
PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE TOWN OF CICERO

The Board of Trustees of the Town of Cicero met Tuesday, June 8, 2021 at 10:00 A.M., in the Town Hall Council Chambers, Town of Cicero.

On roll call there were present:

President: Dominick

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

Absent: Town Clerk Punzo-Arias (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 Cundari seconded by Trustee Banks, Trustee Robert Porod was nominated as Recorder of the Minutes.

On motion of Trustee Banks seconded by Trustee Garcia, the minutes of the Regular Meeting held Tuesday, May 25, 2021 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

PRESENTATION

16TH District Cook County Commissioner Aguilar addressed the Board to highlight various upcoming events being hosted by the County and his office.

APPROVAL OF BILLS

(65-21)

On motion of Trustee Virruso seconded by Trustee Garcia, the list of bills itemized in Warrant #11, dated June 3, 2021, in the total amount of \$2,049,950.60, 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.

(66-21)

On motion of Trustee Cava seconded by Trustee Garcia, payroll (*Estimated Corporate \$1,557,933.72 & Library \$25,881.13*) was approved for the active employees listed on the printout dated 06-01-21; action taken by the following vote:

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

Nays: None.

PERMITS

(67-21)

On motion of Trustee Garcia seconded by Trustee Cava, permission was granted Mary, Queen of Heaven Parish to conduct their 2021 Annual Parish Summer Festival, which includes blocking of streets surrounding the church (*53rd Avenue between 24th Street and 25th Street (up to alley) and all of 24th Place between 53rd Avenue & 54th Avenue*) as follows; approval contingent to adhering to the CDC guidelines:

Starting:	Wednesday	August 11 th	3:00 PM	to	10:00 PM
	Thursday	August 12 th	3:00 PM	to	10:00 PM
	Friday	August 13 th	3:00 PM	to	11:00 PM
	Saturday	August 14 th	12:00 PM	to	11:00 PM
Ending:	Sunday	August 15 th	9:00 AM	to	10:00 PM

(All festival activities will stop and close by 10PM; streets will remain close until Midnight for shutting down and clean up only.)

REPORT

(68-21)

On motion of Trustee Virruso seconded by Trustee Banks, the Collector’s Office Report (*\$2,319,275.29*) and the Revenue Summary Report (*\$1,170,057.56*) for the month of May/2021, 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” 32-21)

On motion of Trustee Garcia seconded by Trustee Cava, the Ordinance authorizing and approving the purchase of certain equipment for the Cicero Department of Public Works (*One (1) HP L365 Latex Printer from Northlight Color for the total amount of \$30,179.67*) was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(“O” 33-21)

On motion of Trustee Virruso seconded by Trustee Banks, the Ordinance authorizing and approving the purchase of certain equipment for the Cicero Department of Information Technology (*Two (2) HP Intel Dual Process Servers from ServerWarehouse for the total amount of \$20,442.33*) was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(“O” 34-21)

On motion of Trustee Reitz seconded by Trustee Cava, the Ordinance amending Chapter 14, entitled “Amusements and Entertainments”, Article V, Sections 14-126 and 14-133 of the Code of Ordinances of the Town of Cicero, Illinois regarding amusements 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.

(Purpose of Ordinance)

(The purpose of this ordinance to amend Chapter 14, Article V of the Town Code as set forth herein and to authorize the Town President to take any and all action necessary in conformity therewith.)

ARTICLE V. – AMUSEMENT TAX

Section 14-126: Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement means any and all anticipatory, spectator and exhibitivite entertainments, including but not limited to the following activities: theatrical, dramatic, musical, or spectator performances; motion picture shows; carnivals; amusement park rides; circuses; rodeos; athletic contests; sports or games, including boxing, wrestling, tennis, racquetball, handball, golf, billiards and pool games; physical fitness centers; video movies; video games; video gaming terminals; pinball games; including the giving of lessons or demonstrations of any of such activities characterized as amusements under this article. Licensed horse race meetings, as those terms are defined by the Illinois Horse Racing Act of 1975 (230 ILCS 5/1 et seq.), are exempted from this article.

Gross receipts means all fees or charges received in the form of fees or charges from admission to any facility and/or use or rental of any facility or equipment for the purpose of witnessing, participating in, or utilizing any amusement, regardless of whether such fees or charges are characterized as admission fees, membership fees, use charges, rental or service charges. Gross receipts shall be exclusive of any tax imposed by the United States government, the state or any other governmental unit. A fee or charge which entitles the patrons in any amusement operated within the corporate limits to bona fide services in addition to or unrelated to the

witnessing or participating in the amusement shall not be subject to the tax provided for this article except, however:

- (1) Where a fee or charge is comprised of identifiable components, packages or tiers, the tax provided for in this article shall be imposed on any such components, packages or tiers which provide solely for admission to any facility and/or the use of any facility or equipment for the purposes of witnessing or participating in any amusement; and
- (2) Where a single fee or charge for admission to any facility and/or use of any facility or equipment for the purpose of witnessing or anticipating in any amusement also entitles the patron of the amusement to the incidental use of parking, restaurant, bar, refreshment, locker room, changing room, washroom and/or shower facilities or services, the tax provided for in this article shall be imposed on such fee or charge, provided the predominant activity of such facility is an amusement.

Horse racing, horse race meeting, race meeting and meeting mean the same as provided in the Illinois Horse Racing Act of 1975, 230 ILCS 5/1 et seq.

Person includes any individual, firm, partnership, association, joint stock company, joint venture corporation, but shall not include governmental entities or not-for-profit corporations.

Physical fitness center means any person offering physical fitness services to the public, including instruction, training or assistance in physical culture, body building, exercising, weight reducing, figure development, self-defense training or any similar activity; or the use of the facilities of a physical fitness center for any of such activities; or membership in any group forum by a physical fitness center for any of such purposes.

Strolling musician means any musician or group of musicians that performs live music tableside for the entertainment of patrons at any restaurant where full and complete meals, including a lunch or dinner menu, are being served at the time of the performance. No strolling musician may be seated during his or her performance, except as may be required for bona fide medical necessity. All strolling musician performances shall cease at 10:00 p.m. Sunday through Thursday. Strolling musicians may perform until the close of the hosting restaurant on Friday and Saturday.

Terminal Operator means any individual, partnership, corporation, or limited liability company that is licensed under the Video Gaming Act, 230 ILCS 40/1 et seq., and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

Video Gaming Terminal means any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

Video movie means videotape or videodisc copy of a motion picture film, television show, or other similar exhibition, generally offered for sale or rental to customers.

~~Sections 14-133—14-160: Reserved.~~

Section 14-133: Terminal Operators' Tax levied.

- (a) A tax is imposed for the privilege of operating a video gaming terminal within the town upon the terminal operator of a video gaming terminal at a rate of one cent (\$0.01) per play on a video gaming terminal.
- (b) The tax imposed in this section is in addition to all other taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

- (c) The town is authorized to adopt, promulgate, and enforce any additional rules and regulations pertaining to the interpretation, collection, administration, and enforcement of this section.
- (d) *Payment and accounting.*
- (1) By the 25th day of each month payment of the tax for the preceding month shall be remitted to the town along with a completed tax return form as prescribed by the town. It shall be deemed a violation of this section for any person to knowingly furnish false or inaccurate information to the town.
 - (2) A terminal operator of any video gaming terminal(s) shall be subject to audit, inspection, and record keeping provisions of this Code. It shall be unlawful for any terminal operator and/or person to prevent, hinder, or interfere with the town's officials, employees, and/or agents designated to discharge their respective duties in the performance and enforcement of the provisions of this section. It is the duty of every terminal operator of a video gaming terminal(s) to keep accurate and complete books and records to which the town's officials, employees, and/or agents will at all times have full access.
- (e) *Failure to pay tax.*
- (1) In the event of failure by a terminal operator to pay to the town the tax imposed by this section by the date the same shall be due, interest shall accumulate at a rate as imposed by chapter 18, "Local Government Taxpayers' Bill Of Rights Act", of this title. In addition, a penalty shall be assessed and collected against such distributor, retail fuel dealer, purchaser or user as imposed by chapter 18, "Local Government Taxpayers' Bill Of Rights Act", of this title.
 - (2) Whenever any terminal operator shall fail to pay any tax as herein provided, the town attorney shall, upon the request of the town president and board of trustees, bring or cause to be brought an action to enforce the payment of said tax on behalf of the town in any court of competent jurisdiction.
 - (3) If the town president or his/her designee, after hearing held, shall find that such terminal operator has failed to make payment of the tax imposed by this section, the town president may suspend or revoke all town licenses held by such tax evader. Such terminal operator may have an opportunity to be heard at such hearing to be held not less than ten (10) days after notice of the time and place of the hearing, said notice, addressed to him at his last known place of business. Pending notice, hearing and finding, any license which terminal operator may possess may be temporarily suspended by the town president. Any suspension or revocation of any license shall not release or discharge such terminal from his civil liability for the payment of the tax nor from prosecution for such offense.
 - (4) A terminal operator user shall be entitled to all rights under this section as provided in chapter 18, "Local Government Taxpayers' Bill Of Rights Act", of this title.
- (f) *Penalties.* Any terminal operator violating the provisions of this section shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), for each offense. Each day a violation continues shall constitute a separate violation.
- (g) *Severability.* If any provision of this section or the application of any provision thereof, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this section or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided.

Sections 14-134—14-160: Reserved.

(“O” 35-21)

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

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

Nays: None.

(“O” 36-21)

On motion of Trustee Virruso seconded by Trustee Banks, the Ordinance granting a sign variance for the operation of a Tropical Smoothie Café store at 3314 South Cicero Avenue, Unit A, 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” 52-21)

On motion of Trustee Cava seconded by Trustee Virruso, the Resolution authorizing and approving an invoice from Occupational Health Center for services provided to the Cicero Fire and Police Departments for the Town (*Pre-employment physical testing for candidates of the Cicero Police and Fire Department in the total amount of \$11,242.00*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 53-21)

On motion of Trustee Virruso seconded by Trustee Garcia, the Resolution authorizing and approving an agreement for grant funding with the Illinois Department of Commerce and Economic Opportunity for the Town (*In connection with the Cicero Police Departments’ Community Camera Safety Enhancement Initiative*) was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 54-21)

On motion of Trustee Virruso seconded by Trustee Reitz, the Resolution authorizing and approving an invoice from Gee Asphalt Systems, Inc. for supplies provided to the Town (*Blue Dye Liquid for the total amount of \$10,737.00*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 55-21)

On motion of Trustee Virruso seconded by Trustee Cava, the Resolution authorizing and approving the execution and delivery of a current engagement agreement with Del Galdo Law Group, LLC as counsel for the Town was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 56-21)

On motion of Trustee Banks seconded by Trustee Cava, the Resolution authorizing the Town President to enter into a certain agreement with the Internal Revenue Service to provide services to the Town (*In connection with the Volunteer Income Tax Assistance Program (VITA Program) which provides free tax advice and preparation for low income seniors and individuals*) 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

(69-21)

On motion of Trustee Garcia seconded by Trustee Cava, the Board concurred with the recommendation of Board of Fire, Police and Public Safety Commissioners for the following promotions in the Cicero Fire Department:

NAME	POSITION
Lt. Paul Lyttek	Assistant Fire Chief
Engineer Daniel Pedretti	Lieutenant
Engineer Kyle Betke	Lieutenant
Firefighter Anthony Magana	Engineer
Firefighter Christopher Quelette	Engineer

action taken by the following vote:

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

Nays: None.

Fire Chief Piekarski administered the oath of office to the newly promoted Fire Department personnel.

(70-21)

On motion of Trustee Virruso seconded by Trustee Garcia, overtime compensation was approved for the Collector's Office Employees during the month of June 2021; 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.

President Dominick congratulated all the newly promoted Fire Department personnel.

Resident Debra Fusiak also congratulated the recently promoted, thanked the Police Department for addressing her speeding issues in her area, and announced the Cicero Public Library was still accepting receipts for their cookbook. She expressed concerns with the upcoming firework festivities and requested her tree be trimmed.

President Dominick wished everyone a Happy Father's Day.

Superintendent Jerry Chlada reported on the following criminal activity:

- On May 30th, a shooting of a three year old occurred at 1928 S. 57th Court which resulted in the arrest of a twenty-eight year old convicted felon that was on house arrest.
- On May 31st, a fatal carjacking of an Uber driver occurred at 5438 W. 23rd Street which resulted in the arrest of four individuals, of whom the state has not approved any charges at this time until further evidence can be provided.
- On May 6th, a fatal altercation between two neighbors that were involved multiple shots fired at 1533 S. 50th Avenue.

He added nationally violence is on the rise and majority of the offenders involved are from neighboring communities.

On motion of Trustee Virruso seconded by Trustee Garcia, the board then stood adjourned at 10:29 A.M. to meet on Tuesday, June 22, 2021 at 10:00 A.M., in the Town Hall, Town of Cicero.

ROBERT J. POROD – RECORDER OF THE MINUTES
ATTESTED BY: MARIA A. PUNZO-ARIAS, TOWN CLERK