
PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE TOWN OF CICERO

The Board of Trustees of the Town of Cicero met Tuesday, July 14, 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, Garcia, Porod, Reitz.

Via Conference Call: Trustee Banks, Trustee Cundari, Trustee Virruso

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 Garcia, the minutes of the Regular Meeting held Tuesday, June 23, 2020 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

APPROVAL OF BILLS

(107-20)

On motion of Trustee Virruso seconded by Trustee Cava, the list of bills itemized in Warrant #13, dated July 10, 2020, in the total amount of \$1,461,492.12, the list of manual checks dated June 19 thru July 9, in the total amount of \$815,464.17, and the list of online payments dated June 19 thru July 10, 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, Garcia, Porod, Reitz, Virruso.

Nays: None.

(108-20)

On motion of Trustee Cava seconded by Trustee Reitz, payroll (*Estimated Corporate \$1,544,742.41 & Library \$27,343.39*) was approved for the active employees listed on the printout dated 07-09-20; action taken by the following vote:

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

PERMITS

(109-20)

On motion of Trustee Virruso seconded by Trustee Banks, the request submitted by Kartemquin Films to host a one day drive-in film festival and the use of Town owned property located at 34th Street & Laramie Avenue on August 8, 2020 from 6:00 PM to 10:30PM was denied.

(110-20)

On motion of Trustee Cava seconded by Trustee Porod, the request submitted by St. Mary of Czestochowa Parish to host their annual Parish Festival on August 29 from 4PM to 10PM & August 30 from 9AM to 9PM was denied.

REPORT

(111-20)

On motion of Trustee Cava seconded by Trustee Garcia, the Collector's Office Report (\$3,287,154.92) and the Revenue Summary Report (\$1,585,944.02) for the month of June/2020, submitted by Fran Reitz, Collector, was accepted and placed on file; action taken by the following vote:

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

ORDINANCES

(“O” 44-20)

On motion of Trustee Virruso seconded by Trustee Cava, the Ordinance temporarily extending the Town Hall hours to Saturdays (*August 1, 8, 15, 22 and 29*) to provide additional time for residents to renew vehicle licenses for the Town, was accepted, placed on file and approved for passage by the following vote:

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

(“O” 45-20)

On motion of Trustee Garcia seconded by Trustee Reitz, the Ordinance authorizing and approving certain regulations related to outdoor seating at restaurants in the Town of Cicero, during phase IV 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, Garcia, 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 auxiliary outdoor seating permit (“Auxiliary 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 applicable 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 IV 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 may 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 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 of 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 and access to the business 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 or in the window of 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 pm to 12:00 pm 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 and said restrooms and access to same shall be compliant with the Americans with Disabilities Act and all other federal, state, and local laws, unless otherwise exempt from same.

- (11) Additional general regulations shall include the following:
 - a. Outdoor seating permitted on the public right-of-way shall be in conjunction with food service. Outdoor seating at bars without food service shall only be permitted in a rear patio space and is not permitted on the public right-of-way.
 - 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 IV 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. All parties or groups shall be limited to (10) or fewer people; and
 - b. Seated area capacity of restaurants and bars should be determined by arranging seating to provide a minimum of (6) feet between tables or other designated patron services areas; 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.
 - 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.

E. Penalty; enforcement; revocation.

- (1) Any person, firm or corporation who violates the provisions of this Ordinance may be fined up to \$750.00 for each day on which the violation occurs or continues to occur. Each day shall be considered a separate and distinct violation. 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, including but not limited to failing to adhere to requirements detailed herein, 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” 46-20)

On motion of Trustee Banks seconded by Trustee Virruso, the Ordinance amending Chapter 42, entitled “Fire Prevention and Protection”, Section 42-458 and Section 42-459, 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: Banks, Cava, Cundari, Garcia, Porod, Reitz, Virruso.

Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance is to amend Chapter 42, Section 42-458 and Section 42-459 of the Town Code, to update the existing regulations and to authorize the President and other Town officials to take all action necessary to carry out the intent of this Ordinance.)

Section 42-458: Basic Life Support – Charges.

Recipients of basic life support (“BLS”) services from the Ambulance/Paramedic Service Program of the Town are obligated to pay for the BLS services, in accordance with the fee schedule set forth below, each time such services are provided to the recipient by the Town for the usage and operation of the Ambulance/Paramedic Program:

<u>Service Provided:</u>	<u>Charge:</u>
BLS Base Rate	\$900.00 \$1,223.30
Mileage	\$25.00/mile
Oxygen	\$75.00

In addition to the foregoing, additional treatments may be billed when appropriate. Each and every time that an ambulance is used to provide BLS services shall be treated as a separate obligation of the recipient. All recipients of BLS services shall be billed for the services after the completion of said services and no person shall be denied services for failing to pay prior amounts due and owing or on the basis of residency.

Notwithstanding the foregoing, the Town will not undertake collection activities against residents of the Town for any unpaid portions of services that are not covered by private insurance, supplemental insurance, Medicare, Medicaid and/or a third parties responsible for the payment of the same. Any unpaid portions for services provided to non-residents of the Town will be pursued. If no payment is received, the balance will be turned over to an external collection agency.

Section 42-459: Advanced Life Support – Charges.

Recipients of Advanced Life Support (“ALS”) services from the Ambulance/Paramedic Service Program of the Town are obligated to pay for the ALS services, in accordance with the fee schedule set forth below, each time such services are provided to the recipient by the Town for the usage and operation of the Ambulance/Paramedic Program:

Service Provided:	Charge:
ALS Base Rate (ALS – 1)	\$1,200.00 <u>\$1,696.12</u>
ALS Base Rate (ALS – 2)	\$1,400.00 <u>\$1,696.12</u>
Mileage	\$25.00/mile
Oxygen	\$75.00

Each and every time that an ambulance is used to provide ALS services shall be treated as a separate obligation of the recipient. All recipients of ALS services shall be billed for the services after the completion of said services and no person shall be denied services for failing to pay prior amounts due and owing or on the basis of residency. Notwithstanding the foregoing, the Town will not undertake collection activities against residents of the Town for any unpaid portions of services that are not covered by private insurance, supplemental insurance, Medicare, Medicaid and/or a third parties responsible for the payment of the same. Any unpaid portions for services provided to non-residents of the Town will be pursued. If no payment is received, the balance will be turned over to an external collection agency.

(“O” 47-20)

On motion of Trustee Cava seconded by Trustee Porod, the Ordinance authorizing and approving an intergovernmental agreement between the Regional Transportation Authorizing (RTA) and the Town Of Cicero for the Town (*Allows for the Town to reimburse the RTA for an amount equal to the lesser of \$20,000.00 or 20% of such actual costs incurred to create a new zoning code and update the zoning map as part of a new Unified Development Code for the Town*), was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

RESOLUTIONS

(“R” 77-20)

On motion of Trustee Virruso seconded by Trustee Porod, the Resolution authorizing and approving the purchase of third party claims administration and cost containment

services from Insurance Program Managers Group (IPMG), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 78-20)

On motion of Trustee Virruso seconded by Trustee Porod, the Resolution authorizing the Town President to enter into an agreement with Insurance Program Managers Group Claims Management Services, LLC to provide services to the Town (*Claims administration of the Town’s Workers’ Compensation Insurance Claims*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

Trustee Cundari experience technical difficulties and his call dropped at 10:15PM.

(“R” 79-20)

On motion of Trustee Cava seconded by Trustee Garcia, the Resolution authorizing the purchase of a commercial garage insurance policy with Argonaut Midwest, was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 80-20)

On motion of Trustee Reitz seconded by Trustee Cava, the Resolution authorizing the Town President to enter into an agreement with North Park University regarding a student clinical placement for the Town was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

Trustee Cundari re-entered the meeting via telephone conference at 10:16PM.

(“R” 81-20)

On motion of Trustee Virruso seconded by Trustee Banks, the Resolution authorizing execution of the Federal Fiscal Year 2020 Certifications and Assurances for FTA Assistance Programs for the Town (*In connection with PACE’s Vanpool services*) was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 82-20)

On motion of Trustee Porod seconded by Trustee Cava, the Resolution authorizing the Town President to renew an agreement with Robert R. Andreas & Sons, Inc. to provide services to the Town (*Contract renewal for street pavement, curb and gutter maintenance*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 83-20)

On motion of Trustee Virruso seconded by Trustee Garcia, the Resolution authorizing the acceptance of a grant from the United States Department Of Justice, Office of Community Oriented Policing Services for the Town (*Allows for the hiring or rehiring of (3) career law enforcement officers; funded by the COPS Hiring Program*) was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

NEW BUSINESS

A Public Bid Opening was held on 07/07/2020 for 2020 Alley Paving – CDBG Project #2019-0012-817 (*MWRD Green Infrastructure Grant Funded*). The following bids were received and reviewed by the Town Engineer:

<u>CONTRACTOR’S NAME</u>	<u>BID AMOUNT</u>
J. Nardulli Concrete.	\$819,378.25
Triggi Construction	\$858,632.00
M&J Asphalt Paving	\$907,796.00

(112-20)

On motion of Trustee Porod seconded by Trustee Cava, the Board concurred with the recommendation of Town Engineer, Tim Geary to award J. Nardulli Concrete, Inc. the contract for 2020 Alley Paving—CDBG Project #2019-0012-817 (*MWRD Green Infrastructure Grant Funded*) in the amount of \$819,378.25; action taken by the following vote:

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

Nays: None.

(113-20)

On motion of Trustee Garcia seconded by Trustee Cava, the Board concurred with the recommendation of Board of Fire, Police and Public Safety Commissioners to hire six qualified candidates on the eligibility list to be Probationary Police Officer (*3 to fulfill the COPS Hiring Program grant*); action taken by the following vote:

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

Nays: None.

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

St. Mary of Czestochowa Parish Member Irene Santana inquired on their permit request denial. Applicant will resubmit their permit request and follow up with the Town’s Business License Dept. concerning a raffle request.

Town Clerk Punzo-Arias presented correspondence from Cicero Senior Ms. Rosemary Lamberty thanking the Board for the recent caravan birthday celebration in honor of her 90th birthday.

Project Manager Craig Pesek addressed the Board to cover the Town’s plans to redevelop the zoning code.

Town Clerk Punzo-Arias thanked the Town President, Blanca Vargas of LULAC, Health Director Sue Grazzini, District 99 and the IDPH on the implementation of the Family Food Drive and the Mobile Covid-19 Testing Site(s).

On motion of Trustee Virruso seconded by Trustee Garcia, the board then stood adjourned at 10:26 A.M. to meet on Tuesday, July 28, 2020 at 10:00 A.M., in the Town Hall, Town of Cicero.

MARIA A. PUNZO-ARIAS, TOWN CLERK