

**AGENDA
REGULAR MEETING OF
THE PRESIDENT AND THE BOARD OF TRUSTEES**

**THE VILLAGE OF WAYNE
5N430 Railroad Street
Wayne, Illinois 60184**

**Tuesday, August 20, 2024
7:30pm**

**Link to Join Webinar
<https://us06web.zoom.us/j/85036473381>**

I. Pledge of Allegiance

II. Call to Order - Roll Call

III. Public Comment - (please limit your comments to three minutes)

The Public Comment section is intended to give the public an opportunity to present a comment or opinion to the Board of Trustees. It is not intended to be a time for questions and answers or debate on political issues. Discussion between speakers and other members of the audience will not be permitted. For questions please email members of the Board directly and a Board member or staff will respond directly. Public Comment should be limited to this portion of the agenda and the public should not interrupt the Board during the remainder of the meeting. Should a member of the public become disruptive or interrupt another speaker they will be warned once, and if the disruption continues, removed from the meeting.

IV. Reports of Boards, Commissions, Staff, and Action Items

- A. Plan Commission**
- B. Zoning Board of Appeals**
- C. Engineering**
- D. Park Commission**

V. Consent Agenda

- A. Minutes August 6, 2024 – Open Session**
- B. Tree Maintenance Work (Three Days); Abbott Tree Care Professionals - \$8,400**
- C. Payment to Little Home Church for Plan Commission Meeting 8/12/2024 - \$100.00**
- D. Proclamation Constitution Week**

VI. Items Removed from Consent Agenda

VII. Ordinances and Resolutions

- A. Ord. 24-10; Implementing Municipal Grocery Retailer's Occupation Tax**
- B. Ord. 24-11; Regulating Public Camping within Corporate Boundaries**
- C. Ord. 24-12; Special Use for Municipal, Civic, Community Uses, Police Station 31W680 Army Trail Road**

VIII. Reports of Officers and Action Items

- A. Clerk's Report – Patti Engstrom**
- B. Treasurer's Report – Howard Levine**
- C. President's Report – Eileen Phipps**
- D. Village Attorney's Report – Mickey, Wilson, Weiler, Renzi, Lenert & Julien, P.C.**
 - 1. Billy Burns Bridge**

- IX. Appointments – Village Commissions and Committees – President Phipps**
- X. Reports of Trustees and Action Items**
- A. Public Safety – Pete Connolly**
 - 1. Purchase two solar, lighted, speed radar signs; one mounted solar lighted speed radar sign – Not to Exceed \$21,650 (Using ComEd Grant Funds of \$10,000)**
 - B. Public Works – Mike Dimitroff**
 - C. Finance – Pete Connolly**
 - D. Administration – Emily Miller**
 - E. Development/Historic and Rural Preservation – Ed Hull**
 - F. Building & Zoning – Gary Figurski**
 - G. Parks – Emily Miller**
 - H. Technology – Guy Bevente**
- XI. Closed Session**
- A. Pending, Imminent or Probable Litigation – Open Meetings Act, 5 ILCS 120/2 (c) (11) Open Meetings Act, 5 ILCS 120/2 (c) (1)B**
 - B. Appointment, Employment and Compensation of Village Employees–Open Meetings Act, 5 ILCS 120/2 (c)(1)**
 - C. Purchase or Lease of Real Property – Open Meetings Act, 5 ILCS 120/2 (c) (6)**
 - D. The Setting of a Price for Sale or Lease of Village Property, 5 ILCS 120/2 (c) (6)**
 - E. Security Procedures, Personnel, Equipment in Response to Threat of Potential Danger to Employees, Staff, Public or Public Property, 5 ILCS 120/2 (c) (8)**
 - F. Discussion of Closed Minutes for Purposes of Approval or Semi-Annual Review, 5 ILCS 120/2 (c) (21)**
 - G. The Selection of a Person to Fill Public Office, 5 ILCS 120/2 (c) (3)**
- XII. Old Business**
- XIII. New Business and Action Items**
- XIV. Adjournment**

In lieu of making a comment in person, a member of the public may submit a written comment by email no later than noon on the day preceding the day of the meeting to clerk@villageofwayne.org and it will be read at the meeting. Written comments should be limited to 450 words or less and, when read, are subject to the three minute time limit for public comment.

Note: Any person who has a disability requiring a reasonable accommodation to participate in this meeting should contact ADA Compliance Officer Mon-Thurs 8:00am–12:00pm Village of Wayne, 5N430 Railroad Street, P.O. Box 532, Wayne, IL 60184, or call (630) 584-3090. Requests for a qualified interpreter require five (5) working days' advance notice.

Village of Wayne
PROCLAMATION
Constitution Week 2024
September 17 ~ 23

WHEREAS: September 17, 2024, marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Eileen Phipps by virtue of the authority vested in me as Village President of the Village of Wayne in the County of DuPage and the State of Illinois, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

*IN WITNESS WHEREOF, I have
hereunto set my hand and caused the
Seal of the Village of Wayne IL to be
affixed.*

Village President _____

Attest _____

Date _____

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 24-10

**AN ORDINANCE IMPLEMENTING A MUNICIPAL GROCERY RETAILERS'
OCCUPATION TAX AND A MUNICIPAL GROCERY SERVICE OCCUPATION TAX**

**ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

THIS ____ DAY OF AUGUST, 2024

**PUBLISHED by authority of the
President and Board of Trustees
of the Village of Wayne, DuPage
and Kane Counties, Illinois
this ____ day of August, 2024**

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 24-10

**AN ORDINANCE IMPLEMENTING A MUNICIPAL GROCERY RETAILERS'
OCCUPATION TAX AND A MUNICIPAL GROCERY SERVICE OCCUPATION TAX**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and,

WHEREAS, the Village of Wayne ("Village") is a non-home rule Illinois municipality pursuant to the Constitution of the State of Illinois of 1970, as amended; and,

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) provides that, beginning on January 1, 2026, all Illinois municipalities may impose a tax "upon all persons engaged in the business of selling groceries at retail in the municipality" (the "Municipal Grocery Tax") (65 ILCS 5/8-11-24); and,

WHEREAS, the Municipal Grocery Retailers' Occupation Tax may be imposed "at the rate of 1% of the gross receipts from these sales" (65 ILCS 5/8-11-24); and,

WHEREAS, any Municipal Grocery Retailers' Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and,

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) requires any municipality imposing a Municipal Grocery Retailers' Occupation Tax under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) to also impose a Service Occupation Tax at the same rate, "upon all persons engaged, in the municipality, in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries" as "an incident to a sale of service" (the "Municipal Grocery Service Occupation Tax") (65 ILCS 5/8-11-24); and,

WHEREAS, any Municipal Grocery Service Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and,

WHEREAS, the Board of Trustees of the Village believe that it is appropriate, necessary and in the best interests of the Village and its residents, that the Village levy a Municipal Grocery Retailers' Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24); and,

WHEREAS, the Board of Trustees of the Village believe that it is appropriate, necessary and in the best interests of the Village and its residents, that the Village levy a Municipal Grocery Service Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24);

NOW, THEREFORE, be it ordained, by the President and Board of Trustees of the Village of Wayne as follows:

Section 1. Incorporation of Recitals. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Municipal Grocery Retailers' Occupation Tax Imposed. A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in this municipality at the rate of 1% of the gross receipts from such sales made in the course of such business while this Ordinance is in effect. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

Section 3. Municipal Grocery Service Occupation Tax. A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in Section 2, above. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

Section 4. Illinois Department of Revenue to Administer Both Taxes. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

Section 5. Clerk to file Ordinance with Illinois Department of Revenue. As required under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24), the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before October 1, 2025).

Section 6. Effective Date. The taxes imposed by this Ordinance shall take effect on the later of: (i) January 1, 2026; (ii) the first day of July next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding April 1st; or, (iii) the first day of January next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding October 1st.

Section 7. Repeal of Conflicting Provisions. All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 8. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 9. Headings/Captions. The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

Section 10. Publication. The Clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2024.

AYES: _____

NAYS: _____

ABSENT: _____

Eileen Phipps, President

ATTEST:

Patricia Engstrom, Village Clerk

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 24-11

**AN ORDINANCE REGULATING PUBLIC CAMPING WITHIN CORPORATE
BOUNDARIES AND OTHER ACTIONS IN CONNECTION THEREWITH**

**ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

THIS ____ DAY OF _____, 2024

**PUBLISHED by authority of the
President and Board of Trustees
of the Village of Wayne, DuPage
and Kane Counties, Illinois
this ____ day of _____, 2024**

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 24-11

**AN ORDINANCE REGULATING PUBLIC CAMPING WITHIN CORPORATE
BOUNDARIES AND OTHER ACTIONS IN CONNECTION THEREWITH**

WHEREAS, estimates provide that, in 2020, there were approximately 10,431 Illinoisans experiencing homelessness. ILL. OFF. TO PREVENT & END HOMELESSNESS, ILL. DEP'T HUM. SERVS., HOME ILLINOIS: ILLINOIS' PLAN TO PREVENT AND END HOMELESSNESS (2022), available at <https://perma.cc/QV8K-3XGK>; and,

WHEREAS, a 2022 study by the United States (U.S.) Department of Housing and Urban Development estimated that 9,212 people were experiencing homelessness in Illinois in January 2022, with an estimated 20.6% of those homeless persons being unsheltered, meaning they have no form of shelter on which to rely. OFF. POL'Y DEV. & RSCH., U.S. DEP'T HOUS.& URB. DEV., PIT ESTIMATES OF HOMELESSNESS IN THE U.S. (2022), available at <https://www.huduser.gov/portal/sites/default/files/xls/2007-2022-PIT-Counts-by-State.xlsx>; and,

WHEREAS, the estimates provided by the U.S. Department of Housing and Urban Development “likely underestimate the size of the homeless population because identifying people experiencing homelessness is inherently difficult.” U.S. GOV'T ACCOUNTABILITY OFF., GAO-20-433, HOMELESSNESS: BETTER HUD OVERSIGHT OF DATA COLLECTION COULD IMPROVE ESTIMATES OF HOMELESS POPULATION (2020), available at <https://perma.cc/7ZUQ-U5CE>.

WHEREAS, the American Public Health Association has recognized homelessness as a public health issue, since research shows that homeless individuals (1) suffer “higher mortality rates and chronic disease loads” than non-homeless populations; (2) “overuse emergency services, leading to higher costs for treatment” for all persons; and, (3) with no form of shelter “can exacerbate conditions such as diabetes and hepatitis C” *Housing and Homelessness as a Public Health Issue*, Am. Pub. Health Ass'n (Nov. 7, 2017), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>; see also Bernard Beall et al., *Invasive Pneumococcal Disease Clusters Disproportionally Impact Persons Experiencing Homelessness, Injecting Drug Users, and the Western United States*, 226 J. Infectious Diseases 332 (2022), available at <https://doi.org/10.1093/infdis/jiac058>. (finding that “invasive pneumococcal disease” was “disproportionally represented” in the homeless population when compared against populations not experiencing homelessness); and,

WHEREAS, the U.S. Interagency Council on Homelessness has noted that people “who experience homelessness die nearly 30 years earlier than the average American—and often from easily treatable illnesses.” *Homelessness Data & Trends*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, <https://www.usich.gov/guidance-reports-data/data-trends> (last visited July 15, 2024); and,

WHEREAS, the Village of Wayne is a non-home rule Illinois municipality pursuant to the Constitution of the State of Illinois of 1970, as amended; and,

WHEREAS, pursuant to Section 1-1-4 of the Illinois Municipal Code (65 ILCS 5/1-1-4), the Village has those powers conferred upon it by the Illinois Municipal Code; and,

WHEREAS, Section 1-2-1 of the Illinois Municipal Code (65 ILCS 5/1-2-1), provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and,

WHEREAS, Section 1-2-1.1 of the Illinois Municipal Code (65 ILCS 5/1-2-1.1) empowers the corporate authorities of the municipality to pass ordinances to regulate any matter that is expressly within the powers granted to the municipality by making the violation a misdemeanor punishable by up to six (6) months of incarceration; and,

WHEREAS, Section 1-1-10 of the Illinois Municipal Code (65 ILCS 5/1-1-10) empowers the corporate authorities of the municipality to exercise all powers granted to it expressly, by necessity, by the Illinois Municipal Code, by Illinois statute, or by the Illinois Constitution; and,

WHEREAS, Section 11-20-5 of the Illinois Municipal Code (65 ILCS 5/11-20-5) empowers the corporate authorities of each municipality to “do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases”; and,

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) empowers the corporate authorities of each municipality to define, prevent and abate nuisances; and,

WHEREAS, Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/3-102) obligates the Village to “exercise ordinary care to maintain public property in a reasonably safe condition.” *Bubb v. Springfield Sch. Dist.* 186, 167 Ill. 2d 372, 377 (1995) (citing 745 ILCS 10/3-102); and,

WHEREAS, the Local Governmental and Governmental Employees Tort Immunity Act generally immunizes municipalities from damages claims where the public property was not being used in the manner intended and permitted by the municipality. *See Wojdyla v. City of Park Ridge*, 148 Ill. 2d 417, 421–22 (1992) (*quoting* 745 ILCS 10/3-102(a)) (“Thus, for a pedestrian to be protected in the present circumstances by the statute, he must be an intended and permitted user of the property under the control of the city.”); and,

WHEREAS, in *City of Grants Pass, Oregon v. Johnson*, 603 U.S. ___, 144 S. Ct. 2202 (2024), the United States Supreme Court held that the criminalization of “public camping”, as defined in the

City of Grants Pass's ordinance, did not unconstitutionally infringe on the Eighth Amendment rights of homeless and otherwise unhoused persons within said City; and,

WHEREAS, in *Johnson*, the United States Supreme Court acknowledged that homelessness is a "complex and serious social issue" whose "causes are many" and which "cries out for effective responses" to combat it. *Johnson*, 603 U.S. ___, slip op. at 10, 34; and,

WHEREAS, in *Johnson*, the United States Supreme Court relied heavily on the "stepwise" escalation of penalties in Grants Pass's ordinance to uphold its constitutionality. *Id.* at 11, 16–17; and,

WHEREAS, in view of the foregoing, the Board of Trustees of the Village believe that it is appropriate, necessary and in the best interests of the Village and its residents, that the Village implement a Public Camping Prohibition and related enforcement mechanisms, to address the myriad public concerns that public camping creates.

NOW, THEREFORE, be it ordained, by the President and Board of Trustees of the Village of Wayne as follows:

Section 1. Incorporation of Recitals. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Public Camping as a Nuisance. Public Camping, as the term is defined herein, is hereby declared to be a nuisance within the Village for the reasons identified above.

Section 3. Regulation of Public Camping Necessary to Promote Public Health. In an effort to address the public health concerns identified above, the President and Board of Trustees of the Village hereby declare it necessary or expedient for the promotion of health or the suppression of diseases, to regulate Public Camping, as that term is defined herein, within the Village's corporate limits.

Section 4. Public Camping Not Intended Use of Public Property. Except for those parcels of property specifically designated by the Village in any subsequent ordinance, the Village hereby declares that none of its property is permitted nor intended to be used for Public Camping, as the term is defined herein.

Section 5. Definitions. The following definitions apply to this Ordinance:

- A. "Bedding" means a sleeping bag, or any other material, used for bedding purposes.
- B. "Campsite" means any physical space that is not within an established structure, where Bedding or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.
- C. "Exempt Personal Property" means items which would otherwise constitute Personal Property under the terms of this Ordinance, but which (i) has no

apparent utility or monetary value; (ii) Personal Property which is unsanitary to store or otherwise maintain; (iii) any weapon possessed illegally; (iv) drug paraphernalia; (v) items appearing to be stolen or otherwise appearing to be evidence of a crime; (vi) items which the person cannot demonstrate the requisite lawful authority to possess; and, (vii) any items of food which can reasonably be expected to spoil or otherwise perish within the next 30 days.

- D. "Personal Property" means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value, except for Exempt Personal Property.
- E. "Public Camping" means to cause or participate in the establishment of, or the act of remaining in or at, a Campsite.

Section 6. Public Camping Prohibited.

- A. No person may sleep, nor otherwise engage in Public Camping, on a public sidewalk, street, alley, lane, other public right-of-way, park, bench, or any other publicly-owned property, nor on or under any bridge or viaduct, at any time.
- B. No person may sleep, nor otherwise engage in Public Camping, in any pedestrian or vehicular entrance to public or private property abutting a public right-of-way.
- C. No person may sleep, nor otherwise engage in Public Camping, on any real property owned or otherwise maintained by the Village.
- D. No person may park a vehicle overnight within the Village for the purpose of sleeping or otherwise engaging in Public Camping in said vehicle.
- E. For the purposes of this section, the act of parking or leaving a vehicle parked for two consecutive hours, and/or remaining within a public vehicle on any property under the jurisdiction of the Village for the purpose of Public Camping, for two consecutive hours without permission from the Village, between the hours of midnight and 6:00 a.m., shall be considered a violation of this Ordinance.

Section 7. Exceptions to Prohibition. Notwithstanding the foregoing, it shall not be a violation to engage in Public Camping when done (i) in a manner specifically authorized by this Code; (ii) after a formal declaration of the Village in emergency circumstances; or, (iii) upon resolution of the President and Board of Trustees of the Village, the same may exempt a special event from the prohibitions of this section, if the President and Board of Trustees of the Village find such exemption to be in the public interest and consistent with the goals and objectives of the President and Board of Trustees of the Village, and with such conditions imposed as the President and Board of Trustees of the Village deem necessary. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the Village for any liability, damage or expense incurred by the Village as a result of

the activities of the applicant. Any findings by the President and Board of Trustees of the Village shall specify the exact dates and location covered by the exemption.

Section 8. Removal of Campsite. Removal of a Campsite in violation of this Ordinance may occur under the following circumstances:

- A. Prior to removing a Campsite, the Village shall post a notice, 24-hours in advance of the removal, unless immediate removal of the Campsite is deemed to be necessary for one of the reasons in subparagraphs 1-4, below. If such immediate removal is undertaken, the basis for causing the immediate removal of such Campsite should be adequately documented by the appropriate person(s).
 1. immediate removal of the Campsite is necessary to maintain access to a property;
 2. immediate removal of the Campsite is necessary to maintain the sanitary condition of a property;
 3. immediate removal of the Campsite is necessary because the Campsite is an obstruction to any public right-of-way; or,
 4. immediate removal of the Campsite is necessary because the Campsite poses a risk to the health and safety of the Village and its residents.
- B. Upon any action pursuant to Section 8.A, above, the person causing such action to be taken shall inform an appropriate agency delivering social services to homeless individuals in the Village, of the location of the Campsite and the persons found to be in violation of this Ordinance, so said agency may determine whether or not it would be appropriate to offer its services to those persons.
- C. If a 24-hour notice has been posted, and the 24-hour notice period has passed, then the Campsite, as well as all Personal Property thereon, shall be removed by the appropriate person(s) acting on behalf of the Village.
- D. No portion of this Section shall be construed to prohibit any person found to be engaging in Public Camping from removing their Personal Property from the Campsite; however, such Personal Property that constitutes Exempt Personal Property and which a reasonably prudent law enforcement officer, exercising the applicable constitutional standard, would conclude that said Exempt Personal Property constitutes items appearing to be stolen or otherwise appearing to be evidence of a crime, and/or items which the person cannot demonstrate the requisite lawful authority to possess, may be retained and stored as evidence.

Section 9. Disposition and Release of Personal Property.

- A. All Personal Property removed from any Campsite which is not Exempt Personal Property shall be stored by the appropriate law enforcement agency of the Village, for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.
- B. All Exempt Personal Property may be disposed of or retained as evidence by the appropriate law enforcement agency of the Village.

Section 10. Penalty; Mitigation.

- A. The penalty for any person's first violation of this Ordinance within a rolling twenty-four (24) month period shall be \$75.
- B. The penalty for any person's second violation of this Ordinance within a rolling twenty-four (24) month period shall be \$150.
- C. The penalty for any person's third violation of this Ordinance within a rolling twenty-four (24) month period shall be \$350.
- D. The penalty for any person's fourth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$500.
- E. The penalty for any person's fifth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$750.
- F. The penalty for any person's sixth or subsequent violation of this Ordinance within a rolling twenty-four (24) month period may be a monetary penalty of \$750 or incarceration for a period not exceeding the maximum time allowed pursuant to Section 1-2-9 of the Illinois Municipal Code (65 ILCS 5/1-2-9).
- G. As a substitute for any monetary penalty assessed pursuant to paragraphs A–F, above, and if consented to by the Village, the penalty assessed to any person found in violation of this Ordinance may be that said person must engage in public service by cleaning the rights-of-way and other public facilities of the Village for an amount of time that, if the person found to have violated this Ordinance was being paid the minimum wage under Illinois law, the amount paid for that person's labors would have been equal to the monetary penalty assessed under this Ordinance.
- H. The Village is hereby empowered to exercise all powers afforded to it, at law or in equity, to collect any fines assessed against a person pursuant to this Ordinance, including but not limited to seeking incarceration of said person for a period of time that conforms with Section 1-2-9 of the Illinois Municipal Code (65 ILCS 5/1-2-9).
- I. In the imposition of any penalty pursuant to this Section, the penalty shall be mitigated by whether or not the person immediately removed all Personal Property and litter, including but not limited to bottles, cans, and garbage, from

the Campsite after the person was informed that the person was in violation of this Ordinance.

- J. A separate offense of this Ordinance shall be deemed committed on each day on which a violation occurs or continues.
- K. In addition to any other remedy provided by law or this Ordinance, any person found in violation of this section may be immediately removed from the premises where the Campsite is located.

Section 11. Repeal of Conflicting Provisions. All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 12. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 13. Headings/Captions. The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

Section 14. Publication. The Clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED AND APPROVED THIS ____ DAY OF _____, 2024.

AYES: _____

NAYS: _____

ABSENT: _____

Eileen Phipps, President

ATTEST:

Patricia Engstrom, Village Clerk

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 24-12

**AN ORDINANCE GRANTING A SPECIAL USE FOR MUNICIPAL, CIVIC AND
COMMUNITY USES INCLUDING BUT NOT LIMITED TO USE AS A POLICE
STATION FOR 31W680 ARMY TRAIL ROAD**

**ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

THIS 20th DAY OF AUGUST, 2024

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF WAYNE, DUPAGE AND KANE COUNTIES,
ILLINOIS, THIS _____ DAY OF AUGUST, 2024.**

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 24-12

**AN ORDINANCE GRANTING A SPECIAL USE FOR MUNICIPAL, CIVIC AND
COMMUNITY USES INCLUDING BUT NOT LIMITED TO USE AS A POLICE
STATION FOR 31W680 ARMY TRAIL ROAD**

WHEREAS, the President and the Board of Trustees, on November 18, 1997, adopted Ordinance No. 97-33 entitled “An Ordinance Granting a Special Use for an Existing Business Enterprise on Property Rezoned from B-Local Shopping Center District to W-3 Single Family Residence District (31W 680 Army Trail Road – American Midwest Bank & Trust, as Trustee/Weiss Insurance Agency), the (“Subject Property”); and

WHEREAS, the President and the Board of Trustees, on April 6, 1999, adopted Ordinance No. 99-08, entitled “An Ordinance Amending Ordinance No. 97-33 in Connection with a Special Use Previously Granted to an Existing Business Enterprise Located in the W-3 Single Family Residence District (31W680 Army Trail Road – American Midwest Bank & Trust, as Trustee/Weiss Insurance Agency) which made amendments to Ordinance No. 97-33; and

WHEREAS, the President and the Board of Trustees, also adopted Ordinance 21-04 granting a special use for the Village of Wayne, as Lessee of the “Subject Property”, to use the Subject Property for municipal, civic and community use, including but not limited to use as a police station; and

WHEREAS, the Village of Wayne (“Village”) subsequently acquired fee simple title to the Subject Property and desires to have the special use granted directly to the Village for municipal, civic and community purposes, including but not limited to use as a police station; and

WHEREAS, Section 10-7C-2 of the Wayne Zoning Ordinance designates buildings and structures used for municipal, civic or community purposes, including, but not limited to, fire and police stations, as a special use in the zoning district in which the Subject Property is located; and

WHEREAS, the Plan Commission conducted a public hearing on the application for special use for municipal, civic or community purposes, including, but not limited to, use as a

police station, for the Subject Property on August 12, 2024, after Notice of such hearing was duly given; and

WHEREAS, the Plan Commission has recommended that the Special Use be granted as hereinafter set forth; and

WHEREAS, the President and Board of Trustees have deemed such petition reasonable.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wayne, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: FINDINGS OF FACT

A. The facts and statements contained in the preamble to this Ordinance are found by the President and the Board of Trustees to be true and correct, and are hereby adopted as part of this Ordinance.

B. The corporate authorities find that the proposed use meets the standards established for a special use permit pursuant to Section 10-4-7 and Section 10-7(C)-2 of the Wayne Zoning Ordinance; that the granting of the special use is beneficial to the public, and further that:

1. The proposed special use is deemed necessary for the public convenience on the Subject Property and at the location specified;
2. The proposed special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
4. The proposed special use satisfies the standards and conditions required in the Wayne Zoning Ordinance applicable to the proposed special use

SECTION TWO: That the Subject Property is hereby granted a special use permit to operate for municipal, civic, and community purposes, including but not limited to use as a police station for so long as the Village is the owner of the Subject Property.

A. The Wayne Zoning Ordinance, as amended, and the Official Wayne Zoning Map be and hereby are amended by the granting of a special use permit pursuant to the provisions of Section IV(I)(3), Section V(E), and Section (VII(B)(2)(I) of the Wayne Zoning Ordinance, as amended, all of the Subject Property being subject to the additional terms, conditions, restrictions and variations hereinafter set forth.

B. The term of the special use permit granted herein to provide for municipal, civic and community purposes, including but not limited to use as a police station, shall be for so long as the Village owns the Subject Property.

SECTION THREE: That Ordinances 97-33, 99-08, and 21-04 are repealed in their entirety.

SECTION FOUR: Savings Clause

All other ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SECTION FIVE: Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

SECTION SIX: Severability

Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

PASSED AND APPROVED THIS _20th DAY OF AUGUST, 2024

AYES: _____

NAYS: _____

ABSENT: _____

Eileen Phipps, President

ATTEST: _____
Patricia Engstrom, Village Clerk



Village of Wayne

Police Department

31W680 Army Trail Road

Wayne, IL 60184

Tel: 630-584-3031

Fax: 630-524-9151

MEMORANDUM

Date: August 14, 2024
To: Village President and Board of Trustees / Public Safety
From: Tim Roberts, Chief of Police **TR**
Subject: **Applied Concepts, Inc Stalker Radar (Radar Speed Sign/Trailer)**

Issue:

The Village of Wayne / Police Department is currently operating (3) three lighted, digital radar speed signs as part of our traffic safety awareness and enforcement initiative. These traffic safety tools are very effective to reduce speeding and support our personnel with daily traffic enforcement. Additional fixed and mobile signs will assist areas within the Village of Wayne where we continue to receive speeding complaints and issues.

Analysis:

The Wayne Police Department recently applied for a grant through Powering Safe Communities, an initiative through ComEd in conjunction with the Metropolitan Mayors Caucus. The grant is a matching grant, with a maximum award up to \$10,000.00. Although, we were informed this grant period was the most competitive grant cycle they've had, we were fortunately selected to receive the full award. Our grant proposal included purchasing two additional lighted, solar powered speed radar signs and a mobile, solar powered speed radar sign on a trailer. The trailer could be moved around the Village of Wayne to address speed related issues. The signs also capture usable data on driving behaviors that can assist in the efficient deployment of resources. The lighted radar speed signs play an important role in slowing down traffic, by reminding drivers of their speeds. We often observe cars slowing down after observing the speed sign. They also perform their role everyday and night, whereas officers cannot be everywhere all the time.

Recommendation:

Being that traffic safety is a top priority for the Village of Wayne / Police Department and based on the success of the lighted radar speed sign program, I recommend the Village Board allow me to accept the grant award and approve the purchase of (2) two solar speed radar signs (\$10,244 total) and (1) one solar speed radar sign/trailer (\$11,170 total) from Applied Concepts, Inc Stalker Radar, not to exceed \$21,650.00. We will then apply for the reimbursement of the awarded matching grant funds of \$10,000.00.



applied concepts, inc.

855 E. Collins Blvd
Richardson, TX 75081
Phone: 972-398-3780
Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Inside Sales Partner: Bart Hogue
+1-972-801-4864
barth@a-concepts.com

QUOTE
2084533

Page 1 of 1

Date: 02/14/24

Reg Sales Mgr: Bill Johnson
972-398-3780
billj@stalkerradar.com

Effective From : 02/14/2024

Valid Through: 05/14/2024

Lead Time: 60 working days

| | | | |
|----------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Bill To: Wayne Police Dept PO Box 532 Wayne, IL 60184-0532 | Customer ID: 062492 Accounts Payable | Ship To: Wayne Police Dept 31W680 Army Trail Rd Wayne, IL 60184-2154 | UPS Freight LTL (4-6 Days) Deputy Chief Stephen Abruzzo |
|----------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------|

| Grp | Qty | Package | Description | Wrnty/Mo | Price | Ext Price |
|-------------|-----|-------------|--------------------------------------------------|----------|------------|------------|
| 1 | 1 | 821-1000-00 | Stalker SAM Trailer | 24 | \$9,870.00 | \$9,870.00 |
| | | | | | | |
| Ln | Qty | Part Number | Description | | Price | Ext Price |
| 1 | 1 | 015-2532-59 | [253259] SAM Trailer w/ Top Display w/ 55W Solar | | | \$0.00 |
| 2 | 1 | 200-1229-01 | [414155] Traffic Stats Sensor, 2 Comm Ports | | | \$0.00 |
| 3 | 1 | 015-2328-62 | Red LED Light Bar, SAM/SAM-R | | | \$0.00 |
| 4 | 1 | 015-2354-40 | Blue LED Light Bar, SAM/SAM-R | | | \$0.00 |
| 6 | 1 | 200-1173-00 | Traffic Analyst App, Thumb Drive, Manual | | | \$0.00 |
| 7 | 1 | 200-1448-00 | SAM/SAM-R Trailer User Manual Kit w/USB Cable | | | \$0.00 |
| 8 | 1 | 006-0569-00 | Certificate of Accuracy, Speed Sensor II | | | \$0.00 |
| 9 | 1 | 060-1000-24 | 24-Month Warranty | | | \$0.00 |
| Group Total | | | | | | \$9,870.00 |

| | | | |
|----------------------------|------------|----------------------|--------------------|
| Product | \$9,870.00 | Sub-Total: | \$9,870.00 |
| Discount | \$0.00 | Sales Tax 0% | \$0.00 |
| Payment Terms: Net 30 days | | Shipping & Handling: | \$1,300.00 |
| | | Total: USD | \$11,170.00 |

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This Quote or Purchase Order is subject in all respects to the Terms and Conditions detailed at the back of this document. These Terms and Conditions contain limitations of liability, waivers of liability even for our own negligence, and indemnification provisions, all of which may affect your rights. Please review these Terms and Conditions carefully before proceeding.

applied concepts, inc.

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Richardson, TX 75081
Phone: 972-398-3780
Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Inside Sales Partner: Bart Hogue
+1-972-801-4864
barth@a-concepts.com

QUOTE

2092511

Page 1 of 2

Date: 08/06/24

Reg Sales Mgr: Bill Johnson
972-398-3780
billj@stalkerradar.com

Effective From : 08/06/2024

Valid Through: 11/04/2024

Lead Time: 45 working days

| | | | |
|----------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------|
| Bill To: Wayne Police Dept PO Box 532 Wayne, IL 60184-0532 | Customer ID: 062492 Accounts Payable | Ship To: Wayne Police Dept 31W680 Army Trail Rd Wayne, IL 60184-2154 | <i>FedEx Ground</i> Deputy Chief Stephen Abruzzo |
|----------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------|

| Grp | Qty | Package | Description | Wrnty/Mo | Price | Ext Price |
|-------------|-----|-------------|--------------------------------------------------|----------|------------|------------|
| 1 | 2 | 836-0012-00 | PMG 12 Inch Display with Traffic Analyst | 24 | \$4,274.50 | \$8,549.00 |
| | | | | | | |
| Ln | Qty | Part Number | Description | | Price | Ext Price |
| 1 | 2 | 200-1312-00 | 12"PMG w/Traffic Analyst, configured with: | | | \$0.00 |
| 2 | 2 | 035-0002-22 | 12" PMG Shipping Box | | | \$0.00 |
| 3 | 8 | 035-0002-20 | PMG Corner Packing Foam | | | \$0.00 |
| 4 | 2 | 060-1000-24 | 24-Month Warranty | | | \$0.00 |
| 5 | 2 | 006-0076-00 | PMG Installation Guide | | | \$0.00 |
| 6 | 2 | 200-1206-00 | 12" PMG Speed Display | | | \$0.00 |
| 7 | 2 | 200-5500-12 | 12" PMG Controller, Normal Speed - 4G/Standalone | | | \$0.00 |
| 8 | 2 | 200-1206-10 | 12" PMG Bezel, White | | | \$0.00 |
| 9 | 2 | 200-1338-10 | 12" PMG Display - Amber LED, Red/Blue Strokes | | | \$0.00 |
| 10 | 2 | 062-0126-01 | PMG Text and Graphics Option | | | \$0.00 |
| 11 | 2 | 200-1206-50 | No Flash Selected | | | \$0.00 |
| 12 | 2 | 200-1206-55 | 12" PMG Pole Mount, 2-Part | | | \$0.00 |
| 13 | 2 | 200-1395-01 | PMG Backpack - SLA w/Solar | | | \$0.00 |
| 14 | 2 | 200-1559-00 | 12" PMG w/Backpack - Dual USB-V2 | | | \$0.00 |
| 15 | 2 | 200-1206-60 | PMG Key Fob and Control Module | | | \$0.00 |
| 16 | 2 | 200-1206-70 | PMG Short-Range Wireless Module | | | \$0.00 |
| 17 | 2 | 200-1206-08 | PMG Expanded Memory Option, 8GB | | | \$0.00 |
| 18 | 2 | 200-1330-50 | PMG 50W Solar Power Package | | | \$0.00 |
| 19 | 2 | 200-1419-00 | Battery Backpack Solar Option Kit | | | \$0.00 |
| 20 | 2 | 200-1369-50 | 12" YOUR SPEED White Surround, Backpack | | | \$0.00 |
| Group Total | | | | | | \$8,549.00 |

| Grp | Qty | Package | Description | Wrnty/Mo | Price | Ext Price |
|-------------|-----|-------------|----------------------------------------------|----------|----------|------------|
| 2 | 1 | | Selected Accessories | 0 | | \$0.00 |
| | | | | | | |
| Ln | Qty | Part Number | Description | | Price | Ext Price |
| 21 | 8 | 200-1397-00 | PMG Backpack Battery Kit - SLA 22Ah w/Wiring | | \$267.00 | \$2,136.00 |
| Group Total | | | | | | \$2,136.00 |



applied concepts, inc.

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QUOTE
2092511

Page 2 of 2

Date: 08/06/24

Reg Sales Mgr: Bill Johnson
972-398-3780
billj@stalkerradar.com

Effective From : 08/06/2024

Valid Through: 11/04/2024

Lead Time: 45 working days

| | | | |
|----------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------|
| Bill To: Wayne Police Dept PO Box 532 Wayne, IL 60184-0532 | Customer ID: 062492 Accounts Payable | Ship To: Wayne Police Dept 31W680 Army Trail Rd Wayne, IL 60184-2154 | <i>FedEx Ground</i> Deputy Chief Stephen Abruzzo |
|----------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------|

| | | | |
|----------------------------|-------------|----------------------|--------------------|
| Product | \$10,685.00 | Sub-Total: | \$9,885.00 |
| Discount 800.00 | \$800.00 | Sales Tax 0% | \$0.00 |
| Payment Terms: Net 30 days | | Shipping & Handling: | \$359.00 |
| | | Total: USD | \$10,244.00 |

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