
PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE TOWN OF CICERO

The Board of Trustees of the Town of Cicero met Tuesday, June 23, 2020 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: Cava, Cundari, Porod, Reitz, Virruso.
Via Conference Call: Trustee Banks
Absent: Trustee Garcia

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 Porod seconded by Trustee Cava, the minutes of the Regular Meeting held Tuesday, June 9, 2020 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

APPROVAL OF BILLS

(101-20)

On motion of Trustee Virruso seconded by Trustee Cava, the list of bills itemized in Warrant #12, dated June 18, 2020, in the total amount of \$2,039,264.29, the list of manual checks dated June 6 thru June 18, in the total amount of \$0.00, and the list of online payments dated June 6 thru June 18, in the total amount of \$0.00, were accepted, placed on file and approved for payment; action taken by the following vote:

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

Nays: None.

(102-20)

On motion of Trustee Porod seconded by Trustee Cava, payroll (*Estimated Corporate \$1,548,014.46 & Library \$28,147.66*) was approved for the active employees listed on the printout dated 06-18-20; action taken by the following vote:

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

Nays: None.

(103-20)

By Trustee Virruso:

RESOLVED, that the list of medical claims and the stop loss insurance policy premium for the month of May/2020, prepared by Blue Cross & Blue Shield of Illinois, in the total amount of \$1,133,809.04, be accepted, placed on file and approved for payment.

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

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

Nays: None.

(104-20)

By Trustee Reitz:

RESOLVED, that the list of HMO medical claims insurance policy premium for the month of July/2020, prepared by Blue Cross & Blue Shield of Illinois, in the total amount of \$38,562.75, be accepted, placed on file and approved for payment.

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

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

Nays: None.

(105-20)

By Trustee Porod:

RESOLVED, that the life and accidental death & dismemberment insurance premium for the month of July/2020, prepared by Blue Cross & Blue Shield of Illinois, in the total amount of \$6,304.32, be accepted, placed on file and approved for payment.

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

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

Nays: None.

ORDINANCES

(“O” 41-20)

On motion of Trustee Cava seconded by Trustee Porod, the Ordinance authorizing and approving the disposal of obsolete personal property for the Town (*Obsolete information technology / office equipment and miscellaneous chattels as listed under Exhibit A*), was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(“O” 42-20)

On motion of Trustee Porod seconded by Trustee Virruso, the Ordinance authorizing and approving certain regulations related to outdoor seating at restaurants in the Town of Cicero, during phase III of the Restore Illinois Plan related to the COVID-19 Pandemic, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance is to implement certain temporary regulations related to outdoor seating at certain business establishments within the Town and shall expire upon the North Eastern region moving up or down a phase as determined by the Restore Illinois Plan, or until this Ordinance is revoked or repealed by the Corporate Authorities, whichever happens first.)

ARTICLE II: ORDINANCE SEATING ON THE PUBLIC RIGHT-OF-WAY

Section 3.00 Auxiliary Outdoor Dining Permit Required; Disqualifications.

A. Auxiliary Outdoor Dining Permit Required; Disqualifications.

Notwithstanding any other provision in this Code it is unlawful for any person, firm, corporation, organization or association to use the public right-of-way for outdoor seating as an extension of certain business establishments, or to provide entertainment in conjunction with such outdoor seating without obtaining an outdoor seating permit from the Town. Subject to the provisions of this Ordinance, such permits may be obtained at any time during a calendar year, but all permits shall expire on December 31 of the same calendar year. No permit shall be issued to any business establishment which is not in compliance with all provisions of the Cicero Town Code or maintains a debt that is in arrears to the Town.

B. Application.

All applicants for an Auxiliary Outdoor Dining Permit shall complete and submit to the Town an application in a form approved by the Town. All applications shall include the following information:

- (1) Name of the proprietor and the business establishment for which the outdoor seating on the public right-of-way permit is sought.
- (2) The address and phone number of the proprietor and the business establishment.
- (3) A detailed and measured site plan showing all existing objects on the property and on the public right-of-way adjacent to the business establishment including a depiction of on-street parking adjacent to the business establishment, and the proposed location of each chair and table, service or bussing stations, waste and recycling cans, and any other objects used in operation of the business establishment. The site plan must show the distance between tables and chairs and shall, during Phase III of the "Restore Illinois" COVID-19 recovery plan, provide detailed plans exhibiting how social distancing will be achieved. When music or other entertainment is provided outdoors on the private property of the applicant requesting the permit, the site plan shall include the area and placement of said music or entertainment.
- (4) Permit applications for outdoor seating on the public right-of-way must include Certificates of Insurance in the following amounts: 1) Commercial General Liability Insurance—\$1,000,000, showing the Town and its officers, employees, agents and volunteers as additional insureds, and containing a statement that said policies shall not be changed or canceled without 30 days written notice to the Town of Cicero; 2) Workers' Compensation—statutory amount; and 3) if alcoholic beverages will be consumed or sold, dram shop insurance in the maximum amount allowed by law shall be required.
- (5) A signed indemnification statement where the applicant shall indemnify, hold harmless and defend the Town, its officers (elected and appointed), employees, agents, or assigns against any loss from and against all liability, claims, suits, demands, proceedings and actions, including costs, fees and expenses of defense, arising from, growing out of, or related to, any loss, damage, injury, death, or loss or damage to person or property resulting from, or connected with, the negligent and/or willful acts or omissions of others arising out of or related to this Ordinance. This signed indemnification statement shall be included with all permit applications for outdoor seating on the public right-of-way on a form provided by the Town. An inspection of the property to document existing conditions of public improvements shall be performed by the Town prior to issuance of a permit. Applications should be filed at least two (2) weeks prior to scheduled use to allow sufficient time for such inspection.

C. Regulations.

All Auxiliary Outdoor Dining Permit holders shall be subject to the following regulations:

- (1) The outdoor seating area shall be maintained clean and free from refuse or clutter at all times regardless of the source of such refuse and clutter. Refuse from any outdoor seating area shall not be disposed of in public waste receptacles and additional outdoor trash receptacles shall be provided by the restaurant in order to accommodate the outdoor seating.
- (2) Tables, chairs, temporary fencing, decorations, and umbrellas (the "outdoor seating elements") shall not be permanently attached and shall be removed when not in use during cold weather months, generally October through March. Any outdoor seating elements owned by the business establishment, that are intended to be placed within the public right-of-way outside of established business hours, shall be identified within the annual permit application, and shall be subject to review by the Town. If approved, the Town reserves the right to require the establishment to remove or modify the outdoor seating elements, as deemed necessary by the Town. Any tents erected must have all four (4) sides of the tent open during the hours or operation and service.
- (3) For outdoor seating on the public right-of-way, all public improvements shown on the site plan, including, but not limited to, pavers, benches, light poles and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. The permit holder shall immediately report any damage to such public

improvements to the Town. The Town shall repair or replace such public improvements at its discretion and shall charge the cost of repair or replacement to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the permit. All outdoor seating elements shall meet all provisions of the current Federal Americans with Disabilities Act (ADA) Standard and the Illinois Accessibility Code.

- (4) Activities involving the outdoor seating on the public right-of-way shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic.
- (5) Permits shall be posted in a conspicuous place inside the business establishment.
- (6) The source of music or other entertainment provided outdoors in conjunction with the permit, shall be located only on the private property of the permit holder and shall be provided, with noise levels maintained in strict compliance with the provisions of the Code of Ordinances of the Town of Cicero (the "Town Code") or any other codes which may be established with regard to noise or public nuisances. Furthermore, all outdoor music or entertainment shall be prohibited between 10:00 p.m. and 12:00 p.m. on Fridays and Saturdays. Outdoor music is prohibited from 9:00 p.m. to 12:00 p.m. on Sundays through Thursdays.
- (7) The business establishments shall further be required to fully comply with all applicable provisions of the Town Code, including but not limited to Sections 38-26 and 38-27 regarding Noise.
- (8) For outdoor seating within public rights-of-way, the outdoor seating area shall be limited to the areas designated on the permit, and shall not be located in front of any other business establishment or use unless the permit holder provides authorization to the Town, from the adjacent business owner or occupant stating consent to the sidewalk seating elements being placed in front of the adjacent business establishment or use.
- (9) Business establishments must maintain compliance within the Smoke Free Illinois Act (410 ILCS 82, *et seq.*).
- (10) Business establishments must provide public restrooms for patrons, as required by the Town Code.
- (11) Additional general regulations shall include the following:
 - a. Outdoor seating area shall be in conjunction with food service.
 - b. Entrance/exit doors and fire lanes shall not be blocked.
 - c. Areas shall be maintained, including free of rubbish or trash.
 - d. Activity shall not disturb the lawful use and enjoyment of nearby properties.
 - e. Businesses shall allow for adequate and safe pedestrian and parking accessibility.
 - f. Adequate safeguards, including barriers or fencing, around the outdoor seating area shall be provided for security, crowd control, lighting control and the protection of minors.
 - g. Separate queue areas for restroom visits and pick-up shall be provided as needed.
 - h. The area where service shall be provided shall be owned, leased, or licensed to the licensee.
 - i. The licensee must provide measures not to interfere with the operations of adjacent businesses and provide for the safety of its customers.
 - j. All food and beverages served must meet all required health and safety standards.
- (12) In addition to the provisions of this Ordinance, during the COVID-19 pandemic and throughout Phase III of the Restore Illinois Plan, business establishments must comply with all guidelines related to operating its business as provided for herein or by the Town Code, including but not limited to ensuring proper social distancing is maintained by:
 - a. Ensuring that there are at least six (6) feet between customer tables and/or other seating areas and that all parties or groups shall be limited to six (6) or fewer people; and
 - b. Indoor spaces where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that all dining tables must be located within eight (8) feet from such opening; and
 - c. Compliance with all other social distancing measures and restrictions and requirements of the Restore Illinois Plan, including but not limited to the wearing of

face masks by all employees or contractors and customers, except when the customers are consuming food or alcohol.

D. Restrictions.

- (1) Outdoor seating elements:
 - a. Shall be located and maintained in accordance with the approved site plan; and
 - b. Shall be in compliance with all zoning and other regulations of the Town, where applicable; and
 - c. Shall not obstruct normal ingress and egress from the business's establishment; and
 - d. Shall meet all provisions of the current Federal Americans with Disabilities Act (ADA) Standard and the Illinois Accessibility Code.
- (2) The following items or actions are prohibited in the outdoor seating on the public right-of-way area:
 - a. Outdoor seating elements in locations not approved by the Town or otherwise not in compliance with this Ordinance; and
 - b. Any and all electrical appliances; and
 - c. Any other equipment or objects deemed unsafe by the Town or that may pose a risk of harm to the general public.
- (3) The following provisions are required for business establishments where the service or consumption of alcoholic beverages will take place in conjunction with outdoor seating on the public right-of-way:
 - a. The business establishment shall have a valid liquor license issued by the Town, that allows for the service of the type of alcoholic beverages being served.
 - b. Alcoholic beverage consumption shall only be permitted within the designated outdoor seating area, or any other portion of the business establishment to which the liquor license relates. The permit holder shall not allow or permit any customer, employee or other person to remove alcoholic beverages from the area designated in the outdoor seating area permit, other than to another location within the business establishment to which the liquor license relates except that said alcoholic beverages shall not be allowed in areas closed as a result of the Restore Illinois Plan related to the COVID-19 pandemic.
 - c. To ensure that consumption of alcoholic beverages is limited to the designated outdoor seating areas and operated in compliance with this Code, outdoor seating areas in the public right-of-way shall be regularly monitored and bussed by an employee or contractor of the business establishment.
 - d. The hours during which patrons may occupy the outdoor seating area shall not extend beyond the hours of operation of the other portions of the business establishment. Notwithstanding the foregoing, the outdoor seating area shall not be occupied between the hours of 10:00 p.m. and 8:00 a.m. All patrons of the business as well as staff or contractors must be out of the building or the outdoor dining area no later than fifteen (15) minutes after closing, or by 10:15 p.m.

E. Penalty; enforcement; revocation.

- (1) Any person, firm or corporation who violates the provisions of this Ordinance may be fined no more than \$750.00 for each day on which the violation occurs or continues to occur. In addition, a permit issued pursuant to this Ordinance may be revoked as a result of any such violation. The Town retains the discretion to issue warnings to persons, firms, and corporations not in compliance with this Ordinance.
- (2) The Town, upon determining that the method or manner of use of the outdoor seating area or the conduct of persons serving within or using same pose an immediate threat to the public health, safety or welfare, shall have the power and authority to cause the outdoor dining elements to be removed immediately and to revoke the permit issued pursuant to this Ordinance and to take all other actions allowed by law.

- (3) This Ordinance is subject to all rules of the Town of Cicero Department of Health and all other applicable rules and regulations of those departments who regulate dining establishments.

(“O” 43-20)

On motion of Trustee Cava seconded by Trustee Banks, the Ordinance granting a parking variance for the operation of a pet grooming shop at 4901 West 14th Street, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

RESOLUTIONS

(“R” 68-20)

On motion of Trustee Reitz seconded by Trustee Virruso, the Resolution authorizing the Town President to enter into a first amendment to the Real Estate Conveyance Agreement between the Town and the Dan Family LLC, TMN Family LLC, GKN Family LLC, and MLN Family LLC for the sale of real property located within the Town (*3435 S. Cicero Avenue Real Estate Conveyance Agreement 1st amendment allows for extending of the closing date due to unforeseen circumstances; not to surpass December 31, 2020*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 69-20)

On motion of Trustee Virruso seconded by Trustee Reitz, the Resolution authorizing and approving a certain invoice from Restoration, Inc. for cleaning services, provided to the Town (*Emergency cleaning and sanitization services in connection with Covid-19 pandemic*) was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 70-20)

On motion of Trustee Porod seconded by Trustee Cava, the Resolution authorizing and approving the purchase of vacant property and liability insurance policy with Berkshire Hathaway Homestate and vacant general liability insurance policy with United

States Liability Insurance Company, was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 71-20)

On motion of Trustee Reitz seconded by Trustee Virruso, the Resolution authorizing and approving the renewal of the Town of Cicero’s workers’ compensation insurance policy with Safety National Casualty Corporation was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 72-20)

On motion of Trustee Cava seconded by Trustee Porod, the Resolution authorizing the purchase of a crime insurance policy with Hanover Insurance Group was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 73-20)

On motion of Trustee Virruso seconded by Trustee Porod, the Resolution authorizing the purchase of a property insurance policy and excess cyber liability insurance policy with Alliant Property Insurance Program was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 74-20)

On motion of Trustee Cava seconded by Trustee Reitz, the Resolution authorizing and approving certain invoices from Standard Equipment Company for services provided to the Town (*Vactor Truck repairs and maintenance services for the Cicero Water Department*), was accepted, placed on file and approved for adoption by the following vote:

Ayes: Banks, Cava, Cundari, Porod, Reitz, Virruso.
Nays: None.

(“R” 75-20)

On motion of Trustee Banks seconded by Trustee Porod, the Resolution authorizing and approving an application for grant funding from the Federal Emergency Management Agency for the Town (*The State of Illinois was declared a disaster area due to the Covid-19 Pandemic on March 26, 2020, which allows for the Town to apply for reimbursement through the Federal Public Assistance Program in accordance with FEMA/IEMA grant guidelines*) was accepted, placed on file and approved for adoption by the following vote:

Ayes: Banks, Cava, Cundari, Porod, Reitz, Virruso.
Nays: None.

(“R” 76-20)

On motion of Trustee Virruso seconded by Trustee Cava, the Resolution authorizing and approving a certain proposal from Current Technologies Corporation to provide equipment and services to the Town (*Certain surveillance equipment and installation services for the Cicero Police Department; Asset Forfeiture Funds funded*), was accepted, placed on file and approved for adoption by the following vote:

Ayes: Banks, Cava, Cundari, Porod, Reitz, Virruso.
Nays: None.

NEW BUSINESS

A Public Bid Opening was held on 06/15/2020 for Austin Blvd. Rehabilitation: Pershing Road to Ogden Avenue (*IL DCEO Grant Funded*). The following bids were received and reviewed by the Town Engineer:

<u>CONTRACTOR'S NAME</u>	<u>BID AMOUNT</u>
M & J Asphalt Paving Company, Inc.	\$1,210,528.55
Lindahl Brothers, Inc.	\$1,241,598.15
K-Five Construction	\$1,358,388.51

(106-20)

On motion of Trustee Porod seconded by Trustee Reitz, the Board concurred with the recommendation of Town Engineer, Tim Geary to award M & J Asphalt Paving Co., Inc.

the contract for Austin Blvd Rehabilitation: Pershing Road to Ogden Avenue (*IL DCEO Grant Funded*) in the amount of \$1,329,502.25; action taken by the following vote:

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

Nays: None.

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

No public comments were heard.

On motion of Trustee Virruso seconded by Trustee Porod, the board then stood adjourned at 10:15 A.M. to meet on Tuesday, July 14, 2020 at 10:00 A.M., in the Town Hall, Town of Cicero.

MARIA A. PUNZO-ARIAS, TOWN CLERK