
PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE TOWN OF CICERO

The Board of Trustees of the Town of Cicero met Tuesday, November 8, 2016 at 10:00 A.M., in the Town Hall Council Chambers, Town of Cicero.

On roll call there were present:

President: Dominick
Clerk: Punzo-Arias
Trustees: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.
Absent: Trustee Cundari.

Thereupon, President Dominick declared a quorum present and the meeting duly convened and requested that all present in attendance stand and join in the Pledge of Allegiance to the Flag.

On motion of Trustee Reitz seconded by Trustee Virruso, the minutes of the Regular Meeting held Tuesday, October 25, 2016 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

APPROVAL OF BILLS

(161-16)

On motion of Trustee Virruso seconded by Trustee Banks, the list of bills itemized in Warrant #21, dated November 7, 2016, in the total amount of \$2,260,025.32, the list of manual checks dated October 22 thru November 3, in the total amount of \$0.00, and the list of online payments dated October 21 thru November 2, in the total amount of \$0.00, were accepted, placed on file and approved for payment; action taken by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(162-16)

On motion of Trustee Raleigh seconded by Trustee Garcia, payroll (*Estimated Corporate \$1,408,745.33 & Library \$27,258.28*) was approved for the active employees listed on the printout dated 11-03-16; action taken by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

PERMITS

(163-16)

On motion of Trustee Raleigh seconded by Trustee Garcia, permission was granted Our Lady of Charity Church to host their Fall Dinner / Dance at the parish Halpin Hall on Saturday, November 26th from 7:00 PM to 1:00 AM. Permission includes the sale of alcoholic beverages up to 11:59 PM.

(164-16)

On motion of Trustee Raleigh seconded by Trustee Garcia, permission was granted Mary Queen of Heaven Church to host their "Parish Noche Mexicana" fund raising event on *Saturday, November 19th from 4:00 PM to 1:00 AM and Sunday, November 20th from 4:00 PM to 11:00 PM. (*Permission includes the sale of alcoholic beverages up to 11:59 PM).

REPORTS

(165-16)

On motion of Trustee Virruso seconded by Trustee Raleigh, the Collector's Office Report (*\$1,002,179.38*) and the Revenue Summary Report (*\$2,224,790.90*) for the month of October/16, submitted by Fran Reitz, Collector, was accepted and placed on file; action taken by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

ORDINANCES

("O" 78-16)

On motion of Trustee Raleigh seconded by Trustee Banks, the Ordinance vacating portions of a certain alley and street (*as listed in Exhibit "A"*) and authorizing the Town President to enter into a certain vacation agreement with 1600 S. Cicero, LLC, was accepted, placed on file and approved for passage by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(“O” 79-16)

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance approving the lease of certain real property (5204-22 West 25th Street) to the United States Postal Service for the Town of Cicero, was accepted, placed on file and approved for passage by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(“O” 80-16)

On motion of Trustee Reitz seconded by Trustee Raleigh, the Ordinance amending Chapter 46, entitled “Health and Sanitation”, Section 46-466, entitled “Definitions”, to the Code of Ordinances of the Town of Cicero, Illinois regarding the definition of blighted area for the Town of Cicero, was accepted, placed on file and approved for passage by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance is to define “blighted area” as set forth herein and to authorize the Town President to take any and all action necessary to effectuate the intent of this Ordinance.)

Section 46-466. Definitions.

Blighted Area means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

1. If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that the Town or its designated official may reasonably find that the factor is clearly present and (ii) reasonably distributed throughout the improved part of the blighted area:
 - A. Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components that major repair is required or the defects are so serious and so extensive that the building(s) must be removed.
 - B. Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

- C. Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.
- D. Structure below minimum code of standards. A structure that does not meet standards of zoning, building, fire or other provisions of this Code applicable to the property.
- E. Illegal use of individual structures. The use of structures in violation of applicable federal or state law, or in violation of this Code, exclusive of those applicable to the presence of structures below minimum Code standards.
- F. Excessive vacancies. The building(s) are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.
- G. Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.
- H. Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve their intended uses, or (ii) deteriorated, antiquated, obsolete, or in disrepair.
- I. Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.
- J. Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.
- K. Environmental clean-up. The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the blighted area.
- L. Lack of community planning. The blighted area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior

to the adoption by the Town of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

- M. The total equalized assessed value of the blighted area has declined for 3 of the last 5 calendar years prior to the year in which the blighted area is designated or is increasing at an annual rate that is less than the balance of the Town for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the blighted area is designated.
2. If vacant, the sound growth of the blighted area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present and (ii) reasonably distributed throughout the vacant part of the blighted area to which it pertains:
- A. Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.
 - B. Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.
 - C. Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code [35 ILCS 200/1 et seq.] within the last 5 years.
 - D. Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.
 - E. The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the blighted area.
 - F. The total equalized assessed value of the blighted area has declined for 3 of the last 5 calendar years prior to the year in which the blighted area is designated or is increasing at an annual rate that is less than the balance of the Town for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the blighted area is designated.
3. If vacant, the sound growth of the blighted area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that the Town may reasonably find that the factor is clearly present and (ii) is reasonably distributed throughout the vacant part of the blighted area to which it pertains:
- A. The area consists of one or more unused quarries, mines, or strip mine ponds.

- B. The area consists of unused rail yards, rail tracks, or railroad rights-of-way.
- C. The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed.
- D. The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.
- E. The area is not less than 50 nor more than 100 acres and 75% of which is vacant, and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.
- F. The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

Notwithstanding any provision of this Code to the contrary, the foregoing provisions shall serve as the Town's definition of blight for purposes of Title 24, Part 570 of the Code of Federal Regulations.

("O" 81-16)

On motion of Trustee Virruso seconded by Trustee Raleigh, the Ordinance amending Chapter 94, entitled "Traffic", Section 94-182, entitled "Stop Streets Generally; Schedule XII, to the Code of Ordinances of the Town of Cicero, Illinois regarding stop signs for the Town of Cicero, was accepted, placed on file and approved for passage by the following vote:
 Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.
 Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance is to add the intersection to the list of stop streets for the Town to regulate traffic and to ensure the proper installation and maintenance of the corresponding stop signs.)

Section 94-182. Stop Streets Generally; Schedule XII.

33rd Street and 60th Court, all eastbound and westbound traffic on 33rd Street shall come to a complete stop at 60th Court and all northbound traffic on 60th Court shall come to a complete stop at 33rd Street.

("O" 82-16)

On motion of Trustee Raleigh seconded by Trustee Garcia, the Ordinance granting a special use permit to installation additional equipment to an existing telecommunications facility at 1843 South 54th Avenue, was accepted, placed on file and approved for passage by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.
Nays: None.

(“O” 83-16)

On motion of Trustee Raleigh seconded by Trustee Garcia, the Ordinance granting a parking variance for the operation of a nutrition club at 5417 West 25th Street, was accepted, placed on file and approved for passage by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

RESOLUTIONS

(“R” 103-16)

On motion of Trustee Raleigh seconded by Trustee Virruso, the Resolution authorizing and approving a preventative maintenance proposal with Arrigo Enterprises, Inc. (*to provide HVAC maintenance and inspection services to the Cicero Fire Department*), was accepted, placed on file and approved for adoption by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(“R” 104-16)

On motion of Trustee Banks seconded by Trustee Raleigh, the Resolution authorizing the Town President to enter into an Ancillary Provider Services Agreement with Molina Healthcare (*Allows the Town to bill for services provided by the Health Department to individuals insured by Molina Healthcare*), was accepted, placed on file and approved for adoption by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(“R” 105-16)

On motion of Trustee Virruso seconded by Trustee Raleigh, the Resolution extending the term of certain appointed officers, employees and officials for the Town until December 31, 2016, was accepted, placed on file and approved for adoption by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

NEW BUSINESS

(166-16)

On motion of Trustee Virruso seconded by Trustee Garcia, authorization was granted the Town of Cicero Special Events to host an event to celebrate the Chicago Cubs World Series Victory; action was taken by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

President Dominick opened the meeting to the public for their comments.
There were no citizen comments from the public.

On motion of Trustee Virruso seconded by Trustee Garcia, the board adjourned at 10:10 A.M. to meet in Executive Session.

On motion of Trustee Virruso seconded by Trustee Garcia, the board reconvened at 10:46 A.M. to Open Session.

On motion of Trustee Reitz seconded by Trustee Banks, the minutes of the Executive Session held Tuesday, October 25, 2016, were accepted and approved.

On motion of Trustee Reitz seconded by Trustee Garcia, the town attorney was authorized to file a lawsuit with the Chancery Court as per discussion held in Executive Session relative to Agenda Item #12-A "Town of Cicero v. Thomas Neely"; action taken by the following vote:

Ayes: Banks, Garcia, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

No discussion was held relative to Executive Session Agenda Item #12-B.

On motion of Trustee Virruso seconded by Trustee Garcia, the board then stood adjourned at 10:47 A.M. to meet on Tuesday, November 22, 2016, at 10:00 A.M., in the Town Hall, Town of Cicero.

MARIA A. PUNZO-ARIAS, TOWN CLERK