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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, November 14, 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: Banks, Cundari, Garcia, Porod, Reitz, Virruso.  
Absent: Trustee Raleigh - Excused

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 Banks seconded by Trustee Garcia, the minutes of the Regular Meeting held Tuesday, October 24, 2017 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

### *APPROVAL OF BILLS*

(187-17)

On motion of Trustee Virruso seconded by Trustee Banks, the list of bills itemized in Warrant #21, dated November 8, 2017, in the total amount of \$2,703,941.12, the list of manual checks dated October 19 thru November 8, in the total amount of \$1,028,622.87, and the list of online payments dated October 19 thru November 8, in the total amount of \$0.00, were accepted, placed on file and approved for payment; action taken by the following vote:

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

Nays: None.

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(188-17)

On motion of Trustee Garcia seconded by Trustee Porod, payroll (*Estimated Corporate \$1,409,449.48 & Library \$27,085.13*) was approved for the active employees listed on the printout dated 11-08-17; action taken by the following vote:

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

Nays: None.

## ***PERMITS***

(189-17)

On motion of Trustee Porod seconded by Trustee Virruso, permission was granted St. Anthony Catholic Church to host a Dance Fundraiser in their Parish Hall located at 1510 S. 49<sup>th</sup> Court on Saturday, November 24<sup>th</sup> from 7:00 PM to 11:59 PM.

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(190-17)

On motion of Trustee Banks seconded by Trustee Porod, permission was granted St. Frances of Rome Parish to host their annual Noche Bohemia fundraiser in their parish school cafeteria on Friday, November 24<sup>th</sup>, from 6:00 PM to 11:59 PM.

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(191-17)

On motion of Trustee Porod seconded by Trustee Garcia, permission was granted St. Mary of Czestochowa Parish to host their annual Wine Testing Party in their parish social center located at 5000 West 31<sup>st</sup> Street from 6:00 PM to 11:00 PM.

## ***REPORTS***

(192-17)

On motion of Trustee Virruso seconded by Trustee Porod, the Collector's Office Report (*\$3,107,155.37*) and the Revenue Summary Report (*\$920,203.57*) for the month of October/2017, submitted by Fran Reitz, Collector, was accepted and placed on file; action taken by the following vote:

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

Nays: None.

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(193-17)

On motion of Trustee Garcia seconded by Trustee Reitz, approval was granted for a curb cut for a driveway entrance at 1242 S. 55<sup>th</sup> Court, as recommended by the Town Engineer and Building Department; action taken by the following vote:

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

Nays: None.

## ORDINANCES

("O" 87-17)

On motion of Trustee Virruso seconded by Trustee Porod, the Ordinance amending Chapter 82, entitled "Streets, Sidewalks, And Other Public Places", Sections 82-339 & 82-341, and adopting Section 82-341.1 of the Code of Ordinances of the Town of Cicero, Illinois regarding the regulation and licensing of small cell facilities, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

*(Purpose of Ordinance)*

*(The purpose of this ordinance is to adopt certain rules, regulations and fees related to the licensing, regulating and inspecting of Cellular Equipment and the installation and maintenance of same in order to adequately reimburse the Town for the financial burden of licensing, regulating and inspecting Cellular Equipment and to authorize the President and other Town officials to take all necessary to carry out the intent of this Ordinance.)*

Section 82-339: Definitions.

The words and terms used in this article shall have the meaning ascribed to them in this section, unless the context clearly indicates a different meaning. Any term not defined in this section shall have the meaning ascribed to it in Title 92, Section 530.30 of the Illinois Administrative Code (ILL. ADMIN. CODE tit. 92 § 530.30 (1992)), or, for those terms commonly used in the telecommunications industry that are not defined herein, said terms shall be interpreted in accordance with their generally accepted industry meaning, unless the context clearly indicates a different meaning. The use of any term in the present tense shall include the future and past tense of the term, when applicable, and all terms used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender, when applicable.

Alternative Antenna Structure shall mean an existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a Town-owned infrastructure.

Antenna shall mean communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

Town-Owned Infrastructure means infrastructure in public right-of-way within the boundaries of the Town, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the Town.

Distributed Antenna System shall mean a network or facility to which all the following apply: (1) it distributes radio frequency signals to provide Wireless Service; (2) it meets the size limitations of a Small Cell Facility; and (3) it consists of all the following: (a) remote antenna nodes deployed throughout a desired coverage area; (b) a

high-capacity signal transport medium connected to a central hub site; and (c) equipment located at the hub site to process or control the radio frequency signals through the antennas.

Facility shall mean all structures, devices, objects and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable antennas, Distributed Antenna Systems, Small Cell Facilities, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across or within rights-of-way governed by this article. For purposes of this article, the term "facility" shall not include any facility owned or operated by the Town, unless otherwise provided herein.

Landscape Screening shall mean the installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a personal wireless telecommunication facility from public view.

Monopole shall mean a structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a Town-owned infrastructure.

Personal Wireless Telecommunication Antenna shall mean an antenna that is part of a personal wireless telecommunications facility.

Personal Wireless Telecommunication Equipment shall mean equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility.

Personal Wireless Telecommunications Facility shall mean an antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

Replace or replacement shall mean to substitute a new facility, in its entirety, for an existing facility.

Small Cell Facility shall mean a Personal Wireless Telecommunications Facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally, these installations are single-service provider installations. Small Cell Facilities used to provide Wireless Service shall conform to the following size limitations: (1) each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume; and (2) all other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a Town-owned infrastructure. Except as otherwise provided for by this chapter, the requirements for a tower and associated antenna facilities shall be those required in this chapter.

Utility Pole means an upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, and other applicable cables or facilities which are used to provide lighting, traffic control, signage, or a similar function.

Wi-Fi Antenna means an antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

Wireless Service shall mean any telecommunications service using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided using Distributed Antenna Systems or Small Cell Facilities.

Section 82-341: Permit Required; Application and Fees.

- (a) *Permit required.* No person shall construct any facility on, over, above, along, upon, under, across or within any town right-of-way which: (1) changes the location of the facility; (2) adds a new facility; (3) disrupts the right-of-way; or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Town Engineer and obtaining a permit from the Town therefor, except as otherwise provided in this article. No permit shall be required for the installation and maintenance of service connections to customers' premises where there will be no disruption of a right-of-way. All applications shall go through site-review and approval with the Town Engineer or his/her designee. Permits, applications, and fees related to personal wireless facilities and applications for the same in the right of way shall be governed by Section 82-341.1 of this chapter; however, where this chapter is silent related to certain building permit or licensing fees, other relevant provisions of the Town Code shall apply and control.

Section 82-341.1: Permit Required; Application and Fees for Personal Wireless Service in the Right of Way

- (a) Personal wireless telecommunication facilities will be permitted to be placed in right-of-way within the jurisdiction of the Town as attachments to existing utility poles, alternative antenna structures, or Town-owned infrastructure subject to the following regulations:
1. Number Limitation and Co-Location. The Town Engineer or his/her designee may regulate the number of personal wireless telecommunications facilities allowed on each utility pole or unit of Town-owned infrastructure. No more than two (2) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structure of ninety (90) feet or less. No more than three (3) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structures in excess of ninety (90) feet and less than one-hundred and twenty (120) feet. This Ordinance does not preclude or prohibit co-location of personal wireless telecommunication facilities on towers or monopoles that meet the requirements as set forth elsewhere in this section or as required by federal law.
  2. Non-Interference and compliance with applicable codes. Personal wireless telecommunications facilities operating under a federal license shall not interfere in any way with any Town-owned or operated equipment or facilities or any FCC licensed or unlicensed users already having equipment on the facility, radio or other equipment at any time and shall not interfere in any way with FCC licensed or unlicensed users already having equipment on the facility, radio or other equipment placed in the right-of-way. Personal wireless telecommunications facilities shall comply with all applicable rules and requirements of the Federal Communications Commission and all applicable electrical codes and all other applicable codes.
  3. Separation and Clearance Requirements. Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or Town-owned infrastructure only where such pole, structure, or infrastructure is located no closer than twenty-five (25) feet from any residential building, excluding garages, and no closer than three hundred (300) feet from any other personal wireless telecommunication facility. A lesser separation or clearance may be allowed by the Town Engineer or his/her designee as an administrative variance to this Section when the Applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way.
  4. Town-Owned Infrastructure. Personal wireless telecommunication facilities can only be mounted to Town-owned infrastructure including, but not limited to, streetlights, traffic signal, towers or buildings, if authorized by a license or other agreement between the owner or applicant and the Town.

5. New Towers. Any new monopole or other tower to support personal wireless telecommunication facilities shall be similar in height and shall not exceed the height of the existing monopoles of the nearest comparable monopoles on right-of-way within the jurisdiction of the Town unless the Town Board finds, based on clear and convincing evidence provided by the Applicant, that locating the personal wireless telecommunication facilities on the right-of-way is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed new monopole or other tower within the right-of-way is the least intrusive means to do so.
6. Attachment Limitations. No personal wireless telecommunication antenna or facility within the right-of-way will be attached to a utility pole, alternative antenna structure, tower, or Town-owned infrastructure unless all of the following conditions are satisfied:
  - a. Surface Area of Antenna: The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven (7) cubic feet in volume.
  - b. Size of Above-Ground Personal Wireless Telecommunication Facility: The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed thirty-two (32) cubic feet.
  - c. Personal Wireless Telecommunication Equipment: The operator of a personal wireless telecommunication facility must locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
  - d. Personal Wireless Telecommunication Services Equipment Mounted at Grade: In the event that the operator of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances are to be installed at grade, screening must be installed to minimize the visibility of the facility. Screening must be installed at least three (3) feet from the equipment installed at-grade and eight (8) feet from a roadway or any property line.
  - e. Height: The top of the highest point of the antenna cannot extend more than ten (10) feet above the highest point of the utility pole, alternative antenna support structure, tower or Town-owned infrastructure. If necessary, the replacement or new utility pole, alternative support structure or Town-owned infrastructure located within the public right-of-way may be no more than ten to seventy (10 – 70) feet higher than existing poles adjacent to the replacement or new pole or structure, or no more than ninety (90) feet in height overall, whichever is less.
  - f. Color: A personal wireless telecommunication facility, including all related equipment and appurtenances, must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover. All personal wireless telecommunication facilities and equipment shall be camouflaged, concealed, disguised and otherwise not readily recognizable as telecommunication equipment.
  - g. Antenna Panel Covering: A personal wireless telecommunication antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pole, structure, tower or infrastructure on which it is mounted.
  - h. Wiring and Cabling: Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.

- i. Grounding: The personal wireless telecommunication facility must be grounded in accordance with the requirements of the electrical code currently in effect in the Town.
  - j. Guy Wires: No guy or other support wires will be used in connection with a personal wireless telecommunication facility unless the facility is to be attached to an existing utility pole, alternative antenna support structure, tower or Town-owned infrastructure that incorporated guy wires prior to the date that an Applicant has applied for a permit.
  - k. Pole Extensions: Extensions to utility poles, alternative support structures, towers and Town-owned infrastructure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards as set forth in subsection (l) below. An extension must be securely bound to the utility pole, alternative antenna structure, tower or Town-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.
  - l. Structural Integrity: The personal wireless telecommunication facility, including the antenna, pole extension and all related equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures, which are adopted for the purposes of this Section. For any facility attached to Town-owned infrastructure or, in the discretion of the Town, for a utility pole, tower, or alternative antenna structure, the operator of the facility must provide the Town with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois with the structural engineer's seal affixed to the report. The Town reserves the right to substantially rely on the opinion and evaluation of the Applicant's professional structural engineer.
7. Signage. Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.
  8. Screening. If screening is required under Section (6)(d) above, it must be natural landscaping material or a fence subject to the approval of the Town and must comply with all regulations of the Town. Appropriate landscaping must be located and maintained and must provide the maximum achievable screening, as determined by the Town, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine (9) feet in height. Landscape screening when permitted in the right-of-way must be provided with a clearance of three (3) feet in all directions from the facility. The color of housing for ground-mounted equipment must blend with the surroundings. For a covered structure, the maximum reasonably achievable screening must be provided between such facility and the view from adjoining properties and public or private streets. In lieu of the operator installing the screening, the Town, at its sole discretion, may accept a fee from the operator of the facility for the acquisition, installation, or maintenance of landscaping material by the Town.
  9. Permission to Use Utility Pole or Alternative Antenna Structure. The operator of a personal wireless telecommunication facility must submit to the Town written copies of the approval from the owner of a utility pole, monopole, or an alternative antenna structure, to mount the personal wireless telecommunication facility on that specific pole, tower, or structure, prior to issuance of the Town permit.
  10. Licenses and Permits. The operator of a personal wireless telecommunication facility must verify to the Town that it has received all concurrent licenses and permits required by other agencies and

governments with jurisdiction over the design, construction, location and operation of said facility have been obtained and will be maintained within the corporate limits of the Town.

11. Variance Requirements. Each location of a personal wireless telecommunication facility within a right-of-way must meet all of the requirements of this Chapter, unless a variance has been obtained in accordance with Section 82-358 of the Town Code.
12. Abandonment and Removal. Any personal wireless telecommunication facility located within the corporate limits of the Town that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility must remove same within ninety (90) days of receipt of written notice from the Town notifying the owner of such abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the Town to such owner at the last known address of such owner. In the case of personal wireless telecommunication facilities attached to Town owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the Town may remove or cause the removal of such facility through the terms of the applicable license agreement or through whatever actions are provided by law for removal and cost recovery.
13. Reimbursements for Costs. The Applicant or telecommunications retailer shall be solely responsible for any and all costs incurred by the Town associated with the installation, repair, replacement, or removal of the Applicant or telecommunications provider's equipment. The costs shall include but are not limited to impact fees for street closures; costs related to traffic enforcement at the site where the installation, repair, replacement, or removal has occurred; any costs related to returning the right-of-way to its original state prior to the installation, repair, replacement, or removal of the Applicant or telecommunications provider's equipment.

(b) Application and Annual fees.

1. Unless otherwise provided by the applicable franchise, license or similar agreement, all applications for permits pursuant to this article shall be accompanied by a fee as reasonably determined by the Town each year. The Applicant shall also reimburse the Town for any fees charged to the Town for professional services (engineering fees, legal fees, site review fees, etc.) related to the processing of the applications. The application fees are intended to reimburse the Town for its internal administrative costs related to processing the applications made under this Chapter.
2. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Law (35 ILCS 645/15, et seq.). However, such Applicants shall remain responsible for reimbursing the Town for the cost of its professional services employed in reviewing the applications.
3. For the installation of a Distributed Antenna System or Small Cell Facility, a telecommunications retailer shall pay the following application fees:
  - a. Two thousand dollars (\$2,000.00) for a new facility.
  - b. Two thousand dollars (\$2,000.00) for the attachment and, if applicable, replacement of a Town-owned facility.
  - c. One thousand dollars (\$1,000.00) for the attachment to a utility-owned facility.
4. A telecommunications retailer that obtained a permit and installed a Distributed Antenna System or a Small Cell Facility within the Town's jurisdiction shall pay the following annual fees:
  - a. Three thousand six hundred dollars (\$3,600.00) per new facility.



- b. Three thousand six hundred dollars (\$3,600.00) per attachment to and, if applicable, replacement of a Town-owned facility.
  - c. One thousand five hundred dollars (\$1,500.00) per attachment to a utility-owned facility.
5. The Town shall invoice the telecommunications retailer for such annual fee(s) due on or about January 1 of each year, and the telecommunications retailer shall pay such invoice within thirty (30) days after its receipt thereof.

(c) Penalty for Violations

- 1. Any and all persons or parties who violate the terms and provisions of this Chapter shall be subject to a minimum fine of \$750.00 per day. Each day shall be considered a new violation.
- 2. Any fine levied shall be appealable pursuant to the Illinois Administrative Review Act, 735 ILCS 5/3-101, et seq.

(d) Conflict of Laws.

- 1. Where the conditions imposed by any provisions of this Section regarding the siting and installation of personal wireless telecommunication facilities are more restrictive than comparable conditions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Section will govern; however, where this Section conflicts with federal laws or state laws pre-empting the Town's home rule powers, the federal or State laws will govern.

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**("O" 88-17)**

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance amending Chapter 10, entitled "Alcoholic Beverages", Sections 10-31 and 10-58 of the Code of Ordinances of the Town of Cicero, Illinois regarding video gaming licenses, was accepted, placed on file and approved for passage by the following vote:

Ayes: Banks, Cundari, Garcia, Prood, Reitz, Virruso.

Nays: None.

*(Purpose of Ordinance)*

*(The purpose of this ordinance is to adopt the Regulations for the Businesses as set forth herein and to authorize the President and other Town officials to take all necessary to carry out the intent of this Ordinance.)*

**Section 10-31: Licensure of Video Gaming Terminals.**

- (a) Any establishment within the Town that is licensed to sell alcoholic liquor and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board at such premises shall be required to apply for and obtain a video gaming sticker from the Town for each video gaming terminal located at such establishment.
- (b) Any person licensed to sell alcoholic liquor may apply to the Local Liquor Control Commissioner for a Town video gaming sticker ("Sticker"), on an application form provided, and pay an annual fee of \$1,500.00 per sticker. A sticker shall be required for each video gaming terminal at the premises.
- (c) All video gaming terminals at premises within the Town shall display a Town video gaming sticker at all times.

- (d) Town video gaming stickers shall not be issued for any video gaming terminal that is located: (i) within 1,000 feet of a horse racing or riverboat gaming facility; or (ii) within 100 feet of a school or place of worship.
- (e) No more than five video gaming terminals may be located on any premises where alcoholic liquor is sold.
- (f) Video gaming terminals must be located in an area that is restricted to persons over 21 years of age. The entrance to such area must be within the view of at least one employee of the premises.
- (g) No licensee may cause or permit any person under the age of 21 to use or play a video gaming device.
- (h) Video gaming terminals may be used only during the hours of operation for the consumption of liquor on the premises.
- (i) Any holder of a video gaming sticker must comply with all provisions of the Video Gaming Act (230 ILCS 40/1, et seq.), as the same may be amended from time to time, and must follow all rules, regulations and restrictions imposed by the Illinois Gaming Board and the Local Liquor Control Commissioner.
- (j) Undue Economic Concentration. In addition to considering all other requirements under the Video Gaming Act and this section in determining whether to approve a video gaming location, the liquor commissioner shall consider the impact of any economic concentration of such operation of video gaming. The liquor commissioner shall not approve a video gaming location if the liquor commissioner determines such location will result in undue economic concentration. For purposes of this subsection (j), "undue economic concentration" means that a location would have such actual or potential influence over video gaming terminals in the Town as to:
  - (1) Substantially impede or suppress competition among video gaming locations;
  - (2) Adversely impact the economic stability of the video gaming industry within the Town; or
  - (3) Negatively impact the purposes of the Video Gaming Act or this section.
- (k) The liquor commissioner may adopt rules concerning undue economic concentration with respect to video gaming in the Town or in the absence of the same with respect to the location of video gaming within the Town, the rules of the Illinois Gaming Board shall apply to undue economic concentration with respect to video gaming locations within the Town. The rules, if adopted by the liquor commissioner, shall include, but not be limited to, guidelines on the discontinuation of operation of any such video gaming location the liquor commissioner determines will cause or currently causes undue economic concentration.

Section 10-58: Classes designated; fee; number limited.

- (cc) Class C. A Class C license permits the retail sale of beer and wine for consumption only on the premises where it is sold and not for resale, in a video gaming cafe where food is available for purchase and consumption on the premises. The annual fee for such license shall be \$5,000.00. Notwithstanding any provision of this Code to the contrary, the total number of Class C licenses shall not exceed forty (40).

In addition to and in no way in limitation of the foregoing, the following restrictions shall apply to the retail sale of alcoholic beverages in video gaming cafes:

- (1) the premises shall consist of a minimum of five hundred (500) square feet of space that is open to or usable by the general public during business hours for food service and dining purposes;
- (2) no gaming cafe licenses shall be issued for businesses or proposed businesses in residential areas and shall be restricted to areas of the Town that are not zoned residential and shall not be within five-hundred (500) feet of another gaming cafe;

- (3) no food or alcoholic liquor, as defined in section 10-1, shall be sold, given away, offered for sale, served or dispensed on or about the premises or place of business licensed under this section between the hours of 1:00 a.m. and 11:00 a.m. on Sunday, 12:00 a.m. and 8:00 a.m. Monday through Friday, and between 1:00 a.m. and 8:00 a.m. on Saturday of each week, and each licensee shall ensure the licensed premises are free of all patrons no later than fifteen (15) minutes after the close of business on the day in question;
- (4) no one under the age of twenty-one (21) shall be allowed in or on the premises;
- (5) the licensee shall provide at least one and a half off-street parking spaces per video gaming terminal. However, if the licensee does not have sufficient off-street parking to comply with this off-street parking requirement, the licensee shall request an administrative parking variance from the Liquor Commissioner and shall pay a parking impact fee. The parking impact fee shall be one-hundred dollars (\$100.00) per space for each off-street spot not provided along with a two hundred fifty dollar (\$250.00) annual administrative fee. The administrative fee of two hundred fifty dollars (\$250.00) shall be waived if the premises provides sufficient parking to satisfy this subsection;
- (6) all licensees shall install and maintain functional security cameras inside the premises and at all entrances and exits to the premises; and
- (7) any violations of these requirements may result in a suspension or revocation of this license, as well as a fine not to exceed seven hundred fifty dollars (\$750.00), where each day is considered a separate violation.

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**(“O” 89-17)**

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance authorizing and approving a Collective Bargaining Agreement between the Town of Cicero, Illinois and the Cicero Fire Fighters Local 717 of the International Association of Fire Fighters, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

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**(“O” 90-17)**

On motion of Trustee Garcia seconded by Trustee Porod, the Ordinance authorizing, approving and ratifying the Disaster Relief Program and Fund for the Town of Cicero, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

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**(“O” 91-17)**

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance authorizing and approving an intergovernmental agreement between the Town of Cicero and the City of Berwyn regarding parking matters (*Two communities to refrain from issuing parking tickets on Lombard Avenue during Street Sweeping Operations*), was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

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**(“O” 92-17)**

On motion of Trustee Garcia seconded by Trustee Porod, the Ordinance authorizing and approving the purchase of a certain vehicle (*2017 Ford Utility Interceptor from Currie Motors at a total cost \$26,010.71 for the Cicero Police Department*), to replace the 2016 Ford Explorer Vin #1FM5K8AR3GGB1104 that was involved in an accident on May 29, 2017; was accepted, placed on file and approved by the following vote:

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

Nays: None.

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**(“O” 93-17)**

On motion of Trustee Garcia seconded by Trustee Reitz, the Ordinance authorizing the Town President to enter into an agreement with Best Technology Systems, Inc. to provide products and services to the Town (*Shooting Range Maintenance*), was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

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**(“O” 94-17)**

On motion of Trustee Virruso seconded by Trustee Porod, the Ordinance amending Ordinance No. 79-17, (*entitled “An Ordinance Authorizing the Lease of Certain Personal Property”*) by correcting a scrivener’s error contained therein for the Town, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

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**(“O” 95-17)**

On motion of Trustee Garcia seconded by Trustee Porod, the Ordinance granting a special use permit and height variance for the installation of telecommunication equipment on an existing tower at 5104 West 26<sup>th</sup> Street, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

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**(“O” 96-17)**

On motion of Trustee Banks seconded by Trustee Porod, the Ordinance granting a special use permit and height variance for the installation of telecommunication equipment & tower located at 1500 South 50<sup>th</sup> Avenue, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

## ***RESOLUTIONS***

**(“R” 89-17)**

On motion of Trustee Porod seconded by Trustee Garcia, the Resolution authorizing, the Town President to enter into a license agreement with Sourek Funeral Home for the Town (*Allows the Town Senior Center the use of ten parking stalls at 5645 W. 35<sup>th</sup> Street for additional parking*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

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**(“R” 90-17)**

On motion of Trustee Virruso seconded by Trustee Garcia, the Resolution authorizing the Town President to enter into an agreement with Blue Cross and Blue Shield of Illinois for the Town, was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

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**("R" 91-17)**

On motion of Trustee Garcia seconded by Trustee Porod, the Resolution authorizing the Town President to enter into a Stop Loss Insurance Policy with Blue Cross and Blue Sheild of Illinois for the Town of Cicero, was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

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**("R" 92-17)**

On motion of Trustee Garcia seconded by Trustee Reitz, the Resolution authorizing and approving the settlement of litigation and the execution of a settlement agreement in the case of R. Ruiz v Town of Cicero, (Case No 2010 WC 049408), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

***NEW BUSINESS***

**(194-17)**

On motion of Trustee Virruso seconded by Trustee Reitz, the 2017 Tax Levy Determination (*Proposed amount to be levied for fiscal year 2017 - \$34,597,093.00*), was accepted, placed on file, and action taken by the following vote:

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

Nays: None.

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

Carla Zepeda, President of Interfaith Leadership Program thanked President Dominick, the Board of Trustees, the Town Attorney and Project Manager Frank Aguilar for their assistance and cooperation in meeting the needs of their Local Immigrant Community.

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On motion of Trustee Virruso seconded by Trustee Garcia, the board adjourned at 10:22 A.M. to meet in Executive Session.

On motion of Trustee Virruso seconded by Trustee Garcia, the board reconvened at 12:05 P.M. to Open Session.

On motion of Trustee Reitz seconded by Trustee Virruso, the minutes of the Executive Session held Tuesday, October 24, 2017, were accepted and approved.

On motion of Trustee Reitz seconded by Trustee Virruso, the town attorney was authorized to hire outside counsel if needed for the representation of the individual as discussed in Executive Session relative to Agenda Item #11-A "J. Justice v. Town of Cicero"; action taken by the following vote:

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

Nays: None.

Regarding Executive Session Agenda Item #11-B "Discussion Regarding Probable and Imminent Litigation and the appointment of legal counsel for the public body"; Per Attorney Mike Del Galdo no final action was requested or taken; Trustee Reitz to follow-up with Mr. Tom Tomschin or Mr. Tim Geary as to whether a special meeting will be required to follow-up on this matter.

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-C "G. Montes De Oca v. Town of Cicero"; action taken by the following vote:

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

Nays: None.

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

On motion of Trustee Virruso seconded by Trustee Garcia, the board then stood adjourned at 12:08 P.M. to meet on Tuesday, November 28, 2017 at 10:00 A.M., in the Town Hall, Town of Cicero.

MARIA A. PUNZO-ARIAS, TOWN CLERK