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# PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE TOWN OF CICERO

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The Board of Trustees of the Town of Cicero met Tuesday, October 24, 2017 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: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.  
Absent: Trustee Banks

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 Raleigh seconded by Trustee Garcia, the minutes of the Regular Meeting held Tuesday, October 10, 2017 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

## ***PRESENTATION***

(177-17)

The following seniors received a certificate along with an individual flower for being Super Seniors 90 and Beyond for the month of October:

Mary Dulik  
Marie Jones

Marie Esposito  
Abraham Ortega

## ***APPROVAL OF BILLS***

(178-17)

On motion of Trustee Virruso seconded by Trustee Raleigh, the list of bills itemized in Warrant #20, dated October 19, 2017, in the total amount of \$1,832,078.60, the list of manual checks dated October 5 thru October 18, in the total amount of \$12,265.35, and the list of online payments dated October 5 thru October 19, in the total amount of \$0.00, were accepted, placed on file and approved for payment; action taken by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.  
Nays: None.

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(179-17)

On motion of Trustee Raleigh seconded by Trustee Porod, payroll (*Estimated Corporate \$1,408,583.83 & Library \$25,546.67*) was approved for the active employees listed on the printout dated 10-18-17; action taken by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.  
Nays: None.

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(180-17)

By Trustee Virruso:

RESOLVED, that the list of medical claims listed on the printout for the month of September/2017, prepared by Blue Cross & Blue Shield of Illinois, in the total amount of \$1,562,631.25, be accepted, placed on file and approved for payment.

Which was on motion of Trustee Virruso seconded by Trustee Garcia, approved by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.  
Nays: None.

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(181-17)

By Trustee Porod:

RESOLVED, that the life and accidental death & dismemberment insurance premium for the month of November/2017, prepared by Dearborn National, in the total amount of \$5,210.53, be accepted, placed on file and approved for payment.

Which was on motion of Trustee Porod seconded by Trustee Raleigh, approved by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.  
Nays: None.

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(182-17)

By Trustee Garcia:

RESOLVED, that the stop loss insurance policy premium for the month of November/2017, prepared by Symetra, in the total amount of \$26,996.55, be accepted, placed on file and approved for payment.

Which was on motion of Trustee Garcia seconded by Trustee Porod, approved by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

### *PERMITS*

(183-17)

On motion of Trustee Porod seconded by Trustee Raleigh, permission was granted Mary Queen of Heaven Parish to host a "Noche Mexicana" fundraising event to be held in parish school gym on Saturday, November 18, 2017 from 4:00 PM to 11:59 PM.

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(184-17)

On motion of Trustee Raleigh seconded by Trustee Garcia, permission was granted Mary Queen of Heaven Parish to host a New Year's Eve event to be held in parish school gym on Sunday, December 31, 2017 from 4:00 PM to 1:00AM; approval is contingent upon that all liquor sales end at 11:59PM.

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(185-17)

On motion of Trustee Virruso seconded by Trustee Porod, permission was granted St. Mary of Czestochowa Church to host a Falls Family Dance event to be held in parish social center on Saturday, November 11, 2017 from 7:00 PM to 11:59PM.

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(186-17)

On motion of Trustee Porod seconded by Trustee Raleigh, permission was granted Community Chest of Cicero to conduct a "Boot Day" fundraiser in collaboration with the Cicero Fire Department on Saturday, October 28<sup>th</sup>, from 9:00 AM to 12:00 PM (Noon) at various intersections throughout the Town.

## ORDINANCES

("O" 81-17)

On motion of Trustee Raleigh seconded by Trustee Porod, the Ordinance amending Chapter 78, entitled "Solid Waste", Section 78-12, entitled "Dumpster" of the Code of Ordinances of the Town of Cicero, Illinois, was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

*(Purpose of Ordinance)*

*(The purpose of this ordinance is to update the Existing Regulations to address and regulate new trends in Solid Waste removal within the Town and to authorize the President and other Town officials to take all action necessary to carry out the intent of this Ordinance.)*

Section 78-12: Dumpster.

(a) Definitions. For purposes of this section, the following terms shall have the following meanings:

(1) Dumpster shall mean and include any trash receptacle which is larger than a standard sized trash can or bin, which is constructed of metal or hard plastic, designed to be hoisted and emptied into a truck or removed from its location via crane or any other removal method. Dumpster specifically excludes any soft-sided bag or duffel which is designed for the storage and/or removal of solid waste.

(2) Dumpster Bag shall mean and include any trash receptacle which is larger than a standard sized trash can or bin, which is constructed of soft-sided plastic or other flexible material, designed to be hoisted and emptied into a truck or removed from its location via crane or any other removal method.

(ab) Any person or entity applying for a permit for the construction, erection, addition to, alteration, repair, removal, demolition or installation of any new or existing building or structure shall provide for a dumpster to guarantee the proper collection and disposal of all trash, debris, refuse, garbage or other construction materials generated by such erection, addition to, alteration, repair, removal, demolition or installation, subject to the following conditions:

(1) The dumpster shall be surrounded by lighted safety barricades.

(2) A protective surface shall be placed under each dumpster, such as plywood, to protect the surface of any public way that the dumpster may be placed upon.

(3) Each dumpster is limited to 60 calendar days at any location.

(4) No articles placed in the dumpster shall extend beyond the top edge of the dumpster.

(c) Notwithstanding the foregoing, and at the sole and absolute discretion of the Building Commissioner, a person or entity applying for a permit for the alteration, repair, clean out, or remodeling of any existing

building or structure may apply for a dumpster bag permit to guarantee the proper collection and disposal of all trash, debris, refuse, garbage or other materials generated by such alteration, repair, clean out, or remodeling subject to the following conditions:

(1) Under no circumstances may a dumpster bag be placed on public right-of-way, street, alley, parkway or upon any Town property;

(2) Each dumpster bag is limited to no more than seven (7) days at any location;

(3) No articles placed in the dumpster bag shall extend beyond the top edge of the dumpster bag;

(4) Any dumpster bag which is accessible to the public must be surrounded by safety barricades and must be covered with plywood boards or other barriers; and

(5) Each applicant must verify that the dumpster bag shall be safely removed by a licensed solid waste removal company.

(d) A permit shall be required for the placement of any dumpster bag on private property within the corporate limits of the Town. The permit fee shall be \$25.00.

(e) It is unlawful to deposit any such trash, debris, refuse, garbage or construction materials generated by such erection, addition to, alteration, repair, removal, demolition or installation in any alley or other public way or within any municipal garbage container.

(f) A minimum fine of \$100.00 and a maximum fine of \$500.00 shall be imposed for violations of this section.

(g) Notwithstanding the foregoing, and in addition to any fees and fines imposed pursuant to this Code, any dumpster or dumpster bag which is in violation of this section or which constitutes a threat to public health and safety shall be deemed a public nuisance, and the building commissioner or his designee is authorized, at his discretion, to cause the nuisance to be summarily abated in such manner as he may direct in accordance with section 38-117 of this Code.

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**(“O” 82-17)**

On motion of Trustee Garcia seconded by Trustee Raleigh, the Ordinance amending Chapter 22, entitled “Buildings and Building Regulations”, Section 22-320, entitled “Fences in residential zones” of the Code of Ordinances of the Town of Cicero, Illinois, was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

*(Purpose of Ordinance)*

*(The purpose of this ordinance is to amend the Existing Regulations to allow side and rear yards fences to have a maximum height of six feet and to authorize the President and other Town officials to take all action necessary to carry out the intent of this Ordinance.)*

Section 22-320: Fences in residential zones.

(a) *Front yard fences.* Front yard fences shall not be allowed in residential districts. All existing front yard fences must be non-locking.

(b) *Side yard fences.* Side yard fences shall be allowed in residential districts, so long as they comply with the following factors:

- (1) The fence is constructed from wood, chain link, PVC, or wrought iron.
- (2) The height of the side yard fence does not exceed ~~five~~ six feet.
- (3) There is at least 15 feet between the building on the lot where the fence is to be located and the building on the neighboring property.
- (4) The fence must be non-locking.

(c) *Rear yard fences.* Rear yard fences shall be allowed in residential districts, so long as they comply with the following factors:

- (1) The fence is constructed from wood, chain link, PVC, or wrought iron.
- (2) The height of the rear yard fence does not exceed ~~five~~ six feet.

(d) Except as provided in the proceeding sections, the height of a structural fence in a residential area shall not exceed five feet, as measured from the average ground level of both sides of the fence. However, a structural fence may be erected at a height not greater than seven feet in the following circumstances.

- (1) Along the lot line of residential property that separates such property from any property being used for commercial or manufacturing uses, as defined in the zoning ordinance.
- (2) Along a railroad right-of-way.

(e) A privacy fence around a patio or first floor deck shall be permitted to a height of five feet as measured from ground level. A privacy fence around any deck other than a first floor deck shall not be permitted.

(f) Fences shall be constructed around vacant lots in residential districts in accordance with section 22-322.

(g) A current, accurate Plat of Survey is required for all fence permit applications, showing the location of the proposed fence and any existing fences.

(h) A fence permit application requesting the removal of a fence must be signed by the owner of the fence.

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(“O” 83-17)

On motion of Trustee Virruso seconded by Trustee Raleigh, the Ordinance authorizing and approving the purchase of equipment (*One (1) WIN SRVR CAL 2016 ENG OLP NL GOV DVC CAL software from PCM / Tiger Direct for the Town Clerk’s Office and Police Department in the total amount of \$463.84*), was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

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**(“O” 84-17)**

On motion of Trustee Porod seconded by Trustee Garcia, the Ordinance amending Ordinance Number 1-17 to correct a scrivener’s error in the address of property listed in “Exhibit A” for the Town of Cicero, was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

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**(“O” 85-17)**

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance granting a parking variance for the operation of a wheel and tire shop at 1626 South Cicero Avenue, was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

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**(“O” 86-17)**

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance granting a special use permit and parking variance for the operation of a grocery store at 5001 West 14<sup>th</sup> Street, was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

## ***RESOLUTIONS***

**(“R” 87-17)**

On motion of Trustee Raleigh seconded by Trustee Garcia, the Resolution extending the terms of certain appointed officers, employees and officials for the Town until November 30, 2017, was accepted, placed on file and approved for adoption by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

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(“R” 88-17)

On motion of Trustee Garcia seconded by Trustee Porod, the Resolution authorizing, the Town President to enter into and approve an agreement with AT&T Corp. to provide services to the Town (*Managed internet service, IP Flexible Reach and Toll Free Pricing*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

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President Dominick opened the meeting to the public for their comments.

Mr. Rodriguez, an advocate of immigrant rights, K. Allamayer, a member of Healing to Action and A. Gonzalez, a church liaison, addressed the Board concerning immigration issues and the possible passage of an ordinance.

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On motion of Trustee Virruso seconded by Trustee Garcia, the board adjourned at 10:36 A.M. to meet in Executive Session.

On motion of Trustee Virruso seconded by Trustee Reitz, the board reconvened at 11:53 A.M. to Open Session.

On motion of Trustee Raleigh seconded by Trustee Porod, the minutes of the Executive Session held Tuesday, October 10, 2017, were accepted and approved.

Executive Session agenda item #11-A was for informational purposes only.

On motion of Trustee Reitz seconded by Trustee Garcia, the town attorney was authorized to negotiate a settlement per terms discussed in Executive Session relative to Agenda Item #11-B “Starzyk v. Town of Cicero”; action taken by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.

On motion of Trustee Reitz seconded by Trustee Garcia, the town attorney was authorized to retain On-Site Acoustic Testing per terms discussed in Executive Session relative to Agenda Item #11-C “P. Smith v. Town of Cicero”; action taken by the following vote:

Ayes: Cundari, Garcia, Porod, Raleigh, Reitz, Virruso.

Nays: None.



No discussion was held relative to Executive Session Agenda Item #11-D.

On motion of Trustee Virruso seconded by Trustee Porod, the board then stood adjourned at 11:56 A.M. to meet on Tuesday, November 14, 2017 at 10:00 A.M., in the Town Hall, Town of Cicero.

MARIA A. PUNZO-ARIAS, TOWN CLERK