

RESOLUTION NO. R-2022-85

**A RESOLUTION APPROVING FUNDING FOR “NIGHTS OF LIGHTS”
IN THE CITY OF WHEATON’S ADAMS PARK**

WHEREAS, Adams Park is a public park owned and maintained by the City of Wheaton (hereinafter “City”); and

WHEREAS, Adams Park is a centerpiece of community pride, cultural identity, Wheaton history, the beauty of the community and an aesthetic adjunct to the Wheaton’s City Library; and

WHEREAS, over the past two years, the Downtown Wheaton Association (hereinafter “DWA”) in concert with the City, has promoted and facilitated holiday lighting in Adams Park over the winter holiday season; and

WHEREAS, the holiday lighting in Adams Park has made Adams Park and areas of the Wheaton downtown a “destination” attraction for members of the Wheaton community and others; and

WHEREAS, holiday lighting in Adams Park gives the City the opportunity to favorably portray Wheaton and efficaciously and positively impact the City of Wheaton during, both the holiday and non-holiday seasons, as a result of its “destination” qualities; and

WHEREAS, after securing two proposals from professional lighting companies, the DWA and the City, concur that the “Nights of Lights” proposal from Holiday Outdoor Décor best facilitates the goals of the DWA and City.

NOW, THEREFORE, BE IT RESOLVED by the Corporate Authorities of the City of Wheaton, pursuant to the City’s home rule authority, as follows:

1. The City shall allocate from its General Fund (Public Works/Special Events) the sum of \$35,448 for each of the next three holiday seasons (Calendar Years 2022, 2023, and 2024), to pay for the “Nights of Lights” in Adams Park, strictly subject to the terms and conditions of this resolution, and as set forth in the proposal of Holiday Outdoor Décor dated October 11, 2022, as follows:
 - a. The project shall be contracted for and managed by the DWA in accordance with the proposal of Holiday Outdoor Décor “Nights of Lights” dated October 11, 2022 (EXHIBIT A) and this resolution; and
 - b. The City’s funding of the “Nights of Lights” shall be further contingent on the DWA’s agreement that the following provisions of the Special Service Area No. 8, Implementing Agreement (“Implementing Agreement”) attached hereto and incorporated herein as EXHIBIT B shall be a condition of the City’s funding:
 - i. Paragraph 13, Independent Contractor Status; and
 - ii. Paragraph 14, Indemnification and Hold Harmless; and
 - iii. Paragraph 15, Insurance; and

- iv. Paragraph 21, Counterparts; and
- v. Paragraph 10, to the extent that the DWA provide the City, if requested, with books and records from Holiday Outdoor Décor and itself establishing compliance with the "Nights of Lights" proposal.

2. Monies for the payment of "Nights of Lights" by the City shall not come from Special Service Area funds of the City.
3. It shall also be a condition of the City's payment of funds for "Nights for Lights" that the Executive Director of the DWA, with the approval of its Board of Directors, approve and sign a copy of the resolution as acceptance of its terms and conditions.

City staff is hereby authorized and directed to undertake any and all activities reasonably necessary to effectuate this resolution.

ADOPTED this 17th day of October 2022.



Philip J. Suess
Mayor, City of Wheaton

ATTEST:



Andrea Rosdall
City Clerk

Date: October 18th, 2022

Roll Call Vote:

Ayes: Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker
Councilman Brown
Mayor Suess

Nays: None

Absent: Councilwoman Fitch
Motion Carried Unanimously

ACCEPTED:

DWA by its Executive Director with the approval of its Board of Directors:



Dated: 10/20/22