planning
- Capital Improvements Planning
- Fiscal Impact Studies
- Impact Fee Analysis
- Utility Rate Studies

#### Debt Planning and Issuance

- Short- and Long-term Financial Strategies
- Analysis and Presentation of Alternate Financing Options, Plan and Tools
- Representation to Bond Market and Credit Reporting Agencies
- Special Service Areas/District Services

#### Other

- Intergovernmental and Public/Private Studies, Negotiations, Projects/Operations

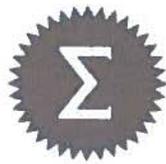
### PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

- American Institute of Certified Planners
- American Planning Association
- Illinois American Planning Association
- International City/County Management Association
- Illinois City/County Management Association
- Illinois Development Council
- Illinois Tax Increment Association

### EDUCATION

- Bachelors of Urban Planning and Design, Ball State University, Muncie, IN
- Masters of Public Administration, University of Louisville, Louisville, KY

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# EHLERS

LEADERS IN PUBLIC FINANCE



## Brad Townsend Financial Advisor/Executive Vice President

*Brad has been a Financial Advisor in the Ehlers' Illinois office since 2006 assisting Illinois cities, villages, and special districts design and implement financial plans that attain results. Prior to joining Ehlers he had 25 years experience as a City Manager and a municipal consultant. Ehlers' clients benefit from Brad's expertise in financial analysis and strategy, community development, operations, project management, and various forms of planning.*

Brad Townsend  
Direct: (630) 271-3335  
[btownsend@ehlers-inc.com](mailto:btownsend@ehlers-inc.com)

### AREAS OF EXPERTISE

#### Development & Redevelopment

- Development Proforma/Analysis
- Development Impact Analysis
- Project Strategic Management
- Developer Attraction & Selection
- Public/Private Partnerships
- Incentive & Inducement Analysis
- Infrastructure Considerations
- Developer Negotiations

#### Debt Planning and Issuance

- Short-term and Long-term Finance Strategy
- Bond Market Status & Credit Rating Concepts

#### Tax Increment Services

- Development Proforma/Analysis
- Developer Negotiations

#### Strategic and Financial Planning

- Operational Strategic Planning
- Fiscal Impact Studies
- Impact Fee Analysis
- Utility Rate Studies
- Key Financial Strategies
- Capital Improvements Planning
- Debt Management
- Special Service Area Financing

#### Asset Management

- Enterprise Performance Services
- Lodging, Conference, Utility, Recreation

#### Special District Finance Services

- Facility Needs Assessment Studies
- Fiscal Impact Studies/Analysis

### CERTIFICATIONS

- ICMA Credentialed Manager

### PROFESSIONAL MEMBERSHIPS

- *International City-County Management Assn.*
- *Illinois City-County Management Association*
- *Illinois Municipal League*
- *DuPage Mayors and Managers Conference*

### EDUCATION

- *Bachelor of Arts (Public Administration), Western Illinois University, Macomb, IL*
- *Masters (Public Administration), Northern Illinois University, DeKalb, IL*

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## Appendix 2: References

The following table contains client reference information and brief summaries of services provided to these selected Ehlers municipal clients since 2005.

| Client                                                                                                                                                                                                                | Summary of Services Provided                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Aledo</b><br/>           Janice Green, City Administrator<br/>           120 North College Avenue<br/>           P.O. Box 267<br/>           Aledo, Illinois 61231-0267<br/>           Phone (309) 582-7241</p> | <ul style="list-style-type: none"> <li>• TIF Reporting / Joint Review Board</li> <li>• TIF Assistance Policy</li> <li>• Municipal Practices Assessment</li> </ul>                                                                                                                                                                    |
| <p><b>Annawan</b><br/>           Kennard B. Franks, Mayor<br/>           P.O. Box 444<br/>           Annawan, Illinois 61234<br/>           Phone (309) 935-6226</p>                                                  | <ul style="list-style-type: none"> <li>• TIF Feasibility Studies (2)</li> <li>• TIF Eligibility Studies (2)</li> <li>• Redevelopment Plans (2)</li> <li>• Adoption</li> <li>• TIF Amendment</li> </ul>                                                                                                                               |
| <p><b>Beach Park</b><br/>           Ken Lopez, Village Administrator<br/>           11270 West Wadsworth Road<br/>           Beach Park, Illinois 60099<br/>           Phone (847) 746-1770</p>                       | <ul style="list-style-type: none"> <li>• Developer RFP preparation</li> <li>• Pro forma Analysis</li> <li>• Public Participation</li> <li>• Developer Selection and Negotiation</li> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• Redevelopment Implementation and Management</li> </ul> |
| <p><b>Bellwood</b><br/>           Peter Tsiolis, Chief of Staff<br/>           3200 Washington Boulevard<br/>           Bellwood, Illinois 60104<br/>           Phone (708) 847-3500</p>                              | <ul style="list-style-type: none"> <li>• Business District Eligibility Studies and Redevelopment Plans (2)</li> <li>• Business District Adoption</li> <li>• Pro forma Analysis</li> <li>• Development Consulting</li> <li>• TIF Reporting (7 TIF Districts per year) / Joint Review Board</li> </ul>                                 |
| <p><b>Bradley</b><br/>           Gael K. Kent, Village President<br/>           147 South Michigan Avenue<br/>           Bradley, Illinois 60915<br/>           Phone (815) 932-2125</p>                              | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• TIF Amendment</li> </ul>                                                                                                                                                                                 |
| <p><b>Calumet City</b><br/>           204 Pulaski Road<br/>           Calumet City, Illinois 60409<br/>           Phone (708) 891-8905</p>                                                                            | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                                                                                                                                          |

| Client                                                                                                                                                                            | Summary of Services Provided                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Carbon Cliff</b><br/> Ken Williams, Village President<br/> 106 First Avenue<br/> P.O. Box 426<br/> Carbon Cliff, Illinois 61239<br/> Phone (309) 792-8235</p>               | <ul style="list-style-type: none"> <li>• TIF Impact Study</li> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Staffing and Space Needs Study</li> <li>• Architect RFP</li> <li>• \$500,000 General Obligation TIF Bonds</li> </ul> |
| <p><b>Coal Valley</b><br/> Alan Wilson, Village Administrator<br/> 900 1<sup>st</sup> Street – P.O. Box 105<br/> Coal Valley, Illinois 61240<br/> Phone (309) 799-3604</p>        | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• TIF Consulting</li> </ul>                                                                                                    |
| <p><b>Country Club Hills</b><br/> Henrietta Turner, City Manager<br/> 4200 West 183<sup>rd</sup> Street<br/> Country Club Hills, Illinois 60478<br/> Phone (708) 798-2616</p>     | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                                                              |
| <p><b>Creve Coeur</b><br/> Wayne Baker, Village President<br/> 101 North Thorncrest Avenue<br/> Creve Coeur, Illinois 61611<br/> Phone (309) 699-6714</p>                         | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (3)</li> <li>• Redevelopment Plans (3)</li> <li>• Adoption</li> </ul>                                                                                                                   |
| <p><b>Danville</b><br/> John Heckler, Public Development Director<br/> 17 West Main Street<br/> Danville, Illinois 61832<br/> Phone (217) 431-2200</p>                            | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (3)</li> <li>• Redevelopment Plans (3)</li> <li>• Adoption</li> </ul>                                                                                                                   |
| <p><b>Decatur</b><br/> Greg Crowe, Economic Development Director<br/> 1 Gary K. Anderson Plaza<br/> Decatur, Illinois 62523<br/> Phone (217) 424-2708</p>                         | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                                                              |
| <p><b>Dwight</b><br/> Kevin McNamara, Village Administrator<br/> 209 South Prairie Avenue<br/> Dwight, Illinois 60420<br/> Phone (815) 584-3077</p>                               | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                                                              |
| <p><b>East Dundee</b><br/> 120 Barrington Avenue<br/> East Dundee, Illinois 60118<br/> Phone (847) 426-2822</p>                                                                   | <ul style="list-style-type: none"> <li>• Developer Negotiations</li> <li>• TIF Financial Feasibility Study</li> <li>• \$2.5 Million Tax Increment Revenue Bonds</li> </ul>                                                                               |
| <p><b>East Hazel Crest</b><br/> Patricia Lazuka, Village Administrator<br/> 1904 West 174<sup>th</sup> Street<br/> East Hazel Crest, Illinois 60429<br/> Phone (708) 798-0213</p> | <ul style="list-style-type: none"> <li>• Redevelopment Implementation and Management</li> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                       |

| Client                                                                                                                                                    | Summary of Services Provided                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>East Moline</b><br/> Rich Keehner, Jr., City Manager<br/> 915 16<sup>th</sup> Avenue<br/> East Moline, Illinois 61244<br/> Phone (309) 752-1538</p> | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (3)</li> <li>• Redevelopment Plans (3)</li> <li>• TIF Amendment</li> <li>• Adoption</li> </ul>                              |
| <p><b>Gilman</b><br/> Richard Theesfeld, Alderman<br/> 215 North Central Street<br/> Gilman, Illinois 60938<br/> Phone (815) 265-4213</p>                 | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                  |
| <p><b>Glenwood</b><br/> Kerry Durkin, Mayor<br/> One Asselborn Way<br/> Glenwood, Illinois 60425<br/> Phone (708) 753-2400</p>                            | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (2)</li> <li>• Redevelopment Plans (2)</li> <li>• Adoption</li> <li>• TIF Consulting</li> </ul>                             |
| <p><b>Havana</b><br/> Ron Hills, Economic Development Director<br/> 227 West Main Street<br/> Havana, Illinois 62644<br/> Phone (309) 543-3411</p>        | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                  |
| <p><b>Hickory Hills</b><br/> Michael Howley, Mayor<br/> 8652 West 95<sup>th</sup> Street<br/> Hickory Hills, Illinois 60457<br/> Phone (708) 598-4800</p> | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                  |
| <p><b>Hoffman Estates</b><br/> 1900 Hassell Road<br/> Hoffman Estates, Illinois 60169<br/> Phone (847) 882-9100</p>                                       | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                  |
| <p><b>Justice</b><br/> Kathy Svoboda, Village Clerk<br/> 7800 South Archer Road<br/> Justice, Illinois 60458<br/> Phone (708) 458-2520</p>                | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> </ul>                                                                                      |
| <p><b>Lake Zurich</b><br/> Bob Vitas, Village Administrator<br/> 70 E. Main Street<br/> Lake Zurich, Illinois 60014<br/> Phone (847) 438-5141</p>         | <ul style="list-style-type: none"> <li>• TIF Consulting</li> <li>• TIF Amendment</li> <li>• General Obligation Bonds (Alternate Revenue Source)</li> <li>• TIF Debt Restructuring</li> </ul> |

| Client                                                                                                                                                                  | Summary of Services Provided                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Lemont</b><br/>Ben Wehmeier, Village Administrator<br/>418 Main Street<br/>Lemont, Illinois 60439<br/>Phone (630) 257-1550</p>                                    | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (2)</li> <li>• Redevelopment Plans (2)</li> <li>• Adoption</li> <li>• TIF Reporting (2 TIF Districts per year) / Joint Review Board</li> <li>• TIF Consulting</li> <li>• TIF Financial/Bond Feasibility Study</li> </ul> |
| <p><b>Libertyville</b><br/>Kevin Bowens, Village Administrator<br/>118 West Cook Avenue<br/>Libertyville, Illinois 60048<br/>Phone (847) 362-2430</p>                   | <ul style="list-style-type: none"> <li>• TIF Impact Analysis</li> <li>• TIF Consulting</li> </ul>                                                                                                                                                                                         |
| <p><b>Long Grove</b><br/>David Lothspeich, Village Manager<br/>3110 RFD<br/>Long Grove, Illinois 60047<br/>Phone (847) 634-9440</p>                                     | <ul style="list-style-type: none"> <li>• Pro forma Analysis</li> <li>• Business District Eligibility Study</li> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                  |
| <p><b>Loves Park</b><br/>100 Heart Boulevard<br/>Loves Park, Illinois 61111<br/>Phone (815) 654-5030</p>                                                                | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                                                                                               |
| <p><b>Lyons</b><br/>Rob Bush, Village Attorney<br/>Phone (708) 447-8886</p>                                                                                             | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• TIF Amendment</li> </ul>                                                                                                                                      |
| <p><b>Machesney Park</b><br/>Bob Mullins, Director of Administration and Finance<br/>300 Machesney Road<br/>Machesney Park, Illinois 61115<br/>Phone (815) 877-5432</p> | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (2)</li> <li>• Redevelopment Plans (2)</li> <li>• Adoption</li> <li>• TIF Consulting</li> <li>• Developer Incentive Analysis</li> </ul>                                                                                  |
| <p><b>Macomb</b><br/>Dean Torreson, City Administrator<br/>232 E. Jackson Street<br/>Macomb, Illinois 61455<br/>Phone (309) 836-0501</p>                                | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Housing Impact Study</li> <li>• Redevelopment Plan Amendment</li> <li>• Adoption</li> <li>• Pro forma Analysis</li> </ul>                                                         |
| <p><b>Mahomet</b><br/>Mell Smigielski, Village Administrator<br/>503 E. Main St.<br/>Mahomet, IL 61853<br/>Phone (217) 586-5407</p>                                     | <ul style="list-style-type: none"> <li>• TIF Feasibility Study for Bonds</li> <li>• TIF Consulting</li> </ul>                                                                                                                                                                             |

| Client                                                                                                                                                                                         | Summary of Services Provided                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Marengo</b><br/> Donald B. Lockhart, Mayor<br/> 132 East Prairie Street<br/> Marengo, Illinois 60152<br/> Phone (815) 568-7112</p>                                                       | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• TIF Consulting</li> <li>• Developer Negotiations</li> </ul>                                                                |
| <p><b>Matteson</b><br/> Andre Ashmore, Mayor<br/> LaVern Murphy, Deputy Director of Economic Development<br/> 4900 Village Commons<br/> Matteson, Illinois 60443<br/> Phone (708) 748-5196</p> | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• TIF Adoption</li> <li>• Business District Eligibility Studies and Redevelopment Plans (2)</li> <li>• Business District Adoption (2)</li> </ul> |
| <p><b>Mattoon</b><br/> Sue McLaughlin, City Administrator<br/> 208 North 19<sup>th</sup> Street<br/> Mattoon, Illinois 61938<br/> Phone (217) 235-5511</p>                                     | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (2)</li> <li>• Redevelopment Plans (2)</li> <li>• TIF Amendment</li> <li>• Adoption</li> <li>• Developer Negotiations</li> </ul>                                                      |
| <p><b>Mokena</b><br/> Kirk Zoellner, Assistant Village Administrator<br/> 11004 Carpenter Street<br/> Mokena, Illinois 60448<br/> Phone (708) 479-3900</p>                                     | <ul style="list-style-type: none"> <li>• Fiscal Impact Analysis</li> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                          |
| <p><b>Oak Park</b><br/> Greg Peters, Finance Director<br/> 123 Madison Street<br/> Oak Park, Illinois 60302<br/> Phone (708) 358-5462</p>                                                      | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• TIF Consulting</li> <li>• Fiscal Impact Analysis</li> </ul>                                                                |
| <p><b>Oakbrook Terrace</b><br/> Kathy Katz, Assistant City Manager<br/> 17W275 Butterfield Road<br/> Oakbrook Terrace, Illinois 60181<br/> Phone (630) 941-8300</p>                            | <ul style="list-style-type: none"> <li>• Pro forma Analysis</li> <li>• Developer Negotiation</li> <li>• Business District Eligibility Study &amp; Redevelopment Plan</li> <li>• Business District Adoption</li> </ul>                                  |
| <p><b>Oakwood</b><br/> Bob Parr, Acting Mayor<br/> 106 S. Scott, PO Box 31<br/> Oakwood, IL 61858<br/> Phone (217) 354-4255</p>                                                                | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• TIF Amendment</li> <li>• TIF Reporting</li> </ul>                                                                          |
| <p><b>Pecatonica</b><br/> Shawn Connors, Mayor<br/> 405 Main Street PO Box 730<br/> Pecatonica, IL 61063-0730<br/> Phone (815) 239-2829</p>                                                    | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• TIF Consulting</li> </ul>                                                                                                  |

| Client                                                                                                                                                                 | Summary of Services Provided                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Peoria Heights</b><br/> Mark Allen, Mayor<br/> 4901 N. Prospect Road<br/> Peoria Heights, Illinois 61616<br/> Phone (309) 686-2373</p>                           | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• Redevelopment Management</li> </ul>                                                                       |
| <p><b>Richmond</b><br/> Tim Savage, Village Administrator<br/> 5600 Hunter Drive<br/> Richmond, Illinois 60071<br/> Phone (815) 678-4040</p>                           | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> </ul>                                                                                                                               |
| <p><b>Richton Park</b><br/> 4455 Sauk Trail<br/> Richton Park, Illinois 60471<br/> Phone (708) 481-8950</p>                                                            | <ul style="list-style-type: none"> <li>• TIF Reporting (5 TIF Districts)</li> </ul>                                                                                                                                                   |
| <p><b>Rockton</b><br/> Dale Adams, Mayor<br/> 110 East Main Street<br/> Rockton, Illinois 61072<br/> Phone (815) 624-7600</p>                                          | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                                           |
| <p><b>Rossville</b><br/> Terry Prillaman, Mayor<br/> 120 East Attica Street<br/> Rossville, Illinois 60963</p>                                                         | <ul style="list-style-type: none"> <li>• TIF Consulting</li> </ul>                                                                                                                                                                    |
| <p><b>Saunemin</b><br/> Michael Stoecklin, Former Village President<br/> Community Building – P.O. Box 283<br/> Saunemin, Illinois 61769<br/> Phone (815) 832-4334</p> | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• Developer Negotiations</li> <li>• \$400,000 G.O. Bonds (Alternate Revenue Source), Series 2009</li> </ul> |
| <p><b>Stockton</b><br/> Ron Paja, Attorney<br/> 155 West Front Street – P.O. Box 186<br/> Stockton, Illinois 61085<br/> Phone (815) 947-2515</p>                       | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> </ul>                                                                                                           |
| <p><b>Thornton</b><br/> Jack Swan, Village President<br/> 115 East Margaret Street<br/> Thornton, Illinois 60476<br/> Phone (708) 877-4456</p>                         | <ul style="list-style-type: none"> <li>• TIF Consulting</li> </ul>                                                                                                                                                                    |

| Client                                                                                                                                                                                                  | Summary of Services Provided                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Tinley Park</b><br/> Scott Niehaus, Village Administrator<br/> 16250 South Oak Park Avenue<br/> Tinley Park, Illinois 60477<br/> Phone (708) 444-5000</p>                                         | <ul style="list-style-type: none"> <li>• TIF Eligibility Studies (2)</li> <li>• Redevelopment Plans (2)</li> <li>• Adoption</li> <li>• TIF Amendments (2)</li> <li>• Redevelopment Implementation and Management</li> <li>• Developer RFP</li> <li>• Developer Negotiation</li> <li>• Public Participation</li> <li>• Pro forma Analysis</li> <li>• Tax Increment Projections</li> </ul> |
| <p><b>Washington</b><br/> Jon Oliphant, Planning &amp; Development Director<br/> 301 Walnut Street<br/> Washington, Illinois 61571<br/> Phone (309) 444-1135</p>                                        | <ul style="list-style-type: none"> <li>• Redevelopment Plan Amendment</li> <li>• Adoption</li> </ul>                                                                                                                                                                                                                                                                                     |
| <p><b>Watseka</b><br/> Robert Harwood, Mayor<br/> 201 Brianna Drive<br/> Watsseka, Illinois 60970<br/> Phone (815) 432-2711</p>                                                                         | <ul style="list-style-type: none"> <li>• TIF Consulting</li> </ul>                                                                                                                                                                                                                                                                                                                       |
| <p><b>Wheeling</b><br/> Michael Mondschain, Finance Director<br/> Peter Vadopalas, Economic Development Director<br/> 2 Community Boulevard<br/> Wheeling, Illinois 60090<br/> Phone (847) 459-2600</p> | <ul style="list-style-type: none"> <li>• TIF Amendments (6)</li> <li>• TIF Eligibility Studies</li> <li>• Redevelopment Plans</li> <li>• Adoption</li> </ul>                                                                                                                                                                                                                             |
| <p><b>Winfield</b><br/> 27 West 465 Jewell Road<br/> Winfield, Illinois 60190<br/> Phone (630) 933-7150</p>                                                                                             | <ul style="list-style-type: none"> <li>• TIF Consulting</li> </ul>                                                                                                                                                                                                                                                                                                                       |
| <p><b>Worth</b><br/> Randy Keller, Village President<br/> 7112 West 111<sup>th</sup> Street<br/> Worth, Illinois 60482<br/> Phone (708) 448-1181</p>                                                    | <ul style="list-style-type: none"> <li>• TIF Eligibility Study</li> <li>• Redevelopment Plan</li> <li>• Adoption</li> <li>• Pro forma Analysis</li> <li>• Redevelopment Implementation and Management</li> </ul>                                                                                                                                                                         |

## Appendix 3: Other Ehlers Services

### Capital Finance & Debt Issuance

Capital finance is the foundation of Ehlers' business. The ability to borrow money and to manage debt effectively helps local governments fund their capital improvements. Ehlers ranks in the top five nationally for financial advisors in the number of competitive bond sales supervised per year.

Our approach to debt issuance focuses on:

- A thorough understanding of the capital finance options available to local government.
- An issuance process that uses specialization to provide efficient and effective results.
- Ability to issue bonds and other debt ranging in size from \$50,000 to \$100,000,000.
- Good working relationships with other "players" in Illinois public finance: bond counsel, local counsel, rating agencies, bond dealers, and bond insurers.

### Financial Planning Services

An important planning tool for local governments is the development of a long-term financial plan. Ehlers believes it is useful to combine elements of strategic and financial planning with capital and operating projections. The result provides an enhanced framework for financial decisions so administrators and elected officials have the essential information needed to make decisions on a timely basis. A financial plan should include three basic elements:

- Spreadsheet with five-to-ten year projection of capital and operating needs,
- Narrative description of the basis for those needs, and
- Prioritized schedule of actions needed to implement the plan.

A financial plan differs from a capital improvement plan (CIP). A CIP generally addresses only infrastructure or equipment needs. A financial plan addresses both operating needs and capital needs. It outlines the funding sources as well.

### Economic Development / Redevelopment

Local financial resources often play a role in economic development. Ehlers' staff brings the experience gained from participation in hundreds of development projects. This experience covers all forms of development and all types of public participation. Ehlers helps you assemble the pieces of the puzzle: determining need, assessing risk, evaluating options, and making it happen. This may include prioritizing community goals, preparing a financial plan, and developing a framework for successful decision-making. Ehlers can also help communities assess the cost/benefit of proposed developments by producing cash flow projections and impact analyses.

## Tax Increment Financing

Tax increment financing (“TIF”) has proven to be one of the most significant economic development tools available to Illinois municipalities since the late 1970s. Ehlers & Associates offers a full spectrum of TIF services that help communities (i) assess whether TIF is legally, financially and politically feasible and, when appropriate, (ii) proceed with TIF adoption and implementation. Ehlers’ core services include completing the analyses and preparing the reports required for TIF adoption. In addition, we offer sophisticated analysis of revenue projections, financial feasibility, and the potential impacts of TIF on other taxing districts. Once a TIF district is adopted, Ehlers helps municipalities achieve effective and timely project implementation. Ehlers’ services include: facilitation of developer recruitment and selection, analysis of project pro formas, negotiation of developer agreements, evaluation of developer incentives, and management of the development process.

## Business Districts

In Illinois, the Business District designation is an important municipal economic development tool that provides strategic planning and sales tax financing for both development and redevelopment areas. Ehlers provides a complete range of services for business district adoption and implementation. Key services included: analysis of business district eligibility, documentation of eligibility findings, preparing the legally required business district plan, analysis of financial feasibility, estimating of sales tax revenue potential and facilitating the public hearing and review process.

## Strategic Planning

The ideal situation for any local government is to have a plan in place before taking action. This is particularly true when major programs or costly projects are being considered. Ehlers can work with officials and staff to develop an operational strategic plan or a community strategic plan. Operational strategic planning is all about making your organization the best it can be by providing excellent customer service, taking on issues, and getting results. Ehlers will facilitate a process for leaders to identify needs and resources, prioritize initiatives, track progress, and measure success. Community strategic planning focuses on an entire city, village, special district, or service area. Ehlers will guide a process for leaders and other stakeholders that we call **Key Financial Strategies™**. It is an opportunity for in-depth consideration of community development including land use, facility use, capital improvements, and service enhancements. **KFS™** will help take the guesswork out of your decision-making. You will be more focused, consistent, and strategic.

## Enterprise Performance and Utility Rate Studies

Municipalities, park districts, and other local governments own community enterprise operations. This form of physical asset includes convention centers, sports arenas, water parks, golf domes, fitness centers, water & sewer utilities, and community centers. Day-to-day operations may be entrusted to full-time staff or outsourced to a management company. In either situation, the elected governing board and administration want to be sure that their enterprise is producing service and income to the maximum capability. Ehlers can provide a special evaluation or a periodic assessment of your asset. Our strategic advice will be focused on the best business plan and practices for maximum service and income.

## **Population and Enrollment Studies**

Ehlers provides a variety of services to help you estimate your population. Since the early 1970's, we have developed and updated the Table of Estimated Population per Dwelling Unit. We do special tables of this kind for school districts, communities, and larger areas.

For school districts, we have conducted hundreds of enrollment studies. Communities grow and change through development, population mobility, employment opportunities, and transportation impacts. Ehlers enrollment studies help school districts understand and project for the impacts of these changes. Ehlers has also prepared other specialized population studies, including doing a census for specific areas and doing a kindergarten census for schools.

## **Referendum Related and Public Participation Services**

We have assisted hundreds of local governments with referendum information programs. We assist clients in putting together an information program for bond issue and tax rate increase referenda. Our involvement can be in the initial planning stages or services can continue throughout the referendum timetable.

These services often involve the community with the decision making and implementation process. Services include citizens' advisory committee work, surveys, communications and consensus building, and open house planning.

## **Arbitrage Monitoring Services**

Sometimes local governments must rebate some of the interest earned from bond proceeds back to the IRS. At Ehlers we help you evaluate ways to qualify for exemptions to this requirement and if that is not possible we offer tracking and reporting services to enable you to fulfill your rebate obligations.

## **Continuing Disclosure**

One of the services we offer as financial advisors is to help you disseminate your financial information annually to national information repositories when this is required with your bond undertaking.

## **Paying Agent Services**

It is important that local governments make timely payments on their debt issues. Ehlers paying agent service provides personal service for you through the life of your bond issue.

## BUDGET FOOTNOTES ECONOMIC DEVELOPMENT

**\* All Economic Development expenditures were formerly allocated within the Special Programs Fund and have been transferred to the General Fund beginning with FY11/12. Revenue formerly allocated within the Special Programs Fund has also been transferred to the General Fund to fund these expenditures.**

1. **Economic Development Corporation: (\$70,000)** This amount includes funding for the Economic Development Corporation. With this funding, the Economic Development Corporation will perform Commercial Redevelopment Marketing, Village-wide Business Attraction, and business support and retention for businesses not located in the downtown.
2. **Economic Development Grants: (\$100,000)** This amount represents funding for façade grants and interior remodeling grants for downtown businesses. The grant program will be administered by the Planning and Development Department.
3. **Alliance of Downtown Glen Ellyn: (\$110,000)** This amount includes funding for the Alliance of Downtown Glen Ellyn. With this funding, the Alliance will handle Downtown Events, Downtown Marketing, and business support and retention for downtown businesses.
4. **Professional Services/Other: (\$81,000)** This amount provides funding for a variety of economic development projects and activities including:

➔ **TIF Redevelopment Plan: (\$21,000)** This amount is to hire a consultant to complete the next steps for the potential establishment of a Tax Increment Financing District for the Downtown. The next steps include preparation of a Housing Study and an Eligibility Report and Redevelopment Plan (both required by the TIF statute). A Downtown TIF is a potential funding source for improvements in the Downtown in accordance with the recently approved Downtown Strategic Plan.

**Stacy's Corners Improvements: (\$50,000)** This amount would cover the cost of any demolition and remodeling work that the Village Board might choose to pursue as a result of the forthcoming recommendations called for in the 810 N. Main Street Task Force Report (\$45,000) and the cost to hire a consultant to prepare conceptual site plans for the redevelopment of the property at 825 N. Main Street (\$5,000).

**Annexation of Commercially Zoned Properties: (\$0)** The Planning and Development Department will focus on pursuing annexations and annexation agreements with non-residential property in the Village's Planning Jurisdiction during this fiscal year.

**Evaluate Potential parking Garages in Downtown: (\$10,000)** This amount will allow the Village to hire a parking consultant to prepare conceptual parking garage plans and cost estimates for 3 sites in the downtown.

# Memorandum

Village Board Workshop  
April 18, 2011  
Item No. 3

**To:** President Pfefferman and Village Board  
**From:** Terry Burghard, Interim Village Manager  
**Date:** April 13, 2011  
**For:** April 18, 2011 Village Board Workshop  
**Re:** Tree Preservation Ordinance Discussion



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Please find attached my recommendation for amendments to the tree preservation ordinances in the Village Code. The history and details associated with this recommendation are provided below.

**Background:** In 1998, the Village Board adopted three separate ordinances to encourage the preservation of public and private trees during property development projects. These three ordinances are collectively referred to as the Tree Preservation Ordinance (TPO). These ordinances involved the protection of trees in the public right-of-way, the protection of trees on private property and the adoption of some national arboricultural standards. While the adopted ordinances were meant to encourage tree preservation, their prime purpose was to educate instead of regulate.

The three ordinances were last amended in 2001 to incorporate necessary revisions that were identified since the original adoption three years earlier. In 2006, former Village President Vicky Hase requested that the Environmental Commission (EC) undertake a review of the private property TPO to determine whether that TPO should be modified in order to improve its effectiveness in the preservation of trees. The EC completed a year-long review of the TPO in 2006 and in February 2007 recommended changes to the ordinance that included additional levels of tree restrictions on private property. The Village Board at that time expressed concern over certain aspects of the recommendation. The EC recommendation was discussed by a new Village Board in July 2008. The new Village Board also found some of the private property tree preservation measures troublesome and was inclined to favor private property owner control regarding private property trees.

In February 2010, the Village Board briefly discussed the status of the 2007 EC recommendation on the TPO. The Board decided to request that the Environmental Commission reconsider the ordinance and focus on provisions that should be removed or added, how it could be streamlined, and how education could be incorporated (see Village Board minutes as Attachment E). The EC began their review of the TPO in May 2010.

**Environmental Commission Review and Recommendation:** The Environmental Commission reviewed the TPO for nine months. Their primary focus was on the private TPO. Village staff assisted the EC in the preparation of amendments which are further explained below.

*Private Tree Preservation Ordinance:* When discussing potential revisions to the proposed private tree ordinance, the EC was interested in suggesting some regulations that went beyond the scope of review requested by the Village Board. Therefore, they decided that an ordinance containing amendments in accord with the Village Board's direction would be prepared as a 'base' recommendation. The EC would then suggest additional regulations 'above-and-beyond' the base recommendation. If the Village Board

was interested in proceeding with any of the above-and-beyond regulations, they could direct staff to draft additional amendments.

On February 15, 2011, the Environmental Commission recommended approval of both the base ordinance and the above-and-beyond suggestions for the private tree ordinance. Staff has since made some minor tweaks to the text for clarification purposes. The EC base recommendation is included as Attachment A and the EC above-and-beyond recommendation is included as Attachment B.

*Public Tree Preservation Ordinance:* There are a number of changes proposed to the Public Tree Preservation Ordinance for clarification purposes and ease of administration. The definitions in the Public TPO have been revised to match the new definitions in the Private TPO. Calculations for replacement trees have been made clearer. Language addressing the Emerald Ash Borer and Asian Longhorned Beetle has been added. The Environmental Commission only briefly reviewed the Public TPO. They did not have any concerns with the suggestions by the Public Works Department to amend this ordinance.

*Arboricultural Manual:* This is a supplemental manual that provides technical and detailed requirements of all aspects of tree maintenance, planting, removal policy and tree preservation requirements. It is prepared by the Village Forester and currently any changes must be approved by the Village Board. The Public Works Department is recommending that this manual be removed from the Village Code so that it can be amended as new technical advances and standards are developed. Since the Public Works recommendation is to remove this manual from the Village Code, the EC did not review this item.

**Manager's Office Recommendation:** Following the February 2011 recommendation by the EC regarding the private TPO, Public Works suggested further changes to the base ordinance for private trees. I have chosen not to incorporate a number of suggestions that were made by Public Works after the Environmental Commission voted on the proposed ordinance because many of the suggestions were overly complicated, vague, caused delays for the applicant, or created additional work for the Village staff with no appreciable benefit to the community. For example, Public Works wished to change the definition for measuring the size of a tree from "The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line..." to:

*The diameter of the trunk of the Tree measured along the trunk axis four and one-half feet (4.5') above ground. The diameter shall be calculated by use of the following methods: DBH determination for trees greater than 6" DBH shall be either (1) direct measurement using a calibrated diameter tape, or (2) circumference measured in inches at 4.5' divided by 3.14. DBH determination for trees smaller than 5" DBH shall use the caliper measurement at 6" above ground. DBH determination for a multi-trunk tree shall be calculated by measuring each stem at DBH, calculating individual cross sectional area of each stem and adding all the cross-sectional stem areas together; the DBH equals the result of the square root of the (total sum of the areas divided by .785).*

Further, in reviewing the Environmental Commission's base recommendations for private tree regulation amendments, I became concerned with a couple of the proposed provisions. Therefore, you will find a separate private tree ordinance recommendation from my office included as Attachment C. The minor changes to the ordinance by my office expedite permit issuance, include the Village Manager in appeal issues, provide customers with a maximum plan review cost, and maintain property owner control over private trees. My recommendation also eliminates the proposed tree contractor registration process. Not only would this new registration process consume limited staff time in Public Works, delay permit issuance, and create a cost that would be passed on to our property owners, I do not see a clear public purpose for such registration. While I believe it is appropriate to register contractors for building code

safety issues such as plumbing, electrical, roofing, and the like, I do not see a similar necessity for registration of tree contractors.

We should be very careful in creating new controls and burdens on private property owners. This is not the time to be increasing regulations and government intervention for homeowners wishing to make improvements to their properties. I understand the Village Board perspective over the years has been to preserve as many trees as possible without limiting a private property owner's ability to make decisions about trees on their own private property. I agree with this perspective and it is sound public policy.

**Village Manager Recommendation:** It is the recommendation of my office that the Village Board move forward with the adoption of the proposed public tree ordinance (Attachment D), and the Manager's Office recommendation for the private tree ordinance (Attachment C).

These proposed amendments to the existing tree preservation ordinance offer the following enhancements:

- Simplification of various provisions
- Clarification of regulations and definitions
- Elimination of internal conflicts
- Requirement for review by certified arborist for new home projects
- Increase in enforcement abilities
- Clarification of conflicting regulations regarding trees on adjoining lots
- Notification to neighbors of construction projects involving a tree preservation plan
- Proposal of a new clear cutting prevention provision
- Inclusion of language addressing new insects that are damaging to trees in the Village

**Village Board Action:** It is requested that the Village Board review and discuss the attached documentation at a Village Board Workshop meeting and provide staff direction on which provisions should be prepared in ordinance format for formal consideration by the Village Board at a future regular meeting. Specifically, Board direction is requested regarding the following:

1. Should staff prepare any of the Environmental Commission's above-and-beyond recommendations for Village Board consideration?
2. Would the Village Board prefer to proceed with the private TPO prepared by the Manager's Office or the Environmental Commission?

The staff presentation on this topic will summarize the significant changes proposed to the TPO and will also explain in further detail the differences between the various versions of the Private TPO.

Attachments:            Attachment A – EC Base Recommendation (Private TPO)  
                                 Attachment B – EC Above-and-Beyond Recommendation (Private TPO)  
                                 Attachment C – Manager's Office Recommendation (Private TPO)  
                                 Attachment D – Proposed Public Tree Preservation Ordinance (Public TPO)  
                                 Attachment E – February 8, 2010 Village Board Meeting Minutes

**C:**            Stewart Diamond, Village Attorney  
                 Staci Hulseberg, Planning and Development Director  
                 Jeff Perrigo, Interim Public Works Director  
                 Kristen Schrader, Assistant to the VM - ADM  
                 Environmental Commission

ORDINANCE NO. \_\_\_\_\_ - VC

AN ORDINANCE AMENDING  
TITLE 4, CHAPTER 8 (TREE PRESERVATION)  
OF THE GLEN ELLYN VILLAGE CODE  
REGARDING TREE PRESERVATION ON PRIVATE PROPERTY

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

SECTION ONE: Chapter 8 (TREE PRESERVATION) of Title 4 (BUILDING REGULATIONS) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 8

TREE PRESERVATION

- 4-8-1: PURPOSE: The purpose of this Chapter of the Village Code is to enhance the private property portion of the Community Forest by assuring the preservation and protection of Protected Trees. Chapter 4 entitled "Forestry Management" of Title 8 "Public Ways and Property" of this Code is applicable to the public property portion of the Community Forest. These Chapters complement each other to enhance the total Community Forest in Glen Ellyn. It is the stated public policy of the Village to add to the Tree population within the Village, where possible, and to maintain, to the greatest extent possible, existing Trees within the Village. The planting of additional Trees, preservation of existing Trees, and proper maintenance of Trees in the Village will improve the quality of life in Glen Ellyn.
- 4-8-2: DEFINITIONS: As used within this Chapter and Chapter 4 of Title 8 of this Code, the following terms shall have the meaning set forth in this section:

**ARBORICULTURAL SPECIFICATIONS MANUAL:** A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting,

maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

~~BORDER TREE: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right-of-way, determined by the Village Forester.~~

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree. ~~The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place, especially where Protected Trees exist on adjacent property and the Critical Root Zone may need to be retracted because of narrow side yard dimensions.~~

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

~~DEVELOPMENT: Any proposed material change in the use of or character of land, including, but not limited to, the construction, addition, alteration, or the replacement of the primary structure or accessory structure on the lot, site improvements on land, the grading or re-grading of a lot, or installation of irrigation, driveway improvement, or utility upgrades. Development shall include all subdivisions or planned unit developments approved in Glen Ellyn. Development shall not include the following: an addition to a primary structure or the bulk area of the primary structure of less than three hundred (300) square feet; additional impervious surface area additions of less than three hundred (300) square feet; other accessory structures less than three hundred (300) square feet in area; fences, decks, and garages which are built in the same footprint plus no more than an additional 20 percent of the square footage of the existing garage; or grading on private property of less than 1,500 square feet. All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation or utility work that exceeds 300 square feet of disturbed site area except the following:~~

- ~~1. Replacement pavement in the same footprint as existing pavement,~~
- ~~2. Decks supported on individual spaced concrete piers,~~

3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

NON-OWNER OCCUPIED PROPERTY – Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.

~~PRIVATE TREE: Any Tree on privately owned property within the Village.~~

~~PROTECTED TREE: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

~~PUBLIC TREE: Any Tree or Border Tree within a public right of way in the Village.~~

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune, plant, treat, or Remove any Public Tree, Protected Tree, or Significant Tree in the Village of Glen Ellyn and is required to obtain a Tree Contractor Registration from the Public Works Department.

**REGULATED PUBLIC UTILITY:** Any utility ~~certificated~~certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

**REMOVE OR REMOVAL:** The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

~~REPLACEMENT TREE: A nursery grown certified Tree, properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.~~

**SCAFFOLDS:** Primary structural branches of the Crown.

~~SIGNIFICANT TREE: All hickory, oak, or walnut species in the Village shown on a Tree Preservation Plan as being retained after Development when they reach five (5) inches D.B.H.~~

**TREE:** Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are automatically Protected Trees unless the owner amends the tree preservation plan to designate the tree as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are automatically protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan that will be impacted by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree

which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are automatically Protected Trees unless the owner of a tree removes them from Protected status.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are automatically Protected Trees unless the owner of a tree amends the tree preservation plan to designate the tree as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan, or Development plan.

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

~~TREE SURVEY: A graphic display of all Protected, Border, Public Significant Trees and Unprotected Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees must be identified by number, which are located on the lot at the time a building permit is sought, with a designation of those Protected and Significant Trees which the Owner has chosen to remain on the lot after the Development and all Public Trees on adjacent public property which will be affected by any Development. The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The survey shall also contain this information for any Tree which would qualify by size and type as being a Protected or Significant Tree and which is located on an adjacent lot within fifteen (15) feet of the lot line. The sSurvey shall also show the location of any Tree which was Removed in the prior one-year period.~~

~~UNPROTECTED TREE: Any Tree in the Village which would otherwise be a Protected Tree but which the owner has chosen to Remove from the regulations of this Chapter but only after initial actions have been taken to protect the Tree, such as the establishment of~~

protective fencing. The designation as an Unprotected Tree allows the applicant to provide initial protection for Trees near, for example, critical construction zones so that an effort can be made to save the Tree during Development. This designation and initial efforts will not subject the applicant to penalties for subsequent failure to protect or circumstances beyond the applicant's control which resulted in damage to the Unprotected Tree.

4-8-3: GENERAL REGULATIONS - PRIVATE PROPERTY INVOLVING DEVELOPMENT:

(A) ~~TREE PRESERVATION PLANS REQUIRED FOR ALL DEVELOPMENT ON PRIVATE PROPERTY; DETAILS:~~ Development on private property shall require the filing of a Tree Preservation Plan along with other permit application materials required by this Section at or prior to filing a request upon application for a building permit. ~~The Tree Preservation Plan will show every Tree on the property which is a Protected and Unprotected Tree. All Trees shown on the Tree Preservation Plan shall initially be protected in accordance with the provisions of this Chapter.~~

Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition ~~shall~~ may be designated as ~~Unprotected~~ Impacted Trees which after the initial ~~protection~~ tree protection fencing or other protective methods ~~have~~ has been put in place shall not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. ~~This requirement shall prevail where Protected Trees are located on the lot or when Trees which would otherwise be Protected Trees are on an adjacent lot and located within fifteen (15) feet of the property line.~~

The Tree Preservation Plan ~~shall indicate the methods that will be used during Development to preserve Protected Trees on the lot. The~~ shall be required to also indicate the specific methods which will be used to preserve Adjacent Property Trees ~~all Trees which would otherwise be Protected Trees on adjacent property.~~ The protective methods for the Adjacent Property Trees on adjacent properties shall be specifically approved by the Village Forester, or his/her designee, who shall, ~~however,~~ consider, ~~among other factors,~~ the right of the applicant to build if compliance is maintained with required setbacks in compliance with the provisions of the Zoning Code.

All work to preserve ~~the~~ Protected, Adjacent, Significant, and Impacted Trees shall be according to the Arboricultural Specifications Manual. ~~As an attachment to the application, three (3) copies of a Tree Survey~~ The Tree Survey shall be drawn to a scale not less than 1" to 20' so that the location of each ~~Protected Tree and each Unprotected Tree can be identified,~~ shall be included unless a grading plan is required; in that case, nine copies of a Tree Survey shall be included. The Tree Preservation Plan shall ~~specify~~ include the following:

1. ~~A Tree Survey as defined above, showing the location, condition, species and trunk diameter of every Protected and Unprotected Tree on the property and every Protected Tree within fifteen (15) feet of the lot line. The Survey or the Plan shall show the location of protective measures to be placed on the lot. In addition, the Survey shall show, using a different code, the location of any Tree which was Removed in the prior one-year period. The Village Forester, or his/her designee, may exclude the Tree Survey requirement on those portions of the site which he/she determines will not be affected by the Development activity. The Survey may be prepared by a registered land surveyor and/or certified arborist or it may be prepared by or under the direction of the owner if it accurately reflects the location of all Trees~~ all required tree information. The Village Forester shall, if requested, assist without charge in the identification and size of tree species on those properties that do not require an ISA Certified Arborist review and approval.
2. The name and contact information of the parties responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Protected Trees.
3. ~~Location~~ The location, shape, and spatial arrangement of all existing and proposed buildings, walls, improvements, and structures and the excavation limits required to construct proposed improvements.
4. ~~Location~~ The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways.
5. ~~Any~~ All existing or new Utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV and any existing Utility services which will remain the same be removed or modified.
6. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place. In such cases, the Village Forester, or his/her designee, may request additional precautions in order to preserve the health of trees.

~~NOTE: The Critical Root Zones of Protected Trees shall be carefully reviewed and taken into account during the preparation of the Tree Preservation Plan. Every effort should be made during architectural layout and design of the proposed Development to preserve Trees which would~~

~~otherwise qualify as Protected Trees on adjacent lots through sensitivity to the Critical Root Zones of said Protected Trees.~~

76. Existing and proposed grading of the Development area showing elevations with contour lines at one (1) foot intervals if a grading plan is required by some other provision of the Village Code.

8. A Tree Preservation Plan for a new home shall be reviewed and approved by a Certified Arborist for the purpose of evaluating the protective measures proposed on the plan.

(B) ~~NO BUILDING PERMIT APPROVAL UNTIL TREE PRESERVATION PLAN IS APPROVED~~BUILDING PERMIT REQUIRED: No building permit shall be issued for Development until the Tree Preservation Plan has been approved by the Village Forester, or his/her designee, ~~and the Village Forester has determined that the required steps have been taken in the field to implement the Tree Preservation Plan and the Tree Preservation Plan has been properly posted on the site.~~ In reviewing the Tree Preservation Plan, the Village Forester, or his/her designee, can recommend and suggest modifications which will better protect existing Trees, but the Tree Preservation Plan shall be approved if it otherwise is in conformity with Village ordinances. The Village shall process the Tree Preservation Plan in no more time than shall be needed to process a building permit unless the application does not fulfill the requirements of this Chapter. Appeals regarding the Tree Preservation Plan or a decision of the Village Forester shall be submitted to the Public Works Director. ~~carried out in the same manner as appeals relating to building permits. After issuance of the building permit by the Planning and Development Department,~~ The following steps shall be followed to assure conformance to the approved Tree Preservation Plan and the Tree protection requirements in the Arboricultural Specifications Manual prior to the issuance of a building permit.

1. Tree preservation fencing must be installed and inspected for all protected, significant, impacted, border, public, and adjacent property trees prior to the issuance of a building permit. Tree preservation measures ~~for Protected Trees must be installed per the approved Tree Preservation Plan and~~ remain in place during the entire construction period. Fencing shall not be removed or relocated unless authorized in writing.

2. For a new principal structure ~~new house construction or any other construction that is determined by the Village Forester, or his/her designee,~~ an approved Tree Preservation Plan shall be posted on the building site before ~~work commences~~ a building permit is issued and shall remain in place throughout the entirety of the ~~and always during~~ construction of the project. This sign must be posted as shown in the Arboricultural Specifications

Manual. The ~~general contractor~~ permit applicant shall be responsible for notifying all other contractors ~~involved with a given project~~ working on the property of the Tree Preservation Plan.

3. The applicant shall notify any and all adjacent property owners of the proposed construction project and that a Tree Preservation Plan has been prepared and is available for review at the Planning and Development Department of the Village of Glen Ellyn. A copy of such notification along with a list of addresses it was delivered to must be submitted to the Planning and Development Department prior to the issuance of a building permit.

(C) PRECAUTIONS DURING CONSTRUCTION: During construction, all reasonable steps necessary to prevent the destruction or damaging of Protected Trees shall be taken, including, but not limited to, the following:

1. No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted within the Critical Root Zone of any Protected Tree on the Tree Preservation Plan unless shown on the approved Tree Preservation Plan. No excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any Protected Tree.
2. Per the Arboricultural Specifications Manual, appropriate protective fencing shall be ~~temporarily installed and maintained~~ for the protection of Protected, Adjacent Property, and Impacted ~~Unprotected~~ Trees.
3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to Protected Trees during the construction period.
4. ~~Construction, Branch pruning, root feeding,~~ and root pruning of Protected Trees and Adjacent Property Trees directly affected by construction must be ~~approved by the~~ conducted by the property owner if recommended by the Village Forester, or his/her designee, and must be completed following the Arboricultural Specifications Manual. On-site inspections must be scheduled with the Village Forester or his/her designee to insure this requirement is met.
5. Unless otherwise shown on the approved Tree Preservation Plan, no soil is to be added to or removed from within the Critical Root Zone of any Protected or Adjacent Property Tree that is to remain, unless shown on the approved Tree Preservation Plan. ~~Trees on adjacent lots within 15 feet of the lot line must be protected.~~

6. Regulated public utilities, to the extent permitted by law, shall be responsible for adhering to said Tree Preservation Plan during installation of necessary Utility service lines. A property owner or contractor shall not be responsible for damages caused by the action of a public Utility unless that person directed the location and manner of work of the Utility.

7. Monitoring of the tree protection measures will be conducted by the Village Forester or his/her designee and violations of this ordinance shall be subject to the fees and fines identified in this Chapter.

(D) FEE SCHEDULE FOR TREE PRESERVATION PERMIT PLAN REVIEW: ~~The basic fee for the issuance of a Tree Preservation Permit shall be as follows:~~  
Permit fee for Tree Preservation:

1. Fee for Plan Review and Planned Field Inspections for lots ~~Single Lots~~ with single-family residences:

Unit Cost for Each:

|                                |            |
|--------------------------------|------------|
| Garage / Pool / Other Addition | \$110 each |
| Demolition / New House         | \$150 each |
| New House                      | \$150 each |

2. Plan Review and Planned Field Inspections for Subdivisions, Special Use Projects, and Planned Unit Developments or lots with any use other than single-family residences:

Cost to review Documents submitted in compliance with Tree Preservation Ordinance: \$50 / hour by consultant

3. Fees for Additional Field Inspections and Violations

|                                                                      |             |
|----------------------------------------------------------------------|-------------|
| <u>Field Inspection Responding to Complaint (verified violation)</u> | <u>\$50</u> |
| <u>Tree fence violation</u>                                          | <u>\$50</u> |

4. Fee for Tree Contractor Registration \$100

(E) WORK MUST BE ACCORDING TO APPROVED TREE PRESERVATION PLAN: It shall be unlawful for any person, firm, or a corporation to fail to abide by the terms of any Tree Preservation Plan pursuant to which a building permit has been issued, including all regulated public utilities.

- (F) STOP WORK ORDER AUTHORIZED FOR NON-COMPLIANCE WITH TREE PRESERVATION PLAN: If the Village Forester, or his/her designee, or a Building Inspector observes the precautions specified in the Tree Preservation Plan were not undertaken before construction commenced or not maintained during construction, a stop work order may be issued. The stop work order shall remain in place until the permittee complies with the approved Tree Preservation Plan and/or corrects the issues stated in the stop work order.
- (G) AMENDMENT TO TREE PRESERVATION PLAN AND REMOVAL OF PROTECTED TREES:- An application can be made to the Village Forester to amend a Tree Preservation Plan. No amendment shall be permitted to delete a Protected Tree which has been damaged or where the provisions of the approved Plan have not been followed. An application shall be approved where changed facts and circumstances not within the control of the applicant create an undue hardship in complying with the Plan. Where a Protected Tree has been damaged such that its Removal is required, the Forester shall issue a special permit for approve its Removal after adequately documenting any violations of this Chapter which have caused or contributed to the Removal of a Protected Tree.
- (H) TREE REMOVAL, CONTRACTOR REGISTRATION REQUIRED: Any person, firm, or corporation which is employed to prune, remove, maintain or treat public or private property trees in the Village shall be required to register with the Public Works Department. In order to obtain registration, the following application documents must be submitted:
1. Application form including all required information and applicant signature.
  2. Applicable registration fee.
  3. Registration forms will be filed on or before January 1st of each year.
  4. A surety bond issued by a company approved and authorized to issue bonds by the State of Illinois. The surety bond shall assure that the contractor's work will be completed in accordance with the requirements of this code. The surety bond shall be in the minimum amount of twenty thousand dollars (\$20,000.00) and shall list the Village of Glen Ellyn and third party beneficiaries as the obliges.
  5. A certificate of insurance issued by a company approved and authorized to issue insurance by the State of Illinois. The certificate of insurance shall list the Village of Glen Ellyn as an additional insured and shall be in the amount of one million dollars (\$1,000,000.00)

6. A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the tree was Removed, the reason for Removal, the species, and D.B.H.

7. shall be required to register with the Public Works Department. There shall be no charge for registration; but the registration form shall include information regarding at least the name, address and telephone number of the contractor; and the number of years the contractor has been in business. Registration forms will be filed on or before May 1st of each year and shall be annually updated if listed information should change. A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the tree was Removed, the reason for Removal, the species, and D.B.H.

4-8-4: INTERFERENCE WITH THE VILLAGE FORESTER: It shall be a violation of this Chapter for any person to unreasonably hinder, prevent, delay, or interfere with the Village Forester, Building and Zoning Official, or their agents while engaged in the execution or enforcement of this Chapter.

4-8-5: VIOLATION AND PENALTY: Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to ~~a minimum fine of two hundred fifty dollars (\$250) and~~ a maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person, through an affirmative or mandatory injunction, to cease a violation of this Chapter or to require the actions mandated within this Chapter to be performed.

4-8-6: MULTIPLE TREE REMOVAL ON NON-OWNER OCCUPIED PROPERTY (CLEAR CUTTING PROVISION):

(A) Any property owner who does not reside on the property as their primary residence (defined as at least six consecutive months during the last year), may not remove any tree with a ten (10) inch D.B.H. or greater or any multi-branch tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H. without the approval of a Tree Preservation Plan.

(B) The property owner may request permission from the Village Forester, or his/her designee, to remove trees considered to be in decline, dead, diseased, invasive, or

otherwise compromised. Tree Preservation Plans for Planned Unit Development, Subdivision, and Special Use development projects shall be approved by the Village Board.

(C) Any person that removes a tree under the provisions of Section 4-8-6 shall compensate the Village for the removal of the tree. The amount paid shall be \$150 per inch of tree removed measured at the remaining stump. If the stump has been removed and clear evidence of a removed tree exists, the person shall pay a fine of \$2,000 for the removed tree, regardless of the original size. These collected funds shall be deposited into the Village's Tree Restoration Fund.

(A)(D) Appeals regarding this provision shall be submitted to the Public Works Director.

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 \_\_\_\_\_, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

\_\_\_\_\_  
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 \_\_\_\_\_, 2011.)

**ENVIRONMENTAL COMMISSION  
PRIVATE PROPERTY TREE PRESERVATION ORDINANCE  
RECOMMENDATION FOR CONSIDERATION**

The Environmental Commission agrees on the need to replant and replenish the community forest on an on-going basis and is concerned that the Village lacks funds to promote this goal. The Environmental Commission finds that trees significantly enhance the value of private property; significantly increase the marketability of private property; significantly decrease energy consumption and energy costs by providing shading, cooling and a wind break; reduce flooding by providing stormwater detention; reduce the run-off of pesticides, herbicides and other pollutants to our rivers and streams; provide a sound barrier; enhance the character of the Village; and provide other economic, social and intangible benefits to our community.

The Environmental Commission believes that the Village tree canopy has declined due to disease development and other activities. The Commission is concerned is that the Village forest is aging and that the Village has not taken adequate steps to replace and replenish trees on both public and private land. The Commission makes the following proposal in order to create a fund to be exclusively dedicated to replanting and protecting the Village forest. The Environmental Commission proposes that the Village's private tree ordinance be amended to provide as follows:

1. Consideration of a permit and payment of a fee to remove a healthy, non-invasive tree (to be described on a list developed by the Village Forester) with a Diameter at Breast Height (DBH) of 4 inches or greater subject to the exceptions listed in paragraph 2.
2. Consideration of a permit requirement, but no fee requirement, to remove a dead, diseased or invasive tree (to be identified per paragraph 1 above) with a DBH of 4 inches or greater, or one that poses a threat to life or structures or is detrimental to adjacent non-invasive trees as is determined by the Village.
3. Consideration of the establishment of fines for violations of the ordinance described above.
4. Consideration that all fees collected for tree removal permits and fines shall be deposited in a separate fund to be exclusively used for protection of public and private trees, planting of trees on public and private property, and to otherwise enhance the Village tree canopy.

The following two items are additional amendments to the private tree preservation ordinance that the Environmental Commission would appreciate the Village Board considering:

5. Consideration of a seven-day wait period between the posting and delivery of a tree preservation plan and the issuance of a building permit to help ensure tree protection on neighboring property.
6. Consideration of the requirement of a tree preservation plan for the replacement of garages, driveways and other structures within the same or greater footprint if construction could affect neighboring property trees within 15 feet of the lot line.

ORDINANCE NO. \_\_\_\_\_ - VC

AN ORDINANCE AMENDING  
TITLE 4, CHAPTER 8 (TREE PRESERVATION)  
OF THE GLEN ELLYN VILLAGE CODE  
REGARDING TREE PRESERVATION ON PRIVATE PROPERTY

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

SECTION ONE: Chapter 8 (TREE PRESERVATION) of Title 4 (BUILDING REGULATIONS) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 8

TREE PRESERVATION

- 4-8-1: PURPOSE: The purpose of this Chapter of the Village Code is to enhance the private property portion of the Community Forest by assuring the preservation and protection of Protected Trees. Chapter 4 entitled "Forestry Management" of Title 8 "Public Ways and Property" of this Code is applicable to the public property portion of the Community Forest. These Chapters complement each other to enhance the total Community Forest in Glen Ellyn. It is the stated public policy of the Village to add to the Tree population within the Village, where possible, and to maintain, to the greatest extent possible, existing Trees within the Village. The planting of additional Trees, preservation of existing Trees, and proper maintenance of Trees in the Village will improve the quality of life in Glen Ellyn.
- 4-8-2: DEFINITIONS: As used within this Chapter and Chapter 4 of Title 8 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting,

maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

~~BORDER TREE: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester.~~

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

~~CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place, especially where Protected Trees exist on adjacent property and the Critical Root Zone may need to be retracted because of narrow side-yard dimensions.~~

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

~~DEVELOPMENT: Any proposed material change in the use of or character of land, including, but not limited to, the construction, addition, alteration, or the replacement of the primary structure or accessory structure on the lot, site improvements on land, the grading or re-grading of a lot, or installation of irrigation, driveway improvement, or utility upgrades. Development shall include all subdivisions or planned unit developments approved in Glen Ellyn. Development shall not include the following: an addition to a primary structure or the bulk area of the primary structure of less than three hundred (300) square feet; additional impervious surface area additions of less than three hundred (300) square feet; other accessory structures less than three hundred (300) square feet in area: fences, decks, and garages which are built in the same footprint plus no more than an additional 20 percent of the square footage of the existing garage; or grading on private property of less than 1,500 square feet.~~All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation or utility work that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement.
2. Decks supported on individual spaced concrete piers.

3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

NON-OWNER OCCUPIED PROPERTY – Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.

~~PRIVATE TREE: Any Tree on privately owned property within the Village.~~

~~PROTECTED TREE: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

~~PUBLIC TREE: Any Tree or Border Tree within a public right of way in the Village.~~

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

~~REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune, plant, treat, or Remove any Public Tree, Protected Tree, or Significant Tree in the Village of Glen Ellyn and is required to obtain a Tree Contractor Registration from the Public Works Department.~~

**REGULATED PUBLIC UTILITY:** Any utility ~~certificated~~ certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

**REMOVE OR REMOVAL:** The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

~~**REPLACEMENT TREE:** A nursery grown certified Tree, properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.~~

**SCAFFOLDS:** Primary structural branches of the Crown.

~~**SIGNIFICANT TREE:** All hickory, oak, or walnut species in the Village shown on a Tree Preservation Plan as being retained after Development when they reach five (5) inches D.B.H.~~

**TREE:** Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

**TREE, ADJACENT PROPERTY:** Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner of the tree amends the tree preservation plan to designate the tree as non-protected.

**TREE, BORDER:** Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

**TREE, IMPACTED:** Any Tree shown on a Tree Preservation Plan that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

**TREE, PRIVATE:** Any Tree on privately-owned property within the Village.

**TREE, PROTECTED:** Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree

which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the owner of the tree removes them from Protected status.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of the tree amends the tree preservation plan to designate the tree as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan, or Development plan.

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

~~TREE SURVEY: A graphic display of all Protected, Border, Public Significant Trees and Unprotected Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees must be identified by number, which are located on the lot at the time a building permit is sought, with a designation of those Protected and Significant Trees which the Owner has chosen to remain on the lot after the Development and all Public Trees on adjacent public property which will be affected by any Development. The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The survey shall also contain this information for any Tree which would qualify by size and type as being a Protected or Significant Tree and which is located on an adjacent lot within fifteen (15) feet of the lot line. The sSurvey shall also show the location of any Tree which was Removed in the prior one-year period.~~

~~UNPROTECTED TREE: Any Tree in the Village which would otherwise be a Protected Tree but which the owner has chosen to Remove from the regulations of this Chapter but only after initial actions have been taken to protect the Tree, such as the establishment of~~

~~protective fencing. The designation as an Unprotected Tree allows the applicant to provide initial protection for Trees near, for example, critical construction zones so that an effort can be made to save the Tree during Development. This designation and initial efforts will not subject the applicant to penalties for subsequent failure to protect or circumstances beyond the applicant's control which resulted in damage to the Unprotected Tree.~~

4-8-3: GENERAL REGULATIONS - PRIVATE PROPERTY INVOLVING DEVELOPMENT:

~~(A) TREE PRESERVATION PLANS REQUIRED FOR ALL DEVELOPMENT ON PRIVATE PROPERTY; DETAILS: Development on private property shall require the filing of a Tree Preservation Plan along with other permit application materials required by this Section at or prior to filing a request upon application for a building permit. The Tree Preservation Plan will show every Tree on the property which is a Protected and Unprotected Tree. All Trees shown on the Tree Preservation Plan shall initially be protected in accordance with the provisions of this Chapter.~~

~~Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition shall may be designated as Unprotected Impacted Trees which after the initial protection tree protection fencing or other protective methods have has been put in place shall not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. This requirement shall prevail where Protected Trees are located on the lot or when Trees which would otherwise be Protected Trees are on an adjacent lot and located within fifteen (15) feet of the property line.~~

~~The Tree Preservation Plan shall indicate the methods that will be used during Development to preserve Protected Trees on the lot. The shall be required to also indicate the specific methods which will be used to preserve Adjacent Property Trees all Trees which would otherwise be Protected Trees on adjacent property. The protective methods for the Adjacent Property Trees on adjacent properties shall be specifically approved by the Village Forester, or his/her designee, who shall, however, consider, among other factors, the right of the applicant to build if compliance is maintained with required setbacks in compliance with the provisions of the Zoning Code.~~

~~All work to preserve the Protected, Adjacent, Significant, and Impacted Trees shall be according to the Arboricultural Specifications Manual. As an attachment to the application, three (3) copies of a Tree Survey The Tree Survey shall be drawn to a scale not less than 1" to 20' scale so that the location of each Protected Tree and each Unprotected Tree can be identified, shall be included unless a grading plan is required; in that case, nine copies of a Tree Survey shall be included. The Tree Preservation Plan shall specify include the following:~~

1. ~~A Tree Survey as defined above, showing the location, condition, species and trunk diameter of every Protected and Unprotected Tree on the property and every Protected Tree within fifteen (15) feet of the lot line. The Survey or the Plan shall show the location of protective measures to be placed on the lot. In addition, the Survey shall show, using a different code, the location of any Tree which was Removed in the prior one-year period. The Village Forester, or his/her designee, may exclude the Tree Survey requirement on those portions of the site which he/she determines will not be affected by the Development activity. The Survey may be prepared by a registered land surveyor and/or certified arborist or it may be prepared by or under the direction of the owner if it accurately reflects the location of all Trees all required tree information. The Village Forester shall, if requested, assist without charge in the identification and size of Tree species on those properties that do not require an ISA Certified Arborist review and approval.~~
2. The name and contact information of the parties responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Protected Trees.
3. ~~Location~~The location, shape, and spatial arrangement of all existing and proposed buildings, walls, improvements, and structures and the excavation limits required to construct proposed improvements.
4. ~~Location~~The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways.
5. ~~Any~~All existing or new Utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV and any existing Utility services which will remain the same be removed or modified.
6. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place. In such cases, the Village Forester, or his/her designee, may request additional precautions in order to preserve the health of trees.

~~NOTE: The Critical Root Zones of Protected Trees shall be carefully reviewed and taken into account during the preparation of the Tree Preservation Plan. Every effort should be made during architectural layout and design of the proposed Development to preserve Trees which would~~

~~otherwise qualify as Protected Trees on adjacent lots through sensitivity to the Critical Root Zones of said Protected Trees.~~

76. Existing and proposed grading of the Development area showing elevations with contour lines at one (1) foot intervals if a grading plan is required by some other provision of the Village Code.

8. A Tree Preservation Plan for a new home shall be reviewed and approved by a Certified Arborist for the purpose of evaluating the protective measures proposed on the plan.

(B) ~~NO BUILDING PERMIT APPROVAL UNTIL TREE PRESERVATION PLAN IS APPROVED~~BUILDING PERMIT REQUIRED: No building permit shall be issued for Development until the Tree Preservation Plan has been approved by the Village Board, the Village Forester, or his/her designee, ~~and the Village Forester has determined that the required steps have been taken in the field to implement the Tree Preservation Plan and the Tree Preservation Plan has been properly posted on the site.~~ In reviewing the Tree Preservation Plan, the Village Forester, or his/her designee, can ~~recommend~~ **offer advice** and suggest modifications which will better protect existing Trees, but the Tree Preservation Plan shall be approved if it otherwise is in conformity with Village ordinances. The Village shall process the Tree Preservation Plan in no more time than shall be needed to process a building permit unless the application does not fulfill the requirements of this Chapter. Appeals regarding the Tree Preservation Plan or a decision of the Village Forester shall be submitted to the Public Works Director or Village Manager. ~~carried out in the same manner as appeals relating to building permits. After issuance of the building permit by the Planning and Development Department,~~ The following steps must shall be followed to assure conformance to the approved Tree Preservation Plan and the Tree protection requirements in the Arboricultural Specifications Manual prior to the issuance of a building permit prior to the start of construction.

1. Tree preservation fencing must be installed and inspected for all protected, significant, impacted, border, public, and adjacent property trees prior to the issuance of a building permit. start of construction. Tree preservation measures ~~for Protected Trees must be installed per the approved Tree Preservation Plan and~~ remain in place during the entire construction period. Fencing shall not be removed or relocated unless authorized in writing.

2. For a new principal structure new house construction or any other construction that is determined by the Village Forester, or his/her designee, an approved Tree Preservation Plan shall be posted on the building site before work commences a building permit is issued and shall remain in place throughout the entirety of the and always during construction of the project.

This sign must be posted as shown in the Arboricultural Specifications Manual. The ~~general contractor~~ permit applicant shall be responsible for notifying all other contractors ~~involved with a given project~~ working on the property of the Tree Preservation Plan.

3. The applicant shall notify all adjacent property owners of the proposed construction project and that a Tree Preservation Plan has been prepared and is available for review at the Planning and Development Department of the Village of Glen Ellyn. A copy of such notification along with a list of addresses it was delivered to must be submitted to the Planning and Development Department prior to the issuance of a building permit.

(C) PRECAUTIONS DURING CONSTRUCTION: During construction, all reasonable steps necessary to prevent the destruction or damaging of Protected Trees shall be taken, including, but not limited to, the following:

1. No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted within the Critical Root Zone of any Protected Tree on the Tree Preservation Plan unless shown on the approved Tree Preservation Plan. No excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any Protected Tree.
2. Per the Arboricultural Specifications Manual, appropriate protective fencing shall be ~~temporarily~~ installed and maintained for the protection of Protected, Adjacent Property, and Impacted ~~Unprotected~~ Trees.
3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to Protected Trees during the construction period.
4. ~~Construction, Branch pruning, root feeding, and root pruning of Protected Trees and Adjacent Property Trees~~ directly affected by construction ~~must~~ should be ~~approved by the~~ conducted by the property owner if ~~recommended~~ suggested by the Village Forester, or his/her designee, and must be completed following the Arboricultural Specifications Manual. ~~On-site inspections must be scheduled with the Village Forester or his/her designee to insure this requirement is met.~~
5. Unless otherwise shown on the approved Tree Preservation Plan, no soil is to be added to or removed from within the Critical Root Zone of any Protected or Adjacent Property Tree that is to remain, unless shown on the approved

Tree Preservation Plan. Trees on adjacent lots within 15 feet of the lot line must be protected.

6. Regulated public utilities, to the extent permitted by law, shall be responsible for adhering to said Tree Preservation Plan during installation of necessary Utility service lines. A property owner or contractor shall not be responsible for damages caused by the action of a public Utility unless that person directed the location and manner of work of the Utility.
7. Monitoring of the tree protection measures will be conducted by the Village Forester or his/her designee and violations of this ordinance shall be subject to the fees and fines identified in this Chapter.

(D) FEE SCHEDULE FOR TREE PRESERVATION PERMIT PLAN REVIEW: ~~The basic fee for the issuance of a Tree Preservation Permit shall be as follows:~~  
Permit fee for Tree Preservation:

1. Plan Review Fee and Planned Field Inspections for lots ~~Single Lots for single-family lots:~~

Unit Cost for Each:

|                        |            |
|------------------------|------------|
| Garage / Pool / Other  | \$110 each |
| Addition               | \$110 each |
| Demolition / New House | \$150 each |
| New House              | \$150 each |

2. Plan Review Fee and Planned Field Inspections for Subdivisions, Special Use Projects, and Planned Unit Developments or lots with any use other than single-family residences:

Cost to review Documents submitted in compliance with Tree Preservation Ordinance: \$50 / hour by consultant  
(not to exceed \$250)

3. Fees for Additional Field Inspections and Violations

|                                                                      |             |
|----------------------------------------------------------------------|-------------|
| <u>Field Inspection Responding to Complaint (verified violation)</u> | <u>\$50</u> |
| <u>Tree fence violation</u>                                          | <u>\$50</u> |

- ~~4. Fee for Tree Contractor Registration \$100~~

(E) WORK MUST BE ACCORDING TO APPROVED TREE PRESERVATION PLAN: It shall be unlawful for any person, firm, or a corporation to fail to abide by

the terms of any Tree Preservation Plan pursuant to which a building permit has been issued, including all regulated public utilities.

(F) STOP WORK ORDER AUTHORIZED FOR NON-COMPLIANCE WITH TREE PRESERVATION PLAN: If the Village Forester, or his/her designee, or a Building Inspector observes the precautions specified in the Tree Preservation Plan were not undertaken before construction commenced or not maintained during construction, a stop work order may be issued. The stop work order shall remain in place until the permittee complies with the approved Tree Preservation Plan and/or corrects the issues stated in the stop work order.

(G) AMENDMENT TO TREE PRESERVATION PLAN AND REMOVAL OF PROTECTED TREES:- An application can be made to the Village Forester to amend a Tree Preservation Plan. No amendment shall be permitted to delete a Protected Tree which has been damaged or where the provisions of the approved Plan have not been followed. An application shall be approved where changed facts and circumstances not within the control of the applicant create an undue hardship in complying with the Plan. Where a Protected Tree has been damaged such that its Removal is required, the Forester shall issue a special permit for approve its Removal after adequately documenting any violations of this Chapter which have caused or contributed to the Removal of a Protected Tree.

~~(H) TREE REMOVAL, CONTRACTOR REGISTRATION REQUIRED: Any person, firm, or corporation which is employed to prune, remove, maintain or treat public or private property trees in the Village shall be required to register with the Public Works Department. In order to obtain registration, the following application documents must be submitted:~~

- ~~1. Application form including all required information and applicant signature.~~
- ~~2. Applicable registration fee.~~
- ~~3. Registration forms will be filed on or before January 1st of each year.~~
- ~~4. A surety bond issued by a company approved and authorized to issue bonds by the State of Illinois. The surety bond shall assure that the contractor's work will be completed in accordance with the requirements of this code. The surety bond shall be in the minimum amount of twenty thousand dollars (\$20,000.00) and shall list the Village of Glen Ellyn and third party beneficiaries as the obliges.~~
- ~~5. A certificate of insurance issued by a company approved and authorized to issue insurance by the State of Illinois. The certificate of insurance shall list~~

~~the Village of Glen Ellyn as an additional insured and shall be in the amount of one million dollars (\$1,000,000.00)~~

~~6. A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the tree was Removed, the reason for Removal, the species, and D.B.H.~~

~~7.~~

4-8-4: INTERFERENCE WITH THE VILLAGE FORESTER: It shall be a violation of this Chapter for any person to unreasonably hinder, prevent, delay, or interfere with the Village Forester, Building and Zoning Official, or their agents while engaged in the execution or enforcement of this Chapter.

4-8-5: VIOLATION AND PENALTY: Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to ~~a minimum fine of two hundred fifty dollars (\$250)~~ and a maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person, through an affirmative or mandatory injunction, to cease a violation of this Chapter or to require the actions mandated within this Chapter to be performed.

4-8-6: MULTIPLE TREE REMOVAL ON NON-OWNER OCCUPIED PROPERTY (CLEAR CUTTING PROVISION):

(A) Any property owner who does not reside on the property as their primary residence (defined as at least six consecutive months during the last year), may not remove any tree with a ten (10) inch D.B.H. or greater or any multi-branch tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H. without the approval of a Tree Preservation Plan.

(B) The property owner may request permission from the Village Forester, or his/her designee, to remove trees considered to be in decline, dead, diseased, invasive, or otherwise compromised. Tree Preservation Plans for Planned Unit Development, Subdivision, and Special Use development projects shall be approved by the Village Board.

(C) Any person that removes a tree under the provisions of Section 4-8-6 shall compensate the Village for the removal of the tree. The amount paid shall be \$150 per inch of tree removed measured at the remaining stump. If the stump has been removed and clear evidence of a removed tree exists, the person shall pay a fine of \$2,000 for the removed tree, regardless of the original size. These collected funds shall be deposited into the Village's Tree Restoration Fund.

(A)(D) Appeals regarding this provision shall be submitted to the Public Works Director or Village Manager.

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 \_\_\_\_\_, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
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 \_\_\_\_\_, 2011.)

ORDINANCE NO. \_\_\_\_\_ - VC

AN ORDINANCE TO AMEND  
TITLE 8, CHAPTER 4 (FORESTRY MANAGEMENT)  
OF THE GLEN ELLYN VILLAGE CODE  
REGARDING TREE PRESERVATION ON PUBLIC PROPERTY

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: Chapter 4 (FORESTRY MANAGEMENT) of Title 8 (PUBLIC WAYS AND PROPERTY) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 4

FORESTRY MANAGEMENT

8-4-1: PURPOSE:

The purpose of this Chapter of the Village Code is to enhance the public property portion of the Community Forest by assuring the preservation, protection, planting, and proper maintenance of parkway Trees. Chapter 8 entitled "Tree Preservation" of Title 4 "Building Regulations" of this Code is applicable to the private property portion of the Community Forest. These chapters complement each other to enhance the total Community Forest in Glen Ellyn.

8-4-2: DEFINITIONS:

As used within this Chapter and Chapter 8 of Title 4 of this Code, the following terms shall have the meaning set forth in this section:

**ARBORICULTURAL SPECIFICATIONS MANUAL:** A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting,

maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on- private property.

~~BORDER TREE: Any Tree, the trunk of which lies at least one quarter on Village-owned property and three quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester.~~

CERTIFIED ARBORIST

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

~~CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place, especially where Protected Trees exist on adjacent property and the Critical Root Zone may need to be retracted because of narrow side-yard dimensions.~~

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

~~DEVELOPMENT: Any proposed material change in the use of or character of land, including, but not limited to, the construction, addition, alteration, or the replacement of the primary structure or accessory structure on the lot, site improvements on land, the grading or re-grading of a lot, or installation of irrigation, driveway improvement, or utility upgrades. Development shall include all subdivisions or planned unit developments approved in Glen Ellyn. Development shall not include the following: an addition to a primary structure or the bulk area of the primary structure of less than three hundred (300) square feet; additional impervious surface area additions of less than three hundred (300) square feet; other accessory structures less than three hundred (300) square feet in area: fences, decks, and garages which are built in the same footprint plus no more than an additional 20 percent of the square footage of the existing garage; or grading on private property of less than 1,500 square feet.~~All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation or utility work that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement.

2. Decks supported on individual spaced concrete piers,
3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

NON-OWNER OCCUPIED PROPERTY – Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.

~~PRIVATE TREE: Any Tree on privately owned property within the Village.~~

~~PROTECTED TREE: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

~~PUBLIC TREE: Any Tree or Border Tree within a public right of way in the Village.~~

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune, plant, treat or Remove and Public Tree, Protected Tree, or Significant Tree in the Village of Glen Ellyn and is required to obtain a Tree contractor Registration from the Public Works Department.

**REGULATED PUBLIC UTILITY:** Any Utility certificated certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public Utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

**REMOVE OR REMOVAL:** The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

**SCAFFOLDS:** Primary structural branches of the Crown.

**TREE MITIGATION:**— A Forestry escrow account. This money would be used for parkway tree replacement- or maintenance of parkway trees.

**TREE:** Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

**TREE, ADJACENT PROPERTY:** Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner of the tree amends the tree preservation plan to designate the tree as non-protected.

**TREE, BORDER:** Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

**TREE, IMPACTED:** Any Tree shown on a Tree Preservation Plan that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

**TREE, PRIVATE:** Any Tree on privately-owned property within the Village.

**TREE, PROTECTED:** Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the owner of a tree removes them from Protected status.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of a tree amends the tree preservation plan to designate the tree as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan..

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

TREE SURVEY: A graphic display of all Protected, Border, Public Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees must be identified by number. . The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The Survey shall also show the location of any Tree which was Removed in the prior one-year period.

WORK IN PARKWAY PERMIT: The permit required by this Code issued in order to Remove or do any work as specified in the ordinance on any Public Tree within the corporate limits of the Village or a Village parkway.

8-4-3: VILLAGE FORESTER: The Village Forester shall be appointed by the Village Manager. The Village Forester shall be responsible for the enforcement of the AForestry Management@ and ATree Preservation@ Chapters of the Village Code.

8-4-4: REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune or Remove any Public Tree, Protected Tree, or Significant Tree shall be required to register with the Public Works Department. There shall be no charge for the

registration; but the registration form shall include information regarding at least the name, address and telephone number of the contractor; the name, address, and telephone number of the owner or owners of the contractor; and the number of years the contractor has been in business. Registration forms will be filed on or before May 1st of each year and shall be annually updated if listed information should change.

A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the Tree was Removed, the reason for Removal, the species, and D.B.H.

It shall be a violation of the ordinances of the Village for any person, firm, or corporation to perform the aforesaid work within the Village without having filed a registration form either initially or on an annual basis or having failed to disclose full and accurate information required on that registration form. In addition to instituting an action to seek fines for the failure to register or providing inaccurate information in the registration forms, the Village President may suspend or revoke the registration if a Tree Contractor fails to comply with the requirements of the Village ordinances.

A suspension or revocation shall only take place after the Village President has held a hearing upon not less than five days' written notice. The Tree Contractor shall be provided with a written statement of the provisions of the Village ordinances which the Tree Contractor is alleged to have violated. At such hearing, the Tree Contractor shall be entitled to be represented by counsel who shall be permitted to present witnesses and cross-examine any other witnesses that appear at the hearing. A suspension may be for a period of up to six (6) months; a revocation shall be for a period of two (2) years. It shall be a violation of this Chapter for any Registered Tree Contractor to employ within the Village a person who was employed by a Tree Contractor whose permit was suspended or revoked during the period of the suspension or revocation.

#### 8-4-5: GENERAL REGULATIONS - PUBLIC PROPERTY:

- (A) **WORK ON PUBLIC TREES:** Work on Public Trees may only be carried on by a ~~Registered~~ Registered Tree Contractor with a valid current registration selected or approved by the Village Forester, or his/her designee, and issued a permit to carry out such work. This provision shall not ~~be construed to~~ prohibit owners of property adjacent to Village-owned property from watering or fertilizing ~~without a permit~~ any Tree, shrub, or other plant on Village-owned property.
- (B) **DAMAGE TO TREES, SHRUBS, OR OTHER PLANTS PROHIBITED:** It shall be unlawful for any person to injure, prune, Remove, destroy, attach any rope, wire, nail, or other contrivance; place any compacted stone, cement, or other impervious matter

or substance as may obstruct the free access of air and water to the roots; this includes improper mulching techniques (volcano mulch); or Remove any device set for the protection of any Tree, shrub, or other plants on Village-owned property without approval from the Village Forester or his/her designee.

- (C) CARE OF PUBLIC PROPERTY WHEN WORKING ON PRIVATE PROPERTY: It shall be unlawful for the person working on private or public property to leave any Public Tree that may be affected by building, structure, or other work without proper Tree preservation methods as stated by the Village Forester or his/her designee per the Arboricultural Specifications Manual.
- (D) WORK STANDARDS ON PUBLIC TREES MUST BE FOLLOWED: Work done on Public Trees shall follow the standards outlined in the Arboricultural Specifications Manual. A copy of the Arboricultural Specifications Manual is on file and may be reviewed at the office of the Village Forester, viewed on the Village website or may be purchased at the Civic Center.
- (E) DAMAGE TO PUBLIC TREES CAUSING REMOVAL (PAYMENT OR REPLACEMENT): Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall compensate the Village for the loss of the Public Tree. The amount paid shall be based on the following schedule:
1. If the damaged Public Tree is less than eight (8) inches in diameter (measured at twelve [12] inches above ground level), the amount paid shall be determined by using the Replacement Cost Method of evaluating Trees found in the latest edition of the Council of Tree and Landscape Appraisers Guide (CTLA) for Plant Appraisal, which guide is adopted by reference by the Village as if it were a part of this Chapter.
  2. For Public Trees larger than an eight (8) inch trunk diameter, the amount paid shall be determined by using the Trunk Formula Method of evaluating Trees found in the latest edition of CTLA Guide.
  3. Added to the costs established under Sections (E)-1 and (E)-2 shall be the cost of the Removal and stump grinding of the Public Tree.
  4. In addition to the prosecution for a business offense, in accordance with Section (F) herein, the Village may seek to recover the cost of the damaged Public Tree, in the amount computed under Sections (E)-1, 2 and 3, through a civil action. ~~In lieu of a cash payment awarded as a civil judgment, a comparable size Replacement Tree or smaller diameter Replacement Trees equaling the number of inches Removed may be planted. A recommendation as to whether to accept cash or Replacement Trees and the determination of~~

~~the type, size, number and location of Replacement Trees shall be made by the Village Forester, or his/her designee, who shall recommend to the Village the nature of the recovery which will be sought.~~

5. ~~Any Replacement Trees shall be planted following the Arboricultural Specifications Manual.~~

- (F) DAMAGE TO PUBLIC TREES CAUSING REMOVAL (CIVIL FINE): Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall be guilty of a business offense and, upon a conviction thereof, shall pay a fine which shall not be less than \$1,000.00 nor more than that established under the formula set out in Sections (E)-1 and (E)-2, ~~but not more than \$10,000.00~~, and in addition to the cost of the Removal of the Tree.
- (G) INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (PAYMENT): Any person that causes injury to a Public Tree that requires treatment may avoid a civil fine by paying the actual cost to treat the Tree.
- (H) INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (CIVIL FINE): Any person that causes injury to a Public Tree so that the Tree requires treatment shall be guilty of a business offense. The fine upon conviction shall be equal to the actual cost incurred by the Village in treating the Tree for the injury.
- (I) TIME FOR BRINGING AN ACTION AND DAMAGE OR INJURY: The Village shall not prosecute any person for causing damage or injury to Public Trees when the action of such person was limited to lawn mowing using a non-riding lawn mower or a "weed whacker" unless the person was notified of the problem and continued to cause damage to the tree. Nor shall a person be liable for fines or reimbursement when damage is done by a Regulated Public Utility unless that person has specifically directed the location and manner of work performed by the Utility which caused the damage, however the person that has specifically caused damaged will be liable. Any action by the Village seeking fines or reimbursements for costs relating to damage or injury to Public Trees must be commenced within ~~three~~ three (3) years of the date of the refund of deposit. ~~when the damage or injury occurred.~~

8-4-6: ACCESS TO A PUBLIC RIGHT-OF-WAY OVER A PUBLIC PARKWAY WHICH CANNOT REASONABLY BE ACCOMPLISHED EXCEPT THROUGH THE REMOVAL OF A PUBLIC TREE: In determining whether reasonable access can be gained to the public right-of-way, the Village Forester may require the applicant seeking access to choose alternate methods of access to the public right-of-way which shall not require damage or removal to a Public Tree. The Village shall determine the point of access which will provide an opening to the public right-of-way. Where, however, public access can only be reasonably granted through the Removal of a Public Tree, the permit, if otherwise proper, shall be

granted; and the property owner shall not be required to reimburse the Village for the value of the Tree but only for the cost of Removal and Replacement of a 4" DBH tree.

8-4-7: PERMITS REQUIRED:

(A) PERMITS REQUIRED TO DO WORK ON PUBLIC TREES: Except for work performed by an employee or independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a ~~Registered~~ Registered Tree Contractor ~~or a subcontractor to the Registered Tree Contractor~~ who has first secured a written permit from the Village Forester, or his/her designee. The Village shall determine those ~~Registered~~ Tree Contractors who shall be allowed to perform work on Public Trees. No person except the Village Forester, an agent of the Village Forester, or a contractor hired by the Village under the supervision of the Village Forester may do any of the following acts related to Public Trees without first securing a written permit from the Village Forester, or his/her designee:

1. Plant, transplant, treat, prune, or Remove any Public Tree (excludes watering and fertilization).
2. Place in a public right-of-way, either above or below ground level, a container for Trees, shrubs, or other plants.

(B) PERMITS REQUIRED TO DO TUNNELING OR EXCAVATION NEAR PUBLIC TREES: Except for work performed by an employee or an independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a person, including a Regulated Public Utility, who has first secured a written permit from the Village Forester: dig a tunnel, trench, or other excavation; install a driveway approach; plant within the Critical Root Zone for flower boxes, etc.; or roto-till or dig within the Critical Root Zone of any Public Tree.

(C) PERMIT: Applications for permits must be made at the office of the Building and Zoning Official not less than five ten (~~5~~10) working days before the time the work is to be done. Notice of completion of the work authorized by the permit shall be given within five (5) days to the Village Forester for inspection. The issue of the permit and the inspection shall be accomplished within a reasonable period of time provided, however, that the work may not be performed without the issuance of a permit.

The Village ~~may also~~ may also require a permit in situations where Development will take place in such a manner as to cause stress to Public Trees even if no Removal is contemplated.

This permit shall not be construed to exempt any person from the requirements of obtaining additional permits required by law.

If the request includes Removal of a Public Tree where the Village consents to the Removal where another access to the public right-of-way could have been reasonably provided, a fee reflecting the value of the Tree, plus the cost of Removal of the tree and stump, shall be paid to the Village before the issuance of any permit. The fee shall be calculated according to Section 8-4-5 (E) of this Chapter. If the request includes Removal of a Public Tree where no other access to the property was available, a fee reflecting ~~only~~ the cost of Removal of the tree and stump and all costs associated with the purchase and planting of a 4" tree, and a one year guarantee of the Tree shall be paid to the Village before the issuance of any permit. Tree Removal shall be performed by a contractor hired by the Village of Glen Ellyn.

8-4-8: ENHANCEMENT OF TREE POPULATION; PRIVATE PROPERTY OWNERS REQUIRED TO PLANT NEW PUBLIC TREES: Any contractor, owner, or agent obtaining a building permit for residential construction greater than one thousand five hundred (1,500) square feet, or business, industrial, or other non-residential construction or additions to such structures increasing the bulk thereof by greater than one thousand five hundred (1,500) square feet shall be required, as part of the permit, to assure that a Public Tree(s), following the Arboricultural Specifications Manual, is planted at a location on an adjacent public parkway as selected by the Village Forester. If the public parkway adjacent to the lot has Public Trees that meet the standards found in the Arboricultural Specifications Manual, as determined by the Village Forester, no new Trees need be planted. The contractor, owners, or agents shall pay to the Village a fee to pay for the total cost of purchasing and planting the required Trees. The fee shall be based on the current average cost the Village pays for the planting of parkway Trees two (2) inches in diameter, which shall include all costs associated with the cost of purchase the Tree, and planting of a 2" tree, and a one year guarantee.

8-4-9: RESTORATION DEPOSITS: Restoration deposits shall be required for: (1) development on private property which requires access to the private property from the public right-of-way on which any Public Tree exists or (2) work in the public right-of-way requiring a work permit. The deposit provides financial assurance that any public tree damaged during the Development, or under a work permit, will be restored by the permit holder. The deposit will be available for any cost the Village incurs to correct damage to Public Trees caused by the work.

(A) NEW CONSTRUCTION, ADDITIONS, OR ALTERATIONS: Any contractor, owner, or agent obtaining a permit for Development on private property or a work permit on public property shall deposit with ~~the Management Services Department~~ the Finance Department the Landscape value of all Public Trees that may be affected or two thousand dollars (\$2,000), whichever is less. This deposit shall be

returned by ~~the Management Services Director~~ the Finance Director, without interest, upon written notice from the Village Forester that the work has been completed and that the existing Public Trees have not been damaged or have been satisfactorily repaired.

- (B) DEPOSIT USES BY VILLAGE TO REPLACE DAMAGED PUBLIC TREES: If, at the time of final inspection for a Development, or public work under work permit, for which a deposit has been required, it is determined that Public Trees within the parkway have been damaged, the Village Forester or designee shall mail a written notice to the contractor, owner, or agent advising them of such defects along with a demand that the defects must be remedied. The defects ~~which exist in Trees, shrubs or other plants~~ shall be remedied ~~by or under the supervision of a certified arborist approved by a contractor hired by the Village Forester or designee at the appropriate time of year within thirty (30) days from the date of that notice. If the defects are not remedied within thirty (30) days or the time specified by the Village Forester, or his/her designee,~~ The Building and Zoning Official shall give written notice to the Finance Director ~~the Management Services Director~~ to forfeit said deposit and transfer the same to Tree Mitigation a Forestry escrow account as determined by the Village Forester, or her designee. If the damage is of such magnitude that the cost of correction exceeds the amount of the deposit, the applicant shall deposit sufficient additional funds to pay for the required work or the Village shall be permitted to act pursuant to Section 8-4-5 of this Chapter.

#### 8-4-10: PUBLIC NUISANCES:

- (A) THE FOLLOWING ARE HEREBY DECLARED PUBLIC NUISANCES UNDER THIS SECTION OF THE CODE:
1. Any -Tree, shrub, or other plant, breeding places, or portion thereof, whether on Village-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any Tree, shrub, or other plant; i.e., Dutch Elm Disease, Oak Wilt, Emerald Ash Borer, Asian Longhorned Beetle and any other insect/disease deemed a Public Nuisance by the Village Forester, or his/her designee.
  2. The pruning of elms or oaks on public and private property from May April through August August is prohibited unless a hazardous situation arises. If elms or oaks are pruned between April and November, the wounds must be painted with non-toxic tree wound dressing.
  3. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which overhangs or because of its

deteriorated condition may fall onto the Village right-of-way and constitutes an imminent danger to the health, safety, or welfare of the public.

4. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which obstructs or interferes with the free and safe passage of pedestrian or vehicular traffic.
5. The cost of abatement will be shared equally between the two parties for any Border Tree identified as a nuisance. The Removal of said nuisance shall be by the Village or contractor hired by the Village.

(B) **UNLAWFUL TO MAINTAIN PUBLIC NUISANCES:** It shall be unlawful for the owner of any lot or parcel of land or a tenant upon the land in the Village of Glen Ellyn to permit or maintain on any such lot or parcel of land a Public Nuisance as set out in Section 8-4-10 (A) of this Chapter. It shall be the duty of such owners to promptly Remove any such nuisance.

(C) **INSPECTION OF PUBLIC NUISANCE:** To carry out the purpose of this Ordinance and to implement the enforcement thereof, the Village Forester, or his/her designee, is hereby authorized and empowered to request permission from the property owner or person in apparent possession to enter upon any land in the Village at all reasonable hours to inspect any Public Nuisance. The Village Forester, or his/her designee, is hereby empowered to seek from any court of competent jurisdiction an order permitting a search of private property in the event that the Village has a reasonable basis to believe that a Public Nuisance exists on the property or that the ordinances of the Village are being otherwise violated. Either with permission or pursuant to a court order, the Village Forester or a duly-authorized representative may Remove specimens from any Trees, shrubs, or other plants for the purpose of laboratory analysis or for evidentiary purposes. It shall be unlawful for any person, firm or corporation to hinder the Village Forester or a representative in the performance of any duties performed under the provisions of this Chapter.

(D) **ABATEMENT OF PUBLIC NUISANCE:** When the Public Nuisance represents an imminent threat to the health or safety of persons or property, the Village may, through its officers, employees, or independent contractors, enter upon the private property and abate the nuisance. The Village may also seek a court order to enter the property, abate the nuisance, and collect such cost of abatement and other fines as the court may grant.

8-4-11: **VIOLATION AND PENALTY:** Any person who violates any provision of this Chapter, upon being found guilty of violation, shall, except as to violations for which a different fine is established, be subject to ~~a minimum fine of two hundred fifty dollars (\$250) and a~~ maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity

of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person through an affirmative or mandatory injunction, to cease a violation of this Chapter, or to require the actions mandated within this Chapter to be performed.

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 \_\_\_\_\_, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
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 \_\_\_\_\_, 2011.

**Minutes**  
**Regular Village Board Workshop**  
**Glen Ellyn Village Board of Trustees**  
**February 8, 2010**

Time of Meeting: 7:00 P.M.

Present: President Pfefferman; Trustees Comerford, Hartweg, Ladesic, Thorsell Henninger; Village Clerk Connors; Attorney Diamond. Trustee Cooper was excused.  
Staff present: Village Manager Jones, Schrader, Batek, Caracci, Hulseberg, Norton.

**1. Call to Order**

President Pfefferman called the Board Workshop to order at 7:00 P.M. with a roll call Trustees Comerford, Hartweg, Ladesic, Thorsell, and Henninger responding "Here." Trustee Cooper was excused.

**2. Public Comments?**

Patrick Reilly, 70 W. Huron, Chicago, IL, a student at DePaul University addressed the Village Board concerning the Glen Ellyn downtown strategic plan. He was in the process of preparing a term paper regarding community issues and asked questions about the plan including when it was adopted, who was on the committee, and names of various groups involved in the planning. President Pfefferman referred him to Staci Hulseberg who could assist him after the meeting.

**3. Tree Preservation Ordinance**

President Pfefferman gave some background on the ordinance and if the Village Board thinks opinions regarding tree preservation should be sought on future community surveys as was recommended in July 2008. Or if no community survey is to be done, how would the Board wish to proceed. The idea is not to take action at this Workshop meeting, but to bring the topic up for discussion. Administrative Analyst Kristen Schrader reported that tree preservation ordinances were adopted in 1998. The Environmental Commission was asked to review the ordinance relating to trees on private property. There has not been a discussion on this topic by the Village Board for a number of years. Administrative Analyst Schrader presented the pros and cons as well as the assessment of developmental impact and survey results of neighboring communities. It was noted that since the original ordinance was passed, various Village Boards have asked for information, but no action to amend the ordinance has been taken. Although a community survey was recommended in 2008, none was taken due to budget issues. As a Home Rule community, Glen Ellyn has the ability to enforce a more stringent tree ordinance such as requiring a permit to remove a tree on private property. The Environmental Commission has asked for an up-to-date response as to how well the current ordinance is working. It is understood that previous Village Board's conclusion was that they were not going to require additional restrictions to the original ordinance

because valuable trees on private property increase the value of property and so would not be removed. The current ordinance is voluntary. Existing plan calls for builders/remodelers who apply for a permit had to submit plans to the Village showing the location of trees on the property and have to have Village consideration for tree removal both prior to building and after building. The object of the plan was to have the builders work with Village staff to save as many trees on private property as possible and review whether or not the voluntary ordinance was working. Trustee Thorsell mentioned that 3½ years ago there were 290 trees identified that could have been saved under the proposed ordinance instead only the 100 actually were saved. She also expressed an opinion that the Environmental Commission deserves a response from the Village Board one way or the other as to whether the ordinance is going to be changed or left as is. The proposed amendment to the current ordinance would allow the Village to control more of the set back portion on private property. President Pfefferman read the goal of ordinance. Administrative Analyst Schrader explained staff responsibilities associated with the passage of the proposed ordinance. Public Works Director Caracci responded to a question that under the proposed ordinance, a property owner could remove a tree over 8" DBH in the set back, but would have to notify the Village, obtain a permit, and provide cash value to the tree fund. Under the current ordinance, the tree company who removes a tree must report it to the Village, but no fee is required. Eleanor Saliamonas, 626 Newton; Past President Joe Wark, 626 Roger Road; and Marilyn Wiedemann, 373 Oak St.; all spoke in favor of the new ordinance. Village Board suggested the Environmental Commission review the complete ordinance and make strong recommendations as to how the ordinance should be revised and modified – what should be removed or what should be added; how it be streamlined to save time and money; how education can be included. The Administrative Analyst will set up an outline for the Village Board to review for consideration for the Environmental Commission.

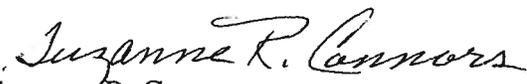
**4. Other Items?**

None

**5. Adjournment**

At 8:12 p.m. the meeting was adjourned to the Regular Village Board Meeting in the Galligan Board Room.

Submitted by:

  
Suzanne R. Connors,

Village Clerk